

## Ordinary Meeting

**Meeting Date:** Tuesday, 18 December, 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 - 13 November 2018
  - Extra Ordinary Meeting - 4 December 2018
6. **Declarations of Interest**
7. **Presentation of Petitions**
8. **Mayoral Minute**
9. **Deputations and Presentations**
10. **Notices of Motion / Questions on Notice**

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### 13. Confidential Reports

#### Reports

CCL18.20 Egan's Lane Precinct - Expression of Interest - Auric International

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

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

CCL18.21 Tenders – Supply and Delivery of Drainage and Recycled Pavement Materials - Recycling and Waste Facilities

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

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

CCL18.22 Halloran Trust Lands - Ownership of Paper Roads

*Local Government Act - Section 10A(2)(g) - Advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to prejudice any court proceedings by revealing matter prepared for the purposes of or in relation to current or future proceedings or prejudice the fair trial of any person, the impartial adjudication of any case or a person's right to procedural fairness.*

CCL18.23 Tenders – Confidential - Berrara Creek & Nerrindillah Creek HDD Crossing

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

*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any*



*person's legitimate business, commercial, professional or financial interests.*

## CL18.345 Rescission Motion - CL18.344 - Employee Remuneration Review - Funding Strategies

HPERM Ref: D18/424101

Submitted by: Cllr Bob Proudfoot  
Cllr Mitchell Pakes  
Cllr Andrew Guile

### Purpose / Summary

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

### Recommendation

That Council rescind the Motion relating to Item CL18.344 – Employee Remuneration Review – Funding Strategies of the Extra Ordinary Council Meeting held on Tuesday 4 December 2018.

### Background

The following resolution was adopted at the Extra Ordinary Meeting held Tuesday 4 December 2018

*That Council:*

- 1. Support in principle a review of Council's salary system under the terms of the Local Government (State) Award to make it more contemporary and competitive.*
- 2. Authorises the General Manager to negotiate with relevant Unions and the Staff Consultative Committee to establish a new salary system and introduce other monetary and non-monetary benefits to attract and retain staff in the organisation.*
- 3. Authorises the General Manager to negotiate changes in a staged approach commencing 1 May 2019 and over the 2018-19 to 2020-21 financial years with the overall increase capped at the equivalent of a 4% increase in annual employee costs (excluding annual increases as prescribed by the Award and already budgeted for).*
- 4. Note the funding options presented in the report and receive a further report in relation to a recommended funding strategy in conjunction with the outcome of the General Manager's negotiations.*

### Note by the General Manager

Whilst the rescission motion was lodged after the meeting had closed the only action taken to date has been the notification to the Staff Consultative Committee and Unions of the council Resolution and the fact that a rescission had been lodged.

CL18.345

## **CL18.346 Notice of Motion - Employee Remuneration Review - Funding Strategies**

**HPERM Ref:** D18/424104

**Submitted by:** Cllr Bob Proudfoot  
Cllr Mitchell Pakes  
Cllr Andrew Guile

### **Purpose / Summary**

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

### **Recommendation**

That a report be prepared by staff for Council clearly outlining the effectiveness and efficiency of the systems and technologies currently being used by staff in all areas where there is an apparent shortfall in suitably qualified personnel. The report would essentially address recent detailed reviews of said systems and technologies providing specific detail and informed conclusions based on the findings of these reviews.

CL18.346

## CL18.347 Rescission Motion - SA18.282 - Sustainability Program Update

HPERM Ref: D18/433481

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

### Purpose / Summary

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

### Recommendation

That Item SA18.282 be rescinded.

### Background

The following resolution (MIN18.953) was adopted at the Strategy & Assets Committee held Tuesday 11 December 2018.

*That Council:*

- 1. Accept the report for information.*
- 2. Endorse the General Manager reviewing the Sustainability Coordinator position and the need for a full-time position (currently only 2 days per week) to enable effective coordination and delivery of sustainability programs across all areas of Council (Job No. 15920) and that funding is sourced from existing salary budgets.*
- 3. Note that a Sustainability Planning Workshop (Management Diagnostic) across Council's senior management will be arranged to identify the key issues, actions and priorities the organisation needs to progress for a coordinated sustainability program and that a further report will be provided to Council following the workshop.*

### Note by the General Manager

Even if the council does rescind the motion, the planned workshop will be held to close off the OEH work and prepare an Action Plan necessary to set some form of strategic direction to guide staff in the future. As previously advised any staffing change would be assessed but not require additional budget allocation.

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## **CL18.348 Notice of Motion - Toilet Block Maintenance - Burrill Lake Park**

**HPERM Ref:** D18/426954

**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 the toilet block at Burrill Lake Park, McDonald Parade, Burrill Lake be maintained and kept in good working order for the foreseeable future.

CL18.348

## **CL18.349 Notice of Motion - Burrill Lake View from Lions Park**

**HPERM Ref:** D18/426990

**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 the view of Burrill Lake, as seen from Lions Park, Burrill Lake, be maintained in its present condition for both locals and visitors to enjoy.

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

The Motion, if carried, will need to be reflected in an appropriate Foreshore Vegetation Management Plan or an overall Management Plan for the whole Reserve recording the current vegetation and views and setting out the vegetation control measures that will be executed by Council. A further report will be provided to Council and it should be noted that any plan will be publicly exhibited to allow community input.

CL18.349

## **CL18.350 Notice of Motion - Reporting on Status of Notices of Motion**

**HPERM Ref:** D18/426998

**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 the progress status of councillors' notices of motion be reported regularly at Ordinary Meetings of Council.

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

I would suggest a quarterly update report is more manageable, and will impact less on staff giving constant monthly reports at the risk of impacting on other important tasks. Council needs to take care that Notices of Motion and single issue matters, don't become the major focus of attention, diverting staff away from Council's more strategic driver i.e. the Integrated Strategic Plan.

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## CL18.351 Notice of Motion - DE18.76 - Amendment - Shoalhaven Development Control Plan 2014 - Medium Density 'Housekeeping' Amendments

HPERM Ref: D18/432898

Submitted by: Cllr Andrew Guile

### Purpose / Summary

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

### Recommendation

That Council

1. Retain A6.2 as originally adopted and instead amend A6.4 as follows:

The landscaping provided at **A6.1**, **A6.2** and **A6.3** excludes any ~~encroachments (i.e. any part of a building or structure), hardstand areas and any~~ areas used for storage, clothes drying, and water tanks.

2. (as per staff recommendation): Amend P1.1 as follows:

*To promote good built form outcomes and the efficient utilisation of land, lot consolidation/ amalgamation avoids the isolation of smaller lots that would prevent future medium density development on those lots.*

This performance criteria only relates to:

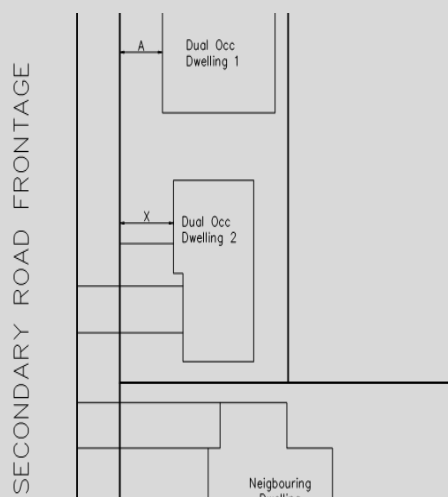
- • Dual occupancies in the R3 Medium Density Residential zone.
  - • Multi dwelling housing in any zone.
  - • Multi dwelling housing (terraces) in any zone.
  - • A manor house in any zone.
3. **Recommendation (as per staff recommendation):** Delete P28.1 and P28.2. The performance criteria do not add any additional value to the assessment of an application beyond what is already covered in effective P28.3 and P28.4.
  4. **Recommendation:** Table 2 and Figure 3 of Chapter G13 of the Shoalhaven DCP 2014 be amended as follows:

Front Setback	Front Setback Secondary Road	Side Setback	Side Setback Secondary Road	Rear Setback	Rear / Side Setback to Foreshore reserve
Lots under 600m <sup>2</sup> : <ul style="list-style-type: none"> <li>• 5m to walls of dwellings &amp; 4m to verandahs, patios and awnings.</li> </ul>	<b>Detached Dual Occupancy:</b>	900mm for single storey structures	3m	<b>Attached Dual Occupancies &amp; side by side:</b> 3m (average)	7.5m
Lots over 600m <sup>2</sup> : <ul style="list-style-type: none"> <li>• 6m to walls of dwellings &amp; 5m to verandahs, patios and awnings.</li> </ul>	Average of the setbacks of the front and adjacent dwelling or 5m, whichever is the lesser. Refer to figure	1.2m for any two storey component / structures		<b>Detached Dual Occupancies (one behind the other):</b>	

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<p>Lots over 900m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>7.5m to walls of dwellings &amp; 6.5m to verandahs, patios and awnings.</li> </ul> <p>For any of the above setback requirements, reduced setbacks may be approved where the prevailing street character permits and the future desired character of the area is not prejudiced. The suitability of reduced setbacks must be demonstrated through addressing the relevant objectives and performance criteria of the DCP in support of the application.</p>	<p>3 below.</p> <p><b>Attached Dual Occupancy Dwelling:</b> 3m to the wall of the dwelling &amp; 5.5m to garage.</p>			<p>3m (average) for rear of the rear dwelling.</p> <p>Note: No rear setback applies for front dwelling (i.e. dwelling closest to the street).</p>	
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5. **Recommendation:** Amend A20.1 to read:

In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided **encouraged** per dwelling:

- 1 bed: 6m<sup>3</sup>.
- 2 bed: 8m<sup>3</sup>.
- 3+ bed: 10m<sup>3</sup>.

6. **Recommendation:** A20.2 of Chapter G13 of the Shoalhaven DCP 2014 be deleted.

7. **Recommendation:** The General Manager prepare a draft amendment to Chapter G13 of the Shoalhaven DCP 2014 as follows:

- Table 2 and Figure 3 of Chapter G13 of the Shoalhaven DCP 2014 be updated as follows:

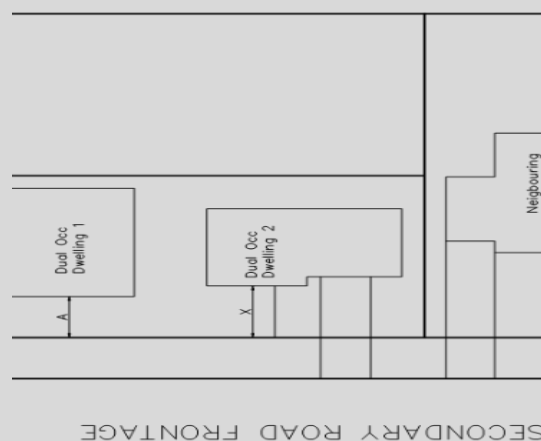
Replacement Table 2 – Chapter 13

Front Setback	Front Setback Secondary Road	Side Setback	Side Setback Secondary Road	Rear Setback	Rear / Side Setback to Foreshore reserve

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<p>Lots under 600m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>5m to walls of dwellings &amp; 4m to verandahs, patios and awnings.</li> </ul> <p>Lots over 600m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>6m to walls of dwellings &amp; 5m to verandahs, patios and awnings.</li> </ul> <p>Lots over 900m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>7.5m to walls of dwellings &amp; 6.5m to verandahs, patios and awnings.</li> </ul> <p>For any of the above setback requirements, reduced setbacks may be approved where the prevailing street character permits and the future desired character of the area is not prejudiced. The suitability of reduced setbacks must be demonstrated through addressing the relevant objectives and performance criteria of the DCP in support of the application.</p>	<p><b>Detached Dual Occupancy:</b> Average of the setbacks of the front and adjacent dwelling or 5m, whichever is the lesser. Refer to figure 3 below.</p> <p><b>Attached Dual Occupancy Dwelling:</b> 3m to the wall of the dwelling &amp; 5.5m to garage.</p>	<p>900mm for single storey structures</p> <p>1.2m for any two storey component / structures</p>	<p>3m</p>	<p><b>Attached Dual Occupancies &amp; side by side:</b> 3m (average)</p> <p><b>Detached Dual Occupancies (one behind the other):</b>  3m (average) for rear of the rear dwelling.</p> <p>Note: No rear setback applies for front dwelling (i.e. dwelling closest to the street).</p>	<p>7.5m</p>
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Replacement Figure 3 – Chapter 13



- b. A20.2 of Chapter G13 of the Shoalhaven DCP 2014 be deleted.

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8. **Recommendation:** The draft DCP amendment be place on public exhibition.
9. **Recommendation:** Following public exhibition, a further report be prepared for Council's consideration detailing the results of any submissions and for finalisation.

### Note by the General Manager

It is noted that the matters presented in this further Notice of Motion related to the medium density Chapter of the DCP are effectively those (highlight added below) referred to in part 2 of the resolution from the Development Committee dated 5 December 2018 (MIN18.945):

2. Consider any other amendments relevant to the Chapter G13 as the matters arise prior to part 3 of this recommendation, **including relevant requested amendments from development industry representatives and others as required.**

The full motion carried unanimously on 5<sup>th</sup> December was:

*That Council:*

1. Commence preparation of an amendment to Chapter G13: Medium Density and Other Residential of Shoalhaven Development Control Plan (DCP) 2014 consistent with Table 1 in this report and progress the amendment as part of the next appropriate housekeeping amendment to the DCP.
2. Consider any other amendments relevant to the Chapter G13 as the matters arise prior to part 3 of this recommendation, including relevant requested amendments from development industry representatives and others as required.
3. Receive a further report on this matter as part of the relevant housekeeping amendment before proceeding to public exhibition.

*FOR: Clr Findley, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg*

*AGAINST: Nil*

*CARRIED*

**In some quarters the Notice of Motion could be viewed as a rescission motion to alter the previous decision and hence require three signatures to properly consider the matter - Therefore, it is RECOMMENDED that council resolve to note the Notice of Motion for information and refer the matters to council staff to consider in accordance with the Resolution of the Development Committee as referenced above.**

The Industry represent one part of Shoalhaven's community and further investigation is required to ensure that the proposed amendments are in the broader public interest.

In this regard it is noted that the new Chapter G13 has only been in place for less than 2 months and at the time of writing, only six (6) development applications have been lodged under the new provisions with none of these determined as yet. A housekeeping amendment to this DCP Chapter should be timed appropriately to ensure that staff, industry and other users have spent time working with the recently adopted document so meaningful feedback can be obtained as to effectiveness of the provisions in it.

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However if council wishes to consider the Notice of Motion in detail, each of the proposed recommendations put for in the Notice of Motion are discussed below. This includes staff commentary on the implications of the proposed changes.

Recommendation	Discussion and Implications
<p>1 Retain A6.2 as originally adopted and instead amend A6.4 as follows:</p> <p>The landscaping provided at <b>A6.1</b>, <b>A6.2</b> and <b>A6.3</b> excludes any <del>encroachments (i.e. any part of a building or structure), hardstand areas and any</del> areas used for storage, clothes drying, and water tanks.</p>	<p>Landscaping (defined as landscaped area) in the state-wide Standard Instrument LEP, means part of a site used for growing <u>plants</u>, <u>grasses</u> and <u>trees</u>, but <u>does not</u> include any building, <u>structure</u> or <u>hard paved area</u>.</p> <p>Including buildings, structures and handstand areas in the landscaped area defeats the purpose of 'landscaping'.</p> <p>This amendment could mean that instead of providing up to 30% landscaping on a site (current acceptable solutions A6.1 and A6.2 combined), only 10% may be realised.</p> <p>This is substantially below comparable industry standards, for example:</p> <ul style="list-style-type: none"> <li>• Wollongong – 30%</li> <li>• Kiama – 25% required as landscaped deep soil zone.</li> <li>• Eurobodalla – 35% (20% for R3 zoned land).</li> </ul> <p>This has the potential to lead to undesirable outcomes and quality of life outcomes for future residents.</p>
<p>2 <b>(as per staff recommendation):</b> Amend P1.1 as follows:</p> <p><i>To promote good built form outcomes and the efficient utilisation of land, lot consolidation/ amalgamation avoids the isolation of smaller lots that would prevent future medium density development on those lots.</i></p> <p>This performance criteria only relates to:</p> <ul style="list-style-type: none"> <li>• Dual occupancies in the R3 Medium Density Residential zone.</li> <li>• Multi dwelling housing in any zone.</li> <li>• Multi dwelling housing (terraces) in any zone.</li> <li>• A manor house in any zone.</li> </ul>	<p>Clarity is needed in regard to this item.</p> <p>This is the proposed acceptable solution as resolved (MIN18.945):</p> <p>P1.1 To promote good built form outcomes and the efficient utilisation of land, lot consolidation/ amalgamation avoids the isolation of smaller lots that would prevent future medium density development on those lots.</p> <p>The following 4 dot points were intended to be a note for the reader of the Council report to explain when the performance criteria would apply:</p> <ul style="list-style-type: none"> <li>• Dual occupancies in the R3 Medium Density Residential zone.</li> <li>• Multi dwelling housing in any zone.</li> <li>• Multi dwelling housing (terraces) in any zone.</li> <li>• A manor house in any zone.</li> </ul>

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		<p>To be clear, the 4 dot points should not form part of the performance criteria.</p> <p>Existing acceptable solutions A1.3 and A1.4 already provide clarity in this regard.</p>
3	<p><b>Recommendation (as per staff recommendation):</b> Delete P28.1 and P28.2. The performance criteria do not add any additional value to the assessment of an application beyond what is already covered in effective P28.3 and P28.4.</p>	<p>Supported - this is as resolved (MIN18.945).</p>
4	<p><b>Recommendation:</b> Table 2 and Figure 3 of Chapter G13 of the Shoalhaven DCP 2014 be amended as follows:</p>	<p>The amendments proposed to Table 2 and Figure 3 require further consideration. The main areas of concern are addressed below:</p> <p><b>Removal of ‘category of land column’</b></p> <p>The categories of land clearly identify areas with prevailing characteristics based on age/subdivision etc. Removal of this classification system creates uncertainty and there are concerns that in making the provision generic, it may erode the existing setback pattern and in some areas character, despite the proposed exception.</p> <p><b>Front setbacks based on size of the lot</b></p> <p>The intent of the current setback provisions is to reinforce a consistent setback based on whether the area is categorised as infill, or a newer subdivision.</p> <p>The proposed amendments may result in staggered front setbacks resulting in an inconsistent setback pattern despite the proposed exception. This look is generally eclectic and does not result in good built form or streetscape outcomes.</p> <p>In relation to the note, it does not appear that consideration has been given to increasing the required setback. In some areas, a setback on a lot between 600-899m<sup>2</sup> will be greater than 6m (for example existing infill areas with prevailing setback of 7.5m).</p> <p>The proposed setbacks are based on lots under 600m<sup>2</sup>, lots over 600m<sup>2</sup> and lots over 900m<sup>2</sup>. It could be interpreted that a lot of 900m<sup>2</sup> could apply a 6m front setback as technically it is greater than 600m<sup>2</sup> in area. This is confusing and will be tested at some point.</p> <p><b>Substantial amendment of Figure 3</b></p> <p>Council staff have received a positive feedback from users of Chapter G13 who appreciate the</p>

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	<p>additional guidance provided by Figure 3. Further, Figure 3 is a very effective tool for Council staff during the assessment process and also when assisting the community with enquiries.</p> <p>The effective Figure 3 clearly demonstrates the different configurations of dual occupancy development and which setbacks should be applied. This is directly relevant to both the effective Table 2 and the proposed Table 2. For example, it is helpful to show visually the difference between side setback on the secondary road frontage, and the primary setback on the secondary road frontage. Council staff are often asked this question and the figure assists in this regard.</p> <p>Proposed Figure 3 does not clearly show how the average setback should be calculated.</p> <p><b>No differentiation for battle-axe lots</b></p> <p>The reason for the removal of a front setback provision for a dual occupancy on a battle-axe lot is not clear.</p> <p>It is generally acknowledged that a battle-axe lot is surrounded by multiple lots and has different amenity considerations than that of a standard lot with a direct road frontage. The effective 3m setback seeks to maintain amenity for these blocks which do not benefit from the public open space (such as the nature strip) that houses fronting onto a road benefit from. This is particularly important as a development on the front lot could be built quite close to the rear boundary.</p> <p>Without specifying a front setback, there is no insight into Council's intent in this regard. What distance should an applicant apply? Building Code of Australia requirements? The front setback requirements in column 1 of proposed Table 2?</p> <p>Clarification of these points and setting a new or retaining the existing standard will assist in this regard.</p> <p><b>Side setback</b></p> <p>The effective side setbacks were established to provide greater consideration of bulk, scale and massing and as per related performance criteria P5.5 and P5.6 as follows:</p> <p>P5.5 Setbacks are progressively increased to reduce bulk and overshadowing while maintaining adequate daylight and</p>
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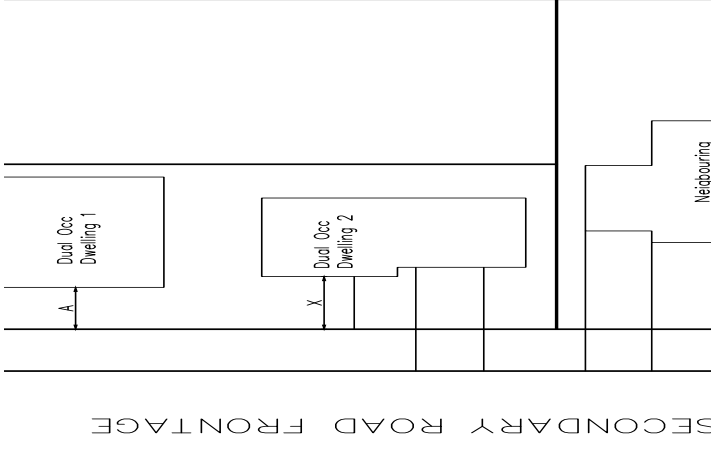
	<p>sunlight.</p> <p>P5.6 Adequate levels of light and ventilation to adjoining buildings, landscaping, services and infrastructure are protected.</p> <p>The approach has been changed to an approach based on the number of storeys of a structure, which isn't necessarily a bad approach, however it does represent a decrease in setbacks from 1.2-2m to 0.9-1.2m. It is questioned whether matters such as overshadowing, daylight access, sunlight access, ventilation and landscaping can be satisfactorily addressed.</p> <p>It is also not clear whether a two-storey dwelling applies a 900mm setback at the ground level and 1.2m setback at the first storey, or if a 1.2m setback should be applied to both storeys.</p> <p>Clarification is required.</p> <p><b>Rear setback</b></p> <p>The differentiation for rear setbacks is confusing and unnecessary. It would be more appropriate to state that the rear setback is 3m (as per effective and proposed provisions) with a note stating that "no rear setback applies to a detached dwelling addressing the primary road frontage".</p> <p><b>Removal of notes below table</b></p> <p>Whilst some regular users may find the notes unnecessary, feedback received to date indicates that the notes are helpful to a wider range of users.</p> <p>Notes 3 is a good example. The proposed front setback (secondary road) for an attached dual occupancy dwelling is 3m to the wall of the dwelling. With the proposed removal of the notes associated with the table, there does not appear to be any setback requirement for a verandah, awning or patio which is not desirable.</p> <p>The notes, as relevant following future changes, should be retained.</p> <p><b>Removal of advisory information in row header and terminology generally</b></p> <p>The italicised wording in the row header of the effective Table 2 provides assistance to the reader. The omission of this information may lead to issues of interpretation. For example, the side setback not only applies to a side setback without a road frontage, it also applies to a public reserve which may be a point of</p>
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		contention. This clarifying information has been within SDCP and former DCP 57 since 2010, with positive feedback received.			
Front Setback	Front Setback Secondary Road	Side Setback	Side Setback Secondary Road	Rear Setback	Rear / Side Setback to Foreshore reserve
<p>Lots under 600m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>5m to walls of dwellings &amp; 4m to verandahs, patios and awnings.</li> </ul> <p>Lots over 600m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>6m to walls of dwellings &amp; 5m to verandahs, patios and awnings.</li> </ul> <p>Lots over 900m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>7.5m to walls of dwellings &amp; 6.5m to verandahs, patios and awnings.</li> </ul> <p>For any of the above setback requirements, reduced setbacks may be approved where the</p>	<p><b>Detached Dual Occupancy :</b></p> <p>Average of the setbacks of the front and adjacent dwelling or 5m, whichever is the lesser. Refer to figure 3 below.</p> <p><b>Attached Dual Occupancy Dwelling:</b></p> <p>3m to the wall of the dwelling &amp; 5.5m to garage.</p>	<p>900mm for single storey structures</p> <p>1.2m for any two storey component / structures</p>	3m	<p><b>Attached Dual Occupancies &amp; side by side:</b></p> <p>3m (average)</p> <p><b>Detached Dual Occupancies (one behind the other):</b></p> <p>3m (average) for rear of the rear dwelling.</p> <p>Note: No rear setback applies for front dwelling (i.e. dwelling closest to the street).</p>	7.5m

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	<p>prevailing street character permits and the future desired character of the area is not prejudiced. The suitability of reduced setbacks must be demonstrated through addressing the relevant objectives and performance criteria of the DCP in support of the application.</p>					
	 <p>The diagram illustrates a street frontage on a 'SECONDARY ROAD'. It shows two existing dwellings, 'Dual Occ Dwelling 1' and 'Dual Occ Dwelling 2', with setbacks 'A' and 'X' respectively. A new dwelling is proposed between them, with a setback 'X'. To the right is a 'Neighbouring' property. The entire diagram is labeled 'SECONDARY ROAD FRONTAGE' at the bottom.</p>					
5	<p><b>Recommendation:</b> Amend A20.1 to read:</p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is <del>to be provided</del> <b>encouraged</b> per dwelling:</p> <ul style="list-style-type: none"> <li>• 1 bed: 6m<sup>3</sup>.</li> <li>• 2 bed: 8m<sup>3</sup>.</li> <li>• 3+ bed: 10m<sup>3</sup>.</li> </ul>	<p>This weakens the provision significantly.</p> <p>Given a choice, it is unlikely that an applicant will provide appropriate levels of storage.</p> <p>These provisions were taken from the Low Rise Medium Density Design Guide which supports the Low Rise Medium Density Housing Code within the Codes SEPP. The Guide acknowledges that storage enhances amenity and should be an important component of dwelling design.</p>				

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6	<p><b>Recommendation:</b> A20.2 of Chapter G13 of the Shoalhaven DCP 2014 be deleted.</p>	<p>The point of this provision is to ensure that the storage space is not pushed into the garage.</p> <p>Often garages are filled up with ‘stuff’ and instead of parking resident vehicles in the garage, they are parked in the front of the garages, in the designated visitor spaces or on the street. Resident vehicles should be parked in the spaces approved, so as to avoid congestion and safety concerns within a complex, as well as a reduction in visitor parking spaces, impacts upon the verge or reduction in on street parking.</p>
7	<p><b>Recommendation:</b> The General Manager prepare a draft amendment to Chapter G13 of the Shoalhaven DCP 2014 as follows:</p> <p>a) Table 2 and Figure 3 of Chapter G13 of the Shoalhaven DCP 2014 be amended as follows:</p>	<p>This recommendation is a duplication of point 4 above.</p> <p>Comments are the same as at point 4.</p>

Replacement Table 2 – Chapter 13

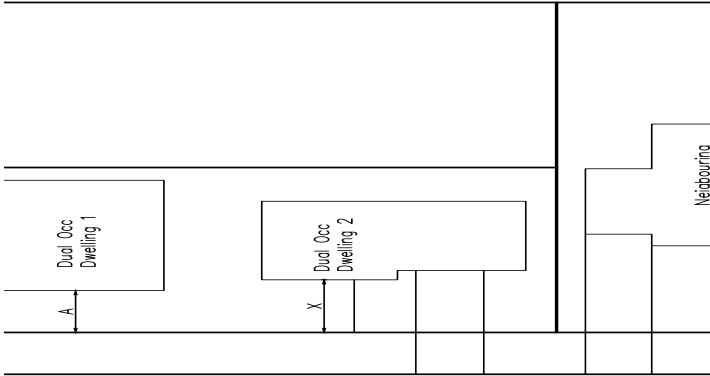
Front Setback	Front Setback Secondary Road	Side Setback	Side Setback Secondary Road	Rear Setback	Rear / Side Setback to Foreshore reserve
<p>Lots under 600m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>5m to walls of dwellings &amp; 4m to verandahs, patios and awnings.</li> </ul> <p>Lots over 600m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>6m to walls of dwellings &amp; 5m to verandahs, patios and awnings.</li> </ul>	<p><b>Detached Dual Occupancy:</b></p> <p>Average of the setbacks of the front and adjacent dwelling or 5m, whichever is the lesser. Refer to figure 3 below.</p> <p><b>Attached Dual Occupancy Dwelling:</b></p> <p>3m to the wall of the dwelling &amp; 5.5m to</p>	<p>900mm for single storey structures</p> <p>1.2m for any two storey component / structures</p>	3m	<p><b>Attached Dual Occupancies &amp; side by side:</b></p> <p>3m (average)</p> <p><b>Detached Dual Occupancies (one behind the other):</b></p> <p>3m (average) for rear of the rear dwelling.</p> <p>Note: No rear setback</p>	7.5m

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<p>Lots over 900m<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>• 7.5m to walls of dwellings &amp; 6.5m to verandahs, patios and awnings.</li> </ul> <p>For any of the above setback requirements, reduced setbacks may be approved where the prevailing street character permits and the future desired character of the area is not prejudiced. The suitability of reduced setbacks must be demonstrated through addressing the relevant objectives and performance criteria of the DCP in support of the application.</p>	<p>garage.</p>			<p>applies for front dwelling (i.e. dwelling closest to the street).</p>	
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Replacement Figure 3 – Chapter 13

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8	<p><b>Recommendation:</b> The draft DCP amendment be place on public exhibition.</p>	<p>As this amendment is considered to be housekeeping in nature, it would be 'best practice' to consider any other amendments relevant to the Chapter G13 as they arise and report back to Council with a copy of the wholistic draft chapter, prior to proceeding to public exhibition.</p> <p>This is important as part 2 of the resolution (MIN18.945) was amended to potentially include input from other stakeholders (e.g. Inclusion and Access Advisory Committee, other users), not just the industry comment included in this Notice of Motion.</p> <p>Further, this recommendation seems to imply the amendment is urgent and should be considered independently. It is envisaged that the resolved amendment to Chapter G13 would form part of the next relevant housekeeping amendment to enable staff, industry and other users to spend time working with the document so meaningful feedback can be obtained as to effectiveness of the provisions within.</p> <p>As mentioned earlier, the new Chapter G13 has only been in place for less than 2 months and at the time of writing, only six (6) development applications have been lodged under the new provisions.</p> <p>The intention should be specifically identified for the purpose of the Strategic Planning Works Program and its priority identified.</p>
9	<p><b>Recommendation:</b> Following public exhibition, a further report be prepared for Council's consideration detailing the results of any submissions and for finalisation.</p>	<p>Supported - this is standard practice.</p>

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## CL18.352 Report of the Development Committee - 4 December 2018

HPERM Ref: D18/425657

**DE18.80 Development Application – 20 Norfolk Avenue,  
SOUTH NOWRA - Lot 30 DP 790535 - Concrete  
Batching Plant**

**HPERM Ref:  
D18/382826**

### Recommendation

That Council:

1. Confirm it supports, pursuant to clause 4.6 (Exceptions to development standards) of SLEP 2014, the applicant's request to vary the height limit of 11m to 23m; and
2. Refer the development application (DA18/2054) back to staff for determination.

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## CL18.353 Report of the Strategy & Assets Committee - 11 December 2018

HPERM Ref: D18/434754

### SA18.261 Notice of Motion - Indoor Sporting Stadium / Old Basketball Courts

HPERM Ref:  
D18/413072

#### Recommendation

That

1. Council confirm its earlier considerations to have a 6 court basketball complex at Bomaderry by refurbishing the existing 2 courts.
2. An urgent application be made to the State Government for a grant to facilitate the refurbishment works, with Council's contribution being made up from Government subsidised loans or revenue.

#### Note by the General Manager:

*Staff will need to expend some funds to urgently carry out proper investigations and QS assessments to determine what works are required and an estimate of costs to enable applications to be lodged.*

### SA18.269 Council Committee Structure & Purpose

HPERM Ref:  
D18/412074

#### Recommendation

That Council:

1. Adopt the new scheduled (Purpose/Delegation) for the Strategy and Assets Committee as follows:

#### **Strategy and Assets Committee**

##### Delegation:

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

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

##### Schedule

- a. Make recommendations to Council and consider, formulate, review and adopt policies in relation to Councils corporate & community planning under Part 2 of

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Chapter 13 of the LG Act, asset management and in connection with the other functions listed in this Schedule and in particular to make recommendations to Council in respect of the content of Councils community strategic plan, delivery program, resourcing strategy and operational plan within the meaning of Part 2 of Chapter 13 of the LG Act;

- b. Make recommendations to Council and consider, formulate, review and adopt Council policies, plans and strategies other than those in respect of town planning and environmental, **natural resources / assets, floodplain, estuary and coastal management and sustainability matters that are dealt with by the Development and Environment Committee.**
- c. Make recommendations in respect of the introduction of new fees or charges or the alteration of existing fees and charges for inclusion in the Councils next operational plan within the meaning of s405 of the LG Act;
- d. Monitor, review and consider matters relating to the operations and strategic direction of Councils Holiday Haven Tourist Parks Group;
- e. All functions in respect of the management of, and facilities provided on Crown Land in respect of which Council is the 'Crown Land Manager' under Division 3.4 of the Crown Lands Management Act, 2016 and the making of recommendations to Council regarding such matters where the function is not dealt with under the delegations to the General Manager or cannot be delegated by Council;
- f. Provision of corporate direction to the Shoalhaven Water Group in respect of powers delegated to it by Council regarding the construction, alteration or maintenance of water and sewerage works, effluent works and pump out removal;
- g. Authorise the expenditure of funds raised under s64 of the LG Act within the limits outlined in, and in accordance with Councils adopted Development Servicing Plan and other relevant adopted Council policies;
- h. Make recommendations to Council in respect of fees and charges for water and wastewater services provided by Council;
- i. Develop, implement, review and adopt strategic policies for water, sewerage and effluent operations of Council;
- j. Undertake preliminary investigations (feasibility, cost benefit, risk analysis, etc.) into development opportunities for Councils strategic land holdings and make recommendations to Council.
- k. Review and make recommendations to Council in relation to:
  - l. The sale prices of land in connection with residential and industrial Council subdivisions;
  - m. The sale of Council property or the purchase or resumption of land;
  - n. The compensation to be offered in respect of land resumed by Council; and
  - o. Properties leased or rented by Council, other than those delegated to the General Manager for approval and execution in accordance with MIN14.912 and MIN15.237 of the Council.
  - p. To determine and accept all tenders with a value of \$1 Million or more, except those tenders required by law to be determined by full Council (MIN17.334).
2. Rename the Development Committee to Development and Environment Committee.
3. Adopt the new schedule (Purpose/Delegation) for the Development and Environment Committee as follows:

**Development and Environment Committee**

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Delegation:

Pursuant to s377 (1) of the Local Government Act 1993 the Committee is delegated the functions conferred on Council by the Environmental Planning & Assessment Act 1979 (EPA Act), Local Government Act 1993 (LG Act) or any other Act or delegated to Council, as are specified in the attached Schedule, subject to the following limitations:

- i. The Committee cannot make a decision to make a local environmental plan to classify or reclassify public land under Division 1 of Part 2 of Chapter 6 of the LG Act;
- ii. The Committee cannot review a section 8.11 or section 8.9 EPA Act determination made by the Council or by the Committee itself;
- iii. The Committee cannot exercise any function delegated to the Council which by the terms of that delegation cannot be sub-delegated;
- iv. The Committee cannot exercise any function which s377(1) of the LG Act provides cannot be delegated by Council; and
- v. The Committee cannot exercise a function which is expressly required by the LG Act or any other Act to be exercised by resolution of the Council.

Schedule

- a. All functions relating to the preparation, making, and review of local environmental plans (LEPs) and development control plans (DCPs) under Part 3 of the EPA Act.
- b. All functions relating to the preparation, making, and review of contributions plans and the preparation, entry into, and review of voluntary planning agreements under Part 7 of the EPA Act.
- c. The preparation, adoption, and review of policies and strategies of the Council in respect of town planning and environmental matters and the variation of such policies.
- d. Determination of variations to development standards related to development applications under the EPA Act where the development application involves a development which seeks to vary a development standard by more than 10% and the application is accompanied by a request to vary the development standard under clause 4.6 of Shoalhaven Local Environmental Plan 2014 or an objection to the application of the development standard under State Environmental Planning Policy No. 1 – Development Standards.
- e. Determination of variations from the acceptable solutions and/or other numerical standards contained within the DCP or a Council Policy that the General Manager requires to be determined by the Committee
- f. Determination of development applications that Council requires to be determined by the Committee on a case by case basis.
- g. Review of determinations of development applications under sections 8.11 and 8.9 of the EP&A Act that the General Manager requires to be determined by the Committee.
- h. Preparation, review, and adoption of policies and guidelines in respect of the determination of development applications by other delegates of the Council.
- i. **The preparation, adoption, and review of policies and strategies of the Council in respect to sustainability matters related to climate change, biodiversity, waste, water, energy, transport, and sustainable purchasing.**
- j. **The preparation, adoption and review of policies and strategies of the Council in respect to management of natural resources / assets, floodplain, estuary and coastal management.**



**SA18.271 Milton Library - Budget Reallocation - Ongoing Funding****HPERM Ref:  
D18/205789****Recommendation**

That Council:

1. Reinstate the budget for Milton Library operations through the allocation of recurrent funding of \$31,000 for financial year 2019/20 onwards to be indexed linked with an annual CPI increase
2. Note that the reinstatement of the budget will ensure that there is a level of library service in Milton that is commensurate to the community's request.

**SA18.279 Licence to Desert Developments Pty Ltd - 83 South Street Ulladulla****HPERM Ref:  
D18/379537****Recommendation**

That Council:

1. Grant a licence to Desert Developments Pty Ltd giving rights for vehicles using the Licensee's car wash business on Lot A DP157079 to exit the property over Council's adjoining land being Lot 11 DP791198 on the same terms as that granted to D & D Dale, R Hitchcock at a rental of \$1 per annum for a term expiring when the traffic corridor on Lot 11 DP791198 ceases to be available or when Lot 11 DP791198 is required by Council for redevelopment.
2. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documentation requiring to be sealed and delegate to the General Manager authority to sign any documentation necessary to give effect to this resolution.

**SA18.289 Lease of land at Yalwal for new communications tower site****HPERM Ref:  
D18/417030****Recommendation**

That Council

1. Lease an area of approximately 10m x10m over part of Lot 3 DP252335 at Yalwal Road, Yalwal from Edward McPartland for a period of 20 years at an annual rental of \$5,000 pa, annual increases to CPI and 20% of rent received by Council from other future users of the site. The final area to be leased to be determined by design of the communications tower.
2. Grant a licence to Edward McPartland at a nominal \$1 pa to allow installation of his equipment on the communications tower when constructed.
3. Delegate Authority to the General Manager to approve and execute all future telecommunication leases and licences relating to this site, know as Part Lot 3 DP252335 Yalwal.

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## **CL18.354 Report of the Aboriginal Advisory Committee - 26 November 2018**

HPERM Ref: D18/431074

**AA18.33 Expressions of Interest for Aboriginal Advisory  
Committee Membership**

**HPERM Ref:  
D18/344347**

### **Recommendation**

That the Aboriginal Advisory Committee:

1. Endorse the appointment of Nicole Moore and Caryn Carpenter as members of the Shoalhaven Aboriginal Advisory Committee.
2. Recommend their appointment as members of the Shoalhaven Aboriginal Advisory Committee to Council.

