

Strategy and Assets Committee

Meeting Date: Tuesday, 24 July, 2018
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5.00pm

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

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

Agenda

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9. Confidential Reports

Reports

CSA18.12 Tenders – Landfill Gas Services

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

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

CSA18.13 EOI Process - Sewer Pumpstation Universal Drawdown Device

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

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

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, 12 June 2018

Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra

Time: 5.00pm

The following members were present:

Clr John Wells - Chairperson

Clr Joanna Gash

Clr Amanda Findley

Clr Patricia White

Clr Nina Cheyne

Clr Annette Alldrick

Clr John Levett

Clr Mitchell Pakes

Clr Greg Watson

Clr Mark Kitchener

Clr Bob Proudfoot

Russ Pigg - General Manager

Apologies / Leave of Absence

Nil

Confirmation of the Minutes

RESOLVED (Clr Gash / Clr White)

MIN18.424

That the Minutes of the Strategy and Assets Committee held on Tuesday 15 May 2018 be confirmed.

CARRIED

Declarations of Interest

Clr Patricia White – SA18.139 Potential Sites for Sussex Inlet Library – Non Pecuniary Less than Significant Interest – Will remain in the room and will take part in discussion and vote – Assisted community to save the Uniting Church at 175 Jacobs Dr Sussex Inlet from closure.

Clr Joanna Gash – SA18.151 Councillor Briefing on the Tallyann Point and Mia Way Bushcare Action Plan reviews – Non Pecuniary Less than Significant Interest – Will remain in the room and will take part in discussion and vote – Is a member of the Mia Way Bushcare Group.

MAYORAL MINUTES

Nil

DEPUTATIONS AND PRESENTATIONS

SA18.130 - Vincentia Ratepayers and Residents Association - Review of CCB Status (Page 46)

Roslyn Vickery, committee member of the Vincentia Ratepayers and Residents Association Inc./CCB, spoke against the recommendation.

NOTICES OF MOTION / QUESTIONS ON NOTICE

Procedural Motion - Bring Item Forward

RESOLVED (Clr Gash / Clr Levett)

MIN18.425

That the matter of item SA18.130 Vincentia Ratepayers and Residents Association- Review of CCB Status be brought forward for consideration.

CARRIED

SA18.130 Vincentia Ratepayers and Residents Association - Review of CCB Status

**HPERM Ref:
D18/186715**

Recommendation (Item to be determined under delegated authority)

That Council

1. Advise the VRRRA that they are no longer recognised as a CCB of Council due to their non-compliance with the CCB Guidelines
2. Thank the VRRRA for their service to the community, in the time that they have been the CCB for Vincentia.
3. Provide an Expression of Interest to the Vincentia Community to seek alternative groups who may wish to apply to become the CCB for Vincentia. The EOI will state that any group would need to be representative of the community and show clear ways in which they would seek to bring the Vincentia community together.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN18.426

That Council continue to recognise the Vincentia Ratepayers and Residents Association as a Community Consultative Body of the Council.

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

AGAINST: Clr Findley, Clr Cheyne and Clr Levett

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr Watson / Clr Proudfoot)

MIN18.427

That the matter of item SA18.128 - Progress report 3 - Development Application for a Motor Sports Complex be brought forward for consideration.

CARRIED

SA18.128 Progress report 3 - Development Application for a Motor Sports Complex

**HPERM Ref:
D18/183862**

Recommendation (Item to be determined under delegated authority)

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

RESOLVED (Clr Watson / Clr Proudfoot)

MIN18.428

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

FOR: Clr Wells, Clr Gash, Clr White, Clr Aldrick, Clr Levett, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Clr Findley and Clr Cheyne

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr Pakes / Clr Proudfoot)

MIN18.429

That the matter of item SA18.131 Hyams Beach - Peak Period Management- Progress Update be brought forward for consideration.

CARRIED

SA18.131 Hyams Beach - Peak Period Management- Progress Update

**HPERM Ref:
D18/190799**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Agree to the proposed four step approach to finding a long-term solution for Hyams Beach which includes immediate actions, short term actions, long term actions (including revenue options, parking options, out of area parking options) and broader discussions on the overall management of tourism within the Shoalhaven.
2. Undertake a community engagement process with the whole Hyams Beach community on the proposed short-term actions and that these be provided to the community as a proposed package of projects. This package of projects to be shown as a concept plan (with maps) and include details such as traffic management, amenity upgrades, indicative timing and proposed budget allocations.
3. Continue to engage with the Stakeholder Working Group and Shoalhaven Tourism Advisory

Group on potential revenue raising options including paid parking, out of area parking and other long-term solutions.

4. Dedicate a Project Officer to work on the Hyams Beach Project coordination to ensure oversight and project management of short and long-term actions and to continue to find sources of revenue (grants or other solutions) to fund projects.
5. Continue to undertake broader discussions relating to the 360 Tourism Model and overall management of tourism with the wider community.

RESOLVED (Clr Pakes / Clr Proudfoot)

MIN18.430

That Council:

1. Agree to the proposed four step approach to finding a long-term solution for Hyams Beach which includes immediate actions, short term actions, long term actions (including revenue options, parking options, out of area parking options) and broader discussions on the overall management of tourism within the Shoalhaven.
2. Undertake a community engagement process with the whole Hyams Beach community on the proposed short-term actions and that these be provided to the community as a proposed package of projects. This package of projects to be shown as a concept plan (with maps) and include details such as traffic management (including digital traffic management), amenity upgrades, indicative timing and proposed budget allocations.
3. Continue to engage with the Stakeholder Working Group and Shoalhaven Tourism Advisory Group on potential revenue raising options including paid parking, out of area parking and other long-term solutions.
4. Dedicate a Project Officer to work on the Hyams Beach Project coordination and other heavily visited areas to ensure oversight and project management of short and long-term actions (including digital traffic management) and to continue to find sources of revenue (grants or other solutions) to fund projects.
5. Continue to undertake broader discussions relating to the 360 Tourism Model and overall management of tourism and other heavily visited areas with the wider community.
6. That all Councillors be invited to future stakeholder meetings.

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

AGAINST: Clr White

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr Pakes / Clr Gash)

MIN18.431

That the matters of the following items be brought forward for consideration.

- SA18.127 SEATS (South East Australia Transport Strategy) - report on activities
- SA18.129 Establishing a Boat Harbour within Jervis Bay - request for support
- SA18.142 Far North Collector Road – Grant Funding Approved by the Australian Government
- SA18.153 St Andrews Way Sewer Scheme - inclusion of 11 properties - Bolong Rd, Berry's Bay

CARRIED

**SA18.127 SEATS (South East Australia Transport Strategy) -
report on activities**

**HPERM Ref:
D18/180601**

Recommendation (Item to be determined under delegated authority)

That Council

1. Receive the report for Information.
2. Provide a short summary to SEATS Executive of Shoalhaven road projects for inclusion in the SEATS election strategies.
3. Supports the discussions with Goulburn-Mulwaree & Queanbeyan Palerang Regional Councils in regards to the section of Road between Nerriga & Sandy Point near Windellama be the subject of a future application as a strategic freight route.
4. Endorses a joint application from Goulburn-Mulwaree & Queanbeyan Palerang Regional Councils for the section of road between Nerriga & Sandy Point as a strategic freight route through the Heavy Vehicle Safety Productivity Program, Fixing Country Roads and the new Federal fund to support Roads of Strategic Importance.

RESOLVED (Clr White / Clr Levett)

MIN18.432

That Council

1. Receive the report for Information.
2. Provide a short summary to SEATS Executive of Shoalhaven road projects for inclusion in the SEATS election strategies.
3. Supports the discussions with Goulburn-Mulwaree & Queanbeyan Palerang Regional Councils in regards to the section of Road between Nerriga & Sandy Point near Windellama be the subject of a future application as a strategic freight route.
4. Endorses a joint application from Goulburn-Mulwaree & Queanbeyan Palerang Regional Councils for the section of road between Nerriga & Sandy Point as a strategic freight route through the Heavy Vehicle Safety Productivity Program, Fixing Country Roads and the new Federal fund to support Roads of Strategic Importance.

CARRIED

**SA18.129 Establishing a Boat Harbour within Jervis Bay - request
for support**

**HPERM Ref:
D18/185607**

Recommendation

That Council reaffirm its “in principle support” for the development of a boat harbour within Jervis Bay at a location that meets current sustainable economic, ecological, and engineering requirements and meets community expectations.

RECOMMENDATION (Clr Pakes / Clr White)

That Council reaffirm its “in principle support” for the development of a boat harbour within Jervis Bay at a location that meets current sustainable economic, ecological, and engineering requirements and meets community expectations.

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

AGAINST: Clr Findley, Clr Cheyne and Clr Levett

CARRIED

SA18.142 Far North Collector Road – Grant Funding Approved by the Australian Government

HPERM Ref: D18/135648

Recommendation

That

1. Council accepts the \$13,800,000 grant funding offer from the Australian Government for the Far North Collector Road project, and authorises the expenditure on job numbers #85979 (land acquisitions) and #85080 (design and construction) in accordance with the approved funding profile (provided below in the report)
2. The General Manager (Director Assets & Works) writes to the Honourable Michael McCormack MP, Deputy Prime Minister and Minister for Infrastructure and Transport, and Member for Gilmore, Ann Sudmalis, thanking them for his support of the Shoalhaven Community through the Australian Government’s Infrastructure Investment Program.

RECOMMENDATION (Clr Watson / Clr Proudfoot)

That

1. Council accepts the \$13,800,000 grant funding offer from the Australian Government for the Far North Collector Road project, and authorises the expenditure on job numbers #85979 (land acquisitions) and #85080 (design and construction) in accordance with the approved funding profile (provided below in the report)
2. The General Manager (Director Assets & Works) writes to the Honourable Michael McCormack MP, Deputy Prime Minister and Minister for Infrastructure and Transport, and Member for Gilmore, Ann Sudmalis, thanking them for his support of the Shoalhaven Community through the Australian Government’s Infrastructure Investment Program.
3. A further report be provided to Council on whether the timetable can be brought forward.
4. Council ask Ann Sudmalis, Member for Gilmore, to attend a Councillor Briefing to explain the grant funding for the Far North Collector Road project.
5. The General Manager (Assets & Works) consider expediting this project.

CARRIED

SA18.153 St Andrews Way Sewer Scheme - inclusion of 11 properties - Bolong Rd, Berry's Bay

HPERM Ref: D18/168645

Recommendation

That Council:

1. Resolve to connect 1260 – 1280 Bolong Rd, Coolangatta (Berry’s Bay) to reticulated sewer and amend the Delivery Program and Operational Plan to include these properties in the

capital project to sewer the residential subdivision at St Andrews Way (construction to be completed in 2019/20); and

2. The inclusion of 1260 – 1280 Bolong Rd, Coolangatta (Berry's Bay) to the St Andrews Way sewerage scheme be fully funded by Council Sewer Fund.
3. Write to each of the property owners to advise them of Council's decision.

RECOMMENDATION (Clr Pakes / Clr Cheyne)

That Council:

1. Resolve to connect 1260 – 1280 Bolong Rd, Coolangatta (Berry's Bay) to reticulated sewer and amend the Delivery Program and Operational Plan to include these properties in the capital project to sewer the residential subdivision at St Andrews Way (construction to be completed in 2019/20); and
2. The inclusion of 1260 – 1280 Bolong Rd, Coolangatta (Berry's Bay) to the St Andrews Way sewerage scheme be fully funded by Council Sewer Fund.
3. Environmental Services to write to each of the property owners to advise them of Council's decision.

CARRIED

The meeting adjourned at 7.17pm

The meeting reconvened at 7.41pm

The following members were present:

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

SA18.123 Notice of Motion - Amendment of the Proposed Rate Increase

**HPERM Ref:
D18/188534**

Recommendation

That Council amend its proposed Rate increase in the years 18-19, 19-20 and 20-21 to zero in taking the 17-18 Rate income as the accumulated base.

MOTION (Clr Watson / Clr Proudfoot)

MIN18.433

That Council amend its proposed Rate increase in the years 18-19, 19-20 and 20-21 to zero in taking the 17-18 Rate income as the accumulated base.

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

AGAINST: Clr Wells, Clr Gash, Clr Findley, Clr White, Clr Cheyne, Clr Levett and Russ Pigg

LOST

REPORT OF THE YOUTH ADVISORY COMMITTEE - 9 MAY 2018

YA18.7 Applications for Membership

HPERM Ref:
D18/141567

Recommendation (Item to be determined under delegated authority)

That Council:

1. Appoint Ms Hannah Schofield and Ms Pallas Retimaha as community members to the Youth Advisory Committee.
2. Write to Ms Schofield and Ms Retimaha to notify them of their appointment and invite them to all future meetings.

RESOLVED (Clr Pakes / Clr White)

MIN18.434

That Council:

1. Appoint Ms Hannah Schofield and Ms Pallas Retimaha as community members to the Youth Advisory Committee.
2. Write to Ms Schofield and Ms Retimaha to notify them of their appointment and invite them to all future meetings.

CARRIED

REPORT OF THE BUSINESS & EMPLOYMENT DEVELOPMENT COMMITTEE - 23 MAY 2018

BE18.17 Additional Item - Membership

Recommendation (Item to be determined under delegated authority)

That Council:

1. Accept the resignation of Peter Dryer and write to him to thank him for his contribution.
2. Advertise for nominations for membership from the community for the vacant position of community representative.
3. Increase membership of the Business and Employment Development Committee as follows:
 - a. A replacement member representing TAFE NSW;
 - b. A second position for the Shoalhaven Business Chamber, being for the President of the Shoalhaven Business Chamber; and
 - c. A representative from the Aboriginal Advisory Committee.

RESOLVED (Clr White / Clr Cheyne)

MIN18.435

That Council:

1. Accept the resignation of Peter Dryer and write to him to thank him for his contribution.
2. Advertise for nominations for membership from the community for the vacant position of community representative.
3. Increase membership of the Business and Employment Development Committee as follows:
 - a. A replacement member representing TAFE NSW;

- b. A second position for the Shoalhaven Business Chamber, being for the President of the Shoalhaven Business Chamber; and
- c. A representative from the Aboriginal Advisory Committee.

CARRIED

REPORTS

SA18.126 Illawarra Shoalhaven Joint Organisation - Appointment of Delegates and Alternates

**HPERM Ref:
D18/170746**

Recommendation (Item to be determined under delegated authority)

That:

1. Council appoint Cllr John Wells as the second voting delegate to the Illawarra Shoalhaven Joint Organisation Board;
2. Council appoint Cllr Patricia White as the alternate voting delegate to the Illawarra Shoalhaven Joint Organisation Board;
3. Appointments be for the remaining term of this Council.

RESOLVED (Cllr Gash / Cllr Findley)

MIN18.436

That:

1. Council appoint Cllr John Wells as the second voting delegate to the Illawarra Shoalhaven Joint Organisation Board;
2. Council appoint Cllr Patricia White as the alternate voting delegate to the Illawarra Shoalhaven Joint Organisation Board;
3. Appointments be for the remaining term of this Council.

CARRIED

SA18.127 SEATS (South East Australia Transport Strategy) - Report on Activities

**HPERM REF:
D18/180601**

Item dealt with earlier in the meeting see MIN18.432.

SA18.128 Progress Report 3 - Development Application for a Motor Sports Complex

**HPERM REF:
D18/183862**

Item dealt with earlier in the meeting see MIN18.428.

SA18.129 Establishing a Boat Harbour Within Jervis Bay - Request for Support

**HPERM REF:
D18/185607**

Item dealt with earlier in the meeting.

**SA18.130 Vincentia Ratepayers and Residents Association -
Review of CCB Status****HPERM Ref:
D18/186715**

Item dealt with earlier in the meeting see MIN18.426.

**SA18.131 Hyams Beach - Peak Period Management - Progress
Update****HPERM REF:
D18/190799**

Item dealt with earlier in the meeting see MIN18.430.

SA18.132 Customer Service Charter**HPERM Ref:
D18/92440****Recommendation (Item to be determined under delegated authority)**

That Council rescind the Customer Service Targets – External Customers Policy and Correspondence Standards and Signing of Official Correspondence Policy and adopt the Customer Service Charter.

RESOLVED (Clr Findley / Clr Cheyne)

MIN18.437

That Council rescind the Customer Service Targets – External Customers Policy and Correspondence Standards and Signing of Official Correspondence Policy and adopt the Customer Service Charter.

CARRIED

**SA18.133 Funding Acceptance - Department of Social Services -
Be Connected Grant - Good Things Foundation****HPERM Ref:
D18/153085****Recommendation (Item to be determined under delegated authority)**

That Council:

1. Accept the Australian Government Be Connected grant funding to the value of \$1,500 for Shoalhaven Libraries to host a series of technology training modules to the Shoalhaven community in partnership with the Kiama and Shoalhaven Community Colleges.
2. Delegate authority to the General Manager, or nominee, to accept the grant funding and acquittal of funds.
3. Write to the Australian Government accepting and thanking it for the grant offer.

RESOLVED (Clr Findley / Clr Cheyne)

MIN18.438

That Council:

1. Accept the Australian Government Be Connected grant funding to the value of \$1,500 for Shoalhaven Libraries to host a series of technology training modules to the Shoalhaven community in partnership with the Kiama and Shoalhaven Community Colleges.

2. Delegate authority to the General Manager, or nominee, to accept the grant funding and acquittal of funds.
3. Write to the Australian Government accepting and thanking it for the grant offer.

CARRIED

**SA18.134 Local Government Remuneration Tribunal -
Determination - Councillor and Mayoral Fees - 2018/2019**

**HPERM Ref:
D18/169815**

Recommendation

That Council

1. Notes the Local Government Remuneration Tribunal's Annual Report and Determination dated 17 April 2018
2. Agrees to adjust the Councillor Fee to \$19,790 and the Additional Mayoral Fee to \$43,170 for the 2018/19 financial year.

RECOMMENDATION (Clr Findley / Clr Gash)

That Council

1. Notes the Local Government Remuneration Tribunal's Annual Report and Determination dated 17 April 2018
2. Agrees to adjust the Councillor Fee to \$19,790 and the Additional Mayoral Fee to \$43,170 for the 2018/19 financial year.

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

AGAINST: Clr Kitchener

CARRIED

SA18.135 Update - Council Donations Policy Review

**HPERM Ref:
D18/169973**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Receive the report on the Update - Council Donations Policy Review for information.
2. Continue with the current donations program for the 2018/2019 financial year.
3. Receive a report providing a new Draft Donations Policy in the second half of 2018, with features as outlined in the report for 2019/2020 onwards.

RESOLVED (Clr Gash / Clr White)

MIN18.439

That Council:

1. Receive the report on the Update - Council Donations Policy Review for information.
2. Continue with the current donations program for the 2018/2019 financial year.
3. Receive a report providing a new Draft Donations Policy in the second half of 2018, with features as outlined in the report for 2019/2020 onwards.

CARRIED

**SA18.136 NSW Auditor-General's Report on Local Government
2017****HPERM Ref:
D18/172005****Recommendation (Item to be determined under delegated authority)**

That Council:

1. Receive the report provided to the Risk and Audit Committee for information
2. Note the General Manager's letter to the Director of the Office of the Auditor-General on the issue of reporting consolidated results and the inclusion of capital grants in operating results and the Auditor-General's response on these matters.

RESOLVED (Clr Gash / Clr Cheyne)

MIN18.440

That Council:

1. Receive the report provided to the Risk and Audit Committee for information
2. Note the General Manager's letter to the Director of the Office of the Auditor-General on the issue of reporting consolidated results and the inclusion of capital grants in operating results and the Auditor-General's response on these matters.

CARRIED

SA18.137 Cities Power Partnership Summit 2018**HPERM Ref:
D18/185398****Recommendation (Item to be determined under delegated authority)**

That Council

1. Notes the details of the Cities Power Partnership Summit scheduled for 18-19 October 2018 in Kiama.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

RESOLVED (Clr Pakes / Clr Cheyne)

MIN18.441

That Council

1. Notes the details of the Cities Power Partnership Summit scheduled for 18-19 October 2018 in Kiama.
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

SA18.138 Shoalhaven Swim & Fitness - Asset Management Plan

**HPERM Ref:
D17/292050**

Recommendation (Item to be determined under delegated authority)

That Council

1. adopts the Shoalhaven Swim & Fitness Asset Management Plan noting that the estimated cost to renew and operate the swim and fitness assets over the next ten years is likely to be \$50M (Renewal and Cost of Operation) and Council's long term financial plan projects an expenditure of \$37M (Capital Renewal and existing operating Budget), thus a funding shortfall of \$13M exists.
2. notes that this plan will be further discussed and refined (in the context of other Council Assets) when considering Council's Long Term Financial Plan for the 2019/2020 financial year and beyond.

RESOLVED (Clr Findley / Clr Cheyne)

MIN18.442

That Council

1. Adopts the Shoalhaven Swim & Fitness Asset Management Plan noting that the estimated cost to renew and operate the swim and fitness assets over the next ten years is likely to be \$50M (Renewal and Cost of Operation) and Council's long term financial plan projects an expenditure of \$37M (Capital Renewal and existing operating Budget), thus a funding shortfall of \$13M exists.
2. Notes that this plan will be further discussed and refined (in the context of other Council Assets) when considering Council's Long Term Financial Plan for the 2019/2020 financial year and beyond.

CARRIED

SA18.139 Potential sites for Sussex Inlet Library

**HPERM Ref:
D18/107756**

Clr Patricia White – SA18.139 Potential Sites for Sussex Inlet Library – Non Pecuniary Less than Significant Interest – Will remain in the room and will take part in discussion and vote – Assisted community to save the Uniting Church at 175 Jacobs Dr Sussex Inlet from closure.

Recommendation (Item to be determined under delegated authority)

That Council note that:

1. possible sites for a library at Sussex Inlet (based on the 12 locational criteria outlined in the document "People Places: A Guide for Public Library Buildings in New South Wales") include
 - a. 19 Thomson St Sussex Inlet
 - b. 29 Thomson St Sussex Inlet
 - c. 175 Jacobs Dr Sussex Inlet
 - d. Thomson St Sporting Fields Sussex Inlet
2. based on population and service-based benchmarking standards from the "*People Places: A Guide for Public Library Buildings in New South Wales*", Council's Library Services Manager considers that if a library was provided at Sussex Inlet a library with a gross floor area of between 320m² and 460m² would be required.
3. the Sanctuary Point Library building is a temporary structure always intended for relocation. The current building has a gross floor area of approximately 140m² and that the gross floor

area is below that identified for a library at Sussex Inlet.

RESOLVED (Clr Gash / Clr Proudfoot)

MIN18.443

That the General Manager hold a Councillor workshop to explore the need and possible options for the development and possible timing of a Library, noting the Committee's preference for the site to be 29 Thomson St, Sussex Inlet.

CARRIED

**SA18.140 Australian Government Blackspot Program 2018-19 -
Approved Projects**

**HPERM Ref:
D18/135606**

Recommendation

That

1. Council accepts the grant funding offers under the Australian Government Blackspot Program as follows:
 - a. \$60,000 for the profile line marking (edge and centre lines) on Braidwood Road (between Albatross Road, Nowra Hill and Wugun Street, Yerrilyong), and authorises the expenditure on job number 85041;
 - b. \$260,000 for traffic/pedestrian signals at the intersection of North Street and Kinghorne Street, Nowra, and authorises the expenditure on job number 85163; and
 - c. \$120,000 for a median island stop treatment, pedestrian refuge, and upgraded street lighting on Yurunga Drive (at the intersection of Illaroo Road), and authorises the expenditure on job number 86678.
2. Council vote these funds to the 2018/19 budget.
3. The General Manager (Director Assets & Works) writes to the NSW Roads & Maritime Services, and the Federal Member for Gilmore, thanking them for their ongoing support of the Shoalhaven Community through the Australian Government Blackspot Program and for the support of RMS staff in reviewing and supporting Council's nominations for these important local road safety improvements.

RECOMMENDATION (Clr Pakes / Clr Gash)

That

1. Council accepts the grant funding offers under the Australian Government Blackspot Program as follows:
 - a. \$60,000 for the profile line marking (edge and centre lines) on Braidwood Road (between Albatross Road, Nowra Hill and Wugun Street, Yerrilyong), and authorises the expenditure on job number 85041;
 - b. \$260,000 for traffic/pedestrian signals at the intersection of North Street and Kinghorne Street, Nowra, and authorises the expenditure on job number 85163; and
 - c. \$120,000 for a median island stop treatment, pedestrian refuge, and upgraded street lighting on Yurunga Drive (at the intersection of Illaroo Road), and authorises the expenditure on job number 86678.
2. Council vote these funds to the 2018/19 budget.
3. The General Manager (Director Assets & Works) writes to the NSW Roads & Maritime Services, and the Federal Member for Gilmore, thanking them for their ongoing support of the Shoalhaven Community through the Australian Government Blackspot Program and for the support of RMS staff in reviewing and supporting Council's nominations for these important

local road safety improvements.

CARRIED

**SA18.141 Response to MIN18.209 SA18.44 Notice of Motion -
Black Spot Grant Funding Application - Princes Hwy
Jervis Bay Rd Intersection to Ulladulla**

**HPERM Ref:
D18/135630**

Recommendation (Item to be determined under delegated authority)

That Council note the information from the RMS in relation to:

1. the "Route Safety Study" along the Princes Highway (Jervis Bay Road intersection to Ulladulla); and
2. Council's ineligibility for Black Spot Funding on State Roads.

RESOLVED (Clr White / Clr Proudfoot)

MIN18.444

That Council note the information from the RMS in relation to:

1. the "Route Safety Study" along the Princes Highway (Jervis Bay Road intersection to Ulladulla); and
2. Council's ineligibility for Black Spot Funding on State Roads.

CARRIED

**SA18.142 Far North Collector Road – Grant Funding Approved by
the Australian Government**

**HPERM REF:
D18/135648**

Item dealt with earlier in the meeting.

**SA18.143 Outdoor Dining on Public Footpaths - Review of Fee
Waiver**

**HPERM Ref:
D18/142091**

Recommendation

That Council reintroduce annual outdoor dining fees for the use and occupation of public footpaths across the Shoalhaven at the flat rate of \$64.90/m² per annum commencing 1st July 2018.

RECOMMENDATION (Clr Pakes / Clr Watson)

That Council

1. Continue to not charge annual fees for Outdoor Dining on public footpaths until 1 July 2019 and that a fee of \$0 be adopted as Council Fee for the 2018/2019 financial year with the fee being set each year after that as part of Council annual review of fees and charges process.
2. Continue to not charge the annual fee for the remainder of this Council term.

FOR: Clr Wells, Clr Gash, Clr Findley, Clr White, Clr Cheyne, Clr Levett, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

AGAINST: Russ Pigg

CARRIED

SA18.144 Anzac Day Traffic Control – Costs

**HPERM Ref:
D18/143977**

Recommendation

That

1. Council receives the report (on Anzac Day traffic control costs) for information
2. Council continues to provide support to the local RSL sub-branches in the planning and implementation of local Anzac Day ceremonies in the Shoalhaven
3. Council initially establishes a 2018-19 budget of \$15,000 to support local Anzac Day ceremonies (currently estimated to be 50% of the likely total budget required)
4. The General Manager (Director Assets & Works) writes to local members of parliament seeking “at least” 50% grant funding assistance (\$15,000) to reduce the ongoing cost burden on Council in support of local ANZAC Day ceremonies

RECOMMENDATION (Clr Watson / Clr White)

That

1. Council receives the report (on Anzac Day traffic control costs) for information
2. Council continues to provide support to the local RSL sub-branches in the planning and implementation of local Anzac Day ceremonies in the Shoalhaven
3. Council initially establishes a 2018-19 budget of \$15,000 to support local Anzac Day ceremonies (currently estimated to be 50% of the likely total budget required)
4. The General Manager (Director Assets & Works) writes to local members of parliament seeking “at least” 50% grant funding assistance (\$15,000) to reduce the ongoing cost burden on Council in support of local ANZAC Day ceremonies

CARRIED

SA18.145 Footpaths – three year works program 2018/19 – 2020/21

**HPERM Ref:
D18/152918**

Recommendation

That Council adopt the following priority list for footpath works to address missing links from the PAMP strategy as follows (noting that funding for works on this list is subject to budget deliberations):

2018-19 \$164,000

- Osborne Street, Nowra \$90,000
- Corner of Bridge Road and North Street, Nowra \$15,000
- Village Drive, Ulladulla \$15,000
- Berry Street, Nowra \$44,000

2019-20 \$167,300

- South Street, Ulladulla \$60,000
- Cyrus Street, Hyams Beach \$107,300

2020-21 \$170,600

- Bunberra Street, Bomaderry \$35,000
- Cambewarra Road, Bomaderry \$15,000
- Bolong Road, Bomaderry \$30,000

- Hyam Street, Nowra \$90,600

The above list is separate to both the community paths program and the shared user path strategy. The shared user path strategy was adopted by Council in 2017 (and has separate Council matching funds to successfully attract grant funding). The community paths program is currently being determined for 2018-19, and among other projects will include the Kalinga Street Cambewarra footpath.

RECOMMENDATION (Clr Watson / Clr Cheyne)

That Council adopt the following priority list for footpath works to address missing links from the PAMP strategy as follows (noting that funding for works on this list is subject to budget deliberations):

2018-19 \$164,000

- Osborne Street, Nowra \$90,000
- Corner of Bridge Road and North Street, Nowra \$15,000
- Village Drive, Ulladulla \$15,000
- Berry Street, Nowra \$44,000

2019-20 \$167,300

- South Street, Ulladulla \$60,000
- Cyrus Street, Hyams Beach \$107,300

2020-21 \$170,600

- Bunberra Street, Bomaderry \$35,000
- Cambewarra Road, Bomaderry \$15,000
- Bolong Road, Bomaderry \$30,000
- Hyam Street, Nowra \$90,600

The above list is separate to both the community paths program and the shared user path strategy. The shared user path strategy was adopted by Council in 2017 (and has separate Council matching funds to successfully attract grant funding). The community paths program is currently being determined for 2018-19, and among other projects will include the Kalinga Street Cambewarra footpath.

CARRIED

SA18.146 Land Dedication as Public Road - Adjoining Naval College Road, Vincentia

**HPERM Ref:
D18/159319**

Recommendation

That Council

1. Dedicate Lot 6001 DP 1195858 and Lot 74 DP 874040 as public road (to form part of the Naval College Road Reserve at Vincentia) in accordance with the provisions of Section 10 of the Roads Act 1993; and
2. Affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

RECOMMENDATION (Clr Findley / Clr Cheyne)

That Council

1. Dedicate Lot 6001 DP 1195858 and Lot 74 DP 874040 as public road (to form part of the

Naval College Road Reserve at Vincentia) in accordance with the provisions of Section 10 of the Roads Act 1993; and

2. Affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

CARRIED

**SA18.147 Australian Government Blackspot Program 2017-18 –
Variations Approved**

**HPERM Ref:
D18/154551**

Recommendation

That

1. Council accepts the grant funding variations approved under the Australian Government Blackspot Program as follows:
 - a. an additional \$64,000 for the Flinders Road South Nowra (full length widening) project, originally \$440,000, making total revised budget for this blackspot component of the Flinders Road project \$504,000 and authorises the expenditure on job number 86618
 - b. an additional \$162,000 for the Flinders Road South Nowra (Roundabouts at Albatross Road and adjacent service road) project, originally \$360,000, making total revised budget for this blackspot component of the Flinders Road project \$522,000 and authorises the expenditure on job number 86618
 - c. an additional \$50,000 for the Paradise Beach Road/ Kingsford Smith Crescent (Sanctuary Point) roundabout project, originally \$190,000, making total revised budget \$240,000 and authorises the expenditure on job number 86669
 - d. an additional \$100,000 for the Wheelbarrow Road, Woodburn road sealing project (CH2.0 to 3.2km east of Woodburn Road), originally \$210,000, making total revised budget \$310,000 and authorises the expenditure on job number 86671
 - e. an additional \$100,000 for The Wool Road (Worworing Heights) road widening project (from 140m to 780m west of Naval College Road), originally \$295,000, making total revised budget \$395,000 and authorises the expenditure on job number 85829
2. Council accepts the grant funding variations approved under the NSW Safer Roads Program as follows:
 - a. \$45,000 for the Currarong Road road widening project (from chainage 7.7 to 11.5) east of Coonemia Road, originally submitted as an Australian Government Blackspot Project, to recoup Council's costs for survey and design to date, originally \$1,000,000 in 2017-18 and \$450,000 in 2018-19 for construction, and authorises the expenditure on job number 86642

RECOMMENDATION (Clr Proudfoot / Clr Levett)

That Council:

1. Accepts the grant funding variations approved under the Australian Government Blackspot Program as follows:
 - a. an additional \$64,000 for the Flinders Road South Nowra (full length widening) project, originally \$440,000, making total revised budget for this blackspot component of the Flinders Road project \$504,000 and authorises the expenditure on job number 86618
 - b. an additional \$162,000 for the Flinders Road South Nowra (Roundabouts at Albatross Road and adjacent service road) project, originally \$360,000, making total revised budget for this blackspot component of the Flinders Road project \$522,000 and authorises the

expenditure on job number 86618

- c. an additional \$50,000 for the Paradise Beach Road/ Kingsford Smith Crescent (Sanctuary Point) roundabout project, originally \$190,000, making total revised budget \$240,000 and authorises the expenditure on job number 86669
 - d. an additional \$100,000 for the Wheelbarrow Road, Woodburn road sealing project (CH2.0 to 3.2km east of Woodburn Road), originally \$210,000, making total revised budget \$310,000 and authorises the expenditure on job number 86671
 - e. an additional \$100,000 for The Wool Road (Worworing Heights) road widening project (from 140m to 780m west of Naval College Road), originally \$295,000, making total revised budget \$395,000 and authorises the expenditure on job number 85829
2. Accepts the grant funding variations approved under the NSW Safer Roads Program as follows:
 - a. \$45,000 for the Currarong Road road widening project (from chainage 7.7 to 11.5) east of Coonemia Road, originally submitted as an Australian Government Blackspot Project, to recoup Council's costs for survey and design to date, originally \$1,000,000 in 2017-18 and \$450,000 in 2018-19 for construction, and authorises the expenditure on job number 86642
 3. Acknowledge the hard work of staff in obtaining this funding.

