

## Strategy and Assets Committee

**Meeting Date:** Tuesday, 20 March, 2018  
**Location:** Council Chambers, City Administrative Centre, Bridge Road, Nowra  
**Time:** 5.00pm

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

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

## Agenda

1. **Apologies / Leave of Absence**
2. **Confirmation of Minutes**
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3. **Declarations of Interest**
4. **Mayoral Minute**
5. **Deputations and Presentations**
6. **Notices of Motion / Questions on Notice**
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## 8. Confidential Reports

### Notices of Motion / Questions on Notice

- CSA18.5 Notice of Motion - University of Technology Sydney (UTS) - Institute of Sustainable Futures (ISF) Research Project

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

*Local Government Act - Section 10A(2)(d)(ii) - Information that would, if disclosed, confer a commercial advantage on a competitor of the council.*

## Strategy and Assets Committee

### Delegation

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

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

### Schedule

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

- j. Undertake preliminary investigations (feasibility, cost benefit, risk analysis, etc.) into development opportunities for Council's strategic land holdings and make recommendations to Council.
- k. Review and make recommendations to Council in relation to:
  - i. The sale prices of land in connection with residential and industrial Council subdivisions;
  - ii. The sale of Council property or the purchase or resumption of land;
  - iii. The compensation to be offered in respect of land resumed by Council; and
  - iv. Properties leased or rented by Council, other than those delegated to the General Manager for approval and execution in accordance with MIN14.912 and MIN15.237 of the Council.
- l. To determine tenders except those tenders required by law to be determined by full Council (MIN17.334).



## MINUTES OF THE STRATEGY AND ASSETS COMMITTEE

**Meeting Date:** Tuesday, 20 February 2018  
**Location:** Council Chambers, City Administrative Centre, Bridge Road, Nowra  
**Time:** 5.03pm

The following members were present:

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

### Apologies / Leave of Absence

Apologies were received from Clr Guile.

### Confirmation of the Minutes

**RESOLVED** (Clr White / Clr Cheyne) MIN18.85

That the Minutes of the Strategy and Assets Committee held on Tuesday 23 January 2018 be confirmed.

CARRIED

### Declarations of Interest

Clr Pakes – SA18.33 – Proposed Temporary Licence – South Coast Branch NSW of Surf Life Saving Australia Inc – 177-179 Illaroo Road, North Nowra – less than significant non pecuniary

interest declaration – will remain in the room and will take part in discussion and vote – “He is President of the Nowra-Culburra SLSC”.

## MAYORAL MINUTES

### MMS18.1 Mayoral Minute - Power Bill for Safe Shelter

HPERM Ref:  
D18/53128

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

That Shoalhaven City Council provide financial support to the Nowra Uniting Church to pay for the electricity bill that was incurred during the homeless trial for Safe Shelter Shoalhaven. The amount \$1743.00 be transferred from the unallocated donations budget.

**RESOLVED** (Clr Findley / Clr Proudfoot)

MIN18.86

That Shoalhaven City Council provide financial support to the Nowra Uniting Church to pay for the electricity bill that was incurred during the homeless trial for Safe Shelter Shoalhaven. The amount \$1743.00 be provided from the unallocated donations budget.

CARRIED

## DEPUTATIONS AND PRESENTATIONS

### SA18.29 - Donation Increase Request - City of Shoalhaven Eisteddfod Inc Nowra.

Mr George Windsor (President Shoalhaven Eisteddfod Inc) addressed the meeting to speak against the recommendation.

#### Procedural Motion - Bring Item Forward

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

MIN18.87

That the following matters be brought forward for consideration:

- SA18.29 – Donation Increase Request - City of Shoalhaven Eisteddfod Inc Nowra
- SA18.25 – Notice of Motion - Culburra Youth Skate Park
- SA18.28 - Progress Report - Development Application for Motor Sports Facility

CARRIED

### SA18.29 Donation Increase Request - City of Shoalhaven Eisteddfod Inc Nowra

HPERM Ref:  
D17/394783

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

That Council continue to provide the City of Shoalhaven Eisteddfod Inc. Nowra \$6,800 as an annual allocated donation.

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

MIN18.88

That:

1. Council defer the Donation Request increase for the City of Shoalhaven Eisteddfod Inc Nowra pending further consultation with Council.

2. Council continue to maintain the CPI increase in the 2018/2019 Budget.

CARRIED

**SA18.25 Notice of Motion - Culburra Youth Skate Park**

**HPERM Ref:  
D18/48787**

**Recommendation**

That Council:

1. Allocate \$75,000 to the Culburra Beach Youth Skate Park Project
2. Allocate the \$75,000 from the Council's Skate Park Budget
3. Acknowledge the work of Mr Alex McNeily and the committee for their work to date

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

That:

1. Council allocate \$75,000 to the Culburra Beach Youth Skate Park Project;
2. Council allocate the \$75,000 from the Council's Skate Park Budget;
3. Council acknowledge the work of Mr Alex McNeilly and the committee for their work to date;
4. Council transfer the maintenance and cleaning costs for the Curley's Bay facility from the existing facility at Orient Point and decommission the Orient Point facility due to the condition and usage of that facility;
5. A report be submitted to Council outlining the priorities for the remaining Skate Park Budget.

CARRIED

**SA18.28 Progress Report - Development Application for Motor Sports Facility**

**HPERM Ref:  
D18/49821**

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

That Council accept the report on progress of preparing a development application for a motor sports facility for information.

**RESOLVED** (Clr Gash / Clr White)

MIN18.89

That:

1. Council accept the report on progress of preparing a development application for a motor sports facility for information;
2. This matter be referred to a Councillor Briefing;
3. Council invite GHD to participate in the Briefing.

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

AGAINST: Nil

CARRIED

## NOTICES OF MOTION / QUESTIONS ON NOTICE

### **SA18.22 Notice of Motion - Native Nursery - Berry**

**HPERM Ref:  
D18/38736**

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

That Council be requested to send a letter of congratulations to Mrs Lyn Clark of Berry and her volunteers on the outstanding native nursery that they maintain and where they propagate the many varieties of plants.

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

MIN18.90

That Council be requested to send a letter of congratulations to Mrs Lyn Clark of Berry and her volunteers on the outstanding native nursery that they maintain and where they propagate the many varieties of plants.

CARRIED

### **SA18.23 Notice of Motion - Establishment Local Library - Sussex Inlet**

**HPERM Ref:  
D18/46399**

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

That Council staff prepare a report on suitable sites for the establishment of a local library in the township of Sussex Inlet. The report would also address the possibility of re-locating the current Sanctuary Point library, once the district library had been completed in that community.

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

MIN18.91

That Council staff prepare a report on suitable sites for the establishment of a local library in the township of Sussex Inlet. The report would also address the possibility of re-locating the current Sanctuary Point library, once the district library had been completed in that community.

FOR: Clr Wells, Clr Gash, Clr Findley, Clr White, Clr Gartner, Clr Alldrick, Clr Levett, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Clr Cheyne

CARRIED

### **SA18.24 Notice of Motion - Representation - Construction of a Grade Separated Intersection - Jervis Bay Road - Princes Hwy**

**HPERM Ref:  
D18/48263**

#### **Recommendation**

That Council make vigorous representations to the Minister for Roads and Maritime and Freight the Hon Melinda Pavey, the Parliamentary Secretary for the Illawarra and South Coast Gareth Ward and the Member for South Coast the Hon Shelley Hancock to give high priority to the construction of a grade separated intersection at Jervis Bay Road and the Princes Highway.

#### **RECOMMENDATION** (Clr Wells / Clr White)

That Council make vigorous representations to the Minister for Roads and Maritime and Freight The Hon Melinda Pavey, the Parliamentary Secretary for the Illawarra and South Coast Gareth Ward and the Member for South Coast the Hon Shelley Hancock to give high priority to a safer intersection at Jervis Bay Road and the Princes Highway, with a long term view to construct grade

separation.

CARRIED

**SA18.25 NOTICE OF MOTION - CULBURRA YOUTH SKATE PARK****HPERM REF:  
D18/48787**

Item dealt with earlier in the meeting.

**SA18.26 Notice of Motion - Old Erowal Bay - Childrens  
Playground, BBQ Area and Public Amenities****HPERM Ref:  
D18/51080****Recommendation (Item to be determined under delegated authority)**

That Council, in consultation with the Old Erowal Bay community, develop plans and source funding of up to \$100,000, for a children's playground, BBQ area and public amenities at an appropriate site in the village.

**RESOLVED** (Clr Levett / Clr Pakes)

MIN18.92

That Council, in consultation with the Old Erowal Bay community, develop plans and source funding of up to \$100,000, for a children's playground, BBQ area and public amenities at an appropriate site in the village with a view to finishing a project by the end of the 2019 financial year.

CARRIED

**Procedural Motion - Adjournment of Meeting**

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

MIN18.93

That the meeting be adjourned for 10 minutes.

CARRIED

The meeting adjourned the time being 7.07pm

The meeting reconvened the time being 7.14pm

The following members were present:

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

Note: Clr Watson left during the adjournment of the meeting.

## REPORTS

<b>SA18.27</b>	<b>Bi-Annual Delivery Program and Operational Plan Report - 1 July 2017 to 31 December 2017</b>	<b>HPERM Ref: D18/33202</b>
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### **Recommendation (Item to be determined under delegated authority)**

That the report of the General Manager (Executive Strategy) regarding progress to 30 June 2017 on the 2017/2021 Delivery Program and 2017/2018 Operational Plan be received for information, endorsed and published on Council's website.

### **RESOLVED** (Clr Proudfoot / Clr Wells)

MIN18.94

That the report of the General Manager (Executive Strategy) regarding progress to 30 June 2017 on the 2017/2021 Delivery Program and 2017/2018 Operational Plan be received for information, endorsed and published on Council's website.

CARRIED

<b>SA18.28</b>	<b>PROGRESS REPORT - DEVELOPMENT APPLICATION FOR MOTOR SPORTS FACILITY</b>	<b>HPERM REF: D18/49821</b>
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Item dealt with earlier in the meeting see MIN18.89.

<b>SA18.29</b>	<b>DONATION INCREASE REQUEST - CITY OF SHOALHAVEN EISTEDDFOD INC NOWRA</b>	<b>HPERM REF: D17/394783</b>
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Item dealt with earlier in the meeting see MIN18.88.

<b>SA18.30</b>	<b>December 2017 Quarterly Budget Review</b>	<b>HPERM Ref: D18/40621</b>
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### **Recommendation**

That Council:

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

### **RECOMMENDATION** (Clr Wells / Clr White)

That Council:

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

CARRIED

**SA18.31 Classification of Land - Lot 1 DP553658 (No.333) Illaroo Road Bangalee**

**HPERM Ref: D17/430490**

**Recommendation**

That Council resolve to classify the land described as Lot 1 DP553658 (No.333) Illaroo Road Bangalee as Operational Land.

**RECOMMENDATION** (Clr White / Clr Cheyne)

That Council resolve to classify the land described as Lot 1 DP553658 (No.333) Illaroo Road Bangalee as Operational Land.

CARRIED

**SA18.32 Proposed Leases - Illawarra Area Child Care Incorporated - Four Sites- 2\*Sanctuary Point - Shoalhaven Heads - Nowra**

**HPERM Ref: D18/3459**

**Recommendation**

That Council:

1. Enter into a 5 year lease agreement commencing 1 July 2018 with Illawarra Area Child Care Inc. for the continued use and occupation as a preschool of:
  - a) The Basin Preschool at 34 Paradise Beach Rd, Sanctuary Point with an annual rent of \$11,553.07 (plus GST) with annual CPI increases; and
  - b) Sanctuary Point Children's Centre at 210 Kerry St, Sanctuary Point with an annual rent of \$6,460.80 (plus GST) with annual CPI increases; and
  - c) Clipper Road Children's Centre at 42 Clipper Rd, Nowra with an annual rent of \$4,172.50 (plus GST) with annual CPI increases; and
2. Advertise its intention to enter into a 5 year lease agreement with Illawarra Area Child Care Inc. and if no objections are received, authorise the lease for the continued use and occupation of Jerry Bailey Children's Centre at 16 Celia Pl, Shoalhaven Heads for the purpose of a preschool with an annual rent to commence at 01 July 2018 of \$8,516.16 (plus GST) with annual CPI increases;
3. Approve the allocation of the rent received under each lease agreement into the Property Reserve restricted account; and
4. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

**RECOMMENDATION** (Clr Proudfoot / Clr Alldrick)

That Council:

1. Enter into a 5 year lease agreement commencing 1 July 2018 with Illawarra Area Child Care Inc. for the continued use and occupation as a preschool of:
  - a. The Basin Preschool at 34 Paradise Beach Rd, Sanctuary Point with an annual rent of \$11,553.07 (plus GST) with annual CPI increases; and
  - b. Sanctuary Point Children's Centre at 210 Kerry St, Sanctuary Point with an annual rent of \$6,460.80 (plus GST) with annual CPI increases; and
  - c. Clipper Road Children's Centre at 42 Clipper Rd, Nowra with an annual rent of \$4,172.50 (plus

GST) with annual CPI increases; and

2. Advertise its intention to enter into a 5 year lease agreement with Illawarra Area Child Care Inc. and if no objections are received, authorise the lease for the continued use and occupation of Jerry Bailey Children's Centre at 16 Celia Pl, Shoalhaven Heads for the purpose of a preschool with an annual rent to commence at 01 July 2018 of \$8,516.16 (plus GST) with annual CPI increases;
3. Approve the allocation of the rent received under each lease agreement into the Property Reserve restricted account; and
4. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

CARRIED

**SA18.33 Proposed Temporary Licence- South Coast Branch NSW HPERM Ref: D18/4819 of Surf Life Saving Australia Inc.- 177-179 Illaroo Rd, North Nowra**

Clr Pakes - less than significant non pecuniary interest declaration – will remain in the room and will take part in discussion and vote – “He is President of the Nowra-Culburra SLSC”.

**Recommendation**

That Council:

1. Enter into a 12 month licence agreement with South Coast Branch NSW of Surf Life Saving Australia Incorporated for the use and occupation of Lots 3 & 4 DP234757 and Lot 1 DP814265, 177 – 179 Illaroo Rd, North Nowra for storage purposes with an annual rent of \$486 (plus GST); and
2. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

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

That Council:

1. Enter into a 12 month licence agreement with South Coast Branch NSW of Surf Life Saving Australia Incorporated for the use and occupation of Lots 3 & 4 DP234757 and Lot 1 DP814265, 177 – 179 Illaroo Rd, North Nowra for storage purposes with an annual rent of \$486 (plus GST); and
2. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

CARRIED



**SA18.34 Proposed sale of Lot 2 DP1217124 Wire Lane Berry to Merveilleux Pty Ltd and consolidation with Lot 14 DP253806**

**HPERM Ref: D18/7298**

**Recommendation**

That Council:

1. Authorise the sale of Lot 2 DP1217124 Wire Lane, Berry to the owner of the adjoining Lot 14 DP253806, Merveilleux Pty Ltd for \$50,000 (plus GST if applicable) provided that each party is to pay its own costs in relation to the sale;
2. Fund all costs associated with the sale from Job Number 88750 and the net proceeds from the sale be placed in the Property Reserve – Roads; to fund future road acquisitions and/or works on public roads; and
3. Authorise the affixing of the Common Seal of the Council of the City of Shoalhaven to any documents requiring to be sealed and that the General Manager be authorised to sign any documents necessary to give effect to this resolution.

**RECOMMENDATION** (Clr Findley / Clr Levett)

That Council:

1. Authorise the sale of Lot 2 DP1217124 Wire Lane, Berry to the owner of the adjoining Lot 14 DP253806, Merveilleux Pty Ltd for \$50,000 (plus GST if applicable) provided that each party is to pay its own costs in relation to the sale;
2. Fund all costs associated with the sale from Job Number 88750 and the net proceeds from the sale be placed in the Property Reserve – Roads; to fund future road acquisitions and/or works on public roads; and
3. Authorise the affixing of the Common Seal of the Council of the City of Shoalhaven to any documents requiring to be sealed and that the General Manager be authorised to sign any documents necessary to give effect to this resolution.

CARRIED

**SA18.35 Proposed New Charge for Commercial Quantities of Recyclable Materials**

**HPERM Ref: D18/21924**

**Recommendation**

That Council:

1. Include a charge of \$100/tonne in the Draft 2018/19 Fees & Charges for the acceptance of commercial quantities (>1m<sup>3</sup>) of low value recyclable materials (soft plastics, hard plastics, polystyrene and glass) delivered to Council's Waste Facilities
2. For the remainder of the 2017/18 financial year, authorise the General Manager to apply a 70% discount to the general waste charge for the acceptance of commercial quantities (>1m<sup>3</sup>) of low value recyclable materials (soft plastics, hard plastics, polystyrene and glass) delivered to Council's Waste Facilities

**RECOMMENDATION** (Clr Findley / Clr Cheyne)

That Council:

1. Include a charge of \$100/tonne in the Draft 2018/19 Fees & Charges for the acceptance of commercial quantities (>1m<sup>3</sup>) of low value recyclable materials (soft plastics, hard plastics, polystyrene and glass) delivered to Council's Waste Facilities

2. For the remainder of the 2017/18 financial year, authorise the General Manager to apply a 70% discount to the general waste charge for the acceptance of commercial quantities (>1m<sup>3</sup>) of low value recyclable materials (soft plastics, hard plastics, polystyrene and glass) delivered to Council's Waste Facilities

CARRIED

**SA18.36 Request Refund of Fees Associated with William Campbell College - 16 Gannet Rd, Nowra Hill**

**HPERM Ref: D18/34772**

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

That in accordance with the Committee's delegated authority from Council, the Committee reimburse the plan checking and construction inspection fees (\$808.60) for William Campbell College as identified in the report in accordance with Waiving of Development Application Fees and Other Fees For Charitable Organisations and Community Groups Policy (POL17/10).

**RESOLVED** (Clr Gash / Clr White)

MIN18.95

That in accordance with the Committee's delegated authority from Council, the Committee reimburse the plan checking and construction inspection fees (\$808.60) for William Campbell College as identified in the report from the Unallocated Donations Budget in accordance with Waiving of Development Application Fees and Other Fees For Charitable Organisations and Community Groups Policy (POL17/10).

CARRIED

**SA18.37 Easements for Access at Coolangatta - Shoalhaven Heads Water Reservoir**

**HPERM Ref: D18/26278**

**Recommendation**

That:

1. Council resolve to:
  - a. Extinguish an existing Easement for Access 6 wide over Lots 1 & 2 DP223278 and Lot 1 DP525517 Bolong Road Coolangatta. The easement is shown by pink colour on copy of DP451468, attached.
  - b. Accept an alternative Easement for Access 6 wide over Lot 722 DP1076887 Edward Wollstonecraft Lane Coolangatta in favour of Council. The proposed new easement is shown by hatching and blue colour on extract of DP1076887, attached.
2. Council to pay its own costs associated with the transactions from Shoalhaven Water's Water fund. The transactions are to be at \$nil consideration.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

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

That:

1. Council resolve to:
  - a. Extinguish an existing Easement for Access 6 wide over Lots 1 & 2 DP223278 and Lot 1 DP525517 Bolong Road Coolangatta. The easement is shown by pink colour on copy of DP451468, attached.

- b. Accept an alternative Easement for Access 6 wide over Lot 722 DP1076887 Edward Wollstonecraft Lane Coolangatta in favour of Council. The proposed new easement is shown by hatching and blue colour on extract of DP1076887, attached.
2. Council pay its own costs associated with the transactions from Shoalhaven Water's Water fund. The transactions are to be at \$nil consideration.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CARRIED

<b>SA18.38</b>	<b>SF10572 - Connection to Town Sewerage System - Lot 8 DP776949 and Lot 6 DP703243 Larmer Avenue Worrowing Heights</b>	<b>HPERM Ref: D18/31255</b>
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**Recommendation (Item to be determined under delegated authority)**

That Council approve the connection of the proposed lots under SF10572, to its sewerage system, by pressure sewer, subject to the applicant complying with all conditions specified on a Shoalhaven Water Development Application Notice.

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

MIN18.96

That Council approve the connection of the proposed lots under SF10572, to its sewerage system, by pressure sewer, subject to the applicant complying with all conditions specified on a Shoalhaven Water Development Application Notice.

CARRIED

**Introduction of Items as Matters of Urgency**

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

MIN18.97

That the following addendum reports be introduced as matters of urgency:

1. SA18.39 Tenders - Report - Replacement of Moona Moona Creek Timber Bridge
2. SA18.40 Holiday Haven Financials
3. SA18.41 Better Boating Now - Round Two Grant Funding
4. SA18.42 Tenders - Report Bolong Road Back Forest Shoulder Widening and Overlay

CARRIED

The Chairperson ruled the matters as ones of urgency as they relate to urgent business of Council and allowed their introduction.

**ADDENDUM REPORTS**

<b>SA18.39</b>	<b>Tenders - Report - Replacement of Moona Moona Creek Timber Bridge</b>	<b>HPERM Ref: D18/33810</b>
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**Recommendation (Item to be determined under delegated authority)**

That Council note the submissions received for Tender 56497E - Replacement of Moona Moona Creek Timber Bridge on 14 December 2017 and consider the assessment of these tenders as a

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

**RESOLVED** (Clr Pakes / Clr Gartner)

MIN18.98

That Council note the submissions received for Tender 56497E - Replacement of Moona Moona Creek Timber Bridge on 14 December 2017 and consider the assessment of these tenders as a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

CARRIED

**SA18.40 Holiday Haven Financials**

**HPERM Ref:  
D18/10507**

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

That Council note the report on the capacity of Holiday Haven profits being used for the upgrade of infrastructure on Crown land reserves in the Bendalong/Manyana area, and that the Holiday Haven tourist park at Bendalong made a gross profit of \$443,596 in 2016/17 and has a profit forecast in the amount of \$438,900 in 2017/18.

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

MIN18.99

That:

1. The General Manager prepare a Capital Works priority list identifying the allocation of funds for the upgrade of infrastructure on Crown Land in the Bendalong/Manyana area and that ballpark estimates for such upgrades be prepared so that the priority list can be considered by Council as soon as possible.
2. A report on the expenditure of Holiday Haven profits be provided to the Committee at the completion of Part 1) of this Resolution.

FOR: Clr Wells, Clr White, Clr Gartner, Clr Cheyne, Clr Alldrick, Clr Levett, Clr Pakes, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Clr Gash and Clr Findley

CARRIED

**SA18.41 Better Boating Now - Round Two Grant Funding**

**HPERM Ref:  
D18/34421**

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

That:

1. Council accept the grant offers from NSW Transport (RMS) of \$400,000 for upgrading of the Woollamia Regional Boat Launching Ramp.
2. Council authorise the General Manager to negotiate with RMS for the \$400,000 grant offer identified for a new facility at Lake Conjola to be spent on alternative boating facilities as nominated by the grant priority list adopted at Council's meeting of 15th August 2017 (MIN17.696).
3. Council acknowledge the petition of 373 signatures forwarded from the Callala Bay Community Association and advise the Association that upgrading of the Callala Bay Boat launching ramp remains a high priority for future grant funding opportunities.
4. Council continue to seek funding opportunities for full funding of a new boat launching ramp

facility at Havilland Street West Lake Conjola.

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

MIN18.100

That Council:

1. Accept the grant offers from NSW Transport (RMS) of \$400,000 for upgrading of the Woollamia Regional Boat Launching Ramp.
2. Authorise the General Manager to negotiate with RMS for the reallocation of the \$400,000 grant funding for the following:
  - a. (Priority 5) Berringer Lake Foreshore Reserve
  - b. (Priority 7) Greenwell Point Effluent Pump out Facility and Floating Pontoon
3. Acknowledge the petition of 373 signatures forwarded from the Callala Bay Community Association and advise the Association that upgrading of the Callala Bay Boat launching ramp remains a high priority for future grant funding opportunities.
4. Continue to seek funding opportunities for full funding of a new boat launching ramp facility at Havilland Street, West Lake Conjola.

FOR: Clr Wells, Clr Gash, Clr Findley, Clr White, Clr Gartner, Clr Cheyne, Clr Alldrick, Clr Levett, Clr Pakes, Clr Proudfoot and Russ Pigg

AGAINST: Clr Kitchener

CARRIED

**SA18.42 Tenders - Report Bolong Road Back Forest Shoulder Widening and Overlay**

**HPERM Ref:  
D18/54383**

Note: Clr Pakes left the meeting.

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

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

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

MIN18.101

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

CARRIED

**SA18.43 Question on Notice - Harry Sawkins Park Memorial Vandalism**

**RESOLVED** (Clr Gash / Clr Wells)

MIN18.102

That Council investigate the vandalism in Harry Sawkins Park to the Harry Sawkins Memorial and provide an update to Councillors.

CARRIED

## CONFIDENTIAL REPORTS

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

No members of the public made representations.

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

MIN18.103

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

CSA18.1 Notice of Motion - Purchase of Land - Sanctuary Point

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

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

CSA18.3 Tenders – Confidential Report - Replacement of Moona Moona Creek Timber Bridge

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

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

CSA18.4 Tenders – Confidential Report - Bolong Road Back Forest Shoulder Widening and Overlay

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

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

CSA18.2 Portable Drawdown Device - Commercialisation Potential

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

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

CARRIED

Note: Clr Pakes returned to the meeting.

The meeting moved into confidential the time being 8.13pm.

The meeting moved into open session, the time being 8.15pm.

## REPORT FROM CONFIDENTIAL SESSION

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

### **CSA18.1 Notice of Motion - Purchase of Land - Sanctuary Point**

**HPERM Ref:  
D18/49477**

#### **RESOLVED**

That:

2. The recommendation remain confidential in accordance with Section 10A(2)(c) until negotiations are complete.

### **CSA18.2 Portable Drawdown Device - Commercialisation Potential**

**HPERM Ref:  
D18/21524**

#### **RESOLVED**

That Council approve to proceed to an EOI process to engage with an appropriate industry partner to further develop and commercialise the Pump Station Portable Draw Down Device.

### **CSA18.3 Tenders – Confidential Report - Replacement of Moona Moona Creek Timber Bridge**

**HPERM Ref:  
D18/33415**

#### **RESOLVED**

That Council:

1. Endorse the Tender Panel's assessment and resolve to accept the Tender from Bridgeworks Pty Ltd for the amount of \$1,365,000 (excluding GST) as per their submission to Tender 56497E - Replacement of Moona Moona Creek Timber Bridge.
2. As the Contract Principal, authorise the General Manager to appoint a Principal's Representative to execute the appropriate contract documents on Council's behalf.

### **CSA18.4 Tenders – Confidential Report - Bolong Road Back Forest Shoulder Widening and Overlay**

**HPERM Ref:  
D18/54325**

#### **RESOLVED**

That Council:

1. Endorse the Tender Panel's assessment and resolve to accept the Tender from Select Civil Pty Ltd for Bolong Road Back Forest shoulder Widening and Overlay Project at a total cost of \$1,286,842.60 (excluding GST).
2. As the contract Principal, authorise the General Manager to appoint a Principal's Representative to execute the appropriate contract documents on behalf of the Council in accordance with cl165 of the Local Government Regulation.
3. Endorse funding the project shortfall of \$160,000 from the Roads to Recovery allocation.

There being no further business, the meeting concluded, the time being 8.15pm.

Clr Wells  
CHAIRPERSON



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

**HPERM Ref:** D18/77771

**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 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.

### **Background**

There have been a number of accidents on this stretch of road, with several fatalities and an urgent solution needs to be found, especially after the number of fatalities in recent months.

SA18.44

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

**HPERM Ref:** D18/84701

**Group:** General Manager's Group  
**Section:** Executive Strategy

**Attachments:** 1. Easter Action Plan-Hyams Beach [↓](#)

### **Purpose / Summary**

To provide Council with a summary of the two workshops held with the residents and other stakeholders for Hyams Beach. To outline and seek approval for the proposed actions to be implemented by Council and seek approval for required resources.

### **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 total of **\$ 78,800** to implement the trial
3. 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
4. Council continue discussions with key stakeholders from Hyams Beach and stakeholders from the wider Shoalhaven to develop long term solutions to increasing visitor numbers and infrastructure needs.
5. 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
6. 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.

### **Options**

1. Adopt the recommendation as printed

Implications: This will ensure that the agreements reached at the community workshop can be implemented as a trial for the Easter period.

