

Strategy and Assets Committee

Meeting Date: Tuesday, 09 April, 2019
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5.00pm

Membership (Quorum - 5)
Clr John Wells - Chairperson
Clr Bob Proudfoot
All Councillors
General Manager or nominee

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

Agenda

1. **Apologies / Leave of Absence**
2. **Confirmation of Minutes**
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3. **Declarations of Interest**
4. **Call Over of the Business Paper**
5. **Mayoral Minute**
6. **Deputations and Presentations**
7. **Notices of Motion / Questions on Notice**
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 - SA19.38 Notice of Motion - Support for Greenwell Point Men's Shed 17
8. **Reports**
 - General Manager
 - SA19.39 Appointment of Risk and Audit Committee Chair 18
 - Finance Corporate & Community Services
 - SA19.40 Review Access Areas for Dogs Policy (POL16/173) - Engagement of Consultant, Allocation of Budget and Establishment of Community Reference Group 19
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Assets & Works

SA19.44	Acquisition of Electricity Easement for Pad Mount Substation - Lot 366 DP 821493 New Street, Ulladulla	35
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9. Confidential Reports

Reports

CSA19.2	Tenders - External Plant Hire - 2019/2020 <i>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.</i> <i>There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.</i>
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Strategy and Assets Committee

Delegation:

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

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

SCHEDULE

- a. Make recommendations to Council and consider, formulate, review and adopt policies in relation to Councils 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 Councils 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, natural resources / assets, floodplain, estuary and coastal management and sustainability matters that are dealt with by the Development and Environment Committee.
- 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 Councils next operational plan within the meaning of s405 of the LG Act;
- d. Monitor, review and consider matters relating to the operations and strategic direction of Councils 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 Councils 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 Councils 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).

MINUTES OF THE STRATEGY AND ASSETS COMMITTEE

Meeting Date: Tuesday, 12 March 2019
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

Clr John Wells - Chairperson
Clr Joanna Gash
Clr Amanda Findley
Clr Patricia White
Clr Kaye Gartner
Clr Nina Digiglio
Clr John Levett
Clr Mitchell Pakes
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot
Mr Russ Pigg - General Manager

Apologies / Leave of Absence

Apologies were received from Clr Guile.

RESOLVED (Clr Levett / Clr Digiglio) MIN19.119

That a Leave of Absence be granted for Clr Alldrick to Monday 25 March 2019.

CARRIED

Confirmation of the Minutes

RESOLVED (Clr Digiglio / Clr White) MIN19.120

That the Minutes of the Strategy and Assets Committee held on Tuesday 12 February 2019 be confirmed.

CARRIED

Declarations of Interest

Nil

Call Over of the Business Paper**RESOLVED** (Clr Watson / Clr White)

MIN19.121

That the Chairperson Call Over all the items on the Agenda.

CARRIED

DEPUTATIONS AND PRESENTATIONS**SA19.21/IA19.5 - Additional Item - Medium Density Update - Disability Awareness Training (page 12)**

Ms Kylie Knight, a member of the Inclusion & Access Advisory Group, addressed the meeting to speak for the recommendation.

SA19.30 – Bendalong Boat Harbour – Erosion Control Measures (page 52)

Ms Lexie Meyer, representing Red Head Villages Association, addressed the meeting in relation to parts of the Recommendation.

Presentation – Certificate of Appreciation

Clr Wells advised the Committee that Council has received a Certificate of Appreciation from the Berry Rotary Club, for Council's donation for their fireworks display on New Years Eve.

Procedural Motion - Bring Items Forward**RESOLVED** (Clr Pakes / Clr Gash)

MIN19.122

That the following matters be brought forward for consideration:

- SA19.21 – Report of the Inclusion and Access Advisory Group – 18 February 2019
- SA19.30 – Bendalong Boat Harbour – Erosion Control Measures

CARRIED

REPORT OF THE INCLUSION & ACCESS ADVISORY GROUP - 18 FEBRUARY 2019**IA19.5 Additional Item - Medium Density Update - Disability Awareness Training****Recommendation**

That Council consider including Disability Awareness Training for Councillors as part of their Training and Development Program.

RESOLVED (Clr Findley / Clr Digiglio)

MIN19.123

That:

1. Council includes Disability Awareness Training for Councillors as part of their Training and Development Program for the incoming Councillors in 2020.
2. The General Manager organise Disability Awareness Training for the existing Councillors prior to 30 June 2019.

CARRIED

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

IA19.12 Additional item - Compliance Schofields Lane - Bus Loading Ramp

RESOLVED* (Clr Pakes / Clr Gartner)

MIN19.124

That:

1. Staff investigate the compliance of the Bus loading ramp in Schofields Lane and discuss with Bus companies and report back.
2. This matter be added to the Action Table.

CARRIED

IA19.13 Additional item - Ulladulla Subway and Services NSW Accessible Parking

Recommendation

That:

1. Staff investigate the options for moving the accessible park at Ulladulla – Services NSW and report back.
2. This matter be added to the Action Table.

RESOLVED (Clr White / Clr Findley)

MIN19.125

That:

1. Staff investigate the options for moving the accessible carpark at Ulladulla – Services NSW and report back.
2. This matter be added to the Action Table.

CARRIED

IA19.14 Additional item - Footpath - Near Nowra Post Office - Corner Berry and Junction Streets

RESOLVED* (Clr Pakes / Clr Gartner)

MIN19.126

That:

1. Staff investigate the damage from tree roots to the footpath on Berry/Junction Street corner and report back.
2. This matter be added to the Action Table.

CARRIED

IA19.15 Additional Item - Memorial Gardens Access Ramp and Crossing

Recommendation

That:

1. Staff investigate and construct the accessible ramp/path and realign the crossing at the Memorial Gardens Worrigee and report back.
2. This matter be added to the Action Table.

RECOMMENDATION (Clr White / Clr Digiglio)

That:

1. Staff investigate and construct the accessible ramp/path and realign the crossing at the Memorial Gardens Worrigee and report back.
2. This matter be added to the Action Table.
3. This matter be included in the 2019/2020 budget and works be delivered as a priority.
4. When carparking is under review, Council consider the number of parking spaces with a view to increasing the ratio of disability/accessible carparking spaces.

CARRIED

IA19.16 Additional item – Council’s Website - Community Page - Provision for Accessible Icon and Information

RESOLVED* (Clr Pakes / Clr Gartner)

MIN19.127

That:

1. Staff investigate the incorporation of an Accessible Icon on Council’s Community Webpage which includes helpful information relating to accessibility and report back.
2. This matter be added to the Action Table.

CARRIED

SA19.30 Bendalong Boat Harbour - Erosion Control Measures

HPERM Ref:
D19/35666

Recommendation (Item to be determined under delegated authority)

That Council adopt the following measures to address stormwater and coastal erosion at the Bendalong Boat Harbour and include these measures in the Draft Bendalong Boat Harbour Masterplan for consideration at a future date:

1. As outlined in the report by MI Engineers (Stormwater Infrastructure Upgrade Report 18 January 2018)
 - a. Divert as much stormwater as possible away from the catchment that discharges to the beach. Estimated to cost (\$140,000);
 - b. Address erosion in the major draining channels within the catchment by lining the channels with rock protection. Estimated to cost (\$130,000);
 - c. Convert the piped outlets onto the beach to surcharge/soak-away pits thus allowing rock protection arrangements to be continuous along the beach. Estimated to cost (\$140,000);
 - d. Convert the piped inlets to pit inlets and line the road side drain with rocks to provide scour protection. Estimated to cost (\$80,000)

- e. Longer Term – When the time comes to reconstruct the road (say 5 to 10 years), provide a causeway crossing and thus eliminate the pipe crossings altogether. Estimated to cost (\$160,000).
2. As outlined in the Bendalong Draft Coastal Hazard/Erosion Technical Advice Report – April 2018 – prepared by Advisian, sort existing rock at the eastern end of the beach and place on the eroded sections of the beach to interlock and provide protection for wave attack up to 0.7m. Estimated to cost \$30,000.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN19.128

That Council adopt the following measures to address stormwater and coastal erosion at the Bendalong Boat Harbour and include these measures in the Draft Bendalong Boat Harbour Masterplan for consideration at a future date:

1. As outlined in the report by MI Engineers (Stormwater Infrastructure Upgrade Report 18 January 2018):
 - a. Divert as much stormwater as possible away from the catchment that discharges to the beach. Strategic location of the optimum number of swails be part of the diversion solution. Estimated to cost (\$140,000);
 - b. Address erosion in the major draining channels within the catchment by lining the channels with rock protection. Estimated to cost (\$130,000);
 - c. Convert the piped outlets onto the beach to surcharge/soak-away pits thus allowing rock protection arrangements to be continuous along the beach. Estimated to cost (\$140,000);
 - d. Convert the piped inlets to pit inlets and line the road side drain with rocks to provide scour protection. Estimated to cost (\$80,000)
 - e. Longer Term – When the time comes to reconstruct the road (say 5 to 10 years), provide a causeway crossing and thus eliminate the pipe crossings altogether. Estimated to cost (\$160,000).
2. As outlined in the Bendalong Draft Coastal Hazard/Erosion Technical Advice Report – April 2018 – prepared by Advisian, sort existing rock at the eastern end of the beach and place on the eroded sections of the beach to interlock and provide protection for wave attack up to 0.7m. Estimated to cost \$30,000. Select a trial location as per the Read Head Villages Association assertion, using large prismical rocks and using grass to bind them
3. Council monitor the effectiveness of the storm water diversion management through annual monitoring

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr Wells)

MIN19.129

That the matter of item SA19.29 – Nowra CBD Multi-Storey Car Park - Update be brought forward for consideration.

CARRIED

SA19.29 Nowra CBD Multi-Storey Car Park - Update

**HPERM Ref:
D18/418293**

Recommendation

That council allocate \$150,000 in the 2019/20 draft budget to complete the detail design required to get the approved multi storey car park at Corner Berry St Worrigee St, Nowra to a shovel ready stage.

RECOMMENDATION (Clr Findley / Clr Pakes)

That Council allocate \$150,000 in the 2019/20 draft budget to complete the detail design required to get the approved multi storey car park at Corner Berry St Worrigee St, Nowra to a shovel ready stage.

FOR: Clr Wells, Clr Gash, Clr Findley, Clr White, Clr Gartner, Clr Digiglio, Clr Levett, Clr Pakes, Clr Watson, Clr Kitchener and Russ Pigg

AGAINST: Clr Proudfoot

CARRIED

REPORTS

SA19.22 Quarterly Progress Report - Councillors' Notices of Motion

**HPERM Ref:
D19/46342**

Recommendation (Item to be determined under delegated authority)

That the Progress report on Councillors' Notices of Motion for the period of 4 October 2016 to 31 January 2019 be received for information.

RESOLVED (Clr Findley / Clr Gartner)

MIN19.130

That the Progress report on Councillors' Notices of Motion for the period of 4 October 2016 to 31 January 2019 be received for information.

CARRIED

SA19.23 Draft Donations Policy - Public Exhibition

**HPERM Ref:
D19/67474**

Recommendation (Item to be determined under delegated authority)

That

1. The Draft Donations Policy and Procedures (Attachment 1 to the report) be placed on public exhibition for a period of four (4) weeks to obtain community feedback on the proposed Policy
2. That all current recipients of donations be advised in writing of the public exhibition and their ability to make comment.
3. That a report be provided at the completion of the exhibition period, outlining the submissions received and a Final Draft Policy and Procedures for adoption by the Council.

RESOLVED (Clr Findley / Clr Gartner)

MIN19.131

That:

1. The Draft Donations Policy and Procedures (Attachment 1 to the report) be placed on public exhibition for a period of four (4) weeks to obtain community feedback on the proposed Policy

2. All current recipients of donations be advised in writing of the public exhibition and their ability to make comment.
3. A report be provided at the completion of the exhibition period, outlining the submissions received and a Final Draft Policy and Procedures for adoption by the Council.

FOR: Clr Wells, Clr Gash, Clr Findley, Clr White, Clr Gartner, Clr Digiglio, Clr Levett, Clr Pakes, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Clr Watson

CARRIED

SA19.24 Peak Tourist Period Management - Progress Update

**HPERM Ref:
D19/25114**

Recommendation

That Council:

1. Receive the report on the results of management strategies implemented over the peak tourism period to manage traffic, safety and local amenity concerns in high visitation areas.
2. Continue to manage short term high tourism visitation challenges over the next 12 months throughout the Shoalhaven Region and continue to provide a net budget allocation of \$150,000 in the 2019/20 financial year to ensure the standard of service and improvements made over the last 12 months are maintained.
3. Commit to ongoing priority be given to resolving Hyams Beach challenges through continued investigation of long-term solutions as follows:
 - i. Actively pursue options for parking outside of Hyams Beach Village with walk in and/or a shuttle bus service, with preference given to two identified potential sites owned by Jerrinja Land Council and National Parks and Wildlife Service respectively.
 - ii. Actively work on feasibility, funding and installation of a permanent roundabout to ease traffic congestion and control access into Hyams Beach at peak holiday times.
 - iii. Continue to actively investigate the viability of paid parking through the required traffic studies and report back to council in due course.
4. Note that in relation to issues with illegal camping and noise complaints within the Seamans Carpark and in response to strong representations from the community to limit use of the carpark to be open only during daylight hours, the following key actions will be trialled:
 - i. Installation of a gate on the carpark and lock the gate – carpark only open during daylight hours
 - ii. Lock toilets – open only during daylight hours
 - iii. Investigate the ability to issue higher dollar infringements for illegal camping
5. Receive a further report on the outcomes of the grant application for infrastructure upgrades under the “Shoalhaven Sustainable Tourism Infrastructure Package” as part of the Restart NSW Environment and Tourism fund
6. Actively seek ongoing funding for tourism related infrastructure improvement projects as opportunities arise.
7. Proceed with a limited Expressions of Interest process to identify potential Smart Technology Solutions available to assist in solving the very high visitation challenges identified at Hyams Beach and report findings with estimated budgets back to council and the community via the Hyams Beach CCB.

RECOMMENDATION (Clr Proudfoot / Clr Findley)

That Council:

1. Receive the report on the results of management strategies implemented over the peak tourism period to manage traffic, safety and local amenity concerns in high visitation areas.
2. Continue to manage short term high tourism visitation challenges over the next 12 months throughout the Shoalhaven Region and continue to provide a net budget allocation of \$150,000 in the 2019/20 financial year to ensure the standard of service and improvements made over the last 12 months are maintained.
3. Commit to ongoing priority be given to resolving Hyams Beach challenges through continued investigation of long-term solutions as follows:
 - i. Actively pursue options for parking outside of Hyams Beach Village with walk in and/or a shuttle bus service, with preference given to two identified potential sites owned by Jerrinja Land Council and National Parks and Wildlife Service respectively.
 - ii. Actively work on feasibility, funding and installation of a permanent roundabout to ease traffic congestion and control access into Hyams Beach at peak holiday times.
 - iii. Continue to actively investigate the viability of paid parking through the required traffic studies and report back to council in due course.
4. Note that in relation to issues with illegal camping and noise complaints within the Seamans Carpark and in response to strong representations from the community to limit use of the carpark to be open only during daylight hours, the following key actions will be trialled:
 - i. Installation of a gate on the carpark and lock the gate – carpark only open during daylight hours
 - ii. Lock toilets – open only during daylight hours
 - iii. Investigate the ability to issue higher dollar infringements for illegal camping
5. Receive a further report on the outcomes of the grant application for infrastructure upgrades under the “Shoalhaven Sustainable Tourism Infrastructure Package” as part of the Restart NSW Environment and Tourism fund
6. Actively seek ongoing funding for tourism related infrastructure improvement projects as opportunities arise.
7. Proceed with a limited Expressions of Interest process to identify potential Smart Technology Solutions available to assist in solving the very high visitation challenges identified at Hyams Beach and report findings with estimated budgets back to council and the community via the Hyams Beach CCB.

CARRIED

SA19.25 Events Policy - Definition of Exotic Animals - Circuses

**HPERM Ref:
D19/63436**

Note: Clr Gartner left the meeting at 6.41pm.

Recommendation (Item to be determined under delegated authority)

That:

1. With respect to Circuses that the Council defines ‘Exotic Animals’ to be:
 - a. ‘Animals not native to Australia or introduced from abroad (excluding domestically farmed animals). This would include (but not limited to); lions, tigers, monkeys and primates, leopards, elephants, camels, antelope and foreign domestic cattle including Ankole, Gayal

and Yak; and

- b. Australian native animals (excluding those covered under exhibitor/education licences for wildlife rescue groups and educational mobile zoos).'

2. The Events Policy be updated to include this definition.

RESOLVED (Clr Findley / Clr Digiglio)

MIN19.132

That:

1. With respect to Circuses that the Council defines 'Exotic Animals' to be:

- a. 'Animals not native to Australia or introduced from abroad (excluding domestically farmed animals). This would include (but not limited to); lions, tigers, monkeys and primates, leopards, elephants, camels, antelope and foreign domestic cattle including Ankole, Gayal and Yak; and
- b. Australian native animals (excluding those covered under exhibitor/education licences for wildlife rescue groups and educational mobile zoos).'

2. The Events Policy be updated to include this definition.

CARRIED

**SA19.26 Local Government Conference - 2019 National General
Assembly of Local Government - Proposed Motions**

**HPERM Ref:
D19/58100**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse the four (4) motions as detailed in this report for submission to the Australian Local Government Association – 2019 National Assembly.
2. Nominate a Councillor as the Council's Voting delegate for the conference.
3. Nominate a Councillor as the Council's Alternate Voting Delegate for the conference.

