

## Ordinary Meeting

**Meeting Date:** Tuesday, 30 October, 2018  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.00pm

**Membership** (Quorum - 7)  
All Councillors

**Please note:** The proceedings of this meeting (including presentations, deputations and debate) will be webcast and may be recorded and broadcast under the provisions of the Code of Meeting Practice. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

## Agenda

### 1. Acknowledgement of Traditional Custodians

### 2. Opening Prayer

### 3. Australian National Anthem

### 4. Apologies / Leave of Absence

### 5. Confirmation of Minutes

- Ordinary Meeting - 25 September 2018
- Extra Ordinary Meeting - 16 October 2018

### 6. Declarations of Interest

### 7. Presentation of Petitions

### 8. Mayoral Minute

#### Mayoral Minute

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### 10. Notices of Motion / Questions on Notice

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

*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.*

#### Reports

CCL18.18	Tenders – Confidential Report West Nowra Waste Processing Facility
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*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.*

CCL18.19 Material Recovery Facility Service Contract

*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.*



## MM18.16 Mayoral Minute - Public Library Funding

HPERM Ref: D18/351437

### Recommendation

That:

1. Council endorse the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative, *Renew Our Libraries*.
2. Council note the announcement by the NSW Government on 24 August 2018 of its intention to provide a \$60m funding package for NSW public libraries for the quadrennial period 2019-20 to 2022-23.
3. Council support the ongoing *Renew Our Libraries* initiative to secure the pledged funding, clarify the funding components and liaise with the government regarding the funding model.
4. Council support *Renew Our Libraries* to work with the Government to develop a sustainable future funding model with a view guaranteeing an appropriate level of ongoing and indexed state funding.
5. Council take a leading role in activating the campaign locally.
6. Council endorse the distribution of the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative information in Council libraries, as well as involvement in any actions arising from the initiative.
7. Council formally advise the NSW Public Libraries Association and Local Government NSW that Council has endorsed the library funding advocacy initiative.

### Details

I am calling on Councillors to support the NSW Public Libraries Association and Local Government NSW in their advocacy to State Government for additional funds for Public Libraries.

Shoalhaven City Council has invested significantly in library services over the past five years, spending \$13.46 million in capital expenditure and this financial year voted an expenditure of \$2.5 million to operate Shoalhaven Libraries. Last financial year over 430,000 people visited one of our four branches or bookmobile with over 428,000 items being borrowed.

Shoalhaven Libraries is a vital part of Council services, supporting the social, educational and recreational development of the local community. It offers a safe space where all members of the community can come and provides vital resources for people that might not otherwise be served or feel integrated. Last financial year over 12,000 people attended 830 events held including author talks, rhyme times, storytimes, technology classes, local history talks, and many more varied and interesting events for all ages.

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:

MM18.16

- 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 2018-2019 State Budget delivered a 5% cut to current funding and cut access to all infrastructure funding for metropolitan areas.
- 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.

The NSW Public Libraries Association has joined forces with Local Government NSW to establish a library funding advocacy initiative in the lead up to the 2019 NSW State election. The *Renew Our Libraries* strategy will be rolled out over the next 8 months to persuade the Government that its network of 368 public libraries has reached a funding flashpoint that, without significantly increased and sustainable funding, is at risk of imminent service reduction. The success of this approach relies heavily on the support of NSW councils, their libraries and their communities.

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 a 5% cut to current library funding and cut access to all infrastructure funding for metropolitan areas. 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.

On 24 August 2018 the NSW government announced a \$60 million funding commitment for NSW public libraries. This is as an important first step in the right direction and has thanked councils and supporters for their efforts so far. Further clarification is needed and further work is required to fix the long-term funding model for NSW public libraries. It is critical that any commitment of extra funding be recurrent, to ensure our public libraries can continue to grow and provide those valued services with certainty well into the future.

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.

I am recommending that we support urgent action from the NSW local government sector and NSW Public Libraries Association / Local Government NSW, 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.

## **CL18.281 Notice of Motion - Old Sanctuary Point Library**

**HPERM Ref:** D18/358526

**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**

That the General Manager undertake an assessment of the possibility of leaving the existing building onsite to be used by the school community. The assessment consider the following:

1. The cost of relocating the building to Sussex Inlet, as originally intended, as opposed to the construction of a New building.
2. The possible use of an existing building at Sussex Inlet either leased or owned by Council.
3. Should relocation of the building be determined not to be desirable for any of the above reasons Council open negotiations with School Principal and the Department of Education regarding the possibility of leaving the building on site.

CL18.281

## CL18.282 Notice of Motion - Media Releases

**HPERM Ref:** D18/364396

**Submitted by:** Cllr Andrew Guile

### **Purpose / Summary**

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

### **Recommendation**

That all Councillors are included and copied in any Council media alerts, releases or other distribution at the same time as that distribution occurs.

### **Note from General Manager:**

This would generally reflect current practice and will give Councillors an opportunity to make media comments concurrently with official media releases. There are many other media contacts via phone or email to staff on the "media contacts list", on specific matters, and it would not be practicable to advise Councillors of these type of enquiries.

CL18.282

## CL18.283 Notice of Motion - Pedestrian Access & Mobility Plan (PAMP)

**HPERM Ref:** D18/368261

**Submitted by:** Cllr Bob Proudfoot

**Attachments:** 1. Walking Track Photographs [📎](#)

### Purpose / Summary

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

### Recommendation

That Council

1. Consider the inclusion of the VRRRA's priorities in the Pedestrian Access & Mobility Plan (PAMP) for future works programmes:
  - a. Priority 1: Pathway extension from corner of Elizabeth Drive and Minerva Avenue up along Minerva Avenue to address significant safety concerns, as well as traffic calming measures to slow traffic down the steep slope of Minerva Avenue;
  - b. Priority 2: Upgrade of the current bush track from Plantation Point to Blenheim Beach (i.e. continuation of the Round the Bay walk) for tourism and resident amenity purposes;
  - c. Priority 3: Pathway through the bush from Erowal Bay to the Wool Road Vincentia or the alternative route adjacent to the golf links at Vincentia.

Each of the above proposals were previously identified in the VRRRA submissions to the Strategic Planning/Delivery Program and Operations Planning Process.
2. Investigate the possibility of transferring any existing funding for inclusive access facilities for Huskisson that could be made available for inclusive access facilities at Plantation Point Reserve playground.
3. Investigate the urgent need to provide a pedestrian refuge at the corner of Elizabeth Drive and Berry St to address the significant safety concerns that arise during the holiday season, as large numbers of pedestrians and cyclists attempt to cross the very busy Elizabeth Drive to gain access to the Round the Bay pathway.

This proposal was previously identified in the VRRRA submissions to the Strategic Planning/Delivery Program and Operations Planning Process.

### Note by the General Manager

Comments on Priority 2 in Part 1: Upgrade of the current bush track from Plantation Point to Blenheim Beach (i.e. continuation of the Round the Bay walk) for tourism and resident amenity purposes.

- i. This walking track is identified on Councils Walking Track Asset Management Plan as a low impact walking track. It forms part of the larger "White Sands Walking Trail" which links in with a walking track on NSW NPWS land to the south. It has been identified as being primarily for the purpose of providing a "natural experience" rather than creating hard surfaces that detract from this natural experience.

CL18.283

- ii. The track runs through coastal heathland vegetation type, which is rare in the Vincentia urban area.
- iii. The walking track meets the Australian Standards for a grade two track, which is suitable for families and young children, and meets the following technical criteria:
  - a. Total distance of the track does not exceed 10km;
  - b. The gradient is generally no steeper than 1:10 or 5.7 degrees;
  - c. Generally modified or hardened surface, with a width of 900 mm or more, which is well maintained with minimal intrusions;
  - d. There is track head signage and route markers at intersections;
  - e. Users need no previous experience and are expected to exercise normal care regarding personal safety;
  - f. Track has 30 minute increments; and
  - g. Minimal use of steps
- iv. There is an alternate route which uses the shared pathway along Jervis St to join Elizabeth Drive. A proposed shared pathway is planned for construction to the southern end of Elizabeth Drive.



Also refer photos attached.

CL18.283























## CL18.284 Notice of Motion - Community Consultative Body (CCB) Meetings

HPERM Ref: D18/368304

Submitted by: Cllr Bob Proudfoot

### Purpose / Summary

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

### Recommendation

That Council's Governance staff clearly outline the role of the elected Councillors at CCB meetings, in an endeavour to ensure that these incredibly important community engagement forums are free from political interference.

### Note by the General Manager

Point 4.5 of the Guidelines for the Conduct of Community Consultative Bodies (Policy Number: POL12/296) addresses Councillors' attendance at CCB meetings, stating:

*Councillors are permitted to attend any CCB meeting and take part in discussion. However, Councillors do not have voting rights unless they are a resident or ratepayer of the area covered by the CCB.*

*The opinions forwarded by CCBs to Council should be representative of the thoughts of the community, so it is important for CCBs to be protected as much as possible from external influence.*

The Guidelines are currently under review, with the aim of having a draft ready for presentation to CCBs at the CCB Executive Meeting on 15 November 2018.

A Councillor Briefing was held on 12 April 2018 to encourage input to the review; however there has not been any feedback to make any significant changes to this section of the Guidelines.

CL18.284

## **CL18.285 Notice of Motion - West Culburra Development Project**

**HPERM Ref:** D18/369367

**Submitted by:** Cllr Mitchell Pakes  
Cllr Joanna Gash  
Cllr Greg Watson

### **Purpose / Summary**

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

### **Recommendation**

That Council

1. Notes the decision of the Independent Planning Commission to refuse the West Culburra State Significant Development Application.
2. Express its disappointment that the Commission has refused the development application.
3. Thank relevant Council staff for their active participation in West Culburra State Significant Development Application consultation process run by the Independent Planning Commission.

CL18.285

## CL18.286 Notice of Motion - Proposed Mobile Phone Tower - 7 Edward Street Berry (Lot 11 DP 771830)

**HPERM Ref:** D18/369606

**Submitted by:** Cllr Nina Cheyne

**Attachments:**

1. Mobile Phone Tower Proposal (under separate cover) [□](#)
2. Letter from BCPS (under separate cover) [□](#)
3. Berry Community Preschool Meeting Minutes - 18 October 2018 (under separate cover) [□](#)
4. Objection Letter From BCPS (under separate cover) [□](#)

### Purpose / Summary

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

### Recommendation

That Council

1. Formally provide feedback to Kordia regarding the proximity of the Mobile Phone tower to the local Preschool raising the concerns of the Preschool staff and parents about the potential impacts from electromagnetic radiation and the effects this will have on the Preschool children, staff and residents of the local area.
2. Support the position of the Preschool educators and parents to disband the current location due to the risk of health impacts of children.
3. Ask for an extension of submissions till mid November so that proper community consultation can be completed before works commence.

### Background

A meeting was held on the 18th October with an opportunity for the locals to discuss the inappropriateness of the site directly next door and overlooking a Preschool of innocent children.

The meeting decided to seek Council's assistance to have the proposed mobile phone base station stopped. They have asked council to

1. Formally provide feedback to Kordia regarding the proximity of the Mobile Phone tower to the local Preschool.

Preschool staff and parents are very concerned about the potential impacts from electromagnetic radiation and the effects this will have on our Preschool children, staff and residents of the local area.

2. Support the position of the Preschool educators and parents to disband the current location due to the risk of health impacts of children.
3. Ask for an extension of submissions till mid November so that proper community consultation has been completed before works commence.



## CL18.287 Notice of Motion - Hyams Beach - Traffic Management

**HPERM Ref:** D18/370035

**Submitted by:** Cllr John Levett

### **Purpose / Summary**

Council's consideration.

### **Recommendation**

That Council

1. Recognises the need for ongoing Community engagement with the Hyams Beach Community to address short and long term options to manage traffic in the village to protect the amenity and safety of both residents and tourists.
2. Convene a meeting in November 2018 with all Hyams Beach residents and ratepayers to provide feedback at the conclusion of the Council Survey process and to hear community views.
3. Invite all Councillors and Senior Heads of Council Departments to that Meeting.

### **Note by the General Manager**

Council's Tourism Project Officer was in direct contact with representatives of the Hyams Beach Community in preparing traffic management plans for the October Long Weekend and will remain in regular contact regarding the survey and preparation for the Christmas/New Year period.

With the survey closing on 9 November and given what is expected to be a large number of submissions to consider, it is recommended that any public meeting be held in early December.

Information regarding the survey & consultation process can be found on Council's website at <https://getinvolved.shoalhaven.nsw.gov.au/hyams-beach-options>.

CL18.287

## CL18.288 Notice of Motion - Sustainable Energy Policy

**HPERM Ref:** D18/370347

**Submitted by:** Cllr Kaye Gartner

**Attachments:** 1. Draft Sustainable Energy Policy [□](#)  
2. Revolving Energy Fund - Draft Proposal [□](#)

### Purpose / Summary

Council's consideration.

### Recommendation

That

1. Council conduct a workshop for councillors to explore a sustainable energy policy for Shoalhaven City Council.
2. This workshop take the policy produced by Energy Officer Darren O'Connor and explore the risks and opportunities the policy provides.
3. This workshop discuss an action plan that could be based on such a policy.
4. This workshop include consideration of the Revolving Energy Fund prepared by Director Dunshea.

### Note from General Manager:

A workshop as requested is supported, however I would strongly suggest that a broader workshop agenda would be beneficial to discuss how a more coordinated and holistic approach can be achieved for our various sustainable programs and initiatives.

I make this suggestion for the following reasons:

- Council's website page on "Sustainability of Council" (link below) provides a link to our "*Sustainability Action Plan*" dated May 2011 and the "*Energy Savings Action Plan*" dated 2007. Both Plans are dated and in need of total review. The inability to keep these up-to-date and Actions implemented has been a lack of dedicated resource and budget. Some actions have been taken but it has been an ad hoc approach rather than a overall strategic focus.  
<https://shoalhaven.nsw.gov.au/Environment/Sustainability/Sustainability-of-Council>  
<https://shoalhaven.nsw.gov.au/Environment/Sustainability>
- The 2017/18 State of the Environment Report is now complete and would be reported to Council during November. This report gives a good snapshot of relevant information covering various aspects of sustainability and could be a useful reference document in a Workshop as suggested.
- Office of Environment & Heritage have recently completed a draft report titled "*Strategic Review of Shoalhaven City Council's Sustainability Program*" and once staff have reviewed the report to confirm factual data etc it will be completed and able to be reported to Council – probably December.
- The Tree Canopy report, an initiative of the Sustainable Futures committee, is nearing completion for report back to Council.

CL18.288

- Our Fleet Services Unit is preparing a report to council on electric vehicles.
- Staff will be reporting back to council later this year concerning the proposed Solar Farm Project.

It would be beneficial if all of the above could be brought together, perhaps via an update of the 2011 “*Sustainability Action Plan*”, with an overarching Strategy giving a strategic direction for the organisation, to be developed. A workshop to discuss these matters, what structure, resources and budget are necessary, and a way forward is supported.



**City Administrative Centre**  
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Website: [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au)

For more information contact the Shoalhaven Water Group

## Shoalhaven City Council - Sustainable Energy Policy

**Policy Number:** POL18/44 • **Adopted:** [\[Click here to enter date\]](#) • **Minute Number:** [\[Click here to enter Minute number\]](#) • **File:** 56964E • **Produced By:** Shoalhaven Water Group • **Review Date:**

### 1. PURPOSE

To provide a commitment to continuously improve energy efficiency, generate renewable energy and reduce greenhouse gas emissions in the operation of Shoalhaven City Council's assets and across the wider Shoalhaven community.

### 2. STATEMENT

Shoalhaven Council is committed to providing sustainable assets and facilities to service the growing needs of the Shoalhaven region. The operation of these facilities can consume large amounts of energy at a high cost and also generate harmful greenhouse gas emissions. Shoalhaven Council will actively work towards reducing fossil-fuelled energy consumption for assets under its control to reduce greenhouse gas emissions with the aim to minimise climate change impacts. Where opportunities are economically feasible, Shoalhaven Council will invest in renewable energy generation projects to ensure clean energy for the future. This extends to Council encouraging the Shoalhaven community's transition away from fossil fuels to more renewable energy generation for households, businesses and industry.

### 3. PROVISIONS

#### 3.1. Vision

Shoalhaven Council's vision under this Policy is to operate its energy consuming assets in a sustainable manner with minimal effect on the natural environment. This will then serve as a model of best practice for the local community to reduce energy bills, minimise greenhouse gas emissions and increase uptake of renewable energy.

#### 3.2. Objectives

**To achieve this Vision, and in partnership with stakeholders and the community, Shoalhaven Council will:**

- Continually improve its management practices to strive towards improved energy efficiency.
- Prepare and implement a Sustainable Energy Strategy before 1 July 2019 to identify targets and prioritise energy efficiency initiatives, sustainable transport and renewable energy generation.
- Seek opportunities to source electricity supply from renewable energy sources and thereby reduce greenhouse gas emissions.

*Shoalhaven City Council – Sustainable Energy Policy*

- Measure, monitor, benchmark and report on energy consumption to identify issues and inform the Sustainable Energy Strategy.
- Secure affordable and sustainable energy for the reliable operation of all Shoalhaven Council assets.
- Promote and encourage the community to increase the uptake of rooftop solar photovoltaics (i.e. solar panel) and battery storage across the Shoalhaven LGA.

**4. IMPLEMENTATION**

Shoalhaven City Council will support this Policy by:

- Implementing appropriate operational and management procedures that facilitate this Policy.
- Maintaining a commitment to improve operational energy efficiency, increase renewable energy generation and reduce corporate and community greenhouse gas emissions.
- Facilitating community uptake of renewable energy and electric vehicles.

**5. REVIEW**

The Sustainable Energy Policy and associated Sustainable Energy Strategy will be reviewed on a periodic basis and particularly where new guidelines and/or management information dictates.

**6. APPLICATION OF ESD PRINCIPLES**

This Policy will play a key role in the application of environmental sustainability principles as it aims to reduce reliance on fossil-fuelled grid power, increase renewable energy generation and reduce greenhouse gas emissions.

Specifically, this Policy supports the following ESD principles:

- The precautionary principle – where there is the threat of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- Intergenerational equity – the current generation should make sure that the health, diversity and productivity of the environment continues for the benefit of future generations.
- Conservation of biological diversity and ecological integrity – conserving the diversity of flora and fauna and the health and sustainability of ecosystems.

## Revolving Energy Fund **REFund**

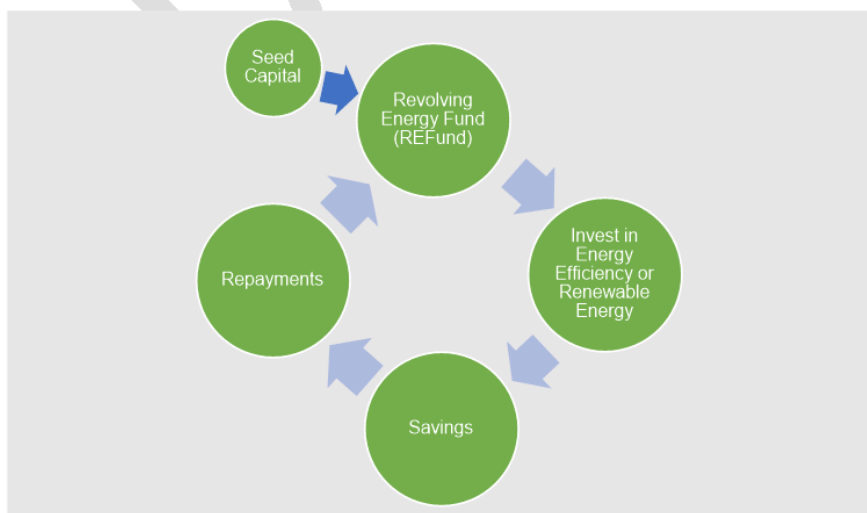
### **What is it?**

A Revolving Energy Fund (REFund) is an internal fund that provides financing to implement energy efficiency, renewable energy, and other energy management projects that generate cost savings. These savings are tracked and used to replenish the fund for the next round of investments, thus establishing a sustainable funding cycle whilst cutting operating costs and reducing the environmental impact of an organisation.

### **How does it work?**

To commence the initiative, a REFund is typically 'seeded' by funds from a large energy savings project. So to kick start the process, this may require an initial investment of \$100,000 towards an energy savings initiative project (e.g. solar PV installations on Council buildings/assets), to ensure that there are sufficient cost savings made from it to deposit into the REFund. A range of existing or proposed energy savings projects could contribute towards the commencement of the REFund scheme, rather than a separate allocation of funds.

When an energy savings initiative is proposed, an application to fund the project from the REFund is made to the fund manager (e.g. Manager Environmental Services). If approved, the fund pays for the project and the annual financial savings that are achieved through energy reductions are calculated, and then journalled back into the fund from the energy budget (e.g. electricity budget) for the particular asset. Repayments to the REFund could begin the financial year after the funds were disbursed and drawn say quarterly, or done at the end of the financial year. The money continues into the fund until the project costs are fully paid back to the fund, after which the budget of the asset then realises and keeps the ongoing savings. In this way the system works like a 'no interest loan', with the annual expected energy savings acting as the loan repayments. See figure below for conceptual model.



Basic eligibility guidelines and criteria would be developed and include such things as projects must be consistent with Council's policies, reduce Council's energy use or install renewable energy, and have a payback period of seven years or less (be NPV positive = be a savings to Council). Expected community and environmental benefits could also be sought as part of the project application process.

***Where has it worked before?***

Wingecarribee Shire Council have had a "Revolving Energy Fund" since 2012 and it is working well according to Therese Smart, Environment & Health Systems Coordinator. Back in 2012, Wingecarribee Council used WaSIP funding as seed funding to get it started and then sought additional funds from their Finance Committee. To date, the fund has enabled 185 kW of installed solar panels on five Council assets, as well as LED lighting upgrades to libraries and the Civic Centre. They have a formal procedure and project agreement process which is essential to get buy-in through the finance branch. They also provide a report to their finance committee at the end of each financial year to notify them of funds to be transferred back into the REF.

Penrith City Council established a Sustainability Revolving Fund in 2003 as a complementary source of funding to support initiatives that foster the sustainable use of resources and adoption of best practices. Penrith Council prepared formal Guidelines to provide a framework for the administration of the Fund, its purpose and how it is to be managed. Project applications are required to address eligibility criteria such as consistency with Council strategic plans, as well as supply details of potential savings and payback periods, project plans and relevant management approvals.

A similar \$12 million 'Green Revolving Fund' has operated at Harvard University since the 1990s and has been a successful self-replenishing tool for encouraging Harvard's schools to invest in projects that generate cost savings and reduce their environmental impacts. The University of Western Sydney also launched the Sustainable University Rolling Fund (SURF) in 2010 and this has enabled \$345,000 of funding for 42 projects with an 8.25% estimated return on investment.

