

## SHOALHAVEN CITY COUNCIL

### STRATEGY AND ASSETS COMMITTEE

To be held on Tuesday, 14 June, 2016  
Commencing at 4.00 pm

8 June, 2016

Councillors,

#### NOTICE OF MEETING

You are hereby requested to attend a meeting of the Strategy and Assets Committee of the Council of the City of Shoalhaven, **to be held in the Council Chambers at the City Administrative Centre, Bridge Road, Nowra on Tuesday, 8 June, 2016 commencing at 4.00 pm** for consideration of the following business.

R D Pigg  
General Manager

#### Membership (Quorum – 5)

Clr Wells – Chairperson

All Councillors

General Manager or nominee

#### BUSINESS OF MEETING

1. **Apologies**
2. **Adoption of Minutes of Previous Meeting**
3. **Declarations of Interest**
4. **Mayoral Minutes**
5. **Deputations**
6. **Report of the General Manager**
  - Corporate and Community Services
  - Assets and Works
  - Planning and Development
  - Shoalhaven Water
7. **Notices of Motion**
8. **Addendum Reports**
9. **Confidential Report of the General Manager**

#### Delegation:

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

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

## Schedule

1. Make recommendations to Council and consider, formulate, review and adopt policies in relation to Council's corporate & community planning under Part 2 of Chapter 13 of the LG Act, asset management and in connection with the other functions listed in this Schedule and in particular to make recommendations to Council in respect of the content of Council's community strategic plan, delivery program, resourcing strategy and operational plan within the meaning of Part 2 of Chapter 13 of the LG Act;
2. Make recommendations to Council and consider, formulate, review and adopt Council policies, plans and strategies other than those in respect of town planning and environmental matters, and any other matter referred to the Committee by the General Manager.
3. Make recommendations in respect of the introduction of new fees or charges or the alteration of existing fees and charges for inclusion in the Council's next operational plan within the meaning of s405 of the LG Act;
4. Monitor, review and consider matters relating to the operations and strategic direction of Council's Holiday Haven Tourist Parks Group;
5. All functions in respect of the management of, and facilities provided on Crown Land in respect of which Council is the 'reserve trust manager' within the meaning of s92 of the *Crown Lands Act 1989*, and the making of recommendations to Council regarding such matters where the function cannot be delegated by Council;
6. Provision of corporate direction to the Shoalhaven Water Group in respect of powers delegated to it by Council regarding the construction, alteration or maintenance of water and sewerage works, effluent works and pump out removal;
7. Authorise the expenditure of funds raised under s64 of the LG Act within the limits outlined in, and in accordance with Council's adopted Development Servicing Plan and other relevant adopted Council policies;
8. Make recommendations to Council in respect of fees and charges for water and wastewater services provided by Council;
9. Develop, implement, review and adopt strategic policies for water, sewerage and effluent operations of Council;
10. Undertake preliminary investigations (feasibility, cost benefit, risk analysis, etc) into development opportunities for Council's strategic land holdings and make recommendations to Council.
11. Review and make recommendations to Council in relation to:
  - a) The sale prices of land in connection with residential and industrial Council subdivisions;
  - b) The sale of Council property or the purchase or resumption of land;
  - c) The compensation to be offered in respect of land resumed by Council; and
  - d) Properties leased or rented by Council, other than those delegated to the General Manager for approval and execution in accordance with MIN14.912 and MIN15.237 of the Council.

Note: The attention of Councillors is drawn to Section 451 of the Local Government Act and Regulations and Code of Conduct regarding the requirements to declare pecuniary and non-pecuniary Interest in matters before Council.

### Cell Phones:

Council's Code of Meeting Practice states that "All cell phones are to be turned off for the duration of the meeting".

# LOCAL GOVERNMENT ACT 1993

## Chapter 3

### Section 8(1) - The Council's Charter

(1) The council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- to promote and to provide and plan for the needs of children
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- to have regard to the long term and cumulative effects of its decisions
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
- to keep the local community and the State government (and through it, the wider community) informed about its activities
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
- to be a responsible employer.

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**MINUTES OF THE STRATEGY AND ASSETS COMMITTEE MEETING HELD ON TUESDAY, 10 MAY, 2016 IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 4.00 PM.**

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The following members were present;

Clr Gash – Chairperson  
Clr Tribe – Chairperson from 5.47pm – 5.52pm, left 6.09pm  
Clr Kearney  
Clr Anstiss  
Clr White  
Clr Baptist  
Clr Findley  
Clr Guile  
Clr Kitchener  
Russ Pigg – General Manager

1. Election of Acting Chairperson

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MOTION: Moved: Baptist / Second: White

RESOLVED that Clr Gash be appointed as the Acting Chairperson for the meeting of Strategy and Assets Committee, held on Tuesday 10 May 2016.

CARRIED

Apologies:

Apologies were received from Clr Wells, Clr Watson, Clr Robertson

2. Confirmation of the Minutes of the Strategy and Assets Committee meeting held on Tuesday 12 April 2016

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MOTION: Moved: Baptist / Second: White

(MIN16.348) RESOLVED that the Minutes of the Strategy and Assets Committee meeting held on Tuesday 12 April 2016 be confirmed.

CARRIED

3. Deputations

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Mrs Dawn Thompson addressed the Committee in relation to Item 21, Page 69 – Collingwood Beach Dune Vegetation Management.

Ms Doris James addressed the Committee in relation to Item 22, Page 75 - Request for Refund of Development Application Fees – Masterplan/Staged Development Application for

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Upgrade of Facilities at Lot 101 DP 751273 (Por 101) 170 Riversdale Road, Lot 227 DP 751273 (Por 227) Bundanon Road and Lot 7315 DP 1166783, Illaroo.

4. Procedural Motion – Bring Forward Items

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MOTION: Moved: Baptist / Second: White

RESOLVED that the following matters be brought forward for consideration:

- Item 21, Page 69 - Collingwood Beach Dune Vegetation Management
- Item 22, Page 75 - Request for Refund of Development Application Fees – Masterplan/Staged Development Application for Upgrade of Facilities at Lot 101 DP 751273 (Por 101) 170 Riversdale Road, Lot 227 DP 751273 (Por 227) Bundanon Road and Lot 7315 DP 1166783, Illaroo

CARRIED

**PLANNING AND DEVELOPMENT**

5. (Item 21, Page 69) Collingwood Beach Dune Vegetation Management File 9929E

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This item was brought forward for consideration.

MOTION: Moved: Baptist / Second: Tribe

(MIN16.349) RESOLVED that in accordance with the delegated authority of Council the Committee, that Council:

- a) Endorse the draft Collingwood Beach Dune Vegetation Management Plan with the following variations added
  - i) Zone 5 – Thin/prune 50%-70% low shrubs/trees within the 1.5m – 2.5m view window,
  - ii) Zone 5 prune trees and tall shrubs to a height 1m-1.5m
  - iii) All vandalism signs to be removed once the plan is formally adopted by council.
- b) Place the draft Collingwood Beach Dune Vegetation Management Plan on public exhibition for a period of six (6) weeks and report back to Council the outcome of the public exhibition.
- c) Establish a 50m demonstration site at the end of Susan Street, Vincentia prior to the exhibition period to facilitate the understanding and visualisation of the proposed management zone for this area.
- d) Allocate \$5,000 budget to achieve the 50m demonstration site at Susan St.
- e) Report back on the proposed schedule of delivery and costings to deliver the CBDV Plan, the ongoing 5 year management and maintenance activities, with options that might include:

- 
- i) funding from the general fund, a special rate levy ( noting that IPART approval would be necessary if this was in addition to the rate peg limit),
  - ii) support funding of works by private properties fronting the dune,
  - iii) A staged action plan
  - iv) utilisation and participation of community volunteers in programmed maintenance works.
- f) Ensure appropriate funding up to \$120,000 is placed in the 16/17 budget to activate the plan.

**Note from General Manager:**

In accordance with Section 377(1)(g) of the Local Government Act, 1993, the Strategy and Assets Committee does not hold delegated authority to vote expenditure on works, services or operations of the Council. With respect to the above resolution for this matter, the following should be noted:

- Part d) of the resolution refers to funding of an amount of \$5,000 which is already available in the budget and therefore is confirmed by the resolution:
- Part f) of the resolution is outside the authority of the Committee and therefore is ultra vires and cannot take effect. The Council will need to allocate appropriate funding for this project when considering the implementation of the Collingwood Beach Dune Vegetation Management Plan. This can be dealt with at the conclusion of the exhibition period.

AMENDED MOTION:

Moved: Findley / Second: Kitchener

That in accordance with the delegated authority of Council the Committee, that Council:

- a) Endorse the draft Collingwood Beach Dune Vegetation Management Plan with the following variations added
  - i) Zone 5 – Thin/prune 50%-70% low shrubs/trees within the 1.5m – 2.5m view window,
  - ii) Zone 5 prune trees and tall shrubs to a height 1m-1.5m
  - iii) Replace vandalism signs with other signage stating that this is a significant Dune Vegetation area and any vandalism should be reported to Council.
- b) Place both options of the draft Collingwood Beach Dune Vegetation Management Plan on public exhibition for a period of six (6) weeks and report back to Council the outcome of the public exhibition.
- c) Establish a 50m demonstration site at the end of Susan Street, Vincentia prior to the exhibition period to facilitate the understanding and visualisation of the proposed management zone for this area.
- d) Allocate \$5,000 budget to achieve the 50m demonstration site at Susan St.
- e) Report back on the proposed schedule of delivery and costings to deliver the CBDV Plan, the ongoing 5 year management and maintenance activities, with options that might include:

- 
- i) funding from a special rate levy applies when council can lawfully permitted to do so
  - ii) support funding of works by private properties fronting the dune,
  - iii) A staged action plan

LOST

FOR: Kearney, Findley, Kitchener and Russ Pigg

AGAINST: Tribe, Anstiss, White, Baptist, Guile, Gash

FURTHER AMENDMENT:

Moved: Guile / Second: Kitchener

That the matter be deferred to the next Ordinary Meeting to establish an additional option for community consultation in conjunction with the Collingwood Beach Preservation Group.

LOST

FOR: White, Guile, Kitchener

AGAINST: Tribe, Kearney, Anstiss, Baptist, Findley, Gash and Russ Pigg

MOTION CARRIED

FOR: Tribe, Kearney, Anstiss, White, Baptist, Gash and Russ Pigg

AGAINST: Findley, Guile, Kitchener

**Note 1:** Please refer to above comment by the General Manager.

**Note 2:** A rescission motion was lodged on Thursday 12 May 2016 on this matter and therefore in accordance with the Code of Meeting Practice it will be referred to the next Ordinary Council Meeting 24 May 2016 to be considered.



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6. (Item 22, Page 75) Request for Refund of Development Application Fees – Masterplan/Staged Development Application for Upgrade of Facilities at Lot 101 DP 751273 (Por 101) 170 Riversdale Road, Lot 227 DP 751273 (Por 227) Bundanon Road and Lot 7315 DP 1166783, Illaroo. Applicant: Locale Consulting Pty Ltd Owner: Bundanon Trust File RA15/1002
- 

This item was brought forward for consideration.

MOTION:

Moved: Guile / Second: Findley

RECOMMENDED that in relation to Request for Refund of Development Application Fees – Masterplan/Staged Development Application for Upgrade of Facilities at Lot 101 DP 751273 (Por 101) 170 Riversdale Road, Lot 227 DP 751273 (Por 227) Bundanon Road and Lot 7315 DP 1166783, Illaroo, the total amount of Development Application fees being \$26,587.00, be refunded and be sourced from the Economic Development Budget.

CARRIED

FOR: Anstiss, Baptist, Findley, Guile, Kitchener, Gash and Russ Pigg

AGAINST: Tribe, Kearney, White

#### **COUNCILLOR REPORTS ON CONFERENCES**

7. Tourism Conference 2016 File 4688E
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Note: Clr Guile was absent from the meeting.

MOTION:

Moved: Kitchener / Second: Baptist

(MIN16.350) RESOLVED, under delegated authority, that the Committee receive the report from Clr Kitchener regarding the Tourism Conference 2016 for information.

CARRIED

Note: Clr Gash left the meeting, Clr Tribe assumed the Chair

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## REPORT OF THE GENERAL MANAGER

8. Third Quarter Report on Delivery Program 2015 - 2017 & Operational Plan 2015 - 2016 File 50863E

Note: Cllr Guile and Cllr Gash were absent from the meeting.

MOTION: Moved: White / Second: Anstiss

(MIN16.351) RESOLVED that in accordance with the Committee's delegated authority from Council, the report of the General Manager (Executive Strategy) regarding progress to 31 March 2016 on the 2015/2017 Delivery Program and Operational Plan be received for information, noted and published on Council's website.

CARRIED

9. Councillor Briefings & Confidential Information File 3798E

Note: Cllr Guile returned to the meeting.

Note: Cllr Gash was absent from the meeting

MOTION: Moved: Baptist / Second: Kearney

(MIN16.352) RESOLVED that in accordance with the Committee's delegated authority from Council, Council note the report and reaffirm the requirement for Council officials to respect the requirements of the Code of Conduct and Local Government Act and not disclose confidential information other than for a lawful purpose.

CARRIED

## CORPORATE AND COMMUNITY SERVICES

10. Review of the Local Government Rating System File 8923E

Note: Cllr Gash was absent from the meeting

MOTION: Moved: Baptist / Second: White

(MIN16.353) RESOLVED that in accordance with the Committee's delegated authority from Council, that Council make a submission to the Independent Pricing and Regulatory Tribunal commenting on the matters for discussion as per Attachment A – Issues Paper.

CARRIED

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11. International Youth Day Awards 2016 File 10210E, 1506E

Note: Clr Gash was absent from the meeting

MOTION: Moved: Kearney / Second: White

(MIN16.354) RESOLVED that, in accordance with the Committee's delegated authority from Council, that Council support Shoalhaven Youth Advisory Committee's International Youth Day Awards Dinner and Ceremony.

CARRIED

12. 2016 National General Assembly of Local Government - Voting Delegates File 1077E

Note: Clr Gash was absent from the meeting

MOTION: Moved: Baptist / Second: White

(MIN16.355) RESOLVED that, in accordance with the Committee's delegated authority from Council, that Council nominate Clrs Guile, Wells and White as voting delegate(s) (for the 2016 National General Assembly of Local Government).

CARRIED

13. Local Government NSW Board Executive Election 2016 - Voting Delegates File 28493E

Note: Clr Gash returned to the meeting and resumed the Chair.

Note: Russ Pigg was absent from the meeting.

MOTION: Moved: Findley / Second: White

(MIN16.356) RESOLVED that, in accordance with the Committee's delegated authority from Council, that Clrs Gash, Wells, White and Findley be determined as the voting delegates for the Local Government NSW Board Executives election 2016.

CARRIED

FOR: Tribe, Kearney, Anstiss, White, Baptist, Findley, Kitchener, Gash

AGAINST: Guile

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14. Local Government Conference - IPWEA - 2016 NSW Local Roads Congress File 4688E

Note: Russ Pigg was absent from the meeting.

MOTION:

Moved: Baptist / Second: White

(MIN16.357) RESOLVED that in accordance with its delegated authority from Council the Committee:

- a) Notes the details of the 2016 NSW Local Roads Congress, scheduled for Monday 6 June 2016, in Sydney.
- b) Authorises Councillors to attend the conference within the limits imposed under current policy and such attendance be deemed Council Business.
- c) Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
- d) Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

CARRIED

15. Quarterly Budget Review as at 31st March 2016 File 2127e

Note: Russ Pigg was absent from the meeting.

MOTION:

Moved: Baptist / Second: Kearney

RECOMMENDED that the March Quarterly Budget Review and vote movements outlined in the Quarterly Budget Review Statement be adopted by Council.

CARRIED

16. Investment Policy Review File 23767e

Note: Russ Pigg was absent from the meeting.

MOTION:

Moved: Baptist / Second: White

RECOMMENDED that the amended Investment Policy – Policy POL15/51 be adopted.

CARRIED

FOR: Tribe, Kearney, Anstiss, White, Baptist, Findley, Kitchener, Gash

AGAINST: Guile

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17. Stronger Communities Program Federal Funding Success File 2391E

Note: Russ Pigg returned to the meeting.

MOTION: Moved: Tribe / Second: White

RECOMMENDED that Council:

- a) Accept the Stronger Communities Federal funding grant of \$20,000 to contribute towards the delivery of a learn to ride facility at Sussex Inlet in partnership with the community.
- b) The funds to be placed in a job number 82586 created for the grant.
- c) Write to Federal Member Ann Sudmalis and thank the member for her support of the project.
- d) Write to the delegate of the Stronger Communities Program and thank the delegate for the funding.

CARRIED

18. Local Government Remuneration Tribunal - Determination - Councillor and Mayoral Fees 2016/2017 File 5141E

MOTION: Moved: Baptist / Second: Kearney

RECOMMENDED that Council note the Local Government Remuneration Tribunal review of annual fees and agree to adjust councillor and mayoral fees for the 2016/2017 financial year to \$18,840 and \$41,090 respectively.

CARRIED

FOR: Tribe, Kearney, Anstiss, White, Baptist, Findley, Guile, Gash and Russ Pigg

AGAINST: Kitchener

**ASSETS AND WORKS**

19. Car Park at 36 Owen Street, Huskisson File 35143E

Note: Cllr Kearney was absent from the meeting.

MOTION: Moved: White / Second: Baptist

(MIN16.358) RESOLVED that, in accordance with the Committee's delegated authority from Council, that the Committee resolve not to proceed with the disposal of the 36 Owen Street car park at Huskisson until the Huskisson car parking study is complete and the Huskisson Foreshore Precinct Masterplan has been publicly exhibited and reported back to Council.

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CARRIED

20. Civic Centre Site, Bridge Road, Nowra

File 52523E

Note: Clr Kearney returned to the meeting.

MOTION:

Moved: Gash / Second: Tribe

(MIN16.359) RESOLVED that, in accordance with the Committee's delegated authority from Council, that Staff prepare documentation to go to an Expression of Interest and report back to Council prior to advertising by the next ordinary meeting (24 May 2016) on the key principles of the project.

CARRIED

FOR: Tribe, Kearney, Anstiss, White, Baptist, Gash

AGAINST: Findley, Guile, Kitchener and Russ Pigg

21. Holiday Haven Tourist Parks Management Contract – Shoalhaven Heads Holiday Park  
File 38265E

MOTION:

Moved: White / Second: Baptist

(MIN16.360) RESOLVED that, in accordance with the Committee's delegated authority from Council, that the Committee grant the extension to Davann Pty Ltd as set out in the report, for the management and operation of Shoalhaven Heads Holiday Park for a period of two (2) years from 15 July 2016 until 15 July 2018 at the current contract percentage.

CARRIED

22. Hyams Beach Rural Fire Station - Future Use

File 15975

MOTION:

Moved: Tribe / Second: Baptist

(MIN16.361) RESOLVED that, in accordance with the Committee's delegated authority from Council that Council conduct an onsite meeting with the CCB, council staff and representatives of the Men's Shed to inspect the building and a way forward.

CARRIED

FOR: Tribe, Kearney, Anstiss, White, Baptist, Findley, Guile, Gash and Russ Pigg

AGAINST: Kitchener

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23. Draft Policy for Adoption – Management of Mobile Food Vending Vehicles File 33417E, 52631E

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MOTION: Moved: Tribe / Second: Baptist

RECOMMENDED that MIN16.280 be reaffirmed from Council’s meeting of 19<sup>th</sup> April 2016 and adopt the draft Policy – Management of Mobile Food Vending Vehicles on Council Owned or Managed Land (including roads), with amendments.

CARRIED

FOR: Tribe, Kearney, Anstiss, White, Baptist, Findley, Gash and Russ Pigg

AGAINST: Guile, Kitchener

24. Emergency Operations Centre Application for Funding File 26118E, 4537E

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Note: Clr Tribe was absent from the meeting.

MOTION: Moved: Baptist / Second: Guile

RECOMMENDED that Council allocates \$50,000, from the Building Maintenance budget, as a co-contribution to partial funding of the fit out of the Emergency Operations Centre and support the application for funding to the Veolia Mulwaree Trust

CARRIED

25. Classification of Land – Huskisson & Terara File 7720E, 49630E, 2444E

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Note: Clr Tribe was absent from the meeting.

MOTION: Moved: White / Second: Baptist

RECOMMENDED that Council resolve to classify the land described in Schedule A as Operational land:

Schedule A

Legal Description	Locality	Purpose	Council resolution to acquire	Trim reference
Lot 1 DP1214540 (Pt Lot 4 DP705589)	Terara	Nowra Sewerage Treatment Plant	MIN15.664	49630E
Lot 1 DP1208870 (Pt Lot 7300 DP1128666)	Huskisson	Sewer Mains	MIN15.475	2444E

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CARRIED

26. Sale of Land – Chisholm Street Callala Bay File 48516E

Note: Clr Tribe was absent from the meeting.

MOTION: Moved: Guile / Second: White

RECOMMENDED that Council receive the Report of the General Manager (Assets & Works) for information.

CARRIED

### **PLANNING AND DEVELOPMENT**

27. Collingwood Beach Dune Vegetation Management File 9929E

This Item was brought forward and considered earlier in the meeting.

28. Request for Refund of Development Application Fees – Masterplan/Staged Development Application for Upgrade of Facilities at Lot 101 DP 751273 (Por 101) 170 Riversdale Road, Lot 227 DP 751273 (Por 227) Bundanon Road and Lot 7315 DP 1166783, Illaroo. Applicant: Locale Consulting Pty Ltd Owner: Bundanon Trust File RA15/1002

This Item was brought forward and considered earlier in the meeting.

29. Adoption of Generic Community Lands Plan of Management version 5 & Foreshore Reserves Policy (POL16/38) File 20861E, 51952E, 29352E

Note: Clr Tribe was absent from the meeting.

MOTION: Moved: Findley / Second: Baptist

RECOMMENDED that:

- a) In accordance with s40 of the Local Government Act 1993 Council adopt version 5 of the Generic Community Lands Plan of Management – Natural Areas as exhibited.
- b) Council adopt amendments to the Foreshore Reserves Policy (POL16/38) as exhibited.
- c) Both documents be updated and finalised with the exhibited changes and Council's website be updated with the new versions of the documents.
- d) Chapter G6 of the Citywide DCP be amended to reflect the revised contents of the Generic Community Lands Plan of Management – Natural Areas and Foreshore Reserves Policy as detailed in this report. That the changes to the DCP be included in the scheduled stage 2 Housekeeping Amendment.

CARRIED



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30. Five (5) Bushcare Group Action Plans - Review

File 51838E

Note: Clr Tribe was absent from the meeting.

MOTION:

Moved: Findley / Second: Baptist

RECOMMENDED that Council adopt the five (5) reviewed Bushcare Group Action Plans (2016) as follows:

- a) Kioloa Bushcare Action Plan – Review 2016
- b) Bens Walk Bushcare Action Plan – Review 2016
- c) Moeyan Hill Bushcare Action Plan – Review 2016
- d) Milton Rainforest Bushcare Action Plan – Review 2016
- e) Barfleure Beach, Plantation Point & Stuart King Reserve Bushcare Action Plan – Review 2016

CARRIED

**SHOALHAVEN WATER**

31. Payment of Dividends from Shoalhaven Water 2014-15

File 32701E

Note: Clr Tribe was absent from the meeting.

MOTION:

Moved: Findley / Second: Baptist

RECOMMENDED that Council determines that “substantial compliance” of the criteria in the Best Practice Management of Water Supply and Sewerage Guidelines has been achieved and a dividend will be paid from the Water and Sewer Funds to the General Fund for the 2014/2015 budget year.

CARRIED

32. Tender Process - Milton-Ulladulla Sewer Trunk Main

File 52945E

Note: Clr Tribe was absent from the meeting.

MOTION:

Moved: Baptist / Second: White

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

CARRIED

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**CORPORATE AND COMMUNITY SERVICES / GENERAL MANAGER**

33. Shoalhaven River - Riverfront Infrastructure File 52289E

Note: Clr Tribe was absent from the meeting.

MOTION: Moved: Baptist / Second: White

RECOMMENDED that

- a) Up to \$200,000 be allocated from the Southern Phones Dividend to fund the electricity and pontoon infrastructure initiative outlined below in this report on the basis of the economic benefits it will bring to the city.
- b) Staff seek possible grants to assist with funding.
- c) \$10,000 be allocated annually for future maintenance of this infrastructure.

CARRIED

**CORPORATE AND COMMUNITY SERVICES / ASSETS AND WORKS**

34. Future Use - Nowra Sailing Club Building File4237E

Note: Clr Tribe was absent from the meeting.

MOTION: Moved: Baptist / Second: White

RECOMMENDED that Council:

- a) Considers allocating \$60,000 in the 2016/17 Operations Plan budget to undertake a detailed design of the Paringa Park Master Plan, and
- b) A decision on the 'Nowra Sailing Club' building be deferred pending detailed design of the precinct and consideration, after public consultation, of representation of its historic values.

CARRIED

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## ASSETS AND WORKS / GENERAL MANAGER

### 35. Draft Princes Highway Corridor Strategy

File 6852E

Note: Clr Tribe was absent from the meeting.

MOTION:

Moved: Guile / Second: Baptist

(MIN16.362) RESOLVED that, in accordance with the Committee's delegated authority from Council that the following comments on the Draft Princes Highway Corridor Strategy be forwarded to Roads and Maritime Services:

- a) Thank the RMS for the Study and the many positive infrastructure improvement projects identified as short, medium and long-term priorities however point out the need to:
  - i) recognise the Western Services Corridor (bypass of Nowra) in the Strategy
  - ii) recognise the Highway and intersection capacity constraints south of Bridge Road Nowra owing to increased development and traffic growth along the corridor and east of the Highway
  - iii) acknowledge the major manufacturing nodes of Nowra and Bega and the associated freight and employment traffic generated
  - iv) reference the 'last mile' intersections to industrial precincts and other major developments and the implications on freight and commuters
  - v) mention the traffic generator effects of construction activities within or close to the corridor
  - vi) recognise the interrelationship with Victoria for the freight task; the bus connections south of Bega; and the desire to travel west from the Princes Highway along other State highway corridors
  - vii) recognise the 'origin-destination' of the freight task and commuters within main centres rather than just the 'through traffic'
- b) Provide a copy of Council's comments on the Strategy to the Member for Kiama, Parliamentary Secretary to the Premier, Illawarra & South Coast, MP Gareth Ward and Member for South Coast, Shelley Hancock.

CARRIED

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**NOTICES OF MOTION**

36. Proposed Sale of 'Future Park' Ulladulla File 35345E

Note: Clr Tribe was absent from the meeting.

MOTION: Moved: Baptist / Second: white

RECOMMENDED that the General Manager develop a report to Council on the proposed sale and options for future use of the Council owned land known as 'Future Park' on Camden St West Ulladulla.

CARRIED

FOR: Kearney, Anstiss, White, Baptist, Findley, Kitchener, Gash and Russ Pigg

AGAINST: Guile

37. Proposed Sale of 'The Old Bakery' Sussex Inlet File 46484E

Note: Clr Tribe was absent from the meeting.

MOTION: Moved: Baptist / Second: White

RECOMMENDED that the General Manager develop a report to Council considering the proposed sale of Council owned land known as 'The Old Bakery' on Jacobs Drive Sussex Inlet.

CARRIED

38. Children's Services Directory File 8783E

Note: Clr Tribe was absent from the meeting.

MOTION: Moved: White / Second: Kearney

(MIN16.363) RESOLVED that in accordance with the Committee's delegated authority from Council, that the Committee support:-

- a) A new style production of the Children's Services Directory
- b) The inclusion of all non-profit and profit Childcare Services (0-5 years), and educational facilities (public & private) in the Shoalhaven in the new Directory.
- c) The inclusion of paid advertisement and sponsorship from "child & youth" related businesses in the Shoalhaven in the new Directory
- d) Changes to the existing Council policy for the Children's Services Directory to include (b) & (c) above.

