

Strategy and Assets Committee

Meeting Date: Tuesday, 17 April, 2018
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5.00pm

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

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

Agenda

1. **Apologies / Leave of Absence**
2. **Confirmation of Minutes**
 - Strategy and Assets Committee - 20 March 2018..... 1
3. **Declarations of Interest**
4. **Mayoral Minute**
5. **Deputations and Presentations**
6. **Notices of Motion / Questions on Notice**
 - SA18.72 Notice of Motion - Nelson Beach Stairway Access Southern End..... 24
 - SA18.73 Notice of Motion - Public Toilets - Tomerong..... 26
7. **Committee Reports**
 - SA18.74 Report of the Childrens Services Reference Group - 12 March 2018 30
 - CS18.2 Applications for Membership - Loretta Walton and Christina Barrett
 - SA18.75 Report of the Shoalhaven Sports Board - 28 March 2018 31
 - SB18.2 Review of Councils Policies - Sportsgrounds Management and Grants Program
8. **Reports**
 - SA18.76 Illawarra Shoalhaven Joint Organisation (ISJO) Organisational Strategic Plan 2017-2020..... 45

SA18.77	Sale of Council Employment Land - Lot 119 DP 1124258, 10 Trim St, South Nowra	50
SA18.78	Shoalhaven Family Day Care Update	52
SA18.79	Acceptance of NSW Public Libraries Association Scholarship - IFLA Conference Attendance - Sarah Taylor	63
SA18.80	Acceptance of Bursary Funding - Regional Public Galleries NSW - \$500 - Bridget Macleod Conference Attendance	65
SA18.81	Acceptance of Bursary Funding - Museums Galleries Australia - \$790 - Fiona McFadyen - Conference Attendance	67
SA18.82	Acceptance of Bursary Funding - Performance Arts Acceptance Australia - \$480 - Karen Patterson - Conference Attendance	69
SA18.83	Crown Lands Management Act 2016	71
SA18.84	Proposed Lease - Milton Ulladulla Preschool - 22 Dowling St, Ulladulla	77
SA18.85	Grant of Easement for Underground Cables to Endeavour Energy - Various Sites - North Nowra	80
SA18.86	Proposed New Leases - Marine Rescue NSW - Huskisson, Kioloa & Crookhaven Heads	83
SA18.87	Land Acquisition - Easement for Drainage - Lot 102 DP 179622 Forest Meadows Way, Worrigeer	90
SA18.88	Abandonment of Debt - Holiday Haven Outstanding Occupancy Fees	93
SA18.89	Proposed Lease - Shoalhaven Trophies - 1 Stewart Place, Nowra	94
SA18.90	Tree Management Policy - Public Land	97
SA18.91	Comerong Island Ferry - Service Review	101
SA18.92	Waste Services Facilities Resourcing Model	113
SA18.93	Energy from Waste Inquiry	116
SA18.94	Crookhaven River Bridge Upgrade - Round 3 - Bridge Renewal Program	132
SA18.95	Acquisition of Land and Easement - Sewer Purposes - Sussex Inlet	134
SA18.96	Bomaderry Sewerage Treatment Plant - Property Matters	137
SA18.97	Request for Connection to Town Water Supply - 285 Tannery Road, Cambewarra	140

9. Confidential Reports

Reports

- CSA18.6 Abandonment of Debt - Holiday Haven Unpaid Occupancy Fees
- Local Government Act - Section 10A(2)(b) - Discussion in relation to the personal hardship of a resident or ratepayer.*
- There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal an individual's personal information or contravene an information protection principle under the Privacy and Personal Information Protection Act 1998 or a Health Privacy Principle under the Health Records and Information Privacy Act 2002.*

Strategy and Assets Committee

Delegation:

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

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

Schedule:

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

10. Undertake preliminary investigations (feasibility, cost benefit, risk analysis, etc.) into development opportunities for Council's strategic land holdings and make recommendations to Council.
11. Review and make recommendations to Council in relation to:
 - a) The sale prices of land in connection with residential and industrial Council subdivisions;
 - b) The sale of Council property or the purchase or resumption of land;
 - c) The compensation to be offered in respect of land resumed by Council; and
 - d) Properties leased or rented by Council, other than those delegated to the General Manager for approval and execution in accordance with MIN14.912 and MIN15.237 of the Council.
12. To determine and accept all tenders with a value of \$1 Million or more, except those tenders required by law to be determined by full Council (MIN17.334).

MINUTES OF THE STRATEGY AND ASSETS COMMITTEE

Meeting Date: Tuesday, 20 March 2018
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5.09pm

The following members were present:

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

Apologies / Leave of Absence

Apologies were received from Clr White, Clr Levett, Clr Guile and Clr Kitchener.

Confirmation of the Minutes

RESOLVED (Clr Cheyne / Clr Gartner)

MIN18.167

That the Minutes of the Strategy and Assets Committee held on Tuesday 20 February 2018 be confirmed.

CARRIED

Declarations of Interest

Clr Gash – SA18.57 – Encroachment onto Public Reserve – 1 Walton Way, Currarong – less than significant non pecuniary declaration – will remain in the room and will take part in discussion and vote – co-owner of the property is a “friend known to me”.

MAYORAL MINUTES

MMS18.2 Mayoral Minute - Message of Support - Tathra Bushfires

HPERM Ref:
D18/93402

Recommendation (Item to be determined under delegated authority)

That Council accept the report for information and support the Residents of Bega Valley Shire Council affected by the weekend bushfires.

RESOLVED (Clr Findley / Clr Pakes)

MIN18.168

That Council:

1. Accept the report for information and support the residents of Bega Valley Shire Council affected by the weekend bushfires;
2. Endorses a Mayoral letter offering support to Bega Valley Shire Council; and
3. Support a \$5,000.00 contribution from the Mayoral Relief Fund via a meeting of the Mayoral Relief Fund Committee, to be held as soon as possible.

CARRIED

DEPUTATIONS AND PRESENTATIONS

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

Ms Lois Sparkes spoke regarding this recommendation.

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

Mr Alex Kelly spoke against the recommendation.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Pakes / Clr Gartner)

MIN18.169

That the matter of items 18.71, 18.45 AND 18.57 be brought forward for consideration.

CARRIED

Introduction of Items as Matters of Urgency

RESOLVED (Clr Findley / Clr Cheyne)

MIN18.170

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

1. SA18.71 Proposed Partnership Approach- Southern Cross Housing- NSW Social and Affordable Housing Funding - Phase 2

CARRIED

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

SA18.71 Proposed Partnership Approach - Southern Cross Housing - NSW Social and Affordable Housing Funding - Phase 2

HPERM Ref: D18/86609

Recommendation

That Council:

1. Support Southern Cross Housing's expression of interest under the NSW Social and Affordable Housing Fund (SAHF) – Phase 2 for the delivery of social and affordable dwellings in the Shoalhaven.
2. Give in principle support to the development of 42 – 46 Coomea St, Bomaderry and 11 Lamond's Lane & 81 Bridge Rd, Nowra (former Nowra Gasworks) for affordable housing sites and the inclusion of those sites in the expression of interest to be submitted by Southern Cross Housing in the SAHF Phase 2 programme.
3. Receive a future report on a detailed business case which considers the inclusion of the former Nowra Gasworks site and the Coomea Street site in the development of social and affordable housing by Southern Cross Housing and the treatment of those sites in terms of any proposed contractual agreement with Southern Cross Housing.

RESOLVED (Clr Findley / Clr Cheyne)

MIN18.171

That Council:

1. Support Southern Cross Housing's expression of interest under the NSW Social and Affordable Housing Fund (SAHF) – Phase 2 for the delivery of social and affordable dwellings in the Shoalhaven.
2. Give in principle support to the development of 42 – 46 Coomea St, Bomaderry and other site(s) in Nowra and/or Ulladulla, subject to further community consultation, for affordable housing sites and the inclusion of those sites in the expression of interest to be submitted by Southern Cross Housing in the SAHF Phase 2 programme, excluding the former Gas Works site (81 Bridge Road, Nowra).
3. Receive a future report on a detailed business case which considers the inclusion of sites in the development of social and affordable housing by Southern Cross Housing and the treatment of those sites in terms of any proposed contractual agreement with Southern Cross Housing.
4. Exclude the former Gas Works site (81 Bridge Road, Nowra) from considerations for any form of housing in the future, due to the contamination of the site.

CARRIED

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

HPERM Ref: D18/84701

Recommendation

That:

1. Council support the implementation of actions for the Hyams Beach as a trial for the Easter period 2018.
2. Council allocate a total of **\$78,800** to implement the trial.
3. A report is provided back to Council on the outcome of the trial and a consideration of ongoing resource provision in the Hyams Beach location.
4. Council continue discussions with key stakeholders from Hyams Beach and stakeholders from the wider Shoalhaven to develop long term solutions to increasing visitor numbers and

infrastructure needs.

5. A working party is formed to assess long term strategic and sustainable infrastructure solutions to current and potential hotspots throughout the region, taking into consideration the Sustainable Tourism Model currently being created.
6. Consideration be given to the purchase of variable message board signs (VMS) to assist with future peak summer holiday periods to reduce the costs of hiring. These signs can also be utilised by Council for other festivals, events and emergency situations.

MOTION (Clr Findley / Clr Gartner)

That:

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

AMENDMENT (Clr Watson / Clr Proudfoot)

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 \$15,000 (net) to implement the trial.
3. Council consider in the budget bids for 2018/2019 a further allocation of \$21,000 for a long-term traffic management plan for Hyams Beach.
4. A report is provided back to Council on the outcome of the trial and a consideration of ongoing resource provision in the Hyams Beach location.
5. Council continue discussions with key stakeholders from Hyams Beach (including the Hyams Beach Village Association) and stakeholders from the wider Shoalhaven to develop long term solutions to increasing visitor numbers and infrastructure needs.
6. A working party is formed to assess long term strategic and sustainable infrastructure solutions to current and potential hotspots throughout the region, taking into consideration the Sustainable Tourism Model currently being created.
7. Consideration be given to the purchase of variable message board signs (VMS) to assist with future peak summer holiday periods to reduce the costs of hiring. These signs can also be

utilised by Council for other festivals, events and emergency situations.

8. The General Manager have regard to the submission from the Hyams Beach Village Association in the implementation of the action plan.

FOR: Clr Pakes, Clr Watson and Clr Proudfoot

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

LOST

RECOMMENDATION (Clr Findley / Clr Gartner)

That:

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

FOR: Clr Wells, Clr Gash, Clr Findley, Clr Gartner, Clr Cheyne, Clr Alldrick and Russ Pigg

AGAINST: Clr Pakes, Clr Watson and Clr Proudfoot

CARRIED

Procedural Motion - Adjournment of Meeting

RESOLVED (Clr Findley / Clr Gash)

MIN18.172

That the meeting be adjourned for 10 minutes.

CARRIED

The meeting adjourned, the time being 6.54pm.

The meeting reconvened, the time being 7.10pm.

When the following members were present:

Clr John Wells - Chairperson

Clr Amanda Findley

Clr Joanna Gash

Clr Nina Cheyne
Clr Kaye Gartner
Clr Annette Alldrick
Clr Mitchell Pakes
Clr Greg Watson
Clr Bob Proudfoot
Mr Russ Pigg – General Manager

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

**HPERM Ref:
D18/24295**

Clr Gash – SA18.57 – Encroachment onto Public Reserve – 1 Walton Way, Currarong – less than significant non pecuniary declaration – did remain in the room and did take part in discussion and vote – co-owner of the property is a “friend known to me”.

Recommendation

That Council resolves to:

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

MOTION (Clr Proudfoot / Clr Alldrick)

That Council resolves to:

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

RESOLVED (Clr Findley / Clr Gash)

MIN18.173

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

FOR: Clr Wells, Clr Gash, Clr Findley, Clr Gartner, Clr Cheyne, Clr Alldrick, Clr Pakes, Clr Watson and Russ Pigg

AGAINST: Clr Proudfoot

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

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

**HPERM Ref:
D18/77771**

Recommendation

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

RECOMMENDATION (Clr Alldrick / Clr Cheyne)

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

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Russ Pigg / Clr Wells)

MIN18.174

That the matters of the following be brought forward for consideration:

- SA18.66 – Interest Grace Period - Water Accounts
- SA18.67 – Shoalhaven Water Reclamation Annual Report 2016 / 2017
- SA18.68 – Draft Proposal for 2018-19 Water and Sewer Charges

CARRIED

SA18.66 Interest Grace Period - Water Accounts

**HPERM Ref:
D18/49097**

Recommendation

That Council

1. Remove the extended grace period for the payment of eligible pensioner water accounts effective 1 July 2018.
2. Rescind Council resolution 1814 adopted 18 December 2007.
3. Increase the Council component of the annual concession for eligible pensioners under the conditions of Section 575 of the Local Government Act by \$10.00 for the water availability

charge and \$10.00 for the sewerage availability charge effective 1 July 2018.

4. Adopt the amended policy 17/1 attached to reflect Part 1 of the Recommendation.

RECOMMENDATION (Clr Wells / Clr Proudfoot)

That Council

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

CARRIED

SA18.67 Shoalhaven Water Reclamation Annual Report 2016 / 2017

**HPERM Ref:
D18/51840**

Recommendation (Item to be determined under delegated authority)

That in accordance with the Committee's delegated authority from Council, that the Shoalhaven Water Reclamation annual report 2016/17 be accepted and noted.

RESOLVED (Clr Gartner / Clr Gash)

MIN18.175

That in accordance with the Committee's delegated authority from Council, that the Shoalhaven Water Reclamation annual report 2016/17 be accepted and noted.

CARRIED

SA18.68 Draft Proposal for 2018-19 Water and Sewer Charges

**HPERM Ref:
D18/62537**

Recommendation

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

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

RECOMMENDATION (Clr Wells / Clr Gartner)

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

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

CARRIED

REPORTS

SA18.45 HYAMS BEACH- WORKSHOP OUTCOMES- EASTER ACTIONS AND RESOURCE REQUIREMENTS

**HPERM REF:
D18/84701**

Item dealt with earlier in the meeting.

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

**HPERM Ref:
D18/85080**

Recommendation

That Council:

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

RECOMMENDATION (Clr Proudfoot / Clr Pakes)

That Council:

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

CARRIED

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

**HPERM Ref:
D18/85372**

Recommendation

That Council:

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

RECOMMENDATION (Clr Pakes / Clr Gartner)

That Council:

1. Accept the grant of \$744,339 towards the cost of additional boating facilities at Greenwell Point under the South Coast Regional Jobs Initiative.
 - a. The Contract be signed by the General Manager
2. Vote \$750,000 from the Economic Development Reserve towards this project as its

contribution.

3. That Council write to and thank the Federal Member for the funding.

CARRIED

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

SA18.48 Report - Adoption of Risk Management Policy	HPERM Ref: D18/63585
--	---------------------------------

RESOLVED* (Clr Wells / Clr Pakes) MIN18.176

That Council adopt the revised Risk Management Policy.

CARRIED

SA18.49 OzWater Conference - 2018 - Australian Water Association	HPERM Ref: D18/68061
---	---------------------------------

RESOLVED* (Clr Wells / Clr Pakes) MIN18.177

That Council:

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

CARRIED

SA18.50 National General Assembly 2018	HPERM Ref: D18/73137
---	---------------------------------

RESOLVED* (Clr Wells / Clr Pakes) MIN18.178

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.

CARRIED

SA18.51 Waste 2018 Conference

**HPERM Ref:
D18/76159**

Recommendation (Item to be determined under delegated authority)

That Council

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

RESOLVED (Clr Wells / Clr Pakes)

MIN18.179

That Council:

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

CARRIED

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

**HPERM Ref:
D18/80837**

Recommendation (Item to be determined under delegated authority)

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

RESOLVED (Clr Gartner / Clr Cheyne)

MIN18.180

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

CARRIED

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

**HPERM Ref:
D18/82631**

Recommendation (Item to be determined under delegated authority)

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

RESOLVED (Clr Findley / Clr Cheyne)

MIN18.181

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

CARRIED

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

**HPERM Ref:
D18/82877**

Recommendation (Item to be determined under delegated authority)

That Council endorses the Draft Feedback to the Office of Local Government (Attachment 1 to this report) for submission in response to the Draft Regulations and the Regulation Consultation Guides to support Joint Organisations.

RESOLVED (Clr Gash / Clr Wells)

MIN18.182

That Council endorses the Draft Feedback to the Office of Local Government (Attachment 1 to this report) for submission in response to the Draft Regulations and the Regulation Consultation Guides to support Joint Organisations.

CARRIED

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

**HPERM Ref:
D18/35106**

Recommendation

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

RECOMMENDATION (Clr Cheyne / Clr Wells)

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

CARRIED

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

**HPERM Ref:
D18/35337**

Recommendation

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

RECOMMENDATION (Clr Findley / Clr Cheyne)

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

CARRIED

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

**HPERM REF:
D18/24295**

Item dealt with earlier in the meeting see MIN18.173.

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

**HPERM Ref:
D18/42878**

Recommendation

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

RECOMMENDATION (Clr Cheyne / Clr Findley)

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

CARRIED

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

**HPERM Ref:
D18/56785**

Recommendation (Item to be determined under delegated authority)

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

1. Council is very disappointed that its preferred option of grade separated intersections at each location (Bolong Road to Bridge Road) is not being pursued.
2. Council thanks the RMS for acknowledging that the preferred option report overstated the involvement of Council staff in the shortlisting process that arrived at the RMS preferred option. The Council staff assisted in the development of options for consideration.
3. Council sees that the "at grade" option is being proposed is a short term solution only, and the State Government needs to bring forward the planning and construction of a Nowra-Bomaderry Bypass in the medium term.
4. **In addition** to the minuted comments (reproduced in the body of this report) Council made at the RMS briefing to Councillors on Thursday 22 February, and given that the RMS is only seeking feedback (during the period from 19 February 2018 to 23 March 2018) on a

conceptual layout of its preferred option, Council also makes the following request/comments:

- a. There is likely to be significant upstream and downstream impacts following construction of the Nowra bridge project. The bridge project, in conjunction with the Berry to Bomaderry upgrade, will bring forward the need to extend 3 lanes of traffic in each direction continuous through Bomaderry and South Nowra.
 - b. Similar to the requirement to maintain a free left slip lane into Illaroo Road off the Highway, it is not clear whether the proposal maintains the free left slip lane out of Bridge Road on to the Highway. Previous attempts by the former RTA to control those movements have failed (causing significant impacts to the Highway and Bridge Road). Both of these free flowing movements are essential to maintain and ensure a free flowing network, and must be incorporated into the design of the new bridge.
 - c. Given that RMS were able to confirm at the briefing that there will be turn restrictions on Bridge Road at the intersection with Scenic Drive, there is a need for RMS to do a thorough assessment of the resulting traffic impacts at the intersection of Bridge Road and Hyams Street (Council believes traffic signals will be required in the short term).
 - d. The changes at the intersection of Bridge Road and Scenic Drive will present an opportunity to incorporate a pedestrian refuge on Bridge Road (immediately south of Scenic Drive) without impacting two lanes of southbound traffic, and this should be included
 - e. Council believes traffic signals will also be required at the intersection of Illaroo Road and Fairway Drive (access to Greys Beach and the Nowra Golf Club) where the project is likely to terminate
 - f. With regards to urban design, Council requests that the RMS urban design consultants work closely with Council (and Council's urban design consultants) to ensure integration between the Nowra bridge project and the river foreshore masterplan.
 - g. Pedestrian and cyclist considerations will need to be more thoroughly examined once more detail is released.
 - h. The use and integration of the old bridge will need to be more thoroughly examined once more detail is released.
5. Given the level of detail provided to the public is still preliminary (concept layouts provided only, with no detailed engineering), there are still many questions to ask with regards to how the proposal will impact on Council's assets and property, and how it will integrate with Council's other planning. Accordingly, Council requests that RMS provides more detail, and increase its level of communication with Council so that more 'detailed' feedback can be provided in a timely manner, and more certainty can be provided to allow Council to finalise its other plans.
 6. RMS confirm that the downstream historic bridge will remain in State ownership and be maintained by the State Government in perpetuity.

RESOLVED (Clr Findley / Clr Gash)

MIN18.183

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

1. Council is adamant that its preferred option of grade separated intersections at each location (Bolong Road to Bridge Road) should be pursued.
2. Council thanks the RMS for acknowledging that the preferred option report overstated the involvement of Council staff in the shortlisting process that arrived at the RMS preferred option. The Council staff assisted in the development of options for consideration.
3. Council is opposed to the "at grade" option proposed as it is a short term solution only, and the State Government needs to bring forward the planning and construction of a Nowra-

Bomaderry Bypass in the medium term.

4. **In addition** to the minuted comments (reproduced in the body of this report) Council made at the RMS briefing to Councillors on Thursday 22 February, and given that the RMS is only seeking feedback (during the period from 19 February 2018 to 23 March 2018) on a conceptual layout of its preferred option, Council also makes the following request/comments:
 - a. There is likely to be significant upstream and downstream impacts following construction of the Nowra bridge project. The bridge project, in conjunction with the Berry to Bomaderry upgrade, will bring forward the need to extend 3 lanes of traffic in each direction continuous through Bomaderry and South Nowra.
 - b. Similar to the requirement to maintain a free left slip lane into Illaroo Road off the Highway, it is not clear whether the proposal maintains the free left slip lane out of Bridge Road on to the Highway. Previous attempts by the former RTA to control those movements have failed (causing significant impacts to the Highway and Bridge Road). Both of these free flowing movements are essential to maintain and ensure a free flowing network, and must be incorporated into the design of the new bridge.
 - c. Given that RMS were able to confirm at the briefing that there will be turn restrictions on Bridge Road at the intersection with Scenic Drive, there is a need for RMS to do a thorough assessment of the resulting traffic impacts at the intersection of Bridge Road and Hyams Street (Council believes traffic signals will be required in the short term).
 - d. The changes at the intersection of Bridge Road and Scenic Drive will present an opportunity to incorporate a pedestrian refuge on Bridge Road (immediately south of Scenic Drive) without impacting two lanes of southbound traffic, and this should be included
 - e. Council believes traffic signals will also be required at the intersection of Illaroo Road and Fairway Drive (access to Greys Beach and the Nowra Golf Club) where the project is likely to terminate
 - f. With regards to urban design, Council requests that the RMS urban design consultants work closely with Council (and Council's urban design consultants) to ensure integration between the Nowra bridge project and the river foreshore masterplan.
 - g. Pedestrian and cyclist considerations will need to be more thoroughly examined once more detail is released.
 - h. The use and integration of the old bridge will need to be more thoroughly examined once more detail is released.
5. Given the level of detail provided to the public is still preliminary (concept layouts provided only, with no detailed engineering), there are still many questions to ask with regards to how the proposal will impact on Council's assets and property, and how it will integrate with Council's other planning. Accordingly, Council requests that RMS provides more detail, and increase its level of communication with Council so that more 'detailed' feedback can be provided in a timely manner, and more certainty can be provided to allow Council to finalise its other plans.
6. RMS confirm that the downstream historic bridge will remain in State ownership and be maintained by the State Government in perpetuity.
7. Council write to Federal Member for Gilmore and State Members for South Coast and Kiama informing them of Council's resolution expressing disappointment in relation to the RMS preferred option, and thanking them for their support.

CARRIED

SA18.60 Bolong Road Preservation Fund Approved

**HPERM Ref:
D18/56800**

Recommendation (Item to be determined under delegated authority)

That:

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

RESOLVED (Clr Pakes / Clr Proudfoot)

MIN18.184

That:

1. Council accepts the grant funding offer under the Eurobodalla Roads Upgrade package (including the Bolong Road Preservation Fund project) as follows:
 - a. \$700,000 for the safety improvements on Bolong Road, from east of Broughton Creek to the northern side of Askeaton Park (\$50,000 in 2017/18 and \$650,000 in 2018/19).
 - b. \$300,000 for the safety improvements on Bolong Road, from north of Coolangatta Road to the northern side of the Gerroa Road intersection (\$250,000 in 2017/18 and \$50,000 in 2018/19).
2. Council amends the budget to reflect the approved variation under the NSW Safer Roads Funding Program components of the Bolong Road projects, as follows:
 - a. \$425,000 for the safety improvements on Bolong Road, from east of Broughton Creek to the northern side of Askeaton Park (\$300,000 in 2017/18 and \$125,000 in 2018/19), however
 - b. All of the \$640,000 for the safety improvements on Bolong Road, from north of Coolangatta Road to the northern side of the Gerroa Road intersection (previously \$450,000 in 2017/18 and \$190,000 in 2018/19) will now all be made available in 2017/18

to bring forward the project so it is coordinated with the works to upgrade the intersection of Bolong Road and Coolangatta Road.

3. The General Manager (Director Assets & Works) writes to the Federal Department of Infrastructure, Regional Development and Cities, and the Federal Member for Gilmore, thanking them for their support of the Bolong Road projects through the Eurobodalla Roads Upgrade package
4. The General Manager (Director Assets & Works) writes to the NSW Roads & Maritime Services, thanking them for their assistance in helping Council to align the respective budgets to deliver these important safety upgrades on Bolong Road.

CARRIED

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

HPERM Ref: D18/56805

Recommendation (Item to be determined under delegated authority)

That

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

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN18.185

That

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

CARRIED

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

HPERM Ref: D18/68296

Recommendation (Item to be determined under delegated authority)

That Council:

1. Accepts the grant funding offer under the NSW Government 2015/17 Country Passenger Transport Infrastructure Grants Scheme (CPTIGS) in part, being \$50,000 for five new shelters (a reduction from the original 18 shelters approved).
2. Approves the revised strategy submitted to TfNSW on 26 February 2018 (approval from the NSW Government expected July 2018) that will provide a total of 11 new bus shelters and a relocation of one existing shelter, at priority locations over the course of financial years 2018/19 and 2019/20 (with 10 of the locations derived from the original approved list of 18), and to fund these shelters as follows:

- a. financial year 2018/19 provide five new shelters and relocate one existing shelter using CPTIGS 2015/17 funds of \$50,000 (being the NSW Government's contribution towards the 5 new shelters) with Council to provide the balance of funding of \$70,000 (a total estimated cost of \$120,000) as follows;
 - i. Stewart Place Nowra Central Median Location 1 (from the original approved list)
 - ii. Stewart Place Nowra Central Median Location 2 (from the original approved list)
 - iii. Stewart Place Nowra Central Median Location 3 (from the original approved list)
 - iv. 173-177 Moss Vale Road Kangaroo Valley (from the original approved list)
 - v. 84 Greenwell Point Road Greenwell Point (from the original approved list)
 - vi. 84 Tallwood Avenue Mollymook (not on the original approved list, but a high priority for the community)
- b. financial year 2019/20 provide six new shelters using CPTIGS 2017/19 funds of \$50,000 (being the NSW Government's contribution towards 5 of the new shelters) with Council to provide the balance of funding of \$150,000 (a total estimated cost of \$200,000), as follows;
 - i. Orama Crescent Central Median near Ophir Street Orient Point (from the original approved list)
 - ii. Leo Drive Western side before Matron Porter Drive Mollymook (from the original approved list)
 - iii. Leo Drive Eastern side before Matron Porter Drive Mollymook (from the original approved list)
 - iv. 90A Princes Highway Milton (from the original approved list)
 - v. 109 Princes Highway Milton (from the original approved list)
 - vi. 32 Alma Avenue Fishermans Paradise (not on the original approved list, but a high priority for the community)

RESOLVED (Clr Findley / Clr Gartner)

MIN18.186

That Council:

1. Accepts the grant funding offer under the NSW Government 2015/17 Country Passenger Transport Infrastructure Grants Scheme (CPTIGS) in part, being \$50,000 for five new shelters (a reduction from the original 18 shelters approved).
2. Approves the revised strategy submitted to TfNSW on 26 February 2018 (approval from the NSW Government expected July 2018) that will provide a total of 11 new bus shelters and a relocation of one existing shelter, at priority locations over the course of financial years 2018/19 and 2019/20 (with 10 of the locations derived from the original approved list of 18), and to fund these shelters as follows:
 - a. financial year 2018/19 provide five new shelters and relocate one existing shelter using CPTIGS 2015/17 funds of \$50,000 (being the NSW Government's contribution towards the 5 new shelters) with Council to provide the balance of funding of \$70,000 (a total estimated cost of \$120,000) as follows;
 - i. Stewart Place Nowra Central Median Location 1 (from the original approved list)
 - ii. Stewart Place Nowra Central Median Location 2 (from the original approved list)
 - iii. Stewart Place Nowra Central Median Location 3 (from the original approved list)
 - iv. 173-177 Moss Vale Road Kangaroo Valley (from the original approved list)

- v. 84 Greenwell Point Road Greenwell Point (from the original approved list)
- vi. 84 Tallwood Avenue Mollymook (not on the original approved list, but a high priority for the community)
- b. financial year 2019/20 provide six new shelters using CPTIGS 2017/19 funds of \$50,000 (being the NSW Government's contribution towards 5 of the new shelters) with Council to provide the balance of funding of \$150,000 (a total estimated cost of \$200,000), as follows;
 - i. Orama Crescent Central Median near Ophir Street Orient Point (from the original approved list)
 - ii. Leo Drive Western side before Matron Porter Drive Mollymook (from the original approved list)
 - iii. Leo Drive Eastern side before Matron Porter Drive Mollymook (from the original approved list)
 - iv. 90A Princes Highway Milton (from the original approved list)
 - v. 109 Princes Highway Milton (from the original approved list)
 - vi. 32 Alma Avenue Fishermans Paradise (not on the original approved list, but a high priority for the community)

CARRIED

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

HPERM Ref: D18/68728

Recommendation (Item to be determined under delegated authority)

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

RESOLVED (Clr Gartner / Clr Findley)

MIN18.187

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

CARRIED

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

HPERM Ref: D18/48639

Recommendation (Item to be determined under delegated authority)

That:

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

3. Council write to the NSW Minister for Environment, Heritage and Local Government, Hon Gabrielle Upton, thanking her for the grant funding offer.

