

## SHOALHAVEN CITY COUNCIL

### STRATEGY AND ASSETS COMMITTEE

To be held on Tuesday, 8 March, 2016  
Commencing at 4.00 pm

2 March, 2016

Councillors,

#### NOTICE OF MEETING

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

R D Pigg  
General Manager

#### Membership (Quorum – 5)

Clr Wells – Chairperson  
All Councillors  
General Manager or nominee

#### BUSINESS OF MEETING

1. **Apologies**
2. **Adoption of Minutes of Previous Meeting**
3. **Declarations of Interest**
4. **Mayoral Minutes**
5. **Deputations**
6. **Report of the General Manager**
  - Corporate and Community Services
  - Assets and Works
  - Planning and Development
  - Shoalhaven Water
7. **Notices of Motion**
8. **Addendum Reports**
9. **Confidential Report of the General Manager**
  - 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, 9 FEBRUARY 2016 IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 4.00 PM.**

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The following members were present;

Clr Wells – Chairperson  
Clr Gash  
Clr Tribe  
Clr Robertson  
Clr Kearney  
Clr Anstiss  
Clr White  
Clr Baptist  
Clr Guile  
Clr Watson – left 4.25pm  
Clr Kitchener – arrived 4.04pm  
Clr McCrudden  
Russ Pigg – General Manager

Apologies:

Apologies were received from Clr Findley

1. Confirmation of the Minutes of the Strategy and Assets Committee meeting held on Tuesday 19 January 2016 [Index](#)

MOTION:

Moved: Baptist / Second: White

(MIN.16.85) RESOLVED that the Minutes of the Strategy and Assets Committee meeting held on Tuesday 19 January 2016 be confirmed.

CARRIED

2. Declarations of Interest [Index](#)

Conflict of Interest Declaration - Clr Watson – significant non pecuniary interest – Item 2 Shoalhaven Entertainment Centre - Recognition & Contribution of Clr Greg Watson – that the report and proposed naming of the SEC is of significant personal interest – will leave the room and not take part in discussion or vote.

3. Additional Item – Verbal Mayoral Minute [Index](#)

The Mayor congratulated Clr Karen Anstiss on being awarded the 2016 Local Woman of the Year - South Coast.

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## GENERAL MANAGER

4. Second Quarter Report on Delivery Program 2015 - 2017 & Operational Plan 2015 - 2016  
File 50863E [Index](#)

Note: Clr Kitchener arrived at the meeting.

MOTION: Moved: Tribe / Second: Gash

(MIN.16.86) RESOLVED that in accordance with the Committee's delegated authority from Council, the report of the General Manager (Executive Strategy) regarding progress to 31 December 2015 on the 2015/2017 Delivery Program and Operational Plan be received for information, noted and published on Council's website.

CARRIED

## CORPORATE & COMMUNITY SERVICES

5. Procedural Motion – Defer Item 2 to the end of the meeting [Index](#)

MOTION: Moved: Baptist / Second: White

RESOLVED that the matter of Item 2, Page 18 - Shoalhaven Entertainment Centre - Recognition & Contribution of Clr Greg Watson deferred to the end of the meeting.

CARRIED

## ASSETS AND WORKS

6. Surf Life Saving Club use and occupation of Crown Land File 4916E [Index](#)

MOTION: Moved: Guile / Second: Baptist

(MIN.16.87) RESOLVED that, in accordance with the Committee's delegated authority from Council, that:

- a) Receive the Report of General Manager (Assets & Works) on Crown Lands Lease Template – Surf Life Saving Club use of Crown Land be received for information;
- b) Council make further representation to the Department of Lands regarding the template;
- c) Council hold further negotiations with Surf Life Saving NSW regarding the acceptability of the proposed arrangement;
- d) Council make representations to the Member for the South Coast and Member for Kiama with regard to the impost of achieving leases over surf Clubs.

CARRIED

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7. Objection to Proposed Men's Shed Licence – Sanctuary Point Men's Shed – Clifton Park, Sanctuary Point File 49189E [Index](#)

MOTION: Moved: Robertson / Second: Gash

(MIN.16.88) RESOLVED that, in accordance with the Committee's delegated authority from Council, the Committee confirm the resolution of the Strategy & Assets Committee meeting on 19 January 2016 with respect to the proposed Men's Shed Licence.

CARRIED

8. Resolutions/Actions – Projects to be Completed File 30977E [Index](#)

MOTION: Moved: White / Second: Baptist

(MIN.16.89) RESOLVED that, in accordance with the Committee's delegated authority from Council, the Committee receive the Report of the General Manager (Assets & Works) concerning the most recent action taken against the Listing of Resolutions/Actions – Projects to be completed from the Council Property Steering Committee for Information.

CARRIED

9. Acquisition of Part Boree Street, Ulladulla by Council from Sheffield Crest Pty Ltd File 52692E [Index](#)

MOTION: Moved: White / Second: Baptist

RECOMMENDED that Council:

- a) Resolve to enter into an agreement with Sheffield Crest Pty Ltd to acquire, under the provisions of the Roads Act 1993, part Lot 1 DP 872058, being that part of Boree Street, Ulladulla fronting the Dolphin Court Shopping Centre from Sheffield Crest to Council at no cost to Council for road;
- b) Resolve that the General Manager be authorised to determine and approve the conditions of the acquisition that may not yet be determined;
- c) Resolve that Sheffield Crest (as owner) be responsible for the payment of all costs, including Council's, associated with this matter;
- d) Resolve that upon successful acquisition of the land the adjoining Lot 1 DP 867311 be dedicated as road under the provisions of the Roads Act 1993;
- e) Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed to give effect to the resolution; and
- f) A report in due course be provided to Council on the outcome of the acquisition.

CARRIED



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## PLANNING AND DEVELOPMENT

10. Update on Council Officer presence at Hyams Beach during the Christmas and New Year period File 47143E [Index](#)

MOTION: Moved: Gash / Second: Robertson

(MIN.16.90) RESOLVED that in accordance with the Committee's delegated authority from Council,

- a) The report be received.
- b) The following actions be endorsed:
  - i) Clear signage be provided prior to the "T" intersection of Cyrus Street and Booderee Avenue. The signs need to indicate where to find parking, picnic and BBQ facilities and amenities at both Hyams and Chinaman's Beach.
  - ii) A push button timer be placed on the showers to reduce water wastage.
  - iii) More prominent "No Camping" signage and additional after hours patrolling by Rangers be provided during peak holiday periods.
- c) Future consideration be given to the findings that require further investigation and consultation;
- d) Council meet with the Hyams Beach CCB to discuss recommendations and future options.

CARRIED

11. Aboriginal Land Claim No. 25658 - 26 Currumbene Street Huskisson File 30043e [Index](#)

MOTION: Moved: Robertson / Second: Baptist

(MIN.16.91) RESOLVED that in accordance with the Committee's delegated authority from Council, that Council:

- a) Receive the report on the determination of the Aboriginal Land Claim No. 25658 over 26 Currumbene Street, Huskisson (Lot 9 Section 3 DP 758530) for information; and
- b) At the conclusion of the appeal period associated with the determination, formally request that the Crown create a reserve over the subject land for the purpose of car parking and appoint Council as the Trust Manager of the reserve.

CARRIED

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## SHOALHAVEN WATER

12. Ozwater '16 Water Conference & Exhibition File 3989E, 4688E [Index](#)

MOTION: Moved: Baptist/ Second: White

(MIN.16.92) RESOLVED that in accordance with its delegated authority from Council the Committee:

- a) Notes the details of the Ozwater '16 Water Conference and Exhibition, scheduled for 10-12 May 2016, in Melbourne, Victoria.
- 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

## NOTICES OF MOTION

13. Waiver of Development and construction Fees – Ulladulla Milton Mens Shed Inc. File 23618E [Index](#)

MOTION: Moved: Baptist / Second: White

RECOMMENDED that Council waive the Development Application and Construction Certificate Fees for the Ulladulla Milton Men's Shed Inc relating to the development and construction of their proposed men's shed at Frogs Hollow Milton.

CARRIED

## CORPORATE & COMMUNITY SERVICES

14. (Item 2, Page 18) Shoalhaven Entertainment Centre - Recognition & Contribution of Clr Greg Watson File 36592E [Index](#)

Conflict of Interest Declaration - Clr Watson – significant non pecuniary interest – that the report and proposed naming of the SEC is of significant personal interest - left the room, did not take part in discussion or vote.

MOTION: Moved: McCrudden / Second: Guile

(MIN.16.93) RESOLVED that in accordance with the Committee's delegated authority from Council, that Clr Watson be notified that it is proposed that the Shoalhaven Entertainment

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Centre Auditorium be named the 'Greg Watson Auditorium' and seeking his acceptance of the proposal. If Clr Watson accepts the proposal that:

- 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.

CARRIED

There being no further business, the meeting concluded, the time being 4.47pm.

Clr Wells  
CHAIRPERSON

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

**TUESDAY, 8 MARCH 2016**

**GENERAL MANAGER**

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

1. **Local Government NSW (LGNSW) - Submission on the NSW Budget for 2016/17** File 13726E [Index](#)
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**PURPOSE:**

To inform Council of the submission to the State Government made by LGNSW.

**RECOMMENDED 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.**

**OPTIONS**

1. As recommended.
2. That Council determine additional actions.
3. Determine not to support the submission of the LGNSW.

**DETAILS**

The LGNSW Submission of February 2016 can be found at:  
<http://www.lgnsw.org.au/files/imce-uploads/90/LGNSW%20Submission%20to%20NSW%20Budget%202016-17%20-%20FINAL.pdf>

***Summary of budget priorities***

*NSW faces a number of challenges, including:*

- *Supporting economic growth and resilience;*

- 
- *Dealing with a growing and ageing population; and*
  - *Addressing the impacts of changes in climatic conditions.*

*NSW councils, in cooperation with the NSW Government, play an important role in addressing and meeting these challenges. In addition to these challenges, Local Government in NSW is also going through a period of major reform. LGNSW calls on the NSW Government to assist councils in meeting these challenges through the following budgetary measures:*

### **Supporting council infrastructure**

#### **Coordination with state infrastructure delivery**

- *Ensure that delivery of state infrastructure is strategic, taking account of infrastructure needs arising from a growing population and economy, and recognise financial impacts on councils often associated with large scale state infrastructure projects and large scale residential and commercial developments.*

#### **Create a new fund for direct infrastructure funding**

- *Provide additional direct funding to support councils' investment in local infrastructure. This funding needs to be in addition to existing grants to be used exclusively to help address identified infrastructure backlogs and prioritised new infrastructure requirements.*

**Comment:** Council has historically been restricted with rate increases and given the lower than average household income within Shoalhaven, compared to many other local government areas, there are limitations on how much our community can afford to pay for services, rates or fees for service. This disadvantage can only be supported by other levels of government which have far greater opportunity and capacity to raise revenue to support council's such as ours.

