

Ordinary Meeting

Meeting Date: Tuesday, 28 November, 2017
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

Membership (Quorum - 7)
All Councillors

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. **Acknowledgement of Traditional Custodians**
2. **Opening Prayer**
3. **Australian National Anthem**
4. **Apologies / Leave of Absence**
5. **Confirmation of Minutes**
 - Ordinary Meeting - 24 October 2017
6. **Declarations of Interest**
7. **Presentation of Petitions**
8. **Mayoral Minute**
9. **Deputations and Presentations**
 - Presentation of the 2016/2017 Annual Financial Statement and Audit Report
10. **Notices of Motion / Questions on Notice**

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CL17.299 Rescission Motion - SA17.279 - Donation Request - Shoalhaven Heads Chamber of Commerce & Tourism - New Years Eve Fireworks

HPERM Ref: D17/389584

Submitted by: Clr Greg Watson
Clr Mitchell Pakes
Clr Mark Kitchener

Purpose / Summary

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

Recommendation

That Council rescind the Motion relating to Item SA17.279 of the Council Meeting held on 21 November 2017.

Background

The following resolution was adopted at the Strategy & Assets Committee held Tuesday 21 November 2017 (MIN17.980).

That this matter be deferred until a briefing can be held on the unallocated donations budget.

CL17.299

CL17.300 Notice of Motion - Donation Request - Shoalhaven Heads Chamber of Commerce & Tourism - New Years Eve Fireworks

HPERM Ref: D17/389619

Submitted by: Clr Greg Watson
Clr Mitchell Pakes
Clr Mark Kitchener

Purpose / Summary

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

Recommendation

That Council donates \$1500 to the Shoalhaven Heads Chamber of Commerce for a New Years Eve Fireworks event.

Note by the General Manager

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

CL17.300

CL17.301 Notice of Motion - Speed Limits - Passing Emergency Vehicles

HPERM Ref: D17/364530

Submitted by: Clr Nina Cheyne

Purpose / Summary

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

Recommendation

That Shoalhaven City Council demonstrate support for "A new road rule in NSW to require other road users to slow to 40km/h when passing emergency vehicles stopped at an emergency incident. This is the law in Victoria and SA. We need to protect emergency workers in NSW".

Background

Shoalhaven City Council have the ability to also show leadership when it comes to safety. I strongly urge Councillors to support this motion to provide local awareness and support legislation to enable safety for our emergency services personnel and the community across NSW.

Wollondilly Council have shown their support for the introduction of a "Slow Down and Move Over" legislation in NSW to protect and improve the safety of our emergency services workers. This is legislation that should be introduced into NSW ever since Victoria introduced it into their state's road rules on 1st July 2017 which followed on from the South Australian law which states that motorists must in fact slow to 25 km/h.

<http://www.dailytelegraph.com.au/newslocal/macarthur/wollondilly-council-calls-nsw-government-to-enforce-caution-near-emergency-vehicles/news-story/fdcca2ddbac29664c03ac5db08d2d7b?login=1<redir.aspx?REF=F-zRzRAFAKetHxd6G7TXDvokYDYvsEh9PgvdNQJVfCv6RY7haBjVCAFodHRwczovL3Byb3RlY3QtYXUubWltZW50L3QuY29tL3MvbmJwNEJkaUx4Ym5zND9kb21haW49ZGFpbHI0ZWxlZ3JhcGquY29tLmF1>>

To date there has not been any success in gaining support from the NSW Roads Minister and I am worried it is only a matter of time before an avoidable accident will occur.

It has been requested by community to ask whether the Shoalhaven City Council would also be prepared to show their support for this important safety issue and follow Wollondilly's lead and write to the Premier Gladys Berejiklian, Roads Minister Melinda Pavey, and the RMS advocating for this new legislation. Other Local Government Councils support this legislation and they too have agreed to write in support of this issue.

Link below shows public support gathered to have this legislation introduced:
<https://goo.gl/tMZ1Ka>

Note by the General Manager

This request appears consistent with other similar initiatives such as;

- 40kph speed zones at work sites when working on or adjacent to our roads

- 40kph around school buses when they are picking up/dropping off children

Perhaps the motion could benefit from the following **additional** wording;

That Shoalhaven City Council demonstrate support for “A new road rule in NSW to require other road users to slow to 40km/h when passing emergency vehicles stopped at an emergency incident **with warning lights flashing**. This is the law in Victoria and SA. We need to protect emergency workers in NSW”.

CL17.302 Notice of Motion - SEATS Princes Highway Petition

HPERM Ref: D17/386362

Submitted by: Cllr Patricia White

Attachments: 1. Petition [↓](#)

Purpose / Summary

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

Recommendation

That Council

1. Endorse the SEATS Petition to the Federal Government supporting the recognition of the Princes Highway, East of Sale Victoria to Wollongong NSW, as a Road of national importance and be recognised under The National Land Transport Network Act 2014.
2. Distribute and collect signatories for the Petition from December 2017 until end of February 2018.
3. Return completed Petitions to the CEO of SEATS on 1 March 2018.

Background

At the SEATS Meeting in Lakes Entrance, Members supported a discussion on the importance of the Federal Government being aware of the ongoing needs of the Princes Highway from Wollongong to East of Sale.

The Petition (copy attached) to the Federal Government has now been prepared and approved by the SEATS Committee and it has been requested that all Councils in the SEATS area endorse the Petition, distribute and collect signatories over the next four months.

Australia's regions contribute substantially to the nation's growth and prosperity. The South-East Australian Region embraces south east NSW, eastern Victoria and the Australian Capital Territory and is bounded by the Hume Highway corridor between Sydney and Melbourne and the coastal strip between Wollongong and Westernport Bay.

It is a large region of nearly two million people, one of the fastest growing regions in Australia. It is rich in primary resources, has a skilled workforce, wonderful natural assets and an enormous potential which improvements to transport infrastructure would undoubtedly unlock. Inadequate transport infrastructure has long been identified as a major impediment to the growth and prosperity of this important region.

On behalf of the communities across this region served by the members and delegates of SEATS we believe it is time to actively pursue this recognition of the Princes Highway, East of Sale Victoria to Wollongong NSW, as a Road of national importance and be recognised under The National Land Transport Network Act 2014. First and foremost the SEATS cross-border membership provides a collective, united voice to all levels of Government to show that this region of Australia is working as one to improve transport infrastructure. This

recognition would help secure the provision of necessary additional funding for the planning and delivery of new infrastructure, maintenance of existing infrastructure and the provision of important safety upgrades.

This region presents some major opportunities and improved funding is vital to its growth and prosperity. Whilst there has been some welcomed investment in the expansion and improvements of the network in some parts of the region much more is needed in the near future. With the substantial residential growth in Melbourne and Sydney and along the Princes Highway corridor the efficient and safe movement of freight and people has become even more important. In support of this action a quarter of the nation's vegetables are grown in the Lindenow Valley, near Bairnsdale in Victoria, much of the nation's milk supply comes from this region and there are many more examples of increased industry activity which means even more movement on this main route as goods are transported to markets. As a recognised alternative tourist route and destination coupled with the number of those enjoying "sea change" there has been a significant increase in the movement on this highway network, some parts of which are in need of immediate attention. The eight Councils within this area are Wollongong, Shellharbour, Shoalhaven, Eurobodalla, Kiama, Bega Valley, East Gippsland and Wellington and they are vastly impacted by the regular influx of these tourists.

The responsible members of SEATS continue to strongly advocate for this recognition of the importance of the Princes Highway and the provision of urgent funding for the betterment of our communities, industry and business. The Hume Highway in comparison has received substantial funding over many decades, predicated on this movement of freight and people, industry activity and growth and now we believe it is time to provide the same opportunities to those who use the Princes Highway.

CL17.302

TO THE HONOURABLE SPEAKER, MEMBERS OF THE SENATE AND MEMBERS OF THE HOUSE OF REPRESENTATIVES

This petition draws your attention to the poor condition of sections of the Princes Highway East of Sale (Victoria) to Wollongong (New South Wales) and the need for urgent and ongoing funding by the Australian Government.

We request the Princes Highway be recognised as a major freight & tourist route of the region and official recognition under “The National Land Transport Network Act , 2014”, to help secure additional funding for much-needed road surfacing, shoulders and safety upgrades including aged bridge replacements.

PRINCIPAL PETITIONER **South East Australian Transport Strategy Inc. (SEATS)**

Signature: *J.Duscher* John Duscher (SEATS Executive Officer)

Address: 36 Turner Street, Wonthaggi Victoria 3995 Email: admin@seats.org.au

Telephone: 03 5672 1072 Mob 0488026435

NAME	ADDRESS	SIGNATURE
Please return by 1st March 2018 to J.Duscher, 36 Turner St. Wonthaggi, Vic. 3995		

CL17.302 - Attachment 1

Support for the Request

Australia's regions contribute substantially to the nation's growth and prosperity. The South-East Australian Region embraces south east NSW, eastern Victoria and the Australian Capital Territory and is bounded by the Hume Highway corridor between Sydney and Melbourne and the coastal strip between Wollongong and Westernport Bay.

It is a large region of nearly two million people, one of the fastest growing regions in Australia. It is rich in primary resources, has a skilled workforce, wonderful natural assets and an enormous potential which improvements to transport infrastructure would undoubtedly unlock. Inadequate transport infrastructure has long been identified as a major impediment to the growth and prosperity of this important region.

On behalf of the communities across this region served by the members and delegates of SEATS we believe it is time to actively pursue this recognition of the Princes Highway, East of Sale Victoria to Wollongong NSW, as a Road of national importance and be recognised under The National Land Transport Network Act 2014. First and foremost the SEATS cross-border membership provides a collective, united voice to all levels of Government to show that this region of Australia is working as one to improve transport infrastructure. This recognition would help secure the provision of necessary additional funding for the planning and delivery of new infrastructure, maintenance of existing infrastructure and the provision of important safety upgrades.

This region presents some major opportunities and improved funding is vital to its growth and prosperity. Whilst there has been some welcomed investment in the expansion and improvements of the network in some parts of the region much more is needed in the near future. With the substantial residential growth in Melbourne and Sydney and along the Princes Highway corridor the efficient and safe movement of freight and people has become even more important. In support of this action a quarter of the nation's vegetables are grown in the Lindenow Valley, near Bairnsdale in Victoria, much of the nation's milk supply comes from this region and there are many more examples of increased industry activity which means even more movement on this main route as goods are transported to markets. As a recognised alternative tourist route and destination coupled with the number of those enjoying "sea change" there has been a significant increase in the movement on this highway network, some parts of which are in need of immediate attention. The eight Councils within this area are Wollongong, Shellharbour, Shoalhaven, Eurobodalla, Kiama, Bega Valley, East Gippsland and Wellington and they are vastly impacted by the regular influx of these tourists.

The responsible members of SEATS continue to strongly advocate for this recognition of the importance of the Princes Highway and the provision of urgent funding for the betterment of our communities, industry and business. The Hume Highway in comparison has received substantial funding over many decades, predicated on this movement of freight and people, industry activity and growth and now we believe it is time to provide the same opportunities to those who use the Princes Highway.

CL17.303 Notice of Motion - Holiday Haven Tourist Parks - Customer & Visitor Parking

HPERM Ref: D17/387841

Submitted by: Cllr Kaye Gartner

Purpose / Summary

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

Recommendation

That Council receive a report on the management and/or policies pertaining to customer and visitor parking within the Holiday Haven Tourist Parks, including during peak seasons. The report should include both parking onsite within parks and off site. The report should include any information provided to customers regarding parking at Holiday Haven Tourist Parks.

Background

Holiday Haven Tourist Parks attract many visitors to the Shoalhaven. Councillors are aware of problems with car parking in many villages popular with tourists. It will be useful to know how Holiday Haven manages the issue of their customer's car parking. Are there any impacts on community amenity and safety that need further attention?

CL17.303

CL17.304 Notice of Motion - Australia Day

HPERM Ref: D17/387772

Submitted by: Cllr Mitchell Pakes

Purpose / Summary

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

Recommendation

That Council write to the state government requesting them to amend the Local Government Act to:

1. Ensure January 26th continues to be recognised as Australia Day by making it an obligation.
2. That local councils hold citizenship ceremonies as part of the Australia Day celebrations.
3. Despite the outcome of writing to the state government, Shoalhaven City Council ensure our community that Australia Day will be continuing to be celebrated in the Shoalhaven on January the 26th.

Background

In present-day Australia, celebrations reflect the diverse society and landscape of the nation and are marked by community and family events, reflections on Australian history, official community awards and citizenship ceremonies welcoming new members of the Australian community.

Note by the General Manager

The public holiday of Australia Day in NSW is set under Section 4 of the Public Holidays Act 2010 NSW.

At the present time the Local Government Act does not include any provisions relating to Australia Day or Citizenship ceremonies. The Australian Citizenship Act 2007 and the Australia Citizenship Regulation 2016 outline requirements and provisions for the holding of Citizenship ceremonies.

Should in the future January 26 no longer be proclaimed as a public holiday in NSW, Council may make an application to have a local public holiday declared under the Public Holidays Act.

The Australia Day Awards & Citizenship Ceremony have been held at varying locations and dates leading up to or on Australia Day. The events in the last three years have been held at the SEC and Ulladulla Civic Centre.

The Australia Day Awards & Citizenship Ceremony was changed from the actual day as staffing costs on a public holiday were prohibitive, and it followed the lead of many other local areas.

Below is a list of the Awards/Citizenship ceremonies date & location for 2011 to 2017:

- 2011 - Held on 24 January at SEC – Awards & Citizenship Ceremony – Mayor Green
- 2012 - Held on 23 January at SEC – Awards & Citizenship Ceremony – Mayor Green
- 2013 - Held on Australia Day at the Nowra Showground with Citizenship – Awards & Citizenship Ceremony – Mayor Gash
- 2014 - Held on Australia Day at the Nowra Showground with Citizenship – Awards & Citizenship Ceremony – Mayor Gash
- 2015 – Held on 22 January at SEC – Awards & Citizenship Ceremony – Mayor Gash
- 2016 – Held on 21 January at Ulladulla Civic Centre – Awards & Citizenship Ceremony – Mayor Gash
- 2017 - Held on 25 January at SEC – Awards & Citizenship Ceremony – Mayor Findley

There are various Celebration events held on Australia Day throughout the Shoalhaven which are run by community groups, the major events being in Nowra and Ulladulla. Council donates funds towards the running of these events and expressions of interest are called each year.

- 2011 – Sussex Inlet (Lions Club) & Ulladulla (Lions Club) - \$10,100 shared
- 2012 – Callala Bay (Callala Bay Progress Association), Nowra (Nowra City Church), Ulladulla (Lions Club) - \$19,500 shared - Sussex Inlet (Lions Club) donation not claimed
- 2013 - Nowra (Nowra City Church), Ulladulla (Lions Club) - \$18,000 shared – Sussex Inlet & Callala Bay, donations not claimed
- 2014 – Berry (Rotary Club), Callala Bay (Callala Bay Progress Association), Ulladulla (Lions Club), Nowra (South Nowra Rotary Club) - \$20,000 shared
- 2015 – Berry (Rotary Club), Callala Bay (Callala Bay Progress Association), Ulladulla (Lions Club), Nowra (South Nowra Rotary Club) - \$20,000 shared
- 2016 - Berry (Rotary Club), Callala Bay (Callala Bay Community Association), Ulladulla (Lions Club), Nowra (South Nowra Rotary Club) - \$20,000 shared – Further funds voted from unallocated donations to South Nowra Rotary Club (\$8576)
- 2017 – Berry (Rotary Club), Callala Bay (Callala Bay Community Association), Ulladulla (Lions Club), Nowra (South Nowra Rotary Club) - \$28,576 shared

CL17.305 Notice of Motion - Solar Installations on Council Owned Community Buildings

HPERM Ref: D17/387790

Submitted by: Cllr Mitchell Pakes

Purpose / Summary

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

Recommendation

That staff report to Council on:

1. Possible costs to install solar panels to council owned community buildings
2. Possible ways council could work in partnership with community groups to install solar panels to reduce community group's power costs.
3. Possible funding options in the 2018/2019 budget.

Background

I have had a number of community members contact me concerned about the large cost involved with the installation of a single asset being a solar farm.

I have spoken to many community groups about the possibility of a council run program helping community groups install solar panels and over 90% of groups have indicated they would be interested.

Council has a large amount of community buildings owned by council throughout the city, (Community halls, Fire stations, toilet blocks, Surf Clubs, sports sheds and facility's.

This is a program that would reduce power bills and assist community groups and work towards a sustainable future.

Note by the General Manager

A part time staff resource will be available in early 2018 to assist Council asset managers with efficient energy management practices. If council sees the priority for this resource to work with the interested community groups on solar installations then council can set that direction.

May be worth identifying the top five Community Buildings with respect to their power usage and develop a report that looks at the cost to install solar panels on each of these buildings and the likely payback for each installation. The outcome of this report can then help decide if it is worth repeating the exercise on a wider scale.

CL17.306 Notice of Motion - 'Old' Nowra Bridge

HPERM Ref: D17/387807

Submitted by: Clr Andrew Guile

Purpose / Summary

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

Recommendation

That Council

1. Expresses its appreciation for the Member for Gilmore consulting the Shoalhaven Community on the future of the 'old' Nowra bridge.
2. Requests the Member for Gilmore to make a commitment of funding in line with her own promise to keep the bridge so that it might be maintained for the future;
3. Makes it clear to all elected members and the Shoalhaven community that Council is not in a financial position to assume responsibility for this asset into the future without the need to make application for a specific purpose levy on rates.

Note by the General Manager

No agreement has been reached with State RMS at this point.

The current bridge falls under the authority of the Roads & Maritime Authority (RMS), and as such the RMS has responsibility to identify and fund all maintenance and rehabilitation works.

Council is not aware of any plans by RMS to hand over the asset to Council, and not aware of how the RMS plans to manage the bridge into the future (ie deconstruct or remove) once the third crossing is complete.

CL17.306

CL17.307 Notice of Motion - Letter of Condolence - The Late John Dale

HPERM Ref: D17/387698

Submitted by: Cllr Patricia White

Purpose / Summary

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

Recommendation

That Council write a letter of Condolence to the family of John Dale from Currarong and acknowledge the outstanding work John carried out for his community with Council.

Background

Recently John Dale from Currarong passed away. John was an actively long term member of the Currarong Progress Association & CCB serving in positions of Vice President and as an Association member.

John engaged with Council on many committees including Coastal Management Committee, volunteered for Currarong meals on wheels and was a delegate to the Culburra and Districts Health Committee.

John worked tirelessly on many community projects including the Regional Boat ramp at Currarong, the boat ramp light and extension to the walkway on the ramp. He was also regularly in contact with Council staff and/or Councillors with ideas and requests and when required the Local State Member.

The Currarong Progress Association has resolved that a plaque be placed in the Community Hall recognising Johns' contribution to the local community.

I recommend that Council also acknowledge the tireless voluntary work carried out by John Dale for many years in Currarong.

CL17.307

CL17.308 Notice of Motion - Ulladulla Milton Lions Club - Premises

HPERM Ref: D17/386782

Submitted by: Cllr Patricia White

Purpose / Summary

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

Recommendation

That Council

1. Approve Ulladulla Milton Lions Club to construct new premises on a Council owned parcel of operational land being Lot 273 DP415059 Burrill Lake. (Next to Burrill Lake Hall).
2. Support Ulladulla Milton Lions Club with the necessary Survey requirements (if any) and DA requirements/costs.
3. Discuss options with the Ulladulla Milton Lions Club for leasing or license of the subject land.

Background

Ulladulla Milton Lions Club has been looking for new premises to store their equipment in since the closure of their premises in Burrill Lake by the RMS for the new bridge over 4 years ago.

To date, the RMS have paid for the leasing of an industrial unit in Kings Point for the Lions Club to store equipment, however, the lease with RMS must be finalised once the construction works on the new bridge are completed.

Numerous requests have been made to Council from the Lions Club and The Hon Shelley Hancock MP for assistance in finding new premises. There have been two Council locations and one Crown Lands location identified previously for construction of their facility, but to no avail, as they have been unsuitable for various reasons.

Staff have identified and confirmed that the land beside the Burrill Lake Hall would be suitable for construction of premises for the Lions Club.

The Lions Club have the funding required to construct the facility. As Council is the owner of the land Council will be required to consent to the DA application.

Furthermore, the Lions Club understand that it will be a requirement for them to enter into a lease or license over the subject land and there will be an annual charge.

Approval is now sought from Council.

CL17.308

Note by the General Manager

Planning Environment & Development Group

Council's adopted Policy (POL17/10) allows exclusion for certain applicants / organisations from the payment of fees associated with Development Applications (DAs), Construction Certificates (CCs) and applications under section 68 of the Local Government Act 1993, subject to certain exemption criteria. The exemptions include being a community group, registered within Council's Community Services Directory. The Lion's Club is included.

Under the policy, the sum of all of the fees, excluding prescribed notification and archive fees, associated with either a DA or CC application does not exceed \$1,500 or, in the case of a proposal requiring both DA and CC, the total of all fees do not exceed \$2,000.

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

Applicants/ organisations who do not meet the exemption criteria must pay the scheduled fees upon lodgement of an application and may apply for reimbursement in accordance with clause 2.4.

Clause 2.4 states:

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

Link to Policy - <http://doc.intranet/displaydoc.aspx?record=POL17/10>

Assets & Works Group

Only approval in principal to the proposal can be provided via this NoM, each will need to be reported either jointly or under separate cover once the correct planning, development or property approval processes have been followed.

The Property Unit can commence negotiations with the Lions Club for a ground licence with the permissible use being a storage shed almost immediately as the land is classified "operational" and therefore no public notification period is required.