RESOLVED (Clr Findley / Clr Gartner)

MIN18.188

That:

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

CARRIED

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

HPERM Ref: D18/46636

Recommendation

That:

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

Note: Clr Findley left the meeting, the time being 8.44pm.

RECOMMENDATION (Clr Gash / Clr Cheyne)

That:

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

CARRIED

SA18.66 Interest Grace Period - Water Accounts

**HPERM REF:
D18/49097**

Item dealt with earlier in the meeting.

**SA18.67 Shoalhaven Water Reclamation Annual Report 2016 /
2017**

**HPERM REF:
D18/51840**

Item dealt with earlier in the meeting see MIN18.175.

SA18.68 Draft Proposal for 2018-19 Water and Sewer Charges

**HPERM REF:
D18/62537**

Item dealt with earlier in the meeting.

**SA18.69 Acquisition of easements over Crown roads - Milton
Ulladulla Sewer Trunk Main project**

**HPERM Ref:
D18/68403**

Recommendation

That:

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

RECOMMENDATION (Clr Gartner / Clr Gash)

That:

1. Council resolve to vary MIN16.59 of 27/1/2016 and compulsorily acquire from the Crown easements for drainage of sewage 6 wide over:
 - a. Unmade Crown roads off Slaughterhouse Road and Turnbull Lane at Ulladulla, as shown highlighted and marked (E) on attached copy of DP1238712, and
 - b. Unmade and closed Crown roads off Green Street at Ulladulla and Kings Point Drive at Kings Point, highlighted and marked (A) on attached copy of DP1228174.

2. Council to pay compensation and costs associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer fund.
3. The necessary application be made to the Minister for Local Government and the Governor. The acquisition is to be carried out under the Local Government Act 1993.
4. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CARRIED

SA18.70 Extension of Town Water Supply along Tannery Road, Cambewarra

HPERM Ref: D18/71530

Recommendation

That Council:

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

RECOMMENDATION (Clr Gartner / Clr Cheyne)

That Council:

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

CARRIED

ADDENDUM REPORTS

SA18.71 PROPOSED PARTNERSHIP APPROACH- SOUTHERN CROSS HOUSING- NSW SOCIAL AND AFFORDABLE HOUSING FUNDING - PHASE 2

HPERM REF: D18/86609

Item dealt with earlier in the meeting see MIN18.171.

Note: Clr Findley returned to the meeting, the time being 8.45pm.

CONFIDENTIAL REPORTS

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

No members of the public made representations.

RESOLVED (Clr Pakes / Clr Proudfoot)

MIN18.189

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

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

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

Information that would, if disclosed, confer a commercial advantage on a competitor of the council. 10(A)(2)(d)(ii)

CARRIED

The meeting moved into confidential the time being 8.46pm.

The meeting moved into open session, the time being 9.06pm.

REPORT FROM CONFIDENTIAL SESSION

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

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

**HPERM Ref:
D18/86461**

RESOLVED

MIN18.190C

That:

2. The matter remain confidential until the research project is formally announced.

There being no further business, the meeting concluded, the time being 9.06pm.

Clr Wells
CHAIRPERSON

SA18.72 Notice of Motion - Nelson Beach Stairway Access Southern End

HPERM Ref: D18/116110

Submitted by: Cllr Greg Watson
Cllr Mitchell Pakes

Purpose / Summary

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

Recommendation (Item to be determined under delegated authority)

That Council honour a promise made by Staff to reconstruct or repair the beach access stairway located at the southern end of Nelson Beach Vincentia and if necessary Council include the work as a budget item in the operational plan.

Background

The stairway has been in existence for approximately 20 years. If it was considered appropriate to provide access then it is obvious with the increase in population at Vincentia, as well as tourism growth the facility is even more necessary now.

Residents were delighted when Council posted a sign saying the stairs were to be repaired in the near future, however their pleasure was to be short lived after council removed the sign and replaced it with another saying the stairs were to be demolished and not replaced.

Note by the General Manager

These stairs are an elevated set of stairs at the eastern end of Nelsons Beach. The timber stairs are constructed from the cliff down onto the rock platform and were probably built in the late 1990's. The stairs were not built by council but were part of a state government initiative. The stairs were damaged in the 2016 east coast low and have been closed since that time. Storms have continued to damage the stairs. Budget has not allowed for replacement or relocation of the stairs to date.

A budget bid has been submitted for the 2018/19 budget to allow for replacement of the stairs in the current location or relocation/upgrade further down the beach to a safer location. The current location invites people onto a rock platform which may be unsafe due to wave conditions or slippery. The cliff face on which the stairs are constructed is also showing signs of erosion. The relocation option could involve upgrade of an existing access at Jervis St. These stairs are also in need of repair and upgrade.

A recent condition assessment confirmed that the timber stairs are no longer structurally sound and require removal or replacement. Council officers have also sought advice from suppliers in regard to design for replacement of the stairs in the current location and they have recommended that alternative locations be considered due to the difficulty of constructing elevated in this location.

The adopted Coast and Estuary Asset Management Plan states that Council will look at improving the "Whole of Life" cost of coastal assets, such as elevated beach access stairs by replacing structures with materials that last longer. One of these materials is known as

Fibreglass Reinforced Polymer (FRP) which has a 100 year warranty, as opposed to treated pine which will last 15 -20 years maximum. (Further information on FRP and its uses are available in the [December 2017 edition of Frontline News](#). FRP materials has a much higher initial cost than other materials and preliminary estimates for the cost of the materials alone to replace the existing treated pine stairs with an equivalent FRP materials would be approximately \$65,000.) The cost benefit analysis of the use of either option will form part of the final decision making process.

At the recent on-site meeting, the following the options for the management of the dilapidated beach access stairs were discussed.

- 1. Close down and remove the elevated stairs and upgrade the beach access that leads from the corner of Jervis St and Plantation Point Parade**
- 2. Close down and remove the elevated stairs and construct a viewing deck only at the same location**
- 3. Remove the existing dilapidated elevated stairs and rebuilt the new Fibreglass Reinforced Polymer (FRP) structure that has a longer “Whole of Life” cost benefit**

Following a meeting with the VRRRA, where all 28 attendees voted to replace the stairs, structural engineering and Geotechnical advice is being sought to determine an appropriate design and costs to replace the elevated set of stairs in the current location. Additionally, a licence from Fisheries and/or Jervis Bay Marine Park Authority may be required. A risk assessment will also need to be carried out. Once this information is collated, Environmental Services can report this information back to Council for determination as to whether or not proceed with replacement of the stairs in the current location.

SA18.73 Notice of Motion - Public Toilets - Tomerong

HPERM Ref: D18/116928

Submitted by: Cllr John Levett

Attachments: 1. Letter from Tomerong Community Forum [↓](#)
2. Council's Response to Tomerong Community Forum [↓](#)

Purpose / Summary

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

Recommendation

That Council enter into negotiations with the Tomerong Community to identify a suitable site and design for the construction of a public toilet facility for the village. Also that Council fully fund the project in the 2018/19 Budget, possibly through the reallocation of existing S94 funds.

Background

Tomerong is a growing community with approximately 146 approved land releases approved, some already sold, some in the pipeline. It is, in my view, one of the neglected villages of the Shoalhaven and has suffered accordingly in infrastructure spend. The shop is a stopover for cyclists doing a loop from Huskisson along Pine Forest Road and south along Grange Road to hook up with the Huskisson to Basin View shared pathway. A public facility close to the village centre would be used not only by the cycling fraternity but by parents waiting to pick up children at the bus stops, others waiting to change buses and tourists passing through.

A public toilet facility is a basic amenity for any area and I know of no other village in the Shoalhaven that lacks one.

Note by the General Manager

Council has been corresponding with the Tomerong Community Forum for some time concerning the need to provide public access to toilet facilities in the village – see attachments.

Council's preferred option and the most cost-effective outcome for the community, is by agreement, to provide these facilities utilising an existing toilet due to the relatively low patronage compared to other areas within the Shoalhaven. Council has in other towns similar arrangements where Council pays a fee for use of the facility so that it is available for public use.

The best options in Tomerong are:

- Tomerong Hall
 - Owned by others
 - Has regular patronage during school terms – see website <http://www.tomeronghall.com/regular-events.html>
 - Location of Toilets are external.
 - Parking is available

SA18.73

- The hall is opposite the school on Hawken Road

- Local Church -
 - Location of Toilets are at rear of grounds. There are two single use – non-signed toilets.
 - There is no formed path or formal parking in the ground.
 - Building is in fair condition.
 - The church shares a boundary with the school on Hawken Road.

There is a very high demand across the City for new public amenities. There are currently over 30 requested locations for public amenities. The Asset management plan (AMP) for public amenities is proposed to be reviewed in 2018 and the priority list can also be reviewed this year.

The current priority is

1. Sanctuary Point – Clifton park – 1 unisex (currently under construction)
2. Bendalong – Boat harbour – 4 unisex (replacement is proposed for 2018)
3. Culburra Beach – Curleys Bay – 1 unisex (now funded by council)
4. Berry – CBD – 5 unisex (part funded)
5. Hyams Beach – Seamans Beach – extension – 2 unisex (included recently as an application under the Stronger Country Communities Program)
6. Vincentia – Plantation Point (included recently as an application under the Stronger Country Communities Program)
7. Cudmirrah – Errol Bond reserve – replace (partly decommissioned due to structural failure)

Tomerong Community Forum

PO Box 1100,
Tomerong NSW 2540

www.tomerong.com

email; tomerongforum@hotmail.com

Date; 12th November 2017

Ref; Public Toilet PA2017/11/12

To: Shoalhaven City Council

Attention; Mr Russ Pigg General Manager

Dear Russ,

I am writing this letter on behalf of both the Forum and Tomerong School of Arts as the community is interested to know Councils preferred location for the proposed public toilet for Tomerong.

At the Council site visit many months ago both the Church grounds [existing toilet converted to unisex disabled toilet] and the Hall grounds [New Disabled toilet constructed in carpark so as not to impede with Hall hire etc] was vetted.

I believe Ben Stewart is no longer with Council as he was the Section Manager handling this issue. Ben at the time requested a quote for the repainting of the Hall roof for Council to consider funding as well.

Can you please discuss with your new Section Manager and advise of Councils preferred location so we can get the ball rolling?

The Hall Committee is applying for a grant to build a new disabled toilet on the rear veranda [plans approved] for the use of disabled Hall users and the existing toilets will remain with outside access. If Council were to enter negotiations with the Hall committee perhaps a favourable outcome could be reached for the benefit of all concerned.

Regards

Peter Allison

President

Tomerong Community Forum and Tomerong School of Arts



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

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

Council Reference: 8693E (D17/381050)

Tomerong Community Forum
PO Box 1100
TOMERONG NSW 2540

By email only: tomerongforum@hotmail.com; peterallison1@bigpond.com

Attention: The President, Peter Allison

Dear Peter

Preferred Location – Public Toilet - Tomerong

I refer to your email dated 13 November 2017 regarding Council's preferred location for a public toilet in Tomerong.

An opportunity of using an existing toilet is the current preferred position for the relatively low patronage as the most cost effective outcome for the community.

Council's preference when constructing a new public amenity is to provide it in a location that has high utilisation and on land such as a park or public car park. The other locations were discussed at a site meeting in May 2016. A copy of the outcome of the meeting is attached for your information.

Council supports the Tomerong School of Arts with its grant applications to provide a toilet, for persons with disabilities, within the hall subject to it complying with all regulations and standards. Council would welcome reaching an outcome with the Tomerong School of Arts and has similar agreements in place at other locations in the Shoalhaven.

Council is appreciative that there are a number of towns that volunteer their time to successfully provide community-meeting spaces. Please provide a copy of a quote to repaint the roof of the School of Arts that complies with all legislation, and a copy of the Tomerong School of Arts audited financial statements so that Council can consider the request and the options of level of assistance it may be able to provide.

If you need further information about this matter, please contact Brad Davis, Assets & Works Group on (02) 4429 3148. Please quote Council's reference 8693E (D17/381050).

Yours faithfully

Thomas Dimec
Section Manager - Asset Management
17/11/2017

SA18.74 Report of the Childrens Services Reference Group - 12 March 2018

HPERM Ref: D18/99785

CS18.2 Applications for Membership - Loretta Walton and Christina Barrett

**HPERM Ref:
D18/2683**

Recommendation (Item to be determined under delegated authority)

That Loretta Walton and Christina Barrett be appointed as community members on the Children's Services Reference Group.

SA18.74

SA18.75 Report of the Shoalhaven Sports Board - 28 March 2018

HPERM Ref: D18/107924

Attachments: 1. Sportsground Management Policy [↓](#)
2. Sports Grants Program (Capital Works) Policy [↓](#)

**SB18.2 Review of Councils Policies - Sportsgrounds
Management and Grants Program**

HPERM Ref:
D17/342122

Recommendation (Item to be determined under delegated authority)

That Council adopt:

1. The Sportsgrounds Management Policy with the changes highlighted.
2. The Sports Grants Program (Capital Works) Policy with the changes highlighted and amend part 3.16 to read: Hirer and/or User.

SA18.75



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

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

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Finance Corporate & Community Services Group

Sportsgrounds Management Policy

Policy Number: POL17/15 • **Adopted:** 4/04/2017 • **Minute Number:** MIN17.245 • **File:** 5270E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:** 1/12/2020

1. PURPOSE

To provide policy guidance for the management of Council's sportsgrounds network.

2. STATEMENT

In the context of this policy a sportsground is public open space which Council maintains for active recreational use (i.e. organised sports). A sportsground is not a natural area, park, beach streetscape etc.

3. PROVISIONS

3.1. Sporting Group Communications

- Council will ~~receive~~ consider sports planning, policy and funding recommendations from Shoalhaven Sports Board.
- ~~Shoalhaven Sports Board~~ Council will receive planning, policy and funding recommendations from the one-relevant Sporting Association/Peak Body based in the Shoalhaven. Sporting Clubs are requested to forward planning, policy and funding requests to their Sporting Association/Peak Body. Where a Shoalhaven sports club has no Sporting Association/Peak Body based in the Shoalhaven, the Board will accept consider recommendations from the appropriate representative body for that sport.
- Sporting Individuals are requested to forward planning, policy and funding requests to their Sporting Club or Association/Peak Body.
- Sporting Associations/Peak Bodies are requested to assess sporting club planning, policy and funding requests prior to forwarding their recommendation to ~~Shoalhaven Sports Board~~ Council. These Associations/Peak Bodies are encouraged to formally meet at least once a year with relevant Council Officers to discuss current issues and development of their sport. Depending on the outcome of this meeting, Sporting Associations/Peak Bodies may be invited to present a report to the Shoalhaven Sports Board.
- ~~Sporting Clubs are requested to forward planning, policy and funding requests to their Sporting Association/Peak Body. Where a Shoalhaven sports club has no Sporting Association/Peak Body based in the Shoalhaven, the Board will consider recommendations from the appropriate representative body for that sport.~~

Shoalhaven City Council - Sportsgrounds Management Policy

- ~~Sporting Individuals are requested to forward planning, policy and funding requests to their Sporting Club or Association/Peak Body.~~
- Risk management issues associated with any sport played in or on a Council managed facility should be communicated immediately to Council. Fire exits and fire fighting equipment is maintained by Council according to legislation, please advise Council of any issues.
- Sporting Clubs are ~~required~~ requested to forward Seasonal Application for ground allocation to Council, and confirm acceptance of the application, ground allocation requirements with Council before use of a ground.
- General planning, policy, legislation, funding and specific Shoalhaven based sporting information will be communicated to Associations/Peak Bodies, Sporting Clubs and sporting individuals via the Shoalhaven Sports Board. However, in some circumstances this may involve written correspondence to relevant Associations/Peak Bodies, Sporting Clubs and sporting individuals directly from Council Staff.

3.2. User Group Responsibilities

- ~~Sportsground charges are applied as per Council's adopted Fees and Charges.~~
- User groups shall pay full costs associated with the lighting of sportsgrounds for the duration of their allocated use.
- User groups shall meet the cost of line marking (including the line marker/materials). Non-toxic line marking chalk/paint is to be used. Glyphosate (weed killer) is prohibited in line marking solution/preparation.
- User groups who use goal posts shall be responsible for the supply and maintenance of goal posts and seasonal removal and replacement. where required At a shared facilities, where posts are required to be removed or replaced mid-season (for example for an event), the event organiser will be responsible for the costs of removing and replacing the posts. All posts must conform to Council requirements and meet appropriate guidelines and standards for each sporting code.
- User groups shall be responsible for the maintenance and preparation of turf wickets. Synthetic wickets and bnets are maintained by Council.
- In general, user groups shall meet the costs of alterations/maintenance required for the purpose of their sport, eg. for off-season play at cricket fields, clubs are responsible for the costs of laying and spreading dirt/sand composite over cricket wickets before and after the season (Council will lay mats over the pitch prior to laying of the dirt to ensure protection of the wicket).
- User groups are responsible for cleaning amenity facilities (i.e. change rooms & canteen) after each use.
- Where a sportsground has a clubroom, the user group(s) is responsible for the cost associated with the maintenance of the interior of the building (i.e. cleaning, maintenance, utility accounts, general building improvements & pest control).

3.3. Glass Bottle Free Sportsgrounds

- Council prohibits the supply, sale and consumption of drinks in glass bottles or glass containers on Council managed sportsgrounds.

3.4. Sportsground Closures

Shoalhaven City Council - Sportsgrounds Management Policy

- During or following wet weather, a club/user group, which has been given a specific ground allocation, is responsible for determining the suitability of a sportsground for play/training and to advise its members/participants of a sportsground closure.
- During or following wet weather, Council will determine whether a sportsground should be declared closed for a casual booking.
- During prolonged and/or extreme weather, (i.e. drought or flood) Council will determine whether sportsgrounds are suitable for use and advise clubs/user groups if sportsgrounds are not available for use.
- During or following hot weather conditions a club/user group, which has been given a specific ground allocation, is responsible for determining if the ground and weather conditions are safe for play/training and advise its members/participants of a sportsground closure.
- Where a ground is controlled by a Management Committee, the Committee may determine the suitability of the ground for play.
- Where a club/user group has determined a ground to be fit for play and excessive damage is caused to the ground, the club will be responsible for reasonable costs for repair of the ground. The [Social and Infrastructure Planning Community and Recreation Unit](#) staff will determine if the damage is excessive.
- [Council reserves the right to close any ground.](#)

3.5. Sportsground Perimeter Fencing

- One fenced 'Feature' sportsground be provided in each of the Northern, Central and Southern areas of the City by Council where an entry fee can be collected, ~~and the accessible by all legitimate hirers is not affected.~~
- ~~"Feature" grounds must be made readily accessible by to all legitimate hirers, in an equitable manner.~~
- Perimeter fencing of other sportsgrounds may be permitted in consultation with Council and where public access to the facility is not significantly affected, and the fencing is provided by the Club.
- ~~"Feature" grounds must be readily accessible by all legitimate hirers.~~
- Showgrounds are excluded from this policy as perimeter fencing is needed to facilitate event usage.
- [Some sportsgrounds will be protected by way of locked fencing eg synthetic surfaces, however these facilities should still be available to the community by way of hire or social membership.](#)

3.6. Smoke Free Act

All sportsgrounds are non-smoking venues as outlined in the Smoke Free Environment Act 2000.

[3.7 Filming / Drone Use](#)

[To be in accordance with Council's Film and Video Production in Public Reserves and Public Places Policy.](#)

[3.7. Priority of Use](#)

Shoalhaven City Council - Sportsgrounds Management Policy

- Major events will have priority over regular events. If there are regular bookings for a fixture and a large event with significant community benefit wished to book the site, Council would negotiate with the sporting group will relocate to another ground, to free up the venue, if possible. (Sportsing Board recommendation Jan 2009)
- During season, grass cricket pitches will not be available for hire by user groups other than the 'home club', excepting in consultation with the home club.

3.8. Maximising Facility Usage

Many of Council's sporting facilities are used predominantly on weekends or in the evenings and most are currently sole purpose. Where sporting facilities experience downtime, it may be due to recovery time for fields to regenerate between use, or turnover of seasons, or renovations. Overuse of sportsgrounds may lead to significant repair costs if not managed correctly. Sporting fields during down time also provide an aesthetic outlook for the public or for schools, and for the public to use when required.

In line with Council's Community Infrastructure Strategic Plan 2017-2036, Council will focus on assisting clubs in upgrading facilities that provide for multiple sporting and recreation codes, shared social facilities and co-location of multi-purpose venues, with a focus on increasing membership facility usage.

The only new developments in relation to sporting venues For the purpose of to catering to the above requirements, and to meet future population and demographic/sporting needs, - new developments in relation to sporting venues will be undertaken only by consolidation or repurposing of facilities from other sites.

4. IMPLEMENTATION

The Finance, Corporate & Community Services Group will administer this policy.

5. REVIEW

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

6. APPLICATION OF ESD PRINCIPLES

Natural Capital – Encourage the use of recycled materials and low energy alternatives in sportsground facility improvements. Examples are the use of REMS water, recyclable plastics and solar heating/lighting.

Social Integrity – Encourage community involvement in undertaking sportsground improvements

Ecological Integrity – Deter litter around and on sportsgrounds.



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

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

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Finance Corporate & Community Services Group

SPORTS CAPITAL WORKS PARTNERSHIP GRANTS PROGRAM **(CAPITAL WORKS)**

Policy Number: ~~POL16/219~~POL17/90 • **Adopted:** 27/06/2006 • **Amended:** 18/12/2007, 28/04/2009, 21/12/2009, 18/05/2010, 21/05/2013, 28/03/2017 • **Minute Number:** MIN06.778, MIN07.1842, MIN09.509, MIN09.1789, MIN10.588, MIN13.532, MIN17.247 • **File:** 5270E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:**

1. PURPOSE

To define the ~~finding~~funding framework for sports groups to partner with Council to deliver capital works projects / improvements. The funding framework allows for design and delivery of new works, or improvements to existing capital fixed assets at sporting facilities on Council managed land.

2. STATEMENT

2.1. Who does the policy apply to?

The Sports ~~Capital Works Partnership Grants~~ -Program is available to all Shoalhaven based sports groups that meet the provisions of this policy and wish to undertake design for new works or improvements to existing fixed assets on Council managed land.

2.2. Council funding

Council funding for this program is to be reviewed annually during the budget process.

Council's matching financial contribution for this program is available to eligible Shoalhaven based sporting groups on the basis of \$2.00 from Council for each \$1.00 contributed by sporting organisations. Eligible projects will require endorsement from the relevant sporting association.

The program also supports those Shoalhaven based sporting groups who wish to accumulate funds for strategic projects by carrying over Council's matching contribution to the next financial year. However, funds will only be carried over to match the amount collected by the sporting group for the nominated strategic project(s), which are agreed upon by the Shoalhaven Sports Board.

2.3. Capital improvements

Capital improvements to sporting facilities refer to the provision of new, or improvements to existing, capital fixed assets and should be in line with the Community Infrastructure Strategic Plan 2017-2036, and in accordance with the following criteria:

Shoalhaven City Council - Sports [Capital Works Partnership Grants](#) Program ([Capital Works](#))

- [Consolidation of assets](#)
- [Current legislation compliance](#)
- [Higher usage levels of fewer assets](#)
- [Multiple-use facilities](#)
- [Increased range of activities, services and programs being offered](#)
- [Increased participation, particularly by target groups \(eg children, aged, disabled, different cultural backgrounds etc\)](#)

Such improvements typically involve:

- Design costs for capital projects
- Lighting of sports fields
- Improvements to amenity blocks
- Spectator facilities
- In-ground drainage and/or irrigation
- Improved playing surfaces
- Car park and access road sealing
- Long cycle refurbishment of tennis courts

This does not include provision of machinery.

2.4. Sports group involvement

The nature of this program allows Shoalhaven based sporting groups to determine their level of involvement and their preferred methods of collection of funds to partner Council in the improvement of facilities on Council managed land. Such methods could include direct levy of participants, fundraising, sponsorship or successful grant applications.

Council's Sports [grounds](#) Management Policy outlines the process for all communication [which](#) will take place between relevant Sporting Associations or Peak Bodies and Council.

2.5. Criteria for prioritisation

- I. Compliance with strategic and other plans of council – 50%
- II. Value of additional in-kind labour to contribute – 15%
- III. Percentage of funding club is contributing – 10%
- IV. The apparent "readiness" of the project to proceed – 15%
- V. Benefit to other users of the [reserve-Council Managed Land](#) – 10%

3. PROVISIONS

The following provisions apply:

- 3.1. This Sports [Capital Works Partnership Grants](#) Program applies to all sports that occur on Council managed land.
- 3.2. Council's matching financial contribution is available for Shoalhaven sporting groups on the basis of \$2.00 from Council for each \$1.00 contributed by the applicant, with evidence of available funds at time of application.

Shoalhaven City Council - Sports ~~Capital Works Partnership Grants~~ Program (~~Capital Works~~)

3.3. Applications are invited in April each year and must be received by 30 June for the following financial year. The Applications will be considered by the Board at its first meeting after 1 July.

Applications must include the following:

- [A statement of community benefit](#)
- [Levels of participation](#)
- [An assessment, either by the local sporting group or by the peak bodies of the relevant sporting codes, of the future building and sport facility requirements within the City over the next 20 years](#)
- [Assessment of the club's financial capacity \(including audited financial statements for the preceding three years\)](#)
- [A five year forward Business Plan, including financial projections](#)
- [Site plans](#)

3.3. • ~~Quotes in line with Councils Purchasing Procedure~~ for the planned work

- 3.4. After 1 July the Shoalhaven Sports Board will consider the project priority ~~from~~ for the remaining funding pool ~~for project funding~~ based on ~~priority~~ need and the ability of the project to be delivered or part delivered in the relevant financial year. These priority projects will be reported to the Board for endorsement.
- 3.5. In-kind contributions may be used to value-add to projects but will not substitute for the cash contribution component.
- 3.6. Funds will not be carried over on a promise of raising matching funds in subsequent years and funds used to match previous Council contributions cannot be used to bid for funds in subsequent years.
- 3.7. Projects qualifying for the Program will be subject to a financial limit of \$50,000 in matching funds.
- 3.8. Where there is more than one application from a sporting code, the Association must indicate its priority. Associations should provide equal access for all clubs to Council's financial allocation. Where no Association / Peak Body exists, Council will liaise directly with the sporting club.
- 3.9. Council's funding commitment to this Program will be reviewed annually as part of Council's annual Management Plan/~~Budget review~~.
- ~~3.10. Once funding is approved cContributory funds may be held shall be paid to Council~~ by the Sporting Association / Peak Body (or affiliated Club) ~~prior to the project commencing or Council providing the overall project management/funding arrangements have been endorsed by the Sports Board and Council. Council will provide Purchase Orders as per the successful quotes.~~
- ~~3.11-3.10.~~ All projects shall be overseen by a qualified / licensed operator approved by Council. This will require the qualified / licensed operator providing Council with relevant Work Health & Safety information and Safe Work Method Statements. Council has limited capacity to assist in project delivery and this may require the funds to recover relevant staffing costs. If Council is required to provide this service, it reserves the right to recoup its expenditure from the project allocation.
- ~~3.12-3.11.~~ After considering a staff report, the Board will recommend to Council the allocation of any unexpended funds for improvements to sports facilities.
- ~~3.13-3.12.~~ This policy does not apply to Management Committees, other than Committees administering tennis courts or sports with lease agreements with payments contributing to a capital improvement 'sinking' funds or swimming clubs, Surf Life Saving Clubs and

Shoalhaven City Council - Sports ~~Capital Works Partnership Grants~~ Program (~~Capital Works~~)

skate park users that are funded from a separate annual capital works budget allocation.

~~3.14.3.13.~~ Where a project has not commenced in the financial year following the year of allocation, the funding may be withdrawn and re-allocated. The sports group will be advised prior to the withdrawal of funding.

~~3.14.~~ Where the total project cost is:

- ~~• less than \$5,000 - one quote should be sought and~~
- ~~• over \$5,000 and less than \$24,999 - two written quotes should be sought and~~
- ~~• if greater than over \$25,000 - at least three written quotes should be obtained, consistent with the Procurement procedure.~~

~~3.15.~~ Refer to this Procedure for amounts over \$75,000, formal advertisement for quotes, or a tender process is required - Council staff will advise.

~~3.15.~~ Projects should be consistent with Council's Community Infrastructure Grants Guidelines and the Community Infrastructure Strategic Plan.

~~3.16.~~ All improvements or alterations to playing fields or facilities will become and remain the property of Council and cannot be removed by the hirer. Council is not required to compensate the hirer for the cost of such improvements or alterations.

4. IMPLEMENTATION

The Finance Corporate & Community Services Group will administer this policy.