#### **Local and regional roads funding**

- *Improve road funding assistance to Local Government, with special emphasis on funding for regional roads and for freight connectivity on local roads and bridges including:*
  - *Increase the Regional Road Block Grant funding to address the \$89 million per year funding gap on regional roads, including a factor to address the inadequacy of the block grant funding formulae to reflect the annual increases in road construction and maintenance costs shown by the Australian Bureau of Statistics' Local Road Construction Cost Index or, at least, the Local Government Cost Index developed by the Independent Pricing and Regulatory Tribunal of NSW. Currently, the Consumer Price Index, which does not reflect construction cost movements, is used for annual funding increases.*

**Comment:** Council has been successful in receiving Black Spot funding for works on Regional Roads however supports the general call for increased Block grant funds.

- *Provide additional targeted funding assistance to strategically significant local road infrastructure on key freight corridors by way of programs such as the successful Fixing Country Roads initiative.*

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**Comment:** Council has been successful under the Fixing Country Roads and supports additional funds under this Program.

- *Provide additional funding for an increased number of bridges on local and regional roads managed by councils for example through partnering with the Australian Government as part of its recently announced Bridges Renewal Program.*
- *Commit to ongoing council involvement in existing RMCC arrangements on the state road network.*

### **Resources for the Regions Program**

- *Continue to allocate a share of mining royalties to Local Government through a system that provides funding to all councils in regional areas, with additional funding for councils impacted by the mining industry.*

### **Local water utilities - addressing infrastructure backlogs**

- *Continue to provide infrastructure funding for council owned and operated local water utilities to ensure councils in regional NSW can continue to provide safe and secure water supply and sewerage services.*

**Comment:** Council recognises that regional & rural water authorities need State Government assistance to achieve the required services at an affordable cost.

### **Local water utilities - addressing climate change impacts**

- *Commit to funding new water infrastructure necessary as a result of impacts of climate change.*

### **Building Local Government's capacity to deliver for the future**

#### **Climate change planning**

- *Provide new funding and resources to councils to help address and mitigate the significant environmental, economic and social impacts of climate change (\$3 million per annum) and support councils in funding infrastructure required as a result of changes in climatic conditions.*

#### **Land use planning and Greater Sydney Commission**

- *Provide assistance and funding support to councils to enable them to partner with the District Plans.*
- *Provide adequate funding at the state and local level to continue the development and implementation of ePlanning.*
- *Improve fiscal transparency of the Planning Reform Fund and ensure funds paid into the fund are exclusively used to support planning reform in or for councils, including grants to councils and funding of ePlanning.*

#### **Ageing and disability**

- *Support and provide resources to councils to prepare and assist in implementing programs relating to the ageing of the population and the inclusion of people with disability including:*

- 
- *Provide continued recurrent funding of Local Government ageing and disability workers, extending it to all councils seeking such roles (\$6.5 million per annum);*

**Comment:** Grant funding support for Council's staff position will terminate soon which places the ongoing role in jeopardy.

- *Guarantee access for councils to at least 50% of Liveable Communities funding in each year (\$1.5 million over 3 years); and*
- *Provide funding to support the development of Disability Inclusion Action Plans and associated infrastructure renewal (\$5 million per year for 5 years).*

**Comment:** With such a high percentage of the population in Shoalhaven in the over 60 years group, and a high percentage of pensioners, the need for funding support is critical to provide the necessary facilities, services and infrastructure.

### **Local Government Reform**

- *Commit to covering the full costs of council mergers via merger implementation grant funding.*

**Comment:** In the case of the proposed Kiama/Shoalhaven merger the cost estimate to implement would be in excess of \$9M when funding has been limited to \$5M.

- *Extend access to merger implementation grants and the Stronger Communities Fund to alternative council merger proposals.*
- *Increase funding under the Innovation Fund from \$4 million to \$10 million to assist councils identified as rural councils.*
- *Establish an ongoing Local Government Improvement Fund to provide resources to the Local Government sector to implement ongoing broader reforms. Commit to and resource other reform processes including IPART Review of Regulatory Burden on Local Government; IPART Review of the Local Government Rating System; and the Local Government Act Review.*

### **Other budget priorities**

#### **Health protection and health promotion**

- *Provide targeted funding to support the health protection and health promotion roles of Local Government, and to build councils' capacity to implement health programs that enhance community wellbeing.*

#### **Public libraries**

- *Adjust recurrent public library funding to councils from the current \$27.5 million to \$30 million per annum from 2016/17 and appropriately index it from the following year; and*
- *Increase to \$30 million per annum and make ongoing the Public Library Infrastructure Fund to enable councils to renew library buildings, systems, collections and equipment in regional, urban and growth areas on an ongoing basis.*

#### **Arts and culture funding**

- *Allocate appropriate funding to councils to implement the \$600 million Cultural Infrastructure Program under the NSW State Infrastructure Strategy 2014.*

- 
- *Establish a Local Government Arts and Cultural Development Fund of \$5 million per financial year to fund programs and projects aiming to improve arts and cultural infrastructure outside the Sydney CBD.*

#### **Waste levy**

- *Fully hypothecate waste levy payments by NSW councils to support council waste avoidance and reduction, recycling and waste management programs.*

**Comment:** The Waste levy has increased dramatically over the past five years and Council now pays in the vicinity of \$8M per annum to the State Government with very little returned. Just under 50% of the per tonne charge at the waste depots is attributable to the State Government levy.

- *Commence planning for the continuation of the Waste Less Recycle More initiative beyond 2016/17.*

#### **Noxious weeds funding**

- *Increase funding for council weed management to \$20 million per year, including adequate resourcing of a weed incursion fund.*

**Comment:** The grant funding available to Shoalhaven has reduced in the last year.

#### **Coastal management and biodiversity reforms**

- *Ensure that adequate funding is provided to Local Government for all new roles and responsibilities required of councils arising from the reforms current underway in coastal management and biodiversity.*

**Comment:** This is a critical issue in Shoalhaven with so many different estuaries and lakes and 150 kms of coastline.

#### **Council diversity**

- *Provide funding to LGNSW for a significant long-term women's development program aimed at improving the diversity of councillors (\$600,000 per year for eight years).*

#### **Cost shifting**

- *Cease the practice of cost shifting and rectify current cost shifting practice including enacting legislation that requires Local Government's agreement to take on additional responsibilities, and if taken on, the provision of corresponding funding or the means to raise adequate revenue.*

#### **Pensioner rebates**

- *Maintain on a permanent basis the current level of reimbursement for mandatory pensioner rate rebates despite the cuts to the Commonwealth contribution in the 2014/15 federal budget.*
- *Fully reimburse councils for the provision of mandatory pensioner rate rebates.*

**Comment:** In addition the State Government should inquire into the different treatment of pensioners in respect to rebates for water and sewerage services to find a more equitable system. The rebates provided to pensioners within Sydney Water area of operations is substantially more than the regional and rural areas of the State.



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### **Reform of the funding of NSW emergency services**

- *Abolish the emergency service levy paid by councils as part of the implementation of a property levy to fund NSW emergency services.*
- *If councils become the collection agent of the new emergency service property levy ensure that:*
  - *Councils are able to fully recover costs associated with the collection function;*
  - *The property levy does not form part of council rates - It must be separately and clearly identified as a NSW Government levy;*
  - *Council rates are given priority where a property owner does not pay the full amount of the rates and the property levy; and*
  - *Councils do not bear the risk of non-payment (i.e. liability will remain with the property owner).*
- *Fully fund any pensioner rebates provided for the emergency services property levy.*

### **NSW Rural Fire Service budget**

- *Put an end to the practice by the NSW Rural Fire Service (RFS) of imposing unexpected and significant cost increases on councils and improve the RFS's budget transparency and process.*

**Comment:** This Council has experienced very substantial increases to contributions above budget in 2015/16 amounting to over \$800,000.

### **Resourcing of the NSW Office of Local Government**

- *Better resource the compliance and regulatory activities of the NSW Office of Local Government.*

### **Budget transparency**

- *Improve the transparency of the financial relations between the NSW Government and NSW Local Government by way of providing detailed information in its public budget papers about its total funding assistance to NSW councils.*

### **FINANCIAL IMPLICATIONS:**

Refer to the submission document and comments within the report.

### **COMMUNITY ENGAGEMENT:**

Not necessary in the context of this report.

R.D Pigg  
**GENERAL MANAGER**

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

**TUESDAY, 8 MARCH 2016**

**CORPORATE AND COMMUNITY SERVICES**

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

2. **Submission - Towards New Local Government Legislation - Explanatory Paper – Proposed Phase 1 amendments** File 1747E [Index](#)
- 

**SECTION MANAGER: Melissa McCoy.**

**PURPOSE:**

- # To provide an overview of the Explanatory Paper – Proposed Phase 1 amendments to Local Government Legislation and to obtain approval for the draft submission prepared in response to the report.

**RECOMMENDED, 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.**

**OPTIONS**

- 1. The report be received for information and the draft response as provided in the attachment be approved (as recommended)
- 2. That the report be received for information and a different or amended response be made
- 3. That Council take other action in relation to this matter

**DETAILS**

On 8 January 2016, the Office of Local Government released ‘Circular 16-01- New Local Government Act Development Consultation’ which outlines the release of the Fit for the Future Report entitled ‘Towards New Local Government Legislation - Explanatory Paper – proposed Phase 1 amendments’

This report is part of the process of Legislative review for Local Government and draws upon recommended changes from the Independent Local Government Review Panel and

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Local Government Acts Taskforce to modernise the legislation and to ensure it meets the future needs of councils and communities.

