

Ordinary Meeting

Meeting Date: Tuesday, 13 November, 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 - 30 October 2018
6. **Declarations of Interest**
7. **Presentation of Petitions**
8. **Mayoral Minute**
9. **Deputations and Presentations**
10. **Notices of Motion / Questions on Notice**

Notices of Motion / Questions on Notice

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Nil

CL18.311 Rescission Motion - CL18.288 - Sustainable Energy Policy

HPERM Ref: D18/382977

Submitted by: Cllr Bob Proudfoot
Cllr Greg Watson
Cllr Mitchell Pakes

Purpose / Summary

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

Recommendation

That Council rescind the Motion relating to Item CL18.288 of the Council Meeting held on Tuesday 30 October 2018.

Background

The following resolution (MIN18.853) was adopted at the Ordinary Meeting held Tuesday 30 October 2018.

That:

- 1. Council conduct a workshop for councillors to explore a sustainable energy policy for Shoalhaven City Council.*
- 2. Council's Directors prepare a report to a future Strategy and Assets Committee meeting as to what each department has pursued, or is currently pursuing, in the sustainable energy space.*

CL18.311

CL18.312 Notice of Motion - Sustainable Energy Policy

HPERM Ref: D18/383000

Submitted by: Cllr Bob Proudfoot
Cllr Greg Watson
Cllr Mitchell Pakes

Purpose / Summary

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

Recommendation

That

1. Council's Directors prepare a report for the next Strategy and Assets Committee meeting as to what each department has pursued or is currently pursuing in the sustainable energy space.
2. The General Manager work with his Directors in an endeavour to report sustainable energy initiatives at future Strategy and Assets Committee meetings.
3. Council's Energy Officer liaise with the General Manager and Directors with a view to formulating a draft Sustainable Energy Policy for consideration at a future Strategy and Assets Committee meeting.

Note by the General Manager

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

CL18.312

CL18.313 Notice of Motion - St Georges Basin - Siltation

HPERM Ref: D18/383029

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 staff prepare a report which provides both a framework and an achievable plan to remove the silt build-up in St George's Basin, located near the discharge point of the drain at the bottom of Collett Place.

CL18.313

CL18.314 Report of the Shoalhaven Tourism Advisory Group - 29 October 2018

HPERM Ref: D18/387807

Attachments: 1. Draft Strategic Plan (under separate cover)
2. Draft Destination Management Plan (under separate cover)

TA18.53 STAG Strategic Plan 2017/18 Update

HPERM Ref:
D18/343186

Recommendation

That Council commend the work of the Tourism Section and staff and adopt the Draft Strategic Plan and appoint Workshop members as follows:

1. Strategy and Planning Working Group:
 - a. Project lead: Louise Hallum
 - b. Members: Rob Crow, Neil Rogers, Brenda Sambrook, Kylie Pickett
2. Industry Development Working Group
 - a. Project lead: *Juliet Barr*
 - b. Members: *James Lin, Lynn Locke, Louise Hallum, Brenda Sambrook*
3. Product Development Working Group
 - a. Project Lead: David Duffy
 - b. David Goodman, Kylie Pickett

TA18.54 Draft Destination Management Plan (DMP)

HPERM Ref:
D18/343190

Recommendation

That Council:

1. Accept the report for information
2. Formally endorse the Draft Destination Management Plan
3. Recommend to Council that:
 - a) The Draft Destination Management Plan 2018-2023 be placed on public exhibition for a period of 28 days
 - b) If no significant adverse comments are received at the close of the public exhibition period, the Draft Destination Management Plan 2018-2023 be deemed adopted.

CL18.314

CL18.315 Annual Community Survey- Results and Community Feedback

HPERM Ref: D18/386669

Group: General Manager's Group
Section: Executive Strategy

Attachments: 1. Community Survey Results (under separate cover)

Purpose / Summary

To provide Council with the results of the independent Annual Community Survey.

Recommendation

That:

1. Council receive the report for information;
2. Ongoing communication about the results be undertaken both internally and externally;
3. Council note the survey results when considering future prioritisation of works and budget allocations.

Options

1. As recommended

Implications: there are no specific implications. The intention of the report is to ensure transparency of the results and to communicate to Council the outcome of the survey.

2. Adopt an alternative option

Background

Each year Council undertakes an independent Community Survey to assess the community's satisfaction with Council and satisfaction with services delivered by Council. The survey also assesses the community's overall wellbeing and feelings about their life and environment in general.

The survey is run through an external provider, IRIS, who has significant expertise in this area. The sample size consists of a demographic representative sample of the Shoalhaven population. This was broken down into:

- (18 – 34) 20%
- (35 – 49) 20%
- (50 – 64) 27%
- (65+) 33%
- Property ownership: 79% owned property
- Female – 51%

The questions within the survey related to seeking feedback on a range of services and facilities provided by Council and were allocated to the Community Strategic Plan priorities.

The questions were consistent with previous surveys to enable trends to be established over time.

The survey also assists in reporting on Community Strategic Plan and the Delivery Program and input to End of Term Report.

Results

A full copy of the Community Survey results is provided within the attached report.

Happiness Index

The Shoalhaven Happiness index reported a score of 83.1, which is well above the national result of 75. It was found that 50 to 64 years recorded significantly lower average satisfaction ratings for personal relationships (4.2) than other age groups. Whilst the 65 plus years were significantly more satisfied with feeling part of the community (4.1) than other age groups.

Overall Satisfaction

The overall satisfaction with Council was rated as 3.3 out of 5. This is a very slight decrease from the previous year but is not considered statistically different. There was a clear difference in the overall satisfaction rating of the community if they were exposed to regular negative stories about Council. The impact of stories within local media and other communication channels had a noticeable effect on the satisfaction rating which is shown in figure 1 below.

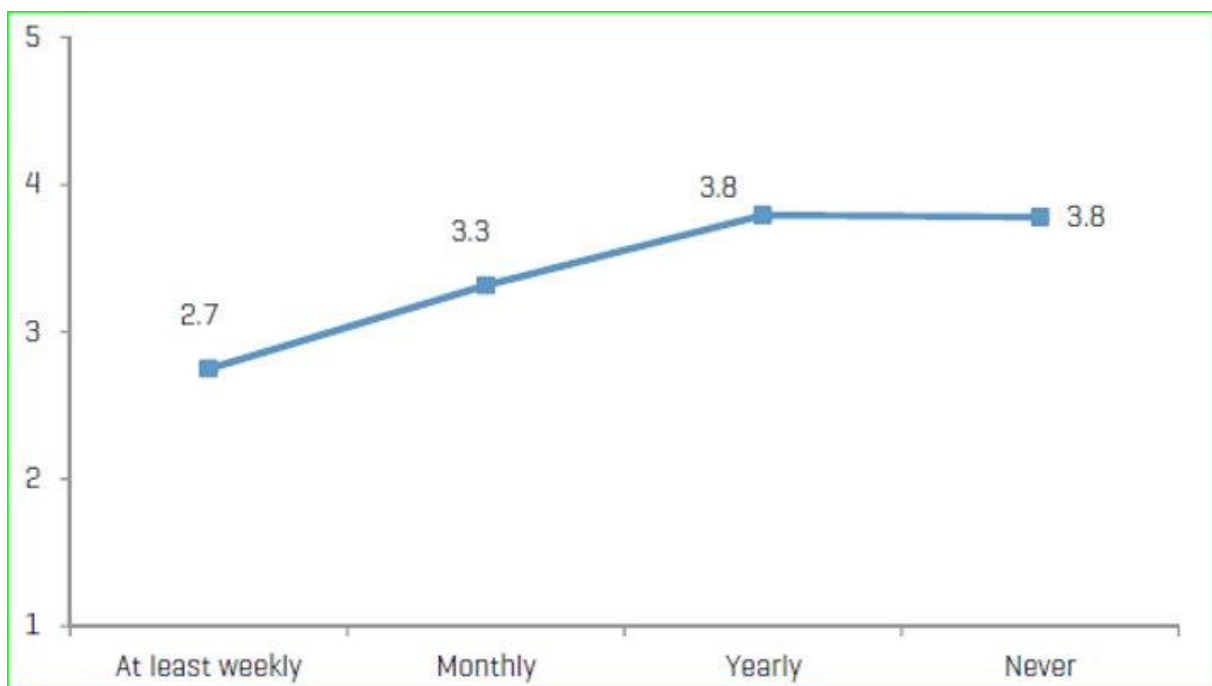


Figure 1 – Change in satisfaction when hearing negative stories about Council on a regular basis.

Contact with Council

Over 73% of Shoalhaven residents had contacted Council within the past year. Approximately 21,000 contacts with Council per month. Nearly half (49%) of the adult population contacted Council within the last six months, 14% (10,500) in the past month. In

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general residents were satisfied with response timeliness (3.8/5) and overall performance of Council in dealing with request (3.7/5).

Services with high satisfaction rating

The community had a high satisfaction rating of several services and facilities provided by Council. Of note the following were of a high satisfaction for the community:

- Shoalhaven Entertainment Centre
- Solid waste and recycling collection
- Landfill and resource recovery services
- Parks, playgrounds and reserves
- Appearance of towns and villages
- Council's support for events in the Shoalhaven
- Facilities and services for the disabled
- Types of events in the Shoalhaven

Areas for Improvement

The survey also identified some areas in which the community would like to see improvements including:

- Elected Council decision making
- Maintenance of unsealed local roads
- Maintenance of sealed local roads
- Efficient processing of DAs
- Council's action in line with community expectations
- Provision of cycleways and footpaths
- Opportunities to participate in Council decision making processes
- Informing the community of Council decisions, activities and services
-

Comparison to previous years

There were several areas in which there were observed to be some changes to the previous year's results. These included noticeable improvements and areas which had achieved a higher dissatisfaction rating than previous years as shown in figure 2.

Significant Improvement

- Parks, playgrounds and reserves
- Hygiene standards of retail outlets

Significant decrease in satisfaction

- Opportunities to participate in Council decision making
- Maintenance of beaches and dunes
- Efficient processing of development applications

Service / Facility	2014	2015	2016	2017	2018	Change from last year
Opportunities to participate in Council decision making processes		2.98	2.94	3.05	2.8	-0.3
Maintenance of beaches and dunes	3.59	3.67	3.74	3.75	3.6	-0.2
Efficient processing of development applications	2.77	2.97	2.71	2.67	2.5	-0.2
Parks, playgrounds and reserves	3.45	3.52	3.57	3.47	3.6	0.2
Hygiene standards of retail food outlets	3.59	3.73	3.91	3.87	4	0.2

Figure 2- Significant statistical difference between previous years

Community Engagement

Ongoing communication and engagement about the results is occurring including discussion with media, CCBs, internal staff communication and other communication strategies.

Policy Implications

The Community Survey results provide a very useful guide in setting policy direction and establishing areas for improvement. The results are important to be referenced and used in determination of resource allocation and budget allocation. The results enable Council to measure improvements over time and to ensure that areas that are not improving or see decrease in satisfaction can be addressed, and focus placed on ensuring improvement occurs.

The results clearly show the areas where more emphasis needs to be placed on communicating the services Council does deliver and the way in decisions and resource allocations are made.

A clear result was the community's dissatisfaction with Council decision making and being informed about these decisions. Increased emphasis and policy application needs to be considered to ensure this is improved in the future.

CL18.316 Enforcement & Compliance Policy - Penalty Reviews

HPERM Ref: D18/376229

Group: General Manager's Group

Attachments: 1. Compliance & Enforcement Policy [↓](#)
2. Internal Legal Review - Review of Penalty Infringement Notices - 13 September 2018 (councillors information folder)

Purpose / Summary

To report to Council on proposed policy changes relating to the process of reviewing penalties when requested via Revenue NSW.

Recommendation

That:

1. Council appoint a Penalty Review Panel consisting of the General Manager, the Director Planning, Environment and Development and the Public Officer to consider and determine any "requests for review" received via Revenue NSW.
2. The Director Finance, Corporate & Community Services be appointed as an alternative member of the Panel.
3. That the amended Compliance and Enforcement Policy in Attachment 1 be adopted.

Options

1. As recommended.
2. a) That Council determine an alternative membership for the Penalty Review Panel
b) That Council make further amendments to the draft Policy in Attachment 1

Background

This report responds to MIN18.731 and MIN18.732.

MIN18.731:

"That Council provide a further briefing to Council on the Compliance Policy and provide legal advice to Councillors on the proposition that Council be involved with the review of all fines."

A briefing was held on 8/11/18. The legal advice (available in the Councillors Information Folder) in summary states:

- A. Council resolved to refer all penalty infringement notices that are the subject of review to the full Council for consideration and determination.
- B. Pursuant to Division 2A of the Fines Act 1996 and the Attorney General's Internal Review Guidelines under the Fines Act 1996, it would appear that penalty infringement notices that are the subject of an application for review may be referred to the full Council for consideration and determination.

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- C. *Penalty infringement notices that have been referred to the Court for determination are known as court attendance notices (CANs). CANs may be abandoned, withdrawn or discontinued upon application to the Court with the likelihood of a costs order against Council.*
- D. *It would appear that there is no law that prevents the review and determination of a CAN by the full Council.*
- E. *The full Council may not review for the purpose of re-determining any CAN that has already been determined by the Court.*
- F. *If Council were to implement a policy concerning the review of PINs and CANs, as this would not be considered best practice, then there would need to be consideration as to how the reviews would be undertaken to ensure the integrity of the process and to ensure the rights and privacy of individuals is not breached.*

Notwithstanding the legal advice it would be very unusual and not recognised “best practice” for Council to undertake the review. Council should be mindful of the need to separate “Policy” from “Operations” i.e. Council should articulate a clear policy position in respect to enforcement and compliance, keeping in mind that whilst Council has a statutory responsibility to enforce the provisions of various Acts such as the LG Act, POEO Act, Roads Act, Food Act, EP&A Act etc. there is still discretionary decision making in assessing whether matters involving breaches of various Act provisions require education, warnings, cautions, fines or “Court attendance” responses and Council policy provisions that guidance to staff.

“Best practice” suggests that Councillors should not become involved in the “operational” decisions once clear policy is established but should require the General Manager to report to Council in an appropriate manner detailing how the policy is being applied by staff. It is proposed that a six monthly report is submitted to Council

This report has been completed prior to a Councillor briefing scheduled for 8 November to discuss options for a “Penalty Review Panel”, and potential changes to the Compliance and Enforcement Policy.

Options for a Review Panel Include:

- a) Leave “as is” i.e. the Compliance Unit Manager or Section Manager Building and Compliance would determine,
- b) The General Manager and Director Planning, Environment and Development determine,
- c) Council and General Manager as a Panel,
- d) A Panel of three consisting of General Manager, Director Planning, Environment and Development and Public Officer (plus an alternative member),
- e) Another alternative e.g. full Council.

Comment

The recommended panel of (3) three as per d) above was put in place as a trial since the September Council meeting. It has met on three occasions and determined six matters to date. If Council agrees to a Panel approach it is also recommended to appoint an alternative member for occasions when other members are absent or declare a conflict of interest.

Policy changes:

The changes are found in the attached (marked up) Policy and briefly relate to:

- Minor wording changes;
- Additional requirements for Breach Reports;

- Split Warnings from Notices / Orders in Clause 10;
- New Clause 12 relates to Reviews of Penalty Notices;
- New Clause 13 relates to 6 monthly report.

Financial Implications

There are some administration costs involved to formalise the Penalty Review Panel, convene and document meetings and decisions, however this would be absorbed in existing budgets.

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For more information contact the **Planning, Environment & Development Services-Group**

Compliance and Enforcement Policy

Policy Number: POL18/233-68 • **Adopted:** 25/09/2017 • **Amended:** 9/09/2008, 13/10/2009, 29/08/2011 (D11/218758), 14/12/2012, 21/11/2017 • **Minute Number:** MIN07.1346, MIN08.1265, MIN09.1400, MIN12.1405, MIN17.987 • **File:** 34946E • **Produced By:** Planning, Environment & Development Services-Group • **Review Date:** 1/12/2020

1. PURPOSE AND SCOPE

- 1.1. This policy applies to the regulatory process undertaken by Council staff, when investigating a potential breach of legislation, Council Code or Policy.
- 1.2. This policy will provide the framework to assist Enforcement Officers in acting promptly, effectively and consistently in undertaking daily patrols and/or responding to allegations of unlawful activity. This policy is also designed to provide a framework to ensure transparency in decision making with respect to the statutory functions of council.
- 1.3. The NSW Ombudsman's Enforcement Guidelines for Councils (December 2015) has been used as a resource for revisiting this policy.
- 1.4. This policy outlines matters to be considered at the various stages of the enforcement process.
- 1.5. For simplicity, this policy refers to both an act and/or an omission by an alleged offender as 'unlawful activity'.
- 1.5.1.6. This policy sets out how requests for review of Penalty Notices are undertaken.

2. POLICY OBJECTIVES

The objectives of this policy are to:

- a. Deliver clear guidelines for the exercising of discretion, for Council and its Enforcement Officers, in investigating & identifying the appropriate course of regulatory action, in regards to allegations of unlawful activity.
- b. Ensure that the discretion utilised by Council and its Enforcement Officers takes into account all relevant information, including the available evidence, cost to the community, the circumstances of the individual case and public policy and precedent considerations. The policy also provides a legal and administrative framework to assist

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Council and its Enforcement Officers in making decisions with respect to its enforcement functions

3. APPLICATION

This policy is to be read in conjunction with Council's Code of Conduct and applies to the investigation and enforcement of unlawful activity or failure to comply with the terms or conditions of approvals, licences and orders. While primarily directed at the regulation of development activity, the policy is also applicable to:-

- Pollution control
- Regulation of parking
- Regulation as to the keeping of animals
- Environmental health
- Public health and safety
- Noxious Weeds
- Water and sewer
- Septic systems
- Food safety
- Fire safety
- Tree preservation

4. COMPLIANCE AND ENFORCEMENT PRINCIPLES

The following are the principles that underpin council's approach to the undertaking of regulatory investigations:

- a. Accountability and transparency:
 - i. acting in the best interests of public health safety and the environment;
 - ii. ensuring accountability for decision making;
 - iii. acting fairly and impartially and without bias or unlawful discrimination;
 - iv. providing information about compliance and enforcement priorities and reasons for decisions to improve understanding and certainty and promote trust within the community;
 - v. ensuring meaningful reasons for decisions are given to all relevant parties, particularly when there is a departure from this Policy;
 - vi. acting on any complaints or concerns about the conduct of Enforcement Officers in accordance with Council's Complaints Management Policy and Procedures;
 - vii. advising people and organisations subject to enforcement action any avenues available to seek a review of a decision.
- b. Consistency
 - i. ensuring all compliance and enforcement action is implemented consistently.
 - ii. Council ~~staff and/or Enforcement Officers~~ will not consider representations against a penalty infringement notice unless it has been forwarded to them by the NSW State Debt Recovery Office.
- c. Proportional

Shoalhaven City Council – Compliance and Enforcement Policy

- i. ensuring the level of enforcement action is proportionate to the level of risk and seriousness of the breach
 - ii. taking action to address harm and deter future unlawful activity
 - iii. Making cost effective decisions concerning enforcement action (i.e the issuing of a Penalty Infringement Notice, local court action or Land and Environment Court action etc.)
- d. Timely
 - i. ensuring responses to customer requests alleging unlawful activity are undertaken in a timely manner.
- e. Safety
 - i. ensuring the safety of Enforcement Officers is paramount at all times

5. RESPONSIBILITY

Council receives information about alleged unlawful activity from members of the public, contact from other government agencies and information gathered by its officers during proactive patrols or inspections.

All Council staff who deal with reports alleging unlawful activity are responsible for implementing this policy. Enforcement Officers are also responsible for ensuring that any other possible unlawful activity identified as a result of an inspection, proactive enforcement or other activity is brought to the attention of the appropriate business unit of Council.

6. DEFINITIONS

Enforcement Officer is an employee or contractor of Shoalhaven City Council who is delegated to undertake regulatory investigations and/or actions on behalf of the organisation, for breaches of state legislation, national legislation or Council Codes or Policies. Enforcement Officers will include such roles as Rangers, Parking Officers, Compliance Officers, Building Surveyors, Planners, Environmental Health Officers, Tree Preservation Officers and any other role within the organisation with the delegation to undertake regulatory investigations and/or actions.

Unlawful activity is any activity or work that has been or is being carried out:

- Contrary to the terms or conditions of a development consent, approval, permission or licence.
- Contrary to an environmental planning instrument that regulates the activities or work that can be carried out on particular land.
- Contrary to a legislative provision regulating a particular activity or work.
- Without a required development consent, approval, permission or licence.

7. INVESTIGATING ALLEGED UNLAWFUL ACTIVITY

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- 7.1 A preliminary assessment of all matters will be made to determine whether investigation is required. If an investigation is warranted, Council will prioritise matters on the basis of risk to public safety, human health ~~or~~ and the environment.
- 7.2 Breach Reports will be completed **in accordance with the Policy** and peer reviewed for all major investigation matters. Examples of where a breach report will be warranted include such scenarios as a dog attack, unauthorised development, illegal tree clearing etc.
- 7.3 Minor matters such as parking offences, littering offences, etc do not necessarily require a breach report or an investigation to prove the offence. In such cases a penalty infringement notice can be issued on the spot.
- 7.4 Council will take no regulatory action if, following a preliminary assessment, it is identified that:
 - i. council does not have jurisdiction to investigate or is not the appropriate authority to take action on the issues raised.
 - ii. the report relates substantially to a matter previously investigated by council and no new or compelling information is presented which would warrant council altering a previous decision.
 - iii. the allegations relate to a lawful activity (eg where there is an existing approval or the activity is permissible without council approval or consent being required)
 - iv. the report is not supported with evidence or appears to have no substance
 - v. the allegation, after a peer review, is proven to be trivial, frivolous or vexatious
 - vi. the relevant manager, director or the general manager determines that investigation or other action would have an unreasonable impact on resources and/or is unlikely to achieve an outcome sufficient to justify the expenditure of resources.
 - vii. it is not in the public interest, after a peer review, to continue to investigate the alleged unlawful activity.

8. INVESTIGATION PROCESS

All investigations will be conducted in accordance with Councils' current internal standard operating procedures.

9. RESPONDING TO ALLEGATIONS OF UNLAWFUL ACTIVITY

Allegations of unlawful activity requiring urgent attention will be actioned within 72 hours.

All other allegations of unlawful activity will be actioned, in a timely manner, reflective of the likelihood of risk to the general public and/or environment.

10. OPTIONS FOR DEALING WITH CONFIRMED CASES OF UNLAWFUL ACTIVITY

Council will use the quickest and most appropriate option to deal with unlawful activity wherever possible.

Council may, depending on the available evidence, utilise one or more of the following forms of regulatory action in line with Council's internal operating procedures:

- a. Referral

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- i. Referring the allegation to an external agency for further investigation or prosecution action. i.e. Police, NSW Government Department etc.
- ii. Referring the disputing parties issue to an external mediator. i.e. The Community Justice Centre or NSW Civil & Administrative Tribunal (NCAT).
- b. No Action
- c. Education
 - i. Educating the offender, after they have been identified, as to the requirements of the relevant legislation, Council Policies or Codes
- d. Warnings, or cautions ~~Notices, Orders, Directions, Legal Prosecution~~
 - i. Giving a Warning Notice for unlawful activity.
 - ~~ii. Issuing a formal CAUTION~~
 - ~~iii. Giving a Notice/Order/Emergency Order requiring work to be undertaken or the activity to cease.~~
 - ~~iii.i. Giving a verbal and/or written Direction to take action to rectify a breach of legislation~~
 - ~~iv.i. Issue a Penalty Notice~~
 - ~~v.i. Carrying out the work specified in an Order, under delegated authority and transferring the cost of such action to the offender.~~
 - ~~vi.i. Court attendance notice~~
- e. Notices, Orders, Directions, Legal Prosecution
 - i. Giving a Notice/Order/Emergency Order requiring work to be undertaken or the activity to cease.
 - ii. Giving a verbal and/or written Direction to take action to rectify a breach of legislation
 - iii. Issue a Penalty Notice
 - iv. Carrying out the work specified in an Order, under delegated authority and transferring the cost of such action to the offender.
 - v. Court attendance notice

11. TAKING ENFORCEMENT ACTION – MATTERS TO BE CONSIDERED

When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, Council will consider the full circumstances and facts of the matter and the public interest. The following common considerations will assist Council staff in undertaking a review process and determining the most appropriate regulatory response and shall be documented as part of the Breach Report:-

Considerations about the alleged offence and impact:

- the nature, extent and severity of the unlawful activity, including whether the activity is continuing;
- the harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity;

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- the seriousness of the breach, including whether the breach is merely technical, inconsequential or minor in nature;
- the time period that has lapsed since the date of the unlawful activity.

Considerations about the alleged offender:

- any prior warnings, instructions, advice that was issued to the person or organisation reported or previous enforcement action taken against them;
- whether the offence was committed with intent;
- whether the person or organisation reported has been proactive in the resolution of the matter and assisted with any Council requirements or instructions;
- any mitigating or aggravating circumstances demonstrated by the alleged offender;
- any particular circumstances of hardship affecting the person or organisation reported.