The approval for the construction of the storage shed however will need to be via a Development Application.

Also, it is recommended the Lions Club avail themselves of the facilities in the adjoining community hall for meetings, kitchen and ablutions to save time and construction costs.

The following wording is suggested

That Council

1. Provide in principal support to the Ulladulla Milton Lions Club for the construction of new premises on a Council owned parcel of operational land being Lot 273 DP415059 Burrill Lake. (Next to Burrill Lake Hall).
2. Support Ulladulla Milton Lions Club with the necessary Survey requirements (if any) and DA requirements/costs.
3. Discuss options with the Ulladulla Milton Lions Club for leasing or license of the subject land.

CL17.309 Notice of Motion - Bendalong Boat Harbour Reserve Area & Stormwater Issues

HPERM Ref: D17/386808

Submitted by: Cllr Patricia White

Purpose / Summary

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

Recommendation

That Council

1. Acknowledge and Support the Red Head Villages in their endeavours to address the infrastructure issues in and around Bendalong Boat Harbour.
2. Brief Councillors on Council's proposed Masterplan for Bendalong Boat Harbour.
3. Investigate and report back to Council on funding options for the proposed Masterplan developed by Council for Bendalong Boat Harbour which should include options of:-
 - a. Crown Land Loan Funding;
 - b. Crown Land Grants;
 - c. NSW Government Community Infrastructure Grants;
 - d. Tourist Grants;
 - e. Council loans; and
 - f. Other funding options.
4. Consider a timeframe for funding of the proposed Masterplan for Bendalong Boat Harbour.

Background

On Friday 17 November 2017 a meeting was held between Red Head Village Association Executive Committee, The Hon Shelley Hancock MP, the Mayor; Ward 3 Councillors Proudfoot, Kitchener, Gartner and White, the General Manager, Phil Costello, Cathy Bern, and Peter Knill to discuss ongoing issues at Bendalong Boat Harbour Reserve area, stormwater issues and other matters concerning Bendalong and Manyana.

Council has prepared a proposed Masterplan for the Bendalong Boat Harbour area to provide shared pathways; additional parking; BBQ areas; Shade shelters etc. and to address the storm water issues on the beach and boat ramp areas only.

The proposed Masterplan requires funding which is not included in any forward budgets of Council. A request has been made that Council consider applying for Crown Land Loan funding to address the funding issues of the proposed Masterplan and Stormwater for the Boat Harbour area.

The Bendalong Manyana area has been very popular with Tourists over recent years and the current infrastructure does not cope with this increase along with local and Shoalhaven residents utilising this beautiful area.

At the meeting the Executive Committee highlighted the increased visitation to Holiday Haven's Tourist park; day visitors, Shoalhaven and local residents utilising the facilities and the illegal campers. Holiday Haven is required to allocate profits to Crown Reserves and the areas around Boat Harbour are Crown Reserves and utilised by tourist to the Tourist Park. The Red Head Village Association does not have any issues with the Tourists only with the Infrastructure issues and erosion.

There are major erosion problems caused by stormwater together with long queues of people using the toilet facilities, BBQ's, shelters, inadequate car parking areas, no shared pathways, traffic safety issues etc. The proposed Masterplan has addressed these issues; Council has recognised the issues by preparing this plan.

Council needs to investigate the funding options as the problems will only increase.

However, it is also acknowledged that this is not the only village in the Shoalhaven experiencing these problems. Council also needs to address a 10 year Plan for all villages located in the Coastal areas experiencing the same issues.

Note by the General Manager

Environmental Services have been working with Asset and Works to develop a Master Plan for the Boat Harbour Reserve – Bendalong following damage to the beach during the June 2016 East Coast Low. Following this storm Council undertook beach scraping or NABE (Nature Assisted Beach Enhancement) to repair the erosion caused by the storm. Council has also undertaken some minor landscape works including installing rock barriers to prevent vehicles driving onto the Midden sites. Following this initial storm repair works Council has undertaken the following:

1. Preparation Draft Master Plan complete and publicly exhibited. Comments collated - D17/176976 – Sept 2016 to present
2. Coastal hazard assessment (Advisian) complete – D17/176976 - June 2017
3. Stormwater design (MIEngineers) with Council and being reviewed by assets and works and Holiday Haven – D17/305329 – August 2017
4. Final draft of the Master Plan not yet prepared – need for staff agreement on some items, including which section of Council will be the 'manger/driver' of the project and what is to happen with the two boat ramps. It will then go back to the landscape architects for final edits. When the final plan is ready, a report will be prepared for the NRMFMC. It will include the storm water plan and the coastal engineer's report as accompanying documents. It will then be then be passed onto Council.
5. The AHIP is with OEH waiting on approval.
6. Council has also prepared an Aboriginal Cultural Heritage Assessment – Which has been submitted to NSW OEH along with the AHIP

Currently the storm water is having the largest impact on the beach and reserve erosion, Lack of budget is limiting. There is still an outstanding issue of the boat ramp in the MAP, as the community want 2 ramps kept however they do not meet Australian Standards with parking space if the 2 ramps are kept.

We are continuing to investigate grant funding options for implementation of the MAP and storm water plan.

CL17.310 Notice of Motion - Bendalong / Manyana Area - Crown Land Reserves

HPERM Ref: D17/388219

Submitted by: Cllr Bob Proudfoot

Purpose / Summary

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

Recommendation

That Council prepare a report on the capacity of Holiday Haven profits being used for the upgrade of infrastructure on Crown Land Reserves in the Bendalong/Manyana area.

Note by the General Manager

Within Chapter 5 of council's adopted integrated Strategic Plan the distribution of all revenues from Holiday Haven and other facilities on Crown Lands is shown. Operating and Capital expenditures exceed the total revenues by an estimated \$1.8M for the year – see below. To enable further expenditures in the Bendalong/Manyana area is possible by reprioritising and deferring works in another location. A report can be brought back to council with more details and options to achieve this objective.

Crown Land Estimated Income and Expenditure 2017/18

Operating Income		Capital Works - Revenue Funded	
Cemeteries	\$1,832,946	Cemeteries	\$129,780
Communications and Electrical	\$787,892	Council Buildings and Property	\$1,954,800
Council Buildings and Property	\$162,470	Parks and Reserves	\$271,240
Parks and Reserves	\$189,633	Swim and Fitness	\$137,700
Swim and Fitness	\$1,399,797	Tourist Parks	\$3,557,471
Tourist Parks	\$23,058,451	Waterways, Coastal and Floodplain	\$597,947
Waterways, Coastal and Floodplain	\$121,331		\$6,648,938
	<u>\$27,552,520</u>		
Operating Expenditure			
Cemeteries	\$1,531,963		
Communications and Electrical	\$371,998		
Council Buildings and Property	\$1,096,970		
Parks and Reserves	\$1,914,719		
Swim and Fitness	\$2,544,476		
Tourist Parks	\$14,633,834		
Waterways, Coastal and Floodplain	\$692,581		
	<u>\$22,786,540</u>		
		Total Cost to Shoalhaven City Council for maintaining and operating crown reserves	<u><u>\$1,882,958</u></u>

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CL17.311 Notice of Motion - Camping areas - Lake Conjola National Park / Bendalong

HPERM Ref: D17/388266

Submitted by: Cllr Kaye Gartner

Purpose / Summary

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

Recommendation

That Council

1. Explore the possibilities of negotiating with other Agencies to create provisions for free or low cost camping in or around the Lake Conjola National Park and/or Bendalong during peak tourist season, for specific events and at other times that may-be identified.
2. Council's tourism staff organise a meeting with relevant Agency representatives to discuss the increase in demand for free or low cost camping and investigate solutions.
3. Council receive the report by March 2018

Background

At a meeting (Friday 17/11/17) of Red Head Villages community representatives, Ms Shelley Hancock MP, Mayor Findley and Ward 3 Councillors, the many problem impacts of tourism in the Red Head Villages were discussed at length.

The meeting heard:

"The number of people camping in parks and reserves is on the increase. The majority of these seem to be backpacker types and those who don't want and/or can't afford the accommodation being offered by camping and caravan parks like the Holiday Haven Tourist Parks in the Shoalhaven."

The problems of campers in tents and vans – in reserves, in carparks, in the bushland - was discussed at length. Councillors were made aware of the problem on a recent tour of the Villages.

We heard how the problem has escalated in recent years as social media links invite people to congregate in ever larger numbers. The community has identified the safety risks and the fire risks, as well as the amenity reduction that this camping creates for campers, other tourists and residents alike.

This meeting will begin the discussions that will allow a solution to emerge.

CL17.312 Question on Notice - Tree Removal on Council Land

HPERM Ref: D17/387861

Submitted by: Cllr Kaye Gartner

Question

1. How is a tree on council land identified as being at risk?
2. Is tree survival ever prioritised over tree removal?
3. Is the tree's role in providing for bird roosting and animal habitat now and into the future considered before removal?
4. Is cutting to the stump the only option for tree removals?
5. How does council communicate the value of trees to human health and wellbeing to our community?
6. Is council monitoring the health of the unique avenue of mature trees along Elizabeth Drive, Vincentia?
7. Is the scheduled replacement tree planting for Elizabeth Drive and Saumarez St using the same species of tree to maintain the stand of large, broad canopied trees currently along Elizabeth Drive, east of Caroline St?

Response

Council's Tree Management Policy (POL14/58) provides guidance on how trees on public land are managed.

1. *How is a tree on council land identified as being at risk?*

Council has trained and experienced Arborists that assess trees on a risk management basis. A tree is given a risk rating, considering consequence and likelihood of failure. Trees (or limbs) assessed as being high risk are removed.

2. *Is tree survival ever prioritised over tree removal?*

When appropriate and when staff consider the situation is suitable, consideration is given to either pruning or reducing the canopy to reduce the risk, then mulching and excluding the public from the area. This is sometimes possible in parks and reserves, but not in roads. It is not appropriate to leave a tree in a public area if it is assessed as high risk of failure and there is no means to manage this risk.

3. *Is the tree's role in providing for bird roosting and animal habitat now and into the future considered before removal?*

Yes, part of the assessment is considering the habitat value of the tree, although risk to the general public and residents is always given priority. Where it is possible that wildlife may be using the tree as habitat and the tree needs to be removed due to risk, either a Representative of the Native Animal Network Association (N.A.N.A) or Wildlife Rescue South Coast is engaged to be on site during the tree removal process (see Tree Management Policy, 4.10).

4. *Is cutting to the stump the only option for tree removals?*

Arborists will take the most appropriate action to manage risk of the tree to property and life. Sometimes it is appropriate to reduce the canopy and retain the tree.

5. *How does council communicate the value of trees to human health and wellbeing to our community?*

Council's commitment to tree replacement is stated in the Tree Management Policy (Clause 4.9). Tree planting each year is encouraged as part of National Tree Day for school children and the broader community. Council staff engage with both the public and school children to encourage tree planting. Council prepare media releases, E newsletters and social media posts to promote the event.

6. *Is council monitoring the health of the unique avenue of mature trees along Elizabeth Drive, Vincentia?*

Council receive several requests each year to inspect the various Eucalypts on Elizabeth Drive. Staff assessing trees on public land are aware of the significance of the remnant Eucalypts along Elizabeth Drive on the road verge.

7. *Is the scheduled replacement tree planting for Elizabeth Drive and Saumarez St using the same species of tree to maintain the stand of large, broad canopied trees currently along Elizabeth Drive, east of Caroline St ?*

The replacement species, Water Gum, matches other recent plantings in the area. These are considered a more appropriate street tree and consistent with Council's Town Street Planting Strategy (adopt by Council 17 October 17).

CL17.313 Report of the Strategy & Assets Committee - 21 November 2017

HPERM Ref: D17/390105

SA17.271 Notice of Motion - Illegal Camping - Red Head Villages Beaches

HPERM Ref:
D17/372670

Recommendation

That Council take immediate action to inhibit illegal and destructive camping on Red Head Villages beaches and reserves 2017-18 summer season by:

1. Hiring 2 mobile roadside signs as currently in use on roadworks at Bendalong road for period December 1 to January 31.
2. Placing the signs at suitable locations on Bendalong Rd
3. Program messages to be on display 24/7 like
 - a. Prebooked camping only beyond this point. To book a campsite visit www.bendalongpoint.holidayhaven.com.au/
 - b. Rangers patrol these communities. Prebooked camping only. Fines apply. www.bendalongpoint.holidayhaven.com.au/
4. Council ask RHVCF to survey the community at regular intervals during this period to provide data for evaluation of these deterrents to illegal, unsafe camping.
5. The General Manager in consultation with the Red Head Villages Association, organise for the installation of 4 portable toilets from 22 December for 2 weeks and an optional week in the Red Head Villages area.

Note by the General Manager:

Cost for the portable toilets (including cleaning & pump out) for a 2 week period is approx \$4,000.

SA17.278 Grant Funding - Staying Active Program - Shoalhaven Swim & Fitness

HPERM Ref:
D17/350667

Recommendation

That Council:

1. Accept the Aquatic & Recreation Institute (ARI) of Australia's offer of \$8,800 (GSTinc) grant funding to enable Shoalhaven Swim & Fitness Centres to host the Institute's Staying Active Program at Nowra Aquatic Park and vote the funds accordingly.
2. Write to the Aquatic & Recreation Institute to thank them and accept the grant offer.

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SA17.282 September 2017 - Quarterly Budget Review**HPERM Ref:
D17/375179****Recommendation**

That Council:

1. Receive the September Quarterly Budget Review information
2. Adopt the adjustments, including movements to and from Reserves as outlined in the September Quarterly Budget Review Statement.

**SA17.283 Proposed Lease to Kids Korner 23 -25 Park Road
Nowra****HPERM Ref:
D17/371151****Recommendation**

That Council:

1. Enter into a 5 year lease agreement with Kids Korner Combined Occasional Care Centre Inc for the continued use and occupation of 23 -25 Park Road Nowra for the purpose of a community preschool with an initial annual rent of \$7,220.60 per annum with annual CPI increases;
2. Approve the allocation of rent received under the lease agreement into the Property Reserve restricted account; and
3. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

**SA17.284 Telecommunications Lease - NBN Co Limited -
Shoalhaven Heads****HPERM Ref:
D17/340712****Recommendation**

That Council:

1. Enter into four (4) consecutive five (5) year lease agreements with NBN Co Limited for the use and occupation of Part Lot 1 DP 615003, 31 Gerroa Road, Shoalhaven Heads at an annual rental of \$ 15,771.00 with annual increases at 3% including a 3% increase at the commencement of each consecutive lease term; and
2. Delegate Authority to the General Manager to approve and execute all future telecommunications leases and licences relating to this site known as Part Lot 1 DP 615003.

**SA17.285 Reservation of unformed roads by National Parks
and Wildlife Service - Roads South of The Wool
Road, Vincentia****HPERM Ref:
D17/351101****Recommendation**

That Council:

1. Request National Parks & Wildlife Service to reserve the roads within Lot 5 DP875010 for nil consideration, with the exception of the roads outlined in points 2, 3 and 4 below, for addition to Jervis Bay National Park pursuant to S30C(a) of the National Parks and

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Wildlife Act 1974;

2. Retain ownership of the unformed roads within Lot 5 DP875010 containing Council owned infrastructure such as water, sewer and drainage assets to ensure continued unrestricted access for upgrade and maintenance of such infrastructure;
3. Retain ownership of the unformed road providing secondary frontage to Lot 1 DP270528;
4. Retain ownership of the unformed road directly adjoining the rear of Vincentia High School that is occasionally used for offsite parking;
5. Consent to the revocation of the public road status following reservation by NPWS through publication of a notice in the Government Gazette;
6. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

**SA17.286 Release of Restriction on the use of land - 124 - 126
Jacobs Drive Sussex Inlet**

**HPERM Ref:
D17/367728**

Recommendation

That Council:

1. Resolve to release the restriction on title in dealing number V604054 over the land known as Lot 97 DP 21038 - 124 Jacobs Drive Sussex Inlet; and
2. Grant authority to affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

**SA17.287 Objection- Sale of Council Land - 10 Jopejija Cres,
Culburra Beach**

**HPERM Ref:
D17/369390**

Recommendation

That Council:

1. Resolve to dispose of 10 Jopejija Crescent, Culburra Beach (Lot 1 DP579906) by way of public auction in accordance with Policy 16/256 (Development and/or Disposal of Council Lands);
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.

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**SA17.288 Acquisition - Drainage Easement - Woollamia - Pt
Lot 196 DP 15266 - 10 Pritchard Ave****HPERM Ref:
D17/371858****Recommendation**

That Council rescind part (1) only of MIN17.923 and resolve to acquire a 6 metre wide by 150 metre length Easement for Drainage over part Lot 196 DP 15266 at 10 Pritchard Avenue, Woollamia, as shown in Attachment 1.

**SA17.295 Improving Your Parks and Environment -
Shoalhaven River Bank Restoration****HPERM Ref:
D17/314591****Recommendation**

That Council support the acceptance of the \$300,000 grant to Council from the Australian Government – Department of Industry, Innovation and Science for the riverbank restoration works on the Shoalhaven River at Bolong Rd and vote the funds accordingly.

**SA17.297 Shoalhaven River Levee Flood Damage Restoration
2017 project - Department of Industry - Lands &
Forestry Offer of Licence to work at Crown Lands
property****HPERM Ref:
D17/378616****Recommendation**

That:

1. Council accept the licence offer from the Minister administering the Crown Lands Act 1989 that allows Council to access Crown Lands for the purposes of undertaking flood levee repairs.
2. Council agrees to be bound by the terms, conditions and provisions of the Licence.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to the signed licence offer and any other documents to be sealed, otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution.

**SA17.298 Acquisition of Sewerage Easement at 300 Kings
Point Drive Ulladulla****HPERM Ref:
D17/352466****Recommendation**

That:

1. Council resolve to acquire a Sewerage Easement 10 wide and variable over Lot 18 DP805460, No. 300 Kings Point Drive Ulladulla, as shown by cross hatching on easement plan DP1109183, attached.
2. Council pay compensation of \$5,000 plus GST and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
3. Compensation and costs associated with the acquisition be met from Council's Sewer Fund.
4. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

SA17.299 Grant of electricity easement over Council land at Terara

**HPERM Ref:
D17/365047**

Recommendation

That:

1. Council grant an Easement for Overhead Powerlines 9 wide over Council land Lot 1 DP1224568 and Lot 4 DP634042 at Terara Road, Terara. The easement is delineated (E) and highlighted yellow on the attached draft survey plan.
2. Costs associated with the transaction are to be met from Council's Sewer Fund. The Easement and Restriction are to be granted at \$nil consideration.
3. The Common Seal of the Council of the City of Shoalhaven to be fixed to any document required to be sealed.

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CL17.314 Report of the Nowra CBD Revitalisation Strategy Committee - 15 November 2017

HPERM Ref: D17/388375

CBD17.62 Additional Item - Footpath Repair Locations

Recommendation

That:

1. Council be requested to provide financial assistance for the footpath works
2. Subject to part 1 above:
 - a. Council undertake detailed design for the footpath on Berry Street and a more thorough estimate and report back to the committee.
 - b. Berry Street Land owners be approached for contributions

Note by General Manager:

The committee has identified four areas that are in need of repair:

1. *Western side of Berry Street (From Church down past the Roxy) – this is the 1st preference. Detailed design and cost estimates have not been completed but indications are that the costs would be in the vicinity of \$1M depending on the final scope and length of the works.*
2. *Eastern side of Kinghorne Street (South of IMB)*
3. *Western side of Kinghorne Street (opposite Nowra Mall)*
4. *Northern side of Worrige St (opposite car park)*

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CL17.315 Report of the Shoalhaven Traffic Committee - 3 November 2017

HPERM Ref: D17/390050

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

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

IMPORTANT NOTE:

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

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

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

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

**TC17.81 Regulatory Signage and Line Marking - Plunkett
Street and Haigh Avenue, Nowra (PN 3404)**

**HPERM Ref:
D17/356830**

Recommendation

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed regulatory signage and line marking to be installed within the service station (BP) and food and drink premises (McDonalds) off-street car park in order to time restrict 26 parking spaces to 2 hour (2P) parking between the times of 7am to 5pm Monday to Friday and between the times of 7am and 12pm Saturday on the corner of Plunkett Street and Haigh Avenue, Nowra as detailed in the attached plan TRAF2017/81

Note:

This item was submitted to the Strategy and Assets Committee on Tuesday 21 November 2017.

The Committee resolved to defer the item to the Ordinary meeting of Tuesday 28 November 2017, pending further information, provided below.

In 2004 a positive covenant was created:

- 1. The Registered Proprietor covenants with the Prescribed Authority that notwithstanding the conditions of any consent issued in respect of the land, it will not undertake any development of Lot 1 in Deposited Plan 781046 unless the proposal includes the provision for a minimum of 50 car parking spaces to be available for use by the public on the land. The registered proprietor further covenants that it will enter into a management agreement with the authority to regulate the provision of the 50 car parking spaces to the public.*
- 2. The Registered Proprietor covenants with the Prescribed Authority that it will not*

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permit, allow or condone the movement of motor vehicles between East Street/Princes Highway and Lot 1 DP 781046 and will include in any proposal for development make provision for access to be denied to vehicles along that road boundary.

3. *For the purposes of this Public Positive Covenant “consent”, “develop” and “development” shall have the same connotation and meaning as within the meaning of the Environmental Planning and Assessment Act 1979.*

The covenant, did **not** require the spaces to be all day parking.

A review of the file by staff (DA02/3423) for the “Uncles Pete’s” development that the approval development required 50 spaces, 34 of which were to comply with Council’s ‘code’ plus an additional 16 as required by the covenant.

