

SHOALHAVEN CITY COUNCIL

STRATEGY AND ASSETS COMMITTEE

To be held on Tuesday, 19 July, 2016
Commencing at 4.00 pm

13 July, 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, 19 July, 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**
 - Corporate and Community Services
 - Assets and Works
 - 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, 14 JUNE 2016 IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 4.00PM

The following members were present:

Clr Wells - Chairperson
Clr Tribe – left 5.36pm, returned 5.38pm
Clr Robertson
Clr Kearney – left 5.58pm
Clr Anstiss
Clr White
Clr Gash – left 5.36pm, returned 5.40pm
Clr Baptist
Clr Findley
Clr Guile – arrived 4.02pm
Clr Watson
Clr Kitchener
Russ Pigg – General Manager

Apologies/Leave of absence:

Clr McCrudden has been granted a Leave of Absence for June 2016.

1. Confirmation of the Minutes of the Strategy and Assets Committee meeting held on Tuesday 10 May 2016

MOTION:

Moved: White / Second: Baptist

(MIN16.452) RESOLVED that the Minutes of the Strategy and Assets Committee meeting held on Tuesday 10 May 2016 be confirmed.

CARRIED

2. Deputations

Note: Clr Guile arrived at the meeting.

Anne Norton and Diana Perkins addressed the Committee in relation to Addendum Report 2 – regarding storm damage at the foreshore Currarong

3. Procedural Motion – Introduction of Addendums and Bring Item forward

MOTION:

Moved: Robertson / Second: White

That the Addendum Reports be introduced as a matter of urgency and Addendum Report 2 be brought forward for consideration.

CARRIED

ADDENDUM REPORT 2 – GENERAL MANAGER

4. June 2016 Storm Event Response

File 53449E

MOTION:

Moved: Watson / Second: Guile

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

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

AMENDMENT:

Moved: Findley / Second: White

(MIN16.453) RESOLVED, in accordance with the Committee's delegated authority from Council, that the Committee:

- a) Receive the report for information;
- b) Thank all staff involved in the response and recovery operations relating to the flooding event for their efforts and support;
- c) Thank the Federal & State Governments for a speedy declaration as a Natural Disaster;
- d) Make further representations to seek government funding for restoration works in natural areas and recreation areas, and to have Council "ordinary" hours costs recognised as legitimate claimable expenses to facilitate timely response and repairs, and make requests to the Federal and State Government to secure an ongoing funding source such as National Levy for environmental damage sustained during natural disasters
- e) Seek a further report on a priority list of "unfunded" works to be submitted to Council for consideration;
- f) Council seek urgent agreement from the State Government for funding for protection works for Warrain Beach Currarong, which will include funding for short and long term action.

AMENDMENT CARRIED

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

AGAINST: Robertson, Guile, Watson, Kitchener and Russ Pigg

GENERAL MANAGER

5. Joint Organisation (JO) File 50403E

MOTION: Moved: Wells / Second: Baptist

(MIN16.454) RESOLVED that in accordance with the Committee's delegated authority from Council, the Committee note the report and endorse the decisions of the Illawarra Pilot Joint Organisation being:

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

CARRIED

CORPORATE AND COMMUNITY SERVICES

6. Request for Donation File 4771E

MOTION: Moved: White / Second: Findley

RECOMMENDED that the General Manager (Corporate and Community Services) meet with representatives of the Milton Theatre Management Committee and the Milton Follies to discuss the affordability of fees charged to the Milton Follies and report back to Council should a donation still be required.

CARRIED

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

AGAINST: Guile, Watson, Kitchener

ASSETS AND WORKS

7. Lease of former VIC to NSW Electoral Commission File 50512E

MOTION: Moved: Gash / Second: Wells

(MIN16.455) RESOLVED, in accordance with the Committee's delegated authority from Council that the Committee enter into a lease with the NSW Electoral Commission for a period of 13 weeks commencing 1 July 2016 for a rental amount of \$8,250 inclusive of rent, outgoings and GST. The General Manager be authorised to sign any documentation necessary to give effect to the resolution.

CARRIED

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

AGAINST: Findley, Guile, Watson, Kitchener

8. 2015/16 Grant Funding Variations – Blackspot – Active Transport
File 28099E; 5279E; 49683E; 49451E

MOTION: Moved: Findley / Second: Guile

RECOMMENDED that Council:

- a) Accepts the approved variations including time extensions and revised grant funding offers under the Federal Nation Building Blackspot Program as follows:
 - i) Naval College Road project, increasing the budget from \$1.5 Million to \$2 Million, and revising the funding provision (breakdown over each consecutive financial year period) as; \$30,000 in 2014/15, \$140,000 in 2015/16, and \$1,830,000 in 2016/17; votes funds and authorises adjustments to the budget
 - ii) Yalwal Road project, increasing the budget from \$60,000 to \$75,000; votes funds and authorises adjustments to the budget
 - iii) for the Flinders Road projects, revising the funding provision (breakdown over each consecutive financial year period) as; \$30,000 in 2014/15, \$200,000 in 2015/16, and \$570,000 in 2016/17 (no change to the approved total \$800,000); votes funds and authorises adjustments to the budget
 - iv) Turpentine Road project (from CH8.565 to CH10.020) revising the funding provision (breakdown over each consecutive financial year period) as; \$6,000 in 2014/15, \$320,000 in 2015/16, and \$434,000 in 2016/17 (no change to the approved total \$760,000); votes funds and authorises adjustments to the budget
- b) Accepts variations to Council's budget consistent with the remaining variations to be approved under the Federal Nation Building Blackspot Program as follows:
 - i) The Springs Road project, revising the funding provision (breakdown over each consecutive financial year period) as; \$30,000 in 2014/15, \$80,000 in

-
- 2015/16, and \$110,000 in 2016/17; votes funds and authorises adjustments to the budget
- ii) Sussex Inlet Road project, revising the funding provision (breakdown over each consecutive financial year period) as; \$30,000 in 2014/15, \$170,000 in 2015/16, and \$450,000 in 2016/17; votes funds and authorises adjustments to the budget
 - iii) Lake Conjola Entrance Road project, revising the funding provision (breakdown over each consecutive financial year period) as; \$30,000 in 2014/15, \$40,000 in 2015/16, and \$380,000 in 2016/17; votes funds and authorises adjustments to the budget; and if unsuccessful in entering into a contract undertakes works in-house
- c) Accepts the change to the funding source for the Flinders Road project from the NSW Government, and accepts the variation approved under the NSW Rural and Regional Road Fund (RRRF) including the revised funding provision (breakdown over each consecutive financial year period) as \$100,000 in 2015/16, and \$3 Million in 2016/17 (no change to the total grant originally approved under the NSW Fixing Country Roads program of \$3,100,000) and authorises adjustments to the budget
 - d) Accepts the variation approved under the Federal Government's Heavy Vehicle Safety and Productivity (HVSPP) Program including the revised funding provision, being all \$2,950,000 funds originally approved in 2015/16 now approved to be provided in 2016/17, and authorises adjustments to the budget
 - e) Accepts the grant funding offer by NSW Roads and Maritime Services of \$22,372.50 under the TRACKS modelling program, being 50% of the cost of an independent peer review of the recently developed TRACKS (traffic and transportation) models, and authorises expenditure
 - f) Accepts the grant funding offer by NSW Government under the NSW Government's Active Transport Program of \$15,000 (being 49% of the cost of kerb ramp improvements at five locations, approved for 2016/17, brought forward to 2015/16, and authorises expenditure
 - g) Accepts the variation approved under the NSW Government's Active Transport Program for the 2015/16 stage of the Matron Porter Drive shared user path project (formerly approved from Garrads Lane to Sungrove Lane), to accept the completed works to the Frogs Holla Sports Fields access, the grant funding provided in 2015/16 be increased to \$245,000, and authorises adjustments to the budget
 - h) Accepts the funding offer under the NSW Government's Active Transport Program for the 2016/17 stage of the Matron Porter Drive shared user path project (formerly approved from Sungrove Lane to Garside Road), to now also include the section from Frogs Holla Sports Fields access to Sungrove Lane, the grant funding approved in 2016/17 be increased to \$200,000, and authorises adjustments to the budget

CARRIED

9. Acquisition of Land for Matron Porter Drive Shared Pathway File 51477E, 48363e

MOTION: Moved: Findley / Second: Baptist

RECOMMENDED that:

- a) Council resolve to acquire part of Lot 21 DP1174684, known as 8 The Heights Narrawallee, as shown by hatching on copy of sketch plan marked Attachment 'A';
- b) Council pay compensation of \$70,000 plus GST (based on the area of 3,961m²), legal and valuation costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;
- c) The compensation be adjusted in accordance with the area of the land determined by final survey;
- d) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manger is authorised to sign any documentation necessary to give effect to the resolution; and
- e) Following acquisition, the land be dedicated as Public Road pursuant to Section 10 of the Roads Act 1993.

CARRIED

10. Greenwell Point Wharf Management Committee – Timber Jetty File 5219E, 9818E

MOTION: Moved: Watson / Second: Guile

RECOMMENDED that:

- a) The Greenwell Point Wharf Committee be dissolved;
- b) Council write to the Committee and thank them;
- c) Council prepare options for the replacement of the timber jetty with a multi-purpose facility (public and commercial) at an estimated cost of \$200,000. To be located approximately where the existing Council owned timber wharf is located, with preferred option being a floating pontoon with a sewage pump out facility and the community be consulted after the draft options have been adopted by Council;
- d) The Council Waterways Infrastructure Plan to be amended to include this pontoon facility as a priority at this location and an application for funding be made to the State Government at the appropriate time.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, White, Gash, Baptist, Guile, Watson, Wells

AGAINST: Findley, Kitchener and Russ Pigg

PLANNING AND DEVELOPMENT

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

MOTION: Moved: White / Second: Gash

(MIN16.456) RESOLVED in accordance with the Committee's delegated authority from Council, that Council:

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

CARRIED

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

Clr Tribe left the meeting.

MOTION: Moved: White / Second: Kitchener

(MIN16.457) RESOLVED, in accordance with the Committee's delegated authority from Council, that this matter and any further actions be deferred pending further discussions with the Hon Shelley Hancock MP Member for South Coast and Department of Fisheries and Council.

CARRIED

FOR: Robertson, Kearney, Anstiss, White, Gash, Baptist, Guile, Watson, Kitchener, Wells and Russ Pigg

AGAINST: Findley

SHOALHAVEN WATER

13. Ozwater Conference 2016 File 3989E

Clr Tribe was absent from the meeting.

Clr Gash left the meeting.

MOTION: Moved: Robertson / Second: Kearney

(MIN16.458) RESOLVED, in accordance with the Committee's delegated authority from Council, that the report regarding the Ozwater 2016 Conference held in Melbourne from 10-12 May be received for information.

CARRIED

14. Submission to the NSW Parliament Legislative Council Inquiry Into Water Augmentation File 5185E

Clr Tribe returned to the meeting.

Clr Gash was absent from the meeting.

MOTION: Moved: Watson/ Second: White

(MIN16.459) RESOLVED, in accordance with the Committee's delegated authority from Council, that Council provide the attached submission to the upper House Inquiry.

CARRIED

15. Customer Survey - Shoalhaven Water File 1851E

Clr Gash was absent from the meeting.

MOTION: Moved: Guile / Second: Baptist

(MIN16.460) RESOLVED, in accordance with the Committee's delegated authority from Council, that the information in this report be noted.

CARRIED

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

Clr Gash was absent from the meeting.

Clr Anstiss left the meeting.

MOTION: Moved: Robertson / Second: Kearney

(MIN16.461) RESOLVED, in accordance with the Committee's delegated authority from Council, that the report be received for information.

CARRIED

17. Triple Bottom Line (TBL) Performance Reporting 2014-2015 File 28864E

Clrs Gash and Anstiss were absent from the meeting.

MOTION: Moved: Wells / Second: Tribe

(MIN16.462) RESOLVED, in accordance with the Committee's delegated authority from Council, that the information in this report be noted.

CARRIED

18. Acquisition of Crown Land and Easement over Crown Land at Ulladulla File 21687E

Clr Gash returned to the meeting.

Clr Anstiss was absent from the meeting.

MOTION: Moved: Wells / Second: Baptist

RECOMMENDED that:

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

-
- d) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CARRIED

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

Clr Anstiss returned to the meeting.

MOTION: Moved: Baptist / Second: Tribe

RECOMMENDED that:

- a) Council resolve to acquire proposed Lot 100 in plan of subdivision, being part of Lot 682 DP568678 and part of Lot 705 DP613881, at Manyana as shown by hatching on plan marked 'Attachment A', under the Local Government Act 1993.
- b) Council to pay compensation of \$36,000 plus GST, and legal, valuation and survey costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer Fund.
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.
- d) Council resolve to classify the land as Operational in accordance with section 31 (2) of the Local Government Act, 1993.

CARRIED

NOTICES OF MOTION

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

MOTION: Moved: White / Second: Baptist

(MIN16.463) RESOLVED, in accordance with the Committee's delegated authority from Council, that the Committee support:-

1. Council staff positive engage with all residents from 2 – 28 Mitchell Parade Mollymook and meet to consult on:
 - a. the new coastal dune
 - b. Plant varieties for vegetation in the new sand dunes behind their dwellings. Species planted should minimise impacts on beach views and tracks.
 - c. Continued ongoing access to the beach from the existing 6 tracks at the rear of the properties located 2-28 Mitchell Parade, Mollymook.
 - d. Available Councillors be invited to attend meetings between staff and residents

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2. That Council remove the prohibit entry signs on the beach tracks behind the residents after 6 months (1st December 2016)
 3. That Council invite residents to assist with Bush Care in the dune management.
 4. That Council review the 6 tracks at the rear of the residents, in December 2016, to ascertain whether there is a need to create a ramp effect allowing ease of access to and from the beach along the tracks.
 5. Effectuated Residents provide to Council current photographic records of beach/ocean views from their properties. Council to monitor with residents as required the effects of vegetation growth on the dunes with the photographic records and undertake necessary steps to work with residents and agencies regarding vegetation management.
 6. That Council advise the residents of the current review the restrictive coastal hazard lines over properties 2-28 Mitchell Parade on council coastal plans and engage the residents/ratepayers in this review.

CARRIED

ADDENDUM REPORT 1 – PLANNING AND DEVELOPMENT

21. Biodiversity Legislative Review File 47552e

MOTION: Moved: Wells / Second: Baptist

(MIN16.464) RESOLVED, in accordance with the Committee's delegated authority from Council, the Committee send the submission attached to this report to the NSW Government Biodiversity legislation review.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, White, Gash, Baptist, Findley, Watson, Kitchener, Wells and Russ Pigg

AGAINST: Guile

ADDENDUM REPORT 2 – CONSIDERED EARLIER IN THE MEETING

GENERAL BUSINESS

22. Procedural Motion - Introduction of Item as a Matter of Urgency

MOTION: Moved: Findley / Second: Robertson

That the matter of Additional Item – Queens Birthday Honours be introduced as a matter of urgency.