Considerations about the impact of any enforcement action:

- the need to deter and future unlawful activity;
- whether an educative approach would be more appropriate than a coercive approach in resolving the matter;
- the prospect of success if the proposed enforcement action was challenged in court;
- the costs and benefits of taking formal enforcement action as opposed to taking informal or no action;
- what action would be proportionate and reasonable in response to the unlawful activity;
- whether Council is prevented from taking action based on earlier advice given by Council or a previous decision made by Council.

Considerations about the potential for remedy:

- whether the breach can be easily remedied;
- whether it is likely consent would have been given for the activity if it had been sought;
- whether there is a draft planning instrument on exhibition that would make the unauthorised use legal.

12. REVIEWS OF PENALTY NOTICES FOR BUILDING, DEVELOPMENT, ENVIRONMENTAL & ANIMAL OFFENCES

- 12.1 All "requests for reviews" must be referred through Revenue NSW in the first instance.
- 12.2 When Revenue NSW refers any "request for review" to Council it shall be considered by the Penalty Review Panel (PRP) established by Council (subject to clause 12.5)
- 12.3 The PRP will consider reviews in accordance with the relevant provisions of the Fines Act 1996, (and any guidelines issued under the Act), the Attorney General's Internal Guidelines
- 12.4 The PRP will keep proper records of its decisions and reasons.
- 12.5 Animal offences review requests will be undertaken by the Unit Manager

Shoalhaven City Council – Compliance and Enforcement Policy

13.REPORTING

The PRP report each 6 months to Council providing statistical information of matters and their determination

12.14. REFERENCES

NSW Ombudsman, Enforcement Guidelines for Councils (December 2015)
Attorney General's Internal Review Guidelines

The investigation process and any enforcement actions shall be undertaken in accordance with Council's Compliance – Operating Procedure

CL18.317 Code of Conduct Complaints - Annual Statistics Report - 1 September 2017 - 31 August 2018

HPERM Ref: D18/384234

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

Purpose / Summary

This report is submitted in accordance with Clause 12.1 of the *Procedures for the Administration of the Code of Conduct* which requires that statistics concerning complaints made about Councillors and the General Manager be reported to Council within 3 months of the end of September each year.

Recommendation

That the report of the General Manager concerning complaints under the Code of Conduct for the period 1 September 2017 to 31 August 2018, be received for information.

Options

1. That the Report be received for information as recommended.

Implications: This would meet the requirements under the Local Government Act.

2. The report be accepted in accordance with the Code of Conduct Procedures and additional recommendations made.

Implications: Any further recommendations would need to be in accordance with the provisions of the Local Government Act and the Procedures for the Administration of Code of Conduct Complaints.

Background

Six (6) complaints about Councillors under the Code of Conduct were received in the reporting period. Two (2) of those complaints were dealt with by alternative strategies by the General Manager and four (4) were determined to not require further enquiries in accordance with Clause 5.7 of the procedures.

Statistics of the complaints received in accordance with Clause 12.1 and provided in the format required by the Office of Local Government are as follows:

Model Code of Conduct Complaints Statistics Shoalhaven City Council

Number of Complaints		
1	a The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	6
	b The total number of complaints finalised in the period about councillors and the GM under the code of conduct	6

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Overview of Complaints and Cost			
2	a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	2
	b	The number of complaints referred to the Office of Local Government under a special complaints management arrangement	0
	c	The number of code of conduct complaints referred to a conduct reviewer	0
	d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	0
	e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
	f	The number of finalised code of conduct complaints investigated by a conduct reviewer	0
	g	The number of finalised code of conduct complaints investigated by a conduct review committee	0
	h	The number of finalised complaints investigated where there was found to be no breach	0
	i	The number of finalised complaints investigated where there was found to be a breach	0
	j	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
	k	The number of complaints being investigated that are not yet finalised	0
	l	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	\$5,400
Preliminary Assessment Statistics			
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:		
	a	To take no action	0
	b	To resolve the complaint by alternative and appropriate strategies	0
	c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies	0
	d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
	e	To investigate the matter	0
	f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter	0
Investigation Statistics			
4	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:		
	a	That the council revise its policies or procedures	0
	b	That a person or persons undertake training or other education	0
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:		

a	That the council revise any of its policies or procedures	0
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach	0
c	That the subject person be counselled for their conduct	0
d	That the subject person apologise to any person or organisation affected by the breach	0
e	That findings of inappropriate conduct be made public	0
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach	0
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993	0
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action	0
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures	0
Categories of misconduct		
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a	General conduct (Part 3)	0
b	Conflict of interest (Part 4)	0
c	Personal benefit (Part 5)	0
d	Relationship between council officials (Part 6)	0
e	Access to information and resources (Part 7)	0
Outcome of determinations		
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	0
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office	0

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The total cost of dealing with Code of Conduct complaints received in the reporting period, including staff costs, was approximately \$ 5,400.

Council is required to provide the statistics as outlined in this report to the Office of Local Government in accordance with clause 12.2 of the Procedures for the Administration of the Code of Conduct.

Community Engagement

No specific community engagement is required other than advising the public of Code of Conduct complaints via this annual reporting requirement of the Code of Conduct Procedures. The Office of Local Government publishes the statistics once

Policy Implications

Council is required to provide the statistics as outlined in this report to the Office of Local Government in accordance with clause 12.2 of the Procedures for the Administration of the Code of Conduct.

Financial Implications

As a general rule, the costs involved with handling complaints involving Councillors which are resolved by the General Manager by alternative means, are estimated at approximately \$900 each, but that can increase if the resolution involves greater complexity or multiple Councillors or if the matter is referred to a Conduct Reviewer.

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CL18.318 Bay and Basin District Library - investigation of potential sites in Sanctuary Point

HPERM Ref: D18/234489

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

Attachments: 1. Potential Sites - District Library - Bay & Basin Area [↓](#)
2. Assessment of Potential Site - District Library - Bay & Basin Area [↓](#)
3. Plan - Site Options - Bay & Basin Library [↓](#)

Purpose / Summary

The purpose of this report is to provide Council with further information regarding the Council identified preferred site of the new Bay & Basin District Library at Francis Ryan Reserve in Sanctuary Point. A desktop audit of this site using the New South Wales State Library 'People Places' – A Guide for Public Library Buildings in New South Wales has been undertaken. Due to the constraints of this site, other potential sites in the Bay & Basin area have been identified and assessed against the same guidelines to provide a comparison and assist in determining a suitable site.

Recommendation

That Council

1. Receive this report for information
2. Invite a representative from the State Library of New South Wales to conduct an independent assessment of all potential sites and run a workshop for Councillors

Options

1. Receive this report for information

Implications: Council receives information on the desktop audit assessment and invites a representative from the State Library of New South Wales to conduct an independent assessment.

2. Decline to receive this report and provide an alternate direction to staff

Implications: Currently unknown

Background

At Council's Strategy and Assets Committee meeting on 20 February 2018, MIN 18.104C was adopted to investigate land holdings at Sanctuary Point which could be suitable for the future expansion of the Sanctuary Point Library.

At the May 2018 Strategy and Assets Meeting Council received a report which identified two sites as potential land for a new library building in the Bay & Basin area: one at Paradise Beach Road on land currently owned and used by the Anglican Church, and the second a site at the Council-owned Francis Ryan Reserve in Sanctuary Point. At Council's Ordinary meeting on 22 May 2018 it was resolved that Council:

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1. *Receive the report for information.*
2. *Ensure that information in the report that is not considered commercial in confidence be made public.*
3. *Continue to strongly pursue the Francis Ryan Reserve site (Lot 4 DP 806393) as a location for the Sanctuary Point Regional Library.*

Desktop Audit – Preferred Option – Francis Ryan Reserve

Council staff have undertaken a desktop audit to process the investigations on the possibility of building a 'Bay & Basin District Library' at Francis Ryan Reserve Sanctuary Point and the suitability of the site for this purpose – the site details are noted in the table below. The advice received from the Property Unit indicated that there are no other Council-owned sites, other than Francis Ryan Reserve, currently available in the Sanctuary Point township area.

Part - Lot 4 DP 806393	Area behind Sanctuary Point Preschool/Child Care Centre (Refer to Attachment 2).
Owner	Shoalhaven City Council
Description	This site is part of the Francis Ryan Reserve
Access	The current access is through the carpark servicing the rear of the retail precinct fronting Kerry Street and the oval comprising Francis Ryan Reserve.
Zoning	<p>RE1 – Public Recreation</p> <p>"Community Facilities" as defined in the Shoalhaven LEP 2014 is:</p> <p><i>"a building or place:</i></p> <p style="padding-left: 40px;"><i>a) Owned or controlled by a public authority or non-profit community organisation, and</i></p> <p style="padding-left: 40px;"><i>b) Used for the physical, social, cultural or intellectual development or welfare of the community,</i></p> <p style="padding-left: 40px;"><i>but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation."</i></p> <p>A Library falls within the above definition of a community facility and would be permissible with consent under the RE1 zoning.</p>
Available Site Area	Approx. 1,500m ²
Utilities	The land has existing water, sewer and power available for connection; however given the location of the current water and sewer lines, relocation of same are required.

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The framework for undertaking the desk top audit utilised nationally recognised best practice guidelines:

- State Library of New South Wales: [People Places: A guide for public library buildings in New South Wales](#),

- Australian Library and Information Association: [Guidelines, Standards and Outcome Measures for Australian Public Libraries July 2016.](#)

As this will be a district library, the New South Wales State Library ‘[People Places](#)’ – A Guide for Public Library Buildings in New South Wales requirement is that it would be located in an easily accessible and visible location. This is supported by all state and national guidelines that were reviewed. The framework states that:

“As a minimum, all 12 locational criteria be considered in determining the most appropriate site for a public library”

These have been applied, assessed and detailed in the table below for the Francis Ryan Reserve site:

LOCATIONAL CRITERIA (New South Wales State Library ‘ People Places ’ – A Guide for Public Library Buildings in New South Wales)	YES/NO	COMMENTS
Main street or shopping area location	YES/NO	The proposed site is not on a main street, however it is located near local shops
Highly visible location particularly for the shopping area	NO	The site is hidden behind the shops and is not in a highly visible location
Street frontage with library on ground floor and not hidden from the road by trees or another building	NO	There is no street frontage and the proposed site adjoins a car park, sporting fields and the back of some housing (accessible via a pathway)
High level of personal and property safety	NO	There have been reported incidents of vandalism and break-ins in the area proposed behind the shops. CCTV has recently been installed to assist in managing this situation
Fully accessible for people with limited mobility	YES	This would be determined by the scope of the building
Close to and/or accessible from local schools and educational facilities	YES/NO	The proposed site is close to the Sanctuary Point primary school, however it is not readily accessible to other schools in the Bay & Basin area
Potential for an outdoor area to be attached to the library	NO	The proposed site of 1,500m ² doesn’t allow for an outdoor area
Priority pedestrian access which is safe and attractive, particularly for older residents, children and parents with prams	NO	There are no pavements around the area and direct access to the library from main thoroughfares, although this could be addressed by the scope / design of the building if

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		the space permits. This may impact adversely on the size of the library
Walking distance from public transport which is typically 400-500 metres with minimal gradient	YES	The nearest bus stop is 450m away
Access to convenient and safe car parking with priority for people with a disability, older residents, parents with prams, staff and night time users	YES	The site is located next to an existing car park, however there is no ability to provide additional parking spaces in the limited space to meet and service the needs of a district library
Accessible for community buses, mobile libraries, deliveries and other vehicles	NO	With the limited size of the car park it would be unlikely to provide the ability for larger vehicles to access the library
Site able to accommodate future expansion of the library if required	NO	The site is surrounded by other buildings and facilities so expansion could not be accommodated

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The recommended size as per the guidelines for a district library serving the population of the Bay & Basin area is 1,500m². The land available at Francis Ryan Reserve is approximately 1,500m² and does not include car parking and other access areas – such as an outdoor area / garden. Hence the size of the site is restrictive, particularly in regards to required future expansion and any car parking requirements.

Visibility and location on a main street is a key point when assessing this and other potential sites. The suggested location is behind existing shops, and is not visible or prominent from the street.

The Australian Library and Information Association (ALIA), the national professional organisation for the Australian library and information services sector, provides guidelines that are comparable with those from the NSW State Library. It similarly notes that library buildings should be sited prominently, near gathering points such as shopping centres, cultural centres or educational precincts, and be of a size to cater for future population growth.

The ALIA Guidelines state: *“When new libraries are developed they are typically placed in a central location, co-located with other community facilities, educational and cultural organisations.”* (Page 79)

Applying the audit framework indicates that the proposed site at Francis Ryan Reserve fully meets only three (3) of the criteria outlined in the NSW State Library Guidelines.

Council staff have pursued this option as per Council's minute of 22 May 2018; however, noting the constraints of this site, staff have investigated other available Council-owned sites within the Bay & Basin area to assist Council in considering and selecting a suitable site. Council staff have completed a desktop audit for comparative purposes, to provide further advice to Council on their suitability for a Bay & Basin District Library.

The assessment criteria used to identify these sites was that they were Council owned, a minimum size of 1,500m² and within the Bay & Basin catchment area. In total six (6) alternate site options were identified, and in addition the previously discussed Anglican

Church site adjacent to and north of the current Bay & Basin Library in Paradise Beach Road has been included in the selection, as has the previously investigated site at the Bay & Basin Leisure Centre – please see Attachment 1.

Staff have undertaken a desktop audit for each of these sites using the same guidelines, New South Wales State Library ‘People Places’, to compare the potential of each proposed site – please see Attachment 2, and in addition plotted all of these sites on a map of the Bay & Basin area for comparison – please see Attachment 3.

The professional knowledge, advice and observations of Council staff have been used to assess these sites and in undertaking the audit staff have noted that few of the identified sites score highly against the criteria. A NSW State Library representative has indicated their willingness to undertake a workshop with Councillors, stepping through the NSW State Library ‘People Places’ Guidelines and to provide an independent assessment of the suitable / available Council land in the Bay & Basin area, and advise on what they consider to be the most suitable location for a future district library. Council staff support the acceptance of this offer of an independent assessment to assist Council in its decision making in respect of the future Bay & Basin Library.

Community Engagement

At this stage a desktop audit has been conducted by staff to assess the proposed site against accepted industry standard criteria. Once a site has been identified and confirmed by Council community consultation will be conducted.

Policy Implications

At the Extra Ordinary Meeting of Council of Tuesday 13 June, 2017 the Community Infrastructure Strategic Plan was adopted. It recommends:

“It is recommended that future financial investment into planning area three focus on:

- *the development of the Vincentia Library and other elements identified in the master plan for the proposed community hub at the Bay and Basin Leisure Centre” (Page XIV)”*

Financial Implications

There is currently \$700,000 in this year’s budget for the library with a further provision earmarked in Council’s Long Term Financial Plan.

Preferred Option – Francis Ryan Reserve

Part - Lot 4 DP 806393	Area behind Sanctuary Point Preschool/Child Care Centre (Refer to Attachment 2).
Owner	Shoalhaven City Council
Description	This site is part of the Francis Ryan Reserve
Access	The current access is through the carpark servicing the rear of the retail precinct fronting Kerry Street and the oval comprising Francis Ryan Reserve.
Zoning	<p>RE1 – Public Recreation</p> <p>"Community Facilities" as defined in the Shoalhaven LEP 2014 is:</p> <p><i>"a building or place:</i></p> <ul style="list-style-type: none"> <i>a) Owned or controlled by a public authority or non-profit community organisation, and</i> <i>b) Used for the physical, social, cultural or intellectual development or welfare of the community,</i> <p><i>but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation."</i></p> <p>A Library falls within the above definition of a community facility and would be permissible with consent under the RE1 zoning.</p>
Available Site Area	Approx. 1,500m ²
Utilities	The land has existing water, sewer and power available for connection, however given the location of the current water and sewer lines, relocation of same are required.



Option 1 – Elanora Parade, Basin View

Part - Lot 7020 DP 1056381 UPN:94026	Elanora Parade, Basin View
Owner	Crown Lands – SCC as Crown Land Manager
Description	Part vegetated and the current site in part of the Malcolm Moore BMX track.
Access	Direct access from Collingwood Street, Basin View Parade, Elanora Parade or The Wool Road
Zoning	RE1 – Public Recreation. Libraries are permissible.
Available Site Area	In part approx. 6,500m ²
Utilities	The land has existing water, sewer and power available for connection.
General	Existing development – BMX track As Crown ownership, currently burdened by Aboriginal Land Claim which would require removal before being able to proceed. Native Title would also require assessment.



Option 2 - Collingwood Street, Basin View

Part – Lot 207 DP 729159 UPN: 76905	Collingwood Street, Basin View.
Owner	Crown Lands – SCC as Crown Land Manager
Description	This site is part vegetated and the current site of the Basin View RFS Station.
Access	Access from Tallyan Point Road or Collingwood Road
Zoning	SP2 – Infrastructure – Emergency Services Facilities Library not permissible.
Available Site Area	Total area is 4,833m ² Available area approximately 1,850m ² .
Utilities	The land has existing water, sewer and power available for connection.
General	Existing development - Rural Fire Station As Crown ownership, currently burdened by Aboriginal Land Claim which would require removal before being able to proceed. Native Title would also require assessment.



Option 3 – 50 Panorama Road, St Georges Basin

Part – Lot 175 DP 755968 UPN: 20051	50 Panorama Road, St Georges Basin.
Owner	Crown Lands – SCC as Crown Land Manager
Description	This site part vegetated and the current site of the St Georges Basin sporting fields.
Access	Access from the existing carpark off The Wool Road.
Zoning	Part E2 – Environmental Conservation. Small part located near the water's edge. Part RE1 – Public Recreation – majority of the Lot.
Available Site Area	Total area 19.83ha
Utilities	The land has existing water, sewer and power available for connection
General	Existing development – Sportsgrounds As Crown ownership, currently burdened by Aboriginal Land Claim which would require removal before being able to proceed. Native Title would also require assessment.



Option 4 – 41 Tasman Road, St Georges Basin

Part – Lot 110 DP 25769 UPN: 19244	41 Tasman Road, St Georges Basin
Owner	Shoalhaven City Council.
Description	This site is located on the corner of Tasman Road and Terry Street.
Access	Access from Tasman Road
Zoning	RE1 – Public Recreation. Libraries are permissible.
Available Site Area	Total area 2,845m ² - Available area approximately 1,950m ²
Utilities	The land has existing water, sewer and power available for connection.
General	Existing development – St Georges Basin SES



Option 5 – 21 Meriton Street, St Georges Basin

Part – Lot 1 DP 629175 UPN: 19181	21 Meriton Street, St Georges Basin
Owner	Shoalhaven City Council.
Description	This site is located on Meriton Street, St Georges Basin.
Access	Access from current carpark on Meriton Street.
Zoning	B4 – Mixed Use. Libraries are permissible as a community facility.
Available Site Area	Total area 1.13ha - Available area approximately 2000m ²
Utilities	The land has existing water, sewer and power available for connection.
General	Existing development – St Georges Basin Community Health Centre and Community Centre.



Option 6 – Hewitt Street, St Georges Basin

Part – Lot 13 DP 832577 UPN: 84141	Hewitt Street, St Georges Basin
Owner	Shoalhaven City Council.
Description	This site is located on the corner of Hewitt Avenue and Cammaray Drive St Georges Basin.
Access	Access from either Hewitt Avenue or Cammaray Drive.
Zoning	RE1 – Public Recreation. Libraries are permissible.
Available Site Area	Total area 2.33ha - Available area approximately 7000m ²
Utilities	The land has existing water, sewer and power available for connection.
General	Existing development – playground and shelter/BBQ area



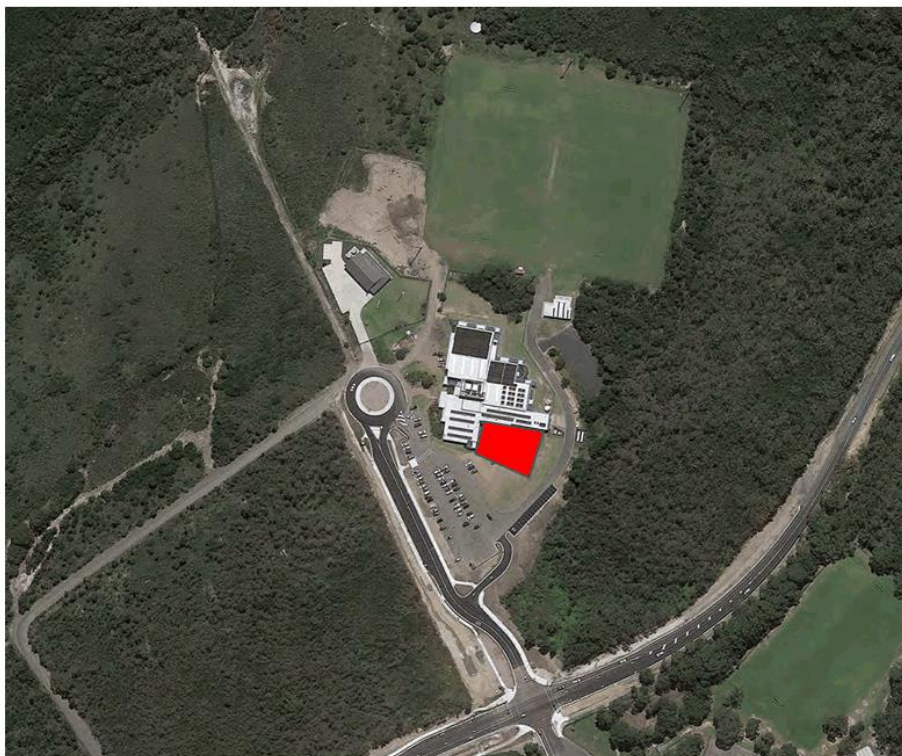
Option 7 – Anglican Church, Paradise Beach Road, Sanctuary Point

Part - Lot 80 DP 817353	
Owner	Anglican Church Property Trust Diocese of Sydney
Description	The site is located on Paradise Beach Road next to the current Sanctuary Point Library
Access	Access is via Paradise Beach Road and rear access via Gibson Crescent
Zoning	Part of the site is zoned part SP2 - Place of Public Worship (the site of the car park and grassed area north of the church building) and part R2 – Low Density Residential. Community facilities which includes Libraries is permissible with consent within the R2 zoning but not the SP2. The SP2 portion would require a rezoning through a planning proposal to an alternative zoning that permits community facilities. This process could take 12 to 18 months to achieve.
Available Site Area	The combined area of the two lots is 2,551.82 m ² , however the rear lot is irregular in shape (739.82m ²)
Utilities	The land has existing water, sewer and power.
General	Not owned by Council so acquisition would be required. A representative of the Church has advised that it is open to entering into further discussions in regard to selling to Council both parcels of land. Existing infrastructure to remove.



Option 8 – Bay & Basin Leisure Centre, The Wool Road, Vincentia

Part - Lot 51 DP 862697	
Owner	Shoalhaven City Council
Description	The site is located at the Bay & Basin Leisure Centre
Access	Access is via the Wool Road
Zoning	SP2 Infrastructure – libraries are permissible
Available Site Area	13.46 ha entire site, current site area of 9,259m ²
Utilities	The land has existing water, sewer and power.
General	This site has been debated by Council previously and there is a Bay and Basin Community Hub Master Plan. At Council's Ordinary Meeting on 27 March 2018 Council determined to construct a District Library at Sanctuary Point, as a matter of priority and redesign the Draft Bay and Basin Community Hub Master Plan without the library.



The 12 People Places Guidelines have been applied, assessed and detailed in the table below:

LOCATIONAL CRITERIA (New South Wales State Library 'People Places' – A Guide for Public Library Buildings in New South Wales)	Preferred Site	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6	Option 7	Option 8
Main street or shopping area location	✓ / X	X	X	✓	X	X	X	✓	✓
Highly visible location particularly for the shopping area	X	X	X	X	X	X	X	X	✓
Street frontage with library on ground floor and not hidden from the road by trees or another building	X	X	X	X	X	X	X	X	X
High level of personal and property safety	X	X	X	X	X	X	X	X	✓
Fully accessible for people with limited mobility*	✓	✓	✓	✓	✓	✓	✓	✓	✓
Close to and/or accessible from local schools and educational facilities	✓ / X	X	X	X	X	X	X	✓ / X	✓ / X
Potential for an outdoor area to be attached to the library	X	✓	X	✓	X	X	✓	X	✓
Priority pedestrian access which is safe and attractive, particularly for older residents, children and parents with prams	X	X	X	X	X	✓	X	X	✓
Walking distance from public transport which is typically 400-500 metres with minimal gradient	✓	X	X	X	✓	X	X	✓	X
Access to convenient and safe car parking with priority for people with a disability, older residents, parents with prams, staff and night time users*	✓	✓	✓	✓	✓	✓	✓	✓	✓
Accessible for community buses, mobile libraries, deliveries and other vehicles	X	X	X	✓	✓	✓	X	✓	✓
Site able to accommodate future expansion of the library if required	X	✓	X	✓	X	X	✓	X	✓

* dependent on design



CL18.319 Acceptance of Grant Funding - Community Development Grants Programme - Shoalhaven Indoor Sports Centre Project

HPERM Ref: D18/389659

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

Purpose / Summary

To seek Council approval to accept the Federal Government Community Development Grants Program grant funding of up to \$2,800,000 (exclusive of GST) towards the fit out of the Shoalhaven Indoor Sports Centre.