This equates to 50 spaces.

The McDonalds development has now provided 63 spaces, plus 5 motorbike spaces, being 24 over what was required by Council’s requirements. As per the previous consent, the development is required to make 50 spaces available to the public and for those spaces to be regulated by Council in accordance with the covenant.

The mix of all day parking and limited parking satisfied the terms of the covenant – that a minimum of 50 spaces will be available for the public plus it ensures that parking will be available for customers of the approved development making apportion of those spaces time limited.

Council’s Acting Group Director of Assets and Works (Tony Fraser) wrote to the Nowra CBD Business Chamber on 26 October 2017 advising that:

“It is noted that of the 63 parking spaces only 26 are proposed to be time restricted to 2 hour parking meaning that 37 of the 50 public (covenant) “car parking spaces” will remain “all day parking” with an additional 5 “all day” motorbikes (sic) spaces (42 general use “all day” spaces).

On that basis, considering that this development has resulted in an “increase” in parking over and above DCP requirements, considering that the applicant has met with consent and covenant requirements, and there being no other objections received, it is intended to list the matter for consideration at Traffic Committee....”

CL17.316 Building Better Regions Fund - Projects

HPERM Ref: D17/387293

Group: General Manager's Group

Attachments: 1. Bundanon Trust Request [↓](#)
2. Round 1 Successful Projects [↓](#)

Purpose / Summary

Council to consider the projects for which applications will be made under the Building Better Regions Fund - Round 2.

Recommendation

That:

1. Applications be made for the following projects under the Building Better Regions Fund – Infrastructure Projects Stream:
 - a.
 - b.
2. Applications be made for the following projects under the Building Better Regions Fund – Community Investments Stream:
 - a. Nowra waterfront – investment strategy
 - b. Stewart Place – investment strategy

Options

1. Select infrastructure projects from the following list:
 - a) Shoalhaven Community & Recreation Precinct – (AFL & NRL Amenities buildings)
 - b) Berry District Park
 - c) Berry equestrian centre
 - d) Ulladulla employment land
 - e) Paringa Park development
 - f) Bundanon Trust
2. Make applications for other council projects or the Bundanon Trust project.
Implications: Time frames are short to prepare applications.
3. Make no applications
Implications: Council will not have an opportunity to bid for grant funds to help deliver council project.

Background

The Federal government has invited applications for projects under two different streams of its Building Better Regions Fund (BBRF) Round 2.

Applications close on 19 December 2017.

The Infrastructure Projects Stream will “support projects which involve the construction of new infrastructure, or the upgrade or extension of existing infrastructure that provide economic and social benefits to regional and remote areas.” (Reference the BBRF Program guidelines).

Similarly, the Community Investments Stream will “fund community-building activities including new and expanded local events, strategic regional plans, and leadership and capability-building activities. These projects will deliver economic and social benefits to regional and remote communities.”

Eligible activities under the Community Investment Stream may include:

Local events and activities

- arts and culture events, for example theatre productions, gallery exhibitions and indigenous cultural events
- community and public events, for example food festivals, field days, seasonal activities, veterans or memorial events
- attracting new businesses or economic opportunities, for example hosting a conference or business event to coordinate and enable growth in a particular industry sector or address obstacles in accessing markets.
- community sporting events, for example an exhibition sporting match or hosting an interstate sports carnival
- events or activities, which attract tourists and visitors to a region
- hire of equipment or infrastructure to support the event or activity.

Strategic planning

- regional skills audits
- research projects to support regional development strategic plans
- collecting socio-economic information
- plan development costs.

Regional leadership and capability

- leadership courses
- participation and community building measures for young people
- participation in activities to improve local business and industry leadership capability.

The minimum grant amount is \$5,000 and the maximum grant amount is \$10 million, however given the nature of eligible projects we expect most grants will be under \$100,000.

Projects under the CIS are to be completed within 12 months of executing the grant agreement with the Commonwealth and by 31 December 2020.

Applications can be made for two projects for each funding stream.

In respect to the CIS program it is proposed to modify the two previous applications after further discussions with the Department.

To be eligible the project must be ready to **commence within 12 weeks** of executing the grant agreement.

Projects where construction has already started or where construction contracts are already in place at the time of application will not be eligible.

Funding applications **MUST** score highly against each of the merit criteria.

1. Economic benefit (15 points)
2. Social benefit (10 points)
3. Value for money (5 points)
4. Project delivery (5 points)

The minimum grant amount is \$20,000 and the maximum grant amount is \$10 million. Projects must be completed by 31 December 2020.

Applicants' can make application for exceptional circumstances (to reduce co-funding requirements) for the following reasons:

- drought and/or disaster declaration
- limited financial capacity of the local council
- impact of industry decline
- significant recent change in population or community demographics
- other exceptional circumstances.

Investment-ready projects are those that have confirmed all co-funding, identified all required regulatory and/or development approvals and can demonstrate robust planning, in order to commence following execution of a grant agreement.

Projects still in the planning or concept stage your application may be eligible for funding, but may not be as competitive as projects that are further progressed in their planning. In this case it is recommended that applicants further develop the project and consider submitting an application for consideration in any future funding rounds

The table below shows the projects which were considered earlier this year for Round 1.

INFRASTRUCTURE PROJECTS STREAM	
RECOMMENDED FOR CONSIDERATION	NOT RECOMMENDED (not yet ready or insufficient economic benefit)
<ul style="list-style-type: none"> • Woollamia Regional Boating Maintenance Facilities • Shoalhaven Indoor Sports Centre • Resource Recovery Park • Nowra CBD enhancement 	<ul style="list-style-type: none"> • Ulladulla boardwalk • East Nowra Sub-Arterial road (ENSA) • Sussex Inlet streetscape • Huskisson service lanes • Nowra multi-storey car park • Shoalhaven Heads river opening • Berry equestrian centre • Moona Moona Creek 'cycleway' bridge

	<ul style="list-style-type: none"> • Ulladulla employment land
COMMUNITY INVESTMENTS STREAM	
RECOMMENDED FOR CONSIDERATION	NOT RECOMMENDED (not yet ready or insufficient economic benefit)
<ul style="list-style-type: none"> • Nowra waterfront – investment strategy • Stewart Place – investment strategy • Bomaderry sporting master plan – investment strategy 	<ul style="list-style-type: none"> • Gateway Park redevelopment

Applications made but unsuccessful:

- Woollamia Regional Boating Maintenance Facilities
- Nowra Waterfront - investment strategy
- Stewart Place - investment strategy

Now funded by State grant:

- Moona Moona Creek 'cycleway' bridge

Now funded by Council:

- Shoalhaven Indoor Sports Centre
- Sussex Inlet Streetscape

Projects added to consider for Round 2:

- Shoalhaven Community & Recreation Precinct – (AFL & NRL Amenities buildings)
- Berry District Park
- Bay & Basin “Hub” Project
- An “Access for All” Facility
- New Childcare Facility
- Paringa Park development
- Affordable Housing/Emergency Housing Project

Projects submitted & ‘pending’ other grants

- Woollamia Regional Boating Maintenance Facilities
- Shoalhaven Heads river bank restoration
- Ulladulla employment land

Also for Round 1 Council considered a request to make an application for Bundanon Trust to consider a “partnership” for the Riversdale Development Proposal. However this was also unsuccessful.

Bundanon Trust have recently requested consideration that an application be submitted for Round 2 - see Attachment 1.

The successful projects (NSW) for Round 1 are in Attachment 2. This gives a good insight into the type of projects supported by the Commonwealth Government such as:

- Projects to support disabled access and activation;
- Projects to upgrade or build childcare facilities;
- Major road upgrades (supporting economic connections);
- Major motor sports facility;
- Projects to support tourism marketing/information;
- Major recreation facilities (stadium, hockey complex);
- Sewage treatment & water supply projects;
- Museum extensions;
- Crisis Centre for Women & Children; and
- Multi-Use buildings, Jetty & Pontoon.

There are numerous worthy projects that Council could select from the lists above.

A Councillor Briefing will be arranged prior to the council meeting.

Community Engagement

Owing to the tight deadlines for the submission of applications, community consultation on the proposed projects will not be practical however most possible projects have already had some form of community consultation process. Further engagement may be necessary should funding be provided.

Financial Implications

Applications under both funding streams require a financial commitment of at least 50% of the estimated project cost unless "exceptional circumstances" can be justified. Council funding for some projects may be possible once the review of the S94 Contributions Plan is completed, otherwise it would require a specific capital allocation or additional borrowings. Successful applications would be reported to Council to confirm its commitment before the execution of any grant agreement.

The proposed project costs and contributions for the projects are not developed at a detailed level at this point and because of the need to cut costs in annual budgets there has not been any allowance to advance projects to a shovel ready stage. Nevertheless most projects highlighted above have already been through an extensive community engagement stage and have progressed to an adopted concept or master plan. Staff would need to direct resource priority over the next 3 weeks to prepare applications for the selected project(s).

BUNDANON

16 November 2017

Mr Russ Pigg
General Manager
Shoalhaven City Council
PO Box 42, NOWRA NSW 2541

Dear Mr Pigg

Building Better Regions Fund, Round 2 – Bundanon Trust's Riversdale Masterplan

I write to request that Shoalhaven City Council consider partnering Bundanon Trust's application to the Federal Government's Building Better Regions Fund (BBRF) Round 2 to enable the implementation of our Riversdale Masterplan.

Our understanding is that the Commonwealth continues to believe the Trust's non-profit, charitable status, does not satisfy the fund's eligibility requirements due to the fact that the company is wholly owned by the Commonwealth Government. As before, we have been advised that a partnership with the Council would provide a pathway for the application to meet the eligibility requirements.

Should the Council agree to this request the Shoalhaven City Council would be a partner in the Project Control Group established to manage the capital program and would be a significant partner in the project's success.

The project has progressed on the State Government funding front, having been successful in the EOI process for the Regional Growth – Environment and Tourism Fund. A full application for \$18.5m was submitted to this fund on the 31 October. In addition, we have a further EOI in train with the State Government's Regional Cultural Fund. The new Destination NSW Sydney Surrounds South office has been briefed on the Master Plan and has become an enthusiastic supporter of the project, believing it to be a 'game changer' for the region. Since our first application to the BBRF, various senior Commonwealth and State Ministers have visited Bundanon and been briefed on the Master Plan, all expressing enthusiasm and support.

As you are aware Bundanon Trust's Masterplan for its Riversdale site has substantial tourism potential for our region. It will bring great economic benefit, deliver fantastic arts outcomes and complement new sporting infrastructure planned for the Shoalhaven.

Bundanon Trust, one of the nation's cultural institutions supported by the Ministry for the Arts, has been thriving in the Shoalhaven since its establishment twenty-four years ago. It is the legacy of the late Australian artist Arthur Boyd, whose 1993 gift of 1,100 hectares of bush and farm land, Colonial and contemporary buildings and artworks now worth \$37.5M, was the largest act of philanthropy in the arts in Australia at the time. The Trust is now planning a sustainable development to support more school children, to house its collection, extend its residency program for artists and to open the properties for greater public visitation.

Economic modelling demonstrates that the project will bring greater visitation and jobs to the region as well as providing a spectacular platform for the magnificent Boyd art collection. The project benefits from a clear vision and careful planning. It has attracted strong support from across the Government, business, educational and community sectors in the Shoalhaven.

The Masterplan for Riversdale will deliver an outstanding international visitor destination to the South Coast and will establish a sustainable business model for one of Australia's most important cultural institutions.

The Riversdale Masterplan will provide world class facilities for students and artists to deliver on the promise by Arthur and Yvonne Boyd to leave an artistic legacy to the Australian people. The project will see a new home for the Boyd art collection, including safe and defensible storage in

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case of bushfire, and a new accommodation facility in order to increase capacity for students. All in all, the Masterplan will create a more active, open and inclusive Riversdale.

We have made great progress over the last year, securing an initial planning approval and the appointment of an architect to lead the project through the final stages of design. The development will address the demand known to exist for the facility which has been operating at capacity for many years. The project, with a construction value of \$28.5 million, would be built and operated by the Bundanon Trust and become a first-rate facility for regular events, arts activities and celebrations in the area.

The project aims to stimulate economic growth and jobs in the area that will increase Gross Regional Product in the short term by around \$21.5 million (construction and limited operations and visitation/events), and around \$5.63 million per annum thereafter (including increasing operations and events/visitation). Project benefits would be delivered to the region across three areas of economic impact being:

Construction: With a construction value of \$23.8 million, the project is expected to create 50 direct jobs (+92 indirect jobs) and output over and above the construction budget through industrial and consumption effects of a further \$27.3 million;

Operation: With an expected annual revenue of around \$4 million per annum, there is expected to be more than \$2,800,000 in new revenue at the site, the Trust is expected to create ten¹ new direct jobs (+3 indirect jobs), with a further \$4 million in flow-on spending through industrial and consumption effects; and

Visitation and events: With multiple events and activities expected to occur throughout the year, Riversdale is expected to have a significant direct impact through increased visitation of approximately a further 60,000, and associated tourism and related industries, estimated at more than \$6 million of direct output and further \$4.7 million in industrial and consumption effects per annum. This equates to a total of 40 direct and 18 new in-direct jobs for the region.

In addition to the quantifiable economic benefits, the qualitative community benefits accrued from the project are substantial. The economic and employment returns to the region are also outlined in the accompanying Riversdale Masterplan document.

We see the project as delivering for the whole of the Shoalhaven and would welcome the opportunity to discuss the way a partnered application might be implemented and to brief Councillors and staff on the proposal to date.

I look forward to receiving your response.

Yours sincerely



Deborah Ely
CHIEF EXECUTIVE OFFICER
Encl. Riversdale Masterplan Executive Summary

¹ Whilst REMPLAN results indicate six new positions, NSW State Government modelling has suggested seven new positions would be created
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[business.gov.au](https://www.business.gov.au/) (<https://www.business.gov.au/>)

Home (<https://www.business.gov.au/>) > Grants & assistance (<https://www.business.gov.au/assistance>)
 > Building Better Regions Fund (BBRF) (<https://www.business.gov.au/assistance/building-better-regions-fund>)
 > Building Better Regions Fund Infrastructure Projects Stream
 (<https://www.business.gov.au/assistance/building-better-regions-fund/building-better-regions-fund-infrastructure-projects>)
 > Building Better Regions Fund funding offers



Building Better Regions Fund funding offers

Last updated: 04/08/2017

The list of successful applicants that have been offered funding under the Building Better Regions Fund Infrastructure Projects stream.

Applicant Organisation	Project Name	Project Description	Project Location	State	Grant Approved	Total Project Cost
Ballina Tennis Club Inc	Community Inclusion Project Ensuring a Healthy Lifestyle for all Ages	Construction of disabled access ramps, change room facilities, expansion of clubhouse and upgrade of kitchen.	Ballina	NSW	\$93,000	\$226,000
Banyan Park Playcentre Inc	Auwas Letl Salan, Norfolk Island's Kids	Upgrade to a Norfolk Island's childcare facility.	Norfolk Island	NSW	\$899,900	\$999,900
Bathurst Regional Council	Velocity Park	Construction of new facilities at the Velocity Park part of the Mount Panorama racing circuit including pit facilities, fuel storage areas, parking and amenities.	Bathurst	NSW	\$10,000,000	\$52,402,787
Byron Shire Council	Upgrading Byron's Export and Economic Connections	Road upgrade of the intersection of Bayshore Drive and Ewingsdale Road to a dual lane concrete roundabout.	Byron Bay	NSW	\$2,640,254	\$5,280,508

Applicant Organisation	Project Name	Project Description	Project Location	State	Grant Approved	Total Project Cost
Cessnock City Council	Hunter Valley Wine Country Tourism Signage Implementation Project	New signage, information bays and tourism precinct markers at key sites along the Hunter Valley Wine Region. The new infrastructure includes braille and QR coding technology to assist visitors to the region to explore key tourist areas.	Cessnock	NSW	\$1,250,000	\$2,500,000
Coffs Harbour City Council	Building an EPIC Stadium for the Future	Construction of a sports stadium to improve spectator seating, player facilities, corporate hospitality and media broadcast facilities, and pedestrian integration.	Coffs Harbour	NSW	\$6,560,000	\$13,440,000
Community Carers Accommodation South East Inc	Community Carers Accommodation South East - Stage 2 Construction	Construction of a carer's accommodation facility at the new South East Regional Hospital in Bega. The project will build 6 rooms and a communal kitchen, dining and lounge space.	Bega	NSW	\$310,000	\$876,685
Cootamundra-Gundagai Regional Council	Gundagai Sewage Treatment Plant Replacement Project	Replacement of sewage treatment plant.	Gundagai	NSW	\$3,500,000	\$7,000,000
Far North Coast Hockey Incorporated	Far North Coast's Regional Hockey Centre Development	Upgrade and expansion of existing hockey complex.	Goonellabah	NSW	\$764,478	\$1,528,956

Applicant Organisation	Project Name	Project Description	Project Location	State	Grant Approved	Total Project Cost
Federation Council	Howlong Industrial & Export Precinct Project	The project will invest in new distribution, freight and logistics infrastructure, secure the region's share of the pet food export market, and encourage other regional industries to use the site.	Howlong	NSW	\$6,983,325	\$15,712,545
Friends Of Eurobodalla Regional Botanic Gardens	Eurobodalla Regional Botanic Gardens Visitor Centre Redevelopment	The redevelopment will deliver a purpose built facility for 13,500 plant specimens in the heritage listed Wallace Herbarium. It will provide increased amenities including designated space for training and education, exhibitions and a large retail space.	Batemans Bay	NSW	\$460,000	\$920,000
Goulburn Mulwaree Council	Rocky Hill Museum Extension and Precinct Improvements	The Museum extension will incorporate increased exhibition space, increased storage space, education space, secure room for firearms, and improved space for volunteers and public toilets. The precinct improvements include increased car parking facilities, bus turning circle and new footpaths.	Goulburn	NSW	\$1,250,000	\$2,500,000

Applicant Organisation	Project Name	Project Description	Project Location	State	Grant Approved	Total Project Cost
Greater Hume Shire Council	Walla Walla Early Childhood Hub Project (ECHP)	Development of a purpose built Children's Services building that will enable the establishment of a 5 day week long day care service, providing a preschool program including before and after hours school care.	Walla Walla	NSW	\$277,000	\$514,000
Gunnedah Shire Council	A pipeline for Curlewis in northwest NSW a lifeline of quality water	Construction of a gravity fed pipeline and reservoirs to address significantly poor water quality.	Curlewis	NSW	\$2,600,000	\$5,200,000
House With No Steps	Commercial Laundry Upgrade	The House With No Steps Commercial Laundry will be upgraded with efficient, high speed plant and equipment for people with disabilities and increase volunteering opportunities in the region.	Warabrook	NSW	\$1,425,378	\$2,850,757
House With No Steps	Aussie Biscuit Factory Move and Re-build	Purpose designed factory fitout including cool room, amenities block and upgrade to power and gas.	Forbes	NSW	\$210,000	\$420,000
Housing Plus	Orange Crisis Centre for Women and Children	The Orange Crisis Centre will provide 6 self-contained crisis accommodation and intensive case management for women and children.	Orange	NSW	\$588,800	\$1,472,415

Applicant Organisation	Project Name	Project Description	Project Location	State	Grant Approved	Total Project Cost
Illawarra Basketball Association Ltd	Basketball Illawarra Facility Upgrade	Installation of carpark lighting and security system, installation of stadium air conditioning and adjustable backboard system, and upgrade to stadium lighting.	Gwynneville	NSW	\$60,000	\$124,482
Kyogle Council	Kyogle Memorial Institute Hall Revitalisation Project	Upgrade of historic community building including reinstatement of original entrance, enlarge first floor workspace, new lighting, sound booth, lift, display areas and upgrade emergency exits.	Kyogle	NSW	\$267,000	\$540,000
Lachlan Council	Tottenham Pool Multipurpose Facility Project	Construction of a café with an outdoor dining area, office with first aid facilities and upgrade to existing amenities including toilets and change rooms.	Tottenham	NSW	\$181,450	\$461,450
Lake Macquarie City Council	Connection of Munibung Road: driving economic growth in Lake Macquarie	Construction of a road link in the Glendale -Cardiff area of Lake Macquarie to support access to and growth of new housing developments and a major industrial centre.	Boolaroo	NSW	\$2,227,500	\$4,455,000

Applicant Organisation	Project Name	Project Description	Project Location	State	Grant Approved	Total Project Cost
Moree Aged & Disability Services Inc	Growing Moree Aged & Disability Services	Upgrade existing building to include additional facilities (additional bedroom for respite services, outdoor space, air conditioning, multi-use space) to suit clientele that include aged and disabled citizens from local and remote areas of the region.	Moree	NSW	\$95,000	\$190,000
Open Arms Care Incorporated	OAC Stage two - Expansion of Disability Day Program Facilities	Upgrades to a disability day centre facility to improve conditions and increase capacity from 20 to 30 people per day.	Nambucca Heads	NSW	\$24,945	\$49,890
Petaurus Education Group Incorporated	Wirraminna Discovery and Learning Centre Extension	Extention to the Wirraminna Discovery and Learning Centre to create a community resource, education and administration space to meet the growing needs of the community of Burrumbuttock and surrounding districts.	Burrumbuttock	NSW	\$38,210	\$76,420
Richmond Valley Council	Woodburn Riverside Precinct Multi-Use Building, Jetty and Pontoon	Construction of a new Function Centre, Pontoon and Jetty. The centre will include community rooms, visitor information centre, terrace and public toilets; and is aimed largely at being a watersports hub.	Woodburn	NSW	\$700,000	\$1,400,000

Applicant Organisation	Project Name	Project Description	Project Location	State	Grant Approved	Total Project Cost
Snowy Monaro Regional Council	Upgrade and Augmentation of the Bombala Sewage Treatment Plant	Upgrade to the infrastructure at the Bombala Sewage Treatment Plant including storm flow treatments, electrical switch room and mechanical works include pipe, pumps and valves.	Bombala	NSW	\$3,500,000	\$7,000,000
Surfing Australia Limited	Expand multi-purpose surfing centre in Casuarina	Expansion to the multi-purpose surfing centre in Casuarina.	Casuarina Beach	NSW	\$2,536,000	\$5,636,000
Sustainable Agriculture and Gardening Eurobodalla	SAGE home site accessibility and consolidation project	Upgrade of existing shed to develop a prototype SAGE inCUBEator, enabling attraction of further funding and helping to build commitment to farming partnerships with landholders.	Moruya	NSW	\$46,890	\$98,400
Trangie Community Connection Incorporated	Trangie Community Connection Inc Respite Centre	Construction of a respite care facility including 3 bedrooms for clients, 1 bedroom/office for a carer and shared kitchen, dining room, laundry and bathrooms.	Trangie	NSW	\$176,000	\$352,000
Upper Hunter Shire Council	Scone Regional Livestock Selling Centre Upgrade Project	Major upgrade to the saleyards to ensure the yards can remain competitive in servicing Upper Hunter local livestock producers.	Scone	NSW	\$2,827,248	\$7,068,119

Applicant Organisation	Project Name	Project Description	Project Location	State	Grant Approved	Total Project Cost
Weddin Shire Council	Weddin/Grenfell Health Hub - A Sustainable Modern Medical Facility	Construction of a modern medical centre that has six consulting rooms, dental spaces and meeting rooms, ambulance bay, minor operating room, practice manager room, practice nurse room, reception area, e-Health support spaces, storage facilities and kitchen.	Grenfell	NSW	\$950,000	\$2,750,000
Barkly Regional Council	Elliott Community Sport & Recreational Facilities Upgrade	Refurbishment of the Elliott Sport & Recreational facilities, the only multi-purpose building in the community and a hub for diverse activities and events within the community. Key upgraded areas include the office, kitchen, indoor recreation area, basketball courts, storage room, gym/fitness and training facility and outside shaded seating.	Elliott	NT	\$136,505	\$182,006
Buku Larrnggay Mulka Incorporated	Yirrkala Guesthouse	Installation of 3 transportable buildings comprising of 6 self-contained units, site landscaping, car parking and disabled access.	Yirrkala	NT	\$744,851	\$993,135

CL17.317 Investment Report - October 2017

HPERM Ref: D17/378802

Group: Finance Corporate & Community Services Group
Section: Finance

Attachments: 1. Shoalhaven Monthly Investment Report - October 2017 (under separate cover) [⇒](#)

Purpose / Summary

Under Section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation, it is a requirement to provide a written report to Council on a monthly basis setting out details of all money that Council has invested.