5. REVIEW

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

Shoalhaven City Council - Sports [Capital Works Partnership Grants Program \(Capital Works\)](#)

 File Reference 24899	<p>Sports Capital Works Grants Program (Capital Works)</p> <p>Project Nomination Form</p> <p>Annual closing date is 1st July 30th June</p>	 Ref No.
---	--	--

PART A: To be completed by the Club(s) nominating the project (please print)

Project name: _____

Project description: _____

Name of reserve / location: _____

Is the land managed by Shoalhaven City Council? Yes / No

Name of Club: _____

Postal address: _____

Contact person: _____

Position held: _____

Business phone: _____ Mobile: _____

Fax: _____ Email: _____

Does your club have an ABN? Yes / No If yes please supply [ABN No.:](#) _____

Is your club registered for GST? Yes / No [If yes please supply No.:](#) _____

Does your Club have a Business Plan? If yes, please provide a copy [of your Business Plan for the next 5 years, including financial projections.](#)

[Please provide details of any community benefit as a result of the nominated project:](#)

Club user profile. Please provide a breakdown of your current Club membership:

Child (0-11yrs) Male _____ Female _____ Adults (18-49yrs) Male _____ Female _____
 Youth (12-17yrs) Male _____ Female _____ Seniors (50+yrs) Male _____ Female _____

[Please highlight any changes to membership numbers as a result of this project](#)

Shoalhaven City Council - Sports [Capital Works Partnership Grants](#) Program ([Capital Works](#))

[Please provide audited financial statements for the preceding three years to enable assessment of the clubs financial capacity.](#)

Proposed project starting date: _____ Anticipated project completion date: _____

Has a Development Application (where applicable) been approved? Yes / No If no, please explain:

Has a Construction Certificate been approved? Yes / No If no, please explain: _____

Does the project have the support of other ground users? Yes / No If yes, please provide a list of users below? Please provide and attach letters of support?

Shoalhaven City Council - Sports Capital Works Partnership Grants Program (Capital Works)

PART A Continue

Project cost breakdown (Please attach copies of all quotes)

Itemised description of all components that will make up the project	Net Cost	GST	Total Cost
Net Project Cost	\$		
GST		\$	
Total Project cost (i.e. Net Cost + GST)			\$

Project funding breakdown (Please provide copies of all supporting details)

	Source / Brief Description	Amount \$	Funding verified
Cash Funds Attach a copy of details			Yes / No
Loan Funds Attach a copy of details			Yes / No
State Government Funds Attach a copy of details			Yes / No
Federal Government Funds Attach a copy of details			Yes / No
In- Kind Donations Attach a copy of details			Yes / No
In-Kind Labour Attach a copy of details			Yes / No
Other Attach a copy of details			Yes / No
Total Funds Available (Must Include GST)		\$	
User Contributions Policy Funding Request		\$	
Total In-kind Donations / Labour		\$	
Total Project Cost (must equal the above Total Project Cost)		\$	

Signature of contact person: _____ Date: _____

The information requested by Council on this form may constitute personal information under the Privacy and Personal Information Protection Act 1998. Council is allowed to collect the information from you to consider this matter. Supplying this information is voluntary. However if you cannot or do not wish to provide the information, Council may not be able to consider the matter. If you need further details, please contact the Public Information Officer, Shoalhaven City Council.

Shoalhaven City Council - Sports [Capital Works Partnership Grants](#) Program ([Capital Works](#))

PART B – To be completed by the relevant Association/Peak Body (please print)

Name of organisation: _____

Postal address: _____

Contact person: _____

Position held: _____

Business phone: _____ Mobile: _____

Fax: _____ Email: _____

Does the submitting group have a formal organisational structure (ie President, Secretary etc)?
Yes / No. [If Yes please provide details:](#)

Does the proposed project meet the high priority needs of the sport. Yes / No If yes, please provide details how?

[Please provide the future building and sporting facility requirements for your sporting organisation, within the City over the next 20 years.](#)

Recommendation – If more than one application is submitted by your organisation a priority should be given to this project relative to other projects

Signature of contact person: _____ Date: _____

The information requested by Council on this form may constitute personal information under the Privacy and Personal Information Protection Act 1998. Council is allowed to collect the information from you to consider this matter. Supplying this information is voluntary. However if you cannot or do not wish to provide the information, we may not be able to consider the matter. If you need further details, please contact the Public Information Officer, Shoalhaven City Council.

| Shoalhaven City Council - Sports [Capital Works Partnership Grants](#) Program ([Capital Works](#))

Please send completed nomination forms to:

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

File Reference 24899

Further Information:

Please call Council on 4429 3331

SA18.76 Illawarra Shoalhaven Joint Organisation (ISJO) Organisational Strategic Plan 2017-2020

HPERM Ref: D18/99778

Group: General Manager's Group

Attachments: 1. ISJO Organisational Strategic Plan 2017-2020 [↓](#)

Purpose / Summary

To advise Councillors of the adoption of the ISJO Organisational Strategic Plan 2017-2020.

Recommendation (Item to be determined under delegated authority)

That the report on the Illawarra Shoalhaven Joint Organisation Strategic Plan 2017-2020 be received for information.

Options

1. As recommended

Implications: Council accepts and acknowledge the ISJO Strategic Plan.

2. That council not accept the ISJO Strategic Plan and provide further comments to ISJO.

Implications: This may require ISJO to further review the Strategic Plan based on council's comments.

Background

At its meeting on Thursday 1 March 2018, the ISJO resolved to adopt the ISJO Organisational Strategic Plan 2017-2020. A copy is attached.

From ISJO letter.

As member Councils are aware, the Plan is based on strategic directions agreed during the pilot phase for joint organisations in 2015. Reference was made in its initial development to member Councils' Community Strategic Plans and integrated performance and reporting frameworks, the Department of Planning Illawarra Shoalhaven Regional Plan and priorities of the Illawarra Shoalhaven Regional Leadership Executive (ISLE) for state agency regional collaboration.

Consultations on the new version have again been held with the NSW State Department of Premier and Cabinet and ISLE, with the ISJO Board and General Manager's Committee and across various levels of Councils engaged in ISJO activity. It is intended to act as a "living document" for the ISJO, providing flexibility to respond to changing regional and local government expectations and to any requirements which may be determined by the Office of Local government under the Act and regulations for the enablement of the Joint Organisation entity.

ISJO is pleased to now refer the Plan to Shoalhaven City Council for information. ISJO would appreciate if you could encourage staff and elected representatives to familiarise themselves with the current activities of the organisation and it would be helpful if you could ensure that

your Council website provides appropriate links to the ISJO site and Strategic Plan location, for the benefit of your community.

The Strategic Plan sets out the high level “actions” and “activities” to be undertaken during 2018.

Community Engagement

No structured (genera) commuity consultation has been undertaken by ISJO at this point.

Policy Implications

As set out in the Strategic Plan.

Financial Implications

Funding to implement the Plan is provided with the ISJO budget.



Illawarra Shoalhaven Joint Organisation

Organisational Strategic Plan 2017-20

What is the Illawarra Shoalhaven Joint Organisation?

The Illawarra Shoalhaven was one of five regions where joint organisations (JOs) were piloted in 2015 as a new way for local councils to work together in collaboration with the NSW Government. ISJO continues to operate under the agreed model.

The Illawarra Shoalhaven Joint Organisation (ISJO) consists of four members:

- Kiama Municipal Council
- Shellharbour City Council
- Shoalhaven City Council
- Wollongong City Council

The councils have a combined area of some 5,800 square kilometres and a population of approximately 400,000 people.

What is the timing for this plan?

Transition Enabling legislation was passed in November 2017 and will take effect in July 2018. During this time ISJO's structures and governance frameworks will be reviewed and operations transitioned under the new legislation.

Operational For the two years from July 2018 to September 2020 ISJO will be fully operational under the current local government term of office. From September 2020 a new 4 year term of local government will come into effect, with the JO Chairs elected for a two year term.

What was the process for preparing this plan?

The original process included review of a wide range of relevant documents, phone interviews with each Council and discussion at workshops with the General Managers and the IPJO in 2015. ISJO continued to review and update this document to keep it current during 2016 -17. A workshop was held with the Board and General Managers on 1st December 2017 to review and refresh the plan for the future period outlined above.

When will this plan be reviewed?

The Organisational Strategic Plan will be reviewed annually and more comprehensively at the commencement of new terms of office for the Board.

Vision for the Illawarra Shoalhaven

The ISJO's vision for the region is:

A confident, vibrant, safe and productive region that optimises the potential of its people and environment now and into the future.

Mission statement

The ISJO will: **Lead, advocate, collaborate and deliver outcomes that serve the interests of the region's diverse communities.**

Functions

The three core functions of the ISJO are:

- **regional strategic planning**, including high level planning across the quadruple bottom line
- **inter-governmental collaboration**, working closely with the NSW Government as well as the Australian Government and other councils and JOs
- **regional leadership and advocacy**, as the preeminent regional voice for councils and communities

The two optional functions of the ISJO are:

- **enhancing strategic capacity**, to support member councils to deliver services to their communities
- **service delivery**, to provide services directly to communities within the region.

Operating principles

The ISJO will be:

- **Cohesive:** speaking with one voice on regional issues and valuing equal representation
- **Respectful:** of local autonomy on local issues
- **Collaborative:** by working across member councils, communities, governments, and with a wide range of partners in the spirit of friendship and trust
- **Aligned:** with consistency between member councils and NSW Government on regional strategies and policies
- **Efficient:** by avoiding duplication and using resources within and available to member Councils wherever possible
- **Evidenced based:** when introducing or transitioning programs and shared services
- **Transparent:** in its operations between member councils and other partners

Themes and actions

This plan builds on the Statement of Regional Strategic Priorities that was prepared early in the pilot process to help guide the establishment of the ISJO. The plan contains five theme areas, linked to 21 high level actions and 38 current activities. The key partners and regional documents are also recognised. In addition to the regional documents noted below, there are also a large number of relevant documents prepared by each member Council, including Community Strategic Plans, Local Environmental Plans and a wide range of strategies, plans and policies.

Economy, Education and Employment Addressing all sectors and contributors to the regional economy

Key partners:

- Regional Development Australia – Illawarra and Far South Coast Inc
- NSW Department of Planning and Environment
- NSW Department Primary Industries
- NSW Department of Premier and Cabinet
- NSW Office of Local Government
- Property Council
- Illawarra Business Chamber
- Urban Development Institute of Australia
- South East Local Land Services
- TAFE NSW
- University of Wollongong
- Schools and Early Education Centres
- Australian Department of Defence

Key regional documents:

- Economic Development Review Report
- Illawarra Regional Foods Strategy
- Illawarra Shoalhaven Regional Plan
- NSW Regional Development Framework
- Illawarra Youth Employment Strategy

No.	High level actions	Activities 2018	Functional Area
1.1	Work with NSW government and other partners to support the priority economic sectors identified in the Illawarra Shoalhaven Regional Plan	Support Port Kembla Employment Lands	Collaboration
		Support Southern NSW Marine Tourism Strategy	Collaboration
		Support Easy to do Business Program	Collaboration
1.2	Partner with NSW, Commonwealth Government, and other organisations to identify and address employment growth opportunities	Champion Illawarra YES (Youth Employment Strategy)	Leadership
		Partner in LG Skills Strategy	Build Capacity
1.3	Work with the region's education sector to ensure the region's future skills needs are met	Represent local government perspectives on forums and committees	Collaboration
1.4	Promote the region as a superior business location for both government and industry	Utilise 360 Economic Outlook, Advantage Wollongong, Mayoral Overview	Leadership

Infrastructure
Addressing the region's major infrastructure requirements and contributions

No.	High level actions	Activities 2018	Functional Area
Key partners: <ul style="list-style-type: none"> NSW Department of Planning & Environment South East Australian Transport Strategy Transport for NSW 			
Key regional documents: <ul style="list-style-type: none"> Illawarra Shoalhaven Regional Plan Illawarra Regional Transport Strategy 			
2.1	Work with Transport NSW and other partners to deliver transport priorities for the Illawarra Shoalhaven region	Influence the Transport for NSW Future Transport Strategy, NSW Freight Strategy, South East Australian Transport Strategy (SEATS)	Leadership
2.2	Work with relevant partners to plan for regional infrastructure requirements	Representation on the Illawarra-Shoalhaven Coordination and Monitoring Committee	Planning
		Develop the regional matrix of local government-provided infrastructure	Planning
2.3	Identify and access funding sources and new opportunities for delivery and use of regionally significant infrastructure	Maximise potential of new technology infrastructure e.g. Internet of Things, Apps, Vennu etc.	Build Capacity
		Prepare, or support funding applications to identified funding sources	Collaboration
2.4	Advocate for the region's infrastructure requirements and promote its contributions to local, state and national productivity and liveability	Maintain relationships, communicate & inform key individuals and organisations on the region's infrastructure contributions and future requirements	Leadership
2.5	Work with partners to address the region's energy security	Seek development of a risk and vulnerability assessment of energy security and procurement opportunities	Collaboration
		Explore opportunities to support community and member council renewable energy uptake	Leadership & Service Delivery

Communities, Housing and Lifestyle
Addressing regional liveability across the natural and built environments

No.	High level actions	Activities 2018	Functional Area
Key partners: <ul style="list-style-type: none"> Australian Department of Human Services Australian Department of Social Services Healthy Cities Illawarra NSW Department of Education NSW Department of Family and Community Services NSW Department of Planning and Environment NSW Health and Illawarra Shoalhaven Local Health District NSW Land and Housing Corporation NSW Office of Environment and Heritage NSW Department of Primary Industries 			
Key regional documents: <ul style="list-style-type: none"> Age Friendly Illawarra Alliance – Statement of Intent Illawarra Shoalhaven Regional Plan The Greater Illawarra: Smart Growth Agenda 			
3.1	Work with the NSW Government to implement the Illawarra Shoalhaven Regional Plan (ISRP)	Coordination & Monitoring Committee - ISJO Chairman jointly chairs, member Councils participate	Planning
3.2	Support the delivery of actions in the ISRP by identifying value-add opportunities such as shared resourcing and policy development	Affordable housing, AFIA, SIERA project (OEH), MoU with Healthy Cities Illawarra, Markets Policy, Sport & Active Recreation Strategy, Mapping and protection of agricultural lands (DPI)	Collaboration
3.3	Increase understanding of regional land use planning challenges, opportunities and responses	Convene information sessions e.g. Crown Lands legislation, planning legislation, land claims issues	Build Capacity
3.4	Work with partners to advocate for, and address identified regional community priorities	Retain membership and influence in key areas e.g. the Age Friendly Illawarra Alliance, Endeavour Energy Consultative Council, Multicultural Advisory Committee, Suicide Prevention Committee, TAFE Advisory Council	Leadership & Collaboration

Environment
Addressing preservation and improvement of the natural environment

No.	High level actions	Activities 2018	Functional Area
Key partners: <ul style="list-style-type: none"> Illawarra District Weeds Authority NSW Department of Primary Industries NSW Department of Planning and Environment NSW Environmental Protection Authority NSW Office of Environment and Heritage South East Local Land Services 			
Key regional documents: <ul style="list-style-type: none"> Illawarra Biodiversity Strategy Illawarra Shoalhaven Regional Plan Waste Less Recycle More Strategy 			
4.1	Work with State Government on development and review of state and regional strategies to address key environmental challenges such as air quality, waste management, and biodiversity preservation	Contribute to NSW Air Quality Consultation - Awaiting final Strategy	Planning
		Maintain the Regional Waste Strategy, Litter Prevention & Waste Education Strategies & Regional Illegal Dumping Strategy under NSW Waste Less Recycle More	Planning
		Work with SE Local Land Services (SELLS) on delivery of the SE Regional Weeds Strategy	Planning
4.2	Develop and coordinate regional programs that respond to the environmental outcomes sought under federal, state and local policies and strategies	Coordinate delivery of the Regional Waste Strategy program - NSW Waste Less Recycle More & Better Waste & Recycling across 5 Councils	Build Capacity
		Deliver the 2017-2021 Litter Prevention Program & Waste Education Action Plan under the Better Waste & Recycling Program - 5 Councils	Build Capacity
		Develop and deliver the Regional Illegal Dumping Prevention Program 2017-21 across 8 Councils	Build Capacity
		Deliver the Illawarra District Weeds Authority services across 3 Councils	Service Delivery
		Work with SELLS & partners to develop an ISJO area feral deer management plan and control program	Service Delivery
		Participate in Shoalhaven Illawarra Enabling Regional Adaptation (SIERA) Project	Collaboration
Plan for and support councils with the new Biosecurity Legislation	Build Capacity		

Governance and Administration
Addressing good governance and capacity building

Key partners:

- NSW Office of Local Government
- NSW Department of Premier and Cabinet
- Other Joint Organisations
- Local Government NSW & Local Government Procurement NSW
- Local Government Professionals NSW

Key regional documents:

- ISJO Charter
- ISJO Statement of Regional Strategic Priorities
- Procurement Roadmap, Spend Analysis and Dashboard, Partnership MoUs
- Funding Agreements
- Policy Documents

No.	High level actions	Activities 2018	Functional Area
5.1	Support the Chairman and Board	Provide appropriate secretariat services, training and development	Leadership
5.2	Review the structure, governance and funding model for the ISJO	Develop JO legislation Business Plan including review of the hosting arrangements for the ISJO	Service Delivery
5.3	Manage the organisation cost-effectively	Develop JO legislation Business Plan to address ISJO staff and across-Council resourcing	Service Delivery
5.4	Develop agreed shared services to meet member Council requirements	New JO legislation Business Planning has opportunity to highlight agreed shared services	Service Delivery
5.5	Employ agreed mechanisms and programs to enhance the strategic capacity of member councils	Deliver the Joint Procurement Program	Service Delivery
		Deliver cross-council capacity development elements of the Regional Waste Coordination Program and associated litter and illegal dumping programs	Build Capacity
		Work with Councils on accessing the LG Skills Strategy program	Build Capacity
		Investigate joint training and deliver if agreed	Build Capacity
5.6	Measure and communicate the way in which the ISJO adds value for member councils and State Government	Review and implement the Communication and Engagement Strategy for the ISJO	Build Capacity

Bold font indicates ISJO lead action

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

HPERM Ref: D18/109512

Group: General Manager's Group
Section: Economic Development

Purpose / Summary

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

Recommendation

That

1. Council employment land (Lot 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

Options

1. To sell Lot 119 DP 1124258, 10 Trim Street, South Nowra
2. Not to sell Lot 119 DP 1124258, 10 Trim Street, South Nowra

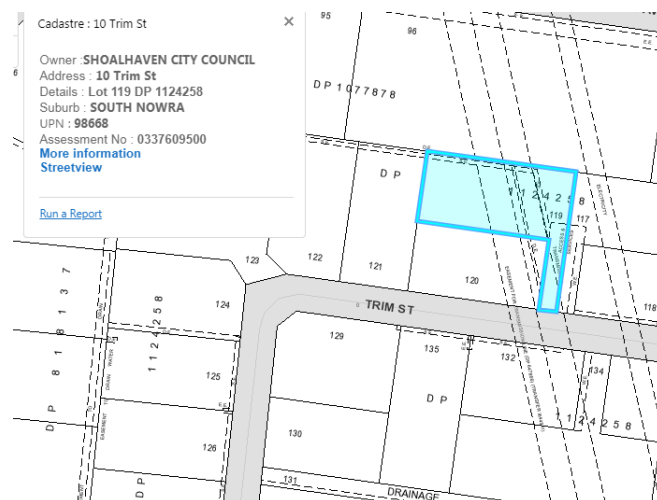
Background

The sale of Lot 119 DP 1124258, 10 Trim Street, South Nowra has been negotiated and is in accordance with Council resolution MIN17.123 which set the minimum sale price for this lot as part of Council's portfolio of industrial land.

The lot is seriously easement affected and the price, as previously approved by Council, has been discounted appropriately.

Special conditions applicable to this sale are:

- Buyback condition – 2 years to build a factory



Financial Implications

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

SA18.77

SA18.78 Shoalhaven Family Day Care Update

HPERM Ref: D18/24260

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

Purpose / Summary

To provide Council with an update on:

- Shoalhaven Family Day Care Service (SFDC) performance targets;
- The application for Federal funding;
- The amendment of Service Approval – maximum number of family day care educators;
- The introduction of PRODA (identification system);
- Consideration of Educators from outside the LGA registering with SFDC;
- The outcome of a recent compliance visit.

Recommendation (Item to be determined under delegated authority)

That Council

1. Receive the report for information on current progress towards achieving performance targets set to build capacity and continue to work towards meeting performance targets, amendment of the Service Approval, the introduction of PRODA, and the outcome of the recent compliance visit.
2. Receive a further report when the outcome of Community Child Care Funding Application is announced.
3. That Council support Shoalhaven Family Day Care to take on Educators from outside the Shoalhaven LGA to improve financial viability.

Options

1. That Council receive this report for information and support SFDC to take on educators from neighbouring LGAs to improve financial viability. Council staff to report to Council once the outcome of Community Child Care Funding application is known.

Implications: The report is accepted for information and SFDC begin to engage educators from neighbouring areas.

2. That Council receive this report for information and make an alternative recommendation regarding SFDC employing educators from nearby LGAs.

Implications: That SFDC are not able to engage Educators from neighbouring LGAs, potentially limiting their ability to improve financial viability.

Background

Council has sponsored Shoalhaven Family Day Care since 1979 and is the largest Early Childhood Provider in the Shoalhaven. It offers flexible in home, education and care for children 6 weeks to 12 years and has 30 small businesses (Educators) that operate across the Shoalhaven LGA.

The General Manager is the Approved Provider for Shoalhaven Family Day Care, with day-to-day operational responsibility for the service delegated to the Nominated Supervisor Family Day Care.

The Education and Care Services National Regulations, under the Education and Care Services National Law 2011 and the National Quality Framework in 2012, brought with it penalties that can be applied to the Approved Provider as an entity and personally. These penalties range from \$200 to \$55,000 depending on the offence. The General Manager as the Approved Provider, the Nominated Supervisor and individual Educators can be held personally liable for penalties ranging from \$200 to \$10,000.

Legislative Framework

Shoalhaven Family Day Care operates under the following legislative framework:

- The Education and Care Services National Law 2011 and
- The Education and Care Services National Regulations.

The National Law and Regulations are part of the National Quality Framework, which is jointly governed by the Australian Government and State and Territory governments. The Australian Children's Education and Care Quality Authority (ACECQA) oversees the system. This sits within the NSW Government Early Childhood Education and Care Directorate.

Council, at its meeting on 22 November 2016 received a Confidential Report on the Shoalhaven Family Day Care Service, and resolved, in part, to *commence the necessary steps to transfer the Shoalhaven Family Day Care Service to a suitable provider.*

This decision was later rescinded at the Council meeting on 20 December 2016.

In March 2017, Council considered a feedback report on Shoalhaven Family Day Care Service, adopted MIN17.235, and resolved:

“That:

- 1. Council receive the report for information on the consultation process with affected staff, Educators and Families and feedback regarding potential transfer of the Shoalhaven Family Day Care Service to a suitable provider for information.*
- 2. Council adopt performance targets to improve services it provides and report back in April 2018 when more clarity around federal funding is available.*
- 3. As part of the public exhibition/community engagement period for the draft 2017/18 DP/OP council specifically gain feedback on the matter of 'ratepayer subsidy' for the FDC service.*
- 4. Council acknowledge that high quality childcare services are a fundamental responsibility of the Federal Government and acknowledge that the current service of the Family Day Care Service reaches an exceeding level and congratulate the staff and the educators for that high-level recognition.*
- 5. Council continue to lobby the Federal Government for Federal Government support and funding.”*

Council considered a further report in June 2017 following the exhibition of the DPOP. Council adopted MIN17.522 and resolved to:

1. Receive the results of the survey for Family Day Care Services for information
2. Continue to work towards meeting the performance targets to improve services Family Day Care provides and report back in April 2018 when more clarity around federal funding is available.

Council staff have prepared this report to provide an update on the operation of Shoalhaven Family Day Care and the current challenges facing the service. Information is provided on:

- Achievement of the performance targets.
- Status of the application for Federal funding.
- The Amendment of Service Approval – maximum number of family day care educators.
- The introduction of PRODA.
- Educators from outside the LGA registering with SFDC.
- Compliance visit – maintaining quality.

Achievement of Performance Target – Update - Option 4 – Performance targets met or transfer

Targets were set in March 2017, based on growth of the service and actions to increase efficiencies within the service. These are summarised in the table below.

Table 1 - Targets related to growth of the service

	Target	Progress
Utilisation		
March 2017	88%	88%
30 September 2017	89%	96%
30 March 2018	90%	94%
30 June 2018	90%	95% (forecast)
Educators numbers		
March 2017	39	39
30 September 2017	44	35
30 March 2018	49	30
30 June 2018	50	34 (forecast)
Fees		
March 2017	1.05	1.05
30 September 2017	1.12	1.10
30 March 2018	1.12	1.10
30 June 2018	1.20	Proposed: 1.15 from 1 July 2018 with funding 1.20 or 1.25 without funding

Utilisation

As shown in Table 1, the service has managed to meet or exceed target rate in all quarters. The forecast for June 2018 shows that with funding the proposed fee is \$1.15 from July 2018 and without funding there are two proposed fees of \$1.20 and \$1.25 per hour per child.

Educators

Educator numbers have declined throughout the period despite an increase in Educator recruitment. Reasons for Educators leaving the service have been:

- Change of career (4)
- Moving from the area (4)

- Retirement (2)
- Transfer to another Family Day Care Service (2)

Six of these Educators left at the end of 2017, two indicating concerns over the future of the service as a contributing factor to their decision.

Initially, following the Council decisions made at the end of 2016 potential Educators were hesitant to proceed with their application citing concerns regarding the future of the service. Whilst this remains an issue for existing Educators, potential Educators have not raised this recently.

Increasing Educator Numbers

There are currently four Educators going through the prospective educator process with a further three in the very early stages of recruitment. A campaign is currently underway using a new marketing package, which has recently been obtained from Family Day Care Australia. Four application packages have been sent out in the past fortnight. Advertising for Educators has been done through the service Facebook page, TAFE, newsletters and local community organisations. The service also attended Community Matters Monthly Fair Roadshow throughout the Shoalhaven. In April, SDFC will be presenting to Defence spouses at Kookaburra retreat.

Educator recruitment and training can take between one and six months and is dependent on how quickly an educator wishes to proceed, their previous experience in the sector and the extent of changes required to their homes to meet licensing standards. The service anticipates Educator numbers to be around 34 for June 2018. This could increase if SDFC is able to explore recruiting beyond the Shoalhaven LGA.

SDFC is currently investigating opening recruitment up to Educators from neighbouring LGAs and has been made aware of Educators particularly in the Kiama LGA who would be interested in registering.

Fees

Fees have been increased each year as shown in Table 1. There has been no evidence that fee increases to families have affected usage in recent years, however prospective Educators have stated that the training fee for new Educators (currently \$300 + GST) has affected them continuing with the recruitment process. A comparison with other Family Day Care Services indicates that this fee is slightly higher than that of competitors. If this fee remains as is for the time being it is anticipated that it will soon be on par with training fees at competing services that are mostly in the range of \$150 to \$250.

Increasing Efficiencies

A number of **actions** have been implemented in an effort to address efficiency targets. These include:

- *A new streamlined educator recruitment process*

Status: Training modules have been developed to minimise both the timeframe for recruitment and the staffing required.

- *The increased use of social media to market the service and seek educators*

Status: The service has worked with Family Day Care Australia to develop marketing resources, including those for social media, which are now being utilised.

- *The development of a SDFC website*

Status: Funding for development of a website, with educator portal has been included in the Community Child Care Funding application.

- *The use of technology to allow some meetings to occur with Educators via Skype/FaceTime to maximise staff time working with educators and reduce time spent travelling*

Status: Whilst all educators still receive at least one visit per year from the Educational Leader, as well as visits at least monthly from Co-ordinators and twice yearly from the Nominated Supervisor, documentation is now regularly shared via electronic media. Staff have received training in Skype for meetings and plan to utilise this for some Educator trainings and meetings when needed and improvements to the service internet connection via NBN has been made.

- *The continued implementation of the Quality Improvement Plan*

Status: The service Quality Improvement Plan (QIP) addresses the seven Quality Areas of the National Quality Standards and is reviewed and updated monthly. Items due for completion in 2017 were all addressed. All Educators are currently attending annual appraisals with the Nominated Supervisor, which are based on the National Quality Standards. Staff will then collate information gained from the appraisals along with evidence from home visits to build upon the QIP. When visited by a compliance officer in February 2018, the service was praised for its plan, the methods used to develop the plan and the currency of the plan given changes to the National Quality Standards had just occurred on 1st February 2018.

- *Creating electronic files for Educator files reducing administration time and processes*

Status: All Educator documentation is now stored and shared electronically. Staff have recently been issued with tablets for in the field Educator Documentation. From October 2017 regulations allow Educators to have electronic versions of documentation. This has already seen significant savings and printing costs.

- *Transitioning the coordination unit to Harmony Web for the submission of time sheets*

Status: Since October 2017, one third of Educators have transitioned to web based attendance records with plans for all to transition over the next twelve months. This will see an end to processing hundreds of paper timesheets each week. Whilst the transition process has been slow and time consuming, long term it is proving far more sustainable, both financially and environmentally for both staff and Educators.

- *Administration staff visiting new Educators to assist them setting up efficient administration processes, leading to long term time saving*

Status: With the introduction of Harmony Web electronic timesheets the service has found most new Educators have been able to bring their devices to the Administration Officer for training and setting up of their systems prior to commencing as an Educator. This requires even less time than visiting them and has led to vast improvement in Educator efficiency in administration processes.

- *All Coordination Unit staff have been accessing councils professional learning opportunities to ensure they are multi skilled in the uses of various software e.g. TRIM, Excel to improve efficiencies*

Status: All staff have received training in TRIM and Skype for meetings. Relevant staff have received training in Excel, OneNote and Infocouncil.

- *Creating electronic files for Children's documentation further reducing administration time and processes*

Status: All enrolment information is now stored electronically. Harmony Web has plans for including additional children's records in the near future. The service has included the cost of this component in the funding application. This will include online enrolment by families.

