

Ordinary Meeting

Meeting Date: Tuesday, 24 April, 2018
Location: St Georges Basin Community Centre, St Georges Basin
Time: 5.00pm

Membership (Quorum - 7)
All Councillors

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

Agenda

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

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

CL18.81 Rescission Motion - CL18.76 - Local Government Conference - 2018 National General Assembly of Local Government - Proposed Motions

HPERM Ref: D18/125633

Submitted by: Clr Mitchell Pakes
 Clr Greg Watson
 Clr Andrew Guile

Purpose / Summary

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

Recommendation

That Council rescind the motion relating to Item CL18.76 of the Council Meeting held Tuesday 27 March 2018 (reconvened Tuesday 3 April 2018).

Background

The following resolution was adopted at the Council Meeting (MIN18.203) held Tuesday 27 March 2018 (reconvened Tuesday 3 April 2018).

That Council endorse the nine (9) motions as detailed in this report for submission to the Australian Local Government Association – 2018 National Assembly.

Note by the General Manager

The deadline for the submission of Motions was 30 March 2018. As the matter was not dealt with prior to the adjournment of the Council Meeting held on 27 March 2018, ALGA was informed of the intended motions of the Council at that time, and was further advised on 30 March 2018 at the completion of the Council Meeting that they had been confirmed.

Should the Council resolve to remove or amend one or more of the motions which have been submitted, the ALGA will be advised accordingly of the Council's decision.

CL18.81

CL18.82 Notice of Motion - Local Government Conference - 2018 National General Assembly of Local Government - Proposed Motions

HPERM Ref: D18/125691

Submitted by: Clr Mitchell Pakes
Clr Greg Watson
Clr Andrew Guile

Attachments: 1. Report to Ordinary Meeting 27 March 2018 [↓](#)

Purpose / Summary

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

Recommendation

That Council endorse the motions as detailed in the report submitted to the Council meeting 27 March 2018 (CL18.76) for submission to the Australian Local Government Association – 2018 National Assembly with the exception of Proposed Motion 1 Coastal Hazards (National Policy).

Note by the General Manager

This Notice of Motion will be dealt with if the presiding Rescission Motion is carried.

CL18.82

CL18.76 Local Government Conference - 2018 National General Assembly of Local Government - Proposed Motions

HPERM Ref: D18/98970

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

Purpose / Summary

This report details Council's proposed Motions to be submitted to the Australian Local Government Association – 2018 National General Assembly scheduled for 17 to 20 June 2018 in the National Convention Centre Canberra, ACT. Motions are required to be submitted by 30 March 2018.

Recommendation (Item to be determined under delegated authority)

That Council endorse the nine (9) motions as detailed in this report for submission to the Australian Local Government Association – 2018 National Assembly.

Options

1. As per the recommendation

Implications: The Motions and supporting text are finalised and ready for submission prior to the deadline.

2. That alternate Motions be presented for consideration.

Implications: Motions are required to be submitted by 30 March 2017. In order for the deadline to be reached both the motion and supporting text will be required.

Background

A Councillor Briefing was held Thursday 8 March 2018 to discuss draft Motions for submission.

Further, at the Strategy and Assets Meeting of the Council held on 20 March 2018, Council resolved in relation to Report SA.65 National General Assembly (MIN18.178) as follows:

"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 Councillor Findley be determined as the Council voting delegate for the conference and Councillor Gash as alternate delegate."*

The Nine (9) motions proposed for submission arising from the briefing and the Council Resolution are as follows:

1. NATIONAL POLICY - COASTAL HAZARDS

Motion:

That the Australian Government establish a consistent national policy for the management of risks posed by coastal hazards, including sea level rise.

National Objective:

This impacts upon all Coastal Councils in Australia

Summary of Key Arguments:

The Australian Coastal Councils Association have recently (February 2018 newsletter) called on the Australian Government to 'play a leadership role' to protect the coastal zone from the imminent threat of a changing climate', arguing that, now more than ever, a national, coordinated approach with national funding is needed.

In 2009, a bi-partisan House of Representative Committee recommended that the Australian Government develop an Intergovernmental Agreement on the Coast Zone with state and local government and that it form the basis for a National Coastal Zone Policy.

On the south coast of NSW we are now seeing the anomalous outcome of the absence of a coordinated climate change/ sea level rise policy. For example:

- Wollongong City Council recently had their Coastal Zone Management Plan certified using sea level rise figures of 0.4m by 2050 and 0.9m by 2100. These are the same figures provided by the NSW Government in 2009 and withdrawn in 2012.
- Shoalhaven City Council has adopted sea level rise figures of 0.23m by 2050 and 0.36m by 2100.
- Eurobodalla Council has adopted sea level rise figures of 0.23m by 2050 and 0.72m by 2100.

	2050	2100
Wollongong City Council	0.4m	0.9m
Shoalhaven City Council	0.23m	0.36m
Eurobodalla Shire Council	0.23m	0.72m

Coastal Councils cannot coherently and safely manage the risks posed by coastal hazards, including sea level rise, with such a variance of sea level rise figures along one relatively short stretch of coastline. A national, cohesive policy is needed.

2. FIRST AND LAST MILE PROJECTS

Motion:

That Federal Funding be provided on first and last mile projects.

National Objective:

Freight movement is key to the economic performance in all areas. Transport technologies are advancing. Local government road assets form the last/first mile and are not at a level of service to suit the heavier weights, truck configurations and other technologies that industry logistic chains are adopting to meet advances in national heavy vehicle standards.

Summary of Key Arguments:

As heavy vehicle technologies improve, the road assets need to improve to accommodate these new configurations that deliver productivity gains to industry. Intersections, roundabouts, pavements designed and built decades ago do not meet the needs of the modern truck fleet.

Widening of pavements, providing slip lanes at intersections, strengthening culverts and

bridges are essential on the local government network used by heavy vehicles. Higher Mass limited vehicles bring safety and productivity improvements to industry, the road network needs to be compliant with this standard where necessary.
All State and National road networks need to meet this Higher Mass Limit (HML) standard. Funding to improve the local government network should be provided on a project by project basis under programs such as the Heavy Vehicle Safety Productivity Program.

3. PRINCES HIGHWAY

Motion:

That the Federal Government be called upon to officially recognise the Princes Highway as a Highway of National Importance as a major freight and tourist route

National Objective:

The roadway is of significant importance to the nation.

Summary of Key Arguments:

The Princes Highway is the longest national highway in the world at a total length of approximately 14,500 km. It carries freight, holds large international economic significance and is a major tourism route.

This motion supports the South East Australia Transport Strategy Inc (SEATS), petition for the recognition of the Princes Highway and urgent funding required for the development and upkeep of this vital transport network. The petition calls on the Federal Government to officially recognise the importance of the Princes Highway between East Sale and Wollongong as a major freight and tourist route, and to commit additional and ongoing funding to address the condition of this vital transport network, which covers over 739 kms.

There has been a significant increase in traffic using the Princes Highway and upgrades are the key to the development, growth, sustainability and improved safety for the region. This is a region of approximately 2 million people, a key tourism destination and one of the fastest growing regions in Australia. Recognition of the importance of the Princes Highway as a main arterial roadway will provide the same resourcing that other national road networks have received for many decades.

4. MOBILE PHONE NETWORK COVERAGE

Motion:

That the Federal Government facilitate and provide incentives to improve Mobile Phone Network coverage and reliability to cover all areas of infrastructure.

National Objective:

Mobile phone voice and data services are now fundamental to support businesses and the welfare of the population of the Nation in general. The availability of coverage improves efficiency, the ability to undertake business, provides security and safety for residents and visitors to all local government areas.

Summary of Key Arguments:

Mobile Phone Networks are increasingly important facilities for our communities, we rely upon them for a variety of services, including:

- Security and monitoring of Council infrastructure;
- An Increasing reliance on Internet of Things (IOT) for operational and business purposes for remote sites;
- Emergency events, as the general public are reliant on mobile networks, particularly when they are not at home or work;
- Equity issues and the ability of all people to access communications, including access to the internet; and
- Ability for travellers to have access to communications for safety and remaining

connected.

Federal facilitation and incentivisation of mobile phone networks is required to achieve quality service and coverage across the nation.

5. CODE OF ACCOUNTING - Infrastructure Asset Indicators

Motion:

That the Federal Government set National Codes of Accounting Practice for Councils and set standards to achieve auditable information as indicators for Infrastructure Assets.

National Objective:

To ensure that grant funding allocated to Councils to address Infrastructure renewal and maintenance is based on auditable and national standardised indicators.

Summary of Key Arguments:

Councils in each state of Australia apply a state based Code of Accounting Practice in the preparation of Financial Statements. The Statements include indicators of Infrastructure Renewal (in New South Wales, this is outlined in Special Schedule 7). There are differences in the methodology of indicators across the Standards and not all of the information provided is auditable, in that some indicators relating to Assets are based on estimates. The support of Councils in the renewal and maintenance of assets is of great importance and the information used to determine funding levels and financial prosperity of Councils needs to be both comparative and auditable to ensure federal funds are allocated effectively.

6. RESILIENT INFORMATION TECHNOLOGY

Motion:

That the Federal Government be called upon to provide funding to ensure that Local Government information technology is strong, secure and resilient.

National Objective:

Efficient councils are essential to provide services to the community. Councils rely on information technology (IT) to improve efficiency and deliver many services, therefore having effective, secure and resilient IT is essential to support these services.

Summary of Key Arguments:

Councils provide IT services in a demanding environment with very limited resources. With constant demand and an ever changing IT environment, delivering services securely and reliably is a significant and costly outlay on council budgets. Federal funding will directly provide improved services for the community.

7. USE OF RECYCLABLES

Motion:

That in view of the collapse of the market for recyclables, the Federal Government develop industries to utilise those recyclables.

National Objective:

Every Local Government area in Australia collects large quantities of mixed recyclable materials from their residents every week. China's crackdown on accepting recyclables that are not 99.5% pure has halted exports of these materials to China. Within Australia there is very little capacity to process recyclable materials into higher order products, so the recyclables industry is in crisis with materials being collected every week with nowhere to take them. It is critical for Australia to start developing its own recyclables processing industry to reduce our reliance on external countries.

Summary of Key Arguments:

For at least the past decade the Chinese market for mixed recyclables has been a ready acceptance path for these materials. The prices paid were high. It became more cost effective to do a low level sort, bale the material to a level where 10% contamination is

acceptable and ship these bales to China for processing, than to sort into nearly pure products. So every Materials Recovery Facility (MRF) in Australia was set up to cater for a low quality sort, and most of the higher end processors in Australia closed businesses which couldn't compete in such a market. This all changed in March 2018. The Chinese government has declared a crackdown on "importing other countries waste" and have legislated that recyclable materials need to be 99.5% pure before they are accepted in China (known as the Chinese Sword or alternatively as Blue Sky 2018). In the meantime the capacity for processing recyclables in Australia has been lost.

