

SHOALHAVEN CITY COUNCIL

STRATEGY AND ASSETS COMMITTEE

To be held on Tuesday, 12 April, 2016
Commencing at 4.00 pm

6 April, 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, 12 April, 2016 commencing at 4.00 pm** for consideration of the following business.

B Stewart
Acting 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
 - Corporate & Community Services / Planning & Development
 - Planning & Development / Shoalhaven Water
7. **Notices of Motion**
8. **Addendum Reports**
9. **Confidential Report of the General Manager**
 - Corporate and Community Services
 - Assets and Works
 - Planning and Development
 - Shoalhaven Water

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, 8 MARCH 2016, IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 4.00PM

The following members were present;

Clr Baptist – Acting Chairperson
Clr Gash
Clr Tribe
Clr Robertson
Clr Kearney
Clr White
Clr Findley
Clr Guile
Clr Watson
Clr McCrudden
Russ Pigg – General Manager

Apologies:

Apologies were received from Clr Anstiss, Clr Wells, Clr Kitchener

1. Election of Acting Chairperson

MOTION: Moved: Kearney / Second: Gash

(MIN16.136) RESOLVED that Clr Baptist be appointed as the Acting Chairperson for the meeting of Strategy and Assets Committee, held on Tuesday 8 March 2015.

CARRIED

2. Confirmation of the Minutes of the Strategy and Assets Committee meeting held on Tuesday 9 February 2016

MOTION: Moved: Robertson / Second: White

(MIN16.137) RESOLVED that the Minutes of the Strategy and Assets Committee meeting held on Tuesday 9 February 2016 be confirmed.

CARRIED

3. Declarations of Interest

Conflict of Interest Declaration - Clr Tribe - pecuniary interest – Item 11, Page 30 – Park Care Plan – Bayswood – She owns a property within the Estate it could be perceived that she will obtain a benefit from this – will leave the room.

REPORT OF THE GENERAL MANAGER

4. Local Government NSW (LGNSW) - Submission on the NSW Budget for 2016/17 File 13726E

MOTION:

Moved: Tribe / Second: Gash

(MIN16.138) RESOLVED that, in accordance with the Committee's delegated authority from Council:

- a) Council support the LGNSW submission to the State Government; and
- b) Council write to the Hon Paul Green MLC, Hon Don Harwin MLC, Member for Kiama, Mr Gareth Ward, and Member for South Coast, Mrs Shelley Hancock, requesting their support and to make representations to the relevant Ministers and Treasurer to support the matters and requests made by LGNSW;
- c) That Shoalhaven Council add to the list of budget priorities the adoption of the recommendations in the 2015 report into the regulation of brothels in NSW and that advocacy services be funded for sex workers looking to exit the industry.

CARRIED

CORPORATE AND COMMUNITY SERVICES

5. Submission - Towards New Local Government Legislation - Explanatory Paper –Proposed Phase 1 amendments File 1747E

MOTION:

Moved: Guile / Second: Robertson

(MIN16.139) RESOLVED that, in accordance with the Committee's delegated authority from Council, that

- a) The report by the General Manager be received for information
- b) That Council's responses to the report (as provided in the attachments) be submitted on behalf of Council, subject to the following changes;
 - i) Change the response to recommendation 3.7 related to professional development to agreement without comment.
 - ii) Provide additional comment under Recommendation 4.1 – Election to suggest amendment to legislation to support the use of a count-back to fill a vacancy which occurs within the first 12 months of a council term, rather than a bi-election.

CARRIED

6. Local Government Conference - Australian Local Government Women's Association 2016
NSW Conference 2016 File 3884E, 4688E

MOTION: Moved: White / Second: Gash

(MIN16.140) RESOLVED that in accordance with its delegated authority from Council the Committee:

- a) Notes the details of the Australian Local Government Women's Association 2016 NSW Conference, scheduled for 10-12 March 2016, at Gunnedah
- 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

7. Local Government Conference – 2016 Australian Coastal Councils Conference – 56th Floodplain Management Australia Conference 2016 – 2016 Future of Local Government National Summit – Change of Meeting Date – Ordinary Meeting May 2016
File 4688E, 4355E, 3910E

MOTION: Moved: Findley / Second: White

(MIN16.141) RESOLVED that in accordance with its delegated authority from Council the Committee:

- a) Notes the details of the 2016 Australian Coastal Councils Conference scheduled for 4-6 May 2016, in Rockingham, WA.
- b) Notes the details of the 56th Floodplain Management Australia Conference, scheduled for 17-20 May 2016, in the Shoalhaven Entertainment Centre
- c) Notes the details of the 2016 Future of Local Government National Summit scheduled for 17-18 May 2016, in Melbourne.
- d) Authorises Councillors to attend the conferences within the limits imposed under current policy and such attendance be deemed Council Business.
- e) Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
- f) Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.
- g) Change the date of the Ordinary Meeting from 17 May 2016 to 24 May 2016;

-
- h) Invites members of the Natural Resource & Floodplain Management Committees, Shoalhaven Heads Estuary Taskforce and/or Council Bushcare Representative Group to attend the Floodplain Management Australia conference to be held in Nowra, at Council's expense, limited to 4 members and day passes only.

CARRIED

8. Membership Review Determination - Business and Employment Development Committee
File 38821E

MOTION: Moved: Kearney / Second: White

(MIN16.142) RESOLVED, in accordance with the Committee's delegated authority from Council, that Council:

- a) Approve the revised membership structure of the Business and Employment Development Committee as outlined in the attachment to this report.
- b) Appoint the following as Community members of the Business & Employment Development Committee:
- i) James Coburn – Sussex Inlet District Chamber of Commerce
 - ii) Peter Dryer – Shoalhaven Community (Red Car Driving School)
 - iii) Lexie Meyer – Shoalhaven Community
- c) That Council appoint those persons who made application for membership from the organisations and industry groups listed in the attachment; and directly seek representatives for those positions for which an application has not been received.

CARRIED

9. Nowra Skate Park - Half Pipe Repair Works
File 2254E

MOTION: Moved: Findley / Second: Robertson

RECOMMENDED that Council allocate \$75,000 in its 2016/17 budget to remove the existing Nowra Skate Park half pipe and construct a concrete half pipe of similar dimensions

CARRIED

ASSETS AND WORKS

10. Public Amenity – Callala Beach Community Centre – Budget Savings File 7677E; 26160E

MOTION: Moved: Findley / Second: Gash

(MIN16.143) RESOLVED, in accordance with the Committee's delegated authority from Council that savings of about \$33,000 from replacement of public amenities near the Callala Beach Community Centre be used to provide a toilet for persons with disabilities at the Nowra Culburra Beach Surf Lifesaving Club.

CARRIED

11. Road Safety Concerns - Princes Highway Falls Creek and Tomerong File 2013E, 7597E

MOTION: Moved: Guile / Second: White

(MIN16.144) RESOLVED, in accordance with the Committee's delegated authority from Council, that:

- a) The report on accidents on the Princes Highway be received for information;
- b) Council approach RMS to request they develop a medium to longer term project plan to address issues of safety and efficiency of the Princes Highway south of Jervis Bay Road;
- c) Council request the RMS to brief Council on current planning and associated matters relating to the Princes Highway South of the Nowra.
- d) The Minister for Roads, Maritime and Freight, the Hon. Duncan Gay and the Member for South Coast, the Hon. Shelley Hancock, be requested to expedite road safety improvements on the Princes Highway between Falls Creek and Tomerong;

CARRIED

12. Tender Evaluation Process File 5701E

MOTION: Moved: Watson / Second: Guile

(MIN16.145) RESOLVED, in accordance with the Committee's delegated authority from Council, that the report on tender practices be received for information.

CARRIED

13. Resolutions/Actions – Projects to be Completed File 30977E

MOTION: Moved: Watson / Second: Guile

(MIN16.146) RESOLVED that, in accordance with the Committee's delegated authority from Council:

-
- a) The report of the General Manager (Assets & Works) concerning Property Steering Committee Resolutions/Actions be received for information.
 - b) A formal report on the Property Steering Committee resolutions and actions no longer needs to be submitted as the Committee was dissolved in 2015.

CARRIED

14. Parkcare Plan - Bayswood File 35254e

Conflict of Interest Declaration - Clr Tribe - pecuniary interest – She owns a property within the Estate it could be perceived that she will obtain a benefit from this – left the room, did not take part in discussion or vote.

MOTION: Moved: Watson / Second: Guile

RECOMMENDED, that Council:

- a) Adopts the Bayswood Parkcare Action Plan, and
- b) Increases the Parkcare budget in FY 2015/2016 and subsequent years by \$400 to provide ongoing support for the new Parkcare Group.

CARRIED

15. Acceptance of Funding – Duck Creek – Naval College Rd Worroing Heights - Bridges Renewal Program File 4347E, 3957E

Note: Clr Tribe returned to the meeting.

MOTION: Moved: Robertson / Second: White

RECOMMENDED that:

- a) Council accepts the grant offer of \$750,000 under the Australian Government's Bridges Renewal program, to replace the Duck Creek bridge;
- b) Matching funds of \$750,000 be voted in the 2016/17 Operational Plan budget from the Roads to Recovery Program allocation.

CARRIED

16. Proposed Closure of Part Wattamolla Road, Wattamolla for Sale to Clarissa Watson and Consolidation with Lot 10 DP 1022301 File 43688E

MOTION: Moved: Guile / Second: Kearney

RECOMMENDED that Council resolve to:

- a) Make an application to the Minister administering the Roads Act 1993, for the part of Wattamolla Road, Wattamolla shown by hatching on Attachment "A" to be closed

and sold to the adjoining owner Ms Clarissa Watson for consolidation with her land comprised in Lot 10 DP1022301;

- b) Sell the closed road to Ms Watson for \$2,500.00 plus GST; and
- c) Affix the Common Seal of the Council of the City of Shoalhaven to any documentation requiring the Seal to be affixed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to this resolution.

CARRIED

17. Acquisition of land for Matron Porter Drive Shared Pathway File 51683E, 48363E

MOTION: Moved: Findley / Second: White

RECOMMENDED that:

- a) Council resolve to acquire part of Lot 2 DP1009573 known as 275A Matron Porter Drive Narrawallee, as shown in Attachment A;
- b) Council pay compensation of \$9,500 plus GST (if applicable) and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from job number 85583/39903;
- c) If necessary, the compensation be adjusted in accordance with the area of the land determined by final survey; and
- 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.

CARRIED

PLANNING AND DEVELOPMENT

18. Bherwerre Wetland (Larmer Ave) – Moving forward File 47552e

MOTION: Moved: Robertson / Second: Findley

(MIN16.147) RESOLVED, in accordance with the Committee's delegated authority from Council, that

- a) Council endorse the draft management action plan and suggested site name, at Attachment A in the report, for wider community consultation; and
- b) Council endorse the potential Sea Change Festival event (as described in report) as one of the opportunistic consultation activities; and
- c) Council endorse temporary art installations on the site to be erected by Bay and Basin Community Resources at their cost to encourage community engagement and consultation; and

-
- d) Council investigate the practicality of securing the front fence along Larmer Ave; and
 - e) List the available biobanking credits on the public credit register.

CARRIED

19. Scores on Doors Food Safety Program File 7467e

MOTION: Moved: Tribe / Second: Gash

(MIN16.148) RESOLVED, in accordance with the Committee's delegated authority from Council, that Council continue to implement the Scores on Doors Food Safety Program.

CARRIED

20. Generic Community Lands Plan of Management - Natural Areas No 7 - Proposed Amendment - Stormwater Discharge File 20861E, 51952E

MOTION: Moved: Watson / Second: White

(MIN16.149) RESOLVED, in accordance with the Committee's delegated authority from Council, that:

- a) Section 3.2.6 'Erosion, Drainage & Maintenance of Water Quality' of the *Generic Community Lands Plan of Management – Natural Areas No 7* be amended as recommended in this report and Council give public notice of the proposed amendments to the plan of management for 28 days in accordance with the Local Government Act (1993);
- b) Section 3.11 'Stormwater' of the *Foreshore Reserves Policy (POL12/304)* be amended to give effect to the amendment described in a) and Council exhibit the amendment to the Foreshore Reserves Policy concurrently with the plan of management;
- c) A report on the outcome of the public exhibition be presented to Council.

CARRIED

SHOALHAVEN WATER

21. REF Determination - Sewer Rising Main 23 Augmentation & Extension, Cambewarra Road and Lyndhurst Drive, Bomaderry File 47937E/2

MOTION: Moved: Watson / Second: White

(MIN16.150) RESOLVED in accordance with the Committee's Delegated Authority from Council, that:

- a) After consideration of the REF for the extension and augmentation of sewer rising main No. 23 along Cambewarra Road and Lyndhurst Drive, including gravity sewer

line interconnection at Ettrick Close, Bomaderry, Council determine that it is unlikely that there will be any significant environmental impacts as a result of the proposed works;

- b) Council adopt the proposed mitigation measures and control measures identified in the REF:
- c) Council determine that an Environmental Impact Statement is not required for the proposed works.
- d) Council proceed with the tender process for the construction works.

CARRIED

22. Tenders - Minor Mains Replacement Panel - Construction Package 4A File 52673E

MOTION: Moved: Watson / Second: White

(MIN16.151) RESOLVED in accordance with the Committee's Delegated Authority from Council that in accordance with Section 10A(2)(d)(i) of the Local Government Act (1993), consider a separate confidential report on this matter.

CARRIED

23. Acquisition of Easement for Water Supply at Yatte Yattah File 52283E

MOTION: Moved: Robertson / Second: White

RECOMMENDED that:

- a) Council resolve to acquire an Easement for Water Supply 3 wide over Lot 1 DP725956 and Lot 1 DP725957 at Yatte Yattah, as shown by hatching on copy of sketch plan marked Attachment 'A', under the Local Government Act 1993.
- b) Council pay compensation of \$5,000, plus GST if applicable, and reasonable legal costs associated with the acquisition in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Water Fund.
- c) If necessary, the compensation to be adjusted in accordance with the area of the easement determined by final survey.
- d) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CARRIED

24. Acquisition of Easement for Water Supply at Yatte Yattah File 51721E

MOTION: Moved: Robertson / Second: White

RECOMMENDED that:

-
- a) Council resolve to acquire an Easement for Water Supply 3 wide over Lot 20 DP334366 at Yatte Yattah, as shown by hatching on copy of sketch plan marked Attachment 'A', under the Local Government Act 1993.
 - b) Council pay compensation of \$5,000 and reasonable legal costs associated with the acquisition in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Water Fund.
 - c) If necessary, the compensation to be adjusted in accordance with the area of the easement determined by final survey.
 - d) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CARRIED

25. Request for Connection to Town Sewerage System - Lot 287 DP 751273 (No. 3) Rock Hill Road, North Nowra File DA15/2244SW
-

MOTION:

Moved: Gash / Second: Kearney

RECOMMENDED that Council approve the connection of Lot 287 DP 751273 Rock Hill Rd, North Nowra to its sewerage system, by pressure sewer, on the proviso that the applicant complies with all conditions specified on a Shoalhaven Water Development Application Notice.

CARRIED

NOTICES OF MOTION

26. Shoalhaven & Kiama Merger Proposal File 52579E
-

MOTION:

Moved: Guile / Second: McCrudden

(MIN16.152) RESOLVED in accordance with the Committee's delegated authority from Council that:

1. That Council notes the overwhelming rate of submissions to OLG Delegate for the merger proposal between Shoalhaven and Kiama that were in opposition.
2. That Council further notes the submission from the Member for Kiama and Parliamentary Secretary for the Illawarra and South Coast, Mr Gareth Ward MP that also opposes the merger proposal but Council does not agree with transferring any part of the Shoalhaven local government area to Kiama Municipal Council;
3. That Council further notes the Parliamentary statement by the Member for Gilmore Ann Sudmalis in opposition to the merger proposal;
4. Now that submissions have ceased and no further new information has been forthcoming since release of the merger proposal, that Council therefore resolves

to confirm its position as being unequivocally opposed to the current merger proposal without any qualifications.

CARRIED

27. Kidgeeridge Music Festival 2016 - Milton

File 14500E

MOTION:

Moved: White / Second: Findley

(MIN16.153) RESOLVED in accordance with the Committee's delegated authority from Council, that the Committee:

- a) Reduce the Fees charged for the Milton Showground for the Kidgeeridge Music Festival 2016 to \$2,500 by a waiver of fees.
- b) Write to the Kidgeeridge Event organisers advising the reduction in fees for 2016 is a once off.

CARRIED

CONFIDENTIAL REPORT

SHOALHAVEN WATER

CONSIDERATION OF ITEMS OF A CONFIDENTIAL NATURE

Item	Reason
Tenders - Minor Mains Replacement Panel - Construction Package 4A	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) It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

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.

MOTION:

Moved: White / Second: Tribe

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)(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:

- Tenders - Minor Mains Replacement Panel - Construction Package 4A

CARRIED.

The meeting moved into confidential the time being 5.23pm.