The report which has been distributed to Councillors is available on the Fit for the Future website at [www.fitforthefuture.nsw.gov.au](http://www.fitforthefuture.nsw.gov.au). It contains recommendations on the legislative provisions on the following aspects:

1. Guiding principles for the Act and local government
  - 1.1. Amendment to the Purposes of the Local Government Act Role of local government (To replace part of current Charter)
  - 1.2. The guiding principles of local government (To replace part of current Charter)
2. Structural framework of local government
  - 2.1. The role of the governing body
  - 2.2. The number of councillors (to be odd in number)
  - 2.3. Provision of faster approval process for rural councils to amend electoral wards, Councillor numbers and Council meeting frequency.
3. The governing body of councils
  - 3.1. The role of the Mayor
  - 3.2. The mayor's term of office (to be bi-annual for Council elected Mayors)
  - 3.3. The role of councillors
  - 3.4. Councillors' term of office
  - 3.5. Introduction of a compulsory Oath or Sffirmation of office for Councillors
  - 3.6. Councillors' expenses and facilities policy review and reporting reductions
  - 3.7. Mayor/Councillor professional development – Induction and Individual Professional Development Programs
  - 3.8. Role and functions of administrators
  - 3.9. Financial Controllers – proposal to allow Minister for Local Government to appoint for a Council in certain situations
  - 3.10. Provide for a mandated Model Code of Meeting Practice
  - 3.11. Delegation of functions – amendments in relation to acceptance of tenders; community financial assistance and regulatory functions
4. Elections
  - 4.1. Extension of the option of universal postal voting to all councils
5. Council's workforce
  - 5.1. Determination of the organisation structure
  - 5.2. The role of General Managers
  - 5.3. The requirement to report annually to the council on senior staff contractual conditions
6. Ethical standards
  - 6.1. Consolidation of the prescription of ethical standards relating to Pecuniary Interests
  - 6.2. Amendments to process for investigation of Pecuniary Interest breaches
7. Councils' strategic framework
  - 7.1. Establishment of overarching Integrated Planning and Reporting principles

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- 7.2. Streamlining the existing integrated planning and reporting provisions
  - 7.3. Council's integrated planning and reporting to reflect regional priorities
  - 7.4. Expanded scope of delivery program
  - 7.5. Fiscal sustainability
  - 7.6. Expanded scope of councils' community engagement strategies
  8. Council performance
    - 8.1. Annual reports to be approved by Internal Audit Committees
    - 8.2. State of the environment reports
    - 8.3. Performance measurement
    - 8.4. Internal audit
    - 8.5. Sector-wide performance audits by the Auditor-General
    - 8.6. Financial management
    - 8.7. Financial reporting
    - 8.8. External audit

Submissions in response to the report close on 15 March 2016 and they are limited in format to an indication on each point as to whether Council is in Agreement/ disagreement or is neutral, with the ability to comment only on the individual recommendations. Council's proposed response is provided as an attachment for approval.

The Office of Local Government advises that this Phase 1 of the reform program focuses mainly on changes to the governance and strategic business planning processes of councils. Phase 2 will focus on the way in which Councils raise revenue and exercise their regulatory functions. The explanatory paper states that following consultation it is anticipated that amending legislation could be introduced and passed by the NSW Parliament in 2016.

Council officers have reviewed the report and recommendations and it was the subject of a Councillor Briefing held on 18 February 2016. Although the wording of the recommendations is general in nature and does not outline specific amended provision wording, as outlined in detail in the attachment it is proposed that the response of Council would be in general agreement with the proposed amendments with the exception of the following:

- 3.7 Mayor/Councillor professional development

The proposed amendments would be very onerous in requiring the development of an annual professional development program for each Councillor. A general program for all Councillors would be more workable. Should it be determined that individual plans are implemented, they would be worthless without supplementary support from the Office of Local Government relating to required skills for the role of Councillor and a centralised skills assessment process to identify training needs.

- 7.3 Council's integrated planning and reporting to reflect regional priorities

Council does not agree with this recommendation as it considers the planning and delivery of regional priorities be the responsibility of Joint Organisations.

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- 7.4 Expanded scope of delivery programs

Council does not consider it feasible to include “all” council activities in delivery programs

- 8.1 Annual reports to be approved by Internal Audit Committees

Council does not agree with the recommendation as it considers that the impost of this responsibility on the Internal Audit Committee is too onerous and would prove to be ineffective. Council considers that there would be other ways in which the Office of Local Government could address annual reports which are found to be inaccurate.

**3. Local Government Conference - Australian Local Government Women's Association  
2016 NSW Conference 2016** **File 3884E, 4688E** [Index](#)

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**SECTION MANAGER: Melissa McCoy.**

**PURPOSE:**

To advise Council of the Australian Local Government Women's Conference to be held in Gunnedah on 10-12 March 2016.

**RECOMMENDED 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.**

**OPTIONS:**

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

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## **DETAILS:**

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

- Australian Local Government Women's Association 2016 NSW Conference 2016
- scheduled for 10-12 March 2016
- at Gunnedah, NSW

# The program for the conference is attached for information.

Costs associated with the conference are estimated as follows:

- registration : \$970.00
- travel, accommodation and out of pocket expenses : not yet determined.

## **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 – 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 Index](#)
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**SECTION MANAGER:** Melissa McCoy.

## **PURPOSE:**

To advise Council of the following conferences:

- 2016 Australian Coastal Councils Conference to be held in Western Australia on 4-6 May 2016
- 56<sup>th</sup> Floodplain Management Australia Conference to be held in the Shoalhaven Entertainment Centre on 17-20 May 2016.
- 2016 Future of Local Government National Summit to be held in Melbourne on 17-18 May 2016.

To consider changing the meeting date for the Ordinary Meeting in May 2016.

**RECOMMENDED 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.**

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- b) **Notes the details of the 56<sup>th</sup> 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**

#### **OPTIONS:**

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

#### **DETAILS:**

# Programs for the conferences are attached for information.

Costs associated with the 2016 Australian Coastal Councils Conference are estimated as follows:

- registration : \$1,386
- official functions (optional): Welcome Reception \$55 per person  
Gala Conference Dinner \$132 person
- travel, accommodation and out of pocket expenses : not yet determined.

The 2016 Australian Coastal Councils Conference is scheduled on the same days as the Development Committee and Youth Advisory Committee meetings.

Costs associated with the 56<sup>th</sup> Floodplain Management Australia Conference are estimated as follows:

- Full registration : Early Bird (by 26 March 2016) \$925  
Regular \$1125
- One day registration: Early Bird \$450  
Regular \$550
- Preconference workshops - \$90 each
- travel, accommodation and out of pocket expenses : not yet determined.

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Costs associated with the 2016 Future of Local Government National Summit are estimated as follows:

- Full registration : \$583
- travel, accommodation and out of pocket expenses : not yet determined.

Council previously resolved that the May 2016 Ordinary meeting would be held on the 17 May 2016. The 56<sup>th</sup> Floodplain Management Australia Conference (at the Shoalhaven Entertainment Centre) and the 2016 Future of Local Government National Summit are scheduled on the same day as the Ordinary Meeting. Therefore it is recommended to reschedule the Ordinary meeting to the 24 May 2016 to allow Councillors to attend the conferences.

### **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. Membership Review Determination - Business and Employment Development Committee**

**File 38821E [Index](#)**

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**SECTION MANAGER: Melissa McCoy / Greg Pullen.**

### **PURPOSE:**

Following an Expression of Interest process, Council is required to determine the final membership of the Business and Employment Development Committee (BEDC).

**RECOMMENDED, 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.**



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## OPTIONS

1. That Council determine the membership of the BEDC as follows: (insert names);
2. Council adopt an alternate recommendation

## DETAILS

Council resolved at its Strategy and Assets Committee Meeting held on Tuesday 20 October 2015:

*“That, in accordance with the Committee’s delegated authority from Council, that:*

- a) Council cap the number of Community members to 15 for each committee;*
- b) All positions on the Committees be declared vacant and expressions of interest be called for members.*
- c) Council write to existing members advising membership is being reviewed and inviting them to submit nominations.”*

As a result of the above resolution, Council wrote to all current members inviting them to reapply and providing an application form for reapplication. .

Council advertised in the local newspapers and radio in an expressions of Interest process conducted from 26 November 2015 to 8 January 2016, from which only seven (7) applications were received. Council readvertised on Wednesday 20 January 2016 via Council’s website, and radio received a further four (4) applications.

The following applicants have applied (copies of all applications are provided in a folder in the Councillors Room):

- i) Megan Cleary – NSW Department of Industry
- ii) Tony Emery – Representative of Gareth Ward MP
- iii) Brendan Goddard – Shoalhaven Business Chamber
- iv) David Goodman – Shoalhaven Business Chamber
- v) Fiona Hatcher – Regional Development Australia (Far South Coast)
- vi) Robbie Collins – UOW Shoalhaven
- vii) James Coburn – Sussex Inlet District Chamber of Commerce
- viii) Peter Dryer – Shoalhaven Community (Red Car Driving School)
- ix) Craig Church – Shoalhaven Community (Sureway Employment and Training)
- x) Lexie Meyer – Shoalhaven Community
- xi) Justin Rickard – Shoalhaven Community

- # During the period of advertisement, the Economic Development Manager considered the composition of membership of the Committee with a view to determining a membership that would best achieve distribution across all the organisation and industry groups which are considered integral to Economic Development in our area. The proposed membership which is proposed for adoption is listed in the attachment to this report.

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The proposed membership addresses Committee needs primarily to have representation across a number of strata within the Shoalhaven economy.

In addition, each of the organisations at the table should, as well as make a contribution to the committee, make a report on the activities of their organisation in recent times that contribute to the business growth and employment generation of the Shoalhaven.

In reviewing those applications for membership received in line with the proposed membership; it is proposed that the members who applied on behalf of the organisations/ industries be accepted. This includes the following:

- i) Megan Cleary – NSW Department of Industry
- ii) Brendan Goddard – Shoalhaven Business Chamber
- iii) David Goodman – Shoalhaven Business Chamber (alternate member for Mr Goddard)
- iv) Fiona Hatcher – Regional Development Australia (Far South Coast)
- v) Robbie Collins – UOW Shoalhaven
- vi) Tony Emery – Representative of Gareth Ward MP

For members of the Committee which for which membership applications have not be received; a process of consultation with the relevant industries and organisations will be undertaken to identify appropriate representative persons. Council will be advised of those members as they are identified.

It is proposed that given the spread and number of industry and organisational representatives within the proposed membership that 'community representative members' be limited to three (3) members. Five (5) applications were received for those positions and based on the applications received it is recommended that the following three (3) persons be appointed as community representatives on the Committee:

- i) James Coburn – Sussex Inlet District Chamber of Commerce
- ii) Peter Dryer – Shoalhaven Community (Red Car Driving School)
- iii) Lexie Meyer – Shoalhaven Community

The other applicants; Messrs Craig Church and Justin Rickard will be advised accordingly and thanked for their applications and interest in the Committee.