Recommendation

That the Report of the General Manager (Finance Corporate and Community Services Group) on the Record of Investments for the period to 31 October 2017 be received for information.

Options

1. The report on the Record of Investments for the period to 31 October 2017 be received for information

Implications: Nil

2. Further information regarding the Record of Investments for the period to 31 October 2017 be requested.

Implications: Staff will need to prepare a further report to provide any information that is required.

3. The report on the Record of Investments for the period to 31 October 2017 be received for information with any changes requested for the Record of Investments to be reflected in the report for the period to 30 November 2017

Implications: Nil

Background

Please refer to the attached monthly report provided by Council's Investment Adviser – CPG Research and Advisory Pty Ltd.

CPG Research and Advisory Pty Ltd have included a section on Council's investment in institutions who lend to fossil fuels (see page 12).

The investment interest earned to the month of October is \$1,918,174, 38.52% of the total budget.

Fund	Budget	Actual	%
General	\$3,114,058	\$1,049,555	33.70%
Water	\$1,066,000	\$402,429	37.75%
Sewer	\$800,000	\$466,190	58.27%
Total	\$4,980,058	\$1,918,174	38.52%

The investment interest earned for the month of October was \$494,672, which was \$79,668 above budget.

Fund	Budget	Actual	Difference
General	\$259,505	\$272,633	\$13,128
Water	\$88,833	\$102,839	\$14,006
Sewer	\$66,667	\$119,200	\$52,533
Total	\$415,005	\$494,672	\$79,668

Due to the projected decrease in cash and investments during the year, budget movements are not recommended.

RECORD OF INVESTMENTS Cash and Investment Balances

	October 2017	September 2017
Cash And Investments Held		
Cash at Bank - Transactional Account	\$7,001,790	\$3,248,042
Cash at Bank - Trust Fund	\$1,240	\$1,240
Cash on Hand	\$61,100	\$42,400
Other Cash and Investments	\$181,162,641	\$196,586,908
	\$188,226,771	\$199,878,590
Fair Value Adjustment	\$225,973	\$208,435
Bank Reconciliation	\$164,696	-\$185,115
	\$390,669	\$23,320
Book Value of Cash and Investments	\$188,617,440	\$199,901,910
Less Cash & Investments Held In Relation To Restricted Assets		
Employee Leave Entitlements	\$8,135,913	\$8,135,913
Land Decontamination	\$1,562,344	\$1,562,728
Critical Asset Compliance	\$2,363,883	\$2,366,883
North Nowra Link Road	\$487,252	\$489,444
Other Internal Reserves	\$5,667,384	\$5,156,493
Section 94 Matching Funds	\$340,853	\$340,853
Strategic Projects General	\$3,318,707	\$4,107,879
Industrial Land Development Reserve	\$5,380,303	\$5,391,125
Plant Replacement	\$1,656,277	\$1,873,668
Financial Assistance Grant	\$4,433,416	\$4,433,416
S94 Recoupment	\$1,713,461	\$1,713,461
Commitment To Capital Works	\$5,950,067	\$6,065,620
Property Reserve	\$2,888,853	\$2,905,233
Total Internally Restricted	\$43,898,713	\$44,542,716
Loans - General Fund	\$3,907,798	\$4,014,005
Self Insurance Liability	\$1,407,547	\$1,466,227
Grant reserve	\$6,100,289	\$7,203,429
Section 94	\$29,457,404	\$29,352,685
Storm Water Levy	\$476,102	\$547,640
Trust - Mayors Relief Fund	\$77,793	\$77,793
Trust - General Trust	\$4,057,711	\$4,965,150
Waste Disposal	\$8,214,298	\$8,890,878
Section 64 Sewer	\$0	\$0
Sewer Fund	\$43,149,864	\$47,311,112
Sewer Plant Fund	\$1,738,346	\$1,706,673
Section 64 Water	\$16,969,583	\$16,848,012
Water Fund	\$21,532,869	\$23,045,506
Water Communication Towers	\$535,603	\$305,301
Water Plant Fund	\$1,082,425	\$1,106,063
Total Externally Restricted	\$138,707,631	\$146,840,474
Total Restricted	\$182,606,344	\$191,383,190
Unrestricted Cash And Investments		
General Fund	\$6,011,096	\$8,518,720

CL17.317

The table below lists the major movements:

Total Cash and Investments	- \$11,284,470	
Unrestricted General Fund Cash	- \$2,507,624	Expenditure on projects
Other Internal Reserves	+ \$510,891	Annual Income received for General Fund Communication Towers
Strategic Projects	- \$789,172	Expenditure on projects
Grans Reserve	- \$1,103,140	Expenditure on projects, e.g. Flinders Road
Trust – General Trust	- \$907,439	Return of a large subdivision bond
Waste Disposal	- \$676,580	Not a rates installment month, contracts expenditure
Sewer Fund	- \$4,161,248	Expenditure on REMS
Water Fund	- \$1,512,637	Expenditure on projects

Certification – Responsible Accounting Officer:

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulations 2005 and Council's Investments Policy number POL16/186.



Michael Pennisi
Chief Financial Officer

Financial Implications

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

CL17.318 Presentation of the Annual Financial Statements 30 June 2017

HPERM Ref: D17/379700

Group: Finance Corporate & Community Services Group
Section: Finance

Attachments: 1. Shoalhaven City Council Annual Financial Statements 2016-17 (under separate cover) [⇒](#)

Purpose / Summary

Council must present its audited financial reports, together with the auditor's reports, at a meeting of the council not more than five weeks after receiving the auditor's report.

Recommendation

That the audited Annual Financial Statements for the year ended 30th June 2017, together with the Auditor's Report, be presented to the public at the Ordinary Meeting of Council on 28 November 2017.

Options

1. The audited Annual Financial Statements for the year ended 30th June 2017 are presented to the public

Implications: Council meets its statutory requirements in relation to reporting the Financial Statements to Council and the public

2. Further information regarding the Annual Financial Statements be requested.

Implications: Staff will need to prepare a further report to provide any information that is required.

Background

Council resolved on the 24th October 2017, that the audited Financial Statements and the Auditor's Report be presented to the public at this Council meeting. Public Notice of the presentation of the audited Financial Statements at this meeting was given in The South Coast Register on 8th November 2017. The public notice was in accordance with Section 418 of the Local Government Act 1993. Copies of the audited Annual Financial Statements are available for inspection by members of the public at Council's Administration Buildings in Nowra and Ulladulla, at Council's Library Branches in Nowra and Sanctuary Point and available on Council's website. Any person can make written submissions to The General Manager with respect to the Statements within the next seven day period.

The audit reports were received on the 31st October 2017 from the Audit Office. Council is required to present its Financial Statements to the public within five weeks of receiving the Audit Reports.

Karen Taylor, Director of Financial Audit Services at the Audit Office has audited the financial statements for the financial year ending 30th June 2017 and has provided the Audit Reports

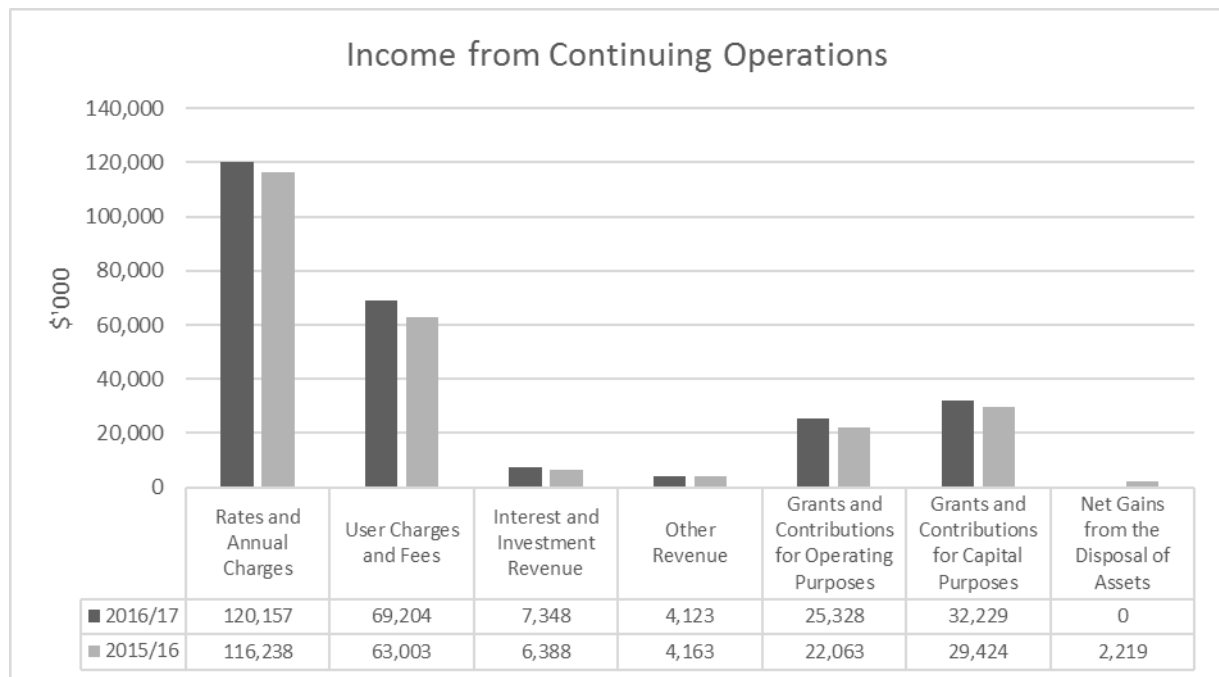
and the Audit Conduct Report, and these have been included in the Annual Financial Statements. The Conduct of the Audit Report states that "*I expressed an unmodified opinion on the Council's general purpose financial statements*". The report also states that "*my audit procedures did not identify any instances of non-compliance with legislative requirements or a material deficiency in the Council's accounting records or financial reports*".

Key Financial Results

General Purpose Financial Statements

Income Statement

Income



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Council's revenue increased by \$14.9M, a breakdown is shown below.

Category	Change	Major Factors
Rates and Annual Charges	\$3.9M	<ul style="list-style-type: none"> • \$1M Rate Peg • \$600K additional properties • \$1.6M Sewer Charges • \$1.3M Domestic Waste Management • (\$600K) Waste Management (non-domestic)
User Charges and Fees	\$6.2M	<ul style="list-style-type: none"> • \$1.3M Water Supply User Fees • \$300K Sewer Usage Fees • \$1.9M Waste Management Services • \$1M Planning and Building Regulations • \$1M Tourist Parks • \$300K Entertainment Centre
Interest and Investment Revenue	\$960K	<ul style="list-style-type: none"> • \$885K Interest on investment • (\$157K) Dividend from Southern Phones • \$387K Fair Value Adjustments
Other Revenue	(\$40K)	<ul style="list-style-type: none"> • Minor movement across all line items

Grants and Contributions for Operating Purposes	\$3.3M	<ul style="list-style-type: none"> \$5.9M advance payment of the 2017/18 Financial Assistance Grant
Grants and Contributions for Capital Purposes	\$2.8M	<ul style="list-style-type: none"> Contributed Assets and Developer Contributions
Net Gains from the Disposal of Assets	(\$2.2M)	<ul style="list-style-type: none"> Gain not made in 2016/17 financial year

Financial Assistance Grant

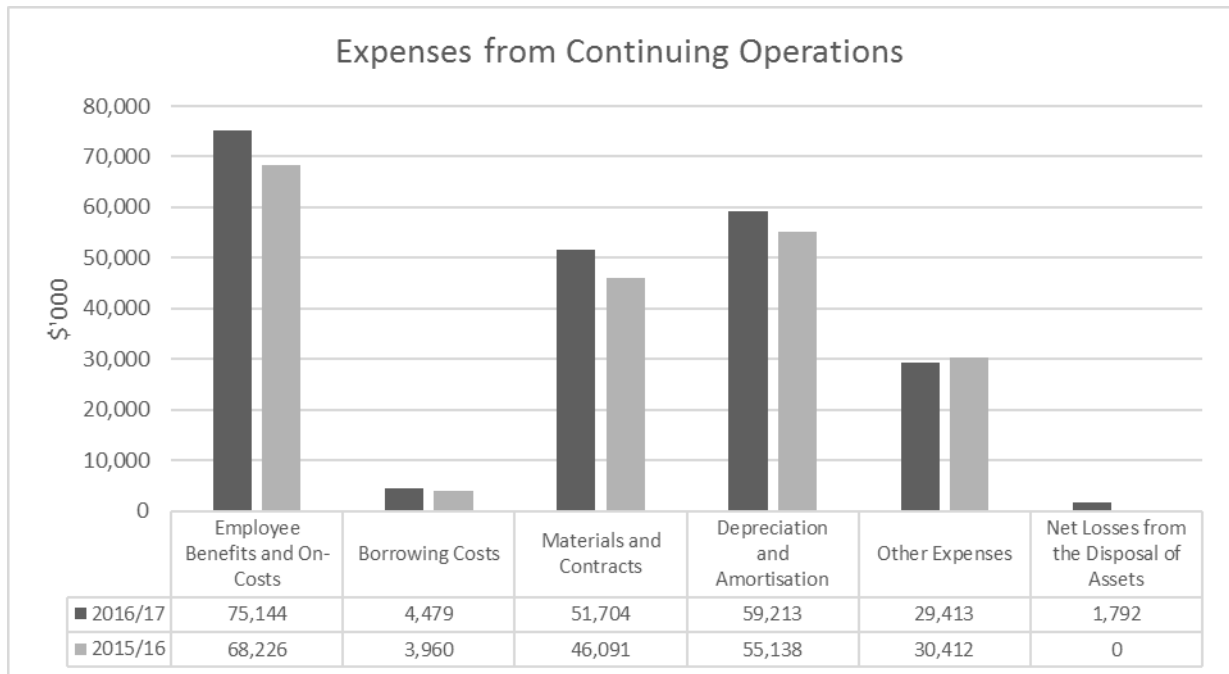
During 2016/17, Council received a \$5.911M advance payment of its 2017/18 Financial Assistance Grant. This has increased General Fund revenue and cash in 2016/17 and makes year-on-year comparisons difficult. Where possible, the impact of the advance payment is noted in the financial statements and the underlying result, exclusive of these types of nonrecurring items, is shown in the commentary to the local government industry indicators at Note 13.

Special Purpose Grants

As in previous years, Council accrues grant income for specific purpose grants on projects according to the progress of the project. Given the nature of the deliverables funded by specific purpose grants, the transaction is more akin to a ‘fee for service’ arrangement and, therefore, a reciprocal transfer. Where the work is completed but outstanding grant payments have not been received, the payments are included in revenue and as a receivable on the Statement of Financial Position. This treatment of special purpose grants comprises \$490K in operating grants and \$6.4M in capital grants in 2016/17.

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Expenditure



Council's Operating Expenditure increased by \$17.9M, a breakdown is shown below:

Category	Change	Major Factors
Employee Benefits and On-Costs	\$6.9M	<ul style="list-style-type: none"> • \$2.4M leave provision increase for leave accruals. • \$2.4M additional staffing provided in budget (majority funded from revenue) • \$1.5M Award Wage Increase in paid wages • \$1.4M expensed from WIP • \$1.2K additional pay week • \$684K self-insurance and workers compensation increase • \$588K for award increase on leave provision balances • (\$2M) adjustment in leave provision due to discounting rates, last year the adjustment was +\$1.06M; this year -\$973M
Borrowing Costs	\$519K	<ul style="list-style-type: none"> • Loan for REMS was drawn down in January, interest was accrued
Materials and Contracts	\$5.6M	<ul style="list-style-type: none"> • \$2.9M from expensing WIP • The remaining was anticipated in the budget
Depreciation	\$4M	<ul style="list-style-type: none"> • \$1.4M from assets revalued in previous year • \$1.3M Water Supply • \$1.2M Sewer Network
Other Expenses	(\$1M)	<ul style="list-style-type: none"> • Waste Levy Reversals
Net Losses from the Disposal of Assets	\$1.8M	<ul style="list-style-type: none"> • Net of the loss from the disposal of Water and Sewer Assets and gains from plant, equipment and land.

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Expensing of Work in Progress

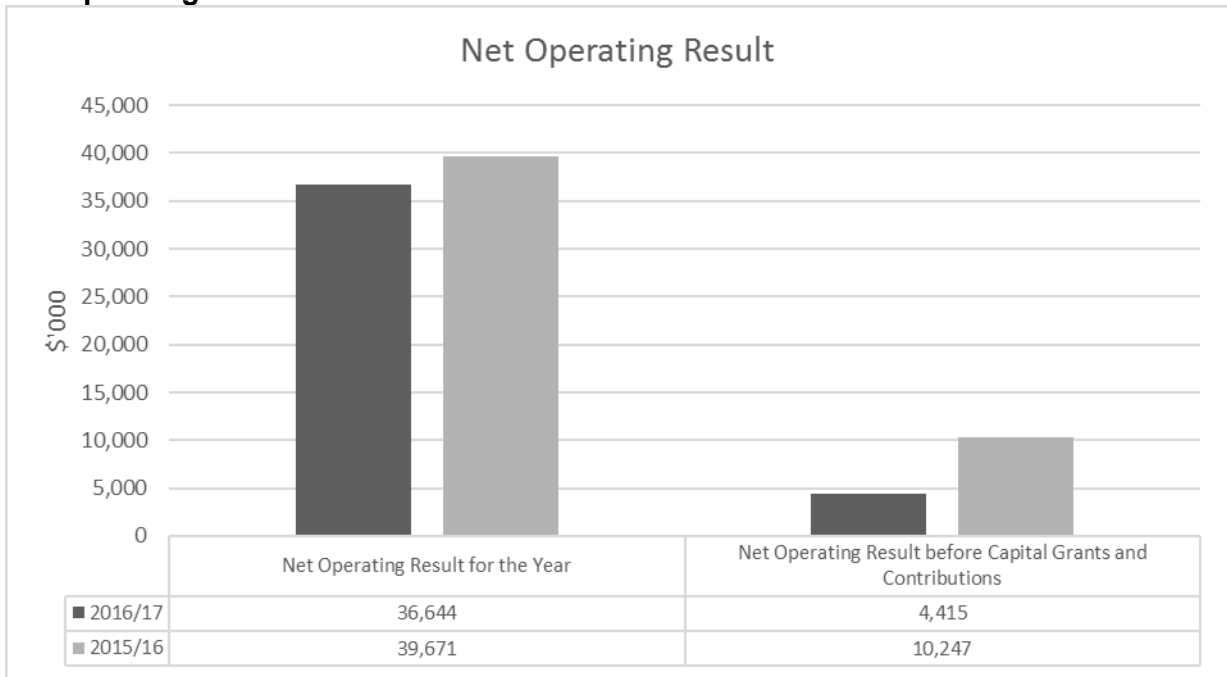
The expensing of \$3.6M of Work In Progress (WIP), mainly associated with the Authority software project, has resulted in an overstatement of expenditure. Where possible, the adjustment is noted in the financial statements and the underlying result, exclusive of nonrecurring items, is shown in the commentary to the local government industry indicators at Note 13. This affected the following areas: \$1.43M employee benefits and on-costs and \$2.19M on materials and contracts.