CARRIED

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## CONFIDENTIAL REPORT

### CONSIDERATION OF ITEMS OF A CONFIDENTIAL NATURE

#### PLANNING AND DEVELOPMENT

Item	Reason
Terara Levee - Rectification Options	Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 10A(2)(g)

#### SHOALHAVEN WATER

Item	Reason
Milton-Ulladulla Sewer Trunk Main Tender Process	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)

Pursuant to Section 10(A)(4), the public were invited to make representations to the Strategy and Assets Committee before any part of the meeting is closed, as to whether that part of the meeting should be closed. The Chairperson asked the General Manager if any written representations had been received as to whether that part of the meeting should be closed.

Note: Clr Tribe was absent from the meeting.

MOTION:

Moved: Baptist / Second: Kearney

That the Strategy and Assets Committee Meeting exclude the press and public from the Meeting pursuant to Section 10(A)(1)(a) of the Local Government Act, 1993 as it was to consider items of a confidential nature in relation to matters pursuant to Section 10(A)(2)(g) and 10(A)(2)(d)(i).

The public interest in preserving the confidentiality of information outweighs the public interest in maintaining openness and transparency in Council decision making, as it may impact on the ability of Council to attract competitive tenders in the future:

- Milton-Ulladulla Sewer Trunk Main Tender Process

The public interest in preserving the confidentiality of information outweighs the public interest in maintaining openness and transparency in Council decision making, as it may impact on the ability of Council to conduct appropriate legal proceedings.

- Terara Levee - Rectification Options

CARRIED.

The meeting moved into confidential the time being 6.17pm.

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The meeting moved into open session, the time being 6.30pm.

39. Terara Levee – Rectification Options

File 21690E, LS191

The following resolution of the Confidential Strategy and Assets Meeting was made public.

(MIN16.364) RESOLVED that, in accordance with the Committee’s delegated authority from Council, the Committee:

- d) The resolution remain confidential in accordance with Section 10(A)(2)(g) of the Local Government Act 1993.

There being no further business, the meeting concluded, the time being 6.30pm.

Clr Gash  
CHAIRPERSON

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**REPORT OF GENERAL MANAGER**  
**STRATEGY AND ASSETS COMMITTEE**  
**TUESDAY, 14 JUNE 2016**

**GENERAL MANAGER**

***ITEM TO BE DEALT WITH UNDER DELEGATED AUTHORITY***

**1. Joint Organisation (JO)**

**File 50403E**

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**PURPOSE:**

To report on some changes to the JO as a result of the recent merger announcements and other matters from the Illawarra Pilot JO meeting held 24/05/16.

**RECOMMENDED** that in accordance with the Committee's delegated authority from Council, the Committee note the report and endorse the decisions of the Illawarra Pilot Joint Organisation being:

- Change "representation" to specify and add that the delegates of each council may include an Administrator or their nominee; and
- Under "Finance" delete the levy formula being "*equal amounts*" and replace with "*amounts determined and agreed by the organisation*". This change recognises that the formula will be changed in the event that the Wollongong/ Shellharbour merger proceeds which will create a very significant difference in size & scale of member councils. The formula change will not be effective until the 2017/18 year.

**OPTIONS**

1. As recommended.
2. Not accept the recommendation and propose an alternative recommendation.

**DETAILS**

Two significant changes have been adopted by Illawarra Pilot Joint Organisation (IPJO) at its last meeting held on 24/05/16 being:

- Change "representation" to specify and add that the delegates of each council may include an Administrator or their nominee; and

- 
- Under “Finance” delete the levy formula being “*equal amounts*” and replace with “*amounts determined and agreed by the organisation*”. This change recognises that the formula will be changed in the event that the Wollongong/Shellharbour merger proceeds which will create a very significant difference in size & scale of member councils. The formula change will not be effective until the 2017/18 year.

Other matters of note include:

- The Youth Employment Action Plan is still in draft form and being developed between IPJO and Department of Premier & Cabinet; and
- A proposal to move Wollongong, Shellharbour & Wingecarribee council areas into the Sydney Region Local Land Services (LLS). IPJO is seeking a meeting with LLS to discuss this proposal.

Graham Gould, CEO from Lifeline South Coast, and Dr Alex Hains, Regional Coordinator, Illawarra Shoalhaven Suicide Prevention, gave an informative address on the impact of suicide and the importance of supporting programs to increase awareness, support and education to those at risk and families.

## **FINANCIAL IMPLICATIONS**

No direct financial impact at this time.

## **COMMUNITY ENGAGEMENT**

N/A.

R.D Pigg  
**GENERAL MANAGER**



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**REPORT OF GENERAL MANAGER**

**STRATEGY & ASSETS COMMITTEE**

**TUESDAY, 14 JUNE 2016**

**CORPORATE AND COMMUNITY SERVICES**

***ITEM TO BE REFERRED TO ORDINARY MEETING***

**2. Request for Donation**

**File 4771E**

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**SECTION MANAGER: Melissa McCoy.**

**PURPOSE:**

The consider the following request from the Milton Follies for Council to provide an annual donation of \$2,500 to subsidise their hire fees of the Milton Theatre.

**RECOMMENDED that Council not provide a donation to the Milton Follies to subsidise the hire fees of the Milton Theatre.**

**OPTIONS**

1. Adopt the recommendation above.
2. Agree to provide an annual donation of \$2,500 effective from 1 July 2016.
3. Agree to provide a one-off donation of \$2,500 for the 2016/2017 financial year only.
4. Alternative amount to be suggested by Councillors.

**DETAILS**

Milton Follies Incorporated have requested a donation of \$2,500 per year to subsidise the fees paid to the Milton Theatre Management Committee Incorporated to hire the Milton Theatre.

The Milton Follies is a not for profit, community based theatre group, based in Milton. It is run by members and managed by an elected voluntary committee.

The Milton Follies have been providing live, local amateur theatre and musical theatre at the Milton Theatre for more than 13 years, producing two shows per year, one all-ages show and one adult production.

The Group advise that they are inclusive, casting their productions with people aged from 13 to 80 years, and including people with disabilities. The Group also provides an opportunity to local people to learn and improve their skills as directors, choreographers, sound and lighting crews, costume designers and makeup artists.

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Although the Milton Theatre is Council owned, it is managed by the Milton Theatre Committee Incorporated.

In 2014 Council entered into a five (5) year lease agreement with the Milton Theatre Committee Incorporated for the use and occupation of the theatre. The annual cost of the rental of the theatre is \$12,000. Council subsidises the Milton Theatre Committee Incorporated \$7,746 each year toward the cost of the rental, leaving \$4,254 (with annual CPI increases) paid by the Committee to Council.

It should be noted that the Incorporated Body is required to meet the operating costs for the venue and they do not receive assistance from Council to do this.

The Milton Follies advise that that the Milton Theatre Committee Incorporated intend to increase the hire costs for their group from between \$1,300 to \$2,300 per show, being an increase of \$2,600 to \$4,600 increase per year (2 shows).

The Milton Follies advise that to cover the costs of the increased rental fees, they would need to increase show and membership fees, making it less affordable for those who benefit most from their services. Show ticket would need to be increased from the current cost of \$20 per ticket to \$25 per ticket.

The Milton Theatre Committee Incorporated usually charges an hourly rate for the hall hire, however, as the Milton Follies make block bookings, regularly of 3 weeks duration and requiring exclusive access, they are charged a day fee.

It is understood that the Milton Theatre Committee Incorporated maintains that the fees charged to the Milton Follies are heavily subsidised.

The recommendation made by staff for non-approval of the funds is on the basis that Council is not able to continually support all community groups, and if the shortfall of funds may be met by altering membership and ticket fees, and/or finding alternate venues, then this should be undertaken by the Group.

#### **FINANCIAL IMPLICATIONS:**

In the draft 2016/2017 Delivery Program and Operational Plan, \$270,542 has been committed to allocated donations, leaving \$29,666 remaining in the Uncommitted Donations budget.

Providing an annual donation to the Milton Follies, will increase the total Allocated Donations Budget for 2016/2017, thereby decreasing the amount available in the Unallocated Donations Budget. Should a donation be applied on an annual basis, this would apply into the future also.

Jane Lewis  
**ACTING DIRECTOR CORPORATE & COMMUNITY SERVICES**

R.D Pigg  
**GENERAL MANAGER**

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**REPORT OF GENERAL MANAGER**

**STRATEGY & ASSETS COMMITTEE**

**TUESDAY, 14 JUNE 2016**

**ASSETS AND WORKS**

***ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY***

**3. Lease of former VIC to NSW Electoral Commission**

**File 50512E**

**SECTION MANAGER:** Michael Harben

**PURPOSE:**

To obtain approval from Council to enter into a lease with the NSW Electoral Commission for the former Nowra Visitor Information Centre to be used by the Returning Officer in conjunction with the Local Government elections to be held on the 10<sup>th</sup> September 2016.

**RECOMMENDED, in accordance with the Committee's delegated authority from Council that the Committee enter into a lease with the NSW Electoral Commission for a period of 13 weeks commencing 27<sup>th</sup> June 2016 for a rental amount of \$8,250 inclusive of rent, outgoings and GST. The General Manager be authorised to sign any documentation necessary to give effect to the resolution.**

**OPTIONS**

1. Proceed as recommended;
2. Not proceed as recommended;
3. Provide further direction to staff and propose an alternative.

**DETAILS**

Council received correspondence from the Hon Paul Toole MP – Minister for Local Government advising elections for Shoalhaven City Council will go ahead on 10 September 2016 following the decision not to merge Shoalhaven City Council and Kiama Council.

The correspondence further advised the Electoral Commission would be in touch to ensure arrangements are in place to run a successful local election.

The Electoral Commission has contacted Council requesting approval to occupy the former Visitor Information Centre at 10 Pleasant Way, Nowra for the purposes of temporary office space and a pre poll voting venue. The Commission has been advised Council is in the

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process of disposing of the property and as such has agreed to allow inspections by agents and prospective purchasers, their representatives and maintenance contractors by appointment.

The lease period is for 13 weeks commencing 27<sup>th</sup> June 2016 and concluding on the 23<sup>rd</sup> September 2016.

#### **FINANCIAL IMPLICATIONS:**

The rent payable to Council for the 13 week period will amount to \$8,250 inclusive of rent, outgoings and GST.

#### **COMMUNITY ENGAGEMENT:**

This matter is considered to be a Local Area Low Impact issue as detailed in Council's Community Engagement Policy and Handbook and no community engagement has taken place.

### ***ITEMS TO BE REFERRED TO ORDINARY MEETING***

4. **2015/16 Grant Funding Variations – Blackspot – Active Transport**  
**File 28099E; 5279E; 49683; 49451E**
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#### **SECTION MANAGER: Martin Uptis**

#### **PURPOSE:**

To approve grant funding variations associated with the previously adopted 2015/16 Assets & Works program.

#### **RECOMMENDED that Council**

- a) **Accepts the approved variations including time extensions and revised grant funding offers under the Federal Nation Building Blackspot Program as follows:**
- i) **Naval College Road project, increasing the budget from \$1.5 Million to \$2 Million, and revising the funding provision (breakdown over each consecutive financial year period) as; \$30,000 in 2014/15, \$140,000 in 2015/16, and \$1,830,000 in 2016/17; votes funds and authorises adjustments to the budget**
  - ii) **Yalwal Road project, increasing the budget from \$60,000 to \$75,000; votes funds and authorises adjustments to the budget**
  - iii) **for the Flinders Road projects, revising the funding provision (breakdown over each consecutive financial year period) as; \$30,000 in 2014/15, \$200,000 in 2015/16, and \$570,000 in 2016/17 (no change to the**

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- approved total \$800,000); votes funds and authorises adjustments to the budget
- iv) Turpentine Road project (from CH8.565 to CH10.020) revising the funding provision (breakdown over each consecutive financial year period) as; \$6,000 in 2014/15, \$320,000 in 2015/16, and \$434,000 in 2016/17 (no change to the approved total \$760,000); votes funds and authorises adjustments to the budget
- b) Accepts variations to Council's budget consistent with the remaining variations to be approved under the Federal Nation Building Blackspot Program as follows:
- i) The Springs Road project, revising the funding provision (breakdown over each consecutive financial year period) as; \$30,000 in 2014/15, \$80,000 in 2015/16, and \$110,000 in 2016/17; votes funds and authorises adjustments to the budget
- ii) Sussex Inlet Road project, revising the funding provision (breakdown over each consecutive financial year period) as; \$30,000 in 2014/15, \$170,000 in 2015/16, and \$450,000 in 2016/17; votes funds and authorises adjustments to the budget
- iii) Lake Conjola Entrance Road project, revising the funding provision (breakdown over each consecutive financial year period) as; \$30,000 in 2014/15, \$40,000 in 2015/16, and \$380,000 in 2016/17; votes funds and authorises adjustments to the budget; and if unsuccessful in entering into a contract undertakes works in-house
- c) Accepts the change to the funding source for the Flinders Road project from the NSW Government, and accepts the variation approved under the NSW Rural and Regional Road Fund (RRRF) including the revised funding provision (breakdown over each consecutive financial year period) as \$100,000 in 2015/16, and \$3 Million in 2016/17 (no change to the total grant originally approved under the NSW Fixing Country Roads program of \$3,100,000) and authorises adjustments to the budget
- d) Accepts the variation approved under the Federal Government's Heavy Vehicle Safety and Productivity (HVSP) Program including the revised funding provision, being all \$2,950,000 funds originally approved in 2015/16 now approved to be provided in 2016/17, and authorises adjustments to the budget
- e) Accepts the grant funding offer by NSW Roads and Maritime Services of \$22,372.50 under the TRACKS modelling program, being 50% of the cost of an independent peer review of the recently developed TRACKS (traffic and transportation) models, and authorises expenditure
- f) Accepts the grant funding offer by NSW Government under the NSW Government's Active Transport Program of \$15,000 (being 49% of the cost of kerb ramp improvements at five locations, approved for 2016/17, brought forward to 2015/16, and authorises expenditure
- g) Accepts the variation approved under the NSW Government's Active Transport Program for the 2015/16 stage of the Matron Porter Drive shared user path project (formerly approved from Garrads Lane to Sungrove Lane),
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to accept the completed works to the Frogs Holla Sports Fields access, the grant funding provided in 2015/16 be increased to \$245,000, and authorises adjustments to the budget

- h) **Accepts the funding offer under the NSW Government's Active Transport Program for the 2016/17 stage of the Matron Porter Drive shared user path project (formerly approved from Sungrove Lane to Garside Road), to now also include the section from Frogs Holla Sports Fields access to Sungrove Lane, the grant funding approved in 2016/17 be increased to \$200,000, and authorises adjustments to the budget**

## **OPTIONS**

1. Adopt the recommendation
2. Not accept the recommendation. This will lead to additional costs for Council to complete the projects.

## **DETAILS**

### **2015/16 Federal Nation Building Blackspot Program**

#### **Naval College Road – expanded scope and additional funding**

The original application included widening and upgrade seal to high level non-skid surface, install audio-tactile (profile) edge and centre lines, install curve alignment markers (warning signage) on bends, install retro reflective pavement markers (RRPMs) on centre line, and install select w-beam barrier (guardrail).

The original project was approved to address three specific locations on bends to the south of Pine Forest Road.

Following the original project approval, Council staff worked with RMS on a variation that has resulted in additional funds being approved to broaden the scope of works to address road side shoulders and ensure the project is continuous through all of the subject bends.

The expanded scope and increased budget has now been approved by the Federal Government, increasing the funding for the project from \$1.5 Million to \$2 Million (which is the maximum cap on individual projects under the Federal blackspot program).

#### **Yalwal Road – expanded scope and additional funding**

The original application included installation of w-beam barrier (guardrail) on the northern side of Yalwal Road (east of Burrier Road).

Following the original project approval, Council staff worked with RMS on a variation that has resulted in additional funds being approved to modify the scope of works (reduce the amount of guardrail), but to also incorporate clearing and embankment works to increase sight distance for motorists around the subject curves (which was a primary factor in the cause of the subject crashes).

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The expanded scope and increased budget has now been approved by the Federal Government, increasing the funding for the project from \$60,000 to \$75,000.

### **Time Extensions – Federal Blackspot Projects**

Due to the very complex and large scale of projects at Naval College, Flinders and Turpentine Roads, delivery of the 2015/16 program of works, has been extended into 2016/17. The Federal Government has approved time extensions for the following projects;

- Naval College Road
- Flinders Road
- Turpentine Road

The approval provides certainty regarding the allocation of funding each year and permits completion of the works formally in 2016/17.

### **Approved Funding Profiles – Federal Blackspot Projects**

The following revised funding profiles have been approved;

#### Naval College Road

- \$30,000 for survey/design in 2014/15
- \$140,000 for completing design and commencing construction in 2015/16
- \$1,830,000 for completing construction in 2016/17  
(Revised total \$2,000,000)

#### Flinders Road (Roundabout at Albatross Road and associated works)

- \$15,000 for survey/design in 2014/15
- \$100,000 for completing design and commencing construction in 2015/16
- \$245,000 for completing construction in 2016/17  
(No change to total \$360,000)

#### Flinders Road (widening and associated works)

- \$15,000 for survey/design in 2014/15
- \$100,000 for completing design and commencing construction in 2015/16
- \$325,000 for completing construction in 2016/17  
(No change to total \$440,000)

#### Turpentine Road (1.455km upgrade/Seal from CH8.565 to CH10.020)

- \$6,000 for preparing amended design documentation in 2014/15
- \$320,000 for commencing construction in 2015/16
- \$434,000 for completing construction in 2016/17  
(No change to total \$760,000)

### **Additional Variations Still Outstanding – Several Blackspot Projects**

A total of 34 grant funded road safety projects were approved in 2015/16 totalling \$15,951,372.50. Of this \$6,799,000 were blackspot projects, and the balance from other programs (Federal Heavy Vehicle Safety and Productivity, State Rural and Regional Road Fund, State Active Transport, etc.).

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Given the number and size of the projects, a large number of projects had to be outsourced for external design and delivery. This led to increased costs in design and construction, and some further time delays.

Accordingly, additional variation applications have been submitted seeking additional funding for the following approved blackspot projects;

- The Springs Road
- Sussex Inlet Road
- Lake Conjola Entrance Road, and
- Illaroo Road

The variations submitted seek an additional \$785,000 from the Federal Government for the above four projects. The Federal Government is considering approving the total or part thereof of the applications, depending on the status of the program nationwide.

As Council has committed to the projects in accepting the original funding, the balance of funds required is being provided through the Federal Road to Recovery program as reported to Council previously.

In addition, the following revised funding profiles have been submitted and are subject to approval for three of those projects, as follows;

#### The Springs Road

- \$30,000 for survey/design in 2014/15
- \$80,000 for completing design and commencing construction in 2015/16
- \$110,000 for completing construction in 2016/17  
(Same as original approved total \$220,000, pending an outcome of the budget variation)

#### Sussex Inlet Road

- \$30,000 for survey/design in 2014/15
- \$170,000 for completing design and commencing construction in 2015/16
- \$450,000 for completing construction in 2016/17  
(Same as original approved total \$650,000, pending an outcome of the budget variation)

#### Lake Conjola Entrance Road

- \$30,000 for survey/design in 2014/15
- \$40,000 for completing design and commencing construction in 2015/16
- \$380,000 for completing construction in 2016/17  
(Same as original approved total \$450,000, pending an outcome of the budget variation)

The outcome of the variations will be subject of a future report to Council.

#### **2015/16 NSW State Government Rural and Regional Roads Fund (RRRF) – Flinders Road**

\$3,100,000 was previously committed by the NSW Government under the NSW Fixing Country Roads (FCR) program for Flinders Road.



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The NSW State Government has since confirmed that funding for the Flinders Road project has now been approved to be funded under the NSW Rural and Regional Road Fund (RRRF).

The following revised funding profile has also been approved;

- \$100,000 for completing design and commencing construction in 2015/16
  - \$3,000,000 for completing construction in 2016/17
- (No change to total \$3,100,000)

**2015/16 Federal Government Heavy Vehicle Safety and Productivity Program (HVSPP) – Flinders Road**

\$2,950,000 has been committed by the Federal Government under the Heavy Vehicle Safety and Productivity Program (HVSPP) for Flinders Road.

However the following revised funding profile has been approved;

- The full \$2,950,000 originally committed in 2015/16 will now be provided for completing construction in 2016/17
- (No change to total \$2,950,000)

**2015/16 Shoalhaven River Crossing – TRACKS Modelling - Peer review**

The NSW Government has offered \$22,372.50 to Council, being 50% of the cost of an independent peer review of the recently developed TRACKS (traffic and transportation) models (\$44,745 total cost).

The models have been developed to update Council's former suit of models to undertake traffic modelling analysis works for the Shoalhaven River Bridge project as well as other strategic planning analysis for Council.

The models have been developed by TDG (Traffic Design Group) Pty Ltd and has been peer reviewed by Bitzios Consulting Pty Ltd.

**2015/16 NSW Government Active Transport Program**

**Kerb ramps project – approved for 2016/17 – but brought forward to 2015/16**

The NSW Government has advised that Council's application to construct kerb ramps under the 2016/17 Active Transport program has been approved, but have requested Council to construct the kerb ramps in 2015/16 to bring forward the benefits of these facilities.

Construction has commenced at the five locations in Berry (1), Milton (2), and Ulladulla (2) which are locations supported by the Disabled Access Committee.

\$15,000 (49%) has been offered of the total project cost (\$30,580).

Council's contributory funding (51%) will be allocated \$10,000 from job number 85796 and \$5,580 from job number 81492.

**Revised Funding Provision – Matron Porter Drive Shared User Path**

Delays associated with land acquisition have impacted the construction of the 2015/16 stage of the Matron Porter Drive shared user path project. This is the subject of a separate

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report to Council. The path has been completed to the Frogs Holla sports fields, instead of the planned connection to Sungrove Lane by June 2016.

Funds have also been approved for construction of the next stage of the project in 2016/17 (continuation of the shared user path between Sungrove Lane and Garside Road) however commencement of construction for this component will also be impacted by the remaining land acquisitions (reported to Council meeting) as well as construction of the Matron Porter Drive/Garside Road roundabout (commenced, and due for completion by December 2016).

The full 2016/17 NSW Government Active Transport program will be subject of a future report to Council when formal letters of offer have been provided to Council's.

The State Government has approved a time extension to allow the approved works on the Matron Porter Drive shared user path to be recommenced in January-February 2017 following completion of the land acquisitions and the roundabout.

The approval provides certainty regarding allocation of the remaining funding for the project and permits completion of the works formally in 2016/17.

The grant funding provided in 15/16 has also been increased to fund the significantly higher costs associated with the initial construction of the works due to the poor ground conditions encountered, the greater extent of clearing required, and the construction of the shoulder works/bus bay adjacent to Frog Holla sports fields access completed as part of the initial works.

In conjunction with the time extension the following revised funding profile has been approved;

#### Matron Porter Drive Shared User Path – 2015/16 Stage (Garrads Lane to Sungrove Lane)

Of the initial \$210,000 grant approved for 2015/16:

- \$170,000 has been approved for construction in 2015/16 (to Frogs Holler Sports Fields)
- \$40,000 has been approved for construction in 2016/17 (towards the remaining link to Sungrove Lane)
- An additional \$75,000 has been approved to fund additional costs associated with works already completed to date.

#### Matron Porter Drive Shared User Path – 2016/17 Stage (Garrads Lane to Sungrove Lane)

- \$40,000 has been deducted from the 15/16 approved allocation of funds and has been approved to be reallocated for construction in 2016/17 (towards the remaining link to Sungrove Lane)
- \$160,000 has been approved for construction in 2016/17 (Sungrove Lane to Garside Road)

In summary grant funding for the Matron Porter Drive Shared User Path project (to Garside Road) has been increased from \$370,000 to \$445,000 and approval has been given to resume the works in January-February 2017.

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## **FINANCIAL IMPLICATIONS:**

Projects that are 100% funded include those approved by the Federal Government (Nation Building Blackspot program, and Heavy Vehicle Safety and Productivity Program), and by the State Government (Rural and Regional Roads Fund).

Subject to the outcome of final blackspot budget variations (subject of a future report) some Federal Road to Recovery Funding will also be required to be allocated to fund the shortfall on some of the blackspot projects.

Where there is matching funding required from Council (for example under the Active Transport and TRACKS modelling programs), the required funding has been identified from operational budgets. Matron Porter Drive funds have already been approved as a special rate variation project (the original \$370,000 committed across 2015/16 and 2016/17). An additional \$75,000 is now required to match the additional grant offer for Matron Porter Drive shared user path project. This will be identified in a quarterly budget review in 2016/17.

## **COMMUNITY ENGAGEMENT:**

Community engagement has been undertaken for all of the projects to date, and for those projects not yet commenced further consultation will be undertaken as a part of the delivery of the projects.

## **5. Acquisition of Land for Matron Porter Drive Shared Pathway File 51477e, 48363e**

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**SECTION MANAGER:** Michael Harben

### **PURPOSE:**

To seek Council approval to acquire part of Lot 21 DP1174684, known as 8 The Heights Narrawallee, for the shared pathway along Matron Porter Drive which will provide improved road safety and accessibility to the Frogs Holla Sports fields, Milton town centre and Mollymook Beach.

### **# RECOMMENDED that:**

- a) **Council resolve to acquire part of Lot 21 DP1174684, known as 8 The Heights Narrawallee, as shown by hatching on copy of sketch plan marked Attachment 'A';**
- b) **Council pay compensation of \$70,000 plus GST ( based on the area of 3,961m<sup>2</sup>), legal and valuation costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;**
- c) **The compensation be adjusted in accordance with the area of the land determined by final survey;**

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- d) **The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manger is authorised to sign any documentation necessary to give effect to the resolution; and**
  - e) **Following acquisition, the land be dedicated as Public Road pursuant to Section 10 of the Roads Act 1993.**

## **OPTIONS**

1. Resolve as recommended. Council will be able to proceed with constructing the shared path, and accept grant funds.
2. Not resolve as recommended. Council will be unable to proceed with constructing the shared path and the financial funds available for construction this financial year will be lost.
3. Provide further direction to staff and propose an alternative.

## **DETAILS**

Council's Asset Management Section requested the Property unit to commence the acquisition proceedings for the land prior to constructing the shared user path, that is jointly funded by RMS and the scope is outlined in a Grant Funding report to this Committee.

An offer of compensation was made in the amount of \$52,500 (plus GST if applicable) as determined by valuers Walsh & Monaghan. The offer was rejected and the owner requested a revised valuation to take into account the recent sale of the neighbouring property (275A Matron Porter Drive, Narrawallee).

A revised offer of \$61,500 was made which considered the recent sale, however this was also rejected.

The owner advised that an amount of \$70,000 plus legal, valuation costs and GST would be acceptable. This claim is based on an independent valuation commissioned by the owner from registered valuer Keith Gibson. The higher amount is considered to be reasonable and strongly recommended with the difference being offset by the potential increased project cost from delaying the project including holding costs for the shared pathway which has secured funding.

## **FINANCIAL IMPLICATIONS:**

In accordance with the Land Acquisition (Just Terms compensation) Act 1991, Council is responsible for the land owner's reasonable legal and ancillary cost associated with the acquisition.

Council will be responsible for the replacement boundary fence. The compensation amount also takes into account the removal of trees affected by the acquisition.

Funding is available to acquire the land this financial year and into 2016/2017.

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## **COMMUNITY ENGAGEMENT:**

This matter is considered to be a local are low impact issue as outlined in Council's Community Engagement Policy and Handbook and therefore no community engagement apart from the property owner directly affected by the acquisition referred to in this report.

### **6. Greenwell Point Wharf Management Committee – Timber Jetty      File 5219E, 9818E**

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**SECTION MANAGER: Martin Upitis**

#### **PURPOSE:**

To report on issues associated with the Greenwell Point Wharf Management Committee and assets contained within the Greenwell Point Fisherman's Wharf Reserve.