CARRIED

The Chairperson ruled the matter as one of urgency for reasons of currency and allowed its introduction.

23. Additional Item – Queens Birthday Honours File 8592E

Clr Kearney left the meeting.

MOTION: Moved: Findley / Second: Robertson

(MIN16.465) RESOLVED, that in accordance with the Committee's delegated authority from Council, that Council congratulate and recognise the Queen's Birthday Honours recipients with a Civic Reception.

CARRIED

24. Procedural Motion - Introduction of Item as a Matter of Urgency

MOTION: Moved: Findley

That the matter of Additional Item – Conflict of Interest Collingwood Beach Demonstration Sites be introduced as a matter of urgency.

CARRIED

The Chairperson ruled the matter as one of urgency as Council is about to commence work and allowed its introduction.

25. Additional Item – Conflict of Interest Collingwood Beach Demonstration Sites

Clr Kearney was absent from the meeting.

MOTION: Moved: Findley

That rather than spend money clearing the Collingwood Beach demonstration site at Susan Street, Council undertake and mark out the demonstration site along the path not just in one area.

MOTION LAPSED for want of a seconder.

26. Procedural Motion - Introduction of Item as a Matter of Urgency

MOTION: Moved: White / Second: Baptist

That the matter of Additional Item – Dredging Works – Lake Conjola be introduced as a matter of urgency.

CARRIED

The Chairperson ruled the matter as one of urgency as the Dredging works are underway and allowed its introduction.

27. Additional Item – Dredging Works – Lake Conjola File 2235E

Clr Kearney was absent from the meeting.

MOTION: Moved: White / Second: Baptist

(MIN16.466) RESOLVED that in accordance with the Committee’s delegated authority from Council, that Council:

- a) Request The Hon Niall Blair MLC, Minister for Primary Industries and Minister for Lands and Water to consider a variation of Scope of the Lake Conjola Dredging works and funding agreement to facilitate the undertaking of additional Entrance works whilst dredging at Lake Conjola is presently underway;
- b) Staff liaise with The Hon Shelley Hancock MP to facilitate options available to consider the variation.

CARRIED

FOR: Tribe, Robertson, Anstiss, White, Gash, Baptist, Guile, Watson, Kitchener, Wells and Russ Pigg

AGAINST: Findley

There being no further business, the meeting concluded, the time being 6.25pm.

Clr Wells
CHAIRPERSON

REPORT OF GENERAL MANAGER

STRATEGY & ASSETS COMMITTEE

TUESDAY, 19 JULY 2016

CORPORATE AND COMMUNITY SERVICES

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

1. **Use of Council Resources and Electoral Matter - Local Government Elections - 2016** **File 18854E**
-

ACTING SECTION MANAGER: Sara McMahon.

PURPOSE:

To advise Councillors of the content of the Office of Local Government's Circular No 16-20 entitled "Electoral matter and use of Council resources prior to local government elections."

RECOMMENDED, in accordance with the Committee's delegated authority from Council, that the information in relation to use of council resources and electoral matter be noted.

OPTIONS

1. To adopt the recommendation to note the information outlined in the report.
2. To adopt the recommendation to note information outlined in the report with additional recommendations as considered appropriate by the Council

DETAILS

- # On 27 June 2016, The Office of Local Government released Circular No 16-20 entitled "*Electoral matter and use of Council resources prior to local government elections.*" Which outlined two (2) key messages outlined below

1. Use of Council Resources

Council officials must not use council resources, property (including intellectual property), and facilities for the purposes of assisting their election campaign or the election campaign of others unless the use is lawfully authorised and proper payment is made where appropriate.

Under the Code of Conduct, the following must not be used for the purpose of assisting anyone's election campaign:

- Council resources, property or facilities (unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility); and
- Council letterhead, council crests and other information that could give the appearance it is official council material.

The use of Council resources during for election purposes is also prohibited in the Shoalhaven City Council – Council Members – Payment of Expenses and Provision of Facilities Policy (POL14/59), which at Clause 27 states:

“Under no circumstances shall Councillors use the secretarial services, council facilities, equipment and services provided to produce election material or for any other political purposes in association with Local, State or Federal Government elections.”

Breaches of a council's code of conduct may result in disciplinary action.

(2) Publication of Electoral Matter by Council

In the 40 days preceding the election, councils need to consider whether their publications could amount to an “electoral matter”.

If a publication is considered “electoral matter” then Council should defer issuing the publication until after the Election.

“Electoral matter” for the purposes of the *Local Government (General) Regulation 2005* broadly includes any matter that is intended or likely to affect voting in an election. The name, photograph and likeness of a candidate fall within the definition of “electoral matter”. Council publications that promote the achievements of the council may also potentially fall within the definition of “electoral matter”.

For further clarification on “electoral matter”, refer to “Frequently Asked Questions” attached to the Circular.

2. The Local Government and Elections Legislation Amendment (Integrity) Act 2016 - File 18854E

ACTING SECTION MANAGER: Sara McMahon.

PURPOSE:

To advise Councillors of the changes to the Local Government Act, 1993 and the Election Funding, Expenditure and Disclosures Act 1981 arising from the assent of The Local Government and Elections Legislation Amendment (Integrity) Act 2016 on 1 July 2016

RECOMMENDED, in accordance with the Committee's delegated authority from Council, that the information in relation to the Local Government and Elections Legislation Amendment (Integrity) Act 2016 be noted.

OPTIONS

1. To adopt the recommendation to note the information outlined in the report.
2. To adopt the recommendation to note information outlined in the report with additional recommendations as considered appropriate by the Council

DETAILS

On 1 July 2016 the assent of the *Local Government and Elections Legislation Amendment (Integrity) Act 2016* resulted in changes to the *Local Government Act 1993* (the LGA) and the *Election Funding, Expenditure and Disclosures Act 1981* (the Election Funding Act).

- # The amendments which were outlined in Office of Local Government Circular No 16-22 which is provided as an attachment.

A summary of the changes are outlined below:

Amendments to the *Election Funding, Expenditure and Disclosures Act 1981* (the Election Funding Act).

Changes to the Election Funding Act are designed to promote confidence in the integrity of local government elections and the candidates who stand for election to councils, and to offer a more effective deterrent to misuse by councillors of their office for personal gain.

There are three (3) key changes

1. Capping Political Donations

Political donations made to political parties, elected members, candidates, groups of candidates and third-party campaigners are now capped. It is unlawful for a person to make or accept a political donation that exceeds the relevant cap. The caps on political donations are determined each financial year.

The details of the current caps are as follows:

- \$5,900 cap from 1 July 2016 for any political donation to, or, for the benefit of a registered party or of a group
- \$2,600 cap from 1 July 2016 for any political donation to, or, for the benefit of:
 - a party that is not a registered party, or
 - an elected member, or
 - a candidate, or
 - a third-party campaigner
- Donations less than the cap from the same donor to the same recipient in a financial year are to be aggregated

-
- Donations are to be aggregated separately for Local Government elections and other purposes. For example, a donor can give a total of \$5,900 to a party for Local Government elections and a total of \$5,900 to the same party for State elections.
 - Donations to candidates, groups and elected members of the same party are to be aggregated separately for Local Government elections and other purposes.

2. Regulating third-party campaigners

Individuals and entities incurring more than \$2,000 in electoral communication expenditure during the local government expenditure period for a local Council election must be registered as a third-party campaigner with the NSWEC and appoint an official agent.

The local government expenditure period for a general election commences on 1 July and ends on polling day.

Electoral communication expenditure includes advertising and printing to promote or oppose a political party or candidate/s or to influence the vote at an election.

It is an offence to incur more than \$2,000 in electoral communication expenditure during the local government expenditure period before you are registered for the election.

3. Requiring political parties to keep a campaign account for local Council elections

Political parties that incur electoral expenditure for a Local Council election must keep a local government campaign account. The campaign account is to be used to make payments for electoral expenditure and deposit political donations for a Local Council election.

Amendments to the *Local Government (General) Regulation 2005* and the *Local Government Act, 1993*

The amendments to the Local Government Act, 1993 have the effect of:

- Disqualifying a person from holding civic office in a council where:
 - (i) they have been convicted by a court of an offence under the Election Funding Act (other than by way of the issue of a penalty notice) while holding that office, or within 2 years before nomination for election; or
 - (ii) they have been convicted of an offence carrying a sentence of 5 years or more imprisonment within 7 years before nomination for election;
- Repealing the loophole in the LGA that allowed councillors to vote on changes to environmental planning instruments that do not alter the permissible uses of land without disclosing a pecuniary interest in the matter

This 'loophole' previously existed as Section 448(g) of the Act which has now been removed. Under that provision, the following did not have to be disclosed:

-
- ‘448(g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:*
- (i) land in which the person or a person, company or body referred to in section 443 (1) (b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or*
 - (ii) land adjoining, adjacent to or in proximity to land referred to in subparagraph (i),*
 - (iii) if the person or the person, company or body referred to in section 443 (1) (b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal.’*

These interests are now required to be disclosed.

- Allowing the Chief Executive of the Office of Local Government to apply to the Supreme Court for an order that a councillor, who has been found by the NSW Civil and Administrative Tribunal to have participated in the consideration of a matter in which they had a pecuniary interest in breach of their obligations under the LGA, pay to the council an amount equivalent to the financial benefit they received as a result of the council’s decision in relation to the matter in question.

The Local Government General Regulation 2005 (Regulation) has also been amended to increase transparency about whether candidates at local government elections are property developers or close associates of corporations that are property developers. These terms are defined in clause 290(5) of the Regulation whereby candidates are required to disclose whether they are a property developer or a close associate of one in each of the following:

- Candidate information sheets submitted under section 308 of the LGA (which are published online prior to an election); and
- Statistical information sheets submitted under clause 289 of the Regulation (which are kept by General Managers and are available to the Office of Local Government).

3. Council decision making prior to the September 2016 Local Government Elections - Caretaker Period File 18854E

ACTING SECTION MANAGER: Sara McMahon.

PURPOSE:

- # To advise Councillors of the timing and requirements relating to the ‘Caretaker Period’ prior to the September 2016 Council Elections as outlined in the Office of Local Governments Circular 16-18 entitled ‘Council decision-making prior to the September 2016 local government elections.’

RECOMMENDED, in accordance with the Committee’s delegated authority from Council, that the information in relation to Council decision making prior to the September 2016 Local Government Elections be noted.

OPTIONS

1. To adopt the recommendation to note the information outlined in the report.
2. To adopt the recommendation to note information outlined in the report with additional recommendations as considered appropriate by the Council

DETAILS

Clause 393B of the Local Government (General) Regulation 2005 limits councils’ ability to exercise some of their functions in the four weeks preceding the date of an ordinary local government election (the caretaker period).

Councils are expected to assume a “caretaker” role during election periods to ensure that major decisions are not made which would limit the actions of an incoming council.

The caretaker period for the September 2016 ordinary local government elections commences on Friday 12 August 2016 and ends on Saturday 10 September 2016.

Councils, the general manager or any other delegate of the council (other than a Joint Regional Planning Panel) must not exercise the following functions during the caretaker period:

- Entering into any contract or undertaking involving an expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council’s revenue from rates in the preceding financial year (whichever is the larger); (Note: 1% of Council’s revenue from rates = \$568,000)
- Determining a “controversial development application”, except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period.
“Controversial development application” means a development application under the Environmental Planning and Assessment Act 1979 for which at least 25 persons have made submissions under section 79(5) of that Act by way of objection.
- Appointing or reappointing the council’s general manager (except for temporary appointments).

In certain circumstances, these functions may be exercised with the approval of the Minister.

4. **Local Government Conference - 16th International Cities, Town Centres & Communities Conference** **File 4688E**

ACTING SECTION MANAGER: Sara McMahon.

PURPOSE:

To advise Council of the 16th International Cities, Town Centres & Communities Conference to be held in Launceston, Tasmania on 9 to 11 November 2016.

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

- a) **Notes the details of the 16th International Cities, Town Centres & Communities Conference, scheduled for 9 to 11 November 2016, at Launceston, Tasmania.**
- b) **Authorises Councillors to attend the conference within the limits imposed under current policy and such attendance be deemed Council Business.**
- c) **Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.**
- d) **Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.**

OPTIONS:

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

DETAILS:

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

- 16th International Cities, Town Centres & Communities Conference
- scheduled for 9 to 11 November 2016
- at Launceston, Tasmania

The program for the conference is attached for information.

Costs associated with the conference are estimated as follows:

- full registration \$995 (mid-rate) & \$1195 (late rate)
- day registration \$495 (mid-rate) & \$555 (late rate)
- pre-conference Masterclasses (optional)
 - Gehl Masterclass \$195
 - Steven Burgess Masterclass \$ 95
 - Cathy Parker Masterclass \$125
- 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.

5. Local Government Conference – LGNSW Water Management Conference 28-30 August 2016 **File 4688E**

ACTING SECTION MANAGER: Sara McMahon.

PURPOSE:

To advise Council of the Local Government NSW (LGNSW) Water Management Conference to be held in Broken Hill, NSW on 28 to 30 August 2016.

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

- a) **Notes the details of the LGNSW Water Management Conference, scheduled for 28 to 30 August 2016, at Broken Hill, NSW.**
- b) **Authorises Councillors to attend the conference within the limits imposed under current policy and such attendance be deemed Council Business.**
- c) **Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.**
- d) **Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.**

OPTIONS:

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

DETAILS:

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

- LGNSW Water Management Conference
- scheduled for 28 to 30 August 2016
- at Broken Hill, NSW

The program for the conference is attached for information.

Costs associated with the conference are estimated as follows:

- registration \$572 per person (single day registration \$260 for conference sessions only)
- travel, accommodation and out of pocket expenses not yet determined.

The conference is scheduled on the same day as the Risk and Audit Committee meeting which is scheduled for Monday 29 August 2016.

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.

6. Waiving & Discounting of Fees for Open Space & Community Facilities 2015/2016 File 19969e

SECTION MANAGER: Jane Lewis.

PURPOSE:

To inform Council of fees that were waived or discounted during the period 1 July 2015 to 30 June 2016 for the use of Council's open space and community facilities.

RECOMMENDED that, in accordance with the Committee's delegated authority from Council, the report regarding the Waiving & Discounting of Fees from 1 July 2015 to 30 June 2016 for the use of Council's open space and community facilities be received for information.

OPTIONS

1. Council receive this report for information.
2. Council provide an alternative recommendation with direction for staff.

DETAILS

In accordance with Council's policies:

- Fee Support Policy – Council Managed Public Reserves & Facilities (POL12/282)
- Film & Video Production in Public Reserves & Public Places (POL 08/145)

The Director's Assets & Works and Corporate & Community Services Groups have the discretion to waive fees for bona fide charities or fundraising activities for the use of

Council's open space and community facilities upon application. The Directors may exercise their discretion or may report to Council for consideration and/or endorsement.

