

## Strategy and Assets Committee

**Meeting Date:** Tuesday, 12 November, 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

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## **9. Confidential Reports**

### Reports

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

*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to*

CSA19.17 Proposed Purchase of Vacant Land - Sanctuary Point

*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.*

CSA19.18 Affordable Housing Project - Council Land, Coomea Street, Bomaderry - Options to Realise

*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.*

*Local Government Act - Section 10A(2)(e) - Information that would, if disclosed, prejudice the maintenance of law.*

*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;

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- 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, 8 October 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 Nina Digiglio  
Clr Annette Alldrick  
Clr Mitchell Pakes  
Clr Greg Watson  
Clr Mark Kitchener  
Clr Bob Proudfoot  
Mr Stephen Dunshea - Chief Executive Officer

### Apologies / Leave of Absence

Apologies were received from Clr Guile, Clr Levett and Clr Gartner.

### Confirmation of the Minutes

**RESOLVED** (Clr Gash / Clr White) MIN19.728

That the Minutes of the Strategy and Assets Committee held on Tuesday 10 September 2019 be confirmed.

CARRIED

### Declarations of Interest

Nil

## Call Over of the Business Paper

The following items were called up for debate:

SA19.149, SA19.150, SA19.151, SA19.155, SA19.156, SA19.157, SA19.158, SA19.162, SA19.164, SA19.165, SA19.168

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

## MAYORAL MINUTES

Nil

## DEPUTATIONS AND PRESENTATIONS

Nil

## REPORTS

### SA19.149 Aboriginal Tourism Promotion Focus

HPERM Ref:  
D19/199547

#### 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.

#### RESOLVED (Clr Proudfoot / Clr Findley)

MIN19.729

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.

CARRIED

### SA19.150 Tenders - Legal Services Panel

HPERM Ref:  
D19/317096

#### 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.

**RESOLVED** (Clr Pakes / Clr Findley)

MIN19.730

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.

CARRIED

**SA19.151 Draft Community Participation Plan**

**HPERM Ref:  
D19/334330**

**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.

**RESOLVED** (Clr Proudfoot / Clr Findley)

MIN19.731

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.

CARRIED

**Items marked with an \* were resolved 'en block'.**

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

**HPERM Ref:  
D19/334335**

**RESOLVED\*** (Clr White / Clr Pakes)

MIN19.732

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.

CARRIED



**SA19.153 Infrastructure Australia - Call for Projects**

**HPERM Ref:  
D19/338218**

**RESOLVED\*** (Clr White / Clr Pakes)

MIN19.733

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

CARRIED

**SA19.154 Section 355 Management Committees - Annual Report**

**HPERM Ref:  
D19/307649**

**RESOLVED\*** (Clr White / Clr Pakes)

MIN19.734

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

CARRIED

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

**HPERM Ref:  
D19/309824**

**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.

**RESOLVED** (Clr Proudfoot / Clr Findley)

MIN19.735

That Council:

1. Adopt the new location of the Regional Skate Park in the Bay and Basin Community Hub precinct, subject to geotechnical investigations be undertaken and reported back to Council.
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 detailed design.

CARRIED

**SA19.156 Investment Report - August 2019****HPERM Ref:  
D19/328130****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.

**RECOMMENDATION** (Clr Gash / Clr Proudfoot)

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.

CARRIED

**SA19.157 Proposed Lease - Milton Ulladulla Family History Society - Ulladulla Civic Centre****HPERM Ref:  
D19/167775****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.

**RECOMMENDATION** (Clr White / Clr Findley)

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.

CARRIED

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

**HPERM Ref:  
D19/285827**

**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.

**RESOLVED** (Clr White / Clr Digiglio)

MIN19.736

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.

CARRIED

**SA19.159 Proposed Lease - 2 Moss Street Nowra**

**HPERM Ref:  
D19/293874**

**RECOMMENDATION\*** (Clr White / Clr Pakes)

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.

CARRIED

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

**HPERM Ref:  
D19/302386**

**RECOMMENDATION\*** (Clr White / Clr Pakes)

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.

CARRIED

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

**HPERM Ref:  
D19/323380**

**RESOLVED\*** (Clr White / Clr Pakes)

MIN19.737

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.

CARRIED

**SA19.162 Land Acquisition Matters - Yalwal & Buangla Localities**

**HPERM Ref:  
D19/323840**

**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.

**RESOLVED** (Clr White / Clr Digiglio)

MIN19.738

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.

CARRIED

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

**HPERM Ref:  
D19/325857**

**RECOMMENDATION\*** (Clr White / Clr Pakes)

That Council

1. Acquire an easement to drain water 5m wide and variable width over part of Lot 103 DP 1161925, 9 Burralee Drive Worrigee, 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.

CARRIED

**SA19.164 Tenders - Bitumen Spray Sealing of Pavements**

**HPERM Ref:  
D19/326207**

**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.

**RESOLVED** (Clr Pakes / Clr Findley)

MIN19.739

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

CARRIED

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

**HPERM Ref:  
D19/333659**

**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.

**RESOLVED** (Clr Proudfoot / Clr White)

MIN19.740

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

CARRIED

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

**HPERM Ref:  
D19/316485**

**RECOMMENDATION\*** (Clr White / Clr Pakes)

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

CARRIED

**SA19.167 Acquisition of easement - Porters Creek Dam infrastructure**

**HPERM Ref:  
D19/317459**

**RECOMMENDATION\*** (Clr White / Clr Pakes)

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.

CARRIED

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

**HPERM Ref:  
D19/330484**

**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.

**RESOLVED** (Clr Watson / Clr Pakes)

MIN19.741

That Council consider a separate confidential report in accordance with Section 10A(2) (d) (i) 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** (Clr Pakes / Clr Digiglio)

MIN19.742

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.

**CSA19.10 Tenders – Legal Services Panel**

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

*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

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

*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

*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.*

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

*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.*

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

*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.*

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

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

*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 5.46pm.

The meeting moved into open session, the time being 5.52pm.

#### **Procedural Motion - Matters of Urgency**

**RESOLVED** (Clr Proudfoot / Clr Pakes) MIN19.746

That an additional item in relation to DA19/1852 – 43 Tahnee Street Sanctuary Point be introduced as a matter of urgency.

CARRIED

The Chairperson ruled the matter as urgent as due to the large number of concerned citizens

#### **SA19.169 Additional Item - Call in Development Application - DA19/1852 - 43 Tahnee Street, Sanctuary Point**

**RESOLVED** (Clr Proudfoot / Clr Pakes) MIN19.747

That DA19/1852 – 43 Tahnee Street, Sanctuary Point – Lot 47 DP 1243551 – Multi Dwelling Application x7 be called in to Council for determination due to the significant public interest..

CARRIED

#### **Procedural Motion - Matters of Urgency**

**RESOLVED** (Clr White / Clr Pakes) MIN19.748

That an additional item in relation to DA19/1857 – 52 Parker Crescent, Berry be introduced as a matter of urgency.

CARRIED

The Chairperson ruled the matter as urgent due to the public interest.

#### **SA19.170 Additional Item - Call in Development Application - DA19/1857 - 52 Parker Crescent, Berry**

**RESOLVED** (Clr White / Clr Pakes) MIN19.749

That DA19/1857 – 52 Parker Crescent, Berry be called in to Council for determination due to the significant public interest.

CARRIED



## REPORT FROM CONFIDENTIAL SESSION

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

### **CSA19.10 Tenders – Legal Services Panel**

**HPERM Ref:  
D19/317169**

#### **RESOLVED**

MIN19.743C

That the resolution remain confidential in accordance with Section 10(A)(2)(d)(i) of the Local Government Act until the recommendations of the Tender Evaluation Committee have been considered and, if necessary, resolved by Kiama Municipal Council and Shellharbour City Council and ISJO has advised Tenderers of the outcome.

CARRIED

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

**HPERM Ref:  
D19/325921**

#### **RESOLVED**

MIN19.744C

That

1. Council (Strategy & Assets Committee) endorse the Tender Panel's recommendation and accept the Tender from Colas NSW to be the primary contractor for Bitumen Spray Sealing of Pavements throughout the Shoalhaven City Council Region, noting that the tender allows Council staff to use innovative solutions (including the incorporation of recycled materials into the seal design) where the site conditions and project budget allow.
2. Enter into contracts with Rural Bitumen Services, Downer EDI Works, State Asphalt Services, Patches Asphalt and Anthony T Lindsay as Secondary Contractors to undertake works where Colas NSW are unable to deliver a portion of works in accordance with the provisions of their contract.
3. Secondary contractor engagement is determined as per best value per separable portion and where the portion of works is within their resource capacity.
4. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the Group Director – Assets & Works.

CARRIED

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

**HPERM Ref:  
D19/313642**

#### **RESOLVED**

MIN19.745C

That

1. Council's Strategy & Assets Committee accept the Tender from Ledonne Constructions P/L for St Andrews Way/Berry's Bay & Woollamia – Pressure Sewer Schemes at a total cost of \$3,834,222.73 (excluding GST).
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the Acting Group Director Shoalhaven Water.

3. The recommendation remains Confidential in accordance with Section 10(A)(2)(d)(i) of the Local Government Act until Tenders are determined by Council's Strategy & Assets Committee.
4. Authorise the Chief Executive Officer (Shoalhaven Water) to adjust the contract for variations for components under the contract.

CARRIED

There being no further business, the meeting concluded, the time being 5.56pm.

Clr Wells  
CHAIRPERSON

## MMS19.4 Mayoral Minute - Plan to Save-our-Recycling

HPERM Ref: D19/378240

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

That Council support the Save Our Recycling campaign, which is being coordinated on behalf of the sector by LGNSW.

1. Shoalhaven City Council has and will continue to advocate for faster change in the waste and recycling sector. The growing imperative to manage waste and recycling within NSW needs urgent action from the State Government to assist in building a circular economy.
2. That Council recognises initiatives and projects taken within the Shoalhaven local government area to help achieve this goal for example our Home Sustainability Program, supporting Take3Forthe Sea, and more recently our adoption of a recycled content procurement policy.
3. That Council endorses Local Government NSW's sector wide *Save our Recycling* campaign, and asks the State Government to reinvest the Waste Levy in:
  - a. Funding councils to collaboratively develop regional-scale plans for the future of waste and recycling in their regions.
  - b. The delivery of the priority infrastructure and other local government projects needed to deliver regional-scale plans, particularly where a market failure has been identified
  - c. Support for the purchase of recycled content by all levels of government, to help create new markets
  - d. Funding and delivery of a state-wide education campaign on the importance of recycling, including the right way to recycle, the purchase of products with recycled content and the importance of waste avoidance
4. That Council write to the local State Members The Hon. Shelley Hancock MP and The Hon. Gareth Ward MP, the Minister for Energy and Environment The Hon. Matthew Kean MP, NSW Treasurer The Hon. Dominic Perrottet MP, Premier The Hon Gladys Berejiklian MP, Opposition Leader Jodi McKay MP, Shadow Minister for Environment and Heritage Kate Washington MP and Shadow Minister for Local Government Greg Warren MP to confirm their support for recycling and outline the urgent need to educate, innovate and invest in local waste and recycling services via the Waste Levy.
5. That Council formally write to its own Youth Advisory Committee advising its members of its support for the *Save Our Recycling* campaign and asking them to consider endorsing and sharing it with their own networks across the Shoalhaven local government area.
6. That Council advise LGNSW President Linda Scott of the passage of this Mayoral Minute
7. That Council shares and promotes the *Save Our Recycling* campaign via its digital and social media channels and via its networks.

### Details

Councillors who attended the recent Local Government NSW conference would be well aware that the Save Our Recycling Campaign was a point of focus for the conference. Similarly, the National General Assembly had a waste and recycling focus at its National Conference. We can see that all around Australia people are concerned with the ongoing

impacts from the lack of focus locally in dealing with our waste and recycling in an effective and circular economy. I am calling on Councillors to continue to commit to the local government sector's **Save Our Recycling campaign** as outlined in the Local Government NSW report *At the Crossroads: The State of Waste and Recycling in NSW*.

The NSW Government collects revenue from a Waste Levy via licensed waste facilities in NSW to discourage the amount of waste being landfilled and to promote recycling and resource recovery. According to the latest NSW Budget papers, this totalled \$772 million in 2018/19.

Council paid \$9,317,331 via the Waste Levy in the 2018/19 financial year and received \$449,245 in contestable and non-contestable funding to assist with waste management and recycling infrastructure, programs and education. In the last 5 financial years (2014/15 to 2018/19) Council paid \$48,095,353 via the Waste Levy. Over the same period Council received \$1,741,468 in contestable / non-contestable funding to assist with waste management and recycling infrastructure, programs and education.

Revenue from the Waste Levy is expected to increase by about 70 percent from 2012/13 to 2022/23. By the end of this period the Waste Levy revenue is forecast to have increased to more than \$800 million a year: \$100 for every woman, man and child in NSW. Yet, only a small portion – less than one fifth – of this revenue is invested back into waste and recycling programs.

The NSW Government promised a major education campaign to help support kerbside recycling in 2015. However, this has not been delivered. A Waste Infrastructure Plan and a new Waste Strategy are also overdue.

The Government is also likely to miss key targets in its existing *Waste Avoidance and Resource Recovery Strategy 2014-21*. Its latest *2017/18 Progress Report* shows that in NSW:

- household recycling rates are decreasing
- less waste per person is being diverted from landfill
- the amount of waste being generated is expected to grow by 36 percent by 2036 – well above population growth.

Recent decisions by China and other countries to put in place measures to stop the importation of plastic and paper recycling from countries like Australia are also making it more challenging to find markets for recycled products.

This combination of a lack of funding, planning and action has left our state-wide waste and recycling systems in a crisis.

Local councils in NSW are calling on the NSW Government to reverse this downward slide: to invest the money it collects from the Waste Levy to help fix our state's ailing waste and recycling, and help build a circular economy in NSW.

Local Government's Save our Recycling campaign outlines ways the State Government can work with us to properly develop, fund and deliver the waste and recycling systems our communities deserve.

It is a blueprint for the NSW Government to invest the money it collects from the Waste Levy to help fix our ailing recycling services and build a circular economy in NSW.

The campaign focuses on the following key areas for NSW Government action:

- **Education:** Fund a large-scale, state-wide education campaign to support recycling and markets for recycled products in NSW. The NSW Government must fund and work with councils to activate this campaign; community by community.
- **Innovation:** Greater use of more recycled content by all tiers of government to help create scale, and then new markets, jobs and investment will follow.
- **Investment:** Reinvest the Waste Levy in council-led regional waste-and-recycling plans and fund councils to deliver the infrastructure and services our cities and regions need.

In 2018, delegates at the LGNSW 2018 Conference unanimously voted to call on the NSW Government to reinvest the Waste Levy in recycling and waste infrastructure and programs.

The 2019 Conference further supported this approach, outlining specific solutions to the waste and recycling crisis which could be delivered in partnership with local government. These steps are outlined in the wording of this Mayoral Minute, and include:

- Funded regional waste plans for the future of waste and resource recovery developed by councils for their regions.
- Funding for and delivery of the priority infrastructure and other local government projects necessary to deliver these regional-scale plans, particularly where market failure has been identified.
- Increased local and state government procurement of recycled goods made with domestic content, eg:
  - recycled content targets to help drive demand and provide incentives to deliver on these targets.
  - funded research, development and delivery of recycling technologies and products generated from recyclables, particularly by local or regional councils.

## SA19.171 Notice of Motion - Dog Off Leash Area - West Street, Greenwell Point

HPERM Ref: D19/379461

Submitted by: Cllr John Levett

### Purpose / Summary

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

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

That Council

1. In conjunction with Greenwell Point Community Association and other representative groups in the area, implement a twelve-month trial of a designated 24/7 dog off leash area in West Street, Greenwell Point adjacent to and south of the Pine Park Tourist Grounds.
2. Provide the appropriate signage, fencing and infrastructure to conduct the trial and report back to Council at its conclusion with funding options to formalise the area as a permanent facility if that is the consensus view of the Community.

### Background

Dog off leash areas are of great benefit to both animals and their owners. They are a safe environment where pets are free to run and play with minimum risk of injury. They provide the opportunity for both dogs and their owners to socialise and get the benefit of physical and mental exercise. Fenced off leash areas give seniors and disabled owners an accessible place to exercise their dogs and to interact with others who share the same interest. Dog Parks are an affordable recreation option for a Community. They can emerge as a functional meeting point for locals and also as a safe resting place for visitors travelling with their animals.

Greenwell Point residents have been concerned with responsible exercise and management of their dogs for some time. Currently the area has no designated dog off leash space and the two closest options are the Nowra Showground or Culburra.

A Sub Committee of the Greenwell Point Community Association brought an interim report on the off-leash issue to a meeting on 21 April 2016. A second report on 12 June 2016 recommended that poo bag dispensers be installed at Anzac Park, Titania Park and Adelaide Street Reserve for a trial period and this was funded by residents and the Community Association. There are now seven dispensers in use and the cost of the bags is met by the GP Oyster Farmers.

In May 2018, talks with Council's Manager of Community and Recreation, led to the conducting of a survey to establish community support for an off-leash area. Of the 123 people surveyed 90 were in support of the concept and a fenced area in West Street, just behind the foreshore area, as the most favoured location. A motion passed at Council on 18 September 2018 rejected the option of a foreshore off-leash area but called for consideration of one at the West Street site.

SA19.171

This motion seeks to consolidate that sentiment and correct the anomalous situation where responsible dog owners are being fined for exercising their dogs off leash in areas that are not sanctioned for that purpose when there is no other option.

### **CEO Comment**

On 18 September 2019, Council's Strategy and Assets Committee considered a Notice of Motion to establish a Dogs-On-Leash area at Adelaide Street Reserve, Greenwell Point. The CEO recognised that "there is currently no off-leash area in Greenwell Point". The signage trial will be commencing in December 2019. The minute (MIN19.390) relating to the trial of an On-Leash area at Adelaide Street Reserve, Greenwell Point, included a requirement that staff research and consult with the community providing additional off leash areas on a case by case basis.

The proposed land at West Street, Greenwell Point (adjacent to and south of the Pine Park Tourist Grounds) has a usable area of 0.9ha - enough to allow many owners to exercise their dogs off leash simultaneously. One boundary is fenced at this location; however, three of the boundaries are currently unfenced. Whilst debate within Council has included the need for fencing at leash free areas, should Council be advised that fencing is necessary at this location, the installation cost for this length of fencing is estimated at around \$25,000 (based on costs at Clifton Park, Sanctuary Point). A fenced dog area at this area is currently unfunded, but there are several grant funding possibilities to investigate.

SA19.171

## SA19.172 Sanctuary Point Skatepark Minor Upgrade

**HPERM Ref:** D19/346776

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

**Section:** Recreation Community & Culture

**Attachments:** 1. Statistics from Community Member [↓](#)

### Purpose / Summary

To report to Council regarding a Notice of Motion MIN19.504 which requested Council staff to “prepare a report on a minor upgrade of the Sanctuary Point Skatepark”, and which advised that “the audience for the potential improvements would ideally be the younger users of say around the under twelves.”

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

That Council:

1. Receive and note the contents of the report for information.
2. Approve the use of the NSW Crime Prevention Grant monies up to \$50,000 to do additional works as described at Sanctuary Point Skatepark
3. Continue to prepare grant funding application to source monies to contribute to this project.

### Options

1. Receive and note the contents of the report for information only

Approve the use of the NSW Crime Prevention Grant monies up to \$50,000 to do additional works as described at Sanctuary Point Skatepark

Implications: The report outlines both budgeted and funding opportunities which will ensure that the Sanctuary Point Skatepark can undergo, at the least, a minor upgrade which will better address the needs of younger skaters and their carers/families.

Council staff have already established a good working relationship with representatives of the Sanctuary Point Community Pride to undertake minor repairs at the skatepark. The additional funding which may become available if either of the Grant applications is successful, and accessing the funds from the NSW Crime Prevention Grant, will enhance Council’s ability to deliver a significant number of the new improvements sought by the community. This will satisfy the needs of the community and Council MIN19.504 in relation to the needs of younger skaters and their carers/families.

2. Council does not accept the recommendation and seek an alternate report

Implications: Not proceeding as recommended will delay addressing the needs of younger skaters and their carers/families at the Sanctuary Point Skatepark and is therefore likely not to satisfy the Sanctuary Point community and not address Council MIN19.504.

SA19.172



## Background

At Council's Ordinary meeting of 30 July 2019 MIN19.504 was resolved:

*That Council staff prepare a report on a "minor up-grade" of the Sanctuary Point Skatepark. The target audience for the potential improvements would ideally be the younger users of say around the under twelves.*

Prior to the July minute of Council, Community and Recreation Unit was approached by a community member from Sanctuary Point Community Pride – representing the local skating youth – with requests to upgrade the main skating area of the Sanctuary Point Skatepark.

At that time, the requests were for:

- Works to stop soil being washed down and deposited on the lower skate surface in heavy rain
- Repair of a broken light on the pathway adjacent to the skate park
- Additions to the features of the skating area and
- Closure of the gates at Francis Ryan Oval.

In response to this initial request (i.e. prior to the issues raised in the Notice of Motion) for repairs and upgrades to the skate park, staff secured a quotation to contain and divert the soil deposits and drainage away from the lower Skatepark surface (including concrete blade wall). The cost estimate for this work was \$15,000. These works are committed and scheduled to proceed prior to end of the financial year irrespective of current grant funding applications.

Council has completed pathway lighting repairs and associated tree trimming to allow for more light to reach the public pathway beside the skatepark and improve passive surveillance.

The request regarding the gates was to have some of them closed. However, Council consulted with users of Francis Ryan Oval, internal parks staff and the local Police and it was determined at this time to keep the gates open. Council will continue to monitor this.

In relation to the request which is the subject of the Notice of Motion, the community member has provided Council with detailed statistics (see Attachment A), which substantiate that the number of local area skaters twelve years of age or younger will at least remain at current levels for the foreseeable future.

The skatepark is situated immediately adjacent to an entry to the Sanctuary Point Public School and of the total number of students at the school, almost 60% are in the age group eight to twelve. Not only do a high proportion of these students ride bikes, scooters or skateboards to school, but each term the school offers the students daily lunchtime supervised health and recreation time at the skate park for those who provide their own skateboards/scooters and helmets. There can be twenty five or more children at these sessions on any given day. In addition, the school offers skateboarding as a leisure sport one day a week for a two hour period for up to fifty children. These sessions are fully booked, and due to the high participation rates, the basketball court surface is also needed at these times.

To address the Notice of Motion, staff have recently been in further consultation with community members. Council has submitted two grant applications to:

- NSW Stronger Country Communities Fund (State) and
- NSW Community Building Partnerships program (State)

Each application is for \$43,639 with Council providing funding of \$10,000 from existing budgets.

The range of facilities/upgrades requested for Sanctuary Point Skatepark in both funding applications was:

- Soil diversion/concrete buffer and associated drainage works (committed to by Council prior to the Notice of Motion)
- Two new concrete seats and associated picnic shelter
- Resurfacing of the basketball court (512 sq m) for younger kids to develop skating skills and
- New basketball backboard and hoop

The funding applications did not include a water bubbler, picnic area or barbecue (components of the request from the community member) at this time, as maintenance of such items – as evidenced by the ongoing damage sustained by the pathway lights – indicates that for the moment at least, the cost to benefit may not be positive. It is suggested that consideration of additional facilities of this type should be deferred until the items requested in the funding applications have been in place and that Council and the community work to activate the space, consult with the community and minimise antisocial behaviour.

In relation to the issue of providing minor upgrades at the skatepark to cater for the younger skaters, it should be noted that the existing Sanctuary Point Skatepark facilities include a steel table tennis table, which was identified and installed when the Skatepark extensions were undertaken in 2015. The table is in good, usable condition but currently under-used. It is considered that if there were more parents/carers at the site with younger Skatepark users, it may have greater use and provide benefit to the users of the park.

### **Safety Audit/Crime Risk Assessment**

Shoalhaven City Council received grant funding for 'Safer by Design' training through the Department of Justice in line with Council Crime Prevention Plan. This funding provided training and Crime Risk Assessment at several sites in the Shoalhaven, the Sanctuary Point Skatepark was one of these sites. The funding also allowed for some crime prevention through environmental design modifications, which would be beneficial for some works at Sanctuary Point Skatepark. The findings of the assessment which are relevant to this Minor Upgrade request include:

- Under-use by families and children – which the assessment suggested was because of a perception that the skatepark was unsafe for that demographic. This observation is supported.

The assessment identified the lack of visibility of the skatepark as a contributing factor and recommended the installation of CCTV along the access pathway and at the skatepark, as well as appropriate signage and clearing of trees to allow improved passive surveillance from Centaur Avenue. It is considered that CCTV at the skatepark may be appropriate, but only if increased passive surveillance, more effective lighting of the adjacent pathway and improved signage does not lead to improved feelings of safety – and increased usage - from the community.

- Repair of fencing – this is not considered a priority as it is possible that improvements to exposure of the site to outside surveillance and improved lighting and signage, may lead to more pedestrians feeling safe to use the pathway accessing Centaur Avenue from the Sanctuary Point shops.

The Crime Risk Assessment aligns with the minor upgrades recommended in this report:

- Tree/shrub clearance
- Signage upgrades
- Soil diversion/concrete buffer and associated drainage works
- Two new concrete seats and associated picnic shelter;
- Resurfacing of the basketball court (512 sq m) for younger kids to develop skating skills and
- New basketball backboard and hoop

It is proposed to utilise the remainder of the grant funding monies of approximately \$50,000 to undertake these works at the Sanctuary Point Skatepark.

Council will proceed to consult with the community regarding the proposed upgrades, get quotations and necessary approvals for signage, vegetation clearing in the first instance.

### **Community Engagement**

Council staff have been in discussion with Sanctuary Point Community Pride in relation to the issue of the need for skatepark upgrades since 17 May 2019. Staff and the community / CCB have a positive relationship and collectively are committed to working together to deliver the upgrades and improvements.

### **Financial Implications**

In support of its Grant applications, Council has committed \$10,000 matching funding from existing budgets. Utilisation of the funding from the Crime Prevention grant will contribute towards undertaking this work.

Statistics provided by Community Member

There are 463 enrolled students as of 1/10/19, with 272 of these in grades 3-6.

Quite a number of these students either ride bikes, scooters or skateboards to school and frequently use the skatepark either before or after school.

Many of the younger children also frequently use the park with parental supervision in the same way.

We also have parents who homeschool and regularly use the facility during school hours as they have commented it becomes far too busy and crowded after school hours.

Sanctuary Point Public also offer their students each school term daily health and recreation at the skatepark offering supervised lunchtime skating for those who supply their own safety gear and skateboard/ scooters to participate in the activities (weather permitting).

There can be 25 children or more any given day per session.

Skateboarding is also offered as a leisure sport 1 day a week for a 2 hour period for up to 50 children which reaches full capacity when offered.

Due to the high demand of students wishing to participate the unused basketball section is also utilised for skating as the current area, although seems large is unable to cater safely in the existing skate area's.

## SA19.173 Acceptance Grant Funding - NSW State Funding - \$4,000,000 Stage 1 Berry Rotary Nature Play - Boongaree

**HPERM Ref:** D19/351678

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

### Purpose / Summary

To seek Council approval to accept NSW State Government, Department of Planning, Industry and Environment funding of \$4,000,000 for Stage 1, of the Project (Berry Rotary Nature Play) and to delegate authority to the CEO or nominee to negotiate the Memorandum of Understanding (MoU) with Berry Rotary, and The Deed of Agreement with the NSW State Government and Berry Rotary to accept and acquit the grant funding.

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

That Council

1. Accept the State Government grant funding offer of \$4,000,000 for the delivery of Stage 1 of the Project (Berry Rotary Nature Play)
2. Delegate authority to the CEO or nominee, to negotiate the Memorandum of Understanding (MoU) with Berry Rotary, and The Deed of Agreement with the NSW State Government and Berry Rotary to accept and acquit the grant funding
3. Write to the State Government Minister for Planning, The Hon. Rob Stokes and the Minister for Families, Communities and Disability Services, The Hon. Gareth Ward to thank them for the grant offer

### Options

1. Accept the State Government grant funding offer of \$4,000,000 for the delivery of Stage 1 of the Project (Berry Rotary Nature Play).

Delegate authority to the CEO or nominee, to negotiate the Memorandum of Understanding (MoU) with Berry Rotary, and The Deed of Agreement with the NSW State Government and Berry Rotary to accept and acquit the grant funding.

Implications: Adoption of the recommendation will enable staff to negotiate and finalise the MoU and funding agreement resulting in the ability to deliver this important component of the overall Boongaree, Berry project. This will meet the expectations of Berry Rotary and the Berry Community.

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

Implications: Not accepting the recommendation would result in Council not receiving the grant funding and consequently be unable to deliver Stage 1 of the Boongaree, Berry project. This will not meet the expectations of Berry Rotary.

SA19.173

## Background

Council have been notified that Berry Rotary were successful in \$4 Million grant funding for delivery of Stage 1 of Boongaree (Berry Rotary Nature Play) and have been informed of the need to enter into a Deed of Agreement with the State Government. This Deed of Agreement will be undertaken as a tripartite agreement with State Government, Berry Rotary and Shoalhaven City Council. Council has worked closely with Berry Rotary in the design process for Stage 1 (Berry Rotary Nature Play) of the park.

For Council and Rotary to accept this money, Council will initially negotiate with Berry Rotary a Memorandum of Understanding outlining the role and responsibility of both parties through the delivery, acceptance and acquittal of these funds. Currently Rotary have questions over contributing to the cost of the parking with the \$4 million grant funding they have secured. The 'parking' is related to the delivery of car parking to the learn to ride facility, and on the south side of Stage 1. Council does not have an allocation of funds to deliver this aspect, nor a formalised Quantity Survey (true costings) on the parking works and hence the budget required to construct these. Once this is completed there may be funds in existing budgets to accommodate the parking.

Council staff will continue to negotiate with Rotary and / or seek to source funding to ensure this project is delivered. Securing funding for the parking is essential for this park to be delivered and without funding to deliver these aspects this the project, and all the grant is at risk as they are integral to the overall park infrastructure for this stage.

Once the MoU is agreed, Council and Rotary will then negotiate with the State Government regarding the Deed of Agreement for the grant monies and setting project and payment milestones. Council is working towards having the Memorandum of Understanding finalised and to have the Deed of Agreement completed by the end of November.

Council has already been successful in two grant applications which are providing additional funding for the delivery of some aspects of the Berry Rotary Nature Play:

- Building Better Regions Fund (Federal)
- Everyone Can Play (State)

The table 1 below outlines the funding sources, including a contribution from Berry Rotary as a result of their fundraising efforts, in addition to the \$4 million grant funding, and what will be delivered in the park for stage 1.