8. REGIONAL DEVELOPMENT ASSOCIATIONS

Motion:

That Regional Development Associations be reviewed to ensure geographical alignment with Local Government Joint Association or Regional Organisation boundaries.

National Objective:

Regional boundaries, as applying to Regional Development Australia differ at times with boundaries for planning regions, government administrative regions, regional local government collectives and the like.

There needs to be some alignment of boundaries to achieve consensus of position on matters of vital interest to the regional communities.

Summary of Key Arguments:

A Regional Development Association can be placed in different regions with regard to different state and federal administrative functions. This misalignment can have a local Council having to take a differing consensus positions depending on the adopted position of the Regional body. "Better" alignment would assist in agencies and Councils working more collaboratively to gain support for projects.

Differing boundaries and consensus positions allows the higher levels of government to use the lack of consensus to break down and weaken what otherwise may be a strong lobbying position.

9. GROSS POLLUTANT TRAPS

Motion:

That the Federal Government develop a scheme and overall Gross Pollutant Trap Strategy for the Nation

National Objective:

Federal direction is required to develop and implement standard and innovative approaches to stormwater management across the nation.

Summary of Key Arguments:

The water quality of groundwater, streams, rivers, and marine environments is dramatically affected by human activities. Marine plastic pollution is a huge problem affecting all of the world's oceans.

A key part of addressing these problems and maintaining water quality is the removal of gross pollutants from storm runoff before they enter waterways. Once gross pollutants, such as litter, debris, and food matter, have been washed into the waterway, they pose a serious threat to the ecosystem.

A national scheme to support Councils in the consistent implementation of Gross Pollutant Traps and other stormwater treatment devices is imperative to manage the quality and quantity of stormwater at the source.

CL18.83 Notice of Motion - Shoalhaven Anglican School

HPERM Ref: D18/125828

Submitted by: Cllr Mitchell Pakes

Purpose / Summary

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

Recommendation

That Council:

1. Supports the provision of an additional educational facility within the Southern Shoalhaven.
2. Notes figures from the Australian Bureau of Statistics' indicate the Southern Shoalhaven's population is set to increase above the state average over the next 18 years.
3. Urges the NSW Government to purchase the former Shoalhaven Anglican School site on Coorbyar Road, Milton for the provision of a future educational facility.
4. Any future planning proposal to rezone the site or development application to change its use (noting for example that the Seniors SEPP could be used without a change in zoning) be reported to Council for consideration/determination.
5. Make representations to the Member for South Coast, Shelley Hancock extending Council's support for the campaign for the NSW Government to purchase the former Shoalhaven Anglican School site.

Background

The Shoalhaven Anglican School (SAS) site located on Coorbyar Road, Milton, is currently owned by The Anglican Schools Corporation (TASC). The SAS first opened at the Croorbyar Christian School in 1991 and became the Shoalhaven Anglican School in 1997. Operating as a Kindergarten to Year 12, due to declining enrolments the school reduced service to Kindergarten to Year 10 and again to Kindergarten to Year 6 until its eventual closure in 2016.

The Shoalhaven is one of Sydney's closest strings of coastal villages and contains the regional centres of Nowra and Ulladulla. The area has a population over 100,000 – only limited other regional areas in Australia have such a significant population – and it remains one of the fastest growing in Australia.

The Shoalhaven City LGA population forecast for 2018 is 103,201, and is forecasted to grow to 123,168 by 2036. A 19.35 per cent increase.

Council's projections which incorporate data from the Australian Bureau of Statistics' Census, estimate the population of the Shoalhaven will increase by almost 20 per cent, over the next 20 years.

According to population growth predictions, the Milton, Mollymook, Mollymook Beach, Narrawallee and surrounds population forecast for 2018 is 6,769, and is forecasted to grow to 8,822 by 2036. This represents an increase of 30.32 per cent.

CL18.83

Additionally, the Ulladulla population forecast for 2018 is 6,975, and is forecasted to grow to 7,986 by 2036. This represents an increase of 14.50 per cent.

Overall, 15.35 per cent of the population increase for the Shoalhaven Local Government region to 2036 is represented by growth in the Milton, Mollymook, Mollymook Beach, Narrawallee and Ulladulla townships.

These projected population increases outstrip the projected population growth figures in regional NSW between 2016 and 2036, calculated as a 14.27 per cent population increase.

Shoalhaven City Council's prediction shows the proposed catchment area for a new secondary education facility, the southern Shoalhaven, will see an increase of close to 4,000 people over the next 18 years.

The Member for South Coast Shelley Hancock launched a campaign urging the NSW Government to purchase the former SAS site in order to future proof the provision of educational services for the Southern Shoalhaven. To date, over 8,000 signatures have been collected from the community on a petition supporting the purchase of the site by the NSW Government for future education services.

It has recently been reported that TASC is currently in confidential negotiations with a third party to purchase the site. These negotiations have been ongoing since 2017. It has also been reported that the third party have undertaken investigatory work on site which indicates the third party wishes to alter the use of the site.

Note by General Manager:

Council has made representations previously following a council minute in August 2016:

ADOPTED AT COUNCIL MEETING HELD ON TUESDAY 16 AUGUST 2016

679. Additional Item - Shoalhaven Anglican School, Milton

Conflict of Interest Declaration - Clr Guile – less than significant non pecuniary interest – he is a senior staff member of the Anglican School Corporation Sydney - remained in the room.

MOTION: Moved: White / Second: Findley

1. That Council write to the Anglican School Corporation Sydney and request the following:
 - a) An undertaking that the Corporation will fully maintain the current school premises including lawn mowing, cleaning etc on a regular basis, whilst the school site remains vacant.
 - b) Provision of full details of the intentions of the Corporation as to whether the property will be sold or used for an alternate use and commit to keeping Council informed of its intentions for the site.
2. That Council write to the Federal Government enquiring as to whether the Shoalhaven Anglican School Facility can be sold without notifying the Federal Government.
3. That Council write to the Federal and State Education Ministers requesting that the Shoalhaven Anglican School remain as a school and that the site be purchased for that purpose.

CARRIED

CL18.84 Notice of Motion - Foreshore Reserves

HPERM Ref: D18/125181

Submitted by: Cllr Bob Proudfoot
Cllr Mitchell Pakes

Purpose / Summary

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

Recommendation

That Council recognises the social and economic benefits that greater activation of many of our foreshore reserves delivers to the overall prosperity of our city. With this in mind Council affirms that it is philosophically committed to ensuring that our foreshore reserves are both well-maintained and ideally suited to an increased and sustainable level of passive recreation. Community members should be encouraged to actively participate in this new and exciting "unlocking" of our foreshore areas by:

1. Registering in an "on-line" format to mow and maintain designated foreshore areas. (to be set up by staff)
2. Donation of appropriate outdoor furniture be encouraged through service clubs, community groups and inspired individuals.
3. Provide a much greater opportunity for both local residents and visitors to our city, to gain an absolutely stimulating appreciation of the foreshore vistas on offer in the fabulous shoalhaven.

Note by the General Manager

Foreshore areas may be either Crown land or council "community land". Any actions on "community land" would need to be in accordance with the relevant, adopted plan of management which is influenced by the particular categorisation of the area e.g. natural area, park, general community use etc. Such plans of management include extensive community consultation during formulation. Council also has an adopted Foreshore Reserves Policy

Council currently has extensive volunteer groups that contribute many hours to the care and maintenance of various types of Council land (see excerpt from SCC website below)

Council volunteering opportunities, including an expression of interest form

- [Ambassador Program](#)
- [Bushcare](#)
- [Footpath / cycleway construction](#)
- [Graffiti removal](#)
- [Leisure Centres](#)
- [Management Committees](#)
- [Parkcare](#)
- [Shoalhaven Arts Centre & Regional Gallery](#)
- [Tree planting days](#)
- [Feral Pest Control](#)

CL18.84

Council's [Park Management Policy \(POL17/7\)](#) provides guidance regarding community assistance in the provision of park infrastructure.

Council currently has no adopted policy regarding the donation of outdoor furniture, however the potential for donation exists in the form of broader community programs associated with recreation areas.

To implement the intent of the Motion will also require a review of the relevant policy or Plan and if necessary a further report to council to formalise any necessary changes.

CL18.85 Notice of Motion - Drain Maintenance - The Park Drive - Sanctuary Point

HPERM Ref: D18/125549

Submitted by: Cllr Bob Proudfoot

Purpose / Summary

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

Recommendation

That Council:

1. Consider the piping of the open drain between numbers 23 and 25 The Park Drive, Sanctuary Point be considered as part of the 2018-2019 works programme or for inclusion in a future works programme.
2. As an act of good faith carry out basic maintenance on the easement, including necessary brush-cutting.

Background

The open drain is a drainage easement through 23 The Park Drive. It is the 'missing link' in terms of being piped and is a vital component in ensuring that stormwater is carried from Links Avenue through properties, across The Park Drive, across another property to the golf course, and then through the newly completed drainage system on the golf course. I met with a very distraught resident, who said that she is sick to death at having to "broom away" flood waters from her backdoor every time that heavy rain occurs. The flood waters overflow from the open drain. It has to be fixed!

Note by the General Manager

Council completed piping an easement immediately upstream of this easement on 151 Links Drive this year. This works was done under the Drainage Easements - Piping In Existing Subdivisions Policy: (POL16/143) whereby the property owner contributed 50% cost of works.

Design work for piping works in 23 The Park Drive, was completed as part of the works on 151 Links Drive, however we have not sought 50% contribution from the owner of 23 The Park Drive at this point.

The owner contribution for the works on 151 Links Ave was \$3,017.85 (including GST).

Each year staff try to include one or two 'piping of easement projects' with 50/50 Council-Property owner cost split in the budget.

Initial estimate to complete piping of the easement at Number 23 The Park Drive was \$15k. The property owner contribution would be \$7,500.

There are several properties on The Park drive that have open drains in private properties. In addition to number 23 The Park Drive, Council has received request to pipe easement from 258, 64 & 62 The Park Drive.

CL18.85

Council is also seeking an additional easement from 138 The Park Drive, in order to build a piped drain.

Council's policy with respect to drain maintenance through easements on private property is to maintain the waterway area at the open drain which may be compromised by sedimentation or bank collapse etc.

Council's practice is that the vegetation on private property is the responsibility of the property owner.

If Council wants to maintain the current practice of 50/50 funding, a budget allocation would only be made upon receipt of the signed agreement to contribute.

Suggested amendment to recommendation

That the piping of the open drain between numbers 23 and 25 The Park Drive, Sanctuary Point be considered as part of the 2018-2019 works programme or for inclusion in a future works programme, subject to a 50/50 contribution from the owner of the property over which the easement lies.

