

Strategy and Assets Committee

Meeting Date: Tuesday, 15 August, 2017
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5.00pm

Membership (Quorum - 5)
Clr Andrew Guile - Chairperson
All Councillors
General Manager or nominee

Please note: Council's Code of Meeting Practice permits the electronic recording and broadcast of the proceedings of meetings of the Council which are open to the public. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

Agenda

1. **Apologies / Leave of Absence**
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4. **Mayoral Minute**
5. **Deputations and Presentations**
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8. Confidential Reports

Reports

CSA17.14	TM74 Sussex Inlet Watermain Replacement Jacobs Drive and River Road
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Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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

Strategy and Assets Committee

Delegation:

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

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

Schedule:

1. 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;
2. 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.
3. 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;
4. Monitor, review and consider matters relating to the operations and strategic direction of Council's Holiday Haven Tourist Parks Group;
5. All functions in respect of the management of, and facilities provided on Crown Land in respect of which Council is the 'reserve trust manager' within the meaning of s92 of the Crown Lands Act 1989, and the making of recommendations to Council regarding such matters where the function cannot be delegated by Council;
6. 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;
7. 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;
8. Make recommendations to Council in respect of fees and charges for water and wastewater services provided by Council;
9. Develop, implement, review and adopt strategic policies for water, sewerage and effluent operations of Council;

10. Undertake preliminary investigations (feasibility, cost benefit, risk analysis, etc.) into development opportunities for Council's strategic land holdings and make recommendations to Council.
11. Review and make recommendations to Council in relation to:
 - a) The sale prices of land in connection with residential and industrial Council subdivisions;
 - b) The sale of Council property or the purchase or resumption of land;
 - c) The compensation to be offered in respect of land resumed by Council; and
 - d) Properties leased or rented by Council, other than those delegated to the General Manager for approval and execution in accordance with MIN14.912 and MIN15.237 of the Council.
12. 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, 18 July 2017
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5.01pm

The following members were present:

Clr Mitchell Pakes – Acting Chairperson
Clr John Wells
Clr Patricia White
Clr Kaye Gartner
Clr Nina Cheyne
Clr Annette Alldrick – left 7.06pm
Clr John Levett
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot
Mr Russ Pigg - General Manager

Election of Chairperson

RESOLVED (Clr Proudfoot / Clr Kitchener) MIN17.614

That Clr Mitchell Pakes be appointed as the Acting Chairperson for the meeting of Strategy and Assets Tuesday 18 July 2017.

CARRIED

Apologies / Leave of Absence

An apology was received from Clr Guile, Clr Findley and Clr Gash.

Confirmation of the Minutes

RESOLVED (Clr White / Clr Gartner) MIN17.615

That the Minutes of the Strategy and Assets Committee held on Tuesday 13 June 2017 be confirmed.

CARRIED

Declarations of Interest

Clr White – “SA17.193 – Review of the Shoalhaven Bushcare/Parkcare Policy and Procedures” – less than significant non pecuniary interest declaration – will remain the room and will take part in discussion and vote – “she is a member of a Parkcare Group at Sussex Inlet”.

Clr Wells – CSA17.12 – Tenders – Management and Operation Huskisson Beach Holiday Park – less than significant non pecuniary interest declaration – will leave the room and will not take part in discussion or vote – a successful tenderer he engaged whilst administrator for Bega Valley Crown Parks and the contractors are well known to him.

REPORTS

SA17.174 Policy Determination - Not Allowing Circuses that utilise Exotic Animals on Council Land

HPERM Ref:
D17/201866

Recommendation (Item to be determined under delegated authority)

That Council determine its Policy position in respect to Circuses which utilise exotic animals, being allowed to hire/occupy any Council land (owned or as Trustee).

RESOLVED (Clr Proudfoot / Clr Alldrick)

MIN17.616

That Council:

1. Note the report and adopt a policy position of not allowing any Circus, which utilise exotic animals, to hire/occupy any Council land (owned or as Trustee); and
 - a. Advise the Illawarra Pilot Joint Organisation (IPJO) accordingly
 - b. Update the Sustainable Events Policy to reflect this position
2. Write to the State Government to seek their support to not allow any circus using exotic animals on any Crown or Private land.
3. Seek clarification on the definition of ‘exotic’ animal for the activation of the policy.

CARRIED

SA17.175 South Coast Regional Jobs Investment Package - Council Projects

HPERM Ref:
D17/216330

Recommendation

That the following projects and Council funding commitments be submitted under the South Coast Regional Jobs Investment Package:

1. Woollamia Boat Lift and Shed – SCC contribution: \$200,000 (from Economic Development Reserve)
2. Greenwell Point Boating Facilities – SCC contribution: \$750,000 (from Economic Development Reserve)
3. Provision of electricity to Huskisson Business Precinct – SCC contribution: \$50,000 (from Economic Development Reserve and/or streetscape funding)
4. Former Ulladulla STP Industrial Land Subdivision – SCC contribution: \$2,219,000 (from Industrial Land Development Reserve)
5. Defence Support Training Needs Analysis – SCC contribution: \$25,000 (from Economic

Development Reserve)

MOTION (Clr White)

That the following projects and Council funding commitments be submitted under the South Coast Regional Jobs Investment Package:

1. Woollamia Boat Lift and Shed – SCC contribution: \$200,000 (from Economic Development Reserve)
2. Greenwell Point Boating Facilities – SCC contribution: \$750,000 (from Economic Development Reserve)
3. Provision of electricity to Huskisson Business Precinct – SCC contribution: \$50,000 (from Economic Development Reserve and/or streetscape funding)

MOTION LAPSED due to lack of seconder.

Recommendation (MOTION) (Clr Watson / Clr Kitchener)

That the following projects and Council funding commitments be submitted under the South Coast Regional Jobs Investment Package:

1. Woollamia Boat Lift and Shed – SCC contribution: \$200,000 (from Economic Development Reserve)
2. Greenwell Point Boating Facilities – SCC contribution: \$750,000 (from Economic Development Reserve)
3. Provision of electricity to Huskisson Business Precinct – SCC contribution: \$50,000 (from Economic Development Reserve and/or streetscape funding)
4. Former Ulladulla STP Industrial Land Subdivision – SCC contribution: \$2,219,000 (from Industrial Land Development Reserve);
5. And if possible, Defence Support Training Needs Analysis – SCC contribution: \$25,000 (from Economic Development Reserve)

FOR: Clr Wells, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Clr White

CARRIED

SA17.176 Revenue Options Follow Up Report

**HPERM Ref:
D17/198634**

Recommendation (Item to be determined under delegated authority)

That Council note the information provided in this report.

RESOLVED (Clr Watson / Clr Wells)

MIN17.617

That Council:

1. Note the information in the report; and
2. Prepare a detailed motion and supporting documentation to the Local Government Conference for an amendment to the Local Government Act 1993, giving Council the authority to deem that business is being carried out on residential property in relation to applying commercial ratings and equity (Similar to those powers councils have to deem properties as rural).

FOR: Cllr Wells, Cllr White, Cllr Levett, Cllr Cheyne, Cllr Alldrick, Cllr Gartner, Cllr Pakes, Cllr Watson, Cllr Kitchener and Cllr Proudfoot

Against: Russ Pigg

CARRIED

SA17.177 Abseiling and Rock Climbing Policy - withdrawn**HPERM Ref:
D17/208127****Recommendation (Item to be determined under delegated authority)**

That the public policy, Abseiling and Rock Climbing, be rescinded.

RESOLVED (Cllr Wells / Cllr Proudfoot)

MIN17.618

That the public policy, Abseiling and Rock Climbing, be rescinded.

CARRIED

SA17.178 Shoalhaven Entertainment Centre - Hiring Policy**HPERM Ref:
D17/208657****Recommendation (Item to be determined under delegated authority)**

That the revised Shoalhaven Entertainment Centre Hiring Policy be placed on Public Exhibition for 28 days and if no significant comments are received the revised Policy be deemed adopted. If there are significant comments, a further report be presented to Council.

RESOLVED (Cllr Wells / Cllr Alldrick)

MIN17.619

That the revised Shoalhaven Entertainment Centre Hiring Policy be placed on Public Exhibition for 28 days and if no significant comments are received the revised Policy be deemed adopted. If there are significant comments, a further report be presented to Council.

CARRIED

SA17.179 Berry District Park Master Plan**HPERM Ref:
D17/192881****Recommendation (Item to be determined under delegated authority)**

That Council adopt the Berry District Park Master Plan Option A (Attachment 2) without amendment and enable detailed design to commence.

RESOLVED (Cllr Wells / Cllr Cheyne)

MIN17.620

That Council adopt the Berry District Park Master Plan Option A (Attachment 2) without amendment and enable detailed design to commence.

CARRIED

SA17.180 Bay & Basin Summer Shuttle Bus and Shoalhaven River Festival Accessible Shuttle Bus 2017 Funding Success

**HPERM Ref:
D17/199103**

Recommendation

That Council:

1. Accept the grants of;
 - a. \$9,309 (excluding GST) to undertake the Bay & Basin Summer Shuttle Bus project and;
 - b. \$1,955 (excluding GST) to undertake the Shoalhaven River Festival Accessible Shuttle project.
2. Write and thank Transport for NSW.

Recommendation (MOTION) (Clr Proudfoot / Clr Alldrick)

That Council:

1. Accept the grants of;
 - a. \$9,309 (excluding GST) to undertake the Bay & Basin Summer Shuttle Bus project and;
 - b. \$1,955 (excluding GST) to undertake the Shoalhaven River Festival Accessible Shuttle project.
2. Write and thank Transport for NSW.

CARRIED

SA17.181 Council Policy Review - Strategic Infrastructure Planning

**HPERM Ref:
D17/211789**

Recommendation (Item to be determined under delegated authority)

That Council rescind the following policies and list these as a Corporate Procedures and guideline:

1. Signs – Reserve Signage Standard
2. Motor Vehicle Access to Public Reserves

RESOLVED (Clr Wells / Clr White)

MIN17.621

That Council rescind the following policies and list these as a Corporate Procedures and guideline:

1. Signs – Reserve Signage Standard
2. Motor Vehicle Access to Public Reserves

CARRIED

SA17.182 Beyond Plastic Pollution - Pathways to Cleaner Oceans Conference

**HPERM Ref:
D17/218058**

Recommendation (Item to be determined under delegated authority)

That Council

1. Notes the details of the Beyond Plastic Pollution - Pathways to Cleaner Oceans Conference scheduled for 30 October to 1 November 2017 in Darling Harbour, Sydney
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.

3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

RESOLVED (Clr White / Clr Cheyne)

MIN17.622

That Council:

1. Notes the details of the Beyond Plastic Pollution - Pathways to Cleaner Oceans Conference scheduled for 30 October to 1 November 2017 in Darling Harbour, Sydney
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

CARRIED

SA17.183 North Nowra Link Road - Southern Option

**HPERM Ref:
D17/202578**

Recommendation (Item to be determined under delegated authority)

That the North Nowra Link Road corridor (Southern option) be amended, as shown on Plan Reference 2587_49_1 to avoid encroachment onto private lands.

RESOLVED (Clr Watson / Clr Wells)

MIN17.623

That the North Nowra Link Road corridor (Southern option) be amended, as shown on Plan Reference 2587_49_1 to avoid encroachment onto private lands.

CARRIED

SA17.184 Public Policies for Review - July 2017 - Asset Management

**HPERM Ref:
D17/113213**

Recommendation (Item to be determined under delegated authority)

That

1. The draft Asset Management Policy be exhibited for 28 days, and the outcomes of the consultation be reported
2. The Asset Management Strategy be adopted
3. The Public Information Signs policy be adopted
4. The Renewable Energy Installations on Council Buildings policy be adopted

RESOLVED (Clr White / Clr Cheyne)

MIN17.624

That:

1. The Draft Asset Management Policy be exhibited for 28 days, and the outcomes of the consultation be reported.

2. The Asset Management Strategy be adopted.
3. The Public Information Signs policy be adopted.
4. The Renewable Energy Installations on Council Buildings policy be adopted.

CARRIED

SA17.185 2017-2018 Path Construction Program

**HPERM Ref:
D17/180957**

Recommendation

That

1. The Member for South Coast be thanked for the funding of \$1.89 million for path projects
2. \$150,000 be allocated from General Fund (Local Road Repair Program) for the construction of a path in Page Avenue, North Nowra, from Judith Drive to Pitt Street
3. \$100,000 be allocated from General Fund (Local Road Repair Program) for the construction of a path, and associated kerb and gutter, in Centaur Avenue, Sanctuary Point, from Idlewild Avenue to Francis Ryan Reserve
4. \$250,000 be allocated to the 2017-2018 Local Road Repair Program from the 2018-2019 Roads to Recovery Program allocation

Recommendation (MOTION) (Clr Proudfoot / Clr Wells)

That:

1. The Member for South Coast be thanked for the funding of \$1.89 million for path projects;
2. \$150,000 be allocated from General Fund (Local Road Repair Program) for the construction of a path in Page Avenue, North Nowra, from Judith Drive to Pitt Street;
3. \$100,000 be allocated from General Fund (Local Road Repair Program) for the construction of a path, and associated kerb and gutter, in Centaur Avenue, Sanctuary Point, from Idlewild Avenue to Francis Ryan Reserve;
4. \$250,000 be allocated to the 2017-2018 Local Road Repair Program from the 2018-2019 Roads to Recovery Program allocation.

CARRIED

Procedural Motion - Adjournment of Meeting

MOTION (Clr Watson / Clr White)

That the meeting be adjourned for 15 minutes at 6.32pm.

CARRIED

Procedural Motion - Resumption of Meeting

MOTION (Clr Pakes)

That the meeting reconvene the time being 6.46pm.

The following members were present:

Clr Mitchell Pakes – Acting Chairperson
Clr John Wells
Clr Patricia White
Clr Kaye Gartner
Clr Nina Cheyne
Clr Annette Alldrick
Clr John Levett
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot
Mr Russ Pigg - General Manager

CARRIED

SA17.186 Jervis Bay Maritime Museum - Fish Pond

HPERM Ref:
D16/401033

Recommendation (Item to be determined under delegated authority)

That survey, investigation, design and community consultation proceed in relation to opening the Jervis Bay Maritime Museum fish pond when a funding source becomes available.

RESOLVED (Clr Wells / Clr Proudfoot)

MIN17.625

That

1. Survey, investigation, design and community consultation proceed in relation to opening the Jervis Bay Maritime Museum fish pond and Council actively pursue a funding source.
2. A report be prepared for other uses/options for the fish pond and surrounding areas

CARRIED

SA17.187 Classification of Operational Land - Part Shoalhaven Community & Recreational Precinct - 109, 111, 111A & 113 Cambewarra Road, Bomaderry

HPERM Ref:
D17/184792

Recommendation

That Council resolve to classify the land in the schedule below as Operational Land:

Legal Description	Locality
Lot 1 DP544264	109 Cambewarra Rd, Bomaderry
Lot 21 DP860849	111 Cambewarra Rd, Bomaderry
Lot 22 DP860849	111A Cambewarra Rd, Bomaderry
Lot 3 DP544264	113 Cambewarra Rd, Bomaderry

Recommendation (MOTION) (Clr Wells / Clr Gartner)

That Council resolve to classify the land in the schedule below as Operational Land:

Legal Description	Locality
Lot 1 DP544264	109 Cambewarra Rd, Bomaderry
Lot 21 DP860849	111 Cambewarra Rd, Bomaderry
Lot 22 DP860849	111A Cambewarra Rd, Bomaderry
Lot 3 DP544264	113 Cambewarra Rd, Bomaderry

FOR: Clr Wells, Clr White, Clr Gartner, Clr Cheyne, Clr Alldrick, Clr Levett, Clr Pakes, Clr Watson, Clr Proudfoot and Russ Pigg

AGAINST: Clr Kitchener

CARRIED

SA17.188 Lease - 1 Mattes Way, Bomaderry - Kiama Community College

**HPERM Ref:
D17/196327**

Recommendation

That Council:

1. Enter into a lease agreement with Kiama Community College Incorporated for the continued use and occupation of 1 Mattes Way, Bomaderry (Lots 27, 29, 30 & 31 DP793122) for an initial term of three (3) years with two (2) option periods of three (3) years each (i.e. 3 x 3 x 3 year lease) at an initial annual rent of \$50,000 plus GST to be increased annually by CPI; and
2. Grant authority to affix the Common Seal of the Council 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.

Recommendation (MOTION) (Clr Proudfoot / Clr Gartner)

That Council:

1. Enter into a lease agreement with Kiama Community College Incorporated for the continued use and occupation of 1 Mattes Way, Bomaderry (Lots 27, 29, 30 & 31 DP793122) for an initial term of three (3) years with two (2) option periods of three (3) years each (i.e. 3 x 3 x 3 year lease) at an initial annual rent of \$50,000 plus GST to be increased annually by CPI; and
2. Grant authority to affix the Common Seal of the Council 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.

CARRIED

**SA17.189 Holiday Haven Tourist Parks - Management & Operation
Contract Extension - Lake Conjola Entrance Holiday
Park**

**HPERM Ref:
D17/206942**

Recommendation (Item to be determined under delegated authority)

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

RESOLVED (Clr White / Clr Alldrick)

MIN17.626

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

CARRIED

**SA17.190 Holiday Haven Tourist Parks Tender for the Management
& Operation of the Huskisson Beach Holiday Park**

**HPERM Ref:
D17/208503**

Recommendation (Item to be determined under delegated authority)

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

RESOLVED (Clr White / Clr Alldrick)

MIN17.627

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

CARRIED

SA17.191 Council Policy Review - Waste Services

**HPERM Ref:
D17/208199**

Recommendation

That Council

1. Adopt the Disaster Recovery Policy – Waste Management (POL16/82).
2. Adopt the following policies with no or minor changes:
 - a. No charge tipping of storm damaged materials at waste depots Policy (POL16/168
 - b. Garden Waste Mulch - Community Assistance Policy (POL 16/170); and
 - c. Waste Minimisation and Management Guidelines (POL16/171
3. Adopt the No Charge Tipping Vouchers Policy (POL 16/169), noting commercial properties will no longer receive vouchers from FY18/19.

Recommendation (MOTION) (Clr Wells / Clr White)

That Council:

1. Adopt the Disaster Recovery Policy – Waste Management (POL16/82).
2. Adopt the following policies with no or minor changes:
 - a. No charge tipping of storm damaged materials at waste depots Policy (POL16/168)
 - b. Garden Waste Mulch - Community Assistance Policy (POL16/170); and

- c. Waste Minimisation and Management Guidelines (POL16/171)
- 3. Adopt the No Charge Tipping Vouchers Policy (POL16/169), noting commercial properties will no longer receive vouchers from FY18/19.

CARRIED

SA17.192 Indian (Common) Myna Bird Program

**HPERM Ref:
D17/133558**

Recommendation (Item to be determined under delegated authority)

That Council note the information contained in the report.

Note: Cllr Aldrick left the meeting at 7.06pm

RESOLVED (Cllr Levett / Cllr White)

MIN17.628

That:

- 1. Council within existing resources commence an Indian Myna Bird program comprising of:
 - a. Upgrading council's website to provide the community with sufficient information for them to instigate an Indian Myna bird eradication programme.
 - b. Development of an urban landscape policy to discourage the proliferation of Indian Myna birds
- 2. Council receive a further report outlining indications on what resources can be applied to achieve additional components of a Myna Bird reduction program within existing budgets.

FOR: Cllr Wells, Cllr White, Cllr Gartner, Cllr Cheyne, Cllr Levett, Cllr Pakes, Cllr Watson, Cllr Proudfoot and Russ Pigg

AGAINST: Cllr Kitchener

CARRIED

SA17.193 Review of the Shoalhaven Bushcare/Parkcare Policy and Procedures

**HPERM Ref:
D17/93261**

Cllr White – less than significant non pecuniary interest declaration – will remain the room and will take part in discussion and vote – “she is a member of a Parkcare Group at Sussex Inlet”.

Recommendation (Item to be determined under delegated authority)

That

- 1. Council endorse the Shoalhaven Bushcare/Parkcare Policy and Procedure with the amendments outlined in this report as a draft for consultation with Bushcare and Parkcare Groups.
- 2. That following the consultation with Bushcare and Parkcare groups the policy be reported back to Council for finalisation.

Cllr Gartner raised a Point of Order against Cllr Pakes in relation to disrespectful comments about staff and bushcare vigilante groups. Cllr Pakes ruled against the Point of Order.

RESOLVED (Clr White / Clr Proudfoot)

MIN17.629

That this matter be deferred to a Clr Briefing Workshop to allow for further review and reported back to Council.

CARRIED

**SA17.194 Tenders - Floodplain Risk Management Studies & Plans
- Lower Shoalhaven River and St Georges Basin**

**HPERM Ref:
D17/197911**

Recommendation (Item to be determined under delegated authority)

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

RESOLVED (Clr Wells / Clr White)

MIN17.630

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

CARRIED

SA17.195 Review of Shoalhaven Water Group Policies

**HPERM Ref:
D17/205002**

Recommendation (Item to be determined under delegated authority)

That Council reaffirm the following policies with minor changes:

1. Determining Residential and Commercial Properties for the Purpose of Levying Water and Sewer Charges
2. Water Hydrant Standpipe Extraction Policy
3. Pressure Sewer System Policy – Backlog Sewerage Schemes.
4. Rural Wastewater Connection Policy
5. Rural Water Supply Policy

RESOLVED (Clr White / Clr Cheyne)

MIN17.631

That Council reaffirm the following policies with minor changes:

1. Determining Residential and Commercial Properties for the Purpose of Levying Water and Sewer Charges
2. Water Hydrant Standpipe Extraction Policy
3. Pressure Sewer System Policy – Backlog Sewerage Schemes.
4. Rural Wastewater Connection Policy
5. Rural Water Supply Policy

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 Cheyne / Clr Proudfoot)

MIN17.632

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.

CSA17.11 Holiday Haven Park Management Contract extension - Lake Conjola Entrance
Holiday Park

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.

CSA17.12 Tenders – Management & Operation Huskisson Beach Holiday Park

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.

CSA17.13 Tenders – Floodplain Risk Management Studies & Plans – Lower Shoalhaven River
and St Georges Basin

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 7.44pm.

Note: Clr Wells left the meeting during the confidential session.

The meeting moved into open session, the time being 7.51pm.

REPORT FROM CONFIDENTIAL SESSION

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

CSA17.11 Holiday Haven Park Management Contract extension - Lake Conjola Entrance Holiday Park

HPERM Ref: D17/206859

RESOLVED (Clr Wells / Clr White)

MIN17.633C

That:

1. Council accepts the two (2) year optional contract extension for AN MacDougall Pty Ltd for the Lake Conjola Entrance Holiday Park at a total cost of \$1,148,152 (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 Group Director.

CSA17.12 Tenders – Management & Operation Huskisson Beach Holiday Park

HPERM Ref: D17/208561

RESOLVED (Clr White / Clr Pakes)

MIN17.634C

That

1. Council accepts the tender from Stay With Us Pty Ltd for the Management & Operation of the Huskisson Beach Holiday Park at a total cost of \$482,000pa (excluding GST) for the period of three (3) years from 1 September 2017.
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 Group Director.

CSA17.13 Tenders – Floodplain Risk Management Studies & Plans – Lower Shoalhaven River and St Georges Basin

HPERM Ref: D17/197355

RESOLVED (Clr Gartner / Clr White)

MIN17.635C

That:

1. In accordance with Section 178(1)(a) of the regulations accept Cardno (NSW/ACT) Pty Ltd Tender for Lower Shoalhaven River Floodplain Risk Management Study & Plan and St Georges Basin Floodplain Risk Management Study & Plan in the amount of \$319,415.50 (excl. GST). Council allocate \$70,000.00 from job number 15706 at the September 2017 quarterly budget review to job number 15803 towards the Lower Shoalhaven River Flood Risk Management Study and Plan to commence the study with the preferred tenderer.
2. Council allocate \$135,000.00 from job number 15706 at the September 2017 quarterly budget review to job number 15802 towards the St Georges Basin Flood Risk Management Study and Plan to commence the study with the preferred tenderer.
3. The General Manager (Director Planning, Environment & Development) write to the NSW Office of Environment & Heritage seeking approval to vary the approved grant amount for 2017-17-FM-0106 Lower Shoalhaven River Floodplain Risk Management Study & Plan to reflect the final negotiated contract amount.
4. The General Manager (Director Planning, Environment & Development) write to the NSW Office of Environment & Heritage seeking the maximum 30% increase in funding approval to vary the approved grant amount for 2016-17-FM-0107 St Georges Basin Floodplain Risk Management Study & Plan to reflect the final negotiated contract amount.

There being no further business, the meeting concluded, the time being 7.51pm.

Clr Pakes
ACTING CHAIRPERSON

SA17.196 Notice of Motion - Jervis Bay Lions Park Proposal

HPERM Ref: D17/255933

Submitted by: Cllr Greg Watson

Purpose / Summary

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

Recommendation (Item to be determined under delegated authority)

That

1. Council agree in principal to the renaming of the Park adjacent to the Jervis Bay Lions Club Rooms to Lions Park.
2. The General Manager liaise with the Lions Club Executive on the level of maintenance/upgrade of the Park to be undertaken by Jervis Bay Lions, and then report back to Council for final adoption of the proposal.

SA17.196

SA17.197 Six Monthly Delivery Program and Operational Plan Report - 1 January 2017 to 30 June 2017

HPERM Ref: D17/255292

Group: General Manager's Group
Section: Executive Strategy

Attachments: 1. IPR Six Month Report Jan 2017 to June 2017 (under separate cover) [⇒](#)

Purpose / Summary

The purpose of this report is to provide information on how the organisation has performed against targets in the Delivery Program and Operational Plan during the last six months of the 2016/17 financial year commencing 1 January 2017.

Recommendation (Item to be determined under delegated authority)

That the report of the General Manager (Executive Strategy) regarding progress to 30 June 2017 on the 2015/2017 Delivery Program and 2016/2017 Operational Plan be received for information, endorsed and published on Council's website.

Options

1. As recommended

Implications: Council will meet its Legislative requirements under the Local Government Act and inform the community of progress.

2. Adopt the recommendation and seek a further report on specific aspects of the six monthly report

Implications: Additional staff resources required to produce additional information

Background

Attached (**Attachment '1'**) is a summary of the six monthly Progress Report on the Delivery Program and Operational Plan providing a snapshot of how the organisation has performed against targets during the last six months of the 2016/2017 financial year. Whilst most activities are 'on' target or completed, some are 'below' target. Comments on what has been achieved over the past six months is provided for all Activities. Highlights for each Key Result Area (KRA) have been provided to document the range and depth of work currently being completed. Whilst key measures indicate Council's level of success in meeting the Community Strategic Plan Key Priorities.

This is the last report for the 2013/2017 Delivery Program. The new 2017/2021 Delivery Program has now commenced and the first six months of the Delivery Program as part of the Integrated Strategic Plan will be reported in February 2018.

Community Engagement

Community engagement on the development of the Delivery Program and Operational Plan is maintained through the feedback mechanism provided by this report.

SA17.197

SA17.198 Waiving & Discounting of Fees for Open Space & Community Facilities 2016/2017

HPERM Ref: D17/220265

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

Attachments:

1. Attachment A - Monthly Markets & Community Events in Public Reserves [↓](#)
2. Attachment B - Waiving of Fees for Open Space Venues & Community Services [↓](#)
3. Attachment C - Waiving of Fees for Shoalhaven Libraries [↓](#)
4. Attachment D - Waiving of Fees for Shoalhaven Entertainment Centre 2016-2017 [↓](#)

Purpose / Summary

To inform Council of fees that were waived or discounted during the period 1 July 2016 to 30 June 2017 for the use of Council's open space and community facilities.

Recommendation (Item to be determined under delegated authority)

That Council note that a total of \$118,426.61 of fees were waived or discounted during the period of 1 July 2016 to 30 June 2017 for the use of Council's open space and community facilities.

Options

1. Council receive this report for information.

Implications: The report is provided for information and hence there are no actions required from its acceptance.

2. Council provide an alternative recommendation with direction to staff.

Implications: The implications will be dependent on the form of the resolution.

Details

In accordance with Council's policies:

- Fees – Waivers, Subsidies and Support Policy – POL15/57
- Film & Video Production in Public Reserves & Public Place – POL08/145

The Director Finance, Corporate and Community Services has the delegation to waive fees for bona fide charities or fundraising activities for the use of Council's open and space and community facilities upon application. The Director may exercise his discretion or may report to Council for consideration and/or endorsement.

The attached tables show the fees waived and discounted that were approved in the period of 1 July 2016 to 30 June 2017. Please note some of the events are yet to be held however, the fees were waived during this period.

Attachment “A” – Monthly Markets & Community Events in Public Reserves – 2016/2017

Attachment “B” – Waiving of Fees for Open Space Venues and Community Services – 2016/2017

Attachment “C” – Waiving of Fees for Shoalhaven Libraries – Community Events in Council Facilities – 2016/2017.

Attachment “D” – Waiving of Fees for Shoalhaven Entertainment Centre – 2016/2017

The above fees are waived or discounted to assist relevant community events to occur that could not take place without this assistance.

Community Engagement

The fees waived or discounted during the period of 1 July 2016 to 30 June 2017 are for not for profit organisations or charities.

Examples of the events being held were of community events musicals, theatre, concerts, fun days and community meetings. These events add benefit to the community by educating and providing activities in which the community can come together to celebrate, entertain, network and socialise.

Financial Implications

A total of \$118,426.61 of fees were waived or discounted during the period of 1 July 2016 to 30 June 2017. A breakdown is provided below.

Monthly Markets & Community Events in Public Reserves 2016/2017	\$
2,746.41	
Waiving of Fees for Open Space Venues & Community Services 2016/2017	\$ 14,249.13
Waiving of Fees for Shoalhaven Libraries 2016/2017	\$
176.00	
Waiving of Fees for Shoalhaven Entertainment Centre 2016/2017	\$101,255.07

Attachment “A” - Monthly Markets & Community Events in Public Reserves 2016/2017

Date of Application	Applicant	Event	Type of Event	Type of Organisation	Date of Event	Location of Event	Has Council Previously Assisted	Is the Event open to the Community	Amount of Assistance
7/9/2016	Shoalhaven River Festival Management Committee	Shoalhaven River Festival 2016	Community Event	MC of Council	22 & 23/10/16	Nowra CBD & Shoalhaven River Foreshore	Yes	Yes	\$1007.00
As per Event Policy	Habitat Personnel	NAIDCO Day	Community Markets	Not for Profit	13/07/2016	Nowra Showground	Yes	Yes	\$173.10
12/8/2016	Sussex Inlet Lions Club	Sussex Inlet Country Fair	Community Markets	Not for Profit	1/10/2016	Lions Park Sussex Inlet	Yes	Yes	\$250.65
26/10/2016	Marine Rescue NSW Jervis Bay Unit	Annual Duck Derby & Family Fun Day	Duck Derby & Markets	Not for Profit	21/01/2017	Moona Moona Creek Huskisson	Yes	Yes	\$250.65
16/11/2016	Gavin Cameron Foundation Inc	One Voice Shoalhaven	Sing & Picnic	Not for Profit/Charity	01/04/2017	Nowra Showground	No	Yes	\$1,065.00
Total									\$2,746.41

Attachment “B” – Waiving of Fees for Open Space Venues & Community Services - 2016/2017

Date of Application	Applicant	Event	Type of Event	Type of Organisation	Date of Event	Location of Event	Has Council Previously Assisted	Is the Event open to the Community	Amount of Assistance
14/12/2015	Cancer Patients Foundation Ltd - Look Good Feel Better	Look Good Feel Better	Workshop for Cancer Patients	Not for Profit	30/8, 5,10 & 7/12/2016	Nowra Showground Committee Room	Yes	Yes	\$396.00
11/11/2015	Helping the Homeless in Nowra – Nowra Baptist Church	Free Lunch for Homeless	Free Lunch for Homeless	Not for Profit	Every Tuesday from 1 July 2017 to 30 June 2017	Nowra Showground Pavilion	No	Yes	\$3,537.60
15/11/2016	Lay Missionary of Charity Soup Kitchen	Soup Kitchen	Free Lunch for Homeless	Not for Profit	Every Friday	Nowra School of Arts Annex	Yes	Yes	\$2,033.20
08/11/2016	Christian Churches of Berry	Christmas Carols	Christmas Carols	Not for Profit	24/12/2016	Berry School of Arts	Yes	Yes	\$108.20
08/11/2016	Christian Churches of Berry	Christmas Carols	Christmas Carols	Not for Profit	24/12/2016	Apex Park Berry	Yes	Yes	\$84.25
1/10/2016	Culburra Surf Club	Proficiency Testing	Proficiency Testing	Not for Profit	1/10/2016	Bomaderry Aquatic Centre & Nowra Aquatic Park	No		\$100.00

1/10/2016	Shoalhaven Heads Surf Club	Proficiency Testing	Proficiency Testing	Not for Profit	1/10/2016	Bomaderry Aquatic Centre & Nowra Aquatic Park	No		\$100.00
3/10/2016	Berry Fairgrounds Festival	Annual Festival	Music Festival	Commercial	4/12/2016	Berry Village Pool			\$1,250.00
10/8/2016	Jervis Bay Sailing Club	Annual Sailing Regatta	Sailing Regatta	Not for Profit	1 & 2/10/2016	Callala Bay Boat Ramp Reserve	Yes	Yes	\$168.50
22/7/2016	Taronga Conservation Society Australian & NSW Department of Education	School Field Day	School Field Day	Not for Profit	31/10 & 1/11/2016	Moona Moona Creek Huskisson	No	No	\$168.50
4/10/2016	Milton Ulladulla Business Chamber	Bells Amusements - Fireworks	Annual New Year's Eve Fireworks	Commercial	24/12/2016 to 3/1/2017	Ulladulla Civic Centre Grounds	Yes	Yes	\$2,004.00
23/1/2017	Rotary Club of Ulladulla	Blessing of the Fleet	Festival	Community	4/2017	Ulladulla Civic Centre – Grounds & Auditorium	Yes	Yes	\$3,593.00
10/4/2017	Jervis Bay Sailing Club	Annual Sailing Regatta	Sailing Regatta	Not for Profit	30/9 & 1/10/2017	Callala Bay Boat Ramp Reserve	Yes	Yes	\$168.50
22/5/2017	Paint the Town Read	Reading Event for Pre-schooler's	Reading Event	Not for Profit	26/10/17	Nowra Showground Main Arena	No	Yes	\$234.08

23/5/2017	Berry & District Garden Club	Garden Festival	Annual Garden Festival	Not for Profit	12 – 15/10/2017	Apex Park Berry	Yes	Yes	\$303.30
Total									\$14,249.13

Attachment “C” – Waiving of Fees for Shoalhaven Libraries - 2016/2017

Date of Application	Applicant	Event	Type of Event	Type of Organisation	Date of Event	Location of Event	Has Council Previously Assisted	Is the Event open to the Community	Amount of Assistance
4/11/2016	Wrap With Love	Knitting	Group of ladies knitting items for local charities, hospitals, nursing homes.	Not for Profit	1 st Tuesday each month Feb - Dec	Nowra Library Meeting Room	Yes	Yes	\$176.00
Total									\$176.00

Attachment D - Waving of Fees for Shoalhaven Entertainment Centre - 2016/2017

Date of Application	Applicant	Event	Type of Event	Type of Organisation	Date of Event	Location of Event	Has Council Previously Assisted	Is the Event open to the Community	Amount of Assistance
04/09/2015	Albatross Musical Theatre Company Inc	Oliver	Musical Theatre Production	Not for Profit	1/7/16-18/7/16	SEC	Yes	Yes	\$ 40,715.78
04/09/2015	Albatross Musical Theatre Company Inc	Legally Blonde	Musical Theatre Production	Not for Profit	5/11/16 - 21/11/16	SEC	Yes	Yes	\$ 36,433.61
10/11/2016	Shoalhaven Business Chamber Inc	Shoalhaven Business Awards 2016	Gala Dinner/Awards Presentation	Not for Profit	24/8/16-27/8/16	SEC	Yes	Yes	\$ 10,027.00
02/02/2016	Illawarra On Pointe Productions Inc	South Pacific In Concert	Musical Theatre Production	Not for Profit	11/5/17-14/5/17	SEC	Yes	Yes	\$ 2,750.00
16/02/2016	New Steel City Strings Inc	Steel City Strings Concert	Concert	Not for Profit	12/03/2017	SEC	Yes	Yes	\$ 1,925.00
23/02/2016	Shoalhaven Regional Anglican Schools	Nowra Anglican College - Pirates of Penzance	Musical Theatre Production	Not for Profit	17/6/2017-26/6/17	SEC	Yes	Yes	\$ 5,637.50
05/05/2016	City of Shoalhaven Eisteddfod Inc	Shoalhaven Eisteddfod Schools Choral Section	Community	Not for Profit	25/05/2017	SEC	Yes	Yes	\$ 1,339.52
05/05/2016	City of Shoalhaven Eisteddfod Inc	Shoalhaven Eisteddfod Schools Verse Speaking Section	Community	Not for Profit	07/06/2017	SEC	Yes	Yes	\$ 1,490.32
05/05/2016	City of Shoalhaven Eisteddfod Inc	Stars of the Eisteddfod	Community	Not for Profit	17/06/2017	SEC	Yes	Yes	\$ 936.34
TOTAL									\$ 101,255.07

SA17.199 Shoalhaven Indoor Sporting Centre - Management Options

HPERM Ref: D17/244920

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

Purpose / Summary

To present to Council options for the management and operation of the Shoalhaven Indoor Sports Centre and seek direction on the way forward for the governance of the facility.