Recommendation

That Council

1. Accept the Federal Government grant funding (\$2,800,000) offer
2. Write to the Federal Government and local Member of Parliament, and thank them for the grant offer

Options

1. Council accept the grant monies awarded to Shoalhaven City Council for the Shoalhaven Indoor Sports Centre project.

Implications: This will ensure the finalisation of the fit out of the Shoalhaven Indoor Sports Stadium.

2. Council reject the recommendation and not accept the grant monies

Implications: This would mean Council do not receive the funds to deliver this project.

Background

Council has been successful in obtaining \$2,800,000 from the Federal Government Community Development Grants Program to provide for the fit out of the Shoalhaven Indoor Sports Centre Bomaderry. The funding is provided through the Department of Infrastructure, Regional Development and Cities.

Council will be forwarded a formal funding deed shortly, outlining our requirements on reporting and payment milestones. Once executed by the General Manager, works on the Shoalhaven Indoor Sports Centre fit out can commence.

Acceptance of these grant funds will ensure that Council will undertake the fit out of the Shoalhaven Indoor Sports Centre at Bomaderry for the benefit of our communities.

Financial Implications

Council has currently been constructing the indoor sports centre with allocated funds. The addition of the grant funding will ensure the fit out can be completed.

CL18.319

CL18.320 Donation Request - Katherine Outback Experience 'Speak Up' Tour

HPERM Ref: D18/369190

Group: Finance Corporate & Community Services Group
Section: HR, Governance & Customer Services

Attachments: 1. Application Form - Donation - Katherine Outback Experience [↓](#)
2. Brochure - Tom Curtain's Speak Up Tour (under separate cover)

Purpose / Summary

To advise Council of a donation request received from the Katherine Outback Experience to bring their 'Speak Up' Tour to Nowra, and seek Council's decision in relation to that request.

Recommendation

That Council donate \$5,000 to the Katherine Outback Experience 'Speak Up' Tour.

Options

1. As recommended.

Implications: The unallocated donations budget would be reduced to \$11,400.

2. Provide a donation of another amount.
3. Not provide a donation.

Background

Shoalhaven City Council received a donation request, on 23 October 2018, from the Katherine Outback Experience, to help fund Tom Curtain's Speak Up Tour which includes a performance in Nowra.

The event will take place on 3 February 2019 at the Nowra Showground. If the Council donation is made, the organisers will be able to offer free ticketing to attendees. The show comprises horse-training and working dog demonstrations, and live musical performance. As an adjunct to the performances, Tom Curtain visits local schools to raise awareness about bullying (the Dolly's Dream program).

The organisers in their application (Attachment 1) state:

"The proposed event is consistent with the Shoalhaven Vision 2023 in that it provides an attraction for the community to 'play'. The event also addresses [several] objectives of the City's Community Strategic Plan... As an outback show that celebrates life on the land, it is fitting for Shoalhaven's rural landscape and cultural heritage. The event is family friendly and can be enjoyed by all age groups and levels of mobility. Furthermore, it is interactive as well as engaging, entertaining and educational."

Financial Implications

The unallocated donations budget at present totals \$16,400 for the current financial year.

CL18.320

Appendix C



Application for Financial Assistance/Donation

File 4771E

Financial Year ____/____

Please complete the following application form where assistance from Council is requested. This information is the minimum required for an application. Please attach additional information as requested within the Guidelines and Procedures for Annual Donations, Sponsorships and Subsidies document under "Checklist of documents to be forwarded with application".

Date: 19 October 2018

Details of Organisation/Individual:

- Name of Applicant/Organisation responsible for the event/activity:
Annabel Curtain on behalf of Katherine Outback Experience
- Contact person: Annabel Curtain Signature:
- Mailing address: PO Box 2100 KATHERINE NT 0851
- Phone: (Home) 0428 301 580 (Business) 0428 301 580
- Amount of assistance being sought: \$ 5,000.00
- Organisation composition

Non Profit/Charity/Incorporated other (please circle)	
Commercial undertaking	YES NO
Do membership fees apply	YES NO
Amount charged for membership	\$ NA
Number of people in organisation/members	NA
- Office bearers of organisation (President, Secretary, Treasurer or Project Manager):

Director: Tom Curtain	
Director: Annabel Curtain	
Office Manager: Katrina Lucas	

Title of Event/Project

- Please give a brief description of the event/project for which assistance is sought:
Multiple Golden Guitar winner and 2018 Australian Independent Country Music Artist of the Year, Tom Curtain, is touring his family-friendly outback show 'Katherine Outback Experience' and music through regional QLD, NSW and VIC from December 2018 to mid-March 2018. The event generally consists of 1hr horse and dog show followed by 1hr of live music performed by Tom Curtain.
Tom is also the official ambassador of Dolly's Dream and will be visiting a number of schools and communities along the way to share his inspirational story, speak about bullying and it's devastating impacts and raise awareness about mental health in rural areas.
Like all our shows, we intend to partner with a local sporting or community group to run the bar and food. They will keep 100% of profits from the food/ drink sales.
- Is this proposed to be an annual event/project? YES NO

Shoalhaven City Council – Donations Policy – Application for Financial Assistance/Donation

3. Date/s of the proposed event/project Sunday 3 February 2019
4. Where will the event/project take place? Nowra Showground
5. Name of Public Liability Insurer QBE Insurance
6. Amount of insurance cover \$ 20,000,000
7. Will the event/project support charities YES/NO
- If YES, value of support \$ Raise awareness about Dolly's Dream - Merchandise available to purchase

Funding

1. Cost of the total event/project \$ 5,000
2. Funds available at present to go towards event \$ Nil
3. How are funds to be raised?
- Should assistance from Council not be an option, then the event will be ticketed with costs being passed down to guests. We have been overwhelmed by the number of locals who have specifically requested we perform the show in Nowra (more than any other town).
4. Has Council previously assisted your organisation? YES/NO
5. What was the amount (per annum) of the assistance from Council? \$ NA
6. What were the dates for the assistance? NA
7. Is funding from Council for this activity likely to be ongoing? YES/NO
8. Have you applied for funding from other Sections of Council or other organisations? YES/NO
9. Was your application successful? NA YES/NO
- If YES, what was the amount allocated \$ NA
- Name of Council Section or organisation NA
10. Will this event/project be self-funding in the future? Unsure - Depends on success of this event YES/NO
- If NO, will the event/project be dependent of future funding from Council? NA YES/NO
11. If Council assisted your event previously, please provide a cash flow statement of income and expenditure for the event. NA
12. How do you intend to give public recognition to the financial assistance received from Council and acknowledge Council's financial assistance on any related promotional or other material.....
- We will acknowledge the event as Council funded in our marketing including social media, online, print advertising, radio, newspaper and TV interviews. Council would be welcome to hang banners at the event. We would also be happy to include Council's logo on imagery for the Nowra event.

Shoalhaven City Council – Donations Policy – Application for Financial Assistance/Donation

Please provide details of how this event/project will meet Council's objectives of the financial assistance/donations program:

Objective 1: To consider financial assistance by way of donations, sponsorships and subsidies to local service, cultural, sporting, charitable or non-profit organisations who operate within or provide benefit to the residents of Shoalhaven City.

We are seeking \$5,000 +GST in sponsorship for Tom Curtin's Speak Up Tour show in Nowra to enable residents of Shoalhaven City to attend the event for free. The interactive family friendly show is engaging, entertaining and educational. The show consists of 1 hour of real horse-training and working dog demonstrations (including hands-on fun for the kids who 'help' train the dogs), followed by 1hr of live music performed by 2018 Australian Country Music Independent Artist of the Year, Tom Curtin. Katherine Outback Experience is rated No.1 of Things to do in Katherine and No.2 in the Northern Territory on TripAdvisor. The team will partner with a local community or sporting group to operate the sale of food and drinks. This group will retain all profits from food/ drink sales. As an official ambassador of Dolly's Dream, Tom will also visit local schools to raise awareness about bullying and share his own inspirational story.

Objective 2: To consider assistance to organisations to conduct quality cultural, sporting and community service programs or events who cannot attract sufficient funds from other sources.

Tom Curtin is a multiple award winning singer songwriter. In 2018 alone, Tom won two prestigious Golden Guitars at the Tamworth Country Music Awards of Australia (Australia's highest accolade in country music), and four Australian Independent Country Music Awards including Artist of the Year, Male Vocalist of the Year, Album of the Year and Single of the Year. As aforementioned, Katherine Outback Experience is rated No.1 of Things to do in Katherine and No.2 in the NT on TripAdvisor. This is a quality cultural event that celebrates and showcases life on the land in outback Australia.

Objective 3: To address targets specified within the Council's Community Strategic Plan or Shoalhaven City Council's Operational Plan objectives including access and usage of community resources, services and facilities, and equity of access for special needs groups.

The proposed event is consistent with the Shoalhaven Vision 2023 in that it provides an attraction for the community to 'play'. The event also addresses the following objectives of the City's Community Strategic Plan: 1.1.1, 1.2.1, 1.4.1, 3.1.2, 3.2.1. As an outback show that celebrates life on the land, it is fitting for Shoalhaven's rural landscape and cultural heritage. The event is family friendly and can be enjoyed by all age groups and levels of mobility. Furthermore it is interactive as well as engaging, entertaining and educational.

Objective 4: To consider funding to encourage and enable broad community participation in cultural, sporting and community service programs.

This is an event that can be enjoyed by all age groups and levels of mobility. As an outback show that celebrates life on the land, it is fitting for Shoalhaven's rural landscape and cultural heritage.

Shoalhaven City Council – Donations Policy – Application for Financial Assistance/Donation

Event/Project Budget Information

Expenditure		Amount
1.	Wages/Salaries/Contractors (give details)	\$1,272.55 per show
2.	(a) Other staff related costs:	
	On Costs	
	Travel	\$450 per show (fuel, food, accom)
	Other	
	(b) Value of voluntary labour	
3.	Administration	
	Accountant/Audit fees	\$188 per show
	Other Insurance	\$170.60 per show
4.	Hire of Hall/Venue	TBC
5.	Equipment/Materials	
	Purchase	
	Hire	
6.	Advertising/Promotion	\$450 per show
7.	Other Project/Operating Costs (give details)	
	Stockfeed	\$159 per show
	Other operating expenses/ overheads (Loans, tax, power)	\$1,397.60 per show
TOTAL		\$4,087.75 + Venue Hire

Income		Amount
1.	Sponsorship (nominate sponsor) On the basis it's sponsored	\$5,500 (incl. GST)
2.	Donations	
3.	Sales	
4.	Admission Fees/Ticket Sales	
5.	Other Income (give details)	
	Merchandise - CDs, Caps, Stubby Holders, Stickers	\$500
TOTAL		\$6,000

Shoalhaven City Council – Donations Policy – Application for Financial Assistance/Donation

In making this application I confirm that this event will comply with Councils Sustainable Events policy. I also confirm that no other financial assistance is being sought from Council for this event and undertake to provide an acquittal of the funding within 60 days of the event.

Signed by Annabel Curtain on behalf of Katherine Outback Experience (name of organisation)

Signature.....  Date..... 21/10/2018

Checklist of documents to be forwarded with application:

1. For first time applicants, a copy of their organisation's constitution and if that constitution changes then an updated copy of it is to be forwarded with any subsequent application. NA
2. A copy of the most recent annual report (including financial statements of income and expenditure) – preferably audited. NA - We assume this is relevant for clubs/ charities?
3. Copy of notification of ABN No. and GST registration (if applicable) from the Australian Tax Office. See Attached
4. Evidence of incorporation. See Attached
5. A copy of the applicant's current public liability insurance policy (ie Certificate of Currency). See Attached
6. Where the applicant is a registered public charity, a copy of the registration certificate. NA

CL18.321 Investment Report - October 2018

HPERM Ref: D18/383276

Group: Finance Corporate & Community Services Group
Section: Finance

Attachments: 1. Monthly Investment Report - Shoalhaven City Council (under separate cover)

Purpose / Summary

In accordance with section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation, a written report is provided to Council setting out 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 31 October 2018 be received for information

Options

1. The report on the Record of Investment for the period to 31 October 2018 be received for information.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 31 October 2018 be received for information.

Implications: Nil

3. The report of the Record of Investments for the period to 31 October 2018 be received for information with any changes requested for the Record of Investments to be reflected in the report for the period to 30 November 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 October was \$2,103,350; 52.3% of the full year budget. Spending against loan funds for the REMS 1B project is on track but slightly behind estimated project cash flows, resulting in continued higher than expected interest earnings. General Fund interest earned is higher due to more cash being on hand than predicted; total cash, however, is expected to decline during the year as capital expenditure progresses and higher earning investments mature.

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Fund	Budget	Actual	%
General	\$2,328,000	\$1,154,636	49.60%
Water	\$794,000	\$467,859	58.92%
Sewer	\$900,000	\$480,856	53.43%
Total	\$4,022,000	\$2,103,350	52.30%

The interest earned for the month of October was \$533,569, which was \$192,065 above budget.

Fund	Monthly Budget	Actual	Difference
General	\$197,721	\$295,447	\$97,726
Water	\$67,436	\$119,033	\$51,598
Sewer	\$76,438	\$119,179	\$42,741
Total	\$341,595	\$533,659	\$192,065

The table below includes revised September 2018 figures after further work was completed to ensure the accuracy of restricted cash balances.

CL18.321

RECORD OF INVESTMENTS Cash and Investment Balances

	October 2018	Revised September 2018
Cash And Investments Held		
Cash at Bank - Transactional Account	\$5,808,258	\$4,825,956
Cash at Bank - Trust Fund	\$1,240	\$1,240
Cash on Hand	\$58,240	\$70,640
Other Cash and Investments	\$201,953,399	\$214,359,435
	\$207,821,137	\$219,257,271
 Fair Value Adjustment	 \$177,505	 \$177,505
Bank Reconciliation	\$5,490	-\$260,961
	\$182,995	-\$83,456
 Book Value of Cash and Investments	 \$208,004,131	 \$219,173,815
 Less Cash & Investments Held In Relation To Restricted Assets		
Employee Leave Entitlements	\$8,136,913	\$8,136,913
Land Decontamination	\$1,311,488	\$1,399,930
Critical Asset Compliance	\$2,186,559	\$2,241,990
North Nowra Link Road	\$462,499	\$464,646
Other Internal Reserves	\$6,661,216	\$6,445,369
Section 7.11 Matching Funds	\$314,490	\$314,490
Strategic Projects General	\$618,679	\$1,168,094
Industrial Land Development Reserve	\$7,849,097	\$7,849,097
Plant Replacement	\$2,009,674	\$2,535,668
Financial Assistance Grant	\$4,663,100	\$4,663,100
S7.11 Recoupment	\$1,596,434	\$1,596,569
Commitment To Capital Works	\$3,967,684	\$4,698,626
Property Reserve	\$183,492	\$205,275
Total Internally Restricted	\$39,961,325	\$41,719,767
 Loans - General Fund	 \$6,410,916	 \$7,053,333
Self Insurance Liability	\$1,365,203	\$1,505,047
Grant reserve	\$6,970,082	\$8,082,712
Section 7.11	\$32,077,075	\$32,060,597
Storm Water Levy	\$902,996	\$880,468
Trust - Mayors Relief Fund	\$86,138	\$85,230
Trust - General Trust	\$4,369,021	\$4,419,747
Waste Disposal	\$6,732,914	\$7,704,268
Sewer Fund	\$49,234,660	\$51,295,465
Sewer Plant Fund	\$2,224,477	\$2,131,940
Section 64 Water	\$18,659,978	\$18,641,816
Water Fund	\$25,241,974	\$25,493,739
Water Communication Towers	\$1,155,790	\$1,155,790
Water Plant Fund	\$2,191,240	\$2,163,512
Total Externally Restricted	\$157,622,463	\$162,673,664
 Total Restricted	 \$197,583,788	 \$204,393,431
 Unrestricted Cash And Investments		
General Fund	\$10,420,343	\$14,780,384

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The table below lists the major movements:

Total Cash and Investments	-\$11,169,683	
Sewer Fund	-\$2,060,805	REMS Contract payments
Unrestricted General Fund	-\$4,360,041	October wasn't a Rates instalment month with normal expenditure on operations and projects

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

CL18.321

CL18.322 September 2018 - Quarterly Budget Review

HPERM Ref: D18/378426

Group: Finance Corporate & Community Services Group
Section: Finance

Attachments: 1. Quarterly Budget Review Statement September 2018 (under separate cover)

Purpose / Summary

In accordance with Regulation 203(1) of the Local Government (General) Regulation (2005), the Responsible Accounting Officer must prepare and submit to Council a budget review statement after the end of each quarter. This has been carried out for the first quarter of the 2018/19 financial year.

Recommendation

That Council:

1. Receive the September Quarterly Budget Review information.
2. Adopt the adjustments as outlined in the September Quarterly Budget Review document.

Options

1. Adopt the recommendation

Implications: Nil

2. Not adopt the recommendation and make an alternative resolution

Implications: Staff will need to rework the quarterly budget review in accordance with the alternative resolution.

Background

Each quarterly budget review involves an analysis of Council's annual budget for each Group to determine whether any changes in votes are required for the period. This process has been undertaken for the period to 30 September 2018 and any changes have been reported in the Quarterly Budget Review document. This report also analyses the progress of each Group in achieving its financial objectives.

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Projects requiring funding

The following Council resolutions and reports have been noted as priority items for consideration/inclusion in future budget reviews:

Minute / Report	Title	Requested Amount	Funding Obtained	Comment	Outstanding
MIN17.797	Hoarding & Domestic Squalor	\$50,000			\$50,000
MIN18.204	Warden Head Lighthouse Ulladulla co-contribution	\$75,000			\$75,000
MIN18.92	Old Erowal Bay - Playground, BBQ Area & Amenities	\$100,000			\$100,000
MIN17.739	LP406 - Falls Ck / Woollamia Deferred areas planning proposal	\$400,000			\$400,000
MIN18.290	Huskisson Traffic Control - roundabout intersection Owen/Sydney/Tomerong Streets	\$800,000	\$25,000.00	June 2018 QBR - for development design of roundabout	\$775,000
MIN18.111	SCARP Athletics facility	\$300,000			\$300,000
CL18.123	Repay Land Decontamination Reserve (Berry RFS)	\$400,000			\$400,000
MIN18.303	Public Toilets - Tomerong	unknown			unknown
MIN18.695	Berry Heritage Investigation Project	\$40,000			\$40,000
		\$2,165,000			\$2,140,000

As future funding is identified, it will be highlighted and put to Council to place against their next highest priority from the above list.

Council's Funds

General Fund

The budget adopted by Council produced an operating surplus of \$13.5M after capital grants, an operating deficit before Capital Grants and Contributions of \$2.9M and a reduction in cash and investments of \$11M.

\$'000	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result
Net Cash & Investments Movement	(11,216)	(27,562)	(5,818)	(33,380)
Unrestricted Cash Movement	0	(15)	(320)	(335)

The revotes carried forward and adjustments made in this quarterly review have resulted from the following:

- The current budget cash deficit of \$15K is a result of MIN18.488 which required a budget to support local Anzac Day Ceremonies.
- The September Review cash decrease of \$320K is due to the following factors:
 - Shortfall of General Financial Assistance Grant \$142K
 - Maintenance position in Swim and Fitness \$79K
 - Project Officer position in Tourism \$73K
 - Community Projects \$34K

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- Parking improvements Woollamia Depot \$5K
- Positive covenant received -\$4K
- Leaseback fees on vehicle previously classified as operational -\$6K

Whilst Council is projecting a cash deficit of \$335K, it is worth remembering that, during the June Review, \$537K of cash was retained of the favourable variance.

Budget Review for the Quarter Ended 30th September 2018
Income Statement - General Fund

	Estimated Result For the Year Ending 30th June 2019					2018/19 Actual YTD	% Revised Budget
	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result			
	\$'000	\$'000	\$'000	\$'000	\$'000		
Income from Continuing Operations							
Revenue:							
Rates and Annual Charges	92,548	92,548	21	92,569	92,910	100.4%	
User Charges and Fees	53,122	53,200	(277)	52,923	10,049	19.0%	
Interest and Investment Revenue	4,590	4,590	0	4,590	961	20.9%	
Other Revenues	3,274	3,276	735	4,011	952	23.7%	
Internal Revenue	54,093	54,138	606	54,744	13,633	24.9%	
Grants and Contributions provided for Operating Purposes	19,380	21,575	(5,857)	15,718	4,310	27.4%	
Grants and Contributions provided for Capital Purposes	16,489	26,638	74	26,712	2,601	9.7%	
Other Income:							
Net Gains from the disposal of assets	0	0	0	0	417		
Total Income from Continuing Operations	243,446	255,965	(4,698)	251,267	125,833	50.1%	
Expenses from Continuing Operations							
Employee Benefits and On-Costs	69,096	69,461	601	70,062	18,111	25.8%	
Borrowing Costs	1,821	1,821	0	1,821	463	25.4%	
Materials and Contracts	48,663	53,345	34	53,379	10,065	18.9%	
Depreciation and Amortisation	41,265	41,265	1,542	42,807	10,702	25.0%	
Other Expenses	29,479	29,713	(50)	29,663	7,489	25.2%	
Internal Expenses	39,621	39,598	11	39,609	11,145	28.1%	
Net Losses from the disposal of assets	0	0	0	0	0		
Total Expenses from Continuing Operations	229,945	235,203	2,138	237,341	57,975	24.4%	
Net Operating Result	13,501	20,762	(6,836)	13,926	67,858		
Net Operating Result before grants and contributions provided for capital purposes	(2,988)	(5,876)	(6,910)	(12,786)	65,257		

In terms of what is driving the operating result, the following are the amendments that are impacting:

Revenue

As at 30 September, General Fund has achieved 50% of the revised budget. This is primarily due to the raising of rates revenue in full. Excluding rate income, General Fund has achieved 22% of the revised budget. The September Quarterly Budget Review Statement recommends a decrease of \$4.685M. The major adjustments in the review are:

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Category	Amount (\$'000)	Reason
Revenue		
Rates and Annual Charges	+21	Additional Stormwater levy received +21
User Charges & Fees	-277	Transfer to Internal Revenue – Holiday Haven -591 Reflections Café – Shoalhaven Memorial Gardens +145 Realign Mechanics Business unit income +6 Building compliance +55 (offset by employee costs) Fire Safety team +24 (offset by employee costs) Novated lease income +29 (offset by contracts) Flood Certificate changes +\$39 (offset by employee costs) Arts Centre +\$13K (leaseback +\$6 (vehicle was previously operational), touring exhibitions +7)
Other Revenues	+735	Building compliance +689 (offset by employee costs) Transfer to Internal Revenue – Tourism (chart correction) -67 Property rentals adjustment +91 (partially offset to internal expenses, balance to reserve) Property recovery of costs +8 (partially offset to contracts and internal expenses, balance to reserve) SEATS Secretarial support +8 (offset by employee costs and contracts)
Internal Revenue	+606	Sustainable Futures Committee cancelled – return unspent funds to Water -31 Transfer from User fees – Holiday Haven +591 Transfer from Other Revenues – Tourism +67 Realign Mechanical unit income -6 Realign internal project work (Noxious & Bush Regeneration project) +33, offset by internal expenses Realign Surveyors business unit income (vacancies) -49, offset by employee costs reduction
Grants Contributions & Operating -	-5,857	Reversal of FAG prepayment & adjust to FAG announced -6282 Heritage Estates grant – align to actual -165 Reduce RFS operational grant per allocation -151 (offset by contracts, internal & other expenses) Contributions for Traffic Lights (Stocklands and RMS) +565, offset by contracts Other roads contributions RMS +61, offset by contracts Noxious Weeds – align grant to actual +110, offset by employee costs and contracts Accept library catalogue grant +5, offset by contracts
Grants Contributions & Capital -	+74	Reduce RFS capital works per allocation -418 Accept waterways grants Greys Beach +138 & Lake Conjola +45 Accept Jervis Bay road grant +70

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Operating Expenditure

General Fund is on target with operating expenditure at 24% of the revised budget. The September Quarterly Budget Review Statement recommends an increase of \$2.138M. With the exception of the offsetting revenue movements outlined above, the other movements are as follows:

Category	Amount (\$'000)	Reason
Operating Expenditure		
Employee Benefits & Oncost	+601	Aquatics maintainer position +79
Materials & Contracts	+34	
Depreciation	+1,542	End of year capitalisations, previously unrecognised assets and changes to the useful life of assets based on condition inspections has required an amendment to the budget estimate.
Other Expenses	-50	Adjust RFS budget to match allocations
Internal Expenses	+11	Adjust RFS budget to match allocations

Non-Operating Expenditure

Capital Expenditure as at 30 September is 10% of the revised budget (excluding commitments). The September Quarterly Budget Review Statement recommends a budget increase of \$606K. The majority of this relates to contributions from RMS and Stocklands for traffic lights on the Princes Highway \$565K. Additional Stormwater Levy receipts \$21K and grants for Greys Beach, Lake Conjola, Jervis Bay Road & Paradise Beach Road comprise the balance.