MOTION (Clr Findley / Clr Digiglio)

That Council:

1. Endorse the four (4) motions as detailed in this report for submission to the Australian Local Government Association – 2019 National Assembly.
2. Nominate the Mayor as the Council's Voting delegate for the conference.
3. Nominate the Deputy Mayor as the Council's Alternate Voting Delegate for the conference.

AMENDMENT (Clr Watson / Clr Pakes)

That Council:

1. Endorse the four (4) motions as detailed in this report for submission to the Australian Local Government Association – 2019 National Assembly.
2. Nominate the Deputy Mayor as the Council's Voting delegate for the conference.
3. Nominate Clr Wells as the Council's Alternate Voting Delegate for the conference.

FOR: Clr Pakes, Clr Watson and Clr Proudfoot

AGAINST: Clr Wells, Clr Gash, Clr Findley, Clr White, Clr Digiglio, Clr Levett, Clr Kitchener and Russ Pigg

LOST

Note: Clr White left the meeting at 6.54pm

RESOLVED (Clr Findley / Clr Digiglio)

MIN19.133

That Council:

1. Endorse the four (4) motions as detailed in this report for submission to the Australian Local Government Association – 2019 National Assembly.
2. Nominate the Mayor as the Council's Voting delegate for the conference.
3. Nominate the Deputy Mayor as the Council's Alternate Voting Delegate for the conference.

FOR: Clr Wells, Clr Gash, Clr Findley, Clr Digiglio, Clr Levett, Clr Kitchener, Clr Proudfoot and Russ Pigg

Against: Clr Pakes and Clr Watson

CARRIED

SA19.27 Sporting Fields Renovation - Use of Recycled Material

**HPERM Ref:
D19/43756**

Note: Clr Pakes left the meeting at 6.59pm

Note: Clr White returned to the meeting at 7.00pm

Recommendation (Item to be determined under delegated authority)

That Council:

1. Trials the use of a locally sourced recycled organic soil conditioner at Huskisson Sportsground to evaluate the performance of the material both chemically and physically.
2. Amends the topdressing application practice to align with an industry standard application depth of 10 – 15mm depth.

RESOLVED (Clr Proudfoot / Clr Wells)

MIN19.134

That Council:

1. Trials the use of a locally sourced recycled organic soil conditioner (subject to a risk assessment) at Huskisson Sportsground to evaluate the performance of the material both chemically and physically.
2. Amends the topdressing application practice to align with an industry standard application depth of 10 – 15mm depth.

CARRIED

SA19.28 Acceptance Grant Funding - Everyone Can Play - Boongaree

**HPERM Ref:
D19/71945**

Note: Clr Levett left the meeting at 7.16pm.

Recommendation (Item to be determined under delegated authority)

That Council

1. Accept the State Government grant funding \$200,000 offer.

2. Delegate authority to the General Manager or nominee, to accept and acquit the grant funding.
3. Write to the State Government Minister for Planning, The Hon. Anthony Roberts MP and Local Member of Parliament Gareth Ward and thank them for the grant offer.

RESOLVED (Clr White / Clr Findley)

MIN19.135

That Council:

1. Accept the State Government grant funding \$200,000 offer.
2. Delegate authority to the General Manager or nominee, to accept and acquit the grant funding.
3. Write to the State Government Minister for Planning, The Hon. Anthony Roberts MP and Local Member of Parliament Gareth Ward and thank them for the grant offer.

CARRIED

SA19.29 Nowra CBD Multi-Storey Car Park - Update

**HPERM REF:
D18/418293**

Item dealt with earlier in the meeting.

SA19.30 Bendalong Boat Harbour - Erosion Control Measures

**HPERM REF:
D19/35666**

Item dealt with earlier in the meeting see MIN19.128.

SA19.31 Classification of Land - Lot 542 DP 1250028 - Macquarie Drive Burrill Lake

**HPERM Ref:
D19/46192**

Recommendation

That Council resolve to classify the land as Lot 542 DP 1250028, Macquarie Drive Burrill Lake in 3A07/1005, as Community Land.

RECOMMENDATION (Clr Proudfoot / Clr White)

That Council resolve to classify the land as Lot 542 DP 1250028, Macquarie Drive Burrill Lake in 3A07/1005, as Community Land.

CARRIED

SA19.32 Classification of Land - Lot 332 DP 1224103 of Subdivision SF9055 - Sussex Inlet Rd Sussex Inlet

**HPERM Ref:
D19/46272**

Recommendation

That Council resolve to classify the land described as Lot 332 DP 1224103 in SF9055, Sussex Inlet Rd, Sussex Inlet, as Operational Land.

RECOMMENDATION (Clr Proudfoot / Clr White)

That Council resolve to classify the land described as Lot 332 DP 1224103 in SF9055, Sussex Inlet Rd, Sussex Inlet, as Operational Land.

CARRIED

SA19.33 Grant of Electricity Easement for Pad Mount Substation and Restriction on the Use of Land to Endeavour Energy - Shoalhaven Indoor Sports Centre - 84 Cambewarra Road, Bomaderry

**HPERM Ref:
D19/20550**

Recommendation

That Council:

1. Grant an Easement for a Pad Mount Substation and the creation of a Restriction on the Use of Land in favour of Endeavour Energy over Lot 100 DP1237704, 84 Cambewarra Road, Bomaderry; and
2. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

RECOMMENDATION (Clr Gash / Clr White)

That Council:

1. Grant an Easement for a Pad Mount Substation and the creation of a Restriction on the Use of Land in favour of Endeavour Energy over Lot 100 DP1237704, 84 Cambewarra Road, Bomaderry; and
2. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

CARRIED

SA19.34 South East Weight of Loads Group (SEWOL) - Deed of Agreement

**HPERM Ref:
D19/46340**

Recommendation

That:

1. The Deed of Agreement between the Shoalhaven City Council and Queanbeyan City Council (on behalf of the association known as the South East Weight of Loads Group), for the purposes of administering the weight of loads of motor vehicles using local council and classified roads, be continued for a period of 4 years, with the annual contribution being voted from the relevant year's Roads Maintenance allocation (Job No 25002);
2. The General Manager be authorised to agree to changes to SEWOL inspectorial staff, on behalf of Council; and
3. 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.

RECOMMENDATION (Clr White / Clr Gash)

That:

1. The Deed of Agreement between the Shoalhaven City Council and Queanbeyan City Council (on behalf of the association known as the South East Weight of Loads Group), for the purposes of administering the weight of loads of motor vehicles using local council and

classified roads, be continued for a period of 4 years, with the annual contribution being voted from the relevant year's Roads Maintenance allocation (Job No 25002);

2. The General Manager be authorised to agree to changes to SEWOL inspectorial staff, on behalf of Council; and
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution.

CARRIED

SA19.35 Announcement New Projects - NSW Safer Roads - Saving Lives on Country Roads Program

HPERM Ref: D19/54653

Recommendation (Item to be determined under delegated authority)

That:

1. Council accepts the grant funding offers under the **NSW Government Safer Roads Program** as follows:
 - a. \$30,000 for development (survey/design) in 2019-20 and \$240,000 (to construct in 2020-21) pedestrian safety improvements in Queen Street, Berry, including removal of the existing pedestrian refuge and installation of two raised pedestrian crossing treatments (at the locations of the existing pedestrian refuge and pedestrian blisters);
 - b. \$50,000 for development (survey/design) in 2019-20 and \$250,000 (to construct in 2020-21) pedestrian safety improvements in O'Keefe Avenue, Nowra, including removal of the existing pedestrian crossing and installation of pedestrian-traffic signals at the location of the existing crossing, installation of a raised crossing treatment at the location of existing blisters, and installation of a 40km/hr high pedestrian activity area zone;
 - c. \$50,000 for development (survey/design) in 2019-20 and \$850,000 (to construct in 2020-21) road safety improvements on Bolong Road (a 620m length, from chainage 9.46km to 10.08km east of the Princes Highway) being to the north of Askeaton Park, including wider sealed shoulders and guardrail;
 - d. \$60,000 for development (survey/design) in 2019-20 to prepare a design and costings for the proposed removal of the existing roundabout, and replacement with traffic signals, at the intersection of Berry and Worrigee Streets, Nowra (noting a separate application for construction funding will be required to be submitted in future if the project is supported by the NSW Roads and Maritime Services, following the design investigation works)
2. The General Manager (Director Assets & Works) writes to the NSW Roads & Maritime Services, and both local State Members of Parliament, thanking them for their ongoing support of the Shoalhaven Community through the NSW Government Safer Roads Program and for the support of RMS staff in reviewing and supporting Council's nominations for these important local road safety improvements.

RESOLVED (Clr Proudfoot / Clr White)

MIN19.136

That:

1. Council accepts the grant funding offers under the **NSW Government Safer Roads Program** as follows:
 - a. \$30,000 for development (survey/design) in 2019-20 and \$240,000 (to construct in 2020-21) pedestrian safety improvements in Queen Street, Berry, including removal of the existing pedestrian refuge and installation of two raised pedestrian crossing treatments (at the locations of the existing pedestrian refuge and pedestrian blisters);

- b. \$50,000 for development (survey/design) in 2019-20 and \$250,000 (to construct in 2020-21) pedestrian safety improvements in O'Keefe Avenue, Nowra, including removal of the existing pedestrian crossing and installation of pedestrian-traffic signals at the location of the existing crossing, installation of a raised crossing treatment at the location of existing blisters, and installation of a 40km/hr high pedestrian activity area zone;
 - c. \$50,000 for development (survey/design) in 2019-20 and \$850,000 (to construct in 2020-21) road safety improvements on Bolong Road (a 620m length, from chainage 9.46km to 10.08km east of the Princes Highway) being to the north of Askeaton Park, including wider sealed shoulders and guardrail;
 - d. \$60,000 for development (survey/design) in 2019-20 to prepare a design and costings for the proposed removal of the existing roundabout, and replacement with traffic signals, at the intersection of Berry and Worrigee Streets, Nowra (noting a separate application for construction funding will be required to be submitted in future if the project is supported by the NSW Roads and Maritime Services, following the design investigation works)
2. The General Manager (Director Assets & Works) writes to the NSW Roads & Maritime Services, and both local State Members of Parliament, thanking them for their ongoing support of the Shoalhaven Community through the NSW Government Safer Roads Program and for the support of RMS staff in reviewing and supporting Council's nominations for these important local road safety improvements.

CARRIED

SA19.36 Anzac Day – Grant Funding Assistance

**HPERM Ref:
D19/55590**

Note: Cllr Levett returned to the meeting at 7.18pm

Recommendation

That:

1. Council accepts the \$7,500 grant funding contribution approved to date by Gladys Berejiklian MP (Premier of NSW) in support of the 2019 Anzac Day services
2. The General Manager (Director Assets & Works) writes to both Gladys Berejiklian MP (Premier of NSW) and South Coast MP Shelley Hancock, thanking them for the financial support of Shoalhaven Anzac Day services approved to date, which will help to mitigate the cost burden on Council in the 2018-19 year.
3. Council notes the advice received from David Elliott MP (Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs) that the responsibility for organising and funding Anzac Day marches sits with the NSW State Branch of the RSL and the respective sub-branches.
4. The General Manager (Director Assets & Works) continues to seek an annual commitment from the State Government to assist the NSW State Branch of the RSL and the respective sub-branches fund their ANZAC Day Ceremonies (in particular Traffic Controller and Marshal training) and thus mitigate Council's ongoing costs in supporting future annual Anzac Day ceremonies.
5. Whilst funding commitments for future ANZAC Day marches continues to be negotiated, Council continues to provide support to the local RSL sub-branches in the planning and implementation of local Anzac Day ceremonies in the Shoalhaven for 2019.
6. Council's budget established in support of local Anzac Day ceremonies be reviewed after the 2019 Anzac Day services; however, \$30,000 initially to be included in the draft budget for 2019-20, and a further report to Council be provided in regard to future budgets required (in support of the 2020 Anzac Day services, and beyond).

RECOMMENDATION (Clr Digiglio / Clr White)

That:

1. Council accepts the \$7,500 grant funding contribution approved to date by Gladys Berejiklian MP (Premier of NSW) in support of the 2019 Anzac Day services
2. The General Manager (Director Assets & Works) writes to both Gladys Berejiklian MP (Premier of NSW) and South Coast MP Shelley Hancock, thanking them for the financial support of Shoalhaven Anzac Day services approved to date, which will help to mitigate the cost burden on Council in the 2018-19 year.
3. Council notes the advice received from David Elliott MP (Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs) that the responsibility for organising and funding Anzac Day marches sits with the NSW State Branch of the RSL and the respective sub-branches.
4. The General Manager (Director Assets & Works) continues to seek an annual commitment from the State Government to assist the NSW State Branch of the RSL and the respective sub-branches fund their ANZAC Day Ceremonies (in particular Traffic Controller and Marshal training) and thus mitigate Council's ongoing costs in supporting future annual Anzac Day ceremonies.
5. Whilst funding commitments for future ANZAC Day marches continues to be negotiated, Council continues to provide support to the local RSL sub-branches in the planning and implementation of local Anzac Day ceremonies in the Shoalhaven for 2019.
6. Council's budget established in support of local Anzac Day ceremonies be reviewed after the 2019 Anzac Day services; however, \$30,000 initially to be included in the draft budget for 2019-20, and a further report to Council be provided in regard to future budgets required (in support of the 2020 Anzac Day services, and beyond).

CARRIED

SA19.37 Tenders - Verons Estate Roadworks

**HPERM Ref:
D19/64832**

Recommendation (Item to be determined under delegated authority)

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

RESOLVED (Clr Gash / Clr White)

MIN19.137

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

CARRIED

CONFIDENTIAL REPORTS

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

No members of the public made representations.

RESOLVED (Clr Findley / Clr White)

MIN19.138

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

CSA19.1 Tenders – Verons Estate Roadworks

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

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

CARRIED

The meeting moved into confidential the time being 7.20pm.

The meeting moved into open session, the time being 7.21pm.

REPORT FROM CONFIDENTIAL SESSION

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

CSA19.1 Tenders – Verons Estate Roadworks

**HPERM Ref:
D19/65334**

RESOLVED

MIN19.139C

That:

1. Council endorse the recommendation of the Tender Evaluation Team and accept the Tender from Stefanutti Constructions Pty Ltd for Verons Estate Roadworks at a total cost of \$1,392,688.20 (excluding GST).
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the Assets & Works Group Director, as the Principal's Representative.
3. Council authorise the General Manager (Assets & Works) to adjust the contract for variations under the contract and adjust the funding agreement within the Capital works Program.

CARRIED

There being no further business, the meeting concluded, the time being 7.22pm.

Clr Wells
CHAIRPERSON

SA19.38 Notice of Motion - Support for Greenwell Point Men's Shed

HPERM Ref: D19/105306

Submitted by: Cllr Mitchell Pakes
Cllr Greg Watson

Purpose / Summary

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

Recommendation (Item to be determined under delegated authority)

That Council provide 250 tonnes of gravel/road base for the completion of the Greenwell Point Men's Shed car park.

Background

The Greenwell Point Men's Shed is nearing completion, fully funded by volunteers the building is almost complete and within months the volunteers will be able to occupy the building.

The Greenwell Point Men's Shed has asked for Council's assistance to finish the car park and driveway.

The cost estimate for this project will be approximately \$8,000.

The Group have a contractor that will be constructing the car park and the only support from Council required is to supply and deliver the gravel/road base to the site at Greenwell Point.

I wish to thank the Director of Assets and Works for assisting with providing information for this project.

SA19.38

SA19.39 Appointment of Risk and Audit Committee Chair

HPERM Ref: D19/78352

Group: General Manager's Group
Section: Executive Strategy

Purpose / Summary

The purpose of this report is to seek Council's endorsement for the appointment of Risk and Audit Committee Chair in accordance with Council's Risk and Audit Committee Charter.

Recommendation (Item to be determined under delegated authority)

That Council endorse the appointment of Peter McLean as the Risk and Audit Committee Chair.

Options

1. Endorse the appointment of Peter McLean as the Risk and Audit Committee Chair.
2. Seek further information in relation to the matter.

Background

As per the Risk and Audit Committee Charter requirements and Office of Local Government guidelines; 'Internal Audit Guidelines, September 2010', the chair of the Risk and Audit Committee should be independent and should not be the Mayor or a member of Council.

The former chair's term expired in December 2018. Recruitment of a new independent member was finalised in December 2018. A nomination for the chair was called in the March 2019 Risk and Audit Committee meeting. The Risk and Audit Committee resolved to appoint Peter McLean as the chair for his remaining term on the Risk and Audit Committee.

Peter McLean is appointed for the period of March 2018 to December 2020. Peter McLean is a not for profit specialist having led 5 Australian Charities in 4 sectors. He currently is CEO at the Can Too Foundation and originally worked in State and Local Government before moving into the not-for-profit industry.

In Peter's time leading charities, he has successfully strengthened organisations' public profiles, community engagement, financial sustainability, social impact and capabilities to reach more people with better services and experiences.

Peter holds a degree in Environmental Management, a Masters in Business Administration sub-majoring in Business Law and Public Relations, and Certificates in Bush Regeneration and Business Governance.

