



City Administrative Centre
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For more information contact the Assets & Works Group

Road Verge Improvements & Maintenance Policy

Policy Number: POL15/55 • **Adopted:** [Click here to enter date] • **Minute Number:** [Click here to enter Minute number] • **File:** 33027E • **Produced By:** Assets & Works Group • **Review Date:**

1. PURPOSE

This policy outlines Shoalhaven City Council's (Council) scope of activities in the road verge and clarifies the property owner's requirements regarding improvements and maintenance of this public land.

Residents are encouraged to maintain the verge area, directly in front of their property, to contribute to their community's amenity. In most instances, this will include mowing of lawn grass and their driveway crossing.

Council will only undertake works on the verge to ensure public safety, make capital improvements (e.g. install pathway) or undertake maintenance of the Council drainage system (excluding roof water lines) and road shoulder.

2. STATEMENT

The verge or nature strip is the area of public land between the property boundary and the back of kerb or edge of road.

Council recognises that the primary purpose of the verge is for use by pedestrians and accommodate utility services (e.g. water, sewer & telecommunications). Traditionally, the maintenance of the verge is a shared responsibility between Council and its residents. This allows Council to maximise the use of its resources on public lands that are enjoyed by all members of the community.

This policy incorporates Council's powers under Sections 98, 138 & 218 of the Roads Act and applies to all road reserves of which Council is the Road Authority, as defined by the Act, or has care and control.

3. PROVISIONS

3.1. Verge Improvements

- For driveways, landscaping or any works in the road reserve in front of their property and side (for corner allotments), property owners must seek Council approval by submitting an *Application for Consent for Works & Structures in/on a public road*. Further details and the application form are available on Council's website.

- These works are known as *Verge Improvements* and are provided at the full cost of the property owner.
- Council approval is not required for placement / growing of lawn grasses or minor maintenance activities, such as mowing.
- Verge Improvements in the verge must:
 - not obstruct the use of the verge by pedestrians. An area for pedestrians, min 1.5m wide of flat grass or compacted material must be provided;
 - not include vegetation or structures that limit the safe sight distances for drivers using the road or drivers entering / exiting properties. Generally, up to 2 appropriate street trees will be supported for planting in the road verge ;
 - be constructed in accordance with approved plans and specifications;
 - not impede the flow of stormwater drainage;
 - use vegetation (grass, shrubs & trees) that are appropriate for the location. Vegetation selection considerations include the impact on (short term and long term) infrastructure and pedestrian safety. A list of appropriate street trees is available on Council's website.
 - consider the presence of underground services and any development that may be damaged by works associated by those services.
- Property owners are responsible for the construction and maintenance of a driveway crossing from the kerb and gutter, including the construction of the layback or road shoulder to their property boundary.
- The construction of the crossing must be in accordance with Council standard drawings (available on Council's website) or otherwise approved by Council.

3.2. Scope of Councils Maintenance Activities

- Council maintains the road formation, being the road pavement to the kerb and gutter, the kerb and gutter, drainage structures, pathways and ancillary structures (e.g regulatory signage);
- On roads where there is no kerb and gutter, Council maintenance includes the road shoulder and road side open drains (swale drains). The shoulder is the nominal 0.5m to 1.0m wide section of road adjoining the travel lanes. It may be bitumen sealed or unsealed (exposed gravel) or grassed.
- Maintenance of the swales will be undertaken as needed to maintain the flow of stormwater. Culverts installed in the swales by property owners as part of their driveway crossing are not maintained by Council. Council may clear debris from the culverts to improve the flow of drainage.
- Council may undertake mowing of verges in rural areas to limit the encroachment of vegetation.

- Council does not construct or maintain driveway crossings.
- Trees that are located on the verge are maintained by Council - refer to Council's Tree Management Policy.

3.3. Property Owners Responsibilities

- Property owners must seek approval from Council for any works on the verge, except as stated in Section 3.1 of this policy.
- Each property owner shall maintain the verge at the front and the side (for corner allotments) which in most instances will include mowing and edging of grass, but also include other improvements installed by the property owner and the lawful disposal of any rubbish.
- Property owners must maintain the verge, including the driveway crossing in a safe condition so not to impact the safe use of the verge by other road users and not impede the flow of stormwater.
- Repair and maintenance of their fences that are damaged by road side tree falls.