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

### **6. Nowra Skate Park - Half Pipe Repair Works**

**File 2254E [Index](#)**

**SECTION MANAGER: Jane Lewis.**

#### **PURPOSE:**

To inform Council of the current condition, the need to program repair works to the Nowra Skate Park Rhino Ramp Half Pipe and to seek funding for this work.

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**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**

## **OPTIONS**

1. Remove existing half pipe and construct a concrete half pipe of similar dimensions which is estimated to cost \$75,000
2. Replace half pipe with suitably designed shade shelter which is estimated to cost \$35,000
3. Remove half pipe and not replace it which is estimated to cost \$3,000

## **DETAILS**

### **Background**

Prior to construction of the Nowra Skate Park within Harry Sawkins Park in 2008, lengthy community consultation was undertaken to design the facility.

The community consultation involved the formation of the Skate Park Advisory Group, media, local schools and park user engagement. A community survey was undertaken seeking input into the most suitable elements to make the skate park an exciting and well used facility.

The consultation process resulted with the inclusion of a Rhino Ramp Half Pipe incorporated into the design.

### **Half Pipe Construction**

The half pipe external frame consists of steel and panel components with internal aluminium bearers running lengthways from end to end of the structure. The bearers support aluminium batons that are set at even spaces and height to form the rib like structure that holds the external decking in place.

The external decking is a laminate product that is screwed to the aluminium batons to form the half pipe bowl. Metal capping strips are used to secure the laminated decking over the length way joins and outside edges.

### **Construction Problems**

In early 2009 it was identified that 8 of the laminated ramp surface panels were fracturing and cracking. Under warranty the contractor was called back to the site to replace the damaged ramp surface. When the fractured surface panels were removed it was noted that the internal bearers and batons were not in square with the external structure and additional screws were needed to secure the ramp surface to the batons.

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In October 2015, the laminated decking began to fracture and crack again. Movement in the batons caused several of the screws to break and the metal capping strips in the bowl also began to lift when undertaking the above repairs. The batons are now very significantly compromised from the additional screws in previous repairs. In addition several of the batons have excessive wear and now beyond further repair.

It is estimated that recent repairs will not last more than 6 months from the time of writing this report.

### **Half Pipe Repair Options – Survey Feedback**

Upon recognising the above construction problems with the half pipe, users of the skate park have been surveyed during the Christmas holiday period on the following repair options:

1. Replace the half pipe with concrete
2. Replace the half pipe with another shade shelter
3. Remove the half pipe and not replace

The above survey concluded that users of the skate park preferred that the half pipe be replaced. The survey report (Attachment “A”) shows that the half pipe is a valued element of the park, is well used and utilised (by those ranging in ages from 5 – 63).

### **FINANCIAL IMPLICATIONS:**

1. Remove existing half pipe and construct a concrete half pipe of similar dimensions which is estimated to cost \$75,000
2. Replace half pipe with suitably designed shade shelter which is estimated to cost \$35,000
3. Remove half pipe and not replace it which is estimated to cost \$3,000

At this time, none of the above options are funded in Council’s delivery program and therefore, a budget allocation is needed to progress this work.

### **COMMUNITY ENGAGEMENT:**

# See attachment “A” Nowra Skate Park Half Pipe Replacement User Consultation Report.

Craig Milburn  
**DIRECTOR CORPORATE & COMMUNITY SERVICES**

R.D Pigg  
**GENERAL MANAGER**

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

**TUESDAY, 8 MARCH 2016**

**ASSETS AND WORKS**

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

7. **Public Amenity – Callala Beach Community Centre – Budget Savings**  
File 7677E; 26160E [Index](#)
- 

**SECTION MANAGER: Martin Uptis**

**PURPOSE:**

To recommend allocating savings from the newly constructed public amenities at Callala Beach to the construction of a toilet for persons with disabilities at the Nowra Culburra Beach Surf Life Saving Club.

**RECOMMENDED, 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.**

**OPTIONS**

1. As recommended – Council use funds saved from replacement of public amenities – toilets near the Callala Beach Community Centre to provide a public amenity – toilet for persons with disabilities near the Nowra Culburra Beach Surf Lifesaving Club
2. Not resolve as recommended and provide further direction to staff.

**DETAILS**

Council replaced the former 1975 constructed tilt slab toilets near the Callala Beach Community Centre prior to Christmas and the Callala Triathlon in November 2015.

The public toilets cater for the following groups:

- Overflow for patrons of the Callala Beach Community Centre. The centre caters for 140 person and has three toilets inside
- patrons of the beach
- hirers of the tennis court
- patrons of the adjoining park / reserve

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The original toilets were stand-alone that consisted of a female building containing two pans and a male building containing of one pan and urinal. The original budget was to replace the four pan equivalents with four unisex pans (2 for persons with disabilities and 2 for able bodied persons) similar to the public toilet design at Moona Moona Creek.

After community engagement, it was determined that the former toilets impeded the view of the Callala Beach Community Centre. The Management Committee of the Callala Beach Community Centre has a long term plan to extend the verandah to the front of the Community Centre. The floor plan of the proposed toilet was not possible on the site as it had the additional constraints of access to the beach and possible loss of views and amenity to the surrounding residences.

Consensus was reached to replace it with a two pan fully compliant unisex toilet after a review of utilisation levels.

This design treats all persons equitably regardless of gender or disability. Parents or carers can take children and persons with disabilities of opposite sex into the same toilet and people feel safer using single use toilets.

Council has 13 locations throughout the Shoalhaven with single use unisex toilets.

Nowra Culburra Beach Surf Life Saving Club has completed a recent concrete verandah to the front of the clubhouse. The cost of the verandah was \$166,000 of which \$150,000 was funded from a grant through the Surf Life Saving NSW direct the surf club and \$16,000 from Council. The verandah is accessible compliant for persons with disabilities and the clubhouse upper public area is now fully accessible compliant from the carpark for persons with disabilities, access walkway, sanitary facilities and now the verandah. The Nowra Culburra Beach Surf Life Saving Club has agreed to use members and associates to construct a fully compliant toilet for persons with disabilities. This will be for the use of the general public to complement the existing public toilets.

## **FINANCIAL IMPLICATIONS:**

The budget for the Callala Beach public amenities was for \$115,000 for a four pan toilet (2 for persons with disabilities and 2 for able bodied persons). A two pan toilet was constructed both catering for persons with disabilities. The total cost of demolition of former toilet and construction of the new toilet was \$81,696, a savings of \$33,304. A fully compliant disabled toilet design single use is usually around \$40,000 for design, construction and commission. With the agreement of Nowra Culburra Beach Surf Life Saving the works should be achieved for the savings identified.

There is a savings on cleaning of two pans at the public amenity near Callala Beach Community Centre. No increase is proposed for cleaning costs. The public amenities near the Callala Beach Community Centre and the proposed public amenity for persons with disabilities near the Nowra Culburra Beach Surf club should incur no different maintenance costs than currently allocated. Thus operational costs should be cost neutral.

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## COMMUNITY ENGAGEMENT:

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

Consultation on this matter has occurred with the Nowra Culburra Beach Surf Lifesaving Club. It is proposed to place a notice to patrons at the site, update Council's public amenities webpage and to engage with surrounding neighbours.

### 8. Road Safety Concerns - Princes Highway Falls Creek and Tomerong

File 2013E, 7597E [Index](#)

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#### **SECTION MANAGER: Martin Uptis**

#### **PURPOSE:**

To inform Council about the recent spate of accidents on the Princes Highway between Falls Creek and Tomerong.

**RECOMMENDED, 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) **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**

#### **OPTIONS**

1. As recommended, receive the report for information and contact the Minister for Roads, Maritime and Freight and the Member for South Coast
2. Make some other recommendation

#### **DETAILS**

The table below summarises the recent accidents on the Princes Highway in the Falls Creek/Tomerong area.

Month	Fatality/Injury	Location
December 2015	1 fatality	South of Hawken Road
January 2016	1 serious injury	Island Point Rd
February 2016	1 serious injury	Log Cabin
February 2016	No injury	South of Hawken Road
February 2016	2 serious injuries	South of Hawken Road
February 2016	2 serious injuries	Jervis Bay Road

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The locations mentioned above have been regular accident “black spots” on the Princes Highway. The recent spate of accidents, however, is unusual but urgent investigations are needed and solutions implemented to minimise personal and community loss and suffering.

Roads and Maritimes Services (RMS) is the responsible authority for the Princes Highway. RMS should be urged to develop and implement road safety improvements as soon as practicable. Short term improvements, such as reduced speed limits, should be considered.

Council could consider seeking the support of the relevant State Minister and Member to advocate for safety improvements on the Princes Highway.

### **FINANCIAL IMPLICATIONS:**

There are no direct financial implications to Council but there are well-established economic costs associated with traffic accidents which are borne by those involved and the community at large.

Of more importance are the ‘intangibles’, such as the pain and suffering of accident victims and their friends and relatives. Every effort should be made to reduce the number of accidents on the road network.

### **COMMUNITY ENGAGEMENT:**

Community engagement is not applicable to this matter.

## **9. Tender Evaluation Process**

**File 5701E [Index](#)**

### **SECTION MANAGER: Peter Knill**

#### **PURPOSE:**

To report on Council’s current tender practices used in evaluation and reporting, prior to the award of contracts.

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

#### **DETAILS**

Council at its meeting on 16 February 2016 resolved (Minute MIN16.97) that



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*the General Manager (Director Assets & Works) present a report to the next Council Meeting outlining the history of this contract [Subloos] and the current tender practices used in evaluation and reporting.*

A separate report has been prepared on the history of the Subloos contract and can be found elsewhere in these Business Papers. This report details “the current tender practices used in the evaluation and reporting”, prior to the award of contracts.

### **Tendering practice**

The relevant legislation prescribing tendering practices are Section 55 of the Local Government Act 1993 and Part 7 of the Local Government (General) Regulation 2005. Supplementary details are included in the NSW Department of Local Government Tendering Guidelines for Local Government October 2009.

Clause 177(1) of the Regulation only states that “as soon as practicable after the tenders for a proposed contract have been opened, the council must assess the tenders.” No other requirements for assessment are stipulated.

Consequently, Council has adopted a widely-used, ‘best practice’ tender assessment and evaluation methodology which State and Federal governments prescribe for their major contracts. The framework is outlined in Council’s Tender Evaluation Policy (POL 13/20). The methodology is articulated in the Tender Evaluation Guideline. A summary of the methodology is as follows:

The appointed Project Manager assembles an appropriate Tender Evaluation Team (TET) and prepares tender documents for approval by the relevant Section Manager and Director prior to letting of the tender, and prepares a Tender Evaluation Plan (TEP) for approval by the relevant Section Manager and Director prior to closing of the tender. The Director is the Superintendent for the contract awarded as a result of the tender process.