CL18.86 Notice of Motion - Artie Smith Oval Bomaderry

HPERM Ref: D18/125809

Submitted by: Cllr John Wells
Cllr Amanda Findley

Purpose / Summary

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

Recommendation

That Council authorise and fund up to \$200,000 for the development of detailed designs for Artie Smith Oval, that is, sports infrastructure on lands on the southern side of Cambewarra Road, Bomaderry.

Background

At its Ordinary meeting on 27 February 2018 council resolved as follows:

RESOLVED

MIN18.111

That:

1. *Council support the Rescission Motion and put the SCaRP Masterplan on hold.*
2. *With respect to the Athletics Facility, Council:*
 - a. *Immediately engage with the Athletics Club to investigate an alternate site for a new facility with a commitment to fund works and seek grant funds in the short term.*
 - b. *Provide funding of up to \$300,000 in the 2018/19 budget for project scoping, consultation, and design work with a view to delivering a plan that will be construction ready by 2020.*
 - c. *Immediately apply as is practical, for sporting grants for the construction of the facility.*
3. *Council commit to maintaining the Bomaderry Aquatic Centre in its present form.*
4. *With respect to the Croquet Club:*
 - a. *Council advise the Croquet Club it may remain in its current location and to proceed with its expansion plan; and*
 - b. *A report be submitted back to Council on funding options for the croquet facility.*
5. *Council advise all other Sports Associations and Stakeholders of this decision.*
6. *A review of the Masterplan Design commence to provide for a new 50m outdoor pool and swimming complex as part of the current works plan for SCaRP and priorities which now include an athletics facility.*

I put it to Council that in adopting this resolution it has inadvertently deferred projects that are capable of proceeding, especially in respect of the proposed re-development of Artie Smith Oval as a venue of excellence for the sports of Australian Rules Football and cricket. This

CL18.86

component of the proposed Shoalhaven Community and Recreation Precinct Masterplan was uncontroversial; it had universal support and acceptance by stakeholders. This project would, if detailed designs were prepared, be eligible for substantial State and Federal Grant funding. In essence, it would enable the redevelopment of the Masterplan area on the southern side of Cambewarra Road to be articulated (minus the croquet lawns which are now to be developed on the club's present site.)

What does the proposed re-development involve? The Masterplan envisaged the ground and curtilage areas currently used by the Bomaderry Tigers AFL club (and formerly used by Shoalhaven District Cricket) be re-developed into a new picket-fenced oval with premium playing surface, modern clubhouse, storage and amenities, flood-lit, with spectator mounding. The venue would be developed to a standard that would attract District and Regional finals and have appeal as a venue for elite tournaments and "show-games". It would have substantial sports tourism potential (as will the new indoor sports venue).

I therefore ask Council to review its current resolved position to at least allow something of value which is able to proceed, and has grant funding appeal, to do so. Leaving this opportunity "on hold" is, in my view, not a responsible position to adopt and is not in the best interests of two major sporting codes and the City's economy.

CL18.87 Notice of Motion - 59 Owen Street, Huskisson

HPERM Ref: D18/126554

Submitted by: Cllr Joanna Gash

Purpose / Summary

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

Recommendation

That council calls for an urgent briefing on the status of council owned land (car park) known as 59 Owen Street Huskisson and at the briefing include all past community initiated plans that were compiled with outside consultants at many forums and open days , including those prepared by our economic development manager. At the briefing also have the staff that organised the meetings present (although I note some are no longer with council).

Background

The land was purchased by the council for \$3 million on the basis of some commercial development being sought BUT with the proviso that the land be classified as "operational" AND that we preserve the views. The purchase was made and the conditions of purchase was made with the community supporting. Council purchased the land from the Club, allowing them to relieve some of their debt. It should also be noted that the land sale had gone to tender, and the council were the only genuine applicants.

It should also be noted that it was each and every ratepayer of our city who paid for this now continued car park, and fair to say not all were happy with this.

Immediately after the council elections in 2016 the very first meeting of council a motion was put up by Councillor Watson that this land be reclassified from operational to community land, and abandon all previous work done by staff, community and consultants at a cost of over \$100,000 .

This notice of motion calls on the General Manager to arrange the above briefing so that the new elected councillors who were not privy to the background of this purchase ,can understand what could have been done on this block with so much community input.

I would be surprised if this council wants to see this iconic asset (\$3 million) continue as a car park.

CL18.87

CL18.88 Notice of Motion - Huskisson Area - Priority Works

HPERM Ref: D18/126968

Submitted by: Cllr Joanna Gash

Purpose / Summary

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

Recommendation

That

1. Council recognises and acts on the following, (noting the importance of item 1a as a priority)
 - a. Prepare a comprehensive current traffic/parking control plan for the intersection of Owen/Sydney/Tomerong streets (picture theatre corner). In the interim at least a give way sign positioned for WEST/east section of Owen Street at the theatre corner
 - b. Allocates funding in the budget for the outdoor gym equipment in Voyager Park.
 - c. Remove the existing work/dump area at the entrance to Husky Road north side (opposite the new sign) and replant with trees to compliment the other side.
2. The following items be costed and reported to Council
 - a. Sports fields public amenities upgrade
 - b. Car Parking solutions (a significant on going issue)
 - c. Add trees to village entrance on south side near bowling club (north side already done) to create an avenue.
 - d. Install banners in Owen street on power poles for holidays/ white sands carnival (increasing in numbers every year)

Background

Following a tri meeting recently with the Chamber of Commerce, JB Tourism and Community voice, the following were identified as being a priority for the Huskisson.

1. Intersection of Owen/Sydney/Tomerong streets (picture Theatre Corner) - highly dangerous. It needs a comprehensive Current traffic/parking control plan. In the interim at least a give way sign positioned for WEST/east section of Owen Street at the theatre corner.
2. Sports fields public amenities- archaic (close to village entrance, and a very high usage area)
3. 59 Owen Street - in limbo. No low level implementation of the "master plan". See my other NOM on this matter
4. Parking continues to be a significant on going issue.

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5. Outdoor gym equipment similar to that installed at Plantation Point for Voyager Park. Was this included in the upgrade plan for Voyager Park that was given \$600,000 from the federal government?
6. Entrance to Husky Road north side (opposite the new sign) remove the existing work/dump area and replant with trees to compliment the other side.
7. Add trees to village entrance on south side near bowling club (north side already done) to create an avenue.
8. Install banners in Owen street on power poles for holidays/ white sands carnival (increasing in numbers every year)

Note by the General Manager

Intersection of Owen St & Sydney St

The intersection of Owen St and Sydney St Huskisson is identified into Council's DCP and Contributions Plan for a roundabout.

The intersection is currently a 4 way cross intersection with Give Way controls on the northern and southern legs of the intersection which is a standard arrangement for this type of intersection.

Staff can further investigate the current intersection priority, however, installing an additional give way sign on the western leg as suggested will result in a sub-standard intersection arrangement which would likely result in confusion for motorists negotiating the intersection.

In the latest 5 year available crash data (July 2012 – June 2017) there have been no recorded crashes at the intersection.

Voyager Park

The funding from the Commonwealth govt was to implement the next stages of the Voyager Park masterplan which includes the memorial precinct. The masterplan does not identify a requirement for outdoor exercise equipment. An option is to consider the White Sands / Voyager Park precinct for the provision of outdoor exercise equipment to spread the impact and create an exercise circuit utilising both spaces. This project has not been costed, indicative funding of \$100,000 would be required to install & ongoing maintenance funding would be required and provision in future budgets for equipment renewal/replacement. It should be noted that the provision of outdoor exercise equipment at this location has not been identified as a need in the Community Infrastructure Strategic Plan.

Outdoor exercise equipment is provided in the Bay & Basin area at Plantation Point Vincentia and Paradise Beach Sanctuary Point.

The Community Infrastructure Strategic Plan does however, identify the need to provide outdoor exercise equipment at Bicentennial Park at Callala Bay and this project, whilst unfunded, has been included in the Stronger Country Communities Fund grant application.

CL18.89 Question on Notice - District Library

HPERM Ref: D18/126126

Submitted by: Cllr Kaye Gartner

Question

When discussing the size of new libraries in NSW, the NSW State government document People Places a Guide for Public Library Buildings in NSW states:

Item 1.2.4 Benchmarked Based Need

The service based benchmark is derived from the space required to provide the services and collections that will be delivered from the library building. This benchmark is considered to be the more specific of the two in defining the required size for a library. The population based benchmark provides a recommended size for a library based on the population catchment it is to service. This may be thought of as a recommended size, but it should be noted that it may not reflect the size required to deliver the range of services specific to any given library. These two methodologies should be used together to provide a range of sizes for a new/expanded library building.

I understand these benchmarks were used in the design of the Bay and Basin library to be situated at the Hub.

In March, Council resolved to instead build the library, as a matter of urgency, in Sanctuary Point.

1. Based on the benchmarks, what is the building footprint needed for a new district library to service the Bay and Basin area?
2. Has council sourced suitably sized land to enable the building of such a library in Sanctuary Point?
3. Will a redesign of the library be necessary to locate it in a new location? What will this cost? Does the current budget allow for this expense?
4. What impact is the relocation having on the timeframe for delivering the already overdue library to the Bay and Basin Community?
5. Can SCC invite the State Library of New South Wales (Public Library Infrastructure Grants Administrator) to visit the Shoalhaven and assess all proposed sites for the new library to make an independent assessment of the most suitable location.

Response

1. The Bay & Basin Library has always been planned as a district library, whether it is part of the hub or a stand-alone, and 1500m² is the calculated size for the population and level of service required. The draft Bay & Basin Community Hub provided for 1,310 sq m plus a further 265 sq m outdoor terrace area. This was on the basis that the existing Sanctuary Point local library would remain as a “lounge library”. Whether a similar “lounge library” space is provided within the B&B Community Hub or not will be decided during the Hub masterplan review.

The future of the existing Sanctuary Point Library will be clear when the Library Strategy is finalised.

2. Not yet. Staff are engaged in other tasks/projects at the moment.

3. The redesign of the B&B Community Hub and the site location & design of the new project – Sanctuary Point District Library will be budget bids for 2018/19. The library title should be referred to as the 'Bay & Basin District Library' (as the current library in Sanctuary Point is called) as this is the area that the library is serving.
4. Some delay as a new budget is needed to undertake the preliminary works prior to detailed design work.
5. This option has not been assessed as yet.

CL18.90 Report of the Development Committee - 10 April 2018

HPERM Ref: D18/120805

**DE18.26 DA18/1010 – 27 Quinns Lane, South Nowra – Lot 4
DP 519090**

**HPERM Ref:
D18/75316**

Recommendation

That Council:

1. Confirm that it supports, pursuant to clause 4.6 (Exceptions to development standards) of SLEP 2014, the applicant's request to vary the height limit of 11m to 15.63m; and
2. Refer the development application (DA18/1010) back to staff for determination.