3.4. Verge Reinstatement

Where a verge improvement (that is provided by the property owner) is damaged by a Service Authority, the property owner must negotiate with the Service Authority about rectification works.

Where Council's activities impact the verge, Council will reinstate the verge to the same standard that existed prior to the commencement of work. Reinstatement of any verge improvement only applies to improvements that were approved by Council.

3.5. Un-satisfactory works in the Verge

- Where Council assesses vegetation, works or structures in the verge are impacting the safe and proper use of the verge, Council will request the property owner to take action to remedy the issue. Issues may include, but not limited to:
 - Overgrown vegetation or landscape (approved or not) that is impacting the driver sight lines, delineation of the road edge and / or pedestrian movements.
 - Driveways, including pipe culverts that block or impede the flow of stormwater.
- Council will, in accordance with Road Act (Section 98) instruct the property owner to alter any works in the road reserve within 28 days. Council may alter the works if there is no action by the owner, at no cost to the owner.
- Council may, under the Roads Act (Section 218), instruct a property owner to construct, improve or repair a driveway crossing in the verge. Council may undertake this works and seek to recover the cost from the property owner.
- Where material (e.g. gravel, sand) is washed or blown onto the road or pathway from a property access, Council may, in accordance with Section 95 of the Roads Act, issue a direction to the owner to remove the material and prevent it recurrence.

4. REVIEW

This policy shall be reviewed:

- Within 12 months of the date of the election of a new Council; or
- Every 4 years; or
- As directed by Council; or
- A change occurs to legislation that affects the policy.

5. APPLICATION OF ESD PRINCIPLES

To ensure consistency with Council's economic, social and environmental objectives due consideration shall be given to the communities best interest.

DRAFT

Janice Davidson

From: max boyd <yattapark@bigpond.com>
Sent: Monday, 26 October 2015 8:26 PM
To: Council Email
Subject: Public Document Submission - Draft Road Verge Improvements

Exhibition: Draft Road Verge Improvements

Name: max boyd

Address: e720 princes highway yatteyattah 2539

Comments: repair fences from roadside tree falls--- can you put in something about the tree if council was requested to prune or cut down the tree and it didn't happen also if sand or gravel is blown or washed onto road== does this cover sand or gravel blown or washed from the road onto private property (is that council responsibility) is there another document about road verge tree trimming and grass control that is council responsibility?

Phone: 0427401001

Email: yattapark@bigpond.com

Janice Davidson

From: Megan Birmingham <Megan.Birmingham@shoalhaven.nsw.gov.au>
Sent: Tuesday, 3 November 2015 4:30 PM
To: Records
Subject: FW: Shoalhaven City Council Draft Policy - Road Verge Improvement & Maintenance Policy (15/55) [SEC=UNCLASSIFIED]

Dear records

This is a comment (rather than a submission) on the Draft Policy – Road Verge Improvement & Maintenance Policy. Please trim to the submissions file.

Regards
Megan

Megan Birmingham

Fire Mitigation/Bushland Management Officer
Shoalhaven City Council

02 4429 3133 | 0412189718
Bridge Rd (PO Box 42) Nowra NSW 2541
megan.birmingham@shoalhaven.nsw.gov.au
www.shoalhaven.nsw.gov.au



