

Strategy and Assets Committee

Meeting Date: Tuesday, 08 October, 2019
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5.00pm

Membership (Quorum - 5)
Clr John Wells - Chairperson
Clr Bob Proudfoot
All Councillors
Chief Executive Officer or nominee

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. **Apologies / Leave of Absence**
2. **Confirmation of Minutes**
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3. **Declarations of Interest**
4. **Call Over of the Business Paper**
5. **Mayoral Minute**
6. **Deputations and Presentations**
7. **Notices of Motion / Questions on Notice**

Nil
8. **Reports**
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9. Confidential Reports

Reports

CSA19.10 Tenders – Legal Services Panel

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.

CSA19.11 Tenders – Bitumen Spay Sealing of Pavements - 2019 - 2020

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 undermine competitive neutrality in connection with any functions of an agency in respect of which it competes with any person or otherwise place an agency at a competitive advantage or disadvantage in any market.

CSA19.12 Proposed Acquisition of Land - Moss Vale Road South Urban Release Area

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

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

CSA19.13 Proposed Land Acquisition Matters - Yalwal & Buangla Localities

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

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

CSA19.14 Proposed Disposal of Vacant Land, St Georges Basin

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

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

CSA19.15 St Andrews Way/Berry's Bay and Woollamia Pressure Sewer Schemes Tender Report

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

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

Strategy and Assets Committee

Delegation:

Pursuant to s377(1) of the *Local Government Act 1993* (LG Act) the Committee is delegated the functions conferred on Council by the LG Act 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 Council's corporate & community planning under Part 2 of Chapter 13 of the LG Act, asset management and in connection with the other functions listed in this Schedule and in particular to make recommendations to Council in respect of the content of Council's community strategic plan, delivery program, resourcing strategy and operational plan within the meaning of Part 2 of Chapter 13 of the LG Act;
- 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 matters, and any other matter referred to the Committee by the General Manager;
- 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 Council's 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 Council's 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 Council's 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 Council's strategic land holdings and make recommendations to Council;

- k. Review and make recommendations to Council in relation to:
- i. The sale prices of land in connection with residential and industrial Council subdivisions;
 - ii. The sale of Council property or the purchase or resumption of land;
 - iii. The compensation to be offered in respect of land resumed by Council; and
 - iv. Properties leased/rented by Council, or properties leased/rented from Council other than those delegated to the Chief Executive Officer for approval and execution in accordance with MIN14.912 and MIN15.237 of the Council.

Note: MIN14.912 delegates authority to the Chief Executive Officer to approve and execute leases and licences that are for a maximum term of 5 years; and are in accordance with current policies and relevant legislation; and have an annual rental of \$5,000 or less; and have not been objected to as a result of the public exhibition process (Community Land).

In addition, MIN14.912 delegates authority to the Chief Executive Officer to approve and execute telecommunications licences where the agreement relates to an existing telecommunication site.

Note: MIN15.237 delegates authority to the Chief Executive Officer to approve and finalise all lease negotiations in relation to the properties now managed by Integrity Real Estate ... and to sign any documents necessary to give effect to this resolution.

- l. To determine and accept all tenders with a value of \$1 Million or more, except those tenders required by law to be determined by full Council (MIN17.334).

MINUTES OF THE STRATEGY AND ASSETS COMMITTEE

Meeting Date: Tuesday, 10 September 2019
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

Clr John Wells - Chairperson
Clr Joanna Gash
Clr Amanda Findley
Clr Patricia White
Clr Kaye Gartner
Clr Nina Digiglio
Clr Annette Alldrick
Clr John Levett
Clr Andrew Guile – arrived 5.04pm
Clr Mitchell Pakes
Clr Greg Watson
Clr Bob Proudfoot
Stephen Dunshea - Chief Executive Officer

Apologies / Leave of Absence

An apology was received from Clr Kitchener.

Confirmation of the Minutes

RESOLVED (Clr White / Clr Gash) MIN19.628

That the Minutes of the Strategy and Assets Committee held on Tuesday 13 August 2019 be confirmed.

CARRIED

Declarations of Interest

Nil

Call Over of the Business Paper

The following items were called up for debate:

SA19.131, SA19.132, SA19.133, SA19.134, SA19.137, SA19.138, SA19.139, SA19.140, SA19.141, SA19.142, SA19.143, SA19.146, CSA19.9

The remaining items were resolved en bloc (Clr Proudfoot / Clr White) at this time. They are marked with an asterisk (*) in these Minutes.

Note: Clr Guile arrived at 5.04pm.

MAYORAL MINUTES

Nil.

DEPUTATIONS AND PRESENTATIONS

SA19.134 Shoalhaven Heads Tennis Courts - Future Use

Ms Christine Talbot, representing the Shoalhaven Heads Tennis Court Management Committee and Shoalhaven Heads Tennis Club, addressed the meeting and spoke in favour of the recommendation.

SA19.137 Hyams Beach Community Hall

SA19.138 Hyams Beach - Seamans Beach Carpark - Illegal Camping and Noise Complaints

SA19.139 Hyams Beach Additional Parking - Long Term Solutions

SA19.140 Hyams Beach - Pedestrian Access and Safety - Footpaths

SA19.141 Hyams Beach - Public Amenities (toilets)

Mr Mark Crowther addressed the meeting and spoke against the recommendations.

SA19.143 NSW Government CPTIGS Program 2015-17 (Proposed Bus Shelter - Kangaroo Valley) - Request for Clear Direction

Mr David Gazzard, representing various committees including the Chamber of Tourism & Commerce, addressed the meeting and spoke against the recommendation.

Mrs Joan Bray addressed the meeting and spoke against the recommendation.

SA19.146 Coastal Management Program Scoping Study - community engagement

Ms Lexie Meyer and Mr Dirk Treloar, representing the Red Head Villages Association and Conjola Community Association, addressed the meeting and spoke against the recommendation.

Procedural Motion - Bring Item Forward

RESOLVED (Clr White / Clr Digiglio)

MIN19.629

That the matter of the following items be brought forward for consideration:

- SA19.134 Shoalhaven Heads Tennis Courts - Future Use

- SA19.137 Hyams Beach Community Hall
- SA19.138 Hyams Beach - Seamans Beach Carpark - Illegal Camping and Noise
- Complaints
- SA19.139 Hyams Beach Additional Parking - Long Term Solutions
- SA19.140 Hyams Beach - Pedestrian Access and Safety - Footpaths
- SA19.141 Hyams Beach - Public Amenities (toilets)
- SA19.143 NSW Government CPTIGS Program 2015-17 (Proposed Bus Shelter - Kangaroo Valley) - Request for Clear Direction
- SA19.146 Coastal Management Program Scoping Study - community engagement

CARRIED

SA19.134 Shoalhaven Heads Tennis Courts - Future Use

**HPERM Ref:
D19/216182**

Recommendation

That the Chief Executive Officer (Finance Corporate & Community Services) undertake the following action for Shoalhaven Heads Tennis Courts 3 and 4:

1. As the concrete slab does not require reinstallation for synthetic resurfacing, Council support the local community to install and manage synthetic grass multipurpose courts on Shoalhaven Heads Tennis Courts 3 and 4, conditional on available grant funding.
2. Council and the Shoalhaven Heads Tennis Court Management Committee work with the Shoalhaven Heads Chamber of Commerce & Tourism Inc. to develop new procedures for operation of the multipurpose facility.
3. Council invite respondents to the recent Community Survey to join the Shoalhaven Heads Tennis Courts Management Committee.

RECOMMENDATION (Clr Wells / Clr Proudfoot)

That the Chief Executive Officer (Finance Corporate & Community Services) undertake the following action for Shoalhaven Heads Tennis Courts 3 and 4:

1. As the concrete slab does not require reinstallation for synthetic resurfacing, Council support the local community to install and manage synthetic grass multipurpose uses on Shoalhaven Heads Tennis Courts 3 and 4, conditional on available grant funding.
2. Council and the Shoalhaven Heads Tennis Court Management Committee work with the Shoalhaven Heads Chamber of Commerce & Tourism Inc. to develop new procedures for operation of the multipurpose facility.
3. Council invite respondents to the recent Community Survey to join the Shoalhaven Heads Tennis Courts Management Committee.
4. Council vote \$25,000 from operational revenue to be made up in the quarterly budget review, and should that funding be inadequate that the Chief Executive Officer submit a further report to the Council on the ultimate job costs.

CARRIED

**SA19.138 Hyams Beach - Seamans Beach Carpark - Illegal
Camping and Noise Complaints**

**HPERM Ref:
D19/233337**

This item dealt with in conjunction with:

- SA19.139 Hyams Beach Additional Parking - Long Term Solutions
- SA19.140 Hyams Beach - Pedestrian Access and Safety - Footpaths
- SA19.141 Hyams Beach - Public Amenities (toilets)

Recommendation (Item to be determined under delegated authority)

That in respect to Seamans Carpark, Hyams Beach, Council:

1. Install a lockable gate at the entrance in accordance with the (D19/275486) sketch at an estimated installation cost of \$12,000 to be funded from the Coastal Villages Traffic Management fund for the 2019/2020 financial year.
2. Engage commercial security to lock the toilets and carpark at 7pm and volunteers sought to unlock the gate at 6am during Christmas and Easter school holiday periods (including the weekends either side of these periods), the cost of \$6,000 to be funded from the Coastal Villages Traffic Management fund for the 2019/2020 financial year and then after from a specific operating budget to be determined during Council 2020/2021 budget deliberations
3. Not install additional disabled spaces due to non-compliant grades or accessible paths of travel currently exist in the carpark and given the demand for such access is considered to be low.
4. Not install a CCTV system to monitor illegal activity at the carpark.

RESOLVED (Clr Proudfoot / Clr Gartner)

MIN19.630

That

1. Council refer the reports SA19.139 to SA19.141 back to staff for further development and consultation with the Hyams Beach community, to be brought back to the next Strategy & Assets Committee meeting. Such consultation and development should place the proposals in the context of a broader management plan for the village and include consideration of possible outcomes from the smart technologies advisory process and other matters relating to earlier Council resolutions to explore cost offsets such as paid parking.
2. SA19.138 be deferred for further community consultation and reported back to the next Council meeting to allow consultation with the Hyams Beach community.

FOR: Clr Wells, Clr Gash, Clr White, Clr Gartner, Clr Alldrick, Clr Levett, Clr Guile, Clr Pakes, Clr Watson and Clr Proudfoot

AGAINST: Clr Findley, Clr Digiglio and Stephen Dunshea

CARRIED

SA19.137 Hyams Beach Community Hall

**HPERM Ref:
D19/257794**

Recommendation (Item to be determined under delegated authority)

That:

- 1 Council note that a portion of the Hyams Beach Community Hall site is on land that is part of a successful Aboriginal land claim by the Jerrinja Local Aboriginal Land Council (JLALC) and the land is also subject to a Native Title claim. This means that the JLALC cannot conduct any

dealings on the land until Native Title matters are resolved. In the interim Council is seeking to negotiate a licence to operate the facility so an action plan for repairs can be developed and implemented. Based on recent inspections of the building it's estimated that extensive repairs will cost in the order of \$135,000 and demolition of the building would be approximately \$60,000.

- 2 Staff continue to make representations to Jerrinja Local Aboriginal Land Council to negotiate an agreement for use and occupation of the building.
- 3 An update report be provided to Council at the November 2019 Strategy and Assets Committee.

RESOLVED (Clr Pakes / Clr Guile)

MIN19.631

That:

- 1 Council note that a portion of the Hyams Beach Community Hall site is on land that is part of a successful Aboriginal land claim by the Jerrinja Local Aboriginal Land Council (JLALC) and the land is also subject to a Native Title claim. This means that the JLALC cannot conduct any dealings on the land until Native Title matters are resolved. In the interim Council is seeking to negotiate a licence to operate the facility so an action plan for repairs can be developed and implemented. Based on recent inspections of the building it's estimated that extensive repairs will cost in the order of \$135,000 and demolition of the building would be approximately \$60,000.
- 2 Staff continue to make representations to Jerrinja Local Aboriginal Land Council to negotiate an agreement for use and occupation of the building.
- 3 An update report be provided to Council at the November 2019 Strategy and Assets Committee.

CARRIED

SA19.143 NSW Government CPTIGS Program 2015-17 (Proposed Bus Shelter - Kangaroo Valley) - Request for Clear Direction

HPERM Ref: D19/272416

Recommendation (Item to be determined under delegated authority)

That Council note the recent objections to the proposal to install a bus shelter at 167 Moss Vale Road, Kangaroo Valley and that the CEO (Director Assets & Works) proceed with the installation as previously resolved in MIN19.397 to meet approved grant funding requirements under the CPTIGS 2015-17 program.

RESOLVED (Clr Findley / Clr Guile)

MIN19.632

That Council abandon the Kangaroo Valley location for the bus shelter in lieu of another location in the Shoalhaven.

CARRIED

Procedural Motion - Reintroduction of Item

RESOLVED (Clr Gash / Clr Proudfoot)

MIN19.633

That SA19.145 Shared User Path – Terara Rd – Shoalhaven Caravan Village to Ferry Lane, which was dealt with en bloc, be reintroduced for discussion.

CARRIED

**SA19.146 Coastal Management Program Scoping Study -
community engagement**

**HPERM Ref:
D19/298881**

Recommendation

That Council:

1. Endorse the holding of three (3) additional focus group workshops and drop-in sessions for the coastal management program citywide Scoping Study at Shoalhaven Heads, Sussex Inlet and Lake Conjola in addition to those planned for Nowra, St Georges Basin and Ulladulla; also the overall framework for community consultation as outlined in this report in regard to the preparation of the city wide scoping study,
2. Allocate an additional budget of \$19,228 from the September 2019 quarterly budget review to job number 15885.

RECOMMENDATION (Clr White / Clr Proudfoot)

That Council:

1. Endorse the holding of three (3) additional focus group workshops and drop-in sessions for the coastal management program citywide Scoping Study at Shoalhaven Heads, Sussex Inlet and Lake Conjola in addition to those planned for Nowra, St Georges Basin and Ulladulla; also the overall framework for community consultation as outlined in this report in regard to the preparation of the city wide scoping study.
2. Allocate an additional budget of \$19,228 from the September 2019 quarterly budget review to job number 15885.
3. Staff formulate a draft list of questions for inclusion in a Question and Answer sheet / online questionnaire for the Scoping Study community engagement and distribute to involved coastal groups for comment and suggestions in regard possible gaps that can be addressed as in final community consultation documents.

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

SA19.131 Notice of Motion - Dog off Leash Area – Thurgate Oval

**HPERM Ref:
D19/299807**

Note: Clr Pakes left the meeting at 7.32pm

Recommendation (Item to be determined under delegated authority)

That Council

1. Implement a 12 month trial for a designated 24/7 off leash dog area at Thurgate Oval Bomaderry.
2. Provide the appropriate signage and information for the trial area.
3. A further report be provided to Council on the outcomes and community feedback following the trial or as required.
4. CEO provide a report back to Council on fencing options available and costing to enable grant applications.
5. Senior staff meet with Bomaderry Community Inc to discuss options and way forward for this project.

RESOLVED (Clr White / Clr Proudfoot)

MIN19.634

That Council

1. Implement a 12 month trial for a designated 24/7 off leash dog area at Thurgate Oval Bomaderry.
2. Provide the appropriate signage and information for the trial area.
3. A further report be provided to Council on the outcomes and community feedback following the trial or as required.
4. CEO provide a report back to Council on fencing options available and costing to enable grant applications.
5. Senior staff meet with Bomaderry Community Inc to discuss options and way forward for this project.

CARRIED

Note: Clr Pakes returned to the meeting at 7.36pm

REPORTS

SA19.132 June 2019 Quarterly Budget Review

HPERM Ref:
D19/275447

Recommendation

That Council:

1. Receive and endorse the June Quarterly Budget Review and budget carry forwards (Works In Progress)
2. Adopt the adjustments, including movements to and from Reserves, as outlined in the June Quarterly Budget Review Statement
3. Adopt the Revotes (Committed), as recommended in the June Quarterly Budget Review document
4. Adopt the Revotes (Uncommitted), as recommended in the June Quarterly Budget Review document.

RECOMMENDATION (Clr Wells / Clr Guile)

That Council:

1. Receive and endorse the June Quarterly Budget Review and budget carry forwards (Works In Progress)
2. Adopt the adjustments, including movements to and from Reserves, as outlined in the June Quarterly Budget Review Statement
3. Adopt the Revotes (Committed), as recommended in the June Quarterly Budget Review document
4. Adopt the Revotes (Uncommitted), as recommended in the June Quarterly Budget Review document.

CARRIED

Note: Councillors thanked Stephanie Moorley, Supervisor - Management Accountant, for producing the report following the departure of the Chief Financial Officer.

SA19.133 Recycled Product - General Procurement Strategy

**HPERM Ref:
D19/276914**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Receive and note the report in response to MIN18.560.
2. Request the CEO (Finance, Corporate and Community Services) develop and include a Sustainable Procurement Strategy as an appendix to the corporate Procurement Procedure (PRD17/8) to provide guidance and resources for staff to consider recycled products and services in organisational procurement.

RESOLVED (Clr Proudfoot / Clr Findley)

MIN19.635

That Council:

1. Receive and note the report in response to MIN18.560.
2. Request the CEO (Finance, Corporate and Community Services) develop and include a Sustainable Procurement Strategy as an appendix to the corporate Procurement Procedure (PRD17/8) to provide guidance and resources for staff to consider recycled products and services in organisational procurement.

CARRIED

SA19.134 Shoalhaven Heads Tennis Courts - Future Use

**HPERM REF:
D19/216182**

Item dealt with earlier in the meeting.

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

SA19.135 Milton Ulladulla Croquet Club Facility Update

**HPERM Ref:
D19/288932**

RECOMMENDATION* (Clr Proudfoot / Clr White)

That Council:

1. Receive and note the report regarding the onsite meeting with Milton Ulladulla Croquet Club for information.
2. Note that staff will proceed with previous resolution MIN19.583 Parts 2, 3 and 4, being:
 - a. Maintain status quo with the Milton Ulladulla Croquet Club continuing to use the court at the Milton Showground, whilst further investigating to confirm the possibility for 4 courts at the Ulladulla Sports Park, following an on-site meeting.
 - b. Council receive a further report on outcomes of environmental investigation at Ulladulla Sports Park with the aim to definitively confirm the possibility of 4 courts at the site under the current legislation requirements.
 - c. Subject to funding, Council commence the construction of courts 1 and 2 at the Ulladulla Sports Park without delay.

CARRIED

SA19.136 2019/2020 Conferences

**HPERM Ref:
D19/290224**

RESOLVED* (Clr Proudfoot / Clr White)

MIN19.636

That Council

1. Authorises available Councillors to attend the following conferences and such attendance be deemed Council Business.
 - a. 2019 NSW Local Government Aboriginal Network Conference
 - b. 28th NSW Coastal Conference
 - c. 19th International Cities and Town Centres Conference
 - d. 2019 National Local Roads & Transport Congress
 - e. Local Government Parking Summit 2019
 - f. 2019 Global Eco Asia-Pacific Tourism Conference
 - g. 2020 Australian Coastal Councils Conference
 - h. 2020 Australian Local Government Women's Association NSW State Conference
 - i. 2020 OzWater Conference
 - j. 2020 National Australian Women's Association Conference
 - k. 10th Australian Small Bridges Conference
 - l. 2020 National General Assembly of Local Government
 - m. Local Government Planning & Environmental Law Conference 2020
 - n. 2020 LGNSW Water Management Conference
 - o. 2020 NSW Local Government Aboriginal Network Conference
 - p. 2020 LGNSW Annual Conference
 - q. 20th International Cities and Town Centres Conference
 - r. Local Government Parking Summit 2020
 - s. 2020 National Local Roads & Transport Congress
 - t. 2020 Global Eco Asia-Pacific Tourism Conference
2. Require that travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with Council Members – Payment of Expenses and Provision of Facilities Policy.
3. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

CARRIED

SA19.137 Hyams Beach Community Hall

**HPERM REF:
D19/257794**

Item dealt with earlier in the meeting see MIN19.631

SA19.138 Hyams Beach - Seamans Beach Carpark - Illegal Camping and Noise Complaints

**HPERM REF:
D19/233337**

Item dealt with earlier in the meeting see MIN19.630

SA19.139 Hyams Beach Additional Parking - Long Term Solutions

**HPERM Ref:
D19/233738**

Item dealt with earlier in the meeting in conjunction with SA19.138 Hyams Beach - Seamans Beach Carpark - Illegal Camping and Noise Complaints - see MIN19.630

SA19.140 Hyams Beach - Pedestrian Access and Safety - Footpaths

**HPERM Ref:
D19/234111**

Item dealt with earlier in the meeting in conjunction with SA19.138 Hyams Beach - Seamans Beach Carpark - Illegal Camping and Noise Complaints - see MIN19.630

SA19.141 Hyams Beach - Public Amenities (toilets)

**HPERM Ref:
D19/253025**

Item dealt with earlier in the meeting in conjunction with SA19.138 Hyams Beach - Seamans Beach Carpark - Illegal Camping and Noise Complaints - see MIN19.630

SA19.142 Ratepayers' Advance Kerb & Gutter Installation - 39 to 45 Basin View Parade Basin View

**HPERM Ref:
D19/270316**

Recommendation

That:

1. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council, with D Hager of 39 Basin View Parade, Basin View in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
2. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council, with D L Mood of 41 Basin View Parade, Basin View in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
3. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council, with D L Mood of 43 Basin View Parade, Basin View in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
4. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council, with C J Hobbs of 45 Basin View Parade, Basin View in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
5. The Common Seal of Council of the City of Shoalhaven be affixed to any documentation required to be sealed otherwise the CEO be authorised to sign any documentation necessary

to give effect to the resolution.

RECOMMENDATION (Clr Proudfoot / Clr White)

That:

1. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council, with D Hager of 39 Basin View Parade, Basin View in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
2. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council, with D L Mood of 41 Basin View Parade, Basin View in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
3. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council, with D L Mood of 43 Basin View Parade, Basin View in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
4. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council, with C J Hobbs of 45 Basin View Parade, Basin View in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
5. The Common Seal of Council of the City of Shoalhaven be affixed to any documentation required to be sealed otherwise the CEO be authorised to sign any documentation necessary to give effect to the resolution.

CARRIED

SA19.143 NSW Government CPTIGS Program 2015-17 (Proposed Bus Shelter - Kangaroo Valley) - Request for Clear Direction

HPERM REF: D19/272416

Item dealt with earlier in the meeting see MIN19.632

SA19.144 Kinghorne Street and North Street Nowra Traffic lights – Proposed Time Parking Moss Street Nowra

HPERM Ref: D19/274619

RESOLVED* (Clr Proudfoot / Clr White)

MIN19.637

That after considering the final community consultation process (proposed timed parking in Moss Street); Council does not proceed with the proposed traffic lights at Kinghorne and North Streets as indicated at the 30 July 2019 Ordinary Meeting (MIN19.500).