Project Stage	Items	Funding Source				
		Stronger Country Communities Grant \$4m (Rotary Election Promise)	BBR Funding \$478K (SCC Grant Application)	Everyone Can Play \$400K (SCC Grant Application)	SCC \$562K (SCC Matching Funds)	Berry Rotary \$116K (Rotary Fund-raising)
Stage 1a: Childhood and Nature Play	-Sensory play items		X		X	X
	-Balance beams		X		X	X
	-Two tunnels		X		X	X
	-Swing with accessible seat		X		X	X
	-Accessible carousel		X		X	X
	-Bounce play items		X		X	X
	-Accessible sand play table		X		X	X
	-Accessible water play table		X		X	X
	-Seating		X		X	X
	-Landscaping, walkway bridge, signage, lighting and bollards		X		X	X
	-Cubby house	X				
	-Bamboo forest	X				
	-Green space	X				
	-Family Picnic BBQ Shelter	X				
	-Large climbing apparatus	X				
	-Slides x2	X				
	-Shade Sails	X				
	-Dry Creek Bed with water playground	X				
	-Footpaths	X				
	-Landscaping	X				
	-Enabling services (Water, Sewer, Power, Communications Conduit, Drainage and Irrigation)	?				X
	-Amenities block (three pans with one lift and change cabinet)	X				X
	-Parking (Provision of parking is only at the Learn to Ride facility and on the south side of Stage 1).	?				X
	-Rotary Nature Play Park sign	X				
Stage 1b: Everyone Can Play	-Dual accessible flying fox			X		
	-Landscaping			X		
	-Footpaths			X		
	-Climbing net	X				X
	-Hamster wheels	X				
	-Swing	X				
	-Seating	X				
Stage 1c: Learn to Ride	-Landscaping, Lighting, Bollards, Footpaths	X				
	-Learn to ride track	X				
	-Amenities	X				
	-Parking	X				
Stage 1c: Exercise Zone	- Landscaping, Lighting, Bollards, Footpaths	x				x
	-Powerbench	X				
	-Pullover	X				
	-Velis	X				
	-Calf Trainer	X				
	-Crosstrainer	X				
	-Multifunctional Trainer	X				
	-Calisthenics Trainer	X				
	-Cardio Fitness Bike	X				
	- Landscaping, Lighting, Bollards, Footpaths	X				

Table 1 – Stage One – Berry Rotary Nature Play Deliverables.

## Community Engagement

Council has undertaken extensive Community consultation during the concept and detail design phases of Boongaree, Berry.

SA19.173

**Financial Implications**

The available funding will deliver the Stage 1 items identified in Table 1. The allocation of funding for parking is currently the subject of discussion between Council staff and Rotary. Council staff will continue to negotiate with Rotary and / or seek to source funding to ensure this project is delivered.

SA19.173



## SA19.174 St Georges Basin - Siltation - Silt Trap Screening

**HPERM Ref:** D18/433429

**Group:** Assets & Works Group

**Section:** Works & Services

**Attachments:** 1. Preliminary estimate for removal of silt plume [↓](#)

### Purpose / Summary`

This report is in response to Council's resolution at its Ordinary meeting on 13 November 2018 to detail ways of preventing the siltation of St Georges Basin near Collett Place (MIN18.903).

The report will also update Councillors on the enforcement and compliance action of building sites in the area.

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

That Council

1. Note that staff are undertaking the following activities in an effort to adopt best practice soil and water management practices as the most effective way to prevent siltation build up in St. George's Basin:
  - a. Carrying out targeted audits of Council owned and managed land within the Collett Place catchment and work with asset managers to ensure compliance with best practice.
  - b. Actively maintain existing sedimentation retention traps already installed about the Basin area.
  - c. Being more diligent in the inspections of compliance of sedimentation management systems, of new developments.
2. Note that an achievable plan to remove the silt build-up in St George's Basin, located near the discharge point of the drain at the bottom of Collett Place, is as follows and this plan will be included in Council's Draft 10 Year Capital Listing for consideration during its 2020-2021 budget deliberations
  - a. Excavate the plume to a depth of 300mm using a land-based excavator and trucks
  - b. Dry the material on site and
  - c. Dispose of the material at the Huskisson Landfill
  - d. Estimated cost of \$70,000 (exc GST)
3. Note that all development applications for subdivision and building works with the Shoalhaven require a sedimentation and erosion control plan which forms part of the overall approval. Development consents also contain conditions requiring the need to maintain sedimentation and erosion controls until sites are stabilised (e.g. the grassing of bare earth areas). These conditions are enforced by Council's Certifiers, Compliance Officers and Rangers. Council can also issue directions under the Protection of the Environment Operations Act to have pollution incidents remedied.

## Options

1. Continue with existing inspections, monitoring

Implications: Work can be done within operational budget and provide a sustainable environmental response

Council's Building and Compliance Section will continue to monitor building sites to reduce future pollution incidents.

Asset & Works groups undertake programmed inspections and maintenance of the existing GPT structures.

2. Removal of gravel plume from Collett Place drainage outfall

Implications: Estimated cost of work \$70,000. Works will also mean possible high environmental risks. Current funding not available and works will need to be programmed in future years budgets.

## Background

Council at its meeting of 13 November 2018 (MIN18.903) resolved that:

1. *Council staff prepare a report detailing ways of preventing the siltation and an achievable plan to remove the silt build-up in St George's Basin, located near the discharge point of the drain at the bottom of Collett Place.*
2. *Council also report back on the enforcement of compliance of silt trap screening on building sites in the area.*

## Report

This report deals with both the current siltation of St Georges Basin and the enforcement and compliance action currently undertaken on building sites.

### 1.0 Siltation of St Georges Basin

This section reports on ways to prevent siltation in the basin (Part A) and an achievable plan to remove the existing silt build up (Part B).

#### Part A - Ways of Preventing Siltation in St. Georges Basin

The most effective prevention of siltation build up in St. George's Basin is to implement best practice soil and water management at the source of sediment loads.

The predominant sources of sediment loads are:

- i. earthworks or construction work zones,
- ii. areas with uncovered bare earth,
- iii. stockpile zones for building materials,
- iv. clearing or de-vegetated areas near creeks, drains or watercourses; and
- v. table drains and road verges.

Sediment loads from well-established existing suburban areas are typically low, however can be high in locations where there are exposed (dirt) table drains and road

verges. At Collett Place and other locations below stormwater outlets in St Georges Basin, there are often plumes of gravel which have been washed off roads. Fluctuations in sedimentation levels are dependent on the number of development and construction activities within the catchment area.

In order to prevent build-up of silt in our natural waterways and bodies of water it is recommended to:

1. target sediment and erosion controls at Council managed sites, construction sites and earthwork sites. This targeted approach is the most feasible way to prevent sediment build-ups in the Basin. A targeted audit of Council owned and managed land within the Collett Place catchment will also be undertaken.
2. actively maintain existing sedimentation retention traps already installed about the Basin area. This maintenance includes regular inspection, cleaning and audit.
3. improve the design and compliance of sedimentation management systems, of new developments where siltation is a risk.

#### **Part B - Achievable Plan to Remove the Silt Build-Up at Collett Place**

The site has been inspected in detail from the land, in the water and on the water with a small watercraft. The inspection revealed that the accumulation of sediment from the main drainage outlet is not causing a navigation or drainage issue. The accumulation also does not impact on the adjacent swimming/restricted boating.

Seagrass has established itself on the accumulated sediment plume downstream of the main outlet. Removal of sediment will require regulatory approval from NSW DPI (Fisheries) for destruction of aquatic habitat.

1. Undertake detailed Review of Environmental factors including
  - a. detailed site survey
  - b. submission of a permit to NSW DPI
  - c. preparation of REF including any other outstanding approvals
2. Excavate the plume to a depth of 300mm. This to be achieved using excavator and trucks. Material to be disposed to tip. Estimated cost \$70,000 based on current hire, transport and disposal costs. (see attached)

## **2.0 Enforcement and compliance action on building sites**

All development applications for subdivision and building works require a sedimentation and erosion control plan which forms part of the overall approval. Development consents also contain conditions requiring the need to maintain sedimentation and erosion controls until sites are stabilised (e.g. the grassing of bare earth areas).

These conditions are enforced by Council's Certifiers, Compliance Officers and Rangers. Council can also issue directions under the Protection of the Environment Operations Act to have pollution incidents remedied.

There has been an increased number of water pollution incidents from development sites in recent times resulting in further compliance action. For example, several storm events over the 2018/2019 holiday period have resulted in the issue of penalty notices and clean-up notices for failed sediment controls.

With respect to the sedimentation build near Collett Place, St Georges Basin, there was a failure of sedimentation controls on a subdivision in Anson Street in 2016. This was reported to Council's Compliance Officers where clean-up notices were issued to the owner of the

development. This required the owner to reset sediment and erosion controls, clean the silt plume to the street and de-sludge nearby stormwater pits.

Council's Certifiers, Compliance Officers and Rangers will continue to monitor subdivision and building sites. Where problems are identified, these will be rectified to reduce water pollution incidents.

### **Financial Implications**

Work discussed as part of 1.0 Part A can be achieved within current budget allocations.

Works to remove plume as part of 1.0 Part B can be achieved at an estimated cost to Council of \$70,000 and no budget allocation has been made or planned for this work.

Works discussed as part of 2.0 can be achieved within current budget allocations,

### **Risk Implications**

No action risks further environmental damage caused by development inaction.

Removal of the gravel may impact the current environment. The existing plume shows signs of being 'stable'. In addition, the disturbance caused by the activity inherently introduces risks such as turbidity which will need to be actively managed during any site works.

**Preliminary Estimate for removal of Silt Plume – St Georges Basin**

Approximate Volume

300mm \* 40 \* 40 = 480m3

	\$
Excavator	
3 Days @ \$1800/day	5400
Establishment	2000
Trucks	
480 m3 / 12 per truck 40 movements. Considering 3 trips per day to tip per truck, the transport will take 4 days. Each truck costs \$1000/day	16000
Loader	4000
Waste	
\$500/truck * 40	20000
Crew	
7 days @ \$1000/day (2 crew + Ute)	7000
Floating Boom, Geotextiles and sedimentation fencing	4600
Contingency	
Apply 20%	11000
TOTAL	70000

## SA19.175 Millards Creek and Ulladulla Harbour - Gross Pollutant Traps and Water Quality Feasibility

**HPERM Ref:** D19/187333

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

**Attachments:** 1. Storm water pipe outlet - Millards Creek Ulladulla estimate [↓](#)  
2. Storm Water Outlets - Millards Ck Ulladulla (under separate cover) [⇒](#)

### Purpose / Summary

The purpose of this report is to allow Council to consider options for improving the water quality coming out of the Millard's Creek tributary and thus the quality of water being discharged to Ulladulla Harbour.

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

That Council note:

1. There are in excess of 30 drainage outlets discharging into the Millard's Creek Catchment and that installing a Gross Pollutant Trap at each location would cost in excess of \$1.5 million in total.
2. The CEO (Director Assets and Works) has identified projects to the approximate value of \$500,000 that includes, restoring current headwalls and structures, rock lining outlets and installing waste nets as appropriate to improve the quality of water entering the Ulladulla Harbour from the Millard's catchment and that these projects will be listed in the draft 10 year capital listing for Council's 2020/2021 budget considerations.

### Options

1. Do nothing. Adopt Part 1 for information only. The existing practise will continue – clearing major GPTs, identifying significant scour issues, ensuring new sub-division works have infrastructure in place, encouraging bush re-generation and general rubbish removal.  
Implications: Sediment and pollution levels remain
2. As recommended, parts 1 and 2.  
Implications: At risk culverts and outfalls are repaired and trash nets are installed where required. This will reduce trash levels and sediment loadin the creek and ultimately Ulladulla harbour.
3. Install GPTs on unprotected outlets. A resolution to affect this option would be;
  - a. That Council note that there are in excess of 30 drainage outlets discharging into the Millard's Creek Catchment and that installing a Gross Pollutant Trap at each location would cost in excess of \$1.5 million in total.
  - b. That Council note that the CEO (Director Assets and Works) has identified Gross Pollutant Trap projects to the approximate value of \$1,500,000 to improve the quality of water entering the Ulladulla Harbour from the Millard's catchment and that these projects will be listed in the draft 10 year capital listing for Council's 2020/2021 budget considerations.

Implications: Very high costs considering initial capital, access considerations and ongoing maintenance.

## Background

At the Ordinary Meeting on the 28 May 2019 Council resolved as follows (MIN19.333):

*“That Council receive a report on the feasibility of installing gross pollutant traps on the tributaries of Millard’s Creek in Ulladulla to further ensure its water quality and the quality of outflow to Ulladulla Harbour”*

## Consideration

Gross Pollutant Traps (GPT) have been installed in various locations around Shoalhaven LGA with various degrees of success in achieving improved environmental outcomes. Indeed, along Millard’s Creek there is several GPT’s which assist in controlling sediment and pollutants entering the harbour.

New Large Subdivisions are required to provide GPTs and other water quality features as part of the stormwater system. Several sub-divisions feeding Millard’s Creek have had works and infrastructure installed for exactly this purpose. Issues are currently coming to light with these structures in being able to undertake maintenance and problems relating to access

A recent survey of Millard’s Creek (see attached) has been undertaken and identified some 30 plus sites where urban drainage enters the creek. The outlets range from 375mm pipes to 600mm. The outlets and are in various states of repair ranging from good through to very poor.

GPT’s come in many forms with various levels of sophistication and effectiveness. Their capital cost of units ranges from simple \$2,000 trash rack units through to \$100,000. The size and cost of the units are dependent not simply on the size of the pipe but also the intention i.e. removal of waste, suspended solids, oils.

In addition to these capital costs consideration must be made for each site’s installation and the on-going maintenance of the installations.

As identified in the preliminary survey - all of the sites will need significant reconstruction focussed on:

1. Re-establishment of the pipe outfall – headwall, base of structure, riprap protection of stream bed.
2. Earthworks to allow access for construction and maintenance
3. Installation of the GPT
4. Streamlining and re-establishment of vegetation

Attached are preliminary costings for these treatments. The estimates have been based on very preliminary information and then are indicative only.

An alternative lower cost approach would be to undertake repair of the headwalls, stream beds, and drop structures and install trash nets at sites where appropriate This may halve the costs of the work, improve environmental outcomes with respect erosion and waste and provide a basis on which to improve outlets for the future.

**Financial Implications**

Currently there is \$0 being allocated to the proposed and consequently funds will need to be allocated in the 10year financial plan.



Site No.	Condition	Works required	GPT Purchase plus Installation	Watercourse treatment	Maintenance per Yr	Total including 10yr Maintenance
1	Good	\$ -	\$ -	\$ -	\$ 1,500	\$ 15,000
2	Fair	\$ 2,500	\$ 20,000	\$ 5,000	\$ 1,500	\$ 42,500
3	Good	\$ 3,500	\$ -	\$ -	\$ 5,000	\$ 53,500
4	Poor	\$ 2,500	\$ 50,000	\$ 18,000	\$ 1,500	\$ 85,500
5	Good	\$ -	\$ 3,000	\$ -	\$ 1,500	\$ 18,000
6	Good	\$ -	\$ 3,000	\$ -	\$ 1,500	\$ 18,000
7	Poor	\$ 2,500	\$ 20,000	\$ 5,000	\$ 1,500	\$ 42,500
8	Fair	\$ 5,000	\$ 100,000	\$ -	\$ 1,500	\$ 120,000
9	Poor	\$ 10,000	\$ 10,000	\$ 15,000	\$ 1,500	\$ 50,000
10	Fair	\$ 10,000	\$ 100,000	\$ 10,000	\$ 1,500	\$ 135,000
11	Fair	\$ -	\$ 10,000	\$ 2,500	\$ 1,500	\$ 27,500
12	Fair	\$ 5,000	\$ 100,000	\$ 8,000	\$ 1,500	\$ 128,000
13	Poor	\$ 20,000	\$ 75,000	\$ 20,000	\$ 1,500	\$ 130,000
14	Poor	\$ 10,000	\$ 50,000	\$ 5,000	\$ 1,500	\$ 80,000
15	Fair	\$ 10,000	\$ 75,000	\$ 2,500	\$ 3,000	\$ 117,500
16	Fair	\$ 25,000	\$ -	\$ -	\$ 1,500	\$ 40,000
17	Fair	\$ 20,000	\$ 40,000	\$ 6,000	\$ 1,500	\$ 81,000
18	Fair	\$ 30,000	\$ 55,000	\$ 10,000	\$ 1,500	\$ 110,000
19	Fair	\$ 30,000	\$ 100,000	\$ 15,000	\$ 1,500	\$ 160,000
20	Good	\$ 5,000	\$ 40,000	\$ 10,000	\$ 1,500	\$ 70,000
21	Fair	\$ 10,000	\$ 40,000	\$ 10,000	\$ 1,500	\$ 75,000
22	Fair	\$ 5,000	\$ 50,000	\$ 5,000	\$ 1,500	\$ 75,000
23	Poor	\$ 20,000	\$ 40,000	\$ 30,000	\$ 1,500	\$ 105,000
24	Fair	\$ 1,500	\$ 30,000	\$ 15,000	\$ 1,500	\$ 61,500
25	Poor	\$ 10,000	\$ 60,000	\$ 20,000	\$ 1,500	\$ 105,000
26	Good	\$ -	\$ 150,000	\$ 10,000	\$ 1,500	\$ 175,000
27	Poor	\$ 15,000	\$ 50,000	\$ 10,000	\$ 1,500	\$ 90,000
28	Good	\$ -	\$ 150,000	\$ -	\$ 1,500	\$ 165,000
29	Good	\$ -	\$ 30,000	\$ 5,000	\$ 1,500	\$ 50,000
30	Poor	\$ 30,000	\$ 60,000	\$ 15,000	\$ 1,500	\$ 120,000
		<b>\$ 282,500</b>	<b>\$ 1,511,000</b>	<b>\$ 252,000</b>	<b>\$ 50,000</b>	<b>\$ 2,545,500</b>

Install GPT	\$ 1,511,000
Watercourse treatment	\$ 252,000
Repairs to current structures	\$ 282,500
<b>Total works</b>	<b>\$ 2,045,500</b>

## SA19.176 Ulladulla Boat Launching Ramp – Urgent Maintenance Funding

HPERM Ref: D19/299788

Group: Assets & Works Group  
Section: Works & Services

### Purpose / Summary

To report on the need for urgent maintenance funding for the replacement of the South Street Ulladulla Harbour concrete boat launching ramp.

### Recommendation

That Council

1. Note that in relation to the Ulladulla Boat Launching Ramp:
  - a. There are large voids under the existing concrete slabs. The slabs have been designed as “slab on ground” structures and not suspended structures;
  - b. The toe of the eastern ramp has completely failed resulting in large sections of concrete dislodging and becoming a potential navigation/boating hazard for users. Failure of the ramp toe also makes it more restrictive for use at lower tides.
  - c. The estimated cost to reconstruct the ramp is approximately \$200,000 (exc GST)
2. Allocate \$10,000 in the next quarterly review to allow the CEO (Director Assets and Works) to undertake the necessary designs and approvals to allow an accurate cost estimate and project plan to be produced, and that a reconstruction allocation to be considered in the 2020-2021 budget deliberations.

### Options

1. As recommended

Implications: Work could be tendered out at relatively short notice as a “design and construct” project. Work would need to be done in accordance with current adopted standards for concrete boat launching ramps that take into account structural impacts associated with “prop driven” boat retrieval.

Timing of the work would be dependent on availability of contractors due to the specialist nature of “underwater” work. Realistically, it is unlikely that work could be undertaken before the upcoming boating season.

2. Allow continued restricted use with continued asset /defect monitoring

Implications: Usage will be problematic at the lower tides however users have the option of using the North Street Ulladulla Boat Ramp. The risk of continued major concrete failure is considered high and will impact and restrict usability. An increase in user complaint is likely.

## Background

Council records indicate that the western ramp was constructed in 1974/75 and that the eastern ramp was existing. Therefore, the eastern ramp is likely to be more than 60 years old.

In 2010, as part of the investigations into the provision of a new floating pontoon at the facility, it was identified that the existing dual lane concrete boat launching ramp was nearing the end of its asset life. As funding was not available at the time for its replacement it was decided to defer asset renewal.

A recent inspection has revealed that

1. There are large voids under the existing concrete slabs and this is a concern as the slabs have designed as “slab on ground” structures and not suspended structures;
2. The toe of the eastern ramp has completely failed resulting in large sections of concrete dislodging and becoming a potential navigation/boating hazard for users. Failure of the ramp toe also makes it more restrictive for use at lower tides.

The inspection concluded that failure of the rest of the ramp will continue to accelerate and major failure of the western ramp is imminent.

This accelerated failure is most likely due to the increasing trend of boats being retrieved onto trailers by prop propulsion instead of being winched on, many of the older boat launching ramps have not been designed to take these propulsion forces into account and therefore the disturbance of the sand/soil at the base of the ramp is contributing to asset deterioration.

Based on experience an allocation of \$200,000 is considered a responsible allocation to reconstruct the boat ramp.

## Community Engagement

Facility signage will need to be provided to warn users of any facility restrictions/usability limitations.

## Policy Implications

Nil

## Financial Implications

The reconstructing funding will need to be found by adjustments to Council's long term financial plan and/or application to the State Government for a special grant, given the high usage and iconic location.

## Risk Implications

Operational/user risk would need to be managed using signage warning users of any limitations, prior to permanent repair being undertaken.

## SA19.177 Lake Conjola Boating Infrastructure Improvements

**HPERM Ref:** D19/299774

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

**Attachments:** 1. Ratepayer / Resident Submissions (councillors information folder) [↔](#)  
2. Letter to Lake Conjola Ratepayers - Lake Conjola Boating Improvements  
[↓](#)

### Purpose / Summary

The purpose of this report is to allow Council to consider the outcome of the August 2019 community consultation process with respect to possible improvements to boat launching facilities at Lake Conjola and thus determine how best to allocate *Better Boating Now* funding grant offer of \$400,000.

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

That Council:

1. Note the outcome of the August 2019 community consultation process and proceed with improvements to the Conjola Lake entrance carpark at an estimated cost of \$100,000 (as approved by the RMS and funded from Round 2 of Transport for NSW Boating Now program).
2. Reconfirm Havilland Street West Conjola Master plan (Ref D19/177478) – a ball park cost estimate for this project is approximately \$3M – as the preferred location for a new boat launching facility in Lake Conjola and undertake preliminary earthworks, clearing and a preliminary boat ramp to accommodate a single launching to the value of \$300,000 in accordance with the Master Plan, and the CEO (Director Assets and Works) identify further stages in Council's Draft 10 Year Capital List (Council Funds and Grant Funds) for consideration during the 2020-2021 budget deliberations.

### Options

Option 1: As recommended

#### Implications:

- a) The cost of the Havilland Street project remains the biggest constraint preventing delivery of this project. RMS have advised that this project will require a substantial financial contribution from Council (i.e. possible more than \$500,000) to attract substantial contributory funding from a future NSW government's boating infrastructure funding program.
- b) RMS have advised that the balance of funds cannot be used elsewhere in the Shoalhaven noting that they had previously refused a request for use of this funding to improve the Berringer Lake boat launching facility.

Option 2: Funds not spent be returned to the RMS.

A resolution to effect this would be along the following lines

SA19.177

1. Note the outcome of the August 2019 community consultation process and proceed with improvements to the Conjola Lake entrance carpark at an estimated cost of \$100,000 (as approved by the RMS and funded from Round 2 of Transport for NSW Boating Now program).
2. Return the remaining \$300,000 as Council does not have the funds now or into the foreseeable future to contribute to the Havilland Street boat launching project.

Implications:

Council will need to reconsider priorities in the long-term financial plan.

## Background

Council, at its meeting of 31 July 2018, resolved as follows (MIN18.576):

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

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

Transport for NSW have advised that they support funds being spent at the Conjola Lake entrance and the Havilland Street boat launching project and **do not** support funds being spent elsewhere, either in Lake Conjola or within the City.

## Community Engagement

Several meetings have been held with the Conjola Community Association CCB to discuss options for use of the funding offer as well as design options for the entrance carpark. The CCB strongly supports the Havilland Street option and advocates proceeding with a staged project.

Council wrote to all ratepayers on 2 August 2019 seeking comment with the letter identifying the following options for consideration, letter attached. Twenty (20) responses were received in relation to Council's letter with many responses thanking Council for the opportunity to make comment.

A copy of submissions is provided in the Councillors Folder

Responses are discussed below:

### Valley Drive

2 responses supported upgrading of this facility; however, there was also opposition.

### Havilland Street

8 responses supported the Havilland Street Project and advocated getting on with a first stage of the project. There was no opposition to this project, but some responses recognised that this project is expensive and may not be affordable and therefore were willing to support alternative options

### Norman Street

4 responses suggested exploring improvements to access off Norman Street that was not suggested in Council's correspondence. Whilst this option has some merit and could be provided at low cost (<\$30K), RMS do not support this option as they consider the navigable channel width is too small to justify funding being used at this location. Improvements to access at this location will also result in an increase in car with trailer parking and possible impacts on nearby properties.

#### Aney Street

7 responses supported the concept of dredging to increase navigable depth at this boat ramp although there was also opposition to this suggestion. Some responses advocated for a longer channel in a different direction. On this basis, this option cannot be supported, and RMS have since indicated that they are also unlikely to support.

#### Entrance Boat Ramp

There was strong support for the entrance carpark being upgraded but minimal support for a pontoon at the entrance boat ramp due to the restricted depth of water at this location and need for boats to travel upstream for recreation/fishing.

Five responses suggested providing a dredged channel from the entrance boat ramp to deep water upstream however this suggestion will not be funded by the RMS boating infrastructure grant offer.

#### Entrance Boat Ramp Carpark

Council has prepared two plans for this site in consultation with representatives of the CCB. One plan was for a budget of \$100,000 and is do-able and has community support. A second plan was also prepared for a possible budget of \$400,000 and was forwarded to RMS. This second plan is not supported due to the insufficient cost/benefit.

Discussion with the RMS have made several points:

- A. The \$400,000 grant funding is available only until 31 December 2019
- B. Currently only the Havilland Street option and Lake entrance ramp are supported
- C. Further funds may be available, but they are looking for co-funding arrangements either from Council allocations or other grants such as from the Federal Government.
- D. Shoalhaven Council has had significant grants under the Boating Now program

### **Policy Implications**

Strategically Lake Conjola is the only major waterway in the Shoalhaven not serviced by a major boat launching facility. The need for a new facility was identified in 1996. Boating access is currently limited by several small access points around the lake as well as two reasonably sized private launching facilities.

### **Community Consultation**

The community consultation has indicated a level of frustration with Council's approach. This then indicates the need for further consultation being required to resolve the issue and assist with the way forward.

### **Financial Implications**

A preliminary cost estimate was provided for a possible Stage one project in 2017 that identified a project with reduced car and trailer parking. This was costed at approximately \$3M and excludes public amenities and any intersection upgrades.

The original funding offer of \$400K was provided by RMS with the expectation that Council would match the difference between the grant offer and the project cost. This funding offer cannot be deferred and used to supplement a possible future funding offer

An announcement on the next round of funding infrastructure grants for boating facilities has been made. It is unlikely that a future funding program from the NSW RMS boating program will fund the bulk of the cost of the Havilland Street project.



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

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

Council Reference: 8280E (D19/177478)

D G N Swinson  
1 Abingdon Road  
ROSEVILLE NSW 2069

Dear Lake Conjola Ratepayer,

### Lake Conjola Boating Improvements

At the Ordinary Meeting of Council on 31 July 2018, Council resolved as follows; (MIN18.576)

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

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

This letter is pursuant to that resolution.

In 2016/2017 investigation, design and community consultation was undertaken into providing a new boat launching ramp, jetty and associated car/trailer parking at Havilland Street (Yallora Bay) Lake Conjola. See below:





The ballpark cost estimate for this project is approximately \$3 Million.

### Funding

Boating Infrastructure in NSW is generally delivered by local councils with funding provided by the NSW Government's Boating Infrastructure grants program. This program is in turn funded by revenue from boating registration and licence fees.

A \$400,000 grant offer has been provided from this Boating Infrastructure grant program to improve the boating experience at Lake Conjola.

As this funding offer is insufficient to fully fund Council's preferred Havilland Street project, Council has decided to improve the car and trailer parking at the entrance boat ramp at an estimated cost of \$100,000. These works are programmed for completion before October 2019.

Subsequently, Council seeks community feedback on the option of spending the remaining funding offer (\$300,000 approx.).

Some suggestions to stimulate "discussion" are as follows. It's important to point out that the budget (ie \$300,000) will be insufficient to fund all of these suggestions:

Location	Site/Facility Opportunities	Site Constraints/impacts
<b>Valley Drive West Conjola</b>	<ul style="list-style-type: none"> <li>Upgrading of the gravel ramp and provision of a single lane concrete ramp including a steeper launching grade into deeper water and / or</li> <li>Provision of a small jetty/pontoon adjacent and / or</li> <li>Provision of additional car/trailer parking on the adjacent reserve immediately to the north of the cul de sac</li> </ul>	<ul style="list-style-type: none"> <li>→ Proximity to adjacent residential premises.</li> <li>→ Possible increase in noise and traffic associated with increased use</li> </ul>

Location	Site/Facility Opportunities	Site Constraints/impacts
<b>Aney Street</b>	<ul style="list-style-type: none"> <li>Provision of additional car/trailer parking and / or</li> <li>Provision of a small dredged channel from the concrete ramp to the main channel to provide increased navigation depth at low lake levels and / or</li> <li>Provision of a small jetty/pontoon adjacent to the boat ramp</li> </ul>	<ul style="list-style-type: none"> <li>→ Would require vegetation /tree removal</li> <li>→ Greater Impact on the foreshore reserve</li> <li>→ Impact on adjacent premises</li> <li>→ Boat launching may still be difficult at elevated lake levels</li> <li>→ A dredged channel may require ongoing maintenance</li> </ul>
<b>Entrance Boat Ramp</b>	<ul style="list-style-type: none"> <li>Provide small pontoon/jetty on upstream side of boat launching ramp</li> </ul>	<ul style="list-style-type: none"> <li>→ Boating access benefit not significant due to presence of adjacent user friendly sandy beach</li> <li>→ Location only suitable for small boats</li> </ul>



1. Havilland Street 2. Valley Drive 3. Aney Street 4. Lake Entrance Car Park

After this round of feedback is received, Council staff will develop a project that will proceed to detailed design. Additional consultation will be undertaken during that phase to “fine tune” any design work.

