

Ordinary Meeting

Meeting Date: Tuesday, 25 September, 2018
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

Membership (Quorum - 7)
All Councillors

Please note: The proceedings of this meeting (including presentations, deputations and debate) will be webcast and may be recorded and broadcast under the provisions of the Code of Meeting Practice. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

Agenda

1. **Acknowledgement of Traditional Custodians**
2. **Opening Prayer**
3. **Australian National Anthem**
4. **Apologies / Leave of Absence**
5. **Confirmation of Minutes**
 - Ordinary Meeting - 28 August 2018
6. **Declarations of Interest**
7. **Presentation of Petitions**
8. **Mayoral Minute**
9. **Deputations and Presentations**
10. **Notices of Motion / Questions on Notice**

Notices of Motion / Questions on Notice

CL18.210	Rescission Motion - CL18.193 - Draft Medium Density Amendment - Shoalhaven Development Control Plan 2014 - Post Exhibition Consideration and Finalisation	1
CL18.211	Notice of Motion - Draft Medium Density Amendment - Shoalhaven Development Control Plan 2014 - Post Exhibition Consideration and Finalisation.....	4
CL18.212	Rescission Motion - CL18.209 - Penalty Infringement Notices	5
CL18.213	Notice of Motion - Penalty Infringement Notices	7

CL18.214	Notice of Motion - Appointment - Independent Penalty Review Panel - Appeals.....	8
CL18.215	Notice of Motion - Tree Management Policy.....	10
CL18.216	Notice of Motion - Review Of Ward Boundaries	11
CL18.217	Notice of Motion - Introducing the Bird Haven Festival - Donation.....	12
CL18.218	Notice of Motion - Amendment to the Shoalhaven DCP - Change of Use - Car Parking / Developer contributions.....	19
CL18.219	Notice of Motion - Literary Awards - Shoalhaven Aboriginal People in Custody.....	22

11. Committee Reports

CL18.220	<u>Report of the Strategy & Assets Committee - 18 September 2018.....</u>	24
SA18.216	Floodlighting Charges Review	
SA18.221	Local Government Road Safety Program 2018/19 (Approved Projects)	
SA18.225	Classification of Land - Lot 137 DP 1236274 - Vendetta St Nowra	
SA18.226	Proposed Licence to Berry Riding Club Inc	
SA18.230	Water rebate drought affected Farmers	
CL18.221	<u>Report of the Aboriginal Advisory Committee - 13 August 2018.....</u>	27
AA18.23	Uluru Statement From the Heart	
CL18.222	<u>Report of the Inclusion & Access Advisory Group - 3 September 2018</u>	28
IA18.13	Beach Wheelchair Access	
IA18.15	Application for Membership - Grace Kennedy	
CL18.223	<u>Report of the Nowra CBD Revitalisation Strategy Committee - 5 September 2018</u>	29
CBD18.54	Request from Shoalhaven Arts Board - Appointment Representative	
CBD18.55	Successful Heritage Grant - Nowra CBD Historical Walk - Historical interpretative signage and app content development	
CBD18.59	Proposed O'Keefe Avenue Traffic Lights	
CBD18.62	Additional Item - Resignation - Luke Sikora	
CL18.224	<u>Report of the Shoalhaven Traffic Committee - 11 September 2018.....</u>	31
TC18.90	No Stopping Zone - Driveways 72-74 Osborne Street, Nowra (PN 3509)	
TC18.91	Bus Zone - Basil Street, South Nowra (PN 3510)	
TC18.92	Additional Item - Northern End of Donlan Road, Mollymook - Line-marking	
TC18.93	Additional Item - Burrill Lake Boat Ramp - Parking	

12. Reports

General Manager

CL18.225	Election of Deputy Mayor and Assistant Deputy Mayor	35
CL18.226	Ordinary Meeting - Order of Business	43

CL18.227	Determination of Core Committees	45
CL18.228	Determination of Date and Time of "Core" Council Committee Meetings, Ordinary Meetings and Councillor Briefings	50
CL18.229	Community Consultation & Committee System	54
CL18.230	Council Representative on Other Committees or Organisations Outside of Council.....	56

Finance Corporate & Community Services

CL18.231	Venue for Ordinary Council Meetings - Community Participation in Decision Making.....	62
CL18.232	Appointment of Replacement Voting Delegate - 2018 Local Government NSW Annual Conference.....	65
CL18.233	Donation Request - Wreck Bay Sharks Football Club - 3rd National Indigenous Football Championships	66
CL18.234	Section 355 Management Committees.....	71
CL18.235	Acceptance of Grant Funding - NSW Stronger Country Communities Fund	76
CL18.236	Investment Report - August 2018.....	78

Planning Environment & Development

CL18.237	Proposed Submission - State Heritage Register Listing - Hampden Bridge, Kangaroo Valley	82
CL18.238	DA18/1598 – 145 & 159 Princes Highway, South Nowra – Lot A DP 403839 & Lot 100 DP 1101535	90

Shoalhaven Water

CL18.239	Tenders - TM7 Bolong Road Watermain Replacement	99
----------	---	----

13. Confidential Reports

Reports

CCL18.16	Tenders - TM7 Bolong Road Watermain Replacement
----------	---

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

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

CL18.210 Rescission Motion - CL18.193 - Draft Medium Density Amendment - Shoalhaven Development Control Plan 2014 - Post Exhibition Consideration and Finalisation

HPERM Ref: D18/301999

Submitted by: Cllr John Levett
Cllr Kaye Gartner
Cllr Nina Cheyne

Purpose / Summary

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

Recommendation

That Council rescind the Motion relating to Item CL18.193 of the Council Meeting held Tuesday 28 August 2018.

Background

The following resolution (MIN18.646) was adopted at the Ordinary Meeting held Tuesday 28 August 2018.

That Council:

1. Adopt the draft Medium Density Amendment as exhibited and as per attachment 1, but with the following additional changes:
 - a. Delete any reference to 'Mandatory Controls' as such content would be contrary to Section 4.15 (3A) of the EPA Act 1979, which requires the council to be flexible in applying DCP provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with an aspect of a proposed development. The current DCP if adopted would lead to breaches of the EPA Act if mandatory controls were contained within it. Any control currently noted as mandatory is to be re-written as an acceptable solution.
 - b. Delete iv from principle controls in Section 5.1
 - c. Delete reference to minimum lot size of 1000m² for battle-axe lots in A1.1.
 - d. Amend A5.1 to remove note referring to increased setback for tandem parking.
 - e. Amend Figure 3 and table 2 such that a maximum setback to a secondary street is 5m for dual occupancy dwellings on corner lots for detached dual occupancies. Figure 3 and table 4 shall be amended to include a 3.5m setback to secondary streets for attached dual occupancy dwellings with the garages setback 5.5m
 - f. Amend Table 2 to remove reference to 4m rear setback to dwellings and replace with 3m (average) rear setback.
 - g. Amend Table 4 to remove reference to 4m rear setback to dwellings.
 - h. Amend A6.2 to read:

CL18.210

A6.2: In addition to the formal landscaping area required at A6.1, a further area of at least 20% of the site is to be provided, which:

- Has a minimum dimension of 1m in any direction.
- Is inclusive of 40% deep soil planting.
- Can Include landscaped area, decks, terraces, alfresco areas, swimming pools or other recreation areas / structures.

- i. Amend A11.3 to add the words 'where practicable'.
- j. Delete P12.4 & A12.4
- k. Delete following dot point reference in A13.1 - "Retain adjacent trees by locating the driveway outside the drip line."
- l. Delete Section 5.33 of the DCP in its entirety.
- m. Delete Section 5.3.4 of the DCP in its entirety.
- n. Amend Section 5.3.5 to delete item 1.
- o. Delete Section 5.3.6 of the DCP in its entirety.
- p. Amend A28.2 such that the setback required is only 5.5m and not 7.2m.
- q. Amend Section 5.4.3 by:
- r. Deleting reference to "Mandatory Controls"
- s. Amending item 1 to read as follows:

All Class 1a and 2 developments, as defined in the Building Code of Australia, should provide accessible or adaptable housing at the following rate:

- Developments containing 3-10 dwelling - 1 dwelling.
- Developments containing 11 - 40 dwellings - 2 dwellings.
- Development containing 41 - 60 dwellings - 3 dwellings.
- Development containing 61 - 80 dwellings - 4 dwellings.
- Developments containing 81 - 100 dwellings - 5 dwellings.

- t. Amend A34.1 to state:

The required proportion of new Class 1a or 2 dwellings, should be designed so the dwelling can be easily and affordably adaptable at a later date. In this regard the Silver Standard for accessibility as outlined in the 'Liveable Housing Design Guidelines'.

2. Notify the adoption of the Medium Density DCP Amendment in local newspapers in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Regulations.
3. Rescind the following existing Shoalhaven Development Control 2014 chapters when the Medium Density Amendment is made effective:
 - a. Chapter G13: Dual Occupancy Development.
 - b. Chapter G14: Other Residential Development.
4. Advise key stakeholders, including relevant industry representatives, of this decision, and when the Medium Density Amendment will be made effective.
5. Specific instructions with respect to conversion of Mandatory provisions of the DCP:

CL18.210

- a. Only Draft Chapter G13 is to be amended to delete mandatory provisions. The use of Mandatory provisions within all other DCP chapters is reported back to council at a later date for consideration as a separate amendment.
- b. Mandatory provision 1 & 2 in Section 5.1.1 (minimum lot size) be converted to acceptable solutions. The performance criteria for these acceptable solutions should be the same as specific objective ii) in Section 5.1.1 – that is: “Ensure that any lot consolidation /amalgamation avoids the isolation of smaller lots surrounded by larger development”.
- c. The mandatory provision in section 5.3.5 (Private open space) is to be deleted.
- d. The mandatory provision in section 5.3.6 (Communal open space) is proposed to be deleted along with the remainder of section 5.3.6 (communal open space).
- e. Mandatory provision within Section 5.4.3 (universal design) is to be converted to an acceptable solution. The performance criteria for this acceptable solution should be the same as specific objectives i) & ii) in Section 5.4.3 – that is:
 - i. Ensure that a suitable proportion and wider variety of dwellings include layouts and design features to accommodate the changing access and mobility requirements of residents and visitors.
 - ii. Promote ageing in place by extending the usability of dwellings to meet ‘whole of life’ needs of the community.

CL18.211 Notice of Motion - Draft Medium Density Amendment - Shoalhaven Development Control Plan 2014 - Post Exhibition Consideration and Finalisation

HPERM Ref: D18/302011

Submitted by: Cllr John Levett
Cllr Kaye Gartner
Cllr Amanda Findley

Purpose / Summary

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

Recommendation

That Council be given the opportunity to consider the implications of CL18.193 to the overall planning document. The amendments of CL18.193 have conflicting components that don't relate well to other parts of the planning instrument and require careful consideration before final adoption.

Note by the General Manager

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

CL18.211

CL18.212 Rescission Motion - CL18.209 - Penalty Infringement Notices

HPERM Ref: D18/302054

Submitted by: Cllr Nina Cheyne
Cllr Kaye Gartner
Cllr John Levett

Purpose / Summary

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

Recommendation

That Council rescind the Motion relating to Item CL18.209 Penalty Infringement Notices (Compliance) of the Council Meeting held Tuesday 28 August 2018.

Background

The following resolution (MIN18.665) was adopted at the Ordinary Meeting held Tuesday 28 August 2018.

That:

- 1. Penalty Infringement Notices that are subject to an appeal or review be referred to the full Council for consideration and determination.*
- 2. Penalty Infringement Notices that are subject to a referral to a Court be referred to Council for consideration and determination.*
- 3. The policy outlined in (1) and (2) above apply to Penalty Infringement Notices subject to appeal or review or Court proceedings since 1 January 2018.*
- 4. The General Manager provide legal advice to Council in respect to Council reviewing the referred items*
- 5. The General Manager also report on other instances in Local Government in NSW where similar policies are active.*

Note by the General Manager

The rescission motion was lodged following the closure of the original meeting and therefore some actions were implemented including:

- A councillor briefing on compliance matters has been held;
- Part 4 - Legal advice has been sought and provided from Council's Legal Services Manager. Essentially a council may legally be the "reviewer" however this is not "best practice" and there will be some privacy issues to resolve if it is considered that these matters must be dealt with in "Open" council.
- Part 5 – I sought online feedback from other NSW councils and found that the review process was undertaken in varying ways:
 - By the equivalent of our Section Manager level;

CL18.212

- At Director level;
- By the General Manager;
- By Revenue NSW;
- By the Governance Manager.

In respect to parking fine matters it was undertaken at Team Leader level.

If the rescission motion is LOST, then a full report will be prepared and submitted to council in accordance with the original motion. If the rescission motion is CARRIED than either Council will make some alternate decision or the status quo will continue.

CL18.212

CL18.213 Notice of Motion - Penalty Infringement Notices

HPERM Ref: D18/302060

Submitted by: Cllr Kaye Gartner
Cllr Nina Cheyne
Cllr John Levett

Purpose / Summary

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

Recommendation

That Council provide a briefing to Council on the Compliance Policy and provide legal advice to Councillors on the proposition that Council be involved with the review of all fines.

Note by the General Manager

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

Also see "GM Note" on Rescission Motion item.

CL18.213

CL18.214 Notice of Motion - Appointment - Independent Penalty Review Panel - Appeals

HPERM Ref: D18/322664

Submitted by: Cllr John Wells

Purpose / Summary

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

Recommendation

That

1. Council and the General Manager appoint an Independent Penalty Review Panel to consider and determine appeals made pursuant to Council's application of POL16/233
2. The General Manager report to Council on the potential membership of the independent review panel;
3. The application of POL16/1233 be regularly reported to Council.

Background

At the August Ordinary Meeting of Council, I moved a Notice of Motion under urgency relating to the management of appeals and court referrals arising from penalties issued pursuant to Council's Compliance and Enforcement Policy (POL16/233). The purpose of the Notice of Motion was to provide for appeals to be considered by a transparent, independent process in accordance with the principles underpinning the policy, taking into account "all relevant information", an "assessment of all matters" and "the full circumstances and facts of the matter and the public interest". The Motion was carried by a majority with only two Councillors dissenting.

Since the passage of that Motion I and all Councillors have had the benefit of the general Manager's action in circularising the office of Local Governments Best Practice Review / Assessment of Council from which I note the need for a Compliance and Enforcement Policy, and a preference for Council itself to avoid involvement in the administration of the policy.

In tabling the Motion, I did indicate to the Chamber that it was a Motion I would have preferred not to put but I did so for three reasons:

1. Considerable disquiet from members of the community regarding application of the policy.
2. Concern that in some instances "the full circumstances and the facts of the matter and the public interest" may not have been fully taken into account.
3. That in reviewing appeals, a perception could be formed that the judge and executioner were the same party.

Councillors also received the benefit of a detailed Councillor Briefing on 13 September which stimulated robust debate. This debate and briefing has not allayed my concerns outlined above, particularly with regard to point 3. I do not consider an appeal of a penalty recommended by a compliance officer can be independently reviewed by that officer's

CL18.214

supervisor, section head or even Group Director. Such a process would put the reviewing party in a conflicted position.

So, if it is considered inappropriate for Council to enter the review process (though I understand some do) and review within the group which issued the penalty could not be seen as independent, another review mechanism is necessary.

Accordingly, I propose POL16/233 be amended to enable Council, and the General manager to appoint a Penalty Review Panel to consider appeals made against Council enforcement action. Whilst ordinarily I would envisage the independent panel to focus on appeals related to development activity, pollution control and environmental health issues, recent complaints relating even to swimming pools suggests the Panel should not be limited in reviewing cases to which POL16/233 can apply.

Finally, I believe the application of POL16/233 and reviews including court referrals be reported to Council either quarterly or six monthly, outlining the nature of the incident, action taken, whether subject to appeal and final determination

CL18.214

CL18.215 Notice of Motion - Tree Management Policy

HPERM Ref: D18/323095

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

1. Re-affirm it's "45 degree-rule" tree removal policy
2. Staff prepare a draft policy on "compensatory tree planting" following the legal removal of trees in our city. This policy would need to address, but not be restricted to the following
 - a. Suitable sites to plant new trees, especially in non-residential locations.
 - b. The ideal new tree to old tree ratio.
 - c. The possibility of recoupment costs.
 - d. The investigation of similar policies that may exist in other municipal areas

Note by the General Manager

The "45 degree-rule" tree removal policy is included in the "Tree Management Policy – Public Land" POL16/10. This was last considered and adopted by Council on the 17 April 2018.

The latest amendment of Shoalhaven's DCP Chapter G4 Tree and Vegetation Management was adopted by Council on 11 December 2017, with the commencement date of 20 December 2017. Chapter G4 of Shoalhaven's DCP provides for the "45 degree-rule". The purpose of Chapter G4 is to "... declare trees and other vegetation under Part 3 of *State Environmental Planning Policy (Vegetation in Non-Rural areas) 2017* (the Vegetation SEPP). Where a tree or other vegetation is declared in this Chapter a person must not clear vegetation without a permit granted by Council (Clause 10(1) of the Vegetation SEPP)."

A Policy to have a more proactive compensatory tree planting program and the budget required to underpin such a Policy could be drafted for council consideration.

CL18.215

CL18.216 Notice of Motion - Review Of Ward Boundaries

HPERM Ref: D18/324480

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:

1. Council staff undertake a full review of the three ward boundaries with a view, to in some way, correcting anomalies such as the situation at Sanctuary Point, where the boundary cuts the township down the middle.
2. The results of the review together with possible scenarios be the topic of a Councillor Workshop in order to progress a way forward.

Note by the General Manager

Council staff identified in February 2018 that a Ward Boundary adjustment is required prior to the next local government general election due to there being a variance of greater than 10% between electors in its wards. In particular, there has been an increase in registered electors in Ward 3 since the last boundary adjustment was undertaken.

At the time advice was sought from the Electoral Commission of NSW with respect to timing of the boundary review and were advised as follows:

"Any ward boundary structure will not come into effect until just prior to the next Local Government General Election. Any by-elections will be held on the existing ward structure. Therefore, I would encourage council to wait until closer to the date the election is expected to be held (September 2020) to finalise the new boundaries. This is particularly so in an area of growth where, if the boundaries are defined too early, you run the risk of them being outside the 10% variance by the time the election is called."