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## CL18.355 Report of the Shoalhaven Arts Board - 29 November 2018

HPERM Ref: D18/434690

**AB18.35 Shoalhaven Arts Board Action Plan - Audience Engagement Projects - Reallocation of Arts Awards Funding**

HPERM Ref:  
D18/311723

### Recommendation

That the Shoalhaven Arts Board:

1. Allocate \$4,500 in funding from the former Shoalhaven Arts Awards budget (21596/10722) for the purchase of three (3), single year licences of the Culture Counts Software; and
2. Transfer residual funds of the Arts Award budget to an expanded Arts Board grants program.

**AB18.39 Shoalhaven Regional Gallery 2020 Strategic Plan update**

HPERM Ref:  
D18/380597

### Recommendation

1. The Shoalhaven Arts Board receive this report for information and continue to champion the integral role of the Regional Gallery in the cultural offerings of the Shoalhaven.
2. The Shoalhaven Arts Board request Council fund MIN17.1092 and allocate \$100,000 recurrent funding to the Shoalhaven Regional Gallery to support its continued growth in line with the Strategic Plan 2020 from financial year 2019/20 onwards.

**AB18.40 NOW Contemporary Art Prize - Information and Update**

HPERM Ref:  
D18/384315

### Recommendation

That the Shoalhaven Arts Board:

1. Receive this report for information and consider how they may support the development of the Art Prize.
2. Recommend to Council that the following entry fees be introduced and placed on public exhibition for a period of 28 days, after which, if no significant adverse comment is received the fees be deemed adopted
  - a. \$40 for **NOW** Contemporary,
  - b. \$30 for **NOW** Contemporary for members of Jervis Bay and Basin Arts.

**AB18.41 Policy Changes - Public Art - Maintenance and Conservation**

HPERM Ref:  
D18/393774

### Recommendation

That Council place the revised Public Art Policy on Public Exhibition for 28 days and if no significant adverse comment is received that the Policy be deemed adopted.

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## CL18.356 Report of the Inclusion & Access Advisory Group - 3 December 2018

HPERM Ref: D18/433904

### IA18.30 Access to Council Owned Property

HPERM Ref:  
D18/388140

#### Recommendation

That:

1. The report be received for information;
2. A Sub-Committee be formed (consisting of members Colin Wood, Arthur Ball, Annette Pham, Bill Deaves and Jackie Kay) to review access audits and reports for Development Applications
3. Note that for future meetings, any Council Building (Class 6 – Major Shops and Class 9 – Public Facilities) that is proposed to be the subject to a future access audit, are to be identified via a member report from the Sub-Committee or correspondence to Council.

#### Note by the General Manager:

*Council needs to acknowledge that this places another step in the processing of DA's in the interests of broader community consultation.*

### IA18.31 Citywide DCP Chapter for Accessibility

HPERM Ref:  
D18/388163

#### Recommendation

That when Council considers the 2019/20 Strategic Planning Works Program, Council consider the preparation of a DCP Chapter related to accessibility or the integration of accessibility requirements into relevant DCP Chapters.

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## CL18.357 Report of the Council Bushcare Representatives Group - 4 December 2018

HPERM Ref: D18/429318

### BR18.8 Bushcare Group Action Plan Schedule

HPERM Ref:  
D18/398859

#### Recommendation

That

1. The Bushcare Representative Group support changing the review period of the Bushcare Group Action Plans from three (3) years to six (6) years.
2. Individual Bushcare groups provide annual interim reports through Council's Bushcare Field Officers.

#### Note by the General Manager:

*The recommendation from the Group is assessed on the basis that a formal review is not necessary in the shorter time frame and will be favourable to utilizing staff time more effectively.*

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## CL18.358 Report of the Nowra CBD Revitalisation Strategy Committee - 5 December 2018

HPERM Ref: D18/433651

**CBD18.110 Progress Update - Nowra CBD Historical Walk Interpretive Signage and Heritage Near Me App Grant Funding Project**

HPERM Ref:  
D18/413784

### Recommendation

That Council:

1. Receive this update report for information
2. Confirms the Nowra CBD Revitalisation Strategy Committee supports the 5 sites as follows:
  - a. Near Bridge Hotel/Batts Folly
  - b. Near Hyper Hyper Coffee
  - c. In Junction Court near seats/planter boxes
  - d. Historical Society/Museum
  - e. Near School of Arts/ In the vicinity of Corner Junction and Berry Streets.
3. Write to landowners and tenants of relevant properties/buildings to provide information and seek feedback about the project and the preferred signage locations.
4. Notes that any communication concerns or feedback on the project should be provided to The General Manager.

**CBD18.112 Nowra CBD Revitalisation Strategy Committee Terms of Reference - Committee Role**

HPERM Ref:  
D18/305199

### Recommendation

That given the Councillor membership on the committee, the Council adopt the following as the Role of the Nowra CBD Revitalisation Committee and thus allow the Terms of Reference to now be reviewed in the context of these roles.

Note: Tasks in relation to 1.4 will not be undertaken by Councillors

1. Committee's Role:
  - 1.1. Recommend to Council possible refinement of, and improvements to, the Nowra CBD Revitalisation Strategy as the committee considers appropriate.
  - 1.2. Develop a list of projects (with estimated costings) for Council to consider funding over a rolling three-year time frame, that will assist in achieving the ten elements of the Nowra CBD Revitalisation Strategy. The list is to be presented to an Ordinary Meeting of Council in February each year, and thus adopted by the Council.
  - 1.3. Make a formal submission to Council's annual capital works budget as it relates to the Nowra CBD, in accordance with Council's budgeting process.
  - 1.4. Monitor the expenditure of Council's annual capital works budget as it relates to the Nowra CBD, in particular;

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- 1.4.1. Approving design plans and specifications at the 20% complete and the 80% complete milestones.
- 1.4.2. In cases where the General Manager (or delegate) determines that capital works within the Nowra CBD, will be tendered out, the Committee Chair (or delegate) will approve the tender documentation before tenders are advertised.
- 1.4.3. The Committee Chair (or delegate) is to participate on tender evaluation panels for capital expenditure in the Nowra CBD.
- 1.4.4. Assign a Project Steering Sub Committee to endorse the payment of progress claims and endorse the approval of variations, for capital expenditure in the Nowra CBD.
- 1.4.5. In the case where Council staff undertake capital expenditure in the Nowra CBD the Committee will receive a report outlining progress (including expenditure updates) and plans at each of the Committee's Meetings.
- 1.5. Act as a communication conduit between Council and the CBD stakeholders in respect to the ten elements within the Nowra CBD Revitalisation Strategy and approved Capital Works within the Nowra CBD with reasonable support from Council, at Council's expense, as determined by the General Manager.
- 1.6. Assist Council in advocating to the community the adopted list of projects that seek to deliver on the ten elements of the CBD Revitalisation Strategy.
- 1.7. Provide a report to Council each quarter outlining the year to date expenditure of Council's annual capital works budget as it relates to the Nowra CBD and present a report to an Ordinary Meeting of Council in August each year that explains the capital expenditure and any non-expenditure, for the previous financial year.
- 1.8. Consult with relevant stakeholders as needed.

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**CBD18.119 Additional Item - Streetscape / Landscape Budget - Distribute Report****Recommendation**

That Council consider the Berry Street Footpath upgrade may require an additional (to the annual streetscape budget) \$500,000 in the 2019/20 budget.

*Note by the General Manager:*

*It should be noted that Council (at the Strategy and Assets Committee meeting on 11<sup>th</sup> December) adopted a priority list of 6 Landscape/Streetscape renewal projects with total cost \$531,300 for the 2018/19 year and the Berry Street Footpath was not identified.*

## CL18.359 Report of the Shoalhaven Traffic Committee - 13 November 2018

HPERM Ref: D18/398012

- Attachments:**
1. Report - Proposed Pedestrian Signals - O'Keeffe Avenue Nowra [↓](#)
  2. O'Keeffe Avenue, Nowra - Proposed Works Diagram [↓](#)
  3. Proposed No Stopping Zone - Link Avenue, Sanctuary Point [↓](#)
  4. Proposed relocation of pedestrian refuge - Victoria Street Berry [↓](#)
  5. Raised Concrete Island with Pedestrian Refuge - Yurunga Drive, North Nowra [↓](#)
  6. Proposed No Stopping Zone - Isa Road Worrigeen [↓](#)
  7. Raised Pedestrian Crossings & High Pedestrian Activity Area - Jacobs Drive, Sussex Inlet [↓](#)
  8. Proposed Roundabout - Green Street & Warden Street, Ulladulla [↓](#)

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

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

### **IMPORTANT NOTE:**

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

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

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

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

**TC18.102 Proposed Pedestrian Signals - O'Keeffe Avenue Nowra**

**HPERM Ref: D18/370480**

### **Recommendation**

That in response to Council's resolution

*"That Council seek to move the proposed crossing near the Coles carpark on O'Keeffe Avenue, Nowra to the intersection of O'Keeffe Avenue and Junction Street and include the provision of fencing to direct pedestrians to the crossing."*

the report of the Shoalhaven Traffic Committee in reply be received for information.

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**TC18.103 Proposed No Stopping Zone - Links Ave, Sanctuary Point****HPERM Ref:  
D18/388123****Recommendation**

That the General Manager (Director Assets and Works) be requested to arrange for the extension of the No Stopping Zone and associated signage and line marking on the South Western side of Links Avenue opposite Waratah Crescent by approximately 58m, as detailed in the attached plan.

**TC18.104 Proposed Relocation Pedestrian Refuge - Victoria St, Berry****HPERM Ref:  
D18/388125****Recommendation**

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed pedestrian island modifications on Victoria Street, Berry, as detailed in the attached plan.

**TC18.105 Raised Concrete Island With Pedestrian Refuge - Yurunga Dr, North Nowra****HPERM Ref:  
D18/388128****Recommendation**

That the General Manager (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed raised concrete island and associated signage and line marking in Yurunga Drive at its intersection with Illaroo Road, North Nowra, as detailed in the attached plan.

**TC18.106 Proposed No Stopping Zone - Isa Rd, Worrigee****HPERM Ref:  
D18/388136****Recommendation**

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the installation of a No Stopping zone across the driveway access points of the proposed development on Isa Road, Worrigee, as detailed in the attached plan, subject to the No Stopping zone extending across the access points, one metre beyond the driveway laybacks.

**TC18.107 Raised Pedestrian Crossings & 40km/h High Pedestrian Activity Area - Jacobs Dr, Sussex Inlet****HPERM Ref:  
D18/388139****Recommendation**

That the General Manager (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objection to the two proposed raised pedestrian crossings and associated signage and line marking in Jacobs Drive, Sussex Inlet, as detailed in the attached plan, subject to:

1. Relocating the proposed crossing east of River Road approximately 1.5m west of the path leading to the facility is 0.5m clear of the existing power pole.

**TC18.108 Proposed Roundabout - Green St & Warden St,  
Ulladulla****HPERM Ref:  
D18/388148****Recommendation**

That the General Manager (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed mountable roundabout and associated signage and line marking at the intersection of Green Street and Warden Street, Ulladulla, as detailed in the attached plan.

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## TC18.102 Proposed Pedestrian Signals - O'Keeffe Avenue Nowra

**HPERM Ref:** D18/370480

**Convenor:** Tom Dimec

**Attachments:** 1. O'Keeffe Ave, Nowra - Proposed Works Diagram

### Recommendation

That in response to Council's resolution

*"That Council seek to move the proposed crossing near the Coles carpark on O'Keeffe Avenue, Nowra to the intersection of O'Keeffe Avenue and Junction Street and include the provision of fencing to direct pedestrians to the crossing."*

the report of the Shoalhaven Traffic Committee in reply be received for information.

### Options

#### 1. As Recommended

Implications: No action will be taken to seek an amendment to the grant funding nomination to remove the pedestrian traffic signals and signalise the intersection of Junction St and O'Keeffe Avenue.

#### 2. Council seek to amend the grant funding nomination to remove current pedestrian crossing, install pedestrian fencing and signalise the intersection of Junction Street and O'Keeffe Ave as suggested by the Nowra Revitalisation Committee.

Implications: The grant funding nomination has been submitted and is currently in the review process. The deadline for nominations has passed and seeking a variation to the nomination would jeopardise the current proposal. The variation would not be approved, as currently an upgrade to the intersection does not meet blackspot program criteria. Adopting this option has the likely consequence of no action being taken to address the current crash history, and ongoing safety issues are likely to occur on this section of O'Keeffe Avenue.

### Details

Council staff have applied for funding under the Federal Government Blackspot program in the 2019/20 (survey and design) and 2020/21 (construction) financial years to signalise the current pedestrian crossing in O'Keeffe Ave that connects Nowra Mall on the western side of O'Keeffe Ave and the carparks on the eastern side, in response to crash history at the site.

In the five-year period of 1 July 2012 – 30 June 2017 there were five injury crashes in O'Keeffe Ave between North St and Junction St, two of which involved pedestrians.

Council's application for grant funding includes the following proposed works (refer to attachment):

- Installation of mid block pedestrian traffic signals at the existing pedestrian crossing
- Installation of a 40km/h High Pedestrian Activity Area from Junction St to North St
- Installation of a raised threshold at the existing kerb extensions south of the Aldi carpark access

Council staff sent a letter to adjacent property owners and the Nowra CBD Revitalisation Committee advising of the application and requesting feedback.

The Nowra Revitalisation Committee at its meeting on 5 September 2018 recommended the following (CBD18.59):

*That Council seek to move the proposed crossing near the Coles carpark on O'Keeffe Avenue, Nowra to the intersection of O'Keeffe Avenue and Junction Street and include the provision of fencing to direct pedestrians to the crossing.*

Council resolved at its meeting on 25 September 2018 (MIN18.745):

*That Council*

1. *Note the recommendation of the Nowra CBD Revitalisation Strategy Committee stating:*

*That Council seek to move the proposed crossing near the Coles carpark on O'Keeffe Avenue, Nowra to the intersection of O'Keeffe Avenue and Junction Street and include the provision of fencing to direct pedestrians to the crossing.*

2. *Refer the matter to the Shoalhaven Traffic Committee.*

This proposal to signalise the current pedestrian crossing has been submitted for grant funding and is currently under review by NSW Roads and Maritime Services and the Federal Government Blackspot Review Committee for determination. Council will not know the outcome of its application until mid-2019. The deadline for nominations has passed, and as such the application cannot be changed.

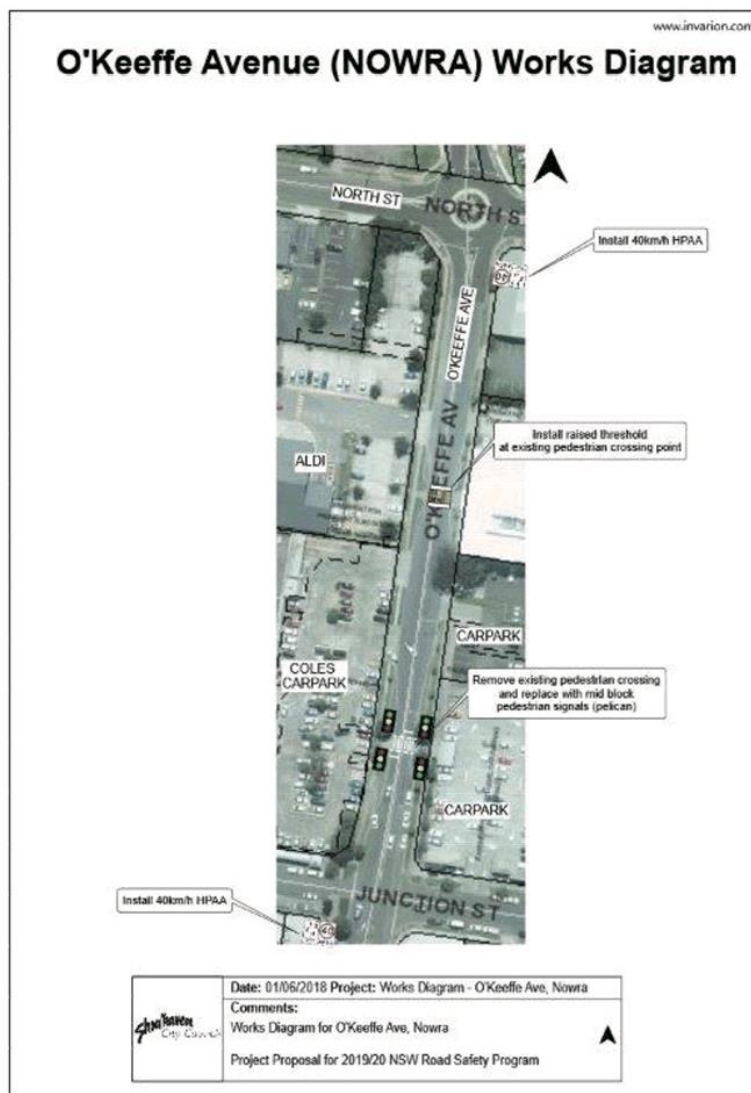
Future traffic signals at the intersection of O'Keeffe Ave and Junction Street are identified in the Nowra CBD Transport Strategy; however, the current proposal is seeking to address a current safety issue and cannot be transferred to the intersection.

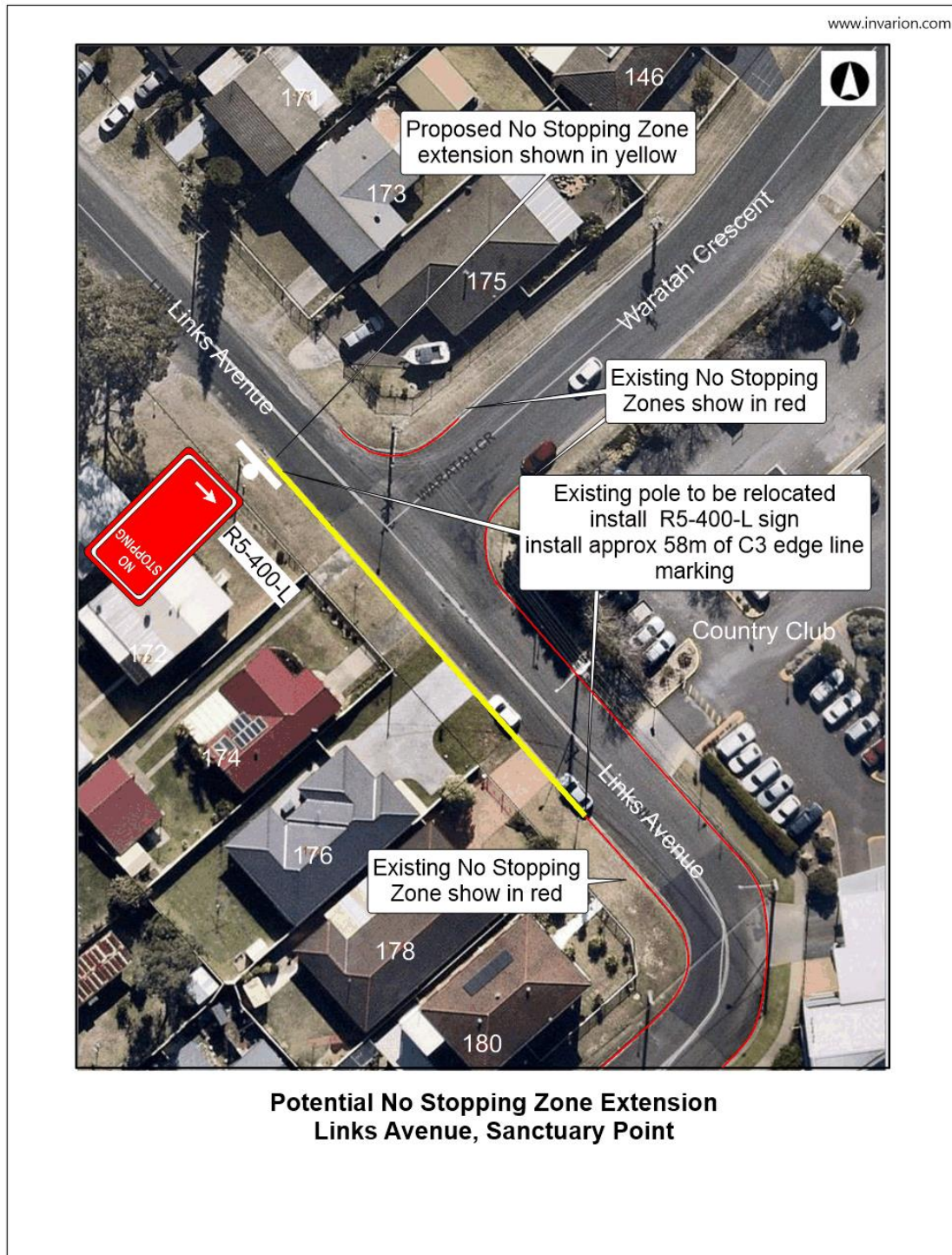
The current crossing location is located at the pedestrian desire line between Nowra Mall to the west and car parking to the east. As there are multiple existing driveways along O'Keeffe Ave to carparks, pedestrian fencing would not be suitable to redirect pedestrians to the intersection as suggested, and would likely result in pedestrians crossing at the driveways, with no safe pedestrian facility.

Based on the crash locations and types and the treatment options available in the funding, Council cannot currently apply for funding the intersection of Junction Street and O'Keeffe Ave. The timing of signals at the intersection of O'Keeffe Ave and Junction Street is not currently known, and subject to future development and growth.

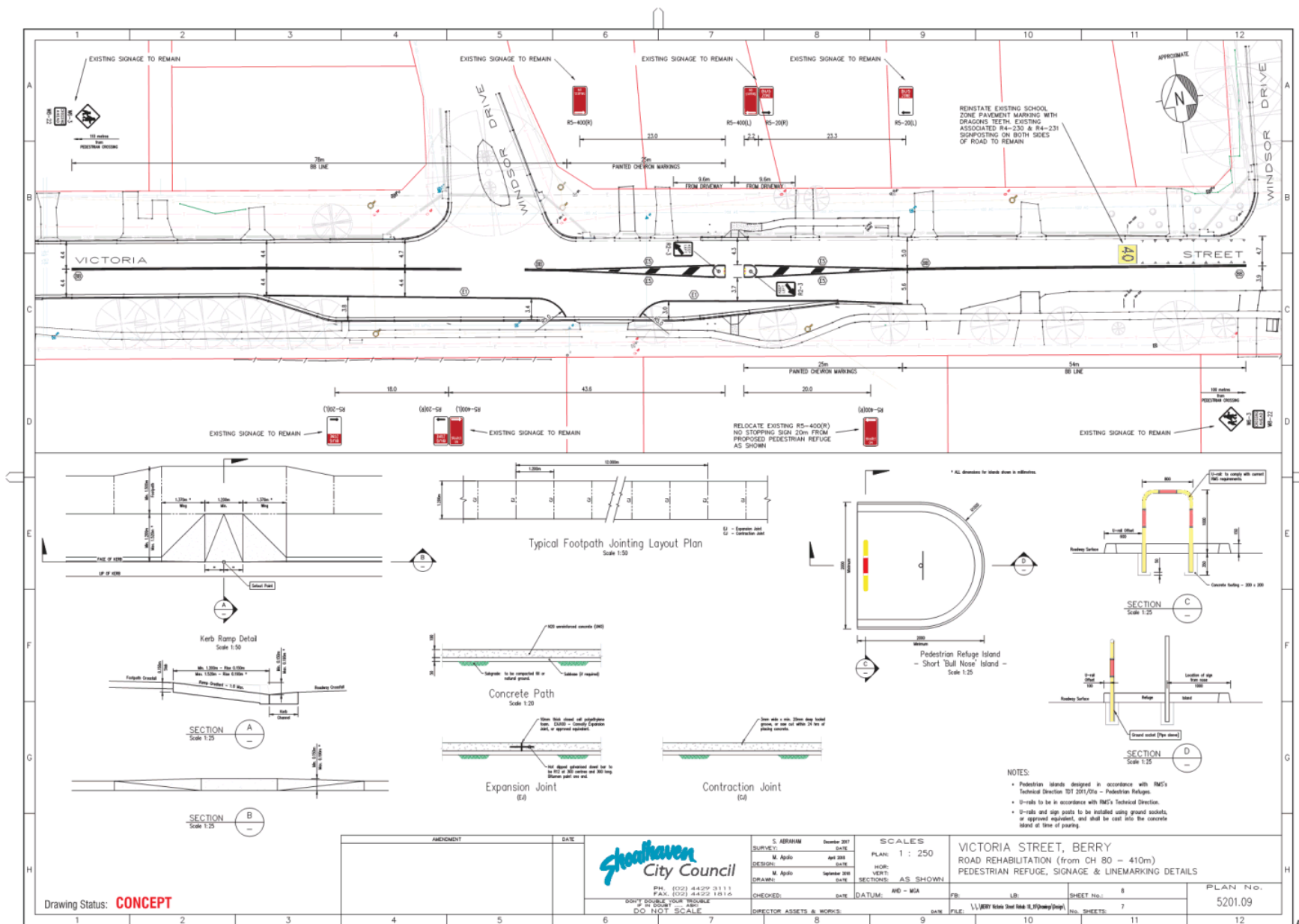
If and when criteria is met (in future) for an upgrade of the intersection of O'Keeffe Ave and Junction Street, the mid-block signalised crossing would need to be reviewed in conjunction with that project. It could be retained at that point (and a roundabout considered for the intersection), or the mid-block signals could be removed or relocated further to the north, to consider signals at the intersection. There are many unknowns and options to consider in future, however in the absence of a redevelopment of the Nowra Mall site, the existing very strong desire line between the development and the car park needs to be considered.

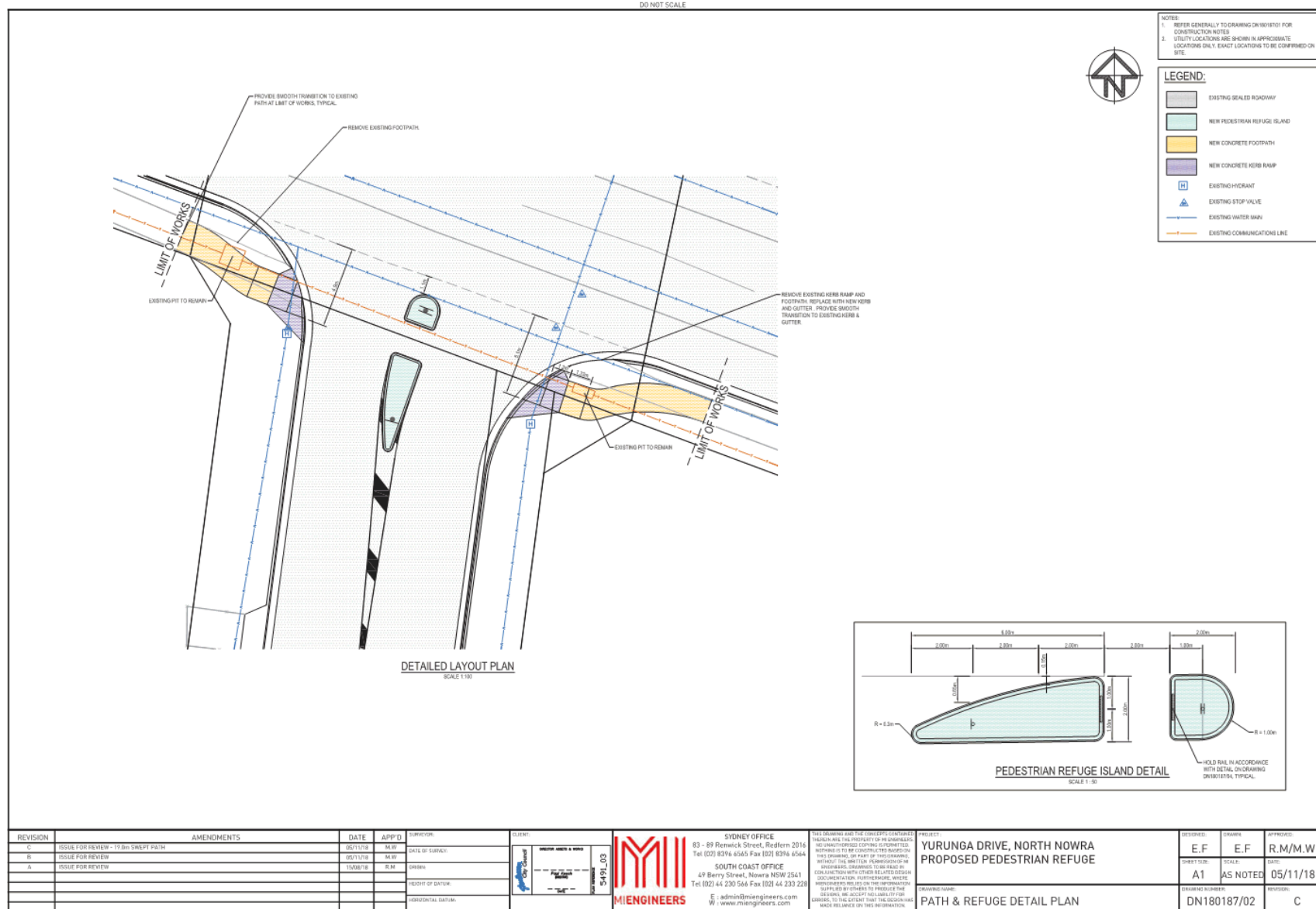
If the proposal to signalise the current pedestrian crossing is successful, this will address the current safety problem with consideration of the current strong pedestrian desire line, whilst balancing the need to maintain traffic efficiency. This does not impact any longer term proposals to upgrade the intersection.