The TEP contains:

- General information relating to the project and Tender;
- TET membership details;
- Mandatory criteria for a conforming Tender;
- Tender assessment criteria and weightings, and a rationale for their application;
- Tender evaluation methodology;
- Probity and confidentiality documents.

The assessment criteria (price and non-price) and their weightings are determined specifically for each tender, based on the nature of the work or service being sought.

# Tenderers are required to provide information including references, Work Health and Safety performance, relevant experience, resourcing, programming, insurances and financial capacity (including other Contracts in progress and bids for works not yet accepted). An excerpt of the tender document is attached as Attachment A to provide an indication of the detailed information requested.

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Should a tender be short-listed, Council may contact the tenderer's bank or financial institution to obtain information regarding the capacity of the tenderer to meet the financial commitments stated in their tender for the works, in addition to other concurrent financial commitments. This information is taken into consideration in the selection of the successful tender.

Each tender is evaluated and scored against the assessment criteria by the TET, a preferred tender is selected, and the Project Manager prepares the Tender Evaluation Report (TER), Ordinary and Confidential Reports for approval by the relevant Section Manager, Director and the General Manager.

### **Tender Statistics**

Council engages service providers in hundreds of diverse contracts concurrently in any year. However, a tender process is required to enter into a contract for provision of works, services or materials exceeding \$ 150,000 i.e. a 'tendered contract' for the purposes of this report.

Council has entered into on average 26 new tendered contracts per year over the last four completed financial years. Over the last ten years, four tendered contracts have encountered significant difficulties leading to either termination of the contract (two cases) or work being taken out of the contractor's hands (two cases) as a result of a either contractor's financial incapacity or poor workmanship or failure to provide goods or services within the contracted timeframe.

If it is assumed about 260 tendered contracts were entered into in the last 10 years, then the percentage of contracts experiencing "significant difficulties", i.e. four contracts in 260, is less than 2%.

### **Contractor Payments**

After contracts are awarded to the successful tenderer, the contract is administered through documents such as the General Conditions of Contract. These stipulate a range of requirements including how contractors are paid. The contractor must sign a Statutory Declaration (under the Oaths Act 1900) that both employees and sub-contractors have been paid, before Council will make payment to the contractor. Under the terms of the General Conditions of Contract, Council cannot make direct payments to employees or sub-contractors without the written agreement of the contractor. Also, Council cannot withhold payments to a contractor if there is no evidence that its Statutory Declaration is untruthful.

If employees and sub-contractors have not been paid, they have recourse, respectively, under the Industrial Relations Act 1996 and the Building and Construction Industry Security of Payment Act 1999. Council may only withhold payment to a contractor for money owed to a subcontractor if Council has been correctly served a Payment Withholding Request by the subcontractor. Withholding payment without a Payment Withholding Request will result in Council being in breach of contract.

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## **FINANCIAL IMPLICATIONS:**

The financial implications of contract non-performance would need to be assessed on a case-by-case basis, depending on the alternative service provision options prevailing at the time. However, apart from some additional administrative and 'delay' costs, financial implications are unlikely to be significant.

## **COMMUNITY ENGAGEMENT:**

Community engagement is not applicable to this matter.

### **10. Resolutions/Actions – Projects to be Completed**

**File 30977E [Index](#)**

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**SECTION MANAGER:** Michael Harben

#### **PURPOSE:**

# To provide Council with a listing of the most recent resolutions/actions from the Council Property Steering Committee (Attachment A).

**RECOMMENDED 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.**

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

### **11. Parkcare Plan - Bayswood**

**File 35254e [Index](#)**

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**SECTION MANAGER:** Tony Fraser

#### **PURPOSE:**

# To present for adoption one new Parkcare Action Plan (Attachment A) that has been prepared by the Parkcare Group and Council staff.

**RECOMMENDED, that Council:**

- a) **Adopts the Bayswood Parkcare Action Plan, and**
  - b) **Increases the Parkcare budget in FY 15/16 and subsequent years by \$400 to provide ongoing support for the new Parkcare Group.**
-

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## OPTIONS

1. As recommended (preferred option). The plans have been prepared in conjunction with the Bayswood Parkcare Group.
2. Council adopt the new Parkcare Group Action Plan with changes.

## DETAILS

Council currently has 49 Parkcare Groups registered under the Parkcare Program. The proposed Action Plan enables the Bayswood Parkcare Group to initiate activities in their area to maintain and improve local infrastructure that is important to both residents and tourists.

# Planned works by the Parkcare Group are outlined in the attached Action Plan.

## FINANCIAL IMPLICATIONS:

As with established procedure, an amount of \$400 would be added to the Parkcare support budget for the Bayswood Parkcare Group. The new group will become involved in the process of maintaining and upgrading a range of significant public spaces. This is occurring regardless of the formation of the Parkcare Group. The new group themselves have no particular financial implication.

## COMMUNITY ENGAGEMENT:

Community Engagement with the Parkcare Action Plan has been implemented.

12. **Acceptance of Funding – Duck Creek – Naval College Rd Worroing Heights - Bridges Renewal Program** **File 4347E, 3957E [Index](#)**
- 

**SECTION MANAGER: Martin Uptis**

### PURPOSE:

To accept a grant offer to replace the old timber bridge on Naval College Road Worroing Heights.

### 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**

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## DETAILS

Council has received a grant offer of \$750,000 to replace the ageing timber bridge over a tributary of Moona Moona Creek, known locally as "Duck Creek" on Naval College Road, Worroving Heights. The total project cost is estimated to be \$1,500,000.

## FINANCIAL IMPLICATIONS:

The grant requires Council to provide matching funds which would be available from the 2016/17 Roads to Recovery Program.

## COMMUNITY ENGAGEMENT:

Community engagement with respect to any traffic impacts will be undertaken prior to works commencing.

13. **Proposed Closure of Part Wattamolla Road, Wattamolla for Sale to Clarissa Watson and Consolidation with Lot 10 DP 1022301** File 43688E [Index](#)
- 

**SECTION MANAGER:** Michael Harben

## PURPOSE:

To seek Council resolution to close part of Wattamolla Road, Wattamolla which is surplus to requirements for sale to the adjoining owner Clarissa Watson and consolidate with her land comprised in Lot 10 DP1022301.

## # 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;**

## OPTIONS

1. Resolve as recommended.
2. Not resolve as recommended.

- 
3. Provide further direction to staff and propose an alternative.

## **DETAILS**

On Friday 26 October 2012 Council resolved (MIN12.1163) to make an application to the Minister administering the Roads Act 1993 to close a section of Wattamolla Road, Wattamolla (see blue hatching on Attachment "A"). Since this application was made Ms Watson has again approached Council to request an additional area of the road to be closed (see red hatching on Attachment "A") for consolidation with her adjoining land.

Council's Property Unit have contacted the Department of Primary Industries – Lands and have been advised that the additional area is able to be included in the original road closure application without any additional fees payable.

The Roads Act 1993 provides that the Minister may close a public road provided that Council agrees to such closure (Section 34). Upon successful closure of the road reserve the land remains vested in Council (Section 38).

The area of Wattamolla Road shown by red hatching on Attachment "A" is no longer required for road and can be closed under the Roads Act 1993 and sold to the owner of the adjoining land.

The proposal to close this road has been advertised and notified in accordance with the Roads Act 1993 and the DPI's current process. Council has received no submissions or objections to the proposed closure during the submission period. The adjoining landowner has received formal notification of the proposal and has provided her support for the application.

The land within the road proposed to be closed has been valued by Consultant Valuers Walsh & Monaghan on the basis of the land being consolidated with the adjoining land. The value of the land has been assessed at \$2,500.00 and this assessment has been accepted by Ms Watson.

## **FINANCIAL IMPLICATIONS:**

The subject area to be closed is no longer required for road.

If the road is closed and sold to the adjoining owner Council will receive compensation in the amount of \$2,500.00 excluding GST and all costs associated with this matter are to be met by the owner of the adjoining land Ms Clarissa Watson. The \$2,500.00 in sale proceeds will then be transferred to an appropriate reserve for use on future road projects in accordance with Section 43 of the Roads Act 1993.

## **COMMUNITY ENGAGEMENT:**

The road closure process requires public notification and advertising calling for submissions on the merits of the proposal by potentially affected landowners. This has

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been completed with the submission period closing on 10 February 2016, during this time no submissions or objections were received.

**14. Acquisition of land for Matron Porter Drive Shared Pathway File 51683E, 48363E [Index](#)**

**SECTION MANAGER:** Michael Harben

**PURPOSE:**

To seek Council approval to acquire part of Lot 2 DP1009573, known as 275A Matron Porter Dr Narrawallee, for the shared pathway along Matron Porter Drive which will provide improved road safety and accessibility to the Frogs Holla Sports fields, Milton town centre and Mollymook Beach.

**# RECOMMENDED that:**

- a) **Council resolve to acquire part of Lot 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.**

**OPTIONS**

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

**DETAILS**

Council's Traffic staff requested the Property Unit to commence the acquisition process for the land prior to constructing the works.

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# An offer of compensation for the land was made at an amount of \$9,500 as determined by valuers Walsh & Monaghan. The area of land identified for acquisition is 375.4m<sup>2</sup> and referred to in the plan (Attachment A).

The amount payable is subject to final determination of the area by survey. In addition to the compensation Council is also responsible for reimbursement of reasonable legal costs incurred plus any other associated costs deemed applicable.

The land owner has advised that this amount is acceptable. The claim is considered reasonable and recommended for approval.

### **FINANCIAL IMPLICATIONS:**

In accordance with the Land Acquisition (Just Terms compensation) Act 1991, Council is responsible for the land owner's reasonable legal and ancillary cost associated with the acquisition. These costs along with the compensation are to be funded from job no. 85583/39903.

Funding is available to acquire the land this financial year.

### **COMMUNITY ENGAGEMENT:**

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

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

R.D Pigg  
**GENERAL MANAGER**



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

**TUESDAY, 8 MARCH 2016**

**PLANNING AND DEVELOPMENT**

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

**15. Bherwerre Wetland (Larmer Ave) – Moving forward**

**File 47552e [Index](#)**

**SECTION MANAGER:** Kelie Lowe.

**PURPOSE:**

To report on the Community Steering Committee's progress and gain Council's endorsement to proceed with the public consultation phase for the wetland on Larmer Ave, Sanctuary Point.