Asset Sales

Asset sales are at 26% of the September Adjusted Budget. The recommended adjustment is an increase of \$50K.

Water Fund

The budget adopted by Council produced an operating profit of \$2.4M, an operating profit before Capital Grants and Contributions of \$1.4M, and a reduction in cash and investments of \$5.2M. The revotes carried forward and adjustments made in this quarterly review have resulted in the following:

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\$'000	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result
Operating Result	2,421	2,421	(162)	2,259
Operating Result before Capital Grants and Contributions	1,421	1,421	(162)	1,259
Net Cash & Investments Movement	(5,225)	(1,596)	193	(1,403)

The September Quarterly Budget Review Statement details the recommended budget adjustments with comments on these adjustments and any significant variances. Below is a summary of the adjustments and results to date.

Income

As at 30 September, Water Fund has achieved 24% of the revised budget.

The September Quarterly Budget Review Statement recommends an increase of \$226K. This adjustment relates to additional tower income and the reimbursement of costs to relocate a water main.

Operating Expenditure

Water Fund is on target with operating expenditure at 25% of the revised budget.

An increase of \$388K is recommended for this review. This increase relates mainly to the increase in the expected depreciation charge for the year \$365K and the reclassification of some non-operating expenditure.

Non-Operating Expenditure

Capital Expenditure as at 30 September is 15% of the revised budget (excluding commitments).

An increase of \$15K is recommended for this review. This mainly relates to minor adjustments within the capital program.

Asset Sales

Asset sales is at 78% of the revised budget. There are no adjustments recommended.

Sewer Fund

The budget adopted by Council produced an operating profit of \$11M, an operating profit before Capital Grants and Contributions of \$9.5M and a reduction in cash and investments of \$27.5M. The revotes carried forward and adjustments made in this quarterly review have resulted in the following:

CL18.322

\$'000	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result
Operating Result	11,077	11,077	769	11,846
Operating Result before Capital Grants and Contributions	9,577	9,577	769	10,346
Net Cash & Investments Movement	(27,545)	(41,617)	3	(41,614)

The September Quarterly Budget Review Statement details the recommended budget adjustments with comments on these adjustments and any significant variances. Below is a summary of the adjustments and variances to date.

Income

As at 30 September, Sewer Fund has achieved 27% of the revised budget.

The September Quarterly Budget Review Statement recommends an increase of \$93K. This adjustment relates mainly to income received from chargeable private works.

Operating Expenditure

Operating Expenditure as at 30 September is 24% of the revised budget. A decrease in the depreciation charge for the year is recommended.

Non-Operating Expenditure

Capital Expenditure as at 30th September is 14% of the revised budget (excluding commitments). An adjustment of \$90K is recommended relating to chargeable private works.

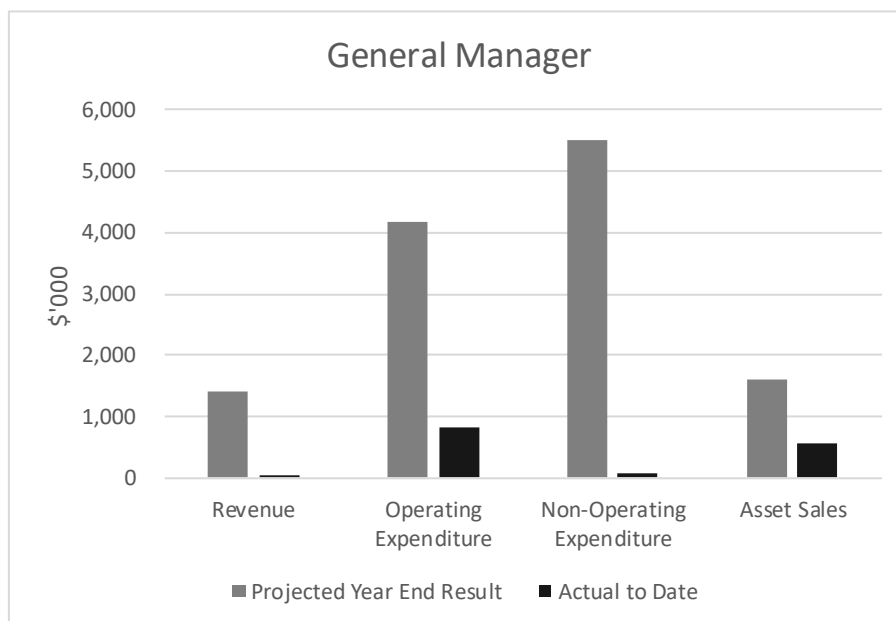
Asset Sales

Asset sales are at 44% of the revised budget. There are no adjustments recommended.

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Council's Groups

General Manager's Group



The recommended budget changes, revised budget and result to date for the General Manager's Group are summarised below, details of the adjustments and variances are included in the September Quarterly Budget Review Statement.

	\$'000	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result	Actual to Date	%
Revenue		1,267	1,390	8	1,398	52	4%
Operating Expenditure		4,127	4,530	(360)	4,170	826	20%
Non-Operating Expenditure		5,405	5,493	12	5,505	82	1%
Asset Sales		1,600	1,600	0	1,600	551	34%

General Manager's Comments:

Revenue

Increase of \$8K – Economic Development – SEATS secretarial support. This has been offset by an increase of \$8K (staff time and accommodation). Revenue is tracking behind pro-rata due to the Ulladulla Harbour berthing facility (grant income).

Expenditure

Operational – Economic Development

Increase of \$107K

Increase \$8K associated with SEATS expenses.

Increase \$2K from Industrial Land capex to opex

Increase \$77K for Grants Officer (pro-rata for portion of year at SCC), transferred from SRV item

Increase \$19K for depreciation adjustment

Total \$107K

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Operational – Civic

Decrease of \$467K

Transfer out \$303K to other Groups – SRV funding for part CDO, Ulladulla Ranger, Floodplain Engineer and Recruitment officer in HR

Transfer out of \$150K for Hyams (Coastal Village traffic mgmt.) to Tourism area

Decrease \$14,415 – transfer to capital (stand up desks)

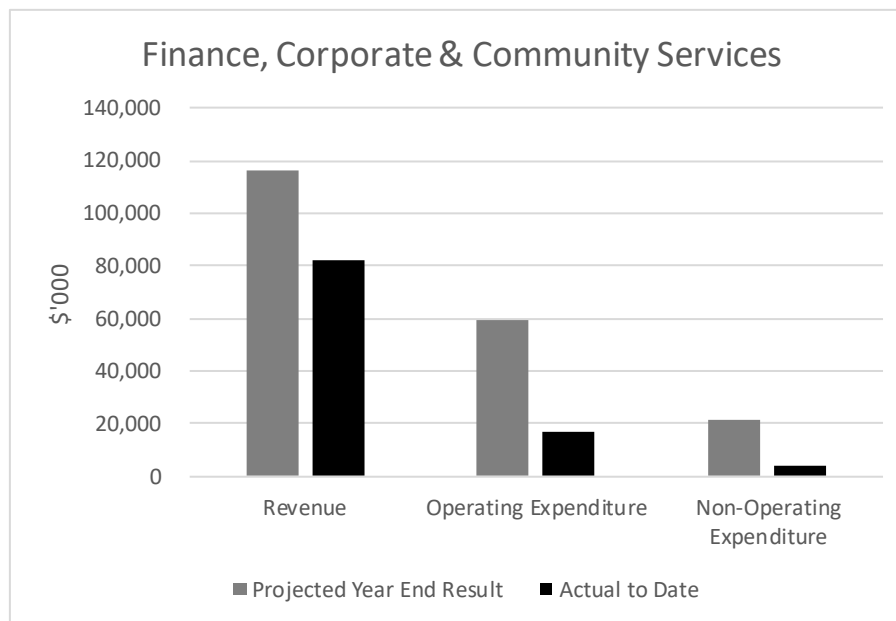
Total \$467K

Capital expenditure

Decrease \$2K to opex (fund mtce on land – lawn mowing etc)

Increase \$14K – stand up desks.

Finance, Corporate and Community Services



The recommended budget changes, revised budget and result to date for the Finance, Corporate and Community Services Group are summarised below, details of the adjustments and variances are included in the September Quarterly Budget Review Statement.

\$'000	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result	Actual to Date	%
Revenue	122,383	122,413	(6,230)	116,183	82,518	71%
Operating Expenditure	57,902	58,562	529	59,091	16,532	28%
Non-Operating Expenditure	13,856	21,683	5	21,688	3,675	17%
Asset Sales	0	0	0	0	(1)	0%

Group Director's Comments:

The significant operating income adjustment to note for the September review relates to the prepayment of half the 2018/19 Financial Assistance Grant in June 2018. Whilst this represents a reduction in estimated operating income in 2018/19 of \$6.2m, it does not affect

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Council's budgeted cash position for 2018/19 as the prepayment was held as restricted funds at 30 June 2018 and, therefore, available for expenditure in 2018/19.

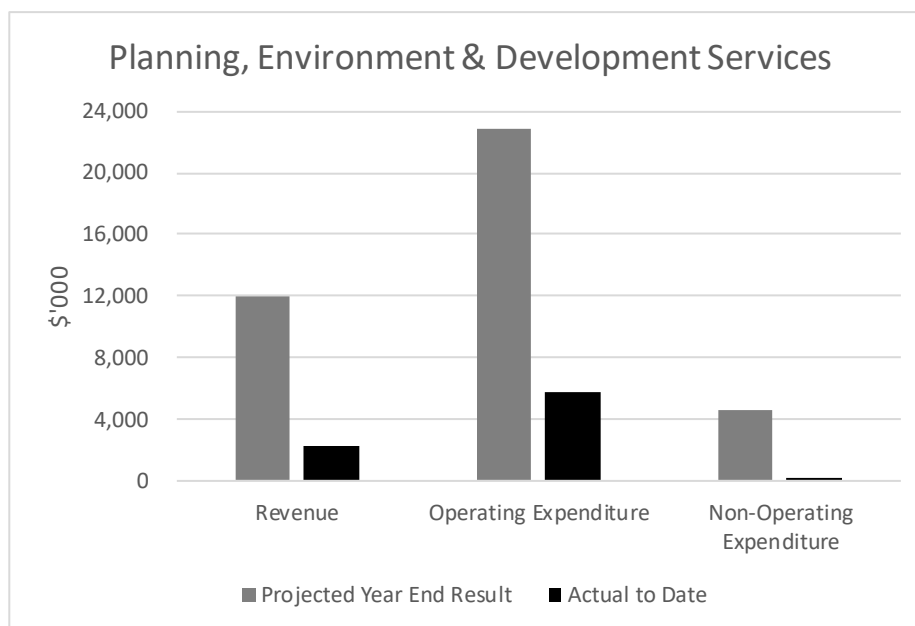
The operating expenditure is ahead of budget pro-rata for two primary reasons. Firstly, information technology licensing costs have been paid in full at the beginning of the financial year, and, secondly, the full year property insurance is initially charged against the Finance, Corporate & Community Services budget. This will be disbursed to the various departments during the second quarter.

There are no significant variations to Capital Projects to report for the September Quarter.

It should be noted however that whilst capital expenditure to date at 17% may indicate progress is behind schedule, there are a number projects where community consultation is still continuing or where Council is yet to decide on the location of facilities – such as the Bay & Basin District Library, the regional skate park, Milton/Ulladulla skate park.

Adjusting for project of this nature along with the remaining \$8M budget allocation that will be spent to complete and fit-out the Shoalhaven Indoor Sports Centre by 30 June 2019, expenditure against other 'active' capital project is on track at around 22% at 30 September 2018.

Planning, Environment and Development Services



The recommended budget changes, revised budget and result to date for the Planning, Environment and Development Services Group are summarised below, details of the adjustments and variances are included in the September Quarterly Budget Review Statement.

\$'000	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result	Actual to Date	%
Revenue	9,474	11,196	772	11,968	2,217	19%
Operating Expenditure	18,423	22,145	649	22,794	5,700	25%
Non-Operating Expenditure	3,766	4,432	125	4,557	51	1%

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Group Director's Comments:

Increase in employee benefits relates to newly created positions that are offset by increase in income, otherwise results tracking within expectations.

Small Lot Rural Subdivision

REZONING INVESTIGATIONS			
Updated 30th September 2018			
	Jerberra	Verons	Nebraska
Funding			
Loan Funded	350,000	150,000	200,000
Loan Funded (transferred from Road Design)		12,968	
Special Rates (from construction)		6,626	
Special Rates (from construction) (returned)		-5,213	
Strategic Planning Consultants Budget		25,000	
Previous Contributions (Pre 1996)	0	2,571	0
Transfer to Road Construction	-55,049		
	294,951	191,952	200,000
Expenditure			
Salaries	157,224	32,614	48,929
Consultants	123,636	157,396	61,876
Other	14,091	1,942	22,431
Commitments in 2018/19	0	0	0
	294,951	191,952	133,236
Variance	0	0	66,764

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ROAD DESIGN AND INVESTIGATIONS			
Updated 30th September 2018			
	Jerberra	Verons	Nebraska
Funding			
Loan Funded	184,438	50,281	50,281
Transfer to road construction	-168,616	0	-22,800
Transfer to rezoning	0	-12,968	0
	15,822	37,313	27,481
Expenditure			
Salaries	0	0	0
Consultants	12,333	37,313	16,835
Other	3,488	0	0
Commitments in 2018/19	0	0	0
	15,821	37,313	16,835
Variance	0	0	10,646
ROAD CONSTRUCTION			
Updated 30th September 2018			
	Jerberra	Verons	Nebraska
Funding			
Loan Funded (from investigations)	168,616	0	22,800
General Fund	0	3,000	0
Strategic Projects (2008/09)	82,020	41,738	11,750
Special Rate Funded	232,640	141,011	84,373
Infrastructure Special Rate (Loan)	7,200,000	2,130,000	0
Transfer to Estate Rezoning		-6,626	
Transfer to Estate Rezoning (returned)		5,213	
Transfer from Estate Rezoning	55,049		
	7,738,325	2,314,336	118,923
Expenditure			
Salaries	147,619	33,432	5,569
Consultants	11,662	0	12,575
Other	4,848,946	146,554	87,926
Commitments in 2018/19	133,143	0	0
	5,141,371	179,986	106,070
Variance	2,596,954	2,134,351	12,853

CL18.322

Notes:

Expenditure details will be updated quarterly.

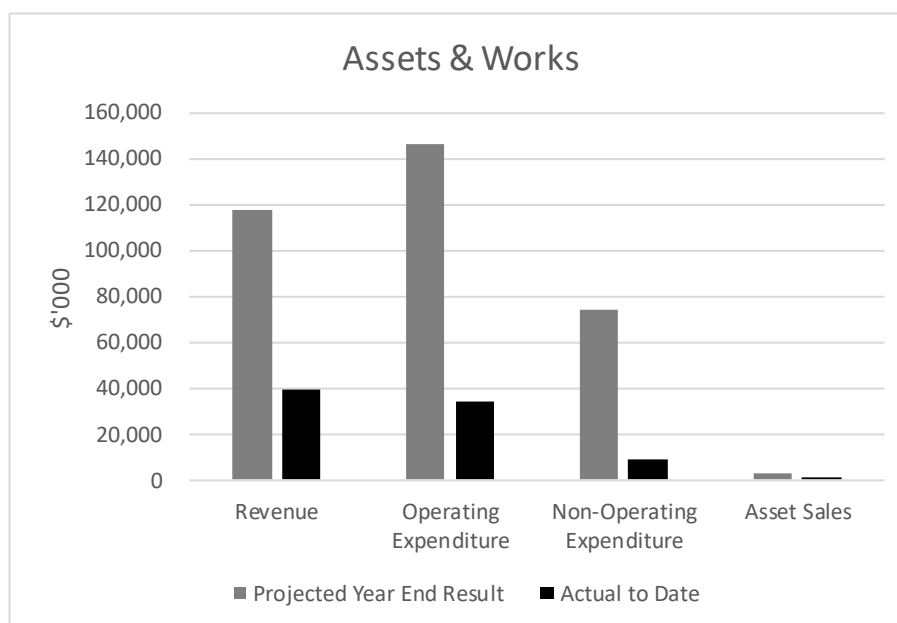
Upon completion of the rezoning investigations, any excess funding from rezoning investigations will be redirected to road investigations and construction for the relevant Estate at the appropriate time. Options to address any negative variance values will be considered in the future. If necessary, funding may be transferred between the rezoning investigation, road investigation and road construction budgets for each Estate. Funding will not be transferred from one Estate to another.

Nebraska Estate: \$66,734 remains for progressing rezoning investigations.

Verons Estate: The \$150,000 borrowed in 2006 to fund the rezoning investigations has been fully spent. A total of \$25,000 has now been transferred from the Strategic Planning Consultants budget. This will need to be recouped from the landowners at a later date. \$1,413 has also been transferred from road construction to rezoning investigations. Further transfer(s) may be necessary to complete the project.

Road investigations and construction: The balance of the roadwork design budget for Nebraska Estate for 2018/2019 is \$10,646. The balance of the construction budgets for Jerberra, Verons and Nebraska Estates for 2018/2019 are \$2.5M, \$2.1M and \$12,853 respectively.

Assets and Works



The recommended budget changes, revised budget and result to date for the Assets and Works Group are summarised below. Details of the adjustments and variances are included in the September Quarterly Budget Review Statement.

CL18.322

\$'000	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result	Actual to Date	%
Revenue	105,946	116,592	750	117,342	39,791	34%
Operating Expenditure	145,006	145,477	1,080	146,557	33,921	23%
Non-Operating Expenditure	50,745	73,600	463	74,063	9,061	12%
Asset Sales	2,444	2,444	50	2,494	508	20%

Group Director's Comments:

Contributions from RMS and Stocklands have been factored in for the traffic lights at the intersection of Kinghorne St and Princes Hwy. Advice received of an additional grant of \$110K for the intersection of Paradise Beach Rd and Kingsford Smith Rd has also been included. The budget for the Reflections Café at Shoalhaven Memorial Gardens & Lawn Cemetery has been reviewed. Revenue of \$145K and Expenditure of \$95K has been included in this review.

Stormwater Levy

Spending against the Stormwater Levy is 5% of budget.

Stormwater Levy Progress 2018/19

	Stormwater Levy Budget					Actual	Commit	Total	Budget Remaining	% Spent
	2017/18 unspent	2018/19	Adjustment	Adjustment Notes	Current					
Drainage Program										
St Andrews Way C'gatta Stage 2	\$40,129	\$80,000	-\$43,560	1	\$76,569	\$13,976	\$1,818	\$15,794	\$60,775	21%
89 Sussex Inlet Road - Drainage	\$28,887	\$90,000			\$118,887	\$0	\$10,545	\$10,545	\$108,342	9%
Pritchard Ave Huskisson Drainage	\$14,500	\$0			\$14,500	\$14,500	\$0	\$14,500	\$0	100%
The Park Dr Sanctuary Pt	\$138,178	\$0			\$138,178	\$0	\$0	\$0	\$138,178	0%
Greville Ave Sanctuary Point	\$91,167	\$0			\$91,167	\$0	\$0	\$0	\$91,167	0%
Reserve Road, Basin View - Drainage	\$6,926	\$80,000			\$86,926	\$1,771	\$0	\$1,771	\$85,155	2%
Sunset Strip Manyana	\$12,626	\$0			\$12,626	\$6,882	\$1,636	\$8,518	\$4,109	67%
River Rd Sussex Inlet Drainage	\$2,695	\$0			\$2,695	\$1,911	\$318	\$2,229	\$466	83%
River Road, Shoalhaven Heads - Drainage	\$347,618	\$0			\$347,618	\$2,733	\$6,063	\$8,796	\$338,822	3%
Katela Avenue Bomaderry	\$0	\$80,000			\$80,000	\$482	\$0	\$482	\$79,518	1%
Prince Edward Ave Culburra	\$0	\$125,000			\$125,000	\$2,282	\$0	\$2,282	\$122,718	2%
Forest Meadows Way Worrige	\$0	\$40,000			\$40,000	\$0	\$0	\$0	\$40,000	0%
Enterprise Ave & Browns Rd South Nowra	\$0	\$95,000			\$95,000	\$0	\$0	\$0	\$95,000	0%
Aries Place Narrawallee	\$0	\$75,000			\$75,000	\$270	\$455	\$725	\$74,275	1%
Meroo Road Bomaderry Drainage	\$0	\$80,000			\$80,000	\$1,302	\$0	\$1,302	\$78,698	2%
Edwards Street Berry	\$0	\$58,000	\$24,000	2	\$82,000	\$8,734	\$0	\$8,734	\$73,266	11%
The Park Drive easement piping	\$0	\$90,000	-\$24,000	3	\$66,000	\$11,901	\$2,727	\$14,628	\$51,372	22%
Lake Conjola Ent Rd - Culvert Upgrade - Drainage	\$0	\$40,000			\$40,000	\$0	\$0	\$0	\$40,000	0%
Bendalong Point, Bendalong - Drainage		\$80,000			\$80,000	\$1,047	\$0	\$1,047	\$78,953	1%
Prentice Ave, Old Errol Bay - Drainage		\$80,000			\$80,000	\$22,874	\$1,076	\$23,950	\$56,050	30%
Urgent Pipe Repairs - Southern Region		\$0	\$64,960	4, 5	\$64,960	\$0	\$0	\$0	\$64,960	0%
Total Stormwater Levy	\$682,725	\$1,093,000	\$21,400		\$1,797,125	\$90,664	\$24,638	\$115,302	\$1,681,823	5%

Note: - The projects may have other additional funding, but only the Stormwater Levy is included in this table

1. September Quarterly Budget Review - transfer 1819 funding to Urgent Pipe Repairs Southern - \$43,560
2. September Quarterly Budget review - increase \$24,000 from The Park Drive
3. September Quarterly Budget review - decrease \$24,000 to Edwards Street
4. September Quarterly Budget review - increase \$21,400 additional stormwater levy received
5. September Quarterly Budget review - increase \$43,560 from St Andrews Way

Group Director's Comments:

Whilst the expenditure at the end of Quarter 1 is only at 5%, the project at Pritchard Avenue has been completed. A number of projects are progressing and others are at their design stage, with staged implementation throughout the year.

CL18.322

The Park Drive is an easement acquisition project and negotiations are ongoing. The River Road project is being undertaken in conjunction with a State Grant for the Shoalhaven Heads River Road Foreshore Precinct. Excluding these two projects, expenditure against the Stormwater Levy is at 10% at the end of Quarter 1.

In the Southern Region, a number of urgent pipe repairs need to be undertaken and funds have been transferred from St Andrews Way to enable this to occur.

Special Rate Variations

Spending against the Special Rate Variation from 2013/14 is 27% of budget.

Special Rate Variation Progress 2018/19 - (2013/14 SRV)

	Special Rate Variation Budget					Actual	Commit	Total	Budget Remaining	% Spent
	2017/18 unspent	2018/19	Adjustment	Adjustment Notes	Current					
Special Rate Variation Program										
The Wool Rd Old Errowal Bay Ch 9.727-11.120	\$776,805	\$0			\$776,805	\$33,287	\$739,763	\$773,050	\$3,754	99%
St Anns Street		\$600,000			\$600,000	\$19,060	\$0	\$19,060	\$580,940	3%
Larmer Avenue		\$800,000			\$800,000	\$51,034	\$0	\$51,034	\$748,966	6%
The Lake Circuit		\$381,196			\$381,196	\$22,475	\$0	\$22,475	\$358,721	6%
Murramarang Rd Bawley Pt		\$500,000			\$500,000	\$32,812	\$0	\$32,812	\$467,188	7%
Local Road Resurface		\$280,000			\$280,000	\$0	\$0	\$0	\$280,000	0%
Total Special Rate Levy	\$776,805	\$2,561,196	\$0		\$3,338,001	\$158,668	\$739,763	\$898,431	\$2,439,569	27%

Note: - The projects may have other additional funding, but only the Special Rate Levy is included in this table

Group Director's Comments:

The Wool Road was from the 17/18 program and is nearing completion. Projects from the 18/19 allocation have commenced with survey and design work.

Spending against the Special Rate Variation from 2017/18 is 53% of budget.

Special Rate Variation Progress 2018/19 - (2017/18 one year only)

	Special Rate Variation Budget				Actual	Commit	Total	Budget Remaining	% Spent
	2017/18 unspent	Adjustment	Adjustment Notes	Current					
Special Rate Variation Program									
Parks Core Maintenance	\$30,382			\$30,382	\$23,340	\$7,042	\$30,382	\$0	100%
Jacobs Drive Streetscape	\$533,799			\$533,799	\$66,810	\$199,376	\$266,186	\$267,613	50%
Total Special Rate Levy	\$564,181	\$0		\$564,181	\$90,150	\$206,418	\$296,568	\$267,613	53%

Note: - The projects may have other additional funding, but only the 2017/18 Special Rate Levy is included in this table

Group Director's Comments:

All remaining items for Parks are covered by existing purchase orders and they are progressing. Jacobs Drive is nearing completion.

Spending against the Special Rate Variation from 2018/19 is 55% of budget.