2. Adopt an alternative recommendation

## Background

At the Ordinary Meeting of the 30<sup>th</sup> January 2018 Council resolved:

**RESOLVED** (Clr Pakes / Clr Gash)

MIN18.13

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

- 1. Meeting to take place as soon as possible.*
- 2. Meeting to include, General Manager, Councillors, Compliance Staff, Asset Management Staff, Tourism Staff, Hyams Beach Villages Association, Hyams Beach business owners Jerrinja Land Council, Booderee National Park, Rural Fire Services and Crown Lands.*
- 3. General Manager to invite any other relevant staff and agencies he thinks may need to attend.*
- 4. That Council investigate the feasibility of another road out of Hyams Beach – as shown on the attached sketch plan*
- 5. General Manager (Director Assets and Works) investigate the use of the old tip site for use as car parking for a Park and Ride option – as shown on the attached sketch plan*
- 6. Items from Parts 4 & 5 above be given consideration at the above requested meeting. to undertake several actions in relation to the issues that had been identified as result of peak visitation days over the Christmas period.*

To address components of Min 18.13 two workshops were held with key stakeholders of Hyams Beach, Government and surrounding community. These workshops were attended by community representatives, State Government representatives (Police, NPWS, RFS), Business representatives, representatives from HMAS Creswell, Tourism Board members, Councillors and Council staff.

The workshops provided an opportunity for each of the stakeholders to outline the key issues that they believed needed to be addressed to manage the peak tourist season at Hyams Beach. The measures that had been undertaken during the December/ January tourist period and the effectiveness of these were also outlined and discussed.

Participants were provided the opportunity to make presentations, ask questions and contribute to round table discussions. The focus of both workshops was:

- Key issues identification
- Evaluation of Christmas period trial (what had worked and what needed to be improved)
- Actions required for Easter period
- Resource needs
- Possible long-term solutions

## Community Contributions

The Hyams Beach Villagers Association made several presentations within the two workshops. The key areas that they would like addressed for Hyams Beach include:

- Stop the excess traffic in the village
- Continue traffic management to improve flow and safety
- Improve infrastructure for visitors and residents
- Strengthen ranger authority

The community also outlined that a number of measures that had been used over the Christmas period had been successful. They also explained where there were areas for improvements and measures that needed to be changed or adjusted.

A focus of both workshops was a need to ensure measures were in place over the forthcoming Easter period. A full review of the traffic management plan and an incorporation of traffic measures as suggested by the community, additional waste services, porta a loo, rangers, communication, tourism stall options and signage were also outlined.

It should be noted that there were some community members who did not agree with some of the approaches to be adopted including the closure of some roads and communication methods which discouraged people from attending Hyams Beach. It was explained that there are several stakeholders that obtain income and business from this location and that the needs of all parties should be considered in any long-term solutions.

All agreed that there is a need to ensure that the experience of visiting the Shoalhaven and Hyams Beach was pleasant for tourists and that tourism remains an important component of the Shoalhaven economy.

### **Proposed Easter Action Plan**

In response to the contributions of the community, an approach for the Easter period was developed, with an Easter Action Plan created. This plan has been supported by those in attendance at the workshop with consensus on the approach to be adopted reached. The Action Plan is provided as Attachment 1.

The key components of the Plan are:

- Traffic management which includes traffic control from the top of Booderee Avenue, one-way traffic options, the use of a temporary roundabout at the top of Booderee Avenue and Naval College Road
- Two VMS signs to be installed at Huskisson turn off and top of Booderee Ave
- Location of a tourism information stall at the top of Booderee Ave
- A traffic study to be conducted over Easter to determine traffic and pedestrian counts
- Additional signage to manage foot traffic
- A shuttle bus service – which will include a number of drop off and pick up points around Vincentia
- Ranger allocation including one dedicated ranger and one dedicated parking officer
- Additional support from NPWS for illegal camping activities
- Closure of little Hyams beach access
- Additional port a loo – two at Seamans Beach and two at Cinnamons beach
- Screening of port a loo to protect surrounding neighbours
- Some temporary treatment to the access to Cinnamons Beach
- Additional bins
- Communication and promotion options
- Option of provision of Booderee Day Passes once Hyams Beach access is closed

This plan has been worked on by a number of Council departments and is currently in progress in preparation for the Easter period. Planning for most of measures outlined in the plan are well advanced.

Although planning for implementation is well advance the provision of budget and resource allocation is pending the outcome of this report to Council. There are a number of additional budget items which cannot be absorbed into existing budgets and which will require a specific allocation from Council. These are outlined within the section below.

## Resource Needs and Implications – Easter Trial

The additional allocation of traffic management, ranger patrol, communications and overall management of this peak event requires a number of Council resources and budget allocation that is outside of allocations already provided for this financial year.

A breakdown of the additional budget allocation and resources that will be required to support the Easter Trial are as follows:

Resource	Details	Cost
Rangers	Additional staff time and resources	\$7000
Tourism	Additional staff time and resources	\$5000
Traffic control including VMS	Traffic management and VMS provision	\$20,000
Traffic Study	Provision of traffic counters and traffic measures	\$21,000
Waste Management	Provision of additional bins	\$2000
Shuttle Service	Two buses 8 hours per day continuous loop. Signage and promotion.	\$ 15,000
Booderee Day Passes	TBC confirmed	Est \$4000
Communication	Additional staff resources and materials	\$3000
Coordinator	A key operational person to run the “event” on the ground (4 hours x 4 days)	\$1800
	<b>Total</b>	<b>\$ 78,800</b>

These additional requirements have not allocated and will need to be adopted by Council to enable to trail to be put in place.

There will be a total of ten Council staff either rostered on location or on call for each day of the Easter period. There will also be four traffic controllers and 6 traffic counters.

## Future Measures – Community Engagement

A full evaluation of the Easter Trial will occur following implementation and a report on the outcome provided to Council. Consideration of the school holiday period and future peak periods will also need to be undertaken.

The workshops held with both Councillors, Council staff and community representatives were part of ongoing community engagement with the key stakeholders invested in determining a long-term solution for the peak period congestions and other issues experienced in the Hyams Beach locality.

There remains the need to continue the conversation about tourism management, sustainability and the impact of tourism during peak periods across the Shoalhaven and for this engagement to include stakeholders at Hyams Beach, but also include stakeholders from all affected locations in the Shoalhaven and our ratepayers. Discussions about investment of resources in this locality and other localities long term in an “event management” style approach will be ongoing.

An initial draft Action Plan of long term possible solutions has been created and will be further developed as part of ongoing community engagement process.

### **Financial Implications**

There are ongoing financial implications of supporting ongoing trials and resource needs for Hyams Beach. Allocation of significant resources into this one location has future implications for the Shoalhaven and Council will need to continue to manage expectations within this discussion. Whether this approach continues to be sustainable needs to be considered in line, with others needs for the City and locations that may also experience an influx of tourists during peak periods.

A full breakdown of the investment in resources and budget to manage this “peak tourist event” for both Christmas and Easter will be provided as part of a future evaluation report to Council.

### **Risk Implications**

There are significant risks in not addressing the issues that remain in Hyams Beach during peak tourist periods including (but not limited to), reputational risk, safety of residents and visitors, management of emergency situations, destruction of environment, reduced amenity of residents and staff management and safety concerns. The risk within this location needs to be managed efficiently and effectively to ensure that a positive outcome is achieved for all stakeholders involved.

Draft Hyams Beach Action Plan 2018

### Hyams Beach Action Plan- Easter Trial

#### **Traffic Management and Parking**

Action	Responsibility	Progress
Prepare a Traffic Control Plan which removes a number of the traffic issues that were experienced over the Christmas Period including traffic control from the top of Booderee Avenue and includes one way traffic options	Traffic- Council	Traffic Plan Completed Traffic management company engaged to undertake Easter implementation
Two VMS to be installed at Huskisson turn off, and top of Booderee Avenue.	Traffic- Council	VMS have been ordered for this period
Provide a traffic management point at the junction of Naval College Road and Booderee Avenue.	Traffic- Council and Tourism Council	Traffic management point identified with traffic management plan. Tourism marquee location established, and staff booked to man location. Brochure still to be developed to be provided to cars.
Install traffic counters over the Easter period so that a clear and measurable traffic data can be achieved and assist in the determination of future long term solutions.	Traffic- Council	Consultant engaged
Manage foot traffic to prevent pedestrians accessing areas which are overwhelmed by traffic.	Council	Traffic sign locations will be installed to assist in controlling pedestrian access. As part of traffic management
Ranger allocation to manage parking and illegal activity	Rangers- Council	Rangers have been allocated and rostered for Easter. 1 parker and 1 ranger allocated
Provide clearly identified and located drop off points within the village – location to be determined.	Traffic- Council	Drop of points have been identified as part of the traffic management plan. With external traffic company
Access to Little Hyams closed	Traffic- Council	Will be closed as part of the overall traffic management process. Consultant engaged.
Provide additional traffic control staff and ensure that they are appropriately trained and experienced.	Traffic- Council	In progress
Install barriers for entry to Bamboo Avenue and Anemone Avenue from Tulip Street, a solid barrier down Tulip Street,	Council	As part of traffic management plan

Draft Hyams Beach Action Plan 2018

Action	Responsibility	Progress
better signage of the one-way flow and early advice provided to residents and renters of the one-way flow proposal.		
Shuttle Bus Program	Council – tourism and Executive Strategy	Quotes Obtained – decision on route and promotion pending
Restrict entry to the village for large vehicles including tourist buses, cars with caravans and boats.	Council – Traffic	As part of traffic management plan
Provide three dedicated parking areas for Ranger vehicles at each of the beaches (residents have offered their driveways to assist).	Council- Traffic	Will be established as per Christmas. Additional parking located in residents driveways.

**Access**

Action	Responsibility	Progress
Fix the steps that lead to Chinamans Beach to improve access into the beach and surrounding area.	Council	Temporary works will occur on the access for Easter. A more permanent solution will need to be investigated, resourced and budgeted for.

**Public Facilities**

Action	Responsibility	Progress
Provide two additional port-a-loos at Chinamans Beach to be screened from street and neighbouring houses (shade cloth or wooden screen) and Two at Seamans Beach	Council	Two port-a-loos will be provided in this location and will be screened. Have been ordered
Continue to provide fencing at Cyrus Street.	Council	Agree.
Continue to board up the old fire shed toilets.	Council	Remains in place.



Draft Hyams Beach Action Plan 2018

### Waste Management

Action	Responsibility	Progress
Increase the number and size of bins at Chinamans Beach and other key locations throughout the village including Seamans Beach car park, Cyrus Street park reserve and Chinamans Beach.	Council – Assets and Works	In progress
Where possible undertake rubbish collection in the early morning to pick up rubbish that is left in the afternoons and evenings.	Council – Assets and Works	Investigations can be done however bins are collected as per the schedule which includes other towns and villages.

### Illegal Activity

Action	Responsibility	Progress
Rangers provisions during peak times.	Council	Rangers will be tasked to Hyams Beach during the Easter period. Roster is currently being determined. There will be 2 Rangers and 1 Parking Officer.
Provide a large unambiguous sign at entry to village and elsewhere to clearly show what is permitted within the village and what is not permitted.	Council	Signage can be provided. Will be investigated if possible for Easter period.

### Communications and Promotions

Action	Responsibility	Progress
Provide clear communications on management of community perceptions of what can and cannot be done by Council and others. Including communicating the limitations to resourcing and budget.	Executive Strategy- Council	In progress
Develop a Communications Plan for communicating traffic, access and safety issues during peak period.	Executive Strategy- Council	In progress
Continue to provide updates on social media and media releases if the village reaches capacity during peak times.	Executive Strategy- Council	In progress

Draft Hyams Beach Action Plan 2018

Review usage and effectiveness of the VMS - including the locations (proposal for one at Huskisson turn off, one before the Vincentia Marketplace and one at the top of Booderee Avenue). Proposal to only locate one at Huskisson Gateway.		See traffic man plan
Continue to provide the pop-up tourism site however review location of the site as it is required to be more central or located somewhere that can catch people prior to entry.	Tourism-Council	Will be located at Naval College Road for Easter period
Clearly communicate through the workshop and engagement process what can be achieved and what cannot. Clearly outline the resource limitations and budget implications.	GM-Council	In progress
Consult with community and seek support for the traffic plan – Booderee Avenue and Cyrus Street one way plan.	Traffic- Council	In progress

**Safety**

Action	Responsibility	Progress
Clearly identify and promote an emergency evacuation point within the village.	Council	Will propose through the LEMC.
Provide parking for Rangers vehicles and other emergency/authority vehicles within close proximity to the areas which require the most management.	Council	Will be provided as per Christmas period.
Allow for emergency vehicle access within the village and for this to be clearly articulated within any traffic management plan.	Traffic Council	In progress
Continue to undertake regular communications and collaboration with all agencies and authorities on issues occurring during peak periods.	All	In progress

## SA18.46 South Coast Regional Jobs Initiative Grant - Woollamia Boat Lift Facility

**HPERM Ref:** D18/85080

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

### Purpose / Summary

To accept a Grant under the South Coast Jobs Initiative funding package from the Australian Department of Industry, Innovation and Science for a Boat Lift Facility at Woollamia.

### 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.

### Options

1. Accept the recommendation as written and accept the grant
2. Propose an alternate recommendation
3. Not accept the grant and advise the Australian Government accordingly

### Background

In April 2017 The Australian Government announced a \$220 million Regional Jobs and Investment Packages (RJIP) to support the Australian Government's commitment to stimulate economic growth in Australian regions. The South Coast Region (Shoalhaven, Eurobodalla and Bega Valley) was to receive \$20 million.

The program was to drive economic growth and create jobs in the ten pilot regions by investing in projects that will diversify regional economies, stimulate long term growth, deliver sustainable employment and enable applicants to enter new markets and sectors.

Grant funding was to be up to 50 per cent of eligible project costs. Applicants were required to provide the remaining 50 per cent as co-funding towards their project.

#### The Project

This project involves the purchase of a 20 tonne hydraulic boat lift to complement the Jervis Bay Regional Boat Maintenance Facility project at Woollamia.

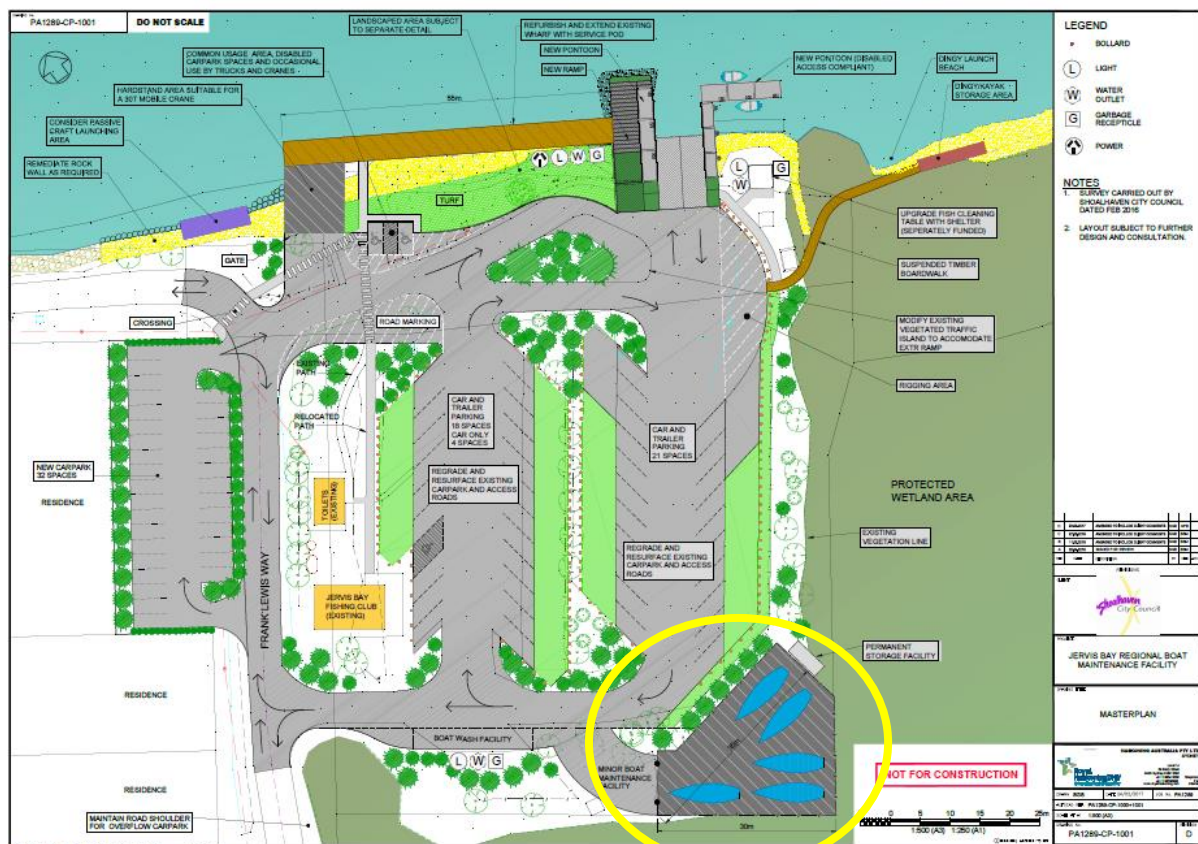
As part of the regional boat facility Council will construct a fenced off, secure hard stand area with bunding, drainage and environmental controls. This area will be leased out to a suitable shipwright or consortium of shipwrights who will be able to provide anti-fouling, boat repair,

cleaning and lift out facilities. The lease of this area will occur via an Expression of Interest and will include conditions such as a payment structure where boat owners, for a fee to the leasee, can safely use this area to clean their own vessels.

This project will involve the purchase of a boat lift, a key piece of equipment that will enable boats to be safely lifted out of the water and transported to the hardstand area. In addition the boat lift will be able to be used to transport boats to the nearby Woollamia Industrial Estate to commercial shipwrights for repair. Council will retain ownership of the boat lift and the boat lift will be included in the lease of the hardstand area. This project also involves the construction of a shed to house equipment and the boat lift.



SA18.46



This project is expected to create a new business opportunity employing up to 3FTE's while supporting a growing boat servicing industry in Woollamia.

**Ships and boat manufacturing (3 jobs)** – This project will enable local ship building businesses to expand (Source – consultation with local ship builders)

Economic modelling has shown that a local increase of 3 jobs in the Ship and Boat manufacturing sector will lead to another 6 jobs created through industrial and consumption flow on effects.

## Community Engagement

### Policy Implications

Applying for grants and encouraging others to leverage funding to expand business is part of the Shoalhaven Economic Development Strategy 2017-2026 – *productive Shoalhaven*.

The project also falls within the development of the Marine Tourism sector contained in the Illawarra Shoalhaven Regional Plan.

### Financial Implications

The funding from Council is available from within the Economic Development Reserve.

At a later stage leasing arrangements will need to be developed and incorporated into an Expression of Interest from businesses wishing to operate the maintenance facility.

## SA18.47 South Coast Regional Jobs Initiative Grant - Greenwell Point Boating Facilities

**HPERM Ref:** D18/85372

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

### Purpose / Summary

To accept a Grant under the South Coast Jobs Initiative funding package from the Australian Department of Industry, Innovation and Science for additional boating facilities at Greenwell Point

### 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.

### Options

1. Accept the recommendation as written and accept the grant
2. Propose an alternate recommendation
3. Not accept the grant and advise the Australian Government accordingly

### Background

In April 2017 The Australian Government announced a \$220 million Regional Jobs and Investment Packages (RJIP) to support the Australian Government's commitment to stimulate economic growth in Australian regions. The South Coast Region (Shoalhaven, Eurobodalla and Bega Valley) was to receive \$20 million.

The program was to drive economic growth and create jobs in the ten pilot regions by investing in projects that will diversify regional economies, stimulate long term growth, deliver sustainable employment and enable applicants to enter new markets and sectors.

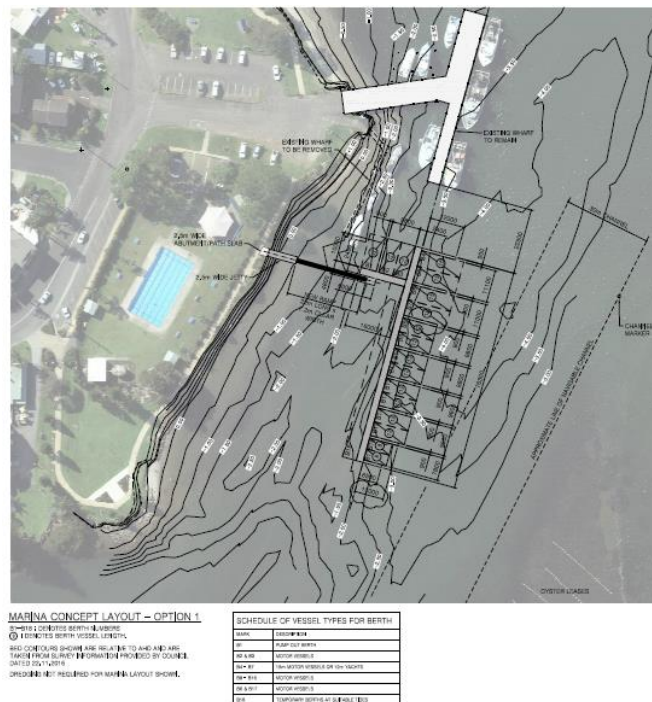
Grant funding was to be up to 50 per cent of eligible project costs. Applicants were required to provide the remaining 50 per cent as co-funding towards their project.

#### The Project

The project consists of the construction of a new floating pontoon system to increase berth capacity at Greenwell Point. Council has commissioned TLB Engineering, a maritime engineering firm to develop two concept designs.

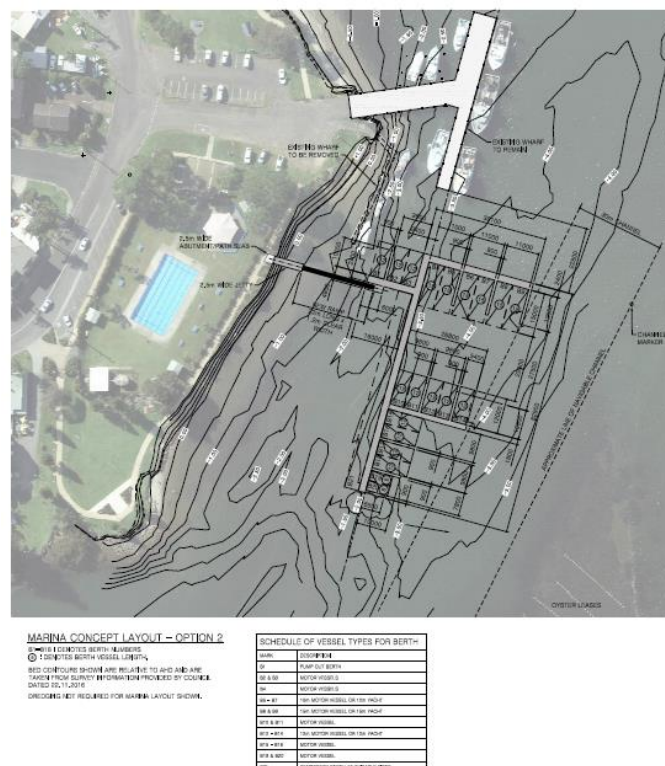


# SA18.47



### Option 1 berth layout

Option 2 layout yields 18 berths plus a pump out berth and temporary berth. This layout is better orientated regarding local currents but further work needs to be undertaken.



### Option 2 berth layout

The aim of the project is to increase capacity at the Greenwell Point Fisherman's Wharf – for commercial fisherman, charter boat operators and visitors. Much of the charm of Greenwell Point is its ties with commercial fishing and history as a fishing port and so it is important to cater for fishers, charter boat operators and touring vessels alike.

Part of this project is to develop a final design and then seek community feedback. As the design is not finalised all projected income and benefits have been calculated on a conservative berth yield of 12 berths while costings have been based on the construction of the more expensive option B. Based on a conservative yield of 12 berths the mix of designated berth categories will be as follows:

- Visiting/transient seafarers travelling up/down the east coast of Australia (4 berths)
- Commercial operations (8 berths) – being either fishing charter boats or commercial fishers

It is expected that many of the larger commercial vessels will prefer to use the Crown owned Tee-head Jetty.

This project is expected to create a minimum of 9 FTE's through the Charter vessel industry. Economic benefits are valued at \$4.6M per annum.

### **Community Engagement**

As part of the project there will be a community consultation phase. The larger wharf at Greenwell Point is primarily for the trawlers and fishing vessels. The smaller trawlers and charter fishing vessels have been, in recent years, left out of the equation.

This project will try and address this with a facility more suited to the small to medium vessels.

### **Policy Implications**

The berthing of vessels has been contentious in recent years. The lack of maintenance of the facility has been the subject of works by the NSW Govt, Council and the various wharf committees and boat owners.

### **Financial Implications**

The funding from Council is available from within the Economic Development Reserve.

At a later stage berth leasing arrangements will need to be developed and incorporated into an Expression of Interest from businesses/individuals wishing to occupy a berth from within the facility.



## SA18.48 Report - Adoption of Risk Management Policy

**HPERM Ref:** D18/63585

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

**Attachments:** 1. Risk Management Policy [↓](#)

### Purpose / Summary

To seek Council approval to adopt the minor changes to the Risk Management Policy.

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

That Council adopt the revised Risk Management Policy.

### Options

1. Council adopt the revised policy as recommended.

Implications: Nil

2. Council not adopt the revised policy and suggest an alternative.

Implications: Unknown

### Background

The Risk Management Policy was originally adopted on 27 July 2004 but underwent a significant revision in September 2013.

The purpose of the policy is to ensure there is a consistent and integrated approach to risk management across the organisation in accordance with AS/NZS ISO31000:2009.

Minor amendments have been made to the policy to reflect organisational changes.



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For more information contact the Finance Corporate & Community Services Group

## RISK MANAGEMENT POLICY

**Policy Number:** POL16/204 • **Adopted:** 27/07/2004 • **Amended:** 26/09/2006, 28/07/2009, 26/11/2009, 23/03/2010, 24/09/2013 • **Minute Number:** MIN04.853, MIN06.1214, MIN09.967, MIN10.285, MIN13.958 • **File:** 25218E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:**

### 1. PURPOSE

To ensure a consistent approach in managing risks to Council through the implementation of enterprise risk management across the organisation in accordance with the risk management methodology established in AS/NZS ISO 31000:2009 Risk Management Principles and Guidelines.

### 2. STATEMENT

Shoalhaven City Council is committed to the management of risk as an integral part of its governance and operations, focusing on strategies to minimise risks to the achievement of Council's vision and objectives in order to benefit the community through the efficient and effective fulfilment of Council's charter and functions.

The management of risk is to be integrated into Council's existing governance, planning and operational processes.

To meet this commitment, risk is to be everyone's business. All employees are required to be competent and accountable for managing risk, so far as is reasonably practicable within their area of responsibility.

Sound risk management principles and practices will be part of the normal management strategy for all of Shoalhaven City Council's operations.

### 3. RESPONSIBILITIES

The Elected Council commits to adopt this risk management framework and risk management will be an integral part of the decision making process.

The General Manager is responsible for ensuring risk is managed across all Council operations.

Managers at all levels are responsible for the implementation and maintenance of sound risk management processes within their area of responsibility in conformity with this policy and to create an environment where the management of risk is accepted as the personal responsibility of all employees and contractors.

*Shoalhaven City Council - Risk Management Policy*

All employees are to be actively involved in the management of risk. The accountability for the management of risk is to be reflected in all individual position descriptions and key performance indicators.

The [Finance](#) Corporate and Community Services Group is responsible for the development and provision of risk management training, advice and assistance to all groups on risk management matters. Further advice may also be obtained through Council's Legal Services Unit.

#### **4. IMPLEMENTATION**

The Council's enterprise risk management system is based on key risk management principles, that is, it will:

- create and protect value
- be an integral part of all organisational processes
- be part of all decision making
- be systematic and structured
- be dynamic, iterative and responsive to change
- facilitate continual improvement

Council adopts the Enterprise Risk Management Framework in Appendix 1 as the fundamental framework for risk management in Council.

The implementation of this Risk Management Policy will require commitment and resources at all levels of Council's organisation.