#### **RECOMMENDED that**

- a) **The Greenwell Point Wharf Committee be dissolved**
- b) **Council writes to Committee members thanking them for their dedication and service**
- c) **Council requests NSW DPI (Lands) to remove Council as trust manager for the Greenwell Point Fisherman's Wharf Reserve**
- d) **The old timber jetty be removed as it is at the end of its asset life and is no longer required for community/recreational benefit**

#### **OPTIONS**

1. As Recommended.
2. Replace timber jetty at \$200,000 (not funded and not identified in Council's adopted Waterways Infrastructure Asset Management Plan which proposes the jetty be considered for demolition)
3. Restrict all use of the jetty to minimise risk pending receipt of construction funding for a new effluent pump out facility / pontoon that may be provided at this location
4. Retain the Committee and advertise / recruit for new positions

#### **DETAILS**

# Council has received Minutes (Councillors Information Folder) from the Wharf Committee' secretary on 19 May 2016, and that the Committee has:

- a) Endorsed the removal of the old timber jetty and
- b) Resolved to dissolve the Committee

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## HISTORY/BACKGROUND

The Greenwell Point Management Committee was appointed pursuant to Section 355 of the Local Government Act and is responsible for Reserve No 180017 notified in the government gazette of 24 April 1987 and known as Greenwell Point Fisherman's Wharf Reserve.

The reserve contains two major assets:

1. Main concrete wharf owned by the Crown
2. Old timber jetty owned by Council

The reserve is managed by the Greenwell Point Wharf Committee and is responsible for the day to day management, basic maintenance and allocation of berthing spaces.

# Ten spaces are nominated on the berthing plan (Attachment A) and are used by:

- Licenced fishing vessels
- Charter fishing vessels
- Old fishing vessels no longer actively used for commercial fishing

# The old timber jetty was proclaimed as a public wharf in 1914 and was identified in a *Greenwell Point Waterway Facility Needs Assessment Report (2003)* as being at the end of its asset life. Removal of the jetty has been kept in abeyance at the request of the Committee and pending any development in respect to the establishment of a marina at this site. A recent independent review of the functionality of the jetty has been undertaken and confirms that it is at the end of its asset life (Confidential attachment B). The jetty is currently not accessible to the public but is used for berthing by three vessels.

Expressions of interest were advertised for lease of the jetty in 2014/15 but no responses were received.

## FINANCIAL IMPLICATIONS:

Demolition is estimated to cost in the order of \$30,000 and removal can be funded by operational funds and funds currently in the Management Committee Account (\$5,650 as of 10 July 2015). For a new jetty there is no identified budget allocation and would cost approximately \$200,000. Repair is not an option.

Funding is currently provided by the NSW Better Boating Program for investigation and design (not construction) of an effluent pump out facility at Greenwell Point. Consultation with users supports that this could be provided at the location of the old timber jetty and it could be submitted in the next round of funding.

The Management Committee collects \$2500 on average per year from berthing fees and this is used for maintenance. Also annual electricity costs of about \$5,000 are separately distributed to wharf users for their payment. If the recommendation is accepted, Crown Lands will manage the fee structure and other associated costs.

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## **COMMUNITY ENGAGEMENT:**

# Consultation to date has been limited to the Greenwell Point Wharf Committee which supports removal of the jetty. The only operational fishing vessel that will be impacted by its removal is that of a trailerable boat located on berth number 10 (Attachment A). The owner of this licenced fishing vessel is not satisfied with berthing allocation, and has made representations to Council in relation to the unsuitable condition of the jetty for use by his vessel. The vessel could negotiate with the Committee and / or other users for a berthing space on the main wharf however the suitability of his relative small vessel for use at the main wharf would need further consideration to manage risk. Being a smaller trailerable boat, this vessel owner does have the option of launching and retrieval via a boat launching ramp. The current timber jetty has restricted access through a gate and isn't open to the public. Berth 8 is occupied by a "charter" fishing vessel and could relocate to the main wharf. The Committee has advised that the vessel in berth 9 is for sale and no longer in active use as a fishing vessel.

Since the jetty first was identified as nearing the end of its asset life, a new pontoon facility has been provided immediately upstream on the main foreshore.

## **SUMMARY**

If the recommendation is adopted, day to day management of the concrete wharf may be undertaken by the Asset Owner that is Department Primary Industries (Lands). This may be similar to how the Ulladulla Harbour working port is managed but ultimately it will be the matter for the asset owner to determine. Council has no statutory obligation to provide berthing facilities for licenced fishermen and it is considered that this function be best managed by the NSW Government that manages fishing ports throughout NSW.

Crown Lands staff have advised if they receive back management of the main wharf:

- a) The wharf needs to be in a reasonable condition
- b) New users need to be made aware that fees may change and that if there are more vessels than berths, an EOI would be undertaken
- c) Council agrees to a transition period until 31 December 2016 to enable Crown Lands to establish a new management structure

The Greenwell Point Wharf Management Committee has been a hard-working and committed group and it is recommended Council writes to the Committee to thank members for their involvement and service.

B. Stewart  
**DIRECTOR, ASSETS & WORKS**

R.D Pigg  
**GENERAL MANAGER**

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**REPORT OF GENERAL MANAGER**  
**STRATEGY AND ASSETS COMMITTEE**

**TUESDAY, 14 JUNE 2016**

**PLANNING AND DEVELOPMENT**

***ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY***

7. **Heritage Estates - Proposed Gates/Barriers, Stage 2: Birriga Avenue (west) and Naval College Road** **File 1446E/4**
- 

**SECTION MANAGER:** Gordon Clark.

**PURPOSE:**

This report concerns a gate on the western side of Birriga Avenue (to the west of the Greek Orthodox Church, as suggested by a landowner) as well as a fence along Naval College Road. These supplementary measures were exhibited separately to those approved by Council on 19 April 2016.

The purpose of the report is to consider feedback received from the public exhibition of these supplementary measures and the Shoalhaven Traffic Committee's recommendation, and to seek approval for their installation.

The report also provides an update on the outcome of the landowners' special leave application to the High Court in the matter of Esposito & Ors v Commonwealth of Australia & Ors.

**RECOMMENDED in accordance with the Committee's delegated authority from Council, that Council:**

- a) **Grant consent to install the proposed gates and barriers in accordance with Section 118 of the *Roads Act 1993* and the Shoalhaven Traffic Committee's recommendation;**
- b) **In relation to the gate / barrier on Birriga Avenue:**
  - i) **undertake a risk assessment and determine if it is appropriate to allow vehicles into the area given the current condition of the tracks;**
  - ii) **Investigate whether appropriate control measures can be put in place to mitigate risk;**
  - iii) **Subject to the outcomes of i) and ii), develop a protocol for providing vehicular access to landowners and the general public which minimises Council's exposure to public liability claims, provides keys to the land owners at no cost to the land owners and Council write to the land**



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**owners to advise the results of the risk assessment so that they are aware of the risk of accessing the land by vehicle.**

## **OPTIONS**

1. Proceed with the installation of the gates/barriers as recommended - this will enable the illegal dumping and erosion that is occurring to the west of the Greek Orthodox Church to be addressed, consistent with Council's resolution in relation to the other gates and barriers in the Heritage Estates.
2. Not proceed – this approach is not favoured as it will not help address the illegal dumping and erosion issues.

## **DETAILS**

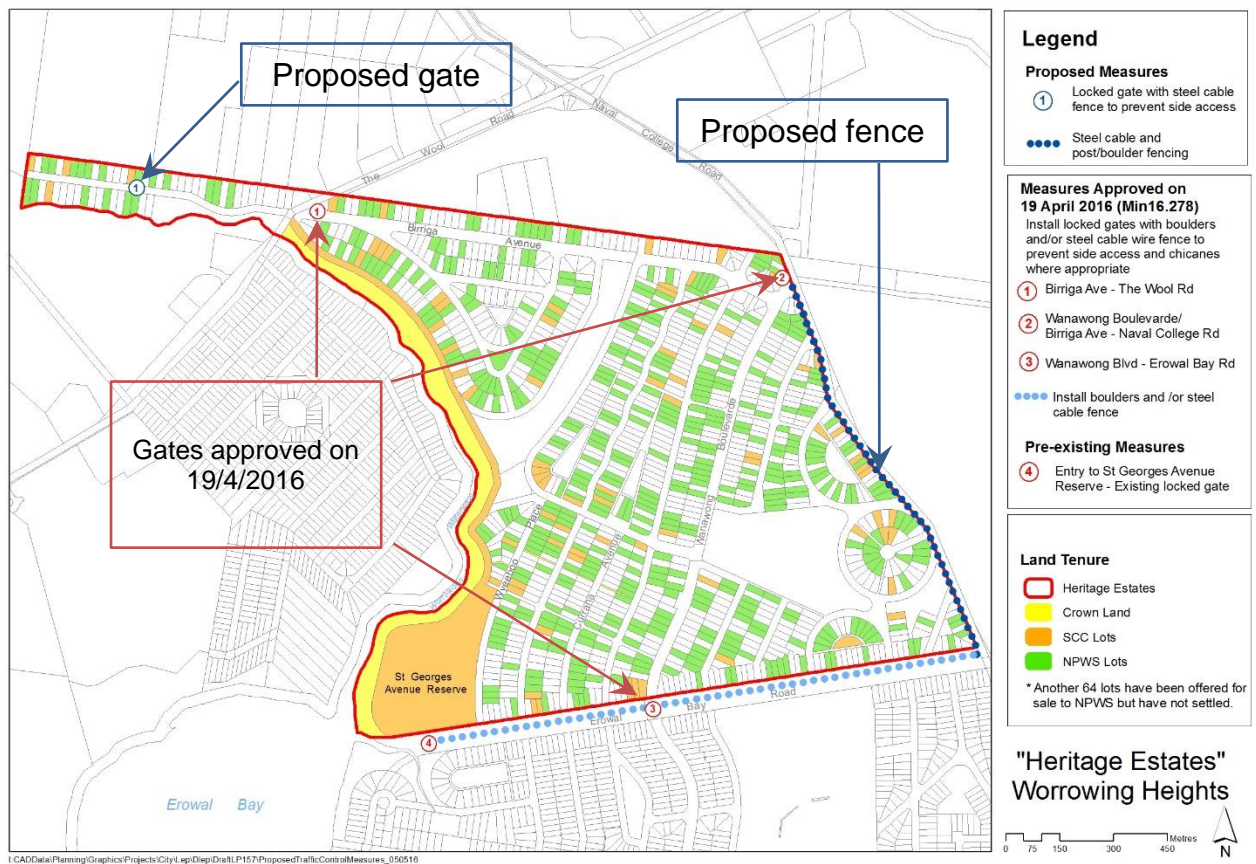
Exclusion of vehicles and trailbikes from the Heritage Estates is key to preventing further illegal dumping and protecting the health of St Georges Basin. Council has considered a number of reports on this issue in recent months and on 19 April 2016, resolved to install gates/barriers at the main body of the Heritage Estates, i.e. east of The Wool Road.

This report concerns a gate / barrier proposed on the western side of Birriga Avenue, as well as a fence along Naval College Road.

Councillors will recall that on 19 January 2016 Council resolved to “...*prepare and exhibit a separate Section 116 notice in relation to the proposed erection of a gate/barrier on Birriga Avenue to the west of the Greek Orthodox Church complex [located on the western side of The Wool Road] and the erection of a barrier on the western side of Naval College Road adjoining the Heritage Estates*”.

The reports can be accessed on Council's dedicated 'Heritage Estates' webpage at: <http://shoalhaven.nsw.gov.au/Planning-amp-Building/Strategic-planning/Paper-subdivisions/Heritage-Estates>

The location of the proposed measures that are the subject of this report and those already approved by Council on 19 April 2016 are shown in Figure 1 below.



As previously advised, Council does not have a legal obligation to upgrade and maintain roads within the Estate but there is an obligation to minimise public risk. There is legal recognition that Council has limited resources and numerous budget demands across a range of services.

Like the road reserves in the main part of the Heritage Estates (between The Wool Road and Naval College Road) the Birriga Avenue road reserve to the west of the proposed gate is unformed and unmaintained. The track is eroding but generally not to the same extent as those east of The Wool Road. It is a known hot spot for illegal dumping.

### Reasons for separate gates / barriers proposal (Section 116 notice)

A separate Section 116 notice was necessary to ensure consistency with the Act because:

- It was not originally proposed to install a gate / barrier on the western side of The Wool Road. **This was suggested by a landowner** as part of the formal consultation process held in 2015.
- It provides more detail on the proposed fence along Naval College Road. The gates/barriers proposal that was exhibited in 2015 included a statement that fencing would be installed along Naval College Road "if necessary" however, the precise location was not shown on the map. (NB: Properties along Naval College Road are generally not accessible by vehicle directly from the Road due to the terrain, dense bushland, and barbed wire fencing previously erected by landowners. The intention of including this statement was to enable Council to block any new tracks that may be created directly off Naval College Road as a consequence of blocking vehicle access points elsewhere.)

## Public exhibition details

# This proposal was publicly exhibited from 9 March to 8 April 2016. A copy of the exhibited map is provided in **Attachment “A”**. A notice was placed in the South Coast Register on 9 March 2016. Notification letters were sent to affected landowners, as well as members of the community who had previously written to Council in relation to the problems caused by vehicle/trail bike activity in the area.

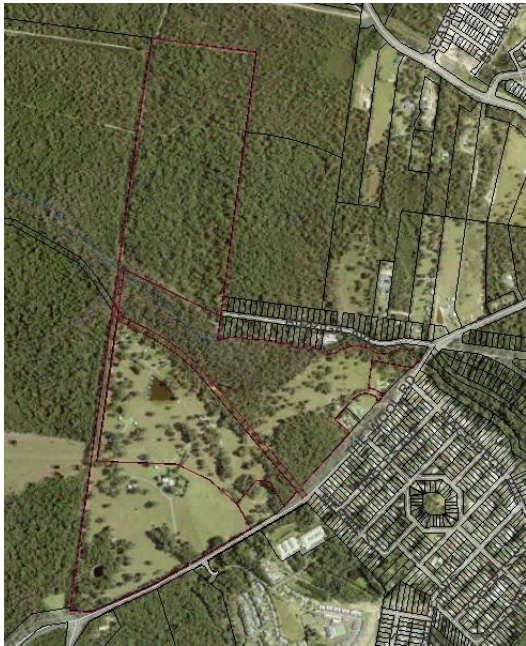
The proposal was available for viewing at Council’s Nowra administrative building, and on Council’s website.

## Summary of submissions

A total of seven (7) submissions were received in response to the public exhibition, which are summarised in Table 1. A copy of the actual submissions is provided in the **Councillors’ Room**

Table 1 – Submissions summary

Submission No.	Summary	Staff comments
1	Support letter from the ‘HEST Community Network’.	As noted in the submission, the HEST Network has been requesting action to curtail erosion and dumping in the Estate for a number of years.
2	Prefer the alternative option of rezoning all of the lots to enable development.  Council should advise owners how they will be able to access their properties.	The rezoning investigations were terminated in 2009. In 2014, Council resolved to finalise the Planning Proposal (PP) to rezone the land to ‘E2 – Environmental Conservation’ to better reflect its high environmental values which are protected under NSW and Federal environmental legislation. Furthermore, a substantial proportion of the land is now owned by NPWS.  This is addressed in the recommendations of this report.
3	Letter from Pikes & Verekers Lawyers on behalf of Lot 232 DP 8590 which adjoins Naval College Road.  Suggests that the proposed barrier along Naval College Road is beyond the power of the Roads Act.  Suggests that ‘a padlock and key arrangement on that part of the steel cable fence [adjoining client’s land]	Based on legal advice on this issue the proposal is consistent with the Roads Act.  Vehicles do not currently access the Heritage Estates from this location due to a combination of the uneven terrain and

Submission No.	Summary	Staff comments
	<p><i>with our client having a copy of the key.'</i></p> <p>Alternatively, client is willing to provide secure fencing and a lockable gate.</p> <p>The proposal is unreasonable in the Wednesbury sense by denying him vehicular access to his land.</p>	<p>dense bushland. Vehicle access at this location is not appropriate.</p> <p>See above.</p> <p>The proposal will not alter the existing access arrangement for this property, and is consistent with the Roads Act.</p>
4	<p>Landowner opposed to the proposal.</p> <p><i>"Whilst we are happy to still be able to access our land, we find the reasoning for blocking off some of the Estate quite incomprehensible."</i></p> <p><i>"Surely more could be done to make sure that the local illegal riders and dumpers are kept off these private blocks of land..."</i></p>	<p>Staff attempted to clarify and explain that the proposed measures were in addition to and supplementary to those exhibited in 2015.</p> <p>Experience elsewhere has proven that blocking vehicular access is the most effective means of preventing illegal dumping.</p> <p>Arrangements for access by landowners will be addressed in the protocol that will be prepared in accordance with Council's resolution on 19 April (min16.278).</p>
5	<p>Owner of large rural holding to the west of the Heritage Estates supports the proposal provided they are provided with a key.</p>	<p>The request for a key will be addressed via recommendation b) of this report.</p> <p>The land in question is a large rural holding comprising four lots shown below. The developed part of the property has direct access to The Wool Road.</p> 

Submission No.	Summary	Staff comments
6	<p>Landowner letter objects to both elements of this proposal although it "...does not affect me personally...".</p> <p>Steel cable fence along Naval College Road will not deter trail bikes or horse riders.</p> <p>In terms of the gate on Birriga Avenue, Council should be prepared to pay "<i>proper compulsory acquisition compensation...</i>"</p> <p>Landowners "...are prepared to take this to the Land and Environment Court..."</p> <p>Various comments concerning the landowners' special leave application to the High Court.</p>	<p>Noted.</p> <p>The proposed measures will supplement the other gates already approved by Council, along with a mix of education, signage, monitoring and enforcement measures. Overall, these measures will significantly reduce activities such as trail bike riding.</p> <p>The proposed installation of barriers under Section 116 of the Roads Act is unrelated to, and does not constitute compulsory acquisition.</p> <p>Based on legal advice the Roads Act does not confer any right of appeal or right to claim compensation in relation to restrictions imposed under Sections 116 to 118</p> <p>The owners' application was refused by the High Court and was unrelated to this proposal</p>
7	<p>Submission from the 'Jervis Bay Regional Alliance (JBRA)' supporting the proposal.</p> <p>Increased ranger presence will be needed to prevent gates and fences from being vandalised.</p> <p>Security cameras, signage and information on alternative trail bike riding locations will also help.</p> <p>JBRA is willing to organise and participate in a 'Clean up Australia Day event' provided Council is willing to cover costs of removing the collected rubbish.</p> <p>JBRA thanks Council for the opportunity to comment and looks forward to future engagement on the Heritage Estates.</p>	<p>Acknowledged - monitoring will be increased.</p> <p>Appropriate signage will be provided. Other measures are ongoing, such as the trail bike leaflet produced in 2015 and distributed to local businesses and interested residents.</p> <p>Information has been provided to the submitter on how to register for 'Clean up Australia Day' and obtain these resources.</p>



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## Shoalhaven Traffic Committee's Recommendation

The proposal was considered by the STC on 12 April 2016. The STC recommendation was adopted by Council on 19 April 2016, as follows:

*That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the following proposed vehicle control measures being installed as detailed in TRAF 2016/20:*

- a) *A locked gate and barriers across Birriga Avenue between Lots 25 and 56 DP 8771 (west of the Greek Orthodox Church), and*
- b) *Steel cable and post/boulder fencing on the western side of Naval College Road between Wanawong Boulevard and Erowal Bay Road.*
- c) *All control measures are to be located outside the clear zone*

This report now recommends that the gates/barriers be installed in accordance with the STC recommendation.

## Landowners' High Court Action

This update is provided to avoid the need for a separate report to Council.

The matter concerned a class action taken by June Esposito and four other Heritage Estate's owners in the Federal Court against Council, the State of NSW, the Australian Government, the Foundation for National Parks and Wildlife, and the Federal Environment Minister in the Federal Court. The key issues were: the funding arrangement for the voluntary Heritage Estates land purchase project; and the Federal Environment Minister's refusal of the Heritage Estates proposal in 2009.

Following the Federal Court's initial dismissal of the case and the subsequent appeal to the Federal Court, which was also dismissed, the landowners applied for special leave to have an appeal heard in the High Court.

On 5 May 2016, the High Court dismissed the application with costs. Council's legal representatives have advised that this matter is now concluded, hence the PP can be finalised. The High Court's notice is available online at:

<http://www.hcourt.gov.au/registry/special-leave-applications-results-2016>

Accordingly Council's decision on 29 July 2014 is now being implemented to finalise the PP to rezone the land from RU2 Rural Landscape to E2 Environmental Conservation. (As previously advised, this had been deferred pending conclusion of the landowners' class action as a precaution to avoid unnecessary delays to the Federal Court process.)

Funding provided by the Australian Government for the Voluntary Heritage Estates Land Purchase project had lapsed in 2014. A decision on whether to extend the funding period had been deferred pending the conclusion of the class action. The High Court's refusal of the special leave application, potentially enables the funding to be extended. (This decision cannot be made while the Government is in caretaker mode and will not be known until after the Federal election.)

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If the funding is extended, the remaining 700 (approx.) landowners will have a further opportunity to sell their land to the Foundation for National Parks and Wildlife (for addition to the Jervis Bay National Park).

Similarly, transfer of Council's land to NSW NPWS (which is part of Council's commitment to the project) which had been deferred pending conclusion of the class action, will now be able to be progressed.

Councillors will be kept advised of the progress of the above matters in due course.

Council has been awarded \$100,000 by the NSW Environmental Trust to address erosion on the public land in the Heritage Estates (located near Erowal Bay). The erosion control project will be undertaken over three years with the assistance of the NSW National Parks and Wildlife Service and community volunteers. It will involve some reshaping of the mostly severely eroded areas, installation of diversion banks and drains to break up runoff flow paths, scour protection, soil improvement, and revegetation.

#### **FINANCIAL IMPLICATIONS:**

Installation of the gate/barrier on Birriga Avenue will be covered by Council's existing fire trail budget.

Funding is not currently available for the fencing along Naval College Road. At this point in time, the land directly to the west of Naval College Road is generally inaccessible by vehicle from the Road. Hence the situation will be monitored and sections of the fence may be erected as the need arises. Potential funding support would be discussed with NPWS in due course.

#### **COMMUNITY ENGAGEMENT:**

The proposal was publicly exhibited in accordance with Section 116 of the Act. Council also wrote to the directly affected landowners and interested members of the community.

**8. James Crescent, Kings Point - Saltmarsh Protection File 9228E**

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**SECTION MANAGER: Kelie Lowe**

#### **PURPOSE:**

To report to Council on the outcomes of the Kings Point residents and ratepayers salt marsh protections options survey and the outcomes of the on-site meeting with affected residents as per part e) of Council minute of Ordinary meeting of 16<sup>th</sup> February 2016.

**RECOMMENDED, in accordance with the Committee's delegated authority from Council, that**

- a) In view of the community survey results, feedback received from the grant funding body and NSW DPI Fisheries, Council supports option 1 as the long term management option to protect saltmarsh vegetation along James Cr foreshore reserve;**

- 
- b) Council write to NSW DPI Fisheries requesting a permit to harm saltmarsh that will continue to be mown under option 1 in order to provide access and recreational space in the reserve;
  - c) Council (Director Planning and Development Services) prepare a media release to inform residents and ratepayers of Kings Point of the outcome of the community survey and subsequent decision of Council; and
  - d) Council write to properties backing the reserve informing them of Council decision and providing them with a copy of the subject report.

## OPTIONS

1. As recommended. This option is preferred as it reflects the outcome of the community survey noting 35% of residents and ratepayers backing the reserve also supported this option. This option meets the legislation, grant agreement and social objectives for access and recreation. This option is also supported by NSW DPI Fisheries and would attract the relevant permit to continue to lawfully mow defined sections of the reserve.
2. Council determine that the outcome of the on-site meeting with affected residents of protecting 16 square metres (option 4) is satisfactory and progress a permit application to Fisheries on that basis, noting the grant for this project will need to be returned to South East Local Land Services (LLS). However, NSW DPI Fisheries has already advised Council in writing that it is not prepared to issue a permit to Council or individuals for broadscale on-going mowing of saltmarsh to the waters edge (i.e. option 4). This decision may have significant impacts on other areas were negotiations between the community, Council and NSW DPI Fisheries had been successful and resulted in appropriate protection of saltmarsh vegetation.
3. Council determine that the outcome of the on-site meeting with affected residents of protecting 16 square metres is unsatisfactory, and undertake further consultation with affected residents and NSW DPI Fisheries for an outcome that meets the requirement of the grant funding.
4. Council determine not to proceed with the project and return the grant funding to the South East Local Land Services – This option carries significant risk for adjacent residents who would continue to mow the saltmarsh unlawfully. Significant penalties apply under the Fisheries Management Act.

## DETAILS

Since 2009 Shoalhaven Council has been working cooperatively with residents and NSW DPI Fisheries to protect high value estuarine marine vegetation on various foreshore reserves within the urbanised residential areas within the Burrill Lake catchment.

- # To date the Council has undertaken saltmarsh protection works in four (4) locations as follows (see **Attachment A** map for location details):



- 
1. Burrill Lake Lions Park
  2. Wallaroy Drive
  3. Honesuckle Close/Barker Reserve
  4. Harold St – Kings Point

The protection works have consisted of defining the boundary of the estuarine saltmarsh vegetation by installing timber bollards or by use of a walking track to delineate the boundary between mown maintained areas and natural saltmarsh.

# On reserves that have residential development backing onto them and where residents have historically been mowing into estuarine saltmarsh vegetation, Council has successfully negotiated with residents. Residents have agreed to allow areas of saltmarsh vegetation to regenerate and continue to lawfully mow access points for on-going access to the lake for passive recreation such as fishing and boating. This is done under a NSW DPI Fisheries permit to harm marine vegetation under the Fisheries Management Act 1994. This is because under Part 7 of the fisheries management Act 1994 it is an offence to harm marine vegetation which includes seagrass, mangrove and saltmarsh vegetation. Therefore, any mowing in the reserve where saltmarsh is growing, must be authorised by NSW DPI Fisheries by obtaining a permit to harm. The residents undertake this mowing under a formalised agreement with Council such as Parkcare Group (see **Attachment B** reports appendix for photos of examples).

In May 2014 Council and NSW DPI Fisheries successfully negotiated with residents backing onto Harold St foreshore reserve to protect areas of saltmarsh/estuarine vegetation, and allow mowing under a Fisheries permit to harm the saltmarsh. During the on-site meetings with Council staff, Councillors, NSW DPI Fisheries and residents, several residents asked why the residents along sections of James Crescent foreshore reserve were still allowed to continue to mow the saltmarsh on the reserve. Council at the time told residents that when adequate resources were available Council would enter into negotiations with the James Crescent residents with an aim to protect the saltmarsh.

When an opportunity arose to apply for grant funding via the South East Local Land Services, Protecting Coastal Wetlands in SE NSW grant program, Council applied for grant for a variety of coastal wetland protection projects totalling \$92,000. The grant application included an objective to reduce mowing of the saltmarsh along the James Crescent foreshore reserve to protect saltmarsh.

After initial on-site meeting in November 2015 with affected residents, Council and NSW DPI Fisheries, Council prepared a set of three (3) options for protecting the saltmarsh from mowing which included survey maps showing areas where mowing would be removed and areas where mowing would continue to allow access to the lake.

**Option 1** – *This option provides individual lake access points for each property coinciding with jetty placement or central to property boundaries. Access points are 1.2m wide flaring to 3m. This option provides 232m<sup>2</sup> of protected saltmarsh.*

**Option 2** – *This option provides wider shared lake access points on property boundaries. Access points are 3m wide flaring to 5m. This option provides 280m<sup>2</sup> of protected saltmarsh.*

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**Option 3** – This option provides two very wide lake access points of 19.1m flaring to 22.4m. This option provides 140 m2 of protected saltmarsh.

In February 2016 Council moved the following motion:

***That the General Manager:***

*a) Write to Local Residents and ratepayers as per Note iii in the General Managers notes as part of this report (ref. D16/17759).*

*b) Provide a fourth option to residents and ratepayers (as per 1 above) as follows:*

*Option 4 – Residents provide Council with their preference for mowing and continued access to the reserve area at the rear of their property.*

*c) Hold an initial onsite meeting with residents and ratepayers of the affected properties only and Councillors to discuss the options and issues.*

*d) Write to the Member for South Coast Shelley Hancock MP (Speaker for the House) providing:*

*(i) Copy of this Report*

*(ii) Copy of correspondence referred to in 1 above*

*(iii) Invite the Local Member to the onsite meeting with residents*

*e) This Item be reported back to Council for determination*

# As per part b) of the resolution Council sought input from the affected residents on their preference for mowing and continued access to the reserve at the rear of their properties. These were collated and developed into a fourth option (see **Attachment C** for copies of all four (4) options maps).