CL18.322

Special Rate Variation Progress 2018/19 - (2018/19 SRV)

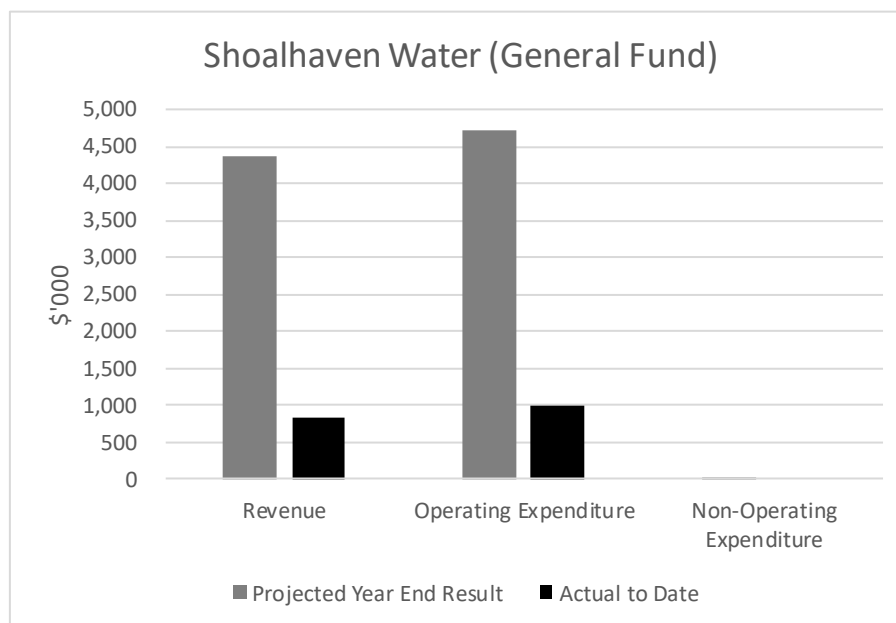
	Special Rate Variation Budget				Actual	Commit	Total	Budget Remaining	% Spent
	2018/19	Adjustment	Adjustment Notes	Current					
Special Rate Variation Program									
SRV 2019 Additional Resources	\$1,000,000			\$1,000,000	\$57,317	\$199,624	\$256,941	\$743,059	26%
Interest Repayments - General Fund	\$73,899			\$73,899	\$73,899	\$0	\$73,899	\$0	100%
Public Halls Programmed Mtce	\$200,000			\$200,000	\$0	\$0	\$0	\$200,000	0%
Parks Core Maintenance	\$200,000			\$200,000	\$0	\$0	\$0	\$200,000	0%
Local Roads Routine Maintenance	\$600,000			\$600,000	\$0	\$0	\$0	\$600,000	0%
Principle Repayments - General Fund	\$75,082			\$75,082	\$75,082	\$0	\$75,082	\$0	100%
Nowra Showground buildings	\$600,000			\$600,000	\$0	\$0	\$0	\$600,000	0%
Public amenity - Cudmirrah - Errol Bond Reserve	\$200,000			\$200,000	\$0	\$0	\$0	\$200,000	0%
SRV 2019 Sports grounds upgrades	\$500,000			\$500,000	\$0	\$0	\$0	\$500,000	0%
SRV 2019 road renewal works	\$601,754			\$601,754	\$0	\$0	\$0	\$601,754	0%
SRV 2019 streetscape renewal	\$512,500			\$512,500	\$0	\$0	\$0	\$512,500	0%
Reduction to General Fund cash deficit	\$4,653,116			\$4,653,116	\$4,653,116	\$0	\$4,653,116	\$0	100%
	\$0				\$0			\$0	
					\$0			\$0	
Total Special Rate Levy	\$9,216,351	\$0		\$9,216,351	\$4,859,414	\$199,624	\$5,059,038	\$4,157,313	55%

Note: - The projects may have other additional funding, but only the Special Rate Levy is included in this table

Group Director's Comments:

The phased recruitment for the additional resources is tracking well at the end of Quarter 1. Program details for the maintenance and renewal works are approaching finalisation.

Shoalhaven Water



The recommended budget changes, revised budget and result to date for the Shoalhaven Water (General Fund) Group are summarised below. Details of the adjustments and variances are included in the September Quarterly Budget Review Statement.

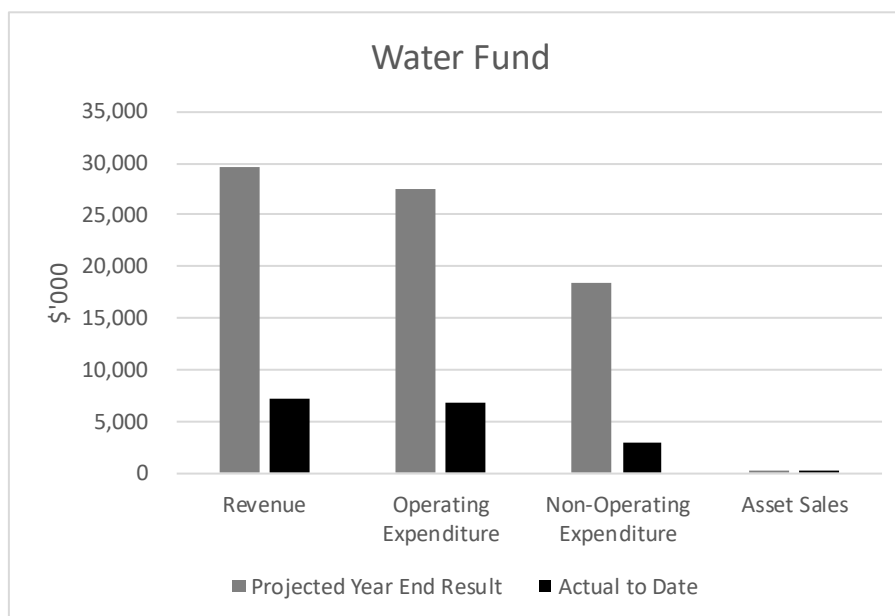
CL18.322

\$'000	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result	Actual to Date	%
Revenue	4,376	4,376	0	4,376	834	19%
Operating Expenditure	4,490	4,490	240	4,730	995	21%
Non-Operating Expenditure	18	18	0	18	0	0%

Group Director's Comments:

The Shoalhaven Water General Group is operating on target, with revenue at 19% of budget and operational expenditure at 21% of budget. The only adjustment recommended relates to depreciation.

Water Fund



The recommended budget changes, revised budget and result to date for the Shoalhaven Water (Water Fund) Group are summarised below. Details of the adjustments and variances are included in the September Quarterly Budget Review Statement.

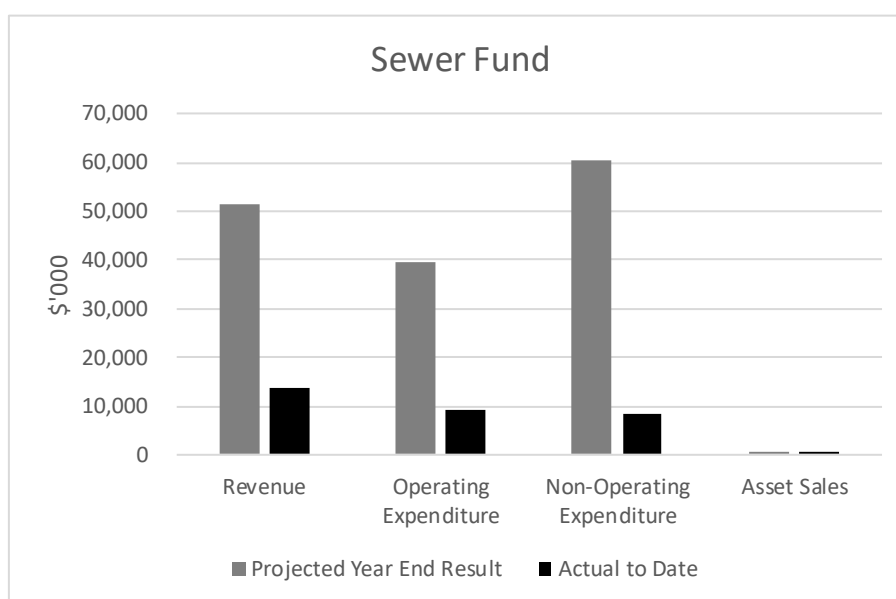
\$'000	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result	Actual to Date	%
Revenue	29,490	29,490	226	29,716	7,110	24%
Operating Expenditure	27,070	27,070	388	27,458	6,876	25%
Non-Operating Expenditure	16,835	18,362	15	18,377	2,842	15%
Asset Sales	120	120	0	120	94	78%

CL18.322

Group Director's Comments:

The Water Fund is operating on target, with operational expenditure at 25% and revenue at 24% of budget. The adjustment recommended for revenue relates to additional communication tower income and funds received for the relocation of the water main at the RFS in Berry. The adjustment to operational expenditure mainly relates to the increase in the expected depreciation charge for the year \$322K, the reclassification of non-operating expenditure and the return of unspent funds provided for the Sustainable Futures Committee (\$31K). The capital program is progressing at 15% of budget and requires a downward adjustment of \$45K this quarter. This adjustment relates to the reclassification of expenditure.

Sewer Fund



The recommended budget changes, revised budget and result to date for the Shoalhaven Water (Sewer Fund) Group are summarised below. Details of the adjustments and variances are included in the September Quarterly Budget Review Statement.

	\$'000	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result	Actual to Date	%
Revenue		51,149	51,149	93	51,242	13,626	27%
Operating Expenditure		40,072	40,072	(676)	39,396	9,369	24%
Non-Operating Expenditure		42,216	60,208	90	60,298	8,250	14%
Asset Sales		120	120	0	120	53	44%

Group Director's Comments:

The Sewer Fund is operating on target, with operating expenditure at 24% of budget and revenue at 27%. The adjustment to revenue relates mainly to income from chargeable private works exceeding forecasts. A decrease to operational expenditure of \$676K relates mainly to the depreciation charge. The capital program is progressing at 14% of the budget. The adjustment of \$90K to chargeable private works is off set by the increase in income.

CL18.322

Financial Implications

Adjustments made in the September quarter budget review have resulted in a projected cash deficit budget. Council will need to be mindful of the situation and not introduce new works or services unless a funding source is clearly identified.

CL18.322

CL18.323 Land Classification Lot 155 Inglewood Cres, Tomerong

HPERM Ref: D18/374257

Group: Assets & Works Group

Section: Business & Property

Purpose / Summary

To provide Council with an opportunity to accept Lot 155 DP11629 Inglewood Crescent, Tomerong as per Council's Policy 16/247 – Small Lot Rural Subdivisions – Dealing with Unpaid Rates and Charges and Section 570 of the LGA and classify the land as Operational Land.

Recommendation

That Council accept Lot 155 DP11629 Inglewood Crescent, Tomerong in lieu of unpaid Rates & Charges from the owner and classify the land as Operational.

Options

1. Resolve as recommended.

Implications: Classification of the land as “operational” gives Council flexibility in management of and/or dealing with the land into the future. Should any objections be received prior to the close of submission on 5 December 2018 Council will be notified at its Strategy & Assets meeting on 11 December 2018.

2. Not resolve as recommended.

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

Background

It is intended to accept the transfer of Lot 155 DP11629 Inglewood Crescent, Tomerong in lieu of Unpaid Rates & Charges and in accordance with Council's Policy 16/247 and Section 570 of the LGA.

The property is zoned E2 Environmental Conservation under the SLEP (Jerberra Estate) 2014 which carries a minimum lot size of 40Ha.

The property owner has provided Council with an executed transfer and once executed by Council the transfer will be lodged at the Land Titles Office.

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

There are two classifications available:

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

CL18.323

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

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

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

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

Community Engagement

In accordance with Section 34 of the LGA93, a public notice of Council's intention to classify the land as Operational was placed in the local press 7 November 2018 allowing 28 days for written submissions, closing 5 December 2018. At the time of writing this report no submissions have been received and any submissions received prior to the closing time will be advised at the Committee meeting.

CL18.323

CL18.324 Electric Vehicle Trial

HPERM Ref: D18/371785

Group: Assets & Works Group
Section: Works & Services

Attachments: 1. Council Members - Payment of Expenses and Provision of Facilities (under separate cover)

Purpose / Summary

Allow Council to consider trialling the use of Electric Vehicles.

Recommendation

That the General Manager undertake a two year trial of Electric Vehicles in Council's Fleet by purchasing up to three such vehicles (including one for the Mayor in accordance with Council's adopted Policy) and report the findings back to Council at the end of each year of the trial.

Options

1. As per recommendation.

Implications: Limited exposure to introducing Electric Vehicles into Council's fleet. Worst case possible cost of \$30,000, if low utilisation was achieved.

Provides Council with real data in relation to the cost and benefits of Electric Vehicles and will help guide fleet composition decisions into the future

2. Do not undertake trials of Electric Vehicles.

Implications: No change to current Council fleet composition arrangements. Lost opportunity to gather real "Shoalhaven City Council" data.

Background

All Electric Vehicles (EVs) are listed as having zero emissions, with the running and fuel costs greatly reduced. Servicing costs are almost zero and therefore in the right circumstances these vehicles could provide significant long-term cost savings to Council, not to mention environmental benefits for everyone.

Electric Vehicles are finding their way into government fleets and taxi services and starting to become very popular and reliable.

Fleet Services is proposing to purchase three EVs and trial their use in an effort to determine how these cars perform for Shoalhaven City Council, and if in fact the manufacturer's claims are real. Gathering such data will guide future fleet composition decisions.

There are no operational type EVs (utilities) at this stage and therefore there is no opportunity to introduce the EVs via Council's operational fleet.

Fleet Services is proposing to purchase at least three EVs in order to get a good cross-section of usage. The preferred vehicle for a trial is the Hyundai Kona valued at \$45,000 recommended retail price (rrp). There is no State Government pricing option for this vehicle at this stage.

CL18.324

The Hyundai Kona has the best range of all EVs sold in Australia. It is a small SUV type vehicle with a range of 500km per charge. Vehicles would need to be charged/plugged in every night.

Current similar vehicles on the leaseback list are:

- Nissan Xtrail \$32,990 rrp / \$28,204 State Government pricing
- Hyundai Tucson \$35,950 rrp / \$31,059 State Government pricing
- Hyundai I30 \$24,990 rrp / \$22,619 State Government pricing

Research suggests that vehicles would need to travel about 20,000km plus per year to be an economically viable option. Fewer kilometres per year will not generate savings in fuel and service costs.

Three trial scenarios are proposed:

Scenario – 1 Mayoral Vehicle

Item 13.1 Mayoral Vehicle of Council's Policy "Council Members – Payment of Expenses and Provision of Facilities" (attachment 1) with respect to Mayor's vehicle reads:

The Mayor may provide a vehicle of appropriate standard for use on Mayoral duties or alternatively Council shall provide and maintain a vehicle of appropriate standard for use by the Mayor to carry out the role, responsibilities and duties of the Mayor in accordance with the conditions outlined in Appendix A to this policy.

For private use outside of the City of Shoalhaven a rate of 15 cents per kilometre shall apply.

The Mayor shall be required to provide a monthly reconciliation of such private use which may be deducted from the fees paid to the Mayor.

The Mayor travels large kilometres and the vehicle has a high profile.

The vehicles used in Trials 2 and 3 would be wrapped and embellished with positive messages relating to Council and the services Council provides.

Advantages

- The vehicles will be utilised in real life situations and thus the performance of the vehicles will give good insight to their value.
- Likely to travel more than 20,000km per year so should realise cost savings.
- Can be "badged" to advertise the trial and thus promote Council's "innovative culture"

Disadvantages

- Limited user experience feedback would be generated.

Scenario 2 – Leaseback

A small number of vehicles could be offered as Leaseback vehicles to users that agree. Unfortunately, there is no towing capacity and therefore the take-up for the trial is expected to be low.

Advantages

- The vehicles will be utilised in real life situations and thus the performance of the vehicles will give good insight to their value.
- Likely to travel more than 20,000km per year so should realise cost savings.

Disadvantages

- Limited user experience feedback would be generated and would rely on identifying a "volunteer".

- Limited “badging” options.

Trial Considerations for Leaseback Users

To encourage employees to be part of the trial the following needs to be considered:

- i) Consultation and education process with eligible employees on the benefits, limitations and what they can expect with an electric car.
- ii) Incentive to participate

It is foreseen that eligible employees may be hesitant to participate as the EVs would attract a higher leaseback fee under Council’s current policy, as the leaseback payment should cover 100% of the FBT. Financial incentives may need to be offered such as:

- discounted leaseback fee
- cash subsidy to participate in trial
- allowance for recharging EV at their home.

Scenario 3 – Pool Vehicle

There are a couple of vehicles within Council’s Fleet used as pool vehicles at the Nowra Administration Building. As these vehicles reach their trade-in date, they could be exchanged for EVs.

Advantages

- There would be a high number of users and thus good feedback on the car’s performance would be gathered.
- The vehicle would be wrapped and embellished with positive messages relating to Council and willingness to trial new technologies thus can be “badged” to advertise the trial and thus promote Council’s “innovative culture”

Disadvantages

- Typically pool vehicles generate low kilometres and thus the benefits of services costs and fuel savings will not be easily realised.

Community Engagement

The EV vehicles offered in Scenarios 1 and 3 would provide opportunities for Council to advertise positive messages to the community.

Our learnings could be shared with others in the community (via Council reports to Ordinary Meeting) and thus provide assistance to others who are considering the costs/benefits of such cars.

Financial Implications

The vehicles offered in Scenario 2 will be covered under the current lease back arrangements. The vehicles offered under Scenario 3 may have low usage and thus may not achieve any cost savings, in fact it is possible that if the usage is only 5000 to 10000km per year the vehicle could have an estimated \$10,000 additional cost to Council over the life of the vehicle.

The Fleet Management will monitor the vehicle usage closely and take steps to maximise their usage and thus the benefits of the trial.

This cost of the trial would be covered by the fleet reserve.

Risk Implications

Introducing the EVs on a trial basis will provide opportunities for Fleet Services to monitor the financial and operational outcomes on a small limited basis.

CL18.324

CL18.325 Proposed Draft Policy - Electric Vehicle Charging Stations on Public Land

HPERM Ref: D18/359685

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Draft Electric Vehicle (EV) Charging Stations on Public Land Policy [↓](#)

Purpose / Summary

Obtain endorsement of the Draft Electric Vehicle (EV) Charging Stations on Public Land Policy (the draft Policy) to enable it to proceed to public exhibition.

Recommendation

That Council:

1. Endorse the Draft Electric Vehicle (EV) Charging Station on Public Land Policy (Attachment 1) and publicly exhibit for a period of 28 days;
2. Notify key stakeholders of the exhibition arrangements; and
3. Receive a further report on the outcome of the public exhibition and to finalise the Policy.

Options

1. As recommended.

Implications: The draft Policy has been developed following a Council resolution and growing recent interest on this matter from operators. The resolution will enable public exhibition of the draft Policy which will enable stakeholders (industry and community) to provide comment as to the relevance and usability of the draft Policy for its intended purpose.

2. Adopt an alternative recommendation.

Implications: This will depend on the extent of any changes and could result in unforeseen implications and delays in implementation.

3. Not adopt the recommendation.

Implications: This option is not preferred as Council would continue to have no policy in place to direct the provision of electric vehicle charging stations on public land. This means that such proposals would be considered on a case-by-case basis without a guiding framework or consistent approach.

Background

On 27 March 2018, Council resolved (MIN18.199(2)) to:

“Prepare a policy position on the Electric Vehicle Charging facilities that seek to use public land, including public reserves, road reserves, car parks and other freehold land used as open space.”

CL18.325

This resolution followed consideration of a report on an approach received from NRMA in relation to the possible establishment of an EV Charging Station in Berry. Given this approach and the likelihood of continued approaches to establish facilities of this nature within road reserves, public car parks etc., the development of an appropriate policy response is appropriate to provide clarity in this regard.

In response to the above resolution, the draft Policy that is provided as **Attachment 1** has been prepared by a Council staff working group. It seeks to provide a guiding framework for the installation of electric EV charging facilities on public land, including site selection and design criteria (e.g. land, environmental, locational, community), general provisions for lease/license agreements, fairness and equity provisions and provisions relating to installation, maintenance and removal of EV charging infrastructure.

The draft Policy also considers the outcomes of internal consultation carried out during the process and comments/submissions received from the following areas of Council:

- Business and Property.
- Finance, Corporate and Community Services.
- Asset Management/Traffic Unit.

Where appropriate, submission content has been included in the draft Policy.

The draft Policy has also been finalised for Council's initial consideration, to enable it to proceed to public exhibition, considering two significant recent events in this regard:

- *Parliament of Australia, Select Committee on Electric Vehicles* – this recent Inquiry into electric vehicles in Australia heard that inadequate charging infrastructure is a major factor influencing the uptake of electric vehicles, as is the lack of adequate policy, and therefore high-level planning of electric vehicle charging station locations is imperative. Submissions to the Inquiry received media attention and stressed that the shift to EVs is inevitable and that Governments and industry need to start planning. The final report from this Inquiry is due in December 2018.
- *NSW Government, Planning Provisions: Clean Energy Future* - The NSW Government has clarified the permissibility (to some degree) of EV charging stations via an amendment to State Environmental Planning Policy Infrastructure 2007 (the SEPP) that was notified on 31 August 2018.

As a result, EV charging stations are now considered 'exempt' development in certain circumstances, including in a 'car park' (public or private). It is expected that the amendments to the SEPP will result in a simplified approvals process for electric vehicle charging infrastructure.

The draft Council Policy is intended to make clear the requirements for EV charging stations on 'public land' (as defined by the Local Government Act 1993) in Shoalhaven and should contribute to the efficient consideration of sites by prospective operators/providers of EV charging stations in the future.

Community Engagement

It is recommended that this draft Policy now be exhibited for public comment for a period of 28 days. The draft policy will be made available online and at Council's Administration Buildings in Nowra and Ulladulla.

The consultation will also include direct notification to relevant business, industry and Community Consultative Bodies (CCBs), including direct notification to the organisations that have previously approached Council on this matter.

There have been a few approaches in recent years from companies or industry bodies considering installing EV charging stations on public land (e.g. NRMA in Berry). It is noted

that the potential partnership with Council and NRMA in Berry has not proceeded at this point due to a variety of factors including site selection constraints.

Policy Implications

Once endorsed, the draft Policy will be publicly exhibited for community and stakeholder input. Following this and consideration of any submissions received, the policy (including any amendments) can be adopted and implemented as the position of Council.

Financial Implications

The exhibition of the draft Policy will continue to be resourced within the existing Strategic Planning budget.

CL18.325



DRAFT - Electric Vehicle (EV) Charging Stations on Public Land Policy

Policy Number: POL18/32

Adopted: [Click here to enter date]

Minute Number: [Click here to enter Minute number]

File: 57740E

Produced By: Planning Environment & Development Group

Review Date: [Click here to enter date]

CL18.325 - Attachment 1

For more information contact the Planning Environment & Development Group

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1. PURPOSE

The purpose of this Policy is to provide criteria for the provision, installation, management, maintenance and removal of EV charging stations on public land in the Shoalhaven City Council Local Government Area (LGA). The Policy outlines the principles for planning EV charging infrastructure on public land and to support the selection of the correct type of infrastructure at the right location.

This policy does not apply to the provision of EV charging stations on private land. Council does not preference provision of EV charging stations on public land over private land.

2. CONTEXT

EVs are expected to become more established in the Australian market in the coming decades, with EVs predicted to be similar in terms of upfront costs as early as 2024. Research shows that the main barriers currently stalling greater uptake of EVs in Australia are the high cost of the vehicles, inadequate incentives, inadequate policy supports and the lack of public charging infrastructure away from home (this leads to 'range anxiety'). A suitable network of EV charging infrastructure will be required across the Australia to support the use of EVs now and in the future.

As well as supporting the uptake of EVs by local residents, appropriately sited, installed and managed EV charging stations have the potential to encourage more visitors and boost regional tourism in the Shoalhaven.

To support and encourage the increased uptake of EVs, EV charging stations on public land in Shoalhaven may be considered in addition to the installation of EV charging stations on private land.

3. GLOSSARY

CCS (Combo 2) Connector means a Combined Charging System Type 2 EV charging connector with both AC and DC option, allowing both DC fast charge and Level 2 AC Charge.

Council means Shoalhaven City Council or any officer authorised to act on behalf of Shoalhaven City Council.

DDA Compliant means compliance with the [Disability Discrimination Act 1992](#).

Electric vehicle (EV) means both fully (battery) electric vehicles and plug-in hybrid electric vehicles.

Public land, is as defined in the *Local Government Act 1993*, means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road*, or
- (b) land to which the [Crown Lands Management Act 2016](#) applies*, or
- (c) a common, or
- (d) a regional park under the [National Parks and Wildlife Act 1974](#).

* For the purpose of this Policy, a public road and Crown reserve may also be considered suitable for an EV charging station.

Strategic tourism location means:

- a) a place of recognised tourism significance, including a natural place or built form place; or
- b) a tourist visitor centre, or the like;
- c) a place zoned for tourism purposes under *Shoalhaven Local Environmental Plan 2014* or the relevant environmental planning instrument applying to that land.

Town or village centre means a centre in the Shoalhaven LGA that is zoned for business or village purposes under *Shoalhaven Local Environmental Plan 2014* or the relevant environmental planning instrument applying to that land.