CARRIED

**SA18.148 Proposed Lease - Kangaroo Valley Tennis Club
Incorporated - Part Lot 1 DP775132 Moss Vale Road,
Kangaroo Valley**

**HPERM Ref:
D18/170800**

Recommendation

That Council:

1. Resolve to enter into a lease agreement with Kangaroo Valley Tennis Club Inc. for the use and occupation of the Kangaroo Valley Tennis Courts located on Part Lot 1 DP775132 corner of Moss Vale Road and Broughton Street, Kangaroo Valley for a term of five (5) years at an annual rental of \$7,210.67 plus GST;
2. Rent received to be paid to a Restricted Asset Account established for this facility and to be used for capital improvements and major maintenance;
3. Authorise the General Manager to finalise the lease terms that may not yet be determined; and
4. Grant authority 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.

RECOMMENDATION (Clr Gash / Clr Levett)

That Council:

1. Resolve to enter into a lease agreement with Kangaroo Valley Tennis Club Inc. for the use and occupation of the Kangaroo Valley Tennis Courts located on Part Lot 1 DP775132 corner of Moss Vale Road and Broughton Street, Kangaroo Valley for a term of five (5) years at an annual rental of \$7,210.67 plus GST;
2. Rent received to be paid to a Restricted Asset Account established for this facility and to be used for capital improvements and major maintenance;
3. Authorise the General Manager to finalise the lease terms that may not yet be determined; and
4. Grant authority 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.

CARRIED

SA18.149 Opportunity to join Federal Court Proceedings - South Coast People Native Title Claim

**HPERM Ref:
D18/173662**

Recommendation

That Council resolves to:

1. Make application to become a party to Federal Court Application No NSD1331/2017 for a determination of native title lodged by the South Coast People; and
2. Approve that the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

RECOMMENDATION (Clr White / Clr Pakes)

That Council resolves to:

1. Make application to become a party to Federal Court Application No NSD1331/2017 for a determination of native title lodged by the South Coast People; and
2. Approve that the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

CARRIED

SA18.150 Australian Government Blackspot & NSW Safer Roads Programs 2018/19 – Additional Funding For Survey/Design - 2017/18

**HPERM Ref:
D18/177578**

Recommendation (Item to be determined under delegated authority)

That

1. Council accepts the \$41,000 grant funding offer from RMS under the NSW Safer Roads Program as follows:
 - a. \$15,000 for the survey-design of the proposed roundabout at the intersection of Illaroo Road/Page Avenue North Nowra, and authorises the expenditure on job number 86665
 - b. \$15,000 for the survey-design of the proposed roundabout at the intersection of Mitchell Parade/Donlan Rd (south), Mollymook, and authorises the expenditure on job number 86668
 - c. \$5,000 for the survey-design of the proposed right turn bay at the intersection of Jervis Bay Rd/Gardner Rd, Falls Creek, and authorises the expenditure on job number 86667
 - d. \$1,500 for the survey-design of the proposed traffic-pedestrian signals at the intersection of North Street /Kinghorne Street, Nowra, and authorises the expenditure on job number 85163
 - e. \$1,500 for the survey-design of the proposed median island stop treatment (with pedestrian refuge) at the intersection of Yurunga Drive and Illaroo Road, North Nowra, and authorises the expenditure on job number 86678
 - f. \$1,500 for the survey-design of the proposed raised threshold pedestrian crossing

treatments on Jacobs Drive, Sussex Inlet, and authorises the expenditure on job number 86679

- g. \$1,500 for the survey-design of the proposed roundabout at the intersection of Green Street /Warden Street, Ulladulla, and authorises the expenditure on job number 86675

2. The General Manager (Director Assets & Works) writes to the NSW Roads & Maritime Services, thanking them for their ongoing support of the Shoalhaven Community through the Australian Government Blackspot and NSW Safer Roads Programs and for the support of RMS staff in obtaining this additional funding for survey design in 2017-18

RESOLVED (Clr Proudfoot / Clr White)

MIN18.445

That

1. Council accepts the \$41,000 grant funding offer from RMS under the NSW Safer Roads Program as follows:
 - a. \$15,000 for the survey-design of the proposed roundabout at the intersection of Illaroo Road/Page Avenue North Nowra, and authorises the expenditure on job number 86665
 - b. \$15,000 for the survey-design of the proposed roundabout at the intersection of Mitchell Parade/Donlan Rd (south), Mollymook, and authorises the expenditure on job number 86668
 - c. \$5,000 for the survey-design of the proposed right turn bay at the intersection of Jervis Bay Rd/Gardner Rd, Falls Creek, and authorises the expenditure on job number 86667
 - d. \$1,500 for the survey-design of the proposed traffic-pedestrian signals at the intersection of North Street /Kinghorne Street, Nowra, and authorises the expenditure on job number 85163
 - e. \$1,500 for the survey-design of the proposed median island stop treatment (with pedestrian refuge) at the intersection of Yurunga Drive and Illaroo Road, North Nowra, and authorises the expenditure on job number 86678
 - f. \$1,500 for the survey-design of the proposed raised threshold pedestrian crossing treatments on Jacobs Drive, Sussex Inlet, and authorises the expenditure on job number 86679
 - g. \$1,500 for the survey-design of the proposed roundabout at the intersection of Green Street /Warden Street, Ulladulla, and authorises the expenditure on job number 86675
2. The General Manager (Director Assets & Works) writes to the NSW Roads & Maritime Services, thanking them for their ongoing support of the Shoalhaven Community through the Australian Government Blackspot and NSW Safer Roads Programs and for the support of RMS staff in obtaining this additional funding for survey design in 2017-18

CARRIED

SA18.151 Councillor Briefing on the Tallyann Point and Mia Way Bushcare Action Plan reviews

HPERM Ref: D18/153383

Clr Joanna Gash – SA18.151 Councillor Briefing on the Tallyann Point and Mia Way Bushcare Action Plan reviews – Non Pecuniary Less than Significant Interest – Will remain in the room and will take part in discussion and vote – Is a member of the Mia Way Bushcare Group.

Recommendation (Item to be determined under delegated authority)

Council adopt the following two (2) reviewed Bushcare Group Action Plans:

1. Mia Way Bushcare Action Plan

2. Tallyann Point Bushcare Action Plan.

RESOLVED (Clr Gash / Clr White)

MIN18.446

That Council adopt the following two (2) reviewed Bushcare Group Action Plans:

1. Mia Way Bushcare Action Plan
2. Tallyann Point Bushcare Action Plan.

FOR: Clr Wells, Clr Gash, Clr Findley, Clr White, Clr Cheyne, Clr Levett, Clr Pakes, Clr Watson and Russ Pigg

AGAINST: Clr Kitchener and Clr Proudfoot

CARRIED

SA18.152 Proposed Memorandum of Understanding and Action Plan - Jerrinja Local Aboriginal Land Council**HPERM Ref:
D18/164643****Recommendation (Item to be determined under delegated authority)**

That Council endorse the Memorandum of Understanding and Action Plan between Shoalhaven City Council and Jerrinja Local Aboriginal Land Council.

RESOLVED (Clr Cheyne / Clr Findley)

MIN18.447

That Council endorse the Memorandum of Understanding and Action Plan between Shoalhaven City Council and Jerrinja Local Aboriginal Land Council.

CARRIED

SA18.153 ST ANDREWS WAY SEWER SCHEME - INCLUSION OF 11 PROPERTIES - BOLONG RD, BERRY'S BAY**HPERM REF:
D18/168645**

Item dealt with earlier in the meeting.

Introduction of Items as Matters of Urgency**RESOLVED** (Clr Wells / Clr Levett)

MIN18.448

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

1. SA18.154 Pilot Project- Council Land Review Sanctuary Point
2. SA18.155 Public Amenity Priority List

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

CARRIED

ADDENDUM REPORTS

SA18.154 Pilot Project - Council Land Review Sanctuary Point

**HPERM Ref:
D18/163855**

Recommendation

That:

1. Council endorse Sanctuary Point as the location of the Land Review Pilot Project;
2. Staff engage with the community and residents of Sanctuary Point to identify:
 - a. community expectations with regard to parks and reserves;
 - b. the appetite of the community to dispose of some Community land to fund improvements to underutilised or underembellished parks and reserves;
3. Staff undertake detailed investigation of Community land within the Pilot Area including those identified in the *Community Infrastructure Strategic Plan 2017-2036* to identify which land may be suitable for full or partial disposal; and
4. Council receive a further report detailing outcomes of the community consultation and the detailed investigation of land.

RESOLVED (Clr Proudfoot / Clr White)

MIN18.449

That Council defer consideration of this project pending:

1. More details of scope and population needs
2. Review of the boundaries
3. Familiarisation tour

CARRIED

SA18.155 Public Amenity Priority List

**HPERM Ref:
D18/185569**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt the draft Public Amenity Top 20 Priority List.
2. Advertise the draft priority list (Trim Ref D18/184686) for a minimum of 28 days and consider the feedback in a future report to Council.

RESOLVED (Clr White / Clr Pakes)

MIN18.450

That Council:

1. Adopt the draft Public Amenity Top 20 Priority List.
2. Advertise the draft priority list (Trim Ref D18/184686) for a minimum of 28 days and consider the feedback in a future report to Council.

CARRIED

Note: At the conclusion of matters on the agenda Cllr Watson raised the matter of whether requisite approvals had been sought and given for the fence at Bomaderry Primary School erected by SALT Ministries, and whether the subletting was permissible.

The General Manager took the question on notice.

There being no further business, the meeting concluded, the time being 9.44pm.

Cllr Wells
CHAIRPERSON

SA18.156 Question on Notice - Volunteers Morning Tea

HPERM Ref: D18/234084

Submitted by: Cllr Joanna Gash

Question

Could the General Manager or the Mayor please advise why Council is no longer holding the Volunteers Morning Teas?

For many years former mayors held the above function each year, as a way of expressing our gratitude to the some 200 volunteer groups within our city. Many friendships were formed at these functions and members were able to hear stories from some of the groups not known to them.

Response

Council recognises that the work our local volunteer organisations undertake is important and has previously held morning teas to recognise and thank them for their efforts in helping our community.

Traditionally there are two morning teas held every year for volunteers. One morning tea is to say thank you to volunteers of charitable and welfare organisations, two representatives from each organisation are invited. The other morning tea is to say thank you to: Clean Up Australia Day Site Supervisors; Park Care Groups; Bush Care Groups; & Management Committees of Council facilities, again two representatives from each group/committee are invited.

In 2016 the morning tea for representatives of Charitable & Welfare Organisations was held at Nowra Golf Club, approximately 300 volunteers attended at a cost of approximately \$5,000. The other morning tea that was held for Clean Up Australia Day Site Supervisors, etc. was held in Council's reception room and attended by approximately 100 volunteers at a cost of approximately \$2,000.

Every year Council receives representations from volunteer organisations that are not invited to either morning tea seeking reasons why their organisation's volunteers aren't given the opportunity to be officially recognised & thanked.

With the aim to be more inclusive & equitable, in 2017 a decision was made not to hold the morning teas and instead investigate the possibility of holding a larger, more inclusive event, biannually, as there are many volunteers in our City who do not get the opportunity to be thanked by Council via a mayoral morning tea.

After investigating the reach of our volunteers in the City (i.e. libraries, schools, facility creches, hospitals, nursing homes, Shoalhaven Regional Gallery, Tourism, etc) and the organisations that are registered in the Community Directory (approx 1,300 registered), it was found that the scale of an all-encompassing event would be problematic and difficult to manage logistically.

Options:

1. Continue to hold two morning teas each year as previously held, and schedule them for September/October this year. Volunteer groups that do not receive an invitation to a morning tea but feel they are in the category of charitable or welfare are invited to make representations to Council outlining the work they do and Council will consider if an invitation should be extended.

Implications: The volunteers that attend these morning teas would be thanked for the work they do, however other volunteers in the City would be excluded.

2. Continue to hold two morning teas each year as previously held, and schedule them to be held in the major centres of Nowra & Ulladulla alternately. This mirrors the decision taken a few years ago to alternate the location of the Australia Day Awards function.

Implications: This would give the volunteers in the Southern part of the City, more opportunity to participate. However, as with the first option, other volunteers in the City would still be excluded.

3. A Councillor Briefing be held to discuss how Council can thank its volunteers in a more equitable manner, using the budget figure of \$7,000pa.

SA18.157 Notice of Motion - Animal Boarding Facility - Nowra Hill Animal Pound

HPERM Ref: D18/234094

Submitted by: Cllr Joanna Gash

Purpose / Summary

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

Recommendation (Item to be determined under delegated authority)

That Council consider and investigate the feasibility of establishing Boarding/holiday kennels at the newly appointed Dog Pound at Nowra Hill.

Background

Having attended the recent opening of the above I was very impressed at the quality of the new premises. The care and attention to details are a credit to all concerned and council can indeed be proud of the staff associated with these facilities.

As a dog lover (like many in our city) I know how hard it is at times to find suitable premises to send one's pets to when needing to go away, or take a holiday.

The location is ideal, and it would add to the current business and not only provide a service, but one that has potential income earning capacity

Note by the General Manager

The land is zoned SP2 (Sewerage System and Animal boarding). The proposal for a boarding kennel is permissible in the zone and it would require separate development consent. Whilst there are a number of existing boarding/holiday kennel businesses within the City it does not prevent council from exploring this as a business (or service) opportunity.

SA18.157

SA18.158 Notice of Motion - WEB Streaming Council/Committee Meetings - Archive

HPERM Ref: D18/238449

Submitted by: Cllr Greg Watson

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

1. Archive the recordings of Council/Committee Meetings to facilitate viewing by the community at other time than while the Meeting is taking place
2. Provide easy to links on Council's WEB site to the archived recordings

Note by the General Manager

The system currently being installed will deliver what is requested at point 1 and the Code of Meeting Practice amendments confirm we will provide the archive feature. Our approach will be similar to other Illawarra councils – see at <http://webcasts.wollongong.nsw.gov.au/> and <http://webcast.shellharbour.nsw.gov.au/> .

SA18.158

SA18.159 Notice of Motion - Driver Training ATP

HPERM Ref: D18/240993

Submitted by: Cllr Greg Watson

Purpose / Summary

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

Recommendation (Item to be determined under delegated authority)

That the General Manager report to Council on the possibility of part of the taxi way at the Aviation Technology Park by used for driver training on a restricted basis.

Note by the General Manager

The Taxiway at the AATP is provided as part of a link between the runways on HMAS Albatross and aircraft maintenance facilities at the AATP (Albatross Aviation Technology Park).

Council's taxiway is wholly within a Council owned lot and has been constructed to meet CASA standards but also meeting the military specifications for aircraft movements. The pavement construction has been undertaken to cater for slow moving aircraft with high point loadings.

The pavement has not been designed for high friction use and high intensity braking will damage the pavement.

Taxiway India is used on a daily basis for aircraft movements, run-ups for aircraft after maintenance, testing drones and when necessary for parking of planes for short periods (say overnight). Two new hangars are to be built on the AATP and will front part of the taxiway extension built in 2016.

Of critical concern to the aircraft operators is FOD (Foreign Object Damage) caused by loose surface material being sucked up into jet engines. Aircraft operators that use the taxiway are very conscious of the need to keep the area clean and free from loose foreign objects.

The agreement by Council and the industries with Defence is that the area within the taxiway effectively becomes part of HMAS Albatross when the AATP Gate is opened and a secure boundary exists between the factories/hangars that performs a secure secondary perimeter and all staff within this area need to hold a security clearance to be within the area.

The Taxiway is gated and limited keys for access are available. Defence security regularly conduct audits of the integrity and use of the Taxiway area and its perimeter.

In summary the private use of part of the taxiway for driver training, even on a restricted basis would be extremely difficult, if not impossible to control and coordinate, as it would compromise the integrity of the taxiway pavement asset, breach the security of the taxiway area for both HMAS Albatross and individual businesses and jeopardise the functionality of the taxiway to provide high tech jobs within the Shoalhaven community.

SA18.160 Report of the Sustainable Futures Committee - 7 June 2018

HPERM Ref: D18/219280

SF18.21 Solar Garden Formalise Usage of Old North Nowra Waste Depot

**HPERM Ref:
D18/180646**

Recommendation

That Council advise Repower Shoalhaven (as a fellow partner of the Social Access Solar Garden Scheme) that Council supports the location of a Solar Access Farm on the Old Tip Site at North Nowra (Crown Land) and will work with Repower Shoalhaven to gain necessary approvals to use the site for this purpose as the preferred use for this site.

SA18.160

SA18.161 Report of the Shoalhaven Arts Board - 21 June 2018

HPERM Ref: D18/225380

AB18.13 Ulladulla - One Track for All - Maintenance of Carved Timber Plaques and Sculptures

HPERM Ref:
D18/72837

Recommendation

That Council:

1. Establish a public art register including a preservation policy.
2. Undertake a condition assessment of the One Track for All artwork and advise of cost of repairs.
3. Apply for funds from the Public Reserve Management Fund (PRMF) for restoration of the One Track for All artwork and investigate alternative medium to potentially replace damaged items.

AB18.16 Buskers Festival Investigation - reallocating Arts Awards Funding

HPERM Ref:
D18/83566

Recommendation

That:

1. The Shoalhaven Arts Board defer consideration of the item.
2. Council apply \$2,500 from the Arts Board Awards budget for 2017/2018 to the Shoalhaven Writer's Festival.
3. The balance of funds (\$5,000) from the Arts Board Awards budget for 2017/2018 be subject to consideration of audience development projects.

Note by the General Manager:

The allocation of \$2,500 to the Shoalhaven Readers and Writers Festival as a recipient for the funding was not outlined in the report and was not the result of a further funding application to the Council. The Festival has been provided \$4500 of funding from the Nowra CBD Revitalisation Strategy Committee and \$1500 from Council's Donations Budget. The voting of the funds previously utilised for Arts Awards by the Arts Board is outside of the guidelines of the Arts Grants and Donations policy and the availability of this funding has not been publicly advertised.

SA18.161

SA18.162 Report of the Shoalhaven Sports Board - 27 June 2018

HPERM Ref: D18/235867

Attachments: 1. Shoalhaven Sports Board - Mission, Values & Aims (under separate cover)

SB18.8 Draft Mission, Values and Aims Statement

HPERM Ref:
D18/196744

Recommendation

That Council adopts the Shoalhaven Sports Board Mission, Values & Aims Document presented as Attachment 1 to the report.

SA18.162

SA18.163 Report of the Shoalhaven Heads Estuary Taskforce - 2 May 2018

HPERM Ref: D18/228117

SH18.1 Membership Applications Rob Russell and Carole Cassidy

**HPERM Ref:
D18/132845**

Recommendation

That Council appoint Carole Cassidy and Rob Russell as members of the Shoalhaven Heads Estuary Taskforce.

SH18.5 Shoalhaven Heads Entrance Notch Maintenance

**HPERM Ref:
D18/125775**

Recommendation

1. That Council not stockpile sand removed as notch maintenance but use it to nourish the river edge in front of the Council Caravan Park and along the river edge. This is because the River Road Foreshore project may not need this sand for 18 months to 2 years and the foreshore is in need of nourishment urgently.
2. That Council staff investigate possible long term or ongoing solutions to manage the stormwater drains sand fans.

SA18.163

SA18.164 Endorsement of Illawarra Shoalhaven Joint Organisation Governance Documents

HPERM Ref: D18/229042

Group: General Manager's Group

Attachments: 1. Draft Charter [↓](#)
2. Draft Code of Meeting Practice (under separate cover)
3. Draft Expenses & Facilities Policy [↓](#)
4. Draft Budget & Statement of Revenue Policy 2018-19 [↓](#)

Purpose / Summary

To endorse the: draft Charter; draft Code of Meeting Practice; draft Expenses & Facilities Policy; and draft Budget and Statement of Revenue Policy 2018-19, for the newly created Illawarra Shoalhaven Joint Organisation (ISJO) Entity.

Recommendation (Item to be determined under delegated authority)

That Council endorse the following documents for the newly created Illawarra Shoalhaven Joint Organisation Entity:

- draft Charter;
- draft Code of Meeting Practice;
- draft Expenses & Facilities Policy; and
- draft Budget and Statement of Revenue Policy 2018-19.

Options

1. As recommended.
2. Council not endorse the documents and make comments on recommended changes to some or all of the documents.

Background

The ISJO Inaugural Board Meeting was held on 29 June 2018. As part of that meeting, it was resolved that three draft documents (draft Charter; draft Code of Meeting Practice; draft Expenses & Facilities Policy) be adopted in-principle and to refer those documents to member councils for their comment by 31 July 2018. It was also resolved to place one document (draft Budget and Statement of Revenue Policy 2018-19) on public exhibition.

Below is information from the ISJO Business Paper in relation to the four documents.

Draft ISJO Charter

"By proclamation dated 11 May 2018 the ISJO was created with the member councils being Kiama Municipal Council, Shellharbour City Council, Shoalhaven City Council and Wollongong City Council.

All Joint Organisations are required to adopt a draft Charter for member consultation at their first meeting. The draft ISJO Charter addresses the prescribed elements under the Act and Local Government (General) Regulation 2005 and has also incorporated elements of the Charter adopted in 2015 during the Pilot Joint Organisation phase."

The draft ISJO Charter is included as **Attachment 1**.

Draft Code of Meeting Practice

“All joint organisations are required to adopt a code of meeting practice based on the Model Code of Meeting Practice for Local Councils in NSW (the Model Code).

The policy is to be developed in consultation with member Councils. The policy is to comply with the Local Government Act (1993) and the Local Government (General) Regulation (2005). The main variations to the protocols adopted by Councils are:

- i. The board of a Joint Organisation may transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if the representative who is speaking can be heard by all other representatives;*
- ii. A motion at a Joint Organisation board meeting is taken to be defeated in the event of an equality of votes – in other words, unlike Councils, the Chairperson of a joint organisation board does not have a casting vote;*
- iii. To allow non-voting representatives to participate in debate, non-voting representatives should be permitted to speak (but not move, second, amend or vote) on motions.”*

The draft ISJO Charter is included as **Attachment 2**.

Draft Expenses & Facilities Policy

“It is a requirement that the Joint Organisation adopt a Payment of Expenses and Provision of Facilities Policy. The policy is to be developed in consultation with member Councils. The Policy must comply with the Office of Local Government’s Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW.

The draft Expenses and Facilities policy is designed to complement and supplement the expenses and facilities policies of member councils. Board members are not entitled to make a claim under a joint organisation’s expenses where the claim has been covered under their member council’s policy.”

The draft Expenses & Facilities Policy is included as **Attachment 3**.

Draft Budget and Statement of Revenue Policy 2018-19

“The Joint Organisation is required to adopt a statement of revenue policy and budget for 2018-19 by 31 August 2018.

The statement must include a detailed estimate of the joint organisation’s income and expenditure, types of fees proposed to be charged and the amounts of any proposed borrowings and the means by which they are proposed to be secured.

The Office of Local Government is providing additional guidance on the development of the policy.”

The draft Budget and Statement of Revenue Policy 2018-19 is included as **Attachment 4**.

Attachment A



DRAFT

Illawarra Shoalhaven

Joint Organisation

Draft Charter

Adopted by ISJO [insert date]

SA18.164 - Attachment 1

1. INTRODUCTION

1.1 PREAMBLE

The operation of and governance principles for the **Illawarra Shoalhaven Joint Organisation** is guided by this Charter, which has been adopted by resolution of the board.

1.2 NAME AND LEGAL STATUS

The name of the joint organisation is the **Illawarra Shoalhaven Joint Organisation**.

Illawarra Shoalhaven Joint Organisation is a body corporate proclaimed under the *Local Government Act 1993* (the Act) with the legal capacity and powers of an individual. See the proclamation forming this joint organisation at <https://legislation.nsw.gov.au/regulations/2018-192.pdf> for further information about the membership and functions of **Illawarra Shoalhaven Joint Organisation** and other key matters.

While the principal functions of the joint organisation are provided for in the Act and through this Charter, powers are also conferred on the joint organisation as a statutory corporation under section 50 of the *Interpretation Act 1987*. Other functions may be conferred on a joint organisation by legislation and may be delegated to a joint organisation by one or more member councils.

1.3 INTERPRETATION

This Charter is to be interpreted in accordance with the *Local Government Act 1993* and *Local Government (General) Regulation 2005* and the *Interpretation Act 1987*.

1.4 DEFINITIONS

In this Charter, the following terms are used as below.

Act means the *Local Government Act 1993*.

Board means the joint organisation board, consisting of the mayors of each member council, any additional voting representatives of these member councils appointed under section 400T of the Act and any other non-voting representatives who may attend, but are not entitled to vote at, a meeting.

Charter means this document, outlining the operational and governance principles for the joint organisation and any other agreed matters, consistent with the Act and other laws.

Chairperson means the person, who is a mayor, elected to the office of chairperson by the voting representatives on the board from among the voting representatives who are mayor.

Councillor delegate means a councillor appointed to the Board.

Deputy Chairperson means the person, elected to the office of a deputy chairperson by the voting representatives.

Executive officer means the person employed by the joint organisation to conduct the day-to-day management of the joint organisation in accordance with strategic regional priorities and other plans, programs, strategies and policies of the joint organisation and to implement without delay the lawful decisions of the joint organisation.

General manager means the person employed by a council to conduct the day-to-day management of the council in accordance with strategic plans, programs, strategies and policies of the council and to implement without delay the lawful decisions of the council.

Joint organisation means an organisation established under Part 7 Chapter 12 of the *Local Government Act 1993*.

Member council means those councils proclaimed under the Act to be part of the **Illawarra Shoalhaven Joint Organisation**.

Mayor means a person elected or appointed to civic office, who is the leader of a member council.

Non-voting member means those councils and other organisations or individuals that are members of the joint organisation but do not have the right to vote.

Non-voting representative means the chosen representative of a non-voting member of the board (sometimes called an 'associate member').

This includes:

- an employee of the public service nominated by the Secretary, Department of Premier and Cabinet
- any other individual or representative of a council or other organisation invited by the board to represent a non-voting member of the board
- any other person or a member of a class of persons prescribed by the Regulation.

Regulation means the *Local Government (General) Regulation 2005*.

Voting representative means a representative of a member council on the board.

1.5 ADOPTING THE CHARTER

This Charter was formally adopted by the Illawarra Shoalhaven Joint Organisation on **[insert date 2018.]**

This Charter will be made publicly available via the following website administered by the joint organisation within 30 days of adoption - isjo.org.au

1.6 AMENDING THE CHARTER

This Charter will be reviewed at the first Board meeting after the first year of operation. Other amendments may be made from time to time by resolution of the board.

2. ESTABLISHMENT

2.1 VISION AND PRINCIPLES

The vision of **Illawarra Shoalhaven Joint Organisation** 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.

The **Illawarra Shoalhaven Joint Organisation** mission statement is:

Lead, advocate, collaborate and deliver outcomes that serve the interest of the region's diverse communities.

The **Illawarra Shoalhaven Joint Organisation** will act in accordance with the following principles:

Cohesive: speaking with one voice on regional issues and valuing equal representation

Collaborative: by working across member councils, communities, governments, and with a wide range of partners in the spirit of friendship and trust

Respectful: of local autonomy on local issues

Efficient: by avoiding duplication and using resources within and available to member Councils wherever possible

Aligned: with consistency between member councils and NSW Government on regional strategies and policies

Transparent: in its operations between member councils and other partners

Evidenced based: when introducing or transitioning programs and shared services

2.2 PRINCIPAL FUNCTIONS

The principal functions of the **Illawarra Shoalhaven Joint Organisation** will be to:

establish strategic regional priorities for the joint organisation area and develop strategies and plans for delivering these priorities

provide regional leadership for the joint organisation area and to be an advocate for strategic regional priorities

identify and take up opportunities for intergovernmental cooperation on matters relating to the joint organisation area.

2.3 OTHER FUNCTIONS

The other services, functions or types of functions the **Illawarra Shoalhaven Joint Organisation** will undertake are:

enhancing strategic capacity to support member councils to deliver services to their communities –including but not limited to the Southern Regional Waste Strategy Program initiatives of Regional Illegal Dumping Prevention and Litter Prevention Programs; and the Regional Joint Procurement Program;

service delivery to provide services directly to communities within the region – including but not limited to programs such as the Illawarra District Weeds Authority.

The board may, from time to time, determine whether and how to undertake any other functions.

3. MEMBERSHIP

3.1 VOTING MEMBERS

The following are 'member councils' of the **Illawarra Shoalhaven Joint Organisation**:

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

3.2 NON-VOTING MEMBERS

The following organisations are non-voting members of the joint organisation:
the NSW Government, as represented by a nominee of the Secretary of the Department of Premier and Cabinet, currently the Department of Premier and Cabinet, Director Southern NSW Region

3.3 CHANGES IN MEMBERSHIP

A proclamation is required for a joint organisation to change voting members. Any voting member proposing to withdraw from the joint organisation must give **six months** written notice.

This Charter may be amended to change non-voting members of the board. In deciding whether to propose or support a change in membership, the **Illawarra Shoalhaven Joint Organisation** will:
at the request of a member, consider a draft resolution seeking membership change, and
following a resolution in support, amend this Charter as set out section 1.6 to change membership as set out at section 3.2.

Any non-voting member proposing to withdraw from the joint organisation must give written notice.

3.4 FINANCIAL CONTRIBUTIONS

Each member council is to contribute a monetary payment or equivalent contribution based on the following methodology:

Equal contribution by all member councils in order to perform the principal functions outlined in 2.2 following consultation; and

Contributions by participating member councils for other functions outlined in 2.3 on an agreed outcomes focused funding ratio.

Non-voting members may be required to contribute a nominal monetary payment established by the Board annually. Contributions for other functions outlined in 2.3 will be sought from non-voting members for functions to which they are an agreed party on the same outcomes-focused funding ratio agreed for voting members.

3.5 DECISION RESOLUTION

In the event of an equality of votes in relation to a critical matter to be determined by the board the resolution is lost. If internal resolution is not effective, the mechanism for the board to move critical decisions forward is as follows:

Step 1: Independent mediation to resolve the decision. Where a mediator cannot be agreed, the board could ask the Office of Local Government to appoint a mediator (as for a general manager contract).

Step 2: Appoint an independent arbitrator to resolve the decision. Where the arbitrator cannot be agreed, the board could ask the Office of Local Government to appoint an arbitrator.

Critical matters to be determined by the board may include:

- adoption of a Statement of Strategic Regional Priorities
- adoption of the Annual Performance Statement and Financial Statements
- quantum of financial contributions requested from member councils

3.6 DISPUTE RESOLUTION

If a dispute arises out of or relates to this charter, including any dispute as to a breach of this charter or as to any claim in tort, in equity or under any statute ("Dispute"), a member council cannot commence any court or arbitration proceedings relating to the Dispute unless that member council has complied with the following, except where that member Council seeks urgent interlocutory relief.

A member council claiming that a Dispute has arisen must give notice to the other member councils specifying the nature of the Dispute.

On receipt of that notice by those other member councils, the member councils must endeavour in good faith to resolve the Dispute expeditiously using informal dispute resolution techniques such as mediation, expert evaluation or determination or similar techniques agreed by them.

If the member councils do not agree within 7 days of receipt of the notice or such further period as agreed in writing by them, as to:

- the dispute resolution technique and procedures to be adopted;
- the timetable for all steps in those procedures; and
- the selection and compensation of the independent person required for that technique;

The member Councils must mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales and must request the President of the Law Society of New South Wales or the President's nominee to select the mediator and determine the mediator's remuneration.

4. THE BOARD

4.1 GOVERNING BOARD AND ROLE

The board of **Illawarra Shoalhaven Joint Organisation** consists of:

- ▶ the mayors of each member council
- ▶ one additional councillor voting representative as nominated by each member council
- ▶ a non-voting representative of the NSW Government, nominated by the Secretary of the Department of Premier and Cabinet, who is currently the Department of Premier and Cabinet, Director Southern NSW Region
- ▶ the following other non-voting representatives: the General Manager of each member council.

The role of the board is to direct and control the affairs of the joint organisation. The board is to consult with the executive officer in directing and controlling the affairs of the joint organisation.

The following persons may attend meetings of the Board in an advisory capacity and may be members of committees established under clause 4.4

- ▶ the Executive Officer

4.2 CHAIRPERSON AND DEPUTY CHAIRPERSON ROLE

The chairperson is to be elected by the voting representatives of the board from one of the mayoral representatives. In the absence of the chairperson, a person elected by the voting representatives at the meeting of the board is to preside at the meeting. The chairperson does not have a casting vote.

The chairperson is the joint organisation's spokesperson on strategic matters and will represent the joint organisation at regional forums and events where possible. They are responsible for the conduct of meetings.

The deputy chairperson is to be elected from amongst the voting representatives, to hold office for the term of the chairperson. The role includes assisting or representing the Chairperson at key events or deputations and in the chairperson's absence.

4.3 ALTERNATES

Member councils that choose to appoint an alternate voting representative from amongst its councillors, must notify the joint organisation in writing of that person's name, position and term of appointment. While acting in the place of a voting representative on the board, that person has all the functions of a representative, including voting.

4.4 ADVISORY COMMITTEES AND WORKING GROUPS

The **Illawarra Shoalhaven Joint Organisation** establishes the following committees and advisory groups, which are to report to the board as set out in their Terms of Reference:

General Managers Committee

Committees and advisory groups may also be established from time to time by board resolution.

4.5 COMMON SEAL

The board may decide whether or not the **Illawarra Shoalhaven Joint Organisation** has a common seal. The common seal may only be used with the authority of the Board.

The fixing of the common seal to a document must be witnessed:

- (i) by two Voting Representatives; or
- (ii) by one Voting Representative and the Executive Officer

5. MEETINGS

5.1 MEETING FREQUENCY

The board will meet at least once in each quarter on such date, place and time as the Board decides. Meetings will be conducted in accordance with the Code of Meeting Practice adopted by the board from time to time. Where necessary, the chair may call further meetings.

5.2 PARTICIPATION AND QUORUM

The board will operate under a Code of Conduct based on the Model Code of Conduct for Local Councils in NSW.

The quorum for a meeting of the board is a majority of the voting representatives entitled to vote under this Charter being at the meeting. No business is to be transacted at a general meeting without a quorum.

The board may transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, provided they can be heard by the other representatives.

5.3 VOTING AND DECISION MAKING

Decisions about principal functions

A decision of the board supported by a majority at which a quorum is present is a decision of Illawarra Shoalhaven Joint Organisation. Each voting representative of the board has one vote each in relation to decisions taken about principal functions.

A motion at a meeting of the board is taken to be defeated in the event of an equality of votes. The chairperson, or person presiding at a meeting of the board, does not have a casting vote.

Decisions about other functions

The advice of the General Managers' Committee will be sought in regard to decision making processes for other functions of the Illawarra Shoalhaven Joint Organisation, assessed on a case-by-case basis on such factors as level of participation or involvement of members, scope and nature of the function and risk assessment.