The meeting moved into open session, the time being 5.28pm.

There being no further business, the meeting concluded, the time being 5.28pm.

Clr Baptist
ACTING CHAIRPERSON

REPORT OF GENERAL MANAGER
STRATEGY AND ASSETS COMMITTEE

TUESDAY, 12 APRIL 2016

GENERAL MANAGER

ITEMS TO BE REFERRED TO ORDINARY MEETING

1. **Shoalhaven Business Chamber - Memorandum of Understanding - Economic Development** **File 39962E**
-

SECTION MANAGER: Greg Pullen

PURPOSE:

To report on the activities of the Shoalhaven Business Chamber (SBC) operations under the Memorandum of Understanding (MoU) with Council regarding the Shoalhaven Business Awards and a business development program.

To consider the continuation of this agreement.

RECOMMENDED that:

- a) **Council enters into a new Memorandum of Understanding with the Shoalhaven Business Chamber for the three financial years being 2016/2017, 2017/2018 and 2018/2019:**
 - i) **for the delivery of the Shoalhaven Business Awards; and**
 - ii) **for a business events/training program.**
- b) **Council allocate \$40,000 in the Economic Development budget for each financial year for the duration of the Memorandum of Understanding.**

OPTIONS

- 1. As recommended.
- 2. An alternative recommendation be proposed.

DETAILS

Background

Council first entered into an agreement with the SBC prior to the 2010/11 financial year. The agreement was for 3 years and the financial support involved was in two parts with the major portion correlated to the cost of hiring the Shoalhaven Entertainment Centre (SEC) and a contribution to other admin costs associated with running the Shoalhaven Business Awards. By the SBC undertaking this task, it relieved Council of the burden of organising the event which consumed resources provided by the General Manager's Executive Assistant, staff of the Economic Development Office, the Council Print Room, Council's Graphic Unit, and other departments. The SBC also has a wide network of contacts.

In the first agreement 2010/11 - 2012/13, the second part of the payment was again to cover the SEC hire charge and provide organisational monies for a trade show entitled "*Shoalhaven on Show*", an event which went over 3 days.

For this first agreement the Council contribution was \$30,000 for each of the 3 years. However the "*Shoalhaven on Show*" event did not occur in 2012/13 and the Council funding was withheld.

In summary under this 3 year agreement Council provided \$77,000 in sponsorship and had \$59,969 returned to it through payment to the SEC.

A second agreement was encapsulated in an MoU covering the period 2013/14 - 2015/16 and this agreement is drawing to a close. The payment under this MoU was \$35,000 each year, again paid in 2 parts - Shoalhaven Business Awards and a sponsorship contribution to run a business expo or business development program.

The Shoalhaven Business Awards were organised in 2013, 2014 and 2015 under this program. A Trade Expo was organised in 2014 at the SEC and "*Energise Shoalhaven*", a series of business workshops, was held in 2015/16.

The Energise Shoalhaven series did attract reasonable participation but the feedback from participants was that a greater number of shorter and targeted workshops would be preferred over 4x full day workshops. The total cost of energise Shoalhaven was \$32,017 with income, including the SCC sponsorship, being \$26,493 for a loss of \$5,524.

For 2015/16 the SBC is attempting to respond to members and other business requests and running a series of events of a smaller nature in the period Feb - June 2016:

- Women in Business network lunch - where SBC will hold 2 quarterly lunches with guest speakers on topics more specific to women in business.
- Lunch & Learn series - where SBC will organise 3 lunches hosted by a profession (i.e. Accountants, Solicitors, Bankers, Insurance Brokers) that provides a workshop style session on various business related topics that will assist members in their day to day business operations.
- Breakfast Bites series - where the SBC will organise and host 4 breakfasts each year, where a speaker will provide educational information around business assistance and advice.

-
- Three other business learning events will also be hosted - final “*Energise Shoalhaven*” and two Business Master Classes.

Some of these events will be held at the SEC but others at the respective premises of SBC members or at particular venues like TAFE or University of Wollongong Shoalhaven Campus.

The Shoalhaven Business Chamber received \$105,000 via this three year MoU. Of which \$60,028 was spent in the hire of the Shoalhaven Entertainment Centre.

Going Forward

Council and SBC have the opportunity to enter into an agreement for the next three financial years 2016/17 - 2018/19.

Negotiations have taken place and it has been agreed that the following will be delivered:

- Shoalhaven Business Awards in 2016, 2017 & 2018;
- Women in Business network lunch - 4 each year x \$2,500;
- Lunch & Learn series - 6 each year x \$500;
- Breakfast Bites series - 6 each year x \$500; and
- Master Class (Business Workshops) - 4 each per year x \$5,000.

The above program would require \$19,000 in attendance fees to be generated to break even above the Council contribution.

The Shoalhaven Business Awards will again be held at the SEC using the SEC caterers for the function.

The Women in Business network lunch series and the Master Class series will be held at the SEC. Both series will require catering.

The proposed payment for 2016/2017, 2017/2018 and 2018/2019 is \$40,000 per financial year. The breakdown is as follows:

- \$23,000 as sponsorship of the Shoalhaven Business Awards. Shoalhaven City Council will receive recognition as a major sponsor of the event and will receive 10 complimentary tickets to the Awards.
- \$17,000 as sponsorship of the aforementioned business networking and educational activities. The Economic Development Office receives two complimentary tickets to each Women in Business, Lunch & Learn and Breakfast Bites activities. This enables the Economic Development Office to strengthen the business networks within the Shoalhaven.

SBC will provide Shoalhaven City Council, through the Economic Development Office, with the following:

- Shoalhaven Business Awards report - 1 per year.
- Written progress reports - 2 per year.

-
- Verbal reporting via quarterly meetings - 4 per year.
 - Shoalhaven City Council will be recognised as a sponsor in all events. The level of recognition will be commensurate with the amount of sponsorship.

Shoalhaven City Council and SBC have had a long and productive relationship delivering a number of business enhancement programs and events. Partnering has led to more cost effective and efficient delivery of business programs and events on behalf of both organisations and has enhanced the reputation of both parties.

From a Council perspective, business development training is part of the deliverables of the Economic Development Office. This training is mainly provided in partnership with organisations like the SBC and the above relationship is part of this program. Other sponsorship / in-kind support is undertaken with a number of other organisations / training providers to deliver meaningful training to local business. In most instances the participants pay a participation fee (ranging from \$20 - \$350) for attending the courses and the sponsorship by Council underwrites the base cost to 'de-risk' the event.

FINANCIAL IMPLICATIONS:

Refer to the submission document and comments within the report.

COMMUNITY ENGAGEMENT:

Not necessary in the context of this report.

2. Request for Community Consultative Body Recognition - Hyams Beach File 1792E

SECTION MANAGER: Jessica Rippon

PURPOSE:

To advise Council of the request for Hyams Beach Villages Association (HBVA) to be recognised by Council as a Community Consultative Body for the Hyams Beach area and also to advise of outcome of the advertising process undertaken in accordance with the CCB Guidelines.

RECOMMENDED that Council:

- a) Formally recognise Hyams Beach Villages Association as the Community Consultative Body for the Hyams Beach area;**
- b) Authorise the payment of \$125 from its donations vote to assist HBVA in its administrative costs and/or hall hire expenses for the remainder of 2015/16.**

OPTIONS

1. Council agree to recognise HBVA as the CCB for the Hyams Beach area.
2. Council not recognise HBVA as the CCB for the Hyams Beach area.

DETAILS

Council received a formal request for the HBVA to be recognised as a CCB for the Hyams Beach area. HBVA is a longstanding association, prior to 2012 it had been recognised as a CCB but the HBVA voted to cease its CCB role in 2012 and continued as a villagers' association without CCB recognition instead.

On the 12 December 2015 a special general meeting was called to consider reviving the operations of the HBVA, with the specific purpose of moving to having it recognised as a CCB and restructured to support that purpose. This was supported by the community and an application to Council was made by the interim committee.

Discussions were held with members of HBVA and Council to establish formal boundaries for the representation of the group. This is provided as **Attachment 'A'**.

In accordance with the CCB Guidelines the proposal was exhibited from the 15 January 2016 to the 5 February 2016. An advertisement was placed in the South Coast Register on the 15 January 2016 and the 20 January 2016. Advice was also placed on Council's website outlining the request and seeking any submissions on the proposal. No submissions were received.

The HBVA is well established, with an interested community membership. The group understands the requirements and obligations of the CCB guidelines and would be suitable for this role.

FINANCIAL IMPLICATIONS:

Council has previously resolved to provide each CCB within the Shoalhaven with an amount of \$500 per year to assist with some of their administrative/hall hire expenses. This amount would be payable to the HBVA should they become a recognised CCB.

COMMUNITY ENGAGEMENT:

The request for the HBVA to become a recognised CCB of Council was advertised within the South Coast Register and online in accordance with the CCB guidelines. There was no opposition to the proposal received from the community.

B. Stewart
ACTING GENERAL MANAGER

REPORT OF GENERAL MANAGER

STRATEGY & ASSETS COMMITTEE

TUESDAY, 12 APRIL 2016

CORPORATE AND COMMUNITY SERVICES

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

3. **Local Government Conference - 2016 National General Assembly of Local Government** **File 1077E**
-

SECTION MANAGER: Melissa McCoy.

PURPOSE:

To advise Council of the Australian Local Government Association - 2016 National General Assembly to be held in the National Convention Centre Canberra, ACT on 19-22 June 2016.

RECOMMENDED that in accordance with its delegated authority from Council the Committee:

- a) **Notes the details of the Australian Local Government Association – 2016 National General Assembly, scheduled for 19-22 June 2016, in Canberra, ACT.**
- 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) **Councillor/s "insert name/s " be determined as the Council voting delegates for the conference and Councillor/s "insert name/s " as alternate delegate/s.**
- e) **Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.**
- f) **Call for a Councillor Briefing to be convened to consider Notices of Motion for the Australian Local Government Association National General Assembly**

OPTIONS:

- 1. As per the recommendation.
- 2. That Council approve attendance as recommended and specify Notices of Motion to be presented for consideration at the Australian Local Government Association National General Assembly.
- 3. That Council not approve Councillor attendance at the Conference as Council business.

DETAILS:

Advice has been received in relation to the following conference relevant to local government:

- 2016 National General Assembly of Local Government (NGA)
- scheduled for 19-22 June 2016
- at the National Convention Centre Canberra, ACT

The theme for this year's NGA is 'Partners in an Innovative & Prosperous Australia'.

The program is focused on debating and discussing the role that local government plays in boosting productivity and showcasing innovation and best-practice.

Costs associated with the conference are estimated as follows:

- registration : \$929.00 (earlybird), \$1029.00 (6 May 2016 to 3 June), \$1250.00 (after 3 June)
\$260.00 accompanying partners
\$225.00 Regional Cooperation & Development Forum (19 June 2016)
- social functions, optional: Welcome Reception - included in registration fee
Buffet Dinner \$100.00
NGA Dinner \$130.00
- travel, accommodation and out of pocket expenses : not yet determined.

It is also an opportunity for Councils to present for consideration of the Assembly, motions that comply with the following principles:

- Fall under the National General Assembly theme
- Be relevant to the work of Local Government nationally and
- Complement or build on the policy and objectives of state and territory associations.

Motions are to be received by no later than 22 April 2016.

Information regarding the conference including the discussion paper to assist with possible motions have been attached for information.

A briefing forum where motions from Council can be formulated is being arranged. Alternatively Option 2 provides for Council to provide Motions for consideration at this meeting.

Each Council is entitled to one voting delegate in the debating session. Council will need to determine its voting delegate and provision is made in the recommendation for the inclusion of the name of the Councillor appointed by Council.

The conference is scheduled on the same day as the Shoalhaven Arts Board.

FINANCIAL IMPLICATIONS:

Funds are available for Councillors to attend this conference.

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

4. Local Government Conference - Urban Renewal Australia Conference File 4688E

SECTION MANAGER: Melissa McCoy.

PURPOSE:

To advise Council of the Urban Renewal Australia Conference to be held in Melbourne on 13-14 July 2016.

RECOMMENDED that in accordance with its delegated authority from Council the Committee:

- a) **Notes the details of the Urban Renewal Australia Conference, scheduled for 13-14 July 2016, in Melbourne.**
- 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.**

OPTIONS:

1. As per the recommendation.
2. That Council not approve Councillor attendance at the Conference as Council business.

DETAILS:

Advice has been received in relation to the following conference relevant to local government:

- Urban Renewal Australia Conference
- scheduled for 13-14 July 2016
- in Melbourne, VIC.

The program for the conference is attached for information.

Costs associated with the conference are estimated as follows:

- registration : \$1495.00
- travel, accommodation and out of pocket expenses : not yet determined.

The conference is scheduled on the same day as the Shoalhaven Traffic Committee.

FINANCIAL IMPLICATIONS:

Funds are available for Councillors to attend this conference.

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

5. Draft Community Infrastructure Strategic Plan – Public Exhibition File 35382e

SECTION MANAGER: Jane Lewis.

PURPOSE:

To seek Council endorsement to place the Draft Community Infrastructure Strategic Plan on Public Exhibition for wider community input.

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

- a) Council endorse public exhibition of the Draft Community Infrastructure Strategic Plan for 40 days.**
- b) Notification of the Draft Community Infrastructure Strategic Plan be advertised in local newspapers, Council website and notification to Community Consultative Bodies and key stakeholders including several Council Advisory Committees as identified during the development of the draft strategic plan.**
- c) A post exhibition report for the Draft Community Infrastructure Strategic Plan be presented to a future Strategy & Assets committee meeting.**

OPTIONS

1. Council adopt the recommendation
2. Council not adopt the recommendation and provide an alternative option regarding the future of the Strategic Plan

DETAILS

Background

In 2013 Council staff identified the need to develop a Shoalhaven City Council Community Facilities Strategic Plan to deliver a strategic plan for the forward delivery of community infrastructure over the next 30 years. The document was to achieve a cohesive and representative forward plan for the provision of current and future infrastructure reflective of community needs and Councils ability to deliver community infrastructure with consideration of future Section 94 legislative requirements.

ROSS planning were the successful tenderer to undertake this project. The draft report is attached as Attachment A.

Key Findings

This plan is covering all of Councils social infrastructure for the next 30 years, therefore it is comprehensive document and key findings include:

Overall, Shoalhaven has an abundance of community infrastructure. Approximately 620ha of land for recreation and sports parks and 90 community buildings service the community. The beach, natural areas, bushland and tracks/trails and boardwalks were identified as the most popular recreation and sports buildings, while the libraries, public halls/community centres and art galleries were the most popular community buildings.

Analysis identified a significant surplus of community infrastructure, now and in the future (2036). However, some areas identify shortfall, this is due to lack of consolidation of assets and some planning areas not requiring regional facilities due to acceptable travel time.

Previously, community infrastructure has generally been built, upgraded or embellished on an “as needs” basis, often in response to lobbying from local residents and subsequent requests from elected Councillors, which has resulted in an ad-hoc network of under-utilised community infrastructure. As such, current and future community infrastructure planning needs to change and focus on upgrading and making better use of existing recreation and sports parks and community buildings.

The plan identifies the scope and objectives 1.1. and 1.2, acknowledges limitations 1.4, defines community infrastructure section 4.0 and identifies trends section 5.0.

The key themes identify infrastructure to be multipurpose, co-located, integrated, connected and diverse which is in line with Council’s adopted Min. 14.757 – Financial Sustainability.

Public Exhibition

Shoalhaven City Council Draft Community Infrastructure Strategic Plan will be placed on public exhibition for 40 days, advertised in the local papers, on Councils website, forwarded to CCBs and all community groups and stakeholders identified as part of the development of the plan.

FINANCIAL IMPLICATIONS:

The exhibition of the draft plan be undertaken out of existing budgets. Key outcomes of the draft plan will need to be considered in Council's future delivery program.

COMMUNITY ENGAGEMENT:

The extent of the engagement is outlined in the Plan:

- The program of engagement is identified in Appendix C – Communication program
- The results of the consultation are outlined in section 6.0
- Appendix D – Consultation notes of the Plan.

The consultation process was extended to all CCBs, sporting groups, user groups, management committees, Councils community directory and the general public.

Notification of the Draft Community Infrastructure Strategic Plan be advertised in local newspapers, Council website and notification to Community Consultative Bodies and key stakeholders as identified during the development of the draft strategic plan.

6. Tender Report - Shoalhaven Equestrian Centre of Excellence - Stage 1 Construction File 52251E

SECTION MANAGER: Jane Lewis

PURPOSE:

To inform Council of the Tender process for the Shoalhaven Equestrian Centre of Excellence Stage 1 Supply & Construction.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would if disclosed prejudice the commercial position of the person who supplied it, and will be considered under a separate confidential report to this Committee. It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

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

OPTIONS:

1. Council accept the recommendation as presented.
2. Council amend the recommendation.

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

DETAILS

Council called tenders for the construction of Shoalhaven Equestrian Centre of Excellence Stage 1. Tenders closed on 19 January 2016 with five [5] tenders received in the tender box/portal at the close of tenders, as shown below in alphabetical order. No late tenders have been received.