The NSWEC typically writes to councils approximately 18-20 months before the next general election encouraging them to review their wards and setting a deadline 10-12 months out from the election to have the boundaries and names finalised. As such this is a task that council should look to complete in 2019."

CL18.216

CL18.217 Notice of Motion - Introducing the Bird Haven Festival - Donation

HPERM Ref: D18/323188

Submitted by: Cllr Nina Cheyne

Attachments:

1. Funding application [↓](#)
2. Bird Haven Budget [↓](#)
3. Draft Program [↓](#)

Purpose / Summary

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

Recommendation

That Council consider donating \$1000 from the unallocated donations fund to support the local Bird Haven Festival in October 2018.

Background

The annual festival will be held over one weekend at the end of October to coincide with National Bird Week. It will offer a diverse range of activities for bird lovers of all levels of experience. Its underlying aim is to support the conservation of birds and their habitats, by making festival goers bird advocates.

The Festival will:

- Bring visitors to the Shoalhaven region during the quieter time of the tourism calendar
- Promote Shoalhaven Heads/River as a centre for nature tourism all year round
- Make learning about birds a fun experience
- Educate the general public about why it is important to be a bird advocate
- Raise awareness of the importance of shorebirds and the importance of protecting their habitats
- Highlight the significance of Shoalhaven Heads as a migratory destination
- Bring the community together in a celebration of the impact of birds on our history, art, stories and music
- Give an appreciation of the importance of birds to our local first nation people
- Increase awareness of the importance of conserving wildlife habitats in general.

In doing so, it offers significant tourism benefits by positioning Shoalhaven Heads as a must-do eco-experience.

The concept has been enthusiastically welcomed by Birdlife Shoalhaven, and, through them, Birdlife Australia. At their suggestion, we will be holding a fledgling Bird Fest on Sunday October 21, 2018 at the Shoalhaven Community Centre, with a film being shown at the Shoalhaven Heads Bowling Club on Saturday October 20. The mini-event will offer an opportunity to finetune our ideas, survey participants and prepare a case for substantial funding for its launch in 2019.

Funding from Shoalhaven Tourism will be used to help bring speakers to the Festival, including the author of a new book on a bird that migrates to Shoalhaven Heads and the director of a film on birding. The speakers are big attractions for the Festival.

Note by the General Manager

Shoalhaven Tourism has met with the event organisers, giving them advice on funding opportunities, marketing and event logistics. We subsequently assessed the event based on the criteria outlined in the EOI for Funding form, which includes;

Regional capability and brand fit, return on investment / economic development, long term sustainability and marketing leverage.

Due to the small number of participants in the first year and the resulting return on investment (based on the REMPLAN Economy Report attached) the event does not meet the criteria for support from Shoalhaven Tourism.

Shoalhaven Tourism does however recognise the potential of the event and will continue to support the organisers with in-kind assistance and advice and have encouraged them to apply for funding from both Shoalhaven Tourism and Destination NSW for their larger event in 2019.

An amount of \$24,813.00 is available in the 2018/19 Unallocated Donations vote.

CL18.217

Part 2 of funding application

BIRD HAVEN FESTIVAL

Shoalhaven Heads, 20-21 Oct 2018



Provide a brief description of the event and detail what specific areas the funding will cover.

Bird Haven Festival is a celebration to promote an appreciation and understanding of birds and their habitat, based around the themes of Science, Conservation, Education, Community and Creativity.

The annual festival will be held over one weekend at the end of October to coincide with National Bird Week. It will offer a diverse range of activities for bird lovers of all levels of experience. Its underlying aim is to support the conservation of birds and their habitats, by making festival goers bird advocates.

The Festival will:

- Bring visitors to the Shoalhaven region during the quieter time of the tourism calendar
- Promote Shoalhaven Heads/River as a centre for nature tourism all year round
- Make learning about birds a fun experience
- Educate the general public about why it is important to be a bird advocate
- Raise awareness of the importance of shorebirds and the importance of protecting their habitats
- Highlight the significance of Shoalhaven Heads as a migratory destination
- Bring the community together in a celebration of the impact of birds on our history, art, stories and music
- Give an appreciation of the importance of birds to our local first nation people
- Increase awareness of the importance of conserving wildlife habitats in general.

In doing so, it offers significant tourism benefits by positioning Shoalhaven Heads as a must-do eco-experience.

The concept has been enthusiastically welcomed by Birdlife Shoalhaven, and, through them, Birdlife Australia. At their suggestion, we will be holding a fledgling Bird Fest on Sunday October 21, 2018 at the Shoalhaven Community Centre, with a film being shown at the Shoalhaven Heads Bowling Club on Saturday October 20. The mini-event will offer an opportunity to finetune our ideas, survey participants and prepare a case for substantial funding for its launch in 2019.

Funding from Shoalhaven Tourism will be used to help bring speakers to the Festival, including the author of a new book on a bird that migrates to Shoalhaven Heads and the director of a film on birding. The speakers are big attractions for the Festival.

1. **Regional Capability and Brand Fit**

A growing, yet largely untapped market

Around the world, birdwatching is experiencing a boom in popularity, with some reports saying it is the fastest growing eco-tourism sector. It is particularly popular with well-heeled baby boomers looking for an activity to base their trips and research around. It is also popular with families and millennial looking to connect with nature.

Technology – from the internet and apps to digital photography – are making it more accessible than ever to newcomers.

Why Shoalhaven Heads?

- Migratory destination for birds from Siberia and other far flung places
- Perfect festival for the village of Shoalhaven Heads, as it builds on its existing reputation as a birdwatching destination
- Has the potential to spur the economy of this small village and make it a bird watching destination throughout the year, as it has a diversity of birds all year round
- Fits with Unspoilt marketing campaign run by Shoalhaven Tourism
- Many different levels of accommodation available for people to choose to stay in to attend festival, both in the village and in its surrounds
- Multiple community venues available
- Within easy reach of Sydney and Canberra
- Gives Shoalhaven Heads a reason to be a destination.

2. **Return on Investment/Economic Development**

Shoalhaven Heads village is in the economic doldrums following the completion of the Berry Bypass, which is drawing traffic away from the coast road. This Festival will be the catalyst for widening the village's appeal as a birdwatching destination. It is a niche that The Heads can exploit throughout the year, although the Festival will lift off peak visitation. The Chamber of Commerce and executives and the Chair of Sydney South Surrounds are excited by its potential.

3. **Long term sustainability**

The event has strong support from Birdlife Australia, and its local chapter Birdlife Shoalhaven, and this endorsement is helping to quickly establish its identity and credibility.

Discussions with Sydney South Surrounds have been very encouraging about the Festival obtaining incubator funding for next year with the aim of becoming a flagship event for the region.

The Festival will be a ticketed event, with a low cost base rate, to which people can add extras such as workshops, dinners, films etc. This formula is being implemented this year, with a \$10 ticket price for the Sunday program, and a \$5 charge for a film being shown on the Saturday night.

Its ticketed status will make the organisation of the event more efficient, in terms of venue management. We have identified eight existing venues within the village that can be utilised for future festivals, ensuring the infrastructure is available for growth.

Income will also be obtained from specialist businesses, such as suppliers of camera and binoculars, targeting birders.

Local business (accommodation and food - both in The Heads and surrounding area) have indicated their willingness to be associated with the event.

The experience and skills of the Festival Directors

Cathy Law: lives in Shoalhaven Heads and owns and edits The Bugle newspaper (a local paper for the Kiama Community). She is a former director of Kiama Tourism and has extensive experience in event management, hospitality, public relations and marketing. She ran her own café in Kiama for many years and was one of the main instigators of the Kiama Farmers Markets and is a local produce champion.

Perrie Croshaw: lives in Gerroa and owned South Coast Holidays, a tourism business based in Gerringong. She was a journalist at The Australian and the Sydney Morning Herald. She is a former chair of Kiama Tourism and is currently on the Destination Kiama Tourism Advisory Committee.

4. Marketing Leverage

Already the Festival is being marketed on through Birdlife Australia's network of members and associated organisations.

The Festival will be held on the weekend preceding National Bird Week, and will benefit from the publicity this generates (eg. National Backyard Bird Count campaign).

With the growing interest in birds, there is great potential for PR to be generated across all media channels. Both Festival Directors are experienced journalists and marketers able to make the most of this opportunity.

The event will be promoted throughout the year on facebook and instagram.

Tickets are (and will be) sold via birdhavenfestival.com.au

BIRD HAVEN FESTIVAL - YEAR 1		BUDGET					
TICKETED 4 HOUR EVENT ON Sunday 21 OCTOBER 2018 for 200 attendees and film on Saturday 20 OCTOBER							
Expenses		Estimated Cost			Revenue	Estimated Cost	
VENUE				EVENT INCOME			
Room/hall rental		\$	100.00		Ticket sales (film and Sunday)		\$ 2,000.00
Equipment rentals (speakers, microphones, etc.)		\$	400.00		Tshirt sales (net)		\$ 300.00
Event styling		\$	100.00				
Insurance		\$	300.00				
REFRESHMENTS				SPONSORSHIP			
Morning tea		\$	300.00		Shoalhaven Bowling Club		\$ 1,000.00
		\$	-		Accommodation in kind		\$ 600.00
		\$	-				
PROGRAM				GRANT			
Presenters (travel)		\$	1,000.00		Shoalhaven Tourism		\$ 1,000.00
Coordinators x 2		\$	300.00				
PROMOTION							
Social media		\$	200.00				
Graphic design/branding		\$	200.00				
Web development		\$	500.00				
Signage		\$	500.00				
MISCELLANEOUS							
Wristbands		\$	50.00				
Printed agendas/programs		\$	250.00				
Contingency		\$	500.00				
Survey and follow-up		\$	200.00				
GRAND TOTAL		\$	4,900.00		GRAND TOTAL		\$ 4,900.00

000000



Fledgling event

October 21 2018 *Draft program*
Shoalhaven Heads Community Centre
Preceded by a film night in the Shoalhaven Heads
Bowlo's beer garden, on Saturday October 20, 7pm
Chasing Birds – Part comedy, part natural history
and part road movie... (\$5 entry)

Numbers limited by size of venue. Tickets: \$10 (including morning tea)
from trybooking.com from Friday 7 September. Children free.

Visit www.birdhavenfestival.com.au for more detail on the Festival,
and follow us on facebook.com/birdhavenfestival.com for updates.

	Main Hall	Front Room	Children's area
9am	Welcome to Country and local bird story		
9.15am	ROB DUNN, President of Birdlife Shoalhaven talks about how Shoalhaven Heads is a mecca for birds and birdwatchers.	Bird Art Exhibition with resident artist Robyn Sharp	Children's sessions: facilitated by teachers to encourage creativity and learning.
9.45am	CHRIS GROUNDS, Birdlife Shoalhaven Conservation Officer Migratory Shore-birds of Shoalhaven Heads.	Bird photographer tells secrets	
10.15am	YOLANDE COZIYN from Birdlife Shoalhaven talks about birds in your back garden and the AUSSIE BACKYARD BIRD COUNT and the app. Become a citizen scientist!		
10.40am	Break including free morning tea provided by the Red Cross (TBC)		
11am	THE EASTERN CURLEW: The Eastern Curlew is a migratory bird which has recently been declared critically endangered. Author HARRY SADDLER spent 2016 following the Eastern Curlew along its 10,000km migratory path from their breeding grounds in the Arctic in what is one of the most spectacular mass migrations in the animal kingdom. Saddler will talk about the bird and the journey and take questions.		Children's sessions: facilitated by teachers to encourage creativity and learning.
11.40am	TBC	TBC	
12.20pm	Talk wrap up and a taster for next year's 2-day Festival. Break for lunch		
Afternoon walks guided by Birdlife Shoalhaven			
Walk 1: Stroll through Shoalhaven Heads Botanic Gardens and learn how to use the Aussie Backyard Bird Count app. Rob Dunn and Yolande Cozijn will be in the gardens until 3pm.			
Walk 2: Join Chris Grounds on the beach to see Shorebirds nesting through telescopes and binoculars. Chris will be there until 3pm			

CL18.218 Notice of Motion - Amendment to the Shoalhaven DCP - Change of Use - Car Parking / Developer contributions

HPERM Ref: D18/323911

Submitted by: Cllr Greg Watson

Purpose / Summary

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

Recommendation

That Council adopt the following:

1. As a matter of policy, Shoalhaven City Council not require the provision of additional car parking or payment of developer contributions for development applications involving a change of use within the B3 Commercial core, B4 mixed use Business use zones and other appropriate Zones within the City's retail centres
2. A draft amendment to the Shoalhaven DCP be prepared to reflect this policy position.
3. The draft amendment be placed on public exhibition.
4. Following exhibition, the matter be reported back to Council for finalisation.

Background

Development Applications for changes of building use, where no additional floor space is proposed within the our City's Shopping Centres CBD should not be subject to the provision of any additional car parking for the following reasons:

- 1) No additional floor space or new buildings are proposed so the buildings have no real additional capacity.
- 2) Any existing buildings would either have some car parking on site and / or parking credits.
- 3) The proponents for these applications are often a tenant. If their specific proposal requires the provision of additional car parking, it makes the task of opening up a new business more difficult and often, way too expensive – especially if contributions need to be paid.
- 4) The requirements for additional car parking for changes of building use are often as a result of a technicality, whereas in real terms, actual demand for additional car parking within Shopping Centres as a result of a new business operating from an existing building is no different.
- 5) This is one way Council can lift restrictions and remove red tape for new businesses and shops to open within the City's Shopping Centres without having any adverse impacts on the way the Centres functions. We have a large number of empty shops within our Shopping Centres, and the measures proposed may assist within ensuring existing vacant commercial buildings are utilised.

CL18.218

- 6) Wollongong Council has similar provisions within their car parking DCP. The Wollongong DCP states, in part, “For development applications involving a change of use within the B3 Commercial Core and B4 mixed use zones in the Wollongong City Centre, the provision of additional car parking is not required”.

Note by the General Manager

Shoalhaven Development Control Plan 2014

The Notice of Motion seeks to waive the requirement for additional car parking as part of a development application for a change of use in the B3 Commercial Core and B4 Mixed Use zones and other appropriate zones within the City’s retail centres.

Chapter G21: Car Parking and Traffic of the DCP already provides a parking credit for the original use of the building/unit, however it does require additional parking to be provided where the new use requires more parking than the previous or old use. Chapter G21 also provides a 50% parking discount for certain land in the Nowra CBD that clearly provides one or more of the following land use outcomes:

- Primarily operates outside of core CBD Business hours;
- Involves public meeting places that facilitate events, non-gambling entertainment or improves the public domain/ safety for the general public (place making);
- Encourage use and attract public/ group (i.e. bus) transport.

Note: whilst the provision technically lapsed on 22 October 2016, it is the intention of staff to extend the development incentive indefinitely. This will be considered as part of an upcoming housekeeping amendment to the DCP.

The following table outlines centres where B3 and B4 zoned land is currently located:

Table 1: B3 and B4 locations across Shoalhaven

B3 Commercial Core Zoned Land	B4 Mixed Use Zoned Land
Nowra Ulladulla	Bomaderry Burrill Lake Cudmirrah Culburra Beach Huskisson Mollymook Mollymook Beach Narrawallee Nowra Shoalhaven Heads St Georges Basin Sussex Inlet Ulladulla Worrigee

It is appreciated that Wollongong City Council have a similar provision in their DCP, however this provision only applies to the Wollongong CBD due its significant density and the fact that it is well serviced by public transport. On the other hand, Nowra and Ulladulla CBDs are currently poorly serviced by public transport in comparison, and are predominantly accessed by private vehicle. As such, certain change of use applications will potentially generate

significantly higher car parking demand which may cumulatively place additional pressure on existing on-street parking and Council managed car parking areas. These implications may be further exacerbated in the other smaller centres outlined in the above table.

The above table only considers B3 and B4 zoned land. Further clarification is required as to what other zones may be considered “appropriate” for the waiver, and what is considered to be a retail centre?

At this stage, without any further analysis or investigation it is suggested that any waiver is only considered appropriate in the Nowra CBD, and only so following consideration of parking demand and ability of Council to address contribution shortfalls, discussed below.

Shoalhaven Contributions Plan 2010

The Contributions Plan currently levies parking contributions for commercial and retail development in certain locations either per on site space required, or for the number of spaces that a development cannot provide onsite.

The contributions levied will help supply public car parking in strategic locations across the city, as outlined in Table 2.

Table 2: Car Parking Contributions Projects

Contributions Project	Description/Location
01CARP2002	Berry Town Centre Car Parking (Queen Street)
01CARP3001	Nowra car parking (Egans Lane, 8 Lawrence Ave, Collins Way, Bridge Road, Lamonds Lane, 9 Haigh Avenue and 67 Kinghorne Street)
01CARP3004	Kangaroo Valley car parking (169 Moss Vale Road)
03CARP0004	St Georges Basin Village Centre car parking (Island Point Road)
03CARP2002	Huskisson car parking (Owen Street and Huskisson Central Business Area)
03CARP3001	Sanctuary Point car parking (Kerry Street)
04CARP3001	Sussex Inlet car parking (16 Nielson Road and 45-47 Ellmoos Avenue)
05CARP3002	Milton car parking (84 Princes Highway)

Should Council resolve to waive parking requirements for change of use developments in these certain locations, this will reduce the contributions received by Council to provide this public infrastructure. This will likely have implications for the provision of the public parking spaces either through timing or ability to meet construction/acquisition costs. It is noted that public car parking is 100% apportioned to development (i.e. full funding comes from contributions levied), and therefore depending on the resolution, Council may need to contribute additional funds to realise these projects into the future.

Conclusion

There are potentially a range of consequences and impacts that should to be more fully investigated and considered before Council makes a final decision in this regard. Thus it may be prudent to request a report on this matter.

CL18.219 Notice of Motion - Literary Awards - Shoalhaven Aboriginal People in Custody

HPERM Ref: D18/324010

Submitted by: Cllr Patricia White
Cllr John Wells

Purpose / Summary

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

Recommendation

That Council

1. Give full support to the inaugural Aboriginal People in Custody Literary competition and Awards.
2. Allocate sponsorship of \$2,000 per year for the next two years to assist with the awards program from the Unallocated Donations Funding.