5.4 ANNUAL GENERAL MEETINGS

The **Illawarra Shoalhaven Joint Organisation** will hold an annual general meeting at a time and place to be determined by the Board to present the annual report, Audited Financial Statements and review its charter (if required).

6. PLANNING AND REPORTING

6.1 CONSULTATION AND PUBLICATION

The **Illawarra Shoalhaven Joint Organisation** will consult with all members in preparing the following documents required under the Act and will publish the adopted versions on the joint organisation website - isjo.org.au

statement of Strategic Regional Priorities

annual revenue statement

audited financial reports

The **Illawarra Shoalhaven Joint Organisation** will also publish an annual performance statement on its website isjo.org.au

7. OTHER MATTERS

7.1 RECORDS

The joint organisation will keep records and provide access to relevant information in accordance with the following legislation:

State Records Act 1998

Privacy and Personal Information Protection Act 1998

Government Information (Public Access) Act 2009

The public officer of **Illawarra Shoalhaven Joint Organisation** is the Executive Officer who may be contacted at info@isjo.org.au

7.2 INSURANCE

The **Illawarra Shoalhaven Joint Organisation** will hold the necessary insurance arrangements.

The liability of a Member Council or an Associate Member to contribute towards the payment of the debts and liabilities of the Organisation or the costs, charges and expenses of the winding up of the Organisation is limited to the amount, if any, unpaid by the Member Council or Associate Member in respect of the financial contributions required by clause 3.4 .

7.3 INDEMNITY

Representatives of members of the board and staff of the **Illawarra Shoalhaven Joint Organisation** are protected from liability for functions and duties carried out or omitted honestly, in good faith and with due care and diligence.

7.4 POLICIES AND AGREEMENTS

The **Illawarra Shoalhaven Joint Organisation** has adopted the following policies:

Expenses and Facilities Policy

Code of Meeting Practice

Code of Conduct

Regional Procurement Policy

The **Illawarra Shoalhaven Joint Organisation** has resolved to be party to the following:

Memorandum of Understanding with Healthy Cities Illawarra and Health People Illawarra

Further policies may be adopted by the board from time to time and will be published on the **Illawarra Shoalhaven Joint Organisation's** website at isjo.org.au



Attachment E

ISJO EXPENSES & FACILITIES POLICY

POLICY SUMMARY

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to the ISJO voting board members including the chairperson to help them to cover any needs associated with the exercise by of their joint organisation functions that are not otherwise covered under their member councils' expenses and facilities policies.

ISJO Board members are not entitled to make a claim under this policy where the claim has been covered under a member council's policy and vice versa.

The policy ensures accountability and transparency, and seeks to align councillor delegate expenses and facilities with community expectations. Councillor delegates must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the Local Government Act 1993 (the Act) and Local Government (General) Regulation 2005 (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW and the Guidelines for the establishment of Joint Organisations.

The policy sets out when ISJO will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

Councillor delegates must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to councillor delegates will be publicly tabled at a council meeting every six months and published in full on ISJO's website. These reports will include expenditure summarised by individual councillor delegates and as a total for all councillor delegates.

PART A – INTRODUCTION

1. INTRODUCTION

1.1 The provision of expenses and facilities enables councillor delegates to fulfil their civic duties as the nominated delegates to the Illawarra Shoalhaven Joint Organisation (ISJO).

1.2 The community is entitled to know the extent of expenses paid to councillor delegates, as well as the facilities provided.

1.3 The purpose of this policy is to clearly state the facilities and support that are available to councillor delegates to assist them in fulfilling their joint organisation duties.

1.4 ISJO staff are empowered to question or refuse a request for payment from a councillor delegate when it does not accord with this policy.

1.5 Expenses and facilities provided by this policy are in addition to fees paid to councillors by their respective councils.

2. POLICY OBJECTIVES

2.1 The objectives of this policy are to:

- enable the reasonable and appropriate reimbursement of expenses incurred by councillor delegates while undertaking their civic duties as an ISJO delegate
- enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties as an ISJO delegate
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillor delegates
- ensure facilities and expenses provided to councillors meet community expectations
- support a diversity of representation
- fulfil the ISJO's statutory responsibilities.

3. PRINCIPLES

3.1 The ISJO commits to the following principles:

- Proper conduct:** councillor delegates and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
- Reasonable expenses:** providing for councillor delegates to be reimbursed for expenses reasonably incurred as part of their role as delegate
- Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a delegate
- Equity:** there must be equitable access to expenses and facilities for all councillor delegates
- Appropriate use of resources:** providing clear direction on the appropriate use of the ISJO resources in accordance with legal requirements and community expectations
- Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to delegates.

4. PRIVATE OR POLITICAL BENEFIT

4.1 Councillor delegates must not obtain private or political benefit from any expense or facility provided under this policy.

4.2 Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:

- production of election material
- use of the ISJO resources and equipment for campaigning
- use of official ISJO letterhead, publications, websites or services for political benefit
- fundraising activities of political parties or individuals, including political fundraising events.

PART B – EXPENSES

5. GENERAL EXPENSES

5.1 All expenses provided under this policy will be for a purpose specific to the functions of councillor delegates to the ISJO Board. Allowances for general expenses are not permitted under this policy.

5.2 Expenses not explicitly addressed in this policy will not be paid or reimbursed.

6. SPECIFIC EXPENSES

6.1 General travel arrangements and expenses

In the first instance, all travel expenses by councillor delegates should be reimbursed through their member council Expenses and Facilities policy. ISJO will not pay any traffic or parking fines or administrative charges for road roll accounts.

6.2 Interstate, overseas and long distance intrastate travel expenses

Councillor delegates seeking approval for any interstate and long distance intrastate travel relating to ISJO business must obtain approval of the ISJO Board prior to travel.

6.3 Accommodation and meals

In circumstances where it would introduce undue risk for a councillor delegate to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the executive officer. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the councillor delegate lives more than 50 kilometres from the meeting location.

6.4 Refreshments at ISJO related meetings

Host councils are to provide appropriate refreshments when they host ISJO Board meetings.

The ISJO will be responsible for providing appropriate refreshments outside of board meetings hosted by member councils – committee meetings, briefings, engagements or official ISJO functions as approved by the executive officer. As an indicative guide for the standard of refreshments to be provided at ISJO related meetings, the executive officer must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

6.5 Professional development

The ISJO will facilitate professional development for councillor delegates from time to time as appropriate.

6.6 Conferences and seminars

The ISJO Board may approve attendance at conferences or seminars from time to time as appropriate. Approval to attend a conference or seminar is subject to relevance of the topics to current regional priorities and to assist the councillor delegate with ISJO Board duties.

The ISJO will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the Board. The ISJO will also meet the reasonable cost of meals when they are not included in the conference fees.

6.7 Special requirement and carer expenses

If special requirement or carer expenses are not met by member council reimbursement policies, the executive officer may authorise the provision of reasonable additional facilities and expenses in order to allow a voting councillor delegate perform their ISJO Board duties.

7. INSURANCES

Representatives of members of the board and staff of the Illawarra Shoalhaven Joint Organisation are protected from liability for functions and duties carried out or omitted honestly, in good faith and with due care and diligence.

8. LEGAL ASSISTANCE

8.1 ISJO may, if requested, indemnify or reimburse the reasonable legal expenses of:

- a councillor delegate defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the councillor
- a councillor delegate defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the councillor delegate
- a councillor delegate for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the councillor delegate.

8.2 In the case of a code of conduct complaint made against a councillor delegate, legal costs will only be made available where the matter has been referred by the executive officer to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the councillor delegate.

8.3 Legal expenses incurred in relation to proceedings arising out of the performance by a councillor delegate of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a councillor delegate has done during his or her term on the ISJO Board. For example, expenses arising from an investigation as to whether a councillor delegate acted corruptly would not be covered by this section.

8.4 ISJO will not meet the legal costs:

- of legal proceedings initiated by a councillor under any circumstances
- of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
- for legal proceedings that do not involve a councillor delegate performing their role as a delegate.

8.5 Reimbursement of expenses for reasonable legal expenses must have approval by way of a resolution at an ISJO Board meeting prior to costs being incurred.

PART C - FACILITIES

9. GENERAL FACILITIES FOR ALL COUNCILLOR DELEGATES

9.1 The ISJO will provide administrative support to councillor delegates to assist them with their Board duties only. Administrative support may be provided by ISJO staff as arranged by the executive officer or their delegate.

9.2 As per Section 4, ISJO staff are expected to assist councillor delegates with ISJO Board duties only, and not assist with matters of personal or political interest, including campaigning.

PART D – PROCESSES

10. APPROVAL, PAYMENT AND REIMBURSEMENT ARRANGEMENTS

10.1 Expenses should only be incurred by councillor delegates in accordance with the provisions of this policy.

10.2 Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.

10.3 Final approval for payments made under this policy will be granted by the executive officer or their delegate.

Direct payment

10.4 ISJO may approve and directly pay expenses. Requests for direct payment must be submitted to the Executive Officer or delegated official for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

10.5 All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Executive Officer or delegated official.

Notification

10.6 If a claim is approved, the ISJO will make payment directly or reimburse the councillor delegate through accounts payable.

10.7 If a claim is refused, the ISJO will inform the councillor delegate in writing that the claim has been refused and the reason for the refusal.

Timeframe for reimbursement

10.8 Unless otherwise specified in this policy, councillor delegates must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

11. DISPUTES

11.1 If a councillor delegate disputes a determination under this policy, the councillor delegate should discuss the matter with the executive officer.

11.2 If the councillor delegate and the executive officer cannot resolve the dispute, the councillor delegate may submit a notice of motion to an ISJO board meeting seeking to have the dispute resolved.

12. PUBLICATION

12.1 This policy will be published on the ISJO website.

13. REPORTING

13.1 The ISJO will report on the provision of expenses and facilities to councillor delegates as required in the Act and Regulations.

13.2 Detailed reports on the provision of expenses and facilities to councillor delegates will be publicly tabled at the ISJO annual general meeting and published in full on the ISJO's website. These reports will include expenditure summarised by individual councillor delegates and as a total for all councillor delegates.

14. AUDITING

14.1 The operation of this policy, including claims made under the policy, will be included in the ISJO periodic audit program.

15. BREACHES

15.1 Suspected breaches of this policy are to be reported to the executive officer.

15.2 Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.



ILLAWARRA SHOALHAVEN JOINT ORGANISATION

BUDGET AND STATEMENT OF REVENUE POLICY 2018-19

The Illawarra Shoalhaven Joint Organisation's revenue and accounting policies are kept in accordance with the Australian Accounting Standards Board. ISJO abides by the:

- *Local Government Act (1993)*
- *Local Government (General Regulation 2005)*
- *Local Government Code of Accounting Practice and Financial Reporting*

1. Financial contributions by member councils

As outlined in the charter, the Illawarra Shoalhaven Joint Organisation (ISJO) member councils must contribute a monetary payment or equivalent contribution based on the following methodology:

- Equal contribution by all member councils in order to perform the principal functions of delivering on strategic regional priorities, regional leadership and intergovernmental cooperation; and
- Contributions by participating member councils for other functions of enhancing strategic capacity and direct service delivery.

For 2018-19, equal contributions per member council of \$53,740 has been determined with following breakdown:

- Secretariat Contribution: \$37,618
- Projects and Programs Contribution: \$16,122

2. Fees and Charges 2018-19

Under the Local Government Act 1993, the ISJO may charge and recover an approved fee for its services. ISJO must consider the following when establishing approved fees:

- the cost of provision of the service
- recommended prices suggested by outside bodies
- the importance of the service
- legislation that regulates certain fees
- Goods and Services Tax legislation



Illawarra District Weeds Authority

ISJO will manage the Illawarra District Weeds Authority with the schedule of fees to be charged for 2018-19 included. These are also included in the Fees & Charges of participating councils – Wollongong City, Shellharbour City and Kiama Municipal.

Details – Private Works Charges	2018/19 Fee Incl. GST
Small Scale Jobs Works requiring up to 1 hour to complete. Includes labour (one operator), plant and chemical Assumes chemical usage of 250 ml or 25 litres of mix	\$110.00 per job
Large Scale Jobs Works requiring more than 1 hour to complete. Includes one operator and all plant / equipment. Chemical extra	\$90.00 per hour
Two operators	\$140.00 per hour
NOTE: An administration fee of 16.5% applies to all large-scale private works undertaken.	

GIPA Government Information (Public Access) Act 2009

Details	2018/19 Fee Incl. GST
A processing charge based on hourly Staff Services fee is applied where applicable. Subject to notes 1 to 4.	\$30 per application
NOTE 1. Application fees covers costs of receiving applications including registration and initial discussions with applicants. Any applications requiring more than 1/2 hour file research will involve processing charges (subject to note 4). 2. An advance deposit may also be required in accordance with Section 68 and 69 of the Government Information (Public Access) Act 2009, if Council's costs are likely to exceed the application fee. 3. A 50% reduction in fees applies for eligible pensioners and non-profit organisations under financial hardship. 4. First 20 hours free of processing charge for person accessing documents relating to their personal affairs.	
Research and Processing	\$30 per hour
Application for review of determination	\$40 per application



3. 2018-19 Income Statement

Illawarra Shoalhaven Joint Organisation Draft Budget 2018-19	
	Consolidated 2018/19 \$
Income from Continuing Operations	
Rates & Annual Charges	-
User Charges & Fees	66,495
Interest & Investment Revenue	57,690
Other Revenues	54,500
Grants & Contributions provided for Operating Purposes	1,910,419
Grants & Contributions provided for Capital Purposes	-
Net gains from the disposal of assets	-
Joint Ventures & Associated Entities	-
Total Income from Continuing Operations	2,089,104
Expenses from Continuing Operations	
Employee Benefits & On-Costs	853,879
Borrowing Costs	-
Materials & Contracts	713,212
Depreciation & Amortisation	15,368
Impairment	-
Other Expenses	51,033
Interest & Investment Losses	-
Net Losses from the Disposal of Assets	-
Joint Ventures & Associated Entities	380,980
Total Expenses from Continuing Operations	2,014,472
Net Profit/(Loss) from Discontinued Operations	-
Net Operating Profit /(Loss) for the Year	74,632
Add back Depreciation Expense (non-cash)	15,368
Add back ELE Expense (non-cash)	-
Add back Other Expenses (non-cash)	-
Less Other Income (non-cash)	-



Net Result (excluding Depreciation & Other non-cash items)	90,000	
Capital (Balance Sheet) and Reserve Movements		
Capital Expenditure	90,000	
Loan Repayments (External)		-
New Loan Borrowings (External)		-
Cash and Investments		-
Total Capital (Balance Sheet) and Reserve Movements	90,000	
Cash Budget Surplus/(Deficit)		0



4. 2018/19 Detailed Estimates – Draft Budget

Illawarra Shoalhaven Joint Organisation 2018-19 Income and Expenditure Detailed Estimates		Draft 2018/19 \$
Operating Income		
Council Secretariat Contributions		150,472
Council Project and Programs Contributions		64,488
ISJO Interest		30,690
Administration revenue		66,495
IWDA Interest		27,000
Grants & contributions provided for operating purposes		
OLG Joint Organisation Establishment Funding		300,000
LGP Regional Procurement Rebate		160,000
Regional Waste Strategy Coordination		101,384
Better Waste & Recycle		103,639
Regional Litter Prevention Program- Foreshores		94,664
Regional Litter Prevention Program- Roads		98,338
Regional Illegal Dumping Program		507,375
Community Recycling Center Comm & Education Plan		50,000
Weeds Action Plan Program - Council contributions		85,059
Weeds Action Plan Program - State Grant		86,000
Vacant Crown Lands Program - State Grant		35,000
Widespread Weed Program - Council contributions		74,000
IWDA Leaseback		4,500
IWDA Private Works		50,000
Total Income		2,089,104
Secretariat - Operating Expenses		
Secretariat - Employee Benefits & On-costs		255,000
Programs & Operations - Employee Benefits & On-costs		117,000
Audit Fees		4,500
Rent		35,000
Admin Expenses, Printing, Cleaning, Insurance, Security		15,900
Vehicle Running Costs		15,000
IT Expenses, Telephone, Web hosting, Teleconferencing		30,200

ISJO Budget and Statement of Revenue Policy 2018-19 - draft

Page 5 of 7

SA18.164 - Attachment 4



JO Establishment Grant Fund Projects	150,000
Depreciation & Amortisation	15,368
Total Expenses	637,968
Regional Procurement Program - Operating Expenses	
Employee Benefits & On-Costs	85,000
Administration Fee	5,954
IT Expenses (software licences)	50,000
Consultants (incl. legal services)	5,000
Training (member councils)	30,000
Advertising (tenders)	5,000
Total Expenses	180,954
Waste & Recycling Programs - Operating Expenses	
Regional Waste Strategy Coordination	
Employee Benefits & On-Costs	92,000
Administration Fee	9,384
Better Waste and Recycling	
Employee Benefits & On-Costs	68,000
Administration Fee	7,454
Advertising	7,000
Catering Costs	200
Consultancy Fees	5,000
Printing & Stationery	6,000
Working Expenses	6,685
Training Course and Seminar Registration	3,300
Regional Litter Prevention Program - Roads	
Working expenses	18,400
Advertising	30,000
Contractors Charges	15,000
Printing & Stationery	26,264
Working Expenses	5,000
Regional Litter Prevention Program - Foreshore	
Employee Benefits & On-Costs	31,338
Consultancy	5,000
Working expenses	22,000
Equipment Purchases - Infrastructure	40,000
Regional Illegal Dumping Program	
Employee Benefits & On-Costs	52,000
Administration Fee & Catering	17,253
Member Councils - RID support	329,773



Member Councils - Contestable Projects	51,207
Communications Strategy & Advertising	25,000
Training Course and Seminar Registration (councils)	16,200
Working Expenses (operations & equipment)	16,033
CRC Communication & Education Plan	
Administration Fee	5,000
Advertising	31,465
Printing & Stationery	9,724
Working Expenses	3,811
Total Expenses	955,491
Illawarra District Weeds Authority - Operating Expenses	
Weeds Action Program	
Employee Benefits & On-Costs	101,741
Administration & Working Expenses	36,318
Integration of NRM with weed management	2,000
Community awareness and participation (staff publicity)	2,500
Skilled workforce (staff training)	4,000
Noxious Weed Control - materials/contractors	4,500
Vehicle running costs	20,000
Vacant Crown Lands Program	35,000
Widespread Weed Program	
Employee Benefits & On-Costs	51,800
Administration & Working Expenses	22,200
Private Works	50,000
Total Expenses	330,059

SA18.164 - Attachment 4

SA18.165 Shoalhaven Business Chamber and Shoalhaven City Council Memorandum of Understanding

HPERM Ref: D18/233112

Group: General Manager's Group
Section: Economic Development

Attachments: 1. EDO Shoalhaven City Council and SBC MoU 2018/2019 – 2020/2021 (councillors information folder)

Purpose / Summary

Shoalhaven Business Chamber wishes to alter the terms of the current MoU and enter into a new three year agreement with Shoalhaven City Council.

Recommendation (Item to be determined under delegated authority)

That Shoalhaven City Council enter into a new three year MoU with the Shoalhaven Business Chamber to cover the period 2018/19; 2019/20 and 2020/21, with terms set out in this report.

Options

1. The recommendation is accepted as written.

Implications: The Shoalhaven Business Chamber will deliver outputs as described in the new MoU

2. An alternative recommendation be proposed.

Implications: Shoalhaven City Council and the Shoalhaven Business Chamber have an existing MoU in place which expires on 30/6/2019. The Shoalhaven Business Chamber will have the option to continue with the current MoU or terminate the current arrangement.

Background

The MoU that is in place between the Shoalhaven Business Chamber and Shoalhaven City Council consists broadly of two key outputs, being the delivery of the Shoalhaven Business Awards and the delivery of a series of business networking, training and/or educational activities.

The Shoalhaven Business Awards have been held annually since 1985. The awards are a celebration of our local businesses and their contribution to the economy of the Shoalhaven. In 2010, the Shoalhaven Business Chamber applied to Council to deliver the awards. The Shoalhaven Business Awards, coordinated by the Shoalhaven Business Chamber, have been very successful and is the business event of the year.

The Shoalhaven Business Chamber is responsive to the needs of the business community and have developed a business training and networking program as part of the current MoU.

The existing MoU is for three years and is due to expire 30 June 2019. Under the terms of the MoU Shoalhaven City Council provides the Shoalhaven Business Chamber with \$40K per annum to deliver the following:

- Shoalhaven Business Awards (funding allocation \$23,000 GST exclusive)
- Business development/support events (funding allocation \$17,000 GST exclusive)

The Shoalhaven Business Awards, as part of the MoU, are held annually at the Shoalhaven Entertainment Centre. Venue hire and staffing costs have been increasing annually. In 2017, the cost of the hire of the SEC was approximately \$22K and this cost will increase over the next three years. The Economic Development Office supports this proposal to allocate \$26,000 in “sponsorship” of the Shoalhaven Business Awards as much of this money is used to cover the costs of SEC (Council) staff and the hire of the Shoalhaven Entertainment Centre.

Feedback from the Chamber is that the business training and networking program has been overly ambitious with the following deliverables:

- Establishment of the Women in Business networking group and 4 quarterly luncheons
- Establishment of the Lunch and Learn series with 6 lunches delivered per financial year
- Establishment of a Breakfast Bites series with 6 breakfasts per year

The Women in Business networking group and the Lunch and Learn series have been extremely popular and generally well attended. The Breakfast Bites series was not as successful. The Shoalhaven Business Chamber would like to concentrate on delivery of those activities that have the most value for business people being the Women in Business networking group and the Lunch and Learn series. It is proposed under the new MoU that the Shoalhaven Business Chamber will receive a reduced amount of \$14,000 (GST exclusive) from Shoalhaven City Council to continue to support and grow the Women in Business networking group with 5 events per annum and deliver 6 Lunch and Learn events per annum. In acknowledgement of Council’s support both the Lunch and Learn series and the Women in Business will be branded with “Shoalhaven Business Chamber, in partnership with Shoalhaven City Council”.

The funding provided to the Shoalhaven Business Chamber from Shoalhaven City Council under the proposed MoU will remain the same as the current MoU being \$40,000 (GST exclusive) per annum for the financial years of 2018/2019, 2019/2020 and 2020/2021. It is only the allocation and deliverables that have changed.

A copy of the draft MoU is included in the Councillor’s Information Folder.

Financial Implications

Level of funding will remain the same, being \$40,000 (GST exclusive) per year. This will be funded from the Economic Development budget.

SA18.166 Authority for Cheque and Electronic Banking Signatories

HPERM Ref: D18/231203

Group: Finance Corporate & Community Services Group
Section: Finance

Purpose / Summary

To update the list of Council's authorised cheque and electronic banking signatories to reflect recent staff changes within the Finance, Corporate and Community Services Group.

Recommendation

That Council:

1. Authorise any two of the following persons:

Russell Desmond Pigg	General Manager
Stephen Joseph DUNSHEA	Director Finance, Corporate & Community Services
John Gerard LENEHAN	Chief Information Officer
Michael Joseph PENNISI	Chief Financial Officer
Vanessa Jane PHELAN	Finance Manager
Brittany Anne MURPHY	Financial Accountant
Stephanie Jane MOORLEY	Accountant – Management Accounting
Craig Robert GILFILLAN	Assistant Financial Accountant
Graham David LONGFIELD	Accounting Officer

 - a. to operate on any accounts now opened or to be opened by the Shoalhaven City Council with financial institutions;
 - b. to sign, draw, make, accept and negotiate cheques and electronic fund transfers on behalf of Shoalhaven City Council.
2. Note that this authority will cancel and supersede all previous authorities except in respect of cheques and other instruments dated prior to this authority.

Options

1. The proposed account signatory amendments are accepted to reflect changes in staff in the Finance, Corporate and Community Services Group

Implications: NIL

2. The recommended account signatory amendments are not accepted and Council's existing signatories are maintained.

Implications: May cause limitations on Council's ability to manage its finances in a timely matter

SA18.166

Background

With the appointment of the Finance Corporate and Community Service Director, Stephen Dunshea, and other various staff movements, it is necessary to update the account signatories to ensure Council can manage its finances in a timely manner.

The cheque signatories will have the authority to operate on any account(s) now opened or to be opened by Shoalhaven City Council with Financial Institutions, so long as the account(s) shall be in credit or at the Financial Institutions' discretion, notwithstanding that they shall become thereby or be already overdrawn.

Authority is given for staff to sign, draw, make, accept and negotiate cheques on behalf of the Shoalhaven City Council.

The recommended list of authorised cheque signatories does not serve as authority to negotiate fixed deposits, bills of exchange, promissory notes or any other negotiable instruments. These instruments can only be acted upon by staff with the General Manager's Delegated Authority under Section 378 of Local Government Act 1993.

SA18.167 Frogs Holla Sporting Complex - Wastewater Upgrade

HPERM Ref: D18/2954

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

Purpose / Summary

To recommend proceeding with an alternative option regarding the upgrade of wastewater service at Frogs Holla Sporting Complex. Investigations have revealed rock excavation requirements will significantly increase costs of rising main as per previous Council resolution. An alternative option to contain costs within the existing budget provision is now recommended.

Recommendation (Item to be determined under delegated authority)

That Council commence wastewater upgrade works at Frogs Holla Sporting Complex to provide an upgraded AWTs system from current allocated budget (\$100,035).

Options

1. Connect to Milton town mains sewer system

Implications:

Capital Cost	\$ 491,231
Net Present Value	\$ 219,407
Annual whole of life cost	\$ 14,115

Life expectancy	100 years
100 year Whole of life cost	\$1,411,501

Requires additional \$391,196 funding allocation.

2. Replace on-site AWTs system – like-for-like (not connected to mains) – upgrade capacity to current requirements

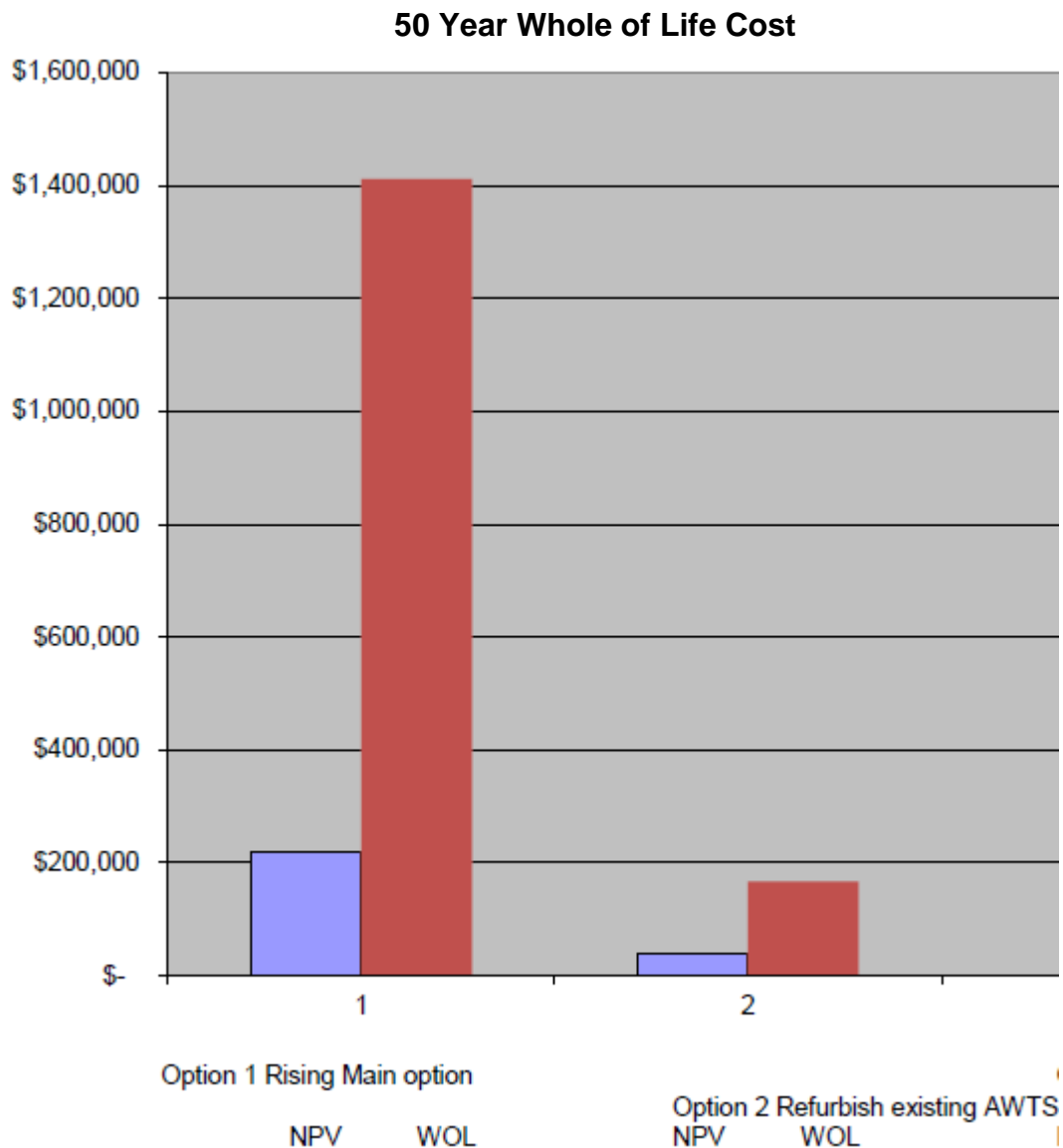
Implications:

Capital Cost	\$ 75,000
Net Present Value	\$ 38,528
Annual whole of life cost	\$ 5,543

Life expectancy	30 years
30 year Whole of Life Cost	\$ 166,280

Within existing budget.

SA18.167



SA18.167

Background

At the Ordinary Meeting 28 June 2016, the Council Resolution MIN16.516 was that:

- Council commence urgent wastewater upgrade works at Frogs Holla Sporting Complex to provide a rising main connection to the adjacent Milton town sewer system.
- Council fund the estimated \$90,000 wastewater from the 2016/17 budget allocation for New - Car Parking Active - Crown.
- Council provide interim portaloos type facilities at Frogs Holla Sporting Complex on high usage days such as school carnivals.
- Council advise the Frogs Holla Sporting Complex Management Committee of the above resolution.

In relation to part a) :

Staff commenced investigations towards providing a rising main connection to the adjacent Milton town mains sewer system. These investigations showed that rock excavation would be required.

The cost reported to Council in 2016 for rising main connection was based on an estimate “other than rock excavation”. New estimates have been developed by Shoalwater which exceed current budget due to the requirement for rock excavation. Consequently, an alternate option was investigation having regard to budget constraints:

Original Proposal - Rising main connection

This option is to connect a 780m rising main line to the Milton town mains sewer system.

Shoalwater has subsequently provided updated costings, estimating \$491,231 to install a Rising Main option. These works are currently not fully funded. \$100,035 is allocated, a further \$391,196 is unfunded and would be required to be allocated to undertake this option.

Alternative Option - AWTs System

The current system is a Septic treatment system which cleans and discharges wastewater onsite. This would need to be upgraded and extended to provide a trench irrigation system uphill of the existing amenities building.

Shoalwater has provided costings against this upgraded AWTs system, estimating \$75,000. These works fall within current project budget.

In relation to part b) :

A budget allocation has been created for Frogs Holla Sporting Complex. \$100,035 has been requested for revote for the 2018/19 budget.

In relation to part c) :

Staff have provided portaloos for high usage days. Very few events currently run at the site. No hire has occurred this year. Where required, this resolution will continue to be enforced until upgrade of current system is achieved.

In relation to part d) :

The Frogs Holla Management Committee have been advised of the resolution, and the delay to proposed works.

Community Engagement

The Frogs Holla Management Committee have been advised of the original proposed works and the alternative option investigated. The Committee and sporting clubs are keen for an upgrade to the system, with no preference regarding options.

Policy Implications

None.

Financial Implications

- ## 1. Connect to rising mains

Implications:

Capital Cost	\$ 491,231
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Net Present Value	\$ 219,407
Annual whole of life cost	\$ 14,115
Annual Maintenance:	\$ 300.00
Life expectancy	100 years
100 year Whole of life cost	\$1,411,501

Requires additional \$391,196 funding allocation.

2. Replace on-site AWTs system – like-for-like (not connected to mains) – upgrade capacity to current requirements

Implications:

Capital Cost	\$ 75,000
Net Present Value	\$ 38,528
Annual whole of life cost	\$ 5,543
Annual Maintenance:	\$ 203
Life expectancy	30 years
30 year Whole of Life Cost	\$ 166,280

Requires \$75,000, creating a surplus of \$25,000 within current budget allocation. The \$25,000 may fund additional trenches to increase capacity of current system.

Within existing budget.

In relation to part c) of previous resolution:

Cost of Portaloo for 30 days per year as per Ulladulla Toilet hire is \$843.

Very few events currently run at the site. No hire has occurred this year.

Risk Implications

The current system is failing and needs to be upgraded.

Original Proposal:

Connection to the Milton town main sewer system will alleviate any on going issues with the sewerage system at the site.

Alternative Option:

The upgraded AWTs system will service the needs of the sportsgrounds, even at peak times.

The AWTs system needs to be regularly monitored and maintained, including tanks and dispersion lines (i.e. irrigation, trenches, etc.). An existing contract manages tank servicing. This will be extended to include dispersion lines under this option.

SA18.167

Reserve Renaming Proposal - Fire Brigade Park - Naval Parade - Erowal Bay

HPERM Ref: D17/374569

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

Summary

To seek direction on the previous Council Resolution to rename Fire Brigade Park to Lions Park (at Naval Parade, Erowal Bay). Community consultation resulted in a change to the commitment from Lions Club, and alternative names being suggested: Moodgee Park, Killarney Park, Lions Park – with Moodgee Park being the community's preferred option.

Recommendation

That Council note the community consultation undertaken in respect of renaming the park at Naval Parade Erowal Bay (previously Fire Brigade Park) and:

1. Confirm its previously resolved in-principle agreement and rename the park Lions Park Erowal Bay; or
2. Adopt one of the following alternate names put forward during the community consultation:
 - a. Moodgee Park
 - b. Killarney Park; or
3. Retain the name of Fire Brigade Park.

Options

- 1) Rename the park to Moodgee Park.

Implications: This option is beneficial as it is not associated with any individual user or historical context. It recognises the Aboriginal cultural heritage of the site. This name is recommended by local Aboriginal representative and is the preferred name, voted by the Community Consultative Body. This option is not in line with the Council resolution.