- *Introduce Harmony Web for Educators use, which will see an end to the processing of hundreds of timesheets each week. All would be done electronically. We have been advised by another service time spent on this for them has reduced by 90% (from approximately 10hours per week to two). Educators will also be able to view the enrolment information and their payment information for their own service and will therefore have less need to contact the coordination unit with enquiries about these matters. Auditing of timesheets will be more efficient and will be far less time consuming.*

Status: One third of Educators are now on this system. During annual appraisals, Educators are currently being encouraged to convert to this system. Already the time taken to process timesheets has reduced by about 40%.

- *Recruitment of more highly qualified Educators. Already 44% of our Educators hold or are completing a degree or diploma in early childhood education which surpasses the regulation requirement for them to hold (or be working towards) a Cert III. Those who are only commencing the Cert III need far more support than those already trained.*

Status: The service expectation is that prospective Educators have completed at least six modules of the Cert III and have experience with young children prior (identified through application, formal interview and referee checks) to being accepted into our recruitment process. Whilst this can limit the number of applicants, it also ensures Educators have the knowledge and experience to work effectively in a family day care environment.

- *Online enrolments with follow up from coordination unit staff introducing themselves.*

Status: The service is awaiting this component via Harmony Web. This has been delayed and is expected by October 2018.

- *Streamlining play session practices – initially changing from two staff attending to one. There could be occasions (monthly/fortnightly) where staff set up but Educators conduct the play session themselves and assist in packing up.*

Status: Practices have been reviewed and one staff operates each play session.

- *Implementing improved data collection practices*

Status: Changes to Harmony Web have seen some improvement in data collection. The service has been advised there will be further changes in line with the new childcare subsidy package in July 2018. Once these are established the service will identify any gaps in what is being collected and set up alternative methods.

Status of the application for Federal funding

Current Community Support Programme Funding, which is capped at \$136,000 per annum, ceases at the end of the 2017/18 financial year.

Sustainability support, only available to services losing Community Support Programme (CSP) Funding, has been sought over a period of (5) five years to help meet the financial shortfall when the funding ceases from July 2018 and also cover costs to improvements in marketing and technology. The goal remains to increase Educator numbers over this period and continue to improve efficiencies.

An application for a grant under the Australian Governments Community Childcare Fund was submitted on 5 October 2017. Funding requested is shown in Table 2 below.

Table 2 - Funding sought from the Community Support Programme:

2018-19	2019-20	2020-21	2021-22	2022-23	Total
\$112,390.00	\$82,651.00	\$68,725.00	\$50,261.00	\$32,246.00	\$346,273.00

Notification of selection outcomes is to be made by the end of April 2018. The service was advised that shortlisted applicants would be requested to supply further evidence that they are in an area of limited supply and meet the specific needs of the community. This request was received and evidence supplied in February 2018.

Given that at the time of preparing this report no decision has been made on funding. Staff will prepare a further report when the outcome is known.

Amendment of Service Approval – maximum number of family day care educators

The Education and Care Services National Regulations require Family Day Care Services who have been operating for longer than twelve months to have one full-time equivalent family day care co-ordinator for every 25 family day care educators. In addition, the National Law permits individual state regulatory authorities to make amendments or impose a new condition on the service approval.

The NSW Department of Education Early Childhood Education Directorate has recently written to all NSW Family Day Care Services amending their approvals. SFDC has been capped at 55 Educators with a 1:25 coordinator to educator ratio applied. SFDC understands that the capping of Educator numbers was issued “using a risk-based approach that considered factors such as compliance history and quality rating”.

After consulting with other services across the State, it appears SFDC is in a better position than many. The service currently operates within this ratio and Educator numbers and all future plans for growth of the service also comply with this amendment.

The Introduction of PRODA

Over the past twelve (12) months, there have been changes to Family Assistance Law to reduce fraud and address non-compliance by some services and Educators. The most recent change is the introduction of PRODA. PRODA is an identification system that all Educators, staff and persons in control of the service must complete. This system will be able to track persons who have been non-compliant and/or committed fraud who move from one service to another. Shoalhaven Family Day Care views all these changes as a way of strengthening the integrity of the family day care sector and providing a further level of protection for the service in reducing the risk of fraud.

Compliance Visit - Maintaining Quality

On Tuesday 13th February 2018, the service had an unannounced visit from a Compliance Officer from the Early Childhood Education and Care Directorate. A Compliance Officer can visit at any time in between assessment and rating to ensure the service is maintaining both compliance and their current rating which for Shoalhaven Family Day Care is ‘Exceeding the National Quality Standards’.

No compliance issues were recorded and the service maintains its ‘Exceeding’ the National Quality Standards rating.

Educators from outside the LGA registering with Shoalhaven Family Day Care

Approximately ten years ago there was a change to National Law which allowed services to operate anywhere in Australia. Most services within Australia now have Educators within a number of LGAs. To date Shoalhaven Family Day Care has operated only within the Shoalhaven LGA. In the past, there has been interest from Educators in adjoining LGAs to register with Shoalhaven Family Day Care, particularly from the Kiama and Shellharbour

regions. There have also been families living within the Shoalhaven who travel to those areas for work/study seeking care closer to their place of work/study.

There are services outside our LGA who have been capped at a figure lower than, or close to the number of Educators they currently have. If they are unsuccessful in having their cap lifted there may be an opportunity for Shoalhaven Family Day Care to build Educator numbers by recruiting in those areas. Financially there would be no additional expenses to support educators in the Kiama and Shellharbour LGAs as staff would not have to travel any further than they currently do to support Educators in the Ulladulla region.

One implication to note is that if SCC is required to increase funding support to SFDC in the future Council would potentially be subsidising users of the service from outside the area.

Financial Implications

The withdrawal of Federal funding will have resulting implications for Council, the amount of which will depend upon enrolment/Educator numbers. If Community Child Care Funding is allocated and reduced targets achieved the service should not require any additional funding from Council.

However, if funding is not obtained it is estimated additional funding that will need to be found if Council is to continue this service is up to \$75 000. Three budgets have been proposed for the 2018/19 financial year, these are detailed below in Table 3.

The first is based on a successful application for Community Child Care Funding and if targets are achieved no contribution will be required from Council.

The second model is based on no funding and a standard 4% increase in fees. If targets are achieved Council would be required to contribute up to \$75 000 in the 2018/19 financial year.

The third model has higher than standard increases in fees and would require a contribution of approximately \$60 000 if targets are met.

Staff will prepare a further report when the outcome of the funding application is known.

Table 3 - Budget Forecasts

	Budget 2018/19 With Funding	Budget 2018/19 Without Funding 4% standard increase	Budget 2018/19 Without Funding Non-standard increases
<u>REVENUE</u>			
Educators Levy	33,600	33,600	35,280
Administration Levy	245,797	256,484	267,170
CCCF (funding)	112,390		
Smalls Office rent	10,660	10,660	10,660
Meeting and Playroom Hire	4,200	4,200	4,200
Childcare Assistance	1,182,000	1,182,000	1,182,000
Sundry income	6,525	6,760	8,977
Total	1,595,172	1,493,703	1,508,287
<u>EXPENSES</u>			
Wages & on costs	331,692	331,692	331,692

SA18.78

Casual Wages	0	0	0
Childcare Assistance	1,182,000	1,182,000	1,182,000
Other expenses	55,000	55,000	55,000
Total	1,568,692	1,568,692	1,568,692
<u>NET RETURN/(LOSS)</u>	26,480	(74,988)	(60,404)
<u>Assumptions</u>			
Number of children per educator cap	4.0	4.0	4.0
Utilisation	93%	93%	93%
Number of children per educator	3.8	3.8	3.8
Number of Educators	35	35	35
Worked hours per educator	36	36	36
Av. Weeks Worked per Educator	48	48	48
Number of families enrolling	110	110	110
No of New Educators training	8	8	8
Family Enrolment Fee	\$ 27.00	\$ 27.00	\$ 50.00
Educator Registration Fee pa	\$ 33.00	\$ 37.00	\$ 37.00
Educators Levy per educator	\$ 20.00	\$ 20.00	\$ 21.00
Educator Training Fees	\$ 300.00	\$ 311.82	\$ 272.73
Administration levy per hour	\$ 1.15	\$ 1.20	\$ 1.25

SA18.78

Risk Implications

Changes to Childcare Subsidy

Under the Family Assistance Law there is a new Child Care Package being implemented from 2 July 2018. A New Childcare Subsidy will replace Childcare Benefit and Childcare Rebate.

This will affect not just family day care, but also long day care, before and after school care and occasional care services.

It is difficult to estimate the changes to families' payments that may occur without access to their financial details. However, it is expected (and the aim of the change) is most working and studying families will pay slightly lower fees.

The main concern with this is the number of hours of subsidised care a family can access will be determined by an activity test, based on the parent with the lowest hours per fortnight. Currently all families receive a minimum of 24 hours subsidised care per week. Low-income families with less than eight hours activity will be eligible for 24 hours per fortnight. Other families will need to have at least 8 hours of activity per fortnight to get 36 hours of subsidised care per fortnight.

It is still unclear what constitutes 'activity' and how the number of hours will be decided. The concern here is families may drop the number of days used. However currently the service usage is almost 95% with 74 children still needing care and any vacancies that occur because of this change will be filled with those waiting for a placement.

Financial Risk to Council

Should Council wish to proceed with operating the service at a zero subsidy level there are financial risks related to the ability of the service to maintain the required numbers of educators, children to educator ratios and utilisation levels. Associated with this is possible impact of the significant price rises on the utilisation level.

Unsuccessful Funding Application

The service currently operates as cost neutral with funding from the Federal Government. Should council wish to proceed with operating the service if further funding is not obtained there would need to be significant fee increases and/or contribution by council estimated at up to \$75 000 for 2018/19.

Ratepayer subsidy of Childcare Service

Should Council wish to proceed with operating the service with ratepayer subsidy there are risks that part of the general community would not agree that this is necessary or core business for the Council. At present there are approximately 240 families with 300 children utilising the service and a further 74 children on the service waiting list.

Fraud

Whilst the service and Federal Government have implemented risk management strategies to reduce the likelihood of timesheet fraud, this remains a risk.

Child Protection

Child protection infringements are an ongoing risk, but one that is managed by a number of systems. Educators (and their extended family residing in the same premises) operate from their own homes/business locations. They operate independently from Council but under the monitoring of the Coordination Unit.

This risk is mitigated by requirements for Working with Children Checks for staff, Educators and adult household members along with Criminal Records Checks for Educators and the future obligation for Council Family Day Care staff to undertake a Criminal Record Check. In addition, all Educators and staff must undertake regular training in this area.

Approved Provider

For Shoalhaven City Council the approved provider is the General Manager. The approved provider of an education and care service, such as Family Day Care, has a number of obligations.

Breaches of these obligations may result in the approved provider being held personally liable.

There is a range of penalties in place for such breaches. These may be mitigated by the production of policies and procedures as well as training and monitoring of Educators by Coordination Unit staff.

Many offences can occur within an Education and Care Service with the Approved Provider being responsible for 33 non-infringement notice/penalty offences and another 37 infringements that do incur an Infringement notice/Penalty.

Reputation

Penalties are not common, however it must be remembered that Council's business name is attached to SFDC and this is a potential risk.

SA18.79 Acceptance of NSW Public Libraries Association Scholarship - IFLA Conference Attendance - Sarah Taylor

HPERM Ref: D18/104301

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

Purpose / Summary

To seek Council's approval for Sarah Taylor, Library Services Manager, to accept the scholarship offered by the New South Wales Public Libraries Association (NSWPLA) to attend the World Library and Information Congress (WLIC) of the International Federation of Library Associations and Institutions (IFLA) to be held in Kuala Lumpur, 24-30 August 2018.

Recommendation (Item to be determined under delegated authority)

That Council accept the scholarship awarded to Sarah Taylor to attend the World Library and Information Congress.

Options

1. Council accept the scholarship awarded to Sarah Taylor to attend the World Library and Information Congress.

Implications: The scholarship will cover all costs involved and will provide an opportunity for Sarah to take part in library discussions on a global stage benefitting her role here at Council.

2. Council not accept the scholarship awarded to Sarah Taylor to attend the World Library and Information Congress

Implications: This will be a missed opportunity for Sarah to be part of library discussions on a global stage.

Background

In February 2018 the New South Wales Public Libraries Association announced it would offer one successful applicant a scholarship to attend the World Library and Information Congress (WLIC) of the International Federation of Library Associations and Institutions (IFLA) to be held in Kuala Lumpur, 24-30 August 2018.

The scholarship is intended to encourage participation by a member of the NSW public library network who has an interest in international practices, particularly relating to the theme 'Transform Libraries, Transform Societies' with the additional tagline: 'Reaching out to the hard to reach'.

The scholarship covers conference registration, international economy-class air travel, economy domestic transfers if applicable and accommodation. A daily allowance will also be provided for meals and miscellaneous expenditure.

Sarah Taylor made an application for this scholarship with the support of her manager and was advised at the end of March that she had been chosen as the successful applicant from all of the New South Wales public library staff that had been nominated.

Attendance at the conference would allow Sarah to be part of the wider dialogue about libraries and make connections with different librarians from around the world. The Congress is shaping up to have some fantastic presentations and already there are some very interesting papers being presented. In particular 'Sanctuaries in the city: the public library as a safe place', 'Designing inclusive libraries' and 'Reinventing reference with technology transformations' look to be of particular interest.

It would be a distinction for Shoalhaven City Council to have one of their staff members attend the Congress and Sarah would return with more knowledge, new networks and greater confidence.

Financial Implications

All costs associated with the Conference attendance are covered by the scholarship.

SA18.79

SA18.80 Acceptance of Bursary Funding - Regional Public Galleries NSW - \$500 - Bridget Macleod Conference Attendance

HPERM Ref: D18/101233

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

Purpose / Summary

To seek Council's approval to accept \$500 from Regional Public Galleries NSW for Bridget Macleod attendance at the Art and Artist: Public Galleries Conference.

Recommendation (Item to be determined under delegated authority)

That Council accept the Bursary of \$500 to offset the cost of registration and travel for Bridget Macleod to attend the Art and Artist Conference

Options

1. Council accept the bursary of \$500 awarded to Bridget Macleod for her attendance at the Art and Artist conference held by Museums & Galleries NSW.

Implications: This funding will offset the operational budget expenditure on conference registration and travel for Bridget Macleod.

2. Council do not accept the funding and provide an alternate direction to staff

Implications: The operational budget will be used to pay the conference registration and professional development opportunities for other staff will be limited by the expenditure of this amount.

Background

The Public Galleries Conference is held every two years, hosted by Museums and Galleries NSW in conjunction with Regional Public Galleries NSW. The Summit is an opportunity for regional galleries to meet with key industry figures, artists, national galleries and others in the sector to learn about developments, share ideas, make new connections and understand better state government direction and priorities.

In 2018, the Summit will be held at Carriageworks in Sydney under the theme 'Art and Artists', with a program that combines professional practising artists and a range of galleries and independent curators to discuss issues and new directions.

Following encouragement from Regional Public Galleries, Bridget Macleod successfully applied for a bursary to offset the conference registration and her travel costs. The grant funding will assist in limiting the impact of her attendance at the conference on the gallery's operational budget and will assist other staff in achieving professional development activities.

Community Engagement

Attendance at the Conference will extend Bridget's ability to work with artists in the community, understanding their needs and contributing to the growth and professionalisation of gallery exhibitions with community artists.

Financial Implications

Acceptance of the Bursary will offset all anticipated costs of Bridget's attendance at the conference, reducing Council's financial burden to \$0 for this professional development activity.

SA18.80

SA18.81 Acceptance of Bursary Funding - Museums Galleries Australia - \$790 - Fiona McFadyen - Conference Attendance

HPERM Ref: D18/102366

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

Purpose / Summary

To seek Council's approval to accept \$790 from Museums Galleries NSW, in partnership with the Department of Communication and the Arts for Fiona McFadyen to attend the Museums Galleries Australia Conference in Melbourne.

Recommendation (Item to be determined under delegated authority)

That Council accept the Bursary of \$790 to cover the conference registration fee for Fiona McFadyen to attend the Museums Galleries Australia Conference in June

Options

1. Council accept the bursary of \$790 awarded to Fiona McFadyen for her attendance at the Museums Galleries Australia Conference in June

Implications: The bursary will cover the cost of conference registration, reducing the impact of this professional development activity on the Shoalhaven Regional Gallery's operational budget.

2. Council do not accept the funding and provide an alternate direction to staff

Implications: The operational budget will be used to pay for the conference registration, significantly limiting any other professional development opportunities for Gallery staff.

Background

The annual Museums Galleries Australia conference is an important professional development opportunity for Shoalhaven Regional Gallery staff. As the only national platform for the workers across the gallery and museum industry to gather, share knowledge and hear from international experts, the conference is invaluable in ensuring the Shoalhaven Regional Gallery is across industry developments, up to date on national directions and learning from other institution's successes and failures.

Having a presence at the conference helps to broaden our collegiate network, offers opportunities to meet with representatives from grant funding bodies and connect with similar organisations across Australia.

The bursary awarded to Fiona McFadyen recognises the value of this conference to staff working in regional centres and is testament to the recent moves by SRG to position ourselves among the leading regional galleries in NSW.

Community Engagement

Attendance at the conference will further enhance Fiona's ability to deliver programs to a wide range of audiences within the Shoalhaven as she is given the opportunity to discuss community engagement activities with a range of institutions across Australia and NZ, to be inspired by strong successes and to learn from the difficulties faced by others.

Financial Implications

The bursary will cover the cost of conference registration, freeing up funds in the operational budget for future staff development activities. The cost of travel and accommodation is covered within the operational budget.

SA18.82 Acceptance of Bursary Funding - Performance Arts Acceptance Australia - \$480 - Karen Patterson - Conference Attendance

HPERM Ref: D18/118473

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

Purpose / Summary

To seek Council's approval to accept a \$480 travel subsidy from Performing Arts Connections Australia to subsidise the travel costs for Shoalhaven Entertainment Centre Manager Karen Patterson to attend the Performing Arts Exchange and Making Space Conference in Karratha, Western Australia in September 2018.

Recommendation (Item to be determined under delegated authority)

That Council accept the travel subsidy of \$480 to assist Shoalhaven Entertainment Centre manager Karen Patterson in covering travel costs to attend the PAC Australia Performing Arts Exchange and Making Space Conference in Karratha.

Options

1. Council accept the travel subsidy of \$480 offered to Karen Patterson for her attendance at the PAC Australia Performing Arts Exchange and Making Space Conference in Karratha.

Implications: The subsidy will assist with travel costs, reducing the impact of this professional development activity on the Shoalhaven Entertainment Centre's operational budget.

2. Council do not accept the funding and provide an alternate direction to staff

Implications: The operational budget will be used to pay for the total cost of the travel, limiting other programming and professional development opportunities for Entertainment centre staff.

Background

The annual PAC Australia Performing Arts Exchange and conference is an important professional development opportunity to hear national and international experts and research findings on performing arts industry trends relating to programming, audience development, community engagement, and benchmarking. It is also an important market place for previewing productions for programming; and creating partnerships with major performing arts companies, producers, national touring organisations and tour coordinators.

Having a presence at the conference helps to broaden our industry network, offers opportunities to meet with representatives from grant-funding bodies, and connect with similar organisations across Australia.

The bursary awarded to Karen Patterson recognises the value of this conference to staff working in regional centres; and the contribution Shoalhaven City Council makes in providing a professional performing arts venue and programmes for its community.

The conference is being hosted by City of Karratha and will be held at their new \$56M Red Earth Arts Precinct in Karratha complete with a 450-seat theatre, amphitheatre / outdoor events space, library which incorporates a local history centre, and The Shelf – a roof top terrace featuring an outdoor cinema and bar / catering facilities.

Community Engagement

Attendance at the conference will further enhance Karen's knowledge of the performing arts ecology both nationally and internationally and further inform the Centre's programmes and community engagement.

Financial Implications

The subsidy will cover the cost of return flights from Canberra to Perth, with the Entertainment Centre budget covering the cost of return flights from Perth to Karratha. The Entertainment Centre budget will cover the costs associated with conference fees and accommodation.

SA18.83 Crown Lands Management Act 2016

HPERM Ref: D18/110481

Group: Assets & Works Group
Section: Business & Property

Purpose / Summary

The purpose of this report is to inform Council about the current status of Crown Land Management Act 2016.

Recommendation (Item to be determined under delegated authority)

That the report about the current status of Crown Land Management Act 2016 be received for information.

Options

Nil

Background

The *Crown Land Management Act 2016* (the CLM Act) assented to on 14 November 2016 implements reforms identified through the comprehensive review of Crown land management and follows over four years of engagement with the community on the future of Crown land (NSW Department of Industry website).

It is expected that this new Act will commence 1 July 2018 although the following provisions commenced on the date of assent:

- Division 4.2 (Vesting of Crown land in local councils);
- Section 13.5 (Regulations); and
- Schedule 7 (Savings, transitional and other provisions).

The CLM Act authorises the management of Crown land by local councils under the provisions of the *Local Government Act 1993* even though the legislation retains broad and general powers for the Minister for Lands and Forestry to influence that management.

Council has been actively engaged in the legislative reform process through:

- a. a detailed submission on the Crown Lands White Paper in June 2014 (D16/191670);
- b. lodgement of a submission with the then Minister for Natural Resources, Lands and Water which asked that Shoalhaven City Council be considered as a participant in the proposed pilot program to consider the preferred management outcomes in relation to Crown lands in New South Wales (D14/135706);
- c. the making of a submission to the Upper House enquiry into Crown land (D16/215722) and the giving of sworn evidence by the General Manager to the Upper House enquiry held in Nowra in August 2016;
- d. submission of an Expression of Interest for approval to participate in the Land Negotiation Programme (D17/272748) – approval was granted to Council for the right to participate in the programme with Jerrinja and Nowra Aboriginal Land Councils commencing in 2019/2020 (D17/397723);

- e. the making of a submission to the Department of Industry – Lands and Forestry on the draft Crown Land Management Regulations 2017; and
- f. the appointment of a staff member to the Crown Land Council Reference Group convened by the Office of Local Government and tasked with advising local councils on the implementation of the CLM Act.

Key Issues

Although the legislative reform process which resulted in the CLM Act has been comprehensive, it has also been controversial and there has been much speculation about implications of the reforms for local government. This has arisen because of a failure to disseminate meaningful information which is only now being addressed by the formation of a Council Reference Group tasked with the responsibility of advising local government on implementation of the CLM Act.

The Reference Group is made up of representatives from Department of Industry – Lands, Office of Local Government, Local Government NSW, Bayside Council, Blacktown City Council, Gunnedah Shire Council, Port Macquarie Hastings Council, Port Stephens Council and Shoalhaven City Council.

Whilst there are many elements to the reform, in essence, there are four (4) major issues arising out of the CLM Act:

1. From commencement of the CLM Act, Councils will manage Crown land as public land under the provisions of the *Local Government Act 1993*. Plans of management have to be prepared for every reserve and the legislation provides a transition period of three (3) years for this to happen.
2. Each parcel of Crown land must be classified under the *Local Government Act 1993* and every parcel of land classified as “community” land must be categorised as one or more of the following: natural area, general community use, park, sportsground, area of cultural significance. The natural area category has a subset comprising foreshore, watercourse, bushland, escarpment and wetland.
3. Crown Land Negotiation Programme – aims to provide an opportunity for the strategic assessment of Crown land in local government areas and through negotiation involving the NSW State Government, Council and local Aboriginal Land Councils, have land transferred to Council or the Land Council. The programme aims to deliver local ownership of Crown land to benefit local communities, a reduction in red tape and regulatory burdens on local government, more efficient and streamlined management of public land and recognition of the importance of land to Aboriginal people and to support spiritual, cultural, environmental and economic benefits for Aboriginal people.
4. Each Council must employ or engage a Native Title manager to ensure that the Council’s dealings with the relevant land (Crown land irrespective of whether or not it is reserved, dedicated or vested in Council).

Current Council Management of Crown Lands under the Crown Lands Act 1989

Councils currently manage Crown land as the appointed reserve trust manager which manages the affairs of a reserve trust charged with responsibility for the care, control and management of Crown reserves. As a result of the legislative reform, reserve trust managers are to be replaced by Crown Land Managers.

Management of Crown reserves can occur without the need for plans of management however the Minister can direct that a plan of management be prepared for a particular reserve and Councils can also elect to prepare a plan of management. Plans of management

can be used to inform the future management of Crown reserves and they can also authorise additional uses.

The Local Government Act 1993 and Public Land Management

The *Local Government Act 1993* provides for the management of public land and the classification of such land as either “community” land or “operational” land.

Classification as community land reflects the importance of the land to the community because of its use and/or its special features. Community land is typically a “public reserve” type asset such as a public park or community hall or natural area.

The majority of Crown reserves are to be managed as if they are community land under the provisions of the *Local Government Act 1993* which includes but is not limited to the following specific requirements/prohibitions:

- community land cannot be sold;
- community land cannot be leased, licensed or have the creation of any other estate over the land for greater than 21 years;
- community land can only be leased or licensed subject to restrictions outlined in Part 2 Division 2 of Chapter 6 of the *Local Government Act 1993* which deals with the use and management of community land;
- community land must have a plan of management.

The classification of Crown land as “operational” land requires the consent of the Minister.

Plans of Management

Plans of management generally require:

- categorisation of the land that focuses on the essential aspects of each area of the land;
- land management objectives;
- performance targets;
- means of achieving objectives and targets; and
- means of performance assessment.

Plans of management may be site specific or generic but it is important to understand that plans of management for Crown reserves in future will have to be prepared in accordance with the requirements of the *Local Government Act 1993*, even if a plan of management under the *Crown Lands Act 1993* is already in place.

The NSW Government has allocated \$7 million in funding over two (2) years to support council Crown Land Managers in the preparation of plans of management. This funding is not intended to cover all costs of developing plans of management and it is anticipated that, under a formula devised by Crown Lands, Shoalhaven City Council’s funding share is likely to be in the order of \$37,000. If plans of management for between 115 and 170 Crown reserves in the Shoalhaven LGA must be drawn up, there will be a substantial funding shortfall even if a majority of the reserves can be covered by a generic plan of management.

It has been estimated that site specific plans of management typically can be developed over a period ranging from 50 to 90 days but there will be exceptions at both ends of this range. This has the potential of being resource hungry in terms of both personnel and budget if plans of management are to be prepared in accordance with timeframes stipulated in the legislation. Plans of Management also require community consultation and this can add to timeframes and costs to manage the process.

The resourcing requirements for the re-writing of generic plans of management to consider the need to extend coverage to Crown reserves have not been identified at this stage.

The requirement to adopt a *Local Government Act 1993* compliant plan of management will be phased in over three (3) years from the commencement of the CLM Act.

Crown Reserve Use and Purpose

The use of a Crown reserve is limited by the purpose(s) for which the land is reserved or dedicated and any other permissible use(s) under the CLM Act or other Act. Use of Crown land generally must be consistent with or incidental or ancillary to the reserve purpose(s).

Management of Crown land under the *Local Government Act 1993* – Additional Considerations Provided by the *Crown Land Management Act 2016*

Council Crown Land Managers must conform to legal obligations for the management of Crown reserves provided by the CLM Act despite any other provision of the *Local Government Act 1993*. These additional considerations are summarised as follows:

- Crown reserves can only be classified “operational” with Ministerial consent;
- A category assigned to community land must closely relate to the reserve purpose (S3.23(3));
- The Minister has to be notified of any proposed categorisation as soon as practical (S3.23(2)) and has to give consent to any plan of management that would alter the categorisation of the land if it would otherwise require an “additional purpose” (S3.23(7)(d));
- The Minister can require alteration of an initial category and cannot give consent to a subsequent alteration if it is considered that the alteration is likely to adversely impact the use of the land for its reserve purpose;
- Council must obtain the consent of the Minister to the sale of Crown land;
- Council must comply with any conditions of any appointment instrument; and
- Council must comply with any Crown land management rule established by the Minister to influence the management of Crown reserves.

Other Legislative Implications for Crown Land

There will remain some marked differences for the management of Crown reserves and the management of “public land” under the *Local Government Act 1993* as a result of additional statutory requirements provided by the CLM Act.

These additional requirements address broader implications for Crown land management arising out of the environment from which Crown land, Native Title and Aboriginal Land Rights legislation has evolved.

It is important to recognise that these implications generally do not apply to “public land” under the *Local Government Act 1993*.

Native Title

The Native Title provisions in Part 8 of the CLM Act specifically recognise and expressly provide for compliance with Native Title requirements by Council Crown Land Managers.

The Commonwealth *Native Title Act 1993* provides legal recognition and protection of the rights of traditional ownership of land and waters that have always belonged to Aboriginal people according to their traditional laws and customs. The *Native Title Act 1993* also

provides that native title may exist in relation to unallocated Crown land, State Forests, National Parks, Crown reserves, watercourses and certain leasehold interests.

Crown reserve management by Council Crown Land Managers must consider the recognition and protection of native title provided by the *Native Title Act 1993* to both minimise the risk of adversely impacting native title rights and of generating a liability for the State of New South Wales or Council.

The CLM Act in S8.6 requires that Council employ or engage at least one Native Title Manager to ensure that Council's dealings with the Crown estate comply with any applicable provisions of the native title legislation. This position does not exist in the current staff structure nor is it budgeted for however will in all likelihood be an "added responsibility" to an existing position within the Property Unit.

Aboriginal Land Rights

The *Aboriginal Land Rights Act 1993* provides that Aboriginal Land Councils may claim any reserved Crown lands that:

- are not lawfully used or occupied;
- do not comprise land needed or likely to be needed as residential land;
- are not needed for an essential public service; and
- are not subject to a native title determination application registered under the Native Title Act 1993 or subject to an approved determination that native title exists.