Tenderer	Location
Civil Project Management Group Pty. Ltd.	South Nowra
Ferncroft Rural and Landscaping Pty. Ltd.	Berry
Hisway Pty. Ltd.	South Nowra
Stefanutti Constructions Pty. Ltd.	Unanderra
TCL Contracting Pty. Ltd.	Greenwell Point

Tenders were evaluated in accordance with Council's Tender Evaluation Policy with Evaluation Criteria established in the Tender Evaluation Plan, as follows:

- Total Cost to Council, including the Local Preference Policy
- Experience and expertise in nature of work
- Management ability, regarding programming, WHS, Environmental, Quality Systems and technical skills
- Resource capabilities to complete the works.
- Program
- Value/ Completeness of Offer

Further details on the Tender Evaluation are contained in the confidential report.

FINANCIAL IMPLICATIONS:

The current budget allocation for this project consists of \$450,000 in this financial year (15/16). The required funding to complete this project is \$481,664 including contingency and project management costs. The funding shortfall will be funded from funds available from the business plan being prepared for the Equestrian Centre.

More detail is included in the confidential report.

COMMUNITY ENGAGEMENT:

The effect on the public during construction is considered to be minor.

SECTION MANAGER: Jane Lewis

PURPOSE:

To provide information to Council following public submissions regarding naming the Shoalhaven Entertainment Centre auditorium the “Greg Watson Auditorium” as recognition of Clr Watson’s contribution to the community and towards the planning, construction and establishment of the Shoalhaven Entertainment Centre.

RECOMMENDED, in accordance with the Committee’s delegated authority from Council, that the auditorium at the Shoalhaven Entertainment Centre not be named the Greg Watson Auditorium.

OPTIONS

1. Adopt the recommendation as stated above (preferred option)
2. Form a sub-committee to consider other options to recognise Clr Watson’s contribution to the community.
3. Find an alternative for providing recognition to Clr Watson for his contribution to the community.

DETAILS

Following a Councillor briefing on 9 February 2016 a report was submitted to the Strategy and Assets Committee on the naming of the SEC Auditorium.

Council adopted MIN16.93.

- a) *The Auditorium at the Shoalhaven Entertainment Centre be named the Greg Watson Auditorium and that this proposal be placed on Public Exhibition for a period of 28 days*
- b) *That the proposal be adopted if no objections are received*
- c) *A further report be submitted to Council if there are objections received*

The proposal was placed on public exhibition for 28 days with submissions closing on Friday 18 March at close of business. Some submissions were received after the close off time.

Submissions are attached to this report. In total there were 34 submissions received by the close off date and four (4) after the close off date (See Attachment 1). At the request of the author, one submission against the proposed name has not been included.

The submissions provided varied responses to the proposal including those that opposed the proposal, those that supported the proposal and those that offered alternative options. Quite a few submissions did not respond to the actual proposal i.e. to name the auditorium but made submission to name the entire Shoalhaven Entertainment Centre or that other residents should be recognised.

As the initial recommendation was to adopt the proposal if no objections were received, and subsequently there were a number of objections received, this report does not recommend that the proposal to name the auditorium the Greg Watson Auditorium be adopted.

While the majority of submissions supported the naming as proposed or the entire Shoalhaven Entertainment Centre there were a significant number that opposed the proposal for varying reasons. There was also a negative reaction in Social Media as referred to below.

The objections are primarily from the Aboriginal community who make reference to Cllr Watson's actions against their people in 1982. Council has developed a strong relationship with the local Aboriginal Community and the strong feelings expressed in the submissions clearly indicate that to provide recognition to Councillor Watson for his contribution to the city in the way proposed will cause damage to that relationship.

It is therefore being recommended that Council does not proceed with the proposal as it has potential to create division within the community. Council does have the option (whilst being against the staff recommendation) of proceeding with the proposal or it could form a committee of interested Councillor's to consider other options as set out in Option 2 above.

FINANCIAL IMPLICATIONS:

There are no financial implications for adopting this recommendation.

COMMUNITY ENGAGEMENT:

Community engagement consisted of a public notice being placed on exhibition for 28 days in the South Coast Register. This notice generated activity on social media sites which then led to further discussion on social media channels. These discussions while not formally received or counted as part of submissions, did see an overwhelming majority of negative comments and opposition to the proposal. The proposal was also on Council's website.

8. **Lehman Brothers Australia Ltd - Class Action - Acceptance of Covenant**

File 35194E

SECTION MANAGER: Pamela Gokgur.

PURPOSE:

To seek authority for the Acting General Manager and Mayor to execute the Deed of Covenant in relation to the City of Swan & Ors v McGraw Hill Financial Inc (formally McGraw Hill Companies Inc) & Anor (S&P) (Federal Court Proceedings NSD 656 of 2013) (Class Action), to not bring or pursue any further claims against S & P.

- # **RECOMMENDED, in accordance with the Committee's delegated authority from Council, that resolve for the Acting General Manager and Mayor to execute the Deed of Covenant (Confidential Attachment A) under seal to ensure Council has entitlement to claim as per the Claim Data Notice (Confidential Attachment B) in relation to the above Class Action.**

OPTIONS

1. Council adopt the recommendation at the Strategy and Assets Meeting and delegate the Acting General Manager and Mayor to sign the Deed of Covenant (Attachment A).
2. Council not adopt the recommendation and provide an alternative option.

DETAILS

As per the Lehmann Settlement Report to Council on 8 December 2015, Council resolved to support the settlement of the Class Action with regard to City of Swan & Ors v McGraw Hill Financial Inc (formally McGraw Hill Companies Inc) & Anor (S&P) (Federal Court Proceedings NSD 656 of 2013) (Class Action).

The crux of these proceedings is that the Group Members suffered financial loss as a result of acquiring interests in the Claim SCDO's in reliance on the credit rating assigned to the Claim SCDO's by S&P. The Applicants seek damages and other relief for themselves and on behalf of the Group members.

Subsequent to the December Council meeting the following has occurred:

All 90 Group Members to the Class Action have actively supported the proposed settlement.

Based on the response of Group members, on 11 December 2015 the Applicants made a settlement offer to McGraw-Hill Financial, Inc and Standards & Poor's International, LLC.

On 19 February 2016, S&P accepted the Applicant's offer to settle the Proceeding.

This Settlement is confidential.

On 24 March 2016 the Federal Court approved the settlement of the Class Action against S&P and the terms of a Settlement Distribution Scheme.

All preconditions to the confidential Deed with S&P will be satisfied once the appeal period from the approval order expires (in about 6 weeks from the approval).

Squire Patton Boggs have now asked Council to confirm our claim data and the estimated distribution amount and to sign the attached Covenant (releasing future claims against S&P) for execution. This release is a term of the settlement with S&P and needs to be signed before any payment under the Scheme will be made.

Accordingly, attached are the following:

- # Confidential Attachment A – Covenant – requiring signature
- # Confidential Attachment B – Claim Data Notice including
 - a. Instructions,
 - b. Annexure A with important information
 - c. Part A – Claim Data Notice and its Schedule A
 - d. Part B – Preliminary Estimate of Claimant’s Scheme payment

FINANCIAL IMPLICATIONS:

By signing this Covenant Council will be confirming the estimated distribution amount, with the final amount being known at the final distribution date, where the amount available for distribution will account for amounts such as interest accrued on the “Settlement Sum”, Scheme Administration Costs and other presently unascertainable costs.

COMMUNITY ENGAGEMENT:

There is no community consultation required.

9. **International Conference Attendance – Arts & Culture Manager** **File 47656E**
-

SECTION MANAGER: Jane Lewis

PURPOSE:

To approve the attendance by Bronwyn Coulston, Arts and Culture Manager to the Museums Australasia Conference being held in Auckland from the 16-19th May 2016.

RECOMMENDED, in accordance with the Committee’s delegated authority from Council, that Bronwyn Coulston, Arts and Culture Manager be approved to attend the Museums Australasia Conference in Auckland from the 16-19th May 2016.

DETAILS

In 2016, Museums Australia – the professional body for museums and galleries throughout Australia have combined with Museums Aeteroa – the professional body for museums and galleries in New Zealand, to jointly host a conference in Auckland. The Museums Australasia Conference *Facing the Future: Local, Global and Pacific Possibilities* is a 3 day conference (16-19 May) that explores the relevance and sustainability of museums and galleries now and in the future, and the ways they can be of social, cultural and ecological value.

Attendance at MA2016 will assist in continuing to build a new knowledge bank that helps to improve staff understanding of, and ability to respond to issues unique to regional galleries and visual arts organisations. This will also set the Shoalhaven City Arts Centre on the path of continuing best practise. With keynote speakers such as David Garneau (Assoc Prof. Visual Arts in Canada and leader of the Creative Conciliation Project), Elizabeth Merritt (Director, Centre for the Future of Museums), Boon Hui Tan (former Director of Singapore Art Museum) and Dr Dawn Casey, the conference offers a unique opportunity to hear from significant international thinkers and leaders in the field.

Attendance at MA2016 will further develop and grow Council staff professional networks in a Trans-Tasman environment. Improved networks and contacts will enhance ability to address problems and find solutions through discussions and idea sharing with others in similar venues or who have worked with regional venues, and to understand issues and challenges faced across the sector. Through the sessions of MA2016 and by hearing case studies and projects in other cultural venues. Management will be better able to assess and implement programs in the Shoalhaven that work strongly with the community, build on the reputation of the gallery and further the engagement with arts and culture throughout the region.

Alongside the conference, the Museums & Galleries National Awards (MAGNAs) will be announced. The MAGNAs began in 2011 and are open to all Australian cultural collecting institutions who are members of Museums Australia. The awards hold a significant cache and are a major recognition of achievement within the sector. For the first time since the MAGNAs started, the Shoalhaven City Arts Centre and Shoalhaven City Council have been nominated for the IN MEMORY project.

To further the reputation of Shoalhaven City Arts Centre as a growing regional gallery, it would be valuable to have a representative in attendance at the conference and the awards ceremony.

FINANCIAL IMPLICATIONS:

The Unit Managed, Arts & Culture has successfully applied for a bursary from Museums Australia to cover the majority of costs in attending the conference. With thanks to the Arts, Craft Design national network and the MA NSW branch, Bronwyn Coulston has been awarded \$1,100AUD to cover the costs of conference registration and accommodation. The only remaining costs required to be covered by Council are airfares, these will be approximately \$550AUD. Funding is available in the Arts budget to meet this cost.

COMMUNITY ENGAGEMENT:

The programme for MA2016 has several sessions on community engagement, development of content, collections and engagement specific to indigenous communities, participatory models of curation and exhibition development, visitor analytics and enhancing the social value of art galleries. By attendance at the conference and hearing from leading speakers in the field, as well as others who work with communities, develop content and engage in different ways, the Manager will be able to better lead the team at the SCAC to ensure our engagement practises, exhibition content and public programs are enhancing the social value of all we do and placing the SCAC at the heart of arts and culture in the region. By better understanding what is happening in museums and galleries across the region and hearing of practises that succeeded and failed staff will be able to reassess all we do and consider how we undertake our work more efficiently, effectively and for greater community benefit.

ITEMS TO BE REFERRED TO ORDINARY MEETING

10. **Request for Donation – Ulladulla and Districts Blessing of the Fleet Festival**
File 4771E, 8029E, 1247E, 2245E, 3076E
-

SECTION MANAGER: Melissa McCoy

PURPOSE:

To consider the following requests from the Ulladulla & Districts Blessing of the Fleet Festival Committee:

1. To continue to support the Ulladulla and Districts Blessing of the Fleet Festival in 2016/2017.
2. To waive the hire fees of the Ulladulla Civic Centre grounds and Foreshore Reserve for the Easter 2016 Blessing of the Fleet Festival and Princess Ball.

RECOMMENDED that Council

- a) **Continue to support the current arrangement for an annual contribution of \$10,000 towards the Ulladulla and Districts Blessing of the Fleet Festival.**
- b) **Waive the cost of the hire and cleaning fees for the use of the Ulladulla Civic Centre and grounds and the Foreshore Reserve for the Ulladulla and Districts Blessing of the Fleet Festival and Princess Ball events in 2016 and future years, with the fees for the 2016 event (\$3682) to be sourced from the Unallocated Donations budget.**
- c) **Funds for the waiving of the fees for future Ulladulla and Districts Blessing of the Fleet Festivals to be sourced from the Allocated Donations Budget.**

OPTIONS

1. Adopt the recommendation above.
2. Alter the contribution and/or waiver of fees for the Festival.
3. Limit the period for which Council contributes to the event.
4. Make other determinations as to support from Council for the event.

DETAILS

The Blessing of the Fleet Festival was held on Easter Sunday, 27 March 2016 at Ulladulla with the Princess Ball held on 12 March 2016.

Council has already allocated and paid \$10,000 from the 2015/2016 Allocated Donations Budget to the Blessing of the Fleet Committee toward the running costs of the 2016 Festival.

The Blessing of the Fleet Committee has made the following request:

- Council continue to support the Festival in 2016/2017.
- Council waive the hire and cleaning fees (\$3562) for the Ulladulla Civic Centre and grounds and the Foreshore Reserve for the Easter 2016 Blessing of the Fleet Festival and Princess Ball.

Note: A review of fees payable has identified the correct amount is \$3682, hence the recommendation of the report.

FINANCIAL IMPLICATIONS:

In the past, Council has budgeted \$10,000 each year in the Allocated Donations Budget as direct financial support to assist with the running of the Blessing of the Fleet Festival.

Each year, the Blessing of the Fleet Festival Committee apply to Council to waive the cost of the hire and cleaning fees for the use of the Ulladulla Civic Centre and grounds and the Foreshore Reserve for the Blessing of the Fleet Festival and Princess Ball events.

For the 2016 event, the cost of the hire and cleaning fees for the use of the Ulladulla Civic Centre and grounds and the Foreshore Reserve for the Blessing of the Fleet Festival and Princess Ball is \$3682.

The budget source for the waived fees each year is Unallocated Donations.

Council has over expended the 2015/2016 Unallocated Donations budget, the current balance of the Unallocated Donations is -\$3860.59.

Donations provided to date

Financial year	Being for	Amount \$
2007-2008	Waiving of Fees Allocated amount-unconditional	3555.00 10000.00
2008-2009	Waiving of Fees Allocated amount-unconditional	3555.00 9000.00
2009-2010	Waiving of Fees Allocated amount-unconditional	5446.60 10000.00
2010-2011	Waiving of Fees Allocated amount-unconditional	3944.31 10000.00
2011-2012	Waiving of Fees Allocated amount-unconditional	3500.00 10000.00
2012-2013	Allocated amount-unconditional	13500.00
2013-2014	Allocated amount-unconditional	10,000.00
2014-2015	Waiving of Fees Allocated amount-unconditional Reimbursement for additional costs incurred in 2014 due to renovations of the Ulladulla Civic Centre	5506.00 10000.00 2554.28
2015-2016	Allocated amount-unconditional	10,000.00

11. Request for Donation - Australia Day Event in Nowra

File 4771E

SECTION MANAGER: Melissa McCoy

PURPOSE:

To consider a request from the Rotary Club of South Nowra Inc. that Council increase the donation for the Australia Day celebration to be held at the Nowra Showground on 26 January 2017 by \$5,000 per annum per annum.

RECOMMENDED that Council not provide an additional donation toward the Australia Day event to be held at the Nowra Showground on 26 January 2017.

OPTIONS

1. Adopt the recommendation above.
2. Agree to provide the additional donation amount of \$5,000.
3. Alternative amount to be suggested by Councillors.

DETAILS

Each year Council allocates \$20,000 in the Allocated Donations budget toward the running costs of Australia Day celebrations in Berry, Callala Bay, Milton/Ulladulla and Nowra.

The Rotary Club of Berry, the Callala Bay Progress Association, the Lions Club of Milton/Ulladulla and the Rotary Club of South Nowra are invited each year to provide an expression of interest to host an Australia Day event in their area.

In 2015/2016 this \$20,000 funding was allocated to each club as follows:

Rotary Club of South Nowra	\$6424
Rotary Club of Berry	\$2500
Callala Bay Progress Association	\$1576
Lions Club of Milton/Ulladulla	\$9000
Total	\$19500

In addition to the above, funding of \$8,576 has been provided each year since 2013/2014 to support the Nowra event.

Since 2013/2014 the Rotary Club of South Nowra Inc. have hosted the Australia Day event at the Nowra Showgrounds and have received the following financial support each year:

Donation from Allocated Donations budget	\$6424
Additional funding	\$8576
In-kind support - No showground hire fee	\$1580
In-kind support – No showground bond fee	\$ 500
Total	\$17080

- # The Rotary Club of South Nowra have advised that the event continues to attract more people each year. If the Club is given the event to host in 2017 they intend to expand the entertainment provided, perhaps running a school competition for musicians and singers. (Refer Attachment A)

A greater variety of food will also be offered to emphasise that Australia is a multicultural society and the Club may consider extending past the current finishing time of 1pm to accommodate the additional entertainment. The Club have also advised that its members work at the grounds as volunteers and costs are tightly budgeted.