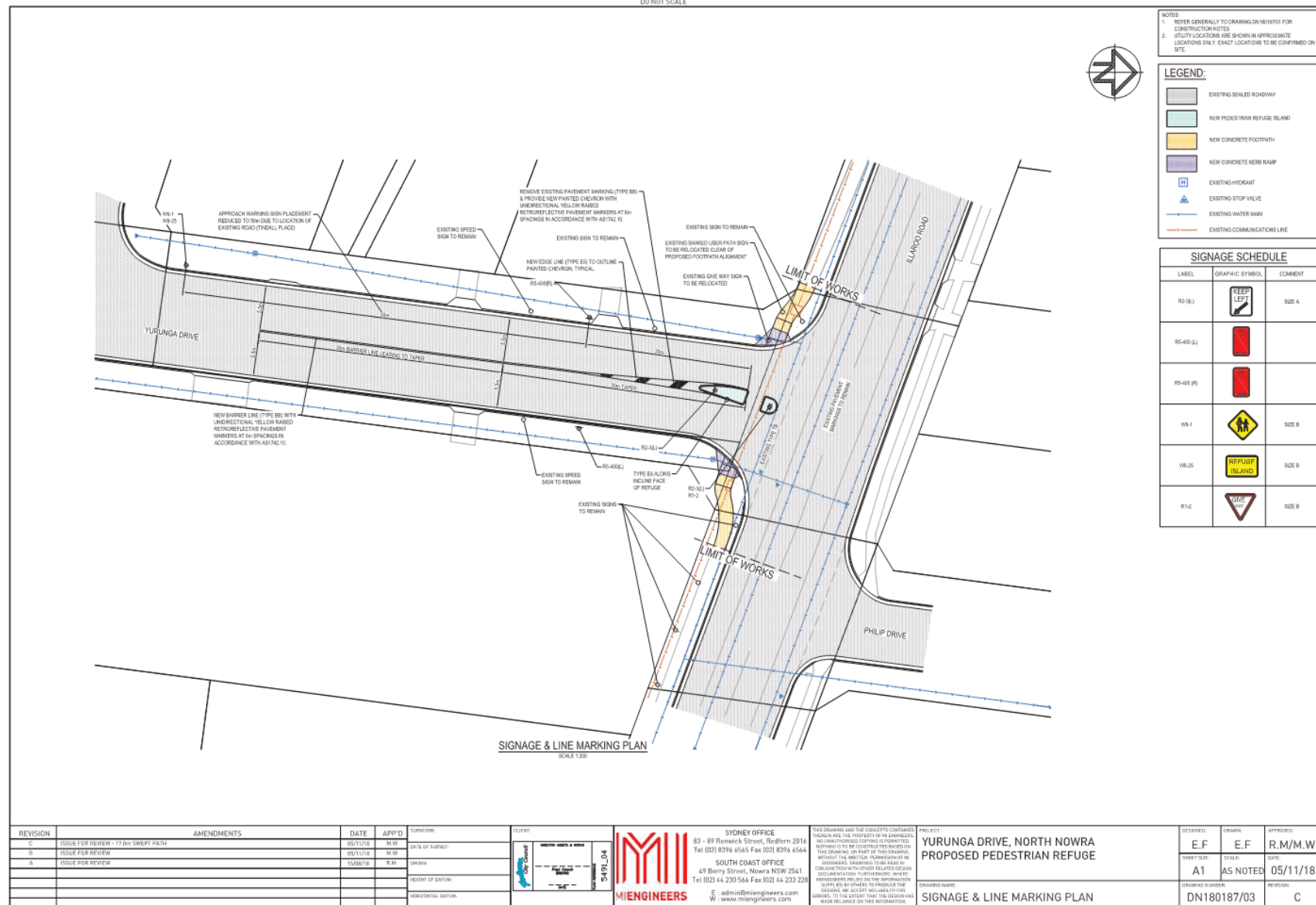


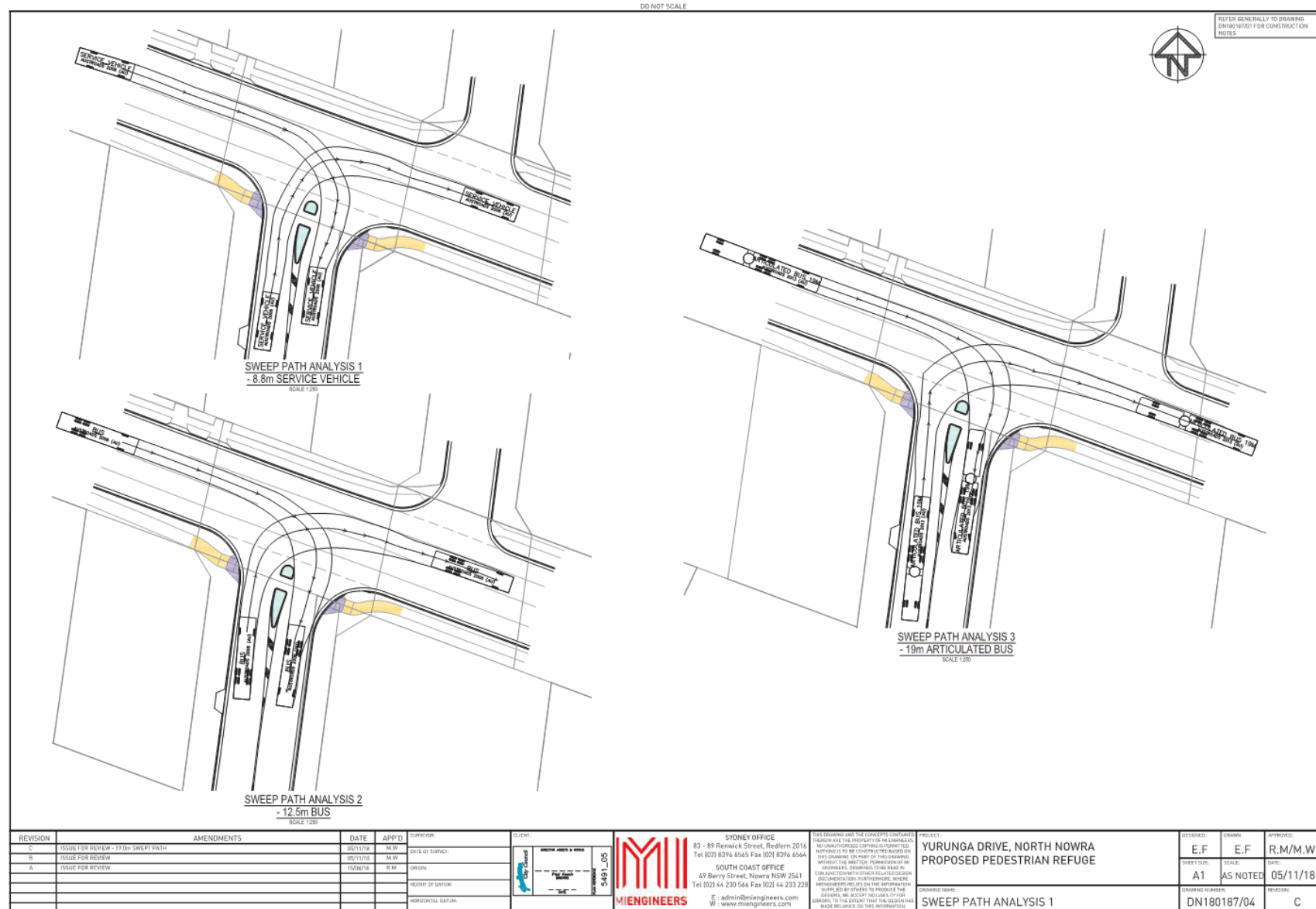


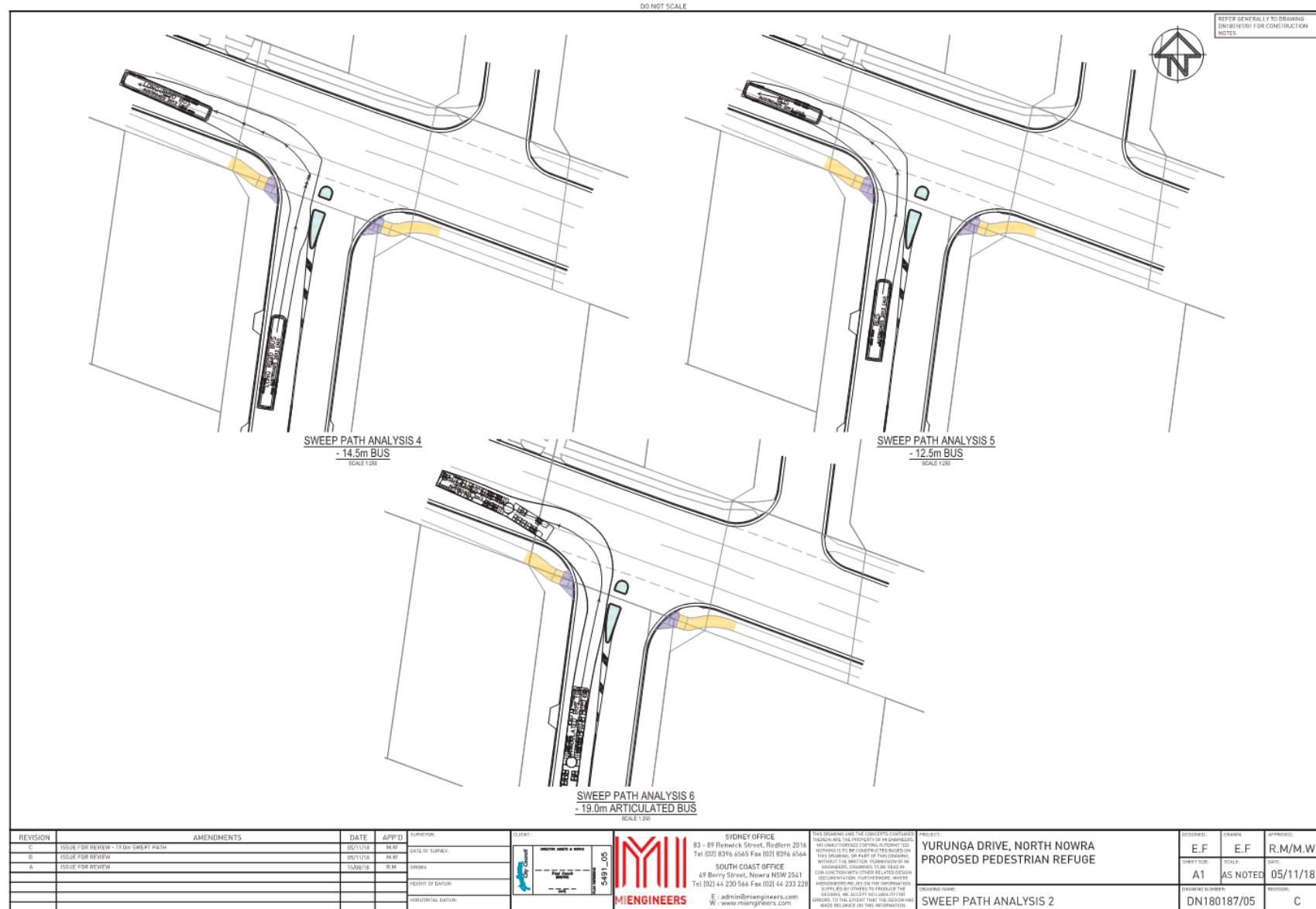






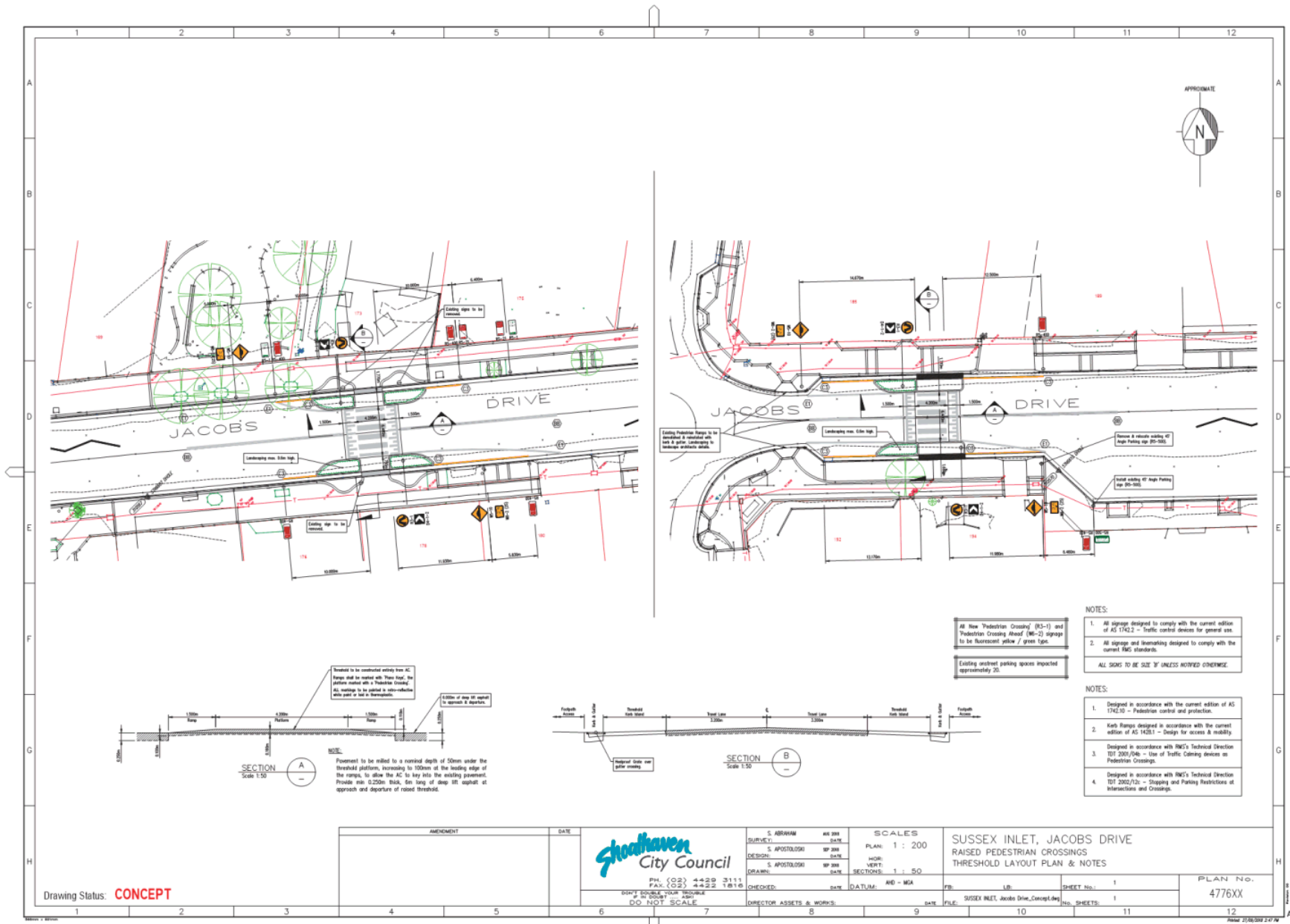


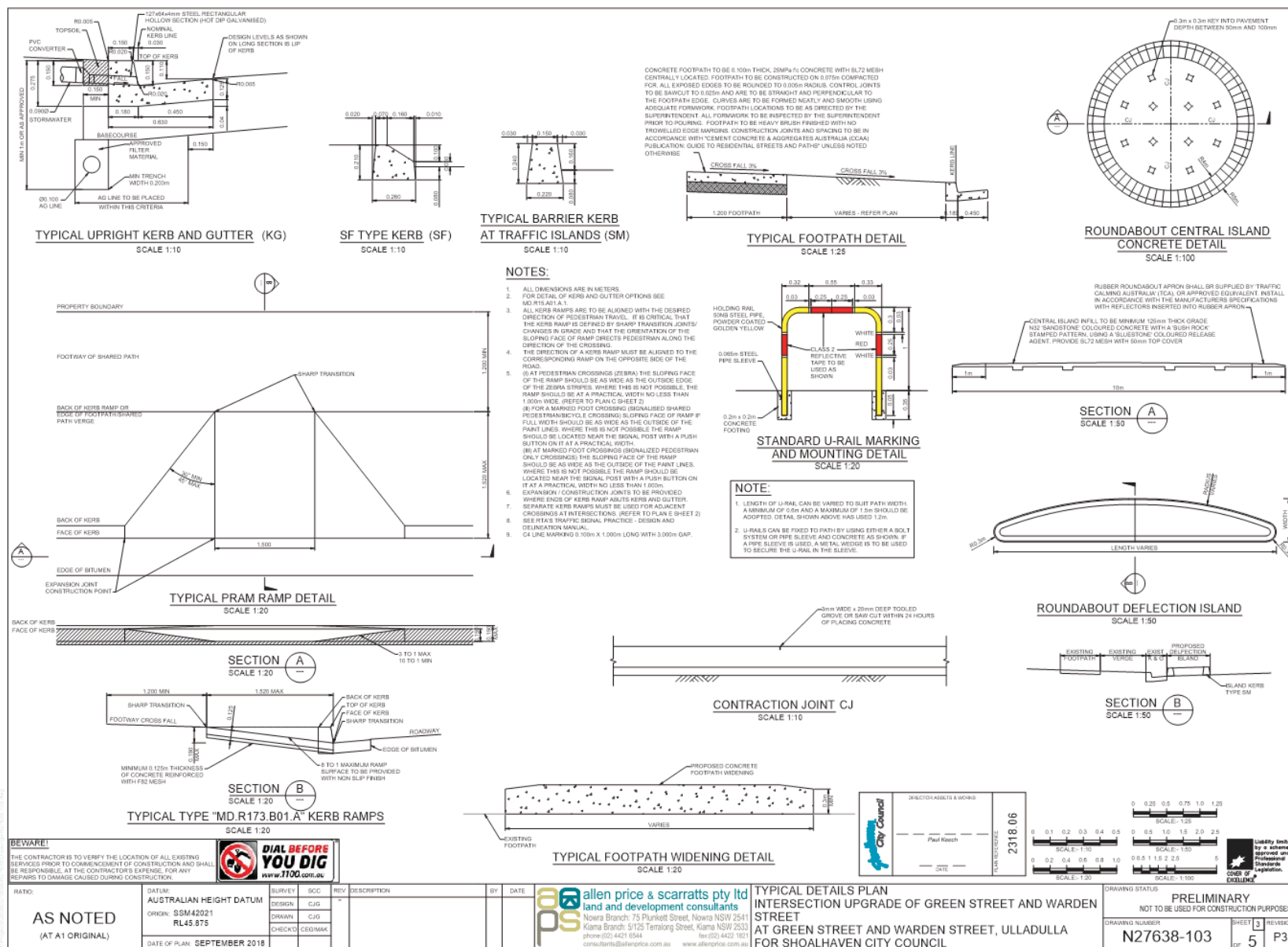


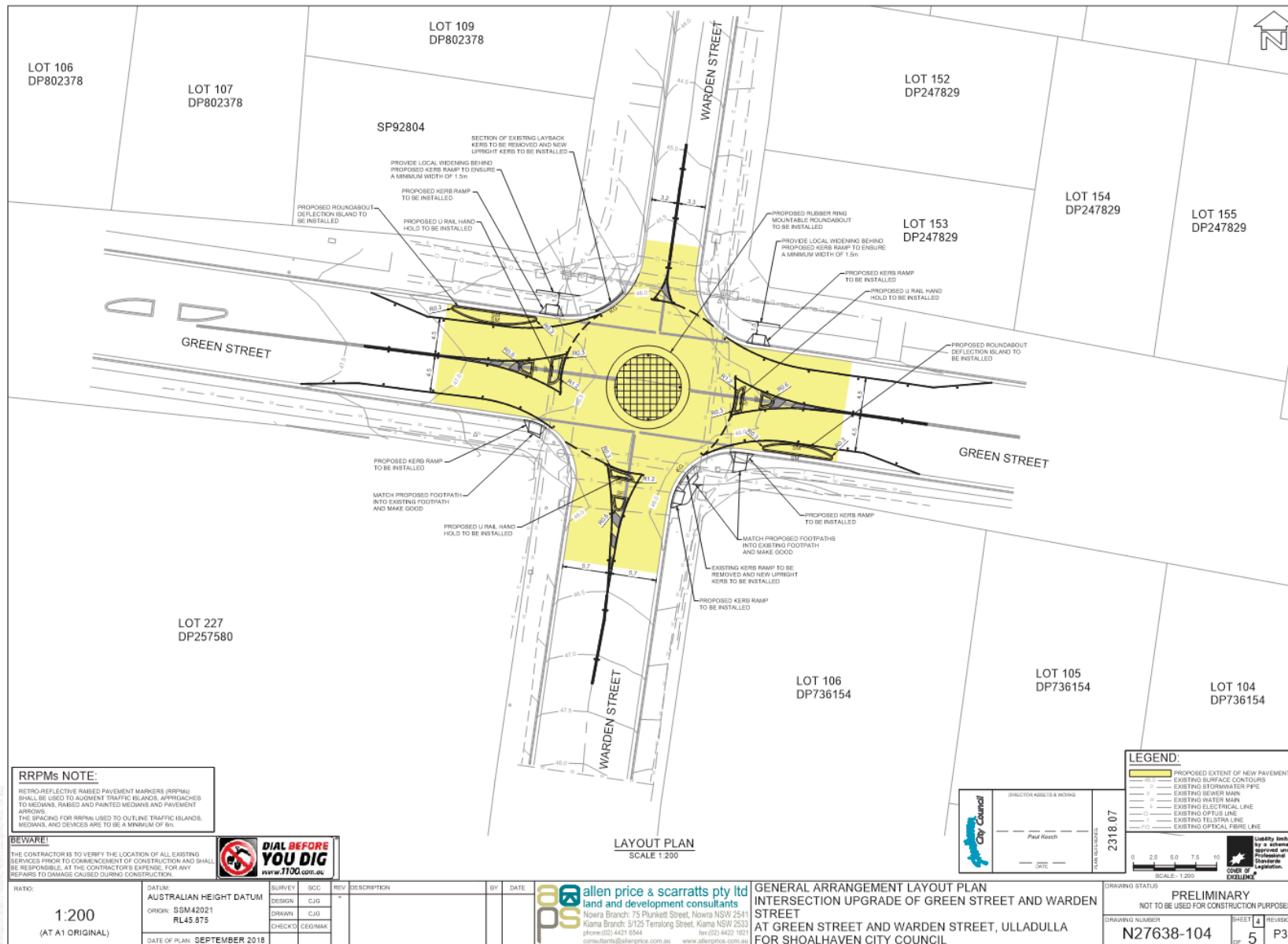


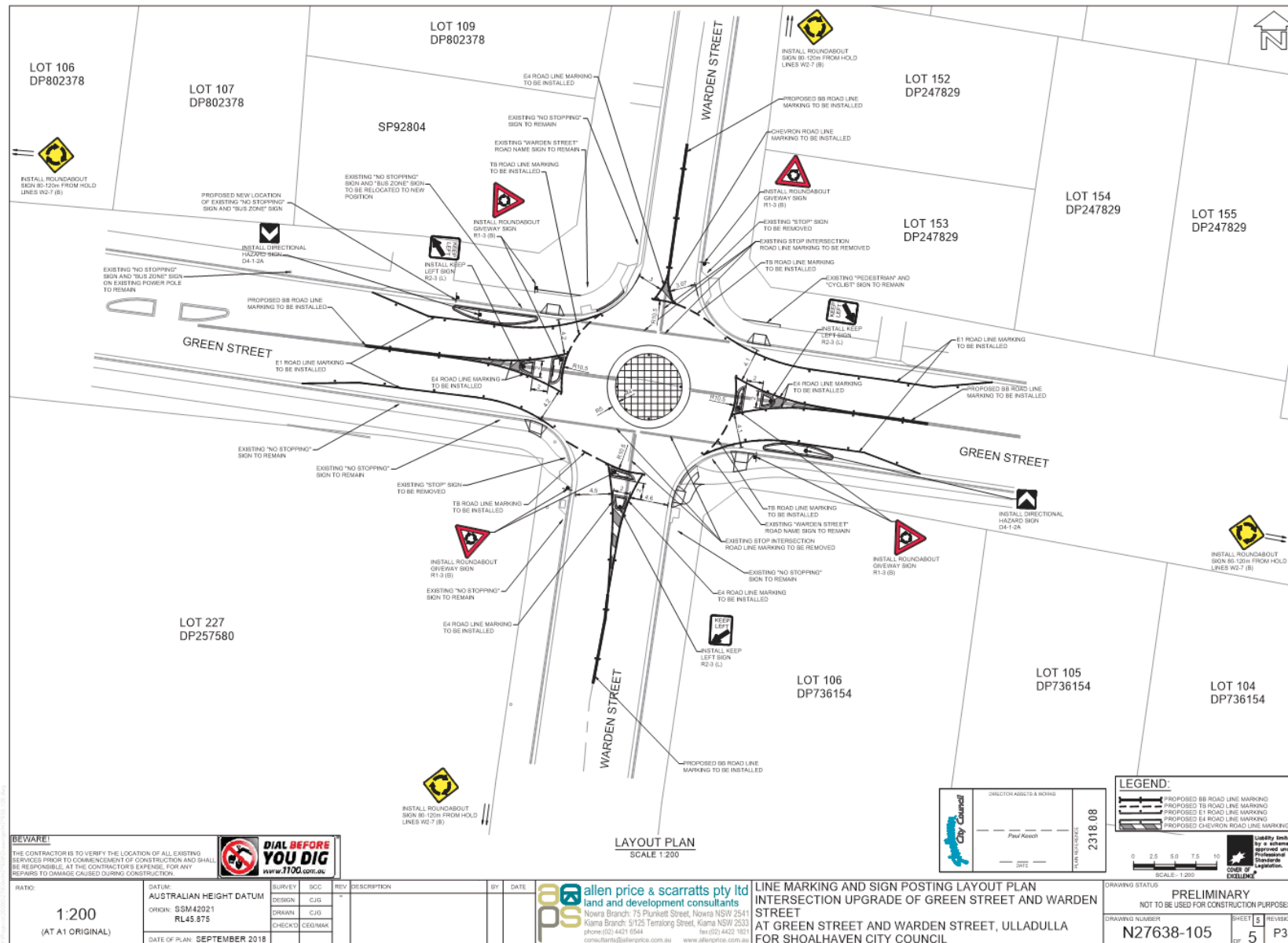
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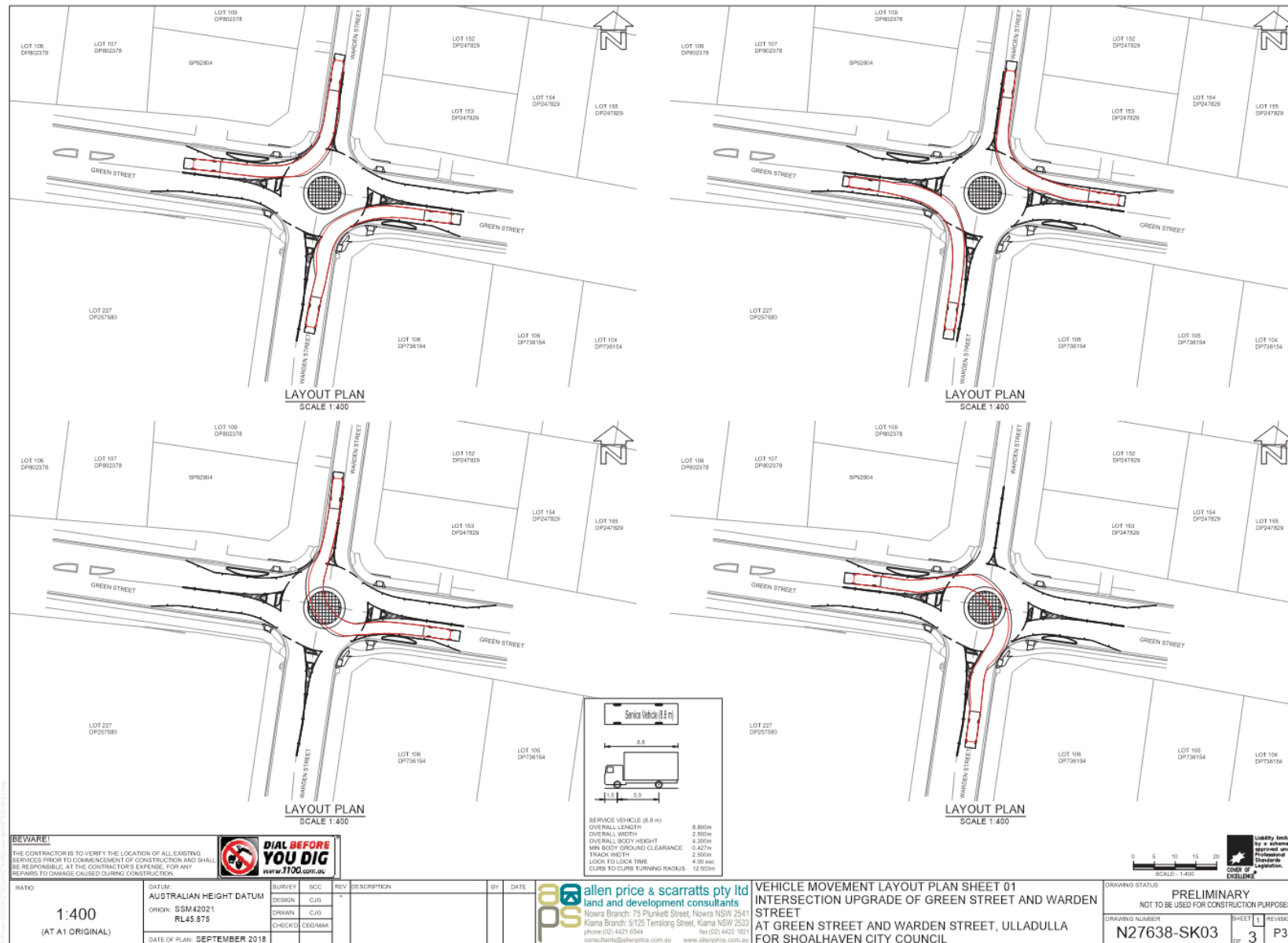


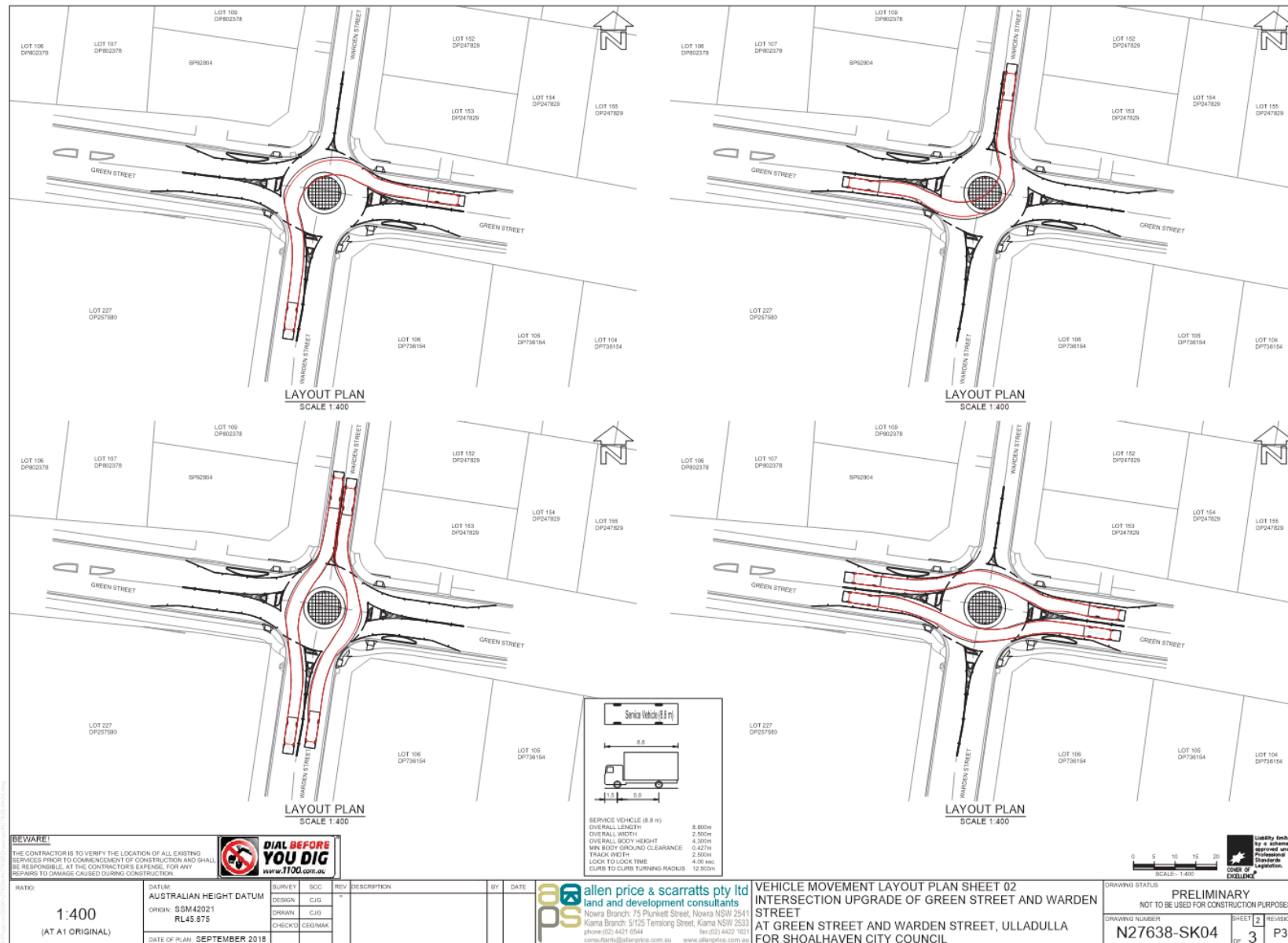


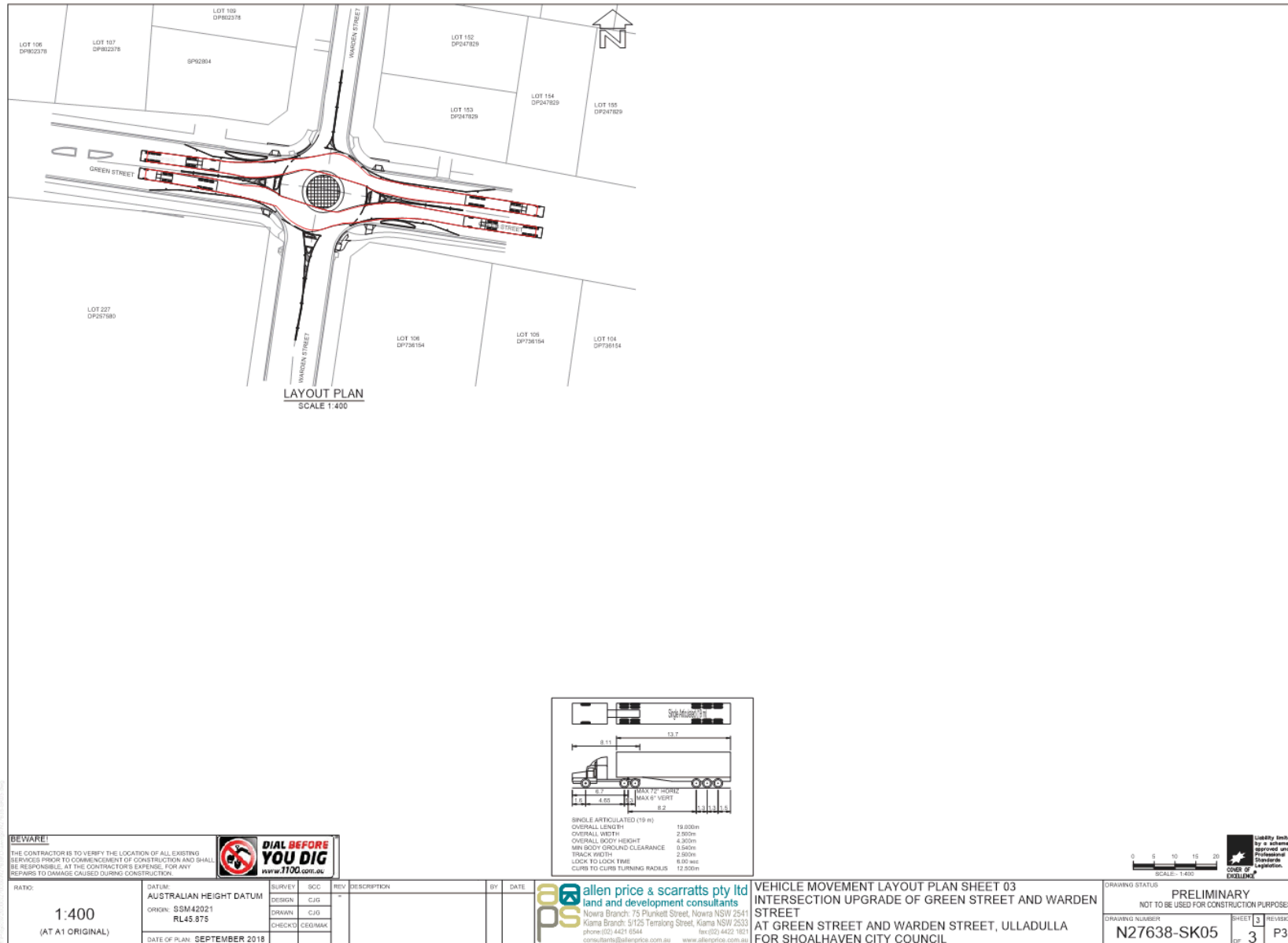












## CL18.360 Industrial Land Development - Woollamia

**HPERM Ref:** D18/419775

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

**Attachments:** 1. Confidential Attachment - Woollamia Industrial Land (Confidential)

### Purpose / Summary

This report provides an update for Council on the status of industrial land subdivision development at Woollamia, and to set sale prices.

### Recommendation

That

1. Council set the minimum prices for Council's industrial sites at Woollamia as set out in the Confidential Attachment to the report;
2. The General Manager be authorised to sign the Contracts of Sale of the industrial land at Woollamia based on the minimum prices; and
3. The Transfers to complete Contracts of Sale for Council's industrial estate sites be executed under the seal of Council, if required.

### Options

1. The recommendation be accepted as written.
2. Council make an alternate recommendation.

### Background

Council, through its Economic Development Office, develops industrial land across the City for the purpose of stimulating the development of factory buildings and to the creation of employment.

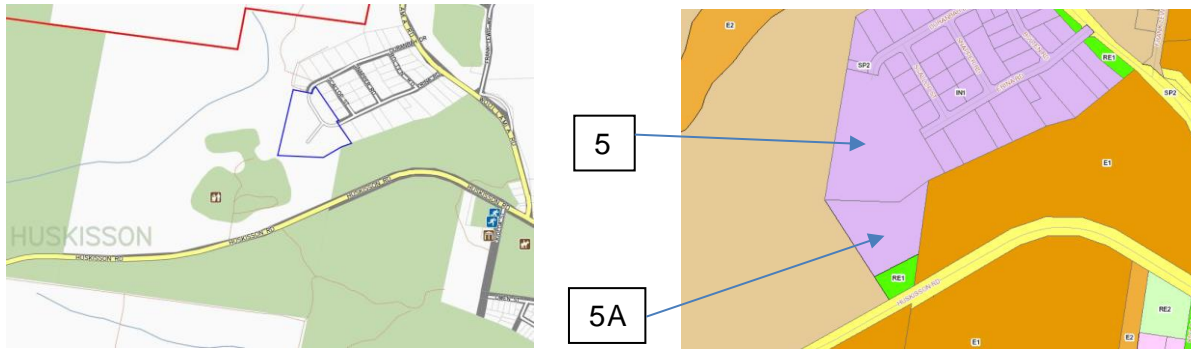
As part of this business development program, land at Woollamia has been undergoing new subdivisional works as Stage 5 of that estate. The last of the Stage 4 sales was completed in July 2018 and there are now several purchasers awaiting to secure a lot.

The works will be completed in the new year and it is expected that the registered plan will be available around April 2019.

Property Valuers, Walsh and Monaghan have been engaged to establish the initial prices on the new lots and these are contained in the Confidential Attachment to this report.

The land is zoned IN1 and is classified "operational" under the Local Government Act.

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Stage 5 has been divided into 11 lots with a further 6 lots to be created as Stage 5A.

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The lots have a range of areas:

Proposed Lot	Area - Stage 5	Area - Stage 5A
<b>A</b>	3,944m <sup>2</sup>	
<b>B</b>	4,316 m <sup>2</sup>	
<b>C</b>	2,905 m <sup>2</sup>	
<b>D</b>		4,498 m <sup>2</sup>
<b>E</b>		3,264 m <sup>2</sup>
<b>F</b>		4,998 m <sup>2</sup>
<b>G</b>		5,162 m <sup>2</sup>
<b>H</b>		2,155 m <sup>2</sup>
<b>I</b>		3,051 m <sup>2</sup>
<b>J</b>	5,551 m <sup>2</sup>	
<b>K</b>	5,491 m <sup>2</sup>	
<b>L</b>	3,789 m <sup>2</sup>	
<b>M</b>	5,033 m <sup>2</sup>	
<b>N</b>	3,697 m <sup>2</sup>	
<b>O</b>	2,916 m <sup>2</sup>	
<b>P</b>	1,819 m <sup>2</sup>	
<b>Q</b>	1,545 m <sup>2</sup>	

All lots will be fully serviced on sale – roads, drainage, sewer, water, electricity & coms.

By establishing the sale prices, the EDO can negotiate sales and purchases can proceed to preparing and lodging Development Applications “off the plan”. All lots will be sold with the

CL18.360

usual 2 year buy back condition to ensure that a factory (or industrial undertaking) is developed on the purchased lot.

**Community Engagement**

A medium level of interest has already been created by way of the Stage 5 subdivisional works being undertaken.

**Policy Implications**

This Stage 5 release is in keeping with provisions within the Council DP/OP and is part of the core functions of Council's Economic Development operations

**Financial Implications**

Council operates the development of Industrial/employment in such a way that the proceeds of land sales are reinvested into future stages of the program.

CL18.360

## **CL18.361 Stage 1 - Artie Smith Oval - Status Update - Stage 2 - Progression of SCaRP Master Plan with Athletics Track, Pavilion Incorporating 50m Indoor Pool**

**HPERM Ref:** D18/335938

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

### **Purpose / Summary**

The report seeks to:

- Update Council on Stage 1 detail design Artie Smith Oval
- Reactivate and recommence Stage 2 of Shoalhaven Community and Recreation Precinct (SCaRP)
- Modify the master plan including the location of the athletics track and revise the pavilion to include a 50-metre indoor pool
- Develop a cost benefit analysis and business case for the whole of the SCaRP project, and the existing Bomaderry Basketball Stadium
- Undertake further investigation of the exiting Bomaderry Basketball Stadium regarding potential uses and works required to undertake those uses

### **Recommendation (Item to be determined under delegated authority)**

That Council:

1. Receive the status update report on Stage 1 – detailed design for Artie Smith Oval for information.
2. Reactivate Stage 2 of Shoalhaven Community and Recreation Precinct, noting the inclusion of the athletics track and an amended concept plan for the pavilion to include a 50-metre indoor pool.
3. Allocate a budget of \$30,000 to undertake further investigation and consultation regarding possible uses and works required of the existing Bomaderry Basketball Stadium.
4. Allocate a budget of \$150,000 from the forward design budget to amend the master plan and develop a preliminary Quantity Survey, cost benefit analysis and business case for the whole of Shoalhaven Community and Recreation Precinct prior to proceeding with detail design.
5. Report back to Council with the findings of the Quantity Survey, Cost Benefit, Business Case, and investigations regarding the existing Basketball Stadium prior to proceeding to detail design for stage 2 of Shoalhaven Community and Recreation Precinct.
6. Identify the \$180,000 funding requirements for Recommendations 3 & 4 above in future quarterly reviews of the 2018/19 budget.

### **Options**

1. Adopt the recommendation.

CL18.361

Implications: This is the preferred option as it will allow Council staff to proceed with the project and meet the expectations of the user groups and broader community and support the continuation of the detailed design process for Artie Smith Oval.

Revising the SCaRP master plan to increase the size of the indoor pool will enable the future development of the pavilion to accommodate an indoor 50m swimming pool facility capable of higher level competitions within the Illawarra-Shoalhaven region. This is consistent with community expectations and previous Council commitments.

Proceeding to cost benefit analysis and business case development will assist Council and associated partners in moving the SCaRP project forward and seeking monies for the development of the site and facilities.

Undertaking further investigation and consultation regarding the Bomaderry Basketball Stadium to identify potential uses into the future will assist with the overall SCaRP plan development and costings providing a holistic and strategic approach to planning and providing facilities.

A budget will need to be identified in order to undertake the detail design for Stage 2 of SCaRP. Whilst a budget of \$150,000 has been requested this amount is not anticipated to cover the cost of detail design, however it will enable a revised master plan to be developed, updated business plan and new cost benefit analysis and preliminary QS to be completed.

An additional \$30,000 will allow investigation works and consultation regarding the future uses and potential works required for the existing Bomaderry Basketball Stadium.

A further report will need to be considered by Council next financial year following the completion of the master planning process, QS, business case development and possible uses for the existing Bomaderry Basketball Stadium ahead of seeking support and funding to progress to detailed design.

2. Adopt an alternative recommendation with regard to detailed design of Artie Smith Oval and the recommencement of Stage 2 of SCaRP and proceed to detail design without amending the master plan to include a 50-metre indoor pool within the pavilion.

Implications: If Council were to support this option it would potentially delay the detailed design of Artie Smith Oval, impacting on Council's ability to secure grant funding to support its delivery and would see Council proceed with Stage two of SCaRP without revising the master plan to increase the size of the indoor pool to 50-metres. This option would not reflect community expectations and previous Council commitments. The Bomaderry Basketball Stadium would not be investigated to determine future uses.

3. Do not proceed with Stage 2 of SCaRP.

Implications: This is not recommended. The ultimate development of Stage 2 of SCaRP would see the precinct evolve into a multi-user indoor and outdoor sporting precinct for the northern Shoalhaven. Should Council resolve to support this option, it is likely that Council would need to undertake a separate design process in the near future for the existing aquatic centre and rugby league fields to ensure they are meeting current industry standards and the active recreation infrastructure needs of the growing community. This is particularly relevant noting the growth associated with the Nowra-Bomaderry Urban Release Areas (URAs).



## Background

A Councillor site visit – to Artie Smith Oval and the Shoalhaven Indoor Sports Complex was undertaken on the 6 December and followed by a Councillor Briefing:

- To update Councillors on the progress of the Artie Smith Oval detail design – and progression through to the 60% finalisation stage – this was provided by Ayling Drury Architects.
- To advise Council of the advocacy, consultation and liaison role being undertaken by Acclimate with Federal and State Governments, sporting groups and other stakeholders.
- The feedback to date has shown a high level of interest and community support for the Artie Smith re-development and reactivation of the SCaRP Stage 2 project, which has affirmed the need and requirement for this holistic approach to developing the community precinct etc.

## Artie Smith Detail Design update

Council resolved in May 2018 MIN 18.296:

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

In response, and following a competitive quotation process, Council engaged Ayling & Drury to undertake the detail design of the Artie Smith Site to develop a Regional Cricket / AFL facility, and croquet facility.

The design is currently at 30% detail. Council recently facilitated a workshop with the project consultants, user groups and relevant stakeholders in October. Having considered the stakeholder feedback, the consultants are now proceeding to the 60% design phase and costings so that Acclimate can approach potential government and other funding bodies to advocate and assist with the delivery of the project.

## SCaRP Master Plan

Council will recall that in developing the original SCaRP master plan, the vision that was established for the precinct sought to deliver:

*“an integrated community and recreational precinct to meet the needs of the region, operating on a commercially viable and sustainable basis seven days a week”*

The master plan for SCaRP provides an integrated precinct of passive and active recreation, and community facilities in one central location.

The master plan developed by Acclimate is intended to be a long-term plan for the next 40 years and is expected to meet the needs of the growing community now and into the future. The demand for increased passive and active recreation and community facilities within the Northern Shoalhaven, will become more prominent as a result of the development of the Nowra-Bomaderry URAs, particularly the Moss Vale Road North and South URAs.

The master plan includes two (2) stages. Stage 1 is located on the southern side of Cambewarra Road and encompasses Artie Smith Oval, Shoalhaven Indoor Sports Stadium and the previous Bomaderry Basketball Stadium.

Stage 2 is located on the northern side of Cambewarra Road and encompasses the Pavilion, the Synthetic Athletics Track and the Rugby League Fields.

The Pavilion would include a range of community services, health and wellbeing including a gymnasium, community meeting spaces and cafe along with an enhanced aquatic facility which will increase the overall water space; the pool will have an additional two lanes moving from six to eight lanes. It is proposed that the indoor pool is amended to be 50 metres, to allow use in all-weather and increase capacity for higher level events. Additional facilities include a hydrotherapy pool with inclusive access that is currently not available in the Northern part of the Shoalhaven, a dedicated learn to swim pool which will remove congestion from the main pool, a beach entry/play pool and a leisure water facility to accommodate the needs of more users, similar to Bay and Basin Leisure Centre and Nowra Aquatic Park Pools.

The synthetic athletic track will be the only athletics facility in the Shoalhaven and will offer facilities commensurate with regional needs and capacity to hold Country Athletics Championships.

### **Athletics Track Investigation**

In February 2018 Council resolved MIN18.111:

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

The outcome of the investigation determined that there were no other suitable locations that were considered capable of accommodating an athletics track or were superior to the area identified as part of the master plan.