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CL18.91 Report of the Strategy & Assets Committee - 17 April 2018

HPERM Ref: D18/129023

MMS18.3 Mayoral Minute - Salt Ministries - Homeless Services

HPERM Ref:
D18/124656

Recommendation

That Council:

1. Delegate authority to the the General Manager to finalise the details of a lease agreement with Salt Ministries in relation to the former Shoalhaven Neighbourhood Services premises at 134 Kinghorne Street Nowra for the establishment and operation of a transitional group home on and within the premises.
2. Prepare a Planning Proposal to change the zoning of the property at 134 Kinghorne Street Nowra from RE1 Public Recreation to B4 Mixed Use, to permit the establishment and operation of a transitional group home on the site, and submit to the Department of Planning & Environment for Gateway determination.
3. Continue to keep open the line of communication with State Government about this initiative and correspond with the two local Members of Parliament.

CL18.91

SA18.73 Notice of Motion - Public Toilets - Tomerong

HPERM Ref:
D18/116928

Recommendation

That Council

1. Negotiate with the Trustees of the Tomerong School of Arts to procure a site within the grounds of the School of Arts to build a public toilet.
2. Investigate the use of section 94 contributions for the construction of the public toilet.

SA18.77 Sale of Council Employment Land - Lot 119 DP 1124258, 10 Trim St, South Nowra

HPERM Ref:
D18/109512

Recommendation

That:

1. Council employment land (Lot 119 DP 1124258, 10 Trim Street, South Nowra) be sold for \$255,000 (plus GST) to JW & J Schumann Pty Ltd;
2. The General Manager be authorised to sign the Contracts for Sale; and
3. The Transfer to complete the Contracts for Sale be executed under the Seal of Council.

SA18.84 Proposed Lease - Milton Ulladulla Preschool - 22 Dowling St, Ulladulla

**HPERM Ref:
D18/69945**

Recommendation

That Council:

1. Enter into a 5 + 5 year lease agreement with a commencement rent of \$6,218.69 + GST and annual CPI increases commencing 1 May 2018 with Milton Ulladulla Preschool Association for the continued use and occupation of 22 Dowling St, Ulladulla as a preschool.
2. Approve the allocation of the rent received under this lease agreement into the Property Reserve restricted account; and
3. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

SA18.85 Grant of Easement for Underground Cables to Endeavour Energy - Various Sites - North Nowra

**HPERM Ref:
D18/78260**

Recommendation

That:

1. Council grant an Easement in favour of Endeavour Energy for Underground Cables 3 metres wide over Lot 47 DP264082, Lot 15 DP241820, Lot 22 DP1024489, Lot 20 DP262851 and Lot 41 DP707414 at Gordon Cook Apex Park, North Nowra and accept compensation of \$10,000 plus GST provided that all costs associated with the granting of the easement, including valuation, survey and legal costs are met by Endeavour Energy; and
2. Authority be granted to affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and the General Manager be authorised to sign any documentation necessary to give effect to this resolution.

SA18.86 Proposed New Leases - Marine Rescue NSW - Huskisson, Kioloa & Crookhaven Heads

**HPERM Ref:
D18/82557**

Recommendation

That Council:

1. Enter into a 20 year lease agreement commencing 01 January 2018 with Marine Rescue NSW for the continued use and occupation of:
 - a. Part Reserve R64558 – Part Lot 7010 DP 1076858, Part Lot 7012 DP 1021163 and Part Lot 1 DP 209436, being Voyager Memorial Park, Huskisson with an annual rent of \$490 (plus GST) with annual CPI increases; and
 - b. Part Reserve R75773 - Part Lot 34 DP 755941, Part Lot 7009 DP 1020455 and Part Lot 7304 DP 1143028, being O'Hara Head Reserve, Kioloa with an annual rent of \$490 (plus GST) with annual CPI increases.
2. Enter into a 5 year lease agreement commencing 01 January 2018 with Marine Rescue NSW for the continued use and occupation of:

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- a. Part Reserve R180073 – Part Lot 34 DP 755971, being Crookhaven Heads Pilot Cottage Reserve, Crookhaven Heads with an annual rent of \$490 (plus GST) with annual CPI increases.
3. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

**SA18.87 Land Acquisition - Easement for Drainage - Lot 102
DP 179622 Forest Meadows Way, Worrigee**

**HPERM Ref:
D18/103228**

Recommendation

That Council:

1. Acquire easements to drain water 5 and 6 metres wide and variable width over part of Lot 102 DP 1179622 Forest Meadows Way, Worrigee as shown on Attachment 1.
2. Agree to pay compensation in the amount of \$20,037 plus reasonable legal costs associated with these acquisitions from Job No 85001 Land Acquisition Fund.
3. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documentation requiring to be sealed and delegate to the General Manager authority to sign any documentation necessary to give effect to this resolution.

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**SA18.89 Proposed Lease - Shoalhaven Trophies - 1 Stewart
Place, Nowra**

**HPERM Ref:
D18/107255**

Recommendation

That Council:

1. Enter into a one (1) plus one (1) year lease with Alfred & Roslyn Parker (trading as Shoalhaven Trophies) over part lot 1 DP 115782 and part lot 1 DP 434714 known as 1 Stewart Place, Nowra commencing at an annual rent of \$18,353.52 plus GST with annual CPI increases; and
2. Affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed and to delegate authority to the General Manager to sign all documentation required to effect to this resolution.

**SA18.95 Acquisition of Land and Easement - Sewer Purposes
- Sussex Inlet**

**HPERM Ref:
D18/92003**

Recommendation

That Council:

1. Acquire part of Lot 2442 DP1074478 at River Rd, Sussex Inlet, shown as proposed Lot 101 on the attached draft survey plan.
2. Acquire an Easement to Drain Sewage variable width over part of Lot 2442 DP1074478 at River Rd, Sussex Inlet, marked (S) on the attached draft survey plan.
3. Pay compensation of \$2,000 (plus GST) and reasonable legal 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.

4. The land to be acquired to be classified as Operational land in accordance with Section 31(2) of the Local Government Act 1993.
5. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

**SA18.97 Request for Connection to Town Water Supply - 285
Tannery Road, Cambewarra**

**HPERM Ref:
D18/111402**

Recommendation

That Council:

1. Approve the connection to the town water supply, subject to the property owner:
 - a. Paying the Separate System Connection fee for water supply (\$6,578.00/ET (2017/18)), and
 - b. Paying the 20mm metered service fee (\$847.00 (2017/18)), and
 - c. Extension of the water supply system in 100mm Nominal Size pipeline at the property owners cost (estimated in the order of \$100,000).

CL18.91

CL18.92 Report of the Homelessness Taskforce Shoalhaven - 5 April 2018

HPERM Ref: D18/128888

HT18.2 Transport for NSW - Second Life - Conversion of Assets

Recommendation

That Council contact the Department of Premier and Cabinet and Transport for NSW to:

1. Express an interest in the Second Life project for the acquisition of transport assets for homeless initiatives.
2. Request an audit of State Government land that may be available within the Shoalhaven.

CL18.92

CL18.93 Report of the Shoalhaven Traffic Committee - 17 April 2018

HPERM Ref: D18/127441

Attachments: 1. TRAF2018/26 [↓](#)

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

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

IMPORTANT NOTE:

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

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

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

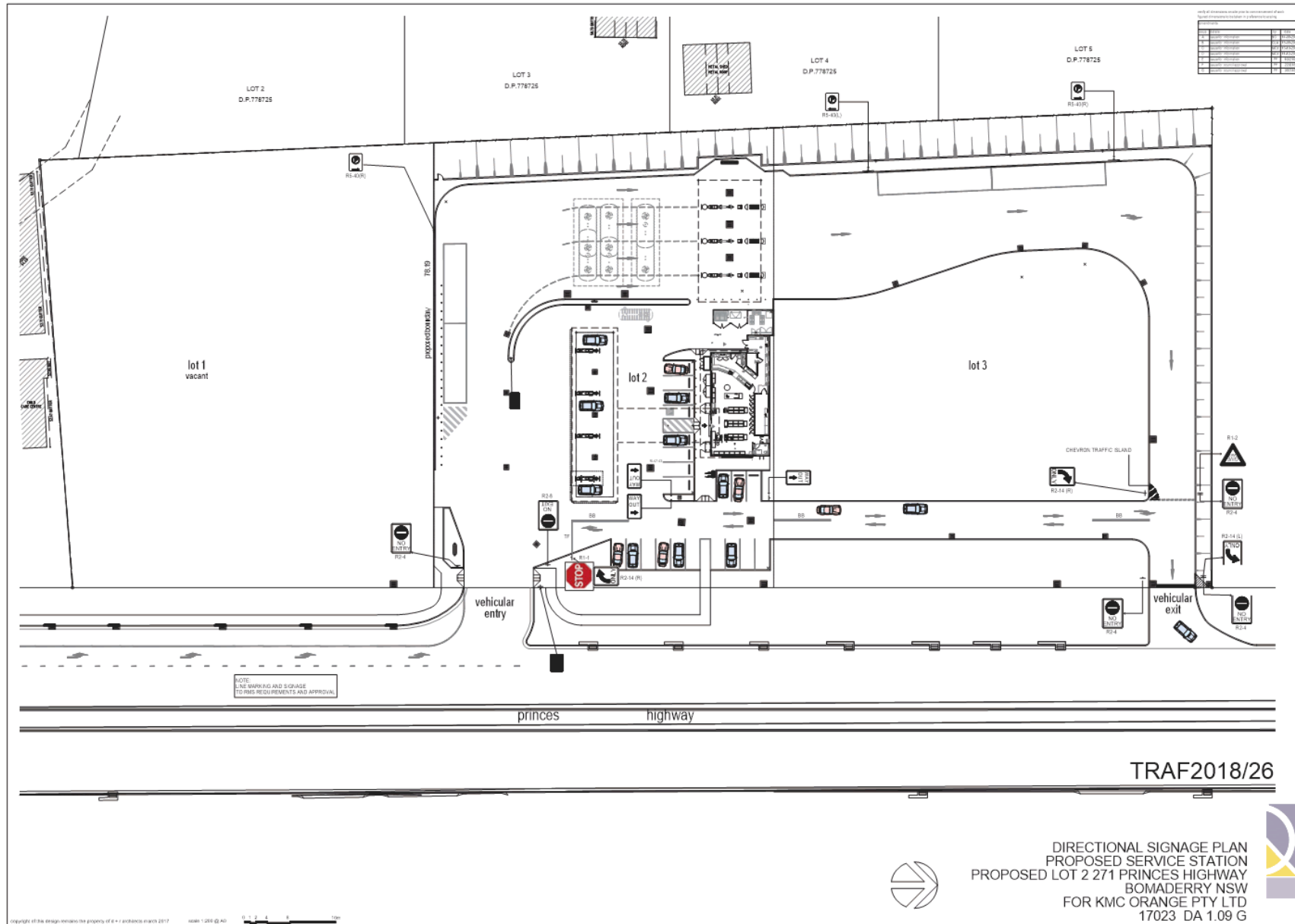
The full guide to the delegation to Council's for the regulation of traffic can be viewed at: [RMS Website](#)

**TC18.45 Regulatory signage & line marking - Service Station
- 271 Princes Highway, Bomaderry (PN 3485)**

**HPERM Ref:
D18/122179**

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed internal regulatory signage and line markings associated with the proposed service station development as detailed in the attached plan TRAF2018/26. Subject to the applicant obtaining separate approval from Roads & Maritime Services regarding proposed changes to the Princes Highway, including signage and line marking.