#### **5. REVIEW**

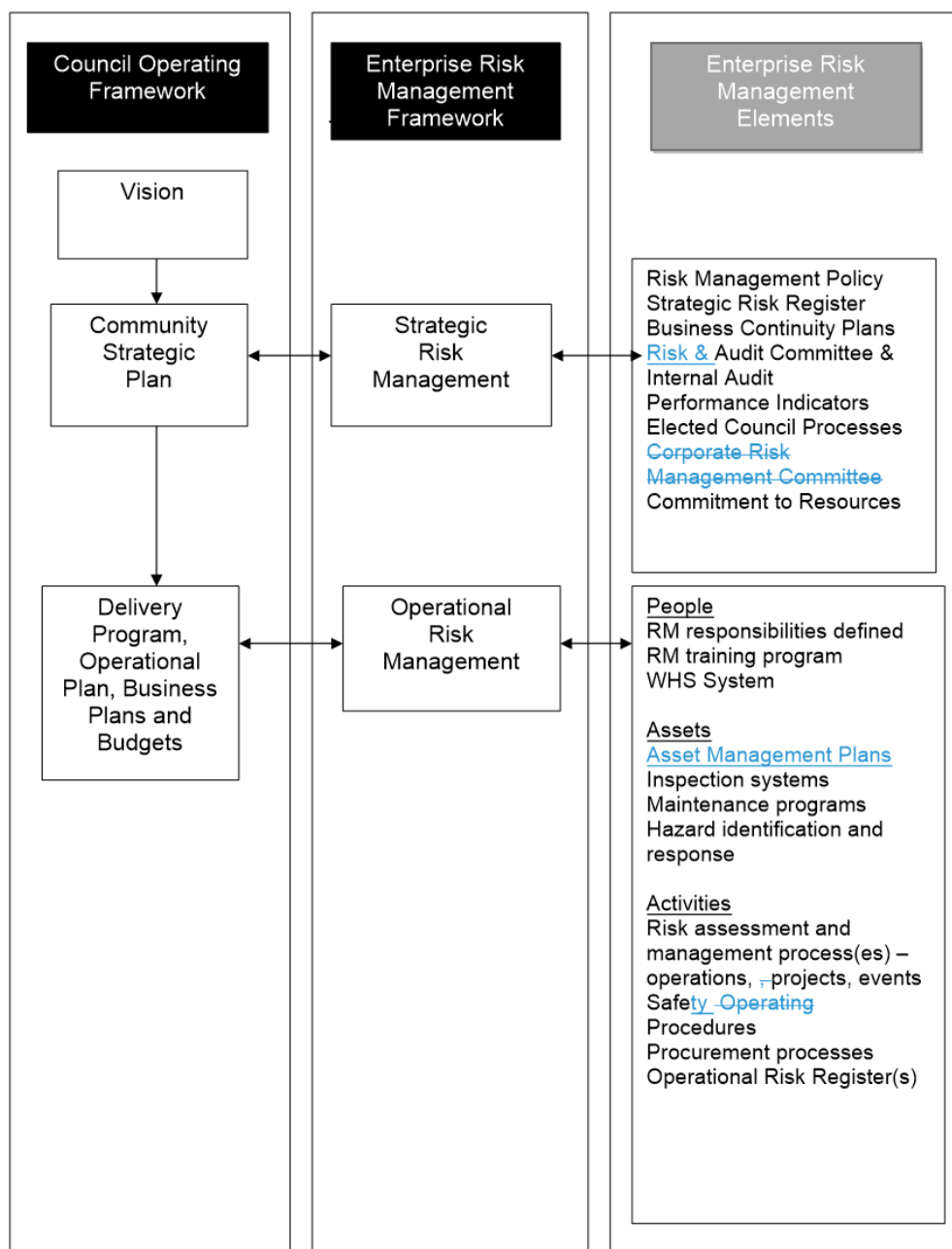
Within 12 months of the date of the election of a new Council or as a result of any changes which cause a review of this policy.

#### **6. APPLICATION OF ESD PRINCIPLES**

None applicable.

APPENDIX 1

**ENTERPRISE RISK MANAGEMENT FRAMEWORK**



## SA18.49 OzWater Conference - 2018 - Australian Water Association

**HPERM Ref:** D18/68061

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

### Purpose / Summary

To consider Councillor attendance at the Oz Water 2018 Conference scheduled for 8 May 2018 – 10 May 2018 in Brisbane, Queensland.

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

That Council:

1. Notes the details of the OzWater 2018 Conference scheduled for 8 May 2018 – 10 May 2018 in Brisbane, Queensland.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

### Options

1. As per the recommendation.  
Implications: \$1,690 and \$250 for single workshop / panel pass (Early Bird Registrations until 30 March for Non Members).
2. That Council limit the number of Councillors attending the Conference and such attendance be deemed Council Business.
3. That Council not approve Councillor attendance at the Conference as Council Business.

### Background

The Oz Water 2018 Conference is considered relevant to local government, for further information in relation to the conference please follow the link: <http://www.ozwater.org/>

Costs associated with the conference are estimated as follows:

- registration : \$1,690 (Early Bird Registration until 30 March 2018 for a Non Member)
- official functions, optional: \$250 for single workshop / panel pass (Early Bird Registration until 30 March for Non Member)
- travel, accommodation and out of pocket expenses: not yet determined.

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

This option is presented so that Council may pro-actively control this area of expense when appropriate.

The Conference commences at 8.30am - Tuesday 8 May 2018 and concludes at 4.30pm - Thursday 10 May 2018 and the following Council Business is scheduled within the period of the conference:

- Tuesday 8 May 2018 – Shoalhaven Traffic Committee.
- Tuesday 8 May 2018 – Development Matters Councillor Briefing
- Tuesday 8 May 2018 – Development Committee.
- Wednesday 9 May 2018 – Youth Advisory Committee
- Thursday 10 May 2018 – Councillor Briefing – Quarterly Budget Review.

### **Policy Implications**

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

### **Financial Implications:**

Funds are available for Councillors to attend this conference.

## SA18.50 National General Assembly 2018

**HPERM Ref:** D18/73137

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

### Purpose / Summary

To consider Councillor attendance at the National General Assembly of Local Government scheduled for 17-20 June 2018 in Canberra.

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

That Council

1. Notes the details of the National General Assembly of Local Government scheduled for 17-20 June 2018 in Canberra.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. That one (1) Councillor be determined as the Council voting delegate for the conference and one (1) Councillor as alternate delegate.

### Options

1. As per the recommendation.

Implications: This is a continuation of arrangements in place over the past years.

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

Implications: Councillors in attendance will not be covered by Council's Policy for Council Members – Payment of Expenses & Provision of Facilities.

### Background

The National General Assembly of the Australian Local Government Association is considered relevant to local government. The theme for this years conference is '*Australia's future: make it local*'. Information in relation to the conference is located on the Australian Local Government Association website (<https://alga.asn.au/?ID=16239>)

Costs associated with the conference are estimated as follows:

- registration : \$969.00 (Early – closes 4 May 2018)  
\$1290.00 (Standard – closes 1 June 2018)  
\$1429.00 (Late)
- official functions, optional : Networking Dinner - \$100.00  
NGA Dinner - \$130.00
- travel, accommodation and out of pocket expenses : not yet determined.

SA18.50

The Conference commences at 5.00pm Sunday 17 June 2018 and concludes at 12.30pm Wednesday 20 June 2018. There is not any Council Business scheduled within the period of the conference.

Each council is entitled to one voting delegate in the debating session. Council will need to determine who their voting delegate will be by resolution. Provision is made in the recommendation for the inclusion of the name of the Councillor appointed by Council.

Council will also submit motions for inclusion in the Agenda of the National General Assembly. A briefing of Councillors was conducted on Thursday 8 March 2018 for this purpose. The Motions will be provided to the March Ordinary Meeting for adoption prior to submission. The deadline for Motions is 30 March 2018.

There are no meetings of the Council scheduled during the National General Assembly.

### **Policy Implications**

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

### **Financial Implications:**

Funds are available for Councillors to attend this conference.



## SA18.51 Waste 2018 Conference

HPERM Ref: D18/76159

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

### Purpose / Summary

To consider Councillor attendance at the Waste 2018 Conference scheduled for 8-10 May 2018 in Coffs Harbour.

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

That Council

1. Notes the details of the Waste 2018 Conference scheduled for 8-10 May 2018 in Coffs Harbour.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

### Options

1. As per the recommendation.
2. That Council limit the number of Councillors attending the Conference and such attendance be deemed Council Business.
3. That Council not approve Councillor attendance at the Conference as Council Business.

### Background

The Waste 2018 Conference is considered relevant to local government, Information in relation to the conference is available on the following website <https://www.coffswasteconference.com.au/QuickEventWebsitePortal/2018/waste>

Costs associated with the conference are estimated as follows:

- registration: \$1,410
- travel, accommodation and out of pocket expenses: not yet determined.

An option available to Council is to define the number of Councillors attending the conference and for Council to determine the appropriate Councillors authorised to attend. This option is presented having regard to the increase in Councillor expenses in recent years, so that Council may pro-actively control this area of expenses when appropriate.

The Conference commences at 1.00pm Tuesday 8 May 2018 and concludes at 5.00pm Thursday 10 May 2018 and following Council Business is scheduled within the period of the conference:

- Development Committee 8 May 2018.
- Rural Fire Service Strategic Planning Committee 10 May 2018.

**Policy Implications**

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

**Financial Implications:**

Funds are available for Councillors to attend this conference.

## SA18.52 Submission - Office of Local Government - Consultation on draft of the new Model Code of Meeting Practice

**HPERM Ref:** D18/80837

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

**Attachments:** 1. Draft Submission - Response to Consultative Draft Model Code of Meeting Practice [↓](#)

### Purpose / Summary

To provide for adoption of Council's submission in response to the Consultative Draft of the Model Code of Meeting Practice for Local Councils in NSW.

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

That Council endorses the Draft Submission to the Office of Local Government (Attachment 1 to this report) for submission in response to the Consultative Draft of the Model Code of Meeting Practice.

### Options

1. As recommended

Implications: The submission will be made to the Office of Local Government as attached in the Draft Submission (Attachment 1)

2. That the submission be amended

Implications: Amendments to the submission may be included and detailed in the Council Resolution

3. That the Council not make a submission

Implications: The issues identified by Council staff and Councillors, in review of the documents, will not be provided to the Office of Local Government for consideration.

### Background

The Office of Local Government released [Council Circular 17-40 Consultation on the draft of Model Code of Meeting Practice for Local Councils](#) on 6 December 2017.

The circular provided the Consultative Draft Code of Meeting Practice for Local Councils in NSW.

The Office of Local Government has outlined that the consultative draft Code of Meeting Practice has been designed to achieve a range of outcomes, namely:

- promoting, as the principal object of meetings, the making of decisions by the governing bodies of councils that are in the best interests of the council and the community as a whole
- promoting more accessible, orderly, effective and efficient meetings and to provide councils with the tools to achieve these outcomes
- prescribing principles to inform the way in which meetings are conducted and to prescribe meeting rules that are consistent with these principles
- codifying areas of common practice across councils to clearly and efficiently lead to better informed and more effective decision making, that is consistent with the requirements of the Act
- promoting greater consistency between councils across the state in key areas of meetings practice without losing the ability to allow some variation in practice to meet local needs or expectations
- allowing greater flexibility in the conduct of meetings to accommodate a range of potential scenarios that are not addressed by the current meeting rules
- simplifying the language currently used to make the prescribed meeting rules more accessible and easier to understand
- modernising the rules to accommodate current and emerging technologies (e.g., electronic notice, electronic voting systems and webcasting).

The consultation process allows for Council and other stakeholders to make comment on the Draft Model Code of Meeting Practice.

The Consultative Draft of the Model Code of Meeting Practice, like the Shoalhaven Code of Meeting Practice, is based upon the provisions of the Local Government Act and Local Government (General) Regulation. In that context, there are many similarities between the Draft Model Code and the Council's current [Code of Meeting Practice \(POL 17/44\)](#)

Councillors have been provided the documents for review via email. A Councillor Briefing to discuss the amendments and content for the submission was held on 20 February 2018. The proposed submission outlines information provided by both Councillors and staff after detailed consideration of the proposed drafts.

The submissions were due by Friday 16 March 2018; however, the Office of Local Government has been informed that Council's submission will be made following the Strategy and Assets Meeting on 20 March 2018 and has confirmed the acceptance of the submission at that time.

Council Officials are permitted to make personal submissions in response to the Consultative Drafts.

### **Community Engagement**

The Office of Local Government has consulted with Council and other stakeholders in the community with respect to the consultative draft.

### **Policy Implications**

Once brought into effect, the new Model Code of Meeting Practice will apply to all Councils in NSW. After that time, Shoalhaven City Council will need to consider the Model and adopt a revised Code of Meeting Practice. Training will need to be provided to Councillors and Staff on the new Code, once adopted.

Council notes that many of the proposed provisions outline those which are included in the Council's current adopted Code, and therefore are supported.

This submission outlines:

- A. Comments of the Council with respect to provisions which differ to those that are outlined in Council's Code and which the Council has specific comment or suggestion for amendment.
- B. Matters which are currently included in Council's Code of Meeting Practice but are not covered in the Draft Model Code. These are listed as items for consideration for inclusion.

#### A. COMMENTS IN RESPONSE TO PROPOSED PROVISIONS

The following specific points are provided for consideration. The numbering reflects the parts and individual provisions of the Model Code.

### 2 Meeting Principles

The following are outlined as the Principles by which meetings should be conducted:

<b>Transparent</b>	<i>Decisions are made in a way that is open and accountable.</i>
<b>Informed</b>	<i>Decisions are made based on relevant, quality information.</i>
<b>Inclusive</b>	<i>Decisions respect the diverse needs and interests of the local community.</i>
<b>Principled</b>	<i>Decisions are informed by the principles prescribed under Chapter 3 of the Act.</i>
<b>Trusted</b>	<i>The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.</i>
<b>Respectful</b>	<i>Councillors, staff and meeting attendees treat each other with respect.</i>
<b>Effective</b>	<i>Meetings are well organised, effectively run and skilfully chaired.</i>
<b>Orderly</b>	<i>Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.</i>

#### Comment

It is noted that the Code of Conduct was changed in 2013 to remove the principles which were included within it. It is understood this change was made as they proved confusing as they were not actual obligations which could be breached. Should the principles remain in the Model Code of Meeting Practice, clarity should be provided as to whether they are enforceable under the Code. (For example, can non-adherence to these principles amount to the basis for a Point of Order under Clause 15.2?)

### 3. Before the Meetings

#### Giving notice of business to be considered at council meetings

*"3.13 A councillor may submit no more than [number to be specified by the council] notices of motion to be considered at each ordinary meeting of the council."*

#### Comment

It is noted that the provision is not mandatory, however Council does not support the provision as it considers that there should be no limitation on Councillors raising business via the mechanism of Notice of Motion.

*"3.14 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may either:*

*(a) prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council, or*

*(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such date specified in the notice, pending the preparation of such a report."*

Comment

It is noted that the provision is not mandatory. The Council suggests that its current practice of the General Manager adding a comment to Report of the Notice of Motion, rather than submission of a separate report or deferment is a more suitable approach.

- "3.15 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted, or
  - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report"

Comment

It is noted that the provision is not mandatory, however the Council does not support the inclusion of this provision as it is too restrictive on Councillors.

Agenda and business papers for ordinary meetings

*"3.22 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council."*

Comment

Councillors have commented that the General Manager should be provided further advice as to what in general will constitute unlawful business, as a determination to exclude an item from the Agenda under the proposed Clause may be subjective.

Pre-meeting briefing sessions

*"3.34 Prior to each ordinary meeting of the council, the general manager will arrange a pre-meeting briefing session to brief councillors on the items of business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.*

*3.35 Pre-meeting briefing sessions are to be held in the absence of the public.*

*3.36 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.*

*3.37 Councillors (including the mayor) are to make all reasonable efforts to attend premeeting briefing sessions.*

*3.38 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.*

*3.39 Councillors (including the mayor) must disclose and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do at a council or committee meeting"*

Comment

The provisions are supported as in general terms they reflect current practice of the Council, however, it is

suggested that these provisions could be condensed.

#### 4. Public Forums

##### Comment

- It is noted that the provisions are not mandatory and they are supported on that basis as one model the Council may apply in the future as a way to balance timeframes of meetings and public input.
- The Model does not stipulate that debate or agreement on resolution is not to take place in this forum. This should be stated.
- The Model is silent with regards to minutes or recording of the proceedings of the Public Forums. Further direction is requested in this regard.

#### 5. Coming together

##### Attendance by Councillors at meetings

**"5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members."**

##### Comment

The provision is not definitive as to what 'reasonable efforts' are and actions to be taken if a Councillor does not take such efforts.

##### Entitlement of the public to attend council meetings

##### Comment

The provisions of the Draft Model Code with respect to attendance at meetings reflect the Act and Council's current Code, however, at the end of Clause 5.17 (Page 20) there is a Note with respect to expulsion that refers to an incorrect code provision.

##### Webcasting of meetings

**"5.18 All meetings of the council and committees of the council are to be webcast."**

**5.19 Clause 5.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.**

**5.20 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements."**

##### Comment

- The Council has already resolved to support the Webcasting provisions.
- Further advice from the OLG as to requirement for making previous Webcasts available on Council's website and/or whether 'live webcasting' only and no storage would be appropriate.
- The activation of this compulsory provision as drafted is likely to create a demand for the supply of those services. The support of Office of Local Government or Tendering NSW by the setting of standard requirements or the selection of a suitable provider of these services would be appreciated to ensure value for money for all Councils in obtaining these services.

##### Attendance of the general manager and other staff at meetings

**"5.25 The attendance of other council staff at a meeting, (other than as members of public) shall be with the approval of the general manager."**

##### Comment

The provision is supported, although not considered an essential component of the Model Code as the General Manager can provide such direction to staff in their official capacity.

## 10. Rules of Debate

### Motions requiring the expenditure of funds

*"10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted."*

#### Comment

It is noted that the provision is not mandatory, however, the Council is not in support of the introduction of the provision as it is too restrictive on Councillors.

## 15. Keeping Order at Meetings

### Points of order

*"15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder."*

*15.2 A point of order must be taken immediately it is raised. The chairperson must suspend business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it."*

#### Comment

The draft provisions are supported; however, direction is requested as to which provisions within the Model Code are can be the basis for points of order.

### Use of mobile phones and the unauthorized recording of meetings

*"15.21 A person must not use a tape recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee."*

*15.22 Any person who makes a recording or attempts to make a recording of a meeting of the council or a committee of the council in contravention of clause 15.21, may be expelled from the meeting as provided for under section 10(2) of the Act.*

*15.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorized for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the firstmentioned person from that place and, if necessary, restrain that person from reentering that place.*

#### Comment

Council considers that given the Council will be required to Webcast Council meetings, the limitation on persons recording seems inconsistent.



## 13 Decisions of the Council

### Rescinding or altering Council Decisions

*"17.10 Notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than [council to specify the period of time] after the meeting at which the resolution was adopted."*

*17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:*

- (a) a notice of motion signed by three councillors is submitted to the chairperson, and*
- (b) a motion to have the motion considered at the meeting passed, and*
- (c) the chairperson rules the business that is the subject of the motion is of great urgency.*

*17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.19–0.27, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.*

*17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c)."*

#### Comment

The Council does not support the introduction of provisions allowing the consideration of a Rescission Motion at the meeting at which the resolution was adopted.

## 20. Council Committees

### Attendance at committee meetings

*20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:*

- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or*
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.*

*20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee*

#### Comment

The Council does not support the introduction of the cessation of a Councillor's membership of Committees based upon attendance at meetings.

## B. MATTERS NOT INCLUDED IN THE DRAFT MODEL CODE.

The following provisions outlined in Council's current Code of Meeting Practice are not addressed in the Draft Model Code. It is suggested that they be included in the Model Code.

### 2.5 Dress Code

*In respect to Ordinary Meetings, there is no prescribed minimum dress standard. However, Councillors are expected to be dressed in appropriate business attire whilst in the Chamber.*

### 4.16 Suspension of a Delegated Authority

- 1) *If a Councillor wishes to have any aspect of a delegation of authority to the General Manager or other staff member withdrawn in respect of a specific matter, then this shall be done by way of Notice of Motion to a Council meeting, in accordance with the requirements of this Code.*
- 2) *The Notice of Motion must clearly state the reasons for seeking the withdrawal of the delegated authority.*
- 3) *Upon receipt of a written Notice of Motion making such request, the General Manager shall take such measures as are necessary to temporarily cease consideration or action on the particular matter until the Notice of Motion has been resolved by Council at the next meeting of Council. The General Manager may take such measures as are necessary to ensure that any cessation of work is consistent with safe work practices and does not place members of staff or the public at risk.*
- 4) *The Notice of Motion is to be submitted to the next available Council meeting for consideration.*
- 5) *In considering the Notice of Motion, the Council must first determine whether it wishes to suspend the exercise of the delegated authority, before considering the substantive matter.*
- 6) *The Mayor may provide in writing to the General Manager at any time, the suspension of a delegation.*

*If the Mayor makes a request to the General Manager for the suspension of a delegation, the Mayor must report to the Council at the next available meeting the request and the reasons for the request*

### 9.4 Petitions

*The exact wording of petitions tabled at meetings of the Council shall be recorded in the minutes of that meeting. In the event a petition contains 500 or more signatures is presented to a Council meeting the subject matter of the petition shall trigger a report from the General Manager to the next Ordinary Meeting of Council.*

### 9.5 Development Approval Process

*In any circumstances where a Development Application is called-in by Council for determination the resolution shall include reasons for doing so.*

*Reasons will also be recorded for decisions, approval or refusal, involving Development Applications seeking approval for significant variations to Council policies, Development Control Plans or other development standards.*

## SA18.53 Submission - Office of Local Government - Consultation Draft - Councillor Induction and Professional Development Guidelines

**HPERM Ref:** D18/82631

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

**Attachments:** 1. Draft Submission to the Office of Local Government [↓](#)

### Purpose / Summary

To provide Council's submission in response to the Consultative Draft of the Councillor Induction and Professional Development Guidelines.

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

That Council endorses the Draft Submission to the Office of Local Government (Attachment 1 to this report) for submission in response to the Consultative Draft of the Councillor Induction and Professional Development Guidelines.

### Options

1. As recommended

Implications: The submission will be made to the Office of Local Government as attached in the Draft Submission (Attachment 1)

2. That the submission be amended

Implications: Amendments to the submission may be included and detailed in the Council Resolution

3. That the Council not make a submission

Implications: The issues identified by Council staff and Councillors, in review of the documents, will not be provided to the Office of Local Government for consideration.

### Background

The Office of Local Government released [Council Circular 17-39 – Induction and Professional Development for Mayors and Councillors](#) on 6 December 2017.

The circular provided the [Consultative Draft Document – Councillor Induction and Professional Development Guidelines](#).

In summary, the Office of Local Government has outlined that:

Amendments made to the *Local Government Act 1993* (the Act) by the *Local Government Amendment (Governance and Planning) Act 2016* in August 2016 saw the inclusion in the prescribed role of councillors under section 232 a responsibility “to make all reasonable

*efforts to acquire and maintain the skills necessary to perform the role of a councillor*". In support of this, the amendments allow regulations to be made for induction and other professional development for mayors and councillors.

The Office of Local Government (OLG) has prepared guidelines to assist councils to develop and deliver induction and ongoing professional development activities for their mayor and councillors in compliance with the proposed regulations. These will be issued under section 23A of the Act.

Under the guidelines, Councils' induction and professional development programs are to consist of three elements:

- *Pre-election candidate sessions* – these are to ensure prospective candidates are aware of what will be expected of them if elected (these are not mandatory but are encouraged)
- *Induction program* – this aims to equip mayors and councillors with the information they need to perform their role effectively over the first few months and has a focus on building positive, collaborative relationships between councillors and with staff
- *Professional development program* – this is to be developed in consultation with all councillors and delivered over the term of the council to build the skills, knowledge and personal attributes necessary to be an effective mayor or councillor.

The consultation process allows for Council and other stakeholders to make comment on the Draft Guidelines prior to finalisation.

Councillors have been provided the documents for review via email. A Councillor Briefing was proposed however did not proceed. Councillors were also provided a summary of the Guidelines and comments with respect to proposed submission via email on 2 March 2018. The Draft Submission is provided at Attachment 1 to this report.

The submissions are due by 16 March 2018; however, the Office of Local Government has confirmed that submissions received in the following week will be included in considerations. It is proposed that the final submission of the Council will be made immediately after adoption by the Council.

### **Community Engagement**

The Office of Local Government has consulted with Council and other stakeholders in the community with respect to the consultative draft guidelines.

### **Policy Implications**

Once brought into effect, the Guidelines will form the basis for the development of Professional Development Programs for the current Mayor and Councillors and for Pre-Election and Induction Programs for Councillors for the 2020 election.



## Submission - Consultative Draft - Councillors Induction & Professional Development Guidelines

This submission outlines the comments and responses of the Council with respect to the Councillor Induction and Professional Development Guidelines – Consultation Draft which was released in December 2017 for comment.

Council provides the following comments and response to the Consultation Draft for consideration:

- Council strongly supports the requirement for Councils to deliver induction and professional development programs to assist Mayors and Councillors acquire and maintain the necessary knowledge and skills to perform their roles of elected officials.
- Council has held Pre- Candidate Information Sessions prior to the 2012 and 2016 elections. Those sessions were in the whole reflective of those components outlined in the Guide. The additional aspects with respect to timeframes and evaluation process will improve the sessions.
- The induction program held for Councillors elected to Shoalhaven City Council in 2016, again was very similar to that outlined in the guidelines with respect to the knowledge component.
- The approach of compulsory induction training does not align with the previous approach of the Council in that Councillors who did not wish to attend, or could not attend were not forced to. This approach supported a learning environment where all attendees had strong participation. The compulsory approach to training for practical reasons of scheduling (particularly in Councils with 13 members) will likely result in Councils preferring online training modules to ensure completion of all components.
- Council supports the approach to Professional Development that is outlined in the Guidelines, however with exception to the following points:
  - The guidelines state that *"the Plan should be developed in consultation with the Mayor, each individual councillor and the governing body as the whole and the General Manager"*. Council is concerned that the provisions as proposed would allow the debate of individual development plans of Councillors at meetings of the Council, and do not stipulate that contents of a plan must be agreed to by the individual Councillor. While it is considered that the listing of required skills and knowledge of Councillors should be ratified by the members of the elected Council, the allowance of debate of the Council on the content of individual plans places the development of individuals into a public and political space which is not supported by the Council. Further, the imposition of training on a Councillor on topics which they do not agree is considered to undermine the benefits of such a program. The Council strongly suggests the Guidelines be changed to address these issues.
  - The suggested detailed public reporting of the individual components of each Councillors training programs (in terms of training which was scheduled and what was attended for each Councillor) is also considered to undermine the concept of professional development and the resultant outcomes which may be achieved. It is considered highly likely that Councillors will not freely identify all gaps in their knowledge and skills for inclusion in the professional development plans when those are made public and can be used to critique them. For this reason, it is suggested that the guidelines be amended to limit reporting to those programs which the Council made available in the period and to where Councillors have failed to attend to training or programs without sufficient reason.
- Given that the core skills and knowledge requirements of Councillors have such high levels of commonality across NSW, additional assistance from the Office of Local Government by providing guidance and systems is considered key to efficient delivery of the training and professional development of Councillors across the state.

## SA18.54 Feedback - Office of Local Government - Regulation Consultation Guide - Supporting Joint Organisation Success

**HPERM Ref:** D18/82877

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

**Attachments:** 1. Regulation Consultation Guide - Supporting Joint Organisation Success (under separate cover) [⇒](#)  
2. Draft Feedback Form for Submission [↓](#)

### Purpose / Summary

To provide Council's submission in response to the Draft Regulations and the Regulation Consultation Guides to support Joint Organisations (JOs)

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

That Council endorses the Draft Feedback to the Office of Local Government (Attachment1 to this report) for submission in response to the Draft Regulations and the Regulation Consultation Guides to support Joint Organisations.

### Options

1. As recommended

Implications: The submission will be made to the Office of Local Government as attached in the Draft Feedback Form (Attachment 2)

2. That the submission be amended

Implications: Amendments to the submission may be included and detailed in the Council Resolution

3. That the Council not make a submission

Implications: The issues identified by the Council staff and Councillors in review of the documents will not be provided to the Office of Local Government for consideration.

### Background

The Office of Local Government released [Circular No. 18-02 Supporting Joint Organisation Success - Consultation on regulations and extensions to the nomination deadline](#) on 16 February 2018.

The circular outlined that the [Local Government \(Amendment \( \) Regional Joint Organisations Act 2017](#) was assented to on 30 November 2017.

Council resolved to nominate the Illawarra Shoalhaven Joint Regional Organisation on 19 December 2017 (MIN17.1106 refers)

The circular also provided the “*Supporting Joint Organisation Success - Regulation Consultation Guide*” which is provided as Attachment 1 to this report.

The Regulation consultation guide outlines the following provisions of the regulation:

- Each JO is to have their own Charter which includes:
  - Operational Principles
  - Governance Principles
  - A methodology for determining financial contributions.
- The Chairperson is to be a Mayor elected from amongst the Mayors who are members, for a term of two (2) years. They do not have a casting vote.
- Where the Mayor of a Council is not available, the alternate member will be the Deputy Mayor.
- The JO is to have an Expenses and Facilities Policy for members, which covers travel and other expenses.
- Voting can be undertaken by video or teleconference.
- The JO will be required to produce the following strategic planning documents and reports.
  - Strategic Regional Priorities
  - Annual Report
  - Audited Financial Reports
- The JOs will be permitted to appoint their first Executive Officer without needing to advertise or undertake merit- based selection for a period of up to 12 months
- Lateral transfer of staff will be permitted between the JO and member Councils
- Many of the provisions under the Local Government Act which apply to Councils will also apply to JOs.

Councillors have been provided the documents for review via email. A Councillor Briefing to discuss the amendments and content for the submission was held on 6 March 2018. The proposed response is outlined in Attachment 2 to this report and reflects information provided by both Councillors and staff after consideration of the proposed drafts.