Subsequently, at the August 2018 Strategy and Assets meeting MIN18.625, Council resolved to:

1. *Note the investigations undertaken in consultation with the Athletics Club in attempting to identify an alternate site for a new facility*
2. *Include provision for croquet facilities as part of the detailed design of the Artie Smith Oval site*

3. *Note the engagement of Acclimate to liaise with peak sporting and grants bodies to progress*

As part of this report, it is recommended that Council endorse the master plan for Stage 2 of SCaRP including the location of the athletics track. Endorsing the location of the athletics track within Stage 2 of SCaRP is in line with the user group (Athletics Club) and broader community expectations.

### **Bomaderry Basketball Stadium**

Bomaderry Basketball Stadium is part of the proposed SCaRP project which includes Bomaderry Sporting Complex, Bomaderry Aquatic Centre, Artie Smith Oval, Bomaderry Basketball Stadium and the new Shoalhaven Indoor Sports Centre are located.

As part of this project it is timely to strategically plan and identify options for future use of Bomaderry Basketball Stadium as part of the broader planning and investigations for Artie Smith Oval and revision of the SCaRP master plan. This approach will ensure that its future use best meets and reflects the broader needs of the community. The consultants, in preparing the SCaRP Master Plan Stage 1 document, which was adopted by Council in December 2016, undertook preliminary community consultation. This consultation included State Sporting Associations and there was interest in development of a regional sporting academy. This will be further explored as the investigation progress.

In considering the future development opportunities for the Artie Smith Reserve site, it is proposed that the new master planning process should consult with all potential stakeholder / partners to understand their needs and requirements and what funding and other value propositions they can bring to the project. This strategic and holistic approach will ensure that any future investment in upgrading the Bomaderry Basketball Stadium is not made in isolation, or without regard to, Artie Smith Oval, the Shoalhaven Indoor Sports Centre and / or SCaRP project. Hence, it would be premature to commit to any form of long term operation of the Stadium, or to a commitment to investing in the building without further detailed and reliable information upon which to base these decisions.

In this regard, the existing stadium has a portal frame and roof sheeting which are in good condition, however all other aspects of the building would require upgrading and dependant on the extent of this, costs could be in the region of \$2m - \$6m. A business plan is required before an asset management plan can go to the next asset maturity level, currently an Asset Plan is being developed for the existing Basketball Stadium. Hence, to prematurely commit to any financial undertaking could potentially place Council in an exposed position with uncertainty on security of, and return on, investment. Given the significant strategic issues presented at this facility, related to:

- Lack of current Asset Management Plan
- No identified Master Plan on the future use and refurbishment requirements associated with the building
- No funding allocation, and any future works would trigger the:
  - National Construction Code
  - Building Code of Australia
  - Australian Standards
  - Premises Standards and any relevant legislation
  - Especially Part D of the BCA and section 11 of Australian Standard 1428 Access for mobility
- Fire Regulations
- Asbestos Management

Therefore, it is proposed that Council needs to investigate this further with a clear strategic master plan and business plan on what is needed, using an evidence-based approach. This approach will enable senior Council management and Councillors to continue to have a close involvement with the project, to have input into the final mix of facilities, service delivery options and the potential management models for the Basketball Stadium, along with a detailed implementation to bring the project to 'shovel ready' stage.

To progress this aspect of the project it is proposed that an independent consultant is appointed through a request for quotation process, to undertake an investigation and feasibility study, producing a strategic master plan and business plan for the existing Bomaderry Basketball Stadium, its potential future uses, associated costs based on extensive stakeholder consultation and review of industry sporting trends and future needs.

A further report would be prepared for Council at the completion of this process. Based on past experience a budget allocation of \$30,000 would be required to undertake this.

It is important to note however, that following the opening of the new Indoor Sports Centre in mid-2019, the existing Basketball Stadium will be available for any major basketball events that might require overflow facilities.

### **Next Steps**

Stage 2 of SCaRP has been put on hold since February 2018. This report seeks to reactivate Stage 2 with the inclusion of the athletics track and amendments to the proposed Pavilion to include a 50-metre indoor pool.

Revising the master plan to construct a 50-metre indoor pool will enable the future development of the facility to accommodate all-weather usage and higher-level competitions within the Illawarra-Shoalhaven region. It will also undertake and complete further investigations including consultation regarding the existing Bomaderry Basketball Stadium and its future uses/purpose. This is particularly important when considering the status of SCaRP holistically and ensuring that its use meets facility standards for relevant peak sporting organisations to allow for the hosting of Regional, State and National level competitions.

Finally, it is recommended that Council support progressing this project with the master plan and its identified changes and developing a business case and cost benefit analysis prior to proceeding to detail design for SCaRP Stage 2. This will ensure the project can progress to DA ready and ultimately shovel ready status which will enable Council staff to apply for grant funding for the project as they become available. Council will also need to identify a suitable budget to enable the project to proceed to detail design.

### **Community Engagement**

As part of the development of the SCaRP master plan Council staff undertook extensive consultation with user groups, relevant stakeholders and the broader community to inform and develop the master plan.

Further consultation with user groups (Athletics Club and Nowra Croquet Club) has occurred in investigating alternative sites for the athletics track and in resolving the location of the croquet courts.

Council have most recently consulted with the user groups of the Artie Smith Oval site as part of the Artie Smith 30% detail design preparation.

Council have separately engaged Acclimate in an advocacy role to liaise with various levels of government, state, regional and local sporting organisations, along with a broad range of community user and stakeholder groups. This has reaffirmed the need and requirement for this project and a high level of support for it to progress.

### Financial Implications

Council will need to consider allocating a budget for the revision of the master plan to include the 50-metre indoor pool, and a further funding allocation to undertake the detail design for Stage 2.

A budget of \$180,000 is recommended initially, however this amount is not anticipated to cover the cost of detail design works but will allow for the changes to the master plan and the development of a cost benefit analysis, business case and the investigation and consultation works for the existing Bomaderry Basketball Stadium. A further report will be considered by Council next financial year once these aspects have been completed and to seek funding to proceed to detail design.

By undertaking the detail design for Stage 2 of the project, this will allow the project to progress to DA ready and ultimately shovel ready status which will enable Council staff to apply for grant programs for the project within the fullness of time.

Council have separately engaged Acclimate in an advocacy role to liaise with various levels of government to advocate for projects and seek assistance with funding and delivery of the project.

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## CL18.362 Boongaree - Update and Next Steps

**HPERM Ref:** D18/379707

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

**Attachments:** 1. Boongaree Options Report (under separate cover) [🔗](#)

### Purpose / Summary

To seek endorsement of the revised master plan for Boongaree, provide an update on the detail design and costings, and to seek Council commitment for future funding sources.

### Recommendation (Item to be determined under delegated authority)

That Council:

1. Support the amendments to the revised Master Plan and adopt the detail design for Boongaree.
2. Council receive a further report in relation to the skate park extension following further investigations.
3. Identify at a future quarterly budget review an initial budget allocation of \$200,000 to utilise for matching funding for upcoming grant applications, including NSW Government Everyone Can Play Grant Initiative.
4. Develop a Business Case and Funding Plan for the staged delivery of Boongaree that identifies funding sources, including grant funding and community fundraising opportunities, over several budget cycles commencing 2018/19 for inclusion in Council's long-term financial plan.

### Options

1. Adopt the recommendation.

Implications: This is the preferred option as the revised masterplan reflects changes that are consistent with community feedback and have been generally supported by the Berry Forum and Berry community.

The recommendation also seeks to prepare a funding plan for the project which will see it be implemented in stages. This project is seen as a significant investment and recreation need within the Berry community following the construction of the Berry Bypass and the loss of a district park within the immediate area.

The project offers significant benefits including providing passive and active recreation infrastructure for the existing and growing Berry community, as well as providing a valuable tourist attraction for those travelling through the region and providing positive flow-on economic benefits to Berry Town Centre.

2. Adopt an alternative recommendation.

Implications: Depending on the proposed amendments to the recommendation, this may result in further delays in progressing the project to the next stage of delivery, which may hinder upon eligibility of future grant funding applications. In addition, if Council resolve to make further amendments to the masterplan, this may require further community consultation.

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## Background

Boongaree, previously named Berry Sporting Complex and Berry District Park, is located on North Street in Berry. The site is currently used for various passive and active recreation activities including rugby league, cricket, tennis, netball, skate park, walking, cycling, picnics and timed off-leash dog area.

Council initially commenced the process of preparing a masterplan for Boongaree in 2014, in preparation of the construction of the Berry Bypass by NSW Roads and Maritime Services (RMS). The initial Berry District Park Master Plan was reported to Council's Ordinary Meeting on 25 October 2016, where Council resolved (MIN16.791) in part:

1. *That Council form a Working Group, which is Co – Chaired by a Councillor and Community member with the following membership:*
  - a. *all Councillors*
  - b. *Three (3) representatives of the Berry Community Forum (Including one (1) representative from the Berry Sporting Complex Management Committee*
  - c. *Two (2) representatives of the Berry Rotary Club*
  - d. *One (1) representative of the Berry Chamber of Commerce.*
  - e. *If possible, a young person be included as one of the community representatives.*
2. *Council work with the community project reference group involved in progressing the finalisation of the masterplan, detailed design and determine the preference of the name of the Berry District Park.*
3. *Council allocate \$35,000 from the strategic project reserve immediately to undertake staged detailed design and development of a Business Case and Plan, and Funding and Procurement Plan to guide future delivery of Berry District Park and ensure it is “shovel ready” for future grant applications*

In response to the above resolution, Council staff established a working group, continued to consult with the community project reference group, and proceeded to the preparation of a detailed design for the park. The money allocated towards the project was utilised for the preparation of the detail design of the park. It is recommended as part of this project that a Business Case, Funding and Procurement Plan be undertaken as a next stage. This is subject to adoption of the revised Master Plan and detailed design. It is also recommended that Council consider including the project over several budget funding cycles commencing 2018/19.

## Working Group

A Working Group was formed in accordance with MIN16.791 on 28 February 2017, as a sub-committee of The Berry Forum. The Working Group was co-chaired by a member of Berry Forum, community member and Councillor Wells. On average, six (6) other people attended Working Group meetings which represented the Berry Forum, Berry Sporting Complex Management Committee, Rotary Club of Berry, Berry Chamber of Commerce, Landcare and broader community.

Preliminary discussions with the working group suggested that there were varying ideas within the community in relation to the components of the park. Subsequently, the Working Group members decided that it would be worthwhile to undertake additional stakeholder workshops to re-consult key stakeholders, review the Master Plan and prepare a revised plan.

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## Community Stakeholder Workshop

A community stakeholder workshop was held on 4 April 2017 and as a result, three (3) Master Plan options were developed. Project consultants were engaged to review the options and generate two (2) options for final consideration by the Working Group. The project consultants prepared a comprehensive report outlining the process and final options for consideration, as provided at **Attachment 1**.

The Report was presented to the Working Group on 2 May 2017 at which time they identified Option A (as shown in *Figure 1* below) as the preferred option. The Working Group then presented their recommendation to The Berry Forum on 8 June 2017 for endorsement, where it received unanimous support.



Figure 1 – Adopted Masterplan, Options Workshop April 2017

## Berry District Park - Renaming

Since the October 2016 resolution, Council staff initiated a naming campaign which saw the community vote in majority for the renaming of Berry District Park to Boongaree Park. On 25 July 2018, Council's Strategy & Assets resolved to adopt the name Boongaree. Council will seek to formally rename the park with the Geographical Names Board of NSW.

## Boongaree Master Plan

Since the options workshop (*Figure 1*), various amendments were made to the adopted master plan to address a number of community concerns. Specifically, the changes include:

- Reduction in length of on-street parking on North Street to address concerns from community in relation to traffic and acoustic impact. The amendment ensured on-street parking provisions on North Street ceased west of Alexandra Street. To compensate for the reduction in the number of parking spaces on North Street, additional parking is provided on site that connects the parking on the southern side of the Senior fields, through to the bus parking on Woodhill Mountain Road. This connection also provides an added function of draining water that is known to pool in this location and should ensure the fields are more useable.

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- Return location of netball courts from the west of the junior fields to north of the tennis courts as per the current site location, to address concerns from community in relation to lighting and acoustic impact. It was acknowledged that the junior fields would generate acoustic impact to nearby residents, therefore retaining the netball courts at the existing location was seen to reduce the potential maximum acoustic and lighting impact. Retaining the netball courts in their current site location was seen to be advantageous due to the existing lighting provisions and given the courts are used for practice only.
- Relocation of amenities block from west of the junior fields to the south-western corner of the Play Zone adjacent to the early childhood adventure play area. The amenities block was relocated to a more central and accessible area within the park that is close to the hub of passive activity associated with the nature play area.

The revised masterplan with the above modifications is illustrated at *Figure 2* below.



Figure 2 – Revised Masterplan, October 2018

## Revised Masterplan and Detailed Design

Detail design of the various components within the revised master plan have now been completed, with the exception of the skate park extension. Further information is provided later in this report that summarises the skate park design process.

The facilities incorporated within Boongaree will provide for various passive and active recreation infrastructure for the existing and growing Berry community, and for tourists, in accordance with the objectives of the Berry Community Strategic Plan and Council's Community Infrastructure Strategic Plan. The facilities include, but are not limited to the following:

- Pump track
- Junior and Senior Cricket pitch, Rugby League and Soccer fields
- Exercise zone
- Extension to the existing skate park
- Additional on-street and off-street parking, including parking for buses and RV vehicles
- Replacement netball courts and practice cricket pitches

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- Nature play – Childhood Adventure Zone
- Youth Zone
- Shared path that circulates the park and connects with surrounding path networks
- Fenced dog off-leash area
- Learn to ride facility
- Additional amenities inclusive of lift and change facilities
- Sensory garden and native flora area (Reconciliation garden)

#### *Skate Park Design and Geotechnical Findings*

Council engaged Convic (project consultant) to prepare the detail design of the skate park extension, in accordance with the design developed by the community and skate park user group.

As part of the design process, the consultants undertook a review of the geotechnical report prepared on behalf of Council. The review found that the location of the skate park extension is subject to soils that are highly reactive coupled with the presence of uncontrolled fill. The geotechnical findings indicate that there is a risk of severe cracking and slab displacement of any extension to the skate park.

The project consultants have prepared two options for staff and community to consider in moving forward with a design for the skate park extension.

- *Option 1:* Demolish existing skate park and undertake extensive ground remediation works to stabilise the ground conditions and consolidate with geotechnical information. This will provide a new engineered bench to build the skate park on and will address majority of the soil movement issues. This option offers lower maintenance and longevity of the facility.
- *Option 2:* Reskin sections of the existing park and construct an extension. This will need to incorporate a significant number of articulated joints 2m apart into the slab connections. These will accommodate any differential settlement between the existing park and extension, relieve stresses and reduce the risks of cracks occurring. Articulation joints will reduce overall skate park area and would not be suitable for skating / skateboarding. This option is a lesser cost, however increased maintenance will be required of the articulation joints including additional monitoring and liability to Council.

Council staff recently met with community representatives in November to discuss the above options, it was resolved that further investigation will take place prior to making any determination on the above options. Further investigations will consider whether there were any previous sedimentation basins within proximity to the site, as constructed by RMS during the construction of the Berry Bypass. It is recommended that Council receive a further report in respect to the skate park on the findings of the investigation and seeking endorsement on how to proceed forward.

#### **Community Engagement**

The project has involved extensive community engagement since its inception in 2014 as part of the development of a masterplan for the then Berry District Park. The overarching community engagement process included a Working Group, stakeholder workshops, presentations to Berry Forum meetings, on site meetings, Get Involved page updates and written correspondence.

The Working Group provided advice to Council staff on the broader community engagement process.

Stakeholder Options Workshop was held on 4 April 2017 which saw engagement of over 28 community members from a range of interested groups. The work and facilitated a process for review and design of a new master plan.

Subsequent consultations and workshops included Children's Consultation, a Naming Consultation for the park, multiple Forum presentation and meetings with Berry Rotary, the Berry Chamber of Commerce, North Street residents and information through the Get Involved Page.

Council staff presented regularly to the Berry Forum monthly meetings, with the most recent presentation undertaken at their AGM Meeting on 11 October 2018 where the revised masterplan was presented along with the detail design developed for the learn to ride facility and options for equipment within the park. The presentation was well received, and the members present highlighted their eagerness to see the plan be put into action.

On 28 November 2018, Council staff met with members of community (Berry Forum, Berry Rotary and Berry Chamber of Commerce) in relation to the outcomes of detail design, initial cost estimates and the next steps.

## Financial Implications

### *Construction / Delivery Cost Estimates*

Estimates of probable construction / delivery costs have been prepared by Council's City Design and Services Unit and Works and Services Unit and are demonstrated in Table 1 below.

The construction / delivery cost estimates have not been prepared by a Quantity Surveyor nor have they been market tested. Therefore, the estimates have large contingencies of up to 20% inclusive within the estimates cost.

In addition, the construction / delivery cost estimates do not include the estimated cost of amenities. As stated above the geotechnical findings have resulted in additional works not initially considered as part of the design process for the skate park. The estimated construction/delivery cost provided below for the skate park extension may increase once further investigation has been completed and the most efficient and effective option has been ascertained. Within the estimated construction / delivery costs, there is potential for additional savings.

Component	Estimated Construction / Delivery Cost
Learn to Ride facility	\$249,340
Childhood Adventure Zone	\$1,911,909
Amphitheatre	\$830,235
Youth Zone and Skate Park Extension	\$3,941,717
Pump track	\$26,670
Exercise Zone	\$535,845
Netball Courts and Practice Cricket Pitches	\$635,000
Overall Concrete Paths	\$546,806
Tree Costings	\$142,640
Fields, Footpaths and Parking	\$3,614,675

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Electrical (Both Solar and Conduit)	\$2,397,600
	<b>\$14,832,437</b>

*Table 1 – Estimates of Probable Construction / Delivery Costs*

### *Indicative Staging Plan*

To address the significant cost of the delivery of the project, staged delivery / construction is needed. Initial staging plans have been investigated and the following has been identified based on need, provision of services, cost and access but will require further stakeholder consultation to manage community expectations. The following indicative staging plan is suggested:

- Stage: Car parking area (on and off-street, bus/coach parking area) and swale drains.
- Stage: Pump Track Zone (this will be facilitated by the community group).
- Stage: Senior Sport Fields Zone and surrounding electrical, plumbing and drainage.
- Stage: Childhood Adventure Zone, Learn to Ride Facility, amenities, entry pathway, landscaping and drainage.
- Stage: Junior Sport Fields Zone, amenities / BBQ, adjoining pathways, power, irrigation and drainage.
- Stage: Youth zone, skate park extension, amenities, pathways, power, landscaping and drainage.
- Stage: Netball courts, cricket nets and drainage.
- Stage: Amphitheatre, exercise zone, pathways, landscaping and drainage.
- Stage: Native flora area, Kids Play zone.
- Stage: Parking area (long vehicle parking), remaining pathways, lighting and tree planting.
- Stage: Dog Agility zone and fencing.

The staging plan can be interchangeable and subject to funding availability, stages could potentially progress simultaneously. Council staff will consult with the working group to determine an appropriate staging plan for the delivery of the Boongaree Masterplan over time.

The development of a Business Case and Funding Plan will enable Council to identify funding sources for the park over numerous financial years, commencing in 2018/19, within Council's long term financial plan. It is proposed to develop a Business Case and Funding Plan subject to the adoption of the revised Master Plan and detailed design.

In addition, Council and community members have received indications from Members of Parliament about potential funding sources which may be able to be utilised to commence the construction / delivery of the longer-term masterplan.

Development priority entails the delivery of services, parking, the Childhood Adventure Zone and the Youth Zone. This priority of staging is due to the necessity of services, footpaths, drainage and parking as well as a commitment to community through previous monies raised and community support.

Ultimately, the staging plan needs to be finalised according to priority of needs and in conjunction with the community members.

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Figure 3 – Indicative Staging Plan

### Grant Initiatives

Council have recently submitted a grant application to the Commonwealth Government under the Building Better Regions Round 3. The application is seeking dollar for dollar funding to match \$500,000 from Council and Rotary Club of Berry for the provision of Boongaree Nature Play area. Given the costs associated with the project, the grant application seeks to fund works up to the value of \$1,000,000.

The NSW Government's Department of Planning and Environment has released the Everyone Can Play grant for new and upgraded inclusive play spaces. New play spaces are eligible for funding of up to \$200,000 with dollar to dollar matching from councils. At present no matching funds are available for this or other future grants, however an application is being prepared for Boongaree under this grant initiative. Therefore, it will be recommended that Council identify at a future quarterly budget review an initial budget allocation of \$200,000 to be utilised for 'matching funding'.

The ability to commit matching funding in most circumstances for grant initiatives is a requirement of eligibility. However, where it is not, grant guidelines often suggest that projects with funding commitments will be considered favourably. Should Council not be successful in the grant application, the funding committed could be utilised for other grant applications as matching funding, or for construction / delivery of components of initial stages of Boongaree.

Council staff will continue to monitor for upcoming grant initiatives which the project may be eligible for in order to reduce total long-term cost to Council for the construction and delivery of Boongaree.

### Risk Implications

#### Community perception

Due to the significant cost of the construction and delivery of the project, concerns have been raised by the community representatives in relation to community perception. Specifically, it was suggested that the community may perceive the delivery of Boongaree would be to the detriment of any other infrastructure being delivered or upgraded in Berry. Council and the Berry Forum will work together to communicate the process, expenditures, budgets and grant funding opportunities to the broader community to ensure this community perception is appropriately managed.

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## CL18.363 Acceptance of Grant Funding - Museums & Galleries NSW - Audience Development Fund

**HPERM Ref:** D18/421666

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

### Purpose / Summary

To seek Council's approval to accept \$9,416 from Museums & Galleries NSW (devolved funding from Create NSW) to deliver the Audience Development Project 'Breaking Down Barriers'.

### Recommendation

That Council:

1. Accept the grant funding of \$9,416 (ex GST) to ensure delivery of the project 'Breaking Down Barriers' as part of the Shoalhaven Regional Gallery's audience development strategy.
2. Write to Museums and Galleries NSW to thank them for the grant.

### Options

1. Council accept the grant of \$9,416 awarded to Shoalhaven Regional Gallery for the Audience Development Project

Implications: The grant will pay for a consultant with experience in education and gallery programming to work directly with schools to identify barriers and issues preventing classes attending the gallery for education programming.

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

Implications: The audience development project will not be undertaken, and we will continue to miss the opportunity to engage high school audiences.

### Background

The M&G NSW Audience Development Fund is a grant program to assist Regional Galleries to pursue innovative strategies for developing their audiences.

Shoalhaven Regional Gallery (SRG), with advice from M&G NSW, have developed a project that employs a specialist consultant with experience in art education and the NSW curriculum to work with several local high schools and the gallery to identify the reasons the schools do not attend the Gallery for curriculum-based education programs. This will allow for a program to be developed that addresses these issues and concerns while still being flexible for Gallery staff to deliver regardless of the exhibition content.

The grant also funds a pilot project with Vincentia High School, covering the cost of bus travel for students to attend the Gallery and provide feedback on the program.

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**Community Engagement**

The grant application was submitted with letters of support from almost all high schools in the region. The project has been identified as a key need in the region, ensuring high school students with an interest in visual arts have the ability to access the Gallery to support their education and interests, and that the teachers have the opportunity to work with Gallery staff in expanding the range of works and artists their classes are exposed to.

**Financial Implications**

The grant funding covers all direct costs for this project. The SRG will contribute in-kind funding through staff salaries for project administration and working with the consultant to achieve the best outcomes. The project will identify the financial barriers, as well as physical and intellectual, which will allow SRG to consider what, if any, costs we should look to recover for delivery of Gallery educational programs for high school students.

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## CL18.364 Annual Review of POL18/8 Investment Policy

HPERM Ref: D18/420574

Group: Finance Corporate & Community Services Group  
Section: Finance

Attachments: 1. Investment Policy [↓](#)

### Purpose / Summary

The Investment Policy requires that Council review it annually and as required in the event of legislative change or as a result of significantly changed economic/market conditions.

### Recommendation (Item to be determined under delegated authority)

That Council adopt the unamended POL18/8 Investment Policy for 2019.

### Options

1. Adopt the recommendation, as written.

Implications: Nil

2. Not adopt the recommendation and give further instruction to staff

Implications: Staff will need to redraft the affected policy

### Background

At the Strategy and Assets Committee Meeting of 15 August 2017, Council adopted amended finance policies, including POL16/186 Investment Policy (MIN17.701). The amended policy included changes to reflect the resolution adopted at Council's Ordinary Meeting (MIN17.221) held Tuesday 28 March 2017:

*That Council instruct CPG Research and Advisory Pty Ltd, its investment advisors, to give preference to investing SCC funds with financial institutions that do not invest in, or finance, the fossil fuel industry where:*

1. *Council's investment is compliant with its 'Investment Policy'.*
2. *The investment rate of interest is equivalent to other similar investments that may be on offer to Council at the time of investment.*
3. *A briefing be provided to Councillors, at the end of financial year 2016/17, to assess the results of this moderate divestment strategy*

In addition, changes recommended by CPG Research and Advisory Pty Ltd were made to section 4(d) Credit Quality Limits of the Policy, namely: the adoption of consensus rating in the event of a split rating, where possible; and an increase to the portfolio holding limit from 30% to 40% for the BBB category to address the dual impact of a downgrade to second-tier banks, due to increased property risk.

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In response to a loan application by Council to TCorp, further changes were made to the Investment Policy to limit Council's exposure to individual BBB rated Authorised Deposit-taking Institutions (ADIs) and to unrated ADIs.

There have been no legislative changes or significantly changed economic/market conditions to warrant amendment of the Investment Policy over the coming year.

Council will continue its practice of reviewing investments according to return, risk, compliance with Council's Investment Policy and liquidity requirements. In particular, green investment products are now being marketed by higher-rated ADIs and these are assessed against Council's policy position. In November 2018, TCorp launched its inaugural Sustainable Bond Programme but the 10-year term was too long, given Council's cash flow requirements over that horizon. More recently, Westpac announced a green-tailored deposit product and this has been referred to CPG for review and advice.



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For more information contact the Finance Corporate & Community Services Group

## INVESTMENT POLICY

**Policy Number:** POL18/8 • **Adopted:** 19/06/2001 • **Reaffirmed:** 28/09/2004 • **Amended:** 26/09/2006, 7/10/2008, 1/02/2011, 23/04/2013, 14/10/2014, 24/05/2016, 15/08/2017, 23/02/2018 • **Minute Number:** MIN01.788, MIN04.1165, MIN06.1217, MIN08.1339, MIN11.55, MIN13.368, D14/268858, MIN16.380, MIN17.221, MIN17.701, MIN18.20 • **File:** 23767E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:** 1/12/2018

### 1. OBJECTIVES

The purpose of this policy is to provide a framework for making decisions concerning the appropriate investment of Council's funds, at the most favourable rate of interest available to it at the time to maximise returns, whilst having due consideration of risk, liquidity and security for its investments.

The policy establishes a series of limits within which Council officers must operate in the planning and process of investing council monies. In setting these limits Council is determining the general level of risk that is acceptable for monies managed on trust for the community of Shoalhaven.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity and the return of investment. Council, therefore, has several primary objectives for its investment portfolio:

- Compliance with legislation, regulations, the prudent person tests of the Trustee Act and best practice guidelines;
- Preservation of the amount invested;
- To ensure there is sufficient liquid funds to meet all reasonably anticipated cash flow requirements;
- To generate income from the investment that exceeds the performance benchmarks mentioned later in this document;
- To give preference to investing funds with financial institutions that do not invest in, or finance, the fossil fuel industry where the investment rate of interest is equivalent to other similar investments that may be on offer to Council at the time of investment.
- Where financial institutions are otherwise included on fossil fuel exposure lists, to exempt covered bonds and similar securitisations that specifically exclude any fossil fuel loans, and designated Green bonds.

### 2. LEGISLATIVE REQUIREMENTS

All investments are to comply with the following:

- Local Government Act 1993;

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- Local Government (General) Regulation 2005;
- Ministerial Investment Order;
- The Trustee Amendment (Discretionary Investments) Act (1997) – Section 14;
- Local Government Code of Accounting Practice and Financial Reporting;
- Australian Accounting Standards;
- Office of Local Government Investment Policy Guidelines; and
- Office of Local Government Circulars.

**3. AUTHORITY**

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the Local Government Act 1993.

The General Manager may in turn delegate the day-to-day management of Council's investment portfolio to the Responsible Accounting Officer and/or other Finance staff who must ensure adequate skill, support and oversight is exercised in the investment of Council funds.

Officers' delegated authority to manage Council's investments shall be recorded and they will be required to acknowledge they have received a copy of this policy and understand their obligations in this role.

**4. RISK MANAGEMENT**

Investments obtained are to be considered in light of the following key criteria:

- Preservation of capital – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money);
- Diversification – the requirement to place investments in a broad range of products so as not to be overexposed to a particular sector of the investment market;
- Credit risk – the risk that a party or guarantor to a transaction will fail to fulfil its obligations. In the context of this document it relates to the risk of loss due to the failure of an institution/entity with which an investment is held to pay the interest and/or repay the principal of an investment;
- Market risk – the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices or benchmark returns will unexpectedly overtake the investment's return;
- Liquidity Risk – the risk an institution runs out of cash, is unable to redeem investments at a fair price within a timely period, and thereby Council incurs additional costs (or in the worst case is unable to execute its spending plans);
- Maturity Risk – the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities; and
- Rollover Risk - the risk that income will not meet expectations or budgeted requirement because interest rates are lower than expected in future

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The following indicates the limitations to be applied so as to avoid these risks:

**a) Authorised Investments**

All investments must be denominated in Australian Dollars. Authorised Investments are limited to those allowed by the Ministerial Investment Order and include:

- Commonwealth / State / Territory Government securities, e.g. bonds;
- Interest bearing deposits / senior securities issued by an eligible authorised deposit-taking institution (ADI);
- Bills of Exchange (< 200 days duration) guaranteed by an ADI;
- Debentures issued by a NSW Council under Local Government Act 1993;
- Deposits with T-Corp &/or Investments in T-Corp Hour-Glass Facility; and
- Existing investments grandfathered under the Ministerial Investment Order.

**b) Prohibited Investments**

This investment policy prohibits the following types of new investment:

- Derivative based instruments<sup>1</sup>;
- Principal only investments or securities that provide potentially nil or negative cash flow;
- Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind;
- Mortgage of land;
- Investment trusts, even where the trusts adhere to the Minister's Order fully with the exception of T-Corp Hourglass Facilities; and
- Any other investment written out of the Minister's Order.

This policy also prohibits the use of leveraging (borrowing to invest) an investment. However, nothing in the policy shall prohibit the short-term investment of loan proceeds where the loan is raised for non-investment purposes and there is a delay prior to the expenditure of loan funds.

**c) Liquidity and Maturity**

Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment. Therefore, the maturity dates of each investment must be carefully chosen and reviewed to ensure that cash levels are sufficient to fulfil these estimated requirements.

**d) Credit Quality Limits**

The portfolio credit guidelines to be adopted will reference the Standard & Poor's (S&P) ratings system criteria and format - however, references to the Minister's Order also

<sup>1</sup> Prohibited investments are not limited to the list above and extend to any investment carried out for speculative purposes.

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recognises Moody's and Fitch Ratings and any of the three ratings may be used where available.

In the event of disagreement between agencies as to the rating band ("split ratings"), the consensus rating will be considered the overall credit rating. Where there is not a consensus, Council shall use the higher rating in assessing compliance with portfolio policy limits, but for conservatism shall apply the lower in assessing new purchases.

However, the primary control of credit quality is the prudential supervision and government support and explicit guarantees of the ADI sector, not ratings.

Where interest rates are comparable between similar potential eligible investments, preference shall be made toward the institution or investment with the higher credit quality and/or the ADI that does not invest in, or finance, the fossil fuel industry. Council must also ensure that the relevant counterparty limits are not exceeded.

The maximum holding limit in each rating category for Council's portfolio shall be:

<b>Long-Term Rating Range</b>	<b>Maximum % of Portfolio from 1 July 2018</b>
AAA category	100%
AA category or highly rated banks*	100%
A category	60%
BBB category	30%
Unrated category**	2%

\* For the purpose of this Policy, "highly rated banks" are currently defined as the ADI deposits or senior guaranteed principal and interest ADI securities issued by the major Australian banking groups:

- Australia and New Zealand Banking Group Limited;
- Commonwealth Bank of Australia;
- National Australia Bank Limited; and
- Westpac Banking Corporation (including ADI subsidiaries, such as Bankwest, whether or not explicitly guaranteed, and brands, such as St George).

Similarly, with other ADI groups (such as Bendigo & Adelaide Bank) own multiple banking licences, rating categories are based on the parent bank even if the subsidiary is not explicitly rated.

Council may ratify an alternative definition from time to time.

\*\* No further investment will be made with Unrated institutions, the maximum of 2% from 1 July 2018 is in place for our current investments until they mature, after which the maximum allocation will be 0%.

**e) Counterparty Limits**

Exposure to individual counterparties/financial institutions will be restricted by their rating so that single entity exposure is limited, as detailed in the table below. No further

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investment will be made with Unrated institutions. The table excludes any government guaranteed investments.

Limits do not apply to Federal or NSW-guaranteed investments, which are uncapped. It should be noted that the NSW government does not guarantee the capital value or unit price of the TCorp Hour-Glass Facilities. This table also does not apply to any grandfathered managed fund where it is not possible to identify a single counterparty exposure.

Individual Institution or Counterparty Limits		
Long-Term Rating Range	Not exceed the smaller of:	
	Maximum % of Portfolio	% of institution or counterparty's net assets
AAA category*	40%	n/a
AA category of highly rated banks**	30%	n/a
A category	15%	n/a
BBB category***	10%	2%
Unrated category****	2%	2%

\* 100% Commonwealth Government and Government-guaranteed deposits are included in this category, but without any upper limit applying to the government as counterparty.

\*\* For the purpose of this Policy, "highly rated banks" are currently defined as the ADI deposits or senior guaranteed principal and interest ADI securities issued by the major Australian banking groups: See list above.

\*\*\* It should be noted that some existing BBB investments do not meet the new limit; invested funds in these institutions will be brought into compliance with this policy as the instruments mature.

\*\*\*\* This category includes unrated ADIs such as some Credit Unions and Building Societies to the extent not Commonwealth-guaranteed. No further investment will be made with Unrated institutions.

#### f) Term to Maturity Limits

Council's investment portfolio shall be structured around the time horizon of investment to ensure that liquidity and income requirements are met.

Once the primary aim of liquidity is met, Council will ordinarily diversify its maturity profile as this will ordinarily be a low-risk method of obtaining additional return as well as reducing the risks to Council's income. However, Council always retains the flexibility to invest as short as required by internal requirements or the economic outlook. Judgment of the state of domestic and global economic circumstances should also be carefully taken into account when making decisions on the terms of an investment.

The factors and/or information used by Council to determine minimum allocations to the shorter durations include:

- Council's liquidity requirements to cover both regular payments as well as sufficient buffer to cover reasonably foreseeable contingencies;
- Medium term financial plans and major capital expenditure forecasts;
- Known grants, asset sales or similar one-off inflows; and
- Seasonal patterns to Council's investment balances.

*Shoalhaven City Council – Investment Policy*

Investment Horizon Description	Maturity Date	Maximum % of Portfolio
Working Capital Funds	0-3 months	100%
Short-Term Funds	3-12 months	100%
Short-Medium Term Funds	1-2 years	70%
Medium-Term Funds	2-5 years	50%
Long-Term Funds	5-10 years	25%

Within these broad ranges, Council relies upon assumptions of expected investment returns and market conditions that have been examined with its investment advisor.

## 5. THIRD PARTY SUPPLIERS AND DEALERS

Council will structure its affairs in order to be economical in its investment management costs, favouring dealing direct in its fixed interest, where possible (or, where intermediated, arrangements that result in a rebate of brokerage).

At times, it will be advantageous to deal with third parties that are remunerated on a transaction rather than retainer basis. Council will use such suppliers where to its advantage, and have regard to the “best execution” test in its Investment Policy. Specifically, Council will have regard to:

- Administrative cost savings;
- Ability to access higher (retail) rates where exceeding the direct transaction costs;
- Access to ADIs that would not normally have an institutional direct channel;
- Limited access or initial offering deals, or other secondary market opportunities that are only available from specific sources; and
- The costs of other distribution channels that do not involve transaction remuneration.

Council will take steps to ensure that:

- Any suppliers used are appropriately licensed, reputable and capable;
- Funds and identification data are sufficiently secured;
- Third party arrangements do not materially worsen Council’s credit risks by creating exposure to the dealer as counterparty; and
- Council maintains ownership of investments facilitated by a third party at all times; and
- Remuneration arrangements are reasonable and transparent, whether paid by Council or by the issuer directly.

## 6. INVESTMENT ADVISOR

Council’s investment advisor is appointed by the Council and must be licensed by the Australian Securities and Investment Commission (ASIC). The advisor must be independent and must confirm in writing that they have no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of investment policy. This includes receiving no commissions or other benefits in relation to the investments being recommended or reviewed, unless such remuneration is rebated 100% to Council.

*Shoalhaven City Council – Investment Policy*

## 7. ACCOUNTING

Council will comply with appropriate accounting standards in valuing its investments and quantifying its investment returns.

In addition to recording investment income according to accounting standards, published reports may show a break-down of its duly calculated investment returns into realised and unrealised capital gains and losses, and interest.

Other relevant issues will be considered in line with relevant Australian Accounting Standards, such as discount or premium, designation as held-to-maturity or on a fair value basis and impairment.

## 8. SAFE CUSTODY ARRANGEMENTS

Where necessary, investments may be held in safe custody on Council's behalf, as long as the following criteria are met:

- Council must retain beneficial ownership of all investments;
- Adequate documentation is provided, verifying the existence of the investments at inception, in regular statements and for audit;
- The Custodian conducts regular reconciliation of records with relevant registries and/or clearing systems; and
- The Institution or Custodian recording and holding the assets will be:
  - The Custodian nominated by T-Corp for Hour-Glass facilities;
  - Austraclear;
  - An institution with an investment grade Standard and Poor's, Moody's or Fitch rating; or
  - An institution with adequate insurance, including professional indemnity insurance and other insurances considered prudent and appropriate to cover its liabilities under any agreement.

## 9. PERFORMANCE BENCHMARK

The performance of each investment will be assessed against the benchmarks listed in the table below.

It is Council's expectation that the performance of each investment will be greater than or equal to the applicable benchmark by sufficient margin to justify the investment taking into account its risks, liquidity and other benefits of the investment.

It is also expected that Council will take due steps to ensure that any investment is executed at the best pricing reasonably possible.

Investment	Performance Benchmark	Time Horizon
11am accounts, short dated bills, deposits issued by financial institutions of appropriate term.	Official RBA Cash Rate (Net of Fees and Expenses)	3 months or less
Term Deposits of appropriate remaining term, FRNs nearing maturity.	AusBond Bank Bill Index (Net of Fees and Expenses)	3 months to 12 months
Term Deposits with a maturity date between 1 and 2 Years, FRNs.	AusBond Bank Bill Index (Net of Fees and Expenses)	1 to 2 yrs



*Shoalhaven City Council – Investment Policy*

FRNs, Bonds, Term deposits with a maturity date between 2 and 5 Years. Grandfathered Income Funds.	Bloomberg AusBond Composite 2-5 Year Bank Bill Index (Net of Fees and Expenses)	2 to 5 yrs
TCorplM Managed Funds	Fund's Internal Benchmark (Net of Fees and Expenses)	3 yrs (M/T Growth and unlisted growth sector funds) 5+ yrs (L/T Growth and listed growth sector funds)

Grandfathered investments (i.e. managed funds and securities) are allocated to the appropriate horizon based on expected or average maturity date and should be taken into account when allocating the rest of the portfolio.