CARRIED

SA19.145 Shared User Path - Terara Rd - Shoalhaven Caravan Village to Ferry Lane

HPERM Ref: D19/268657

Recommendation (Item to be determined under delegated authority)

That Council add the following project to the Forward Capital Works Listing:

Shared user Pathway – Terara Road (Shoalhaven Caravan Village – Ferry Lane)

Design and Investigations	\$5,000	(2020/2021)
Construction	\$145,000	(2021/2022)
Total	\$150,000	

RESOLVED (Clr Proudfoot / Clr Findley)

MIN19.638

That Council add the following project to the Forward Capital Works Listing:

Shared user Pathway – Terara Road (Shoalhaven Caravan Village – Ferry Lane)

Design and Investigations	\$5,000	(2020/2021)
Construction	\$145,000	(2021/2022)
Total	\$150,000	

CARRIED

Note: This item was reintroduced after initial Resolution en bloc.

SA19.146 COASTAL MANAGEMENT PROGRAM SCOPING STUDY - COMMUNITY ENGAGEMENT

HPERM REF: D19/298881

Item dealt with earlier in the meeting.

SA19.147 Grant of Electricity Easements to Endeavour Energy - Nowra Sewage Treatment Plant

HPERM Ref: D19/276423

RECOMMENDATION* (Clr Proudfoot / Clr White)

That:

- Council resolve to grant the following easements for electricity purposes over Council land proposed Lots 401 and 402 DP1256042 at Terara Road, Terara. The easements are highlighted yellow on the attached draft copy of DP1256042, sheets 1 & 2.
 - An Easement for Overhead Powerlines 9 wide, marked (E) on the attached plans.
 - An Easement for Underground Cables 3 wide, marked (C) on the attached plans.
 - A Restriction on the use of land 3 wide, marked (R1) on the attached plans.
 - A Restriction on the use of land 4 wide, marked (R2) on the attached plans.
 - An Easement for Padmount Substation 5.5 wide, marked (P) on the attached plans.
- Costs associated with the transaction are to be met from Council's Sewer Fund. The easements are to be granted at \$nil consideration.
- The Common Seal of the Council of the City of Shoalhaven be fixed to any document required to be sealed.

CARRIED

SA19.148 Berrara Creek and Nerrindillah Creek Crossing Update

**HPERM Ref:
D19/299317**

RESOLVED* (Clr Proudfoot / Clr White)

MIN19.639

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

CARRIED

CONFIDENTIAL REPORTS

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

No members of the public made representations.

RESOLVED

MIN19.640

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

CSA19.9 Berrara Creek & Nerrindillah Creek Crossing Tender Resolution Update

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

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.

CARRIED

The meeting moved into confidential the time being 7.52pm.

The meeting moved into open session, the time being 7.54pm.

REPORT FROM CONFIDENTIAL SESSION

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

**CSA19.9 Berrara Creek & Nerrindillah Creek Crossing Tender
Resolution Update**

**HPERM Ref:
D19/279770**

RESOLVED

MIN19.641C

That Council:

1. Note the information in the Report outlining the reasons why negotiations to redesign the HDD

crossing of Berrara Creek & Nerrindillah Creek resolved by Council MIN18.1047C will not proceed.

2. Investigate and procure (if appropriate) an alternate construction methodology, such as relining, that will allow the creek crossings to be constructed within the existing easement for services.

CARRIED

There being no further business, the meeting concluded, the time being 7.55pm.

Clr Wells
CHAIRPERSON

SA19.149 Aboriginal Tourism Promotion Focus

HPERM Ref: D19/199547

Group: CEO Group
Section: Tourism

Purpose / Summary

To provide further information on Aboriginal Tourism promotion in the Shoalhaven and possible opportunities to support the increased focus as per MIN19.240.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Accept the report for information.
2. Support the report being forwarded to the Aboriginal Advisory Committee for information.
3. Note that future actions will be included in Council's annual Delivery Program and Operational Plan that will aim to help our local Aboriginal communities by supporting tourism business growth opportunities and their ongoing promotion.

Options

1. As recommended

Implications: Shoalhaven Tourism will continue to support and promote Aboriginal Tourism experiences and operators in line with the current plans and strategies and implements additional projects as detailed. Shoalhaven Tourism will continue to work with the Aboriginal Advisory Committee on key priorities and future opportunities for business development and promotion.

2. Adopt an alternative recommendation

Implications: Unknown

Background

At the 30 April 2019 Ordinary Meeting of Council, Council resolved:

RESOLVED MIN19.240

"That as a general principle, Council supports a greater focus on Aboriginal Tourism in the Shoalhaven, and that our tourism department report back to Council on possible opportunities that may be pursued to support this increased focus. The report would need to include initiatives that have been undertaken in other councils, states, or even overseas countries, as well as a plan to liaise with local aboriginal groups and indeed our own Aboriginal Advisory Committee."

Background – The Current Focus on Aboriginal Tourism in the Shoalhaven

Shoalhaven Tourism Destination Management Plan

The Shoalhaven Tourism Destination Management Plan (TDMP) outlines actions for the next 5 years. Promotional pillars, as outlined in the TDMP, are used as a guide for marketing content and promotional calendars. The pillars are based on destination strengths and visitor experiences that give strategic advantage. Indigenous experiences are a key promotional pillar for our marketing activities.



Indigenous experiences are also highly sought after by the international market; the TDMP outlines the following regarding this market:

“The Shoalhaven region is relatively young in the international marketplace. But a great geographic proximity to both Sydney and Canberra airports presents excellent opportunities for international visitors. Remaining true to the region’s identity whilst finding key international markets that match Shoalhaven’s brand proposition will be critical to sustainable growth in the next 10 – 20 years. Partnership with commercial operators or neighbouring LGAs will be essential to gain the market cut through needed to make a significant long-term impact.

Consideration must be given to the region’s ability to meet the needs and expectations of the international visitor and to deliver on the brand promise that led them to the Shoalhaven in the first place. Appropriate infrastructure will be a critical factor in this instance. The lack of “international ready” tourism businesses is an issue in the Shoalhaven and will need to be addressed in the next five years. International tourists are essential for mid-week and off-season growth and more bookable product is needed in overseas markets in order to be competitive as a region. Education and collaboration are key to gaining market share in this market.”

The Key Assets table on page 14 of the Shoalhaven TDMP outlines the current Aboriginal Product listed on the Australian Tourism Data Warehouse (ATDW) as well as demand and opportunities to growth. The Australian Tourism Data Warehouse is the national database of tourism product. It offers businesses a free listing process, so their business appears on various tourism website including shoalhaven.com and visitNSW.com.

<p>Aboriginal Product: 26 ATDW listings total 8 Culture and Tours 3 Art and Galleries 15 Natural Attractions</p>	<p>Aboriginal product and experiences are in high demand for a large array of visitors, especially international. There are operators that need assistance in promoting their businesses in a contemporary tourism space. ATDW has a poor representation of Aboriginal product.</p>	<p>Business development for Aboriginal operators, especially in tours and experiences. Assistance with Digital marketing including ATDW listings. Publicity and content opportunities for well-developed operators to showcase diversity. Collaboration with community to identify ongoing opportunities.</p>
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SA19.149

The opportunities for growth are outlined as:

- Business development for Aboriginal operators, especially in tours and experiences.
- Assistance with Digital marketing including ATDW listings.
- Publicity and content opportunities for well-developed operators to showcase diversity.
- Collaboration with community to identify ongoing opportunities.

Shoalhaven Visitor Guide

Each year Shoalhaven Tourism works closely with the Aboriginal Advisory Committee to develop appropriate content for the Shoalhaven Visitor Guide. Shoalhaven Tourism strives to continually enhance cultural awareness, as well as experiences and opportunities for visitors through the Visitor Guide.

The 2016 Shoalhaven Visitor Guide was the first edition of the Shoalhaven Visitor Guide that included a “welcome” page with a message created in collaboration with Council’s Aboriginal Community Liaison Officer and the Aboriginal Advisory Committee. The content also included a map of the Shoalhaven with a language map and significant landmark (Cullunghutti).

This was also the first year a dedicated double page spread consisting of bookable Aboriginal experiences was added in a prominent position at the front of the guide (page 7).

Following on from this guide in 2017, 2018, and 2019 these welcome pages and Aboriginal experience pages have continued in the prime location at the front of the guide, taking the first 4 pages of editorial. Aboriginal experience businesses included in the booklet are all given the opportunity to sign off on the words written in this section of the page.

Each year a draft of the Aboriginal pages in the Visitor Guide has been presented to the Aboriginal Advisory Committee to provide feedback before going to print.

Tourism will continue to work the with Aboriginal Advisory Committee to seek their input as outlined in the Aboriginal Advisory Committee Strategic Plan.

4 | 2019 Shoalhaven Visitor Guide

Shoalhaven Visitor Guide 2019 | 5

Acknowledgement of Country

We would like to acknowledge and value Aboriginal people and their long, rich cultural and spiritual connections to the Shoalhaven area. This is evident in the stories and ceremonies, natural landmarks and the sacred objects embedded in the landscapes and waterways throughout this region today.

As you journey through the Shoalhaven, absorb the beauty of the land, its magnificent landscapes, spectacular waterways and abundance of native flora and fauna. Travel thoughtfully and respectfully, remembering the footsteps of the ancestors who walked this land before you, and those who will follow.

Travel thoughtfully and respectfully, remembering the footsteps of the ancestors who walked this land before you, and those who will follow.

Natural landmarks like Cullungahutta Coolangatta Mountain (image above), Moyean Hill (north of Cullungahutta Mountain) and Didthul Pigeon House Mountain, hold significant cultural meaning to Aboriginal people of the Shoalhaven.

SA19.149

6 | 2019 Shoalhaven Visitor Guide

Shoalhaven Visitor Guide 2019 | 7

Local Aboriginal Culture

The Shoalhaven is steeped in rich Aboriginal History, traversing thousands of years of continuing culture. During your visit, make the most of the opportunity to engage in an interpretative experience or engross yourself in an authentic cultural tour with a local guide. Enjoy the unique chance to explore, learn and connect with the traditional owners of this land.

Our large and diverse region is filled with many significant places, stories and storytellers. Discover a special piece of history by booking a guided experience or cultural tour.

Budawang Elder: Noel Butler from Yin nation will share his extensive traditional knowledge of cultural values. Join Noel & Trish on half day bush food walks or a full day of cultural activities at Nura Gunyu (phone 0405 646 911).

The National Parks Discovery Ranger Program partners with local Aboriginal community members to offer guided walks through a number of local parks. Book a guided walk through Bomaderry Creek Regional Park (phone 02 4422 2342), a small oasis near Nowra, rich in Aboriginal heritage including interpretative signage.

Visit **hand carved poles** in spectacular locations at both Crookhaven Headland and Callala Headland. Crafted by local Aboriginal artisan, Noel Wellington from Jerrinba Land Council, these poles are a traditional but contemporary representation of local Aboriginal connection to land and sea.

Raymond Timbery is based around the Huskisson area. Following in his Grandfather's footsteps Laddie Timbery, he now runs **Didjigal Arts and Crafts**, on the grounds of the Jervis Bay Maritime Museum. Raymond delivers cultural programs within the Huskisson area, talking and teaching knowledge of the land, dance performances, boomerang throwing and stand up paddle boarding (phone 0402 547 660).

Booderee National Park, at the south end of Jervis Bay is a very special place, co-managed by the Wreck Bay people and Parks Australia. The local Wreck Bay community runs the Visitor Centre (phone 02 4445 3077) and can direct you to cultural experiences like interpretative walks and school holiday activities. Give Wreck Bay Elder Paul McLeod of Wandimarratomi a call to participate in self-identity and spirituality programs, connecting you to knowledge and traditions of his people (phone 0401 234 567).

Galaniban Extraordinary Aboriginal Experiences have a lifetime of knowledge to share. Auntie Julie Freeman and her family offer unique experiences on their country, Wreck Bay, ranging from camouflaged yarns to weaving, bush food, medicines and history (phone 0421 811 914).

In the Ulladulla area, you can book a walk along the **Coomee Nulunga Trail** (phone 02 4455 5883) with a local guide from the Ulladulla Land Council. This cultural walk makes its way towards the beach, winding through the last contours in the way of the Rainbow Serpent, the creator in Aboriginal Dreamtime stories.

Connect with culture and book an Aboriginal experience, more here: shoalhaven.com/discovery

Top left to bottom right:
Coomee Nulunga Beach,
Raymond Timbery Laddie
Timbery at Didjigal Arts and Crafts,
Jacob Morris - Discovery Ranger at
Bomaderry Creek, handcrafted baskets
at Nura Gunyu, Noel and Trish Butler from
Nura Gunyu, Julie Freeman doing Camouflaged
Yarns at Booderee National Park, carved poles at
Crookhaven Heads.
Full page image: Didthul Pigeon House Mountain.

Aboriginal Product in VICs

Both the Nowra and Ulladulla Visitor Information Centres stock Aboriginal products for visitors and locals to purchase. Work priority has been given by Centre staff and the Aboriginal Liaison Officer to source local products. This in turn supports local Aboriginal businesses and assists in the development of sustainable local businesses.

Internal Project Support

Shoalhaven Tourism works across Council to support existing projects in various ways. A recent example of this is the Callala Headland Walk. The Callala headland walk extends from Morton St to Bicentennial Park and is part of the greater 'Round the Bay Walk'. This stretch is the site of Aboriginal cultural heritage for the Jerrinja people, hosting middens along the foreshore and trail area.

To recognise these middens and for cultural preservation, Council has erected two interpretive signs that are similar in design to the Cudmirrah beach midden interpretive signage. Signage in the area provides relevant information for both locals and tourists visiting the area. Shoalhaven Tourism is working with the Social Infrastructure Planning Staff to provide details on trails such as this one for Google Maps and other tourist related website information.

Once infrastructure projects are complete, Tourism can assist with promotion and facilitate links to industry opportunities. Tourism will continue to work across Council to collaborate on projects and the delivery of successful marketing outcomes.

The Walking on Country multimedia digital resource project will provide an opportunity to capture the spirit of the country through the eyes of Aboriginal community members of the Shoalhaven. The project will raise awareness of Aboriginal people's spiritual connection to country and their affinity with the cultural landscapes. It will be a multimedia digital storytelling journey with local people sharing their spiritual beliefs and connections to country. Shoalhaven Tourism have been a financial contributor to the project as well as working closely with the project team offering advice and support throughout the process.

Tourism works closely with the Community Development Team on an ongoing basis to ensure that Aboriginal Cultural heritage is included in publicity and marketing promotions to visitors wherever possible. This relationship is well established and helps connect Tourism to the appropriate advice from Elders and the Aboriginal Advisory Committee members to share the stories of the Shoalhaven in an appropriate and respectful way. For example;

- Julie Freeman featured in the Australian Geographic article on the Wool Rd (Sept/October issue);
- When Aboriginal Elders pass away, all images are removed during sorry business in respect of the families;
- When international VIPs or media are in region (for example ARWC Adventure Race 2018) Tourism organised a Welcome to Country and footage, that was then profiled in a National Geographic documentary.
- Tourism actively work with various Land Councils to support grant funding opportunities for infrastructure projects to support jobs and growth in our regional communities.

Whether it's social media posts, attendance at NAIDOC or a large-scale promotion, the collaboration between these teams is essential and an ongoing priority.

NSW National Parks

Shoalhaven Tourism continues to work closely with NSW National Parks and Wildlife (NSW NPWS) and a representative is on the Shoalhaven Tourism Advisory Group (STAG). NSW NPWS operates a school holiday program which incorporates Aboriginal cultural heritage; this is included in tourism promotions, encouraging participation.

Business Support

Shoalhaven Tourism provides business support and advice.

In December 2018 Shoalhaven Tourism attended an NSW Aboriginal Tourism Operators Council (NATOC) workshop; as a result there was engagement with Elders and business owners specifically relating to Tourism opportunities in the region. The plan is to continue to be closely involved with NATOC and the work they are doing to strengthen Aboriginal Tourism Operators. More information on the work NATOC does can be found at <https://www.facebook.com/natocaboriginaltourism/>.

The Australian Tourism Data Warehouse (ATDW) is an important method of promotion. Tourism have several tools in place to make the process easier for businesses, including a step by step guide to make the process easier for businesses to list their business.

Shoalhaven GET YOUR FREE TOURISM LISTING

SOUTH COAST - NSW

Get your free listing

Get Connected - atdw.com.au

This will ensure you appear on shoalhaven.com visitNSW.com and other tourism websites that pull from this database. It takes about 20 minutes.



Why should I make a listing?

Get seen by visitors online. Marketing campaigns from Shoalhaven Tourism and Destination NSW send consumers to these websites and 3 million people visit the Shoalhaven each year. Be in it to win it!



Does my business qualify?

Tourism is everyone's business - attractions, shopping, accommodation, events, services - pick the category that's right.



1 Register at atdw.com.au as a Tourism Operator

- Fill in your business details: ABN (not mandatory), name of organisation, address, phone number, email.
- Create a user to access/edit your listing: user name, phone number, email address, password.
- Agree to terms and conditions
- Select "let's go" to create listing

LET'S GO!

2 Make your listing

- Choose your category
- Fill in your listing details
- Add up to 10 photos: professional or smartphone photos are suitable

Tip: Guidance is provided where you see this symbol!

HEIGHT: 1536 px min
FILE SIZE: 10MB max
WIDTH: 2048 px min



3 Upload your info



4 You're Live!!

After 2- 3 days you will be approved. If you need to make amendments, you can login and have another go.



Annual Updates

All you need to do now is to update your listing at least once every 12 months to remain on the various websites. A reminder email will be sent to you from Get Connected.



<https://oauth.atdw-online.com.au/login>

Need help?

If you have forgotten your login details, contact the Get Connected Team at ATDW:
Get Connected Support Team
Mon - Fri 9am - 4.30pm
1300 655 077
getconnected@dnsw.com.au



For help with images or product information, contact our friendly Visitor Services team
4421 0778
tourism@shoalhaven.nsw.gov.au



SA19.149

Event Support

Shoalhaven Tourism financially supports the National Indigenous Football Championships through the Event Support Program. NAIDOC Week events are provided with in-kind assistance and provision of infrastructure, as per the Event Policy (POL17/75) and are supported with advice and assistance through the event approval processes.

Town Signs

In 2016 Shoalhaven Tourism led the project to install town signs with the inclusion of Aboriginal names for respective towns. The project was very well received by community and there is a commitment to continue to add names when needed and update signage in consultation with the Aboriginal Advisory Committee.

Opportunities - Examples of initiatives being undertaken elsewhere

The research undertaken revealed that there is a significant amount of information available on initiatives being undertaken at a State and National level but more limited information on initiatives being undertaken at a Local Government level. Below are some examples to demonstrate activities and initiatives being undertaken in other locations.

Local

The City of Sydney has a page on their website dedicated to Aboriginal and Torres Strait Islander communities, which details information about Aboriginal cultural attractions, Aboriginal history and the Eora Journey, which incorporates the development of a significant Aboriginal event. City of Sydney have also developed an economic action plan to focus on Aboriginal and Torres Strait Islander communities. Information on both the welcome information and the Eora Journey can be found at <https://www.cityofsydney.nsw.gov.au/community/community-support/aboriginal-and-torres-strait-islander-communities> and <https://www.cityofsydney.nsw.gov.au/vision/sustainable-sydney-2030/communities-and-culture/eora-journey>

Byron Shire Council has developed, in association with the local Aboriginal Community, an Our Cultural Days activity book. The book was funded by National Reconciliation Week, the Department of Premier and Cabinet and Byron Shire Council to commemorate the 50 years of the 1967 Referendum and 25 years since the Mabo Native Title decision was handed down.

<https://www.byron.nsw.gov.au/Community/Indigenous-community/Indigenous-Teaching-Resources>

State

Destination NSW (DNSW) is the state tourism body, they have developed the Aboriginal Tourism Action Plan 2017 – 2020, see attached.

One of the actions outlined in this plan was the development of the NSW Aboriginal Tourism Toolkit, the toolkit aims to connect the wider tourism industry with NSW Aboriginal tourism operators.

Below is an excerpt from the toolkit, the full document is available at <https://www.destinationnsw.com.au/wp-content/uploads/2017/11/aboriginal-tourism-action-plan-2017-2020.pdf>.

Australia's Aboriginal people are custodians of the world's oldest continuous living culture. NSW has the largest Aboriginal population in Australia, and the longest

continuous contact between Europeans and Aboriginal people. NSW has many opportunities for visitors to engage with Aboriginal people and experience their culture.

In the year ending September 2016, visitors to New South Wales who engaged in an Aboriginal experience spent a total of \$1.141 billion during their time in the State. A total of 394,000 domestic and international visitors participated in an Aboriginal cultural tourism experience in New South Wales an increase of 50 per cent on the previous year.

The NSW Aboriginal Tourism Toolkit released by Destination NSW in 2017 is a valuable resource for the tourism industry to connect with NSW Aboriginal tourism operators. We encourage those interested in Aboriginal tourism to connect with local operators who are best placed to provide cultural information and deliver authentic cultural experiences.

NSW National Parks and Wildlife Service has created a Cultural Tourism Development Program which provides potential cultural tourism operators with an understanding of the tourism industry and all the elements involved with owning and operating a tourism business. It is a user-friendly guide for those operators beginning their journey in the Tourism industry. The full document can be found at <https://www.ecotourism.org.au/assets/Resources-Hub-Destination-Management-Plans/Cultural-Tourism-Development-Program.pdf>

An example of promotion at a State Government level comes from Tourism and Events Queensland with their Connect with Culture brochure. The eBooks provide a visual, editorial representation of Queensland's Indigenous experiences and plays an influential role across the travel planning cycle, resulting in driving leads to tourism businesses. The aim of the eBook is to increase awareness of the variety of Aboriginal and Torres Strait Islander experiences available in Queensland, and how to do them with inspirational itineraries. More information on the eBooks and other Tourism and Events Queensland initiatives can be found at <https://teq.queensland.com/industry-resources/industry-sectors/indigenous-tourism>

National

Tourism Australia is the National tourism body; they have programs to both support and market Aboriginal products and experiences to the international market. <http://www.tourism.australia.com/en/about/our-programs/signature-experiences-of-australia/discover-aboriginal-experiences.html>

The Australian Trade and Investment Commission has an Indigenous Tourism Group that focuses on ways to increase the quality and quantity of Australia's Indigenous tourism product offering, and the participation of Indigenous Australians in the tourism industry. <https://www.austrade.gov.au/Australian/Tourism/Policy-and-Strategy/Tourism-2020/Working-Groups/indigenous-tourism>

The Indigenous Tourism Champions Program (ITCP) is a collaborative national program instigated by Tourism Australia and Indigenous Business Australia. The program is building reliability and consistent quality in service delivery for Indigenous tourism product. The ITCP is achieving this through selective marketing of product which has met stringent criteria, ensuring that the businesses being promoted are able to meet the needs and expectations of trade and the international market. More information can be found at <http://www.tourism.australia.com/content/dam/assets/document/1/6/x/n/2/2003150.pdf>

Ecotourism Australia is a non-for-profit organisation focusing on inspiring environmentally sustainable and culturally responsible tourism. One of their accreditation programs specifically focuses on the tourism industry operating in ways that respect and reinforce Indigenous cultural heritage and the living cultures of Indigenous communities. The

Respecting Our Culture (ROC) program embraces national accreditation standards, making sure tourism experiences meet customer expectations in a professional and sustainable way. More information can be found at <https://www.ecotourism.org.au/our-certification-programs/eco-certification-4/>

International

Indigenous Tourism Alberta, Canada, is a member-based organisation that encourages and promotes authentic Indigenous tourism. The organisation strives to streamline leadership in Indigenous tourism, more information can be found at

<https://indigenoustourismalberta.ca/about-indigenous-tourism-alberta/>

New Zealand Tourism are currently focussing on 3 key areas to build awareness and capability of Maori Tourism. These key areas include building the organisation's own internal capacity and understanding, building capability of Maori tourism businesses, and working with international travel sellers to raise awareness.