#### Comment

Please provide comment before 30 August 2019 by:

- Emailing [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au) or
- Writing to PO Box 42 Nowra NSW 2541

If you need further information about this matter, please contact Michael Strachan, Assets & Works Group on (02) 4429 3276. Please quote Council's reference 8280E (D19/177478).

Yours faithfully

**Paul Keech**  
Director - Assets & Works  
2/08/2019

## SA19.178 Falls Road Falls Creek – Bicycle Access

**HPERM Ref:** D19/299762

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

**Attachments:**

1. Shoalhaven Bike Plan Map 2013 - Area 10 - Woollamia - Falls Creek [↓](#)
2. Consultation - Residents - Mail Merge - Falls Road Falls Creek - Proposed Mountain Bike route/track [↓](#)
3. Discussion of issues raised [↓](#)

### Purpose / Summary

To report on results of the community consultation in relation to formalising a bicycle route on Falls Road, Falls Creek.

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

That Council note the public feedback in relation to the proposed low-cost mountain trail bike (MTB) route (to be established on the existing unformed section of Falls Road, Falls Creek) and given the objections from the property owners adjacent to the unformed road section, take no action to progress this route until the PAMP is reviewed and adopted. Any action from then on would be in accordance with the newly adopted PAMP.

### Options

1. Formalise the bicycle route on Falls Road, Falls Creek.  
Implications: Significant objections from current adjacent land owners. Trespass on adjacent lands. Some support from local bicycle users.
2. Leave current arrangements until the PAMP is adopted and actions taken in line with adopted PAMP.  
Implications: Current conditions remain in place until adoption of the PAMP.

### Background

The proposal for a bicycle route along the unformed section of Falls Road, Falls Creek was first identified in the 1997 Shoalhaven Bicycle Strategy (Bike Plan), and the same proposal was carried forward and included in the strategy when further adopted by Council as part of the 2013 Bike Plan.

The proposed route was identified to follow an existing unformed public road (780m long) that has been gated and locked at various times. The existing track does not follow the legal road alignment. Council sealed the western end of Falls Road in 2018 that now makes the route more attractive for use by cyclists.

A plan of the route and road alignment is attached.

Formalising of this route will:

- Mitigate the need for cyclists travelling between Nowra / Albatross and Huskisson to use Jervis Bay Road.
- Avoid the need for cyclists to use the Jervis Bay / Princes Highway intersection.

- Provide a route that is approximately 1 km shorter.
- Provide a more scenic route along a lower trafficked road.

The unformed road intersects a relatively large (52 Ha) rural property (120 Falls Road) with the road alignment historically being used for the grazing of animals.

### Community Engagement

In August 2019 Council wrote to 21 ratepayers and 5 non-ratepaying residents that have vehicle access off Falls Road. Council also wrote to local bicycle groups and the closest Community Consultative Committee being Huskisson Woollamia Community Voice seeking comment on the proposal to formalise the route.

A picture of a proposed gate design (to prevent vehicle access) was circulated with Council's letter and a copy of the design is attached.

Objection has been received from:

- The three non-resident owners of 120 Falls Road that purchased the property in 2018. One of the owners has also submitted a petition with 59 signatures opposing the project.
- One property from the western end (access via the Highway).
- Five properties on the eastern end of Falls Road (access via Woollamia Road).

Support for the project has been received from:

- Two properties on the eastern end of Falls Road.
- Shoalhaven Bicycle User Group (BUG).
- Southern Coast United Mountain Bikers.
- Nowra Velo Club
- Huskisson Woollamia Community Voice.

One property was neutral in their comments but made comment about traffic issues.

A copy of submissions and the petition is provided in the Councillors' information folder.

Discussion of the issues raised by the submissions is attached.

### Policy Implications

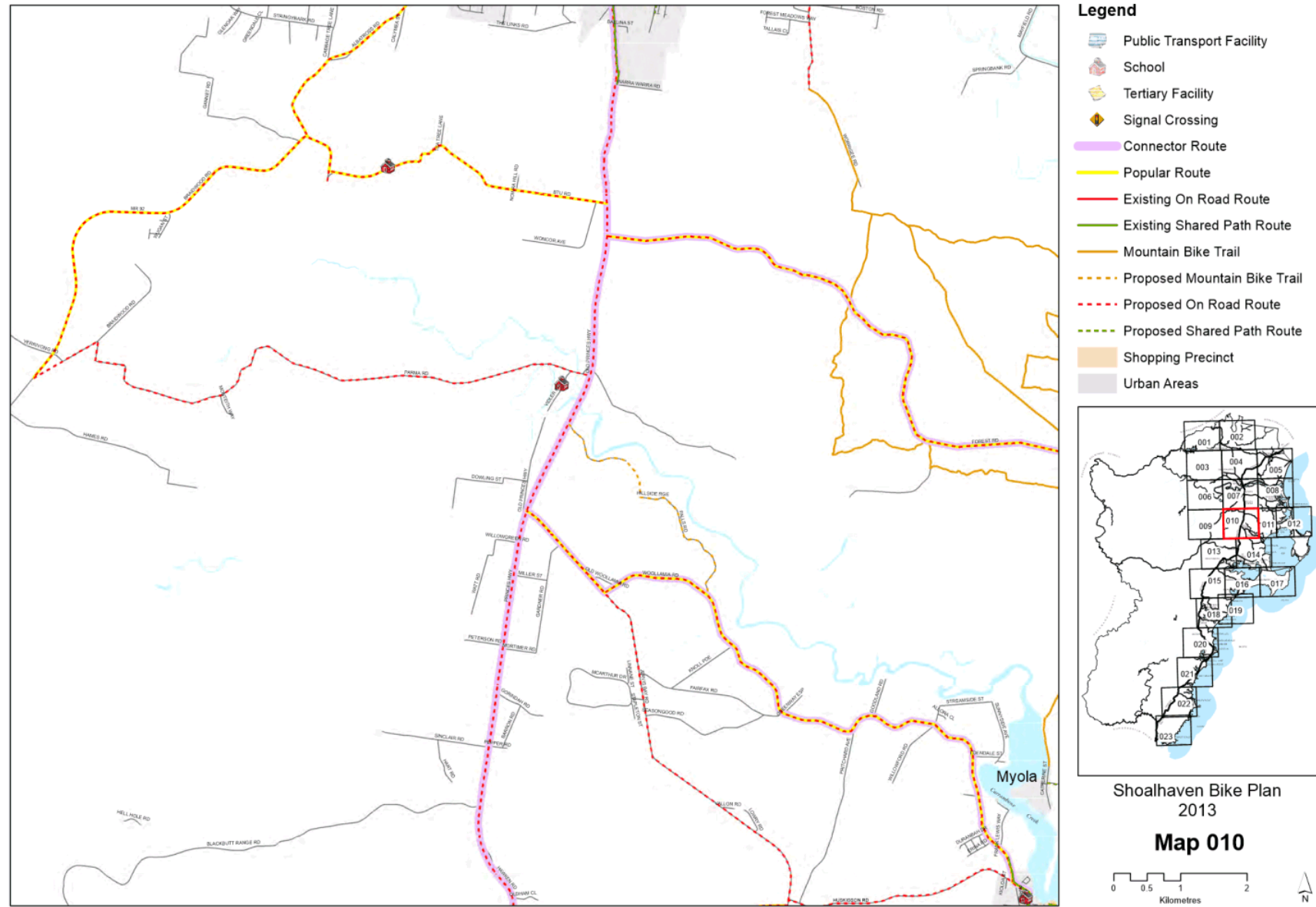
The route is identified in the adopted Shoalhaven Bike Plan (attached) as a safer and short route for cyclists, so they have the option of avoiding using the Princes Highway and Jervis Bay Road. The proposal seeks to provide access to an existing public road reserve but restrict the usage to just pedestrians and cyclists access.

### Financial Implications

The low-cost option can be done within existing budget allocations.

### Risk Implications

There is significant risk to Council's reputation and possible costs associated with the current landowners' stated objections to the plan.







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

Address all correspondence to

The Chief Executive Officer, PO Box 42, Nowra NSW 2541 Australia  
council@shoalhaven.nsw.gov.au | DX5323 Nowra | Fax 02 4422 1816

[shoalhaven.nsw.gov.au](http://shoalhaven.nsw.gov.au)     

Council Reference: 7010E (D19/251388)  
Your Reference:

25/07/2019

«mail\_name»

«mail\_address\_1»

«mail\_address\_2»

Dear Falls Road Falls Creek - Resident/Ratepayer

#### **Falls Road Falls Creek - Proposed MTB route/track**

Council seeks your view on formalising bicycle access along the gated section of Falls Road Falls Creek.

The proposal for a bicycle route along the unformed section of Falls Road Falls Creek was first identified in the 1997 Shoalhaven Bicycle Strategy (Bike Plan). The proposed route will follow an existing unformed public road that has been gated and locked at various times. Council sealed the Western end of Falls Road in 2018 and this proposed 800 metre long link will connect with the sealed section of the Eastern end of Falls Road. (See attached)

The project will involve provision of:

- An informal track suitable for MTB use only that will traverse through some vegetated and grass paddocks.
- Specialised gates suitable for bicycle access only (see attached photo of proposed design)
- Trail markers as the road is not fenced and intersects private property
- Signage at each end of the path link

Formalising of this route will:

- Mitigate the need for cyclists traveling between Nowra/Albatross and Huskisson from the need to use Jervis Bay Road
- Avoid the need for cyclists to use the Jervis Bay/Princes Highway intersection
- Provide a route that is approximately 1km shorter
- Provide a more scenic route along a lower trafficked road

The route will be informal however in the future could be formalised/sealed subject to the availability of funding.

SA19.178 - Attachment 2

Please provide comment by the 30<sup>th</sup> August 2019 by emailing to  
[council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)

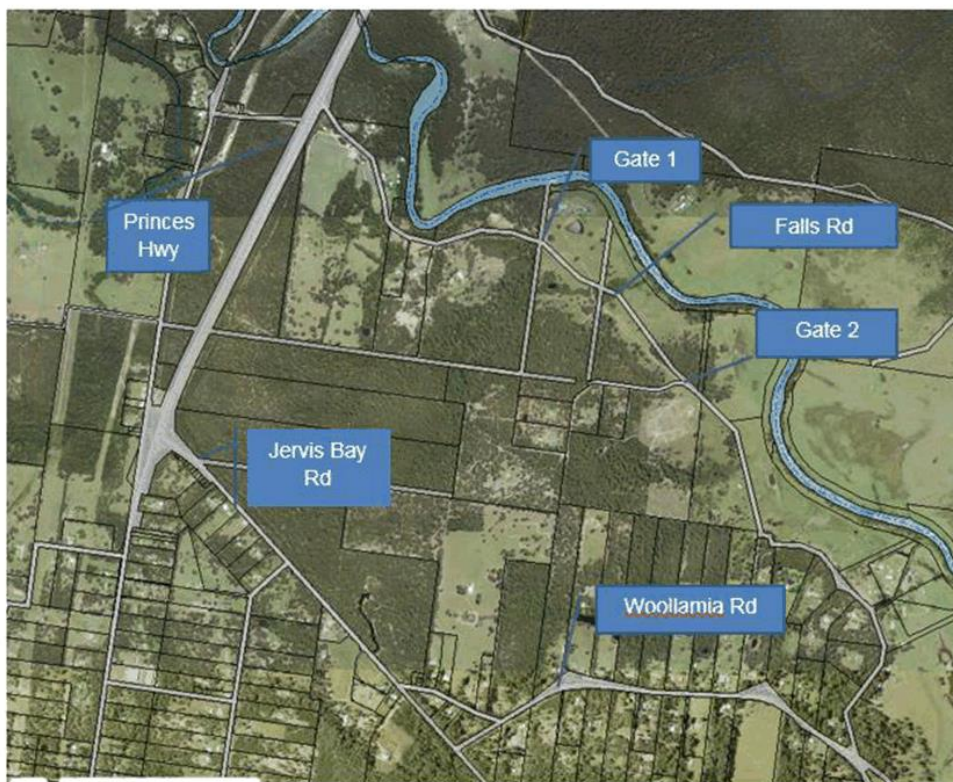
Please contact the undersigned if you require any further information.

Yours Faithfully

**Michael Strachan**  
Infrastructure/Project Manager  
Shoalhaven City Council

02 44293276  
[strachan@shoalhaven.nsw.gov.au](mailto:strachan@shoalhaven.nsw.gov.au)  
[www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au)

### Falls Road Falls Creek – Proposed Bicycle (MTB) route



### Proposed Gate Design





**Discussion of Issues raised are as follows:**

1. Traffic / Safety

- Narrow road width reducing to 3.5 m width in some sections.
- Steep road shoulders.
- Sight distance along road (corners and crest)
- Falls Road / Highway intersection more dangerous than Jervis Bay Road intersection and need to cross the Highway.
- Safe passing distance for cyclists will not be able to be achieved.
- Concealed driveways on the southern side that could result in a collision.
- Risk of collision between cyclists and kangaroos.

Comment

Both sections of the road are no- through roads and are subject to low traffic volumes and low speed vehicles.

Shoalhaven BUG advise that despite the narrow road conditions on Falls Road they consider the Falls Road route to be safer than the alternative route being Jervis Bay Road and the Princes Highway which is a high-speed high-volume road. This is the primary reason for Council including and maintaining the Falls Road proposal in the strategy since the original 1997 strategy was adopted (ie it is a shorter route with very low traffic volumes, compared to the longer and higher risk route via the Princes Highway and Jervis Bay Road).

Despite the narrow road conditions, under NSW Road Rules cyclists are entitled to share the road, and warning signage is proposed in accordance with Australian Standards.

The Princes Highway is provided with a contra flow on-road cycle lane on the eastern side of the highway and therefore cyclists do not need to cross the Highway at the intersection of Falls Road. Work is not proposed to upgrade the existing sealed road.

2. Environmental

- Potential ecological sensitivity of land / vegetation clearing and need for environmental assessment.
- Roadside litter by tourists.
- Need for an environmental impact statement
- Marine Park impacts due to proximity of Currambene Creek.
- Soil erosion

Comment

The existing road alignment / proposed route follows through grassed paddocks and contains two sections of vegetation. The road alignment has historically been used for grazing and includes established cattle / animal tracks.

A detailed environmental assessment has been completed and confirms that there are no endangered ecological communities or environmental constraints. If a track was provided it would only require removal of some mid storey shrubs. No trees would need to be removed.

Marine Park approval is not required for the project. The generation of litter from cyclists is expected to be minimal. Assessment of environmental impacts would be managed under the auspices of the NSW infrastructure Policy.

3. Strategic Issues

- Project is a low priority compared to alternative of upgrading Woollamia Road.
- Distance / benefit is not strong.
- Bicycle plan not clear.
- Travel / time advantage.
- Informal route / path is not justifiable for MTBS only and to the exclusion of road cycles. Strategy / project needs to include road bikes.
- Support for the path/route being constructed to a sealed standard
- Support for the Woollamia bicycle path being extended along Woollamia Road.
- Cost

Comment

The route has been identified in the Shoalhaven Bike Plan/and Pedestrian Access & Mobility Plan (PAMP). The distance is shorter noting that one ratepayer in favour of the project claims it will be 2 km shorter.

The owner of 120 Falls Road has since lodged an application to close the unformed section of road and this application is being held in abeyance pending resolution of this matter.

Funds are currently not available to provide a track of a higher standard other than required to cater for use by mountain bikes.

4. Amenity

- Concern / opposition to route being used by triathlon.
- Concern about large groups of cyclists.
- Concern about curious cyclists trespassing.
- Impact on privacy of properties on Falls Road
- No toilet facilities

Comment

Impact on the amenity and access of residents is currently a valid issue with residents that are impacted via the closure of Woollamia Road during Special Triathlon Events. Whilst some submission have made comment about the increasing use of Woollamia Road being used by cyclists and others have argued that the route cannot be justified due to low cycling usage, on balance usage is expected to remain relatively low, it is simply proposed to facilitate access to the existing public road reserve, but in a way that limits use to pedestrians and cyclists only.

5. Specific Issues in relation to 120 Falls Road

- Increased likelihood of trespassing.
- Increased risk to security of occupants of 120 Falls Road.
- Loss of privacy and safety to residents of 120 Falls Road.
- Liability for injury of users trespassing.
- Cost of fencing.
- Liability for use

Comment

The risk of trespassing is a valid concern from use by the public by an unfenced road. Cost of fencing to minimise risk of trespassing is normally at the adjoining owners expense as Council has no legal obligation to fence its road reserves. Part of the eastern section of 120 Falls Road is already divided and fenced by the formed section of Falls Road. The road alignment from the western gate moves away from the house

that is approximately 220 metres from the road. The residence is approximately 35 metres from a public reserve that fronts Currumbene Creek and therefore it is considered that the impact on the residents will be low. Substantial room is available for fencing and/or tree screening if required

Management of livestock impacting on road users (cyclists) is the responsibility of their owners. To minimise any cost obligation on the owner of 120 Falls Road, it would be unreasonable to request that the road alignment be fenced but it would be appropriate for the risk and presence of livestock to be noted on any advisory/risk signage.

6. Gate Design

- Path needs to cater for road cyclists
- Needs to cater for electric bikes
- Risk of path being used by motorcycles.
- Gate design could allow escape of calves and safety of livestock.
- Needs to prevent motorcycles

Comment

A specialised bicycle only gate design was proposed to ~~negate the need for the owner of 120 Falls Road to fence the road alignment,~~ **minimise the usage by other than pedestrians and cyclists access.**

Ideally and in the long term, a successful bicycle route needs to allow for access without the need to stop and alight from the bike whilst preventing use by motorbikes etc. The gate design provided is used in other rural locations but there are other gate options that could be explored. Whilst the gate design was generally supported by the bicycle clubs it may be appropriate to allow for further consultation with the owners of 120 Falls Road in relation to issues associated with managing access,

## SA19.179 Local Government Road Safety Program 2019/2020 - Approved Projects - Thank RMS for Funding Assistance.

**HPERM Ref:** D19/352942

**Section:** Technical Services

**Approver:** Paul Keech, Director Assets & Works

### Reason for Report

To accept the Local Government Road Safety Program (LGRSP) approved funding of \$12,850 for 2019/20 (exclusive of GST).

### Recommendation

That Council writes to NSW Roads and Maritime Services (RMS) and the local State Members, thanking them for funding towards the 2019/20 Road Safety Program and accept and vote the grant funding offer of \$12,850(Ex GST) from RMS as follows:

1. \$2,200 for Motorcycle Safety – Motorcycle Accident Management Training.
2. \$9,150 for Share the Track – the path is ours to share pedestrian and cycling safety.
3. \$600 for Helping learner drivers become safer drivers – GLS workshops.
4. \$900 for Look out before you step out pedestrian safely.
5. \$5000 for Bike Week (directly paid by RMS).
6. Slow Down Hold my Hand – Holiday time pedestrian Little Blue Dinosaur campaign (no funds required).
7. Speed Monitoring on Local Roads (paid directly by RMS).
8. Breath Testing at Local Events (paid directly by RMS).
9. 65 + Older Drivers Presentations (paid directly by RMS).
10. U turn the Wheel youth program (paid directly by Rotary).

### Options

1. Adopt the recommendation.

Implications: This will allow these important road safety projects to be completed with 100% funding (Recommended).

2. Council does not accept the grant funding offer.

Implications: Not accepting the grant funds would mean these programs would not be completed and the planned road safety outcomes would not be achieved (Not Recommended).

### Background

RMS offers funding each year to Councils as part of the LGRSP. This funding is offered to cover programs based on the Safe Systems approach to road safety, highlighting Safe Roads and Roadsides, Safe Vehicles, Safe Speeds and Safe People. Shoalhaven City

SA19.179

Council is concentrating on programs based on positive evaluations of past programs supported by crash statistics.

**Community Engagement**

Community consultation has commenced and will continue to be undertaken as part of the delivery of these projects.

**Financial Implications**

These projects are 100% funded by RMS.

## SA19.180 Use of Recycled Materials in Road Construction and Maintenance

HPERM Ref: D18/436148

Group: Assets & Works Group

Section: Works & Services

### Purpose / Summary

To identify potential for increased use of recycled products within the road construction and rehabilitation works conducted by Council.

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

That Council note that Shoalhaven City Council currently uses an array of recycled materials for road construction, rehabilitation and repair and that staff are constantly on the lookout for economically and environmentally sustainable use of recycled materials.

### Options

Nil. Information report

### Background

At the Strategy & Assets Committee meeting 11 December 2018 the Committee resolved as follows (MIN18.959):

*That the General Manager report on Council's use of recycled materials in products used for road construction, rehabilitation and repair and the potential to increase the potential of recycled product for these applications – including products sourced from Council's waste management operations*

There are a number of products that are available to be “recycled” into roadworks and where possible Council staff are taking advantage of these options.

The way in which these products are incorporated must be managed responsibly because road infrastructure is very expensive and can pose a high risk to users and the environment if it fails fast, not to mention waste large sums of money. The responsible path to incorporating recycled products is rather long and rigorous because of these risks.

The key to successful incorporation of recycled products in road works is to improve the certainty that the quality of the recycled product is consistent. Once consistency of quality can be achieved specifications can be developed with certainty and then Council (and industry) can incorporate changes into Roadworks with confidence.

### Report

The following provides a summary of various products that can be used in road works and Council's use of such. Some of these products are well advanced in their use and others are at the “trial” stage.

#### Recycle gravel

Many of our roadworks sites excavate gravel in order to rehabilitate the pavement. In many instances the material we excavate is of a poor quality due to incorporation of inappropriate

material (clays and silt) or wet. These materials need to be disposed. In some instances, we do excavate pavement materials which can be utilised for reducing road edge 'drop off' or can be used in other layers in the pavement structure.

These materials are then sent to stockpile and staff actively seek locations for their use. Disposal costs are very high and the reuse has the dual advantage of reducing Council's environmental footprint and reduce cost.

Our road construction operations have been utilising lime, cement and slag for many years to rehabilitate pavements without the need to excavate and replace. Recently we have trialled the use of bitumen emulsion in stabilising road pavements. The use of these additives allows us to re-use the existing pavement and extend its life for a further life cycle. The advantages are both economic and environmental.

### Recycled Asphalt – RAP

The process of resurfacing or rehabilitating asphalt pavements produces millings, commonly termed RAP. This material consists of simply old bitumen and crushed aggregate. It can be utilised easily as an input material in road construction and maintenance and can also be utilised as a constituent part of new asphalt.

Currently Council has been very active in utilising the material as fill, gravel overlay for dirt roads and pavement materials. Due to the relatively small quantities of asphalt used by Council the avenue of reutilising in the asphalt manufacture has not been fully explored. This is clearly an area of development for our engineering team.

### Concrete

There are two streams where recycled concrete is used in Council:

- Waste concrete is sent to recycle organisations where it is crushed for reuse in fill, pavement materials and foundations.
- Use as a pavement material in Road rehabilitation. This material is purchased to a specification and then the confidence in its quality is high.

### Glass

Currently we are using a minimal amount of recycled glass as the quality and quantity of the locally produced product does not meet our requirements. Our focus for its use is as a substitute for sand. With changing technology this will change, and staff will be constantly monitoring the situation.

Of interest, the asphalt industry has utilised glass in their manufacturing process in the past. The issues in its use in this area has focussed on cost rather than specification compliance.

### Plastic bags, Toner cartridges and plastics

Hard plastics have recently been advertised as being additives for the asphalt industry. The use of EVA plastics has been utilised in asphalt mixes for many years and the use of recycled product in fact reduces costs and environmental footprint.

Currently the roads group is negotiating with the Downer company to utilise such material in a trial along Bolong Road in Bomaderry. Clearly the utilisation of such additives will become even more attractive in the future. In addition, the engineering benefits of have been demonstrated in the laboratory to increase the product life and provide improved engineering parameters. A field trial under local conditions will provide further surety to selecting a 'green solution'.

### Tyres

Tyres or crumbed rubber has been utilised in bitumen products for many years. The roads team has utilised its advantages over cracked roads throughout the city. This strategy has led to longer reseal lives and overall a reduction in cost and improvement in quality product.

Technology and costing structures continually change. It is essential that road managers continually 'scan' the road construction and maintenance environment for opportunity to 'reduce, reuse and recycle'. This is not simply an environmental imperative and can prove to be economical for Council.

### **Community Engagement**

The Works and Services Manager is working with the Communications Unit to prepare "Facts Sheets" to be shared with the Community to inform them of the initiatives undertaken by Council in the use of recycled products.



## **SA19.181 Hyams Beach - Seamans Beach Carpark - Illegal Camping and Noise Complaints**

**HPERM Ref:** D19/331405

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

**Attachments:**

1. Letter from Hyams Beach Villagers Association - Seamans Beach carpark gate [↓](#)
2. Plan - Concept - Seamans Beach Carpark [↓](#)
3. Meeting Minutes - Hyams Beach Community Consultation - 16 September 2019 [↓](#)
4. Meeting Minutes - Hyams Beach HBVA Executive and Council Staff - 2 October 2019 [↓](#)
5. Hyams gate Seamans Car Park perspective concept [↓](#)

### **Purpose / Summary**

The purpose of this report is to allow Council to consider an option to improve the amenity and control access to the Seamans beach carpark and toilet facility.

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

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

1. Provide kerb and gutter and a driveway at the entrance to the carpark as well as a path along the northern boundary of the carpark in accordance with the concept plan (D19/358695) at an estimated cost \$90,000 to be funded from the Seamans Beach Amenities Extension budget (81557) for the 2019/2020 financial year.
2. Install a lockable gate at the entrance in accordance with the concept plan (D19/358695) at an estimated installation cost of \$5,000 to be funded from the Seamans Beach Amenities Extension budget (81557) for the 2019/2020 financial year.
3. Trial locking the carpark during the 2019/20 Christmas school holiday period between the hours of 10:00 pm and 6:00 am nightly.
4. Engage commercial security to lock the carpark at 9:30 pm and volunteers sought to unlock the gate at 6 am during the trial period (41 days), the cost of \$4,510 to be funded from the Coastal Villages Traffic Management fund (28340) for the 2019/2020 financial year.
5. Consider a future report on the ongoing operation (locking) of the carpark and toilets following the trial period and further consultation with the community.
6. Not install additional disabled spaces due to non-compliant grades or accessible paths of travel currently existing in the carpark and given the demand for such access is considered to be low.
7. At this stage not install a CCTV system to monitor any illegal activity at the carpark.

### **Options**

1. As recommended

Implications: Illegal parking will be prevented, and thus overnight camping will be deterred.

SA19.181

2. Some minor variation to the recommendation (i.e. different opening or closing times)

Implications: Illegal parking will be prevented, and thus overnight camping will be deterred to a more or less extent depending on the actual changes.

## Background

At the Strategy and Assets Committee meeting on 23 July 2019 the Committee resolved as follows (under delegated authority from Council, MIN19.475):

[https://shoalhaven.infocouncil.biz/Open/2019/07/SA\\_20190723\\_AGN\\_15988\\_AT.PDF](https://shoalhaven.infocouncil.biz/Open/2019/07/SA_20190723_AGN_15988_AT.PDF)).

2. Council note that given the complexity and expertise required to progress the following “long-term solutions”, separate reports to future Strategy & Assets meetings are being prepared, and that the outcomes of deliberations on those further reports will be consolidated into the Draft Hyams Beach Access and Management Plan:

- b. *Illegal Camping and installation of a gate at Seamans Beach carpark: Installation of a gate on Seamans Beach carpark with associated options and costings, including locking toilets, additional disabled parking and additional line-marking.*

A report in response to part 2.b. of this resolution was presented to the Strategy and Assets Committee meeting on 10 September 2019 where the Committee resolved as follows (under delegated authority from Council, MIN19.630):

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.*

This report is essentially in response to item 2 (SA19.138) of MIN19.630.

### *Additional disabled parking facilities at Seamans Beach carpark*

As detailed in the September S&A report (SA19.138) there is some community support for this option. However, the carpark itself does not provide the necessary grades or accessible paths of travel to provide disabled parking that would be compliant to the standards and there is currently no disabled access to the beach. Presently there is one non-compliant disabled space in the carpark and upon analysis of the demand and compliance with Council’s Development Control Plan chapter G21 *Carparking and Traffic*, there is no identified need for additional disabled car parking spaces at this location.

### *Locking the toilets in Seamans Beach carpark*

The resolution of Council to a trial of locking the toilets overnight (26 March 2019 – MIN19.162) was discussed with representatives of the Hyams Beach Villagers Association on 15 April 2019 and again on 16 September 2019 and 2 October 2019. As a result of this consultation, magnetic timed locks have now been installed on the existing toilet doors.

The locks have been programmed to prevent public access between the hours of 10:00pm and 6:00am nightly and are currently in effect but can be easily adjusted to any time in the

future. N.B. The locked doors can still be opened from the inside of the toilet, thereby eliminating the risk of a patron being locked inside overnight.

*Installation and locking of a gate on Seamans Beach carpark*

Following further consultation with the Hyams Beach community and the Hyams Beach Villagers Association, several concerns were raised with the operation of this carpark and the safety of pedestrians and vehicles, in addition to the issue of illegal camping. These include:

- Pedestrian access to the beach (particularly children) – without safe access to the beach they currently have to walk through the carpark and run the risk of a vehicle reversing into them.
- Pedestrians queuing to use the toilets – long queues of people are often observed waiting to use the toilet facilities. As the carpark is currently very constrained, the queue extends into the path of turning/reversing vehicles.
- Large vehicles using the carpark – vehicles larger than 6m (large Winnebagos, buses etc.) which are incompatible with the constraints of this small carpark – attempt to use this carpark. Such large vehicles are also a risk to pedestrians and other vehicles.
- Buses parking – the community indicated that buses have been known to arrive at the carpark early and park across all (most) of the spaces. As there is currently no kerb and gutter to shelter the marked spaces a bus can turn straight into the carpark and take up nearly all the spaces in the carpark.

The Hyams Beach Villagers Association held its quarterly general meeting on 8 June – see Attachment 1. Concerns are outlined in item 6 in reply to Seamans Car Park that resolution to trial a gate.

In response to these community concerns, a plan was developed to address these issues (see Attachment 2 – D19/358695 plus photo see Attachment 5) that would better complement the installation and operation of a lockable gate, as well as the already funded proposed amenities extension. The design proposes the following features:

- kerb and gutter along the entrance to the carpark – installing a driveway layback and a concrete driveway threshold.
- a concrete median in the centre of the driveway splitting the in/out movements of the carpark – also assists in providing a central locking point for the proposed gates when closed.
- bollards in the carpark east of the existing disabled space (removing the last 3 car spaces) to allow space for pedestrians to queue and congregate safely away from turning vehicles.
- footpath and kerb along the northern boundary to safely direct pedestrians to the beach.
- rear to kerb parking and wheel stops installed in all car spaces in the carpark to make the operation safer for pedestrians.
- signage installed to indicate the enforceable hours of the carpark (to be closed 9:30pm to 6:00am) as well as to prohibit large vehicles from entering the carpark.