The decision on when to exit such investments are based on a range of criteria specific to the investments – including but not limited to factors such as:

- Returns expected over the remaining term
- Fair values
- Competing investment opportunities
- Costs of holding
- Liquidity and transaction costs
- Outlook for future investment values

In general, it is expected that professional advice will be sought before transacting in “grandfathered” investments. This policy does not presume disposal; however, the removal of an asset from the Minister’s Order would warrant a review of its suitability for retention.

#### **10. REPORTING AND REVIEWING OF INVESTMENTS**

Documentary evidence must be held for each investment and details thereof maintained in an investment register.

The documentary evidence must provide Council legal title to the investment.

For audit purposes, certificates must be obtained from the banks/fund managers/custodian confirming the amounts of investment held on Council’s behalf at 30 June each year and reconciled to the investment register.

All investments are to be appropriately recorded in Council’s financial records and reconciled at least on a monthly basis. The report will detail the investment portfolio in terms of holdings and impact of changes in market value since the previous report and the investment performance against the applicable benchmark. Council may also nominate additional content for reporting.

A monthly report will be provided to Council detailing the money invested as required by clause 212 of the Local Government (General) Regulations 2005.

#### **11. DUTIES AND RESPONSIBILITIES OF COUNCIL OFFICERS**

The Trustee Act 1925 requires councils to “exercise the care, diligence and skill that a prudent person would exercise in investing council funds. A prudent person is expected to

*Shoalhaven City Council – Investment Policy*

act with considerable duty of care, not as an average person would act, but as a wise, cautious and judicious person would."

As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy and not for speculative purposes.

When exercising the power of investment the council officer should consider the following issues:

- The risk of capital or income loss;
- The likely income return and the timing of income return;
- The length of term of the proposed investment;
- The liquidity and marketability of the proposed investment;
- The likelihood of inflation affecting the value of the proposed investment; and
- The costs (such as commissions, fees, charges and duties) of making the proposed investment.

## **12. ETHICS AND CONFLICTS OF INTEREST**

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager.

Independent advisors are also to declare that they have no actual or perceived conflicts of interest and receive no inducements in relation to Council's investments, as outlined more fully in the Investment Advisor section.

## **13. IMPLEMENTATION**

The Finance Section within the Finance Corporate & Community Services Group has responsibility for implementation of this policy.

## **14. REVIEW**

This policy shall be reviewed annually and as required in the event of legislative change or as a result of significantly changed economic/market conditions. Any proposed amendments to the Investment Policy must be approved by a resolution of Council.

## **15. APPLICATION OF ESD PRINCIPLES**

In keeping with ESD principles, Council will give preference to investing funds with financial institutions that do not invest in, or finance, the fossil fuel industry where the investment rate of interest is equivalent to other similar investments that may be on offer to Council at the time of investment.

Council will inform affected institutions of the preference against fossil fuel lenders.

However, unaffected by this section are assets that are not exposed to fossil fuels, such as:

- **Covered bonds**, which securitise only residential mortgage loans
- **Green bonds**, the proceeds of which are specifically quarantined for new lending for renewable energy or other similar environmentally-friendly uses

as well as any other complying investments of comparable ESD credentials.

## CL18.365 Investment Report - November 2018

**HPERM Ref:** D18/413829

**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 30 November 2018 be received for information.

### Options

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

Implications: Nil.

2. Further information regarding the Record of Investments for the period to 30 November 2018 be requested.

Implications: Nil.

3. The report of the Record of Investments for the period to 30 November 2018 be received for information with any changes requested for the Record of Investments to be reflected in the report for the period to 31 December 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 November was \$2,592,341; 64.45% 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 is higher due to more cash being on hand than predicted; total cash, however, future returns are expected to slow during the year as capital expenditure progresses and higher earning investments mature.

The potential for a budget adjustment for interest on investments will be considered at the December quarterly budget review.

CL18.365

<b>Fund</b>	<b>Budget</b>	<b>Actual</b>	<b>%</b>
General	\$2,328,000	\$1,423,509	61.15%
Water	\$794,000	\$584,185	73.57%
Sewer	\$900,000	\$584,647	64.96%
<b>Total</b>	<b>\$4,022,000</b>	<b>\$2,592,341</b>	<b>64.45%</b>

The interest earned for the month of November was \$489,616, which was \$148,022 above budget.

<b>Fund</b>	<b>Monthly Budget</b>	<b>Actual</b>	<b>Difference</b>
General	\$197,721	\$269,499	\$71,778
Water	\$67,436	\$116,326	\$48,891
Sewer	\$76,438	\$103,791	\$27,353
<b>Total</b>	<b>\$341,595</b>	<b>\$489,616</b>	<b>\$148,022</b>

CL18.365

## RECORD OF INVESTMENTS

### Cash and Investment Balances

	November 2018	October 2018
<b>Cash And Investments Held</b>		
Cash at Bank - Transactional Account	\$10,819,221	\$5,808,258
Cash at Bank - Trust Fund	\$0	\$1,240
Cash on Hand	\$41,590	\$58,240
Other Cash and Investments	\$205,993,004	\$201,953,399
	<b>\$216,853,816</b>	<b>\$207,821,137</b>
Fair Value Adjustment	\$181,342	\$177,505
Bank Reconciliation	\$392,413	\$5,490
	\$573,755	\$182,995
<b>Book Value of Cash and Investments</b>	<b>\$217,427,570</b>	<b>\$208,004,131</b>
<b>Less Cash &amp; Investments Held In Relation To Restricted Assets</b>		
Employee Leave Entitlements	\$8,136,913	\$8,136,913
Land Decontamination	\$1,249,983	\$1,311,488
Critical Asset Compliance	\$2,148,334	\$2,186,559
North Nowra Link Road	\$461,013	\$462,499
Other Internal Reserves	\$6,856,024	\$6,661,216
Section 7.11 Matching Funds	\$314,490	\$314,490
Strategic Projects General	\$495,756	\$618,679
Industrial Land Development Reserve	\$7,133,298	\$7,849,097
Plant Replacement	\$2,186,830	\$2,009,674
Financial Assistance Grant	\$3,108,733	\$4,663,100
S7.11 Recoupment	\$1,596,075	\$1,596,434
Commitment To Capital Works	\$3,646,661	\$3,967,684
Property Reserve	\$228,570	\$183,492
<b>Total Internally Restricted</b>	<b>\$37,562,679</b>	<b>\$39,961,325</b>
Loans - General Fund	\$5,803,873	\$6,410,916
Self Insurance Liability	\$1,546,684	\$1,365,203
Grant reserve	\$6,990,820	\$6,970,082
Section 7.11	\$32,179,109	\$32,077,075
Storm Water Levy	\$960,499	\$902,996
Trust - Mayors Relief Fund	\$86,386	\$86,138
Trust - General Trust	\$4,289,719	\$4,369,021
Waste Disposal	\$8,482,297	\$6,732,914
Sewer Fund	\$52,218,251	\$49,234,660
Sewer Plant Fund	\$2,267,391	\$2,224,477
Section 64 Water	\$18,704,215	\$18,659,978
Water Fund	\$24,545,431	\$25,241,974
Water Communication Towers	\$1,360,053	\$1,155,790
Water Plant Fund	\$2,254,424	\$2,191,240
<b>Total Externally Restricted</b>	<b>\$161,689,152</b>	<b>\$157,622,463</b>
<b>Total Restricted</b>	<b>\$199,251,831</b>	<b>\$197,583,788</b>
<b>Unrestricted Cash And Investments</b>		
General Fund	\$18,175,739	\$10,420,343

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The increase in Unrestricted General Fund Cash & Investments is due to November being a Rates instalment month as shown in the following table of major movements:

Total Cash and Investments	\$9,423,439	
Financial Assistance Grant	-\$1,554,367	One quarter transferred to general fund in line with Financial Assistance Grant instalment month
Waste Disposal	\$1,749,383	November was a Rates instalment month
Sewer Fund	\$2,983,591	Lower payments to suppliers in relation to income received for sewer charges
Unrestricted General Fund	\$7,755,396	November was a Rates instalment month

### 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*

Michael Pennisi  
Chief Financial Officer

CL18.365

## CL18.366 Intersection of Jervis Bay Road & Princes Highway - Falls Creek - Update

**HPERM Ref:** D18/407960

**Group:** Assets & Works Group  
**Section:** Asset Management

**Attachments:**

1. Intersection Options - Jervis Bay Rd / Princes Hwy Falls Creek [↓](#)
2. Final Report - Public Meeting - Jervis Bay Road & Princes Highway Intersection Falls Creek - Vincentia Matters (under separate cover) [⇄](#)
3. Road Safety/ Intersection Improvements Jervis Bay Road & Princes Highway Falls Creek [↓](#)
4. Hon Melinda Pavey MP Road Safety Intersection Improvements Jervis Bay Road & Princes Highway Falls Creek [↓](#)
5. RMS & Shoalhaven Council - 30 May meeting regarding Jervis Bay Road and Princes Highway intersection at Falls Creek [↓](#)
6. Report on the Public meeting to discuss the Jervis Bay Road and Princes Highway intersection to Hon Shelley Hancock and Hon Gareth Ward [↓](#)

### Purpose / Summary

To update Council representations in relation to the upgrade of the intersection of Jervis Bay Road and Princes Highway Falls Creek.

### Recommendation

That Council notes the representations that have been made in relation to the upgrade of the intersection of Jervis Bay Road and Princes Highway Falls Creek and that the RMS has

- a. allocated funding and commenced the detailed investigation phase, and
- b. are developing short term measures to assist in alleviating congestion in the coming summer holiday period.

### Options

1. Nil

### Background

At Council's Ordinary meeting on 27 February 2018, Council resolved (MIN18.124) that

*Council make vigorous representations to the Minister for Roads and Maritime and Freight The Hon Melinda Pavey, the Parliamentary Secretary for the Illawarra and South Coast Gareth Ward and the Member for South Coast the Hon Shelley Hancock to give high priority to a safer intersection at Jervis Bay Road and the Princes Highway, with a long term view to construct grade separation.*

Following this resolution, letters were sent to the State members on 22 March 2018. Council's engineers offered to meet with the RMS engineers to discuss options (see Attachment 3 & 4)

CL18.366

On 16 May 2018 the Director of Asset & Works wrote directly to the RMS following up on Council letter to the minister and seeking a meeting with the Acting Southern Regional Director Mitchell Judd.

On 30 May 2018 the Director of Asset & Works Paul Keech, Section Manager Asset Tom Dimec and Economic Develop Manager Greg Pullen met with the Acting Southern Regional Director, Mitchell Judd at the RMS where three concepts were discussed (Attachment 5).

Concept 1 (Long Term): shows a separated interchange over Princes Highway with on / off ramps to access the highway from Jervis Bay Road. Separate exit lane from Highway onto Jervis Bay Road from the north and exit lane from Jervis Bay Road onto Highway heading south.

Concept 2 (Preferred as soon as possible): shows a separated interchange to exit Jervis Bay Road onto the Highway heading north. No change to the exit lane from Highway into Jervis Bay Road from the north or left hand turn from Jervis Bay Road heading south.

Concept 3 (Possible Short-Term Measure): shows a No Right Turn from Highway into Jervis Bay Road from the south with the construction of a turnaround facility at Falls Road approximately 1.5 km north of the intersection, for vehicles that wish to access Jervis Bay Road. No other changes to access and exit for Jervis Bay Road.

At the meeting, RMS advised that the section of the Princes Highway between Jervis Bay Road and Milton is a high priority for Roads and Maritime as outlined in the Princes Highway Corridor Strategy.

RMS followed up the meeting with an email dated 14 June 2018, see Attachment 4. the main thrust of the email was to advise that

*“... the State Government has invested (17/18) in the development of a Strategic Business Case that details a number of strategic options to respond to the needs of the Highway. Preliminary investigations have identified a range of projects that include intersection improvements, the straightening of curves, safety barrier installation, overtaking lanes and road shoulder widening. This includes some investigations at the Jervis Bay Road intersection.”*

RMS also advised a follow up meeting would be held with the Director Assets and Works in July 2018, however due to the length of time involved in recruitment of a new Regional Director, the meeting did not occur. Tom Dimec contacted RMS again on 3 October 2018 and was informed that a new Southern Regional Director, Sam Knight was able to meet with Council's engineers. A meeting date was set for 5 December 2018.

On 6 November 2018 Paul Keech and Tom Dimec met with the Vincentia Matters Group and explained the representations that Council staff had made to the RMS to date, i.e. concepts 1, 2 and 3.

The Vincentia Matters Group held a public meeting on 7 November 2018, to harness public support to push for a permanent solution to be fast-tracked and lobby Federal and State Governments to take action as a matter of urgency to improve this intersection. The Honourable Shelley Hancock and Gareth Ward attended this meeting. A summary of the meeting was distributed see Attachment 1.

Follow up letters were sent to both The Honourable Shelley Hancock MP and Gareth Ward MP reinforcing the concerns for the coming Christmas / New Year period (see Attachment 6).

On 4 October 2018 Councillors were provided 5-year crash data for the Princes Highway, (Transport for NSW website, [Centre for Road Safety](#)) and advised that the RMS had a permanent counter on Jervis Bay Road.

On the 19 November 2018 the RMS website contained the following media realise;

**Changed traffic conditions and investigations on Princes Highway at Falls Creek**

CL18.366



19 November 2018

*Member for South Coast Shelley Hancock advised motorists and pedestrians Roads and Maritime Services will be assessing traffic volumes and queue lengths at the intersection of Jervis Bay Road and the Princes Highway at Falls Creek.*

*Mrs Hancock said the investigation works at the intersection were a continuation of preliminary planning undertaken this year thanks to \$60,000 in NSW Government funding.*

*“Traffic counters and cameras will be installed from tomorrow, Tuesday 20 November, to collect traffic data at the intersection as well as approximately 3km north and 1km east of the intersection,” Mrs Hancock said.*

*“The cameras are expected to remain in place for several days while the other counters will be in place for approximately two weeks.*

*“We said we would put this intersection under the microscope and we are doing just that!*

*“The NSW Government has provided the necessary funding and in only two weeks since the public meeting with residents further planning works are already underway.*

*“Feedback from that meeting was clear, it is essential improvements are made to the notorious intersection and it’s something we need to get right.*

*“The investigations will inform planning for future improvements at this location.*

*“Improving the Jervis Bay Road intersection remains a top priority and I have asked that RMS keep the community informed about any proposed improvements,” Mrs Hancock said.*

*More than \$4.5 million of safety improvements have been carried out on the Princes Highway between Jervis Bay Road and Milton during 2016 and 2017. A further \$1.5 million in improvements are planned and anticipated to be complete by June 2019.*

On the 5 December 2018 the Director of Asset & Works, Asset Manager and Senior staff met with the Director, Southern Region, Ms Sam Knight in Wollongong and the RMS advised the following;

- \$60,000 of funding has recently been secured to continue analysis at the intersection of Jervis Bay Road and the Princes Highway.
- Roads and Maritime will utilise the identified \$60,000 in 2018/19 to collect data and commence early development. This work will include:
  - Reviewing historical traffic data
  - Collection of new traffic data, including traffic volumes, turning movements and queue lengths (during November and the Dec/Jan Holiday period)
  - The traffic data will be used to develop and refine a traffic model of the intersection
  - The model will be used to test various upgrade options to determine how best to manage traffic flows and improve safety at the intersection.
- The model and options will allow RMS to then investigate a range of factors including but not limited to future demand, property and environmental impacts as well as the cost and benefits associated with each option.
- Future funding will be required to progress the development of this intersection beyond the strategic development describe above.

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- Further details of traffic conditions and investigations on the Princes Highway at Falls Creek can be seen on the RMS web page at the following link [website](#)

At the time of preparing this report the minor safety works at the junction of Princes Highway and Jervis Bay Road were recently completed, however the strategic business case for the Jervis Bay Road to Milton project has yet to be completed.

Council was further advised on 13<sup>th</sup> December 2018:

As part of 2018-19 summer holiday traffic planning, Roads and Maritime Services is developing a specific event action plan for this location. This plan will be informed by previously collected data and will include short-term measures to help manage delays during peak periods.

The measures being considered include reduced speed zones, electronic message signs, real-time monitoring through CCTV and vehicle activated speed signage. Consultation with key stakeholders, including Shoalhaven City Council, will occur before the plan is finalised.

Additionally, we will continue investigations on the Princes Highway at this intersection to observe traffic movements across peak periods. This follows on from work carried out over two weeks from Tuesday 20 November which collected traffic data in the area.

Traffic counters and cameras will be installed from Tuesday 18 December to collect traffic data at the intersection as well as approximately three kilometres north and one kilometre east of the intersection with Jervis Bay Road. Cameras are expected to remain in place for several days while counters will be in place for approximately three weeks, capturing the peak holiday and New Year period.

Traffic data collected will be used to carry out traffic modelling for the intersection. This modelling will inform planning for further investigation work in 2019.

### **Community Engagement**

Council is actively engaging with Liz Tooley from Vincentia Matters. There have been various articles in the South Coast Register.

### **Financial Implications**

All funding and costs associated with an upgrade come under the responsibility of Roads and Maritime Services.

### **Risk Implications**

The risk to driver safety with increased tourists visiting Jervis Bay is a major concern to the community. With queues on Jervis Bay Road stretching more than two kilometres at peak times during holiday periods the risk of accidents increases exponentially with frustrated and impatient motorists trying to turn right onto the highway.













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

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

Council Reference: 2013E (D18/85192)

Shelley Hancock  
Member for South Coast  
PO Box 1436  
NOWRA NSW 2541

By email only: [electorateoffice.southcoast@parliament.nsw.gov.au](mailto:electorateoffice.southcoast@parliament.nsw.gov.au)

Dear Shelley

**Road Safety / Intersection Improvements  
Jervis Bay Road & Princes Highway Falls Creek**

At its meeting on 27 February 2018, Council resolved the following (vide MIN18.124)

"That Council make vigorous representations to the Minister for Roads and Maritime and Freight The Hon Melinda Pavey, the Parliamentary Secretary for the Illawarra and South Coast Gareth Ward and the Member for South Coast the Hon Shelley Hancock to give high priority to a safer intersection at Jervis Bay Road and the Princes Highway, with a long term view to construct grade separation."

Accordingly, please find the attached letter to the Minister for Roads, Maritime and Freight, the Hon Melinda Pavey MP. Any assistance you can provide in relation to progressing this matter would be greatly appreciated. In this regard, please contact me on (02) 4429 3362. Please quote Council's reference 2013E (D18/85192).

Yours faithfully

**Paul Keech**  
Director - Assets & Works  
20/03/2018



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

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

Council Reference: 2013E (D18/85117)

The Hon Melinda Pavey MP  
Minister for Roads, Maritime and Freight  
Level 35 Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

Dear Minister

**Road Safety / Intersection Improvements  
Jervis Bay Road & Princes Highway, Falls Creek**

At its meeting on 27 February 2018, Council resolved the following Minute (vide MIN18.124):

*"That Council make vigorous representations to the Minister for Roads and Maritime and Freight The Hon Melinda Pavey, the Parliamentary Secretary for the Illawarra and South Coast Gareth Ward and the Member for South Coast the Hon Shelley Hancock to give high priority to a safer intersection at Jervis Bay Road and the Princes Highway, with a long term view to construct grade separation."*

Over the recent Christmas holiday period there were numerous days where traffic was lined up on Jervis Bay Road for more than two kilometres with motorists waiting for up to 45 minutes before reaching the intersection of Jervis Bay Road and Princes Highway.

Councillors have received various representations from concerned community members witnessing frustrated and risky decision making when motorists finally had the opportunity to turn right onto Princes Highway. Council is concerned that a fatality at this intersection is imminent.

Council's engineers are keen to work with the RMS to action Council's resolution. In this regard, please contact Paul Keech, Director Assets and Works on (02) 4429 32980.

Yours faithfully

**Russ Pigg**  
General Manager  
22/03/2018

**From:** CONNELL Fiona  
**To:** [Russ Pigg](#)  
**Cc:** [Paul Keech](#); [JAMES Brendon C](#)  
**Subject:** RMS & Shoalhaven Council - 30 May meeting regarding Jervis Bay Road and Princes Highway intersection at Falls Creek  
**Date:** Thursday, 14 June 2018 3:45:31 PM

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Hi Russ,

Thank you to your colleagues for taking the time to meet with Roads and Maritime representatives on the 30<sup>th</sup> May to discuss the Jervis Bay Road and Princes Highway intersection at Falls Creek.

This meeting was in response and as a follow up to Council's resolution (vide MIN18.124):

"That Council make vigorous representations to the Minister for Roads and Maritime and Freight The Hon Melinda Pavey, the Parliamentary Secretary for the Illawarra and South Coast Gareth Ward and the Member for South Coast the Hon Shelly Hancock to give high priority to a safer intersection at Jervis Bay Road and the Princes Highway, with a long term view to construct grade separation."

As discussed at the meeting, the section of the Princes Highway between Jervis Bay Road and Milton is a high priority for Roads and Maritime as outlined in the Princes Highway Corridor Strategy.

As a result, the State Government has invested (17/18) in the development of a Strategic Business Case that details a number of strategic options to respond to the needs of the Highway. Preliminary investigations have identified a range of projects that include intersection improvements, the straightening of curves, safety barrier installation, overtaking lanes and road shoulder widening. This includes some investigations at the Jervis Bay Road intersection. There is no current funding for further development or implementation of options in 2018/19. In addition to the development of a Strategic Business Case for the Princes Highway between Jervis Bay Road and Milton, a number of other projects have been funded under NSW Safer Roads Program and are all currently in development. These include:

- Minor intersection improvements at Jervis Bay Road - \$85,000 for delivery by June 2018
- HW1 Andrews Road Basin View — Shoulder widening and vegetation clearing on the Princes Highway near Andrews Road, Basin View - \$650,850 for delivery by June 2018
- Minor intersection improvements at Wool Road, Basin View - \$40,500 for delivery by June 2018
- HW1 - Shoulder widening and high friction seal on the Highway at Jerrawangala - \$50,000 for development by June 2018 and \$750,000 delivery by June 2019

Council have also advised that its engineers are keen to work with Roads and Maritime to action Council's resolution.

My assistant Fiona Connell will be in touch to set up a follow up meeting with Paul Keech, Director Asset and Works in July 2018.

Regards,

Fiona

Fiona Connell

Assistant to Director Southern Region

**P:** 4221 2405 **M:** 0475 812 416

[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)

90 Crown St, Wollongong 2500 NSW



19 November 2018

Liz Tooley  
Secretary  
Vincentia Matters Inc

[vincentiamatters@gmail.com](mailto:vincentiamatters@gmail.com)

Dear Liz

**Final Report Jervis Bay Road  
Princes Highway Intersection Public Meeting**

As promised, my actions from the meeting were to follow up immediately with State Members The Hon Shelley Hancock MP, Member for South Coast and Gareth Ward MP, Member for Kiama in respect to achieving something this coming holiday season which will improve the safety of users on the very peak days. Similar in some respects to the expectations of the Hyams Beach community and Council.

Attached is a copy of the letter sent to both Shelley and Gareth.

I am happy for you to circulate this to the meeting attendees.

Kind regards

Amanda Findley  
**Mayor**

57295E  
D18/403579

CL18.366 - Attachment 6

## CL18.367 Traffic Calming - River Road, Shoalhaven Heads

**HPERM Ref:** D18/332921

**Group:** Assets & Works Group

**Section:** Asset Management

**Attachments:**

1. Concept Plan of rubber speed humps - River Rd, Shoalhaven Heads [↓](#)
2. Report Attachment - Email - Speed & Crossing Treatments - River Rd Shoalhaven Heads [↓](#)
3. Landscape Masterplan - Shoalhaven Heads (under separate cover) [↗](#)
4. Streetscape & Foreshore Concept Plan - River Rd Shoalhaven Heads [↓](#)

### Purpose / Summary

To allow the Council to consider the possible installation of traffic calming measures in River Road (between Mathews Street and Renown Avenue), Shoalhaven Heads (vicinity of Shoalhaven Heads Hotel) following ongoing community representations.

### Recommendation

That

1. Council receives the report on the possible installation of traffic calming measures in River Road (between Mathews Street and Renown Avenue), Shoalhaven Heads (vicinity of Shoalhaven Heads Hotel), for information; and
2. The General Manager (Director Assets & Works) continues to monitor traffic and pedestrian movement along River Road (between Mathews Street and Renown Avenue), Shoalhaven Heads on an annual basis to ensure that the area is managed effectively with respect to traffic and pedestrian facilities.

### Options

1. As Recommended

Implications: No action will be undertaken in the short term to provide traffic calming devices. Recorded traffic, speed, and pedestrian data currently do not support the need for intervention.

2. Council consults with the local residents in regard to the possibility of constructing a 'low cost' rubber speed hump in River Road (between Mathews St and Renown Ave adjacent to the Heads Hotel), Shoalhaven Heads, in response to the request from the Shoalhaven Heads Community Consultative Body.

Implications: A preliminary estimate, suggests \$5,000 is likely to be required for the supply and installation of a rubber speed hump alone (for an arrangement as per attachment 1), however installation of these devices normally accelerates pavement wear/tear and accordingly pavement works may be required to be undertaken as part of the installation of any device, adding a further \$15,000 to the cost (\$20,000 in total). There are currently no funds budgeted, and this approach will also not address the pedestrian safety concern. If Council resolves to proceed with a short-term solution, a community consultation process and pavement analysis will be required, and the matter

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would need to be reported back to Council after referral through the Shoalhaven Traffic Committee process.

## Background

River Road, Shoalhaven Heads is a local road within Shoalhaven Heads with residential properties and the Heads Hotel on the northern side, and the Shoalhaven River on the southern side.

The area in question is adjacent to the Heads Hotel located between Mathew Street and Renown Avenue.

Council has received ongoing community requests from the Heads Hotel for pedestrian and traffic calming facilities, and more recently the Shoalhaven Heads Community Forum (CCB) is now also requesting urgent consideration of traffic calming facilities in River Road, adjacent to the Heads Hotel.

The CCB has advised that the section of River Road adjacent to the Hotel is an area where people congregate and walk across the road to view the River. The CCB has also advised that there is a high volume of traffic which tends to slow to view the closed entrance, which causes conflict with other road users. They have advised that traffic calming is needed and that the speed limit in this area should be slowed to lower than 40kph.

The traffic calming and pedestrian safety measures requested now by the community for River Road are not included in Shoalhaven Heads Landscape Master Plan (Attachment 3).

Traffic tube counters were installed in River Road, 50m west of Renown Avenue (in the vicinity of the areas of concern to the community) in 2011 and 2017. The results of the tube counts are:

### 2 December 2011 – 8 December 2011

Average Daily Traffic 576 vehicles/day  
Busiest Day 820 vehicles/day (Sat 3/12)  
V85th speed 47.9 km/h

### 8 May 2017 – 15 May 2017

Average Daily Traffic 511 vehicles/day  
Busiest Day 621 vehicles/day (Sat 15/5)  
V85th speed 50.8 km/h

The above tube count results are typical for local 50kph roads, and the results alone do not suggest a traffic or speeding problem in River Road that needs to be addressed with engineering measures at this point in time.

In addition to the traffic and speed data collected in River Road, Council had also arranged a pedestrian and traffic count along River Road from Mathews Street to Renown Avenue on Sunday 18 December 2016 (the day and time was suggested by the Heads Hotel to capture a typical busy period) to gauge the current traffic and pedestrian crossing demand in the location.

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## VEHICLES

TIME	E/T			W/T			TOTAL
	L	H	B	L	H	B	
1030 - 1045	16	0	0	9	0	0	25
1045 - 1100	8	0	0	8	0	0	16
1100 - 1115	15	0	0	11	0	0	26
1115 - 1130	8	1	0	8	0	0	17
1130 - 1145	6	0	0	3	0	0	9

1145 - 1200	10	0	0	11	0	0	21
1200 - 1215	16	0	0	8	0	0	24
1215 - 1230	12	0	0	11	0	0	23
1230 - 1245	13	1	0	11	0	0	25
1245 - 1300	9	2	0	11	0	0	22
1300 - 1315	14	0	0	11	0	0	25
1315 - 1330	7	0	0	7	0	0	14
1330 - 1345	5	0	0	12	1	0	18
1345 - 1400	7	0	0	4	0	0	11
1400 - 1415	12	0	0	9	0	0	21
1415 - 1430	7	0	0	9	0	0	16
1430 - 1445	6	0	0	7	0	0	13
1445 - 1500	13	0	0	11	0	0	24
1500 - 1515	5	0	0	7	0	0	12
1515 - 1530	6	0	0	7	0	0	13
<b>TOTAL</b>	<b>195</b>	<b>4</b>	<b>0</b>	<b>175</b>	<b>1</b>	<b>0</b>	<b>375</b>

# PEDESTRIANS

TIME	ZONE 1 (east)				ZONE 2 (hotel)				ZONE 3 (west)			
	A	C	E	TOTAL	A	C	E	TOTAL	A	C	E	TOTAL
1030 - 1045	0	0	0	0	2	0	0	2	0	0	0	0
1045 - 1100	0	0	0	0	1	0	0	1	1	0	0	1
1100 - 1115	0	0	0	0	1	0	0	1	1	0	0	1
1115 - 1130	1	0	0	1	0	0	0	0	1	0	0	1
1130 - 1145	0	0	0	0	3	0	0	3	1	0	0	1
1145 - 1200	1	0	0	1	5	6	0	11	1	0	0	1
1200 - 1215	2	1	0	3	9	0	0	9	0	0	0	0
1215 - 1230	0	0	0	0	0	0	0	0	0	0	0	0
1230 - 1245	0	0	0	0	0	0	0	0	0	0	0	0
1245 - 1300	0	0	0	0	2	0	0	2	0	0	0	0
1300 - 1315	0	0	0	0	7	2	0	9	0	0	0	0
1315 - 1330	0	0	0	0	2	0	0	2	0	0	0	0
1330 - 1345	0	0	0	0	1	0	0	1	3	0	0	3
1345 - 1400	6	0	0	6	0	0	0	0	6	0	0	6
1400 - 1415	0	0	0	0	6	2	0	8	0	0	0	0
1415 - 1430	0	0	0	0	3	0	0	3	0	0	0	0
1430 - 1445	0	0	0	0	0	0	0	0	0	0	0	0
1445 - 1500	1	0	0	1	4	0	0	4	0	0	0	0
1500 - 1515	2	2	0	4	4	0	0	4	0	0	0	0
1515 - 1530	0	0	0	0	4	0	0	4	0	0	0	0
<b>TOTAL</b>	<b>13</b>	<b>3</b>	<b>0</b>	<b>16</b>	<b>54</b>	<b>10</b>	<b>0</b>	<b>64</b>	<b>14</b>	<b>0</b>	<b>0</b>	<b>14</b>

## Legend:

L = Light Vehicles

H = Heavy Vehicles

B = Buses

A = Adult Pedestrians

C = Children Pedestrians

E = Elderly & Mobility Impaired Pedestrians

Warrants for pedestrian facilities (i.e. pedestrian crossing or pedestrian threshold) are included within the AUSTROADS guidelines, specifically:

- Traffic volumes (V) need to be greater than 500 vehicles per hour

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- Pedestrian volumes (P) need to be greater than 30 per hour
- The “Normal warrant” (P x V) needs to be greater than 60,000
- The “Special warrant” (a lower warrant for consideration of vulnerable users) P x V needs to be greater than 45,000
- These conditions need to be prevalent for 4 separate hours of any one day

From the recorded data on River Road Shoalhaven Heads, and taken from the busiest pedestrian location (outside the Heads Hotel), the following can be summarised:

- The busiest pedestrian hour was 23 (76% of the required warrant) but other hours were much less
- The corresponding traffic hour was 71 vehicles (only 14% of the required warrant)
- The value of PV is 1633 (only 2.7% of the normal warrant, or only 3.6% of the special warrant) i.e. significantly lower than the recommended warrant.

These calculations indicate the low priority of the location, and it is noted that there are numerous other locations city wide that have much greater values of PV, including around town centres, schools, and retirement/aged care facilities.

The Shoalhaven Heads Landscape Master Plan facilitated by Council identifies pedestrian movements and includes pathways, tree planting, kerb blisters and access mobility areas as per Plan No 5267. The pathways are identified in Councils PAMP (Pedestrian and Mobility Plan) and will eventually assist in connecting the foreshore areas together.

The Shoalhaven Heads CCB had previously prepared its own masterplan, with assistance from Council entitled “Shoalhaven Heads Community Strategic Plan”, and Council subsequently resolved at its Ordinary meeting held on Tuesday 23 April 2013 (MIN13.347);

*That:*

- Council endorse Shoalhaven Heads - Our Future - A Strategy as a guidance document for Council to pursue projects in Shoalhaven Heads and surrounds;*
- The General Manager nominate Council contacts for each of the seven “Strategy” areas to enable an ongoing constructive dialogue between Council and the Shoalhaven Heads CCB;*
- Council consider funding of “Immediate Priority Projects” identified in the document within the 2013/2014 budget;*
- Staff report back at the conclusion of the budget public exhibition period with cost estimates of the “Immediate Priority Projects” to be considered; and*
- Council explore opportunities for ongoing funding to be designated to Shoalhaven Heads for implementation of projects from the document.*

The following table is a list of priority footpath and shared path projects submitted as part of the masterplan and the current status of these projects.

Priority Rating	Location	From	To	Length (m)	Status
1	River Reserve	River Road	McIntosh St	95	Complete
2	Mathews St	Shoalhaven Heads Rd	Ravenscliffe Rd	509	Complete
3	McIntosh St	River Reserve	Shoalhaven Heads Rd	215	Complete

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4	Explorer Blvd.	Scott St	Shoalhaven Heads Rd	260	Complete
5	McIntosh St	Shoalhaven Heads Rd	Beach Access Road	195	Unallocated - proposed in accordance with Master Plan
6	River Road	Mathews St	Jerry Bailey Road	576	Unallocated - proposed in accordance with Master Plan
7	River Road	Mathews St	Near Lloyd St	235	Complete
8	Golden Hill Ave	Davenport St	Renown Ave	294	Unallocated - proposed in accordance with Master Plan
9	Staples St	Beach Access Road	Wagin St	148	Part complete
10	Staples St	Wagin St	Scott St	227	Unallocated - proposed in accordance with Master Plan
11	Jerry Bailey Road	River Road	Shoalhaven Heads Rd	1076	Unallocated - proposed in accordance with Master Plan
12	Scott St	Staples Road	Ablett Ct	918	Unallocated - proposed in accordance with Master Plan
12	Scott St	Ablett Ct	Towers Rd	372	Unallocated - proposed in accordance with Master Plan
13	Wagin St	Staples Road	Woolstencraft St	196	Unallocated - proposed in accordance with Master Plan
14	Bolong Road	Alexander Berry Dr	Shoalhaven Heads Rd	1248	Unallocated - proposed in accordance with Master Plan

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In addition to the path priorities, Council has also constructed the following pedestrian facilities in the last 5 years:

- Pedestrian refuge – Shoalhaven Heads Rd west of Explorer Blvd
- Pedestrian refuge – Shoalhaven Heads Rd east of Golden Hill Ave
- Pedestrian refuge – McIntosh St at the intersection of Mathews St
- Children's Crossing – Mathews St south of McIntosh St

In September 2017 this matter was discussed in an email from the Assets and Works Director (attachment 2). Permanent and temporary options were conceptualised. Given the analysis above permanent options are not being pursued at this time and no substantial design work has been undertaken.

### **Community Engagement**

Council staff have not consulted with adjacent property owners and residents. If Council was to pursue the installation of any traffic calming facility a consultation process would be conducted before any work actually commenced.

### **Financial Implications**

There is currently no annual budget identified for the installation of LATM at this location or across the city. Council typically seeks available grant funding for any proposed installation for this type of infrastructure/facility, however criteria would need to be met (not currently met for the subject location), and there are numerous other locations citywide that experience greater traffic and pedestrian volumes.

### **Policy Implications**

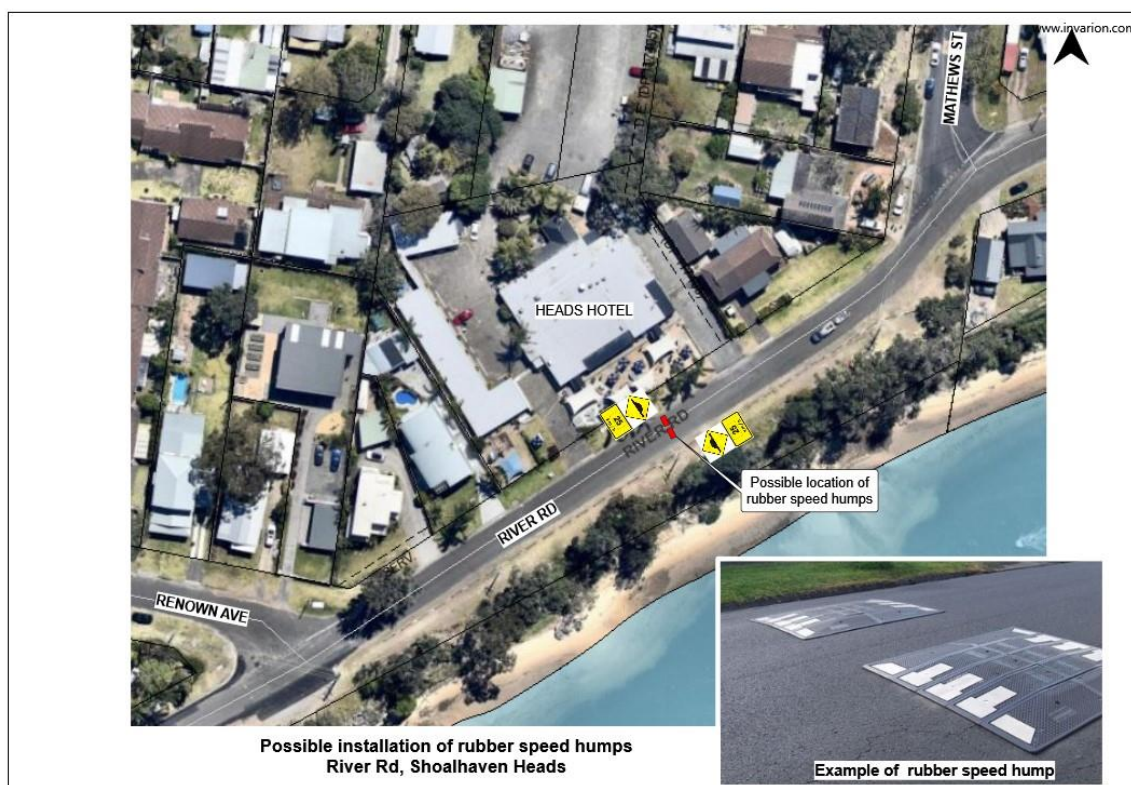
Council has an adopted asset management plan for Traffic Facilities (POL08/431). The plan identifies that there are ongoing resident requests to provide traffic calming across the network. The strategy includes an adopted ranking method to determine whether to include a Local Area Traffic Management (LATM) request within the strategy. The ranking method includes assessment of: traffic speed (V85th), portion of non-local traffic, traffic volume, heavy vehicles, crash data, topographic factors, and activity generators.

Based on the ranking method, a speed hump in River Road is considered a low priority.

There is a long list of LATM locations that were originally identified and included in the adopted asset management plan, however Council has not funded all of those locations, and has generally waited until grant funding has been available for those locations.