Background

Each year the Shoalhaven holds a young writers Literary Awards for young people which is organised by Juan Carlos Alvarez, as part of Shoalhaven Suicide Prevention & Awareness Network (SSPAN). This event has been held for many years and each year an anthology book is published with all of the short stories and poetry.

Council has now been approached for sponsorship for an Inaugural "Aboriginal People in Custody Literary Award" that has been developed by Juan Carlos Alvarez.

Mr Alvarez, from SSPAN is currently working with staff at the Nowra South Coast Correctional Centre and law profession via the local Court to organise the competition that will comprise sections in Prose, Poetry and Graphic Design, with awards in each category.

As part of the Awards, approximately 100 books will be published containing all suitable entries and profits from the sales to be applied to either a charity of the participants' choice, a Children's Hospital or an Aboriginal community organisation engaged in charitable activities.

The book of short stories and poems will be enhanced by culturally appropriate graphic designs, (art work) to be used for the main cover and the back cover of the book. The topic of the competition will be "A Spiritual Land as viewed by Spiritual People" or "The Understanding of a Spiritual Land by Spiritual People"

The Judges will be local Aboriginal members and it is anticipated that the prizes will be presented by Aboriginal Elders and representatives from Shoalhaven City Council. It is envisaged to use a video link for the presentation day if the winners and other participants are not able to attend a public function.

This will be a day of celebration to recognise the importance of literature and graphic art in our lives, especially for those who are affected by misfortune but are now making a significant contribution to our community. This represents a unique opportunity to involve the whole of community promoting acceptance and respect for each other.

Writing is a good panacea.

CL18.219

Note by the General Manager

Council's Aboriginal Community Development Officer has been consulted on this initiative and has been approached to be on the judging panel.

An amount of \$24,813.00 is available in the 2018/19 Unallocated Donations vote.

CL18.219

CL18.220 Report of the Strategy & Assets Committee - 18 September 2018

HPERM Ref: D18/326447

SA18.216 Floodlighting Charges Review

HPERM Ref:
D18/295712

Recommendation

That:

1. The Floodlighting fee for sportsgrounds be amended to \$0.47/kwhr for the 2018/19 financial year.
2. The Floodlighting fee is to be Consumer Price Indexed (CPI) annually thereafter, in line with Council's other Fees & Charges, and adjusted to accommodate any future increases to electricity charges beyond CPI.
3. All fees for sportsground floodlighting for local clubs, be waived and no charges to apply, for the period 1 July 2017 to 30 March 2019. This includes both Council and Management Committee public facilities.
4. Local clubs be reimbursed for any invoices already paid for sportsground floodlighting for the period 1 July 2017 to 30 March 2019. Local clubs at Management Committee facilities to be refunded from the Sportsgrounds operational budget.
5. 2018/19 Floodlight fees for local clubs be charged quarterly from 1 April 2019.
6. Council staff to administer all invoicing, and payments for floodlighting to be made directly from clubs to Management Committees where applicable.
7. Staff to ensure that all electricity accounts are held in the name of Shoalhaven City Council or Management Committee. Local clubs at all public facilities are to be invoiced according to this Resolution.
8. Staff install floodlight controllers on all Council sportsgrounds by 1 April 2019, subject to funding availability.
9. Council allocate the balance of \$42,500 to the Floodlight Controllers budget, required to facilitate the installation of illuminators at currently unfunded sportsgrounds, thus enabling all controllers to be in place and operational by 1 April 2019.
10. Amendments to the Floodlighting fee (Fees and Charges Policy) be placed on Public Exhibition for a period of 28 days, in accordance with Section 705 of the Local Government Act. If no adverse comments are received, the amended Policy be deemed adopted.
11. Staff amend the Sportsground Management Policy to reflect this Resolution, and the Policy be placed on Public Exhibition for a period of 28 days. If no adverse comments are received, they amended Policy be deemed adopted.

CL18.220

**SA18.221 Local Government Road Safety Program 2018/19
(Approved Projects)**

**HPERM Ref:
D18/288506**

Recommendation

That Council writes to NSW Roads and Maritime Services (RMS) thanking it for its funding assistance towards the 2018/19 Road Safety Program and accept and vote the grant funding offer of \$11,400 from RMS as follows:

1. \$900 for Shoalhaven Look out before you step out pedestrian safety
2. \$600 for Shoalhaven Youth Graduated Licensing Scheme (GLS)
3. \$4200 for Shoalhaven Free Cuppa for the Driver Fatigue program
4. \$200 for Motorcycle Safety- Motorcycle Awareness Week
5. \$500 for the Safety around Schools Forum
6. \$5000 for Bike Week
7. Slow Down / Hold my Hand / There's Kids Around Pedestrian safety - Little Blue Dinosaur campaign (no funds required)
8. Speed Monitoring on Local Roads (paid directly by RMS).
9. Breath Testing at Local Events (paid directly by RMS).
10. 65 + Older Drivers Presentations (paid directly by RMS).
11. U turn the Wheel youth program (paid directly by Rotary).

**SA18.225 Classification of Land - Lot 137 DP 1236274 -
Vendetta St Nowra**

**HPERM Ref:
D18/298418**

Recommendation

That Council resolve to classify the land described as Lot 137 DP 1236274 Vendetta Street Nowra, as Operational Land.

SA18.226 Proposed Licence to Berry Riding Club Inc

**HPERM Ref:
D18/260965**

Recommendation

That Council resolves to:

1. Enter into a 5 year licence agreement over Lot 6 DP 1188080 at Schofields Lane Berry with a 5 year option period with Berry Riding Club Incorporated commencing at an annual rent of \$3,000.00 + GST with annual CPI increases as offered by Berry Riding Club.
2. Approve the allocation of rent received under the licence agreement into the Property Reserve Restricted Asset Account.
3. Approve that the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution.

CL18.220

SA18.230 Water rebate drought affected Farmers**HPERM Ref:
D18/281564****Recommendation**

That Council

1. Provide upon application a water rebate to customers classified for the purposes of water consumption as rural/agricultural to take effect from 1 October 2018 and for the duration of the drought.
2. The rebate be calculated as a 50% reduction of the water usage charge for the difference between the calculated daily average consumption on a billed account and the daily average consumption of the previous corresponding three periods.
3. This proposal be publicly notified in accordance with Section 356 of the Local Government Act, and a further report be provided following the notification period and review of any written submissions received.

CL18.220

CL18.221 Report of the Aboriginal Advisory Committee - 13 August 2018

HPERM Ref: D18/298666

AA18.23 Uluru Statement From the Heart

**HPERM Ref:
D18/245400**

Recommendation

That:

1. The report regarding the Uluru Statement from the Heart be received for information.
2. The Aboriginal Advisory Committee adopt and support the Statement from the Heart (and remove the word Uluru); and
3. Request that Council give in principal support for the Statement from the Heart and urge the Federal Government to do the same and adopt the Statement.

CL18.221

CL18.222 Report of the Inclusion & Access Advisory Group - 3 September 2018

HPERM Ref: D18/321971

IA18.13 Beach Wheelchair Access

HPERM Ref:
D18/276058

Recommendation

That:

1. The report regarding Beach Wheelchair Access be received for information;
2. Council install signage at each of the Beach Wheelchair Access locations advising that wheelchairs are available and with contact details for hire.

IA18.15 Application for Membership - Grace Kennedy

HPERM Ref:
D18/286049

Recommendation

That Grace Kennedy be appointed as a member of the Inclusion and Access Committee.

CL18.222

CL18.223 Report of the Nowra CBD Revitalisation Strategy Committee - 5 September 2018

HPERM Ref: D18/316161

CBD18.54 Request from Shoalhaven Arts Board - Appointment Representative

HPERM Ref:
D18/252643

Recommendation

That:

1. The request for membership from the Shoalhaven Arts Board be acknowledged
2. The Shoalhaven Arts Board be advised that the Nowra CBD Revitalisation Strategy Committee welcomes representations on items of interest and/or projects relating to Arts Projects, however do not support the inclusion of an additional member on the Nowra CBD Revitalisation Strategy Committee.

CBD18.55 Successful Heritage Grant - Nowra CBD Historical Walk - Historical interpretative signage and app content development

HPERM Ref:
D18/295472

Recommendation

That the Committee:

1. Supports Council accepting the grant offer of \$30,751 from NSW Officer of Environment and Heritage under the *Heritage Near Me* Activations Grant 2018-19 for the Nowra CBD Historical Walk – interpretative signage and digital content development to create a physical and interactive trail.
2. Given the limited timeframe required for project completion, Council staff commence the project working with the Shoalhaven Historical Society and the Nowra CBD Heritage Walk Working Party to prepare digital content for the Heritage Near Me app and designs for the interpretative signage to create a physical and interactive trail for the Nowra CBD historical walk.
3. That Scott Baxter, Ros Holmes and Wesley Hindmarch as the existing Nowra CBD Heritage Walk Working Party, consider the design of the signage and promotional material and to assist with research and delivery of this project including discussions with shop and building owners where plaques and signs are proposed to be located.
4. The Nowra CBD Historical Walk project be completed by 30 April 2019 in accordance with the grant requirements.

Note by the General Manager:

If council adopts the recommendation it is implied that council also accepts the grant of \$30,751.

CL18.223

CBD18.59 Proposed O'Keefe Avenue Traffic Lights**HPERM Ref:
D18/305940****Recommendation**

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

Note by the General Manager:

Council should refer this matter to the Traffic committee for consideration.

CBD18.62 Additional item - Resignation - Luke Sikora**Recommendation**

That the resignation from Luke Sikora be accepted and Council not go out to EOI at this stage until the Terms of Reference is discussed and adopted.

CL18.223

CL18.224 Report of the Shoalhaven Traffic Committee - 11 September 2018

HPERM Ref: D18/316550

Attachments: 1. No Stopping Zone - C3 Linemarking Plan - 72 - 74 Osborne Street, Nowra [↓](#)
2. Time Restricted Bus Zone [↓](#)

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

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

IMPORTANT NOTE:

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

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

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

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

TC18.90 No Stopping Zone - Driveways 72-74 Osborne Street, Nowra (PN 3509)

HPERM Ref:
D18/306093

Recommendation

That the General Manager (Director Assets & Works) be requested to arrange for the installation of 11m (approx) of No Stopping zone yellow edge (C3) line marking across the accesses of 72 and 74 Osborne Street, Nowra, as detailed in the attached plan.

TC18.91 Bus Zone - Basil Street, South Nowra (PN 3510)

HPERM Ref:
D18/306103

Recommendation

That the General Manager (Director Assets and Works) be requested to arrange for the installation of bus zone signage time restricted to the hours of 7am-9am and 3pm-5pm, Monday to Friday, within the existing indented bays on Basil Street, South Nowra, as detailed in the attached plan.

TC18.92 Additional Item - Northern End of Donlan Road, Mollymook - Line-marking

Recommendation

That Council investigate line-marking for Donlan Road, Mollymook.

CL18.224

TC18.93 Additional Item - Burrill Lake Boat Ramp - Parking**Recommendation**

That Council investigate dedicated parking at the boat ramp on Commonwealth Avenue, Burrill Lake.

CL18.224





CL18.225 Election of Deputy Mayor and Assistant Deputy Mayor

HPERM Ref: D18/307395

Group: General Manager's Group

Attachments: 1. OLG Fact Sheet - Election of Mayor and Deputy Mayor [↓](#)
2. Nomination forms - Election of Deputy and Assistant Deputy Mayor (under separate cover)

Purpose / Summary

To elect a Deputy Mayor and Assistant Deputy Mayor for the period to September 2019.

Recommendation

That Council determine the method of election and then conduct an election for Deputy Mayor and Assistant Deputy Mayor for the period until September 2019.

Options

1. Elect and appoint the Deputy Mayor and the Assistant Deputy Mayor (as recommended)
2. Elect and appoint a Deputy Mayor only.

Background

Under the provisions of Section 231 of the Local Government Act 1993 (LG Act) the Councillors may elect a person from among their members to be the Deputy Mayor. A Deputy Mayor may be elected for the Mayoral term or a shorter term. The recommendation provides for the position to be filled for one year.

Council has previously appointed an Assistant Deputy Mayor who may exercise the function of Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising the function of the Deputy Mayor. Election to the position of Assistant Deputy Mayor should follow the same procedure as for Deputy Mayor if Council considers the position is required.

Council at its meeting on 26 September 2017 elected Cllr White as Deputy Mayor and Cllr Pakes as Assistant Deputy Mayor.

The Deputy Mayor or the Assistant Deputy Mayor in his/her absence may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of the Mayor.

The Deputy Mayor also has a specific function under Section 369:

"369 Who presides at meetings of the council?"

(1) The mayor or, at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

(2) If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council."

CL18.225

The Returning Officer for the Election will be the Group Director – Finance, Corporate and Community Services.

The method of election is as outlined in the Attachment 1, being the Office of Local Government Factsheet – Election of Mayor and Deputy Mayor released September 2018.

The Nomination forms are provided under separate cover for use by Councillors. Additional forms are available from the Group Director – Finance, Corporate and Community Services.

CL18.225

Fact Sheet

ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS



Summary

Councillors must elect a mayor from among their number every two years unless they have a popularly elected mayor.

Councillors may also elect a deputy mayor. The deputy mayor may be elected for the mayoral term or a shorter term.

The election of the mayor and the deputy mayor must be conducted in accordance with clause 394 and Schedule 7 of the *Local Government (General) Regulation 2005* (the Regulation).

The purpose of this document is to assist councils to conduct mayoral and deputy mayoral elections in accordance with these requirements. It includes scripts for key activities to help returning officers exercise their functions. These scripts are provided in the text boxes inserted in the relevant parts of this document.

How can councils use this document?

Electing a mayor is an important activity. It is vital that the process is smooth, open and easy to follow and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of councillors, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help councillors understand the election process.

Election of a mayor after an ordinary election of councillors

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

Mid-term election of a mayor

A mayor elected by councillors holds office for two years. A mid-term mayoral election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

Procedures

Prior to the meeting

Before the council meeting at which the election is to be conducted, the returning officer will give notice of the election to the councillors.

The notice is to set out how a person may be nominated as a candidate for election as chairperson.

As returning officer, I now invite nominations for the position of mayor/deputy mayor for [name of council] for a two year period.

In accordance with the Local Government (General) Regulation 2005, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of mayor/deputy mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.

A councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

At the meeting

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the returning officer assumes the chair and announces that the first item of business is to be the election of a mayor.

If a chairperson is present, they announce that the first item of business is the election of the mayor then vacates the chair for the returning officer who will then conduct the election.

The returning officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination.

If only one councillor has been nominated for the position of mayor/deputy mayor, the nominee is elected.

As there is only one nominee for the role of mayor/deputy mayor, I declare that [name of successful candidate] is elected as mayor/deputy mayor for the ensuing two years.

If more than one candidate has been nominated, the council must determine by resolution, the method of voting for the position of mayor/deputy mayor, by way of one of the following methods:

- Open voting – i.e. by show of hands
- Ordinary ballot – i.e. a secret ballot (place an "X" against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.

The returning officer must ask for a motion to be put to the meeting by one of the councillors on the preferred method of voting for the election of a chairperson. This must then be seconded and voted on by the councillors.

Note: In the event of a tie, if there is a chairperson, they may use their casting vote. If there is a tie and no chairperson, an election for the role of chairperson should be conducted. Then the election for mayor resumes.

Open voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explains the process.

It has been resolved that the method of voting for the position of mayor/deputy mayor will be by show of hands.

Each councillor is entitled to vote for only one candidate in each round of voting.

I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

Would those councillors voting for [name of candidate] please raise your hand.

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The returning officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

Two candidates

If there are only two candidates for the position of mayor/deputy mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

[Name of candidate] has the higher number of formal votes and as a result I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote**, the returning officer will advise the meeting of the following process.

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the

names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor/deputy mayor is excluded.

[Name of candidate], having the lowest number of votes, is excluded.

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Ordinary ballot – (secret ballot)

The returning officer advises the meeting of the method of voting and explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by ordinary ballot, in other words by placing an "X" against the candidate of the councillor's choice.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the returning officer who counts the votes and records them on the tally sheet.

The returning officer announces the results.

[Name of candidate], having the lowest number of votes, is excluded.

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The returning officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the returning officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

[Name of candidate] has the higher number of votes and I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** between the two remaining candidates, the returning officer makes the following statement and announces the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel.

Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Preferential ballot

The returning officer explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

[Name of candidate], having an absolute majority of first preference votes, is elected as mayor/deputy mayor for the ensuing two years.

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

[Name of candidate], having the lowest number of first preference votes, is excluded.

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

[Name of candidate], having an absolute majority of votes, is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** where there are only two candidates remaining in the election, the returning officer explains the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is excluded and any votes cast for them will be distributed by preference.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Schedule 7 - Election of Mayor by Councillors

Part 1 Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:

ballot has its normal meaning of secret ballot.

open voting means voting by a show of hands or similar means.

Part 2 Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

6 Count—2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count—3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. That candidate is elected.
- (4) In this clause, "**absolute majority**", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 General

12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- a) to be declared to councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Departmental Chief Executive and to the Chief Executive of Local Government New South Wales.

CL18.226 Ordinary Meeting - Order of Business

HPERM Ref: D18/314959

Group: General Manager's Group

Purpose / Summary

The Local Government (General) Regulation 2005 states that at a meeting of the Council (other than an Extra Ordinary meeting) the General Order of Business is as fixed by the Council's Code of Meeting Practice or as fixed by resolution of the Council.

Recommendation

That Council adopt the Order of Business, as follows, for the Ordinary Meetings of Council:

1. Acknowledgement of Traditional Custodians
2. Opening Prayer
3. Australian National Anthem
4. Apologies/Leave of Absence
5. Confirmation of Minutes
6. Declarations of Interest
7. Presentation of Petitions
8. Mayoral Minutes
9. Deputations & Presentations
10. Notices of Motion and Questions on Notice
11. Report of Committees (** matters requiring council resolution)
12. Report of the Shoalhaven Traffic Committee
13. Officers Reports
14. Addendum Reports
15. Confidential Report of the General Manager

*If any items of business require attendance of specialist staff (eg Legal, Insurance, Property) then Council will generally consider those items following the Deputations

**Any Matters from Committee Reports that can be dealt with by delegation at either Development or Strategy & Assets Committee will be referred to those committees.

Options

1. Council adopt the order of business as show in the recommendation.
2. Council change the order of business by removing or altering the order of items of business.