Type 1 Connector means EV charging connectors designed to specification SAE J1772 (IEC Type 1).

Type 2 Connector means EV charging connectors designed to specification IEC 62196 (commonly referred to as Mennekes).

4. FAIR AND EQUITABLE SELECTION OF PROVIDERS

The provision of EV charging stations on public land must be fair and equitable. This includes:

- Providing universal charging facilities, or reasonable provision made for the adaptation of the infrastructure to support all types of EVs (refer to Section 6.3 for preference of connector types); or
- An expression of interest process when an applicant proposes exclusive use of EV charging infrastructure for a particular vehicle type, group of users or any other exclusionary particulars.

5. SITE SELECTION CRITERIA

A site may be considered suitable for an EV charging station where the proposal demonstrates to Council's satisfaction that:

- The land is public land, as defined in Section 3; and
- The land classification has been considered: Land classified as operational land is preferred, however community land may be considered suitable where the proposal is in accordance with the *Local Government Act 1993*, *Crown Land Management Act 2016* and the relevant Plan of Management for that land; and
- EV charging stations are permissible under the relevant legislation at the proposed location (e.g. *Shoalhaven Local Environmental Plan 2014*, *State Environmental Planning Policy (Infrastructure) 2007*, the *Roads Act 1993* and the like). Note: the provider is responsible for securing development consent or approval, where applicable, from the relevant planning authority on a case by case basis; and

- Environmental constraints and characteristics have been considered; and
- The electricity supply infrastructure capacity of the existing electrical supply network is suitable. Note: Council will bear no cost or responsibility for the provision of, or upgrade to, electrical supply infrastructure to service a proposed EV Charging site, unless by prior agreement with Council; and
- The land is located within a reasonable walking distance (generally within 400m) of a town or village centre or strategic tourism location; and
- The land has a reasonable connection to the wider road network; and
- The facility and its operation will not adversely impact upon the amenity of surrounding development or the public domain; and
- The facility is safe with adequate lighting, and pedestrian and vehicular access available at all times of day and night; and
- The facility is compliant with relevant Australian standards and road design guidelines; and
- The facility is compliant with relevant Australian Standards and Regulations for occupational health and safety. Charging station hardware must be located a safe distance away from hazards (e.g. dangerous goods and fuels); and
- Consultation with the local community and relevant stakeholders is satisfactorily undertaken in conjunction with site selection.

6. EV CHARGING STATION DESIGN CONSIDERATIONS

6.1 Visibility and Identification

The facility (inclusive of signage, parking bays and charging infrastructure) shall be easily visible and accessible for users to find, with consideration of the following:

- Wayfinding signage (white on blue) will be required to allow users to find the EV charging station from the main road network, similar to wayfinding signs for car parking; and
- All EV parking bays shall be clearly labelled with the words 'EV Charging Only' (or the like) painted on the ground. Note: Non-compliance with this provision may be considered in areas where it is inappropriate, provided sufficient alternative identification can be provided to the satisfaction of Council; and
- Appropriate pole signage must be installed to indicate the parking spaces are allocated for EV charging only. Pole signage shall be provided in accordance with *Transport Roads and Maritime Service* Sign No. r5-41-5, or equivalent; and
- Adequate lighting is to be provided for the safety and security of EV drivers/passengers, vehicles and infrastructure. Lighting should be sufficient to easily read associated signs, instructions, controls on the vehicles/EV infrastructure, identify all possible EV charging inlet locations, and for charging cable visibility; and
- Parking spaces shall be located to ensure that safe sight distances for pedestrians and vehicles are met.

6.2 Parking Configuration

The following must be considered at a minimum:

- All aspects of EV charging bays are to be designed and constructed in accordance with relevant Australian Standards; and
- All EV carparking spaces/charging bay pavements shall be constructed to Council's specifications including sealing, kerb and guttering, pram ramps, signage and line marking, where upgrades are required by Council; and
- Preference is given to the provision of EV charging infrastructure at a minimum of two (2) related (e.g. adjoining/adjacent) carparking spaces in any given location; and
- All EV charging bays are to be DDA compliant which includes compliance with current standards for access (AS2890.5/AS2890.6); and
- Where appropriate, the location of EV charging stations should not be in premium, high demand parking spaces that would encourage non-EVs to occupy the charging bay; and

Note: This does not exclude the consideration of EV charging stations in high demand areas, however these areas will only be considered where other nearby locations have been demonstrated to be inappropriate.

6.3 Plugs and Connection Hardware

EVs currently available in Australia have a mixture of Type 1 and Type 2 charging connectors. In order to work towards a single connector standard, most major manufacturers of EVs are in agreement that future EVs imported into Australia are Type 2 compliant, given this is most compatible with electrical infrastructure and allows for the fastest DC and Level 2 AC charging combination. Council's objective is to facilitate the provision of EV charging infrastructure in an efficient, inclusive and accessible manner.

Therefore, the installation of EV charging infrastructure in the Shoalhaven shall at a minimum:

- Be Type 2 CCS (Combo 2) compliant hardware.
- Make provision for Type 1 connector adaptation.

Note: This provision may be altered where future EV charging infrastructure supersedes that which is written in this Policy, or if an alternative is demonstrated to be suitable, to the satisfaction of Council.

The charging cable shall have the capability to reach all points of the carparking space, to cater for EVs with front, rear or side charging ports. Cables should not be a hazard for pedestrians or other vehicles at any given time, whether in use or idle.

7. LEASING ARRANGEMENTS

Any provision of EV charging stations on public land will be subject to licensing/leasing arrangements with Council. Licence and/or lease terms shall be in accordance with Council Policy [Occupation of Council Owned or Managed Land](#).

Entering into a lease or licence agreement with Council to utilise public land for installation and operation of an EV charging station in no way guarantees development consent or approval.

7.1 Installation, maintenance and removal

The installation, maintenance and removal associated with the installation and operation of any given EV charging station is the responsibility of the provider, unless by prior agreement with Council. This includes ancillary infrastructure such as car parking spaces, signage, line marking, pavement marking, lighting and the like, and the future reinstatement of the site if required/proposed.

Prior to the commencement of any works, a security bond will be required to be paid to Council. This bond will be held by Council for the duration of any lease or licence agreement. Any costs incurred by Council in excess of the bond amount will be borne by the applicant/EV charging station operator. The detail will be specified within the lease or licence agreement.

The provider shall implement a maintenance schedule which includes regular inspections. All maintenance and works shall be carried out in a timely manner to avoid delays to service. Non-compliance with this provision may lead to the termination of any agreement between the provider and Council and may result in the forced removal of EV charging and ancillary infrastructure, at the cost and responsibility of the provider.

8. RELATIONSHIP TO OTHER POLICIES

Other Council policies may apply to particular aspects of the provision of EV charging stations on public land and must be considered.

9. IMPLEMENTATION

This Policy will be implemented by the Assets and Works Group to facilitate the installation of EV charging stations on public land within the Shoalhaven LGA.

10. REVIEW

In accordance with section 165(4) of the *Local Government Act 1993*, this Policy will be reviewed within one year of the election of every new Council, or more frequently as operationally necessary.

11. APPLICATION OF ESD PRINCIPLES

Many EV users aim to reduce their carbon emissions from driving. As such, preference is for the use of renewable energy for the charging station energy source (e.g. accredited GreenPower, solar panels/storage battery etc.), where practical.

CL18.326 Proposed Submission - Draft Urban Design for Regional NSW

HPERM Ref: D18/343819

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Draft Submission [↓](#)

Purpose / Summary

Endorse the proposed submission on the draft Design Guide – Urban Design for Regional NSW (draft Guide) to enable it to be submitted to the NSW Department of Planning and Environment (DP&E).

Recommendation

That Council make a submission on the draft Design Guide – Urban Design for Regional NSW consistent with Attachment 1.

Options

1. Adopt the recommendation to make a submission as proposed at **Attachment 1** on the draft Guide.

Implications: This is the preferred option, as it will enable Council to provide a submission by the agreed deadline.

2. Adopt an alternative recommendation to amend or add comments to the proposed submission on the draft Guide before submitting.

Implications: This will potentially require an amendment to or redrafting of the attached draft submission.

3. Do not make a submission on the draft Guide.

Implications: This is not preferred as it will be a missed opportunity to provide feedback on the draft Guide.

Background

On 2 October 2018, the DP&E, in collaboration with the Government Architect NSW, released a Draft Design Guide – Urban Design for Regional NSW (draft Guide) for public review and comment.

The draft Guide is aimed at supporting regional councils and those involved in shaping the built environment in regional NSW to create great places to live, work and visit. It builds on 'Better Placed' - An integrated design policy for the built environment of NSW, released by Government Architect NSW last year.

The draft Guide and a Frequently Asked Questions (FAQs) sheet are available at the following links:

Draft Guide: <https://www.planning.nsw.gov.au/~media/Files/DPE/Guidelines/draft-urban-design-guide-for-regional-nsw-2018-10-02.ashx>

CL18.326

FAQs: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Factsheets-and-faqs/draft-urban-design-for-regional-nsw-faq-2018-10-02.ashx>

Overview - Draft Urban Design Guide for Regional NSW

The draft Guide is broken into the following four (4) sections:

- *Section 1 - Supporting regional NSW*
Explains the context for urban design in regional NSW and outlines the purpose of the guide and its intended audience.
- *Section 2 - Explaining urban design*
Provides an overview of good urban design process and the considerations for regional NSW regarding the 'Better Placed' objectives for the design of the built environment.
- *Section 3 - Regional urban design priorities and project types*
Outlines urban design priorities for regional NSW, as well as the factors driving change and the typical projects for urban design.

The seven (7) identified urban design priorities for regional NSW are identified as:

- Leveraging the historic and cultural assets of places
- Integrating with the natural environment and landscape
- Revitalising main streets and regional town centres
- Improving connectivity, walkability and cycling
- Balancing urban growth
- Increasing options for diverse and healthy living
- Responding to climate impacts

Urban design guidance is provided for four types of general projects:

- Public realm and open space
- Town centres and main streets
- Infill development in existing neighbourhoods
- Greenfield developments on new neighbourhoods

- *Appendix - Regional profiles*

Presents snapshots of the nine (9) NSW regions, including summaries of the key challenges and opportunities for the design of their built environments.

The regional profiles cover regional context, key statistics and challenges and opportunities for urban design. Shoalhaven is included as part of the profile for the Illawarra-Shoalhaven Region.

It is noted that the draft Guide is non-statutory and will not be a mandatory consideration for the assessments of development applications or Planning Proposals (PPs). It can however support Councils to undertake urban design projects, promote value of good design, assist in formulating development controls and the like.

Proposed Submission Points

The draft submission at **Attachment 1** provides general comments and more specific comments broken into the four (4) sections of the draft Guide, including:

- Proposed guide is a welcome resource, but it is unclear how it relates to existing design guidelines (e.g. Coastal Design Guidelines for NSW). This needs to be clarified.
- Needs to be made more workable for the general public, individuals and communities.
- Need to consider how urban design can be given more relevance/consideration by the development industry.
- The ability to influence good design in the planning process is becoming more limited through the expansion of Exempt & Complying Development and the reinforcement that Development Control Plans (DCPs) are only 'guidance' documents.
- Simple targeted material is needed to engage the community, property owners and the development industry.
- Further guidance is needed on encouraging growth in centres without compromising character, amenity and the lifestyles of existing residents.
- Even though it does not apply to Wollongong as a metropolitan centre, the regional profile for the Illawarra-Shoalhaven has a strong focus on Wollongong. This should be adjusted and additional wording on the makeup of the urban character of Shellharbour, Kiama and Shoalhaven is needed.

Further dialogue will also be requested on the Guide before it is finalised to ensure that it is appropriate and relevant to regional NSW

Community Engagement

The draft Guide was out for public consultation from 2 October until 31 October 2018.

To enable the proposed submission to be reported to Council an extension of time was granted until 14 November 2018.

Policy Implications

The draft Guide is a non-statutory document and applies to the nine (9) NSW regions outside Greater Sydney. The Guide is intended to be used by Local Government decision makers, development applicants and local communities to work towards addressing urban design priorities in their regions.

The draft Guide is not proposed to apply to Wollongong, which is considered for this exercise to be part of the metropolitan area along with Greater Sydney and Newcastle, and a separate urban design guide will be prepared for this area in the future.



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Council Reference: 35170E (D18/366532)

NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Mr Simon French

By email only: simon.french@planning.nsw.gov.au

Dear Mr French

Submission - Draft Urban Design for Regional NSW

Further to the Department's email dated 3 October 2018 inviting Council to comment on the draft Guide, and your email dated 19 October granting an extension of time to make a submission until 14 November 2018. Given Council's reporting timeframes and the lead-time required, this extension enabled the matter to be reported to Council on 13 November 2018 where it was resolved:

MIN18.XX
[Insert resolution]

Council welcomes the initiative of the Government Architect NSW in collaboration with the NSW Department of Planning & Environment (DPE) to assist and promote good urban design and built environment outcomes in NSW to support the new object of the Environmental Planning and Assessment Act 1979 related to good design and amenity of the built environment.

General Comments

- The Guide is a welcome urban design resource which will go some way to improving the understanding of urban design and its importance in creating well-designed built environments. The guide is supported as it acknowledges the unique challenges and opportunities which regional areas have in comparison to metropolitan areas. However, it is unclear how the Guide relates to existing design guidelines such as the Coastal Design Guidelines for NSW. This needs to be clarified to remove any uncertainty or overlap.

- While the Guide provides a good general overview of Urban Design principles and processes for design practitioners and local and state governments, it is not an easy or workable document for the general public, individuals and communities.
- The Guide is very high-level in its focus and could provide more practical, and appropriate tools for assessment and design purposes.
- One of the major challenges faced by regional Councils is communicating the value and importance of good design to property owners and the development industry, who tend to view even minor changes to improve design as an additional cost imposition. While the objectives of the Guide are appreciated, being non-statutory, it is unlikely that many local developers in Shoalhaven will consider the guide in designing their developments. GA NSW should consider how the benefits of good design can be promoted to and given more consideration by the development industry in regional NSW.
- The ability for councils to encourage and influence good design outcomes in the planning process is becoming more and more limited through the expansion of Complying Development and the reinforcement of provisions in the Environmental Planning and Assessment Act that DCPs are guidance documents only. Individual savings by property owners and developers through the complying development pathway should not necessarily come at the cost of well-designed regional built environments. These two competing objectives need to be clarified and clear guidance needs to be provided from a State Government level.
- Council strongly supports the principles in the draft urban design guidelines but suggests that the guidelines own their own are not likely to have a significant impact on the attitude of non-planners towards good urban design (there is already a multitude of urban design guidelines around). The guidelines need to be supported by a range of other measures and incentives that engage others involved in planning and development related decisions (e.g. developers, investors, politicians/councillors, community members) to ensure that they recognise its value and commit to implementing it in their decision making. Council planning staff have consistently advocated for good urban design principles in various planning strategies and policies, however, experience has shown that they are not always applied consistently by decision makers and are frequently relegated in favour of shorter term considerations, such as financial impact on the developer. This is particularly evident at the development application stage but has also resulted in 'watered down' planning strategies and policies.
- The seven urban design priorities of the plan are supported and cover a broad spectrum of areas to ensure good urban design in urban and open space environments. The relationship made between the priorities and the four types of projects the draft guide applies to has been appropriately identified with the process specified. This is one of the improvements of this plan in comparison to other draft guides (i.e. Better Placed and Greener Places) previously produced by DPE.
- To ensure that there is consistency across regional local government organisations, DPE should consider producing model public realm strategies, DCPs and the like to build on the draft guide. Alternatively, the advisory notes referenced on page 81 could provide this support.
- The process identified for each project type could be further supplemented with a checklist. This may further assist Council's to identify low through to high cost options of addressing the various priorities across the four project types.

Section 1: Supporting Regional NSW

- Governments and design practitioners generally have a good understanding of the processes and steps required to achieve good design outcomes, whereas individuals and communities in regional NSW, tend to be much more disengaged. A Guide like this is far too complex for the general public, and will not “involve, engage and interest more people” as intended. Councils are the closest level of government to the community and are in a far greater position to involve, engage, interest and educate, with the support of GA NSW. To assist in this engagement, GA NSW should consider preparing more simplified, targeted guidance documents which have a more practical application for the community, property owners and developers.

Section 2: Explaining Urban Design

- Given the title of this section, a simplified definition of urban design should be included upfront, before the section on the importance of good design process. A summary of the “What is urban design?” section on page 13 would be useful.
- The draft Guide suggests that Design Review Panels should involve a range of stakeholders including residents and local business. It is unclear how this could be undertaken given the current framework for operating Design Review Panels under SEPP 65, as these are generally not open to the public and only involve highly qualified and experienced professionals. Expansion on this point should provide further explanation and guidance.

Section 3: Regional Urban Design Priorities and Project Types

- Council is pleased that feedback provided via a survey in late 2017 has been incorporated into the draft Guide as key regional trends leading to seven urban design priorities. Many of the challenges faced in Shoalhaven are not unique but are being experienced by other regional communities. For example, further guidance on how to encourage growth in centres that are close to services without compromising character or the amenity and lifestyles of existing residents should be provided.

All projects

- The retention and integration of existing vegetation and ecosystem elements in new developments is promoted in each of the 4 project types. While Council supports this objective, in practice most developers are reluctant to retain existing mature vegetation and prefer instead to remove and replace it with new landscaping. In greenfield developments developers seek to maximise lot yield which is usually at odds with the guideline’s objective of retaining “significant areas of existing tree canopy”.
- The objective of increasing urban tree canopy cover to mitigate climate change impacts, improve energy efficiency and improve amenity is strongly supported however Council notes that it is undermined by other legislation which often permits the removal of trees without any approval (e.g. NSW RFS 10/50 Vegetation Clearing Code of Practice; SEPP (Exempt and Complying Development Codes) 2008).

Project 2 Town Centres and Main Streets / Project 3 Infill development in existing neighbourhoods

- This section advocates for the provision of sufficient open space, walking and cycling networks and other community infrastructure necessary to support higher population densities in town and neighbourhood centres. While Council supports this objective in principle, the responsibility for providing the infrastructure presumably falls on local government. Local governments (particularly those in regional NSW) typically do not have the capacity to fund new infrastructure or upgrades to existing infrastructure from general funds or developer contributions. For this objective to be achieved, much greater financial support from state and federal governments is required.

Appendix: Regional Profiles

- Despite the draft Guide not applying to Wollongong as a metropolitan centre, there is a strong focus on the urban character of Wollongong in the Illawarra-Shoalhaven regional profile. The regional context does not even mention Kiama or Shellharbour. Additional wording on the regional urban character making up the Illawarra-Shoalhaven region is needed, with less focus on Wollongong and greater focus on the regional centres that make up Shellharbour, Kiama and Shoalhaven. Discussion on the urban character of Wollongong is considered unnecessary given the Guide does not apply there. It would also be useful for the Key Statistics to provide the urban concentration excluding Wollongong to see the difference Wollongong plays in the region. The photo of Wollongong from Mount Kiera lookout on page 69 should also be replaced with an image of the area to which the guide actually applies.

Thank you for the opportunity to provide comments on the draft Guide. It is hoped that the comments raised in this submission will be considered and that the Guide can be amended accordingly. The opportunity for further dialogue on the proposed policy would be beneficial and appreciated to ensure the Guide is applicable and relevant to regional NSW.

If you need further information about this matter, please contact Molly Porter, on (02) 4429 3596. Please quote Council's reference 35170E (D18/366532).

Yours faithfully

Gordon Clark
Strategic Planning Manager
14/11/2018

CL18.327 Grant Funding Offer - Bitou Bush and Boneseed Control - High Priority Weed Species - Saving Our Species Funding

HPERM Ref: D18/364199

Group: Planning Environment & Development Group
Section: Environmental Services

Purpose / Summary

To inform Council of the successful grant funding offer of \$32,200 over three years (2018 – 2020) as part of a larger NSW Office of Environment and Heritage (OEH) Saving our Species Grant (totalling \$209,298) to control and eradicate Bitou Bush and Boneseed weeds across the Southern containment zone.

Recommendation

That Council accepts the grant funding of \$32,000 from NSW OEH for Bitou Bush and Boneseed control under the HOLDING THE FRONT *bitou bush and boneseed control and eradication below the national southern containment line* grant.

Options

1. Accept the grant funding offer

Implications: Council will be able to implement specific targeted weed control to fulfil its state biosecurity obligations. The environmental integrity and stability of coastal reserves will be improved. The spread of the weeds to other land tenures will be significantly contained if adequate control measures are implemented.

2. Not accept the funding as per the recommendation

Implications: Council will not be fulfilling state biosecurity obligations if no control efforts are undertaken for these two previously classified Class 3 and Class 4 weeds. The environmental integrity of coastal reserves will be significantly compromised and the previous gains in control efforts throughout Council reserves over the last 20 years will be lost.

Background

The Council funding component of the larger South Coast three-year grant totals \$25,200. Council's cash contribution is \$12,000 to value add to on-ground works. Council's in-kind contribution is valued at \$13,200 for project management and on-ground works by Bushcare volunteers.

The Office of Environment and Heritage is the project co-ordinator for the grant HOLDING THE FRONT, *bitou bush and boneseed control and eradication below the national southern containment line*. The successful grant submission valued at \$209,920 includes three NSW south coastal councils, NSW NPWS, Parks Australia, Local Lands Services, Landcare and the Far South Coast Coastal Weeds Committee.

A key component of this project is to build on the previous 20 years of Council working collaboratively with stakeholder agencies and local communities throughout the Shoalhaven

CL18.327

to alleviate the environmental impact of the high priority weeds bitou bush and boneseed in Council managed reserves. Boneseed has the potential to be eradicated from NSW because of limited infestation levels.

Community Engagement

Council's Bushcare groups working within specified project zones will be supporting on-ground control efforts and encouraging community reporting of infestations.

Financial Implications

Grant funding will value add to the limited funding available through existing Council budgets to address current weed infestations of the two species.

Risk Implications

Inadequate weed control efforts for the target weeds will result in the aggressive spread of the two species and undo previous control efforts. Limited control will ultimately result in degradation of the coastal dune system within and beyond Council managed reserves.

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CL18.328 NSW OEH Coastal and Estuary Grants Program 2018/19 - Proposed Applications

HPERM Ref: D18/366060

Group: Planning Environment & Development Group
Section: Environmental Services

Purpose / Summary

To inform Council of the proposed grant applications that will be submitted, under the NSW Coastal and Estuary Program 2018/19.

Recommendation

That Council receive the report on proposed grant applications under the NSW Coastal and Estuary Program for information.

Options

1. As per the recommendation

Implications: Council will apply for funding for strategic coastal projects that have been identified in the Shoalhaven Coastal Zone Management Plan 2018 and where the required 50 % funding contribution from Council has been included in Council's 2018/19 coastal and flood program budgets.

2. Alternative recommendation

Implications: This would depend on the recommendation

Background

The NSW Coastal and Estuary Grants Program provides technical and financial support to local government to assist in managing the coastal zone.

The 2018/19 NSW Office of Environment and Heritage – Coastal and Estuary Grant Program opened on October 15, calling for potential projects under the following streams:

Stream 1: Preparation of coastal management programs (CMPs)

This funding stream is available to support councils to transition into the new coastal management framework. Councils and their communities can prepare CMPs that effectively respond to existing and emerging coastal challenges and opportunities. Funding will support councils to:

- meet their statutory objectives under the new framework including additional requirements for technical studies and use the new information, guidance and materials being provided as part of the coastal reforms
- plan coastal and estuary management activities (e.g. to prepare scoping studies, hazard and risk assessments, feasibility analyses, cost-benefit analysis and CMPs). This will assist Councils to transition from a Coastal Zone Management Plan (CZMP) to a CMP, as per the objectives of the NSW Coastal Management Act 2016.

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Streams 2 to 5: Implementation of coastal management programs

Funding in Stream 2 to 5 is to support the implementation of actions identified in certified CMPs or CZMPs.

Eligibility for funding under Stream 2 to 5 is contingent on councils demonstrating that the actions:

- ✓ are part of a certified CMP or CZMP
- ✓ result in net benefits to the local community and wider Shoalhaven community.

They must also deliver on one of the following:

- ✓ actions supporting climate change adaptation that reduce future risks from coastal hazards and climate change impacts
- ✓ actions that support improving natural resilience to potential impacts from coastal hazards and climate change impacts
- ✓ actions that manage risks to public assets, benefits or interests
- ✓ actions that maximise the delivery of public benefits and interests
- ✓ actions that reduce the cities potential liability in relation to coastal natural disaster relief and recovery arrangements
- ✓ actions that reduce unacceptable and immediate risk from coastal hazards resulting from legacy issues
- ✓ actions to reduce or remove the potential impacts of emerging or future risks

Success of council in obtaining funding will be determined by the extent that the actions deliver broad public benefits to the Shoalhaven community and include environmental, social, cultural and economic public benefits or interests, or result in beneficial outcomes for public assets. Funding arrangements for implementing actions must reflect the 'beneficiary pays' principle.