Grant funding is only available for speed control facilities when pedestrian treatments are also incorporated, however criteria needs to be met, and the recorded data outside the Hotel at Shoalhaven Heads returned very low readings (even on the day in December when Heads Hotel representatives suggested was a typical busy day).

Outside of the adopted asset management plan, Council has infrequently installed other LATM devices or schemes using its own funds, in response to community requests. If supported by Council, River Road would be in that category.





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**From:** [Scott Wells](#)  
**To:** [Tony Fraser](#)  
**Cc:** [Wayne Schnoor](#); [Tom Dimec](#)  
**Subject:** RE: Speed and Crossing Treatments, River Rd Shoalhaven Heads  
**Date:** Monday, 11 September 2017 4:30:36 PM

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Noted

Wayne, please issue design brief, noting the relevant aspects, location, and issues to be resolved (noted from the site visit), defer contact with residents/affected owners until we have a preferred design to propose and more advice re availability and timing of budget

Scott

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**From:** Tony Fraser  
**Sent:** Friday, 8 September 2017 9:04 AM  
**To:** Scott Wells <[Scott.Wells@shoalhaven.nsw.gov.au](mailto:Scott.Wells@shoalhaven.nsw.gov.au)>  
**Cc:** Wayne Schnoor <[Wayne.Schnoor@shoalhaven.nsw.gov.au](mailto:Wayne.Schnoor@shoalhaven.nsw.gov.au)>; Tom Dimec <[Tom.Dimec@shoalhaven.nsw.gov.au](mailto:Tom.Dimec@shoalhaven.nsw.gov.au)>  
**Subject:** FW: Speed and Crossing Treatments, River Rd Shoalhaven Heads

Scott

Please prepare a design brief for the Raised Pedestrian Crossing (Option 1, see below) on River Road, Shoalhaven Heads. A construction brief to be issued once a budget has been identified.

Regards  
Tony Fraser

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**From:** John Wells  
**Sent:** Friday, 8 September 2017 8:52 AM  
**To:** Tony Fraser <[Tony.Fraser@shoalhaven.nsw.gov.au](mailto:Tony.Fraser@shoalhaven.nsw.gov.au)>  
**Subject:** Re: Speed and Crossing Treatments, River Rd Shoalhaven Heads

Agreed - proceed as suggested  
John W

Sent from my iPhone

On 7 Sep 2017, at 5:16 pm, Tony Fraser <[Tony.Fraser@shoalhaven.nsw.gov.au](mailto:Tony.Fraser@shoalhaven.nsw.gov.au)> wrote:

Hi John

My suggestion would be to put the \$5k for the speed humps towards designing Option 1. The raised pedestrian crossing will be a better outcome and provide a link to any future pathway along the foreshore.

We could design Option 1 this year and consider allocating a budget in

Q3 if there is any under expenditure or otherwise vote it into the FY18/19 budget.

Extensive consultation will be required for either option.

Regards  
Tony Fraser

---

**From:** John Wells  
**Sent:** Wednesday, 6 September 2017 9:27 AM  
**To:** Tony Fraser <[Tony.Fraser@shoalhaven.nsw.gov.au](mailto:Tony.Fraser@shoalhaven.nsw.gov.au)>  
**Subject:** Re: Speed and Crossing Treatments, River Rd Shoalhaven Heads

I have been cogitating over this  
In my view the \$5k-\$6k solution would fit the bill if you guys are prepared to go down that path  
Pls advise  
JW

Sent from my iPhone

On 4 Sep 2017, at 10:59 am, Tony Fraser <[Tony.Fraser@shoalhaven.nsw.gov.au](mailto:Tony.Fraser@shoalhaven.nsw.gov.au)> wrote:

Hi John

Further to our recent discussions, please find following possible treatments to address concerns for pedestrians crossing to the foreshore on River Road, Shoalhaven Heads:

1. Raised Pedestrian Crossing - Estimate \$80k (approx.), including landscaping and kerb. (Tallwood Ave example shown in photo). Based on current assessments, demand for the painted elements of the crossing shown in the photo are not necessary, but this could be added at a later date. This is the preferred option as it provides an integrated speed control and crossing treatment and can be placed on the pedestrian 'desire line', which is away from residences. Raised pavement treatments can create additional road noise leading to complaints.
2. Pedestrian Refuge – Estimate \$80k - \$100k (approx.). The road would need to be widened to provide for the refuge and acceptable vehicle travel lanes (Shoalhaven Heads Rd example shown in photo). Additional costs associated with road widening.

3. Speed Hump (Watts Profile) - Estimate \$5 - \$6k (approx.) per device in asphalt (River Rd, tourist park end example shown in photo). These devices are more suited to low speed environments like carparks, away from residential properties. May need two devices for outside the pub, one of each approach to slow vehicles ahead of the pedestrian desire line. This would place them closer to the adjoining residents.

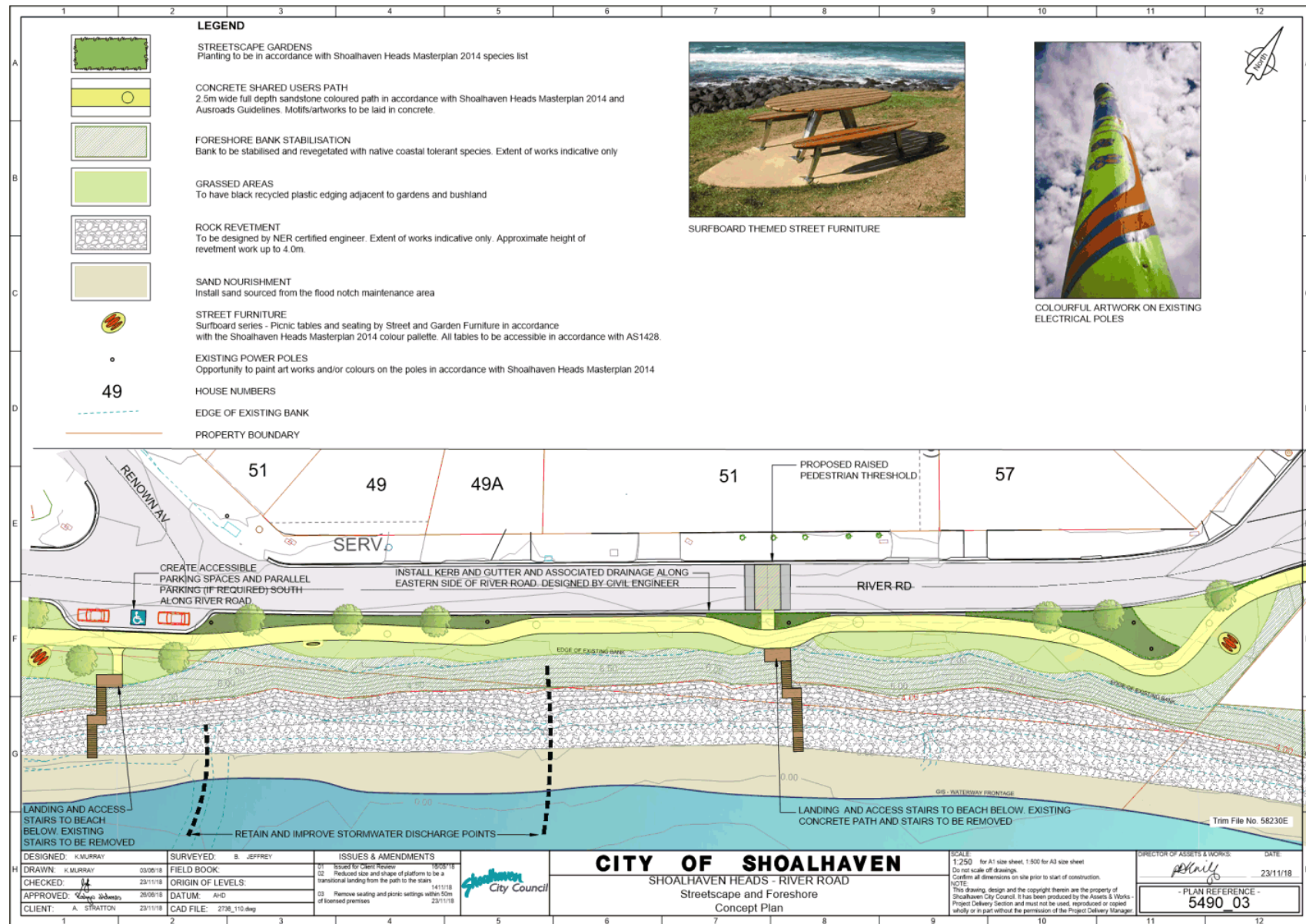
We would need to undertake community consultation ahead of any design and installation. The only funding source in this year's budget would be from the Local Road Repair program, requiring an adjustment to the scope of works for an existing project.

Please let me know if I can provide any further information.

**Tony Fraser**  
Acting Director, Assets & Works  
Shoalhaven City Council

02 4429 3298 | 0422 440 890  
[tony.fraser@shoalhaven.nsw.gov.au](mailto:tony.fraser@shoalhaven.nsw.gov.au)  
[www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au)

<Tallwood Raised Pedestrian Crossing.jpg>  
<Shoalhaven Heads Rd pedestrian refuge.jpg>  
<River Road speed hump.jpg>



## CL18.368 Egan's Lane Precinct - Expression of Interest - Auric International

**HPERM Ref:** D18/431031

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

### Purpose / Summary

To inform Council of the submission by Auric International for the acquisition and development of the Egan's Lane precinct including the Berry Street and Collins Way car parks.

In accordance with s10A(2)(d)(i) of the Local Government Act 1993 some information should remain confidential and will be considered as part of a separate confidential report to Council. It is not in the public interest to disclose commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

### Recommendation

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

### Options

1. Council accept the recommendation as presented.

Implications: Consider a separate confidential report outlining the results of the investigation.

### Background

Council has been presented with an "unsolicited" Expression of Interest (EOI) by Auric International for the redevelopment of the Egans Lane car park precinct. The EOI has been reviewed by CBRE Pty Ltd who also undertook the evaluation of proponents' submissions in the initial EOI for Egans Lane in 2015.

A separate confidential report includes details of the review.

CL18.368

## CL18.369 Proposed Retail Lease of Shop 43/43 Kinghorne Street Nowra

**HPERM Ref:** D18/415739

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

### Purpose / Summary

This report provides Council with an opportunity to consider approval of a new three (3), plus three (3) year lease with Fadcam Investments Pty Ltd trading as Penzo's, (Pizzeria), for the shop premises known as Shop 43/43 Kinghorne Street Nowra.

### Recommendation

That Council;

1. Enter into a lease with Fadcam Investments Pty Ltd trading as Penzo's, for three (3) years with a three (3) year option at a commencing rent of \$25,000 plus GST, per annum, with annual 3% fixed increases; and
2. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

### Options

1. Resolve as recommended.

Implications: The retail lease of the premises allows the proposed lessee to occupy and commence trading from the premises with Council receiving rental payments.

2. Not resolve as recommended

Implications: The shop will remain vacant.

### Background

43 Kinghorne Street, Nowra, is one of six (6) shops (in a line under one title) owned by Council and occupied under various retail lease agreements. The various occupants include a travel agent, dress shop, cake shop, pie shop, retail and candle making shop.

The subject shop was vacated by the previous tenant (Centre Butchery) circa November 2017. Since this time the shop has remained vacant. Integrity Real Estate as Council's Managing Agent for commercial/retail property has pursued a new occupant on behalf of Council during this time.

Both Directors of Fadcam Investments Pty Ltd are familiar with the operation of a pizzeria with one partner currently operating a pizzeria in Bomaderry. It is proposed that this business will looking mostly at evening trade, being weekends and select week nights.

It is proposed that the new lease terms include the following:

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Premises	Shop 43/43 Kinghorne Street, Nowra
Commencing Date	2 January 2019 (subject to confirmation and execution of the lease)
Term	Three (3) years
Option Period	Three (3) years
Rent	\$25,000.00 plus GST per annum
Rent Free period	4 weeks
Rent Review Mechanism	Fixed 3% annually
Outgoings	100% for all separately metered utilities such as, but not limited to, Electricity, Internet, Telephone; 100% - Trade Waste; 100% - Waste; 16.75% - Council Rates; 16.75% - Water Rates; 16.75% - Building Insurance Premiums.

CL18.369

### Community Engagement

Not required as the land is Operational.

### Financial Implications

Council will receive \$25,000 plus GST, per annum, and increased 3% annually for the term of the lease, and outgoings as advised above.

## CL18.370 Proposed Retail Lease of Shop 39a/43 Kinghorne St Nowra

**HPERM Ref:** D18/418215

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

### Purpose / Summary

To provide Council with an opportunity to consider approval of a three (3) year retail lease with 2 x three (3) year option periods (3 x 3 x 3) with Meet & Veg Pty Ltd trading as The Cake Store for the shop premises known as Shop 39a/43 Kinghorne St Nowra.

### Recommendation

That Council:

1. Enter into a three (3) year lease with 2 x three (3) year option periods (3 x 3 x 3) with Meet & Veg Pty Ltd trading as The Cake Store at a commencing rent of \$25,187.16 per annum, plus GST, with annual 3% fixed increases; and
2. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

### Options

1. Resolve as recommended.

Implications: The retail lease of the premises allows the proposed lessee to occupy and commence trading from the premises with Council receiving rental payments.

2. Not resolve as recommended.

Implications: The shop will remain vacant.

### Background

43 Kinghorne Street, Nowra, is one of six (6) shops (in a line under one title) owned by Council and occupied under various retail lease agreements. The various occupants include a travel agent, dress shop, pie shop, candle retail and production, and proposed pizza shop.

The subject shop, The Cake Store, has been operating as a cafe by the current owners since 2009. The lease expired in May 2018. The owners advised negotiations had commenced to sell the business through Integrity Real Estate and therefore occupied the premises under a hold-over clause since May 2018. Integrity Real Estate are also Council's Managing Agent for commercial/retail property and have confirmed and vetted the proposed purchaser as tenant on behalf of Council and therefore a new lease will be required.

The proposed tenant will continue to operate the premises as a café. They currently have a combined total of 30 years of hospitality experience and would like to apply their experience to the role of small business owners.

It is proposed that the new lease terms include the following:

Premises	Shop 39a/43 Kinghorne Street, Nowra
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CL18.370



Commencing Date	January 2019 (subject to confirmation and execution of the lease)
Term	Three (3) years
Option Period	2 x Three (3) years
Gross Rent	\$25,187.16 plus GST, per annum
Rent Free period	Nil
Rent Review Mechanism	Fixed 3% annually
Outgoings	100% for all separately metered utilities such as, but not limited to, Electricity, Internet, Telephone; 100% - Trade Waste; 100% - Waste; 16.75% - Council Rates; 16.75% - Water Rates; 16.75% - Building Insurance Premiums.

### Community Engagement

Not required as the land is Operational.

### Financial Implications

Council will receive \$25,187.16 plus GST per annum, increased 3% annually for the term of the lease.

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## CL18.371 Solar Garden - Final Report

**HPERM Ref:** D18/418845

**Group:** Assets & Works Group

**Attachments:** 1. Shoalhaven Solar Farm - Preliminary Business Plan (under separate cover) [⇒](#)

### Purpose / Summary

The purpose of this report is to update Council on the progress of the Social Access Solar Garden Project, at this stage proposed for the Old North Nowra Tip Site.

### Recommendation

That with respect to the proposed Solar Garden Project Council continue to:

1. Take the lead in resolving land issues relating to the Old North Nowra Tip site; and
2. Work with Repower Shoalhaven in an in-kind capacity to get this project to a “shovel Ready” status.

### Options

1. As recommended.
2. Council advise Repower Shoalhaven that it no longer wishes to support the Solar Garden Project.

Implications: If Council remove support from this project it will place the Social Access Solar Garden project in jeopardy.

### Background

A Community Solar Garden works by installing a central solar array, generally near a populated centre. Energy customers can purchase or lease panels in the solar array. The electricity generated is then credited on the customers electricity bill. The solar garden allows any customer to participate in the benefit of solar with similar outcomes to having solar installed on their own roof.

Council was made aware of the Community Solar Garden at the Community Energy Conference held in Melbourne in late 2017 which has resulted in ARENA and the Community Power Agency extending an invitation to the Council to be involved in a feasibility study for a “Social Access Solar Garden”. The feasibility study is jointly funded by ARENA and the NSW Government as well as a number of project partner organisations. A team has been formed to support four main prototype teams in five separate locations (Swan Hill Victoria, Blacktown, Shoalhaven and Byron Councils). Repower Shoalhaven has accepted an invitation to fill the role of technical expert for Shoalhaven Solar garden prototype for the feasibility study.

The two main objectives of the feasibility team are research and to develop prototypes for solar gardens business models.

In December 2017 Council was approached (independent of ARENA) by a consortium of local experts from Repower Shoalhaven, to discuss whether Council had a suitable site for

the establishment of a Community Solar Garden Scheme. Interest centred around the old North Nowra Tip Site.

Other sites that may suit the needs of Repower Shoalhaven were discussed and include:

- The West Nowra waste facility
- Various Shoal Water sites
- The new Animal Shelter Facility (Shoalwater Depot) at South Nowra

On 21 February 2018 Council wrote to the Repower Shoalhaven consortium to inform them that other Shoalhaven clubs had previously shown interest in the North Nowra site and advised them to send an official letter of request to Council (refer to attachment 2) for use of the land.

*“Council’s preliminary enquiries ascertain that the use of the land in question for a solar farm is potentially feasible...”*

The following is a summary of Council’s findings in relation to the North Nowra Site:

The former North Nowra landfill site is located at Lot 7313 DP1153421 North Nowra with a Permissive Occupancy (PO) through the Crown ref #9626 1966/24.

The PO for the site was granted for the specific purpose as a “garbage depot” or waste landfill, and utilised between 1963 and 1982, when it was closed. It was capped and used to stockpile road building materials while maintaining the leachate management system, with 2 dams, until 2012. Final capping was applied in 2012 and the leachate management system dismantled in accordance with the Environmental Protection Licence (refer to attachment 3). It has undergone ongoing and regular maintenance to stabilise the surface and encourage the growth of grasses.

The EPA licence was active to ensure that long term potential pollution problems did not manifest. The EPA is now satisfied that ground and surface water contamination is minimised, but issued an additional requirement for monitoring for landfill gas, which has been continuing for about 4 years. In 2017 a gas vent was installed on the South East corner of the site, with the vent construction and monitoring results submitted to EPA in November 2017 for final release of any further requirements at the former site. No response has been received from EPA.

The land is zoned RE1 – Public Recreation. State Environmental Planning Policy (Infrastructure) 2007 in 34(7) provides that “Except as provided by subclause 8, development for the purpose of a solar energy system may be carried out by any person with consent on any land.” This means that a solar farm can be developed on the land with consent. Subclause 8 relates to limiting electricity generating capacity in a residential zone to less than 100 kW.

On 20 March 2018 the Council’s Strategy and Assets Committee Meeting resolved as follows (vide minute no MIN18.190C);

*“Council accepts the invitation from UTS- ISF to join their Commonwealth and state funded research project, and will provide in-kind assistance”.*

On 1 May 2018 the Repower Shoalhaven consortium formalised their request for Council to provide exclusive use of the old North Nowra tip site for the Solar Garden (D18/000146719):

*“To provide more confidence that the site can be the basis for our concept scheme we are seeking to formalise an arrangement with Council for exclusivity on the site for a period of 5 years and, should the scheme proceed to implementation, establish the primary terms which would apply for a long-term lease – 25 to 30 years.*

On 17 May, ARENA provided a media release for the Solar Garden facility study where the Shoalhaven Council is noted as one of the project partners;

On 24 July, the Strategy and Assets Committee Meeting resolved as follows (vide minute no MIN18.529):

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

On 1 August Council initiated discussions with Crown Lands seeking “support in Principal” for the Social Access Solar Garden to located on the Old North Nowra Tip site. Council requested advice on the most streamlined approach to navigate the following items:

- Council requires Ministers Consent for the Reserve to be classified as Operational.
- Council requires consent for the Reserve Purpose to be amended.
- Council to be appointed as Crown Land Manager

The following is also required to be addressed by Council:

- Council submitted final documents to EPA on 1 December 2017 seeking a clearance certificate however no further correspondence has been forthcoming.
- Council will liaise with NSWALC and the Local ALC regarding claims over the land.
- Land to be rezoned.

On 5 August Council issued survey plans of the North Nowra Tip to Repower Shoalhaven indicating the existing capping depth, enabling the consortium to commence conceptual layouts for the site.

On 16 October Shoalhaven City Council hosted the final Social Access Solar Garden Workshop at the Shoalhaven Entertainment Centre. The workshop was chaired by UTS and Community Power Agency where Repower Shoalhaven, Byron Bay Prototype teams met to discuss the viability of their pilot studies. Final reporting requirements and a statement of intent which outlined the future intentions of each pilot program were reviewed.

On 23 October the Aboriginal Land Claims Investigation Unit (department of Crown Lands) advised that the NSWALC had removed land claim on the site (D18/370218):

- *“Aboriginal Land Claims 42454 and 42497 to the extent that the Lot 7313 DP 153421 has been excised from the claims. The balance of the claims are to remain ‘on foot’.”*

This information was forwarded to the Aboriginal Land Claims Manager for “...review and appropriate action”.

On 9 November a final wrap up meeting was held for ARENA at the UTS in Sydney with all pilot prototype teams presenting their knowledge, learnings and statement of intent for their respective prototypes. A final report is now being prepared by the UTS for ARENA.

On 19 November the Repower Shoalhaven consortium formalised their intention to proceed with the project and wrote a letter to council (D18/404045), informing Council that their prototype solar access garden has the potential to be financially viable. Repower are;

- *“...pursuing avenues for funding the initial stage of the project which can be progress pending the resolution of the land access arrangements”*

*“These avenues include:*

- *Direct approaches to Endeavour Energy to reassess the fees required to consider the connection.*

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- On 12 December we will hold a briefing session for the RePower community and seek pledges of funding for when we are able to proceed. Using social media this fund-raising initiative will run through to the end of January at the earliest.
- Resulting from the Wrap-up session for the Social Access Study at UTS we will be approaching the product development arm of ARENA as a potential funding source.
- We will be submitting a grant application to the NSW Government's \$30million Community Clean Energy fund. Currently we understand that applications will open in January 2019.
- We have initiated discussions with a potential funder for the entire project. These discussions are preliminary.
- Lobbying of State and Federal politicians of all colours in the context of the upcoming elections.

Consideration of each of these avenues brings us back to the need for certainty of the site access before any financial commitments can be finalised. Hence our appreciation of Council's focus on this critical task. "

The Shoalhaven City Council Property Department continue to seek clarity on the Native Land Title existence from the DPI- Crown Lands.

#### **Repower- Preliminary Business Plan (D18/421292) - Dot point Summary**

- "Repower seek to establish a community funded entity planning to build a 4 Megawatts (MW, DC) solar farm to supply electricity to the Shoalhaven community on a not for profit basis."
- "A 3MW (AC) solar farm could supply energy to some 2,060 households and businesses depending on the amount of energy purchased by each customer up to the estimated maximum of 5,468 MW hrs per annum."
- "At this point Repower are presuming that they can match the aggregate generated to the total energy demand of the participants. The benefits accruing are largely by way of offsets to the participants' energy bills. The bill offsetting will be realised through the arrangement with the retailer."
- "The intended customer base includes a range of 'locked out' groups such as households unable to install solar power on their properties, those interested in investing directly in the project, lower income households, small businesses, and a larger scale local energy user."
- Prospective Customer Base-
  - Lower income households- "Some 500 lower income customers could reasonably be expected depending on the final retail price on offer. A leasing fee of \$213 per annum for 2Kw is envisaged with annual savings of \$108 per household. At this stage, the intention is to provide targeted assistance to socially disadvantaged households once the level of debt is sufficiently reduced to enable a social assistance program to be rolled out in partnership with local social housing organisations and governments."
  - Other locked out households- "Shaded dwellings and small users- The orientation and design of dwellings can also be a difficulty for rooftop solar. Dwellings with poorly oriented roofs or particularly restricted designs can make rooftop solar difficult or expensive to install. Therefore seeking to achieve up to 1,250 customers investing \$3,000 each for 2 Kw in this category could be a reasonable assumption given that this investment would equate

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*roughly with the current cost of an equivalent rooftop solar installation. Household savings would be of the order of \$321 per annum."*

- Single person households- *"A further consideration is the number of single person households in the Shoalhaven. Including an additional 300 small users investing \$1,850 for 1 Kw may also be worth considering with household savings estimated at \$163 per annum."*
- Local Businesses- *"There is a considerable scope for a low cost renewable energy producer in the Shoalhaven with some 200 small business. For the purposes of our estimates, this is assumed to include 10 larger sites investing at \$44,000/Kw (DC) each with annual savings estimated at \$4,079. In addition, a further 190 smaller sites investing at \$3,000 each for 2 kw (DC) would achieve annual savings of \$321."*
- Other prospectus Customers- *"Other opportunities include community organisations and government bodies and facilities."*
- Business Model- *"A Co-operative structure has been chosen to provide the greatest possible opportunity for households of the Shoalhaven to participate through subscription in the ownership and direction of the project. The Co-operative will be the sole shareholder in an SPV as the owner of the Solar Garden. All contractual relationships will be through the SPV to the limit liability and risk exposure of the Co-operative. The SPV will be registered as a private company and will comply with ASIC's reporting obligations."*
- Electricity Retailer- *"With a chosen Electricity Retailer agreements will be required for the long term offtake of the power generated by the Solar Garden and a power purchase agreement specifying the price to be paid to the SPV. Critically the Electricity Retailer will need to be amenable to providing rebates to the low income and community customers who are participants and investors in the project. It is anticipated up to 1.5 MW of power may be available to the Retailer to supply through a Power Purchase Agreement to single large customer – government, local government or private sector if achievable."*
- Finance- *"Additional financing required over and above Co-operative membership subscriptions will be through a direct loan agreement. The capital borrowed together with interest payments will be retired over the life of the project."*
- Site Lease- *"It is envisaged the project will have a 25 year life and the key agreements will be a long term lease agreement with Shoalhaven City Council and/or Crown Lands for exclusive use of the North Nowra site. It is expected the lease agreement will be on the basis of a 'peppercorn' rental."*
- Financial Viability- *"The prospective financial viability of the project is positive largely because of low construction costs that take advantage of new technology coming in at around \$1.20 per watt. There may be further opportunities to reduce these costs to improve the overall financial viability of the project."*

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## Community Engagement

Nil to date.

## Policy Implications

Nil

**Financial Implications**

Nil. \$20,000 in kind contribution has been funded from existing allocations. This was originally estimated at \$10,000

**Risk Implications**

- The site Native Title cannot be settled (extinguished) or compensation is required to settle is too large.
- The Land Zoning prohibits the site to be used as a solar garden.
- EPA requirements for the site creep due to the intended use
- The time to settle the above risks extends beyond the Solar Garden timeframe.

## CL18.372 Supply and delivery of Drainage and Recycled Pavement Materilas - Recycling and Waste Facilities

**HPERM Ref:** D18/432585

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

### Purpose / Summary

To inform Council of the Tender process for the Supply and Delivery of Drainage and Recycled Pavement Materials – Recycling and Waste Facilities.

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

This report is submitted directly to the Ordinary Council Meeting pursuant to Clause 3 of Council's "Acceptance of Tenders – Reports to Council" Policy.

### Recommendation

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

### Options

1. Council consider the separate confidential report as recommended.

Implications: A separate report will consider commercial information and the award of a contract.

2. Council amend the recommendation.

Implications: This is not recommended as it may delay the awarding of a contract. The provision of the Service is funded and if it is delayed there may be social and environmental impacts on the regulatory approved landfill cell construction.

### Background

Council's Waste Services Unit have a periodic and ongoing need for drainage materials for the construction of the landfill leachate management system in accordance with the EPA licencing conditions, and for recycled pavement materials for construction and maintenance of roads and hardstand areas at the 10 Recycling and Waste Transfer facilities.

Council called Tenders for the supply and delivery of drainage and recycled pavement materials, for a contract term of three (3) years with an option to extend for an additional two (2) years, for Council's Recycling and Waste Facilities on Friday, 19 October 2018 which closed at 10:00am on Tuesday, 20 November 2018. Tenderers were advised that several

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different Suppliers may be accepted for the provision of the drainage and recycled pavement materials (separable portions).

The provision of the Service would fulfil the NSW EPA's regulatory requirements, and Council's objective to provide high standards of environmental protection at all its Recycling and Waste Facilities.

#### Tenders Received

Tenders were received from the following:

<b>Tenderer</b>	<b>Location</b>
Bulk Materials Australia – Recycled Pavement Materials	Kemblawarra
SCCCR – Recycled Pavement Materials	South Nowra
Schmidt Quarries – Drainage Materials	Queanbeyan
Stefanutti – Drainage and Recycled Pavement Materials	Unanderra

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

#### **Community Engagement**

Applying and providing high standards of environmental protection at all its Recycling and Waste Facilities will lead to best practice landfilling operations, and environmental outcomes to benefit Council and the community.

#### **Financial Implications**

Sufficient funds have been allocated in the Waste Service Unit's Capital Works budget for 2019 / 2020. Funding allocations will be budgeted as required in the ongoing years.

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## CL18.373 Proposed Council Submission - Draft Community Participation Plan, NSW Department of Planning & Environment

**HPERM Ref:** D18/412572

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

**Attachments:** 1. Proposed Council Submission - DP&E's Draft Community Participation Plan [↓](#)  
2. DP&E's Draft Community Participation Plan (under separate cover) [⇒](#)

### Purpose / Summary

Advise of the public exhibition of the NSW Department of Planning and Environment's (DP&E) draft Community Participation Plan (draft CPP) and obtain endorsement to make the submission at **Attachment 1**.

Note: this matter is being reported direct to Council because of the timeframe involved and to enable a submission to be made in this regard

### Recommendation

That Council make a submission (Attachment 1 of this report) to the NSW Department of Planning and Environment in relation to its Draft Community Participation Plan.

### Options

1. Endorse **Attachment 1** as Council's submission on the draft CPP.

Implications: This is the preferred option as it will enable Council to provide a submission presenting several matters requiring consideration prior to the finalisation of the draft CPP.

2. Amend **Attachment 1** and include additional comments as necessary and submit to the DP&E.

Implications: This option will still enable Council to provide a submission; however the implications of any changes are unknown and may require closer consideration or refinement which may delay Council in providing a submission.

3. Not make a submission.

Implications: This is not recommended as it would prevent Council from having any input or comment regarding the draft CPP and the opportunity to identify issues for consideration or resolution would be missed.

### Background

Amendments made to the NSW Environmental Planning and Assessment Act 1979 (EP&A Act) in March of 2018 required that all NSW planning authorities prepare a community participation plan by the end of 2019. This includes Council.

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To meet the new requirement, DP&E have prepared a draft CPP (**Attachment 2**) which sets out when and how they will engage with the community across all the planning functions they perform. It aims to provide guidance to members of the community on the process of community engagement and how they will be involved in the decision-making process.

It has also been suggested that it will provide a 'model' for Councils to possibly follow in the development of their CPPs. DP&E has also advised that to further assist in this regard they will be developing a guideline and an online toolkit.

The draft CPP must have regard to the relevant and various requirements within the EP&A Act, including the minimum exhibition timeframes for specific planning functions and the following community participation principles:

- *The community has a right to be informed about planning matters that affect it,*
- *Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning,*
- *Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning,*
- *The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered,*
- *Community participation should be inclusive and planning authorities should actively seek views that are representative of the community,*
- *Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made,*
- *Planning decision should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account),*
- *Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.*

The draft CPP will assist with building community confidence in the planning system and deals specifically with the following planning functions undertaken by the NSW Government:

- Regulatory Frameworks
- Plan Making
- Assessments

In regard to Councils, the following is noted:

- A Councils CPP is to apply to the determination roles undertaken by their district, regional or local planning panel
- A Council does not need to prepare a CPP if it satisfies the CPP requirements in its plans or strategies under Section 402 of the Local Government Act 1993. Section 402 covers Community Strategic Plans and the requirement for a Community Engagement Strategy.
- Where a Council updates an existing engagement strategy or plan document, it will need to:
  - Have regard to the CPP principles set out in the EP&A Act

- Include a list of the planning functions and minimum mandatory exhibition timeframes for each (table on page 13 of DP&E's draft CPP can be used as a template – see Attachment 2)
- Put the document on public exhibition for twenty-eight (28) days

More information, including the draft CPP and a 'Frequently Asked Questions' sheet, is available on the DP&E website at:

<https://www.planning.nsw.gov.au/Policy-and-Legislation/Under-review-and-new-Policy-and-Legislation/Exhibition-of-draft-community-participation-plan>

### Draft Council Submission

Given the nature of this proposal it is recommended that Council make a submission on the draft CPP.

The proposed Council submission (see **Attachment 1**) includes general feedback on the content, as well as specific commentary on the various sections of the draft CPP. The key issues outlined in the submission include the following:

- Lack of detail regarding the types of engagement utilised and the related applicability,
- Lack of clarity within sections of the draft CPP, especially when describing planning functions and how the draft CPP applies to these planning functions,
- Suggested amendments and additions to wording to improve usability of the draft CPP,
- Inconsistencies between the draft CPP and the participation principles within the EP&A Act.

### Community Engagement

The DP&E's draft CPP was on public exhibition between 26 October and 6 December 2018 to provide an opportunity for Council, community members and industry stakeholders to submit feedback.

An extension to the consultation period has been granted until the end of December 2018 to allow for the propose submission to be reported to Council.

### Policy Implications

Council's current Community Engagement Strategy does not meet the new requirements detailed within the EP&A Act for a CPP. A review of Council's Community Engagement Strategy and Policy is proposed for 2019 and this will allow the new CPP requirements to be integrated into Council's updated and reviewed plan by the deadline of the end of 2019. Future amendments etc. in this regard will be separately considered and reported to Council as needed.

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Deering St, Ulladulla NSW 2539 02 4429 8999

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

Council Reference:

**INSERT**

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

By email only: [legislativeupdates@planning.nsw.gov.au](mailto:legislativeupdates@planning.nsw.gov.au)

Dear Sir/Madam

### Submission – Draft Community Participation Plan

Thank you for the opportunity to comment on the Draft Community Participation Plan (CPP). Council supports the overall aims of the CPP to encourage and ensure meaningful community engagement across all the planning functions the Department of Planning and Environment (DP&E) perform.

On 18 December 2018, Council at its Ordinary meeting resolved (MIN18. **INSERT**):

**INSERT**

### General Comments

- The requirements within the CPP will hopefully strengthen the existing community engagement process and provide a well written guide to future community involvement in the planning process.
- The broad definition of community as “anyone who is affected by the planning system”, and not just those with direct interests is a good inclusion in the CPP. It illustrates DP&E’s desire for a more inclusive engagement process.
- While the CPP provides a good general understanding of DP&E’s intentions regarding community participation, there is however a lack of detail provided on the specifics of the engagement process.
- The CPP is unclear on the level of impact the community engagement and the outcomes from it will have on the final planning decision, especially large-scale planning decisions.

Several additional specific matters have been identified for consideration as outlined in the following discussion which addresses each section of the CPP separately.

### **Section 1 Community Participation in the planning system**

- The following amendment to the second paragraph in the introduction is suggested (as shown in red font). “Ultimately, **our the Department's** responsibility is to deliver the objectives of the Environmental Planning and Assessment Act 1979.”. The use of “our” throughout the document should also be reconsidered.

### **Section 1.1 What is our Community Participation Plan**

- The following amendments to the first paragraph are suggested (as shown in red font). “Our Community Participation Plan (CPP) is designed to make participation in **the** planning **process** clearer for the NSW community. It does this by setting out in one **place document**;  
  - how and when **you the community** can participate in the planning system,
  - **our the Department's** functions, and
  - **the** different types of **planning** proposals.”
- While **Table 1** lists the functions the CPP applies to, there is a need to more clearly explain these functions to those unfamiliar with the planning system. The CPP would benefit from a paragraph before **Table 1** providing an introduction to these planning functions. An example of a possible paragraph is:  
  - “The planning functions that the CPP applies to can be broadly classified into three categories; regulatory frameworks and policies, plan making, and assessments. Further details on these functions are explained in Table 1.”

### **Section 2.1 Our community participation objectives**

- The following amendment to the second paragraph is suggested (as shown in red font). “These objectives have been developed **having with** regard to the community participation principles set out in Section 2.23(2) of the EP&A Act”.
- The objectives within **Table 2** should be written as complete sentences rather than as incomplete statements that “community planning is ...”
- The actions listed in **Table 2** are written as goals rather than measurable actions, as described in the CPP. The actions should either be amended to read as specific measurable actions or listed within the CPP as goals for the DP&E's community engagement process.
- If the actions are amended to become measurable, it should be included within the CPP how these actions will be measured. This will provide greater transparency in the planning system, per the Community Participation Principles in the EP&A Act.

### **Section 2.2 Our approach to community participation**

- The arrows on the side of **Table 3** are interpreted to represent that the higher levels of engagement (level 2: consult and level 3: engage) will not always be used to reach a determination. The rest of the table however implies that all planning functions will

proceed through this three-step process. It would be beneficial to include a paragraph that states the specific criteria for when each level of engagement is necessary.

- The third level of engagement listed in **Table 3** is described as 'engage'. As the entire community participation process is a form of engagement, this description may cause some confusion and should be clarified. It would be beneficial to amend the Level 3 description from engage to either collaborate or co-operate. Not only would this reduce confusion within the document, but it would also further align the CPP with current communicative planning theory.
- The wording within **Table 3** often creates the image that DP&E's engagement process is focused on seeking approval or rejection from the community on decisions, rather than working with the community to discover mutually beneficial solutions to their concerns. This wording should be amended to further align DP&E's engagement process with its own objectives.
- Schedule 1 Clause 20(2) of the EP&A Act states that planning decisions must include the following;
  - The decision,
  - The date of the decision,
  - The reasons for the decision (having regard to any statutory requirements applying to the decision), and
  - How community views were taken into account in making the decision.

While **Table 3** touches on some of these requirements, it would be beneficial to specifically state within the CPP that these requirements will be met once a decision is reached.

### Section 3.1 Exhibitions

- The following amendment to the first paragraph is suggested (as shown in red font).  
"During an exhibition we make available relevant documents that **may will** include a draft of the policy, plan or proposed development that we are seeking community input on." DP&E exhibitions should always include the actual written policy, plan or proposed development to ensure that planning information is easily accessible per the Community Participation Principles in the EP&A Act.

### Section 3.2 Exhibition timeframes

- The CPP is stated to only apply to DP&E, however within Section 3.2, exhibition timeframes are provided for functions implemented by local councils. It does not seem necessary to reference functions carried out by local councils if the CPP only applies to DP&E.
- The CPP notes that "If the exhibition period is due to close on a weekend or a public holiday we may extend the exhibition to finish on the first available work day." The Plan should either state that exhibitions will always close on a work day or provide the specific situations in which this note will apply.
- The minimum exhibition timeframes within section 3.2 are adequate for obtaining community feedback from residents. However, these timeframes are not suitable for



Council feedback, due to the time requirements of Council reporting cycles. This issue has been consistently raised with DP&E over recent years and minimum exhibition timeframes that allow for Council review and reporting timeframes need to be implemented.

- **Table 6** lists DP&E's functions that "do not have minimum exhibition timeframes." While the CPP states that these functions are typically exhibited, there is neither a requirement within the CPP to support this, nor is there any information provided regarding when an exhibition would not occur. While Council understands there are cases in which legislation and modifications are urgently needed and cannot be exhibited, these should be the exception not the rule. As to meet the Community Participation Principles within the EP&A Act, the CPP should be amended to include minimum exhibition timeframes for all functions the CPP applies to. DP&E can note within the CPP that the minimum timeframes may be disregarded if they provide within the CPP the specific situations in which this will occur.