Recommendation (Item to be determined under delegated authority)

That Council

1. Prepare a Request for Tender for the management and operation of the Shoalhaven Indoor Sports Centre through a Management Agreement,
2. Publically advertise the Request for Tender for interested parties to prepare a submission,
3. Submit a further report to Council on the outcome of the Request for Tender process

Options

1. Prepare a Request for Tender (RFT) for the management and operation of the Shoalhaven Indoor Sports Centre through a Management Agreement (Recommended)

Implications: Request for Tender documentation, including Service Specification, Standards, Key Performance Indicators and maintenance and life cycle accountabilities, and draft Contract would be prepared and publicly advertised, offering an open and transparent process to appoint the service provider.

Council staff will be required to prepare the Request for Tender documentation and oversight the Tender process, which will impact and necessitate revisions to existing work programs.

Council is eligible to submit an in-house bid.

2. Council determine to manage and operate the Shoalhaven Indoor Sports Centre in-house

Implications: This would negate the need for a Request for Tender process, Council would have direct control of the centre and ensure equity of access to a broad range of users and offer office space and block booking of space for selected key stakeholder groups such as the Shoalhaven Basketball Association.

Background

The construction of the Shoalhaven Indoor Sports Centre on the Artie Smith Reserve, along Cambewarra Road, Bomaderry has commenced and direction is required from Council on how the facility will be managed and operated.

The existing indoor sports centre, which consists of two (2) indoor courts, was constructed on the site in the early 1960's. This impetus was through the endeavours of the Shoalhaven Sporting Association and the Recreation Reserve Development Committee, and the stadium opened in 1965. The Shoalhaven Basketball Association currently manages the facility.

Given the design, scope and scale of the modern multi-purpose four (4) court facility, which includes a crèche, café and a multi-purpose mezzanine space, this new centre has potential to attract a broad range of new user groups and recreational users, in addition to the existing users, which are primarily basketball focussed. Community expectation regarding public access to the centre and professional management will necessitate considering a change in operating model.

Council will recall the recent visit to Menai Sports Centre in March 2017. This indoor facility, which has a similar mix of facilities and of comparable size to the Shoalhaven centre being constructed. It is owned and operated by Sutherland Shire Council and offers a diverse range of programs throughout the day, along with hosting formal sports competitions, leagues, training sessions and events for a variety of sports organisations who are based at the centre.

Further, Council at its meeting on 27 October 2015 adopted MIN15.651 part (f) pertaining to the Fit-Out of the facility:

- (f) *'Receive a further report on post construction Fit-Out items (if required) once management and operation of the facility is determined'.*

Hence, direction on the future model for the management and delivery of the Centre is required as this impacts on the scope and funding requirements for facility Fit-Out. A report on Fit-Out requirements is also included in this business paper.

Council has previously received representations from prospective operators of the facility and Councillors have been invited to briefings.

There are a number of options open to Council in determining how this facility could be operated and managed; however, in making a decision, Council should also consider that the indoor sports centre is one of a number of future facilities that will form the Shoalhaven Community and Recreational Precinct.

It is proposed that Council should have responsibility for the overall governance and management of the precinct; however, there are a number of management options and models for individual facilities that form parts of the overall precinct.

For example, where there are single use facilities, such as the croquet courts, it is proposed to manage these through lease arrangements. Bookings for the sports grounds would continue to be managed by Council through seasonal hire agreements, licences and permits. Bomaderry Aquatic Centre and the future Pavilion, which will include a range of aquatic facilities and services, would continue to be managed by Council. Third party agreements for use and / or occupation of aspects of the Pavilion will be managed through either lease, licence or hire agreements/ permits as appropriate.

Management Options

The following Options have been identified for the management and operation of the Shoalhaven Indoor Sports Centre:

- Option 1 – Call a Request for Tender for the management and operation of the Shoalhaven Indoor Sports Centre through a *management agreement*

- Option 2 – Council Operate the Facility In-House

The new facility is on Community Land – Sportsground and has a Generic Plan of Management – Sportsground and there is also an Artie Smith Master Plan 2013 for the site.

The core objectives for land categorised as sportsground, as prescribed under section 36 of the Local Government Act 1993 are:

(a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and

(b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.

Neither the Plan of Management nor the masterplan outlines specific management models but the master plan notes that Council should apply benchmark standards and practices in asset delivery, operation and management.

Work Plan and Resource Implications

Should Council determine to call for either a RFT Council staff will be required to prepare the documentation and manage the respective processes.

Staff from the Recreation, Community and Culture and Business and Property Sections in conjunction with respective industry specialists (where required) and legal advisors will form the Evaluation Team.

Dependant on the way forward a review of current work priorities may need to be undertaken.

The decision to either manage and operate the facility directly in-house, or through the engagement of an external operator through a Management Agreement may have a direct impact on the scope of the Fit-Out and the level of funding that will be required from Council.

Should Council decide to operate the Shoalhaven Indoor Sports Centre through an in-house management model, the full Fit-Out budget will be required prior to opening and operating the facility.

Should Council chose an alternate management model for the facility, and depending on the terms of the management agreement inclusions, some of the Fit-Out components may become the responsibility of the operator. Any perceived savings between in-house management and an external operator where the initial Fit-Out costs are passed onto the operator will, ultimately be borne by Council through increased management fees and / or operational costs, particularly at the end of any agreement term.

Council can counter this by providing the full fit out and ensuring terms of any agreement cover the required maintenance and replacement of fit out items through appropriate asset management plans.

Options for the Management and Operation of the Shoalhaven Indoor Sports Centre

The following models and management framework are presented for consideration

Option 1 – Call a Request for Tender for the management and operation of the Shoalhaven Indoor Sports Centre through a management agreement

This would require the development of a Management Contract and Agreement, including a specification with service standards, key performance indicators and maintenance and life

cycle accountabilities. The duration of the contract and any potential extensions, also need to be agreed. Should the operator be required to fund aspects of the Centre Fit-Out, the management contract tenure should be for a period of time that will allow for a return on the Fit-Out investment.

This method would provide an open and transparent process to appointing an operator; it would comply with the Local Government Act 1993 (LGA), Local Government Regulations and Local Government Tendering Guidelines.

Staff in the Recreation, Community and Culture, and Business and Property Sections would be required to develop the documentation and manage these processes. Council would also need to identify a resource to have oversight of the Management Contract to a third party operator for the duration of the agreement. This is to ensure they are meeting the specification, service standards and key performance indicators and be a liaison between Council and the operator in satisfying their contractual responsibilities.

This approach enables interested third parties to submit a tender through a publicly advertised Request for Tender process. This process permits Council to prepare and submit an 'in-house' bid.

This approach may attract both not-for-profit and commercial operators to make submissions. The requirement to deliver services in accordance with a specification with service standards should assist in ensuring equity of access and reducing the likelihood of favouring one sporting code or user group over another having prime use of the venue.

However, with a third party operator, there is the potential to focus on income generating programs and services to the detriment of programs based on social inclusivity, and to save money through reduced customer service and asset maintenance.

Previous experience with external operators managing Council aquatic and recreation facilities has also shown a deterioration in asset condition with these not being maintained to a satisfactory standard. This has resulted in Council injecting substantial funds to rectify building maintenance items at the cessation of management contracts.

If the operator is not a Shoalhaven based entity, monies generated through the operation of the facility may flow out of the region.

Option 2 – Council Operate the Shoalhaven indoor Sports Centre In-House.

Council can determine to operate the facility through the engagement of Council staff who would directly manage this facility in-house. This could become part of the Swim and Fitness portfolio without the need to put out to a public request for tender or expression of interest.

Council has a proven track record and considerable expertise in the management and delivery of services across a broad range of service areas. There is staff expertise and skills within the existing Swim and Fitness Unit to manage and operate the Shoalhaven Indoor Sports Centre and provide Council will both the confidence and assurance that customer service and asset management will be a high priority to ensure the growth of the facility operations and the longevity of the asset for the community.

This would optimise the use of the facility as a multi-purpose indoor facility. Providing greater equity and access to a wide range of user groups. It would provide for the development of a range of public programs to build casual and regular usage, and offer targeted programs to vulnerable, at risk and marginalised groups under Councils community service obligations that may not otherwise be offered.

This option also provides Council with greater control and oversight, with flexibility to accommodate requests that may benefit the broader community interest such as events, supporting emerging sports or offering services to targeted groups or organisations.

Council is well placed to continue working collaboratively with the existing stakeholder groups. The design of the facility would allow office space to be provided to key stakeholder groups such as the Shoalhaven Basketball Association. In-house management would also be supportive of establishing partnerships with a range of other potential user groups and service organisations to enable them to have access to the facility as well as developing a range of public programs to build casual use.

The Tamworth Dome Sports Centre is managed by Tamworth Regional Council, they have entered into agreements with both the Basketball Association and Netball Association for them to have office space in the facility, and to block book courts for use by their association.

This Option would also enable a seamless transition to a management structure covering the whole of the proposed Shoalhaven community and Recreational Precinct in the future, whilst Options 1 & 3 would require either a novation or assignment capability.

The option also ensures a smooth transition from construction, Practical Completion, issuing of Construction Certificate through to Commissioning Hand Over Training & Operation (CHOTO) Fit-Out and soft opening.

Community Engagement

Should Council determine to proceed with a Request for Tender for the management and operation of the Shoalhaven Indoor Sports Centre, this will be publicly advertised with submissions being made via Tenderlink.

A RFT will offer opportunities for commercial entities, not for profit organisations and an in-house team to submit a tender and enable these to be assessed and evaluated against the criteria articulated in the RFT in an open, objective and transparent process.

Financial Implications

Costs associated with development of any RFT process, advertising and review of submissions will be funded from within existing budgets.

Staff resources and work plans within the Recreation, Community and Culture, and Business and Property Units would be reviewed and re-prioritised. This would allow staff time to be dedicated to the development of the required documentation and management of the process in accordance with Council's procurement policy and procedures.

Any funding requirements for the management and operation of the Shoalhaven indoor Sports Centre arising from the outcome of these processes would be reported to Council along with recommendations arising from and RFT process.

Council staff have undertaken some benchmarking with comparable indoor sports facilities in regional areas. Centre financial performance is linked to a number of variables which include:

- Size of facility,
- Complexity of facility such as specialist flooring, heating, ventilation and air conditioning systems
- Facility mix – number of courts, crèche, café, meeting & multi-use spaces etc., whether the facilities form part of a larger complex – e.g. with outdoor courts and sports fields or linked with an indoor leisure centre including pools and gyms,
- Number of days of operations, and length of opening hours,
- Visitation,

- Pricing methodology for fees and charges, appetite to apply user pays principles and consideration for community service obligations,
- Overheads – such as electricity, water, insurance, maintenance, security, telephone charges etc.,

Some aspects of the centre will be under a 12-month defect liability period or a 12-month warranty period, some of servicing costs may be covered, hence it will be difficult to establish some maintenance and operating costs in the initial period of operation. Similarly electricity charges will be based on usage and will be difficult to forecast in the initial start-up period. Staff costs will be dependent on the number of days of operation, the length of opening hours and the types of bookings, events and programs offered.

Review of available information indicates a subsidy of between \$40,000 and \$60,000 per court per annum is required for an established / mature operation. This assumes that all four (4) would be available for use, however at the Shoalhaven Indoor Sports Centre the show court would not be routinely available for casual bookings and may therefore impact on this estimate.

Until the centre has been fully operational for a period of 2 – 3 years it is difficult to forecast the level of subsidy with some certainty, hence a potential subsidy of between \$200,000 - \$300,000 should be anticipated. Once a pattern of use and operation is established this information can be used to develop the business potential further and forecast budget performance more accurately.

Risk Implications

Transition Period – Practical Completion – Commissioning Hand Over Training & Operation (CHOTO) – Opening

Options 1 may lead to an extended transition period from building Practical Completion to operation. This transition will need to be carefully managed to ensure there are no undue delays in opening the venue.

Defect Liability Period, Warranties and Fit-Out Timeline

Once Practical Completion is achieved, a 12-month Defect Liability period commences. It is essential that the Project Manager and building contractor are kept formally informed of defects and performance issues with the building. There is the risk that with an external operator these will not be communicated expediently enabling them to be rectified which may have a longer-term effect on the building.

Similar a number of plant and equipment items will be under a 12-month warranty and servicing period and it is essential that an external operator has in place a scheduled planned and preventive maintenance program to ensure warranties on plant and equipment are not compromised.

Compliance

The Council may not achieve Practical Completion status in terms of compliance. For example, the Food Premises Policy in relation to kitchen fit-out may not be issued until this area is complete. This may be subject to the operator funding the fit-out of these areas prior to operations; however, this will not be aligned to Practical Completion and may delay the issuing of an Occupation Certificate.

Accessibility

With such a substantial investment from Council into the project, the community will be expecting a shared use of the facility and equal access to the benefits it will provide. An external operations model may result in disappointment among community members where access is either not attainable and / or affordable as access will be at the discretion of the

external operator. This will need to be considered in any Management Agreement. The requirement to ensure higher levels of community access will result in higher operational costs.

Management Experience

Appointing an appropriately experienced operator with the capability and proven track record in managing facilities will maximise the potential of the centre and minimise Council's financial risks, comply with legislative requirements, particularly related to WHS, Award provisions and Industrial requirements.

Financial Risk

By putting the management and operation of the centre out to the market, Council is able to evaluate submissions, and any management fee implications for Council.

SA17.200 Community Infrastructure Guidelines

HPERM Ref: D17/231536

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

Attachments: 1. Community Infrastructure Grant Guidelines (under separate cover) [⇒](#)

Purpose / Summary

To introduce the *Community Infrastructure Grant Guidelines* to Council and to respond to the Notice of Motion from Cllr Proudfoot requesting a report on broadening the potential for the ways that "in kind" contributions from community groups can be used for capital works projects.

Recommendation (Item to be determined under delegated authority)

That Council notes the *Community Infrastructure Grant Guidelines* report for information.

Options

1. Adopt the recommendation.

Implications: This will update Council on the *Community Infrastructure Grant Guidelines* that staff are implementing.

2. Not adopt the recommendation.

Implications: This may require providing direction to Council staff on how to broaden the potential for the ways that "in kind" contributions from community groups can be used for capital works projects

Background

Council resolved at its April Strategy and Assets meeting

That:

1. Council notes the Community Infrastructure Guidelines report for information.
2. A Councillor Briefing be scheduled on the Community Infrastructure Guidelines.

A Councillor briefing was held on the 18 July 2017 and a video was presented to the briefing outlining the process for community to access the grant monies. Minor changes have been made to the guidelines in line with Councillors comments.

Notice of Motion

In the Council Ordinary Business Paper of 4 April 2017 a Notice of Motion was proposed by Cllr Proudfoot which was deferred to the Ordinary Meeting on 26 April 2017:

That Council staff prepare a report on broadening the potential for the ways that "in kind" contributions from community groups can be used. The report would need to

include, but not be restricted to applications for funding and constructing capital projects.

The note by the General Manager related to the above resolution indicated that Council staff were currently preparing *Community Infrastructure Guidelines* that address potential ways that "in kind" contributions from community groups can be used to deliver minor infrastructure projects which is presented at this Strategy & Assets Committee meeting. Unfortunately, the above Notice of Motion was deferred to the following Council Meeting however, staff have presented this report in anticipation of meeting the requirement of this Notice of Motion.

Community Infrastructure Guidelines

The *Community Infrastructure Guidelines* are designed to encourage and define "in kind" contributions from community groups for capital projects. In doing this, the *Guidelines* define the extent to which community driven infrastructure projects may be funded by Council, and the roles of other partners contributing to the project (i.e. community, other levels of government). The *Guidelines* are shown in Attachment 1.

Community Engagement

Community engagement and feedback will be encouraged through implementing the *Guidelines* and where appropriate the *Guidelines* will be updated and improved with this feedback.

Policy Implications

There are no policy implications for the implementation of the *Guidelines* which are designed to complement existing Council policies such as the *Voluntary Users Contributions*, *Skate Parks* and other similar policies which encourage in kind contributions from community groups for capital works projects.

Financial Implications

There are no foreseen financial implications for the implementation of these *Guidelines* which value add to Council's capital works program and/or encourages delivery of external grant funded projects.

Risk Implications

There are no immediate foreseen risk implications with community groups undertaking relevant capital works projects which are covered by Council's blanket volunteer insurance coverage.

SA17.201 Policy Review - Management Committees

HPERM Ref: D17/238473

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

Attachments: 1. Management Committee Guidelines - 15.08.2017 (under separate cover)
2. Policy - Management Committees [↓](#)

Purpose / Summary

Council is required to review all policies within 12 months of the election. This policy is presented for readoption without changes.

Recommendation (Item to be determined under delegated authority)

That Council re adopt the public policy, Management Committees, without changes.

Options

1. Re adopt the policy as recommended.

Implications: Council staff will continue to implement the policy in liaison with Management Committees.

2. Amend the recommendation.

Implications: Changes to this policy will require Council to consider the resources that may be required to undertake community consultation and public exhibition requirements.

Background

The purpose of the Management Committees Policy POL16/189 is to define Council's management of its various Management Committees.

This Policy has been reviewed and it is recommended that the Policy be adopted in its current form. The Policy in its current form is working well for both Council and Management Committees.

Operational implementation of this Policy is through Council's Management Committee Guidelines. The guidelines are a tool for both staff and management committees in undertaking their functions. These are able to be updated by staff from time to time as required to reflect operational and governance requirements, current legislative and planning standards and any changes therein.

The document can be viewed at:

<http://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=POL10/131>

Community Engagement

As there has been no changes to the policy community engagement is not required.

Financial Implications

No additional financial implications result from readoption of the existing policy.



City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Finance Corporate & Community Services Group

MANAGEMENT COMMITTEES

Policy Number: POL16/189 • **Adopted:** 28/06/2005 • **Amended:** 14/04/2009 • **Reaffirmed:** 14/12/2012 • **Minute Number:** MIN05.733, MIN09.409, MIN12.1397 • **File:** 26634E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:**

1. PURPOSE

The purpose of the policy is to define Council's management of its various Management Committees.

2. STATEMENT

The policy is based on Council's authority, under Section 355 and 377 of the NSW Local Government Act 1993, and subsequent amendments, to delegate management of facilities to local residents and/or organisations.

Upon adoption of this policy, the following were rescinded:

Minute 87.1402 "Management Committees – Playing Fields Subsidies"
Minute 88.689 "Management Committees – Delegation of Powers" and
Minute 98.1132 "Management Committees – Delegation of Powers"

3. PROVISIONS

Council Management Committees must be:

- 3.1. Appointed in accordance with Section 355 and 377 of the NSW Local Government Act 1993, and;
- 3.2. Function in accordance with Shoalhaven City Council's Management Committee Guidelines.

4. IMPLEMENTATION

The Finance Corporate & Community Services Group will administer this policy and Council's Management Committee Guidelines.

5. REVIEW

To be reviewed within one year of the election of a new Council.

6. APPLICATION OF ESD PRINCIPLES

Not Applicable.

SA17.202 Loans (Advances) to Community Groups Policy

HPERM Ref: D17/243647

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

Attachments: 1. Loans (Advances) to Community Groups Policy [↓](#)

Purpose / Summary

Council to endorse the Loans (Advances) to Community Groups Policy

Recommendation (Item to be determined under delegated authority)

That Council

1. Council Endorse the Draft Loans (Advances) to Community Groups Policy
2. Place the Draft Loans (Advances) to Community Groups Policy on public exhibition for a period of 28 days
3. If no submissions are received the policy be adopted and if submissions are received a further report be presented to Council after the public exhibition of the Draft Loans (Advances) to Community Groups Policy

Options

1. Adopt the recommendation

Implications: Provides a strategic direction to the process of supporting community groups through advances (loans)

2. Council not adopt the recommendation

Implications: The granting of advances (loans) to Community groups will not have a strategic direction to operate in.

Background

Shoalhaven City Council has been in the practice of supporting community groups and organisations who occupy facilities on Council managed land by way of interest free or low interest loans. Advances have been used to maintain and upgrade facilities organisations have been operating from or to purchase needed assets for the operation of the community organisation. A small budget is identified for this purpose each year (Job No.10454 Advances to Community Groups).

The budget was originally used to assist in maintaining the Council assets controlled by sporting groups in the Shoalhaven. In recent years, this has been expanded to include all community groups operating from facilities operating on Council managed land.

The draft policy provides a strategic framework for these advances to operate from and provides basic guidelines for the transparent operation of the process.

Community Engagement

The draft policy will be placed on Public Exhibition for a period of 28 days and a subsequent report furnished to Council outlining any comments and suggestions made during this period.

Financial Implications

There are no additional financial implications.



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Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Finance Corporate & Community Services Group

Loans (Advances) to Community Groups Policy

Policy Number: POL17/72 • **Adopted:** [\[Click here to enter date\]](#) • **Minute Number:** [\[Click here to enter Minute number\]](#) • **File:** 2990E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:**

1. PURPOSE

To provide financial assistance to community groups and organisations who occupy facilities on Council managed land by way of interest free, or low interest, loans.

2. STATEMENT

Council will consider providing financial assistance by way of interest free, or low interest, loans to community organisations and groups within the Shoalhaven Local Government Area for the purpose of exercising Council functions of providing community, sporting and recreational projects, services and facilities.

This policy is in accordance with section 356 of the NSW Local Government Act.

3. PROVISIONS

- 3.1. The community project or facility which is subject to the application for financial assistance is approved by Council and is located on Council owned or managed land;
- 3.2. The community group must be a 'not for profit' organisation and have an incorporated status;
- 3.3. The period for repayment of loans will be within a term of not more than 10 years;
- 3.4. Priority will be given to applications for financial assistance from community groups and organisations that:
 - Provide community, recreational projects, services and facilities which are available to all persons or a significant number of persons within the Council area and;
 - Include the contribution of funds by the community group or organisation, either cash or in kind. These must represent 33% of the capital cost of the project
- 3.5. Requests associated with meeting ongoing salary, rent, day to day operating costs or commercial undertakings will not be considered;
- 3.6. Council will undertake a due diligence review to establish the ability of the applicant to service loan interest and principal repayments;
- 3.7. Applications by community groups and organisations for loans from Council must provide a full description of the project, service or facility for which the loan is sought and include with the application the following:
 - Annual audited income and expenditure statements for the last 2 years;

Shoalhaven City Council - Title

- A copy of the community group or organisation's constitution or if not an incorporated association documentation detailing their legal authority and ability control funds
 - A copy of the minute passed at a meeting of the community group or organisation seeking a loan from Council
 - Plans, approvals quotes and other relevant documentation enabling the project to be undertaken
- 3.8. Applications will not be considered if a current liability exists to Shoalhaven City Council;
- 3.9. Applications should align with the Community Infrastructure Strategic Plan
- 3.10. Provision of a loan does not affect the ability of the applicant to seek additional grant funding from other organisations. Council would encourage seeking grants / funding from other organisations
- 3.11. A report will be prepared for Council prior to any monies being loaned

4. IMPLEMENTATION

The Finance, Corporate and Community Group will administer this policy

5. REVIEW

To be reviewed within 1 year of the election of a new Council

SA17.203 Successful Grant Funding - Festivals Australia - Shoalhaven River Festival Art Precinct

HPERM Ref: D17/235391

Group: Finance Corporate & Community Services Group
Section: Tourism

Purpose / Summary

To advise Council of the successful application for the art precinct's River Marker Project as part of the 2017 River Festival.

Recommendation (Item to be determined under delegated authority)

That Council

1. Accept the funding offer and vote the funds of \$20,000 to the Flood Marker sculptures project.
2. Write to Senator the Hon Mitch Fifield, Minister for the Arts accepting and thanking him for the grant funding.

Options

1. Council adopt the recommendation as printed.

Implications: This will allow the art project to go ahead as part of the 2017 River Festival.

2. Council reject the recommendation and provide an alternative option.

Implications: If the funding offer is declined then the art project will not proceed.

Background

An application for \$20,000 was submitted for the Flood Markers Project in association with the River Festival. The project will be a dramatic collection of large vertical lit sculptures celebrating the Shoalhaven River. The project is a sculptural expression of the impact the River has had on the people of the Shoalhaven. Using this theme as a point of departure artists, craftspeople, community members and environmental groups will work with the vertical sculpture form of the flood marker to pattern, weave, paint, sculpt and light the 'markers' of community and the stories of the River. The ephemeral Flood Marker sculptures will be displayed at community venues and on the Riverfront before and during the Festival creating a River gateway to the Festival and the ArtZone.

Community Engagement

No community engagements have taken place.

Financial Implications

The \$20,000 will pay for local engineering and construction companies to build and install a series of armatures for artists to work with. This will ensure the sculptures are stable and safe in a community context. It will also enable a core group of works with a size and scale to create an exciting presence in the Festival landscape. These will be accompanied by smaller markers created by community groups.

The Flood Markers will also be lit with integrated battery operated LEDs for the evening events during the Festival period. The development of a solar lighting solution is being investigated.

Risk Implications

The necessary risk assessments will be conducted when completing this project.

SA17.204 Panel of Conduct Reviewers - Code of Conduct

HPERM Ref: D17/229143

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

Purpose / Summary

To establish a panel of independent Conduct Reviewers who may be called upon to assess, resolve or, if necessary, investigate Code of Conduct complaints made against Councillors or the General Manager.

Recommendation

That Council appoint the members of the Regional Panel of Conduct Reviews for a period of four (4) years, those being:

- Centium Group Pty Ltd
- O'Connell Workplace Relations Pty Ltd
- O'Connor Marsden & Associates Pty Ltd
- SINC Solutions Pty Ltd
- TressCox Lawyers
- Williams Love & Nichol Pty Ltd T/as Bradley Allen Love Lawyers
- Workplace Investigations Services P/L ices (T/A Wise Workplace)

Options

1. That Council appoint the Panel of Conduct Reviewers as recommended by the IPJO Expression of interest Process (as recommended)

Implications: The Council will meet the requirement and have a sufficient panel of Conduct Reviewers to draw from if required.

2. That the Council appoint an amended list of panel members

Implications: Council will need a sufficient number of panel members to ensure it is able to engage services when and if required.

Background

The adopted procedures for the Administration of the Model Code of Conduct (The Procedures) require that Council resolve to establish a panel of conduct reviewers for a term of four (4) years. Where Council is unable to resolved less serious complaints about Councillors or the General Manager, they are to be referred to an independent Conduct Reviewer for assessment and resolution or investigation.

On 26 March 2013, (MIN13.326) Council resolved to enter into an arrangement with the then Southern Councils Group to share a panel of Conduct Reviewers. A panel of Thirteen (13) conduct reviewers, being the Southern Councils Group Panel, were appointed on 23 July 2013 for a period of four (4) years, expiring in July 2017.

Council joined with the now Illawarra Pilot Joint Organisation (IPJO) comprising of member councils, Wollongong, Shellharbour, Kiama and Shoalhaven in May 2017 to embark on an Expression of Interest (EOI) process to form the replacement panel of conduct reviewers. The costs of the expression of interested process were met by the IPJO.

The Evaluation Team comprised: Kerry McMurray (Kiama Municipal Council), Sara McMahon (Shoalhaven City Council), Deborah Arney (Wollongong City Council), Sonya Stewart (Shellharbour City Council), and Tracey Maguire (Illawarra Pilot Joint Organisation).

A summary of the evaluation process is set out below.

The Ten (10) EOIs were first assessed against the mandatory criteria:

1. Compliance with the minimum eligibility requirements as set out in clause 3.5 of the OLG Procedures for the Administration of the Model Code of Conduct:
2. Compliance with Insurance Requirements
3. Completed Conflict of Interest and Fair Dealing Declaration
4. Agreement with KPIs

The EOIs were then evaluated against the Assessment Criteria specified in the Procurement Plan, namely:

5. Demonstrated knowledge and experience of
 - a) Local Government
 - b) Public administration
 - c) Investigations
 - d) Alternative dispute resolution
 - e) Code of Conduct Reviews - references provided
6. Resources, Capacity and Capability
 - a) Number of nominated personnel - qualifications, specialist skills
 - b) Responsiveness and Reporting

and scored in accordance with the Evaluation Methodology.

EOIs were ranked based on the score received.

The appointment of Seven (7) Conduct reviewers is submitted for the adoption of the Council.

Community Engagement

Expressions of Interest were invited through Tenderlink and the following media: Illawarra Mercury, Sydney Morning Herald, South Coast Register, Milton Ulladulla Times, and Kiama Independent.

In addition, all current reviewers used by Councils were notified of the process.

Representatives of the four Illawarra Pilot Joint Organisation member Councils participated in the process.

Policy Implications

The appointment of this panel is required under the Model Code of Conduct Procedures.

Financial Implications

Conduct Reviewers will be engaged, as the need arises, on a fee for service basis.

SA17.205 Readoption - Code Of Meeting Practice - Code of Conduct and Code of Conduct Procedures

HPERM Ref: D17/239173

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

Attachments: 1. Code of Conduct (under separate cover) ➡
2. Code of Conduct - Procedures (under separate cover) ➡
3. Code of Meeting Practice (under separate cover) ➡

Purpose / Summary

To reaffirm the Code of Meeting Practice, the Code of Conduct and the Procedures for the Code of Conduct without amendment until such time as revised Model Codes are provided by the Office of Local Government.

Recommendation (Item to be determined under delegated authority)

That Council

1. Reaffirm without amendment the following policies for a period of 12 months:
 - a. Code of Conduct
 - b. Code of Conduct Procedures
2. That the proposal to adopt the Code of Meeting Practice be advertised for 28 days in accordance with the requirements under Section 361 of the Local Government Act, 1993, and a report be provided back to the Council if any submissions are received otherwise adopt the Code at the conclusion of the exhibition period.
3. That policies be amended on the release of the Model Codes and Procedures and be provided to the Council for adoption.

Options

1. As recommended

Implications: This would reaffirm and effectively readopt the current Code of Conduct and Procedures of the Code of Conduct without amendment. Should no submissions be received on the readoption of the Code of Meeting Practice it shall be considered as readopted by the Council without amendment.

2. That the current policies be amended as proposed by Council.

Implications: Any amendments to the Code of Conduct or the Procedures for the Code of Conduct must incorporate the Model Code of Conduct and Procedure provisions (Section 440 (3) of the Local Government Act, 1993) and would be best subject to community consultation prior to adoption.

Any proposed amendments to the Code of Meeting Practice must be in accordance with the provisions for Meetings as outlined in the Local Government Act, 1993 or the Local Government (General) Regulation, 2005.

SA17.205

It is understood that olg will issue new Code/procedures later this year or during 2018 at which time changes may be required.

Background

In accordance with Section 440 (7) of the Local Government Act, 1993, Council must review its adopted Code of Conduct and make such adjustments as it considers appropriate and are consistent with the Act. Current policy is that all policies be reviewed within 12 months of the election of the Council.

Over the past 12 months Council has awaited the new Model Code of Meeting Practice and a Revised Model Code of Conduct and Model Procedures for the Code of Conduct arising from the Local Government Amendment (Governance and Planning) Act 2016.

On receipt of advice from the Office of Local Government on 28 July 2017 that the Draft documents will not be finalised by September 2017 it is proposed that the current Codes of the Council be reaffirmed at this time without amendment.

Indicative timing of the new and amended Codes as provided by the Office of Local Government is as follows:

1. Revised Model Code of Conduct and Model Procedures for the Code of Conduct

The Revised Model Code of Conduct and Model Procedures will include consolidation of the pecuniary interest provisions into the Model Code of Conduct for Local Councils in NSW.

The draft documents are currently with the NSW Parliamentary Counsel Office. It is hoped that the consultation process on the Draft Revised Model Code and Procedures will take place within the next 2 months with the final documents being in place by the end of 2017.

2. Model Code of Meeting Practice

Consultation on the Model Code of Meeting Practice will not commence until the Revised Model Code of Conduct and procedures is complete. It is anticipated that the consultation process will take place in the final months of 2017, and delivery of the Model Code in early 2018.

Councillors will be briefed when the respective draft documents are released and reports will be provided to Council to facilitate submissions on the Draft documents.

Community Engagement

Community Engagement would be undertaken in accordance with the provisions of the Local Government Act, 1993 as outlined in the report.

SA17.206 NSW Local Government Aboriginal Network Conference 2017

HPERM Ref: D17/229843

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

Purpose / Summary

To consider Councillor attendance at the NSW Local Government Aboriginal Network Conference 2017 scheduled for 13 – 15 September 2017 in Albury NSW.

Recommendation (Item to be determined under delegated authority)

That Council

1. Notes the details of the NSW Local Government Aboriginal Network Conference 2017 scheduled for 13 – 15 September 2017 in Albury NSW.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

Options

1. As per the recommendation.
2. That Council not approve Councillor attendance at the Conference as Council Business.

Background

The NSW Local Government Aboriginal Network Conference 2017 is considered relevant to local government, Information in relation to the conference is attached to this report

Costs associated with the conference are estimated as follows:

- registration : \$780
- travel, accommodation and out of pocket expenses : not yet determined.

The Conference commences at 9.00am Wednesday 13 September and concludes at 1.00pm Friday 15 September 2017 and the following Council Business is scheduled within the period of the conference:

- Nowra CBD Revitalisation Strategy Committee – Wednesday 13 September.
- Councillor Briefing – Presentation by GHD.
- Development Committee – Tuesday 12 September may also be effected.

Further information regarding this conference can be found via this link:

<http://alburycity.nsw.gov.au/events/lganconference>

SA17.206

Policy Implications

The Council Members – Payment of Expenses and Provision of Facilities Policy limits attendance at conferences to three per annum per councillor exclusive of any conference arranged by either the State or National Local Government Associations.

Financial Implications:

Funds are available for Councillors to attend this conference.

SA17.207 LGNSW Water Management Conference

HPERM Ref: D17/250699

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

Attachments: 1. Conference program [↓](#)

Purpose / Summary

To consider Councillor attendance at the LGNSW Water Management Conference scheduled for 4-6 September 2017 in Dubbo, NSW.

Recommendation (Item to be determined under delegated authority)

That Council

1. Notes the details of the LGNSW Water Management Conference scheduled for 4-6 September 2017 in Dubbo.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

Options

1. As per the recommendation.
2. That Council not approve Councillor attendance at the Conference as Council Business.

Background

The LGNSW Water Management Conference is considered relevant to local government, Information in relation to the conference is attached to this report

Costs associated with the conference are estimated as follows:

- registration : \$600.60 (up to 21 August 2017)
- travel, accommodation and out of pocket expenses : not yet determined.

The Conference commences at 3.00pm Monday 4 September 2017 and concludes at approximately 4.00pm Wednesday 6 September 2017 and following Council Business is scheduled within the period of the conference:

- Council Bushcare Representatives Group – Monday 4 September 2017.
- Shoalhaven Sports Board – Wednesday 6 September 2017.
- Shoalhaven Arts Board – Thursday 7 September 2017

- Shoalhaven Natural Resources & Floodplain Management Committee – Thursday 7 September 2017

Policy Implications

The Council Members – Payment of Expenses and Provision of Facilities Policy limits attendance at conferences to three per annum per councillor exclusive of any conference arranged by either the State or National Local Government Associations.

Financial Implications:

Funds are available for Councillors to attend this conference.