- 2) Rename the park to Killarney Park.

Implications: This option recognises the historical naming of the area, was suggested during community consultation, and is the second preference of the Community Consultative Body. This option is not in line with the Council resolution.

- 3) Rename the park to Lions Park Erowal Bay.

Implications: The Jervis Bay Lions Club have now advised Council that after reviewing the maintenance commitments, they do not have available resources to maintain the park. Council will be required to continue maintenance of the Park. This option was not supported by the Community Consultative Body and other parties during community consultation. This option is in line with the Council resolution that has been advertised to the public.

4) Keep the existing name - Fire Brigade Park

Implications: This option recognises the historical significance of the Rural Fire Service association with the park (which no longer occupies the site) and the Erowal Bay district. This option is not in line with the Council resolution.

Background

At the Strategy and Assets Committee meeting of 15 August 2017, a Notice of Motion was put forward to rename Fire Brigade Park (at Naval Parade, Erowal Bay) to Lions Park Erowal Bay.

MIN17.693 was adopted:

1. *“Council agree in principal to the renaming of the Park adjacent to the Jervis Bay Lions Club Rooms to Lions Park Erowal Bay.*
2. *The General Manager:*
 - a. *Liaise with the Lions Club Executive on the level of maintenance / upgrade of the Park to be undertaken by the Jervis Bay Lions,*
 - b. *Advertise the proposal to rename the park for 21 days,*
 - c. *Then report back to Council for final adoption of the proposal”.*

Maintenance

The Council Resolution resolved that staff liaise with the Lions Club Executive on the level of maintenance / upgrade of the Park to be undertaken by the Jervis Bay Lions Club. The intention was that Council enter into a Memorandum of Understanding with the Jervis Bay Lions Club for the ongoing maintenance of the park.

At that time, the Lions Club of Jervis Bay Incorporated had suggested that they would maintain the park if it becomes a “Lions Park Erowal Bay”, including managing the regular grass mowing, general clean-up activities as well as occasional park enhancements. This offer was conditional upon the renaming of the park.

The Club has subsequently withdrawn this commitment. This change of intention is due to the Club’s initial misconception that maintenance could be shared between themselves and Corrective Services, which is not agreed by Corrective Services.

Council staff currently undertake all maintenance at the park. This is scheduled at 16 mowing maintenance visits per year, skewed to the summer peak period. Additionally, 11 garden maintenance visits occur annually with 1 visit per month except July. Corrective Services Day Release Program participants have in the past visited the park sporadically to conduct litter collection – this practice has terminated.

At their most recent meeting on 7 July 2018, Jervis Bay Lions Club determined that they do not have capacity to maintain the park to its current standard.

Community Consultation

Council advertised the proposed name change for 21 days. Four (4) submissions were received: two (2) from local residents, one (1) from the local CCB, the Basin Villages Forum, and one (1) from local Dharawal Aboriginal Corporation.

Two (2) submissions put forward an alternate name, “Killarney Park”, based on the historical naming of the land the park sits on, one (1) proposed an Aboriginal name, “Moodjee Park”. One (1) submission questioned the viability of Lions Club maintaining the site, expressing a concern that the club may not adequately manage and maintain the park into the future.

The CCB, Basin Villages Forum, has raised the proposed renaming at their most recent meeting (21/05/2018). The motion was passed and unanimously carried that the Forum's first choice for the park's name is "Moodgee Park" with second choice "Killarney Park". No third option was nominated.

Community Engagement

Council advertised the name change proposal for 21 days and consulted with the local community. Four (4) submissions were received.

1. Submissions Received:

- a. Two (2) put forward an alternate name, "Killarney Park", based on the historical name of the land the park sits on, and noting that there is no long term association of the park with the Lions Club.
 - b. One (1) proposed an Aboriginal name, "Moodgee Park". The name "Moodgee Park" was recommended as meaningful to the local Aboriginal community, and contributing to a welcoming and inclusive community spirit in the area. This name means "A park for everyone" or "Everyone welcome at the park". (Verbal submission from Rob Little, Chair of Dharawal Aboriginal Corporation.)
 - c. One (1) questioned the viability of Lions Club maintaining the site, expressing a concern that the Club may not adequately manage and maintain the park into the future.
2. Basin Villages Forum (CCB) provided an initial submission, and subsequently followed this with a Meeting Resolution, providing an alternative recommendation to Council:
- a. The initial submission was for the name "Killarney Park", based on the history of the village. This was the name of the area at time of the first village subdivision. There is some local acknowledgement of the significance of the name "Killarney".
 - b. It was noted that "Killarney Park" would be an historically linked name and potentially less likely to be subject to any future renaming due to changes to local organisations (as has occurred with "Fire Brigade Park", and could potentially occur with "Lions Park").
 - c. At the Basin Villages Forum meeting 21/05/2018, the motion was unanimously carried that the Forum's first choice for the park's name is "Moodgee Park", with second choice "Killarney Park". No third option was nominated.

Policy Implications

No implications

Financial Implications

Cost to replace existing signage to be allocated to Reserves signage operational budget – approx. \$600 for signage and installation.

No maintenance costs would be saved by renaming the park.

Risk Implications

No risk implications.

SA18.169 Berry District Park - Name Your Park - Proposed Name Change

HPERM Ref: D18/186473

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

Attachments: 1. Summary of Submissions Received - Name Your Park (Berry District Park) [↓](#) Park)

Purpose / Summary

To report to Council details of the community engagement process undertaken to determine the preferred name for Berry District Park as per MIN16.279 and endorse renaming the park “Boongaree Park”.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Note the community engagement undertaken for the naming of Berry District Park
2. Having considered feedback from the community engagement process, endorse the renaming of Berry District Park to Boongaree Park.

Options

1. Adopt the recommendations and rename the Park from Berry District Park to Boongaree Park.

Implications: This will allow finalisation of the naming campaign consistent with the Council resolution of 19 April 2016 (MIN16.279, part “g”) and as per the majority votes received during the “Name Your Park” campaign from the community.

2. Council resolve to adopt an alternative recommendation.

Implications: Not in line with the above resolution and community dissatisfaction with wasted staff resources. An alternative recommendation might not fit the community vision.

Background

Berry District Park naming has been ongoing since 2016. Extensive community consultation has been undertaken with stakeholders over the past three months to determine the preferred name for the park. Details of the community engagement process are outlined below. A list of the suggested names for the park received during the consultation period are detailed in **Attachment 1**.

Community Engagement

Extensive community engagement regarding the naming of the park has been undertaken with the community, CCB and sporting groups. Stakeholders were kept up to date on the project throughout the “Name Your Park” campaign through a variety of communication methods.

Council's Social Infrastructure Officer presented a project update to the Berry Forum (Community Consultative Body) on 15 February 2018. The Forum were briefed on the upcoming Name Your Park engagement and provided with flyers.

An on-site Children's Consultation took place in March 2018. The consultation successfully engaged the children and youth, parents and community members of Berry to provide their feedback on the design of the park. The stakeholders were also handed flyers to advise them of the upcoming Name Your Park campaign.

Name Your Park Campaign

The Name Your Park engagement was undertaken in two stages. Stage One was undertaken from 3 April to 16 May 2018 (inclusive). During this stage, members of the community were invited to submit suggested names for the park.

Submissions were received online via Council's Get Involved platform and ballot boxes located at Berry Public School and the Berry Post Office.

Flyers promoting the engagement were emailed and posted to all residents of North Street in Berry, emailed to Schools, Sporting groups of the Park, attendants of the Children's Consultation Day, Berry Forum, Berry Alliance, Berry District Rotary and any previous respondents from previous exhibitions of concept plans. A media release promoting the engagement was issued to all local media on 3 April 2018.

The original deadline for suggested names was extended from 30 April to 16 May to encourage more community members to submit names and allowed the Berry Town Crier (monthly community newspaper servicing 5,000 local residents) to publish information regarding the engagement in their May issue.

Participants were advised that their suggested name should fit the following criteria:

- Demonstrate connection to the Berry community and to the surrounding natural areas;
- Be positive and family friendly; and
- Memorable and original.

As part of this process, forty-five (45) nominations were received. Following completion of Stage One, participants were advised they would be contacted when the shortlist would be made available, when Stage Two of the consultation commenced, and be invited to vote on the shortlist.

Stage Two involved voting on the short-listed nominations and was open for a 2-week period from 17 to 30 May 2018 (inclusive). During this time, community members were invited to vote for their preferred name from the shortlist of names. The shortlist was determined by staff as best meeting the naming criteria provided above. A brief description was provided alongside each name explaining why the name had been suggested by the participant.

The shortlisted names and the brief description provided were as follows:

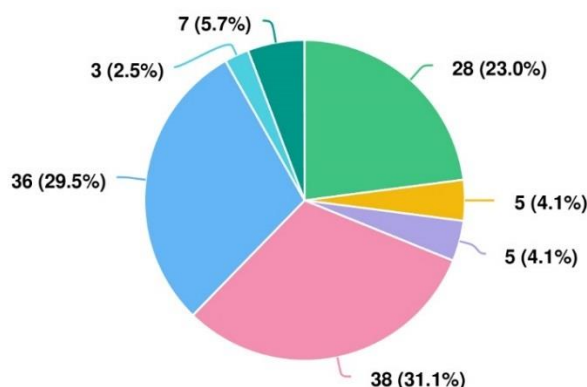
- Banyula Park - Banyula is the Aboriginal word for "Many Trees".
- Berry Adventure and Fun Park - It's going to be fun and an adventure!
- Berry Adventure and Sports Park - It's going to be an adventure and sport is played there.
- Boongaree Park - "Boon-ga-ree" is the original Indigenous name given to this area by the Wodi Wodi people of the Dharawal nation.
- Broughton Park - Berry was originally named Broughton Creek. The creek runs along the park and through the town.

- Diorama Park - Berry is the town of trees. Diorama means tree in Dharawal, the local Indigenous language.
- North Street Community Park - Traditional name which won't be confused with other parks in town. North Street gives clear location. Community gives purpose of the park.

Voting could be completed on the Berry District Park project page on Council's Get Involved platform and at Council's Community Information Evening held at the Nowra School of Arts on Tuesday evening, 29 May 2018. In total, 122 votes were received with Boongaree Park receiving the most votes, at 38 votes and 31.1% of the total. The following table and chart list the outcome of the vote:

PARK NAME	VOTES
Banyula Park	28
Berry Adventure and Fun Park	5
Berry Adventure and Sports Park	5
Boongaree Park	38
Broughton Park	36
Diorama Park	3
North Street Community Park	7

Please select from the list below the name you most prefer for the area currently referred to as 'Berry District Park':



Question options

● Banyula Park
 ● Berry Adventure and Fun Park
 ● Berry Adventure and Sports Park
 ● Boongaree Park
● Broughton Park
 ● Diorama Park
 ● North Street Community Park

(122 responses, 0 skipped)

Following closure of the process, a complaint was received from the Berry Forum regarding several residents reporting to have experienced difficulty voting, for various reasons.

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The complaints have been considered and the voting process assessed and deemed robust. However, in order to better understand the issues, complainants were asked to report details of their difficulties directly to the Project Officer, to consider their claims on a case by case basis.

The following submissions were received as a result:

REASON FOR LATE CONSIDERATION OF VOTE	VOTE
Email confirmation showed participant voted for a name other than what they had wished to vote for	Banyula Park
System failure (either technological or user error) – unable to submit online form	2 x Broughton Park

Considering the late votes would change the outcome of the voting to:

PARK NAME	VOTES
Banyula Park	29
Berry Adventure and Fun Park	5
Berry Adventure and Sports Park	5
Boongaree Park	38
Broughton Park	38
Diorama Park	3
North Street Community Park	7

Conclusion

It is recommended that the park be named Boongaree Park as per the minute (MIN16.279, part g) as it has regard to the original Aboriginal name for the Berry / Broughton Creek area.

Summary of Submission – Name Your Park – (Berry District Park) – 3 to 16 May 2018

No.	Date Rec'd	Respondent Comments
1	4/4/18	Red Cedars – In keeping with the Town of Trees theme, the area was known for these.
2	7/4/18	Maggie Park – Berry sporting teams are known as the Maggies – I think this appropriate.
3	4/4/18	A Berry Fun Park – Cooper thinks the park will be very fun. He thinks it would be funny to change the very to Berry.
4	5/4/18	Ward Park – After Gareth Ward for involvement in community plans and projects and getting bypass a reality.
5	4/4/18	Banyula Park – Banyula is the Aboriginal word for “Many Trees”.
6	7/4/18	Diorama Park or Diorama Glade – Berry is the town of trees. Diorama means tree in Dharawal, the local indigenous language, according to this website http://dharug.dalang.com.au . Another option could be Diramu instead of Diorama, both mean “tree”.
7	6/4/18	Berry Fields – is a name that depicts open spaces, welcoming to all members of the community and visitors alike.
8	5/4/18	Boon-ga-ree Park – is the aboriginal name for the area that the district park resides in and it includes the local heritage.
9	4/4/18	Town of Trees Park – The original sign that was at the entrance to Berry coming from the north. Bring it back...many people identify with this.
10	4/4/18	Ted Street Reserve – Ted has been the backbone of the Berry community for decades, his selfless nature is a great advertisement for the local community and I believe this honour would be a fitting achievement for someone who has donated so much of their time to the Berry community.
11	9/4/18	Bilberry Park – I like the “ring” to this name.
12	9/4/18	Berry Natural Park - As it seems to fit in with the Nature of things as close to nature as possible and using the name Berry in a quirky way. I wrote a few down especially after that last lot of rain and at that stage thought Swampy Hollow.
13	9/4/18	Berry Park - Clearly states where it is etc - a variation may be David and/or Alexander Berry Park?
14	9/14/18	Dharawahl word meaning rest or recreation, joy or play or something similar. Currently Berry's street and park names are entirely euro-centric... mostly a tribute to the Berry family who 'settled' the area and the monarchy, a horse, a princess and a community group. The new art of the outline of David Berry's silhouette has recently continued this tradition. In today's world, with the discourse of reconciliation, we need a space that honours the traditional custodians of the land... and a 'wild' natural space seems appropriate, opened with a ceremony led by local elders and children perhaps, both indigenous and non-indigenous. A name that honours the history of this landscape beyond the last 200yrs. I do not know the right word... we need to ask the people who will. I'm sure Council have links with our local Aboriginal elders they can consult.
15	9/4/18	North Woodhill Park – Location, makes sense.
16	10/4/18	Berry Park & Reserve - well it is a park; new skate park, playground and other stuff. There's even a river there too. So why not? Regards, Henry
17	11/4/18	Broughton – To reflect original name of Berry.
18	17/4/18	Norris Park – In reference to the Norris family who have a history in the area of Broughton Vale dating back to the 1830.
19	17/4/18	Berry's Super Amazing Adventure Playground - I suggested this name because it is going to be amazing!
20	23/4/18	Boongaree - Boongaree was the name of the early nineteenth century Aboriginal encampment at Berry (then known as Broughton Creek). This name is based on research conducted by local historian Keith Campbell (refer information published in Navin Officer Heritage Consultants 2009 Gerringong to Bomaderry Princes Highway Upgrade Aboriginal Cultural Values. Report for Maunsell/Aecom). The Boongaree encampment was located 1km south of Pulman St, Berry, in a natural clearing (or 'meadow'), at the confluence of Broughton Mill Creek and Broughton Creek. The encampment and its Aboriginal community

		almost certainly existed prior to Berry's nearby establishment of a cedar sawing establishment in 1825. This cedar-getting camp was the first white settlement of the area. Boongaree was therefore the first human settlement of the Berry location. This area was later the location of the 'Double Wharf' at the 'Crooked S' which was used by steamers delivering and transporting goods to and from the European 'Broughton Creek' settlement. Boongaree is the recorded birth place of Toodwick, a local Aboriginal person known to the Europeans as 'Broughton'. Broughton was a prominent member of the local nineteenth century community, and a valued friend and employee of Alexander Berry. Broughton is an important historical figure who acted as a intermediary between the white and black communities. Based on historical and archaeological evidence, it is thought that periodical historical camping by the local Aboriginal community continued well into the nineteenth century and probably extended upstream as far as the current highway bypass bridge (adjacent to Berry District Park). Boongaree remains un-commemorated in local nomenclature, as does the Aboriginal history of the Berry district (apart from the ambiguous use of 'Broughton' in local topographic names). To name the Berry district park after the original human settlement of the Berry locale would be a fitting acknowledgement of the land's traditional owners, of the early history of Berry ('Broughton Creek'), and an appropriate act of reconciliation on behalf of the town community.
21	21/4/18	<p>Berry Poplar Park - It recognises Berry's existing standing as 'Town of Trees' by drawing on the most iconic Berry Trees, being the humble Poplars.</p> <p>Strikingly apparent as you enter the proposed park precinct, and pleasantly visible from the highway; these grand trees signal ones arrival to the township, and all that the town has to offer, with the district park an extension of this offering to residents and visitors.</p> <p>The name itself also captures a fun vibrant association, whilst importantly showcasing the Town - 'Berry Poplar Park'.</p>
22	25/4/18	<p>Thanks for the link. I've been racking my brains, trying to find some apt possible names for the park, with no outstanding candidates yet. (I'll include my current ideas in this email)</p> <p>I want to let you know that I have dropped the subject at school that was spearheading my interest to the development, so now I only partake in this project as a community member. I still have an interest in providing support however, so please continue to include me in information such as this.</p> <p>Berry District Park names:</p> <ul style="list-style-type: none"> • Mountainview Park • Broughton Park • Berry Progressional Park • Berry Community Park • North St Park
23	25/4/18	Boongaree Park – It is the Aboriginal word for Broughton Creek and therefore very apt for a park named within close vicinity of the creek.
24	30/4/18	Boongaree District Park – The Aboriginal people of the area were the Wodi Wodi people of the Dharawal nation, and the area was known as Boongaree
25	1/5/18	Berry Recreation Reserve – Recreational and garden appealing to all ages
26	2/5/18	Gareth Ward Park - Gareth has made a big contribution to improving Berry and district
27	3/5/18	Queen Elizabeth Park – Most of Berry's street names refer to English Royalty such as Queen St, George St, Edward St, Victoria St, Princess St, Windsor Drive and so on.

28	6/5/18	Berry adventure and fun park It's going to be fun and an adventure!
29	8/5/18	Broughton Creek Park Berry was originally named Broughton Creek The creek runs along the park and through the town
30	9/5/18	The Berry People's Park When you mention Berry everyone says how friendly it is and how much they enjoy coming here - it is a beautiful socially inclusive community in a glorious natural setting - a place for all people to enjoy.
31	13/5/18	Carwood Centennial Park. Or any other . Carwood Recreation Parkland There are lots of references to males who developed the Berry area but not the women who often worked just as hard. Dorothy G Carwood was matron of David Berry Hospital for 15 years following a distinguished military nursing service 1914 - 1919 WW1. She served in Egypt, Mena, throughout the Gallipoli campaign on hospital ships, Marseilles, Wimereux, Armentières clearing station surviving bombing raids. She and two other nurses being awarded Military Medals for rescuing patients trapped in the burning buildings. See Australian Dictionary of Biographies and.gov.au Also war memorial archives. aww.gov.au
31	15/5/18	Boongaree PlayPark The name is suggested on behalf of the Rotary Club of Berry, on the basis that it combines the Aboriginal connections to the area as well as succinctly describing (with a modern name) the combination of activities within the area, whether it be playing sport, playing at the skatepark, the playground or general exercising.
32	15/5/18	Boon-ga-ree Berry Boon-ga-ree was the original name given to this area by the Wodi Wodi peoples. By linking the indigenous name - Boon-ga-ree - with the colonial settler's name - Berry - the two communities of this region remain connected in a gathering place that promotes freedom, play, good feelings in its connection with nature and country.
33	School	Mcauliffe Park – Because I have a great teach with that last name
34	School	Berry Park of Adventure – Because every time you go there it's a new adventure.
35	School	Hawking Park – Because it would be a tribute to Stephen Hawking
36	School	Berry Gateway Zone – My reasons are because being in nature is a great "Getaway" from the stressfulness of life, so I think we should recognise that. Thanks for making this happen.
37	Post Office	The Bill Bramley Park – Bill was a lifelong resident of Berry and a wonderful gardener and very generous with the things i.e. (vegetables, roses) which he shared.
38	Post Office	Elizabeth Park – In keeping with the names of other streets in and around Berry, "Elizabeth Park" continues this royal heritage and to recognises the reign of Queen Elizabeth II and her magnificent contribution to the world we live in.
39	Post Office	North Street Community Park – Traditional name which won't be confused with other parks in town. North Street gives clear location.

		Community gives purpose of the park.
		Other parks named after or known by street name eg. Princess Park Street, George Street Park
40	Post Office	Judy Sweeney Park – the idea behind the park and driving force.
41	Post Office	First Lee – First Lee was a champion standard bred horse trained at Berry Showground (refer full comments on D18/164243)
42		The Bill Bramely Sporting Complex – has great significance to the Berry local jnr rugby league being our jnr home ground. Bills family farm wand where he grew up is where the sporting complex stands today. His father ran a veggie fruit market there and would take the children from the boys home there to stay the night and take them to the football games. For so many years ran the miggits teams every Saturday morning for years and years even when his children had grown up and where not playing. Bill passed away last year (2015) and the jnr rugby league committee would like to put forward to the Council to name the complex in honour of a great man.
43		Boongaree Park – Received in 2015
44	15/5/18	Berry District Park – This name identifies the park as belonging to residents and as a facility and gift from locals to visitors and tourist.
45	15/5/18	Berry District Park – Immediate identification of the location when Berry is in the name.

SA18.170 Support Request for NSW Public Library Funding Campaign

HPERM Ref: D18/228087

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

Purpose / Summary

To seek Council support to make further representations regarding funding for NSW public libraries to enable continued update of existing library services and collections to reflect modern library services.

Recommendation (Item to be determined under delegated authority)

That Council

1. Make representation to the local State Member(s), Shelley Hancock, in relation to the need for additional funding from the NSW State Government for the provision of public library services.
2. Write to the Hon. Don Harwin, Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for the provision of a significant increase in state funding for NSW public libraries, supported by a sustainable future funding model.
3. Endorse the distribution of the NSW Public Libraries Association NSW library funding advocacy information in Council libraries.

Options

1. To provide support to the NSW Public Library Association campaign for increased library funding to local government public libraries.
2. Not support the campaign.

Background

The NSW Public Libraries Association has requested support from councils across NSW in their advocacy to State Government for additional funds for Public Libraries.

Shoalhaven City Council has invested significantly in library services over many years. In the past five years spending on library services has exceeded \$13.46 million. Libraries in the Shoalhaven average 373,868 visits and 493,736 loans annually.

Whilst Council receives funds from State Government, these have gradually declined. In 2015/16, State funding for Public Libraries covered only 7.5% of the total costs of operating the 368 libraries across NSW. The level of State Government funding for NSW public libraries has reached crisis point. This is an historic issue that has been ignored by successive NSW governments. The key issues are that:

- NSW public libraries receive the lowest per-capita funding from their State Government compared to all other states in Australia
- NSW councils are currently paying 92.5% of the costs to operate public libraries, up from 77% in 1980

- In 2015-16, NSW State Government funding for public libraries was only \$26.5M compared to a contribution of \$341.1M from Local Government. NSW councils are paying 12 times more than the State Government to provide library services to their communities.
- The total funding available through the NSW Public Library Funding Strategy is not indexed to population growth or consumer price index (CPI), thereby contributing to the ongoing attrition of State Government funding.
- The 2018-19 NSW state budget delivered just \$23.528M for public libraries, \$5.275M less than the 2017-18 funding level and a cut of 18 per cent.
- Physical and virtual visitation, library borrowing and participation in library programs continue to increase year on year.
- Libraries play a major part in supporting the achievement of government literacy targets.
- Libraries provide collections, programs and spaces for marginalised groups including older people, refugee and multicultural communities, and people who are digitally disadvantaged.

In 2011, the NSW State Government made a pre-election commitment to comprehensively review the level and allocation of funding for NSW public libraries. The Library Council of NSW worked with the NSW Public Libraries Association and the State Library of NSW to develop an evidence-based submission.

The resulting submission *Reforming Public Library Funding*, recommending a fairer, simpler and more transparent method for the distribution of funds, was presented to the State Government in October 2012. Despite the undertaking of the State Government to comprehensively review funding for its public libraries, the recommendations of *Reforming Public Library Funding* were ignored and the funding model was neither reviewed nor improved.

In 2016, the then Minister for the Arts, the Hon. Troy Grant, undertook to review the matter of State Government funding for NSW libraries at the conclusion of the Fit For the Future program. It can be reasonably assumed that Fit For the Future has concluded, yet there has been no review of library funding nor any mention of libraries in the Government's pre-election undertakings. At the 2016 LGNSW Conference, the Premier Mike Baird committed to reviewing library funding.

It should be noted that the following motion (submitted by the Blue Mountains City Council) was unanimously endorsed at the Local Government NSW 2017 Conference:

"That Local Government NSW works with the NSW Public Libraries Association (NSWPLA) to develop a strategic partnership to:

- a) increase public awareness of the multiple roles that Local Government Public Libraries play in supporting the educational, social, cultural and economic outcomes in local communities*
- b) advocate, in the lead up to the March 2019 State election, for improved State Government funding for Local Government Public Libraries in NSW to enable public libraries to meet the growing needs of our local communities.*

(Note: This motion covers the following motion set out in small font)

Wagga Wagga City Council - Funding for public libraries - That Local Government NSW and member councils lobby the NSW Government to increase annual percentage of funding for public libraries"

As previously noted, this is not a party-political issue as every government since 1980 shares the blame for the current funding situation. Nevertheless, it is worth noting that the NSW

Opposition released its Library Funding Policy on 26 March 2018 with an undertaking to increase overall funding to all suburban and regional NSW public libraries by \$50 million in the first term of government. This is a very significant pledge insofar as it is the first policy from any political party in recent history that undertakes to provide a significant and specified increase in state funding for public libraries.

NSW public libraries are governed by the Library Act 1939, a legislative instrument that was initially introduced to ensure the provision and ongoing sustainability of libraries through State Government and Local Government collaboration, and providing up to 50% of the funding required to establish and operate libraries. Since then local government has increasingly carried the funding burden with the situation deteriorating significantly since the 1980s. As a result, there are examples of attrition in library staffing, opening hours, collections, services and programs in a number of councils across the state.

Disappointingly, the 2018-19 NSW state budget delivered just \$23.528M for public libraries, \$5.275M less than the 2017-18 funding level. The State Government has completely ignored the recommendation of its own expert panel, the Library Council of NSW which, in consultation with the State Library of NSW and the NSW Public Libraries Consultative Committee, recommended an increase in public library funding to \$30M in 2018-19.

The public library grant funding component, which has been a budget inclusion for many years, has been scrapped entirely. This component financed a competitive grant project which has part-funded countless library infrastructure and service projects over many years.

Although the Regional Cultural Fund provides funding specifically for libraries (as stated on page 2 of the guidelines: *“There will be \$47 million available in Round Two, including \$5 million specifically for regional public library infrastructure projects”*) the problems with this allocation are as follows:

- This reallocation of grant funding was never discussed with SLNSW, PLCC or Library Council, despite the fact that the state government has appointed its own expert panel (the Library Council of NSW) to provide advice on library matters. The Library Council, in turn, has appointed the Public Libraries Consultative Committee to provide advice to Library Council. Where was the pre-budget consultation?
- This grant program excludes metropolitan councils. This is not something that either NSWPLA or country members of the Association support.
- This funding is at risk as it is not legislated. Is this a one-year wonder?
- There is still \$1.275M reduction in library subsidy payments direct to councils. In all likelihood, every council in NSW will get less funding in 2018-19.
- NSW libraries are still the lowest per capita funded state in Australia.
- Even though \$5M is available to country libraries in NSW via the Regional Cultural Fund, there is still a \$275k reduction in total overall funding from the state government compared to the 2017-18 public libraries allocation.

The NSW public library network is at serious risk. Neither this Council nor the broader NSW Local Government sector can continue with the high degree of uncertainty about the level of ongoing State Government funding for public libraries.

Accordingly, it is recommended that Council supports urgent action from the NSW local government sector and NSW Public Libraries Association to reverse the ongoing deterioration of state funding for public libraries to ensure that local councils will not be forced to continue meeting the funding shortfall.

SA18.171 Acceptance of Grant Funding - Gordon Darling Foundation - \$5,500 - Exhibition Catalogue Vicki Varvaressos

HPERM Ref: D18/234498

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

Purpose / Summary

To seek Council's approval to accept \$5,500 from the Gordon Darling Foundation for the design and publication of an exhibition catalogue for the upcoming Vicki Varvaressos Exhibition.

Recommendation

1. That Council accept the grant funding of \$5,500 to offset the costs associated with publishing an exhibition catalogue including writer's fees, design fees, printing costs and other associated expenses.
2. That Council write to the Gordon Darling Foundation thanking them for the grant.

Options

1. Council accept the grant of \$5,500 awarded to Shoalhaven Regional Gallery for the publication of an exhibition catalogue

Implications: The grant will offset the costs associated with creating and publishing an exhibition catalogue, reducing the impact on our recurring operation budget

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

Implications: The exhibition catalogue will not be produced. This has the potential to damage relationships with the artist and curator and costs already incurred for photography will not be covered.

Background

The artist, Vicki Varvaressos, is a highly regarded artist in contemporary Australian art who has been working for over 40 years. In this time, she has exhibited extensively at commercial galleries but has only had one other solo show at a regional gallery. In commissioning this exhibition, curated by Max Dingle, Shoalhaven Regional Gallery has the opportunity to bring greater public awareness to the work by the exemplary NSW based artist.

Producing an exhibition catalogue will support the academic and arts record regarding the work and provide a strong legacy of the exhibition. The artist is keen to have a catalogue produced and a highly regarded academic has agreed to contribute a scholarly essay about the work and the artist. Local design group 'Burnt Phoenix' have quoted for producing the catalogue and are keen to further develop a relationship with SRG.

In 2018, Shoalhaven Regional Gallery have produced catalogues for two other shows with both the print and digital versions being very well received. This exhibition catalogue will continue to grow our reputation and brand as a gallery working with contemporary artists of note and producing engaging and interesting exhibitions.

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The Gordon Darling Foundation's charter is to support the visual arts and to promote, through Public Institutions, access to and enjoyment of all areas of the visual arts to the broadest possible audience. The Foundation was established in June 1991 and has awarded over 1000 grants to visual arts projects including catalogues, professional development, exhibitions, art publications, research projects, symposia and collection management initiatives. Shoalhaven Regional Gallery Nowra were successful in a grant application they submitted as part of the Foundation's annual grant program.

Community Engagement

The Vicki Varvaessos exhibition is expected to generate significant interest from both Shoalhaven residents who are aware of contemporary art as well as visitors from further afield. The exhibition will be only the second solo show by Vicki Varvaessos in a public gallery, which will make it a must-see exhibition for those who have followed her work and career.

Production of the catalogue will provide a lasting record of the show, and sales of catalogues from the previous two exhibitions at SRG have shown that there is good interest in purchasing a catalogue at the price-point we allocate (\$20). Further, the catalogue will be produced by a local design firm, providing opportunities for continued employment and partnerships between SRG and the designers.

Financial Implications

Costs associated with the production of an exhibition catalogue are expected to be around \$7,500. These include writer's fees, design fees, photography and printing. The grant from the Gordon Darling Foundation will significantly reduce the outlay required from the operational budget, while revenue received from catalogue sales will further help to reduce the overall expenses incurred by the Gallery.

Risk Implications

In accepting the funding from the Gordon Darling Foundation there is a small risk of the Gallery not being able to undertake the project the funding is designed for. This risk is minimised by the Gallery's history of catalogue production, having the designers, essay writer and curator already contracted (funding dependent), and the quotes for service already provided as part of the grant writing process.

SA18.172 NSW Government Safer Roads Program 2018-19 - Approved Projects

HPERM Ref: D18/152910

Group: Assets & Works Group

Section: Asset Management

Purpose / Summary

To approve the 2018/19 Assets & Works (NSW Government Safer Roads) program.

Recommendation

That:

1. Council accepts the grant funding offers under the NSW Government Safer Roads Program as follows:
 - a. \$125,000 (exc GST) additional funding (reconfirmed) to complete the shoulder widening works on Bolong Road, east of Broughton Creek (a current project, nearing completion).
 - b. \$130,000 (exc GST) (reconfirmed) to construct a single lane roundabout at the intersection of Illaroo Road and Page Avenue, North Nowra.
 - c. \$145,000 (exc GST) (reconfirmed) to construct a channelised right turn treatment at the intersection of Jervis Bay Road and Gardner Road, Falls Creek.
 - d. \$140,000 (exc GST) (reconfirmed) to construct a single lane roundabout at the intersection of Mitchell Parade and Donlan Road (south), Mollymook.
 - e. \$190,000 (exc GST) for pedestrian crossing facilities (raised pedestrian crossings) on Jacobs Drive, Sussex Inlet.
 - f. \$240,000 (exc GST) to construct a single lane roundabout at the intersection of Green Street and Warden Street, Ulladulla.
2. The General Manager (Director Assets & Works) writes to the NSW Roads & Maritime Services, and both local State Members of Parliament, thanking them for their ongoing support of the Shoalhaven Community through the NSW Government Safer Roads Program and for the support of RMS staff in reviewing and supporting Council's nominations for these important local road safety improvements

Options

1. Adopt the recommendation
2. Not accept the recommendation

Implications: This will mean these important safety improvements cannot be delivered and could lead to continuing crashes at these locations.

Background

Six NSW "Safer Roads" projects have been approved for the 2018/19 year, totalling \$970,000.

SA18.172

These are projects that Council originally submitted under the Federal Government Blackspot program that did not receive funding from the Federal Government, but that the State Government have funded under their Safer Roads program.

Of these projects, four of these were “reconfirmed” after the RMS had earlier listed those projects in their advice to Council in 2017, allowing preliminary planning to commence.

Two additional projects have also been approved

- i. \$190,000 for pedestrian crossing facilities (raised pedestrian crossings) on Jacobs Drive, Sussex Inlet, and
- ii. \$240,000 to construct a single lane roundabout at the intersection of Green Street and Warden Street, Ulladulla

Community Engagement

Initial community engagement has been undertaken for all of the projects to date; directly affected properties and community consultative bodies were notified after the projects were identified, and further consultations will be undertaken where required as a part of the delivery of the projects.

Financial Implications

NSW Government Safer Roads Projects are 100% funded by the NSW State Government.