This plan was presented to the Hyams Beach Villagers Association Executive on 2 October. The cost of this work has been estimated to be in the order of \$90,000 plus the cost of installing a lockable gate which is estimated to be in the order of \$5,000 (if undertaken in conjunction with the abovementioned work).

It should be noted that one resident objected to the location of the proposed path along the northern boundary on the basis of noise concerns and requested it is moved to the southern

side of the carpark. The possibility of moving the path was considered by staff but not supported given the current constraints and following issues:

- there is insufficient space on the southern side of the existing carpark to fit a path;
- a path on the northern side will allow people to park and unload their belongings and children directly on the path, rather than crossing the parking aisle to the southern side of the carpark;
- the northern side would be the most desired path of travel for pedestrians (a majority of patrons coming from the north of Hyams Beach) and would naturally gravitate to walking through the carpark rather than on the path, and finally
- the increase in noise levels would be negligible considering the small size of the carpark and the distance to the southern side of the carpark not significant enough to provide any real sound attenuation.

Note: The option to mirror the current carpark (parking spaces and path on the southern side) was also considered however, this would impact the ability to access the water and sewer infrastructure on the site.

#### *Locking Seamans Beach carpark overnight*

For the locking of the proposed gate at the Seamans Beach carpark, three arrangements have been considered: (1) locking using volunteers, and (2) locking using a security firm and (3) a combination of both.

Given that the drive for the locking arrangement is to prevent illegal activity it is foreseeable that the locking activity is likely to be confrontational. Therefore, a combination of the two seems desirable as the unlocking of the gate would not likely be a risky activity for a volunteer.

The cost for locking of the carpark is \$110 per visit (\$220 per day – morning and night). The annual amounts to \$80,300 (ie \$220\*365).

Other options include:

1. Locking over the October to April months, estimated cost \$53,240 (\$220\*242 days) (\$26,620 if unlocking by volunteers or rostered Council staff cleaning, etc in the morning)
2. Only locking during peak seasons (Christmas, Easter, etc.) estimated cost \$13,200 (\$220\*60 days). \$6,600 if unlocking by volunteers or rostered Council staff cleaning etc in the morning
3. Only locking during (Christmas) period estimated cost \$9,200 (\$220\*41 days). \$4,510 if unlocking by volunteers or rostered Council staff cleaning etc in the morning

#### N.B.

- Christmas peak season dates for 2019/20 are considered to be Friday 20 December 2019 through to Wednesday 29 January 2020 (inclusive) – 41 days
- Easter peak season dates for 2020 are considered to be Thursday 9 April 2020 through to Monday 27 April 2020 (inclusive) – 19 days

#### *Investigate the ability to issue higher dollar infringements for illegal camping*

The current fines remain unless changed by State Government. The current cost of the infringement is \$110. The locking of the carpark may still not reduce the number of free-stay campers, as they may still be able to park on-street in other parts of Hyams Beach.

### *Install CCTV cameras for the carpark security*

Details of a potential CCTV camera system were outlined in the September S&A report (SA19.138) and not considered feasible at the time.

Following consultation with the Hyams Beach community, it was identified that there is a private residence that houses a high-speed internet connection via satellite as a “hub” for the community who may enter into a private agreement to gain access to this connection.

The Council could enter into such an agreement with this property owner to provide a live CCTV system via the internet at relatively low cost (plus the \$38,000 necessary for the onsite poles and equipment for one CCTV). However, the issue remains that the installation of a CCTV network would do little to prevent illegal campers as it would be unlikely monitored via live feed afterhours; instead Council would be required to pursue any offender after reviewing the footage at a later time/date individually, which may be difficult to pursue.

Therefore, the implementation of CCTV for the carpark is still not considered feasible as it would provide little overall benefit to the community.

### **Community Engagement**

The resolution to the September S&A meeting (MIN19.630) required staff to further consult with the Hyams Beach community regarding illegal camping at the Seamans Beach carpark. A meeting with Hyams Beach community representatives (particularly those locally impacted) was held onsite on 16 September 2019 and the minutes of this meeting recorded and provided in Attachment 3 (D19/331657).

Following consideration of the consultation in September, staff undertook a number of investigations to resolve the issues raised and presented them to the Hyams Beach Villagers Association (Executive) on 2 October 2019 and the minutes of this meeting recorded and provided in Attachment 4 (D19/349585). The proposal (Attachment 2 - D19/358695) was generally supported by the Hyams Beach Villagers Association Executive members, given the community support generally provided in the past. Members of the Hyams Beach Villagers Association Executive were also amenable to potentially volunteer to unlock the proposed gate in the mornings, thereby reducing operating costs with that activity.

Finally, prior to proceeding with the works proposed for the Seamans Beach carpark, the proposal was required to be referred to the Shoalhaven Traffic Committee for approval. In anticipation of this option being supported, this item has been referred to the November Shoalhaven Traffic Committee meeting.

### **Financial Implications**

Nil. The proposed works can be completed within the existing budgets.

Project Item	Description	Est Cost
Seamans Car Park	(Kerb & Gutter, Footpath, and Bollards)	\$90,000
Entrance to Seamans Beach carpark	Install lockable gate	\$5,000
Amenities building extension	Semi-permanent arrangement portable amenities with sewer connected	\$40,000

Project Item	Description	Open and Lock Security Firm	Unlocking by volunteer's morning (Security firm lock the gates at night)
Lock the gates	Security firm to lock the gates all year-round day and night (i.e. \$220*365 days)	\$80,300	\$40,150
	Locking over the October to April months day and night (\$220*242 days)	\$53,240	\$26,620
	Only locking during peak seasons (Christmas, Easter etc.) (\$220*60 days).	\$13,200	\$6,600
	Only locking during (Christmas) period (\$220*41 days)	\$9,200	\$4,510*

\*This is the option proposed.

**N.B.** The amenities building extension at the Seamans Beach carpark will be a semi permanent arrangement that being two facilities placed on a permanent concrete slab over the busy period and removed during the quieter periods. The Sewer Connect Portable Toilet comes standard with:

- Double-skin walls
- Aluminium checker plate flooring
- A stainless-steel hand basin
- Ceramic toilet
- Steel skids
- Certified lifting rods; and
- 2-years warranty on the cabinet/1-year warranty on all internal parts and accessories.

## Risk Implications

There is a risk that the proposed solutions will move people and noise onto the street. If this proves to be the case hot spots can be targeted with signs advising “No Parking 9:30pm – 6.00am” in some locations it may be necessary to honour long term practices and add “Permit Holders Exempted” to such signs. Permits could be issued to residents and to those renting properties (perhaps date limited). This could be managed as an operational issue in the first instance with the CEO (Director Assets and Works) arranging any installations on a case by case basis where merit determines such action, and then reporting the matter back to Council to consider formal arrangements (i.e. ongoing, seasonal, or nil).

Should the locking of the carpark prove to be unnecessary in the future the operating arrangements can cease, and the gate could be salvaged for another location at minimal cost, while the remaining kerbs and concrete island and paths will continue to provide safe access and operation of the carpark.

There is also a possibility that locking the toilets will lead to more people using the sand dunes and bush areas behind the toilet block. Again this will be monitored during the “trial”.



hbvaccb@gmail.com

17 June 2019

The General Manager  
Shoalhaven City Council



### **Motions to Council from HBVA General Meeting, 8 June**

The Hyams Beach Villagers Association held its quarterly general meeting on 8 June. The meeting was attended by 28 HBVA members and 4 visitors, including Councillor Patricia White.

The meeting differed in format from past meetings, in that it focused heavily on a number of motions that had been circulated in advance – motions prepared by the Executive Committee and in one case requested in advance by another member. The motions heavily reflected reactions to the Council resolutions of 26 March in relation to Hyams Beach, but included some others linked to matters previously raised with Council officers.

The meeting requested that I pass these motions through to Council. The meeting was only able to capture the views of those present – about 1 in 7 of our membership – but do reflect some views held strongly in the village.

Before setting out the motions, I would like to stress again the strong support expressed at the March meeting in relation to the valuable work of Council in addressing the 'peak period' severe traffic issues. While recognising that further progress is needed (the direct subject of one of the motions) the improvement achieved over the last season was dramatic and very well received. We are keen now not to lose momentum in moving to a more sustainable solution to this and other concerns linked to high levels of visitor numbers. Please interpret these motions in this context.

#### **1. EOI for Smart Solutions to Traffic Management**

**Motion 1:** The EOI be advertised and/or sent out to potential respondents by end June 2019, and Council report back to HBVA on the nature of ideas and responses by the end of August 2019 for consultation.

**The motion was carried with one vote against.**

**Comment:** The discussion recognised the potential difficulties in meeting this timeline, including feedback provided to HBVA (email from Lorraine Haywood to HBVA, 5 June) and to one member who had approached Council directly. The wording of the original motion was amended following discussion, but the original proponent indicated a keenness to emphasise the importance to the community of moving ahead quickly, given the achievement to date. In earlier discussion with Stephen Dunshea, Stephen indicated to me and others a concern that using this EOI process might be seen as procrastination by Council. Our response at the time

was to stress a strong desire to move to the ‘right solution’ and we supported the concept of testing if there might be smarter, more acceptable solutions using modern technology and experience from elsewhere. The Executive Committee remains of this view, but we do see a need for early progress if this is to remain a sensible part of the process. We also see the need for the EOI process to be conducted well. I note the invitation received from Lorraine, after the general meeting, for our participation in the EOI process and requesting nomination of a representative. I have responded separately to Lorraine on this matter and you can be assured of our cooperation.

## **2. Water quality monitoring in lagoon below Seamans Beach Carpark**

**Motion 2a:** HBVA request that the creek/lagoon below the Seamans Beach Carpark become a subject for Shoalhaven’s Beach Watch program and that the water in it be tested for faecal coliform and enterococci bacteria on a regular basis to support potential notifications of any public health risks to visitors.

**Motion 2b:** The design of the new and existing toilet block incorporate provision for the toilet facilities, the showers, taps and wastewater from cleaning the facilities to be connected to the sewer to prevent further erosion and contamination of the creek/lagoon, according to Council’s Foreshore Policy and the Policy for Parks and Reserves.

**The motions were carried unanimously.**

**Comment:** Members of our Executive have expressed concerns with the water quality in the lagoon, and links to the amenities above the lagoon, on several occasions. Some testing has been done, but we have not yet received results of testing for faecal coliform and enterococci bacteria, the main concern with the lagoon given concerns with the operation of toilet and shower facilities above. The motions as set out above emerged following amendment from the floor, including the request that inclusion in the Beachwatch program be pursued as a way of establishing regular monitoring. However, the principal concern reflected in the discussion lay with the view that the lagoon, which can be heavily used by visitors, especially young children, may pose a public health risk – and that those risks may be exacerbated by the design and cleaning practices in the facilities above. It is possible that the major risks occur not after heavy rain (that can flush the lagoon) but rather after periods of dry weather and the build-up of run-off products from the facilities above.

We are keen that the design of the new facilities help in addressing these concerns. I was also asked to pass on the view that there are problems with used toilet paper being dropped on the floor of toilets – and subsequently hosed as part of the cleaning process, with the wastewater draining to the lagoon. There may be a cultural aspect to this problem, with some users not being aware that the toilet paper should be flushed. It was suggested that appropriate signage might be provided in the toilets, and bins for used toilet paper, that are common in some parts of the world, might also be considered. We are of course keen to consult on the design of the new facilities and the proposed cleaning arrangements.

## **3. Out of Village Car Parks**



**Motion 3:** The HBVA is aware of recent correspondence to Council opposing out of village carparks on the old tip site and in the Jervis Bay National Park. The HBVA expresses its own serious reservations about the environmental threats posed by any such development of carparks along this strip. It requests that Council look to using other existing carparks, shuttle bus services and various ‘smart solutions’ as alternatives ways to resolving the parking limitations of Hyams Beach Village while providing access to the beach.

**The motion was put to the floor and 12 voted for it, 7 against (9 abstentions)**

**Motion 3a: That the HBVA objects to any form of out-of-village car parking within the Jervis Bay National Park and the land granted to the Jerrinja ALC, such as the old tip site.**

The motion was put to the floor and **18 voted in favour, 6 against, with 4 abstentions**

**Comment:** In 2 recent meeting with Council staff, representatives of the Executive Committee have stressed that the development of parking facilities in the bushland in the land above Hyams Beach would result in significant pushback – and that other options should be seriously pursued. The environmental concerns are very serious – relating to the function of the land as a narrow and high value wildlife corridor, and to the fact that the land around the tip site will have serious contamination problems. Chris Grounds (who has made submissions to Council in response to the Council resolution to explore these options) was invited by a member of the Executive Committee to speak to our general meeting and he addressed these matters ahead of any vote on the motions – emphasising the nature of the wildlife corridor, the endangered species that are present in the corridor and resistance to the notion of land reverting from National Park to parking.

The opposition to, and abstentions from, Motion 3 appear to have been linked strongly to the view that it did not go far enough – with several who voted against this motion then voting in favour of the stronger Motion 3a. However, one member spoke strongly against a proposition he saw as seeking to limit access to the beach.

Support for Motion 3a was strong, but speakers against stressed opposition to the approach of ruling out any consideration of possibilities, even before proposals have been developed.

Some of the comments clearly indicated concerns that any out of town parking would add to the already unacceptable pressures on the village, beach and environment from people at peak times. This was a point of difference across the speakers.

#### **4. Status of HBVA Strategic Plan**

**Motion 4:** That Council provide us with official notification of the status of the Strategic Plan and if it has been accepted, inform us as to when this occurred.

**The motions was carried with no dissent.**

**Comment:** HBVA submitted its draft Strategic Plan to Council approximately 2 years ago. As yet, we have not received any formal advice as to its status. At the briefing of CCBs held in Ulladulla in May, Stephen Dunshea stressed the important role that the strategic plans

would play in forward infrastructure and related planning. At that meeting, attended by myself and Morgan Sant, we were informally advised that our strategic plan had been accepted by Council – but we have not received any formal notification.

#### **5. Hyams Beach Fireshed**

**Motion 5:** The HBVA requests that Council use best endeavours to enter into a license agreement with the Jerringa Land Council concerning use/upgrade of the Fire Shed by end of July 2019.

**Carried unanimously**

**Comment:** This has been an on-going issue for some years, complicated by changes in the status of the land on which the shed is located. Our understanding is that in principle agreement had been reached for Council to pursue a license agreement, pending final resolution of the land title issues, but there appears to have been no progress. The motion indicates a desire to move this process onto a reasonable timeline. We appreciate that there will be a need for discussion with HBVA regarding terms of any arrangement.

#### **6. Seamans Beach Carpark Gates**

**Motion 6:** The HBVA requests that, if an alternative approach cannot be implemented quickly, Council move to implement the trial of a gate at the Seaman's Beach Carpark to prevent unauthorised stays and unruly behaviour at night. The design and build of the gate should be appropriate to the spirit of a trial. The HBVA supports that the gate be in place by the October long weekend 2019.

**Motion was put – 16 voting for, 6 against (6 abstentions)**

**Comment:** This motion flows from the Council resolution to trial a gate and from the subsequent discussions held with Council officers. It is acknowledged that there is a difficult problem, but the pressure to do something flows from years of severe noise and rowdiness problems in the carpark at night – with these problems persisting all year. When representatives of the Executive Committee last met with Stephen Dunshee, Mark Crowther (our President) indicated that there may be smarter solutions than the gate, based around the use of cameras to allow enforcement of restrictions. However, we understand that this is unlikely to happen quickly – though it might sensibly be addressed as part of the EOI process. In the meantime, proceeding with the agreed trial would appear the best way forward. The discussion including a concern with locking the toilet doors at night (not proposed in this motion) and with the logistics of locking and opening the gates.

HBVA would be keen to assist in progressing these matters, or discussion practical alternative approaches to pursuing the objectives underlying the motions. Please contact me or Mark Crowther if you would like to discuss any of these matters. Our email addresses are in email used to send this letter.

I am heading overseas this coming Tuesday, but will still see emails. Mark will be getting back into Hyams soon after.

I hope it is possible to progress these important matters within a reasonable timeframe.

There were two other matters raised at the meeting requesting I write to Council. I will address these in a separate email.

Regards.

*D. Campbell*

Secretary, HBVA

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**Assets & Works Group  
Hyams Beach Community Meeting**



**Minutes**

**16<sup>th</sup> September 2019** 1.00pm to 3.00pm Seamans Beach, and at No 14 Tulip Street, Hyams Beach from 2.00pm 57530E

**Attendees:** Paul Keech, Sharon Neradil, Matt Apolo, Brad Davis, Tony Pearman, Tom Dimec  
HBVA: Mark Crowther, Lois Sparkes, Tom Fawcett (Arrived 2.00pm), Morgan Sant, David Campbell, Barry Turner, Ken Renwick, Cllr John Levett

**Apologies:**

**1. Business arising from form the community consultation @ Seaman Beach Car Park**

**This meeting focused primarily on the prevention of illegal carparking and unsociable behaviour in Seamans Car Park**

- a. Trial gate at carpark entrance – agreed by all
  - b. Pedestrian access along northern fence line of the car park
  - c. Rear to Kerb parking
  - d. Timed Parking signs to be installed to help with infringing (No Parking between 9.30pm for physical gate close 10pm until 6am) – this will give 30 minutes grace for those people who miscalculate how long it takes to leave the beach etc
  - e. Eliminate last 3 car parking spaces and install bollards for pedestrian access only to improve safety
  - f. Move current Bin near the 3 Car parking spaces and beach access to beside the toilet block next to the other bin
  - g. Arrange a locksmith for the toilets, potential utilisation of a magnetic timed lock system.
  - h. Length of trial until after Australia Day Long Weekend
    - a. Installation Date: ? TBA
    - b. Review Date: ? TBA
  - i. Report back to Council trial results at the end of February
- Mark Crowther wanted to officially go on record saying he would be preferred solutions to use smart technology
  - Mark offered access, at no cost, one of the channels on his CCTV to monitor the carpark. Council should know that there is electrical capacity in the carpark for cameras to be installed
  - Lois Sparkes wanted it noted that there would be flow on effects of gating the carpark and that the problem would be pushed elsewhere in the village ie, Aster St carpark, Cyrus St near boat ramp access road (to access amenities) – Lois also wanted it noted that she suggested a potential solution of changing existing signs that read "no overnight stays, including in vehicles" to read No Parking 10pm - 6am, Permit Holders Exempted and using parking permits. Lois suggested speaking with Stephen Dunshea regarding Wollahra Council permit system.

**2. Other items**

- a. One way system:
  - a. What is the incursion into the reserve @ 30 degree car parking angle?
  - b. Why have you suggested an un-trialled system when the system we have works and has been trialled?
- b. Why are you proposing partial one way flow?

**Note:**

**Community against additional car parking overall.**

**Long term actions - Additional parking is the least priority to the community**

**Congestion is the problem - close village when full**

**Assets & Works Group  
Hyams Beach Community Meeting**

**Minutes**

**2 October 2019** 2.00pm to 4.00pm Mark Crowther's House – 1 Bayview St 57530E  
Hyams Beach

**Attendees:** Paul Keech, Sharon Neradil, Tom Dimec, Matt Apolo  
HBVA Executive: Mark Crowther, Lois Sparkes, Kate Friis, Michele Schlosser

**Apologies:**

**This meeting focused on the design and upgrade of Seamans Car Park and options to deal with congestion within the village.**

**Communication**

Paul Keech noted that individual council staff were receiving a considerable amount of correspondence on a range of matters ranging from major capital works to routine maintenance. Council indicated that it was their preference that residents:

- Raise major issues of concern (i.e. Major capital works and infrastructure requests) with the HBVA who will then liaise with relevant areas of Council
- Routine maintenance issues (i.e. Pot holes, blocked drains, footpath maintenance etc) contact Council Customer Service either by email to [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au) or phone on 4429 3111
- Snap, Share and Solves app is no longer being supported by Council

The above arrangements are to streamline communication with Council and will ensure appropriate lines of consultation are put in place

**Seaman's Beach Carpark**

Council presented a concept plan for the carpark that outlined:

1. Improvements that will complement the toilet block extension already funded i.e.;
  - pedestrian pathway on northern perimeter (along existing fence line)
  - rear to kerb parking with wheel stops at back of parking spaces
  - removal of three car spaces on the eastern side (closest to the beach)
  - installation of bollards at end of parking area and in front of toilets
  - vehicle length restriction on signage to restrict large motor homes and buses
  - bins to be placed at the southern end of the carpark west of the amenities block

Mr Keech noted that the carpark is already a high pedestrian traffic area and that it was not desirable to locate the footpath on the southern side of the carpark as this would not safely serve those who were parking cars and heading to the beach (i.e. they would have to cross the carpark access road to reach the footpath).

2. Arrangements to trial in an attempt to address illegal camping/parking after hours i.e.;
  - double swing gates (to be locked by an external party and opened in the morning by nominated village residents or Council contractors – details yet to be finalised)
  - signage that indicates parking permitted from 6am to 9:30pm coupled with a warning that gates will be locked outside these times



The trial of gates at Seaman's Carpark is based on discussions held with the previous HBVA Executive, interested residents and Councillors (minutes of this meeting have been circulated, and for HBVA members placed on the website).

Draft concept plans are attached.

It was noted that while the HBVA had passed a motion in support of the trial there was not unanimous support for the gates within the village. It was also noted that some HBVA members:

- had raised concern about the need for the gates if other options (such as smart solutions and timed parking) could be found;
- had noted that overnight parking would continue elsewhere in the village and that there was a need to put in place arrangements to deter this for example signage saying no parking between 10pm and 6am;
- had expressed reservations regarding the location of the footpath.

While acknowledging the above concerns of HBVA members, the HBVA Executive considered it important to proceed with the trial noting that its effectiveness would be monitored and could be changed/modified as needed. There was general agreement that the plan would significantly enhance overall amenity and safety and would also reduce the number of large 50-seater buses using this compact parking area.

The cost of the carparking improvements would be included in the toilet block expansion scope of works (two additional toilets at the eastern end). This will be funded through Council's funds and a \$100,000 grant that Council has received.

The measures to address the illegal camping/parking (i.e. signs and gate) will require an allocation from Council of about \$2,000.

***Council staff indicated that they would now proceed with the preparation of a report to the next Strategy & Assets Committee dated 12 November 2019 for consideration by Council. It was also agreed that the draft of that report would be shared with the HBVA Executive for comment prior to finalisation.***

#### **Options to Deal with Congestion in the Village**

Council staff presented initial concept plans to address the congestion in the village that occurs in peak holiday periods and on hot days between October and April.

The underlying rationale behind the draft plans presented was to:

1. Monitor the flow of traffic into the village at the top of Booderee Ave
2. Provide permanent infrastructure (ie roundabout, signage, line marking) that can assist traffic management be implemented at minimum notice and cost when required
3. Ensure traffic can be turned around before the available legal on street carparking is exhausted and the village becomes grid locked.

Note: The approach outlined could be adapted to include smart traffic management solutions in the future should these be deemed necessary and cost effective.

Three options were discussed in general terms:

1. A major roundabout at the intersection of Naval College Road and Booderee Avenue (with options for some traffic able to bypass the roundabout). It was noted that this would be very expensive (around \$2 – 3 million) and implementation would be within a 5-10 year time frame, assuming land acquisition issues were in fact able to be resolved
2. A roundabout at the intersection of Naval College Road and Booderee Avenue (with all traffic required to enter the roundabout) at a cost of around \$1 million and an implementation time frame of 2 years
3. A small, mountable roundabout on Booderee Ave at the intersection of Illowra Lane at a cost of approx. \$200,000. This would be complemented with a protected right turn out of the village and



right turn into the village (seagull type) intersection at Naval College Road and Booderee Avenue intersection (similar to the arrangements at the existing intersection of Jervis Bay Road with the Princes Highway).

Council staff indicated that option 3 was achievable in the short term and the most cost effective to build and operate. Staff noted that the roundabout would allow traffic to be turned around safely when the village was full. It was also noted that the roundabout was in an area of lower traffic speeds which was preferable to one located on Naval College Road where the speed limit was 80kms.

Members of the HBVA noted that at its recent meeting a motion had been passed supporting the implementation of a roundabout at the intersection of Naval College Road and Booderee Avenue. Executive members queried if a smaller roundabout could be put in place at this location (instead of at Illowra Lane) with reduced speed limits. Staff noted that while it might be possible to reduce the speed on Naval College road it was not preferred as it was recognised that people will regrettably drive to the environment (e.g. wide/ straight roads) and not to the rules (stated speed limits).

Members of the HBVA expressed some reservations about the Illowra Lane roundabout option:

- Potential of incursion into bushland
- The impact of western sun on vehicles exiting the village
- The safety of staff placed at this intersection to manage traffic flow when the village was full
- Potential for increased and unwanted traffic (e.g. those inadvertently seeking an alternate entry or exit from the village) into a no through road (Illowra Lane).

A site visit was conducted at Illowra Lane, where Council staff confirmed the possible location of the roundabout noting that there would be minimal incursion into bushland (apart from the existing road reserve) and discussed options to curb unwanted traffic straying into Illowra Lane (e.g. a prominent sign saying No Through Road - Residents Only).

HBVA Members noted that while the proposals would facilitate the management of congestion there would still be issues in the village relating to the volume of traffic attempting to park on the verge of narrow roads within the village with two-way traffic. It was agreed there was a need to review pinch points and the width of roads with a view to limiting parking to one side of the road in narrow areas.

HBVA noted the need to consult more broadly with the community.

***Council staff agreed to provide more detailed concept plans in writing within the next three weeks that could be shared with the community. The HBVA executive noted that these plans would be circulated to its members and would be discussed at its next general meeting (likely to be end November).***

#### **EOI Smart Technologies**

The Expressions of Interest process has closed. Council staff will be meeting on 10 October 2019 to review submissions.

***Council staff will report to the HBVA post this meeting.***

#### **Arrangements for October Long Weekend**

Sharon Neradil confirmed that temporary traffic arrangements would be put in place from 7am Friday morning until 4pm Monday afternoon of the long weekend. The arrangements would be the same those which applied over the recent Easter period. Traffic controllers (The Traffic Professionals) would be in the village and at the intersection of Booderee and Naval College Roads. Additional rangers, bins, temporary toilets and rubbish collection will be in place.

*Sharon noted that signs had been erected and that there was a need to fine tune a couple of these. Lois noted she would email some photos of signs at the northern end of Cyrus for consideration and possible rectification.*









SA19.181 - Attachment 5

## SA19.182 Far North Collector Road Network - upgrade of Taylors Lane, Cambewarra

**HPERM Ref:** D19/375319

**Section:** Project Delivery & Contracts  
**Approver:** Paul Keech, Director Assets & Works

**Attachments:** 1. Far North Collector Road - Drawings [↓](#)

### Reason for Report

To obtain Council's endorsement of the preferred option for the upgrade of Taylors Lane.

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

That Council

1. Note the preferred option for the upgrade of Taylors Lane (off Moss Vale Road) is Option 4 which is to maintain the existing centerline with the following characteristics:
  - a. Widen the road 5m each side of the existing centerline, in accordance with the Development Control Plan for the Moss Vale Road Urban Release Area
  - b. Remove both stands of mature trees on either side of the existing pavement.
  - c. Plant suitable Street Trees along the upgraded Taylors Lane to complement driveways, services and drainage.
  - d. Plant replacement trees as a biodiversity offset in another identified local location.
2. Place the four options for the upgrade of Taylors Lane on public exhibition (highlighting the preferred option) and conduct a presentation to the Cambewarra CCB.
3. The CEO (Director Works and Assets) report back to the Strategy & Assets Committee on the response to the public exhibition, and thus allow Council to determine the adopted option for the upgrade of Taylors Lane (off Moss Vale Road).

### Options

1. As recommended.

Implications: Council can advance with project detailed design for the Taylors Lane upgrade as part of the Far North Collector Road Network and advance land acquisitions and other associated activities accordingly.

2. Council do not adopt the Preferred Alignment and select an alternative option for the Taylors Lane upgrade.

An Alternative recommendation could be :

For the part of Taylors Lane shown on drawing 5505.03 retain the remnant Taylors Lane and construct a totally new road to the north in accordance with the Development Control Plan for the Moss Vale South Urban Release Area (Option 2).

Implications: Directing alternative work may result in a change in the cost of the project and delay the existing program for delivery.

SA19.182

## Background

The Taylors Lane upgrade forms an integral part of the Far North Collector Road Network. The Taylors Lane/Moss Vale Road intersection would be too close to the proposed Far North Collector Rd/Moss Vale Rd intersection, so an alternative connection to Taylors Lane is required.

The upgrade of Taylors Lane is to cater for anticipated increased vehicular traffic from the pending development of part of the Nowra Bomaderry Structure Plan in accordance with the Shoalhaven Local Environmental Plan 2014. The proposal is consistent with upgrading of the road network catering for anticipated population growth in the district of Cambewarra.

In relation to Taylors Lane, the project involves:

- Closure of the Moss Vale Road/Taylors Lane intersection and redirection of Taylors Lane traffic via the FNCR Network to RMS satisfaction – including up to approximately 300m of new road construction (Taylors Lane Link Road) connecting the Far North Collector Road to Taylors Lane (2 lane, 2 way) to Development Control Plan (DCP) requirements including a pedestrian / cyclist shared use path.
- Upgrade of Taylors Lane to the Moss Vale Road South Urban Release Area (URA) boundary - up to 900m approximately of road upgrade along Taylors Lane (2 lanes, 2 way) to DCP requirements including a pedestrian / cyclist shared use path.
- Survey, design, project development, and land acquisition to achieve the above works.

A delay to this part of the road network could see Council deferring expenditure, with possible impact on the program to fully deliver the Far North Collector Road Network funded by the Federal Government.

Taylors Lane is presently 10 metres wide with spotted gum trees on both sides of the road. It will need to be widened to 20m (including allowance for shared user paths) to meet the DCP requirements. Council has investigated options for road widening and narrowed the focus to four options for the proposed upgrade. All four options involve the removal of varying numbers of trees.

The proposed Taylors Lane existing vegetation, infrastructure, property impacts, property access, amenity and topography, together with the URA and DCP controls, have been considered in the development of the upgrade options.