**Option 4** – This option is based on the feedback received from 6 of the 10 property owners backing the reserve. Three of the respondents are willing to mow the entire area including saltmarsh vegetation, three respondents are willing to mow the entire project area with the exception of the sections of saltmarsh fronting no 62 James Crescent (three respondents) and 56 James Crescent (two respondents).

*Note: This option would not result in additional saltmarsh vegetation protection as the areas of saltmarsh in front of 56 and 62 James Cr are currently not mown.*

At the request of the affected residents and to comply with Council resolution, all four (4) options were mailed out to all residents/ratepayers of Kings Point asking them to select their preferred option. The results of this survey are summarised under the community engagement section of this report.

As per part c) of the motion an on-site meeting was held at 1pm on 29 April 2016 with affected residents, Councillors, Member for South Coast - Shelly Hancock MP, Council

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staff and NSW DPI Fisheries staff to negotiate an outcome for protecting the saltmarsh vegetation whilst allowing for lake access and passive recreation space.

At this on-site meeting, the majority of the affected residents did not want to protect any of the saltmarsh on the reserve and expressed concern relating to loss of recreational space and increasing risk of vermin and snakes on the reserve. At the end of the meeting the affected residents agreed to trial some “No Mowing” saltmarsh protection areas around the existing dead Casuarina stumps to 1 metre radius, where there is saltmarsh present.

- # Staff have mapped this trial “No Mow” zone as per the proposed compromised agreement at the site meeting (see **Attachment D**). The proposed compromised agreement results in 16 square metres of saltmarsh vegetation being protected on the reserve or 5.3% of the total saltmarsh vegetation occurring on the reserve protected.

### **NSW Department of Primary Industries (DPI) Fisheries – advice**

- # NSW DPI Fisheries attended site meetings for this project. They have provided advice (refer **Attachment E**) that they support Option 1, and that they are not prepared to issue a permit for broad scale on-going mowing of saltmarsh. Given the lack of acceptance to the negotiated compromise position discussed on site (29 April 2016) and the ongoing potential for enforcement action associated with unauthorised mowing, Council needs to consider other options, than that discussed on site.

### **FINANCIAL IMPLICATIONS:**

Council has received correspondence from the grant provider, South East Local Land Services that if only 5.3% of the saltmarsh is protected this will not meet the grant project outcomes and Council will be required to refund the \$5,000 allocated for this section of the project.

Council has invested approximately \$5,000 in staff time to attend on-site meetings and prepare reports for the process to achieve the outcome. Overall the financial value of the process of protecting 16 square metres of saltmarsh vegetation is equal to \$500.75 per square metre of saltmarsh protected, this is a significant investment for a very limited outcome.

There are potential financial implications for individual and corporations that harm saltmarsh without the necessary permit to harm. Under Part 7 of the NSW Fisheries Act 1994 the maximum penalty for harming saltmarsh without a permit is \$220,000 for a corporation or \$110,000 for a person.

### **COMMUNITY ENGAGEMENT:**

#### **Community engagement to date**

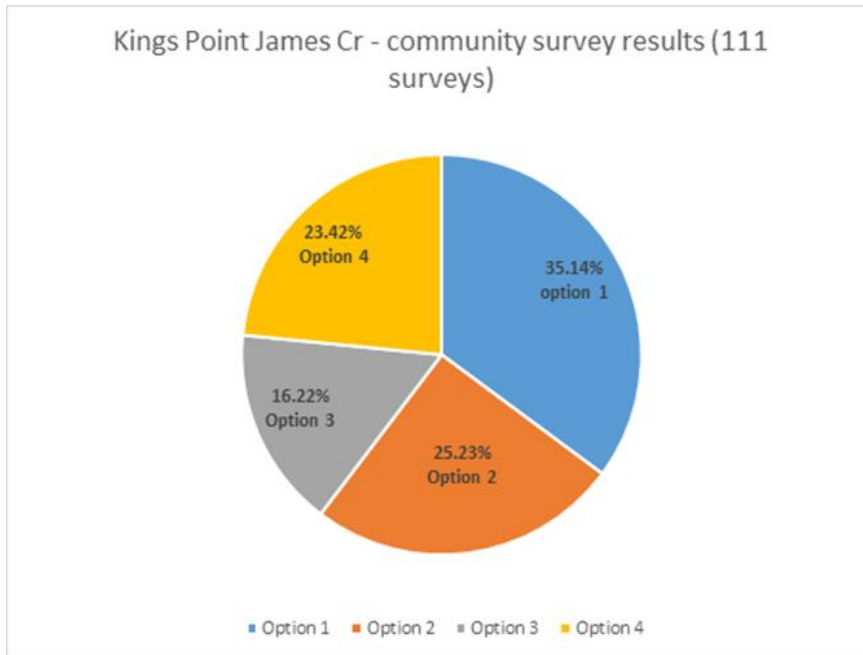
- A letter introducing the project was sent to residents along James Crescent (numbers 46 to 66), Kings Point on 8 September 2015 (D15/258304). The letter referred to a future on-site meeting with residents to discuss and consult.

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- A second letter (D15/321271) was sent on 29 October 2015 to residents along James Crescent, Kings Point (numbers 46 to 66) inviting them to attend an on-site meeting at 10.30am on 12 November 2015.
  - As part of the community consultation plan for this project, Council officers held the meeting with local residents on-site on Thursday 12 November 2015. There were 10 residents present at this meeting as well as council officers and an officer from NSW Fisheries. It was agreed at this meeting that Council would write to affected residents outlining some options to allow mowing in some areas to continue while also protecting the salt marsh. The residents present also requested that the entire Kings Point community be consulted on this project.
  - Following Council resolution on this matter, a third letter (D16/40351) was sent on 12 February 2016 to residents backing the reserve at James Crescent seeking their fourth options for protecting saltmarsh (this was in line with council resolution).
  - A fourth letter and survey form were sent to all residents and ratepayers of Kings Point on 2 March 2016 requesting to select one of the fourth options to protect the saltmarsh (this was in line with council resolution).
  - An on-site meeting was held at 1pm on 29 April 2016 with affected residents, Councillors, Member for South Coast - Shelly Hancock MP, Council staff and NSW DPI Fisheries staff to negotiate an outcome for protecting the saltmarsh vegetation whilst allowing for lake access and passive recreation space.

### **Results of Kings Point Residents and ratepayers survey**

115 survey forms were received by the closing date of Friday 22 April 2016.

Out of these, five surveys were from anonymous people, and one of those did not select an option. These surveys were not included in the final assessment presented below.



Overall the option that was supported the most is Option 1.

The feedback form provided a space for people to provide comments. The comments provided either clearly supported protection of saltmarsh and vegetation, or were clearly against option 4.

**Extract of survey responses (sample)**

- 'We have chosen option 2 but believe that option 1 and 3 would be satisfactory as well'*
- 'I would like option 1 or 2 as long as the land is revegetated'*
- 'I agree with any form of revegetation of lake foreshore'*
- 'Protected areas are much too small. Mowed areas are much too large'*
- 'Would like narrower access - maximum vegetation'*
- 'I feel that it is very important to improve saltmarsh vegetation protection'*
- 'The proposed mowing strips are all too wide. We need more saltmarsh area'*
- 'Option 4 should be eliminated'*
- 'We need to look after this vegetation'*
- 'I fully support the increase in saltmarsh on the foreshore'*
- 'I think that this is a good initiative and we all should be interested in the maintenance & resurrection of natural environmental areas'*
- 'This seems to be the option that fulfils both increased saltmarsh area and access'*
- 'If access must be allowed narrow access points are less disruptive to vegetation and less of them the better'*
- 'The encouragement and protection of saltmarsh vegetation is crucial to the lake'*
- 'This option gives reasonable access to the lake while retaining a higher percentage of the lake edge protected vegetation'*

*'Option 4 - not acceptable. Very important to protect the saltmarsh'*

*'Option 1 (or 2) seems the best choice'*

*'To preserve the saltmarsh vegetation if mowing permission is given by council, we believe option 2 is the best'*

*'I believe that option 1 provides a very good compromise solution to foreshore degradation'*

*'If you want more saltmarsh plan it on the other side of the lake so it does not interfere with the residents who pay through the nose via their rates to use the area as it was. Mowing to the lake.'*

*'I would like option 4 please as we have been looking after it for years, we are not killing anything like they are at Burrill we are maintaining the area for people to picnic and enjoy. Thank you.'*

*'No we do not support saltmarsh or any build up of vegetation in this RESIDENTIAL AREA. This will only cause increased numbers of snakes & rodents as it has in the Parkland Dve kids park foreshore. Council should focus its resources on the existing natural area around the lake.'*

*'It's been like this for 50+ years - and it has not made an ounce of difference to the lake or the environment LEAVE IT HOW IT IS.'*

*'There are enough natural & salt marsh areas around Burrill Lake's circumference. Let residential areas be maintained by the residents as they see fit and take advantage of their offer to mow without extra cost to Council.'*

*'We do not believe the saltmarsh will have an effect for the benefit of the residents or the lake as it is above high tide. We believe there are other areas the Council could improve the water quality.'*

Four of the eleven residents or ratepayers (i.e. 36%) backing the reserve who responded to the survey selected Option 1. The other six (i.e. 64%) selected Option 4.

A copy of all the submissions has been placed in the Councillors Room for information.

Tim Fletcher  
**PLANNING AND DEVELOPMENT SERVICES**

R.D Pigg  
**GENERAL MANAGER**

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**REPORT OF GENERAL MANAGER**

**STRATEGY & ASSETS COMMITTEE**

**TUESDAY, 14 JUNE 2016**

**SHOALHAVEN WATER**

***ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY***

**9. Ozwater Conference 2016**

**File 3989E**

**MANAGER: Carmel Krogh.**

**PURPOSE:**

To provide a report on the Ozwater 2016 Conference held in Melbourne 10-12 May.

**RECOMMENDED, in accordance with the Committee's delegated authority from Council, that the report regarding the Ozwater 2016 Conference held in Melbourne from 10-12 May be received for information.**

**OPTIONS**

1. Receive the report for information, as requested
2. Request further information on the Conference

**DETAILS**

**Background:**

OzWater 2016 was held in Melbourne from 10 - 12 May 2016. OzWater is Australia's largest international water conference and trade exhibition, and is run annually by the Australian Water Association (AWA). The conference attracts over 2500 participants. It has a number of technical and policy streams, together with workshops and a large trade exhibition.

Deputy Mayor John Wells, Councillor Greg Watson, Director Shoalhaven Water Carmel Krogh and Water Operations Manager Andrew McVey all attended the conference.

The conference opened with keynote speakers Professor John Thwaites (Professorial Fellow, Monash University and former Deputy Premier of Victoria) and Aromar Revi (Cities Alliance Director, Indian Institute for Human Settlements). These speakers set a global water industry perspective through a discussion of the UN sustainable development goals and the importance of cities to sustainable development. Key points included the rationale

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behind goal setting and the need for partnerships between business, civil society and governments.

Key themes for the conference included Liveable & Sustainable Cities of the Future, Operations and Asset Management, Water for Rural, Remote and Regional Communities, Customers and Community, Water Leaders Forum and Setting Measurable, Reportable Targets for Drinking Water Catchments, Contemporary Management (Innovation and Change Management)

The keynote speakers for Day 2 were Felicity Emmett (Head of Australian Economics, ANZ Research) Kerry Bodine (Co-author of “outside-In: The Power of Putting Customers at the Centre of Your Business”) and Holly Ransom (CEO, Emergent).

Felicity Emmett provided an update on current economic factors influencing the water industry and infrastructure delivery in general. Kerry Bodine provided a model for customer-focussed utilities while Holly Ransom gave an insightful glimpse of the influence of generational change and the expectations for service delivery.

Some technical papers of particular relevance to Shoalhaven Water are described below:

*Study of Impacts of Recycled Water Irrigation on Soils*

This paper provided some details of the City West Water (CWW) Werribee Recycling Scheme that has been used for sports field and public open space irrigation since 2007. CWW undertook a review of all the customer soil data to identify trends that might indicate impacts on soil quality as a result of recycled water irrigation. Extensive statistical analysis of the soils data indicated that there was no direct impact on the soil as a result of recycled water irrigation. Recycled water for this scheme is sourced from Melbourne Water’s Western Treatment Plant and the recycled water has a total dissolved solids (TDS) concentration of approximately 1000 mg/L, which is fit for the purpose for irrigating a range of amenity horticulture, however, requires management controls to ensure the soil structure and turf health are maintained.

From a Shoalhaven perspective, we can compare this TDS to the range of values experienced in the Shoalhaven REMS scheme. The TDS of the water supplied from REMS is in the range of 385-620, with an average of 480. It can also be noted that the CWW scheme undertakes regular soil sampling every 3 years, while the REMS requires soil analysis every 12 months.

*Using Digital Metering to find Leaks and Build a Business Case*

This paper described a project carried out in December 2013 by Yarra Valley Water (YVW) that involved the installation of transmitter tags on 2,664 existing water meters in Craigieburn to collect customer water use information remotely. The water usage information was used to assess the costs and benefits for replacing YVW’s existing water meters with digital water meters.

The key driver for installing digital meters on customer properties is to improve business productivity through a range of initiatives including reduced water consumption and leaks, automation of manual processes through customer self-service, and improved network efficiency and forward planning. Digital metering is a significant business transformation



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project, and one which Shoalhaven Water is looking to investigate in the coming years. The YVW project found that the largest costs include installing and replacing the new meters, IT systems, detecting Non Revenue Water, and the Communications network. YVW's analysis of the business case indicates that there is some uncertainty (particularly around the meter, IT and Communications costs) as YVW had not yet approached the market to confirm these figures.

### *Improved Asset Maintenance*

This paper described a Business Transformation project conducted by the South Australian Water Corporation to improve the effectiveness of its Asset Maintenance program. The project focused on developing a new Asset Maintenance Planning strategy and embedding that into the business, reviewing the Asset Maintenance Planning business processes and identifying improvement opportunities, developing consistent key performance indicators to guide the maintenance strategy going forward, and developing a better understanding of maintenance costs. The project was completed in one year and resulted in financial savings associated with a more cost-effective maintenance program of work.

The project implemented an innovative maintenance planning approach and has driven a greater culture of collaboration between the Asset Management and Operations & Maintenance teams. The project demonstrates the value of effective change management to ensure sustainable results. A business as usual steering committee was established to monitor benefits and ensure continuous improvement. It was reported that the project resulted in improved asset reliability, more effectively managed operational risk and optimised maintenance costs.

The learnings from this project can assist Shoalhaven Water as it develops its asset maintenance to a higher level of maturity.

### *Live Modelling with Remotely Controlled Assets*

This paper from Yarra Valley Water (YVW) discussed the next generation of water supply hydraulic modelling. Computerised hydraulic models are used to predict the behaviour of the water supply network and evaluate engineering options associated with extensions and upgrades. Shoalhaven Water uses such models. One of the key drawbacks of hydraulic modelling is that models are built and calibrated at a point in time, meaning that if they are not kept up to date in line with system changes, their accuracy is compromised. Live modelling is the next generation of hydraulic modelling. It provides the user with all the benefits of traditional hydraulic modelling, as well as a rapid identification of network faults and a predictive capability. It is essentially a real time comparison of the predictions from a calibrated hydraulic model and live data (from the SCADA remote telemetry system such as zone pressures and flows, tank water levels, pump on/off status etc.). YVW carried out two trials of live models to test the technology and define the key benefits. As Shoalhaven Water are reviewing options for SCADA upgrades, this paper provides some key potential future uses.

### *Evaluating Waste To Energy – A Case Study Investigation Into Viability of Converting Biogas to Biomethane for the Gas Grid in Canberra*

This paper described an investigation into the viability of generating biogas at Canberra's main wastewater treatment plant, the Lower Molonglo Water Quality Control Centre

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(LMWQCC), which involves incineration as the existing biosolids treatment process. The ACT Government have recently set a target to offset 100% of power consumed with renewable generation by 2025. To consider biogas generation and refinement for injection into the natural gas grid involves significant infrastructure at LMWQCC (anaerobic digestion and gas cleaning). The paper found that while there are potential benefits associated with energy recovery for both anaerobic digestion options, in the current economic climate this is not sufficient (based on adopted energy pricing) to off-set the significant capital costs of these options compared to the existing biosolids management system.

Shoalhaven Water utilises aerobic biosolids digestion with land application for its management. Although this paper addresses a different form of technology, the economic analysis and comparisons provide an insight into current thinking in this area.

The Ozwater Trade Exhibition had over 200 exhibitors with the latest water industry science, innovation, products and services for the water industry. The exhibition allowed access to suppliers and manufacturers that Shoalhaven Water use regularly and provided an opportunity to discuss new technologies and products with potential suppliers or partners in the future.

## 10. **Submission to the NSW Parliament Legislative Council Inquiry Into Water Augmentation** **File 5185E**

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**MANAGER: Carmel Krogh.**

### **PURPOSE:**

This report seeks Council's approval to provide a submission to the Inquiry Into the Augmentation of Water Supply for Rural and Regional New South Wales.

**RECOMMENDED, in accordance with the Committee's delegated authority from Council, that Council provide the attached submission to the upper House Inquiry.**

### **OPTIONS**

1. Council could choose not to make the submission to the Inquiry
2. Council could choose to make changes to the Draft Submission

### **DETAILS**

*Background:*

The General Purpose Standing Committee No. 5 in the NSW Upper House has self-referred an inquiry into the performance or effectiveness of the NSW government agencies

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that are responsible for the augmentation of water supply for rural and regional New South Wales. The terms of reference for the Inquiry are as follows:

- a) investigate the requirement for a water equation (demand and supply out to the middle of this century) for rural and regional New South Wales
- b) examine the suitability of existing New South Wales water storages and any future schemes for augmentation of water supply for New South Wales, including the potential for aquifer recharge
- c) review the NSW Government's response to the recommendations of the June 2013 report by the Standing Committee on State Development on the adequacy of water storages in New South Wales
- d) examine the 50 year flood history in New South Wales, particularly in northern coastal New South Wales, including the financial and human cost
- e) examine technologies available to mitigate flood damage, including diversion systems, and the scope of infrastructure needed to support water augmentation, by diversion, for rural and regional New South Wales
- f) examine social, economic and environmental aspects of water management practices in New South Wales and international jurisdictions, including the following case studies:
  - i. Broken Hill town water supply/Menindee Lakes system
  - ii. South Western NSW water management practices
  - iii. North Western NSW water management practices
- g) the efficiency and sustainability of environmental water being managed by different State and Federal Government departments and agencies
- h) the management, appropriateness, efficiency and reporting of:
  - i. inter-valley transfer
  - ii. conveyance and loss of water
  - iii. carryover
  - iv. the management and reporting of the water market, and
- i) any other related matter.

*Discussion:*

This inquiry originated through discussions around the Broken Hill water supply situation. It has now been broadened to include those issues listed above. Clearly the emphasis is not on the coastal areas of NSW and not all of the aspects of the terms of reference are of relevance to the Shoalhaven, however, this is an opportunity to provide some key points about the Shoalhaven situation that may assist the enquiry in its deliberations and a short draft submission has been prepared on that basis.

# A copy of the proposed submission is attached. Closing date for submissions is 19 June 2016.

**SECTION MANAGER: Tony Holmes.**

**PURPOSE:**

Council were previously advised of an analysis undertaken by Shoalhaven Water of the results from a survey of customers conducted in collaboration with the Water Services Association of Australia (WSAA). That analysis was commissioned by Shoalhaven Water and only related to the responses of Shoalhaven customers and not comparisons across the industry, regional or states. This report now provides those comparisons which have been promulgated by WSAA.

The project was facilitated by WSAA with Shoalhaven Water's active involvement through senior staff involvement on the Customer & Community Network of that Association. Active participation in gauging perceptions of value and affordability of utility services is consistent with the Shoalhaven Water Strategic Business and Customer Service Plans as previously endorsed by Council.

This project has provided Shoalhaven Water with valuable industry and customer information about its core services.

**RECOMMENDED, in accordance with the Committee's delegated authority from Council, that the information in this report be noted.**

**OPTIONS**

1. Council could seek additional information on any aspects of the report.

**DETAILS**

***Introduction:***

Although the Council's CSP process and annual community survey did not identify any community concerns with water and sewer at a higher strategic level, Shoalhaven Water as a major Local Water Utility continually reviews its levels of service for efficiency, currency and consistency. Shoalhaven Water constantly obtains feedback from customers following their requests for assistance and reports these results within the Customer Service Plan and to the Management Team of Shoalhaven Water. Comprehensive and targeted surveys are also conducted over five year blocks. Results of the targeted surveys are reported publically and were undertaken in 2002, 2007 and 2012.

An opportunity was presented in late 2014 to participate in a dedicated **National Water Utility** survey. This survey was part of a larger WSAA Project to determine appropriate and relevant indicators that reflect customer value. The industry is interested in understanding and measuring "those things that the customer most values, affordability, organisational effectiveness and understanding the customer level of product satisfaction" and using the information to;

- benchmark against other utility services, and
- produce a customer metrics handbook for use by water utilities in reviewing existing customer service indicators.

Shoalhaven Water has been actively involved in the project with the formulation of the content and reaching the desired outcomes.

# The survey was conducted by Insync Research Consulting and Shoalhaven Water was one of 3 water utilities in NSW to be included (Sydney Water, Hunter Water and Shoalhaven). The full report on the WSAA National Perceptions Survey - April 2016 can be found at Attachment 1.

### Key Insights

The water utility “metropolitan versus regional comparison” summary is shown under for both a National and NSW perspective;

	Metropolitan	Regional
Number of respondents	4422 (74%)	1551 (26%)
Number of utilities	11	10
States	NSW, VIC, QLD, ACT, WA, SA	VIC, TAS, NSW
Holds concession card	41.3%	50.1%
Speaks another language at home	11.4%	5.2%
Financial situation	Live comfortably – 27.2% Don't have enough – 4.5%	Live comfortably – 20.6% Don't have enough – 5.7%
House or unit	House – 71.7% Semi /townhouse – 10.8% Unit – 16.8%	House – 87.8% Semi/ townhouse – 3.2% Unit – 8.4%

## NSW

Respondents	920	Number of utilities	3
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### Key influencers

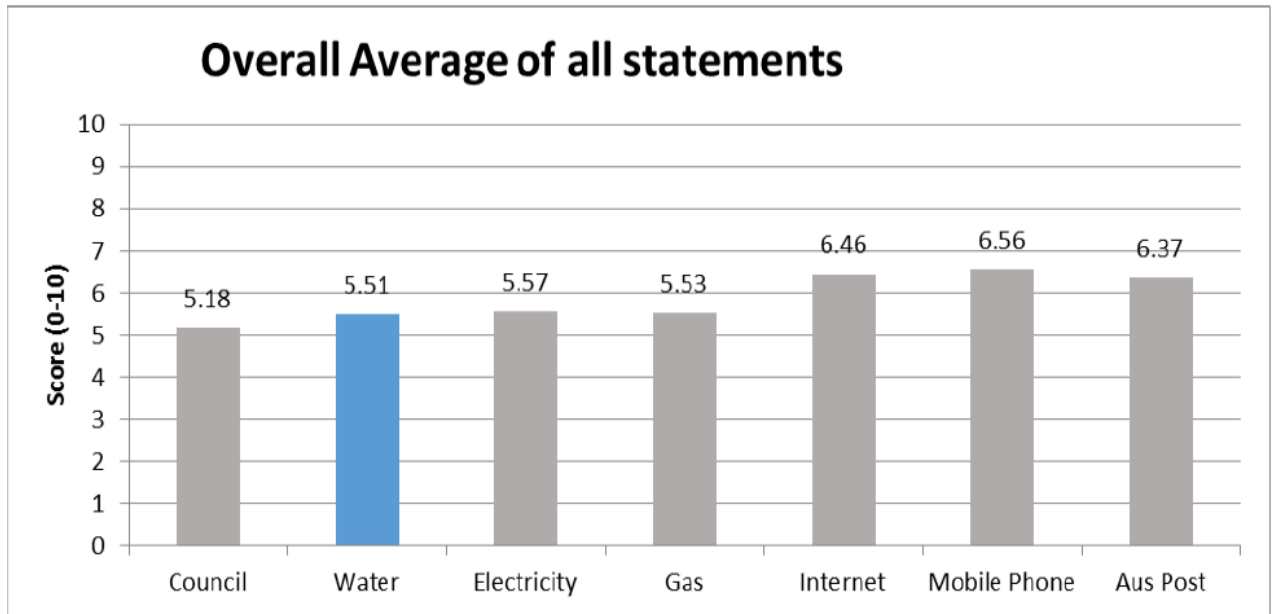
- High number of concession card holders (Hunter and Shoalhaven)
- Sydney has one of highest number of people who speak a language other than English at home
- Shoalhaven has the largest percentage of customers who identify as 'not having enough to meet basic needs'

### In General

NSW on the whole scored quite highly but this is possibly due to the more optimistic outlook of NSW residents and in particularly Sydney. Sydney-siders in particular were quite supportive of dams compared to other capital cities. Sydney was the only city where customers who didn't drink the water stated that health concern with the water was equally high as taste as the reason why they didn't drink the water.

Some of the gaps across the industry were largely consistent with the Shoalhaven Water customer response analysis including;

- it highlighted the low level of awareness that the water utility also provides sewerage services,
- value for money was lower than expected including the fact that water utilities were the second lowest score of all sectors however Shoalhaven Water was one of the "strong performers" in this comparison (see Figure 1 and WSAA commentary below),
- on average, one third of people don't always drink water out of the tap. 13% never drink water straight from the tap but the figures vary significantly among the utilities (Shoalhaven 17% and a strategy is being implemented to address water quality awareness through the sponsorship program),
- On average, only about 20% of customers had contact with their water utility in the last 12 months (Shoalhaven 10%),
- Only 18% of customers are aware of their water utility offers financial hardship support (Shoalhaven 15% - Shoalhaven Water has already moved to address this result with a dedicated quarterly flyer accompanying water accounts and standard references in reminders/final notices)



*Figure 1: Overall average score for value for money, affordability, trust and quality of products and services*

### Strong Performers

The strong performers have been identified *relative to how they scored to other service providers* rather than just the individual score. Note that the portal ranks utilities based on the latter.

- Sydney and Melbourne (three metros combined) customers scored their water utility higher than gas, electricity and councils for all four questions
- Sydney Water, Goulburn Valley Water, Yarra Valley Water, Water Corporation were the strongest overall performers for this section with Wannon Water (trust) and Shoalhaven (value for money) also scoring reasonably well for particular categories.

### Conclusion

The analysis of the Shoalhaven Water results have now been compared against the national trends and these will be considered further for strengthening or inclusion within the Strategic Business Planning process as applicable.

### FINANCIAL IMPLICATIONS:

There are no direct financial implications.

### COMMUNITY ENGAGEMENT:

In addition to the involvement outlined above, it is intended to summarise salient points regarding the survey as applicable within the next version of the Customer Service Plan.

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12. **Australian Government Bureau of Meteorology (BOM) - National Performance Report 2014-2015 Urban Water Utilities** **File 35982E**

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**SECTION MANAGER: Tony Holmes.**

**PURPOSE:**

The Shoalhaven Water Customer Service Plan outlines Shoalhaven Council's water and wastewater customer services and responsibilities in accordance with the legislative framework for Local Government Water Utilities in NSW. The National Performance Report (NPR) 2014-15 for Urban Water Utilities produced by the Australian Bureau of Meteorology (BOM) benchmarks the performance of 87 urban water service providers, comprised of 80 water utilities and councils and 7 bulk water suppliers against a range of indicators covering water resources, pricing, environment, finance, asset, health and customer service.

The purpose of this report is to inform Council of the outcomes for Shoalhaven as contained within the NPR 2014-2015 for Urban Water Utilities. The NPR is a comprehensive "report card" outlining utility performance benchmarked across the seven areas that the indicators cover for Government, Community and Industry uses.

**RECOMMENDED, in accordance with the Committee's delegated authority from Council, that the report be received for information.**

**OPTIONS**

1. Council could seek additional information on any of the indicator results.

**DETAILS**

Performance monitoring and benchmarking of Council's Water Supply and Sewerage businesses is required under the terms of the National Water Initiative (NWI) and which is facilitated by the BOM.