Peter is passionate about assisting and developing effective organisations to better support the communities they serve. He has experience on 5 Council Audit, Risk and Improvement Committees and has worked with councils on many issues throughout his not for profit roles.

SA19.40 Review Access Areas for Dogs Policy (POL16/173) - Engagement of Consultant, Allocation of Budget and Establishment of Community Reference Group

HPERM Ref: D19/58337

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

Attachments:

1. Community Reference Group - Recommendations [↓](#)
2. Public Quotation Submission - Consultant 1 (councillors information folder) [⇒](#)
3. Public Quotation Submission - Consultant 2 (councillors information folder) [⇒](#)
4. Public Quotation Submission - Consultant 3 (Preferred Consultant) (councillors information folder) [⇒](#)
5. Submitted Expressions of Interest - Community Reference Group (councillors information folder)

Purpose / Summary

To seek Council endorsement to proceed with engaging a consultant to review the Access Areas for Dogs Policy (POL16/173) as per MIN18.810, allocate funding and the appointment of the Community Reference Group.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Engage Balancing Act to commence the review of the Access Areas for Dogs Policy (POL16/173).
2. Allocate a budget of \$50,000 to engage the consultant to undertake the review from savings at the end of March 2019 Quarterly Budget Review.
3. Establish a Community Reference Group with the members in Attachment 1.
4. Receive a report on the draft Policy and Guidelines to Council prior to public exhibition.

Options

1. Adopt the recommendation.

Implications: This will enable Council staff to enact the previous resolution of the Council (MIN18.810) which seeks to commence a comprehensive review of the Access Areas for Dogs Policy in the first half of 2019.

2. Adopt an alternative recommendation.

Implications: Depending on the nature of the alternative resolution, the commencement of the review may be delayed. A delay in the commencement of the review may be contrary to the previous resolution of Council (MIN18.810) that stipulates that the review be brought forward to the first half of 2019.

3. Do not proceed with engaging a consultant to undertake the review at this time.

SA19.40

Implications: Council will need to provide direction on how to proceed with the Policy review. This direction will need to consider when the review should be undertaken, the extent of the review and the like. This option would be contrary to Council's previous resolution (MIN18.810) and community expectations.

Background

During 2018, Council received various Notice of Motions in relation to off-leash dog areas and related signage, and specifically in relation to Greenwell Point and Sussex Inlet District.

Following a Councillor Briefing on 30 August 2018 and a subsequent report to Council's Strategy and Assets meeting on 16 October 2018, Council resolved the following (MIN18.810):

1. *Bring forward the timing of the comprehensive review of the Access Areas for Dogs Policy from 2020 to the first half of 2019.*
2. *Have the policy review undertaken in consultation with Ranger Services as the enforcement body, and the broader community, and consider the process for new off-leash dog areas including site criteria and fencing arrangements.*
3. *Seek quotations for the engagement of a suitably qualified and experienced consultant to facilitate the review, and a further report be presented to Council recommending a preferred consultant and an identified funding source.*
4. *Defer a decision in relation to an off-leash dog area in the Sussex Inlet District and at Greenwell Point, and signage, until the comprehensive review of the Access Areas for Dogs Policy has been completed.*

This report arises following a Request for Quotation (RFQ) process seeking quotes from suitably qualified professionals to undertake the review of the Access Areas for Dogs Policy (POL16/173).

The purpose of this report is to seek Council endorsement of the preferred consultant, and identify a suitable funding source, as per part 3 of the above resolution. Following a decision on this matter, Council staff will be able to commence part 1, 2 and 4 of the above resolution.

Request for Quotation Process

The RFQ process was open from Wednesday 6 February to Thursday 28 February 2018 (inclusive). Quotations were requested to undertake:

- Review of the Policy and Guidelines including a review of existing dog on-leash, off-leash and prohibited areas,
- Review of records relating to the Policy and Guidelines including suggestions for new off-leash areas, complaints relating to the responsibilities of dog owners and other information of relevance,
- Review current signage content and investigate options for fencing and signage,
- Consultation with relevant internal and external stakeholders,
- Prepare draft Policy and Guidelines.

At the completion of the RFQ process, Council received a total of three (3) proposals. A copy of each of the quotations is provided in the **Councillor Information Folder**. An evaluation panel made up of two (2) representatives from Community and Recreation and one (1) from Ranger Services reviewed the proposals. Following an evaluation of the proposals, the panel identified a preferred consultant.

The engagement of the preferred consultant can be undertaken under staff delegation due to the value of the contract, however the matter is being reported back to Council in accordance with the Council minute and to seek an appropriate budget allocation to allow this work to be undertaken.

Preferred Consultant

The evaluation panel have identified Balancing Act as the preferred consultant. It was deemed that the preferred consultant's quotation represented best value for money, comprehensive methodology that met the requirements of Council's brief, thorough consultation, and suitable qualifications and experience.

As per part 3 of the Council resolution (MIN18.810), it is recommended that Balancing Act are engaged to undertake the review of the Policy and a suitable budget is allocated to allow for their engagement.

Community Reference Group

As part of the Policy review, a Community Reference Group (CRG) will be established to provide vital input to the consultant. It is expected that the CRG will represent a good cross-section of the Shoalhaven community in opinions, age groups and localities.

Expressions of Interest

An Expressions of Interest (EOI) process was established to seek community members who were interested in providing vital input into the review of the Policy and Guidelines. The EOI process was open from Friday 1 March to Friday 15 March 2019 (inclusive).

During this time, a total of 75 expressions were received from community members representing 30 towns and villages, one of which is outside of Shoalhaven. Registrations were received from community members ranging in ages 19 to 65 years and over.

The EOIs received during the process have been reviewed, and a total of 16 participants are recommended to represent the CRG. **Attachment 1** identifies the recommended participants for the CRG; these individuals are considered to represent a good cross-section of the Shoalhaven community in opinions, age groups and localities. The full list of expressions received is provided in the **Councillor Information Folder**.

The recommended participants represent the following localities. Localities have been grouped to protect the identity of individuals:

Locality	No.
<i>North Shoalhaven</i> (made up of Beaumont, Berry, Woodhill, Kangaroo Valley, Shoalhaven Heads, Bomaderry, North Nowra, Nowra, West Nowra)	5
<i>Culburra Beach & Surrounds</i> (made up of Culburra Beach, Callala Bay, Callala Beach, Greenwell Point)	2
<i>Bay and Basin</i> (made up of Huskisson, Vincentia, Hyams Beach, Erowal Bay, Sanctuary Point, St Georges Basin, Falls Creek)	2
<i>Sussex Inlet District</i> (made up of Sussex Inlet, Cudmirrah, Berrara)	2
<i>South Shoalhaven</i> (made up of Manyana, Lake Conjola, Ulladulla, Milton, Narrawallee, Bawley Point, Kioloa)	5

The total number of participants on the CRG has been limited to sixteen (16) individuals to ensure that workshops are manageable.

Community Engagement

As part of the Policy review, the consultant will engage with relevant stakeholders, including but not limited to:

- Council internal staff from Community and Recreation, Rangers Services and Tourism Sections;
- External agencies including National Parks and Wildlife Services;
- Councillors,
- Community Reference Group; and
- Broader community.

Community consultation will occur throughout the Policy review process and will include workshops, questionnaires and a formal exhibition period of the draft Policy and Guideline. It is recommended that Council receive a report on the draft Policy and Guideline, prior to the public exhibition.

Policy Implications

Council's Policy, Access Areas for Dogs, was last reviewed in 2017. This report seeks to commence the next review as per Council's resolution MIN18.810.

Financial Implications

Council did not allocate a budget to undertake the review when the matter was reported in October 2018. Therefore, a budget allocation of \$50,000 is required to enable the consultant to be engaged and the review to be delivered. It is recommended that this budget be allocated from savings resulting from the March 2019 Quarterly Budget Review.

Attachment 1

Expressions of Interest - Community Reference Group Recommendations

The following table summarises the recommended participants to represent the CRG and the area of Shoalhaven which they represent.

Name	Representing
1. Jan Gregory	South Shoalhaven
2. Michael Daveson	Culburra Beach & Surrounds
3. Debra Robertson	Culburra Beach & Surrounds
4. Steve Campbell	South Shoalhaven
5. Kylie Knight	North Shoalhaven
6. Cindy Tong	North Shoalhaven
7. Rob Dunn	Bay and Basin
8. Jenny Marshall	South Shoalhaven
9. Mike Clear	Sussex Inlet District
10. Neal Johnson	North Shoalhaven
11. Irene King	South Shoalhaven
12. Chloe Webster	Bay and Basin
13. Richard Wyllie	North Shoalhaven
14. Steve Lees	Sussex Inlet District
15. Ashley Webb	North Shoalhaven
16. Natasha Backhouse	South Shoalhaven

SA19.41 Sustainable Energy Initiatives

HPERM Ref: D19/84629

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

- Attachments:**
1. Callala Wastewater Treatment Plant Solar Farm (under separate cover) [⇒](#)
 2. Flow Power Retail Electricity (under separate cover) [⇒](#)
 3. Open Energi - Demand Management (under separate cover) [⇒](#)
 4. SCC General Supply Electricity Contract (under separate cover) [⇒](#)
 5. Shoalhaven Water Behind the Meter Solar PV (under separate cover) [⇒](#)
 6. Cities Power Partnership (under separate cover) [⇒](#)
 7. EV Charging Station Policy (under separate cover) [⇒](#)
 8. LED Streetlighting Upgrade (under separate cover) [⇒](#)
 9. Planet Footprint (under separate cover) [⇒](#)
 10. Social Access Solar Garden (under separate cover) [⇒](#)
 11. Sustainable Energy Policy (under separate cover) [⇒](#)
 12. Ulladulla Leisure Centre - Upgrade to Filtration - 25 Metre Indoor & Therapy Pools (under separate cover) [⇒](#)
 13. Waste Services - Sustainability Workshops (under separate cover) [⇒](#)
 14. Shoalhaven Indoor Sports Centre (under separate cover) [⇒](#)
 15. Sustainable Fleet Initiatives (under separate cover) [⇒](#)
 16. Cemetery Solar Panels (under separate cover) [⇒](#)
 17. Nowra Aquatic Park - Eco Friendly Alternatives to Single Use Plastics (under separate cover)

SA19.41

Purpose / Summary

In response to a Resolution received from the Ordinary Council Meeting held on 13 November 2018, Group Directors were asked to prepare a report for a future Strategy and Assets Committee meeting as to what each department has pursued or is currently pursuing in the sustainable energy space.

Recommendation (Item to be determined under delegated authority)

That the Committee receive the Sustainable Energy Initiatives report for information.

Options

1. As per the recommendation.

Implications: The Council is informed of the current status of the relevant projects.

2. Request further information.

Implications: Staff can provide further detail on any Council request.

Background

A number of areas of Council have been pursuing sustainable energy initiatives throughout 2018/19 to ensure energy efficient operations and to prevent excessive energy charges. Two

consultants have been engaged within the Shoalhaven Water Group to oversee energy management, both within Shoalwater and more broadly across Council.

Public Exhibition - Draft Sustainable Energy Policy POL18/44

In accordance with Council's resolution of MIN19.118 adopted at the Development and Environmental Committee on 5 March 2019:

"That the draft Sustainable Energy Policy (attached) be placed on public exhibition for 28 days and a further report be provided to Council on the results of that exhibition".

Council's Draft Sustainable Energy Policy (POL18/44) has been placed on Public Exhibition and advertised in Shoalhaven local papers and Council's Website. Submissions on the Draft Policy are encouraged up to the 18 April 2019.

2018/19 Sustainable Energy Initiatives

Callala Wastewater Treatment Plant Solar Farm

Shoalhaven Water has investigated the feasibility of a 5MW solar farm on the Callala wastewater treatment plant site to meet a proportion of Council's electricity consumption. The site is favourable for the development of a solar farm and Shoalhaven water engaged industry consultants to develop a preliminary business case.

The business case is marginal on a purely financial basis over the 30 year life of the plant. However, when including other social benefits, such as cost of carbon, the project becomes attractive. There are outstanding issues regarding how the retail electricity agreements may work.

Flow Power Retail Electricity

Flow Power are a new generation of electricity retailer. They offer exposure to the wholesale market price of electricity (with options for hedging and reducing risk).

This option is advantageous for sites with flexibility regarding when electricity is consumed. It's the 'time of use' that determines the price and there are large savings available with individual site optimisations.

Flow power also offer a demand management product whereby high loads are signed up to be available for shedding during network peaks, with generous financial rewards for doing so.

Open Energi - Demand Management

Open Energi are a UK based company who offer a service called Dynamic Demand 2.0. Dynamic Demand 2.0 uses artificial intelligence and machine learning to deliver data-driven savings and revenues through interconnected electricity demand management.

They have thousands of sites signed up in the UK, including large water utilities, and they are effectively managing the demand in the network to provide robust savings to existing clients and are looking to expand into Australia.

SCC General Supply Electricity Contract

SCC is currently experiencing very favourable contracted electricity rates for its 43 'Large Sites' (>100MWh/yr) and 538 'Small Sites' (<100MWh/yr).

The Large and Small Sites contracts are both with Origin Energy and expire on 31 Dec 2019. The current contracts were negotiated through Local Government Procurement (through a pool of 54 Councils in total). Depending on when these negotiations take place in the energy market cycle will determine the price of the electricity offer, which if adopted, is locked in for the next 2-3 years from 2020 onwards. Renewable energy could form a portion of the energy mix Council purchases from 2020.

It is expected that we may face a large relative increase in electricity rates (from industry forecasts). This is a complex space and this project will work with Council's procurement team to help facilitate the best outcome for Shoalhaven Council.

Shoalhaven Water Behind the Meter Solar PV

This project is investigating the feasibility of local generation solar PV systems on some of Shoalhaven Water's suitable assets.

Behind-the-Meter generation is financially more attractive when compared to a larger solar farm because the network charges can be avoided at the site (along with the energy charges and a small reduction in demand charges, if applicable). However, this approach is restricted in size as it must take into account the local load profile and the percentage of solar generation consumed on site.

Cities Power Partnership

Shoalhaven Council signed up to the CPP in 2017 and agreed to 5 pledges including to set city-level renewable energy targets, emissions reduction targets and sustainable energy policies to provide a common goal and shared expectation for residents and businesses. Pledges are reported on every 6 months to the CPP. A South-East NSW CPP Buddies Group, comprised of Shoalhaven, Kiama, Wingecarribee, Eurobodalla and Bega Council staff, was formed in early 2018 and has met a number of times. The group won the national Knowledge Sharing Award at the inaugural CP Summit held in Kiama in Oct 2018.

EV Charging Station Policy

Shoalhaven Council resolved to prepare a policy for Electric Vehicle (EV) Charging Stations on public land. This will assist in providing public authorities and private industry with guidelines for site selection, infrastructure requirements and other considerations. With an expected increase in the uptake of EVs within Australia in the next decade, EV drivers will need to rely on public charging points to reduce 'range anxiety'. A policy to provide guidance to third parties seeking to install EV charging stations on public land will help to ensure stations are sited appropriately, available to all EV users and boost regional tourism.

LED Streetlighting Upgrade

Shoalhaven Council has been liaising with Endeavour Energy about a potential accelerated replacement program of streetlights with energy savings LEDs. Endeavour Energy's current policy when lights need routine or emergency replacement is to replace them with LED luminaires. This may take several years to fully replace all existing street lights to more energy efficient LEDs. As SCC pays for the electricity consumption of street lights, installing more energy efficient LEDs will save on running costs. The business case to accelerate this LED replacement program currently has a simple payback period of around 7-8 years due to SCC's current 'cheap' electricity contract rates. At this time therefore, the program is not that feasible and would require a capital investment of around \$2M.

Planet Footprint

Planet Footprint are engaged by Shoalhaven Council to gather, analyse and monitor Council's energy consumption. Through a package called 'Finance Footprint', PF also gather and check Council's energy and water bills and make arrangements for these to be approved and paid. PF also provide an online portal that Council staff can access to view electricity invoices, graphs of consumption trends in energy, etc. PF also supply a Quarterly Performance Report for Group Directors as part of ongoing energy monitoring.

Social Access Solar Garden

The Social Access Solar Garden project was a multidisciplinary team of researchers, Councils and other agencies investigating the potential viability of low income households accessing solar power. Shoalhaven Council, along with Repower Shoalhaven, identified a potential local site for a solar farm that was subjected to technical investigations. The prototype project was essentially a feasibility research study, attempting to identify a viable financial model that would enable 'locked out' people such as renters and low income earners, to enjoy the benefits of solar power.

This project had a number of project partners including Byron Shire Council, Community Power Agency, Repower Shoalhaven and the Institute for Sustainable Futures (UTS).

Sustainable Energy Policy

Shoalhaven Council has a draft Sustainable Energy Policy that identifies a future sustainable energy vision or objectives at both the corporate or community level. To help drive investment in clean and renewable energy, as well as reduce carbon emissions, Council pledged under the Cities Power Partnership in 2017 to 'set city-level renewable energy targets, emissions reduction targets and sustainable energy policies to provide a common goal and shared expectation for residents and businesses'. A comprehensive Sustainable Energy Policy will lead to a new Sustainable Energy Strategy that will set targets for clean energy and guide action towards energy savings and climate change mitigation for the Shoalhaven region.

Ulladulla Leisure Centre – Upgrade to Filtration – 25m Indoor & Therapy Pools

Ulladulla Leisure Centre's previous sand filters were approximately 20 years old and at the end of their effective service life, showing delamination of the filter shells, with a high likelihood of failure at any given time.