Employee Benefits and On-Costs

The treatment of salary expense was changed in 2016/17 to better associate the expense with the period in which it is incurred. The adjustment for prior periods amounted to expensing an extra week's pay (partly as a catch up from 2015/16 and partly as the correct adjustment for the end of the 2016/17 financial year). The change contributed approximately \$1.2M or 0.5% to operating expenses in 2016/17.

The inclusion of on-costs on leave provisions was discussed in 2015/16 and the impact considered immaterial. The inclusion of the on-costs (superannuation and payroll tax) has been estimated at \$1.118M in 2016/17. The amount is expected to still be immaterial as the majority of the leave balances included in the provisions are paid on termination and are not considered ordinary earnings for superannuation purposes.

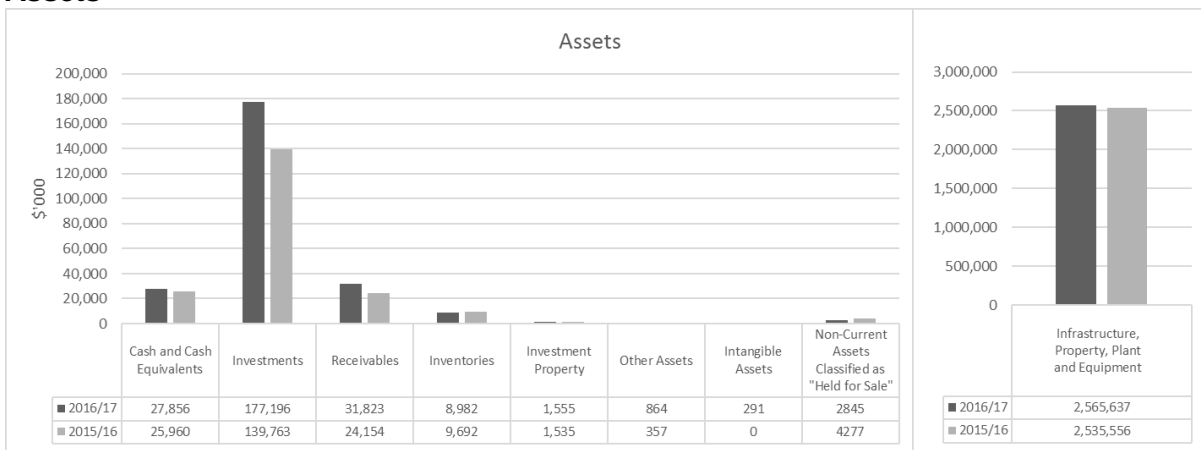
Net Operating Result



Council's Net Operating Result has reduced in 2016/17, due to the additional expenditure being greater than the additional Income.

Statement of Financial Position

Assets



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Council's assets increased by \$75.8M. A breakdown is shown below:

Category	Change	Major Factors
Cash and Investments	\$39.3M	<ul style="list-style-type: none"> \$30M externally restricted – mainly Sewer Fund \$4.3M internally restricted – mainly Financial Assistance Grant \$5M unrestricted
Receivables	\$7.7M	<ul style="list-style-type: none"> \$4M increase in grants due to Council \$2.3M rates and annual charges, with \$2.1M due to the overpayments now being represented as a liability and not netting off against the receivable. \$1M user charges and fees
Inventories	(\$710K)	<ul style="list-style-type: none"> Sale of industrial land
Investment Property	\$20K	<ul style="list-style-type: none"> Annual valuation adjustment
Other Assets	\$507K	<ul style="list-style-type: none"> Prepayment of software licences
Intangible Assets	\$291K	<ul style="list-style-type: none"> Recognition of software purchased and installed
Infrastructure, Property, Plant and Equipment	\$30M	<ul style="list-style-type: none"> \$113M additions (\$8.3M) disposals (\$59.2) depreciation (\$3.6M) WIP transfers \$1.2 transfers from held for sale assets (\$13.4M) asset revaluation

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Revaluation

Shoalhaven Water and Finance agreed to use reference rates to revalue water and wastewater assets due to significant, unexplained discrepancies in asset values provided by the external consultant engaged by Council.

Work In Progress (WIP)

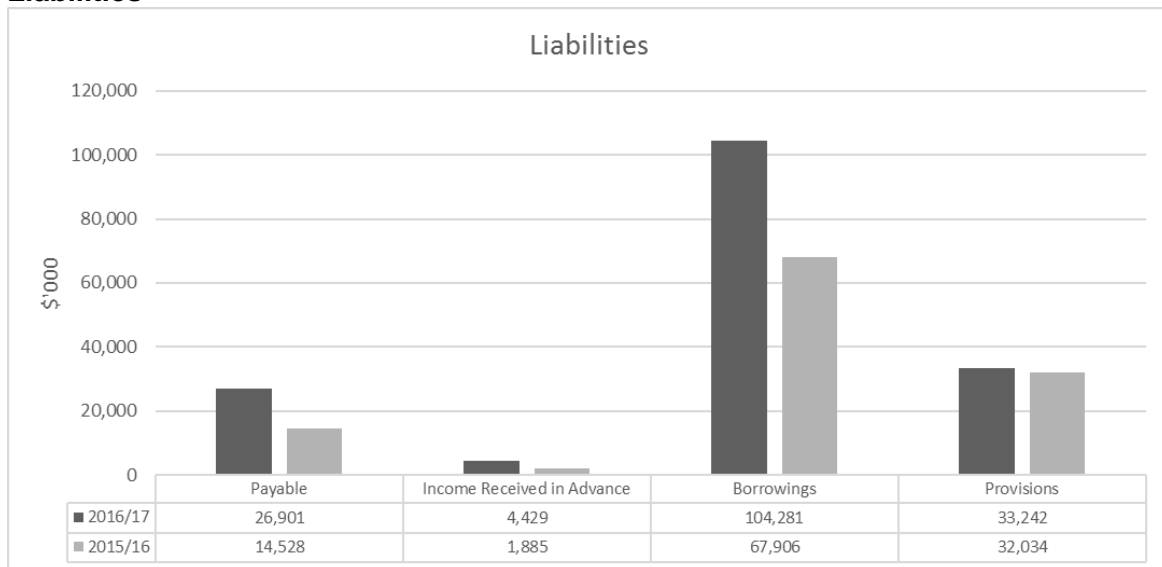
A review by Finance resulted in \$3.6m being expensed in the 2016/17 P&L. The expenditure occurred in previous financial years and was going to be capitalised. The major project in WIP was the Authority software project where the contract was cancelled in August 2016; this amounted to \$2.7m.

Other issues

Other asset issues that have been raised as part of this year's audit are:

- Inclusion of Crown Land as part of Council's assets, if they are under Care, Control and Management (CCM). Due to the immateriality of the value of these assets, they were not included in the Annual Financial Statements. This situation will be reviewed in 2017/18.
- Inclusion of RFS equipment in Council's asset register
Council currently only records RFS buildings in the asset register. The inclusion of RFS plant and equipment will be reviewed in 2017/18.

Liabilities



Total liabilities increased by \$52.5M, a breakdown is shown below:

Category	Change	Major Factors
Payables	\$12.4M	<ul style="list-style-type: none"> • Accruals of large contract payments, with the largest being for REMS \$5M • \$2.6M security bonds and deposits • \$1.57M accrued salaries and wages
Income Received in Advance	\$2.5M	<ul style="list-style-type: none"> • \$2.1M rates and water accounts in credit
Borrowings	\$36.4M	<ul style="list-style-type: none"> • Council borrowed an additional \$40M for REMS
Provisions	\$1.2M	<ul style="list-style-type: none"> • Increase in leave provisions

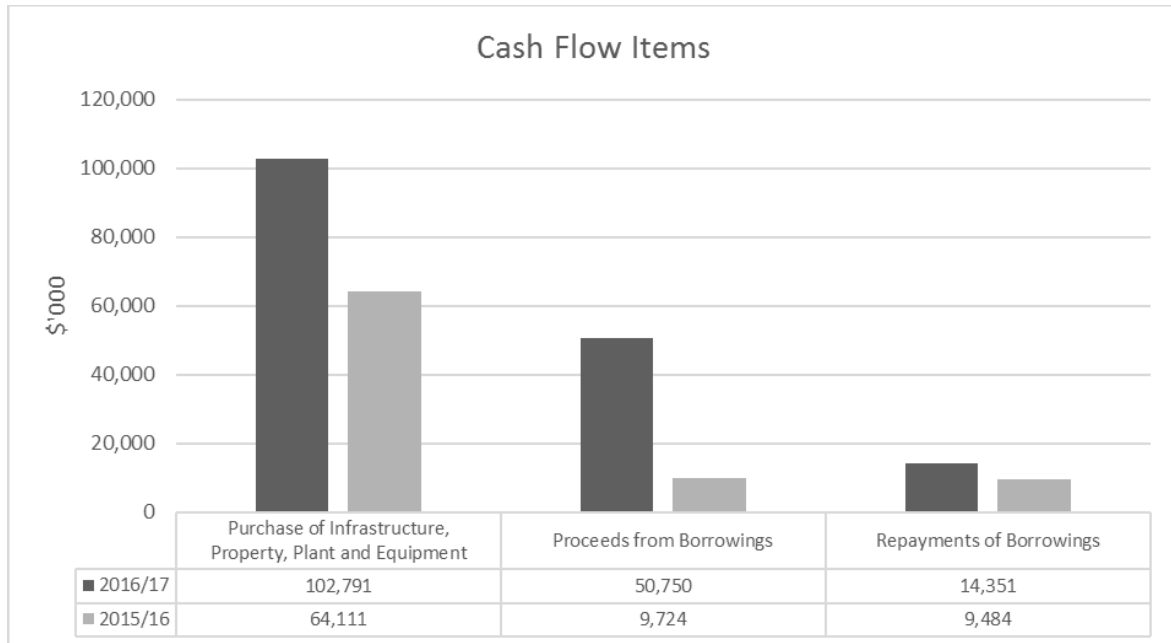
Equity



Council's equity increased by \$23.3M, retained earnings increased by the consolidated profit made during the year \$36.7M and the revaluation reserves decreased by \$13.4M.

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Statement of Cash Flows



The above items in the Statement of Cashflows include an increase of \$36.7M, a breakdown is below:

Category	Change	Major Factors
Purchase of Infrastructure, Property, Plant and Equipment	\$38.7M	<ul style="list-style-type: none"> Major capital works occurring on REMS
Proceeds from Borrowings	\$41M	<ul style="list-style-type: none"> REMS loan and refinancing a bullet loan taken out in 2014.
Repayment of Borrowings	\$4.9M	<ul style="list-style-type: none"> Refinancing of a bullet loan.

Note 13 - Statement of Performance Measures

Indicator	Benchmark		Consolidated	General Fund	Water Fund	Sewer Fund
Operating Performance Ratio	Greater than 0%	2016/17	2.6%	-4.0%	15.5%	24.5%
		2015/16	3.8%	-5.1%	18.7%	25.8%
Own Source Revenue	Greater than 60%	2016/17	77.7%	84.4%	89.2%	81.9%
		2015/16	78.7%	76.1%	92.6%	87.6%
Unrestricted Current Ratio	Greater than 1.5x	2016/17	2.0	1.9	23.6	3.2
		2015/16	2.1	1.9	21.3	4.4
Debt Service Ratio	Greater than 2.0x	2016/17	3.7	2.5	2162.7	3.7
		2015/16	5.0	3.9	69.2	3.3
Rates, Annual Charges, Interest and Extra Charges	Less than 10%	2016/17	8.9%	6.4%	12.9%	13.7%
		2015/16	7.5%	5.0%	14.6%	11.4%
Cash Expense Cover Ratio	Greater than 3 months	2016/17	9.9 months	6.4 months	27.9 months	12.9 months
		2015/16	8.9 months	6.8 months	28.45 months	9.4 months

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General Fund

Operating Performance Ratio - there was an improvement in this ratio with a result of -4.00%; this is below the benchmark of 0%. Excluding the Financial Assistance Grant Advance and WIP expensing the result would be -5.10%.

Own Source Revenue - there is an increase in this ratio due to additional grants received and the result of 84.37% remains above the benchmark of 60%. Excluding the Financial Assistance Grant Advance, the result would be 87.4%.

Unrestricted Current Ratio - there was a slight worsening in this ratio to 1.91, but it is still above the benchmark of 1.5. Excluding the Financial Assistance Grant Advance, the result would be 1.75.

Debt Service Cover Ratio - this ratio increased from 3.88 to 2.45 and is above the benchmark of 2. General Fund has sufficient operating funds to cover the cost of borrowing. Excluding the Financial Assistance Grant Advance, the result would be 2.03.

Rates, Annual Charges, Interest and Extra Charges Outstanding - the ratio has worsened with a result of 6.39%, due to recording overpayments on accounts as a liability. The benchmark has been revised to 10% as Shoalhaven is considered a rural rather a metro council.

Cash Expense Cover Ratio - this has reduced to 6.39 months but is still above the minimum benchmark of 3 months. General Fund has enough cash to fund 6.8 months of operating expenditure. Excluding the Financial Assistance Grant Advance and WIP expensing, the result would be 6.07 months.

Water Fund

Operating Performance Ratio - there was a reduction of this ratio with a result of 15.51%, this is a strong positive result.

Own Source Revenue - there is a reduction in this ratio (result 89.17%) due a reduction in capital contributions but it is still above the benchmark of 60%.

Unrestricted Current Ratio - there was a slight increase from 21.3 to 23.58. The result is above the benchmark of 1.5.

Debt Service Cover Ratio - this ratio improved from 69.22 to 2162.67 and is above the benchmark of 2. Water fund's loan repayments are decreasing each year, with 2016/17 being the final year for repayments of their existing loans.

Rates, Annual Charges, Interest and Extra Charges Outstanding - the ratio is unfavourably above the benchmark of 10%. The reason for this unfavourable result is due to the timing of invoicing, that is, accounts invoiced in June are outstanding but are not due as at 30 June. If this ratio was on overdue rates, the result is 6.83% instead of 12.87%.

Cash Expense Cover Ratio - this has reduced slightly and is above the minimum benchmark of 3 months, Water Fund has enough cash to fund 27.9 months of operating expenditure.

Sewer Fund

Operating Performance Ratio - there was a slight reduction with a result of 24.47%. This is a strong result, being above the minimum of 0%.

Own Source Revenue - there is an increase in this ratio (result 81.85%) due to an increase in capital contributions. This is above the target.

Unrestricted Current Ratio - there was a decrease in this ratio (result 3.2) due to cash being restricted for the unexpended REMS loan.

Debt Service Cover Ratio - this ratio increased from 3.32 to 3.65 and is above the benchmark of 2. This increase is due to some older loans finishing and no new borrowings in 2015/16. The ratio will reduce in the future years with the repayment of the new loan taken out in 2016/17.

Rates, Annual Charges, Interest and Extra Charges Outstanding - the ratio has increased slightly but is still unfavourably above the benchmark of 10%. If the ratio was on overdue rates the result would be 6.52% rather than 13.17%.

Cash Expense Cover Ratio - this has improved and is still above the minimum benchmark of 3 months, Sewer Fund has enough cash to fund 12.92 months of operating expenditure.

Note 21 - Financial Result and Financial Position by Fund

Income Statement \$'000		General Fund	Water Fund	Sewer Fund
Income from Continuing Operations	2016/17	191,157	29,046	55,750
	2015/16	184,067	26,987	48,868
Expenses from Continuing Operations	2016/17	175,352	24,273	36,634
	2015/16	167,701	20,866	31,684
Net Operating Result	2016/17	15,805	4,773	19,116
	2015/16	16,366	6,121	17,184
Net Operating Result before Capital Grants and Contributions	2016/17	-4,196	2,151	9,510
	2015/16	-6,103	4,663	11,687

Balance Sheet \$'000		General Fund	Water Fund	Sewer Fund
Assets	2016/17	1,840,844	420,572	564,106
	2015/16	1,819,953	424,333	506,939
Liabilities	2016/17	96,228	1,291	79,807
	2015/16	90,416	1,188	34,680
Equity	2016/17	1,744,616	419,281	484,299
	2015/16	1,729,537	423,145	472,259

Council's Water and Sewer Funds produced a positive (though declining) operating result before capital grants and contributions. The General Fund net operating result before capital grants is still negative but the result seems to have improved from the previous year. Excluding the Financial Assistance Grant Advance, the result would have been \$-10.1M.

The balance sheets for all three funds are healthy with sufficient assets to cover the liabilities.

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Special Schedules

Special Schedule 7 - Report on Infrastructure Assets - Performance Indicators

Indicator	Benchmark		Consolidated	General Fund	Water Fund	Sewer Fund
Building and Infrastructure Renewals Ratio	Greater than 100%	2016/17	71.7%	67.7%	68.1%	88.0%
		2015/16	59.4%	53.0%	110.5%	44.2%
Infrastructure Backlog Ratio	Less than 2%	2016/17	3.1%	5.0%	0.3%	0.0%
		2015/16	1.9%	3.1%	0.0%	0.0%
Asset Maintenance Ratio	Greater than 1x	2016/17	0.9	0.8	1.0	1.0
		2015/16	0.9	0.8	0.9	1.0
Cost to Bring assets to agreed service level		2016/17	1.5%	2.5%	0.0%	0.0%
		2015/16	0.9%	1.5%	0.0%	0.0%

Building and infrastructure renewals ratio - there has been an improvement in this ratio overall. Council is committed to asset renewal and this ratio is expected to improve in future years, if funding is made available through further special variations to rates income.

Infrastructure backlog ratio - there has been a decline in this ratio, due to assets declining in condition, particularly with regard to General Fund.

Asset maintenance ratio – this ratio has remained the same at 0.9 for the consolidated accounts, but is still below the benchmark of 1.

Cost to bring assets to agreed service level – this ratio has worsened due to assets declining in condition.

Fit for the Future

Below is a comparison of Council's Fit for the Future submission and the historical results (2013/14 to 2016/17) including the 2017/18 LTFP budgeted figures (only one year SRV as approved by IPART).

Indicator	Benchmark		2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Operating Performance Ratio	Greater than 0% over a three year period	Original Submission	-5.44%	-6.26%	-7.42%	-5.99%	-4.06%	-1.70%	0.13%	1.00%	1.30%	1.72%	2.30%	2.78%
		Including 2014/15, 2015/16 & 2016/17 results and 2017/18 LTFF	-5.44%	-4.24%	-5.16%	-3.67%	-3.44%	-3.33%	-3.31%	-3.49%	-2.27%	-1.10%	-0.35%	0.24%
Own Source Revenue	Greater than 60% over a three year period	Original Submission	81.92%	81.01%	79.36%	80.25%	82.56%	85.97%	87.27%	87.77%	88.05%	88.09%	88.17%	88.23%
		Including 2014/15, 2015/16 & 2016/17 results and 2017/18 LTFF	81.92%	81.24%	79.12%	77.51%	79.40%	82.55%	85.68%	85.82%	86.22%	86.65%	87.06%	87.20%
Building and Infrastructure Asset Renewal Ratio	Greater than 100% over a three year period	Original Submission	48.76%	66.11%	71.55%	66.79%	57.54%	64.88%	72.86%	76.87%	73.96%	72.92%	72.51%	74.68%
		Including 2014/15, 2015/16 & 2016/17 results and 2017/18 LTFF	48.76%	64.90%	70.60%	56.27%	58.94%	62.42%	66.51%	67.71%	67.31%	67.07%	65.89%	66.44%
Infrastructure Backlog Ratio	Less than 2%	Original Submission	3.63%	0.90%	0.88%	0.90%	0.92%	0.94%	0.96%	0.99%	1.02%	1.05%	1.08%	1.11%
		Including 2014/15, 2015/16 & 2016/17 results and 2017/18 LTFF	3.63%	2.58%	3.14%	5.02%	3.20%	3.25%	3.32%	3.39%	3.47%	3.58%	3.59%	3.61%
Asset Maintenance Ratio	Greater than 100% over a three year period	Original Submission	91.04%	95.83%	78.87%	80.37%	79.73%	81.96%	83.66%	86.32%	87.90%	89.42%	90.65%	91.74%
		Including 2014/15, 2015/16 & 2016/17 results and 2017/18 LTFF	91.04%	98.42%	80.71%	81.35%	85.07%	89.01%	93.98%	93.22%	93.35%	93.60%	94.02%	94.73%
Debt Service Ratio	Between 0% and 20% over a three year period	Original Submission	5.69%	5.99%	5.55%	6.27%	5.89%	5.69%	4.79%	5.07%	5.16%	5.05%	4.61%	4.22%
		Including 2014/15, 2015/16 & 2016/17 results and 2017/18 LTFF	5.69%	5.69%	5.69%	5.69%	5.69%	5.69%	5.69%	5.69%	5.69%	5.69%	5.69%	5.69%
Real Operating Expenditure per Capita	A decrease in Real Operating Expenditure per capita over time	Original Submission	1,434	1,469	1,452	1,428	1,422	1,417	1,400	1,393	1,373	1,353	1,337	1,321
		Including 2014/15, 2015/16 & 2016/17 results and 2017/18 LTFF	1,434	1,406	1,469	1,476	1,469	1,434	1,409	1,375	1,349	1,327	1,307	1,289

Excluding the advance payment of the Financial Assistance Grant, the Operating Performance and Own Source Revenue Ratios would be:

Indicator	Benchmark		2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Operating Performance Ratio	Greater than 0% over a three year period	Original Submission	-5.44%	-6.26%	-7.42%	-5.99%	-4.06%	-1.70%	0.13%	1.00%	1.30%	1.72%	2.30%	2.78%
		Including 2014/15, 2015/16 & 2016/17 results and 2017/18 LTFF	-5.44%	-4.24%	-5.16%	-4.96%	-4.66%	-4.50%	-3.31%	-3.49%	-2.27%	-1.10%	-0.35%	0.24%
Own Source Revenue	Greater than 60% over a three year period	Original Submission	81.92%	81.01%	79.36%	80.25%	82.56%	85.97%	87.27%	87.77%	88.05%	88.09%	88.17%	88.23%
		Including 2014/15, 2015/16 & 2016/17 results and 2017/18 LTFF	81.92%	81.24%	79.12%	78.38%	80.25%	83.44%	85.68%	85.82%	86.22%	86.65%	87.06%	87.20%

The actual results show mixed outcomes when compared against the submission. The Operating Performance Ratio improved in 2014/15 due to savings realised from Council's Transformation Program. Because ratios are calculated as a three-year rolling average, the improved result in 2014/15 affects ratios up to and including 2016/17, showing that Council has performed better than the Fit for the Future submission.