CL18.93



CL18.94 Hyams Beach Easter Trial Outcomes

HPERM Ref: D18/125026

Group: General Manager's Group
Section: Executive Strategy

Purpose / Summary

To provide Council with an overview of the outcomes for the Easter trial measures, that were conducted by Council in Hyams Beach, over the Easter 2018 long weekend.

Recommendation

That Council:

1. Receive the report on Hyams Beach Easter Trial Outcomes for information.
2. Consider a budget for ongoing actions as part of the draft 2018/19 budget discussions.

Options

1. Adopt the recommendation as printed.

This will allow Council staff to continue to work with the community to develop an action plan which can provide clear direction of the projects and steps to be taken in the long term at Hyams Beach. This will also allow staff to continue to act on the previous resolutions of Council regarding Hyams Beach.

2. Adopt an alternative recommendation.

Background

On the 27th March 2018 Council resolved (MIN18.201).

That:

1. *Council support the implementation of actions for the Hyams Beach as a trial for the Easter period 2018.*
2. *Council allocate a budget up to a total of \$39,000 to implement the trial.*
3. *An urgent report is provided back to Council on the outcome of the trial and a consideration of ongoing resource provision in the Hyams Beach location indicating the success of the implementation of trial measures.*
4. *Council continue discussions with key stakeholders from Hyams Beach (including the Hyams Beach Village Association) and stakeholders from the wider Shoalhaven to develop long term solutions to increasing visitor numbers and infrastructure needs.*
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.*
7. *The General Manager have regard to the submission from the Hyams Beach Village Association in the implementation of the action plan.*

8. Council invites local State and Federal Members of Parliament to the next meeting with community members to discuss funding options and seek their commitment and support.

Easter Trial Outcomes

A number of measures were implemented during the peak Easter Long weekend period at Hyams Beach. These included:

- A traffic management plan (which was limited within the specific budget allocated)
- Overall coordinator for on the ground coordination over the weekend
- Ranger allocation (which was covered within existing resources)
- Additional bins
- Additional porta loos
- A one-way traffic system
- Additional pedestrian safety measures
- Traffic counts

There were a number of observations from the trial these included:

- The one-way traffic flow system generally worked well and effectively managed the traffic flow on each day except for the peak period on Sunday
- Temporary pedestrian access measures along reserves worked extremely well
- The coordinator was a valuable addition to the on-ground operations
- Bin provision was adequate and additional bins resolved the waste issue
- Generally, people were polite and courteous to staff
- Traffic control measures worked well on each day except for the peak period on Sunday
- There was difficulty when peak period was reached to obtain additional staff or assistance to alleviate the congestion
- The village did get to gridlock for half hour on Sunday morning – this was alleviated through stop gap measures (stopping people entering Hyams Beach) to move traffic which resulted in queues on Naval College Rd
- Pedestrian safety on Booderee Ave was concerning and remains an issue
- Seamans car park was extremely problematic and needs a serious rethink
- Illegal camping was an issue however many people arrived after 11pm. Rangers acted where they could and within the resource capacity allocated by Council
- Additional showers are required as there were queues for showers
- Toilet provision with the additional port a loos was adequate

Given the resources that were applied to the Easter Trial at Hyams Beach, within the limited budget allocation, it is considered that overall the trial was successful. A number of measures implemented did provide improvements to the amenity and traffic flow within Hyams Beach over Easter.

It was agreed that the removal of the tourism information stall and communications measures did not have an affect on the overall outcome of the trial and would not be necessary in the future.

Cost and Revenue Measures- Easter Trial

At the time of writing the report the following items have been costed to the Hyams Beach Job number as a result of the Easter trial these included:

- Ranger services –\$8,943
- Traffic control- \$13,918.70
- Waste management - \$2000
- Coordinator - \$2000
- Traffic study-\$ 6000

Estimate Total Costs <i>(these do not include a number of staff time allocated which has been absorbed into the business)</i>	\$32 861.70
Revenue (fines issued)	\$13,350
Total Spend	\$19,511.70

When debating the final figures for the Easter trial the following needs to be very clearly acknowledged:

- Revenue was applied to the final figures which had not been applied in previous Council reports
- Significant cuts to traffic control measures were made and a much-limited traffic measure option was undertaken. This did impact on the overall traffic control on Sunday and measures in relation to this will need to be considered
- Significant staff resources were removed from the trial, this did impact on operations on Sunday, but some resources did not need to be in place (e.g. the tourism booth)
- There is spend still required to complete the traffic study. The traffic count that was undertaken is only part of the overall traffic data that will be required to implement long term solutions at Hyams Beach.
- A number of staff resources have been adsorbed by the business and some staff have been working on this project instead of other key priorities within their business area

The allocation of a “event management” budget for the Easter period assisted in alleviating some of the issues over the Easter long weekend however ongoing roll out of this level of resourcing needs to be considered in the context of Council resource allocation and broader community expectations.

Future Opportunities -Community Workshop-16th April 2018

A further workshop was held regarding the Hyams Beach Easter outcomes and future permanent measures on the 16th April 2018 at the Shoalhaven Entertainment Centre. This meeting was attended by business representatives, Hyams Beach Villagers Association representatives, Councillors, Council staff, representatives from National Parks and Booderee, HMAS Creswell representatives and the Federal Member for Gilmore.

The workshop was comprised of two sections. The first discussed the Council staff and Hyams Beach Villagers Associations observations about the positive and negative outcomes

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of the Easter Trial. Both observations were generally compatible, with similar findings determined by both the staff and by the CCB representatives.

There was consensus in a number of areas and some actions were agreed between participants coming out of the observations from the Easter Trial, These included:

- Yellow line marking of all corners/curves to designate no stopping zones within the village. This will provide clarity to those parking in the village, remove the need for additional signage and provide a clear indication of where rangers can fine non-compliant vehicles.
- Review of Seamans Car park- there was general consensus that the car park be utilised for the provision of additional toilets and showers and the remainder of spaces be made disabled only. This would need to be very clearly marked (e.g. blue paint and designated disability signage). This would assist with improving traffic flow and movement within the car park and surrounding streets. It would also allow for revenue to be gained from those non-complying with requirements and is a significant fine. This may also go some way to alleviating illegal camping in this location.
- Creating a permanent pedestrian access at locations in the village. Temporary measures worked extremely well during the trial period and would be a good addition to the village for improving safety and access. By making this permanent it removes the need to set up temporary measures each peak period.
- Following further consultation with Hyams Beach residents consider implementing the one-way solution on a more permanent or semi-permanent basis

Work is being undertaken by staff to outline the steps and requirements that would need to be undertaken to implement some of these solutions.

Long Term Solutions

The second section of the workshop held on the 16th April 2018 focused on seeking permanent and long-term solutions, including discussions around revenue raising options. A further report on the outcomes and suggestions from this workshop will be provided to Council in the future.

Further discussions and work will be ongoing to ensure continued progress is made to meet the existing resolutions of Council and provide guidance for the management of peak tourist periods in this location.

It is suggested that a small working party is now drawn from this larger workshop participant list to continue to work towards outlining a clear action plan that can be used to consult further with the wider community. This working party will set out some actions that can be achieved in the short term and provide options for permanent solutions within Hyams reducing the need for temporary ongoing staff resources/traffic control measures.

All stakeholders are keen for long term solutions to be found and for a clear understanding of what those solutions, both short and long term may be, to be clearly articulated.

Ongoing engagement is occurring with key stakeholders regarding Hyams Beach. It is expected that ongoing discussions will occur with the broader community at Hyams Beach and the wider Shoalhaven community as the process proceeds.

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CL18.95 Request for Funding Support - Broughton Vale / Berry Rural Fire Station - Site Works

HPERM Ref: D18/100667

Group: Assets & Works Group

Attachments:

1. Report - Broughton Vale / Berry Rural Fire Station - Rural Fire Service Strategic Planning Committee - 15 February 2018 (under separate cover)
2. Final Brochure - Sustaining Council community Facilities [↓](#)

Purpose / Summary

To consider a request from the Shoalhaven Rural Fire Service for Council to contribute an additional \$400,000 towards the cost of the construction of the proposed Broughton Vale/ Berry Rural Fire Station.

Recommendation

That Council advises the District Manager, Shoalhaven RFS that Council is unable to fund the estimated \$400,000 (exc GST) additional cost of the Berry & Broughton Vale Rural Fire Service Station.

Options

1. That the District Manager, Shoalhaven RFS be advised that Council is unable to fund the estimated \$400,000 (exc GST) additional cost of the Berry & Broughton Vale Rural Fire Service Station.

Advantages

- this position is consistent with Council's current practice with regards to assisting the State Government
- nil additional cost to Council and council's share remains at the 11.7%

Disadvantages

- May lead to a reduced scope of works and project delay

2. That

- a. the General Manager prepare a report outlining possible options with regards to use/sale of the existing Berry Rural Fire Service Brigade building (Albert St Berry) that has been identified as becoming surplus to RFS needs.
- b. funding options for construction of a new RFS brigade building in North Street Berry be reviewed after the above report has been completed.

Advantages

- This will allow Council to make a holistic decision in relation to Council funding RFS infrastructure.
- Minimal cost to Council

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Disadvantages

- May create uncertainty in relation to the construction of the new shed if the decision with respect to the existing shed takes a long time to determine.
3. Council advises the District Manager, Shoalhaven RFS that Council will fund the estimated \$400,000 (exc GST) additional cost of the Berry & Broughton Vale Rural Fire Service Station, via a specific allocation in the 2018-2019 financial year.

Advantages

- Broughton Vale/ Berry Rural Fire Station will have a quality facility with a long life.

Disadvantages

- Council does not have budget for this expense, so the expenditure will need to be funded from another source or require a reduction in service level or reduced Capital spend on other assets, although the possible future “sale” of the existing site could offset this.
- May create a precedent for other similar facilities and / or groups across the Council

Background

The Rural Fire Services Strategic Planning Committee (RFSSPC) meeting held on 15 February 2018 considered a report on a proposed new RFS Brigade building in North Street Berry. Investigations , design and a cost estimate has been completed however insufficient funding is available for the project to proceed to tender/construction.