The Federal Government is also providing additional funding towards the Bolong Road (East of Broughton Creek) project, which Council may recall, from a previous report, was approved under their Bolong Road Preservation Fund (Eurobodalla Roads package). \$1M was approved in total under that package of which \$700,000 was allocated to the Bolong Road (East of Broughton Creek) project, and \$300,000 was allocated to the Bolong Road (Coolangatta Road to Gerroa Road) project.

SA18.173 NSW Government - Saving Lives on Country Roads Program 2018/2019

HPERM Ref: D18/226892

Group: Assets & Works Group

Section: Asset Management

Purpose / Summary

To approve the 2018/19 Assets & Works (NSW Government Saving Lives on Country Roads) program.

Recommendation

That:

1. Once Council receives the final letter of offer from RMS under the NSW Government Saving Lives on Country Roads Program, that Council accepts the grant funding offers, as follows:
 - a. Either \$470,000 or \$770,000 (exc GST) will be approved, to upgrade Sussex Inlet Road in the vicinity of Old Berrara Road (the difference being whether a high friction seal component is approved to improve safety on the curve to the west of Old Berrara Road).
 - b. \$590,000 (exc GST) for the shoulder widening and sealing on Greenwell Point Road to the east of Jindy Andy Lane.
 - c. \$555,000 (exc GST) for the removal of the hazardous crest on Forest Road (to improve safety in one of the few overtaking zones on Forest Road).
 - d. \$260,000 (exc GST) to extend the existing guardrail and install profile edge and centre lines over the 2.2km length of Naval College Road (to the south of The Wool Road).
 - e. \$800,000 (exc GST) for the shoulder widening and sealing on Coonemia Road (the first 2km to the south of Culburra Road).
2. Once Council receives the final letter of offer from RMS, the General Manager (Director Assets & Works) writes to the NSW Roads & Maritime Services, and both local State Members of Parliament, thanking them for their ongoing support of the Shoalhaven Community through the new NSW Government Saving Lives on Country Roads Program, and for the support of RMS staff in reviewing and supporting Council's nominations for these important local road safety improvements

Options

1. Adopt the recommendation
2. Not accept the recommendation

Implications: This will mean these important safety improvements cannot be delivered and could lead to continuing crashes at these locations.

SA18.173

Background

On the 19th June a media release was issued by MP Shelley Hancock and printed in the South Coast Register as follows *“NSW Budget delivers funds for local roads”*

Mrs Hancock was reported as saying *“Funding for improved safety measures on various Shoalhaven Roads has been secured in the NSW Government’s latest budget”*

The nine projects listed in the media release were projects that Council had originally submitted under the Federal Government Blackspot program. These were projects that didn’t receive funding from the Federal Government, however the State Government have since funded some of the projects under their NSW Safer Roads program, and are currently considering funding the remaining projects under their soon to be announced, new “Saving Lives on Country Roads” program.

The five projects being considered under the NSW Government’s soon to be announced, new “Saving Lives on Country Roads” program, are addressed in the proposed recommendation (totalling in the order of \$2,675,000 - \$2,975,000 additional grant funds for new road safety improvements), dependent on the project ultimately approved for Sussex Inlet Road.

The nine projects listed in the media release were as follows:

- Jacobs Drive between Nielson and River roads, Sussex Inlet.

This is the new pedestrian facilities project already funded under the NSW Safer Roads program (two raised pedestrian crossings in the Sussex Inlet town centre)

- 3.8 kilometres of Currarong Road east of Coonemia Road, Currarong.

This project has since been withdrawn from the eligible projects list by the RMS due to the substantially higher costs involved in delivery of the project. If Council wishes to pursue the project (or a different project on that same stretch of road) it will have to reapply. Currently doesn’t meet criteria.

- 0.38 kilometres of Sussex Inlet Road near Old Berrara Road.

This involves shoulder widening and sealing on Sussex Inlet Road in the vicinity of Old Berrara Road, including intersection improvements at the intersection of Sussex Inlet Road and Old Berrara Road, and is being considered under the new NSW Saving Lives on Country Roads program.

Two options were submitted, the difference being a \$300,000 high friction sealed surface to address safety on the curve to the west of Old Berrara Road. Due to the higher cost, this option had a lower benefit cost ratio, however was strongly recommended to be considered due to the greater crash reduction potential it would add to the project. Both options are being considered by the NSW Government.

- 1.25 kilometres of Greenwell Point Road near Pyree.

This involves shoulder widening and sealing on Greenwell Point Road to the east of Jindy Andy Lane, and is being considered under the new NSW Saving Lives on Country Roads program

- Improvement of Forest Road overtaking zone.

This involves removal of a hazardous crest on Forest Road (to improve safety in one of the few overtaking zones on Forest Road) and is being considered under the new NSW Saving Lives on Country Roads program

- 2.2 kilometres of Naval College Road south of The Wool Road.

This involves extending existing guardrail and installing profile edge and centre lines over a 2.2km length of Naval College Road (to the south of The Wool Road), and is being considered under the new NSW Saving Lives on Country Roads program

- 2 kilometres of Coonemia Road south of Culburra Road.

This involves shoulder widening and sealing on Coonemia Road (the first 2km to the south of Culburra Road) and is being considered under the new NSW Saving Lives on Country Roads program

- Mitchell Parade and Donlon Road intersection, Mollymook Beach.

This is the single lane roundabout project already funded under the NSW Safer Roads program

- Green Street and Warden Street intersection, Ulladulla.

This is the single lane roundabout project already funded under the NSW Safer Roads program

Since the media release was issued, RMS staff have confirmed that Council will soon be receiving a formal letter of offer from the NSW Government under the new NSW Saving Lives on Country Roads program.

Despite the late announcement, and because of the expectation that Council will still deliver these projects in the 2018-19 year, following the media release this report has been brought forward to approve the projects so delivery planning can be commenced.

Community Engagement

Initial community engagement has been undertaken for all of the projects to date; directly affected properties and community consultative bodies were notified after the projects were identified, and further consultations will be undertaken where required as a part of the delivery of the projects.

Financial Implications

RMS staff have advised Council to anticipate that new NSW Saving Lives on Country Roads Projects are also expected to be 100% funded by the NSW State Government, similar to NSW Safer Roads projects, and Federal Government blackspot projects.

SA18.174 Far North Collector Road - Timetable

HPERM Ref: D18/226409

Group: Assets & Works Group

Section: Asset Management

Purpose / Summary

To provide information in response to MIN18.486 (*a further report be provided to Council on whether the timetable can be brought forward.*)

Recommendation (Item to be determined under delegated authority)

That Council note that with respect to the Far North Collector Road:

1. The project control group has initiated the first steps to commence the detailed design process.
2. Council staff will work very closely with the Roads and Maritime Services at a senior level in relation to this project to ensure that it is opened as soon as possible and that it complements other Roads and Maritime Services activity that is funded over the next few years.
3. At this early stage the completion is due to be achieved sometime in the 2022/23 financial year however once the detailed design is completed the soonest possible completion date will be clear.
4. That with respect to the North Nowra Link Road Council note that the North Nowra Link Road is still retained as a project in Council's Contributions Plan and Council is still collecting contributions on relevant development in the area

Options

1. Adopt the recommendation
2. Not accept the recommendation

Implications: Not accepting the current approved timetable could commit Council to preparing an application to the Federal Government to have the existing funding profile amended. If an earlier delivery timetable cannot be achieved, this will further commit Council to preparing grant-funding variation submissions later in the project (to expand the delivery timetable). There is a risk in that no application to the Government can be guaranteed.

Background

At its Ordinary meeting on 28 June 2018 the Council resolved (MIN18.486):

That

1. *Council accepts the \$13,800,000 grant funding offer from the Australian Government for the Far North Collector Road project, and authorises the expenditure on job numbers #85979 (land acquisitions) and #85080 (design and construction) in accordance with the approved funding profile (provided below in the report)*

SA18.174

2. *The General Manager (Director Assets & Works) writes to the Honourable Michael McCormack MP, Deputy Prime Minister and Minister for Infrastructure and Transport, and Member for Gilmore, Ann Sudmalis, thanking them for his support of the Shoalhaven Community through the Australian Government's Infrastructure Investment Program.*
3. *A further report be provided to Council on whether the timetable can be brought forward.*
4. *Council ask Ann Sudmalis, Member for Gilmore, to attend a Councillor Briefing to explain the grant funding for the Far North Collector Road project.*
5. *The General Manager (Assets & Works) consider expediting this project.*

Items 1 and 2 have been addressed.

This report has been prepared to address Items 3 and 5 of the resolution.

In response to Item 4 an invitation has been extended to Federal MP Ann Sudmalis to attend a Councillor briefing on 30 August 2018.

Financial Year Cash flow

As provided to Council in the June report, the following is an extract from the approved project proposal report (identifying a breakdown of the \$13.8M approved by the Federal Government).

Milestone	2017/18 Australian Government (\$m)	2018/19 Australian Government (\$m)	2019/20 Australian Government (\$m)	2020/21 Australian Government (\$m)	2021/22 Australian Government (\$m)	2022/23 Australian Government (\$m)
Survey/Design/Project Development	\$0	\$200,000	\$100,000			
Land Acquisition	\$0	\$2,500,000	\$1,500,000			
Tender/ Contract award/Start Up				\$500,000		
Project completion				\$2,700,000	\$6,200,000	
Submission of a satisfactory Post Completion Report						\$100,000
Total	\$0	\$2,700,000	\$1,600,000	\$3,200,000	\$6,200,000	\$100,000

To amend the funding profile will require an application to the Federal Government (not recommended at this preliminary stage of the project).

The following information needs to be considered:

- Examples of recently completed large local road projects (delivery timeframes from survey-design through to construction):
 - The Forest Road project took 3 years to deliver
 - The Pyree Lane project took 4 years to deliver
 - The Turpentine Road project took 4 years to deliver
 - The Naval College Road project took 3½ years to deliver

- By the time it is completed the Flinders Road project will have taken 4 years to deliver
- The Far North Collector Road project will require approval from RMS due to its connection at the northern end to Moss Vale Road (part of the State Road network) and because of the traffic signals required at Moss Vale Road.
- It has just taken 12 months to obtain all of the relevant approvals from RMS for the current Princes Highway-Junction Street traffic-pedestrian signals project.

The above are some examples indicating that it may not be realistic to expect that the Far North Collector Road (that still needs to be designed, land acquired, and RMS approvals required) can be brought forward ahead of the current four-year planning forecast.

It is noted that whilst the funding profile indicates a four year delivery timeframe, the funding allocated in the 2021-22 financial year could potentially be expended at the start of the financial year, effectively bringing the project forward by 11 months without requiring any changes to the four year funding profile, effectively the approved funding profile provides for a range of delivery times from 3-4 years.

Accordingly, it is considered too premature to expect the timetable can be brought forward ahead of the current four year planning timeframe forecast. Notwithstanding the current funding approval will allow the timeframe to be brought forward by up to 11 months, if that is found to be possible following design, land acquisitions, and relevant project approvals.

Community Engagement

The Far North Collector Road project was approved as part of the adopted Nowra Bomaderry Structure Plan (NBSP) “preferred road network”, and the NBSP was subject to extensive community consultation during its development.

Following the media release by Ann Sudmalis on 10 May 2017 (announcing funds for the Far North Collector Road) Council received several enquiries from the public, and in response an update on the project was placed on the Council website, with an indicative concept alignment. This link is being updated as appropriate.

Following the June 2018 Council decision, a further update of the information on Council’s website is already underway.

A detailed community engagement strategy is yet to be formulated but will be determined as early as possible by the project team.

Council continues to receive calls from the community about the North Nowra Link Road and querying whether the Far North Collector Road has replaced the North Nowra Link Road.

Consistent with the adopted Nowra-Bomaderry Structure Plan, the Far North Collector Road is “not” a replacement for the North Nowra Link Road, it was always required “in addition to” the North Nowra Link Road to offset the adverse traffic impacts associated with development envisaged under the Structure Plan.

Council was unsuccessful in obtaining an approval to build the North Nowra Link Road (central route), so has resolved to bring forward the construction of the Far North Collector Road to provide some traffic relief to Illaroo Road, whilst importantly facilitating development of the Moss Vale Road Urban Release Areas.

Whilst the construction of the Far North Collector Road will allow Council to defer a decision on the North Nowra Link Road for several years, the matter will still need to be resolved by Council going forward. If it is not constructed, traffic volumes on Illaroo Road will still increase significantly over time.

Because the North Nowra Link Road is still an integral component of the Nowra Bomaderry Structure Plan, in addition to the Far North Collector Road, at this point the North Nowra Link

Road is still retained as a project in Council's Contributions Plan and Council is still collecting contributions on relevant development in the area.

It is intended that this context will be addressed throughout the project as part of the community engagement strategy, and will be further discussed as part of the briefing to Council and Ann Sudmalis on 30 August 2018.

Financial Implications

The Far North Collector Road project is 100% funded by the Federal Government, based on the preliminary estimate of the project.

Risk Implications

Council can only claim expenses on the project that have been incurred. If Council requires an amendment to the delivery timetable to be approved by the Federal Government, and if Council applies and that is approved (but it turns out that the earlier timeframes cannot be achieved), there may no longer be any confirmed funding in the fourth year, which is a significant risk.

The preliminary cost of the project has been conducted by experienced staff using reference to similar types of works a detailed costing and thus any financial implications will not be known until the detailed design process is at the 80% complete milestone.

SA18.175 NSW Government - Update of Shoalhaven - Kiama TRACKS Model - Grant Funding Assistance 2017/18

HPERM Ref: D18/226406

Group: Assets & Works Group
Section: Asset Management

Purpose / Summary

To approve the grant funding received from the NSW Government for the update of the Shoalhaven-Kiama TRACKS model.

Recommendation

That:

1. Council accepts the grant funding offer, \$23,488 (exc GST) being for 50% of variation costs incurred as part of the Shoalhaven-Kiama TRACKS (traffic model) update project.
2. The General Manager (Director Assets & Works) writes to the NSW Roads & Maritime Services, thanking them for the grant funding assistance to update Council's suite of TRACKS models, aiding in the planning of urban release areas and important strategic road projects

Options

1. Adopt the recommendation
2. Not accept the recommendation

Implications: This will mean Council will have to fund the full model update costs.

Background

Having identified the required funds at the end of the financial year, on the 7th June 2018 the RMS approved a grant funding contribution equating to 50% of total variation costs incurred by Council as part of the Shoalhaven-Kiama TRACKS (traffic model) model update project.

The model update project was originally initiated by the RMS who advised Council that it sought the modelling information for its Nowra bridge project, and also to assist the RMS in understanding the traffic impacts (of future urban land release areas) on the Princes Highway and Moss Vale Road.

The RMS contributed 50% towards the original model building works (2016-17); however in 2017-18 variations to the original contract were approved to make final amendments to the traffic models as well as update all of the land use data in the models (primarily changes to dwelling and job forecasts) to be consistent with changes made to urban release area planning since the original models were built.

The TRACKS traffic models are primarily used to aid future road network planning and can be used for contributions planning and economic analysis required for grant funding submissions.

For example, the TRACKS models were used to calculate benefit cost ratios required for the successful Far North Collector Road grant-funding proposal, and are being used to estimate benefit cost ratios to aid a grant funding submission currently being prepared for the East Nowra Sub-Arterial (ENSA) road project.

Community Engagement

No community engagement was required specifically for the model update works.

Financial Implications

Council have absorbed its 50% share of costs from existing operational budgets allocated to future urban release area planning.

The funding was approved by the RMS in June having identified savings in the 2017-18 year.

SA18.176 NSW Better Boating Now - Funding

HPERM Ref: D18/195480

Group: Assets & Works Group

Section: Asset Management

Purpose / Summary

To consider options for the reallocation of grant funding from the NSW Better Boating Program to improve the “boating experience” at Lake Conjola following feedback from the RMS in relation to Council’s Resolution (MIN 18.100).

Recommendation

That Council applies to Roads & Maritime Services (RMS) for the Better Boating Now funding grant offer of \$400,000 to be alternatively used for:

1. Improvements (including sealing) of the Lake Conjola Entrance Road boat launching ramp car park (approx. \$100,000)
2. Undertaking a feasibility/options/cost benefit study and extensive community consultation (\$30,000) into alternative lower capital cost boat launching facilities (up to a total of \$270,000) as a cheaper alternative to the construction of a new facility at Havilland Street West Conjola Facility in the short term, i.e.
 - a. Valley Drive West Conjola
 - b. Aney Street Conjola

Options

1. As recommended.

Implications: Funding is not lost from the Shoalhaven and the Lake Conjola Community benefits.

Lake Conjola Entrance Road car park would involve a review /design of the existing parking/manoeuvring area immediately adjacent the boat launching ramp and boardwalk, provision of a sealed pavement and line marking. This project is considered a high priority by the Lake Conjola community and could cost in the order of \$100,000.

Feasibility/options/cost benefit study

This study would need to investigate in more detail the options of improving existing low-key boat launching facilities at:

- Valley Drive West Conjola
- Aney Street Conjola

All of the above 2 facilities have the ability to be upgraded and provide improved boat launching facilities but each have constraints that will need to be quantified, opportunities costed and be subject to community consultation. A big advantage of these 2 alternative sites is that improvement works could be staged depending upon the availability of funding.

2. That the General Manager prepare a report identify options to cover the funding shortfall of \$1,509,000 (i.e. \$1,909,000 - \$400,000 Grant) for the Havilland Street Boat Ramp West Conjola Project.

SA18.176

Implications: To stay within the parameters established in Council's SRV application another project of similar cost should be deleted or deferred.

This level of funding has not been provided for in Council's long-term financial plan (i.e. the next 10 years), so loan funds or adjustment of priorities will be required.

3. Defer any decision in relation to the feedback from the RMS in relation to Council's Resolution (MIN18.100) and seek assistance from the local state member in negotiations with the RMS.

Implications: if the local member cannot assist then Council will need to offer an alternative to the RMS or risk losing the \$400,000 funding offer.

Background

Council at its Strategy and Assets Meeting on 20 February 2018 considered a report on Better Boating Now – Round Two Grant Funding and resolved (MIN 18.100) that:

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

In response to the above resolution and subsequent negotiations with RMS, Council was advised by RMS on 8 June 2018:

- It is RMS' preference to keep the \$400,000 funding for access improvements to Lake Conjola. RMS did not agree with reallocating this funding to Berringer Lake Foreshore Reserve and the Greenwell Point Effluent Pump out Facility and Floating Pontoon.
- RMS does not support the works at Berringer Lake, even though Berringer Lake is part of Lake Conjola, and the Bendalong/Manyana community would benefit from the proposed upgrade works. Berringer Lake is not capable of supporting any vessel of draft into Lake Conjola, due to shallow water depth and therefore would not be of any benefit to the majority of waterway users of the lake.
- RMS will only consider reallocating the grant-funding offer to an alternative project, or projects, that deliver similar outcomes to the intention of the West Lake Conjola Project, that is, improving access to Lake Conjola for trailerable vessels.

In view of the above, RMS advises Shoalhaven City Council to complete a funding application form for each of the proposed alternative projects (in option 1 above) noting that:

- the applications will be assessed against the criteria in the Round 2 funding guidelines, and
- that if the proposed alternatives do not adequately meet the criteria, RMS will withdraw the funding offer for the West Lake Conjola Project and reallocate the funds to support other projects throughout the state.

Community Engagement

- 1) The advice from RMS was conveyed to the Red Head Villages Association and it has since made representations to local member Shelley Hancock MP.
- 2) The Amateur Fishermen's Association of NSW has made numerous representations to both Council and RMS advocating that grant funding would be better spent at improving the Aney Street Facility.
- 3) A number of representations have been received in recent months advocating the need to upgrade the entrance car park adjacent the boat launching ramp and boardwalk

All of the alternative projects would require consultation with the Lake Conjola Community including adjacent properties.

Policy Implications

The Havilland Street Boat Ramp West Conjola Project is recognised as the preferred location for a new facility by the Lake Conjola Community Association and was adopted as Council's preferred location at its Strategy and Assets Committee Meeting on 24 January 2017 (MIN17.23)

"That Council:

1. *Note the community feedback on the Boating projects*
2. *Proceed to a detailed design and finalisation of a Review of Environmental Factors for a new boat launching ramp and carpark at Havilland Street Lake Conjola with consideration of the impacts of traffic*
3. *Include the option for staging of the construction of the Havilland Street car and trailer parking component, through the detailed design, to reduce the initial project cost*
4. *Consider Havilland Street project construction funding against other boating infrastructure priorities, prior to submission of the next round of the NSW Department of Transport's Better Boating Program (scheduled mid 2017).*
5. *Undertakes construction of the Fishermans Paradise pontoon and Aney Street boat launching ramp with current funding allocated from the State Government"*

Note: Stage 1 of the Havilland Street Boat Ramp project would deliver the following for approximately \$1.9 million;

- Access Road in
- Boat Ramp
- Jetty and Fish Cleaning Facility
- Manoeuvring Area
- Car Parking (4) and Trailer Parking (21)
- No toilet facilities

Note: the Fishermans Paradise pontoon and Aney Street boat launching ramp improvements as per the above resolution have now been completed

Financial Implications

A new facility at Havilland Street Boat Ramp West Conjola is estimated to cost \$1,909,000. As reported to Council's Strategy and Assets Committee on 20 February 2018, Council cannot afford the budget shortfall of \$1,509,000.

The current project funding offer (i.e. \$400,000 for the Lake Conjola Boating Improvements), requires a delivery partner contribution of \$20,000 from Council which can be funded from the existing Waterways Minor Improvement Program budget.

Risk Implications

Reallocation of the \$400,000 funding will still need to be assessed by RMS in accordance with its grant funding conditions and there is no guarantee that the funding of \$400,000 will remain.

SA18.177 Bomaderry Sewerage Treatment Plant - Property Acquisition Matters

HPERM Ref: D18/228370

Group: Assets & Works Group
Section: Business and Property Unit

Attachments: 1. Letter to Council - summary of meeting on 4.6.18. Agreed Purchase. [↓](#)
2. Aerial Photo Nowra STP sludge ponds [↓](#)

Purpose / Summary

To provide Council with the opportunity to consider approving the purchase of 74 and 76 Railway Street Bomaderry and commence negotiations for the purchase of 80 Railway Street Bomaderry because of the adjoining expansion works underway at the Bomaderry Sewerage Treatment Plant.

Recommendation

That Council

1. Purchase by agreement 74 and 76 Railway Street, Bomaderry being Lot J DP 385161 and Lot K DP 389887 from Andrew and Tonnie Phillips and pay \$470,000 (exc GST) with a three (3) month delayed settlement period and the owners' reasonable legal costs;
2. Delegate authority to the General Manager (Director Assets and Works) to adjust the purchase price, if necessary, in accordance with settlement figures determined by Council's solicitor;
3. Fund all costs associated with the purchase from the Sewer Fund Job No 79322;
4. Grant authority to affix the Common Seal of the Council to any documents required to be sealed and that the General Manager be authorised to sign any documents necessary to give effect to this resolution;
5. Classify the property purchased as 'Operational' in accordance with section 31(2) of the Local Government Act, 1993; and
6. Enter into negotiations for the purchase of Lot 2 DP 538290, 80 Railway Street Bomaderry and submit, in due course, a further report to Council outlining the result(s) of those negotiations.

Options

1. Adopt the recommendation

Implications: The purchase of the two properties and potentially the third will remove current and potential future issues associated with property owners' complaints regarding their health, lifestyle, and property values.

2. Not adopt the recommendation and resolve along the following lines:

Council not purchase the properties and a further report be presented to Council on other forms of compensation that could be offered.

SA18.177

Background

74/76 Railway Street Bomaderry

Council at the Strategy & Assets meeting on 17 April 2018 resolved to (MIN18.285):

“That Council enter into negotiations for the purchase of Lot J DP 385161 and Lot K DP 389887, No 74 Railway Street Bomaderry.”

Based on the above, negotiations were held with the owner of the property with agreement reached at \$470,000 for the two properties (refer to attachment 1).

80 Railway Street Bomaderry

The owner of 80 Railway Street, Bomaderry has made a formal request to Council to purchase his property as did the owners of 74 and 76 Railway Street Bomaderry. The owner of this property raised concerns relating to the proximity of the newly constructed sludge lagoons. His property is the closest in proximity to these lagoons (refer to attachment 2).

The owner also made representations to Gareth Ward MP which resulted in a site meeting attended by the owner and Shoalhaven City Council staff.

The owner has 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.

Notwithstanding the above, the owner is adamant that Council should purchase the property or he be compensated and asked that his request be reported to Council for consideration.

Community Engagement

Community engagement was undertaken in relation to the REMs project, however no community consultation is required in respect of the purchase of properties outside discussions with the property owners themselves.

Financial Implications

There are potentially five other landowners in this vicinity that may also request that Council acquire their properties. Formal valuations have been done on three of the eight properties at this stage. The three valuations commissioned relate to properties which Council has been asked by the owners to acquire.

Funding for the current acquisition would be provided from the sewer fund Job No 79322 and in the future potentially through the Industrial Land Reserve.



Our Ref: PSE:PHI/0118/0001

4 June 2018

Gerard Kenny
Property Officer
Shoalhaven Water - Shoalhaven City Council
PO Box 42
Nowra NSW 2541

Dear Gerard

Re: Purchase of 74-76 Railway Street, Bomaderry from Andrew and Tonnie Phillips

We refer to our meeting on 4 June 2018 at the offices of Walsh and Monaghan for the purposes of discussing the two valuation reports.

We confirm that the outcome of the meeting in terms of the agreed value of the two lots in question is **\$470,000.00**.

It is also noted that the above will be subject to an extended settlement period of three months from exchange and that the vendor's reasonable legal costs for this transaction will be paid by Council.

We look forward to receiving an update from Council when the price has been approved.

Yours faithfully

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SA18.177 - Attachment 1

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SA18.178 Waste Less Recycle More Grant - Bin Trim Program

HPERM Ref: D18/213036

Group: Assets & Works Group
Section: Works & Services

Purpose / Summary

To accept a grant under the business recycling category of the NSW Government's *Waste Less, Recycle More* package, to take part in the 'Bin Trim Program' by providing expert waste assessments of small to medium enterprises and assist those businesses to develop and implement action plans to reduce waste and increase recycling.

Recommendation

That

1. Council accept the grant of \$350,000 from the NSW EPA for the Bin Trim Program Round 3 Project.
2. Council allocate \$82,045 from the Waste Reserve towards the Bin Trim Program Round 3 Project as Council's net co-contribution as proposed in the project application.
3. The Grant and Council's funding contribution be allocated to the FY2018/19 budget.

Options

1. Accept the recommendation as written to accept the grant (preferred option)

Implications: Council will enable approximately 250 small to medium enterprises in the Shoalhaven, including those within Council itself, to receive the benefits of expert assessment and advice at no charge, that will assist them to reduce waste and increase recycling, and possibly apply to the state government for further rebates available under the funding package for small scale recycling equipment that may be necessary to implement action plans.

2. Not accept the grant and advise the NSW EPA accordingly

Implications: Businesses miss out on the opportunity to be assessed on and receive advice freely from experts on their recycling and waste practices, that will likely improve bottom lines as well as the environment.

Background

For the 2016/17 financial year, Council buried approximately 18,650 tonnes per year of commercial and industrial (C&I) waste in the West Nowra landfill. The Bin Trim Program grant applications closed in March 2018, presenting Council with the opportunity to submit a proposal for a \$432,065 project lasting approximately 18 months.

The aim of the project is to improve recycling and diversion of waste from landfill, focussing on tourism, and build capacity to maintain momentum in the recycling of C&I waste as the population and popularity of the Shoalhaven grows.

Council was the lead applicant for the grant; however the proposal is to engage a consultant to manage and deliver the majority of the work on behalf of Council. The work includes:

- engagement with and recruitment of Shoalhaven businesses from 17 specific geographic clusters, including restaurants, cafes, bars, caravan parks, hotels, other accommodations, industrial, retail, agricultural, entertainment, clubs, dive shops, ranches, zoos, and other businesses,
- prescribed first and second 'Bin Trim' assessments of the recruited businesses,
- use of assessment results to work with and provide advice to businesses to develop and implement action plans to reduce waste and increase recycling,
- provision of training workshops for Council employees as part of building capacity,
- participating in a 'Bin Trim' stand at a waste expo to be held in June 2019,
- assisting Shoalhaven businesses to submit 26 applications for 50% rebates on the costs of small scale recycling equipment items (e.g. balers, worm farms, compost bins), and
- reporting.

The proposal outlines the recruitment strategy, waste assessment methodology and timeline, action plan support, review processes and reporting requirements.

The project will:

- gain the attention of local businesses, who will have waste experts working with them to set programs in place in advance of, and leading into, the 2018/19 tourist season,
- result in a minimum of 250 businesses receiving second assessments with revised action plans, the progress of which will be followed up,
- initially result in diversion and recycling of an estimated 3,140 tonnes of C&I waste, and
- assist NSW to meet its WARR Strategy 2014-2021 objective to increase recycling, and achieve its target to increase recycling rates for C&I waste to 70% by 2021-22.

On 21 June 2018, the EPA notified its approval of Council's grant application, requiring Council to submit its first invoice (30%) by 30 June 2018 to avoid missing out.

The EPA will provide the \$350,000 required by Council to engage a consultant to undertake the project. The funding agreement requires Council to co-contribute \$82,065, as proposed, to cover Council's staff and administration costs for the project.

Financial Implications

Council's net co-contribution of \$82,065 to be sourced from the Waste Reserve.

SA18.179 Waste Less Recycle More Grant - Shoalhaven Plastics and Cardboard Recovery and Consolidation Project

HPERM Ref: D18/218855

Group: Assets & Works Group
Section: Works & Services

Purpose / Summary

To allow Council to consider accepting a grant for the Resource Recovery Facility Expansion and Enhancement Stream 2 project applied for under the Waste and Recycling Infrastructure Fund package as part of the NSW Government's extended *Waste Less, Recycle More* initiative.

Recommendation

That Council accept the grant of \$348,754 (exc GST) from the NSW EPA for the Shoalhaven Plastics and Cardboard Recovery & Consolidation Project and vote the funding into the budget.

Options

1. Accept the recommendation as written to accept the grant (preferred option).

Implications: Council will be enabled to purchase equipment necessary to viably prepare various types of soft plastics for recycling, maintain and increase the recycling of expanded polystyrene, and viably consolidate cardboard for transport to recycling facilities, as separated by customers or extracted from mixed commercial and domestic waste streams delivered to Council's recycling and waste transfer stations.

2. Not accept the grant and advise the NSW EPA accordingly.

Implications: The recycling of soft plastics waste in the Shoalhaven will be delayed. These materials may be recoverable by the proposed AWT in 2020, but mostly for energy recovery rather than recycling. There will be a delay in efficient transport of cardboard and in maximising recycling of polystyrene.

Background

On 6 June 2018, the NSW EPA notified Council of its approval of a Grant of \$348,754 (excluding GST) for its proposed 'Shoalhaven Plastics and Cardboard Recovery & Consolidation Project'. The project is for a 2-year period and is approved on the basis of Council co-contributing \$408,754 and another contribution of \$17,500 for ineligible items (administrative costs).

Council has been increasingly approached by residents and commercial operators within the Shoalhaven requesting a solution to process more difficult to recycle plastic waste such as soft plastics and polystyrene.

Funding was sought to increase the amount of materials recovered from both commercial and domestic sources to assist the area's continued progress towards sustainable waste management systems. The local recycler of kerbside recycling bin contents does not accept

the soft plastics and polystyrene that it is expected will be recovered with the help of the requested funding.

The funding, to be matched by Council, will go towards the following infrastructure to facilitate processing, consolidation and transport of plastics and cardboard, improving recovery and viability of recovery.

West Nowra recycling and waste facility:

- Horizontal baler and baler feed conveyor
- Extensions to the recycling materials shed and its concrete pad
- Wheeled loader
- Large expanded polystyrene (EPS) hot compaction unit
- Upgrade of electrical services to the site

Ulladulla recycling and waste facility:

- Refurbishment and installation of pre-owned polystyrene hot compaction unit
- Upgrade of electrical services to the site
- Extensions to the recycling materials shed and its concrete pad

Council will fund the upgrade of electrical services at West Nowra, and the refurbishment and relocation to Ulladulla of the existing West Nowra polystyrene unit (supplied and installed under a previous grant in 2012), and prepare and submit development applications for both sites.

Financial Implications

Council's net co-contribution and other contribution of \$426,254 have been included in the FY2018/19 budget. This is funded by the Waste Reserve.

SA18.180 Love Food Hate Waste Grant

HPERM Ref: D18/218431

Group: Assets & Works Group
Section: Works & Services

Purpose / Summary

To allow Council to consider accepting a grant under the NSW Government's Waste Less Recycle More Grant funding package for household education.

Recommendation

That Council accept the grant of \$15,000 from the NSW EPA for the Love Food Hate Waste Grants Program Round 5 – Stream 1 project and this funding be voted into the FY2018/19 budget.

Options

1. Accept the recommendation as written to accept the grant (preferred option)

Implications: Council will positively engage 380 Shoalhaven residents, focussing on the 18-34 year old age group, to reduce their generation of food waste and divert what is left from landfill.

2. Not accept the grant and advise the EPA accordingly.

Implications: Council will miss an opportunity to engage with younger adults to promote the reduction of food waste in the community.

Background

Food waste is recognised as a major component of the kerbside collection and commercial trade waste streams being sent to landfill in the Shoalhaven. On 25 June 2018 Council received notification that the NSW EPA has approved a grant of \$15,000 (excluding GST) for the Love Food Hate Waste Stream 1 project, as proposed in Council's application submitted in December 2017.

The project is for Council delivery of 6 workshops based on the "Food Smart Action Cards" and 2 food waste avoidance events, for 380 residents, over an 8 month period. The workshops and events will incorporate giveaways of the Food Smart Kit and/or menu planners, storage containers and fact sheets branded with Love Food Hate Waste / Food Smart material, and sign up to Food Smart explanation of the Food Smart program, and will target young consumers who are one of the top food waste groups according to the EPA's Love Food Hate Waste Tracking Report 2015-2016 (18-34 year olds generated a volume of 7.6 litres per of food waste per week).

Local community champions such as "Wombat" (as seen on "The Block" in 2017) will promote the program.

An objective of the program is to reduce overall tonnes of food waste collected from the domestic kerbside bins, with a target to have 80% of the participants reporting a reduction in food waste from their households and KPIs for community participation (especially amongst the target group), behaviour change, social media 'hits', Food Smart sign-ups, Food Smart program completion and food waste reduction in bins.