Two types of filtration were considered as acceptable options for this project:

- Pressure sand filtration
- Pre-coat ultra-fine Diatomaceous Earth (DE) filtration

These systems differ markedly in their filtration efficiency, plant size, and wash water consumption.

The intent of the filtration system upgrade works was to install the specified Pre-coat filters while the facility remained open to the public, with minimal disruption to Centre day to day operations. The works were strategically planned and implemented in order to minimise required closure times.

The selected filtration significantly reduces the backwash frequency rates (from weekly to monthly) and mains water consumption, whilst saving on water heating costs due to reduced heated water loss and addition of cold mains water. This results in a reduction in chemical usage for disinfection, and a reduction in volume of backwash water discharged to sewer of approximately 70%.

Waste Services – Sustainability Workshops

In Waste we have been holding regular (usually spring and autumn) sustainability workshops for the community which include topics such as:

- Home composting (using food scraps and garden waste to produce compost)
- Worm Farming (producing compost and fertiliser through food scraps)
- Beeswax Wraps (re-usable wrapping for lunches)
- Furoshiki (Japanese eco fabric wrapping – using fabric instead of plastic bags)
- Backyard Chicken Basics (managing kitchen waste and producing fertiliser)
- Natural cleaning (using natural products for cleaning)
- Hand Weaving and Basket Making using Recycled Materials
- Altered Books – a recycling Story
- Healthy Soils for a Healthy life

We have also focussed on increasing recovery of recyclables from the Recycling and Waste Facilities, including the introduction 18 months ago of household problem waste recycling centres (for paints, fluorescent globes, gas bottles, smoke alarms, household batteries, etc.), and improved sorting of recyclable materials dropped off in mixed loads. We have improved the produced quality of shredded green waste by doing an additional screen, and the material is in great demand.

Shoalhaven Indoor Sports Centre

The Shoalhaven Indoor Sports Centre (SISC) design team recognises that Environmental sustainability is one of the most important issues facing contemporary society. Accordingly, the team placed an emphasis on integrating best practice environmental design into the project and analysing the impact on our environment and importantly on the well-being of its occupants.

The following key objectives for the SISC were identified at the early design phase:

- Reinforce all of Shoalhaven City Council's Sustainable and Environment Policies
- Maximise the environmental benefit of the project, minimising the environmental footprint of the SISC
- Where possible, educate and inform the building users/occupants and the community
- Engage a simple yet integrated EDS design approach resulting in a high environmentally performing building

Crucial to delivering an energy efficient building is applying passive design principles where possible, such as natural ventilation systems, good solar access and orientation, and controlled natural day lighting. This approach need not increase costs and is vital for achieving improved thermal performance, energy efficiency and optimum occupant comfort.

Sustainable Fleet Initiatives

Over 8 years we have reduced the vehicle choice from 28 to 11 removing all 6 and 8 cylinder cars, now offering more fuel efficient 4 cylinder cars. Less models means less parts to stock and streamline servicing.

Over the last 5 years we have reduced petrol vehicles choice from 9 to 5 (this includes 2 hybrid). The move towards other fuel source provides greater fuel economy and longer servicing intervals. This was a Federal Government initiative.

We offer two Hybrid vehicles with the prospect of trialling some electric vehicles. Reducing running costs while being environmentally friendly.

Residuals are up from 45% 5 years ago to 56% over all vehicles (not plant). We contribute this to the vehicle choice being offered taking into consideration what the market is demanding, and extended warranty offered on certain manufacturers.

Better residuals and reducing the list has resulted in reduced whole of life cost across the fleet.

Solar Panel Installation – Cremators

Planning for future installation of solar panels is underway. Existing plans need updating due to the additional construction of the cremator building. To better understand possible costs an initial quote was sought for installation of 30.00 kW solar system for buildings in 2014 which came in at \$89,568.

Electricity costs are approximately \$16,000 per annum. There are currently no capital funds available for solar installation but with increasing interest in the sector and possible loan programs for local government in the future this may be possible.

Shoalhaven Swim, Sport & Fitness - Food & Beverage Consumables

Over the past 18 months Shoalhaven Swim Sport Fitness centres have phased out the use of single use plastic by replacing straws, foodservice disposables etc with biodegradable, eco-friendly alternatives.

Given that majority of the food served at the aquatic and leisure centres is takeaway, a considerable effort has been made to replace all foodservice disposables with sustainable food packaging alternatives.

Currently, foodservice disposables are served in BETA Board and/or BioPak products. BioPak provides an eco-friendly alternative for disposables such as milkshake cups, serviettes, soup/salad bowls etc. What this means is that the foodservice disposables served at the Shoalhaven Swim Sport Fitness Centre cafés have been manufactured using renewable sustainably sources materials that are non-toxic throughout their lifecycle and are certified carbon neutral.

Most recently, all plastic straws have been replaced by plant-based straws from Vegware, which are made from renewable, lower carbon or recycled materials which can be commercially composted with food waste.

Additionally, Shoalhaven Swim Sport Fitness introduced branded Keep Cups in 2017 to encourage customers to utilise re-useable cups for tea/coffee purchases.

A similar range of initiatives have also been introduced at the Shoalhaven Entertainment Centre (which have been previously reported), The Book n Bean Café at Nowra Library and will be extended to food and beverage services at the Shoalhaven Indoor Sports Centre.

Investigations are also being undertaken to improve waste management / recycling options for customers at our sites and use of 'Return and Earn' collection banks.

SA19.42 Tenders - External Plant Hire - 2019/2020

HPERM Ref: D19/87413

Group: Finance Corporate & Community Services Group
Section: Finance

Purpose / Summary

To inform Council of the tender for the Panel of provision of External Plant Hire 2019/2020 and to seek approval to appoint suppliers to a Panel of Preferred Suppliers.

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

Recommendation (Item to be determined under delegated authority)

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

Options

1. The Committee accept the recommendation as presented

Implications: Full details of the tendering process is available within the confidential report.

Details

Council invited tenders for the provision of external plant hire, with the successful tenderers to be appointed to a Preferred Supplier Panel for a maximum period of two (2) years expiring on 31st December 2020. This tender process is line with best practice to ensure compliance with Council's Purchasing Policy, the Local Government Act 1993 and the NSW Tendering Regulations 2009.

The public tender was advertised in local, regional and national newspapers, on Council's e-tendering portal, and suppliers identified as currently supplying equipment to Council advised via SMS. The tender closed on 26 November 2018.

The tender invited suppliers to enter into a hire agreement with Council for the occasional hire of plant for a max period of two (2) years at rates submitted. The tender document defined three hire zones - north, central and south.

There were 22 types of plant specified in the Tender including graders, dozers, excavators, backhoes and cartage trucks.

At the close of tenders there were submissions from 51 suppliers and in excess of 1700 individual hire rates.

Tenders Received

Tenders were received from the following:

A & D Tree Services Pty Ltd
A J Mosely & P J Mosely T/A Shoalhaven Earthworks
AllFab Mobile Welding
Altro Holdings Pty Ltd T/A Orange Hire
Aqua Assets Pty Ltd
Asplundh Tree Expert
Brooks Hire Service Pty Ltd
Brummy's Earthworks
C & S Varty Earthmoving
City Coast Plumbing Services
Cleary Bros (Bombo) Pty Ltd
Coates Hire Operations Pty Ltd
Conplant Pty Ltd
D J & K C Schultz Roller Hire
Druce DP
Egans Plant Hire Pty Ltd
Environmental Services Group Pty Ltd
G I & J K Sheather Pty Ltd
Hassmore Pty Ltd
Hisway Pty Ltd T/A Hisway Earthmoving
J & S Wearne
JBG Contractors (NSW) Pty Ltd
Jeffers Backhoe Hire
Kavanis Pty Ltd T/A MGC Civil Works
Kennards Hire Pty Ltd
Knowles Constructions
L & T Jervis Bay Tippers Pty Ltd
Mikes Tree Services
Nick Bunt Plant & Machinery Pty Ltd
Nowra Cranes
Peak Aviation Pty Ltd T/A Longreach Earthmoving
Pipe Management Australia
Porter Excavations Pty Ltd
Premair Hire
Pumps United
Pyree Civil
Rollers Australia Pty Ltd
Royal Wolf Trading Australia Pty Ltd

Sherrin Rentals Pty Ltd
Shoalhaven Under Road Boring Pty Ltd
South Coast Earthworks Pty Ltd
Specialised Pavement Services Pty Ltd
Stabilco Pty Ltd
Stabilised Pavements of Australia (SPA)
TJM Haulage & Contracting
Total Drain Cleaning Services Pty Ltd
Tutt Bryant Equipment
Ulladulla Crane Hire
VAC Group Operations Pty Ltd
W & A Bogg

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

Community Engagement:

The tender process was undertaken in accordance with the requirement of The Local Government Act and was advised publicly.

Financial Implications:

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

SA19.43 Marsdens Law Group - 2019 Local Government, Planning & Environmental Law Conference

HPERM Ref: D19/90541

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

Purpose / Summary

To consider Councillor attendance at the 2019 Local Government, Planning & Environmental Law Conference scheduled for 21 June 2019 in Campbelltown.

Recommendation (Item to be determined under delegated authority)

That Council

1. Notes the details of the 2019 Local Government, Planning & Environmental Law Conference scheduled for 21 June 2019 in Campbelltown.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

Options

1. As per the recommendation.
2. That Council limit the number of Councillors attending and such attendance be deemed Council Business.
3. That Council not approve Councillor attendance at the Conference as Council Business.

Background

The 2019 Local Government, Planning & Environmental Law Conference is considered relevant to local government. Information relating to the conference can be found at the following website.

<https://www.marsdens.net.au/about-us/events/save-the-date-2019-local-government/>

Costs associated with the conference are estimated as follows:

- Registration: Nil
- Travel, accommodation and out of pocket expenses: not yet determined.

An option available to Council is to define the number of Councillors attending the conference and for Council to determine the appropriate Councillors authorised to attend. However this option may limit the learning experience for some councillors if applied.

The Conference commences at 8am and concludes at 3.30pm on Friday 21 June 2019. No Council Business is scheduled on the day of the conference.

Policy Implications

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

Financial Implications:

Funds are available for Councillors to attend this conference.

SA19.44 Acquisition of Electricity Easement for Pad Mount Substation - Lot 366 DP 821493 New Street, Ulladulla

HPERM Ref: D19/60133

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. Plan of Easement location [↓](#)

Purpose / Summary

This report provides Council with an opportunity to consider the compulsory acquisition of an electricity easement for a pad mount substation 5.5m x 2.75m in favour of Endeavour Energy over Crown land at Lot 366 DP 821493 at New Street, Ulladulla as shown highlighted yellow on Attachment 1.

Recommendation

That Council:

1. Compulsory acquire an Electricity Easement 5.5 meters by 2.75 meters for Endeavour Energy over Crown land Lot 366 DP 821493;
2. Pay compensation and costs associated with the acquisition from Holiday Haven's Capital Programs Fund. Compensation determined by the Valuer General to be in accordance with the provisions of the Land Acquisition (Just Term Compensation) Act 1991;
3. Make the necessary application to the Minister for Local Government and the Governor for approval to the acquisition under the Local Government Act 1993; and
4. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

Options

1. Resolve as recommended.

Implications: Acquisition of the easement is required to provide Endeavour Energy with legal access for the operation and maintenance of its essential public infrastructure and ensure adequate electricity supply to Holiday Haven's Ulladulla Headland Tourist Park.

2. Not resolve as recommended.

Implications: Endeavour Energy will not have guaranteed access to maintain the public infrastructure and run the risk of a major power failure and potential loss of income at Holiday Haven's Ulladulla Headland Tourist Park.

Background

During a recent audit of Holiday Haven's current electrical capacity, Ulladulla Headland Tourist Park was identified to be operating at the maximum capacity of the current electrical supply system.

Temporary measures have been installed to protect the existing infrastructure. Given the changing nature of the industry with the evolution of larger cabins and the increasing size of the standard caravan and further development of New St, Ulladulla, this is causing additional loads on the existing electricity infrastructure. Failure to increase the electricity supply may run the risk of a catastrophic failure to the electricity network.

An electrical engineer has been consulted to source a solution to the maximum capacity issue. An assessment of the issue has determined that an electricity easement for a pad mount substation is now proposed to provide adequate power supply to the tourist park in its current state and for any additional growth in the future and to also benefit the electricity supply to New St, Ulladulla.

New Street, Ulladulla is also being consistently developed from residential houses into medium density units. The additional capacity of the proposed pad substation will benefit all lot owners in New Street, Ulladulla.

Initially Council will be responsible for the full upfront cost of the substation given Holiday Haven's need and request. However, Endeavour Energy does have a reimbursement scheme, which Council is making an application to, where they will pay a capital contribution where the works also contribute to the shared network.

An application has been made to Crown lands to obtain their consent to the compulsory acquisition. Once Crown lands consent has been obtained and the proposed acquisition plan registered on title, an application will be made to the Minister.

The easement site is currently subject to an Aboriginal Land Claim. Council has written to request that the claim be removed as at the time of the lodgement of the claim this parcel of land was and continues to be lawfully used and occupied in accordance with the Crown Reserve purpose.

With respect to Native Title, it is the opinion of Council's Native Title Manager that Native Title has been extinguished over Lot 366 DP 821493 – 14 Did-dell St, Ulladulla and Lot 7300 DP 1153217 – 107 Deering St, Ulladulla, by way of vesting the land to Council as Trustee under the Public Trusts Act 1897 for an estate in "fee simple" to hold for the purpose of Public Recreation in the following gazettals:

- Government Gazette Notice Vesting Land in Trustees under the Public Trusts Act, R61894 dated the 30 June 1949; and
- Government Gazette Notice Vesting Land in Trustees under the Public Trusts Act, R15674 dated 21 September 1950.

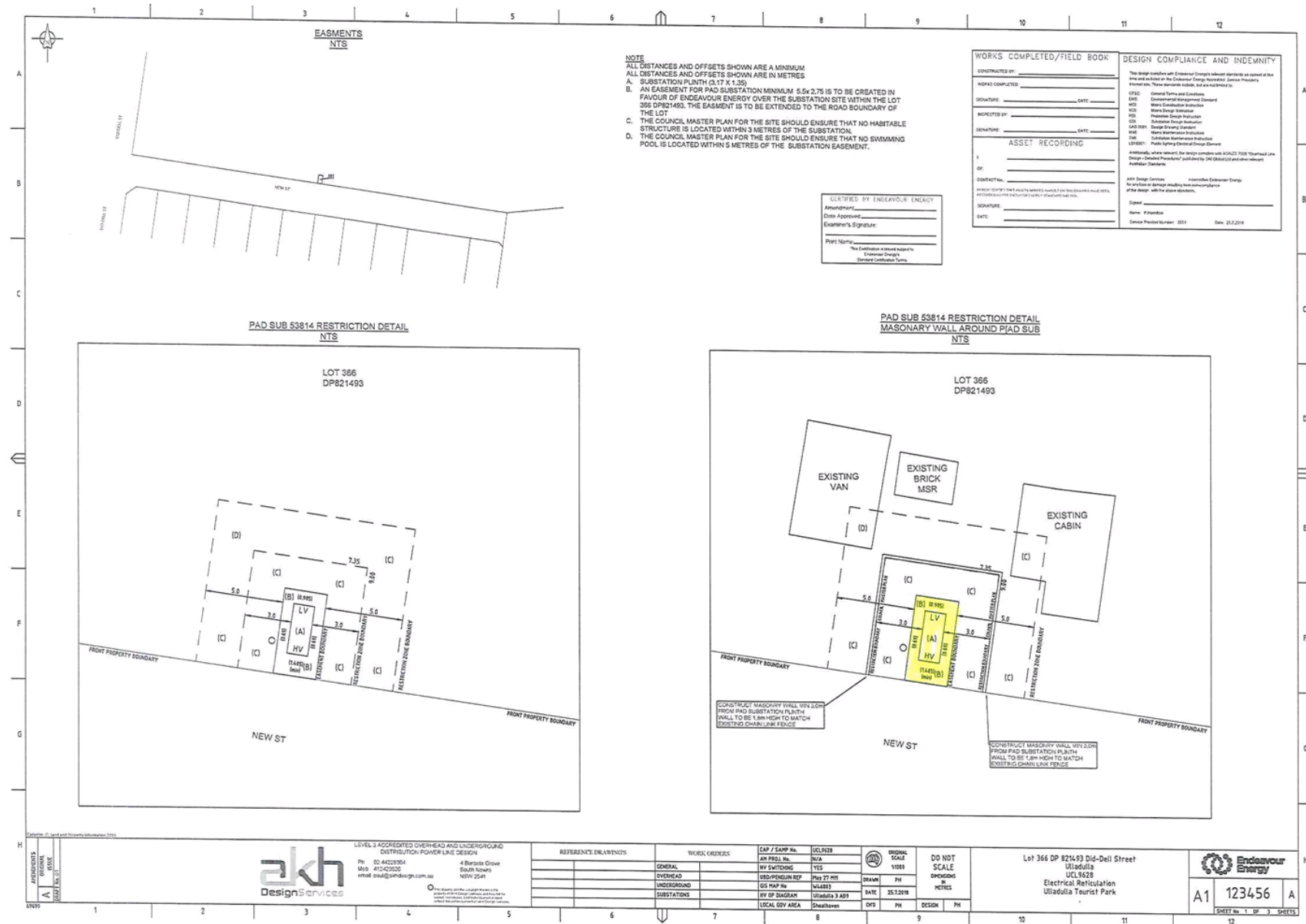
Notwithstanding the above, NTSCorp representing the current claimants, the South Coast People, have been notified of Council's actions and will be provided the same procedural rights as a freehold title owner under the Land Acquisition (Just Terms Compensation) Act in the event the Federal Court makes a differing determination to that of Council's Native Title Manager.