2017 LGNSW WATER MANAGEMENT CONFERENCE
Dubbo RSL Memorial Club, 4 – 6 September 2017
Program (as of 25 July 2017)

Conference MC Gerry Gannon		
Monday, 4 September 2017		
3.00pm – 5.00pm	Registration opens, Dubbo RSL Memorial Club	
6.00pm – 8.00pm	Welcome reception and registration Old Dubbo Goal	Cr Keith Rhoades AFSM President, LGNSW
Tuesday, 5 September 2017, Dubbo RSL Memorial Club		
8.00am	Conference registration opens	
8.15am	Trade exhibition opens	
9.00am - 9.05am	Welcome and overview of the day	Gerry Gannon
9.05am - 9.10am	Welcome to Country	
9.10am - 9.20am	Welcome to Dubbo Regional Council	Michael Kneipp Administrator Dubbo Regional Council
9.20am - 9.30am	Address from LGNSW	Cr Keith Rhoades AFSM President Local Government NSW
9.30am - 10.00am	Keynote address Next Gen Urban Water – Achieving liveability and harnessing the digital economy	Adam Lovell Executive Director Water Services Association of Australia
10.00am - 10.30am	Keynote address Shared and trusted decision making: Sound-bites and slogans or the wisdom of everyday people?	Georgina Inwood Program Manager newDemocracy Foundation
10.30am - 10.35am	Product/organisation overview by Wastelink	
10.35am - 11.00am	Morning tea sponsored by Wastelink	
11:00am - 11.30am	Keynote address Country town water – Where to from here?	Frank Garofalow Group Director Water Regulation DPI Water
11.30am - 11.50pm	Presentation Governance and structural models for non-metropolitan water utilities	Andrew Francis Director Infrastructure, Parkes Shire Council Chair, Centroc Water Utilities Alliance
11.50pm - 12.10pm	Presentation Lower Macquarie Water Utilities Alliance - Leading the way in regional collaboration	David Swan Project Manager Lower Macquarie Water Utilities Alliance Michael Brearley Principal Consultant Brearley & Hansen
12:10pm – 12.30pm	Presentation Moving towards customer centred economic regulation	Marcus Crudden Director Water Essential Services Commission

12.30pm - 1.15pm	<p>Panel discussion Where to from here? – Governance, structural models and regulatory arrangements for local water utilities in regional NSW.</p> <p>Facilitator Gerry Gannon</p>	<p>Frank Garofalow Group Director Water Regulation DPI Water</p> <p>Adam Lovell Executive Director Water Services Association of Australia</p> <p>Marcus Crudden Director Water Essential Services Commission</p> <p>Andrew Francis Director Infrastructure , Parkes Shire Council Chair, Centroc Water Utilities Alliance</p> <p>David Swan Project Manager Lower Macquarie Water Utilities Alliance</p>
1.15pm - 2.15pm	Lunch sponsored by Wastelink	
2.15pm - 5.00pm	Concurrent sessions - (Select either the site visit or the Water Directorate Forum)	
<p>Site Visit Sponsored by GHD The site visit will take delegates to the newly upgraded Dubbo Sewage Treatment Plant and the Greengrove Effluent Irrigation Facility.</p> <p>Dubbo Sewage Treatment Plant The newly upgraded Dubbo Sewage Treatment Plant was the single largest capital works project carried out by the former Dubbo City Council prior to the creation of the new Dubbo Regional Council in May 2016. Total expenditure for the project was \$24 million.</p> <p>This ensures Dubbo Regional Council keeps pace with Dubbo's growing population anticipating 55,000 people. The upgrade commenced in October 2014 with a concrete pour of approximately 493 cubic metres, the first of three concrete pours required to form the base of a bioreactor. Two bioreactor trains were constructed with a capacity to treat up to 12ML of waste water every day. The upgrade also included two secondary clarifiers to separate and remove solids as well as chemical dosing and storage facilities.</p> <p>Greengrove Effluent Irrigation Facility Following the visit to the treatment plant, delegates will visit Dubbo Regional Council's Greengrove Effluent Irrigation Facility. Greengrove is a 608 hectare property, northeast of Brocklehurst, which uses treated sewage effluent from the Dubbo Sewerage Treatment Plant for irrigation. It is a key component of Dubbo Regional Council's sewerage infrastructure and effluent management strategy.</p>		<p>Water Directorate Forum The forum is organised by the Water Directorate NSW and provides an opportunity to discuss issues around the operations of local water utilities.</p> <p>Chair Gary Mitchell, Executive Officer, Water Directorate</p> <p>Topics include:</p> <ul style="list-style-type: none">Fluoridation of drinking water including: Presentation Safe and effective fluoridation in NSW: An industry review of the Code of Practice Josh Tickell, Senior Project Officer, NSW HealthSmart Approved WaterMark - Working with councils and water utilities across Australia Chris Philpot, CEO, Smart Approved WaterMarkUrban water reform and the Productivity Commission's National Water Reform InquiryNew developer guidelines – Implementing robust and transparent development servicing plansShort and long life planning for individual assetsDealing with Telcos – Mobile phone equipment on water and sewerage infrastructure
From 6.30pm	Transfer buses from outside the Dubbo RSL Memorial Club	
7.00pm - 10.00pm	Conference dinner Taronga Western Plains Zoo, Savannah Function Centre, Obley Road, Dubbo.	

Wednesday, 6 September 2017, Dubbo RSL Memorial Club		
8.00am	Registration opens	
8.15am	Trade exhibition opens	
8.50am - 9.00am	Welcome and overview of the day	Gerry Gannon
9.00am - 9.30am	Keynote address The story of the Havelock North water outbreak	Marion Savill PhD Executive Director Affordable Water and Water Micro Ltd
9.30am -10.00am	Keynote address The digital water utility	Brett Millington Flagship Program Manager Intelligent Water Networks Manager Intelligent Network Programs Western Water
10:00am - 10.30am	Porters Creek Dam upgrade – My “Goldilocks” project	Carmel Krogh Director Shoalhaven Water Shoalhaven City Council
10.30am - 10.35am	Product/organisation overview by	
10:35am - 11:00am	Morning tea sponsored by	
11:00am - 1:00pm	Concurrent conference streams (Select one)	
11:00am - 1:00pm	STREAM 1 – Drinking water quality management	
	Implementing drinking water management systems	Leslie Jarvis Senior Policy Analyst NSW Health
	Dubbo's drinking water contamination incident in 2016 – Facts, response and lessons learnt.	Ian Bailey Director Technical Services Dubbo Regional Council
	Benchmarking drinking water quality management in the Centroc region	Jon Francis Water Treatment Manager Orange City Council
	Embedding microbial health-based targets has improved Sydney Water's drinking water quality management	Chris Owens Senior Analyst Sydney Water
11:00am - 1:00pm	STREAM 2 – Delivering challenging infrastructure	
	Management of potential contamination risks from pipeline repair or renewal works	Natalie Crawford Manager Business Operations Atom Consulting
	“Lessons learned” from Clarence Valley Council's ten year sewerage augmentation program	Greg Mashiah Manager Water Cycle Clarence Valley Council
	Design and construction of Cobar's new water treatment plant	Jay Ariyawanse Senior Engineer Public Works Advisory
	Replacing an old sewage treatment plant - Gilgandra's asset management and financial planning journey	Rolly Lawford Director of Works & Technical Services Gilgandra Shire Council Jacqui Hansen Principal Consultant Brearley & Hansen

11:00am – 1:00pm	STREAM 3 – Intelligent water networks and smart water meters	
	Digital water metering in Australian utilities – A market snapshot	Nick Barr Consultant Marchmont Hill Consulting
	The Metropolitan Melbourne Digital Metering Joint Program	Raghu Bharadwaj Digital Metering Program Director Yarra Valley Water
	Implementing automated water meter reading in Mackay Regional Council	David Brooker Executive Manager Water Ventia <i>Invited</i>
	Smart water networks and the internet of things - Projects with ANU, Coffs Harbour City Council and Waverley Council	Gunter Hauber-Davidson Managing Director Water Group
1:00pm - 2:00pm	Lunch	
2:00pm - 2:30pm	Presentation Water security strategy in the Lower Macquarie Water Utilities Alliance area and the Nyngan-Cobar water security project	David Swan Project Manager Lower Macquarie Water Utilities Alliance Michael Brearley Principal and Director Mike Brearley & Associates
2:30pm - 3:00pm	Keynote address Murray-Darling Basin Plan – An implementation update	Susan Madden Authority Member Murray-Darling Basin Authority
3:00pm - 3:30pm	Presentation The Murray-Darling Basin Plan - The challenges for local government	Cr David Thurley National President Murray Darling Association Emma Bradbury Chief Executive Officer Murray Darling Association
3:30pm - 3:45pm	Summary	
Close of conference		

This program is correct at the time of printing. Speakers and program details may have changed due to unforeseen circumstances.

SA17.208 National Local Roads & Transport Congress

HPERM Ref: D17/250795

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

Attachments: 1. Congress program [↓](#)

Purpose / Summary

To consider Councillor attendance at the National Local Roads & Transport Congress scheduled for 6-8 November 2017 in Albany, WA.

Recommendation (Item to be determined under delegated authority)

That Council

1. Notes the details of the National Local Roads & Transport Congress scheduled for 6-8 November 2017 in Albany, WA.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

Options

1. As per the recommendation.
2. That Council not approve Councillor attendance at the Conference as Council Business.

Background

The National Local Roads & Transport Congress is considered relevant to local government. Information in relation to the conference is attached to this report

Costs associated with the conference are estimated as follows:

- registration : \$890.00 (Prior to 29 September 2017)
\$990.00 (After 29 September 2017)
- official functions, optional : Albany Showcase Tour \$75.00
- travel, accommodation and out of pocket expenses : not yet determined.

The Conference commences at 10.30am Monday 6 November 2017 and concludes at 3.00pm Wednesday 8 November 2017 and following Council Business is scheduled within the period of the conference:

- Aboriginal Advisory Committee – Monday 6 November 2017.
- Councillor Briefing – Thursday 9 November 2017.
- Rural Fire Service Strategic Planning Committee – Thursday 9 November 2017.

Policy Implications

The Council Members – Payment of Expenses and Provision of Facilities Policy limits attendance at conferences to three per annum per councillor exclusive of any conference arranged by either the State or National Local Government Associations.

Financial Implications:

Funds are available for Councillors to attend this conference.



PROVISIONAL PROGRAM

MONDAY 6 NOVEMBER	
11.00 am	Albany showcase and tour
5.00 pm	Welcome Reception, National Anzac Centre

TUESDAY 7 NOVEMBER	
9.00 am	OPENING ADDRESS Mayor David O'Loughlin , ALGA President
9.20 am	GOVERNMENT ADDRESS The Hon Darren Chester MP (invited), Minister for Infrastructure and Transport
10.00 am	National Freight and Supply Chain Strategy Inquiry
10.30 am	MORNING TEA
11.00 am	PANEL DISCUSSION Heavy Vehicle Road Reform and Road User Charging
12.30 pm	LUNCH
1.30 pm	CONCURRENT SESSIONS • Regional Airports • Regional Productivity
3.00 pm	AFTERNOON TEA
3.30 pm	Innovative Transport Financing in Metropolitan Areas
4.00 pm	PANEL/WORKSHOP National Freight and Supply Chain Strategy
5.00 pm	Close
7.00 pm	Congress Dinner

WEDNESDAY 8 NOVEMBER	
9.00 am	OPPOSITION ADDRESS The Hon Anthony Albanese MP (invited), Shadow Minister for Infrastructure, Transport, Cities and Regional Development
9.30 am	National Road Safety Initiatives
10.00 am	Road Safety for your Community
10.30 am	MORNING TEA
11.00 am	Key National Policy Updates
12.30 pm	LUNCH
1.30 pm	Australian Road Research Board
2.00 pm	WORKSHOP Regional Road Solutions
3.00 pm	Close

REGISTER NOW
www.alga.asn.au



NOT AN OPTION – IT'S IMPERATIVE!

One of the essential roles of government is the provision of social and physical infrastructure that supports the way of life and living standards of its citizens. Australia is one of the largest countries in the world. As such, our citizens and economy depend heavily on transport systems to move people and freight domestically and internationally.

As the primary provider of local and regional transport infrastructure, local government plays a critical role in Australia's transport system. In the bush, a number of councils also provide airports.

Australia's transport, and transport globally, is changing: electric and automated cars; higher productivity vehicles; mega ships and giant aircraft. Infrastructure providers, including local governments, must adapt. Greater efficiencies and reduced reliance on fossil fuels over time will also impact on government revenues such as fuel excise and registration fees. Automation of car fleets, particularly in urban areas may significantly reduce the need for inner city parking and potentially decrease council parking fee revenues.

Falling government revenues and competing priorities will make it harder and harder for transport to get its fair share of funding. It will also become harder and harder for local government to get its fair share of whatever funding is available.

Transport funding reform is not an option, it is an imperative. New revenue streams must be secured, not only to maintain our roads and transport systems, but to invest in essential new infrastructure to drive economic growth and support living standards. This is why the Council of Australian Governments

(COAG) and the Transport and Infrastructure Council are working on market reforms, including a system of road user charging.

These reforms are complex. They involve a detailed understanding of transport assets (through asset registers), their condition, life-cycle cost management, and new investment priorities. These are just some of the pre-requisites for reform. They will help determine revenues and potentially subsidise for low traffic volume roads in the form of Community Service Obligations.

Local government must:

- Understand this and other transport reforms;
- Actively participate in and improve all aspects of asset management;
- Document asset life-cycle cost bases; and
- Be proactive, positive and anticipate change.

Most of all, local government must stand up and be heard to ensure that it gets a fair share of funding for local communities.

If you only attend one conference this year, make sure it is the Congress. It will ensure you and your council understand and are equipped to grapple with these challenges and achieve your objectives. Your attendance will help ALGA make the strongest case for local government roads and transport funding.

SUPPORT YOUR LOCAL GOVERNMENT FREIGHT STRATEGY PROPOSAL FOR \$200 MILLION PER ANNUM FOR FIVE YEARS

Increased freight productivity will not occur without additional effort. Realising the critical importance of first and last mile issues, and local government owned and managed roads across the nation's supply chains, ALGA launched the Local Government Freight Strategy at last year's National Local Roads and Transport Congress.

Our Plan needs essential new Government investment to address:

- **System gaps:** Nationally our total road network is not appropriately linked and access consent is difficult to coordinate. Our solution is to support councils to work with the NHVR to understand state and national freight routes and how they interface with regional council road networks.
- **Planning gaps:** Nationally the current system of regional planning, which includes freight route identification and robust investment priorities that meet industry needs, is ad hoc. Our solution is to incentivise councils to undertake regional transport plans including demand forecasting on key freight routes.
- **Knowledge gaps:** Nationally the system for consenting to access on local roads requires councils to make decisions on the capacity of roads and other key assets to undertake the task, such as bridges. While councils know their assets, many councils do not have the resources to undertake the necessary technical assessments of critical assets on all routes. Our solution is to fund councils to undertake appropriate engineering assessments on council assets on key freight routes.

SA17.209 Adoption of Membership - Homelessness Taskforce Shoalhaven

HPERM Ref: D17/239175

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

Attachments: 1. Homelessness Taskforce Shoalhaven - Terms of Reference [↓](#)

Purpose / Summary

To advise Council of the panel determination for the membership and seek formal adoption by Council, request a name change for the Taskforce and amend the Terms of Reference.

Recommendation (Item to be determined under delegated authority)

That:

1. The name of the Taskforce be changed to Homelessness Taskforce Shoalhaven (HTS).
2. The Terms of Reference be adopted with amendments as outlined in the report attachment.
3. Council appoint all 18 applicants, as detailed in the report, as taskforce community and organisation members for a period of four (4) years.

Options

1. As recommended

Implications: Community Membership numbers will increase from 16 to 18 with the total number of members increasing from 30 to 32.

2. Not accept all applicants and determine members on the floor of Council.

Implications: This is contrary to the decision made by the panel.

3. Adopt an alternate recommendation.

Background

Expressions of Interests were called for membership of the newly created Shoalhaven Homelessness Taskforce, which closed on Friday 2 June 2017. As a result, a total of 18 applications were received with a total of 4 community representatives and 14 representatives from various organisations.

The current Terms of Reference allow for 16 members from the community/organisations. The selection panel met and discussed the applications that were received and determined that based on the overwhelming interest in the Taskforce that the panel would recommend to Council that all 18 applicants be appointed as members.

The list of applicants and recommended members are as follows:

Name	Lastname	Organisation/Group
Tamie	Harvie	Community / volunteer – interested in mental health and D&A
Lesley	Labka	SAHSSI – Shoalhaven Women’s Homeless and DV Service
Penni	Wildi	Community member
Wendi	Hobbs	Shoalhaven Suicide Prevention and Awareness Network (SSPAN)
Rev. Matthew	Wilson	Nowra Uniting Church
Patricia	David	Unions Shoalhaven
Peter	Dover	Salt Ministries
Roslyn	Poole	ISLHD – Homelessness Mental Health Program
Ashleigh	Hudson	Mobile Response Vehicle coordinator (services for homeless)
Max	Zalakos	Nowra Baptist Church
Wendy	Woodward	Nowra Show Society / community volunteer
Deborah	Ferrier	Community volunteer
Julie	Bugden	Shoalhaven Homelessness Hub
Donna	Brotherson	Illawarra Forum
Bernard	Gleeson	St Vincent De Paul Nowra
Sharlene	Naismith	Legal Aid
Natalie	Beckett	HARP Unit – Sexual Health & Blood Borne Infections; and Aboriginal community member
Adam	Collison	Southern Cross Community Housing

If Council determines the membership as recommended the Terms of Reference (Attached) will need to be amended to reflect the increase in membership numbers (from 16 to 18 community/organisation members).

It was also discussed by the panel that the name of the Taskforce should change to Homelessness Taskforce Shoalhaven (HTS).

Community Engagement

Council called for nominations via advertisement in the South Coast Register and Milton Ulladulla Times during May 2017, it was also featured on Councils Webpage.

Policy Implications

Requires the Terms of Reference to be amended to reflect:

- The name change to Homelessness Taskforce Shoalhaven
- The community/organisation membership increase from 16 to 18.



City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 - Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Finance Corporate & Community Services Group

Shoalhaven Homelessness Taskforce Shoalhaven - Terms of Reference

Policy Number: POL17/77 • **Adopted:** 21/03/2017 • **Minute Number:** MIN17.196 • **File:** 44336E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:** 1/12/2020

1. PURPOSE

To provide appropriate and considered strategic advice on homelessness and related issues that can be dealt with at Council level. The Taskforce will work with Council to address issues, develop options and assist with the identification of preferred solutions as part of Council's decision making process.

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2. STATEMENT

Homelessness is a growing problem in all communities throughout Australia. On any given night in Australia 1 in 200 people are homeless. (Homelessness Australia). On census night in 2011 the Shoalhaven Local Government Area recorded 375 homeless people. Only about 6% of these are "rough sleepers" ie those in improvised dwellings, tents or sleeping out.

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Of those who are homeless 56% are male and 25% are Aboriginal and Torres Strait Islanders. Homelessness may be defined as: "when a person does not have suitable accommodation alternatives they are considered homeless if their current living arrangement:

- is in a dwelling that is inadequate; or
 - has no tenure, or if their initial tenure is short and not extendable; or
 - does not allow them to have control of, and access to space for social relations."
- (Australian Bureau of Statistics)

People become homeless for a number of reasons. This can be due to structural factors such as lack of income, lack of affordable housing or rental accommodation, cost of living pressures, discrimination, poverty or lack of superannuation funds in retirement. Or it could be due to system failures such as children exiting from the care system, discharge from prison, hospital, rehabilitation or other institution. This is compounded by individual circumstances such as domestic violence, addictions, traumatic events, mental illness or physical health and disability.

There are no short term solutions to the issue of homelessness in the Shoalhaven. Without the provision of increased Government funding to provide longer term temporary accommodation and fund services to provide an increased number of emergency beds for men, women and children the situation can only continue to degenerate. Long term solutions involve the construction of affordable housing.

3. TERMS OF REFERENCE

3.1. Relationship to Council

The Homelessness Taskforce is a Section 355 & 377 Committee of Council (Local Government Act 1993).

It is a strategic advisory committee to advocate for and inform Council's decision making process related to homelessness in the Shoalhaven.

3.2. Role of the Taskforce

The role of the Homelessness Taskforce is:-

- Provide Council with strategic advice on homelessness and related issues that can be dealt with at a Local Government level.
- Work with Council to address issues, develop options and assist with the identification of preferred solutions as part of Council's decision making process
- Advise on the development and application of a Homelessness Strategic Plan
- Provide comment on relevant Council policies and strategies
- Advocate community views on homelessness issues

3.3. Membership

Membership of the Taskforce is open to members of the community with an interest in addressing issues of homelessness across the Shoalhaven.

The taskforce will have a total membership of up to 320 positions which include:

- Up to 186 representatives from community representatives being either Government/Non-Government agencies/organisations and community members.
- All Councillors be members of the taskforce.
- The General Manager or nominee.

The process for nomination to the taskforce will be as follows:

- An Expression of Interest will be advertised for membership of the taskforce. The Expression of Interest will be advertised locally via media and Council communication networks.
- Council will manage the application process.
- Appointment to the Shoalhaven Homelessness Taskforce Shoalhaven can be for a maximum four (4) years with a set commencement and finish date and standing members may re-nominate for an additional term.
- Any individual, representatives of an organisation, service or agency, who agree to work within the purpose of the taskforce may nominate to become a member.
- Organisations, services, agencies or residents groups may only nominate one representative.
- The taskforce aims to include the voices of all stakeholders, and welcomes the participation of those who have a lived experience of homelessness.
- An interview panel will consist of a Council staff member, the Chair of the Shoalhaven Homelessness Taskforce Shoalhaven and one (1) independent person will assess the applications and make recommendations for appointments to the taskforce and then Council.

3.4. Meetings

- The taskforce will meet on a quarterly basis and more frequently if required
- Agendas and minutes from previous meetings will be circulated to members at least seven (7) days prior to the meeting

Shoalhaven City Council - Shoalhaven Homelessness Taskforce - Terms of Reference

- The Chair of the Taskforce will be appointed for a term of tow (2) years and is open to all members of the Taskforce.
- A quorum will consist of eight (8) members of the Committee.

3.5. Voting

- Voting and Recommendations are made by consensus and all decisions must be stated precisely for the inclusion of the minutes.
- Where a consensus cannot be reached then the majority of 60% of those present can adopt a motion.
- Alternative views are to be minuted.

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3.6. Code of Conduct

- Meetings be conducted in an informal manner, but still within Council's 'Code of Conduct' Policy which all members are required to observe.
- Taskforce members should act in a professional, responsible and respectful manner with the information they obtain as a member.
- Taskforce members must at all times respect other members when expressing their opinions and views. Members should feel free to express their opinions without fear of recrimination.

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3.7. Confidentiality and Privacy

Members may have contact with confidential or personal information retained by Council. If so, members are required to maintain the security of any confidential or personal information and not access, use or remove any information, unless the member is authorised to do so.

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3.8. Communication

- All issues must be clearly communicated including priorities, limitations and benefits to community.
- Members of the Taskforce are not permitted to speak to the media as representatives of the Taskforce unless approved by the chairperson.
- Where approval has been given by the Chairperson, views and opinions expressed are those of the Taskforce and not of Shoalhaven City Council.
- Where endorsement is required from Shoalhaven City Council, approval must be sought through the formal processes.

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3.9. Council Staff Attendance

Shoalhaven City Council will provide administrative Council staff who are normally required to attend the meetings of the Advisory Committee to carry out the following tasks:

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- Collate and distribute Business Papers.
- Organise meetings.
- Minute taking, storage and distribution of minutes and associated documents.
- Providing administrative support to the Community Development Team to distribute information between the Committee and the Community Development Team.
- Other staff at the relevant Group Directors' discretion or at the Advisory Committee's request can attend meetings as required. Staff have no voting privileges.

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3.10. Expectation of Taskforce Members

Pecuniary Interest Returns may be required on appointment and annually as required by the Office of Local Government and Council.

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3.11. Responsibility of Council

Shoalhaven City Council - Shoalhaven Homelessness Taskforce - Terms of Reference

| Council at its discretion may review and change the Terms of Reference, Role and Structure of the Taskforce.

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4. REVIEW

| After every Council election.

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SA17.210 Review of Council Policies - Finance

HPERM Ref: D17/250184

Group: Finance Corporate & Community Services Group
Section: Finance

Attachments:

1. POL16/165 Acceptance of Tenders - Reports to Council (under separate cover) ➡
2. POL16/199 Rates and Other Monies - Delegation of Authority to Write Off (under separate cover) ➡
3. POL16/202 Revenue - Pensioner Rates and Charges - Arrears and Interest (under separate cover) ➡
4. POL16/203 Revenue - Stormwater Management (under separate cover) ➡
5. POL16/206 Sale of Land to Recover Unpaid Rates and Charges (under separate cover) ➡
6. POL16/153 Plant Replacement Reserve (under separate cover) ➡
7. POL16/119 Revenue - Debt Recovery Policy (under separate cover) ➡
8. POL16/186 Investment Policy (under separate cover) ➡
9. POL16/200 Revenue Hardship Policy (under separate cover) ➡
10. POL16/201 Revenue - Overdue Interest Rate (under separate cover) ➡
11. POL16/187 Jerberra Payment Relief Policy (under separate cover) ➡
12. POL16/265 Local Preference Policy (under separate cover) ➡

SA17.210

Purpose / Summary

All public policies are to be submitted to Council within 12 months of the election of Council. Twelve public policies relate to Finance. Eleven policies have been reviewed and are presented for adoption by Council. One policy, Plant Replacement Reserve POL12/143, is presented for rescission and listing as a Corporate Procedure for internal use by staff.

Recommendation (Item to be determined under delegated authority)

That Council

1. Adopt the following policies, as amended
 - a. POL16/119 Revenue – Debt Recovery Policy
 - b. POL16/165 Acceptance of Tenders – Reports to Council
 - c. POL16/186 Investment Policy
 - d. POL16/187 Jerberra Payment Relief Policy
 - e. POL16/199 Rates and Other Monies – Delegation of Authority to Write Off
 - f. POL16/200 Revenue – Hardship Policy
 - g. POL16/201 Revenue – Overdue Interest Rate
 - h. POL16/202 Revenue – Pensioner Rates and Charges – Arrears and Interest
 - i. POL16/203 Revenue – Stormwater Management
 - j. POL16/206 Sale of Land to Recover Unpaid Rates and Charges
 - k. POL16/265 Local Preference Policy

2. Rescind the following policy and list it as a Corporate Procedure for internal use by staff:
 - a. POL 16/153 Plant Replacement Reserve

Options

1. Adopt the recommendations as written.

Implications: Nil

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

Implications: Staff will need to redraft the affected policies.

Background

Minor tracked changes have been made to the following policies:

1. POL16/165 Acceptance of Tenders – Reports to Council
2. POL16/199 Rates and Other Monies – Delegation of Authority to Write Off
3. POL16/202 Revenue – Pensioner Rates and Charges – Arrears and Interest
4. POL16/203 Revenue – Stormwater Management
5. POL16/206 Sale of Land to Recover Unpaid Rates and Charges

These are shown in the attachments. The changes relate to updating the currency of wording and titles, and to reflect current practices. General formatting changes have also been included.

POL16/153 Plant Replacement Reserve

The policy, POL16/153 Plant Replacement Reserve, is recommended to be rescinded and adopted as a Corporate Procedure as it details an operational process. No changes have been made to the processes. The existing policy, as attached, has been updated to show changes in wording and titles. The name would change from Policy to Procedure.

POL16/119 Revenue – Debt Recovery Policy

The main change to the Policy is the addition of provisions for Accounts Receivable. Previously, the Policy only referred to Rates, though the same practice applied to other invoiced amounts, including caravan and food shop accounts. The change formalises existing practice by including receivables in Council's debt recovery policy. Other changes relate to updating the currency of wording and titles and to reflect current practices.

POL16/186 Investment Policy

At Council's Ordinary Meeting (MIN17.221) held Tuesday 28 March 2017, the following resolution was adopted:

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

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

Changes have been made to the Investment Policy to reflect this resolution.

In addition, changes recommended by CPG Research and Advisory Pty Ltd have been made to section 4(d) Credit Quality Limits of the Policy, namely: the adoption of consensus rating in the event of a split rating, where possible; and an increase to the portfolio holding limit from 30% to 60% for the BBB category to address the dual impact of a downgrade to second-tier banks, due to increased property risk, and accommodation of Council's resolution.

POL16/200 Revenue – Hardship Policy

The Policy has been updated to include a reference to the provisions of Section 601 of the Local Government Act 1993 for circumstances where ratepayers experience hardship paying increases in rates that result from valuation changes. Other changes relate to a change in the format of the Statutory Declaration required and updating the currency of wording and titles, and to reflect current practices.

POL16/201 Revenue – Overdue Interest Rate

The change to this Policy relates to cross-referencing the Revenue Hardship Policy and the Jerberra Payment Relief Policy.

POL16/187 Jerberra Payment Relief Policy

The addition to the Policy streamlines the approval process for eligible ratepayers who meet the requirements of the previous year's hardship approval and have agreed to the revised amount for the current rating year. Other changes relate to adding the Hardship Rate Relief Application Form to the Policy and the changed format of the Statutory Declaration required, as well as updating the currency of wording and titles, and to reflect current practices.

POL16/265 Local Preference Policy

The change to this policy has been made to accommodate procurement actions in which Council participates as part of the Illawarra Shoalhaven Joint Organisation.

Community Engagement

There is no statutory requirement to publicly exhibit any of the policies contained in this report. Council may choose to do so should they consider any changes of significance.

Policy Implications

Rescinding POL16/153 Plant Replacement Reserve and making it a Corporate Procedure will more accurately reflect its intent as an administrative and operational tool.

SA17.211 June 2017 Quarterly Budget Review

HPERM Ref: D17/258582

Group: Finance Corporate & Community Services Group
Section: Finance

Attachments: 1. Quarter Review Report - June 2017 (under separate cover) [⇒](#)

Purpose / Summary

In accordance with Regulation 203(1) of the Local Government (General) Regulation (2005), the responsible accounting officer must prepare and submit to Council a budget review statement after the end of each quarter. This has been carried out for the fourth quarter of the 2016/17 financial year.

Recommendation

That Council

1. Receive and endorse the June Quarterly Budget Review Report and budget “Carry Forwards”;
2. Adopt the Revotes, as recommended in the June Quarterly Budget Review document

Options

1. Adopt the recommendation

Implications: Nil

2. Not adopt the recommendation and make an alternative resolution

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

Background

The budget review involves an analysis of Council's annual budget for each Group to confirm the revoting of funds to 2017/18. This process has been undertaken for the period to 30 June 2017 and any changes have been reported in the Quarterly Budget Review Document. This report also analyses the progress of each group in achieving their financial objectives.

2016/17 Budget Results

General Fund

Summary of General Fund 2016/17 Budget Result

In its General Fund, Council's underlying position at the end of the financial year was softer than expected at the start of the year. While there was a shortfall in capital grants and contributions, this was partly offset by the advance part payment of the 2017/18 Financial Assistance Grant. Despite the shortfall of revenue, the increase in expenses was largely due

to the inclusion of an extra week's employee benefits expense than budgeted (53 weeks vs 52 weeks) and increased spend on maintenance over the year.

The combined impact of these factors is reflected in the table in the difference between the Net Operating Result and the Operating Result before Capital Grants and Contributions and the deterioration in operating performance and unrestricted cash movement between the Adjusted Budget and the expected year-end Actuals:

General Fund - Summary of Results

\$'000	Original Budget incl revotes	Adjusted Budget	2016/17 Actual YTD
Total Income from Continuing Operations	\$219,311	\$248,958	\$228,995
Total Expenses from Continuing Operations	\$214,293	\$219,736	\$220,934
Net Operating Result	\$5,018	\$29,222	\$8,061
Operating Result before Capital Grants and Contributions	-\$17,180	-\$2,519	-\$5,064
Adjustments:			
Advance part payment of 2017/18 Financial Assistance Grant		-\$5,868	-\$5,868
Underlying Net Operating Result	\$5,018	\$23,354	\$2,193
Underlying Operating Result before Capital Grants and Contributions	-\$17,180	-\$8,387	-\$10,932
Non-Operating Expenditure	\$80,979	\$93,272	\$52,597
Cash & Cash Equivalents - start of year	\$15,245	\$15,245	\$15,245
Net Cash Movement:			
Operating Activities	\$45,025	\$69,236	\$50,206
Investing Activities	-\$34,604	-\$76,556	-\$58,190
Financing Activities	-\$1,125	-\$4,320	-\$4,324
Cash & Cash Equivalents - end of year	\$24,541	\$3,605	\$2,937
Unrestricted Cash Movement	-\$1,770	-\$1,032	-\$2,531

The impact of these factors is also reflected in the Indicators for the General Fund, with the Underlying Operating Performance Ratio below that of 2015/16 but an expected improvement to the Asset Maintenance Ratio.

SA17.211

General Fund

						Underlying Result	
Indicator	Target	2015/16 Results	Original Budget amended for Opening Balances and Revotes	Adjusted Budget	Actual	Adjusted Budget	Actual
Local Government Industry Indicators							
Operating Performance Ratio	Greater than 0%	-5.1%	-8.7%	-1.2%	-3.9%	-4.0%	-6.8%
Own Source Operating Revenue Ratio	Greater than 60%	76.1%	81.2%	75.9%	83.7%	75.4%	83.4%
Unrestricted Current Ratio	Greater than 1.5	1.92	1.39	1.57	1.63	1.41	1.47
Debt Service Cover Ratio	Greater than 2.0	3.88	2.08	3.05	2.54	2.60	2.09
Rates, Annual Charges, Interest and Extra Charges Outstanding Percentage	Less than 5%	5.0%	6.0%	6.0%	0.0%		
Cash Expense Cover Ratio	Greater than 3 months	6.78	3.31	4.07	4.67		
Infrastructure Asset Performance Indicators							
Infrastructure Renewals Ratio	Greater than 100%	53.0%	72.5%	76.4%	55.8%		
Infrastructure Backlog Ratio	Less than 2%	3.1%	3.2%	3.2%	3.2%		
Asset Maintenance Ratio	Greater than 1x	0.81	0.97	1.05	0.98		

It is important to remember that the above indicators are preliminary results only. Year end adjustments relating to the discounting of employee leave entitlements, adjustments to provisions and other year end reconciliations and movements will affect the final results and the final indicators for the 2016/17 financial year. These results will be audited and published in Council's Annual Financial Statements.

Income

As at 30 June, General Fund achieved 92.0% of the Adjusted Budget at June. Removing the impact on income of the \$5.86M advance payment of the Financial Assistance Grant, General Fund ended the year at 91.8% of the Adjusted Budget.

The key reason for the underperformance on income was a shortfall of \$16.8m for capital grants and contributions. These grants were approved in 2016/17 but will not be received till 2017/18 and are included among the carry forwards.

Ignoring the budget lines for income recorded as capital grants and contributions and for net gains from the disposal of assets (+\$2m), General Fund ended the year close to the March revised budget (98.4%).

Operating Expenditure

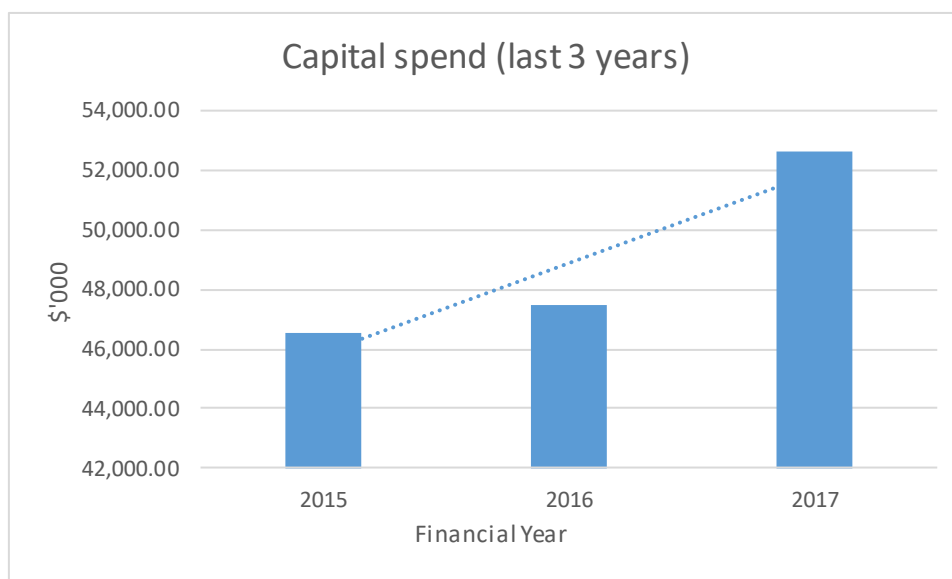
General Fund ended the year at 101% of the June Adjusted Budget.

The main reason for this result was the realignment of the treatment of salary expense over the financial year (53 weeks) compared to a budgeted expense for 52 weeks, adopted at the time to facilitate comparison to prior years. The change in treatment was adopted to better align with accounting standards; the impact of the change contributed approximately \$1.2M or 0.5% to operating expenses in 2016/17.

Non-Operating Expenditure

Council's delivery of capital works for General Fund has steadily increased over the last three years. During the 2014/15 financial year, Council capitalised \$46.5M of capital works. The preliminary results for General Fund indicate a capitalisation of \$52.6 million.