***Who has been consulted about this idea?***

The resolution to investigate the viability of a Revolving Energy Fund was raised at Shoalhaven Council's Sustainable Futures Committee meeting of 7 June 2018. At that time, there was some discussion with Stephen Dunshea – Director Finance, Corporate & Community, who expected that a REFund could probably be accommodated within Council's existing financial systems. Additional meetings between Stephen, Carmel Krogh and Darren O'Connell have also taken place and further consultation with Council's Chief Financial Officer and Manager – Environmental Services would also be conducted to formalise the process.

***What are the financial implications?***

A number of Council sections have energy efficiency opportunity projects submitted every year for a budget allocation, sometimes without success. A REFund opens up another possible funding stream for these energy savings projects that will result in quantifiable returns.

Council's Finance Team will be consulted for input into the technical details of the scheme such as who pays the project invoice and which account they will use; which account will be making repayments over the course of the loan; how often repayments would occur; will repayments increase with CPI; how flows of money will appear on the various departmental budgets and balance sheets etc.

***Approval and Commencement***

This Discussion Paper is submitted for consideration and endorsement by the Sustainable Futures Committee. If approved, details of how the REFund scheme will be managed will be finalised with Council's Finance team and Manager - Environmental Services.

Prepared by Darren O'Connell – Energy Management Coordinator, Shoalhaven Council, 25/7/2018

HPERM Reference: 56964E D18/171487 (resolution from Sustainable Futures Committee)  
HPERM Reference: 56964E D18/252484 (this document)

DRAFT

CL18.288 - Attachment 2



## CL18.289 Report of the Strategy & Assets Committee - 16 October 2018

HPERM Ref: D18/364738

### SA18.240 Shoalhaven Tennis - Decommission 2 Courts and Waive Outstanding Loan

HPERM Ref:  
D18/326924

#### Recommendation

That Council

1. Waive the outstanding loan amount of \$7,500 to Shoalhaven Heads Tennis Courts Management Committee,
2. Proceed to decommission Courts 3 & 4 at Shoalhaven Heads Tennis Courts.
3. That community consultation be undertaken in regard to the future use of the site.

### SA18.241 Nowra Showground Buildings Budget

HPERM Ref:  
D18/330889

#### Recommendation

That Council:

1. Expend up to \$400,000 of the \$600,000 2018/19 Special Rate Variation Nowra Showground Buildings Budget on Fire Services Upgrade for the Nowra Showground in order to comply with Building Code of Australia and Local Government Camping Grounds Regulation 2005 requirements.
2. Expend all remaining funds on grandstand leak repair, painting external buildings, roof cleaning and internal painting of Pavilion, Committee Room and Warriors buildings, to the extent that funding permits.

### SA18.243 Sale - Council Land - Lot 1 DP579906 at 27c Broadview Ave Culburra Beach

HPERM Ref:  
D18/295498

#### Recommendation

That Council resolves to:

1. Authorise the sale of the land comprised in Lot 1 DP 579906 at 27c Broadview Ave (formerly known as 10 Jopejija Crescent), Culburra Beach to Janet & Paul Francis for \$235,000 (inclusive of GST if applicable); and
2. Authorise the General Manager to sign all documents required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed; and
3. Rescind MIN17.1020 (1) & (2).

### SA18.245 Proposed Sale of Lot 4 DP 550354 Island Point Road, St Georges Basin

HPERM Ref:  
D18/309787

#### Recommendation

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That Council:

1. Approve, in principle, the sale of Council land comprised in a three (3) lot subdivision of Lot 4 DP 550354 Island Point Road, St Georges Basin;
2. Receive a further report in due course regarding the subdivision and final terms and conditions of the proposed sales to adjoining owner(s).

**SA18.246 Grant of Electricity Easement for Pad Mount Substation and Restriction on the Use of Land to Endeavour Energy - Lot 1 DP860791 - 92 Albatross Road, South Nowra**

**HPERM Ref:  
D18/321907**

### **Recommendation**

That:

1. Council grant an Easement in favour of Endeavour Energy for a Pad Mount Substation and Restriction on the Use of Land over Council owned land at Lot 1 DP860791, 92 Albatross Road, South Nowra; and
2. Authority be granted to affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and the General Manager be authorised to sign any documentation necessary to give effect to this resolution.

**SA18.247 Grant of Easement for Underground Cables to Endeavour Energy - Lot 49 DP243033 - North Nowra**

**HPERM Ref:  
D18/277754**

### **Recommendation**

That:

1. Council grant an Easement in favour of Endeavour Energy for underground cables 2 metres wide and overhead cables 9 metres wide (per Endeavour Energy plan Ref: 511156 dated June 2018) over Lot 49 DP243033 (Council public reserve located between Philip Dr and Walsh Cres, North Nowra) and accept compensation of \$7,000 plus GST, provided that all costs associated with the granting of the easement, including valuation, survey and legal costs are met by Endeavour Energy; and
2. Authority be granted to affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and the General Manager be authorised to sign any documentation necessary to give effect to this resolution.

**SA18.249 Proposed Ground Licence to Sussex Inlet Men's Shed Inc. - Thomson Street Sporting Complex - 29 Thomson Street Sussex Inlet**

**HPERM Ref:  
D18/331087**

### **Recommendation**

That Council:

1. Enter into a one year short term ground licence over Part Lot 2 DP 1062625 Thomson Street Sporting Complex with Sussex Inlet Men's Shed for an annual rent of \$493 plus GST, with annual CPI increases, for the purpose of operating a men's shed.

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2. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

**SA18.251 Proposed Road Closure & Subdivision - Part North  
Crescent, Culburra Beach****HPERM Ref:  
D18/127393****Recommendation**

That Council:

1. Resolve, as Roads Authority, to close the surplus road reserve at North Crescent Culburra Beach, adjacent to Lot 738 DP 12278, Lot 1 DP 286157, Lots 7621 and 7622 DP 1205582 and Lots 1 and 2 DP 526508 by a notice published in the Government Gazette.
2. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documentation requiring to be sealed and delegate to the General Manager authority to sign any documentation necessary to give effect to this resolution.

**SA18.252 NSW Government Saving Lives on Country Roads  
Program 2018-19 and 2019-20****HPERM Ref:  
D18/329298****Recommendation**

That:

1. Council accepts the offers of funding from the NSW Government under the new Saving Lives on Country Roads Program, as follows:
  - a. \$770,000 to upgrade Sussex Inlet Road in the vicinity of Old Berrara Road (safety barriers, delineation, sealed shoulders, and intersection improvements), and authorises the expenditure (\$80,000 in 2018-19 and \$690,000 in 2019-20).
  - b. \$740,000 for the shoulder widening and sealing on Greenwell Point Road to the east of Jindy Andy Lane, and including vehicle activated signage on Greenwell Point Road (on the approaches to the Jindy Andy Lane intersection), and authorises the expenditure (\$200,000 in 2018-19 and \$540,000 in 2019-20).
  - c. \$555,000 for the removal of the hazardous crest on Forest Road (to improve safety in one of the few overtaking zones on Forest Road), and authorises the expenditure (\$80,000 in 2018-19 and \$475,000 in 2019-20).
  - d. \$260,000 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), and authorises the expenditure (completion in 2018-19).
  - e. \$800,000 for the shoulder widening and sealing on Coonemia Road (the first 2km to the south of Culburra Road), and authorises the expenditure (\$100,000 in 2018-19 and \$700,000 in 2019-20).
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 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.

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**SA18.260 Acquisition of land and easements at Mundamia for University of Wollongong Shoalhaven Campus****HPERM Ref:  
D18/300657****Recommendation**

That Council resolve:

1. To compulsorily acquire the following land and easements for Council infrastructure servicing the University of Wollongong Shoalhaven Campus on Lot 6 DP1156684, at nominal compensation of \$1:
  - a. Part of Lot 6 DP1156684, shown as proposed Lot 2 and coloured pink on the attached 'Draft Acquisition Plan'.
  - b. Easements for Sewerage Purposes & Access 6 wide, Sewerage Purposes 6 wide, Sewerage Purposes 3 wide, Access 15 wide & variable, and Underground Cables 1 wide, all shown coloured pink on the attached 'Draft Acquisition Plan'.
2. To compulsorily acquire the following easements for Council infrastructure over Lot 6 DP1156684, but not servicing the University of Wollongong Shoalhaven Campus, at compensation to be determined by the Valuer General:
  - a. A Right of Way variable width and Easements for Water Supply 2 wide, 3 wide and 8 wide, all shown coloured yellow on the attached 'Draft Acquisition Plan'.
  - b. An Easement for Sewerage Purposes 3 wide and an Easement for Water Supply 6 wide, shown coloured green and blue respectively on the attached 'Draft Acquisition Plan'.
3. To compulsorily acquire the following easements for Council infrastructure over Crown land Lot 7319 DP1165060, subject to resolving Aboriginal Land Claim and Native Title interests, at compensation determined by the Valuer General:
  - a. An Easement for Access 7m and 15m wide and an Easement for Water Supply 8m wide, shown edged red and blue respectively on the attached 'Crown Lands Plan'.
4. To pay compensation and costs associated with the acquisitions from Shoalhaven Water's Sewer and Water Funds. Compensation determined by the Valuer General to be in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
5. That the necessary applications be made to the Minister for Local Government and the Governor. The acquisitions are to be carried out under the Local Government Act 1993.
6. That the acquired land be classified Operational land in accordance with Section 31(2) of the Local Government Act.
7. That the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

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## CL18.290 Report of the Shoalhaven Sports Board - 26 September 2018

HPERM Ref: D18/361826

**SB18.13 Sports Grants Program 2018/2019 - Funding**

**HPERM Ref:  
D18/300459**

### Recommendation

That the Shoalhaven Sports Board approve the following 6 applicants for the 2018/19 Sports Grants Program:

1. Shoalhaven Mariners Baseball Club – Construct Batting Cage: \$35,350
2. Shoalhaven Netball Association – Upgrade P.A System: \$22,505.93
3. Berry Shoalhaven Heads Cricket Club – Rebuilding Practice Nets: \$40,000
4. St Georges Basin Football Club Inc – Sub-Surface Drainage Field 1: \$47,667
5. Berry Riding Club Inc – Top Dressing Riding Areas: \$8,674
6. Shoalhaven District Football Association - Ison Park Field 1 - Replace Existing Floodlights with LED: \$30,000

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## CL18.291 Report of the Shoalhaven Traffic Committee - 9 October 2018

HPERM Ref: D18/364013

- Attachments:**
1. TC18.94 - Proposed Three 'First Response' Parking Spaces - Paradise Beach Road, Sanctuary Point [□](#)
  2. TC18.95 - Linemarking & Signage Plans - 1 Mattes Way Bomaderry [□](#)
  3. TC18.96 - Time Restricted No Stopping Zone - Moonah Road, Hyams Beach [□](#)
  4. TC18.97 - 3 hour (3P) Time Restricted Parking - Milton Ulladulla Hospital [□](#)

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

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

### IMPORTANT NOTE:

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

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

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

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

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**TC18.94 Proposed Three 'First Response' Parking Spaces - Paradise Beach Road, Sanctuary Point**

**HPERM Ref: D18/306117**

### Recommendation

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed No Stopping zone 'Police Vehicles Excepted' for three parking spaces and associated line marking on the southern side of Paradise Beach Road, west of Kerry Street, Sanctuary Point, as detailed in the attached plan, subject to:

- a) The R5-400(L) No Stopping 'Police Vehicles Excepted' sign located at the western end on Paradise Beach Rd being relocated to the end of the parking spaces.
- b) Removal of the individual parking lines between parking spaces.
- c) The No Stopping Zone across the new driveway in Kerry St noting 'Police Vehicles Excepted' be replaced with a No Stopping zone

**TC18.95 Proposed Linemarking and Signage - Alternative  
High School - 1 Mattes Way, Bomaderry (PN 3513)**

**HPERM Ref:  
D18/306127**

**Recommendation**

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed signage and line marking plans (N27467-401 to 403 Rev 2) for the proposed Shoalhaven Community College, small scale High School at 1 Mattes Way, Bomaderry, subject to:

- a. Addressing the non-compliant sight distance for vehicles travelling westbound on Mattes Way around the north west corner of the building (movements west to south around the corner) which based on the current plans will result in conflicts to both vehicles manoeuvring to / from the 90 degree parking spaces as well as conflicts with pedestrians, including disabled, currently proposed to use the roadway at the intersection to access the existing pathway for access the building, and the deficient sight distance at the sites' car park access, by;
- b. Converting the first two modules of parking south of the intersection (i.e. both north and south of the existing ramp) to all indented parallel parking (for pick up-drop off, including the first two spaces to be disabled compliant), and including the provision of continuous kerb and guttering and footpath along this length and associated pram ramps in accordance with standards, and;
- c. Amending the sight distance drawing to reflect the above change, and checking each of the proposed spaces for a conflict between vehicles manoeuvring out of those spaces with entering traffic (movements west to south around the corner), the drawing shall show clearly the actual individual measurements for each versus the required minimum standard
- d. Reviewing the third module of parking (south of the car park access) to ensure compliance with sight distance standards (which may result in a further loss of car parking adjacent to the access), and;
- e. Amending the times shown on the proposed 40 km/hr school speed zone signage, and the proposed pick up/drop off zone, to be consistent with standard "school times", and;
- f. Amending the swept path drawing for the Endeavour Energy vehicles to show design swept path movements for both entering and exiting vehicles via the proposed changes to the internal intersection on Mattes Way
- g. Addressing the lack of disabled compliant pedestrian access between the proposed external bus pick up and drop off zone along the highway with the proposed school, by providing a sheltered disabled compliant bus pick up/drop off area for the bus stop on the Highway, a continuous footpath link from the bus stop to the school, and including a disabled compliant raised pedestrian crossing on Mattes Way (as far west as practical from the Highway, and generally to align with the school entry).
- h. Revised plans addressing the above to Council's satisfaction to be submitted to Council's Traffic Unit for review prior to issue of engineering approvals.
- i. The assessment required in twelve (12) months' time shall review whether the implementation of LATM measures such as speed humps or other physical means of slowing vehicles down should be implemented (travelling west on Mattes way, prior to the internal intersection, and travelling north on Mattes Way, prior to the site car park access), and if so, the plans be amended accordingly (will require Shoalhaven Traffic Committee approval).
- j. The assessment required in twelve (12) months' time shall review whether a 'No Stopping' zone should be implemented along the full length of the Endeavour

CL18.291

Energy wall along the western side of Mattes Way, and if so, the plans being amended accordingly (will require Shoalhaven Traffic Committee approval).

**TC18.96 Time Restricted No Stopping Zone - Moonah Road,  
Hyams Beach (PN 3504)**

**HPERM Ref:  
D18/330138**

**Recommendation**

That the General Manager (Director Assets & Works) be requested to arrange for the installation of No Stopping zone time restricted between 6.00am and 2.00pm on Fridays, on the western side of Moonah Road for its length, as detailed in the attached plan.

**TC18.97 3 hour (3P) Time Restricted Parking - Milton  
Ulladulla Hospital (PN 3515)**

**HPERM Ref:  
D18/333707**

**Recommendation**

That the General Manager (Director Assets & Works) be requested to arrange for the installation of a 75m (approx.) 3 hour parking (3P) zone, time restricted between 8:30am and 6pm Monday to Friday, and 8:30am to 12:30pm on Saturdays on the southern side of the Princes Highway between Church Street and the existing No Stopping zone opposite the Milton Ulladulla Hospital, Milton, as detailed in the attached plan.

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Copyright © All Rights Reserved. This Drawing may not be reproduced or transmitted in any form or by any means in print or in whole without permission of Gardner Wetherill & Associates Pty Ltd.  
All Levels and Dimensions to be verified prior to the commencement of work.  
User to ensure dimensions only. Do not grade. Refer any discrepancies and/or amendments to the Architect prior to proceeding with the works.  
All work to comply with current:  
NCC Building Code of Australia, Acts & Regulations  
Australian Standards & relevant Authority requirements  
Local Government requirements



Paradise Beach Road - View South to Police Station Site



1. 10m NO-STOP (L) 2. 10m NO-STOP (R)

Response Vehicle Parking Distraction:

- 1) 10m Distraction - 100mm wide white road paint where indicated
- 2) All Signs - Each sign numbered 1 - 3 with white road paint approx. 200mm high

Street Parking Signs:

- 4 of galvanneal signs set in concrete including the following:
- 2 of Signs - One off to the Paradise Beach Road Vehicular Entry & Two off (one pole) at the beginning of the three Vehicle Response Signs
- 2 of Signs - One each side of the Kery Street Vehicular Exit

B	Design Review, including parking bays with concrete, drainage added from the Bay to the Road - Council Request	20/10/2018
A	New Street Address - Council Approved 19/10/18	19/10/2018
CONSTRUCTION ISSUE		



**BGIS**  
Level 26 World Square  
980 George Street  
SYDNEY NSW 2000

**Bay & Basin Police Station**  
2 Paradise Beach Road, Sanctuary Point, NSW 2043

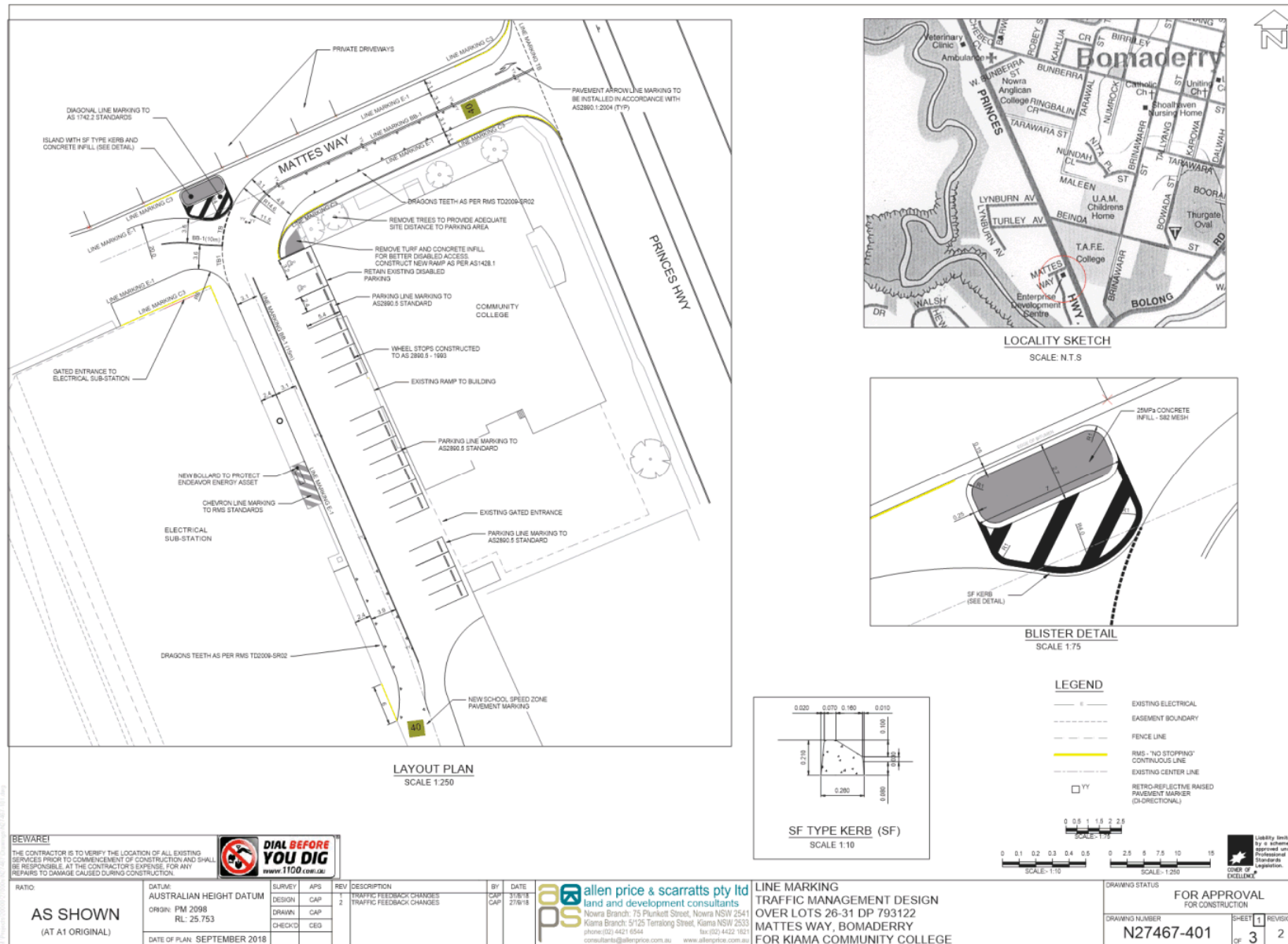
**Site Plan**

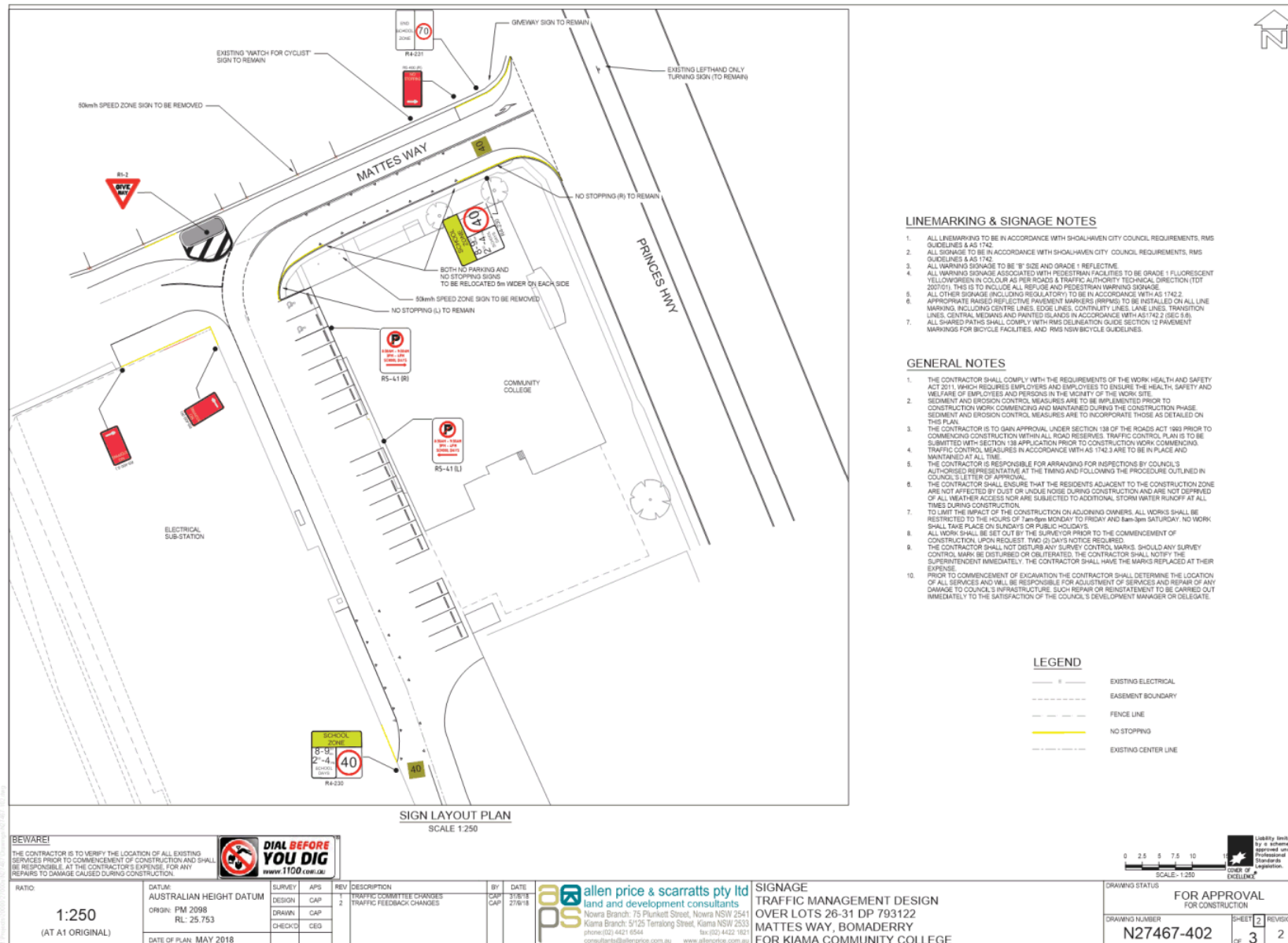
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PROJECT NAME	GARDNER WETHERILL ASSOCIATES				
PROJECT ADDRESS	1 (2) 1101 41/22				
PROJECT PHONE	7 (2) 1101 41/22				
PROJECT EMAIL	6 (2) 1101 41/22				