The submissions were due by Friday 16 March 2018. At the briefing it was determined that this report should be provided to the Council prior to submission of the response. It will be submitted immediately upon the resolution of the Council (under Delegated Authority)

Council Officials are permitted to make personal submissions in response to the Consultative Drafts.

**Community Engagement**

The Office of Local Government has consulted with Council and other stakeholders in the community with respect to the consultative guide and the Regulations.

**Policy Implications**

Once the Illawarra Shoalhaven IPJO is formally acknowledged and the legislative provisions brought into place, further reports will be provided to the Council outlining actions and decisions to be made.



## Appendix A – Feedback Form

### Below is a copy of the online feedback form containing questions about the regulation of Joint Organisations (JOs)

Submissions can be made online by 5pm on Friday 16 March 2018. To complete the submission go to [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) and follow the link to the Joint Organisations webpage.

For further information please contact the Joint Organisations Team in the Office of Local Government on **02 4428 4100**, via email to

[jointorganisations@olg.nsw.gov.au](mailto:jointorganisations@olg.nsw.gov.au), or

**Office of Local Government  
Levels 1 & 2  
5 O'Keefe Avenue  
Locked Bag 3015  
NOWRA NSW 2541**

### Privacy Notice

When you give us your feedback, the Office of Local Government (OLG) will be collecting some personal information about you, in particular:

- your name
- your email address
- the name of your organisation (if provided)
- any personal information you decide to put in the additional comments fields.

All feedback received may be made publicly available. Please do not include any personal information in your feedback that you do not want published.

This information is being collected by OLG to help the Government develop the regulations to support the establishment of Joint Organisations. As part of that process, we may need to share your information with people outside OLG, including other public authorities and government agencies. We may also use your email contact details to send you notifications about further feedback opportunities or the outcome of consultation.

There may also be circumstances when OLG is required by law to release information (for example, in accordance with the requirements of the Government Information (Public Access) Act 2009). There is also a privacy policy located on the OLG website that explains how some data is automatically collected (such as your internet protocol (IP) address) whenever you visit the OLG's website. The link to that policy is <http://www.olg.nsw.gov.au/privacy>

### General Information

**Name:**

**Position:**

**Organisation Name:** Shoalhaven City Council

**Organisation category (please tick applicable box below):**

- ☒ Council  
☐ ROC/Pilot JO  
☐ Peak industry body  
☐ State agency

☐ **Other**

If 'Other', please specify:

**Postal or email address:**

PO Box 42, Nowra NSW 2541

## Appendix A – Feedback Form

### Feedback Questions

Question	Support
<b>The Charter – Section 3.1</b>	
Are the proposed provisions for the Charter appropriate?	Yes ✓ No In-part
What improvements could be made, if any?	Comment

### Election of the Chair – Section 3.2

Are the proposed provisions setting out how a Chair may be elected appropriate?	Yes ✓ No In-part
What improvements could be made, if any?	Comment

### Alternates – Section 3.4

Are the proposed provisions for the appointment of alternates appropriate?	Yes No In-part ✓
What improvements could be made, if any?	Comment
<b>Council endorses the provisions on the basis that each Council has two (2) endorsed councillor members on the Joint Organisation.</b>	

### Expenses and Facilities – Section 3.5

Are the proposed provisions on expenses and facilities appropriate?	Yes ✓ No In-part
What improvements could be made, if any?	Comment
<b>There should be clarification around any overlap between Council and JO Expenses Policies.</b>	

## Appendix A – Feedback Form

### Feedback Questions

#### Question

#### Support

#### Remote participation and voting – Section 3.6

Are the proposed provisions about remote voting appropriate?

Yes ✓  
No  
In-part

What improvements could be made, if any?

Comment

#### Planning and reporting – Section 3.7

Are the proposed provisions for planning and reporting appropriate?

Yes ✓  
No  
In-part

What improvements could be made, if any?

Comment

#### Executive Officers – Section 3.8

Are the proposed provisions allowing JOs to appoint their first Executive Officer without needing to advertise or undertake merit-based selection for a period of up to 12 months appropriate?

Yes ✓  
No  
In-part

What improvements could be made to the provisions for appointing Executive Officers, if any?

Comment

#### Other staff – Section 3.9

Are the proposed provisions enabling the lateral transfer of staff between councils and JOs to support the local government workforce appropriate?

Yes ✓  
No  
In-part

What improvements could be made to the provisions for staff transfers, if any?

Comment

## Appendix A – Feedback Form

### Feedback Questions

Question	Support
<b>Application of Act and Regulation – Section 3.10</b>	
Is the proposed application of the Local Government Act and regulations to JOs appropriate?	Yes <input checked="" type="checkbox"/> No In-part
What improvements could be made, if any?	Comment

### Other comments

What other comments do you have about the proposed regulations to support JOs?	Comment

## SA18.55 Classification of land - Part Lots 2 & 3 DP1205656 Dolphin Point Road Burrill Lake

**HPERM Ref:** D18/35106

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

**Attachments:** 1. Plan - Part Lots 2 & 3 DP1205656 Dolphin Point Road Burrill Lake [↓](#)

### Purpose / Summary

To consider classification of the land described as part Lots 2 & 3 DP1205656 being proposed Lots 2 & 3 DP1228719 Dolphin Point Road, Burrill Lake as Operational land.

### 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.

### Options

1. Resolve as recommended.

Implications: The land will be able to be used for purposes of a sewer pump station. Should any objections be received prior to the close of submission on 15 March 2018 Council will be notified at its meeting on 20 March 2018.

2. Not resolve as recommended

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

### Background

Part Lots 2 & 3 DP1205656 being proposed Lots 2 & 3 DP1228719 (refer to Attachment 1) are being acquired in accordance with a resolution of Council dated 31 January 2017 MIN17.56 a sewer pump station site.

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

There are two classifications available:

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

Land will automatically be classified community land if it is acquired or dedicated under Section 94 of the EPA Act 1979 being "subject to a trust for public purposes" i.e land

intended for public access or use. The advantage of community land is it will restrict the alienation and use of the land, thereby protecting the public interest.

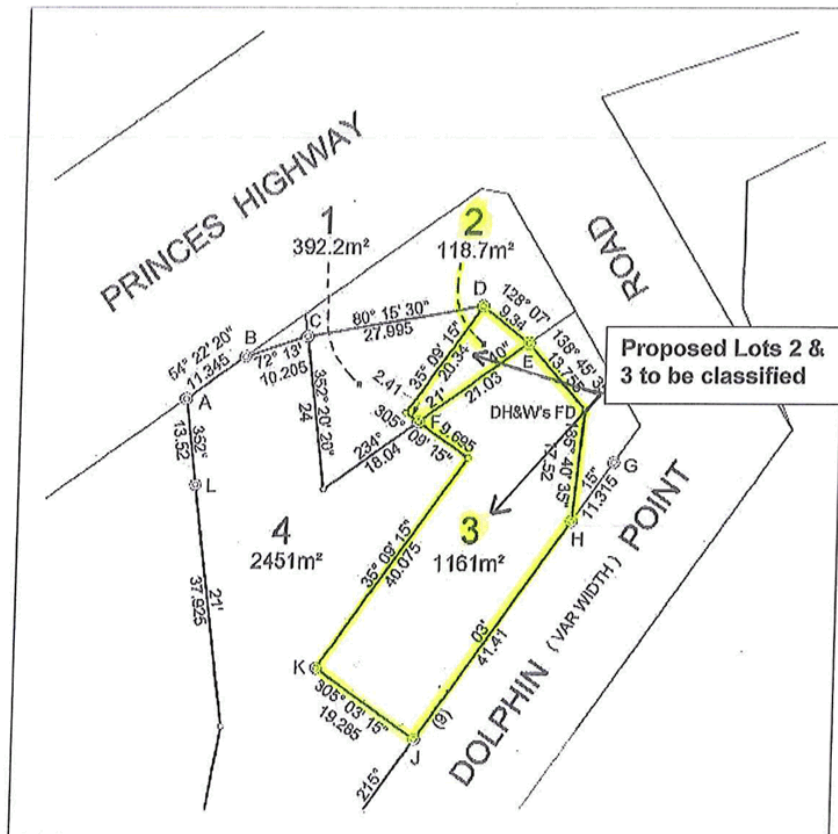
Operational land on the other hand has no special restrictions other than those that may apply to any parcel of land. The advantage of operational land is that it affords Council flexibility in its use and any future dealings.

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

Land incorrectly classified (via resolution or by default) that subsequently requires an ability to be dealt with will require a reclassification to operational land that involves the making of an LEP amendment under the EPA Act 1979. This is a timely and costly exercise with no budget having been provided.

### **Community Engagement**

In accordance with Section 34 of the LGA93, a public notice of Council's intention to classify the land as Operational was placed in the local press 14 February 2018 allowing 28 days for written submissions, closing 15 March 2018. At the time of writing this report no submissions have been received and any submissions received prior to the closing time will be advised at the Committee meeting.



## SA18.56 Classification of land - Part Lot 100 DP1222232 Field Street Huskisson

**HPERM Ref:** D18/35337

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

**Attachments:** 1. Plan - Part Lot 100 DP1222232 Field Street Huskisson [↓](#)

### Purpose / Summary

To allow Council to consider classification of the land described as part Lot 100 DP1222232 Field Street, Huskisson as Operational Land.

### Recommendation

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

### Options

1. Resolve as recommended.

Implications: The land will be able to be used to rectify an encroachment by a sewer pump station. Should any objections be received prior to the close of submission on 15 March 2018 Council will be notified at its meeting on 20 March 2018.

2. Not resolve as recommended.

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

### Background

Part Lot 100 DP1222232 Field Street Huskisson (refer to Attachment 1) is being acquired in accordance with a resolution of Council dated 19 December 2017 MIN17.1084 to rectify an encroachment by a sewer pump station onto the adjoining private land.

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

There are two classifications available:

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

Land will automatically be classified Community land if it is acquired or dedicated under Section 94 of the EPA Act 1979 being "subject to a trust for public purposes" i.e land



intended for public access or use. The advantage of Community land is it will restrict the alienation and use of the land, thereby protecting the public interest.

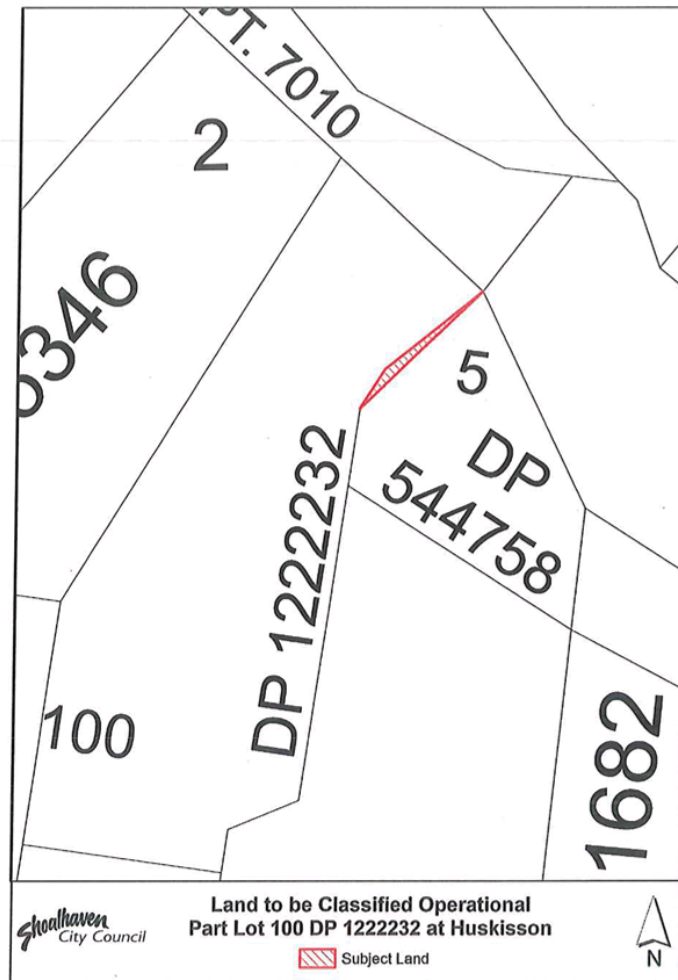
Operational land on the other hand has no special restrictions other than those that may apply to any parcel of land. The advantage of operational land is that it affords Council flexibility in its use and any future dealings.

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

Land incorrectly classified (via resolution or by default) that subsequently requires an ability to be dealt with will require a reclassification to operational land that involves the making of an LEP amendment under the EPA Act 1979. This is a timely and costly exercise with no budget having been provided.

### **Community Engagement**

In accordance with Section 34 of the LGA93, a public notice of Council's intention to classify the land as Operational was placed in the local press 14 February 2018 allowing 28 days for written submissions, closing 15 March 2018. At the time of writing this report no submissions have been received and any submissions received prior to the closing time will be advised at the Committee meeting.



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

**HPERM Ref:** D18/24295

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

**Attachments:**

1. Plan - Encroachment onto Dolphin Reserve [↓](#)
2. Building at 1 Walton Way which encroaches onto Dolphin Reserve [↓](#)
3. Fencing Encroachment onto Dolphin Reserve [↓](#)
4. Fencing Encroachment onto Dolphin Reserve [↓](#)
5. Submission by PDC Lawyers [↓](#)

### Purpose / Summary

To consider a request from the owner of a property adjoining Dolphin Reserve at Currarong that Council support an application to the Land and Environment Court for orders under the Encroachment of Buildings Act 1922 which will have the effect of authorising an encroachment onto public land.

### Recommendation

That Council resolves to:

1. Support an application by the owner of Lot 220 DP 16854 at 1 Walton Way Currarong, Robin Nicholas Graham, to the Land and Environment Court of New South Wales for an order under the Encroachment of Buildings Act 1922 that an easement right be created in relation to the encroachment onto Council owned land known as Dolphin Reserve at Currarong comprised in Lot 222 DP 16584 and shown by hatching on Attachment "A" provided that the easement is extinguished upon demolition of the building which forms the encroachment;
2. Take no action in relation to the other encroachments onto Dolphin Reserve in the form of fencing adjacent to the western boundaries of properties at 3 to 9 Walton Way inclusive other than to acknowledge the encroachments and to inform the registered proprietors of those properties that Council requires that fencing be relocated to the surveyed boundaries whenever the properties are redeveloped for any reason; and
3. Grant authority to affix the Common Seal of the Council of the City of Shoalhaven to any document required to be sealed and to delegate to the General Manager the authority required to finalise this matter including, if required, any submission to the Land and Environment Court of New South Wales in relation to an application for orders under the Encroachment of Buildings Act 1922 in (1) above.

### Options

1. Proceed in accordance with the recommendation.

Implications. This will deliver a compromise solution to the problem of an encroachment onto public land which does not adversely impact the long term public interest and which provides certainty that the encroachment will be removed when the building is

- demolished because it has reached the end of its useful life and/or is to be redeveloped.
2. Adopt a resolution which supports a Land and Environment Court order that the land be sold to the adjoining owner.  
Implications. The alienation of this parcel of public land comprising part of Dolphin Reserve at Currarong is not recommended.
  3. Resolve that all encroachments onto Dolphin Reserve, Currarong are to be removed immediately.  
Implications. The owners of the properties at 1 to 9 Walton Way inclusive will be required to pay for the cost of the removal of fencing and other structures AND to install new fencing on the correct alignment as confirmed by survey (Council may have to pay half the cost of the new fencing estimated at \$4,000).
  4. Allow the encroachments to remain.  
Implications. Dolphin Reserve is community land categorised under the Local Government Act 1993 as “Park”. The adopted generic plan of management for parks is opposed to alienation of public land and promotes the removal of existing encroachments.
  5. Propose an alternative and provide further direction to staff.

## **Background**

Dolphin Reserve at Currarong is comprised in Lot 222 DP 16854 located at the western end of Piscator Avenue fronting Currarong Creek at the point where the creek discharges into the Pacific Ocean. The land is classified “community” land and categorised as a “park” under the Local Government Act having been acquired by Council from Princelands Limited (Halloran) in 1955.

The transaction involving the transfer of a number of lots within the village of Currarong from Princelands to Council was finalised in 1956 when a transfer was executed by both parties and registered as Dealing G449155 by the Registrar General. It is noted that the land was acquired for public recreation purposes even though Princelands transferred the land as an estate in fee simple ie it had not been set aside as public garden and recreation space or as a public reserve in a private subdivision.

There are five (5) residential lots in Walton Way which have boundaries contiguous with the eastern boundary of Dolphin Reserve and survey confirms that all five (5) properties encroach onto the reserve. The property at 1 Walton Way is developed as a residential property with a stand-alone holiday rental which encroaches onto Dolphin Reserve by as much as 2.69 metres whereas the other four (4) properties have enclosed part of Dolphin Reserve without authority. All five properties have encroached onto the reserve by between 3 and 3.29 metres – Attachments “2”, “3” and “4” show fencing which encroaches onto the reserve.

## **Survey History**

The Currarong Estate was developed in the late 1920s early 1930s by Henry Halloran as the “Governing Director” of the company which owned the land at the time (prior to Princelands becoming owner) - the Council of Clyde Shire approved the subdivision in July 1927, survey was carried out in June 1928 and the Council Clerk’s Certificate was issued in July 1929.

## **Current Request**

PDC Lawyers act for Robin Nicholas Graham, the owner of the property at 1 Walton Way Currarong, and have made a submission to Council with the objective of securing Council's support for an application to the Land and Environment Court for orders which will effectively authorise the occupation of public land. The submission by PDC Lawyers is set out on Attachment "E" and is summarised as follows:

- As a result of an historical error in approximately 1932, the fencing on the boundary of Dolphin Reserve is actually 3 metres inside the boundary of the reserve.

STAFF NOTE: the assertion of an historical error (ie a survey error) implies an error by the original surveyor and this is not endorsed by Council staff. It is acknowledged however, that fencing had been erected on an incorrect alignment and over the years subsequent development did not address the problem of fencing not being on the correct boundary.

- A cottage was built on the property at 1 Walton Way in 1938 and part of that building encroaches onto Dolphin Reserve.

STAFF NOTE: The building which encroaches onto the reserve is a stand alone building which is a holiday letting. It is not clear that this building was constructed at the same time as the main building was erected on the land.

- The client has previously corresponded with Council with a view to ascertaining a means of remedying the encroachment.

STAFF NOTE: Council advised Mr Graham (and Ms Shields) in August 2013 that Council would not be taking action to rectify the encroachment and that the resolution of Council dated 20 August 2013 inviting a planning proposal to reclassify the part of the reserve enclosed with private property remained Council's current position.

Furthermore, it is noted that the owner of the property has a current development consent to remove the encroachment and it would appear that he is reluctant to act on that consent.

- As a consequence of having been made aware of the Encroachment of Buildings Act 1922, Mr Graham consulted PDC Lawyers who have now taken instructions to the effect that orders of the Land and Environment Court are to be sought to have transferred to Mr Graham the part of Dolphin Reserve occupied by Mr Graham as a result of the encroachment.

### ***Encroachment of Buildings Act 1922***

An adjacent owner or an encroaching owner may apply to the Court for relief under this Act in respect of any encroachment.

On application, the Court may make such orders as it may deem just with respect to:

- the payment of compensation to the adjacent owner;
- the conveyance, transfer or lease of the subject land to the encroaching owner, or the grant to the encroaching owner of any estate or interest therein or any easement right or privilege in relation thereto; and
- the removal of the encroachment.

PDC Lawyers propose the making of an application to the Court for orders that the part of the common boundary between Lot 222 DP 16854 and Lot 220 DP 16854 is to be adjusted westwards, to correspond to the existing alignment of the fence on the basis of the following commitments:

- the applicant will prepare any necessary applications and plans to give effect to the boundary adjustment referred to above;

- the applicant will pay the costs and expenses for the preparation of such applications and plans, and for their lodgement with the appropriate authorities; and
- Council is to sign all necessary documents to enable such application and plans referred to above to be lodged with appropriate authorities.

### **Consultation**

The submission by PDC Lawyers has been circulated internally for comment and only the Recreation, Community and Culture Manager and Strategic Planning Manager have raised concerns about agreeing to any proposition by which part of Dolphin Reserve is alienated.

The Strategic Planning Manager's comments are discerning and serve to inform Council that discussions with the landowner on matters relating to Dolphin Reserve and the encroachment date back to 2006:

*"Strategic Planning have been involved in discussions with Council's Property Unit and the landowners of 1 Walton Way, Currarong as early as the Citywide LEP process which commenced in 2006. More recently, we met with the landowners on 16 June 2016 and subsequently wrote to them on 8 July 2016. The meeting and written advice provided options in terms of proceeding with rectifying the encroachment, these included:*

- *Claim of adverse or possessory title – it was noted that this would not be an eligible claim as adverse or possessory title can only be applied for over the whole title of land.*
- *Proceedings with the Land and Environment Court under Section 3 of the Encroachment of Buildings Act 1922 – it was recommended that the landowner obtain their own legal advice with respect to pursuing this option.*
- *Sale of part of the land (i.e. Dolphin Reserve) containing the encroachment – this was not a possible option due to the classification of the land as 'Community', and such sale of the land is prohibited under the Local Government Act 1993. Sale of the land could only be considered if the land was classified 'Operational', a Planning Proposal would be required to do so.*
- *Removal of the encroachment by way of a DA for partial demolition of the structure. It was also noted that an active Development Consent exists of the site that involves the partial demolition of the structure to rectify the encroachment. The landowner advised that this was not a viable option as it would involve partial demolition of the existing dwelling.*

*A meeting was held on 6 November 2017 with the landowner, his surveyor and legal representative, Mike Harben and myself following receipt of correspondence that the landowner wished to proceed to make an application to the Land and Environment Court under Section 3 of the Encroachment of Buildings Act 1922. The intention of the application was explained to be for the transfer of land. During the meeting it was advised that the landowner or his representatives should prepare a response to Council which included a report from the registered surveyor to explain the history of the site and the encroachment.*

*I have reviewed the documentation provided by PDC. Information contained within the letter indicates that they wish to make an application for land transfer rather than an easement. Compensation is also raised as an item of consideration.*

*Despite the occurrence of the error in survey or error in erection of the rear boundary fence on public land, the fact is that the land in which the encroachment exists is public land. A precedent should not be set by this particular situation whereby Council agrees to sell land reserved for community purposes.*

*In considering the options available, Strategic Planning agree to support an application for an easement for the life of the structure. The easement is considered to be a fair balance between enabling the existing dwelling to remain for the remainder of its life and also preserving the land for its eventual use by the public as it was originally intended for.*

*However this proceeds, Strategic Planning will need to be advised of the eventual outcome to ensure that any necessary housekeeping amendments are made to the LEP. It may be necessary that we seek our own legal advice in respect to the issue of the zoning and classification of the land to determine what requirements Council will need to fulfil in the instance that the application to the Land and Environment Court is grant by a land transfer.”*

### **Encroachments**

It appears likely that the encroachments date back to the time when the land was first surveyed and the boundaries of Lot 222 DP 16854 were not properly identified when the first fencing was erected. It is also likely that a series of events ie construction of housing, took place without the problem of fencing on the incorrect alignment being recognised.

It is important that the owners of the properties which have encroached onto Dolphin Reserve be put on notice that Council is aware of the encroachments and requires that when the properties are redeveloped, the encroachments are to be removed at that time.

### **Compensation**

The PDC Lawyers’ submission discusses the issue of compensation in a way that suggests that it is unlikely that a Court will issue orders as to compensation. This may well be the case but that is a matter for the Court.

In all other property dealings, if Council is to consider the granting of an easement for any purpose, compensation is an issue to take into consideration. It follows then that in this case Council can elect to support an application for a Court order but it should do so on the basis of compensation being payable.

If the Court is to consider the grant of an easement in accordance with the provisions of the Encroachment of Buildings Act 1922, it has to consider all aspects of the case including any submissions made to it and therefore compensation for the loss of public land, even if only temporary, is going to be a very important consideration.

If this matter proceeds to the making of an application to the Land and Environment Court, Council will have an opportunity to make a submission to the Court and that submission will address the issue of compensation.

### **Method of Disposal**

The submission by PDC Lawyers is predicated on seeking orders from the Court with respect to disposal of the land rather than lease or a grant to their client of an estate or interest or easement right or privilege.

The justification put forward relies on the view that nothing changes for Council and that Council has never been cognisant of the encroachment nor has it ever used the land which is the subject of the encroachment.

The argument put forward by the Strategic Planning Manager in support of the retention of public land unless there is compelling reason to do otherwise has merit as does the need to seek to avoid an unwanted precedent.

A compromise position which protects the interests of all parties involved by the creation of an easement would appear to be a sensible outcome and worthy of support in this case.

## Community Engagement

### ***Currarong Community Association (Currarong CCB)***

This matter was discussed at a meeting of the Currarong CCB on 17 February 2018. The following is an extract from the minutes of that meeting:

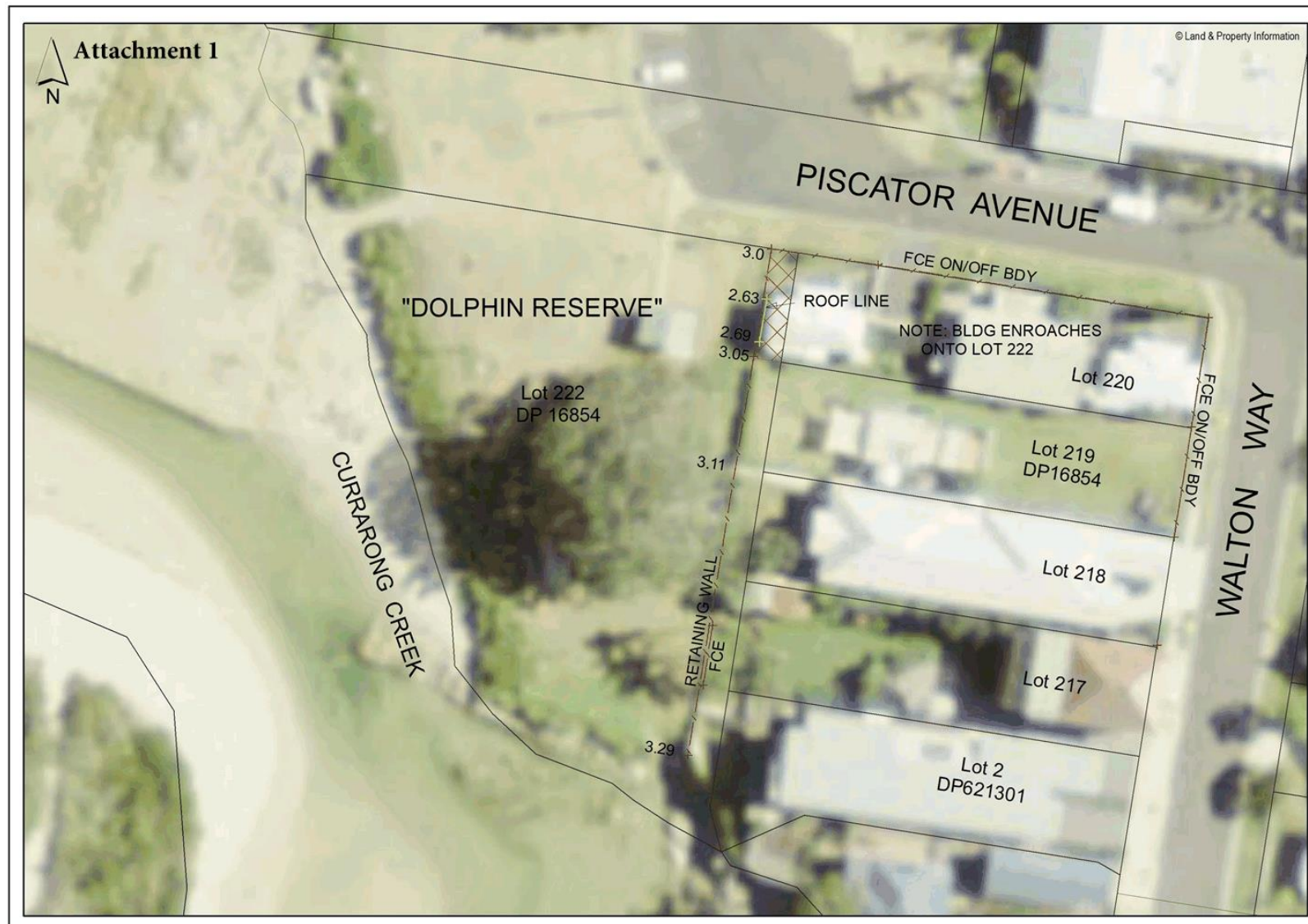
*“Attended by Council's Mike Harbin and the owners of 1,3 & 5 Walton Way, who all spoke on the issue of the encroachment onto Dolphin Reserve. Several members also spoke and asked questions. The following is a summary of the key points:*

- a. It was a unanimous view that the land affected by the encroachment should not go back to public land. This was based on the fact that the fence line of 1 to 9 Walton Way has historically always been where it is today and the community does not see that this should change.*
- b. The meeting does not have a preferred position on what remedy to the encroachment should take place. It was the view that this should be left to the landowners, Council and Courts to decide, in the event legal action takes place.*
- c. The owners of 1 Walton Way stated that their intention (notwithstanding the ultimate determination on the encroachment), is to keep the historical cottages which they describe as "vitally important in maintaining the quaint character of the village". This is also supported by the community who value the historical context of the cottages.”*

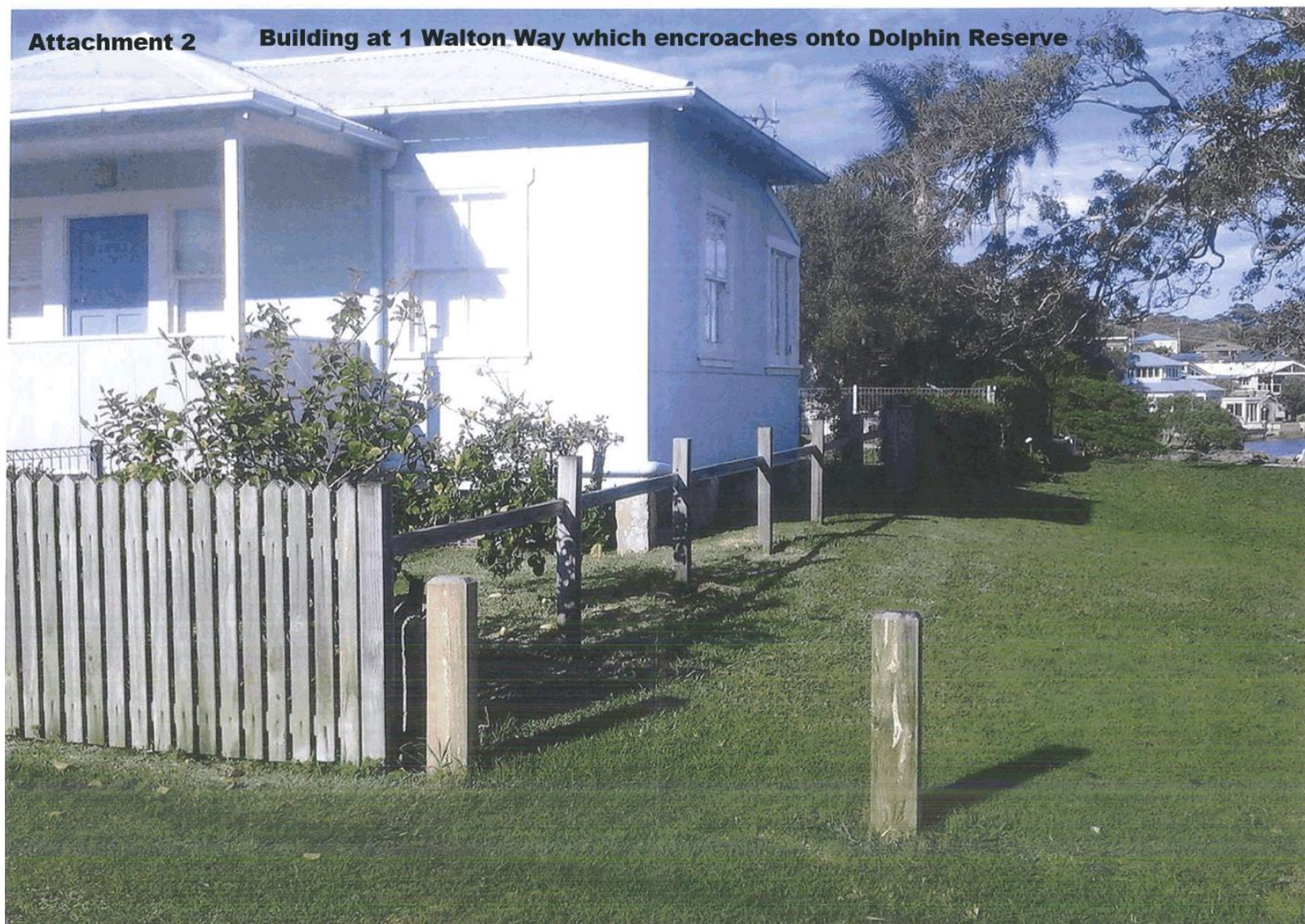
Whilst the CCB is of the view that the area encroached upon should not go back to public land, the CCB does concede that the remedy to the encroachment should be left to the landowners, Council and the Courts to determine.