Due to growing numbers of people attending, and expected increases in the cost of providing food and entertainment, the Club have requested that Council increase the donation by \$5000 for the 2017 Nowra Australia Day event.

FINANCIAL IMPLICATIONS:

An increase of \$5,000 would bring the total donation, including fee waivers, for the 2017 Nowra Australia Day event to \$22,080.

While the Australia Day event in Nowra is recognised as an important community event, it should be noted that it already receives much more funding from Council than the other Australia Day celebrations held in Berry, Callala and Milton/Ulladulla.

Also, when compared to other events, such as the annual Shoalhaven River Festival, the Nowra Australia Day event is well supported by Council.

The 2 day River Festival received \$20,000 funding and a \$5,000 gold sponsorship from Council in 2015.

Increasing the donation to the Nowra Australia Day event by \$5,000, thereby increasing the total Allocated Donations Budget for 2016/2017, would, in effect, decrease the Unallocated Donations Budget.

12. Berry District Park Draft Master Plan

File 49929e

SECTION MANAGER: Jane Lewis.

PURPOSE:

To seek adoption of the Berry District Park Master Plan following consideration of feedback received during public exhibition of the document.

RECOMMENDED that:

- a) **Council adopt the Berry District Park Draft Master Plan with the amendments as detailed in this report which includes the following main changes:**
 - i) **Need for further archaeological studies**
 - ii) **Modification to off street car parking area “G” to provide for long vehicle parking**
 - iii) **Inclusion of cycling facility**
 - iv) **Roads & Maritime Service land to remain in their ownership (control by Council)**
- b) **Council consider allocating \$100,000 in the 2016/17 budget to undertake staged detailed design and development of a Business Plan to guide future delivery of Berry District Park and ensure it is “shovel ready” for future grant applications.**
- c) **Council consider development of the Berry District Park in its future Delivery Program.**
- d) **Council seek grant funding to develop Berry District Park**
- e) **Council work with Roads & Maritime Service staff to encourage in-kind support to start developing key earthwork elements of the Berry District Park Master Plan.**
- f) **Council continue to assist the Berry Garden Club to develop the George Street Reserve.**

-
- g) Council seek further community feedback via public exhibition of the proposed name change from Berry District Park to “Boongaree Park (the original Aboriginal name for the Berry/Broughton Creek area) and receive a report on this matter.**

OPTIONS

1. Council adopt the above recommendation to finalise the Berry District Park Master Plan and endorse public exhibition of the proposed name of “Boongaree Park” (preferred option).
2. Council only seek to adopt the Berry District Park Master Plan or only seek public exhibition of the proposed name of “Boongaree Park”.
3. Council propose an alternative recommendation, giving reasons and direction to Council staff.

DETAILS

Background

As a result of the need to relocate the current equestrian grounds in North Street, Berry due to the intended alignment of the Foxground and Berry Bypass, an opportunity existed to develop an adventure playground that would embellish the existing Berry Sporting Complex and have a significant positive impact for the community of Berry. As a result of this, Council at its meeting on 16 September 2014 resolved to:

- a) Allocate \$30,000 to develop a Master Plan for the Berry District Park and that the funds be sourced from the proceeds from the sale of Community land (Mark Radium Park) to Roads and Maritime Services (RMS) for the Berry Bypass project*
- b) Commence community engagement and master planning for the delivery of a ‘District’ Park at North Street, Berry*
- c) The Master Plan include all existing Community land grounds and potential expansion of grounds, subject to further negotiations with RMS*

Public Exhibition

Council at its Policy and Resource Committee meeting held on 21 July 2015 resolved to undertake:

- a) Public exhibition of the Berry District Park Draft Master Plan Report on Council’s website for a minimum of 28 days.*
- b) Notification of the Berry District Park Draft Master Plan Report be advertised in local newspapers and letters sent to key stakeholders, including:*

*Berry Riding Club
Berry Landcare
Berry Garden Club*

Current Berry Sporting Complex user groups

Berry Alliance

Berry Rotary

Berry Forum

Berry Chamber of Commerce and Tourism

Roads and Maritime Services

- c) *Community information sessions on the Berry District Park Draft Master Plan were conducted in Berry during the public exhibition period.*
- d) *During public exhibition of the Berry District Park Draft Master Plan, Council sought feedback from the community on the preferred name for the area currently known as "Berry District Park".*
- e) *Post exhibition report for the Berry District Park Draft Master Plan be presented to a future Policy and Strategy committee meeting.*

As recommended, the Berry District Park Draft Master Plan was placed on public exhibition from 14 Aug 2015 to the 11 September 2015 inclusive. Notices of the public exhibition were:

- Advertised on Council's website and in the South Coast Register, whilst hard copies were available at Council's Administration Building.
- Provided to all key stakeholders received formal notification of the exhibition period and received a copy of the Berry District Draft Master Plan.

Additionally, on Sunday 30th August 2015, Council conducted two (2) 'drop in' exhibition sessions at Broughton Mall, Berry from 10am-12pm and at Berry Tennis Club House from 1pm-3pm.

The Berry District Park Draft Master Plan which was placed on public exhibition can be viewed at:

<http://shoalhaven.nsw.gov.au/My-Council/Current-Projects/Berry-District-Park>

- # Reporting of the above public exhibition has been delayed due to Roads & Maritime Service (RMS) & other state agencies confirming all RMS land available for Berry District Park could be developed for the purposes as outlined in the draft Master Plan. Attachment 1 shows both RMS and Council owned land which makes up Berry District Park.

Submission Summary

- # 48 submissions were received from written and drop in feedback and all information received is detailed in Attachment 2 and a summary of the main 27 submissions issues, staff analysis and subsequent recommended changes to the draft Master Plan are detailed in Attachment 3. In summary, many of the submissions reference matters that would be investigated further in the detailed design of the park.

The key points raised in submissions were as follows;

- Potential archaeological significance of the site
- Parking plans and provision for long vehicles

-
- RMS will maintain ownership of their land
 - Requested Adventure Playground size be increased
 - Drainage and flooding concerns
 - Removal and planting of trees
 - Fencing of the dog off leash area
 - Request for more toilet amenities
 - Requests for traditional style garden furniture
 - Path from town area to North Street

Main Changes

Upon reviewing the above key points the following main changes are recommended to be made to the draft Master Plan before finalising it:

- It has been suggested that Broughton Mill was a former historical encampment site for Aboriginal people during the nineteenth century, therefore further aboriginal archaeological studies will be undertaken with the detailed design stage.
- Modifications be made to the off street car park area "G" to provide for long vehicle parking.
- The portion of land identified as 'D' within the master plan has the potential to form part of the cycling track. The Shoalhaven Cycling Committee have been looking for a suitable site to establish a cycling complex and the Berry District Park represents a suitable location and facilities which the cycling complex could build and complement (i.e. the draft Master Plan proposed a mountain bike track). See Attachment 2 which is recommended to be included in the Master Plan. The area within the centre of the cycling track has the potential to provide a fenced dog off leash area.
- The master plan currently refers to 'land being handed over to Council.' Council will not be taking ownership of the land but has agreed to undertake care, control and management of the land in line with the Ministers Conditions of Approval for the Berry bypass project and as per *Part 10 Division 3 Section 159 of the Roads Act 1993 No.33*. See further details in Attachment 5.

The following concerns are not significant to amend the Master Plan and will be investigated further in the detailed design of the park; however, it should be acknowledged that many of these changes will add considerable cost to the overall development.

- Increasing Adventure Playground size
- Mitigation of any drainage and flooding impacts
- Removal and planting of trees
- Fencing of the dog off leash area
- Request for more toilet amenities
- Requests for traditional style garden furniture
- Path from Town to North Street

Additional Considerations

Since closure of the public submission period, the following matters have been brought to Council's attention and need to be considered when finalising the draft Master Plan:

George Street Reserve

- # Prior to public exhibition of the draft Master Plan, the Berry Garden Club has expressed their interest in development of the George Street Reserve which is predominately owned by the RMS (RMS refer to the reserve as "Town Park"). RMS and Council are also providing resources to the Berry Garden Club so they can commence developing the George Street Reserve as a passive park area. A late submission received from the Berry & District Garden Club has requested inclusion of the public reserve at the northern end of George Street in the Master Plan. A location map showing the George Street Reserve is provided in Attachment 6.

Upon staff considering the above information and physical separation between the George Street Reserve and the Berry District Park, and delays/ costs in finalising the draft Plan, estimated costs of modifying the Master Plan to include the George Street Reserve is \$12,600.00 which is not currently funded. Therefore it is recommended that:

- Council continue to assist the Berry Garden Club to develop the reserve at the northern end of George Street.
- Council confirm the location with RMS of the future pedestrian access options in the current project from Berry District Park to the George Street Reserve.
- Council seek assurances from the Berry Garden Club that public access to the site will be available.

Development of the George Street Reserve potentially duplicates the need for a community garden on the Berry District Park site; however, the Berry Garden Club predominantly undertakes display gardens of a botanical nature, whilst community gardens provide a space for food to be grown within the local community. Therefore, it is recommended that the community garden site remain as an option within the Master Plan should the growth or need change in the future.

Shoalhaven Cycling Committee

Since public exhibition closed, Shoalhaven Cycling Committee has expressed their interest to Council to develop part of the Berry District Park as a cycling facility. The Shoalhaven Cycling Committee have for some time been looking for a suitable site to establish a cycling facility. The committee has been investigating use of the old North Nowra Tip site however, this site presents significant construction challenges to build on a fill site and monitor impacts from the past land use. In comparison, the Berry District Park represents a much more suitable location, which the cycling facility could build and complement (i.e. the draft Master Plan proposed a mountain bike track).

The development of a consolidated cycling facility on the Berry District Park would also include at least three key stakeholder cycling clubs, such as the Shoalhaven BMX Club, Nowra Velo Club and South Coast United Mountain Bike Club. To develop part of the Berry District Park as a cycling complex would include the addition of a 4 metre wide

criterium circuit around the perimeter of the western end of the park and inclusion of BMX area.

- # A hand drawn proposed modification for consideration and to be worked up for inclusion into the final master plan is shown in Attachment 4. Discussions with the Cycling Committee have also noted the potential synergies with the RMS and/ or highway bypass contract being able to provide potential in-kind assistance to commence development of the cycling facilities.
- # As shown in Attachment 4, for the cycling facility to progress the community garden on the Berry District Park will need to be relocated. However, as mentioned above, the George Street Reserve has the potential to provide such as opportunity or other areas of the Master Plan could facilitate this use.

RMS Land Ownership Considerations

In addition to the above advice from RMS and other State Government Agencies have been assessing if the subject land could provide an alternative use. This assessment has subsequently delayed reporting of this matter to Council. It is anticipated that when this report is presented to Council any additional information from RMS will be verbally reported by Council staff.

Suggested Names for Berry District Park

The following is a list of suggested names that were received in public submissions received for the area known as Berry District Park:

- North Street Park
- Berry Sport and Recreation Area
- Berry Underbridge Recreation Park (BURP)
- Berry Activity Park
- A Berry Good Place
- "Boongaree" is the original Aboriginal name for the Berry/Broughton Creek area
- Berry Park
- Berry Community Adventure Playground and Sports Complex
- Berry Sports Adventure-Land
- The Bill Bramley sporting complex (late submission)
- Camp Quality Park (name to be retained)

Upon reviewing the above suggestions, it is recommended that Council seek further community feedback on the proposed new name for the Berry District Park, being "Boongaree Park" (the original Aboriginal name for the Berry/Broughton Creek area) which includes:

- Public exhibition of the name for 28 days
- Council seeking comment from key interest groups such as:
 - Aboriginal Advisory Committee
 - Berry Landcare
 - Berry Garden Club

- Current Berry Sporting Complex user group
- Berry Alliance
- Berry Rotary
- Berry Forum
- Berry Chamber of Commerce and Tourism
- Nowra Local Aboriginal Land Council

Upon completion of the above public exhibition process, it is recommended that Council receive a further report on this matter.

FINANCIAL IMPLICATIONS:

As detailed in Appendix D of the Draft Master Plan, full implementation of the Draft Master Plan for the District Park is estimated to cost \$4,228,320. This amount does not include the cycling complex and additional archaeological studies and therefore this estimate will need to be amended to include this information.

Section 4 of the Draft Master Plan Report identifies short, medium and long term stages which are estimated to cost as follows:

Initial stages \$420,000	Key elements include earthworks & shared user pathways	Groundworks
Priority stages \$696,000	Key elements include car parking	
Discrete project stages \$3,092,000	Major components – detailed design e.g. playground, learn to ride facility, café, amenities, skate, basketball, fitness stations etc.	

Completion of the project in its entirety is not funded and will need to be considered for long term delivery via Council’s delivery program, grant funding sources and in-kind contributions. Therefore, it is recommended that future development of the Berry District Park be considered in Council’s future Delivery Program and Council also seek grant funding.

It is recommended that Council allocate \$100,000 in the 2016/17 budget to undertake staged detailed design and development of a Business Plan to guide its future delivery. This funding will also enable detailed design and preliminary investigations to be undertaken, which will assist the Berry District Park to attract grant funding.

COMMUNITY ENGAGEMENT:

The public exhibition process enabled wide community input into the Draft Master Plan. Before reporting this feedback to Council, staff have also made key interest groups aware of the main changes to the Master Plan. Additional community engagement is to seek feedback on the proposed renaming of Berry District Park.

Craig Milburn
DIRECTOR CORPORATE & COMMUNITY SERVICES

B. Stewart
ACTING GENERAL MANAGER

REPORT OF GENERAL MANAGER
STRATEGY AND ASSETS COMMITTEE

TUESDAY, 12 APRIL 2016

ASSETS AND WORKS

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

- 13. Holiday Haven Tourist Parks – Tender for the Management & Operation of the Huskisson White Sands Holiday Park File 52601E**
-

SECTION MANAGER: Trevor Cronk

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993 some information should remain confidential and will be considered as part of a separate confidential report to Council. It is not in the public interest to disclose this information as it contains “commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it”.

PURPOSE:

To inform Council of the tender process for the Management & Operation of Huskisson White Sands Holiday Park.

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

OPTIONS

1. Council accept the recommendation as presented.
2. Provide further direction to staff and propose an alternative.

DETAILS

Huskisson White Sands Holiday Park has been managed for nearly three (3) years by Coast 2 Coast Park Management Pty Ltd. That contract was terminated on 16 November 2015. As of 17 November 2015 Council engaged a temporary management team, Gaoever Pty Ltd, to manage this property until 30 June 2016.

The Tender for the Management and Operation of Huskisson White Sands Holiday Park was advertised on 10 February 2016 and closed on 2 March 2016.

At the tender closing date eight (8) valid tenders had been received. Tenders were assessed by Council staff for compliance and fulfilment of the stated selection criteria and the evaluation is outlined in detail in a separate confidential report to Council.

Tenderers – Huskisson White Sands Holiday Park

Jenna Coelli & Mathew Sturt
Luke Thompson & Hailey Piepenburn
David & Sue Wagstaff
Paul & Maria Harrod
Graeme & Janice Hoare
Karraba Management Pty Ltd
Maloma Pty Ltd
Tandarylea Pty Ltd

FINANCIAL IMPLICATIONS:

Financial aspects of the management contracts for Council's commercially operated Tourist Parks ensure a prudent level of staffing and equipment to effectively operate these complex properties and to obtain the best value for money. Shoalhaven City Council considers the cost of operating these properties carefully in order to maintain an adequate business benefit to Council and a return to the Contractor that ensures the properties are operated and maintained for Council to the required industry standards.

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.

14. Draft Policy for Adoption – Management of Mobile Food Vending Vehicles

File 52631E

SECTION MANAGER: Michael Harben

PURPOSE:

To obtain Council's direction in relation to adopting the draft Local Approval Policy – Management of Mobile Food Vending Vehicles on Council Owned or Managed Land (including Roads), in light of an objection received following the public exhibition period.

RECOMMENDED, in accordance with the Committee's delegated authority from Council, that MIN15.787 be reaffirmed from Council's meeting of 15th December 2015 and adopt the draft Policy – Management of Mobile Food Vending Vehicles on Council Owned or Managed Land.

DETAILS:

At Council's meeting of 15th December 2015 it was resolved that:

- a) *Council place on public exhibition and seek submissions on the draft Local Approvals Policy "Management of Mobile Food Vending Vehicles on Council Owned or Managed Land (including roads)";*
- b) *Council approve and advertise a new fee of \$1000 plus GST for the Category 2 Mobile Vans; and*
- c) *Should Council receive no submissions or submissions that would mean minor alteration to the Policy and Fee then the policy and fee be deemed adopted at the conclusion of the submissions period...."*

The draft Local Approvals Policy – Management of Mobile Food Vending Vehicles on Council Owned or Managed Land and all associated paperwork was placed on public exhibition and distributed to all CCB's from 20th January 2016 – 11th March 2016.