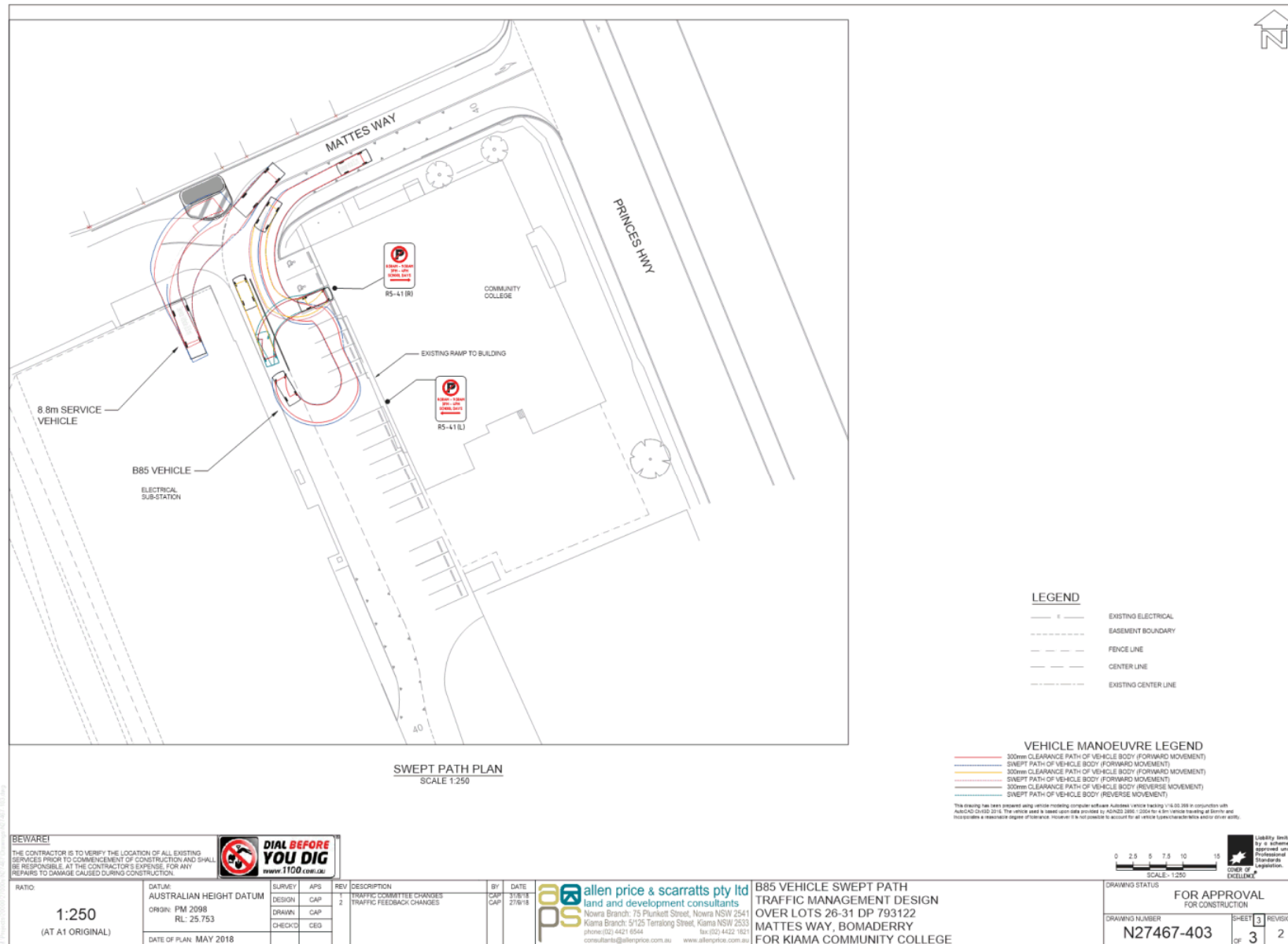
**GARDNER WETHERILL ASSOCIATES**

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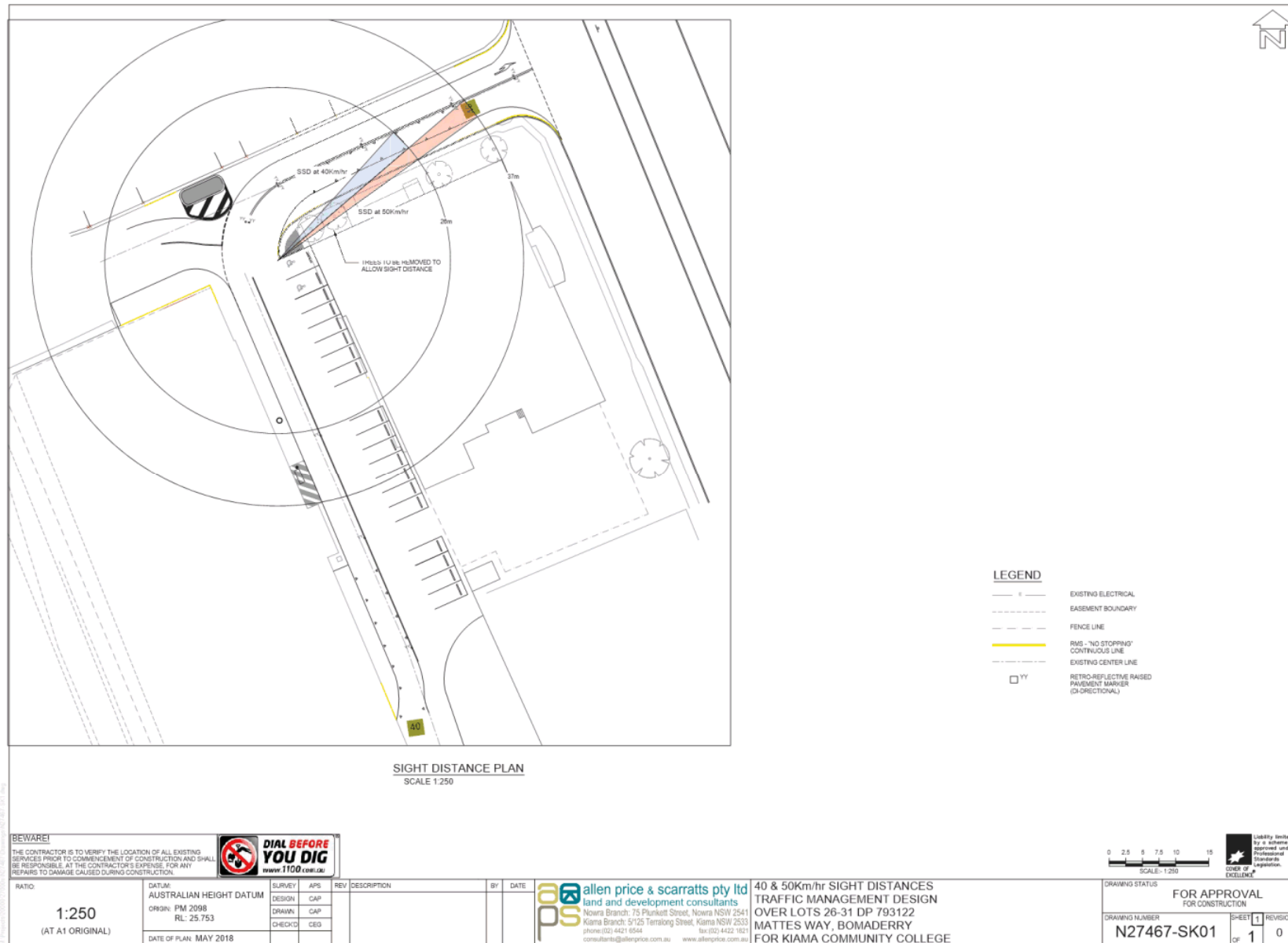
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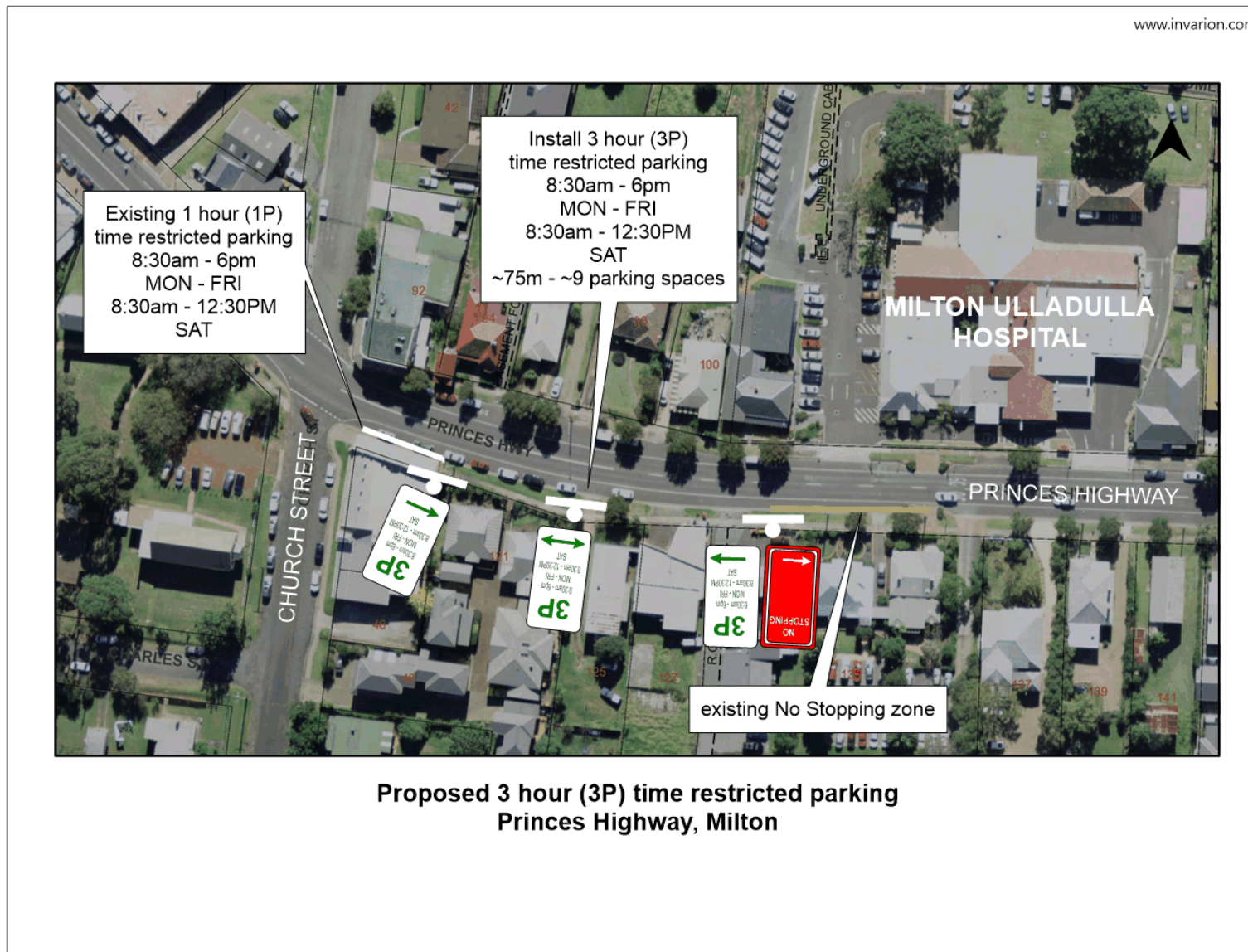














## CL18.292 Sale of Council Employment Land - Lot 91 DP1077878, 27 Tom Thumb Avenue, South Nowra

**HPERM Ref:** D18/368645

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

### Purpose / Summary

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

### Recommendation

That

1. Council employment land (Lot 91 DP1077878, 27 Tom Thumb Drive, South Nowra) be sold for \$270,000 (plus GST) to Nathan Kenny.
2. The General Manager be authorised to sign the contracts for Sale, and
3. The Transfer to complete the Contracts for Sale be executed under the Seal of Council.

### Options

1. To sell Lot 91, DP 1077878, 27 Tom Thumb Avenue, South Nowra
2. Not to sell Lot 91, DP 1077878, 27 Tom Thumb Avenue, South Nowra

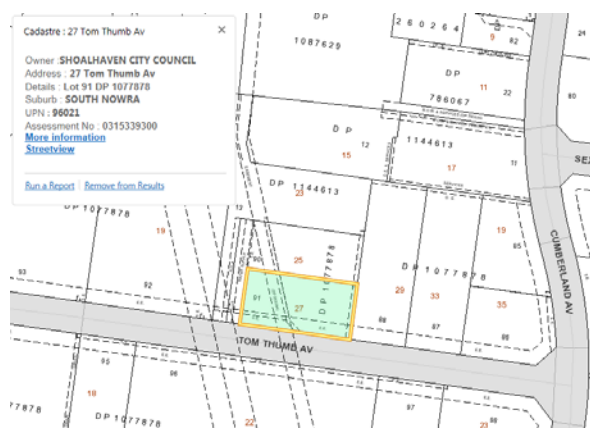
### Background

The sale of Lot 91, DP 1077878, 27 Tom Thumb Avenue, South Nowra has been negotiated and is in accordance with Council resolution MIN17.123 which set the minimum sale price for this lot as part of Council's portfolio of industrial land.

The land is significantly affected by electricity and other easements and the price has been adjusted to allow for that.

Special conditions applicable to this sale will be:

- Buyback condition – 2 years to build a factory



CL18.292



**Financial Implications**

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

CL18.292

## CL18.293 Acceptance of Grant Funding - Heritage Near Me Program, Office of Environment and Heritage

**HPERM Ref:** D18/345375

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

### Purpose / Summary

Government under the Heritage Near Me Program.

### Recommendation

1. That Council accept grant funding of \$58,000 from the NSW State Government under the Heritage Near Me Program for the design and production of the multimedia digital resource.
2. That Council write to the Heritage Near Me Program, Office of Environment & Heritage thanking them for the grant.

### Options

1. Council accept the grant of \$58,000 for the design and production of the Walking on Country Multimedia Digital Resource.

Implications: This grant will allow Council to design and produce the “Walking on Country” Multimedia Digital Resource. When complete the resource will be used to promote Shoalhaven Aboriginal people’s continuing spiritual and cultural connections to country and place. This valuable resource will build pride amongst members of our Aboriginal community and is also an important reconciliation activity.

2. Council not accept the funding.

Implications: The Walking on Country Multimedia Digital Resource will not be produced and an opportunity to promote Shoalhaven Aboriginal people’s spiritual and cultural connection to Country will be lost.

### Background

The Walking on Country Multimedia Digital Resource project provides an opportunity for Shoalhaven City Council to proactively work with members of our Aboriginal community to capture the spirit of the country through the eyes of Aboriginal community members of the Shoalhaven. The project will raise awareness at Local, State and National levels about our local Aboriginal people’s spiritual connection to country and their affinity with the cultural landscapes of the Shoalhaven. When complete the resulting multimedia digital storytelling journey will contain stories that are created and told by local Aboriginal people. Each story will share spiritual beliefs and connections to country.

The project will deliver videos in a number of digital formats including - 30seconds, 2minutes and extended (i.e. four minute) videos. These videos will be promoted on: social media (Council and Tourism); Shoalhaven City Council’s website; at the Shoalhaven Visitor

Information Centre on digital screens; at community events; as support material for Welcome To and Acknowledgement of Country; and in presentations that are given by Council staff.

The content or narrative will be determined by the local Aboriginal community and may consist of the following subjects or approaches: Local stories and oral history, interviews with Elders, art and culture such as dance, song and fine arts, intergenerational themes and practices passed on and other cultural landscapes of significance.

The resulting digital resource will promote and embrace Aboriginal cultural heritage, encompassing practices and beliefs that have evolved from the past and continue to be an essential element of the Aboriginal people's identity and lifestyle in today's society.

The project will provide an opportunity for local Aboriginal community members to express their pride and their connection to country. It will promote the vibrancy and richness of Aboriginal culture to visitors and encourage engagement and understanding of a living heritage from the oldest surviving culture in the world.

A creative team comprised of representatives from Shoalhaven City Council's Community Development team will work collaboratively with members of the Aboriginal community to scope a storyline and narrative that connects with and celebrates Aboriginal culture.

This project enhances Shoalhaven City Council's ongoing commitment to reconciliation and social justice and is a key action contained in the Draft Shoalhaven City Council's Aboriginal Advisory Committee Action Plan.

### **Community Engagement**

The project team and Aboriginal participants will work collaboratively with specialist multimedia producers to scope a storyline and narrative that connects with and celebrates Aboriginal culture. The content and narrative will be determined by the local Aboriginal community using a participatory engagement process. The proposed collaboration is extensive and multi - disciplinary.

### **Policy Implications**

Delivery of this project has been identified in the Aboriginal Advisory Committee's Draft Action Plan.

### **Financial Implications**

Council has allocated \$22,000 towards this project in its 2018/19 Operational Budget. This will be supplemented by Office of Environment and Heritage funding of \$58,000, making the total budget for this project \$80,000.

## CL18.294 NSW Crime Prevention Grant

**HPERM Ref:** D18/346583

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

### Purpose / Summary

implement CPTED treatments at identified sites.

### Recommendation

That Council

1. Accept the grant funding of \$75,000 to deliver Crime Prevention through Environment Design (CPTED) training to staff and community members, to conduct safety audits at locations that have been identified by Council and the community and to deliver CPTED treatments at identified sites.
2. Delegate authority to the General Manager or nominee to sign the funding agreement and acquit the grant funding.
3. Write to NSW Government and local Members of Parliament and thank them for the grant offer.

### Options

1. That Council accept the grant funding of \$75,000 to deliver Crime Prevention through Environment Design (CPTED) training to staff and community members, to conduct Safety Audits at locations that have been identified by Council and the community and to deliver CPTED treatments at identified sites.

Implications: The grant will offset the costs associated with training, safety audits and will assist to fund associated CPTED treatments at appropriate sites. The training is an identified action in the Shoalhaven City Council Crime Prevention Plan 2018-2023

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

Implications: CPTED training will not be delivered, safety audits may not be conducted and associated CPTED treatments will be will not be implemented. This action in the Shoalhaven City Council Crime Prevention Plan 2018-2023 will not be addressed.

### Background

Council has been successful in receiving \$75,000 from the NSW State Government's 2018/2019 Crime Prevention Program. The funding has been provided to deliver Safer by Design Training to up to 20 people that are comprised of Council employees, members of the NSW Police Force and community representatives. Funding is also being provided to conduct up to five safety audits at known crime hotspots in the Shoalhaven LGA and to fund the implementation of works that will modify the physical environment in locations that are problematic in terms of criminal activity.

By way of background, in April 2001, the NSW Department of Infrastructure, Planning and Natural Resources introduced Crime Prevention Legislative Guidelines to Section 4.15 of the Environmental Planning and Assessment Act, 1979. These guidelines require consent authorities to ensure that development provides safety and security to users and the

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community. If a development presents a crime risk, the guidelines can be used to justify modification of the development to minimise crime risk, or, refusal of the development on the grounds that crime risk cannot be appropriately minimised. Councils and local Police are encouraged to identify the types of development that will ‘typically’ require a crime risk assessment.

Council’s Planning staff have indicated that approximately 12 staff will participate in the training program. Staff from Council’s Recreation, Community and Culture and Section will also attend. The training will enable local community members, Council staff and the NSW Police Force to develop a good understanding of the principles of CPTED, to use learnings from the training to undertake safety audits, and to implement structural modifications to selected areas. It is anticipated that this will result in reduced criminal activity in the areas that are targeted. The CTPED training and the implementation of safety audits in selected areas are identified as key strategies in Council’s 2018-2023 Crime Prevention Plan which was endorsed by Council in March 2018.

### **Policy Implications**

This grant funding money will assist Council with the delivery of the Council adopted Shoalhaven City Council 2018-2023 Crime Prevention Plan.

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## CL18.295 Safety Project - Shoalhaven River Bridge Precinct

**HPERM Ref:** D18/356181

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

### Purpose / Summary

Precinct, and for Council approval to accept the funds.

### Recommendation

That Council

1. Formally accept the grant of \$625,000 (exGST) from the Commonwealth Dept of Industry Innovation and Science (Safer Communities Fund) to implement priorities from Shoalhaven City Council's Crime Prevention Plan, in the form of CCTV camera / security lighting and waterfront improvements (pontoons etc) within the Shoalhaven River Bridge Precinct.
2. Write to the Dept of Industry Innovation and Science (Safer Communities Fund), thanking them for the grant and for their support.

### Options

1. Council adopt the recommendation.

#### Implications:

In accepting this grant funding to proceed with the Safety Project as described within this report, the waterfront area in the vicinity of Nowra Aquatic Park and the Riverfront Precinct will assist in activating the Precinct to become a safer environment with the potential to increase community activity.

2. Council not adopt the recommendation and provide an alternate.

#### Implications:

Council will not be in a financial position to proceed with the work.

### Background

Council has been successful with its grant application to the Commonwealth Dept of Industry Innovation and Science (Safer Communities Fund) grant funding of \$625,000 (exGST) to contribute to local crime prevention and security infrastructure activities within Shoalhaven. Public announcement of this grant was given back in May 2018; however Council has only recently received the funding agreement as a result of follow-up action by Council staff.

This grant funding is being provided by the "Safer Communities Fund - Round 2" aimed at improving crime prevention and activating the 'Bridge Precinct Safety Project'. The 'Bridge Precinct' is located on the southern foreshore of the Shoalhaven River, bound on the east by Nowra Sailing Club Wharf Precinct (Nowra Wharf) and on the west by Paringa Park, and also encompassing Nowra Aquatic Park and Riverfront.