Background

Council's Code of Meeting Practice provides that "the Order of Business" on the Agenda for Council and Committee Meetings be as fixed by the Code or by resolution of Council".

CL18.226

Council's Code of Meeting Practice provides a procedure whereby priority can be given to those items of business of particular interest to members of the public present at the meeting if the Council so resolves.

Councillors may wish to consider the addition of a 'Call of the Agenda' on the order of business after the Mayoral Minute, this would clarify for the gallery (and those viewing the webcast) those items which will be debated at the meeting as opposed to those which the Council is satisfied to resolve without further discussion.

It should be noted that the Office of Local Government is yet to release the Model Code of Meeting Practice for Councils and when released this may impact upon the agenda with respect to a number of items, including the hearing of deputations within the Council Meeting. A further report will be provided to the Council on these aspects when that information is available.

CL18.226

CL18.227 Determination of Core Committees

HPERM Ref: D18/317412

Group: General Manager's Group

Purpose / Summary

In accordance with Clause 260 of the Local Government General Regulation 2005, a Council may appoint or elect such committees as it considers necessary. In regard to such committees Council must specify the functions or delegation, membership and quorum of each Committee.

Recommendation

That

1. Pursuant to Section 355(b) – Local Government Act ,1993 and Clause 260 of the Local Government (General) Regulation, 2005 Council establish the 'Core' Council Committees as;
 - a. Strategy and Assets Committee
 - b. Development Committee
2. The Delegations of the Strategy and Assets Committee be as follows

Strategy and Assets Committee

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

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

SCHEDULE

- a. Make recommendations to Council and consider, formulate, review and adopt policies in relation to Council's corporate & community planning under Part 2 of Chapter 13 of the LG Act, asset management and in connection with the other functions listed in this Schedule and in particular to make recommendations to Council in respect of the content of Council's community strategic plan, delivery program, resourcing strategy and operational plan within the meaning of Part 2 of Chapter 13 of the LG Act;
- b. Make recommendations to Council and consider, formulate, review and adopt Council policies, plans and strategies other than those in respect of town planning and environmental matters, and any other matter referred to the Committee by the General Manager.
- c. Make recommendations in respect of the introduction of new fees or charges or the alteration of existing fees and charges for inclusion in the Council's next operational

CL18.227

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

Development Committee

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

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

CL18.227

cannot be delegated by Council; and

- v. The Committee cannot exercise a function which is expressly required by the LG Act or any other Act to be exercised by resolution of the Council.

SCHEDULE

- a. All functions relating to the preparation, making, and review of local environmental plans (LEPs) and development control plans (DCPs) under Part 3 of the EPA Act.
 - b. All functions relating to the preparation, making, and review of contributions plans and the preparation, entry into, and review of voluntary planning agreements under Part 7 of the EPA Act.
 - c. The preparation, adoption, and review of policies and strategies of the Council in respect of town planning and environmental matters and the variation of such policies.
 - d. Determination of variations to development standards related to development applications under the EPA Act where the development application involves a development which seeks to vary a development standard by more than 10% and the application is accompanied by a request to vary the development standard under clause 4.6 of Shoalhaven Local Environmental Plan 2014 or an objection to the application of the development standard under State Environmental Planning Policy No. 1 – Development Standards.
 - e. Determination of variations from the acceptable solutions and/or other numerical standards contained within the DCP or a Council Policy that the General Manager requires to be determined by the Committee
 - f. Determination of development applications that Council requires to be determined by the Committee on a case by case basis.
 - g. Review of determinations of development applications under sections 8.11 and 8.9 of the EP&A Act that the General Manager requires to be determined by the Committee.
 - h. Preparation, review, and adoption of policies and guidelines in respect of the determination of development applications by other delegates of the Council.
4. The membership and quorums be as set as follows;
- a. Strategy and Assets Committee
 - Membership
 - Mayor
 - All Councillors
 - General Manager (or nominee)
 - Chairperson has casting vote
 - Quorum: Five (5)
 - b. Development Committee
 - Membership
 - Mayor
 - All Councillors
 - General Manager (or nominee)
 - Chairperson has casting vote
 - Quorum: Five (5)
5. That a Chairperson and Deputy Chairperson be appointed for each of the Core

CL18.227

Committees;

- a. Strategy and Assets Committee
 - i. Chairperson
 - ii. Deputy Chairperson
- b. Development Committee
 - i. Chairperson
 - ii. Deputy Chairperson

Options

1. Establish the proposed Core Council Committees including the functions, delegation, membership and quorum.

Implications: No change of procedure, delegation or meeting practice is required.

2. Establish the proposed Core Council Committees with changes in functions, delegation, membership or quorum.

Implications: Should council wish to change the functions of committees, changes to procedures and the Code of Meeting Practice may be required. Should amended delegations be proposed for a Committee, it may be prudent to obtain legal advice on the impact of those changes to ensure decisions are legally valid.

3. Establish different Core Council Committees with changes in functions, delegation, membership or quorum.

Implications: Changes to procedures and the Code of Meeting Practice may be required, and, it would be prudent to obtain legal advice on the the proposed delegations of the Core Committee to ensure decisions are legally valid.

4. Disestablish the core committees and revert to two council meetings per month.

Implications: replacing three meeting (two committee/one council) with two meetings per month may result in longer council meetings. Consideration would have to be given to the options of starting earlier; considering deputations at a different time slot or applying stricter time controls; deleting the anthem and/or prayer. Efficiencies could arise by having council consider matters only once rather than becoming a recommendation from a committee. Committees however can be less formal and engender more discussion.

Background

The delegations proposed in this report reflect legal advice obtained in 2016 with respect to the functions of the Core Committees outlined in this report, with the following amendments:

- Amendment to the Delegation of the Development Committee (as endorsed by Council on 28 August 2018 - MIN MIN18.680) to reflect the recent changes in provision numbers in the *Environmental Planning and Assessment Act, 1979*
- Amendment to the Delegation of the Strategy and Assets Committee with respect to Schedule Part e. to reflect the introduction and provisions of the *Crown Land Management Act, 2016*.

Council must specify the function, purpose and delegation of each of its committees when such a committee is appointed or elected but may amend those functions or purpose and delegation from time to time.

CL18.227

Such a committee is to consist of The Mayor, and such other Councillors as are elected by the Councillors or appointed by Council.

The Chairperson of each committee (i.e. a committee consisting of only Councillors) of Council must be:

- a) The Mayor; or
- b) If the Mayor does not wish to be the Chairperson of the Committee – a member of the Committee elected by the Council; or
- c) If the Council does not elect such a member – a member of the committee elected by the Committee.

As the Council has historically included the General Manager as a member of committees the Local Government Act provision relating to Chairmanship does not apply.

A Council may elect a member of a committee of the Council as Deputy Chairperson of the committee. If the Council does not elect a Deputy Chairperson of such a committee, the committee may elect a Deputy Chairperson.

If neither the Chairperson nor the Deputy Chairperson of a committee of a Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be the Acting Chairperson of the committee.

The Chairperson is to preside at a meeting of a committee of a Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the Acting Chairperson is to preside at the meeting.

The quorum for a meeting of such a committee is to be:

- a) Such number of members as the Council decides; or
- b) If the Council has not decided a number – a majority of the members of the committee.

It should be noted that the release of a 'Model' Code of Meeting Practice for NSW Councils. may impact on meeting procedure, and other features of 'Core' Committees. Reports will be provided to Council when further information comes to hand.

Community Engagement

No community engagement has occurred in relation to the proposed Core Committees.

CL18.227

CL18.228 Determination of Date and Time of "Core" Council Committee Meetings, Ordinary Meetings and Councillor Briefings

HPERM Ref: D18/315064

Group: General Manager's Group

Attachments: 1. Proposed Meeting Schedule [↓](#)

Purpose / Summary

To set the time, date and place for the meeting cycle of Ordinary and Committee meetings.

Recommendation

That Council:

1. Adopt a schedule of meeting dates as per the attached schedule providing:
 - a. a Three (3) week cycle of meeting dates per month, held on a Tuesday as follows:
 - i. Week 1 – Development Committee
 - ii. Week 2 – Strategy and Assets Committee;
 - iii. Week 4 – Ordinary Meeting.
 - b. Meetings and briefings not being held during the following periods:
 - i. Christmas break, including the first Two (2) weeks of January 2019
 - ii. Easter break
 - iii. Australian Local Government Association General Assembly – 16 to 19 June 2018 (2019 dates not confirmed)
 - iv. The second and third weeks of July 2019 (school holidays).
 - v. Local Government Association Conference – 21 to 23 October 2019 (not confirmed)
2. Reaffirm the authorisations to the General Manager as set out in the report; and
3. Determine the start time for Council and Committee meetings to be generally at 5.00pm
4. Determine the start time for Councillor Briefings to be generally at 4:00 pm.

Options

1. Adopt the amended schedule (1st, 2nd & 4th Tuesday) as outlined in the recommendation.
Implications: This is contingent on council maintaining extensive delegations to the Development & Strategy & Assets Committees to avoid too much business on the monthly council meeting agenda.
2. Retain the current meeting schedule (2nd, 3rd & 4th Tuesday)
3. Adopt an amended schedule of meetings (change day/week), authorisations to the General Manager or meeting commencement times.

CL18.228

4. Disestablish the “Core” committees and have two council meetings per month instead.

Implications: replacing three meeting with two meetings per month may result in longer council meetings. Consideration would have to be given to the options of starting earlier; considering deputations at a different time slot or applying stricter time controls; deleting the anthem and/or prayer. Efficiencies could arise by having council consider matters only once rather than becoming a recommendation from a committee. Committees however can be less formal and engender more discussion.

Background

Council’s Code of Meeting Practice states that “The Council shall, by resolution, set the time, date and place for the meeting cycle of ordinary and committee meetings in accordance with Section 365 – Local Government Act (namely at least ten times each year, each time in a different month).

It is recommended that Council adopt the following authorisation to the General Manager:

- a) Calling of Special Committee Meetings and Briefing Sessions: the General Manager be authorised to call Special Meetings or Briefing Sessions for any of the Core or Advisory Committees and Boards.
- b) Commencement Time for Regular Council Committees: the General Manager be authorised to make changes to the commencing time for the Core Council Committees where appropriate.
- c) Advisory Committees – Frequency of Meetings: Advisory Committees to meet as adopted by Council subject to the General Manager, in consultation with the Chairperson, being authorised to call meetings on a more regular basis to consider urgent and/or important business.
- d) To allow the General Manager to consider alternate venues for the Ordinary Meeting of Council in special circumstances.

In previous years and prior to the introduction of Webcasting of Council Meetings, the Council has resolved to allow for an Ordinary Meeting in both Ulladulla and a public location in the Central area. A separate report is provided to this meeting for Council to consider the locations of Ordinary meetings going forward.

Following a Councillor Briefing held Thursday 6 September 2018 the recommendation of this report has been amended from the current meeting schedule to the following schedule:

- a. a Three (3) week cycle of meeting dates per month, held on a Tuesday as follows:
 - i. Week 1 – Development Committee
 - ii. Week 2 – Strategy and Assets Committee;
 - iii. Week 4 – Ordinary Meeting.

Financial Implications

The frequency and time dedicated to Committee meetings have a direct correlation with the administrative costs of those meetings.

CL18.228

Proposed Schedule of Ordinary Meetings and Core Committee Meetings – Nov 2018 to Oct 2019

November 2018		
Tuesday 6	5:00 pm	Development Committee
Tuesday 13	5:00 pm	Strategy & Assets Committee
Tuesday 27	5:00 pm	Ordinary Meeting
December 2018		
Tuesday 4	5:00 pm	Development Committee
Tuesday 11	5:00 pm	Strategy & Assets Committee
Tuesday 18	5:00 pm	Ordinary Meeting
January 2019		
Monday 21	5:00 pm	Development Committee
Tuesday 22	5:00 pm	Strategy & Assets Committee
Tuesday 29	5:00 pm	Ordinary Meeting
February 2019		
Tuesday 5	5:00 pm	Development Committee
Tuesday 12	5:00 pm	Strategy & Assets Committee
Tuesday 26	5:00 pm	Ordinary Meeting
March 2019		
Tuesday 5	5:00 pm	Development Committee
Tuesday 12	5:00 pm	Strategy & Assets Committee
Tuesday 26	5:00 pm	Ordinary Meeting
April 2019		
Tuesday 2	5:00 pm	Development Committee
Tuesday 9	5:00 pm	Strategy & Assets Committee
Tuesday 30 (23 is in between Easter & Anzac day)	5:00 pm	Ordinary Meeting
May 2019		
Tuesday 7	5:00 pm	Development Committee
Tuesday 14	5:00 pm	Strategy & Assets Committee
Tuesday 28	5:00 pm	Ordinary Meeting
June 2019		
Tuesday 4	5:00 pm	Development Committee
Tuesday 11	5:00 pm	Strategy & Assets Committee
Tuesday 25	5:00 pm	Ordinary Meeting
July 2019		
Tuesday 2	5:00 pm	Development Committee
Tuesday 23	5:00 pm	Strategy & Assets Committee
Tuesday 30	5:00 pm	Ordinary Meeting
August 2019		
Tuesday 6	5:00 pm	Development Committee
Tuesday 13	5:00 pm	Strategy & Assets Committee
Tuesday 27	5:00 pm	Ordinary Meeting
September 2019		
Tuesday 3	5:00 pm	Development Committee
Tuesday 10	5:00 pm	Strategy & Assets Committee
Tuesday 24	5:00 pm	Ordinary Meeting
October 2019		
Tuesday 1	5:00 pm	Development Committee
Tuesday 8	5:00 pm	Strategy & Assets Committee
Tuesday 29	5:00 pm	Ordinary Meeting

Christmas Break – Monday 24 December 2018 to Sunday 20 January 2019
Australia Day – Saturday 26 January 2019
Australia Day Public Holiday – Monday 28 January 2019
Easter – Friday 19 April – Monday 22 April 2019
Anzac Day – Thursday 25 April 2019
Australian Local Government Association National General Assembly – Sunday 16 to
Wednesday 19 June 2019 – Not confirmed
Queen's Birthday – Monday 10 June 2019
Mid Year Break – Monday 8 July to Friday 19 July 2019
Labour Day – Monday 7 October 2019
LG NSW Annual Conference – Monday 21 October to Wednesday 23 October 2019 – Not
confirmed

CL18.229 Community Consultation & Committee System

HPERM Ref: D18/319925

Group: General Manager's Group

Attachments: 1. List of Committees, Boards & Reference Groups (under separate cover)

Purpose / Summary

To determine the Councillor membership, confirm or disband the purpose/objective, delegated authority and quorum of Council's Committees.

Recommendation

That Council continue the operation of the following committees, boards & reference groups pursuant to Section 355 – Local Government Act and pursuant to Section 377 with purpose, delegation & sitting fee (if applicable), membership and quorum as outlined in the attachment to the report

1. Risk and Audit Committee (39763E) and authorize the Committee to carry out the roles and responsibilities in accordance with the Audit Committee guidelines published by the Office of Local Government and Council's Audit Committee charter.
2. Regional Development Committee (39964E).
3. Senior Staff Contractual Matters Committee (5001E).
4. Aboriginal Advisory Committee (1209E)
5. Business and Employment Development Committee (38821E)
6. Children's Services Reference Group (46176E)
7. Council Bushcare Representative Group (42643E)
8. Homelessness Taskforce Shoalhaven (55584E)
9. Inclusion and Access Advisory Group (1228E)
10. Nowra CBD Revitalisation Strategy (50242E)
11. Rural Fire Service Strategic Planning Committee (1227E)
12. Shoalhaven Arts Board (2123E)
13. Shoalhaven City Mayor's Relief Fund (3926E)
14. Shoalhaven Heads Estuary Taskforce (45866E)
15. Shoalhaven Natural Resources & Floodplain Management Committee (53021E)
16. Shoalhaven Sports Board (12623E)
17. Shoalhaven Tourism Advisory Group (1490E)
18. Sustainable Futures Committee (37211E)
19. Youth Advisory Committee (1506E)

Options

1. That the current Committees with their existing purpose, terms of reference, delegations, membership and meeting frequency, as outlined in the report be adopted by the Council.

CL18.229

Implications: This will continue current resourcing allocations and community membership.

2. That the proposed list of committees be altered, and/or those purpose, terms of reference, delegations, membership and meeting frequency, be amended.

Implications: Dependant upon the extent of the amendments, resources for the administration & support of Committees and other resource allocations may be impacted.

Background

At the commencement of each term, the Council establishes its system of community consultation in terms of the system of advisory and other committees to inform the Council. These Committees are reviewed each year, usually in September, and other amendments are proposed to the Council throughout the term, when identified or required.

Outlined in the attachment is the existing Committee system of the Council as at the end of the 2017-2018 term for consideration of the Council for the ensuing 12 month period.

CL18.229

CL18.230 Council Representative on Other Committees or Organisations Outside of Council

HPERM Ref: D18/315133

Group: General Manager's Group

Purpose / Summary

To confirm the list of Council representatives on Other Committees or Organisations Outside of Council.

Recommendation

That Council resolve the representative membership of Councillors and other delegates on other Committees or Organisations Outside of Council for the period to 30 September 2019.

Options

1. Council confirm membership as per the recommendation.
2. Council change the membership of Councillors and other delegates on other Committees or Organisations Outside of Council.