The attached tables show the fees waived and discounted that were approved in the period of 1 July 2015 to 30 June 2016. Please note some of the events are yet to be held but the fees were waived during this period.

- # Attachment "A" – Monthly Markets & Community Events in Public Reserves - 2015/2016
- # Attachment "B" – Waiving of Fees for Open Space Venues and Community Services – 2015/2016
- # Attachment "C" – Waiving of Fees for Shoalhaven Libraries – Community Events in Council Facilities – 2015/2016

The above fees are waived or discounted to assist relevant community events to occur that could not occur without this assistance. It is anticipated that these events will be able to be offered these fees in subsequent years.

FINANCIAL IMPLICATIONS:

A total of \$29,404.85 of fees were waived or discounted during the period of 1 July 2015 to 30 June 2016.

COMMUNITY ENGAGEMENT:

The fees waived or discounted during the period of 1 July 2015 to 30 June 2016 are for not for profit organisation or charities.

Examples of the events being held were of community events, fund days and community meetings. These events add benefit to the community by educating and providing activities in which the community can come together to celebrate, network and socialise.

7. Tenders – Provision of the Management & Operations of the Ulladulla Civic Centre 2016/19 File 52412e

SECTION MANAGER: Jane Lewis.

PURPOSE:

To inform Council of the tender process for the provision of management and operations of the Ulladulla Civic Centre.

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

OPTIONS

1. Adopt the recommendation.
2. Council not adopt the recommendation and provide further direction to staff and propose an alternative.

DETAILS

Tenders for the provision of management and operations of the Ulladulla Civic Centre were advertised on 3rd May 2016 and was scheduled to close on 25th May 2016. A request for an extension was received through Tenderlink prior to the closing date and an extension was granted until 7th June 2016.

At the closing date one (1) conforming tender and one (1) non-conforming tender had been received for the provision of management and operations of the Ulladulla Civic Centre and are listed below:

1. Milton Ulladulla Ex Servos Club Limited
2. Milton Ulladulla Ex Servos Club Limited (non-conforming tender)

Further details are contained in the separate confidential report.

FINANCIAL IMPLICATIONS:

Shoalhaven City Council considers the cost of operating the function side of this Centre carefully in order to maintain an adequate business benefit to Council and a return to the Contractor that ensures the Centre is operated and maintained for Council to the required industry standards.

COMMUNITY ENGAGEMENT:

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

ITEMS TO BE REFERRED TO ORDINARY MEETING

- 8. Deferment of Access Areas for Dogs Policy Review and Finalisation of Dog Access Trial at Narrawallee Beach** **File 3220e**
-

SECTION MANAGER: Jane Lewis.

PURPOSE:

To seek Council support to:

- Defer the review of Access Areas for Dogs Policy until funds are identified in a budget and this is incorporated into Social Infrastructure Planning's Works Plan.
- Finalise the trial at Narrawallee Beach and adopt to continue with the current arrangements of dogs off leash area until such time that Council has funding for a Shoalhaven wide review of the Access Areas for Dogs Policy.

RECOMMENDED that Council

- a) **Defer the Shoalhaven Wide Review of the Access Areas for Dogs Policy until such time as monies are identified in a budget**
- b) **Finalise the trial at Narrawallee Beach and adopt to continue with the arrangements of dogs off leash area restricted times 4pm – 8am 1 October – 30 April and 3pm – 10pm 1 May – 30 September from Victor Avenue to un-named island until a review of the Access Areas for Dogs Policy has been reviewed.**

OPTIONS

1. Council adopt the recommendation
2. That Council
 - a) Defer the Shoalhaven Wide Review of the Access Areas for Dogs Policy until such time as monies are identified in a budget and reallocate budget and resource to undertake the City Wide review of the Access Areas for Dogs Policy
 - b) Finalise the trial at Narrawallee Beach and adopt to continue with the arrangements of dogs off leash area restricted times 4pm - 8am 1 October – 30 April and 3pm – 10pm 1 May – 30 September from Victor Avenue to un-named island until a review of the Access Areas for Dogs Policy has been reviewed.
3. Council not adopt the recommendation and provide an alternative option regarding the future of the review and dog access arrangements at Narrawallee Beach

DETAILS

Council resolved in October 2015

That:

- a) *Council extend the off leash dog trial on Narrawallee Beach until after the city wide community consultation and policy review of relevant policies plans and legislation relating to dog management is completed .*
- b) *The current off leash hours at Narrawallee Beach be adjusted to the summer hours (6pm-8am);*
- c) *Concurrent with the extended trial, a city wide community consultation and policy review of relevant polices, plans and legislation relating to dog management will be conducted by Council.*
- d) *Report on consultation and dog management policy review be submitted to Council for discussion in late August 2016.*

With regard to parts (a), (c) and (d), the dog management policy review has not been undertaken due to no funding being allocated to undertake this, further funding has not been provided in next financial years 16/17 budget. Without necessary funding this review will not be undertaken.

With regard to parts (a) and (b), following the off leash dog trial determination needs to be provided to the community regarding the trial at Narrawallee Beach. It is recommended to accept the trial as finished and continue for a restricted time dog off leash area at Narrawallee Beach – being 4pm-8am (1 October – 30 April) and 3pm – 10pm (1 May – 30 September) from victor Avenue to un-named island.

Issues and concerns raised in the submissions

This report only deals with submissions received as a direct response to the Winter Trial and the extension as determined by Council in October 2015.

Council received 104 submissions (58 in favour and 46 against) in the initial trial period and a further 27 (4 in favour and 23 against) to date. Of the total 131 submissions received 62 were in favour of the trial and 69 submissions were against.

No previous submissions or petitions have been included as they were not deemed relevant to the trial outcome. A person writing more than one submission was counted as one submission.

The respondents against dogs on the beach listed reason why they believed Narrawallee Beach should not be an off leash area such as concerned with:

- safety,
- amenity,
- lack of animal control, and
- the lack of responsibility of dog owners.

Overall it has been a close for and against argument from the community who have commented or have an opinion on the trial. As this trial came about due to a substantial petition to Council for an off leash area in Narrawallee and it was provided as a timed access the continuation of the timed dog off leash access still provides an opportunity for the community to use the space for both dog off leash times and on leash.

FINANCIAL IMPLICATIONS:

The cost to undertake a City Wide Policy Review would be in the order of \$75,000 to \$100,000. Option to fund this are:

- a) Defer the Shoalhaven Wide Review of the Access Areas for Dogs Policy until such time as monies are identified in a budget and reallocate budget and resource to undertake the City Wide review of the Access Areas for Dogs Policy
- b) Increase the budget deficit (Not Recommended)

To include the Narrawallee off leash area in the brochure and necessary signage would be managed within existing Council resources.

The Narrawallee dog review, cost to undertake \$11,959, this project was unfunded.

COMMUNITY ENGAGEMENT:

Extensive Community Engagement was undertaken during the trial. Council Animal Management Rangers have been requested to make a priority of patrolling Narrawallee beach, to further increase our proactivity over the busy Christmas period, school holidays and public holidays, Council employed casual Rangers for the Christmas holiday.

Importantly, Council has an Animal Management Ranger who is tasked specifically for the southern area which takes in Narrawallee. Rangers are aware of the ongoing issue of the leash free area not only at Narrawallee Beach but all leash free areas within the Shoalhaven where dog owners take some liberty with their dogs despite Councils Animal Management Rangers actively promoting responsible dog ownership and control.

9. Homelessness In The Shoalhaven

File 44336E

SECTION MANAGER: Jane Lewis.

PURPOSE:

Provide an update on homelessness in the Shoalhaven with particular reference to the increase of the number of homeless people staying at the Nowra Showground and request Council make representations to the NSW Government for increased assistance in the area of homelessness.

RECOMMENDED that Council make:

- a) **Representations to NSW Government to provide longer term temporary accommodation for homeless men, women and children; to increase funding for the number of emergency beds available for those who are homeless and to provide increased affordable housing.**
 - i) **Minister for Family & Community Services**
 - ii) **Minister for Social Housing**
 - iii) **Member for Kiama**
 - iv) **Member for South Coast**
- b) **Engage a university work placement student to conduct research into individual stories of homelessness.**
- c) **Council receive a draft policy which outlines the permitted length of stay in the showgrounds prior to public exhibition of the policy.**
- d) **Reduce the fee for those who are genuinely homeless to \$7 per night at the Nowra Showground and review this prior to the end of the financial year.**
- e) **Council staff continue to work in partnership with relevant services to provide a consistent support for people who are homeless.**
- f) **Consider the development of a specific Homelessness Strategy.**
- g) **Support a Council staff fundraising initiative to provide support for the Homeless.**

OPTIONS

1. Recommendation as stated.
2. An alternative recommendation.

DETAILS

Recent years have seen an increase in the number of homeless people in the Shoalhaven. For Council, this is most evidenced in the increased numbers of homeless people camping at the Nowra Showground.

- # Council has endorsed the NSW Protocol for Homeless People in Public Places (Attachment 1). The protocol gives us some guidance and structure to treating people who are homeless with some dignity. However, these are general guidelines and do not provide a strategic framework for Council.

Information from the Shoalhaven Homeless Hub show a steady increase in the number of people accessing the service on a monthly basis. In November 2014, 93 people were accessing the services at the hub on a monthly basis. This has increased to 152 in the month of May 2016. These figures are only for adults and do not include children.

Each month new clients are seen by staff of the Homeless Hub. In May 2016, 46 new clients were seen at the service. At the same time, the number of clients finding accommodation is quite low. In May 2016, only 8 adults and 9 children who were clients of the hub were able to be housed. The need far outstrips the availability of housing.

Clients attending the hub are actively seeking accommodation but are frequently unsuccessful in their attempts. Anecdotal evidence has suggested that some real estate agents are unwilling to lease to a person earning less than \$400 per week. If this is the case, a person in receipt of unemployment benefits, for example, would find it difficult to find rental accommodation as their weekly income is approximately \$260.

People become homeless for a number of reasons. This can be due to structural factors such as lack of income, lack of affordable housing or rental accommodation, cost of living pressures, discrimination, poverty or lack of superannuation funds in retirement. Or it could be due to system failures such as children exiting from the care system, discharge from prison, hospital, rehabilitation or other institution. This is compounded by individual circumstances such as domestic violence, addictions, traumatic events, mental illness or physical health and disability.

The number of people we encounter at the showground is really the tip of the iceberg of homelessness. Homelessness Australia states that, of those who are homeless, 6% live in improvised dwellings such as tents or sleeping out. However, the number may be increasing due to economic situations and changes in government funding models reducing the number of available supported accommodation beds for the homeless. The NSW Government has an emphasis on accommodation being available for families and women escaping domestic violence. This could increase the number of men not being able to find supported accommodation. In Nowra, this even further impacted by the ongoing temporary closure of John Purcell House.

Although a homeless person may be temporarily housed by Housing NSW they are only entitled to 28 days of temporary housing. This may be in motel or caravan park accommodation. During this time the person is expected to look for long term accommodation. Once this time period has expired they are no longer entitled to temporary accommodation and need to seek other options. At present the funded services providing support for homeless people only have limited accommodation available. Most funded beds are usually funded for women and families. This situation is currently exacerbated as John Purcell House is closed until fire safety regulations are met. This has resulted in very little accommodation for men. This may mean "sleeping rough" in parks, reserves and other locations.

Those camping at locations such as the Nowra Showground have already exhausted their allocation of temporary accommodation and have no other option but to camp outdoors. The showground is close to the Nowra CBD, close to available services such as Centrelink and the Housing Hub, has a supply of water, electricity is available and permits those camping to have pets. Its location means that those with unreliable or no transport can still readily access services.

However, there is an issue with homeless people being able to pay the camping fee for Nowra Showground. The fee is \$14 per night. This equates to \$98 per week or \$196 per fortnight. A single person may be able to receive \$527.60 per fortnight in Newstart Allowance. This means after deducting camping fees \$331.60 left for food, clothing, fuel

and other items. Often, the homeless person will be also paying existing debts and may not be able to afford the camping fee. Discussions with staff from the Homeless Hub indicate that people who are homeless currently staying at the showground are generally willing to financially contribute a camping fee but cannot afford \$14 per night. It has been suggested that a lower fee of \$7 per night is set for a person who is genuinely homeless. Council staff will negotiate the process of how this would be implemented with the Shoalhaven Homeless Hub.

Additionally, current Council practice is that a person is only permitted to camp at the showground for 30 days per year and only 14 days in any one instance. This 14 days consecutive camping practice has been relatively effective in managing camping at the Nowra Showground however, is not a policy position of Council. In addition, the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings Regulation 2005) Condition 73 allows for a person to camp at the showground for 50 days in any 12 month period. To be consistent on this point it is recommended that Council have an adopted policy position for the length of showground camping. With nowhere else to go many breach this condition and stay for extended amounts of time.

Lighting of fires at the showground is also being undertaken by some homeless campers and is not permitted on the reserve. To address this issue, Council Rangers are advising the campers that fires are not permitted and additional signage will be erected.

Along with this there is an impact on other users of the showground such as those using it for recreational purposes and tourists using the site for "primitive camping". An additional impact is on staff whose role is to manage the reserve as a "primitive camping area" with a result that increased time is dedicated to managing homelessness and not managing legitimate campers.

In general, our approach has been to monitor their presence at the showground, remind them that fees are payable and they should be actively seeking further accommodation. Further action is required when campsites become unsightly or behaviour is unacceptable.

There are no short term solutions to the issue of homelessness in the Shoalhaven. Without the provision of increased Government funding to provide longer term temporary accommodation and fund services to provide an increased number of emergency beds for men, women and children the situation can only continue to degenerate. Long term solutions involve the construction of affordable housing.

- # There is a range of public opinion regarding people who are homeless. This is evidenced by both a letter appearing in the South Coast Register of Wednesday 6th July 2016. Contrary opinions to the writer of this letter were expressed in online comments. (Attachment 2)

There are a number of actions Council could do to put us in a more proactive position in regards to homelessness. Some of these are as follows:

- Research individual stories of homelessness. How and why a person became homeless. This helps put a human face on the local problem and well as identify any recurring problems that could be addressed.

-
- Advocating to other levels of government for increased funding for both emergency accommodation and an increase in longer term temporary accommodation.
 - Lobby for increased affordable housing. Work already done on Affordable Housing in the Shoalhaven indicates that there is a real lack of this type of housing for those on low incomes. This means that options are reduced for homeless people with waiting lists stretching into years rather than weeks for affordable social housing.
 - Work in partnership with local social housing and homeless organisations. Councillors and staff already attend a Homeless and Affordable Housing Taskforce, the Anti Poverty Committee and the Homelessness and Well Living Interagency. Perhaps, these partnerships could be further formalised through agreements and MOUs.
 - Provide the Police and Emergency Services with keys to the showground. This is a minor problem but one worth considering. The gates to the showground are locked overnight. If there is an incident involving a person in the location Police need to wait for security to unlock the gates before they can be provided with vehicular entry.
 - Council staff conduct a fundraising campaign to support the Homeless and the work of the Homeless Hub in the Shoalhaven. This could include a food/clothing drive or a pay it forward initiative where staff contribute funds to cover a night of accommodation for a homeless person.
 - Develop a Strategic Plan for Homelessness. This would complement the development of an Affordable Housing Strategy. It would also provide us with a consistent and workable approach to homelessness with identified strategies and actions for Council to manage the situation. Although, the solution is a State and Federal responsibility homelessness impacts on the local level with the result that Council needs to take an ethical, compassionate and reasonable position in relation to the issue.