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Despite the growth in Capital Expenditure over time, it is 56% of the June Adjusted Budget (excluding commitments) at 30 June 2017, largely due to project delays. The main reasons are:

- Delay in the contract for Council's new business system (\$2.4M)
- Shoalhaven Indoor Sport Complex (\$3.2M) Package tenders have been let. Additional funding in 17/18 financial year for project to be undertaken.
- Ison Park amenities upgrade (\$685K). Practical completion estimated during the first quarter of 17/18.
- Livvi's place Mollymook access playground (\$876K). Practical completion during second quarter of 17/18
- Ulladulla Netball courts currently going to tender (\$277K). Works to be completed ahead of the 17/18 Netball season
- Ratepayer funded works in Jerberra estate (\$3M).
- Flinders Road (\$6.4M). There have been delays with design and relocation of utilities. A time extension was approved by both State and Federal Governments to permit the project to span multiple financial years. Estimated completion is December 2017.
- Assorted movements between operational and capital budgets, to better align the type of spend between the categories (\$6M)

Works in Progress – 2016/17

Carry forward projects are works spanning more than one financial year that were substantially commenced in 2016/17. The projects only need to be noted by Council.

The net carry forwards for General Fund for 2016/17 total \$15.2M.

General Fund Carry Forwards (\$'000)	2015/16	2016/17
Revenue	-5,386	-21,943
Non-Operating Revenue	0	0
Operating Expenditure	2,624	3,056
Capital Expenditure	16,289	34,179
Net	13,527	15,292

The increase in revenue carry forwards is related to capital grants and the timing of year-end processes. A reconciliation is in progress for all grants and, when completed, the grant amounts owing will be charged to deferred debtors for collection.

Some of the major projects being carried forward are:

Project	Amount	Comment
Flinders Road full length widening	\$6.4M	Works progressing
Shoalhaven Indoor Sport Centre construction	\$3.2M	Contracts awarded
Corporate Business Systems	\$2.9M	Contract under negotiation
Naval College Road widening	\$953K	Works progressing
Turpentine Road Black Spot	\$766K	Works nearing completion
Lake Conjola Boardwalk	\$556K	Works nearing completion
Worrigee Streetscape upgrade	\$510K	Works progressing
Pedestrian Signals Princes Hwy and Junction St	\$296K	Design finalised with RMS
Grey's Beach boat ramp	\$257K	Works commenced
Croziars Road bridge replacement	\$197K	Contract awarded

A full list of the projects being carried forward can be found in the main Quarterly Budget Review document.

Asset Sales

Asset sales are at 96% of the June Adjusted Budget, with sales of industrial lands exceeding forecast, partly offset by less than expected asset sales associated with landfill and transfer station operations.

Revotes – 2016/17

Revoted projects are those with no (or minimal) expenditure in 2016/17. These require formal adoption by Council to continue funding into the 2017/18 financial year. The net revotes for General Fund are \$2.1M.

General Fund Revotes (\$'000)	2015/16	2016/17
Revenue	-123	-83
Non-Operating Revenue	0	0
Operating Expenditure	639	1,001
Capital Expenditure	4,370	1,187
Net	4,886	2,105

Some of the significant projects included in the revotes are:

- Tourism Unspoilt Campaign (joint project) \$474K. This amount is the sum of all Councils in the South Coast for the marketing campaign. It has a grant approved, dollar for dollar, from Destination NSW.
- Frogs Holla Sporting Complex – Wastewater upgrade \$100K. The design has been finalised after significant rock was found in the first design.
- Branch Out Library Grant \$140K
- Human Resources (3 projects) \$160K. A Salary System review (\$50K) is the first project, and has already commenced. The second project (\$60K) is for a Leadership development program and the final project is a Learning Management System (\$50K) where software is being reviewed.

A full list of the projects being revoted can be found in the main Quarterly Budget Review document.

Water Fund

Summary of Water Fund 2016/17 Budget Result

The budget adopted by Council produced an operating profit of \$1M, an operating profit before Capital Grants and Contributions of \$27K and an increase in cash and cash equivalents of \$8.7M. The preliminary results at year-end are favourable, with operating income exceeding adjusted budget and operating expenses on target. The capital program is progressing well with a number of projects substantially underway at year end.

Water Fund - Summary of Results

	Original Budget incl revote	Adjusted Budget	2016/17 Actual YTD
\$'000			
Total Income from Continuing Operations	26,230	28,374	31,790
Total Expenses from Continuing Operations	25,203	24,891	24,843
Net Operating Result	1,027	3,483	6,947
Net Operating Result before grants and contributions provided for capital purposes	27	1,084	4,548
Non-Operating Expenditure	22,489	17,621	13,491
Cash & Cash Equivalents - start of year	6,237	6,237	6,237
Net Cash Movement:			
<i>Operating Activities</i>	9,254	11,464	14,222
<i>Investing Activities</i>	(5,224)	(15,485)	(11,076)
<i>Financing Activities</i>	(1,547)	(1,547)	(1,554)
Cash & Cash Equivalents - end of year	8,720	669	7,829

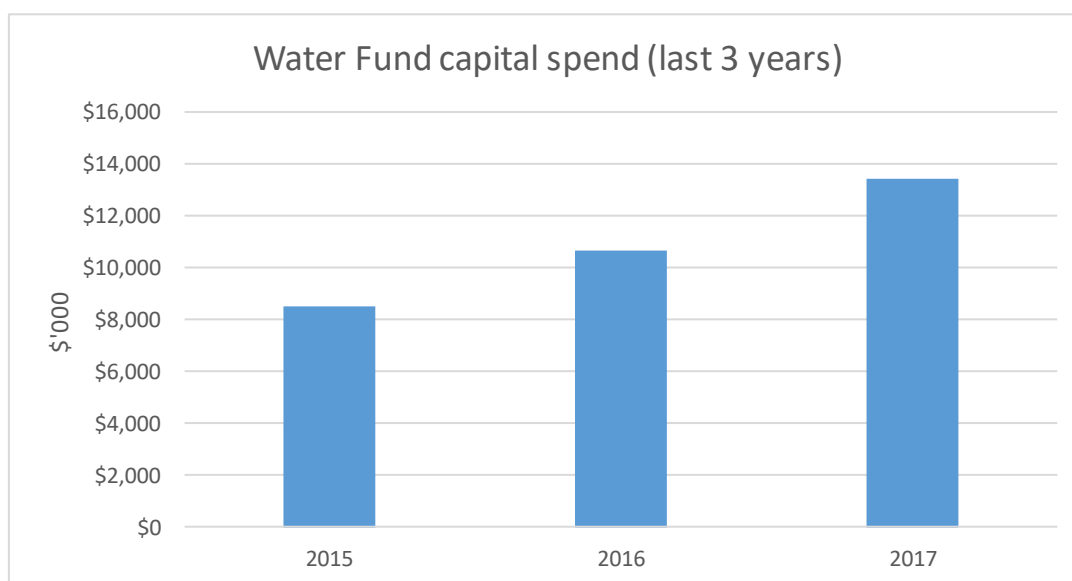
The following indicators are preliminary results only. Year end adjustments relating to the discounting of employee leave entitlements, adjustments to provisions and other year end reconciliations & movements will create the final results and the final indicators for the 2016/17 financial year. These results will be audited and published in Council's Annual Financial Statements.

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Water Fund

Indicator	Target	2015/16 Results	Amended for Opening Balances and Revotes	Adjusted Budget	Actual
Local Government Industry Indicators					
Operating Performance Ratio	Greater than 0%	18.7%	0.1%	4.2%	15.7%
Own Source Operating Revenue Ratio	Greater than 60%	92.6%	94.3%	89.8%	90.8%
Unrestricted Current Ratio	Greater than 1.5	21.31	8.88	14.30	20.82
Debt Service Cover Ratio	Greater than 2.0	69.22	1376.33	1504.33	2099.33
Rates, Annual Charges, Interest and Extra Charges Outstanding Percentage	Less than 5%	14.6%	15.2%	15.2%	8.9%
Cash Expense Cover Ratio	Greater than 3 months	28.45	17.24	23.82	35.04
Infrastructure Asset Performance Indicators					
Infrastructure Renewals Ratio	Greater than 100%	110.5%	109.3%	101.4%	62.7%
Infrastructure Backlog Ratio	Less than 2%	0.0%	0.0%	0.0%	0.0%
Asset Maintenance Ratio	Greater than 1x	0.97	1.02	1.02	1.02

Actual spend on capital works for the Water Fund has been steady for the last two years. Large projects undertaken this year include: Porters Creek dam remediation, mains replacement program and the meter replacement program.



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

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Income

As at 30 June, Water Fund has achieved 112% of the revised budget. This variance of \$3,418M is mainly due to an increase in water consumption with warmer weather and higher interest income.

The June Quarterly Budget Review Statement recommends an increase of \$979K. This adjustment mainly relates to the increased number of section 64 contributions received in the last quarter.

Operating Expenditure

Water Fund is on target with operating expenditure at 99.8% of the revised budget.

A decrease of \$182K is recommended for this review. This decrease mainly relates to a transfer between water and sewer fund for shared business services of \$191K.

Non-Operating Expenditure

Capital Expenditure as at 30 June is 77% of the revised budget (excluding commitments).

The original Water Fund capital budget was \$22,489K. This was revised during the year to \$17,563K. The final expenditure for the financial year was \$13,491K, which represents 77% of the revised budget. A carry forward of \$3,090k is required for this review. The carry forward relates to the Burrill Lake to Lake Tabourie water main replacement and a number of smaller capital projects.

Carry forward projects for the Water Fund have been:

	2015/16	2016/17
Non-Operating Expenditure	\$1,038K	\$3,090K

Asset Sales

Asset sales is at 93% of the revised budget. There is an adjustment of \$156K recommended to the Water Fleet Reserve as sales proceeds exceeded forecast.

Sewer Fund

Summary of Sewer Fund 2016/17 Budget Result

The budget adopted by Council produced an operating profit of \$12.2M, an operating profit before Capital Grants and Contributions of \$11.2M and a reduction in cash and investments of \$6M. The preliminary results at year-end are favourable, with the operating result exceeding adjusted budget. The capital program is progressing well with an adjustment of \$1,929K required to non-operating expenditure to be carried forward to 2017-18.

Sewer Fund - Summary of Results

\$'000	Original Budget incl revote	Adjusted Budget	2016/17 Actual YTD
Total Income from Continuing Operations	44,668	48,104	49,699
Total Expenses from Continuing Operations	32,421	32,760	31,304
Net Operating Result	12,247	15,344	18,395
Net Operating Result before grants and contributions provided for capital purposes	11,247	12,386	15,437
Non-Operating Expenditure	71,499	38,055	35,567
Cash & Cash Equivalents - start of year	4,170	4,170	4,170
Net Cash Movement:			
<i>Operating Activities</i>	20,398	23,472	27,042
<i>Investing Activities</i>	(52,741)	(64,365)	(58,228)
<i>Financing Activities</i>	37,843	37,843	37,770
Cash & Cash Equivalents - end of year	9,670	1,120	10,754

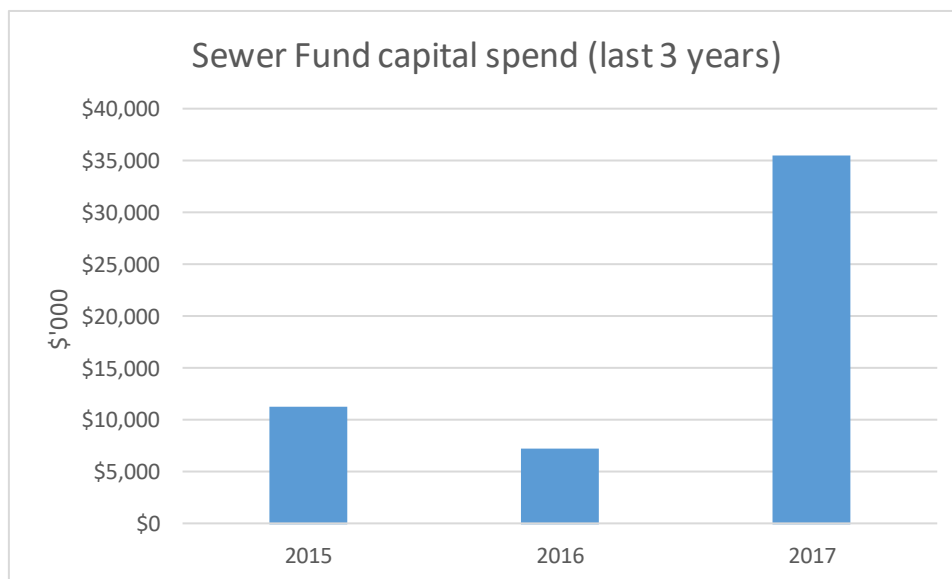
The following indicators are preliminary results only. Year end adjustments relating to the discounting of employee leave entitlements, adjustments to provisions and other year end reconciliations & movements will create the final results and the final indicators for the 2016/17 financial year. These results will be audited and published in Council's Annual Financial Statements.

Sewer Fund

Indicator	Target	2015/16 Results	Amended for Opening Balances and Revotes	Adjusted Budget	Actual
Local Government Industry Indicators					
Operating Performance Ratio	Greater than 0%	25.8%	25.8%	27.4%	33.0%
Own Source Operating Revenue Ratio	Greater than 60%	87.6%	96.5%	92.7%	93.0%
Unrestricted Current Ratio	Greater than 1.5	4.36	2.08	7.29	5.00
Debt Service Cover Ratio	Greater than 2.0	3.32	3.13	3.21	3.63
Rates, Annual Charges, Interest and Extra Charges Outstanding Percentage	Less than 5%	11.4%	10.8%	10.8%	6.8%
Cash Expense Cover Ratio	Greater than 3 months	9.35	6.00	3.96	17.55
Infrastructure Asset Performance Indicators					
Infrastructure Renewals Ratio	Greater than 100%	44.2%	258.1%	126.3%	119.9%
Infrastructure Backlog Ratio	Less than 2%	0.0%	0.0%	0.0%	0.0%
Asset Maintenance Ratio	Greater than 1x	0.93	1.14	1.13	1.04

Actual spend on capital works for the Sewer Fund has substantially increased in 2017. The large projects undertaken this year include: REMs and the trunk main at Milton/Ulladulla.

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

Income

As at 30 June, Sewer Fund has achieved 103% of the revised budget. This variance of \$1,596K is mainly due to the following:

- Wastewater availability and usage increased due to new assessments
- Trade waste income increased with higher usage
- Reforecasting of interest received, due to changes in the timing of capital disbursements.

An increase of \$1,231K is recommended for this review. This adjustment mainly relates to the increased number of section 64 contributions received in the last quarter.

Operating Expenditure

Operating Expenditure as at 30 June is 96%. This variance of \$1,454K is largely reflected in the operations and maintenance of mains, pumping stations and treatment works.

An adjustment of \$432K is recommended for this review. The major adjustments include a transfer between water and sewer fund for shared business services of \$191K and interest on loans.

Non-Operating Expenditure

The original sewer capital budget was \$71,499K. This was revised during the year to \$38,185K. The final expenditure for the financial year was \$35,567K, which represents 93% of the revised budget. A carry forward of \$1,929K is required for this review. The carry forward mainly relates to the REMs project.

Carry forward projects for the Sewer Fund have been:

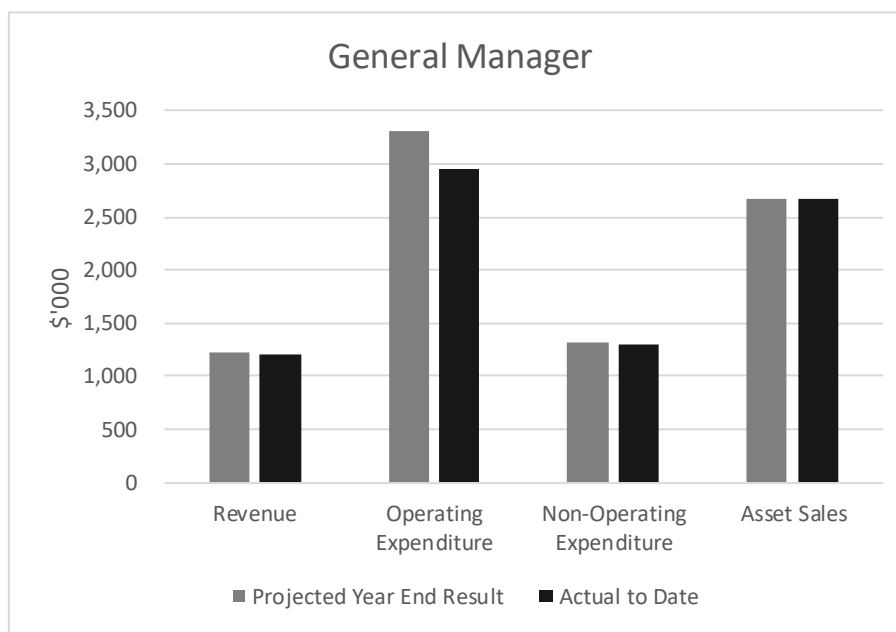
	2015/16	2016/17
Non-Operating Expenditure	\$2,733K	\$1,929K

Asset Sales

Asset sales are at 100% of the revised budget. An adjustment of \$77K is recommended to the Sewer Fleet Reserve as sales proceeds exceeded the forecast.

Council's Groups

General Manager's Group



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

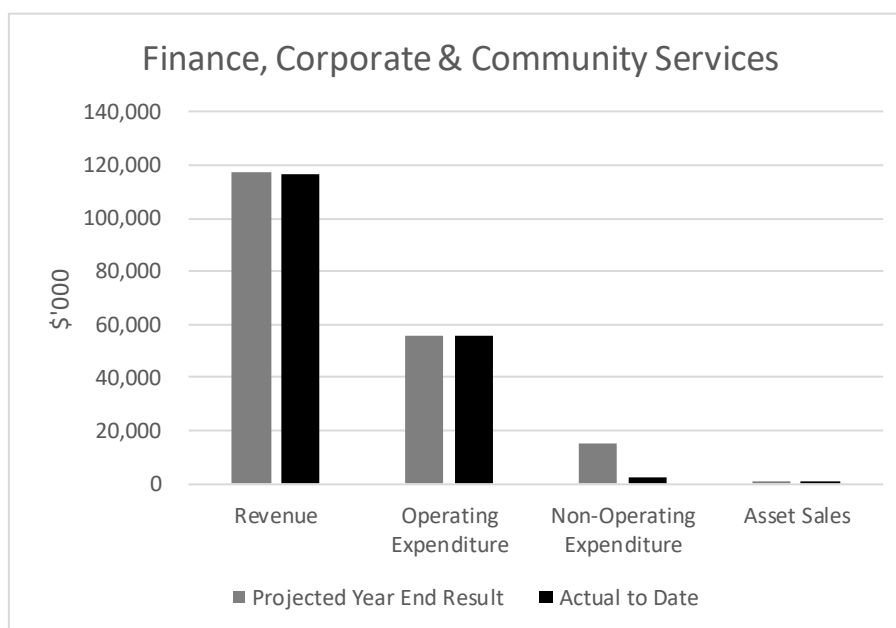
	Adopted Budget	Adopted Incl. Revote	Current Budget	June Review Recommended Adjustment	Adjusted Budget	Projected Year End Result	Actual to Date	%	Variance	Revote / Carry Forward
Revenue	453	453	1,175	51	1,226	1,226	1,212	99%	(14)	(40)
Operating Expenditure	2,872	3,203	3,262	53	3,315	3,315	2,951	89%	364	(58)
Non-Operating Expenditure	2,220	2,220	1,599	(273)	1,326	1,326	1,305	98%	21	(5)
Asset Sales	1,710	1,710	1,911	768	2,679	2,679	2,678	100%	(1)	0

General Manager's Comments:

Overall a favourable result. Revenues achieved were close to the Adjusted budget. Actual Operating expenditure was less than budget. Asset Sales exceeded projections which has increased the Land Development Reserve for future subdivision stages at Flinders and Woolamia, which are planned to proceed in 2017/18.

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Finance, Corporate and Community Services



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

	Adopted Budget	Adopted Incl. Revote	Current Budget	June Review Recommended Adjustment	Adjusted Budget	Projected Year End Result	Actual to Date	%	Variance	Revote / Carry Forward
Revenue	103,022	103,022	109,817	7,852	117,669	117,669	116,652	99%	(1,017)	(155)
Operating Expenditure	53,782	54,845	55,837	(142)	55,695	55,695	56,115	101%	(420)	(1,071)
Non-Operating Expenditure	12,362	15,961	15,272	22	15,294	15,294	2,119	14%	13,175	(10,295)
Asset Sales	0	0	5	0	5	5	11	220%	6	0
										11,744

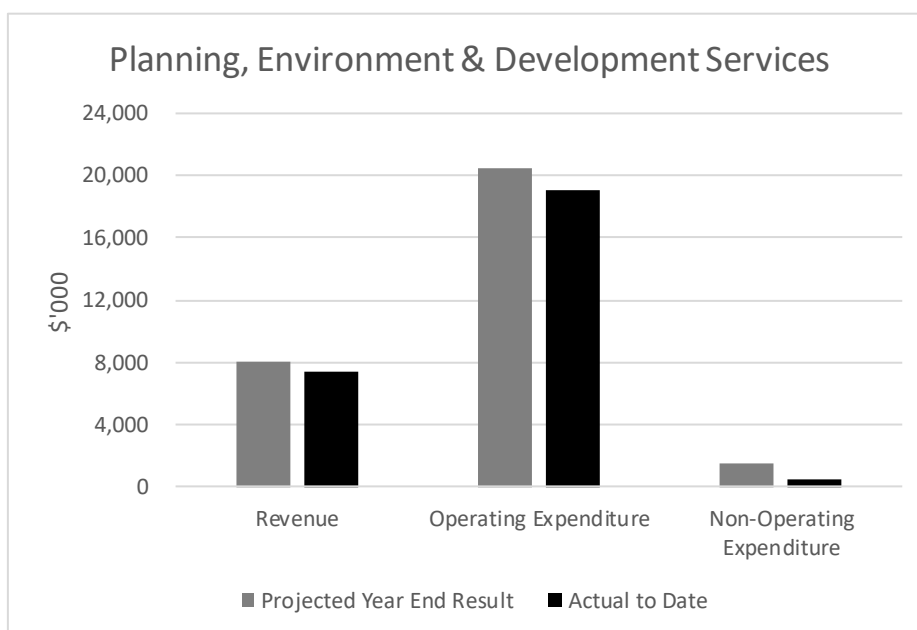
Group Director's Comments:

Our swimming pools have had a fabulous summer, with the exceptional weather generating a significant increase in revenue. Additionally, the new pool at Nowra has attracted new customers to the facility. An ongoing cost reduction initiative across all major pools has seen reduced operational costs during the year and allowed for lower budgeted costs for 2017/18.

The capital projects (non-operating expenditure) being delivered have not progressed as quickly as planned due to a number of factors. The Carry Forward projects are listed earlier in this report.

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Planning, Environment and Development Services



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

	Adopted Budget	Adopted Incl. Revote	Current Budget	June Review Recommended Adjustment	Adjusted Budget	Projected Year End Result	Actual to Date	%	Variance	Revote / Carry Forward
Revenue	6,165	6,209	7,793	227	8,020	8,020	7,439	93%	(581)	(1,329)
Operating Expenditure	16,696	18,420	20,203	227	20,430	20,430	19,004	93%	1,426	(2,835)
Non-Operating Expenditure	901	1,390	1,493	0	1,493	1,493	468	31%	1,025	(816)

Group Director's Comments:

The revotes/carry forwards relate mainly to grants. Income not yet received and expenditure that has been recently committed is tied to grants such as the Shoalhaven Flood Levee repairs and the Lower Shoalhaven and St Georges Basin Flood Studies.

The end of year result for the group, although assisted by greater than expected income has resulted in an overall net increase in costs of approximately \$482,000. This is attributable, in part, to the following factors:

- High levels of development activity, staff shortages and legal cases have required the engagement of fixed-term officers and contract planners/building surveyors to keep the applications and appeals running at acceptable levels. These costs exceed \$370,000 but were offset in part by additional income.
- We have been involved in extensive legal cases many in relation to appeals with resultant legal expenses exceeding budget estimates by \$265,000.
- There was higher than average public liability/workers compensation costs in the group that exceeded budget by over \$120,000.
- There has been an increase in costs in the Ranger Section due to both due to additional commitments at Christmas (eg. Hyams Beach), activities at the Nowra Showground and the accelerated approach to barking dogs (which was not successful in securing additional funding in 17/18 budget), together with increased direct charges from NSW Government for penalty notice management which was previously deducted from income received. These additional costs exceed \$100,000.

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It has been difficult to maintain satisfactory levels of customer service with the level of development activity currently being experienced, which would have suffered more significantly, if these actions had not been undertaken.

Small Lot Rural Subdivision

REZONING INVESTIGATIONS			
Updated 30th June 2017			
	Jerberra	Verons	Nebraska
Funding			
Loan Funded	350,000	150,000	200,000
Loan Funded (transferred from Road Design)		12,968	
Special Rates (from construction)		6,626	
Special Rates (from construction) (returned)		-5,213	
Strategic Planning Consultants Budget		25,000	
Previous Contributions (Pre 1996)	0	2,571	0
Transfer to Road Construction	-55,049		
	294,951	191,952	200,000
Expenditure			
Salaries	157,224	32,614	48,929
Consultants	123,636	157,396	61,876
Other	14,091	1,942	19,862
Commitments in 2017/18	0	0	0
	294,951	191,952	130,667
Variance	0	0	69,333
ROAD DESIGN AND INVESTIGATIONS			
Updated 30th June 2017			
	Jerberra	Verons	Nebraska
Funding			
Loan Funded	184,438	50,281	50,281
Transfer to road construction	-168,616	0	-22,800
Transfer to rezoning	0	-12,968	0
	15,822	37,313	27,481
Expenditure			
Salaries	0	0	0
Consultants	12,333	37,313	16,835
Other	3,488	0	0
Commitments in 2017/18	0	0	0
	15,821	37,313	16,835
Variance	0	0	10,646

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ROAD CONSTRUCTION Updated 30th June 2017			
	Jerberra	Verons	Nebraska
Funding			
Loan Funded (from investigations)	168,616	0	22,800
General Fund	0	3,000	0
Strategic Projects (2008/09)	82,020	41,738	11,750
Special Rate Funded	232,640	141,011	77,108
Infrastructure Special Rate (Loan)	7,200,000	0	0
Transfer to Estate Rezoning		-6,626	
Transfer to Estate Rezoning (returned)		5,213	
Transfer from Estate Rezoning	55,049		
	7,738,325	184,336	111,658
Expenditure			
Salaries	68,367	33,432	5,569
Consultants	11,662	0	12,575
Other	4,578,904	146,554	79,996
Commitments in 2017/18	137,598	0	0
	4,796,530	179,986	98,139
Variance	2,941,795	4,351	13,519
Notes:			
Expenditure details will be updated quarterly.			
Upon completion of the rezoning investigations, any excess funding from rezoning investigations will be redirected to road investigations and construction for the relevant Estate at the appropriate time. Options to address any negative variance values will be considered in the future. If necessary, funding may be transferred between the rezoning investigation, road investigation and road construction budgets for each Estate. Funding will not be transferred from one Estate to another.			

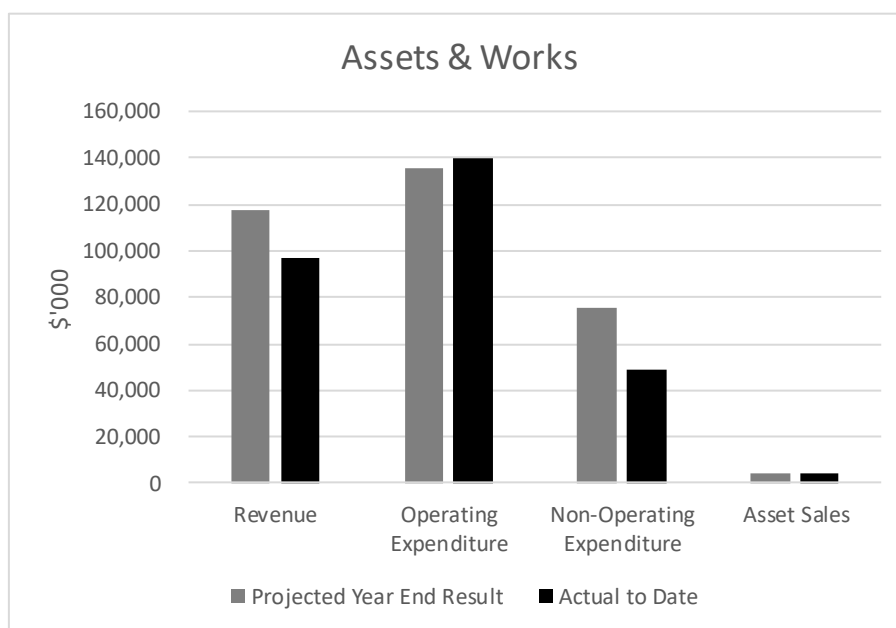
Nebraska Estate: \$69,333 remains for progressing rezoning investigations.

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

Road investigations and construction: The balance of the roadwork design budget for Nebraska Estate for 2016/2017 is \$10,646. The balance of the construction budgets for Jerberra, Verons and Nebraska Estates for 2016/2017 are \$2.94M, \$4,351 and \$13,519 respectively.

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Assets and Works



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

	Adopted Budget	Adopted Incl. Revote	Current Budget	June Review Recommended Adjusting	Adjusted Budget	Projected Year End Result	Actual to Date	%	Variance	Revote / Carry Forward
Revenue	100,174	105,639	115,713	2,092	117,805	117,805	97,197	83%	(20,608)	(20,502)
Operating Expenditure	133,508	133,651	134,186	1,863	136,049	136,049	139,915	103%	(3,866)	(93)
Non-Operating Expenditure	44,830	61,401	74,024	1,127	75,151	75,151	48,707	65%	26,444	(24,248)
Asset Sales	2,246	2,246	3,736	531	4,267	4,267	3,963	93%	(304)	(111)

Group Director's Comments:

Revenue for the group is tracking close to budget. There is an increase in grants funds and this has seen an increase above the forecast budget in roads and traffic areas.

Operating expenditure is tracking well and each Section of the Assets and Works Group operated close to budget, with operational expenditure being 102% of budget at \$135.6M.

A significant capital program was delivered in 2016/17 at \$51M. Major capital projects completed included Turpentine Road, while others that were grant funded commenced, such as the upgrade of the full length of Flinders Road (Federal Blackspot and Heavy Vehicle Productivity). Despite significant wet weather periods, a number of major road upgrades have been completed such as Albatross Road, Greenwell Point Road stage 1, Culburra Road and Beach Road renewal.

Another key project is the Shoalhaven Indoor Sports Centre. Zauner construction have been undertaking the procurement of Trade packages and these have been endorsed by Council with a construction budget of approximately \$10.7M allocated by Council for 2017/18. The fit-out budget is required.

The Lake Conjola boardwalk is nearing completion and the northern Ulladulla Harbour boat ramp upgrade and jetty continues.

Stormwater Levy

Spending against the Stormwater Levy is 64% of budget.

Stormwater Levy Progress 2016/17

	Stormwater Levy Budget					Actual	Budget Remaining	% Spent
	2015/16 unspent	2016/17	Adjustment	Adjustment Notes	Current			
Drainage Program								
St Andrews Way Coolangatta Stage 2	\$123,345	\$0			\$123,345	\$1,283	\$122,062	1%
Katela Avenue Bomaderry	\$39,350	\$0	\$30,665	8	\$70,015	\$70,015	\$0	100%
River Rd Lake Tabourie	\$0	\$0			\$0	\$0	\$0	0%
Canal Improvements Sussex Inlt	\$115,841	\$0	\$15,000	9	\$130,841	\$130,841	\$0	100%
Mollymook Creek Stage 1 Mollymook	\$20,625	\$0			\$20,625	\$20,675	\$0	100%
Bannisters Head Rd Mollymook	\$21,384	\$0	-\$17,156	1	\$3,869	\$3,869	\$0	100%
Burrill St North Ulladulla	\$22,054	\$0	\$43,402	2, 12	\$65,456	\$67,474	\$0	100%
Penguins Head Rd Culburra Beach	\$0	\$90,000	-\$20,000	6	\$70,000	\$70,000	\$0	100%
The Park Dr Sanctuary Point	\$0	\$150,000			\$150,000	\$8,012	\$141,988	5%
Dowling St Ulladulla	\$22,781	\$0	-\$22,781	10	\$0	\$1,782	\$0	100%
Wayfarer Dr Sussex Inlet	\$0	\$40,000	\$1,075	16	\$41,075	\$41,075	\$0	100%
Lackersteen St Callala Bay	\$0	\$100,000	\$1,584	16	\$101,584	\$101,584	\$0	100%
Orient Ave Orient Point	\$0	\$100,000	-\$45,683	7	\$54,317	\$54,317	\$0	100%
James Cres Kings Point	\$0	\$150,000			\$150,000	\$150,116	\$0	100%
Old Berrara Rd Sussex Inlet	\$3,264	\$0			\$3,264	\$50,000	\$0	100%
Dacres St Vincentia Drainage	\$0	\$70,000			\$70,000	\$40,261	\$29,739	58%
Sussex Inlet Rd Sussex Inlet	\$0	\$75,000			\$75,000	\$59,499	\$15,501	79%
Central Ave South Nowra Drainage	\$0	\$245,000	-\$245,000	3, 13, 14	\$0	\$0	\$0	0%
Greville Ave Sanctuary Point	\$8,000	\$0			\$8,000	\$2,481	\$5,519	31%
Bolong Rd Bomaderry Culvert upgrade	\$0	\$0	\$95,000	4, 11	\$95,000	\$21,935	\$73,065	23%
Adelaide & Church St Greenwell Point	\$0	\$0	\$80,000	5	\$80,000	\$3,575	\$76,425	4%
Sunset Strip Manyana	\$0	\$40,000			\$40,000	\$1,823	\$38,177	5%
River Rd Sussex Inlet Drainage	\$0	\$30,000			\$30,000	\$2,908	\$27,092	10%
Drainage South Nowra Industrial	\$0	\$0	\$48,625	15	\$48,625	\$1,500	\$47,125	3%
Gordon Street, Milton	\$0	\$0	\$37,341	13, 16	\$37,341	\$37,341	\$0	100%
	\$0	\$0			\$0			
Total Stormwater Levy	\$376,644	\$1,090,000	\$2,072		\$1,468,357	\$942,364	\$576,695	64%

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

1. September QBR - Transfer from Bannisters Head Rd to Burrill Street - \$17,156
2. September QBR - Transfer to Burrill St from Bannisters Head Rd - \$17,156
December QBR - Additional stormwater levy received \$3447
December QBR - transfer of stormwater levy funding \$20,018
3. Redistribution to Bolong Rd and Adelaide Street - \$155K
4. Redistribution from Central Ave \$75K
5. Redistribution from Central Ave \$80K
6. December QBR - project completion, transfer to other projects \$20K
7. December QBR - project completion, transfer to other projects \$45,683
8. December QBR - project completion, transfer from other projects \$30,665
9. December QBR - transfer of stormwater levy funding \$15K
10. March QBR - project completion, transfer to other projects \$22,781
11. March QBR - transfer from Dowling St \$20,000
12. March QBR - transfer from Dowling St \$2,781
13. Transfer from Central Ave to Gordon Street \$40K
14. June QBR - transfer - \$48,625 to South Nowra Drainage, reduction in stormwater levy rec'd - \$1375
15. June QBR - transfer from Central Ave South Nowra Drainage \$48,625
16. June QBR - completion of Gordon Street, transfer unspent levy to Wayfarer & Lackersteen

Group Director's Comments:

Major works were recently completed on James Crescent at Kings Point. Two key projects have been tracking behind the target completion dates. One is Bolong Road drainage at Bomaderry, due to the significant utilities and complex construction, and the second one is St Andrews Way, Coolangatta, due to land matters.

SA17.211

Special Rate Variation

Spending against the Special Rate Variation is 54% of budget.