<https://www.tourismnewzealand.com/about/about-the-tourism-industry/m%C4%81ori-tourism/>

Future - Possible Opportunities to Increase Support

Enhancing cultural knowledge and promoting cultural awareness to Shoalhaven's residents and visitors, along with Aboriginal business promotion is an important role for Shoalhaven Tourism. Business development in this area is also a key focus to help develop product and strengthen the industry. Both promotion and development are currently being undertaken in numerous ways, as mentioned in *Current Focus on Aboriginal Tourism in the Shoalhaven*.

Working with NATOC and DNSW

After ongoing discussions with NATOC and DNSW, Shoalhaven has been earmarked as the next destination for the NSW Aboriginal Tourism Workshop; however, NATOC have recently suggested some structural changes in their organisation for the rest of 2019, with a view to continuing workshops in early 2020.

In the meantime, Tourism will work directly with Shane Dredge, Sector Specialist - Aboriginal Tourism, Destination NSW to ensure strategy work and product development occurs in the meantime with specific operators and communities.

Working with local Land Councils to support priorities

Shoalhaven Tourism recently worked with the Ulladulla Local Aboriginal Land Council to include the Coomee Nulunga Cultural Trail in the funding application to the Regional Growth Environment and Tourism Fund. The ULALC allocated \$80,000 and an additional \$20,000 in-kind support to contribute to the application. Council is still awaiting the outcome of that application.

There is an opportunity to work closer with Local Aboriginal Land Councils to develop tourism priority projects and work towards getting projects shovel ready to then include in identified funding opportunities.

Infrastructure Development Funding

Shoalhaven Tourism administers a Tourism Infrastructure Development Funding program. The program offers dollar for dollar funding of up to \$5,000. Shoalhaven Tourism can work with the Aboriginal Advisory Committee, Local Aboriginal Land Councils and existing

businesses to identify projects that could be considered under this funding program to support development in Aboriginal Product.

Conference Attendance

The Australian Indigenous Tourism Conference was held in 2016 and 2018. All reports indicate the conferences were a huge success, attracting delegates from interstate and overseas. The conference presents a platform for Aboriginal tourism businesses to meet, learn from and forge new partnerships with wholesale and retail operators, including airlines, accommodation and media, as well as showcasing their product through a globally recognised tourism forum. Shoalhaven Tourism can offer (through an expression of interest process) our Aboriginal businesses the opportunity to attend this national conference.

Marketing Funding

Shoalhaven Tourism recognises Indigenous Tourism as one of the core promotional pillars. There is the possibility of working towards a specific marketing project with Aboriginal Tourism businesses to further promote the sector.

Shoalhaven Tourism’s Marketing Team will discuss this opportunity with operators and at the Shoalhaven NATOC workshop.

The need for projects and initiatives to be driven from the Community and the Aboriginal Advisory Committee is important; new initiatives will be undertaken in collaboration with Council’s Aboriginal Development Officer and where appropriate the Aboriginal Advisory Committee.

Plan to liaise with Council’s Aboriginal Advisory Committee (AAC)

If determined by Council, this report will be tabled at the AAC meeting for their information.

Shoalhaven Tourism will continue to work closely with the AAC to maximise positive tourism relationships and outcomes.

The 2019–2021 AAC Strategic Plan outlines several strategies that have direct links with Shoalhaven Tourism; see below excerpt from the Plan.

Strategies	Actions	Outcomes/KPIs	Timeline	Responsibility
1.4. Assist and support Council in developing and promoting Aboriginal tourism opportunities within the Shoalhaven	1.4.1 Shoalhaven Tourism to continue to consult the ACC to gain cultural advice, support and guidance	1.4.1.1 Number of instances of attendance of Shoalhaven Tourism at ACC meetings. Number of instances that cultural advice sought/provided	Ongoing	Shoalhaven Tourism
	1.4.2 AAC support Shoalhaven Tourism with the annual Tourism Guide and other relevant opportunities to enhance Aboriginal tourism in the	1.4.2.1 Annual feedback process between ACC and Shoalhaven Tourism undertaken		SCC – Community Development
		1.4.2.2 Increasing		

	Shoalhaven	trend in the number of Aboriginal businesses appearing in the Tourism Guide		
1.5. Encourage and support Council in promoting and incorporating Aboriginal significant events and celebrations (internally and externally) as part of Council business and promote to the broader community.	1.5.1 A calendar of significant Aboriginal events recognised and promoted by SCC 1.5.2 Support Council in celebrating significant Aboriginal events and annual community activities (see Glossary)	1.5.1.1 Calendar of Aboriginal Cultural events developed and promoted. 1.5.2.1 Increasing trend in the number of events supported and participated in.	2019/2020 Ongoing	ACC SCC – Community Development SCC – Media and Communications

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Next Steps

It is proposed that the Shoalhaven Tourism unit continue to work collaboratively with the AAC, local Land Councils and local business operators to develop and promote Aboriginal jobs growth in the region through tourism opportunities.

It is recommended that priority be given to creating future actions for inclusion in Council's annual Delivery Program and Operational Plan (DPOP). These should specifically target supporting and developing Aboriginal Tourism opportunities. This will ensure ongoing planning for the development of local, Aboriginal led tourism jobs growth. It will also formally recognise the importance of Aboriginal tourism job opportunities in our region. Adding actions to the DPOP will also take advantage of the existing reporting mechanism to ensure Council and community are well informed.

SA19.150 Tenders - Legal Services Panel

HPERM Ref: D19/317096

Group: CEO Group
Section: Executive Strategy

Purpose / Summary

To inform Council of the tender process for the panel for the provision of external legal services and to obtain endorsement of the recommend panelist firms.

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

Recommendation (Item to be determined under delegated authority)

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

Options

1. The Strategy and Assets Committee may resolve to not endorse the recommended panel for the provision of external legal services.

Implications: Additional costs and time will be expended undertaking a separate and new tender process. Alternatively, if a tender is not undertaken, additional time and cost in seeking such services applying procurement policy process to each required engagement.

Details

ISJO represents local government in the Illawarra and South Coast regions of New South Wales. Member councils include Wollongong City Council, Shoalhaven City Council, Shellharbour City Council and Kiama Municipal Council.

In 2015 Shoalhaven, Shellharbour and Kiama Councils agreed to collaborate on a joint public tender process to establish a panel for the provision of external legal services. A joint panel was established with a term from 1 October 2015 until 31 August 2019.

At the expiration of the term for the panel appointed in 2015, Shoalhaven, Shellharbour and Kiama Councils agreed to continue to collaborate on the appointment of a new panel for the provision of external legal services. ISJO conducted the tender process on behalf of Shellharbour, Shoalhaven and Kiama Councils and endorsement is sought from Council to the preferred panel for the provision of external legal services.

Tenders Received

Tenders were received from the following:

Tenderer	Location
1. Bartier Perry Pty Limited TAS Bartier Perry	Sydney, NSW
2. Bilias Associates Solicitors Barristers	Sydney, NSW
3. Bradley Allen Love	Canberra, ACT
4. Colin Biggers and Paisley	Sydney, NSW
5. Coutts Solicitors Conveyancers	Sydney, NSW
6. Daniela Fazio Lawyers Pty Ltd	Sydney, NSW
7. Hall Wilcox	Sydney , NSW; Canberra, ACT
8. Holding Redlich Partnership	Sydney, NSW
9. Houston Dearn OConnor	Sydney, NSW
10. Hunt & Hunt	Sydney, NSW
11. Kells Lawyers	Shellharbour, Wollongong, Sydney, NSW
12. Lander Rogers	Sydney, NSW
13. Lindsay Taylor Lawyers	Sydney, NSW
14. Maddocks	Sydney , NSW; Canberra, ACT
15. Marsdens Law Group	Sydney , NSW
16. Marshall IP Group	Wollongong, NSW
17. McCabe Curwood Pty Ltd	Sydney , NSW ; Canberra, ACT
18. McCullough Robertson	Sydney , NSW; Canberra, ACT
19. Pikes Verekers Lawyers	Sydney , NSW
20. RMB Lawyers	Nowra, Kiama, Shellharbour, Wollongong, Sydney, NSW
21. Shaw Reynolds Lawyers Pty Ltd	Sydney , NSW
22. Sparke Helmore Lawyers	Sydney , NSW ; Canberra, ACT
23. Wilshire Webb Staunton Beattie	Sydney , NSW
24. Workdynamic Australia	Sydney , NSW

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

Community Engagement:

Not required as part of this process as the services are delivered internally.

Policy Implications

No significant policy implications are envisaged.

Financial Implications:

There have been administrative and advertising cost savings by going through the joint tender process with ISJO.

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SA19.151 Draft Community Participation Plan

HPERM Ref: D19/334330

Group: CEO Group
Section: Executive Strategy

Attachments: 1. Guidance for Councils on Preparation of CPPs [↓](#)
2. Working Draft Community Participation Plan (councillors information folder) [⇒](#)

Purpose / Summary

To provide Council with the Draft Community Participation Plan and seek support for the exhibition process and engagement plan to ensure finalisation by the State Government deadline of 1 December 2019.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Make necessary changes to the working draft Community Participation Plan (CPP) prior to exhibition in accordance with feedback received from key stakeholders
2. Once changes have been made proceed to exhibit the draft CPP for a period of 28 days, as soon as possible, following finalisation of feedback in order to meet the 1 December 2019 timeframe.
3. Report the outcome of the exhibition and the final CPP to Council for adoption at the November 2019 Ordinary Meeting
4. Consult with the community in accordance with the Community Engagement Plan detailed within the report.

Options

1. Provide the working draft document to key stakeholders for feedback and then proceed to exhibit the draft plan for a period of 28 days

Implications: It is intended that the working draft CPP document is to be provided to the community and feedback sought on improvements or alterations to the document. This is currently being undertaken and will continue to occur throughout the exhibition period. This approach will allow for the community to be engaged in the process (even though it is a short timeframe) whilst also still enabling Council to meet the deadline that has been set for the completion of a CPP for all NSW councils by the State Government of 1 December 2019.

2. Choose to not adopt to the recommendation and make an alternative recommendation

Implications: Council will not be able to meet the requirements that have been set and this may result in all Development Applications being required to be notified. This will place undue delay on the DA process and would not be of benefit to our community

Background

As part of the recent planning reforms the State Government has introduced the requirement for all councils in NSW to have a Community Participation Plan. A CPP will outline how and when planning authorities engage the community across their planning functions. The purpose of the CPP is to provide a single document that the community can access, that sets out all of Council's community participation requirements under the planning legislation, including all minimum mandatory exhibition timeframes.

All applicable NSW planning authorities (including councils) will be required to have the final version of their first CPP published on the NSW Planning Portal by 1 December 2019.

The new CPPs will detail how each planning authority will engage the community in the planning decisions it makes. The plans must also consider the new community participation principles that have been provided by the Department within the EP&A Act.

Councils may choose to meet their obligation for a CPP by incorporating the CPP requirements into the broader community engagement strategies they prepare under the Local Government Act. This approach would need to ensure any existing strategy meets the requirements of the EP&A Act. Alternatively, the council may choose to prepare a standalone CPP.

In June 2019 councils were provided with a "Guide to the preparation of CPPs". This guide is provided as Attachment 1 to this report. Information on how the plans can be uploaded to the Department portal are still to be received.

After considering the contents of the CPP Guide, reviewing other council CPP documents and undertaking a review of our existing Community Engagement Policy, it was determined that the best approach would be to develop a standalone CPP.

What does the CPP contain?

The Draft CPP contains the requirements that are set out in the "Guidance Material to councils-CPPs - June 2019". This outlines the contents of the plan as follows:

"the expectation is councils will transfer all community participation requirements (sometimes referred to as notification, advertising or submission periods) from development control plans to their CPP or a community engagement strategy prepared to meet the CPP requirement. Reflecting this expectation, the Department is working to amend or delete inconsistent Regulation requirements by December 2019.

Where a council is not able to consolidate their Notification DCP into their new CPP before 1 December 2019, council may reference the relevant notification DCP in the CPP. However, the Department's intention is to progress amendments to the Act to remove this option soon.

The planned introduction of a standard format for DCPs format is an additional driver for this change. There is no intention to include community participation information in the standard format for all council DCPs as this is the role of the CPP."

The key contents the draft CPP that has been prepared for Council therefore contains the following:

- Community engagement principles and values
- Levels of engagement (supported by IAP2 framework)
- Exhibition and notification timeframes
- Submission requirements
- Monitoring and evaluation

Much of the content has either been drawn from legislative requirements or the existing adopted Council policies. The CPP does not introduce new standards or requirements. Rather it is a consolidation of existing policy and legislative requirements into a Plain English, simple form.

Council's Community Engagement Framework

Council currently has two policies that relate to community engagement and consultation related to planning matters. These include:

- Community Engagement Policy (not reviewed since adoption)
- Community Consultation Policy for Development Applications (including subdivision) and the Formulation of Development Guidelines and Policies (amended in 2017)

It is expected that following exhibition, should Council adopt the CPP, large components of both these policies will be superseded by the CPP. There are components of both policies that has been deemed additional information or clarification that did not fit into the CPP format. This content could be transferred into other forms, such as fact sheets or content for the website.

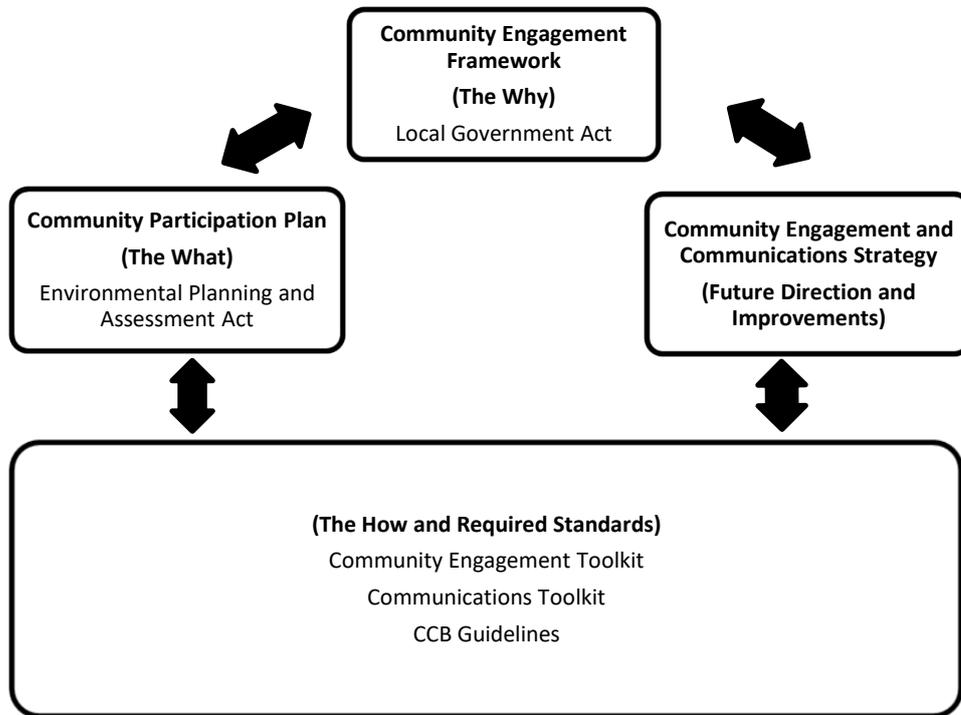
Council does not currently have a specific overarching Community Engagement Framework. Whilst there are several documents that support engagement, and policies that relate to how engagement should be carried out these documents sit in isolation and do not directly fit with each other. The CPP is the first step in creating a more integrated engagement framework that is more readily understood by the community.

There is more work to do and it is proposed that a detailed framework is developed, supported by the CPP and other strategies and plans, that can provide staff with relevant and current guidance on engagement practices and principles. An overarching framework would also enable the community to more readily understand and be involved in the components that are utilised for the decision making and engagement planning processes.

A proposed engagement framework is outlined in Diagram 1 below, which also shows how the CPP would fit within this model.

Council support for this framework is not being sought as part of this report. The framework diagram has simply been provided to enable Council to understand how the CPP might fit into a future framework. It is also provided to demonstrate the work that is occurring to seek a solution to improving the way in which Council engages with and supports our community in having their say in matters that affect their lives.

Diagram 1: Overarching Community Engagement Framework



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Community Engagement – Plan and Approach for Exhibition

A detailed community engagement plan has been prepared for the exhibition of the draft CPP. A key message within the consultation process is that the contents of the plan contain existing Council policy, mandatory requirements (as outlined in legislation) and components of our existing Community Engagement Policy. Therefore, the consultation process is citywide but of a low impact, given that new concepts or provisions are not being introduced.

A summary of the proposed approach for engagement with the community about this plan is provided as follows:

Key Stakeholders

As part of the development of the engagement plan for the exhibition of the CPP key stakeholders have been identified. Requests have also been made to Council staff and Councillors to outline any stakeholders that may have been missed from this list to ensure that appropriate notifications are provided to interested parties. The following are the key stakeholders that have been identified to be informed and consulted with during this exhibition process.

- CCB Executive (with a number specifically identified)
- Business Chamber executives
- Key Community Members (as identified by Council)
- Members of the Community Engagement Policy panel
- Committees of Council
- Planning and development industry members

These stakeholders are being directly contacted and provided with a copy of the working draft for comment and feedback prior to the formal exhibition process. Following the feedback received from these stakeholders, changes can be made to the document (that meet with the legislative requirements set for Council) and the draft can be finalised for exhibition.

The formal exhibition process will include these stakeholders and be broadened to also include the wider community.

Communication and Engagement Tactics

A range of communication and engagement tactics will be used as part of the engagement process. It is expected that the following methods and tactics will be used:

- Get Involved Page: including submission option, fact sheets, comment section and feedback form
- Direct mail and email to key stakeholders
- Social media advertising and notification of exhibition
- Newsletter notifications
- Formal exhibition notification
- Media

Face to face engagement has not been proposed for this project given the limited timeframe that has been afforded to meet the government requirements. However, should requests be received from stakeholders for meetings, phone discussions or drop in sessions then these can be provided on a case by case basis.

Timeframes and Requirements

The initial stakeholder discussions have already commenced to seek early feedback on the working draft document.

The formal exhibition process is expected to run from Friday 18 October to Friday 15 November 2019.

It is intended that the final CPP will be reported to the 26 November 2019 Ordinary Meeting to enable loading onto the Planning Portal by 1 December 2019.

Policy Implications

Once the CPP is adopted by Council further work will occur on taking the remainder of any relevant content that has not been included within the CPP from the existing Council policies

It is intended that any remaining content from these policies (much of which is just general information) will be incorporated into the overarching Community Engagement Framework or provided in an alternative form such as a fact sheet or information documents.

Financial Implications

The adoption of the CPP and the resulting exhibition process does not have any direct financial implications. The preparation of the plan has occurred in house and the exhibition will be managed within existing budgets.

As there continues to be an emphasis placed on improving and supporting community engagement practices and processes within the organisation, it is imperative that appropriate budgets are allocated within all projects, to allow for appropriate, genuine and supported

community engagement to occur. This is to ensure that Council can meet the principles, promises and commitments that are outlined in this plan and enable the community to be appropriately informed and involved.

Risk Implications

There is a significant risk is the project does not meet the required timeframes, given the impact on development application notification and requirements. Whilst it is acknowledged that the timing is not ideal many other councils are also currently exhibiting their CPPs and it seems that many are in the same situation.

It is important that the information provided to the community clearly indicates the timeframes that are required and explains the future opportunities that will be provided to continue to influence and input into our overarching engagement framework.

Conclusion

It is expected that there will be ongoing improvements and changes to the CPP over time. A review will also need to occur within the next year to incorporate any changes that may result from the establishment of an Overarching Engagement Framework. This is to ensure that content remains relevant and also incorporates improvements in engagement processes and practices both within the organisation and via changes to industry standards.

Community Participation Plans

Guidance material to councils



This guidance material has been prepared to provide NSW councils clarification on the:

- relationship between a community participation plan (CPP) and a notification development control plan (DCP);
- planning functions that councils should include in its CPP; and
- the steps to be followed to meet the CPP requirements by the 1 December 2019 deadline.

Please direct inquiries to the Legislative Updates Team: legislativeupdates@planning.nsw.gov.au

Overview

Community Participation Plans (CPPs) are a new requirement under the *Environmental Planning and Assessment Act 1979* (the Act). A CPP will outline how and when planning authorities engage the community across their planning functions.

All applicable NSW planning authorities (including councils) will be required to have the final version of their first CPP published on the NSW Planning Portal by 1 December 2019.

What is the relationship between a CPP and notification DCPs?

Currently, councils outline community participation requirements in multiple documents including a notification development control plan and community engagement plan or strategy prepared under section 402 of the *Local Government Act 1993*. This includes information setting out specific exhibition timeframes (sometimes referred to as notification periods) for types for development applications.

The purpose of the CPP is to provide a single document that the community can access that sets out all of council's community participation requirements under the planning legislation, including all minimum mandatory exhibition timeframes.

As such, the expectation is councils will transfer all community participation requirements (sometimes referred to as notification, advertising or submission periods) from development control plans to their CPP or a community engagement strategy prepared to meet the CPP requirement.

Reflecting this expectation, the Department is working to amend or delete inconsistent Regulation requirements by December 2019.

Where a council is not able to consolidate their Notification DCP into their new CPP before 1 December 2019, council may reference the relevant notification DCP in the CPP. However, the Department's intention is to progress amendments to the Act to remove this option in the near future.

The planned introduction of a standard format for DCPs format is an additional driver for this change. There is no intention to include community participation information in the standard format for all council DCPs as this is the role of the CPP.

Key points to note include:

- Draft CPPs are required to be exhibited for 28 days, with final CPPs published on the NSW Planning Portal by 1 December 2019.
- The purpose of a CPP is to provide a single document that clearly states how the community can participate in planning matters. It will combine council's existing community engagement approach and the minimum public exhibition timeframes of the legislation for planning functions.