FINANCIAL IMPLICATIONS:

Non-paying campers at the showground represents a loss of income to Council as well as additional costs attributed to use of electricity.

10. Lady Denman Draft Strategic Business and Master Plan

File 52288e

SECTION MANAGER: Jane Lewis.

PURPOSE: To report outcomes of the public exhibition feedback and to seek adoption of the Lady Denman Draft Strategic Business and Master Plan (LDDSBMP).

RECOMMENDED that

- a) Council adopt the Lady Denman Draft Strategic Business and Master Plan (LDDSBMP) with the amendments as attached in the report. (See # Attachment A & A1).**
- b) Council consider allocating \$50,000 in the 2017/2018 budget to commence costing of detail design and development/implementation of the LDDSBMP.**
- c) Council advise those who made a submission on the LDDSBMP of the above resolution.**

OPTIONS

1. Council adopt the LDDSBMP with the amendments as detailed in the attachments.
2. Council not adopt the recommendation and provide an alternative recommendation and/or direction to Council staff.

DETAILS:

Background

Council under delegated authority at its Strategy & Assets Committee Meeting on the 19 January, 2016 (MIN 16.20) resolved that,

- a) Council endorse public exhibition of the Lady Denman Reserve – Exhibition Draft Strategic Business & Master Plan on Council’s website for a period of minimum 28 days.*
- b) Notification of the Lady Denman Reserve - Draft Strategic Business & Master Plan be advertised in local newspapers and letters sent to key stakeholders being:*
 - Mr Allen Price (representing the interests of Warren Halloran)*
 - Australian Plant Society (Nowra Group)*
 - Crown Lands*
 - Dharawal Aboriginal Corporation Association*
 - Huskisson Chamber of Commerce and Tourism*
 - Huskisson Woollamia Community Voice*
 - Jervis Bay Trust Fund*
 - Jervis Bay and Basin Arts Inc.*
 - Laddie Timbery’s Aboriginal Arts & Crafts Shop*
 - Jervis Bay Maritime Museum / Lady Denman Heritage Complex Inc.*
 - New South Wales Department of Fisheries*
 - Wreck Bay Aboriginal Community Council*
- c) A post exhibition report for the Lady Denman Reserve – Exhibition Draft Strategic Business & Master Plan be presented to a future Strategy & Assets committee meeting.*

Public exhibition

Following the above resolution, Council placed the LDDSBMP on public exhibition from Wednesday 10th February, 2016 and comments close 5pm Friday 25th March, 2016 inclusive. The public exhibition period was advertised in the South Coast Register and the draft plans were exhibited on Council’s website, all identified key stakeholders received formal notification of the exhibition period. The draft document which was placed on public exhibition can be viewed at:

<http://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=D15/333379>

Submission summary

A total of 14 written submissions were received, including 2 submissions that in part are considered to be commercial in confidence and related to privacy according to the Local

Government Act 1993. The parts considered to be confidential have been placed in the councillors' room.

A summary of the main issues raised in the submissions, staff analysis and subsequent recommended changes to the LDDSBMP are detailed in # Attachment A & A1. Attachment A is a summary of all submissions feedback received and Attachment A1 is a summary of the main changes. As outlined in the summary of all submissions, a large amount of submissions points are considered to be operational and do not require amendments to the plan. These points will be raised with the complex management committee.

A summary of the key points raised in submissions and staff analysis follows below (listed as dot points)

- The need for a Memorandum of understanding or operational or lease or licence agreements for the complex.

The strategic plan recommends council implement an occupancy agreement as the preferred way forward.

- The possible opening of a state of the art fish pond/feeding and related environmental considerations/ plans, permits and authorities.

These submissions were considered operational matters and can be investigated as opportunities for the implementation of the plan, as the plan never intended to provide intricate detail on how this could be done. However relevant information that may need to be considered (e.g. regional boating plan maps, Department of Fisheries permits requirements etc) for any future plans or changes to the fish pond will be included for reference to in the business and master plan.

Note: Grant funding has been provided by the NSW Better Boating Program for the provision of a kayak launching facility at the end of Dent Street adjacent to the Reserve. The option to have the launching facility located on the reserve (with opening up the pond) has been investigated but is cost prohibitive. To better incorporate the launching facility with the museum a landscape plan has been prepared to promote the integration of the reserve with the proposed Dent Street Launching Facility. A copy of these plans are provided in the Councillors Folder and are attached as Attachment B. The launching facility as currently design will not restrict future redevelopment of the pond.

- Incorrect lot numbers are recorded for the reserve on page 2 of the Plan.

Correct lot numbers/boundaries/plans have been provided by the appropriate state government department and will replace the incorrect references currently in the business and master plan.

- Confusing titling conventions and language/terminology used for complex management / stakeholders/ museum sector.

Consistent language and terminology will replace any confusing titling conventions and language/terminology used for complex management/stakeholders/museum sector.

-
- Lack of recognition of volunteer input in the business and master plan.

Recognition of volunteer input will be included in the business and master plan.

- Suggestions to and for Organisational Structure in reference to legalities and responsibilities of reserve/complex major stakeholders.

At present the Reserve is formally managed by Council as Trust Manager on behalf of the NSW Government under the Crown Lands Act 1989. Council then delegates day to day management of the reserve to a Management Committee of Council under the Local Government Act 1993. The Management Committee is formally known as the Lady Denman Museum Management Committee.

This arrangement is not unusual, however unlike a typical management committee arrangement that comprises a number of representatives from various users of the site, the management committee in the case of the Reserve is comprised of the Board of an Incorporated Body.

As well as its board members being the representatives of the Management Committee, as a separate entity, the Incorporated Body also oversees the day to day management and operation of the Museums and Gallery and employs five part time staff, as well as co-ordinating a large number of active volunteers (more than 100 volunteers) undertaking a range of duties.

The Incorporated Body and some of its elected members also have responsibilities under a Deed of Gift (1998) and a Deed of Settlement (1990) that were agreed with Princelands PTY LTD, a company associated with Warren Halloran and in respect of the Museum of Jervis Bay Science and the Sea. The Incorporated Body have appointed Governors to assist it in discharging its functions under these agreements.

The plan recommends that council implement a future occupancy agreement as the preferred way forward. This will recognise stakeholders on the site.

- Suggested changes to conceptual and visionary ideas and plans for the complex.

These matters were considered and deemed to be operational and not viewed as having a direct effect on the strategic direction of the business and master plan, however could be considered further at the detail design and implementation stage.

- # A copy of submissions received is in attachment A. Submissions that are considered to be Commercial in Confidence and or Privacy related according to the Local Government Act 1993 have not been included in the public report but are also in the Councillors room folder.

FINANCIAL IMPLICATIONS:

There are short, medium and long term projections, both non-financial and financial which are detailed in the business and master plan (pg. 47 – 52).

In summary the projections are as follows:

- Short-term: Commencing prior to the 2016/2017 financial year;
- Medium-term: Commencing between 2016/2017 and 2019/2020 financial years;
- Long-term: Commencing after the 2019/2020 finance year;
- Ongoing: recurring activity
- As required: action to be undertaken when triggered

LDDSBMP and further costing of design and implementation is not identified in Council's future Delivery and Operational Plans or funded in Council's long term financial plan and will need to be considered in budget bids and grant funding sources. In the short term it is recommended that Council consider allocating \$50,000 in the 2017/2018 budget to commence costing of detail design and development/implementation of the LDDSBMP. In addition the Board of the incorporated body who manage the complex will need to source funding.

COMMUNITY ENGAGEMENT:

The public exhibition process enabled wide community input in to the LDDSBMP.

The community engagement process was consistent with the priorities identified in the Councils Engagement Matrix, being "Local Area High Impact" including public exhibition for a period of 28 days, advertised in local print media, Council's website and community information sessions.

In addition the stakeholders identified in MIN16.20 were advised of the public exhibition period via email correspondence and provided with direct links to the plan.

11. **Release Agreement Lehman Brothers Special Financing Inc (LBSF) Lehman Brothers Holding Inc (LBHI), Lehman Brothers Australia Limited (LBA), ANZ and Shoalhaven City Council AND Deed of Release with ANZ and Shoalhaven City Council – Signing of Agreements** **File 35194E**
-

SECTION MANAGER: Pamela Gokgur.

PURPOSE:

To seek authority for the General Manager to sign the Release Agreement and the Deed of Release in relation to the above matter.

RECOMMENDED that in accordance with Section 10A(2)(g) of the Local Government Act 1993, Council consider a separate confidential report on this matter, and any decision made in the confidential session be made public in accordance with Clause 253 of the Local Government Act (General) Regulation 2005.

OPTIONS

1. Council adopt the recommendation
2. Council not adopt the recommendation and provide an alternative option.

DETAILS

Council purchased Federation Notes from Lehman Brothers Special Financing in 2007. These notes were subsequently unwound early and paid back to Council on 30th October 2008, at around the same time that Lehman Brothers went into liquidation. It has been asserted that these monies were paid to Council preferentially as part of the liquidation process and accordingly Lehman's had been seeking for noteholders to repay the entirety of any disbursements they received in relation these Federation Notes.

Further to this, given that ANZ were the custodian of these notes they were implicated in US court proceedings with regard to the preferential payments. ANZ fought these claims through the US Courts and were released due to lack of jurisdiction, however they had substantial legal costs in fighting these claims.

After protracted negotiations an agreement was reached between LBSF and LBHI and LBA.

Agreement was also reached with ANZ to release Council from all costs in relation to this case.

Accordingly both Release documents are attached to the confidential report as Attachment A and Attachment B, which require the General Manager to sign to release Council from any further claims in relation to the LBSF Proceeding with ANZ and visa versa and to release Council from any further claims in relation to the LBSF Proceeding with LBSF, ANZ and Council.

FINANCIAL IMPLICATIONS:

By signing these Deeds of Release, Council will be released from any future claims in relation to the above matter. However, Council will also incur further legal costs to complete this matter, which has been accrued in line with the repayment.

COMMUNITY ENGAGEMENT:

There is no community consultation required.

Craig Milburn
DIRECTOR CORPORATE & COMMUNITY SERVICES

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

STRATEGY & ASSETS COMMITTEE

TUESDAY, 19 JULY 2016

ASSETS AND WORKS

ITEMS TO BE REFERRED TO ORDINARY MEETING

12. **Amendment to Section 88B Instrument - Drainage Easement over Lot 12 DP1022813
File SF7858**
-

SECTION MANAGER: Michael Harben

PURPOSE:

To seek Council's endorsement to amend the S88B Instrument for the drainage of water over Council's land at Lot 12 DP1022813.

RECOMMENDED that Council:

- a) **Amend the S. 88B Instrument relating to the easement to drain water over Lot 12 DP1022813 to note Lot 11 DP1022813 as a benefitted Lot, with all costs associated with amendment, including legal fees and LPI registration costs to be paid by the owner of Lot 11 DP1022813; and**
- b) **Authorise the General Manager to affix the Seal of Council to the LPI Request form and any other documentation associated with the matter to enable this resolution to be enacted.**

OPTIONS

1. Resolve as recommended.
2. Provide further direction to staff and propose an alternative.

DETAILS

On 18 October 1994 Council provided development (subdivision) consent (DA90/1160) to subdivide Lot 1 DP736413 to create two new Lots.

The applicants sought to have DA90/1160 amended on numerous occasions and as a result the following new conditions were created:

New Conditions

- “6. To mitigate the impact of development resulting from the proposal, the following shall be created as restrictions-as-to-user under Section 88B of the Conveyancing Act.
- (a) <Later Deleted>
 - (b) *In any development application for Lot 11 there shall be a requirement that the area of ground level 18m wide, highlighted in green on the plan, shall be allocated to car parking, however, building shall be allowed over this area providing it does not interfere with the ground level car parking facilities other than by the provision of reasonable support and servicing for the higher level of construction.*
 - (c) *No development on Lot 12 within 15.05m of the eastern boundary, except for car parking, landscaping and signage.*
7. *The creation of the drainage and access easement 3 metres wide as shown on the submitted plan dated May 1998.”*

The plan referred to above is shown as an attachment to this report (Attachment A). The easement is shown as “Easement for Access & Drain Water 2 Wide”.

The required Section 88B Instrument was subsequently created by the applicants – Allen Price & Associates, approved by Council’s Subdivisions and Development Unit and registered at Land and Property Information.

Since this time, it has been discovered that the Section 88B Instrument has been incorrectly prepared with Lot 11 not benefitting from the creation of the easement over Lot 12. In order to amend this error, a Request Form must be completed and lodged at LPI.

FINANCIAL IMPLICATIONS:

The owner of Lot 11 DP1022813 will be responsible for the payment of all costs associated with the amendment of the 88B Instrument, including legal costs and LPI registration fees. The preparation of the documentation will be completed by the owner of Lot 11 and therefore, Council will not incur any costs in this regard.

COMMUNITY ENGAGEMENT:

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

SECTION MANAGER: Michael Harben

PURPOSE:

To reclassify the land described in Schedule A as Community Land.

RECOMMENDED that Council resolve to reclassify the land described in Schedule A as Community land:

Schedule A

Legal Description	Street	Locality	Reference
Lot 21 DP252581	50 Shoalhaven Heads Road	Shoalhaven Heads	50767E
Lot 12 DP617101	Bolong Road	Coolangatta	50767E
Lot 3 DP597223	Bolong Road	Coolangatta	50767E
Lot 4 DP550354	Island Point Road	St Georges Basin	50767E
Lot 2081 DP216860	Lively Street	Vincentia	50767E

DETAILS

As outlined in the Development Committee report of 5 April 2016 and in accordance with the Committee's delegated authority from Council, the Committee resolved (MIN16.228):

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

a) *Reclassify the following parcels of land from “operational” to “community” in accordance with Section 33 of the Local Government Act 1993:*

- *Lot 21 DP 252581 – 50 Shoalhaven Heads Road, Shoalhaven Heads*
- *Lot 12 DP 617101 – Bolong Road, Coolangatta*
- *Lot 3 DP 597223 – Bolong Road, Coolangatta*
- *Lot 4 DP 550354 – Island Point Road, St Georges Basin*
- *Lot 2081 DP 216860 – Lively Street, Vincentia”*

Accordingly, pursuant to Section 34 of the *Local Government Act 1993*, public notice of Council's intention to reclassify the land described in Schedule A was placed in the local press inviting written submissions. No submissions were received. Section 34 of the Act specifically states that the public notice must detail the *proposed* resolution, accordingly a further resolution is required to give effect to the reclassification.