Background

Details of the other committees or organisations in which Council has an interest, along with their respective purpose and current membership, are listed below.

a)

Australian Coastal Councils Association – 33451E	
Purpose: To advocate of behalf of coastal councils. It also commissions research on behalf of councils in coastal areas in relation to a range of coastal issues.	
2017-2018 Council Members	2018-2019 Council Members
Clr Levett	Clr

b)

Batemans Marine Park – 33451E	
Meetings per year: Four (4)	
Purpose: Advise the Ministers and the Marine Parks Authority (NSW) on the development of the Batemans Marine Park.	
2017-2018 Council Members	2018-2019 Council Members
Clr Levett	Clr
Clr Kitchener	Clr

c)

Cemeteries and Crematoria Association of NSW – 33451E	
2017-2018 Council Members	2018-2019 Council Members
Pamela Green (Unit Manager - Bereavement Services)	Pamela Green (Unit Manager - Bereavement Services)

CL18.230

d)

Healthy Cities Illawarra Management Committee – 4043E	
Purpose: Healthy Cities Illawarra is a community based, non profit organisation that is part of a world wide movement initiated by the World Health Organisation, committed to improvement of health, environment and the quality of life within the Illawarra community.	
2017-2018 Council Members	2018-2019 Council Members
Clr Alldrick General Manager or delegate – Alternative representative	Clr General Manager or delegate – Alternative representative

e)

Illawarra Academy of Sport – 2388E	
Purpose: To develop outstanding young community citizens who utilise their sporting talents and role model status in a positive manner within the Illawarra Region.	
2017-2018 Council Members	2018-2019 Council Members
Mayor Appointed Representative – Clr Wells (now also Chair of IAS)	Mayor Appointed Representative –

f)

Illawarra Shoalhaven Joint Organisation – 2172E	
Functions: Three core functions and two optional functions for are being piloted by JOs. The functions of the ISJO are: <ul style="list-style-type: none"> • regional strategic planning, including high level planning across the quadruple bottom line • inter-governmental collaboration, working closely with the NSW Government as well as the Australian Government and other councils and JOs • regional leadership and advocacy, as the preeminent regional voice for councils and communities • enhancing regional strategic capacity, to support member councils to deliver services to their communities • regional service delivery, to provide services directly to communities within the region. <p>The Illawarra Shoalhaven Joint Organisation is comprised of representatives from Shellharbour; Kiama; Wollongong & Shoalhaven Councils.</p>	
2017-2018 Council Members	2018-2019 Council Members
Clr Findley – Mayor Clr Wells Clr White (alternate delegate)	Clr Findley - Mayor Clr Clr (alternate delegate)

- g) Note: The membership of this Committee consists of one representative from each sector. **Clr Findley was appointed to this committee for a period of 4 (four) years** commencing on 7 August 2015. Clr Levett was noted as an alternative representative.

Jervis Bay Marine Park Advisory Authority Committee – 1462E
Purpose: Advise the Ministers and the Marine Parks Authority (NSW) on the management of the Park and: <ul style="list-style-type: none"> • The conservation of the marine biological diversity within the Marine Park • The ecologically sustainable use of the Marine Park

CL18.230

• The public use and enjoyment of the Marine Park	
2017-2018 Council Members	2018-2019 Council Members
Clr Findley - Clr Levett (alternative representative)	Clr Findley Clr

- h) Note: The council appointed members can either be councillors, community members or a combination of both.

Joint Regional Planning Panel – 39782E	
Meetings per year: As required	
Purpose: To determine regionally significant development applications	
2017-2018 Council Members	2018-2019 Council Members
Clr Watson Clr Pakes	
2017-2018 Alternate Members	2018-2019 Community Members
Clr White Ernie Royston – Community Member	
Sitting Fees - A sitting fee of \$400.00 per meeting is paid to the Council and Community Representatives	

- i) Note: The Mayor & General Manager are members under the constitution. Council may wish to appoint an alternate delegate.

NSW Country Mayors Association – 14214E	
Purpose: The NSW Country Mayors Association is a group that comprises Mayors and General Managers, or their representatives, from country areas of NSW under its constitution.	
2017-2018 Council Members	2018-2019 Council Members
Clr Findley – Mayor Clr White – Deputy Mayor (alternate delegate) Russ Pigg – General Manager	Clr Findley Clr (alternate delegate) Russ Pigg – General Manager

j)

NSW Public Libraries Association – 14214E	
Purpose: The New South Wales Public Libraries Association (NSWPLA) is the peak body for public libraries in New South Wales. The organisation advocates for the public library cause, provides relevant information to stakeholders, fosters cooperation and collaboration and strengthens the public library network.	
2017-2018 Council Members	2018-2019 Council Members
Clr Wells Library Services Manager	Clr Library Services Manager

k)

Rural Fire Service Shoalhaven District Liaison Committee – 2122E	
Purpose: The Liaison Committee will:	
<ul style="list-style-type: none"> a. monitor and periodically review the performance of this Rural Fire District Service Agreement by the Council and the RFS; b. review the following documents prepared by the District Manager prior to submission to and consideration by the Council: <ul style="list-style-type: none"> i. the annual budget and business plan; and ii. the quarterly financial and performance reports 	
2017-2018 Council Members	2018-2019 Council Members

CL18.230

Clr Pakes Clr Gash General Manager (or nominee)	Clr Clr General Manager (or nominee)
---	--

l)

Shoalhaven Bush Fire Management Committee – 2820E	
<p>Purpose: Under the Rural Fires Regulation 2002 – Part 3, At the request of the Bush Fire Co-ordinating Committee:</p> <ul style="list-style-type: none"> • Assist the Bush Fire Co-ordinating Committee in the performance of its functions under Section 48 of the Act; • Assist the Bush Fire Co-ordinating Committee in the performance of its functions under Sections 60(2) and 63(4) of the Act; • Draw to the attention of the following in regard to any matter it considers relevant to the protection of land, life, property or the environment in that area from the impact of bush fires: <ul style="list-style-type: none"> ▪ The Bush fire Co-ordinating Committee; or ▪ A public authority exercising it's functions in the Bush Fire Management Committee's area. <p>Note: The Committee has no power to conduct or take part in fire fighting or fire prevention operations authorised by the Act, this regulation or any other Act or statutory instrument.</p>	
2017-2018 Council Members	2018-2019 Council Members
Clr Gash Clr Pakes General Manager (or nominee) as an observer	Clr Clr (Alternate) General Manager (or nominee) as an observer

m)

Safer Community Action Team – 3519E	
<p>Purpose: To increase community safety in the Shoalhaven and develop an Action Plan containing strategies to address the issues and enlist support for the Plan from the community.</p>	
2017-2018 Council Members	2018-2019 Council Members
Clr Cheyne Clr Alldrick Clr White Clr Kitchener Clr Proudfoot Clr Pakes	Clr

n)

Shoalhaven Traffic Committee – 1491E	
<p>Purpose: The Traffic Authority has delegated certain powers to Councils in respect of the provision of Traffic control facilities and traffic management measures on public streets. The exercise of such powers is conditional upon the Council forming a Local Traffic Committee and seeking its advice /approval before as traffic facility/traffic management measure is implemented or removed.</p> <p>NOTE- the Local Traffic Committee is not a Committee appointed by Council under the Local Government Act but a Committee to be formed by Council in the exercise of its delegated powers. Councillor members are considered informal members who may contribute to discussion but may not vote.</p>	
2017-2018 Council Members	2018-2019 Council Members
Informal – Clr Gash	Informal – Clr

CL18.230

Informal – Clr White Informal – Clr Pakes CONVENOR/CHAIRPERSON - Mr Tom Dimec – Assets Manager	Informal – Clr Informal – Clr CONVENOR/CHAIRPERSON - Mr Tom Dimec – Assets Manager
---	---

o)

South Coast Co-operative Library Services – 3934E	
Purpose: To provide control and manage libraries or library services within the areas of the Member Councils upon the terms and subject to the conditions specified in the agreement Note: The member Councils are Shoalhaven City Council and Kiama Municipal Council.	
2017-2018 Council Members	2018-2019 Council Members
Clr Findley – Mayor All Councillors General Manager or nominee Director Finance Corporate & Community Services Library Services Manager	Clr General Manager or nominee Director Finance Corporate & Community Services Library Services Manager

p)

South Coast Correctional Centre Community Consultative Committee – 4043E	
Purpose: <ul style="list-style-type: none"> To assist in the development and maintenance of a positive relationship with the local community To provide a forum for local community consultation and comment on correctional programs and procedures To facilitate the involvement of the local community in correctional centres programs To provide a mechanism to identify appropriate programs in which the correctional centre can participate and assist in the local community To assist in the establishment of worthwhile community partnerships 	
2017-2018 Council Members	2018-2019 Council Members
Clr Cheyne Clr Watson Mr Paul Keech - Director Assets & Works	Clr Clr Mr Paul Keech - Director Assets & Works

q)

South East Australian Transport Strategy Inc – 3678E	
Purpose: To improve the transport network to enhance economic development within the region. Note: Council is entitled to one voting delegate but may also nominate alternative delegates (Councillors &/or staff).	
2017-2018 Council Members	2018-2019 Council Members
Clr White (past Chairman) Clr Gartner Mr Greg Pullen – Economic Development Manager (Alternate)	Clr Clr

r)

Southern Tablelands and South Coast Regional Noxious Plants Committee – 3201E
--

CL18.230

Purpose: This Committee allows representatives of Councils involved in noxious weed eradication on the Southern Tablelands and South Coast to meet quarterly for the purpose of discussing common problems and objectives. The Committee also makes special purchasing arrangements for noxious weed sprays, in order that the Councils in the area can obtain the most advantageous prices available.

2017-2018 Council Members	2018-2019 Council Members
Clr White Clr Gash	Clr

s)

Southern Water Services Pty Ltd – 4043E

Purpose: To operate in a commercial way under the Companies Act on a similar basis to any other trading Company.

Note: Southern Water Services is a Council owned company formed in 1998 with permission from the Minister of the day. Its constitution states that the Company was formed to “undertake the provision of water, sewerage and related services”. It currently has no relationship with Shoalhaven Water operations or staff.

2017-2018 Council Members	2018-2019 Council Members
Clr Wells Clr Watson Clr White Clr Gash Clr Pakes Ms Vanessa Phelan – Secretary	Clr

t)

Ulladulla User Group – 4043E

Purpose: To assist Crown Lands to resolve operational matters and identify emerging issues in relation to operation and maintenance of coastal infrastructure including Ulladulla Harbour.

2017-2018 Council Members	2018-2019 Council Members
Michael Strachan – Project Manager	

u)

Ulladulla Working Port Committee – 4043E

Purpose: To provide input and support to the Department of Lands and it’s proposed agent in connection with the operation of the present maritime and associated facilities at Ulladulla Harbour

2017-2018 Council Members	2018-2019 Council Members
Clr Kitchener Clr Gartner Clr Proudfoot (alternate) Clr White (alternate)	Clr

CL18.230

CL18.231 Venue for Ordinary Council Meetings - Community Participation in Decision Making.

HPERM Ref: D18/319154

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

Purpose / Summary

To facilitate consideration of the location of Council Meetings in the upcoming year.

Recommendation

That Council conducts

1. Ordinary and Extraordinary Meetings of the Council in the Council Chambers in Nowra to ensure the meetings are accessible to the community via Webcasting.
2. Additional Community Information Nights during the year to facilitate community participation in decision making and engagement with Councillors and staff. These nights be held as part of a broad yearly schedule which includes a range of other events and engagement opportunities undertaken with the community.

Options

1. As recommended

Implications: This would result in Ordinary Meetings no longer being held in Central and Ulladulla locations but would ensure that all Ordinary meetings can be viewed by the public via Webcasting. The costs of holding the meetings at sites other than Nowra will be put towards additional Information nights.

2. That Council continues to conduct Ordinary Meetings each year at Ulladulla and/or Central locations.

Implications: The Council will need to determine whether these meetings are webcast at additional cost outlined in the report, or not webcast.

3. Another alternative.

Implications: Not known

Background

This report is presented in response to the Resolution (MIN18.598) of the 31 July 2018 where Council resolved to:

- “1. Adopt the amended Code of Meeting Practice as advertised and attached to the report.
2. Receive a report at the September Ordinary Meeting outlining options for webcasting meetings not held in the Nowra Administrative Centre, and alternate options for increasing ratepayer participation in decision making.

CL18.231

3. *That the Ordinary Meeting of the Council scheduled for 28 August 2018 in Ulladulla be relocated to the Council Chambers in Nowra to allow for webcasting of this meeting to all residents”*

The Webcasting of Council Meetings has been operational since 31 July 2018. To date the uptake of the service by the Community has been favourable - in the month of August 2018, there were 322 views of the ‘live’ meetings (Development, Strategy and Assets and Ordinary) and there were 338 views of the archived meetings.

The webcasting service installed and contracted by Council provides for high definition delivery of images from cameras and equipment fixed in the Council Chambers in the Nowra Administrative Centre. This equipment is not portable.

Options have been considered to provide continued participation of the community in decision making in the context of Webcasted Council Meetings from the Council Chambers.

The options identified for the Council are as follows:

- (1) Continue to conduct one (1) Ordinary Meeting in both Ulladulla and Central locations each year (currently in August and April respectively) and that Council either;
 - a. Engage the webcasting provider to webcast those meetings not held in Nowra using portable equipment. The estimated additional costs for this service are approx. \$1,500 - \$2,000 per meeting in addition to current staffing and set-up costs. The resultant webcast would be of a lower quality to that in the Council Chamber; or,
 - b. Not webcast those meetings
- (2) To only conduct the Ordinary meetings in the Council Chambers in Nowra to make all the meetings accessible to the community using the fixed Webcasting services.

Should the Council proceed with this option, it is suggested that additional opportunities be provided to community members to engage with Councillors and participate in decision making. Ways in which this could occur are:

- (a) Conducting more Community Information Nights during the year of a similar formation to those which were successfully held during the Budget and DPOP consultation period in May and June 2018. These events received very favourable feedback from Councillors, Community and Staff. These could be conducted in addition to a full calendar of events and other engagement opportunities Council undertakes with the community.
- (b) Amend Council’s Code of Meeting Practice to allow for the Council to resolve to have ‘Special Deputation Sessions’ on a specific topic of great interest to the Community. This would allow for deputations from many interested persons to be heard. These could be held in the Council Chambers in Nowra or at other locations throughout the City.
- (c) Amend Council’s Code of Meeting Practice to provide for an additional model for Deputation or presentation sessions to the Council to a set schedule that are not directly related to items on the business paper for a meeting.

The recommendation made in this report reflects the discussions during the Councillor Briefing on Committees and Council Meetings held on 6 September 2018.

Policy Implications

Should Council wish to create additional 'deputation' arrangements such as those outlined in the report, adjustments will need to be made to the Council's Code of Meeting Practice.

A further report would be presented to the Council to outline the details of those arrangements and resultant proposed amendments to the Code.

Financial Implications

Should the Council determine that meetings are to be held in locations other than the Council Chambers and Webcast, additional costs for the remote webcasting services would be incurred.

Should Council determine that Ordinary Meetings are all to be held in the Council Chambers, Council would not incur the costs to move the meetings to the other locations (approx. \$4,000 per meeting – not including webcasting). This budget could instead be utilised to provide community information nights and other engagement opportunities which reach a larger audience and can be more accessible for a range of community members.

CL18.232 Appointment of Replacement Voting Delegate - 2018 Local Government NSW Annual Conference

HPERM Ref: D18/322787

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

Purpose / Summary

To appoint a replacement voting delegate for the Conference following advice that Councillor Proudfoot will not be in attendance.

Recommendation

That Council nominate Councillor *[insert name]* as the replacement Voting Delegate for the 2018 Local Government NSW Annual Conference scheduled for 21-23 October 2018 in Albury, NSW

Background

Council, at its meeting held on 31 July 2018 considered a report on the 2018 Local Government NSW Annual Conference (CL18.177) and resolved (MIN18.592) to appoint the following five (5) Councillors as voting delegates:

- a. Cllr Proudfoot*
- b. Cllr Pakes*
- c. Cllr White*
- d. Cllr Wells*
- e. Cllr Gash*

The voting representatives were notified to LGNSW following that meeting.

Councillor Proudfoot has since advised that he will not be in attendance and therefore a replacement representative is sought from the Council.

Council is entitled to nominate five (5) delegates to vote on the motions during the LG NSW Conference. All Nominations must be made prior to 5.00pm 2 October 2018.

CL18.232

CL18.233 Donation Request - Wreck Bay Sharks Football Club - 3rd National Indigenous Football Championships

HPERM Ref: D18/296549

Group: Finance Corporate & Community Services Group
Section: HR, Governance & Customer Services

Attachments: 1. Donation Application - 3rd Indigenous Football Games [↓](#)

Purpose / Summary

To advise Council of a donation request received from the Wreck Bay Sharks Football Club, for the 3rd National Indigenous Football Championships, and seek Council's decision in relation to that request.

Recommendation

That Council donate \$4,000 to the Wreck Bay Sharks Football Club, for the 3rd National Indigenous Football Championships.

Options

1. As recommended.

Implications: The donation would be equivalent to that provided to the 2017 event. The unallocated donations budget would be reduced to \$20,200.

2. Provide a donation of \$10,000 as requested.

Implications: The donation would be \$6000 greater to that provided to the 2017 event. The unallocated donations budget would be reduced to \$14,200.

3. Provide a donation of another amount.
4. Not provide a donation.

Background

Shoalhaven City Council received a donation request, on 22 August 2018, from the Wreck Bay Sharks Football Club for the 3rd National Indigenous Football Championships. This event is to be held at the South Nowra Sporting Complex from 27 October to 4 November 2018.

The organisers in their application (Attachment 1) state:

"This annual event is a locally run sporting event which brings over 2000 people to the Shoalhaven annually. The football club and tournament have a proven track record of delivering a high-quality event which is culturally significant and unites Indigenous nations from all across the Nation to compete in this tournament."

Council donated \$4,000 for the 2nd National Indigenous Football Championships held last year. The \$4,000 contribution was towards event costs, including lawn mowing, ground preparation, bins for waste management, car park lines, and use of council light signage which were managed by the event organisers. Council also resolved to undertake essential maintenance works prior to the event.

CL18.233

The application requests a donation of '\$10,000 and in-kind' to cover the costs of the event. Additional financial information has been sought from the applicant with respect to the significantly increased donation amount requested, however at the time of preparation of the report it has not been received.

Financial Implications

The unallocated donations budget currently totals \$24,200 for the current financial year.

CL18.233

Appendix C

Application for Financial Assistance/Donation

File 4771E

Financial Year ____/____

Please complete the following application form where assistance from Council is requested. This information is the minimum required for an application. Please attach additional information as requested within the Guidelines and Procedures for Annual Donations, Sponsorships and Subsidies document under "Checklist of documents to be forwarded with application".