Funding is available in streams two to five based on the four coastal management areas identified in the Coastal Management Act 2016 (see http://webmap.environment.nsw.gov.au/PlanningHtml5Viewer/?viewer=SEPP_CoastalManagement) and as follows:

Stream 2: Coastal vulnerability area - For actions on land identified in the SEPP (State Environmental Planning Policy) to be a coastal vulnerability area or that has been identified as land affected by a current or future coastal hazard in a local environmental plan, or development control plan, or a study or assessment undertaken by or on behalf of a public authority. This area being land subject to coastal hazards such as beach erosion, shoreline recession, foreshore erosion cliff failure and coastal inundation.

Stream 3: Coastal wetlands and littoral rainforest area - For projects on land that is mapped and displays the hydrological and floristic characteristics of coastal wetlands or littoral rainforests, listed under the SEPP, and 100 metres buffer around the areas.

Stream 4: Coastal environment area - For actions on land containing coastal features such as the coastal waters, estuaries, coastal lakes and coastal lagoons and land adjoining those features including headlands and rock platforms.

Stream 5: Coastal use area - For actions on land that is mapped in the SEPP, including land adjacent to coastal waters, estuaries, coastal lakes and coastal lagoons where development is or may be carried out (at present or in the future).

Table 1 is summary of the projects that Council will be seeking funding for under the 2018/19 NSW Coastal and Estuary Grants Program.

Table1: Shoalhaven Council Project Applications – NSW OEH Coastal & Estuary Grants Program 2018/19

Grant Project Title	Brief Summary	C & E Stream	Approx. Requested \$
Preparation of the Shoalhaven River CMP	Preparation of a CMP for the Shoalhaven River estuary to transition from the 2008 EMP	S1: Planning Stream	\$100,000
Shoalhaven Coastal Cliffs and Slopes Assessment	Assessment of stormwater, sewer/water and public assets for monitoring and training for risk assessment of these assets by staff and provision of information to private property owners in high risk areas	S2: Coastal vulnerability area	\$60,000
Acid Sulphate Soil (ASS) remediation of flood mitigation drains – Broughton Creek wetlands	Undertake remediation restoration works to reduce the impact of ASS on the Broughton Creek and Lower Shoalhaven wetlands systems, as per the Shoalhaven River ASS Remediation Action Plan (RAP)	S3: Coastal wetlands and littoral rainforest area	\$75,000
Restoration of Ecologically Endangered Communities (EEC) in Shoalhaven estuaries	Undertake restoration works to restore, prevent current and on-going threatening process to estuarine environments in public ownership	S4: Coastal environment area	\$90,000

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Community Engagement

Community engagement will be an integral part of all these grant applications, if successful.

Policy Implications

The preparation of the Shoalhaven River CMP will form the basis for the management of the Lower Shoalhaven estuary, and will replace the Lower Shoalhaven Estuary Management Plan 2008.

Financial Implications

For all projects with a total value of \$1 million or less, NSW OEH will contribute a total of 50% of the value of the project. Hence Council will be required to fund 50% of the above projects; these funds will come from Council's coastal and flooding budgets.

Risk Implications

There is a risk that NSW OEH may decide not to fund any of the listed projects or to fund only certain projects. The projects that are at highest risk of not receiving grant funding are those that are either not identified in the CZMP, or not identified as stand alone projects. These projects are the ASS remediation project and the Restoration of ECCs across key estuaries in the Shoalhaven.

CL18.329 Offer of Financial Assistance under the Floodplain Maintenance Program - 2018/19 to 2021/22

HPERM Ref: D18/366904

Group: Planning Environment & Development Group
Section: Environmental Services

Purpose / Summary

To inform Council of the successful grant funding offer from NSW Office of Environment and Heritage (NSW OEH) for the Floodplain Maintenance assistance grant of \$164,000 over four (4) years.

Recommendation

That Council:

1. Accept the OEH grant of \$164,000 over a four (4) year period between 2018/19 to 2021/22 towards the cost of maintenance and audit of flood mitigation drainage structures;
2. Council allocate \$41,000 per annum over a four (4) year period between 2018/19 to 2021/22 from the floodplain program budget.

Options

1. As recommended

Implications: As a condition of the grant, Council will be obligated to commit \$41,000 per annum over a four (4) period to meet the condition of the grant offer which is based on a 1:1 ratio. The funding will assist in auditing and monitoring Council's flood mitigation drains and structures, thus reducing Council's exposure to liability.

2. The Committee could choose not to accept the grant.

Implications: The frequency of maintenance and audits of flood mitigation drains and structures is likely to be reduced based on the current funding levels. This increase Council's exposure to liability.

3. The Committee could choose to provide an alternative recommendation for future consideration by Council.

Implications: Unknown

Background

In the early 1970s a system of flood mitigation drainage structures, including Flood Mitigation Drains, Levee Banks, Flood Gates and Bridges was constructed on the Shoalhaven River floodplain to assist in the control of flood waters and tidal inundation of the surrounding land. Council is committed to maintaining the flood mitigation system to a high standard and in a manner that protects the community, the environment, assets and productive agricultural land from inundation. this is completed in partnership with landowners and relevant State Government Agencies.

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NSW Office of Environment and Heritage (OEH) has offered financial assistance under NSW Floodplain Maintenance Program. Council over the past five years have been successful in securing this type of grant funding on an annual basis. From next financial year, flood maintenance program grants will be offered over a four (4) year period equating to \$164,000, rather than on an annual basis.

The extension of the grant timeframes from one to four years is due to OEH attempting to streamline reporting processes. The funding amount and conditions of the grant essentially remain the same as previous years. The annual funding amount remains at \$41,000 per annum on a basis of 1:1 (State: Council) funding ratio.

The funding offered by OEH is for management and maintenance of flood mitigation drainage structures. Maintenance activities are required to minimise continued deterioration of these flood mitigation asset. As the asset components move towards the end of their life, activities are undertaken to restore the asset to the original condition. Based on the latest inspections and audits, flood mitigation drains and structures are overall in good/fair condition and continual maintenance ensures the longevity of these assets.

Policy Implications

In accordance with Council's adopted *Asset Management Plan - Flood Mitigation Drainage Structures* (POL12/63) the importance allocating time and funds for maintenance of flood mitigation drains and structures is paramount. If maintenance activities are not undertaken in a timely manner, the condition of the asset will deteriorate rapidly to failure, resulting in higher reconstruction cost and greater implications to public safety.

Financial Implications

In accordance with Council's adopted *Asset Management Plan - Flood Mitigation Drainage Structures* (POL12/63) the level of funding available is sufficient to continue with the existing maintenance regime. Council is required to allocate \$41,000 per annum over a four (4) year period between 2018/19 to 2021/22 to meet the conditions of the grant.

Risk Implications

The flood mitigation drainage structures provide key service in providing flood protection in reducing flood risk posed to the community. The risk is potential failure due to lack maintenance and associated works.

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CL18.330 Shoalhaven River Flood Levee Restoration Project Update

HPERM Ref: D18/334224

Group: Planning Environment & Development Group
Section: Environmental Services

Purpose / Summary

To inform Council on the progress of the Shoalhaven River Levee Flood Damage Restoration project.

Recommendation

That Council receive the River Flood Levee Restoration Project Update for information.

Options

1. Council receive the report for information.

Implications: Nil.

2. Council choose to provide an alternative recommendation.

Implications: Depending on the recommendation, there is a possibility of delays to the progress of the project.

Background

Council has commenced a project to repair damaged sections of the Shoalhaven River Flood Levee at Terara, Numbaa and Comerong Island. The aim of the project is to repair damage that occurred during the August 2015 flood, June 2016 flood and damage identified during the levee audit undertaken in May 2015.

Council engaged NSW Soil Conservation Service on 27 February 2018 to undertake repairs at Terara (P1L1 & P1L2) and Comerong Island (P11L1). Council also engaged Druce DP to complete one section of the levee at Terara (P1L2) where there were access difficulties due to the use of the land as a wedding venue. These works have now been completed.

On 3 October 2018, Council engaged Druce DP to repair defects on the flood levee at Numbaa (P5L1) and another section of Terara levee (P2L1). It is anticipated that these works will be completed in January 2019, subject to suitable weather conditions.

Council received total funding against Natural Disaster Relief and Recovery Arrangements (NDRRA) claims for 2015 and 2016 damages in amount of \$1,920,207. Council submitted a revised combined claim of \$4,414,889 in consideration of Acid Sulphate Soil (ASS) treatment. The outcome of the revised claim is still pending.

Due to contract variations, such as additional rock protection works, Council resolved (MIN18.599) to allocate additional funding of \$500,000. This included \$260,000 for current project variations to carry out non-NDRRA works, and a contingency of \$240,000 for future project variations that may be required to complete the project.

Of this allocated \$500,000, Council to date has spent \$230,000, which is substantially less than estimated. However, as discussed and shown in Table 1 below, two more packages of

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works are currently being carried out. These repairs may also be subject to additional works. To date, Council has achieved overall 80% (approximately) progress taking all the packages into account.

Table 1 outlines progress to date as follows:

Levee	Progress	Timeline for completion
P1L1 & P1L2 (Terara Levee)	100%	Works completed.
P11L1 (Comerong Island Levee)	100%	Works completed.
P1L2 (135 Terara Road, Terara Wedding venue)	100%	Works completed.
P2L1 (Terara Levee)	35%	Project started 3 rd October 2018. Estimated completion January 2019.
P5L1 (Numbaa Levee)	35%	Project started 3 rd October 2018. Estimated completion January 2019.

Table 1: Progress of flood levee repair project

However, Council was unable to repair levee defects at 111 Terara Road, Terara under the package *P1L2 (Wedding venue)* at Terara Levee. The levee defect at the wedding venue couldn't be repaired due to the access and time restrictions, the lack of interest from potential suppliers and the continuing negotiations with the property owner to gain access. However, Council resolved on 31 July 2018 (MIN18.599) to 'Seek to complete the repairs/defects to the levee at 111 Terara Road, Terara (wedding venue) in 2019.'

Community Engagement

Council's Floodplain Engineers and Property Officers have visited private properties and met with property owners to discuss access and levee repair works to be conducted on their properties. Council has received twenty-one (21) signed Deeds of Agreement from the damaged levee affected private property owners to date.

Council is currently negotiating with the owner of Lot 103 DP 883852, 111 Terara Rd Terara in relation to access. If negotiations are successful with the owner, Council anticipates that works will commence June 2019 (outside of the wedding session). The estimated duration for the works is two weeks, weather pending.

Policy Implications

Council manages levees in the Lower Shoalhaven River area, which are identified in Council's Asset Management Plan for Flood Mitigation Structures.

Financial Implications

Council resolved to advance this project ahead of funding confirmation of all the Natural Disaster Relief and Recovery Arrangements (NDRRA) claims. Revised claims were submitted for 2015 and 2016 damages based on the increased cost of works.

Risk Implications

Council resolved to undertake all flood levee restoration works to repair 2015 and 2016 flood damage including high priority levee audit defects, while waiting for the revised NDRRA outcomes. There is no guarantee that Council's revised NDRRA grant funding claims will be

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successful. However, if these levee defects are not restored, the levee defect locations will continue to erode leading towards more expensive restoration in future and greater risk to life and property.

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CL18.331 Shoalhaven Heads Entrance Notch Maintenance - River Road Foreshore Stabilisation Project and Stormwater Drains Management

HPERM Ref: D18/357489

Group: Planning Environment & Development Group
Section: Environmental Services

Purpose / Summary

To inform Council on the intended use of stockpiled sand from the Shoalhaven River entrance flood notch maintenance works and on the management of storm water along the River Rd foreshore precinct, as per the resolution of the Shoalhaven Heads Estuary Taskforce (MIN18.539).

Recommendation

That Council:

1. Receive the report on the Shoalhaven Heads Entrance Notch Maintenance – River Road Foreshore Stabilisation Project and Stormwater Drains Management for information; and
2. Endorse the use of the sand stockpiled at River Road Reserve, Shoalhaven Heads for the River Road Foreshore Stabilisation Project.

Options

1. As per the recommendation

Implications: Would provide clear guidance to staff and the community on the use of stockpiled sand at River Road Reserve, Shoalhaven Heads. This will also ensure availability for a substantive portion of the sand required for the River Road Foreshore Stabilisation Project.

2. The Committee could choose to provide an alternative recommendation for future consideration by Council.

Implications: Would depend on the recommendation

Background

Shoalhaven City Council undertook routine maintenance of the Shoalhaven River entrance dry-notch in the week of 30 April – 4 May 2018, as part of the routine flood mitigation preparation. These works were carried out as per the Shoalhaven River Entrance Management Plan for Flood Mitigation. Notification was sent to all relevant stakeholders in March 2018 prior the works beginning, and a Review of Environmental Factors was completed for the work.

The purpose of this work is to assist in the ease of opening the Shoalhaven River during an emergency, by keeping the level of sand at the river mouth to a manageable level. Due to the fast deposition of sand in this location, this activity is generally undertaken on a regular basis.

Council removed approximately 2000 cubic metres of sand from the Shoalhaven River entrance. The sand was removed to maintain the flood notch to a height below 2.0m AHD across an east-west transect, as per the entrance management plan.

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Approximately 1000 m³ of sand was used to nourish several beach areas along the northern foreshore of the estuary, adjacent to the River Road Reserve and the Shoalhaven Heads Tourist Park (see Figure 1). The remaining sand has been stockpiled at the end of River Road and is intended to be used for River Road Foreshore Stabilisation Project.



Figure 1: Area of northern foreshore that received 1000m³ of sand nourishment from the Shoalhaven River flood notch maintenance work.

The Shoalhaven Heads – River Road Foreshore Rehabilitation project is currently in the detailed design phase, with 95% of the final design due for completion in November 2018. The construction phase of the project, including tender process and approval, will run from December 2018 to until September 2019. This means that the stockpiled sand will not be required for use for this project for another 11 months.

On 2 May 2018, the Shoalhaven Heads Estuary Taskforce resolved that:

1. Any excess sand stockpiled over and above the need identified for the River Road Foreshore project be utilised for nourishment of the river edge in front of the Council Caravan Park and along the river edge. This is because the River Road Foreshore project may not need this sand for 18 months to 2 years and the foreshore needs nourishment urgently.
2. Council staff investigate possible long term or ongoing solutions to manage the stormwater drains sand fans.
3. Council report back to the Shoalhaven Heads Estuary Taskforce for information.

Council staff regularly monitor the sand supply along the entire reach of the northern foreshore of the estuary. If there is a requirement between now and Sept 2019 to undertake further nourishment of the foreshore areas adjacent to the River Rd boat ramp and jetty (as per Figure 1), Council staff will seek the necessary approvals from NSW Office of Environment and Heritage and NSW DPI Fisheries to use the stockpiled sand for nourishment of these foreshore areas.

The management of the three stormwater drains along the River Road precinct is being undertaken as part of the larger River Road project. Council has undertaken a catchment based hydraulic assessment of these three stormwater drains. This information has been used to develop a design aimed at alleviating the impact of the storm water on the riverbank. The design also aims to improve the system's efficiency and incorporate the stormwater system into the rock revetment, to reduce the lobing affect and the drains impact on the

sand/foreshore area. This stormwater design will form part of the larger project design and will undergo community consultation during the design development.

Community Engagement

Community consultation has been undertaken regarding the entrance management works, via the Shoalhaven Estuary Taskforce and the Shoalhaven Community Forum. Notification of the River Road Foreshore Precinct Rehabilitation Project, was sent to all relevant stakeholders in March 2018 prior the works beginning. Council has established a Project Working Group to manage the project. Staff from Environmental Services are also in direct consultation with the Shoalhaven Heads Community Forum, during the development of the project's detailed design.

Financial Implications

Council funded the entrance management works from the Flood Programme budget. Furthermore, Council was successful in securing \$1,213,000.00 for the River Road Foreshore Stabilisation Project through Restart NSW funding, with an additional \$550,000 being contributed by Council from the storm water reserve budget and coastal infrastructure reserve budget.

Risk Implications

The current quantity of sand stored from the flood notch maintenance works is not sufficient to nourish the River Rd Foreshore Stabilisation Project site. There is also a risk of loss of sand through wind erosion while it is being stored.

CL18.332 Collingwood Beach Action Plan Progress Report

HPERM Ref: D18/348101

Group: Planning Environment & Development Group
Section: Environmental Services

Purpose / Summary

To inform Council on the progress of the Collingwood Beach Action Plan project.

Recommendation

That Council receive the report on the progress of the Collingwood Beach Action Plan project for information.

Options

1. The Council receive the report for information.

Implications: Nil.

2. Choose an alternative recommendation.

Implications: This would depend on the alternative recommendation, however may delay progress of the implementation of the action plan.

Background

On 14 August 2018, Council's Development Committee resolved the following:

That Council endorse the Draft Collingwood Beach Vegetation two-year trial Action Plan to enable implementation of the actions contained within the Plan.

Council has commenced implementing the Collingwood Beach Action Plan (the Plan), as adopted by Council. The aim of the plan is to implement a collaborative approach to manage the dune vegetation and vandalism issue. The dune vegetation at Collingwood Beach, Vincentia, has been the subject of varying public opinions for many years. There has been extensive vegetation vandalism, via tree removal/pruning and poisoning of vegetation.

Council has received advice from the Minister for the Environment, Minister for Local Government, Minister for Heritage, NGH Environmental Consultancy and Manly Hydraulics Laboratory. In view of this advice and the objectives of the *NSW Coastal Management Act 2016*, Council established a Reference Group to develop this Action Plan steered by the following Council resolution of 21 November 2017:

1. *Receive the advice received from the Office of the Hon. Gabrielle Upton MP, Minister for the Environment, Minister for Local Government, and Minister for Heritage.*
2. *In view of advice from Manly Hydraulics Laboratory (MHL), Government agencies and NGH Environmental and the objectives of the Coastal Management Act, adopt the following: -*
 - a. *Recognise the final draft recommendations and proposed management and communication methods compiled by the Collingwood Beach Dune Vegetation*

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Reference Group (Chaired by Allan Baptist in the former Council) were adopted as a broad framework on which to build and should be utilised as a reference document.

- b. Develop two trial sections at Collingwood Beach beachfront, each of approximately 50 metres in length, to be monitored over a two-year period:-*
 - i. Section One will be a damaged and denuded section to be revegetated in accordance with an agreed plan and with appropriate plants (not of the banksia species) in accordance with the five management objectives of the “Baptist” draft recommendation. The first stage of restoration will include the cutting down and spreading of dead wood on the selected site in recognition of its value as habitat.*
 - ii. Section Two will be a current vegetated area of Banksia species to be trimmed progressively over time to provided filtered views of the Bay.*
 - iii. Identifies location for 1 viewing platforms in accordance with MHL’s report; and*
 - iv. Includes a monitoring and evaluation program during the 2-year trial implementation period.*
 - v. The aim of the trial is to show good foreshore management.*
- c. Prior to any implementation of the trial:-*
 - i. A Management plan for the two sites be developed;*
 - ii. Pictorial records will be made of the beachfront from the land and air in order to have a means of measurement of outcomes;*
- d. All existing signs regarding tree vandalism will be removed from Collingwood Beach and a new signage program developed in the new Tree Vandalism policy.*
- e. All Management planning and assessments of the Trial to be managed by:-*
 - i. Council staff*
 - ii. Reference Group - Community members;*
Bruce McKenzie, Noel Ross-Kelly, Dawn Thompson and Barbara Liddle
 - iii. Councillors –*
 - iv. Jo Gash, Kaye Gartner, Patricia White, John Levett, Mitch Pakes and other interested Councillors.*
- f. A strong engagement and communication strategy be established with identified stakeholders including a program of public consultation and education throughout the trial period and ongoing. Explanatory signs should be erected to encourage the local community to take ownership of the plan.*

The Plan provides a framework for the restoration and future management of the Collingwood Beach dune vegetation system using two trial study sites. The purpose is to achieve a positive outcome in terms of both protecting the health and resilience of the dune system, as per the *NSW Coastal Management Act 2016*, whilst also meeting the desires and expectations of the community and other key stakeholders.

On 11 November 2017, Council also resolved that tree a vandalism strategy be developed and implemented across the city as follows:

Develop a robust Shoalhaven Tree Vandalism policy to be rolled out across the Shoalhaven. In the interim Council immediately adopt the anti-vandalism strategy as outlined in this report be adopted and implemented to mitigate against continuing vandalism.

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Council has allocated \$99,296 to fund the Collingwood Beach Dune Vegetation 2-year Trial Plan of which this strategy is a part. Table 1 (below) outlines the progress of the Collingwood Beach Action Plan to date. As a result of vandalism to the vegetation site, Council staff are also investigating the installation of cameras to assist with surveillance. This will be subject to a future separate report for Council approval.

Table 1. Progress of Collingwood Beach Action plan to date

Action	Progress	Timeline for completion
Review of Environmental Factors Report for both trial sites	100%	Completed
Action Plan accepted by Council MIN18.607	100%	Completed
Vandalism signs removed from Collingwood Beach	100%	Completed
Planting of approximately 750 specimens in the revegetation trial site, involving the community at large and celebrity guest Wombat from <i>The Block</i> .	100%	Completed
Fencing installed around the revegetation site	100%	Completed
Information sign installed at the revegetation site	100%	Completed
Information sign (x2) installed at the pruning site	100%	Sign installed on fence for vegetation site. Sign installed on pole at pruning site while waiting for fencing to be complete
Independent arborist report for pruning site	100%	Completed by Allied Tree Consultancy
Traffic Control Plan implemented for tree pruning works	100%	Completed
Pruning works undertaken at trial site and cut wood felled throughout foreshore reserve.	80%	Clearing of some bushes is still required as this work is to be completed in stages
Property owners and Councillors notified of all works being undertaken prior to commencement	100%	Completed
Pruning site fencing works	30%	Council has put out a request for quotations to complete this work
Install seats (x2) at both trial sites and install viewing platform at revegetation site	30%	Design process has commenced
Monitoring actions	10%	Ongoing for 2 years (length of trial)

Council is currently in the process of developing a tree vandalism strategy. It is anticipated that this will be reported to the December Strategy and Assets Committee meeting.

Community Engagement

Council's Staff have undertaken the following community engagement actions:

1. Door knocked property owners living adjacent to the two trail sites;
2. Sent letters to all affected property owners near the trail sites;

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3. Media release;
4. Met with the Reference Group to discuss the Action Plan and the implementation of the two trial sites; and
5. Held two public planting days – One with the students of Vincentia Public School and one with the general public.

Policy Implications

The development of the Shoalhaven Tree Vandalism Strategy, as per the Council resolution, will have an impact on the current Shoalhaven Foreshore Reserve Policy, as this policy currently outlines how Council manages vegetation vandalism to enhance or improves views.

Financial Implications

Council has experienced savings through works being completed by volunteers. On the Community Planting Day, 71 hours were logged by volunteers, equating to a saving of \$2,130. Bushcare volunteers commenced on-site on 23 October 2018, which will also equate to a saving in labour costs for Council.

The installation of surveillance cameras is a necessary, but additional unplanned cost. This may result in a shortfall in the Collingwood Beach Dune Management budget.

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CL18.333 Seeking Council's Approval to Accept the Dedication of the Waterway Portion of Lot 124 DP 528966 Sussex Inlet

HPERM Ref: D18/379236

Group: Planning Environment & Development Group
Section: Building & Compliance Services

Attachments:

1. Spreadsheet highlighting the unauthorised structures on the property owned by Taliac Pty Limited - Lot 124 DP 528699, H/N 31 Jacobs Drive - Sussex Inlet (councillors information folder)
2. Photographs of the unauthorised developments - Lot 124 DP 528699, H/N 31 Jacobs Drive - Sussex Inlet (councillors information folder)

Purpose / Summary

Taliac Pty Ltd are the owners of Lot 124 DP 528699, H/N 31 Jacobs Drive, Sussex Inlet. They are seeking approval in principle for the canal portion of this land to be dedicated to Council.

There are many unauthorised structures located within the canal portion of the allotment. The current owner is prepared to work with Council to have these regularised prior to the transfer of ownership. However, should Council decide not to accept the ownership of the land, then other options need to be explored with Taliac.

This report seeks Council's approval to accept the dedication of the canal portion of the land once all unauthorised structures have been regularised.

Recommendation

That Council accept the dedication of the canal portion of Lot 124 DP 528699, H/N 31 Jacobs Drive, Sussex Inlet once all unauthorised structures have been regularised and licence agreements with the owners of each structure have been executed.

Options

1. Approve the recommendation as written

Implications: Council will take full responsibility for the maintenance of the canal as well as the assessment of any future development within this area.

Council will be able to licence the structures and collect fees much the same as it does with the Sussex Keys development on the southern side of Jacobs Drive.

2. Council rejects the recommendation

Implications: This will be communicated to Taliac and Council's Compliance Section will work with them on alternatives to regularise or otherwise remove the unauthorised structures.

Location Map

The subject site is shown outlined in orange on Figure 1 below.

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Figure 1:- The location of Lot 124, DP528699, H/N 31 Jacobs Drive, Sussex Inlet.

Background

On 9 October 2017 Council received a complaint from a resident concerning an unauthorised jetty structure that backs onto the waterway behind Jacobs Drive, Sussex Inlet. The complaint indicated that the newly constructed jetty extended too far out into the drainage canal and it was likely to cause a boating accident.