Council received the one objection in the form of a petition which contained 45 signatures.

The issues raised are as follows:

Issue:	<i>Council is placing the economic interest of potential mobile food van operators over the interests of its rate-paying residents.</i>
Staff Comment:	<p>Council has had a noticeable increase in requests for approval to operate Mobile Food Vans within the Shoalhaven, resulting in the drafting of this Policy. A total fee of \$1,260.00 plus the inspection fee of \$115.00 will apply to all Category 2 Food Van Operators.</p> <p>Council has stipulated in the draft Policy that all Mobile Food Van Operators are to be a minimum of 500m away from existing businesses that offer similar products. The nominated sites which give Operators the ability to stay up to 7 hours from 1st October – 30th March, have been specifically chosen to minimise the potential impact on fixed premises operators whilst giving the opportunity for the community to receive services where none exist.</p> <p>The objective of allowing MFV operators to trade in the Shoalhaven is to provide a service in locations and at times that existing traders in fixed premises cannot.</p>
Issue:	<i>Safety Issues</i>
Staff Comment:	<p>Council's Traffic Unit has inspected each nominated site and provided feedback relating to the exact location of where Mobile Food Vans shall be sited.</p>

	<p>Further, the Traffic Unit has also placed restrictions on the dimensions of the mobile food vans, to reduce the impact on parking space availability.</p> <p>Council Rangers will be policing Mobile Food Van Operators and if it is deemed as a dangerous location, the Food Van Operator will be asked to move on.</p> <p>Council's draft Policy clearly states that Mobile Food Van Operators must adhere to:</p> <ul style="list-style-type: none"> • Road Rules 2014; and • Not to trade where dangerous.
Issue:	<i>Proposed Clause 16(a) Street Vending – How can you trade onto a footpath if there isn't one?</i>
Staff Comment:	Council has sought legal advice in relation to previous correspondence from the above said objector. Legal advice was that "if an area of Road does not have a constructed kerb then the proposed phrase "to pull up to the kerb" is to mean to pull over to the side of the road".
Issue:	<i>Proposed trading restrictions should be amended from 500m to 2kms</i>
Staff Comment:	<p>No reasons were given or details to support the objectors request to have the restriction distance increased. Council staff considered information gleaned internally and from other Council's before deciding on the 500m distance.</p> <p>Note the nominated sites which are popular among Council's current itinerant Mobile Food Van Operators are at least a minimum of 2km away from any local business.</p>
Issue:	<i>Bad Policy</i>
Staff Comment:	<p>The Draft Policy has been developed as a consequence of numerous requests for approval to operate a Mobile Food Van.</p> <p>Staff have developed the draft Policy to provide consistency in the management of Mobile Food Van operators. Not having a Policy that clearly articulates how, where and when Mobile Food Van operators can trade would potentially create confusion and conflicts between operators and the Community.</p> <p>This Draft Policy has been advertised in local papers three times, notified to Local CCB's with comments open for 42 days. No other objections have been received.</p>

The nominated sites referred to above are as follows:

- Seaside Parade, Dolphin Point
- Bogie Hole Carpark, Mollymook
- Moona Moona Creek, Huskisson
- Narrawallee Inlet Carpark, Narrawallee
- Plantation Point, Vincentia
- Crookhaven Boat Ramp, Crookhaven Heads
- Greys Beach, Nowra
- Lions Club Boat Ramp, Sussex Inlet
- South Pacific Crescent Carpark, Ulladulla

FINANCIAL IMPLICATIONS:

An annual permit fee of \$1,000 will apply (Mobile Food Van Category 2) as resolved at Council's meeting of 15th December 2016 (MIN15.787). The current Administration Fee of \$260 and Environmental Inspection Fee of \$115 will remain and be charge in conjunction with the annual permit fee.

COMMUNITY ENGAGEMENT:

This matter is considered to be a Local Area Low Impact issue as detailed in Council's Community Engagement Policy and Handbook with community engagement commencing with the public exhibition of this draft Policy in local papers and libraries and distributed to local CCB's.

ITEMS TO BE REFERRED TO ORDINARY MEETING

15. Rural Fire Service - Capital Works Program

File 2371E

SECTION MANAGER: Martin Upitis

PURPOSE:

To report on the proposed 2016/2017 Rural Fire Service's (RFS) Capital Works Program and its financial implications.

RECOMMENDED that:

- a) Council provides a commitment to contribute 11.7% of the amount the Shoalhaven District Rural Fire Service (RFS) secures for Capital Projects through the Rural Fire Fighting Fund (State Government) in accordance with this report.**
- b) Council allocates in the 2016/17 Operational Plan budget the amount of \$1,307,000 towards the RFS contribution.**

OPTIONS

1. As recommended – This is similar to the commitment of previous years and ensures the completion of the West Nowra Fire Station.
2. Council does not support the RFS bid.
3. Not resolve as recommended and provide further direction to staff.

DETAILS

A briefing of councillors was held on 14 March 2016 on the components of the NSW Rural Fire Fighting Fund including the Shoalhaven District RFS Capital Works Program (i.e. its Strategic Capital Expenditure Plan) for 2016/2017.

Council is required by legislation to contribute 11.7% of the value of the RFS District's Capital Works Program plus its Volunteer and Support Services (VASS) allocation. As detailed in Table 1 below, this year's commitment towards RFS is \$1.307 million which is slightly less than last year. Council has recently committed to the West Nowra Fire Station component. Council reimbursement is estimated at \$385,739.

The Table 1 shows the RFS's Capital Works Programs and Council's contributions.

Table 1

Project	2014/15 Allocations	2015/16 Allocations	2016/17 Estimates
Kangaroo Valley Stn Additions	\$5,000	\$150,000	\$245,000
Shoalhaven Heads extensions	\$5,000	\$225,000	\$170,000
Kioloa station extensions	\$5,000	\$120,000	\$95,000
Tabourie Station extensions	\$5,000	\$75,000	\$100,000
Milton/Catering Station extensions	\$5,000	\$30,000	\$165,000
Currarong Stn Additions	\$10,000		\$265,000
West Nowra Station construction	\$920,000		\$680,000
Fire Control Centre Operations/Admin extensions	\$650,000	\$700,000	
Group Support facility/shed extensions	\$600,000		
Broughton Vale new station seed funding	\$50,000		
Greenwell Point extensions/upgrade	\$285,000		

Project	2014/15 Allocations	2015/16 Allocations	2016/17 Estimates
IEMC Master Plan, Logistics and other stations	\$80,000		
Totals for Capital Works	\$2,620,000	\$1,300,000	\$1,720,000
Council's Contribution (11.7%) of Rural Fire Fighting Fund including Capital Works and VASS	\$1,308,026	\$1,329,328	* \$1,306,997
VASS contribution reimbursement	\$385,739	* \$385,739	* \$385,739
Total cost to Council	\$922,287	* \$943,589	* \$921,258
* – To be advised, estimates only			

FINANCIAL IMPLICATIONS:

Table 2 details the additional costs to Council resulting from the RFS's Capital Works Program. It would seem that there is minimal benefit to the community from this Program as fire-fighting capacity is only marginally increased. The RFS and its volunteers benefit by improved amenity and storage capacity at the new and enhanced RFS stations. However, the improved facilities assist RFS in retaining existing volunteers and attracting new volunteers to sustain fire-fighting operations. The Council's contribution towards these capital works in 2016/17 is \$201,240 (plus VASS that is reimbursed) more detail is outlined below.

Table 2 – Capital Works Costs That Flow on to Council

Description	2014/15	2015/16	2016/17	3 Year Totals
Council's contribution (11.7%) for Capital Works	\$306,540	\$152,100	\$201,240	\$659,880
Additional annual depreciation costs (1.66%)	\$43,500	\$21,600	\$28,600	\$93,700
Additional annualised maintenance costs	\$15,000	\$7,000	\$9,000	\$31,000
TOTAL ADDITIONAL COST OVER 3 YEARS =				\$784,580

COMMUNITY ENGAGEMENT:

As the RFS is a State government authority, it is not subject to direct local community engagement on its funding or operations. The Rural Fire Service Strategic Planning Committee that determines priorities is made up of members from the various areas within Shoalhaven City.

**16. Mollymook Beach Reserve - Inclusive Play Space – Adult ‘Changing Places’ grant
File 50637E**

SECTION MANAGER: Martin Upitis

PURPOSE:

To consider accepting grant funding to construct an adult changing facility known as a “Changing Places” room at Mollymook Beach reserve.

RECOMMENDED that Council:

- a) **Accept the \$35,000 grant from LGNSW to contribute towards the cost of a Changing Places room at the Mollymook Beach Reserve, be accepted**
- b) **Accept the donation of \$20,000 from the Budawang School (for students with moderate or severe physical disabilities) and thank them for their contribution**
- c) **Allocate \$105,000 from the 2016/2017 Operational Plan budget within the Public Toilets Replacement Program to the Mollymook Changing Places room and accessible toilet construction**
- d) **Allocate the Operating Expenses budget be increased by \$8,000 in 2016/17, and by \$17,200 in subsequent financial years, resulting from the new Mollymook beach reserve toilet construction**
- e) **Consider funding other improvements in the Mollymook Beach reserve in the 2016/17 Operational Plan budget**
- f) **Request additional funding from LGNSW for the Changing Places room at the Mollymook Beach Reserve**

OPTIONS

1. As recommended – Council accepts the \$35,000 grant; accepts the \$20,000 donation; allocates \$105,000 from the 2016/2017 budget; increases future Operating Expenses budget for the new facilities; and considers funding other improvements in the Mollymook Beach reserve.
2. Not resolve as recommended and provide further direction to staff.

DETAILS

Council staff are working towards the installation of all-inclusive play equipment at Mollymook Beach Reserve to replace the existing playground. To assist with provision of the new play equipment, Council approached the Touched by Olivia Foundation.

Touched by Olivia was founded in 2006 in memory of Olivia Perkins. The Foundation believes that all children can lead healthier and happier lives, and it is their mission to advocate for an inclusive society, connected by play, through Livvi's Place National

Network of inclusive play spaces. The Foundation has created a unique model based on partnership by bringing together communities, government and corporate Australia to deliver special places that change the way our society plays. Through extensive research, advocacy and guidelines based on the Universal Design Principles, the Foundation assists communities to create special places that encourage and invite social inclusion through play. This research identified the need for a changing places facility at Mollymook in addition to the existing public amenities which cater for patrons of the beach as well.

The existing public toilets include facilities for persons with disabilities. They do not cater for persons that require an adult change table or a hoist to assist carers.

LGNSW advised of an opportunity to apply for grants to retrofit existing oversized disabled toilets with adult-size change tables and hoists.

- # Consultation occurred with stakeholders as to the feasibility of refurbishing the existing disabled public toilets (these weren't oversized) to incorporate a 'Changing Places' room in part of the male toilets which adjoin. The feedback received was that the loss of toilets and showers from the adjoining male toilet was not favoured. It was recommended that a stand-alone Changing Places room be built to avoid the loss of showers and toilets, as this would not disadvantage patrons of the existing toilets. A separate accessible toilet is also proposed to be part of this stand-alone building. A conceptual design has been undertaken of the reserve which includes the changing places room. (Attachment A)

Council applied for the grant and was advised by LGNSW that they were one of five councils awarded the grant. Shoalhaven City Council has received the maximum grant available of \$35,000.

The Changing Places room is proposed to be locked with a MLAK keying system. The room will contain an electronic hoist and a change table that, if damaged, will disadvantage patrons who require its use but also could cost up to \$20,000 to replace.

The MLAK key is available to be issued to patrons with disabilities and a key is also available in the newsagent opposite the reserve. An accessible toilet will be also part of the building and will not require a MLAK key.

FINANCIAL IMPLICATIONS:

The estimated cost for the building, which would include a Changing Places room and a separate accessible toilet, is \$160,000. A donation of \$20,000 has been identified and when confirmed will leave \$105,000 to be funded.

An allocation of \$120,000 from the public Toilets program in the 2016/2017 Operational Plan budget will fund the Changes Places facility at Mollymook.

The proposed public facility at Mollymook, including the adult changing facilities and accessible toilet, will incur ongoing annual operational costs of:

- Maintenance costs \$6,000
- Insurance costs of \$400
- Cleaning costs \$7,500
- Utilities (water, sewer & electricity) costs of \$1,500

-
- Depreciation costs \$3,200

Total annual operating and depreciation costs will need to increase by \$18,600 or service levels reduced in other locations.

Total annual operating and depreciation costs will need to increase by \$10,800 or service levels reduced.

COMMUNITY ENGAGEMENT:

The consideration of the adult changing table would be classified as a 'Local Area – Low impact' activity under the Community Engagement Policy.

Consultation on this matter has occurred through the extensive engagement regarding the Mollymook Beach Reserve planning process.

17. Request for Donation - Council Slashing Works at the Old Pyree School Site

File 4771E, 5469E

SECTION MANAGER: Tony Fraser

PURPOSE:

To consider a request from the Pyree Public School Site Management Committee to subsidise the cost of slashing at the Old Pyree School Site.

RECOMMENDED that;

- a) **Council subsidise the Pyree Public School Site Management Committee for the cost of slashing (\$720 annually) of the Old Pyree School Site for three (3) years commencing in 2016/2017.**
- b) **Funds to be sourced from the 2016/2017 to 2018/2019 Unallocated Donations Budget.**

OPTIONS

1. Adopt the recommendation above.
2. Alter the subsidisation to the Pyree Public School Site Management Committee.
3. Not agree to provide a donation.

DETAILS

In February 2016, Council's Parks and Facilities Manager wrote to the Pyree Public School Site Management Committee to advise that a review of maintenance costing had been undertaken and that the current fee of \$60 per month for slashing works on the old cricket

pitch field was to be increased to \$180 per month to reflect cost recovery, effective 1 March 2016.

The Pyree School Management Committee have since written to Council to advise, while they appreciate that Council has always kept costs at a reasonable level, the Committee can only pay \$120 per month. (Refer Attachment A)

The Committee have advised that the only income it receives is rental from the Shoalhaven Family History Society and the Shoalhaven Potters, which is just under \$220 per month. Both of these groups pay for the mowing around the buildings they rent.

The Shoalhaven Potters run the monthly Pyree Village Arts & Crafts Markets which utilises the old cricket pitch field. The Shoalhaven Potters have advised that the income from the markets is used to pay their rent, mowing around their building and pottery supplies.

The Committee also advised that it continues to maintain the historic buildings on the site on limited income. For example, in 2015, the Committee paid to have all the broken panes in the steel frame windows replaced in the demountable schoolroom and replaced and painted the hand rails and fitted a screen door.

FINANCIAL IMPLICATIONS:

Parks and Facilities propose to absorb the cost increase for the balance of the 2015/2016 financial year.

Revised annual charge for slashing (\$180 per month)	\$ 2,160.00
Annual payment by Pyree Public School Site Management Committee (\$120 per month)	\$ 1,440.00
Proposed Annual Subsidy (donation)	\$ 720.00

The annual subsidy if supported would be \$720.

M. Harben
ACTING DIRECTOR, ASSETS & WORKS

B. Stewart
ACTING GENERAL MANAGER

REPORT OF GENERAL MANAGER
STRATEGY AND ASSETS COMMITTEE

TUESDAY, 12 APRIL 2016

PLANNING AND DEVELOPMENT

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

18. Adoption of Floodplain Risk Management Study and Plans
File 42487E, 44188E, 44869E, 47572E, 37537E
-

SECTION MANAGER: Kelie Lowe

PURPOSE:

The purpose of this report is to inform Council of the outcome of the public exhibition of the Tabourie Lake, Kangaroo River, Nowra and Browns Creeks, Bomaderry, and Currambene and Moona Moona Creeks Floodplain Risk Management Studies and Plans. The purpose is also to recommend these FRMSP be adopted with minor amendments, as detailed in the report and attachment.

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

- a) Tabourie Lake Floodplain Risk Management Study and Plan be adopted with minor changes as detailed in this report;
- b) Kangaroo River Floodplain Risk Management Study and Plan be adopted with minor changes as detailed in this report;
- c) Nowra and Browns Creeks Floodplain Risk Management Study and Plan be adopted with minor changes as detailed in this report;
- d) Bomaderry Creek Floodplain Risk Management Study and Plan be adopted with minor changes as detailed in this report;
- e) Currambene and Moona Moona Creeks Floodplain Risk Management Study and Plan be adopted as with minor changes as detailed in this report;
- f) Section 149 certificates be updated to include flood extents from the Lake Tabourie, Kangaroo River, Nowra and Browns Creeks, Bomaderry Creek and the Currambene and Moona Moona Creeks Floodplain Risk Management Studies and Plans; and
- g) Flood planning area mapping in the Shoalhaven LEP 2014 be updated to include flood extents from the Lake Tabourie, Kangaroo River, Nowra and Browns Creeks, Bomaderry Creek and the Currambene and Moona Moona Creeks Floodplain Risk Management Studies and Plans.