Financial Implications

Council to add the grant amount of \$15,000 to the Waste Services unit budget for 2018/2019.

SA18.180

SA18.181 Waste Reduction Management Strategy Update

HPERM Ref: D18/225420

Group: Assets & Works Group
Section: Works & Services

Attachments: 1. Draft Waste Reduction Management Strategy (under separate cover)

Purpose / Summary

On 24 May 2018, Council resolved to place the draft waste reduction management strategy on public exhibition for 28 days and to review feedback and submissions in a further report. This report provides a synopsis of the feedback.

Recommendation (Item to be determined under delegated authority)

That

1. In relation to the draft waste reduction management strategy, Council note that fifty one submissions were received, being:
 - a. 46 submissions indicated either directly or indirectly that they would like to have a green bin;
 - b. Some of the above submissions suggested that an alternative would be a free drop off of green waste at the transfer station
 - c. Others suggested a free pick up of green waste (as per the green and bulky waste pick up service), or alternatively additional vouchers for green waste
 - d. A number of submissions required a more specific strategy for dealing with holiday homes over the peak season
 - e. There were also a few compliments about the service provided at specific waste recycling and transfer facilities.
2. Council adopt the draft Strategy, as publicly exhibited (with minor information updates), for the next 5 years, noting that the strategy can be amended from time to time as resolved by Council, and that the strategy itself does not commit Council to any budget allocations.
3. The General Manager (Director Assets and Works) prepare a report for Council's consideration outlining the options that are available within the Shoalhaven to collect and dispose of Green Waste.
4. The General Manager (Director Assets and Works) review the current operating hours policy which sees all recycling and waste facilities closed on public holidays except Easter Monday, as soon as possible after the 30 June 2019.

Options

1. Council accept the recommendation as presented.

Implications: The Strategy will become an active and working document to guide Waste Services for the next five years.

The provision of additional capability for households to manage their green waste, without impacting the current strategy, will be considered.

SA18.181

2. Council could not adopt the Waste Reduction Strategy and highlight elements of the strategy that require further review / update.

Implications: The impact of changing the Strategy will be considered depending on which elements required amendment or further consideration.

The Strategy is a 'living' document and can be amended from time to time to respond internal and external changes.

Background

On 15 May 2018, Council considered a report on the waste reduction management strategy, resolving in Min18.355 that Council:

1. *Endorse the draft Waste Reduction Management Strategy 2015/16 to 2020/21 and it be publicly exhibited for 28 days;*
2. *Review the feedback and submissions from the public exhibition in a further report. [Note: Adopting this strategy does not specifically commit any funding to the initiatives within. If the budget allocation is not in line with the strategy then the strategy will be reviewed to reflect this.]*

Parts 1 & 2 of the resolution are the subject of this report. Part 3, noted below, will be addressed in a separate report.

3. *As part of a formal review, Council review the operating hours of its waste transfer facilities, including reopening on public holidays.*

Feedback and Submissions

The draft Waste Reduction and Management Strategy (the Strategy) was advertised on the website (Get Involved) in the newspaper and through social media, and staff were available to discuss details in the three Council Community Information evenings in May/June 2018.

Fifty one submissions were received. A summary of the main points:

- 46 submissions indicated either directly or indirectly that they would like to have a green bin;
- Some of the above submission suggested that an alternative would be a free drop off of green waste at the transfer station
- Others suggested a free pick up of green waste (as per the green and bulky waste pick up service), or alternatively additional vouchers for green waste
- A number of submissions required a more specific strategy for dealing with holiday homes over the peak season
- There were also a few compliments about the service provided at specific waste recycling and transfer facilities.

The Strategy is a "living" document that evolves year on year and works to achieve the strategic objectives within the five year timeframe, from 2017/18 to 2021/22. Management of waste associated with tourism is part of the strategy and will be expanded to consider holiday homes.

The stronger submissions concerning the green bin need to be addressed and these relate to providing capacity at homes to deal with green waste.

Based on previous surveys, the community has been equally divided on having a green bin. An approach to provide an "on demand" service may satisfy the current community demand

for those wanting increase services, whilst maintaining the viability of the Alternative Waste Processing (AWT). Options, include:

- A voluntary greenwaste (garden organics) bin service estimated to be approximately \$250 per household per year for those who choose to accept it.
- An additional 2 green waste only vouchers per ratepayer at a cost estimate of approximately \$15 per household per year for all ratepayers. This will allow for 2 cubic metres of green waste per householder per year to be tipped at no charge or picked up through the green and bulky pick up service at no charge.
- Review the existing commercial market for operators that collect greenwaste (such as garden tidy bags) and compare cost of these services with those that can be offered by Council.

Collection options that maintain low contamination in the green waste stream will provide a product that can be processed easily for reuse should be prioritised. Kerbside collection services increase the potential for contamination, including the level (and cost) of processing the material for reuse. Also, increasing capacity in the kerbside collection system will encourage increase waste disposal, instead of the principles of reuse and recycle.

Amendments to Draft Strategy

The proposed Strategy is generally the same as the draft document that was exhibited. It has been updated with more recent references and data.

Facility Opening Hours Review

The review of the transfer station operating hours and days was reported to Council a year ago following extensive community consultation, where the community was asked for feedback through a survey (5,121 responses), proposals developed and taken back to the community for feedback, and then feedback from the community incorporated in a Council report with recommendations. One of the recommendations was to close all recycling and waste facilities on public holidays except Easter Monday.

The first public holiday was the October long weekend in 2017. In spite of efforts to place signs, advertise on the radio and in the newspaper, there were still a few people who arrived at the facility gate and complained to Council the following day that the facility was closed. This is to be expected, and the number of complaints was relatively small.

The holiday period over December 2017 / January 2018 and over the Easter weekend 2018 provided more challenges. On weekday public holidays, Waste Services made the facility at West Nowra available to some essential commercial customers (trucks servicing holiday parks and other tourist facilities) on request, and to Council's internal litter collection vehicles. Access was available during the hours required for the normal kerbside collection service trucks to tip, and the facility worked on skeleton staff. The result showed that, with a bit of flexibility, the closure on those public holidays to general tipping was effective and did not create angst in the community.

A formal review on this aspect of the operation will be undertaken later in the year. This will then be reported to Council separately.

Community Engagement

The draft Waste Reduction and Management Strategy (the Strategy) was advertised on the website (Get Involved), in the newspaper and through social media, and staff were available to discuss details in the three Council Community Information evenings in May/June 2018.

Policy Implications

The community feedback suggested a need for an additional green waste bin (46 of 51 submissions).

The proposed AWT processing is flexible to accommodate a three bin system (red, yellow and green) if needed, but the impact on costs and diversion rates will need to be assessed based on the type of processing technology implemented. The AWT will provide the highest diversion and most economical way to process the Shoalhaven's waste using the current red and yellow bin system, without a separate green bin.

The introduction of a green bin is **not** part of the draft Waste Reduction Management Strategy. A green waste bin will require reconsideration of the strategy as it may require different processing options than those currently being considered in the AWT tender.

Providing options for households to dispose of green waste without the introduction of bin service are possible.

Financial Implications

The draft Strategy can be funded by the Waste Reserve, including funding for capital works, except the AWT. The budget for each relevant financial year will include funding the cost of implementing actions outlined in the Strategy.

SA18.182 Tenders - Landfill Gas Services

HPERM Ref: D18/225478

Group: Assets & Works Group
Section: Works & Services

Purpose / Summary

To inform Council of the tender process for Landfill Gas Services at Council's West Nowra landfill.

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

Recommendation (Item to be determined under delegated authority)

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

Options

1. Council accept the recommendation as presented

Implications: A separate report will consider technical and commercial information of the bids

2. Council amend the recommendation, provide further direction to staff and propose an alternative

Details

Shoalhaven collaborated with Shellharbour and Wollongong Councils, through the Illawarra Shoalhaven Joint Organisation (ISJO), to jointly tender for landfill gas services to be provided at the respective landfill sites. The landfill gas services include the installation of the gas extraction network, generation of power, where applicable, the provision of a backup flare system and the operation and maintenance of the system for the duration of the contract.

Tenders Received

Tenders were received from the following:

Tenderer	Location
iGas operations Pty Ltd t/a Intelligas	Queensland
LGI limited	Queensland

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

Financial Implications:

The contract will incur no expenses for Council, and a small income is anticipated through the generation of renewable energy credits and electricity generation.

SA18.182

SA18.183 Classification of Land - Proposed Lot 48 of Subdivision SF9367 -Tahnee Street Sanctuary Point

HPERM Ref: D18/222621

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. Plan of Survey [↓](#)

Purpose / Summary

To provide Council with an opportunity to consider the classification of land described as proposed Lot 48 in SF9367 Tahnee Street, Sanctuary Point as Operational Land.

Recommendation

That Council resolve to classify the land described as proposed Lot 48 of SF9367 Tahnee Street, Sanctuary Point as Operational Land.

Options

1. Resolve as recommended.

Implications: The land will be able to be used as drainage reserve as operational land. Should any objections be received prior to the close of submission on 8 August 2018, Council will be notified at its meeting on 28 August 2018.

2. Not resolve as recommended.

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

Background

Council has issued Subdivision Certificate SC18/1023 (SF9367) for a 40 lot residential subdivision at Sanctuary Point. Upon registration at Land Registry Services, proposed Lot 48 in SF9367, Tahnee Street Sanctuary Point, will be dedicated for drainage reserve (as noted on the plan at attachment 1).

The proposed drainage reserve is part of a larger en globo subdivision allotment (Lot 5 DP 788159) that is zoned R1 – General Residential. The proposed lot takes on the zoning of the parent lot until such time as Council implements a new Council-wide Local Environmental Plan. Although the timing of this is unknown, it would more than likely be zoned RE1 – Public Recreation in the future.

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

There are two classifications available:

1. Operational Land – land which Council owns as a business entity and upon which it conducts Council business, and

2. Community Land – land in Council’s ownership which is held for and on behalf of the Community subject to the Community Land provisions of the LGA93.

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

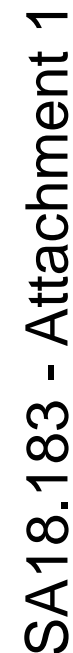
Operational land on the other hand has no special restrictions other than those that may apply to any parcel of land. The advantage of operational land is to afford Council flexibility in its use and any future dealings.

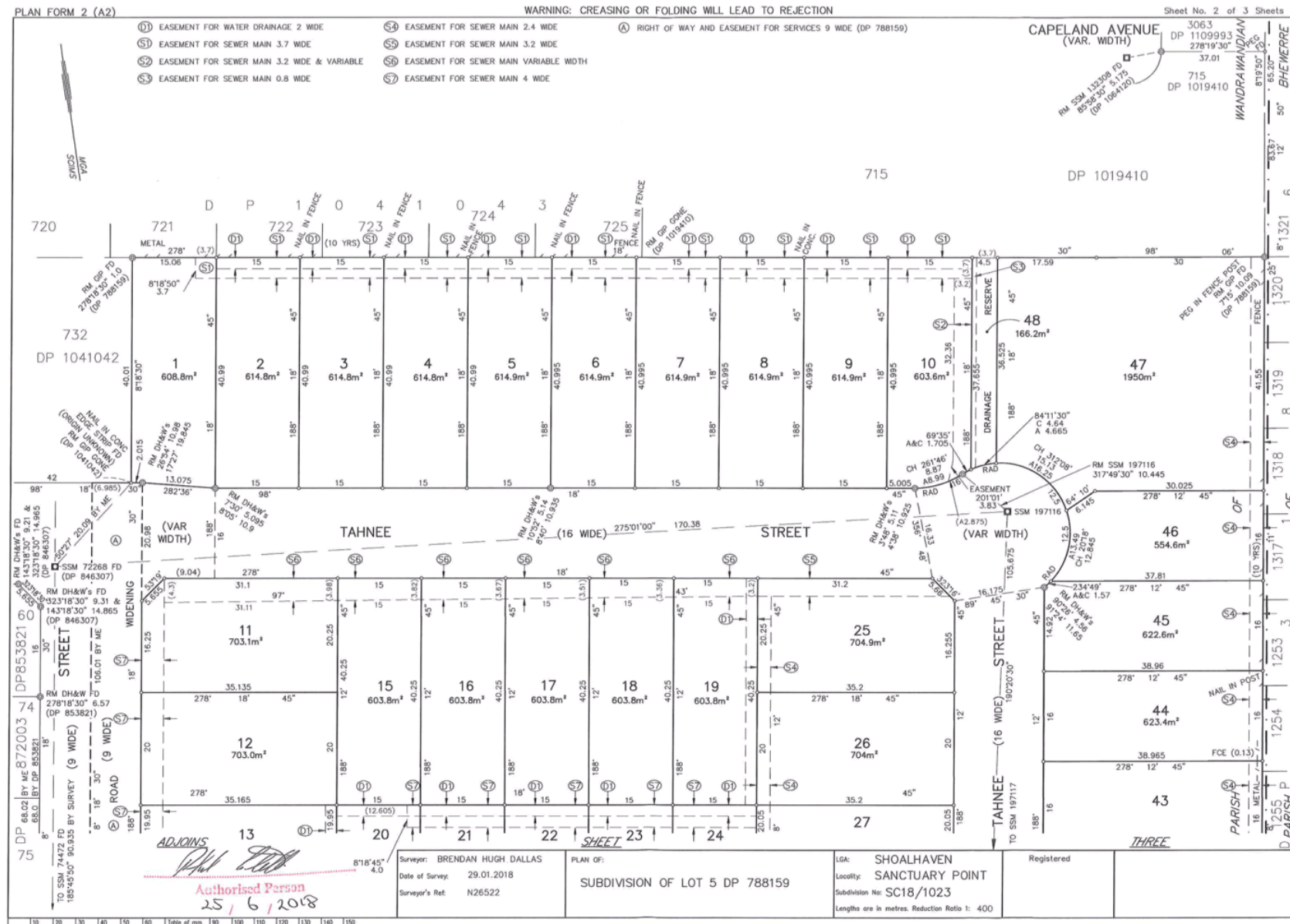
A resolution of Council, within the time frame prescribed in the LGA93, is required to finalise the classification of land as Operational. Should the classification process not be completed, the land will default to Community Land.

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

Community Engagement

In accordance with Section 34 of the LGA93, a public notice of Council’s intention to classify the land as Operational was placed in the local press on Wednesday 11 July 2018, allowing 28 days for written submissions, closing 5pm Wednesday 8 August 2018. Any submissions received prior to the closing time will be advised at the Committee meeting.





SA18.184 Unauthorised private structures in Council's Drainage Reserve - Off Lake Conjola

HPERM Ref: D18/223697

Group: Assets & Works Group

Section: Business & Property

Attachments:

1. Aerial view of drainage reserve showing jetties [↓](#)
2. Survey Plan of unauthorised structures [↓](#)
3. Jetty Licence Template - Lake Conjola [↓](#)

Purpose / Summary

This report provides Council with an opportunity to consider information relating to the process staff intend to undertake to authorise unauthorised private structures (jetties, retaining walls, wharves & boat ramps) located in Council's drainage reserve south of and draining into Lake Conjola (refer to attachment 1).

Recommendation (Item to be determined under delegated authority)

That Council receive the report outlining the process staff intend to undertake to authorise unauthorised private structures (jetties, retaining walls, wharves & boat ramps) located in Council's drainage reserve south of and draining into Lake Conjola, for information.

Options

1. Adopt the recommendations.

Implications: Council is able to receive information on unauthorised private structures in Council's drainage reserve at Lake Conjola with staff commencing the process as outlined below.

2. That the Committee defer the matter pending discussion at a Councillor briefing.

Implications: Although there is no pending deadline, the matter requires some attention due to the liability exposure risk to Council

Background

Council acquired the drainage reserve comprised in Lot 26 DP 1027810 located at Garrad Way and Aney Street, Lake Conjola through dedication in subdivision. This was via Subdivision Consent SF3705 and registration of DP 1027810 at the Land Registration Services (formerly the Office of Land and Property Information) on 9 May 2001.

The drainage reserve provides direct connectivity to "Lake Conjola".

Since 2001, residents have taken advantage of the drainage reserve and its close proximity to Lake Conjola and constructed jetties, retaining walls, wharves and boat ramps (private structures) for their use and enjoyment. These private structures are unauthorised and may pose a safety risk to other users of the reserve and just as importantly, a liability for Council.

There are approximately 25 properties fronting the drainage canal, 21 of which have illegal structures (refer to attachment 2).

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Discussions between Council's Development Section, Governance and Property Unit, resulted in an agreement in principle, that all private structures on Council land require formalisation by way of a licence agreement. They are also to be recorded in Council's wharves and jetties data base and noted under Council's Broadform Public Liability Insurance Policy.

Council's standard Jetty Licence binds the structure to a Development Consent or Construction Certificate. In this situation, no Development Application or Construction Certificate exists, and no retrospective consent will be available. Therefore, whilst a Building Certificate is not an approval, it is a certificate issued by Council that certifies an inspection of the structures and that Council has determined despite the lack of approval that they are constructed in a manner which does not require demolition. This approval lasts for seven (7) years after which the property owner can seek a new certificate, if a new certificate is not sought or issued Council's compliance staff may issue a demolition order at some point.

Legal advice suggests the standard jetty licence template should "recite the fact that all improvements constructed have not been approved by Council but despite their status, Council is prepared to conditionally licence the space in a manner that is not to imply any Council approval or consent whatsoever".

The licence also states "the licensees is not to undertake development (excavation, dredging or remove materials) or construction without consent.

The standard jetty licence has been amended (refer to attachment 3) to include the above and also reference the Building Certificate.

The strategy of issuing a Building Certificate and relating the licence to the Building Certificate is accepted by Council's Insurance underwriter.

Council Staff intend to liaise with the respective property owners to advise them of the procedure for a Building Certificate Application and entering into a Licence Agreement.

Property owners will be requested to lodge with Council a Building Certificate Application which will require the following:

- a) A full set of plans and specifications drawn to an architectural standard and showing all work undertaken. Plans must be fully detailed and dimensioned.

- b) An up to date site survey of the property and adjoining drainage reserve area detailing the location of the private structures in relation to the existing cadastre.
- c) As the unauthorised work has been undertaken without prior approval or certificate, compliance with the Building Code of Australia (BCA) with regard to structural adequacy will need to be demonstrated. Council requires a structural engineer's certification for the structural adequacy of the unauthorised work.

Once a building certificate is issued for a private structure, Council is able to commence the issue of a licence for jetties, retaining walls, wharves and boat ramps within the Lake Conjola drainage reserve.

In the event the property owner declines the process outlined above there are two options available:

1. The owner instigates the removal by lodging a Development Application with Council for the demolition of the structure; or
2. Council issues a demolition order under the EP & A Act which if not adhered to will result in the owner being fined for non-compliance and possible court action.

Community Engagement

Residents adjoining the drainage reserve were contacted and advised that Council would be undertaking survey works. The survey works were undertaken to identify structures and location on Council's drainage reserve.

Financial Implications

There will be financial implication to the jetty owner to obtain a Building Certificate such as:

- | | |
|--|---------------------|
| • Building Certificate application– unauthorised works | \$ 250.00 |
| • Plus, equivalent DA & CC fee | \$ 1,500.00 approx. |
| • Survey | \$ 1,000.00 approx. |
| • Engineers report | \$ 1,000.00 approx. |

Council currently receives no remuneration for the unauthorised private structures. Should the jetties transition to a licence, as per Council's fees and charges for 2018/2019 financial year, Council will receive the following fees:

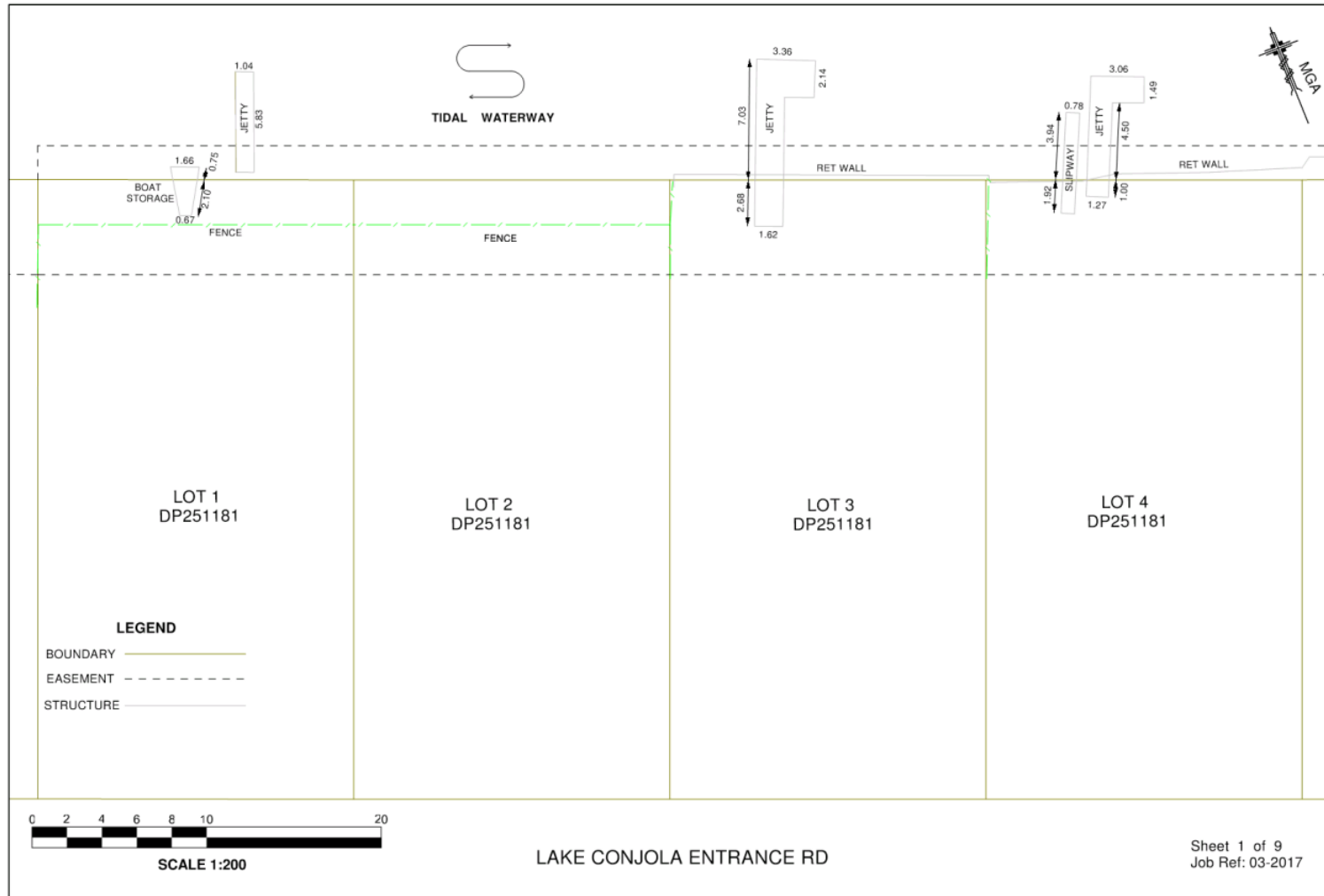
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| • Jetty Licence Application – one off | \$ 54.35 (GST Incl.) |
| • Jetty Licence Fee – annual | \$ 98.40 (GST Incl.) |

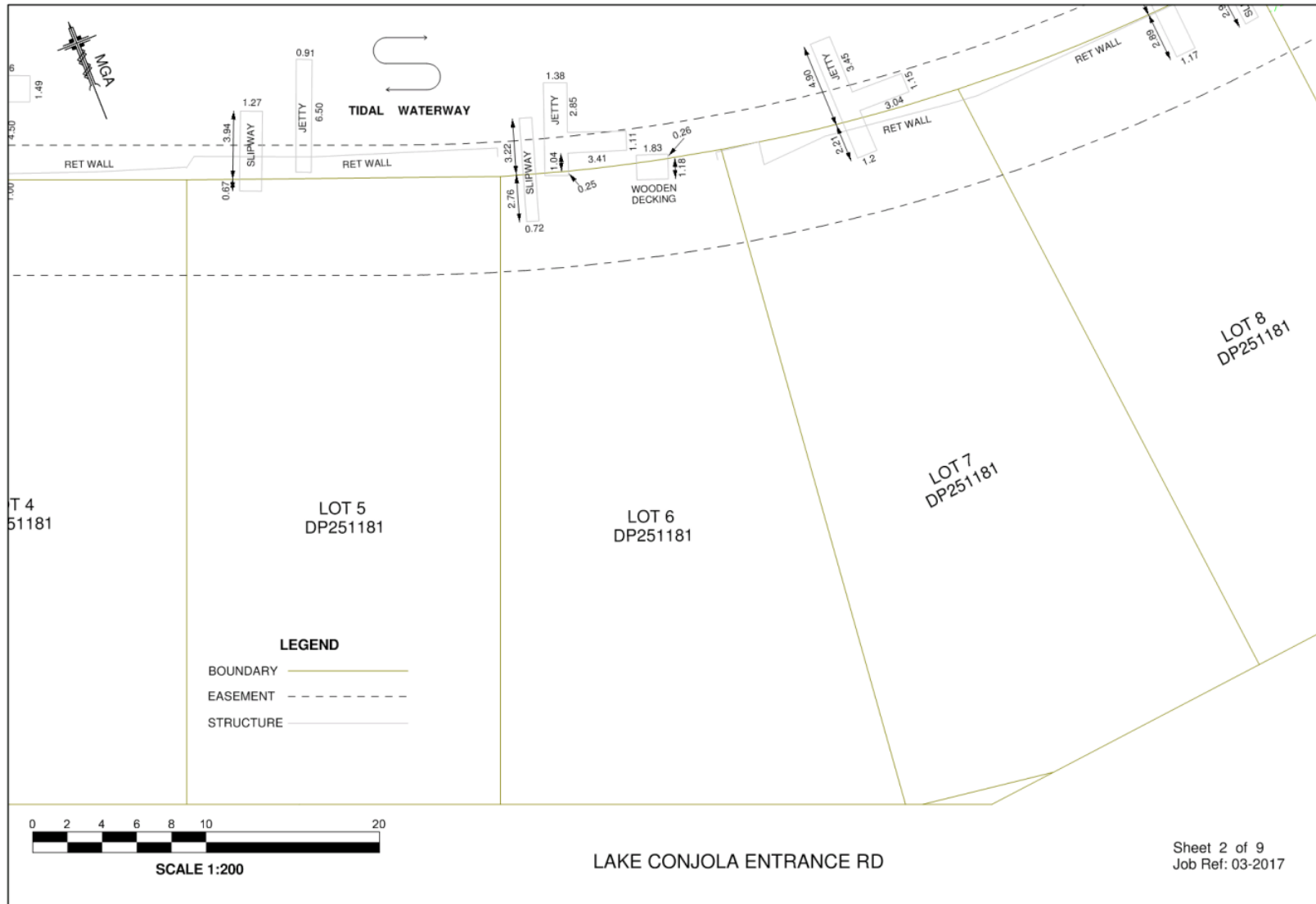
Based on the 21 properties with private structures, Council can expect revenue in the first year of \$3,207.75 (GST Incl.), comprised of a one-off application fee and annual licence fee, followed by \$2,066 (GST Incl.) annually, thereafter subject to the annual fees and charges review.

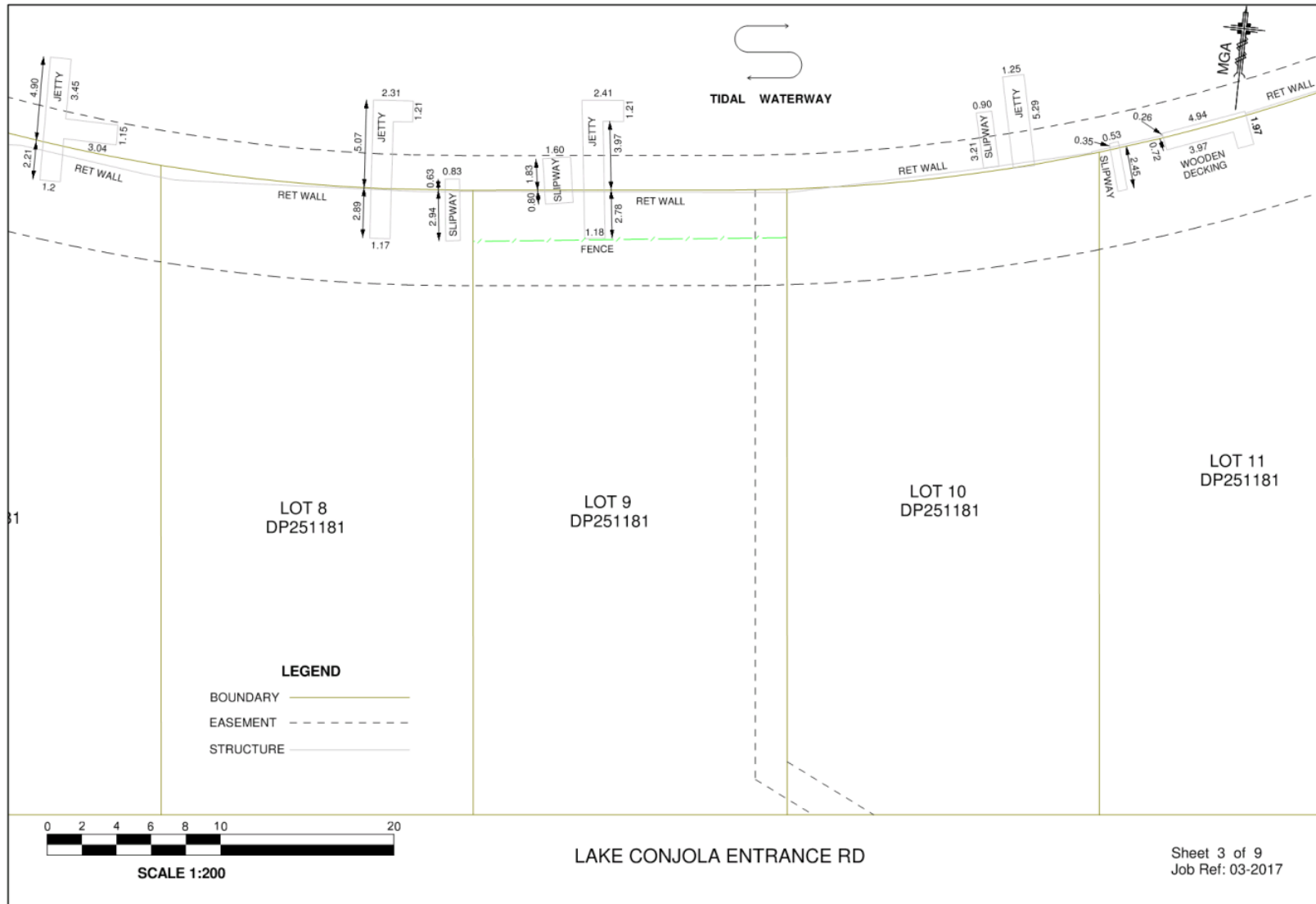
Risk Implications

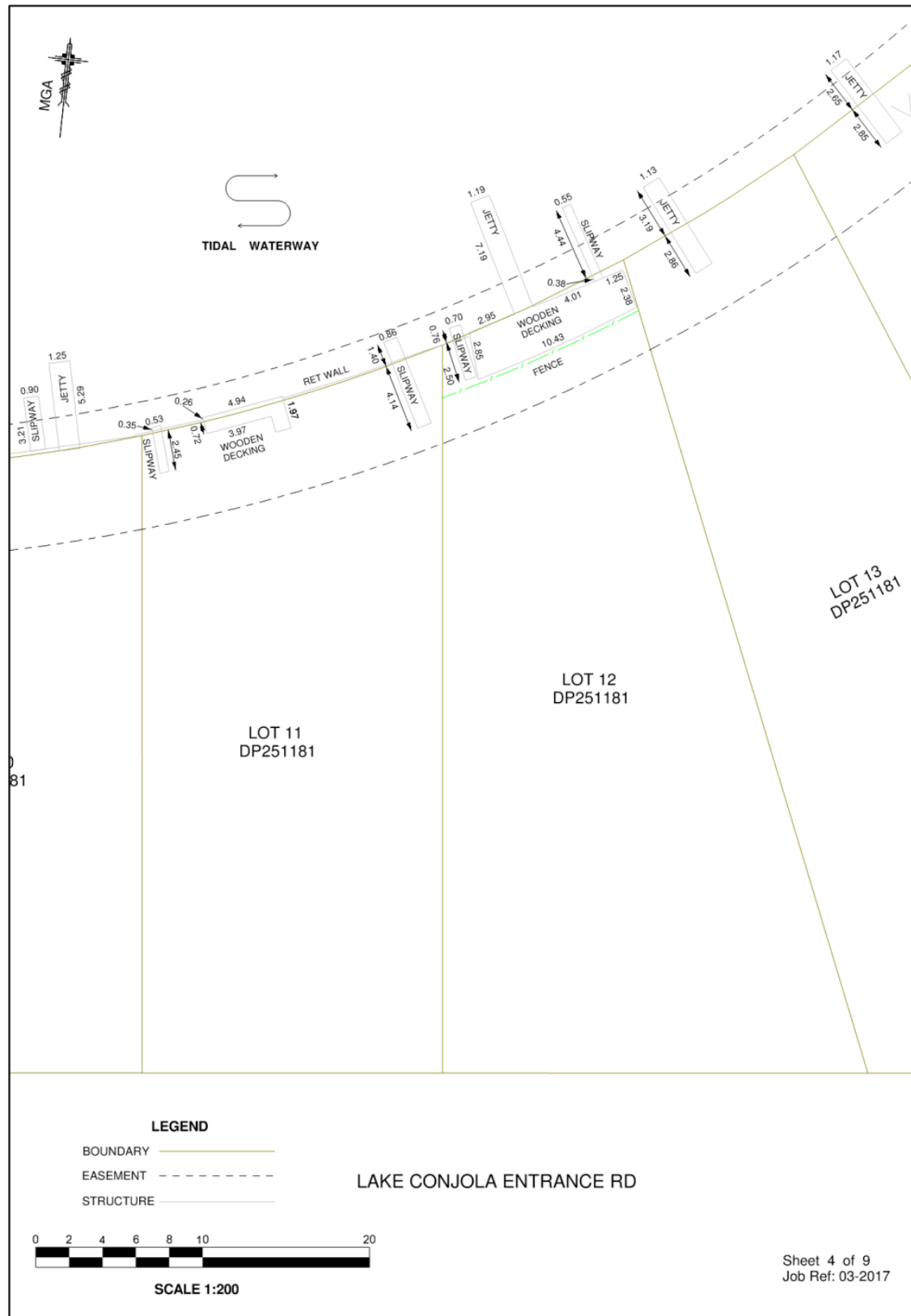
The unapproved and uncertified private structures, illegally located on Council's drainage reserve are not licenced, and cannot be licenced in their current state, therefore the structures are not currently covered by Council's Broadform Public Liability Insurance Policy.