The upgrade options are:

- 1 Maintain the southern boundary and stand of trees on Taylors Lane and widen 10m northwards, removing the trees on the northern side. Some trees on the southern side will subsequently be removed to provide driveways to new residential lots, services and upgrade road drainage.
- 2 Retain both stands of trees and build a totally new road to the north. This option will reduce the potential residential building lots for the proposed land release and may complicate subdivision design. Again the removal of the existing mature trees would ultimately be required to accommodate property access.
- 3 Maintain the northern boundary and stand of trees on Taylors Lane and widen 10m southwards, removing the trees on the southern side. Some trees on the northern side will subsequently be removed to provide driveways to new



residential lots, services and upgrade road drainage. Requires demolition of one house.

- 4 Maintain the existing centerline, widen 5m each side, in accordance with the Development Control Plan for the Urban Release Area, requiring removal of both stands of trees. Plant suitable Street Trees along the upgraded Taylors Lane to complement driveways, services and drainage. Plant replacement trees in another identified local location.

Following consultation and further investigation Options 1 and 3 are no longer recommended for consideration, as they provide no real benefits over options 2 or 4.

### Environmental considerations

Council is required to create a substitute “Set Aside” area to compensate for the 154m<sup>2</sup> required to be excised from the Bernie Regan Sporting Complex Property Vegetation Plan (PVP) area for the FNCR/Illaroo Rd/West Cambewarra Rd roundabout. The PVP was endorsed in 2010 under the (then) Native Vegetation Act 2003 between Council and the Southern Rivers Catchment Management Authority.

The NSW Biodiversity Conservation Act 2016 requires payment of an offset amount into the NSW Biodiversity Conservation Trust based on the amount of threatened microbat habitat to be removed along Taylors Lane. This amount is currently estimated at \$93,000 for Option 4.

The upgrade of Taylors Lane will be conducted under the Roads Act 1993, which permits tree removal but imposes no obligation to plant replacement trees. Council is however proposing revegetation to affect some replacement of trees removed along Taylors Lane, and to minimise the impacts of the proposal on habitat features in proximity to the FNCR, particularly wildlife corridors. This revegetation would be undertaken adjacent – and would be complementary – to the proposed substitute Property Vegetation Plan area on a 1.9ha parcel of land adjacent to Bernie Regan Sporting Complex and Bomaderry Creek required for the FNCR. Associating these areas would maximise environmental outcomes and the efficiency of resources.

### Summary comparison of Upgrade Options 2 and 4

The table below provides a summary comparison between options 2 and 4.

Criterion	Upgrade Option 2 Construct new road to north (to minimise initial tree removal)	Upgrade Option 4 Upgrade on current centre line (recommended)
Estimated Cost	\$ 1,115,000	\$ 850,000
Safety	Ongoing falling limbs hazard for cyclists and pedestrians using old lane (closed at ends) as a path. Vehicular traffic can still enter via driveways crossing the retained former road to the new road.	Substantial reduction in falling branches hazard from Street Trees. Adheres to DCP requirements.
Maintenance	Ongoing removal of dead/dying trees, branches and clearing of debris. Pavement retention for protection of tree roots (arborist recommendation).	Less maintenance required for Street Trees.

	Road pavement damage by roots, also causing ponding, erosion.	
Environmental	Initial removal of 34 trees. Retains the existing mature trees (estimated to be in last third of their life) until: <ul style="list-style-type: none"> <li>• Tree death/removal for safety.</li> <li>• Residential development requiring access to Taylors Lane occurs, requiring further tree removal (currently no restriction in place).</li> </ul>	Removal of 317 trees. Plant suitable Street Trees to complement driveways, services, drainage. Estimated \$93K contribution to NSW Biodiversity Conservation Trust for conserving similar vegetation and habitat in perpetuity. Council commits to providing offset planting in identified local location, more beneficial to fauna habitat in long-term.
Development	Reduces developable residential land by 1.6ha.	Reduces developable residential land by 0.6ha.
Design	Tree protection zone limits ability to successfully manage future drainage of retained former lane without removing trees.	Enables optimisation of drainage system and road design levels independent of existing levels.
Visual Aesthetic	Retains rural canopied lane appearance for local users - may look odd in fully developed suburb. Likely to become sparser with time.	Provides a designed suburban streetscape commensurate with the DCP.

SA19.182

It is recommended that Taylors Lane is upgraded in accordance with option 4.

### Community Engagement

Community consultation in November 2018 resulted in three responses asking Council to retain the existing stands of spotted gums where possible.

Council exhibited the four options on the 'Get Involved' page of its website in August 2019. This did not draw any attention.

Council staff discussed the four options with property owners along Taylors Lane in August 2019. Council subsequently received correspondence from four property owners supporting option 2 (retain the trees and construct a new road to the north) and from one property owner supporting option 4 (remove the trees and upgrade Taylors Lane on the current alignment).

The removal of such a large number of trees (317) in the preferred Option 4 on its own and in comparison to 34 removed in Option 2 may cause a strong emotional reaction within members of the public, possibly leading to disruptive action during construction when the removal of trees becomes real and visible. In order to reduce the risk of disruption during construction it is proposed to place the four options and choice of the preferred Option 4 on public exhibition to gauge public sentiment.

Staff are seeking feedback from Councillors on the proposed level of further community consultation regarding the preferred option for the upgrade of Taylors Lane.

**Policy Implications**

Council is obligated to adhere to the Development Control Plan (DCP), regardless of which option is selected.

**Financial Implications**

The cost estimates for land acquisitions, including the estimated tree management cost for the four Taylors Lane options are as follows:

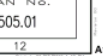
1. \$1,120,000
2. \$1,115,000
3. \$ 781,000 (excludes demolition/replacement of house)
4. \$ 850,000

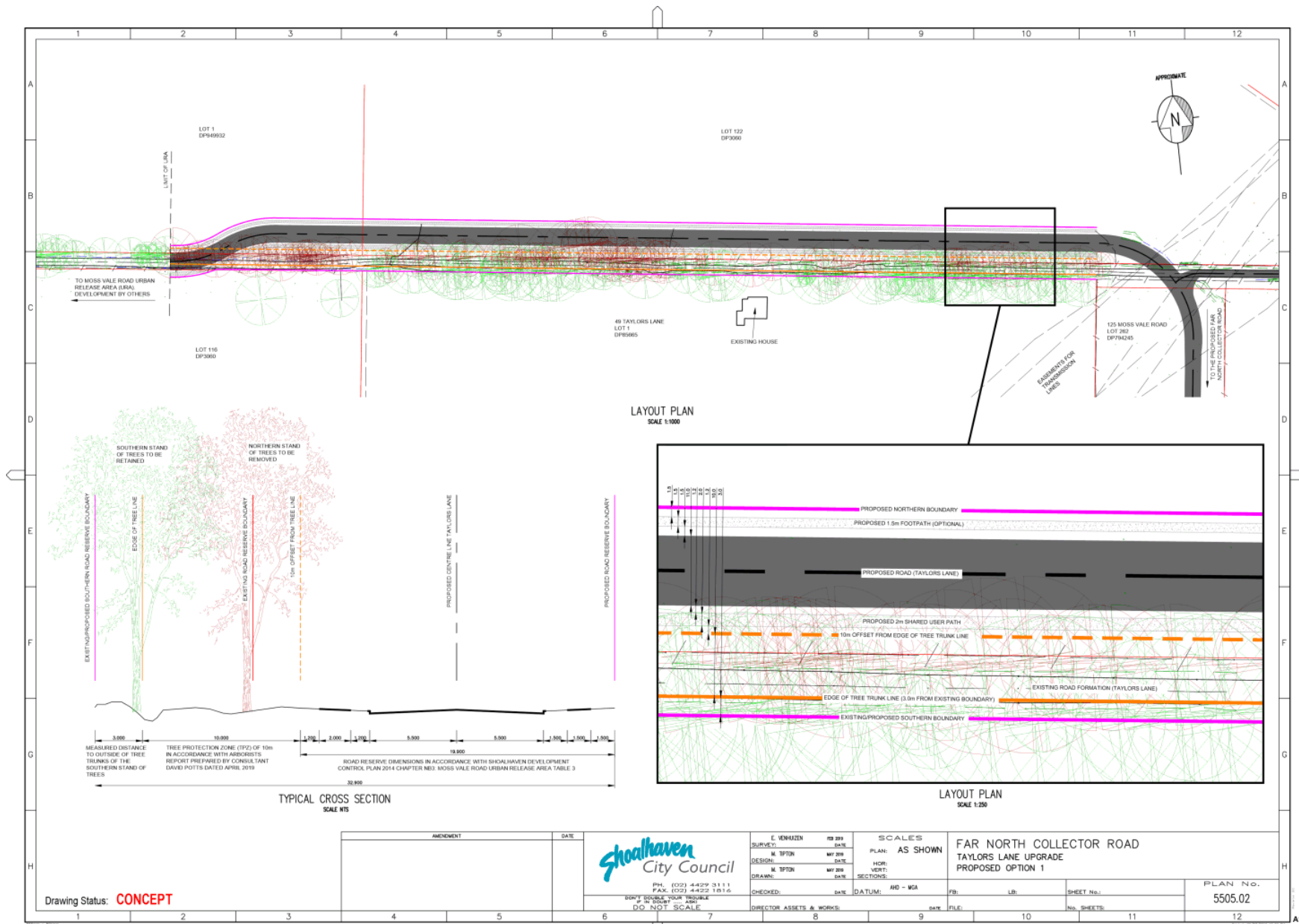
**Risk Implications**

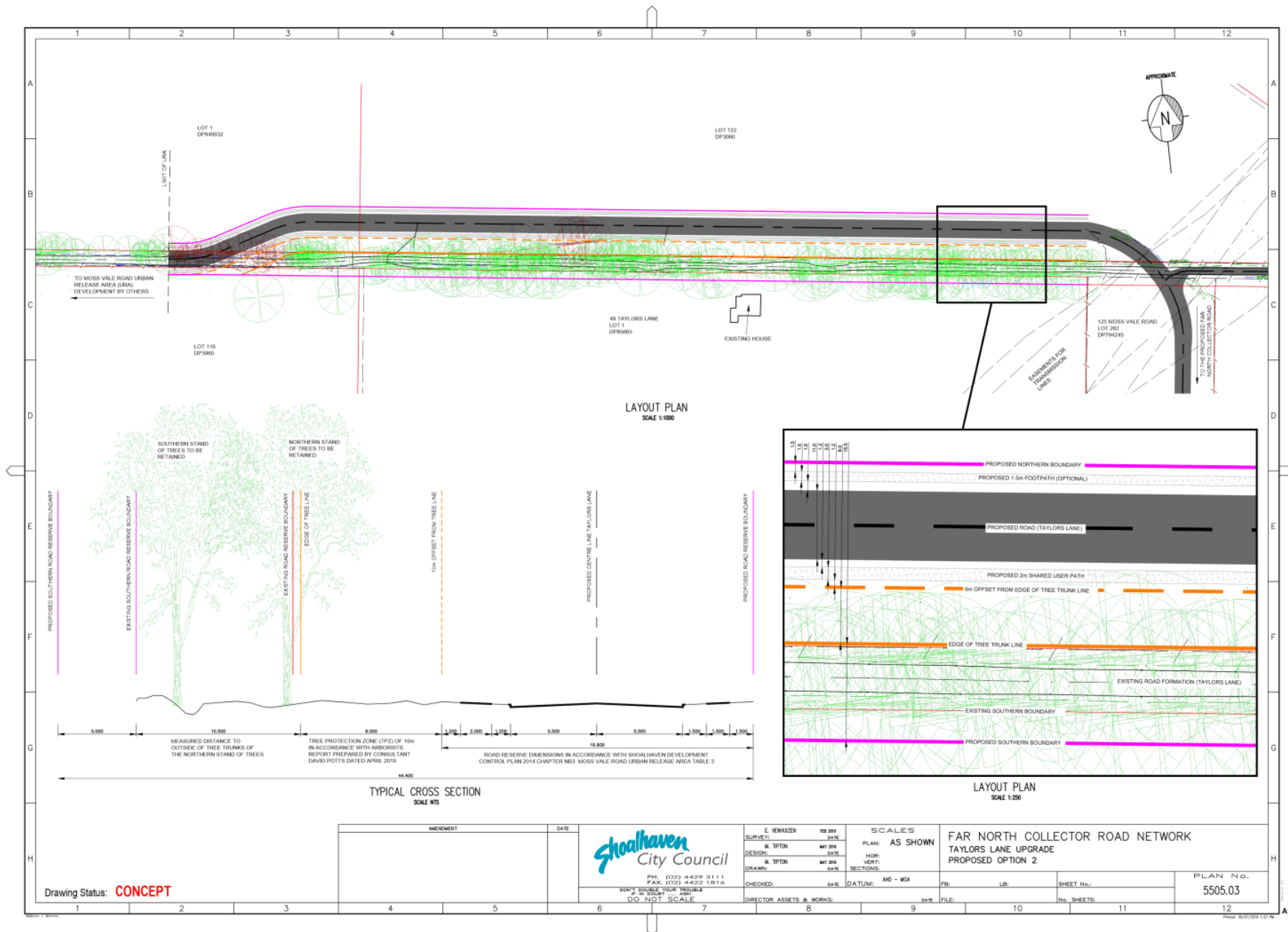
Potential risks associated with the upgrade of Taylors Lane include:

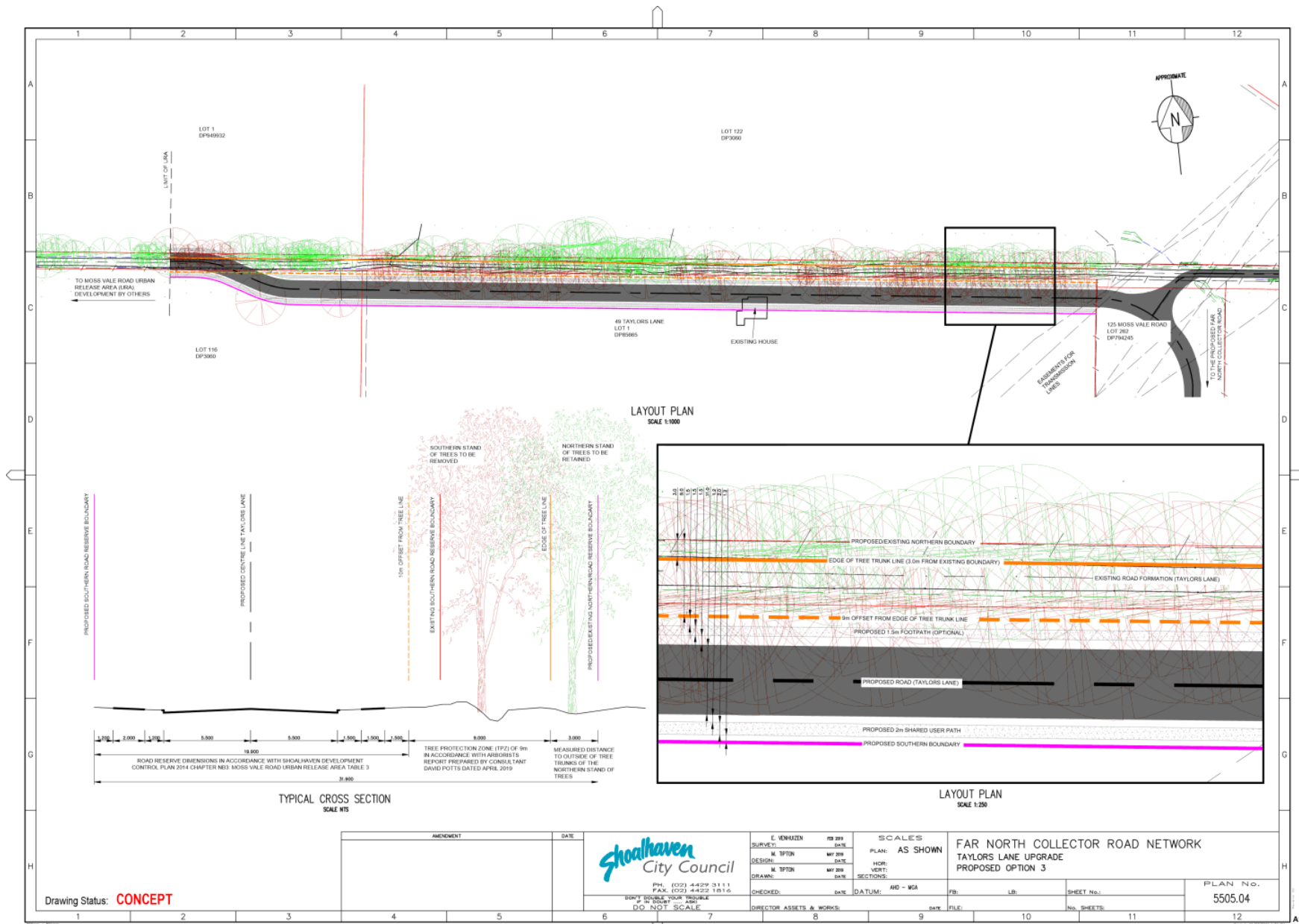
- Breach of the Far North Collector Road Network funding agreement if Council decides not to proceed with the upgrade to Taylors Lane.
- Delay to the project program and additional cost associated with option 2.
- Continued risk to walkers, cyclists from falling limbs under option 2. This risk is far less under option 4 due to the choice of Street Trees.
- Maintenance costs. A higher than anticipated level of management for the offset plan to establish new trees under option 4.















## SA19.183 Classification of Land - Lot 86 DP 29970 - Unnamed Road Nowra Hill

**HPERM Ref:** D19/339200

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

**Attachments:** 1. Lot 86 Unnamed Road Nowra Hill [↓](#)

### Purpose / Summary

To provide Council with an opportunity to consider the classification of land described as Lot 86 DP 29970 Unnamed Road Nowra Hill, as Operational Land.

### Recommendation

That Council classify the land described as Lot 86 DP 29970 Unnamed Road Nowra Hill as Operational Land.

### Options

1. Resolve as recommended.

Implications: The operational classification will provide Council with flexibility in its use and any future dealings.

2. No resolve as recommended.

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

### Background

Lot 86 DP 29970 Unnamed Road Nowra Hill (refer to Attachment 1) is being acquired for the future construction of the Western Bypass Road Corridor. The acquisition of this lot has increased Council's land holding in the vicinity to 27.

Under the Shoalhaven Local Environmental Plan 2014 (SLEP 2014), the land is currently zoned RU2 – Rural Land.

### Community Engagement

In accordance with Section 34 of the LGA93, a public notice of Council's intention to classify the land as Operational was placed in the South Coast Register allowing 28 days for written submissions. No submissions have been received.

### Policy Implications

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

There are two classifications available:

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

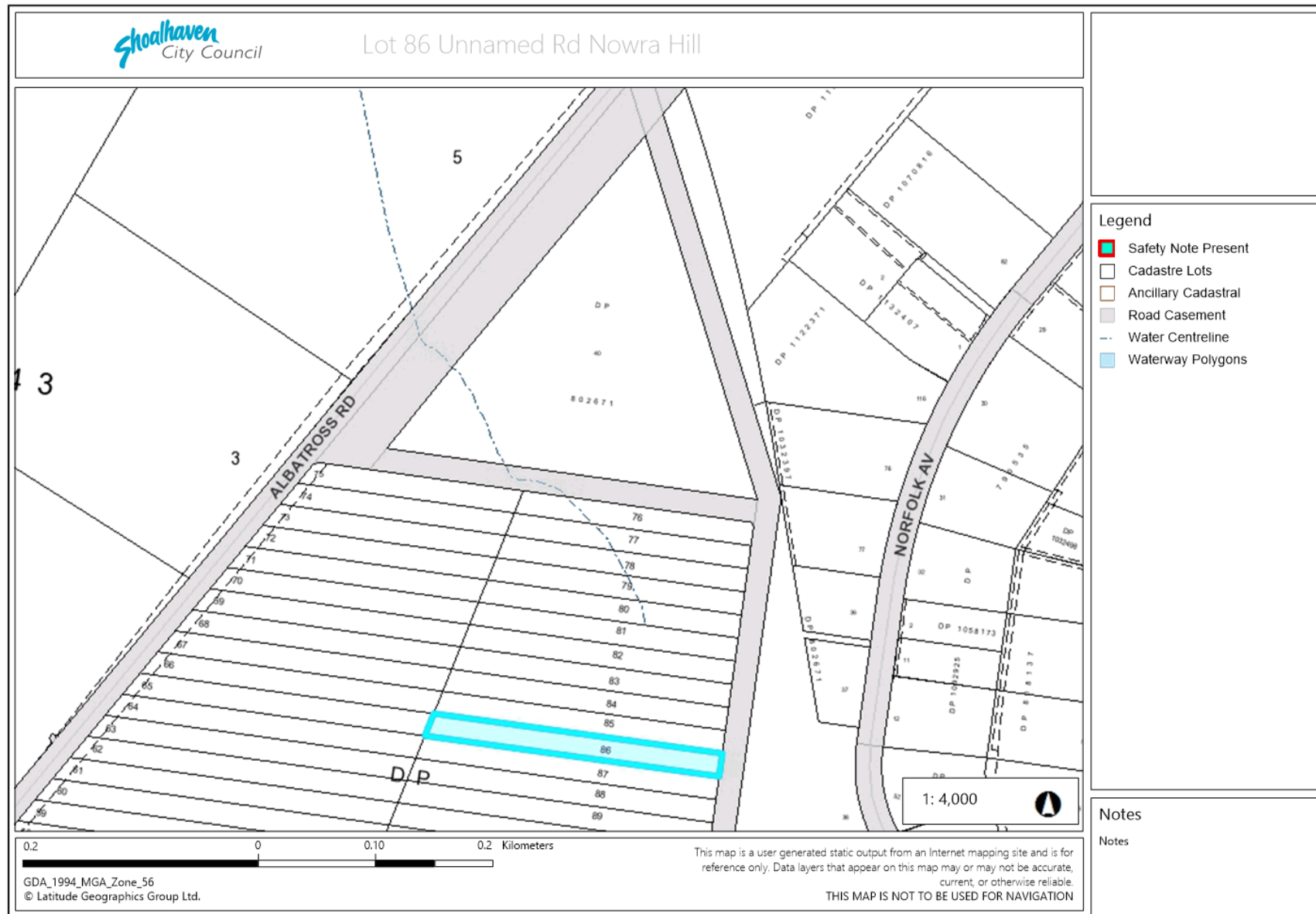
A resolution of Council, within the time frame prescribed in the LGA93, is required to finalise the classification of land as Operational.

### **Financial Implications**

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

### **Risk Implications**

N/A





## SA19.184 Classification of Land - Lot 21 DP 2886 Sec 25 - 48 Coomea St Bomaderry

**HPERM Ref:** D19/369673

**Section:** Technical Services

**Approver:** Paul Keech, Director Assets & Works

**Attachments:** 1. Lot 21 Sec 25 DP 2886 - 48 Coomea Street Bomaderry [↓](#)

### Reason for Report

To provide Council with an opportunity to consider the classification of land described as Lot 21 DP 2886 Sec 25, 48 Coomea Street, Bomaderry as Operational Land.

### Recommendation

That Council resolve to classify the land described as Lot 21 DP 2886 Sec 25, 48 Coomea Street, Bomaderry as Operational Land.

### Options

1. Resolve as recommended

Implications: This Land completes the consolidation of adjoining land for operational purposes and gives Council the opportunity to commence and deliver the affordable housing project in line with the Affordable Housing Strategy for the Shoalhaven.

2. Not resolve as recommended

Implications: The Land will default to Community Land and be subject to the Community Land provisions as outlined in the Local Government Act 1993 (LGA93). Jeopardise the delivery of the affordable housing project and deny Council any flexibility to expand or deviate from this project operationally.

### Background

Council resolved on 28 May 2019 (MIN19.362C) that Council:

1. *Purchase by agreement 48 Coomea Street, Bomaderry from Ian Yeong (Lot 21 Sec 25 DP 2886) and pay \$490,000 (plus GST if applicable) plus the owner's reasonable conveyancing, legal and valuation fees;*
2. *Delegate Authority to the General Manager (Director Assets & Works) to make minor adjustment to the purchase price, if necessary, in accordance with settlement figures determined by Council's Solicitor;*
3. *Classify 48 Coomea Street, Bomaderry as 'Operational' in accordance with section 31(2) of The Local Government Act, 1993;*
4. *Fund all costs associated with the purchase from the Property Reserve;*
5. *Grant authority to affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and that the General Manager be authorised to sign any documents necessary to give effect to this resolution;*
6. *Maintain confidentiality of the resolution until the sale has settled.*

The purchase of Lot 21 Sec 25 DP 2886, 48 Coomea Street, Bomaderry has now been finalised and in line with part 3 of the above resolution, the land is now required to be classified as Operational Land in accordance with Section 31 of the Local Government Act.

Lot 21 Sec 25 DP 2886, 48 Coomea Street, Bomaderry was acquired in line with Council's Affordable Housing Strategy for future development of properties in Coomea Street, Bomaderry for affordable housing.

### **Community Engagement**

In accordance with Section 34 of the LGA93, a public notice of Council's intention to classify the land as Operational was placed in the South Coast Register 11 September 2019 allowing 28 days for written submissions. No submissions have been received.

### **Policy Implications**

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

There are two classifications available:

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

A resolution of Council, within the time frame prescribed in the LGA93, is required to finalise the classification of land as Operational.

### **Financial Implications**

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

### **Risk Implications**

N/A

**Attachment 1**

**Lot 21 Sec 25 DP 2886 – 48 Coomea Street, Bomaderry**



- Subject Land acquired to be classified Operational
- Council owned Property – Classified Operational
- Potential Future Acquisition

## **SA19.185 Lake Conjola - Former landfill - Investigation Results**

**HPERM Ref:** D19/377418

**Section:** Commercial Services

**Approver:** Paul Keech, Director Assets & Works

**Attachments:** 1. Letter to residents [↓](#)  
2. Soil and water test results (under separate cover) [⇒](#)

### **Reason for Report**

To respond to MIN19.307 to undertake investigative sampling at the former Lake Conjola landfill and report the results back to Council.

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

That Council

1. Note that Environment & Natural Resource Solutions (ENRS Pty Ltd) were commissioned as independent environmental consultants to conduct a soil and groundwater investigation at the Lake Conjola Waste Transfer Station, Lake Conjola, pursuant to Minute Number MIN19.307, and that the results (ENRS Project Number ENRS1154 – Issued 30 October 2019) do not trigger any further investigation or action because;
  - a. Results for soil report concentrations are below the adopted Site Assessment Criteria for residential land use or the Laboratory Limit of Reporting (LOR)
  - b. Results for groundwater do not report any significant exceedances of the Australian Drinking Water Guidelines (2018) Trigger Values for Health
2. Write to the local residents (householders and landowners) advising them of this report and the ENRS results and providing them a link not this information on Council's webpage.

### **Background**

At the Strategy and Assets Committee of 14 May 2019, Council resolved:

*That in response to MIN19.143 (Part 6) Council undertake the following at a total cost of \$16,500 and report back to Council with the results of this sampling and future options;*

1. *Write to local residents advising on the investigations being undertaken and seeking any local knowledge or understanding of materials that were place at the Lake Conjola Landfill site prior to it being decommissioned.*
2. *Sample the soil in the creek line both upstream and downstream of the former landfill.*
3. *Drill and install two monitoring boreholes plus collect surface samples.*

### **Response**

Waste Services have since completed the investigations with the results included in this report. Referring to the resolution:

1. Letters were mailed to all homeowners on the lake Conjola area as well as letters delivered to all homes through a letter box drop (attachment 1). Ten responses were received, four were not living there at the time. Of the remaining 6 responses all indicated that mixed household waste and building waste was dumped including “fibro”. Some also indicated that green waste, white goods, oils, paints and other chemicals were dumped. These descriptions fit the understanding of the generic method of waste disposal in the 1970s and 1980s.
2. The soil in the creek line was sampled up-gradient, adjacent to and down-gradient of the former landfill. The samples were analysed at a NATA certified laboratory for a broad suite of analytes (attachment 2) that covers the potential to highlight if there is any chemical contamination of the soils as a result of former landfilling practices. A review of the results does not trigger any further investigation.
3. Two groundwater monitoring wells were drilled in the line of the creek, one up-hydraulic gradient and one down-hydraulic gradient of the former landfill. This is done to obtain an indication of background water quality to compare with the water quality that is likely to be impacted by the former landfill. The samples were analysed at a NATA certified laboratory for a broad suite of analytes (attachment 2). The concentrations of heavy metals and Contaminants of Potential Concern down-gradient of the Site are below the Site Assessment Criteria or within the range of background levels which indicates the groundwater conditions of the Site are satisfactory and unlikely to result in offsite impacts.

### Community Engagement

Letters delivered to all residents and homeowners (see attachment 1).

Council Reference: 2052EContainer (D19/189431)

Name  
Address

**Request Information on Old Waste Depot at Lake Conjola**

At Council's meeting of 26 March 2019, Council resolved (MIN 19.143) that staff *undertake investigations for contamination at the old Waste Depot at Lake Conjola*, with investigations to include, amongst other things, to:

*"Seek information from Local residents on knowledge of what was dumped at the site from the original opening"*

Council is interested to find out whether any current residents were residing in Lake Conjola while the old waste depot was operating between 1970 and 1986. If so, we are interested to know:

- What you remember about the Lake Conjola tip at the time.
- How regularly you visited the tip.
- What sort of materials you believe were dumped there.
- Any other comments or observations.

We would appreciate it if you could document your thoughts and memories either by email to [Council@shoalhaven.nsw.gov.au](mailto:Council@shoalhaven.nsw.gov.au) or by mail to Waste Services, Shoalhaven City Council, PO Box 42 NOWRA 2541, by 30 June 2019.

Please note that we have sent this letter by Australia Post as well as by letter box drop, to ensure that we reach as many owners, tenants, absentee landlords and other residents as possible, so you may receive duplicate copies.

If you need further information about this matter, please contact David Hojem, Assets & Works Group on (02) 4429 3111. Please quote Council's reference 2052E (D19/189431).

Yours faithfully



David Hojem  
**Waste Services Manager**  
07/06/2019

## SA19.186 Tree Planting Mark Radium Park Berry

**HPERM Ref:** D19/374715

**Section:** Works & Services

**Approver:** Paul Keech, Director Assets & Works

**Attachments:** 1. Tree planting in Mark Radium Park Berry [↓](#)

### Reason for Report

The purpose of this report is to allow Council to consider a letter from the Berry Landcare group to plant a tree in Mark Radium Park, Berry.

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

That Council accept the Berry Landcare's proposal to plant two or three locally indigenous trees in Mark Radium Park to mark the 30<sup>th</sup> Anniversary of the formation of Landcare and to celebrate the life of Bob Hawke as a founder of Landcare.