From: Dunlop, Andrew MR 1 [mailto:andrew.dunlop1@defence.gov.au]
Sent: Tuesday, 3 November 2015 1:26 PM
To: Mark Williams <Mark.Williams@rfs.nsw.gov.au>; Booderie NP Representative - Stuart James <stuart.james@environment.gov.au>; MacKen, Holly MRS <holly.macken@defence.gov.au>; DPI Lands Representative - Jon Guyver <jon.guyver@crownland.nsw.gov.au>; Essential Energy Representative - David Bellew <david.bellew@essentialenergy.com.au>; Forestry Corporation Representative <julian.armstrong@fcns.w.com.au>; LALC Jerrinja Representative - TBA <jlalc@bigpond.com>; LALC Nowra Representative - TBA <nowralalc@bigpond.com>; LALC Ulladulla - Shane Carriage <admin@ulladullalalc.com.au>; Megan Birmingham <Megan.Birmingham@shoalhaven.nsw.gov.au>; Kelie Lowe <Kelie.Lowe@shoalhaven.nsw.gov.au>; Council Email <Council@shoalhaven.nsw.gov.au>; NPWS Observer - Damien Dubrowin <damien.dubrowin@environment.nsw.gov.au>; Greg Tedder - NPWS <Greg.Tedder@environment.nsw.gov.au>; NSW Farmers Assoc Representative - Colin Shea <cpshea@bigpond.net.au>; Gooley, Paul <Paul.Gooley@rfs.nsw.gov.au>; Lyndal White <lyndal.white@rfs.nsw.gov.au>; RFS Volunteer Representative - Ron Rollinson <rolly@shoal.net.au>; Steve McKinnon <Steve.McKinnon@rfs.nsw.gov.au>; Sydney Catchment Authority - Tony Kondek <tony.kondek@sca.nsw.gov.au>
Cc: Clarke, Garry MR <garry.clarke@defence.gov.au>
Subject: RE: Shoalhaven City Council Draft Policy - Road Verge Improvement & Maintenance Policy (15/55) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Mark,

Having been briefed by Steve, there could indeed be implications for Defence as a landholder adjoining council roads. I will need to escalate within Defence, noting however that submissions closed last Friday. Thanks for bringing this to our attention.

Yours

*Andrew***ANDREW DUNLOP**

Base Support Operations Manager
HMAS Creswell
Estate and Infrastructure Group -SNSW

Phone: (02) 4429 7824

Mobile: 0459 806 838

 Please consider the environment before printing this e-mail

From: Mark Williams [<mailto:Mark.Williams@rfs.nsw.gov.au>]

Sent: Friday, 30 October 2015 14:31

To: Booderee NP Representative - Stuart James; MacKen, Holly MRS; Dunlop, Andrew MR 1; DPI Lands Representative - Jon Guyver; Essential Energy Representative - David Bellew; Forestry Corporation Representative; LALC Jerrinja Representative - TBA; LALC Nowra Representative - TBA; LALC Ulladulla - Shane Carriage; Local Authority Environmental Observer - Megan Birmingham; Local Authority Environmental Representative - Kellie Lowe; Local Authority Mayor/Councillor Representative; Mark Williams; NPWS Observer - Damien Dubrowin; NPWS Representative - Greg Tedder; NSW Farmers Assoc Representative - Colin Shea; Paul Gooley; Lyndal White; RFS Volunteer Representative - Ron Rollinson; Steve McKinnon; Sydney Catchment Authority - Tony Kondek
Subject: Shoalhaven City Council Draft Policy - Road Verge Improvement & Maintenance Policy (15/55)

Good Afternoon

Please see attached copy of a Draft Shoalhaven City Council Policy on Road Verge Improvement & Maintenance.

This has potential to impact on various land owners and managers within the Shoalhaven in respect to improvements and maintenance on adjoining Council owned/managed lands.

It would be most appreciated if you would provide feedback on any impact of the attached draft (SCC) policy on your organisation or representative groups, particularly in relation to overgrown vegetation within an adjoining road reserve.

Kind Regards

Supt. Mark Williams
Executive Officer

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NSW RURAL FIRE SERVICE



Shoalhaven City Council
C/- General Manager Russ Pigg
PO Box 42
NOWRA NSW 2541

Your reference
Our reference

30/10/2015

Dear Mr Pigg

Shoalhaven City Council (SCC) Draft Policy - Road Verge Improvement & Maintenance Policy (15/55)

The draft policy as exhibited appears to show Council's intention to alter responsibility for maintenance of vegetation on SCC managed/controlled road reserves (including rural roads) from SCC to the adjoining owner.

The draft policy is not clear whether there is a distinction in application of the draft policy between private land owners adjoining a road reserve and public land managers (including the Commonwealth) adjoining a road reserve.

A copy of the draft policy has been forwarded to members of the Shoalhaven BFMC seeking comment particularly in regard to the proposed change in responsibility to maintain same by the adjoining land.