The meeting resolved that the RFSSPC:

- 1) *endorse the set of drawings Plan Reference 5420 as the preferred concept design for the new Broughton Vale / Berry Rural Fire Services Station noting the estimated construction costs, based on the concept design, is \$1,350,000 (exc GST).*
- 2) *Note that Council has progressed the Road Closure to create the Lot upon which this station will be built and an application to register the Deposited Plan has been made to the Land Titles Office. The Gazettal process will follow the Registration process.*
- 3) *note that Council does not subsidise the State Budget by making additional contributions to the provision of NSW RFS facilities, and a deviation from this practice would require a resolution of the Council.*
- 4) *supports the NSW RFS Shoalhaven District Manager applying to the NSW RFS for funding for the new Broughton Vale / Berry Rural Fire Services Station project in the 2018/19 RFFF estimates to bring the project to fully costed, construction ready status.*
- 5) *when funding is available the NSW RFS engages the NSW Department of Public Works as the Principle Contractor/Consultant for new Broughton Vale / Berry Rural Fire Services Station project, with Council assisting to have the project considered under the Infrastructure SEPP, if required.*

Notwithstanding the above formal resolution, the Committee supported the Shoalhaven RFS District Manager’s request for Council to contribute to the budget shortfall in excess of its funding agreement obligation and ease the burden of approximately \$400,000 for civil works required for the Broughton Vale / Berry Rural Fire Station (attachment 1).

The current RFS Station is located on the same parcel of land as the Berry Museum at the rear of 135 Queen Street, Berry. Access is provided next to 80 Albert Street. The building is located within the Berry CBD precinct, that was built in 1990 with a similar facade to complement the NSW heritage listed Berry Museum.

The RFS has identified that strategically, it can provide a more effective service at a site adjacent to the NSW Ambulance Service Station (which is currently under construction). In North Street Berry adjacent to the new bypass.

The site is subject to flooding which is a contributing factor to the requirement for an additional \$400,000 for earthworks and civil works.

Council adopted a [Community Infrastructure Strategic Plan](#) (CISP) in 2016 and also undertook a Berry Community Buildings Consultation in 2014 (Attachment 2). There is a larger portion of community buildings in Berry compared to other similar towns

Options for the the existing RFS Station at Berry have not yet been determined. Options include but are not limited to:

1. Sell as is, which would require subdivision as currently on same allotment of land as the Berry Museum. This could provide contribution to funds requested from RFS.
2. Investigate use as a commercial asset.
3. Investigate use as a community assets – Council has a [policy for occupation of Council owned or managed land](#).
4. Council develops the site.
5. Other.

Under the RFS agreement, Council remains the asset owner for surplus RFS brigade buildings irrespective of the original source of capital funding. The current funding model is for RFS to contribute 88.3% and Council 11.7% of the project cost. However, here is an opportunity to selling the land/ building occupied by the current RFS and increase Council's level of contribution in excess of Councils funding obligation.

Use of previous surplus RFS buildings are as follows:

- Errowal Bay – leased to a community group.
- Hyams Beach – request by community to occupy but currently under Aboriginal Land claim.
- North Nowra – leased to a community group.
- Sanctuary Point – surrounded by residential zoning. Building damaged by winds and demolished. Operational land sold.
- St Georges Basin – Occupied by SES.

Community Engagement

In accordance with Council's Community Engagement Policy, this project is classified as local area/ high impact.

Policy Implications

If the request to support the additional \$400,000 was supported, it could set a precedent to fund future requests in excess of the current funding agreement.

Financial Implications

Project cost is \$1,350,000 with an estimated budget shortfall of \$400,000.

If the request to support the additional \$400,000 was supported, Council would have to make a specific allocation in the 2018/2019 financial year, subject to RFS funding being allocated.

There may be options to offset this expense by "disposing" of the existing facility.

COMMUNITY FACILITIES BERRY

- Former Berry Courthouse • Muir House • Berry Historical Society Museum
- Berry School of Arts • Berry Showground • The Craft Cottage, Berry Community Craft Cottage • A&H Society (former Council Chambers)

SUSTAINING COUNCIL OWNED COMMUNITY FACILITIES

Council's Community Strategic Plan, which outlines the overriding direction of Council's activities, identifies three key strategies of relevance to the Berry community's facilities. In essence, these strategies highlight the importance of providing community facilities (particularly Strategy 1.3.1), but to also establish an equitable financial situation in terms of their care and maintenance (Strategy 4.4.6) and to engage with the community about these costs and how they can be met (Strategy 5.2.2).

KEY ISSUES

The key issue for Council is to continue to provide a number of high quality facilities, with equity in use and assistance in bringing the facilities up to an appropriate standard. The facilities have a combined insured value of almost \$11 million and are large value assets for Council to maintain. At present the costs associated with the buildings and the backlog of works (not including Conservation Management Plan actions) sits at around \$2.25 million, with annual maintenance and operational costs of around \$80,000 per annum (excluding reimbursed operational costs). Conversely, the Council receives less than \$40,000 in income from the facilities (again excluding reimbursed operational costs). Council is always working with the community and others, such as the State and Federal Governments, to find alternative funding sources such as grants. For example, Council has recently been advised that they will receive \$300,000 for the installation of a new kitchen at Berry School of Arts with the remainder of the funds to be spent on other building works. Whilst Council acknowledges that there will always be a cost to Council to provide community facilities, the purpose of the discussions is to explore alternatives

that can return additional income to the facilities and to enable necessary improvements to take place.

WORKING WITH THE COMMUNITY

Council works with community groups and facilities in a variety of ways. There may be a variety of models which are beneficial to the community and Council through investment in community facilities. There is no preferred model at this time and we are open to your ideas and welcome your input. Community groups are therefore encouraged to participate in the upcoming workshop to assist Council in setting some important directions for the future.

SUSTAINING COUNCIL OWNED COMMUNITY FACILITIES - BERRY

Shoalhaven City Council owns a number of important community facilities and buildings located in and around the town of Berry. Many of these heritage listed facilities are synonymous with Berry's built form character, with a high level of significance to the cultural history of the town and broader region. These facilities have significant ongoing costs to meet maintenance and reasonable access and safety standards. Council is seeking to work co-operatively with the numerous community groups that use these facilities to investigate how we can sustain them into the future. This brochure provides a brief introduction to some of the key facilities and the issues faced by Council in ensuring their ongoing presence in the community.

CONSULTATION WORKSHOP

Discussion options with Council

Tuesday 16 September 2014

Berry School of Arts, 6.30pm to 9.00pm

BERRY

COURTHOUSE

Managed under a lease and has Heritage significance as an outstanding late nineteenth century courthouse in the Victorian Academic Classical style, one of the last designs of James Barnett as Colonial Architect. Social and historic interest as a country courthouse. Regional significance (Illawarra).
Current outstanding building works & upgrades \$164,000
Annual maintenance est. \$5,000 p/a
Cost: \$5000 Income \$4,500



HISTORICAL SOCIETY MUSEUM

Managed under a long-term lease and currently used as a community museum.
Heritage significance as "an outstanding former Victorian Manservant bank building of unique design, which forms a focus in the Queen Street streetscape. Historical association with former Berry Council. Regional significance (Illawarra)."
Current outstanding building works & upgrades \$160,000
Annual maintenance est. \$5,000 p/a
Cost: \$3,000 Income generated \$0



MUIR HOUSE

Managed under a lease and currently used as a meeting space generally associated with the arts.
Heritage significance as an "important early twentieth century Federation style house with rare slates building. Contributes to the scale, form and continuity of the streetscapes of Berry. Local significance (Shoalhaven)."
Current outstanding building works & upgrades - \$70,000
Annual maintenance est. \$2,000 p/a
Cost: \$700 Income \$1,100



AGRICULTURAL PAVILION

Managed under a "Section 355" management committee as part of the showgrounds and used as Masonic Lodge and containing the Secretary Room for the showgrounds.
Heritage significance as "an outstanding example of a late nineteenth century recreational building".
Current outstanding building works & upgrades - \$400,000
Annual maintenance - est. \$10,000 p/a
Council contribute \$21,500 p/a to the Showground Committee (inc. other showground and A&H Society buildings)



THE CRAFT COTTAGE

Managed under a lease used for the undertaking and sale of local arts and craft.
Building is not a heritage item and does not have a statement of significance, but is a recognisable community facility within the town.
Current outstanding building works & upgrades \$60,000
Annual maintenance - estimated \$2,000 p/a
Cost: \$400 Income \$5,200



SHOWGROUND FACILITIES

Managed under a "Section 355" management committee this heritage significance as a "record of the importance of agricultural development to the region and the growth of recreation in Berry. The buildings within a parklike setting continue to provide social value and are a major contribution to the townscape. Regional significance (Illawarra)."
Outstanding building works & upgrades \$380,000
Annual maintenance est. \$22,000 p/a
Council contribute \$21,500 p/a to the Showground



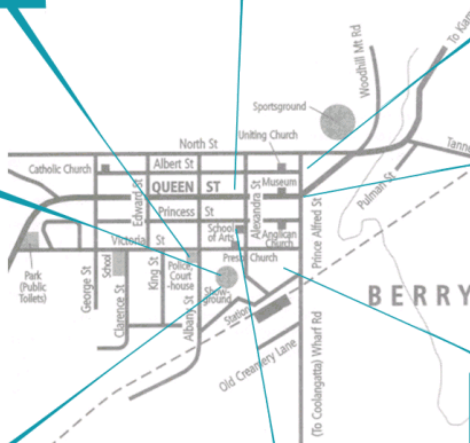
SCHOOL OF ARTS

Currently managed by Council, though was previously operated under lease until recent changes. Used as a public hall and range of other activities.
Heritage significance as a "good example of early twentieth century Federation Free Style community building associated with Howard Joseland and Walter Liberty Vernon as architects. Historic and social value to the community. Strong contribution to the streetscape. Local significance (Shoalhaven)."
Outstanding building works & upgrades \$860,000
Annual maintenance est \$10,000 p/a
Cost: \$10,000 Income est \$30,000



A&H SOCIETY (COUNCIL CHAMBERS)

Managed under a "Section 355" management committee and used by the Agricultural and Horticultural (A&H) Society. Heritage significance as a "Victorian Georgian cottage with Italianate extension which makes an effective contribution to the streetscape. Of social and historical significance as Council Chambers for Berry. Local significance (Shoalhaven)."
Current outstanding building works & upgrades \$190,000



CL18.96 Management and Policies regarding Client and Visitor Parking - Holiday Haven Tourist Parks

HPERM Ref: D18/107450

Group: Assets & Works Group

Section: Business & Property

Purpose / Summary

To inform Council about management and policies pertaining to customer and visitor parking within the Holiday Haven Tourist Parks as resolved by Council on the 28 November 2017 MIN17.1004.

Recommendation

That Council receive the report regarding the management and policies pertaining to customer and visitor parking within the Holiday Haven Tourist Parks for information.