The recommended course of action which supports an application to the Land and Environment Court for orders requiring the creation of an easement right to protect the interest of a private landowner for the life of the encroaching building does not adversely impact the public interest nor is it opposed to the view of the CCB.











**Attachment 3**

**Fencing encroachment onto Dolphin Reserve**



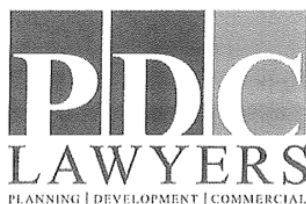


**Attachment 4**

**Fencing encroachment onto Dolphin Reserve**



**Attachment 5**



6 December 2017

Your Ref: Mike Harben  
Our Ref: ADK:17/0166

The General Manager  
Shoalhaven City Council  
PO Box 42  
NOWRA NSW 2541

By email: [michael.harben@shoalhaven.nsw.gov.au](mailto:michael.harben@shoalhaven.nsw.gov.au)

Dear General Manager

RE: ENCROACHMENT ONTO PUBLIC RESERVE | 1 WALTON WAY, CURRARONG |  
REQUEST FOR COUNCIL ACQUIESCENCE TO COURT APPLICATION

I refer to my recent correspondence with Council and to my conference with Mike Harben in Council's office on 6 November 2017, to which my client and Ernie Panucci were also present.

At the outset I would like to thank Mr Harben for the time he has taken to meet with us. I know that he has considered this matter closely and his attention is greatly appreciated.

As you know, I act for Robin Graham, the registered proprietor of 1 Walton Way, Currarong being the land contained in Lot 220 DP 16854 (the Property).

**1. Background**

The Property adjoins a public reserve at Piscator Avenue, known as Dolphin Reserve. Dolphin Reserve is classified as Community Land and is contained in Lot 222 in DP 16854.

We are instructed that as a result of an historical error in approximately 1932:

- a) the fenceline of our client's property and the four lots to its south were erroneously set out in a location approximately 10 feet over the boundary of the property that is now known as Dolphin Reserve; and
- b) a cottage was built in approximately 1938 on the Property in a location that encroaches 2.13 metres into Dolphin Reserve.

We understand that our client has previously corresponded with Council with a view to ascertaining a means of remedying the encroachment and we enclose a copy of your letter to our client dated 8 July 2017.



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ABN 64 612 774 848

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Legal practitioners employed by Planning Development Commercial Lawyers are members of the scheme.



**2. Application pursuant to the Encroachment of Buildings Act 1922 and request for consent**

We have now been engaged by our client to pursue an application under the *Encroachment of Buildings Act 1922 (the EB Act)* to seek the transfer of the portion of Dolphin Reserve that is being occupied by the encroachment from Shoalhaven City Council to our client (**the Application**).

In the interests of minimising the costs and delay associated with the Application we are instructed to seek Council's consent to proposed orders that will be sought by our client.

Whilst our client is unable to obtain the relief he is seeking without an application to the Court, if Council provides its consent to the proposed orders, this process will be considerably more straightforward.

**3. Proposed orders**

Our client proposes to approach the Court for orders that:

- a) the part of the common boundary between Lot 222 in deposited plan 16854 and Lot 220 in deposited plan 16854 is to be adjusted westwards, to correspond to the existing alignment of the fence;
- b) our client will prepare any necessary applications and plans to give effect to the boundary adjustment referred to above;
- c) our client will pay the costs and expenses for the preparation of such applications and plans, and for their lodgment with the appropriate authorities; and
- d) Council is to sign all necessary documents to enable such application and plans referred to above to be lodged with appropriate authorities.

Prior to the Application being lodged our client intends to engage a surveyor to provide detailed plans so that the proposed orders would be by reference to the plans rather than the description outlined above.

**4. Rationale for orders**

Our client proposes these orders on the basis that they simply give effect to the position that has been presumed by all involved parties since the erroneous boundary marking occurred in the 1930s.

Given that our client did not construct the encroachment and it has been in existence for such a significant period it is our client's submission that it is appropriate for the transfer to occur on the terms set out above.

**5. Compensation**

Council has raised question over the potential payment of compensation as a consequence of any order to transfer part of Dolphin Reserve to my client.

In my view, it is unlikely that the Court will make an order with respect to the payment of compensation, having regard to other cases that related to similar circumstances. The South Australian case of *Gladwell v Steen* [2000] SASC 143 (*Gladwell*), whilst a determination within a different jurisdiction, dealt with a similar Act and similar issues and facts to the present case. The case would be relied upon in any proceedings on the question of compensation.



In *Gladwell*, the South Australian Supreme Court considered the application of section 5(1) of the *Encroachments Act 1944*, which is identical to the wording of section 4(1) of the EB Act. It provides:

*The minimum compensation to be paid to the adjacent owner in respect of any conveyance, transfer, lease, or grant to the encroaching owner shall, if the encroaching owner satisfies the court that the encroachment was not intentional, and did not arise from negligence, be the unimproved capital value of the subject land, and in any other case three times such unimproved capital value.*

The Court held that compensation was not payable by the encroaching owner even though they were not able to prove that the encroachment was intentional or a consequence of negligence. The Court formed this view for a number of reasons, including:

- a) The fact that the encroachment was historical gives the new owner of the encroaching land little opportunity to investigate and prove that the encroachment is intentional or a consequence of negligence:

*... if the encroaching owner did not construct the encroachment, he may not be able to prove that the encroachment was not intentional and did not arise from negligence. The person or persons who constructed the encroachment may have died or cannot be traced. It would be quite inequitable for the encroaching owner to be required to pay minimum compensation of three times the unimproved value of the land in circumstances where he is prevented from obtaining any evidence as to the circumstances in which the encroachment occurred (see Gladwell at [19]).*

- b) The owners of the encroaching land were not aware of the encroachment at the time that the land was purchased:

*it is quite a common occurrence for the purchaser of the land encroached upon not to be aware of the encroachment at the time of purchase. The fact of the encroachment is usually ascertained at some time after purchase. The purchaser is likely to have determined the price he is willing to pay by reference to what he perceives to be the attributes of the property he has inspected and not by reference to the precise dimensions of the land as disclosed in the certificate of title. That conclusion is amply demonstrated by the fact that purchasers do not, in the ordinary course, cause a survey of the land to be made before purchase. Thus, in that sense, the encroachment does not cause any diminution in the value to the purchaser.*

- c) It is unfair to require compensation to be paid where the owner of the encroachment did not construct the encroachment:

*Compensation of three times the unimproved capital value is a kind of penalty for those who do not take due care in locating any building on their land or intentionally encroach upon the land of their neighbour. It would be unfair to impose that kind of penalty upon an innocent successor in title who has purchased the land unaware of the encroachment (see Gladwell at [21]).*

- d) It would be unfair to require payment of a 'windfall' that unduly benefits the affected land owner where they never had the benefit of or knew of the existence of the encroachment:

*To require the Steens to pay compensation is to require them to pay for land which they thought had been included in the purchase price. Similarly, Mr Gladwell would receive a kind of windfall if compensation is paid. The error of the encroachment is no*





*more than 20 square metres. It is quite small when compared with the land owned respectively by the Steens and Mr Gladwell.*

In the circumstances of the present case, Council became the owner of the Dolphin reserve in 1947; 14 years after the encroachment took place. Council was never cognisant of the encroachment, nor has it traditionally made use of the land the subject of the encroachment.

Practically speaking, nothing changes for the Council. All public infrastructure has been constructed with respect to the erroneous boundary line delineated by the historical fence line. Therefore, any compensation paid will result in a windfall for Council that will not be in recognition of any loss Council has suffered, particularly since Council was not made aware of the encroachment until 1994.

The historical nature of the encroachment has made it difficult to prove that the error in locating the fence line was intentional or a consequence of negligence. Mr. Harben has stated quite emphatically that he does not consider the encroachment to be as a consequence of negligence on the part of the original surveyor. On this point, as well as most others, it appears that the parties agree.

Since my client did not construct the encroachment, or commission the survey or fence line which has brought about the encroachment, it would be unfair to require him to pay compensation, in all the circumstances.

For these reasons alone, I consider that it is unlikely the Court will make any orders as to compensation.

In these circumstances, and in an effort to save money for Council, it may be appropriate for Council to enter a submitting appearance to any proceedings, save as to costs. This will then alleviate the burden and costs associated with having legal representation appear for Council in proceedings for which the orders are generally agreed.

#### 6. Next steps

Please advise as to Council's position with respect to the Application and orders proposed by our client. If the proposed orders are acceptable to Council in principle, our client will then arrange for the necessary survey plans to be completed and we will forward formal orders in due course.

Your consideration is appreciated.

Yours sincerely

Alex Kelly  
Director and Lawyer

Office: (02) 4288 0150  
Email: alex@pdclawyers.com.au



Over the Christmas period the firm will be closing at 5.00pm,  
Friday 22 December 2017 and re-opening at 8.30am,  
Monday 8 January 2018.  
We wish you all a safe and Merry Christmas!



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

**HPERM Ref:** D18/42878

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

**Attachments:** 1. Plan - Part Lot 1 DP608937 Captain Street Vincentia [↓](#)

### **Purpose / Summary**

To consider classification of the land described as part Lot 1 DP608937 being proposed Lot 1 DP1236981 Captain Street, Vincentia as Operational Land.

### **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.

### **Options**

1. Resolve as recommended.

Implications: The land will be able to be used for the purposes of a sewer pump station. Should any objections be received prior to the close of submission on 15 March 2018 Council will be notified at its meeting on 20 March 2018.

2. Not resolve as recommended.

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

### **Background**

Part Lot 1 DP608937 being proposed Lot 1 DP1236981 Captain Street, Vincentia (refer to Attachment 1) is being acquired in accordance with a resolution of Council dated 26 September 2017 MIN17.828 for a sewer pump station site.

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

There are two classifications available:

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

Land will automatically be classified community land if it is acquired or dedicated (under Section 94 of the EPA Act 1979) being "subject to a trust for public purposes" i.e land intended for public access or use. The advantage of community land is it will restrict the alienation and use of the land, thereby protecting the public interest.

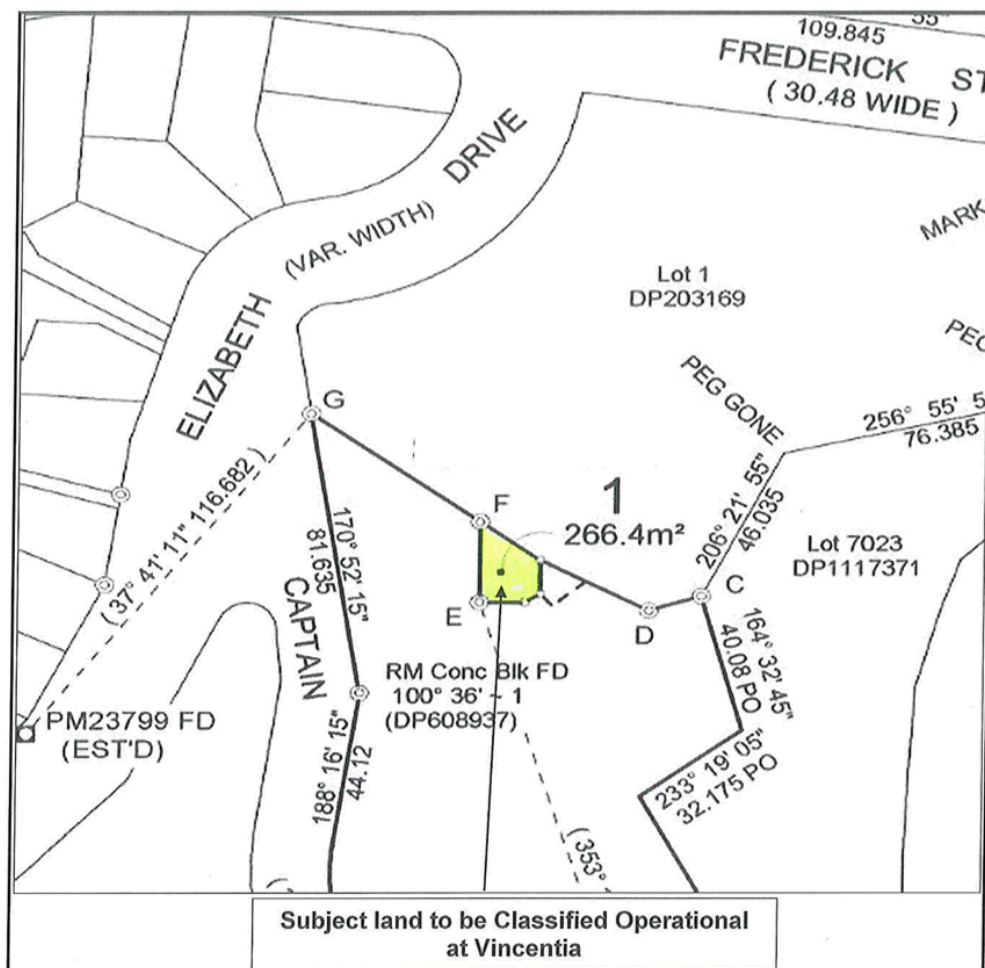
Operational land on the other hand has no special restrictions other than those that may apply to any parcel of land. The advantage of operational land is that it affords Council flexibility in its use of the land and in any future dealings.

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

Land incorrectly classified (via resolution or by default) that subsequently requires an ability to be dealt with will require a reclassification to operational land that involves the making of an LEP amendment under the EPA Act 1979. This is a timely and costly exercise with no budget having been provided.

### **Community Engagement**

In accordance with Section 34 of the LGA93, a public notice of Council's intention to classify the land as Operational was placed in the local press 14 February 2018 allowing 28 days for written submissions, closing 15 March 2018. At the time of writing this report no submissions have been received and any submissions received prior to the closing time will be advised at the Committee meeting



## SA18.59 Nowra Bridge Project - RMS - Preferred Option Announced

**HPERM Ref:** D18/56785

**Group:** Assets & Works Group  
**Section:** Asset Management

**Attachments:**

- 1. Nowra Bridge Project Preferred Option RMS [↓](#)
- 2. Have Your Say - Nowra Bridge Project - RMS [↓](#)
- 3. Nowra Bridge Project – Preferred Option Report - RMS (under separate cover) [⇒](#)

### Purpose / Summary

To report on the NSW Roads and Maritime Services (RMS) preferred option for the Nowra Bridge Project.

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

That Council provides the following response to the NSW Roads and Maritime Services (RMS) request for comment on the preferred option for the Nowra Bridge Project;

1. Council is very disappointed that its preferred option of grade separated intersections at each location (Bolong Road to Bridge Road) is not being pursued.
2. Council thanks the RMS for acknowledging that the preferred option report overstated the involvement of Council staff in the shortlisting process that arrived at the RMS preferred option. The Council staff assisted in the development of options for consideration.
3. Council sees that the “at grade” option is being proposed is a short term solution only, and the State Government needs to bring forward the planning and construction of a Nowra-Bomaderry Bypass in the medium term.
4. **In addition** to the minuted comments (reproduced in the body of this report) Council made at the RMS briefing to Councillors on Thursday 22 February, and given that the RMS is only seeking feedback (during the period from 19 February 2018 to 23 March 2018) on a conceptual layout of its preferred option, Council also makes the following request/comments:
  - a. There is likely to be significant upstream and downstream impacts following construction of the Nowra bridge project. The bridge project, in conjunction with the Berry to Bomaderry upgrade, will bring forward the need to extend 3 lanes of traffic in each direction continuous through Bomaderry and South Nowra.
  - b. Similar to the requirement to maintain a free left slip lane into Illaroo Road off the Highway, it is not clear whether the proposal maintains the free left slip lane out of Bridge Road on to the Highway. Previous attempts by the former RTA to control those movements have failed (causing significant impacts to the Highway and Bridge Road). Both of these free flowing movements are essential to maintain and ensure a free flowing network, and must be incorporated into the design of the new bridge.
  - c. Given that RMS were able to confirm at the briefing that there will be turn restrictions on Bridge Road at the intersection with Scenic Drive, there is a need for RMS to do

- a thorough assessment of the resulting traffic impacts at the intersection of Bridge Road and Hyams Street (Council believes traffic signals will be required in the short term).
- d. The changes at the intersection of Bridge Road and Scenic Drive will present an opportunity to incorporate a pedestrian refuge on Bridge Road (immediately south of Scenic Drive) without impacting two lanes of southbound traffic, and this should be included
  - e. Council believes traffic signals will also be required at the intersection of Illaroo Road and Fairway Drive (access to Greys Beach and the Nowra Golf Club) where the project is likely to terminate
  - f. With regards to urban design, Council requests that the RMS urban design consultants work closely with Council (and Council's urban design consultants) to ensure integration between the Nowra bridge project and the river foreshore masterplan.
  - g. Pedestrian and cyclist considerations will need to be more thoroughly examined once more detail is released.
  - h. The use and integration of the old bridge will need to be more thoroughly examined once more detail is released.
5. Given the level of detail provided to the public is still preliminary (concept layouts provided only, with no detailed engineering), there are still many questions to ask with regards to how the proposal will impact on Council's assets and property, and how it will integrate with Council's other planning. Accordingly, Council requests that RMS provides more detail, and increase its level of communication with Council so that more 'detailed' feedback can be provided in a timely manner, and more certainty can be provided to allow Council to finalise its other plans.
  6. RMS confirm that the downstream historic bridge will remain in State ownership and be maintained by the State Government in perpetuity.

SA18.59

## Options

1. Adopt the recommendation
2. Make another recommendation, or resolve not to make a submission

## Background

On 19 February 2018 the NSW Roads and Maritime Services (RMS) announced their preferred option for the Nowra Bridge project and invited community feedback on the proposal.

In making their announcement, the RMS provided the following statement:

*The NSW Government has invested \$1.6 million, with the Federal Government committing \$10 million, for planning a new bridge on the Princes Highway over the Shoalhaven River at Nowra.*

*A preferred option has been developed for the project and includes:*

- *A new northbound four lane bridge*
- *Reconfiguration of the existing concrete bridge to carry three lanes of southbound traffic*

- *Intersection upgrades at Illaroo Road, Bolong Road and Bridge Road*
- *New Pleasant Way T-intersection*
- *Keeping the old southbound bridge for pedestrians and cyclists.*

*Key benefits of the preferred option:*

- *Improving safety, capacity and efficiency across the Shoalhaven River at Nowra*
- *Improving freight movements and access to the South Coast of NSW*
- *Better traffic flow now and into the future*
- *Improving pedestrian connectivity*
- *Preserving the heritage of the old southbound bridge.*

*The Preferred option for Nowra Bridge project is currently on display until Friday 23 March 2018.*

### **Briefing of Council**

On Thursday 22 February, members of the RMS project team came to Council to brief Councillors and staff on the proposal, and answer questions.

The following is a summary of key points raised/discussed during the briefing (as documented by RMS).

- *RMS acknowledges the preferred option report may have overstated Council's involvement in shortlisting options.*
- *A number of options, including at grade and grade separated intersections, were considered as part of the options assessment. The preferred option delivers traffic improvements while not sterilising the network for future upgrades.*
- *The upgrade will provide three lanes in each direction on the Princes Highway between Bolong Road and Moss Street.*
- *Relocating Pleasant Way south to a new intersection considers future development in the immediate area.*
- *An underpass for Pleasant Way near its current location would be vulnerable to flooding.*
- *The additional lanes on Illaroo Road will extend about 200 to 300m. This detail is still in development.*
- *The right turn lanes from Princes Highway to Bridge Road will increase in length. This detail is still in development.*
- *RMS agrees to investigate the following design amendments which were raised by Council during the briefing:*
  - *Dedicated left turn lane from Illaroo Road to the Princes Highway*
  - *Acceleration/slip lane on Illaroo Road for traffic entering from Princes Highway northbound.*
  - *Maintaining a left turn from the Princes Highway to Pleasant Way. All other turning movements to be removed. The proposed Lyrebird Drive connection will provide all turning movements via a signalised intersection.*
  - *Increasing right turn storage at Bolong Road to accommodate one B-double.*

- *RMS is currently working with council on the Nowra Bomaderry integrated traffic plan. This project is independent of the Nowra Bridge project.*
- *RMS will accept late submissions from Council should they require additional time.*

The above list of concerns and design amendments (raised at the briefing) was not exhaustive (these were raised following the limited time staff and Councillors had to consider the proposal prior to the briefing). There were additional matters raised at the meeting that were not documented above, these are noted below.

### **Current Outstanding Issues**

The revised design has not addressed all of Council's concerns.

Further to the matters document by RMS at the Councillor briefing, the following additional matters also need to be addressed:

- Council only accepts the at grade proposal on the condition that the Government bring forward the planning and construction of the western Bypass of Nowra-Bomaderry.
- There is likely to be significant upstream and downstream impacts following construction of the Nowra bridge project. The bridge project, in conjunction with the Berry to Bomaderry upgrade, will bring forward the need to extend 3 lanes of traffic in each direction continuous through Bomaderry and South Nowra.
- Similar to the requirement to maintain a free left slip lane into Illaroo Road off the Highway, it is not clear whether the proposal maintains the free left slip lane out of Bridge Road on to the Highway. Previous attempts by the former RTA to control those movements have failed (causing significant impacts to the Highway and Bridge Road). Both of these free flowing movements are essential to maintain to ensure a free flowing network, and must be incorporated into the design of the new bridge.
- Given that RMS were able to confirm at the briefing that there will be turn restrictions on Bridge Road at the intersection with Scenic Drive, there is a need for RMS to do a thorough assessment of the resulting traffic impacts at the intersection of Bridge Road and Hyams Street (Council believes traffic signals will be required).
- The changes at the intersection of Bridge Road and Scenic Drive will present an opportunity to incorporate a pedestrian refuge on Bridge Road (immediately south of Scenic Drive) without impacting two lanes of southbound traffic, and this should be included
- Council believes traffic signals will also be required at the intersection of Illaroo Road and Fairway Drive (access to Greys Beach and the Nowra Golf Club) where the project is likely to terminate
- With regards to urban design, Council requests that the RMS urban design consultants work closely with Council (and Council's urban design consultants) to ensure integration between the Nowra bridge project and the river foreshore masterplan.
- Pedestrian and cyclist considerations will need to be more thoroughly examined once more detail is released.
- The use and integration of the old bridge will need to be more thoroughly examined once more detail is released.



## Impact on Existing Projects & Interests

Council have a number of existing strategic planning projects and property interests which relate to the land within proximity to or that could be directly affected by the Nowra Bridge Project.

Council's Strategic Planning Section are currently undertaking a range of projects that are relevant in this regard, with the most significant being the Nowra Riverfront Precinct master planning project. Below is a summary of the relevant strategic planning projects and the potential impacts or uncertainties resulting from the Nowra Bridge Project.

### Nowra Riverfront Precinct

The riverfront precinct covers land to the east and west of the Highway as shown in the figure below. Master planning work has been underway for some time pending the release of information in regard to the bridge project.



**Nowra Riverfront precinct area – outlined in red.**

In October 2017, the Nowra Riverfront Strategic Direction: Review and Analysis was completed by the project consultants (Studio GL) and reported to Council when it was resolved that:

1. *Receive this update on the progress of the Nowra Riverfront Precinct planning work for information; and.*
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*



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.*

Most recently, and just prior to the release of the RMS Preferred Option for the Nowra Bridge Project, the project consultant completed a report on Proposed Planning Controls for the precinct (suggested detailed urban design controls). This work will be reported to the Ordinary Meeting of Council on 27 March 2018.

At the time the final report on Proposed Planning Controls was prepared, the consultant noted the potentially significant impacts because of uncertainties including the Nowra Bridge Project. This detailed report needed to be advanced to provide some clarity around the likely future planning controls for the former Tourist Centre site and its surrounds

It should be noted that since commencing this master planning project, staff have met with RMS to understand potential impacts of the project. Subsequently, Council invited RMS to meet with our consultant to ensure that the design of the new bridge crossing and the southern intersection would ensure that a positive urban design outcome was achieved that responded appropriately to the context. This did not however occur.