Community Participation Plans

Guidance material to councils



- Section 2.23(4) of the Act gives councils the option to prepare a standalone CPP or include the requirements in a community engagement plan/strategy prepared under section 402 of the *Local Government Act 1993*.
- A council's CPP is required to set out mandatory requirements for community participation by councils for the exercise of their planning functions.
 - The mandatory community participation requirements include minimum public exhibition timeframes relating to planning functions where council is the consent authority, and these are listed in Schedule 1 of the Act.
 - The exhibition period is sometimes described as a notification or advertising period.
- The CPP should be clear about what is meant by public exhibition, which could be described as:
 - giving notice to individual land owners / occupiers;
 - determining an appropriate exhibition timeframe;
 - advertising the exhibition notice, including how submissions can be made; and
 - making documents publicly available.
- A CPP should include all other non-mandatory community participation commitments including when extended public exhibition will occur or targeted consultation.
- A key legal function of the CPP is to inform the community of the different minimum public exhibition timeframes council sets for different types of development applications.
 - The minimum public exhibition period for all development applications (DAs) (except for complying development, State significant development and designated development) is 14 days, unless a council's CPP identifies a different time-period or states that no public exhibition is required ([clause 7 of Schedule 1 of the Act](#)).
 - If exhibition periods are currently set out in council's notification DCP councils should transfer or refer to this requirement in their the CPP.
- To provide transparency to the community councils may choose to set out in their CPP other typical community consultation practices.
 - For example, where council notes in a CPP that no exhibition is required for a type of development application, however in practice they typically give near neighbours an opportunity to provide feedback.
 - Where this is included these practices should be clearly distinguished from the mandatory minimum requirements by clearly identifying they are discretionary in nature.
- To avoid uncertainty in relation to minimum exhibition periods and reduce future amendments required to the CPP, the Department recommends councils include necessary community participation information in their CPP and revoke the community participation requirements from any DCP once the CPP is made.
- The Department is aware that there are some inconsistencies in the current framework and are working to identify and have them amended to reflect the legislative intent of the new CPP requirement.
 - For example, a bill has introduced into Parliament which proposes to amend section 5.8 of the Act to remove the inconsistent reference to 30 days and instead to refer to the requirement set out in Schedule 1 which provides for 28 days (*Planning Legislation Amendment Bill 2019*).
 - The Department encourages any feedback on similar inconsistencies to ensure the new CPP requirement works clearly and effectively.

Community Participation Plans

Guidance material to councils



What planning functions does a council need to include in its CPP?

A council CPP should set out, as a minimum, the following:

Table 1. Minimum requirements that should be set out in a council CPP

Schedule 1 to the EP&A Act	Minimum community participation requirement
Draft community participation plans (CPP)	28 days
Draft local strategic planning statements (LSPS)	28 days
Planning proposals for local environmental plans subject to a gateway determination	28 days or: (a) if a different period of public exhibition is specified in the gateway determination for the proposal—the period so specified, or (b) if the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition.
Draft development control plans 28 days	28 days
Draft contribution plans 28 days	28 days
Application for development consent (other than for complying development certificate, for designated development or for State significant development)	14 days or: (a) if a different period of public exhibition is specified for the application in the relevant community participation plan—the period so specified, or (b) if the relevant community participation plan specifies that no public exhibition is required for the application—no public exhibition.
Application for development consent for designated development	28 days
Application for modification of development consent that is required to be publicly exhibited by the regulations	The period (if any) determined by the consent authority in accordance with the relevant community participation plan.
Environmental impact statement obtained under Division 5.1	28 days

Important points to note:

- The mandatory requirements in Schedule 1 for community participation include any other forms of community participation that are set out in a CPP and that are identified in the CPP as mandatory requirements.
- Councils are not required to include in their CPP minimum exhibition timeframes for relevant planning functions that do not apply to them.
- Clause 17 in Schedule 1 to the Act states that if a particular matter has a different exhibition or notification period that applies under Part 1 of Schedule 1, the longer period applies.

Community Participation Plans

Guidance material to councils



Council CPP checklist

1. Decide whether to:
 - Option A: Prepare a standalone CPP
 - Option B: Rely on or update an existing Community Engagement Strategy (CES) prepared as per section 402 of the Local Government Act (council only). This requires a statement that the document has been prepared to satisfy CPP requirements and acknowledge which sections are being used to satisfy these requirements.

2. Demonstrate regard to the Community Participation Principles (outlined in 2.23 (2) of the EP&A Act):
 - Option A: If preparing a standalone CPP this could be achieved by repeating community engagement principles set out in council engagement strategies to ensure consistency.
 - Option B: If updating an existing CES this could be achieved by reference to community engagement principles already set out in that document.

3. Describe how and when the council enables community participation:
 - Option A: If preparing a standalone CPP this could be achieved by repeating the community engagement approach set out in council engagement strategies to ensure consistency.
 - Option B: If updating an existing CES this could be achieved by reference to the community engagement approach already set out in that document.

4. List minimum public exhibition timeframes for relevant planning functions. This will include lifting minimum development application exhibition timeframes from notification DCPs and putting them in councils CPP. A list of the relevant planning functions and guidance the relationship between CPPs and notification DCPs are provided above.

5. Exhibit the CPP for a minimum of 28 days.

6. Publish on the NSW Planning Portal before 1 December 2019 (directions on how to upload to the portal will be provided by the Department).

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SA19.152 Delivery Program and Operational Plan Six Monthly Performance Report

HPERM Ref: D19/334335

Group: CEO Group
Section: Executive Strategy

Attachments: 1. Delivery Program and Operational Plan Six Monthly Performance Report (under separate cover) [↔](#)

Purpose / Summary

In accordance with the requirements of the Local Government Act, Council must produce a report (over a minimum 6 monthly period) displaying how Council has been working to achieve the goals and actions that are outlined within the Delivery Program and Operational Plan. This report is attached and provided to Councillors for their information and review.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Receive the Six Monthly Performance Report for information
2. Publish the report on Council's website and communicate the report outcomes to relevant stakeholders.

Options

1. Accept the Six-Monthly Performance Report for information

Implications: This allows for Council to meet the statutory requirements of the Act and will enable the report to be published on Council's website and communicated to key stakeholders.

2. Make changes or an alternative recommendation

Implications: Council may wish to make changes or not adopt the Six-Monthly Report. This will have implications on Council's ability to meet legislative timeframes and requirements.

Background

As part of the Integrated Planning and Reporting Framework councils are required to deliver a report on performance. This report must occur within a minimum six-month timeframe, with the option to also consider delivering quarterly reporting. Currently Council has adopted a six-monthly reporting timeframe. As a result, the performance report for the last six months is attached for information.

This document contains several key highlights and comments about the actions, projects and programs that have been delivered by Council between January 2019 and June 2019. The report also provides a snapshot of key statistics for the organisation, including statistics such as the number of visits to key services, volunteer hours and applications received.

This report continues to be enhanced and improved, with work currently being undertaken to further articulate what has been "promised" and what has been delivered, within the reporting

framework. Future enhancements are also intended to include financials and other data which can support measures of performance. These will be delivered in future iterations of the performance reporting framework.

Summary of Performance

The following performance has been measured for each of the key themes:

Theme	Progress snapshot
Resilient, safe and inclusive communities	93% actions in progress and on track
Sustainable, liveable environments	75% actions in progress and on track
Prosperous communities	100% actions in progress and on track
Responsible governance	62% actions in progress and on track

This shows that actions and goals are tracking well for this reporting period and are over 50% complete for the year. Given this is the mid-year performance review, this is a pleasing result. Ongoing work will continue to improve any actions that are off track and will be occurring to ensure that targets are met for the end of year reporting period.

Key Highlights

Council has been working consistently to deliver a range of key activities, projects and programs. The performance report is structured to provide a range of key highlights that are significant achievements for the organisation. The performance report also provides general comments about the types of activities and actions that have been undertaken for each goal of the DPOP.

Some of the significant highlights that have been outlined in the report include:

- Near completion of the Shoalhaven Indoor Sports Centre
- Nowra sewerage treatment construction near completion
- Pipeline drilling under Shoalhaven River
- Working with industry partners to secure upgrade to South Coast rail line class 1 track
- Rehabilitation of a number of significant roads and completion of key road projects
- Completion of a range of public exhibitions for significant policies and strategies
- Completion of projects in accordance with Strategic Planning Works Program
- Receipt of grant funding for Albatross Aviation Technology Park and Placemaking in Vincentia Village
- Growth in off season visitation to the region
- 80% of capital budget spent
- 100% of road resealing budget spent
- Ongoing improvements to DA process, guidelines and policies
- Purchase of electric cars and a range of other sustainability measures implemented

Communications

It is intended for this report to be provided on Council's website and via Council's weekly newsletter. A range of other communications techniques will also be utilised to communicate the outcomes of this report. Some of the key highlights that have been achieved over the reporting cycle will also be outlined to the community and other interested stakeholders. A copy of the report will also be provided to the OLG.

SA19.153 Infrastructure Australia - Call for Projects

HPERM Ref: D19/338218

Group: CEO Group
Section: Economic Development

Purpose / Summary

Infrastructure Australia in July/August 2019 called for nominations of projects by local government to be included in the 2020 Infrastructure Priority List.

Recommendation (Item to be determined under delegated authority)

That Council note that the following projects have been nominated to Infrastructure Australia for inclusion in the 2020 Infrastructure Priority List:

1. Rail connectivity – upgrades to line from Moss Vale to Unanderra/Port Kembla to Bomaderry
2. East West road freight corridor from Nowra – Beyond Nerriga upgrade to Tarago & Goulburn
3. Nowra Bomaderry Transport Strategy – To address congestion in and around the Shoalhaven River crossing

Options

1. Accept the recommendation as written

Implications: The nominated projects will be assessed by IA to be included in the 2020 Infrastructure Priority List.

2. Adopt an alternate resolution

Implications: Depending on the wording, could have Council attempt to change or withdraw its nominated projects.

Background

Infrastructure Australia (IA) in July/August 2019 invited Australia's governments and non-government bodies to identify infrastructure problems and opportunities of national significance.

IA welcomed proposals for all types of infrastructure, including programs of related works and programs for network optimization.

The current [Infrastructure Priority List](#) is a 'live' document and is open to submissions at any time, but to be considered for the 2020 publication, submissions must have been received before 31 August 2019.

Current projects of significance to this region on the List are:

- The Northern Road Upgrade – Access to south-west Sydney growth area and construction access to Western Sydney Airport
- Preserve corridor for East Coast High Speed Rail – Future connectivity between east coast capital cities

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- Port Botany freight rail duplication – Sydney Port Botany rail freight capacity
- Advanced Train Management System implementation on the interstate rail network - Rail freight capacity constraint on ARTC network (Note – Moss Vale to Unanderra is part of the ARTC network)
- F6 Extension (Connection between the M1 at Waterfall and the Sydney motorway network) – Connectivity between Wollongong and Sydney CBD
- Shoalhaven River crossing capacity – Connectivity in south coast of NSW
- Freight rail access to Port Kembla – Freight rail access to Port Kembla
- Picton Road safety and capacity – Connectivity between Wollongong and south-west Sydney

The Priority List is made up of two broad groups:

- **Projects** are infrastructure solutions to a defined problem or opportunity for which a full business case has been completed by the proponent and positively evaluated by Infrastructure Australia.
- **Initiatives** are potential infrastructure problems / opportunities or ‘early stage’ solutions for which a business case has not yet been completed. Initiatives are identified through a collaborative process between proponents and Infrastructure Australia, using the Australian Infrastructure Audit and other data as evidence of infrastructure needs.

The investments outlined in the Priority List undergo a rigorous prioritisation process and are independently assessed by the Infrastructure Australia Board.

Council could propose projects to be supported by strong economic arguments and would be stronger if supported by multiple agencies/Councils and industries in a partnership approach.

On 2 August an email was sent to all Councillors by the Economic Development Manager suggesting the following projects be submitted:

1. Rail connectivity – upgrades to line from Moss Vale to Unanderra/Port Kembla to Bomaderry
 - Passenger services Bomaderry to Kiama – Toolijooa Passing Loop; Berry to Bomaderry track upgrade
 - Freight services Bomaderry to Botany & Bomaderry to Moss Vale – Toolijooa Passing Loop; Berry to Bomaderry track upgrade; Unanderra siding extension suitable for “run around” manoeuvres; Summit Tank passing loop extension.
 - Partners – Wingecarribee, Wollongong & Shoalhaven Councils; Port Kembla Port Corporation; ARTC & Sydney Trains; Manildra Group, Grain Corp, Pacific National
2. East West freight corridor from Nowra – Beyond Nerriga upgrade to Tarago & Goulburn
 - Partners – Goulburn-Mulwaree, Queanbeyan-Palerang & Shoalhaven Councils; Manildra, Hi-Quality, & various other carriers/industries
3. Nowra Bomaderry Transport Strategy – To address congestion in and around the Shoalhaven River crossing
 - Partners – Transport for NSW, RMS, Shoalhaven Council; Local hauliers & business
4. PH Intersections – Jervis Bay Rd; Island Point Rd; The Wool Rd
 - Partners – Shoalhaven Council, RMS; Supermarket chains; coastal village communities

Initiatives 1 and 2 lend themselves to preparing a more robust case, especially with the freight linkages that can be articulated.

It was requested of Councillors and Group Directors that any other potential initiative could be added but that the project needs to have National and/or State significance rather than being of local or regional impact only, e.g.,

- Maintaining a national supply chain
- Addressing daily congestion which affects resident amenity and business productivity
- Inadequate infrastructure that limits productivity and creates safety concerns
- Enhancing water security

No additional projects were nominated and submissions for projects were received and the following were submitted:

1. Rail connectivity – upgrades to line from Moss Vale to Unanderra/Port Kembla to Bomaderry (c\$250m)
2. East West road freight corridor from Nowra – Beyond Nerriga upgrade to Tarago & Goulburn (c\$90m)
3. Nowra Bomaderry Transport Strategy – To address congestion in and around the Shoalhaven River crossing (c\$273m)

Community Engagement

The above projects have been well canvassed either in part or full within the relevant stakeholder groups. Some aspects have received Governmental interest/commitment but again for component parts rather than the overall project that is required to deliver meaningful outcomes for the wider region and in some instances, the nation as a whole.

Policy Implications

Each of the project requires a bi-partisan government approach and commitment. By nomination to Infrastructure Australia the national interest will be considered and the policy implications which can follow could be not only in the interest of Shoalhaven and its businesses and community but to the wider region and national freight task.

Financial Implications

These priorities are sought to be delivered by Governments of all levels. The extent to which this Council may become financially bound is less likely for projects 1 and 2 but as local roads are part of the solution for relieving traffic congestion in and around Nowra, Council will have to assess its involvement in the strategies that will evolve to provide a solution to project 3.

SA19.154 Section 355 Management Committees - Annual Report

HPERM Ref: D19/307649

Group: Finance Corporate & Community Services Group

Section: Recreation Community & Culture

Purpose / Summary

1. To confirm Council's Section 355 Management Committees' delegated responsibility and their authority to expend up to an amount of \$5,000;
2. To confirm the authorisation to the Chief Executive Officer to appoint members to the Management Committees.

Recommendation (Item to be determined under delegated authority)

That:

1. The authorisation to the Chief Executive Officer to appoint members to Management Committees as required be confirmed;
2. The Section 355 Management Committees listed in this report retain their delegated responsibility pursuant to Section 377 – LG Act 1993 for the care, control and management of their facilities with authority to expend up to an amount of \$5,000, consistent with the delegation;
3. The following Management Committees be acknowledged to have dissolved and the facilities to have transitioned to occupancy agreements as per Council Resolution MIN16.706:
 - a. Nowra Communal Youth Hall
 - b. Jervis Bay Maritime Museum
 - c. Ahimsa Sailing Club
 - d. Vincentia Sailing Club

Options

1. As Recommended.

Implications: Continual improvement of the management of Council's community facilities will occur as models of management are improved, and Management Committees are supported to improve their operations.

2. Council change the delegated responsibility for the care, control and management of its facilities with authority to expend up to a different amount, consistent with that delegation.

Implications: Increasing the 'authority to spend' amount would increase the risk of inappropriate expenditure of funds by the Management Committee; decreasing the amount would restrict the ability of the Management Committee to manage the finances without ongoing input from Council's officers. Changing the governance model may result in inefficient use of facilities and an increased (unfunded) cost burden to Council and staff workloads, which are not resourced.

3. Council determine to not accept the recommendation and provide alternative direction.

Implications: This could affect the efficient running of Council's public facilities and their use by the community.

Background

Council annually ratifies the delegated responsibility of Management Committees for the care, control and management of the facilities operated by the Committees on behalf of Council, with authority to expend up to an amount of \$5,000. The delegation allows community groups to take greater ownership and value-add to Council facilities, while at the same time reducing resource requirements from Council. The terms of this delegation are formalised in Council's Management Committee Guidelines and Management Committees Policy.

Council also annually ratifies authorisation to the Chief Executive Officer to appoint members as required to Management Committees. This authorisation reduces the operational workload for both Councillors and staff, when changes may be made in Management Committee membership during the year.

The following Management Committees have been dissolved and the facility occupants have transitioned to an occupancy agreement as per Council Resolution (MIN16.706):

- Nowra Communal Youth Hall - one (1) year short term licence
- Jervis Bay Maritime Museum - twenty (20) year Management Agreement
- Ahisma Sailing Club - one (1) year short term licence
- Vincentia Sailing Club - one (1) year short term licence

It is proposed that the following Section 355 Management Committees be retained:

Shoalhaven Swim Sport and Fitness Unit:

- Berry Showground (Hazelberry & David Berry Parks)
- Bill Andriske Oval
- Bomaderry Community Centre
- Burrill Lake Public Hall
- Callala Community Centre
- Callala Bay Progress Hall
- Callala Beach Community Centre
- Culburra Beach Community Centre
- Culburra Tennis Courts
- Currarong Tennis Courts
- Frogs Holla Sporting Complex
- Former Pyree School
- Greenwell Point Memorial Community Hall
- Huskisson Community Centre
- Huskisson Tennis Courts
- Kangaroo Valley Showground (Osborne Park)
- Kioloa-Bawley Point Community Centre
- Milton Showground
- North Nowra Community Centre
- Shoalhaven Heads Community Centre
- Shoalhaven Heads Tennis Courts
- Shoalhaven Rugby Park
- St Georges Basin Community Centre
- Sussex Inlet Thompson Street Community Facilities
- Vic Zealand Oval

- Wandandian Recreation Reserve
- Worrigeer Equestrian Common
- Yulunga Recreation Reserve

Shoalhaven Libraries Unit:

- Friends of Milton Library

Assets Unit:

- Huskisson Wharves
- Ulladulla Slipway

Community Engagement

Management Committee volunteers are highly valued by Council and the community in their management of community assets. Council supports the Management Committee volunteers with advice, in-kind assistance and budget provisions where appropriate. Volunteering is a delivery method encouraged and supported by Council.

Council will ensure regular contact, assistance and information to assist Committees to maintain compliance with Council's Management Committee Guidelines.

Council continues to work closely with Management Committees to encourage voluntary community membership on the committees.

Financial Implications

Having community-based Management Committees take responsibility for the care, control and management of local facilities results in increased income through greater engagement, ownership and use of community assets. This is an extremely cost-effective delivery method for providing community infrastructure and services at a local level.

Risk Implications

Should Committees be dissolved, and the facilities revert to Council management, there would be an increased workload for Council staff to maintain and administer the facilities.

SA19.155 Relocation of Skate Park - Bay and Basin Community Hub

HPERM Ref: D19/309824

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

Attachments: 1. Map - Relocation of Skate Park - Bay and Basin Community Hub [↓](#)

Purpose / Summary

To provide Councillors with an update on the Review of Environmental Factors for the Bay and Basin Skate Park and seek endorsement for the relocation of the Regional Skate Park to an alternate location within the Bay and Basin Community Hub.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt the new location of the Regional Skate Park in the Bay and Basin Community Hub precinct.
2. Use the current budget allocation, which is for the delivery of a fully completed skate park facility, to engage a consultant to prepare a detailed design for the construction of the Bay and Basin Skate Park that reflects the new location.
3. Report back to Council with the detail design.

Options

1. Adopt the recommendation.

Implications: This will allow Council to proceed to the design phase of the Bay and Basin Regional Skate Park in the new location and meet the long-anticipated expectations of the community for this project.

2. Adopt an amended recommendation that proposes an alternate site for the Bay and Basin Regional Skate Park

Implications: Depending on the significance of any amendment, this may delay finalisation of design and delivery of the Regional Skate Park and may require additional resourcing and/or technical investigations, as well as additional community consultation regarding a change of site. The Review of Environmental Factors recommends that Council considers and investigates the relocation of the Regional Skate Park to the area in the Master Plan shown as the “Community Garden”, that is, the area currently proposed.

3. Council does not adopt the recommendation and provides alternative direction to staff.

Implications: This may delay/halt completion of the detail design and delivery of the Bay and Basin Regional Skate Park. This would not meet community expectations.

Background

On 11 March 2014, Council held an extraordinary meeting regarding Federal funding that was received for community infrastructure Local Skate Park projects. As a result, it was resolved (MIN14.138):

That:

- f). *Council identify the future delivery of a “District” skate park facility at Bay and Basin Leisure Centre in the Long-Term Financial Plan and allocate funding of \$650,000.*

The Bay and Basin Community Hub Master Plan was prepared in 2017 and currently includes the provision of a Regional Skate Park at the Southern end of the site, adjacent to the Leisure Centre entry and The Wool Road.

The allocated funding for the Regional Skate Park at the Bay and Basin Leisure Centre site was identified and included in the 2018/19 financial year. This allowed work to commence on the investigation and planning for the project. Funding of \$9,306 was expended 2018/19 to commence the Review of Environmental Factors (REF). The balance of the funding was re-voted by Council at its Extra Ordinary Meeting on 20 September as part of the Quarter 4 Budget Review. This will allow for the completion of the REF, and to enable to project to proceed to detailed design, and ultimately construction.

Amendments have been made to the Master Plan and a report referred to the Strategy and Assets Committee on 18 September 2018. This provided a concept for the redesign of the Bay and Basin Community Hub.

As a result, it was resolved (MIN18.710):

That Council agree to progress on the Bay and Basin Hub by:

1. *Endorsing the revised concept plans; and*
2. *Proceed to detail design for the Bay and Basin Hub featuring the inclusions of a learn to Swim/Therapy pool and exclusion of library facilities.*

The location of the Regional Skate Park has remained unchanged during these amendments. Prior to any further investigations or designs of the Regional Skate Park, Council has conducted a Review of Environment Factors at the proposed site. The findings and recommendations of this assessment identify the need to relocate the Regional Skate Park to a less sensitive location within the Bay and Basin Community Hub site.

The relocation will still provide a regional skate facility at the Bay and Basin Leisure Centre site in line with community expectations.

Review of Environmental Factors – Findings and recommendation

Preliminary analysis suggested that the following threatened species were considered to have a moderate likelihood of occurring at the site: Giant Dragonfly, Eastern Bristlebird, Eastern Ground Parrot, Glossy Black-cockatoo, Eastern Pygmy-possum, Eastern Chestnut Mouse, White-footed Dunnart, Giant Burrowing Frog, Banksia Vincentia, Jervis Bay Leek Orchid, and Leafless Tongue Orchid.

The area proposed for the Regional Skate Park in the Masterplan is directly referred to in Development Consent DA98/1299 which relates to the Bay and Basin Leisure Centre. The development consent was also the subject of a Species Impact Statement (Mills 1998) requiring concurrence from the National Parks and Wildlife Service (NPWS).

Condition 3 of the Development Consent relates to the concurrence requirements. It states: *“The lands designated ‘Environmental Areas’ must be retained and managed.”* The development of the Skate Park would result in non-compliance with this consent, as the

lands designated as “Environmental Areas” would not be retained and the habitat value of the site would be diminished.