Community Engagement

This matter is a local area low impact issue as outlined in Council's Community Engagement Policy and Handbook and therefore no community engagement has taken place.

Financial Implications

Compensation and all costs associated with the acquisition are to be funded from Holiday Haven's Capital Programs fund. The compensation will be determined by the Valuer General, as detailed in the above recommendation.



SA19.45 Draft Policy - Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land

HPERM Ref: D19/60437

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. Draft Policy - Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land [↓](#)

Purpose / Summary

This report provides Council with an opportunity to consider approving the public exhibition of the draft policy “Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land” (Attachment 1).

Recommendation

That Council:

1. Resolve to place the draft policy “Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land” on public exhibition for 28 days and seek submissions;
2. Deem this policy adopted at the conclusion of the submissions period, on the provision no submission(s) or submission(s) that would mean minor alteration to the Policy be received;
3. Receive a further report should submission(s) that are considered to have a significant effect on the policy be received.

Options

1. Resolve as recommended.

Implications: The Draft Policy will be placed on exhibition for a twenty-eight (28) day period and providing no submission(s) are received, the policy will be adopted.

2. Not adopt as recommended.

Implications: Policy will not be adopted, and staff will continue to have unclear guiding principles to regulate the use of Council owned or managed land for private use as an APZ.

3. Adopt the policy without exhibition.

Implications: This would not allow the community to formally comment on Council’s proposed direction.

Background

At Council’s Ordinary Meeting on 26 June 2018, it was resolved:

“That Council:

SA19.45

1. *Supports the establishment of a “positive covenant” on the land title at 2 Greville Avenue, Sanctuary Point, to enable the current owners and future owners to manage bushfire hazard reduction in the adjacent reserve, to ensure that the bushfire classification of the site is no longer that of “flame zone”.*
2. *Staff prepare a draft policy where “positive covenants” may be established for similar situations to the above, and that a Councillor Briefing be held prior to its adoption.”*

In accordance with the above Council resolution, staff have prepared a draft policy to permit the establishment of asset protection zones on Council owned or managed land via the registration of a positive covenant on the registered proprietor's title. The Policy implements that all applications for proposed APZs on Council owned or managed land must be lodged as part of a Development Application and must meet all the requirements in accordance with the draft Policy.

Consistent with the above Council resolution, a Councillor briefing was held on Thursday 21 February 2019 that detailed the terms of the draft Policy.

The purpose of this policy is to ensure staff have clear guiding principles to regulate the use of land owned or managed by Council for private use as an Asset Protection Zone (APZ) to mitigate the threat of loss from bushfire.

Community Engagement

Staff recommendation is that Council resolve that the draft Policy be placed on Public Exhibition for a period of 28 days. The draft Policy will be made available online and at Council's Administration Buildings in Nowra and Ulladulla.

Policy Implications

Once endorsed, the draft Policy will be publicly exhibited for community input. Following this and consideration of any submissions received, the policy (including any amendments) can be adopted and implemented as the position of Council.

Financial Implications

Should an application for a proposed APZ over Council owned or managed land be submitted and it meets all requirements in accordance with the draft Policy, an approval fee will be payable by the applicant in accordance with Council's Fees & Charges.



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

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

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Assets & Works Group

Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land

Policy Number: POL19/10 • **Adopted:** [Click here to enter date] • **Minute Number:** [Click here to enter Minute number] • **File:** 35181E • **Produced By:** Assets & Works Group • **Review Date:**

1. PURPOSE

The purpose of this policy is to provide clear guiding principles to regulate the use of land owned or managed by Council for private use as an Asset Protection Zone (APZ) to mitigate the threat of loss from bushfire.

2. STATEMENT

This policy has application in those cases where, on merit, some concession may be appropriate to assist a proposed development to meet the requirements of *Planning for Bushfire Protection 2006 (PBP2006)*.

Permission to establish APZs which benefit adjoining freehold land on Council Owned or Managed Land, will only be considered where the application meets all requirements set out below:

- The proposal is infill development (see 3 Definitions),
- The APZ cannot be wholly contained on the private land by the consideration of other options and/or reconfiguration by design and siting (acceptance of such proof at Council's sole discretion),
- Applicants Bushfire Attack Level (BAL) rating has been assessed at 'Flame Zone' and the BAL cannot be reduced through the use of other bushfire protection measures.

No interests will be created on any Council Owned or Managed Land. All approved APZs must be created by way of Positive Covenant in accordance with Section 88E of the *Conveyancing Act 1919* over the benefiting owners land.

Any proposal to establish APZs on Council Owned or Managed Land for new freehold subdivisions will **NOT** be supported under this policy.

2.1 SCOPE

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Development or redevelopment on land that is mapped as Bushfire Prone under the *Environmental Planning & Assessment Act 1979* (EP&A Act) triggers compliance with PBP2006.

One of the identified Bushfire Protection Measures to improve property protection is the provision of an APZ. The APZ provides a buffer between the asset (new dwelling/s or dwelling additions) and the bushfire hazard. This is to ensure that there is a progressive reduction of bushfire fuels between the hazard and any asset.

It is acknowledged that, in some circumstances, site attributes can constrain the ability to provide an APZ wholly within the development allotment and conversely the same principles apply to Council Owned or Managed Land.

APZs over Council Owned or Managed Land will not be considered where:

- Council Owned or Managed Land is categorised as Community Land (see 3 Definitions);
- land subject to a Native Title Claim or Aboriginal Land Claim;
- vegetation management is not likely or cannot be legally granted (e.g. council bushland reserve i.e., Community Land categorised as Natural Area) or is likely to result in environmental harm or the activity will be carried out in an unsatisfactory manner or is an environmental protection offence (as defined by the POEO Act);
- applicants BAL rating is assessed at BAL-40 or lower;
- applications to extend the maintenance area to provide a greater reduction below BAL-40;
- the proposed development is for the creation of dual occupancy or multi-dwelling developments;
- the adjoining existing land-use is not compatible with vegetation management (e.g. environmental protection, endangered ecological communities, riparian corridors etc);
- the onus for management/maintenance of the APZ rests other than with the registered proprietor(s) of the benefiting land; and
- areas of SEPP 14 – Coastal Wetlands, SEPP 26 – Littoral Rainforests or areas of Critical Habitat are involved or the land is the subject of a biodiversity stewardship or conservation agreement.

2.2 BACKGROUND

The *Environmental Planning and Assessment Act 1979* (EP&A Act) establishes a system for requiring bushfire protection measures on bushfire prone land to be presented at Development Application (DA) stage, as follows:

- i. By requiring Councils to map bushfire prone land. If any part of a development site is within a bushfire prone area, bushfire related assessment requirements apply to the DA.

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- ii. Section 4.14 of the *EP&A Act* requires compliance with *PBP2006* and, where a proposal is located within Flame Zone then consultation with the Rural Fire Service (RFS) is mandatory. In other cases, Council Officers can determine the level of compliance or they can rely upon a report prepared by a suitable qualified bushfire consultant.

PfBP outlines planning considerations that need to be taken into account when a development application is to be determined in bushfire prone areas.

3 PROVISIONS

All proposed APZs over Council Owned or Managed Land must be lodged as part of a Development Application. The Development Application must demonstrate that the requirements outlined in Section 2 of this policy apply to the development proposal prior to Council considering approval for the establishment of an APZ on Council Owned or Managed Land. All relevant documentation must be provided with the development application including but not limited to a plan detailing the proposed APZ area and Bushfire Assessment. Where the DA proposes an APZ that involves the clearing or modification of native vegetation on Council Owned or Managed Land, the applicant will need to provide a *NSW Biodiversity Conservation Act 2016 (BC Act)* compliant biodiversity impact assessment.

Referrals will be made to internal stakeholders to investigate the creation of the proposed APZ over Council Owned or Managed Land. The consideration will involve assessment against matters identified in Section 2.1 and whether there are proposals to use such land for a public purpose which may be incompatible with the proposed positive covenant.

The requirement, if approved, will then be included in the conditions of approval for the issuing of a Development Consent (additional fees may apply in accordance with Council's Fees & Charges).

All Section 88E documentation must ensure that:

The registered proprietor(s) of the land which is benefited by the positive covenant shall:

1. be responsible for maintenance of the APZ and any ongoing associated costs
2. Indemnify Council against any loss, injury or damages incurred undertaking the activities defined in the APZ Management Plan or from failure to maintain the APZ to the RFS approved standards.

All costs associated with the creation of the positive covenant must be met by the applicant including but not limited to legal costs, survey costs and registration fees.

Where the impact of the APZ on Council Owned or Managed Land triggers entry into the BC Act "offset scheme", the cost of the Biodiversity Assessment Report by an "accredited person" and the retirement of credits is the responsibility of the applicant. All other biodiversity impact assessment and mitigation costs post approval are also the responsibility of the applicant. This could include costs for ecologist supervision of clearing and for the hollow-bearing tree removal and associated wildlife rescue.

4 DEFINITIONS

Asset Protection Zone (APZ)

Development on bush fire prone land will normally require the implementation of a setback distance which is referred to as an asset protection zone. An APZ is also known as a fire protection zone and aims to protect human life, property and highly valued public assets and values. It is a buffer zone between a bush fire hazard and an asset or dwelling/s, which is managed to minimise fuel loads and reduce the potential radiant heat levels, flame contact, ember and smoke impact on life and property. The width of the APZ will vary with slope, vegetation and construction level.

An APZ can consist of an area maintained to minimise fuel loads and can be comprised of a combination of perimeter roads (subdivision), fire trails and managed lands so that a fire path is not created between the hazard and the new dwelling or addition to an existing dwelling.

Bush fire attack Level (BAL)

Means of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact using increments of radiant heat (expressed in kilowatts/m²). This is the basis for establishing the requirements for construction under AS3959-Construction of buildings in bushfire prone areas. The following BAL construction requirements apply in AS3959.

BAL-LOW	insufficient threat to warrant specific construction requirements
BAL-12.5	ember attack with heat flux to 12.5kW/m ²
BAL-19	increased ember attack, ignition of debris & heat flux to 19kW/m ²
BAL-29	increased ember attack, ignition of debris & heat flux to 29kW/m ²
BAL-40	increased ember attack, ignition of debris, heat flux to 40kW/m ² & flame exposure
Flam Zone	direct flame exposure, ember attack & heat flux greater than 40kW/m ²

Bush fire prone land/area

Is an area of land that can support a bush fire or is likely to be subject to bush fire attack. In general, a bush fire prone area is an area mapped for a local government area that identifies the vegetation types and associated buffer zones. Bush fire prone land maps are prepared by local councils and certified by the Commissioner of the RFS.

Bush fire prone land map

Means a map that identifies the area certified as referred to in Section 10.3 of the EP&A Act.

Bush fire protection measures (BPMs)

A range of measures (controls) available to minimise the risk arising from a bushfire. BPMs include APZs, construction standards, suitable access arrangements, water and utility services, emergency management arrangements and landscaping. BPMs are defined in Chapter 3 of Planning for Bushfire Protection 2006

Community Land

Land that is classified as community land under Division 1 of Part 2 of Chapter 6 of the Local Government Act 1993.

Council Owned or Managed Land

Land which is Council owned or managed, developed or otherwise. Including but not limited to Community Land, Operational Land, Crown land managed as Crown Land Manager under the

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Crown Land Management Act 2016, Devolved Care Control and Managed Crown land and public unmade road and road reserves.

In Fill Development

Refers to the development of land by the erection of or addition to a residential building (or buildings), which does not require the spatial extension of services including public roads, electricity, water or sewerage and is within an existing allotment.

5 RELATED DOCUMENTATION

- Environmental Planning and Assessment Act 1979
- Rural Fires Act 1997
- Planning for Bush Fire Protection 2006
- Protection of the Environment Operations Act 1997
- SEPP Coastal Management
- Coastal Management Act 2016
- Biodiversity Conservation Act 2016
- Australian Standard: 3959 Construction of buildings in bushfire-prone areas 2009 (AS3959)
- Building Code of Australia
- Council Plans of Management
- Foreshore Reserves Policy
- Local Government Act 1993
- Crown Land Management Act 2016
- Native Title Act 1993
- Aboriginal Land Rights Act 1983
- Other relevant statutory plans and policies

6 IMPLEMENTATION

The Business and Property Section implements this policy as part of its function as Property Manager of Council owned and managed lands.

7 REVIEW

The Business and Property Section will review this policy within one year of the election of every new Council in consultation with relevant land managers and asset custodians. A review of this policy may also be triggered by amendments to relevant *Development Control Practice Notes* and/or *Planning for Bushfire Protection 2006* published by the NSW Rural Fire Service.

8 APPLICATION OF ESD PRINCIPLES

- Enhancement of the bushfire protective measures employed for developments in bushfire prone areas providing both social and economic benefits to the community.
- The protection of threatened species and significant habitats through the incorporation of environmental assessment for the removal of vegetation with the APZ into the overall DA assessment process for the development approval.

SA19.46 Solar Garden - Update Report

HPERM Ref: D19/8527

Group: Assets & Works Group

Attachments:

1. Solar Garden - Final Report [↓](#)
2. Assessment of Native Title Extinguishment - Former North Nowra Tip [↓](#)
3. Native Title Status - Crown Land at North Nowra - Old North Nowra Tip [↓](#)
4. Response - Ben Tax - Native Title Status - Crown Land at North Nowra - Old North Nowra Tip [↓](#)
5. Repower acknowledgement & request letter [↓](#)
6. NSW Regional Community Energy - Fact Sheet - NSW Government [↓](#)
7. Letter of Support- Alternate site - Draft [↓](#)

Purpose / Summary

The purpose of this report is to update Council on:

1. Repower Shoalhaven's intention to access the NSW Government's Regional Community Energy Fund to support their proposed Social Access Solar Garden;
2. Land issues (specifically Native Title) associated with the former North Nowra Waste Depot Site (Lot 7313 SP 1153421) as per Attachment 1; and
3. Identify and recommend an alternate site for the Social Access Solar Garden Project.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Note Repower Shoalhaven's advice that it is intending to submit a funding application under the NSW Government's \$30M Regional Community Energy Fund to deliver a Solar Garden in the Shoalhaven.
2. Advise Repower that Council supports the installation of a Solar Garden on either the Old Tip Site at North Nowra or the Northern Section of the Animal Shelter Site at Nowra Hill and will make these sites available to Repower for such a use, subject to the necessary approvals being obtained.

Options

1. Resolve as recommended

Implications: Repower Shoalhaven have a strengthened position with two potential sites to progress for the construction of the Social Access solar garden. The backup site, if found suitable, does not have the existing constraints imposed that the Old North Nowra Tip site has.

Repower Shoalhaven to apply for funding against two lots of land both of which have the support of the Council. Whilst the government application is being assessed:

- Repower Shoalhaven can complete a review of both sites to determine the preferred site to progress;
- Crown lands will be encouraged to resolve the Native Title and initiate the land amendment with Council on the Old North Nowra Tip site.

2. Not resolve above as recommended.

SA19.46

Implications: Repower will complete the NSW Government's Regional Energy Fund grant application without land secured for the Social Access Solar Garden Project. This will weaken their grant funding application.

Background

On the 18 December 2018 Council resolved at its Ordinary Council Meeting as follows (MIN18.1028):

"That with respect to the proposed solar garden Project Council continue to:

- 1. Take the lead in resolving land issues relating to the Old North Nowra Tip site; and*
- 2. Work with Repower Shoalhaven in an in-kind capacity to get this project to a "shovel ready" status.*

A copy of this report is attached for Councillors convenience (see Attachment 1)

On 4 December Council's Native Title Manager via email sent an opinion on the Status of native title for the site, to the Crown Lands Office in Nowra (Mark Edwards). A copy of the Native Title Extinguishment Determination Worksheet that accompanied that email is provided as Attachment 2

As per Attachment 2, the Native Title Manager's Opinion is *"Based on the above evidence and statements, I believe Council's valid use of the land as a garbage disposal site is wholly inconsistent with the rights, interests and existence of native title. Therefore, native title has been extinguished."*

On the 13 March 2019 Shoalhaven City Council sent a letter to the Area Manager to the Department of Industry (Attachment 3) outlining the land issues and a brief timeline, requesting assistance to resolve the land issues at the Old North Nowra Tip site.

A response was provided from Area Manager of the Department of Industry on the 22 March 2019 acknowledging that they are "continuing to actively consider Council's requests to resolve the reserve purpose" for the land. They understand the time frames for the Government Grants and "will continue to work through this extremely complex matter as quickly as possible" (see Attachment 4).

On 21 March 2019, Council received a letter from Repower Shoalhaven (Attachment 5) identifying the availability of a \$30M Regional Community Energy Fund (NSW Government). Repower advised that they intended to prepare an application for this grant and that applications close on 3 May 2019. The grant (if awarded) will provide support for up to 50% of the project capital cost, capped at \$3.5M. Repower advise that they would be seeking up to \$2.4M. Details about the grant can be found via the fact sheet (see Attachment 6) at the following link: <https://energy.nsw.gov.au/renewables/clean-energy-initiatives/regional-community-energy/#-regional-community-energy-fund->

Of concern to Repower is the uncertainty around the North Nowra Tip site and thus they have requested Council consider a "backup" site, that could be added to their application.