**RECOMMENDED, 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.**

**OPTIONS**

- 1. Endorse recommendations as proposed. Allow the next stage of consultation to commence.
- 2. Request further information.
- 3. Alternative approach as endorsed by the Committee.

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## DETAILS

Following an initial meeting with the Bay and Basin Community Forum in 2015, a Community Steering Committee was established in August 2015 to look at what the community would like to see happen on Council land at Larmer Ave, Sanctuary Point. The Steering Committee was formed with the aim of coming up with an agreed 'management actions map' of infrastructure needs for the site for Council and community endorsement. The cost of infrastructure would be funded using a biobanking approach.

The steering committee is coordinated by Bay and Basin Community Resources. It is a productive committee which has representatives from Sanctuary Point Pride, Mens shed, Bendigo Bank, the Basin Villages Forum, Jervis Bay Tourism, Jervis Bay Arts, local schools and Disability Services. The committee is assisted by Council staff.

- # The steering committee has developed a proposed map of management actions (at **Attachment A**) for Council's endorsement. It is recommended that Council endorse the draft plan and allow consultation with the wider community for feedback and suggestions.

Given the history of the site, the Committee voted to refer to the site as the Bherwerre Wetland, this suggestion will also go out for community consultation. This is the title used on early surveying maps and also by the local traditional owners.

### Consultation and Engagement opportunities

Council intends to run several street stalls and put ads in the 'About Magazine' suggesting that people come along to a forum meeting to view the proposed use of the site. We also aim to run a social media campaign to encourage people to comment on the proposal.

Jervis Bay Arts have offered to help encourage community engagement by running a 'Reading the land' exhibition focused on the Bherwerre Wetland site. This would involve inviting 20 artists to walk the site and then develop interpretive works of art using the site as inspiration. This would then form the basis of an off-site exhibition. Council could have further information on the proposed use of the site at the exhibition. This is a great way to capture more feedback from our community about the proposal formed by the Steering Committee.

The BBCR have offered to build and erect some changeable panels along Lamer Ave (inside the site) potentially in collaboration with Vincentia High School. This is another opportunity to flag the intended use of the site with local residents that may not attend street stalls or information events. BBCR will do this at their own cost.

The level of community engagement and collective ideas is inspiring. The Steering Committee have also requested that the front fence along the road be repaired. It is unsightly and allows undesirable activities which directly conflict with the conservation outcomes sought by the community (e.g. trail biking). It is proposed that prior to any embellishment of the site that this be considered. Fixing this fence would demonstrate good will and recognition of the community's enthusiasm to make this a positive and useful area for the Sanctuary Point community.

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## **Listing of Biobanking credits on the Public Register**

The assessment of the natural values of the site to ascertain the number of biobanking credits that can be generated, is now complete. Biobanking credits can take some time to sell, so the steering committee is seeking Council's agreement to list them on the public register so that potential purchasers can contact Council in order to get more detail about the available credits. Listing the credits does not commit Council to selling them.

Importantly, Council can list the number of credits without a price. The credit price is based on the cost of planned infrastructure and management actions. Therefore, the price cannot be calculated until after the wider community has had a chance to comment.

### **FINANCIAL IMPLICATIONS:**

Cost of repairing a wire fence along Larmer Avenue. The entire fence is 255 meters. A basic fix can be undertaken and a more permanent solution can be funded through the biobanking agreement at a later date.

## **16. Scores on Doors Food Safety Program**

**File 7467e** [Index](#)

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**SECTION MANAGER: Kelie Lowe.**

### **PURPOSE:**

To inform Council of the progress of the 'Scores on Doors' Food Safety Program.

**RECOMMENDED, in accordance with the Committees delegated authority from Council, that Council continue to implement the Scores on Doors Food Safety Program.**

### **OPTIONS**

1. As recommended.
2. Council not continue the Scores on Doors Food Safety Program.
3. Other option as endorsed by the Committee.

### **DETAILS**

The "Scores on Doors" food safety program is a NSW Food Authority initiative aimed at informing the community of the food safety performance of retail food businesses.

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On 14 April 2015 Council resolved to:-

*Trial the “Scores on Doors” food safety program for a period of 6 – 12 months to determine resourcing implications upon Council and the success of the program.*

The program provides business owners with the option of displaying a certificate in the premises’ front window. The certificate has a score displaying either 3 stars (Good), 4 stars (Very Good) or 5 stars (Excellent). The score indicates the level of compliance with the requirements of the Food Act and the Food Standards Code. In circumstances where the food premise is unsatisfactory, no certificate (star rating) is issued. The scoring system only relates to food safety standards not food quality or service.

Implementation of the Scores on Doors program commenced in July 2015. Feedback from proprietors has been very positive with an overall willingness to participate. Comments from the community made to Council’s Food Safety officers in response to the program has also been encouraging, with a general perception that Council’s food inspection program is effective in achieving compliance with food regulation.

The majority of businesses appear to be proudly displaying their certificates albeit these are only businesses who have received a 4 or 5 star rating with very little, if any, 3 star certificates being displayed.

95% of food businesses qualified to receive a star rating. The following percentages are a breakdown of the star rating allocated:

48% Excellent – ★★★★★  
34% Very Good – ★★★★  
13% Good – ★★★

(Note: 5% were not issued a star rating due to non-compliance with food safety standards.)

The program has taken some time to set up including the allocation of certificates to all qualifying businesses. In comparison to previous years there has been a short fall in the number of inspections that have been carried out. This will result in lower income for the financial year in this area but also less impact on staff resources. This is not likely to continue into future years now that the program has been established.

Despite the impact on resources the “Scores on Doors” program is fostering greater competition among local food businesses in the Shoalhaven as the program becomes another factor for consumers to consider when deciding where to dine. It is anticipated that this program will also continue to raise the community’s awareness of Council’s role in ensuring safe food preparation and service within Shoalhaven food businesses.

Implementation of the program has been very successful, therefore it is recommended that Council continue the program.

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## FINANCIAL IMPLICATIONS:

The income generated by the food inspection program is likely to be reduced by approximately 11% this financial year as fewer inspections were completed during the establishment phase of the program as resources were redirected. It is expected that this is only a temporary setback and should not be repeated in future budgets now that the program is up and running.

Implementation of the program can be funded within the existing budget (15900).

## COMMUNITY ENGAGEMENT:

The 'Scores on Doors' food hygiene program gives the community knowledge of how a food premises is performing in relation to safe food production to and ultimately becomes another factor for consumers to consider when deciding where to dine.

### 17. **Generic Community Lands Plan of Management - Natural Areas No 7 - Proposed Amendment - Stormwater Discharge** **File 20861E, 51952E** [Index](#)

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**SECTION MANAGER: Kelie Lowe.**

#### PURPOSE:

To inform the Council of an appropriate pathway to allow provision for stormwater collected from private properties to be directed through community land - natural areas.

**RECOMMENDED, 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.**

#### OPTIONS

1. As recommended.

- 
2. Amend the proposed wording and place the draft amended plan of management and foreshore reserves policy on public exhibition for 28 days. Implications: any changes to the proposed wording must meet the core objectives applying to the land required by the Local Government Act.
  3. Other option as determined by the Committee.

## DETAILS

At its meeting of 10 November 2015 Council resolved to undertake a number of actions in relation to landslips in Berrara, Manyana and Mollymook Beach following the storm event of August 2015.

This report is in response to item e) of the abovementioned resolution as outlined below:

- e) *Council's involvement in remediation works be determined when full information is available on the works proposed and that Council involvement would likely to (sic) be limited to provision of construction access and permitting stormwater drainage over Council land, except where Council assets are at risk and need protection.*

This report:

1. Provides information about the requirements of the Local Government Act when amending plans of management;
2. Highlights circumstances under which Council might permit the discharge of stormwater collected on private property through community land; and
3. Suggests appropriate wording to be added to section 3.2.6 of the Plan of Management – Natural Areas and section 3.11 of the Foreshore Reserves Policy POL12/304.

## Plan of Management

The Plan of Management referred to is the [Generic Community Lands Plan of Management – Natural Areas](#). Council has generic Plans of Management for each category of Community Land in accordance with the *Local Government Act 1993 (LG Act)*:

- Parks;
- Sportsgrounds;
- General Community Use; and
- Natural Areas.

# The LG Act sets out core objectives to guide the management of the land. The sections from the LG Act that detail the objectives relevant to this discussion are provided at **Attachment 1**.

It is noted that stormwater collected from private properties and directed through reserves that are categorised as Natural Area might be problematic unless it can be clearly demonstrated that to do so would protect the natural area from erosion and conserve the biodiversity values of the land.

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To allow provision for stormwater collected from private properties to be directed through natural areas it would be necessary to amend the current plan of management by replacing it with a revised plan of management that expressly allows the activity but only in circumstances where:

- The site is within *Areas of cliff/slope Instability (5.1.2)* or *'other areas of potential coastal instability' (s 5.1.3)* identified in Chapter G6 in the Shoalhaven DCP 2014;
- The proposed development does not result in an increase in impervious surfaces on the development lot;
- Other options for stormwater disposal have been exhausted (e.g. charged system, use of stormwater pump); and
- The proponent is able to demonstrate that the discharge of collected stormwater from their property through the community land will meet the core objectives of the plan of management applying to the land.

### **Amendment Procedure**

# Council can amend plans of management at any time. Any amendment is regarded as another plan of management and so must be put on public exhibition (s40 LG Act). Council is not required to hold a public hearing when amending a plan of management unless the plan will re-categorise the land (s.40A LG Act). It is not proposed to re-categorise the land. The relevant sections of the LG Act are provided in **Attachment 2**.

Section 3.2.6 of the Plan of Management – Natural Areas is reproduced below with the most relevant paragraph highlighted.