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Council will also be receiving a report on 'Rehabilitation of Nowra Sailing Club' at this same Ordinary Meeting and discussions have been held regarding insurance aspects on this project. It is important to note that, whilst these two (2) projects are situated adjacent to one another, they are also independent of each other.

### Grant Purpose

The purpose of the Grant is to contribute to local crime prevention and security infrastructure activities through:

- Installation of:
  - a. A new communications link between Nowra Aquatic Park and Nowra City Administrative Centre
  - b. Fixed or mobile CCTV cameras and security lighting
- Waterfront improvements which include upgrading of the current floating facility, landscaping, infrastructure and pavement works
- Crime Prevention Through Environmental Design (CPTED) improvements, including the removal of environmental characteristics, such as lack of lighting or poor natural surveillance, which can facilitate street crime and violence

The Grant is being provided as part of the Safer Communities Fund – Round 2. This Program aims to:

- Contribute to enhancement of community safety, improve security and reduce street crime and violence through local security infrastructure
- Contribute to greater community resilience and wellbeing by addressing crime, anti-social behaviour and other security risks
- Help to reduce fear of crime and increase feelings of safety in the Australian community and contribute to greater community resilience
- Contribute to the safety of communities which may be at risk of racial and / or religious intolerance

### Project Scope & Description

The Nowra Sailing Club, Riverfront and Bridge Precinct Safety Project will see:

- Installation of optical fibre from the Shoalhaven Council's City Administrative Centre in Bridge Road, Nowra to Nowra Aquatic Park, and then to the Riverfront and Nowra Wharf – this will see the current microwave link linking these facilities becoming redundant, presenting Council with operational savings in leasing fees.
- Installation of CCTV on the pedestrian footpath between the Aquatic Park, Riverfront and the Wharf and the pedestrian underpass at Shoalhaven River Bridge.
- Provision of a floating river facility meeting the required Australian Standards on, and adjacent to, the Riverfront to increase utilisation of the space in order to 'activate' this area and increase both amenity and safety.

The current pontoons have a temporary permit for the location in which they sit. There is no complying gangway and access is presently obtained from the steps on the Nowra Wharf where there is disclaimer and usage recommendation signage due to the temporary nature of this facility. The current prime purpose of the facility is that of the annual Shoalhaven River Festival.

The grant funding provides Council with the opportunity to engineer and install a complying permanent facility which can be used for a variety of purposes, however, at this stage, due to access to the vessel sewerage pumpout facility, restrictions are envisaged for vessel berthing times.

Berthing restrictions will be imposed, with a time limit of four (4) hours. This time limit will be adequate for victualling / restocking and access to the sewage pumpout unit. The final facility design and constraints will be provided by a suitably qualified engineer with expertise in waterborne structures.

Land based improvements are required to facilitate the floating facility and are proposed to involve landscaping improvements.

These safety measures and increased use of the area are intended to benefit local businesses and to enhance public safety. CCTV installation is a strategy identified in the Shoalhaven Crime Prevention Strategy 2016 - 2021 to address crime in the area.

### **Key Eligible Activities**

The first stage of the CCTV project is installation of fibre from Nowra City Administrative Centre to Nowra Aquatic Park, requiring underbore, installation of pits and additional hardware as required. Next, fibre will be installed from Nowra Aquatic Park to the Riverfront and Nowra Wharf.

Commissioning of the CCTV system, including connection to the server in the Nowra City Administrative Centre, testing of hardware and software and any necessary adjustments / repairs will follow. Subject to design refinements, approximately ten (10) cameras will be installed for monitoring of anti-social behaviour and crime, and to increase safety in the area. To enhance the CCTV's effectiveness, lighting will also be installed.

A major component of the project aims to increase 'natural surveillance' by attracting more people to the area with installation of a floating waterfront facility at the Riverfront and at Nowra Wharf, consistent with the principles of Crime Prevention Through Environmental Design (CPTED).

The entirety of this work will be programmed to be completed in this current financial year. Presently, Council is aware of funding provided for NSW Roads and Maritime Services (RMS) to advance with a third Shoalhaven River bridge being proposed to be constructed immediately west of the current concrete (northbound traffic) bridge

Council will design junctions to the west and east of the future structure to optimise a reduction of interference to the CCTV due to the proposed bridge activities.

### **Community Engagement**

Council has consulted previously with Shoalhaven Local Area Command (Police) on the various existing CCTV networks throughout Shoalhaven.

Further community consultation will be undertaken and Councillor feedback sought on the project as concept plans and designs proceed.

### **Policy Implications**

There are no policy implications as the proposed works are consistent with Council's Crime Prevention Plan.

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**Financial Implications**

The grant funding is for capital outlay for construction and purchase of equipment / components only. There is, however, an existing budget for CCTV and pontoon maintenance within the Community & Recreation Unit (Recreation Community & Culture Section). It is envisaged that each will incur an annual maintenance requirement of \$5,000 for both pontoon and CCTV maintenance on an ongoing basis.

**Risk Implications**

The images captured by CCTV will be managed in accordance with Shoalhaven City Council's Privacy Management Plan, Workplace Surveillance Policy and relevant legislation.

It is also acknowledged that the timeframe for delivery of this project is now very tight given the considerable delay experienced in receiving the funding agreement from the Department of Industry. Every effort will be made to deliver the project by the required 30 June 2019 completion date however given the delay in receiving the agreement it may be necessary to seek an extension.

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## CL18.296 Register of Pecuniary Interest Returns 1 July 2017 to 30 June 2018

**HPERM Ref:** D18/333036

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

**Attachments:** 1. Complete List - Designated Persons [□](#)

### Purpose / Summary

450A of the Local Government Act.

### Recommendation

That:

1. The report regarding the Register of Pecuniary Interest Returns lodged for the period of 1 July 2017 to 30 June 2018 be received for information;
2. The General Manager consider appropriate action in respect of any Designated Persons who have failed to provide their return for the period of 1 July 2017 to 30 June 2018.

### Options

1. As Recommended

Implications: Disciplinary action may be applied to individuals who have not completed the required return and therefore have breached the Local Government Act, 1993.

2. Council may withdraw delegated authority to the Committees whose members have not completed the returns.

Implications: Withdrawing Delegated Authority from Committees may impact on more resolutions being reported to Council.

3. The General Manager may suspend membership of Committees for any member in contravention of the Local Government Act.

Implications: Suspending membership until the form has been returned may result in the Committees not reaching Quorum for meetings.

### Background

The lodgement date for Pecuniary Interest returns covering 1 July 2017 to 30 June 2018 was 30 September 2018.

Persons with an obligation to lodge a pecuniary interest return by 30 September 2018 are listed in **Attachment 1** of the register tabled at this meeting.

Notice was provided to all Councillors, designated Staff and Committee members on 31 July 2018, 7 August 2018, 14 August 2018 28 August 2018, with reminders sent on 17 September 2018 and 10 October 2018 and contact and reminders attempted by telephone calls.

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All Councillors have completed and lodged their returns.

Despite the attempts and reminders stated above, one (1) individual being a delegated committee member has not completed returns at the time of preparing this report without explanation (ie. not on leave or unable to complete due to illness or other reason).

Advice provided to Council by the Office of Local Government in September 2015 was that 'hard copies' of returns are no longer required to be tabled at the Council meeting. Therefore, the register of returns for this period is attached and tabled and electronic versions of the documents may be viewed upon request.

### **Risk Implications**

A failure of meeting the obligations with respect to the Pecuniary Interest Returns by designated officer leaves Council at risk of non-compliance with legislative requirements, conflict of interests and limited transparency.

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DESIGNATED PERSONS WHO HAVE COMPLETED THEIR OBLIGATIONS:			
Group	LastName	FirstName	Position
ASSETS & WORKS			MGR - ROADS ASSET
ASSETS & WORKS	DAVIS	BRADLEY	MANAGER - ASSET STRATEGY
ASSETS & WORKS	DIMEC	TOM	SM - ASSET MANAGEMENT
ASSETS & WORKS	SNOW	KYM	ROAD SAFETY OFFICER
ASSETS & WORKS	STRACHAN	MICHAEL	INFRASTRUCTURE MANAGER
ASSETS & WORKS	WELLS	SCOTT	MGR - TRAFFIC AND TRANSPORT
ASSETS & WORKS	CRAIG	MARCEL	SURVEYOR SENIOR
ASSETS & WORKS	CRONK	TREVOR	UNIT MANAGER - PROPERTY
ASSETS & WORKS	GREEN	PAMELA	MGR BEREAVEMENT SERVICES
ASSETS & WORKS	HARBEN	MICHAEL	SM - BUSINESS AND PROPERTY
ASSETS & WORKS	MERANGE	DARRELL	SUPERVISOR WORKS & CONTRACTS
ASSETS & WORKS	SULLIVAN	KEVIN	MGR - TOURIST PARKS
ASSETS & WORKS	WILLIS	JOHN	CO-ORD BEREAVEMENT SERVICES
ASSETS & WORKS	KEECH	PAUL	DIRECTOR ASSETS & WORKS
ASSETS & WORKS	APOLO	MATTHEW	UM - ENGINEERING DESIGN SERVIC
ASSETS & WORKS	BRIGHTON	WAYNE	PROJECT MANAGER
ASSETS & WORKS	GEORGE	GARY	PROJECT MANAGER
ASSETS & WORKS	HOLMES	ROSLYN	UM - CITY DESIGN & SUPPORT
ASSETS & WORKS	KNILL	PETER	SM - PROJECT DELIV & CONTRACTS
ASSETS & WORKS	REED	KYLIE	ENVIRONMENTAL OPERATIONS OFFICER
ASSETS & WORKS	TIPTON	MICAHIAH	TEAM COORDINATOR - CONTRACTS CONSTRUCTION
ASSETS & WORKS	WAGSTAFF	DAVID	PROJECT MANAGER
ASSETS & WORKS	YOUNG	GEOFFREY	ENVIRONMENTAL OFFICER
ASSETS & WORKS	BRADDICK	EDWARD	ENGINEER - ROADS
ASSETS & WORKS	CARTER	BRETT	UM - PARKS AND FACILITIES
ASSETS & WORKS	CRITCHLEY	PHILIP	DISTRICT ENGINEER - CENTRAL
ASSETS & WORKS	DUNN	MELISSA-ANN	DISTRICT ENGINEER - NORTH
ASSETS & WORKS	FRASER	TONY	SM - WORKS AND SERVICES
ASSETS & WORKS	HOJEM	DAVID	UNIT MGR - WASTE SERVICES
ASSETS & WORKS	HORTON	GREGORY	MGR - MECHANICAL SERVICES
ASSETS & WORKS	PAISLEY-TOP	DAVID	UM - ASSET CONSTRUCT & MAINT
ASSETS & WORKS	PUNNETT	TROY	DISTRICT ENGINEER - SOUTHERN
ASSETS & WORKS	WILLS	KENNETH	TEAM SUPERVISOR - STRUCTURES
COUNCILLOR	ALLDRICK	ANNETTE	
COUNCILLOR	CHEYNE	NINA	
COUNCILLOR	FINDLEY	AMANDA	
COUNCILLOR	GARTNER	KAYE	
COUNCILLOR	GASH	JOANNA	
COUNCILLOR	GUILE	ANDREW	
COUNCILLOR	KITCHENER	MARK	
COUNCILLOR	LEVETT	JOHN	
COUNCILLOR	PAKES	MITCHELL	
COUNCILLOR	PROUDFOOT	BOB	
COUNCILLOR	WATSON	GREG	
COUNCILLOR	WELLS	JOHN	
COUNCILLOR	WHITE	PATRICIA	
FINANCE CORP & COMMUNITY	BUCKINGHAM	LAUREN	PROJECT MANAGER - CORPORATE SYSTEMS
FINANCE CORP & COMMUNITY	FRENCH	PAUL	MANAGER - SUPPLY CHAIN
FINANCE CORP & COMMUNITY	GEORGE	SAMUEL	TEAM SUPERVISOR - LOGISTICS
FINANCE CORP & COMMUNITY	KIELLY	MARK	PROCUREMENT SUPERVISOR
FINANCE CORP & COMMUNITY	PENNISI	MICHAEL	CHIEF FINANCIAL OFFICER
FINANCE CORP & COMMUNITY	PHELAN	VANESSA	FINANCE MANAGER
FINANCE CORP & COMMUNITY	CRANGLE	AMANDA	UNIT MGR - HR & ORG DEVELOPMEN
FINANCE CORP & COMMUNITY	GOLDSMITH	MICHAEL	INFORMATION OFFICER
FINANCE CORP & COMMUNITY	HAHN	DONALD	UNIT MANAGER - WHS RISK
FINANCE CORP & COMMUNITY	KEATING	ANGELA	WORKERS COMP COORDINATOR
FINANCE CORP & COMMUNITY	MCCOY	MELISSA	SM - HR GOV & CUSTOMER SERVICE
FINANCE CORP & COMMUNITY	MCMAHON	SARA	UNIT MGR - GOVERNANCE
FINANCE CORP & COMMUNITY	RAISON	KARLA	UNIT MANAGER - CUSTOMER SERVICE
FINANCE CORP & COMMUNITY	ANEY	PETER	UNIT MGR - BUSINESS SYSTEMS
FINANCE CORP & COMMUNITY	BALL	ROSLYN	UNIT MANAGER - RECORDS
FINANCE CORP & COMMUNITY	JONES	DANIEL	UNIT MGR - IT SUPPORT
FINANCE CORP & COMMUNITY	LENEHAN	JOHN	CHIEF INFORMATION OFFICER
FINANCE CORP & COMMUNITY	PERRY	ANDREW	NETWORK SERVER ADMINISTRATOR
FINANCE CORP & COMMUNITY	DUNSHEA	STEPHEN	GD FINANCE CORPORATE & COMMUNITY
FINANCE CORP & COMMUNITY	BRITTON	BETH	FACILITIES COORDINATOR
FINANCE CORP & COMMUNITY	BROWN	ANDREW	MANAGER - SOUTHERN LEISURE CENTRE
FINANCE CORP & COMMUNITY	CAMPBELL	CATHERINE	SENIOR COMMUNITY DEVELOPMENT OFFICER
FINANCE CORP & COMMUNITY	COKER	CLINTON	SOCIAL INFRASTRUCTURE OFFICER
FINANCE CORP & COMMUNITY	COULSTON	BRONWYN	UNIT MGR - ARTS & CULTURE
FINANCE CORP & COMMUNITY	EDWARDS	SUSAN	UM - COMMUNITY BUILDING
FINANCE CORP & COMMUNITY	LEWIS	JANE	SM - REC COMMUNITY & CULTURE
FINANCE CORP & COMMUNITY	NORWOOD	KEVIN	AQUATICS MANAGER
FINANCE CORP & COMMUNITY	PATTERSON	KAREN	S.E.C MANAGER
FINANCE CORP & COMMUNITY	RYMAN	CATHERINE	COORDINATOR - FAMILY DAYCARE - NOMINATED SUPERVISOR
FINANCE CORP & COMMUNITY	SIMS	OWEN	MGR - CENTRAL LEISURE CENTRE
FINANCE CORP & COMMUNITY	SPENCER	SHANE	OPERATIONS SUPERVISOR
FINANCE CORP & COMMUNITY	TAYLOR	SARAH	UNIT MGR - LIBRARY SERVICES
FINANCE CORP & COMMUNITY	VOLKANOVSK	JESSICA	SENIOR STRATEGIC PLANNER
FINANCE CORP & COMMUNITY	BELL	CORALIE	SECTION MANAGER - TOURISM

Group	LastName	FirstName	Position
GENERAL MANAGER	PULLEN	GREGORY	MGR - ECONOMIC DEVELOPMENT
GENERAL MANAGER	NEILSON	SAMANTHA	LEGAL SERVICES COORDINATOR
GENERAL MANAGER	PRASAD	SHALNI	INTERNAL AUDIT PROGRAM COORDINATOR
GENERAL MANAGER	RIPPON	JESSICA	EXECUTIVE MANAGER - COMMUNICATIONS
GENERAL MANAGER	WHITE	KIM	LOCAL EMERGENCY MANAGEMENT OFFICER
GENERAL MANAGER	PIGG	RUSS	GENERAL MANAGER
JRPP	ROYSTON	ERNIE	JRPP
NOWRA CBD REVITALISATION STRATEGY COMMITTEE	ALDOUS	ANNIE	
NOWRA CBD REVITALISATION STRATEGY COMMITTEE	BAXTER	SCOTT	
NOWRA CBD REVITALISATION STRATEGY COMMITTEE	CALDWELL	JAMES	
NOWRA CBD REVITALISATION STRATEGY COMMITTEE	GODDARD	BRENDAN	
NOWRA CBD REVITALISATION STRATEGY COMMITTEE	HINDMARCH	WESLEY	
PLAN ENVIRON & DEVELOP	ANSTISS	DAVID	TEAM SUPERVISOR - CERTIFICATION
PLAN ENVIRON & DEVELOP	BAKER	RODNEY	PARKING PATROL OFFICER
PLAN ENVIRON & DEVELOP	BEDSON	HANNAH	DEVELOPMENT ASSESSMENT OFFICER
PLAN ENVIRON & DEVELOP	BLATCH	PETER	BUILDING SURVEYOR
PLAN ENVIRON & DEVELOP	BROWN	SHANE	RANGER
PLAN ENVIRON & DEVELOP	CHOROS	ROY	RANGER / AMO
PLAN ENVIRON & DEVELOP	CLAY	SHAUN	SWIMMING POOL COMP OFF
PLAN ENVIRON & DEVELOP	COOPER	KAYLA	PARKING PATROL OFFICER
PLAN ENVIRON & DEVELOP	DALYELL	ALISON	DEVELOPMENT PLANNER
PLAN ENVIRON & DEVELOP	DILLON	MALCOLM	BUILDING SURVEYOR SUPERVISOR - DEVELOPMENT ASSESSMENT
PLAN ENVIRON & DEVELOP	DWYER	CHRISTOPHER	RANGER / AMO
PLAN ENVIRON & DEVELOP	ELLIOTT	WAYNE	PLUMBING & DRAINAGE INSPECTOR
PLAN ENVIRON & DEVELOP	WOODGATE	MICHAEL	RANGER / AMO
PLAN ENVIRON & DEVELOP	FINDLEY	EDEN	RANGER / AMO
PLAN ENVIRON & DEVELOP	FISHER	ANDREW	SWIMMING POOL COMP OFF
PLAN ENVIRON & DEVELOP	FAVORITO	ROMEO	PARKING PATROL OFFICER
PLAN ENVIRON & DEVELOP	GREAVES	IAIN	COMPLIANCE OFFICER
PLAN ENVIRON & DEVELOP	HERNELL	ANNA	TEAM SUPVSR- RANGER SUPPORT
PLAN ENVIRON & DEVELOP	HISLOP	SUZANNE	RANGER / AMO
PLAN ENVIRON & DEVELOP	IRWIN	GARON	UNIT MANAGER - BUILDING & COMPLIANCE
PLAN ENVIRON & DEVELOP	JAMES	IAN	PARKING PATROL OFFICER
PLAN ENVIRON & DEVELOP	KEECH	BELINDA	DEVELOPMENT ASSESSMENT OFFICER
PLAN ENVIRON & DEVELOP	KOGLIN	TRACY	DEVELOPMENT ASSESSMENT OFFICER
PLAN ENVIRON & DEVELOP	LITTLE	TRENT	PARKING PATROL OFFICER
PLAN ENVIRON & DEVELOP	LOCKHART	HARLEY	DEVELOPMENT ASSESSMENT OFFICER
PLAN ENVIRON & DEVELOP	MAHMUD	MD NAHID	DEVELOPMENT ASSESSMENT OFFICER
PLAN ENVIRON & DEVELOP	MCLOUGHLIN	PATRICK	BUILDING SURVEYOR
PLAN ENVIRON & DEVELOP	MCMILLAN	KANE	PLUMBING & DRAINAGE INSPECTOR
PLAN ENVIRON & DEVELOP	MEIER	WAYNE	RANGER / AMO
PLAN ENVIRON & DEVELOP	NILE	DAVID	RANGER
PLAN ENVIRON & DEVELOP	PARNELL	JODIE	TEAM SUPERVISOR - SHOALHAVEN ANIMAL SHELTER
PLAN ENVIRON & DEVELOP	PEARMAN	ANTHONY	TEAM SUPERVISOR - COMPLIANCE
PLAN ENVIRON & DEVELOP	PRICE	JOHN	BUILDING SURVEYOR
PLAN ENVIRON & DEVELOP	ROUSE	CAMERON	RANGER
PLAN ENVIRON & DEVELOP	STAPLES	IAN	COMPLIANCE OFFICER
PLAN ENVIRON & DEVELOP	TAYLOR	RACHEL	COMPLIANCE OFFICER
PLAN ENVIRON & DEVELOP	TOOLEY	DIANA	BUILDING SURVEYOR - On Leave
PLAN ENVIRON & DEVELOP	WOOD	COLIN	SM - BUILDING & COMPLIANCE
PLAN ENVIRON & DEVELOP	BERN	CATHERINE	SM - DEVELOPMENT SERVICES
PLAN ENVIRON & DEVELOP	BONNER	JAMES	UM - DEVELOPMENT SERVICES
PLAN ENVIRON & DEVELOP	CAVALLO	NICHOLAS	SENIOR DEVELOPMENT PLANNER
PLAN ENVIRON & DEVELOP	MILLS	ZAK	TRAINEE TOWN PLANNER
PLAN ENVIRON & DEVELOP	DOLLERY	IAN	SUBDIVISIONS ENGINEER
PLAN ENVIRON & DEVELOP	DOWNING	ELIZABETH	DEV/SUBDIVISIONS COORD
PLAN ENVIRON & DEVELOP	HEUNG	CHI-HING	ENGINEERING COORDINATOR
PLAN ENVIRON & DEVELOP	LLOYD	AARON	DEV ENGINEER OFFICER
PLAN ENVIRON & DEVELOP	PRYOR	NEALE	SUBDIVISIONS OFFICER
PLAN ENVIRON & DEVELOP	SMITH	MARK	S138 OFFICER
PLAN ENVIRON & DEVELOP	VERNEZ	ANDRE	SENIOR DEVELOPMENT PLANNER
PLAN ENVIRON & DEVELOP	WESTON	ELLIOTT	SENIOR DEVELOPMENT PLANNER
PLAN ENVIRON & DEVELOP	WOODWORTH	ALEXANDER	DEVELOPMENT PLANNER
PLAN ENVIRON & DEVELOP	AHMED	TANVIR	FLOODPLAIN ENGINEER - PROJECT OFFICER
PLAN ENVIRON & DEVELOP	BIRMINGHAM	MEGAN	BUSHFIRE & BUSHLAND MANAGEMENT OFFICER
PLAN ENVIRON & DEVELOP	BRYANT	JEFFREY	ENVIRONMENTAL ASSESSMENT OFFICER
PLAN ENVIRON & DEVELOP	CLARKE	KELIE	SM - ENVIRONMENTAL SERVICES
PLAN ENVIRON & DEVELOP	CLUNAS	EMMA	ENVIRONM HEALTH OFFICER SMF
PLAN ENVIRON & DEVELOP	CSANITZ	ELIZABETH	DISTRICT ENV HEALTH OFFICER
PLAN ENVIRON & DEVELOP	HANSEN	PHILIP	TEAM SUPVR - NOXIOUS WEEDS
PLAN ENVIRON & DEVELOP	HOWARTH	GREGORY	ENVIRONMENTAL HEALTH OFFICER U
PLAN ENVIRON & DEVELOP	KHODAVERDI	KAMRAN	ENVIRONMENTAL HEALTH OFFICER U
PLAN ENVIRON & DEVELOP	LISSENDEN	KRISTIE	ENVIRONM HEALTH OFFICER SMF
PLAN ENVIRON & DEVELOP	MARR	THELMA	SENIOR ENV HEALTH OFFICER
PLAN ENVIRON & DEVELOP	MASSIE	RAYMOND	COAST AND ESTUARIES OFFICER
PLAN ENVIRON & DEVELOP	MCVEY	ALISON	TEAM SUPERVISOR - SMF