Consideration

Backup Site - Lot 1 DP 1229955, 19 Nowra Hill Road, Nowra Hill

In an attempt to aid Repower Shoalhaven in their bid to access the grant funding, Council staff have conducted a desktop review of an alternative site that meets the broad requirements to deliver the Solar Garden Project. 5 Ha of land to the north of the new animal shelter on Nowra Hill Road, Nowra Hill has been identified as having potential for further investigation by Repower. A draft letter of support has been provided as Attachment 7.

The characteristics of site (Lot 1 DP1229955) are:

- The lot is 12.13 hectares in size (approximately 6 hectares excluding the new animal shelter footprint). The Solar garden requires 5-6 hectares.
- The lot is classified as Operational Land.
- This land may be contaminated. Council records indicate that this site may have been a sanitary Depot and therefore have implications for development of this land.
- The land is relatively flat and cleared

Benefits of Repower using the site and disadvantages:

- The solar garden requires an 11kV connection to the Endeavour electrical supply. The closer the electrical point of attachment is to the site the better financial proposition for the project. There is an 11kV supply that runs on the southern side of BTU road with an 11kV spur running up half the depth of the lot along Nowra Hill Road.
- Solar Panels will require pad style footings and thus excavation of the site is not required.

Investigations are required to be undertaken by Repower Shoalhaven to determine the suitability of this land for their proposal.

Repower are keen to include a letter of support for their application and the following has been drafted in consultation with Repower:

“Shoalhaven City Council is supportive of Repower Shoalhaven’s grant application to Round 1 of the Regional Community Energy Fund to construct a Social Access Solar Garden in the Shoalhaven region. The two (2) potential sites that you have nominated for the solar farm, namely the disused North Nowra tip site or the alternate old Sanitary Depot site, are both available for potential solar farms (subject to any existing area uses and approval requirements). Shoalhaven City Council is keen to encourage renewable energy projects in our region which benefit the local community and support a clean energy future. We wish you every success in your grant application.”

Community Engagement

Nil to date.

Repower are arranging a “Pre-Lodgement Meeting” in relation to their proposal with Council’s Development Team, and Community Consultation will form part of the Development Application process.

Policy Implications

Nil

Financial Implications

Nil. \$20,000 in kind contribution has been funded from existing allocations. This was originally estimated at \$10,000

Risk Implications

- The site Native Title cannot be settled (extinguished) or compensation is required to settle is too large.
- The Land Zoning prohibits the site to be used as a solar garden.

- EPA requirements for the site creep due to the intended use
- The time to settle the above risks extends beyond the Solar Garden timeframe.

CL18.371 Solar Garden - Final Report

HPERM Ref: D18/418845

Group: Assets & Works Group

Attachments: 1. Shoalhaven Solar Farm - Preliminary Business Plan (under separate cover)

Purpose / Summary

The purpose of this report is to update Council on the progress of the Social Access Solar Garden Project, at this stage proposed for the Old North Nowra Tip Site.

Recommendation

That with respect to the proposed Solar Garden Project Council continue to:

1. Take the lead in resolving land issues relating to the Old North Nowra Tip site; and
2. Work with Repower Shoalhaven in an in-kind capacity to get this project to a "shovel Ready" status.

Options

1. As recommended.
2. Council advise Repower Shoalhaven that it no longer wishes to support the Solar Garden Project.

Implications: If Council remove support from this project it will place the Social Access Solar Garden project in jeopardy.

Background

A Community Solar Garden works by installing a central solar array, generally near a populated centre. Energy customers can purchase or lease panels in the solar array. The electricity generated is then credited on the customers electricity bill. The solar garden allows any customer to participate in the benefit of solar with similar outcomes to having solar installed on their own roof.

Council was made aware of the Community Solar Garden at the Community Energy Conference held in Melbourne in late 2017 which has resulted in ARENA and the Community Power Agency extending an invitation to the Council to be involved in a feasibility study for a "Social Access Solar Garden". The feasibility study is jointly funded by ARENA and the NSW Government as well as a number of project partner organisations. A team has been formed to support four main prototype teams in five separate locations (Swan Hill Victoria, Blacktown, Shoalhaven and Byron Councils). Repower Shoalhaven has accepted an invitation to fill the role of technical expert for Shoalhaven Solar garden prototype for the feasibility study.

The two main objectives of the feasibility team are research and to develop prototypes for solar gardens business models.

In December 2017 Council was approached (independent of ARENA) by a consortium of local experts from Repower Shoalhaven, to discuss whether Council had a suitable site for

the establishment of a Community Solar Garden Scheme. Interest centred around the old North Nowra Tip Site.

Other sites that may suit the needs of Repower Shoalhaven were discussed and include:

- The West Nowra waste facility
- Various Shoal Water sites
- The new Animal Shelter Facility (Shoalwater Depot) at South Nowra

On 21 February 2018 Council wrote to the Repower Shoalhaven consortium to inform them that other Shoalhaven clubs had previously shown interest in the North Nowra site and advised them to send an official letter of request to Council (refer to attachment 2) for use of the land.

"Council's preliminary enquiries ascertain that the use of the land in question for a solar farm is potentially feasible..."

The following is a summary of Council's findings in relation to the North Nowra Site:

The former North Nowra landfill site is located at Lot 7313 DP1153421 North Nowra with a Permissive Occupancy (PO) through the Crown ref #9626 1966/24.

The PO for the site was granted for the specific purpose as a "garbage depot" or waste landfill, and utilised between 1963 and 1982, when it was closed. It was capped and used to stockpile road building materials while maintaining the leachate management system, with 2 dams, until 2012. Final capping was applied in 2012 and the leachate management system dismantled in accordance with the Environmental Protection Licence (refer to attachment 3). It has undergone ongoing and regular maintenance to stabilise the surface and encourage the growth of grasses.

The EPA licence was active to ensure that long term potential pollution problems did not manifest. The EPA is now satisfied that ground and surface water contamination is minimised, but issued an additional requirement for monitoring for landfill gas, which has been continuing for about 4 years. In 2017 a gas vent was installed on the South East corner of the site, with the vent construction and monitoring results submitted to EPA in November 2017 for final release of any further requirements at the former site. No response has been received from EPA.

The land is zoned RE1 – Public Recreation. State Environmental Planning Policy (Infrastructure) 2007 in 34(7) provides that "Except as provided by subclause 8, development for the purpose of a solar energy system may be carried out by any person with consent on any land." This means that a solar farm can be developed on the land with consent. Subclause 8 relates to limiting electricity generating capacity in a residential zone to less than 100 kW.

On 20 March 2018 the Council's Strategy and Assets Committee Meeting resolved as follows (vide minute no MIN18.190C);

"Council accepts the invitation from UTS- ISF to join their Commonwealth and state funded research project, and will provide in-kind assistance".

On 1 May 2018 the Repower Shoalhaven consortium formalised their request for Council to provide exclusive use of the old North Nowra tip site for the Solar Garden (D18/000146719):

"To provide more confidence that the site can be the basis for our concept scheme we are seeking to formalise an arrangement with Council for exclusivity on the site for a period of 5 years and, should the scheme proceed to implementation, establish the primary terms which would apply for a long-term lease – 25 to 30 years.

On 17 May, ARENA provided a media release for the Solar Garden facility study where the Shoalhaven Council is noted as one of the project partners;

On 24 July, the Strategy and Assets Committee Meeting resolved as follows (vide minute no MIN18.529):

"Council advise Repower Shoalhaven (as a fellow partner of the Social Access Solar Garden Scheme) that Council supports the location of a Solar Access Farm on the Old Tip Site at North Nowra (Crown Land) and will work with Repower Shoalhaven to gain necessary approvals to use the site for this purpose as the preferred use for this site."

On 1 August Council initiated discussions with Crown Lands seeking "support in Principal" for the Social Access Solar Garden to located on the Old North Nowra Tip site. Council requested advice on the most streamlined approach to navigate the following items:

- Council requires Ministers Consent for the Reserve to be classified as Operational.
- Council requires consent for the Reserve Purpose to be amended.
- Council to be appointed as Crown Land Manager

The following is also required to be addressed by Council:

- Council submitted final documents to EPA on 1 December 2017 seeking a clearance certificate however no further correspondence has been forthcoming.
- Council will liaise with NSWALC and the Local ALC regarding claims over the land.
- Land to be rezoned.

On 5 August Council issued survey plans of the North Nowra Tip to Repower Shoalhaven indicating the existing capping depth, enabling the consortium to commence conceptual layouts for the site.

On 16 October Shoalhaven City Council hosted the final Social Access Solar Garden Workshop at the Shoalhaven Entertainment Centre. The workshop was chaired by UTS and Community Power Agency where Repower Shoalhaven, Byron Bay Prototype teams met to discuss the viability of their pilot studies. Final reporting requirements and a statement of intent which outlined the future intentions of each pilot program were reviewed.

On 23 October the Aboriginal Land Claims Investigation Unit (department of Crown Lands) advised that the NSWALC had removed land claim on the site (D18/370218):

- *"Aboriginal Land Claims 42454 and 42497 to the extent that the Lot 7313 DP 153421 has been excised from the claims. The balance of the claims are to remain 'on foot'."*

This information was forwarded to the Aboriginal Land Claims Manager for "...review and appropriate action".

On 9 November a final wrap up meeting was held for ARENA at the UTS in Sydney with all pilot prototype teams presenting their knowledge, learnings and statement of intent for their respective prototypes. A final report is now being prepared by the UTS for ARENA.

On 19 November the Repower Shoalhaven consortium formalised their intention to proceed with the project and wrote a letter to council (D18/404045), informing Council that their prototype solar access garden has the potential to be financially viable. Repower are;

- *"...pursuing avenues for funding the initial stage of the project which can be progress pending the resolution of the land access arrangements"*

"These avenues include:

- *Direct approaches to Endeavour Energy to reassess the fees required to consider the connection.*

- On 12 December we will hold a briefing session for the RePower community and seek pledges of funding for when we are able to proceed. Using social media this fund-raising initiative will run through to the end of January at the earliest.
- Resulting from the Wrap-up session for the Social Access Study at UTS we will be approaching the product development arm of ARENA as a potential funding source.
- We will be submitting a grant application to the NSW Government's \$30million Community Clean Energy fund. Currently we understand that applications will open in January 2019.
- We have initiated discussions with a potential funder for the entire project. These discussions are preliminary.
- Lobbying of State and Federal politicians of all colours in the context of the upcoming elections.

Consideration of each of these avenues brings us back to the need for certainty of the site access before any financial commitments can be finalised. Hence our appreciation of Council's focus on this critical task. "

The Shoalhaven City Council Property Department continue to seek clarity on the Native Land Title existence from the DPI- Crown Lands.

Repower- Preliminary Business Plan (D18/421292) - Dot point Summary

- "Repower seek to establish a community funded entity planning to build a 4 Megawatts (MW, DC) solar farm to supply electricity to the Shoalhaven community on a not for profit basis."
- "A 3MW (AC) solar farm could supply energy to some 2,060 households and businesses depending on the amount of energy purchased by each customer up to the estimated maximum of 5,468 MW hrs per annum."
- "At this point Repower are presuming that they can match the aggregate generated to the total energy demand of the participants. The benefits accruing are largely by way of offsets to the participants' energy bills. The bill offsetting will be realised through the arrangement with the retailer."
- "The intended customer base includes a range of 'locked out' groups such as households unable to install solar power on their properties, those interested in investing directly in the project, lower income households, small businesses, and a larger scale local energy user."
- Prospective Customer Base-
 - Lower income households- "Some 500 lower income customers could reasonably be expected depending on the final retail price on offer. A leasing fee of \$213 per annum for 2Kw is envisaged with annual savings of \$108 per household. At this stage, the intention is to provide targeted assistance to socially disadvantaged households once the level of debt is sufficiently reduced to enable a social assistance program to be rolled out in partnership with local social housing organisations and governments."
 - Other locked out households- "Shaded dwellings and small users- The orientation and design of dwellings can also be a difficulty for rooftop solar. Dwellings with poorly oriented roofs or particularly restricted designs can make rooftop solar difficult or expensive to install. Therefore seeking to achieve up to 1,250 customers investing \$3,000 each for 2 Kw in this category could be a reasonable assumption given that this investment would equate

roughly with the current cost of an equivalent rooftop solar installation. Household savings would be of the order of \$321 per annum."

- Single person households- *"A further consideration is the number of single person households in the Shoalhaven. Including an additional 300 small users investing \$1,850 for 1 Kw may also be worth considering with household savings estimated at \$163 per annum."*
- Local Businesses- *"There is a considerable scope for a low cost renewable energy producer in the Shoalhaven with some 200 small business. For the purposes of our estimates, this is assumed to include 10 larger sites investing at \$44,000/Kw (DC) each with annual savings estimated at \$4,079. In addition, a further 190 smaller sites investing at \$3,000 each for 2 kw (DC) would achieve annual savings of \$321."*
- Other prospectus Customers- *"Other opportunities include community organisations and government bodies and facilities."*
- Business Model- *"A Co-operative structure has been chosen to provide the greatest possible opportunity for households of the Shoalhaven to participate through subscription in the ownership and direction of the project. The Co-operative will be the sole shareholder in an SPV as the owner of the Solar Garden. All contractual relationships will be through the SPV to the limit liability and risk exposure of the Co-operative. The SPV will be registered as a private company and will comply with ASIC's reporting obligations."*
- Electricity Retailer- *"With a chosen Electricity Retailer agreements will be required for the long term offtake of the power generated by the Solar Garden and a power purchase agreement specifying the price to be paid to the SPV. Critically the Electricity Retailer will need to be amenable to providing rebates to the low income and community customers who are participants and investors in the project. It is anticipated up to 1.5 MW of power may be available to the Retailer to supply through a Power Purchase Agreement to single large customer – government, local government or private sector if achievable."*
- Finance- *"Additional financing required over and above Co-operative membership subscriptions will be through a direct loan agreement. The capital borrowed together with interest payments will be retired over the life of the project."*
- Site Lease- *"It is envisaged the project will have a 25 year life and the key agreements will be a long term lease agreement with Shoalhaven City Council and/or Crown Lands for exclusive use of the North Nowra site. It is expected the lease agreement will be on the basis of a 'peppercorn' rental."*
- Financial Viability- *"The prospective financial viability of the project is positive largely because of low construction costs that take advantage of new technology coming in at around \$1.20 per watt. There may be further opportunities to reduce these costs to improve the overall financial viability of the project."*

Community Engagement

Nil to date.

Policy Implications

Nil

Financial Implications

Nil. \$20,000 in kind contribution has been funded from existing allocations. This was originally estimated at \$10,000

Risk Implications

- The site Native Title cannot be settled (extinguished) or compensation is required to settle is too large.
- The Land Zoning prohibits the site to be used as a solar garden.
- EPA requirements for the site creep due to the intended use
- The time to settle the above risks extends beyond the Solar Garden timeframe.

NATIVE TITLE EXTINGUISHMENT DETERMINATION WORKSHEET

(Standard Form to Demonstrate Extinguishment)

as at 18 October 2018

This worksheet is to be completed for every parcel of Crown Land where Council is Crown Land Manager or has divested CCM responsibility under the Local Government Act 1993. This assessment will provide the basis for determining if Native Title has been extinguished for the subject property (lands) and the justification under the Native Title Act to substantiate same.

Completed by: Trevor Cronk

Date: 18th October 2018

Property Name: Former North Nowra Tip

TRIM Reference: 57995E/5 & 50116E

Property Address: Illaroo Road, North Nowra

Reserve Purpose: Untitled and unallocated Crown Land at time of PO grant

R180068 – Public Recreation & Environmental Protection

Gazettal details: R180068 - dated 20/10/1995

IDENTIFY LAND AND WATERS AFFECTED BY THE ASSESSMENT

List all parcels of land and waters covered by the assessment below. Include Lot/DP, folio identifier, and certificate of title or book, volume numbers, UPN and ownership. Give each parcel a number so that it can be referred to by that number throughout the rest of this assessment.