The BOM specifies the criteria used for monitoring and subsequent inclusion within the results tabled publically each year. The latest version was released late-April for the 2014/15 year and provided benchmarking information on 87 water utilities across Australia. This report is provided to Council following analysis of the results and as a summary of the Shoalhaven Water performance against that of the 21 other comparative sized utilities. 10 of these utilities are located in NSW of which Shoalhaven is the largest.

It should be noted that an independent audit of the Shoalhaven Water data was carried out in 2013 and this was reported separately to Council. The findings of that audit were that Shoalhaven Water had achieved 100% accuracy compliance for all of the indicators required for the NWC reporting. Consequently, the comparative benchmarking results are accepted by the BOM for inclusion in the National Performance Report for 2014-15.

The National Performance Report is designed to outline water consumption trends and 180 indicators relating to the performance of the urban water industry to;



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- ◆ Provide a Nationally consistent definition and approaches which enable comparisons to be made,
  - ◆ Inform customers about the level of service they are receiving,
  - ◆ Build community confidence and improve the water literacy of the community,
  - ◆ Inform the decision making processes of government, regulatory agencies and water businesses, and
  - ◆ Encourage greater transparency in the way water is managed.

The utility data within the NPR is grouped into five classifications based on the size of the Utility. Shoalhaven is classified as a Non-Major Utility Large (NMU) with between 20,000 - 50,000 total connected properties. There are 21 Water Utilities in the group and Shoalhaven and North East Water are the largest with 47,392 total connected properties. Others in the NMU grouping include Mackay and Fitzroy Water (Rockhampton Regional Councils QLD), Midcoast Water and Tweed Council NSW, Mandurah Water Corporation in WA and 5 Victorian Utilities including East Gippsland Water, Lower Murray Water and Wannon Water.

The indicators used by the NWC within the NPR are contained within 7 broad headings;

- Water resources,
- Pricing,
- Finance,
- Customer,
- Asset,
- Environment, and
- Health

An example of the result for Shoalhaven within each of the headings has been extracted from the published report as indicated below, together with a commentary as applicable to support the results across the suite of indicators.

## Water resources

### W12—Average annual residential water supplied (kL/property)

Utility	2011-12	2012-13	2013-14	2014-15	% Change from 2013-14
Albury City Council	203	255	232	205	-12
Clarence Valley Council	139	148	161	147	-9
Coffs Harbour City Council	156	161	169	167	-1
MidCoast Water	131	143	150	142	-5
Port Macquarie Hastings Council	144	157	157	151	-4
Riverina Water	256	347	324	311	-4
Shoalhaven City Council	130	149	148	143	-3
Tamworth Regional Council	204	261	287	188	-34
Tweed Shire Council	163	177	184	178	-3
Fitzroy River Water (Rockhampton Regional Council)	288	311	348	317	-9
East Gippsland Water	138	158	151	140	-7
GWMWater	208	236	226	237	5
Lower Murray Water	391	479	450	475	6
North East Water	179	216	206	197	-4
Wannon Water	148	152	140	144	3
Water Corporation - Mandurah	239	239	241	238	-1
Water and Waste Services (Mackay Regional Council)	231	216	216	214	-1
Wide Bay Water	170	186	197	181	-8
Bundaberg Regional Council				230	
Gladstone Regional Council				245	
Redland City Council				168	

The median annual residential water supplied was 179kL compared against the Shoalhaven result of 143kL. The Shoalhaven median reduced from 148kL in the previous year and was slightly above the lowest for the NMU's (East Gippsland Water 140kL).

### W26-Total recycled water supplied (ML) and W27- recycled water (% of effluent recycled)

Total recycled water supplied (W26) is the sum of all treated sewage effluent that is used by the utility or through a third-pipe system for urban reuse. The percentage of effluent recycled (W27) is derived by dividing the total recycled water volume by the volume of treated sewage effluent. The volume and percentage of recycled water are affected by a number of factors, including the availability of potable water, the size of the utility, proximity to potential customers, fluctuations in sewage received and therefore effluent available for recycling.

Utility	Total Recycled Water Supplied					Recycled Water (% of effluent recycled)				
	2011-12	2012-13	2013-14	2014-15	% Change from 2013-14	2011-12	2012-13	2013-14	2014-15	% Change from 2013-14
Albury City Council	5287	2733	2468	2398	-3	98.7	59	54.2	54	0
Clarence Valley Council	109	128	176	195	11	3.3	3.7	7	6.8	-3
Coffs Harbour City Council	489	801	1436	1013	-29	7.9	11	25.5	13.8	-46
MidCoast Water	282	848	1439	1327	-8	3.6	12.8	25.5	19.4	-24
Port Macquarie Hastings Council	294	242	363	386	6	3	2.8	4.3	4.9	14
Shoalhaven City Council	744	1992	2352	1705	-28	8.7	27.2	27.5	20.5	-25
Tamworth Regional Council	3656	3595	4128	4278	4	66.7	79.3	100	82.1	-18
Tweed Shire Council	386	431	604	551	-9	4.5	5.5	9.1	6.9	-24
Wagga Wagga Council	5971	5543	5523	5620	2	96.9	96.7	96.5	96.5	0
Fitzroy River Water (Rockhampton Regional Council)	2175	1807	681	696	2	24.1	16.8	9.5	10	5
East Gippsland Water	2469	2959	2903	2754	-5	86.1	99.2	96.2	95.3	-1
GWMWater	2291	2366	2302	2233	-3	105	101.2	58.2	57.1	-2
Lower Murray Water	2456	2491	3202	3855	20	43.5	40.6	56.1	50.5	-10
North East Water	1959	2203	1895	2561	35	20.2	24.9	20.1	28.1	40
Wannon Water	1248	1490	1251	1979	58	12.5	15.8	11.6	19.1	65
Water Corporation - Mandurah	119	104	119	131	10	2.4	2.1	2.3	2.4	4
Water and Waste Services (Mackay Regional Council)	4409	8314	4412	5076	15	n/a	n/a	n/a	n/a	n/a
Wide Bay Water	2624	4061	4794	3830	-20	37	60.6	103.1	73.3	-29
Bundaberg Regional Council				642	n/a				11.4	n/a
Gladstone Regional Council				3521	n/a				74.2	n/a
Redland City Council				287	n/a				2.6	n/a

Shoalhaven's reduction of 647 ML was a decrease of 28% on 2013–14 levels. This decrease was due to above average rainfall for 2014/15 which limited opportunities for beneficial irrigation.

### **Pricing**

P3, P6—Typical residential bill (based on average residential water supplied) (\$)

The typical residential bill is the sum of fixed charges and water usage to a residential customer, using each utility's average annual volume of residential water supplied. The size of a customer base has some influence on bills. Nationally, the median typical annual residential water bill is \$1,299.00.

Note: The typical residential bill includes the fixed charge for sewerage.

P 8 Typical Residential Bill (water & sewerage) (\$)

Utility	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	% change from 2013-14
Albury City Council	712	710	740	880	925	993	7
Clarence Valley Council	1101	1108	1155	1262	1357	1401	3
Coffs Harbour City Council	1351	1290	1303	1353	1375	1388	1
MidCoast Water	1405	1417	1459	1517	1510	1535	2
Port Macquarie Hastings Council	1204	1158	1184	1248	1275	1304	2
Riverina Water	410	309	367	524	541	574	6
Shoalhaven City Council	945	970	982	1035	1049	1059	1
Tamworth Regional Council	1277	1256	1278	1360	1399	1273	-9
Tweed Shire Council	1006	1038	1100	1191	1265	1316	4
Wagga Wagga Council		444	464	454	441	434	-2
Fitzroy River Water (Rockhampton Region)	1136	962	1017	1050	1125	1136	1
East Gippsland Water	989	1019	1087	1186	1135	1102	-3
GWMWater	1060	1036	1172	1265	1284	1317	3
Lower Murray Water	811	756	823	869	887	921	4
North East Water	808	803	859	963	927	843	-9
Wannon Water	936	986	1115	1216	1159	1101	-5
Water Corporation - Mandurah	1186	1224	1273	1322	1356	1405	4
Water and Waste Services (Mackay Regic	1229	1412	1364	1415	1531	1457	-5
Wide Bay Water		1321	1379	1428	1482	1487	0
Bundaberg Regional Council						1694	n/a
Gladstone Regional Council						1301	n/a
Redland City Council						1389	n/a

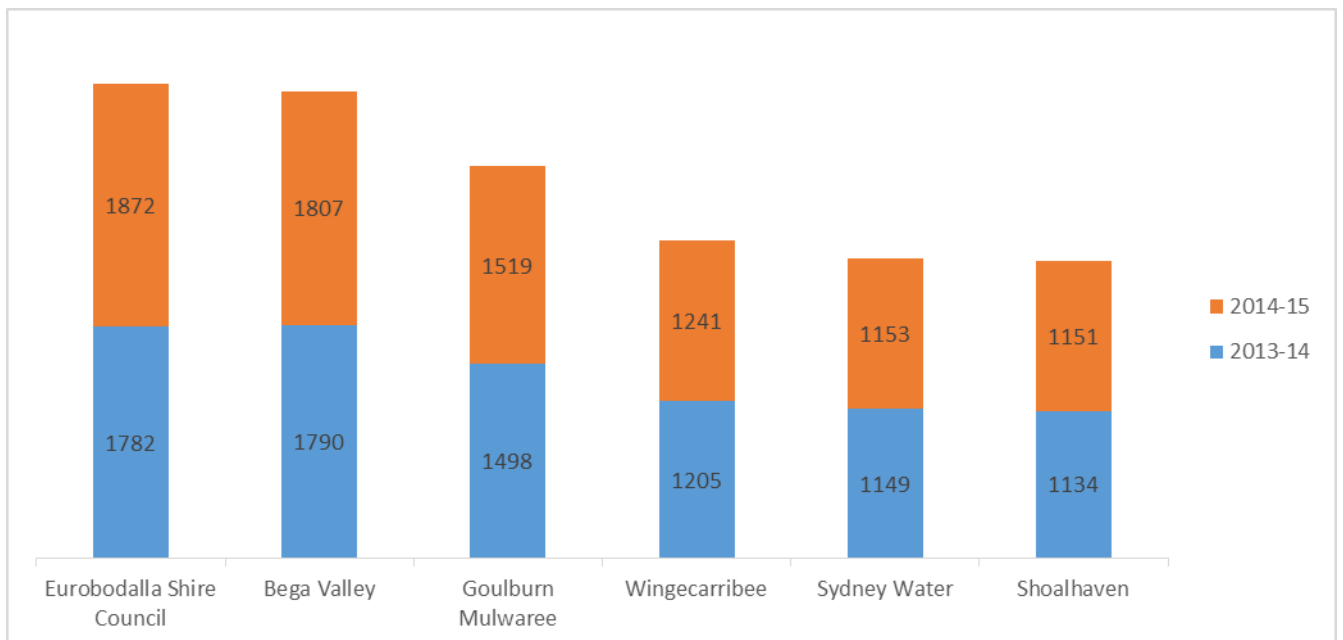
The increase of 1% for Shoalhaven represented the Sewer Availability charging strategy consequent to the large capital works program. Shoalhaven has the fifth lowest typical residential bill in the NMU for combined water and sewerage. This is \$251 less than the median NMU and \$240 less than the National average.

P2, P5 – Typical residential bill (based on 200 kL) (\$)

This performance measurement aids comparisons between utilities' annual bills and removes the impact of differences in the volumes of residential water supplied to customers of different utilities as shown in the previous indicator. This indicator provides a more realistic comparison of pricing against all utility reporting for an annual hypothetical volume and improves transparency of price increases. The median result for NMU was \$1,276.

P 2 and P 5 Annual bill based on 200kL/a - water/sewerage (\$)						
Utility	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15
Albury City Council	700	723	738	797	884	988
Clarence Valley Council	1145	1199	1254	1347	1422	1495
Coffs Harbour City Council	1384	1381	1415	1453	1456	1475
East Gippsland Water	1035	1102	1187	1258	1228	1220
Fitzroy River Water	911	928	939	972	998	1041
GWMWater	1060	1092	1158	1208	1241	1255
Lower Murray Water	700	702	712	713	724	735
MidCoast Water	1510	1563	1633	1665	1642	1693
North East Water	785	876	908	925	913	850
Port Macquarie Hastings Council	1280	1274	1312	1349	1382	1429
Shoalhaven City Council	1025	1071	1094	1118	1134	1151
Tamworth Regional Council	1211	1237	1272	1274	1278	1290
Tweed Shire Council	1047	1098	1173	1241	1301	1370
Wannon Water	1011	1102	1215	1316	1281	1216
Mackay Regional Council	1156	1292	1309	1368	1395	1412
Water Corporation - Mandurah	1118	1154	1209	1251	1279	1332
Wide Bay Water		1381	1428	1479	1478	1518

Using this indicator for annual bills across utilities surrounding Shoalhaven; provides customers with a realistic guide as to the level of comparable pricing. For transparency this comparison can then also be applied against the services provided to the community for water supply and sewerage in respect of operating costs, customer responsiveness and capital works. Shoalhaven is the lowest annual bill by 0.2% (Sydney Water) and is 38.5% lower than the highest bill (Eurobodalla).



## Finance

### F14, F15, F16—Total water and sewerage capital expenditure (\$'000)

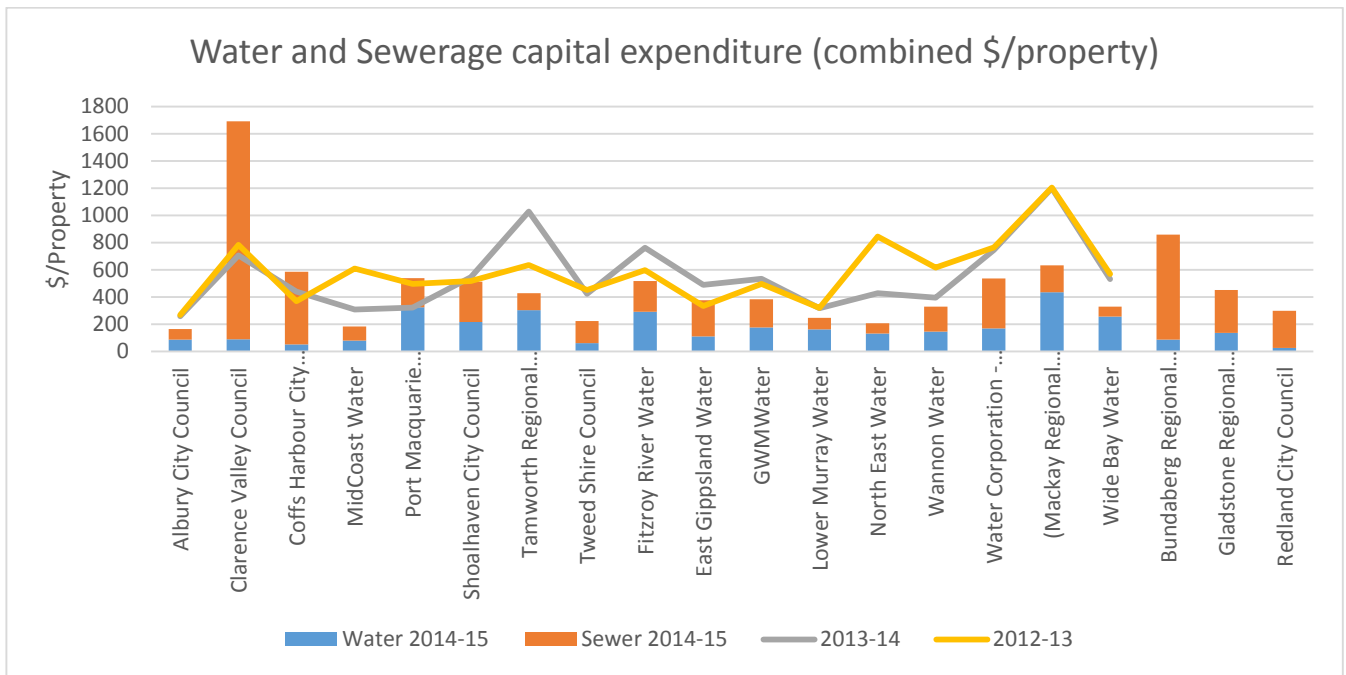
This comparison presents the total capital expenditure in real dollar terms and provides the total level of capital investment against similar sized utilities. A number of factors influence capital expenditure (age/lifecycle of infrastructure and growth) and therefore a utility performance in this indicator will be “lumpy” over time as many projects are one off and can take several years to complete.

With the commencement of the Shoalhaven REMS upgrade works, the combined capital expenditure will increase significantly over the future years.

<b>F 16 Total capital expenditure for water and sewerage (\$000s)</b>					
<b>Utility</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Albury City Council	4756	2613	6045	5843	4130
Clarence Valley Council	13055	31870	12268	11030	25504
Coffs Harbour City Council	9621	7054	8864	10481	13974
MidCoast Water	28002	85079	22303	11476	6789
Port Macquarie Hastings Council	19483	13719	14133	9057	15863
Riverina Water	7279	6389	5774	6285	11870
Shoalhaven City Council	18829	28065	21900	24078	22629
Tamworth Regional Council	33120	10794	13231	20982	9034
Tweed Shire Council	8690	39186	13882	13302	6997
Wagga Wagga Council	12470	6590	3761	4800	4382
Fitzroy River Water	40250	28103	23793	22640	15844
East Gippsland Water	13033	11349	6766	10057	7606
GWMWater	9647	16563	14378	16146	10826
Lower Murray Water	12867	10989	9575	9750	7759
North East Water	11328	14163	37105	19657	9800
Wannon Water	12348	28794	22398	15066	12735
Water Corporation - Mandurah	43144	37425	30750	29077	21645
Mackay Regional Council	51050	46215	48000	47887	26339
Wide Bay Water	17173	27573	18462	18006	11393
Bundaberg Regional Council					21777
Gladstone Regional Council					10082
Redland City Council					15440

### F28 — Water capital expenditure and F29 – Sewerage capital expenditure (combined \$/property)

This indicator reports capital expenditure on a per property basis and gives an indication of the level of investment by each utility relative to its customer base. The median in 2014-15 was \$359 per property with Shoalhaven’s result of \$513. This is a decrease of \$33 per property from the 2013-14 result for Shoalhaven Water and which was previously predicted as a consequence of the ongoing large sewer capital works programs. This figure will continue to increase significantly as works progress with REMS 1B (Nowra/Bomaderry STP upgrades) and Porters Creek Dam remediation works.



**F 28 and 29 Water and sewer supply capital expenditure (\$/property)**

Utility	2010-11	2011-12	2012-13	2013-14	2014-15
Albury City Council	218	114	268	259	166
Clarence Valley Council	789	2136	784	706	1693
Coffs Harbour City Council	402	299	371	441	586
MidCoast Water	800	2318	609	308	185
Port Macquarie Hastings Council	701	480	498	322	540
Shoalhaven City Council	2393	670	519	546	513
Tamworth Regional Council	1742	536	635	1029	428
Tweed Shire Council	276	1262	453	425	225
Fitzroy River Water	1059	734	599	762	519
East Gippsland Water	670	583	335	491	376
GWMWater	354	603	496	534	383
Lower Murray Water	456	372	320	319	247
North East Water	253	311	845	429	208
Wannon Water	328	778	616	395	329
Water Corporation - Mandurah	1063	978	766	747	537
Mackay Regional Council	1289	1188	1204	1201	633
Wide Bay Water	484	793	570	532	329
Bundaberg Regional Council					859
Gladstone Regional Council					453
Redland City Council					300

## F11, F12, F13—Combined Operating cost (\$/property)

This indicator is one of the most important benchmarks within the NWC reporting suite. The indicator measures the operating costs (for operation, maintenance and administration) of each water utility in relation to the number of properties serviced. Operating costs are influenced by many factors, including:

- utility size
- climate and rainfall
- the way and the distance that water is transported
- the sources of water
- input cost escalation (eg the costs of fuel, chemicals and labour), and
- the level of water and sewage treatment required

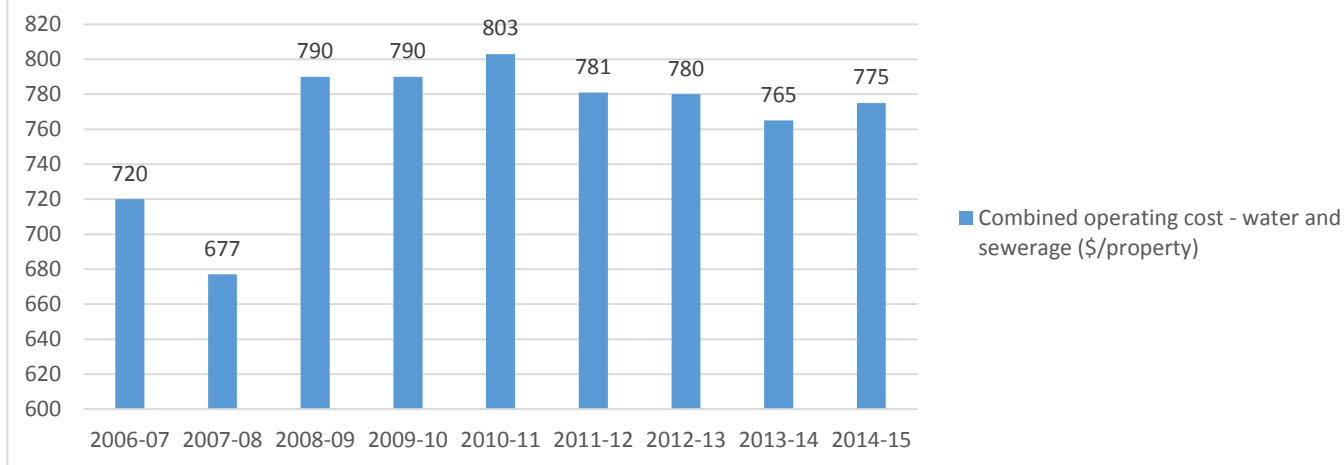
The combined operating cost for Shoalhaven was \$775 per property and was slightly higher than the previous year (\$765). Regardless of any % decrease/increase from previous years, considering the number of schemes operated and the size of distribution within the Shoalhaven, this is a very good result with the total operating cost per property still remaining less than the NMU average of \$856 per property. The NMU median decreased by 4.5% in 2014-15. This good Shoalhaven result is despite the additional sewerage scheme which commissioned in Kangaroo Valley.

### Combined operating cost - water and sewerage (\$/property)

Utility	2010-11	2011-12	2012-13	2013-14	2014-15	% change from 2013-14
Fitzroy River Water	605	689	660	574	703	22
MidCoast Water	886	1032	963	917	1021	11
Lower Murray Water	792	754	623	612	653	7
Shoalhaven City Council	803	781	780	765	775	1
Wannon Water	1035	1113	1000	978	977	0
Tweed Shire Council	892	877	928	945	943	0
North East Water	799	876	767	809	803	-1
Coffs Harbour City Council	896	913	1016	1023	1014	-1
Wagga Wagga Council	274	392	432	424	418	-1
Port Macquarie Hastings Council	743	754	865	895	878	-2
GWMWater	915	907	909	953	927	-3
Clarence Valley Council	823	876	945	891	850	-5
Wide Bay Water	1037	1386	417	887	839	-5
Water Corporation - Mandurah	575	563	554	582	548	-6
Tamworth Regional Council	854	976	989	1024	941	-8
Albury City Council	759	788	799	747	670	-10
East Gippsland Water	1004	851	449	947	819	-14
Mackay Regional Council	1119	1252	1319	1500	1269	-15
Riverina Water	344	341	404	348	277	-20



### Shoalhaven Combined operating cost - water and sewerage (\$/property)



### F8 – Revenue from community service obligations (%)

Revenue from community service obligations (CSO) represents payments to a utility by the state or federal government following a government direction to undertake activities the utility would not perform on a solely commercial basis. For Shoalhaven and other NSW water utilities this is largely the payment of the pension concession under the Local Government Act and the subsequent percentage return as revenue from the NSW Government. Shoalhaven at 1.5 is lower than the median (2.9) however this median is influenced by the differing level of State Government assistance measures. The Shoalhaven result is consistent with other NSW utilities.

#### F8 Revenue from Community Service Obligations (%)

Utility	2010-11	2011-12	2012-13	2013-14	2014-15
Albury City Council	1.3	1.2	1	0.9	0.9
Clarence Valley Council	2	1.7	1.6	1.4	1.4
Coffs Harbour City Council	1.1	1.1	1.1	1.1	1
MidCoast Water	1.6	0.9	1.5	1.4	1.4
Port Macquarie Hastings Council	2.1	1.7	1.7	1.2	1.4
Riverina Water	1.4	1.2	0.8	0.8	0.6
Shoalhaven City Council	1.8	1.8	1.6	1.6	1.5
Tamworth Regional Council	1.1	1	1.1	0.9	1
Tweed Shire Council	2	1.6	1.5	1.1	1.2
Wagga Wagga Council	1.2	0.9	0.9	1	0.8
Fitzroy River Water	1.6	1.5	1.7	0.7	1.3
East Gippsland Water	5			5.2	6.1
GWMWater	9	8.6	7.4	7.1	6.5
Lower Murray Water	5.4	6.3	6	5.9	5.7
North East Water	6.3	6.7	5.7	6.1	6.6
Wannon Water	4.5	3.6	3.9	4.4	4.3
Water Corporation - Mandurah	30	32.2	19.3	19.9	18.3
Mackay Regional Council	0.4	0.1	0	0.1	0.2
Wide Bay Water	0.3	1.8	1.7	0.4	0.4
Bundaberg Regional Council					1.8
Gladstone Regional Council					0
Redland City Council					0.4

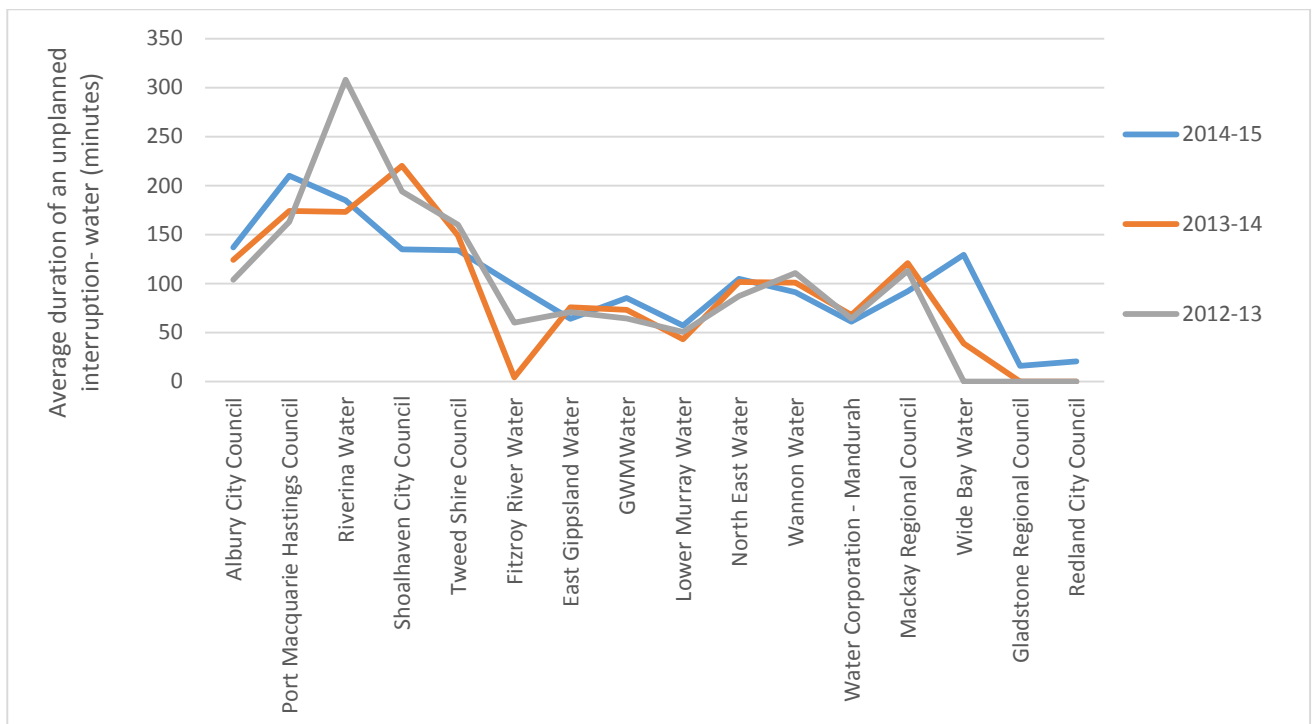
## Customer

### C15—Average duration of an unplanned interruption (minutes)

This indicator reports the average time (in minutes) that a customer is without water supply due to an unforeseen interruption requiring attention by a utility. It also includes instances in which scheduled (planned) interruptions exceed the time limit originally notified by a utility. It is a partial indicator of customer service and the condition of the water network, and of how effectively the operation of the network is being managed.