Any land use of Council managed Crown reserves must be consistent with the legal requirements provided by both Division 2 of the *Local Government Act 1993* (relates to community land) and the additional requirements of the CLM Act or risk constituting an unlawful use or occupation and therefore limiting the considerations under which the Minister may refuse a land claim.

Roads Act 1993

Crown roads provide lawful access to many privately owned and leasehold lands where little or no subdivision has occurred since the early nineteenth century. These roads are part of the State's public road network and are regulated under the *Roads Act 1993* and associated regulations.

In addition to overseeing Crown roads, the Minister for Lands and Forestry is currently responsible for the closing of public roads where Council is the relevant road authority and this often creates duplication and delay.

Proposed amendments to the *Roads Act 1993* are intended to address these inefficiencies and support roads administration in the following ways:

- Councils will be responsible for closing Council public roads in their local government area and Crown roads will remain the responsibility of the Minister for Lands and Forestry;
- the existing public consultation requirements and practices relating to road closures will not change;
- relevant safeguards and appeal provisions are included in the proposed amendments to ensure a road closure is appropriate and does not deny access to a property;
- where an identified hazard presents a risk to the safety of road users or the environment on a Crown road not generally used for access by the public, the Minister for Lands and Forestry will be able to direct the users to repair and maintain the road.

Proposed amendments to the *Roads Act 1993* have triggered a review of policy within Crown Lands on the administration of Crown roads. Full details of this review are not yet available for consideration by Council but will be the subject of a further report to Council when the full implications of the policy review are understood.

It is likely that such review will provide opportunities to consider the transfer of Crown roads to Councils, the closure and sale of Crown roads and approvals to carry out road works where a Crown road is not suitable for transfer to Council.

Financial Implications

The implications for Council of the CLM Act, which are expected to materialise as the date of commencement of the Act draws nearer, are expected to be significant.

Staff will be tasked with responsibilities for classification and categorisation of Crown land as well as the preparation of plans of management notwithstanding acceptance of a proposition that specialist skills will have to be engaged to fulfil Council's legislative responsibilities as outlined in this report.

In addition, the employment or engagement of a Native Title Manager and the deployment of personnel to represent Council in the Crown land negotiation programme will have financial implications which are yet to be quantified.

A working party is being formed as at the date of writing this report so that the full implications can be better understood and plans put in place to ensure that Council's short and long-term obligations are met and that financial planning is undertaken to ensure that resourcing requirements can be provided for in the development of future budgets.

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

HPERM Ref: D18/69945

Group: Assets & Works Group
Section: Business & Property

Purpose / Summary

This report provides Council with an opportunity to consider an approval to enter into a lease agreement with Milton Ulladulla Preschool Association for the continued use and occupation of premises at 22 Dowling St, Ulladulla as a pre-school.

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.

Options

1. Resolve as recommended.

Implications: Milton Ulladulla Preschool Association will continue its occupation of this property providing a learning environment for up to 40 children per day.

2. Not resolve as recommended and call for expressions of interest.

Implications: Milton Ulladulla Preschool Association has already accepted enrolments for the coming year. To terminate the existing occupation by the preschool would cause stress to the parents of children who attend. Further, there is no guarantee that a replacement lessee could be found in the short term.

Background

The Milton Ulladulla Preschool is located at 22 Dowling Street Ulladulla on Crown land comprising Reserve 89226 for Kindergarten, which was notified in the Government Gazette 28 June 1974. Council manages the affairs of the Ulladulla (R89226) Reserve Trust as Reserve Trust Manager. The Department of Industry- Lands has given approval to Council to “direct deal” with Milton Ulladulla Preschool Association as the sitting tenant for the purpose of negotiating the terms and conditions of a new lease, including a rental amount.

Milton Ulladulla Preschool Association has been in operation at this site since 1974 and is the longest running community child care centre in the Shoalhaven. The preschool, which

has 40 children currently enrolled, is managed by a Committee of parent volunteers and services a wide cross-section of the community. It employs 10 permanent staff and up to 6 casuals.

Existing Arrangement

The preschool previously occupied the property as a management committee. In 2008 Council determined that all preschools run as management committees should move to leases.

Council has been in lease negotiations with Milton Ulladulla Preschool Association for a number of years. The lease negotiations commenced with a “preschool co-operative” group as initial concerns were shared with each preschool.

Negotiations with the co-operative group were finalised in June 2017 and now each preschool is negotiating with Council directly on any remaining issues.

Negotiations with Milton Ulladulla Preschool Association have now concluded and agreement has been reached as outlined below:

Proposed Agreement

Lessee	Milton Ulladulla Preschool Association
Lessor	Shoalhaven City Council
Owner	Department of Industry- Lands
Premises	Lot 3012 DP755967 (Por 312)
Term	5 years + 5 year option
Assessed Market Rent	\$60,084 plus GST per annum
Rent Payable	\$6,218.69 plus GST per annum, payable monthly in advance
Application of Rent Assessment Policy	Rental subsidy = 90%
Rent Review	Annually by CPI
Percentage of Outgoings	100%, outgoings refers to all charges for gas, electricity, telephone and any water rates and usage, garbage or sanitary rates or user charges relating to the Lessee’s use of the Premises.
Permitted Use	The operation of a Preschool and all activities incidental thereto.
Public Risk Insurance	Twenty million dollars (\$20,000,000.00)

Council obtained a market valuation for the property from Opteon Property which assessed the current market rent. The assessed market rent represents the rent Council could reasonably expect to receive if the property was leased to a commercial child care operator.

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

Milton Ulladulla Preschool Association completed and returned proposal documentation to enable Council to apply the rental assessment framework to the market valuations. Given the high level of service that the Preschool provides, it was determined that a rental subsidy of 90% would apply.

Community Engagement

The Department of Industry-Lands has approved Council dealing directly with Milton Ulladulla Preschool Association so that it can remain in occupation and accordingly, there is no requirement for any public notification of this lease proposal.

Policy Implications

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

Financial Implications

Entering into the lease agreement, as recommended, will increase Council's revenue by \$6,218.69 per annum which will assist Council in maintaining this asset into the future.

SA18.84

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

HPERM Ref: D18/78260

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. Proposed Easement - Endeavour Energy - Various Sites - North Nowra
[↓](#)

Purpose / Summary

Council has been requested to grant an Easement for Underground Cables 3 metres wide in favour of Endeavour Energy over Gordon Cook Apex Park, being Lot 47 DP264082, Lot 15 DP241820, Lot 22 DP1024489, Lot 20 DP262851 and Lot 41 DP707414 North Nowra as shown in red on Attachment "1".

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.

Options

1. Resolve as recommended.

Implications: This easement is required to provide Endeavour Energy with legal access for the operation and maintenance of its essential public infrastructure.

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

Implications: Endeavour Energy will not have guaranteed access to maintain the public infrastructure.

Background

Endeavour Energy is undertaking a project to improve the reliability and security of the electricity network to the residential area off Illaroo Road around Burradoo Ave/Moondara Drive and Warrah Road, North Nowra.

The project involves the construction of a second high voltage feeder into the area from the existing high voltage network located in Coconut Drive. This new feeder will be an

underground cable. The route identified will pass through Council public reserve land located between Coconut Dr and Burradoo Ave, North Nowra.

The easement will be 3 metres wide and will be in two parts. The first easement will run through Gordon Cook Apex Park between Coconut Dr and Karana Dr and will be approximately 240 metres long. The second easement running between Karana Dr and Burradoo Ave will be approximately 200 metres long. Easements are as shown in red on Attachment 1.

In-principle agreement to the granting of the easement and the easement terms has been given by Council.

Compensation for the grant of the easement has been assessed at \$10,000 by Walsh & Monaghan Valuers Pty Ltd. Endeavour Energy has given approval to the payment of that amount plus GST and is to be responsible for all costs associated with the creation of the easement. A formal offer on that basis has been received from Endeavour Energy.

In some instances the underground conduits and subsequent easements will run through and be over Council land categorised as “Community Land”. The granting of a lease, licence or estate in respect of community land is permissible under Clause 46 (1) (a) of the Local Government Act 1993 which states:

“A lease, licence or other estate in respect of community land may be granted for the provision of public utilities and works associated with or ancillary to public utilities.”

In this case the granting of the easement for underground cables falls under the definition of other estate.

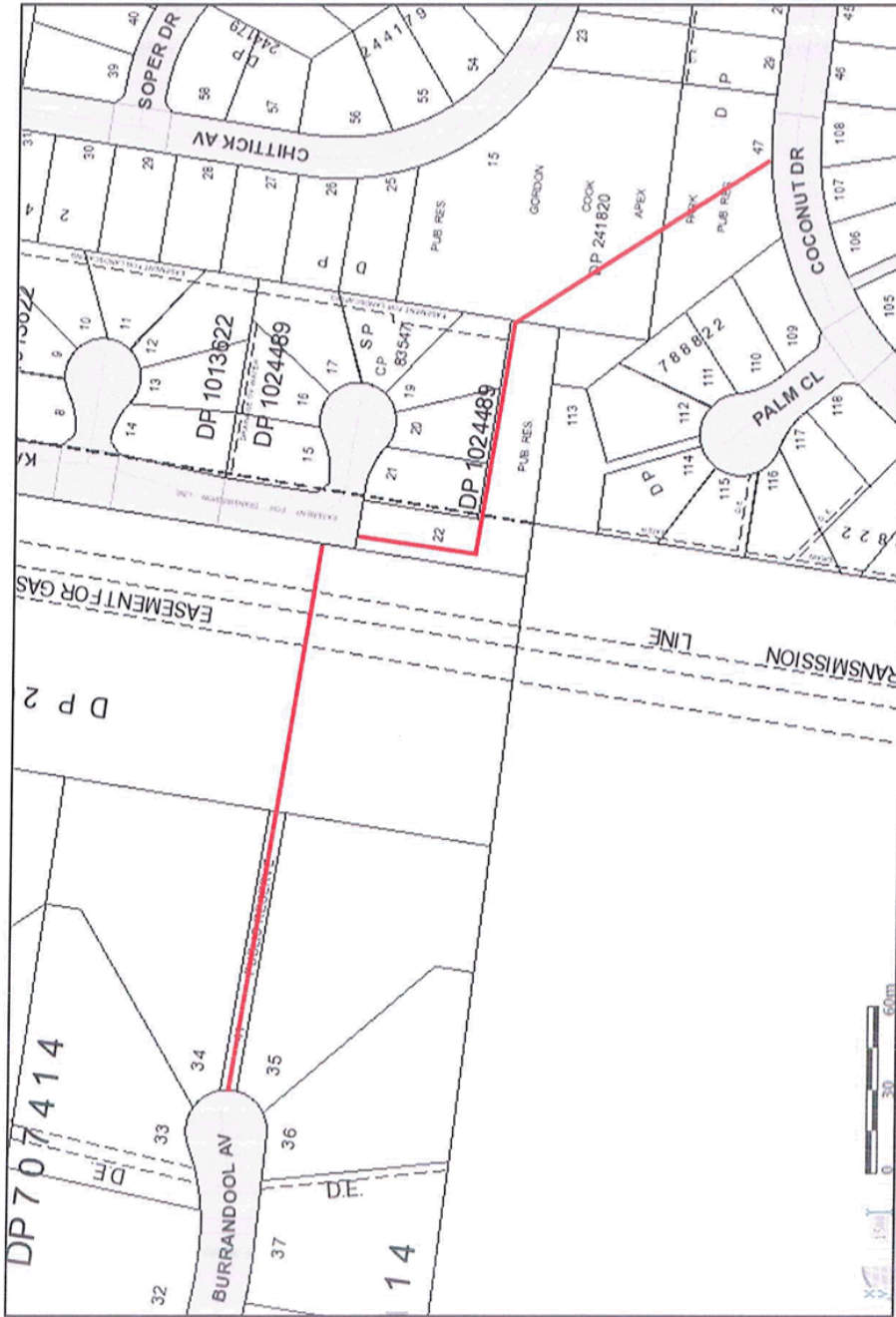
Community Engagement

This matter is considered to be a local area low impact issue as outlined in Council’s Community Engagement Policy and Handbook and therefore no community engagement has taken place.

Financial Implications

All costs associated with the grant of the easement are to be met by Endeavour Energy.

Attachment "1"



— Proposed Easements – 3 Metres Wide for Underground Cables
Over Lot 47 DP264082, Lot 15 DP241820, Lot 22 DP1024489, Lot 20 DP262881 and Lot 41 DP707414

SA18.85 - Attachment 1

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

HPERM Ref: D18/82557

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. Plan & Street View - Crookhaven Heads [↓](#)
2. Plan & Street View - Murramarang Rd, Kioloa [↓](#)
3. Plan & Street View - Voyager Park, Huskisson [↓](#)

Purpose / Summary

This report provides Council with an opportunity to consider an approval to enter into lease agreements with Marine Rescue NSW for the continued use and occupation of facilities at the following three (3) sites:

- Crookhaven Heads Pilot Cottage
- Murramarang Rd, Kioloa
- Voyager Memorial Park, Huskisson

SA18.86

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:
 - 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.

Options

1. Resolve as recommended.

Implications: Marine Rescue NSW will continue its occupation of these properties thereby providing a service for the benefit of the general community.

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

Implications: Marine Rescue NSW rely upon the occupation of these premises to perform their service role. The operation of this service may be jeopardised should these agreements not be approved.

Background

Marine Rescue NSW has been in occupation of the subject sites pursuant to lease agreements since 2012, although have been in occupation prior to that date on an informal basis.

In 2011, the Land and Property Management Authority (Crown Lands) wrote to Council to advise that Marine Rescue NSW had become a public company and as such was required to formalise occupation of Crown Land sites via either a lease or licence arrangement.

The previous leases over the three subject sites concluded on 31 December 2017. Council staff have been in correspondence with Marine Rescue NSW and the Department of Industry – Lands & Forestry for several months and have now agreed on new lease terms.

Rental Amount

On 27th February 2018, the Department of Industry – Lands & Forestry endorsed Council’s request for the application of a rental equivalent to the Statutory Minimum Rent to these agreements. Marine Rescue has also confirmed that it is to a rental equivalent to the Statutory Minimum Rent and that it does occupy other sites throughout NSW on this basis.

Term

Marine Rescue has sought long lease terms in order to reduce unnecessary administration. The Department of Industry – Lands & Forestry has endorsed a 20 year lease term for Huskisson and Kioloa and a five year lease term for Crookhaven Heads.

The maximum terms that could be offered for the various sites was dictated by Section 23G of the NSW Conveyancing Act 1919. Unless the lease can be attached to a single lot within a Deposited Plan the maximum lease term permissible, including options, is five years.

Notwithstanding all three sites are located on multiple part Lots, Huskisson and Kioloa are contained wholly within a building (Clause 23G(e) of the Conveyancing Act provides an exemption for the lease to be registered against a single lot when the transaction comprises the lease of the whole or part of a building). It is under this exemption Huskisson and Kioloa are 20 year terms as opposed Crookhaven Heads which includes the curtilage around the cottage and garage and hence the lease is for only five years.

Proposed Agreements

1. Huskisson

Lessee	Marine Rescue NSW
Lessor	Huskisson (R64558) Reserve Trust (Council as Reserve Trust Manager)
Premises	That part of the Marine Rescue Radio Base constructed over Part Lot 7010 DP 1076858, Part Lot 7012 DP 1021163 and Part Lot 1 DP 209436, being Voyager Memorial Park, Huskisson – (excluding public toilets, staff amenities, first aid room and lifesaving room) consisting of

SA18.86

	the operations and administration area, viewing deck and the stairwell within Reserve 64558 at Huskisson.
Lease Area	145.6sqm
Land Owner	Department of Industry – Lands and Forestry
Term	20 years
Rent Payable	Rent equivalent to the Statutory Minimum Rent. Currently \$490 (plus GST) per annum
Rent Review	Annually by CPI
Percentage of Outgoings	100%, outgoings refers to all charges for gas, electricity, telephone and any water rates and usage, garbage or sanitary rates or user charges relating to the Lessee's use of the Premises.
Permitted Use	Occupation and use of offices and operations area
Public Risk Insurance	Twenty million dollars (\$20,000,000.00)

2. Kioloa

Lessee	Marine Rescue NSW
Lessor	O'Hara Head (R75773) Reserve Trust (Council as Reserve Trust Manager)
Premises	The building standing on Part Lot 34 DP 755941, Part Lot 7009 DP 1020455 and Part Lot 7304 DP 1143028 within Reserve R75773, excluding the public toilets.
Lease Area	90.6 sqm
Land Owner	Department of Industry – Lands and Forestry
Term	20 years
Rent Payable	Rent equivalent to the Statutory Minimum Rent. Currently \$490 (plus GST) per annum
Rent Review	Annually by CPI
Percentage of Outgoings	100%, outgoings refers to all charges for gas, electricity, telephone and any water rates and usage, garbage or sanitary rates or user charges relating to the Lessee's use of the Premises.
Permitted Use	Occupation and use of offices, boat and equipment storage
Public Risk Insurance	Twenty million dollars (\$20,000,000.00)

3. Crookhaven Heads

Lessee	Marine Rescue NSW
Lessor	Crookhaven Heads Pilot Cottage (R180073) Reserve Trust (Council as Reserve Trust Manager)
Premises	The pilot cottage, garaging and curtilage on Part Lot 34 DP 755971.
Lease Area	1270.4 sqm
Land Owner	Department of Industry – Lands and Forestry
Term	5 years
Rent Payable	Rent equivalent to the Statutory Minimum Rent. Currently \$490 (plus GST) per annum
Rent Review	Annually by CPI
Percentage of Outgoings	100%, outgoings refers to all charges for gas, electricity, telephone and any water rates and usage, garbage or sanitary rates or user charges relating to the Lessee's use of the Premises.
Permitted Use	Occupation and use of radio control room, residence and curtilage and communication tower.
Public Risk Insurance	Twenty million dollars (\$20,000,000.00)

SA18.86

Community Engagement

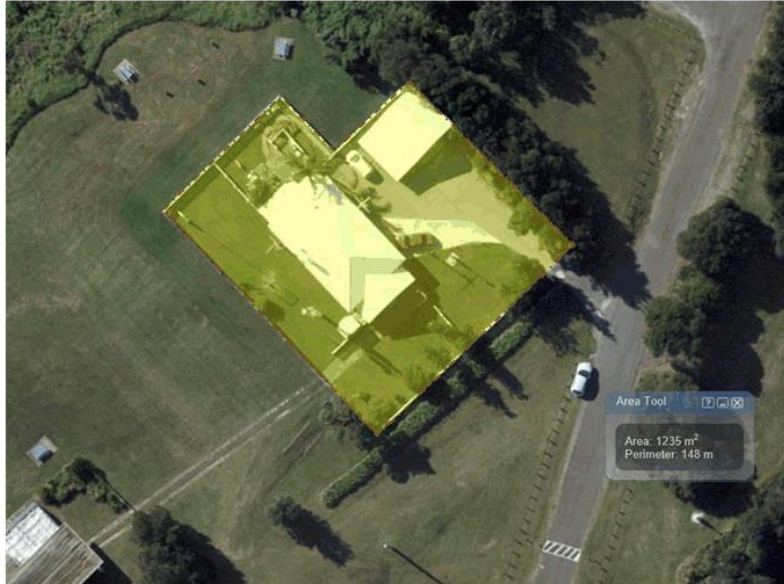
The Area Manager, Sydney/South Coast, Department of Industry – Lands and Forestry has approved that Council as Trust Manager of Reserves R180073, R64558 & R75773 may enter into direct negotiation with Marine Rescue NSW in relation to the proposed new leases. Accordingly, there is no requirement for any public notification of these three lease proposals.

Policy Implications

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

MARINE RESCUE – CROOKHAVEN HEADS, PILOT COTTAGE

LEASED AREA



STREET VIEW



MARINE RESCUE – MURRAMARANG RD, KIOLOA

LEASED AREA



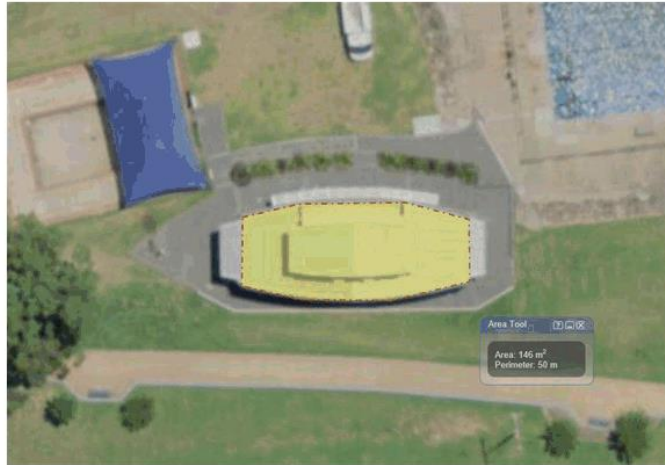
STREET VIEW



Leased Area excludes public details

MARINE RESCUE – VOYAGER PARK, HUSKISSON

LEASED AREA



STREET VIEW



Leased Area excludes toilets, staff amenities, first aid room & life-saving room

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

HPERM Ref: D18/103228

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. Easement Plan [↓](#)

Purpose / Summary

This report provides Council with an opportunity to consider the acquisition of two easements to drain water (swale drains) over part of Lot 102 DP 1179622 Forest Meadows Way, Worrigea as shown on Attachment 1. This is to resolve drainage issues within Lot 102 and other neighbouring properties including Forest Meadows Way.

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, Worrigea 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.

Options

1. Resolve as Recommended

Implications: Acquiring the easements will provide Council with the legal capacity to construct and maintain swale drains required to alleviate drainage issues on Lot 102 DP 1179622 at Worrigea and adjoining properties including Forest Meadows Way.

2. Not adopt the recommendation

Implications: The property owner(s) will have to undertake maintenance and cleaning of the swale drains.

Background

The swale drains mentioned in this report were constructed as part of the subdivision that created Lot 102 DP 1179622 but easements in favour of Council were not created. Drainage issues have arisen and it is now timely that easements be created so that Council can attend to maintenance of the drainage system through private properties. It should be noted that the swale drains also disperse drainage from Forest Meadows Way, a public road for which Council is the roads authority.

Council requires two easements:

1. Five (5) metres wide traversing the south western corner of Lot 102 having an area of 177.7 sq m.

2. Six (6) metres wide and variable running along the eastern boundary of Lot 102 having an area of 490.2 sqm.

It is noted that further easements will be required to facilitate the drainage of water downstream to other drainage infrastructure already in place and/or to natural watercourses.

Compensation has been assessed by Walsh & Monaghan at \$13,500 and an offer made to the owner of the property to reflect this assessment the offer was rejected by the landowner who subsequently received their own valuation by registered valuer Karl Poulton in the amount of \$26,000.

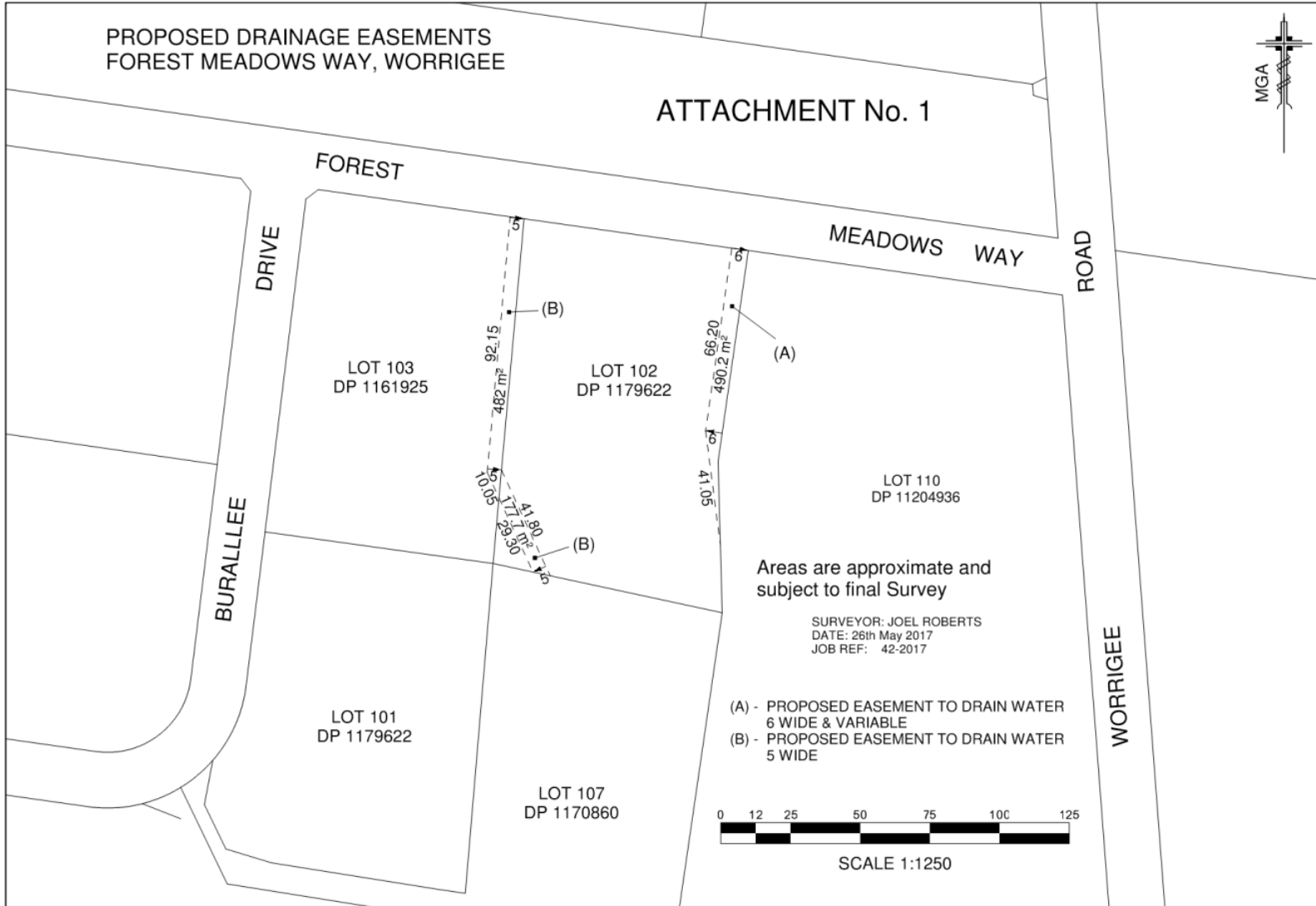
Negotiations have been conducted with agreement now reached on compensation in the amount of \$20,037.00 which includes a one-off payment of \$2,000 towards the construction of fencing around the swale drains.

Financial Implications

The compensation and reasonable legal costs associated with the acquisition are to be funded from Councils Land Acquisition Fund.

Risk Implications

The acquisition is necessary to secure access for operational purposes and maintenance of essential drainage infrastructure.



SA18.88 Abandonment of Debt - Holiday Haven Outstanding Occupancy Fees

HPERM Ref: D18/103681

Group: Assets & Works Group
Section: Business & Property

Purpose / Summary

To provide Council with an opportunity to consider writing off debts incurred by customers at Shoalhaven Heads and Lake Conjola Tourist Parks.

Further information is provided in a separate confidential report in accordance with Section 10A(2)(b) of the Local Government Act 1993, which provides that matters concerning the personal hardship of any resident or ratepayer may be dealt with in a meeting which is closed to the public.

Recommendation (Item to be determined under delegated authority)

That Council, in accordance with Section 10A(2)(b) of the Local Government Act 1993, consider a separate confidential report to consider writing off debts incurred by customers at Shoalhaven Heads and Lake Conjola Tourist Parks.

Options

1. Proceed in accordance with the recommendation.

Implications: This matter will be considered by Council in a confidential meeting.

2. Propose an alternative and provide further direction to staff.

Background

Council staff have been attempting to recover monies owed to Council for the non payment of fees at Shoalhaven Heads and Lake Conjola Tourist Parks.

In the circumstances where it is considered that any further action taken to recover monies owing has very little chance of success, it is proposed that these debts be written off in accordance with the Local Government (General) Regulation 2005 – REG 213.

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

HPERM Ref: D18/107255

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. 1 Stewart Place, Nowra - Floor Plans ground and first [↓](#)

Purpose / Summary

This report provides Council with an opportunity to consider an approval to grant a lease over 1 Stewart Place, Nowra (refer to Attachment 1) to Alfred & Roslyn Parker (trading as Shoalhaven Trophies) for a 1 + 1 year term commencing at an annual rent of \$18,353.52 plus GST with annual CPI increases.

Recommendation

That Council resolve:

1. To 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. To 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.

Options

1. Adopt the recommendation.

Implications: Alfred & Roslyn Parker will continue to occupy and trade from 1 Stewart Place, Nowra and operate their trophy assembly, engraving and giftware business.

2. Not adopt the recommendation, provide further direction to staff and propose an alternative.

Implications: Alfred & Roslyn Parker will be required to vacate 1 Stewart Place, Nowra, resulting in them having to find alternative premises to conduct their business.

Background

Alfred and Roslyn Parker, trading as Shoalhaven Trophies first commenced occupation of 1 Stewart Place, Nowra in October 2011 and have been in occupation of the premises on various length leases since. Over this time the Parkers have proved to be good tenants.

Their current lease expired on the 16th January 2018, with the protracted period to seeking this approval being a result of the Parkers considering their future plans which involves retirement and/or selling their business.

The request for a one (1) plus one (1) year lease in this instance allows them flexibility in their decision making whilst not reverting to a monthly tenancy. Council will continue to work

with the Parkers to ensure that should they decide to vacate the property it will be advertised well in advance of the new lease expiry date.