#### **3.2.6 Erosion, Drainage & Maintenance of Water Quality**

*The protection of foreshore, riparian and coastal vegetation is vital in helping to reduce erosion and improve water quality. Foreshore vegetation acts as a soil stabiliser that reduces the impacts of erosion. Riparian vegetation not only stabilises the soil to prevent erosion, but also helps to slow the velocity of water so that sediment is deposited along the length of the watercourse, rather than at its point of entry into a larger water body.*

*Stormwater drains discharging into Natural Areas and streams flowing through Natural Areas often carry high levels of nutrients and fertilisers, as well as other pollutants such as herbicides and pesticides. High nutrient levels favour weed species over native species and are partially responsible for the degradation of Natural Areas. Stormwater discharge and eroded channels also carry high sediment loads that impact on water quality.*

*Wherever possible, action will be taken to slow the flow of water in a watercourse rather than channelling water as quickly as possible away from an area. This applies to the length of a channel as well as the end of a piped watercourse.*

***Low impact solutions to the problems of stormwater runoff and erosion and the maintenance of water quality will be given precedence over high impact engineering solutions for their aesthetic, economic and environmental rationale. However, more engineered erosion control measures may also be***

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***necessary in some instances. High impact solutions will only be used after a thorough assessment of environmental impacts.***

To allow for a merit based assessment of applications that propose directing stormwater collected from the proponent's property through a natural area it is recommended that the last sentence of section 3.2.6 be deleted and the following paragraph be added.

*High impact solutions will be considered in circumstances where:*

- *The site is within Areas of cliff/slope Instability (5.1.2) or 'other areas of potential coastal instability' (s 5.1.3) identified in Chapter G6 in the Shoalhaven DCP 2014;*
- *The proposed development will not result in an increase in geotechnical risk;*
- *Other options for stormwater disposal have been exhausted (e.g. charged system, use of stormwater pump); and*
- *The proponent is able to demonstrate that the discharge of collected stormwater from their property through the community land will not compromise the core objectives of the plan of management applying to the land.*

### **Foreshore Reserves Policy**

# This Council policy provides guidance in relation to specific issues that affect foreshore reserves. Section 3.11 'Stormwater' includes a statement regarding inter-allotment drainage and easements for the carriage of stormwater (see **Appendix 3**). It is proposed to amend this section by replacing the last three sentences with the following statement.

*Stormwater from adjoining residences should be managed via inter-allotment drainage and discharged directly into a stormwater facility of Council (pit, drain, channel, pipe etc.). High impact solutions will be considered in circumstances where:*

- *The site is within Areas of cliff/slope Instability (5.1.2) or 'other areas of potential coastal instability' (s 5.1.3) identified in Chapter G6 in the Shoalhaven DCP 2014;*
- *The proposed development will not result in an increase geotechnical risk;*
- *Other options for stormwater disposal have been exhausted (e.g. charged system, use of stormwater pump); and*
- *The proponent is able to demonstrate that the discharge of collected stormwater from their property through the community land will meet the core objectives of the plan of management applying to the land.*

The Policy Statement for this section should be amended to read:

*Stormwater from adjoining residences should be managed via inter-allotment drainage and discharged directly into a stormwater facility of Council (pit, drain, channel, pipe etc.). High impact solutions will be considered on a case by case basis.*



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**FINANCIAL IMPLICATIONS:**

The preparation and exhibition of the draft amended community lands plan of management – natural areas and the Foreshore Reserves Policy can be accommodated within existing budgets.

**COMMUNITY ENGAGEMENT:**

Council is required by Section 40 of the Local Government Act 1993 to place on public exhibition draft amended Community Land Plans of Management for a period of 28 days.

Tim Fletcher

**DIRECTOR, PLANNING AND DEVELOPMENT SERVICES**

R.D Pigg

**GENERAL MANAGER**

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**REPORT OF GENERAL MANAGER**

**STRATEGY & ASSETS COMMITTEE**

**TUESDAY, 8 MARCH 2016**

**SHOALHAVEN WATER**

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

18. **REF Determination - Sewer Rising Main 23 Augmentation & Extension, Cambewarra Road and Lyndhurst Drive, Bomaderry** **File 47937E/2 [Index](#)**
- 

**SECTION MANAGER: Robert Horner.**

**PURPOSE:**

The purpose of this report is to seek Council's concurrence to proceed with tendering for the construction of the in accordance with the recommendations from the Review of Environmental Factors (REF).

**RECOMMENDED that, in accordance with the Committee's Delegated Authority:**

- 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 Etrick 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.**

**OPTIONS**

- 1. Adopt the recommendation
- 2. Council could choose not to accept the mitigation measures contained in the Review of Environmental Factors and require additional control measures to be incorporated or further studies undertaken. This is not recommended as flora and fauna experts, community stakeholders and government departments have already been consulted and their comments have already been included in the document.

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## **DETAILS**

### ***Introduction:***

A Review of Environmental Factors (REF) has been undertaken for proposed works to extend and augment sewer rising main No. 23 along Cambewarra Road and Lyndhurst Drive, including gravity sewer line interconnection at Etrick Close, Bomaderry. Council is requested to determine whether construction of the proposed works can proceed in accordance with the mitigation measures recommended in the REF.

### ***Background:***

The Sewer Servicing Strategy by GHD 2013 identified potential overflow issues within particular gravity mains in Bomaderry. As a means to minimise the risk one of the recommendations was to extend and augment sewer rising main No. 23. This rising main transports sewage from Cambewarra to the Bomaderry system. It is proposed to extend the rising main and reconnect it to the gravity sewerage system at a location with greater capacity. The proposed works along Cambewarra Road also considers future sewerage works as outlined in the strategy, ie to support the Nowra/Bomaderry Urban Release Areas.

The environmental impacts of constructing this sewage rising main and gravity main interconnection works is the subject of the REF now being presented to Council for determination.

### ***Review of Environmental Factors:***

An environmental assessment of the proposed alignment of the extend and augment sewer rising main No. 23 along Cambewarra Road and Lyndhurst Drive, including gravity sewer line interconnection at Etrick Close was undertaken by Shoalhaven Water and an REF has been prepared. Details of the assessment are included in "Review of Environmental Factors – Rising Main 23 Bomaderry Extension/augmentation Project, December 2015".

This document was placed on public exhibition from 13th January to the 3<sup>rd</sup> February 2016, during which time Council requested public submissions. The REF was available for viewing at Council's Administration Centres at Nowra and Ulladulla or by download from Council's website. Residents likely to be affected by the construction works were identified and they were sent a letter advising them of the exhibition period and encouraging them to respond with any environmental concerns they may have had with the proposal. A letter was also sent to the following government departments seeking comment:

- NSW Environment Protection Authority
- NSW Office of Environment and Heritage
- NSW Department of Education
- Shoalhaven City Council

By the close of the submission period Council had received only two general inquiries from the community. In both cases a response was provided advising that the project would not directly impact on each property.

Council received no response from the above government departments.

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# A copy of the REF can be found in the attachment folder.

# A map showing the location of the sewer rising main and gravity main is also in the attachment folder.

The REF concludes:

- “1. *It is unlikely that there will be any significant environmental impact as a result of the proposed work.*
2. *The proposed safeguards identified in the report shall be adopted and implemented.*
3. *An environmental Impact Statement is not required for the proposed works.*
4. *The proposed activity is not likely to significantly affect threatened species, populations or ecological communities, or their habitat and a Species Impact Statement is not required.*
5. *No additional NSW statutory approvals, licences, permits or concurrences are required.”*

It is therefore recommended that Council proceed with the proposal in accordance with the mitigation measures and controls outlined in the REF.

It is intended that these works will be carried out under contract utilising the Mains Construction Program Panel resolved by Council at its Ordinary Meeting on 16<sup>th</sup> December 2014 (MIN14.974.C).

#### **FINANCIAL IMPLICATIONS:**

Sufficient funds have been allocated in the Wastewater fund capital budget for 2015/16 and 2016/17 for the project. It is anticipated that contract management will be done through PPME partnership Shoalhaven Water has with GHD with daily site inspections to be undertaken by Shoalhaven Water nominated construction inspectors.

It is proposed to complete construction of the project in 2016/17 financial year.

#### **COMMUNITY ENGAGEMENT:**

All properties adjacent to the proposed work have been notified including Council in regard to the sporting facilities and NSW Department of Education in regard to Bomaderry High School and Bomaderry Public School.

As previously described in this report extensive community consultation with regard to environmental impacts have been undertaken during the preparation of the REF. Recommended environmental control measures from the REF will be incorporated into the tender specifications.

It will also be a further requirement of the tender to provide ongoing community consultation as required during the construction phase of the works.

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## CONCLUSION:

Shoalhaven Water have undertaken a comprehensive Review of Environmental Factors associated with the proposal to extend and augment sewer rising main No. 23 along Cambewarra Road and Lyndhurst Drive, including gravity sewer line interconnection at Etrick Close, Bomaderry and seek resolution from Council to proceed with the construction of the works in accordance with the mitigation and control measures identified in the REF for these works.

## 19. **Tenders - Minor Mains Replacement Panel - Construction Package 4A** [File 52673E](#) [Index](#)

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**SECTION MANAGER: Robert Horner.**

### PURPOSE:

To inform Council of the tender process in relation to the appointment of a construction contractor for Construction Package 4A 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 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. Award the contract as recommended.
2. Council could choose not to accept the recommendation, and select a different contractor, giving reasons. This is not recommended as an extensive tender evaluation, comprising price and non-price criteria, has been undertaken in accordance with a Tender Evaluation Plan.
3. Council could elect to accept no tender and negotiate with any other person. This is not recommended as an extensive tender evaluation, comprising price and non-price criteria, has been undertaken in accordance with a Tender Evaluation Plan.

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## 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.

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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 consists of jobs 152 to 160 within the Minor Mains Replacement Programme. It comprises water main replacements at the following locations within the Shoalhaven City Council area.

1. Chebec Close, Bomaderry
2. Crosby Place, Bomaderry
3. Farrelly Place, Bomaderry
4. Melaleuca Place, Bomaderry
5. Shanklin Close, Bomaderry
6. Wasdale Place, Bomaderry
7. Wilari Close, Bomaderry, and
8. Peachey Close, Bomaderry

***Tender Process:***

Tenders were invited from all contractors on the Panel on 27 January 2016 for the construction of Design Package 4A. 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.

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Tenders closed at 10am on 17 February 2016 with a total of five (5) conforming tenders received by the deadline from the contractors shown below:

- Hisway Pty Ltd
- Ledonne Constructions Pty Ltd
- Pipe Replacement Solutions
- UEA Pty Ltd
- EL Civil Engineering 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 June 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.



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

### **20. Acquisition of Easement for Water Supply at Yatte Yattah**

File 52283E [Index](#)

**SECTION MANAGER: Robert Horner.**

#### **PURPOSE:**

This report is submitted to seek Council approval to acquire an Easement for Water Supply 3 metres wide over Lot 1 DP725956 and Lot 1 DP725957 at 172B&C Pointer Road Yatte Yattah from VR & KR Smith for a water pipeline replacement project.