Condition 4 of the Development Consent relates to the preparation and the implementation of an Environmental Management Plan (EMP). The proposed Regional Skate Park does not comply with this condition as the EMP specifies that the area is to be completely retained for Eastern Bristlebird habitat and habitat corridor. The proposed activity would have, or potentially have, a detrimental environmental effect upon the threatened species habitat.

For these reasons, the Review of Environmental Factors recommends that relocation of the Regional Skate Park should be considered and investigated, particularly the area shown in the Master Plan as the “Community Garden”. This alternate site is not burdened by the environmental and planning constraints of the current site and should be considered as a preferred site for the Regional Skate Park.

Relocation of the Skate Park

The Review of Environmental Factors recommends that Council considers and investigates the relocation of the Regional Skate Park to elsewhere within the Bay and Basin Community Hub, namely, to the area in the Master Plan shown as the “Community Garden”.

Attachment 1 displays the proposed relocation of the Regional Skate Park, for which Council endorsement is sought.

Although the current Master Plan does not reflect this new proposed location for the Regional Skate Park, Council wishes to proceed with concept and detailed design of the facility in the new location. Amendments to the Bay and Basin Community Hub Master Plan can accommodate this change in location and this can be addressed when Council proceed to detail design of the Bay and Basin Leisure Centre precinct.

This change will not adversely impact the development of a Regional Skate Park at the Bay and Basin Hub. There will still be opportunity for a Community Garden to be developed on the site if the community want to pursue this.

Community Engagement

In February 2014, Council conducted community consultation to determine a preferred location for a Regional Skate Park in the Bay and Basin area. Options for the proposed Skate Park included: Basin View BMX Park; Bay and Basin Leisure Centre; Larmer Avenue Sanctuary Point; The Wool Lane Sporting Complex Sanctuary Point; Clifton Park Sanctuary Point and; Francis Ryan Reserve Sanctuary Point.

As a result of the consultation, most of the community selected the Bay and Basin Leisure Centre as their preferred location. This process did not specify a specific location at the Bay and Basin Leisure Centre, just that the Bay and Basin Leisure Centre was the preferred location due to its proximity to the potential users and ease of access to the site.

The Bay and Basin Community Hub project, including the provision of a Regional Skate Park, has had extensive community consultation during 2017/2018, through the development of the Masterplan and exhibition processes, and the Masterplan was well received. Public exhibition ran from 6 March to 30 April 2017. Council utilised the “Get Involved” Page, Social Media, Print Media and hard copy flyers to inform the community about the project. In addition, there were two (2) drop in sessions held at the Bay and Basin Leisure Centre for community to view the plans and speak with Council Staff and the consultants.

The development of the detail design of the Regional Skate Park will involve extensive community consultation with the community. The brief for a consultant to undertake the detail design will incorporate consultation methods to engage with youth and the broader community.

Financial Implications

In accordance with MIN14.138 funding of \$650,000 for the planning and investigations, detailed design, construction and delivery of the project was allocated in the FY 2018/19 budget. Planning and investigations commenced in FY 2018/19 and to date \$9,347 has been expended on the Review of Environmental Factors, with a balance of \$640,653 remaining. The funds were revoted as part of the June Quarterly budget review (open report) adopted by Council in September 2019. This funding will be utilised to progress this project with:

Planning & Investigations:

- Further environmental studies which are required to assess the suitability of the proposed location, prior to progressing to detailed design.
- It is anticipated that the proposed location is less environmentally sensitive than the site identified in the current Masterplan and therefore,
- Any additional consultancy costs will be minimal and can be accommodated within the budget.

Detailed Design:

- A formal Request for Quotation process will be undertaken to appoint a contractor to undertake detailed design, including an estimate of cost.
- The design of the Regional Skate Park will be tailored to fit within the balance of available funding and include Project Management and contingency provisions.
- A further report will be submitted to Council at the conclusion of this stage to seek adoption and support to progress to the construction and delivery stage.

Construction & Delivery:

- Subject to adoption, the Request for Tender process will be undertaken to appoint a contractor to construct and deliver the Regional Skate Park facility at this site.

SA19.156 Investment Report - August 2019

HPERM Ref: D19/328130

Group: Finance Corporate & Community Services Group
Section: Finance

Attachments: 1. Monthly Investment Report - Shoalhaven City Council - August 2019
(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 Chief Executive Officer (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 31 August 2019 be received for information.

Options

1. The report on the Record of Investments for the period to 31 August 2019 be received for information.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 31 August 2019 be requested.

Implications: Nil

3. The report of the Record of Investments for the period to 31 August 2019 be received for information, with any changes requested for the Record of Investments to be reflected in the report for the period to 30 September 2019.

Implications: Nil

Background

Please refer to the attached monthly report provided by Council's Investment Advisor, CPG Research and Advisory Pty Ltd. The Investment Advisors have noted on page 10 of the Investment Report Attachment that Council is above the compliance for investing in BBB Institutions. This is due to the downgrading of AMP from A to BBB by the rating agency, Standard and Poor's. Council has acted upon CPG's recommendation and taken steps to draw down on the funds invested in the 31-day notice account with AMP. These funds will be received by Council and re-invested in October in A-rated institutions. Until our compliance with BBB is met, there will be no further investments made with BBB rated institutions.

Councillors will recall a Councillor Briefing with Andrew Vallner, Managing Director CPG, was held on 20 June 2019 that identified options for Council to consider when it revises its Investment Policy.

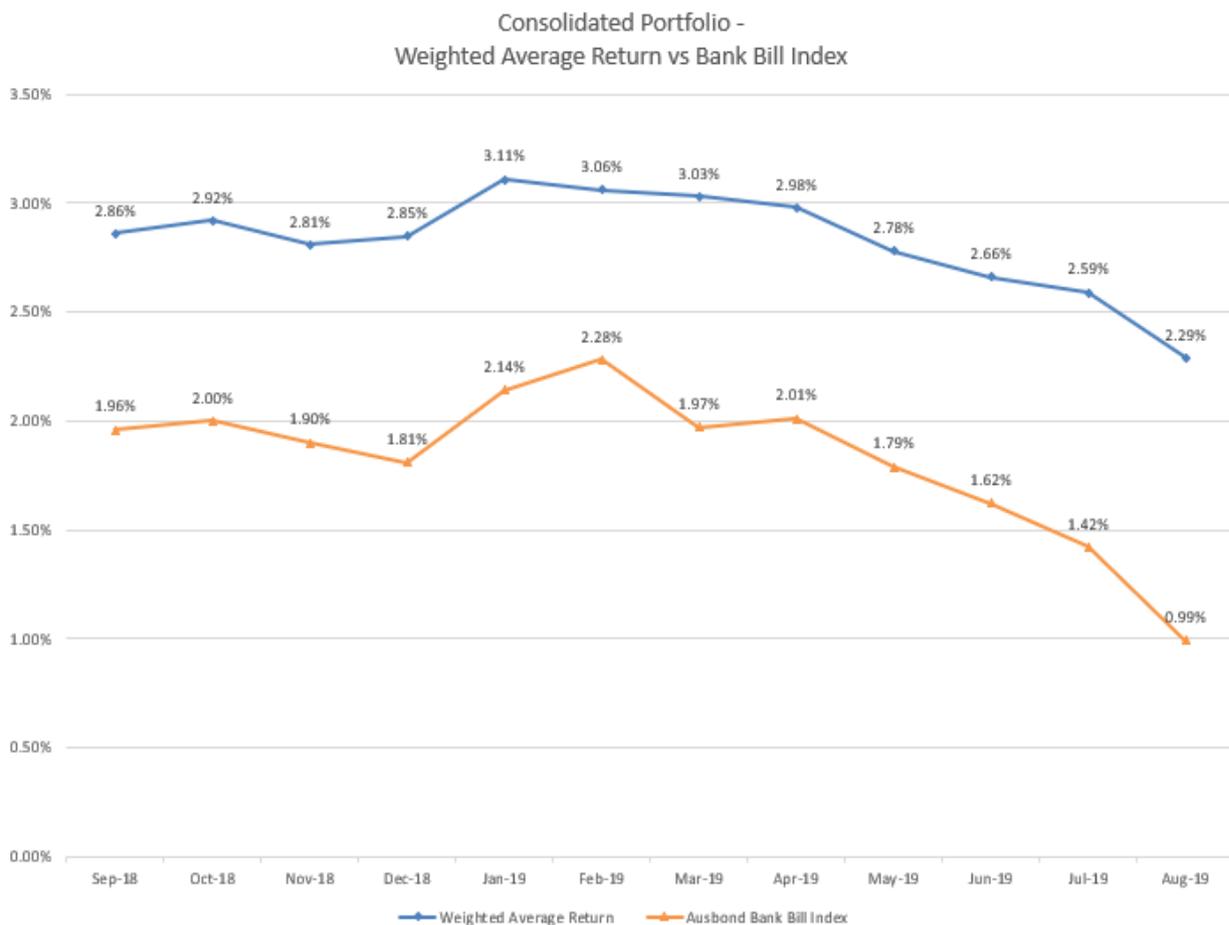
SA19.156

An evaluation of the options presented by Mr Vallner has been undertaken and it is proposed to have a follow-up Councillor Briefing with Mr Vallner prior to presenting a report to a Strategy and Assets Committee on a revised Investment Policy. At the time of preparing this report Mr Vallner was unable to confirm a suitable date for the Briefing.

Portfolio Return

Council’s investment portfolio returned a solid 2.29% for the month of August 2019, exceeding the benchmark AusBond Bank Bill Index (0.99% pa) by 130 basis points (1.30%).

The following graph shows the performance of Council’s investment portfolio against the benchmark on a rolling twelve (12) month basis. As can be seen, performance has consistently exceeded the benchmark due to the mix of Council’s investment portfolio.



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Interest Earned – August 2019

The following table shows the interest earned for the month of August 2019. The interest earned for the month of August was \$418,278; which was \$32,519 above the current budget.

Fund	Original Monthly Budget	Actual Earned	Difference
General	\$277,471	\$258,924	-\$18,547
Water	\$57,329	\$112,669	\$55,341
Sewer	\$50,959	\$46,684	-\$4,275
Total	\$385,759	\$418,278	\$32,519

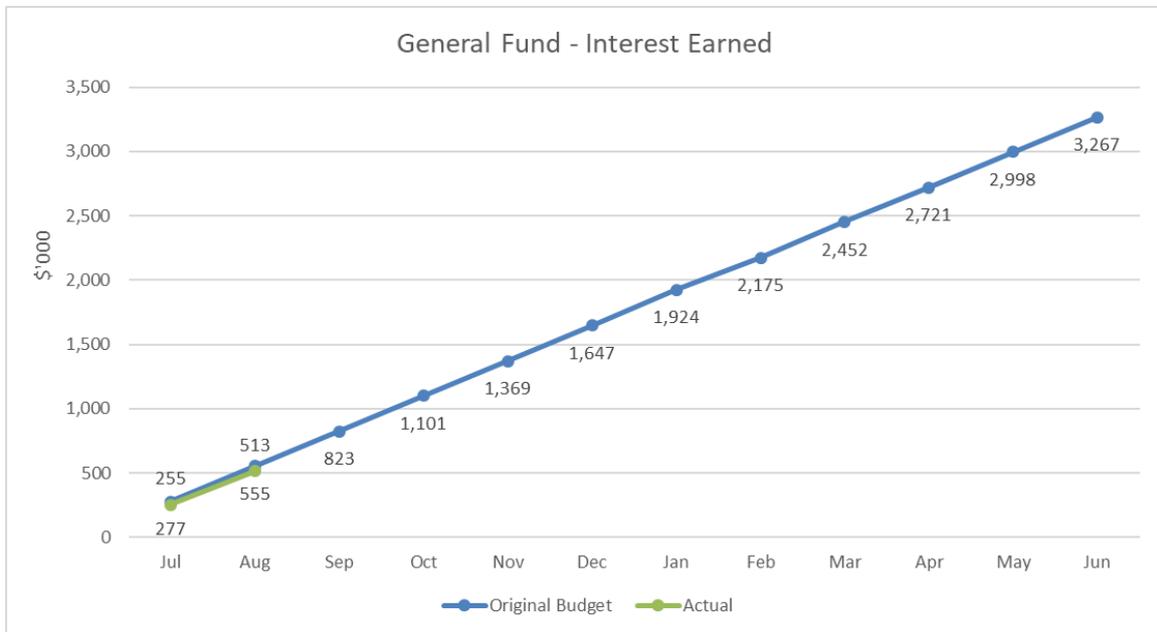
Interest Earned - Year to Date

The following table shows how the interest earned year to date actual dollars against the total budget forecast dollars is performing with 16.7% of the year passed - the interest earned to the month of August was \$859,210, 18.92% of the current full year budget.

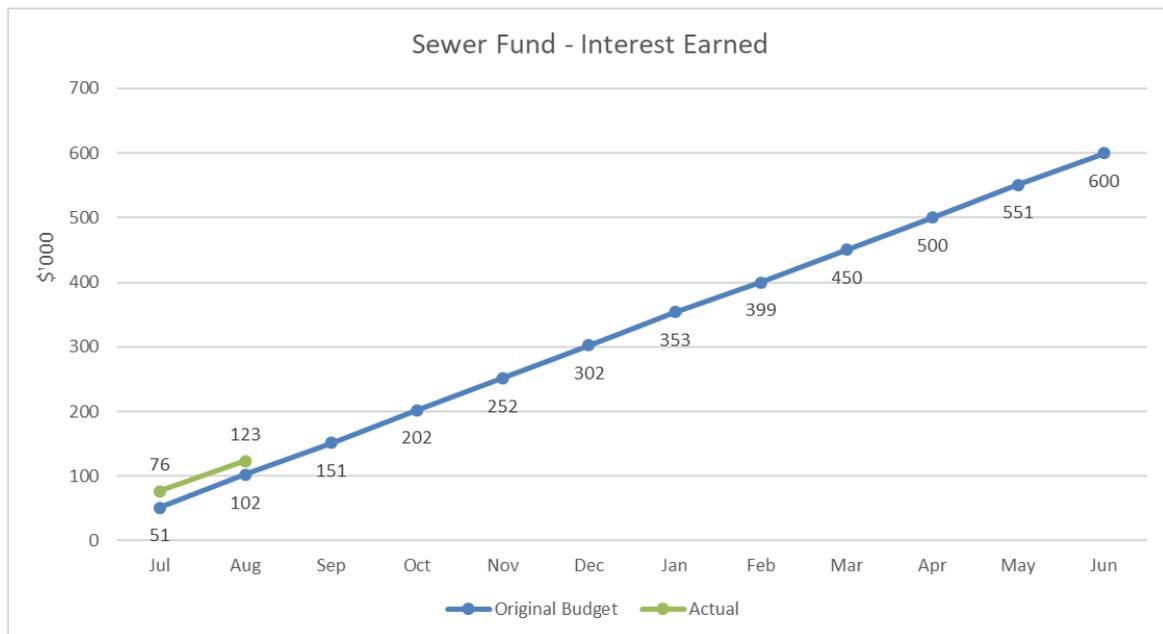
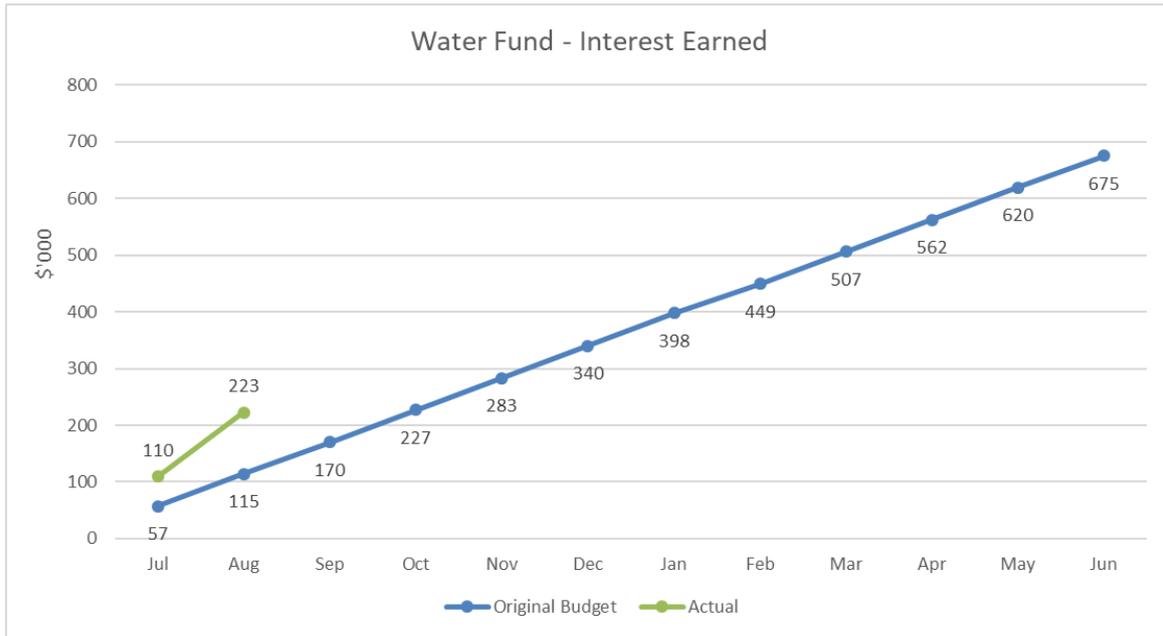
Appropriate budget adjustments will be considered as part of the quarterly budget reviews.

Fund	Original Total Annual Budget	Actual YTD August	% Achieved
General	\$3,266,999	\$513,476	15.72%
Water	\$675,000	\$222,676	32.99%
Sewer	\$600,000	\$123,058	20.51%
Total	\$4,541,999	\$859,210	18.92%

The graphs below illustrate the cumulative interest earned for the year for each Fund against original budget.



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RECORD OF INVESTMENTS Cash and Investment Balances

	August 2019	July 2019
Cash And Investments Held		
Cash at Bank - Transactional Account	\$6,509,812	\$9,358,123
Cash at Bank - Trust Fund	\$0	\$0
Cash on Hand	\$62,890	\$32,490
Other Cash and Investments	\$211,583,119	\$196,041,765
	\$218,155,821	\$205,432,378
Fair Value Adjustment	\$399,521	\$524,623
Bank Reconciliation	\$56,949	\$2,183
	\$456,470	\$526,806
	\$218,612,290	\$205,959,184
Book Value of Cash and Investments		
Less Cash & Investments Held In Relation To Restricted Assets		
Employee Leave Entitlements	\$8,119,913	\$8,136,913
Land Decontamination	\$940,037	\$707,210
Critical Asset Compliance	\$2,066,591	\$1,840,546
North Nowra Link Road	\$36,861	\$463,014
Other Internal Reserves	\$7,601,321	\$8,946,094
Section 7.11 Matching Funds	\$311,169	\$311,194
Strategic Projects General	\$2,719,684	\$1,167,044
Industrial Land Development Reserve	\$6,181,886	\$6,212,019
Plant Replacement	\$2,221,021	\$2,677,908
Financial Assistance Grant	\$4,724,485	\$6,300,442
S7.11 Recoupment	\$24,786,683	\$26,700,328
Commitment To Capital Works	\$2,219,588	\$2,024,305
Property Reserve	\$1,297,840	\$285,617
Total Internally Restricted	\$63,227,079	\$65,772,634
Loans - General Fund	\$10,644,038	\$13,330,040
Self Insurance Liability	\$1,662,534	\$1,346,039
Grant reserve	\$4,939,798	\$8,672,390
Section 7.11	\$10,616,520	\$9,488,296
Storm Water Levy	\$1,116,037	\$1,170,996
Trust - Mayors Relief Fund	\$88,806	\$88,729
Trust - General Trust	\$3,261,768	\$3,298,061
Waste Disposal	\$8,425,213	\$7,959,857
Sewer Fund	\$37,593,971	\$35,695,552
Sewer Plant Fund	\$2,084,334	\$2,977,121
Section 64 Water	\$18,248,592	\$19,415,485
Water Fund	\$28,490,585	\$25,841,314
Water Communication Towers	\$1,347,247	\$2,205,267
Water Plant Fund	\$1,965,801	\$3,233,257
Total Externally Restricted	\$130,485,241	\$134,722,407
Total Restricted	\$193,712,320	\$200,495,041
Unrestricted Cash And Investments		
General Fund	\$24,899,970	\$5,464,143

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Restricted Asset Movements

The table below lists the major movements in Restricted Assets:

Total Cash	\$12,653,106	
S7.11 Recoupment	-\$1,913,645	Revised balance following final calculation of reserve balances, mainly due to funding the S7.11 shortfall for Shoalhaven Indoor Sports Centre
Section 7.11	\$1,128,223	Revised balance following final calculation of reserve balances, mainly due to funding the S7.11 shortfall for Shoalhaven Indoor Sports Centre project being funded from S7.11 recoupment.
Loans	-\$2,686,002	Expenditure on projects
Grants	-\$3,732,592	Expenditure on projects and an allocation of Grant Funds to the Strategic Property Acquisition Reserve.
Strategic Property Acquisitions	\$1,012,223	Allocation of Grant Funds (Northern Collector Road) for properties initially funded from the strategic property acquisitions reserve
Financial Assistance Grant	-\$1,575,957	August instalment amount expensed
Unrestricted Cash	\$19,633,061	Rates instalment month

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Financial Implications

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

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 POL18/57.

Vanessa Phelan

Vanessa Phelan

Acting Chief Financial Officer

SA19.157 Proposed Lease - Milton Ulladulla Family History Society - Ulladulla Civic Centre

HPERM Ref: D19/167775

Group: Assets & Works Group
Section: Technical Services

Attachments: 1. Ulladulla Civic Centre - Lease Plan [↓](#)

Purpose / Summary

To provide Council with an opportunity to consider a new lease with no option period, to Milton-Ulladulla Family History Society Incorporated (“MUFHS”) for a room on the lower floor of the Ulladulla Civic Centre, Ulladulla.

Recommendation

That Council:

1. Enter into a two (2) year lease agreement with Milton Ulladulla Family History Society Incorporated for occupation of a room on the lower floor of the Ulladulla Civic Centre at a commencement rent of \$501.00 per annum plus GST (Statutory Minimum) with annual CPI increases.
2. Six months prior to the lease expiring the CEO (Director Assets and Works) advertise the estimated market value for the rental of the space and call for expressions of interest from entities interested in leasing the space.
3. Authorise the Chief Executive Officer 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 where required to give effect to this resolution.

Options

1. Resolve as recommended.

Implications: The Milton Ulladulla Family History Society Incorporated will continue its occupancy at the Ulladulla Civic Centre at the statutory minimum rent for a period of two (2) years.

A two (2) year lease would allow more flexibility with the changing marketplace including an increase in community hire requirements at the Civic Centre

2. Not resolve as recommended and resolve as follows:

That Council:

1. Enter into a five (5) year lease agreement with Milton Ulladulla Family History Society Incorporated for occupation of a room at the Ulladulla Civic Centre at a commencement rent of \$501.00 per annum plus GST (Statutory Minimum) with annual CPI increases.
2. Authorise the Chief Executive Officer 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 where required to give effect to this resolution.

Background

MUHFS has operated successfully in the Ulladulla Civic Centre over the past five (5) years after its humble beginnings in 1984 with only 14 members, growing to a current capacity of over 40 members. According to the MUFHS, the location has been central in serving the community and the general public, with a strong focus on local genealogy by providing a number of family history research services such as Ancestry and Find My Past, that has enabled the Society to open several days per week.