Current outgoings contributed to by the Parkers amounts to:

- Council rates and charges – 45%
- Water, sewerage and drainage – 15%
- Building insurance – 45%
- Garbage – 100%

Community Engagement

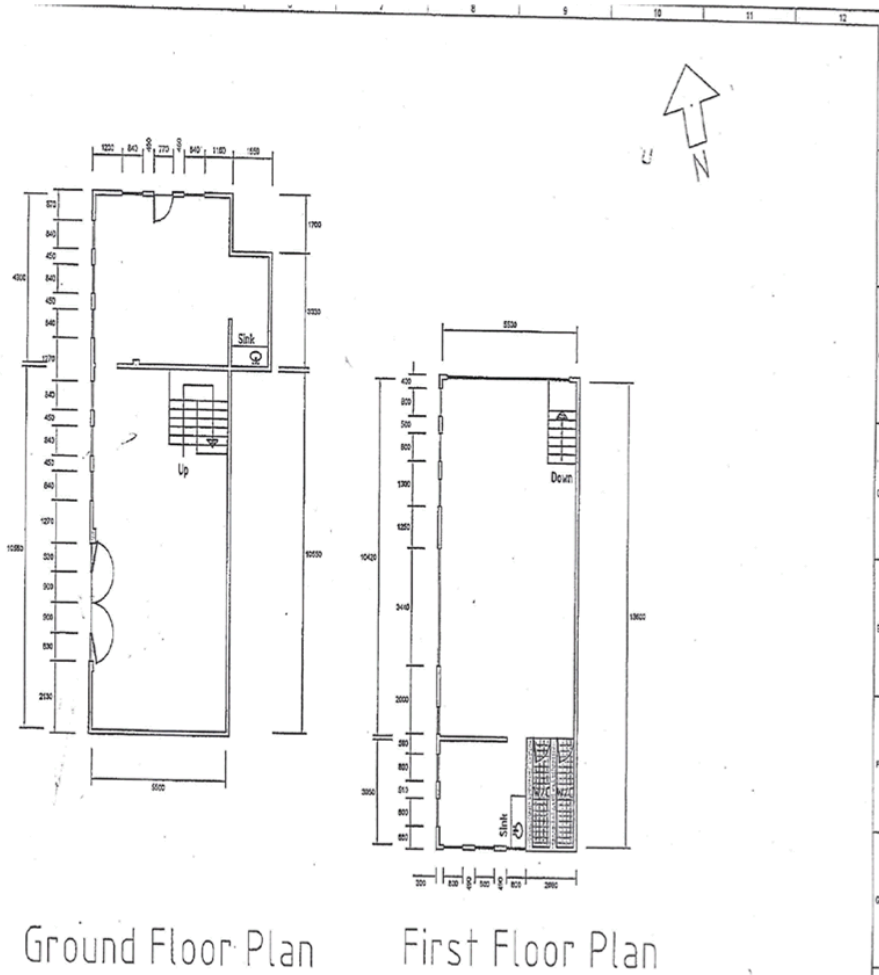
The land is classified as ‘Operational’ and therefore no community consultation is required.

Financial Implications

Resolving as recommended will result in Council continuing to receive an annual revenue stream of approximately \$18,353 plus GST.

SA18.89

Attachment 1 – Floor Plans – 1 Stewart Place, Nowra



Ground Floor Plan

First Floor Plan

NOTED: @ BOOK @ TOP LEVEL @ LOAD FILE	AMENDMENTS 	CITY OF SHOALHAVEN Part Lot TDP A 34 7/4, Part Lot TDP 16782 1 Stewart Place Nowra Lease Plan Floor Plan (Nov. 2010)	SCALE: 1:50 @ A1, 1:100 @ A3 Date: 4.11.11 G. Clark 4.11.11 PLAN REFERENCE: 104_51
---	--------------------	--	---

SA18.89 - Attachment 1

SA18.90 Tree Management Policy - Public Land

HPERM Ref: D17/300343

Group: Assets & Works Group
Section: Works & Services

Attachments:

1. Tree Management Policy- Public Land [↓](#)(under separate cover)
2. Tree Management Policy - Public Land - Current Flow Chart [↓](#)
3. Tree Management Policy - Public Land - Proposed Flow Chart [↓](#)

Purpose / Summary

A change to the tree management review process for public lands (POL16/10) is submitted for the Committee's consideration. This report outlines the proposed changes to the policy.

Recommendation (Item to be determined under delegated authority)

That Council adopt changes to the decision-making process in the *Tree Management Policy – Public Land* to provide options (the '45 degree rule') upfront for residents to undertake tree works in road reserves at their cost, when works are not undertaken by Council.

Options

1. As recommended (preferred option)

Implications: Changes to the process will provide clarification and a streamline process for customers, and reduce some communication steps. With a simpler process, there may be greater use of the 45 degree rule by residents to remove trees from road reserves at their cost.

The policy objective and content remain unchanged.

2. Retain existing review process

Implications: Longer timeframe for response with the outcome to customers.

Background

The Tree Management Policy outlines how Council will assess and respond to requests from residents that have concerns with trees on public land. It is proposed to amend the Decision Flowchart (Figure 1 in the procedure) to streamline the assessment process:

In summary:

- In the situation where a tree under review is within the '45 degree rule' (see note below), the applicant shall be offered tree removal, replacement and environmental assessment at the applicant's expense as part of the initial assessment, if applicable. Currently, this option is only considered if the applicant does not agree with Council decision to not undertake the requested tree works;
- If the resident disagrees with Council assessment, the Unit Manager Parks and Facilities Services will review the assessment. If the matter is not resolved

satisfactorily, it is then referred to the Tree Review Panel for a final outcome. This is the current practice, but is now better reflected in the proposed updated Tree Management Decision Flow Chart; and

- The Tree Management Decision Flow Chart within the Policy is amended to reflect these changes and a simplified process. The current and the proposed flow chart are attached.

The policy has also been updated to reflect recent changes in legislation and reference documents. These changes are highlighted in the attached policy.

45 Degree Rule

If a tree located on a Council *road reserve* is within 45 degrees of a habitable dwelling owned by the applicant, the applicant will be given the option to undertake tree works at their cost, subject to an environmental assessment and supporting documentation.

Community Engagement

The policy content has not been changed. The decision-making process has been streamlined only.

The proposed changes are not anticipated to have any impact to the community.

Financial Implications

The changes to the Policy would have no financial implications to Council.

Risk Implications

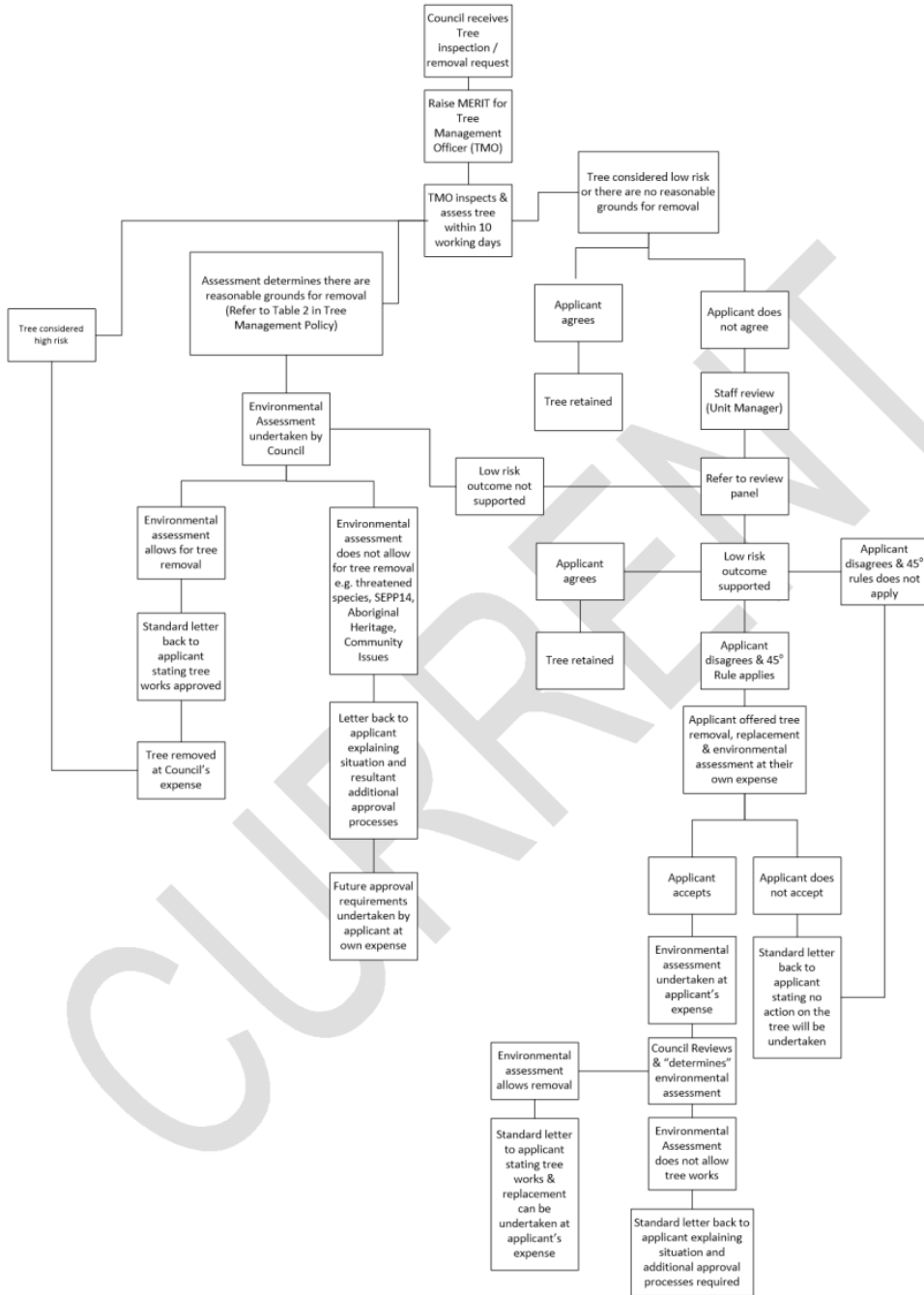
The 45 degree rule provides the option for residents to remove / prune trees from road reserves, where Council does not believe tree works are necessary to manage risks. This is already part of the policy but has generally been offered after the assessment is challenged by the applicant and the matter was referred to the Tree Review Panel.

By offering the '45 degree' rule at an early stage there is likely to be less trees to be reviewed by Management and the Tree Review Panel, which should lead to efficiencies for staff and residents.

However, there may be an increased number of trees removed under these provisions if this option is provided earlier.

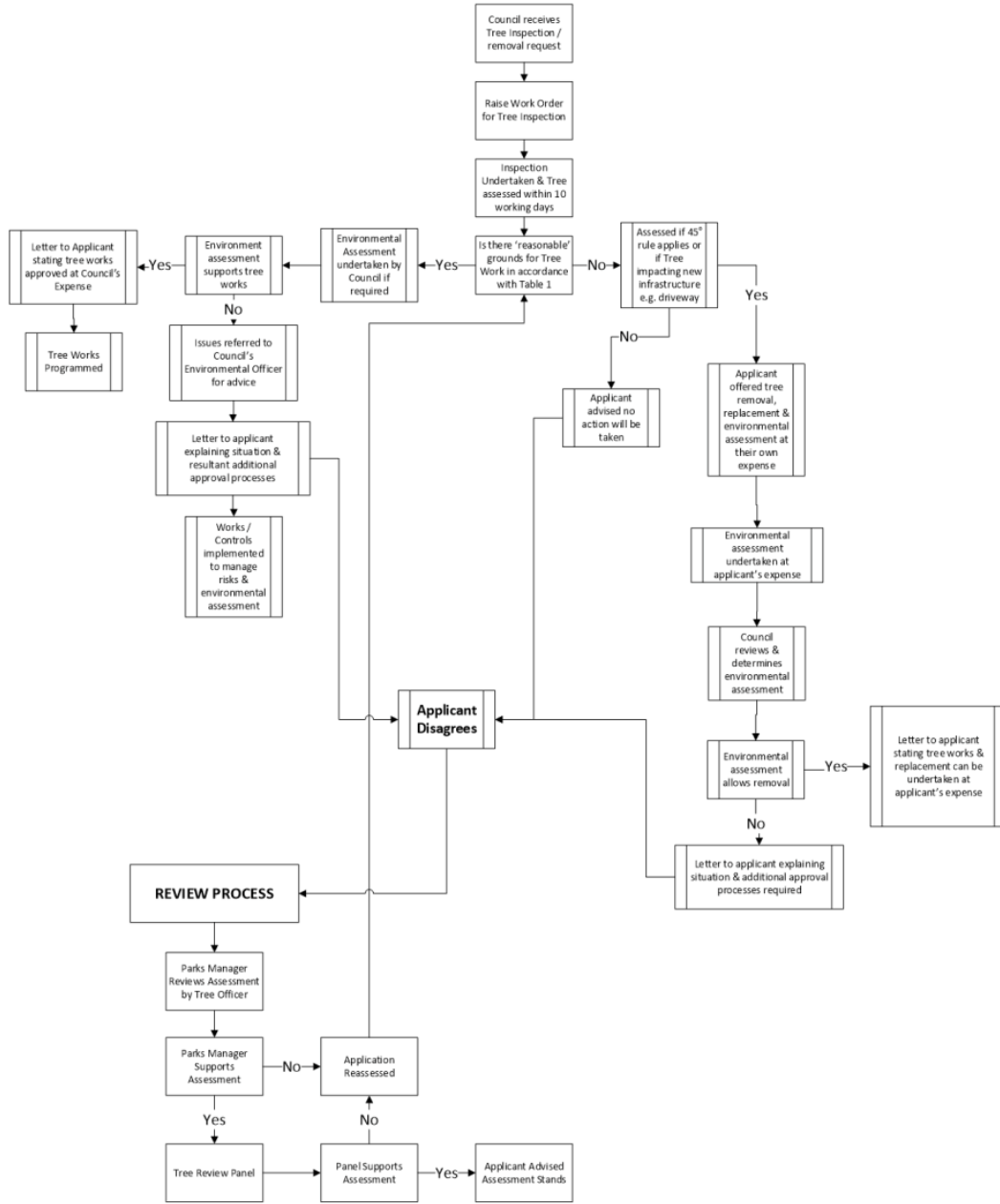
Shoalhaven City Council – Tree Management Policy – Public Land

Figure 1 Tree Management Decision Flow Chart



SA18.90 - Attachment 2

Tree Management Decision Flowchart



SA18.90 - Attachment 3

SA18.91 Comerong Island Ferry - Service Review

HPERM Ref: D18/84821

Group: Assets & Works Group
Section: Works & Services

Attachments:

1. Attachment A - Comerong Island Ferry Service Review - Usage Graph [↓](#)
2. Attachment B - Comerong Island Ferry User Survey [↓](#)
3. Attachment C - Residents Comments - Proposed changed to Comerong Island Ferry Operation [↓](#)

Purpose / Summary

This report provides the outcome of a review and community discussion into the operation of the Comerong Island ferry service.

Recommendation

That Council:

1. Adopts the following policy objectives for the Comerong Island Ferry:
 - a. The service operates between 6am and 10pm, 7 days a week.
 - b. The service remains at no cost to Island residents and landowners, with provision of a permit system (for two-way travel) to allow resident's visitors and contractors to access the island.
 - c. The vessel has a maximum 20t load capacity.
2. The General Manager (Director Assets & Works):
 - a. Liaise with the island residents and landowners to develop a formal permit system to recognise the 'no cost' arrangements.
 - b. Progress investigations of a new vessel to replace the Cormorant for consideration in future budgets. Procurement process to consider various vessel configurations to assess the cost (capital and ongoing) for different sizes.

Options

1. As recommended (preferred option)

Implications: This will maintain the current service level. The formal permit system will provide better monitoring of toll exempt users. Replacing the vessel with a smaller version, although with similar capacity, should provide reduced operating costs which will help offset ongoing cost rises. Residents have indicated the 20t limit is too restrictive to their requirements.

2. Make changes to the service to reduce operating costs.

Implications: Modest changes have been identified to reduce the net operating costs. Changes to operating hours and pricing structure have not been supported by the Island residents.

Background

Ferry History

Council provides a ferry service to Comerong Island from the main land at Numbaa (see attached map). The ferry links the Public Road Reserve between these locations, which are formed and maintained by Council. This service has been in place for at least the past 65 years.

The stretch of water (the channel) between the mainland and the island is manmade. It provides the only navigable water, via Greenwell Point to the ocean for boats.

The current service is provided by a vessel named the “Cormorant”. It is approximately 73 years of age and has been in service with Council since 1 June 1993. The vessel was formerly a spare ferry of the South Australian Roads Board, working on the Murray River.

The Ferry can carry vehicles and operates by pulling itself along submerged cables that are anchored at each end. It is rated to carry a maximum of 6 passenger vehicles or 20t.

The ferry is the only link between the mainland and the island for the island residents. The western side of the island has numerous private property ownerships and the eastern side is a *Nature Reserve*, managed by the National Parks and Wildlife Service (NPWS). There are some basic services on the island for visitors.

Current Service

The ferry is operated between 6am and 10pm every day, with afterhours call out service available to residents on the island. The residents, their visitors and contractors travel at no cost. For other visitors to the island, the cost of a return ticket is \$10, payable by EFTPOS only.

Council has a 5-year contract with TONO Ferry Services Pty Ltd to operate the ferry. The contract expires in July 2022.

Financial Analysis

A summary of the operating costs of the ferry is below:

Financial Year	Income			Expenditure
	Ferry	House	Total	
12/13	\$13,275	\$0	\$13,275	\$377,878.28
13/14	\$13,363	\$0	\$13,363	\$377,683.82
14/15	\$14,753	\$0	\$14,753	\$311,244.13
15/16	\$15,464	\$0	\$15,464	\$526,537.17 ¹
16/17	\$17,361	\$0	\$17,361	\$367,943.67
17/18*	\$15,243*	\$7,414*	\$22,657*	\$282,536.06*

* YTD

¹ Includes out of water survey and hull maintenance

The current year operating budget is \$395,000. A majority of the cost is payment to the contractor to operate the ferry. The balance is for maintenance, insurance and registration. In addition, Council’s long term financial plan allows for ‘out of water’ servicing every 4 years, with an allocation of \$390,000 (with escalation). The previous out of water survey and hull maintenance was in November 2015 and an additional \$200,000 to normal operating costs. It

is uncertain, until the vessel is removed from the water, as to the extent of maintenance that is required, so the costs can vary from service to service.

Under the previous contract (expired 1st July 2017), the ferry operator was able to live in the dwelling adjacent to the ferry at no rent for the term of the contract. The new contract removed this arrangement and the property is now rented at market value, providing an additional revenue source.

Utilisation

The graphs in **Attachment A** show the number of vehicles carried by the Ferry for FY12-13 to FY 17/18 (up to January 18).

In summary:

- The total number of vehicles using the service annually is 14,500 (average)
- Revenue is generated from 10% of users, which was \$14,500 (average)
- Ferry use is seasonal, with the higher patronage during the warm months of the year;
- Use is higher between 9am and 3pm;
- There is low utilisation after 8pm.

The island residents and their visitors generated the bulk of ferry patronage.

Council Obligations

In regard to the provision of the ferry service to the community, Council's obligations are governed by the *Local Government Act* (LG Act) and *Roads Act*.

There does not appear to be any statutory obligations for Council to provide the service, although there are a number of factors, with respect to these Acts, that needs to be considered:

- In accordance with the Roads Act, the Ferry is regarded as a "road-ferry" and therefore a "road" under the Act;
- Section 24 of the LG Act, indicates the provision of a ferry service is discretionary, but Council needs to make responsible decisions in considering removing or reducing the service. Relevant matters include:
 - Emergency egress (bushfire, flood);
 - Provision of emergency vehicle access to the island; and
 - Access for utility providers, including Council's own maintenance responsibilities of the public road network on the island.
- General requirement to ensure all residential lots have legal and practical access; and
- Council is able to charge a "toll" or fee for the use of the ferry.

Based on the above, the ferry service needs to remain in some capacity.

Vessel Inspection Requirements

Vessels in commercial use in Australia require a *Certificate of Survey* and require regular inspections. The certificate is required by the Australian Maritime Safety Authority (AMSA), although the administration is done by State and Territory marine safety agencies. In our case this is the Road & Maritime Service (RMS).

The Cormorant is classified as a ‘high risk’ vessel due to the number of people it is able to carry, being 35, which includes 2 crew. This classification influences the maintenance and inspection regime.

To keep the *Certificate of Survey*, the vessel is inspected by the RMS every year in the water. In addition, there is a requirement for two ‘out of water’ inspections over a 5-year period. Council’s budget provides for an inspection every 4 years. These inspections need to be done by lifting the vessel out of the water with a crane. The crange cost alone can exceed \$60,000 for each out of water inspection.

Service Review

A review of the ferry service has been conducted, looking for opportunities to reduce the net operating costs. Three key areas were considered, as discussed below.

Ferry Infrastructure

The ferry currently typically only carries one or two vehicles per trip, which is well below the carrying capacity of the current vessel. Although, there is intermittent need for maintenance and farming operation vehicles.

The Ferry type and size has a direct impact on operating and maintenance costs, with vessels having a smaller surface area less expensive to maintain, easier to slip and less weight to propel. There are also 3 different propulsion systems, being on chains (current), outboard and shaft driven, which have impact on maintenance and running costs.

ARUP (Consulting Engineers) was engaged to consider a number of ferry configuration options and recommended that the current on-chain ferry was best solution for Comerong Island, although there are opportunities for a smaller vessel.

Two vessels were considered:

Vessel 1 – 5t carrying capacity, which is suitable for one passenger vehicle only.

Vessel 2 – 20t carrying capacity, with dimensions to suit maintenance plant (e.g. grader, tipper truck). This would be capable of carrying two passenger vehicles.

Further details for comparison to the existing vessel are provided below:

Specification	Existing Vessel	Vessel 1	Vessel 2
Passenger Vehicles	6	1	2
Plant items	Yes	no	Yes
Load Capacity (tonnes)	20	5	20
Deck Length (m)	18	7.8	13.9
Deck Width (m)	5.5	4.8	4.8
Estimated purchase cost	N/A	\$1.5m	\$1.8m

Vessel 2 provides a similar service level as the current vessel, but is smaller to provide ongoing operating cost savings. The purchase price (estimated) difference is \$300k. The ongoing operational costs could only be assessed through a detailed design assessment of the options. The review also looked at options to reduce cost on slipping the vessel. Alternatives to using a large crane to remove the vessel are possible, but again actual solutions would need to be looked at with the vessel design.

Operating Hours

The recent tender process has provided real market pricing for Council to consider changes to the operating hours of the ferry to reduce costs. The current hours are 6am to 10pm, 7 days.

SA18.91

The estimated cost savings for other operating scenarios are provided below:

Scenario	Possible Saving
6am to 8pm, 7 days	\$27,000
<u>Monday to Friday</u> 6am to 10am & 1pm to 8pm	\$37,000
<u>Saturday & Sunday</u> 6am to 8pm	
<u>Monday to Friday</u> 6am to 8pm	\$15,000
<u>Saturday & Sunday</u> 6am to 10pm	

There is limited saving in service level changes, unless significant changes are made to the number of days of operation.

Ticket Prices

There are a number of car ferries in operation through NSW and most of these are operated by the RMS at no cost to the user.

Port Macquarie-Hastings Council operate two ferries and Ballina Council operate one. Both have a full user pays system for the ferries and include causal and annual charges.

These are summarised below. Full details of tickets schedule are available on the respective Council's website.

Type of Ticket	Cost	
	Port Macquarie Hasting	Ballina
Resident Concession	\$55 / year	Nil
Annual Pass	\$350	\$306
Concession Ticket Books	\$20 for 25 tickets (1 ticket for single car trip)	Not available for passenger vehicles
Monthly ticket	\$30 when purchased by a resident	Nil
Weekly Ticket	\$10 when purchased by a resident	\$56
Single Trip (one way)	Nil	\$6

Assuming two vehicles per dwelling both requiring an annual pass of \$300, the additional revenue would be \$7,800 if a similar system was implemented for residents of Comerong Island. Increasing revenue through other approaches may be more beneficial.

The implementation of a permit system to better identify vehicles that are currently exempt from payment would be beneficial and capping the number of free travels is a possibility. As

noted previously, resident visitors and resident contractors travel at no cost. Attaching a permit arrangement would allow the claim for free travel to be verified by the ferry operator. Currently this is only an honesty system.

It is also proposed to cap the number of free tickets to 50 / property / year. It is difficult to measure the additional revenue that can be achieved but formalising the existing process should be implemented to monitor improved revenue before considering the pricing structure.

Further changes to the pricing is not recommended at this stage.

Summary

There are various opportunities to reducing the net operating cost by changing the operating hours and pricing policy.

These are summarised below:

Change Description	Estimated Cost Saving
Annual Pass for Residents (\$300 / year)	\$7,800
Reduce Operating Hours	
<u>Monday to Friday</u> 6am to 10am & 1pm to 8pm	\$37,000
<u>Saturday & Sunday</u> 6am to 8pm	
Total	\$44,800

SA18.91

In the overall context of the ferry operation, this savings is relatively minor and not supported by the residents. The savings associated with replacing the Cormorant with a smaller vessel are likely to be more significant, but this will need to be verified through a design and procurement process.

Community Engagement

Initially, a survey was conducted to better understand how the ferry is used. 174 completed surveys were returned. A template of the survey is included at Attachment B

In summary, of the surveys returned:

- 10% owned a property on the Island, with 16 indicating they lived part-time or full time or were a tenant.
- 67% identified as attending the island for Recreational Purposes (fishing, surfing, etc).
- 60% used the service up to 25 times a year.

Also, Council’s contractor undertook a survey of on-board passengers over 62 days between March and May 2016 - 15 days in March (included Easter long weekend), 29 days in April (included ANZAC long weekend) and 18 days in May.

There was a total of 2,857 passengers (not vehicles) who identified as:

User Type	% of Total Passengers (NOT Vehicles)
Fee Paying User	
Recreational Users (Fisherman, Surfers etc)	46%
National Parks	1.5%
Total	47.5%
Non-Fee Paying User	
Permanent Resident	36.3%
Part-time Resident / Farmer	4.4%
Council	0.8%
Contractor (Resident Contractor / Service Provider)	10.9%
Total	52.4%

Note: Percentage is based on passengers and there were multiple passengers in some vehicles

Comments received during the survey are included and summarised following:

1. *Retain the ferry*: People were concerned that Council may be looking at taking the ferry service away.
2. *Fee*: A number of passengers commented that \$10 is a bit steep or the trip should be free.
3. *Connection*: A number of respondents commented that they have a family or familiar connection with the ferry e.g. used it since I was a boy, came over with my Dad to fish, been fishing off the Island since Or 38 years been visiting the island to fish.
4. Positive comments about the Ferry Operators and the service itself.
5. *Promotion as a tourism destination* – there are no facilities on the island in the Nature Reserve or any facilities, toilets or picnic facilities, supplied by Council.
6. Weight limit raised in reference to the transfer of cattle from the island or to the island by resident and off island ratepayer with rural interests on the island.
7. Most visitors go to the island to fish or surf and would like to continue to do so. They are concerned that they may not be able to access the island in the future.

Following this review and completion of the infrastructure review by ARUP, Council presented options on vessel size, pricing and operating hours to a meeting with the residents on 6th December 2017. The meeting was attended by 18 residents.

The residents did not support any changes to the ferry service. 7 written submissions were received, which were mostly a pro-forma email. An example is included at **Attachment C**.

A suggestion from residents was to promote the island (and ferry service) to increase revenue. The main attraction on the island for tourists is the Nature Reserve managed by the National Parks & Wildlife Service (NPWS). Increased visitation may increase the demand for services and the level of maintenance currently provided by NPWS, so they have been consulted for their input to the suggestion and they provide the following response.

“NPWS are bound by the status of Comerong Island Nature Reserve and also by what the Plan of Management for the reserve stipulates (as the POM is a legislative document). The primary purpose of nature reserves are conservation of wildlife, natural

environments and significant cultural features. They provide opportunities for recreation where it does not conflict with the conservation objectives of the area.”

Comerong Island is currently not promoted on NPWS public website, which relates to the objective to keep the reserve ‘low key’. Promotion of the island is unlikely to be supported by the NPWS, so is not being considered as a viable option for increased revenue.