#### **# 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.**

#### **OPTIONS**

1. Resolve as recommended. Acquisition of the easement is urgently required for construction purposes.
2. Not resolve as recommended and provide further directions to staff.

#### **DETAILS:**

The proposed easement is required for construction of a replacement water main. The easement has been positioned adjoining a side boundary to minimise the effect on the property.

A valuation undertaken on behalf of Council by Walsh & Monaghan Pty Ltd has assessed compensation for the easement at \$5,000. By letter dated 7 January 2016 Council submitted an offer at that amount plus reasonable legal costs.

The land owners have advised that the offer is agreed, subject to restoration works following construction. The restoration works are acceptable to Shoalhaven Water.

The agreed compensation is based on an estimated area for the easement of 990 sq metres. If necessary, the compensation is to be adjusted in accordance with the area determined by final survey.

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## **FINANCIAL IMPLICATIONS:**

The compensation and reasonable costs associated with the acquisition are to be funded from Council's Water Fund.

## **COMMUNITY ENGAGEMENT:**

The compensation and reasonable costs associated with the acquisition are to be funded from Council's Water Fund.

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## **21. Acquisition of Easement for Water Supply at Yatte Yattah File 51721E [Index](#)**

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**SECTION MANAGER: Robert Horner.**

### **PURPOSE:**

This report is submitted to seek Council approval to acquire an Easement for Water Supply 3 metres wide over Lot 20 DP33436 at 188 Pointer Road Yatte Yattah from RW & HA Kingwell for a water pipeline replacement project.

### **# 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.**

### **OPTIONS**

1. Resolve as recommended. Acquisition of the easement is urgently required for construction purposes.
2. Not resolve as recommended and provide further directions to staff.

### **DETAILS:**

The proposed easement is required for construction of a replacement water main. The easement has been positioned within a right of way clear of the access road to minimise the effect on the property.

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A valuation undertaken on behalf of Council by Walsh & Monaghan Pty Ltd has assessed compensation for the easement at \$5,000. By letter dated 7 January 2016 Council submitted an offer at that amount plus reasonable legal costs.

The land owners have advised that the offer is agreed, subject to undertakings associated with construction of the pipeline. The undertakings requested are acceptable to Shoalhaven Water.

The agreed compensation is based on an estimated area for the easement of 1150 sq metres. If necessary, the compensation is to be adjusted in accordance with the area determined by final survey.

#### **FINANCIAL IMPLICATIONS:**

The compensation and reasonable costs associated with the acquisition are to be funded from Council's Water Fund.

#### **COMMUNITY ENGAGEMENT:**

Creation of the easement is necessary to secure Shoalhaven Water's access for the operation and maintenance of essential public infrastructure. The proposed action is administrative and has no environmental impact.

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

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**SECTION MANAGER: Robert Horner.**

#### **PURPOSE:**

Council is in receipt of an application for connection of a rural zoned property (Lot 287 DP 751273, 3 Rock Hill Rd) to its sewerage system. Being zoned rural, such a request must be considered by the Council following assessment under its Rural Wastewater Connection Policy.

**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.**

#### **OPTIONS**

1. Adopt the recommendation.
2. Council could choose not to permit the property to connect to the town sewerage system and require the property owner to install an on-site sewage management system as previously approved under DA15/2244.

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## DETAILS

### ***Introduction:***

Application has been received from the owner of No. 3 Rock Hill Rd, North Nowra requesting connection of the proposed development to the nearby town sewerage system.

# The correspondence is in the attachment folder for Council's reference.

The property is zoned RU2 (Rural Landscape) and as such assessment is required in accordance with Council's Rural Wastewater Connection Policy (POL16/26). Approval to connect, in this circumstance, must be by resolution of Council.

Council is therefore requested to consider this application and determine if connection to its sewerage system, by way of pressure sewer, is granted.

### ***Background:***

The subject property is located adjacent to the existing urban area in North Nowra. Should the property be approved for connection to Council's sewerage system it would include an extension of approximately 75metres of approximately 50mm diameter pipe.

# A schematic indicating the possible pipeline route and connection to the existing sewer is in the Attachment folder.

Under DA15/1877 (approved 5 August 2015) the proponent(s) received development consent to demolish an existing residential dwelling and other sheds and construct a new dwelling, shed and effluent disposal area.

Under DA15/2244 (approved 29 October 2015), development consent was granted for construction of a new dwelling, shed, driveway, pool, effluent disposal system and landscaping.

### ***Assessment under the Rural Wastewater Connection Policy:***

Council's policy provides for rural zoned properties to connect to the town sewerage system subject to compliance with Section 3.2 *Criteria For Determination of an Application for a Rural Property to Connect to Council's Sewerage System*, which states:

*"Connection to Council's sewerage system will only be made available to rural properties upon written application in the following circumstances:*

- *Where capacity exists in the existing system, and*
- *Where the current levels of service can be provided, and*
- *Where the property is paying the wastewater availability charge.*

*Properties not paying the wastewater availability charge will only be considered for connection to Council's sewerage system if it is not possible to manage wastewater by on site treatment. Approval in this situation is subject to Council resolution."*

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Assessment in accordance with each of these criterion is outlined below:

*1. Where capacity exists in the existing system*

The proposed development is a single residential dwelling with shed and pool. The sewerage system does have capacity to take on this proposed development.

*2. Where the current levels of service can be provided,*

A gravity connection is not possible as the subject property drains away from the existing gravity sewer system. The property can be serviced by pressure sewer compliant with current levels of service.

*3. Where the property is paying the wastewater availability charge.*

The property does not pay the wastewater availability charge.

*4. Properties not paying the wastewater availability charge will only be considered for connection to Council's sewerage system if it is not possible to manage wastewater by on site treatment. Approval in this situation is subject to Council resolution.*

As part of DA15/2244 the applicant submitted a report for on-site waste management "*Site and Soil Investigation for on-site Wastewater Management, 15 July 2015*" by Harris Environmental Consulting.

In summary the report recommends:

- *Install Aerated Wastewater Treatment System to treat wastewater from the proposed residence;*
- *Install 48m<sup>2</sup> soil absorption bed (THREE 1.1m x 14.5m) at the location shown on the site plan and installed in accordance with this report.*

Approval for the on-site wastewater management system was granted under DA15/2244 (refer to Part F of the consent).

The land in question can support an on-site wastewater management system, though the site does appear relatively congested.

***Sewerage Works Required:***

In order to connect the property to Council's sewerage system by way of pressure sewer, a main (approximately 50mm diameter) will need to be designed, approved and constructed from manhole 18AK/4 located at the rear of 12 Rock Hill Road, extending to the subject property. The design will also need to incorporate the on-site pressure sewer unit, boundary kit and control panel.

Negotiation will be required between the owner of the subject property and the owner of 12 Rock Hill Road for access to connect to the existing sewer manhole.

The subject property is connected to Council's town water supply.

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## **FINANCIAL IMPLICATIONS:**

There is no negative financial implication to council.

If approval is granted Council would benefit by way of the annual sewer availability charge (\$772.00 for 2015/16).

The development will be levied the Section 64 (Sewerage Service) Charge by way of a condition under the Shoalhaven Water Development Application Notice. The development would be levied based on a minimum of one equivalent tenement loading. After applying Council resolution MIN13.864 the amount payable would be \$2,084.75 (2015/16).

The developer would also be required to pay the full cost for a simplex pressure sewer unit. The minimum cost per Council's Fees and Charges is \$8,480.00 (2015/16).

The developer will also be required to construct a pressure sewer main from 3 Rock Hill Rd to manhole 18AK/4 including internal manhole works at their full cost.

## **COMMUNITY ENGAGEMENT:**

No community engagement is required.

## **CONCLUSION:**

Following a representation from the owner of 3 Rock Hill Road to connect to Council's sewer system Shoalhaven Water has undertaken an assessment in accordance with Council's Rural Wastewater Connection Policy.

The results of that assessment indicate the application satisfies three of the four criteria.

The applicant is aware of the cost implications of the request and has indicated willingness to meet the costs in accordance with policy.

Given the connection of the property to Council's sewer is a relatively simple one, staff are recommending that Council support the property owner's request.

C Krogh  
**DIRECTOR SHOALHAVEN WATER**

R D Pigg  
**GENERAL MANAGER**

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**NOTICES OF MOTION**  
**STRATEGY AND ASSETS COMMITTEE**  
**TUESDAY, 8 MARCH, 2016**

**23. Shoalhaven & Kiama Merger Proposal**

**File 52579E [Index](#)**

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

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;**
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 merger proposal without any qualifications.**

Signed  
Clr Guile  
Clr Findley  
Clr McCrudden  
Clr Watson  
Clr Kitchener

**24. Kidgeeridge Music Festival 2016 - Milton**

**File 14500E [Index](#)**

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

**Recommended 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.**
- b) **Write to the Event organisers advising the reduction in fees for 2016 is a once off.**

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Background:

The Kidgeeridge Festival event has been a local community event for over 10 years being held, until last year, at the event organiser's private property at Fisherman's Paradise. When the event was held at the private property there were complaints from nearby residents who objected to the event, even though the event complied with all DA conditions.

Over time the Festival has grown and it was suggested to the organisers that the location at Fisherman's Paradise was becoming difficult and they should consider moving to Milton Showground. Last year the event was moved to Milton Showground and there were teething problems with the first event at the Showground with additional costs were incurred by the organisers and paid by them personally.

A request has been made by the organisers for a reduction in the fees for this year to ensure the event is successful and ongoing in future years and additionally to be in line with other community organisations holding community events such as Rely for Life and Milton Show. The current fees are \$4,550 and the reduction requested is \$2,000.

The organisers have acknowledged that Council has made a contribution to this year's event and allowed additional hire days at no charge.

The organisers work tirelessly for this event, that is run on the basis of Not for Profit and they know the event directly benefits the people of this community. Kidgeeridge has been going for 10 years, and has a history of directly giving back \$200,000 to the community from the event. The organisers only use local staff and local companies which ensures that the local businesses get some benefit from the event. All recipients of the proceeds, be it sporting clubs or charities, take their donation straight back to their local organisation. The organisers are committed to improve tourism in the local area and believe strongly in the future growth of the event.

It has been discussed with the organisers that the event will need to become self-sustainable in future years and they may need to review their budgets and community donations in future years.

I request Councillors to support the request for a reduction in hire fees for this year.

Signed  
Clr White



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## **CONFIDENTIAL BUSINESS PAPER AGENDA**

### **SHOALHAVEN WATER**

#### **1. Tenders - Minor Mains Replacement Panel - Construction Package 4A**

**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.