Parcel No.	Folio Identifier	UPN	Reserve No	Owner	Area	Comments
1 Refer D18/363618	Lot 7313 DP 1153421 – registered 9/6/2010 (Formerly part of Lot 7012 DP 1002215 registered	100390	R180068	Crown	12.6 Ha	Crown Land with Council having devolved management responsibility under the LG Act

Parcel No.	Folio Identifier	UPN	Reserve No	Owner	Area	Comments
	27/5/1999 – Departmental plan)					



Photo as at 17th October 2018

IDENTIFY ASSETS LOCATED ON THE LAND AFFECTED BY THE ASSESSMENT

Asset No.	Description	Identification details (in full) including year of construction, additions and/or extensions
n/a	Gravel Quarry	Prior to 1963 to supply iron stone gravel for Council roads
n/a	Associated Garbage Depot assets	Commenced in 1965 Closed to the public in 1982 although the paper mill continued until 1983 to have access for the disposal of ash, pulp and other paper type waste
n/a	Low permeability capping	Circa 1983
n/a	Final capping works	Completed June 2012
70/1271	Corrugated Galv Iron Storeroom/shower & toilet shed	Pre 1970 + addition (34m2) in 1970 to house Council's bulldozer Total shed approx. 55m2 (now demolished)
BA97/216	Generator building	approved 24/3/97 – (Now decommissioned, removed and demolished)

IDENTIFY ANY OCCUPATION AGREEMENTS OR OCCUPATIONS UNDER OTHER ARRANGEMENTS

Legal Doc No	Legal status (eg. lease, licence)	Description	Identification details including commencement date and term, names of parties
D18/363601	Permissive Occupancy (PO)	1963/48 & 1966/24 Now PO 9626	Various and on going
	EPA Environment Protection Licence	EPL 3558	

IDENTIFY ANY OTHER SUPPORTING DOCUMENTATION

Trim No	Description	Identification details
D18/356043	Environmental & Natural Resource Solutions (ENRS) Report	North Nowra Closed Landfill site capping completion Report Dated July 2012
D18/3560466 D18/356050 D18/356051	Earth2Water Pty Ltd (E2W) Report and diagrams	<ul style="list-style-type: none"> Field investigations Report dated 22nd February 2006 Site Layout & Test Pit Locations diagram dated 18th February 2006 Schematic Hydrogeological cross section diagram dated 14th February 2006
D01/34875	PCL8	Contaminated Land Report – North Nowra Landfill
D18/355507 & D18/355516 & D18/355538	Aerial photos	Dated July 1963 (2) and 4/2/1993
D18/363584	Contour Plan	Pre quarry/tip site usage
D18/363612	Contour Plan	Dated December 1996
D18/363587	GG dated Friday 20 th October 1995	Reservation of Lot 7012 (abt 95 hectares) as R180068, for the public purposes of public recreation and environmental protection
D18/363593	GG dated 20 th December 2002	Creation of the Bomaderry Creek Regional Park (abt 82 Ha)
D18/363606	Dept of Industry – (Lands) – Land account	Land account for various PO's issued to Council – date of issue 13 th December 2017. Includes PO 9626.

ASSESS WHETHER THE LAND IS “EXCLUDED LAND”

Is the land “excluded land” as defined under s. 8.1 of the *Crown Land Management Act 2016* (NSW)? If the land is excluded land, there is no need to further assess whether native title has been extinguished. Section 8.1 relevantly provides:

“**excluded land** means each of the following:

- (a) land subject to an approved determination of native title (as defined in the *Native Title Act 1993* of the Commonwealth) that has determined that:
 - (i) all native title rights and interests in relation to the land have been extinguished, or
 - (ii) there are no native title rights and interests in relation to the land,
- (b) land where all native title rights and interests in relation to the land have been surrendered under an indigenous land use agreement (as defined in the *Native Title Act 1993* of the Commonwealth) registered under that Act,
- (c) an area of land to which section 24FA protection (as defined in the *Native Title Act 1993* of the Commonwealth) applies,
- (d) land where all native title rights and interests in relation to the land have been compulsorily acquired,
- (e) land for which a native title certificate is in effect.”

Check whether the land is subject to any of the following. If YES, mark the table accordingly.

Parcel No.	Instrument evidencing exclusion	Identification details including commencement date, names of parties	Documentary evidence of exclusion
1	<input type="checkbox"/> Approved determination <input type="checkbox"/> ILUA <input type="checkbox"/> Section 24FA protection application <input type="checkbox"/> Compulsory acquisition <input type="checkbox"/> Native Title Certificate		The land is not excluded land

ASSESS WHETHER NATIVE TITLE HAS BEEN EXTINGUISHED

Has native title been extinguished by a “previous exclusive possession act” under sections 23B (2) or (7) of the Native Title Act?

NOTE: Seek legal advice if you are unsure or cannot conclusively determine this question.

If **YES**, fill out the table below. Next to each land parcel, identify the details of the tenure or use that has extinguished native title and the evidence that is attached. See Annexure A for a list of examples of documentation which must be obtained to support decisions about extinguishment.

Sections 23B(2), (7) previous exclusive possession acts (must be a valid act on or before 23 December 1996)

Parcel No.	Extinguishing tenure or use (please select)	Identification details including commencement date and term, names of parties	Documentary evidence of extinguishment
1	<input type="checkbox"/> Scheduled interest <input type="checkbox"/> Freehold estate <input type="checkbox"/> Commercial lease <input type="checkbox"/> Exclusive agricultural lease <input type="checkbox"/> Residential lease	PO9626 – commenced 1963 and is on-going	Attached is a copy of PO 9626 and all other documentation referred to in the table above noted as other supporting documentation.

Parce l No.	Extinguishing tenure or use (please select)	Identification details including commencement date and term, names of parties	Documentary evidence of extinguishment
	<input type="checkbox"/> Community purposes lease <input type="checkbox"/> Mining lease <input checked="" type="checkbox"/> Other lease conferring exclusive possession <input type="checkbox"/> Construction or establishment of public work		

NOTE: the acts listed in this section may overlap with those in the Occupation Agreements section, above.

Provide a brief overview of the considerations, views and reasoning that has been undertaken to arrive at the decision:

The initial use of the land (prior to the granting of Permissive Occupancy 1963/48 (PO)) was as a gravel quarry for the extraction of ironstone for road works by Council throughout the northern part of the Shire. I am unable to determine the exact date extraction commenced suffice to say it was pre-1963.

Notwithstanding a PO is a lesser form of interest to freehold or lease, the special conditions contained in PO did provide for Council as tenant to control at its discretion access and occupation of the land, examples include:

“the boundaries shall be fenced, or alternatively any particular section shall be fenced off for rubbish control purposes”;

“The public shall have the right to dump rubbish on the land without charge, but under the control and direction of the tenant”;

“the tenant shall have the power to remove any persons from the land who are creating a public nuisance, or any person who is not on the land for the express purpose of depositing rubbish”

At the time of use as a quarry and subsequent landfill/garbage disposal site the land was untitled and unreserved Crown land. These uses were therefore valid acts at the time. This is irrespective of the land being reserved (R180068) for public recreation and environmental protection in 1995 as part of the larger 95 hectares comprised in dummy lot 7012. In 2002 about 82 hectares of the former 95 hectares was transferred to NPWS as the Bomaderry Creek Regional Park. The garbage disposal site was excluded from this transfer.

The site was continuously used as a garbage disposal site until 1982, whereby the site was closed, however the paper mill continued to dispose of ash, pulp and other paper type waste for a further 12 months. Initially and up to the early 1970s the waste was simply spread/pushed out over the exposed land surface. Cover material was then obtained from the excavation of spoil from the site. After this time, trench type operation was utilised, where trenches, typically 2 to 2.5m deep, were excavated, filled with garbage and the excavated material used for covering.

Initial capping occurred circa 1983 with some grass and vegetation planting, however subsequent environmental reports identified the need for additional capping (all in all because of a shortage of clay material on site, approximately 140,000 tonnes of clay capping material was imported from Council’s West Nowra facility) and hence final capping was not completed until 2012 per the photos below:



Capping works above and mulch application below (circa-June 2012)



There are two aspects to the conclusion that native title has been extinguished over the site, being:

1. The Crown by granting a PO that is paramount to exclusive possession (native title holders could not jointly occupy or use the land) for the use of the land as a “garbage disposal site” has validly alienated the land by granting an interest that is wholly inconsistent with a continuing right to enjoy native title.
2. Works including, but not limited to, clearing and initial scrapping/excavation works associated with the gravel quarry and subsequent depositing of garbage and waste, trenching, contouring, capping (refer to the 140,000 tonnes of clay capping imported) and construction of leachate dams, fencing and controlling access has created a disconnect between the laws and customs of traditional owners and their ability to have continuity of rights and interests associated with:
 - a. hunting, fishing, gathering or camping;
 - b. performing rites or other ceremonies
 - c. visiting sites of significance

The above acts have significantly degraded and irrevocably changed the land, the PO does not call for or state any make good conditions nor does Council have any plans for its remediation.



Evidence of degree of land fill above natural level as at 17th October 2018

Based on the above evidence and statements, I believe Council's valid use of the land as a garbage disposal site is wholly inconsistent with the rights, interests and existence of native title. Therefore, native title has been extinguished.

A handwritten signature in black ink, appearing to read 'T. Cronk'.

.....
Trevor Cronk – Native Title Manager

18th October 2018

ANNEXURE A
EXAMPLES OF DOCUMENTATION WHICH MUST BE OBTAINED TO SUPPORT DECISIONS
ABOUT EXTINGUISHMENT

It is essential that the relevant documentation and factual information relied upon in making a decision about extinguishment is documented in full and placed on the relevant TRIM file. A synopsis of the major reason for the decision need only be provided.

Documentation to support the assessment may include:

- a) a copy of the title documents;
- b) a copy of the lease, permit, or licence document (if appropriate);
- c) a copy of a gazettal notice or other documentation proving the dedication and vesting of a reserve;
- d) a site diagram of the development;
- e) an inspection report describing the nature and extent of development on the land;
- f) aerial photographs of the development;
- g) any other evidence attesting to the restricted or controlled use of the area;
- h) statutory declarations or statements of known interest in the land, indigenous connection to the land, and past or present usage; and
- i) a description of any Aboriginal or Torres Strait Island interests in the land, if relevant.

In most cases, all that is needed is (a), (b) or (c) for extinguishment by grants of tenure, and (d), (e) and (f) for extinguishment by public works.



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: 58127E (D19/79608)

Area Manager
Department of Industry - (Lands & Water)
PO Box 2309
DANGAR NSW 2309

By email only: Ben.Tax@crowland.nsw.gov.au

Dear Mr Tax

Native Title Status – Crown Land at North Nowra

Lot 7313 DP 1153421 relates to R180068 (a Reserve for public recreation and environmental protection) for which Council has occupied under a Permissive Occupancy (PO) as a tip site since 1963.

Council is now looking to support Repower (www.repower.net.au) in their search for and occupation of a site for the establishment of a “social access solar farm”. The above noted Reserve is considered suitable for this purpose given its former use as a tip site and little chance of use for any other purpose.

As Council's occupation is only by way of a PO it has no ability to grant an occupancy agreement to Repower. To this end Council sought support from the Crown Lands Nowra office to amend the Reserve purpose and appoint Council as the Crown land Manager. Advice received indicated that this could not be done unless any Aboriginal Land Claims were removed, and Native Title addressed.

On the 23rd October 2018, Council was successful in their request to have the Aboriginal Land Claims removed from the waste depot site.

On the 4th December 2018 Council's Native Title Manager via email sent an opinion on the status of native title for the site to the Crown lands Nowra office and despite numerous follow-ups and promises of an opinion from Status Branch nothing has been forthcoming.

Once the status of native title is determined, both Crown Lands and Council will be able to understand the next steps available to progress the granting of an occupancy agreement to Repower. If native Title is determined to exist, then no further action will be possible. However, should the opinion be that Native Title has been extinguished, then Crown Lands will be able to



amend the Reserve purpose and appoint Council as Crown Land Manager. Once appointed, Council can then grant an occupancy agreement.

You can understand our frustration at the time frame associated with obtaining advice.

Repower in the meantime are also frustrated in their ability to seek Government Funding for this project and are desperate to apply for funds through the recently released \$30 Million Regional Community Energy Fund which closes on the 3rd May 2019.

Any assistance you can provide in resolving outstanding matters associated with the above process would be appreciated.

Should you require further information about this matter, please do not hesitate to contact me on (02) 4429 3474. Please quote Council's reference 58127E (D19/79608).

Yours faithfully



(Acting)

Trevor Cronk
Business & Property Manager

13/03/2019

Lynda Ho

From: Peter Herald
Sent: Tuesday, 2 April 2019 11:33 AM
To: Lynda Ho
Subject: FW: Native Title Status - Crown Land at North Nowra - Old North Nowra Tip

From: Ben Tax <ben.tax@crowland.nsw.gov.au>
Sent: Friday, 22 March 2019 4:01 PM
To: Council Email <Council@shoalhaven.nsw.gov.au>
Cc: Heike Peterlin <heike.peterlin@crowland.nsw.gov.au>
Subject: RE: Native Title Status - Crown Land at North Nowra - Old North Nowra Tip

Hi Mandy / Trevor

Many thanks for your letter.

We are continuing to actively consider Councils request to amend the reserve purpose of R180068 and appoint Council as Crown Land Manager. I understand Heike has recently requested some further information from Council to assist in our investigation.

I understand the timeframes that Council is under in regards to this matter and we will continue to work through this extremely complex matter as quickly as possible.

Please continue to liaise with Heike, however, if you have any concerns about the progress of this matter please do not hesitate to contact me further.

Best regards

Ben Tax | Area Manager – Sydney & South Coast
NSW Department of Industry - Lands and Water
10 Valentine Ave, Parramatta | PO Box 2185, Dangar NSW 2309
T: +61 2 9842 8354
E: ben.tax@crowland.nsw.gov.au
W: www.industry.nsw.gov.au/lands

From: Mandy Holmes [<mailto:Mandy.Holmes@shoalhaven.nsw.gov.au>]
Sent: Wednesday, 13 March 2019 9:34 AM
To: Ben.Tax@crowland.nsw.gov.au
Subject: Native Title Status - Crown Land at North Nowra - Old North Nowra Tip

Mr Tax,

Please find attached letter from Shoalhaven City Council regarding the Native Title Status of Crown Reserve R180068. If you have any queries regarding the attached letter, please do not hesitate to contact Trevor Cronk, Business & Property Manager on (02) 4429 3474.

Regards

Mandy Holmes
Administration Assistant
Shoalhaven City Council

Bridge Rd (PO Box 42) Nowra NSW 2541
www.shoalhaven.nsw.gov.au

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The Crown Land Management Act 2016 commenced on 1 July 2018.
[Click here to find out more.](#)

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily the views of their organisation.



Repower Shoalhaven Incorporated
PO Box 2226, Bomaderry NSW 2541
ABN: 73 379 383 110

Shoalhaven City Council 26th October 2018

Received

The General Manager,

Shoalhaven City Council.

Attention: Paul Keech, Director Assets and Works.

Ref. Social Access Solar Garden, North Nowra.

Dear Paul,

Thank you for briefing John Clark and myself on the current status of the Native Title claim on the North Nowra site.

Council's continuing support to our endeavours to develop a social access social garden on the former tip site in North Nowra, as resolved by Council in June 2018, are very much appreciated by RePower Shoalhaven and the community.

The identification of the site as included within a Native Claim has hindered the progress of the project. RePower Shoalhaven seeks Council agreement to the following matters in order to advance the potential to implement the project.

- 1.0. The NSW Government have established a \$30million Regional Community Energy Fund to support projects such as that proposed by RePower for the North Nowra site. Applications for grant support of up to 50% of the capital cost, capped at \$3.5 million, are required to be submitted by 3rd May 2019. The project can only proceed with substantial grant funding support. Repower Shoalhaven wishes to proceed with an application to the Fund based on the North Nowra project and requests Council's agreement for the application to proceed on this basis. The application will explicitly identify the need to resolve Native Title issue prior to proceeding.
- 2.0. RePower Shoalhaven also requests Council consider the identification of an alternate site, namely a portion of up to 5ha of the former Sanitation Depot off BTU Road. This site has been nominated as it is near the power distribution network and its prior use limits alternate uses for this land. Should Council agree to the potential of this site as an alternate to North Nowra then the grant application will simply acknowledge this potential.

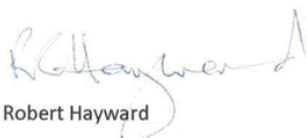
We will commence drafting of the grant application and will engage with Council staff to ensure they are informed of the proposal. The time to complete the application is short, we therefore request your prompt consideration of this request.

21 MAR 2019

File No. 58127e

Referred to: P. Herald

We are available at Council's convenience to address any further information requirements or to address the Councillors, if that is required.



Robert Hayward

Convenor, Social Access Solar Garden Subcommittee.

Repower Shoalhaven
0411 154 630 | bob.hayward@repower.net.au





NSW Regional Community Energy Fund fact sheet

Overview

The Regional Community Energy Fund (RCEF) is a part of the NSW Government's \$30 million Regional Community Energy Program, an initiative under the NSW Climate Change Fund. The program is designed to improve the reliability and affordability of energy for regional NSW communities. The fund will support renewable energy and storage projects owned or led by communities in regional NSW that are 'shovel ready' or in progressed stages of development.

Project funding

The RCEF funding will be awarded as a capital contribution towards eligible projects over two rounds. The maximum funding awarded for each project will be 50 per cent of total project costs or \$3.5 million, whichever is lower. Capital expenditure can include technology and equipment costs, grid connection and any civil or construction works.

Eligible projects

The RCEF will provide grant funding for regional community energy projects that are innovative and/or dispatchable renewable energy and which benefit the local community. These community energy projects can be either in front of the meter or behind the meter.

In front of the meter regional energy projects are projects that will connect directly to the electricity grid. These could include but are not limited to: solar and wind farms (that may or may not be connected to battery storage), bioenergy, pumped-hydro or concentrating solar thermal.

Behind the meter regional energy projects are projects where renewable energy, such as solar and/or battery storage is connected to the customer-side of an electricity meter on a host-site. These projects may include multiple rooftop solar and/or battery systems grouped together via an embedded network, virtual power plant, or a microgrid.

Application process

All applicants must register their interest through the Department's website where they will be asked for the primary organisation name, the project name, project type and a brief description of the technology. An application pack will then be provided with the guidelines, forms, project plan template, budget template and a risk register template.

Once an application has satisfied the eligibility criteria, it will be assessed on its merits.