Nationally, rural water supply networks have higher interruption timeframes owing to the expanse of networks and overcoming difficult access conditions. Shoalhaven (135 minutes) had the fourth highest in the NMU (improved from 210 mins in 2013-14) but this result has historically been higher than other NMU given the size of the network. In comparison Gosford which is the next largest water utility to Shoalhaven in NSW has a smaller water supply network but has a typical higher average duration (382 minutes).

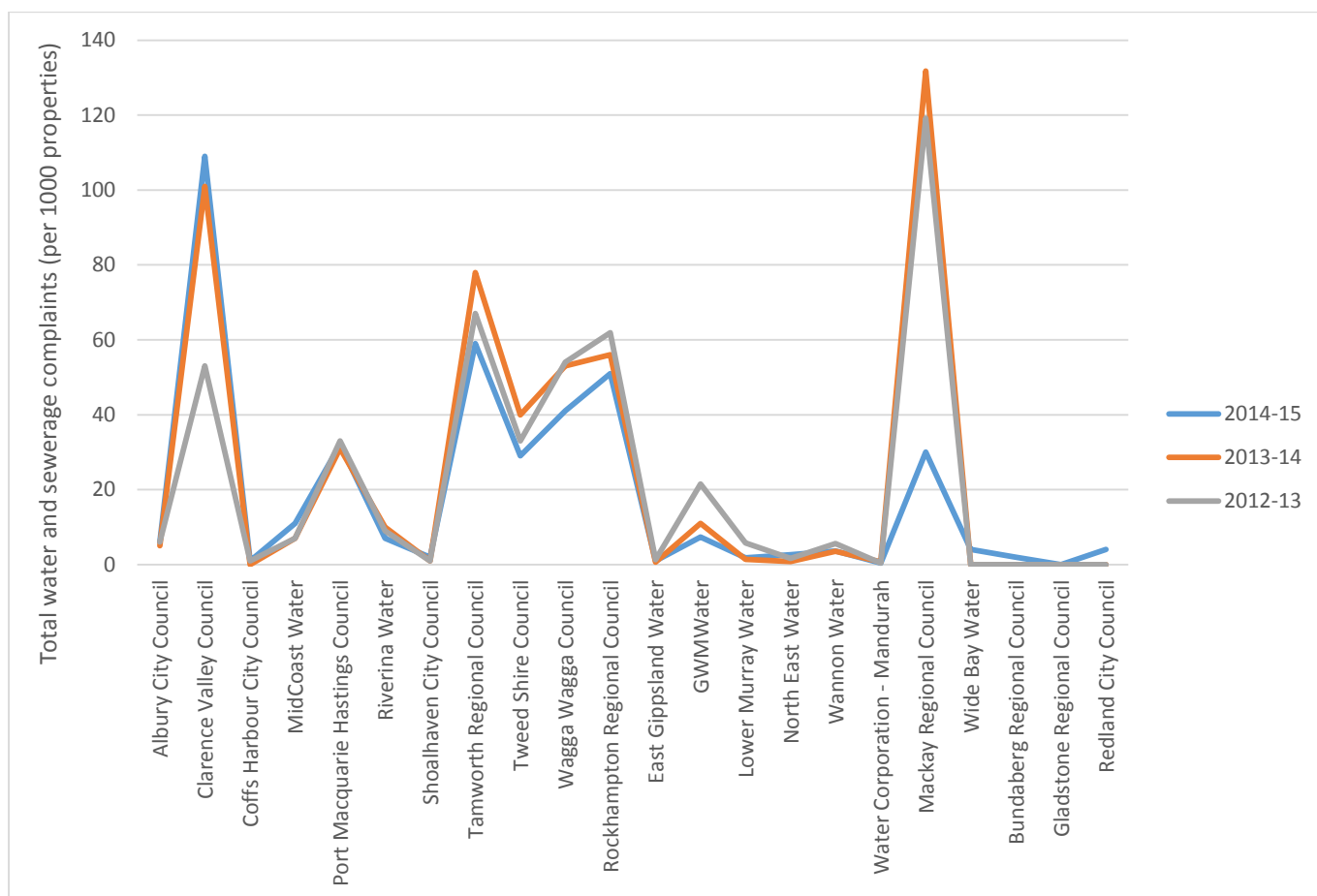
Regardless, the average duration for interruption has for Shoalhaven has reduced significantly from the previous year and strategies to improve upon this area of performance has been included within the current Strategic Business Plan.



### C13—Total water and sewerage complaints (per 1,000 properties)

This indicator benchmarks the total number of complaints received by a water utility per 1,000 properties and can be written or verbal expression of dissatisfaction about an action or proposed action or a failure to act by the water utility. The number of complaints is a common indicator of the level of customer service and customer satisfaction used in many industries.

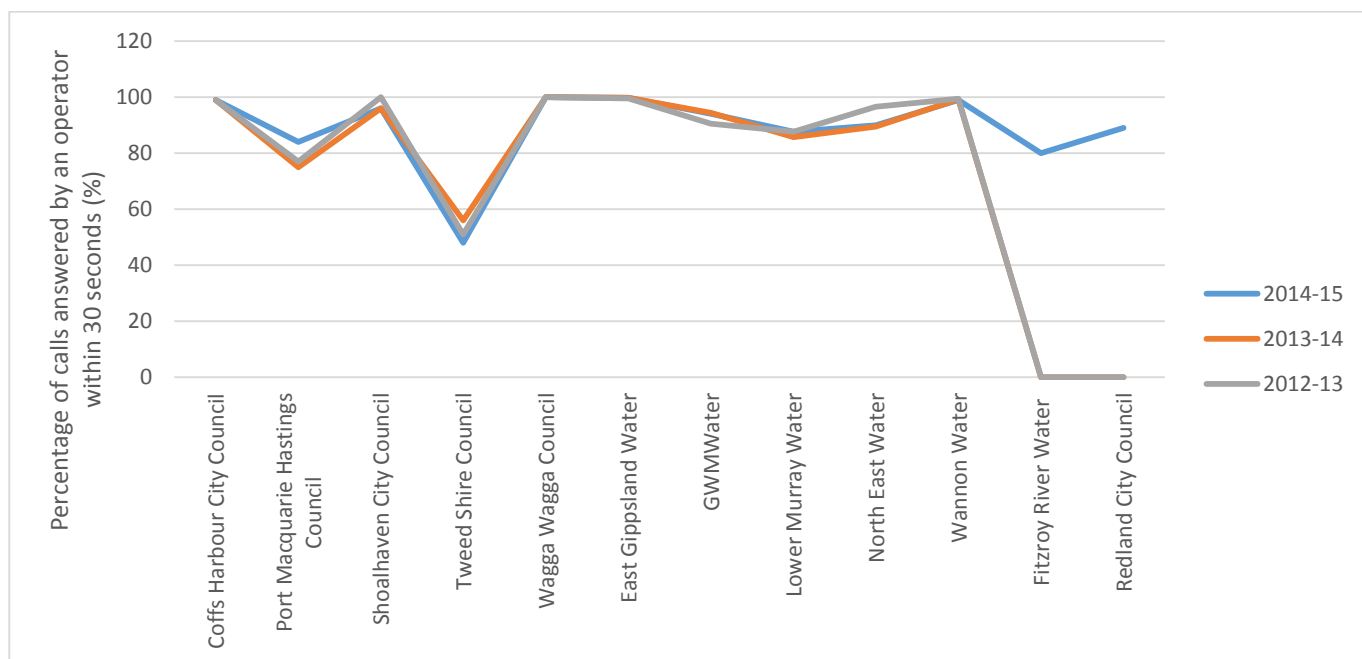
The national median for all utilities was 4.3 and the NMU was 4. Shoalhaven’s result of 2 remains one of the lowest in the NMU and nationally. It is the consequence of good communication strategies with the customer base by Operations and Customer service staff. There was a significant range in the NMU with the highest 109.



### C14—Percentage of calls answered by an operator within 30 seconds

This indicator measures the number of calls answered within 30 seconds after the ‘operator’ option is selected. It gives an indication of the efficiency of the utility’s customer service arrangements, and is affected by the ratio of customer service staff to customers, particularly when severe events result in a large increase in customer calls.

In 2014–15, the median across all size groups was 85%. The median for NMU was 92% and Shoalhaven continued its strong performance with 96% making this the eighth year at or above the NMU median. The strength for Shoalhaven is considered to be the employment, stability and retention of workforce assets through multi-skilling.



### C9 — Water quality complaints (number per 1,000 properties)

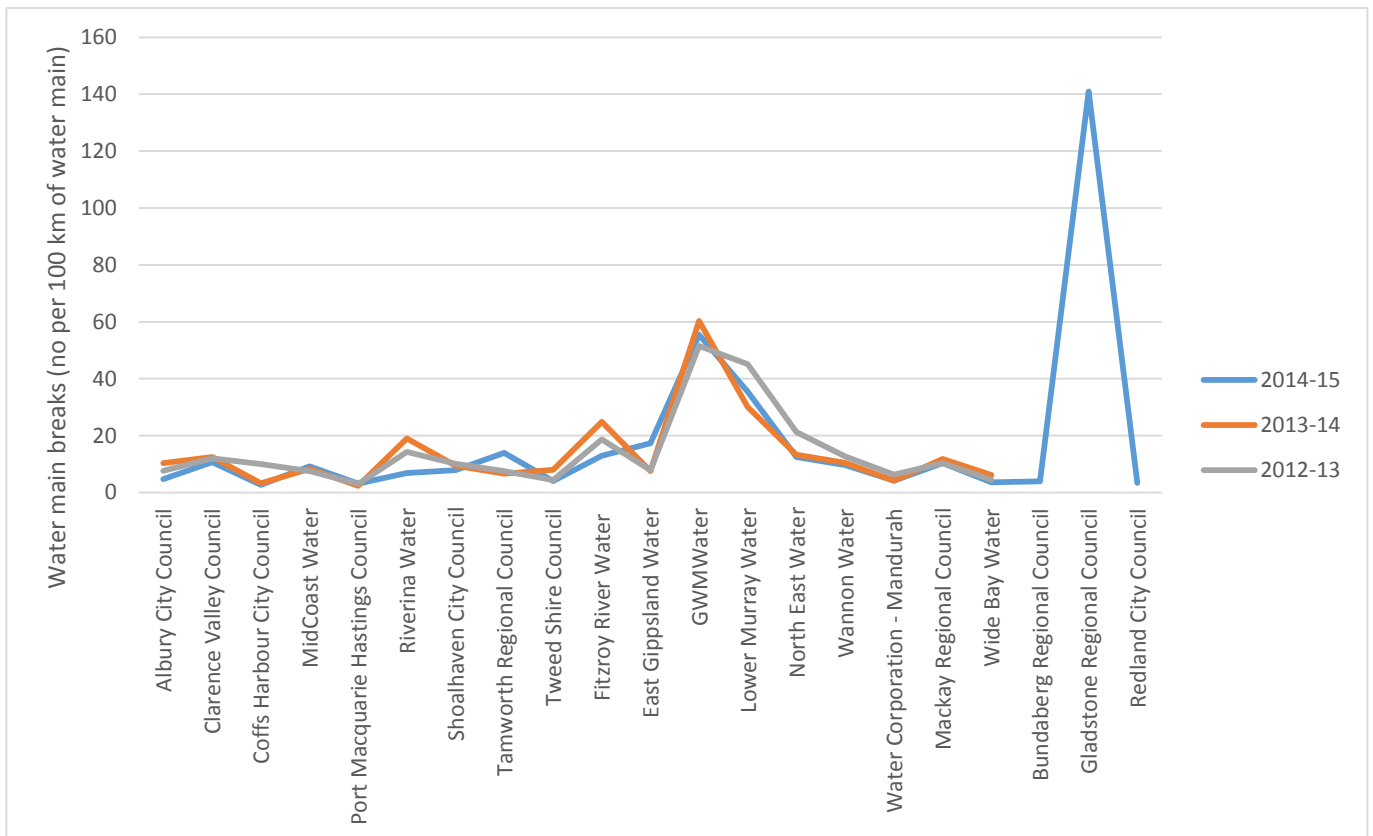
This indicator is another important benchmark for Shoalhaven given the three distinct water supply systems, size of network and the high demand periods experienced with the influx of customers during peak times. Shoalhaven result of 0.5 was marginally higher than the previous two years however it remains below the NMU median of 1.

C9 Water quality complaints (per 1000 properties)						Change
Utility	2010-11	2011-12	2012-13	2013-14	2014-15	from 2013-
Fitzroy River Water	6.1	5.9	6.1	2.1	9	329
Shoalhaven City Council	1.3	0.5	0.3	0.3	0.5	67
GWMWater	9.7	9.3	7.5	2.5	3.7	48
Mackay Water	2.1	2.1	2.5	2.3	3	30
Tweed Shire Council	4.9	4.5	4.2	4.9	5.9	20
Lower Murray Water	4	1.1	0.7	0.5	0.6	20
MidCoast Water	6.6	3.5	2.8	2.6	3	15
North East Water	1.3	1.9	0.8	0.4	0.4	0
Wannon Water	2.7	1.3	0.8	0.6	0.6	0
Riverina Water	3.6	2.8	4.4	3.1	3	-3
Port Macquarie Hastings Council	5.2	3	8.5	6.7	6	-10
Albury City Council	1.2	1	4.2	3.2	2.6	-19
Wide Bay Water	1.3	1.1	2.4	1.3	1	-23
Clarence Valley Council	8	6.7	8.1	22.6	13.9	-38
East Gippsland Water	1.2	0.3	0.3	0.5	0.2	-60
Tamworth Regional Council			0.8	0.2	0	-100
Water Corporation - Mandurah	4.2	3.1	0.1	0.1	0	-100
<b>Median</b>	<b>1.9</b>	<b>2.7</b>	<b>1.2</b>	<b>0.8</b>	<b>1</b>	<b>25</b>
<b>Mean</b>	<b>5.3</b>	<b>5.9</b>	<b>5.3</b>	<b>4.1</b>	<b>3.4</b>	<b>-17</b>

## Assets

### A8—Water main breaks (per 100 km of water main)

This indicator reports the total number of breaks, bursts and leaks in all distribution system mains. It provides a partial indication of the customer service provided and the condition of the network. Shoalhaven recorded 7.9 which is consistent with the median.



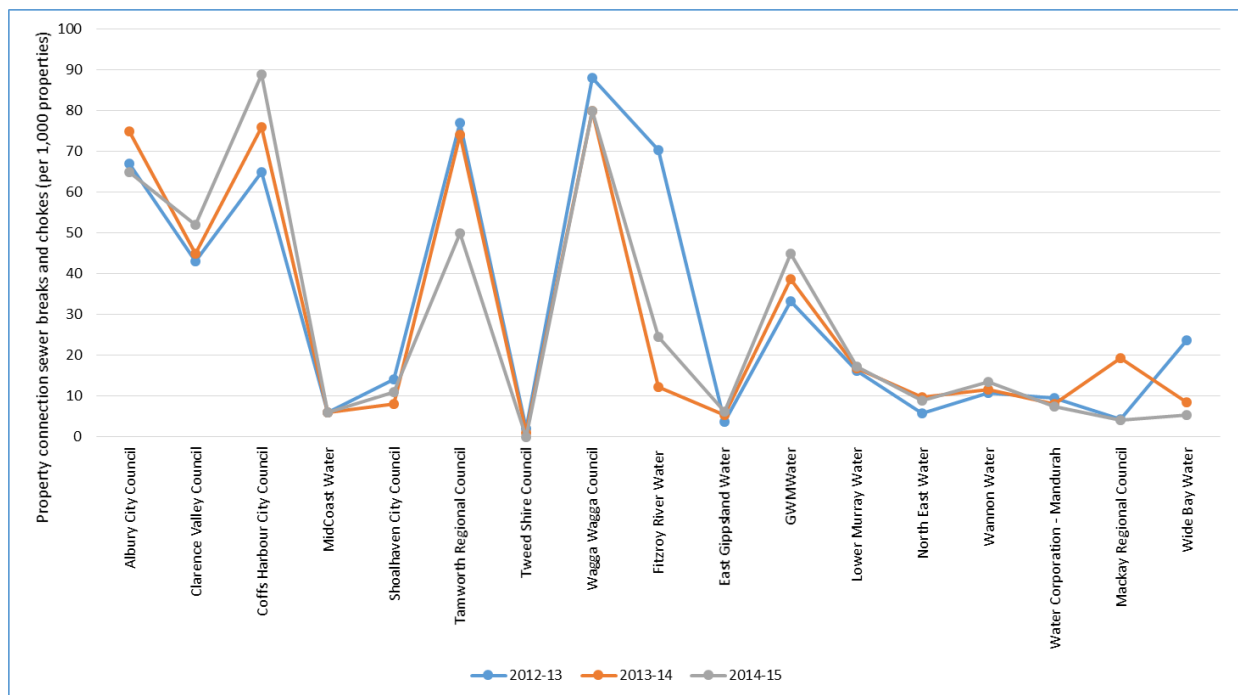
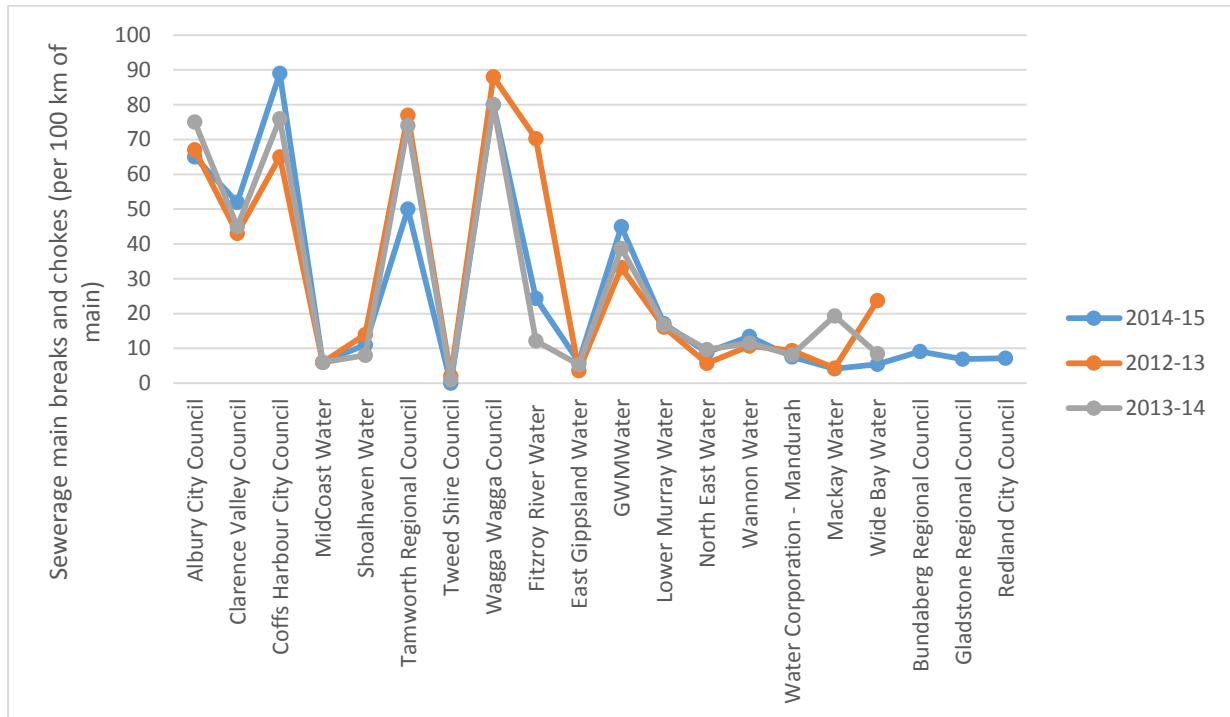
### A14 —Sewer breaks and chokes (number per 100km of main) A15 – Property connection sewer breaks and chokes (number per 1,000 properties)

These indicators report the number of sewer main breaks and chokes and the number of property connection sewer breaks and chokes which are presented together to provide a complete picture of sewer system performance. This combined analysis is important as utilities often have sewer networks with various configurations.

The performance of a sewer system is influenced by such factors as soil type, pipe material, sewer configuration and age, tree root intrusion, the management of trade waste, the volume of sewage inflows, and rainfall. The results are a partial indicator of the condition of the network and level of customer service. Shoalhaven was at the lower end of the scale for both indicators with a much improved results to the previous year in respect of breaks and chokes in the sewer mains (A14).

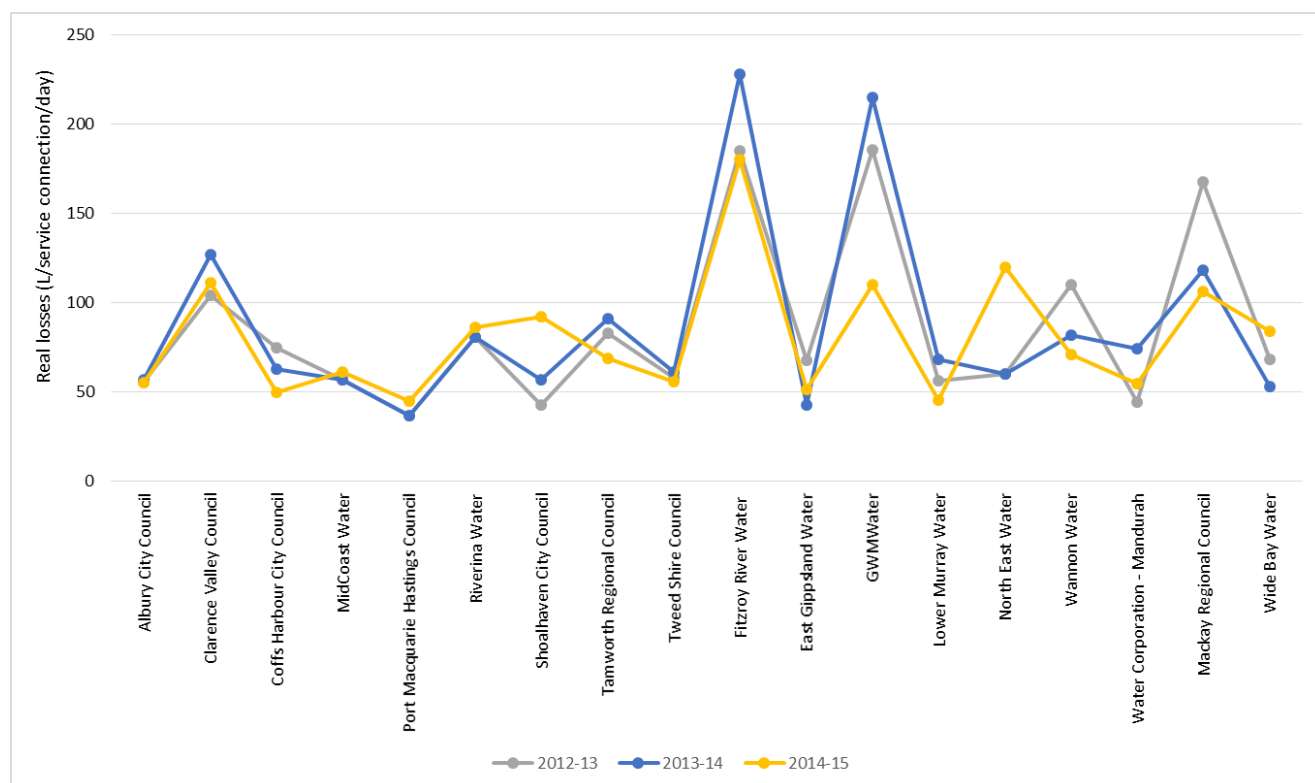
The following table summarises the national and NMU medians against the Shoalhaven result.

	Sewer main breaks and chokes	Property connection sewer breaks and chokes
	2014/2015	2014/2015
<b>National Median</b>	20.8	3.4
<b>NMU Median</b>	13.4	2.4
<b>Shoalhaven</b>	11	0.2



## A10—Real losses (L / service connection / day)

'Real' losses are leakages and overflows from potable water mains, service reservoirs and service connections before the customer meter. Given the size of the Shoalhaven water supply network, this is a good result despite the increase and is reflective of the work done over recent years with a water loss management strategy.



## Environment

E12—Total net greenhouse gas emissions (net tonnes CO<sub>2</sub> equivalent per 1000 properties)

This indicator reports the contribution of the utility's operations to greenhouse gas (GHG) emissions. Utilities' calculations are required to refer to the *National Greenhouse Accounts Factors* published by the Department of the Environment, which are updated each year. GHG emissions are reported in net terms; that is, any volumes of carbon sequestered through activities such as the purchase of carbon offsets are deducted.

**E12—Total net greenhouse gas emissions (net tonnes CO<sub>2</sub> equivalent per 1000 properties)**

Utility	2011-12	2012-13	2013-14	2014-15	% change from 2013-14
Albury City Council	528	541	451	393	-13
Clarence Valley Council	137	114	114	119	4
Coffs Harbour City Council	460	515	362	487	35
MidCoast Water	315	340	483	490	1
Port Macquarie Hastings Council	222	417	386	416	8
Riverina Water	624	365	372	372	0
Shoalhaven City Council	489	423	377	437	16
Tamworth Regional Council	374	378	419	393	-6
Tweed Shire Council	454	434	441	413	-6
East Gippsland Water	383	380	359	344	-4
GWMWater	487	384	652	607	-7
Lower Murray Water	1092	346	533	544	2
North East Water	820	837	860	838	-3
Wannon Water	819	739	693	751	8
Water Corporation - Mandurah	287	306	290	193	-33

**Health****H3—Percentage of population for which microbiological compliance was achieved**

This indicator reports the percentage of the population serviced by the utility for which microbiological compliance was achieved. Compliance is assessed against the 2004 *Australian drinking water guidelines* or licence conditions imposed on the utility.

Utility	2010-11	2011-12	2012-13	2013-14	2014-15
Albury City Council	100	100	100	100	100
Clarence Valley Council	99	99	73	100	100
Coffs Harbour City Council	100	100	100	100	100
MidCoast Water	100	100	100	100	100
Port Macquarie Hastings Council	100	100	100	100	100
Riverina Water	100	100	100	100	100
Shoalhaven City Council	99	100	100	100	100
Tamworth Regional Council	99	100	99	100	100
Tweed Shire Council	100	100	100	100	100
East Gippsland Water	100	100	100	100	100
GWMWater	100	100	100	100	100
Lower Murray Water	100	100	100	100	100
North East Water	100	100	100	100	100
Wannon Water	100	99.3	100	100	100
Water Corporation - Mandurah	100	100	100	100	100

**FINANCIAL IMPLICATIONS:**

There are no financial implications for Council resulting from this report that have not been addressed separately.



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## COMMUNITY ENGAGEMENT:

A copy of the BOM performance report in the same format as shown above with the full selection of indicators across the 7 key themes is available from the BOM website. Also available is a copy of the results from the 150 indicators. Links and a summary of Shoalhaven's performance will be promulgated for customers on the Shoalhaven Water website and as applicable have been contained within the Customer Service Plan for benchmarking against that strategic document.

Full analysis of the entire suite of indicators is being undertaken together with the NSW Office of Water Triple Bottom Line Reporting to address any issues including future considered inclusion into the Shoalhaven Water Strategic Business Plan.

### 13. Triple Bottom Line (TBL) Performance Reporting 2014-2015

File 28864E

**SECTION MANAGER: Tony Holmes.**

#### PURPOSE:

The purpose of this report is to inform Council of the outcomes for Shoalhaven Water as contained within the NSW Department of Primary Industries – Water Triple Bottom Line Reporting.