The Nowra Bridge Project has the potential to impact the riverfront precinct project in respect to (but not limited to) land for acquisition and construction, access into the important precinct. Specifically:

- *Development potential of the area west of the highway including the land in front of the Council Administration Building and the site of the former Riverhaven Motel - It is unclear based on the current material of the likely true extent of the land take;*
- *Potential disconnection of Scenic Drive from Bridge Road - It is unclear whether the existing intersection of Scenic Drive and Bridge Road will be maintained and if so in what form or arrangement. With the proposed southern intersection moving further south of its existing location, it is assumed that the current formation of the Bridge Road / Scenic Drive intersection cannot exist as it currently does;*
- *Closing off Pleasant Way and establishing a new intersection south of the existing multi-dwelling housing development at Hawthorn Street – need to understand the exact location of this and the implications associated with it; and*
- *Maintaining the existing heritage bridge for future public use - suitable connections will need to be made between the existing structure and the riverfront area, and specifically to ensure safe, accessible and convenient movement from one side of the bridges to the other (i.e. east to west of the Highway).*

It has been difficult to progress this important masterplan to any level of detail until relevant detail on the new bridge is known. Whilst the information that has now been released is welcomed, it is still general in nature and not really detailed enough to inform the masterplan (e.g. what land take is needed)

### **Civic Precinct**

The information released for public comment is limited in nature and therefore an assessment of the actual or real impact on the Civic Precinct (i.e. Council Administration Building, Shoalhaven Entertainment Centre, Harry Sawkins Park and surrounding car parking areas) cannot be accurately determined at this point.

## Nowra CBD Urban Design Masterplan

The Nowra CBD Urban Design Masterplan was endorsed by Council in 2014 and establishes a vision for the broader Nowra CBD area and sets objectives to provide opportunities for the CBD to become an attractive, vibrant and popular destination.

Movement and access were a key aspect of the Masterplan which suggested that facilitating the movement of pedestrians and cyclists were crucial to the long-term sustainability of towns and cities. It also aimed to establish Nowra as a cultural gateway, improve the public domain and encourage opportunities for activity and vibrancy in key areas including the Nowra Riverfront.

In relation to the Nowra Bridge Project, the masterplan generally sought to improve pedestrian links across the highway, potential upgrade of the river promenade, and proposed major gateway to the CBD. Specifically:

- *Improve the urban design quality of the Nowra CBD including the Nowra Riverfront as the gateway to the CBD;*
- *Improve access between the Highway, CBD and Riverfront as well as along the river; and*
- *Provide safe and convenient access for the Shoalhaven Hospital.*

It is important that the Nowra Bridge Project consider the masterplan and its specific urban design goals and objectives that are noted above

## Urban Design General

The construction of the new bridge must consider the urban design and visual amenity/impact of the southern side for the Shoalhaven River as the main entry into the Nowra CBD.

The design of the new bridge crossing has been a significant concern by Council which has been raised with RMS numerous times as it has the potential to create a poor aesthetic as the entry point into the CBD. It also has the potential to impact access between the east and west of the Princes Highway as well as pedestrian / cycle access between the CBD and the riverfront precinct.

To ensure that this issue is appropriately considered moving forward it is imperative that RMS representatives meet with relevant Council staff and Council's urban design consultants to consider appropriate ways to adequately address this and also integration with the ongoing Council planning projects mentioned above.

## Community Engagement

The upgrade of the Princes Highway and associated community consultation is the responsibility of the State Government.

Staff have had limited discussions with concerned residents. It is understood most residents are corresponding directly with the RMS.

## Policy Implications

N/A

**Financial Implications**

The conceptual drawings on exhibition do not give enough detail to fully assess the impact on council land and property. It would appear that several key council assets will in all likelihood be obliterated.

However the details and any likely costs involved are unknown at this time. There will be further reports to Council as the project evolves and more detail is available.

**Risk Implications**

The financial viability of the commercial areas immediately downstream of the works could be affected if adequate access is not maintained.

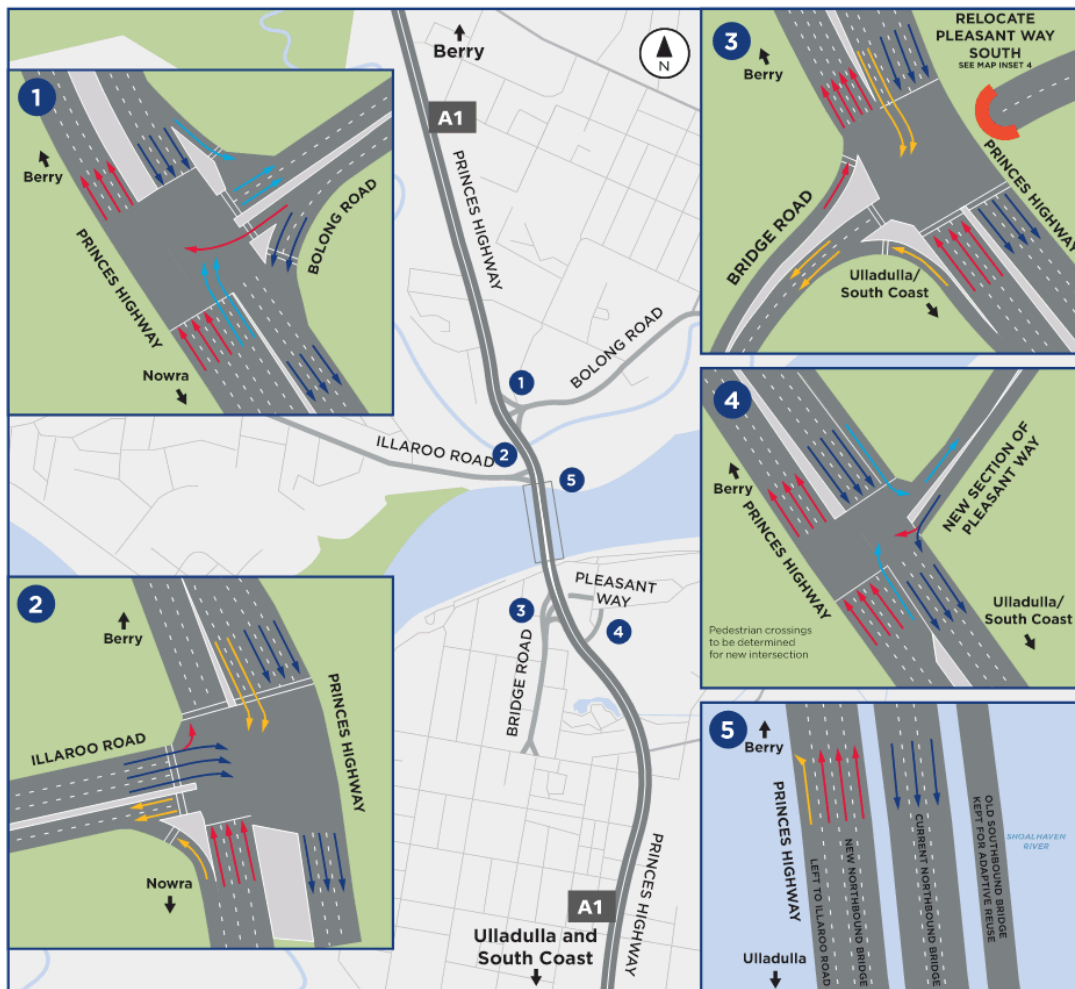
The risk of traffic congestion at “traffic-lighted” intersections may reoccur sooner than anticipated compared to grade separated treatments.



## Nowra Bridge project preferred option



February 2018



1800 331 713 @NowraBridgeProject@rms.nsw.gov.au PO Box 477, Wollongong NSW 2500

f M1 / Princes Highway upgrade – Roads and Maritime Services

February 2018  
RMS 18 025

SA18.59 - Attachment 1



# Nowra Bridge project

## Princes Highway upgrade

### Have your say – Preferred option

February 2018



Artist's impression – Perspective of the new four lane bridge over the Shoalhaven River – view from the south west side of the river

The NSW Government has invested \$1.6 million, with the Australian Government committing \$10 million, for planning a new bridge on the Princes Highway over the Shoalhaven River at Nowra.

### Background

Roads and Maritime Services is planning for a new Princes Highway bridge over the Shoalhaven River at Nowra. The project would provide upgraded intersections at Bolong, Illaroo and Bridge Roads and at Pleasant Way.

We have been investigating options to determine the appropriate number of lanes required for the new bridge, intersection layouts, and the future of the old southbound bridge.

### Have your say

See the back on this community update for details on how you can give us your feedback.

### Preferred option

A preferred option for the project has been identified and is on display for community feedback from **Monday 19 February until Friday 23 March 2018**.

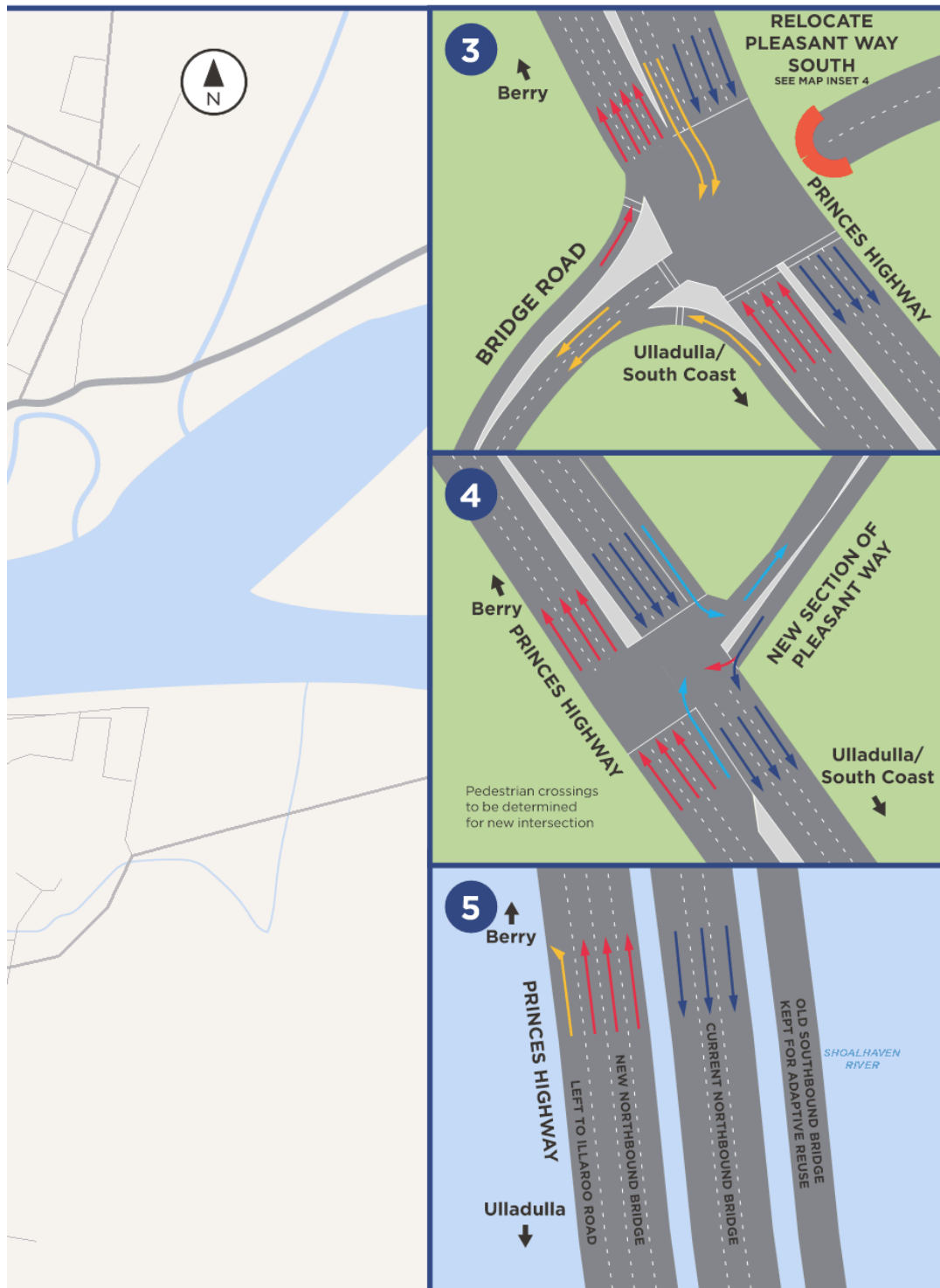
The preferred option includes:

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

More information on the preferred option can be found in the *Nowra Bridge Project Preferred Option Summary* available at [rms.nsw.gov.au/nowrabridge](http://rms.nsw.gov.au/nowrabridge).

Preferred Option – Nowra Bridge project







## 1 Princes Highway / Bolong Road intersection

- Minor adjustments to be confirmed during concept design.

## 2 Princes Highway / Illaroo Road intersection

- An additional right turn lane onto the Princes Highway from Illaroo Road
- An additional right turn lane from the Princes Highway onto Illaroo Road.

## 3 Princes Highway / Bridge Road intersection

- Relocated further south, see inset 4
- Converted to a T-intersection
- Access to Pleasant Way closed.

## 4 New Princes Highway / Pleasant Way intersection

- New T-intersection located further to the south
- All turning movements catered for.

## 5 Bridges over the Shoalhaven River

- New northbound bridge
  - Located west of the existing bridges
  - Four northbound traffic lanes
  - Pedestrian/cyclist facilities.
- Existing concrete bridge
  - Southbound traffic would use the existing concrete bridge
  - Southbound capacity would increase from two to three lanes.
- Existing old southbound bridge
  - Kept for adaptive reuse such as a shared pedestrian and cyclist path
  - Closed to vehicular traffic once construction of the new bridge is complete.

### Key benefits of the preferred option:

- Improving safety, capacity and efficiency across the Shoalhaven River at Nowra
- Improving freight movements and access to the South Coast of NSW
- Better traffic flow now and into the future
- Improving pedestrian connectivity
- Preserving the heritage of the old southbound bridge.



**New pathways**  
for active transport



**Save travel time**



**Intersection**  
improvements



Better and more  
**reliable trips**  
for people, business and freight



**Improving**  
traffic flow

More information on the preferred option can be found in the Nowra Bridge Project Preferred Option Report available [rms.nsw.gov.au/nowrabridge](https://rms.nsw.gov.au/nowrabridge).



## Option development and assessment

The Nowra Bridge project area includes the old Nowra Bridge, a concrete bridge and four intersections. The area experiences high traffic volumes that made development and assessment of potential options complex. A short summary of the decision making process is below with more detailed information in the Nowra Bridge Project Preferred Option Report available to view at [rms.nsw.gov.au/nowrabridge](https://rms.nsw.gov.au/nowrabridge).

## Future of the old southbound bridge

The future of the old southbound bridge has been the subject of extensive investigation by RMS and external experts.

To reach a recommendation, various options were considered and assessed. The criteria used for assessment included the significance of the bridge, the expected benefits, estimated costs and community and stakeholder feedback and expectations.

We are proposing to keep the old southbound bridge for pedestrian and cyclist use. Key findings of the reviews found:

- There are considerable heritage and social impacts associated with any option to remove the bridge (in whole or part)
- The bridge is operationally unsuitable to cater for future traffic demands and should be closed to vehicles once a new bridge crossing of the Shoalhaven River is open to traffic.

## Intersection options

Due to constraints including high traffic volumes in the area, the process of identifying, developing and evaluating options for the new bridge and intersection upgrades was complex.

Over 19 options for the project were initially identified, assessed and shortlisted to six main network options. These options were then tested and compared to each other considering:

- Traffic performance
- Ease of construction
- Property impacts
- Environmental and heritage impacts
- Road and urban design options
- Future maintenance needs
- Value for money
- Key stakeholder feedback.

The preferred option is a balanced proposal which addresses the project's objectives.

## Involving the community

We are continuing to work with the community and stakeholders during the planning process to identify issues and minimise potential impacts.

Feedback received will be considered to finalise the concept design and prepare environmental assessment for the project.



Artist's impression - Perspective of the new four lane bridge over the Shoalhaven River - view from the north west side of the river

## Project development process



## Further information

More information, including frequently asked questions, is available on the project page at [rms.nsw.gov.au/nowrabridge](http://rms.nsw.gov.au/nowrabridge)

### Have your say

Feedback on the preferred option is invited until Friday 23 March 2018.

Please send your feedback to:

1800 331 713 (toll free)

[NowraBridgeProject@rms.nsw.gov.au](mailto:NowraBridgeProject@rms.nsw.gov.au)

M1 / Princes Highway upgrade – Roads and Maritime Services

Nowra Bridge Project  
PO Box 477  
Wollongong NSW 2500



## Drop in and see us

Find out more about the project by dropping into a number of community information kiosks at:

- **Stocklands Nowra**  
60 East Street, Nowra  
Thursday 1 and Saturday 3 March 2018, 11am – 3pm
- **North Nowra Shops**  
1-13 McMahons Road, North Nowra  
Thursday 8 and Saturday 10 March 2018, 11am – 3pm
- **Nowra School of Arts Annex**  
Berry Street, Nowra  
Saturday 17 March 2018, 10am – 1pm

## Display locations

The preferred option for Nowra Bridge project will be on display from Monday 19 February until Friday 23 March 2018 at the following locations:

- **Shoalhaven City Council**  
36 Bridge Road, Nowra  
9.15am – 4.30pm Monday to Friday
- **Nowra Library**  
10 Berry Street, Nowra  
9.30am – 7pm Monday to Friday,  
9.30am – 3pm Saturday
- **TAFE NSW Nowra**  
60 Belinda Street, Bomaderry  
9am – 4pm Monday to Friday

## Next steps

Upcoming planning activities include:

- Reviewing community feedback
- Advancing the concept design
- Preparing the environmental assessment for the proposal.

The timing of construction is not confirmed and is subject to planning approval and funding availability.

If you need help understanding this information, please contact the Translating and Interpreting Service on 131 450 and ask them to call us on 1800 331 713.



February 2018  
RMS 18.722

**Privacy** Roads and Maritime Services ("RMS") is subject to the Privacy and Personal Information Protection Act 1998 ("PPPI Act") which requires that we comply with the Information Privacy Principles set out in the PPPI Act. All information in correspondence is collected for the sole purpose of assisting in the delivery of this project. The information received, including names and addresses of respondents, may be published in subsequent documents unless a clear indication is given in the correspondence that all or part of that information is not to be published. Otherwise RMS will only disclose your personal information, without your consent, if authorised by the law. Your personal information will be held by RMS at 90 Crown Street, Wollongong NSW 2500. You have the right to access and correct the information if you believe that it is incorrect.

## SA18.60 Bolong Road Preservation Fund Approved

HPERM Ref: D18/56800

Group: Assets & Works Group  
Section: Asset Management

### Purpose / Summary

To report the Eurobodalla Roads Upgrade package (including the Bolong Road Preservation Fund project) that was approved by the Deputy Prime Minister on 24 January 2018.

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

That:

1. Council accepts the grant funding offer under the Eurobodalla Roads Upgrade package (including the Bolong Road Preservation Fund project) as follows:
  - a. \$700,000 for the safety improvements on Bolong Road, from east of Broughton Creek to the northern side of Askeaton Park (\$50,000 in 2017/18 and \$650,000 in 2018/19).
  - b. \$300,000 for the safety improvements on Bolong Road, from north of Coolangatta Road to the northern side of the Gerroa Road intersection (\$250,000 in 2017/18 and \$50,000 in 2018/19).
2. Council amends the budget to reflect the approved variation under the NSW Safer Roads Funding Program components of the Bolong Road projects, as follows:
  - a. \$425,000 for the safety improvements on Bolong Road, from east of Broughton Creek to the northern side of Askeaton Park (\$300,000 in 2017/18 and \$125,000 in 2018/19), however
  - b. All of the \$640,000 for the safety improvements on Bolong Road, from north of Coolangatta Road to the northern side of the Gerroa Road intersection (previously \$450,000 in 2017/18 and \$190,000 in 2018/19) will now all be made available in 2017/18 to bring forward the project so it is coordinated with the works to upgrade the intersection of Bolong Road and Coolangatta Road.
3. The General Manager (Director Assets & Works) writes to the Federal Department of Infrastructure, Regional Development and Cities, and the Federal Member for Gilmore, thanking them for their support of the Bolong Road projects through the Eurobodalla Roads Upgrade package
4. The General Manager (Director Assets & Works) writes to the NSW Roads & Maritime Services, thanking them for their assistance in helping Council to align the respective budgets to deliver these important safety upgrades on Bolong Road.

### Options

1. Adopt the recommendation
2. Not accept the recommendation

Implications: This will mean these important safety improvements can't be delivered and is likely to lead to continuing crashes at these locations.

## Background

As part of the strategy to progressively complete shoulder widening works along the full length of Bolong Road, to address crashes and improve safety for vehicles and cyclists alike, in 2015 Council submitted an application for funding under the Australian Government Blackspot Program for two projects on Bolong Road (a section from east of Broughton Creek to the northern side of Askeaton Park, and another section to the north of Coolangatta Road to the northern side of the Gerroa Road intersection).

Both of these sections complete missing links in the shoulder network.

At the time of submitting the applications, the scope and cost of the works was not known in all respects, however the applications required a timeframe and forward estimates.

The applications submitted sought funding for survey and design in year 1 (2016-17), with constructions in years 2 and 3 (2017-18 and 2018-19), with a revised submission to be made following development of the scope and cost estimates.

The Blackspot project was not approved, however the NSW Government made a contribution towards the funding of survey/design in the 2016-17 year, under the NSW Safer Roads Program.

Prior to Council resubmitting the projects to revise the forward construction estimates, the NSW Government announced that the original construction estimates had also since been approved (however design investigations had identified by that point a significant increase would be required in the budget).

At the time Council's former Director of Assets and Works (Ben Stewart) had been liaising with Ann Sudmalis MP regarding the potential allocation of \$1M to Shoalhaven City Council under the Eurobodalla Roads Upgrade package, and Council subsequently nominated the two projects on Bolong Road, which were approved by the Federal Government subject to submission of a Project Proposal Report (PPR) to be approved by the Government.

Council subsequently accepted the offer of NSW Safer Roads Funding in September 2017.

Council have since been advised by the Federal Government (email advice from Department of Infrastructure, Regional Development and Cities on 25 January 2018) that Council's PPR has been approved, and accordingly that Council is free to call tenders and commence the works.

## Community Engagement

Community engagement has been undertaken for both projects (directly affected properties and community consultative bodies) throughout the project development, and further consultations will be undertaken as a part of the delivery of the projects.

## Policy Implications

N/A

## Financial Implications

Both the NSW Government Safer Roads Program, and the Australian Government Eurobodalla Roads Upgrade package (Bolong Road Preservation Fund) are 100% funded.

## Risk Implications

N/A

## SA18.61 Chris Creek Project Approved - Round 1 - Stronger Country Communities Fund

HPERM Ref: D18/56805

Group: Assets & Works Group  
Section: Asset Management

### Purpose / Summary

To report on the approved Chris Creek project (under the NSW Government's Stronger Country Communities Fund – Round 1

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

That

1. Council accepts the grant funding offer under the NSW Government's Stronger Country Communities Fund – Round 1 – for the Chris Creek project (\$937,691).
2. The General Manager (Director Assets & Works) writes to the Honourable John Barilaro MP (Deputy Premier), and the local Member for South Coast, thanking them for their support of the Shoalhaven Community through the Stronger Country Communities Fund and in particular for supporting Council's nomination for this important local infrastructure project.

### Options

1. Adopt the recommendation
2. Not accept the recommendation

Implications: This would mean that the community misses out on these important infrastructure improvements, or that Council would have to fund the works.

### Background

The NSW Government has approved the Chris Creek project to be funded under Round 1 of the Stronger Country Communities Fund.

The project involves the construction of a pedestrian crossing on River Road Sussex Inlet, as well as a shared path bridge and public amenities at Chris Creek, Sussex Inlet.

### Community Engagement

There was considerable community engagement undertaken during the design development phase of the project, and Council also received several submissions from the public in support of Council's nomination for the funding. This included supporting submissions from the Sussex Inlet & districts Community Forum (CCB), the Sussex Inlet Chamber of Commerce, and Inasmuch Retirement Village. Further consultation will be undertaken during the final design and delivery of the project.

**Policy Implications**

N/A

**Financial Implications**

The grant funding has been offered to Council on the basis of 100% funding of the project.

**Risk Implications**

N/A

SA18.61

## SA18.62 Country Public Transport Infrastructure Grants Scheme (CPTIGS) - Revised Proposal Submitted

HPERM Ref: D18/68296

Group: Assets & Works Group  
Section: Asset Management

### Purpose / Summary

To allow Council to consider the revised proposal for providing new bus shelters using NSW Government Country Passenger Transport Infrastructure Grants Scheme (CPTIGS) 2015/17 and 2017/19 funding, and council funding.

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

That Council:

1. Accepts the grant funding offer under the NSW Government 2015/17 Country Passenger Transport Infrastructure Grants Scheme (CPTIGS) in part, being \$50,000 for five new shelters (a reduction from the original 18 shelters approved).
2. Approves the revised strategy submitted to TfNSW on 26 February 2018 (approval from the NSW Government expected July 2018) that will provide a total of 11 new bus shelters and a relocation of one existing shelter, at priority locations over the course of financial years 2018/19 and 2019/20 (with 10 of the locations derived from the original approved list of 18), and to fund these shelters as follows:
  - a. financial year 2018/19 provide five new shelters and relocate one existing shelter using CPTIGS 2015/17 funds of \$50,000 (being the NSW Government's contribution towards the 5 new shelters) with Council to provide the balance of funding of \$70,000 (a total estimated cost of \$120,000) as follows;
    - i. Stewart Place Nowra Central Median Location 1 (from the original approved list)
    - ii. Stewart Place Nowra Central Median Location 2 (from the original approved list)
    - iii. Stewart Place Nowra Central Median Location 3 (from the original approved list)
    - iv. 173-177 Moss Vale Road Kangaroo Valley (from the original approved list)
    - v. 84 Greenwell Point Road Greenwell Point (from the original approved list)
    - vi. 84 Tallwood Avenue Mollymook (not on the original approved list, but a high priority for the community)
  - b. financial year 2019/20 provide six new shelters using CPTIGS 2017/19 funds of \$50,000 (being the NSW Government's contribution towards 5 of the new shelters) with Council to provide the balance of funding of \$150,000 (a total estimated cost of \$200,000), as follows;
    - i. Orama Crescent Central Median near Ophir Street Orient Point (from the original approved list)
    - ii. Leo Drive Western side before Matron Porter Drive Mollymook (from the original approved list)
    - iii. Leo Drive Eastern side before Matron Porter Drive Mollymook (from the original approved list)

- iv. 90A Princes Highway Milton (from the original approved list)
- v. 109 Princes Highway Milton (from the original approved list)
- vi. 32 Alma Avenue Fishermans Paradise (not on the original approved list, but a high priority for the community)

## Options

1. Adopt the recommendation

Implications: Estimated cost to council of \$220,000 spread over financial years 2018/19 (\$70,000) and 2019/20 (\$150,000).

2. Endorse the original 18 bus shelters approved under the NSW Government 2015/17 (CPTIGS) program (not recommended).

Noting that Council resolved on 26 September 2017 to only accept the original offer of \$180,000 to provide 18 new shelters “in principle”, pending further investigations of the locations, and development of an affordable delivery strategy.

Implications: It is estimated that delivery of all 18 shelters from the original approved list could cost Council in the order of \$600,000 (total cost \$780,000), and there is a risk that some of the locations would not meet the Government’s stringent accessibility criteria (meaning some of the grant funding could not be claimed).

3. Not proceed with any of the proposed projects.

Implications: This will mean these important local public transport improvements can’t be delivered, however this action will not commit Council to any expense associated with providing public transport improvements.

## Background

In 2017, Council received an offer of funding from the NSW Government to provide 18 new accessible bus shelters across the City under the NSW Country Passenger Transport Infrastructure Grant Scheme (CPTIGS).

The funding offer was limited to \$10,000 per shelter and Council would have to meet all other costs associated with construction and installation, which in some cases would have been significant. The funding was also conditional on meeting the Government’s stringent accessibility criteria, which would also not have been met in several locations.

In considering the funding offer, Council resolved on 26 September 2017 only to accept the funding offer “in principle”, electing to further investigate the locations and formulate an affordable strategy in consultation with the community.

The NSW Government subsequently advised Council that in reviewing the list, there would be no guarantee of approval, and the most likely outcome would be for Council to reduce the number of shelters but selecting from the original list.

The Government further advised that submissions for the next round of CPTIGS funding was due 28 February 2018 (extremely limited timeframe) and that Council could consider moving some locations to the next round, as part of a more affordable strategy.

Investigations (including consultation with bus operators) have revealed that not all of the locations approved in principle are priority locations and that not all of these will be affordable given the requirement for Council to cover the majority of costs.



A revised program was established to deliver a reduced number of bus shelters (12 locations in total) over the next two financial years. Under this more affordable strategy, it is proposed that the bus shelters will be partially grant funded under the 2015/17 and 2017/19 CPTIGS funding programs and partially funded by Council.

The locations and planned delivery timeline are listed below.