Group	LastName	FirstName	Position
PLAN ENVIRON & DEVELOP	MEEHAN	BETHANY	DISTRICT ENV HEALTH OFFICER
PLAN ENVIRON & DEVELOP	MOYLE	MELISSA	DISTRICT ENV HEALTH OFFICER
PLAN ENVIRON & DEVELOP	PICKERING	SHANE	UNIT MGR - ENVIRON HEALTH
PLAN ENVIRON & DEVELOP	ROOSE	THOMAS	DISTRICT ENV HEALTH OFFICER
PLAN ENVIRON & DEVELOP	SEVENLER	ALI	SENIOR FLOODPLAIN ENGINEER
PLAN ENVIRON & DEVELOP	SMITH	MICHAEL	TEAM LEADER - ENVIRONMENTAL PLANNING & ASSESSMENT
PLAN ENVIRON & DEVELOP	STRATTON	ALASDAIR	UM - NATURAL RESOURCES & FLOODPLAINS
PLAN ENVIRON & DEVELOP	SUBHAN	MIR ABDUS	FLOODPLN & STORMWATER QLTY ENG
PLAN ENVIRON & DEVELOP	SWAN	TRENT	ENVIRONMENTAL HLTH OFF - FOOD
PLAN ENVIRON & DEVELOP	WATTS	CATHERINE	ENVIRONM HEALTH OFFICER SMF
PLAN ENVIRON & DEVELOP	COSTELLO	PHILIP	GD PLANNING ENVIRONMENT & DEVELOPMENT
PLAN ENVIRON & DEVELOP	TREZISE	THOMAS	STRATEGIC PLANNER
PLAN ENVIRON & DEVELOP	BROOKS	PETA	STRATEGIC PLANNER
PLAN ENVIRON & DEVELOP	CLARK	GORDON	SM - STRATEGIC PLANNING
PLAN ENVIRON & DEVELOP	FOLEY	MARIE-LOUISE	COORDINATOR STRATEGY PLANNING TEAM
PLAN ENVIRON & DEVELOP	HOLLINGER	ERIC	SENIOR PROJECT PLANNER
PLAN ENVIRON & DEVELOP	O'SULLIVAN	KRISTY	STRATEGIC PLANNER
PLAN ENVIRON & DEVELOP	PORTER	MOLLY	STRATEGIC PLANNER
PLAN ENVIRON & DEVELOP	RATCLIFFE	DANIELLE	STRATEGIC PLANNER
PLAN ENVIRON & DEVELOP	ROKOBBAUER	GRANT	STRATEGIC PLANNER
PLAN ENVIRON & DEVELOP	TAGUE	JENNA	COORDINATOR POLICY PLANNING TEAM
PLAN ENVIRON & DEVELOP	TURNER	LAUREN	COORDINATOR - LOCAL PLANNING TEAM
PLAN ENVIRON & DEVELOP	ANDERSON	DAVID	SENIOR BUILDING SURVEYOR
PLAN ENVIRON & DEVELOP	JOHNSTON	PETER	SENIOR PLANNER
PLAN ENVIRON & DEVELOP	LAMPARD	BRENDAN	BUILDING SURVEYOR
PLAN ENVIRON & DEVELOP	MCDONALD	ANNE	DEVELOPMENT PLANNER / BUILDING SURVEYOR
PLAN ENVIRON & DEVELOP	NETZLER	BRYAN	DEVELOPMENT PLANNER
PLAN ENVIRON & DEVELOP	PAPWORTH	WARWICK	MGR - ULLADULLA SERVICE CENTR
PLAN ENVIRON & DEVELOP	GRIGGS	ADAM	BUILDING SURVEYOR
PLAN ENVIRON & DEVELOP	PIKOSS	LAURA	BUILDING SURVEYOR
PLAN ENVIRON & DEVELOP	SAGE	MARK	BUILDING SURVEYOR
SHOALHAVEN ARTS BOARD	AKEHURST	KAREN	
SHOALHAVEN ARTS BOARD	CHIAM	ALISON	
SHOALHAVEN ARTS BOARD	DAWSON	BARBARA	
SHOALHAVEN ARTS BOARD	LAVELLE	PETER	
SHOALHAVEN WATER	KROGH	CARMEL	DIRECTOR - SHOALHAVEN WATER
SHOALHAVEN WATER	GILKES	ALLAN	UNIT MANAGER - MECHANICAL/ELECTRICAL
SHOALHAVEN WATER	JENNINGS	MARK	UNIT MANAGER - WATER OPERATIONS
SHOALHAVEN WATER	MCVEY	ANDREW	SECTION MANAGER - OPERATIONS & MAINTENANCE
SHOALHAVEN WATER	WADY	IVAN	UNIT MANAGER - WASTEWATER OPERATIONS
SHOALHAVEN WATER	HOLMES	ANTHONY	SECTION MANAGER - WATER CUSTOMER & BUSINESS
SHOALHAVEN WATER	RODGERS	JULIA	PROJECT COMPLIANCE ACCOUNTS
SHOALHAVEN WATER	HOERLEIN	PATRICIA	PROJECT COMPLIANCE ACCOUNTS
SHOALHAVEN WATER	SPREITZER	CARMEN	UNIT MANAGER - BUSINESS OPERATIONS
SHOALHAVEN WATER	BANWELL	DAVID	UNIT MANAGER - PROJECTS/DESIGN
SHOALHAVEN WATER	BRIGNELL	JARED	UNIT MANAGER - PROJECTS/REGULATORY
SHOALHAVEN WATER	HORNER	ROBERT	SECTION MANAGER - WATER ASSET PLANNING AND DEVELOPMENT
SHOALHAVEN WATER	KIDD	MATTHEW	UNIT MANAGER - PROJECTS/ASSETS
SHOALHAVEN WATER	LAZAREVSKI	LJUPCO	UNIT MANAGER - PROJECTS/DEVELOPMENT
SHOALHAVEN WATER	SINGLETON	CRAIG	CAPITAL PORTFOLIO MANGER
<b>DESIGNATED PERSONS WHO ARE NOT PRESENT IN THE WORKPLACE TO COMPLETE THEIR OBLIGATIONS DUE TO LEAVE</b>			
Group	LastName	FirstName	Position
FINANCE CORP & COMMUNITY	ROSS	SHALISSA	NORTHERN LEISURE MANAGER
NOWRA CBD REVITALISATION STRATEGY COMMITTEE	KEARNEY	LYNNETTE	
PLAN ENVIRON & DEVELOP	JARMAN	MICHAEL	UNIT MGR - RANGER SERVICES
<b>DESIGNATED PERSONS WHO HAVE NOT COMPLETED OBLIGATIONS AT TIME OF REPORT.</b>			
Group	LastName	FirstName	Position
NOWRA CBD REVITALISATION STRATEGY COMMITTEE	PARKER	GEORGE	

## CL18.297 Investment Report - September 2018

**HPERM Ref:** D18/348510

**Group:** Finance Corporate & Community Services Group  
**Section:** Finance

**Attachments:** 1. September Monthly Investment Report (under separate cover) [□](#)

### Purpose / Summary

the details of all money it has invested.

### Recommendation

That the report of the General Manager (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 30 September 2018 be received for information.

### Options

1. The report on the Record of Investment for the period to 30 September 2018 be received for information.

Implications: Nil.

2. Further information regarding the Record of Investments for the period to 30 September 2018 be received for information.

Implications: Nil.

3. The report of the Record of Investments for the period to 30 September 2018 be received for information with any changes requested for the Record of Investments to be reflected in the report for the period to 31 October 2018.

Implications: Nil.

### Background

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

The interest earned to the month of September was \$1,569,691; 39.03% of the full year budget. Spending against the loan funds for the REMS 1B project is on track but slightly behind estimated project cash flows, resulting in higher than expected interest earnings for the month. General Fund interest earned is higher due to more cash being on hand than predicted; total cash is planned to decline during the year as capital expenditure occurs.

Fund	Budget	Actual	%
General	\$2,328,000	\$859,189	36.91%
Water	\$794,000	\$348,825	43.93%
Sewer	\$900,000	\$361,676	40.19%
<b>Total</b>	<b>\$4,022,000</b>	<b>\$1,569,691</b>	<b>39.03%</b>

The interest earned for the month of September was \$488,221, which was \$157,645 above budget.

CL18.297

Fund	Monthly Budget	Actual	Difference
General	\$191,342	\$284,536	\$93,193
Water	\$65,260	\$104,441	\$39,181
Sewer	\$73,973	\$99,243	\$25,271
<b>Total</b>	<b>\$330,575</b>	<b>\$488,221</b>	<b>\$157,645</b>

CL18.297



## RECORD OF INVESTMENTS Cash and Investment Balances

	September 2018	August 2018
<b>Cash And Investments Held</b>		
Cash at Bank - Transactional Account	\$4,825,956	\$14,299,052
Cash at Bank - Trust Fund	\$1,240	\$1,240
Cash on Hand	\$70,640	\$41,338
Other Cash and Investments	\$214,359,435	\$212,255,804
	<b>\$219,257,271</b>	<b>\$226,597,434</b>
 Fair Value Adjustment	 \$177,505	 \$167,510
Bank Reconciliation	-\$260,961	\$436,936
	-\$83,456	\$604,445
 <b>Book Value of Cash and Investments</b>	 <b>\$219,173,815</b>	 <b>\$227,201,879</b>
 <b>Less Cash &amp; Investments Held In Relation To Restricted Assets</b>		
Employee Leave Entitlements	\$8,136,913	\$8,136,913
Land Decontamination	\$1,345,605	\$1,359,951
Critical Asset Compliance	\$2,164,657	\$2,186,261
North Nowra Link Road	\$462,041	\$462,712
Other Internal Reserves	\$5,908,799	\$5,568,811
Section 7.11 Matching Funds	\$301,773	\$304,988
Strategic Projects General	\$1,819,369	\$2,228,334
Industrial Land Development Reserve	\$7,849,097	\$7,869,077
Plant Replacement	\$2,507,001	\$2,472,168
Financial Assistance Grant	\$4,663,100	\$4,663,100
S7.11 Recoupment	\$1,551,118	\$1,562,971
Commitment To Capital Works	\$4,440,461	\$4,567,815
Property Reserve	\$499,774	\$523,437
<b>Total Internally Restricted</b>	<b>\$41,649,706</b>	<b>\$41,906,539</b>
 Loans - General Fund	 \$6,095,315	 \$6,482,792
Self Insurance Liability	\$1,449,969	\$1,400,389
Grant reserve	\$6,583,154	\$6,035,203
Section 7.11	\$31,914,265	\$31,572,978
Storm Water Levy	\$814,086	\$789,635
Trust - Mayors Relief Fund	\$85,230	\$82,990
Trust - General Trust	\$4,419,747	\$3,989,315
Waste Disposal	\$7,704,268	\$7,759,602
Sewer Fund	\$51,295,465	\$52,146,009
Sewer Plant Fund	\$2,131,940	\$2,135,909
Section 64 Water	\$18,641,816	\$18,484,917
Water Fund	\$25,493,739	\$24,817,784
Water Communication Towers	\$1,155,790	\$1,171,581
Water Plant Fund	\$2,163,512	\$2,013,799
<b>Total Externally Restricted</b>	<b>\$159,948,295</b>	<b>\$158,882,902</b>
 <b>Total Restricted</b>	 <b>\$201,598,001</b>	 <b>\$200,789,441</b>
 <b>Unrestricted Cash And Investments</b>		
General Fund	\$17,575,813	\$26,412,438

CL18.297

The table below lists the major movements:

Total Cash and Investments	-\$7,340,163	
Unrestricted General Fund	-\$8,836,625	September wasn't a Rates instalment month with normal expenditure on operations and projects.

Our payments for large contracts haven't been as big as previously for the start of the financial year, this has caused a large unrestricted General Fund cash balance. September saw an increase in these payments and a reduction in total cash and unrestricted funds.

### Financial Implications

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

### Certification – Responsible Accounting Officer:

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



Michael Pennisi  
Chief Financial Officer

CL18.297

## CL18.298 Nowra Sailing Club Site - Way Forward

**HPERM Ref:** D18/366373

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

**Attachments:** 1. Concept Design - Nowra Sailing Club Site [□](#)

### Purpose / Summary

and request to proceed to detailed design.

### Recommendation

That Council:

1. Accepts this report for information.
2. Proceeds to detailed designs for the proposed structure in line with the concept of a pavilion picnic facility in the Nowra Riverfront Entertainment and Leisure Precinct Proposed Planning Controls Report (less provision of toilets).
3. Proceeds with detailed design and installation of the interpretative signage and obtain any further advice in relation to heritage requirements in accordance with the Statement of Heritage Impact Report prepared by Cosmos Archaeology.
4. Calls tenders or quotations as necessary for the removal of the existing wharf and construction of the proposed structure.
5. Receives a further report in relation to the above.

### Options

1. As recommended.

Implications: Allows an appropriate shorter term re-purposing of the site for community benefit in keeping with the longer term use of the river precinct in this area. The Paringa Park development will accommodate space for some aspects of the sailing club activities.

2. Accepts this report for information and resolves to:

- (i) remove the wharf and make the Nowra Sailing Club site safe;
- (ii) install interpretive signage to meet heritage requirements; and
- (iii) use any remaining insurance settlement funds for unplanned capital works in another location.

Implications: Lost opportunity to re-purpose the site for the community benefit.

3. Accept this report for information and seek further information

Implications: Delays in undertaking required works on site and reduced time to design and construct works may impact on Council meeting the insurance settlement timeframe of 2 years being June 2019.

CL18.298

## Background

A Confidential Report was provided at the Ordinary Meeting on 27 March 2018 providing an update on the Nowra Sailing Club insurance claim and the insurance settlement options available to Council. It was resolved (MIN18.253C) that the resolution remains confidential until settlement is made with the insurer.

At the same Ordinary Meeting the Nowra Riverfront Entertainment and Leisure Precinct Proposed Planning Controls Report was provided and Council resolved (MIN18.207) as follows:

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

The Nowra Riverfront Entertainment and Leisure Precinct Proposed Planning Controls Report incorporated an option for the site of the previous Nowra Sailing Club and Wharf. As the site is significantly constrained by flood, the consultants recommended that the site not be redeveloped for uses that would require costly recovery during a flood event. The consultant's option proposes that the site be used for a lightweight picnic facility / pavilion that includes seating, wash facilities, barbeques and public toilets. The proposed concept design is included at Attachment 1. Noting the heritage significance of the site and previous structure, the design of the pavilion is suggested to have regard to the profile of the previous structure and the signage from the Sailing Club. **Given the recent updating of the public toilets on the riverfront it is proposed not to include public toilets within this structure and to make any design improvements accordingly.** The proposed pavilion would require a Statement of Heritage Impact before going forward.

The Nowra Sailing Club has not occupied the fire damaged building since 1 November 2015. Provision has been made within the Paringa Park - Non Motorised Watersports Hub Masterplan to provide facilities for the Nowra Community Sailing Club (combined club) who with other key stakeholders were consulted as part of the Masterplan development and during public exhibition. However it is recognised that provision still needs to be made for a marshalling area and would be considered within designs for any redevelopment of the current site.

The Nowra Riverfront Entertainment and Leisure Precinct: Strategic Direction and Propoposed Planning Controls Report were publicly exhibited in April/ May 2018. A copy of the exhibited documents are available on Council's website.

A report was provided at the 11 September 2018 Development Committee providing details on the outcomes of the public exhibition of the Nowra Riverfront Entertainment and Leisure Precinct Proposed Planning Controls Report and seeking endorsement to proceed to the next stage. The Committee resolved as follows to (MIN 18.694):

1. Endorse the Nowra Riverfront Leisure and Entertainment Precinct Strategic Direction: Review & Analysis and Proposed Planning Controls Reports as exhibited and with the following changes to the Proposed Planning Controls Report:
  - a. Amend the Indicative Future Road Local / Alignment on the key development parameters mapping including the closure of Pleasant Way as per Variation B of the report and illustrate an additional road connection off Hawthorn Avenue to Princes Highway.
  - b. Include further justification for the change in Land Use Zone and Height of Building in Scenic Drive, Wharf Road, Bridge Road and Pleasant Way and Graham Lodge sub-precincts in accordance with Section 9.1 Ministerial Direction 1.1 Business and Industrial Zones and 3.1 Residential Zones.
  - c. Amend the Bridge Road and Scenic Drive sub-precincts to include additional text which notes that the future development of these sub-precincts will be subject to additional investigation once the detail design of the Nowra Bridge project is complete.
  - d. Amend Figure 43 and supporting text to categorise Bridge Road sub-precinct as Level 3 high level of uncertainty around the impact to development outcomes as a result of the acquisition associated with the Nowra Bridge project.
2. Prepare a Planning Proposal for Mandalay Avenue sub-precinct to amend the Land Use Zones, Height of Buildings and Floor Space Ratio as per the exhibited Proposed Planning Controls Report and submit to Department of Planning & Environment for Gateway determination.
3. Prepare a Planning Proposal for the remaining sub-precincts as per the Staging Plan (except for Bridge Road and Scenic Drive sub-precincts) as per the exhibited Proposed Planning Controls Report and with the following additional considerations:
  - a. Reflect the latest Concept Design for the Nowra Bridge Project.
  - b. Consider reduction in Height of Building and Floor Space Ratio to address flooding impacts.
  - c. Consider B4 Mixed Use as an alternative zone for the Wharf Road precinct, and Additional Permitted Uses to enable the activation of the riverfront.
  - d. Prior to submitting to NSW Department of Planning & Environment for Gateway determination, report the matter to Council.
4. Prepare a Development Control Plan Chapter to be inserted into Shoalhaven Development Control Plan 2014 for the Nowra Riverfront Precinct, which includes the controls in the exhibited Proposed Planning Controls Report as per the Staging Plan (except for Bridge Road and Scenic Drive), and:
  - a. In preparing the Draft Development Control Plan Chapter:
    - i. Review appropriateness and suitability of flood related controls.
    - ii. Revise the key development parameters of each sub-precinct to reflect the latest Concept Design for the Nowra Bridge Project.
5. Commence initial preparatory work to clarify the infrastructure required to support the future development of the precinct and inform a possible Contributions Plan Amendment for new road, drainage and open space infrastructure projects and consider a subsequent report on this aspect that details the funding required to advance the infrastructure design work and identifies a Council funding source.
6. Notify all submitters and public authorities of the resolution.

As part of consideration of submissions received on the draft Masterplan, Council heard from the Inspired Property Partners, the proponents of the 'Shoalhaven Gateway Project' that involves the potential redevelopment of the privately owned sites on either side of the Shoalhaven River Bridge. As part of their submission to the draft Masterplan they showed

the potential redevelopment of the former Sailing Club site for a 'riverside entertainment quarter – outdoor eating/cafes and tourist facilities'. The images in their submission show a potential redeveloped wharf area in the long term, with a building/s to be pontooned and framed by pylons to enable it to rise/ fall during flood events and avoid damage. Whilst this concept may have some merit it requires closer consideration given the flood liable nature of the area and the Crown Land tenure and if possible may take a longer time to realise. As such it may be possible to proceed with the initial structure as recommended but design and engineer it in such a way that proposed more intensive use can be considered or added later.

The adoption of the Nowra Riverfront Entertainment and Leisure Precinct Strategic Proposed Planning Controls Report is a key step towards redeveloping this important precinct. The Riverfront Precinct provides a significant opportunity to shape the future of Nowra and strengthen its role as the civic, community, tourism and recreational hub for Shoalhaven. As detailed in the post exhibition report, open space infrastructure in the overall precinct is an important component in the development of the area, particularly to ensure the increased densities proposed within the precinct are offset with sufficient public open space. Council will need to play a key role in encouraging the redevelopment of this key precinct through the early provision of infrastructure to stimulate private investment/ development and grant funding opportunities will be explored.

The concept pavilion structure provides an opportunity to enhance the waterfront public open space and the possible layout suggests:

- An extension of the existing timber wharf
- Seating to allow views out across the Shoalhaven River (and potential marshalling area)
- A covered service zone that includes a wet area with BBQs and sinks

The report suggests that the design of the pavilion could reflect the historic profile and signage of the sailing club and would address flooding issues by being permeable and durable.

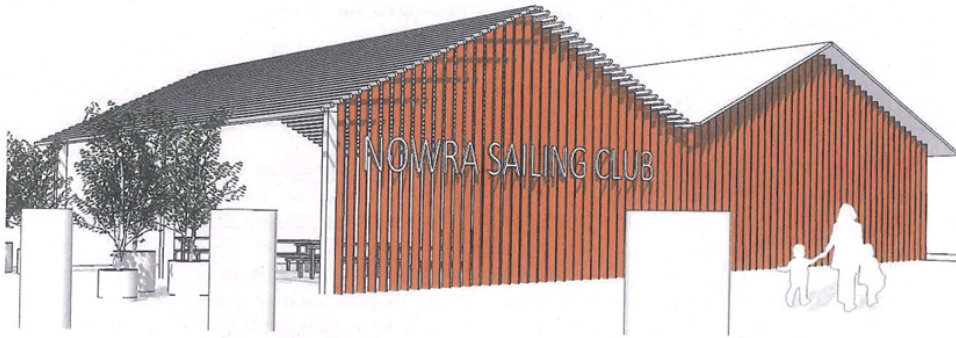
Council is currently working with the Commonwealth Government in regard to a grant for Crime Prevention Through Environmental Design (CPTED) improvements. This grant is primarily to generate more public use of the waterfront. The grant is for the provision of upgrading street lighting, the installation of monitored CCTV in Scenic Drive, the Nowra Aquatic Centre and the Shoalhaven River waterfront. Part of the funding will be for upgrading of the waterfront floating facility and access requirements.

The Sailing Club fire occurred in June 2017 and Council has up to two years from the date of loss for the purposes of the insurance settlement and therefore it is important that Council continues to progress in a timely manner with any proposed works and they are well progressed by June 2019. Given these time constraints the project needs to proceed independently of the master plan.