OPTIONS

1. Adopt the recommendations of this report

The Floodplain Risk Management Studies and Plans (FRMSP) have thoroughly investigated the risks of flooding in the respective catchments. They have identified risks associated from flooding, identified and recommended flood mitigation options to reduce the risk of flooding. For the catchments that can be inundated by the ocean, the FRMSPs consider Council's adopted sea level rise benchmarks. Adopting this option ensures the best available information is used for providing flood advice and to inform the future planning and management of these floodplains.

2. Propose an alternate recommendation.

DETAILS

Tabourie Lake, Kangaroo River, Nowra and Browns Creeks, Bomaderry Creek, and Currumbene and Moona Moona Creeks Floodplain Risk Management Studies and Plans (FRMSP) have been placed on public exhibition. The exhibition period for Kangaroo River, Bomaderry and Nowra and Browns Creeks FRMSPs was from 28 October to 27 November 2015. The exhibition period for Tabourie Lake and Currumbene and Moona Moona Creeks FRMSPs was from 6 January to 26 February 2016.

During the exhibition period the final community consultation workshops were held for each of the projects. As part of the consultation plan, each property owner and resident within the Probable Maximum Flood was sent a letter informing them:

- That the document was on exhibition;
- When and where the community consultation session was being held; and
- When the submission period closed.

The submissions received during public exhibition are detailed in **Attachment A**. The attachment outlines each submission, Council's response and required actions (if any). Most submissions did not need to be addressed in the FRMSPs. Therefore only minimal changes have occurred in the final FRMSPs.

Tabourie Lake FRMSP received 18 submissions and approximately 50 people attended the consultation workshop.

Kangaroo River received one submission and approximately 15 people attended the consultation workshop.

Nowra and Browns Creeks received six submissions and approximately 20 people attended the consultation workshop.

Bomaderry Creek received one submission and approximately 10 people attended the consultation workshop.

Currumbene and Moona Moona Creeks received three submissions and approximately 35 people attended the community consultation workshop.

At the consultation meeting for Currumbene and Moona Moona Creeks a number of residents raised concerns with their onsite sewer systems and their lack of functionality during rain events. One submission was also received in relation to this issue. These issues are not relevant to this study so have not been addressed within the document. The issue is however significant and needs to be addressed. A meeting with Council's Sewage Management Facilities Team Supervisor has occurred where the issues raised were discussed. The Natural Resources and Floodplain Unit is coordinating a response to provide the required information to concerned residents and to provide contact details for relevant officers within Council for the ongoing management of these issues.

Stormwater

A key issue raised at all of the consultation meetings was stormwater management. The difference between stormwater (smaller, more frequent rain events which are able to flow within the stormwater network/infrastructure) and floods (larger, less frequent rain events which are unable to flow within the stormwater network/infrastructure) was explained. The FRMSPs did not investigate stormwater, as this is outside the scope of the floodplain management process. The floodplain risk management process is concerned and aimed at minimising significant damages or risks to life caused by floods. Stormwater generally causes much less damages and very low risk to life as opposed to floods. Stormwater concerns have therefore not been addressed as part of these FRMSPs. Detailed notes were however taken and each individual's concerns have been passed on to Council's Road's and Asset Management Unit to respond to.

Levee banks

A number of earthen levee banks were recommended as flood mitigation options in most of the catchments. In most instances the installation of earthen levee banks was not supported by the community. This was due to the potential loss of amenity and access to the waterway, concerns about stormwater flows being trapped behind the levee (potentially impacting properties more), and concerns of environmental damage.

These concerns have been addressed by adjusting the community weighting to be as low as possible. Weightings are representative of support, or lack thereof. A readjusted low weighting shows us the community's lack of support for this option. Should Council wish to investigate the option of levee banks in the future, a feasibility study would need to be conducted. This would detail each concern and assess them individually and as a whole. Installation of levee banks would only proceed where they could be designed to provide a neutral or beneficial impact to the community and the environment.

Shelter in place

A number of the draft FRMSP recommended shelter in place. Shelter in place is used during a flood event, where rather than evacuating, a resident would stay where they are (typically in their own home) to take shelter during the flood event.

Currently the NSW SES does not support shelter in place as not all properties are designed to remain safe and functional during a flood event. Issues that can arise include:

- Flood water rising over floor level;

-
- Whether the home remains safe during the event (water, electricity and sewer are still functional); or
 - That the person will continue to be/feel safe during an event (medical care can continue to be provided).

Discussions with the Office of Environment and Heritage (OEH) and the SES were held during the exhibition process. Following this discussion, shelter in place is not being recommended within any of the documents as concerns over the above listed issues could not be resolved.

Council will continue to work with these government departments to develop suitable management practices for properties with existing flood risk, in areas where mitigation options were not viable.

The submissions have resulted in minor changes to the FRMSPs which includes correcting minor errors and expanding on existing information to make the intent clear.

The FRMSPs will not be finalised until all changes are conducted as stated in this report and **Attachment A**.

Copies of the draft FRMSPs with pages tagged indicating where amendments are to be made in accordance with Attachment A, will be placed in the Councillors room.

Key recommendations of the FRMSPs

The key recommendations of the FRMSPs are:

- Community education;
- Development controls;
- Land use planning;
- Flood warning systems;
- Provision of flood intelligence to the SES; and
- Installation of new water level and rain gauges.

Once the FRMSPs are adopted by Council, funding from the State and Federal Governments' flood programs can be sought to implement recommendations within each plan.

The recommendations within these plans will be integrated into the ten year forward plan for the flood program. Actions will be prioritised across all catchments so that implementation, ongoing management and budget can be planned for and acquired.

In many of the catchments there is very little warning time, if any, prior to flooding occurring. These catchments are classified as flash flood catchments. The Bureau of Meteorology (BoM) does not provide flood warnings for flash flood catchments. It is therefore critical that these communities are aware of their flood risk and able to respond to it independently. Ongoing community education and engagement is therefore a critical recommendation of these plans.

These FRMSPs have also shown that in most instances built flood mitigation options are not effective or supported by the community. This therefore means that existing and future

flood risk can only be managed through sound land use planning and development controls. Therefore, Councils Shoalhaven Local Environment Plan (SLEP) 2014, and Development Control Plan (SDCP) 2014 are critical documents which will be used now and in the future to ensure the ongoing safety of people and property in flood effected areas.

FINANCIAL IMPLICATIONS:

Adoption of these FRMSPs meets the final funding milestone requirements for these projects and therefore allows the final grant funding claim to be made to the OEH.

These FRMSPs have been funded under the OEH's Floodplain Management Program. It is important that Council complete these projects and meet the funding milestone requirements on time to ensure that OEH can consider Council's grant applications for 2016/17. Generally, new grant applications will not be supported by OEH if Council has outstanding grant funded projects.

COMMUNITY ENGAGEMENT:

Tabourie Lake, Kangaroo River, Nowra and Browns Creeks, Bomaderry Creek, and Currumbene and Moona Moona Creeks Floodplain Risk Management Studies and Plans (FRMSP) were placed on public exhibition. The exhibition period for Kangaroo River, Bomaderry and Nowra and Browns Creeks FRMSPs was from 28 October to 27 November 2015. The exhibition period for Tabourie Lake and Currumbene and Moona Moona Creeks FRMSPs was from 6 January to 26 February 2016.

During the exhibition period the final community consultation workshops were held for each of the projects. Each property owner and resident within the probable maximum flood was sent a letter informing them:

- That the document was on exhibition;
- When and where the community consultation session was being held; and
- When the submission period closed.

This was the final round of community engagement activities for these projects. Two other community workshops were held during the projects as well as a newsletter and questionnaire being sent to effected residents at the commencement of the projects.

19. Natural Areas Tender: Maintenance, minor construction, asset auditing & risk assessments in Natural Areas File 51689E, 50372E

SECTION MANAGER: Kelie Lowe

PURPOSE:

To inform Council of the Tender process for maintenance, minor construction, asset auditing and risk assessments in Natural Areas.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, commercial information should remain confidential as it would if disclosed prejudice the commercial position of the person who supplied it, and will be considered under a separate confidential report to this Committee. It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

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

OPTIONS

1. Adopt the recommendation.
2. Propose an alternate recommendation.

DETAILS

Council called tenders for Maintenance, minor construction, asset auditing and risk assessments in natural areas, repeating the process undertaken in 2012 to refresh the list of contractors available to the Natural Resources & Floodplain Unit to deliver significant work (>\$500,000 per annum) on a range of programs including coastal access / shoreline protection maintenance, bushfire asset protection zone (APZ) maintenance, walking track, bush regeneration, bushland, estuary and coastal rehabilitation projects.

Tenders closed on 1 March 2016, with sixteen tenders received at the closing date, as shown below in alphabetical order. Two late submissions were received.

Tenderer	Location
Beach and Bush Repair	Callala Beach
Chewing’s Lawn & Horticulture	North Nowra
Delicious Gardens	Kangaroo Valley
Ferncroft Rural & Landscaping	Berry
Ideal Property Services Pty Ltd	South Nowra
Leaves Away Pty Ltd	Callala Bay
Mikes Tree Services	St Georges Basin
Native Recovery	Basin View
Proust Bushland Services	Tomerong
RM & SA Murray t/a Groundline Vegetation Management	Broughton Village
Sal’s Excavations	Falls Creek
Southern Habitat (NSW) Pty Ltd	Berkeley
Toolijooa Pty Ltd	Towradgi
Total Earth Care Pty Ltd	Warriewood
Wellco Developments Pty Ltd	Wandandian
Work Place Safety and Training Pty Ltd t/a Howsafe	Thornton
Late Submissions	

Tenderer	Location
CBK Constructions Pty Ltd	North Nowra
Natural Habitats Ecosystem Management	Ulladulla

Tenders were evaluated in accordance with Council's Tender Evaluation Policy with evaluation criteria established in the Tender Evaluation Plan, as follows:

- Total cost to Council; including the Local Preference Policy;
- Experience and expertise in nature of work;
- Methodology and program proposed to undertake the works;
- Management systems, regarding WHS, environmental, quality systems, and personnel; and
- Resource capabilities to complete the works.

Further details on the Tender evaluation are contained in the confidential report.

FINANCIAL IMPLICATIONS:

Contractor experience and diversity is needed to deliver future cost effective work programs. A large local contractor pool is required due to the large geographic area of the City as well as to meet seasonal and variable workload peaks on several over-lapping programs.

COMMUNITY ENGAGEMENT:

Not applicable.

ITEM TO BE REFERRED TO ORDINARY MEETING

20. Heritage Estates - Proposed Gates/Barriers – Traffic Committee Referral

File 1446E/4

SECTION MANAGER: Gordon Clark.

PURPOSE:

Present the Shoalhaven Traffic Committee's recommendation and seek Council's direction to proceed.

RECOMMENDED that Council:

- Grant consent to install the proposed gates and barriers in accordance with section 118 of the Roads Act 1993 (the Act) and the Shoalhaven Traffic Committee's recommendation;**

-
- b) Undertake a risk assessment and determine if it is appropriate to allow vehicles into the area given their current condition of the tracks;
 - c) Investigate whether appropriate control measures can be put in place to mitigate risk;
 - d) Subject to the outcomes of b) and c), develop a protocol for providing vehicular access to landowners and the general public which minimises Council's exposure to public liability claims, noting that if keys are provided, either a deposit system will be used, or keys will be made available to purchase based on full cost recovery.

OPTIONS

1. Proceed with the installation of the gates/barriers as recommended.
2. Not proceed – this approach is not favoured as the tracks will continue to deteriorate to the detriment of the environments, and public risk will increase.

DETAILS

Background

Ongoing use of tracks and land in the Heritage Estates (HE) by vehicles and trail bikes has resulted in illegal dumping, severe erosion, and an increased risk to public safety and downstream water quality. The erosion has increased dramatically in recent years.

The installation of a series of gates/barriers under section 116 of the NSW Roads Act (the Act) is proposed to control/prevent vehicle and trail bike access. Other measures such as signage, monitoring/enforcement and education have already been tried with limited success.

The following steps have been taken in accordance with section 116 of the Act:

- Initial report to Council's Policy and Resources Committee, 8 September 2015 - resolution to publicly exhibit.
- Public exhibition (7 October to 6 November 2015).
- Report to Council's Strategy and Assets Committee, 19 January 2016 - outcomes of the exhibition and to clarify certain aspects. This was not a statutory requirement.
- Referral to Shoalhaven Traffic Committee (STC) on 9 February 2016.

On 19 January 2016 Council resolved that:

- a) *The proposal be referred to the Shoalhaven Traffic Committee in accordance with Section 116 of the NSW Roads Act 1993 subject to removing the reference to the installation of boulders and/or steel cabling along Naval College Road;*
- b) *Council 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 and the erection of a barrier on the western side of Naval College Road adjoining the Heritage Estates;*

-
- c) *The Shoalhaven Traffic Committee recommendation be reported back to Council before proceeding in accordance with the requirements of Section 116 of the Act.*
 - d) *A Report be brought back to Council on any proposed locking mechanisms.*

Parts a) and b) have now been undertaken. This report addresses parts c) and d).

Shoalhaven Traffic Committee's Recommendation

The proposal was considered by the STC on 16 February 2016. The STC recommendation was adopted by Council on 16 February 2016, as follows:

That the General Manager (Director Assets and Works) be advised that Shoalhaven Traffic Committee has no objection to the proposed vehicle control measures (gates and barriers) as detailed in the attached plan TRAF 2016/03, which include:

- a) *Installation of three (3) gates at;*
 - *the entry to Birriga Avenue on the eastern side of its intersection with The Wool Road*
 - *the entry to Wanawong Boulevard / Birriga Avenue on the western side of its intersection with Naval College Road*
 - *the entry to Wanawong Boulevard on the northern side of its intersection with Erowal Bay Road*
- b) *Placement of boulders, mounding and/or steel cable fencing on either side of each gate as appropriate to prevent vehicles by-passing the gates*
- c) *Placement of boulders, mounding and/or steel cable fencing as appropriate at the other entry points along Erowal Bay Road.*
- d) *Consideration to maintain 5 m clear zone to barriers for an 80 km/h zone.*

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

Locking mechanisms

When this matter was considered by Council's Strategy and Assets Committee on 19 January 2016, Councillors requested information on locking mechanisms to inform discussion on the option of making keys available to landowners. The following information is provided in response.

Council currently utilises a master key system. Master keys to fire trails and reserves are held by Council and provided to firefighting authorities including the Rural Fire Service (RFS) and National Parks & Wildlife Service (NPWS). Keys can be created that only allow access to a subset of locks. In other words, the system enables a key for the HE gates to be provided to landowners without allowing access to other fire trails and reserves.

Keys for Council's master key system can only be made by Council's locksmith and only if authorised by a Council officer. Note that the integrity of Council's master key system is potentially compromised by its age. (The patent has expired because it is more than 20 years old.)

Public liability considerations

Section 45 of the Civil Liability Act provides a non-feasance protection for road authorities as follows:

45 Special non-feasance protection for roads authorities

(1) A [roads authority](#) is not liable in proceedings for civil liability to which this Part applies for [harm](#) arising from a failure of the authority to [carry out road work](#), or to consider carrying out road [work](#), unless at the time of the alleged failure the authority had actual knowledge of the particular risk the materialisation of which resulted in the [harm](#).

The key issue for Council if a claim is made against Council in the future is whether Council “had actual knowledge of the particular risk the materialisation of which resulted in the harm”.

Previous reports to Council on this matter have clearly indicated that there has been extensive degradation and increased public safety risk. Therefore Council needs to assess whether it is appropriate for vehicular access or if the roads in their current state present an unacceptable level of risk to users (whether landowners or not). Note that as previously stated, Council is not legally required to ensure the land can be accessed by vehicle.

It is thus recommended that the risk and public liability issues are more thoroughly investigated prior to any protocol being developed that would potentially allow vehicular access to the Heritage Estates land by landowners and the general public. Should Council wish to make keys available to landowners, the following matters should be considered:

- There are more than 600 landowners. Anecdotally only a small proportion of owners visit their land. Hence, should Council wish to provide keys, this should only be upon request.
- If keys are to be provided, either a deposit system be used, or keys be made available for purchase, based on full cost recovery.
- If Council wishes to make keys available for purchase, a key register would need to be maintained.
- The purchase fee should include the cost of purchasing the key (currently \$16.50) plus administration. The fee would need to be added to Council’s fees and charges.
- Keys should not be provided for the purpose of entering the land by motor vehicle unless Council is satisfied that the condition of the roads is fit for vehicular use.

FINANCIAL IMPLICATIONS:

The actual installation of the gates/barriers is reliant on contributions from:

- Council’s existing fire trail budget;
- The Bay and Basin Illegal Dumping Prevention project (recently funded by the State Government); and
- NPWS

COMMUNITY ENGAGEMENT:

The proposal was publicly exhibited in accordance with section 116 of the Act. Council also wrote to the directly affected landowners. A separate section 116 notice was publicly exhibited for the western end of Birriga Avenue (to the west of the Baptist Church complex)

and the barrier between the Heritage Estates and Naval College Road, as resolved by Council on 19 January 2016. The outcomes of that exhibition will be reported to Council separately.