Financial year 2018/19

- Stewart Place Nowra Central Median Location 1 (from the original approved list)
- Stewart Place Nowra Central Median Location 2 (from the original approved list)
- Stewart Place Nowra Central Median Location 3 (from the original approved list)
- 173-177 Moss Vale Road Kangaroo Valley (from the original approved list)
- 84 Greenwell Point Road Greenwell Point (from the original approved list)
- 84 Tallwood Avenue Mollymook (not on the original approved list, but a high priority for the community)

Financial Year 2019/20

- Orama Crescent Central Median near Ophir Street Orient Point (from the original approved list)
- Leo Drive Western side before Matron Porter Drive Mollymook (from the original approved list)
- Leo Drive Eastern side before Matron Porter Drive Mollymook (from the original approved list)
- 90A Princes Highway Milton (from the original approved list)
- 109 Princes Highway Milton (from the original approved list)
- 32 Alma Avenue Fishermans Paradise (not on the original approved list, but a high priority for the community)

The above locations are confirmed as priority locations from local bus operators, and the following should also be noted:

Tallwood Avenue, Mollymook is a priority location which was not on the original approved list, and would not be eligible for CPTIGS, so is proposed to be fully funded by Council in 2018/19 (relocating the redundant shelter on the southern side of Tallwood Avenue, to the northern side at the existing bus stop east of Jones Avenue).

Fisherman's Paradise is a priority location which was not on the original approved list, and would not be eligible for CPTIGS, so is proposed to be fully funded by Council in 2019/20.

All other locations were on the original approved list and can be delivered with part CPTIGS, part Council funding.

The shelters on the original approved list that are not proposed to be delivered include:

- Stewart Place, Nowra (a fourth shelter was included on the original approved list, but only three were required following review of the design in consultation with bus companies)
- Nooramunga Avenue, Cambewarra (northern side adjacent Reservoir Lane) not supported by bus companies as a priority location, within 400m of existing bus shelter
- 82 Penguins Head Road, Culburra (not supported by bus companies as a priority location, within 400m of existing bus shelter)
- 77 Wyoming Avenue, Burrill Lake (not supported by bus companies as a priority location)
- Mitchell Parade, Mollymook (western side near cemetery) not supported by bus companies as a priority location
- Mitchell Parade, Mollymook (eastern side near cemetery) not supported by bus companies as a priority location

- 300 Kings Point Road, Ulladulla (eastern side). Will be subject of a future report. Substantial cost required to provide a compliant facility. Insufficient information available prior to deadline for submissions. Investigations will continue and this site can be considered for the next round if feasible.
- 2565 Moss Vale Road, Barrengarry (near Bunkers Hill Road). Will be subject of a future report. Substantial cost required to provide a compliant facility. RMS approval required, and currently not known whether this will be forthcoming. Insufficient information available prior to deadline for submissions. Investigations will continue and this site can be considered for the next round if feasible and if RMS approval can be obtained.

### Community Engagement

The original 18 nominated locations were compiled following suggestions made to Council by the local bus operators, without engineering investigations undertaken, nor any broader consultation with the community.

The revised proposal for a total of 12 priority locations has been compiled based on feedback from local bus operators, community consultative bodies and residents. Engineering investigations into the original nominated locations and a wider range of options were completed in refining these and revealed that not all of the originally nominated locations were feasible or practical.

The proposed list of 12 locations has also been advertised on the Get Involved Shoalhaven website and received positive feedback from residents as a result.

### Policy Implications

N/A

### Financial Implications

NSW CPTIGS projects have a limit of \$10,000 funding provided by the NSW State Government for each new shelter, and any costs exceeding the \$10,000 limit are at Council's cost.

The estimated additional cost to council to provide the 11 new bus shelters and one shelter relocation is \$220,000. This cost is proposed to be spread over the next two financial years (\$70,000 in 2018/19 and \$150,000 in 2019/20). A budget bid for these funds has been submitted on 31 January 2018.

The NSW State Government has already endorsed the revised strategy proposed using the CPTIGS 2015/17 funds, however a decision will not be made in relation to the CPTIGS 2017/19 funds until July 2018. Unfortunately the Government's timeframes did not permit reporting of the revised program to Council prior to it being lodged by their 28 February 2018 deadline.

An invoice for 30% of the CPTIGS 2015/17 funds was submitted to the NSW State Government on 1 March 2018 as requested, following confirmation of the five locations proposed to be funded under this round of the grant.

### Risk Implications

N/A

## SA18.63 Active Transport Program 2017/18 - Termination of Green St Pedestrian Refuge Project

HPERM Ref: D18/68728

Group: Assets & Works Group  
Section: Asset Management

### Purpose / Summary

To report on the termination of the Green St Pedestrian Refuge Project (from the NSW Government 2017/18 Active Transport program) and adjust the budget accordingly.

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

That Council amends the budget to reflect the approved variation under the NSW Active Transport Program 2017-18 (\$5,000 is now approved to be provided to cover survey and design costs only, down from the original \$50,000 that was approved for construction) of the pedestrian refuge on Green Street Ulladulla, and authorises the expenditure on job number 86919.

### Options

1. Adopt the recommendation
2. Not accept the recommendation

Implications: This could mean Council may have to meet the costs of survey/design.

### Background

In approving the 2017-18 Active Transport Program, the NSW Government approved a project for a pedestrian refuge to be constructed on Green Street, Ulladulla (immediately west of the Princes Highway), and asked Council to deliver.

The project was not nominated by Council, and Council were unaware of any community requests for a crossing in this location.

Upon commencement of survey and design it was identified that a pedestrian refuge could not be constructed in this location due to the impacts on the swept paths of buses and trucks who need to use this intersection.

Accordingly, Council requested that the project be terminated and that the RMS fully fund Council's costs associated with survey and design works on the project.

### Community Engagement

There was no community engagement undertaken because Council did not nominate the project, and subsequently identified that the project could not be delivered.

**Policy Implications**

N/A

**Financial Implications**

Because Council did not nominate the project, the grant funding was offered to Council on the basis of 100% funding for that project.

**Risk Implications**

N/A

## SA18.64 Progress report on the development of Council's Coastal Management Program

HPERM Ref: D18/48639

Group: Planning Environment & Development Group  
Section: Environmental Services

### Purpose / Summary

To report to Council the successful grant of \$100,000 for the preparation of Council's Coastal Management Program under the NSW Government Coastal and Estuary Grants Program.

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

That:

1. Council accept the NSW OEH grant funds of \$100,000, for the preparation of Shoalhaven Coastal Management Plan, over three (3) years.
2. As per Council resolution (MIN17.558) Council provide matching funding of \$100,000 over three years from the existing coastal maintenance operational budget to match the \$100,000 offered by the NSW Government, to prepare Shoalhaven City Council's Coastal Management Program (CMP).
3. Council write to the NSW Minister for Environment, Heritage and Local Government, Hon Gabrielle Upton, thanking her for the grant funding offer.

### Options

1. As recommended.

Implications: The grant offer is subject to Council providing the balance of funds for the project, as outlined in the grant application. With the matching dollars of \$100,000 over three (3) years, from Council's existing coastal maintenance budget, the tender process can proceed and preparation of the Coastal Management Program (CMP) will begin in the next few months.

2. Council does not provide the matching funds of \$100,000.

Implications: Council will be unable to complete the preparation of the CMP as required by the NSW Government. Without a CMP certified by the NSW Government, Council cannot access funding for implementation of works under the Coastal and Estuary Grants Program.

3. Alternative recommendation

Implications: Unknown.

### Background

The Stage 2 Coastal Reforms are being implemented by the NSW Government. The reforms are encapsulated in the Coastal Management Act 2016. The legislation requires coastal local

governments to prepare Coastal Management Programs. A funding stream was provided in the NSW Government's Coastal and Estuary Grants Program, to assist local governments undertake the work.

Council's grant application for the preparation of the CMP was successful and \$100,000 is offered to Council, subject to Council meeting the balance of funds required to complete the project.

Council is currently preparing tender and consultant's brief, for the preparation of the Coastal Scoping Study, which is a preliminary study for the CMP.

### **Community Engagement**

The Natural Resources and Floodplain Committee was consulted regarding the preparation of the CMP and the submission of the funding application to do so. This was reported to Council and Council resolved to lodge the grant application and commit funds from existing coastal management budget.

The preparation of the CMP will include a citywide community engagement program.

### **Policy Implications**

The CMP will provide Council with strategic management direction for Shoalhaven's coastline for 10 years following its adoption.

### **Financial Implications**

A Council contribution of \$100,000 will be required over three (3) years to match the NSW Government grant in order to complete the CMP. These funds will come from Council's Coastal maintenance operational budget, with an allocation of \$33,000 per year.

### **Risk Implications**

The risk to Council, if matching funds are not provided, is that preparation of the CMP cannot proceed and Council will not fulfil its obligations under the Coastal Management Act 2016. Also, without a CMP certified by the NSW Government, Council cannot access funding for implementation of works under the Coastal and Estuary Grants Program.

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

**HPERM Ref:** D18/46636

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

**Attachments:** 1. Plan of Proposed Easement - Draft survey plan [↓](#)

### Purpose / Summary

This report is submitted to seek Council approval to the compulsory acquisition of an Easement for Access, Sewer Pipeline and Electricity Purposes variable width over Crown land, Lot 70 DP751268 at Gerroa Road, Shoalhaven Heads.

### 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.

### Options

1. Resolve as recommended. Acquisition of the easement is required for an existing access road and Shoalhaven Water infrastructure.
2. Not resolve as recommended and provide further directions to staff.

### Background

An easement is required for an existing access road and sewer main and future electrical line through the subject property, to service sewer exfiltration ponds on Council land to the east of the property.

Crown Lands originally provided conditional consent to the acquisition in 2012, subject to resolution of an Aboriginal land Claim on the land lodged by Illawarra Local Aboriginal Land Council (LALC). However, the property is outside the area of Illawarra LALC and within the area of Jerrinja LALC.

The matter has been further delayed by three additional Land Claims subsequently lodged over the land by the NSW ALC.

Following lengthy negotiations, concurrence to the easement has now been given by Illawarra LALC, Jerrinja LALC and NSW ALC.

By letter dated 20 November 2017 the Department of Primary Industries has provided a fresh consent to the acquisition, noting the concurrence of the Land Councils. The consent specifies that compensation for the easement is to be determined by the Valuer General.

### **Financial Implications**

Compensation and all costs associated with the acquisition are to be funded from Shoalhaven Water's Sewer fund. The compensation is to be determined by the Valuer General.

### **Risk Implications**

Acquisition of the easement is necessary to secure Shoalhaven Water's access for the operation and maintenance of essential public infrastructure.

The proposed action is administrative and has no environmental impact.





## SA18.66 Interest Grace Period - Water Accounts

**HPERM Ref:** D18/49097

**Group:** Shoalhaven Water Group  
**Section:** Water Customer & Business Services

**Attachments:** 1. Debtor Management Policy [↓](#)

### Purpose / Summary

Council and the public were advised as part of the 2017 Integrated Strategic Plan (Operational Plan – Fees & Charges) that the current method of applying the pensioner rebate and facility regarding a grace period for the payment of water accounts may alter due to the implementation of a new water billing system. This report provides background to the interest grace period for the payment of water accounts by eligible pensioners and a proposal to offset this facility with an increase to the pensioner rebate.

### 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.

### Options

1. Resolve as recommended and adopt the amended policy.

Implications: All eligible pensioner water account customers will obtain benefit of an increase to the concessions for water and sewerage availability charges. Customer confidence in business and billing integrity will be maintained by the use of a standard billing system configuration.

2. Not adopt the recommended changes and continue with the extended grace period for eligible pensioner accounts.

Implications: This option has an extreme risk of transactional error occurring with customer accounts. This is due to manual processing “work arounds” being required and such will necessitate the manipulation of system generated data. The additional workload in processing concession adjustments between billing periods will require additional resourcing to ensure entitlements are accurately applied.

## Detail

The current water billing module has a number of exclusive functions that have been developed for Shoalhaven Water from the original version to accommodate specific requirements to meet Council resolutions. These are unique to Shoalhaven, they are not industry standard or contained within any available Local Government billing solution.

Council would be aware that new corporate systems are being implemented during 2018 and a water billing module is part of that process. With the implementation of the new water billing system it was anticipated that some changes would be necessary either in undertaking “work arounds” to enable functionality to be achieved or seeking alternative means to billing processes to meet customer and Council requirements. Some minor changes have already been implemented with little impact, however a change was forecast early regarding the grace period for eligible pensioner accounts.

## Background

Water Accounts are levied to customers on a cyclic basis to co-incide with the reading of the water meter. Each customer receives a water account on a 90 day rolling schedule and owing to the size of the city, this necessitates weekly billing processes for 48 weeks of the year. As a consequence, the due date for payment of water accounts varies with each levy, in contrast to the Council rates account which is a city wide levy undertaken at the same time with the same payment due date.

All water accounts have a due date for payment 28 days after each levy is issued. A further grace period is given before interest charges are applied for unpaid accounts. This allows for any delays in postage or payment transactions which might occur beyond Council or the customer’s control.

Eligible pensioner account holders are provided with a further grace period totalling 365 days after the account is issued before interest charges are applied. However, it should be noted that if an account remains unpaid after 365 days, the interest which is calculated and levied is effective from the original due date of each account. This is an important distinction when considering a proposed upfront concession increase. The current pensioner account grace payment provision has no benefit to customers that do not pay an account within that period.

The grace period for eligible pensioner water accounts was commenced in 2007 to co-incide with the transfer of the water and sewer availability charges from the rate account. For consistency this enabled continuation of the assistance measures as provided for the general rates.

## Analysis

It was predicted that a standard system capable of splitting due dates for specific customer groups was unlikely to be obtained in the available commercial market. Consequently analysis commenced to capture the number of customers that take advantage of the grace period, the interest charge implications and income derived from overdue interest charges. Given the grace period is applied to water consumption charges, the dollar figures will differ between periods as individual customer water usage can vary significantly with charging/interest consequences. In addition, the payment of accounts occur at any time during the course of the grace period and therefore the analysis can only be taken as a snap shot in time.

There are currently 11,096 pensioner water accounts holders with 10,363 that pay both water and sewer charges. During the 12 month billing period from February 2017, Table 1 below

shows a breakdown of customer utilisation of the grace period from the payment of accounts levied;

Table 1:

11,096 Pension Accounts – Payment Status					
Unpaid as at	3 months	6 months	9 months	12 months	12 months+
Number	1142	603	458	386	326
% Unpaid	10.29%	5.43%	4.13%	3.48%	2.94%
% Paid	89.71%	94.57%	95.87%	96.52%	97.06%

Payment analysis of pensioner accounts as shown in Table 1 indicates that 2.94% of pensioner accounts remain unpaid after the grace period (12 months+) and these customers obtain no benefit from the grace period.

The remainder of pensioner accounts (97.06%) either pay within the normal payment terms or progressively through the grace period.

In considering the effect of any removal of the grace period, the customers that delay payment to a point during the periods as shaded in Table 1, will be impacted from a change to the current facility if an offset increase to the concession is not given. This number represents 277 customers (603 at the 6 month point less the 326 that still remained unpaid after 12 months). It should be noted that there will also be customers within the 0-3 month point and customers that regularly and progressively make part payments that will be affected to some extent.

#### Option/Summary

Implementing a new billing system has presented Shoalhaven with a good opportunity to review the effectiveness of previously adopted practices. This review of the grace period arrangement has revealed that it only benefits a very small percentage of customers.

The option to remove the grace period and replace it with an increased Council component to all eligible pension concessions is more equitable. It will also provide direct benefit to off-set interest charges from delaying payments under the current grace period. Council would be aware that there has been no increase to the concession payable under the conditions of the Local Government Act for many years and therefore a Council facilitated increase is considered to be a positive outcome to pensioner account holders.

It is not intended to generate additional revenue through the interest income from overdue pension accounts with the removal of the grace period. The proposal is to provide a Council component amount greater than the net interest income as an off-set and to apply that increase only to the fixed availability charges.

As a first step, the amount of the proposed Council component has been calculated from the interest income which would be generated from the outstanding balances of those accounts in Table 1. This also enables a basis for ongoing review. That calculation has been further averaged on a per account basis across all the pensioner water accounts. The calculation is shown below in Table 2 below;

Table 2:

	Pension Accounts Outstanding Balances & Interest Income				
	0-3 months	6 months	9 months	12 months	Total
<b>Number of accounts</b>	1142	603	458	386	
<b>Total Charges outstanding</b>	\$279,803	\$164,263	\$127,621	\$124,974	\$696,661
<b>Annual Interest Income</b>					\$27,956
<b>Per Account (11,096)</b>					\$2.52

The amount calculated from the interest income will clearly not provide tangible assistance to those 277 customers that utilised the grace period. The largest number of which did so in the periods up to the 9 month point. Assuming that a customer does not pay the water and sewer availability charges over this period, the accumulated interest levied for the unpaid charges would equal \$18.65.

Taking into account the desire to provide direct assistance to all the eligible pensioner accounts and to off-set the use of a grace period, it is proposed to increase the Council component of the concession by \$10.00 for sewer and \$10.00 for water availability charges. Limiting the increased concession only to the availability charges will ensure that all connected pensioner accounts receive the full benefit and the same additional amount proportional to their entitlement.

The proposed increase to the pension concession has been assessed using a broad based analysis. Water consumption charges are “user pay” and therefore cases may arise involving high water use and where the grace period would assist. In these circumstances, Councillors would be aware that Shoalhaven Water has available for customers a Payment Assistance Scheme. This scheme has been in place since the implementation of the NSW Government Water Supply & Sewerage Pricing Guidelines in 2004 and it provides direct monetary support to customers in respect of water usage charges. Use of the scheme in lieu of the grace period would be appropriate and available as an alternative.

This assistance is available to all customers as a responsible means to ensure that the essential water supply services can be maintained for customers that might be experiencing financial hardship. The scheme is largely managed by Community Agencies on behalf of Shoalhaven Water but senior staff can also provide scheme assistance on application. Since the implementation of the scheme, the annual funding has never been fully utilised and it is intended to increase the promotion of this scheme with the proposed change. It is considered that the pension concession and the Payment Assistance Scheme are both means to provide support to customers and therefore any individual impact from the removal of the interest grace period can be offset from these joint measures.

## Community Engagement

The 2017 Integrated Strategic Plan contained advice that the method of applying the pension rebate and facility to provide a grace period may alter. Whilst the method of applying the rebate will not change, it is proposed to remove the grace period as indicated in this report. Shoalhaven Water provides an insert to accompany each water account and it is intended to undertake an information campaign over the next two billing quarters to highlight the staged changes consequent to the system implementation. The system changes include customer service response functions and e-billing account management improvements.





Draft Front Page of Account Insert

### **Policy Implications**

The interest grace period was adopted in 2007 and is contained in Council Policy 17/1. It is therefore necessary to rescind the Council resolution 1814 adopted 18 December 2007 and adopt the attached amended Policy.

### **Financial Implications**

The proposed removal of the grace will generate additional interest income from unpaid accounts however but this has been off set by the increased concession. The net additional expenditure is approximately;

Water fund – \$107,114

Sewer fund – \$76,690

SA18.66



# Shoalhaven Water - Debtor Management Policy

For more information contact  
Shoalhaven Water

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Policy Number: POL18/1  
Adopted:  
Minute Number:  
File: 12039E  
Review Date: 1/12/2020

## 1 PURPOSE

Shoalhaven Water follows an established process when payments are overdue. The purpose of this policy is to ensure that customers are aware of how Shoalhaven Water responds to overdue accounts and the debtor management actions which can be taken to recover the charges. Specifically the objectives of this policy are to:

- Fulfil the statutory requirements of the Local Government Act and Regulations with respect to the recovery of charges from property owners,
- Ensure that customers are treated fairly, consistently, confidentially and with courtesy at all times in the debt recovery process,
- Raise customer awareness of payment assistance measures provided by Shoalhaven Water, and
- Uphold relative compliance with NSW Government directives and Industry practice guidelines.

This policy is consistent with debtor management matters as contained within the adopted Customer Service Plan.

## 2 STATEMENT

In meeting the objectives above, due cognisance must be given to the fact that Shoalhaven Water is an essential service provider to the community. The continuing supply of water and sewerage services to the community can only be achieved and is contingent upon customers paying for those services.

Consequently, the pursuance of unpaid debt is an important function for Shoalhaven Water to ensure available cash flow, limit the risk of unrecoverable debt and reduce environmental impacts from uncontrolled water loss. In light of Shoalhaven Water's responsibility as an essential service provider, minor deviation from standard processes, procedures or policy in relation to debt recovery may be necessary on a case by case basis.

## 3 PROVISIONS

This policy applies to all Shoalhaven Water customers, including residential, commercial, industrial and community service classified properties.

### 3.1 Water and other Shoalhaven Water accounts

Water accounts are issued on a quarterly and cyclic basis at the time of water meter readings. Other accounts (sundry accounts) are issued on undertaking or supplying a service and debtor management for these are conducted through mercantile recovery agencies.



Shoalhaven Water is committed to issuing accurate and timely accounts for the services provided. It is an expectation that customers will pay their accounts promptly, advise Shoalhaven Water if they are unable to do so or commit to a payment arrangement or other payment assistance measures as agreed.

### 3.2 Time given to pay water accounts

Shoalhaven Water levies water accounts in the name of the property owner and to the address so nominated by the owner. Payment is due 28 days after the date the account is issued and a further grace period is given before interest charges are applied to allow for delays eg post and banking. ~~Eligible pensioners are provided a 12 month interest free period from the date of issue to pay the water account.~~

### 3.3 Overdue water accounts

Shoalhaven Water undertakes the following measures when payments are overdue and the property owner of metered properties has not made contact or made regular prearranged payments;

1. If the account has not been paid by the due date, a reminder is issued.
2. If the account remains unpaid, an overdue notice which includes details of payment assistance measures and recovery options is released.
3. Following this, a letter is sent by registered post to the owner indicating that the property is being assessed for water flow restriction. If the property address is different to the postal address, a similar letter is sent by ordinary mail addressed to the occupier.
4. If contact is still not forthcoming, a notice of intention to restrict the flow of water is hand delivered to the property advising that the property may be restricted after 24 hours (see restriction of service below).

At the stage of point 4 above and where possible, telephone or email contact is attempted.

If the account remains unpaid, Shoalhaven Water may restrict the supply of water and/or commence legal action. In the case of unmetered properties legal actions may commence after point 2 above. Legal actions are conducted by an alternative mercantile recovery agent to that used for general rates as this ensures that essential services are clearly identified in debt recovery proceedings.

In each formal contact with customers, information and access to Shoalhaven Water staged payment arrangement or assistance programs is offered.

### 3.4 Water accounts - flow restriction

Water flow restriction involves significantly reducing the water supply to the property. A small amount of water is supplied for health and hygiene purposes. It is Council policy that water flow restrictors not be used on;

- Eligible pensioners as defined by Council Policy – “Revenue Pensioner Rates and Charges - Arrears and Interest”,
- Rural properties with animals,
- Kidney Dialysis Patients,
- Hospitals,
- Schools,
- Pre-schools and;
- Retirement Homes.

In accordance with NSW Office of Local Government Circular 15-40 of 16 December 2015, Water flow restrictors will not be installed on properties once Shoalhaven Water becomes aware that a property is tenanted. A tenant is so determined to be an occupier of the property holding a signed NSW Government Fair Trading “Standard form – Residential tenancy agreement” or similar eg Commercial Property Lease Agreement. In this case, action to recover outstanding monies from the occupier in accordance Section 569 and 1650 of the Local Government Act may be commenced.

#### ***Avoiding Restriction***

Shoalhaven Water will not instigate a water flow restriction to customer properties if;

A formal arrangement to a repayment plan is accepted, signed and the payments on the due date are made,

An accepted and active Centrepay arrangement (through Centrelink) is maintained,

An outstanding water account complaint with Shoalhaven Water or a complaint that is being investigated by the Energy and Water Ombudsman of NSW (EWON).

#### ***Restoring the water supply***

If a property has been restricted, Shoalhaven Water will restore the water supply when;

- The outstanding water charges are paid in full including the removal fee, or
- The customer has agreed and signed an approved formal arrangement, payment extension or other form of assistance which has been approved, or
- The customer has paid an agreed lump sum arrears of the outstanding balance and made an informal undertaking to pay the balance by instalment in a reasonable timeframe, or
- Contact has revealed that the property is subject to a signed NSW Government Fair Trading “Standard form – Residential tenancy agreement” or similar eg Commercial Property Lease Agreement.

### **3.5 Eligible Pensioner Accounts**

Council resolution 421 of 24 June 2015 refers in relation to deferral and debt recovery actions.

### 3.6 Payment Assistance Scheme

Shoalhaven Water has a payment assistance program consistent with the essential service industry to help customers experiencing financial difficulties. The program is in lieu of a formal hardship policy and is available to all residential customers including tenants. The scheme is largely managed by a range of Community Support Agencies on behalf of Shoalhaven Water. Assistance under this scheme is monetary and any amount can be applied directly, immediately and indiscriminately against the water usage charges.

### 3.7 Overdue Sundry Accounts

Shoalhaven Water undertakes the following measures when payments are overdue and the debtor has not made contact or made regular prearranged payments;

1. If the account has not been paid by the due date, a reminder is issued.
2. If the account remains unpaid an overdue notice is released and this includes details of legal recovery options.

If the account remains unpaid, Shoalhaven Water may commence legal action.

## 4 IMPLEMENTATION

The Shoalhaven Water Business and Customer Services Manager is responsible for the implementation, actions and management of this policy.

## 5 REVIEW

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

## 6 APPLICATION OF ESD PRINCIPLES

To reduce the demand on treated water supplies through the user pay principle.

## SA18.67 Shoalhaven Water Reclamation Annual Report 2016 / 2017

**HPERM Ref:** D18/51840

**Group:** Shoalhaven Water Group  
**Section:** Shoalwater Operations & Maintenance

**Attachments:** 1. Shoalhaven Water Reclamation - REMS Annual Report 2016-17 (under separate cover) [↗](#)

### Purpose / Summary

As part of the consent conditions for the Northern Reclaimed Water Management Scheme (known as REMS1A), and the subsequent Operations Environmental Management Plan, annual reporting of the Scheme's performance is required. Further, an undertaking was made to the community that Council would monitor and report to it on health and environmental aspects of the Scheme. Since the inception of REMS1A in 2001, the Annual Report has been expanded to include reclaimed water use and biosolids management from each of Council's sewerage schemes.

SA18.67

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

That in accordance with the Committee's delegated authority from Council, that the Shoalhaven Water Reclamation annual report 2016/17 be accepted and noted.

### Options

1. As recommended.

Implications: The Annual Report is circulated to various interested parties and stakeholders as well as being made available on the website

2. The Committee could request further information on the schemes

Implications: Further advice from staff could be provided

### Background

The Annual Report incorporating all reclaimed water management with performance highlights has been prepared (see attachment).

In summary:

- Shoalhaven City Council is involved in water reclamation schemes at most of its thirteen wastewater treatment plants involving re-use on 31 properties.
- The largest scheme is the Northern Shoalhaven Reclaimed Water Management Scheme (REMS) involving four wastewater treatment plants and re-use on 23 properties.
- During 2016/17 approximately 1,620ML of reclaimed water was beneficially re-used from all schemes in the Shoalhaven, 18% of all reclaimed water produced.

- The REMS Stage 1A entered its sixteenth year of operation with 45% of scheme output beneficially re-used with the surplus released to Penguin Head. This percentage is below the long-term average rate of re-use for the scheme due to the high rainfall experienced at the beginning and end of the irrigation season.
- There was approximately 320ML of the REMS water recycled for dairy yard wash down in 2016/17, replacing previous usage of potable water for this purpose.
- Each of the water reclamation schemes met its water quality targets with respect to disinfection of reclaimed water.
- Approximately 2,850 tonnes of processed, dewatered biosolids were applied to farmland during 2016/17 in accordance with NSW Government environmental guidelines.
- Environmental monitoring undertaken as part of the REMS, Shoalhaven Heads, Ulladulla and Conjola sewerage schemes found no significant adverse outcomes.
- Construction is underway for REMS stage 1B including the upgrade of Nowra and Bomaderry wastewater treatment plants (WwTPs) and their integration into the REMS distribution system.
- Designs are progressing to increase disinfection performance at the Callala, Culburra and Vincentia WwTPs in line with current water recycling guidelines.

The 2016/17 Water Reclamation Annual Report highlights Council's commitment to the promotion of the beneficial reuse of treated wastewater (reclaimed water) and the solids removed during the treatment process (biosolids). The REMS scheme, together with Council's other reuse schemes, can promote sustainable development by: -

- Protecting the environment
- Reducing the demand for potable water supplies
- Promoting local economic development
- Directly involving the community in water conservation

For each reclamation project, Council has established procedures to ensure the water recycling activity complies with NSW and Commonwealth guidelines.

The annual report meets the requirements of the environmental monitoring plan for Council's reuse schemes.

### Community Engagement

The Annual Report is circulated to various interested parties and stakeholders as well as being made available on the website.

As has been recently reported to Council, the next stage of REMS 1B is under construction. The past, present and future commitment of Shoalhaven Council to the scheme is an excellent example of Council's leadership in this field. Engagement with key stakeholders as well as the broader community is an ongoing part of the REMS 1B project.