Thank you again for the opportunity to comment on DP&E's CPP. It is hoped that the comments raised in this submission will be considered and that the CPP will be amended accordingly.

If you need further information about this matter, please contact Sarah Hirst, Planning Environment & Development Group on (02) 4429 3482. Please quote Council's reference **INSERT**.

Yours faithfully

**INSERT SIGNATURE**

**Gordon Clark**  
**Strategic Planning Manager**

**INSERT DATE**



## **CL18.374 Development Application – 8 Admiralty Crescent Huskisson – Lot 4 DP 16055**

**DA. No:** DS18/1343

**HPERM Ref:** D18/424902

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

- Attachments:**
1. Reasons for refusal [↓](#)
  2. Approved plans for DA14/2580 [↓](#)
  3. Revised plans dated 29 October 2018 (under separate cover) [⇒](#)
  4. Section 4.15 and 4.55 assessment report (under separate cover) [⇒](#)
  5. Report - assessment of submissions (under separate cover) [⇒](#)
  6. Submission by Cowman Stoddart on behalf of JH and JM Lawrence dated 11 September 2018 (under separate cover) [⇒](#)
  7. Response to submissions by SET Consultants dated 5 October 2018 (under separate cover) [⇒](#)
  8. As built survey [↓](#)
  9. Supporting letter by SET Consultants dated 18 October 2018 (under separate cover) [⇒](#)
  10. Revised shadow diagrams dated 17 October 2018 (under separate cover) [⇒](#)
  11. Further submission by Cowman Stoddart on behalf of JH and JM Lawrence dated 8 November 2018 (under separate cover) [⇒](#)
  12. Variation statement by SET Consultants dated 29 October 2018 (under separate cover) [⇒](#)
  13. Independent shadow review - shadow elevations (under separate cover) [⇒](#)
  14. Independent shadow review - solar access - 'bird's eye view' (under separate cover) [⇒](#)
  15. Deputation by Frazer and Joanne Roberts to December Development Committee meeting (under separate cover) [⇒](#)
  16. Deputation by John and Jenny Lawrence to December 2018 Development Committee meeting (under separate cover) [⇒](#)
  17. Letter withdrawing amended plans lodged on 28 November 2018 (under separate cover) [⇒](#)

**Description of Development:** Modification to approved dual occupancy – internal and external modifications

**Owner:** PR and V Latimer  
**Applicant:** Hotondo Homes South Coast

**Notification Dates:** 22 August to 6 September 2018 and 29 October to 13 November 2018

**No. of Submissions:** Eight (8) in objection  
Two (2) in support

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### Purpose / Reason for consideration by Council

This application was called in by Council due to the significant public interest in the development (MIN 18.722).

The application was considered at the 4 December 2018 meeting of Council's Development Committee and was deferred to this meeting of Council (MIN 18.942).

### Recommendation

That Development Application DS 18/1343 for the modification of an approved attached dual occupancy development be **refused** as per the Reasons for Refusal at **Attachment 1** to this report.

### Options

1. Refuse the application in accordance as recommended.

Implications: There are a number of different scenarios that could arise from a decision of this nature, including:

- (a) The applicant may appeal the decision to refuse the current application in the Land and Environment Court. This would seek approval of the current proposal.
- (b) If the applicant does not appeal, then the development would need to comply with the modified proposal approved under DS17/1265. This would necessitate substantial deconstruction and construction to comply with the approved setbacks.

Whilst there would be a tendency to issue demolition orders for this to occur, there is currently an appeal to the Land and Environment Court from the owner of 10 Admiralty Crescent to have this modification struck down. This matter is set down for further directions on 1 February 2019 and Council should await the outcome of that appeal. There is currently a stop work order on the development, so any construction work cannot proceed. The potential outcomes in this regard are:

- (i) If the appeal is successful, then the application will need to be constructed in accordance with the original consent. This would necessitate orders to that effect and these would most likely be issued by the Court.
  - (ii) If the appeal is unsuccessful, then the Court will confirm that DS17/1265 is valid. Council could then order that the building be constructed in accordance with this consent.
2. Approve the application
- Implications: Council will need to provide justification for an alternative recommendation consistent with Section 4.15 and Section 4.55 considerations. It may also influence the decision of the Land and Environment Court in the matter related to the first modification application, DS17/1265.

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## Location Map

The subject site is shown outlined in blue in Figure 1 below.



*Figure 1 – Location map*

## Background

### Proposed Development

A Section 4.55 application was lodged seeking to modify development approval DA14/2580 for an attached dual occupancy. The proposed modifications are described in the Statement of Environmental Effects as follows:

- Lengthening of the overall building by 2 metres;
- Partially reinstating the tapering of the rear portion of the building; and
- Other minor alterations (these include internal changes, changes to window types, slight relocation of the posts supporting the seaward patios and roof, addition of skylights, and other minor changes).

The plans approved under the original approval (DA14/2580) are provided as **Attachment 2**. The revised plans submitted on 29 October 2018 in respect of the current application that is the subject of this report are provided at **Attachment 3**.

The revised plans submitted on 28 November 2018 were formally withdrawn by the applicant on 3 December 2018.

### Subject Land

The subject land is Lot 4 DP16055, No.8 Admiralty Crescent, Huskisson. It is an irregular shaped block with an area of 961 m<sup>2</sup>. The site falls from about 9 metres AHD at its boundary with Admiralty Crescent to Mean High Water Mark at its frontage with Currambene Creek.

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### Site & Context

The site has frontage to Admiralty Crescent which is a sealed road of relatively narrow width. Its eastern boundary is essentially Currumbene Creek. There are existing one and two storey dwellings to the north and south of the subject site. The nature of the surrounding development is primarily residential.

### History

The original application (DA14/2580) was approved on 16 March 2015. An application to modify the original application (DS17/1265) was approved on 21 February 2018. That application was described as constituting 'internal and window changes'. Construction of the building commenced in March 2018.

Following the commencement of construction, it became apparent that the building had several departures from the approved plans. The most notable was the lengthening of the overall building by 2 metres. This was raised by SET Consultants during a meeting with Council Officers on 13 July 2018. Council's Officers directed that a further modification application be submitted for assessment to address this issue.

Before the modification application was submitted, the owner of the adjoining property at 10 Admiralty Crescent (to the south) alerted Council to an issue they had with the extended length of the building and its apparent closeness to their side boundary. They were concerned with the potential impacts this may have on their views north up Currumbene Creek and solar access to the northern windows of their upstairs living area.

On 20 July 2018 a meeting was held with the applicant (Hotondo Homes) and the owners of 10 Admiralty Crescent along with their consultants to discuss the concerns. At this meeting it was identified that the first modification application was somewhat more than had been expressed in the application. It was identified that the plans had not been fully annotated to highlight the extent of the changes and Council did not notify this application based on the assumption it only related to "internal and window changes".

At the end of the meeting on 20 July 2018, it was agreed the applicant should submit a further modification application to address all issues including the lengthening of the building by 2.0 metres. It was stressed that all amendments needed to be clearly identified in the plans by "clouding" or other means.

Because the first modification application had not been notified to the owners of 10 Admiralty Crescent, they commenced action in the NSW Land and Environment Court (LEC) seeking that the consent for DS17/1265 be declared invalid. There have been preliminary directions hearings in the LEC. At the most recent of these hearings a deferral was granted until 1 February 2019 to allow Council to determine the modification application that is the subject of this report.

The current modification application (DS18/1343) was lodged on 10 August 2018. This application identifies the full extent of the modifications. After the matter was lodged with the LEC, the application was called in for determination by Council.

During the assessment it was identified that the application did not provide the required minimum solar access to the northern living room windows of the adjoining dwelling at 10 Admiralty Crescent. Amended plans were submitted on 17 October 2018 that achieve this requirement, supported by detailed shadow diagrams.

Council received further representations from the owner of 10 Admiralty Crescent on 23 October 2018 in relation to the accuracy of the plans and shadow diagrams. Council staff then requested the applicant to provide an 'as built' survey plan depicting the height of the building, its setback from boundaries and its relationship to adjoining buildings. A copy of the survey plan is provided at **Attachment 8**.

The survey plan shows that the building is compliant with the 7.5 metre height limit and the 10% "view corridor" side setback. The survey plan also highlighted an encroachment of

0.56 metres into the 15.24 metre foreshore building line. The late discovery of this encroachment has arisen because of the inaccurate depiction of the building on the site plan originally submitted with this modification application.

On 26 October 2018 the applicant submitted revised plans and a Variation Statement in respect of the 15.24 metre foreshore building line (see **Attachment 12**). Shadow diagrams were revised based on the more accurate survey plan information.

Due to the identification of the building line variation, the revised plans and additional information was notified for a further 14 days in accordance with Council's Community Consultation Policy (i.e. from 29 October to 13 November 2018).

Further submissions were received from the owners of 6 and 10 Admiralty Crescent during the second notification period. The submission made on behalf of the owner of 10 Admiralty Crescent acknowledged that the solar access to that property now complied with the requirements of Council's DCP and advised that the objection to the plans in respect of that issue had fallen away. However, both submissions confirmed their ongoing objection to the loss of views.

On detailed assessment of the objections and a view analysis conducted in accordance with the NSW Land and Environment Court's Planning Principle on View Loss, it was determined that the loss of views encountered by 10 Admiralty Crescent was significant and unreasonable and could not be supported.

When advised of this finding, the applicant considered their position and made further amendments to the plans that addressed the additional view loss caused to 10 Admiralty Crescent by the encroachment beyond the foreshore building line. These amended plans were lodged on 28 November 2018 and were considered by Council staff to provide an acceptable sharing of views between the subject site and its neighbour at 10 Admiralty Crescent.

The assessment and recommendations of the report presented Council's Development Committee at its meeting on 4 December 2018 was based on these amended plans lodged on 28 November 2018. The applicant however withdrew these plans on 3 December 2018, the day before the Development Committee. A copy of the letter withdrawing the plans is provided as **Attachment 17**.

At that Development Committee meeting on 4 December 2018, it was resolved that the matter be deferred and that a further report be presented to Council's Ordinary meeting on 18 December 2018.

Deputations were made to the Development Committee meeting by or on behalf of the following:

- Frazer and Joanne Roberts (owners of 6 Admiralty Crescent)
- John and Jenny Lawrence (owners of 10 Admiralty Crescent)
- P & V Latimer and Hotondo Homes (respectively, the owners of 8 Admiralty Crescent and applicant for DS18/1343)

Copies of the presentations for the first two deputations have been provided to Council and are provided as **Attachments 15 and 16**.

This report now provides an assessment of the application based on the plans that were current immediately prior to the withdrawal of the amended plans that were lodged on 28 November 2018.

## Issues

The following section covers the issues associated with the application.

### Encroachment beyond building envelope (Shoalhaven DCP Chapter G6)

The plans slightly encroach beyond the building envelope prescribed by DCP Acceptable Solution A5.1. The non-compliance arises from an encroachment of about 200mm by the south eastern tip and of about 500mm by the north eastern tip of the awning roof over the first-floor deck, as shown at Figure 2 below.



*Figure 2 – Eastern elevation showing encroachment beyond Chapter G6 building envelope*

### Applicant's Submission

The applicant acknowledges this non-compliance and identified it in the Statement of Environmental Effects. The Response to Submissions prepared by SET Consultants further submits as follows:

*"Whilst the proposed modification involves a variation to the building height plane, this non-compliant portion does not result in a loss of views from No. 10 Admiralty Crescent. The non-compliant portion is located on the roof of the structure and has no impact on view loss."*

*As demonstrated in the comparison of view from the northern window of No.10, the major influence of impact is the orientation of the dwelling and the northern window itself allowing for a sliver of view. The difference between the approved and proposed view corridor and the subsequent loss resulting from the widening and lengthening of the building is minimal."*

### Discussion

Despite the non-compliance with Acceptable Solution A5.1 contained in Shoalhaven DCP2014 Chapter 6, the proposal has been assessed against Performance Criteria P4.1 to P5.3 and is found to be satisfactory (refer to DCP Chapter 6 checklist in the Assessment Report - **Attachment 4**). The revised shadow diagrams demonstrate that satisfactory solar access is provided to the adjoining dwelling and the relevant encroachment has no impact on the amenity of adjoining properties or of the adjoining foreshore area, including in terms of loss of views to No.6 Admiralty Crescent.

It is recommended that the remaining variation be supported.

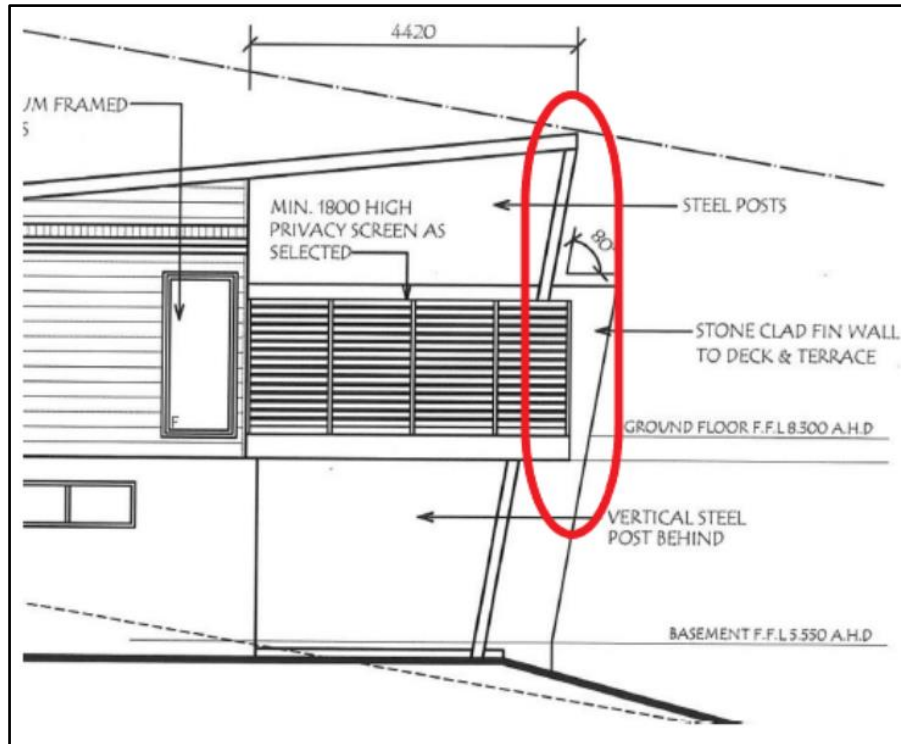
### Encroachment beyond 15.24m foreshore building line (Shoalhaven DCP Chapter V2)

The survey plan identifies an encroachment of 0.56 metre into the 15.24 metre foreshore building line established in Shoalhaven DCP Chapter V2. The encroachment is by the south eastern corner of the seaward deck and awning structure.

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*Figure 4 – Plan showing those parts of the building that encroach beyond the foreshore building line*

As some of these parts are already constructed, a judgement can be made about the extent of view loss that will arise from the encroachment. This can be done by reference to the photograph at Figure 5 below that is included in the second submission by Cowman Stoddart Pty Ltd (**Attachment 11**).



*Figure 5 – Photograph from the living room of 10 Admiralty Crescent. The area to the right of the red vertical line shows the approximate extent of view loss attributable to the encroachment beyond the foreshore building line.*

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This view loss arising from the foreshore building line variation also affects views from the more easterly parts of 10 Admiralty Crescent, as shown in the photograph at Figure 6 below, taken from the first-floor deck.



*Figure 6 – Photograph from the first-floor deck of 10 Admiralty Crescent. The area blocked out in red shows the approximate extent of view loss attributable to the encroachment beyond the foreshore building line.*

While the variation is numerically small (0.56 metre or 3.7%), the overall view assessment from No.10 Admiralty Crescent found that the encroachment beyond the foreshore building line resulted in an unreasonable outcome in terms of view sharing. This outcome was drawn to the attention of the applicant who on 28 November 2018 submitted amended plans that appeared to achieve an acceptable view sharing result. The plans provided the first-floor deck of Dwelling No. 2 with a splayed corner and reduced length.

On 3 December 2018 the applicant withdrew these plans. Without those changes, the impact on the views enjoyed by 10 Admiralty Crescent due to the encroachment beyond the foreshore building line is considered unreasonable.

Accordingly, the variation to the 15.24m foreshore building line is not supported.

Prevailing building line (Performance criteria P5.5, Shoalhaven DCP 2014 Chapter G13)

The building does not comply with the prevailing foreshore building line as shown on the recent aerial photograph at Figure 7 below. This lack of compliance was highlighted in the deputation made to the Development Committee meeting on 4 December 2018 on behalf of the owners of 6 Admiralty Crescent (see copy of Deputation at **Attachment 15**).

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Figure 7 – Recent aerial photograph showing building under construction, demonstrating non-compliance with prevailing foreshore building line

The photograph (Figure 8) below further demonstrates how the building at 8 Admiralty Crescent extends forwards of the prevailing foreshore building line. The three angled posts indicate the extent of the awning roof and verandah deck. Privacy screens 1.8 metres in height will occupy the space between the walls of the building (framing timbers visible on the right) and the vertical extension of the top of the posts.



Figure 8 – View from the waterfront first floor verandah deck of 6 Admiralty Crescent across the partly constructed building at 8 Admiralty Crescent, with the waterfront roofed verandah of 10 Admiralty Crescent visible beyond.

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### Applicant's submission

The applicant has not made a specific submission in respect of the prevailing building line on the foreshore frontage. The applicant has addressed the general issue of view loss in the submissions made on their behalf by SET Consultants (**Attachments 7, 9 and 12**).

### Discussion

As discussed in the section 4.15 / 4.55 Assessment at **Attachment 4**, the location of the building forward of the prevailing building line on the shore frontage does not “*complement the existing setbacks near the foreshore*” as required by Performance Criteria P5.5 of Chapter G13 of Shoalhaven DCP 2014. This encroachment does impact on the views from 6 Admiralty Crescent and the view impact is considered in the next section of this report.

### Loss of views

There are five properties where concern has been expressed about loss of views.

For three of the properties (5 and 7 Admiralty Crescent and 15 Wood Crescent), the major concern appears to arise from the already-constructed westerly two storey section of roof. This part of the building is not affected by changes proposed in the current application.

A survey plan was sought from the applicant to confirm the height of the building. The survey plan confirms that the building complies with the 7.5 metre height limit.

The properties at 6 and 10 Admiralty Crescent directly adjoin the subject property. The proposed changes do affect their views, and each is addressed separately in this report.

Assessment of loss of views is aided in this case by the fact that the framework of the verandah, including the steel portal frame that supports the awning roof and the floor structure, is already in place in its proposed location. Scaffolding is also in place and this lies between the line of the building and the waterfront. The scaffolding appears in the Figures through this section of the report but has been disregarded for view assessment purposes as it will be removed once construction has been completed.

Privacy screens will have an impact on views and these have been highlighted in the Figures to assist with clarity.

The NSW Land & Environment has published a planning principle to determine the impact on views. This principle is based on the ruling in *Tenacity Consulting v Warringah Council* NSW Land and Environment Court 140 dated 7 April 2004. Any application that has potential to impact views must address this planning principle and the controls as outlined below.

## **6 Admiralty Crescent**

### **Views to be affected**

The views to be affected are across the side boundary between 6 and 8 Admiralty Crescent and are those of the northern tip of the Myola peninsula and beyond into Jervis Bay. An indication of the available views is shown in Figure 9 below.

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*Figure 9 – View from the centre of the first-floor deck at 6 Admiralty Crescent*

Figure 9 shows the view from the first-floor deck towards the east/southeast. The waters of Currumbene Creek are in the foreground; the tip of the Myola spit is in the middle ground; the southern headland of Currumbene Creek, Voyager Memorial Park and the Huskisson Hotel are in the right middle ground and Point Perpendicular and the waters of Jervis Bay are in the distant background.

**From what part of the property the views are obtained**

The views are obtained from the front (seaward) rooms of the dwelling and from the front ground level patio and first floor deck. The views that are affected are across a side boundary and there is no difference between standing and sitting views. Figure 10 is a view of 6 Admiralty Crescent taken from the waterfront boundary.

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*Figure 10 – View of the waterfront elevation of 6 Admiralty Crescent (the development site is to the left of view)*

At the southern end of the first-floor verandah is a small alcove used as an outdoor sitting area where the wall of the building is relieved by approximately 1.5 metres. A balustrade of brick construction delimits this area and is shown in Figure 11 below.



*Figure 11 - Alcove at the southern end of the first-floor deck at 6 Admiralty Crescent*

This part of the building is the most vulnerable to loss of views caused by the building on the adjoining site.

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The ground floor is similarly vulnerable, but this is already compromised by existing vegetation that is located on 6 Admiralty Crescent, which screens the view to the east/southeast as shown in Figure 12 below.



*Figure 12 – View from southern end of ground floor patio at 6 Admiralty Crescent*

### **Extent of the impact**

Due to the building at 8 Admiralty Crescent extending further toward the waterfront boundary than under the original approval (DA14/2580), there will be some additional loss of views when compared with that original approval.

The existing dwelling at 6 Admiralty Crescent will retain all views across its own waterfront boundary but will lose views of parts of the village of Huskisson to the south of the vegetated parkland of Voyager Memorial Park. This view loss will include the loss of views of the Huskisson Hotel and Club Jervis Bay. Figure 13 highlights the approximate location of the building extremities and privacy screening and it also demonstrates the extent of view loss from the most vulnerable part of 6 Admiralty Crescent (i.e. the first-floor alcove).

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*Figure 13 – View from the southern end of the first-floor deck at 6 Admiralty Crescent, showing the likely extent of view loss caused by the building at 8 Admiralty Crescent*

The following Figures 14, 15 and 16 highlight the extensive and high-quality views enjoyed from most other parts of the waterfront of this property.



*Figure 14- View to the northeast, Currambene Creek upstream, from the first-floor deck at 6 Admiralty Crescent*

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*Figure 15 - View to the east across Currumbene Creek and the tip of the Myola Spit, from the first-floor deck at 6 Admiralty Crescent*



*Figure 16 - View to the south east, across Currumbene Creek, with the tip of the Myola Spit to the left and the northern extent of the village of Huskisson to the right, with the waters of Jervis Bay beyond (photograph taken from the ground floor deck at 6 Admiralty Crescent)*

### Reasonableness of the proposal

The overall view loss from 6 Admiralty Crescent is assessed as **minor**. While the plans approved with the original application may have resulted in less view loss, the revised proposal nonetheless maintains substantial views. The encroachment beyond the prevailing

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building line is not a ground for refusal on its own. It is however a contributing factor towards the reasonableness of the view loss.

## 10 Admiralty Crescent

### Views to be affected

The views to be affected are across the side boundary between 8 and 10 Admiralty Crescent and are upstream views of Currumbene Creek and Myola. The views include moorings of several sail and motor boats, which provides an appealing composition against the back drop of the unspoilt natural character of the opposite (Myola) shore. The views available from an unaffected part of the first-floor deck are shown in Figure 17 below.



*Figure 17 – View of Currumbene Creek upstream from the first-floor deck of 10 Admiralty Crescent*

### From what part of the property the views are obtained

The views are obtained from the front (waterfront) rooms of the dwelling and from the front ground level patio and first floor deck. The views that may be affected are across a side boundary and there is no difference between standing and sitting views. Figure 18 is a view of 10 Admiralty Crescent taken from the waterfront boundary.

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Figure 18 – View of the waterfront elevation of 10 Admiralty Crescent (the development site is to the right of view)

A submission on behalf of the owner of 10 Admiralty Crescent has identified the owner's main concern about view loss being from the northern first floor windows which adjoin an informal living area. Figure 19 highlights the area concerned.

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*Figure 19 – View from the first floor living room at 10 Admiralty Crescent to the north (Currambene Creek is in the background)*

### Extent of the impact

Due to the building at 8 Admiralty Crescent extending further toward the waterfront boundary, there will be some additional loss of views when compared against the original approval. The existing dwelling at 10 Admiralty Crescent will retain all views across its own waterfront boundary but will lose some oblique views of Currambene Creek. The lost views from the northern window of the first floor living room are shown at Figure 20.



*Figure 20 – View from the first floor living area at 10 Admiralty Crescent looking north, showing the likely extent of view loss*

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The red hatched area depicts the total view loss resulting from the modified proposal. The plans approved under the original development approval would still have resulted in view loss however, the extended deck has made this worse (refer Figure 21).



*Figure 21 – View from the north eastern corner of the first-floor deck at 10 Admiralty Crescent looking north, showing the likely extent of view loss*

Figures 22, 23, 24 and 25 highlight the extensive and high-quality views enjoyed from most other parts of this property.



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Figure 22 - View from the east-facing window of the first floor living area, directly across Currambene Creek to the shore of the Myola Spit.



Figure 23 - View from the first-floor deck at 10 Admiralty Crescent looking upstream along Currambene Creek



Figure 24 - View to the south east from the first-floor verandah deck at 10 Admiralty Crescent, across the mouth of Currambene Creek, with the Voyager Memorial Park in the right middle ground and Point Perpendicular visible across the waters of Jervis Bay.

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*Figure 25 - View from the ground floor patio at 10 Admiralty Crescent, with Currambene Creek in the foreground, the tip of Myola Spit in the centre middle distance, the Voyager Memorial Park to the right and Point Perpendicular visible across the waters of Jervis Bay.*

### **Reasonableness of the proposal**

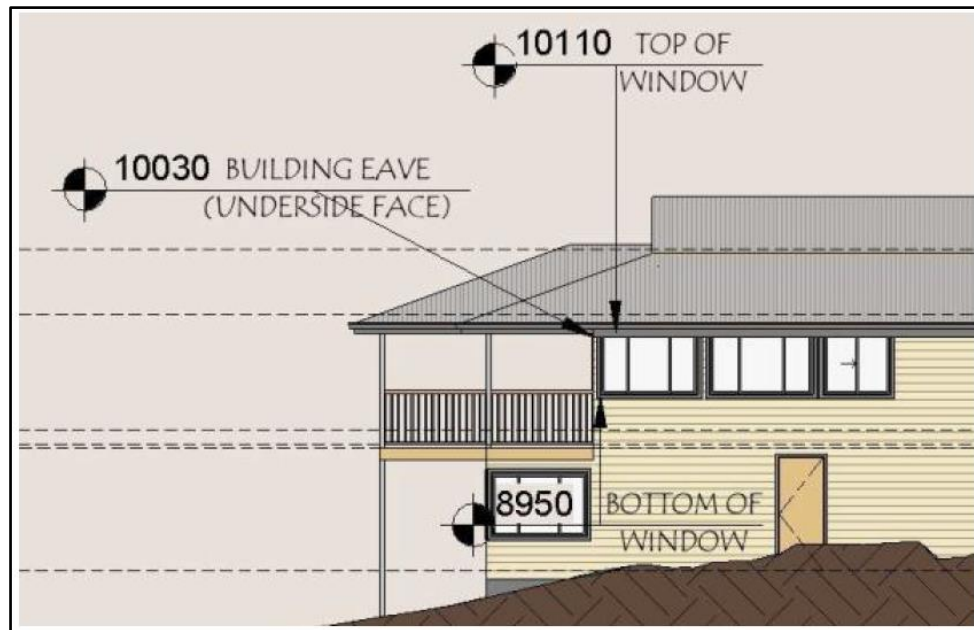
The encroachment of the building 2.0 metres further eastward from the originally approved plan has a significant impact on the northern views for 10 Admiralty Crescent up Currambene Creek. The owner of 10 Admiralty Crescent had an expectation that these views would be maintained, and they are now aggrieved by the new proposal.

The view loss is exacerbated by the encroachment beyond the foreshore building line and this considered to be **unreasonable**.

### Solar access to 10 Admiralty Crescent

The original plans submitted with this modification application did not achieve the required 3 hours of midwinter sunlight being received by 50% of the area of north facing windows to living areas. The relevant first floor living area windows are shown in Figure 26.

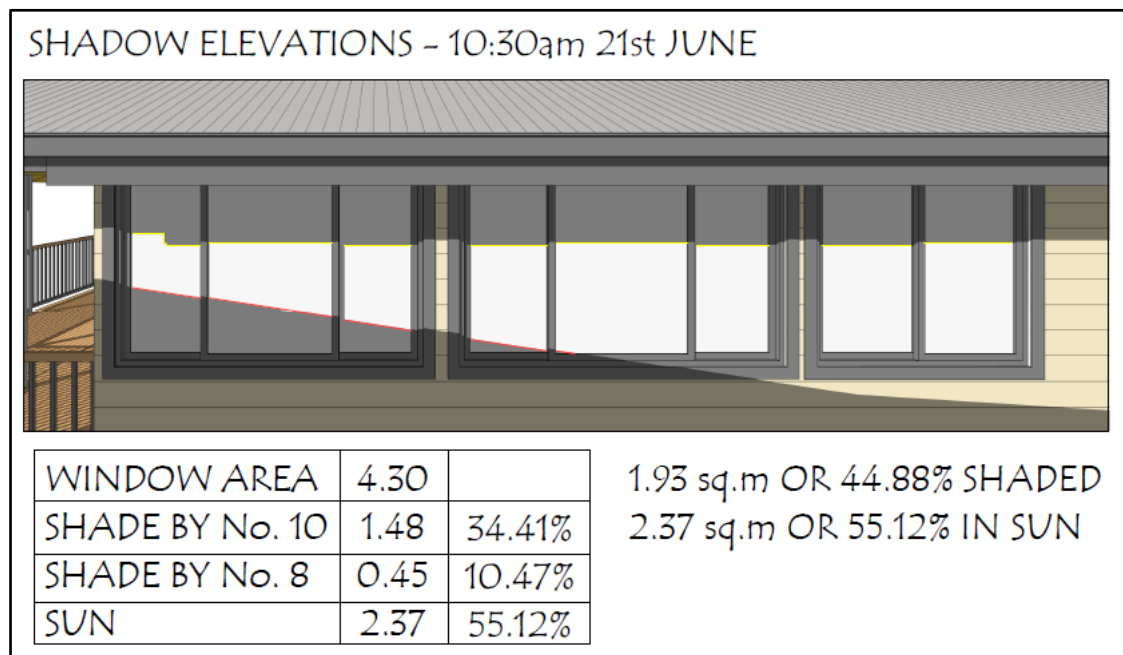
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*Figure 26 – Northern elevation of 10 Admiralty Crescent*

The applicant submitted revised plans and shadow diagrams on 17 October 2018. These revised plans changed the south eastern edge of the roof over the living area in the southern dwelling unit. The roof in this portion of the building was lowered resulting in compliant solar access (i.e. 3 hours of direct solar access to at least 50% of the north facing windows of 10 Admiralty Crescent). This access is achieved between the hours of 10:30 am and 1:30 pm.

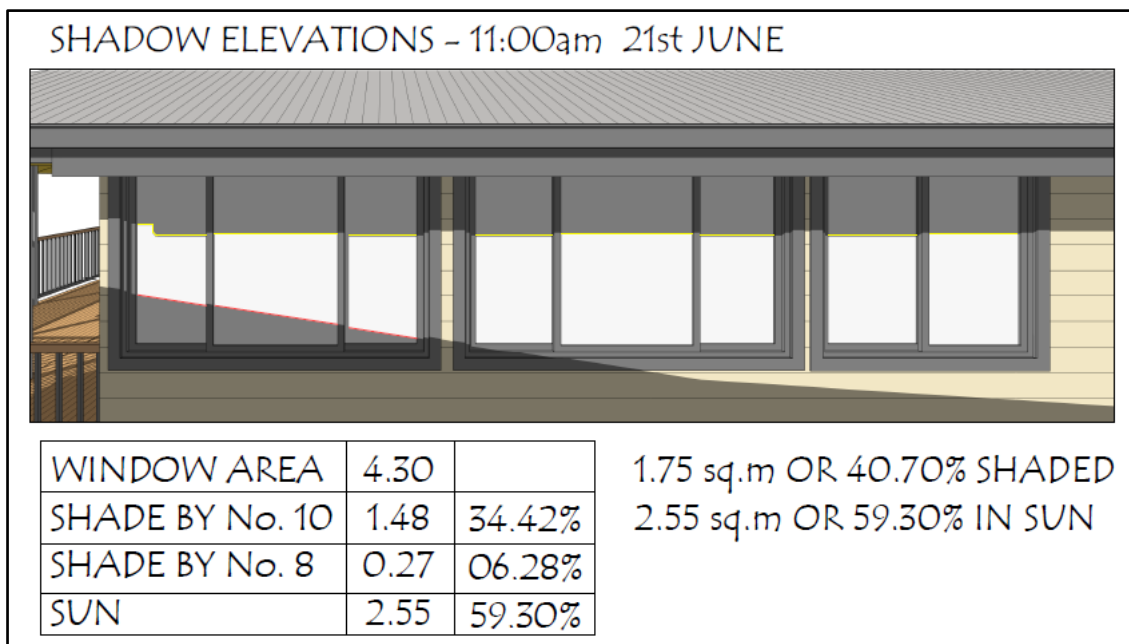
The relevant shadow diagrams are reproduced below at Figures 27a to 27e. A copy of the full shadow diagrams are provided in **Attachment 10**. These depict the amount of shade and sun falling on the northern first floor windows of 10 Admiralty Crescent.



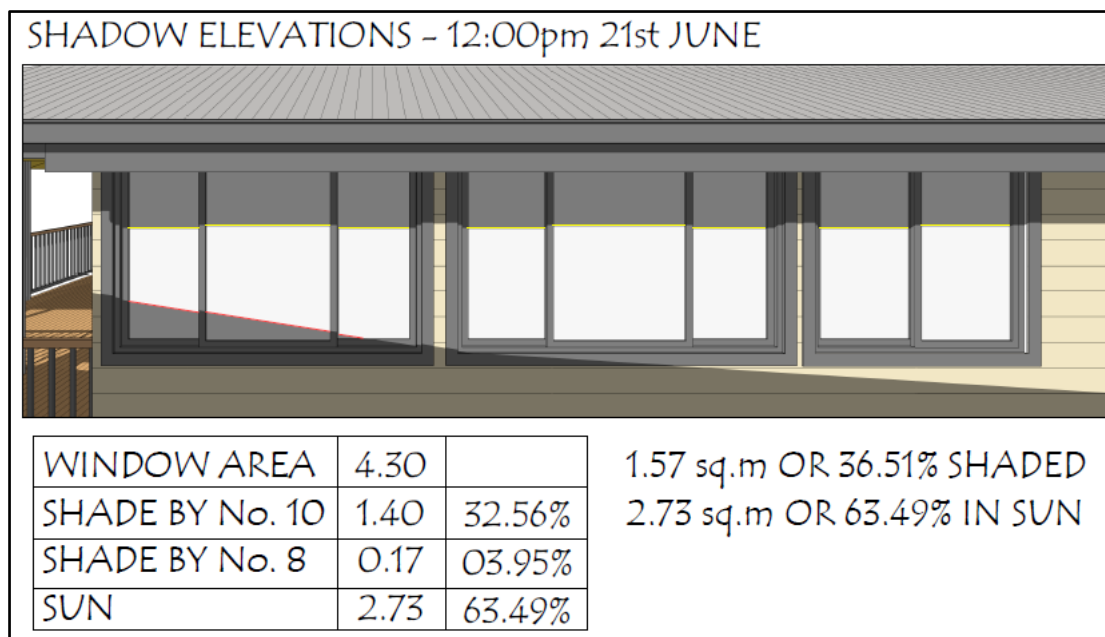
*Figure 27a – Revised shadow elevations for 10 Admiralty Crescent at 10:30 am*

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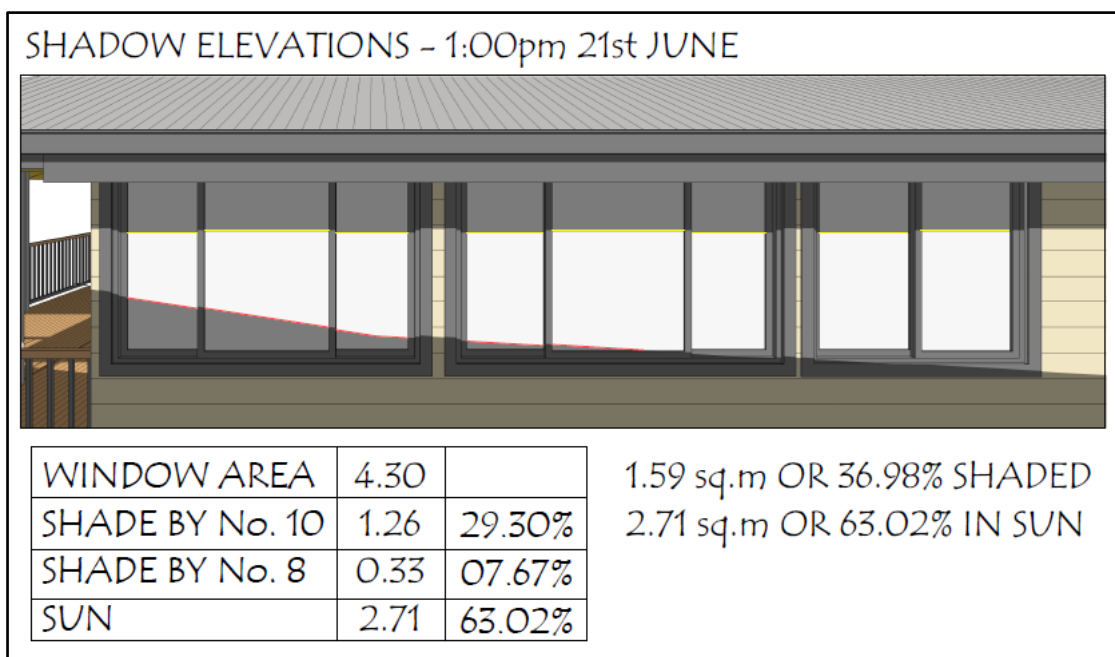


*Figure 27b – Revised shadow elevations for 10 Admiralty Crescent at 11 am*

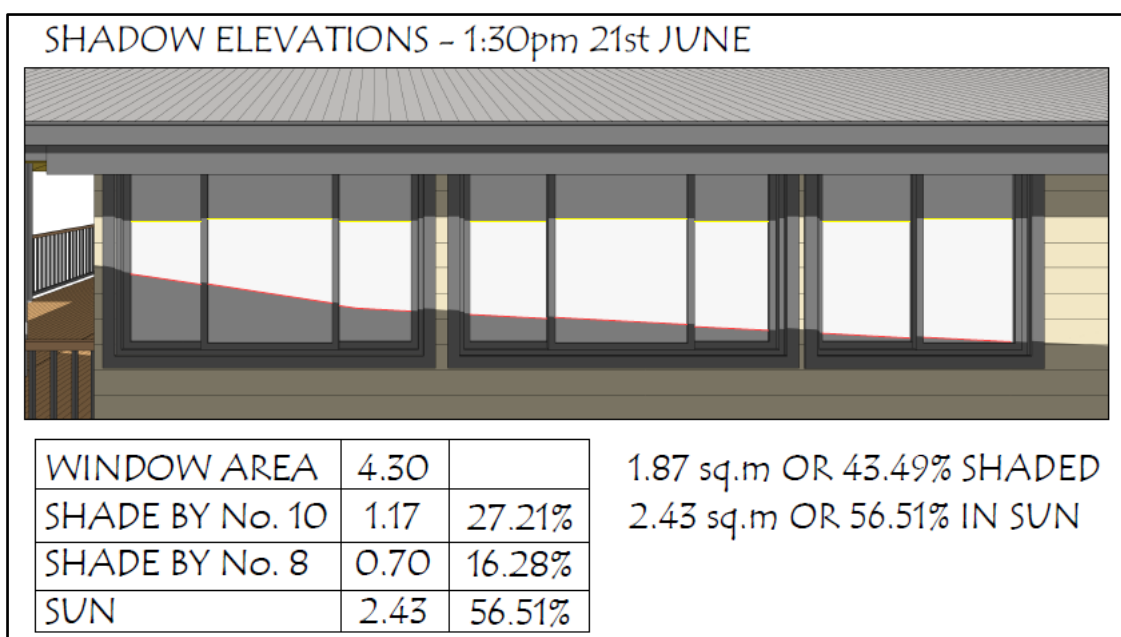


*Figure 27c – Revised shadow elevations for 10 Admiralty Crescent at 12:00 noon*

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*Figure 27d – Revised shadow elevations for 10 Admiralty Crescent at 1:00 pm*



*Figure 27e – Revised shadow elevations for 10 Admiralty Crescent at 1:30 pm*

Due to the complexity of the shadow assessment and submissions received, a specialist consultant was engaged to undertake an independent shadow review.