Tim Fletcher
DIRECTOR PLANNING & DEVELOPMENT SERVICES

B Stewart
ACTING GENERAL MANAGER

REPORT OF GENERAL MANAGER
STRATEGY AND ASSETS COMMITTEE

TUESDAY, 12 APRIL 2016

SHOALHAVEN WATER

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

21. Tenders - Minor Mains Replacement Panel - Construction Package 4B File 52762E

SECTION MANAGER: Robert Horner.

PURPOSE:

To inform Council of the tender process in relation to the appointment of a construction contractor for Construction Package 4B for Minor Mains Replacement Programme works within the Shoalhaven.

In accordance with the Department of Local Government's "Tendering Guidelines for NSW Local Government 2009" and Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied. Such information has been considered in the separate confidential report.

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

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

OPTIONS

1. Council accept the recommendation as presented (preferred option). Further details are provided in the confidential report.
2. Council amend the recommendation.
3. Council not accept the recommendation, giving reasons, and propose an alternative resolution.

DETAILS

Introduction:

Council, at its Ordinary Meeting on 24 September 2013, resolved to appoint a panel of construction contractors for minor mains replacement works. The Panel comprises the following contractors:

- I. Murphy McCarthy & Associates PTY Ltd
- II. Ledonne Constructions Pty Ltd
- III. Interflow Pty Ltd
- IV. Pipe Replacement Solutions
- V. EL Civil Engineering Pty Ltd
- VI. Diona Pty Ltd
- VII. Hisway Pty Ltd
- VIII. UEA Trenchless Solutions Pty Ltd
- IX. McNamee Constructions Pty Ltd, and
- X. Lynch Civil Contractors Pty Ltd.

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

Background:

Shoalhaven Water, through its Asset Management process, has identified a large number of undersized water mains (<100mm diameter) requiring replacement. The mains to be replaced are generally a source of issue with regards to pressure and water quality. Two hundred and seventy six individual jobs totalling approximately 41km have been identified and prioritised for replacement over the next few years.

Given the quantum of work in this replacement program it was determined that the most efficient method to undertake renewals was through a panel of qualified contractors.

Package 1A was awarded to Ledonne Construction Pty Ltd at Council's December 2013 Meeting.

Package 1B was awarded to Lynch Civil Contractors Pty Ltd at Council's January 2014 Meeting.

Package 2A was awarded to Ledonne Construction Pty Ltd at Council's March 2014 Meeting.

Package 2B was awarded to Lynch Civil Contractors Pty Ltd at Council's April 2014 Meeting.

Package 2C was awarded to Hisway Pty Ltd at Council's May 2014 Meeting.

Package 2D was awarded to Hisway Pty Ltd at Council's June 2014 Meeting.

Package 2E was awarded to Ledonne Constructions Pty Ltd at Council's August 2014 Meeting.

Package 3A was awarded to Hisway Pty Ltd at Council's October 2014 Meeting.

Package 3B was awarded to Ledonne Constructions Pty Ltd at Council's November 2014 Meeting.

Package 3C was awarded to Hisway Pty Ltd at Council's March 2015 Meeting.

Package 3D was awarded to Ledonne Constructions Pty Ltd at Council's May 2015 Meeting.

Package 3E was awarded to UEA Pty Ltd at Council's July 2015 Meeting.

Package 3F was awarded to Hisway Pty Ltd at Council's August 2015 Meeting.

Package 3G was awarded to UEA Pty Ltd at Council's October 2015 Meeting.

Package 4A was awarded to Hisway Pty Ltd at Council's March 2016 Meeting.

Package 4B consists of jobs 161 to 170 within the Minor Mains Replacement Programme. It comprises water main replacements at the following locations within the Shoalhaven City Council area.

1. Gray Close, Shoalhaven Heads
2. Wells Place, Shoalhaven Heads
3. Gwenda Avenue, Berry
4. Jennings Lane, Bolong
5. Bendeela Road, Kangaroo Valley
6. Elkhorn Place, North Nowra
7. Federation Place, North Nowra
8. Narrien Place, North Nowra
9. Agars Lane, Berry – Site 1, and
10. Agars Lane, Berry – Site 2.

Tender Process:

Tenders were invited from all contractors on the Panel on 1 March 2016 for the construction of Design Package 4B. No mandatory pre-tender meeting was held with the release of this package as feedback from panel members suggested familiarisation with sites could be undertaken at their convenience with any questions posted through the Tenderlink forum site.

As the non-price evaluation of all respondents was completed as part of the EOI process, the evaluation of this tender only comprised a price assessment.

Tenders closed at 10am on 22 March 2016 with a total of five (5) conforming tenders and one (1) alternative tender received by the deadline from the contractors shown below:

- Hisway Pty Ltd
- Ledonne Constructions Pty Ltd
- Pipe Replacement Solutions
- UEA Pty Ltd
- Murphy McCarthy & Associates Pty Ltd

The submitted prices and associated tender assessment is included in the separate Confidential Report.

FINANCIAL IMPLICATIONS:

Sufficient funds have been identified in the Water Fund Capital Works Budget for 2015/16. Contract management will be undertaken by Shoalhaven Water's nominated Project Manager with daily site inspections to be undertaken by Shoalhaven Water nominated construction inspectors.

It is proposed to complete construction of this package by August 2016.

COMMUNITY ENGAGEMENT:

Affected residents will be consulted in accordance with Council's Community Engagement Policy.

An REF (Review of Environmental Factors) has been undertaken on all proposed sites and the recommended environmental control measures from the REF have been incorporated into the tender specifications.

It is a further requirement of the tender to provide ongoing community consultation as required during the construction of the works.

Conclusion:

Shoalhaven Water staff have undertaken a comprehensive tender evaluation, through an initial EOI process then a targeted tender, in accordance with the approved Tender Evaluation Plan. It is recommended that a contract be awarded in accordance with the details included in the separate confidential report.

22. **Tender Report - Construction of Proposed Workshop and offices for Shoalhaven Water at Council's Ulladulla Depot** **File 52549E**

SECTION MANAGER: Andrew McVey.

PURPOSE:

To inform Council of the tender process for the construction of proposed workshop and offices for Shoalhaven Water at Council's Southern Area Depot – Deering St Ulladulla.

In accordance with the Department of Local Government's "Tendering Guidelines for NSW Local Government 2009" and Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. Such information has been considered in the separate confidential report.

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

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

OPTIONS

1. Council accept the recommendation as presented (preferred option). Further details are provided in the confidential report.
2. Council amend the recommendation.
3. Council not accept the recommendation, giving reasons, and propose an alternative resolution.

DETAILS

Introduction:

Tenders have recently closed for the construction of a workshop building for Shoalhaven Water Operations at Council's Southern Area Depot in Deering St Ulladulla. The tenders have been evaluated and Council is requested to consider the recommendation from this evaluation.

Background:

Council has called tenders for the construction of a workshop building to be located on land at the Southern Area Depot in Ulladulla. The building was intended to accommodate Shoalhaven Water Operations staff from the Water, Wastewater, Electrical and Fitters. The design of the building includes amenities ie. Showers, toilets and kitchen/lunchroom;

as well as offices for co-ordinators. The intent was to centralise the existing Shoalhaven Water operational sections which are currently housed within different areas of the depot.

Development Consent was obtained on 29th April 2013 (DA12/2182) and a Construction Certificate (CC12/2103) issued on the 22nd April 2015.

This project was to support the Shoalhaven Water Operations restructure that Council was advised of in December 2010, centralising our workforce and enabling them to become more effective and productive by building effective relationships.

Key Issues:

Tenders were called on 16th January 2016 for the construction of the workshop at the Ulladulla Depot.

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

Tenders closed at 10:00am on 25th February 2016. A total of five (5) tenders were received by the deadline with the tenders being as follows:

- Midsum Construction (NSW) Pty Ltd
- Linkom Pty Ltd
- CBC Innovation Pty Ltd
- Batmac Constructions Pty Ltd
- Civil Project Management Group

The tenders were evaluated strictly in accordance with the TEP, which comprised mandatory, price and non-price criteria. Tenderers must pass the mandatory criteria in order to be considered further. Criteria assessed (under price and non-price components) included:

- The total cost of the tenderers bid, including application of Local Preference Policy
- Past experience in similar type of work
- Capacity and suitability of subcontractors
- Skills of proposed personnel

FINANCIAL IMPLICATIONS:

Funds have been allocated in the 2015/16 budget for this project with the project to extend into the 2016/17 financial year.

ITEMS TO BE REFERRED TO ORDINARY MEETING

23. Acquisition of water supply easement at Woollamia Road Huskisson File 30773E

SECTION MANAGER: Robert Horner.

PURPOSE:

This report is submitted to seek Council approval to acquire an Easement for Water Supply variable width over Lot 1 DP1044611 at Woollamia Road Huskisson from Government Property NSW, for an existing water main.

RECOMMENDED that:

- a) **Council resolve to acquire an Easement for Water Supply variable width over Lot 1 DP1044611 Woollamia Road Huskisson, as shown by hatching on copy of DP1204307 marked Attachment 'A'.**
- b) **Council pay compensation of \$4,500 plus GST and costs associated with the acquisition, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Water fund.**
- c) **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. The easement is required to formalise an existing water main over the property.
2. Not resolve as recommended and provide further directions to staff.

DETAILS

A Shoalhaven Water trunk main is located along the front boundary of the property. An easement is required for access to the pipeline for future repairs and maintenance. The property is owned by Government Property NSW, occupied by NSW Fisheries and is understood to be earmarked for possible future sale.

Walsh & Monaghan Pty Ltd undertook a valuation on behalf of Council which assessed compensation at \$4,500 for the easement. A conditional offer was made at that amount plus GST and reimbursement of reasonable costs.

By email dated 29 March 2016 Government Property NSW have agreed to accept the offer.

FINANCIAL IMPLICATIONS:

Compensation and all costs associated with the acquisition are to be funded from Shoalhaven Water's Water fund. GST is payable on the compensation.

COMMUNITY ENGAGEMENT:

Acquisition of the easement is necessary to formalise an existing trunk water main and to allow future access for the operation and maintenance of essential public infrastructure. The proposed action is administrative and has no environmental impact.

C Krogh
DIRECTOR SHOALHAVEN WATER

B Stewart
ACTING GENERAL MANAGER

REPORT OF GENERAL MANAGER
STRATEGY AND ASSETS COMMITTEE

TUESDAY, 12 APRIL 2016

CORPORATE AND COMMUNITY SERVICES / PLANNING AND DEVELOPMENT

ITEMS TO BE REFERRED TO ORDINARY MEETING

24. Greenwell Point Anzac Park & Old Berrys Wharf

File 6037E

SECTION MANAGER: Jane Lewis & Kelie Lowe

PURPOSE:

To inform Council of current foreshore erosion affecting Greenwell Point Anzac Park and the old Berrys Wharf site (also known as Greenwell Point Heritage Stone Wharf) and recommend appropriate remedial works to be undertaken.

RECOMMENDED that:

- a) **Council treat foreshore erosion affecting Greenwell Point Anzac Park and the site of the old Berrys Wharf by undertaking remediation works that involves installation of rock armour and mid-slope path and seek concurrence from Office of Environment & Heritage (OEH) (Option 1 as identified in the Attachment B to this report).**
- b) **Council consider allocating \$100,000 in 16/17 budget process to treat foreshore erosion affecting Greenwell Point Anzac Park and the site of the old Berrys Wharf.**
- c) **Council request OEH to have the old Berrys Wharf site placed on the NSW State Heritage Register and develop appropriate heritage signage installation.**
- d) **Council advise “Get To The Point Program Inc” and Nowra RSL Sub-Branch of the above resolution.**

OPTIONS

1. As recommended (preferred option). Council consider allocating \$100,000 in its upcoming delivery program to treat foreshore erosion effecting Greenwell Point Anzac Park and the old Berrys Wharf site (Option 1 as identified in the Attachment B to this report).
2. Council takes no action. This option is not recommended as it does not address ongoing erosion to the grassed bank, long term protection the RSL memorial, nor protect existing relics from being looted.

-
3. Council consider one of the other options outlined within the attached report, including;
 - Option 2 - Rock armour and high tide walkway using mesh
 - Option 3 - Rock armour and high tide walkway using existing blocks
 - Option 4 - Reconstruct Berrys Wharf
 4. Propose an alternative recommendation, giving reasons and direction to Council staff.

DETAILS

Background

Anzac Park and the old Berrys Wharf forms part of Greenwell Point Foreshore Reserve and is located on the southern side of the swimming pool. Management of the Reserve is guided by a specific area Plan of Management which can be viewed at:

- # <http://doc.shoalhaven.nsw.gov.au/Displaydoc.aspx?Record=D11/116092> Page 65 of the Plan of Management (provided as Attachment A) contains a Master Plan of how this area is proposed to be developed over time. The Plan of Management proposes a jetty to be built upon the old Berrys Wharf. The proposed jetty is now to be provided on the Greenwell Point wharf as a floating pontoon.
- # Anzac Park is a particularly important community asset as it contains a war memorial, is a popular Anzac Day Dawn Service venue, is the most prominent entry point into the Greenwell Point Foreshore Reserve and houses several maritime artefacts. Whilst the aesthetic and social values of the reserve are of particular importance, so is the cultural significance of these areas. Attached to this reserve is the remains of the old Berrys Wharf which has regional importance as potentially the first permanent structure erected in the Illawarra region to assist facilitating transport between the Shoalhaven district and Sydney. The Wharf site has been assessed as having State Heritage significance (see Attachment B).

Current Situation

Previous flooding has caused erosion and made the river bank of Anzac Park unstable, which is now becoming a risk to users of the public reserve. To minimise this risk, a temporary fence has been installed for public safety however, this is a temporary measure. A permanent solution needs to be implemented prior to the river bank erosion continuing and impacting the war memorial which would be in excess of \$60,000.

Site analysis

To assist Council to identify the appropriate works to treat the foreshore erosion a heritage consultant was engaged to recommend options for the site. The consultant has identified four (4) options to treat the site and indicative cost estimates. Details of the various options are provided from pages 55-59 of the consultant's report (see Attachment B), and a summary is outlined below:

Option	Proposed works	Approximate Cost	Summary
0	Do nothing	\$0	
1	Rock armour and mid-slope path	\$75,000	Suitable
2	Rock armour and high tide walkway using mesh platform	\$250,000	High Disturbance
3	Rock armour and high tide walkway using existing blocks	\$150,000	Public risk not resolved
4	Reconstruct Wharf	>\$750,000	Unaffordable

As mentioned above, Option 0 is not recommended as it does not address ongoing erosion to the grassed bank, nor protect Council assets or existing relics from being looted.

Option 4, whilst identified in the Plan of Management, is not recommended for the following reasons, identified by Council's Heritage Advisor:

- reconstruction would be largely speculative due to insufficient details,
- the wharf would lose its authenticity
- the structure has been a ruin for a long time and this forms part of its identity
- does not address the current erosion and stabilisation issues.
- reconstruction of the wharf may exacerbate foreshore erosion and consequently result in higher costs to undertake remediation works.
- this option has the potential to disturb maritime artefacts.

The attached consultant reports is a draft report and will be completed when Council determines its recommended option to treat the old Berrys Wharf site.

Recommended Works

After considering the consultant's report and information provided by Council's Heritage Advisor, staff recommend Option 1 as the most appropriate and cost effective foreshore erosion treatment. As outlined in Attachment B, Option 1 would include;

- installation of bank protection (using sized rock armour/shell sand) to frontage with minimal disturbance to the wharf remains;
- inclusion of a mid-slope path with seating bench to provide for viewing of heritage blocks and education signage provisions, and;
- revegetation of the rock protection to soften the frontage and improve stability of the embankment

Whilst the recommended works are broadly consistent with the master plan within the Greenwell Point Plan of Management, as outlined above, it is not recommended to undertake the reconstruction of the old Berrys Wharf or provide a new Wharf, as this is not consistent with heritage advice or available resources.

FINANCIAL IMPLICATIONS:

The attached consultant's report, without detailed costings, has estimated installation of rock armour and mid-slope path (Option 1 as identified in the Attachment B to this report) to cost \$75,000. This amount does not allow for project management costs or any project

contingency. Therefore staff recommend a budget of \$100,000 to complete the associated works that include heritage survey, monitoring, detailed design and approvals from Crown Lands, OEH and fisheries contingencies.

COMMUNITY ENGAGEMENT:

A request to address the foreshore erosion at Anzac Park has been made by the President of the Returned Service League of Australia – Nowra. A copy of the correspondence is included as Attachment C. However, recognising the significance of the Greenwell Point Anzac Park and the old Berrys Wharf site it is recommended that Council advise “Get To The Point Program Inc” and Returned Service League of Australia in Nowra of any proposed works.