Special Rate Variation Progress 2016/17

	Special Rate Variation Budget					Actual	Budget Remaining	% Spent
	2015/16 unspent	2016/17	Adjustment	Adjustment Notes	Current			
Drainage Program								
Agars Lane Sealing	\$0	\$300,000	-\$100,000	3	\$200,000	\$184,255	\$15,745	92%
Mollymook Beach Reserve Cycleway - Mitchell Pde	\$0	\$65,000			\$65,000	\$65,000	\$0	100%
Matron Porter Drive Shared User Path	\$32,293	\$160,000			\$192,293	\$192,293	\$0	100%
Coolangatta Road	\$0	\$1,200,000	\$100,000	4	\$1,300,000	\$766,244	\$533,756	59%
Jacobs Dr, Sussex Inlet	\$0	\$401,614			\$401,614	\$26,066	\$375,548	6%
Round The Bay Walk Callala Bay	\$130,888	\$0	-\$129,706	1	\$1,182	\$1,182	\$0	100%
Orion Beach Walk	\$17,806	\$0			\$17,806	\$17,806	\$0	100%
Naval College Road	\$74,482	\$340,000			\$414,482	\$94,949	\$319,533	23%
Curumbene Street Huskisson	\$0	\$0	\$129,706	2	\$129,706	\$129,706	\$0	100%
Total Special Rate Levy	\$255,469	\$2,466,614	\$0		\$2,722,083	\$1,477,502	\$1,244,581	54%

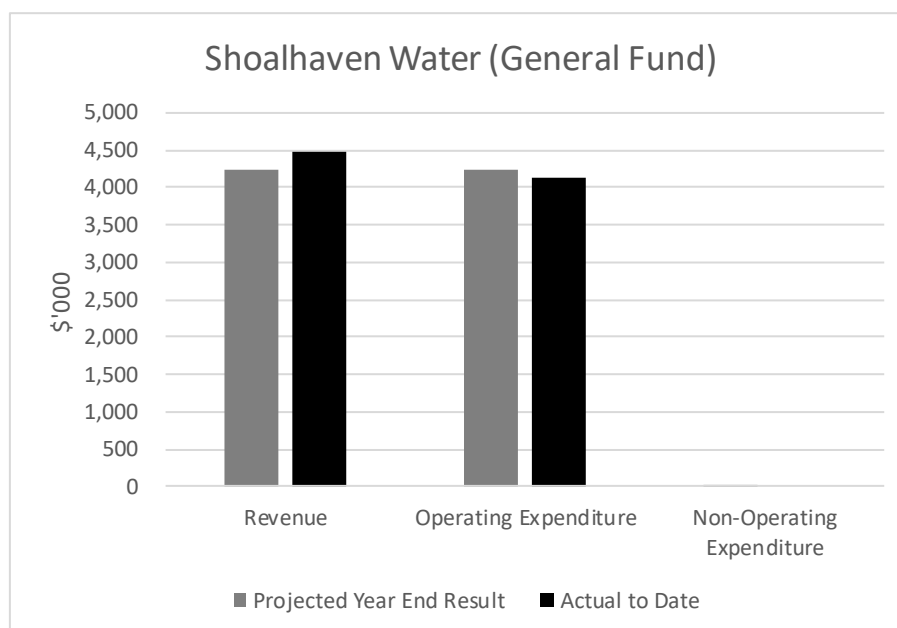
Note: - The projects may have other additional funding, but only the Special Rate Levy is included in this table

1. December QBR - Transfer to Curumbene Street Huskisson
2. December QBR - Transfer from Round The Bay Walk
3. March QBR - Transfer to Coolangatta Road
4. March QBR - Transfer from Agars Lane

Group Director's Comments:

Renewal and funding of the full scope of Sussex Inlet streetscape was resolved by Council through the adoption of the additional funds from the new Special Rate Variation in 2017/18, and the full package of works is now being tendered. Coolangatta Road and Naval College Road works are under construction by contractors and are tracking well. Matron Porter Drive path also continued with construction in the direction of Mollymook. This will create a link between the villages.

Shoalhaven Water



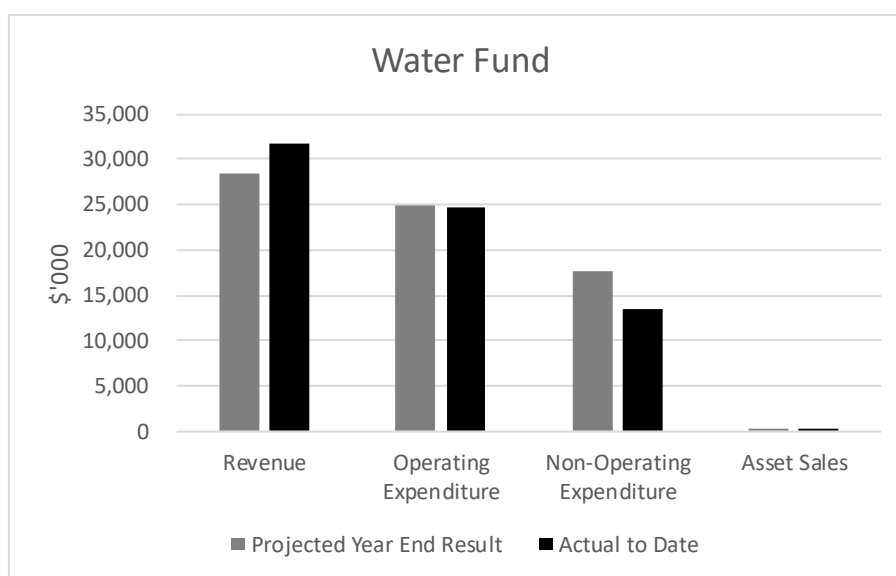
The recommended budget changes, revised budget and result to date for the Shoalhaven Water (General Fund) Group are summarised below, with details of the adjustments and variances are included in the June Quarterly Budget Review Statement.

	Adopted Budget	Adopted Incl. Revote	Current Budget	June Review Recommended Adjustment	Adjusted Budget	Projected Year End Result	Actual to Date	%	Variance	Revote / Carry Forward
Revenue	3,987	3,987	4,202	37	4,239	4,239	4,489	106%	250	0
Operating Expenditure	4,177	4,177	4,073	171	4,244	4,244	4,131	97%	113	0
Non-Operating Expenditure	7	7	7	0	7	7	0	0%	7	0

Group Director's Comments:

The Shoalhaven Water General Group is operating on target, with revenue at 106% of budget and operational expenditure at 97% of budget. The increase in operating income and operating expenditure relates mainly to the communication towers.

Water Fund



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

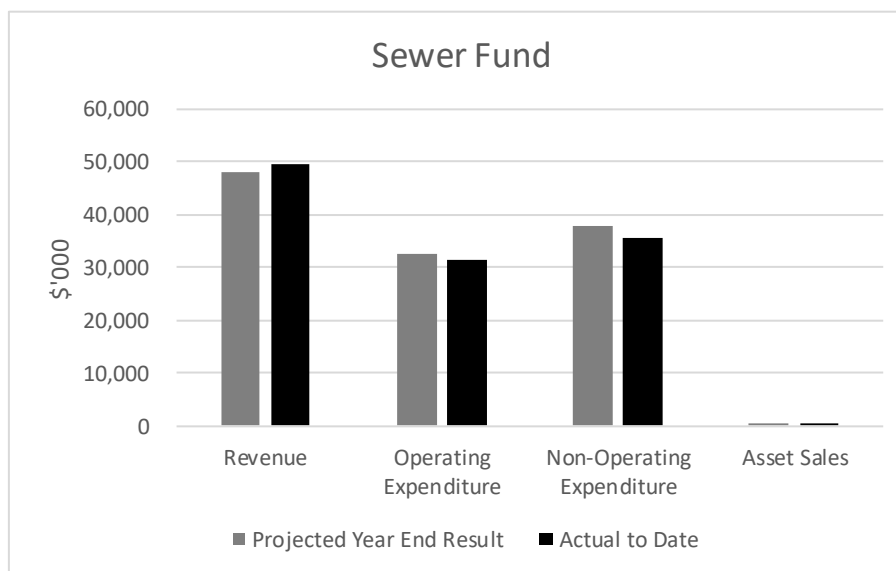
	Adopted Budget	Adopted Incl. Revote	Current Budget	June Review Recommended Adjustment	Adjusted Budget	Projected Year End Result	Actual to Date	%	Variance	Revote / Carry Forward
Revenue	26,230	26,230	27,394	979	28,373	28,373	31,791	112%	3,418	0
Operating Expenditure	25,204	25,204	25,075	(182)	24,893	24,893	24,776	100%	117	0
Non-Operating Expenditure	21,451	22,489	17,224	397	17,621	17,621	13,491	77%	4,130	(3,090)
Asset Sales	140	140	208	156	364	364	340	93%	(24)	0

Group Director's Comments:

The Water Fund result was positive for Council, with the operational expenditure at 99.5% and revenue higher than current revised budget. The adjustment to revenue relates to Section 64 income tracking higher than expected with increasing developer activity. The

variance in income of \$3,418K is reflective of higher interest income, water usage due to drier weather conditions this year and section 64 income from high development activity. The capital program is at 93% of budget and requires an adjustment of \$397K this quarter. These adjustment mainly relates to the transfer of funds from the plant reserve to purchase essential equipment. A carry forward of \$3,090K is required.

Sewer Fund



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

	Adopted Budget	Adopted Incl. Revote	Current Budget	June Review Recommended Adjustment	Adjusted Budget	Projected Year End Result	Actual to Date	%	Variance	Revote / Carry Forward
Revenue	44,668	44,668	46,873	1,231	48,104	48,104	49,700	103%	1,596	0
Operating Expenditure	32,421	32,421	32,328	432	32,760	32,760	31,306	96%	1,454	0
Non-Operating Expenditure	68,766	71,499	38,185	(130)	38,055	38,055	35,567	93%	2,488	(1,929)
Asset Sales	120	120	191	77	268	268	268	100%	0	0

Group Director's Comments:

The Sewer Fund result was positive for Council, with operational expenditure at 96% of budget and revenue above the current revised budget. The adjustment to revenue relates mainly to Section 64 income tracking higher than expected with increased developer activity, new connections and trade waste income from higher usage. The adjustment to operating expenses relates mainly to an adjustment to the reallocation of administration expenses from the Water Fund. The capital program is at 98% of the revised budget and requires a small adjustment this quarter. These adjustments mainly relate to the transfer of funds to the Sewer Fund plant reserve. A carry forward of \$1,929k is required.

SA17.211

Financial Implications

The June Review has resulted in a projected cash deficit budget for General Fund only. Council will need to be mindful of the situation and not introduce new works or services unless a funding source is clearly identified.

Council may also need to review its methods of funding in light of the June Review result.

SA17.212 Proposed Sale of Land - Lot 2 DP1217124 - Wire Lane, Berry

HPERM Ref: D17/220985

Group: Assets & Works Group

Section: Business & Property

Attachments: 1. Area Plan - Lot 2 DP 1217124 [↓](#)

Purpose / Summary

To seek approval from Council to advertise and negotiate the proposed sale of Lot 2 DP1217124 Wire Lane, Berry to the adjoining owner Merveilleux Pty Ltd (refer Attachment 1).

Recommendation

That Council:

1. Advertise its intention to sell Lot 2 DP1217124 Wire Lane, Berry to the adjoining land owner, Merveilleux Pty Ltd, on the condition that land is consolidated with its adjoining land in Lot 14 DP253806; and
2. Receive a further report in due course regarding the sale and finalisation of the sale terms and conditions.

Options

1. Resolve as recommended.

Implications: The proposed sale of this land to the adjoining owner will be advertised as required by current policy.

2. Not resolve as recommended.

Implications: Council will continue to own land which is surplus to requirements and continue to meet all costs associated with the land indefinitely.

3. Provide further direction to staff and propose an alternative.

Background

The subject land was formed by way of road closure notified in NSW Government Gazette No. 65 dated 19 August 2016 (Folio 2280).

The land is freehold, classified “operational”, 1.01 ha in area and is zoned RU4 – Primary Production under Shoalhaven LEP 2014.

The land is heavily effected by an overhead powerline and drainage easements, planning restrictions (no building entitlement) and is quite narrow.

The land was identified as being available for disposal in Council report dated 4 October 2016, details were conveyed as follows:

“The sale of Lot 2 DP1217154 being 1.014ha on the eastern side of Wire Lane will be considered in a separate report (the adjoining owner has expressed an interest in purchasing the land).”

The adjoining owner of Lot 14 DP253806, Merveilleux Pty Ltd has recently confirmed its interest in purchasing this land.

During the advertising period, Council will begin negotiations with Merveilleux Pty Ltd to finalise the terms of any sale including price.

Consultant valuers have been instructed to assess the current market value of the land on the basis of it being sold to the adjoining owner and consolidated with its adjoining land. The valuation will be used as a guide in negotiating a price for the land.

The proposed sale of this land was referred to the various Sections/Operational Units within Council in July 2017 for comments/objections and no objections were received.

Community Engagement

The proposed sale of this land is considered to be a local area low impact issue as outlined in Council's Community Engagement Policy and Handbook and appropriate community consultation will occur.

Consultation will include newspaper advertising of the proposed sale in the South Coast Register and notification on Council's website. Any objections received will be considered and resolved before a report is prepared to proceed with the sale.

Financial Implications

The proposed sale of this land will generate additional income for Council and this will be placed in the Property Reserve for future road acquisitions and/or works on public roads in accordance with the provisions of the Roads Act 1993.



SA17.213 Update on Cambewarra Road properties acquired for the Shoalhaven Community & Recreational Precinct

HPERM Ref: D17/226920

Group: Assets & Works Group
Section: Business & Property

Purpose / Summary

To seek Council approval on the proposed interim use of the properties in Cambewarra Road, Bomaderry pending further funding availability to redevelop the sites which have been identified for the future sports precinct.

Recommendation

That Council:

1. Lease, at a market rental, determined by valuation in accordance with the residential tenancy Act 2010:
 - (a) 109 Cambewarra Road, Bomaderry
 - (b) 111 Cambewarra Road, Bomaderry
 - (c) 111a Cambewarra Road, Bomaderry
 - (d) 113 Cambewarra Road, Bomaderry
2. Grant authority to the General Manager to sign any documents necessary to give effect to this resolution; and
3. Engage Integrity Real Estate to manage the properties on behalf of Council.

Options

1. Adopt the recommendation.

Implications: The properties will be rented under residential tenancy agreements as and when the former owners vacate, thus providing a financial return to Council until the properties are required for redevelopment.

2. Not adopt the recommendation and provide further direction to staff.

Background

Council resolved at its Ordinary meeting on the 23rd May 2017 (MIN 17.469) in part to:

- “6. That a further report be provided to Council on the option for an interim use of the properties, once acquired, and pending further funding availability to redevelop the site in accordance with the adopted Master Plan.”

All four properties have exchanged, with 111a Cambewarra Road, Bomaderry simultaneously settling on the 14th June. Proposed settlement dates for the other properties are:

- 109 Cambewarra Road, Bomaderry – 21st July
- 111 Cambewarra Road, Bomaderry – 1st August
- 113 Cambewarra Road, Bomaderry – 3rd August
- 113 Cambewarra Road, Bomaderry will be the only property providing vacant possession at settlement. The other three including 111a will continue to be occupied under licence by the former owners until alternative properties are bought and equipped for occupation.

Two owners have secured alternative properties, but all three have requested continued occupation for periods ranging from 2 months to 12 months.

Community Engagement

No community consultation has been undertaken in respect to leasing the properties. These four properties were acquired for the future sports precinct and are shown to be impacted by the future masterplan.

Financial Implications

Leasing the properties under residential tenancy agreements will provide a financial return to Council until the properties are required for redevelopment for the Sports Precinct.

SA17.214 Classification of Shared Cycleway / Footpath - Lot 8 DP1214563 - Matron Porter Drive, Narrawallee

HPERM Ref: D17/240096

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. Plan - Lot 8 DP1214563 [↓](#)

Purpose / Summary

To classify the land described as Lot 8 DP1214563 at Matron Porter Drive, Narrawallee as Operational Land (Attachment 1).

Recommendation

That Council resolve to classify the land described as Lot 8 DP1214563 at Matron Porter Drive, Narrawallee as Operational Land.

Options

1. Resolve as recommended.

Implications: The land will be able to be used for its intended purpose (shared cycleway / footpath). If any objections are received prior to the close of submission on 17th August 2017 these will be raised at the meeting.

2. Not resolve as recommended.

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

3. Provide further direction to staff and propose an alternative.

Background

Lot 8 DP1214563, located at Matron Porter Drive, Narrawallee was acquired for a shared cycleway / footpath.

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.

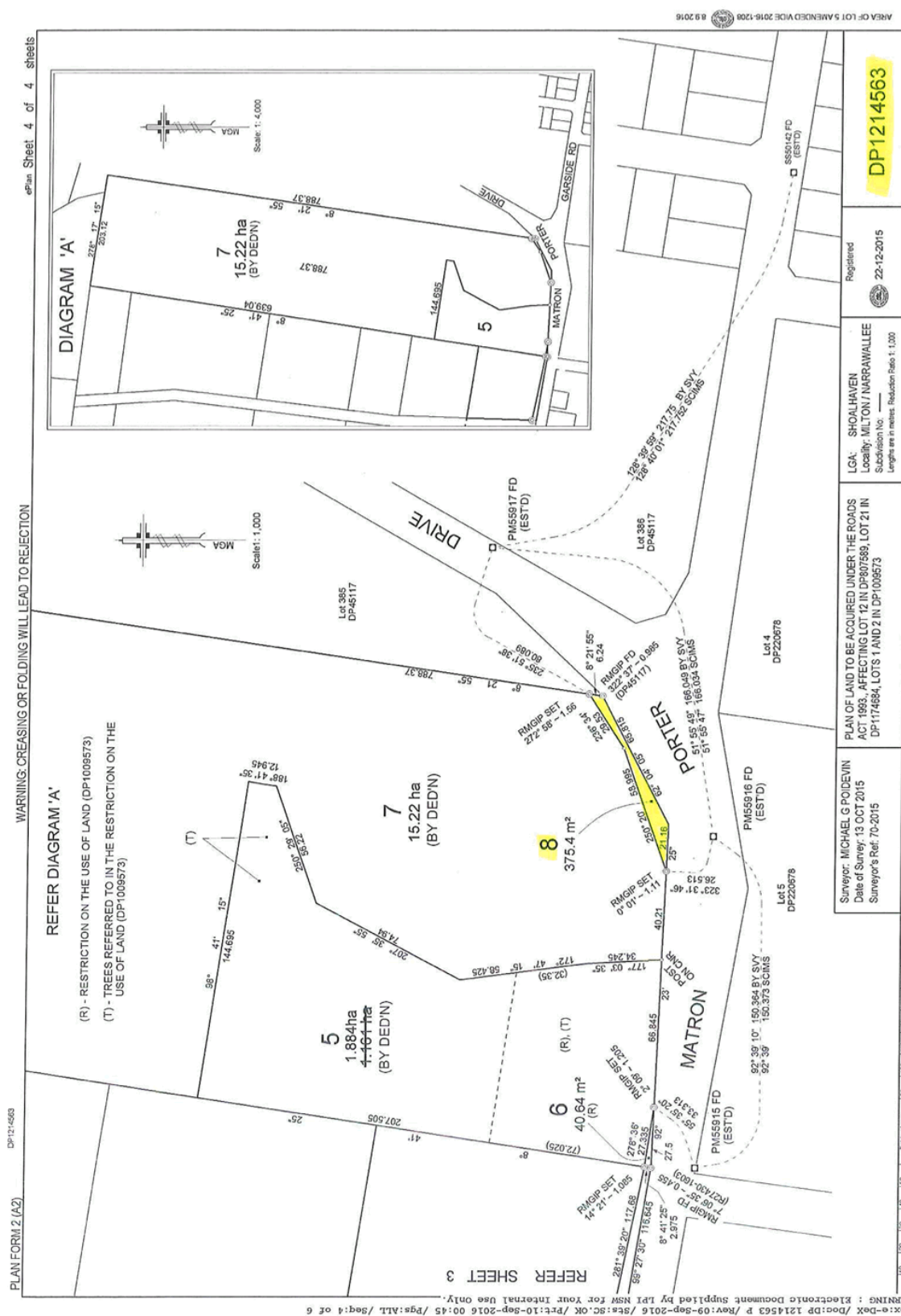
There are two Classification available:

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 LGA93.

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

Community Engagement

In accordance with Section 34 of LGA93, a public notice of Council's intention to classify the land as Operational was placed in the local press 19th July 2017 allowing 28 days for written submissions closing 17th August 2017. At the time of writing this report no submissions have been received, however any submissions received prior to the closing time will be reported to the Committee meeting.



SA17.215 Council Policy Review - Property Services

HPERM Ref: D17/243337

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. POL16/113 [↓](#)

Purpose / Summary

To consider adoption of “*Acquisition of Land by Shoalhaven City Council Policy (POL16/113)*” as a public policy (Attachment 1).

Recommendation (Item to be determined under delegated authority)

That Council adopt the “*Acquisition of Land by Shoalhaven City Council*” (POL16/113) as a public policy with minor amendments.

Options

1. Adopt Recommendation as stated.

Implications. Adoption of the existing acquisition of land policy as a public policy provides added transparency to Council’s dealings in relation to land acquisitions.

2. Propose an alternative and provide further direction to staff.

Background

The “*Acquisition of Land by Shoalhaven City Council Policy*” (POL16/113) is currently listed as a corporate policy. To deliver transparency in dealings relative to Council’s acquisition of land process, it is considered appropriate that the current policy be confirmed as a public policy with minor amendments

SA17.215



City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Assets & Works Group

Acquisition of Land by Shoalhaven City Council

Policy Number: POL16/1136 • **Adopted:** 21/05/2013 • **Minute Number:** MIN13-511 • **File:** 23192E • **Produced By:** Assets & Works Group • **Review Date:**

1. PURPOSE

The purpose of this policy is to provide sound, transparent criteria and procedures designed to minimise Council's exposure to risk and give due consideration to the community's best interests at all times when acquiring land.

2. STATEMENT

The acquisition of land enables Council to meet its future planning directives, while optimizing its property portfolio.

3. PROVISIONS

To provide an efficient, transparent and reliable method for Council to acquire land:

- To ensure that the strategic purpose of the acquisition of the land is beneficial to Council and the community;
- To minimise risk exposure to Council in acquiring land;
- To ensure the most appropriate method of acquisition is identified;
- To ensure land acquisition is undertaken following thorough and correct procedures and in accordance with any relevant plans or legislation;
- To ensure land is acquired cost effectively and giving due consideration to the community's best interest;
- To ensure all interested parties are given the opportunity to offer comment on the proposed acquisition, while maintaining commercial confidentiality; and
- As an optimum outcome for Council and community.

4. LAND TO WHICH THIS POLICY APPLIES

This policy applies to all land within the Shoalhaven Local Government Area (LGA).

The term 'Land' for the purposes of this policy may include land and improvements or other real estate.

5. IMPLEMENTATION

~~Strategic Planning & Infrastructure~~ Assets & Works, Business & Property Section will administer this Policy.

5.1. Determining Land to be Acquired

To be done by considering land's strategic value in relation to Council's plans, strategic plans, LEPs and Sec 94 ~~contributions plans~~ and ensuring consistency with Council's economic, social and environmental objectives.

To be undertaken giving due consideration to ~~the community's~~ what is in the best interest of Council and the community generally.

5.2. Assessment Criteria

- ~~Cost/benefit to Council in terms of Net Present Value (NPV) and Return of on~~ Investment (ROI);
- ~~_____~~
- The land identified on a Council plan for acquisition, ~~(;critical need to Council in terms of timing of acquisition);~~
- ~~Critical need to Council in terms of timing of acquisition~~ The strategic value of land to Council;
- The ~~determined~~ market value of the land;
- The method determined to acquire the land – may be predetermined;
- The cost of acquiring the land;
- The future use of the land; and
- Available source of funds.
- ~~Consideration be given to POL12/291 – Due Diligence for Land Transactions;~~

5.3. Acquisition Procedures

- ~~To be conducted in accordance with Council adopted procedures and processes. The following link relates to the procedures associated with acquiring land:~~
- <http://doc.intranet/DisplayDoc.aspx?record=D12/278171>.

Shoalhaven City Council - Acquisition of Land by Shoalhaven City Council

- To be conducted using the services of Council approved service providers when appropriate such as:
 - Property valuer or specialist property consultants;
 - Council solicitor or specialist property solicitor; and
 - Other providers such as planners, engineers, environmental experts etc. as may be appropriate.

5.4. Instructing Service Providers

To be undertaken having regard to appropriate cost, experience, timeliness, etc.

5.5. Variations

A notation on a DCP or other document, other than an LEP or S94 Contributions Plan which identifies Council as the acquiring authority, does not obligate Council to acquire the property.

6. RELATED PLANS & LEGISLATION

The Local Government Act (1993)

Conveyancing Act (1919)

The Roads Act (1993)

Land Acquisition (Just Terms Compensation) Act (1991)

Crown Lands [Management Act \(1989/2016\)](#)

Native Title Act (1993)

[Aboriginal Land Rights Act \(1983\)](#)

Environmental Planning and Assessment Act (1979)

Local Environmental Plans and other relevant plans

7. REVIEW

This policy statement will be reviewed within one year of the election of every new Council.

8. APPLICATION OF ESD PRINCIPLES

To ensure consistency with Council's economic, social and environmental objectives and that due consideration be given in relation to the community's best interest.

SA17.216 Proposed Sale of Land - 10 Jopejija Crescent, Culburra Beach

HPERM Ref: D17/244040

Group: Assets & Works Group

Attachments: 1. Aerial View [↓](#)
2. Easement to be Extinguished [↓](#)

Purpose / Summary

To consider a recommendation to authorise the sale of vacant land at Lot 1 DP579906, 10 Jopejija Crescent, Culburra Beach as shown in aerial view at Attachment 1.

Recommendation

That Council:

1. Advertise its intention to dispose of 10 Jopejija Crescent, Culburra Beach (Lot 1 DP579906) in accordance with Policy 16/256 (Development and/or Disposal of Council Lands), and if no objections are received, authorise the sale of the property by public auction;
2. Authorise the General Manager to set the auction reserve (based on valuation advice) and to finalise the terms of a sale within 10% of the reserve or list price in the case of a private treaty sale if the property fails to sell at auction;
3. Fund all costs associated with the sale of 10 Jopejija Crescent, Culburra Beach from Job Number 88823 and the net income from the sale be placed in the Strategic Property Reserve;
4. Resolve to extinguish the easement for water supply 2 wide and 4 wide over Lot 10 DP261880 at Culburra Beach;
5. Fund all costs associated with pipe removal and easement extinguishment of Lot 10 DP261880 from Job Number 18850; and
6. Authorise the General Manager to sign all documents required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

Options

1. Adopt the recommendation as written.

Implications: The proposed sale will be advertised and if no objections to the sale of the property are received it will go to auction. The property is surplus to operational needs and will generate additional income for Council.

2. Not adopt the recommendation and provide further direction to staff.

Implications: The property will be retained with Council responsible for ongoing maintenance and property related costs.

SA17.216

Background

The subject property comprises a single parcel of vacant land described as Lot 1 DP579906 and is 929 sqm in area. The land is classified Operational with a zoning of R2 Low Density Residential under Shoalhaven LEP 2014.

This property was acquired in 1976 for a water reservoir, with underground connections installed, but no reservoir was ever built. The property is a large and regular shaped allotment of well drained clay based soil.

Access to the property is via a well maintained bitumen driveway that services the adjoining property, 27a Broadview Ave. A Right of Carriageway exists over this driveway in favour of the subject property. Electricity, telephone, town water and sewer are available for connection.

There is no known contamination on the site nor any other environmental constraints. There is however significant encroachment of an adjoining property's garden space with several large pine trees planted well within the property boundary.

Shoalwater have confirmed that the property is surplus to current and future operational needs. They have endorsed the sale as the ongoing maintenance and encroachment issues have become a burden on their operational team.

To prepare the property for sale, Council will remove all underground pipes associated with water reservoir use and cap same at the South-East boundary. Shoalwater operations have confirmed that they will undertake this work and this be funded from Property Unit's Job Number 88823.

Easement

There is an associated redundant asbestos water pipe running through the rear of the adjoining 27a Broadview Ave, Culburra Beach. It is proposed that this redundant pipe be removed concurrently with those on 10 Jopejija to avoid duplication of works and to minimise disruption to the adjoining owner. Shoalwater have confirmed that they will undertake this work and this be funded by Shoalhaven Water. Both the pipe and the easement housing this pipe (see Attachment 2) are obsolete and no longer required by Council.

Community Engagement

The proposed sale of the subject land is considered to be a local area low impact issue as outlined in Council's Community Engagement Policy. There will be an appropriate level of community engagement before the property is offered for sale and this will include newspaper advertising, notification on Council's website and advice to the local CCB.

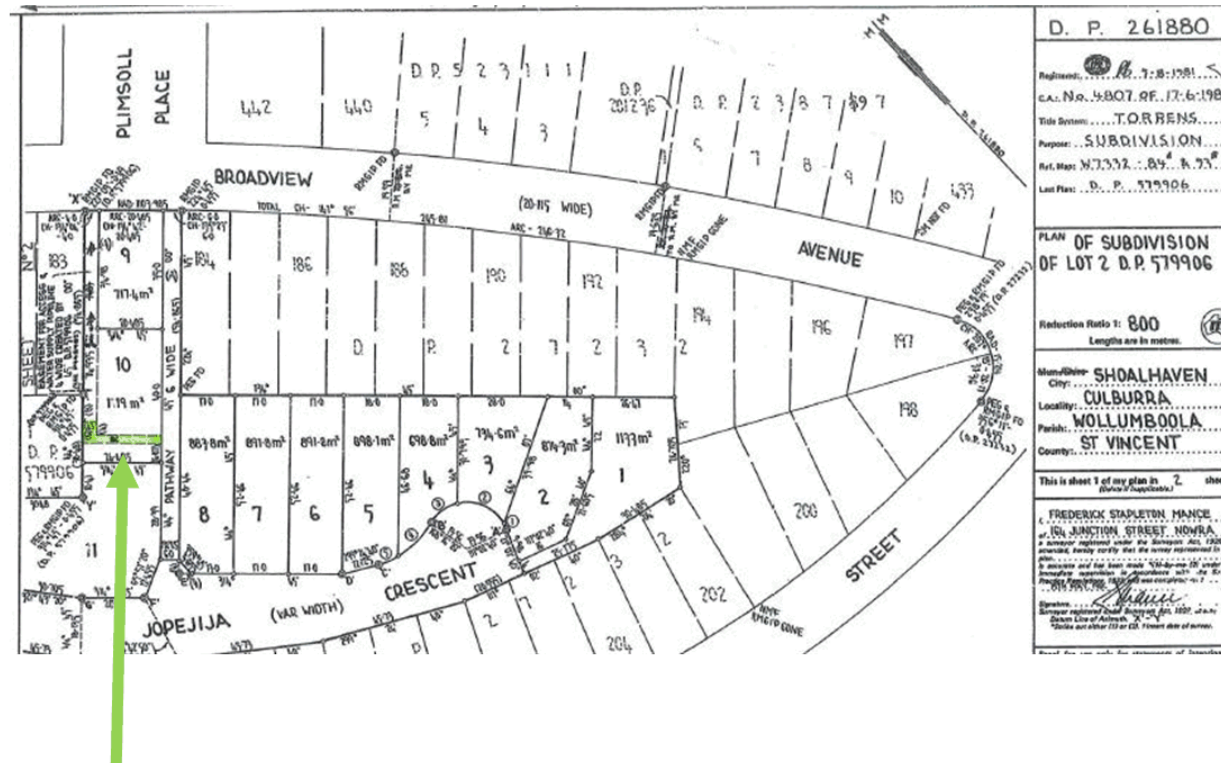
There are six adjoining property owners, all of whom will be individually contacted and notified of Council's intention to dispose of this Lot.

Financial Implications

The proposed sale of this land will generate additional income for Council to be set aside for future land development and disposal projects. This represents potential for an improved return on assets which is considered to be in the best interests of the wider community.



Easement for Water Supply to be Extinguished – 2 wide and 4 wide– 24 Broadview Ave, Culburra Beach – Lot 10
DP261880



Easement to be extinguished

SA17.217 Crown Lands Negotiation Program

HPERM Ref: D17/244525

Group: Assets & Works Group

Section: Business & Property

Purpose / Summary

To advise Council of the Crown Lands Negotiation Program, the next phase in the legislative reform process associated with the Crown Lands Management Act 2016.

Recommendation (Item to be determined under delegated authority)

That the report be received for information.

Options

1. Adopt the recommendation

Implications: Council is able to receive advice on the Crown Lands Negotiation Program, the next phase in the legislative reform process associated with the Crown Lands Management Act 2016.

2. Propose an alternative and provide further direction to staff.

Background

The legislative reform process which led to the passing into legislation of the Crown Lands Management Act 2016 in November 2016, has been the subject of a number of reports to Council including the most recent update in a report to Strategy & Assets Committee on 13 June 2017 (D17/151835).

Council has been actively engaged in this process through:

- a. A detailed submission on the Crown Lands White Paper in June 2014 (D16/191670);
- b. Lodgement of a submission with the then Minister For Natural Resources, Lands and Water which asked that Shoalhaven City Council be considered as a participant in the proposed pilot program to consider the preferred management outcomes in relation to Crown lands in New South Wales (D14/135706); and
- c. The making of a submission to the Upper House enquiry into Crown land (D16/215722) and the giving of sworn evidence by the General Manager to the Upper House enquiry held in Nowra in August 2016.

The Minister chose not to invite Shoalhaven City Council to participate in the initial pilot program and went ahead with the pilot with Tweed, Tamworth, Northern Beaches (formerly Manly, Warringah and Pittwater Councils) and Federation (formerly Corowa and Urana Shires) Councils. The initial pilot program continues and is now actively involved in the Crown Lands Negotiation Program to determine how best Crown land can be managed including identification of the most appropriate land holder to achieve the most positive social, economic, cultural and environmental benefit for the people of NSW whilst retaining land of State significance.

The Minister for Lands and Forestry has now written to all Councils and local aboriginal land councils inviting participation in the next phase of the Crown Land Negotiation Program with a specific request that Council consider submitting an expression of interest (EOI) for that purpose (D17/228566).

The program involves a voluntary multi-party land assessment and negotiation in areas within NSW between the NSW Government, the NSW Aboriginal Land Council, the relevant Local Aboriginal Land Council (there are four in the Shoalhaven including Jerrinja, Nowra, Ulladulla and Batemans Bay) and local government council.

The EOI can be lodged by Council alone or as a joint submission with one or a number of the local area aboriginal land councils. The application is to be lodged on-line with a closing date Friday 18 August at 5pm. It is anticipated that up to six new areas will be added to the negotiation program each year commencing in this current financial year.

The invitation to submit an EOI for participation in the Crown Lands Negotiation Program was considered at a meeting of staff on 19 July 2017 when it was decided to make contact with all four (4) local Aboriginal land councils to determine their level of interest in joining with Council in the submission of a joint EOI as has been strongly advocated by the Minister:

- a. The goal of the program is to **ensure that Crown land is held by the most appropriate landholder** to achieve the most positive social, economic, cultural and environmental benefit for the people of NSW by:
 - i. Recognising the **importance of land to Aboriginal people** and supporting sustainable spiritual, cultural, environmental and economic benefits for Aboriginal people by transferring appropriate Crown land to Local Aboriginal Land Councils through Aboriginal Land Agreements.
 - ii. Recognising the best use of Crown land by local communities by **transferring appropriate locally significant land to local councils** under the Crown Lands Act for their ownership and management under the Local Government Act (LOCAL LANDS).
 - iii. Supporting the continuing beneficial use of state significant land by all people of NSW by **identifying and retaining ownership and management of appropriate Crown land** under the Crown Lands Act (STATE LANDS).
 - iv. Delivering greater certainty to the NSW Government about Crown land in NSW.
- b. The program will involve voluntary multi-party land assessment and negotiation between the NSW Government, the NSW Aboriginal Land Council, the relevant Local Aboriginal Land Council and the relevant local government council.
- c. The Minister has written to Local Aboriginal Land Councils inviting EOIs to participate in the program.
- d. The Local Aboriginal Land Council(s) and local government council may wish to make joint applications (the Minister encourages joint applications).

Jerrinja and Nowra Aboriginal Land Council have responded positively and Council await feedback from the other land councils.

The consensus view is that Shoalhaven City Council should pursue “a seat at the table” to participate in the Crown Lands Negotiation program sooner rather than later so that Council is able to seek clarity around all of the reforms offered by the Crown Lands Management Act 2016, to understand all of the implications associated with the definition of State significant and local land, to develop a robust working relationship in good faith with the local Aboriginal Land Councils and to introduce an element of certainty about managing the part of the

Crown estate considered to be the responsibility of local government as a result of agreements which arise from the negotiation program.

Shoalhaven City Council should be well regarded in terms of the characteristics of the LGA which recommend it for inclusion in the negotiation program:

- It has 33,000ha of Crown land (7% of the LGA);
- It has two (2) coastal harbours at Greenwell Point and Ulladulla;
- It has twelve (12) Holiday Parks on Crown land;
- It has 111 Crown reserves under trust management;
- It has 59 Crown reserves under care, control and management;
- There are 631 Crown land tenures within the LGA;
- It has Jervis Bay State Park;
- It has eleven (11) cemeteries on Crown land; and
- It has about 800km of Crown roads within the LGA.

It is acknowledged that participation in this program will, more likely than not, require a commitment by Council in terms of resource allocation. Whilst staff can have informal discussions with Crown land personnel about the resourcing requirements apparent from the work of the initial pilot program, there is an element of secrecy surrounding that program because it is understood that the participants are bound by confidentiality agreements.

Initially, Council can be represented in the negotiation program by say two (2) senior staff (perhaps with assistance from one or a number of their own staff) provided that the adequacy of such an arrangement is kept under constant review and that Council will undertake to consider alternative resourcing should the need arise.