This review confirmed that the proposal complied with the solar access requirements. A copy of the independent shadow review is provided as **Attachments 13 and 14**.

### Planning Assessment

The development application has been assessed under sections 4.15 and 4.55 of the Environmental Planning and Assessment Act 1979 (refer **Attachment 4**).

### Policy Implications

The proposed variation to the 15.24 metre foreshore building line is not supported by the assessment undertaken for this application and is not consistent with the objectives for Chapter V2 (Building Lines) of Shoalhaven DCP 2014. Approving the application with the

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foreshore building variation may contribute to the undermining of the foreshore building line as a development control contained in Shoalhaven DCP 2014.

### **Consultation and Community Engagement:**

The application was notified on two separate occasions. The first notification period was from 22 August until 6 September 2018. This was extended following a request from a neighbour until 13 September 2018.

The second notification period was from 29 October until 13 November 2018. This notification was undertaken as the application was amended to include a variation to the 15.24 metre foreshore building line.

#### First notification period

During the first notification period, submissions were received from seven (7) individuals or organisations, as detailed below:

1. Huskisson Woollamia Community Voice Inc.
2. Strata Committee for SP65581 (15 Wood Crescent)
3. Julie Englert (7 Admiralty Crescent Huskisson)
4. Joanne and Frazer Roberts (6 Admiralty Crescent)
5. Alan Dickenson (5 Admiralty Crescent)
6. Cowman Stoddart Pty Ltd for JH and JM Lawrence (10 Admiralty Crescent)
7. V Latimer (joint owner of 8 Admiralty Crescent).

The applicant was invited to respond to the issues raised in submissions. A response prepared by SET Consultants was submitted on 5 October 2018. The following Attachments relate to these submissions:

- **Attachment 5** – Assessment of submissions;
- **Attachment 6** – Submission by Cowman Stoddart
- **Attachment 7** – Response to Submissions by SET Consultants.

The main issues raised in submissions were:

- Loss of solar access to 10 Admiralty Crescent;
- Loss of views from 6 and 10 Admiralty Crescent and from the units at 15 Wood Crescent;
- Actual height of the building is believed to exceed the 7.5m height limit;
- Concern about possible reduction in view corridor width;
- Application is seeking to regularise unauthorised works that will adversely affect the amenity of the adjoining dwelling at 10 Admiralty Crescent;
- Application does not meet the test for minimal environmental impact under s.4.55(1A).

#### Second notification period

During the second notification period, further submissions were received from:

1. Cowman Stoddart Pty Ltd for JH and JM Lawrence (10 Admiralty Crescent)
2. Joanne and Frazer Roberts (6 Admiralty Crescent)

Deputations made to the Development Committee meeting held on 4 December 2018

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As noted earlier in the report, the following deputations were received at the Development Committee meeting held on 4 December 2018:

- Frazer and Joanne Roberts (owners of 6 Admiralty Crescent)
- John and Jenny Lawrence (owners of 10 Admiralty Crescent)
- P & V Latimer and Hotondo Homes (respectively, the owners of 8 Admiralty Crescent and applicant for DS18/1343)

Copies of the presentations for the first two deputations have been provided to Council and are attached at **Attachments 15 and 16**.

The substance of the deputation submission made on behalf of the owners and applicant were to:

- confirm the withdrawal of the amended plans lodged on 28 November 2018; and
- support the proposed deferral of the application to allow consideration of the earlier plans.

The key issues raised as a result of the notifications are discussed below.

#### Height of existing building and width of view corridor

Several submissions expressed concern about the height of the existing building and the width of the view corridor and the impact on loss of views for nearby properties.

#### Comment

The plans submitted with the application show the building height and view corridor width are compliant with the LEP and DCP provisions respectively. Due to matters raised in submissions and to the average quality of the plans, the applicant was requested to provide an additional survey plan to verify compliance with these requirements. The survey plan confirmed compliance. A copy of the survey plan together with the supporting letter are provided at **Attachments 8 and 9** respectively.

#### Application does not meet the test for minimal environmental impact

One submission asserted that the application did not meet the test for minimal environmental impact and that Council should therefore not assess it under section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

#### Comment

The assessment of the application has found that the major possible impacts of the modified proposal are loss of solar access to 10 Admiralty Crescent and loss of views to 6 and 10 Admiralty Crescent. These impacts are not unusually significant for a modification application and it is considered the application can and should be dealt with as a modification of minimal environmental impact.

#### Application is seeking to regularise unauthorised works

Several submissions have expressed concern that the current application is seeking approval for works that have been conducted otherwise than in accordance with the original approval (DA14/2580) as modified by the first modification application (DS17/1265).

#### Comment

The application does seek approval for unauthorised works that have been partly constructed. Notwithstanding this, the application needs to be properly assessed in accordance with applicable planning controls. If it is sufficiently compliant and the impact on adjoining properties is acceptable, there is no reason why the application should not be approved.

The offence for not complying with the original approval has been forwarded to Council's Compliance Officers for investigation and action. The compliance action will travel separately to this development assessment.

*Loss of views from units at 15 Wood Crescent and from 5 and 7 Admiralty Crescent*

The submissions raising this issue identified the loss of views as arising from the parts of the building that have already been completed.

*Comment*

The approved plans for the original consent (DA14/2580) identified the maximum building height as compliant with the LEP height limit of 7.5 metres. As some submissions have challenged the building height being compliant, a survey plan was sought from the applicant. The survey plan confirms the height of the existing building is compliant (refer to **Attachment 8** and supporting letter at **Attachment 9**.)

*Loss of views from 6 and 10 Admiralty Crescent*

Submissions have been received from or on behalf of the owners of these two properties which directly adjoin the subject property. The submissions purport that the modified development will reduce views available from those properties.

*Comment*

*This issue has already been addressed in detail in the 'Issues' section of this report. It has found that:*

- *the impact on 6 Admiralty Crescent is minor, but is influenced by a non-conformity with the prevailing foreshore building line; and*
- *the impact on 10 Admiralty Crescent is moderate, but is made unreasonable by the encroachment beyond the 15.24 metre building line established in Shoalhaven DCP 2014 Chapter V2 – Building Lines.*

*Loss of solar access to 10 Admiralty Crescent*

The submission from Cowman Stoddart on behalf of the owners of 10 Admiralty Crescent (**Attachment 6**) sets out detailed concerns about the loss of solar access to the first floor living area of 10 Admiralty Crescent. These concerns are supported by their own shadow diagrams.

The second submission by Cowman Stoddart (**Attachment 11**) advises that it now accepts that the shadow impact falls within acceptable guidelines and the objection to this aspect of the plans is withdrawn.

*Comment*

This issue has already been addressed in detail in the 'Issues' section of this report. It has found that the submission from Cowman Stoddart was accurate and design amendments needed to occur to rectify the situation. These amendments have been made to the roof and the solar access now complies.

*Public interest - compliance with approvals, planning controls and the perception of fairness*

Submissions by the two adjoining owners and from Council's designated Community Consultative Body, Huskisson-Woollamia Community Voice Inc, have all raised concerns about the way in which the development of the site has proceeded. Components of this concern are:

- the first modification application was described as comprising 'internal changes and window changes' whereas it is now clear that it also included an expansion of the footprint of the building;

- the lodgement of the current modification application is an acknowledgment that development on the site has proceeded otherwise than in accordance with the approvals that are in place;
- the inaccuracy of the initial site plan submitted with this modification application did not disclose the encroachment beyond the 15.24 metre foreshore building line;
- the development has been constructed other than in accordance with the approvals and does not comply with a number of planning controls and it would be unfair to support those variations which disadvantage adjoining owners.

### Comment

The primary issues with this application have been solar access to 10 Admiralty Crescent and view loss to both 6 and 10 Admiralty Crescent. Council's staff have worked with the applicant to resolve both issues. In the case of solar access, this approach has been successful, leading the owners of 10 Admiralty Crescent withdrawing their objection to the development on those grounds.

In the case of the encroachment beyond the 15.24 metre foreshore building line and the associated view loss to 10 Admiralty Crescent, a late concession by the applicant (submission of the amended plans dated 28 November 2018) was reversed on 3 December 2018. Consultation with the owners of 10 Admiralty Crescent indicated an in-principle support for the changes in those amended plans that would have reduced the view loss from that property.

With the withdrawal of those amended plans, the owners of 10 Admiralty Crescent have confirmed their objection to the application on the grounds of loss of views.

The owners of 6 Admiralty Crescent have never accepted the loss of views entailed in the application and have maintained their objection to this aspect of the development.

The net effect of the view loss assessment is that the proposal is not in the public interest and should therefore be refused.

### **Financial Implications:**

If the application is appealed, it will result in costs to Council in defending the appeal. This is not a matter Council should consider in determining a development application. Accordingly, it should not be given any weight in Council's decision.

### **Legal Implications**

If the application is refused, or if the applicant is dissatisfied with Council's determination, the applicant can appeal to the Land and Environment Court.

Under some circumstances, third parties may also have a right to appeal Council's decision to the Land and Environment Court.

An appeal has already been lodged with the Land and Environment Court against the approval of an earlier modification application (DS17/1265). The approval or otherwise of the current application may influence the decision of the Court in respect of that appeal.

### **Summary and Conclusion**

This application is for the modification of an approved dual occupancy that is in an advanced stage of construction. When the modification application was submitted it did not meet the requirements for solar access to the adjoining property. The applicant lodged amended plans that provide satisfactory compliance with DCP requirements for solar access and this has now been resolved.

The other major issue was the question of view loss or view sharing. This was complicated by the discovery that the building is located such that it has a slight encroachment (0.56m) beyond the 15.24m foreshore building line to Currumbene Creek.

CL18.374



The assessment of the submitted plans identified that the loss of views to 10 Admiralty Crescent was unreasonable. The applicant lodged amended plans then on 28 November 2018 which improved the view sharing with 10 Admiralty Crescent, however this situation was reversed on 3 December 2018 when the applicant withdrew the amended plans that achieved a reasonable sharing of views.

This now means that Council needs to determine the application based on the plans that were current immediately prior to the amended plans lodged on 28 November which were later withdrawn on 3 December 2018.

As the preceding assessment has established, the view loss to 10 Admiralty Crescent is considered unreasonable due to the encroachment beyond the 15.24 metre foreshore building line. Also, there is a question about the reasonableness of the view loss to 6 Admiralty Crescent, given the proposal's nonconformity with the prevailing foreshore building line.

It is recommended that Council **refuse** the application.

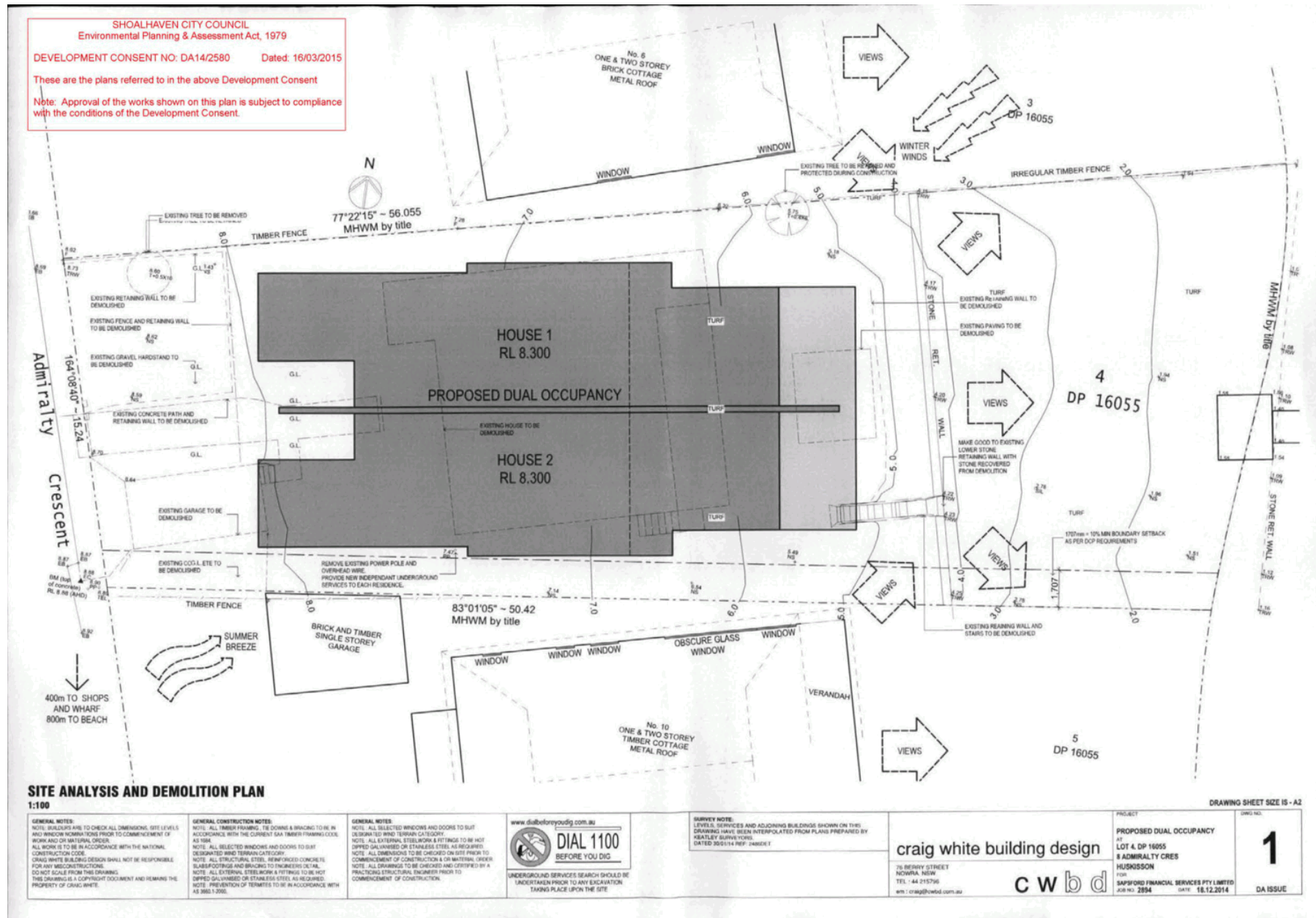
CL18.374

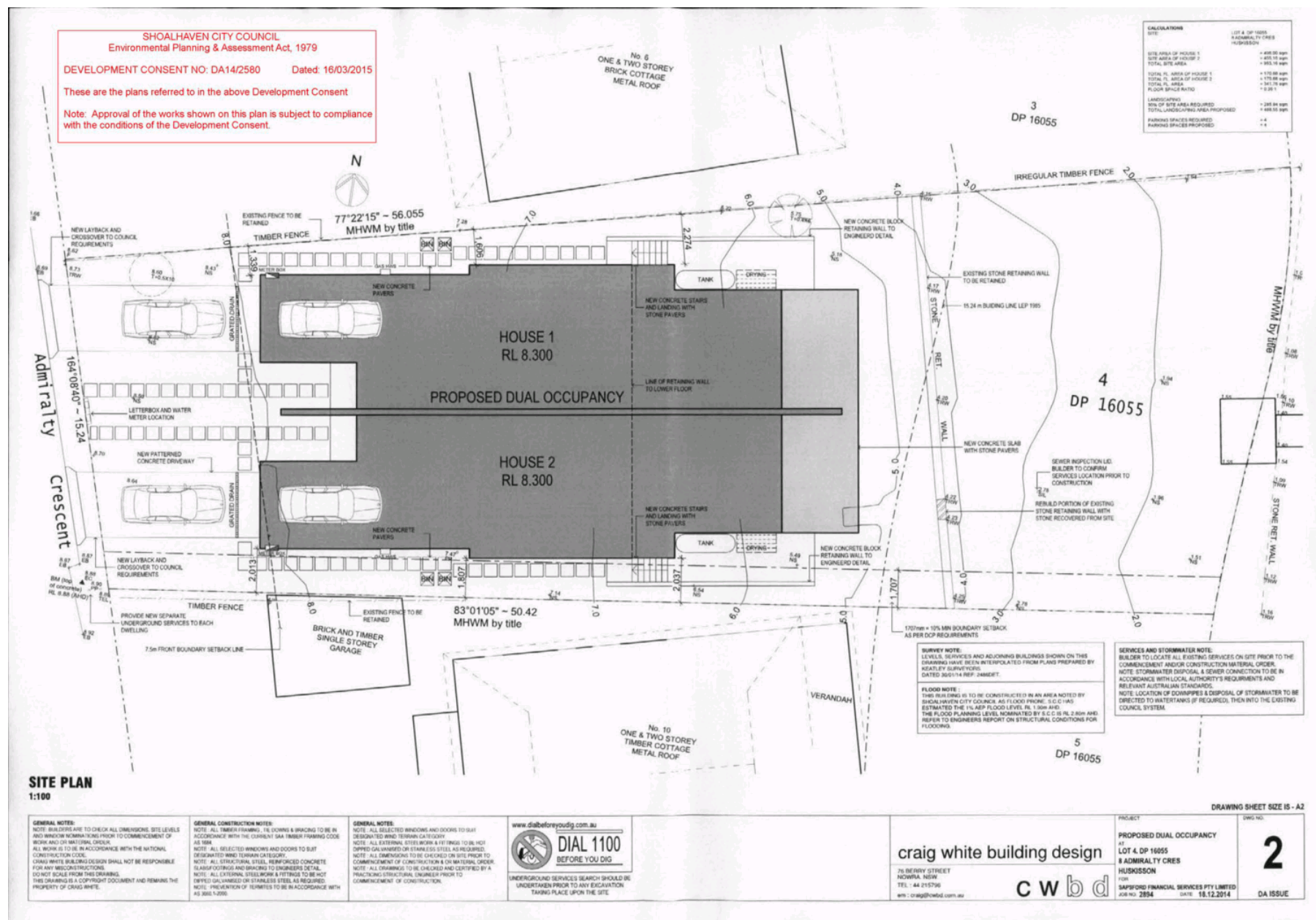
**DS 18/1343 – 8 Admiralty Cres Huskisson**

**REASONS FOR REFUSAL**

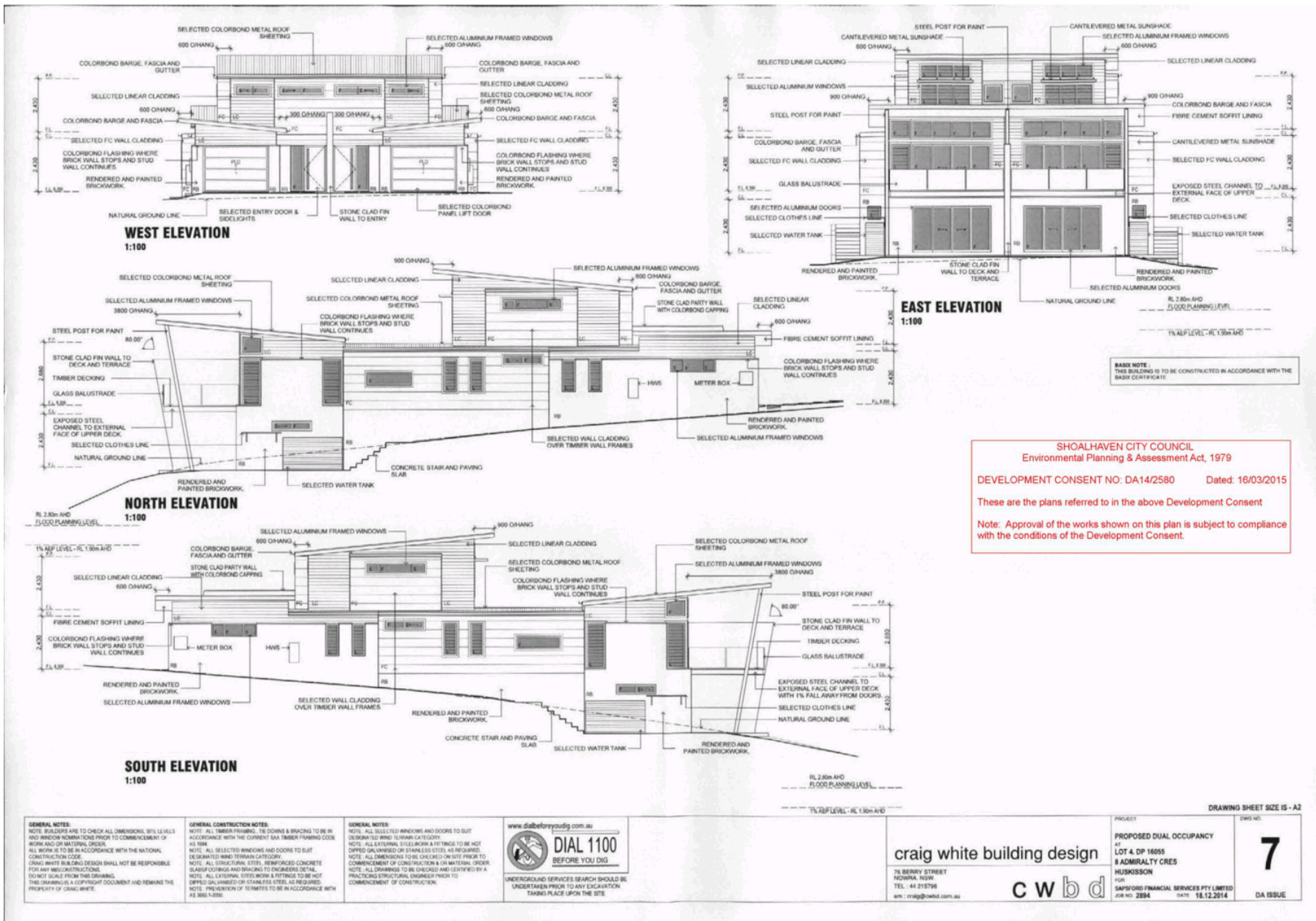
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1. The development does not comply with the 15.24 metre foreshore building line prescribed in Shoalhaven Development Control Plan 2014 Chapter V2 – Building Lines and is inconsistent with the objectives of that Chapter. (Section 4.15 (1) (a) (iii))
2. The development would result in an unreasonable loss of views due to the encroachment beyond the foreshore building line and will therefore have an unacceptable impact on adjoining development. (Section 4.15 (1) (b))
3. The development is inconsistent with Performance Criteria in Section 5.4 of Shoalhaven Development Control Plan 2014 Chapter G13 in that the building's setback from the foreshore increases the loss of views from the adjoining properties and does not comply with the prevailing foreshore setback. (Section 4.15 (1) (a) (iii))
4. The development is contrary to the public interest due to the unjustified encroachment beyond the foreshore building line. (Section 4.15 (1) (e))









SURVEYING | ENGINEERING | TOWN PLANNING



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26 October, 2018

Our Ref: 103425/9

Sheet 1 of 2

Hotondo Homes South Coast  
PO Box 1057  
NOWRA NSW 2541

re: LATIMER

In accordance with your instructions we have surveyed the land being the whole of that comprised in Folio Identifier 4/16055 being Lot 4 in Deposited Plan No. 16055 situated at Huskisson in the City of Shoalhaven Parish of Currambene County of St Vincent and having a frontage to Admiralty Crescent the boundaries being delineated by red edging on the sketch overleaf.

Under construction on the above described land in the position shown in hatching is a one and two storey rendered, clad and brick duplex with a metal roof which stands in relation to boundaries as shown on the sketch.

Further the estimated finished floor levels have been determined above Australian Height Datum as shown on the sketch.

Note: This document is for the exclusive use of the client for identification purposes only.

The boundaries of the subject land were not marked.

24 October 2018

.....  
Date of Survey

A handwritten signature in blue ink, appearing to read "S.H. Apperley", written over a horizontal dotted line.

Surveyor Registered under the Surveying and  
Spatial Information Act, 2002

Liability limited by a scheme approved under Professional Standards Legislation

CL18.374 - Attachment 8





## CL18.375 Halloran Trust Lands - Ownership of Paper Roads

**HPERM Ref:** D18/416201

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

### Purpose / Summary

The purpose of this report is to provide Council with information about an investigation of the ownership of roads within a number of paper subdivisions at Wollumboola, Currarong and Culburra.

Further information is provided in a separate confidential report in accordance with Section 10A(2)(g) of the Local Government Act 1993; if the information was disclosed the information could reasonably be expected to prejudice any court proceedings by revealing matter prepared for the purposes of or in relation to future proceedings.

### Recommendation (Item to be determined under delegated authority)

That Council in accordance with Section 10A(2)(g) of the Local Government Act 1993, consider a separate confidential report on this matter.

### Options

1. Council accept the recommendation as presented.

Implications: Consider a separate confidential report outlining the results of the investigation.

2. Provide further direction to staff and propose an alternative.

### Background

In the 1920s a series of subdivisions were registered in the Jervis Bay area as part of Henry Halloran's proposal for a major urban centre. This centre was to service military and commercial docking facilities linked to Canberra by a proposed new railway.

The docking facilities and railway never materialised and most of the subdivisions were never taken up by the real estate market. This gave rise to a series of paper subdivisions. The ownership of these roads is contentious and potentially the subject of litigation. The confidential report provides advice on three of these paper subdivisions.

CL18.375

## CL18.376 Tenders - Berrara Creek & Nerrindillah Creek HDD Crossing

**HPERM Ref:** D18/416765

**Group:** Shoalhaven Water Group  
**Section:** Water Asset Planning & Development

### Purpose / Summary

To inform Council of the tender process for Berrara Creek & Nerrindillah Creek HDD Crossing project.

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

This report is submitted directly to the Ordinary Council Meeting pursuant to Clause 3 of Council's "Acceptance of Tenders – Reports to Council" Policy.

### Recommendation

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

### Options

1. Consider the separate confidential report as recommended

Implications: The confidential report will be considered

2. Propose an alternative process for consideration of the issue

Implications: This is not recommended as an extensive tender evaluation process has been undertaken comprising of price and non-price criteria in accordance with the Tender Evaluation and Probity Plan.

### Details

The current Berrara to North Bendalong Trunk Main supplies water to the coastal villages of North Bendalong, Bendalong, Manyana, Cunjurong and Lake Conjola and also connects the Southern Shoalhaven Water Supply Scheme to the Northern Shoalhaven Water Supply Scheme.

Shoalhaven Water is seeking to replace the water main crossings at Berrara Creek and Nerrindillah creek. The existing DN300 watermain is Mild Steel Cement Lined (MSCL) and was installed in the mid 1980's. Routine maintenance activities has revealed that the cathodic protection, designed to protect the metal pipe from corroding under water, has failed. As such there is an increased risk that the existing pipeline will rust and break, severely limiting Shoalhaven Water's ability to provide water to residents south of Berrara.

CL18.376

It is proposed to replace the pipelines under Berrara Creek and Nerrindillah Creek via Horizontal Directional Drilling with a corrosion resistant High Density Polyethylene pipe material. The existing MSCL pipe will be decommissioned and left to remain in situ.

#### Tenders Received

An Open Tender was called on 15 October 2018 for the Design and Construction of the Berrara Creek & Nerrindillah Creek HDD Crossings project with a mandatory pre-tender site meeting on 26 October 2018. Four potential tenderers attended this meeting

- Utilstra Pty Ltd
- UEA Pty Ltd
- Maxibor Australia Pty Ltd
- Codmah Pty Ltd

A Tender Evaluation Committee (TEC) was formed and a Tender Evaluation Plan (TEP) was developed for the tender analysis.

Tenders closed at 10:00am on 20 November 2018 with a total of one (1) tenders received by the deadline.

Tenderer	Location
Utilstra Pty Ltd	Tenderlink Portal

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

#### **Community Engagement**

Shoalhaven Water has conducted extensive consultation with affected stakeholders. The National Parks and Wildlife Services were consulted as part of the Review of Environmental Factors process and the Office of Environment and Heritage was a co-determiner (along with Shoalhaven City Council) of the final REF.

The Conjola National Park Ranger, participated in the pre-tender site meeting in order to brief tenderers on the expectations National Parks had with regard to tenderers working within the National Park.

Jerrinja Local Aboriginal Land Council was consulted through the Cultural Heritage Assessment Report. 21 Registered Party's were consulted with during the process to obtain an Aboriginal Heritage Impact Permit for the project

#### **Financial Implications**

Sufficient funds have been allocated in the Water fund capital budget for 2018/19 for what is being recommended in the Confidential Tender Report. Contract Management will be done by Shoalhaven Water employees.

#### **Conclusion**

Shoalhaven Water have undertaken a comprehensive tender evaluation in accordance with the approved tender evaluation plan and have made a recommendation to Council in a separate Confidential Report. It is therefore recommended that Council consider the Confidential Report and the recommendations there-in.

CL18.376

## CL18.377 30th Anniversary - Aboriginal Conference

**HPERM Ref:** D18/430868

**Submitted by:** Cllr John Levett

**Attachments:** 1. Attachment - 30th Anniversary - Local Government Conference Report [↓](#)

### Purpose / Summary

To provide a report (Attachment 1) from Cllr John Levett on the 30<sup>th</sup> Anniversary Local Government Conference 2018 held in Narrabri 12-14 September 2018 in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

### Recommendation

That Council receive the report from Cllr John Levett on the 30<sup>th</sup> Anniversary Local Government Conference 2018 for information.

### Options

1. Receive the report for information
2. Request further information on the conference

CL18.377

**30<sup>th</sup> Anniversary Local Government Aboriginal Conference 2018**  
**Narrabri NSW 12<sup>th</sup> – 14<sup>th</sup> September**  
**Crossing Theatre Narrabri**  
**Key Sponsor: Whitehaven Coal**

Narrabri is located in the Namoi River Valley about 521 kilometres northwest of Sydney and has a population of about 6,000. The Shire has a population of 14,000 and covers an area of roughly 13,000 square kilometres. It's at the centre of a major cotton growing area and also produces wheat, beef and lamb. The Pilliga Forest to the south and west of the town is the centre of The Narrabri Coal Seam Gas Project and the Gunnedah Basin to the south of Narrabri is a lucrative coal mining area. Whitehaven Coal, the main sponsor of the Conference, has several open cut mines in the Gunnedah Basin including the controversial Maules Creek operation out of Boggabri. Whitehaven also operates a large underground mine at Narrabri itself which employs a workforce of 1,400 ... 75% of which live locally according to the "fact sheet" distributed at the Conference.

The original inhabitants of the area were the Gomeroi people of the Kamilaroi Nation and the first European to pass through the area was explorer John Oxley in 1818. Narrabri is a Kamilaroi word meaning "forked waters" which celebrates the way the waters of the Namoi River divide as it passes through Narrabri.

After a barefoot smoking ceremony at the rear of the Crossing Theatre the Conference opened with a Welcome to Country by Crystal from Narrabri Public School. MC Clifford Toomy introduced Mayor Cathy Redding who welcomed delegates and then the first of the feature speakers.

***The Clontarf Foundation CEO Gerard Neesham***

The Clontarf Foundation began operations in 2000 and is a not-for-profit organisation which aims to improve the "education, discipline, life skills, self esteem and employment prospects" of young Aboriginal and Torres Strait Islander men. It now mentors over 6,500 boys in 97 schools across Western Australia, Northern Territory, Victoria, New South Wales and Queensland.

CEO Gerard Neesham is an educator with a strong sporting background who believes that education through the vehicle of sport is the key to building self esteem and motivation to achieve. The organisation partners with schools and takes the role of a non judgemental third party. Students are encouraged to be involved with community and to work on strengthening connection to family and culture. The Foundation continues support beyond school and creates pathways to employment.

Funding for Clontarf comes in equal proportions from Federal and State Governments and privately.

Next to speak was Bob Sutherland, Aboriginal Community Relations Officer for Whitehaven Coal. In September 2015 the company launched their Reconciliation Action Plan which aims to forge stronger ties with the Aboriginal community through encouraging and supporting Aboriginal business development and employment. Around 11% of Whitehaven's total workforce identify as Aboriginal and/or Torres Strait Islander people and the company estimates that about \$10million in annual salaries are flowing back into local communities through their indigenous workforce.

Cindy Hamilton and Tracy Singleton from Aboriginal Affairs NSW explained the Aboriginal Languages Act (2017) the aim of which is to grow, nurture and revitalise Aboriginal



languages in NSW. For decades, speaking indigenous languages was discouraged by state governments, missions and schools. As a result languages did not thrive and some were lost. Others were spoken in secret and passed on through Aboriginal families and communities. An estimated 35 languages are spoken across NSW with dozens of different dialects. Wiradjuri is the most widely spoken.

The legislation has three parts to it: the first part outlines the importance of the languages and that their ownership and control must stay with Aboriginal people. The second part is the establishment of an Aboriginal Languages Trust to guide government on the best way to reawaken and nurture languages and lastly the Act calls for a strategic plan to be developed to implement recommendations. The Act also provides for the introduction of a dual naming process, Indigenous beside European through the Geographical Names Board.

Question time was fiery and speakers were critical of the poor consultation on the ground and the lack of funding available to implement the policy...only four staff have been employed across NSW.

President of the Local Government Aboriginal Network, Cr Dominik Wy Kanak, led a staff discussion which was wide ranging and vigorous. Speakers joined in to urge aboriginal people to enter local government and engage in the decision making process arguing there should be targeted training to facilitate this. Local Government should be strengthening partnerships with Aboriginal Communities, working with youth to develop culture and resilience, building aspiration and working on innovative ways to improve outcomes in the justice system. Councils can play a significant role in attracting and retaining indigenous staff, offering traineeships, career development and mentoring. Local Government policy must reflect the diversity of communities and develop themes of equity and inclusion.

The names of a number of inspirational elders came up in this discussion, one of whom was the late Cllr Pat Dixon who died in September, 2001. She was a founder in 1987 and Honorary Life Member of the NSW Local Government Aboriginal Network. Cllr Dixon was also an Armidale City Councillor from 1983 to 1991 and 1995 to 2000. Aboriginal policy Officer of the NSW Department of Local Government and Aboriginal Policy Officer of the Australian Local Govt Association and CEO of the Armidale and District Medical Service. Linda Scott, President of Local Government NSW in her address to the Conference paid tribute to the enormous contribution Pat Dixon made to her people and to governance.

The Australian Government has announced a package of measures to commemorate Captain James Cook's first Pacific voyage and specifically his sighting of Point Hicks on the East Coast of Australia on the 20<sup>th</sup> April, 1770. Among other things, funding is being provided to the Australian Institute of Aboriginal and Torres Strait Islander Studies to assist in the return of culturally significant items from overseas. But there was emotional discussion around an appropriate level of Indigenous involvement in these celebrations.

A panel session facilitated by University of Wollongong academic Joanne Buckskin explored this year's NAIDOC theme; "Because of Her We Can". Six participants told stories of the powerful influence of women in their lives. Lynn Trindal, CEO of Narrabri Local Aboriginal Land Council, gave a moving account of her mother's life, struggle and end...the common thread in all the recollections was not just the strength and courage passed down but more importantly the gift of the culture.

Alan Murray, Member of the Uluru Statement Working Group put it out that Constitutional recognition for Indigenous Australians must be more than just tokenism. The Guiding Principles of the Uluru Statement are as follows: That it does not diminish Aboriginal and TSI

sovereignty...It involves substantive structural reform...It advances self-determination and the standards established under the United Nations Declaration on the Rights of Indigenous Peoples....Recognises the Status and rights of First Nations peoples and....Tells the truth of History.

Dr Shireen Morris, Postdoctoral Fellow at Melbourne University Law School and senior adviser at the Cape York Institute made this comment at the time the Statement was rejected by the Federal Government.

"Prime Minister, Malcolm Turnbull, dismissed the Uluru Statement and hopes were dashed. It was a callous display of the unilateral exercise of government power over the powerless."

Alan Murray said that despite this rejection, the work must continue and he urged that delegates continue to write to Local, State and the Federal politicians asking them to endorse the "Statement from the Heart". I have no recollection of Alan Murray saying at the Conference that he considered it to be "a great leap of faith" for Shoalhaven City Councillors to put a motion of support for the Statement to Council. In fact I asked him specifically on the floor of the Conference if he endorsed the action and he said that he did.

Next came a talk on Aboriginal strategic land use planning from Jessica Herder and Tanya Koeneman of the Dept of Planning and Environment's Aboriginal Community Lands and Infrastructure Program (ACLIP) Team. The principle is to unlock the economic potential of Aboriginal Communities through better engagement with the planning sector.

Day Two began with a bus tour through the Pilliga Forest to an interesting complex of sandstone overhangs. Stan Grant, Indigenous Affairs Editor and ABC Media Presenter gave the keynote address in the afternoon. Clr Kitchener gave a good summary of Stan's talk which was delivered off the cuff in a relaxed style.

He posed many questions and let them hang there: Who decides what it means to belong? How do we belong now and to what? We are living in a world where it is easier to be connected but we are less connected...Why? Stan believes that issues for Aboriginal people now come down to those of identity or what it is to belong. As aborigines we can't escape that question and if you identify as being Aboriginal inevitably you fall into a category defined by somebody else. We need to move beyond the idea of identity which creates and divides. Racism exists on two levels; structural racism, which cuts in when you tick that box and declare yourself to be Aboriginal or TSI... and personal racism; which he illustrated by the story of when he was 10 and went to a friends place.... the friends mother declared him to be ok because he wasn't as black as some of the other kids at school.

When Stan worked for years overseas he was just a journalist...when he came home he was back in the box as an 'aboriginal journalist.'

Stan finished by encouraging more aboriginal people to get involved in politics at all levels; "people are looking to make their vote count" I found his talk extremely inspiring....by far the highlight of the Conference.

Steven Gal, Director of Regional Co-ordination, NSW Government Aboriginal Affairs is responsible for a program designed to educate, support, influence and connect.

OCHRE is the first government plan in Australia to acknowledge the trauma that has befallen aboriginal communities because of the decisions of governments past. The aim is to address the root causes of disadvantage not just its symptoms. OCHRE stands for: opportunity, choice, healing, responsibility and empowerment.

It's not my role to editorialise around points made or opinions expressed at the Conference...or to make any glib conclusions about the way forward for Australia's First Nations People. At our local level, the Aboriginal Advisory Committee works well but would benefit from more participation. The lead has to come from the community not so much from Councillors. We could do more in the space of cultural tourism, implementing the State Government policy of dual naming, looking for grants from the State and Federal Government for employment projects such as creating formal walking tracks. The NSW Government through Destination NSW has produced an Aboriginal Tourism Action Plan 2017-2020 which could be a source of ideas. We need to be sure that indigenous cultural and intellectual property is protected when tourists purchase mementos of their visit to the Shoalhaven. We need to implement as soon as possible the draft Aboriginal Advisory Committee Action Plan. And we need to be sure to record the oral history of the Shoalhaven Elders as they age so that the stories aren't lost and the truth is heard.

Clr John Levett  
11<sup>th</sup> December, 2018

## 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.