SECTION MANAGER: Michael Harben

PURPOSE:

To approve the creation of an easement to drain water over Council's land at Lot 12 DP1022913 to benefit privately owned Lot X DP164823 and Lot 1 DP514622.

RECOMMENDED that Council:

- a) Approve the creation of the easement to drain water within Council's land known as Lot 12 DP1022913 to benefit Lot X DP164823 and Lot 1 DP514622, with all costs associated with the easement creation, including compensation for market value of the easement, legal fees and LPI registration costs to be paid by the registered proprietor of Lot X DP164823;
- b) Authorise the General Manager to affix the Seal of Council to all relevant documentation associated with the matter to enable this resolution to be enacted; and
- c) Authorise the General Manager to finalise any negotiations as required to enable this resolution to be effected.

OPTIONS

1. Resolve as recommended.
2. Provide further direction to staff and propose an alternative.

DETAILS

Development Consent for Lot X DP164823 was issued on 14 February 2005. Condition 30 of the consent states:

"The applicant shall negotiate with Council a right to discharge stormwater from Lot X DP 164823 into the existing drainage easement within Lot 12 DP 1022813 and undertake all necessary actions to register Lot X DP 164823 as a benefiting allotment in that drainage easement. The applicant shall pay for all costs associated with the registration of the Transfer Granting Easement to Lot X DP 164823.

Note: *In the event that Lot X DP164823 cannot connect into the existing drainage easement without encroaching onto Lot 1 DP 514622, then a drainage easement will need to be registered over Lot 1 DP 514622 benefitting Lot X DP 164823."*

Accordingly, the owner of Lot X DP164823 has now approached Council with a view to securing an agreement to drain water through Lot 12 DP 1022813 to meet the obligations in Condition 30 of the consent.

The subject Council land is classified as Operational land which allows Council to grant an easement over it for a private purpose. The creation of an easement which burdens Council's land and benefits privately owned land requires the benefitting party to pay compensation at current market value as determined by a suitably qualified Valuer as well as all associated costs including legal fees and LPI registration costs.

A valuation has been undertaken by Walsh & Monaghan who assessed a current market value of \$2,400 as compensation for the easement. This valuation has taken into consideration the current encumbrances on the burdened land (Council) with the value being adjusted accordingly.

FINANCIAL IMPLICATIONS:

As the applicant is required to pay all costs associated with the creation of the easement, including costs incurred by Council, there will be no adverse financial implications to Council.

The applicant is required to pay market value for the easement creation which will provide a financial benefit to the Shoalhaven.

COMMUNITY ENGAGEMENT:

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

15. Additional Grant Funding Variations – 2015/16 Black Spot Program **File No 28099E, 5279E**

SECTION MANAGER: Martin Uptis

PURPOSE:

To accept additional grant funding variations associated with the Federal Nation Building Black Spot Program.

RECOMMENDED that Council accepts the approved variations under the Federal Nation Building Black Spot Program as follows:

- a) **Springs Road project, increase the budget from \$220,000 to \$275,000 and revise the funding provision as \$30,000 in 2014/15; \$80,000 in 2015/16; and \$165,000 in 2016/17.**
- b) **for the Sussex Inlet Road project, increasing the budget from \$650,000 to \$1,055,000 and revising the funding provision as \$30,000 in 2014/15; \$170,000 in 2015/16; and \$855,000 in 2016/17.**
- c) **for the Lake Conjola Entrance Road project, increasing the budget from \$450,000 to \$675,000 and revising the funding provision as \$30,000 in 2014/15; \$40,000 in 2015/16; and \$605,000 in 2016/17.**
- d) **for the Illaroo Road project, increasing the budget from \$280,000 to \$380,000 and revising the funding provision as \$30,000 in 2014/15; and \$350,000 in 2015/16.**

OPTIONS

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

DETAILS

A total of 34 grant funded road safety projects were approved in 2015/16, totalling \$15,951,372. Of this, \$6,799,000 were Black Spot projects, and the balance from other programs (i.e. Federal Heavy Vehicle Safety and Productivity, State Rural and Regional Road Fund, State Active Transport, etc.).

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

Accordingly, applications were submitted seeking additional funding for the following approved Black Spot projects;

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

The variations sought an additional \$785,000 from the Federal Government for the above four projects, and as reported to Council in June 2016 these variations were being considered at that time.

The Roads & Maritime Service has since advised that all four variations have now been approved by the Federal Government.

FINANCIAL IMPLICATIONS:

Nation Building Black Spot Projects are 100% funded by the Federal Government.

Some Federal 'Road to Recovery' funding will also be required to fund the shortfall on some of the Black Spot projects, however the amount required has been significantly reduced as a result of these approved variations. The reallocation of these Roads to Recovery funds may be required for rehabilitation of Turpentine Road and the Naval College Road Black Spot projects.

COMMUNITY ENGAGEMENT:

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

16. 2016/17 Federal Nation Building Black Spot Program File No 28099E, 5279E

SECTION MANAGER: Martin Upitis.

PURPOSE:

To accept grant funding under the 2016/17 Federal Nation Building Blackspot Program

RECOMMENDED that Council

- a) **Accepts the grant funding offers under the Federal Nation Building Black Spot Program as follows:**
- i) **\$660,000 for the safety improvements along Bendalong Road, Conjola.**
 - ii) **\$285,000 for the roundabout at the Paradise Beach Road and Kerry Street intersection (Sanctuary Point).**
 - iii) **\$210,000 for the roundabout at the St Vincent Street and Church Street intersection (Ulladulla).**
 - iv) **\$140,000 for the roundabout at the Deering Street and Jubilee Street intersection (Ulladulla).**
 - v) **\$420,000 for the safety improvements along Bolong Road, Bolong.**
 - vi) **\$510,000 for the safety improvements along Woodburn Road, Morton.**
 - vii) **\$240,000 for the safety improvements at the Forest Road and Callala Beach Road intersection (Wollumboola).**

-
- b) **Council writes to the Federal Government thanking it for its funding assistance as part of the 2016/17 Black Spot program.**

OPTIONS

1. Adopt the recommendation.
2. Not accept the recommendation. This will mean these important safety improvements can't be delivered and is likely to lead to continuing crashes at these locations.

DETAILS

Seven new Black Spot projects have been approved in 2016/17 totalling \$2,465,000.

This is in addition to seven other Black Spot projects which are continuing from 2015/16 and have been approved to extend into 2016/17. Total value approved in 2016/17 is \$4,459,000).

Details of the seven new projects approved in 2016/17 are as follows:

Bendalong Road

Select shoulder works (chainage 4.1 – 5.6km east of the Highway) including widened sealed shoulders. The balance of the project (works within 0 to 5.6km) will also include installation of profile (audio-tactile) centre line where possible, removal of clear zone hazards and installation of new curve and advisory speed signs.

Intersection of Paradise Beach Road and Kerry Street (Sanctuary Point)

Installation of roundabout

Intersection of St Vincent Street and Church Street, Ulladulla.

Installation of roundabout

Intersection of Deering Street and Jubilee Avenue, Ulladulla.

Installation of roundabout

Bolong Road, Bolong

Widened sealed shoulders from Hanigans Lane to the eastern side of the Paper mill, and associated safety improvements.

Woodburn Road, Morton

From chainage 1.165 – 3km south of Clyde Ridge Road; remove clear zone hazards and install w-beam (guardrail) barrier, and new warning signs.

Intersection of Forest Road and Callala Beach Road, Wollumboola

Remove clear zone hazards and upgrade T-junction to provide a protected right turn lane treatment and associated safety improvements, including profile (audio-tactile) edge and centre lines.

FINANCIAL IMPLICATIONS:

Nation Building Black Spot Projects are 100% funded by the Federal Government.

COMMUNITY ENGAGEMENT:

Initial community engagement has been undertaken for all of the projects to date, and further consultation will be also be undertaken as part of the delivery of the projects.

17. 2016/17 NSW Active Transport Program

File No 5279E

SECTION MANAGER: Martin Upitis.

PURPOSE:

To accept grant funding under the 2016/17 NSW Active Transport Program.

RECOMMENDED that Council

- a) **accepts the grant funding offers under the NSW Active Transport Program as follows:**
 - i) **\$10,500 for the installation of new bike racks**
 - ii) **\$65,000 for the extension of the shared path network along Mitchell Parade, Mollymook**
 - iii) **\$160,000 for the extension of the shared path network along Matron Porter Drive (Milton/Mollymook)**
 - iv) **\$70,000 for the construction of a pedestrian refuge at the West Birriley Street / North Tarawal Street intersection (Bomaderry)**
 - v) **\$30,000 for the construction of a pedestrian crossing treatment on Tallwood Avenue, Mollymook Beach**
- b) **Council writes to the State Government thanking it for its funding assistance as part of the 2016/17 NSW Active Transport program.**

OPTIONS

1. Adopt the recommendation
2. Not accept the recommendation. This will mean these important safety and active transport improvements cannot be delivered.

DETAILS

Five new active transport projects have been approved in 2016/17 totalling \$375,500. This includes the \$40,000 carried forward from the 2015/16 component of the Matron Porter Drive shared path project.

Details of the five new projects approved in 2016/17 are as follows;

Bike Racks

Seven locations have been approved including Huskisson, Milton (2), Narrawallee, Shoalhaven Heads, Ulladulla, and Vincentia.

RMS share 49% (\$10,500)
Council share 51% (\$10,920) funded from #85158 Minor Works budget.

Shared path network along Mitchell Parade Mollymook

This includes extension of the existing shared path on the eastern side of Mitchell Parade (to Beach Road), and extension of the existing shared path on the western side of Mitchell Parade north from the intersection of Tallwood Avenue.

RMS share 50% (\$65,000)
Council share 50% (\$65,000) funded potentially as a special rates variation project.

Shared path network along Matron Porter Drive (Milton – Mollymook)

This includes extension of the recently completed shared path from Frogs Holler Sports Fields east to Garside Road Mollymook.

RMS share 50% (\$160,000)
Council share 50% (\$160,000) funded potentially as a special rates variation project.

Pedestrian refuge at the West Birriley Street / North Tarawal Street intersection (Bomaderry)

Construction of a pedestrian refuge at the existing crossing point on West Birriley Street (immediately to the west of North Tarawal Street) which is used by locals including school children from the four nearby schools.

RMS share 49% (\$70,000)
Council share 51% (\$73,000) funded from:

-
- \$31,200 from #85158 Minor Works budget
 - \$34,000 from #85215 Safety Around Schools budget
 - \$7,800 from #85023 Pedestrian Crossings budget

Pedestrian crossing treatment on Tallwood Avenue (Mollymook)

Construction of a raised pedestrian crossing treatment on Tallwood Avenue (between the old and new shops).

RMS share 49% (\$30,000)

Council share 51% (\$31,200) funded from #85023 Pedestrian Crossings budget

FINANCIAL IMPLICATIONS:

Active Transport Projects are typically 50% funded by the State Government, unless otherwise specified above.

COMMUNITY ENGAGEMENT:

Initial community engagement has been undertaken for all of the projects to date, and further consultations will be also undertaken as part of the delivery of the projects. With the exception of Mitchell Parade, these projects have received strong support.

Consultation with affected owners in Mitchell Parade

Council sent a letter 13 May 2016 to properties directly affected by the proposal to construct the shared path on the western side of Mitchell Parade. Council received a total of 8 written submissions primarily calling for Council to build the path on Mitchell Parade (the section north of Tallwood Avenue to Bannister Head Road) on the eastern side instead of the current proposal for the western side.

There are a number of key issues why Council has previously resolved to not build the path on the eastern side and these include:

- 14 power poles and other services impacted on the eastern side (Attachment A)
- Kerb and guttering would be required to support a path for the full length, adding considerable expense
- The impact on and displacement of car parking, which is in high demand at that location, particularly over the summer months
- the current strategy allows for the path on the western side and a redevelopment of the eastern side to address drainage and formally incorporate parking
- Between Tallwood Avenue and Bannister Head Road, the cost of a path only on the western side is \$187,000 so is the lower cost option
- Due to power poles, service adjustments and kerb and gutter requirements, the cost of a path only on the eastern side is \$420,000 (an additional \$233,000 which is currently unfunded)
- Any vehicles that currently park on the western verge could ultimately be accommodated in the formal parking measures proposed on the eastern side

-
- parking cannot be accommodated formally in any location (east or west), if the path is built on the eastern side

If Council built the path on the eastern side, there would be a significant amount of additional ratepayers money involved in delivering that work, and car parking would be directly impacted in particular over the summer months. Displaced car parking could be expected to affect a broader area, including affecting properties on the eastern side of Mitchell Parade; properties in the Beach Road area; and further along Mitchell Parade, Tallwood Avenue and Banister Head Road, etc.

It is felt that broader consultation on the matter is required with property owners and residents in addition to those on the western side of Mitchell Parade. Consequently, residents of Mitchell Parade as well as Matron Porter Drive, Jones Avenue, Anker Avenue, Bond Place, Woodglen Crescent, Bellbird Close, Beach Road and The Haven will also be consulted regarding their views on a path along Mitchell Parade.

The nominated community consultative body for the area (the Ulladulla and Districts Community Forum) has also supported the need to consult more broadly to capture the views of those local residents that regularly use the path network.

As per Council's adopted strategy, the intent is to extend the shared path along Mitchell Parade eventually to Bannister Head Road, along Bannister Head Road to Matron Porter Drive, and along Matron Porter Drive to the Highway. Further applications for grant funding will be made progressively over the years to try and achieve this. Please see Attachment B, a concept diagram of the recommended staging of the strategy.

From the recent submissions, Council also received requests for the Beach Road path to be built on the northern side while the current plans show it on the south side. Council has re-inspected the site and identified that this is possible and is happy for this to be considered, subject to discussions with affected owners on the northern side. It was noted in Council's inspection that if the path was continued further along Beach Road, as identified in Council's pathway strategy, the northern side is really the only viable option.

18. Tender – Supply of Construction Materials - Concrete Supply Tender File 53054E

SECTION MANAGER: Tony Fraser

PURPOSE:

To seek Council's approval to appoint a Preferred Supplier Panel for the supply of concrete.

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

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

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

OPTIONS

1. Council adopt the recommendation. Further details are provided in the confidential report.
2. Council not adopt the recommendation and provide further direction to staff and propose an alternative.

DETAILS

Tenders were invited for the Supply and Delivery of Concrete throughout the Shoalhaven. Council called Tenders on 12th April and closed Monday 3rd May 2016. Four tenders were received before the closing date.

The appointment of a Preferred Supply Panel will be for a 3 year term, with an option for 2 x 1 year extensions. The possible maximum term of the contract will be 5 years.