It should be noted that the Fit for the Future submission included special variation increases of 10% (including the estimated rate peg of 2.5%) in 2017/18 and 2018/19. It is clear from the performance measures adjusted for the advance payment of the Financial Assistance Grants that Council will not meet its Fit for the Future targets within the required time frame, if the special variation of 13.2% (including rate peg) were not retained beyond 2017/18 and Council's proposed pathway to financial sustainability were not adopted.

Community Engagement

The presentation of the Financial Statements has been advertised, inviting the community to attend and write a submission.

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Financial Implications

The 2016/17 financial year has seen mixed outcomes in the financial results, position and performance measures, with several significant items distorting comparison with the prior year and against forward estimates.

CL17.319 Related Party Disclosures Policy

HPERM Ref: D17/388501

Group: Finance Corporate & Community Services Group
Section: Finance

Attachments: 1. Draft Related Party Disclosures Policy [↓](#)

Purpose / Summary

Council is required to adopt a policy on Related Party Disclosures to enable compliance with AASB124.

Recommendation

That Council adopt the Related Party Disclosures Policy

Options

1. To adopt the policy as presented
Implications: Nil
2. To adopt the policy with suggested changes
Implications: Nil
3. Not adopt the policy and request further information
Implications: A delay in policy adoption

Background

From 1 July 2016, AASB 124 Related Party Disclosures applies to local government. This means Council must disclose related party relationships, transactions and outstanding balances, including commitments in the Annual Financial Statements. While these disclosures have been long-standing in the private sector, they are a new requirement for the public sector.

Establishment of a policy to define the parameters for related party transactions and the level of disclosure and reporting required for Council is necessary to achieve compliance with AASB 124. The draft Related Party Disclosure Policy, is attached.

What is a Related Party?

Parties are related where one can control or influence the other's financial and operating decisions. Council's related parties include Key Management Personnel (KMP) and entities that Council has control or significant influence over (for example joint ventures and subsidiaries). Council's KMP have been proposed to include the Mayor, Councillors, General Manager, Directors and Section Managers. AASB124 also includes the close family

members of each KMP and the entities that KMP or their close family members control or jointly control as related parties.

The proposed determination of KMP is based on interpretation of AASB124 (that defines KMP as those persons that have the responsibility to plan, direct and control the activities of Council), consultation with Office of Local Government (OLG) and the Local Government Association of Queensland (LGAQ).

New information needs to be collected from Council's KMP to comply with AASB 124

To comply with AASB 124, Council needs to collect information from its KMP to identify related party relationships and transactions. The proposed policy requires all KMP to periodically provide a Related Party Disclosure notifying any existing or potential related party transactions between Council and related parties. After transactions are verified in Council's business systems the information will be added to a Register of Related Party Transactions.

Council's KMP are accustomed to making disclosures under various returns, however AASB124 also requires disclosure of material transactions in the financial statements. Under the policy, the Related Party Disclosures made by KMP and the Register of Related Party Transactions are not intended to be available for inspection by the public, although the reporting of transactions and relationships will be. Where a material transaction has occurred, it will be disclosed in the financial statements, other transactions are able to be disclosed in aggregate, where appropriate.

What will be disclosed?

The standard requires disclosure of material transactions with related parties. A related party transaction is a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged. Disclosure will include:

- Remuneration information for KMP. To be reported at an aggregate level for the following categories:
 - (i) short-term employee benefits (including non-monetary benefits);
 - (ii) post-employment benefits;
 - (iii) other long-term benefits, and
 - (iv) termination benefits.
- Transactions between Council and KMP or entities owned or controlled by KMP or their close family members, and
- Transactions with Council and other related entities such as Joint Ventures, Subsidiaries, etc.

Financial Implications

AASB 124 requires an additional disclosure in the notes to Council's Financial Statements, titled "Related Party Transactions" for periods after July 1, 2016. It is unlikely that this will impact Council's financial result and comparatives are not required.

Any financial implications will relate to indirect costs associated with researching, collecting and recording information, which are expected to be minimal.

Risk Implications

Non-compliance with AASB 124 will potentially lead to a qualified audit.



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Website: www.shoalhaven.nsw.gov.au

For more information contact the Finance Corporate & Community Services Group

Related Party Disclosures

Policy Number: POL17/85 • **Adopted:** [\[Click here to enter date\]](#) • **Minute Number:** [\[Click here to enter Minute number\]](#) • **File:** 53488E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:**

1. PURPOSE

The purpose of this policy is to define the parameters for Related Party Transactions and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB124 – Related Party Disclosures.

2. STATEMENT

Council is committed to responsible corporate governance including compliance with laws and regulations governing related party transactions.

Related party relationships are a normal feature of commerce and business. For example, entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of the Council through the presence of control, joint control or significant influence.

A Related party relationship could influence the normal business operations of Council even if related party transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the Council with other parties. Alternatively, one party may refrain from trading with Council because of the significant influence of another – for example, a local supplier may be instructed by its parent not to engage in supplying goods to Council.

For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with related parties) may affect assessment of Council's operations.

3. DEFINITIONS

AASB124	Australian Accounting Standards Board, Related Party Disclosure Standard
Act	Local Government Act 1993
Entity	Can include companies, trusts, joint ventures, partnerships, incorporated association or unincorporated group or body and non-profit associations

Shoalhaven City Council – Related Party Disclosures

Close members of the family of a person	Those family members who may be expected to influence, or be influenced by, that person in their dealings with the Council and include: <ul style="list-style-type: none"> • that person’s children and spouse or domestic partner • children of that person’s spouse or domestic partner, and • dependants of that person or that person’s spouse or domestic partner
Related Party	A person or entity that is related to the entity that is preparing its financial statements
Key Management Personnel (KMP)	As defined in section 6 of this policy
KMP Compensation	All forms of consideration paid, payable or provided in exchange for services provided and may include: <ul style="list-style-type: none"> • Short-term employee benefits such as wages and salaries, social security contributions, paid annual leave and paid sick leave, profit sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees; • Post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care • Other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation; and • Termination benefits
Material (Materiality)	Assessment of whether a transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis an entity’s financials statements. For the purpose of this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.
Ordinary Citizen Transaction	A transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.
Possible (Possibly) close members of a family of a person	Those family members who could be expected to influence, or be influenced by, that person in their dealings with the Council and include: <ol style="list-style-type: none"> a) that person’s brothers and sisters b) aunts, uncles and cousins of that person’s spouse or domestic partner c) dependants of those person’s or that person’s spouse or domestic partner as stated in (b) d) that person’s or that person’s spouse or domestic partners, parents and grandparents
Related Party Transaction	A transfer of resources, services or obligations between a Council and a related party regardless of whether a price is charged.
Regulation	Local Government (General) Regulation 2005

Shoalhaven City Council – Related Party Disclosures

Significant (significance)	Likely to influence the decision that users of the Council’s financial statements make having regard to both the extent (value and frequency) of the transactions and that the transactions have occurred between the Council and the related party outside a public service provider / taxpayer relationship.
Remuneration	Remuneration package, including any money, consideration or benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a related party transaction.

4. RELATED LEGISLATION AND DOCUMENTS

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Local Government Code of Accounting Practice and Financial Reporting
- AASB124 – Related Party Disclosures
- AASB10 – Consolidated Financial Statements

5. MATERIALITY

AASB124 provides that Council must disclose all material and significant Related Party Transactions and outstanding balances, including commitments, in its annual financial statements. Generally, disclosure will only be made where a transaction has occurred between Council and a related party of Council. In addition, the transaction must be material in nature or size when considered individually or collectively.

When assessing whether such transactions are significant the following factors will be taken into consideration:

- Significance in terms of size
- Was it carried out on non-market terms
- Is it outside normal day-to-day council operations
- Was it subject to council approval
- Did it provide a financial benefit not available to the general public
- Was the transaction likely to influence decisions of users of the annual financial statements

To enable Council to comply with AASB124, Councils KMP are required to declare full details of any related parties and related party transactions. Such information will be retained and reported, where necessary, in Councils Annual Financial Statements.

Accordingly, Council would apply judgement in determining the extent of information it needs to collect to meet the objective of AASB124, as it has been determined that there is little value in incurring significant costs to obtain data that is immaterial for disclosure.

The following are relevant when assessing materiality for disclosing KMP related party transactions:

- the potential effect of the relationship on the financial statements (ie not materiality to the related party) when assessing the quantitative aspects; and

Shoalhaven City Council – Related Party Disclosures

- transactions which occur on terms no different to that of a transaction with the general public and in a public service provider / taxpayer relationship, are not likely to be qualitatively material for disclosure

These types of transactions are not presumed to be material by nature of the transaction alone.

6. KEY MANAGEMENT PERSONNEL

AASB124 defines KMP's as "those persons having authority and responsibility, whether directly or indirectly, for planning, directing and controlling the activities of the entity.

For Council purposes, KMP's include:

- The Mayor
- Councillors
- The General Manager
- Directors
- Section Managers
- Any person who fills an above role in an 'acting' capacity

7. RELATED PARTIES

For the purpose of this policy, related parties of Councils are:

- Entities related to Council
- KMP of Council
- Close family members of KMP
- Possible close family members of KMP's; and
- Entities or persons that are controlled or jointly controlled by KMP, or their close family members or their possible close family members

A person or an entity is a related party of Council if any of the following apply:

- They are members of the same group (each parent, subsidiary and fellow subsidiary is related to the others)
- They are an associate of belong to a joint venture of which Council is part of
- They and Council are joint ventures of the same third party
- They are part of a joint venture of a third party and Council is an associate of the third party
- They are a post-employment benefit plan for the benefit of employees of either Council of an entity related to Council
- They are controlled or jointly controlled by close members of the family of a person
- They are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council; or
- They or any member of a group of which they are a part, provide KMP's services to Council

Shoalhaven City Council – Related Party Disclosures

8. RELATED PARTY TRANSACTIONS

A related party transaction is a transfer of resources, services or obligations between a reporting entity and a related party regardless of whether a price is charged. Such transactions required to be disclosed include:

- The purchase or sale of goods (finished or unfinished)
- Purchase or sale of property and other assets
- Rendering or receiving services
- Leases
- Quotations and / or tenders
- Commitments; and
- Settlements of liabilities on behalf of Council or by Council on behalf of the related party

9. DISCLOSURE

Council must disclose all material and significant Related Party Transactions in its Annual Financial Statements and include the following details:

- The nature of the related party relationship; and
- Relevant information about the transactions including
 - The amount of the transaction
 - The amount of outstanding balances, including commitments
 - Their terms and conditions, including whether they are secured and the nature of the consideration to be provided in the settlement
 - Details of any guarantee given or received
 - Provision for doubtful debts related to the amount of outstanding balances; and
 - The expense recognised during the period in respect of bad or doubtful debts due from related parties

All transactions involving related parties will be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are Ordinary Citizen Transactions, and to determine the significance of each of the transactions.

Related party transactions excluded from disclosure requirements on the basis of Ordinary Citizen Transactions are:

- Any valid discounts and fee waivers that are available to the party as an ordinary citizen and is available to any ordinary citizen in the same circumstances; and
- Any service or benefit occurring within normal employee, customer or supplier relationships and at arm's length; and
- Are not material or significant

Generally, transactions with amounts receivable from and payable to KMP or their related parties which:

- occur within normal employee, customer or supplier relationships and at arm's length; and
- are not material or significant;

Shall be excluded from details disclosures, they will be disclosed in the financial statements by general description. Disclosures that related party transactions were made on terms equivalent to an arm's length transaction can only be made if such terms can be substantiated.

Shoalhaven City Council – Related Party Disclosures

10. PROCEDURES

The method of identifying the close family members and associated entities of KMP will be by KMP self-assessment. KMP have an ongoing responsibility to advise Council immediately of any related party transactions.

The preferred method of reporting is for KMP to provide details of related parties and related party transactions via the Key Management Personnel Disclosure Form (Attachment 1), which is to be submitted to the Governance Unit of Council.

Information provided will be reviewed in accordance with the Council's operational requirements and held on a centralised register within the Finance department.

Should a KMP have any uncertainty as to whether a transaction may constitute a related party transaction they should contact the Chief Financial Officer for further clarification.

11. PRIVACY

Information provided by KMP and other related parties shall be held for the purposes of compliance with Council's legal obligation and shall be disclosed where required for compliance for legal reasons only.

12. REVIEW

This policy shall be reviewed annually and as required in the event of legislative change. Any proposed amendments to the Related Party Disclosures Policy must be approved by a resolution of Council.

Shoalhaven City Council – Related Party Disclosures

Attachment 1

Key Management Personnel Disclosure Form

Completion of this form is to assist Finance in preparing the disclosures required by AASB124 in regards to transactions between Council and Key Management Personnel.

1. Details of Key Management Personnel Making the Disclosure:	
Your Name:	
Position	Councillor <input type="checkbox"/> General Manager <input type="checkbox"/> Group Director <input type="checkbox"/> Other _____
Names of Close Family Members <ul style="list-style-type: none"> • Your children, spouse or domestic partner • Children of your person's spouse or domestic partner • Your other dependents or those of your spouse <small>(OLG has noted that close family members can be other than those described in the definition)</small>	1. _____ 2. _____ 3. _____ 4. _____ 5. _____ 6. _____ 7. _____ 8. _____
Residential Address:	Post Code: _____ Do you have an ownership interest in this property YES <input type="checkbox"/> NO <input type="checkbox"/> Is this property owned by a close family member YES <input type="checkbox"/> NO <input type="checkbox"/>
Other properties in the Shoalhaven LG area that you have an ownership interest in:	1. _____ 2. _____ 3. _____ 4. _____ 5. _____ 6. _____ 7. _____ 8. _____

CL17.319 - Attachment 1

Shoalhaven City Council – Related Party Disclosures

<p>Organisations/companies controlled by you: (e.g. significant shareholder, director or other key position)</p>	<p>1. _____ 2. _____ 3. _____ 4. _____ 5. _____ 6. _____ 7. _____ 8. _____</p>
<p>Other properties in the Shoalhaven LG area that are owned by your close family members listed above or your controlled organisations/companies</p>	<p>1. _____ 2. _____ 3. _____ 4. _____ 5. _____ 6. _____ 7. _____ 8. _____</p>
<p>Organisations/companies controlled by your close family members</p>	<p>1. _____ 2. _____ 3. _____ 4. _____ 5. _____ 6. _____ 7. _____ 8. _____</p>
<p>2. Other Disclosures:</p>	
<p>Please disclose any transactions you, your close family members or your controlled organisations/companies have with Council? (e.g. contracts or provision of goods or services flowing either direction)</p> <p>Please remember those transactions that are part of a general Council/resident nature are not required for disclosure (e.g. rate</p>	<p>1. _____ 2. _____ 3. _____ 4. _____ 5. _____ 6. _____ 7. _____ 8. _____ 9. _____ 10. _____ 11. _____</p>

Shoalhaven City Council – Related Party Disclosures

<p>payments made on time, entry to local pools, a one-off parking fine)</p>	<p>12. _____</p>
<p>Do you have any additional information or documentation related to the disclosure:</p>	<p>If YES, please attach a copy to this form. YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p>Signature/Date</p>	

CL17.320 Application for Proclamation of Local Public Holiday - Kangaroo Valley Show 2019/2020

HPERM Ref: D17/272252

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

Purpose / Summary

To consider a request from Kangaroo Valley A & H Association) for the proclamation of a biennial public holiday of the Kangaroo Valley Show as a Public Holiday. The Proposed dates are the first days of each of the 2019 and 2020 Shows, being Friday 15 February 2019 and Friday 14 February 2020

Recommendation

That Council make a biennial application to The Treasury - NSW Government (NSW Industrial Relations) under the Banks and Bank Holiday Act, 1912, over that part of the county of Camden, the Parish of Cambewarra and those portions of the Parishes of Burrawang, Bugong, Yarrawa and Wallawa, situated in the City of Shoalhaven, for the proclamation of a partial public holiday (9am-5pm) on the first day of the Kangaroo Valley Show to be held on:

1. Friday 15 February 2019
2. Friday 14 February 2020

Options

1. As Recommended
2. Council decline the request to make the application

Background

A request has been received from the Kangaroo Valley A & H Association for Council to make an application to The Treasury - NSW Government (NSW Industrial Relations) for the proclamation of a biennial public holiday of the Kangaroo Valley Show as a Public Holiday under the Banks and Bank Holiday Act, 1912.

Council has an obligation to process any application received for a Public Holiday. Kangaroo Valley A & H Association have made an application for the Kangaroo Valley Show for more than 20 years. The Kangaroo Valley Show has been running for 132 years.

In determining whether to apply for a local public holiday or a local event day, the Council is to consider the costs borne by businesses and local communities in the declaration of a local public holiday within the designated area. In this regard, it is expected that the Council will undertake a public consultation process on the matter, including consultation with relevant stakeholders, such as the local chambers of commerce, local banks, major employers and local schools located within the designated area.

Once an application is received by Council, the application process involves:

- Consultation by Council with the affected community and other relevant stakeholders as to the impact of a local public holiday or part-holiday on businesses located in the local government area.
- Resolution of the Council.
- Submission of the Application by the end of November each year.

The application is to provide Industrial Relations, and contain the following information:

- o a statement regarding the history of the event and whether the event day has traditionally been observed as a full or half-day public holiday.
- o the date, the designated area and, if relevant, the hours during which the public holiday or local event day is to be observed;
- o the extent of community consultation undertaken in respect of the proposal;
- o copies of advertisements seeking public comment and a summary of the responses from the local community;
- o a summary of correspondence to, and responses from, relevant stakeholders, including bank managers; school principals; and chambers of commerce regarding the Council's proposal.
- o internal reports or information prepared for consideration by the Council and a copy of the Council's resolution authorising the making of the application;
- o where an application is made for a public holiday or part-day holiday, details of:
 - alternatives considered by the Council including the declaration a local event day; and
 - transport arrangements for school students.

Consultation has taken place in the past in relation to partial public holiday and local event day and it was advised that in order for the children of the local school to be able to take part in the show the application would need to be a partial public holiday.

In considering the economic impact of the Public Holiday, advice has been provided by the following sections of the Council.

Economic Development Manager

“The Kangaroo Valley show goes for two days. Total visitation is 2400 people through the gates (1200 per day).

Out of the 2400 people that attend

- *500 people are domestic visitors staying overnight*
- *1300 are domestic visitors*
- *And that leaves 600 locals attending. In fact there would be more locals attending but may not be counted as ‘through the gates’ as they would be volunteers or those who would be displaying and therefore not be counted.*

The Kangaroo Valley Show retains the character of a country show and so is a drawcard for visitors from other areas. On this basis, I think that the actual economic impact is understated.

However if the above assumptions are correct then the total economic impact for the Kangaroo Valley Show would be \$291,000 generating \$72,000 in wages and salaries and adding \$139,000 to the economy of the Shoalhaven."

Community Development Section:

"Events such as the Kangaroo Valley Show are important in the life of rural communities. They bring the whole community together in an atmosphere of pride, celebration and fun. As such, they promote the building and development of strong and cohesive social networks.

The creation of a Public Holiday for the Kangaroo Valley Show increases the opportunity for members of the local community to be available to join in the event and would aid in increasing the social capital of the area."

Community Engagement

As part of the application process, a notice was placed in the local newspaper, the Kangaroo Valley Voice for a period of 28 days from which no submissions were received. The A & H Association contacted local community groups to seek support and the following responses for support were received:

- Kangaroo Valley Lions Club
- Kangaroo Valley Chamber of Tourism and Commerce

The Kangaroo Valley Public School have supported the application. In Correspondence sent to on 20 June 2017 Council making the following comments:

"I would officially like to acknowledge Kangaroo Valley Public School's support of a Partial Public Holiday for the 2019 and 2020 Kangaroo Valley Show. The Kangaroo Valley Show Partial Public Holiday has and continues to provide the students of Kangaroo Valley Public School a deep connection to our rural root and community engagement, as all our students enter a range of school completed art, craft and other items for display and judging in a range of categories, on the Partial Public Holiday Friday. Many of our students and their families have a long standing community connection to exhibiting livestock and facilitating show related exhibits on the Friday Partial Public Holiday as well. We see great value in this as part of our community connection and engagement."

There are no banking institutions in Kangaroo Valley.

Financial Implications

Council incurs the cost of advertising for comment in the South Coast Register and Kangaroo Valley Voice and the associated administrative tasks in the preparation and lodgement of the application.