Options

Nil

Background

Council resolved 28 November 2017 MIN17.1004 that "...Council receive a report on the management and/or policies pertaining to customer and visitor parking within the Holiday Haven Tourist Parks, including during peak seasons. The report should include both parking onsite within parks and off site. The report should include any information provided to customers regarding parking at Holiday Haven Tourist Parks."

Concerns regarding car parking in all the Shoalhaven village areas are brought to Council's attention from time to time. The problems with accommodating visitors' vehicles in the Shoalhaven at peak times continues to present issues with Shoalhaven residents as the population swells from approximately 100,000 to 400,000 and parking and access opportunities are severely impacted. This problem is exacerbated in popular holiday areas such as Shoalhaven Heads, Currarong, Huskisson, Cudmirrah, Bendalong and Lake Conjola. All these areas have a proliferation of holiday homes, B&Bs and caravan parks. Holiday homes tend to cater for multiple families or multiple generations within a family, similar to the visitor profiles in caravan parks. Whereas in the past a family would take a single vehicle on holidays, currently a family may take two or three cars plus trailers, boats and jet-skis on a holiday. All of these vehicles take up the limited parking available both on properties (off street) and elsewhere (on street).

Holiday Haven Tourist Parks, like all caravan parks in the Shoalhaven and throughout NSW, are operated under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. This regulation stipulates the parking requirements for caravan parks as follows.

96 Resident parking

(1) A caravan park or camping ground must contain at least one resident parking space for each dwelling site or camp site.

(2) The parking space for a dwelling site or camp site may be on-site (that is, forming part of

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the site) or off-site (that is, not forming part of the site).
(3) An off-site space must be marked (for example, by means of line marking, marker pegs or similar means) to identify the particular dwelling site or camp site to which it relates.
(4) An off-site parking space for a dwelling site or camp site must be situated in the location specified in the approval for the caravan park or camping ground.
(5) Each off-site parking space is to have, at minimum, dimensions of:
(a) 5.4 metres by 2.5 metres, in the case of angle parking, and
(b) 6.1 metres by 2.5 metres, in any other case.
97 Visitor parking
(1) A caravan park or camping ground must contain no fewer visitor parking spaces than the following:
(a) one visitor parking space for each 10 (and any remaining fraction of 10) long-term sites in the caravan park or camping ground,
(b) one visitor parking space for each 20 (and any remaining fraction of 20) short-term sites in the caravan park or camping ground,
(c) one visitor parking space for each 40 (and any remaining fraction of 40) camp sites in the caravan park or camping ground.
(2) The minimum number of visitor parking spaces to be provided is 4.
(3) Each parking space is to have, at minimum, dimensions of:
(a) 5.4 metres by 2.5 metres, in the case of angle parking, and
(b) 6.1 metres by 2.5 metres, in any other case.
(4) Visitor parking spaces must be clearly identified as such.
98 Visitor parking for people with disabilities
(1) A caravan park or camping ground must contain at least one visitor parking space for people with disabilities.
(2) A caravan park or camping ground that contains more than 100 sites must contain at least one visitor parking space for people with disabilities for each 100 sites or fraction of 100 sites.
(3) Such parking is to be provided in accordance with <i>AS/NZS 2890.1:2004 Parking facilities-- Off street parking</i> .
(4) Visitor parking spaces for people with disabilities must be clearly identified as such.
(5) Visitor parking spaces provided under this clause may be counted for the purposes of

clause 97.

All of the Holiday Haven properties comply with the requirements of the legislation as stated above regarding visitor parking within the properties.

HOLIDAY HAVEN Tourist Parks						
PROPERTY	Long Term Sites	Short Term Sites	Camp Sites	Min Visitor Carparks as per Regs	Existing Visitor Sites	Carparking adjoining the Tourist Park
Kangaroo Valley		20	27	4	19	0
Shoalhaven Heads	1	331	26	19	30	10
Culburra Beach	1	324	26	19	25	70
Currarong		279	51	16	34	50
White Sands	1	131	14	9	38	50
Huskisson Beach	1	135	56	10	17	20
Swan Lake		140		7	15	170
Bendalong	1	202	68	13	20	20
Lake Conjola		300	48	17	72	100
Ulladulla	1	152	67	11	14	30
Burrill Lake		98	4	6	6	70
Lake Tabourie		417	79	23	167	150
Total	6	2529	466	154	457	740

In addition to this some properties have large open areas adjacent to or opposite the properties which can accommodate additional vehicles. In some cases, these spaces range from a few extra spaces to over a hundred depending on the location.

Some years ago, the Holiday Haven Tourist Parks unit adopted a one site one vehicle policy for those parks where vehicles had been parked on corners, in front of recreation areas and alongside internal roadways thus creating Work Health & Safety issues, for children on bicycles and skateboards. These practices severely restricted the manoeuvring of caravans and recreational vehicles which were arriving or departing a site. This policy has an almost standard industry-wide acceptance as all properties used to encounter the same types of issues including injuries to pedestrians through lack of adequate site lines, and damage to vehicles and caravans through lack of manoeuvring space.

Community Engagement

Over the years Holiday Haven staff have met with community members and CCBs to discuss the above issues and find solutions to easing the impact of the parking of the vehicles of visitors to the Shoalhaven. Community members are acutely aware of the problem and realise that for six to ten weeks each year our roads and beaches are sometimes full to capacity – they also realise that these issues are experienced in most popular holiday destinations in coastal Australia.

Holiday Haven undertakes education to visitors regarding this issue through pre-peak season newsletters, advice on booking confirmations and at consumer shows. Additionally, more and better signed visitor parking areas are being sought both inside and outside the Holiday Haven locations and extensions to or reconfiguration of existing parking areas are constantly under review.

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CL18.97 Waste Less Recycle More Grant - Organics Infrastructure

HPERM Ref: D18/113526

Group: Assets & Works Group
Section: Works & Services

Purpose / Summary

To accept a grant under the NSW Government's Waste Less Recycle More Grant funding package for infrastructure to improve the quality of shredded green waste at Council's Recycling and Waste Facilities.

Recommendation

That Council:

1. Accept the grant of \$188,645 from the Environment for their Waste Less, Recycle More Organics Infrastructure (Large and Small) Program, Stream 4: Product Quality.
2. Allocate \$123,600 from the Waste Reserve towards this High Quality Green Waste project as Council's net co-contribution

Options

1. Accept the recommendation as written to accept the grant (preferred option)
Implications: Council will be enabled to purchase the required plant to improve the quality of shredded green waste, for public use, available at its 10 Recycling and Waste Facilities.
2. Not accept the grant and advise the environment trust accordingly
Implications: The hire of the plant to improve quality of shredded green waste becomes an additional operating cost to Council

Background

Council currently receives approximately 10,000 tonnes of green waste at its 10 Recycling and Waste Transfer Facilities every year. This material is shredded under contract and then processed in accordance with AS4454 requirements for pasteurising shredded green waste. The material is then made available to the community to collect at no charge as long as they load it themselves. A \$10 charge is applied if Council loads it for them.

The EPA and Environment Trust advertised expressions of interest for their *Waste Less, Recycle More Organics Infrastructure (Large and Small) Program, Stream 4: Product Quality* in August 2017. Waste Services have used a small hired screen over the last year, which has increased customer interest in the product. The application for the grant is aimed to improve pasteurised garden organics product through the purchase of a high quality high capacity mobile rotary screen, including a number of different screen sizes, better storage and the implementation of QA/QC processes. This will provide the ability to process the green waste to a higher quality product.

It is proposed to purchase a tracked mobile screening machine, with trommel and two different size screens plus storage and transport containers. The machine will be based at a centralised point in Huskisson and the pasteurised and screened material will be transported

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to each other facility to be available for the community. It is expected that approximately 30,000m³ of quality product will be produced per year. The estimate cost of Council's contribution, including staff costs and administration, to the upgrade is \$281,761 (\$198,605 of actual expenses). The offset from saving the current hire cost for the small screen (\$75,000 per year) will reduce Council's actual contribution to approximately \$123,600 which will take place in the first financial year.

Council were advised in March that the Grant application was successful, and that the Environment Trust will provide a contribution of \$188,645.

Financial Implications

Councils net co-contribution of \$123,600 to be sourced from the Waste Reserve.

CL18.98 Variations to Development Standards - First Quarter Report 2018

HPERM Ref: D18/90833

Group: Planning Environment & Development Group
Section: Development Services

Attachments: 1. Planning Circular - variations to development standards (PS18-003) [↓](#)
2. Clause 4.6 and / or SEPP 1 Variations [↓](#)

Purpose / Summary

This report is the first of what will be regular quarterly reports to Council concerning the use of clause 4.6 in Shoalhaven Local Environmental Plan 2014 and / or State Environmental Planning Policy No. 1 – Development Standards.

Council is required to consider variations which exceed 10%, with lesser variations able to be dealt with by staff, under delegation.

Council is also required to report the variations to the full Council and thereafter the Department of Planning and Environment.

A recent audit of Councils and Planning Circular identified some inconsistent practices by Councils and has clarified what the reporting requirements are with respect to 'variations'.

As this report is the first report following issue of the recent Circulars, this report provides detailed information for background and context. Future reports, will essentially provide details of the variations for each quarter in the form of a brief report and attached table.

The recent December Circular has been replaced with *PS18-003 Variations to development standards*. This Circular is attached. This latest Circular clarifies concurrence conditions and that Panels are able to assume the Secretary's concurrence because they are exercising the council's functions as a consent authority and repeats earlier advice with respect to reporting requirements.

Recommendation

That Council receive this report for information and forward a copy of this report and attachment table to the Department of Planning and Environment in accordance with the requirements specified in *Circular PS18-003 Variations to development standards*.

Options

1. Receive the report for information and forward the report to the Department.

Implications: Council will be complying with the reporting provisions as detailed in *Circular PS18-003 Variations to development standards*.

2. Resolve an alternative and provide details to staff.

Implications: Depending on what is resolved, the Council would need to ensure compliance observing that the Department undertakes periodic audits.

Background

Councils were advised in planning circular *PS11-018 Monitoring and reporting variations to development standards* that the Department would continue to undertake random audits on

councils' use of the Secretary's assumed concurrence under State Environmental Planning Policy No. 1 (SEPP 1) and clause 4.6 of the Standard Instrument Local Environmental Plan (Standard Instrument).

The Department selected twelve (12) councils in August 2016.

Function of SEPP 1 and clause 4.6

SEPP 1 and clause 4.6 allow flexibility in the application of development standards by allowing the consideration of development proposals that meet the objective of a development standard but not its stated value.

SEPP 1 and clause 4.6 permit an applicant to object to development standards on the grounds that they are unreasonable, unnecessary or would result in poor planning outcomes.

When the consent authority is satisfied the objection under SEPP 1 or clause 4.6 is well founded it may, with the concurrence of the Secretary of the Department of Planning and Environment, grant consent to that Development Application (DA) notwithstanding the subject development standard.

The Secretary of the Department of Planning & Environment has delegated to councils assumed concurrence to use SEPP 1 or clause 4.6 in respect of most types of development.