Eligibility and merit criteria

All applications must meet the eligibility criteria to progress to the next stage of assessment against the merit criteria.

Key eligibility criteria:

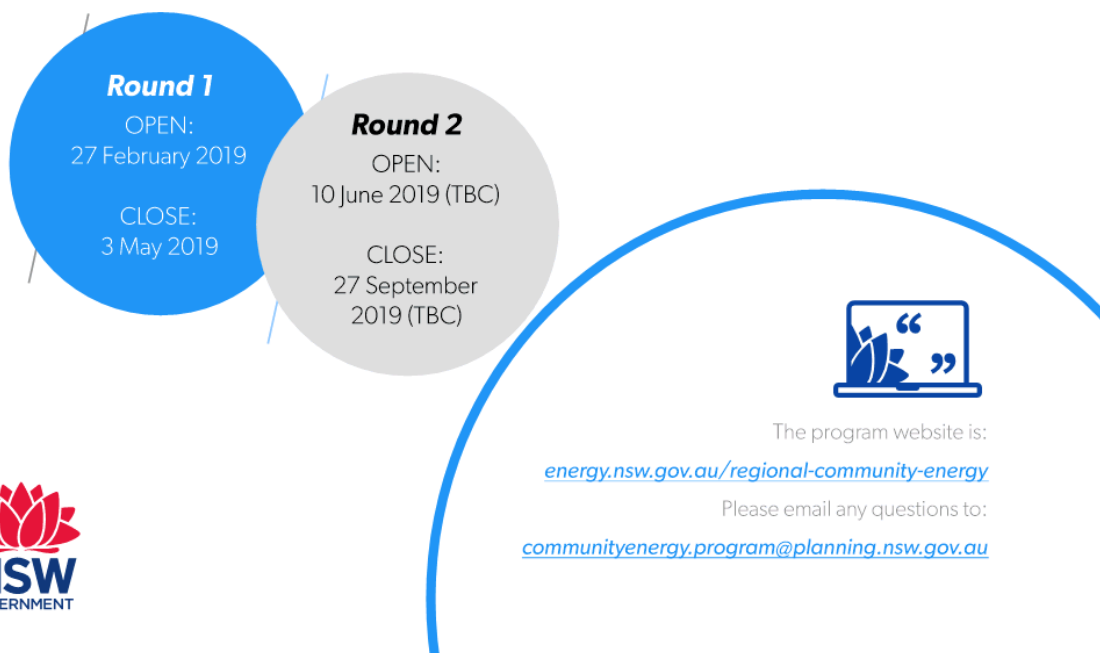


Merit criteria:



Application timing

The RCEF is expected to allocate funding in two separate rounds of approximately \$10 million per round. While unlikely, the Department may fully disburse the total grant funding of \$20 million in round 1, subject to the merit of the applications received. If all the funds are not allocated by the end of round 2, the Department may conduct additional rounds. All funding awarded under the RCEF must be disbursed by the end of June 2022.



Council Reference: 56964E (D19/90805)
Your Reference:

Repower Shoalhaven Inc
PO Box 2226
BOMADERRY NSW 2541

Attention: John Clark

Dear John

Letter of Support – Social Access Solar Garden (Shoalhaven)

Shoalhaven City Council is supportive of Repower Shoalhaven's grant application to Round 1 of the Regional Community Energy Fund to construct a Social Access Solar Garden in the Shoalhaven region. The two (2) potential sites that you have nominated for the solar farm, namely the disused North Nowra tip site or the alternate old Sanitary Depot site, are both available for potential solar farms (subject to any existing area uses and approval requirements). Shoalhaven City Council is keen to encourage renewable energy projects in our region which benefit the local community and support a clean energy future. We wish you every success in your grant application.

If you need further information about this matter, please contact Darren O'Connell, on (02) 4429 5466. Please quote Council's reference 56964E (D19/90805).

Yours faithfully

Russ Pigg
General Manager

21/03/2019

SA19.47 Tree Planting - Schools Policy

HPERM Ref: D19/55433

Group: Assets & Works Group
Section: Works & Services

Purpose / Summary

To report to Council the take up of the financial offer of \$200 per school for the planting of trees.

At the Strategy & Assets Meeting on 23 January 2018 Council resolved as follows:

“That Council retain the Tree Planting - Schools Policy and amend it to reflect the following:

- 1. The Policy offering \$200 per school be communicated in writing to all local School Principals and Parents and Citizens Clubs annually, in the term prior to National Tree Day.*
- 2. Council staff, Bushcare and Parkcare teams continue to offer technical advice on tree selection and planting where possible.*
- 3. Council allow trees to be planted on or around school property.*
- 4. The General Manager provide a report on the take up of the program by schools after 12 months”.*

This report is to inform Council of the take up of the program and recommend a minor change to the wording of the conditions for supplying \$200.

Recommendation (Item to be determined under delegated authority)

That Council retain the Tree Planting - Schools Policy and amend it to reflect the following:

1. The Policy offering \$200 per school for planting of trees on school or Council owned or managed land be communicated in writing to all local School Principals and Parents and Citizens Clubs annually, in the term prior to National Tree Day
2. Council staff, Bushcare and Parkcare teams continue to offer technical advice on tree selection and planting where possible.
3. Council allow trees to be planted on or around school property.

Options

1. Council retain the original recommendation

Implications: The open wording of the recommendation at the Ordinary Meeting on 23 January 2018 Tree Planting – Schools Policy allows all schools to obtain \$200 from Council without any commitment to tree planting

2. Council rescind the Tree Planting - Schools policy

Implications: Additional funds will become available for planting trees on Council's owned or managed lands. Schools would need to seek funding for tree planting from other sources.

3. Council provide another recommendation

SA19.47

Implications: Unknown

Background

Please see below the 2018 School Tree Planting Day Information – In total 17 schools applied and received the \$220 including GST.

Schools National Tree Day - 2018

School

Jervis Bay Primary School Schools Tree Day 2018	\$220
Nowra Anglican College Schools Tree Day	\$220
Berry Public Schools Tree Day	\$220
St Michaels Primary School P& F Association	\$220
Callala Public School	\$220
North Nowra Public School	\$220
Shoalhaven High School	\$220
Kangaroo Valley P & C	\$220
Nowra High School	\$220
Culburra Public School	\$220
Cambewarra Public School	\$220
Huskisson Public School	\$220
Terara Public School	\$220
St John the Evangelist High School	\$220
Tomerong Public School	\$220
Illaroo Public School	\$220
Milton Public School	\$220
Total	\$3,740

SA19.47

Community Engagement

Council wrote to schools to inform them of Council's resolution.

Financial Implications

Council's total Tree Planting budget is \$21,400 of which \$3,740 was allocated to schools.

Risk Implications

The Tree Planting budget had traditionally funded projects only on Council owned or managed lands. The open wording of the recommendation at the Strategy & Assets Meeting on 23 January 2018 Tree Planting – Schools Policy allows all schools to obtain \$200 from Council without any commitment to tree planting.

SA19.48 NSW Government - Active Transport Program - Approved Projects 2018-19 and 2019-20

HPERM Ref: D19/88293

Group: Assets & Works Group

Purpose / Summary

To approve the NSW Government 2018-19 and 2019-20 Active Transport program.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Accepts the grant funding offers under the NSW State Government Active Transport Program in the 2018-19 budget, as follows:
 - a. \$10,000 for the construction of end user facilities (bike racks) city wide, authorising the expenditure as follows:
 - Chris Creek, Sussex Inlet (adjacent to shared path and picnic facilities), adding value to the current shared path bridge project
 - Huskisson, adjacent to Portside Café (near Huskisson wharf)
 - Wowly Creek access (end of Monarch Place), Callala Bay
 - Moona Moona Creek reserve (adjacent playground)
 - Centre Street, Callala Beach (adjacent to community hall and public toilets)
 - b. \$15,000 for the construction of kerb ramps city wide, authorising the expenditure as follows:
 - Nowra (two locations: intersections of Berry Street and Bice Road, and Worrigee Street and Nowra Lane)
 - Bomaderry (intersection of Bunberra Street and Dalwah Street)
 - Huskisson (intersection of Sydney Street and Field Street)
 - c. Provide Council's matching funding (\$25,000) reallocated from savings on the Beach Road Mollymook path project.
2. Accepts the grant funding offers under the NSW State Government Active Transport Program in the 2019-20 budget, as follows:
 - a. \$290,000 for the construction of Stage 2 of the Deering St, Ulladulla off road Shared User Path project, completing the extension to Ulladulla Lighthouse
 - b. \$135,000 for the construction of an off road shared user path linking St Georges Basin to Sanctuary Point (completing the missing link)
 - c. \$12,500 for the survey, design, and cost estimation of a shared user path bridge over Swan Lake Inlet (The Springs Road, Cudmirrah)
 - d. \$156,900 for the construction of pedestrian accessibility improvements (including kerb ramps and extensions) at the intersection of South St & Princes Hwy, Ulladulla.
3. Allocate \$594,400 in the draft 2019-20 budget to provide the additional matching funds required to deliver the approved projects.
4. The General Manager (Director Assets & Works) writes to the NSW Roads & Maritime Services, and the Local Members of Parliament (for Kiama and South Coast), thanking them for their ongoing support of the Shoalhaven Community through the NSW Active Transport Program and for the support of RMS staff in reviewing and supporting

SA19.48

Council's nominations for these important local safety and accessibility improvements.

Options

1. Adopt the recommendation
2. Not accept the recommendation. This is likely to result in the works not proceeding, resulting in ongoing concerns in the community regarding local safety and accessibility.

Background

Two new Active Transport projects have been approved in 2018-19 totalling \$50,000;

Project Description	Amount funded by RMS 2018-19	Amount provided by Council 2018-19	Total Cost
End user facilities (bike racks) 5 locations city wide	\$10,000	\$10,000	\$20,000
Kerb ramps – 3 locations city wide	\$15,000	\$15,000	\$30,000
Totals	\$25,000	\$25,000	\$50,000

Locations for bike racks have previously been determined in consultation with community consultative bodies, however priorities can change. Given the timing of the announcement of the funding, consultation is currently being undertaken for the following locations to be constructed prior to June 2019;

- Chris Creek, Sussex Inlet (adjacent to shared path and picnic facilities), adding value to the current shared path bridge project
- Huskisson, adjacent to Portside Café (near Huskisson wharf)
- Wowly Creek access (end of Monarch Place), Callala Bay
- Moona Moona Creek reserve (adjacent playground)
- Centre Street, Callala Beach (adjacent to community hall and public toilets)

The locations for the kerb ramp projects have been recommended by the Inclusion and Access Advisory Group (amending existing kerb ramps that don't comply with accessibility standards), the projects to be constructed prior to June 2019, include;

- Kerb ramps, Nowra (two locations; intersections of Berry Street and Bice Road, and Worrige Street and Nowra Lane)
- Kerb ramps, Bomaderry (intersection of Bunberra Street and Dalwah Street)
- Kerb ramps, Huskisson (intersection of Sydney Street and Field Street)

Four new Active Transport projects have also been approved in 2019-20 totalling \$1,213,800.

SA19.48

Project Description	Amount funded by RMS 2019-20	Amount provided by Council 2019-20	Total Cost
Deering St, Ulladulla – off road Shared User Path – Complete the extension to Ulladulla Lighthouse (Stage 2 of the project)	\$290,000	\$290,000	\$580,000
Off road Shared User Path linking St Georges Basin to Sanctuary Point (complete missing link)	\$135,000	\$135,000	\$270,000
The Springs Road, Cudmirrah – Shared User Path Bridge (survey, design, cost estimation only)	\$37,500	\$12,500	\$50,000
Pedestrian Accessibility Improvements (including kerb ramps and extensions) – Intersection of South St & Princes Hwy, Ulladulla	\$156,900	\$156,900	\$313,800
Totals	\$619,400	\$594,400	\$1,213,800

SA19.48

The Springs Road shared user path bridge project is for project development only, with the intention that a further grant application would be made for construction of the shared user path bridge once the project is properly designed and costed.

Community Engagement

Community engagement was undertaken to date for all of the projects that Council had originally nominated (including consultation with directly affected properties and community consultative bodies), however community priorities can change.

Given the timing of the announcement of the funding, some locations for bike racks will be changing (to the list detailed above in the report), and consultation is currently being carried out with affected community consultative bodies. This will not affect the funding. The RMS is supportive of these changes which reflect current community priorities.

Policy Implications

N/A

Financial Implications

When the State Government originally did not approve any new Active Transport projects for Shoalhaven City in 2018-19 (due to the amount of funding allocated to Council for “Round the Bay” projects in 2017-18), the funding that Council had reserved in the 2018-19 budget for matching Active Transport funding was reallocated in the first quarter budget review process to address a high PAMP priority, that being completion of a footpath long Beach Road in Mollymook. This project had emerged as a high community priority following the recent completion of a shared user path along Mitchell Parade terminating at Beach Road.

Due to the constraints in Beach Road the design of the project is still being completed and additional funds will be required to allow completion of construction in 2019-20 (the additional funds have been allocated in the draft budget).

In February 2019 the NSW State Government made an announcement that Council's Active Transport projects were now being approved. However, because of the lateness of the announcement, Council had to request that the approved projects be split over 2018-19 and 2019-20. Only the bike racks and kerb ramps projects were able to be accommodated in the 2018-19 program, the larger projects had to be scheduled into the 2019-20 program.

NSW Government Active Transport Projects are typically 50% funded by the NSW State Government (for construction projects). Project development projects (such as The Springs Road shared user path bridge project) can be approved with the NSW State Government funding up to 75%.

Council previously resolved (in 2017) to allocate matching funding in its delivery plan for matching active transport grants in accordance with the adopted strategy.

A further report to Council will be provided later in 2019 to consider an updated strategy (this is to obtain Council's direction for continuing to seek further available grant funding for priority shared user paths and pedestrian crossing improvements, city wide).

In light of the current offer being made by the NSW Government for the above-mentioned Active Transport projects;

- \$25,000 is required to be allocated by Council as its share of funding for the approved 2018-19 bike rack and kerb ramp projects (available from savings on the Beach Road, Mollymook path project which will now require completion of design in 2018-19 and completion of construction in 2019-20, and this construction work is listed in the draft 2019/2020 Capital Works Budget); and
- In addition to matching funding already allocated in the draft 2019-20 budget, an additional \$594,400 is included in the draft 2019-20 budget to provide the additional funds required to deliver the approved 2019-20 active transport projects.

Risk Implications

N/A

SA19.49 Ratepayer Advance Agreement - Kerb & Gutter Construction - 41 Basin View Pde Basin View

HPERM Ref: D19/96468

Group: Assets & Works Group
Section: Works & Services

Purpose / Summary

The purpose of this report is to allow Council to consider a ratepayer's advance proposal for Kerb and Gutter works at 41, 43, 45 Basin View Parade, Basin View.

Recommendation

That

1. Council amend the resolution of 22 January 2019 to enter into a Ratepayers Advance Agreement, executed under the Seal of Council with:
 - a. D L Mood of 41 Basin View Parade, Basin View (postal address is # 43) in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
 - b. D L Mood of 43 Basin View Parade, Basin View (same as postal address) in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
 - c. C J Hobbs of 45 Basin View Parade, Basin View (Postal Address: PO Box 127, St Georges Basin) in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
2. The Common Seal of Council of the City of Shoalhaven be affixed to any documentation required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

Options

1. Council accept the recommendation as presented.

Implications: Council will be contractually bound to repay contributions plus interest as per the Policy. The ratepayers and Council will benefit from the proactive efforts of ratepayers to improve drainage, appearance and access to properties and it may minimise erosion of the existing road verge.

2. Council not accept the recommendation, giving reasons and propose an alternative resolution.

Implications: Residents will be without kerb & gutter infrastructure and may be disappointed in the outcome.

SA19.49

Background

Council has in place a program whereby Ratepayers can pay the full cost of the provision of kerb and gutter along a public road adjacent to their land, where ratepayers wish to have kerb and gutter ahead of Council's planned program. Under the program Council enters into a formal agreement with the ratepayer, for them to advance to Council the full cost of the work and for Council to repay Council's component of cost, after a period of 5 years with interest.

Council at its meeting on 29 January 2019 resolved as follows (MIN19.27):

Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council, with:

D L Mood of 43 Basin View Parade, Basin View (same as postal address) in respect of Kerb and Gutter construction to the value of \$7,330.44 (advance) of which \$1,798.32 (excluding GST) is the contribution, \$5,532.12 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$6,915.15.

C J Hobbs of 45 Basin View Parade, Basin View in respect of Kerb and Gutter construction to the value of \$7,330.44 (advance) of which \$1,798.32 (excluding GST) is the contribution, \$5,532.12 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$6,915.15.

Since that meeting D L Mood of 43 Basin View Parade purchased 41 Basin View Parade and has requested that kerb & gutter be extended to 41 Basin View Parade. The overall length over the three properties increased from 30.48 metres to 45.72 metres therefore reducing the overall cost to the ratepayer. Ratepayer Loan / Advance rate is \$377.00 per metre (<45 mt) and \$262 per metres (>45mt).

Policy Implications

Nil. The proposal presented in this report conforms to the policy.

Financial Implications

The total "debt" that Council will repay including interest at 5% will be \$14,973.30 total repayment for all three properties, and this payment will be automatically returned to the effected ratepayers. The Council contribution to the work has been into built into the Long Term Financial Plan as a payment due in the 2024/25 financial year.

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.