### Options

1. Accept proposal

Implications: Possible political overtones.

2. Reject proposal

Implications: Nil

### Background

The Berry Landcare group have forwarded a proposal to plant trees in Mark Radium Park in Berry (see attached).

The current proposal is to plant two or three trees locally indigenous trees adjacent to the ones planted for Rick Farley and Philip Toyne, Landcare founders to celebrate the life of Bob Hawke as a founder of Landcare.

### Community Engagement

This is a representation of the local Landcare group.

### Financial Implications

Nil costs to Council.



Mr Stephen Dunshea  
Chief Executive Officer  
Shoalhaven City Council  
[council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au) Attention Daniel Bishop

Dear Mr Dunshea

Re Proposal to plant additional Landcare Memorial Trees in Mark Radium Park, Berry

Berry Landcare seeks your support for a Memorial Tree Planting in Mark Radium Park to honour Bob Hawke as one of founders of Landcare, alongside trees planted in Mark Radium Park for two other Founders and to celebrate 30 years Landcare, doing so in October or November this year.

Landcare is an Australia wide community based movement with an active local group in Berry. This year celebrates 30 years since Prime Minister Bob Hawke, Rick Farley, as Director of the National Farmers Federation and Philip Toyne, Director of the Australian Conservation Foundation, met at Wentworth near the confluence of the Murray and Darling Rivers to declare a Decade for Landcare (attached item from The Land). Berry Landcare has grown from a small group of 5 in 2003 to more than 150 members and volunteers who now work on 11 sites in and around Berry as neighbourhood groups. One set of activities has centred on Mark Radium Park, planting trees in memory of Landcare Founders, for Rick Farley in September 2006 and for Philip Toyne in February 2016, gaining funds to establish an arboretum of locally indigenous rain forest trees, convening 3 National tree days there and supporting its Parkcare group.

Mark Radium Park has become a special place of Berry Landcarers. The Arboretum, with its initial plantings done on National Tree Day 2007, continued the planting of locally indigenous trees commenced with the five trees planted in September 2006 in memory of Rick Farley. The momentum of the partnership between Berry Landcare, Berry Alliance and Shoalhaven City Council in transforming Mark Radium Park into an area of local rainforest trees, with paths and interpretative signs, continued with National Tree Day plantings in July 2008 and October 2009. A second memorial tree planting was carried out in February 2016, following the death of Philip Toyne. All this has been made possible with funds from the National Landcare Programme through the Shoalhaven Landcare Association and generous support from the Shoalhaven City Council. In addition Mark Radium Park is a popular stopping point for travellers and visitors to the area so has high visibility within the Berry community.

With the passing of Bob Hawke in April 2019, and coinciding the 30<sup>th</sup> Anniversary Celebrations, Berry Landcare would like to continue its partnership with Shoalhaven City Council and plant two or three locally indigenous trees adjacent to the ones planted for Rick Farley and Philip Toyne, Landcare founders who had stood with Bob Hawke 30 years ago on the bank of the Murray River, and to liaise with Daniel Bishop regarding logistics.

We also look forward to eventually replacing the trees planted on National Tree Day 2008 along the edge of Mark Radium Park adjacent to the Princes Highway, which were removed for its realignment, and utilising funds set aside for labels and signage. However, this letter is to seek your support for a Memorial Tree Planting to honour Bob Hawke as one of the Landcare Founders and to celebrate 30 years Landcare, in October or November this year.

With best wishes

Bill Pigott, on behalf of Berry Landcare at [berrylandcare@gmail.com](mailto:berrylandcare@gmail.com) or 44643241



## SA19.187 Tenders - Waste Depot Recycling Services

HPERM Ref: D19/386093

**Section:** Commercial Services

**Approver:** Paul Keech, Director Assets & Works

### Reason for Report

To inform Council of the tender process for a Waste Depot recycling services panel.

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. Consider the separate confidential report

Implications: Full details of the tendering process is available within the confidential report to enable Councillors to make an informed decision

2. Council could propose an alternative.

Implications: No opportunity to assess and make an informed decision on the tender process and results

### Details

Council called Tenders for Waste Depot Recycling Services on 13 August 2019 which closed at 10:00am on 4 September 2019. Eleven tenders were received at the time of closing.

#### Tenders Received

Tenders were received from the following:

Tenderer	Location
Air Conditioning Refrigeration Engineering	NSW 2539
C.J Bellenger & N Bellenger t/as ZTEC Tyres	NSW 2541
Cleanaway Pty Ltd	VIC 3004
Community Resources Limited t/as Soft Landing	NSW 2428
JLW Services Pty Ltd	NSW 2590

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Onesteel Recycling Pty Limited t/as Infrabuild Recycling	NSW 2000
Sell & Parker Pty Ltd	NSW 2019
SIMS Group Australia Holdings Limited	NSW 2020
Soilco Pty Limited	NSW 2526
QSSR Pty Ltd atf The Trustee for The QSSR Unit Trust trading as Shoalhaven Recycling	NSW 2539
Total Drain Cleaning Services Pty Ltd	NSW 2164

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

**Financial Implications:**

This panel contract will allow Council to select recyclers based on the going rate at the time (either a payment to Council or a payment to the recycler) and therefore optimise both income and expenses in the provision of recycling services.

## SA19.188 Proposed Purchase of Vacant Land, Sanctuary Point

**HPERM Ref:** D19/313356

**Group:** Assets & Works Group

**Section:** Technical Services

### Purpose / Summary

To provide Council with an opportunity to consider a confidential report on the proposed purchase of vacant land in Sanctuary Point.

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

### Recommendation

That Council in accordance with Section 10(a)(2)(c) of the Local Government Act 1993 consider a separate confidential report on the proposed purchase of vacant land at Sanctuary Point.

### Options

1. Council accept the recommendation as presented.

Implications: Proposed property acquisition will be considered by Council.

2. Not adopt the recommendation.

Implications: Proposed property acquisition will not commence.

### Background

The proposed purchase of vacant land at Sanctuary Point, as identified in the confidential report, is to optimise Council's land portfolio and for future community/commercial/retail development investment.

### Community Engagement

Not applicable

### Policy Implications

Not applicable

### Financial Implications

Not applicable

**Risk Implications**

Not applicable

SA19.188

## SA19.189 Vegetation Management in Coastal Dunes

HPERM Ref: D19/322429

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

### Purpose / Summary

To provide information to Council on the management of vegetation in coastal dunes in the Shoalhaven in accordance with MIN19.501.

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

That Council receive the report on the investigation into the management of vegetation in coastal dunes for information.

### Options

1. Council receive the report for information.

Implications: This will provide confirmation that the management of vegetation in coastal dunes and the points raised in MIN19.501 are already embedded in Council's operational plans and procedures.

2. Council provide an alternative solution.

Implications: This is unknown.

### Background

In accordance with a Notice of Motion put to the Ordinary Meeting of Council on 30 July 2019, Council resolved:

*That in enhancing the resilience of our coastal dunes Council staff integrate the points raised in this notice of motion regarding current vegetation issues and those of new plantings or self-propagations, into all current and future plans of management.*

1. *Damage to public infrastructure and private property needs to be carefully foreseen and avoided by planting the correct species in the correct locations, making a generous allowance for the impact of the fully-grown vegetation on its surroundings. Existing vegetation causing damage to public infrastructure or private property may, as a matter of course, necessitate removal.*
2. *All necessary steps must be taken to ensure that safety is paramount in public areas as well as adjacent to private homes. Selection of the ideal species and the location of new plantings is crucial if bushfire risk and fall hazard is to be eliminated. Assessment of existing vegetation in this regard may need to occur.*
3. *Staff will give serious consideration to the differentiation between accreting dunes and eroding dunes and the need to potentially have different planting and management regimes in each instance and report their deliberations back to Council for further discussion.*
4. *Staff advise how the Coastal Dune Management Manual classifications of "incipient foredune", "foredune" and hind dune are applied in situations where hind dunes are*

*developed, and how the appropriate vegetation species recommended for planting is implemented on the ground and into local management plans in such situations.*

5. *Where residents are prepared to pay for private contractors to carry out work, under the direction of Council staff and according to an approved plan of management, this necessary work proceeds pending availability of staff to approve and oversight works.*
6. *Our community be encouraged to report to Council any incidents covered by the parts 1-5 above to council staff to enable their follow up.*

It is understood that the intent of the resolution is to ensure that the protection and enhancement of our coastal dunes occurs in a logical and scientific manner. It is also to ensure that this is achieved without placing any increased risk to our community by means of risk to public infrastructure, personal health or property damage.

A review of Council's current practices demonstrates that Council is already committed to achieving this and is aligned with the aims of this resolution.

### Plans of Management

The resolution refers to integrating the points identified *into all current and future plans of management*. The following is a brief outline of existing plans of management.

There are numerous Plans of Management for our public reserves, many of which are updated through the Social Infrastructure & Planning Unit of Council.

Council's Natural Resources & Floodplain Unit have developed Management Actions Plans (MAPS) for locations including Moona Moona Creek, Huskisson Beach and Bendalong Boat Harbour, which included consultation with local community representatives. Such plans define objectives and implementation strategies that recognise and protect the on-going use of these areas by the public, as well as the infrastructure present at these locations. The plans also recognise the fragility of ecosystems found within the identified Natural Area. Any planting completed in accordance with these plans is mostly to reinforce the understory species, as weed species are removed and controlled.

Copies of all Council's adopted Plans of Management and Master Plans are available at <https://shoalhaven.nsw.gov.au/My-Council/Policies-plans-strategies/Public-reserves-plans>

*Collingwood Beach Vegetation Two-year Trial Action Plan* was only adopted by Council after five years of planning, reporting & reviewing, obtaining legal advice, completing community engagement and facilitating a way forward having regard to divergent community views. During this extensive process, all necessary matters have been considered and incorporated into the Action Plan.

The aim of this Action Plan is to achieve a positive outcome in terms of both protecting the health and resilience of the dune system whilst meeting the desires and expectations of the community and other key stakeholders.

### Council Operational Plans and Procedures

Council is already committed to protecting and managing our coastal dunes in a logical and professional manner through the implementation of our current operational plans and procedures. Many factors are considered in the management of this natural environment, including those specifically raised in the resolution. Further detail for each of the five points from the resolution is provided below.

**MIN19.501 Points 1 and 2 – reducing damage to public infrastructure & private property and fire & fall hazard**

Across the functional areas of Council, consideration is given to avoiding potential risk to public infrastructure and private property, as well as bushfire risk when managing vegetation in coastal dunes.

*City Design Unit*

The City Design Unit clearly indicate on all planting plans provided to internal clients in Council, the width of the fully mature canopy of trees and shrubs. This indicates the impact such plantings will have on infrastructure when mature. This also allows for the appropriate quantity and spacing of planting.

The inclusion of endemic species in plantings is critical to ensure the continued health of our local ecosystems and natural areas, particularly in dunal areas. Consideration to the width of a mature canopy, as well as planting density and location assists in mitigating potential bushfire risk.

Each tree species has a different response to branch and limb drop. Species selection in planting plans are considerate of this factor.

*Parks & Facilities Unit*

In relation to tree planting on road reserves and parks throughout the Shoalhaven, including those located on coastal dunes, prior to planting, full consideration is given to the maximum height and width that a tree will reach at maturity. Qualified staff carefully consider tree species and suitable locations when coordinating planting on public land. Trees are selected from suitably qualified nurseries that grow to Australian Standards. Where considered necessary, root barriers or root directors are used at the time of planting to manage tree roots.

Council employs two qualified tree inspection staff to assess vegetation on public land on a reactive basis. Vegetation overhanging or impacting infrastructure and users of infrastructure, such as pedestrians and cyclists using a shared pathway, are considered as part of a risk assessment to guide pruning or removal when necessary. Additional resources would be required to proactively assess every tree in proximity to properties on public land throughout the Shoalhaven.

*Property Unit*

The Property Unit complete a Review of Environmental Factors (REFs) for maintenance and upgrades to Council assets. Consideration is given to planting low-growing species where appropriate. Vegetation removal is recommended where required – for example to obtain access to and within stormwater drains. The planting of low-growing species has been recommended along roads, with the height of vegetation increasing as one moves back from a road to minimise risk to the public asset and to ensure community safety.

Vegetation is not planted where it may damage infrastructure. Planting of endemic species is preferred to enhance the health of our native ecosystem, but planting is completed in a structurally suitable manner and in suitable locations – for example to ensure the maintenance of any asset protection zones (APZs).

*Natural Resources & Floodplain Unit*

In accordance with section 4 of the Bushcare/Parkcare Policy, no planting occurs unless it is completed in accordance with an approved Bushcare Action Plan. Such plans include

species lists for planting. Each plan is reviewed internally by Council and externally by State Government Agencies. Community engagement and adoption by Council is required.

In accordance with the Bush Fire Environmental Assessment Code, clearing of coastal dune vegetation for bushfire purposes cannot occur within 100 metres of the mean high water mark, except where works involve only the manual removal of noxious or environmental weeds.

Conditions are placed on development consents to ensure the adequate protection of infrastructure, private property and APZ's.

### **MIN19.501 Point 3 – planting in accreting and eroding dunes**

The Department of Planning, Industry & Environment (Coast & Estuaries) provided the advice below that Council follows in operational procedures described above, such as bushcare/dunecare action plans:

*Beaches and dunes go through short term cycles of erosion and accretion, with coastal storms eroding sand from dunes and transporting it off shore and then sand gradually being brought onshore between storms. There may also be a longer term trend of shoreline recession or accretion based on underlying factors such as sediment deficits/gain or sea level rise. Council's Shoalhaven Coastal Hazard Mapping Review (Advisian 2016) has assessed whether several Shoalhaven beaches are undergoing long term recession.*

*The Coastal Dune Management Manual does not specifically mention different plantings for eroding or accreting dune conditions. While the Manual provides sound generic advice, professional judgement on a site by site basis is still needed to determine what is best to plant and where to plant. For example, you would not look at planting anything into an actively eroding dune scarp, but it may be appropriate to plant landward of a scarp once the beach recovers after a storm. In addition, after a storm it may be appropriate to reprofile an eroded dune using beach scraping to create a stable dune profile and then stabilise this with pioneer species.*

*Irrespective of whether a dune has a long term trend of recession or not, it is still important to try and maintain a stable dune system with a variety of dune species. If the beach has a long term trend of recession, it still may be appropriate to use both secondary or tertiary species if planting in a more stable area of the dune system (such as the foredune or further landward) for example to increase ground cover and diversity, replace weeds and increase dune resilience.*

Reference: DLWC (2001) Coastal Dune Management: A Manual of Coastal Dune Management and Rehabilitation Techniques, Coastal Unit, NSW Department of Land and Water Conservation, Newcastle.

### **MIN19.501 Point 4 – planting in hind dunes**

The Department of Planning, Industry & Environment (Coast & Estuaries) provided the advice below that Council follows in operational procedures:

*The NSW Coastal Dune Management Manual provides an example diagram of vegetation zones on a typical NSW dune, with grasses at the seaward side, then shrubs, and trees further inland. The diagram cannot cover all situations and is a guide only to common open coast beaches. Dune structures and plant zones vary greatly along the NSW coast as plant species are affected by a range of factors. For example, beaches in Jervis Bay are more sheltered than a typical exposed beach on the open coast and in general, tall trees are present closer to the shore than at more exposed beaches. In addition, as beaches and dunes are a dynamic system undergoing erosion*



*and accretion, not all vegetation zones will always be present and there is no set width of these zones.*

*Dune restoration and rehabilitation projects generally aim to replicate what would have naturally occurred at the site prior to disturbance. The diagram and species lists in the Manual provide a generic guide but consideration would also be given to geographical area, degree of exposure (open coast versus embayment), plant succession and development backing the dunes. It may be helpful to refer to old photographs from before the site was degraded (if available) or nearby undisturbed dunes that provide an indication of what a healthy dune system would like and what species exist over the dune profile, including seaward of a similar point to where hind dunes have been cleared for development. A south coast specific guide to restoration of coastal foredune scrub was prepared by University of Wollongong (French 2010) and provides extensive species lists.*

Reference: French, K (2010) A framework to guide ecological restoration: Coastal Foredune Scrub and Temperate Littoral Rainforest. South Coast of NSW. University of Wollongong, Wollongong.

#### **MIN19.501 Point 5 – residents to fund private contractors**

There is already provision in *Council's Tree Management Policy – Public Land* for residents to fund works on trees where the safe, useful life expectancy of the tree has been reduced.

#### **MIN19.501 Point 6 – community encouraged to report incidents covered in points 1-5**

Community engagement is completed in the development of Council policy and action plans regarding protection of private property and injury risk.

The community is encouraged to raise incidents raised in the Notice of Motion through this process. Community reporting is also encouraged through Council's website and social media. Council receives requests for action in relation to these matters which are recorded in Council's complaint management system (MERIT) and/or Council's record management system then referred to the relevant team in Council to action.

In accordance with the Rural Fires Act, 1997, all enquiries regarding potential bushfire hazards are referred to the Rural Fire Service. Residents and property owners are encouraged to contact the Rural Fire Service directly to request an inspection of existing vegetation on public land if they have concerns about fire mitigation.

#### **Community Engagement**

No change to current policies and plans is being recommended, so further community engagement relating to policy change is not required at this time.

#### **Policy Implications**

There are no policy implications as current policies and plans are already adopted by Council. Any changes to existing practices may require amendments to these policies.

#### **Financial Implications**

No financial implications as the items raised are already being addressed through current operational plans and procedures.

**Risk Implications**

Nil. From the review of Council current operational plans and procedures it appears that Council is already addressing the intent of and points raised in the Notice of Motion.

## SA19.190 Independent Pricing & Regulatory Tribunal (IPART) - Compliance & Enforcement

**HPERM Ref:** D19/334068

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

**Attachments:** 1. Comments to IPART list of recommendations and Findings - Compliance & Enforcement [↓](#)

### 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 Local Government compliance and enforcement and, thereby, inform the NSW Government's response to the Report recommendations.

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

That Council endorse the draft feedback on the recommendations made by IPART as presented in Attachment 1 of this report, and submit to the Office of Local Government.

### Background

The IPART final report on the Review of Local Government compliance and enforcement was completed in October 2014. The report acknowledged that local government compliance and enforcement responsibilities are extensive and diverse and include the following:

- Planning: development controls, development consents, certification of complying developments and change of use approvals.
- Building and construction: certification and compliance with building standards and fire safety requirements.
- Environmental protection: native vegetation, noxious weeds, waste management, noise control, coastal protection, underground petroleum storage systems, stormwater drainage, sewage and grey water systems, contaminated land and solid fuel heaters.
- Public health and safety: food safety, mobile food vendors, skin penetration businesses, cooling towers, warm water systems and swimming pools.
- Parking and transport: road openings and closures, structures in or over roadways or footways, traffic management plans and controls, public car parks and road access.
- Companion animals' management: registration of dogs and cats, dangerous dogs and surrendered animals.
- Liquor & restaurants: controls on licensed premises and restaurants on footpaths.
- Public areas & issues: graffiti, hoardings, signs, waste bins, protection of public places, busking, street theatre, parks and playgrounds, public events, trees and filming.
- Other activities: hairdressers, beauty salons, mortuaries, backpacker accommodation, boarding houses, camping grounds and caravan parks.

The focus of the review was on how local government implements and enforces regulations. It also considered the design or provision of regulations to the extent that they impede efficient and effective implementation and enforcement practices.

The report had 42 recommendations. In general, the recommendations reflect the view that significant gains (including reduced red tape and improved outcomes for business and the community) can be achieved through enhanced:

- interaction and coordination between State agencies and local councils; both at the regulatory development phase and 'on-the-ground' implementation.
- council regulatory capacity and capability; through reduced delays, more consistency across and within councils, less prescriptive and overly conservative decisions and approaches.
- collaboration between councils to maximise economies of scale, improve consistency where appropriate and share expertise.
- sharing of ideas and leading practices amongst councils to also maximise the benefits of separate councils.

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 5 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 15 November 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.

## Attachment 1 - List of recommendations and findings

Recommendation	Comment
<b>A new partnership between State and local Government</b>	
<p>1. Subject to cost benefit analysis, the NSW Department of Planning and Environment should engage in a Partnership Model with local government, similar to the Food Regulation Partnership, to enhance the capacity and capability of councils to undertake their regulatory functions. This should include:</p> <ul style="list-style-type: none"> <li>– enshrining the partnership model in legislation</li> <li>– clear delineation of regulatory roles and responsibilities</li> <li>– risk-based approach to regulation supported by a compliance and enforcement policy</li> <li>– use and publication of reported data to assess and assist council performance</li> <li>– dedicated consultation forum for strategic collaboration with councils</li> <li>– ability for councils to recover their efficient regulatory costs</li> <li>– system of periodic review and assessment of the partnership agreement</li> <li>– dedicated local government unit to provide: <ul style="list-style-type: none"> <li>• council hotline to provide support and assistance</li> <li>• password-protected local government online portal</li> <li>• guidelines, advice and protocols</li> <li>• standardised compliance tools (e.g. forms and templates)</li> </ul> </li> </ul>	<p>Supported</p> <p>A system that supports the sharing of information and resources will greatly improve efficiencies across all Councils.</p> <p>SCC also has a seasonal component to its regulatory functions and being able to fill these voids during peak holiday periods would be greatly welcomed.</p>

Recommendation	Comment
<ul style="list-style-type: none"> <li>coordinated meetings, workshops and training with councils and other stakeholders.</li> </ul>	
2. Subject to cost benefit analysis, the NSW Environment Protection Authority should engage in a Partnership Model with local government, similar to the Food Regulation Partnership (as per Recommendation 1).	<p>Supported</p> <p>SCC already works in with the EPA but found the sharing of information is not always available. A system that supports better collaboration would be welcomed.</p>
3. State agencies administering legislation with regulatory responsibilities for local government, such as the NSW Ministry of Health, NSW Office of Liquor, Gaming and Racing, Office of Local Government, and Roads and Maritime Services, should adopt relevant elements of the Partnership Model.	Supported
<b>Improving the regulatory framework at the state level</b>	
<p>4. The Department of Premier and Cabinet should revise the NSW Guide to Better Regulation (November 2009) to include requirements for developing regulations involving regulatory or other responsibilities for local government, in particular:</p> <ul style="list-style-type: none"> <li>– consideration of whether a regulatory proposal involves responsibilities for local government</li> <li>– clear identification and delineation of State and local government responsibilities</li> <li>– consideration of the costs and benefits of regulatory options on local government</li> <li>– assessment of the capacity and capability of local government to administer and implement the proposed responsibilities, including consideration of adequate cost recovery mechanisms for local government</li> </ul>	<p>Supported</p> <p>This recommendation is supported but there needs to be an understanding on the resources required to complete the many regulatory functions. Our communities are becoming more demanding on compliance and the importance of a “user pays” system needs to be enshrined to allow Council to recover its costs.</p> <p>This should not be misconstrued that the penalties need to be increased. Rather, the time costs for non-compliance with the orders is the main concern.</p>

Recommendation	Comment
<ul style="list-style-type: none"> <li>– collaboration with local government to inform development of the regulatory proposal</li> <li>– if establishing a jointly provided service or function, agreement with local government as to the objectives, design, standards and shared funding arrangements</li> <li>– development of an implementation and compliance plan.</li> </ul>	
<p>5. The NSW Government should establish better regulation principles with a statutory basis. This would require:</p> <ul style="list-style-type: none"> <li>– amendment of the Subordinate Legislation Act 1989 (NSW) or new legislation</li> <li>– giving statutory force to the NSW Guide to Better Regulation (November 2009) and enshrining principles in legislation.</li> </ul>	Supported
<p>6. The NSW Government should maintain the register of local government regulatory functions (currently available on IPART's website) to:</p> <ul style="list-style-type: none"> <li>– manage the volume of regulation delegating regulatory responsibilities to local government</li> <li>– be used by State agencies in the policy development of regulations to avoid creating duplications or overlaps with new or amended functions or powers.</li> </ul>	Supported
<p>7. The Department of Premier and Cabinet should:</p> <ul style="list-style-type: none"> <li>– Develop a Regulators' Code for local government, similar to the one currently in operation in the UK, to guide local government in undertaking enforcement activities. This should be undertaken in consultation with the NSW Ombudsman and State and local government regulators.</li> </ul>	<p>Supported</p> <p>A new code that offers assistance and consistency across NSW would be welcomed. Providing case studies to this document would assist in problem solving of typical and potentially complex compliance issues.</p> <p>There should also be training courses developed by recognised training organisations on how to undertake investigations, collect</p>

Recommendation	Comment
<ul style="list-style-type: none"> <li>– Include local government regulators in the Department of Premier and Cabinet's regulators group.</li> <li>– Develop simplified cost benefit analysis guidance material or a resource kit for local government to undertake proportional assessments of the costs and benefits of regulatory actions or policies, including consideration of alternatives.</li> <li>– Develop simplified guidance for the development of local government policies and statutory instruments, and on risk-based compliance.</li> </ul>	<p>evidence, prepare briefs, negotiate outcomes, etc. This is becoming a specialised field and formal qualifications in this area are needed.</p>
<p>8. The NSW Ombudsman should be given a statutory responsibility to develop and maintain a more detailed model enforcement policy and updated guidelines for use by councils to guide on-the ground enforcement:</p> <ul style="list-style-type: none"> <li>– The model policy should be developed in collaboration with State and local government regulators.</li> <li>– The model policy should be consistent with the proposed Regulators' Code, if adopted.</li> <li>– The NSW Ombudsman should assist councils to implement the model enforcement policy and guidelines, through fee-based training. 108</li> </ul> <p>All councils should adopt the new model enforcement policy, make the policy publicly available and train compliance staff in exercising discretion and implementation of the policy.</p>	<p>Supported</p> <p>SCC has adopted an Enforcement Policy based on the NSW Ombudsman model.</p> <p>Consistency throughout the State will allow for better collaboration between Councils and standardise the approach taken in the enforcement field.</p>
<p>9. The Local Government Act 1993 (NSW) should be amended to abolish Local Orders Policies (LOPs), as the function of LOPs will be replaced by adoption of the new model enforcement policy.</p>	<p>Not supported</p> <p>The Local Orders Policy provides for some flexibility in the approvals system and takes into account local issues.</p>



Recommendation	Comment
<p>10. The NSW Government should publish and distribute guidance material for:</p> <ul style="list-style-type: none"> <li>– councils in setting their regulatory fees and charges (to apply to fees and charges, where councils have discretion)</li> <li>– State agencies in setting councils' regulatory fees and charges.</li> </ul> <p>This guidance material should include principles and methodologies for estimating efficient costs, setting fees and charges and reviewing and updating these fees and charges over time. The guidance material should also include ways to address affordability issues through hardship provisions, if required.</p>	<p>Supported</p> <p>SCC has already developed its own fees and charges for administration costs for undertaking regulatory action and these are reviewed annually.</p> <p>This guidance material would assist in benchmarking the approach taken and it will be a benefit for other Councils who have not yet set fees.</p>
<b>Enhancing regulatory collaboration amongst councils</b>	
<p>11. The Local Government Act 1993 (NSW) should be amended to remove any impediments to, or facilitate the easier use of, shared regulatory services. In particular, consideration should be given to:</p> <ul style="list-style-type: none"> <li>– removing or amending section 379 – which currently restricts the delegation of a council's regulatory functions under Chapter 7 of the Local Government Act, including to shared services bodies</li> <li>– amending section 377, which prohibits any delegation by a council of the acceptance of tenders.</li> </ul> <p>Whichever forms of council collaboration are used in future, consideration should be given to whether the Act should specify how and in what form the collaborative arrangements should be established (including whether management frameworks should be prescribed).</p>	<p>Supported</p>

Recommendation	Comment
<p>12. The NSW Government should encourage and develop incentives to form collaborative arrangements in relation to regulatory functions. This should include training, guidance and promotion of leading practice collaborative arrangements, and the availability of repayable funding arrangements to assist in setting up shared regulatory services. Councils could obtain a loan with a concessional rate of interest that is repayable within a specified period. This should tend to be cost neutral over time, as cost savings to councils would be achieved from the collaborative arrangements.</p>	<p>Supported</p> <p>This is unlikely to have an impact on SCC as our Compliance Teams are set and working well. It will be a benefit for Councils yet to set up Compliance Teams.</p>
<p><b>Improving the regulatory framework at the local level</b></p>	
<p>13. The Local Government Act 1993 (NSW) should be reviewed and amended in consultation with councils to:</p> <ul style="list-style-type: none"> <li>– remove duplication between approvals under the Local Government Act 1993 (NSW) and other Acts, including the Environmental Planning &amp; Assessment Act 1979 (NSW) and Roads Act 1993 (NSW) in terms of: footpath restaurants; installation of amusement devices; installation and operation of manufactured homes on private land; stormwater drainage approvals</li> <li>– allow for longer duration and automatic renewal of approvals</li> <li>– provide more standard exemptions or minimum requirements from section 68 approvals, where possible, in areas such as: footpath restaurants; A-frames or sandwich boards; skip bins; domestic oil or solid fuel heaters; busking; set up, operation or use of a loudspeaker or sound amplifying device and deliver a public address or hold a religious service or public meeting.</li> </ul>	<p>Supported</p>

Recommendation	Comment
14. The Local Government Act 1993 (NSW) should be amended to enable councils to recognise section 68 approvals issued by another council (i.e. mutual recognition of section 68 approvals), subject to published local requirements, for example with mobile food vendors and skip bins. Councils should be able to recover the costs of compliance associated with approvals granted by another council.	Supported  This recognises itinerant food vendors and temporary food stall approvals across all LGAs. This will cut red tape and duplication of resources across Council boundaries.
15. The Local Government Act 1993 (NSW) should be amended to abolish Local Approvals Policies (LAPs) or, alternatively: reduce the consultation period to 28 days in line with Development Control Plans; remove sunset clauses; require Ministerial approval only for amendments of substance; centralise LAPs in alphabetical order in one location on the Office of Local Government's (OLG) website; consolidate activities within one LAP per council; and OLG to provide a model LAP in consultation with councils.	Not supported  This is not supported unless exemptions or clear direction is given by the State Government on providing an alternative ability to exempt requirements for approvals or to allow clear requirements for approvals.  A good example is solid fuel heaters where Council uses the Local Approvals Policy (LAP) to require all heater installations to comply with the latest emission requirements (as per Australian Standards). This phases out the installation of older, less efficient heaters whereas the current legislation only requires that when heaters are <b>sold</b> they meet these emission requirements.
16. The NSW Government, as part of its reforms of the Local Government Act 1993 (NSW), should amend the Act to provide a modern, consolidated, effective suite of compliance and enforcement powers and sanctions for councils and council enforcement officers.  The powers would be applicable to all new State Acts or regulations. This suite should be based on the best of existing provisions in other legislation and developed in consultation with the NSW Ombudsman, Department of Premier and Cabinet, State and local government regulators. This should include	Supported