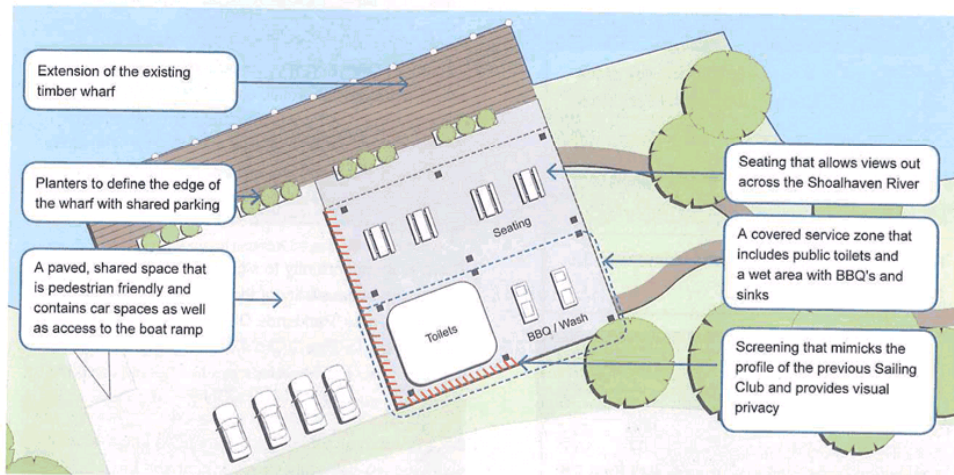
It is recommended that Council move forward to seek detailed designs for the proposed structure in line with the concept design in the Nowra Riverfront Entertainment and Leisure Precinct Proposed Planning Controls Report and seek tenders or quotations as appropriate for the removal of the existing wharf and construction of the proposed structure.

DRAFT

### 03 AREA SPECIFIC CONTROLS



3D view of possible pavilion with retention of historic boat shed profile (corten steel screen) and signage of the Nowra Sailing Club



Possible layout of Nowra Sailing Club site, providing amenity for the Riverfront public open space



Examples of public toilets beneath shade structure as a possible option for this site

## CL18.299 Tenders - West Nowra Waste Processing Facility

HPERM Ref: D18/346371

**Group:** Assets & Works Group  
**Section:** Works & Services

### Purpose / Summary

To inform Council of the follow up to the tender process for the West Nowra Waste Processing Facility.

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.

Council's "Acceptance of Tenders – Reports to Council" Policy.

### Recommendation

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

### Options

1. Council accept the recommendation as presented

Implications: A separate report will outline the additional information gained from facility tours, and consider technical and commercial information

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

Implications: This will delay progress of this important project

### Details

Council called for tenders to process municipal waste on 19 August 2017 which closed on 14 February 2018. Three tenders were received, evaluated and reported back to Council on 26 June 2018.

At the ordinary meeting of 26 June 2018 Council resolved (MIN18.480C) that:

5. Parts 1 to 4 of the Resolution remain confidential in accordance with Section 10(A)(2)(d)(i) of the Local Government Act until final determination by Council.
6. Site visits be carried out to facilities with relevant technologies including but not limited to Eastern Creek and Poland (including Germany if required), by at least 2 members of the tender evaluation panel and 2 Councillors (Clr Wells and Clr Pakes with an alternate being Clr White) and this be deemed as Council business.

CL18.299



The confidential report outlines the specifics of the site inspections and follow up evaluations.

**Community Engagement:**

Extensive community engagement took place following the Expressions of Interest in late 2013, followed up by an engagement program during the concept planning approval process in 2016.

Furthermore, the Shoalhaven Waste Reduction Management Strategy was placed on public exhibition in June 2018, and adopted by Council on 24 July 2018.

**Policy Implications**

Based on previous investigations and the tender process for the AWT, the highest diversion and most economical way to process the Shoalhaven's waste is in the current red and yellow bin system, without a separate green bin which would otherwise also increase overall waste.

**Financial Implications:**

Adopting a waste processing facility is unlikely to result in a change to the annual domestic waste charge.

The proposal will not impact nine of the 10 Recycling and Waste transfer facilities. However, the operation of those nine transfer stations is financially subsidised through the gate fee received at West Nowra, and West Nowra will be impacted by the proposal with a loss in income from kerbside collected waste. The cross-subsidy of the nine transfer facilities will be less affordable and may need to be mitigated by identifying other funding sources or operational changes.

The reduced income from West Nowra will be partially offset through reductions in operating costs, spreading capital costs over a longer time period (longer time between construction of cells) and increased focus on income from recycling. The benefits, that are difficult to quantify in financial terms, include a reduction in the contamination potential from the waste (only the inert rejects from the processing facility will be landfilled), a lower environmental risk, lower associated cost to manage the risk and delaying the requirement to purchase and develop a new landfill until well into the future.

Grant funding opportunities will be pursued to advance the capital and education programs.

## CL18.300 Update - EOI - Sale of 10 Pleasant Way, Nowra - Former Visitor Information Centre and Graham Lodge

**HPERM Ref:** D18/359645

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

**Attachments:** 1. Letter from Asset Integrated Services - Not Proceeding - Visitor Information centre - Pleasant Way Nowra (councillors information folder)  
[\[Link\]](#)

### Purpose / Summary

Information Centre and Graham Lodge).

### Recommendation

That Council receive the report regarding the withdrawal of Asset Integrated Services P/L from the Deed of Option for the purchase of 10 Pleasant Way, Nowra (the former Visitor Information Centre and Graham Lodge), for information.

### Options

1. Resolve as recommended.

Implications: Asset Integrated Services' withdrawal provides Council with an opportunity to consider the various lease proposals put forward by RMS for the property, whilst retaining an asset for which Council can consider options for in the future particularly when the planning study for the riverfront precinct and the bridge project over the Shoalhaven River have been completed.

### Background

On 24 May 2016 Council at its Ordinary meeting resolved (MIN16.412) in part:

*".....proceed with the sale by Expression of Interest.....the Visitor Information Centre including Graham Lodge)".*

On 28 February 2017 Council at its Ordinary meeting resolved (MIN17.176C) in part:

*"2. Enter into an Option to Purchase Agreement, contract for sale of land, deed of option and pre-emption and deed of covenant to secure Asset Integrated Services P/L's obligations to develop the property in accordance with the submitted expression of interest documentation;"*

On 15 June 2017 Council and the purchaser executed a Deed of Option to Purchase Land which provided the following contractual obligations:

<b>Property</b>	10 Pleasant Way, Nowra being the whole of the land comprised in Lot 1 DP1010062.
<b>Call Option Fee</b>	The purchaser to pay \$50,000.00 plus GST, released to Council and not refundable.

CL18.300

<b>Call Option Period</b>	The Call Option Period commenced on 15 June 2017 and expired at 5.00pm on 15 October 2018 (16 months).
<b>Exercise of Call Option</b>	The purchaser could exercise its option to purchase the property at any time during the call option period, upon providing: <ul style="list-style-type: none"> <li>• Written notice of the exercise;</li> <li>• The contract for sale signed by the purchaser; and</li> <li>• A cheque for the deposit payable.</li> </ul>
<b>Extension of Call Option Period</b>	The purchaser could extend the call option period by 6 months, to 15 April 2019, upon providing the following at least 21 days prior to the date that the call option period expires: <ul style="list-style-type: none"> <li>• Notice in writing to extend the call option period; and</li> <li>• A bank cheque for \$25,000.00 plus GST.</li> </ul>

Council staff received written notification on 15 October 2018 that Asset Integrated Services P/L will not be proceeding with the purchase.

The withdrawal of Asset Integrated Services P/L from the above process results in the title of the property reverting unencumbered back to Council.

The former Visitor Information Centre site is of current interest to the State Electoral Commission for temporary occupation in connection with the conduct of the New South Wales state elections early in 2019 and to RMS as an administrative centre in connection with the Nowra Bridge Project. Both of these matters are currently being considered and will be the subject of further reports to Council in due course.

It is further proposed that consideration of all options for disposal of this property, excluding the temporary arrangements abovementioned, be deferred until such time as the planning study relative to the riverfront precinct has been completed and the new development controls, if any, have been put in place.

CL18.300

## CL18.301 Management and Operation of the Shoalhaven Indoor Sports Centre & Bomaderry Basketball Stadium

**HPERM Ref:** D18/362799

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

**Attachments:** 1. Memorandum of Understanding [□](#)  
2. Agreed Negotiation Position Paper (Confidential - councillors information folder) [□](#)

### Purpose / Summary

Memorandum of Understanding (MOU).

### Recommendation

That Council:

1. In accordance with Clause 178(3)(f) of the Local Government (General) Regulation 2005 deliver management and operational services for the Shoalhaven Indoor Sports Centre and Bomaderry Basketball Stadium itself;
2. Authorise the General Manager to sign any documentation necessary to give effect to this resolution.

### Options

1. Adopt the recommendation

Implications: Council will be able to enter into a MOU with Shoalhaven Swim & Fitness (Council) that outlines their agreed role in the management and operation of the SISC & BBS. Council will receive further reports setting out proposed fees & charges, business structure and budgets for adoption in similar fashion to other recreation facilities managed and operated by council.

2. Not adopt the recommendation

Implications: This is not recommended for the following reasons:

- a) Council would need to reconsider the delivery methodology for the management and operation of the SISC & BBS.
- b) Potentially an extensive and costly re-tender process would need to be undertaken which would not align with the completion of the SISC and predicted opening.
- c) It is unlikely that re-tendering would attract any new interest.

### Background

Council at its Ordinary meeting dated 28 August 2018 resolved (MIN18.688):

*That Council:*

CL18.301

1. *In accordance with Clause 178(1)(b) of the Local Government (General) Regulation 2005 decline to accept any tender for the management and operation of the Shoalhaven Indoor Sports Centre and Bomaderry Basketball Stadium as the submitted tenders are considered to not provide the best value for money opportunity for Council and cannot be easily varied in accordance with Clause 176.*
2. *In accordance with Clause 178(3)(e) enter into negotiations with Shoalhaven Swim & Fitness (Shoalhaven City Council) as the preferred tenderer for the management & operation of the Shoalhaven Indoor Sports Centre & Bomaderry Basketball Stadium for the following reasons:*
  - a. *The Shoalhaven Swim & Fitness submission achieved the highest evaluation score of the tenders received;*
  - b. *Inviting fresh tenders is not in the best interests of Council, those who tendered, or the sports centre management industry in general, as significant resources have gone into the tender process, and Council can be confident of entering into a negotiated agreement with the Shoalhaven Swim & Fitness. There are a limited number of contractors with the expertise and experience to provide sports centre management, and re-tendering is unlikely to attract any new interest;*
  - c. *To review opportunities with Shoalhaven Swim & Fitness to provide a more cost-effective service and also assess the four alternative/non-conforming tender offers submitted;*
3. *Subject to the outcome of (2) above, a further report & recommendation be presented to Council in relation to the management and operation of the Shoalhaven Indoor Sports Centre and Bomaderry Basketball Stadium.*

Based on point 2 above Council prepared the following documents:

- a) Negotiation Plan;
- b) Negotiation Protocol;
- c) Negotiation Position Paper; and
- d) MOU

The Negotiation Protocol and Position Paper were issued to Shoalhaven Swim & Fitness (Council) for the purposes of negotiations.

Negotiations have now concluded between Council and Shoalhaven Swim & Fitness (Council) with the MOU and agreed Negotiation Position Paper as attachments 1 & 2 respectively.

CL18.301



## MEMORANDUM OF UNDERSTANDING

**Commencement Date:** 1<sup>st</sup> November 2018

**Between:** Shoalhaven City Council and Shoalhaven Swim and Fitness (which is an internal division of Shoalhaven City Council)

### 1. Purpose of the Memorandum of Understanding

- 1.1 This Memorandum of Understanding (MoU – D18/361515) including attachments (if any), outlines the agreed role of Shoalhaven Swim and Fitness as the Manager and Operator of Shoalhaven Indoor Sports Centre and the Bomaderry Basket Ball Stadium.
- 1.2 Shoalhaven Swim and Fitness will adopt the specified service delivery approach and meet the nominated levels of service.
- 1.3 Whilst the MoU is not a legal document, both Shoalhaven City Council and Shoalhaven Swim and Fitness commit to using their best endeavours to achieve the stated purpose.

### 2. Background

- 2.1 Shoalhaven City Council undertook an open tender process for the management and operation of Shoalhaven Indoor Sports Centre and the Bomaderry Basket Ball Stadium. Shoalhaven Swim and Fitness submitted a tender in accordance with the stated tender requirements.
- 2.2 Shoalhaven Swim and Fitness was subsequently assessed to have submitted a conforming tender that offered a high level of service and greatest value for money. A negotiation process followed which resulted in the agreed position between Shoalhaven City Council and Shoalhaven Swim and Fitness, refer to Attachment 1.
- 2.3 This MoU has been established as an alternative to a formal agreement between Shoalhaven City Council and Shoalhaven Swim and Fitness which are both part of a single entity.

### 3. Overview of the Management and Operational Requirements

Following are the primary management and operational requirements:

- Court Hire Services;
- Venue Hire;





- Café, Kiosk & Commercial Kitchen Services;
- Creche Service;
- Program Management Services;
- Facilities Management;
- Setup for User Hire and Events;
- Management and Implementation of Databases and Registers;
- Implementation of Management Systems and Plans;
- Management of Maintenance and Operational Services;
- Operational Services Delivery.

**4. Term of the Memorandum of Understanding**

- 4.1 The MoU will begin on the commencement date stipulated at the top of this document and remain in force until terminated by either party in writing served on the alternate party.

**5. Agreement Between the Parties**

Shoalhaven City Council and Shoalhaven Swim and Fitness accept the content of this MoU and agree in good faith make all endeavours to fulfil the requirement of the MoU.



**Signatories**

This MoU is agreed between:

Shoalhaven City Council	Shoalhaven Swim and Fitness
Signature:	Signature:
Name:	Name:
Position:	Position:
Date:	Date:

**Attachments:**

1. Management and Operation of the Shoalhaven Indoor Sports Centre and Bomaderry Basketball Stadium Negotiation Position Paper, Version 1, 10 September 2018. (D18/361504)
2. RFT Part C – Statement of Requirement (refer to D18/172224 for a copy of the document)
3. Addendum 3 (refer to D18/208489 for a copy of the document)

## CL18.302 SA18.248 - Positive Covenant - Asset Protection Zone - Over Part Crown land - Reserve R89771 - adjoining 2 Greville Ave, Sanctuary Point

**HPERM Ref:** D18/368566

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

**Attachments:** 1. Proposed APZ - Crown land Reserve adjoining 2 Greville Ave, Sanctuary Point [□](#)

This item was deferred from the Strategy & Assets Committee 16 October 2018.

### Purpose / Summary

the adjoining land comprised in Lot 1 Sec A DP8366 at 2 Greville Ave Sanctuary Point.

### Recommendation

That Council:

1. Resolve to approve the creation of a variable width Asset Protection Zone (BAL-40 line) over part of Crown Reserve R89771 adjoining the western boundary of Lot 1 Sec A DP8366 by way of a positive covenant in accordance with the provisions of Section 88E, Conveyancing Act 1919 which requires the owners of Lot 1 to undertake the activities defined in the APZ Management Plan.
2. Require the owners of the benefitting land comprised in Lot 1 Sec A DP8366, to pay compensation to Council in the amount of \$500 plus GST (if applicable) and to meet all costs associated with the creation of the positive covenant;
3. Require that the owners of Lot 1 Sec A DP8366 indemnify Council against any loss, injury or damages incurred whilst on Council managed land and undertaking the activities defined in the APZ Management Plan; 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.

### Options

1. Resolve as recommended.

Implications: Creation of the positive covenant will reduce the determined construction standard required from BAL-Flame Zone to BAL-40.

2. Not resolve as recommended and consider adoption of the following alternative resolution:

*"That Council:*

*Refuse the application for the creation of a variable width Asset Protection Zone over part of Council managed Crown Land Reserve R89771 adjoining the common western boundary of Lot 1 Sec A DP8366."*

CL18.302

Implications: Refusing the APZ application will not stop the development from proceeding but rather retain the construction standard at BAL-Flame Zone. This will require David and Linda Fletcher to meet the additional costs of construction to a standard required to protect their development.

3. That Council/Committee defer a determination/decision on the matter pending discussion at a Councillor briefing.

## Background

At the Ordinary Council meeting of 26 June 2018, it was resolved that Council (MIN18.474):

1. *Supports the establishment of a “positive covenant” on the land title at 2 Greville Avenue, Sanctuary Point, to enable the current owners and future owners to manage bushfire hazard reduction in the adjacent reserve, to ensure that the bushfire classification of the site is no longer that of “Flame Zone”.*

Council has received an application for consent (DA18/1072) to demolish an existing dwelling and erect a new dwelling on 2 Greville Ave, Sanctuary Point (Lot 1 DP8366 Sec A). The assessment of the DA has determined the bushfire construction level as “Flame Zone” which requires the use of building materials that are highly flame resistant and which carry a higher building cost compared to materials permissible if the bushfire construction level was lower.

The Bushfire construction level Flame Zone is mainly attributed to the Council managed Crown land Reserve adjoining the site to the west.



*Area of positive covenant along western boundary looking south from Greville Ave*

To reduce the Bushfire construction level, the owners of 2 Greville Ave, Sanctuary Point have made an application to Council for the creation of an Asset Protection Zone over the adjoining Council managed Crown land Reserve. Development Staff have advised the maintenance of a variable width strip over the Crown land will reduce the bushfire construction level to BAL-40, therefore changing the types of materials used to construct the dwelling and providing significant savings on construction costs.

The owners of 2 Greville Avenue will be required to create the positive covenant over their property, Lot 1 Sec A DP8366, which is to provide for maintenance of the adjoining Crown land for as long as the covenant exists. The positive covenant can only be released, varied

or modified by Council. All costs and maintenance associated with the APZ will be the responsibility of the owner of 2 Greville Ave, Sanctuary Point.

A valuation undertaken on behalf of Council by Walsh & Monaghan Pty Ltd has assessed compensation for the positive covenant at \$500.00 (excluding GST) for an area of approximately 700m<sup>2</sup>.

It should be noted that a refusal to grant the APZ will not stop the development from occurring provided David and Linda Fletcher pay the construction costs that affords their development protection to BAL-Flame Zone.

### **Additional Information**

Additional Information to be provided in accordance with the resolution from the Strategy & Assets Committee meeting held on 16 October 2018 (MIN18.815).

The importance of the proposal is to reduce the construction from BAL-Flame Zone as per the notice of motion dated 26/06/2018. As Council will be aware, BAL-FZ is expensive and there are no guarantees it will result in building survival. Furthermore, all elements that are less than 10 metres from the edge of the vegetation need to be tested in accordance with AS1530.8.2 and this adds further costs for the applicant.

A BAL-40 result is significantly cheaper than BAL-FZ. The roof system for BAL-40 will be a standard roof and the penetrations only need to be metal. A flame zone roof however, requires plywood over the entire roof frame before the roof covering is fixed so as to provide additional insulation to the structure. On a standard build this plywood could add an additional \$40K to the project. There are further significant costs associated with the windows and doors for Flame Zone and all garages also need to be fire separated from the dwelling by construction that achieves a 60/60/60 Fire Resistance Level.

The BAL-40 building will further benefit from the shielding concessions outlined in section 3 of AS3959. Elevations that are not exposed to the fire will reduce from BAL-40 to BAL-29. With this project, Council's Manager, Building & Compliance expects at least 2 sides will benefit from the shielding provisions. This is a major saving for windows and there are cost effective shutters on the market that can protect the windows in BAL-40 elevations. The brick veneer walls achieve the same outcome for BAL-29 and BAL-40 so there are no differences here.

Staff are currently working on a draft policy which reflects this BAL-40 outcome. It is expected this policy will be presented to a Councillor briefing before the end of the year.

A BAL-40 outcome will reduce further clearing of the foreshore area and this supports the environmental outcomes. Although the plan (Attachment 1) shows the BAL-40 and BAL-29 clearance lines, the BAL-29 area includes part of the reserve which is to remain in its naturally vegetated state and it is for this reason that BAL-40 is put forward as a reasonable compromise.

The land in which the applicant is applying to maintain is Crown Land and is currently being managed in accordance with Council's Plan of Management for Natural Area – Foreshore. The core objectives for management of community land categorised as a natural area are:

- To conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and
- To maintain the land, or that feature or habitat, in its natural state and settings, and
- To provide for restoration and regeneration of the land, and
- To provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and
- To assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan

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prepared under the Threatened Species Conservation Act 1995 or the Fishers Management Act 1994.

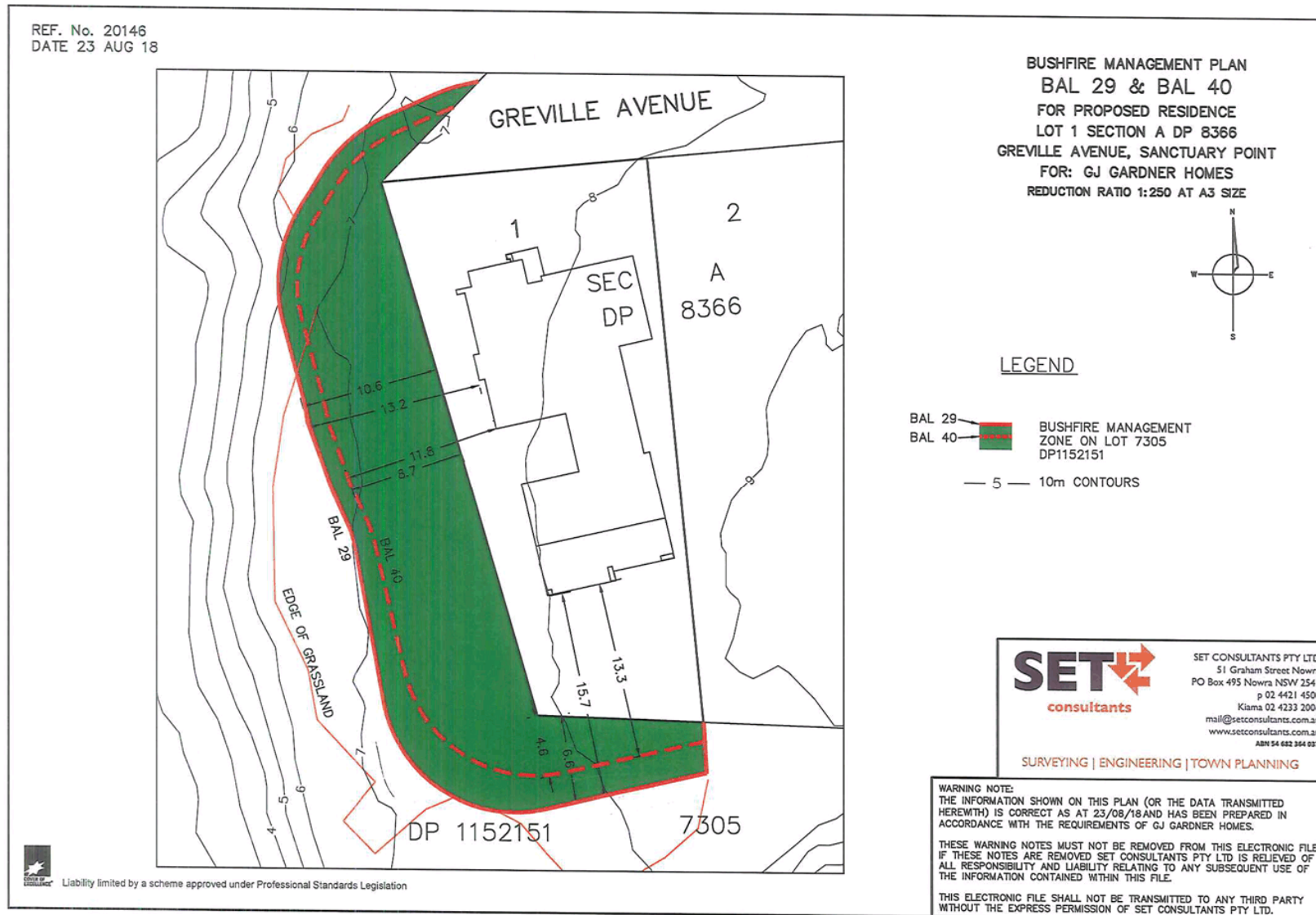
The vegetation on this reserve is classified in NSW as an Ecologically Endangered Vegetation Community under the NSW Threatened Species and Conservation ACT 1995. This means it is rare across the state and in need of care and protection for future generations.