It should be noted that there will be a requirement that participants in the negotiation program have authority delegated to them to make decisions and to bind their respective organisations to those decisions although it is acknowledged that further clarification on these types of governance issues must first be obtained.

Council is well paced to make this commitment given the significant amount of work already carried out on the strategic review of land holdings within the LGA including Crown land.

Council will make an application for inclusion in the Crown Lands Negotiation Program (applications close 18 August) and use its best endeavours to secure an agreement(s) with the local Aboriginal land councils that the land councils partner with Council in seeking approval to participate in the program in 2107/18.

SA17.218 Better Boating Now - Round Two Projects

HPERM Ref: D17/254020

Group: Assets & Works Group

Section: Asset Management

Attachments: 1. Better Boating Now Funding Program Round 2 - Mail Merge [↓](#)

Purpose / Summary

To recommend projects for funding under Round Two of Transport for NSW Better Boating Now Program noting that the funding closing date is 20 August 2017.

Recommendation (Item to be determined under delegated authority)

That the following projects (in priority order) be submitted for Round Two of the Better Boating Now Program:

Priority	Description	Estimated Cost
Completion of uncompleted Round One projects due to budget shortfall		
1	Woollamia Regional Boat Ramp – additional 3rd ramp and dividing finger pontoon	\$730,000
Projects identified and unfunded in Round One of the Regional Boating Plan		
2	Shoalhaven Heads - Wharf Road Boat Ramp upgrade and provision of a dividing pontoon	\$750,000
3	Callala Bay Boat Ramp (Ramp widening plus dividing walkway)	\$500,000
4	Myola Boat Ramp (Ramp widening plus dividing pontoon plus carpark sealing)	\$600,000
Projects that are shovel ready (design completed)		
5	Berringer Lake Foreshore Reserve	\$200,000
6	New facility Havilland Street Lake Conjola (Stage One)	\$1,909,979
7	Greenwell Point Effluent Pump out facility & floating pontoon	\$200,000
Total		\$5,359,979

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Options

1. Adopt as recommended
2. Nominate an alternative priority list

Implications: The projects must have high community benefit value to be supported by Transport NSW.

Background

Transport for NSW has called for nominations for projects for funding under Round Two of the NSW Better Boating Now Program.

Projects funded under Round One were:

Location	Project
Greys Beach North Nowra	Upgrading of boat ramp manoeuvring area and provision of additional pontoon (in progress)
Woollamia	Provision of floating pontoon and walkway (in progress)
Huskisson	Upgrading of main wharf and provision of floating pontoon
Dent Street Huskisson	New paddle craft launching facility (in progress)
Sanctuary Point	New boat launching ramp and car park
Sussex Inlet	Upgraded car park at Lions Park boat ramp
Fishermans Paradise	New pontoon (in progress)
Lake Conjola West	Detailed design of a new boat launching facility
Aney Street Lake Conjola	Concreting of natural launching ramp and walkway (in progress)
Ulladulla Harbour North	Upgraded boat launching ramp and walkway (in progress)

\$3,748,000 of Council works were funded by Round One (from a total funding pool of \$35M) with Shoalhaven City Council being the highest recipient of funding in NSW.

A budget of \$17 million has been budgeted by the State Government for Round Two. If funding was distributed on a similar basis to last year, Council could receive in the vicinity of \$1,900,000 for boating projects.

Applications for funding under Round Two will be assessed against the following criteria:

1. Impact on boating experience including:
 - whether the project was identified as a priority project during consultation on the Regional Boating Plans, but was not funded under Round One
2. Value for money including:
 - estimated project cost and level of financial and/or in-kind contribution from the applicant
3. Capability, capacity and timeframe to deliver the project

Recommended Priority Criteria

A) Completion of unfinished Round One projects due to budget shortfall

This includes:

- Woollamia Regional Boat ramp - Provision of a 3rd launching lane and dividing pontoon which is considered as of being a high priority.
- Ulladulla Harbour North – In response to community consultation detailed design was completed for provision of an additional low level landing at the existing jetty however these items could not be included within the current budget allocation. Due to the impending completion of the upgraded adjoining boat ramp, these works are not considered to be of a high priority relative to other projects.

B) Projects identified and unfunded in Round One of the Regional Boating Plan

The following projects are identified as priority projects by Transport for NSW:

- Shoalhaven Heads (Wharf Road) upgrade and pontoon, noting that the existing ramp is in poor condition
- Callala Bay Boat ramp widening, noting that the existing two lane ramp is too narrow and there is a disconnect with the adjacent jetty.
- Myola ramp widening and pontoon, noting that the toe of the ramp has experienced structural failure. Site specific consultation has been undertaken and agreement has been reached on the proposed scope of works with the relevant CCBs for these 3 projects.

C) Projects that are shovel ready (design completed)

These projects are:

- Lake Conjola (Havilland Street) – New facility. Whilst this project has strong community support, it may not be considered as value for money due to the high capital cost relative to other projects
- Berringer Lake – Foreshore car and boat trailer parking upgrade has the support of the local CCB

Community Engagement

Council contacted all CCB's and identified boating stakeholder groups and provided them with a list of 71 possible projects.

A copy of the communication sent to stakeholders and list of identified eligible projects is provided as an Attachment.

Submissions were received as follows:

Association	Nominated Project	Comment
Shoalhaven Heads Community Forum	a) Wharf Road boat ramp upgrading including provision of a pontoon down the middle b) Extension of the length of the River Road boat ramp	a) Identified as a priority project under Round One b) Not considered to be a high priority relative to other projects

Currarong Bowling and Recreation Club – Amateur Fishing Club	Provision of a second walkway	Identified by Council as an eligible project but not considered to be as high a priority relative to other projects.
Culburra Bowling and Recreation Club – Amateur Fishing Club	Upgrading of the western boat ramp by demolishing the existing (non user friendly) jetties and provision of a floating pontoon down the middle	Identified by Council as an eligible project and considered to be a relative high priority compared to other projects but not nominated. However, not designed yet and should be considered in future application.
Callala Bay Progress Association	Upgrading of the Callala Bay boat ramp that would involve widening of the ramp and provision of a walkway down the middle	Identified as a priority project under Round One
Callala Beach Progress Association	Upgrading of the boat ramp to a two lane ramp and provision of a pontoon down the middle.	Identified as a priority project under Round One
Vincentia Residents and Ratepayers Association	<ul style="list-style-type: none"> a) Request extension to Plantation Point boat ramp b) Minor improvements to the Holden Street boat ramp 	<ul style="list-style-type: none"> a) Identified by Council as an eligible project however would be very expensive as it would require a suspended ramp for considerable length to reach adequate water depth. No investigation or design undertaken. b) Parking is very limited and the site is very exposed to adverse weather conditions. Encouragement of more use at this location is not recommended

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Policy Implications

Recent resolutions adopted by Council are:

Sussex Inlet (Wilson Corlis Reserve) MIN 16.563 – 26 July 2016

That Council:

- a) *Accept the petition from residences/community members in respect of the reinstatement of the public wharf/jetty previously located in Wilson Corlis Reserve (off Sandpiper Way) Sussex Inlet.*
- b) *Give consideration to investigating the reinstatement of the public wharf/jetty*
- c) *If and when this infrastructure is reinstated for replacement apply for funding from the Better Boating grants program for any investigations and future approved reinstatement works.*

Note: This project is not considered a high priority relative to other projects to improve the boating experience and meet the guiding criteria. Advice has been provided to a community representative to apply for funding directly.

Greenwell Point Wharf MIN 16.496c - 28 June 2016

- a) *Council prepare options for the replacement of the timber jetty with a multi-purpose facility (public and commercial) at an estimated cost of \$200,000. To be located approximately where the existing Council owned timber wharf is located, with preferred option being a floating pontoon with a sewage pump out facility and the community be consulted after the draft options have been adopted by Council;*

Note: Provision of a pump out facility is a high priority for the Crookhaven Estuary. Preliminary investigation and an environmental assessment has been completed for this site.

- b) *The Council Waterways Infrastructure Plan to be amended to include this pontoon facility as a priority at this location and an application for funding be made to the State Government at the appropriate time.*

Note: This project is not considered as a high priority relative to other projects to improve the boating experience.

Berringer Lake Foreshore and Boat Launching Ramp 20 October 2015

- a) *Council proceed with routine maintenance on the Berringer Lake boat launching ramp reserve with work funded from the Waterways Minor Improvement Program budget;*
- b) *Undertake survey, design and community consultation for a low-level upgrade of the reserve with a view of works being funded by the future Better Boating Now/Regional Boating Plan Program.*

Note: This project is recommended

Financial Implications

Council's ten year financial plan provides for the following Council/Delivery Partner contribution to the Better Boating Now funding Program over the next 3 years:

Financial Year	Amount
2017/18	\$50,000
2018/19	\$51,000
2019/20	\$52,000
Total	\$153,000

The funding guidelines specify that grants are available up to 75% of the estimated project cost. Council's contribution of \$153,000 for \$5,359,979 project value is less than the 25% required, although there is some discretion for the funding rate to be varied.

Council Reference: 50287E (D17/209507)

To whom it may concern

Funding Program Round 2 – Better Boating Now

Council has been notified by Transport for NSW that applications for funding under round 2 of the NSW Better Boating Now Program are now open.

Projects funded under Round 1 were:

- North Nowra – Greys Beach – upgrading of boat ramp (in progress)
- Woollamia – Provision of floating pontoon (In progress)
- Huskisson –upgrading of main wharf and provision of floating pontoon
- Huskisson (Dent St) – New paddle craft launching facility (in progress)
- Sanctuary Point – New boat launching ramp and car park
- Sussex Inlet – Upgraded carpark at Lions Park Boat Ramp
- Fisherman's Paradise – New pontoon (in progress)
- Lake Conjola- West - detailed design of a new boat launching facility
- Lake Conjola (Aney Street) – concreting of natural launching ramp
- Ulladulla – Upgraded Boat launching ramp and walkway (in progress)

Council has identified a number of potential projects that may be eligible for future funding and are listed below. Boating improvement projects at Shoalhaven Heads, Callala Bay and Myola are already identified by Transport for NSW as being priority projects for Round 2 funding as they were identified during the Round 1 assessment but were not funded at the time. Please peruse the list and provide suggestions for any additional projects by 31 **July 2017**.

Unfortunately, not all projects will be funded, but Council will consider submissions based on issues that include project cost, safety benefits, environmental benefits and improvement to usability and the boating experience.

Project nominations will be considered by the elected Council at its August 2017 Strategy and Assets meeting in order to meet the funding closing date of **20 August 2017**.

Further information on the recreational boating infrastructure-funding program can be found at:

www.rms.nsw.gov.au/maritime/projects/boating-now/index.html

Please note that organisations other than Council can submit applications for funding.

Waterway	Town/Village	Location	Project
Broughton Creek	Bolong	Backforest Rd	Concrete natural ramp
			Formalise parking
	Berry	Beach Rd	Improve carpark

			Provide pontoon /jetty
Shoalhaven River	Shoalhaven Heads	River Rd	Extend ramp toe
		Wharf Rd	Upgrade Ramp
			Provide Pontoon
		Hay Ave	Provide Pontoon
			Upgrade car park
	Nowra	Wharf Rd	Upgrade Ramp
			Upgrade Wharf
	North Nowra	Greys Beach	Upgrade carpark
Crookhaven River	Greenwell Point	Main foreshore	Provide Effluent pump out facility
		West St	Provide Pontoon
	Crookhaven Heads	Prince Edward Ave	Provide Pontoon (west ramp)
			Upgrade East Ramp
	Orient Point	Orsova Ave	Widen ramp to two lanes
Lake Wollumboola	Culburra Beach	West Cres	Concrete/seal entrance
Curarong/Ocean	Curarong	Yalwal St	Upgrade surge poles
			Provide additional walkway
		Warrain Cres	
Jervis Bay	Huskisson	Currambene St	
	Woollamia	Frank Lewis Way	Provide 3rd lane & pontoon
			Extend wharf upstream
			Provide boat lift out facilities
	Myola	Catherine St	Widen ramp to 2 lanes
			Provide Pontoon
			Upgrade gravel carpark
	Callala Bay	Boorawine Terrace	Extend jetty investigation/design
			Jetty extension
			Boat Ramp extension
			Widen Boat ramp
	Vincentia	Plantation Point	Extend ramp into water
St Georges Basin	Wrights Beach	Fisher St	Formalise carpark
	Erowal Bay		
	Sanctuary Point		
	St Georges Basin	The Basin Rd	Concrete natural ramp
			Upgrade jetty
		Island Point Rd	
	Basin View	Basin View Pde	Provide floating pontoon
Sussex Inlet/SGB	Sussex Inlet	Neilson Lane	Expand/upgrade carpark
		Chris Creek/River Rd	Extend Ramp
			Provide pontoon/jetty
		Sussex Rd	Upgrade carpark
			Provide pontoon
		Lakehaven Drive	Upgrade ramp
		Wilson Corlis Reserve	Provide new jetty
Swan Lake	Cudmirrah	The Springs Rd	Upgrade ramp

			Formalise gravel carpark
Bendalong/Ocean	Bendalong	Boronia St	Upgrade ramp
			Upgrade carpark
Lake Conjola	Lake Conjola West	Havilland St	Construction (inc Carpark)
		Sandra St	
		Aney St	
		Valley Drive	Upgrade gravel ramp
		Entrance Rd	Upgrade gravel carpark
	Berringer Lake	Berringer Cres	Upgrade carpark/Access
Narrawallee Creek	Narrawallee	Normandy St	Upgrade gravel carpark
Ulladulla Harbour	Ulladulla	Wason St	Upgrade concrete ramp (South)
			Extend pontoon
			Upgrade carpark (South)
		Crescent St	Upgrade Jetty
Burrill Lake	Burrill lake	Moore St Reserve	Concrete gravel ramp
		Maria Ave	Upgrade ramp
			Formalise gravel carpark
	Kings Point	James Cres	Provide Jetty/Pontoon
			Formalise ramp/carpark/Access
Lake Tabourie			
Bawley Point/Ocean	Bawley Point	Tingara Ave	
Kioloa/Ocean	Kioloa	Scerri Drive	Improve Breakwall
			Carpark Improvements

If you need further information about this matter, please contact Michael Strachan, Assets & Works Group on (02) 4429 3276. Please quote Council's reference 50287E (D17/209507).

Yours faithfully

Martin Upitis
Acting Director Assets and Works
30/6/2017

Name	Contact	Address Line 1	Address Line 2	Email	Salutation
Basin Villages Forum	The Secretary	PO Box 37	ST GEORGES	christinemrigg@gmail.com	Ms C Rigg
Bawley Point & Kioloa Community Association Inc.	The Secretary	C/- Bawley Point Newsagency Shop	BASIN NSW 2540		
Bay and Basin Community Resources Inc	The Secretary	3 83 Voyager Cres	BAWLEY POINT NSW 2539	liza.butler@live.com.au	Ms Butler
Berry Forum	The Secretary	18 Sanctuary Point Road	SANCTUARY POINT NSW 2540	spycc@shoalhaven.net.au	Ms Smith
Budgong Community Group	The Secretary	165C Bong Bong Rd	BERRY NSW 2535	berryforum@hotmail.com	Mr Coughlan
Callala Bay Community Association Inc	The Secretary	172 Paddington St	PADDINGTON NSW	budgongcommunitygroup@yahoo.com.au	Mr A Cooke
Callala Beach Progress Association Inc	The Treasurer	PO Box 14	CALLALA BAY NSW	mardun44@bigpond.com	Mr Duncan
Cambewarra Residents and Ratepayers Association	The Secretary	PO Box 2	CALLALA BAY NSW	secretary@callalabeach.org.au	Ms Sierant
Conjola Community Association	The Secretary	PO Box 178	CAMBEWARRA NSW	gailstebbing@westnet.com.au	Ms Stebbings
Culburra Beach Progress Association Inc.	The Secretary	102 Lakeside Drive	LAKE CONJOLA NSW	conjola.community@lakeconjola.org	Ms E Caswell
Currarong Community Association Inc.	The Vice President	PO Box 135	CULBURRA BEACH NSW	culburraeachprogress@hotmail.com	Mr Shimmen
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Get To The Point Program Inc.	The Secretary	c/- 30 Anglers Parade	FISHERMANS PARADISE NSW		Mr S Hudson
Huskisson Woollamia Community Voice	The Secretary	PO Box 68	GREENWELL POINT NSW	greenwellpoint@gmail.com	Mrs Williamson
Hyams Beach Villagers Association Inc	The Secretary	PO Box 65	HUSKISSON NSW	exec@hwc.v.org.au	Mr S Murphy
Kangaroo Valley Community Association Incorporated	The Secretary	14 Tulip Street	HYAMS BEACH NSW	loishsparkes@gmail.com	Ms Sparkes
Murramarang Progress Association Inc.	The Secretary	PO Box 6089	KANGAROO VALLEY NSW	keithbarb09@gmail.com	Ms V McIntyre
Orient Point Progress Association	The Secretary	PO Box 295	BATEMANS BAY NSW	ampell@bigpond.com	Ms R Madigan
Pride of Bomaderry CCB	The Secretary	PO Box 250	CULBURRA BEACH NSW	orientpt@bigpond.net.au	Mr Castellan
Redhead Villages Association	The Secretary	c/- G Wilbraham Bomaderry	BOMADERRY NSW	prideofbomaderry@gmail.com	Ms McGuffie
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Sussex Inlet Community Forum	The Secretary	PO Box 2015	SHOALHAVEN HEADS NSW 2535	shoalhavenheadsforum@gmail.com	Ms Robyn Flack
Tabourie Lake Ratepayers and Residents Association Inc	The Secretary	PO Box 14	SUSSEX INLET NSW 2540	ullmurra@bigpond.com	Ms Drummond
Tomerong Community Forum	The Secretary	130 River Road	TABOURIE LAKE NSW	TabourieLakeRatepayersResAssn@shoalhaven.nsw.gov.au	Mr D Swarts
	The Secretary	c/- Tabourie Lake Post Office	TOMERONG NSW 2540	tomorongforum@hotmail.com	Ms K Child

Vincentia Ratepayers and Residents Association Inc	The Secretary	PO Box 149	VINCENTIA NSW 2540	vrra.ccb@gmail.com	Dr Gaffey
Wandandian Progress Association Inc	The Treasurer	D2631 Princes Highway	WANDANDIAN NSW 2540	secretary@wandandian.org.au	Mrs J Fox
Basin Lure and Fly Anglers Club	The Secretary	PO Box 2096	BOMADERRY NSW 2541	neilkelly3@bigpond.com	Mr Kelly
Culburra Beach Amateur Fishing Club	The Secretary	9 Eastwood Ave	CULBURRA BEACH NSW 2540	lawrie@live.com.au	Mr Nash
Currarong Fishing Club	The Secretary	7 Fishery Rd	CURRARONG NSW 2540		Mr Pullbrook
Heads Hotel Fishing Club	The Secretary	PO box 15	SHOALHAVEN HEADS NSW 2535	michelle.nellestein@bigpond.com	Ms Nellestein
Jervis Bay Cruising Yacht Club Inc	The Secretary	PO Box 34	CAMBEWARRA NSW 2540	info@cowmanstoddart.com.au	Mr Cowman
Jervis Bay Divers Club Inc	The Secretary	PO Box 2	HUSKISSON NSW 2540	lyn@oceantrek.com.au	Ms Cleary
Jervis Bay Game Fishing Club	The Secretary	PO Box 56	HUSKISSON NSW 2540		Mr Issa
Lake Conjola Bowling & Recreation Club	The Secretary	3 Allunga Pl	NARRAWALLEE NSW 2539		Mr Hastings
Makai Paddler's Society Inc	The Secretary	PO Box 4040	BURRILL LAKE NSW 2539		Mr Watkins
Mollymook Fishing Club	The President	49 Golden Wattle Dr	ULLADULLA NSW 2539		Mr Craft
Mollymook Outrigger Canoe Club	The Secretary	PO Box 813	ULLADULLA NSW 2539	elizabethlamont@bigpond.com	Ms Lamont
Nowra Sport Fishing Club Inc	The Secretary	PO Box 2079	BOMADERRY NSW 2541	rhanson7@bigpond.com	Ms Hanson
Nowra Waterdragons Outrigger & Canoe Club	The Vice President	270 Illaroo Rd	NORTH NOWRA NSW 2541	ernesto@panucci.info	Mr Panucci
Shoalhaven Canoe & Kayak Club	The Secretary	Unit 1/68 Owen St	HUSKISSON NSW 2540	paul@refire.com.au	Mr Offner
Shoalhaven Dragon Boats Club Inc	The Secretary	PO Box 329	BERRY NSW 2535		Ms Foscolo
Shoalhaven Gamefishing Club	The Secretary	PO Box 5	GREENWELL POINT NSW 2540	craig@murphyfamilyfunerals.com.au	Mr Murphy
Sussex Inlet Family Fishing Carnival Inc	The Secretary	PO Box 155	SUSSEX INLET NSW 2540	jrsussex@bigpond.com	Mr Kinsey
Sussex Inlet River Dragons Inc	The Vice President	343 Sussex Inlet Rd	SUSSEX INLET NSW 2540		Mr Whitwell
Sussex Inlet RSL Club Ltd	The Secretary	29 Cormorant Ave	SUSSEX INLET NSW 2540		Mr D Woodbridge
Ulladulla & Districts Community Forum	The Secretary	56 Princes Highway	ULLADULLA NSW 2539	ulladullaforum@gmail.com	Ms Cameron
Ulladulla Game Fishing Club Inc	The Secretary	PO Box 204	ULLADULLA NSW 2539	dongoswell@bigpond.com.au	Mr Goswell
Vincentia Sailing Club Inc	The Secretary	PO Box 57	VINCENTIA NSW 2540	Howard.Carter@bigpond.com	Mr Carter

SA17.219 Relief for Homelessness in Shoalhaven - Temporary Housing Solutions as Pathways to Formalised Housing - Tiny Homes and Temporary Emergency Housing

HPERM Ref: D17/174358

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Shoalhaven Homelessness Interagency Position Paper [↓](#)

Purpose / Summary

To report on homelessness solutions that potentially provide temporary emergency housing and a pathway to permanent housing in response to previous Council resolutions.

Recommendation (Item to be determined under delegated authority)

That:

1. With respect to Tiny Homes:
 - a. In association with relevant State Members, approach the RMS regarding the lease of their properties at 95 to 99 East Street, Nowra to facilitate a Tiny Homes approach.
 - b. Further investigate the contamination issues associated with the Council owned land at 60 Worrigea Street, Nowra and take the necessary steps to determine its ability to actually be developed for the use.
 - c. Approach relevant private landowners to ascertain their willingness to be involved in a Tiny Homes approach, with the initial focus being 42 to 48 North Street and 36 & 38 Osborne Street, Nowra.
2. With respect to temporary emergency housing:
 - a. Not proceed further with the Flinders Estate site due to its isolated nature.
 - b. Collaborate with relevant not for profit organisations (community housing providers, churches and others) to identify suitable land in the vicinity of Nowra for the provision and operation of a permanent homelessness shelter.
3. The actions in this regard be advanced and reported back through the Shoalhaven Homeless Taskforce

Options

1. Adopt the recommendation.

Implications: Provides a potential way forward in this regard that can continue to be investigated and advanced.

2. Adopt and alternative recommendation.

Implications: Depending on what is recommended this could require further investigations, assessments or consideration.

Background

Following on from Mayoral Minutes, Council carried two (2) resolutions relating to homelessness in Shoalhaven and providing potential solutions or opportunities for homeless individuals to transition into formalised housing.

The solutions resolved for investigation are Tiny Homes, and temporary emergency housing within the Flinders Estate.

Tiny Homes

The Council resolution of 25th October 2016 relating to Tiny Homes – A Pathway to Affordable Housing reads:

That Council consider the following recommendations:

1. *Council adopt the principles of the Tiny Home's Foundation - seeking to create innovative ways to alleviate homelessness.*
2. *Council identify land that could be used for a Tiny Home's project, taking into consideration proximity to services and report back to a future meeting.*
3. *Council acknowledge that any Tiny Homes project that might possibly be embarked upon needs to be done in collaboration with housing and human services, other levels of government and the community at large.*
4. *Council receive a presentation from Tiny Homes.*

In carrying the resolution, parts 1 and 3 were effectively actioned.

Part 4 of the resolution was actioned when David Woodridge from the Tiny Homes Foundation on the Gosford Model for Tiny Homes briefed Council on 28th November 2016.

During the briefing presentation, the Tiny Homes Foundation's Gosford case study and the process followed to provide Tiny Homes was discussed. In particular, the Development Application process followed in this case was highlighted, including the definition of Tiny Homes as 'boarding houses'. As part of this, the theoretical approach used for the Gosford project, 'Housing First', was discussed and identified as an important component of providing housing solutions to address homelessness.

The idea of 'Housing First' incorporates offering permanent, affordable housing as quickly as possible for individuals and families experiencing homelessness, and then provides the supportive services and connections to the community-based supports people need to keep their housing and avoid returning to homelessness. Tiny Homes was identified as a means of providing the necessary shelter for homeless individuals for a 'temporary' period and as a pathway to a permanent living solution such as public housing.

Council staff have since undertaken research and consultation with a local community housing provider (Southern Cross Housing) and the Homelessness Interagency (an agency that works with people that are homeless and aims to reduce both the incidence and impact of homelessness in the community) to determine holistic best practice approaches in assisting homeless people.

The Position Paper – Homelessness in the Shoalhaven prepared by the Homelessness Interagency in this regard is **Attachment 1** to this Report.

The research demonstrated that services to support people who are currently, or are at-risk, of becoming homeless are best provided through a system of care approach that involves a variety of sectors including criminal justice, child welfare, health care, education, housing and homelessness services. Holistic and wrap-around services that are personalised to the individual or family's needs and allow for multiple entry points along a continuum of supports and services are ideal. These services may be specialised with programs for homeless people or they may be broad services (health services, libraries, treatment facilities etc.) that are geared to anyone who needs them. Governments, charitable organisations, faith communities and/or the non-profit sector may provide these services.

There are varieties of types of services and support systems that are required to help an individual transition from homelessness. Based on the Housing First approach, housing support is provided in the following ways:

1. *Emergency Shelters* – provide respite from living on the street or support to those who have no options regarding a place to live. They can include violence against women shelters, or shelters designed for people experiencing homelessness.
2. *Transitional Housing* – allow for a period of adjustment and higher-level support. This could include second-stage housing for women and families fleeing violence, halfway houses for ex-offenders, culturally appropriate housing for Aboriginal persons, newcomers to the area, or housing to help long-term shelter users adjust to independent living. The Tiny Homes Model fits within this category.
3. *Permanent Housing* - that is affordable and suitable for the individual or family. In some cases, this includes permanent supportive housing or housing with access to a variety of community support systems.

Ideally, a community will have a variety of shelter options available to suit the unique needs of their clientele/community.

Due to the limited availability of the essential support services in areas like Bomaderry and Ulladulla, it was initially determined that Nowra would be the focus of the investigation for a suitable potential Tiny Homes site.

Distance to three of the essential services was then used as the baseline to determine the suitability of various sites for a Tiny Homes project. These three services include homeless services (including the Homeless Hub, Centrelink and community facilities), medical services (including hospitals, medical centres, public health) and public transport (Stewart Place Bus Terminal, and bus stops that connect to the CBD Bomaderry train station).

The criteria adopted is as follows:

- Land that was generally within walking distance (400-800m) from the identified three key services
- Council owned land that was vacant
- Planning considerations – zoning, land classification, surrounding land uses and other constraints. As per the Gosford model, 'boarding houses' was used as the land use definition.

Out of 266 properties owned by Council in Nowra, 116 are being used for a public purpose including car parking, community facility, sports ground, water reservoirs and the like. Out of the remaining properties only three (3) were vacant, located within walking distance to key services and in an appropriate zone. Only two (2) of these properties are currently classified as operational.

Staff briefed Council on the site identification process and the three remaining properties on 23rd February 2017. The following is an overview of the three properties in question.

Council Land Options

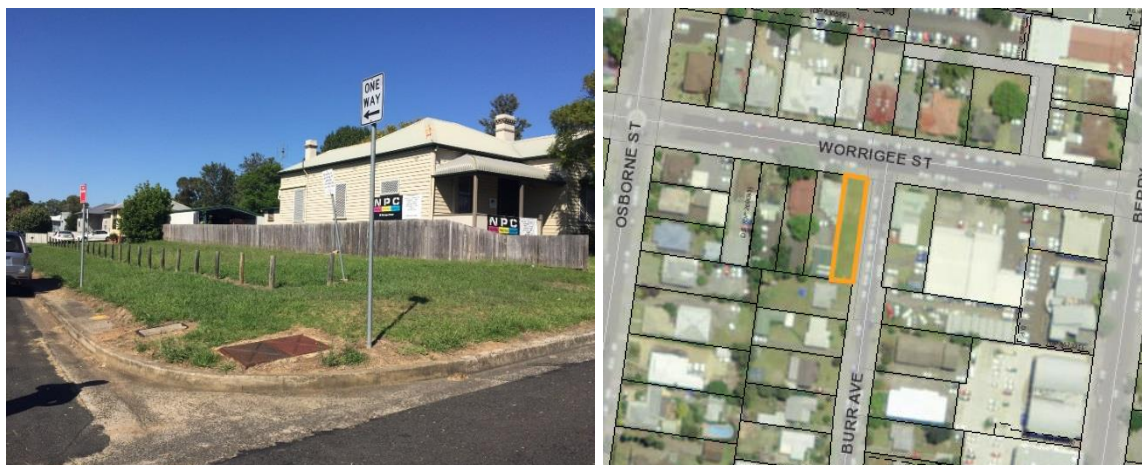
Option 1 – 60 Worrigeer Street

This site is located at 60 Worrigeer Street (corner of Burr Avenue) and is shown in *Figures 1 and 2*. The site is approximately 347.3m² and is within close proximity and walking distance from the identified key services - average walk of 300-450m to homeless services; 20-950m to health services; and 315m to public transport.

The site is zoned B4 Mixed Use under Shoalhaven Local Environmental Plan (SLEP) 2014 which permits the land use 'boarding house' with consent, and has an operational classification. The site was originally acquired for road widening purposes (provision for 90 degree angle car parking), and as part of that process a soil analysis was undertaken which identified the soils as being potentially contaminated. The analysis indicated that the level of contamination was above the residential with garden / accessible soils threshold, but below the threshold for residential with restricted soil access (i.e. fully and permanently paved yard space).

Remediation of this site involving removal of contaminated soil to an off-site waste facility would be required a Tiny Homes project was proposed on this site.

This is the preferred site for a potential Tiny Homes project due to its close proximity to the Nowra CBD and key services, noting that the contamination issue will require further consideration and resolution



Figures 1 and 2 – Photo and Aerial of 60 Worrigeer Street

Option 2 – 76 Wallace Street

This site is located at 76 Wallace Street as shown in *Figure 3 and 4*. The site is approximately 2,244.74m². Being on the eastern side of the highway, this site is quite distant in terms of walking distance from the identified key services - average walk of 1.4-2km to homeless services; 2.7km to health services; and 1.5km to public transport.

The site is zoned R2 Low Density Residential under SLEP 2014 which permits the land use 'boarding house' with consent, and has an operational classification (for future extension of Lyrebird Sports Park).

Although this site is a possible option, it is quite distant from key services.



Figures 3 and 4 – Photo and Aerial of 76 Wallace Street

Option 3 – Lot F Worrigeer Street

This site is located at Lot F Worrigeer Street, which is located behind No. 2 Worrigeer Street. The site is approximately 972.77m² and is part of the larger Nowra Showground as shown in Figures 5 and 6 below. The site is generally within walking distance to some identified key services - average walk of 630-750m to health services; 760-960m to homeless services; and over 1km to public transport.

The site is zoned R1 General Residential under SLEP 2014 which permit the land use 'boarding house' with consent, and has a community classification. Whilst the site is generally within walking distance to the identified key services, the community classification would be problematic in enabling a Tiny Homes use. Additionally the site is somewhat hidden and to the rear of existing residential properties. This site is generally not favoured for these reasons.



Figures 5 and 6 – Photo and Aerial of Lot F Worrigeer Street

Alternative Options

Other options identified as part of this process are a number of blocks located on East Street (Princes Highway) that are currently owned by NSW Roads and Maritime Services (RMS) and provide for the longer term upgrading of the highway. These include 95, 97, 99, 111, 123, 125 East Street. The walking distance to the identified key services are on average 1km, in addition they zoned to permit 'boarding house' land uses. These sites were identified as a possible opportunity due to their large size and accessibility.

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Of the RMS owned sites, the initially preferred one for this type of use is 95 to 99 East Street (three lots). This site is the closest one to the CBD (is on the corner of Douglas Street and East Street/Highway), is relatively large (2,938 sq. m) so the Tiny Homes could be set back away from the road and it has access via Douglas Street.

In addition, a recent example of a Tiny Homes project in Victoria involved the State Road Authority (VIC Roads). The role of VIC Roads was providing a large site within proximity to the CBD under a free leasehold arrangement for two years to provide transitional housing arrangements to cope with homelessness in Melbourne CBD.

There are other large landholdings within the CBD on Bridge Road, North Street and Osborne Street, some of which are currently vacant. However, these are privately owned. The zoning of these properties is B4 Mixed Use under SLEP 2014 under which the land use 'boarding house' is permissible with consent. Depending on the future plans of the owners and their timing, these sites could be a possibility under a leasehold arrangement. The preferred location in this regard is the six (6) vacant lots on North Street (between Collins Way and Osborne Street).

Possible Way Forward

Given the above commentary, should Council still wish to pursue a Tiny Homes model within Nowra it is recommended that the following process be followed (in terms of ranking/prioritisation):

- Option 1 In association with relevant State Members, approach the RMS regarding the lease of their properties at 95 to 99 East Street, Nowra to facilitate a Tiny Homes approach.
- Option 2 Further investigate the contamination issues associated with the Council owned land at 60 Worrigea Street, Nowra and take the necessary steps to determine its availability.
- Option 3 Approach relevant private landowners to ascertain their willingness to be involved in a Tiny Homes approach. The land at 42 to 48 North Street and 36 & 38 Osborne Street, Nowra would be a logical initial focus.

The three options can be pursued at once so as not to lose further time, although it is noted that a budget may be required in regard to Option 2.

Depending on the ultimate availability of these sites decisions will need to be made at the appropriate point on the next steps including consultation to be undertaken with surrounding owners/broader community, the number of Tiny Homes to be pursued (suggest maximum 5/6) and the construction and management model to be followed.

Emergency Housing – Flinders Estate

The Council resolution of 26th April 2017 regarding Identifying Land for Temporary Shelter for the Homeless – Flinders Estate reads:

That Council investigate the land at Flinders Estate for its suitability to commence a project to create temporary emergency housing for homeless people within the Shoalhaven.

Site Assessment

The site in question is located at Lot 38 DP 802671 Norfolk Ave South Nowra and is shown in *Figure 7* below. The site is approximately 3.76ha in size and is located within and on the edge of the Flinders Industrial Estate, adjacent to existing industrial and other business activities.



Figure 7 – Site under investigation for temporary emergency housing

As part of the assessment to determine the suitability of the site for a temporary emergency housing project, Council staff considered access to required services and planning controls. In addition, a preliminary Social Impact Assessment (SIA) was undertaken which found:

- The subject site is located in an industrial estate and as such is relatively isolated.
- The isolation associated with this site poses a number of concerns including:
 - o No support services within close proximity (walking distance) which may assist people moving from homelessness to having appropriate shelter;
 - o Limited public transport;
 - o Prolong the impact of homelessness;
 - o Inconsistent with Council's social justice principles; and
 - o Further exclusion and feeling of 'not belonging in mainstream society'.

The SIA indicates that further investigations of this site should be undertaken prior to moving forward with an emergency housing project. This includes comprehensive stakeholder

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engagement, detailed risk analysis of the proposed site and business model, and detailed Crime Prevention Through Environmental Design analysis.

The subject site is zoned IN1 General Industrial, RU2 Rural Landscape and SP2 Infrastructure (Sewerage System) under SLEP 2014. The land use is likely to be defined as either 'boarding house' or 'hostel' in which case both these land uses are prohibited within these zones. In addition, State Environmental Planning Policy (SEPP) (Affordable Housing) 2009 does not apply in this instance as the IN1 and RU2 zones are not listed as 'prescribed zones', meaning that the SEPP cannot be applied.

Providing a land use of this type in this area also creates potential land use conflict with adjoining industrial zoned land in regards to noise, odour, traffic and the like. The subject site is also affected by bushfire, and clause 7.21 Development on land in the vicinity of the Western Bypass Corridor of SLEP 2014.

A Planning Proposal to rezone the subject site to a zone that permits the land use would be inconsistent with Council's Planning Proposal (Rezoning) Guidelines as the rezoning is not consistent with strategy; an anomaly; or minor in nature.