MUFHS is open to the public three (3) days per week on Monday, Wednesday (10am–2pm) and Saturdays (9.30am–1.30pm) where volunteer members are available to assist with family history searches, general advice on genealogy, and advice on ‘where’ and ‘how’ to search.

Membership Fees are:

- \$30.00 per year for a single membership; or
- \$50 per year for a family; or
- Non-members can carry out research at a cost of \$10 per day

Current Lease

MUFHS signed its first lease in June 2014 for a period of 5 years at a commencement rent of \$1,914.30 per annum.

On 10 November 2015 Council resolved as its Strategy & Assets meeting as follows:

“Council agree to reduce the rent payable by the Milton Ulladulla Family History Inc for its room in the Ulladulla Civic Centre to the minimum statutory rent and the rent payable be renegotiated at the expiration of the current term of the lease.”

It was noted by Councillors that:

“the Milton Ulladulla Family History Association provide a necessary service to the community at no cost to Council and should not be charged for the privilege of supplying a service some would argue should be fully supplied and funded by us through our Library Service.”

It is of importance to acknowledge that all Shoalhaven Libraries offer the same assistance with family history searches, general advice on genealogy, advice on ‘how best to search’ and ‘where to search’ for free. Shoalhaven Libraries provide access to Ancestry and Find My Past at all our library branches free of charge and run free family history talks on a monthly basis at the Ulladulla Civic Centre. These services are recognised as standard services for a contemporary library facility.

Utilisation of the Ulladulla Civic Centre

The demand for space to hire at the Civic Centre has been steadily increasing over the past few years. The space currently occupied by MUFHS represents a large hireable space that could be utilised by many community groups throughout the week/year.

While fees and charges for room hire at the Civic Centre assist in providing subsidies to community groups, it in no way covers the complete running costs of the Centre, which increase each year. The Civic Centre recently completed the separation of the lower auditorium and Lounge areas to provide an additional hireable space. This has allowed two different groups to run concurrently in each room. The demand for this room has increased considerably over the last few months now that there is the ability to use both spaces at the same time. For example:

1. Weight Watchers rent The Lounge for four (4) hours per week @ \$25/hour x 50 weeks/year = \$5,000/year.

2. While the Federal and State Elections have leased the lower auditorium in March and May of this year, all the usual hire groups using The Lounge have been able to continue as normal, leading to no loss of revenue during this time. Over the four-week pre-polling period for each election, having that additional room has meant the Civic Centre have been able to retain an additional \$1,295 in revenue.

The Dunn Lewis Centre will shortly open their auditorium and associated spaces which will heavily increase competition with the Civic Centre. This will inevitably lead to revenue loss for Council, and the ability to hire additional small to medium sized spaces to community groups on a long-term basis will become more important for financial viability.

By comparison, the area occupied by MUFHS is approximately the same size as the Library/Civic Centre staff office, which is bursting at the seams. There is very limited storage in the Civic Centre which means the Civic Centre Manager is constantly moving furniture from one room to another as bookings happen.

Community Engagement

Pursuant to Section 47A of the Local Government Act 1993, Council advertised in the local newspaper for a period of 28 days its intent to lease the premises at the Ulladulla Civic Centre. Nearby landowners were also directly notified in writing. No submission where received by the COB 2 October 2019.

Policy Implications

There are no Policy implications.

Financial Implications

Council will receive an annual income of the statutory minimum rent of \$501.00. The Statutory Minimum rent is set by the Department of Primary Industries – Crown Lands and reviewed on a quarterly basis. The above noted figure is the minimum set at the time of writing this report.

Risk Implications

The proposed lease terms are in accordance with Council's Occupation of Council Owned or Managed Land Policy (POL16/150).

SA19.158 Proposed Acquisition of Land - Moss Vale Road South Urban Release Area

HPERM Ref: D19/285827

Group: Assets & Works Group

Section: Technical Services

Purpose / Summary

This report is to provide Council with the opportunity to consider a confidential report for the acquisition of land within Moss Vale Road South Urban Release Area.

Further information is provided in a separate confidential report in accordance with Section 10A(2)(c) of the Local Government Act 1993; if the information was disclosed, this would confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

Recommendation

That Council, in accordance with Section 10A(2)(c) of the Local Government Act 1993, consider a separate confidential report in relation to property acquisition matters associated with Moss Vale Road South Urban Release Area.

Options

1. Proceed in accordance with the recommendation

Implications: Consider a separate confidential report for the proposed acquisition of land associated with the Moss Vale Road South Urban Release Area.

2. Not proceed in accordance with the recommendation

Background

Council sought and was given approval for a low interest loan through the NSW Department of Planning & Environment's Low-Cost Loan Initiative to accelerate the provision of infrastructure (open space) for new housing.

The purchase of land for open space using funds from the above loan forms part of a separate confidential report to Council.

SA19.159 Proposed Lease - 2 Moss Street Nowra

HPERM Ref: D19/293874

Group: Assets & Works Group
Section: Technical Services

Attachments:

1. Existing leased area [↓](#)
2. DA16/1637 Approved Site/Floor Plan [↓](#)
3. Aerial view of existing & proposed leased area [↓](#)
4. Proposed Lease Plan [↓](#)

Purpose / Summary

To provide Council with an opportunity to consider an increase in the footprint area currently under lease to Hyper Hyper Coffee at 2 Moss Street Nowra to satisfy the conditions of consent in DA16/1637. The area cannot be amended via a variation, only the surrender of the current consecutive leases between Philip Pulford and Council and then entering into two new consecutive leases. This also provides an opportunity to add Ms Rebecca Jane Low to the lease.

Recommendation

That Council;

1. Accept the surrender of lease agreements dated 1 December 2019 to 30 November 2024 and 1 December 2024 to 30 November 2026 with Philip Pulford for the use and occupation of part Lot 1 DP 334547, Lot B DP 335109 & part Lot A DP 335109 known as 2 Moss Street Nowra;
2. Enter into two consecutive lease agreements with Mr Philip Pulford and Ms Rebecca Jane Low for a five (5) year lease agreement, followed by a two (2) year lease agreement consistent with current lease terms including market rent determined within 3 months from the commencement date of 1 December 2019, plus GST with annual CPI increases, noting that the lease agreement will set out a process for acquisition and demolition at the site in response to road widening needs in the future;
3. Authorise the Chief Executive Officer 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 where required to give effect to this resolution.

Options

1. Resolve as recommended

Implications: The surrender of lease is consistent with DA16/1637 Condition 23 and will allow Council to enter into new leases with the proprietors of Hyper Hyper Coffee including an increase to the leased area. Council will have secure rent for the term of the agreement being a total of seven (7) years.

It will allow the lessee to move forward with activities associated with the DA approval and make improvements to the area.

2. Not resolve as recommended

Implications: The lessee will not be able to act on their DA which includes a performance space, improved landscaping and building alterations to support their existing business.

Background

Council acquired the Moss Street Nowra properties, now leased to Hyper Hyper between 2004 and 2006 when it was identified for future road widening. This road widening is in association with the East Nowra Sub Arterial Road project which is still in the planning stage.

Clause 23 of the lease covering the period 1/12/2019 to 30/11/2024 includes a notification of demolition if part of the site is to be used for road widening as follows:

Clause 23 – DEMOLITION

23.1 The lessor discloses and the lessee acknowledges:

23.1.1 part of the leased premises is subject to an acquisition plan under the *Roads Act 1993* which is registered on title as deposited plan 1096848 (*acquisition plan*);

.....
.....
.....

ANNEXURE A

23.1.2 one of the buildings which forms part of the leased area being the building described as "Existing Brick Bldg No 2" on the plan attached to this lease as Annexure C (*encroaching building*) encroaches onto the part of the land that is subject to the acquisition as identified on the *acquisition plan*.

23.2 If the lessor is required to demolish the *encroaching building* to enable the Roads and Maritime Services or its subsidiary or successor to proceed with the proposed acquisition or because such acquisition has taken place, then, subject to section 35 of the *Retail Leases Act 1994* (NSW), the lessor may terminate this lease on giving not less than 12 months written notice to the lessee.

23.3 Subject to section 35 of the *Retail Leases Act 1994* (NSW), if the lessor terminates this lease pursuant to this clause 23, no compensation for such termination or for any consequence of such termination will be payable by the lessor to the lessee.

Part 7 of the Retail Tenancy Lessor’s Disclosure Statement also states part of the property is identified for future road widening:

SA19.159

PART 7 ALTERATION WORKS (INCLUDING RENOVATIONS, EXTENSIONS, REDEVELOPMENT, DEMOLITION)

17. Alteration works

17.1 Are there any alteration works, planned or known to the lessor at this point in time, to the premises or building/centre, including surrounding roads, during the term or any further term or terms?

Yes - [insert details of proposed works]

No but part of the property is subject to a proposed acquisition by Roads and Maritime Services ('RMS'). If this acquisition is actioned, the RMS will acquire part of the property over which a building is currently situated. The landlord may need to demolish that building should the RMS proceed with their proposed acquisition.

Council resolved in 2014 to enter into two consecutive, five (5) year lease agreements with a further two (2) year lease agreement (to enable the inclusion of a demolition clause in the final lease term) with Philip Pulford operating as Hyper Hyper Coffee over Lot 1 DP334547 (vacant land with informal seating), Lot B DP 335109 (shop and weatherboard cottage) and Lot A DP 335109 (vacant land being used as informal carpark). The leased area is shown in attachment 1.

In 2016 Council issued Development Consent DA16/1637 for alterations and addition to the existing building, creation of a performance space and relocation of 6 car parking spaces. This was modified in 2018 to 5 car parking spaces and additional fencing & noise conditions.

Condition 23 of the Consent states:

Prior to the issue of a Construction Certificate, the person benefitting from this consent must amend the existing lease agreement with Council as per the approved site plan. All legal costs associated with the amendment and registration will be borne by the lessee.

A copy of the approved site/floor plan is shown in attachment 2. The approved plan increases the leased area over Lot A DP 338419 (vacant land being used as informal car park) from 9m to 12.5m fronting Moss Street and 9.45m to 13.16m fronting North Street, approximately 120m². Attachment 3 shows an aerial depicting the current lease area highlighted blue and the area to be added highlighted red. Attachment 4 shows the lease plan with the increased area.

All three consecutive leases are registered on the Title of Lot A DP 338419 to provide the lessee protection from any adverse future dealing with the property. Land Registry Services do not allow for varying of a leased area by way of a variation of lease, therefore the existing leases must be surrendered, and a new agreement entered into.

The 5-year lease commencing 1 December 2014 will terminate on 30 November 2019. This lease will remain in force until 30 November 2019. The 5-year lease dated 1 December 2019 to 30 November 2024 and 2-year lease dated 1 December 2024 to 30 November 2026 will be surrendered in accordance with DA16/1637.

The terms of the proposed leases will be consistent with those approved under delegated authority by the Property Steering Committee meeting dated 7 October 2014.

Mr Philip Pulford has requested his partner Ms Rebecca Jane Low also be included as a lessee.

Community Engagement

In accordance with the Council's Community Consultation Policy, Development Application 16/1637 was notified to the Shoalhaven Business Chamber and affected owners within a 100m buffer (total of 43) in June 2016.

Modification DS18/1139 was also notified to adjoining property owners in April 2018.

Policy Implications

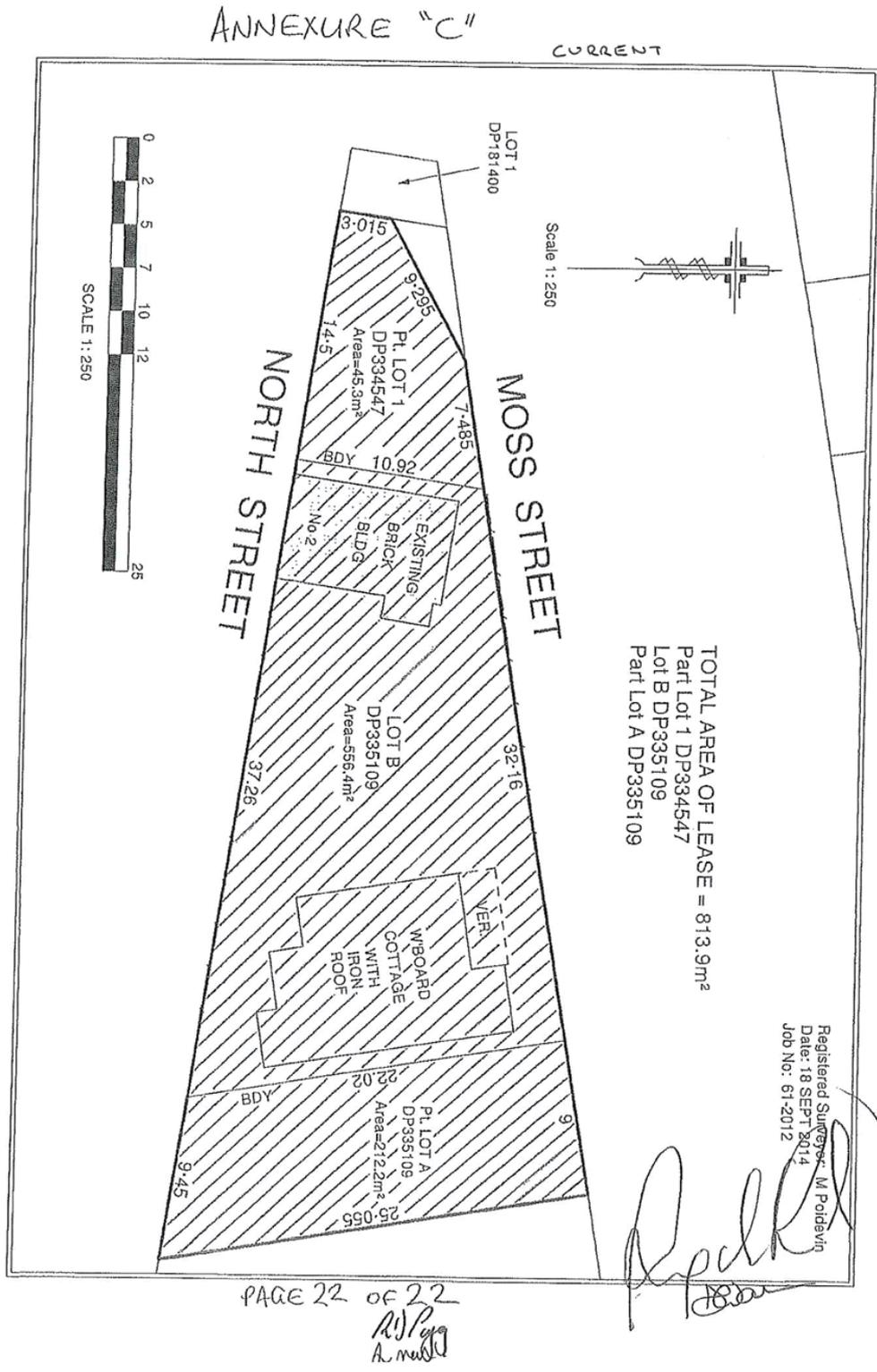
Nil Policy implications.

Financial Implications

Council will continue to receive market rent for the proposed leased area for the next 7 years. The lessee will be responsible for all repairs and maintenance to the property, excluding structural renewals.

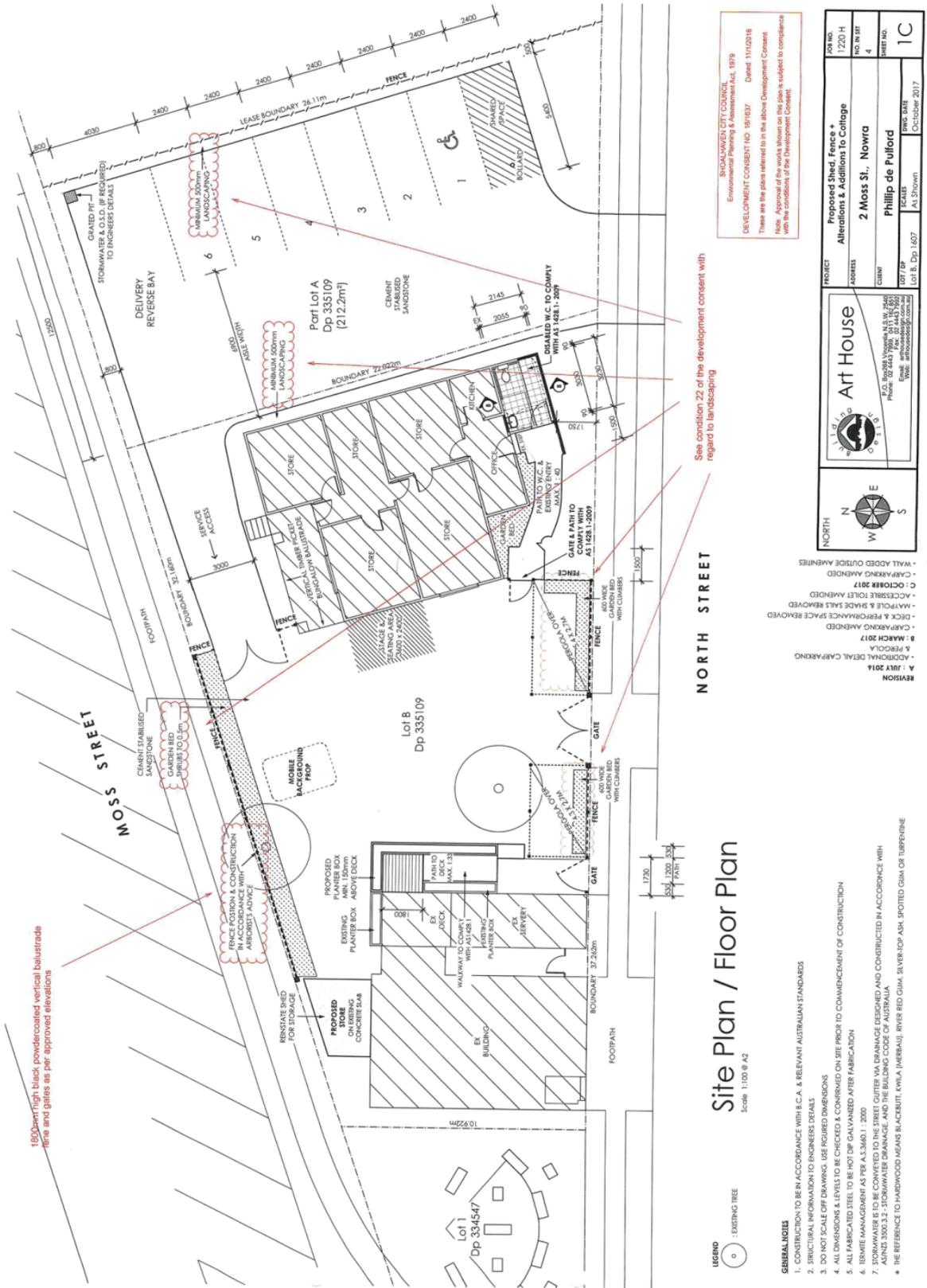
Risk Implications

Nil risk to Council as the leases are consistent with existing terms. The increase in leased area has been assessed under DA16/1637.



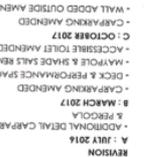
TOTAL AREA OF LEASE = 813.9m²
Part Lot 1 DP334547
Lot B DP335109
Part Lot A DP335109

SA19.159 - Attachment 1



SHOALHAVEN CITY COUNCIL
Environmental Planning & Assessment Act, 1979
DEVELOPMENT CONSENT NO. 16/1637 Dated: 11/10/18
These are the plans referred to in the above Development Consent
Note: Approval of the works shown on this plan is subject to compliance with the conditions of the Development Consent.

PROJECT	Proposed Shed, Fence & Alterations & Additions to Cottage	LOT NO.	1220 H
ADDRESS	2 Moss St., Nowra	NO. IN STR.	4
CLIENT	Phillip de Hulford	PREP. NO.	1C
LOT/DP	Lot B, Dp 1627	ENG. DATE	October 2017
SCALE	As Shown		



REVISION
A : JUNE 2014
B : MARCH 2017
C : OCTOBER 2017
D : OCTOBER 2017
E : MARCH 2018

See condition 22 of the development consent with regard to landscaping

NORTH STREET

Site Plan / Floor Plan
Scale: 1:100 @ A2

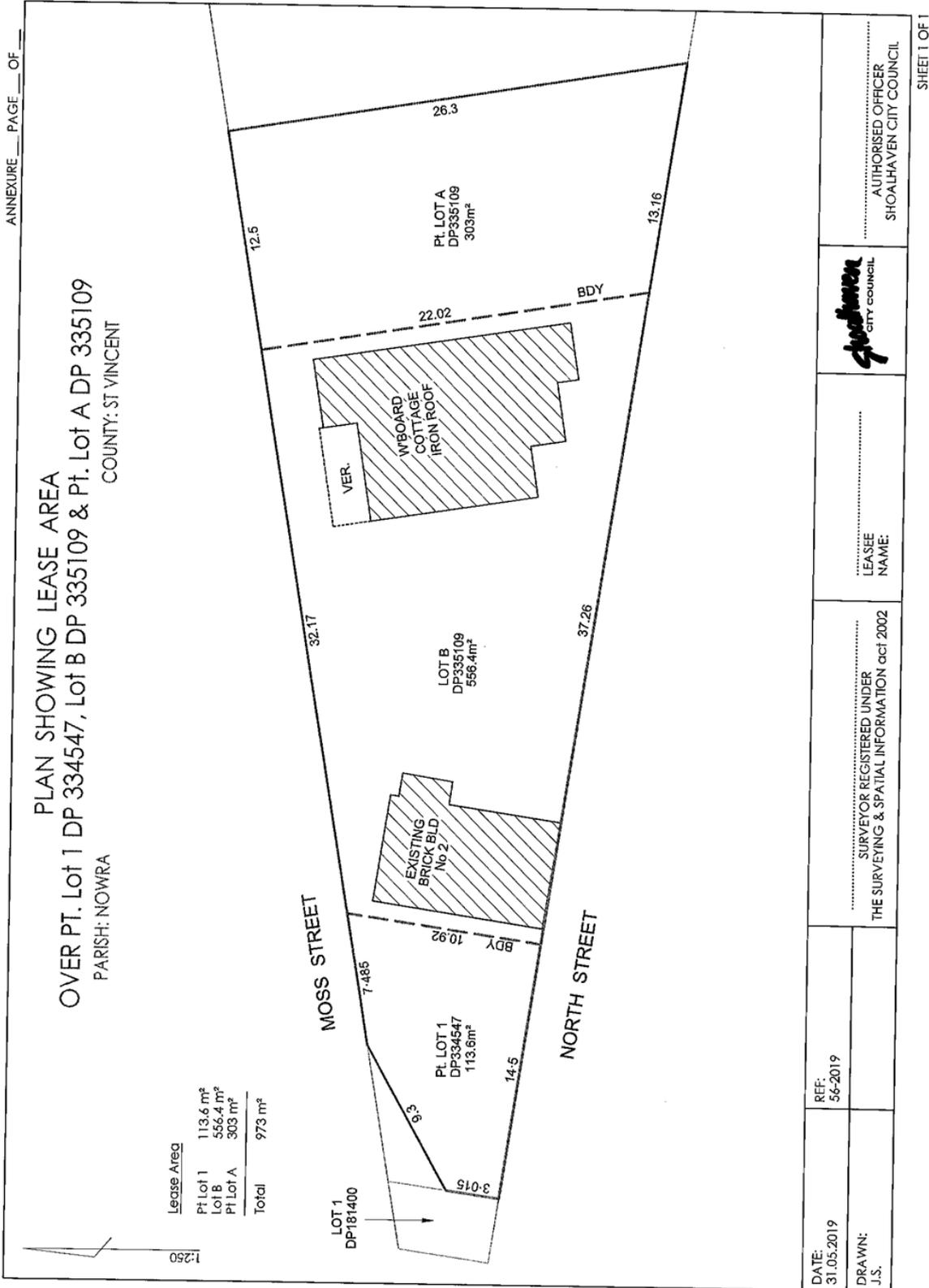
- GENERAL NOTES**
- CONSTRUCTION TO BE IN ACCORDANCE WITH B.C.A. & RELEVANT AUSTRALIAN STANDARDS
 - STRUCTURAL INFORMATION TO ENGINEERS DETAILS
 - DO NOT SCALE OFF DRAWING. USE FIGURED DIMENSIONS
 - ALL DIMENSIONS & LEVELS TO BE CHECKED & CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION
 - ALL FABRICATED STEEL TO BE HOT DIP GALVANIZED AFTER FABRICATION
 - TERMITE MANAGEMENT AS PER A.3.360.1.1 : 2000
 - STORMWATER IS TO BE CONVEYED TO THE STREET GUTTER VIA DRAINAGE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH AINZ 3300.32 - STORMWATER DRAINAGE, AND THE BUILDING CODE OF AUSTRALIA
 - THE REFERENCE TO HARDWOOD MEANS BLACKBUTT, KWILA (MERBAU), RIVER RED GUM, SILVERTOP ASM, SPOTTED GUM OR TURPETINNE

SA19.159 - Attachment 2

Existing leased area in blue with additional leased area in red.