Mark Williams
District Manager
Shoalhaven

Postal address

NSW Rural Fire Service
Shoalhaven District
PO Box 372
NOWRA NSW 2541

Street address

NSW Rural Fire Service
Shoalhaven District
92 Albatross Road
NOWRA NSW 2541

T (02) 4424 4424
F (02) 4421 7576
E shoalhaven@rfs.nsw.gov.au
www.rfs.nsw.gov.au

D15/324333

Steve McKinnon
88 Suffolk Rd
TOMERONG 2540
30 October 2015

The Manager
Shoalhaven City Council
PO Box 42
NOWRA, 2541

Draft Road Verge Improvement & Maintenance Policy (Policy 15/55)

Dear Sir/Madam

I write to make some objections to the Draft Policy 15/55.

The Draft Policy suggests that overgrown vegetation within the road reserve is the responsibility of the adjoining property owner (3.3 property owner must maintain the verge, 3.5 Council will request the property owner to remedy overgrown vegetation). As 3.2 Dot 6 states that "trees that are located on the verge are maintained by Council" then 3.3 and 3.5 referred to above, it is assumed, would only include overgrown vegetation that is not a "tree".

I own a rural property with approximately 900m road frontage and I strongly disagree with Council's suggestion that the responsibility for maintenance of overgrown vegetation within that road reserve that impedes pedestrian access or impedes vehicle use of the road should rest with me. I strongly disagree with Council's expectation (suggested by its Draft Policy) that other rural land holders with similarly lengthy road frontages have the same responsibility on land that they do not own or have proprietary rights. Shoalhaven City Council has an extremely poor track record with regard to its maintenance procedures and/or frequency of maintenance within rural road reserves and it would appear that rather than seek to improve its performance it is attempting to pass over its responsibilities to other parties.

The draft policy also indicates that "trees that are located on the verge are maintained by Council" (3.2 Dot 6) but that "repair and maintenance of their fences that are damaged by roadside tree falls" (3.3 Dot 4) is the responsibility of the adjoining property owner. Council already enjoys some extensive protection from liability under the Dividing Fences Act 1991 however implementation of the Draft Policy would mean that Council would have to act contrary to the Draft Policy if it were to enter into an agreement under s25(2) of that Act to repair a fence damaged by a tree falling from a road reserve over an adjoining owner's fence even if the falling of the tree was caused by action(s) of Council. It would appear that Council is simply attempting to strengthen its position regarding liability reduction from negligent or deliberate actions that Council may take in the future.

Council's protection under the Dividing Fences Act is more than adequate and it is unreasonable, and could possibly be considered an abuse of power, to attempt to extend that protection as Council proposes.

Regards

A handwritten signature in black ink, appearing to read 'Steve McKinnon', with a long horizontal flourish extending to the right.

Steve McKinnon



Free Immunisation Clinics

for Children 0 - 5yrs
Planning & Development Services Group

CLINICS will be held at the following locations every month at the nominated times.

FIRST TUESDAY of the month	FIRST WEDNESDAY of the month	FIRST THURSDAY of the month
SUSSEX INLET Neighbourhood Centre Time: 10.00 am – 11.00 am	BOMADERRY St Stephens Anglican Church Time: 9.30 am – 11.00 am	NOWRA Library Ground Floor Meeting Room Time: 5.00 pm – 7.00 pm
ULLADULLA Civic Centre (81B Princes Hwy) Time: 11.45 am – 1.15 pm	CULBURRA Community Health Time: 12.00 pm – 1.00 pm	Parents and Children are requested to remain at the Clinic for 15 minutes after immunisation. FOR ENQUIRIES CONTACT: Environmental Services Section of Shoalhaven City Council, Phone 4429 3453 .
SANCTUARY POINT Bay & Basin Youth & Community Centre Time: 2.30 pm – 4.00 pm	EAST NOWRA Neighbourhood Centre (Park Rd.) Time: 1.45 pm – 2.30 pm	
	NOWRA Library Ground Flr Meeting Room Time: 4.00 pm – 5.00 pm	

Last appointment is 15 minutes before clinic closes

1780/12/15



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Last appointment is 15 minutes before clinic closes

1780/12/15

**Health****Illawarra Shoalhaven
Local Health District
Public Health Unit**

Mr Russ Pigg,
The General Manager
PO Box 42
Nowra NSW 2541

Shoalhaven City Council
Received

Attention: Shane Pickering - Environmental Health Unit Manager

12 February 2016

18 FEB 2016

File No. 1869E

Referred to: D. Rigoni

Shoalhaven Immunisation Clinic

The Shoalhaven Immunisation Clinics have been running for many years and providing free vaccinations to children under 5 years in the Shoalhaven Local Government Area. Vaccination of children remains a priority and the clinics have been a successful collaboration between Shoalhaven City Council and Illawarra Shoalhaven Local Health District.