Recommendation	Comment
effective cost recovery mechanisms to fund enforcement activities.	
17. Councils should support the use of alternative and internal review mechanisms (for example, the NSW Ombudsman, Office of the NSW Small Business Commissioner, and private providers of alternative dispute resolution services) to provide business and the community with a path of redress for complaints (not including complaints concerning penalty notices) that is less time-consuming and costly than more formal appeal options.	Supported. There needs to be consideration given to vexatious litigants and their implications on Councils resources.
<b>Improving regulatory outcomes</b>	
<p>18. As part of the State's Quality Regulatory Services initiative, the NSW Government should require all State agencies that devolve regulatory responsibilities to local government to:</p> <ul style="list-style-type: none"> <li>– consider councils' responsibilities in developing their risk-based approach to compliance and enforcement</li> <li>– consider councils' responsibilities in defining the regulatory outcomes and setting monitoring mechanisms to measure the outcomes, and</li> <li>– identify what information needs to be obtained from councils in relation to their regulatory activities to measure regulatory outcomes and how this data will be used or published to assess and assist council performance.</li> </ul> <p>These requirements should be developed in consultation with local government regulators and commence by the end of 2015.</p>	Supported
<b>Planning</b>	

Recommendation	Comment
<p>19. The Department of Planning and Environment, in consultation with key stakeholders and on consideration of existing approaches, should:</p> <ul style="list-style-type: none"> <li>– identify which development consent conditions may be applied across council areas, including regional groupings of councils, and which conditions will vary across council areas</li> <li>– then develop (where appropriate) a standardised and consolidated set of development consent conditions for councils to use for different forms of development.</li> </ul>	<p>Supported in principle.</p> <p>Consultation with individual Councils is required</p> <p>This will need to be flexible to enable site specific restraints to be conditioned appropriately. The majority of Development Consent conditions could be standardised and this will be a huge benefit to reaching consistency across Councils.</p>
<b>Building &amp; Construction</b>	
<p>20. The NSW Government should:</p> <ul style="list-style-type: none"> <li>– subject to a cost benefit analysis, create a stronger, single State regulator, the Building Authority, containing, at a minimum, the roles of the Building Professionals Board, the building regulation expertise of the Department of Planning and Environment and the building trades regulation aspects of NSW Fair Trading, and</li> <li>– create a more robust, coordinated framework for interacting with councils through instituting a 'Partnership Model' (as discussed in Chapter 2).</li> </ul>	<p>Supported</p> <p>The one-stop-shop model would be beneficial. To an extent this has already started with the BPB moving to the Department of Fair Trading.</p>
<p>21. The Building Professionals Board or Building Authority (if adopted) should:</p> <ul style="list-style-type: none"> <li>– initially, modify its register of accredited certifiers to link directly with its register of disciplinary action</li> <li>– in the longer term, create a single register that enables consumers to check a certifier's accreditation and whether</li> </ul>	<p>Supported</p> <p>This has already commenced with the disciplinary actions being published on the web-site. This is accessible to the public.</p>

Recommendation	Comment
the certifier has had any disciplinary action taken against them at the same time.	
22. NSW Fair Trading, in its consumer building guide or other appropriate material, and the Building Professionals Board, in its mandatory contracts between certifiers and clients or other appropriate material, should refer consumers of building services to the Building Professionals Board's register of accredited certifiers and register of disciplinary action.	Supported Already commenced
23. Councils seeking to impose conditions of consent above that of the National Construction Code must conduct a cost benefit analysis justifying the benefits of these additional requirements and seek approval from an independent body, such as IPART, under a 'gateway' model.	Supported in principle.  Further consultation will be required with Councils to determine the reason why conditions of consent are imposed above that of the NCC. There may be exceptional circumstances that warrant this to occur and the system needs to be flexible to permit it.
24. Certifiers should be required to inform councils of builders' breaches if they are not addressed to the certifier's satisfaction by the builder within a fixed time period. Where councils have been notified: <ul style="list-style-type: none"> <li>– if the breach relates to the National Construction Code (NCC), the council should be required to respond to the certifier in writing within a set period of time</li> <li>– if the breach is not related to the NCC, the council should be required to respond to the certifier in writing within a set period of time, and if they do not respond within the specified period, then the certifier can proceed to issue an occupation certificate.</li> </ul>	Supported in part  The first point is supported, subject to consultation being required with Council prior to implementation. Reasonable timeframes and resources will need to be provided to Councils to perform this task.  The second point appears to be giving the certifier an avenue to issue an occupation certificate for breaches of development consent conditions. Clear guidelines will need to be created to ensure this avenue is not abused by developers and certifiers. Consultation will be required with Council prior to implementation. Reasonable timeframes and resources need to be provided if Councils are to perform this function.  Consideration also needs to be given to community consultation on some development consent breaches. It may not be a simple case of Council having 30 days to respond.

Recommendation	Comment
<p>25. The Building Professionals Board (BPB) or Building Authority (if adopted) should incorporate into the current Principal Certifying Authority signage information setting out contact details for specific complaints (e.g. off-site impacts like building refuse or run-off and onsite issues). The BPB or Building Authority should trial the use of such a sign in a specific local government area to see if time is reduced in redirecting complaints for councils, the BPB/Authority and certifiers.</p>	<p>Supported.</p>
<p>26. The NSW Government (e.g. the Department of Planning and Environment) should enable building owners to submit Annual Fire Safety Statements online for access by councils and the Commissioner of the Fire and Rescue Service.</p>	<p>Supported but it needs to be expanded</p> <p>The one-stop-shop will standardise this process throughout NSW and it is a good move. Something similar to the Swimming Pool register would be ideal. It also needs to be expanded to allow some public access. For example, it would assist prospective purchasers in obtaining some base level details.</p> <p>Like the swimming pool register when it was implemented, there needs to be a change in the legislation to have <u>all buildings</u> placed on the register without the need for Council to undertake an inspection and issue an order. This includes boarding houses, guest houses, air B&amp;B, Farm stays, multilevel residential premises, offices, shops, warehouses, factories, public buildings, etc.</p> <p>The current system of applying only to buildings altered and built since 01/07/1988 or the issue of a fire safety order is too slow and it is having an impact on Council resources. Councils simply cannot get to them and there is going to be an issue with a fire in a building that does not have the installed essential services maintained. Giving the owners of premises a 6-12 month time period to have a fire safety schedule set for their building would be ideal.</p> <p>The register could then be used to send out reminders to owners of premises to submit the annual statements and not rely upon Councils to carry out this function. Only those premises that fail to submit the</p>

Recommendation	Comment
	<p>statement within a set time, need to be followed up by Council or Fire and Rescue NSW. Only these premises would trigger a fee for service or potential fine. Every owner doing the right thing and within time would be able to upload their annual fire safety statement <u>free of charge</u>.</p> <p>Councils and Fire and Rescue NSW can then use the State register to set their fire safety audit programmes targeting high risk buildings. Complaints could also be lodged directly to the register and both Councils and Fire and Rescue can complete the inspection and upload the reports, Notices of Intention and Orders to the register (Note:- restricted access to only the relevant Council and Fire and Rescue NSW). The completion of works can also be added to the register.</p> <p>This transparent system will alert prospective owners of any potential issues before they settle on the purchase of premises.</p> <p>SCC would be pleased to work with the State Government in developing this state based register system.</p>
<b>Public health, safety and the environment</b>	
27. All councils should adopt the NSW Food Authority's guidelines on mobile food vendors. This will allow for food safety inspections to be conducted in a mobile food vendor's 'home jurisdiction', which will be taken into account by other councils when considering if inspection is warranted.	Supported
28. The NSW Food Authority, in consultation with councils, should provide guidance on reducing the frequency of routine inspections by councils of retail food businesses with a strong record of compliance to reduce over-inspection and costs.	<p>Not supported</p> <p>This already exists within Local Government. Food premises with a good track record (consistent 5 star rating) are reduced to lower risk and subsequently a less frequent inspection regime.</p>



Recommendation	Comment
<p>29. The NSW Food Authority should finalise its internal review and work with councils to implement its reforms within 18 months of its review being completed to:</p> <ul style="list-style-type: none"> <li>– remove any regulatory overlap (e.g. of related retail and non-retail food business on the same premises)</li> <li>– develop a system of notification for all food businesses that avoids the need for businesses to notify both councils and the Food Authority</li> <li>– review the notification system to determine whether negligible risk food businesses should be exempt from the requirement to notify</li> <li>– ensure the introduction of a standard inspections template for use by all councils in NSW, to enhance the consistency of inspections across the State.</li> </ul>	<p>Supported</p> <p>This has already occurred. A blueprint was developed to outline the responsibilities of Local Government v's NSW Food Authority.</p>
<p>30. The Office of Local Government should:</p> <ul style="list-style-type: none"> <li>– develop a 'model' risk-based inspections program to assist councils in developing their own programs under the Swimming Pools Act 1992 (NSW)</li> <li>– promote and assist councils to use shared services or 'flying squads' for swimming pool inspections, if a backlog becomes apparent under the new regulatory regime</li> <li>– review the Swimming Pools Act 1992 (NSW) within five years from commencement of the amendments to determine whether the benefits of the legislative changes clearly outweigh the costs</li> <li>– review councils' regulatory performance and inspection fees prescribed by the Swimming Pools Regulation 2008 (NSW),</li> </ul>	<p>Supported</p> <p>A lot of these recommendations are already in place and working. Those items not yet in place are supported.</p>

Recommendation	Comment
<p>including whether inspection fees recover councils' efficient costs</p> <ul style="list-style-type: none"> <li>– undertake regular reviews of its guidance material for councils and pool owners to ensure this material is current, reflects best practice, and that it incorporates learning from implementation of amendments to the Swimming Pools Act 1992 (NSW).</li> </ul>	
<p>31. NSW Fair Trading should undertake regular reviews of the boarding house guidance material for councils and boarding house operators to ensure this material is current, reflects best practice, and that it incorporates learnings from implementation of the Boarding Houses Act 2012 (NSW).</p>	<p>Supported.</p> <p>The boarding house register should send Councils an alert when a new boarding house is added to the register. Property owners should be required to demonstrate an approval is in place prior to registering their property as a boarding house.</p> <p>The Boarding house would also be linked to the Fire Safety register as indicated in item 26 above.</p>
<p>32. The Department of Planning and Environment, in consultation with the NSW Environment Protection Authority and other relevant stakeholders, should:</p> <ul style="list-style-type: none"> <li>– develop standard waste management requirements for inclusion in the NSW Housing and NSW Industrial and Commercial Codes, which establishes site waste management standards and requirements for exempt and complying development, and</li> <li>– remove the need for applicants to submit separate Waste Management Plans to councils for complying developments.</li> </ul>	<p>Supported</p>
<b>Parking and road transport</b>	
<p>33. Councils should either:</p>	<p>Supported</p>

Recommendation	Comment
<ul style="list-style-type: none"> <li>– solely use the State Debt Recovery Office (SDRO) to handle parking fine requests for review or appeals to remove current confusion, duplication and reduce costs, or</li> <li>– adopt the SDRO's guide for handling representations where a council is using SDRO's basic service package and retain the role of handling parking fine requests for review or appeals, to ensure consistency and fairness across the state.</li> </ul>	<p>SCC is a "premium" member with Revenue NSW and there are a high number of parking related reviews undertaken by them on our behalf. This is an excellent service and we would commend it to other Councils.</p>
<p>34. The Office of Local Government should review and, where necessary update, its free parking area agreement guidelines (including model agreements) for use in agreements with private companies, State agencies and owners corporations. Councils should then have a free parking area agreement in place consistent with these guidelines.</p>	<p>Supported</p> <p>SCC already has agreements in place with a number of owners and we regularly monitor their carparking areas to ensure the turnover of spaces.</p> <p>Having a standardised agreement throughout the state would be of assistance to everyone.</p>
<p>35. That the NSW Government:</p> <ul style="list-style-type: none"> <li>– notes the potential red tape savings and net benefits that could accrue to NSW through the National Heavy Vehicle Regulator (NHVR) providing technical assistance to councils in certifying local roads for access by heavy vehicles and engineering assessments of infrastructure; and</li> <li>– in the event of delay in the NHVR providing these elements of the national reforms, funds an interim unit to provide this assistance to local government.</li> </ul>	<p>Supported.</p> <p>Knowledge of the NHVR would greatly assist SCC on the delivery of safety benefits for heavy vehicle industry and road users.</p>
<b>Companion animals' management</b>	
<p>36. The Office of Local Government should allow for an optional one-step registration process, whereby:</p>	<p>Supported.</p>

Recommendation	Comment
<ul style="list-style-type: none"> <li>– the owner could microchip and register their pet at the same time</li> <li>– the person completing the microchipping would act as a registration agent for councils either by providing access to online facilities (per recommendation below) or passing the registration onto councils (on an opt-in, fee-for-service basis).</li> </ul>	<p>A one-stop-shop for the registration process will also eliminate confusion around microchipping and lifetime registration.</p>
<p>37. The Office of Local Government should allow for online companion animals registration (including provision to change owner address and contact details online for animals that are not under declaration).</p>	<p>Supported in principle.</p> <p>Issues may arise with ownership when there is a dispute between parties. Should those parties be able to go online and update their details?</p> <p>Support online access to update address and contact details only.</p>
<p>38. The Office of Local Government should implement targeted, responsible pet ownership campaigns with councils in particular locations/communities of concern with the input of industry experts, providing accessible facilities for desexing where these campaigns are rolled out.</p>	<p>Supported.</p> <p>SCC run a monthly “Chip and Snip” day at the Shoalhaven Animal Shelter every second Sunday of each month. This service provides assistance with the Microchipping of animals and discounted desexing Vouchers are given out to animal owners.</p> <p>Shoalhaven Animal Shelter also promotes National Desexing month in conjunction with local Veterinary Clinics who provide discounted desexing. The goal is to end pet overpopulation by making desexing available and more affordable to pet owners who need it most.</p> <p>SCC would be pleased to participate and support the State Government in developing like programmes.</p>
<p>39. The Office of Local Government should amend the companion animals’ registration form so an owner’s date of birth is mandatorily captured information, as well as other unique</p>	<p>Supported.</p>

Recommendation	Comment
identifiers such as driver's licence number or official photo ID number or Medicare number.	
40. The Office of Local Government should amend the Companion Animals Regulation 2008 (NSW) to enable fees to be periodically indexed by CPI.	Supported in part. Fees should increase by CPI <u>annually</u> .
<b>Other</b>	
41. The NSW Government should amend section 125 of the Roads Act 1993 (NSW) to extend the approval term for footway restaurants to 10 years and councils should ensure that approval conditions enable adequate access by utility providers.	Supported in principle Councils will need to be consulted in this process.
42. Councils should adopt measures to simplify and streamline the approvals process for local community events. This could include: <ul style="list-style-type: none"> <li>– specifying some temporary uses of land as exempt development in local environmental plans, or</li> <li>– issuing longer-term development consents for periods of three to five years for recurrent local community events (subject to lodging minor variations under section 96 of the Environmental Planning and Assessment Act 1979 (NSW)).</li> </ul>	Supported
<b>Findings</b>	
1. The use of portable technology such as iPads by council enforcement officers (e.g. in tree assessments by Sutherland Shire Council) has the potential to cut costs to councils and the public.	Agreed SCC uses I-Auditor and this is an excellent tool for complying with WHS issues, standardising field notes, gathering information (including photographs) and base level reports that feed into the breach reports.

Recommendation	Comment
2. Greater use of existing networks such as the Australasian Environmental Law Enforcement and Regulators Network and Hunter & Central Coast Regional Environmental Management Strategy provide greater resources, consistency of approach and build expertise or capability in undertaking council environmental compliance activities.	SCC already uses I-Auditor for all of these functions.
3. Councils would benefit from the use of the following self-assessment tools: <ul style="list-style-type: none"> <li>– the Hunter &amp; Central Coast Regional Environmental Management Strategy (HCCREMS) Practical Systems Review tool for local government to evaluate the capability and performance of compliance systems</li> <li>– the HCCREMS Electronic Review of Environmental Factors Template to assist councils in undertaking Part 5 assessments under the Environmental Planning &amp; Assessment Act 1979 (NSW) of their own activities</li> <li>– the Smart Compliance Approach, currently used by Newcastle City Council and adapted from the US Environmental Protection Agency, to provide a framework for using performance data to achieve better regulatory outcomes</li> <li>– the NSW Environment Protection Authority's (EPA) online "Illegal Dumping: A Resource for NSW Agencies" tool/guide available through Australasian Environmental Law Enforcement and Regulators network and EPA websites.</li> </ul>	Supported SCC already uses I-Auditor for most of these functions. Others suggested are supported.
4. Publication of more significant individual local government regulatory instruments on a central site, funded by the NSW Government, will allow a stocktake, and facilitate review and assessment of such instruments. These regulatory instruments	Supported The sharing of this information will inform Councils and assist in the development of site specific documents.

Recommendation	Comment
would be formal plans or policies developed by councils under State legislation (e.g. Development Control Plans, Local Approvals Policies and Local Orders Policies).	
5. The use of 'SmartForms' by councils reduces costs to businesses and councils by enabling online submission and payment of applications directly to councils.	Agreed
6. The provision of guidance material to assist businesses in obtaining approvals and complying with regulatory requirements, such as the guidance provided by the Federal Government's Australian Business Licence and Information Service or the Queensland Local Government (www.lgtoolbox.qld.gov.au), can reduce the regulatory burden on businesses and the community.	Agreed This needs to be standardised and each Council can provide a hyperlink to the information.
7. Projects like the Electronic Housing Code provide considerable benefits to businesses and the community by providing a single, consistent, timesaving, online process to obtain an approval.	Agreed
8. The development of central registers (e.g. Companion Animals register) by State agencies that devolve regulatory responsibilities to councils can substantially reduce administrative costs for regulated entities and councils, and assist with more efficient implementation of regulation (e.g. assist with data collection and risk analysis).	Agreed
9. Memoranda of Understanding between State agencies and councils in relation to enforcement and compliance activities (e.g. between local police and local council) facilitate information sharing to achieve better communication, coordination and enforcement outcomes.	Agreed

Recommendation	Comment
10. Councils engaging independent panels or consultants where development applications relate to land owned by local government improves transparency and probity.	Agreed SCC already has a procedure in place for this.
11. Where proponents seek to develop infrastructure on public land owned by the council, providing notice of the relevant leasing or licencing options and conditions likely to be attached to the use of the land (where practical) prior to the requirement for a development application to be submitted could reduce unnecessary costs for proponents.	Agreed
12. Councils can use order powers under the Environmental Planning & Assessment Act 1979 (NSW) (e.g. under section 121O) to allow modifications to developments in appropriate circumstances. This avoids the need for the applicant to obtain additional council approvals or development consents when there are concerns with existing structures (e.g. safety concerns).	Agreed This practice has been in use for many years at SCC.
13. Council policies that identify, prioritise and if possible, fast-track emergency repair works within existing regulatory processes (eg, urgent tree trimming work following a storm or urgent repair works following a flood) would reduce costs.	Agreed This practice has been in use for many years at SCC.
14. Broadening the scope of the Office of Local Government's (OLG) current Promoting Better Practice program would strengthen its assessment of regulatory performance. Greater promotion of OLG's better practice findings amongst all councils would improve regulatory outcomes.	Agreed
15. The establishment of Regional Illegal Dumping Squads helps councils to combat illegal dumping across member council	Agreed



Recommendation	Comment
boundaries using a strategic coordinated approach in partnership with the NSW Environment Protection Authority.	This would support the current RID programme at SCC and it is welcomed.
<p>16. Councils could regulate onsite sewage management systems more efficiently by:</p> <ul style="list-style-type: none"> <li>– implementing risk-based regulation and efficient revenue policies to better manage limited resources</li> <li>– working together regionally to swap knowledge of contractors (e.g. the Septic Tank Action Group) to address issues with variable quality servicing</li> <li>– developing standardised service report templates for services undertaken by contractors to streamline processes and improve consistency of reporting</li> <li>– issuing approvals to install and operate onsite sewage management systems together in one package of approvals to reduce paperwork and administrative costs.</li> </ul>	Agreed

## SA19.191 Readoption of Council's Policy for the Waiving of Development Application Fees and Other Fees

**HPERM Ref:** D19/340725

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

**Attachments:** 1. Waiving of Development Application Fees and Other Fees for Charitable Organisations and Community Groups Policy - September 2019 [↓](#)

### Purpose / Summary

To consider the adoption of the exhibited draft Council Policy for Waiving of Development Application Fees and Other Fees for Charitable Organisations and Community Groups.

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

That Council adopt the exhibited Waiving of Development Application Fees and Other Fees for Charitable Organisations and Community Groups Policy.

### Options

1. Adopt the recommendation.

Implications: The amendments made to this policy will assist with policy implementation and interpretation along with clarifying which non-profit community groups and uses would be exempt from application fees.

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

### Background

The draft Policy was referred to the Strategy and Assets Committee in July where the Committee resolved "That Council place the policy on public exhibition for 28 days in accordance with section 610E (2) of the Local Government Act 1993". (MIN19.489)

### Community Engagement

The draft Policy was placed on public exhibition on Council's website for 28 days and advertised in the South Coast Register. No submissions were received.

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For more information contact the Planning, Environment & Development Group

## WAIVING OF DEVELOPMENT APPLICATION FEES AND OTHER FEES FOR CHARITABLE ORGANISATIONS AND COMMUNITY GROUPS

**Policy Number:** POL19/12 • **Adopted:** 18/02/1997 • **Reaffirmed:** 21/12/2004 • **Amended:** 24/07/2007, 14/04/2009, 20/07/2011, 23/11/2012, 19/09/2014, 19/09/2017, 15/05/2018 • **Minute Number:** MIN97.72, MIN04.1598, MIN07.1041, MIN09.429, MIN12.1280, MIN17.796, MIN18.353 • **File:** 23618E • **Produced By:** Planning, Environment & Development Group • **Review Date:** 1/06/2019

### 1. PURPOSE

This policy exempts certain applicants/ organisations from the payment of some fees such as: Development Applications (DAs) and applications under Section 68 of the *Local Government (LG) Act 1993* (including sewerage management facility, temporary/ mobile food and street stall approvals), subject to certain exemption criteria.

### 2. PROVISIONS

#### 2.1. Exemption criteria

The following exemption criteria apply:

(a) The applicant is a non-profit organisation, such as:

- a registered charity and evidence of registration as a charity has been provided to Council; or
- a local community or sporting group; or
- a Council project of a "community" nature.

(b) The application does not involve any ongoing commercial or business type venture such as an event, nursing home, childcare centre, educational establishment, registered club, etc. whether or not they meet the exemption criteria in clause 2.1(a).

#### 2.2. Waiver threshold for DAs

The sum of all of the fees, excluding prescribed notification and archive fees, for a DA does not exceed \$1,500.

#### 2.3. Payment of fees for DAs

Applicants/ organisations who meet the exemption criteria in clause 2.1 are required to pay upfront any amount above the fee waiver threshold set in clause 2.2. The applicant/ organisation can apply for reimbursement of the amount paid and Council will consider this request on merit in accordance with clause 2.4.

*Shoalhaven City Council - Policy on Waiving of Development Application Fees and Other Fees for Charitable Organisations and Community Groups*

Applicants/ organisations who do not meet the exemption criteria must pay the scheduled fees upon lodgement of an application.

**2.4. Reimbursement of fees for DAs**

If a reimbursement of the fees is sought, a written request outlining the grounds for reimbursement must be submitted. The matter will then be referred to Council's Strategy and Assets Committee for consideration by Council. Any donations by way of whole or partial reimbursement determined by the Council will be paid out of the "unallocated donations" budget or a source identified in Council's resolution.

**2.5. Waiver for applications under S68 of the LG Act 1993**

**2.5.1. Sewage management facility applications**

For sewage management facility applications, applicants/ organisations who meet the exemption criteria in clause 2.1, may seek to waive the fee for such applications.

**2.5.2. Temporary/ mobile food and street stall applications**

For temporary/ mobile food and street stall applications, applicants/ organisations who meet the exemption criteria in clause 2.1, do not need to pay an application fee at the time of lodging such applications.

**3. IMPLEMENTATION**

The Planning, Environment and Development Group (PE&D) administers this policy.

**4. REVIEW**

This policy statement will be reviewed annually by the PE&D Group as part of the overall annual review of Council's Delivery Program and Operational Plan.

**5. APPLICATION OF ESD PRINCIPLES**

None Applicable.

## **SA19.192 NoM - Update - Penguin Head Viewing Platforms - Pathway Maintenance and Upgrade**

**HPERM Ref:** D19/368412

**Section:** Environmental Services

**Approver:** Phil Costello, Director Planning Environment & Development Group

**Attachments:** 1. Geotechnical Report - Penguin Head Viewing Platforms (under separate cover) ➡

### **Reason for Report**

Provide Council with an update on the progress of works at Penguin Head lookout area, as resolved by Council on 25 July 2019 (MIN19.414).

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

That Council:

1. Receive the report on the progress of works at Penguin Head lookout area for information; and
2. Endorse staff to seek designs and costing for the following works and report these back to Council along with any additional funding request;
  - a. upgrading the three viewing platforms, in accordance with the geotechnical advice received; and
  - b. options for the re-location of the picnic table.

### **Options**

1. As per recommendation

Implications: Council will be able to make an informed decision on future management options of the viewing platforms. Given the geotechnical advice received to date on the unstable nature of the site, age of infrastructure and complex assets in place; public safety and potentially high costs, need to be considered.

2. An alternative resolution

Implications: Depends on the resolution.

### **Background**

On 25 July 2019, Council resolved:

*That in respect of the Penguins Head Reserve lookout pathway, Council:*

1. Undertake general maintenance (tree trimming, replacement of rotten timber, moving picnic table)
2. Undertake general maintenance on the other two viewing platforms at this location. (tree trimming, painting, new gravel)
3. The project be listed for funding consideration as a high priority at the September Quarterly Budget Review.

**SA19.192**

In accordance with the resolution, Council staff have completed the following actions:

### Parts 1 & 2 – General Maintenance

Undertaken general maintenance including tree trimming and replacement of rotten fence timber and wire around the headland. General maintenance has also been completed on the other two viewing platforms at this location, including tree trimming, painting and the addition of new gravel.

At this stage the picnic table has not been moved, as it sits on a raft concrete slab and relocation cost is estimated at around \$2,500. At this time, it is suggested that the location of this asset be considered as part of the overall design and upgrade of the three viewing platforms, so that all public recreational assets at this location are strategically managed.

### Part 3 – Project Funding

The original NoM reported to Council on 25 June 2019 (CL19.153) requested that in addition to the general maintenance identified in Parts 1 & 2 of the resolution, the following work be completed (the Project):

1. Undertake sealing of the Penguin Head Reserve lookout pathway; and
2. Construct a ramp to allow accessible inclusion and access to the lookout.

Prior to the Project being listed for funding consideration, further investigations were required to assess the stability of the cliff face and the current levels of risk. This will in turn determine whether the exiting platform is suitable, and the scope of works required for the site.

Accordingly, a land survey and geotechnical investigation were completed.

The scope for the geotechnical investigation was extended to include all three viewing platforms, in order to comply with Coastal Zone Management Plan (CZMP) Action Number LA2.5:

*“Undertake a geotechnical assessment to assess the impact of potential cliff and slope instability to provide suitable and site-specific Landslide Remediation Management recommendations for the lookout at Penguin Head or consider relocation of this asset where feasible.”*

The geotechnical investigation (Appendix 1) revealed cliff stability issues directly affecting the viewing platforms. The sub-base is showing signs of slow failure, with the potential for future collapse of the viewing platforms.

The risk analysis provided in the geotechnical advice assessed the likelihood of potential landslides occurring under existing conditions. The results of the risk analysis for four identified hazards are as follows:

- A. Instability of the upper residual clay profile: Possible.
- B. Instability of blocks and wedges from the cliff face: Likely.
- C. Instability of the basal undercut below the southern side of the eastern lookout: Unlikely.
- D. Instability of the colluvial soils below the southern lookout: Possible.

The geotechnical report assessed that levels of risk to property (viewing platforms) for all potential landslide hazards (A, B, C and D) as being at an “acceptable” level (low or very low), in accordance with Australian Geomechanics Society ‘Practice Note Guidelines for Landslide Risk Management’, 2007.

The report also assessed the risk to life from people using the platform above the cliff and people walking under the cliff. This was also considered to be “acceptable”, in accordance with the Practice Note Guidelines for Landslide Risk Management, 2007.

In regard to design consideration for the lookouts, the report recommended the following to reduce the potential impacts on the assets from on-going cliff instability for Hazards A and D above;

1. Lookouts will be supported on footings founded in bedrock;
2. Footings set-back 3.0m landward from the cliff edge for all three lookouts; and
3. Lookouts would need to be designed to cantilever seaward of the 3.0m setback to maintain the current ocean views and would require deeper footings.

It is recommended in the geotechnical report that regardless of the risk being assessed as “acceptable”, prior to any funding being allocated to the upgrade of the pathway and construction of a ramp to the central viewing platform, an engineering design and full costings for the viewing platforms be undertaken, and be informed by the geotechnical advice received.

### **Financial Implications**

The cost estimates for the concreting/sealing the access path out to the eastern platform is \$7,560.

The estimated cost for relocating the picnic table is \$2,500.

The estimated cost to upgrade to the viewing platforms to make safe as per the geotechnical advice, will be informed by the engineering requirements and design.

### **Community Engagement**

The Culburra Beach Progress Association will be informed of any proposed upgrade to the assets at Penguin Head.

### **Risk Implications**

Risk to life and property (viewing platforms) under existing conditions were assessed as being “acceptable”, as per the Australian Geomechanics Society ‘Practice Note Guidelines for Landslide Risk Management’, 2007.

However, it is recognised that, due to the many complex factors that can affect a site, the subjective nature of risk analysis, and the imprecise nature of the science of geotechnical engineering, the risk of instability for a site cannot be completely removed. It is, however, essential that risk be reduced to at least that which could be reasonably anticipated by the community in everyday life and that landowners be made aware of reasonable and practical measures available to reduce risk as far as possible.

To reduce the risk to life from on-going cliff instability in this location, the lookouts will need to be moved 3.0 m landward from the cliff edge and upgraded to comply with required engineering specifications.