**Community Engagement**

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

CL18.302





## CL18.303 Variations to Development Standards - Third Quarter Report 2018

**HPERM Ref:** D18/341644

**Group:** Planning Environment & Development Group  
**Section:** Development Services

**Attachments:** 1. Variation Report - 3rd Quarter 2018 [□](#)

### Purpose / Summary

Council is required to consider variations to development standards (contained in an environmental planning instrument such as the Shoalhaven Local Environmental Plan) which exceed 10%, with lesser variations able to be dealt with by staff, under delegation.

Department of Planning and Environment.

### Recommendation

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

### Options

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

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

2. Resolve an alternative and provide details to staff.

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

### Background

#### Function of SEPP 1 and clause 4.6 Shoalhaven Local Environment Plan (SLEP)

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

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

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

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

### Monitoring of council use of SEPP 1 and clause 4.6

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

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

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

The Circular states:

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

The Circular concludes:

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

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

### Conclusion

Upon receipt of this report, the report and attachment will be provided to the Department.

The attached table has been published on Council's website.

CL18.303

[illegible]

## CL18.304 Initial Discussion Paper - Growth Management Strategy 2019-2041 and Draft Shoalhaven Character Assessment Report

**HPERM Ref:** D18/342034

**Group:** Planning Environment & Development Group  
**Section:** Strategic Planning

**Attachments:** 1. Growth Management Strategy - Discussion Paper (under separate cover) [□](#)  
2. draft Shoalhaven Character Assessment Report (under separate cover) [□](#)

### Purpose / Summary

*RobertsDay* to obtain initial community input.

### Recommendation

That Council:

1. Place the Growth Management Strategy 2019-2041 Discussion Paper and Draft Shoalhaven Character Assessments Report on public exhibition for a minimum of 28 days; and
2. Consider a further report following completion of the initial community engagement to help determine the policy direction to be included in the draft Growth Management Strategy 2019-2041.

### Options

1. Place the Growth Management Strategy 2019-2041 Discussion Paper and Draft Shoalhaven Character Assessments Report on public exhibition.

Implications: This will enable initial early community involvement in this important strategic planning project for the City.

2. Make changes to the Growth Management Strategy 2019-2041 Discussion Paper prior to placing the document on public exhibition.

Implications: Depending on the scope of any changes, this may push out the timeframe for completing the Growth Management Strategy and the subsequent Local Strategic Planning Statement (LSPS) that is required to be completed by 1 July 2020.

3. Not place the Growth Management Strategy 2019-2041 Discussion Paper and the Draft Shoalhaven Character Assessments Report on public exhibition and proceed to preparation of the draft Growth Management Strategy 2019-2041.

Implications: This option is not recommended as it removes the opportunity for the community to be involved at this early stage of the strategic planning process. The recent changes to the Environmental Planning and Assessment Act 1979 (EP&A Act) and State Government policy place a strong focus on ensuring early upfront community engagement in strategic planning.

CL18.304

## Background

The Shoalhaven Growth Management Strategy 2019-2041 (GMS) is intended to guide the future growth of Shoalhaven to accommodate a growing population whilst maintaining and protecting the social, economic and environmental values of the City.

It sets Council's broad policy framework for land use planning which will then inform, as relevant, updates to the Shoalhaven Local Environmental Plan (LEP) 2014, Shoalhaven Development Control Plan (DCP) 2014 and other relevant plans. It does not itself rezone or change the use of land.

### GMS Version 1

Council adopted the Shoalhaven GMS - Version 1 (GMS V1) in December 2014, which at that point incorporated:

- The key outcomes of the Community Strategic Plan (CSP);
- The strategic directions from existing endorsed structure plans and settlement strategies (Nowra-Bomaderry Structure Plan, Jervis Bay Settlement Strategy, Sussex Inlet Settlement Strategy, and Milton-Ulladulla Structure Plan); and
- Provided direction for the remaining settlements where no strategy or plan existed.

The GMS V1 was subsequently endorsed by the NSW Department of Planning & Environment (DP&E) on 20 May 2014 and can be viewed on Council's website at:

[http://shoalhaven.nsw.gov.au/LepRegisterDocuments/Msc/115/GrowthManagementStrategy\\_Version1.pdf](http://shoalhaven.nsw.gov.au/LepRegisterDocuments/Msc/115/GrowthManagementStrategy_Version1.pdf)

Council initially adopted the GMS as a Version 1 (GMS V1), with the intent that a Version 2 would follow to set out more detailed future actions and policy guidelines that would be prepared with the community, specifically for those areas outside the existing strategy areas that were identified as having potential for future growth, specifically in this regard Berry, Kangaroo Valley, Wandandian, Fisherman's Paradise and Lake Tabourie.

Most recently, Council resolved on 8 May 2018 to:

1. *Formally commence the preparation of the Shoalhaven Growth Management Strategy Version 2, and*
2. *Hold a detailed Councillor workshop to consider the form and content of the Shoalhaven Growth Management Strategy Version 2 and the approach to be taken to prepare it.*

It was specifically noted in the report related to this resolution that this project (GMS V2) is identified in Council's adopted 2018/19 Strategic Planning Works Program as a priority project, as are the related and incorporated projects to review the Jervis Bay Settlement Strategy (JBSS) and Milton-Ulladulla Structure Plan (MUSP).

It was also noted in the May 2018 report that the GMS V2 process would also be used to advance and possibly deliver the required Local Strategic Planning Statement (LSPS) for Shoalhaven. The requirement to prepare a LSPS arises from the most recent amendments to the NSW Planning Legislation and regional Councils need to finalise their LSPS's by 1 July 2020. As such there is a need for Council to advance the work in this regard in a timely manner.

More detail on the intent of the proposed LSPS's is available on the [DP&E website](#).

The initial Councillor Workshop referred to in the above resolution was held on 29 May 2018 and the feedback received as a result has informed the work undertaken by Council staff to this point.



### The GMS Discussion Paper

The GMS Discussion Paper (**Attachment 1**) has been prepared to initiate discussion within the community and dialogue between Council and community, Government Departments etc. about the review. The Feedback received will then be considered in the preparation of the second version of the GMS.

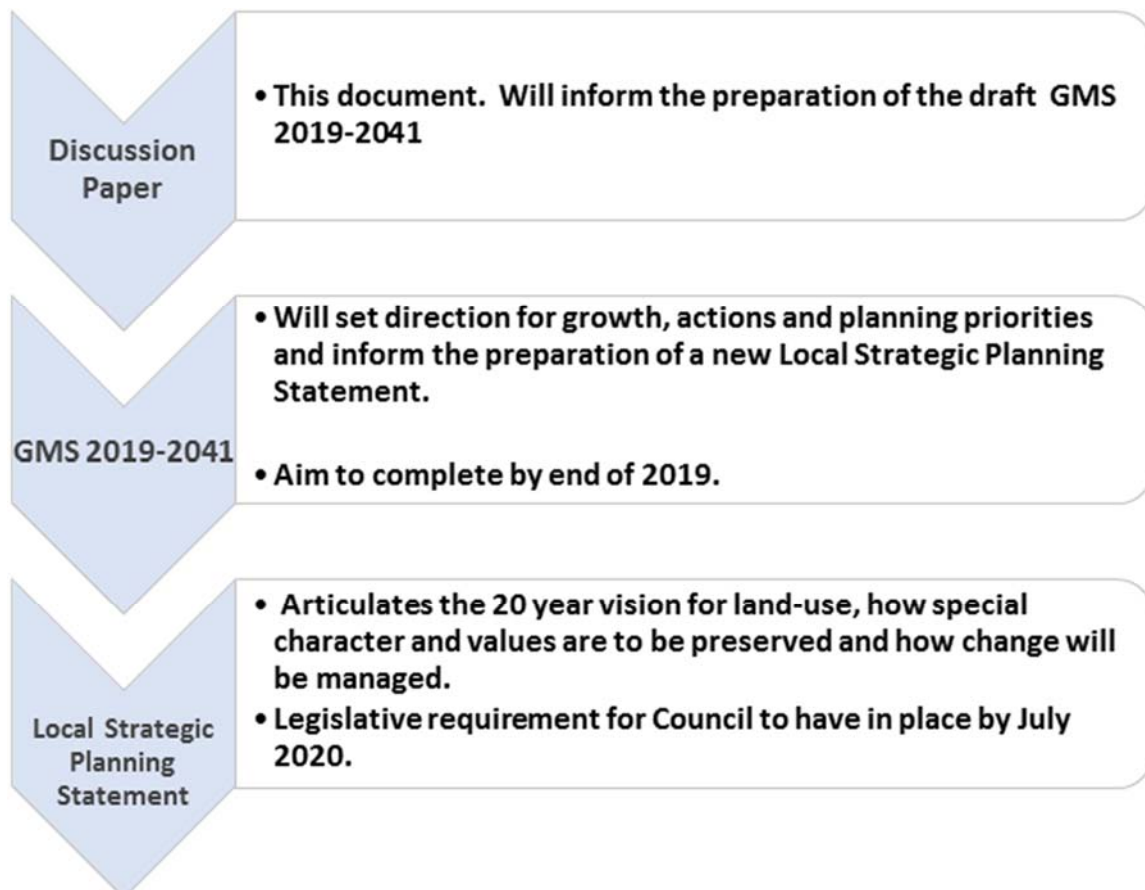
The Discussion Paper provides a general overview of where we are now in terms of population, forward settlement planning etc. and then looks forward to where we might be in 2041 and how we might get there. It is intended to ask the community their thoughts in terms of potential growth options and other matters to enable Council to set policy direction to guide future growth. As part of this, the policy direction in GMS V1 will be reviewed and refined/alterd if necessary.

This will then inform the preparation of the second version of the GMS (GMS 2019 – 2041) which will also be presented for the community, Government Departments etc. for review and further comment. The GMS will then inform the preparation of the LSPS for Shoalhaven, which as noted above is a new requirement under the NSW Planning Legislation.

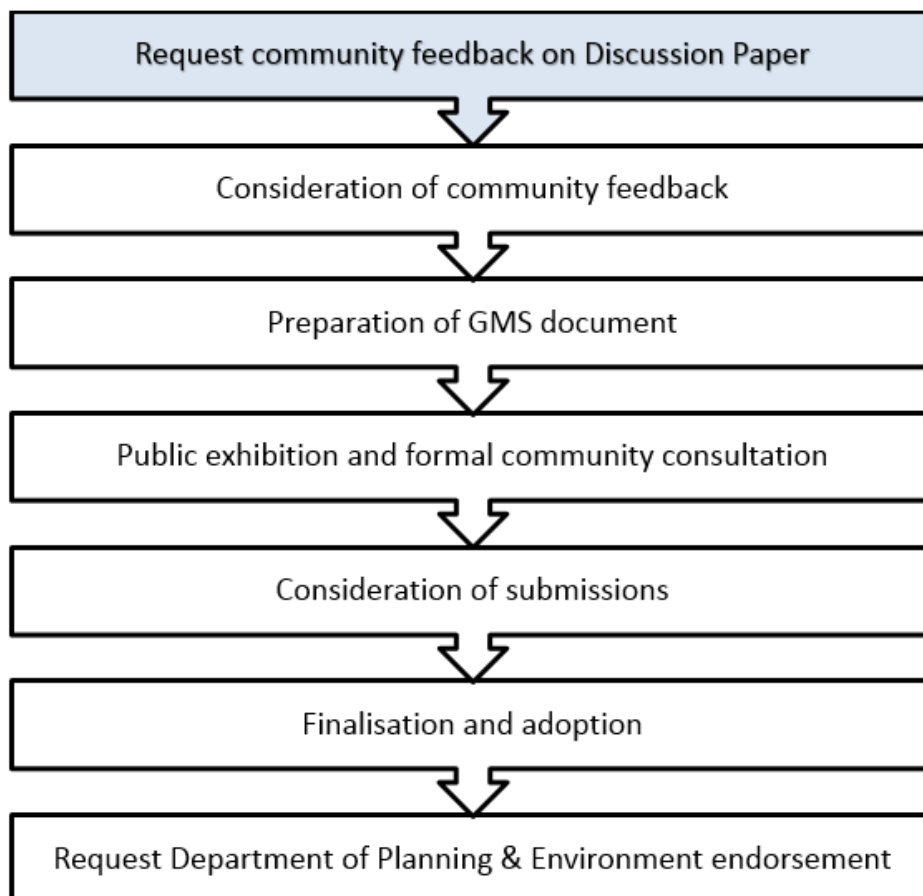
Community feedback is an important and essential part of the process but will not by itself determine the direction that is taken in this regard. This will ultimately be decided by Council considering all relevant matters, including community feedback received, Government policy directions and Council's own aspirations.

The diagrams below outline the separate components/steps in the proposed combined GMS and LSPS process and the steps in the GMS process, including further opportunities for community involvement.

#### **Combined GMS/LSPS Process**



**Steps in the GMS process**



CL18.304

Draft Shoalhaven Character Assessment Report

DP&E approached Council in April 2018 to advise that they had some funding available to assist with Council's review of the GMS. As a result, *RobertsDay* were commissioned by them to prepare draft character assessments for most of Shoalhaven's settlements to help identify the current and desired future character of our towns and villages.

The preparation of character assessments was noted in the May 2018 Council report and the approach being taken in association with DP&E was discussed in the subsequent Councillor Workshop.

The draft Shoalhaven Character Assessment Report (**Attachment 2**) will be placed on public exhibition with the GMS Discussion Paper for the community to view and comment on. It is intended that the final current and desired future character statements will then be included in the GMS 2019-2041 and will assist in ensuring consideration of character as part of the assessment of future development to ensure that population growth can be accommodated without dramatically altering or losing the identity and character that makes our area unique.

**Community Engagement**

The attached GMS Discussion Paper and draft Shoalhaven Character Assessment Report will be exhibited for a minimum of 28 days. As part of this several community information sessions will be held to seek feedback from the community to help inform the preparation of the GMS. There will also be further community consultation on the draft GMS and later the draft LSPS.

**Policy Implications**

The GMS is an important strategic document that sets the agenda for managing sustainable growth of the City into the future and will also directly inform the preparation of the required LSPS.

These major documents together will ultimately set the policy direction for land use and future growth in the City, so it is essential to get the community involved in their preparation at an early stage.

**Financial Implications**

The Draft Shoalhaven Character Assessment Report is being largely funded by the DP&E, with a small amount coming from Council's existing GMS budget. The work currently being undertaken by staff on the GMS project is being managed within existing budgets.

**Risk Implications**

There is a relatively tight timeframe to have the GMS and LSPS processes completed as the EP&A Regulations require Council to have their LSPS in place by mid-2020. If the GMS Discussion Paper is not placed on public exhibition before the end of the year, there is a risk that Council may not meet the set deadline for the completion of the LSPS.

CL18.304

## CL18.305 Consideration of a Car Parking Waiver for Change of Use Applications

HPERM Ref: D18/349905

**Group:** Planning Environment & Development Group  
**Section:** Strategic Planning

### Purpose / Summary

applications.

### Recommendation

That Council:

1. Amend Chapter G21: Car Parking and Traffic of Shoalhaven Development Control Plan 2014, in a timely manner as part of a future housekeeping amendment, to introduce a two-year car parking waiver for any additional parking required for change of use applications in the Nowra CBD.
2. Report back to Council towards the end of the two-year period with a recommendation as to whether the waiver in the Nowra CBD should be extended for a further period. The expansion of the waiver to other retail centres across the City should also be considered.
3. Advise relevant Community Consultative Bodies and Shoalhaven Business Chambers of this decision.

### Options

1. As recommended.

Implications: Based on application data, no change of use applications in the Nowra CBD levied contributions in the 2017-2018 financial year. A two-year trial waiver in the Nowra CBD would offer Council the opportunity to consider the effectiveness or impacts of a waiver, and also whether it would be appropriate to extend it to other appropriate locations across the City. An amendment to Shoalhaven Development Control Plan (DCP) 2014 would be required to waive the parking requirement. No changes to the Shoalhaven Contributions Plan 2010 (Contributions Plan) are required.

2. Adopt an alternative recommendation.

Implications: This will depend on the extent of any changes and could result in unforeseen implications, particularly in relation to the Contributions Plan. If Council decides to proceed with a waiver generally across the City, it will be important to confirm which LEP zones it applies to.

3. Not adopt the recommendation.

Implications: A parking waiver would not be applied in relation to change of use applications. As such, amendments to Shoalhaven DCP 2014 and the Contributions Plan would not be required. Development contributions, where applicable, would continue to be levied for change of use applications in identified centre locations (**Table 2**) to supply public car parking into the future.

CL18.305

## Background

At Council's 25 September 2018 Ordinary Meeting, a Notice of Motion was submitted for consideration to support a change of policy to waive the requirement for additional car parking as part of a development application for a change of use in the B3 Commercial Core and B4 Mixed Use zones and other appropriate zones within the City's retail centres. The rationale for the policy change being:

- *"No additional floor space or new buildings are proposed so the buildings have no real additional capacity.*
- *Any existing buildings would either have some car parking on site and / or parking credits.*
- *The proponents for these applications are often a tenant. If their specific proposal requires the provision of additional car parking, it makes the task of opening up a new business more difficult and often, way too expensive – especially if contributions need to be paid.*
- *The requirements for additional car parking for changes of building use are often as a result of a technicality, whereas in real terms, actual demand for additional car parking within Shopping Centres as a result of a new business operating from an existing building is no different.*
- *This is one way Council can lift restrictions and remove red tape for new businesses and shops to open within the City's Shopping Centres without having any adverse impacts on the way the Centres function. We have a large number of empty shops within our Shopping Centres, and the measures proposed may assist within ensuring existing vacant commercial buildings are utilised.*
- *Wollongong Council has similar provisions within their car parking DCP. The Wollongong DCP states, in part, "For development applications involving a change of use within the B3 Commercial Core and B4 mixed use zones in the Wollongong City centre, the provision of additional car parking is not required".*

Council resolved (MIN18.735) that consideration of the matter be deferred for one (1) month pending a further report to Council (this report) and to allow for a briefing (was held on 16 October 2018).

The following is provided as information background and to enable detailed consideration of the proposed waiver.

### State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Subject to standard land-based exclusions, a change of use may be considered as 'exempt' development under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP). If a change of use can be undertaken as 'exempt development', no planning or building approval is required and Council does not need to be advised of the change – however other approvals may be required. Note: A change from one type of retail shop to another type of retail shop, for example, is not considered to be a change of use - it is considered a change of tenant.

A change of use from a current lawful use specified in Column 1 to a use specified in Column 2 could be considered as exempt development (see **Table 1**).

**Table 1: Example of exempt change of use**

Column 1 – Current Use	Column 2 – New Use
Business premises	Business premises
Office premises	Office premises

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Shop Public administration building	Shop Kiosk Public administration building
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Since the introduction of the Codes SEPP, a significant proportion of all change of use across Shoalhaven is undertaken as 'exempt' development.

In an 'exempt' development scenario Council does not have the ability to specify car parking requirement (physical provision or payment).

Certain, less minor, change of uses may also be considered as 'complying' development under the Codes SEPP, however it is noted that car parking is required to the standard in a development control plan, and contributions may be levied.

#### Shoalhaven Development Control Plan (DCP) 2014

Where a change of use cannot be undertaken as 'exempt' or 'complying' development, an applicant is required to submit a development application.

DCP Chapter G21: Car Parking and Traffic already provides a parking credit for the original use of the building/unit. It does, however, require additional parking to be provided where the new use requires more parking than the previous or old use.

For example, in a change of use from a commercial office to a medical centre:

- Existing commercial use (100m<sup>2</sup>) – 2.5 spaces (rounded to 3).
- Proposed professional consulting room (3 consulting rooms) – 9 spaces.
- 6 additional spaces required.

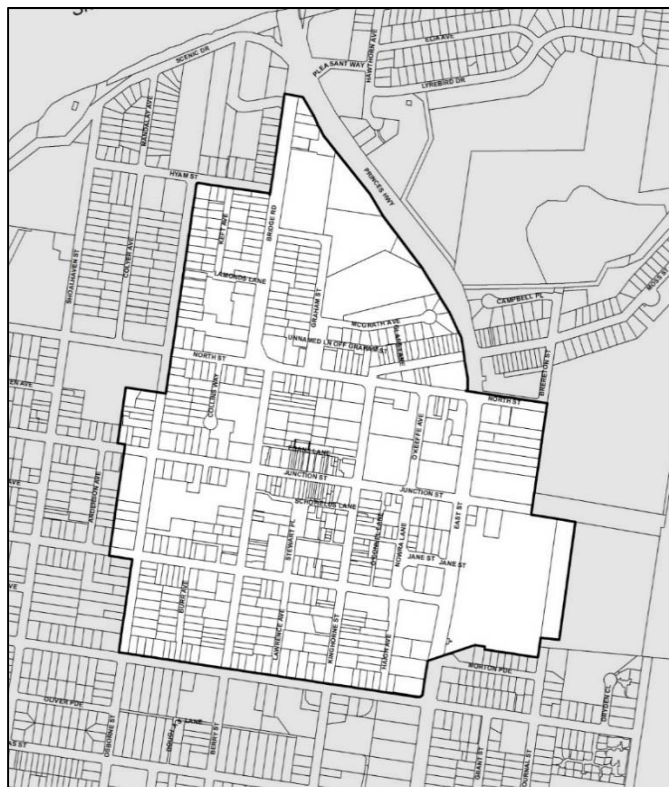
It is noted that Chapter G21 also provides a 50% parking discount for certain land in the Nowra CBD (**Figure 1**) that clearly provides one or more of the following land use outcomes:

- Primarily operates outside of core CBD Business hours;
- Involves public meeting places that facilitate events, non-gambling entertainment or improves the public domain/ safety for the general public (place making);
- Encourage use and attract public/ group (i.e. bus) transport.

Note: Whilst this 50% discount provision technically lapsed on 22 October 2016, it is the intention that it be extended as a development incentive indefinitely. This will be considered as part of a future housekeeping amendment to the DCP.