Considering the social and planning considerations discussed, this site is not recommended as a suitable temporary emergency housing location.

Way Forward

Since the Council resolution of 26th April 2017, a temporary emergency shelter has been established at the Wesley Centre for the winter of 2017 (1 June to 30 September) and is being operated by 'Safe Shelter Shoalhaven' (collective of local Council, community and local churches).

As such, the immediate need for an emergency shelter has been met by this great initiative. However, what is required is perhaps a further permanent homelessness shelter in Nowra that provides a longer-term option that can accommodate up to 10-12 people on a nightly basis.

Ideally, this permanent shelter should be within the immediate vicinity of the Nowra CBD given the location of existing support services. As noted above in the discussion on Tiny Homes, there are limited Council owned sites that are potentially suitable for a permanent use of this nature.

Thus as a way forward, it is recommended that Council consider collaborating with relevant not for profit organisations (community housing providers, churches and others) to identify whether they hold suitable land in the vicinity of Nowra CBD and are interested in collaborating in the provision and operation of an additional permanent homelessness shelter.

Additionally, it was recently announced that a local family had donated \$400,000 to help buy a building in Nowra for use by the homeless. This is a significant, potentially 'game changing' donation that could lead to the actual establishment of an additional permanent homeless shelter.

Community Engagement

Tiny Homes

Should Council proceed with a Tiny Homes Project on 60 Worrigee or the other options identified above, then appropriate early community consultation should be undertaken at the appropriate point.

In providing a Tiny Homes Project more generally, lodgement of a Development Application will be required in which community consultation will occur as part of this process.

Temporary Emergency Housing

Should Council proceed with the site at Flinders Estate, the Social Impact Assessment has indicated that comprehensive stakeholder consultation must be undertaken with the homeless, key service providers, business and property owners in the area, and the police.

Generally

Depending on the option or options that Council resolves to pursue because of this report, it is also recommended that this issue be managed and taken forward through the Shoalhaven Homelessness Taskforce.

Policy Implications

Council's role with respect providing housing solutions for homelessness involves facilitation. This can be undertaken in the form of research and identification of sites that are suitably located and appropriately zoned to enable the provision of one of these housing solutions, as undertaken for both the Tiny Homes and Temporary Emergency Housing sites.

Shoalhaven Homelessness Interagency Position Paper – Homelessness in the Shoalhaven

Background

The Shoalhaven Homelessness and Good Living Conditions Interagency is a network of service providers and community groups striving to support individuals and families at risk of, or experiencing homelessness and to ending homelessness in the Shoalhaven Local Government Area.

Our Mission is to work collaboratively to reduce homelessness in the Shoalhaven.

On Census night 2011, 375 people in the Shoalhaven identified as homeless. There has been a 20% increase from 2006 Census. People are considered homeless if they live in a dwelling that is inadequate or severely overcrowded, is insecure with no tenure, are residing temporarily between family or friends, or living in cars, tents or in the open.

In the Shoalhaven issues creating homelessness or putting people at risk of homelessness include the inadequate levels of social and affordable housing stock, the long social housing waiting lists and low vacancy rates in the private rental market. The current private rental vacancy rate in Shoalhaven is 1.1%. When vacancy rates fall below 2% the rate of homelessness increases. Competition, price, poor or no previous rental histories, low or insecure incomes, number of children and gender and disability discrimination all make securing a private rental difficult, if not impossible for some people in the Shoalhaven.

Shoalhaven's current unemployment rate is currently 7% and 18.2% for youth. This is expected to worsen over the next 4 years (LMIP figures). Single people on allowances receive almost \$200 per week less than the Henderson Poverty Line. Accordingly to Anglicare's 2016 snapshot research, less than 1% of houses are affordable for low income families in the Illawarra and this is a decline from 3% in the year before.

Groups that are most vulnerable to homelessness are youth, single older women and victims of domestic and family violence.

Recommendations

Homelessness in the Shoalhaven requires a multi-layered and whole of community coordinated response. Shoalhaven Homelessness and Good Living Conditions Interagency recommends:

- The current housing affordability crisis in Australia be given priority consideration by all levels of government and community. The interagency supports the goals and recommendations outlined in An Affordable Housing Reform Agenda (ACOSS, CHFA, Homelessness Australia, National Shelter and NATO), including:
 - ✓ Tax reform as suggested by the report
 - ✓ Investment in new affordable housing stock with specific targets that half the shortfall in housing supply available and affordable to the bottom 40% of household incomes by 2025. Ensure there are specific growth strategies for rural areas such as the Shoalhaven
 - ✓ Innovative finance models
 - ✓ Urban planning, land and building regulation
 - ✓ An increase in Commonwealth Rent Assistance
 - ✓ Tenancy law reform, enshrining the right to adequate housing (UN Agreement) in legislation
 - ✓ Adequate, long-term and sustainable funding for specialist homelessness services
- Safe, secure and appropriate housing is a basic human right.
- Appropriate accommodation for people in need of crisis/ mid-term and longer term housing needs with a strong focus on transitioning people to stable independent housing
- Accommodation places specifically for Aboriginal and Torres Strait Island people with adequate living skills development and support to maintain tenancies
- Shoalhaven City Council lift the current ban on council-owned caravan parks being used for emergency temporary accommodation

- Mandated Local Housing Affordability Strategy that plans for future population increases and provides incentives for developers and community housing providers to increase the stock of affordable housing available in the Shoalhaven. Strategy to provide targets and monitoring mechanisms.
- Increased public transport opportunities within the Shoalhaven, providing increased housing opportunities for people who do not have access to a car
- Innovative whole-of-community solutions that increase public awareness and break down the stigma and barriers associated with homelessness and the vulnerabilities that put people at risk of homelessness.

David's Story (not his real name)

David is 69 and on a Disability Support Pension. He suffers from high order anxiety, depression and obsessive compulsive disorder. When interviewed David was living in the local men's hostel.

"When I can't get into the hostel I usually sleep rough (outside) up at Nowra Showground, where other homeless gather," David said. "There are other areas such as under the Shoalhaven Bridge and in caves along the river, also used by the homeless people."

David comes from a family history of physical and verbal abuse and has been homeless off and on for all of his adult life. He moved to the Shoalhaven two years ago from Liverpool and has been on the housing list for 10 years. David is currently looking at private rental options but for what he can afford there is not much around and what is there is of very poor standards.

David knows that when he does find somewhere to live that most of his pension will go on rent, which will leave little for food, electricity and socialisation. David does work at the Vinnie's shop and has a good support network around him and hopes to be able to remain in the area because he has built up this network.

Shoalhaven Anti-Poverty Committee, 2014. *Perspectives on Poverty in the Shoalhaven*, sourced 7 November 2016, www.sns.org.au

SA17.220 Endorsement for Exhibition - Draft Local Approvals Policy

HPERM Ref: D17/218117

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Draft Shoalhaven Local Approvals Policy 2017 (under separate cover) [↗](#)

Purpose / Summary

To obtain Council endorsement to enable the public exhibition of the consolidated draft Local Approvals Policy (Attachment 1).

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse the draft Local Approvals Policy at Attachment 1 for public exhibition.
2. Publicly exhibit the draft Local Approvals Policy for 28 days and receive comments for 42 days from the commencement of the exhibition period in accordance with Section 160 of the *Local Government Act 1993*.
3. Receive a future report following public exhibition to enable any submissions to be fully considered and any changes made prior to:
 - Council adoption; and
 - Subsequent process to obtain consent of the Chief Executive of the Office of Local Government for Part 1 of the Local Approvals Policy prior to finalisation.

Options

1. As recommended.

Implications: This is the preferred option as it will enable the draft Local Approvals Policy (LAP) to be placed on public exhibition and will give the community an opportunity to comment accordingly. The draft LAP consolidates all Council's existing LAPs and some related policies in the format required by the *Local Government Act 1993* (LG Act). The proposed citywide LAP will enable Council to meet its obligations under the LG Act.

2. Adopt an alternative recommendation.

Implications: This will depend on the extent of any changes and could postpone the implementation of a citywide LAP.

3. Not adopt the recommendation.

Implications: This could stop or postpone the implementation of a citywide LAP. This option is not preferred as a citywide LAP is a positive step in rationalising existing approaches to local approvals across Council. By not progressing the draft LAP, Council's obligations under the LG Act will not be met.

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Background

Section 68 of the LG Act specifies that certain activities can only be carried out with the local approval of Council under the provisions of that Act, except in the case of local or legislative exemptions.

Local approvals are different to development consents under the *NSW Environmental Planning and Assessment Act 1979*. A local approval may be required in isolation (e.g. where a land use/activity is exempt or permitted without consent) or in addition to development consent. Activities requiring local approval include: activities on community land, installation of sewage management systems, footpath dining, street stalls, installation of caravans/manufactured homes, mobile food vans, water supply, sewerage, stormwater drainage work etc.

A LAP is a policy prepared under the provisions of the LG Act that assists Councils in meeting their obligations relating to local approvals. A LAP must specify:

- Part 1: Exemptions - the circumstances (if any) in which a person would be exempt from the necessity to obtain a particular approval of the council.
- Part 2: Criteria - the criteria (if any) which the council must take into consideration in determining whether to give or refuse an approval of a particular kind.
- Part 3: Other Matters - other matters relating to approvals.

Council currently has a number of individual LAP's across a number of Groups which vary in format and content, including:

- POL16/11 - Cross-Connection Control and Backflow Prevention.
- POL16/26 - Rural Wastewater Connection Policy.
- POL12/167 - Minor Mains Extension.
- POL16/27 - Rural Water Supply Policy.
- POL16/30 - Water Hydrant Standpipe Extraction Policy.
- POL16/268 - On-site Sewage Management.
- POL16/21 - Pressure Sewer System Policy - Backlog Sewerage Schemes.
- POL16/229 - Caravan Parks in Flood Prone Areas Policy.
- POL16/240 - Mobile Food Stalls or Vehicles and Temporary Food Premises.
- POL16/77 - Management of Mobile Food Vending Vehicles on Council Owned or Managed Land.

Whilst the LG Act does not require Council to have only one comprehensive LAP, the NSW Office of Local Government encourages the consolidation of existing policies to ensure consistency.

On 3 February 2015, Council's Development Committee resolved (in part) to:

- a) *Review Council's existing LAP's and incorporate them into one Council-wide LAP in accordance with the Local Government Act 1993 requirements.*

The draft LAP (**Attachment 1**) has been prepared with significant input from the relevant Groups of Council that issue local approvals. The draft LAP is a collation of:

- Content of existing LAPs (as detailed above) that is considered to be of ongoing relevance and suitable for inclusion based on the LG Act requirements.
- Content of, or reference to, existing related policies of Council.
 - POL16/12 - Building Over Sewer Policy.

- POL17/57 - Private Functions on Public Reserves Policy.
- POL16/266 - Events Policy.
- POL16/17 - Liquid Trade Waste Discharge to Sewerage System Policy.
- New content to ensure criteria and advice is provided for all activities for which Council issues approvals, for example commentary on commercial use of public footpaths as per rescinded Development Control Plan No. 120 Commercial Use of Public Footpaths.

The draft LAP was made available for a two-week internal consultation period in July 2017 to enable further input from the relevant technical staff across Council. Comments were received from Shoalhaven Water, Environmental Services and Social & Infrastructure Planning. The comment received from these Groups has been incorporated into the draft LAP.

Conclusion

It is recommended that the draft LAP be placed on exhibition for community comment in accordance with legislative requirements. This will enable the consolidation of all Council's existing LAPs and some related policies in the format required by the LG Act to progress to finalisation.

In accordance with the previous resolution (3 February 2015), Councillors will be briefed on the draft LAP prior to the exhibition.

Council will receive a future report to consider submissions and adopt the draft LAP, specifically Part 2 (Criteria) and Part 3 (Other Matters). As the draft LAP includes a local exemption for Ceremonies on Public Land (D6 Activity) under Part 1 (Exemptions), consent is required from the Chief Executive of the NSW Office of Local Government (OLG) for the adoption of that part following the adoption of the draft LAP by Council. Any changes required by OLG will be reported back to Council accordingly.

Community Engagement

The LG Act requires the draft LAP to be publically exhibited for a period of 28 days and receive comments for 42 days from the commencement of the exhibition period. Following public exhibition, a report will be prepared to consider submissions received during the 42 day period.

Policy Implications

At the commencement of the draft LAP, changes will be required to the content and status of current LAPs and policies of Council. It is expected that:

- All existing LAPs that are not included in the draft LAP will need to be reconsidered as policies of Council if they are to be retained. The exception is POL16/268 - On-site Sewage Management that has been absorbed into the draft LAP and will need to be rescinded as part of the adoption of the draft LAP.
- All existing policies will be retained with minor changes required to reflect the draft LAP.

Specific details about the modifications/rescission will be detailed in a future report to Council.

Financial Implications

There are no immediate financial implications for Council in reviewing the existing LAP's and incorporating into one citywide LAP in accordance with LG Act requirements. Exhibition of the draft LAP will be resourced from the existing Strategic Planning budget.

Risk Implications

Under s77 of the LG Act, Council is required to bring the relevant matters relating to local approvals to the notice of intending applicants. In accordance with s.165 of the LG Act, all LAPs are automatically revoked 12 months after the declaration of the poll for a general election of the Council.

It would be in the best interest of Council to progress the draft LAP to enable Council to meet its obligations under the LG Act.

SA17.221 Policy review - Council Policy POL16/236 - Demolition & Renovation of Buildings Containing Asbestos

HPERM Ref: D17/215487

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

Attachments: 1. Draft Policy - demolition and renovation of buildings containing asbestos



Purpose / Summary

Council reference POL16/236 Asbestos Policy

This policy review is presented to Council in accordance with the recommendations for all policies to be reviewed within the first 12 months of the new council.

The policy outlines the development application requirements for the demolition and renovation of buildings containing asbestos. The policy identifies the licensing requirements for the removal of asbestos, sets standard conditions of approval that would apply when works are proposed including notification of neighbouring properties, appropriate disposal and the submission of clearance certificates once works have been completed.

Council's Asbestos Policy (POL16/57) is to be read in conjunction with this policy.

Recommendation (Item to be determined under delegated authority)

That Council affirm the reviewed policy for the demolition and renovation of buildings containing asbestos policy with the minor adjustments as attached to this report.

Options

1. Adopt the recommendation

Implications: The minor changes to the existing policy will assist in policy implementation

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

Background

The policy provides information for both Council staff and the local community on the requirements for the demolition and renovation of buildings containing asbestos.

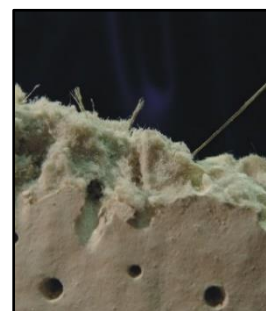
Since 1 January 2008, a bonded asbestos licence is required to remove more than 10m² of bonded asbestos material. A licenced bonded asbestos removalist can remove any amount of bonded asbestos material. Any loose or friable asbestos must be removed by qualified asbestos removalist. Licencing for asbestos removalist is regulated and administered by SafeWork. This is detailed in the policy.

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- Non-Friable asbestos (bonded):- Over 97% of the products in Australia were non-friable material in which the asbestos fibres are bonded by cement, vinyl, resin or other similar material.



- Friable asbestos:- is material which can be crumbled, pulverised, or reduced to powder by hand pressure. If the asbestos containing material can be easily disturbed and become air borne, by the effect of a breeze or simply creating a breeze by walking past it, then it is in a friable state. Bonded asbestos can easily become friable if for example there is a fire in the building or asbestos sheets suffer mechanical damage.



Demolition and renovation are fine examples where this can occur

The policy outlines Council's commitment and responsibilities in relation to safely managing asbestos and contains general advice. For specific advice, individuals are encouraged to contact Council or the appropriate organisation as detailed in Appendix E of Council's Asbestos Policy (POL16/57). The minor adjustments assist with interpretation and guidance.

Community Engagement

The Policy provides guidance to the public in relation to licensing, land management and waste management requirements.

Policy Implications

Nil

Financial Implications

There are no financial implications for this policy. It provides guidance to staff and the community.

Risk Implications

Shoalhaven City Council acknowledges the serious health hazard of exposure to asbestos. Council has an important dual role in minimising exposure to asbestos for both:

- residents and visitors
- employees, contractors, consultants and volunteers.

The adoption of the policy ensures Council will meet its obligations in relation to community education and waste management for asbestos.



City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 - Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Planning, [Environment](#) & Development [Services](#) Group

DEMOLITION AND RENOVATION OF BUILDINGS CONTAINING ASBESTOS POLICY

Policy Number: POL16/236 • **Adopted:** 23/08/2005 • **Amended:** 24/03/2007, 11/10/2010 • **Reaffirmed:** 21/05/2013 • **Minute Number:** MIN05.1136, MIN07.418, MIN09.1397, MIN13.473 • **File:** 3621E • **Produced By:** Planning, [Environment](#) & Development [Services](#) Group • **Review Date:**

1. PURPOSE

To articulate Council's requirements when assessing and determining Development Applications (DAs) for demolition and renovation of buildings containing asbestos.

2. STATEMENT

Current scientific literature indicates that there is no safe exposure level for asbestos. This Policy shall be adhered to when assessing and determining DAs for demolition and renovation of buildings containing asbestos.

This policy does not alter the specific requirements set under Council's Asbestos Policy (POL16/57) which is in line with the Model Asbestos Policy for NSW Councils. Individuals are encouraged to contact Council or the appropriate organisation as detailed in Appendix E of Council's Asbestos Policy (POL16/57).

3. PROVISIONS

3.1. Licencing Requirements for Removing Asbestos

Since 1 January 2008, a bonded asbestos licence has been required in NSW to remove more than 10m² of bonded asbestos material. A licenced bonded asbestos removalist can remove any amount of bonded asbestos material. Any loose or friable asbestos must be removed by qualified asbestos removalist. Licencing for asbestos removalist is regulated and administered by ~~SafeWork~~~~WorkCover~~ NSW.

3.2. Legislation

Council has obligations under various [Asbestos-Related Legislation, Policies and Standards](#) including the provisions of the *Protection of the Environment Operations (POEO) Act 1997* and the *Contaminated Land Management (CLM) Act 1997*.

3.3. WorkCover Guidelines

Shoalhaven City Council - Demolition of Buildings Containing Asbestos - Conditions of Development Consent

~~SafeWorkWorkCover~~ NSW provides extensive guidelines for dealing with asbestos. The ~~SafeWorkWorkCover~~ catalogue titled "Working with Asbestos Guide" provides up-to-date guidance on identification, licencing and working with asbestos. The catalogue is available on the ~~SafeWorkWorkCover~~ website at:
<http://www.safeworkworkcover.nsw.gov.au>

3.4.—Department of Local Government (DLG) Circular No 05-45

~~The DLG issued Circular No 05-45 Safe Removal of Asbestos – Referral Information for Local Councils and their Communities issued on 26 August 2005. This Circular contains information for councils concerning their responsibilities for dealing with asbestos and the roles of various other government agencies.~~

3.5.3.4. Conditions of Development Consent

~~Where demolition is proposed the following C~~conditions of development consent shall ~~be be~~ included placed on applications for the demolition and renovation of buildings containing asbestos as follows:

Asbestos – Statement

No later than seven ~~(7)~~ days prior to the demolition of any building or structure, a written statement must be provided to Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must also be provided:

- a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-1991; and
- b) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-1991

Asbestos – Licensed Contractors

Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Demolition Licence or a current WorkCover Class 2 (Restricted) Asbestos Licence.

Asbestos – Notification of Neighbours

- a) Fourteen (14) days prior to the commencement of any demolition works involving asbestos, all immediate neighbours should be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and submitted provided to Council. Precautions must be taken in accordance with the requirements of the Work Cover Authority of NSW in respect of:

- i. Protection of site workers and the public;
- ii. Asbestos handling and disposal where applicable.

- b) Suitable measures must be taken to ensure that there is no adverse effect to occupants of adjoining buildings and the public by the generation of dust and/or noise during demolition.

Shoalhaven City Council - Demolition of Buildings Containing Asbestos - Conditions of Development Consent

c) Protection must be afforded to users of any adjoining public places by the provision of suitable hoardings.

i. i. Demolition work must be carried out in accordance with Australian Standard AS2601-2001: The Demolition of Structures.

Asbestos – Tip Receipts

Documentary evidence in the form of tip receipts from an approved Waste Management Facility shall be obtained demonstrating the appropriate disposal of the asbestos waste. Tip receipts shall be provided to Council prior to any further building works being undertaken on the site.

Asbestos – Clearance Certificate

a) Following the removal of all bonded asbestos and prior to further works being carried out on the site, a clearance certificate from an independent competent person holding a current WorkCover Class 2 (Restricted) Asbestos Licence in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

b) Following the removal of all friable asbestos and prior to further works being carried out on the site, a clearance certificate from an independent occupational hygienist in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

~~Following the removal of all friable asbestos and prior to further works being carried out on the site, a clearance certificate from an independent competent person in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.~~

Asbestos – Less than 10m² of Bonded Asbestos Sheeting

Demolition works involving less than 10m² of bonded asbestos may be carried out in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC [2002(2005)]. ~~Demolition works involving the removal of less than 10m² of bonded asbestos sheeting may be carried out by a licensed builder who has completed an appropriate bonded asbestos removal course.~~

4. IMPLEMENTATION

This policy will be implemented by the Development & Environmental Services Group in the assessment and determination of DAs for demolition and renovation of buildings containing asbestos.

Shoalhaven City Council - Demolition of Buildings Containing Asbestos - Conditions of Development Consent

5. REVIEW

This Policy shall be reviewed within 12 months of the election of the new Council.

6. APPLICATION OF ESD PRINCIPLES

This policy is in line with Council's adopted policy on integrating the principles of Ecologically Sustainable Development (ESD) into all Council's planning, decision-making and actions. This Policy in particular applies to the maintaining of the natural capital of the environment by protecting the stock of productive soil, freshwater, forests, clean air, ocean and other renewable resources that underpin survival, health and prosperity of human communities.

SA17.222 Policy review - Council Policy POL16/251 - Swimming Pools - Barrier Inspection Policy

HPERM Ref: D17/215503

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

Attachments: 1. Swimming Pool - Barrier Inspection Policy [↓](#)

Purpose / Summary

This policy review is presented to Council in accordance with the recommendations for all policies to be reviewed within the first 12 months of the new council.

The policy outlines Council swimming pool barrier inspection program. This program has been in operation since 29 October 2013 when it became a requirement for Councils to prepare and adopt a swimming pool barrier inspection program.

This policy provides a framework for Council to comply with requirements under the Swimming Pools Act 1992. It also provides guidelines for swimming pool owners.

Recommendation (Item to be determined under delegated authority)

That Council affirm the reviewed policy for the Swimming Pools – Barrier Inspection Policy with the minor adjustments as attached to this report.

Options

1. Adopt the recommendation

Implications: The policy review will assist in maintaining the swimming pool barrier inspection program

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

Background

Swimming pool ownership requires owners to comply with construction standards and pool safety. The requirements are under the Swimming Pools Act 1992 and Regulations, relevant Australian Standards and directions issued by the Department of Local Government.

Amendments under the Swimming Pools Amendment Act 2012 introduced a system for swimming pool owners to register their swimming pool online. Councils were also required to implement a pool barrier inspection program, provide appropriate education programs to assist pool owners; and administer applications for compliance certificates.

The register has identified there are 349,791 premises with swimming pools in NSW and 4,176 of these are within the Shoalhaven area. From work completed in this space, it is evident that not all swimming pool owners have registered their premises.

The mandatory provisions for swimming pool compliance include the following property categories;

- tourist and visitor accommodation, including all multi occupancy (more than 2 dwelling units) developments;
- properties that are sold or rented from 29 April 2016; and
- where pool owners apply for a swimming pool compliance certificate at any time.

In April 2016 there was an amendment in the legislation requiring home owners to obtain a swimming pool compliance certificate when premises are put up for sale or tenanted.

To date, Councils swimming pool program has concentrated on the mandatory requirements, submission of applications for swimming pool compliance certificates and complaints received from the public. Recently, premises have been identified from home stays and air B&B as they present the most risk with unfamiliar occupants.

Council's swimming pool compliance officers have inspected the following number of premises since the legislation became effective on 29/10/2013:

2013	30 (2 months only)
2014	200
2015	299
2016	594
2017	269 (6 months only)
Total	1392

Based on the inspections completed to date, Council has assessed 33% of the swimming pools identified for the Shoalhaven area.

Community Engagement

Council aims to achieve compliance through effective education and engagement of pool owners and the community. Council acknowledges the ultimate effectiveness of any pool safety barrier relies upon the awareness of the property owner and their willingness to ensure compliance and ongoing maintenance.

Policy Implications

The Swimming Pools Act requires Council to have a swimming pool barrier inspection program. This policy satisfies the requirements of the legislation.

Financial Implications

Council currently employs two swimming pool compliance officers. The second compliance officer was appointed on 01/07/2016 and this has had a significant impact on the number of premises inspected.

The regulations stipulate the maximum amount Council can charge for swimming pool inspections. The program is currently achieving partial cost recovery.

Risk Implications

Council has an obligation to undertake the swimming pool barrier inspection program. Drowning or near drowning events have an impact on the community and should these occur, Council's program will be important in any subsequent Coronial enquiry.



Swimming Pools - Barrier Inspection Policy

Policy Number: POL16/251

Adopted: 11/11/2013

Minute Number: D13/292018

File: 32517E

Produced By: Planning, Environment & Development Group

Review Date:

SA17.222 - Attachment 1

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1. PURPOSE

The purpose of this policy is to;

- provide a policy framework for Council to comply with requirements under the Swimming Pools Act 1992, for a swimming pool barrier inspection program.
- provide guidelines for swimming pool owners with management of a swimming pool.

2. STATEMENT

Swimming pool ownership requires owners to comply with construction standards and pool safety. The requirements are under the Swimming Pools Act 1992 and Regulations, relevant Australian Standards and directions issued by the Department of Local Government.

Amendments under the Swimming Pools Amendment Act 2012 introduced;

- a system for swimming pool owners to register their swimming pool online and for them to complete a number of self assessment questionnaire concerning swimming pool compliance guidelines.
- a requirement for Councils to;
 - a) implement a pool barrier inspection program by 29 October 2013;
 - b) provide appropriate education programs to assist pool owners; and
 - c) administer applications for compliance certificates.

The mandatory provisions for swimming pool compliance include the following property categories;

- tourist and visitor accommodation, including all multi occupancy (more than 2 dwelling units) developments;
- properties that are sold or rented from 29 April 2014; and
- where pool owners apply for a swimming pool compliance certificate at any time.

3. PROVISIONS

The program proposed for pool inspections, including the mandatory inspections required of tourist, visitor and multi-occupancy developments, and pools associated with property sales and leases is:

- i) Council will carry out inspections of those swimming pools within the Council area which are on the Register, commencing with the urban areas (due to the higher density of population) then moving into the rural areas. This will be an ongoing program.
- ii) Before inspecting a swimming pool Council will ascertain whether, within the previous 3 years an Occupation Certificate or a Compliance Certificate has been issued. An inspection of that pool will not be carried out until 3 years after the issue of the Occupation Certificate or Compliance Certificate.

Shoalhaven City Council – Swimming Pools – Barrier Inspections Policy

- iii) When a swimming pool barrier is compliant or brought into compliance, a Compliance Certificate will be issued. The certificate will be valid for three years from the date of issue. A certificate of compliance ceases to be valid if council issues a direction under s23 of the Act.
- iv) When the Compliance Certificate lapses a further inspection will be carried out by Council and a new Compliance Certificate will be issued. This will ensure that swimming pools are kept compliant and will provide the pool owner with a degree of satisfaction knowing their pool meets the safety standards.
 - v) The property owner or occupier or agent, whichever is relevant, will be notified in writing a minimum of 14 days prior that a swimming pool inspection is to be carried out. The inspection will be carried out on the date notified or on an arranged (reasonable) date and time suitable to the occupier by an Authorised Officer of Council.
- vi) If a swimming pool is found not to be registered after the 29 October 2013, the pool owner will be contacted and will be required to register the swimming pool. An inspection will then be carried out to ensure that the pool barrier is compliant. A compliance certificate will then be issued and registered by Council. ~~The Act creates a new offence for failing to register a swimming pool, attracting a penalty notice of \$220 with a maximum court imposed penalty of \$2,200. Any enforcement action will be determined by an application of Council's Enforcement Policy.~~
- vii) The mandatory inspection of swimming pools associated with tourist and visitor accommodation and multi-occupancy developments at three year intervals will be carried out by an authorised officer of Council.
 - viii) Notice of an inspection will be given a minimum of 14 days prior that a swimming pool inspection will be carried out. The inspection will be carried out on the date notified or on an arranged (reasonable) date and time mutually suitable.
- ix) As an owner may voluntarily request an inspection from Council (or an accredited certifier.) ~~(s22C)~~ Council will carry out an inspection of a swimming pool when requested in writing by the owner to enable the sale or lease of the premises. A private accredited certifier other than a Council inspector, may also be engaged to carry out this inspection by the owner of the premises and issue a compliance certificate.
- x) Council will carry out an inspection of a swimming pool when requested in writing by the owner of any premises for reasons other than any of the above, and issue a compliance certificate. A private accredited certifier other than a Council inspector may also be engaged to carry out this inspection by the owner of the premises and issue a compliance certificate.
- xi) Council may carry out swimming pool inspections other than under this program due to complaints, visitors to the property, the general public or if Council suspects environmental pollution.

4. DEFINITIONS

Certificate of Compliance in respect of swimming pools means a certificate issued under section 22D of the Swimming Pools Act.

Multi-occupancy development a building, or buildings that is, or are, situated on premises that consist of more than two dwellings.

Relevant occupation certificate in respect of a swimming pool, which means an occupation certificate issued under the Environmental Planning and Assessment Act 1979 that is less than 3 years old and that authorises the use of the swimming pool.

Swimming pool means an excavation, structure or vessel:

- a) That is capable of being filled with water to a depth great than 300 millimetres, and
- b) That is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity, and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations not to be a swimming pool for the purposes of this Act.

Tourist and Visitor Accommodation means a building or place that provides temporary or short term accommodation on a commercial basis and includes back packers accommodation, bed and breakfast accommodation, farm stay accommodation and serviced apartment.

5. INSPECTIONS

Inspections will be carried out by Council Building Surveyors or Swimming Pool Compliance Officers~~other staff~~ engaged for the purpose of the program.

6. INSPECTIONS FEES

Council will set fees for the first inspection and subsequent inspection for compliance certificate applications as adopted in Councils Management Plan and Fees and in accordance with the Swimming Pools Act and Regulation.

7. ENFORCEMENT

Council aims to achieve compliance through effective education and engagement of pool owners and the community. Council acknowledges the ultimate effectiveness of any pool safety barrier relies upon the awareness of the property owner and their willingness to ensure compliance and ongoing maintenance.

The Swimming Pool Act does provide mechanisms, such as Notices, Directions and penalty provisions which are used to actively encourage compliance where deemed necessary and appropriate.

8. IMPLEMENTATION

The policy will be implemented by the Planning, Environment and Development Group.

9. REVIEW

This policy will be reviewed within one year of the election of every new Council, or earlier if circumstances arise to warrant revision.

10. APPLICATION OF ESD PRINCIPLES

The management of pool safety administration and enforcement will be carried out in an effective and sustainable manner.

SA17.223 Policy review - Council Policy POL16/233 - Compliance and Enforcement Policy

HPERM Ref: D17/215665

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

Attachments: 1. Compliance and Enforcement Policy [↓](#)

Purpose / Summary

This policy review is presented to Council in accordance with the recommendations for all policies to be reviewed within the first 12 months of the new council.

To clarify Council's role and responsibilities and assist staff to act promptly, consistently and effectively in response to allegations of unlawful activity.

The aim of this policy is to establish clear guidelines for the exercise of discretion in dealing with action requests or unlawful activity. It provides workable guidelines on:

- How to assess whether complaints or unlawful activity require investigation.
- Options for dealing with unlawful activity.
- How to decide whether enforcement action is warranted.

Recommendation (Item to be determined under delegated authority)

That Council affirm the reviewed policy for Compliance and Enforcement with the adjustments as attached to this report and the policy be made available on Council's website.

Options

1. Adopt the recommendation

Implications: The policy review will assist in maintaining the Compliance and Enforcement program and provide staff with clear guidelines on how to action matters.

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

Background

Council has an obligation to the community to undertake various regulatory investigations and inspections to monitor, abate and/or rectify activity within its area. These activities are generally brought to Council's attention via the lodgement of an application or an internal or external customer service request.

Staff across the organisation undertake their regulatory duties in a fair, transparent and consistent manner in line with the relevant legislative requirements and Council's adopted Codes and Policies.

Unfortunately the high calibre of Council's many regulatory based services to the community is not reflected within the supporting internal documentation. This review of the Compliance and Enforcement Policy better reflects the processes around these services.

In December 2015 the NSW Ombudsman released a Model Compliance and Enforcement Policy. The Ombudsman's Policy was designed to harmonise the different approaches taken by Council's to their regulatory duties and to minimise the potential for corruption related issues.

With the above in mind Council's Compliance Policy has been amended and expanded to include many aspects of the Ombudsman's Policy. The policy now clarifies the processes behind regulatory actions undertaken and provides staff with a more robust document to follow when considering an appropriate course of regulatory action.

Community Engagement

The policy will support Council's commitment to ecologically sustainable development principles and support good governance practice.

Policy Implications

There are a range of considerations that Council need to take into account when deciding whether or not to take enforcement action. Council will need to consider the circumstances of the case.

Financial Implications

There are no financial implications in adopting this policy.

Risk Implications

This policy follows the Ombudsmans model guidelines and reduces the risk of officer investigation.



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Compliance Policy Compliance and Enforcement Policy

Policy Number: POL16/233 • **Adopted:** 25/09/2017 • **Amended:** 9/09/2008, 13/10/2009, 29/08/2011 (D11/218758) • **Minute Number:** MIN07.1346, MIN08.1265, MIN09.1400, MIN12.1405 • **File:** 34946E • **Produced By:** Planning & Development Services Group • **Review Date:**

1. Purpose and Scope

1.1 This policy applies to the regulatory process undertaken by Council staff, when investigating a potential breach of legislation, Council Code or Policy.

1.2 This policy will provide the framework to assist Enforcement Officers in acting promptly, effectively and consistently in undertaking daily patrols and/or responding to allegations of unlawful activity. This policy is also designed to provide a framework to ensure transparency in decision making with respect to the statutory functions of council.

1.3 The NSW Ombudsman's Enforcement Guidelines for Councils (December 2015) has been used as the basis resource for creating revisiting this policy. Where applicable, direct inserts have been included in this Policy, when the guidelines are phrased in a manner that compliments Councils intentions

1.4 This policy outlines matters to be considered at the various stages of the enforcement process.

1.5 For simplicity, this policy refers to both an act and/or an omission by an alleged offender as 'unlawful activity'.

1. PURPOSE

~~To clarify Council's role and responsibilities and assist council staff to act promptly, consistently and effectively in response to allegations of unlawful activity.~~

2. POLICY OBJECTIVES

The objectives of this policy are to:

Shoalhaven City Council – Enforcement/Compliance Policy

a) Deliver clear guidelines for the exercising of discretion, for Council and its Enforcement Officers, in investigating & identifying the appropriate course of regulatory action, in regards to allegations of unlawful activity.

b) Ensure that the discretion utilised by Council and its Enforcement Officers takes into account all relevant information, including the available evidence, cost to the community, the circumstances of the individual case and public policy and precedent considerations. The policy also provides a legal and administrative framework to assist Council and its Enforcement Officers in making decisions with respect to its enforcement functions

The objectives of this policy are to:

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

The aim of this policy is to establish clear guidelines for the exercise of discretion in dealing with action requests or unlawful activity. It provides workable guidelines on:

- How to assess whether complaints or unlawful activity require investigation.
- Options for dealing with unlawful activity.
- How to decide whether enforcement action is warranted.