Date: 18/8/18

Details of Organisation/Individual:

1. Name of Applicant/Organisation responsible for the event/activity: WRECK BAY SHARKS FOOTBALL CLUB
Contact person: BERNIE MCLEOD Signature: _____
2. Mailing address: _____
3. Phone: (Home) _____ (Business) _____
4. Amount of assistance being sought: \$ 10,000 and in-kind.
5. Organisation composition Non Profit/Charity Incorporated/other (please circle)
Commercial undertaking YES/NO
Do membership fees apply YES/NO
Amount charged for membership \$ _____
Number of people in organisation/members _____
6. Office bearers of organisation (President, Secretary, Treasurer or Project Manager):
PRESIDENT: _____
SECRETARY: _____
TREASURER: _____
COMMITTEE MEMBERS: _____

Title of Event/Project

1. Please give a brief description of the event/project for which assistance is sought:
The 3rd National Indigenous football Championships
2. Is this proposed to be an annual event/project? YES/NO

Shoalhaven City Council – Donations Policy – Application for Financial Assistance/Donation

Please provide details of how this event/project will meet Council's objectives of the financial assistance/donations program:

Objective 1: To consider financial assistance by way of donations, sponsorships and subsidies to local service, cultural, sporting, charitable or non-profit organisations who operate within or provide benefit to the residents of Shoalhaven City.

Non for profit organisations will participate in the event including local and interstate teams.

This annual event is a locally run sporting event which bring over 2000 people to the Shoalhaven annually.

Objective 2: To consider assistance to organisations to conduct quality cultural, sporting and community service programs or events who cannot attract sufficient funds from other sources.

The football club and tournament has a proven track record of delivering a high quality event which is culturally significant and unites indigenous nations from all across the Nation to compete in this tournament.

Objective 3: To address targets specified within the Council's Community Strategic Plan or Shoalhaven City Council's Operational Plan objectives including access and usage of community resources, services and facilities, and equity of access for special needs groups.

The tournament addresses the Council's strategic plan by using council assets ie the South Nowra Sporting complex, the tournament also contains a specific component addressing the inclusion of special needs children in a dedicated clinic.

Objective 4: To consider funding to encourage and enable broad community participation in cultural, sporting and community service programs.

This event invites all of the Shoalhaven Community to attend, this open event includes non-indigenous players in the spirit of reconciliation. It also includes a celebrity Match attended by significant members of the Shoalhaven Community, State and Nation.

Shoalhaven City Council – Donations Policy – Application for Financial Assistance/Donation

In making this application I confirm that this event will comply with Council's Sustainable Events policy. I also confirm that no other financial assistance is being sought from Council for this event and undertake to provide an acquittal of the funding within 60 days of the event.

Signed by Bernie McLeod on behalf of Wreck Bay Sharks FC (name of organisation)

Signature.....

Date.....18/8/18.....

Checklist of documents to be forwarded with application:

1. For first time applicants, a copy of their organisation's constitution and if that constitution changes then an updated copy of it is to be forwarded with any subsequent application.
2. A copy of the most recent annual report (including financial statements of income and expenditure) – preferably audited.
3. Copy of notification of ABN No. and GST registration (if applicable) from the Australian Tax Office.
4. Evidence of incorporation.
5. A copy of the applicant's current public liability insurance policy (ie Certificate of Currency).
6. Where the applicant is a registered public charity, a copy of the registration certificate.

CL18.234 Section 355 Management Committees

HPERM Ref: D18/315165

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

Purpose / Summary

To confirm Council's Section 355 Management Committees' delegated responsibility and their authority to expend up to an amount of \$5,000.

To provide status update to Council regarding 2016 resolution to transition 5 Committees to occupancy agreements.

To recommend the Nowra Communal Youth Hall Management Committee (Nowra Showground) be disbanded.

Recommendation

That:

1. The Section 355 Management Committees listed in this report, retain their delegated responsibility pursuant to Section 377 – LG Act for the care control and management of their facilities with authority to expend up to an amount of \$5,000 consistent with the delegation
2. The authorisation to the General Manager to appoint members as required be confirmed.
3. The following Section 355 Management Committees be renewed, however negotiations to transition these Committees to occupancy agreements continue. Management Committee to be dissolved upon formalised lease agreements. Update be provided to Council in the September 2019 Ordinary Meeting, Section 355 Management Committees Report:
 - a. Ahimsa Sailing Club Management Committee
 - b. Jervis Bay Maritime Museum
 - c. Vincentia Sailing Club
4. The following Section 355 Management Committee be acknowledged to have dissolved and management of the facility has reverted to Council:
 - a. West Street Oval Management Committee
5. The following Section 355 Management Committee be acknowledged to be disbanded, management of the facility revert to Council until such time as an occupancy agreement with current occupant be formalised:
 - a. Nowra Communal Youth Hall Management Committee

Options

1. As recommended.

Implications: Will result in improved management of Council's community facilities as the more appropriate model of management is applied to the different types of facility.

CL18.234

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

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

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

Implications: This could affect the efficient running of Council's public facilities.

Background

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

Council also annually ratifies authorisation to the General Manager to appoint members as required. The authorisation reduces the operational workload for both Councillors and staff.

This Report provides an update on Council Resolution at Ordinary Meeting 4 October 2016:

MIN16.706

"Council resolved parts (3-5) that:

3. *The following Section 355 Management Committees be renewed, however discussions commence to transition these Committees to an occupancy agreement within 2 years:*
 - a. *Ahimsa Sailing Club Management Committee*
 - b. *Jervis Bay Maritime Museum*
 - c. *Nowra Communal Hall*
 - d. *Vincentia Sailing Club*
 - e. *West Street Oval*
4. *The Finkernagel Reserve be renewed however discussions commence to transition this Committee to an annual seasonal sportsground allocation process within 2 years.*
5. *Council receive a report within the next 2 years outlining the status of the above Committees transition to an occupancy agreement or annual seasonal sportsground allocation process and therefore no longer function as a Management Committee."*

Status Update:

Point 3:

- Ahimsa Sailing Club Management Committee
Negotiations have commenced and are proceeding.

CL18.234

- Jervis Bay Maritime Museum

Negotiations have commenced and nearing completion. A Councillor Briefing and separate Report is being prepared.

- Nowra Communal Hall

Staff have approached the current occupant and requested information to assist in the preparation of an occupancy agreement. There have been significant delays on the part of the occupant and negotiations have not substantially progressed.

The current occupant has not fulfilled the legislated requirements for a Section 355 Management Committee for an extended period of time, this has been repeatedly followed up by Council staff to no avail.

Outstanding maintenance works are required to be undertaken to the building prior to Council entering a lease agreement at the facility.

Due to the current uncertainty regarding a future occupancy agreement, and the imperative that Council fulfills its custodial responsibilities in management of the facility, it is recommended that the Management Committee be acknowledged to be disbanded, and management of the facility revert to Council.

This will ensure that adopted hire fees are recovered by Council, and essential maintenance works proceed.

The occupant is the sole user group at the facility and requires a significant amount of equipment to be stored there permanently. This renders the facility unusable by other community hirers. For this reason it is recommended lease negotiations continue.

- Vincentia Sailing Club

Negotiations have commenced and are proceeding.

- West Street Oval

This facility has transitioned to management by Council. The facility is currently used by 3 clubs: Nowra Cricket, Nowra Albatross Vikings Football and Shoalhaven Giants Junior Football. As a multi-use facility, the ground is more suitably managed directly by Council via seasonal allocation or casual hire agreements. The Nowra Albatross Vikings Football Club has advised that this is their preferred arrangement.

Proposals:

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

Community and Recreation Unit:

- Berry Showgrounds (Hazel & David Berry Parks)
- Bill Andriske - Mollymook Oval
- Bomaderry Community Centre
- Burrill Lake Public Hall
- Callala Community Centre
- Callala Bay Progress Hall

- Callala Beach Community Centre
- Culburra Beach Community Centre
- Culburra Tennis Courts
- Currarong Tennis Courts
- Frogs Holla Sporting Complex
- Former Pyree School
- Greenwell Point Memorial Community Hall
- Huskisson Community Centre
- Huskisson Tennis Courts
- Kangaroo Valley Showground (Osborne Park)
- Kioloa-Bawley Point Community Centre
- Milton Showground
- North Nowra Community Centre
- Shoalhaven Heads Community Centre
- Shoalhaven Heads Tennis Courts
- Shoalhaven Rugby Park
- St Georges Basin Community Centre
- Sussex Inlet Thompson Street Community Facilities
- Vic Zealand Oval
- Wandandian Recreation Reserve
- Worrigee Equestrian Common
- Yulunga Reserve

Shoalhaven Libraries Unit:

- Friends of Milton Library

Assets Unit:

- Huskisson Wharves
- Ulladulla Slipway

It is proposed that the following Section 355 Management Committees be retained, pending lease negotiations and be dissolved upon lease agreements being formalised:

Community and Recreation Unit:

- Jervis Bay Maritime Museum

Assets Unit:

- Ahimsa Sailing Club Management Committee
- Vincentia Sailing Club

Community Engagement

Council supports the Management Committee volunteers with advice, in kind assistance and budget provisions where appropriate. Volunteerism is a delivery method encouraged and supported by Council.

Where occupancy agreements are being pursued, contact has been made with the occupants and consultation commenced / undertaken to the further process of entering into leases / licences.

CL18.234

Where occupancy agreements are being negotiated, the further process of entering into leases / licences requires public advertising and / or community engagement.

Financial Implications

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

CL18.234

CL18.235 Acceptance of Grant Funding - NSW Stronger Country Communities Fund

HPERM Ref: D18/303808

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

Purpose / Summary

To seek Council approval to accept grant funding from the NSW Government Stronger Country Communities Fund (SCCF)

Recommendation (Item to be determined under delegated authority)

That Council

1. Accept the NSW Government grant funding (\$2,721,451) to provide:
 - Air conditioning units at five (5) Community Centres - \$62,570,
 - Drainage &/or Irrigation at six (6) sportsgrounds - \$738,725,
 - Added Area Floodlight & Power boards Upgrade – Nowra Showground - \$188,613.
 - Amenities – Public Toilets to Tourist locations - \$280,000
 - Shade structures over five (5) local playgrounds - \$136,785
 - Pergola Shade Structures & Picnic installations at four (4) local reserves - \$53,147
 - Playground Installations – Upgrade existing aged infrastructure at four (4) local reserves - \$380,000
 - BBQ & Shelter Installations at five (5) local reserves - \$115,657
 - Beach Accessway – Inclusive beach access Balfleur Beach, Plantation Point Jervis Bay - \$150,000
 - Community Fitness Stations – Outdoor Gymnasiums (exercise equipment) at two (2) local reserves - \$139,750
 - Floodlight Controller upgrade – Installation of automatic controllers at sportsgrounds – seventeen (17) sportsgrounds - \$114,943
 - Tennis court fencing – four (4) local courts - \$181,366
 - Tennis Court Resurfacing – fifteen (15) courts / nine (9) local facilities - \$179,895
2. Delegate authority to the General Manager or nominee, to accept and acquit the grant funding
3. Write to NSW Government and local Members of Parliament, and thank them for the grant offer.

Options

1. Council accept the grant monies awarded to Shoalhaven for the projects identified above.

Implications: Adoption of the recommendation will result in the ability to deliver many community facilities to enhance the Shoalhaven Community.

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

CL18.235

Implications: This would mean council do not receive the funds to deliver these identified projects.

Background

Council developed and submitted grant applications to the Stronger Country Community Fund to access grant funds as part of the NSW Government's plan to invest in regional communities through infrastructure projects that improve the lives of residents.

Council submitted a total of fifteen (15) projects for community facilities, active and passive recreation projects to enhance our sporting and passive recreational spaces in line with Council's Community Infrastructure Strategic Plan. Notification has been received that Council has been successful in securing grant funding for thirteen (13) projects for a total grant offer of \$2.72 million.

Under the terms of the funding offer, Council was required to formally notify the NSW Government of their acceptance of the grant funding within five (5) days of the receipt of the formal grant funding offer. Acceptance of this conditional funding offer was returned to the Department of Premier and Cabinet on 6 September 2018 as requested in the letter of offer.

A formal funding deed will now be issued to Council.

Acceptance of these grant funds will ensure that Council will continue to make improvements to our active and passive recreational infrastructure for the benefit of our communities.

Enquiries will be made to the Department in respect of the two (2) projects that were unsuccessful in securing grant funding, being;

- Nowra Beautification – Planting in the CBD
- Archer Memorial Sculpture

Community Engagement

Council have been consulting with the community about potential locations, informing and advising since Council submitted the grant applications. This process will continue as we roll out the projects.

Financial Implications

Council has allocated some monies from this year's budget to assist / co-fund these grant applications.

CL18.235

CL18.236 Investment Report - August 2018

HPERM Ref: D18/319889

Group: Finance Corporate & Community Services Group
Section: Finance

Attachments: 1. Monthly Investment Report - Shoalhaven City Council (under separate cover)

Purpose / Summary

In accordance with section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation, a written report is provided to Council setting out the details of all money it has invested.

Recommendation

That the report of the General Manager (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 31 August 2018 be received for information.

Options

1. The report on the Record of Investment for the period to 31 August 2018 be received for information.

Implications: Nil.

2. Further information regarding the Record of Investments for the period to 31 August 2018 be received for information.

Implications: Nil.

3. The report of the Record of Investments for the period to 31 August 2018 be received for information with any changes requested for the Record of Investments to be reflected in the report for the period to 30 September 2018.

Implications: Nil.

Background

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

The report shows that fossil fuel investment has increased, due to a large balance in Council's transaction account at the end of the month as a result of receipt of the first rates instalment. During the following week, investments were made and \$7M was moved to no fossil fuel institutions.

CL18.236

Total interest earned to the end of August was \$1,081,471; 26.89% of the full year budget. Spending against the loan funds for the REMS 1B project is on track but slightly behind estimated project cash flows, projecting higher than expected interest earnings for the month.

Fund	Budget	Actual	%
General	\$2,328,000	\$574,654	24.68%
Water	\$794,000	\$244,384	30.78%
Sewer	\$900,000	\$262,433	29.16%
Total	\$4,022,000	\$1,081,471	26.89%

The interest earned for the month of August was \$534,857, which was \$192,966 above budget. As the total cash declines during the year and longer-term deposits mature, the actual interest earned each month will decline.

Fund	Monthly Budget	Actual	Difference
General	\$197,721	\$289,313	\$91,592
Water	\$67,436	\$123,525	\$56,089
Sewer	\$76,438	\$121,723	\$45,284
Total	\$341,595	\$534,561	\$192,966

CL18.236

RECORD OF INVESTMENTS Cash and Investment Balances

	August 2018	July 2018
Cash And Investments Held		
Cash at Bank - Transactional Account	\$14,299,052	\$8,053,158
Cash at Bank - Trust Fund	\$1,240	\$1,240
Cash on Hand	\$41,338	\$55,670
Other Cash and Investments	\$212,255,804	\$205,584,179
	\$226,597,434	\$213,694,247
 Fair Value Adjustment	 -\$1,355	 \$167,510
Bank Reconciliation	\$436,936	\$117,945
	\$435,581	\$285,455
 Book Value of Cash and Investments	 \$227,033,014	 \$213,979,702
 Less Cash & Investments Held In Relation To Restricted Assets		
Employee Leave Entitlements	\$8,136,913	\$8,135,913
Land Decontamination	\$1,359,951	\$1,530,473
Critical Asset Compliance	\$2,186,261	\$2,140,515
North Nowra Link Road	\$462,712	\$475,234
Other Internal Reserves	\$5,568,811	\$4,952,924
Section 7.11 Matching Funds	\$304,988	\$340,693
Strategic Projects General	\$2,228,334	\$2,327,439
Industrial Land Development Reserve	\$7,869,077	\$7,617,308
Plant Replacement	\$2,472,168	\$2,297,891
Financial Assistance Grant	\$4,663,100	\$6,217,467
S7.11 Recoupment	\$1,562,971	\$519,243
Commitment To Capital Works	\$4,567,815	\$3,962,319
Property Reserve	\$523,437	\$415,618
Total Internally Restricted	\$41,906,539	\$40,933,037
 Loans - General Fund	 \$6,482,792	 \$8,070,574
Self Insurance Liability	\$1,400,389	\$1,327,814
Grant reserve	\$6,035,203	\$8,146,314
Section 7.11	\$31,572,978	\$33,535,344
Storm Water Levy	\$789,635	\$729,076
Trust - Mayors Relief Fund	\$82,990	\$74,740
Trust - General Trust	\$3,989,315	\$4,323,742
Waste Disposal	\$7,759,602	\$7,574,049
Sewer Fund	\$52,146,009	\$53,133,177
Sewer Plant Fund	\$2,135,909	\$2,009,745
Section 64 Water	\$18,484,917	\$18,933,475
Water Fund	\$24,817,784	\$25,436,420
Water Communication Towers	\$1,171,581	\$1,147,837
Water Plant Fund	\$2,013,799	\$1,985,411
Total Externally Restricted	\$158,882,902	\$166,427,717
 Total Restricted	 \$200,789,441	 \$207,360,754
 Unrestricted Cash And Investments		
General Fund	\$26,243,573	\$6,618,948

CL18.236

The tables below list the major movements:

Total Cash and Investments	+\$13,053,312	
Unrestricted General Fund	+\$19,624,625	August was a rates instalment month, with \$17m received.
Financial Assistance Grant	-\$1,554,367	Transfer to unrestricted in line with instalment received in August
Section 7.11 Recoupment	+\$1,043,728	Transfer of developer contributions to Recoupment following year end reconciliation.
Loans – General Fund	-\$1,587,782	Spending on projects
Grant Reserve	-\$2,111,110	Spending on projects
Section 7.11 Contributions	-\$1,962,366	Transfer of developer contributions to Recoupment following year end reconciliation.
Sewer Fund	-\$987,168	Spending on projects (REMS)

CL18.236

Financial Implications

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

Certification – Responsible Accounting Officer:

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulations 2005 and Council's Investments Policy number POL18/8.



Michael Pennisi
Chief Financial Officer

CL18.237 Proposed Submission - State Heritage Register Listing - Hampden Bridge, Kangaroo Valley

HPERM Ref: D18/288444

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

Attachments: 1. Proposed submission [↓](#)
2. Notification letter [↓](#)

Purpose / Summary

Inform Council of the Heritage Council of NSW's Notice of Intention to consider listing Hampden Bridge, Kangaroo Valley on the State Heritage Register and obtain endorsement to make the submission at **Attachment 1**.

Note: this matter is reported direct to this meeting given the need to make a submission prior to the comment deadline.

Recommendation

That Council make a submission to the Heritage Council of NSW in relation to the Notice of Intention to consider listing Hampden Bridge, Kangaroo Valley on the State Heritage Register (**Attachment 1**), prior to the end of the comment period.