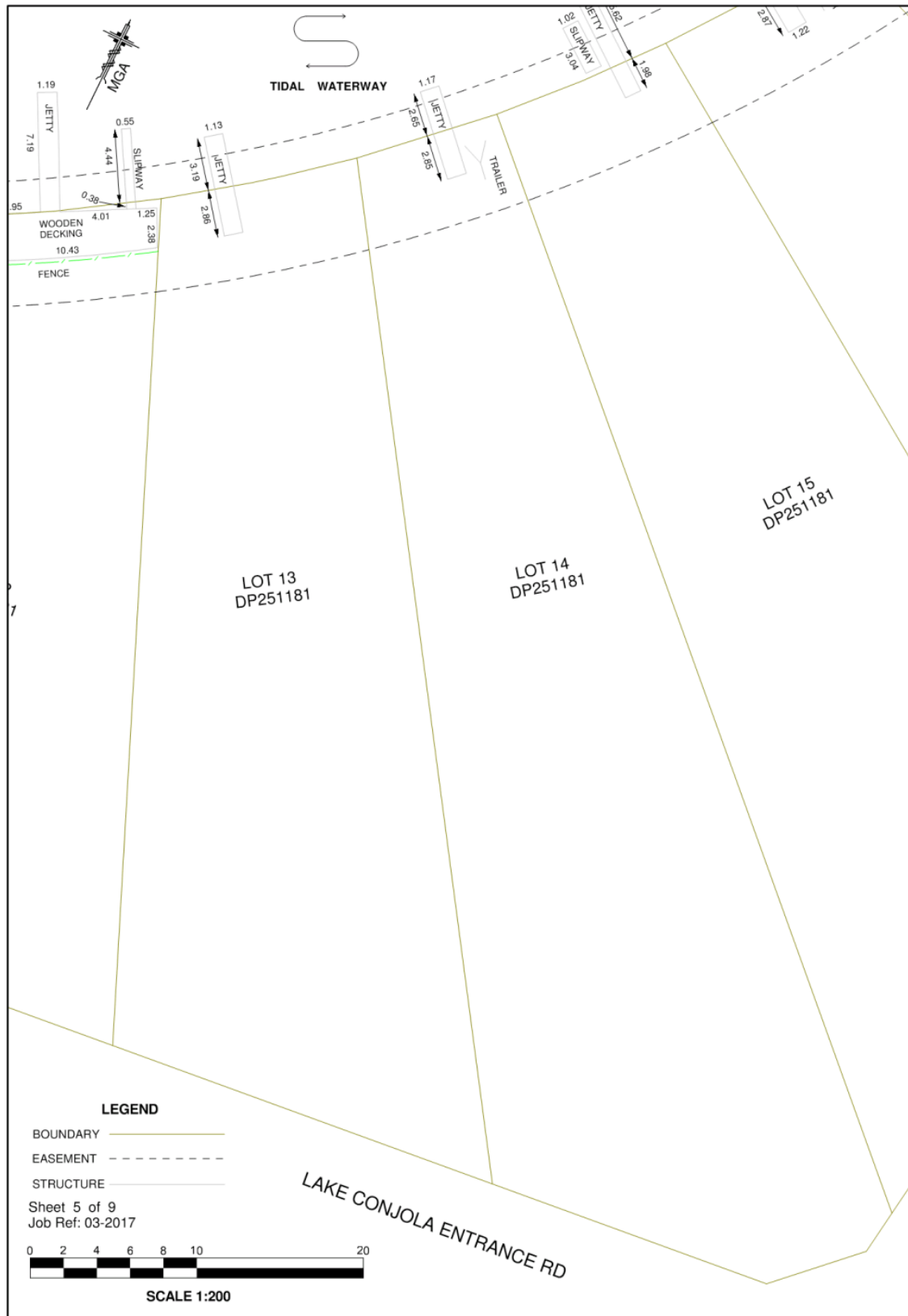


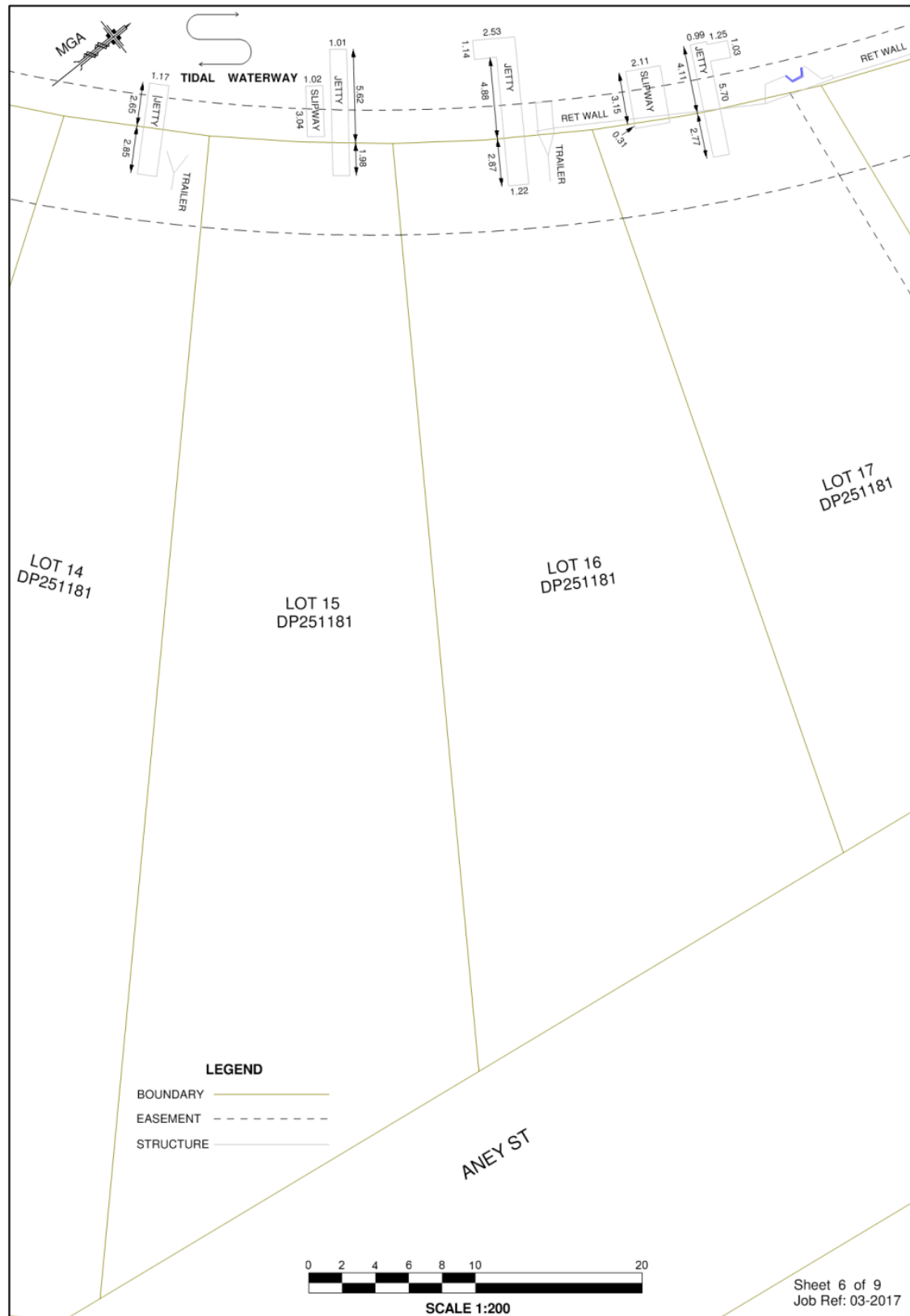


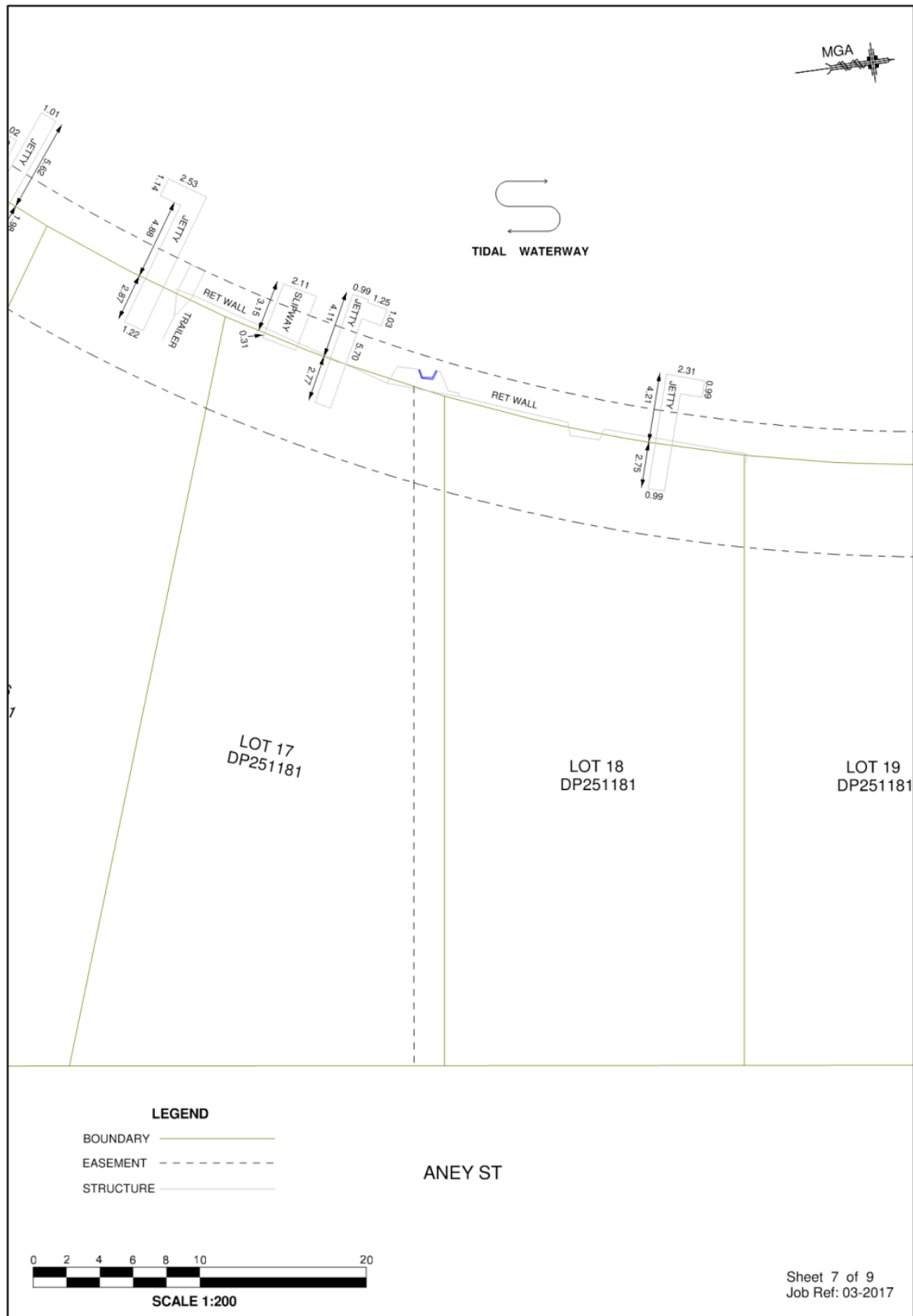


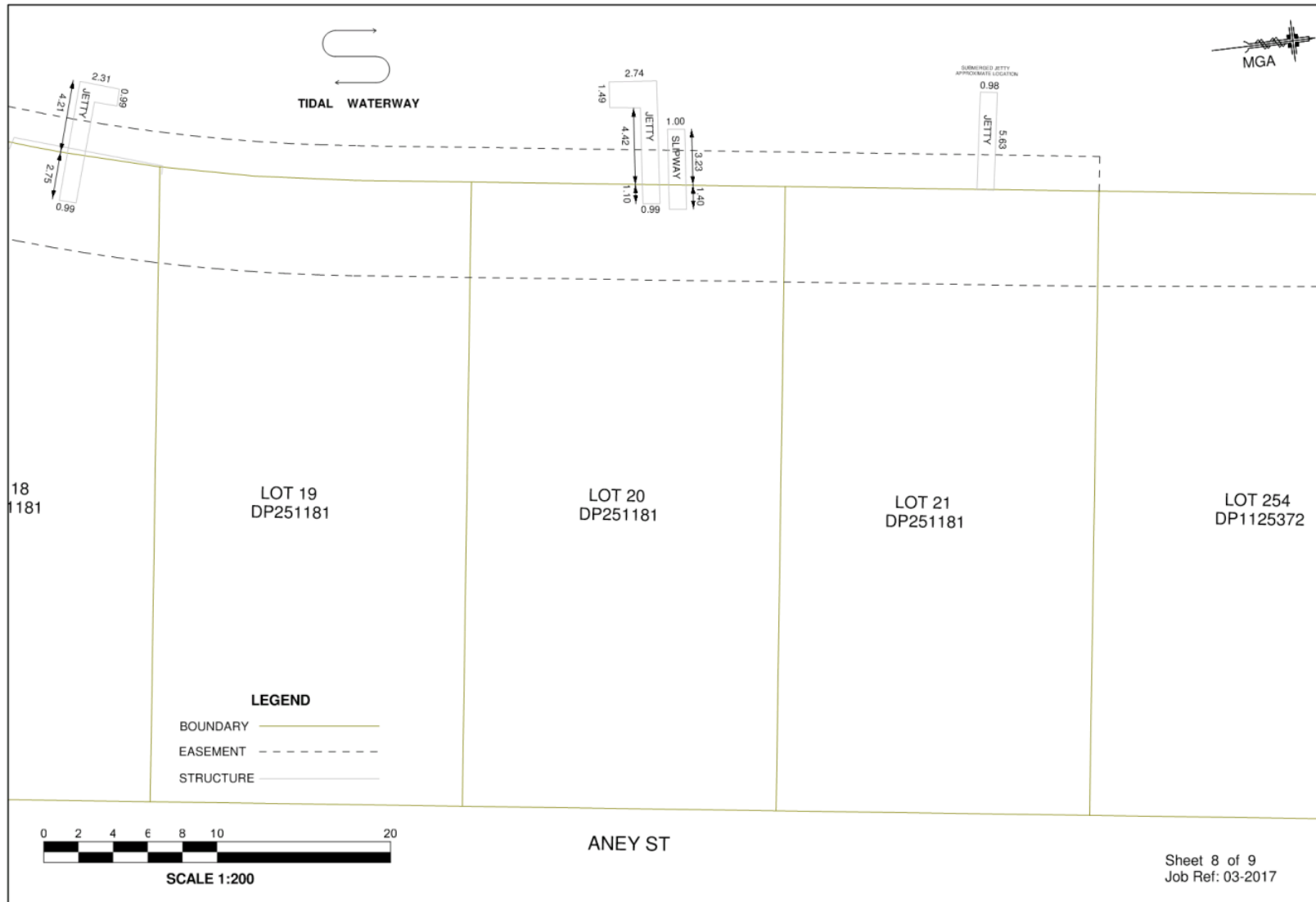


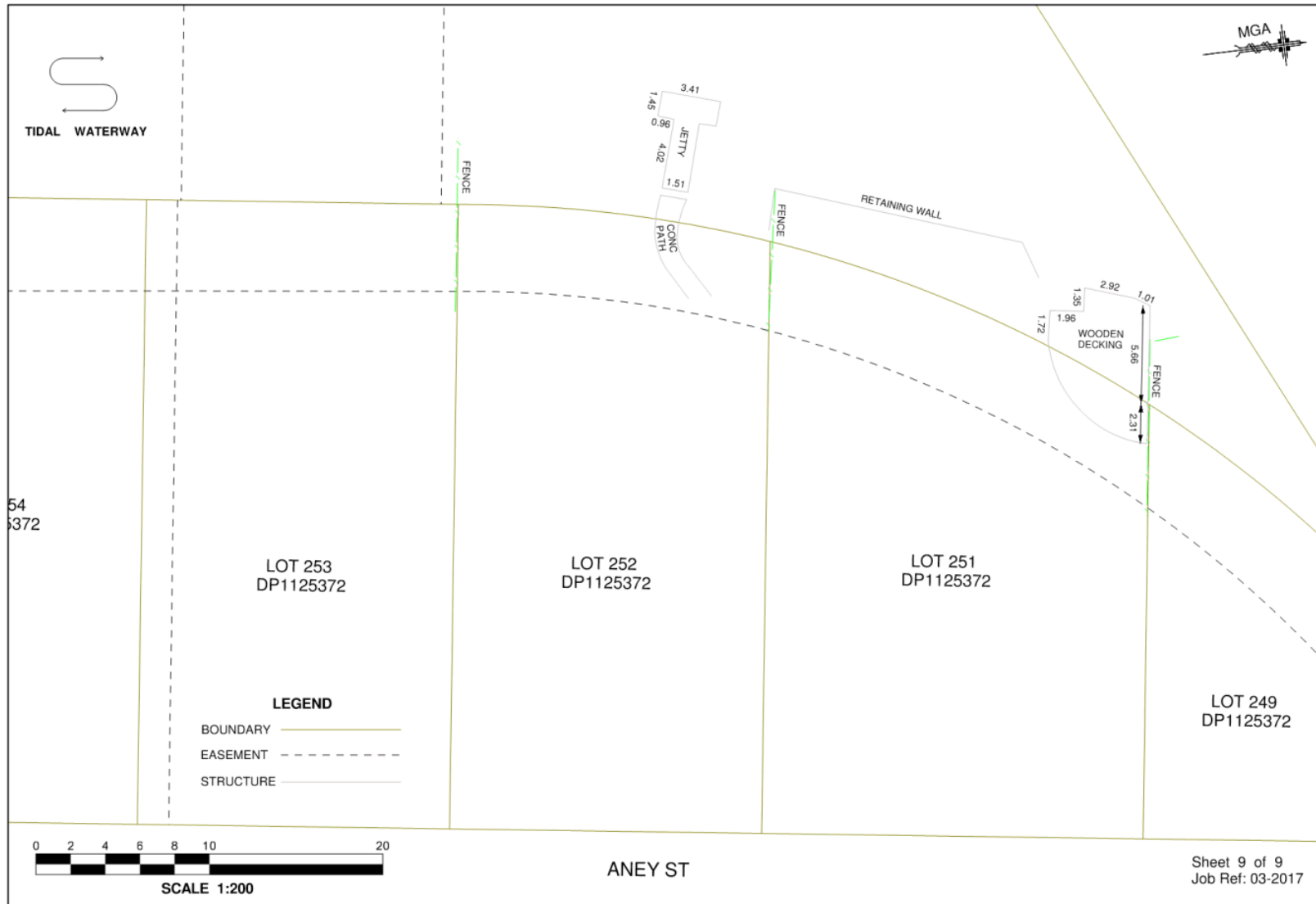












LICENCE WJ Insert Number

THE COUNCIL OF THE CITY OF SHOALHAVEN of Bridge Road, Nowra NSW 2541

LICENSOR

Grants to

Insert Licensees Name

Of Insert Licensees Address

LICENSEE

A Licence for the occupation of Councils Drainage reserve at [insert locality] adjacent to and adjoining [Insert Lot and DP which is known as [Insert address of Licence]

LICENSED AREA

As shown on the plan attached marked Annexure A at an base fee of

\$

The fee and period are adopted by Council and set out in the Management Plan - Fees and Charges and subject to periodic review as per Clause 47 of this agreement.

This Licence agreement is subject to the terms and conditions contained herein and to the terms, conditions and provisions of Building Certificate Insert DA/BA/BC No.

In witness whereof the parties have signed their name and affixed their seals on the day of , 20 .

SIGNED by the Property Manager for **THE COUNCIL OF THE CITY OF SHOALHAVEN** under Delegated Authority:

)
)
)
)

.....
Trevor Cronk

SIGNED by the **LICENSEE** in the presence of:

)
)
)
)

.....
.....
.....

.....
Signature of Witness

.....
Name of Witness (block letters)

.....
Address of Witness

This Licence is operational if accompanied by a Council official receipt or BPay receipt (Clause 47.3)

1. DEFINITIONS

In this Licence unless the contrary intention appears:

"Commencement Date" means the date on the front page of this Licence.

"Council" means the Council of City of Shoalhaven and where not contrary to the context includes the servants and agents of the Council.

"Expiry Date" means the date on which the Licence is revoked or ceases to have effect in accordance with the provisions of this Licence.

"Improvements" means all structures and facilities including any wharf, jetty, mooring piles or boat ramp situated on or in the Licensed Area or which under the terms of this Licence are to be situated on or in the Licensed Area.

"Land" means the land specified on the front page of this Licence under the ownership of the Licensee.

"Licence" means this Licence including any annexures hereto.

"Licence Fee" means the Licence Fee for jetty and boat ramps as adopted by Council and published annually in the Management Plan – Fees & Charges.

"Licensed Area" means the area specified on the front page of this Licence including submerged land and waterway or where the context so admits, any part thereof, together with any Improvements thereon.

"Licensee" means the person described as the Licensee on the front page of this Licence.

"Term" means the period from the Commencement Date of this Licence to the end of the licensing period as adopted and published annually by Council and any renewal thereof.

"Waterways" means the Waterways Authority of NSW and where not repugnant to the context includes the servants and agents of Waterways.

2. PLURALS AND GENDERS

2.1 Words importing the singular number shall include the plural and vice versa.

2.2 Words importing the masculine gender shall include the feminine or neuter and vice versa.

2.3 Any reference to a person shall be deemed to include a reference to a corporation and vice versa.

3. CONTRA PROFERENTEM

No rule of construction shall apply to the disadvantage of a party on the basis that that party was responsible for the preparation of this Licence or any part of it.

4. HEADINGS AND PLANS AND CODE NUMBERS

Headings, subheadings within clauses and marginal notes have been inserted for guidance only and shall be deemed not to form any part of this Licence.

5. CLAUSES AND SCHEDULES

Reference to clauses, parts and schedules are reference to clauses, parts and schedules of this Licence.

6. STATUTES

6.1 A reference to a statute, statutory instrument or ordinance includes amendments to that statute, statutory instrument or ordinance whether by subsequent statutes, statutory instruments or ordinance passed in substitution for the statute, statutory instrument or ordinance referred to or incorporating any of its provisions.

- 6.2. A reference to a statute includes a reference to any regulation made thereunder.
7. **JOINT AND SEVERAL COVENANTS**
Any covenant or agreement on the part of two (2) or more persons shall be deemed to bind them jointly and severally.
8. **SEVERABILITY**
Any provision of this Licence, which is prohibited or unenforceable in any jurisdiction, shall as to such jurisdiction be effective to the extent of such prohibition or inability to enforce without invalidating the remaining provisions of such provision in any other jurisdiction.
9. **APPLICABLE LAW**
This Licence shall be construed and interpreted in accordance with the law of New South Wales.
10. **APPROVAL OF COUNCIL**
- 10.1. In any case where pursuant to this Licence the doing or executing of any act, matter or thing by the Licensee is dependent upon the approval or consent of the Council such approval or consent shall not be effective unless given in writing and may be given subject to such conditions as the Council may determine unless otherwise herein provided.
- 10.2. The Licensee expressly agrees that any failure to comply with a condition imposed by the Council will constitute a failure by the Licensee to comply with a condition of this Licence.
11. **TIME TO BE OF THE ESSENCE**
The Council and the Licensee expressly agree that where in any provision of this Licence the Licensee is given or allowed a specified time within which to undertake or do any act or thing or any power is conferred or any event occurs after the lapsing of a specified time, time shall be the essence of the contract in that regard.
12. **LICENSEE TO PAY COSTS OF WORK**
Whenever the Licensee is required in this Licence to do or effect any act, matter or thing then the doing of such act, matter or thing shall, unless this Licence otherwise provides, be at the sole risk, cost and expense of the Licensee.
13. **NOTICES**
- 13.1. All notices or communications required to be or which may be given or served by the Council to or upon the Licensee under this Licence or which may be convenient to be given or served in connection with this Licence shall be in writing and shall be sufficiently given or served if left at or sent by ordinary post addressed to the Licensee at his address as specified on the front page of this Licence or at such other place as notified in writing by the Licensee to the Council.
- 13.2. All notices or communications required to be or which may be given or served by the Licensee to or upon the Council under this Licence or which may be convenient to be given or served in connection with this Licence shall be in writing and shall be sufficiently given or served if signed by the Licensee or, if the Licensee is a corporation, by the Secretary of the Licensee or the person acting as such for the time being and if left at or sent by ordinary post addressed to the Council at the address as specified on the front page of this Licence.
- 13.3. Any notice or communication given or served by post shall be deemed to have been duly given or served at the time when it would in the ordinary course be delivered.

14. MANNER OF PAYMENT OF LICENCE FEE AND OTHER MONEY

- 14.1. The Initial Licence Fee must be paid in full to Council on or before the commencement date of this Licence.
- 14.2. The Licence Fee for the renewal of this Licence as per Clause 47 must be paid to Council in advance.
- 14.3. The Licence Fee and other money payable in accordance with this Licence shall be paid to the Council at its City Administrative Centre, Bridge Road, Nowra – (PO Box 42 Nowra NSW 2541).

15. PERMITTED USE

- 15.1. This Licence confers on the Licensee only a right to occupy the Licensed Area as specified on the front page of this Licence.
- 15.2. The Licensee will not use the Licensed Area or allow it to be used for any purpose other than the purpose specified on the front page of this Licence.

16. LICENSEE NOT TO COMMIT NUISANCE

- 16.1. The Licensee will not at any time during the Term of this Licence:
 - 16.1.1. carry on or permit to be carried on at the Licensed Area any noxious nuisance or offensive trade business;
 - 16.1.2. do or permit to be carried on at the Licensed Area any act, matter or thing which results in nuisance, damage or disturbance to the Council or owners or occupiers of adjoining or neighbouring lands or buildings;
 - 16.1.3. use or allow the Licensed Area to be used for any illegal activity;
 - 16.1.4. use the Licensed Area or any part thereof for any business purpose, calling or trade or permit any form of business, calling or trade to be conducted therein.

17. COMMENCEMENT AND REVOCATION OF LICENCE

- 17.1. This Licence shall commence on the date written on the front page of this Licence and shall continue in force in accordance with Clause 47 or until it is revoked in accordance with the provisions of this clause.
- 17.2. The Council may revoke this Licence at any time by serving on the Licensee a notice in writing revoking this Licence. Except in case of emergency, the notice shall be served at least twenty one (21) days prior to the date of revocation specified therein.
- 17.3. A revocation made under this clause shall take effect on the date specified in the notice or where no date is specified in the notice and in the case of emergency on the date on which the notice is served on the Licensee.
- 17.4. Except as may be expressly provided for in this Licence the Licensee acknowledges and agrees that the Licensee will not be entitled to any refund of fees, compensation costs or damages in respect of this Licence.

18. REVOCATION ON THE REQUEST OF THE LICENSEE

The Licensee may at any time by notice served on the Council request this Licence be revoked and the Council if it is satisfied that the Licensee has complied with the conditions and provisions of this Licence will as soon as practicable comply with such a request.

19. LICENSEE NOT TO IMPOSE LIABILITY ON COUNCIL

Subject to any other provision of this Licence the Licensee will not without the written consent of the Council by any act, matter or deed or by failure or omission cause or permit to be imposed on the Council any liability of the Licensee under or by virtue of

this Licence even though the Licensee is entitled so to do under any law present or future or otherwise.

20. LICENSEE NOT TO DEAL WITH LICENCE OR PART WITH POSSESSION OF LICENSED AREA

Subject to any other provision of this Licence the Licensee will not during the Term of the Licence transfer or create any interest in the Licence or authorise or permit any person to occupy the Licensed Area, without the Council's consent in writing first had and obtained.

21. FAILURE TO PAY MONEY OR UNDERTAKE WORKS

21.1. Where under this Licence the Licensee is required to pay any money to a third party and neglects to do so for a period of fourteen (14) days after the money became due and payable it shall be lawful for but not obligatory upon the Council (and without prejudice to any rights and powers arising from such default) to pay sum money as if it were the Licensee the Licensee will reimburse the Council in respect of any such payments on demand.

21.2. Where under this Licence the Licensee is required to do or cause to be done any work or thing and the Licensee neglects to do the work or thing for a period of fourteen (14) days after that work or thing was due or required to be done it shall be lawful for but not obligatory upon the Council (and without prejudice to any rights and powers arising from such default) to do or effect such work or thing as if the Council were the Licensee and for that purpose the Council, the Council's officers, agents, contractors and workmen may enter upon the whole or any part of the Licensed Area and there remain for the purposes or doing or effecting any such work or thing and the Licensee will reimburse the Council for the cost of the doing or effecting the work or thing on demand. For the purpose of this clause the word "cost" shall include any sums paid for any insurance indemnities under the laws relating to workers compensation.

21.3. The Licensee expressly agrees that any money or cost payable to the Council under this clause shall constitute a debt owed by the Licensee to the Council and may be recovered by the Council accordingly.

21.4. The Licensee expressly agrees that the provisions of this clause shall continue after the expiration or sooner determination of this Licence and the Council may make any payment or effect any work or thing authorised by this clause after the expiration or sooner determination of this Licence as if such expiration or sooner determination had not taken place.

22. INTEREST ON OVERDUE MONEY

The Licensee shall pay interest on any money due and payable under this Licence to the Council at the rate prescribed from time to time by Schedule J of the Supreme Court Rules in respect of Judgements or any provision replacing the same and any such interest shall for the purpose of this Licence be deemed to be Licence Fees in arrears..

23. INSURANCE

Council Broadform Public Liability Insurance

23.1. The licence fee includes a contribution to Council's Broadform Public Liability Insurance (the broadform policy) premium for your jetty , wharf, mooring piles and /or boat ramp erected over the property, licensed from Shoalhaven City Council adjoining and adjacent to the licensee's property. The Licensee should not affect separate insurance in relation to the above.

23.2. The broadform policy is held in the name of Council and the Licenses (as insured parties). The policy has a twenty million dollar (\$20,000,000) limit of indemnity.

23.3. The Licensee shall refrain from doing anything, which might prejudice the broadform policy.

24. INDEMNITIES

- 24.1. For the purpose of this clause the term "Council" shall include its successors.
- 24.2. The Licensee hereby indemnifies Council against all actions, suits, claims, demands, proceedings, losses, damages, compensation, costs (including solicitor and client costs), charges, and other expenses which may be brought, made or awarded against, incurred or suffered by the Licensor for or in respect of any claim, loss, damage, accident or injury of whatsoever nature or kind occasioned or done at any time (whether before or after the date of execution hereof and whether to property or persons) by or in connection with the use of the Licensed Area by the Licensee or any person authorised by the Licensee or the occupation of the Licensed Area by the Licensee or howsoever otherwise sustained by anything done or purporting to be done under this Licence by or on behalf of the Licensee, its servants, agents, invitees contractors and subcontractors that is not otherwise covered by the broadform policy referred to in clause 23.
- 24.3. The Licensee expressly agrees that the obligations of the Licensee under this clause shall continue after the expiration or other determination of this Licence in respect of any act, deed, matter or thing happening before such expiration or determination.

25. LICENSEE NOT TO UNDERTAKE DEVELOPMENT OR CONSTRUCTION WITHOUT CONSENT

- 25.1. Notwithstanding any other provision of this Licence:
- 25.1.1. The Licensee will not undertake any development within the meaning of the Environmental Planning and Assessment Act 1979 contrary to the provisions of that Act or in breach of any restriction, condition or prohibition imposed by an Environmental Planning Instrument or condition of a development consent;
- 25.1.2. The Licensee will not construct, effect, erect or undertake any Improvements on the Licensed Area other than with the prior consent in writing of the Council.

26. OWNERSHIP OF IMPROVEMENTS

- 26.1. Subject to the provisions of clause 26.2 any Improvements on or in the Licensed Area are the property of the Licensee (and shall be taken always to have been the property of the Licensee) who may within one (1) month after the Expiry Date of this Licence remove at the Licensee's expense the said Improvements (or any of them) from the Licensed Area. The Licensee shall, following such removal, restore the surface of the land underneath the removed jetty and boat launching ramp so far as is practicable to the condition in which such land was prior to the jetty and boat launching ramp being erected.
- 26.2. Where the Licensee does not exercise the right to remove any Improvements conferred by clause 26.1 within one (1) month after the Expiry Date of this Licence, the Council may by notice in writing served on the Licensee:
- 26.2.1. declare that the Improvements shall on and from a date specified in the notice become the property of the Council and the Licensee acknowledges that on and from that date the Improvements shall be the property of the Council and the Licensee will not have any right to remove the said Improvements or to compensation by reason of the operation of this clause; or
- 26.2.2. direct that the Licensee at his own expense removes and take away any Improvements specified in the notice and leave the Licensed Area in a clean and tidy condition within a time specified in the notice. In the event that the Licensee does not comply with the direction, the Improvements shall become the property of the Council and the Licensee will not have any right to compensation by reason of the operation of this clause.

27. GENERAL REQUIREMENT TO REPAIR

Without prejudice to the specific obligations contained in this Licence the Licensee will to the satisfaction of the Council at all times during the Term keep all Improvements now erected or hereinafter to be erected on the Licensed Area in good repair and properly maintained in all respects.

28. TO BE KEPT IN CLEAN AND TIDY CONDITION

The Licensee will at all times during the Term keep the Licensed Area in a clean and tidy condition and will (subject to any other provision of this Licence) on the Expiry Date leave the Licensed Area in a clean and tidy condition.

29. MAINTENANCE OF WATERWAYS

The Licensee will at all times during the Term ensure that the waterways and submerged land forming the whole or part of the Licensed Area are kept clean and free from debris (whether floating or otherwise) and will do all things necessary to ensure that a free-flowing circulation of water is maintained within the waterways forming part of the Licensed Area.