## SA19.193 Affordable Housing Project - Council Land, Coomea Street, Bomaderry - Options to Realise

**HPERM Ref:** D19/372663

**Section:** Strategic Planning

**Approver:** Phil Costello, Director Planning Environment & Development Group

### Reason for Report

Present options to realise the intended affordable housing development on land owned by Council at Coomea Street, Bomaderry and determine how to progress the project.

In accordance with Sections 10A(2)(c) and 10A(2)(e) of the NSW Local Government Act 1993, there is a public interest consideration against disclosure of information that could reveal commercial in confidence material and/or information that would if disclosed, prejudice the maintenance of law.

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

That Council consider the separate confidential report on this matter in accordance with Sections 10A(2)(c) and 10A(2)(e) of the NSW Local Government Act 1993.

### Options

1. As recommended.

Implications: Consider a separate confidential report on the matter.

2. An alternative recommendation as determined.

Implications: This is not recommended given the nature of this matter.

### Background

Council has made a number of recommendations in recent years regarding the land that it owns on Coomea Street, within the Bomaderry town centre, available for an affordable housing development consistent with the adopted Shoalhaven Affordable Housing Strategy.

There are a range of options for Council to consider in regard to making this land available for the intended use. Council needs to decide which option it will take to make the land available after considering the legal advice received in this regard.

### Community Engagement

There has been no direct community engagement regarding the options to make the land available as this is a decision that rests with Council. However, there has been a range of broader and more specific community engagement in regard to this site and its potential to play an important role in providing affordable housing options.

### Policy Implications

The subject land is identified as a short-term opportunity in the adopted Shoalhaven Affordable Housing Strategy.



**Financial Implications**

Depending on which option is taken to make this site available there could be different financial implications for Council.

**Risk Implications**

Depending on which option is taken to make this site available there could be different risk implications for Council.

## SA19.194 Acquisition of Easement for Water Supply - Commonwealth land at Nowra Hill

**HPERM Ref:** D19/358572

**Section:** Water Asset Planning & Development

**Approver:** Robert Horner, Acting Director Shoalhaven Water

**Attachments:** 1. Easement Plan DP1257513 [↓](#)

### Reason for Report

This report seeks Council approval to acquire an Easement for Water Supply 10m & 15m wide and variable width, as shown marked (A) and highlighted on attached easement plan DP1257513, over part of Lot 1 DP385671 at Nowra Hill from the Commonwealth of Australia. The easement is required for existing water pipelines.

### Recommendation

That Council:

1. Acquire an Easement for Water Supply 10m & 15m wide and variable width over part of Lot 1 DP385671 at Albatross Road Nowra Hill, as marked (A) and highlighted on attached easement plan DP1257513.
2. Pay compensation of \$13,000, plus GST and reasonable legal and property consultancy costs, associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Water Fund.
3. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documentation requiring to be sealed and delegate to the 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 access to existing Shoalhaven Water infrastructure.

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

### Background

An easement is required over existing water mains constructed in 1999. No legal entitlement was created to benefit Shoalhaven Water for future repair and maintenance of the pipelines. These mains are critical infrastructure for the transfer of potable water from Bamarang Water Treatment Plant to Nowra Hill Reservoir.

A conditional offer of compensation was made to the Commonwealth Department of Defence in the amount of \$13,000, plus GST and costs as applicable, based on a valuation undertaken by Walsh & Monaghan Pty Ltd on behalf of Council.

JLL Australia, property consultants representing the Department of Defence, have advised by email dated 15 October 2019 that the compensation has been agreed.

**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.



## SA19.195 Energy Management and Sustainability Initiatives Update

**HPERM Ref:** D19/360041

**Approver:** Robert Horner, Acting Director Shoalhaven Water

**Attachments:** 1. Annual Energy Review 2018 - 2019 (under separate cover) [⇒](#)  
2. Energy Matters Update Summaries (under separate cover) [⇒](#)  
3. Sustainability Initiatives Update Summaries [↓](#)

### Reason for Report

This Report has been prepared in response to a Resolution of the Ordinary Council Meeting held on 13 November 2018 (MIN18.902) that:

1. *Council's Directors prepare a report for a future Strategy and Assets Committee meeting as to what each department has pursued or is currently pursuing in the sustainable energy space (**Reported quarterly to Strategy & Assets Committee, most recently July 2019, and this Report**).*
2. *The General Manager and his Directors be mandated to report sustainable energy initiatives at future Strategy and Assets Committee meetings (**this Report**).*
3. *Council's Energy Management Coordinator liaise with the General Manager and Directors with a view to formulating a draft Sustainable Energy Policy for consideration by the February 2019 Strategy and Assets Committee meeting if possible (**completed April 2019**).*
4. *Council investigate the resourcing implications with a view to reporting these to the February 2019 Strategy and Assets Committee meeting (**ongoing with Organisation review**).*

With the adoption of Council's Sustainable Energy Policy in April 2019 (incorporating energy and emissions reduction targets), an Annual Energy Review 2018-19 report and 'Energy Matters' and 'Sustainability Initiatives' executive summaries have been prepared in response to Part 2 of the above resolution to track Council's performance against the adopted targets.

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

That Council:

1. Receive and note:
  - a. The Annual Energy Review report presented as Attachment 1.
  - b. The Energy Matters Update Summaries presented as Attachment 2.
  - c. The Sustainability Initiatives Updates presented as Attachment 3.
2. Endorse the preparation of Annual Energy Review reports to track Council's performance against energy and emission reduction targets established in Council's Sustainable Energy Policy.

### Options

1. As per the recommendation.

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Implications: Council is informed of the current status of relevant energy savings initiatives, energy expenditure and performance tracking of energy and emissions policy targets.

2. Request further information.

Implications: Staff can provide further detail on any Council request.

## Background

A number of areas of Council have been pursuing energy efficiency, renewable energy and sustainability initiatives throughout 2019 to ensure energy efficient operations, carbon emissions reduction and to reduce excessive energy charges. Two consultants have been engaged within the Shoalhaven Water Group to oversee energy management, both within Shoalwater and more broadly across Council.

## Sustainable Energy Policy and Annual Energy Review

Shoalhaven City Council's Sustainable Energy Policy (POL18/44) was adopted at the 28 May 2019 Ordinary Meeting (MIN19.354). The Policy sets out targets for the reduction of fossil-fuelled grid energy consumption and carbon emissions for Council operations, and also encourages the uptake of installed rooftop solar panels across the Shoalhaven community and businesses. Last year, an Annual Electricity Review report was submitted to Council outlining Council's electricity consumption and charges for the previous financial year.

This report has been expanded in 2019 to include Council's broader energy (e.g. electricity, gas and fleet fuel) consumption, costs (both current and new energy contract rates from January 2020), renewable energy generation and greenhouse gas emissions. Some of these indicators have agreed performance targets in the Sustainable Energy Policy and can therefore be tracked and monitored on an annual basis in the report.

The next step in implementing the Policy is to prepare a Sustainable Energy Strategy by January 2020, which is now being prepared by Darren O'Connell, Council's Energy Management Consultant. The Strategy is now in a draft format in readiness for internal review with relevant staff before wider consultation.

## Executive Summaries

Council staff have prepared a range of Executive Summaries titled 'Energy Matters' and 'Sustainability Initiatives' which briefly outline current energy management and sustainability projects. Progress updates are provided to keep stakeholders informed of the latest developments on these projects and initiatives.

## Energy Matters (The following projects are included in Attachment 2)

- Berry STP Solar PV & Battery System
- LED Streetlighting Upgrade
- Revolving Energy Fund
- Sustainable Energy Policy
- Bamarang WTP Solar PV System
- General Supply Electricity Contracts
- Electric Vehicles and EV Charging Stations – Council Trial
- Social Access Solar Garden
- SCC Solar PV Installations
- Cities Power Partnership
- Electricity Tariff Review - 2019

**Sustainability Initiatives** (The following projects are included in Attachment 3)

- Shoalhaven Visitor Guide
- Shoalhaven Libraries App
- Use of Recycled Materials in Road Construction and Maintenance



**Project Title:**  
**Shoalhaven Visitor Guide**

**SUSTAINABILITY INITIATIVES**

**Summary:**

Shoalhaven Tourism has included a Sustainability Statement Form within the RFQ to print the 2020 Visitor Guide. Suppliers are asked to supply a link to their sustainability certification / policy for the organisation as well as the stock they are quoting on. The information we receive will form part of the evaluation criterion to select a supplier.



**Benefits:**

Shoalhaven Visitor Guide has an annual print run of 100,000 guides, so price is a high priority in selecting a supplier. The number of print suppliers which are equipped to handle a job of this size is diminishing every year, and often the difference between quotations is minimal. Having sustainability as a criterion gives us the opportunity to use our buying power to choose a sustainable supplier, assist in influencing the industry, and talk about how our supplier supports our organisational ethic.

**Project Team:**

Marketing, Shoalhaven Tourism

**Progress:**

**August 2019** D19/270932 2020 Visitor Guide RFQ document for Tenderlink – live as of 13/8/19





**Project Title:**  
**Shoalhaven Libraries App**

**SUSTAINABILITY INITIATIVES**

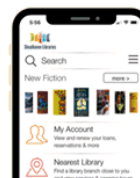
**Summary:**

In September this year Shoalhaven Libraries launched its own Smart phone app. It allows you to:

- Add your library card to the app and save wallet space
- View your loans, holds, reserves and loan history
- Search the catalogue and reserve items straight from your device - you can even scan a book's ISBN and search the catalogue instantly!
- Link family accounts - you can renew your entire family's loans with one touch!
- Stay on top of our latest events, programs and services

Shoalhaven Library members are now able to use the app instead of using a plastic library card.

**THERE'S  
AN APP  
FOR THAT.**



**Benefits:**

Reduces the use of plastic by allowing customers to store their library member number in the app, which can then be used to borrow items and book computers.

If customers lose their card rather than paying for a replacement plastic card, they can download the app onto their phone and use this to access library resources, saving both money and the environment.

**Project Team:**

Damien Bottle, Library Technician  
Sarah Taylor, Library Manager

**Progress:**

<b>July 2018 to March 2019</b>	Development of App	Solus, DB, ST
<b>March to August 2019</b>	User Testing	All Shoalhaven Libraries Staff
<b>September 2019</b>	Shoalhaven Libraries App Launch	



**Project Title:**

**Use of Recycled Materials in Road Construction and Maintenance**

**SUSTAINABILITY INITIATIVES**

**Summary:**

There are a number of products that are available to be "recycled" into roadworks and where possible Council staff are taking advantage of these sustainability initiatives.

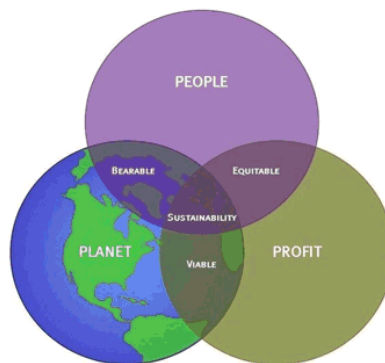
The way in which these products are incorporated must be managed responsibly as road infrastructure is quite costly and can quickly pose a high risk to users and the environment if it fails. Due to these risks, incorporating recycled products into our roadworks is tedious and requires extensive rigour.

The key to successful incorporation of recycled products in road works is to improve the certainty that the quality of the recycled product is consistent. Once consistency of quality can be achieved specifications can be developed with certainty and then Council (and industry) can incorporate changes into Roadworks with confidence.

The following provides a summary of various products that can be used in road works. Some of these products are well advanced in their use and others are at the "trial" stage.

- Recycled gravel
- Recycled Asphalt – RAP
- Concrete
- Glass
- Plastic bags, Toner cartridges and plastics
- Tyres

Further information is provided in a report to Council's Strategy & Assets Committee 12 November 2019.



**Benefits:**

- Improved Environmental Footprint

**Project Team:**

David Paisley-Topp, Trevor Dando

**Progress:**

Ongoing

HPERM – REF D18/.....

## SA19.196 National Sports Convention

**HPERM Ref:** D19/373939

**Submitted by:** Cllr Mark Kitchener

### Reason for Report

To provide a report (Attachment 1) from Cllr Mark Kitchener on the National Sports Convention held in Melbourne, 23-25 July 2019, in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

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

That Council receive the report from Cllr Mark Kitchener on the National Sports Convention for information.

### Options

1. Receive the report for information
2. Request further information on the conference

### National Sports Convention

**Date:** 23 – 25 July 2019

**Venue:** Melbourne Convention and Exhibition Centre

**Theme:** Reimagining Sport

**SCC Representatives:** Jane Lewis, Kevin Norwood

Councillor Mark Kitchener

**Key-Note Speakers:** Fiona Bull (WHO), Steven Ward CEO Gofit, Peter Miskimmin CEO Sport New Zealand, Steve Moneghetti AM Deputy Chair Sport Australia, Alison Oliver CEO Youth Sport Trust (UK), Professor Mark Tremblay President Active Healthy Kids Global Alliance, Trevor Stilton National Heart Foundation of Australia

**Conference Format:** Morning sessions – Global Thought, Leaders session  
Mid-morning – concurrent plenary themes  
After lunch – concurrent workshops

### Summary of Presentations:

Dr. Fiona Bull (WHO) in her presentation on **‘More active people for a Healthier World through a Systems-based Approach’** stated, promoting physical activity has benefits for personal health, communities, the environment and the economy. Physical activity helps to prevent the leading causes of premature mortality by increasing productivity, improving learning outcomes, strengthening community cohesion and integration, creating jobs and employment and reducing traffic congestion and air pollution.

Today, physical inactivity is the fourth leading risk factor for global mortality. One in four adults in the western world are not active enough and the level of physical activity world-wide

has stagnated for the past fifteen years. Heart disease remaining the single biggest killer of all Australians. There is a need to achieve together, a connected movement that drives attitude change and gets the world moving.

Wing Cheng specified, there are 13.2 million Australians that do not meet the physical activity guidelines. Half of all Australians do not do enough activity to benefit their health. Significantly less children and adults are playing the top seven organized team sports. Over one third of active Australians are moving away from organized competitive sport to non-sport physical activities such as walking, jogging, fitness training, gym, yoga and pilates.

Peter Fitzsimmons in **'Reimagining Sport in New Zealand'** reiterated, despite perception our levels of physical activity are in decline. Many high-performance competitive sport participants are opting for active outdoor recreation, physical activity, exercise and movement. The physical activity industry has a large diverse customer base that is integral to the nation's health and prosperity.

Steve Moneghetti said, in the past we were active for the purpose of survival, today we need initiatives in place to get people moving. There is a need for a cultural change to encourage active behaviors. While sport is a major vehicle to drive health, doing sport differently making it less competitive, more flexible and socially acceptable to meet the needs of those who are not inclined to competitive sport will activate the community and encourage more people to get moving. [www.doingsportdifferently.com.au](http://www.doingsportdifferently.com.au)

Steven Ward reported that countries with the greatest GDP and the highest incomes are the most inactive while poorer countries are more active. However, when considering participation in organized sport, the result is reversed. Advanced countries have a higher disposable income and analysts are starting to witness a financial pattern that is necessary to initiate organized sport. Steve went on to say, the world must turn the tide of inactivity and get people more active more often. The current generation of western nations are the most inactive and have a shorter life expectancy than their parents. Emerging inactivity has become the new epidemic.

Dr. Fiona Bull went on to say, the World Health Organization's vision for physical activity is 'more active people for a healthier world.' Its mission is, 'to ensure that all people have access to safe and enabling environments and to diverse opportunities to be physically active in their daily lives, as a means of improving individual and community health.'

The World Health Organization wants to create active societies, active environments, active people and challenge inactivity wherever it is found from the cradle to the grave. Physical activity can be promoted at school, at home, for the purposes of mobility and recreation. Gardening, cleaning, maintenance, organized sports, play, walking, cycling, any exercise is better than none and the more exercise the better.

The World Health Organization wants all countries in the world to develop national action plans, a whole systems approach to physical activity. Countries can learn from each other and share what works well to promote advocacy at the World Health level. A singular isolated approach is doomed to failure. Nations need to build partnerships with many different agencies. Many sectors working together will improve physical activity overall. Partnerships between health, sport and community organizations can create accessible participation pathways, build capacity, generate advocacy opportunities and connect communities but effective partnerships take time.

Alison Oliver in her presentation **'Making physical education fit for purpose in the UK'** said, young people are in a world where change is getting quicker and quicker but physical and cognitive development is not keeping pace with the social and environmental change. Are schools the heart of activating children and if so, what needs to be the focus? Are our children well educated and whose responsibility is it to get children active?

Alison continued by proclaiming the curriculum has narrowed and Physical Education instruction has been drastically reduced. There is a need to transform, reposition and embed

physical education's place in the curriculum, putting it at the center of well-being and achievement so every child can enjoy the life changing benefits that come from sport and play. Educational outcomes are so much greater when children are active.

Activity generates oxygenated blood to the brain which releases serotonin and dopamine, chemicals that improve mood and protect against mental health disorders. The growth of neurons in the cerebral hippocampus are responsible for learning and memory.

People in general must place a greater value of physical activity in society, schools, and employment, while governments must pioneer new ways of using sport to improve children's wellbeing and give them a brighter future.

Brendan Wendt in his presentation on '**Activ8**' claimed, children are living increasingly sedentary lives, spending more time using screens rather than being physically active. Students are missing out on physical activity during developmental years. In Australia only 19% of students are meeting sixty minutes of moderate to vigorous activity each day.

Many young people find sport too competitive but would be more inclined to participate if physical activity was based more on having fun in a social environment. Non-competitive activities, gym, fitness training, modified games and challenges promote equal treatment and focus on fun rather than skill level. Children's motivations have not changed. Fun, friendship, freedom and active play capture children's imagination and motivation but for many, competitive sports do not.

Non-competitive activities attract students not normally inclined to sport, improve social contact with peers, improve behaviors for many students and contribute to improving academic results. The emphasis should be on creating a social environment that allows students to get involved in physical activity while having fun with their friends.

The focus is on participation not winning but having fun, spending time with friends, improving fitness levels, learning new skills, meeting new people while increasing confidence and experience over time. Less structured non-competitive exercises are where the real answers might lie to increasing physical activity.

Students participate less in physical activity as they grow older because of a lack of time due to school pressures or work commitments, family situations, costs, number of children in the family, location of the family home and the lack of transport infrastructure and the distances involved, all the above inhibit participation.

Alison Oliver said, school is the place where Australia can have the most influence. Personal Development Health and Physical Education (PDH&PE) has been squeezed by the crowded curriculum. Specialist Physical Education teachers are not being employed so the classroom practitioner is teaching the Physical Education curriculum. There is a lack of knowledge in primary schools to deliver the Physical Education programs. With Physical Education teachers not being employed, the school loses its advocate for physical activity.

Teachers must work with parents to convince them that PDHPE is essential for the child's overall well-being and academic progress. Parents must lobby the government and insist that every primary and secondary school have tertiary qualified PDHPE teachers employed in schools, with appealing spaces and ample time provided, to deliver the curricula making daily physical activity habitual, entrenching movement and learning in everyday life.

Schools play a pivotal role by fostering educational opportunities for students but parents being the first and foremost educator of their children need to take responsibility for the development of the whole child for a child educated only at school is an uneducated child. Children need to have a multi-faceted diverse experience of life and learning for there is no substitute for personal experience.

However, schools cannot be expected to carry the burden alone of society becoming increasingly less active and less healthy. Governments can contribute to the promotion of physical activity by providing grant funding, supporting mass community events in walking,

cycling, social sport, active recreation, dance and play and providing policy statements on sporting infrastructure and opportunities to increase participation.

Sue McGill indicated, in **‘Infrastructure-participation and regional communities,’** that the value of community sport infrastructure and associated economic health of a community relates to social values, inclusion, advancing community pride, increasing community trust, decreased anti-social behavior and improved mental health.

For the purpose of improving the health and wellbeing of all Australians a \$100 million community sport infrastructure grant program has been established for regional, rural and remote communities. This funding is being awarded directly to local clubs. The program has a focus on infrastructure, increasing awareness and supporting more Australians to move more often.

Regional and remote Australia are the largest recipients of these grants. Investing in small and remote Australia provide better returns for the investment. Regional areas are receiving small grants of up to \$50 000 while remote locations in Australia receive grants between \$50 000 to \$200 000. Projects must be participant focused, locally led, performance driven and have an impact on community well-being.

Grant recipients must provide a place for people to meet and connect not just build a sporting facility. Every recipient is asked to report on increased participation, social health and economic improvements to local communities.

By providing a bigger focus on well-being and aligning well-being goals with the goals of the nation, the government seeks to improve levels of physical activity. Infrastructure plays a critical role in this aim.

Some case studies include: Wollondilly - Walking and Cycling Trail. Increased participation in walking and cycling has occurred by installing LED lighting along the trail ensuring it is an environment in which all users feel safe. Increased participation was measured via sensor activated solar powered electronic counters located along the trail.

The Rockhampton Outdoor Basketball Project has revitalized an existing space and now offers a family friendly safe option across the day and evening.

Darren Condon in his presentation on **‘How can urban design create and support active communities and how can governments assist’** stated, sporting facilities are generally provided by the municipality level of government. How then, can urban design change people’s way of thinking about physical activity?

Urban design is about people, therefore, put people at the centre of everything that is designed. If it impacts them, include them. Lift the game in engaging the public, it is easy to involve the users, it is getting access to the non-users that is the difficulty.

Create community buildings, places and spaces that have impact, ask what’s possible and do things differently. Making infrastructure awesome inspires people to think differently about the local environment. Create places and spaces that encourage people of all ages and abilities to be healthy and active. The places we live in have a direct impact on our health.

The Canadian Olympics Stadium for example, was designed for community use first and foremost. It was always intended to be transformed into a community centre with a public library which connects the community and activates a precinct of the city. It was never intended to be a stand-alone performance sports center that housed 150 000 spectators for a short period of time.

Inventive public spaces, community centres with children’s slides, obstacle courses, urban trampolines, interactive artists, portable and inflatable sculptures are activating and transforming public spaces by encouraging interaction and activity.

A harbour deck and ocean harbour swimming baths has been built in Vancouver from the shore into the river and integrated into the urban fabric of the city.

Brightly painted basketball keys with rings connected to walls of buildings in a less than attractive laneway has trebled female pedestrian foot traffic because the increased activity and passive surveillance makes people feel physically, mentally and socially safe.

Keith Brown in '**Healthy active by design**' made the comment that well-designed infrastructure provided in public open spaces contributes to making streets safe and creates destinations where people want to be active.

The Clarence Foreshore Trail and destination play areas have encouraged not only children but people of all ages to participate.

The benefits of a healthy built environment extend well beyond health, Hobart, a pedestrian friendly city encourages walking and cycling to extend environmental efficiencies.  
[www.healthyactivebydesign.com.au](http://www.healthyactivebydesign.com.au)

The Shoalhaven City Council supports physical activity, health and well-being through organized sport by providing annual donations and maintaining grounds at the following locations for the one hundred and five registered sporting clubs in the region. It is noted that these sporting facilities are equitably distributed across the Shoalhaven for the convenience of all residents.

#### **Berry**

- Berry Showground | sportsfield
- Berry Sports Complex | 3 sportsfields, cricket pitch, skate park, tennis, netball

#### **Bomaderry**

- Artie Smith Oval | 3 sportsfields, cricket pitch
- Bomaderry Sports Complex | 2 sportsfields, cricket pitch
- Bomaderry Oval | sportsfield, cricket pitch
- Narang Road Tennis Complex
- Nowra / Bomaderry Basketball Stadium (part of Artie Smith Oval)
- Thurgate Oval | 2 sportsfields, cricket pitch

#### **Burrill Lake**

- Burrill Lake Sportsground | sportsfield, cricket pitch

#### **Callala Bay**

- Callala Sports Field | sportsfield, skate park

#### **Cambewarra**

- Ray Abood Village Green | cricket pitch

#### **Crookhaven Heads**

- Crookhaven Park | 2 sportsfields, cricket pitch

#### **Currarong**

- Elliot Reserve | sportsfield, skate park

#### **Greenwell Point**

- Gordon Revell Oval | sportsfield, cricket pitch

#### **Huskisson**

- Huskisson Sports Ground | 2 sportsfields, cricket pitch

**Kangaroo Valley**

- Kangaroo Valley Showground | sportsfield, cricket pitch

**Kioloa**

- Kioloa Sportsgrounds | sportsfield

**Lake Conjola**

- Lake Conjola Sports Field | sportsfield, cricket pitch

**Manyana**

- Yulunga Reserve | sportsfield

**Milton**

- Frogs Holla Reserve | 4 sportsfields, cricket pitch
- Milton Basketball Stadium - part of Milton Showground
- Milton Showground | sportsfield cricket pitch

**Mollymook**

- Bill Andriske Oval

**North Nowra**

- Bernie Regan Sporting Complex | 2 sportsfields, cricket pitch
- Drexel Park | sportsfield, cricket pitch
- Sharman Park | sportsfield

**Nowra**

- Nowra Recreation Ground | sportsfield cricket pitch
- Nowra Showground | sportsfield
- Park Road Netball Courts
- Rugby Park | 3 sportsfields, cricket pitch
- South Nowra Soccer Fields | 4 sportsfield, cricket pitch
- Lyrebird Sports Park | 5 sportsfields, cricket pitch
- West Street Oval | sportsfield

**Sanctuary Point**

- Francis Ryan Reserve | 2 sportsfields, cricket pitch, skate park
- Sanctuary Point Oval | sportsfield, cricket pitch
- Wool Lane Sporting Complex | 2 sportsfields, netball

**Shoalhaven Heads**

- Jerry Bailey Oval | sportsfield, cricket pitch
- Vic Zealand Oval | sportsfield, cricket pitch

**St Georges Basin**

- St Georges Basin Sports Field | sportsfield

**Sussex Inlet**

- Finkernagel Reserve | sportsfield



- Thomson Street Sporting Complex | 5 sportsfields, cricket pitch, skate park

**Ulladulla**

- Lighthouse Oval | 3 sportsfields, cricket pitch
- Ulladulla Sports Park | sportsfield

**Vincentia**

- Vincentia Sports Ground | sportsfield, cricket pitch

**Worrigee**

- Ratcliff Park | 3 sportsfields, cricket pitch

The Shoalhaven City Council attempts to utilize these facilities to their greatest potential and encourages organized sport and active recreation in these spaces. These facilities can also be hired for sporting development days and sporting events such as the National Indigenous Football Championships or for walking the dog on leash unless otherwise indicated.

The Shoalhaven City Council has facilities for Croquet at Milton, Nowra and Bomaderry. Surf Life Saving clubs at Mollymook, Shoalhaven Heads, Sussex Inlet and Culburra Beach. Indoor Basketball at Milton Showground, Bomaderry Sporting complex and soon to open at the Shoalhaven Indoor Sports Centre.

Tennis courts are located at:

- Berry Tennis Courts
- Bomaderry Narang Road Tennis Courts
- Callala Bay Tennis Court
- Callala Beach Tennis Court
- Cudmirrah Tennis Court
- Culburra Beach (Crookhaven) Tennis Courts
- Currarong Tennis Courts
- Erowal Bay Tennis Courts
- Greenwell Point Tennis Court
- Huskisson Tennis Courts
- Kangaroo Valley Tennis Courts
- Kioloa Tennis Courts
- Lake Conjola Tennis Courts
- Manyana Tennis Courts
- Milton Tennis Courts
- Nowra Tennis Courts
- Shoalhaven Heads Tennis Courts
- Sussex Inlet Tennis Courts
- Ulladulla Tennis Courts
- Wandandian Tennis Court
- Worrigee Tennis Court

Netball courts at Ulladulla, Nowra, Sussex Inlet, St Georges Basin, Kangaroo Valley and Berry.

Synthetic Hockey at Bernie Regan Park in Nowra.

Swimming and aquatic activities can be accessed in the two Leisure Centres, five village pools, two sea pools, and three aquatic centres.

The Shoalhaven City Council supports physical activity, health and well-being in the region through promoting physical activities in community assets.

Council Community Halls are used for Yoga, Dancing, Physical Culture, Seniors exercise classes and many other active recreation purposes and the Shoalhaven City Council annually sponsors the Cancer Council Relay for Life in Nowra and Milton.

The Shoalhaven City Council promotes physical activity, family fun and recreation at the Shoalhaven's fifty boat ramps, the two hundred and twenty beach access ways, the one hundred and twenty eight playgrounds, the one thousand two hundred reserves, sports grounds and park lands and the many picnic areas that it maintains throughout the city.

The Shoalhaven City Council has an excellent record for promoting and assisting organized sport and recreation within its boundaries. While there is always a need for further maintenance, the replacement of ageing assets and the construction of new assets, when comparing the comprehensive list of locations and the number of requests involved one becomes aware of the enormity of the job.

The Shoalhaven City Council also promotes, as part of the Shoalhaven's tourism package, large events which encourage physical activity. Some of the events supported by Shoalhaven City Council through sponsorship, fee waivers, advice on event logistics, donations and marketing advice are AFL Junior Championships, Family Fishing Competition Sussex Inlet, Husky Running Festival, Long Course Weekend Jervis Bay and the PGA Seniors State Championships to name a few.

In addition to working collaboratively with the state government on physical activity, health and well-being, Shoalhaven City Council also works closely with other councils, State Sporting Organizations and their regional and local Sports Associations, sharing information, highlighting programs and projects, grant funding, development of programs and promotion.

More recently the Shoalhaven City Council has been working closely with the Office of Sport and the Illawarra Shoalhaven Joint Organisation (ISJO) for the development of the NSW State Regional Sports Plan (Illawarra/Shoalhaven) and is now progressing to identify priorities for sporting facilities /venues on a regional basis.

The Shoalhaven City Council also works with the sporting community through the Shoalhaven Sports Board and the Summer and Winter Sporting Forums and has an excellent working relationship with the Illawarra Academy of Sport.

Unique to the Shoalhaven is the Bernie Regan Sporting Trust. A self-funded trust that supports athletes with much needed financial help to progress to a higher level. The trust has been running since 1986 and has assisted in excess of two hundred athletes from all disciplines, many of whom have succeeded to an elite level.

### **Conclusion:**

Local government areas around the country are providing inventive public spaces that are successfully making communities more active. It stands to reason that over the fullness of time these inventive pieces of infrastructure and the provision and maintenance of sporting facilities will help turn the tide of inactivity in Australian society.

While there is a need for a cultural change to encourage active behaviors governments can only do so much. All levels of government, non-government organizations and other institutions care for everyone's well-being and are concerned about everyone's level of

safety, but it is an individual's personal responsibility to comply with regulations and always be accountable for their own actions. When it comes to physical activity, health and well-being individuals must first be answerable to themselves. It is up to individuals to take advantage of the facilities, infrastructure and services provided by the Shoalhaven City Council and use them for their personal health benefits.

## 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.