Options

1. Endorse **Attachment 1** as Council's submission in this regard.

Implications: This is the preferred option as it will enable Council to provide a submission within the nominated exhibition period for consideration by the NSW Heritage Council. It will also enable Council to present several matters requiring consideration, clarification and/or resolution, prior to the progression of the listing process.

2. Amend **Attachment 1** and include additional comments as necessary and submit to the Heritage Council of NSW.

Implications: This option would still enable Council to make a submission within the nominated exhibition timeframe, however the implications of any changes are unknown and may require consideration/refinement.

3. Not make a submission.

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

Background

Hampden Bridge (sandstone suspension bridge) is located on Moss Vale Road, which is part of the State Road Network and as such is owned by NSW Roads and Maritime Services (RMS). The bridge is already listed (Item No.241) in Schedule 5 Environmental Heritage in the Shoalhaven Local Environmental Plan (LEP) 2014 as having local heritage significance.

CL18.237

On 15 August 2018, the Heritage Council of NSW provided Council with a Notice of Intention to consider listing Hampden Bridge, Kangaroo Valley on the State Heritage Register (**Attachment 2**). The proposed curtilage of the Hampden Bridge is shown in **Figure 1** below.



Figure 1: Proposed curtilage of the Hampden Bridge (source: Heritage Council of NSW)

The notice of intention states that:

The Hampden Bridge may be of potential significance at a State level as the second major suspension bridge in NSW, and as the only surviving timber decked vehicular suspension bridge constructed in the nineteenth century.

The bridge is associated with engineer Ernest Macartney de Burgh, and builders Loveridge and Hudson. Hampden bridge has the capacity to represent some of the key characteristics of a small class of Australian suspension bridges, both vehicular and footbridges; many of which do not survive, or do not survive in their original form.

The Hampden Bridge also has historic significance because it facilitated the agricultural prominence of the Kangaroo Valley area in the first decades of the twentieth century. The form of the bridge, its relatively sophisticated structural design and elaborate tower castellations, reflects the cultural importance of this crossing at its time of construction, on what was then both a major route to the south of the state, and an area of emerging prosperity.

CL18.237

The bridge now facilitates the growing importance of the area as a tourist destination. It is readily viewed and interpreted from the surrounding recreational areas and is held in high esteem by the local and wider community for its historic, aesthetic and technical qualities.

Council now has until the 8th October 2018 to provide comments on the proposed listing.

Proposed Submission

This matter has been reviewed by relevant areas within Council and a proposed submission has been prepared for Council's endorsement (**Attachment 1**) which includes the following key points:

- The property description used in the proposed State Heritage Register listing is incorrect and should be reviewed to enable correct and consistent listing in the State heritage inventory and Shoalhaven LEP 2014.
- The curtilage shown in the map has essentially been drawn around the bridge. This should be amended to reflect the views to the bridge from either end and views from the sides of each end from existing road reserve. Given the importance of these views, the curtilage warrants further investigation to ensure that the 'ends' of the bridge are recognised and protected.
- The implications for Council's assets following State listing, including under the operation of the *NSW Heritage Act 1977*, need to be clarified.
- Shoalhaven Water has water and sewerage pipelines attached to the bridge and associated fittings within the proposed curtilage. Further advice needs to be provided on the impact of the proposed listing and how exemptions would operate on the State Heritage Register for the following:
 - Maintenance;
 - Emergency repairs; and
 - Replacing/upgrading infrastructure.
- The continued ability of the bridge to carry heavy vehicles is vital and therefore it is essential to:
 - Maintain the current weight limit of 42.5 tonnes as a minimum to maintain the integrity of Moss Vale Road (B73).
 - Assurances need to be provided to Council, industry and hauliers that there will be no changes to maintenance schedules because of a State heritage listing.

Community Engagement

The Heritage Council of NSW has placed the Notice of Intention on public exhibition between 15 August and 8 October 2018. Written submissions were invited from members of the community, organisations or other interested parties regarding the proposed listing and significance of the bridge.

Further details on the nominated item, the State Heritage Register, listing criteria, making a submission and the benefits of listing can be viewed on the NSW Office of Environment & Heritage (OEH) website at:

<http://www.environment.nsw.gov.au/heritageapp/NominationsOfStateHeritageRegister.aspx>

CL18.237

Policy Implications

The listing of Hampden Bridge on the State Heritage Register would require an amendment to Schedule 5 Environmental heritage of Shoalhaven LEP 2014 to reflect the changed significance of the item from 'local' to 'state' significance and to reflect the property description more accurately.

Any required future amendments to Shoalhaven LEP 2014 would be separately considered and reported to Council as needed.

Financial Implications

The successful listing of the bridge on the State Heritage Register would require staff resources to amend Schedule 5 Environmental heritage of Shoalhaven LEP 2014 to reflect the changed significance of the item from local to state significance via the standard Planning Proposal process with the NSW Department of Planning and Environment.

Any future amendments to Shoalhaven LEP 2014 will be resourced from the existing Strategic Planning budget.

CL18.237



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

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

Council Reference: 1110E (D18/289082)
Your Reference: EF18/6943 (DOC18/541692)

Heritage Council of NSW
Locked Bag 5020
PARRAMATTA NSW 2124

By email only: heritagemailbox@environment.nsw.gov.au

Attention: Natalie Blake – Senior Heritage Operations Officer

Dear Ms Blake

**Submission – Notice of Intention to consider listing on the State Heritage Register
Hampden Bridge, Moss Vale Road, Kangaroo Valley**

I refer to your notice of intention letter, dated 15 August 2018, regarding the proposed listing of the Hampden Bridge, Moss Vale Road, Kangaroo Valley on the State Heritage Register in acknowledgement of its heritage significance to the people of NSW. Thank you for the opportunity for Council to provide a submission on this matter.

On 25 September, Council at its Ordinary meeting resolved (MIN18.XXX):
[insert resolution]

The Hampden Bridge, located on Moss Vale Road, is owned by NSW Roads and Maritime Services (RMS) and is listed in Schedule 5 Environmental heritage of Shoalhaven Local Environmental Plan (LEP) 2014 (item no. 241 sandstone suspension bridge) as having local heritage significance.

The proposed listing of Hampden Bridge on the State Heritage Register is generally supported by Council and it is agreed that the bridge is iconic and a feature long known and associated with Kangaroo Valley, itself a significant landscape. However, this support is conditional given that several matters have been identified as requiring consideration, clarification and/or resolution, prior to the progression of the state listing process, as outlined below:

- The proposed State Heritage Register listing identifies the location of the bridge as Part Lot 7 DP 581233, however this property description is incorrect as this lot does not actually contain the bridge. The property description should be reviewed to enable correct listing in the State heritage inventory and Shoalhaven LEP 2014.
- Council objects to the curtilage shown in the map provided with the letter of intention, which has essentially been drawn around the bridge. We request this be amended to

reflect the views to the bridge from either end and views from the sides of each end. Given the importance of these views, the curtilage warrants further investigation to ensure that the 'ends' of the bridge are protected as well.

- The implications for Council's assets following State listing, including under the operation of the NSW Heritage Act 1977, needs to be clarified.
- Shoalhaven Water has water and sewerage pipelines attached to the bridge and associated fittings within the proposed curtilage. Further advice needs to be provided on the impact of the proposed listing and how exemptions would operate on the State Heritage Register for the following:
 - Process for undertaking maintenance on the water and sewerage infrastructure;
 - Process for undertaking emergency repairs on the water and sewerage infrastructure; and
 - Process for replacing/upgrading the water and sewerage infrastructure.
- The continuation of the ability of Hampden bridge to carry heavy vehicles is essential:
 - The current weight limit of 42.5 tonnes over Hampden Bridge, imposed by the then RTA in 2003, should be considered as a minimum that needs to be retained to maintain the integrity of Moss Vale Road (B73). This bridge performs not only a local freight link but a regional and national link for commodities and manufactured goods from the Shoalhaven as well as school buses and tourist coaches.
 - Assurances need to be provided to Council, industry and hauliers that there will be no changes to maintenance schedules as a result of State heritage listing. Closures of the bridge for maintenance are well notified by the RMS and hauliers can accommodate freight schedule variations for short periods given the notice usually allowed. Any changes to the regime of programmed maintenance that would restrict the weight and times that heavy vehicles could use this link, would be of concern.
 - The importance of Moss Vale Road should be noted. Should there be any major disruption to the M1 corridor at Mt Ousley or on Picton Road, route B73 becomes the next most suitable corridor from Nowra to the west, north or south for heavy vehicles, even though in a reduced heavy vehicle configuration between Nowra and the Hume Highway at Sutton Forest. The 15-tonne limit on Oallen Ford Road precludes the use of this alternative via Main Road 92.

Thank you again for the opportunity to comment on the proposed State listing for the Hampden Bridge. A timely response in relation to the matters raised in this submission would be much appreciated, as would the opportunity for further dialogue to ensure the concerns raised in this submission have been satisfactorily addressed.

If you need further information about this matter, please contact Jenna Tague, Planning Environment & Development Group on (02) 4429 3553. Please quote Council's reference 1110E (D18/289082).

Yours faithfully

Insert Signature

Gordon Clark
Strategic Planning Manager

Insert Date



Lev 6, 10 Valentine Ave
Parramatta NSW 2150

Telephone: 61 2 9873 8500
Facsimile: 61 2 9873 8599

Locked Bag 5020
Parramatta NSW 2124
DX 8225 PARRAMATTA

heritage@heritage.nsw.gov.au
www.heritage.nsw.gov.au

DOC no: DOC18/541692
File no: EF18/6943

Mr Russ Pigg
General Manager
Shoalhaven City Council
P.O. Box 42 Nowra
NSW 2541 Australia
council@shoalhaven.nsw.gov.au

Dear Mr Pigg

**Notice of Intention to consider listing on the State Heritage Register of:
Hampden Bridge, Moss Vale Road, Kangaroo Valley**

I am writing to advise that the Heritage Council of NSW resolved, at its meeting of 1 August 2018, to give notice of its intention to consider listing **Hampden Bridge** on the State Heritage Register in acknowledgement of its heritage significance to the people of New South Wales. This advice is in accordance with section 33(1)(a) of the *Heritage Act 1977 (NSW)*.

Any members of the community, owners, managers, organisations or other interested parties are invited to make a written submission regarding the proposed listing and significance of **Hampden Bridge**. Submissions should be posted or emailed to the Heritage Council of NSW at the following address during the public submission period commencing on **15 August 2018** and closing on **8 October 2018**:

Heritage Council of NSW
Locked Bag 5020
PARRAMATTA NSW 2124
heritagemailbox@environment.nsw.gov.au

Please note that the Heritage Council is unable to accept submissions received after the above closing date.

The Hampden Bridge may be of potential significance at a State level as the second major suspension bridge in NSW, and as the only surviving timber decked vehicular suspension bridge constructed in the nineteenth century. The bridge is associated with engineer Ernest Macartney de Burgh, and builders Loveridge and Hudson. Hampden bridge has the capacity to represent some of the key characteristics of a small class of Australian suspension bridges, both vehicular and footbridges; many of which do not survive, or do not survive in their original form. The Hampden Bridge also has historic significance because it facilitated the agricultural prominence of the Kangaroo Valley area in the first decades of the twentieth century. The form of the bridge, its relatively sophisticated structural design and elaborate tower castellations, reflects the cultural importance of this crossing at its time of construction, on what was then both a major route to the south of the state, and an area of emerging prosperity. The bridge now facilitates the growing importance of the area as a tourist destination. It is readily viewed and interpreted

from the surrounding recreational areas and is held in high esteem by the local and wider community for its historic, aesthetic and technical qualities.

A copy of the draft curtilage map for this item is enclosed for your reference. Further details on the nominated item, the State Heritage Register, listing criteria, making a submission and the benefits of listing can be viewed on the Heritage Division, Office of Environment & Heritage (OEH) website at:

<http://www.environment.nsw.gov.au/heritageapp/NominationsOfStateHeritageRegister.aspx>

If you have any questions, require further information, or if you do not have internet access and would like paper copies of the documents referred to above, please do not hesitate to contact Natalie Blake, Senior Heritage Operations Officer at the Heritage Division, OEH on (02) 9873 8576 or Natalie.Blake@environment.nsw.gov.au.

Yours sincerely



Dr Emma Dortins
Senior Team Leader
Regional Heritage Operations, Southern Region
Heritage Division
Office of Environment & Heritage

(this is an administrative letter only)

encl.

CL18.238 DA18/1598 – 145 & 159 Princes Highway, South Nowra – Lot A DP 403839 & Lot 100 DP 1101535**DA. No:** DA18/1598/4**HPERM Ref:** D18/304198**Group:** Planning Environment & Development Group
Section: Development Services**Attachments:** 1. Clause 4.6 Request - 145-159 Princes Highway, South Nowra - Lot 100 DP 1101535 & Lot A DP 403839 (under separate cover)
2. Response to Objections - 145-159 Princes Highway, South Nowra - Lot 100 DP 1101535 & Lot A DP 403839 (under separate cover)**Description of Development:** Demolition of Existing Warehouse, Consolidation of Two (2) Lots, and Construction of a New Building for Use as Hardware and Building Supplies and Garden Centre (Bunnings Warehouse) including associated Car Parking and Signage**Owner:** Bunnings Properties Pty Ltd and Nowra Property Group Pty Ltd**Applicant:** Bunnings Group Ltd**Notification Dates:** 20 June 2018 to 20 July 2018**No. of Submissions:** Two (2) in objection**Purpose / Reason for consideration by Council**

To seek direction from Council on a policy variation relating to the 11m height of buildings standard in clause 4.3 (Height of Buildings) of Shoalhaven Local Environmental Plan 2014 (SLEP 2014). The extent of the variation is such that staff do not have delegation to deal with the matter.

Where a development standard is more than 10%, the variation must be reported to the elected Council.

Council is able to assume the concurrence of the Secretary of the Department of Planning and Environment for clause 4.6 variations to vary a development standard. Further information can be obtained in the Department's Circular PS18-003.

Recommendation

That Council:

1. Confirm it supports, pursuant to clause 4.6 (Exceptions to development standards) of SLEP 2014, the applicant's request to vary the height limit of 11m to 15.5m; and
2. Refer the development application (DA18/1598) back to staff for determination.

Options

1. Resolve to support the requested variation to the maximum height of buildings requirement.

CL18.238

Implications: This will permit the application to proceed in its current form.

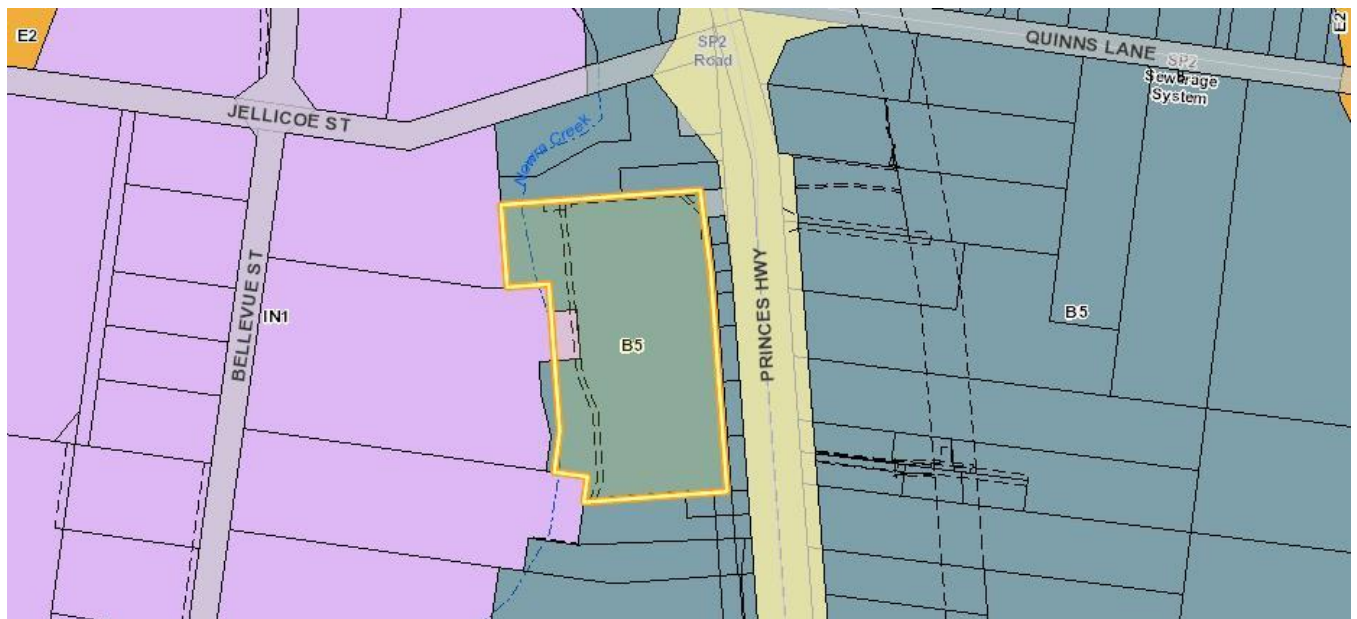
2. Resolve not to support the proposed variation to the maximum height of buildings requirement.

Implications: This would result in the applicant needing to reconsider the design of the proposal.

3. Resolve to modify the recommendations contained in this report.

Implications: This would require the Council to provide direction to staff.

Figure 1 – Location and Zone Map



Background

Proposed Development

The application seeks approval for the demolition of the existing Bunnings Warehouse, consolidation of the two (2) lots, and construction of a new building for use as a hardware and building supplies and garden centre (Bunnings Warehouse) including associated car parking and signage.