The four tenders that were received at the time of closing are shown in the table below:

Table 1a List of All submitted tenders in alphabetical order:

Tenderer (Trading Name)	Location (Plant(s) Location)	Tender Amount
Boral Resources (Country) Pty Ltd	Nowra, Huskisson, Sussex Inlet & Milton	Various Rates
Cleary Bros (Bombo) Pty Ltd	Bomaderry	Various Rates
Eziway Concrete	South Nowra	Various Rates
Hanson Construction Materials	South Nowra, Ulladulla	Various Rates

Tenders were assessed for compliance and the ability to supply concrete as specified in the tender documents. This is against selection criteria that would provide the best value for money to Council.

The confidential report provides a breakdown of the tenders received and the subsequent tender evaluation.

FINANCIAL IMPLICATIONS:

Materials are used in maintenance activities and capital projects which are funded in the Councils overall budget.

COMMUNITY ENGAGEMENT:

Community engagement on the supply of concrete is not considered necessary.

B. Stewart
DIRECTOR, ASSETS & WORKS

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER
STRATEGY AND ASSETS COMMITTEE

TUESDAY, 19 JULY 2016

PLANNING AND DEVELOPMENT

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

19. Broughton Creek Catchment – Updated Flood Information

File 39480E

SECTION MANAGER: Kelie Lowe

PURPOSE:

To inform the Committee of changes to the Broughton Creek catchment which have resulted in changes to flood information and recommend that this information be adopted.

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

- a) **Adopt the revised flood information and mapping for the Broughton Creek catchment;**
- b) **Section 149 certificates be updated to include the revised Broughton Creek catchment flood information and mapping;**
- c) **Flood planning area mapping in the Shoalhaven LEP 2014 be updated to include the flood extents from the revised Broughton Creek catchment flood information and mapping; and**
- d) **Write to the property owners in the newly mapped areas advising them of the information and mapping.**

OPTIONS

- 1. As recommended – this ensures that the most up-to-date flood information is used to inform the community of the floor risk.
- 2. Alternate recommendation as determined by the Committee.

DETAILS

As part of the Broughton Creek Floodplain Risk Management Study and Plan (FRMSP) the flood consultant, who conducted this work, Cardno Pty Limited, modelled the impact of the of the Berry Bypass, which is currently being constructed by Roads and Maritime Services (RMS) on the floodplain. This modelling showed that the diversion of Town Creek to Bundewallah Creek would significantly reduce the severity of flooding of properties from Town Creek. As the RMS had not completed the diversion of Town creek when the FRMSP was first adopted, the flood information shown was relevant to 2013 conditions.

The RMS have now installed the Town Creek diversion. Therefore the most up-to-date flood information needs to be used by Council in Section 149 Certificates, LEP mapping and in the provision of general flood information, such as Flood Certificates.

Cardno Pty Limited have combined the data from the Broughton Creek Flood Study (adopted by Council in 2008) and the FRMSP (adopted by Council in 2013) with the Berry Bypass information to provide Council with up-to-date flood information. The information shows a reduction of the flood extent in the upper reaches of the catchment as well as in the township of Berry, where Town Creek flows

While it shows many areas of reduced flood extent, it also shows some newly mapped areas. The original 2008 Flood Study used a one dimensional model and did not use LiDAR data. The entire model extent now uses LiDAR data and has been updated to a two dimensional model, which provides a more natural representation of the flood extent. This is clearly depicted by the number of tributaries that are now mapped off the main channels.

The benefit of including the additional areas as being flood affected, is that people who would have previously needed to conduct their own flood assessment, can now rely on and use Council's modelled data.

Attachment A compares the flood planning area (1% AEP flood level + 500mm freeboard) from the currently adopted information (previous flood planning area) with the new up-to-date information (new flood planning area).

FINANCIAL IMPLICATIONS:

The re-modelling has been funded within the existing Floodplain Program budget at a cost of \$15,000.

COMMUNITY ENGAGEMENT:

A number of community members are awaiting the release of this flood information as many properties have reduced flood impacts. Significant consultation was conducted with the Berry community during the development of the Broughton Creek Floodplain Risk Management Study and Plan, which looked at the impact of the RMSs Berry bypass. Affected property owners will also be advised in writing of the changes in this report.

SECTION MANAGER: Kelie Lowe

PURPOSE:

Inform Council of the withdrawal of funding by the NSW Health and determine the future direction of Council's childhood immunisation clinics as a result.

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

- a) **Close the free childhood immunisation clinics run by Council at the end of the September 2016 clinics;**
- b) **Advertise the closing of clinics and thank the community for their support over the last 50 years; and**
- c) **Write to parents who are currently actively using the clinics to notify them of the closures.**

OPTIONS

1. As recommended
2. Continue the clinics as they are currently operating – this will require the allocation of funding in Councils budget (\$40,000)
3. Continue the clinics and reinstate the after hours service at the Nowra library – this will require the allocation of funding in Councils budget (\$45,000).
4. Other option as determined by the Committee

DETAILS

Further to the previous report dated Tuesday 15 March 2016 (**Attachment A**) and the resulting resolution that:

- a) *Continue the childhood immunisation clinics for two days per month in Sussex Inlet, East Nowra, Culburra Beach, Ulladulla and Sanctuary Point for twelve (12) months and report back to Council after this time.*
- b) *Write to Health NSW and advise that we are streamlining a number of clinics on a trial basis and seek their support with continued funding.*

NSW Health were advised of the resolution and replied on 24 June 2016 (**Attachment B**) stating that they were unable to continue to support the clinics due to the:

- continuing decline in attendances, as well as
- operating costs exceeding the program funding

FINANCIAL IMPLICATIONS:

This immunisation clinics have been substantially funded by NSW Health and the expenses incurred by Council for the employment of the two (2) nurses was refunded on a monthly basis. Immunisation training for the nurses has also been provided by NSW Health. In the 2015/16 financial year Council was reimbursed \$16,686 by NSW Health. NSW Health also provide a coordinating and technical support role for this service.

Council also receives a payment of \$6 per vaccination from Medicare which for the 2015/2016 financial year totalled \$1380 for the 220 children who were immunised. However this income is expected to drop to approximately \$850 due to the closure of the Nowra library and Bomaderry clinics, which has further decreased attendances.

Council's costs associated with providing the service include:

- Administration support (sending reminder letters, record keeping, answering enquires and administrative assistance at clinics);
- Laptop computer;
- Vehicle and fuel to transport nurses to each clinic;
- Equipment such as fridges for vaccine storage, needles, and medical equipment; and
- Hiring of clinic venues.
- brochures supplied to local hospitals and health care clinics.

The Australian Commonwealth Immunisation Register (ACIR) are now requesting that immunisation providers also enter vaccination data directly into the ACIR register. Previously Council forwarded paperwork to ACIR to enter themselves. This will further impact on Council resources in accommodating this additional requirement.

Council contributed \$13,165 to this service in the 2015/2016 financial year to assist with operating expenses including administration support.

Therefore the budget required for Council to continue to fund the immunisation clinics is \$30,000 per annum, not including a budget for marketing. It is recommended that if Council decides to continue the immunisation clinics that \$10,000 per annum also be provided for advertising which increases the total budget required to \$40,000.

COMMUNITY CONSULTATION:

The intention to close the childhood immunisation clinics was reported to the Consultative Committee on 9 March 2016 for information given the likely impacts on staff.

In April 2016 staff began surveying the community to determine the impacts that closing the clinics would have and also find ways in which the community felt the service could improve. The survey was distributed by social media, at immunisation clinics and is available on Councils website.

Despite the survey being widely promoted only 23 surveys were completed, 14 surveys were completed online and 19 completed by clinic attendees. The survey results are summarised below.

Results

- 76% have used doctors for childhood vaccinations in the past.
- 82% are likely to keep using the Council service.
- 70% said they had access to other service providers.
- Clients choose to use the immunisation service because:
 - No cost – 15%
 - Convenient – 51%
 - After hours service (note: this clinic is now closed) – 9%
 - Recommended to them – 6%
- Council can improve this service by:
 - Good the way it is – 29%
 - Advertise it more – 21%
 - Provide more clinics or longer clinics – 12%
 - Reinstating the after-hours service – 12%
 - Just keep them open – 12%

21. **Companion Animals Policy - Review**

File 32667E

SECTION MANAGER: Colin Wood.

PURPOSE:

This report presents Council with draft amendments to Council's existing Companion Animals Policy. The amendments propose to simplify the document and remove information that is currently contained in procedures as well as adding information on how to manage feral and infant cats and dogs.

The new Policy will now be known as "Companion Animals – Management of feral and infant cats and dogs". The Policy will support the contractual arrangements for managing the Shoalhaven animal shelter and pound facility.

Companion Animals Policy – Policy POL14/5 (**ATTACHMENT A**)

Formatting explanation:

- The content to remain is in black
- The content to be added is in blue highlight
- The content to be deleted is in red strikethrough

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

- a) Support the amended policy titled “Companion Animals – Management of Feral and Infant Cats and Dogs”, being placed on exhibition for a period of 28 days.**
- b) At the completion of the exhibition period and if nil submissions are received, the Policy be adopted**

OPTIONS

- 1. To adopt the recommendation in the report. This is the preferred option.
- 2. Not adopt the recommendation and to make an alternative resolution.

DETAILS

The current Companion Animals Policy deals with the review and management of appeals for dangerous, menacing and restricted breed dogs together with information on the construction of dog enclosures. This information is contained in an internal procedure and no longer needs to be dealt with in this policy.

As part of the review process, it was recognised Council does not have a policy on the management of feral and infant cats and dogs. In November 2013, the Office of Local Government published a guideline on the exercise of functions under the Companion Animals Act and this includes dealing with feral and infant cats and dogs.

Section 6.4 of the guidelines relates to seized animals. Ordinarily Council may sell or destroy a seized animal delivered to them after 14 days if the owner of the animal can be established or after 7 days if the owner cannot be established. The problem is that feral animals suffer from capture stress and this is considered by animal welfare organisations to be inhumane. It is important to adopt a shorter time period thereby allowing staff to act quicker in these circumstances.

Section 6.4.7 of the guidelines identifies that if Council had a policy about the management of feral or infant companion animals, then the seized animal can be destroyed before the expiry of the waiting period. The guidelines also stipulate that section 64(5) of the Act requires that before any animal is destroyed, it is the duty of the Council to consider whether there is an alternative action and if so, adopt that action. This has been incorporated into the new policy.

The key changes to the Companion Animals Policy include:

- a) *A title change to “Companion Animals – Management of feral and infant dogs and cats:-*
This name change supports the change in content of the policy and clarifies that content.

-
- b) Minor amendments to the management of feral and infant companion animals:- This information clarifies the reasons why these animals are euthanased and how, at times, this can be avoided with assistance from the RSPCA.
 - c) Deletion of content related to dangerous, menacing and restricted breed dogs:- This information is now included in a procedure for the review of appeals to notices and orders given under the Companion Animals Act (PRD14/200). The procedure contains detailed information to assist with this process. As pet owners are informed of their right of appeal at the time the notice and order is issued, the information is not required in a public policy.
 - d) Removal of information on enclosure construction requirements:- This is outlined in the Companion Animals Act and Council has an operating procedure and supporting documents to facilitate the approval.
 - e) Deletion of related legislation and policies:- This is no longer relevant. This revised policy stands alone and does not require cross referencing with other animal policies.

FINANCIAL IMPLICATIONS:

There are no financial implications to be considered in this review.

COMMUNITY ENGAGEMENT:

Placing the amended policy on exhibition for 28 days allows the community an opportunity to place a submission and to be considered. The information being removed from the policy only affects a small number of pet owners who are informed of the requirements and appeal process as part of the notice and order.

Tim Fletcher
DIRECTOR PLANNING AND DEVELOPMENT SERVICES

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER
STRATEGY AND ASSETS COMMITTEE

TUESDAY, 19 JULY 2016

SHOALHAVEN WATER

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

22. Future of Human Waste Removal Services

File 1084E

SECTION MANAGER: Tony Holmes.

PURPOSE:

To provide Council with details concerning the current contract for the removal of human waste from properties not connected to the reticulated sewerage scheme and advise Council of the intended consultation process to determine future options for this service.

RECOMMENDED, in accordance with the Committee's delegated authority from Council, that the report for the Future of Human Waste Removal Services be considered for information.

DETAILS:

Human waste removal services are conducted under a Council contract which expires on 28 February 2018. The contract involves the collection and transport of effluent and septic solids waste for disposal at Shoalhaven sewerage treatment facilities. The services are made available to all properties within the city which are not connected to the sewerage scheme and include;

- Effluent removal (cyclic and scheduled Pumpouts to urban located premises),
- Septic tank and aerated cleanouts (some urban but mostly rural properties with seep away septic systems), and
- Sewerage supporting services (provision of adhoc pumpout services to support sewerage operations at short notice when required eg power outages)

Following a suite of changes to NSW legislation in 1998, an owner(s) or operator(s) of on-site sewage systems, including septic pumpout systems, are required to apply to Council for approval to operate their system. Council's Planning & Development Services Group (Environmental Services) has the responsibility to manage and issue these approvals. Having each property under a contracted arrangement has assisted with this responsibility.

The large number of scheduled effluent pumpout services had historically allowed a contracted option through a competitive tendering arrangement. This enabled a bulk purchasing power to be achieved for what was a citywide benefit to customers requiring such a service.

The number of effluent removal customers has significantly reduced with the commissioning of backlog sewerage schemes and therefore makes the demand for the service less financially viable. Table 1 below shows the reduction of services over the contract years since 2001;

Table 1

Contract Year	Effluent Schedule Properties	Septic Cleanouts annually
2001	1579	853
2006	1735	698
2012	769	921
2015	686	558

The current contract was commenced in 2013 with a 3 + 2 contract period. This was a strategic decision mindful of the reducing demand for the services and to negate the frequency of cost increases from new contracts with the anticipated reduced customer numbers. The increase in contract costs from 2013 were absorbed by the re-organisation of staff duties within Shoalhaven Water. Should Council determine to call tenders for a new contract it would be expected that this would result in significant increases to contract costs. These costs would need to be passed onto customers to avoid cross subsidy in the sewer fund.

It should be noted that the Council contract provides a service that be used by customers but Council cannot legally require customers to utilise this service. Shoalhaven Water has effectively been providing an optional service as historically there did not appear to be a competitive market.

During the last 18 months, two commercial operators have been approved to discharge waste to the Shoalhaven Water sewage treatment plants and this brings the number of commercial operators approved in the city area to three. In addition, there are a number of commercial waste removal businesses operating in areas adjacent to the Shoalhaven and there appears now to be a competitive market to facilitate the needs of property owners.

Before any future contracts are considered, it is proposed that discussions be held with private operators to ascertain whether a commercial market alternative exists and to gauge that level of interest and capacity. If a commercial market exists, it would be intended to undertake a survey of all effluent customers to gauge their level of interest in a market choice arrangement and seek feedback on the current contract.

A further report to Council will be provided once this information is available.