Council would request OEH include the site on the Heritage Register and provide approval to proceed under Section 140.

Craig Milburn
DIRECTOR CORPORATE & COMMUNITY SERVICES

Tim Fletcher
DIRECTOR PLANNING & DEVELOPMENT SERVICES

B Stewart
ACTING GENERAL MANAGER

REPORT OF GENERAL MANAGER
STRATEGY AND ASSETS COMMITTEE

TUESDAY, 12 APRIL 2016

PLANNING AND DEVELOPMENT / SHOALHAVEN WATER

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

25. Coolangatta - St Andrews Way - Long term wastewater needs - options File 50317e

SECTION MANAGER: Kelie Lowe/Robert Horner.

PURPOSE:

To provide long term strategies to address the sewerage needs of residents of St Andrews Way, Coolangatta (Council Minute 15.548).

RECOMMENDED that:

- a) Council recognise in principle, that the long-term wastewater needs for St Andrews Way estate, Coolangatta; 99 Edward Wollstonecraft Lane, Coolangatta and No.'s 1260 – 1280 Bolong Rd, Coolangatta (Berry's Bay) is to connect to sewer, pending Council approval of a financial plan to fund the scheme;
- b) The financial plan will determine what, if any, additional contributions may be payable by existing residents;
- c) Options to fund the sewer scheme are to be reported to Council once the outcome of the potential merger with Kiama Council is determined, in accordance with section 23A of the Local Government Act (merger guidelines); and

OPTIONS

1. Council adopt the recommendation; or
2. Council provide a new option or amendments to the recommendation. The implications associated with any alternative depend on the direction given.

DETAILS

At its meeting held on Tuesday 18th August 2015 Council resolved that:

- a) *The General Manager (Director of Shoalhaven Water) report to Council on long term strategies to address the sewerage needs of residents of St Andrews Way, Coolangatta.*

-
- b) *That the report might include but not be limited to considering the current investment in sewerage facilities by residents, the risks posed by poor performance of current measures and a cost benefit analysis of providing a permanent connection to a treatment facility.*

To action the Council resolution, Planning and Development Services has worked closely with Shoalhaven Water to investigate long term options to address the sewerage needs of residents of St Andrews Way, Coolangatta.

Background

In 2003, Council approved a development application for a 23 lot subdivision, now known as St Andrews Way, Coolangatta and 99 Edward Wollstonecraft Lane, Coolangatta (the estate). The parcel of land is a Special Rural Lifestyle Area No.4 with allotment sizes ranging from 1,380 m² - 3,100 m². Nineteen of the approved lot sizes are now less than the minimum lot size of 2500 m² presently required by Council in Shoalhaven Development Control Plan 2014 for the subdivision of unsewered properties.

As part of the assessment of the subdivision Council received and considered a report from an environmental consultant dealing with the collection and disposal of effluent on each of the sites within the subdivision. Further reports from environmental consultants were also received and considered by Council as part of the assessment of individual dwellings in the estate.

- # Problems have been encountered within the estate with on-site sewage management systems not working as efficiently as they were designed. A summary of the constraints associated with the on-site management of effluent in this estate is summarised on pages 6 and 10 of the attached report *St Andrews Way, Coolangatta. Effluent Disposal Assessment and Cost Analysis*, dated March 2016, prepared by Footprint (NSW) Pty Ltd, **(Attachment A)**. These constraints in combination, as well as the close proximity to the Berry's Bay oyster lease area, make this rural estate unique in the Shoalhaven for its poor capacity to manage effluent on-site.

In 2011, the NSW Food Authority, in conjunction with Shoalhaven City Council, undertook water quality testing in order to verify pollution sources impacting on the Berry's Bay oyster harvest area downslope of the St Andrews Way development. The results of this study revealed that there was evidence of human faecal contamination downstream of the development and evidence of effluent from the development reaching the outlet of the Berry's Bay catchment to the Shoalhaven River.

Accordingly, a number of investigations have been completed to determine the best long term option for managing wastewater in this estate.

Investigations completed

The following is a summary of investigations completed and results/ implications:

1. **On-going inspections of systems within the estate** - Council staff continue to complete on-going inspections of on-site sewage management systems. Inspections have been completed in both dry and wet-weather conditions, in

response to complaint/enquires and as part of the regular Citywide regulatory program.

2. **Inspections of systems in surrounding catchment** - Council completed desktop mapping to identify all properties within the same sub-catchment as the estate and properties in immediately surrounding catchments of Berry's Bay.

A copy of the mapping is attached.

The purpose of this exercise was to:

- identify if there are any other areas that should be considered in any future long-term strategies/proposals; and
- ensure that these systems are being adequately managed or require rectification for any failing or problem systems as part of Council's on-going on-site sewage management and approval program.

Of the properties inspected, 22 of these were found to be in breach of the performance standards for the operation of a sewage management system under the Local Government (General) Regulation 2005. The rectification of these systems is being addressed through Council's on-site sewage management program. Mainly due to the larger available area, it was considered that on-site sewage management is achievable on these properties and is the most feasible long-term sewerage management option.

However, the operation of on-site sewage systems at 11 properties located immediately adjacent to Berry's Bay was identified as being at a potentially higher risk to public health and the environment. These properties are No.'s 1260 – 1280 Bolong Rd, Coolangatta (Part Lot 1 & Part Lot 2 DP 28128; Lots 1 & 2 DP 102662; and Lots 5 – 11 DP 28128).

These lots are potentially at a higher risk due to their relatively smaller size (1, 051 m² – 1, 644 m²), close proximity to Berry's Bay oyster lease area (less than 50 m to some properties) and the potential for future development (e.g extensions, dual occupancy). There are presently a number of smaller, older houses on properties. The impact of new development may mean larger houses which have a larger footprint that may impact on available area for effluent disposal and a larger effluent disposal area may be required to support the development. Due to economies of scale, there may be an opportunity for these properties to also be included in any potential sewerage scheme for St Andrews Way.

3. **Water quality monitoring – Point-source water sampling within the estate and on-going monitoring of drainage channels** have been carried out. Routine water quality monitoring from the Shoalhaven River has also continued.
4. **Consultation with St Andrews Way residents** – Staff have completed a number of briefings with residents, with the latest being held on the 25th May 2015. Several updates and letters have also been provided to residents since that time.

Residents of St Andrews Way (and 99 Edward Wollstonecraft Lane which was part of this subdivision) have also been provided with an opportunity to make a

submission on whether they are in favour of connecting to sewer and whether or not they are opposed to providing funding towards such a scheme. A summary of submissions has been included in the confidential attachment folder (**Confidential Attachment A**) to protect privacy of residents. As a result, 19 of the 23 property owners were in favour of connection to sewer but were not willing to financially contribute. Two property owners were not in favour of connecting to sewer and two residential developments were still under construction at the time.

At this time, residents of No.'s 1260 – 1280 Bolong Rd, Coolangatta have not been provided with an opportunity to comment on the potential to connect to reticulated sewer.

5. **Audit of stormwater and wastewater drainage pipes on properties** - Stormwater and external wastewater pipes of properties in the estate were investigated using CCTV and smoke testing. This was to determine if there was any leaks, cracks or cross-connections. Three potential issues were identified relating to stormwater systems and five potential issues regarding wastewater drainage and systems.
6. **Audit of on-site sewage tanks on private properties** – effluent tanks were investigated for any potential leaks. 18 systems were identified as having leaks/infiltration issues.
7. **Pressure sewerage system feasibility design** - A preliminary design and costing has been completed for a pressure sewerage system, with two design options provided. The first option includes only the 22 properties in St Andrews Way, Coolangatta and the second also includes the additional 11 properties along Bolong Road near Berry's Bay.
8. **Cost analysis of long term strategies** - Footprint (NSW) Pty Ltd was engaged by Council and prepared a report, *St Andrews Way, Coolangatta. Effluent Disposal Assessment and Cost Analysis*, dated March 2016.

Please note that the report has been included as an attachment, however, the appendices to the report are provided in the confidential attachment folder (**Confidential Attachment B**) to protect the privacy of residents.

The report has recommended that in the long term, connection to the reticulated sewer would be the most cost effective approach from an economic, environmental and community health perspective. The report also identifies that the option of "Doing Nothing" was not considered feasible from an environmental perspective and therefore dismissed as a potential option.

9. **Subdivision stormwater investigations** – Council's Assets and Works Group is completing investigations to improve the management of stormwater in this estate. Survey work has been completed and preliminary designs are currently in progress.

Summary of options

Footprint (NSW) Pty Ltd identified four potential options for the long-term management of effluent in St Andrews Way, Coolangatta:

Option 1 - Do nothing

The do nothing option is not considered a feasible option from an environmental perspective. It was only included to allow a comparison of the life cycle costs associated with the ongoing operating costs of the existing systems.

Option 2 – Maintain and up-grade existing systems

Upgrade on-site wastewater management systems to provide an improved level of treatment and disposal management given the site constraints and health risks associated with oyster harvesting and other recreational and environmental values downstream.

This option assumes Council's continued monitoring and auditing regime administered through the on-site sewage management program with annual inspections and fees to residents.

Option 3 – Convert all sites to pump out

This option involves the conversion of 12 systems to pump out (9 are currently on pump out and two systems currently have a combined system incorporating pump out). Allowances were made to make repairs to existing pump out systems that have previously failed and to install high level alarms and dipsticks on all pump out systems.

This option also assumes Council's continued monitoring and auditing regime administered through the on-site sewage management program with annual inspections and fees to residents.

Residents present at the briefing meeting held on 25 May 2015 were overwhelmingly opposed to the option of converting all systems to pump out. Residents expressed concern that there are still issues with the performance of pump-out systems, such as groundwater infiltrating tanks and that there was no guarantee of this being fixed. Residents were also concerned that this would involve another investment of money and still have no assurance of a well-performing system.

Option 4 – Connect to existing reticulated sewer

In late 2015 Shoalhaven Water engaged Pressure System Solutions Pty. Ltd to prepare a pressure sewerage feasibility assessment, titled 'Summary Pressure Sewerage System Feasibility, Design Report, St Andrews Way and Berrys Bay Road'. The report included preliminary designs for a connection to the existing reticulated sewerage system in Shoalhaven Heads Road for both a scheme involving the St Andrews Way estate only and a scheme involving both the St Andrews Way Development and 11 properties on Berry Bay Road.

Under both schemes it is proposed to install a pressure pump unit on each lot.

Implications of options

Footprint (NSW) Pty Ltd identified the following implications with the four potential options:

Option 1 is not considered feasible from an environmental perspective and is therefore not discussed any further.

Whilst the results of the life cycle costing show that Option 2 is the most cost effective option there will always remain a higher environmental and associated social and economic risk associated with self-managed on-site wastewater management systems (Options 2 and 3) compared with a sewerage system managed by Council's Shoalhaven Water Group (Option 4).

The complexity of on-site systems, (Option 2) combined with their number and lack of operator experience presents numerous opportunities for failure. The consequences of failure are exacerbated by the site constraints such as high water tables, proximity to watercourses and waterlogging. The risk of system failure is reduced by completing system upgrades, but nevertheless continues to exist.

Option 4 has the lowest risk of the three options as it is less likely to fail due to environmental issues, primarily due to its fully sealed fibreglass or plastic tank. Operational failure is also less likely as Council's Shoalhaven Water Group will have environmental management and quality systems in place to ensure systems are operating effectively, and that any failures are addressed quickly.

The cost difference between Option 2, the cheapest option (discounting Option 1 as discussed above) and Option 4, the lowest risk option, is about \$270,000 over 50 years (or \$5,400/year). Whilst not quantified, the economic costs associated with the closure of the estuary, or the health impacts of consumption of contaminated shellfish, or the environmental costs of estuary pollution, the dollar value of a single occurrence of one of these impacts would likely exceed the difference between Option 2 and Option 4 (\$270,000).

The prevention of one additional contamination occurrence over 50 years by implementing the lower risk Option 4 would make it the cheaper option. Given the previous failure rate of on-site and pump out systems, the prevention of at least one contamination occurrence over the next 50 years is likely if a reticulated system is installed. In the long term Option 4 would be the most cost effective approach from an economic, environmental and community health perspective.

FINANCIAL IMPLICATIONS:

There is a potential cost to either Council and/or residents should either long-term option of installing reticulated sewer or continuing with on-site sewage management be pursued.

Council currently does not have a budget or funding to connect St Andrew's Way, Coolangatta to sewer. Funding for recent backlog sewerage schemes in the Shoalhaven has been partly sourced from the State Government's Country Towns Water Supply & Sewerage Program. Funding from this program has now been fully allocated and the program has closed. In addition, a sewerage scheme for St Andrews Way, Coolangatta is not in Shoalhaven Water's current 20 year program.

There are also financial restrictions placed on Council committing funds for such a project under the guidelines prepared under section 23A of the Local Government Act, 1993, in relation to Shoalhaven City Council's potential merger with Kiama Council.

Potential options to fund a reticulated sewer scheme:

Further investigation is required to develop a financial plan to fund a scheme to connect to reticulated sewer and to fund associated costs such as legal advice, loans, interest and so forth. Initial options include:

1. Council funded scheme
 - this is likely to require Council taking out a loan and paying subsequent interest costs.
2. Property owner funded scheme
 - property owners have paid varying costs to date on their current on-site systems. Consideration would need to be given to making the cost fair and equitable.
 - investigate charging the full amount to connect to sewer as per Shoalhaven Water's current charges and add similar cost to Section 64 contributions.
3. Part Council / part property owner funded scheme
 - loan required for Council and subsequent interest payments;
 - investigate a number of options for property owners including:
 - i. loan with Council;
 - ii. cost of scheme divided amongst property owners and Council pays the part of property owners share that they have proven to have already paid on their current system.

COMMUNITY ENGAGEMENT:

Council has completed three Resident Briefing Meetings since 2010, written to each property owner in August 2015 to request their submission on the possibility of connecting to sewer, completed a number of inspections on each property and provided multiple updates to all residents. Residents in the St Andrews way estate have also been notified when a report was being presented to this Committee.

A summary of resident's submissions regarding connecting to sewer is shown in Figure 1. 90% of responses received per property were in favour of connecting to the reticulated sewer with the provision that residents were not willing to contribute financially.

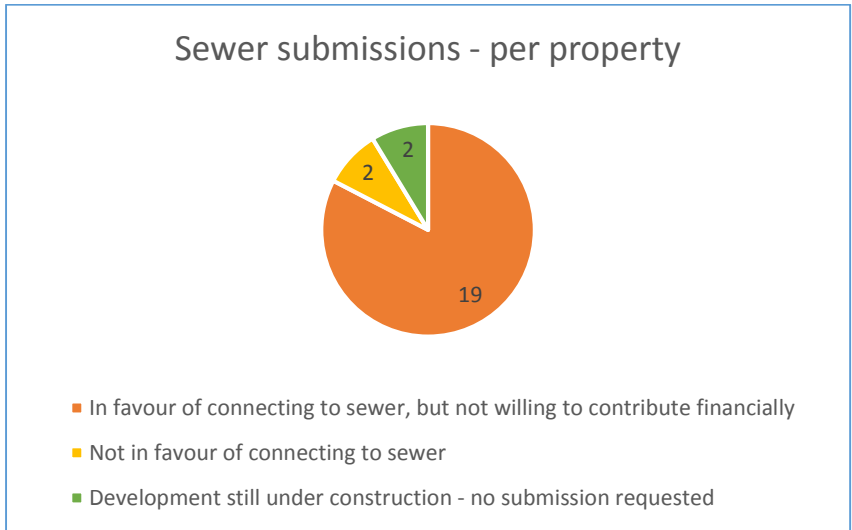


Figure 1 – Submission received per property regarding connection to reticulated sewer.

Tim Fletcher
DIRECTOR PLANNING & DEVELOPMENT SERVICES

Carmel Krogh
DIRECTOR SHOALHAVEN WATER

B Stewart
ACTING GENERAL MANAGER

CONFIDENTIAL BUSINESS PAPER AGENDA

CORPORATE AND COMMUNITY SERVICES

1. Tender Shoalhaven Equestrian Centre of Excellence - Stage 1 Construction

Reason

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

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

2. Draft Shoalhaven Regional Sports & Community Precinct Master Plan – Notice to Affected Land Owners prior to Public Exhibition

Reason

Section 10A(2)(c) - Information that would if disclosed confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

It is not in the public interest to disclose this information as it may prejudice the commercial position of Council in future negotiations.

ASSETS AND WORKS

3. Holiday Haven Tourist Parks – Tender for the Management & Operation of the Huskisson White Sands Holiday Park

Reason

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

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

PLANNING AND DEVELOPMENT

4. Natural Areas Tender: Maintenance, minor construction, asset auditing & risk assessments in Natural Areas

Reason

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

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

SHOALHAVEN WATER

5. Tenders - Minor Mains Replacement Panel - Construction Package 4B

Reason

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

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

6. Tender Report - Construction of proposed Workshop and Offices for Shoalhaven Water at Council's Ulladulla Depot

Reason

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

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

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