However, as parents and guardians are increasingly using the services of their local General Practitioner and the availability of bulk-billing services, the number of people attending the clinics has fallen significantly. This has reduced the cost effectiveness of the clinics and in consultation between Shoalhaven City Council and the Public Health Unit, Illawarra Shoalhaven Local Health District, it has been agreed to close the clinics as of 30 June 2016

As the immunisation clinics were only serving a small portion of the population, 261 children throughout the whole of 2015, access to immunisation in the Shoalhaven would not be affected, which is supported by the high rate of vaccination, at around 93%, in the region. The Public Health Unit will continue to work to provide suitable services to vulnerable populations in the community.

I would like to acknowledge the important role of Shoalhaven City Council in promoting and increasing vaccinations rates in Shoalhaven Region over the years, and would also like to thank all the staff involved for their hard work and commitment.

Yours Sincerely,

Curtis Gregory
Director

Illawarra and Shoalhaven Public Health Unit

ATTACHMENT 'A'

Ordinary Meeting 15 March 2016 - Item 38

Sheet 1 of 1 attached

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

PLAN FURNISH 4 (A4)

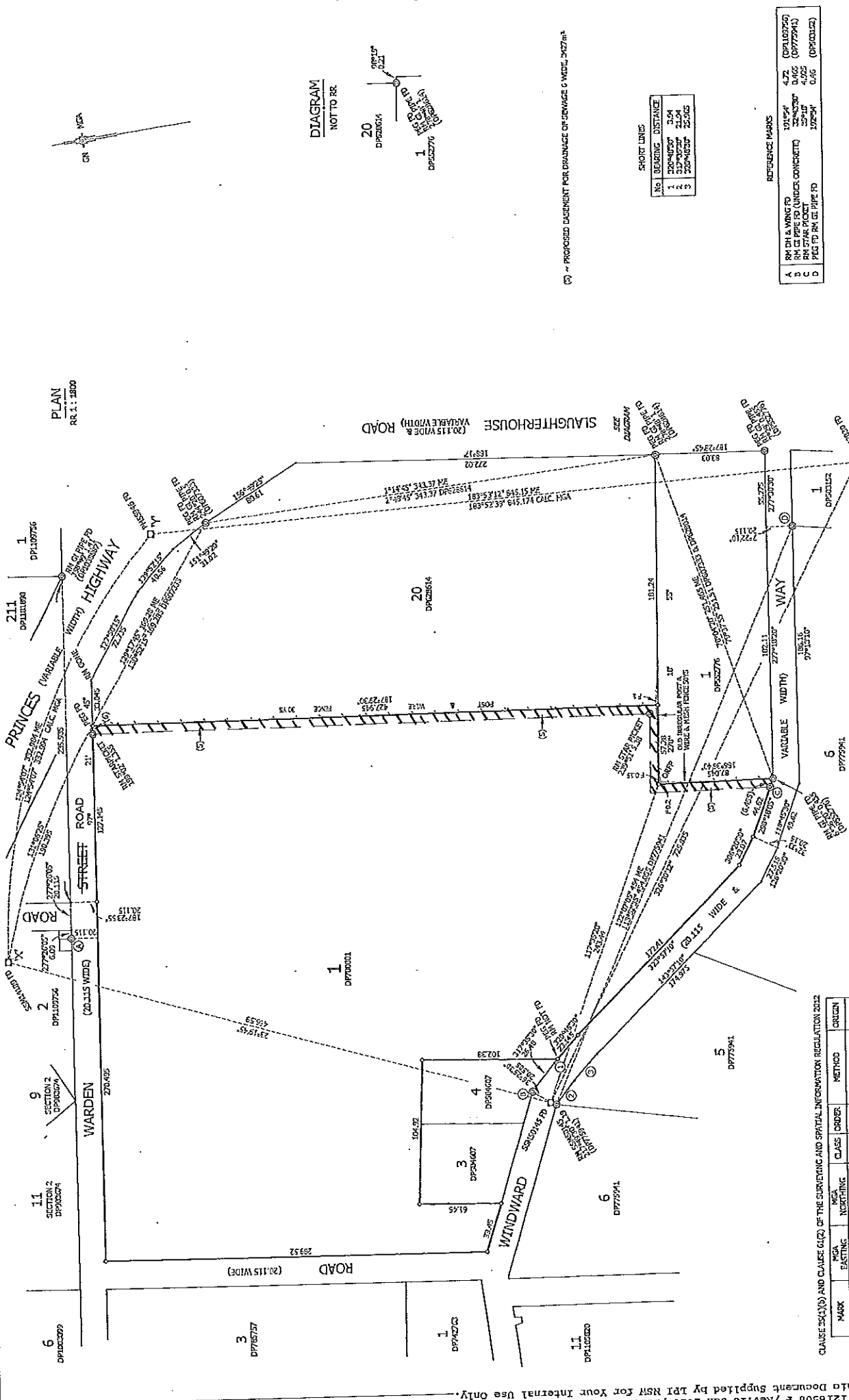
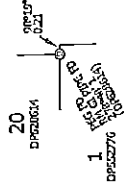