FINANCIAL IMPLICATIONS:

The cross subsidy to the sewer fund from the provision of effluent services has decreased since 2001 as a consequence of the “full cost recovery” resolution of Council. Full cost recovery is largely being achieved with parity yet to be reached for one aspect of the charging tariff due to the limit of increase under the resolution. Any future contract increases would need to be passed onto customers of the service to meet this pricing

requirement. In 2012 the current contract saw increases ranging from 23.4% to 70.8% and it is expected that similar increases will occur from 2018.

COMMUNITY ENGAGEMENT:

There are currently 686 properties receiving scheduled and regular effluent removal services including a number of Council owned facilities. The range of services vary from weekly to once every 8 weeks. The schedule of services is largely dictated by the degree of occupancy and therefore the type of customer and interest in the conduct of services can vary significantly.

OTHER:

Council's Environmental Section has highlighted that the current contract has been an effective tool for managing some historical effluent issues. The overall management of on-site human waste issues lies in this area and would be considered in any future recommendations to Council.

23. **21 Lot Rural / Residential Subdivision of Lots 1 & 2 DP 1118306 Milbank Road, Worrigea for Linkwood Nowra Pty Ltd. File SF10487**
-

SECTION MANAGER: Robert Horner.

PURPOSE:

This report seeks Council's consideration on permitting a rural type subdivision to connect to the town sewerage system utilising pressure sewer, should the subdivision be approved.

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

- a) **Pending Planning Approval, the proposed subdivision of Lots 1 & 2 DP 1118306 into 21 lots be permitted to connect to the town sewerage system where a dwelling house is constructed within the R5 zone.**
- b) **Shoalhaven Water prepare a Notice of Requirements for the subdivision development in accordance with Section 306 of the Water Management Act 2000 to also include sewerage services.**

OPTIONS:

1. Adopt the recommendation
2. Refuse the application for connection to the town sewerage system

DETAILS:

Subdivision Application

Council received a subdivision application for 21 lot rural/residential lots on 8 December 2015 to be created over Lots 1 & 2 DP 1118306 Milbank Road, Worrigeer. All of the proposed lots planned will have zone R5 (Large Lot Residential) – refer to attached Plan of R5 Zone Land and Nearby Sewerage System. The residue lot also has RU1 and E2 zones over it.

The applicant's development proposal was lodged with the aim that town sewerage could be made available as town sewer was nearby (on southern side of Greenwell Point Road). In the "Statement of environmental effects" within the application the applicant identified their preference for effluent disposal to be to sewer.

The proposed development is currently under assessment and Council's Planning and Development Group requires further information and revised plans to assist in completion of the assessment.

As the subdivision type is rural in nature this matter is subject to compliance with Council's Rural Wastewater Connection Policy.

Rural Wastewater Connection Policy (POL16/26)

Zone R5 is for the creation of large residential lots which are not less than 2,000m² and has the following objectives:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Given the above objectives, particularly the third dot point, it is reasonable to consider the development as rural in nature and therefore be required to comply with Council's *Rural Wastewater Connection Policy (POL16/26)*.

The policy outlines under Section 3.2 that rural properties will be permitted to connect upon written application and in the following circumstance:

- *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.

In respect of the first item, capacity exists in the existing nearby sewerage system. The development would be connected to the gravity sewerage system of catchment number 22, Nowra Sewerage Scheme. Sewage pumping station 22 was recently upgraded as part of the sewage pump replacement program. The capacity of the new pumps would be able to support this proposed development.

In respect of the second item, current levels of service could be provided for a pressure sewer system. All properties would be provided with a council pressure sewer unit, which will be owned and maintained by Council. The supply and installation for each pressure sewer unit would be paid for by the developer in accordance with Council's Fees and Charges.

A pressure sewer system would utilise smaller infrastructure and would not unreasonably increase the demand for public services as the sewer services are nearby and do not require augmentation. Refer to attached plan of proposed route for the low pressure a sewer main through the subdivision.

In respect of the third item, the properties are not paying the wastewater availability charge.

The on-site disposal of effluent is controlled by the provisions of "*Chapter G8: Onsite Sewage Management*" of the "*Shoalhaven Development Control Plan 2014*". Acceptable Solution A8.2 of this chapter imposes a minimum size of allotment for the disposal of effluent of 2500 m².

Twenty of the twenty one lots have areas ranging from 2,000m² to 2,921m². Fifteen (15) of these twenty lots have land areas less than 2,500m². These lots would not comply with the acceptable solution under *Chapter G8: Onsite Sewage Management*.

As many proposed lots have lot area is less than 2,500m² and if the subdivision development is to be considered in its current lot sizes then it is appropriate to consider connection to the sewerage system by a pressure sewer system.

In addition the R5 zoned lands are adjacent to E2 zoned lands and connection to the sewerage system would assist in complying with objective one above.

FINANCIAL IMPLICATIONS:

Section 64 charges would be applicable to the proposed subdivision should this go ahead. In addition the developer is required to pay for each pressure sewer unit, design and construct the pressure sewer system to support each property served. There are no other financial implications for the sewerage scheme.

COMMUNITY ENGAGEMENT:

The proposed development is being processed under normal protocols. No particular community engagement has been undertaken in respect of sewer servicing.

ITEMS TO BE REFERRED TO ORDINARY MEETING

24. Tender Process - REMS 1B Works

File 52079E

SECTION MANAGER: Robert Horner.

PURPOSE:

The purpose of this report is to inform Council of the tender process in relation to the Reclaimed Water Management Scheme (REMS 1B) Works Project.

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

OPTIONS:

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

DETAILS:

Introduction:

Council at its Ordinary Meeting in January 2015, resolved to appoint a panel of recognised contractors to participate in the tender phase of the REMS 1B project. The tender phase includes the following components, culminating in the award of a contract to construct the works.



Tenders for the REMS 1B Works opened on the 24th November 2015 and closed 25th February 2016. Tenders have been evaluated in accordance with the Tender Evaluation Plan (TEP) by the nominated Tender Evaluation Committee and Council is requested to consider the award of a contract.

A Tender Evaluation Report (TER) has been prepared by the Tender Evaluation Committee and can be viewed in the Councillor's Confidential Attachment folder as part of the Confidential report.

A number of Appendices are referred to within the TER however have not been included in the Confidential Attachment folder due to their volume but are available to Councillors upon request.

The appendices are summarised below:

- Appendix A Compliance Check Summary and Clarifications
- Appendix B Non-price score sheets with comments
- Appendix C Working Group Reports
- Appendix D Company References
- Appendix E Financial Assessment Summary
- Appendix F Score calculation spreadsheet
- Appendix G Preferred Tender Clarifications Meeting
- Appendix H Breakdown of Assessed Tender Amounts
- Appendix I Breakdown of Recommended Tender Amount
- Appendix J Provisional Items for Negotiation
- Appendix K Working Group Acknowledgment Forms
- Appendix L Tender Evaluation Plan
- Appendix M Report Analyst Financial Clarification
- Appendix N Preferred Tenderer Clarification register
- Appendix O Preferred Tenderer Departures Register

Background:

Shoalhaven City Council's "Reclaimed Water Management Scheme" (REMS) provides for the collection and storage of reclaimed water from six of its sewerage schemes, and its beneficial reuse on agricultural land, golf courses and sporting grounds. The majority of the benefitting land is located on the floodplain between Nowra and the Coast.

REMS Stage 1 (comprising Stages 1A and 1B) was endorsed by Council following its consideration of an Environmental Impact Statement (EIS) in 1997. The development of the EIS included significant consultation/negotiation between Council, the State Government, members of the dairy industry, regulatory authorities, the Shoalhaven Community and other key stakeholders.

In September 2000, Council and the then Minister for Land and Water Conservation signed a Memorandum of Understanding (MOU) which provided the framework for the scheme and committed both parties to the short (REMS 1A) and medium (REMS 1B) term of the scheme in accordance with the EIS and Clause 91 Report, as endorsed by Council and the Minister. It should be noted that Council has now received the State Government's full financial commitment for REMS 1A and 1B of \$26.2 million, reinforcing its support for the scheme.

Stage 1A of the Scheme was completed in 2002 and included augmentation of four Wastewater Treatment Plants (WwTP's), 35km of distribution pipelines, 600ML bulk storage, 4ML distribution storage and 15 balance ponds. Since Stage 1A completion approximately 20,000ML (approximately 65% of total flows) of reclaimed water produced by the scheme has been beneficially reused.

The major drivers of the Stage 1B works include:

- Regular non-compliance of the Nowra and Bomaderry WwTPs with their respective Environmental Protection Licences issued by the NSW EPA. Council has been working with the EPA through each stage of the REMS1B development. This has led to Council being issued with a Pollution Reduction Program (PRP) with milestones for compliance actions.
- The provision of capacity in the Nowra and Bomaderry schemes for the forecast development, ie those identified in the Nowra/Bomaderry Structure Plan and Council's Water Supply and Sewerage Strategies.
 - Replacement of aged and inferior infrastructure. Bomaderry WwTP was built in 1972 and was augmented in 1990. Nowra WwTP was built in 1937 with a number of minor augmentations since. Both WwTP's utilise old technology generally not capable of achieving modern environmental standards (eg odour generation, reclaimed water quality etc).

Investigation and design works for REMS 1B have been progressing since mid-2012. The process commenced with the development of an Augmentation Report. The aims of this phase were to nominate scheme parameters, investigate augmentation options and sufficiently develop the preferred option to enable detailed discussions with regulators and other key stakeholders.

A number of options were investigated and tested with regard to risk, practicality and cost.

Some options investigated were:

- Consolidation of treatment of all sewage from Nowra and Bomaderry at an augmented Bomaderry WwTP (ie decommission Nowra WwTP),
- Consolidate treatment of all sewage from Nowra and Bomaderry at an augmented Nowra WwTP (ie, decommission Bomaderry WwTP),
- Consolidate treatment of all sewage from Nowra and Bomaderry at an augmented Callala WwTP (ie, decommission Nowra and Bomaderry WwTP's),
 - Upgrade Nowra and Bomaderry WwTP's in their current locations.

The draft Augmentation Report concluded the preferred option was to augment Nowra and Bomaderry WwTP's in their current locations with full tertiary treatment. A condition assessment was undertaken on the existing structures at both sites to determine if any could be retained for the augmented WwTP's.

The draft report also outlined, through a Nett Present Value (NPV) analysis, the most effective staging approach to cater for growth projections out to the design horizon, 2041. This was based on the planning information available at that time and is summarised in Table 1 below:

Table 1 Forecast capacity requirements based on population growth

Year	Nowra WwTP Equivalent Persons (EP)	Bomaderry WwTP Equivalent Persons (EP)
<i>Current Capacity</i>	21,000	12,500
2016	32300	12100
2021	36400	13300
2031	42900	17900
2041	49300	23200

The NPV analysis revealed the most cost efficient and feasible staging option to Council is to undertake the augmentation of the WwTP's in two stages; Stage 1 (major augmentation of WwTP's) and Stage 2 (minor upgrades).

The timing of the Stages are nominated as follows (however could be subject to change based on review of actual growth):

- Stage 1 - Augmentation of Nowra and Bomaderry WwTP by 2018, and
- Stage 2 – Minor upgrades to Bomaderry and Nowra WwTP's by 2030 to match the projected loading to 2041.

The draft Augmentation Report along with a preliminary risk register was forwarded to key stakeholders, DPI Water, EPA, NSW Health, DPI Fisheries and a representative land manager for their review. A risk management workshop was held with these stakeholders

in August 2013 to determine what further studies/investigations would be required. The main outcomes from this session identified the need for:

1. Water Quality Objective Assessment (WQOA) to determine the impact (particularly on marine life, eg oyster growers) of future releases to the Shoalhaven River from Nowra and Bomaderry WwTP's.
2. The existing REMS WwTP's to comply with current reclaimed water quality standards (Australian Guidelines for Water Recycling) due to the fact that REMS 1A and 1B will be totally integrated (ie, no point of separation).
3. Negotiated milestones to be agreed for inclusion in a Pollution Reduction Program

In December 2013 a Procurement workshop was held to determine the most efficient way to deliver the project (detailed design and construction) while managing the risks identified. Various forms of packaging the works along with contracting methods were examined.

The Project Delivery Plan (PDP) for the scheme was revised in December 2013 to incorporate the outcomes of the abovementioned workshops and provide project management structures to move the scheme.

In 2014 a draft concept design was developed. Prior to the finalisation of the Concept Design Report potential safety issues were identified for the design and construction phases through Hazard, Constructability and Risk workshops. The outcomes of all workshops were collated and fed into the final concept design as a means to inform the detailed designers.

Running parallel to the concept design phase was the environmental assessment for the proposal. While an EIS was prepared for the overall scheme in 1997, Council was required to review components of that in light of changes to relevant legislation and regulator processes.

The subsequent Review of Environmental Factors (REF) was endorsed by Council in April 2015 following public exhibition and engagement with key stakeholders.

Tender Process:

As previously discussed the issue of the RFT to the selected contractors was the final phase of the tender process prior to the award of a contract.

The scope of Works associated with this tender being considered by Council includes:

Work Package 1 (WP1):

- Major upgrades to Nowra and Bomaderry Waste Water Treatment Plants (WwTPs) to replace assets not meeting satisfactory levels of service, the demands of future development, compliance with Environmental Protection Licences (EPL) and to produce high quality reclaimed water suitable for transfer to the existing REMS network or discharge to receiving waters.

Work Package 2.1 (WP2.1):

- A pipeline crossing of the Shoalhaven River to deliver tertiary treated reclaimed water from Bomaderry WwTP to Nowra WwTP

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

Tenders were called on 24th November 2015 for the construction of the REMS 1B Works. Mandatory pre-tender presentations/meetings were held with each individual organisation over the 2nd and 3rd of December 2015.

Tenders closed at 10am on 25th of February 2016 with a total of five tenders received from the four organisations, by the closing time. See Table 2 detailing Tenderers and their associated prices (GST inclusive) below:

Table 2 Tenders received at closing with Tender Evaluation summary details

Tenderer	A.C.N.
UGL Engineering Pty Ltd	096 365 972
Monadelphous Engineering Pty Ltd	010 305 923
Alternate: Downer Utilities Australia Pty Ltd	075 194 857
Geotech_Haslin (Joint Venture)	
• Geotech Pty Ltd	114 336 515
• Haslin Pty Ltd	051 102 124
Downer Utilities Australia Pty Ltd	075 194 857

The tenders were evaluated in accordance with the TEP, which comprised mandatory, price and non-price criteria including:

- WHS, Environmental & Quality Management Plans
- Traffic Management Plan
- Community and Stakeholder Engagement Plan
- Proposed personnel including subcontractors and suppliers with respect to relevant experience associated to roles proposed
- Design and technical solutions presented, including conformance to proposed Design
- Methodology and Program of Works
- Enhancements

The TEP nominated a 50% price and 50% non-price criteria split, this enabled the TEC to consider critical elements, including non-price associated with the project.