Monitoring of council use of SEPP 1 and clause 4.6

The Independent Commission Against Corruption (ICAC) investigated corruption allegations affecting Wollongong City Council in 2008 and recommended that the Department commence monitoring all council's use of SEPP 1 and clause 4.6. In planning *circular PS08-014 Reporting variations to development standards* councils were required to adopt several additional reporting measures in respect of their SEPP 1 usage. These measures increased transparency and accountability in making decisions involving the use of SEPP 1 or clause 4.6.

Councils are required to monitor their use of the Secretary's assumed concurrence under SEPP 1 and clause 4.6 and report to the Department of Planning and Environment on that usage on a quarterly basis. The Department has been systematically monitoring council quarterly SEPP 1 and clause 4.6 returns since June 2008.

Monitoring and auditing council's use of SEPP 1 and clause 4.6 enables the Department to check whether councils are keeping accurate records of the use of SEPP 1 and clause 4.6, to assess whether any particular development standards are being regularly varied by a council and may require review, and to detect anomalies (e.g. exceeding of delegations) if they are occurring.

Summary of audit findings

The audit found that the planning outcomes being delivered by council's use of clause 4.6 and SEPP 1 are generally appropriate. However, several significant issues in some council's reporting and/or administrative procedures associated with the use of clause 4.6 and SEPP 1 are occurring. By way of example, some Councils were unclear if clause 4.6 applies to modification applications, (It does not.).

Further Outcomes

Audited councils that have findings applicable to them will be audited again within 6 months to ensure the identified matters have been addressed.

The frequency of reporting delegated decisions to Council meetings was also raised as an issue during the audit. To address this issue, it is proposed to change the frequency of reporting on clause 4.6 variations from monthly to quarterly to align with Departmental reporting requirements and reduce the administrative burden on councils.

Planning Circular PS18-003 Variations to development standards, dated 21 February 2018

The Circular states:

- *“Applications for variations to development standards cannot be considered without a written application objecting to the applicable development standard and addressing the matters required to be addressed in the relevant instrument.*
- *A publicly available online register is to be established, and its currency maintained, of all variations to development standards approved by council or its delegates. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.*
- *A report of all variations approved, either by council or its delegates, must be submitted to developmentstandards@planning.nsw.gov.au within 4 weeks of the end of each quarter (ie March, June, September and December). Such report must be on the form provided by the Department.*
- *A report of all variations approved under delegation by staff must be provided to a full council meeting at least once each quarter.”*

The Circular concludes:

“The Department will continue to carry out random audits to ensure the above monitoring and reporting measures are complied with. The Department and the NSW Independent Commission Against Corruption will continue to review and refine the audit strategy.

Should ongoing non-compliance be identified with one or more consent authorities, the Secretary will consider revoking the notice allowing concurrence to be assumed, either generally for a consent authority or for a specific type of development.”

Conclusion

Upon receipt of this report, the report and attachment will be provided to the Department. Additionally, the attached table detailing variations has (or will) be published on Council's webpage.

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Planning circular

PLANNING SYSTEM

Varying Development Standards

Circular	PS 18-003
Issued	21 February 2018
Related	Revokes PS17-006 (December 2017)

Variations to development standards

This circular is to advise consent authorities of arrangements for when the Secretary's concurrence to vary development standards may be assumed (including when council or its Independent Hearing and Assessment Panel are to determine applications when development standards are varied), and clarify requirements around reporting and record keeping where that concurrence has been assumed.

Overview of assumed concurrence

This circular replaces Planning Circular PS 17-006 and issues revised assumed concurrence, governance and reporting requirements for consent authorities.

All consent authorities may assume the Secretary's concurrence under:

- clause 4.6 of a local environmental plan that adopts the *Standard Instrument (Local Environmental Plans) Order 2006* or any other provision of an environmental planning instrument to the same effect, or
- *State Environmental Planning Policy No 1 – Development Standards*.

However the assumed concurrence is subject to conditions (see below).

The assumed concurrence notice takes effect immediately and applies to pending development applications.

Any existing variation agreed to by the Secretary of Planning and Environment to a previous notice will continue to have effect under the attached notice.

Assumed concurrence conditions

Lot size standards for dwellings in rural areas

The Secretary's concurrence may not be assumed for a development standard relating to the minimum lot size required for erection of a dwelling on land in one of the following land use zones, if the lot is less than 90% of the required minimum lot size:

- Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition
- Zone R5 Large Lot Residential
- Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone E4 Environmental Living

- a land use zone that is equivalent to one of the above land use zones

This condition will only apply to local and regionally significant development.

Numerical and non-numerical development standards

The Secretary's concurrence may not be assumed by a delegate of council if:

- the development contravenes a numerical standard by greater than 10%; or
- the variation is to a non-numerical standard.

This restriction does not apply to decisions made by independent hearing and assessment panels, formally known as local planning panels, who exercise consent authority functions on behalf of councils, but are not legally delegates of the council (see section 231, to be renumbered 4.8 from 1 March 2018).

The purpose of the restriction on assumed concurrence for variations of numerical and non-numerical standards applying to delegates is to ensure that variations of this nature are considered by the council or its independent hearing and assessment panel and that they are subject to greater public scrutiny than decisions made by council staff under delegation.

In all other circumstances, delegates of a consent authority may assume the Secretary's concurrence in accordance with the attached written notice.

Independent hearing and assessment panels

From 1 March 2018, councils in Sydney and Wollongong will be required to have independent hearing and assessment panels that will determine development applications on behalf of councils (see section 231, to be renumbered section 4.8 from 1 March 2018).

The attached notice allows independent hearing and assessment panels to assume the Secretary's concurrence because they are exercising the council's functions as a consent authority.

Independent hearing and assessment panels established by councils before 1 March 2018 also make decisions on behalf of councils. The attached notice applies to existing panels in the same way as it will apply to panels established after 1 March 2018.

Regionally significant development

Sydney district and regional planning panels may also assume the Secretary's concurrence where development standards will be contravened.

The restriction on delegates determining applications involving numerical or non-numerical standards does not apply to all regionally significant development. This is because all regionally significant development is determined by a panel and is not delegated to council staff.

However, the restriction on assuming concurrence to vary lot size standards for dwellings in rural areas will continue to apply to regionally significant development. The Secretary's concurrence will need to be obtained for these proposals in the same way as it would for local development.

State significant development and development where a Minister is the consent authority

Consent authorities for State significant development (SSD) may also assume the Secretary's concurrence where development standards will be contravened. This arrangement also applies to other development for which a Minister is the consent authority for the same reasons.

Any matters arising from contravening development standards will be dealt with in Departmental assessment reports.

The restriction on assuming concurrence to vary lot size standards for dwellings in rural areas will not apply to SSD or where a Minister is the consent authority for the same reasons.

Notification of assumed concurrence

Under clause 64 of the *Environmental Planning and Assessment Regulation 2000*, consent authorities are notified that they may assume the Secretary's concurrence for exceptions to development standards for applications made under clause 4.6 of the SILEP (or any other provision of an environmental planning instrument to the same effect), or clause 6 of SEPP 1.

The notice takes effect on the day that it is published on the Department of Planning's website (i.e. the date of issue of this circular) and applies to pending development applications.

Procedural and reporting requirements

In order to ensure transparency and integrity in the planning framework the below Departmental monitoring and reporting measures must be followed when development standards are being varied:

- Proposed variations to development standards cannot be considered without a written application objecting to the development standard and dealing with the matters required to be addressed by the relevant instrument.
- A publicly available online register of all variations to development standards approved by the consent authority or its delegates is to be established and maintained. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
- A report of all variations approved (including under delegation) must be submitted to developmentstandards@planning.nsw.gov.au within 4 weeks of the end of each quarter (ie March, June, September and December) in the form provided by the Department.
- A report of all variations approved under delegation from a council must be provided to a meeting of the council meeting at least once each quarter.

Councils are to ensure these procedures and reporting requirements are carried out on behalf of Independent Hearing and Assessment Panels and Sydney district or regional planning panels.

Audit

The Department will continue to carry out random audits to ensure the monitoring and reporting measures are complied with. The Department and the NSW Independent Commission Against Corruption will continue to review and refine the audit strategy.

Should ongoing non-compliance be identified with one or more consent authorities, the Secretary will consider revoking the notice allowing concurrence to be assumed, either generally for a consent authority or for a specific type of development.

Further information

A Guide on Varying Development Standards 2011 is available to assist applicants and councils on the procedures for managing SEPP 1 and clause 4.6 applications to vary standards.

Links to SEPP 1 and the Standard Instrument can be found on the NSW Legislation website at: www.legislation.nsw.gov.au

For further information please contact the Department of Planning and Environment's information centre on 1300 305 695.

Department of Planning and Environment circulars are available at:

Department of Planning and Environment – Planning Circular PS18-003

www.planning.nsw.gov.au/circulars

Authorised by:

Carolyn McNally
Secretary

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

Assumed concurrence notice

I, Carolyn McNally, Secretary of the Department of Planning and Environment, give the following notice to all consent authorities under clause 64 of the *Environmental Planning and Assessment Regulation 2000*.

Notice

All consent authorities may assume my concurrence, subject to the conditions set out in the table below, where it is required under:

- clause 4.6 of a local environmental plan that adopts the *Standard Instrument (Local Environmental Plans) Order 2006* or any other provision of an environmental planning instrument to the same effect, or
- *State Environmental Planning Policy No 1 – Development Standards*.

No.	Conditions
1	<p>Concurrence may not be assumed for a development that contravenes a development standard relating to the minimum lot size required for the erection of a dwelling on land in one of the following land use zones, if the variation is greater than 10% of the required minimum lot size:</p> <ul style="list-style-type: none"> – Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition – Zone R5 Large Lot Residential – Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone E4 Environmental Living – a land use zone that is equivalent to one of the above land use zones <p>This condition does not apply to State significant development or development for which a Minister is the consent authority</p>
2	<p>Concurrence may not be assumed for the following development, if the function of determining the development application is exercised by a delegate of the consent authority:</p> <ul style="list-style-type: none"> – development that contravenes a numerical development standard by more than 10% – development that contravenes a non-numerical development standard <p>Note. Local planning panels constituted under the <i>Environmental Planning and Assessment Act 1979</i> exercise consent authority functions on behalf a council and are not delegates of the council</p> <p>This condition does not apply to State significant development, regionally significant development or development for which a Minister is the consent authority</p>

This notice takes effect on the day that it is published on the Department of Planning's website and applies to development applications made (but not determined) before it takes effect.

The previous notice to assume my concurrence contained in planning system circular PS 17-006 *Variations to development standards*, issued 15 December 2017 is revoked by this notice. However, any variation to a previous notice continues to have effect as if it were a variation to this notice.

Dated: 21 February 2018



Carolyn McNally
Secretary, Department of Planning and Environment

[illegible]

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.