CL17.321 Submission - Office of Local Government - Consultation on drafts of the new Model Code of Conduct for Local Councils in NSW and associated Procedures.

HPERM Ref: D17/389827

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

Attachments: 1. Report Attachment - Draft Submission to Office of Local Government - Consultative Drafts of Model Code of Conduct [↓](#)

Purpose / Summary

To provide Council's submission in response to the Consultative Drafts of the Model Code of Conduct for Local Councils in NSW and associated procedures

Recommendation

That Council endorses the Draft Submission to the Office of Local Government (Attachment 1 to this report) for submission in response to the Consultative Drafts of the Model Code of Conduct and Associated Procedures.

Options

1. As recommended

Implications: The submission will be made to the Office of Local Government as attached in the Draft Submission (Attachment 1)

2. That the submission be amended

Implications: Amendments to the submission may be included and detailed in the Council Resolution

3. That the Council not make a submission

Implications: The issues identified by the Council staff and Councillors in review of the documents will not be provided to the Office of Local Government for consideration.

Background

The Office of Local Government released [Council Circular 17-30 Consultation on drafts of the new Model Code of Conduct for Local Councils in NSW and associated Procedures](#) on 23 October 2017.

The circular provided the following Consultative Draft Documents:

- [Model Code of Conduct for Local Councils in NSW - Consultation Draft](#)

- [Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW - Consultation Draft](#)

In summary, the Office of Local Government has outlined that the amendments in the consultative drafts:

- Will bring into effect the Phase 1 amendments made to the Local Government Act 1993 (the Act) last year to incorporate pecuniary interest provisions of the Act and the Local Government (General) Regulation 2005 into the Model Code of Conduct.
- Are designed to update, clarify and enhance prescribed ethical standards, to address issues identified in the four years the current versions of the Model Code of Conduct and Procedures have been in force and to improve their operation.
- Contain new provisions that are designed to more effectively deter non-compliance and lead to improved transparency and accountability.

The consultation process allows for Council and other stakeholders to make comment on amendments to the current Model Code of Conduct and Procedures prior to finalisation.

Councillors have been provided the documents for review via email. A Councillor Briefing to discuss the amendments and content for the submission was held on 16 November 2017. The proposed submission outlines information provided by both Councillors and staff after detailed consideration of the proposed drafts.

The submissions are due by Monday 4 December 2017.

Council Officials are permitted to make personal submissions in response to the Consultative Drafts.

Community Engagement

The Office of Local Government has consulted with Council and other stakeholders in the community with respect to the consultative draft documents.

Policy Implications

Once brought into effect the new Model Code of Conduct and Procedures for the Administration of the Code of Conduct will apply to all Councils in NSW.

Shoalhaven City Council will need to consider the Model documents and adopt a Code or Codes of Conduct to instruct Council officials on their obligations.

The Office of Local Government has advised that once finalised, councils will be given a 6-month transitional period in which to adopt the new Model Code of Conduct and Procedures and to update their systems to align with the new requirements



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Deering St, Ulladulla NSW 2539 02 4429 8999

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

Council Reference: 4420E (D17/387080)
Your Reference:

Tim Hurst
Acting Chief Executive
Office of Local Government
Locked Bag 3015
NOWRA NSW 2541

By email only: olg@olg.nsw.gov.au

Attention: Governance Team

Dear Mr Hurst

Consultation drafts of the new Model Code of Conduct and associated Procedures

Please find attached Council's submission in response to Circular No. 17-30 and the Consultative Drafts for the Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Model Code.

Council appreciates the opportunity to provide comment and input into these important documents.

If you need further information about this matter, please contact Sara McMahon, Finance Corporate & Community Services Group on (02) 4429 3268. Please quote Council's reference 4420E (D17/387080).

Yours faithfully

Russ Pigg
General Manager
29/11/2017



SHOALHAVEN CITY COUNCIL - SUBMISSION - CONSULTATIVE DRAFTS

Council acknowledges that the Consultative Draft documents include amendments proposed to update, clarify and enhance prescribed ethical standards and to address issues identified in the four years the current versions of the Model Code of Conduct and Procedures have been in force.

In general, Council is in agreement with the amendments proposed. Outlined below is comments from the Council with respect to specific provisions of the documents with which it does not agree, makes specific comment or is seeking clarification.

As the Office of Local Government (the Office) did not provide any supporting commentary about the intended impact or context of specific amendments in the Consultative Documents, the commentary below is based only on specific wording and the identified impacts of the proposed amendments.

The following specific points are provided for consideration:

Code of Conduct

1. Part 2 - Definition of Committee Member

Council has reservations that that Model Code will no longer apply to wholly advisory committees. These committees make up a significant amount of the Councils Committee structure and Council will require a Code of Conduct to cover members' behaviour. Many of the provisions that apply, for example to Conduct Advisors, which have now been included, will need to apply to this group. It is expected that other Councils will need to do likewise.

2. Removal of General Obligation of Respect

It is noted that the general obligation of respect (previous Clause 3.3) and 'positive' conduct statements in general have been removed and the document tends to now outline conduct that is not permitted. Respect is important to build constructive relations, and it is suggested that the Code could be supplemented with statements of expected and positive behaviours, including respect.

3. Harassment and Discrimination

Further guidance or detail would be appreciated to assist in defining the scope of conduct covered in Clause 3.6 that is on the basis of 'political or other affiliation'. Would this, for example cover affiliation with a community group or body or 'supporters' of a project or theory?

4. Bullying

With the addition of Clause 3.10(f), as worded, situations when there are high workloads imposed on staff due to resourcing issues or emergency work may be incorrectly interpreted as bullying by staff. The wording is subjective and guidance may be required on what is reasonable with respect to that provision.

5. Work health and safety

Council is in receipt of advice that Councillors are excluded as Officers under the WHS Act 2011. Based on that, Council queries the validity of Clause 3.12 as currently written with respect to Councillors.

6. Written records of communications with Applicants and Objectors to Planning Applications.

Whilst it is understood that the new provision, Clause 3.15, aims to increase transparency and accountability in relation to planning matters, the Council is concerned with the wording of and the practicality of the application of the provisions. These concerns include:

- Councillors often have contact with persons in the community in a number of capacities and ways. Communication may occur before applications or objections are submitted to the Council or become known to individual Councillors. This could be conversations when they are stopped in the street, at a function or other informal occasion. It could be a phone call (mobile) while driving or “out”. Being able to recall and record all such communications may be onerous.
- The administrative burden upon Councillors as the result of the application of this provision would be excessive. Councillors are usually only provided minimal administrative assistance by the Council, but increases in resourcing in this area may be required at a cost to the community to deal with this burden.
- The provision is not clear as to what information is to be disclosed. For example, in the case of a short impromptu meeting in the street where a development is not discussed, will a Councillor be required to record the date and time of the meeting and those present or a summary of the discussion? Is the Office considering a template to clarify these requirements?
- For the reasons outlined above, if brought into action as currently worded, the provision may result in the hesitation of Councillors to communicate directly with members of the Community and thereby reduce community representation.

7. Obligations in relation to Meetings

Clause 3.24(c) seeks to restrict the use of a ‘large number’ of notices of motion ‘for the purposes of impeding the consideration of other business in the agenda’. The application of this provision will be difficult without direction from the Office as to how many motions would constitute a ‘large number’ and how intention or purpose of the action could be established in terms of an investigation should a complaint be made about contravention of this Clause.

8. Disclosures made by Council staff other than designated persons?

- Council appreciates the clarification of requirements for staff reporting at Clauses 4.14 and 4.15, however given the level of staffing within the organisation, reflects that a ‘supervisor’ may not always be the most appropriate person to deal with these matters. The person dealing with such matters should be of sufficient seniority and trained.
- An ‘Advisor’ to the Council is not defined. Clarification is required as to whether an Advisor must be formally appointed or engaged or is required to be remunerated by the Council for the advice to fall under this provision.

9. Disclosures of Interest in Written Returns (including Schedules 1 and 2)

Council understands that in general the provisions in relation to Pecuniary Interests and Written Returns reflect those that currently appear in the LG Act. However, the following concerns are held:

- There does not seem to be any changes to reflect the long-awaited amendments to the Disclosure form to align it to other Pecuniary Interest provisions. For example, form does not align with the provisions for Gifts and Benefits found within the Code. This is confusing to Council Officials in relation to their obligations for declarations.

- In the context of the draft tightening the provisions of the Code in general, the increasing thresholds for limits for declarations of Gifts, Contributions to Travel, and Debts on the form are unclear and appear contrary.
- Clause 4.27 appears to be contrary to the [GIPA Guideline 1 - Local Councils on the disclosure of information \(returns disclosing the interest of Councillors and designated persons\)](#) which was issued by the Information Commissioner in 2010 which concludes that 'Information contained in the returns should not be placed on the website of a local council.'
- Clause 4.27 requires the General Manager to omit the 'Principal Place of Residence' prior to publication on the Council's website, however the form does not provide for the identification of which property is the principal place of residence. Should this provision remain, the form should be amended to allow identification of this information.

10. Personal Dealings with Council

Clause 5.30 appears to deal with all Council Officials, however it should be amended to clarify that the requirement under 5.30(b) not to interact with the Council 'during work time' should not apply to Councillors. This could lead to a councillor not being able to do any business at all!

11. Disclosure of offers of gifts or benefits.

- The inclusion of a cumulative set dollar limit replacing a 'token' concept is appreciated, as it is much clearer for all officials
- The requirement to disclose all offers of gifts, regardless of value is considered an excessive administrative burden, as it is considered that the majority of these disclosures would relate to offers of minor hospitality, such as an offer of beverage at a meeting. It is suggested that a threshold value be set for the requirement to declare.
- Guidelines as to the management of surrendered goods would be appreciated.

12. Councillor and administrator access to information

Council notes the introduction of Clause 8.6, however it requests that the Office

- considers that it is often not until after a Confidential Business paper is printed and distributed that Councillors identify a Pecuniary Interest., and this is not often disclosed until the meeting itself.
- clarifies the application of this provision with respect to Reports to the Council under Part 7 of the Procedures for the Administration of the Code of Conduct, and in particular to complainant and subject Councillors and/or the General Manager.

13. Maintaining the Integrity of the Code

The wording of the provisions in this section of the Code are now instructive as to conduct on behalf of complainants as others as to what they cannot do. There no longer remains an obligation to report breaches of the Code of Conduct (Previous Clause 8.11) or wording to support the roles of Council Officials in holding the conduct of each other to account. It is considered that the wording of these provisions in the draft form may reduce the likelihood of complaints. It is unclear if this is the intention of the amendments.

Procedures for the Administration of the Code of Conduct

1. What is a Code of Conduct Complaint?

The amendment and widening of the definition of a Conduct Complaint (Clause 4.1) is noted as a significant change as it expands complaints to cover conduct 'in connection' with the role of a Council Official. Further Guidance on the term 'in connection' will be required to assess these matters.

2. Delegation by General Managers and Mayors of their Functions

The opportunity for the General Manager and Mayor to delegate their functions under the Procedures (Clause 5.1) is supported as it provides the desired flexibility and autonomy of those functions. Will the Office provide guidelines, practice notes or other instructions around the operation of these provisions and appointment of the delegates?

3. Code of Conduct complaints about Council Advisors

- As noted in the above comments with respect to the consultative draft of the Code of Conduct, a definition is required for Council advisors
- As Clauses 5.11 to 5.16 are silent with respect to complaints about Council Advisors, it is unclear what sanctions, if any will apply to that group. Further clarification is required.

4. Timeframes for responses and notices

The reduction in timeframes for notices, requests and submissions throughout the procedures is supported on the basis that there is capacity to grant extensions in some circumstances. It is understood that the phrase '*or such other period specified by the investigator*' will provide for this.

5. Removal of Conduct Committees

It is noted that all references to Conduct Committees have been removed from the Consultation Draft with the exception to a reference in Clause 3.16(b) - is the inclusion of Conduct Committees in this provision an error?

CL17.322 Kangaroo Valley Rural Fire Station Enhancement or Relocation

HPERM Ref: D17/383386

Group: Assets & Works Group
Section: Project Delivery & Contract

Attachments: 1. Kangaroo Valley Rural Fire Station Enhancement or Relocation [↓](#)
2. Flood Impact Assessment Report - Kangaroo Valley Rural Fire Service Station (under separate cover) [⇒](#)

Purpose / Summary

The Kangaroo Valley Rural Fire Service (RFS) Station on Broughton Street is located in the flood storage zone of the Kangaroo Valley floodplain.

This report seeks to ascertain whether Council is prepared to proceed with the enhancement of the existing Kangaroo Valley Rural Fire Service Station with the inherent risk of inundation, or would prefer to pursue other options to provide RFS facilities in Kangaroo Valley outside the floodplain.

Recommendation

That Council:

1. Acknowledge the existing Rural Fire Service Station is located in a flood storage zone, with the inherent risk of inundation.
2. Proceeds with the enhancement of the existing Rural Fire Service Station in Broughton Street, Kangaroo Valley for the ongoing provision of garaging and brigade facilities in Kangaroo Valley.

Options

1. Accept the recommendation.

Implications: The project to provide enhanced garaging and brigade facilities can continue through the Development Application stage and enable construction tenders to be called in early 2018. The risk of flood inundation remains.

2. Nominate an alternative site.

Implications: Substantial time will be required to design a new facility and secure approvals and funds sufficient to allow construction. An alternative site without flood inundation would need to be selected.

3. Not proceed with the enhancements.

Implications: The current level of service will be maintained, and the risk of flood inundation of the existing station remains.

Background

The existing Rural Fire Station is located on Broughton Street, Kangaroo Valley (Figure 1) adjacent to the Ambulance Station and public toilets.

The building is located on two properties:

- Lot 2 DP 748146 – zoned RU5 Village under the Shoalhaven Local Environmental Plan 2014 (SLEP 2014)
- Lot 1 DP 775132– Zoned RU1 Primary Production under the SLEP 2014.

Both properties are owned by Shoalhaven City Council (SCC) as Operational Land.

Figure 1 Location of the Kangaroo Valley Rural Fire Service Station



CL17.322

The existing station was built in stages in 1972 and 1990 and includes garage and storage areas and some office and training areas. No toilets or showers are provided in the building and brigade volunteers utilise the adjacent public toilets when necessary.

As the garage space and heights do not meet current requirements for new response vehicles and the training areas and amenities for the volunteers are either not provided or are below the appropriate standard an extension and upgrade project for the Kangaroo Valley Station has been identified in the Rural Fire Service Strategic Plan.

The existing site and building falls within the SLEP 2014 Flood Planning Area (refer Fig 2 below) to which clause 7.3 applies. The objectives of this clause are as follows:

- “To minimise the flood risk to life and property associated with the use of land.*
- To allow development of land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change.*
- To avoid significant adverse impacts on flood behaviour and the environment”*

Figure 2 SLEP 2014 Flood Planning Area



The existing station and the proposed upgrade project are located outside of the village centre, as the village centre is often subject to heavy traffic volumes and congestion. Quick access to the station and parking for volunteers in private vehicles is vital. Traffic volumes and congestion do not represent such an issue for the response vehicles, as those vehicles are equipped with appropriate lights and sirens.

A review of alternative sites has been undertaken (see table 1 below). The required land size and existing uses make other sites less feasible than the existing location in Broughton St.

Table 1 – Alternative Sites

Site	Address	Use	Reason
1	Lot 1 DP 377859 Quirk Street	Old town reservoir site	Too small
2	169 Moss Vale Road	Rear section of existing public car park	DCP Flood prone area
3	181 Moss Vale Road	Showground frontage, Community Land	Categorisation in POM to be reviewed, existing community uses in the shade of trees. Zoning includes RFS use.
4	Moss Vale Road, Lot 7.	Adjacent service station, identified in SSCC Land Review.	Zoning excludes RFS use.
5	Jenanter Drive, Lot 62	Large lot includes a portion of Environmental Conservation zoning.	Zoning excludes RFS use.
6	Jenanter Drive, Lot 105	Adequate size, amongst existing dwellings.	Zoning excludes RFS use.

CL17.322

To relocate the Rural Fire Service Station will place a financial burden on the community. Rural Fire Service funds have been allocated for an upgrade, not a whole new station, which would cost considerably more for the additional building footprint and civil works for parking, access and wash down areas.

Selecting another site would leave the existing station vacant and, if the same development standards are applied to a change of use application, the application would risk being rejected and the existing building, despite it being in good repair and built under previous Council approvals, would be unusable.

Should the proposed upgrade project for the Kangaroo Valley Station identified in the Rural Fire Service Strategic Plan continue on the existing site, each of the conditions of DCP Chapter G9: *Development on Flood Prone Land*, derived from *Schedule 6*, is proposed to be addressed as follows:

- **Condition 1** – The finished floor level (FFL) of the existing structure, and thus the FFL of the proposed additions is to be approximately 73.75 m (AHD). This floor level is 3.05 m below the flood planning level and will be 2.55 m below the 1% AEP flood level. This difference between the existing and proposed FFL relative to the FPL is too large to be rectified by raising the floor levels. The use of the building for heavy vehicle garaging effectively prohibits a multi - story development.
- **Condition 2** – Structural elements of the walls are to be steel or similar flood compatible material. Steel stud framing is to be used along with steel columns. Fibre cement weatherboard cladding will be used.
- **Condition 3** – Given that the FPL is 3.05 m above the FFL, it is not realistic to have all electrical installations above the FPL. Waterproofing of electrical installation below the FPL would be bulky and impractical particularly the retrofitting of the existing areas. The cost of waterproofing electrical installations would not provide value for money firstly as the building will not be accessible during a major flood event due to road closures, and secondly, outages of the electrical supply network will render the electrical installations non-operational.
- **Condition 4** – As provided for under Condition 2, steel-stud framing and structural elements are designed to address the loading that the structure will undergo during a 0.2% AEP flooding scenario.
- **Condition 5** – The designed and engineered steel-framed structure allows the building to remain structurally sound and not become floating debris in a 1% AEP flooding scenario.
- **Condition 6** – The proposed development will not have adverse effects on flood hazard or flood damage to surrounding properties.

The proposed development will be increasing the wall area exposed from the upstream direction by around 10m, which could affect flows in the immediate vicinity of the structure, however the only neighbouring structure within the immediate vicinity is the brick walled amenities building.

When viewing the floodplain as a whole, which has a cross section at the RFS station of over 500 m wide, the effect of the development on flooding characteristics as a whole can be considered negligible.

- **Conditions 7** – Reliable access to the building for emergency vehicles is not possible during the later times of a 1% AEP flooding scenario. In a 1% AEP flood event the immediate surrounds, including Moss Vale Road and Broughton Street, are completely inundated during the peaks and storage times of a 1% AEP flood event.

Weather forecasting information, including river height monitoring data published on the Australian Bureau of Meteorology website for the Kangaroo River, when combined with media releases, will enable access to be achieved during the early times of a flood event and prior to the flood storage impact on the precinct.

- **Condition 8** – Reliable access to the building for pedestrians is not possible during the later times of a 1% AEP flooding scenario. In a 1% AEP flood event the immediate surrounds, including Moss Vale Road and Broughton Street, are completely inundated during the peaks and storage times of a 1% AEP flood event.

Weather forecasting information, including river height monitoring data published on the Australian Bureau of Meteorology website for the Kangaroo River, when combined with media releases, will enable access to be achieved during the early times of a flood event and prior to the flood storage impact on the precinct.

- **Condition 9** – The RFS are a first response unit and advanced knowledge of incoming floods will be available to personnel. The RFS will have a warning time greater than that of residents, and will have longer to analyse the flooding and implement safe and effective evacuation procedures if necessary.

The land immediately surrounding the RFS station is relatively open, and as the land slopes up gradually towards Moss Vale Road, land that is above the 1% AEP flood level is in close proximity to the station and easily accessible by personnel.

The floodplain specific comment in the *Kangaroo Valley Floodplain Risk Management Study* states ‘It is recommended that any new development within the Kangaroo Valley Floodplain be required to prepare a flood evacuation plan and if the requirements of the DCP for effective evacuation cannot be met, that a suitable local evacuation location above the PMF be identified either within the residence or nearby.’ and ‘The two key requirements for an evacuation strategy are appropriate prior warning to allow evacuation, and a safe refuge to evacuate to.’ A site specific emergency evacuation plan for the RFS site would adequately address this condition.

- **Condition 10** – The building does not contain hazardous and valuable goods other than those on or in the vehicles and the vehicles themselves. An effective evacuation of the building prior to inundation by flood storage waters will remove all hazardous and valuable goods.
- **Condition 11** – As the area surrounding the development is mix of developed and undeveloped land, the development is not considered to affect the movement paths of animals prior to inundation of the site. The existing and proposed roof areas are above the flood planning level and may provide some refuge to animals once a flood reaches a height such that the site becomes inundated with flood storage water.

Of the eleven conditions stemming from Schedule 6, three of them, Conditions 2,4 & 5, can be complied with by an engineered design, and the remaining eight conditions, Conditions 1, 3, 6, 7, 8, 9, 10 & 11 have been demonstrated to be of nominal significance or lacking financial rationality due to the surrounding topography and publically available information.

Undertaking the proposed project on the existing Rural Fire Service Station site carries a risk of flood inundation. However it is considered that the proposed development will deliver a better outcome than one that strictly complies with the current flood planning requirements for the following reasons:-

- (i) Strict compliance would not be responsive to the intent of the objectives of the SLEP Clause 7.3.
- (ii) Strict compliance would add significant financial cost to the community for an alternative facility.
- (iii) Strict compliance would not meet the desired future character of the precinct;
- (iv) Strict compliance would have a detrimental impact on the use of the existing building for community purposes.