## SA18.68 Draft Proposal for 2018-19 Water and Sewer Charges

**HPERM Ref:** D18/62537

**Group:** Shoalhaven Water Group  
**Section:** Water Customer & Business Services

### Purpose / Summary

The purpose of this report is to provide a draft proposal for water and sewer charges for the 2018/19 financial year for Council's consideration and direction as to any other options that should be analysed prior to public consultation.

### 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.

### Options

1. Adopt the recommended values.

Implications: This would result in a 1.4% increase to the total Shoalhaven Water account for water and sewer services for a residential household using 200 kL/annum or 1.5% for a household using 150 kL/annum.

2. Request further analysis of other pricing model alternatives and the implications.

Implications: Different pricing paths can be achieved by deferral or re-prioritisation of works (other than those where contracts are already let).

### Background

The proposed 2018/19 water and sewerage budgets presented in this report have been derived by analysis of operating and capital drivers, with the aim of minimising increases in water and sewer charges. 10 and 20 year modelling of the funds have been undertaken.

### Water Fund

The water fund has no loans outstanding and in 2017 had a net operating result for the financial year of \$4.77M (see Note 21 to the Financial Statements). Major infrastructure works are being funded from reserves as previously modelled and reported. After taking into account dividend payment, capital expenditure, transfers and depreciation; the water fund had a negative cash flow from its externally restricted water supply reserve of \$937K. (see Note 6c to the Financial Statements), bringing this reserve to \$25.007M..

The current Delivery Program and Operational Plan (DPOP) forecasts an increase in the water availability charge of \$2 per 20mm connection and a 5c/kL increase in water usage charges for the 2019/20 financial year. Updated modelling with the 2017 results has demonstrated that a zero increase to availability and usage charges can be applied for the 2018/19 financial year, with a sustainable dividend payment. This includes a proposal to increase the annual concession for eligible pensioner accounts by \$10 for water availability charges as an additional Council component of the rebate provisions of the Local Government Act. A separate report has been provided in this regard.

#### *Sewer Fund*

As has been reported for many years, the sewer fund is heavily influenced by ongoing significant capital requirements and has a number of current and future loan borrowings factored into the 20 year model. The sewer fund pricing path has included “above CPI” increases over a number of previous years to avoid price shock and to fund both significant backlog programs (Lake Tabourie, Conjola Regional Scheme, Currarong and Kangaroo Valley) in addition to the current upgrade works of the Nowra and Bomaderry systems (REMS1B). The sewer fund had a net operating result for the 2017 financial year of \$19.1M (see Note 21 to the Financial Statements). After taking into account dividend payment, capital expenditure, depreciation and the REMS1B grant reconciliation, the sewer fund had a net positive cash flow of \$7.49M into reserve, bringing the sewer restricted reserve to \$34.1M (Note 6c of Financial Statements). The current 2018 budget includes a \$50M loan as previously reported to Council. This loan plus reserves will fund the \$113M capital program for this year.

The REMS 1B contract will continue to have significant impacts on the sewer program budget for the next 2 years.

The current DPOP forecasted an increase in the residential wastewater availability charge of \$25 per 20mm connection for the 2018/19 financial year and by a further \$25 per 20mm connection the following year. This forecast has been adjusted following updated modelling with the 2017 results and the increase to the wastewater availability charge per 20mm connection can be limited to \$18 in 2018/19 and \$20 in 2019/20.

As is the case for the water availability charge, the provision of an additional Council component of \$10 for sewer availability for the annual concession on eligible pensioner accounts has been proposed to commence in 2018/19.

#### *Summary*

The effect of the above proposal on the Shoalhaven Water bill for a residential connection in respect of water supply and sewerage services is shown on the following table.

**Table: Proposed effect on Shoalhaven Water bill (water and sewerage)**

		2017/18	2018/19	% Increase	\$ Increase		
Water Availability Charge		\$82	\$82	0.0%	\$0		
Water Usage Charges	Use per annum in kL	\$1.70	\$1.70	0.0%	Per annum	Per week	Per ¼ bill
	50	\$167	\$167	0.0%	0.0%	\$0	\$0
	100	\$252	\$252	0.0%	0.0%	\$0	\$0
	150	\$337	\$337	0.0%	0.0%	\$0	\$0
	200	\$422	\$422	0.0%	0.0%	\$0	\$0
	450	\$847	\$847	0.0%	0.0%	\$0	\$0
		\$830	\$848	2.1%	\$18		
Add Sewerage	Use per annum in kL				Per annum	Per week	Per ¼ bill
	50	\$997	\$1015	1.8%	\$18.00	\$0.35	\$4.50
	100	\$1082	\$1100	1.6%	\$18.00	\$0.35	\$4.50
	150	\$1167	\$1185	1.5%	\$18.00	\$0.35	\$4.50
	200	\$1252	\$1270	1.4%	\$18.00	\$0.35	\$4.50
	450	\$1677	\$1695	1.0%	\$18.00	\$0.35	\$4.50

The average residential water consumption for residential properties in the city is 150kL as shaded above.

It should be noted however that the nationally accepted benchmark for pricing is based on 200kL of residential water use. This provides a “normalised” benchmark for all utilities to compare pricing without correcting for differences in volumes of water supplied. The latest available National Performance Benchmark Urban Water Utilities (2015-16) for the median of an annual bill based on 200kL (\$) for water and sewer across the same group as Shoalhaven is **\$1378** per annum and for all Australian Water Utilities is **\$1332**. This compares to the Shoalhaven proposed median bill of **\$1270** in **2018-19**.

## Community Engagement

Any draft proposal adopted by Council will form part of the community engagement process for the DPOP.

## Financial Implications

The draft proposal articulated in this report seeks to minimise price increases to customers while providing essential infrastructure in a sustainable manner. A number of variables and uncertainties are contained within the financial models for water and sewer, including the timing of new infrastructure for development, interest rates, climatic factors and major contract programming. The draft pricing proposal is based on information current at this date. This will be further refined as factors change.



## SA18.69 Acquisition of easements over Crown roads - Milton Ulladulla Sewer Trunk Main project

**HPERM Ref:** D18/68403

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

**Attachments:** 1. DP1238712 - Easement Plan [↓](#)  
2. DP1228174 - Easement Plan [↓](#)

### Purpose / Summary

This report is submitted to vary MIN16.59 of 27/1/2016 and seek Council approval to acquire easements for drainage of sewage 6 metres wide for the Milton-Ulladulla Sewer Trunk Main project over:

- Unmade Crown roads off Slaughterhouse Road/Turnbull Lane at Ulladulla,
- Unmade and closed Crown roads off Green Street at Ulladulla, and
- An unmade Crown road off Kings Point Drive at Kings Point.

### 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.

### Options

1. Resolve as recommended. Acquisition of the easements are required for a new sewer pipeline.
2. Not resolve as recommended and provide further directions to staff.

### Background

By MIN16.59 dated 27/1/2016 Council resolved to acquire the easements over the Crown roads, plus an easement over Lot 7306 DP1166723, being Crown land granted to Ulladulla

LALC. The acquisition over Lot 7306 proceeded ahead of those over the Crown roads and has been finalised.

The Crown's consent to the acquisitions was provided by letter dated 2 November 2015 and subsequently extended to 17/12/2018. Construction of the sewer pipelines was undertaken under a licence.

Survey plans, based on works as executed drawings, have been registered as DP1238712 and DP1228174. At the time of the previous approval the proposed easements were shown on sketch plans marked Attachments 'A' & 'B'.

The closed road shown on DP1228174 is subject to an Aboriginal Land Claim lodged by NSW Aboriginal Land Council. However the Land Council has provided consent to the easement being acquired.

To obtain Minister's approval to the compulsory acquisition, an updated Council Resolution with reference to registered survey plans is required for the Office of Local Government. Such approval is sought by this report.

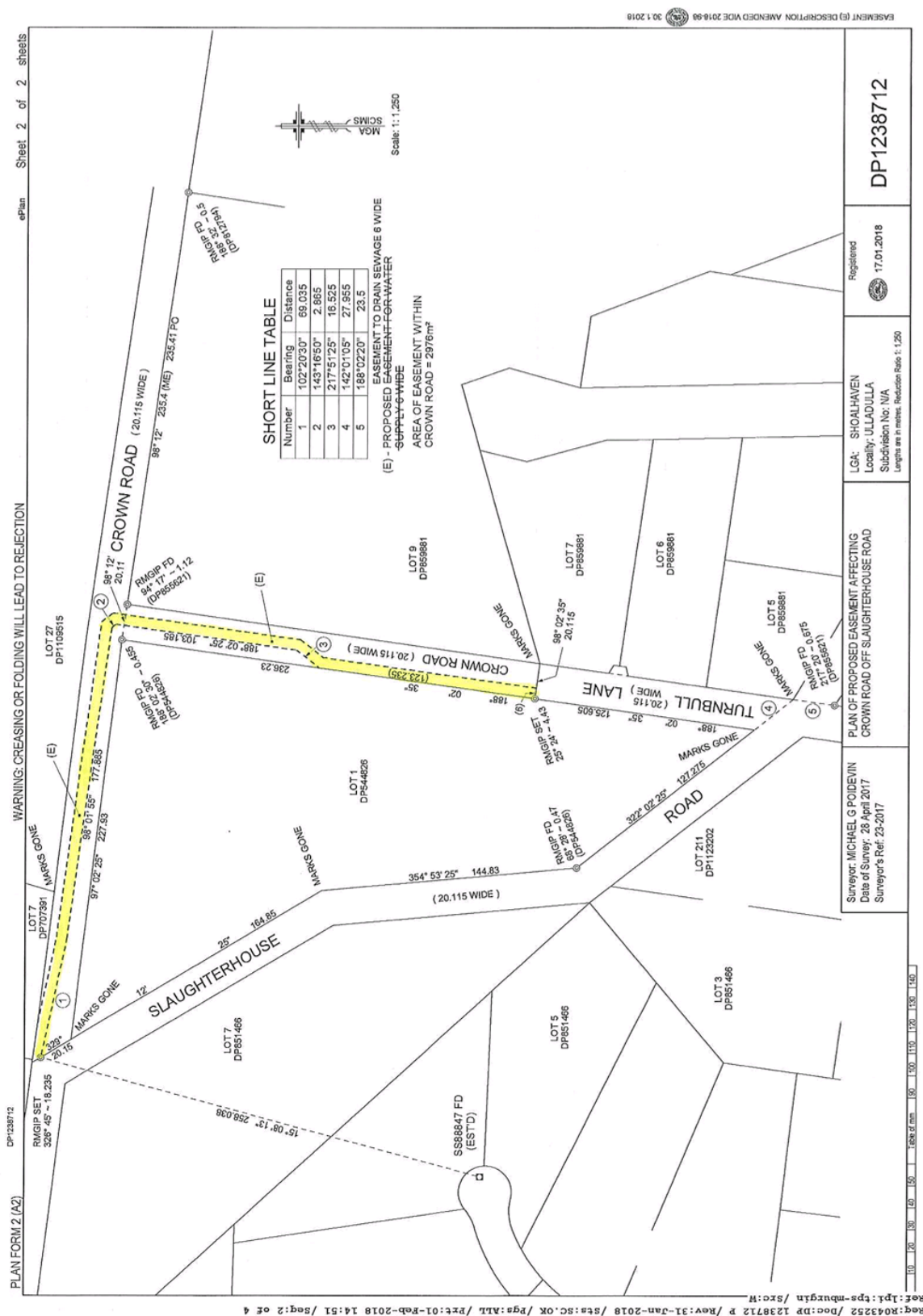
### **Financial Implications**

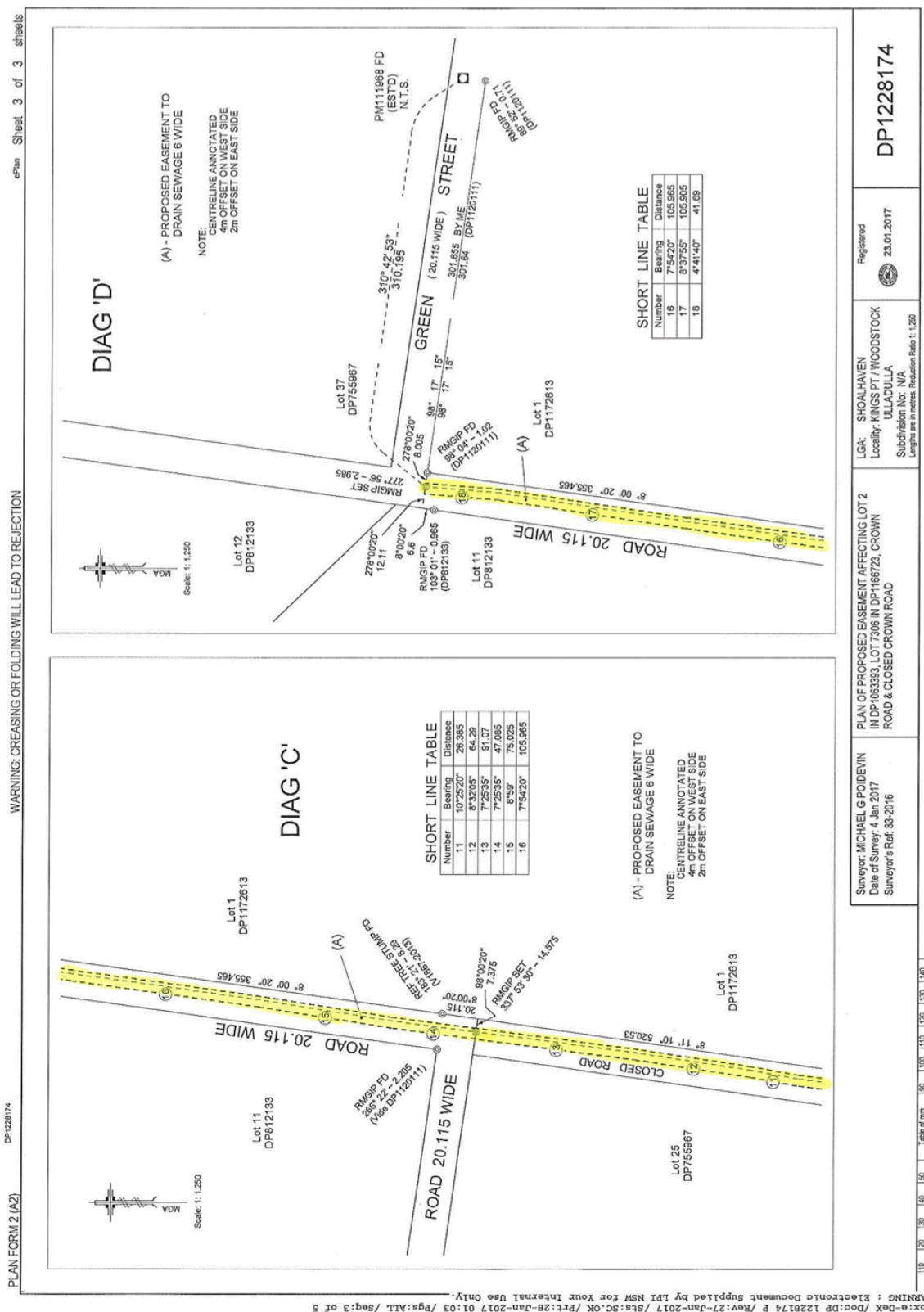
Compensation and all costs associated with the acquisition are to be funded from Shoalhaven Water's Sewer fund.

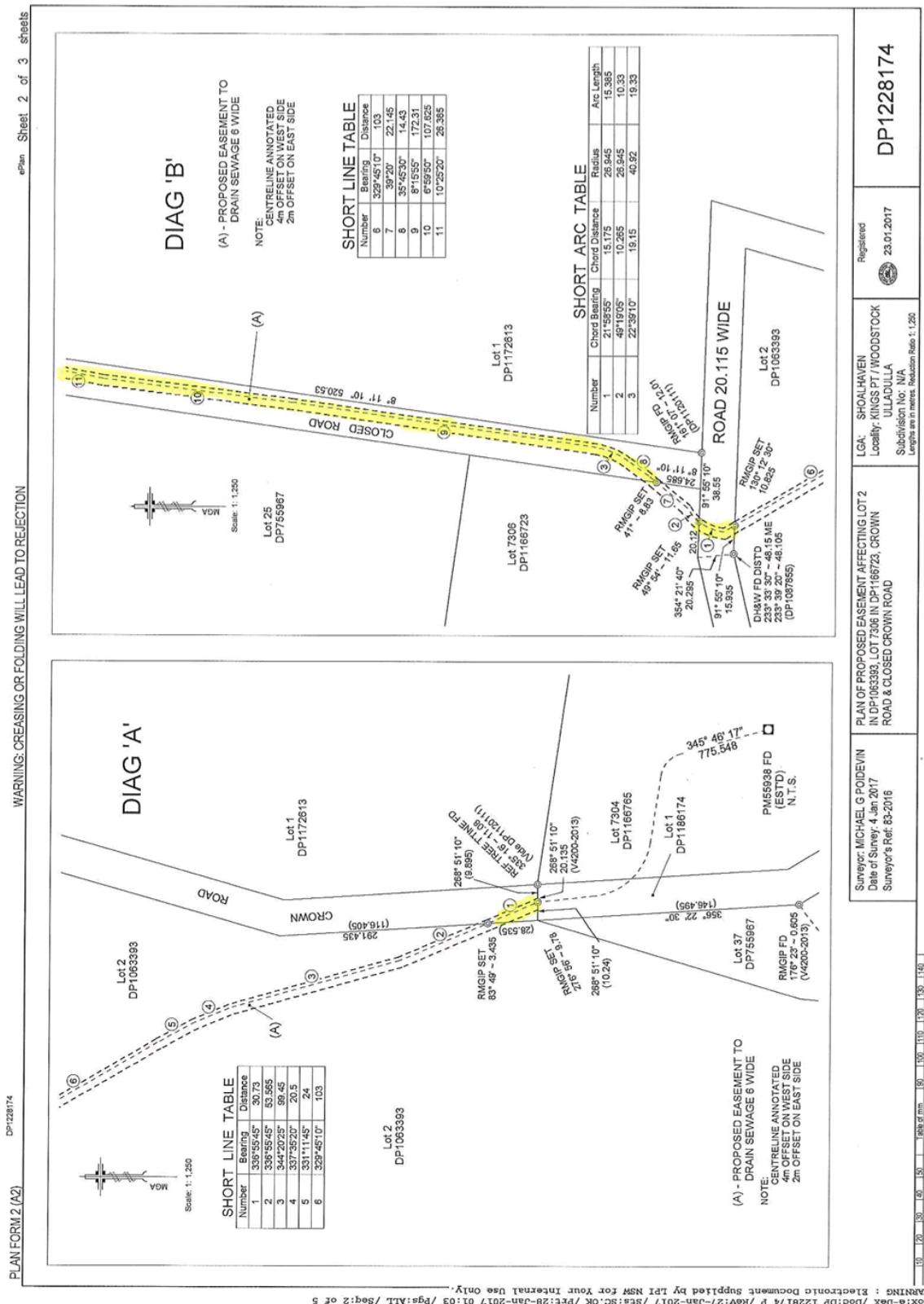
The compensation is to be determined by the Valuer General in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.

### **Risk Implications**

Acquisition of the easements is necessary to secure Shoalhaven Water's access for the operation and maintenance of essential public infrastructure. The proposed action is administrative and has no environmental impact.







## SA18.70 Extension of Town Water Supply along Tannery Road, Cambewarra

**HPERM Ref:** D18/71530

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

**Attachments:** 1. Tannery Rd Raw Water Schematic [↓](#)

### Purpose / Summary

Council's direction is sought to extend the town water supply in Cambewarra to serve three properties that are currently connected to an old raw water supply system that Council does not operate or maintain.

### Recommendation

That Council:

- a. Approve the extension of the town water supply along Tannery Road to the eastern boundary of 261 Tannery Road, Cambewarra.
- b. Approve the funding of the water main extension from the Water Capital Fund.
- c. Following completion of the water main extension, discontinue the raw water supply to 245, 246 and 261 Tannery Road, Cambewarra.
- d. 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.

### Options

1. Adopt the recommendation.

Implications: Staff consider this approach as the means to best mitigate risks Council may carry.

2. Council could choose not to extend the existing town water supply and formalise ownership transfer to the property owners as a private supply.

Implications: This is not supported by staff as it does not fully address the risk to Council. In addition it could involve a lengthy legal and regulatory approvals process.

3. Council could take steps to retain ownership of the infrastructure and continue the raw water supply to the current users.

Implications: This is not supported by staff as it does not fully address the risk to Council. In addition it could involve a lengthy legal and regulatory approvals process.

## Background

It has recently come to Council's attention that four properties are utilising an old raw water supply in Tannery Rd, Cambewarra. This small system was a part of the original Cambewarra water supply that comprised Cambewarra Dam (still owned and maintained by Council), a head weir and pipes (see Attachment 1 for schematic). The four subject properties are:

Lot 1 DP 562430, No. 246 Tannery Rd  
Lot 2 DP 562430, No. 230B Tannery Rd  
Lot 3 DP 609826, No. 261 Tannery Rd  
Lot 4 DP 609826, No. 245 Tannery Rd (also has town water connection)

The head weir is located on Lot 85 DP 751273 (same owner as 230B Tannery Road). This head weir and associated pipes were disused by Council in the late 1970's and no record can be found as to a formal mechanism utilised to extinguish ownership of the scheme or transfer the scheme to private parties to manage. It should be noted that none of the four properties have paid availability nor usage for the raw water since the time Council disused the system (as advised by property owners). Council's records of water billing support this though the exact date of cessation of raw water billing is unclear.

In May 2017 Council received correspondence from the owners of 246 Tannery Road seeking Council's advice on the status of ownership and responsibility of the existing raw water supply as the owner of 230B Tannery Road has threatened to cut the supply to the property when they sell it (which they intend to do in the near future).

The owners of 246 Tannery Road are claiming that they purchased the property with a water supply and they wish to sell it with a water supply.

Some other points of note include:

- Neither the pipeline nor the head weir are covered by easements.
- None of subject infrastructure is included in Council's asset register, and as such no maintenance or operational monitoring (eg water quality) has been carried out by Council since the late 1970's.
- Council does not hold a licence to extract water at the head weir.
- The land owners appear to agree that it is a "private system" as they have carried out maintenance and repairs in the past, at their own cost.
- None of the four properties are connected to Council's sewerage system (and none pay the sewerage availability charge).
- The quantities of raw water used by the properties is unknown and indeed it is unknown what the water is being used for.

Staff have investigated this situation in terms of Council's potential responsibility for the infrastructure and risk of liability given it does not maintain or operate the system (and does not charge for same).

Staff have concluded from the investigation that Council may carry some risk in this situation and it should take measures to mitigate that risk.

Given the four properties in question were connected to a once owned water supply system (albeit a raw water supply) of Council it is considered prudent to extend the potable water supply and offer connection of those properties to that reliable supply. Council may recall a similar scenario at Strongs Road whereby Council funded an extension of its potable water supply to the users of an aged raw water system. It is recommended to take a similar approach here. The following steps are proposed:



- Finalise a design for an extension of the potable water supply. This would include a 350 metre extension of 100mm diameter pipeline along Tannery Road to the eastern boundary of 261 Tannery Road.
- The property owners involved have been consulted and all appear to be supportive of the proposal (they are aware that it is subject to Council resolution). Should the proposal be endorsed by Council then further consultation will be undertaken regarding the extension and removal of the raw water supply to 245, 246 and 261 Tannery Road.
- Council construct the water main extension (funded from Water Capital Fund).
- Advise land owners of the completion of the construction and that they can make application for connection to the potable supply.

### **Community Engagement**

The local stakeholders have been kept informed of the progress of the project through letters and on site consultation. The owners of 245, 246 and 261 Tannery Road have been advised of the disconnection of their properties from the raw water supply.

Further investigation and consultation will be required in relation to the raw water connection on 230B Tannery Road.

### **Policy Implications**

As discussed above the situation was brought to Council's attention through correspondence in May 2017 and extensive research has been undertaken to ascertain the status of the subject raw water supply and assess any risks Council may realise having managed the system until the late 1970's. While Council has no policy to reference in this exact scenario it may consider the Strongs Road water supply as a precedent for decision making.

The Strongs Road water supply project was completed in 2015. It included an extension of the town potable water to serve approximately 23 properties along Strongs Road that were previously connected to a Council owned raw water system. This project was funded by Council through its Water Fund.

While there is some conjecture as to the ownership of the raw water system at Tannery Road, Cambewarra, staff feel the risk to Council is such that it would be prudent to reduce that risk by provision of a town water supply to those properties, similar to Strongs Road.

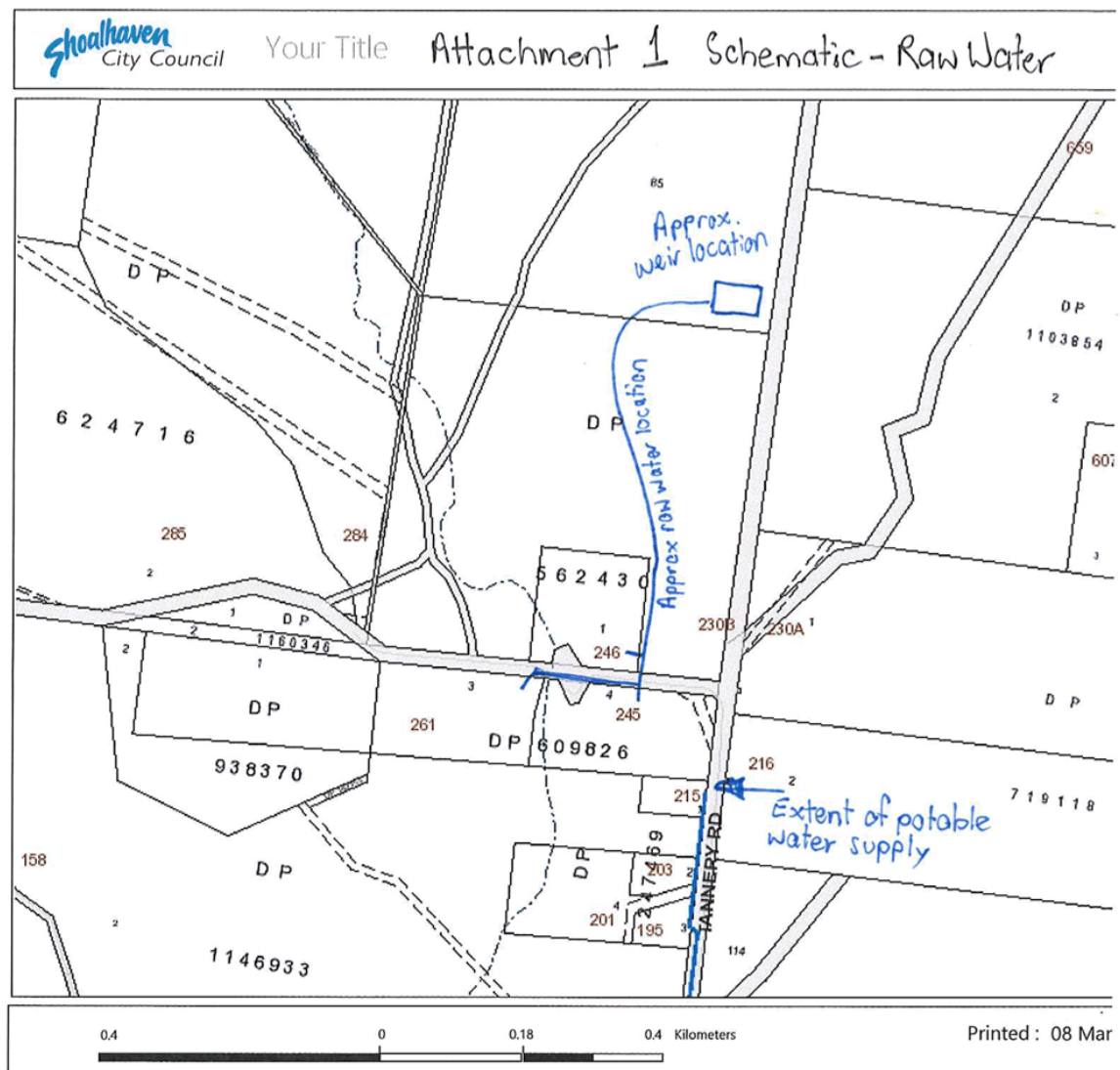
### **Financial Implications**

Shoalhaven Water has prepared an estimate for an extension of its potable water supply to serve 246 and 261. It should be noted that 245 Tannery already has connection to the potable supply. The estimate, based on the preliminary design for a 350m extension of a 100mm diameter pipeline, is \$125,000 and would be funded through the 2017/18 Water Capital Fund from savings experienced with the Minor Mains Program. The estimate includes, survey, design, review of environmental factors, construction and project management. The works is anticipated to be undertaken by Shoalhaven Water's Operations Section.

The connection of new services to the new water main will be paid for in full by the property owners. The cost for a 20mm metered service is \$847 (2017/18).

Once the properties are connected they would also be levied the water availability charge of \$82.00 for 2017/18.





## 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.