The TBL is provided to Council's each year to assist in the benchmarking process for NSW Local Government Water Utilities (LWU's) and to allow Council's to make comparisons of its performance in respect of Water Supply and Sewerage services.

It is a requirement for Council's to review and provide an action plan addressing any areas of "under performance" identified in the TBL and this is to ensure compliance with the NSW Government Best Practice Management of Water Supply and Sewerage Guidelines. The Shoalhaven Water Strategic Business Plan adopted by Council incorporates details from the action plan as applicable.

**RECOMMENDED, in accordance with the Committee's delegated authority from Council, that the information in this report be noted.**

#### OPTIONS

1. Council can add to any of the proposed Action Plan responses to the TBL or seek additional information on any of the indicator results.
2. Not resolve as recommended and provide further directions to staff.

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## DETAILS

### ***Introduction:***

Following an analysis by the DPI Water, the TBL performance reports are made available to Water Utilities for comparison approximately 12 months after the end of each financial year to which they refer. The results and action plan must be reported to Council in order to comply with the Water Supply and Sewerage Best Practice Management Guidelines. A copy of the comparisons and the proposed Action Plan as appropriate to address any shortcomings is subsequently included in the Shoalhaven Water Strategic Business Plan. This Plan is then subject to independent audit as required by the Guidelines.

- # The TBL has four broad Performance Indicators (Utility, Social, Environmental and Economic) and a subset of seven parameters to which performance is linked. Performance is also measured against National trends where applicable via the Bureau of Meteorology Urban Utility Reporting mechanism. A full copy of the 2014/2015 TBL Water and Sewerage Performance Comparison is provided at Attachment 1.

Whilst the TBL provides a ranking for Shoalhaven Water for each criteria against all LGWU's and those with > 10,000 properties, the overall result as a Water Utility is not easily identifiable. For example, Shoalhaven Water received a total of five results across both its water and sewer businesses in the ranking of 5. A ranking of 5 indicates performance in the bottom 20% of utilities. Some research has been conducted from public records to gain an understanding of Shoalhaven Water's overall performance against the next sized LGWU's with the following comparisons obtained.

LGWU's with ranking results of 5

<b>LGWU</b>	<b>Water</b>	<b>Sewer</b>	<b>Total</b>
Shoalhaven Water	4	1	5
Midcoast Water	9	13	22

It should be noted that 3 of the 4 water business low rankings shown above for Shoalhaven Water were due to the low charge applied for water supply services. This is not considered to be a poor result for customers given the financially sustainable position of the water fund.

### ***Background:***

In summary, the TBL revealed positive key results (performance indicators underlined below are results that were significantly less than state wide or national median) highlighted by the NOW analysis including;

#### **Water Supply Performance**

- Achievement of 100% compliance with all of the Best Practice Management Water Supply Guidelines Performance Criteria,
- Full Cost Recovery pricing, without significant cross subsidies,
- Typical Residential Bill was \$309 which was significantly less than the state wide median of \$556 and national median of \$589,

- 
- Average annual residential water consumption 143 kilolitres which is less than the state wide median of 166 and national median of 181 kilolitres,
  - The operating cost per property was \$276 and this was significantly less than the state wide median of \$400 and national median of \$455,
  - The management cost per property was \$129 and this was less than the state wide median of \$141,
  - Water main cost per property was \$50 and this was significantly less than the state wide median of \$74,
  - Water quality complaints of 0.5 per 1,000 properties was less than the state wide median of 3 and national median of 2,
  - Water service complaints of 0.5 per 1,000 properties was significantly less than the state wide median of 6, and
  - Compliance with microbiological water quality, physical and chemical compliance was 100% and equal to the state wide and national median.

### **Sewerage Performance**

- Achievement of 100% compliance with all of the Best Practice Management Sewerage Supply Guidelines Performance Criteria,
- The economic real rate of return was 3.9% which is significantly higher than the state wide median of 1.7% and higher than the national median of 3,
- Return of assets was 3.4% which is significantly greater than the state wide median of 1.3%,
- Treatment cost (\$ per property) was \$134 which is less than the state wide median of \$145,
- Energy cost (\$ per property) was \$32 which is significantly less than the state wide median of \$37,
- Sewage odour complaints(per 1,000 properties) was 0.1 which is less than the state wide median of 0.8,
- Sewerage service complaints (per 1,000 properties) was 0.4 which is significantly less than the state wide median of 6 and less than the national median of 1,
- Average sewerage interruption (minutes) was 60 which is significantly less than the state wide median of 95 and national median of 102 minutes, and
- Sewer main breaks and chokes (per 100km of main) was 11 which is significantly less than the state wide median of 35 and national of 17.

### **Key Issues:**

The following is a summary of those indicators required for reference within the Action Plan for inclusion in the Shoalhaven Water Strategic Business Plan, as required by the Best Practice Management Guidelines;

\*ranking in the table below refers to the result in column 2 of the TBL comparison. The ranking is relative to other LWU's with >10,000 properties. The rankings are based on the top 20% being measured as 1 and the bottom 20% being ranked as 5.

**# The Analysis/Action Plan comments which are provided below represent any ranking score of 5 which have been extracted from the TBL Performance Comparison is on Attachment 1.**

## \*Water Supply

TBL Indicator	Indicator	Result	Analysis/Action Plan Comments (if applicable) - Indicators
<b>Best Practice and Summary</b>	<b>Management Guidelines</b>	Complied with all the required criteria. Performance ranking against other LWU's was at the better end of the scale for all indicators resulting in an excellent overall report.	Nil.
<b>Utility - Characteristics</b>			
NA	Nil Issues		
<b>Social – Charges &amp; Bills 2013/2014 and 2014/15</b>			
12a	Residential water usage charge (c/kl)	160 c/kl in 2014-15.	This is the 4th year that Shoalhaven Water's water usage charge is significantly lower in comparison to the NSW median of 213c/kl and a similar result is forecast to continue. There is no requirement or plan to increase the usage charges beyond the current Long Term financial Plan pricing path of matching inflation. The pricing strategy is consistent with the NSW BPM Guidelines and to meet the % of revenue as required under those Guidelines. The water usage charge also is a direct reflection of the positive work in reducing operating costs. Nil action required.
12	Residential water usage charge (c/kl)	165 c/kl in 2015-16.	As per above. This is consistent with the Financial Plan with an inflationary increase in 2015-16. Nil action.
17	Revenue per property – water (\$/property)	\$570	As per above. The level of revenue (combined usage and fixed charges) is consistent with the Long Term Financial Plan and Asset Management to ensure the continued viability of the business. Nil action required.
<b>Social – Health</b>			
NA	Nil Issues		
<b>Social – Service Levels</b>			
27	Unplanned interruptions per 1,000 properties	78	NSW median of 24 and National of 91 respectively. This indicator can be highly variable each year and the result can be severely impacted by isolated outages but which affect an entire village area (large number of customers involved) eg a main break located in line leading into the village. This differs from a line break within main urban areas or in villages themselves where water can be distributed around the network break to minimise disruption. In 2014-15 there were a number of main breaks leading into village areas and Shoalhaven Water is addressing the shortcoming through the major mains replacement program and includes aged mains identified from the outages. The result in 2013-14 for this indicator was 65.

<b>Environmental – Natural Resource Management</b>			
NA	Nil Issues		
<b>Economic - Efficiency</b>			
NA	Nil Issues		

### \*Sewerage

TBL Indicator	Indicator	Result	Analysis/Action Plan
<b>Best Practice Management Guidelines and Summary</b>		Complied with all the required criteria. Performance ranking against other LWU's was at the better end of the scale for all indicators resulting in an excellent overall report.	
<b>Utility - Characteristics</b>			
NA	Nil Issues		
<b>Social – Charges &amp; Bills</b>			
NA	Nil Issues		
<b>Social – Health</b>			
NA	Nil Issues		
<b>Social – Service Levels</b>			
NA	Nil Issues		
<b>Environmental – Natural Resource Management</b>			
NA	Nil issues		
<b>Environmental – Performance</b>			
35	Compliance with SS in licence (%)	95 %	State wide median of 100%. The lower comparative result is the same as the previous year and associated with the ongoing problems with the treatment of sewage at the Bomaderry and Nowra STP. This will be addressed with the planned upgrade works commencing in 2015/2016.
<b>Economic - Finance</b>			
NA	Nil Issues		
<b>Economic - Efficiency</b>			
NA	Nil Issues		

### FINANCIAL IMPLICATIONS:

There are no direct financial, asset or workforce implications from this report that are not already encompassed within the 20 year financial plan.

### COMMUNITY ENGAGEMENT:

A copy of the TBL performance report will be included within the Shoalhaven Water Strategic Business Plan and the Customer Service Plan has been updated as applicable. This document is available publically and a summary with links to Shoalhaven's performance will be promulgated for customers on the Shoalhaven Water website.

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## **ITEMS TO BE REFERRED TO ORDINARY MEETING**

### **14. Acquisition of Crown Land and Easement over Crown Land at Ulladulla File 21687E**

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**SECTION MANAGER: Robert Horner.**

#### **PURPOSE:**

This report is submitted to seek Council approval to acquire Crown land Lot 1 DP1109186 (part of Lot 7304 DP1166765) and a Sewerage Easement 10 wide and variable over Crown land, Lot 7305 DP1166765 and Lot 5 DP256334 at Kings Point Drive Ulladulla. Lot 1 is required partly for the existing Ulladulla sewerage treatment plant and partly for future expansion of the plant. The easement is required for an existing sewer pipeline.

#### **# RECOMMENDED that:**

- a) **Council resolve to compulsorily acquire from the Crown:**
  - **Lot 1 DP1109186, being part of Lot 7304 DP1166765, at Kings Point Drive Ulladulla, as shown on the attached copy of DP1109186 marked Attachment 'A'.**
  - **A Sewerage Easement 10 wide and variable over Lot 7305 DP1166765 and Lot 5 DP256334 at Kings Point Drive Ulladulla, as shown by hatching on the attached copies of DP1109186 marked Attachment 'A' & 'B'.**
- b) **Council pay compensation and costs associated with the acquisition, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer fund.**
- c) **The necessary application be made to the Minister for Local Government and the Governor. The acquisition is to be carried out under the Local Government Act 1993.**
- d) **The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.**

#### **OPTIONS**

1. **Resolve as recommended. Acquisition of the easements are required for existing and future sewer infrastructure.**
2. **Not resolve as recommended and provide further directions to staff.**

#### **DETAILS:**

The acquisition was originally proposed in 2002 and consents were received from Crown Lands in 2003 and 2007. However, the matter was deferred due to an Aboriginal Land Claim over Lot 7304 DP1166765. The claim has now been resolved and part of Lot 7304 has been granted to Ulladulla LALC. Lot 1 DP1109186 was excluded from the grant and the grant was made subject to the easement for sewerage purposes 10 metres wide.

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By letter dated 17 May 2016 the Department of Primary Industries has provided a fresh consent to the acquisition of the land for the sewerage treatment plant and easement for an existing sewer pipeline. The consent specifies that compensation for the land and easement is to be determined by the Valuer General.

#### **FINANCIAL IMPLICATIONS:**

Compensation and all costs associated with the acquisition are to be funded from Shoalhaven Water's Sewer fund.

The compensation is to be determined by the Valuer General in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.

#### **COMMUNITY ENGAGEMENT:**

Acquisition of the land and easement is necessary to secure Shoalhaven Water's access for the operation and maintenance of essential public infrastructure.

The proposed action is administrative and has no environmental impact.

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**15. Acquisition of land - Sunset Strip and The Bulwark, Manyana File 27440E**

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**SECTION MANAGER: Robert Horner.**

#### **PURPOSE:**

This report is submitted to seek Council approval to the acquisition of proposed Lot 100 in plan of subdivision, being part of Lot 682 DP568678 and part of Lot 705 DP613881, at Manyana from Vacenta Pty Ltd.

The land is required for an existing sewer pump station site with access handle off Sunset Strip, Manyana and for an existing sewer pipeline off The Bulwark, Manyana.

#### **# RECOMMENDED that:**

- a) Council resolve to acquire proposed Lot 100 in plan of subdivision, being part of Lot 682 DP568678 and part of Lot 705 DP613881, at Manyana as shown by hatching on plan marked 'Attachment A', under the Local Government Act 1993.**
- b) Council to pay compensation of \$36,000 plus GST, and legal, valuation and survey costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer Fund.**
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.**

- 
- d) **Council resolve to classify the land as Operational in accordance with section 31 (2) of the Local Government Act, 1993.**

## **OPTIONS**

1. Resolve as recommended. The land is required for existing infrastructure and improved vehicular access to a sewer pump station.
2. Not resolve as recommended and provide further directions to staff.

## **DETAILS:**

Council entered into a Deed of Agreement with Vacenta Pty Ltd in 2006 to construct a sewer pump station within a residential subdivision, on the grounds that land for the pump station site be transferred to Council for nominal \$1. The pump station was constructed and is operating.

Shoalhaven Water Operations has requested that additional land be acquired to provide improved access and safer turning area for trucks using the pump station. That acquisition requires land from the rear of adjoining residential Lots 101 & 102. In addition, acquisition of land is required for a sewer pipeline to be incorporated into the pump station site.

Stage 1 of the adjoining subdivision is near completion and the lots are being marketed. Lot 101 adjoining the pump station site has been sold pending registration of the subdivision plan.

A valuation undertaken on behalf of Council by Walsh & Monaghan Pty Ltd assessed compensation of \$36,000 for the additional land required by Shoalhaven Water. The valuation included an allowance for injurious affection to the value of Lots 101 & 102, payable under Just Terms legislation. A conditional offer was made at that amount, plus GST if applicable, and reimbursement of owner's costs associated with the acquisition. The owner has advised that the offer is acceptable and GST is applicable.

The owner's surveyor has included the pump station site in the subdivision plan for Stage 1 of the estate and the additional survey and plan registration costs for Council's land have been agreed with the surveyor. The subdivision plan also includes electricity easements required to be granted to Endeavour Energy.

## **FINANCIAL IMPLICATIONS:**

Council is to pay compensation and all costs associated with the acquisition from Shoalhaven Water's Sewer Fund.



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**COMMUNITY ENGAGEMENT:**

Acquisition of the land is required to secure Council's legal access for operation of the necessary infrastructure.

The proposed action is administrative and has no environmental impact.

C Krogh  
**DIRECTOR SHOALHAVEN WATER**

R.D Pigg  
**GENERAL MANAGER**

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## **NOTICES OF MOTION**

### **STRATEGY AND ASSETS COMMITTEE**

**TUESDAY, 14 JUNE, 2016**

**16. Mollymook Beach - Sand Dune Vegetation and Amenity Issues **File 30596E****

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

**Recommended that:**

- a) **Council plant only select plant varieties of coastal dune vegetation species such as spinifex and/or native grasses that support diversity and a maintenance free sustainable environment along the head of the new sand dune behind Residents dwellings on 2-28 Beach Road Mollymook, ensuring that the species planted will not grow above 40cm height thereby minimising the obstruction of current beach views from the residences.**

**Plantings on the dunes behind the homes should not contain coastal wattle or like spreading species which will grow upwards or laterally across the dune system to undesirable heights and densities and cause future dune management problems. (as experienced in Collingwood Beach Vincentia)**

- b) **Council staff, before October 2016, meet with and consult with all affected residents in regard to the design and materials to replace the former protective fencing along the sides of the six traditional beach tracks which will allow resident access to the beach while protecting the vegetated dune sites.**
- c) **Council remove the prohibit entry signs on the beach tracks behind the residents after 6 months (1 December 2016).**
- d) **Council invite residents to assist with Bush Care in (the planting of the vegetation) the dune management.**
- e) **Council review the need for placement of sand on the dwelling side end of the 6 tracks to create a ramp effect allowing ease of access to and from the beach along the tracks.**
- f) **Effectuated Residents provide to Council current photographic records of beach/ocean views from their properties within 21 days. Council monitor with residents every 12 months the effects of vegetation growth on the dunes with the photographic records and undertake necessary steps to trim any overgrown vegetation.**

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Background:

Councillors Baptist and White met with residents (families and owners) of 11 homes from 4-28 Beach Road Mollymook to hear concerns raised over Council's new work along the foreshore reserve relating to sand nourishment and dune planting along the 'beach side' of their properties.

The residents were pleased that Council is delivering the sand nourishment and creating a secure and sustainable containment against future sea surges and sea rise thus mitigating future risk to Council's Infrastructure (Sewer treatment plant and rods) as well as the protection of their homes.

Residents understood that the height of dune will lower and change in shape over time. The conflict has arisen as residents were unaware of the detail and direct impact on their amenity and were somewhat 'surprised' to find a new dune being placed and signage prohibiting entry to the dunes behind their homes to the former 6 beach tracks that have allowed access from their homes to the beach for many decades.

Council staff provided background and context of the project at a meeting with residents and Councillors on May 26th at Mollymook surf Club at which the above recommendations were agreed.

Signed  
Clr Baptist  
Clr White

Note by General Manager:

In relation to the recommendations the General Manager provides the following advice.

**Recommendation 1.** The Review of Environmental Factors (REF) adopted by Council for the Currumbene Creek, Lake Conjola and Sussex Inlet dredging program, the construction of the training wall at Blackwater Creek Mollymook and Mollymook Beach Nourishment set out measures to mitigate the environmental impacts of the project and achieve the objectives of coastal erosion mitigation. The REF requires the dune to be stabilised with a mix of species that were present on site prior to the dredged sand being placed.

The plants present on site are listed in the REF and the presence of coastal wattle in the sand placement area is also documented. See below extract and photos from the REF. Removal of vegetation planted on the dune will result in non-compliance with the existing REF and in this regard the REF will need to be revised and adopted by council before the recommendation can be implemented. A consultant will be engaged to undertake this task. Removal and replacement of species will also incur additional costs.

**Recommendation 2.** Planting in this area is well established and no additional planted vegetation is proposed in these areas under this project. The reinstated fencing could be perceived as 'private' beach access tracks which is potentially contrary to Section 36N of the Local Government Act, given the land is community land, natural area foreshore – however, given the historical background to the access tracks this may be allowable. The circumstances of how the initial fencing in this location was erected and what legal status it had requires further investigation. It is understood that some public access ways were

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provided when the Soil Conservation Service rehabilitated the dunes following large storms in the 1970s.

All of this will be investigated and if there are no legal impediments the recommendation can be implemented.

At the site there are currently 2 formal access ways provided and maintained by Council, which provide public access.

**Recommendation 6.** Council does not have a current budget allocation in the 2015/16 or 2016/17 to monitor and trim vegetation growth blocking views from residential properties. Substantial resources and budget would be required to implement this recommendation, considering that the cost of pruning and managing vegetation for a length of 50m at Collingwood beach is estimated to cost more than \$5,000. The length of the beach nourishment is approximately 300m.

On this basis a budget up to \$30,000 p.a. (worst case scenario) will be required on an ongoing basis if council is to do the works. To reduce cost impacts, a community based Dune Care Group could be considered if very strict protocols were put in place.

**REF Extract**

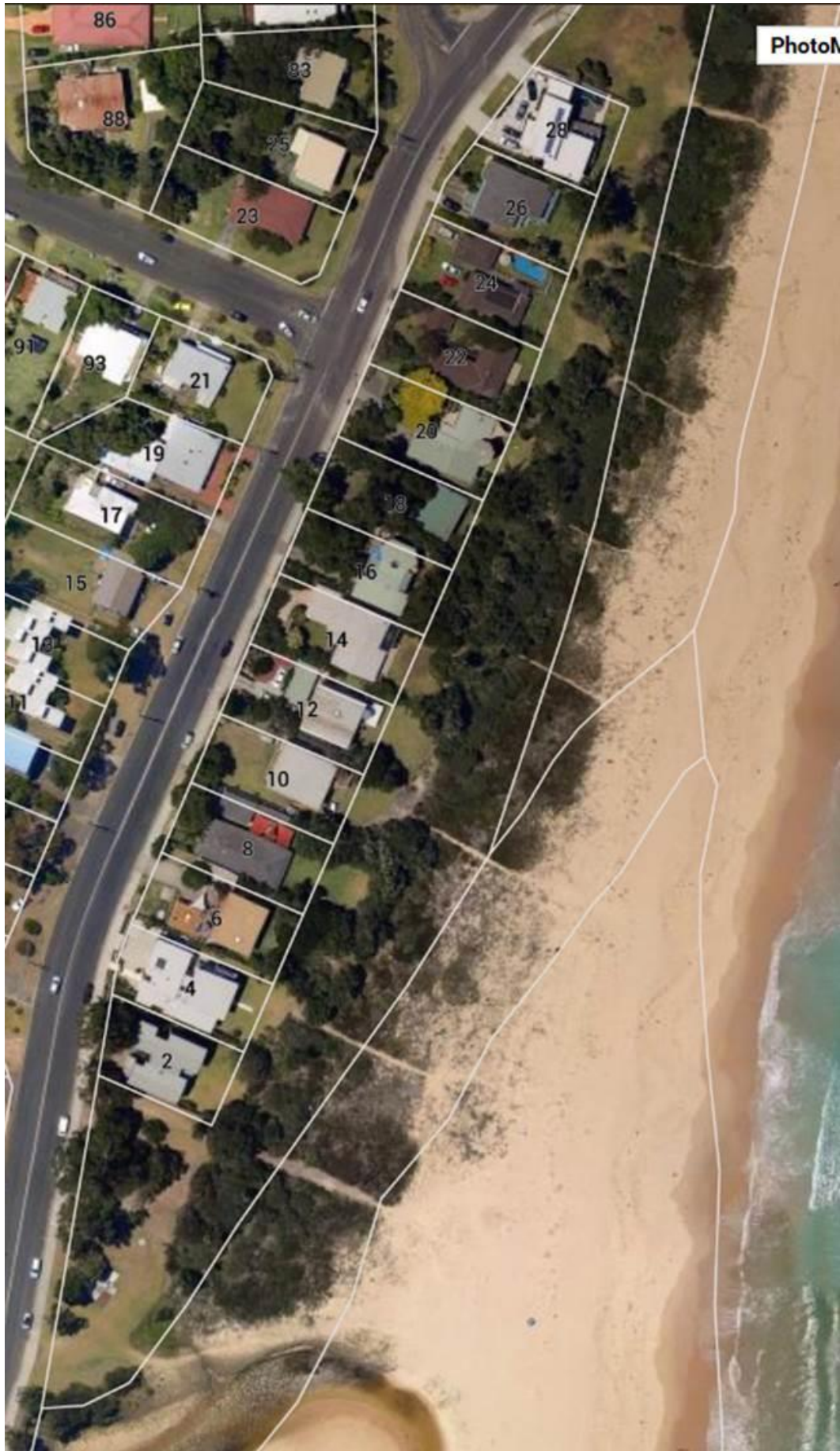
**Flora and Fauna report – REF adopted by Council**

The most common plants on the seaward face of the incipient dune were Pigface, Spinifex and introduced Sea Rocket, with Spinifex and Marram Grass behind.

Introduced Marram Grass dominated the incipient dune in some areas. In other areas, especially north of the residential area, there were more native plants including Coastal Wattle, Spinifex, Dune Sedge, Warrigal Cabbage, Knobby Clubrush, Coastal Pelargonium and Spiny-headed Mat-rush. Some Coastal Thicket (Coastal Teatree and Banksia) remained in some parts of the sand placement area.



Figure 36. Mollymook Beach sand placement area (a) foredune with Coastal Wattle (b) incipient dune with Spinifex and Marram Grass



**ADDENDUM REPORT OF GENERAL MANAGER**

**STRATEGY AND ASSETS COMMITTEE**

**TUESDAY, 14 JUNE 2016**

**PLANNING AND DEVELOPMENT**

***ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY***

**1. Biodiversity Legislative Review**

**File 47552e**

**SECTION MANAGER:** Kelie Lowe.

**PURPOSE:**

To report on the proposed changes to NSW Biodiversity legislation and the implications of these proposed changes for Council so that Council can make a submission to the NSW Government on these issues.

**RECOMMENDED, in accordance with the Committee's delegated authority from Council, the Committee send the submission attached to this report to the NSW Government Biodiversity legislation review.**

**OPTIONS**

1. Endorse recommendations as proposed.
2. Request further information. This may result in Council not being able to meet the submission deadline of 28 June 2016.

**DETAILS**

The NSW State Government is proposing to repeal the *Native Vegetation Act 2003*, *Threatened Species Conservation Act 1995*, *Nature Conservation Trust Act 2001*, the biodiversity parts of the *National Parks and Wildlife Act 1974* and the seven part test under the *Environmental Planning and Assessment Act 1979* ('EPA Act') and reconstituting elements of them in a new '*Biodiversity Conservation Act*'.

*The Draft Local Land Services Amendment Bill and the Draft Biodiversity Conservation Bill are on public exhibition and open for submissions until 5pm on 28 June 2016. Details can be found at [www.landmanagement.nsw.gov.au](http://www.landmanagement.nsw.gov.au).*

The Government states that the reforms are a 'risk-based approach'. This approach includes reducing the responsibility of the state government for compliance and transferring some of the burden across to Local Government.



The reforms implement the recommendations of the 2014 independent panel review of the *Native Vegetation Act 2003* ('NV Act'), *Threatened Species Conservation Act 1995* ('TSC Act') and *Nature Conservation Trust Act 2001* ('NCT Act').

The Local Land Services Act will be amended by the *Local Land Services Amendment Act 2013* ('LLSA Bill'). This statute, together with a new *Biodiversity Conservation Bill 2016* ('BC Bill'), will primarily govern land management and conservation in NSW.

Council's Strategic Planning and Environmental Services officers attended workshops held by the Office of Environment and Heritage (OEH) and NSW Planning and Environment. A briefing of Councillors about the proposed legislation changes and Council's proposed submission was held on Thursday 9 June 2016.

### **Key Aims of the Reform Proposal**

The key aims of the reform proposal are stated by the Government to be:

- establishing a single set of rules for land clearing and simplifying the task of farmers managing their land,
- protecting biodiversity at a bioregional level and state scale,
- improving biodiversity assessment in the early planning stages,
- improving agricultural productivity, and
- providing incentives to landowners to conserve biodiversity.

These aims are to be achieved through a suite of reforms, including:

- introducing a system of self-regulation for some clearing of agricultural land creating increased flexibility for farmers,
- expanding the system for biodiversity offsetting and certification, using a modified Biodiversity Assessment Method (BAM) – a scientifically robust method to assess biodiversity impacts.
- introducing a tiered system of private landowner agreements aimed at encouraging biodiversity conversation,
- implementing a conservation program for threatened plants and animals (with a commitment to provide an additional \$100 million in funding over 5 years),
- creating a new trust to invest in private land conservation and manage private land conservation agreements, and
- expanding the definition of 'ecologically sustainable development' to require the effective integration of social, as well economic and environmental considerations in decision making.
- developing an accreditation scheme for assessors to apply the BAM correctly and consistently.

- improving the existing biodiversity certification scheme to encourage assessment and protection of biodiversity values at the early stages of planning for land use change. Changes proposed to biodiversity certification include: giving biodiversity certification access to individuals, as well as planning authorities; improving consistency of biodiversity outcomes by aligning biodiversity and development assessment process; and providing incentives for councils to consider the biodiversity impacts of future land use changes.
- recognising “serious and irreversible impacts” – biodiversity impacts that increase the risk of species extinction must be avoided for non-major proposals.

### **Self-Regulation of Land Clearing**

Under the LLSA Bill, native vegetation maps (to be prepared by the Office of Environment and Heritage (OEH)) will divide land in NSW into “exempt land”, “regulated land” and “excluded land”. Landowners will be able to self-assess what category their land falls within and whether or not approval is required for clearing activities.

This is a significant change from the existing regime where native vegetation across the State can only be cleared in accordance with a consent or routine agricultural management activity (RAMA) or a property vegetation plan.

**Category 1 – exempt land:** Clearing of native vegetation on exempt land will be allowed to occur without approval. This land will generally be cleared land and vegetation identified as regrowth (cleared since 1990). Other legislative restrictions will continue to apply, such as any requirements under other NSW laws or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

**Category 2 – regulated land:** This is generally land which has not been cleared of vegetation as at 1 January 1990 (or has subsequently been illegally cleared) and in the opinion of OEH has conservation value (as prescribed in the LLSA Bill). Regulated land also includes category 2-vulnerable regulated land (including riparian land, steep or highly erodible land) which will be subject to additional restrictions.