Printed : 28 August 2019





SA19.159 - Attachment 4

SA19.160 Proposed Lease - 81 Osborne Street, Nowra - Lot 4 Sec 12 DP758794 - Jumbunna Children's Centre Limited

HPERM Ref: D19/302386

Group: Assets & Works Group
Section: Technical Services

Purpose / Summary

To provide Council with an opportunity to consider approval of a new five (5) year lease to Jumbunna Children's Centre Limited ("Jumbunna") over Part Lot 4 Sec 12 DP758794, 81 Osborne Street, Nowra.

Recommendation

That Council resolve to:

1. Enter into a five (5) year lease agreement over Part Lot 4 Sec 12 DP758794, 81 Osborne Street, Nowra with Jumbunna Children's Centre Limited at an incremental commencement rent of:
 - (a) Year 1: \$498.00 (exc GST, payable by the tenant)
 - (b) Year 2: \$2,762.14 (exc GST, payable by the tenant)
 - (c) Year 3: \$5,026.27 (exc GST, payable by the tenant)
 - (d) Year 4: \$7,290.41 (exc GST, payable by the tenant)
 - (e) Year 5: \$9,554.55 (exc GST, payable by the tenant)
2. Approve the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution.

Options

1. Resolve as Recommended.

Implications: Council will receive an annual rental income for the premises, starting with \$498.00 in the first year, to be incrementally increased over the term of the lease to allow Jumbunna to consider and implement necessary adjustment to its budgeting cycle to allow for the increase in rent.

2. Not adopt the Recommendation.

Implications: Jumbunna will remain as a month to month tenant, paying peppercorn rent without a secure long-term occupancy agreement.

Background

Jumbunna is a community based, early learning centre offering childcare services, for children aged 6 weeks to 5 years. The Centre is fully accredited in meeting the National Quality Standards and operates from 8.00am to 6.00pm, (five) 5 days per week.

Council resolved in 2000 (MIN00.1324) to:

“Lease of premises known as Jumbunna Children’s Centre being part Lot 4 Section 12 Parish of Nowra more commonly referred to as 81 Osborne Street Nowra for a term of five (5) years commencing on 19 September 2000 at an initial nominal rental of \$1 per annum be executed under Seal of Council.”

Negotiations

Jumbunna’s current five (5) year lease expired on 18 September 2005. Staff have been negotiating the terms and conditions of a new lease since, while Jumbunna continues to occupy its premises under the holding over provisions of the lease. Jumbunna currently pays a \$1.00 pa rental.

Council staff have been attempting to reach an agreement with Jumbunna for several years but have been met with strong resistance. In the current climate, Jumbunna are only responsible for paying building insurance which for the 17/18 financial period was \$1,557.83 and 18/19 \$1,416.53.

Rental Assessment

In accordance with Council’s “Occupation of Council Owned and Managed Land “policy, a rental valuation was obtained from independent valuers Opteon, who assessed the market rental value at \$40,600 per annum plus GST.

Based on the information received from Jumbunna in its proposal document and using Council’s rental subsidy matrix, Jumbunna qualifies for a rental subsidy of 79.09%, which means that the annual rental can be reduced to \$8,489.09 per annum + GST with Council’s approval.

Council staff acknowledge that Jumbunna will require time to reflect the increase in rent in its budgeting cycle and hence offer to incrementally increase the rent over the five (5) year term of the lease as follows:

- (a) 1 January 2020 to 31 December 2020: \$498.00
- (b) 1 January 2021 to 31 December 2021: \$2,762.14
- (c) 1 January 2022 to 31 December 2022: \$5,026.27
- (d) 1 January 2023 to 31 December 2023: \$7,290.41
- (e) 1 January 2024 to 31 December 2024: \$9,554.55 (i.e. estimated 79.09% of market value in 2024)

It is noteworthy, for the previous two (2) years, 2018 and 2019, Jumbunna has paid Council’s building insurance, equating to \$2,974.36 as a recoverable expense. Given, under the new occupancy agreement, Jumbunna will not be responsible for building insurance, its budget should already support payment of at least the first two (2) years rental, providing adequate time for adjustments to budget to allow for the ongoing expense.

Over the past two years Council has progressively moved the following eight pre-schools from a peppercorn rent to a subsidised rent. Jumbunna is the last pre-school to move off a peppercorn rental. For comparison purposes, the table below outlines Council’s recent agreements with the other preschools.

SA19.160

Lyrebird Preschool

Agreement: 1 January 2018 – 31 December 2022 (5 years)

Rental Subsidy: 90%

Cascading rent:

Year 1: \$1,695.30

Year 2: \$3,390.60

Year 3: \$5,651.00

Year 4 & 5 – CPI increase

Berry Community Preschool

Agreement: 4 July 2017 – 3 July 2022 (5 years)

Rental Subsidy: 90%

Rent: \$3,636.36 annually – CPI increases applied yearly.

Shoalhaven Community Preschool

Agreement: 1 January 2018 – 31 December 2022 (5 years)

Rental Subsidy: 90%

Cascading rent:

Year 1: \$2,127.54

Year 2: \$4,255.09

Year 3: \$7,091.82

Year 4 & 5 - CPI increase

Milton Ulladulla Preschool

Agreement: 1 May 2018 – 30 April 2023 (5 years)

Rental subsidy: 90%

Rent: \$6,218.69 - CPI increase annually

Sanctuary Point Childrens Centre – Kerry Street

Agreement: 1 July 2018 – 30 June 2023 (5 years)

Rental subsidy: 90%

Rent: \$6,460.80 - CPI increase annually

Ulladulla Childrens Centre

Agreement: 1 April 2018 – 31 March 2023 (5 years)

Rental subsidy: 86.36%

Cascading rent:

Year 1: \$2,836.00

Year 2: \$5,672.00

Year 3: \$8,509.09

Year 4 & 5 - CPI increase annually

Basin Pre-School – Paradise Beach Road

Agreement: 1 July 2018 – 30 June 2023

Rental subsidy: 83%

Rent: \$11,553.07 - CPI increase annually

SA19.160

Jerry Bailey Childrens Centre

Agreement: 1 July 2018 – 30 June 2023
 Rental subsidy: 83%
 Rent: \$8,516.16 - CPI increase annually

The terms of the Jumbunna lease are:

Reference Schedule

Landlord:	The Council of the City of Shoalhaven ABN 59 855 182 344	
Address:	Bridge Road Nowra	
Tenant:	Jumbunna Children’s Centre Limited ABN 64 955 031 984	
Address:	81 Osborne Street Nowra	
Premises:	Lot 4 Section 12 DP758794 - 81 Osborne Street Nowra	
Term:	5 years	
Commencing date:	TBA	
Terminating date:	TBA	
Rent:	Year 1 rental:	\$ 498.00
	Year 2 rental:	\$2,762.14
	Year 3 rental:	\$5,026.27
	Year 4 rental:	\$7,290.41
	Year 5 rental:	\$9,554.55
Percentage of Outgoings:	100%	
Tenants outgoings:	(a) rates and other charges imposed by any <i>authority</i> ; (b) Water and Sewer Usage charges (c) repair, maintenance and redecoration if required. (d) Garbage Charges	
Permitted use:	Child Care Centre	
Public Risk Insurance:	\$20 Million	

SA19.160

Community Engagement

The land is classified as Operational Land. The Local Government Act does not require public notice due to this classification.

Policy Implications

Resolving as recommended is in accordance with Council's Occupation of Council Owned or Managed Land Policy (POL16/150).

Financial Implications

Council has not received rent for this premises since 2000. Resolving as recommended will provide a revenue stream for Council to invest back into the property for future capital works.

Risk Implications

Setting a precedent by reducing the rent may result in other preschools that occupy Council buildings making submissions to Council for rent reductions. This will impact Council's ability to invest in future capital works for Council owned facilities.

SA19.161 Proposed Disposal of Vacant Land, St Georges Basin

HPERM Ref: D19/323380

Group: Assets & Works Group

Section: Technical Services

Purpose / Summary

This report notifies Council of an amendment to a previous confidential report to dispose of Council's vacant land in St Georges Basin.

Recommendation

That Council in accordance with Section 10(a)(2)(c) of the Local Government Act 1993 consider a separate confidential report on the disposal of Council's vacant land in St Georges Basin.

Options

1. Council accept the recommendation as presented.

Implications: Consider a separate confidential report outlining the amendment.

2. Not adopt the recommendation.

Implications: Proposed property disposal will not commence.

Background

Council's vacant land located in St Georges Basin, as identified in the confidential report, was identified as surplus land for disposal as part of the 2017 Planning Proposal to amend Shoalhaven Local Environment Plan 2014 (PP010 – Council Land Reclassification – Housekeeping).

SA19.161

SA19.162 Land Acquisition Matters - Yalwal & Buangla Localities

HPERM Ref: D19/323840

Group: Assets & Works Group

Section: Technical Services

Purpose / Summary

This report is to provide Council with the opportunity to consider a confidential report for land disposal and acquisition matters within the Yalwal and Buangla localities.

Further information is provided in a separate confidential report in accordance with accordance with Section 10A(2)(c) of the Local Government Act 1993: if the information was disclosed, this would confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

Recommendation

That Council, in accordance with Section 10A(2)(c) of the Local Government Act 1993, consider a separate confidential report in relation to property disposal and acquisition matters within Yalwal & Buangla localities.

Options

1. Proceed in accordance with the recommendation

Implications: Consider a separate confidential report for the land acquisition matters associated with Yalwal & Buangla localities.

2. Not adopt the recommendation

Background

Not required

SA19.163 Land Acquisition - Easement for Drainage Lot 103 DP 1161925 Burralee Drive Worrigeer

HPERM Ref: D19/325857

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. Sketch Plan - Lot 103 Burralee Drive Worrigeer [↓](#)

Purpose / Summary

To provide Council with an opportunity to consider the acquisition of an easement to drain water (swale drains) over part Lot 103 DP 1161925, 9 Burralee Drive Worrigeer as shown on Attachment 1. This is to resolve drainage issues within the adjoining (Lot 102) and other nearby properties.

Recommendation

That Council

1. Acquire an easement to drain water 5m wide and variable width over part of Lot 103 DP 1161925, 9 Burralee Drive Worrigeer, being approximately 92 metres in length parallel to and adjoining the eastern boundary of Lot 103.
2. Agree to pay compensation in the amount of \$12,000 plus reasonable legal costs associated with this acquisition from Job No 75503.
3. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documentation required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

Options

1. Resolve as recommended

Implications: Acquiring the easement will provide Council with the legal capacity to construct and maintain swale drains required to alleviate drainage issues on neighbouring Lot 102 DP 1179622 at Worrigeer and other nearby properties.

2. Not resolve as recommended

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

Background

A swale drain was constructed as part of the subdivision that created the rural/residential homesites on the corner of Forest Meadows Way and Burralee Drive Worrigeer. Notwithstanding the physical construction of the swale drains easements in favour of Council were not created. Drainage issues have arisen, and it is now timely that easements be created so that Council can attend to maintenance of the drain on Lot 103 and the adjoining properties where easements already exist in favour of Council. It should be noted that the swale drains also disperse drainage from Forest Meadows Way, a public road for which Council is the roads authority.

Council requires an easement of 5m wide traversing along the eastern boundary of Lot 103 per the sketch plan at Attachment 1 and as shown dashed yellow in the aerial photo below.



SA19.163

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

Compensation has been assessed at \$12,000 by Walsh & Monaghan and an offer accepted.

Community Engagement

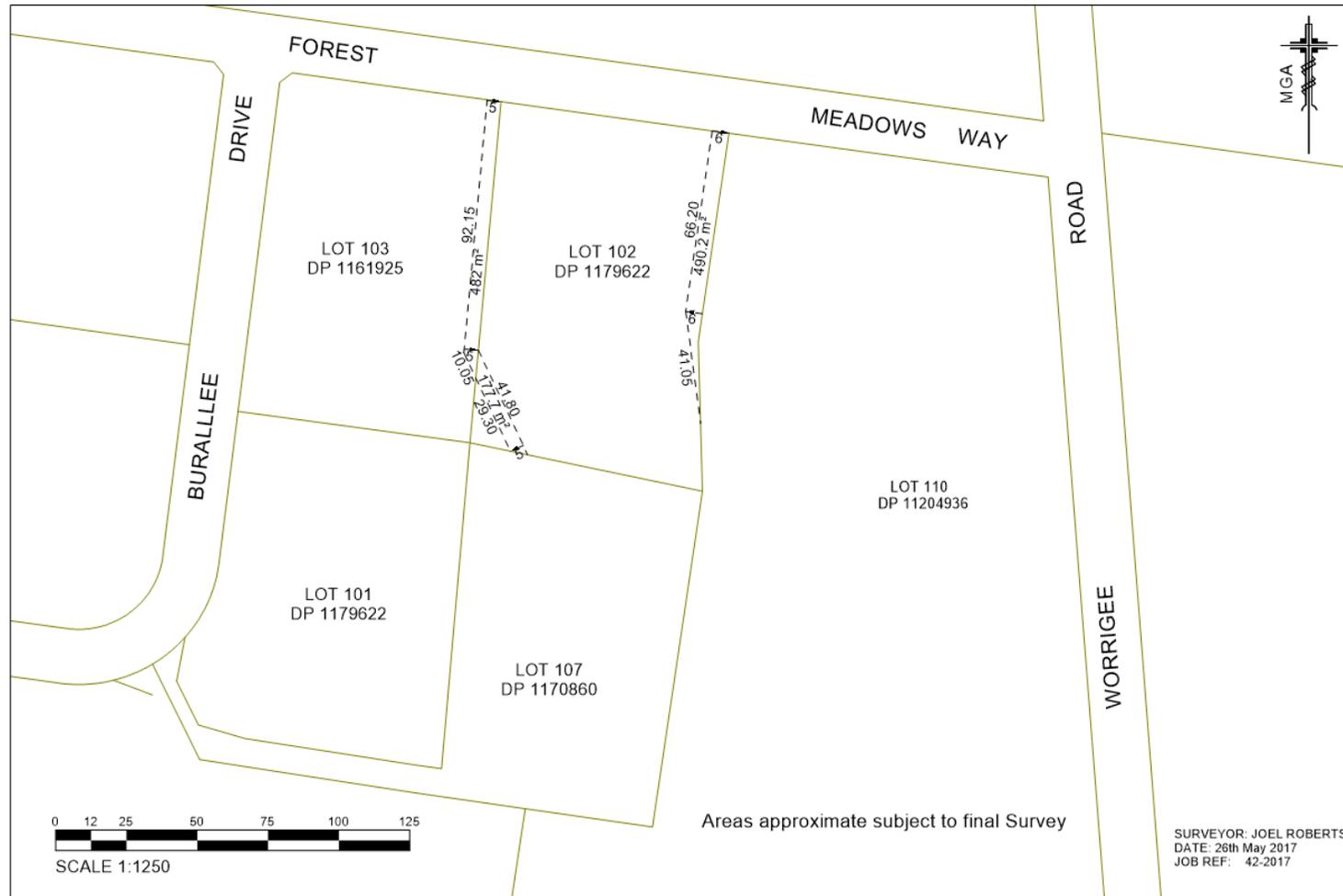
Policy Implications

Financial Implications

Compensation and reasonable legal costs associated with the acquisition are to be funded from Job No 75503.

Risk Implications

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



SA19.164 Tenders - Bitumen Spray Sealing of Pavements

HPERM Ref: D19/326207

Group: Assets & Works Group
Section: Works & Services

Purpose / Summary

To inform Council of the tender process for Bitumen Spray Sealing of Pavements throughout the Shoalhaven City Council region.

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

Recommendation (Item to be determined under delegated authority)

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

Options

1. Council accept the recommendation as presented.

Implications: Provision of bitumen sealing services can be provided in a timely manner to achieve outcomes for road maintenance and renewal programs within the allocations of the capital works budget.

2. Council could accept the tender from another Tenderer.

Implications: Tender assessment has been completed in accordance with the tender evaluation plan. Council's annual bitumen sealing program requires the services of a well-resourced and competitively priced contractor.

3. Council could elect not to proceed with the tender.

Implications: This would require a tender evaluation for each and every separable portion of works as it is prepared throughout the year, thus involving more administration and duplication of documentation of all parties involved in tendering for the works.

Details

Council called tenders for Sprayed Bituminous Surfacing of Pavements Shoalhaven Area 2019-2020 with 8 tenders received in the tender box at the close of tenders.

Tenders Received

Tenders were received from the following:

Tenderer	Location
State Asphalt Services	Hoxton Park NSW
Rural Bitumen Services	Nowra NSW
Roadworx	Unanderra NSW
Patches Asphalt	Queanbeyan ACT
Downer EDI Works	Mogo NSW
Colas NSW	Winston Hills NSW
Anthony T Lindsay	Benalla VIC
All Pavement Solutions	Bella Vista NSW

Details relating the evaluation of the tenders are contained in the confidential report. Consideration was given to the use of recycled crumbed rubber and hard plastics in the bitumen. These will be used during the contract as appropriate.

Financial Implications:

The services will be delivered to various projects funded in the 2019/20 capital works budget and subsequent years, subject to the extension provisions.

SA19.165 Independent Pricing & Regulatory Tribunal (IPART) - Compliance Burdens on Local Government

HPERM Ref: D19/333659

Group: Planning Environment & Development Group

Section: Building & Compliance Services

Attachments: 1. Comments to IPART list of recommendations and findings (under separate cover) [↗](#)

Purpose / Summary

To seek Council approval to provide feedback to the Office of Local Government regarding the recommendations available for consultation in IPART's Review of reporting and compliance burdens on Local Government and, thereby, inform the NSW Government's response to the Report recommendations

Recommendation (Item to be determined under delegated authority)

That Council approve the provision of the suggested feedback on the recommendations made by IPART as presented in Attachment 1 of this report.

Background

The IPART final report on the *Review of reporting and compliance burdens on Local Government* was completed in April 2016. The purpose of the review was to identify inefficient, unnecessary or excessive burdens placed on local government by the State in the form of planning, reporting and compliance obligations, and to make recommendations for how these burdens can be reduced. In addressing these burdens, 51 recommendations were made to improve the efficiency of local government in NSW and enhance the ability of councils to focus on delivering services to their communities.

The report recognised that councils provide a wide range of services in fulfilling their regulatory functions. They do this under 67 different Acts that are administered by 27 different State agencies. To minimise the burdens on local government, State agencies cannot operate in isolation. They must consider how their function-specific planning, reporting and compliance requirements are related to and interact with those of other agencies.

In taking this perspective, the report recognises that State agencies should:

- coordinate and streamline reporting requirements to remove unnecessary reporting and duplication with other agencies
- align the timing of reporting requirements with council reporting cycles
- make greater use of automated data collection, and
- make greater use of data standards and portals to provide access across government and minimise the incidence of duplicative reporting and data collection.

The Government has ruled out implementing recommendations that would adversely impact vulnerable members of the community, such as pensioners or charities, or have a substantial financial impact upon taxpayers or the broader community. These include the removal of

restrictions on fees for statutory approvals and inspections (Recommendation 3) and the capping of statutory fees below cost recovery (Recommendation 6).

Staff generally support the recommendations of the review and this is reflected in the comments made in Attachment 1 (Refer attachment 1). A major issue identified throughout Attachment 1 is the need for the Department to consult with Local Government on the process. This will be reinforced in Council's submission.

Given that the report is over 3 years old, it is not surprising that some matters have already been completed. Systems and processes within Council are also continuing to be modified and these are already moving in the direction of many recommendations. It is hoped that the completion of the roll out of Council's new database system will further support and enhance efficiencies.

The closing date for comment is 25 October 2019. It is recommended that Council write to the Office of Local Government providing them with a copy of the comments made in Attachment 1.

SA19.166 Acquisition of Crown land - Lot 7 DP1242949 - Kings Point Drive Ulladulla

HPERM Ref: D19/316485

Group: Shoalhaven Water Group
Section: Water Asset Planning & Development

Attachments: 1. DP1109186 [↓](#)

Purpose / Summary

Provide Council with the opportunity to rescind MIN17.146 due to changes in the legal description of the land to be acquired, deferment of the easement acquisition and re-resolve to compulsorily acquire Crown land being Lot 7 DP 1242949 at Kings Point Drive Ulladulla for sewerage purposes.

Recommendation

That Council:

1. Rescind MIN17.146.
2. Compulsorily acquire Lot 7 DP1242949 at Kings Point Drive Ulladulla from the Crown, as shown on the attached copy of that deposited plan.
3. Pay compensation and costs associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer fund.
4. Make the necessary application to the Minister for Local Government and the Governor. The acquisition is to be carried out under the Local Government Act 1993 and also in accordance with requirements of the Native Title Act 1993.
5. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documentation required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.
6. Classify the land as 'Operational' in accordance with Section 31(2) of the Local Government Act 1993

Options

1. Resolve as recommended.

Implications: Acquisition of the easement is required to formalise existing sewer infrastructure and for operation of the critical infrastructure.

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

Background

MIN17.146 gave approval to the compulsory acquisition of:

- Crown land shown as proposed Lot 1 in DP1109186, being part of Lot 7304 DP1166765, and

- Sewerage Easements over Crown land Lots 7304 & 7305 DP1166765 and Lot 5 DP256334.