Community Engagement

The Kangaroo Valley Rural Fire Service are a long established volunteer brigade and provide a high standard of response to bush fires and other emergency events. The brigade enjoy a high level of support from the community, both residents and visitors, and there is an implicit expectation that Council will provide up to date facilities for the brigade.

Policy Implications

There are no Policy implications in regard to the enhancement of the Kangaroo Valley Rural Fire Service Station.

Financial Implications

Should Council resolve to proceed with enhancement of the existing Kangaroo Valley Rural Fire Service Station financial aspects will be managed under the current proposed construction project.

Should Council resolve that the existing site is not to be the ongoing site for the location of the Kangaroo Valley Rural Fire Service Station additional funding will be required to secure a site and construct a new facility including building and associated civil works. Depending on where the other site would be located there may also be land costs and services provision costs.

Risk Implications

There is a risk that the Flood Planning levels for storage are realised in a future flood event and repairs will be needed to the facility. It is unlikely that insurance would be valid, as the proposal would have been proceeded with despite the warnings about flood storage risk of inundation. It is noted that repairs would be required to the existing station in the event of a future flood event.

The assessment of the Development Application for the site will include an assessment against the Flood Planning provisions of the SLEP and DCP and there is a risk that the Development Application could be rejected.

CL17.322

Attachment – Kangaroo Valley Rural Fire Service Station Report



CL17.323 William Mulligan Bushcare Action Plan - Amended for Adoption

HPERM Ref: D17/361194

Group: Planning Environment & Development Group
Section: Environmental Services

Attachments: 1. William Mulligan Reserve - Sussex Inlet - Bushcare Action Plan 2017 (under separate cover) [⇒](#)

Purpose

The purpose of the report is to present the amended William Mulligan Bushcare Action Plan, as per part 2 the resolution of the Council MIN17.831 at the 26th September 2017 Ordinary meeting as follows:

The William Mulligan Reserve Group Action Plan – refer Sussex Inlet back to Council staff for further amendments to the maps and the crowns land policy license as requested by the Bushcare Representative Groups.

Recommendation

That Council adopt the amended William Mulligan Reserve Bushcare Group Action Plan.

Options

1. As recommended. Adopt the amended William Mulligan Bushcare Group Action Plan.

Implications: Issues raised with the plan, as part of the resolution (MIN17.831), in regards to the amendment to the map and Crown Land, have been addressed and the plan has been amended.

2. Not adopt the Action Plan.

Implications: This decision could significantly affect volunteer's morale and result in a loss of volunteer participation in Council's Bushcare program.

3. Alternative recommendation.

Implications: Unknown.

Background

The William Mulligan Bushcare Group Action Plan was submitted to Council's Ordinary Meeting on 26 September 2017 for adoption. The Action Plan was referred back to Council staff (MIN17.831) for further amendments to maps and to consider the implications of possible Crown Lands licences associated with the land the Bushcare Action Plan applies to.

Amendments to map

The map “Appendix 3: Figure 1 – *Map showing location of saltmarsh currently being mown/slashed and proposed protection area with jetty access points*” has been adjusted to allow for mowing to the vehicle access track behind 290 and 294 River Road.

Licences applying to Crown Land

GIS Enquiry and Council records searches were undertaken to determine the history and existence of licences applying to Crown Land. The licences found were dated from 16/05/1996 (Allan Kenneth Mayne) and 25/10/1999 (BP & LA Byrnes), each with a term of six (6) years, so have expired. A third licence held by Richard J Green Enterprise P/L, while on the same Crown Land parcel as part of the Bushcare site (UPN98193), applies to boat facilities at the eastern end of Jacobs Drive approximately 700m north-east from the Bushcare site. There are no licences therefore that affect the William Mulligan Bushcare Group Action Plan.

Conclusion

This report describes how the required amendments and considerations have been addressed. It is recommended that the William Mulligan Bushcare Group Action plan be adopted.

CL17.323

CL17.324 National Local Roads & Transport Congress 2017

HPERM Ref: D17/386549

Submitted by: Clr Mitchell Pakes
Clr Patricia White

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

Purpose / Summary

To provide a report (Attachment 1) from Clr Mitchell Pakes and Clr Patricia White on the National Local Roads & Transport Congress 2017 held in Albany WA on 6-8 November 2017 in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

Recommendation

That Council

1. Receive the report from Clr Mitchell Pakes and Clr Patricia White on the National Local Roads & Transport Congress for information.
2. Requests the General Manager to further investigate what data is available to assist Council in planning, reporting and preparing grant applications, including outlining the value of commissioning the data and the associated costs;
3. Invite Adrian Kemp of HOUSTONKEMP to deliver a presentation to council.
4. Invite the Federal Member for Gilmore to inspect projects that have been completed under the Roads to Recovery Program and demonstrate the need for additional funding to make further safety improvements to the Shoalhaven Local Road network.

Options

1. Receive the report for information
2. Request further information on the conference

CL17.324

National local Roads and Transport Congress 2017 6–8 November, Albany WA

Albany – Host City

Albany, located on the southern coast of Western Australia, is a regional centre with a population of about 38,000. Albany was the first European settlement in WA and was the last stop for ANZAC troops heading to World War 1. It is believed the first dawn service was held here. There are many well-constructed and maintained memorials and facilities dedicated to this history.

The area is making the most of its natural beauty, demonstrated by the ‘gap’ walk, which features a viewing deck protruding from the cliff, overhanging the ocean below. A wind farm has been operating here since 2001 and an energy from wave facility is mooted for the area. The theme of the *National Local Road and Transport Congress* was *Shaping the Future*. Local Government is responsible for more than 73% of Australia’s Road network with an estimated value of \$180 billion. It is estimated 11% of road and transport assets are in poor or very poor condition.

Delegates from across Australia outlined during sideline discussions similar issues we face in the Shoalhaven with roads not meeting community expectations in their own areas.

Technology Advancement

Data

Mr Adrian Kemp, an Economist from HoustonKemp, provided an excellent presentation on how available data captured by the numerous devices we all use (e.g. smart mobile phones, navigation systems etc) is being collated to plot road use patterns. Examples showed vehicle speed patterns over the road network and pinch points. The information can ‘drill down’ to road segment lengths of 100m, allowing priority areas for improvement works or enforcement response.

As more technology is added to vehicles, it will also be able to provide accurate road condition reporting which may help maintenance activities. Also, the information may be able to be overlaid with vehicle crash statics, weather conditions and other inputs to provide a predictive tool for car crashes, allowing interventions such a speed adjustments and targeted enforcement.

This information exists now and is available for the Shoalhaven, although the purchase and analysis of the data comes at a cost of between \$10,000 and \$20,000. The information would be helpful to provide supporting information for Council’s road improvement projects, pedestrian movements, factual data on where new infrastructure is needed (i.e. footpaths) and use patterns to support future grant applications.

Pavement Condition Assessment

National local Roads and Transport Congress 2017 6–8 November, Albany WA

Peter Damen, Australian Road Research Board (ARRB) outlined technology advances in data collection for road pavement condition, which could compliment the road use information described above. ARRB data provides reporting on the condition of road pavement, allowing for engineering assessment of maintenance and renewal to ensure the spend is targeted.

Data collection for this purpose is not new. However, there has been improvements in the technology and combined with other data (actual traffic data), the integration provides valued inputs for decision-making. As the Shoalhaven's road infrastructure improves, the data and analytics would be valuable to target the spending. At the moment with many roads in poor condition, there is no wrong decision on where to undertake renewal.

ARRB is also progressing with research and development of road pavement materials. One mentioned was an asphalt concrete variant called EMEZ. This is a high strength AC mix, providing for thinner pavement construction, reducing excavation, time and surplus soils disposal. Its viability and application in the Shoalhaven should be investigated, along with a review of other products tested by ARRB.

Automatic Vehicles

Ms Donna Wieland, General Manager, Transport Technology Futures Branch, Federal Department of Infrastructure and Regional Development, gave an overview on the progress of intelligent transport, which included fully automated vehicles. There are a number of authorities testing automated vehicles in Australia, although this is for mostly controlled, short journey purposes such as shuttle buses in CBD areas or on university campuses. The wide spread use of automated vehicles is suggested to still be decades away, particularly in Australia. The main manufacturers are focused on developing in the larger vehicle markets in Europe and America, where they are producing left hand drive vehicles, not suitable for the right hand drive infrastructure in Australia. There are a number of technology advances still required, including driving in poor weather conditions, rural road operation where there is no painted lines to guide the vehicle and unpredictability of animals (like kangaroos) crossing the road.

There is a number of policy / administration issues that need to be resolved in parallel with the technology, including:

- The car ownership model – who will own, is a user pays system
- Who is responsible for the vehicle whilst it is in use
- A single technology is required to ensure all vehicles can 'talk' to each to maximise the benefit;
- Protection against cyber attacks; and
- There will be a change in revenue streams as fuel use declines the fuel taxes will not be available and parking fees and fines will dissipate, as parking is no longer required.
- **Changes to legislation as current legislation provides that only 'humans' can drive vehicles.**

National local Roads and Transport Congress 2017 6–8 November, Albany WA

The challenge for infrastructure planning is the uncertainty of what a world with fully automatic vehicles will look like and how this will change road use and parking patterns. Automated vehicles may be some time away, but their arrival is within the planning period of infrastructure planning.

Freight Movements

A key issue facing many rural areas is an efficient supply chain to get produce from agriculture areas to ports for export. The “first and last mile” is the weakest link, meaning the state and federal roads system support movements, but getting to this infrastructure from the farmhouse initially and at the end trip, through congested cities to the ports is the problem. The rural road network is not suitable for the large capacity modern trucks, due to narrow widths, limited structural support and poor geometry.

The ‘last mile’ into Albany was provided as a case study. The port of Albany is only accessible by road and rail through the CBD area, creating conflict between heavy vehicle movements and light vehicles, increasing journey time, creating a maintenance and amenity burden on the community. This is summarised in the town main roundabout which is assessed as the worst performing intersection in the regional area and the seventh worst in the state. The solution is to build a ring road at a cost of \$135m.

Toowoomba City Council is working with it’s farming community on improving freight movements and have developed a taskforce of stakeholders, mapping demand and identifying constraints for priority spending. The CISRO has developed tools to assist industry and government to identify and evaluate efficient transportation routes.

Advocacy for Federal Funding into Local Roads

The Honourable Darren Chester MP, Federal Minister for Infrastructure and Transport addressed the conference. He outlined that the Road to Recovery grant program has been continued, although the Government will have a focus on projects that address safety issues on the local road network. Typically, Shoalhaven Council has used this program to advance the road rehabilitation in conjunction with blackspot projects.

The Roads to Recovery program is expected to increase to \$400m (currently \$350m) in 2019/20 and the Australian Local Government Association (ALGA) is advocating for an increase to \$800m. The Minister is encouraging Councils demonstrate to their local members the projects that have been delivered under the program and highlight future projects. This will help with the advocacy to expand the funding pool.

Stormwater - New Approach to Funding

National local Roads and Transport Congress 2017 6–8 November, Albany WA

Stormwater systems and roads were described as needing to coexist, but were not compatible. This is attributed to these being the forgotten asset, only becoming an issue when it rains. This is when undersized and poorly maintained infrastructure causes problems to the roads. With the focus on roads, spending on stormwater is not at sufficient levels.

Mr Andrew Reese, Principal The Wool Group, showed this to be typical in most local Government areas in Australia and America. He is recommending that stormwater systems be treated like a business, with the focus on having their own revenue to support their improvement and maintenance. Examples from America shown large elements of the stormwater systems (e.g. open drains) were attracting sponsorship money from companies. However, the most practical and established model was the levy on ratepayers for the particular purpose of stormwater management. Mr Reese showed typically across the world where a levy has been imposed that \$5/month (or \$60/ year) for each property was acceptable to the community and provided significant improvements to the infrastructure.

Shoalhaven already imposes a \$25/ year stormwater level, which is the maximum amount permissible under the Local Government Act.

Road Safety

Fatality rates from crashes has been declining through various initiatives like mandatory seatbelts, alcohol limits and drug testing. However, the downward trend changed in 2014 and it is now rising. This has happened in many countries (not just Australia) and the reason is unknown. The obvious cause is driver distraction from smart phones, although these have been in use for many years (well before 2014). The research is ongoing.

Ms Natalie Lockwood Austroads Program Manager outlined a review of the Austroads Road Safety Chapter and new tools being developed to guide decisions on infrastructure to improve safety. She noted that consistency is important for drivers, so the whole of network solutions need to be considered when making improvements to address safety, instead of investing in localised improvements. This may mean instead of implementing a “level 5” solution in one location, a lower standard is accepted for the same budget, but across a larger part of the network.

Dr Dan Sullivan Austroads Project Manager is working on a review of the technical standards for setup of work site on roads. This follows a number of deaths and injuries to traffic control workers, which has been linked to poorly set up sites or lack of training for staff. The review is in the early stages and Dr Sullivan is encouraging local Government to raise any concerns they have with the current standards.

National local Roads and Transport Congress 2017 6–8 November, Albany WA

Further Information -

Copies of Presentations & Reports will be available on the Australia Local Government Associations website – link <http://alga.asn.au/>



From Left, Clr Pakes, Clr White,
Minister for Infrastructure and Regional Development The Honourable Darren Chester MP

Recommendation

That Council:

- Requests the General Manager to further investigate what data is available to assist Council in planning, reporting and grant applications, including outlining the value of commissioning the data and the associated costs;
- Council Invite Adrian Kemp of HOUSTONKEMP to deliver a presentation to council
- Council invite the Federal Member of Gilmore to inspect projects that have been completed under the Roads to Recovery Program and demonstrate the need for additional funding to make further safety improvements to the Shoalhaven Local Road network.

CL17.325 International Cities Town Centres & Communities (ICTC) - Mainstreet 2017

HPERM Ref: D17/388766

Submitted by: Cllr Annette Alldrick

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

Purpose / Summary

To provide a report (Attachment 1) from Cllr Annette Alldrick on the International Cities Town Centres & Communities (ICTC) held in Melbourne VIC on 25-27 October 2017 in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

Recommendation

That Council receive the report from Cllr Annette Alldrick on the International Cities Town Centres & Communities (ICTC) for information.

Options

1. Receive the report for information
2. Request further information on the conference

CL17.325

ICTC MAINSTREET CONFERENCE

“Great streets make great cities.”

MELBOURNE CBD.

Mixed use brings vibrancy to downtown areas. This includes a mix of downtown accommodation, good open spaces, food and beverage outlets and retail.

The accommodation does not to be high rise. Six to eight stories is thought to be a good height as a firefighter can run up fully clothed. Green areas need to contain diverse tree species with no more than 5 percent of trees from any one species.

Steps need to be made to maintain the health of all trees with soil moisture being maintained at a level to provide healthy growth of vegetation. The community should have a broad understanding of the importance of urban forest, increasing their connection to it.

It is important that sunlight isn't cut out. This can be achieved by stepping buildings back from the street.

Small blocks, whilst more difficult to maintain, are necessary to maintain character.

An even, easy to maintain walking surface is essential for safety and for the placement of street furniture. In Melbourne CBD all streets are bluestone. It is important not to over pave as this reduces moisture to tree roots. Water saving devices such as tanks and tree pits to capture street water are also essential. Permeable asphalt under roads also collects water for the trees.

To save money on buying land roads with light traffic can be narrowed and the land used for greenspace and car parks can be built underground and the rooves can be used for greenspace. Car park entrances should be kept off main streets as this is more aesthetically pleasing.

THE REVITALISATION OF LISMORE

An architecture design firm was used.

Lismore has a Local Government Area of 1267 sq. km and a population of 45,000. It has a university and a hospital. The CBD is a maze of arcades with cafes and galleries.

The revitalisation of the Lismore CBD was based on the following best practice formula-

- Focus on the greater CBD over the last 8 years
- City centre manager, business panel business plan and branding.
- Place making and events programme
- Extensive CCTV camera network for the CBD
- Working with the chamber on business training
- Additional CBD cleaning and toilets

- 2016 Mainstreet programme and champion awards.

Events were organised for the CBD throughout the year, such as Eat the Street, Carols by Candlelight, What's Your Style, 12 days of CBD Christmas and a huge stocktake sale, to bring people into the CBD.

Eat the Street attracted approx. 10,000 people to the 60 stalls in its first year and approx. 20,000 in its second year with 75 stall holders.

On 31/03/2017 there was a major flood event in the Lismore CBD breaching the 15 year old flood levy for the first time. Many new businesses didn't have flood plans. There was approx. 10000 tons of rubbish in the CBD. An estimated 68 percent of businesses suffered damage. Combined total damage to infrastructure and agriculture is estimated to be \$40 million.

The community rallied to help clean up businesses and council was very proactive from the start sending business facilitators to help business owners fill out forms and setting up a chaplaincy programme through local churches to council business owners.

THE REVITALISATION OF QUEANBEYAN.

Queanbeyan is a town with a population of approx. 45,000. It is 17km from Canberra CBD and has a family friendly country feel. 53 percent of businesses in the CBD are in the service provision industry and 26 percent belong to the retail sector. In 2009 a master plan was developed. It included a lifestyle precinct and activation of the riverfront.

Many problems were encountered including the perception of Queanbeyan as a "struggle town", poor connectivity, difficulty in competing with Canberra for retail dollars, people having to commute out of town for work and lack of identity. There was no proper town centre and many heritage buildings were torn down in the 70s. The remaining buildings were old and rundown with a poor street appearance. There were low levels of foot traffic in the CBD. There was no new private investment, with no new property ownership.

In developing the masterplan the central focus was on developing a viable economy. The vision was for a flourishing commercial centre providing a vibrant social lifestyle. The strategic focus was to create an identity for the CBD, connect the CBD and to enable investment in the CBD.

To achieve this the following was needed-

- A defined and distinctive identity
- Streetscape beautification
- Welcoming public spaces
- High workforce and pedestrian density
- Cultural and promotional activities

- An entrepreneurial and small business ecosystem that contributes to identity
- Compact- smaller blocks and densified retail footprint
- Pedestrian focused environment
- Transport linkages
- Connecting the CBD to parks and green spaces
- Activate the river corridors
- An enabling business environment
- Proactive private sector and business community

SHOPFRONTS AND PLACE

Retail businesses are the bloodline to many successful places. The shopfront is the customer's first interaction with any bricks and mortar business. The physical face of the business serves many purposes- it identifies the business, provides an understanding of the retail mix in a shopping precinct, creates a perception of place and potentially adds character and beauty to a main street.

80 percent of main street businesses are shops. Streets can be made beautiful but the business owners have to cooperate. New signage and painting lift morale and boost confidence. Traders work long hours and don't often have time to do the work themselves. To cooperate traders need a before and after and a how much. New shopfronts look fresh and good shopfronts make streets look safer.

POP UP PARKLETS

Pop up parklets are modular parks which can be erected and removed after a three month trial. After the trial local businesses can choose to make them permanent if they think they work. The object of these parklets is to-

- Provide a sense of community
- Provide an open space in a dense community
- Activate streets
- Test public appetite for a park
- Extend outdoor dining areas

The average costs of a trial pop up parklet are - Installation and council fees \$3000 and plants \$500-\$1000

If the park is made permanent the costs are design- up to \$5000, materials and construction up to \$8000.

So far all areas that have had short term trials have applied for long term installations.

How a Pop Up Parklet at a suburban shopping centre reconnected a community.

The community was given total ownership of what they wanted and the park was

designed to meet their needs. It included an event zone, a crossing zone, a picnic zone, a kids zone and an active zone. The local residents were involved in the setup and maintenance of the park, including watering of plants. There were programmes for older adults, young people, children families and school groups. At the end of the trial the community was surveyed so that the success of the park could be measured. The overwhelming response was that the community loved the park. The takeaways from this trial were- Create a vision –what do you want to see, here, feel. Community ownership is the key. Build relationships with the community and the key stakeholders.

Passive surveillance is important for a sense of safety and security.

Take risks, you'll be surprised.

PENRITH OPEN SPACE REINVESTMENT PROJECT

Penrith has 1200 hectares of open space. For this project some underutilised small open spaces were sold and the money reinvested in larger, more utilised spaces.

The first step was community engagement and for this a private company was engaged. The community was asked which open spaces were their favourites and which land they thought was underutilised and could be sold.

Landscape architects were engaged to devise framework to assess open space usage.

The theory was that all residents should have access to open spaces within 400 metres of their homes. Mapping was done to outline which areas were to be sold and where the funds were to be redirected to.

Broad and extensive community consultation was undertaken by a private research company. Several pop up parks were built and trialled and these were eventually adopted as permanent parks because of their popularity with the communities.

It has been concluded from this project that the extensive community involvement was the key to its success and led the community to accept something which they might otherwise have been against.

THE WORLD'S MOST SUSTAINABLE SHOPPING CENTRE

A mixture of dwellings, aged care, shops and roof gardens was the basis for the concept. In striving for success the following considerations were made-

- Who would visit?
- How long would they stay?
- How frequently would they visit?

It was decided that creating a comfortable environment was important. It needed to have human and financial benefit and to have the lowest possible environmental impact. For this to happen the buildings needed to be regenerative and improve the

environmental performance of the site in its operation. It needed to have sustainability in the following areas-

- Climate change
- Business sustainability
- The development of waste awareness
- Skills and future generations

To achieve their goals 20 percent of the site was to be used for urban agriculture with fruit and vegetables being grown on the northern and western walls. PV cells on the roof provide 6 hours of sunlight /day. Extra solar energy is purchased offsite. All water is recycled. 4 hours sunlight per day was to be available to the interior as studies have shown that people are more likely to shop where natural sunlight is available.

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.