3. APPLICATION

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

- pPollution control
- rRegulation of parking
- and controlRegulation overas to the keeping of animals
- Environmental health
- Public health and safety
- Noxious Weeds
- Water and sewer
- Septic systems
- Food safety
- Fire safety
- Tree preservation

4. COMPLIANCE AND ENFORCEMENT PRINCIPLES

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

a. Accountability and transparency:

- i. acting in the best interests of public health safety and the environment;
- ii. ensuring accountability for decision making;
- iii. acting fairly and impartially and without bias or unlawful discrimination;
- iv. providing information about compliance and enforcement priorities and reasons for decisions to improve understanding and certainty and promote trust within the community;
- v. ensuring meaningful reasons for decisions are given to all relevant parties, particularly when there is a departure from this Policy;
- vi. acting on any complaints or concerns about the conduct of Enforcement Officers in accordance with Council's Complaints Management Policy and Procedures;
- vii. advising people and organisations subject to enforcement action any avenues available to seek a review of a decision.

b. Consistency

- i. ensuring all compliance and enforcement action is implemented consistently.
- ii. Council staff and/or Enforcement Officers will not consider representations against a penalty infringement notice unless it has been forwarded to them by the NSW State Debt Recovery Office.

c. Proportional

- i. ensuring the level of enforcement action is proportionate to the level of risk and seriousness of the breach
- ii. taking action to address harm and deter future unlawful activity
- iii. Making cost effective decisions concerning enforcement action (i.e the issuing of a Penalty Infringement Notice, local court action or Land and Environment Court action etc.)

d. Timely

- i. ensuring responses to customer requests alleging unlawful activity are undertaken in a timely manner.

e. Safety

- i. ensuring the safety of Enforcement Officers is paramount at all times

5. RESPONSIBILITY

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

Shoalhaven City Council – Enforcement/Compliance Policy

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

4.

~~All council staff who deal with written and verbal action requests or complaints alleging unlawful activity are responsible for implementing these policy guidelines.~~

~~All notifications of alleged unlawful activity shall be logged in Council's action requests system and directed to the responsible person.~~

5.6. DEFINITIONS

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

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

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

~~*Estoppel* means a legal rule barring inconsistency; a legal rule that prevents somebody from stating a position inconsistent with one previously stated, especially when the earlier representation has been relied upon by others.~~

~~*Vexatious* means causing trouble; provoking irritation or anxiety by causing trouble.~~

6.7. INVESTIGATING ALLEGED UNLAWFUL ACTIVITY

7.1 A preliminary assessment of all matters will be made to determine whether investigation is required. If an investigation is warranted, Council will prioritise matters on the basis of risk to public safety, human health or the environment.

Shoalhaven City Council – Enforcement/Compliance Policy

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

Not all alleged unlawful activity will warrant investigation. Council will consider a range of factors when deciding whether to investigate. These include:

- ~~Is the matter within the jurisdiction of Council?~~
- ~~Is the investigation premature eg. does it relate to some unfinished aspect of work that is still in progress?~~
- ~~Is the activity or work permissible with or without consent?~~
- ~~If the activity is permissible with consent, is there a consent in place?~~
- ~~Is it possible to determine from the information available to Council whether the activity or work is permissible without consent and/or whether all conditions of consent are being complied with?~~
- ~~Is the alleged unlawful activity trivial, frivolous or vexatious?~~
- ~~Has too much time elapsed since the event subject of the alleged activity taking place? i.e. (Procedural fairness/statute of limitations)~~
- ~~Is there another body that is a more appropriate agency to investigate and deal with the matter?~~
- ~~Is the activity having a significant detrimental effect on the environment or does it constitute a risk to public safety?~~
- ~~Does the alleged unlawful activity indicate the existence of a systemic problem eg. if the alleged activity is one of a series, could there be a pattern of conduct or a more widespread problem? eg. clearing in a Threatened Species sensitive area.~~
- ~~Has the alleged person or organisation been the subject of previous allegations?~~
- ~~Does the alleged unlawful activity have special significance in terms of the Council's existing priorities?~~

Shoalhaven City Council – ~~Enforcement~~Compliance Policy

- ~~Are there significant resource implications in relation to an investigation and any subsequent enforcement action?~~
- ~~Is it in the public interest to investigate the alleged unlawful activity?~~

7.8. INVESTIGATION PROCESS

All investigations will be conducted in accordance with Councils' current internal standard operating procedures, in particular Compliance regulatory based Operating Procedures and all regulatory related provisions of the relevant legislation.

8.9. RESPONDING TO ALLEGATIONS OF UNLAWFUL ACTIVITY

Allegations of unlawful activity requiring urgent attention will be actioned within 48 72 hours.

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

~~All action requests about alleged unlawful activity should be acknowledged in accordance with Councils' Replying to Correspondence Service Level Standard and other customer service targets.~~

9.10. OPTIONS FOR DEALING WITH CONFIRMED CASES OF UNLAWFUL ACTIVITY

Council will use the quickest and most appropriate option to deal with unlawful activity wherever possible. ~~Approaches to be considered will include:~~

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

a. Referral

- i. Referring the allegation to an external agency for further investigation or prosecution action. i.e. Police, NSW Government Department etc.
- ii. Referring the disputing parties issue to an external mediator. i.e. The Community Justice Centre or NSW Civil & Administrative Tribunal (NCAT).

b. No Action

c. Education

- i. Educating the offender, after they have been identified, as to the requirements of the relevant legislation, Council Policies or Codes

Shoalhaven City Council – Enforcement/Compliance Policy

d. Warnings, Notices, Orders, Directions, Legal Prosecution

- i. Giving a Warning Notice for unlawful activity.
- ii. Giving a Notice/Order/Emergency Order requiring work to be undertaken or the activity to cease.
- iii. Giving an Order requiring work to be undertaken or the activity to cease
- iv. Giving an Emergency Order requiring work to be undertaken or the activity to cease
- v. Giving a verbal and/or written Direction to take action to rectify a breach of legislation
- vi. Issue a Penalty Infringement Notice (PIN)
- vii. Carrying out the work specified in an Order, under delegated authority and transferring the cost of such action to the offender.
- viii. Court attendance notice

9.1 Less Formal Actions:

- Referring the complaint to an external agency for further investigation or prosecution.
- Taking no action on the basis of lack of evidence.
- Counselling the subject of the investigation to educate them on the relevant Council requirements.
- Negotiating with the subject of the investigation and obtaining some undertakings to address the issues of concern arising from the investigation e.g. an application for modification of development consent.
- Issuing a letter requiring work to be done or activity to cease in lieu of more formal action.

9.2 More Formal Actions:

- Issuing a notice of intention to serve an order or notice under relevant legislation, followed by service of an appropriate order or notice.
- Starting proceedings in the Land & Environment Court for an order to remedy or restrain a breach of the relevant Act or Regulation.
- Seeking injunctions from the Land & Environment Court or the Supreme Court.
- Issuing a court attendance notice in the Local Court.
- Issuing a penalty infringement notice (PIN).
- Taking proceedings for an offence against the relevant Act or Regulation.
- Carrying out the works specified in an order under the LG Act at the cost of the person served with the order.

All enforcement action will be monitored and a decision made in relation to non-compliance in accordance with time frames set by the legislation.

11. TAKING ENFORCEMENT ACTION

When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, Council will consider the full circumstances and facts of the matter and the public

interest. The following common considerations will assist Council staff in undertaking a review process and determining the most appropriate regulatory response:-

Considerations about the alleged offence and impact:

- the nature, extent and severity of the unlawful activity, including whether the activity is continuing;
- the harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity;
- the seriousness of the breach, including whether the breach is merely technical, inconsequential or minor in nature;
- the time period that has lapsed since the date of the unlawful activity.

Considerations about the alleged offender:

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

Considerations about the impact of any enforcement action:

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

Considerations about the potential for remedy:

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

~~10.~~

~~There are a range of considerations that Council need to take into account when deciding whether or not to take enforcement action. Council will need to consider the circumstances of the case. These may include:~~

- ~~▪ Has the Council created an estoppel situation?~~
- ~~▪ When was the unlawful activity carried out and for how long?~~

Shoalhaven City Council – ~~Enforcement~~~~Compliance~~ Policy

- ~~How has the unlawful activity affected the natural or built environment and the health, safety and amenity of the surrounding properties in the vicinity of the activity and area?~~
- ~~Is the activity permissible within the zone?~~
- ~~Can the breach be easily remedied?~~
- ~~Does the person in breach show cooperation?~~
- ~~Are there any particular circumstances of hardship affecting the person the subject of the unlawful activity?~~
- ~~Has the person the subject of the unlawful activity received a previous warning or other non-coercive approach or has formal legal action been taken?~~
- ~~Would an educative approach be more appropriate than a coercive approach?~~
- ~~What are the costs and benefits of taken formal enforcement action as opposed to taking informal or no action?~~
- ~~Has sufficient evidence been obtained if enforcement action was challenged in court?~~
- ~~What action would be reasonable and proportionate in this case?~~
- ~~What would be in the public interest?~~

~~11. Application of ESD principles~~

~~—This policy supports Council's commitment to ESD principles through social integrity.~~

~~—~~

12. REFERENCES

NSW Ombudsman, Enforcement Guidelines for Councils (~~December 2015~~~~June 2002~~)

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

SA17.224 Acquisition of Easement for Water Supply at Parma Road, Parma

HPERM Ref: D17/215611

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

Attachments: 1. Attachment 1 - plan of easement (councillors information folder) [↗](#)

Purpose / Summary

This report is submitted to seek Council approval to acquire an Easement for Water Supply 3 metres wide over Lot 3 DP612512, No 352 Parma Road Parma, from D & L Nile.

Recommendation

That

1. Council resolve to acquire an Easement for Water Supply 3 metres wide over Lot 3 DP612512, No 352 Parma Road Parma, as shown hatching on plan marked Attachment
2. Council pay compensation of \$2,000 and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Water Fund.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

Options

1. Resolve as recommended. The easement is required to formalise tenure over an existing pipeline on the subject property.
2. Not resolve as recommended and provide further directions to staff.

Background

Shoalhaven Water has constructed a water pipeline within the subject property, along the front boundary to Parma Road. Acquisition of an easement for the pipeline is required.

A valuation undertaken on behalf of Council by Walsh & Monaghan Pty Ltd assessed compensation for the easement at \$2,000. A conditional offer at that amount was submitted to the owners.

A claim of \$8,500 was submitted by the owners. Negotiations have resulted in agreement at the valuation amount of \$2000, plus reasonable legal costs.

Financial Implications

The compensation and reasonable legal costs associated with the acquisition are to be funded from Council's Water Fund. GST is not applicable on the transaction.

Risk Implications

Acquisition of the easement is necessary to secure Shoalhaven Water's access for the operation and maintenance of essential public infrastructure.

The proposed action is administrative and has no environmental impact.

SA17.224

SA17.225 Review of Shoalhaven Water Group Policies

HPERM Ref: D17/224090

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

Attachments:

1. POL16/97 - Backflow Prevention and Cross Connection Control Policy (under separate cover) ➡
2. POL17/27 - Minor Mains Extension Policy (under separate cover) ➡
3. POL16/81 - Building over Sewers Policy (under separate cover) ➡
4. POL17/29 - Communications Site Rental - Community FM Radio Stations (under separate cover) ➡
5. POL16/82 - Communication Site Charging Policy (under separate cover) ➡
6. POL17/1 - Shoalhaven Water Debtor Management Policy (under separate cover) ➡

Purpose / Summary

All public policies are to be submitted to Council within 12 months of the election of Council. The six public policies proposed for reaffirmation represent “Round 7” of this requirement in respect of the Shoalhaven Water Group responsibilities. A new policy is also proposed to better articulate those debt recovery activities previously contained within the annual Council Delivery Program and Operational Plan.

Recommendation (Item to be determined under delegated authority)

That Council

1. Change from a Local Approval Policy to a Public Policy and reaffirm with minor changes the following policies
 - a. POL16/97, Backflow Prevention and Cross-Connection Control
 - b. POL 17/27, Water and Sewer – Minor Mains Extension
2. Reaffirm the following Public Policies with minor changes
 - a. POL 16/81, Building Over Sewers Policy
 - b. POL 17/29, Communications Site Rental – Licenced Community Radio Stations
 - c. POL 16/82, Communication Site Charging Policy
3. Adopt the proposed policy POL17/1 – Shoalhaven Water Debtor Management Policy

Options

1. Adopt the recommendation as written.

Implications: Minor changes will assist for currency and clarity. There are no significant changes

2. Not adopt the recommendation.

SA17.225

Implications: Council can request further details, seek further community input or make other changes.

Background

The following existing policies are proposed to be adopted as Public Policies:

Backflow Prevention and Cross-Connection Control, POL16/97

This policy was originally adopted in February 1997 as Local Approval Policy, Cross-Connection Control and Backflow Prevention, to minimise risk to public health by protecting the quality of Council's potable water supply from real or potential hazards. The proposed changes do not alter the intent nor implementation of the current policy and include:

- Changes to formatting and layout as a result of having a single Local Approvals Policy document
- Updates resulting from changes to State Government legislation
- Updates to definitions and hazard ratings
- Updates to requirements with regard to installation, maintenance and removal of backflow devices
- Clarification with regard to responsibilities of Council, plumbers and property owners

The required conditions have been incorporated into Councils Local Approvals Policy, as such it is proposed that this policy be adopted as a public policy.

Water and Sewer – Minor Mains Extension, POL17/27

This policy was originally adopted in 1999 as a Local Approvals Policy. There are only minor amendments to the text that do not alter the intent of the policy. The required conditions have been incorporated into Councils Local Approvals Policy, as such it is proposed that this policy be adopted as a public policy.

Building Over Sewers Policy, POL 16/81

This policy was originally adopted in 1997 to provide guidance to developers proposing to build close to or over Council owned sewers. The required conditions have been incorporated into Council's Local Approvals Policy, which makes reference to this policy for further detail.

Communications Site Rental – Licenced Community Radio Stations, POL 17/29

This policy was originally adopted in 2006 to specify the criteria and methodology to charge communication tower site rental fees to those community radio stations that provide broadcasting services for Council community messages and recording of Council Meetings.

The changes proposed are only minor and do not change the intent of the policy.

Communication Site Charging Policy, POL 16/82

This policy was first adopted in 2014 to define the process of generating fees and charges for Shoalhaven City Council's communication facilities.

A number of changes are proposed, primarily in the attachments to the policy as follows. These proposed changes are not considered significant.

In attachment A, changes are:

- The first column has been swapped with the final column so that the site level is listed first, and the last column is now the ACMA site number
- The table has been reordered by level
- An additional site level 5 has been added. This site level is for sites where the communications facility is on land owned by Council, but where the tower is not owned by Council
- Since the last policy review there has been a number of new sites. These have been added to the list, along with sites that are currently only used by Council, such as the Emergency Management Centre
- The Vincentia tower has been replaced by a taller tower and has been upgraded to a level 1 site

In attachment B, changes are:

- Discount multiplier for ground rental for a hut for a level 5 site has been increased from 0.9 to 1. This change is to reflect the site's value to Council is primarily as a ground rental.
- Discount multiplier for rack space within a Council hut for a level 5 site has been increased from 0.9 to 1. This change is to cover the full cost of supplying space for radio equipment in the Council building where we are not recovering costs from the equipment on a tower.

The following new policy is proposed for adoption:

Shoalhaven Water Debtor Management Policy POL17/1

The policy is consistent with statutory requirements of the Local Government Act and Regulations, NSW Government directives, previous Council resolutions and the adopted Shoalhaven Water Customer Service Plan. It reflects industry practice relating to debt recovery activities and Shoalhaven Water's utility obligations as an essential service provider.

Community Engagement

There is no statutory requirement to publicly exhibit any of the policies contained in this report. Council may however choose to do so should they consider any changes of significance

SA17.226 TM74 Sussex Inlet Watermain Replacement Jacobs Drive and River Road

HPERM Ref: D17/247604

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

Purpose / Summary

To inform Council of the tender process for TM74 Sussex Inlet Watermain Replacement Jacobs Drive and River Road.

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 as recommended
2. Council amend the recommendation and consider in open Council

Implications: Council may diminish the competitive commercial values of the tenders received or prejudice the tenderers legitimate interests if these matters are discussed non-confidentially.

3. Council amend the recommendation

Implications: Council propose an alternative resolution. Depending on the resolution Council may not be able to deliberate on the tender process for the TM74 Sussex Inlet Watermain Replacement Jacobs Drive and River Road while giving consideration to all the available information.

Details

Introduction: Council, at its Ordinary Meeting on 16 December 2014, resolved to appoint a panel of contractors for mains construction works. The Panel comprises the following contractors:

- i. Comdain Civil Construction Pty Ltd
- ii. Murphy McCarthy & Associates Pty Ltd
- iii. EL Civil Engineering Pty Ltd
- iv. Ledonne Constructions Pty Ltd

- v. Interflow Pty Ltd
- vi. Hisway Pty Ltd
- vii. Select Civil Pty Ltd, and
- viii. Lynch Civil Contractors Pty Ltd.

The Panel was formed following an Expressions of Interest (EOI) process. The philosophy behind this approach was to identify suitably qualified contractors (based on a non-price assessment) to bid on a number of mains replacement packages over the next few years. This would enable a simplified assessment procedure whereby only price and assessment of project specific resourcing and construction methodology would need to be considered for the award of future works packages.

Background:

Shoalhaven Water, through its Asset Management Systems, has identified a series of DN300 white uPVC pipelines installed in the early to mid 1980's. It has been the experience of Shoalhaven Water, and other water utilities across New South Wales, that this particular pipe type/size purchased at that time has a higher than average failure rate. It is proposed to replace these faulty uPVC mains with Polyethylene (PE) mains to reduce the risk of future failures.

The first DN300 white uPVC pipeline replaced under this program was two sections of Trunk Main 19 (one section in North Bendalong and one section in Manyana).

The second DN300 white uPVC pipeline being replaced is approx 6km of Trunk Main 27 between Burrill Lake to Lake Tabourie.

The third DN300 white uPVC pipeline proposed to be replaced is in three sections around the township of Sussex Inlet. One section is approx 880m along Jacobs Drive between 33 and 137 Jacobs Drive, another section is approx 660m along River Road between 166 River Road and 192 Jacobs Drive and the third section is approx 200m along Suncrest Ave between 100 Suncrest Ave and 146 River Road.

Records indicate that this section of main has broken 10 times from 2009 to 2016.

Tenders have been called and the award of a contract for the construction of the TM27 Lake Tabourie Watermain Replacement is now being presented to Council for determination.

Tenders Received

Tenders were invited from all contractors on the Panel on the 13 June 2017 for the construction of the TM74 Sussex Inlet Watermain Replacement Jacobs Drive and River Road with a mandatory pre-tender site meeting on 14 June 2017.

A Tender Evaluation Committee (TEC) was formed and a Tender Evaluation Plan (TEP) was developed for the tender analysis.

Tenders closed at 10am on 18 July 2017 with a total of five (5) tenders received by the deadline.

Tenderer	Location
Hisway Pty Ltd	Tenderlink Portal
Ledonne Constructions Pty Ltd	Tenderlink Portal
Comdain Civil Constructions Pty Ltd	Tenderlink Portal
Select Civil Pty Ltd	Tenderlink Portal

Murphy McCarthy & Associates Pty Ltd	Tenderlink Portal
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The tenders were evaluated in accordance with the TEP, which comprised mandatory, price and non-price criteria including:

- Total cost of tenderers bid, including application of Local Preference Policy
- Construction methodology and program
- Skills, experience and availability of proposed key personnel
- Past performance on previous Mains Construction Panel Contracts

In order to identify the best value for money while ensuring a suitable balance between the main criteria of price, experience and methodology it was determined to use a 65% price to 35% non-price ratio for the tender assessment.

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

Summary of the Evaluation Process:

1. Assessment of Price Criteria

The five tenders had their price components assessed as per the formula given in Clause 5.5 of the TEP.

Reductions in the assessed tender price were given to those tenderers who included local contractors and suppliers as per the Local Preference Policy capped at \$15,000.

2. Assessment of Non-Price Criteria

The TEC assessed the tenders for non-price criteria as detailed in the methodology for Non-Price Ratings contained within the Tender Evaluation Plan (Sections 5.6).

Tenders were assessed by the TEC as a group. Following discussions a consensus score was reached for each assessment criteria for each of the tender submissions. Tenders were assessed following the guidelines for scoring Non-Price Criteria described in Attachment B of the TEP.

3. Outcome of Tender Evaluation

The final score for each tenderer was obtained by adding together the normalised total non-price score with the normalised total price score. The Tenderer with the highest total combined score was identified as the Preferred Tenderer. The tenderer with the second highest score was identified as the alternate Preferred Tenderer.

As per the Procedure defined in section 4 of the TEP, the TEC resolved to hold a tender evaluation interview with the Preferred Tenderer to ensure they had a comprehensive understanding of the scope of works and clarify any issues identified in their tender. This interview was held in the SCC Nowra Administration Building on the 28 July 2017 and attended by two (2) members of the TEC.

As a result of this interview, along with the price and non-price criterias, the TEC made the recommendation contained in the confidential report.

Community Engagement:

Shoalhaven Water has consulted with local residents likely to be directly affected by the proposed works by sending them a letter advising them of the scope of works and indicative

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timeframes for the construction. Additionally the Sussex Inlet Community Consultation Body has been informed of the project.

It is a requirement of the tender to provide ongoing community consultation, as needed, during the construction of the works. Minor water outages will be required during the transition from the existing water main to the new. It will be necessary to provide at least 48hrs notice to affected residents of any planned water outages. Further, as Sussex Inlet is a major tourist destination during summer, no works will be permitted for the duration of the NSW School Holiday periods.

A Review of Environmental Factors (REF) for the pipeline installation was developed by Shoalhaven Water for the project. This REF did not identify any threatened flora or fauna species in the area of influence for the construction works. Sussex Inlet township is mapped as having potential for Acid Sulphate Soils. Further geotechnical investigations have been undertaken and an Acid Sulphate Management Plan will be developed for the project. The recommended control measures from the REF form part of the tender specifications.

Financial Implications:

Sufficient funds have been allocated in the Water fund capital budgets for 2017/18. Contract management will be done by Shoalhaven Water employees. Daily site inspections to be undertaken by Shoalhaven Water nominated construction inspectors.

It is proposed to start construction of the project in October 2017 with completion expected by the end of the 2017/18 financial year.

Conclusion:

Shoalhaven Water have undertaken a comprehensive tender evaluation in accordance with the approved tender evaluation plan and have made a recommendation to Council in a separate Confidential Report. It is therefore recommended that Council consider the Confidential Report and the recommendations there-in.

SA17.227 Acquisition of Easement for Water Supply - Sungrove Lane Milton

HPERM Ref: D17/225054

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

Attachments: 1. Attachment 1 - plan of proposed easement [↓](#)

Purpose / Summary

This report is submitted to seek Council approval to acquire an Easement for Water Supply 6 metres wide over Lot 12 DP807589, No 13 Sungrove Lane Milton, from Mrs R S Hendricks.

Recommendation

That

1. Council resolve to acquire an Easement for Water Supply 6 metres wide over Lot 12 DP807589, No. 13 Sungrove Lane Milton, as shown by hatching on plan marked Attachment 1.
2. Council pay compensation of \$16,250 and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Water Fund.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

Options

1. Resolve as recommended. The easement is required to formalise tenure over a new water main to be constructed on the subject property.
2. Not resolve as recommended and provide further directions to staff.

Background

An existing water main is located through No. 23 Sungrove Lane, Milton without the protection of an easement. An easement cannot be created over this pipeline due to significant development over the main, including a large workshop building.

In order to overcome this situation negotiations have been held with the owner of adjoining property, No.13 Sungrove Lane to relocate the water main to within that property and create an easement over the relocated pipeline.

Agreement has been reached with the owner of No.13 to allow construction of the replacement pipeline.

A valuation undertaken on behalf of Council by Walsh & Monaghan Pty Ltd assessed compensation for the proposed easement at \$16,250. The owner is elderly and her legal dealings are being handled by the NSW Trustee & Guardian and her son, Mark Hendricks,

who resides on the property. The Solicitor for those representatives has advised that instructions have been received to accept Council's offer of compensation at the valuation amount plus reasonable legal costs. The NSW Trustee & Guardian has also consented to Council's proposal.

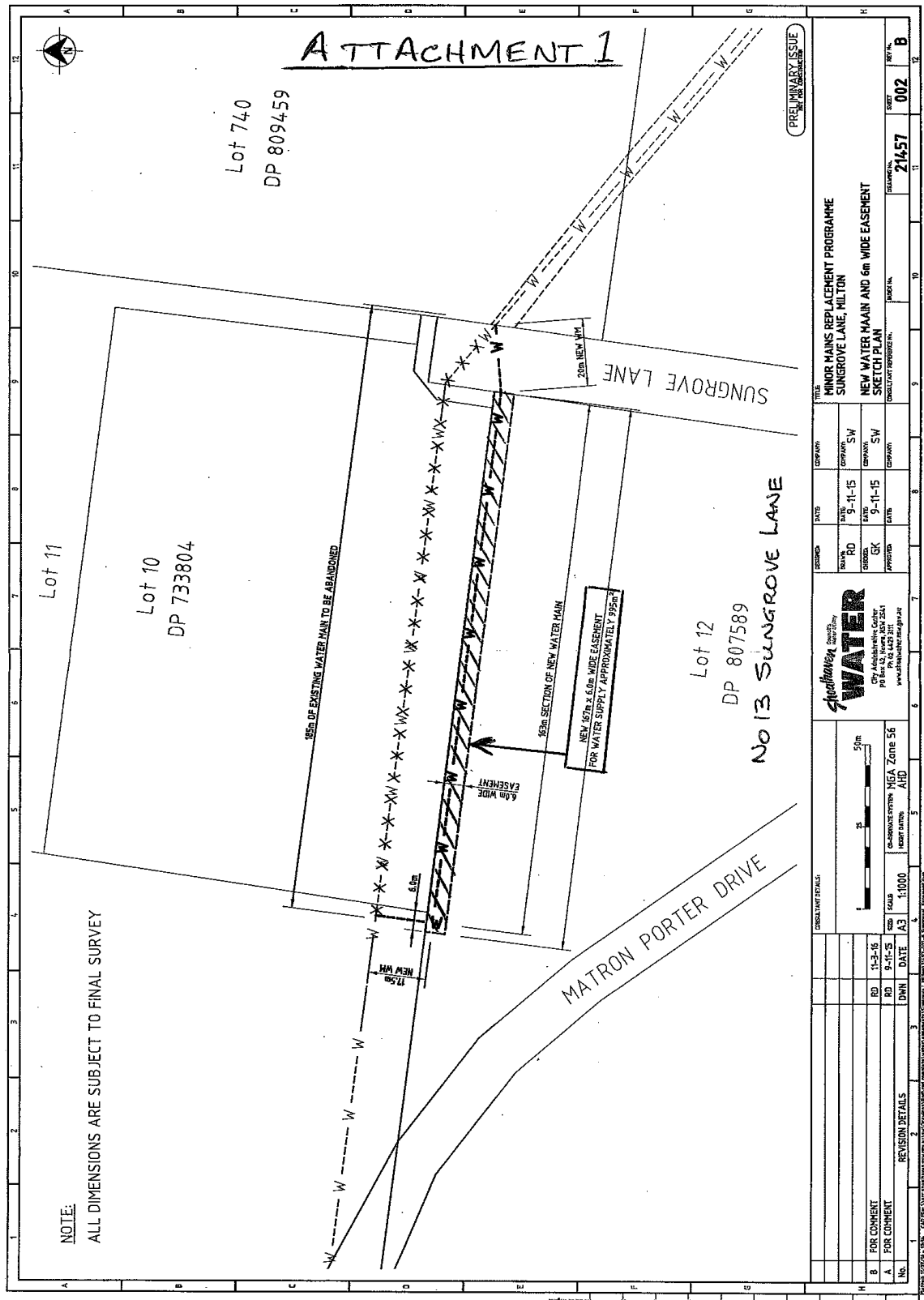
Financial Implications

The compensation and reasonable legal costs associated with the acquisition are to be funded from Council's Water Fund. GST is not applicable on the transaction.

Risk Implications

Acquisition of the easement is necessary to secure Shoalhaven Water's access for the operation and maintenance of essential public infrastructure.

The proposed action is administrative and has no environmental impact.



SA17.228 Request Connection to Town Sewerage System - 4 Reservoir Lane Cambewarra (DA17/1731)

HPERM Ref: D17/249018

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

Attachments: 1. Sketch Plan Pressure Sewer Works to Serve 4 Reservoir Lane Cambewarra [↓](#)

Purpose / Summary

Council is in receipt of an application for connection of a rural zoned property (Lot 1 DP 859479, No. 4 Reservoir Lane, Cambewarra) to its sewerage system. The property is zoned Rural (RU1) and therefore such a request must be assessed under its Rural Wastewater Connection Policy and in this instance determined by Council.

Recommendation (Item to be determined under delegated authority)

That Council approve the connection of Lot 1 DP 859479, 4 Reservoir Lane, Cambewarra to its sewerage system, by pressure sewer, subject to the applicant complying with all conditions specified on a Shoalhaven Water Development Application Notice for DA17/1731.

Options

1. Adopt the recommendation.

Implications: This is recommended as there is sufficient capacity in the Bomaderry Sewerage Scheme and the proposal is considered a minor development.

2. Council may choose not to permit the property to connect to the town sewerage system and require the property owner to continue using the existing septic system or upgrade to an appropriate on-site disposal system.

Implications: The property owner has disclosed a personal health issue with a family member. It is considered that a connection to town sewer would assist with the health of the family member.

Background

An application has been received from the owner of No. 4 Reservoir Lane, Cambewarra requesting connection of the existing & proposed development to the nearby town sewerage system. The subject property is located adjacent to the existing urban area of Cambewarra Village.

The property is zoned RU1 (Primary Production) and as such assessment is required in accordance with Council's Rural Wastewater Connection Policy (POL16/26). Council is therefore requested to consider this application and determine if connection to its sewerage system, by pressure sewer, is granted.

According to Council's GIS information, the existing residential dwelling was constructed in the early 1980's with an application for a septic tank being approved in 1999. Further additions to the existing dwelling were approved in 2003 and 2007.

The current application, DA17/1731, is for dwelling additions and alterations (including attached garage, new bedroom, rumpus room and deck) plus swimming pool.

Community Engagement

No community engagement is required.

Policy Implications

Assessment under the Rural Wastewater Connection Policy:

Council's policy provides for rural zoned properties to connect to the town sewerage system subject to compliance with Section 3.2 *Criteria For Determination of an Application for a Rural Property to Connect to Council's Sewerage System*, which states:

"Connection to Council's sewerage system will only be made available to rural properties upon written application in the following circumstances:

- *Where capacity exists in the existing system, and*
- *Where the current levels of service can be provided, and*
- *Where the property is paying the wastewater availability charge.*

Properties not paying the wastewater availability charge will only be considered for connection to Council's sewerage system if it is not possible to manage wastewater by on site treatment. Approval in this situation is subject to Council resolution."

Assessment in accordance with each of these criterion is outlined below:

1. Where capacity exists in the existing system

The proposed development is a single residential dwelling with shed and pool. The sewerage system does have capacity to support this existing and proposed development.

2. Where the current levels of service can be provided

A gravity connection is not possible as the subject property drains away from the existing gravity sewer system. The property can be serviced by pressure sewer compliant with current levels of service.

3. Where the property is paying the wastewater availability charge.

The property does not pay the wastewater availability charge.

4. Properties not paying the wastewater availability charge will only be considered for connection to Council's sewerage system if it is not possible to manage wastewater by on site treatment. Approval in this situation is subject to Council resolution.

As part of DA17/1731 the applicant submitted a report that states the existing septic tank and infiltration trenches is not considered suitable due to heavy clay subsoils, high rainfall and relatively small area of land available for surface irrigation.

Financial Implications

There is no negative financial implication to council. If approval is granted Council would benefit by way of the annual sewer availability charge (\$830.00 for 2017/18).

The development will be levied the Section 64 (Sewerage Service) Charge by way of a condition under the Shoalhaven Water Development Application Notice for DA17/1731. The development would be levied based on a minimum of one equivalent tenement loading. After applying the *Water and Sewerage Headworks Charges (Section 64 Contributions) – Assistance for Developments* policy the amount payable is \$2,084.75 (2017/18).

The developer would also be required to pay the full cost for a simplex pressure sewer unit. The minimum cost per Council's Fees and Charges is \$9,622.00 (2017/18).

In addition the developer will also be required to design and construct a pressure sewer main from No. 4 Reservoir Lane to manhole B10A/11 (located within the front of 79 Kooramunga Ave) including internal manhole works for the junction. The developer will need to obtain written approval from this land owner to have a junction connection.

A request for a quotation from Shoalhaven Water for the proposed works (at their full cost) may be possible should there be capacity in the current Shoalhaven Water Operations Section program.

Sewerage Works Required:

In order to connect the property to Council's sewerage system by way of pressure sewer, the design and construction work involves:

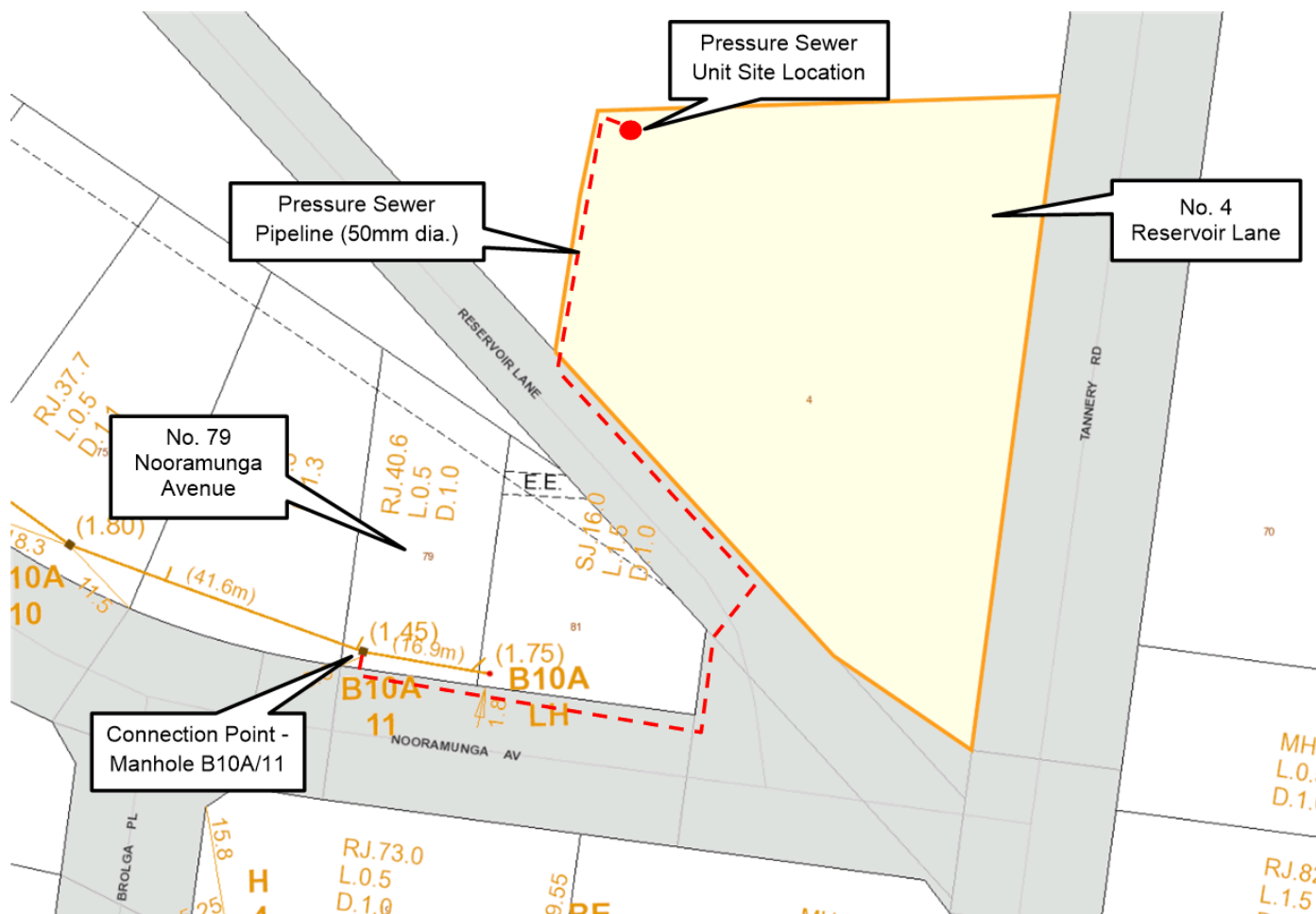
- the on-site pressure sewer unit, boundary kit and control panel, and
- approximately 140 metres of DN50mm diameter pipe (from manhole B10A/11 located at the front of 79 Kooramunga Ave, extending to No. 4 Reservoir Lane), and
- a road underbore (Reservoir Lane), and
- two driveway underbores (No.'s 79 & 81 Kooramunga Ave), and
- manhole junction (including internal works)

Negotiation will be required between the owner of the subject property and the owner of 79 Kooramunga Ave for access to connect to the existing sewer manhole. The subject property is connected to Council's town water supply.

In addition the developer will need to obtain written approval for works with the road reserves of Kooramunga Ave and Reservoir Lane).

Risk Implications

The property owner has disclosed personal health issue with a family member. It is considered that a connection to town sewer would assist with the health of the family member.



Sketch Plan of Pressure Sewer Works to Serve No. 4 Reservoir Lane Cambewarra

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.