Financial Implications

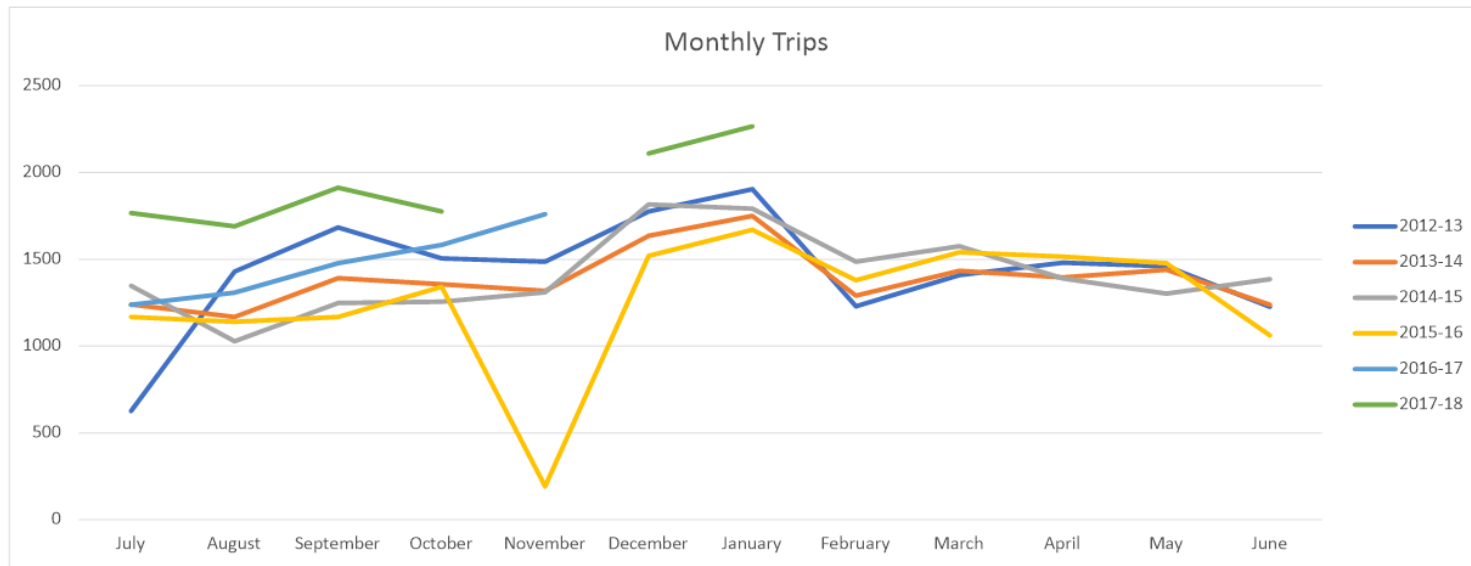
The ferry service is funded in the budget, with a provision for ‘out of water’ servicing in the long term financial plan, although this is not at the frequency required.

Due to the age of the vessel, it will need to be replaced in the short to medium term. This will provide an opportunity to reduce the vessel size to better match the current service requirements. Reducing the size is expected to reduce operating costs, maintenance costs and serving costs. This will provide the financial capacity to absorb price increases associated with full compliance with legislated inspection requirements.

Reviewing the vessel size for cost savings is being prioritised over other ferry service adjustments or increases to the budget.

Attachment A

**COMERONG ISLAND FERRY
USAGE DATA**



Notes:

1. There are some gaps in the data due to technical issues with the recording system.
2. In November 2015 the ferry was removed from the water for servicing.



The Comerong Island Ferry service has operated since the early 1800's, when it was originally a manual punt service. Since the introduction of the original punt service there has been a number of changes to the service to accommodate shifts in the Island demographic and land use.

Over time Council has reviewed the ferry service and is about to review the service requirements again. There are a number of matters to be considered, such as, changes to the residential configuration on the island, and the increase in use and access to the National Park, by visitors, mainly walkers, fisherman and surfers, and the cost of providing the ferry service to the Island.

Council Assets and Works Group recently reviewed the financial efficiency of the ferry service and a number of recommendations were proposed including the replacement of the current ferry, the 'Cormorant', with a smaller more suitable ferry, reviewing the current pricing structure and service operating hours.

Council will be exploring these recommendations further and collecting more information to better inform any decisions regarding a future service. More data is required regarding who actually uses the service, and what is the reason, for using the ferry and visiting the Island? As well as feedback from residents and users of the service regarding their expectations and issues.

The Ferry contractor will be collecting additional information from residents, visitors and other users of the ferry service. Once the additional information has been collected Council will invite residents and other users to an information session to discuss the review, inform users about the recommendations and options, and invite feedback and discussion.

It is Councils intention to provide information and engage with the community throughout the review period. You will receive regular updates and correspondence regarding the timing of meetings and how the review is progressing.

All comments and feedback are encouraged and can be either mailed to Council quoting **reference number 457322E** Comerong Island: Shoalhaven City Council, PO Box 42, Nowra, NSW 2541 or email **reference number 457332E** Comerong Island to council@shoalhaven.nsw.gov.au



User Survey Information:

COMERONG ISLAND FERRY SERVICE

Name

Date/...../..... Email (optional)

Do you own a property on the Island? Yes No

If you have property on the Island do you live there permanently part time

Lot number:

What is your the main reason for using the Ferry service?

1. Permanent Resident of the Island returning home or leaving for the day
2. Part time resident on holiday or just visiting
3. NPWS – work
4. Shoalhaven City Council - work
5. Farmer tending to animals or working on the property
6. Recreation – fishing (f), walking (w), surfing(s), bushwalking (bw), tourist (t)
7. Holidaying in one of the properties but not a ratepayer
8. Other

How many times a year would you use the ferry service?

Please circle

Up to 25 26 to 50 51 to 100 101 to 150 more than 151

Comments;

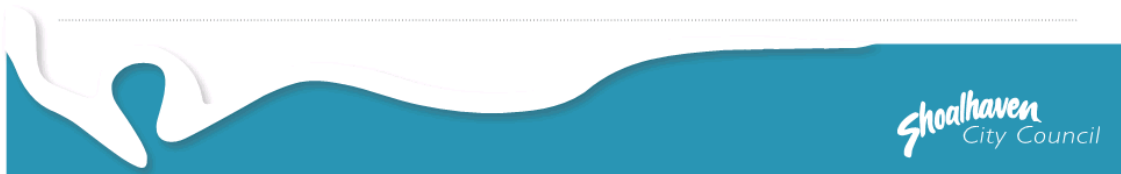
.....

.....

.....

.....

.....



Attachment C

Mr Tony Fraser 3rd January 2018
Section Manager, Works and Services
Shoalhaven City Council
PO Box 42 NSW 2041

Dear Tony,

Thank you for coming to the Island to address Island residents and landholders who are affected by proposed changes to the operation of our ferry. As you witnessed, there is strong feeling against any lessening of our facility and weakening of the vital service to our community, and Island visitors.

Over the last 20 years, we have seen the imposition of Council regulations impact on our right to peaceful occupation of our properties. Our quality of life has suffered, our ability to manage our assets has reduced and our property values have suffered.

We would like to plead to Council that in fairness, rather than reducing our service, it should be RESTORED!!.... for no other reason than to bring us back into line with other communities living and working in the Shoalhaven.

In answer to the points raised at the meeting we would like to submit the following:

Ferry Size.

We reject the idea of reducing the size and capability of the ferry. Our farmers are worried that farm vehicles and freight transport will be further compromised. Residents point out that road maintenance and levee works require heavy vehicles and loads. We believe that the arbitrary 20 tonne limit is too low and ask that Council re-instate the 36 tonne limit that applied to this same ferry 20 years ago.

Fee for Use.

The fee was imposed on Ferry usage in 2004. We agreed to the \$4 charge as a show of our goodwill towards Council, knowing that we risked imposing conditions on our access and ultimately risking the value of our asset. Council unilaterally raised the charge 250% to \$10 without consultation. We reject any proposal to increase the fee. Since the imposition of the charge, the time taken to sell houses on the Island has risen significantly.

Reduced Hours.

It is patently unfair that we be limited as to access by further reduction of operating hours. The present operation of "Call Outs" is working adequately but we do not want to see any increase in that facility at the expense of existing operating hours.

Council has stated that they want to sell the Ferrymasters house. We think that would be a DISASTER!! We have had accidents and health scares that require urgent transport to hospital. If the ferry operator is living away from the ferry any delay could result in death. The Council should think long and hard before imposing that risk on our community.

Over the past 30 years the Shoalhaven Heads have been open to the sea for about 20% of the time. When we are surrounded entirely by water, our ferry is vital for not only the Island community but for servicing the beach in cases of accident and emergency at sea. We have 4km of un-patrolled beach which has seen boats washed ashore and swimmers endangered. Police and emergency vehicles should not be hindered by delaying or reducing access.

We enjoy living on Comerong Island and respect the history of the island's beginnings, nearly 200 years ago. The Heritage aspect of our community is something that we all value, and we appreciate the Councils' contribution to our Ferry as an important part of it. We will happily give assistance where possible to help generate more tourism revenue for the Council should the Island be promoted as a high profile tourist destination.

SA18.92 Waste Services Facilities Resourcing Model

HPERM Ref: D18/58861

Group: Assets & Works Group
Section: Works & Services

Purpose / Summary

This report provides an update on the resourcing of Council's Recycling and Waste Facilities, which was implemented in 2016 following the collapse of the contractor that operated the facilities (under contract).

Recommendation (Item to be determined under delegated authority)

That Council endorses an internal resourcing model for the provision of Waste Services, including management and staffing all 10 waste transfer stations, recycling centres, buy back centres and landfills.

Options

1. Accept the recommendation (preferred option)

Implications: The internal provision of resources has provided financial and customer service benefits. Council will continue to provide the efficient waste operations to the community.

2. Outsource the operation of Council's waste transfer stations

Implications: Council will be at risk of contractor collapse (like in 2016) which will impact the short-term continuity of service. The service has been operating effectively and efficiently since 2016 using internal resources, with improvements being achieved. Council now owns the necessary equipment to provide the services.

There are no obvious benefits to engaging a contractor to provide this service.

Background

Prior to February 2016, Council Recycling and Waste Facilities were operated with a combination of Council staff and contractor staff. The three weighbridge facilities (West Nowra, Huskisson & Ulladulla) had Council staff managing the landfill and weighbridge component, while a contractor managed the recycling and transfer components and the operation of the 7 small transfer facilities.

At the time the contractor was Subloos Pty Ltd. On 9 February 2016, Subloos went into administration and ceased to operate. Council continued the service initially by utilising labour hire staff and then by employing additional staff on 2 year fixed term contracts. In addition, storage bins and plant items had to be purchased (previously supplied by the contractor).

During this period, a review into waste operations was progressing. On 15 March 2016 Council resolved that, in part:

- a) *Staffs and operates Council's Waste Transfer facilities, using internal resources, until community consultation of the future provision of Waste Services has been conducted*

and any changes are implemented, except as outlined in Part b) of this recommendation. Additional staff required will be engaged on fixed term contracts with a maximum term of 2 years.

- d) *Provides a further report to Council following the community engagement, including providing a detailed assessment comparing providing 'in-house' services against the current 'outsourced' model.*

Community consultation on the provision of Waste Services took place between June 2016 and February 2017, with Council resolving on 18 April 2017 to retain the operation of all the waste and recycling transfer facilities, but with changes in operating times.

The term employment contracts for staff appointed during this time are now due to expire. Consideration of the service delivery model (internal or external resources) is now required.

Outcomes of Internal Delivery Model

Following the collapse of the contractor, Waste Services absorbed the daily management of transfer station operation, bulky waste pick up service, waste transportation from stations to West Nowra landfill and Buy Back centre operations. This required:

- Purchase of one hundred and thirty eight large hook lift and front lift transfer bins;
- Engagement of a transport contractor to transfer bins from small depots to the landfill at West Nowra, and the recyclables to various recyclers;
- Managing the sale of recyclable products for the best benefit of Council;
- Changes to the supervisory structure to optimise the supervision of 53 staff operating over 10 facilities some of which are 7 days per week;
- Employment of 47 temporary fixed term staff; and
- Implementation of Community Recycling Centres.

The outcomes of directly managing the full provision of services have been very positive, with tangible and intangible benefits, including:

- Net operational saving of resourcing the service is \$200,000 per year;
- The increased number and availability of staff across the 10 facilities has provided a greater amount of flexibility managing workloads and absences.
- When the new Community Recycling Centres (CRCs) for household problem wastes were installed at all 10 facilities, part funded by EPA, Waste Services were able to absorb the additional workload seamlessly, demonstrating an agile workforce that embraced the changes.
- Waste Services realised the ability to utilise the green and bulky truck and the CRC truck and staffing to perform additional tasks at the outlying facilities and to transport lightweight materials (ie polystyrene) to West Nowra. In the past a contractor would have to be hired for that specific purpose, which would have been more costly and inefficient.
- All staff on site are employed by the same organisation, with the same safety system, avoiding complications that have occurred in the past where a contractor's safety system is not properly synchronised with Council's. WorkSafe NSW has complimented the change, noting that communication and safety direction at the facilities is now clear and direct.
- There has been a greater focus on recovering reusable and recyclable items from the waste stream, increasing diversion from landfill and revenue from sales.

- Waste Services have received 20 written compliments in the last year compared to only 7 in 2015 while the contractor was operating.

Overall, customer service has improved, the workforce has become agile and able to effectively respond to change and the net cost of providing the service has reduced.

There have been no adverse impacts of bring this service in-house.

Financial Implications

Annual payments to Subloos to perform the contract were nearly \$1.3 million less than the full annual cost for Council to provide the staff (including extra supervision and administration services), vehicles, plant, transfer bins and a contractor to transfer the waste to landfill.

However, the former contractor generated income from sales of recyclables and income earned at the buyback centres. This income is now retained by Council.

Sales of recyclables and income generated at the buyback centres (approximately \$1.5 million) are earnings to Council. The net overall savings to Council, since providing the fully in house service, has been approximately \$200,000 per year. Council has provided more staffing than the contractor had in place, which is attributed to the improved presentation and management of the facilities.

Waste Services is fully funded by the Waste Reserve and the savings offset movements in the reserve.

Risk Implications

Reverting to an external delivery model will again expose Council to the risk of collapse by the contractor. Waste Management is a critical service provided to the community and continuity of the service can be assured with internal resourcing.

The development of Resources Recovery Park (tenders currently being assessed) will further change the level of resourcing required to deliver Waste Services. Maintaining the internal services will provide the flexibility to make adjustments as the service needs change.

SA18.93 Energy from Waste Inquiry

HPERM Ref: D18/111672

Group: Assets & Works Group
Section: Works & Services

Attachments: 1. Attachment A - Terms of reference [↓](#)
2. Attachment B - SCC Submission [↓](#)
3. Attachment C - Recommendations & Report - NSW Government [↓](#)

Purpose / Summary

To inform Council that the State Government has completed an inquiry into 'Energy from Waste', which also considered the Waste Levy.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Accept and note the report on the NSW State Government's Inquiry into 'Energy from Waste', completed on 28 March 2018; and
2. Continue to make representations to the State Government through local MP's in both Houses, to have Shoalhaven reclassified as per the Inquiry recommendation.

Options

3. As recommended (preferred option)

Implications: Council made a submission to the inquiry, including attending a hearing. The Government's response to the inquiry recommendations are due in September 2018. If Shoalhaven was reclassified, a significant saving and reduction in costs to residents, ratepayers and businesses would be achieved.

4. Council makes an alternative resolution.

Implications: Council is making ongoing representation to the Government about the impact of the Waste Levy in the Shoalhaven. The Inquiry recommendations supports this advocacy.

Background

The Parliament of NSW established an inquiry into 'Energy from Waste' on 6 April 2017. The Inquiry was on matters relating to the waste disposal industry, with a focus on energy from waste. The role of Waste Levy was also considered. The Terms of Reference for the inquiry are provided at **Attachment A**.

Energy from waste is the process which energy is obtained by thermal treatment processing (e.g. burning) of waste. Energy from Waste facilities require a large throughput of waste for them to be viable, so this technology has not been investigated in detail previously. Staff were not able to provide any comment on these issues to the Inquiry.

The interest was the levy, which has been the subject to ongoing representation to the State Government about the impact on rate payers through increased waste disposal costs and limited funds that are returned to fund programs that *encourage recycling and divert waste away from landfill*.

Council provided a written submission to the inquiry (**Attachment B**) on 31 July 2017 and attended a hearing on 7 August 2017. The Inquiry released their report on 28 March 2018 (recommendations are provided at **Attachment C**), noting **Recommendation 3 states:**

“That the NSW Government reclassify Shoalhaven City Council from the Metropolitan Levy Area to either the Regional Levy Area or the unregulated area.”

Council’s current gate charge is \$347/t, being \$177.25/t (Council operating costs), \$138.20/t (levy) and \$31.55/t (GST). If the levy was changed to the Regional amount (\$79.60/t) our gate charge would reduce to \$282.54/t. If there was no levy the charge would be \$195.00/t.

The potential changes to the gate charges, if the Government changed the classification of the Shoalhaven, is summarised in the Table below.

Levy area	Levy	Council Gate charge (incl GST)	% reduction to current	Est Annual levy payment
Metro	\$138.20/t	\$347.00/t	-	\$8.9 million
Regional	\$79.60/t	\$282.54/t	18.6%	\$5.1 million
Unregulated	\$0/t	\$195.00/t	43.8%	\$0

The full report is at www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiries

The Government’s response to the report is due on 28 September 2018.



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 6 – PLANNING AND ENVIRONMENT

‘Energy from waste’ technology

TERMS OF REFERENCE

That Portfolio Committee No. 6 inquire into and report on matters relating to the waste disposal industry in New South Wales, with particular reference to ‘energy from waste’ technology, and in particular:

- a) the current provision of waste disposal and recycling, the impact of waste levies and the capacity (considering issues of location, scale, technology and environmental health) to address the ongoing disposal needs for commercial, industrial, household and hazardous waste
- b) the role of ‘energy from waste’ technology in addressing waste disposal needs and the resulting impact on the future of the recycling industry
- c) current regulatory standards, guidelines and policy statements oversighting ‘energy from waste’ technology, including reference to regulations covering:
 - i. the European Union
 - ii. United States of America
 - iii. international best practice
- d) additional factors which need to be taken into account within regulatory and other processes for approval and operation of ‘energy from waste’ plants
- e) the responsibility given to state and local government authorities in the environmental monitoring of ‘energy from waste’ facilities
- f) opportunities to incorporate future advances in technology into any operating ‘energy from waste’ facility
- g) the risks of future monopolisation in markets for waste disposal and the potential to enable a ‘circular economy’ model for the waste disposal industry
- h) the transport of all classifications of waste and recyclable materials out of New South Wales and the consequences for waste disposal, government revenue and environment programs, employment, roads and transport routes, and the environment
- i) the prevalence and scale of illegal dumping across New South Wales and the actions of the NSW Environment Protection Authority to address it, and
- j) the sustainability and impacts of the current waste and landfill regime on human and environmental health, including drinking water, soil contamination, fire hazards and emissions
- k) any other related matter.

Committee membership

The Hon Paul Green MLC	Christian Democratic Party	<i>Chair</i>
The Hon Shayne Mallard MLC	Liberal Party	<i>Deputy Chair</i>
Dr Mehreen Faruqi MLC*	The Greens	
The Hon John Graham MLC*	Australian Labor Party	
The Hon Taylor Martin MLC*	Liberal Party	
The Hon Matthew Mason-Cox MLC	Liberal Party	
The Hon Penny Sharpe MLC	Australian Labor Party	

* Dr Mehreen Faruqi MLC is substituting for Mr Jeremy Buckingham MLC from 18 August 2017 for the duration of the inquiry.

* The Hon John Graham MLC is substituting for the Hon Ernest Wong MLC from 23 August 2017 for the duration of the inquiry.

* The Hon Taylor Martin MLC replaced the Hon Lou Amato MLC as a substantive member of the committee from 30 November 2017.

Portfolio Committee No. 6 – Planning and Environment**Energy from Waste Technology****Shoalhaven City Council Submission****Introduction**

The Shoalhaven may be considered to be a small player in the waste industry. However, with our mix of rural and urban areas, and a dispersed community over a large area, we believe that we are able to speak on behalf of regional communities who don't fit the dynamics of a typical Sydney Metropolitan waste service.

The Shoalhaven is a coastal Council occupying 4,660km² of land area with a population of 100,000 in 49 towns and villages. The travel distance from the North of the Shoalhaven to Sydney is 140km and from the South of the Shoalhaven to Sydney is 270km. The tyranny of this distance has a significant effect on the economic viability of many recycling options.

This submission primarily focusses on part a) *the provision of waste disposal and recycling, the impact of the waste levy and capacity to address ongoing needs.*

- a) *the current provision of waste disposal and recycling, the impact of waste levies and the capacity (considering issues of location, scale, technology and environmental health) to address the ongoing disposal needs for commercial, industrial, household and hazardous waste***

Current provision of waste disposal and recycling

The Shoalhaven provides waste and recycling kerbside collection services in all the urban areas, with an optional collection service in the rural areas. In order to provide equitable opportunities to residents for recycling and waste drop offs, Council operate ten recycling and waste transfer facilities across the LGA, including one large licenced putrescible landfill, a small inert waste landfill with transfer of putrescibles, and eight other recycling and waste transfer facilities of varying sizes and operating hours and days.

The scale of the operation varies from Bendalong which is open 2 mornings per weekend and averages 27 tonnes per month through 111 transactions, to West Nowra which is open 7 days per week and averages 5,857 tonnes per month through 4,342 transactions.

Nine of the facilities operate at a financial loss and rely on West Nowra (the largest facility) to subsidise their operating costs. This is typically a problem for regional areas. The total cost of operating facilities is similar to metropolitan facilities but the throughput of waste or recycling is so small that facilities are not financially viable unless the gate price is increased three, four or even tenfold.

The recycling achieved at each of Council's 9 transfer facilities varies between 47% and 67%, and the recycling achieved at West Nowra is 14.1%.

Metro cities with a population of about 100,000 such as Rockdale (land area of 28km²) or Holroyd (land area of 40km²) would require a very different form of domestic waste and recycling service, so the blanket approach taken by EPA on recommending solutions to waste collection and disposal needs to be tempered for the different characteristics of each unique Council.

Most regional areas rely on their local Council to provide waste disposal facilities because there is simply no commercial attraction for the private sector to be involved in small scale facilities. In the Shoalhaven the only commercial waste recycling facilities are the concrete and brick recyclers and the Materials Recovery Facility that sorts our commingled bins. Otherwise, Council facilities provide the only disposal option for commercial and building waste. The alternative could be a very long haul to a disposal facility. In Metropolitan areas, Councils manage the domestic waste for their residents while commercial and building waste is managed by the private sector.

Impact of waste levies

At \$138.20/tonne the waste levy currently makes up 40% of the Shoalhaven's landfill gate fee and adding GST into the mix the tax on the landfill gate fee is 50% of the fee.

The intent of the levy "*to encourage recycling and divert waste away from landfill*" should be applauded. However, the practical application has resulted in some perverse outcomes, as outlined below:

1. Applicability and fairness –

As a regional area with low socio economic indicators (see Table 1) and high unemployment, the Shoalhaven is regulated together with the Sydney Metropolitan levy area and charged a levy of \$138.20/t. In comparison, the Blue Mountains and Wollondilly, both clearly closer in distance to Sydney (see Map 1) and more economically empowered (Table 1), are classified as being in the Regional Levy area and charged a levy of only \$79.60/tonne. Eurobodalla, the Shoalhaven's immediate southern neighbour, on the other hand, is considered to be outside of the levy regulated areas and does not get charged any waste levy.

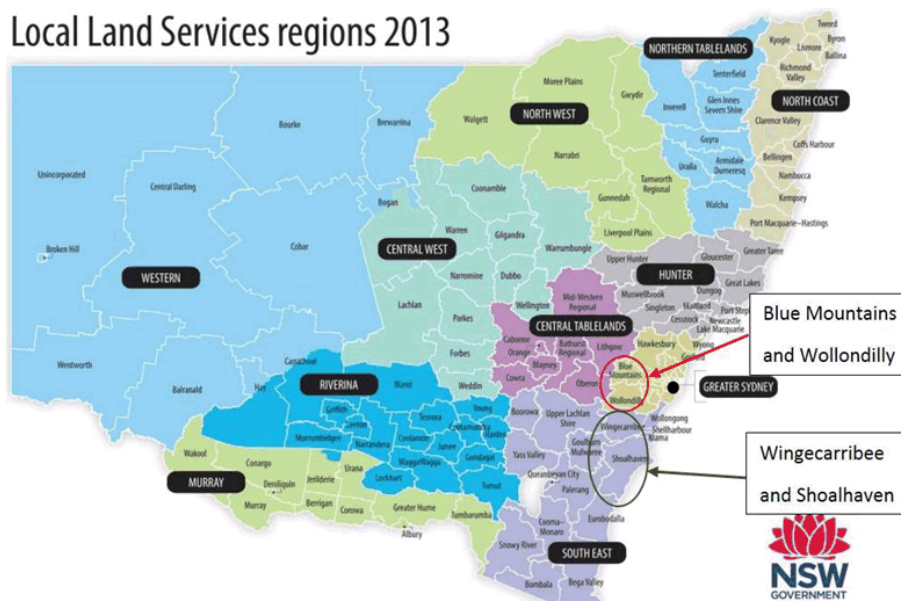
We believe that the list of Local Government Areas being charged the waste levy needs to be reassessed. The assessment needs to consider factors such as distance to recycling processors, quantum of waste produced in the LGA and affordability (level of socio economic disadvantage in the community).

Table 1 – ABS Index of Relative Socio economic disadvantage (SEIFA)

LGA	SEIFA Index of Disadvantage (Higher score is better)	Position out of 153 NSW Councils
Blue Mountains	1038.6	26
Wollondilly	1033.6	28
Sydney	1019.9	35
Shoalhaven	954.6	92

Map 1: - Location of Shoalhaven, Blue Mountains and Wollondilly with respect to Sydney

Local Land Services regions 2013



2. Location of downstream processing for recyclable materials – Regional areas are challenged further by the relatively higher cost of hauling recyclable materials to the downstream processors. Downstream processors generally require high volumes of materials for cost effective processing of recyclables. Processing factories logically select a location for their operation that is close to the largest source of material, generally within in the Sydney Metropolitan Area. So a regional area such as the Shoalhaven faces the high cost of recycling, the high cost of transport and the highest available levy on landfill.

3. Use of levy income by the State Government – Table 2 below sets out the total of levy funds paid by the Shoalhaven City Council to the EPA over the four years of their first Waste Less Recycle More (WLRM) funding program. This is contrasted with the amount of WLRM funding received by the Shoalhaven over the 4 years. Council received 5.2% of our total contribution over the 4 year program. Council has not been able to ascertain what has been done with the remaining 95% of the levy payments, except to say that the funds are considered to be consolidated revenue for the NSW government and allocated to programs or projects as needed.

Table 2 – Levy funds paid by Shoalhaven to EPA over the last 4 years

Year	Levy paid to EPA	Waste Less Recycle More (WLRM) Funding		%
		Non-contestable grant funding received	Contestable grant funding received	
2013/14	\$7,180,315	\$246,500	\$215,088	6.4%
2014/15	\$7,954,973	\$246,500	\$341,169	7.4%
2015/16	\$10,021,983	\$231,355	\$112,800	4.2%
2016/17	\$8,194,997	\$231,000	\$111,540	4.2%
Total	\$33,352,268	\$955,355	\$780,597	5.2%

The EPA will make \$337million available over the next 4 years as funding for the WLRM program. While on the surface of it this appears to be a lot, the levy payments to the EPA over these 4 years will be about \$2,520 million with only 13% of this being returned to the sector.

There are barriers to actively pursuing the funds that are available. The criteria for funding are very tight, including the requirement to complete a project within the WLRM program timeframe) and the need to provide co-contributions. This requires shovel ready projects and sufficient financial reserves. However, infrastructure projects require long term planning, design, development approvals, tendering and contracting. The DA process on its own can take a year or more of preparation and up to a year for a decision.

To access funds Council needs to be convinced that the application for funding will be successful, and the application itself requires a specialist, to draft the business plans, concept designs and myriad of justifications as to why the grant is necessary. With resource poor Councils this function needs to be contracted to a Consultant, with the applicable consulting fees. Then the EPA may reject the funding application because someone else has a better application, or the funds allocated to that type of activity are exhausted.

As a result, easy to start projects such as funding consultants to do a report, or funding a litter or illegal dumping program, are popular. However, these don't address the issue of improving recycling. Projects are also confined to those that meet EPA set criteria

4. Potential recommendations for levy use – The State Government has access to more than \$630million in levy funds every year. Very little of that (13 to 14%) goes back as funding for the Waste Less Recycle More Program

Council recommendation for use of that money, is to provide research assistance to entrepreneurs who have innovative ideas about recycling certain materials. For example, a few years ago a local Shoalhaven entrepreneur tried to set up a cathode ray tube recycling facility based on his own backyard research and mortgaging his family home to fund the venture. After exceeding stockpile limits at his facility he was ordered by the EPA to cease operating. As a result he could no longer fund the operation and was declared insolvent.

There were no other processors at the time who were able to process CRT screens and this could have been a cutting edge technology and solve many concerns about lead based CRT's being landfilled. It could be argued that the EPA should have been more proactive in this instance and utilised levy funds to invest in university research to prove or disprove the process. If the process can be proved to be viable, the levy funds should be put into the start up of the business to ensure that Australia has a viable CRT recycler. This would have provided a lot of kudos for the EPA, solved a recycling problem (not only for NSW but also for the rest of Australia) and secured employment for the 20 odd staff employed by the business.

Sorting out potentially recyclable materials is a costly exercise (using manpower or machines), and the transport of the recycle to processors (usually based in the Sydney Metro Area) incurs a high cost, especially in the regional areas where the throughput of materials is low. Council therefore recommends that the EPA change the funding criteria and allow for operational funding for additional staff, plant or vehicles required to perform the recovery, sorting and recycling function.

5. Modification of the waste regulations that would improve recycling –

Regulations to manage waste in NSW are considered to be extreme. Certain components of the regulation have been introduced on the basis that rogue operators are doing the wrong thing and the legislation is required to close the loopholes.

For example, the definition of waste in the POEO Act is so broad that it deems construction materials that arrive at a landfill site (to construct a road for example) to be waste, and therefore subject to the levy. Council pays the levy on all construction materials, submits a deduction application to the EPA, waits until an EPA officer signs off that it can be exempted, and then claims the deduction. Apart from the fact that the deduction cannot be guaranteed, this puts all the control back in the hands of the EPA, and creates a bureaucratic quagmire for Council's who are typically resource starved.