Figure 2 – Elevations

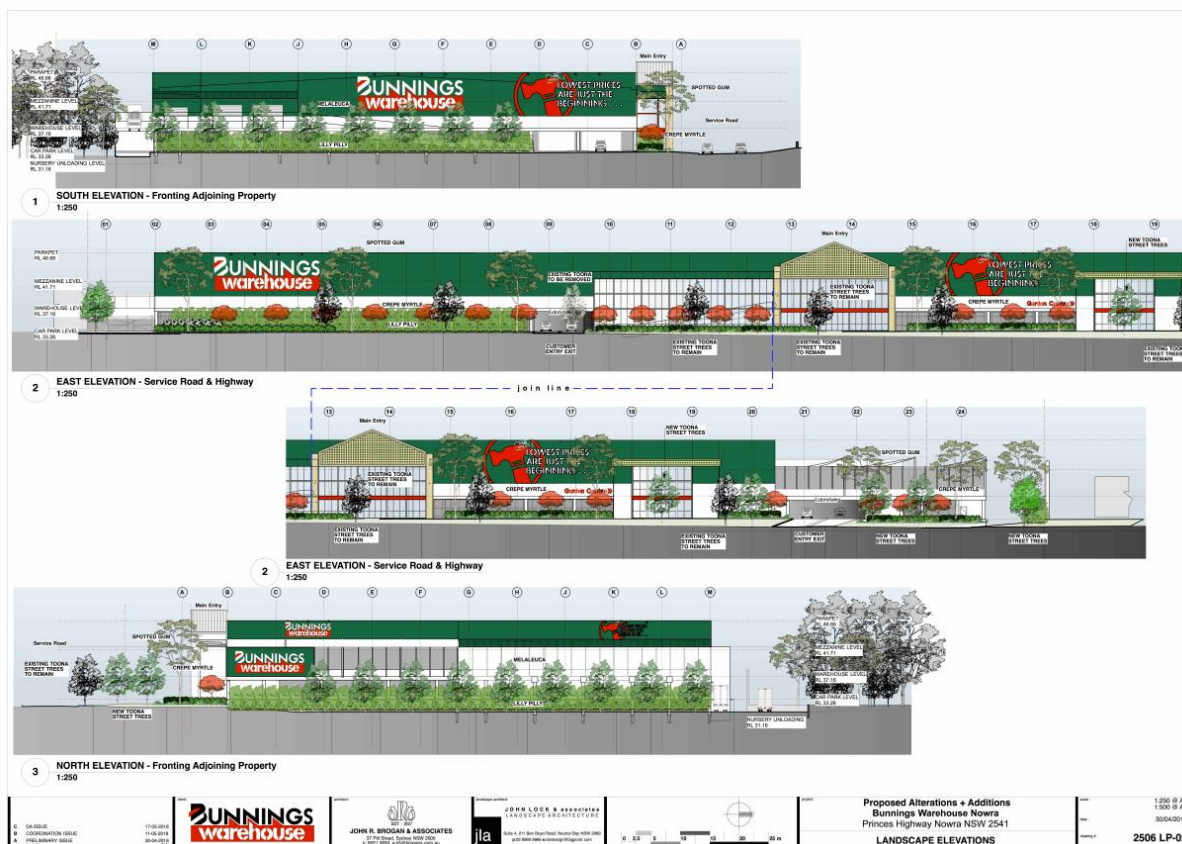


Figure 3 – Height Plane Analysis



Subject Land

The development site comprises Lot A DP 403839 (145 Princes Highway, South Nowra) and Lot 100 DP 1101535 (159 Princes Highway, South Nowra). Refer to Figure 1.

Site & Context

The development site:

- Contains the existing Bunnings Warehouse with Nowra Creek running through the western section of the site;
- Is zoned B5 and IN1 (IN1 is a minor portion of the site - see Figure 1) Business Development and has a total area of 2.933ha;
- Is identified as being part flood and bush fire prone land and potentially contaminated;
- Has existing access via service road from the Princes Highway; and
- Adjoins land zoned B5 Business Development and IN1 General Industrial under SLEP 2014.

The zone objectives are provided below as they are a consideration with regard to assessing and considering a variation request with regard to clause 4.6, which is discussed later in this report.

The B5 Business Development zone objectives are:

- *To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- *To allow a diversity of activities that do not significantly conflict with the operation of existing or proposed development.*

The IN1 General Industrial zone objectives are:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To allow a diversity of activities that do not significantly conflict with the operation of existing or proposed development.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

History

The following provides details on general site history in relation to the current application:

- Council approved the “Demolition of Existing Structures, Construction of Bunnings Warehouse Complex and Boundary Adjustment” on the development site on 7 September 2005 as part of Development Consent DA05/1146. The maximum building height was approved at approximately 12m, being the main entry gable (architectural feature), with an 11m parapet height.

This was initially a staged non-operational consent. The aspect of the proposed development that was not approved related to the design, reconfiguration and construction of the service road adjacent to the proposed development and access connections to and from the proposal and the adjacent properties to the reconstructed service road.

- Council approved an application to modify the consent (DS05/3246) on 4 November 2005. The modification involved the removal and modification to a number of conditions, particularly including Condition 3 and 4, and to make the original consent operational (i.e. allow for a Construction Certificate to be issued).
- Council has approved a number of applications since the original consent/s associated with the Bunnings Warehouse development.
- The current application was lodged on 1 June 2018.

Issues

Clause 4.3 (Height of buildings) of SLEP 2014

Clause 4.3 contains controls for the maximum height of buildings and specifically outlines that the maximum height of a building must not exceed the height shown on the 'Height of Buildings Map' that supports SLEP 2014 or if land is not mapped a building must not exceed 11m.

In this instance, the 'Height of Buildings Map' has no specific maximum building height provisions for the development site. As such, the maximum height of any building, under this clause, must not exceed 11m as required by subclause (2A). The development does not comply with this development standard as it will have a maximum height of 13.5m for the parapet and 15.5m for the main entry gable, see Figure 3 height plane analysis. This represents a variation to the numerical standard of 22.7% variation for the parapet and a 40.9% for the main entry gable.

Clause 4.6 (Exceptions to development standards) of SLEP 2014

The applicant has consequently sought an 'exception' to the development standard pursuant to the requirements of clause 4.6 of SLEP 2014. Refer to Attachment 1 for the detailed request.

Therefore, Council is required to consider subclauses (3), (4) and (5).

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment

The applicant provided a written request in relation to this clause as referred to above, addressing both (a) and (b).

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*

CL18.238

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence."*

Comment

The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

Having regard to the objectives of the zones (refer to the objectives cited earlier in this report) the development does not compromise the objectives of either the Business Development or General Industrial zones. Notably, the proposal will provide for a range of employment opportunities as well as providing large floor space retailing. It is also noted that this development is replacing effectively the same development, albeit a larger store.

Although the height contravention appears numerically large, the existing Bunnings Warehouse on the site already has an entry feature which exceeds the 11m height and accordingly the height of the proposed development is not inconsistent with the height of the building already on the site and will not appear as significantly different in scale. Refer to Figure 3 for the height plane analysis.

The additional height is attributed to the relocation of the car parking beneath the building which it is agreed represents a positive outcome in allowing for the provision of increased onsite vehicle parking, the introduction of a 6.1m deep soil zone at the front of the site, as well as an improved relationship between the main entry to the building and the service road.

The applicant justifies that the proposed height is required to maintain the "*necessary internal specifications for the proper and efficient functioning of the Bunnings model and any reduction to the ceiling height will have a significant detrimental operational impact*".

It is also noted that the ground floor level has been established by the flood constraint.

The contravention does not raise any matters of significance having regard to State or regional environmental planning. It does not have implications for any State Environmental Planning Policies in the locality or impacts which are considered of a State or regional scale.

With respect to sub clause (5) having regard to the applicant's request and Council's assessment, there are considered to be environmental planning benefits associated with the contravention of the standard. The extent of the departure from the height control, whilst numerically large is essentially a parapet and entry feature. The removal of these structures to achieve compliance would not result in a better outcome.

Accordingly, the written submission provided by the applicant is considered to satisfy the requirements of clause 4.6(3), (4) and (5).

CL18.238

Planning Assessment

The DA is being assessed under s4.15 of the Environmental Planning and Assessment Act 1979. Part of the assessment requires resolution of the height issue pursuant to clause 4.6 which is the subject of this report.

Consultation and Community Engagement:

The application was notified in accordance with Council's Community Consultation Policy with letters being sent within a 120m buffer of the site, including Shoalhaven Business Chamber during the period 20 June 2018 to 20 July 2018. The proposal was also advertised in the local press on one occasion (South Coast Register). As with all applications, the application is also viewable on Council's DA tracking website.

Two (2) public submissions were received in relation to Council's notification of the development. They were objections to the development.

Several matters were raised as a result of the notification, however, specific to height concerns, the following concerns as detailed in submissions are highlighted below. Attachment 2, is the applicant's response to submissions.

- Overshadowing

Applicant response:

"The provisions of Chapter G17 Business, Commercial and Retail Development of the SDCP do not contain any controls in relation to overshadowing of adjacent properties noting that, unlike residential development, solar access is not critical to commercial premises.

Having regard to the commercial and semi-industrial context of the subject site, the proposal is of a nature and character as can reasonably be expected in this location and is not considered to unreasonably impact the ambience of the southern adjacent site."

Comment

The property to the south will be impacted. However, this is an area characterised by commercial / industrial style developments. It would be necessary to have both increased setbacks and a height reduction to improve the situation.

The outdoor dining area includes awnings and umbrellas as depicted in figures 4 and 5. The impact of the proposed development is not considered to be significant in regard to this area.

The provisions of Chapter G17 Business, Commercial and Retail Development of the SDCP do not contain any controls in relation to overshadowing of adjacent properties noting that, unlike residential development, solar access is not critical to commercial premises.

The applicant commented as follows:

"The controls in relation to outdoor dining in the DCP also do not include any requirements in relation to minimum solar access requirements. In fact, shading of outdoor dining areas is of significantly greater importance to protect patrons from sunlight and heat as evidenced by awnings within commercial areas and indeed the permanent and temporary umbrellas which have been erected over part of the outdoor dining area on the southern adjacent site. Accordingly, shadow cast by the subject

proposal cannot form a reasonable basis for objection in the commercial and semi-industrial context of the subject site."

Figures 4 & 5 – adjoining development to the south



CL18.238

- Visual impact – bulk and scale

Applicant response:

"The bulk of the building is generally as anticipated by the planning controls which govern the site, noting that the site has a large area and is ideally suited to this type of development. Furthermore, the bulk of the proposed building is generally consistent with the existing building on the site, albeit with a reduced front setback."

Comment

The bulk and scale are not unusual for this type of development which is effectively a large warehouse style building. The site is currently occupied by a similar style building albeit that this new development is larger.

- Reduced front setback

Applicant response:

“The proposed front setback is appropriate in this circumstance as it achieves a significantly improved engagement and activation of the street compared to the existing building on the site and the design of the new building with car parking relocated below the building provides the opportunity for an improved presence in the street. Furthermore, due to the context of the site and eclectic pattern of development surrounding the site, there is no consistent street or front setback alignment within the visual catchment of the site to which the proposal should adhere. The front setback adopted by the southern adjacent site is anomalous and should not dictate the front setback along the entire frontage of this large site.”

Comment

The front setback is reduced as compared to the existing development. This has some impact on adjoining properties and will result in the building having greater visibility with respect to passing traffic.

Noting that the development is setback from the Highway and the location of a service road in front of the development, along with proposed landscaping, the setback in the circumstances is considered acceptable. Some existing vegetation is to be retained and new “Toona” (commonly known as red cedars) street trees and other vegetation will be provided.

The flood constraints and water course to the rear also influence the design and siting. It is not considered appropriate to ‘push’ the building further to the rear, observing these constraints.

Financial Implications:

There are potential cost implications for Council in the event of not supporting the requested variation to the height limit and refusal of the application. Such costs would be associated with defending an appeal in the Land and Environment Court of NSW.

Legal Implications

If the requested variation is not supported and the application subsequently refused, or if the applicant is dissatisfied with Council’s determination, the applicant has the right of appeal to the Land and Environment Court.

Summary and Conclusion

The applicant’s submission has provided sufficient justification to demonstrate that given the specific circumstances of this case that the 11m height limit is unreasonable there is sufficient environmental planning grounds to justify contravention of the height requirement and that the proposal is in the public interest and should be supported.

CL18.239 Tenders - TM7 Bolong Road Watermain Replacement

HPERM Ref: D18/314767

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

Purpose / Summary

To inform Council of the tender process for TM7 Bolong Road Watermain Replacement project.

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

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

Recommendation

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

Options

1. Consider the separate confidential report as recommended
2. Council amend the recommendation and consider in open Council

Implications: Council may diminish the competitive commercial values of the tenders received or prejudice the tenderers legitimate interests if these matters are discussed non-confidentially.

3. Council amend the recommendation

Implications: Council propose an alternative resolution. Depending on the resolution Council may not be able to deliberate on the tender process for the TM7 Bolong Road Watermain Replacement project while giving consideration to all available information

Details

Introduction: Council, at its Ordinary Meeting on 16 December 2014, resolved to appoint a panel of contractors for mains construction works. The Panel comprises the following contractors:

- i. Comdain Civil Construction Pty Ltd
- ii. Murphy McCarthy & Associates Pty Ltd
- iii. EL Civil Engineering Pty Ltd
- iv. Ledonne Constructions Pty Ltd

CL18.239

- v. Interflow Pty Ltd
- vi. Hisway Pty Ltd
- vii. Select Civil Pty Ltd, and
- viii. Lynch Civil Contractors Pty Ltd.

The Panel was formed following an Expressions of Interest (EOI) process. The philosophy behind this approach was to identify suitably qualified contractors (based on a non-price assessment) to bid on a number of mains replacement packages over the next five years. This would enable a simplified assessment procedure whereby only price and assessment of project specific resourcing and construction methodology would need to be considered for the award of future works packages.

Background:

Shoalhaven Water, through its Asset Management Systems, has identified a series of DN300 white uPVC pipelines installed in the early to mid 1980's. It has been the experience of Shoalhaven Water, and other water utilities across New South Wales, that this particular pipe type/size purchased at that time has a higher than average failure rate. It is proposed to replace these faulty uPVC mains with Polyethylene (PE) mains to reduce the risk of future failures.

The first DN300 white uPVC pipeline replaced under this program was two sections of Trunk Main 19 (one section in North Bendalong and one section in Manyana).

The second DN300 white uPVC pipeline replaced was approx. 6km of Trunk Main 27 between Burrill Lake to Lake Tabourie.

The third DN300 white uPVC pipeline replaced was in three sections around the township of Sussex Inlet along Jacobs Drive, River Road and Suncrest Ave.

Tenders have been called and the award of a contract for the construction of the TM7 Bolong Road Watermain Replacement is now being presented to Council for determination.

Tenders Received

Tenders were called from all contractors on the Panel on the 23 July 2018 for the construction of the TM7 Bolong Road Watermain Replacement project with a mandatory pre-tender site meeting on 26 July 2018.

A Tender Evaluation Committee (TEC) was formed and a Tender Evaluation Plan (TEP) was developed for the tender analysis.

Tenders closed at 10am on 28 August 2018 with a total of five (5) tenders received by the deadline.

Tenderer	Location
Select Civil Pty Ltd	Tenderlink Portal
Murphy McCarthy & Associates Pty Ltd	Tenderlink Portal
Hisway Pty Ltd	Tenderlink Portal
Ledonne Construction Pty Ltd	Tenderlink Portal
Lynch Civil Pty Ltd	Tenderlink Portal

CL18.239

The tenders were evaluated in accordance with the TEP, which comprised mandatory, price and non-price criteria including:

- Total cost of tenderers bid, including application of Local Preference Policy
- Construction methodology and program
- Skills, experience and availability of proposed key personnel
- Past performance on previous Mains Construction Panel Contracts

In order to identify the best value for money while ensuring a suitable balance between the main criteria of price, experience and methodology it was determined to use a 65% price to 35% non-price ratio for the tender assessment.

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

Summary of the Evaluation Process:

1. Assessment of Price Criteria

The five tenders had their price components assessed as per the formula given in Clause 5.5 of the TEP.

Reductions in the assessed tender price were given to those tenderers who included local contractors and suppliers as per the Local Preference Policy capped at \$15,000.

2. Assessment of Non-Price Criteria

The TEC assessed the tenders for non-price criteria as detailed in the methodology for Non-Price Ratings contained within the Tender Evaluation Plan (Sections 5.6).

Tenders were assessed by the TEC as a group. Following discussions a consensus score was reached for each assessment criteria for each of the tender submissions. Tenders were assessed following the guidelines for scoring Non-Price Criteria described in Attachment B of the TEP.

3. Outcome of Tender Evaluation

The final score for each tenderer was obtained by adding together the normalised total non-price score with the normalised total price score. The Tenderer with the highest total combined score was identified as the Preferred Tenderer. The tenderer with the second highest score was identified as the alternate Preferred Tenderer.

As per the Procedure defined in section 4 of the TEP, the TEC resolved to hold a tender evaluation interview with the Preferred Tenderer and alternate Preferred Tenderer to ensure they had a comprehensive understanding of the scope of works and clarify any issues identified in their tender. These interviews were held in the SCC Nowra Administration Building on the 6 September 2018 and attended by two (2) members of the TEC.

As a result of this interview, along with the price and non-price criterias, the TEC made the recommendation contained in the confidential report.

Community Engagement:

Shoalhaven Water has consulted with the Manildra Group regarding the proposed works and has provided to them what levels of flow and pressure will be maintained to their facility during the various stages of the works.

Minor water outages will be required during the transition from the existing water main to the new. It will be necessary to provide at least 48 hours notice to affected businesses of any planned water outages.

Signage will be erected along Bolong Road several weeks prior to construction starting to advise motorists that there will be changed traffic conditions for the duration of the project.

A Review of Environmental Factors (REF) for the pipeline installation was developed by Shoalhaven Water for the project. This REF did not identify any threatened flora or fauna species in the area of influence for the construction works. Portions of Bolong Road are mapped as having potential for Acid Sulphate Soils. Further geotechnical investigations have been undertaken and an area of acid sulphate soils has been identified. An Acid Sulphate Management Plan will be developed for the project. The recommended control measures from the REF form part of the tender specifications.

Financial Implications:

Sufficient funds have been allocated in the Water fund capital budgets for 2018/19. Contract management will be done by Shoalhaven Water employees. Daily site inspections to be undertaken by Shoalhaven Water nominated construction inspectors.

It is proposed to start construction of the project in October 2018 with completion expected in the first quarter of 2019.

Conclusion:

Shoalhaven Water have undertaken a comprehensive tender evaluation in accordance with the approved tender evaluation plan and have made a recommendation to Council in a separate Confidential Report. It is therefore recommended that Council consider the Confidential Report and the recommendations there-in.

CL18.239

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.