30. COUNCIL'S RIGHT TO ENTER, INSPECT AND REPAIR

The Council and the Council's agents may at all reasonable times upon giving to the Licensee reasonable notice (except in the case of emergency when no notice shall be required) enter upon the Licensed Area and view the state of repair thereof and may serve upon the Licensee a notice in writing of any defect (the repair of which is the Licensee's obligation hereunder) requiring the Licensee to repair the same within fourteen (14) days.

31. NOTIFICATION OF ACCIDENT

The Licensee will give to the Council prompt notice in writing of any serious accident to or serious defect or want of repair in any of the Improvements, facilities, devices, contrivances, service to or fittings in or on the Licensed Area or other things or of some or any of them having become seriously defective, unsafe, weakened out of repair in any way or likely to cause any serious danger, risk or hazard to the Licensed Area or any person therein unless such defect, unsafeness, weakness or want of repair is capable of being and is promptly remedied by the Licensee.

32. CARRYING OUT OF ALTERATION

- 32.1. The Licensee will not make or undertake any alterations to the Licensed Area unless full and proper plans and specifications shall have been previously submitted to and approved by the Council in writing and all work in connection thereto shall be carried out by and at the expense of the Licensee and to the satisfaction of the Council using contractors or workmen previously approved by the Council whose approval shall not be unreasonably withheld and subject thereto the Licensee will observe and comply with:

- 32.1.1. all requirements of the Council and any other statutory authority having jurisdiction over the Licensed Area; and
- 32.1.2. the plans and specifications approved by the Council and any other statutory authority.

33. MOORING OF VESSELS

The Licensee will ensure that any vessel secured at or to the Licensed Area shall be moored or berthed wholly in front of the property being served and parallel to the canal.

34. RESIDENCE ABOARD VESSELS

The Licensee will ensure that no person resides on any vessel or vessels moored or berthed at or to the Licensed Area.

35. PROHIBITED USE OF VESSEL

The Licensee will not at any time during the Term carry on or permit to be carried on any noxious, noisome or offensive trade, business, calling or activity on any vessel moored or berthed at or to the Licensed Area.

36. ANTI-POLLUTION MEASURES

The Licensee will ensure that satisfactory measures are taken to prevent pollution of the waterway adjoining or forming part of the Licensed Area or its foreshores arising out of the use of the Licensed Area or from vessels moored thereat.

37. LICENSEE NOT TO UNDERTAKE DREDGING OR EXCAVATION

The Licensee will not dredge, dig up or excavate the Licensed Area (except such excavation as may be necessary to sink any pile or post) without the prior written consent of the Council.

38. PUBLIC TO HAVE ACCESS TO FORESHORE

The Licensee will allow the public to at all times have access over that part of the Licensed Area that is situated below Mean High Water Mark and which is commonly known as the foreshore and any structure shall be constructed so as not to unreasonably obstruct access by the public over such lands.

39. LICENSEE TO PAINT STRUCTURE

The Licensee will cause any structure erected on the Licensed Area to be painted with two (2) coats of paint at reasonable intervals, no interval to exceed five (5) years.

40. SIGNAGE

40.1. The Licensee will ensure that the Wharves & Jetty Licence Number specified on the front page of this Licence be displayed in white letters not less than 10cm high and painted on black background and shall be affixed and kept affixed to the end of the jetty structure on the Licensed Area in a prominent position visible from the seaward side. Such sign shall be kept painted so as to be clearly legible throughout the Term of the Licence.

40.2. The Licensee may erect a sign on the jetty or wharf in a prominent position with lettering of not more than 10cm in height, stating that the jetty is private property. Furthermore it may state no entry and shallow water. The sign must be affixed to and contained within the dimensions of the structure. The signage should be in accordance with Development Control Plan 82

40.3. The Licensee will not without the consent of the Council erect, paint, display, affix or exhibit upon any structure erected on the Licensed Area any signs, advertisements, lights, embellishments, names, notices or hoarding with the exception of the Licence Number sign referred to in subclause 40.1 of this Licence and the private property sign and shallow water sign referred to in subclause 40.2 of this licence

41. SEAWALLS

The Licensee will not cause any damage to any retaining wall or seawall situated on the Licensed Area.

42. LICENSEE TO COMPLY WITH WATERWAYS DIRECTIONS

The Licensee will at all times comply with any directions given by Waterways, Police or other competent authority in the interests of safe navigation, equitable use of and conservation of waterways and the prevention of pollution.

43. LICENSEE TO GIVE NOTICE OF REMOVAL OF STRUCTURES

The Licensee will forthwith give notice to the Council of any removal in whole or in part of any structure authorised by this Licence.

44. ALTERATIONS NOT TO BE MADE WITHOUT CONSENT

The Licensee will not alter or vary any Improvement situated on the Licensed Area (whether in existence at the commencement) or constructed or affected under this Licence without the prior written consent of the Council.

45. LICENSEE NOT TO REMOVE MATERIALS

45.1. The Licensee will not mine, remove, extract, dig up or excavate any sand, stone, gravel, clay, loam, shell or similar substance or permit any other person to undertake any such action within the Licensed Area without the prior consent in writing of the Council and subject to such conditions as the Council may determine.

45.2. Subclause 45.1 shall not apply to any removal, digging up or excavation as may be necessary to construct or undertake any Improvement authorised by or under this Licence provided that in any such removal, digging up or excavation is undertaken in accordance with the requirements of that authority.

45.3. The Council and the Licensee expressly agree that a failure by the Licensee to comply with any condition imposed pursuant to subclause 45.1 shall constitute a failure by the Licensee to comply with a provision or covenant of this Licence.

46. NO RIGHT TO PURCHASE

The Licensee expressly acknowledges that the grant of this Licence does not confer a right to purchase the Licensed Area or to the grant of a lease or to the grant of a further licence.

47. PERIODIC RENEWAL

47.1. The Licence hereby granted empowers the Licensee and persons authorised by them but limited to members of their family and guests to access the jetty and boat launching ramp standing in the canal adjacent to and adjoining the Licensee's property subject to the terms and conditions contained herein and the payment of the Licence Fee as adopted and published annually by Council. It is noted that the Initial Licence Fee and any renewal thereof covers the period adopted and published annually by Council.

47.2. Should the Council desire to offer a renewal of this Licence it will send to the Licensee a tax invoice indicating the Licence Fee and upon that tax invoice being paid by or on behalf of the Licensee, this Licence and all its terms and conditions shall be renewed accordingly.

47.3. The current official Council receipt or BPay receipt for the Initial Licence Fee and any Licence Fee for renewal must be kept with this Licence at all times.

48. CAPACITY OF COUNCIL

48.1. In this clause, the following terms have the following meanings:

48.1.1. *authority* means any government or governmental, semi-governmental, local government, administrative, fiscal or judicial body, department, commission, authority, tribunal, agency or entity; and

- 48.1.2. *legislation* includes an Act or a by-law, ordinance, regulation, planning instrument, proclamation or rule made under an Act;
- 48.2. The Licensee acknowledges and accepts that in addition to Council acting in its capacity as licensor under this Licence, Council is also an *authority* and is charged with the responsibility of administering and enforcing the provisions of *legislation*.
- 48.3. Nothing in this Licence shall be construed so as to in any way restrict or otherwise affect or fetter Council's powers, obligations and discretions under any *legislation* or otherwise as an *authority*, and any conduct of Council in its capacity as an *authority* will not constitute a breach of any of Council's obligations under this Licence.
- 48.4. The Licensee must not:
- 48.4.1. do or suffer to be done any act; or
- 48.4.2. neglect or omit to do any act; or
- 48.4.3. permit any other person to neglect or omit to do any act,
- where such conduct, neglect or omission may obstruct the vendor from performing its obligations under this provision and the Licensee must indemnify Council against any costs or claims suffered by Council as a result of such conduct, neglect or omission.
- 49. STRUCTURES**
- 49.1. Council discloses, and the Licensee acknowledges, that the structures comprised within the Licensed Area, were not constructed by Council and have not been approved by Council in its capacity as a consenting authority.
- 49.2. Despite this status, Council in its capacity as licensor under this Licence, is prepared to conditionally licence the Licensed Area to the Licensee pursuant to this Licence.
- 49.3. Nothing in this Licence is to be construed as Council granting consent to the structures in any capacity and in this regard, all rights are reserved.
- 49.4. Council may, unconditionally and unilaterally, without reason, terminate this Licence by serving one month's notice in writing on the Licensee.

Annexure A

PLAN SHOWING JETTY AND BOAT LAUNCHING RAMP

(If this information is not obtainable from TRIM, it can be obtained from the BA files
located in the basement)

SA18.184 - Attachment 3

SA18.185 Acceptance of Grants - Grey Headed Flying Fox and Biodiversity Corridor Mapping

HPERM Ref: D18/210530

Group: Planning Environment & Development Group
Section: Environmental Services

Purpose / Summary

To report to Council three grants: two in relation to managing a Grey-headed Flying-fox (GHFF) colony at the Elowra Wetland, Bolong Road, Bomaderry, and one in regard to the Illawarra Shoalhaven Region Plan - Biodiversity Corridor Mapping.

1. Grant 1 - \$47,130 from Local Government NSW for “Implementing emergency flying-fox camp measures where there are significant community impacts” at the Elowra Wetland, Bolong Road, Bomaderry;
2. Grant 2 - \$20,000 from the NSW Office of Environment & Heritage for developing a Grey-headed Flying-fox Camp Management Plan for the Elowra Wetland, Bolong Road, Bomaderry; and
3. Grant 3 - \$25,000 from the NSW Office of Environment & Heritage to investigate and report on the viability of seven habitat corridors in the Shoalhaven as identified in the Illawarra Shoalhaven Region Plan.

Recommendation

That

1. Council accept the three grants totalling \$92,130 from Local Government NSW (LGNSW - \$47,130) and the NSW Office of Environment & Heritage (OEH - \$45,000);
2. Council provide an in-kind contribution, as a condition of Grant 1, by allocating \$48,840 from existing Environmental Services budget in the form of staff time and vegetation management; and
3. The General Manager thank both LGNSW and OEH, in writing, for the grant funding.

Options

1. As recommended.

Implications: The first grant offered from Local Government NSW (LGNSW) is subject to Council providing a matching or greater in-kind contribution (\$48,840) for managing and implementing the grant. The full amount for managing the GHFF colony and community expectations is estimated at \$95,970 (including grant money) over the current season so Council would be liable for the full amount if the grant is not accepted

The second grant of \$20,000 from the NSW Office of Environment & Heritage (OEH) provides for a plan for management of the GHFF colony at Bomaderry, if required, into the future and is not subject to an in-kind contribution. Such a plan will assist in addressing and mitigating issues recently experienced with the colony.

The third grant for the habitat corridors is not subject to an in-kind contribution and will better inform OEH and Shoalhaven City Council as to the practicality of habitat corridors identified in the Illawarra Shoalhaven Regional Plan.

SA18.185

2. Council returns the LGNSW grant \$47,130 for “Implementing emergency flying-fox camp measures where there are significant community impacts”.

Implications: Council staff had to quickly apply for the grant from the LGNSW before the grants closed. The grant was then “announced” by the NSW government local member on 18 May 2018 following representations from local residents impacted by the close proximity of the GHFF colony to residences. Returning the grant will mean the full cost of managing the impacts of the colony will be met by Shoalhaven City Council.

3. Council returns the OEH grant of \$20,000 for developing a Grey-headed Flying-fox Camp Management Plan for the Elowra Wetland, Bolong Road Bomaderry.

Implications: Council staff will not have guidance on how to manage the GHFF colony at Bomaderry should the GHFF return, in the same or greater numbers, next summer. There is no guarantee GHFF will return to the same location next summer.

4. Council returns the OEH grant of \$25,000 to investigate and report on the viability of seven habitat corridors in the Shoalhaven as identified in the Illawarra Shoalhaven Region Plan.

Implications: OEH and Council will not know if “habitat corridors” currently identified in the Illawarra Shoalhaven Regional Plan are in a condition to function as a habitat corridor.

Background

Grants 1 & 2; GHFF camp management - present and future

Grey-headed Flying-fox is a threatened species listed as vulnerable to extinction under both the *NSW Biodiversity Conservation Act 2016* (BC Act) and *Commonwealth Environment Protection & Biodiversity Conservation Act 1999* (EPBC Act). Actions related to the species, such as removal of roosting trees, requires a licence from the NSW Office of Environment & Heritage (OEH) and potentially approval from the Federal Environment Minister.

A large GHFF “camp” formed late 2017 and early this year (last summer) on a Council reserve near the corner of the Princes Highway and Bolong Road, Bomaderry known as the Elowra Wetland (see Figure One). As the number of GHFF increased over the summer months Shoalhaven City Council received complaints from six (6) nearby residents with concerns about unpleasant odours and noise from the camp affecting residents’ sleep. Council’s Environmental Services Section referred the complaints to the regional Office of Environment & Heritage (OEH) in Wollongong. Council was advised by OEH that, as the land manager, it was Council’s responsibility to manage the impacts of the colony / camp on residents and that grants were available from Local Government NSW to help in this regard. OEH also advised that actions related to the habitat of the GHFF camp would require and be controlled by a licence pursuant to the *NSW Biodiversity Conservation Act 2016*.

Acting on this advice, Council’s Planning Environment & Development Group employed an additional staff member with expertise in managing the impacts of Flying-foxes in residential areas to successfully apply for a LGNSW grant and licence to undertake habitat modification actions from OEH. During discussions with OEH about the issue of the GHFF camp in close proximity to residents at Bomaderry, and that the camp may reform next summer, OEH offered Shoalhaven City Council the second grant to write a site specific GHFF Camp Management Plan so Council would be better prepared, should the number of GHFF reach the same or greater numbers in the future.

It is believed the GHFF camp at the subject site is made up of a local population that moved to its current location in 2015/2016 from approximately 1km to the west in Bomaderry Creek bushland. The reason why the camp moved is unknown and for the first two years Council did not receive any complaints from residents as the camp held a relatively small number of

animals and was wholly contained within the Council reserve. This past summer the camp expanded significantly in number and also spread to adjoining privately owned lands. As the weather has cooled and the GHFF food resource (flowering eucalypts) has become depleted, the number of GHFF using the camp decreased from 10,000 plus animals at its peak to, at last estimate (29 June 2018) approximately 2,000.

Council's Environmental Services Section received a number of telephone calls from two residences where GHFF were camped in trees very close to houses and over the outdoor living areas of those homes. Other residents also expressed concerns to OEH and Council Staff on site about the GHFF and the potential for diseases to be transferred to humans. Some residents were upset that other residents were waking them up in the early hours of the morning when they were banging cooking pots or similar together in an effort to dissuade the GHFF from roosting in certain trees.

It should also be noted that the majority of residents OEH and Council Staff have spoken to were in favour of the GHFF and appreciative of the natural phenomenon.

The LGNSW "emergency grant funding" will include funding of:

- the select removal of up to eight spotted gums (*Corymbia maculata*) on the Council reserve where GHFF were roosting very close to a resident's home preventing the occupants from sleeping due to noise and odour;
- habitat modification along Brinawarr Street (selection midstorey tree and weed removal) to dissuade GHFF roosting, which along with the spotted gum tree removal, is the subject of the OEH licence with strict conditions;
- community consultation and education around the perceived risks of disease from GHFF;
- items such as washing line and car covers etc for protection from GHFF faeces; and
- education material to highlight the benefits of GHFF and the important role the species plays in the healthy functioning of the South Coast's forests.

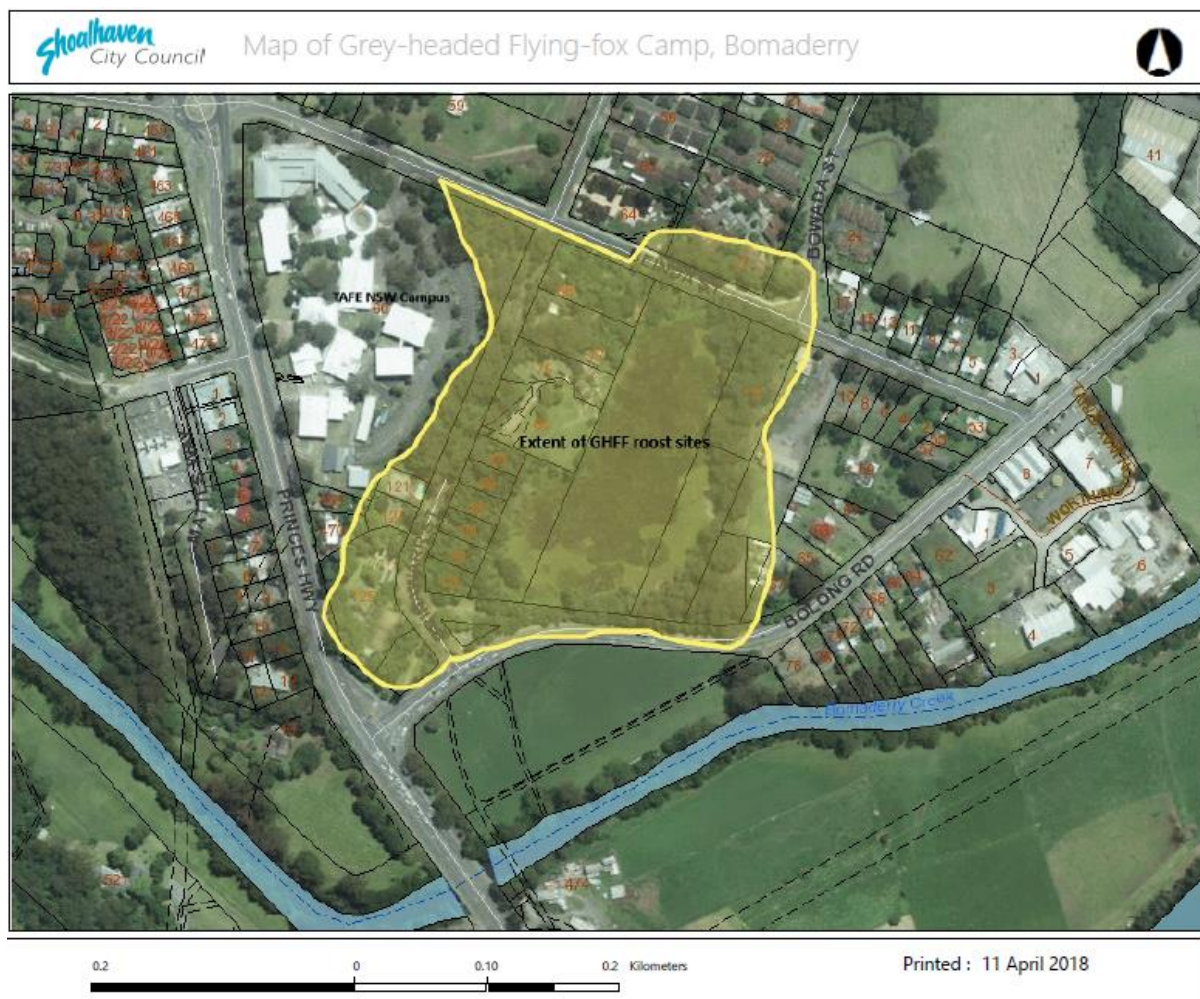


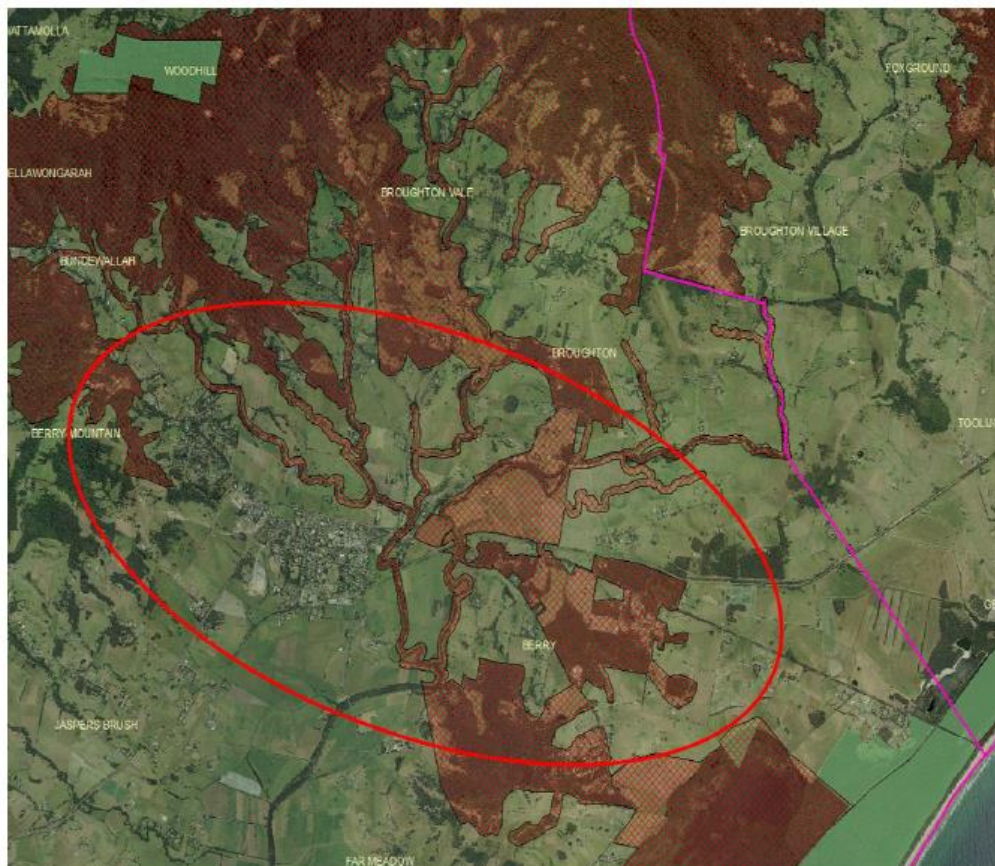
Figure One – Location of the Elowra Wetland

Grant 3: Habitat Corridors

OEH approached Council to utilise Staff's strategic and local knowledge to better inform OEH on the functionality and practicality of habitat corridors identified in the Illawarra Shoalhaven Regional Plan. The seven locations are:

SA18.185

1. along riparian areas around the township of Berry;
ISRP 2015 Corridor

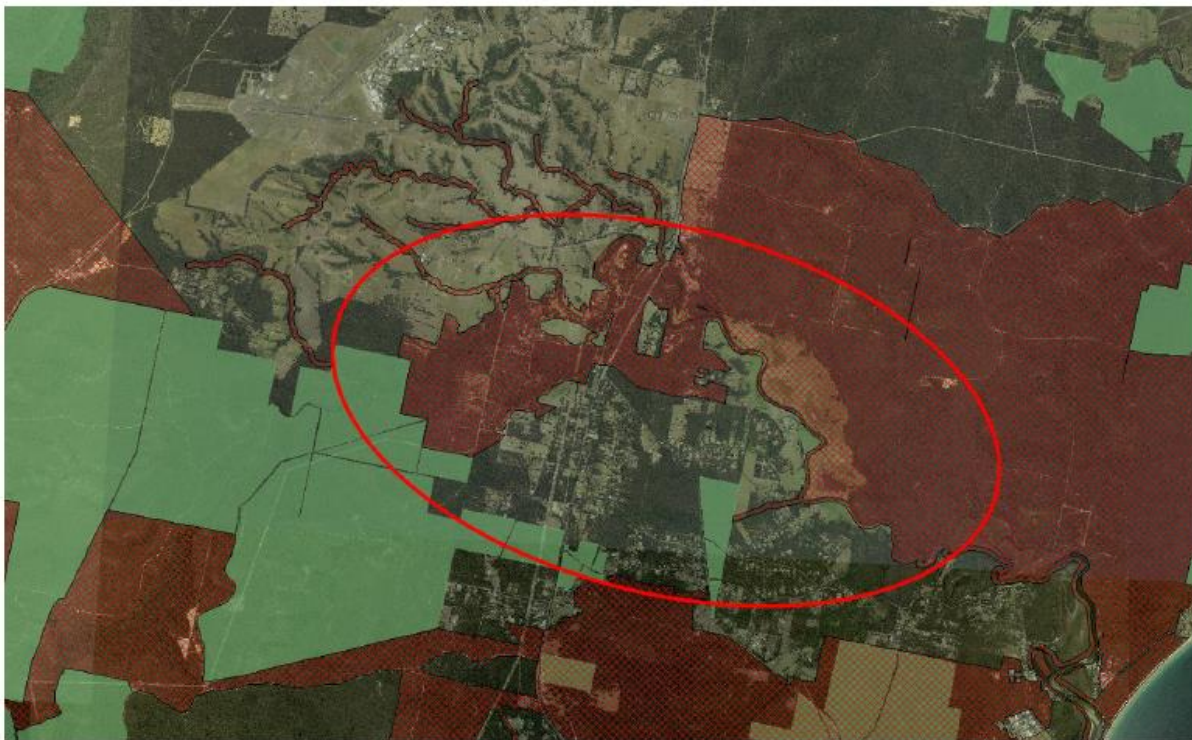


2. land within and around Shoalhaven Heads;
ISRP 2015 Corridor



SA18.185

3. mapped bushland areas in Falls Creek;
ISRP 2015 Corridor



4. mapped bushland areas in Tomerong;
ISRP 2015 Corridor



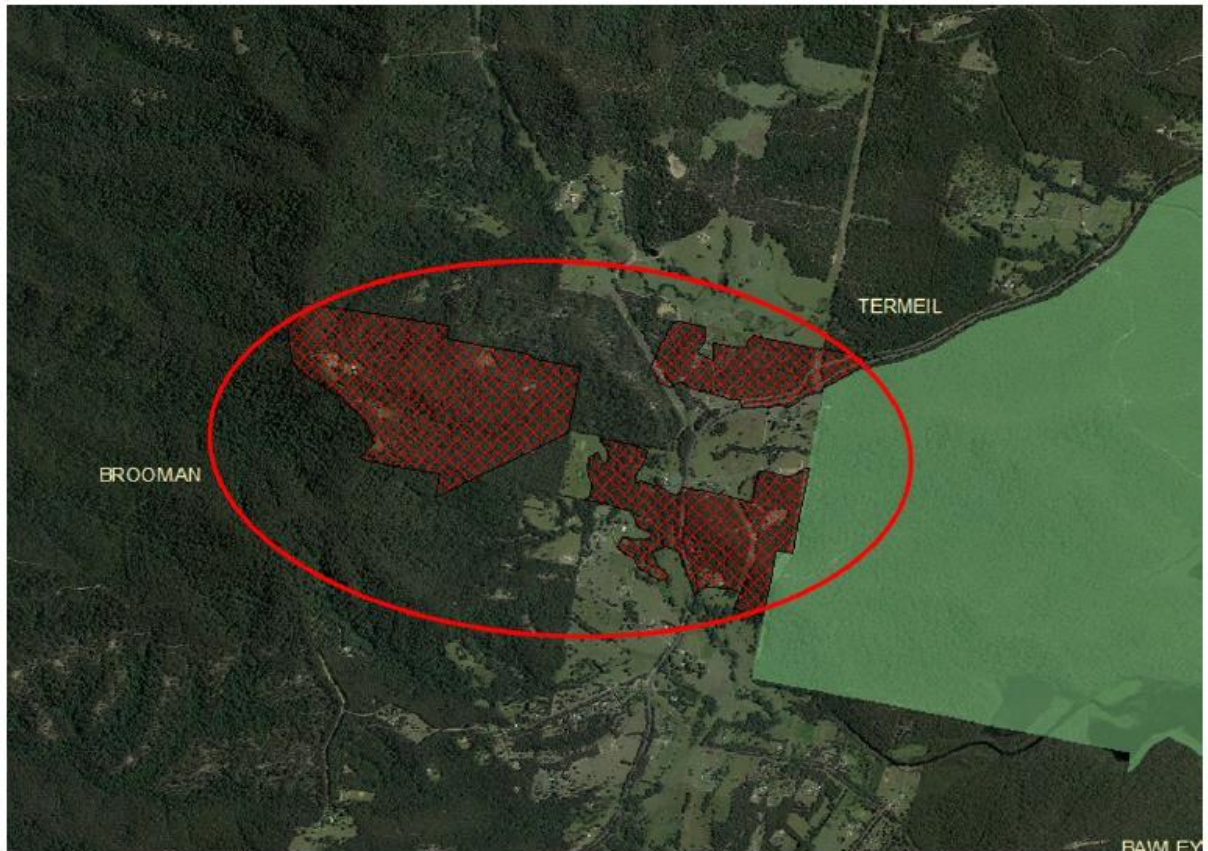
5. a habitat corridor along areas near The Wool Road (St Georges Basin area);
ISRP 2015 Corridor



6. mapped areas west of Mollymook; and
ISRP 2015 Corridor



7. mapped areas between Termeil and Brooman.
ISRP 2015 Corridor



The project will involve on ground field work and interpretation of recent aerial photography to identify habitat corridor attributes and report them to OEH for consideration.

Community Engagement

Grants 1 & 2: GHFF camp management – present and future

Since early 2017, Council's Environmental Services Staff have responded to telephone calls in relation to GHFF from two residences where GHFF were roosting (camped) in trees in close proximity to homes and over outdoor living areas. There were also reports of residents banging pots to dissuade GHFF from roosting in trees nearby homes. Council staff reported the colony and the complaints from the two residents to OEH.

Following OEH advise that as the land manager council was responsible for dealing with the GHFF colony issues, Environmental Services and OEH visited the area and door knocked residences surrounding the colony in late February 2018. Some residents wanted action to address odour and noise from the camp. Information about GHFF and the perceived disease risk was left with residents or in letter boxes along with contact details for an Environmental Services Staff member. Calls from only three residences have been received by Environmental Services after this initial consultation.

Council Staff continued to contact and listen to affected residents as well as residents in support of the GHFF colony. Council also liaised with OEH about possible management actions with OEH making it clear very early on that attempting to relocate the GHFF colony was not an option to consider as it was unlikely to work, very expensive and that the number of persons affected was relatively small.

Council Staff have been in regular contact with the most affected residents (two households) and explained what could be done to alleviate the issues of noise and odour, including

applying for grants to fund direct measures such as habitat modification (subject to the OEH licence). Contact with affected residents has now stopped, beyond planning for the implementation of habitat modification, since the odour and noise issues have mostly disappeared with the onset of winter.

Council staff now wish to act on the OEH licence using the grant funding to ensure residents are best equipped to cope should the GHFF colony re-establish next summer. It should be noted the OEH licence comes with strict conditions in relation to the timing of actions around habitat modifications with no actions permitted if the GHFF will be unduly disturbed. This requires certain actions to be completed before the end of July 2018. Consultation with residents confirmed unauthorised disturbance of the colony just makes the issue of noise from the colony worse for surrounding residents.

Grant 3 Habitat Corridors

Council staff will be in contact with relevant land owners should it be deemed necessary to enter private land as part of the project. Should permission to enter not be obtained then those portions of the habitat corridors will not be inspected.

Policy Implications

Grants 1 & 2; GHFF camp management – present and future

Lessons learned from last summer in relation to the impacts of the GHFF on residents and the benefits of GHFF would be useful for future Council policy in this area. The writing of a camp management plan for the Bomaderry GHFF colony would be particularly useful to inform any future Council policy.

Grant 3; Habitat Corridors

The findings of the project could guide future amendments to the Shoalhaven City Council Local Environment Plan and regional plans in relation to habitat corridors.

Financial Implications

Grants 1 & 2; GHFF camp management – present and future

Council Staff time since February 2018 has come from existing budgets. The grants offered provide financial assistance to Council for additional staff time in managing the camp and community expectations. If the grants are not accepted, Council will be burdened with the full cost of managing the impacts of the GHFF colony.

Grant 3; Habitat Corridors

Accepting the grant will cover the financial cost of Council Staff time to complete the works.

Risk Implications

Grants 1 & 2; GHFF – present and future

Given that affected residents have approached both the State and Federal parliamentary members, Shoalhaven City Council may be viewed as ignoring the pleas of a small number of its residents directly affected by the GHFF colony at Bomaderry, should the grants not be accepted. The issues surrounding the colony have been reported by the media (television and newspapers) on a number of occasions.

Grant 3; Habitat Corridors

Should this grant funding not be accepted, OEH and Council will not know if “habitat corridors” currently identified in the Illawarra Shoalhaven Regional Plan are in a condition to function as a habitat corridor.

SA18.186 EOI Process - Sewer Pumpstation Universal Drawdown Device

HPERM Ref: D18/238456

Group: Shoalhaven Water Group

Purpose / Summary

To inform Council of the tender process for Sewer Pumpstation Universal Drawdown Device.

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

Recommendation (Item to be determined under delegated authority)

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

Options

1. As recommended.

Implications: The confidential report will be considered.

2. Propose an alternative process for consideration of the issue.

Implications: This is not recommended as a tender evaluation process has been undertaken in accordance with the Tender Evaluation and Probity Plan.

Background

Shoalhaven Water have identified problems with the current method of testing Sewer Pump Station (SPS) pump performance, in terms of achieved flow rates, for quality control and quality assurances.

SPSs have historically had the flow rate measured by a method known as a drawdown test. This test involves using a tape measure to record the change of wastewater level within a SPS well, while a pump is running. This test is conducted over an initial period of 30 seconds, which is then used to indirectly calculate the current outflow of the pumps. Inconsistencies in results have occurred due to measuring inaccuracies in both recorded times and measured medium heights, and also from both variable speed drives (VSDs) and soft start/stop operating methods. This test was deemed to be inaccurate as the potential for human error was high, and any use of VSDs directly impacted results.

A fully functioning portable radar device has been developed utilising the latest radar technology. A low power microcontroller and Bluetooth enabled device is paired with a mobile application to offer an innovative pump testing method. This device offers a non-invasive practical engineering solution to effectively monitor SPS pump performance, with comprehensive testing showing accuracy within 1% of flowmeter measurements.

The android mobile app maintains a database of existing SPS data, enabling a user to arrive on site, select which SPS and specific pump they are testing. Both instantaneous well level and derived flow rates are displayed on-screen, while for each pump tested the maximum flow rate is also displayed. A user can further select to display the level and flow curves of current tests, with all recorded data being stored locally on an SD card.

An early version of this device formed part of the AWA Student Water Prize awarded to a former trainee engineer with Shoalhaven Water. The device has been further developed by Shoalhaven Water staff and is now at a stage where we believe that production and commercialisation are the next step.

Details

Shoalhaven Water called for **Expressions of Interest** to further develop and commercialise a **Sewer Pumpstation Universal Drawdown Device** on 1 June 2018 which closed at 10:00am on 26 June 2018.

Tenders Received

Tenders were received from the following:

Tenderer	Location
Ampcontrol Pty Ltd	Cameron Park NSW 2285

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

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.