The Regulation also limits the stockpiling of recyclable materials for more than 12 months. This is designed so that those same rogue operators cannot leave "waste" in a stockpile for years without paying the levy on it. However, regional areas with low populations may take three years to build up a stockpile of recyclable material in sufficient quantity to economically transport it to a downstream processor.

The regulations appear to be informed by Sydney Metropolitan waste issues, with very little consideration given to the different circumstances in the regional areas.

Capacity to address the ongoing disposal needs

b) the role of 'energy from waste' technology in addressing waste disposal needs and the resulting impact on the future of the recycling industry

Energy from Waste Technologies require a high throughput of waste (100,000 to 200,000 tpa) in order to operate economically. The Shoalhaven, as with most regional areas, does not have the required quantities required. The NSW Policy on Energy from Waste, which requires higher levels of recycling (waste hierarchy) prior to permitting energy technologies, would have the effect of further reducing the available waste quantities.

As a result, the Shoalhaven cannot formally comment on the role of Energy from Waste.

It is understood, however, that energy from waste facilities can consume those hard to recycle components of residual waste, and if the EPA is serious about its commitment to divert waste away from landfill, then energy from waste needs to be incorporated as a State priority.

c) current regulatory standards, guidelines and policy statements overlooking 'energy from waste' technology, including reference to regulations covering:

- i. the European Union**
- ii. United States of America**
- iii. international best practice**

The Shoalhaven is not in a position to comment.

d) additional factors which need to be taken into account within regulatory and other processes for approval and operation of 'energy from waste' plants

The Shoalhaven is not in a position to comment.

e) the responsibility given to state and local government authorities in the environmental monitoring of 'energy from waste' facilities

The Shoalhaven is not in a position to comment.

f) opportunities to incorporate future advances in technology into any operating 'energy from waste' facility

The Shoalhaven is not in a position to comment.

- g) the risks of future monopolisation in markets for waste disposal and the potential to enable a 'circular economy' model for the waste disposal industry, and**

The Shoalhaven is not in a position to comment.

- h) any other related matter.**

LEGISLATIVE COUNCIL

'Energy from waste' technology

Recommendations

- Recommendation 1** 18
That the NSW Government ensure that all funds allocated to the Waste Less, Recycle More program be spent in accordance with the program.
- Recommendation 2** 18
That the NSW Environment Protection Authority undertake an audit of the Waste Less, Recycle More program to ensure that the funds are fully expended to meet the objectives of the program.
- Recommendation 3** 20
That the NSW Government reclassify Shoalhaven City Council from the Metropolitan Levy Area to either the Regional Levy Area or the unregulated area.
- Recommendation 4** 27
That NSW Government hypothecate 100 per cent of the waste levy funds contributed by local councils back to these organisations to provide waste management services, including waste reduction, avoidance and re-use programs, and environmental programs and to encourage the development of innovative waste management technology.
- Recommendation 5** 27
That the NSW Government investigate opportunities to hypothecate a proportion of waste levy funds contributed by the waste industry back to the industry to support waste management solutions and the development of innovative waste management technology.
- Recommendation 6** 27
That the NSW Government urgently consider attaching the waste levy to the waste generator in New South Wales, particularly for large waste generators or operators of large sites.
- Recommendation 7** 28
That the NSW Government investigate options for reforming the waste levy grant system, including providing greater flexibility in the grant guidelines for waste management projects.
- Recommendation 8** 36
That the NSW Government amend the Protection of the Environment Operations Legislation Amendment (Waste) Regulation 2017 to make it an offence to exhume waste from landfill sites.
- Recommendation 9** 36
That the NSW Government allocate additional resources to support the policing of illegal dumping.
- Recommendation 10** 36
That the NSW Environment Protection Authority strengthen its liaison with NSW Police when it comes to illegal activity in the waste sector, with formal protocols made public, and specifying the channels through which this liaison occurs.
- Recommendation 11** 36
That the NSW Government allocate additional resources to, and expand the number of, Regional Illegal Dumping (RID) squads.

PORTFOLIO COMMITTEE NO. 6 - PLANNING AND ENVIRONMENT

Recommendation 12	37
That the NSW Environment Protection Authority immediately increase the use of vehicle trackers and other surveillance techniques, including drones, to prevent illegal dumping.	
Recommendation 13	37
That the NSW Government allocate additional resources to support the enhanced use of vehicle trackers in the waste industry.	
Recommendation 14	50
That the NSW Environment Protection Authority:	
<ul style="list-style-type: none"> • develop and implement a state-wide approach to ending the interstate transportation of waste • pursue a national approach to addressing the interstate transportation of waste in collaboration with its counterparts in other jurisdictions. 	
Recommendation 15	66
That the NSW Environment Protection Authority provide more detailed information concerning the emissions regime for energy from waste facilities, including explicit reference to international best practice standards, in the <i>Energy Recovery Facility Guidelines</i> .	
Recommendation 16	66
That the NSW Environment Protection Authority set licensing conditions that meet current international best practice for emissions standards, and that licensing conditions be drafted so as to incorporate any future improvements in emissions standards	
Recommendation 17	67
That the NSW Environment Protection Authority set out the expected community engagement practices and outcomes a proponent must comply with to receive the necessary approvals and community support to operate an energy from waste facility in the <i>Energy Recovery Facility Guidelines</i> .	
Recommendation 18	67
That the NSW Department of Planning and Environment require applicants for energy from waste facilities to provide a short, high-level summary of the Environmental Impact Statement, and that this document be published on the department’s website, in addition to the full Environmental Impact Statement.	
Recommendation 19	68
That the NSW Government establish an expert advisory body on energy from waste chaired by the Chief Scientist to examine and report on the energy from waste regulatory framework to create certainty for the market and communities, with particular reference to:	
<ul style="list-style-type: none"> • changes required to the <i>Energy from Waste Recovery Guidelines</i> to guarantee that New South Wales uses only world’s best practices in emissions, emissions monitoring and residual waste disposal • consent conditions required in any planning approval to guarantee that New South Wales uses only world’s best practices in emissions, emissions monitoring and residual waste disposal • the impact of energy from waste on human health 	

LEGISLATIVE COUNCIL

'Energy from waste' technology

- the impact of energy from waste on recycling targets.

Recommendation 20	76
That, subject to the current assessment process being conducted by the NSW Department of Planning and Environment, the NSW Government not approve the energy from waste facility proposed by The Next Generation at Eastern Creek.	
Recommendation 21	110
That the NSW Government investigate options to restructure the NSW Environment Protection Authority so it can improve its performance.	
Recommendation 22	111
That the NSW Government conduct an independent review into the NSW Environment Protection Authority, with particular reference to:	
<ul style="list-style-type: none"> • assessing the adequacy of funding for the performance of its compliance, enforcement and other roles • improving its community engagement role and the effectiveness of its enforcement and compliance roles • the perceived conflict of interest between its compliance and policy and education roles. 	
Recommendation 23	111
That the NSW Government seek to amend the <i>Protection of the Environment Administration Act 1991</i> to provide for the appointment of a chairperson of the board independent of the Chief Executive Officer of the NSW Environment Protection Authority.	
Recommendation 24	114
That the NSW Government allocate additional resources to the NSW Environment Protection Authority to conduct investigations into large-scale illegal dumping activities.	
Recommendation 25	114
That the NSW Government introduce a 'fit and proper person' test for proprietors and company directors to assess whether individuals may work in the waste industry, incorporating a risk assessment based on a sliding scale.	
Recommendation 26	114
That the NSW Environment Protection Authority complete the draft protocol on calculating the quantum of the monetary benefit of illegal dumping and illegal landfilling as soon as practicable.	
Recommendation 27	115
That the NSW Government establish an independent inquiry to investigate the operation, regulation and approvals of the Mangrove Mountain Landfill site.	
Recommendation 28	120
That the NSW Environment Protection Authority regularly publish up-to-date waste data.	

PORTFOLIO COMMITTEE NO. 6 - PLANNING AND ENVIRONMENT

- Recommendation 29** **127**
That the NSW Environment Protection Authority *Waste and Resource Recovery Infrastructure Strategy* provide guidance on matters including:
- identifying appropriate precincts and locations, including buffer zones, for waste facilities
 - facilitating new infrastructure, particularly alternative waste management options and energy from waste plants
 - enabling the circular economy, including waste generator education, product stewardship, waste levies, market support initiatives and avoidance, reduction and re-use support subsidies
 - creating ‘real markets’ for secondary materials from waste.
- Recommendation 30** **128**
That the NSW Government investigate opportunities to enhance the collaborative powers of Regional Organisations of Councils to encourage investment in waste facilities, to be funded by the waste levy.
- Recommendation 31** **129**
That the NSW Government identify a government body, either an existing department or agency or a newly-created body, responsible for leading waste management infrastructure planning in New South Wales, including:
- leading the development of a waste management infrastructure plan for metropolitan Sydney, in collaboration with local government
 - identifying and zoning land, including buffer zones, for waste management facilities, in collaboration with the NSW Department of Planning and Environment and other stakeholders such as local councils
 - leading the development of a waste management infrastructure State Environmental Planning Policy, in collaboration with the NSW Department of Planning and Environment.
- Recommendation 32** **131**
That the NSW Environment Protection Authority develop and implement resource recovery criteria for landfills in New South Wales.
- Recommendation 33** **135**
That the NSW Environment Protection Authority provide additional support to local councils and resource recovery organisations to meet recycling targets and manage issues such as stream contamination, bureaucratic barriers, lack of product stewardship, and limited market opportunities.
- Recommendation 34** **136**
That the NSW Environment Protection Authority urgently investigate, identify and implement alternative solutions to the ban on the importation of recyclable plastics by China.
- Recommendation 35** **140**
That the NSW Environment Protection Authority, in collaboration with stakeholders, investigate opportunities to embed zero waste strategies and the circular economy in New South Wales.

LEGISLATIVE COUNCIL

'Energy from waste' technology

Recommendation 36

140

That that the NSW Government allocate additional resources to the NSW Environment Protection Authority to develop and implement Extended Producer Responsibility schemes.

SA18.94 Crookhaven River Bridge Upgrade - Round 3 - Bridge Renewal Program

HPERM Ref: D18/103142

Group: Assets & Works Group
Section: Asset Management

Purpose / Summary

To report on the approved part funding for Crookhaven River Bridge Upgrade (Archgate Bridge) under the Australian Government's Bridge Renewal Programme Round 3.

Recommendation (Item to be determined under delegated authority)

That

1. Council accepts grant funding offer under the Australian Government's Bridge Renewal Programme – Round 3 – for the upgrade of Crookhaven River Bridge (Archgate Bridge) in order to strengthen bridge to 166 tonne load and, to lift the weight restriction; speed restriction; and, heavy vehicle restrictions currently imposed on bridge traffic on Culburra Rd.
 - a. Federal funding is up to \$396,000 and, up to 50% of the total project cost;
 - b. Council to fund \$397,000, in accordance with the funding agreement. To be funded from Council's Bridge Renewal Program.

Options

1. Adopt the recommendation
2. Not accept the recommendation

Implications: This will mean that Council will need to fully fund the renewal of the Archgate Bridge since the bridge structure is coming to end of life and is in need of renewal. Structural assessment by MI Engineers, which was funded by the Fixing Country Roads program, has calculated approximately 2 years remaining life expectancy in the bridge.

Background

Following inspection and assessment of the existing timber members, a calculation was carried out taking into account the remaining good timber and assessing the load capacity of these members. The bridge was assessed to support a maximum of 15t on each lane or a maximum of 30t on the bridge at once.

If the existing load carrying capacity remains, it is estimated that 60% of all current heavy vehicles will be required to detour onto other roads, increasing the trip length by 10.1km.

The bridge is located on Culburra Road, an arterial road connecting Culburra Beach, Orient Point, Currarong, Callala Bay and Callala Beach with Nowra, current Average Annual Daily Traffic is 4900.

Report by MI Engineers, funded by the Fixing Country Roads program, recommends repair and strengthening without delay to increase the loading for M1600 vehicles as specified in AS5100.

Financial Implications

Grant funding is on the basis that Council match the funding. (\$397,000).

Council's funding source is the Bridge Renewal Program for 2017/2018 and 2018/2019.

SA18.94

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

HPERM Ref: D18/92003

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

Attachments: 1. Plan - Land and Easement Acquisition [↓](#)

Purpose / Summary

This report is submitted to seek Council approval to acquire part of Lot 2442 DP1074478 and an Easement to Drain Sewage variable width over Lot 2442 DP1074478 at River Rd, Sussex Inlet from L & T Pastoral Co Pty Ltd. The land is required for an existing sewer pump station and the easement is required for an existing sewer pipeline.

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.

Options

1. Resolve as recommended.

Implications: Acquisition of the land and easement is required for existing sewer infrastructure.

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

Background

Sewer Pump Station (SPS) No 1 at Sussex Inlet and associated pipelines were constructed by Shoalhaven Water in 1989 over private land, Lot 2442 DP1074478. An all-weather access to the SPS is via Council's adjoining land, Lot 116 DP30234.

A valuation undertaken on behalf of Council by Walsh & Monaghan Pty Ltd assessed compensation for both the land and easement acquisition at \$2,000, excluding GST.

A conditional offer was made at that amount, plus GST if applicable and reasonable legal costs. Mr Ralph Lucas, a Director of the owner company, has advised that the offer is acceptable.

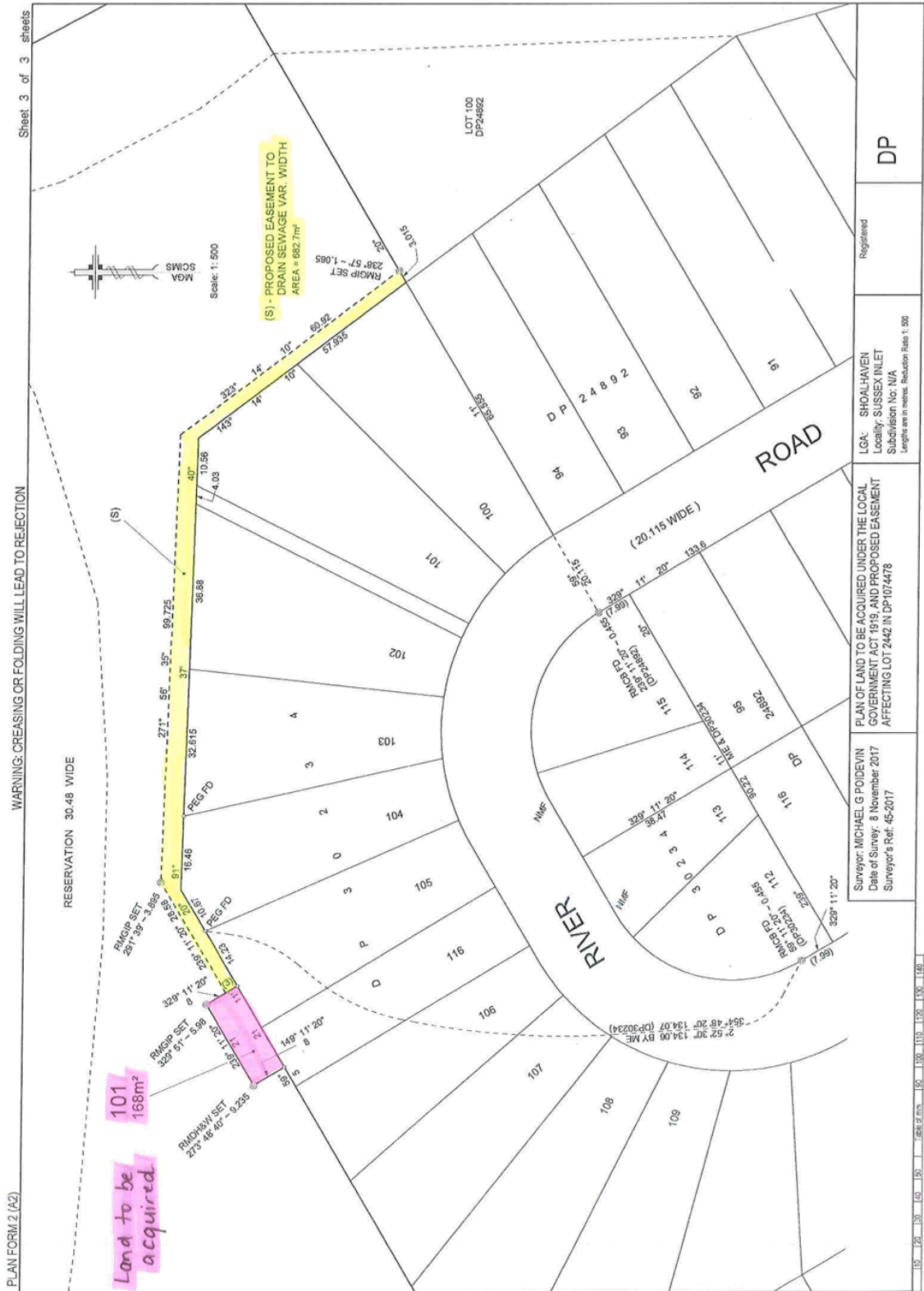
The compensation has been based on the acquisition of 168sqm of land and an easement area of 682.7sqm

Financial Implications

The compensation and reasonable costs associated with the acquisition are to be funded from Council's Sewer Fund. GST is applicable to this transaction.

Risk Implications

Acquisition of the land and the access easement are necessary to secure Shoalhaven Water's legal operation and maintenance of the supply of essential public infrastructure. The proposed action is administrative and has no environmental impact.



Sheet 3 of 3 sheets

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

PLAN FORM 2 (A2)

Registered	DP
LGA: SHOALHAVEN Locality: SUSSEX INLET Subdivision No: N/A Lengths are in metres. Reduction Ratio 1:500	
Surveyor: MICHAEL G POIDEVIN Date of Survey: 8 November 2017 Surveyor's Ref: 45-2017	PLAN OF LAND TO BE ACQUIRED UNDER THE LOCAL GOVERNMENT ACT 1915 AND PROPOSED EASEMENT AFFECTING LOT 2442 IN DP/107/4478

SA18.95 - Attachment 1

SA18.96 Bomaderry Sewerage Treatment Plant - Property Matters

HPERM Ref: D18/111433

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

Attachments: 1. Aerial Photo Nowra STP sludge ponds [↓](#)

Purpose / Summary

To advise Council of a proposal to consider property matters relating to the upgrade of the Bomaderry Wastewater Treatment Plant and to seek Council approval to enter into negotiations for the purchase of Lot J DP385161 and Lot K DP389887, No 74 Railway Street Bomaderry. Subject to the outcome of the negotiations, a further report is to be submitted to Council seeking approval to the terms of any proposed purchase.

Recommendation (Item to be dealt with under delegated authority)

That Council enter into negotiations for the purchase of Lot J DP385161 and Lot K DP389887, No 74 Railway Street Bomaderry.

Options

1. Adopt the recommendation.

Implications: Council will be advised of the outcome of negotiations and, if applicable, a report will be submitted seeking approval to the terms of the property purchase. The acquisition of these two properties may set a precedent for other adjoining landowners to seek Council acquisition. Any properties acquired could be included within Council's industrial land portfolio.

2. Council not enter into negotiations to purchase the property.

Implications: It is expected that further representations from the property owner and the local member would be forthcoming.

Background

The owners of Lot J DP385161 and Lot K DP389887 Bomaderry have made a formal request to Council to purchase these properties due to the proximity to the expansion of the Bomaderry Sewerage Treatment Plant (STP). The member for Kiama has also made representations to this effect.

The subject properties adjoin the Bomaderry Wastewater Treatment Plant. One lot includes a residential dwelling (74 Railway St) in which the owners reside and the other is vacant. Both properties are zoned IN1 – General Industrial.

The owners of the two properties have raised concerns relating to the proximity of the newly constructed sludge lagoons. The location of the sludge lagoons and the properties in Railway Street are shown on the attached aerial photograph.

The owners have raised strong objections to the location of the ponds and the effect on the amenity of their dwelling. They have cited concerns of odours from the ponds, the visual

impact from the dwelling, health issues for their children and the devaluation of the property. They are concerned that they will be unable to sell the property in the future.

The owners have made representations to Gareth Ward MP and have also had media coverage through the South Coast Register. The issues raised by the owners were discussed at a site meeting attended by the owners, Mr Ward and Shoalhaven Water officers.

The owners have been advised that the upgraded Bomaderry Wastewater Treatment Plant will provide a much higher standard of treatment than is currently undertaken at the plant. It will also have an advanced odour control system to capture and treat gases. A plan has been developed to plant screening trees between the ponds and properties in Railway Street to minimise the visual impacts of the new wastewater treatment ponds. Council officers also held a site meeting at Railway Street to allow residents to provide feedback on the landscaping options directly to Council staff.

However, the owners are adamant that Council should purchase the property and asked that the request be reported to Council for consideration.

Community Engagement

The upgrade to the Bomaderry sewage treatment plant is one component of the REMS 1B project. Throughout the project development there have been several phases of community and stakeholder consultation as noted below.

1. REMS 1B Review of Environmental Factors - publicly advertised and placed on exhibition in February 2015.
2. REMS 1B Addendum Review of Environmental Factors - publicly advertised and placed on exhibition in August 2015.
3. A Drop-in Community information session was held on 19 November 2016. This was advertised to residents on Railway St (including 74 Railway St) by way of a flyer letter drop and letter to the residents outlining the project status.
4. Other media advertising for the Drop-in Community information session included Council's social media pages which was an open invitation and posters at Bomaderry Public School, Nowra Anglican College and Illawarra TAFE.
5. Since construction started in November 2016 consultation and information issued to the relevant adjoining properties included:
 - a. a letter issued on 7 November 2016 containing information on the proposed infrastructure within the Tea Tree Site,
 - b. a complementing letter issued on 10 November 2017 regarding the sludge lagoons,
 - c. newsletters issued to local residents regarding construction works and providing contact details for any questions or complaints. Newsletters were issued in November 2016, April 2017 and October 2017.

Financial Implications

There are potentially six other landowners in this vicinity that may also request that Council acquire their properties. Formal valuations have not been carried out at this stage. Funding for any acquisition would be required from the sewer fund or potentially through the Industrial Land Reserve.



SA18.96 - Attachment 1

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

HPERM Ref: D18/111402

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

Purpose / Summary

Council has received a request from the property owner of 285 Tannery Road, Cambewarra, to connect their property to the town water supply. Council recently approved the extension of the town water supply along Tannery Road to overcome a historical issue which has come to light. That historical issue related to a former raw water supply system serving those other properties. The above property owner is seeking for their property to also be connected to the town water supply system, at no cost to them. This property was not served by the historical water supply system and therefore represents a different scenario.

Recommendation

That Council:

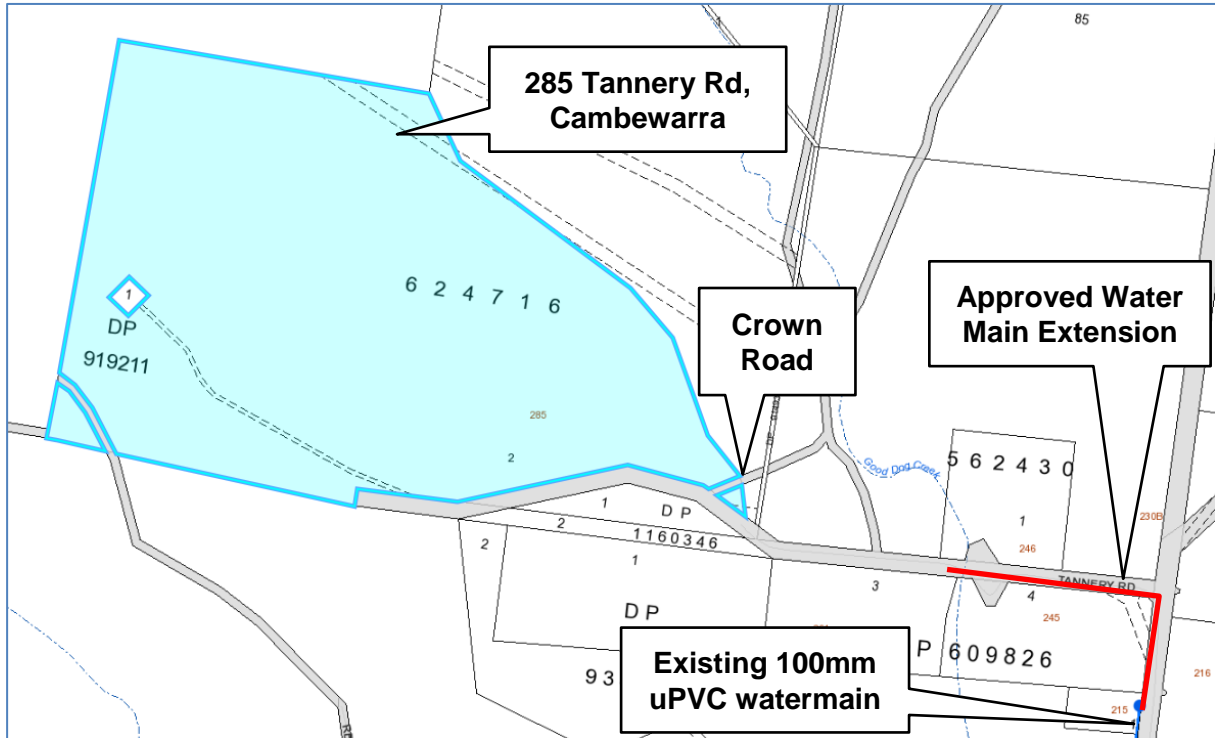
1. Approve the connection to the town water supply, subject to the property owner:
 - a. Paying the Separate System Connection fee for water supply (\$6,578.00/ET (2017/18)), and
 - b. Paying the 20mm metered service fee (\$847.00 (2017/18)), and
 - c. Extension of the water supply system in 100mm Nominal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

Options

1. As recommended
Implications: This allows the property to be connected at the landowners cost and is in keeping with council's relevant policy position.
2. Not approve the connection to the town water supply.
Implications: No implications to the existing status of the property or system.
3. Accede to the owners request and extend the main at full cost to Council.
Implications: Council staff strongly oppose this option. Such an option would set a precedent that could have very far reaching implications across the city and to the water fund. It contradicts both the intent and the details of Council's Rural Water Supply Policy.

Background

285 Tannery Road is located north of Cambewarra Village and is at the end of Tannery Rd. The property is split into two parcels by a Crown road reserve. The main parcel of land contains the dwelling house. The assessment below is based on providing water supply to the main parcel of land.



Plan showing No. 285 Tannery Rd and the location of the existing water supply system

SA18.97

Community Engagement

No community engagement has been undertaken or is required.

Policy Implications

Assessment under the Rural Water Supply Policy

The property in question is zoned Primary Production RU1 and Environmental Conservation E2. As such Shoalhaven Water has accepted the application to connect under the Rural Water Supply Policy (POL 16/96).

The property is greater than 225 metres from a water main and as such is not levied the water availability charge. Therefore in accordance with the policy the applicant needs to comply with Section 2.1 and comply with the following criteria:

- Where capacity exists in the existing system, and
- Where the current levels of service can be provided, and
- Where it can be demonstrated that the rural water supply will be of positive economic benefit (at the time of application) to the city by applying the following formula:

$$\text{Benefit} = (\text{Income from usage} + \text{Availability Charge}) - \text{Operating cost}$$

The compliance with these criteria is discussed below.

Capacity in the existing system

The property has a dwelling upon it including an in ground pool. Properties in the Cambewarra water supply zone with a pool have an average annual demand of 284.4 kilolitres (say 285kL/an). The Cambewarra water supply has adequate capacity to support an additional lot.

Current levels of service can be provided

Council's current levels of service is to provide between 15 metres to 90 metres of water pressure at the water main where the metered service is located.

Should a water main extension (100mm Nominal Size (NS)) be extended to the main parcel of land the water pressure based on hydraulic simulation would be approximately 16m (~157kPa). The water pressure is near the minimum of the levels of service provided. The maximum static pressure is ~20m (196kPa).

The current levels of service at the metered service can be achieved.

It is noted that the water pressure at the dwelling (~135m Australia Height Datum (AHD)) would be well below the levels of service (less than 5 metres pressure under the hydraulic simulation). As such the property owner will need to install a private pressurised internal system to properly service the dwelling. This internal pressurised system would be owned and maintained by the property owner.

The private internal system would comprise of a buffer tank sized to support the needs of the property and a pumping unit to pressurise and maintain the pressure at more suitable levels (say 30m – 45m). Water would gravitate in from the metered service into the tank.

Where it can be demonstrated that the rural water supply will be of positive economic benefit (at the time of application) to the city by applying the following formula:

Benefit = (Income from usage + Availability Charge) – Operating cost

Usage by urban property with pool ~285kL/annum (based on usage of dwellings with a pool in the Cambewarra area).

Rate for Usage = \$1.70/kL (2017/18)

Meter size = 20mm (Annual Charge = \$82.00 (2017/18))

Length of water main extension ~325m

Operating Cost per metre = \$1.56/m

Benefit = (285kL x \$1.70/kL) + (\$82.00) – (\$1.56/m x 325m)

Benefit = \$484.50 + \$82.00 - \$507.00

Benefit = +\$59.50

The property demonstrates positive economic benefit to the city.

Financial Implications

The cost towards the survey, design, review of environmental factors, construction, project management, etc of ~325m of 100mm NS water main is fully at the owner's expense. Based on recent minor main extensions undertaken by Council in upgrading its water supply reticulation system the overall cost may exceed \$100,000.

Should Council approve the extension of the town water supply further west from the planned water main extension (to the main parcel of 285 Tannery Rd Cambewarra) then Council will become responsible for the continued maintenance of the 100mm NS water main.

Risk Implications

No risk implications have been considered.

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.