CL18.305





**Figure 1: Chapter G21 Nowra CBD area for applying 50% development incentive**

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A car parking waiver would mean that Council would not require additional parking to be provided in a charge of use situation where the new use requires more parking than the previous or old use. This could mean additional pressure on existing on-street parking and Council managed car parking areas. The change could only be considered via a formal amendment to the DCP and may have significant implications for the Contributions Plan.

#### Shoalhaven Contributions Plan 2010

The Contributions Plan currently levies parking contributions for commercial and retail development in certain locations either per on site space required, or for the number of spaces that a development cannot provide onsite.

The contributions levied will help supply public car parking in strategic locations across the City, as outlined in **Table 2**.

**Table 2: Car Parking Contributions Projects**

Contributions Project	Description/ Location	Contribution per parking space (indexed)	Total Project Amount (indexed)	Income Received
01CARP2002	Berry Town Centre Car Parking (Queen Street)	\$38,014.44	\$7,907,003.52	\$573,029.41
01CARP3001	Nowra car parking (Egans Lane, 8 Lawrence Ave, Collins Way,	\$26,830.10	\$24,147,090.00	\$958,182.04

	Bridge Road, Lamonds Lane, 9 Haigh Avenue and 67 Kinghorne Street)			
01CARP3003	Bomaderry car parking (42-44 Coomea Street)	\$8,119.65	\$438,461.10 (project completed)	\$766.07
01CARP3004	Kangaroo Valley car parking (169 Moss Vale Road)	\$3517.81	\$168,854.88	\$35,656.49
03CARP0004	St Georges Basin Village Centre car parking (Island Point Road)	\$10,274.36	\$205,487.20	\$0.00
03CARP2002	Huskisson car parking (Owen Street and Huskisson Central Business Area)	\$15,426.62	\$1,342,115.94	\$739,272.28
03CARP3001	Sanctuary Point car parking (Kerry Street)	\$5,974.17	\$704,952.06	\$122,462.83
04CARP3001	Sussex Inlet car parking (16 Nielson Road and 45-47 Ellmoos Avenue)	\$7,263.51	\$915,202.26	\$372,519.25
05CARP3001	Ulladulla car parking (19 Boree Street & 94-96 St Vincent Street)	\$20,138.72	\$1,872,900.96 (project completed)	\$108,610.31
05CARP3002	Milton car park (84 Princes Highway)	\$11,083.91	\$720,454.15	\$299,071.50

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It is noted that the Nowra CBD Contributions Discount Subsidy Policy already applies a 50% discount subsidy to the Nowra Car Parking Contributions Project. The policy is primarily aimed at small to medium development scenarios that generally have a net development area of less than 1,500m<sup>2</sup>. Full payment of contributions is required up front and then the subsidy is applied. The discount subsidy is paid from Council's General Revenue funds and not contribution project funds. This means that Council will retain all contributions funds for the purpose that they were collected. It is understood that the subsidy has only been taken up by two applicants since commencement in 2014 for developments at North and Worrigeer Streets.

Should Council resolve to waive parking requirements for change of use applications in the locations where a contribution project exists for car parking (table above), the contributions received by Council to provide this public infrastructure may ultimately be reduced. For example, using the same scenario as above, waving the requirement for 6 parking spaces in the Bomaderry contributions project area would create a shortfall in contributions received to

the value of \$48,717.9 (\$8,119.65 per space). Of the \$38.4 million required to complete the 10 car parking contribution projects, \$3.2 million has been received to date.

The waiver could have implications for the provision of the public parking spaces either through timing or ability to meet construction/acquisition costs. It is noted that public car parking is 100% apportioned to development (i.e. full funding comes from contributions levied), and therefore depending on the resolution, Council may need to contribute additional funds to realise these projects into the future.

As an example, it is noted that in the 2017-2018 financial year, ten (10) change of use complying development certificates, development applications and modification applications were determined relating to commercial and industrial uses in the Nowra CBD. No contributions were levied in relation to these applications as no additional parking was required. Although this statistic is not necessarily reflective of past or future years, it does indicate that the implications for the Contributions Plan are likely minimal in the Nowra CBD area for example. This may not be the case in other centres.

#### Potential Extent of Waiver

The Notice of Motion suggested applying the waiver to change of use applications in the B3 Commercial Core and B4 Mixed Use zones and other appropriate zones within the City's retail centres. **Table 3** outlines centres where B3 and B4 zoned land is currently located:

**Table 3: B3 and B4 locations across Shoalhaven**

B3 Commercial Core Zoned Land	B4 Mixed Use Zoned Land	
Nowra Ulladulla	Bomaderry	Narrawallee
	Burrill Lake	Nowra
	Cudmirrah	Shoalhaven Heads
	Culburra Beach	St Georges Basin
	Huskisson	Sussex Inlet
	Mollymook	Ulladulla
	Mollymook Beach	Worrigee

The Notice of Motion also suggests consideration of 'other appropriate zones within the City's retail centres'. In the absence of a citywide retail hierarchy, further research into other zones and retail centres that could be considered "appropriate" for the waiver, would need to be undertaken.

Wollongong City Council's DCP waives parking for change of use applications, however this provision only applies to the Wollongong CBD due its significant density and the fact that it is well serviced by public transport. On the other hand, Nowra and Ulladulla CBDs and other centres are currently poorly serviced by public transport in comparison and are predominantly accessed by private vehicle.

It was also suggested in the Councillor Briefing that the intent of the proposed waiver applied to both payment of contributions for car parking or required provision of additional physical spaces on site (i.e. there would be no net increase in the number of spaces provided)

Certain change of use applications has the potential to generate significantly higher car parking demand, than the previous use, which may in turn cumulatively place additional pressure on existing on-street parking and adjacent or nearby Council managed car parking areas. These implications may be further exacerbated or impact more in the smaller centres beyond the Nowra and Ulladulla CBDs, where car parking issues are more acute.

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## Conclusion

Due to the time frames associated with preparing this report, a thorough review of the following could not be undertaken:

- Other appropriate zones within the City's retail centres to apply the waiver.
- Parking demand and ability of Council to address potential contribution shortfalls in the locations at **Table 2**.

At this stage, and without any further analysis or investigation of additional areas of application, it is suggested that a waiver is only possibly appropriate in the Nowra CBD based on the 2017-2018 data which outlines that no contributions were levied for change of use applications in that period, the nature of the centre and its existing public car parks and access to public transport. It is also suggested that a two-year trial period apply, which would enable Council to consider the effectiveness of the waiver, and whether it would be appropriate to extend the waiver to other appropriate locations across the City.

## Community Engagement

All Shoalhaven Business Chambers were invited to comment on the proposed waiver. No feedback had been received at the time of writing, however due to the tight reporting timeframe, any feedback received will be distributed to all Councillors for consideration prior to the Council meeting.

Any amendments to Shoalhaven DCP 2014 or Contributions Plan would be exhibited for comment in accordance with Council's Community Engagement Policy to 'inform' and 'consult' and relevant legislative requirements.

## Policy and Risk Implications

The application of a car parking waiver for change of use applications in all the locations in **Table 2** may have implications for the provision of the public parking spaces either through timing or ability to meet construction/acquisition costs.

Certain change of use applications will also potentially generate significantly higher car parking demand than the existing use, which may cumulatively place additional pressure on existing on-street parking and Council managed car parking areas. These implications may be further exacerbated in the smaller centres beyond the Nowra and Ulladulla CBDs.

## Financial Implications

The application of a car parking waiver for change of use applications in the locations in **Table 2** may require Council to contribute additional funds to realise these projects into the future.

Any amendments to Shoalhaven DCP 2014 or Contributions Plan would be resourced within the existing Strategic Planning budget.

## CL18.306 LG Aboriginal Network Conference

**HPERM Ref:** D18/358972

**Submitted by:** Cllr Mark Kitchener

**Attachments:** 1. Conference report [□](#)

### Purpose / Summary

To provide a report (Attachment 1) from Cllr Mark Kitchener on the LG Aboriginal Network Conference held in Narrabri on 12-14 September 2018 in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

### Recommendation

That Council receive the report from Cllr Mark Kitchener on the LG Aboriginal Network Conference for information and consider the recommendations highlighted in the report as follows:

1. That Council work with the Shoalhaven Aboriginal Advisory Committee, to investigate the desire of local Aboriginal people to identify a local dialect acceptable to all local Aboriginal groups and at the commencement of the monthly Ordinary meeting and other appropriate functions and events, have the second verse of the national anthem sung in the chosen Aboriginal language by skilled local Aboriginal musicians and singers. (video-taped)
2. That Council work with the Aboriginal Advisory Committee to investigate the appetite for local Aboriginal people to invite the 'Clontarf Foundation' to establish a chapter in the region which will offer an additional experience to the Australian Indigenous Mentoring Experience (AIME) and possibly cater for more Aboriginal youth.

### Options

1. Receive the report for information and consider the recommendations highlighted in the report.
2. Request further information on the conference

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### LG Aboriginal Network Conference

<b><u>Date:</u></b>	12-14 September
<b><u>Venue:</u></b>	Narrabri NSW
<b><u>Theme:</u></b>	Community Belonging Connection
<b><u>SCC Representatives:</u></b>	Councillors John Levett, Mark Kitchener
<b><u>Key Note Speakers:</u></b>	Stan Grant
<b><u>Conference Format:</u></b>	Traditional lecture presentation and field trip

#### **Summary of Presentations:**

Mr. Stan Grant in his keynote presentation spoke in general terms about the plight of Aboriginal people since British occupation and how that impact has revealed itself over the generations. How has it come to be that life for a ten year old living on an Aboriginal community is so soul destroying that one commits suicide?

Parts of Western Australia have the highest rate of suicide in the country and one of the highest suicide rates in the world. Some Aboriginal people living in some parts of Western Australia are ten times more likely to commit suicide than non-indigenous populations. When these tragedies happen in Aboriginal communities it becomes someone else's problem. What would the difference be if the suicidal person was seen as an Australian rather than an Aboriginal person? Some describe this as the shame of a nation.

From the outset British colonizers saw Aboriginal people as not human and killed them indiscriminately. This raises the question, what are the benchmarks to belong to a country? Who writes the rules, who sets the bar and who determines the criteria for belonging? A real problem exists when policies embed deep institutional racism into the system and perpetuate racism in the mainstream population.

The Assimilation and White Australia Policies, for example, led to the stolen generation, segregation determined by the colour of one's skin, leaving in its path many Aboriginal deaths, medical conditions, mental health issues and dysfunctional families that has had a profound effect on generations of Aboriginal descendants manifesting itself in Australian Aboriginal people making up 25 % of the prison population and having a shorter life expectancy.

The Australian Census, for example, cannot possibly contain all that people are, yet attempts are made by bureaucrats to categorize people into boxes e.g. Aboriginal or Torres Strait Islanders.

Ticking the Aboriginal or Torres Strait Islander box in the past determined who could swim in the public pool, who could enroll at the public school, who was prohibited from drinking in a public bar, who had to live on the outskirts of town and who was not recognized as a citizen. These past discriminatory practices are still impacting on individuals today. Policies like these have led to a covert devaluing of Aboriginal society for the sake of bureaucratic administration.



Steven Gal from Aboriginal Affairs said, Aboriginal communities have an authorized legitimate voice in decisions that affect their lives and for these decisions to be embedded into policy, connected, culturally assured and have the capability to generate wealth and break the cycle of disadvantage created by policies of the past.

Since colonization there has been disconnect between the government of the day and the custodians of the land. Currently, Aboriginal people are not fully recognized in the constitution, have no voice in decision making and are governed by public servants. Many indigenous people feel ignored, disregarded and prohibited from any form of self-determination.

Aboriginal people were once stereotyped as 'drunks that don't want to work' and this type of stereotyping has been passed from generation to generation. To be white was normal, to be white was to be Australian but to be black was to be something different, something to run away from, to be denied and in many cases this still rings true today. Cathy Freeman, for example, has been described as the 'Aboriginal runner' why not Cathy Freeman 'Australian Olympic Champion.' The fact of the matter is, Aboriginal people want to work and given the opportunity of stable long term employment Aboriginal people will be able to reshape their destiny.

Past history indicates that political interference and a systematic devaluing of Aboriginal culture and language have been the stumbling blocks that have prevented 'Australia's First Inhabitants' from reaching their rightful place in modern day Australian society.

Discrimination and bigotry, pit people against each other and lead to violence and revolution. Since British occupation, Aboriginal people have been conducting the longest running revolution in the history of mankind and their efforts have created a change in attitude and a change in mainstream Australian culture. Aboriginal people have struggled and fought and are transforming the country, slowly one thing at a time, but still there is so far to go.

Recent policy achievements include the Crown Lands Act 2018, Aboriginal Cultural Heritage Act 2018, NSW Discreet Communities (former missions and reserves,) Cultural Heritage Mapping, NSW Aboriginal Affairs OCHER, Indigenous Procurement Policy, Cultural Tourism NSW and Best Practice Local Government Innovation. The 2016 the NSW Aboriginal Languages Bill was considered by Parliament and in October 2017 became law.

The Aboriginal Languages Act 2017 acknowledges the importance of re-awakening, nurturing and growing Aboriginal language and Aboriginal ownership. Community and interagency partnership investments are being developed to strengthen and support local language activities. A five year strategic plan will guide investment and activities in language revival in New South Wales.

Two million dollars has been allocated to establish a trust to resource local language activity. The trust is governed by an Aboriginal board with relevant skills and experience.  
[conversation@aboriginalaffairs.nsw.gov.au](mailto:conversation@aboriginalaffairs.nsw.gov.au)

The Aboriginal Community Land and Infrastructure Program is an initiative that brings a united approach to address long standing issues preventing Aboriginal people from developing their own land. The program develops capacity in Aboriginal communities to better engage with the planning system and unlock economic potential. It is conducting a strategic assessment of land held by the regions local Aboriginal Land Councils to identify priority sites for further investigation of economic opportunities.

**Steven Gal** gave an update from Aboriginal Affairs. He spoke on a new transformative relationship, a framework for agreement making, of working alongside Aboriginal people 'so their voice is heard in the way they want it to be heard.' A relationship that will be enduring, respectful, equal and accountable.

The department's primary objective is to transform the relationship between Aboriginal governance bodies and the NSW Government. Ultimately, to build capacity and confidence, changing and evolving the way stakeholders think and working together to achieve positive outcomes. Aboriginal communities have a greater voice in service design, delivery and prioritization. As capacity is proven the NSW government and Aboriginal governance bodies enter into accords committing to jointly address negotiated priorities.

By working with Aboriginal communities to promote social, economic and cultural wellbeing through opportunity, choice, healing, responsibility and empowerment Aboriginal Affairs are implementing OCHRE, the NSW governments plan for Aboriginal people recognizing intergenerational trauma.

OCHRE is the first government plan in Australia to acknowledge intergenerational trauma and loss as significant and ongoing issues for Aboriginal communities. OCHRE recognizes the disadvantage experienced in Aboriginal communities as a direct consequence of past government policies and practices which undermined established roles and responsibilities, leadership, decision making structures and economic and cultural development.

OCHRE has become a symbol of an ambitious process of genuine reform. It is the beginning of power sharing to move from defending to accepting, from consulting to negotiating and it embraces the unfamiliar. The plan is a long term relationship focused on Aboriginal aspirations not on problems to fix. It has required many conversations, resources, dedication, discipline and faith and did not commence without the prior permission of Aboriginal communities.

The accumulative effect of policy development in Australia has led to the diversity of cultures being celebrated more and more every day. More importance is placed on equity, diversity and inclusion and these themes are appearing more readily at all levels of government, in all forms of media and in children's books in public libraries. There is a greater focus on equality and revitalizing 'First Australian' languages and culture.

Poverty is still evident in Aboriginal lives, in some cases with twenty to thirty individuals living in one house, but Aboriginal people born today have a greater chance at life than ever before. In the last twenty years, more Aboriginal people have been lifted out of poverty than in previous history. There are increasingly more Aboriginal university graduates, more Aboriginal qualified professionals, more Aboriginal tradesmen, growing life expectancy but where is equality. Ultimately the aim is to be recognized not as an Aboriginal university graduate but an Australian university graduate.

Real change can only come from a grassroots level not a top down approach. There is a need to change the system from the inside. Power, funding and information, rests with the government, there is a need for genuine partnership and power sharing, investing in community strengths with local focus, local outcomes, greater accountability and transparency in decision making.

Getting involved and making contributions to community is one strategy but another is for Aboriginal people to be elected into politics where a contribution can be made to the decision

making process. There is a growing number of Aboriginal people who are looking beyond politics, looking to use their vote effectively and are demanding to be heard by politicians.

The barriers are slowly breaking down but racism is still evident in modern day Australian society. The idea that minority groups are getting something more than the mainstream population causes mainstream Australians to think they are missing out on something. 'How come you get these things when we get nothing?' There is a need to take away the seeds of resentment.

The Prime Minister's 'Sorry Statement,' Cultural Heritage Land Rights 1983, Traditional Owners and Native Title Act, Acknowledgement and Welcome to Country are actions of reconciliation that reflect the pride of Aboriginal Australians and are contributing to the maturity of this nation. All Australians can take heart from the positive outcomes of reconciliation so far but much remains to be done on eliminating sources of resentment and building relationships, respect and trust between the wider Australian community and Aboriginal and Torres Strait islander peoples. There is a critical mass building that will eventually lead to Aboriginal Australians being addressed simply as Australians. All Australians need to realize white Australia has a 'black' history.

**It is recommended that council work with the Shoalhaven Aboriginal Advisory Committee, to investigate the desire of local Aboriginal people to identify a local dialect acceptable to all local Aboriginal groups and at the commencement of the monthly Ordinary meeting and other appropriate functions and events, have the second verse of the national anthem sung in the chosen Aboriginal language by skilled local Aboriginal musicians and singers. (video-taped)**

After British occupation Aboriginal people caught between two worlds have become severely disadvantaged nearly losing connectivity to their land, language, self-respect, pride, and ultimately their cultural identity. In more recent times there has been a resurgence and a reconnection not only of the arts, music and ceremony but also to the transference of knowledge and values of Aboriginal culture.

There have been many Government and non-government programs implemented to help bridge the gap between two cultures, some successful with minimal impact and others dismal failures. Brendan Marr spoke to the conference about the 'Clontarf Foundation.'

Using the passion Aboriginal boys have for Aussie Rules and Rugby League the 'Clontarf Foundation' uses sport as a vehicle to focus on school attendance, retention rates, graduation, employment, follow up and mentoring. The foundation supports boys to go to school, finish Year 12 and get a job in the future. It helps with writing CVs, presentation at job interviews and develops in each individual a work ethic and attitude to make a positive contribution to society.

The 'Clontarf Foundation' started in the year 2000 with twenty-five participants. The foundation currently assists 7000 indigenous boys across the country, 1800 in NSW. To get into the academy the boys must attend school every day. All boys can be enrolled at no cost and parents must provide positive support to the program. The program has a school attendance rate of 80%, a retention rate of 90%, and an employment rate of 80%. All Clontarf academies celebrate success.

The foundation believes that better education is fundamental to reducing Aboriginal disadvantage. To this end, the foundation develops partnerships with local schools to create

Clontarf academies that develop relationships, self-discipline, self-esteem, confidence and life skills. The academy room is a room within the school specifically set aside for Aboriginal students and is the heartbeat of the program. The room is welcoming, safe, organized and presents consistent messages.

The foundation acts as a non-judgmental third party that assists at risk, anti-authoritarian teenage students with emotional, maturity and self-esteem issues and brings the family, school and community together. Consequently, the foundation caters for students with a wide ranging diverse set of skills and abilities.

The foundation provides trained staff, vehicles, budgets, aspects of community involvement, employment pathways, interactions across Australia and a program that works. To run successfully the program needs \$7000 per boy, per year. The Federal Government provides \$2500, the State Government provides \$2500 and the outstanding \$2000 is provided through fundraising by the foundation. The 'Clontarf Foundation' is not a mandatory study program and subsequently must to be invited into a community.

**Since there is no presence of the 'Clontarf Foundation' in the Shoalhaven it is recommended that council work with the Aboriginal Advisory Committee to investigate the appetite for local Aboriginal people to invite the 'Clontarf Foundation' to establish a chapter in the region which will offer an additional experience to the Australian Indigenous Mentoring Experience (AIME) and possibly cater for more Aboriginal youth.**

For over twenty years the Shoalhaven City Council has valued the work done by the Aboriginal Advisory Committee. Council provide staff and resources and in more recent times a consultant to review the committee's role, reestablish the terms of reference and prepare a Plan of Action for the future.

The Shoalhaven Aboriginal Advisory Committee is an example of a genuine attempt by volunteers who are prepared to sacrifice their time and time away from family to improve the quality of life in indigenous and non-indigenous communities for the betterment of all. This committee should be commended for its efforts, congratulated for its success and feel confident that the Action Plan will be realized over the passage of time. The group has a gently, gently approach working slowly, addressing one thing at a time. Many hours are spent in deliberation looking for the line of best fit to implement the right strategy in the first place.

Every step the committee has taken, has been in the right direction. If left to its own devices and not unduly influenced by councillors with external political agendas the Aboriginal Advisory Committee have the knowledge, cultural awareness and are developing the skills necessary to work with government that will allow them, after consultation with other groups of the Yuin nation to advise council on their identified priorities for the indigenous people of the Shoalhaven region.

Allan Murray, a signatory from the 'Uluru Statement of the Heart,' a body to give aboriginal people a right in their own affairs, was invited to the Shoalhaven to speak to the Aboriginal community about the document and the proposition of the Shoalhaven City Council sending a motion asking the Federal Government to endorse the 'Statement of the Heart.'

After his presentation to the Shoalhaven Aboriginal community Mr. Murray thought there was a differing of opinion on how to proceed. Community members were tasked with the action of consulting the wider community and report back. At the conference Allan stated that he

considered it to be a great leap of faith for Shoalhaven City Councillors to put this motion forward.

Further discussions with Mr. Murray indicated the Shoalhaven was the only local council in Australia to put this proposed motion to the Federal Government. Allan said he would have gone about this in a completely different way. Rather than having a single council requesting the Federal Government to endorse the 'statement,' through a councillor motion, he thought it more prudent to take the 'statement' to the Local Government Aboriginal Network Conference, then the Local Government Conference and seek support from local state members, before approaching the Federal Government.

History has proven it is through working together with all levels of government that communities can influence policy. For something as vital as the 'Statement of the Heart' a coordinated collaborative approach is critical. Rather than submitting a one off, unprepared, isolated motion to lobby the Federal Government, that is almost certain to be disregarded, it seems reasonable to suggest, the Shoalhaven City Council should continue to build on its strengths, continue to work with the Aboriginal people of the Shoalhaven and determine their hopes and aspirations for the future and educate the wider community at the same time.

With every local government area in the country supporting the Aboriginal movement it is only a matter of time before a critical mass is reached that will not be denied. Taking a lesson from the Shoalhaven Aboriginal Advisory Committee it is my opinion, the Shoalhaven City Council needs to show some patience and discipline, to make haste slowly, then implement the right action in the first place.

Councillor Mark Kitchener

## 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.