Minister's approval was obtained for the acquisitions. However, before the compulsory acquisition could proceed, Crown Lands prepared a survey plan (DP1242949) for the grant of land to Ulladulla LALC resulting from the determination of Aboriginal Land Claims over Lot 7304 DP1166765. The Minister's approval for the compulsory acquisition has been returned to the Office of Local Government.

The area shown as Lot 7 in 1242949 was excluded from the land granted to Ulladulla LALC as it was required for a public purpose. The Office of the Registrar and Crown Lands have confirmed that Lot 7 is not subject to any undetermined Aboriginal Land Claims.

Lot 7305 DP1166765 and Lot 5 DP256334 are subject to Aboriginal Land Claims which have not yet been determined. A request to allow the acquisition of the sewerage easements to proceed over those lots has been declined by the NSW Aboriginal Land Council. Therefore, acquisition of those easements is to be deferred until the Land Claims are determined.

By registration of the Crown's survey plan DP1242949:

- The land previously described as Lot 1 in DP1109186 is now described as Lot 7 in DP1242949, and
- The sewerage easement required over Lot 7304 DP1166765 was granted in favour of Council over Lots 1 & 2 DP1242949. No further action is required for that easement.

By letter dated 21 May 2019 the Department of Industry has provided a fresh consent to the acquisition of Lot 7 DP1242949.

Lot 7 is subject to a Native Title Claim by the South Coast People. To meet the procedural requirements of the Native Title Act:

- Council's Native Title Manager is to issue a notice to Native Title Services Corp (NTS Corp, which administers the Claims).
- Council will issue a Proposed Acquisition Notice (PAN) and claim for compensation form to any claimants, in accordance with the standard process for compulsory acquisitions under the Land Acquisition (Just Terms Compensation) Act.

Risk Implications

Acquisition of the land is necessary to secure Shoalhaven Water's legal operation and maintenance of the supply of essential public infrastructure. The proposed action is administrative and has no environmental impact.

SA19.167 Acquisition of easement - Porters Creek Dam infrastructure

HPERM Ref: D19/317459

Group: Shoalhaven Water Group

Section: Water Asset Planning & Development

Attachments: 1. DP1250724, Sheets 1 & 2 - plan of Easement for Porters Creek Dam Infrastructure. [↓](#)

Purpose / Summary

To seek Council approval to acquire an Easement for Porters Creek Dam Infrastructure, marked (E) and highlighted on the attached copy of Sheets 1 & 2 of DP1250724, over Morton National Park. The easement is required to formalise the existing Shoalhaven Water infrastructure for the operation of Porters Creek Dam and supply of water from the dam.

Recommendation

That:

1. Council acquire an Easement for Porters Creek Dam Infrastructure over Morton National Park from National Parks and Wildlife Service, Office of the Environment and Heritage. The easement is marked (E) and highlighted on the attached copy of Sheets 1 & 2 of DP1250724,
2. Council pay compensation of \$9,000 plus GST and reasonable costs associated with the acquisition in accordance with the provision of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Water Fund.
3. The acquisition is to be carried out under the Local Government Act 1993, and also in accordance with requirements of the Native Title Act 1993.
4. Council authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documentation required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

Options

1. Resolve as recommended.

Implications: Acquisition of the easement is required to formalise existing Shoalhaven Water infrastructure and permit operation of the infrastructure.

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

Background

In 2016 Shoalhaven Water undertook a major upgrade of Porters Creek Dam. A condition of the Construction Licence required by National Parks and Wildlife Service (NPWS) for the work was that an easement be created for all of Shoalhaven Water's infrastructure within Morton National Park. NPWS also required that the easement terms were agreed prior to the works. The easement is to replace a Deed of Licence which has operated since 1986.

The easement area is described as (E) Proposed Easement for Porters Creek Infrastructure on DP1250724 and comprises:

- Porters Creek Dam wall and spillway at the western end of the water catchment area.
- The area surrounding the dam for access and maintenance of the dam, which also includes survey pillars for monitoring of the dam.
- A water intake tower and compound on the southern side of the water catchment area.
- Existing water pipelines extending south easterly from the intake tower.

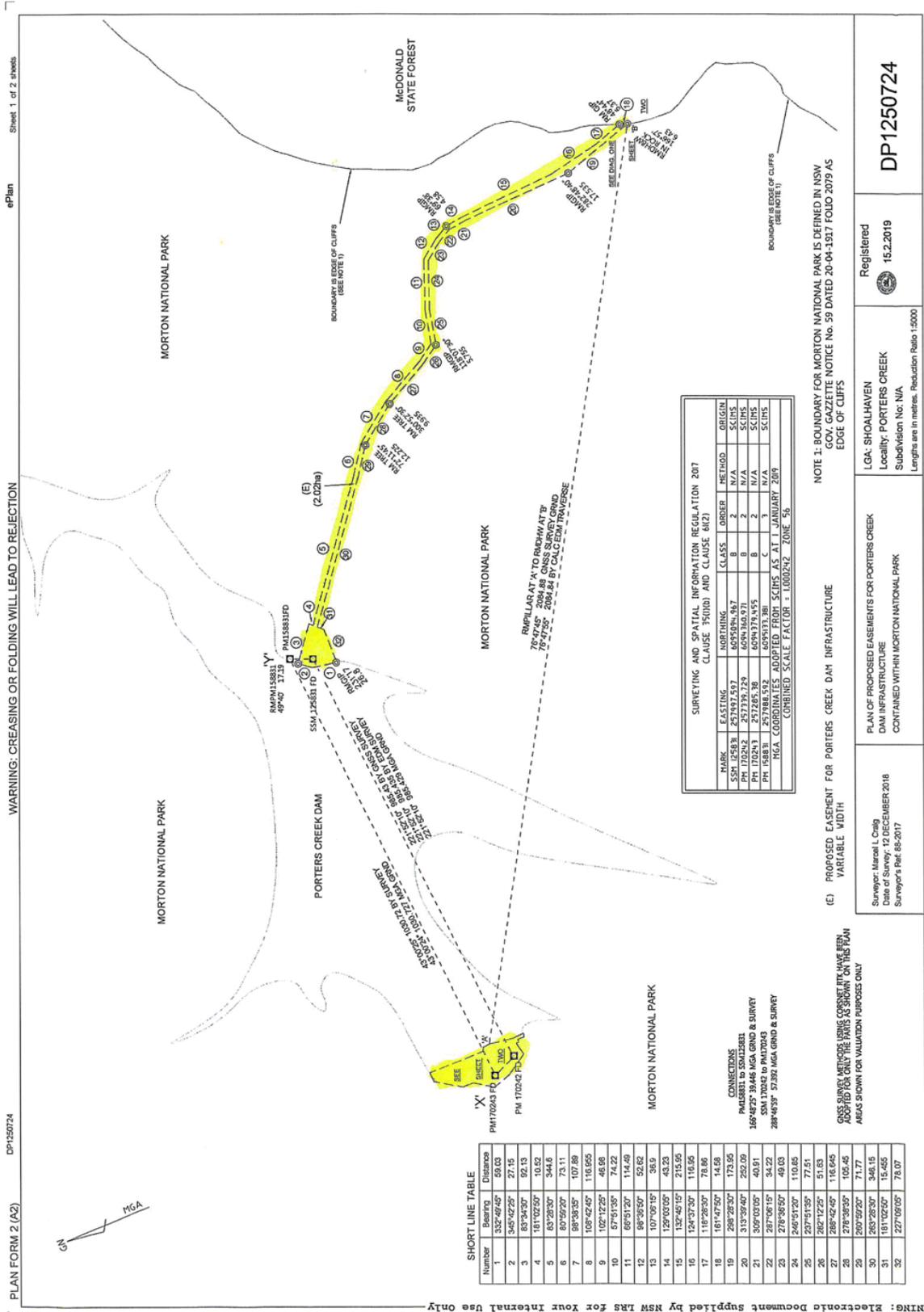
The easement does not include the water catchment area, the public roads providing access to the dam and compound areas and other facilities shared with the public such as parking areas and boat ramp.

Compensation for the easement was assessed at \$9,000, excluding GST, by a valuation undertaken by Walsh & Monaghan Pty Ltd. NPWS had agreed to the engagement of that firm for an independent valuation. The compensation of \$9,000 has been accepted by NPWS.

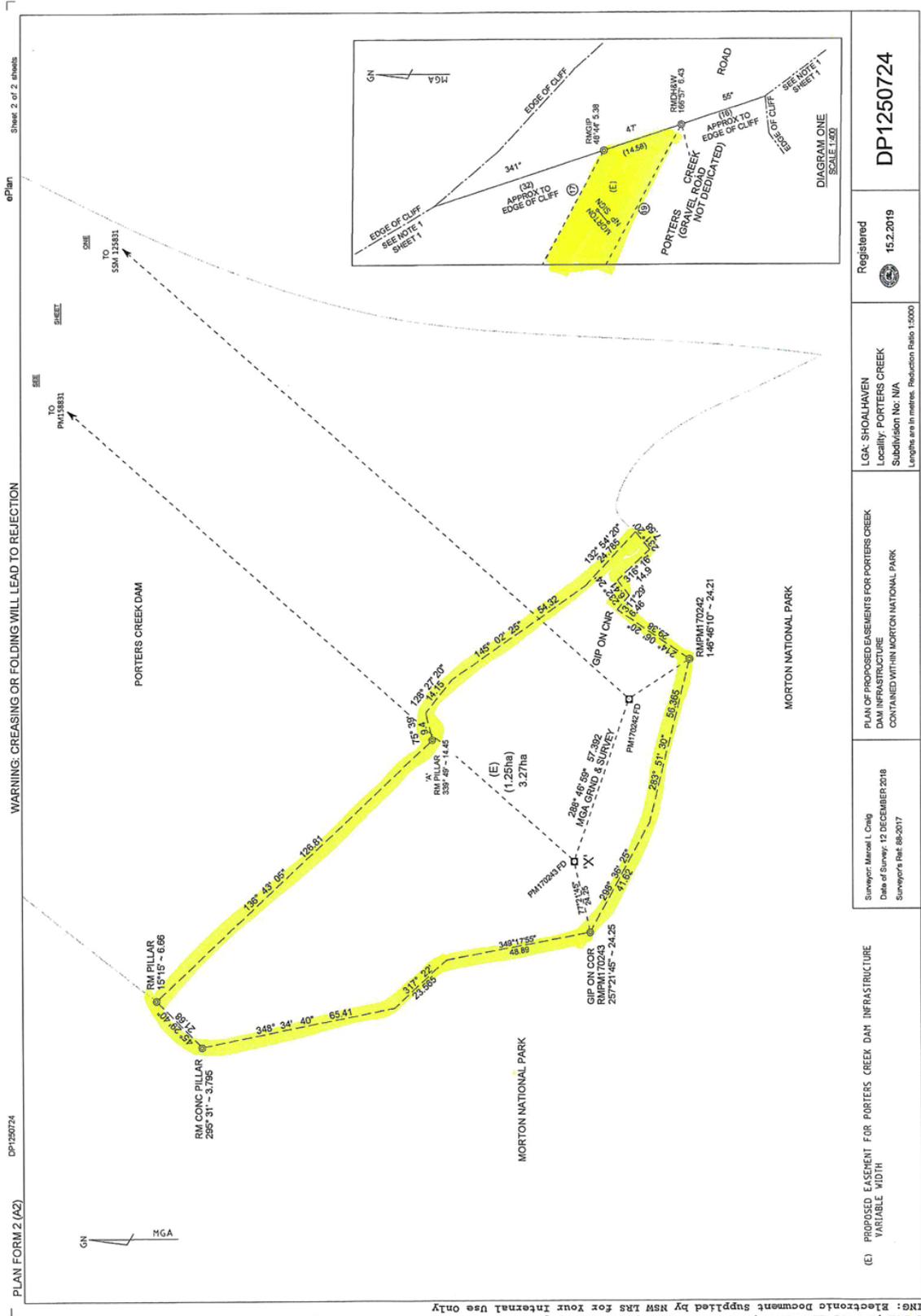
A Native Title Claim was lodged by the South Coast People over Morton National Park on 3 August 2017. The claim was lodged after the upgrade of Porters Creek Dam. Council's Native Title Manager is to issue a notice to Native Title Services Corp (NTS Corp, which administers the Claims) to meet the procedural requirements of the Native Title Act for the acquisition.

Risk Implications

Acquisition of the easement is necessary to secure Shoalhaven Water's legal operation and maintenance of the supply of essential public infrastructure. The proposed action is administrative and has no environmental impact.



SA19.167 - Attachment 1



PLAN FORM 2 (A2) DP1250724 Sheet 2 of 2 sheets

WARNING: GREASING OR FOLDING WILL LEAD TO REJECTION

30x-e-Dex / Doc: DP 1250724 P / Rev: 15-Feb-2019 / Srs: OK / Pgs: A11 / Prt: 16-Feb-2019 01:17 / Seq: 2 of 4
WARNING: Electronic Document supplied by NSW LRS for your internal use only

Surveyor: Maxwell L. Child Date of Survey: 12 DECEMBER 2018 Surveyor's Ref: 88-2017	PLAN OF PROPOSED EASEMENTS FOR PORTERS CREEK DAM INFRASTRUCTURE CONTAINED WITHIN MORTON NATIONAL PARK	Registered 15.2.2019	DP1250724
LGA: SHOALHAVEN Locality: PORTERS CREEK Subdivision No: N/A Lengths are in metres. Reduction Ratio: 1:5000			

(E) PROPOSED EASEMENT FOR PORTERS CREEK DAM INFRASTRUCTURE	10	20	30	40	50	60	70	80	90	100	110	120	130	140	150
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SA19.167 - Attachment 1

SA19.168 St Andrews Way/Berry's Bay & Woollamia - Pressure Sewer Schemes Tender Report

HPERM Ref: D19/330484

Group: Shoalhaven Water Group

Purpose / Summary

Council is requested to refer to a separate Confidential Report detailing the tender process undertaken for the Woollamia and St Andrews Way/Berrys Bay Sewerage Schemes.

Recommendation (Item to be determined under delegated authority)

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

Options

1. As recommended

Implications: The confidential report will be considered.

2. Council could propose an alternative process for consideration of the issue.

Implications: Not recommended as the tender process has been carried out in accordance with relevant policies and the confidential report addresses the relevant requirements.

Background

Council, at its Ordinary Meeting on 31 January 2017, resolved to: -

Amend the Delivery Program and Operational Plan to include the new capital projects for sewer extensions to Woollamia Village and the residential subdivision at St Andrews Way.

Council, at its Ordinary on 26 June 2018, resolved to: -

Connect 1260 – 1280 Bolong Road, Coolangatta (Berry's Bay) to reticulated sewer and amend the Delivery Program and Operational Plan to include these properties in the capital project to sewer the residential subdivision at St Andrews Way (construction to be completed in 2019/20).

In response to these recommendations staff have progressed through the planning and design phase with tenders advertised on 7 August.

In summary the key planning phase actions have included:

- The decision to design and deliver the two schemes in one program of works.
- A Resourcing assessment that culminated in the engagement of Public Works Advisory (PWA) to assist with the project management and contract management of the schemes.
- The development of a procurement plan for the design and construction phases, following a procurement workshop.

- Project Program and risk assessment based on the recommended procurement plan.
- Further development of the concept design originally prepared by Pressure System Solutions (PSS) to assist Council with its decision making.
- Community Engagement, including dissemination of information relating to pressure sewers via website, social media, newsletters and a Community drop-in session.

The delivery of the project will consist of 11 milestones with a total of 36 weeks' construction time from the date of contract execution as per the details below –

Milestone number	Description	Time Period for giving Site access	Time Period for Completion
St Andrews Way & Berrys Bay			
1	Pre-Construction Activities	Not applicable	4 weeks after Date of Contract
2	Construction, Testing & Commissioning of Reticulation system including new Rising Main and On Property Works but excluding property connections	On Completion of Milestone 1	18 weeks after Date of Contract
3	Connection of properties to Reticulation system	On Completion of Milestone 2	6 weeks after completion of Milestone 2
4	Completion of Operation and Maintenance Manuals and Work as Executed Drawings	Not applicable	2 weeks after completion of Milestone 3
Woollamia			
5	Pre-Construction Activities	Not applicable	4 weeks after Date of Contract
6	Construction, Testing and Commissioning of Reticulation system and On Property Works but excluding property connections in all areas except Edendale St East/Sunnyside Ave	On Completion of Milestone 5	26 weeks after Date of Contract
7	Connection of properties to Reticulation system except Edendale St East/Sunnyside Ave area to reticulation system	On Completion of Milestone 6	8 weeks after completion of Milestone 6
8	Completion of Operation and Maintenance Manuals and Work as Executed Drawings for all areas except Edendale St East/Sunnyside Ave	Not applicable	2 weeks after completion of Milestone 7
9	Construction, Testing and Commissioning of Reticulation system and On Property Works but excluding property connections in Edendale St East/Sunnyside Ave area	On receipt of approval from Principal	6 weeks after receipt of approval from Principal or same date as Milestone 6, whichever is the later.
10	Connection of Edendale St East/Sunnyside Ave properties to Reticulation system	On Completion of Milestone 9	2 weeks after completion of Milestone 9 or same date as Milestone 7,

Milestone number	Description	Time Period for giving Site access	Time Period for Completion
			whichever is the later
11	Completion of Operation and Maintenance Manuals and Work as Executed Drawings for Edendale St East/Sunnyside Ave	Not applicable	2 weeks after completion of Milestone 10 or same date as Milestone 8, whichever is the later

The following tenders were received.

Tenderer	Location
Codmah P/L	Unit 1/12 Weld St Prestons NSW 2170
Fewster Bros Contracting P/L	55 Basalt St Geebung Qld, 4034
J Group Corp. P/L	Suite 22 541 High St Penrith NSW, 2750
Ledonne Constructions P/L	43 Planthurst Rd Carlton NSW, 2218
MMA Civil	43 Hubert St Leichhardt NSW, 2040
Pressure Sewer Services P/L	58 Healey Rd Dandenong South Victoria, 3175
R A Smith Contracting P/L	13 Cunningham St Moorebank NSW, 2170

SA19.168

Community Engagement

Community engagement has been extensive through the planning and design phases of the schemes and will continue with the engagement of a contractor. Ongoing consultation will be managed by Shoalhaven Water and the contractor.

As part of the tender process tenderers were required to provide draft community consultation plans to support their applications. The draft plans will be finalised in consultation with Shoalhaven Water and will form the framework for ongoing consultation.

The consultation process thus far has included newsletters, information brochures, website updates, social media and a community drop-in session. A “Get Involved” page has been provided through Council’s website and will continue as a conduit for consultation during the construction phase of the project.

The REFs for these projects were placed on public exhibition from 3 July 2019 to 20 July 2019 during which time submissions were invited. Two responses were received in relation to the Woollamia scheme and responses provided.

Policy Implications

Procurement Policy – POL18/74 – The tender for this project has been undertaken in accordance with Council’s Purchasing Policy. The recommendation for this report is consistent with the provision of Councils Purchasing Policy.

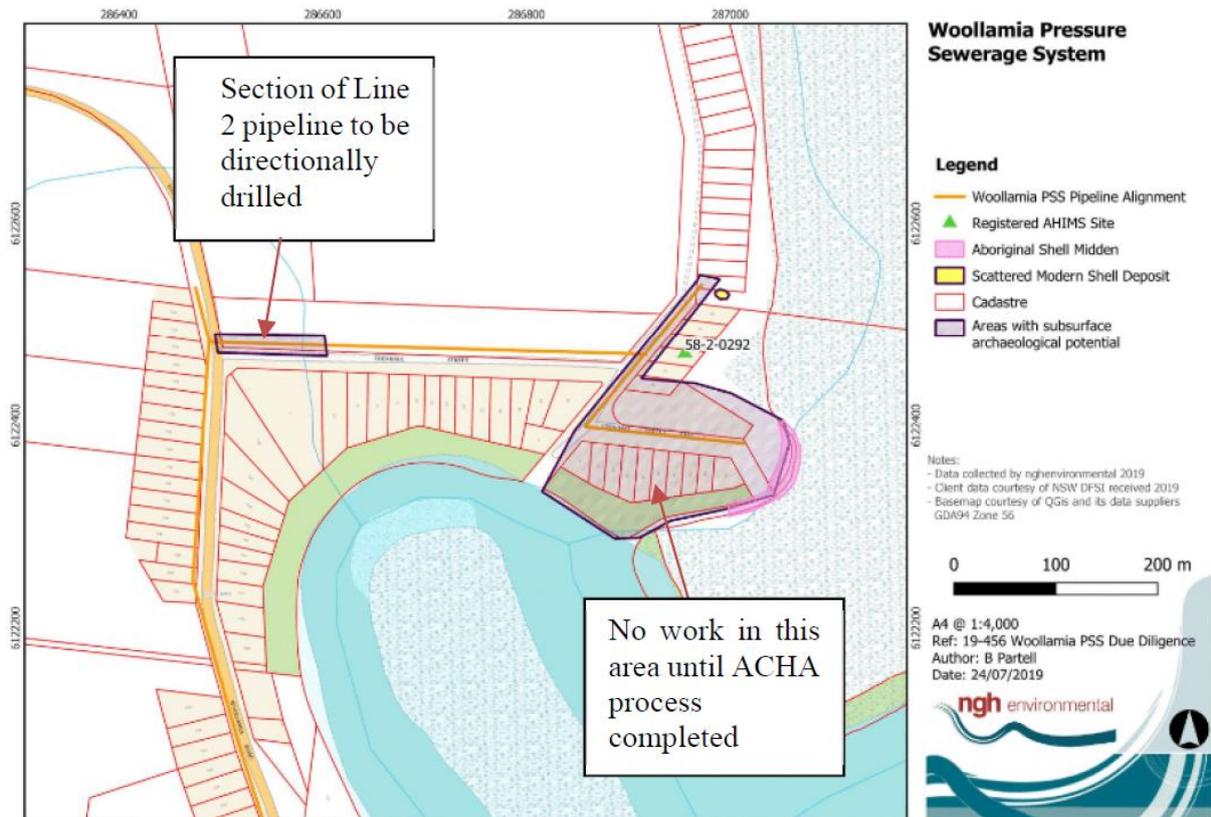
Council’s Policy *POL16/94 – Pressure Sewer System Policy – Backlog Sewerage Schemes* has been provided to all property owners and the main points were highlighted at the Community drop-in session. The primary interest of the property owners has been the potential and ongoing costs.

Financial Implications

Adequate funds have been allocated in the sewer budget to support Council’s resolutions to complete design for the schemes in 2018/19 and construction in 2019/20.

Risk Implications

A project risk assessment for the project has been established. Environmental risks have been identified and addressed in the project REFs by recommending mitigation measures. For the Woollamia Scheme, the Edendale St East/Sunnyside Ave area is the subject of an ongoing Aboriginal Cultural Heritage Assessment (ACHA) process and no works can commence in the area as defined below until approval is issued by the Principal. For the section of Line 2 highlighted below, the pipeline must be installed by directional drilling. These site issues and the requirement for the project to be halted over the holiday period between 23 December and 2 February will result in the project being completed in 2nd quarter 2020.



SA19.168

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.