Clearing of category 2 land can occur if the clearing is:

- an “allowable activity” as specified in the LLSA Bill (for example, it is necessary to remove an imminent risk of personal injury or to obtain timber to be used in the construction or operation of rural infrastructure), or
- in accordance with a “land management code”, which are designed to facilitate clearing to support more efficient farming methods and systems, while balancing environmental risks.

If the clearing activity proposed on Category 2 land is not covered by an allowable activity or a code, approval under the LLS Act will be required. In these circumstances, the biodiversity impacts of the clearing will be assessed and offset following the [same process as other land developers](#).



Development applications under the EP&A Act that require clearing of native vegetation in this category where impacts on biodiversity values are above a certain threshold (the Biodiversity Assessment Methodology or 'BAM' threshold) will trigger the Biodiversity Assessment Methodology (BAM) and require approval by Council. Note that the BAM thresholds established under the biodiversity conservation regulation will be deemed to trigger the significance test in s.5A of the EP&A Act.

**Category 3 – excluded land** – this includes land not categorised in the maps and to which the LLS Act does not apply. This will essentially be the Sydney metropolitan area, land in urban zones, Environment Protection Zones E2, E3 and E4 and large lot Residential R5 zones under local environmental plans. Clearing on excluded land will continue to be regulated by the EPA Act and the BC Bill.

### **New SEPP for tree clearing in urban lands**

Urban areas will be subject to a new State Environmental Planning Policy (Protection of Trees in Urban Areas 2016 'SEPP') and a new model development control plan, which will replace the Standard Instrument LEP provisions relating to tree removal permits in urban council areas and in urban zones. Once the proposed SEPP is in force, non-declared species of trees or other vegetation in urban areas will be able to be cut down without development consent. The SEPP is intended to also apply to the clearing of non-native vegetation in non-urban areas.

### **Proposed submission**

# The proposed submission, contained in **Attachment A**, details the following comments on the proposed legislation and information provided as part of the consultation material.

#### **1. Increased legislative complexity, increased Local Government obligations and uncertain environmental outcomes**

Council will be required to apply the new native vegetation regulatory mapping and administer a combination of three pieces of legislation relating to development and environmental assessment across land in the Shoalhaven.

##### 1.1 Regulatory mapping

- Council must interpret the regulatory map in its administration of the EP&A Act.

##### 1.2 Two forms of impact assessment for Council officers

- The 4 part test of significance (revised 7 part test) will be applied to all part 5 development, Category 1 and Category 3 land and development applications on the Category 2 land where clearing of native vegetation has not triggered the Biodiversity Assessment Methodology. This will require development assessors or Council's environmental assessment officers to have a sound knowledge of both forms of assessment to appropriately advise developers, decision makers and Council.
- There are currently no guidelines or resources to assist Council in this process.

### 1.3 Increased obligations and delayed development assessment

- Council will have increased obligation in administration of the new legislation: The Biodiversity Conservation Act, (BC Act) and the Biobanking Assessment Methodology (BAM) for development (Part 4 EP&A Act) will apply on Category 2 land, the new SEPP for tree removal will apply in urban areas and E zones (in Category 1 land) and the new 4 part test (EP&A Act) for development applications (under Part 4 and 5 EP&A Act) will apply in Category 1 and 3 land.
- The new legislation is likely to lead to delays in the DA turn around until the community, developers and their consultants become familiar with the new BAM requirements.
- The roll of advising the community on the new process is likely to fall to Councils/ Local Government.
- Council officers will be required to advise on development applications that trigger the Biodiversity Assessment Methodology (BAM) threshold.
- Council must ensure a Biodiversity Assessment Report (BAR) has been prepared in accordance with the Biodiversity Assessment Methodology and must ensure compliance with the offset requirements and mitigation measures via conditions of consent. Council officers undertaking these tasks will be required to be accredited and maintain accreditation under the BC Act at further cost to Council.
- There are currently no guidelines proposed to deal with potential disputes in regard to the BAM thresholds (eg. the requirement to prepare a BAR).
- The 7 part test has been condensed to a 4 part test and there is uncertainty about whether assessment of significance assessment guidelines will be revised and available for consultants who prepare such reports and for Council assessing officers.

### 1.4 Council must interpret BAM thresholds and Sensitive Areas Map

- An area based threshold and sensitive values map will trigger the requirement for the BAM to be applied to development.
- Council will be responsible to provide advice on and ensure compliance with the BAM threshold and Sensitive Areas Map (to be developed).
- Council should have opportunity to make recommendations to OEHL on what should be included in the sensitive area mapping and have opportunity to comment on a draft map.

### 1.5 Increased accountability for Local Government

- The results of the BAM will be set out in a Biodiversity Assessment Report (BAR) which landowners or developers will submit to Council. Council must set the offset obligation as calculated using the BAM and will have discretion to set a lower offset obligation.
- Currently there are no guidelines or criteria proposed to govern this process. The degree of subjectivity that could be imposed in determining discounts is unacceptable and may lead to ongoing disagreements with applicants as well as be vulnerable to

exploitation. Council will no doubt receive pressure to discount on every application to reduce the cost of development.

- How will offset actions be calculated? Councils will need a consistent approach to avoid accusations of inequitable treatment. There may not currently be adequate or sufficient actions with the saving our species program for developers to select the “compensation action” option rather than paying for an offset. Guidelines need to be provided to developers and Councils for this option.
- If the required offsets make a development “too expensive” then the development may be frustrated and seek to provide additional clearing of land with environmental value.
- Local Government will also be responsible for monitoring and enforcing compliance with BAR requirements and development consent conditions. This has serious accountability and capacity implications for Councils. The compliance and enforcement burden is unknown.
- Council can refuse applications that are determined likely to have serious or irreversible harm impacts as per the definition to be provided under the BC Act. However there is some discretion that may be exercised by Council in this regard also. There will be criteria to assist Council in making this decision but it is unclear how a dispute on this matter may be resolved with no input from the State Government and no course for appeal in the Land and Environment Court.
- Guidelines on development assessment of biodiversity impacts for Councils should be prepared in conjunction with the regulations.

#### 1.6 Potential loss of Biodiversity in the Shoalhaven

- There is an allowable increase in clearing permitted without approvals on rural land. There is risk of increased use of these allowable activities to cumulatively clear land potentially for development prior to a development application, even though such development may not eventuate.
- Only direct impacts are offset with the BAM. The indirect impacts of development such as weed and pest invasions and edge effects are not considered such as they must be under the current S5A Assessment process. It will be Council’s responsibility (EP&A Act) to ensure these impacts are adequately mitigated via conditions of consent.
- Offsets do not have to be like for like. The Act allows development proponents to pay directly to the Biodiversity Conservation Trust, without ensuring the trust can deliver like-for-like offsets. While this offers greater flexibility, it could lead to disproportionate removal of protected habitat within a given locality.
- The perception that clearing is not a ‘significant impact’ when a BAM is not required may create high expectations for development approval on unregulated -Category 1, and Exempt -Category 3 land.
- In the Shoalhaven many EEC and local populations of threatened species may be confined to isolated rural lots, urban zoned or cleared and highly disturbed land and is therefore at risk of being significantly impacted by future development. There may be

### 1.11 Increased strain on Council resources

- Council will need increased capacity to provide advice to the community on the new development assessment process and to undertake compliance.
- There will be increased pressure on Council officers determining DA's due to the expertise required to assess the adequacy of BAR's and reports prepared under the new 4 part test without the guidelines which were relied on to provide consistency in development impact assessment.
- Council officers will need to be accredited and maintain accreditation for use of the BAM.

## **2. Private conservation agreements**

### 2.1 Biodiversity Stewardship Agreement opportunities

- The proposed legislation allows for landholder stewardship agreements linked to payments for management actions.
- There may be opportunities for Council to enter into stewardship agreements in Council managed Bushland Areas.
- There is a need for a relatively simple and low cost legally binding conservation mechanism that can be used to protect residual, environmentally sensitive land in locations such as Verons Estate, Sussex Inlet (DP 9897). A DCP chapter for this Estate requires 75% of each 8ha lot to be protected through a legally binding conservation agreement, in conjunction with development. Currently, owners are likely to prefer PVPs because they are free to set up and do not require annual monitoring reports.
- It is uncertain whether Tier 1 and 2 agreements will receive rates rebates. If so, the cost should not be imposed on local government and should be funded by the Biodiversity Conservation Trust.

## **3. Accreditation of consultants**

- This is a positive change. There will be an accreditation program to ensure that there is consistency and a clear standard for consultants.

## **FINANCIAL IMPLICATIONS:**

These changes result in significant additional requirements being passed down to local councils. Council is likely to inherit responsibility for enforcing various provisions of the proposed new Biodiversity Conservation Act. The NSW Government has given no assurances regarding additional resources or capacity building for local government.

pressure on Council to approve development on these lands even though a significant impact is likely.

#### 1.6.2 E zones are not included in the Category 2 (regulated Areas)

- It will be the responsibility of Local Government to protect biodiversity values in E zones that fall within unregulated land (Category 1 and 3). A BAR is not required in Category 1 zones, but may be required in a Category 3 zone if the BAM threshold is exceeded. There may be some E zones containing threatened species and EEC that fall within Category 1 areas and these will be dealt with via the revised 4 part test (Section 5a EP&A Act). This will be clarified once the mapping of categorised land is provided if the mapping is at the appropriate scale.
- However as above there may be a perception that the test of significance will be met in all circumstances where a BAM is not required. This will have implications for E zones, EEC or threatened species located on land cleared since 1990 (category 1 land).

#### 1.7 Dual consent for development on Rural land:

- The changes propose that agricultural development should be assessed and approved under the *Environmental Planning and Assessment Act 1979*. **New** agricultural developments which would impact on native vegetation on Category 2 land would require consent from Local Land Services (LLS) and a development consent from Council. Currently rural land owners may only require approval from LLS. These changes may also result in the need to amend the SLEP.

#### 1.8 Changes to LEP may be required

- Local Environmental Plans may need to be amended to require development consent for agricultural development that includes native vegetation clearing in those land use zones where:
  - any type of agriculture is currently permitted without consent, or
  - a landholder wants to change between one land use and another land use and there is an intensification of use within the same category of agriculture.

#### 1.9 New SEPP may override DCP in Urban Land

- Where the SEPP applies it is unlikely that tree clearing would trigger the BAM threshold such that Biodiversity Assessment Report (BAR) would be required in URBAN zones. However the BAM threshold may be triggered by the sensitive values threshold map. Council may have concerns regarding risk if this overrides the existing 45 degree rule.
- Will cl 5.9 be removed from the Standard Instrument LEP when the SEPP commences?
- Introduction of the SEPP may mean that Council loses the ability to have local controls such as the 45° rule.

Tim Fletcher  
**PLANNING AND DEVELOPMENT SERVICES**

R.D Pigg  
**GENERAL MANAGER**

**ADDENDUM REPORT OF GENERAL MANAGER**

**STRATEGY & ASSETS COMMITTEE**

**TUESDAY, 14 JUNE 2016**

***ITEM BE DEALT WITH UNDER DELEGATED AUTHORITY***

1. **June 2016 Storm Event Response**

**File 53449E**

**SECTION MANAGER: Tony Fraser / Kelie Lowe / Andrew McVey/ Jane Lewis**

**PURPOSE:**

To outline actions taken during the flood event of 4 - 6 June 2016 and what actions are going to/have been undertaken following the event.

**RECOMMENDED, in accordance with the Committee's delegated authority from Council, that the Committee:**

- a) **Receive the report for information;**
- b) **Thank all staff involved in the response and recovery operations relating to the flooding event for their efforts and support;**
- c) **Thank the Federal & State Governments for a speedy declaration as a Natural Disaster;**
- d) **Make further representations to seek government funding for restoration works in natural areas and recreation areas, and to have Council "ordinary" hours costs recognised as legitimate claimable expenses to facilitate timely response and repairs; and**
- e) **Seek a further report on a priority list of "unfunded" works to be submitted to Council for consideration.**

**OPTIONS**

1. As recommended
2. Council make alternate decisions.

## **DETAILS**

### **Overview of Event**

East coast lows are intense low pressure systems off the eastern coast of Australia, they are one of the more dangerous weather systems to affect the NSW coast, they are associated with elevated ocean levels, very rough seas and prolonged heavy swells, gale force winds and heavy widespread rains.

Bureau of Meteorology, on Thursday 2nd June, forecast the arrival of an East Coast Low for Sunday & Monday. They predicted 150mm of rain and significant ocean swell for the coastal area.

The reported rainfall up to 8am on Monday 6th June was on average 200mm across the region, with 530mm in Kangaroo Valley. Rainfall commenced Friday night and continued until Monday afternoon. The storm coincided with king tides.

This was a significant emergency response event impacting across all areas of the City and the second flood in the FY16/17 financial year. The other occurring in August 2015.

During the flood event, many staff responded to various aspects and initial assessment of damage to public assets are in progress. These are outlined below.

### **Emergency Response Activities**

#### ***Roads & Drainage***

Preparation works for the flood event commenced on Friday 3<sup>rd</sup> June, with mobilisation of backhoes to key locations, stockpiling of sand for sand bagging operations and ensuring equipment and resources were readily available. Pre-works were implemented for the opening of Lake Tabourie on Saturday morning.

Crews from Northern, Central and Southern depots started responding to reports of issues on Saturday morning about trees down and overwhelmed drainage systems. Road closures were implemented in a number of locations, including Shoalhaven Heads, South Nowra, Greenwell Point, Sanctuary Point, Sussex Inlet, Worrigeer and Kangaroo Valley. This were due to fallen trees or flooded roads.

Crews responded to over 80 calls through Council's afterhours contact centre and numerous more from the Emergency Operations Centre (EOC). Staff responded 'around the clock' for the duration of the event.

Roads were opened again by Friday 10<sup>th</sup> June 2016.

#### ***Shoalhaven Water***

The high rainfall over the weekend caused numerous issues to Shoalhaven Water infrastructure and sewage system. Staff were monitoring the telemetry system 24/7 and prioritising staff to attend issues as they arose.

The high rainfall and flooding caused infiltration into the sewage system across the Shoalhaven. Overflows were experienced within the sewage system and at sewage treatment plants when storm ponds were at capacity. The rising flood waters around



Shoalhaven Heads, St Georges Basin and Sussex Inlet caused infiltration into household yard gullies and manholes.

Power outages were experienced across the Shoalhaven throughout the weekend with Shoalhaven Water staff responding with mobile generators to ensure the sewer pump stations continued to pump to the sewage treatment plants. From Saturday afternoon through to Monday we were without power at numerous pump stations with alternative power provided. On Sunday afternoon we lost power to the South Coast with all sewer pump stations and treatment plants affected.

During the event Shoalhaven Water was in constant contact with the EPA and provided information to Safe Foods NSW and NSW Health.

A major water main break was found on the weekend after the surrounding soil was washed away from around the pipe. The water main was a 600mm trunk main from Radar Hill Reservoir to Bewong Reservoir in a very isolated location. The main was repaired after the rain event which was a great achievement in hard conditions by Shoalhaven Water staff.

Over the coming weeks staff will work to reduce the volume of the stored stormwater and return the sewage treatment plants back to normal operation.

### ***Emergency Operations Centre (EOC)***

The EOC was activated on Sunday 5th June early afternoon and staff attending included Engineering, Transport, Communications, Shoalwater and Media. The Local Emergency Operations Controller (LEOCON) (Police) & Local Emergency Management Officer (LEMO) (Council staff member) were present plus agency staff representing Welfare, Primary Industries and 'Power'. Regular briefings were conducted by SES. The EOC LEOCON oversees & directs emergency response and provides assistance to SES and agencies.

Council also managed media presence at the EOC, assisting the SES Illawarra South Coast Regional Control in delivering an update to ABC TV News and a live video update to the South Coast Register.

Council staff remained at the EOC until about 3am Monday morning, returning later that morning to provide a status update of road closures. The EOC was opened again Monday evening due to concerns about the impact of a king tide in Sussex Inlet due around 10pm. Engineering support staff, LEMO and assistant LEMO (both Council staff members) were present.

### ***Communications***

On Friday afternoon, 3rd June Council began alerting the public to the impending severe weather. Information was shared via social media, a notice was placed prominently on Council's website and media outlets and all CCBs were alerted via a media release.

Council continued to alert the public and keep them informed via a series of social media posts between close of business on Friday 3rd June and the activation of the EOC at 2:00pm Sunday 5th June.

During this time, staff closely monitored social media and media sites and addressed as many questions, concerns and enquiries as possible.

Two staff from Council's Communications team attended the EOC upon activation and began providing media and the public with regular updates from 2:30pm Sunday 5th June.

Regular road updates were provided to media outlets and posted on Council's website and Facebook and Twitter pages.

During the afternoon it was established that the power outage had the potential to seriously impact radio transmissions in the local area. Council alerted radio stations to the situation and maintained a dialogue with the affected stations until the issue was resolved.

Throughout Sunday afternoon and evening, Council continued to issue information to the media and public via media releases, phone calls and social media posts.

From Monday morning Council focused on providing road closures and tidal flooding updates to the media. With the roads situation changing rapidly, and updates quickly becoming redundant, staff stopped issuing road updates via media release and directed media to Council's website, which was updated as soon as new information was received.

Council received a lot of media interest in the days following the event as the community began dealing with the clean-up and aftermath of the flood.

Over the duration of the storm event Council posted over 31 separate individual updates on Facebook and Twitter in order to keep both the media and community informed.

With more and more people turning to Council's Facebook page for information, Council received an additional 461 'likes' over the duration of the event, equating to an audience increase of approximately 10%.

### ***Entrance Management***

Prior to the event the entrance configuration of lakes/streams which Council manages were confirmed. Shoalhaven River at Shoalhaven Heads, Swan Lake and Tabourie Lake entrances were all closed. Conjola and Burrill Lake were open.

#### **Shoalhaven River**

On Friday 3<sup>rd</sup> June the entrance at Shoalhaven Heads was surveyed. This survey confirmed that the dry notch (the low point in the dune that council maintains) was at or below the required level of 2m AHD. A backhoe was moved to the village of Shoalhaven Heads in case an entrance opening was required. The plant operator was placed on standby and located in Shoalhaven Heads over the weekend.

On Sunday 5<sup>th</sup> June the conditions at Shoalhaven Heads entrance was reviewed again, heavy swell and the king high tides were causing significant risks to the operator and opening the entrance would have caused inundation by seawater peaking between 8-8.30pm that night. The water trigger level at Shoalhaven Heads was reached at approximately 11pm. The decision to mechanically open was re-evaluated at 4am on Monday morning. When machinery operators accessed the entrance the entrance was already opened, approximately 150m entrance had formed and no intervention was required. The river naturally opened to the ocean during the night. The exact time the

opening occurred is unknown, however the water level began to drop around 12:30am. It therefore opened between 11pm and 12:30am. The dry notch, which is a low channel on the dune at Shoalhaven Heads maintained by Council worked very well, with the Shoalhaven River flowing out of this low point once the king tides and storm surge settled.

The entrance was not opened on Sunday as trigger levels for opening had not been reached, the river level peak prediction from the Bureau of Meteorology was below the trigger levels and the large swells and king high tide had significantly elevated the ocean to be higher than the river level (which would cause flooding from the ocean with an open entrance) and made the site unsafe for plant operators and plant.

#### Tabourie Lake

On Thursday 2<sup>nd</sup> June the entrance was surveyed. The survey showed a high point in the dune, on the ocean side, of 2m AHD.

Given forecast rain it was expected that the trigger water level to mechanically open the entrance would be reached. Council officers were however concerned that opening the entrance at 1.17m AHD may not be possible due to unsafe site conditions but also, opening the entrance at this level could increase flood risk, as the ocean would more readily be able to enter the lake due to the forecast elevated swell and king high tides.

Unfortunately the current Tabourie Lake Entrance Management Policy does not consider the risk of flooding from the ocean. Council staff, the Director of Assets and Works and the General Manager and in consultation with the Office of Environment and Heritage determined that excavating a pilot channel would be the best preparatory action. This would reduce the amount of sand needed to be excavated if an entrance opening was required and better enabled the lake to naturally open should it reach its trigger water level but not be able to be opened by Council.

On Saturday 4<sup>th</sup> June the pilot channel was dug from the lake towards the ocean, leaving a 10m plug, which included the highest point of the dune.

This would facilitate a natural entrance opening should the lake rise above the ocean level or only require the removal of the plug by Council, if the entrance trigger level was reached and the entrance area was safe for a mechanical entrance opening to be conducted. Leaving the high point in the dune also provided a level of protection from the king high tides and swell.

Council officers were onsite Sunday 5<sup>th</sup> June and witnessed the ocean entirely overtopping the dune and flowing into the Lake. The Lake naturally opened that evening. Local reports indicate that this occurred at 4:15pm approximately.

#### Swan Lake

The water level of Swan Lake was monitored throughout the entire event. The water level never increased to a level which would trigger actions to open the entrance.

It was evident that community education aided individuals understanding of entrance management with a number of community members, particularly in Shoalhaven Heads, stating that they understood the risk to plant operators and therefore an opening should not be conducted if it was not safe. It was also evident that many community members understood that if the entrance was opened that the ocean, being higher than the river,

would flow into the river and cause oceanic flooding. There were however a number of posts on social media that showed that not all of the community is aware of this risk and therefore further community education needs to be conducted.

In time of heavy rainfall, king tides and storm surges as experienced during this event, flooding of low lying areas in the Shoalhaven is inevitable and is not subject to entrance conditions.

Good planning and development controls such as raised flood levels minimised the flood risks to the community.

The level of community awareness of the flood risk needs to be improved. Council needs to continue community education and awareness of flood risk in the Shoalhaven

### **Impact on Assets**

#### ***Roads***

Assessment for damage on Council's road network is continuing. Trees and tree debris are across many roads and parks. Crews are progressively removing the debris and repairing potholes.

There has also been significant scouring and material loss from the unsealed road network. There is a landslip on Upper Kangaroo River Road (road closed) and a minor slip on Woodhill Mountain Road (road open). Many of the landslips that occurred in the August 2015 event are yet to be repaired (design work continuing), but there was only minor deterioration at these sites.

#### ***Buildings***

Damage was sustained to a number of Council and community buildings and their surrounds, including the Arts Centre, Nowra Library, Ulladulla Civic Centre, Huskisson Community Centre, Milton Showgrounds Secretaries office, Shoalhaven Entertainment centre and a number of pools (Greenwell Point, Ulladulla Leisure Centre & Ulladulla Sea Pool - photos in attachments).

The main issues were leaking roofs. An event at the Entertainment Centre was cancelled on Sunday evening and the Bomaderry Aquatic Centre & Nowra Aquatic Pool was closed for 2 days due to power outages.

#### ***Natural Areas***

Assessment for damage of Council's natural areas, beaches and estuaries is continuing. These include foreshore protection structures, beach and estuary access ways, fishing platforms, viewing platforms, walking tracks and boardwalks, flood mitigation structures, water quality monitoring buoys and equipment and the water quality of beaches and estuaries.

# Attachment A includes photographs of some of the damage to natural areas. The damages documented to date include:

- 100m of the Lake Tabourie boardwalk has been destroyed
- Major erosion to the foreshore protection at Ulladulla Harbour

- Major erosion to the foreshore protection at Greenwell Point
- Currarong beach has been severely eroded with a 3m scarp along the entire face of the beach. Eight major beach access ways have been lost. Consideration that the beach be closed until dune reshaping and stabilisation can be conducted has been considered though difficult to implement. All impassable beach access ways have been taped and closed. Appropriate warning signs will be erected. Foreshore protection works next to boat ramp have also been damaged. On Friday (10/6/16) the General Manager, Director Planning & Environmental Services and Natural Areas / Environmental staff inspected the damage at Currarong Beach with members of the CCB & residents. They are very concerned and are requesting Council undertake protection works to mitigate further erosion.
- seats/picnic tables lost and pathway undermined at Collingwood
- Shoalhaven Heads beach access damaged
- Mollymook sea wall, end of Ocean St, damaged and the gabions at the Golf Club have been exposed
- Beach access damaged at Culburra Beach
- The stormwater outlet at Nelsons Beach has been severely eroded
- Minor damage to the earthen levees along the Shoalhaven River has occurred. The full inspection of flood mitigation assets is continuing.
- The Basin Walking Track has flood damage and a section has been dislodged
- St Georges Basin Surface erosion to walking track
- Significant clean-up of foreshore debris required
- Shoalhaven heads River Rd, eroded
- Three boats off moorings at Callala Bay
- Unknown impact on dredging at Lake Conjola and Sussex Inlet – surveying underway
- Significant potential for dispersal of weed population – monitoring. Major concern, spread of water hyacinth
- all foreshore protection structures, fishing platforms and walking tracks need to be re-inspected
- Burrill lake major sediment plume into estuary
- Estuary health tested, high levels of faecal coliform, bacterial loads and sediment loads in all waterways and estuaries

### **Recovery and clean up stages**

Clean up works has commenced with removal of trees and tree debris across many roads and parks and pothole repair. Damage to assets and facilities is still being fully assessed, then restoration works will be prioritised and application for Natural Disaster Funding will be lodged.

Council has provided free tipping of green waste to residents, which follows on from the EPA's waiving of the levy on flood damaged goods.

**FINANCIAL IMPLICATIONS:*****Natural Disaster Funding***

The event has been declared a Natural Disaster, giving access to funding for emergency response and restoration of eligible assets (see below) under the State & Federal Government's *Natural Disaster Relief and Recovery Arrangements* (NDRRA).

Council can seek funding to assist with the clean-up and restoration of assets, although this funding is limited to *essential public assets*, examples include:

- Road infrastructure, for example road signs, guard rails and traffic lights
- Bridges
- Tunnels
- Footpaths
- Culverts
- Levees
- Local Government office; and
- Stormwater infrastructure.

It does not include restoration to natural areas (e.g, foreshore erosion), parks and reserves. Following the August 2015 flood Council submitted three claims for funding under the NDRRA:

Item	Claim Amount	Agency	Comment
Road Related Assets	\$2,118,918	RMS	Emergency response Restoration - Unsealed road and landslips
Eligible public infrastructure	\$1,374,289	NSW Public Works	Flood Levee & Bens Walk Bridge
Non – Eligible public infrastructure	\$627,365.00	Department of Justice	Normal hour costs, park and reserve clean up, walking trail restoration, beach access reinstatement

These applications were lodged in December 2015 with total claim amount of \$4,120,572. To date only the Road Asset Claim has been approved by the RMS, determination of the other two is pending.

Initial review of damage suggest the damage is not as extensive to eligible assets, so the claim is not expected to be the same amount for these items. However, the damage to the coastal areas is extensive in this latest event.

The application for *Non-Eligible Public Infrastructure* was lodged under Category C of the NDRRA which is for *holistic assessment of impact of natural disasters*. It is understood

Councils claim for these items is without precedent, so it is unclear if, and to what extent it will be approved. It is currently the only identified avenue to claim funding for damage to non-eligible costs, like coastal erosion for the June 2016 flood.

***Capital Works & Maintenance Programs***

Crews are currently focusing on clean-up activities, diverting resources from capital works and scheduled maintenance activities. With two natural disasters this financial year, there will be some planned activities that will now roll into next financial year.

Also, restoration works from both floods will need to be resourced by external resources to maximise funding from NDRRA. Internal resources are non-claimable, creating the burden of briefing, procurement and management of contractors and consultants. This delays restoration programs and increases work load on professional staff already busy with delivering capital works and maintenance programs.

For Natural Areas the damage will have a significant impact on council resources, both officer time and budgets as many of our coastal assets and damages to foreshore areas are not covered by Councils insurance and are not covered by natural disaster funding. Many of the 2015/16 budgets have already been fully spent or overspent following the flood which occurred in August 2015. Most repairs will need to be conducted in the 2016/17 financial year and require additional budget awarded.

Subject to funding approval, reprioritisation of the capital works program may be required to enable restoration of damaged areas.

**COMMUNITY ENGAGEMENT:**

Community engagement was in the form of 'inform' during the flooding event and immediately following - this will be ongoing.

R.D Pigg  
**GENERAL MANAGER**