In the investigation of this matter, Council's Officer identified many non-compliances along this man-made canal. A spreadsheet and photographic assessment are contained at Attachments 2 and 3 of this report. In summary, the following non-compliances were identified:

- a. 51 unauthorised jetties,
- b. 31 unauthorised boat ramps,
- c. 6 unauthorised boat docks (carport like structures), and
- d. 53 unauthorised retaining walls

The structures have been erected on land owned by Taliac Pty Limited. The man-made canal was constructed in the 1950s and it is understood that Taliac did not construct them, nor did they give approval for them to be erected. Given the age of some structures, it is possible that the current owners have not been involved in the construction works either.

The straight removal of all structures could have significant environmental impact on the waterway. This is particularly the case with retaining walls and these will need to remain if only for the short term. When they are eventually replaced some time into the future, the construction will require piling on the boundary and the careful removal of the existing wall to minimise the impacts onto the waterway.

Report

Council's Compliance Officers have met several times with the Managing Director of Taliac, Mr Ralph Lucas, and his consultant Matt Philpott from Allen Price & Scarratts Pty Ltd, to discuss a way forward to deal with these non-compliances. Taliac have no issues with people using the canal, nor are they seeking structures to be removed.

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Council's Compliance Officers share the same view; however, the structures need to be certified by a Structural Engineer with each regularised through a building certificate process. Council also needs to ensure there is sufficient space for boats to pass along the waterway so as to address the original complaint.

The building certificate will require

- a. Survey reports for each structure identifying its location and size.
- b. A Structural Engineer's report confirming the adequacy and/or remedial works required for each structure.

It is agreed that one Land Surveyor and one Structural Engineer will be engaged by the owner for this project. Preliminary costs have been obtained and Taliac intends to engage with the individual property owners to recover these costs. If an owner does not wish to participate, then they may be asked to remove some or all of their structures.

Taliac is prepared to work with Council's Compliance Officers to resolve this issue; however, upon completion, they would like to dedicate the land to Council. The reason for this is that Taliac is not prepared to accept the ongoing responsibility for this waterway. If Council is not prepared to accept the dedication, then Taliac will need to consider other alternatives including seeking legal advice on whether they should pursue the removal of all structures from their land.

The matter of dedication has been discussed with Council's Property Section. If the structures are regularised, Council will also require that Taliac and the owners of each structure enter into an annual licence agreement before the land is transferred to Council. This agreement will deal with the ongoing maintenance of the structures, insurance and the payment of an annual fee.

It is not reasonable that Council be expected to negotiate these agreements after transfer of the land.

Financial Implications

Owners will benefit with the retention of their structures. Selling a property with a licenced jetty will improve the market value of their property.

Should Council decide to accept the dedication of land and the licences are executed, then it will receive annual licence fees from each of the owners. The current licence agreement fees are set at \$98.40 for private structures erected in drainage reserves but could be as high as \$493.00 if the fees are brought into line with the statutory minimum (the fee structure can be negotiated with Taliac if necessary).

Assuming a total of 40 premises accept the terms and enter into a licence agreement, Council can expect to receive a minimum of \$3,936 as additional income with the potential for that amount to increase to \$19,720 if the higher figure is adopted.

Summary

It is recommended that Council accept the dedication of the canal portion of Lot 124 DP 528699, H/N 31 Jacobs Drive, Sussex Inlet.

CL18.334 Request for Fee Waiver - Sewage Management Facility ATO - Nowra Rifle Club - 74 Warra Warra Rd, Comberton

HPERM Ref: D18/357616

Group: Planning Environment & Development Group
Section: Environmental Services

Purpose / Summary

To request Council's consent to waive fees for an approval to operate a system of sewage management. The waiver is requested as the club has met the exemption criteria in policy Number POL13/109, being "a local community or sporting group registered with Council's Community Services Directory" (Section 2.1).

Recommendation

That

1. Council waive the \$277 fee for Approval to Operate a System of Sewage Management at the Nowra Rifle Club; and
2. Staff continue to process the application for Approval to Operate a System of Sewage Management (section 68 LG Act, 1993) at the property.

Options

1. Council adopt the recommendation.

Implications: Council will be required to reimburse the \$277 fee (Council reference: 20065652) for Approval to Operate a System of Sewage Management (section 68 LG Act, 1993) at 74 Warra Warra Road, Comberton.

2. Council not refund the \$277 fee (Council reference: 20065652) for Approval to Operate a System of Sewage Management (section 68 LG Act, 1993) at 74 Warra Warra Road, Comberton and inform Nowra Rifle Club of Council's decision.

Implications: The fees will be retained and will not be refunded to the applicant.

Background

Legislation and Council's On-site Sewage Management Program

Section 68 of the *Local Government Act, 1993*, as amended and as further defined in the *Local Government (General) Regulation 2005*, requires that all sewage management facilities have a current *Approval to Operate*. This legislation was introduced in 1998 to reduce environmental impacts of these systems and limit risk to public health.

The requirement for *Approval to Operate* enables Councils to address the operation of systems and require operators to meet environmental and health performance standards. The on-site sewage management program allows Council to better identify and monitor the source and cumulative impact of sewage pollution. Council can also provide appropriate supervision and support, and develop practical programs to help householders keep their on-site sewage systems working well.

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A fee is charged by Council to renew an approval to operate a system of sewage management. This fee has an administration component and an inspection component.

Depending on the potential health and environmental risk of operating a system, an approval period of one or five years is issued, with the vast majority of systems in the Shoalhaven issued with a five-year approval, which is the case for this property.

Waiving of Council Fees

Council approval is required to waive the fee for applications made under section 68 of the *Local Government Act, 1993*. The applicants meet the exemption criteria in Council's Policy *Waiving of Development Application Fees and other Fees for Charitable Organisations and Community Groups* as the property is "a local community or sporting group registered with Council's Community Services Directory".

Community Engagement

Nil

Policy Implications

It is unlikely that the adoption of the recommendations of this report will have any substantial policy implications.

Financial Implications

A reduction in income by \$277 will not have an impact on this budget.

Risk Implications

Nil. The refund is to be issued in accordance with Council Policy and strict criteria apply.

CL18.335 Danjera Dam Camping Redevelopment

HPERM Ref: D18/383880

Group: Shoalhaven Water Group

Attachments: 1. Proposed Site Plan - DRAFT [↓](#)
2. Future Directions Report - Submissions [↓](#)

Purpose / Summary

On 21 August 2018 Council considered a report on the future directions of the Danjera Dam camping area and resolved the following:

1. *Place the attached Future Directions Report on public exhibition for 28 days and send a copy to all stakeholders who have registered their interest in the future of the camping area and seek public comment on the proposed way forward.*
2. *Bring a further report to Council with all responses received through this process.*

This report provides the results of that exhibition period and asks Council to consider the next steps in the future management of the Danjera Dam camping area.

Recommendation

That Council

1. Prepare a new planning proposal based on limiting camping to the main camping area adjacent to the dam, as outlined in the Future Directions Report and conceptualised in Attachment 1.
2. Close the camping area in times of “severe” fire danger levels
3. Close the camping area when the dam level is 4 metres below TWL
4. Provide ranger and other security resources to enforce “no camping” areas and to monitor anti-social behaviour
5. Classify the Council owned land as a 24 hour “Alcohol Prohibited Area”
6. Install CCTV cameras and warning advices at appropriate spots within the Council-owned land.
7. Write to the State Government and request that they develop a management plan for the Crown land in this area, including the disused mine areas.

Options

1. As recommended.

Implications: Provides a way forward to allow some camping to continue in a more controlled area and set safety triggers to close the camping area in severe conditions.

2. Council can shut the camp area permanently and have only day use of the area.

Implications: This does not have community support and Council could expect a similar reaction from the community as when this was previously proposed.

3. Council can set other trigger levels for closure to mitigate risk.

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Implications: The risk would depend on what circumstances Council wished to close the area.

4. Council can direct that a planning proposal of a different nature be developed.

Implications: This would depend on the complexity and the aspirations that Council wished for the area.

Background

The Future Directions Report outlined the need to prepare a planning proposal for approval by the state government to modify the Local Environmental Plan. Such a planning proposal requires the agreement of the Rural Fire Service for a bushfire plan. Council attempted this in 2017 but could not comply with the RFS requirements without significant clearing of vegetation. Such clearing is not possible due to the existence of a Commonwealth and State listed critically endangered vegetation community (EEC).

In an attempt to address the bushfire issue, Council engaged a separate expert bushfire consultant to review the constraints of the site. He concluded that the only possible way to develop a strategy to address the risks would require as a minimum:

1. Limited camping numbers and camping confined to the main camping area (as shown on Attachment 1).
2. Refuge building with compliant Asset Protection Zone with the Dam acting as significant separation to primary fire threat from the west.
3. Refuge building to comply with at least BAL-40.
4. Alternate access to the north and south.
5. Bushfire Emergency Management and Evacuation Plan to comply with RFS guidelines to control camp closure on days of higher fire danger and response to on-site refuge and off site evacuation.

A report based on the above restrictions was prepared to advise users, stakeholders and the general community of the work to date and the proposed way forward. This report was placed on public exhibition for 28 days and a copy sent to all stakeholders who have registered their interest in the future of the camping area, and seek widespread input.

Response to Future Directions Report

The responses to the report are summarised in Attachment 2. Almost every submission acknowledged the natural beauty and unique setting of Danjera Dam and its adjoining lands. The rare opportunity to further develop a noteworthy recreational and tourist facility based on this spectacular natural setting and interesting combination of historical sites and water-based activities was also widely commented on. There was strong support for maintaining some form of public access to Council's land.

Most submissions also outlined the unacceptable nature of the behaviour of some users; the litter, impact on vegetation and general threatening behaviour of these users was commented on more often than any other issue.

Some submissions also recognised the extremely challenging physical context (e.g. isolation, poor access, ineffective communications) that land managers faced with any emergency scenario, most likely a major bushfire incident.

Many submissions called for more effective management, accepting that the current level of Police and Ranger intervention had improved the situation but concluding that a more permanent on-site presence was required.

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However, there were many different suggested approaches to how this location could be properly managed. These varied from self-registered camping to total relocation of all accommodation to the adjoining privately owned land, with Council only regulating day visitation. Some suggested minimal land use control while others wanted much stronger Council intervention.

There were a number of submissions that suggested Council needed to take a wide and comprehensive view of its management role given the extensive landscapes and complicated issues involved. That an integrated, co-ordinated approach involving all stakeholders would, in the long run, prove most successful in realising the full potential of this location.

It should also be noted that the residential properties in the area are being adversely impacted by some of the unpleasant behaviour in this area. One owner made the following comment: *“Over this long weekend I had to go tell 9 different groups to get off my land coming from both ways. The trail has been closed for years and trees had grown on it and they are being cut down to get through. I would like to see if council would put a gate at the north end where this track leaves Yalwal Road going down the gap.”*

The feedback received regarding the future of this area and the complexity of the issues that need to be considered leads to an inevitable conclusion that Council cannot implement any solution on its own to address the long term sustainability of the use of this area to the community's satisfaction. If there is to be a full realisation of the potential of the area as envisaged by a number of submissions, then major cooperation and commitment needs to be sought from Crown Lands, National Parks, private landowners and Nowra Aboriginal Land Council.

Proposal

Previous attempts at a management plan to cover the potential of this area have failed due to a lack of ownership of the solution. This is consistent with the demise of the Two Rivers Walk. Funding and commitment from both a local and state government level will be required to fully develop the tourism potential of this area.

It is proposed that Council needs to take steps to manage its land holdings in the short and medium term, and look to the state government as a major stakeholder and land owner to lead the development of a management plan for the crown land that could complement the Council's proposals.

A concept plan (given in Attachment 1) has been developed based on the RFS constraints, and this could be used to develop a new planning proposal.

Financial Implications

A budget has been included in the current financial year to install a communications tower to assist with management of the area. The tower is proposed to be installed on high land on adjoining private property and this is currently being negotiated with the landowner.

Funds have also been included to prepare a new planning proposal and some preparatory work has commenced.

Risk Implications

There are serious risks in not taking action to formalise the use of this site. Large groups of people are currently camping at the site with limited bushfire safety measures in place and no means of providing compliance. Council has a duty of care to ensure that action is taken to reduce its liability under the Local Government Act, 1993.

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Concerns relating to safety and environmental damage from adjoining landowners including private landowners, National Parks and Crown Lands also need to be taken into account when Council considers the future of this site.

It must also be emphasised that the primary purpose of Danjera Dam is the backup supply of water for the Shoalhaven. The dam level currently sits at 58.4% and if further water is required to be released, there will be a heightened increase in risk due to obstructions in the dam and public access into shallow areas. It is recommended that a trigger point be set at which the camping area should be closed due to the water level. Given the information from the current drought, it is proposed that the camping area should be closed at four (4) metres below TWL. This equates to 57.3% of the dam's capacity.

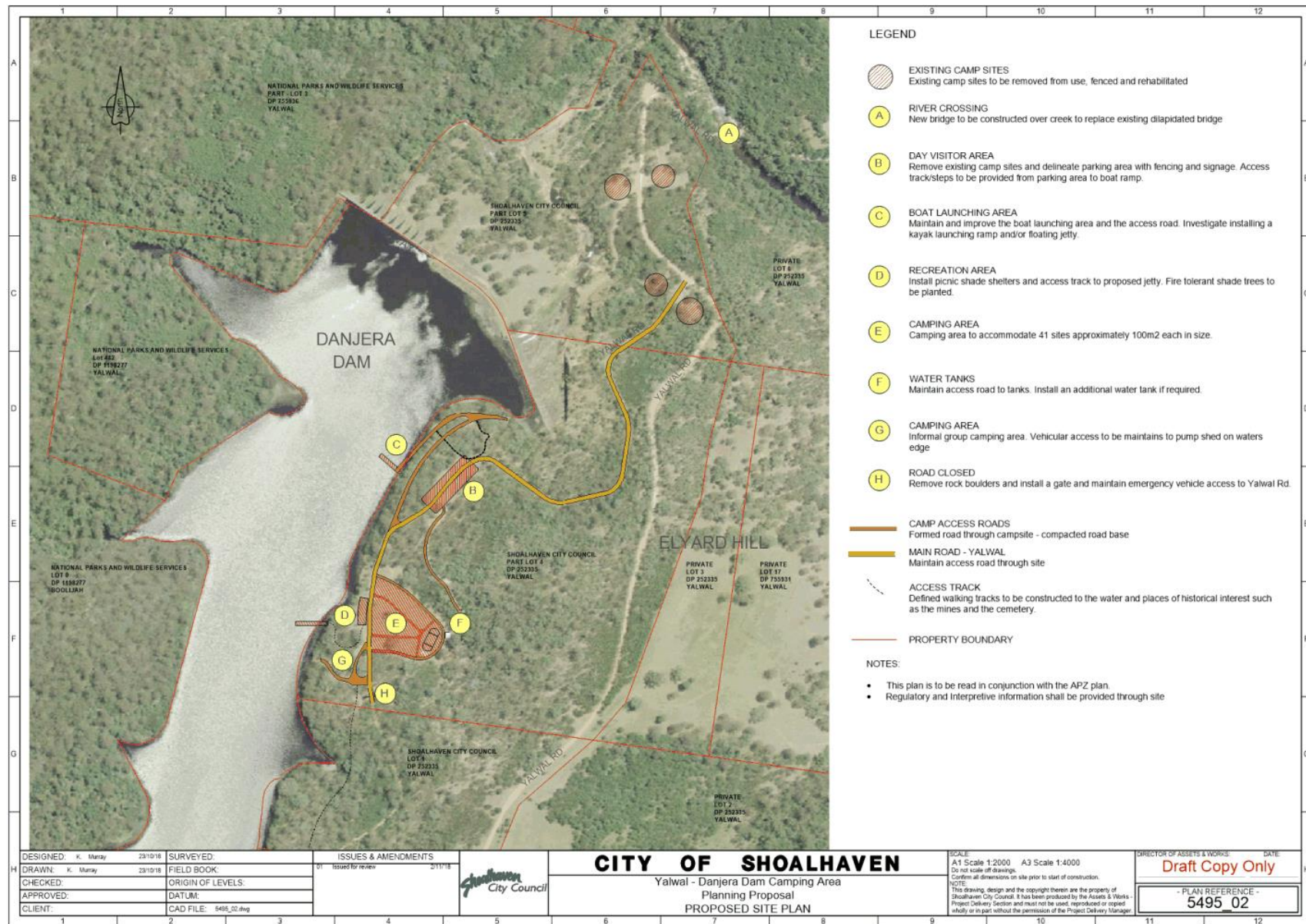
Under current drought conditions, this would occur if Level 2 restrictions were triggered by the second draw-down of Bamarang dam and a second release from Danjera dam.

Council must make a number of decisions on the short and long term future of the area under its ownership, and also how it would like to proceed with any engagement for the future of the whole area.

If Council wishes to keep the area open in the short to medium term and to reduce risk, the following measures are recommended:

1. Limit public access to times outside of water restrictions
2. Continue the use of NSW police, ranger and security service to monitor and control anti-social behaviour
3. Close public access during "severe" fire danger rating periods.

Considering the fact that many of the unpleasant behaviour at the site has related to the consumption of alcohol, Council could place an alcohol free exclusion upon the Council-owned land. This would also be consistent with the feedback desiring a "family friendly" camping area.



Submissions Summary (17 submissions)

Submission Type	Times Raised	Summary Detail
Individual (7) & Anonymous (7)	8	<ul style="list-style-type: none"> • Maintain access to waterway and camp ground for fishing and recreation <ul style="list-style-type: none"> - especially during Oct-April, restricted hours not workable for fishing - most picturesque, serene, beautiful place, recreation "gem", maintain ambience of isolation experience - if closed will force people onto adjoining bushland, private land along Wombat fire trail, long week-end 9 groups asked to vacate private land, access should be restricted - need for balance, wonderful stage for many nature- based activities
	10	<ul style="list-style-type: none"> • Unacceptable and disappointing anti-social behaviour <ul style="list-style-type: none"> - illegal activities cannot be controlled by police/Council, should be closed down, dangerous place to go for individual, eliminating poor behaviour is key to successful outcome - litter, broken glass, bins overflowing, camp fires outside designated spots, fauna habitat destroyed by cows and goats - small number of people commit offences, majority do right thing - should use surveillance equipment - local farmer makes false complaints - poor behaviour is a regional issue - much stronger management intervention required - regular attendances by Police and Rangers has led to marked improvement
	3	<ul style="list-style-type: none"> • Hazardous location in emergencies <ul style="list-style-type: none"> - only 1 legal access, no mobile phone reception, should restrict current activity - if campers in one area can be accounted for in emergency - no deaths related to camping, only 1 due to bushfire in 1939 - high risk fire days camping area should be closed, although cannot solely rely on this procedure, cannot evacuate with short notice - eroded access up Yarramunmun Fire Trail very hazardous

	4	<ul style="list-style-type: none"> • Approach to site management <ul style="list-style-type: none"> - Council has let things drift over the years - offer to be caretaker - “Friends of Yalwal” rooster system suggested - most people will pay to stay - no inclusion for day visitation - should take similar approach to Bendeela Camping Area - seeking to commercialise the area by contracting responsibility to third-party - self-registered camping works in all other states, enforced by compliance support - should be developed under Council governance, in consultation with user groups - could be an amazing place if managed correctly, from landscape evolution and historical perspective, should be mix of Council, Parks and private enterprise - gateway to Morton National Park, should be made safe for all users - Council staff should take a wider view of management role; co-ordinating with State agencies
	4	<ul style="list-style-type: none"> • Alternative accommodation option <ul style="list-style-type: none"> - privately owned lands (formerly “Fletcher” homestead), radio communications, best and safest option (duty of care), take advantage of existing cleared land (APZs), better helicopter access, could extend to Aboriginal Land Council’s land - discussions should be held with private Land owner and Land Council - Council should focus on managing day usage, need an entrance station
	2	<ul style="list-style-type: none"> • Community consultation approach <ul style="list-style-type: none"> - fire management plans should be publicly exhibited - if outcome pre-determined this public asset will be lost to unsustainable profit motive - happy Council is finally acting
	1	<ul style="list-style-type: none"> • Legal basis of proposal <ul style="list-style-type: none"> - not convinced E2 zoning prohibits camping
Government Departments	1	<ul style="list-style-type: none"> • 54% of users surveyed from Wollongong and metro area
<ul style="list-style-type: none"> • Department of Industry 	1	<ul style="list-style-type: none"> • Essential fire trail with restricted access runs through adjoining lot 7017, does not provide legal practical access in emergency, also supports endangered population of threatened species

	1	<ul style="list-style-type: none"> • Qualified support of supervised restricted access, based on: <ul style="list-style-type: none"> - improved maintenance and reduced impact on threatened species, currently repeated vandalism - greater control of land use could significantly reduce vandalism and provide effective protection
	1	<ul style="list-style-type: none"> • Current signage needs to provide accurate information
Community/Political Groups	1	<ul style="list-style-type: none"> • Acknowledge significant environmental, historic and recreational values of Yalwal district plus importance of dam as water supply
• Shoalhaven Greens	1	<ul style="list-style-type: none"> • Long history (over 25 yrs.) of regularly holding club training events, competitions and social event on the dam and picnics area, strongly support free camping and recreational activities
• Southern Bass	1	<ul style="list-style-type: none"> • Note serious problems confronting Council
	1	<ul style="list-style-type: none"> • Police and Ranger action have slowed but not stopped poor behaviour
	1	<ul style="list-style-type: none"> • Recommend Council take wider view of management role given extensive landscapes involved
	1	<ul style="list-style-type: none"> • Advocate a co-operative approach bringing in all agencies, private owners and visitors
	1	<ul style="list-style-type: none"> • Prime consideration to maintain high level quality of water supply. Need to address and stabilise impacted areas to minimise pollution
	1	<ul style="list-style-type: none"> • Priority to also protect EECs, should be regeneration program in disturbed areas to improve biodiversity
	1	<ul style="list-style-type: none"> • Third priority to resolve anti-social behaviour, full time management presence required, charging fees and entrance station
	1	<ul style="list-style-type: none"> • Camping and cabins should be located on adjoining private land
	1	<ul style="list-style-type: none"> • Additional state funding would also facilitate guided walks and other infrastructure

CL18.336 Sewer Pumpstation Universal Drawdown Device

HPERM Ref: D18/390069

Group: Shoalhaven Water Group

Purpose / Summary

To advise Council of the innovation and in-house development of an efficient and effective Pump Station Portable Draw Down Device which may provide a commercial opportunity for Council.

Recommendation

That Council authorise the General Manager (Director of Shoalhaven Water) to enter into a Mutual Confidentiality Deed with National Pump and Energy (NPE) to determine the viability of entering into a partnership or other arrangement for the manufacturing, marketing, development and support of the Drawdown Device "SPUDD".

Options

1. As recommended.

Implications: Council has already undertaken an open Expression of Interest (EOI) process with little success. The recommended option is considered to be the most feasible method to further the commercialisation of this device.

2. Council could elect to not enter into such an agreement.

Implications: This would mean that the commercialisation of the device would not proceed any further, and a new process would need to be commenced to pursue this any further. Given that an open tender process has already been followed, it is not considered that re-commencement of the process would yield any other result.

3. Council could elect not to proceed with the Sewer Pumpstation Universal Drawdown Device.

Implications: This is not recommended as the project has been recognised as a good opportunity for commercialising an industry leading product developed in the Shoalhaven.

Background

Shoalhaven Water have developed a fully functioning portable radar device to allow measurement of sewer pump rates in-situ. A low power microcontroller and Bluetooth enabled device is paired with a mobile application to offer an innovative pump testing method. This device offers a non-invasive practical engineering solution to effectively monitor SPS pump performance, with comprehensive testing showing accuracy within 1% of flowmeter measurements.

The android mobile app maintains a database of existing SPS data, enabling a user to arrive on site, and select which SPS and specific pump they are testing. Both instantaneous well level and derived flow rates are displayed on-screen, while for each pump tested the maximum flow rate is also displayed. A user can further select to display the level and flow curves of current tests, with all recorded data being stored locally on an SD card.

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Shoalhaven Water called for **Expressions of Interest** to further develop and commercialise a **Sewer Pumpstation Universal Drawdown Device** on 1 June 2018 which closed at 10:00am on 26 June 2018. Council subsequently declined to accept any Tender and resolved to enter into negotiations with any person.

Shoalhaven Water staff have had a number of discussions with various companies that have yielded few firm ideas of moving forward. One company, National Pump and Energy (NPE), has offered to field test the device under the requirements of the original EOI with a view to forming a partnership of some kind should the commercialisation of the device be viable. They have prepared a mutual confidentiality deed to ensure that the rights of both parties are protected during this field testing phase.

Financial Implications

The potential revenue from the commercialisation of this device is not known. Staff time would be needed to engage with the private sector to develop the device for manufacture. There are a number of potential business models that may be attractive to Council and these would be assessed after the field trials.

Risk Implications

The commercialisation of the portable Drawdown Device was discussed with JLT and did not present any immediate concerns or exclusions for coverage under Council's Product Liability Insurance.

Based on the initial description of the proposal JLT's preliminary advice was that such a partnership would meet the terms and conditions of the policy's coverage which provides protection to Council of up to \$500 million for any one occurrence and in the aggregate for any one policy period.

CL18.336

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.