DIAGRAM NOT TO BE



(C) - PROPOSED EASEMENT FOR DRAINAGE OF SERVICE & WIDE 2427m

NO	BEARING	DISTANCE
1	100°40'30"	3.04
2	337°30'30"	21.04
3	330°46'30"	25.00

REFERENCE MARKS

MARK	MARKING	COORDINATES
1	RM CH & WING TO	101594 4.72 (DP1037250)
2	RM CH PIPE TO (UNDER CONCRETE)	101594 4.92 (DP1037250)
3	RM CH PIPE TO (UNDER CONCRETE)	101594 4.92 (DP1037250)
4	RM CH PIPE TO (UNDER CONCRETE)	101594 4.92 (DP1037250)
5	RM CH PIPE TO (UNDER CONCRETE)	101594 4.92 (DP1037250)

DP1216506

Registered 18.1.2016

L.C.A.: SHOUHAVEN
Locality: MILTON
Subdivision No.:
Lengths are in metres
Reduction Ratio 1: 1000

PLAN OF PROPOSED EASEMENT FOR DRAINAGE
OF SEWAGE AFFECTING LOT 1 DP780001.

Surveyor: GRAHAM A. BEASLEY
Date of Survey: 15.12.2015
Surveyor's Reference: U16437

CLAUSE 35(1)(b) AND CLAUSE 61(2) OF THE SURVEYING AND SPATIAL INFORMATION REGULATION 2012

MARK	MARKING	CLASS	ORDER	METHOD	ORIGIN
SSM1430	267 702 . 023	6 007 774 . 210	0	FROM SCMS	SCMS
SSM1430	267 702 . 023	6 007 774 . 210	0	FROM SCMS	SCMS
SSM1430	267 702 . 023	6 007 774 . 210	0	FROM SCMS	SCMS
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NOTE - THE POSITIONS OF SCMS AND PMS ARE DIAGNOSTIC ONLY

Scale (mm)	10	20	30	40	50	60	70	80	90	100	110	120	130	140	150
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ADOPTED AT COUNCIL MEETING HELD ON TUESDAY 15 DECEMBER 2015

793. Acquisition of Easement for Drainage of Sewage at Milton File 49812E

That:

- a) Council resolve to acquire an Easement for Drainage of Sewage 6 wide over Lot 1 DP780801 at Milton, as shown by hatching on copy of sketch plan marked Attachment 'A', under the Local Government Act 1993.
- b) Council pay compensation of \$10,500, plus GST if applicable, and reasonable legal costs associated with the acquisition in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Sewer Fund.
- c) Should agreement not be reached with the landowner, Council to acquire the easement by the compulsory process, in accordance with the Land Acquisition (Just Terms Compensation) Act, with compensation being determined by the Valuer General. The necessary application is to be made to the Minister for Local Government and the Governor.
- d) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.