A Tender Evaluation Report (TER) – REMS 1B Works was prepared and is included in the Councillors' Confidential Attachment folder: Tender Evaluation Report (TER) REMS 1B Works.

FINANCIAL IMPLICATIONS:

The current estimate for REMS Stage 1B is \$130 million and this is included in Shoalhaven Water's long term financial plan (LTFP). Council has sought other funding including an unsuccessful application under the State Government's Local Infrastructure Renewal Scheme (LIRS).

The financial plan allowed for an increase over CPI for a number of years for sewer charges to avoid a "price shock" when entering the REMS1B implementation phase. This strategy has been in place for a number of years and the 2016/17 charges are proposed to increase by 3% over the 2015/16 charges. Modelling for the subsequent years has been based on increases of 2.5%.

As referred to above, without the proposed upgrades to the WwTPs, any economic development that occurs will be constrained by the capacity of the existing Nowra and Bomaderry WwTPs.

Any economic development on brownfield sites that are already connected to the Nowra and Bomaderry WwTPs would result in further EPA licence breaches, and would have impacts on health and industry.

Sufficient funds have been allocated in the Sewerage Fund capital budgets for 2016/17, 2017/2018 and 2018/2019. Contract management will be undertaken by Shoalhaven Water. This includes Project Management and site inspections.

It is proposed to start construction of the project in 2016/2017 financial year with completion expected by the end of first quarter of the 2019 calendar year.

COMMUNITY ENGAGEMENT:

As discussed in the Background in this report, REMS has a long history within the Shoalhaven, and was a visionary strategy developed through extensive community input.

The project has been included in Councils DPOP for many years, and has been included in the long term financial plan since its inception 20 years ago.

As discussed within this report, extensive consultation has been undertaken with Regulatory Authorities, Government Agencies, other key stakeholders and the community. A Community and Stakeholder Engagement Plan was developed in April 2014 to guide the engagement and consultation process through the environmental assessment phase of the project. The main focus for this phase was to liaise with Regulatory Authorities to gauge requirements and ensure statutory compliance moving forward.

The Plan was then updated in November 2015 to reflect the engagement through the detailed design phase. This introduced more detailed discussions with regulators and key stakeholders directly impacted by the works (eg owners of properties with proposed pipeline construction through them). Easement terms and Works Agreements authorising pipeline construction have been successfully negotiated. Additional land has been acquired adjacent to the existing Nowra WwTP to cater for the extent of the proposed new Plant. This acquisition is complete.

Further development of the Plan is being undertaken to cover the construction phase of the project. While continued engagement with regulators is required there will be much greater focus on the key stakeholders and local community. Each of the bidding contractors was required to submit a consultation plan for components they are responsible for and the successful contractor will have a key role in the success of the overall engagement process. Finalisation of the revision will be undertaken with the successful contractor as part of the "Start-up Workshop" to be held soon after the signing of the contract.

CONCLUSION:

The TEC have undertaken a comprehensive tender evaluation in accordance with the approved TEP and details are included in a separate Confidential Report.

25. Extinguishment of Easements - 31 Vidler Road Falls Creek File 52908E

SECTION MANAGER: Robert Horner

PURPOSE:

This report is submitted to seek Council approval to extinguish obsolete Easements for Water Supply over Lot 421 DP7897343, Property No. 31 Vidler Road Falls Creek owned by Mr Campbell Taylor.

RECOMMENDED that:

- a) Council resolve to extinguish the Easements for Water Supply 3.05 wide over Lot 421 DP789734 at Falls Creek, as shown by hatching on copy of that deposited plan marked 'Attachment A'.**
- b) Costs to extinguish the easements are to be met from Council's Water Fund.**

-
- c) **The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.**

OPTIONS:

1. Resolve as recommended. The easements are no longer required by Council.
2. Not resolve as recommended and provide further directions to staff.

DETAILS:

The subject property is affected by an easement for a water main located diagonally across the centre of the land, which served several properties along Vidler Road. Another easement over the land is for a branch water line which served the public school on the opposite side of Vidler Road.

The easements have been made obsolete by construction of an alternative water main along Vidler Road. The pipelines have been disconnected.

The subject property is a rural home site with dwelling and outbuildings. The landowner has requested that the easements be removed from his title so that he can undertake further buildings on the property. He originally requested that the pipes within the easements not be removed.

The pipes are asbestos and, after receiving legal advice on future liability for the pipes, Shoalhaven Water requested that it remove the pipes if the easements are to be extinguished. The landowner has now agreed to that proposal.

Resourcing Implications – Financial, Assets, Workforce:

Council is to pay costs to extinguish the easements from Shoalhaven Water's Water Fund.

Community, Environment (ESD), Economic and Governance Impact:

The easements over private land have been made obsolete as a result the construction of an alternative water main by Shoalhaven Water.

The proposed action is administrative and has no environmental impact.

SECTION MANAGER: Robert Horner.

PURPOSE:

To inform Council of the tender process in relation to the appointment of a consultant contractor panel for Minor Projects Survey and Design 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 a 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 that the Committee consider the separate confidential report.

OPTIONS:

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

DETAILS:

Introduction:

Shoalhaven Water's (SW) Water Asset Planning and Development Section (WAP&D) is comprised of three business Units. These units all operate as Project Managers on various projects within SW's scope of operation. Internal resources for survey and design forward planning activities are currently limited due to the quantity of asset renewals and the pending REMS1B workload.

It was determined to establish a panel of Consultants to address this shortfall of internal resourcing.

Background:

Shoalhaven Water (SW) is responsible for managing the collection, treatment and distribution of water and wastewater in the Shoalhaven City Council (SCC) Local Government Area (LGA).

SW has a requirement to complete survey and design projects across their region of operation and seeks to appoint a panel of Consultants to assist with undertaking these works.

Given the quantum and variety of work within SW's scope of operations it was determined that the most efficient method to undertake Minor Survey and Design projects was through a panel of qualified contractors.

Tender Process:

Expressions of Interest (EOI's) were called on 1 December 2015 for interested parties to provide non-price evaluation criteria as well as capability statements of available personnel. These criteria have been used to assess and select a panel of Consultants to join a Minor Projects Survey and Design panel.

A Tender Evaluation Committee (TEC) was formed and Tender submissions were evaluated in line with details requested within the expression of interest.

Expressions closed on 21 January 2016 at 10:00am. A total of thirteen (13) submissions were received by the deadline.

The following companies submitted on time.

- Allen Price & Scarratts
- Cardno (NSW/ACT) Pty Ltd
- Engineering Survey Group
- GHD Pty Ltd (Nowra)
- H & H Consulting Engineers Pty Ltd
- Hunter H2O Holdings Pty Limited
- Jacobs Group (Australia) Pty Ltd
- Johnson Proctor Surveyors Pty Limited
- Jones Nicolson Pty Ltd
- Leckring Pty Ltd t/a MIEngineers
- SET Consultants Pty Ltd
- SMEC Australia Pty Ltd, and
- Westlake Punnett & Associates Pty Ltd

The submissions were evaluated in accordance with the mandatory evaluation criteria as detailed within section 3 of the request for Expressions of Interest. These are non-price criteria including:

- Application form and details (Schedules 1 & 2)
- WHS management & Quality management (Schedule 3)
- Industrial Relations management (Schedule 3)
- Insurances (Schedule 4).
- Experience, skills and resource capability (Schedules 5 & 6)

It was determined that selection of a suitable contractor panel would be solely undertaken by assessing non-price criteria. The aim of this evaluation methodology was to identify suitable and capable consultants which exhibited a high level of experience and performance on similar projects.

The evaluation process followed the agreed Evaluation methodology.

FINANCIAL IMPLICATIONS:

Project funds have been allocated within future Water and Sewer capital budgets to support this Survey and Design panel.

It is proposed to utilise this panel for a five year period. At the end of this period the procurement model will be re-assessed.

The procurement strategy was to eliminate the repetitive and time consuming assessment of non-price criteria through a typical quotation process. By appointment of a panel of suitable consultants each project would be assessed on price criteria only and would constitute best value for budget available.

COMMUNITY ENGAGEMENT:

Performance monitoring of each engagement would be collated and utilised for future engagements.

CONCLUSION:

The expression of interest process for the appointment of a panel of suitable Survey and Design Consultants, Tender ID 52348E, was carried out in accordance with Council's requirements and it is appropriate for Council to consider the recommendations of the confidential report.

C Krogh
DIRECTOR SHOALHAVEN WATER

R.D Pigg
GENERAL MANAGER

NOTICES OF MOTION

STRATEGY AND ASSETS COMMITTEE

TUESDAY, 19 JULY, 2016

27. Milton Showground Expansion

File 3661E

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

- 1. The General Manager investigate options for the expansion of the Milton Showground including negotiations with adjoining property owners.**
- 2. Once investigations are completed report back to an appropriate meeting of Council.**

Background:

Over the years Council has considered the possibility of acquiring additional land to be added to the Milton Showground precinct, I believe the last occasion this was considered by Council the Council decided to wait until adjacent lands came on the market. The current situation at the Milton Showground is leading to conflict between user groups and the denial of access to others because of the limitation on the area available. Recently the men's shed expressed an interest in developing on the Showground area however this drew swift criticism of the proposal because of the lack of land. The addition of additional land holdings could facilitate the establishment of the croquet court and men's shed on the site.

Signed
Clr Watson

28. Old Fire Station – Hyams Beach

File 47042E

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

Given the very strong community interest in gaining community use of the now abandoned fire station precinct at Hyams Beach - and, at all times acknowledging this very strong interest and commitment - the General Manager take the following preliminary actions:

- a) Make application to the DPI Crown Lands Aboriginal Land Claims Unit to have the assessment of Aboriginal claims upon this site expedited.**
- b) At the same time apply to the Minister administering the Crown Lands Act seeking approval to amend the Reserve purpose to include the Communities use thereof.**

-
- c) **Provide available reports regarding structural soundness and risks involving asbestos to the HBCCB in order that they may seek private quotes from approved tradesmen to make the buildings useable and safe. Enter into discussions with the CCB regarding the practicalities of them fund raising and completing these works.**
- d) **Once these actions have progressed call a meeting of Councillors briefing them on:**
- i) **an appropriate future zoning and the options available for any change to the LEP**
 - ii) **the issues in implementing an Asset Protection Zone;**
 - iii) **what steps remain to enable the project to reach a conclusion; and**
 - iv) **a proposed budget that would enable the project to proceed any further.**

Signed
Clr Robertson

Note by General Manager:

In relation to point a) above the relevant claim numbers are 7780 and 7781 lodged by the NSW Local Aboriginal Land Council on 6th October 2005, Council staff have been in contact with the Aboriginal Land Claims Unit of DPI who have stated the following:

“Aboriginal Land Claims can be prioritised for assessment and normally we ask that Council provide an email outlining the request and the reasons for priority assessment. Unfortunately at the moment we currently have a substantial number of priority requests awaiting investigation relating to public infrastructure works across the state and for this reason we are unable to accommodate any new priority requests until at least January 2017.

Timeframes for the determination of ALC’s can vary depending on the specific circumstances of a matter but as a broad rule of thumb the investigation of a claim can take around 2-4 months and if the claim is refused the claimant Land Council has appeal rights to the Land and Environment Court for a 4 month period after determination”.

Notwithstanding nil acceptance till January 2017, Council staff will prepare the request in readiness for lodgement, however given the above a resolution to the tenure of the land will most likely not be forthcoming until possibly September 2017.

In relation to point b) Council has also been in contact with the Crown Lands Nowra Office of DPI who have stated the following:

“Given the Aboriginal Land Claims present, any proposal for the reserve would need to have no greater impact than the existing reservation for Bush Fire Brigade Purposes.

Avenues the Nowra Office may be able to pursue would be the notification of an additional purpose for the reserve of “Community Purposes” or alternatively, the creation of a new reserve for “Community Purposes” which would replace the existing reservation. In both those situations we would probably be looking at a timeframe of 3-6 months and would

require a written request from Council with supporting information to justify the proposed change”.

Council staff have commenced the collation of the supporting documentation and will submit the request upon its completion.

In relation to point c) Council staff have commenced providing available reports involving asbestos issues to the Hyams Beach CCB.

29. Collingwood Beach

File 9929E

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

The General Manager accept the petition in respect to Collingwood Dune Management Plan, and given the level of concern

- a) defer commencement of the demonstration site in order to receive outstanding legal advice, and**
- b) to consider the petition and preliminary comments that have been received from the community.**
- c) report back to Council on the issues at hand.**

Signed
Clr Findley

CONFIDENTIAL BUSINESS PAPER AGENDA

CORPORATE & COMMUNITY SERVICES

1. **Tenders – Provision of Management & Operations of the Ulladulla Civic Centre 2016/19**

Reason

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

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

2. **Release Agreement Lehman Brothers Special Financing Inc (LBSF) Lehman Brothers Holding Inc (LBHI), Lehman Brothers Australia Limited (LBA), ANZ and Shoalhaven City Council AND Deed of Release with ANZ and Shoalhaven City Council – Signing of Agreements**

Reason

Section 10A(2)(g) - Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

It is not in the public interest to disclose this information as it may impact on the ability of Council to finalise legal proceedings.

ASSETS AND WORKS

3. **Tender – Supply of Construction Materials - Concrete Supply Tender**

Reason

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

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

SHOALHAVEN WATER

4. **Tender Process - REMS 1B Works**

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.

5. Expressions of Interest Process - Minor Projects Survey and Design

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.

MAYORAL MINUTE
STRATEGY & ASSETS COMMITTEE
TUESDAY, 19 JULY 2016

1. Emergency Services Wilderness Navigation Shield (NAVSHIELD) win **File 50252E**

RECOMMENDED that Council receive this report for information.

DETAILS

Congratulations to Council employees Scott Wells and Brad Davies along with team members Luke Vidaic, Darren and Marie Colquhon who continued the tradition of a successful Nowra SES team win in the SES category of the 2016 NAVSHIELD competition for the 16th consecutive win. Please see attached media release for further information.

2. Congratulations to the Economic Development Department **File 50252E**

RECOMMENDED that Council receive this report for information.

DETAILS

Congratulations to Greg Pullen and team for arranging “Buskers” every Tuesday in Egans Lane and Jelly bean Park. Great reports from our ratepayers.

Land Sales – Huskisson

Three lots sold – three DA’s approved – one factory occupied. More lots (nine) being developed early 2017.

ATTP - Taxiway extension commenced (approximately \$1 million)

Flinders – four lots sold / one DA being assessed

3. Congratulations to Andy Depree **File 50252E**

RECOMMENDED that Council receive this report for information.

DETAILS

Congratulations to Andy Depree who won the South Coast Volunteer of the Year award at the South Coast Surf Lifesaving Awards on Saturday, 16 July 2016. Nowra Culburra Beach won the Club of the Year.

RECOMMENDED that Council receive this report for information.

DETAILS

In our business papers is a report on Homelessness in the Shoalhaven with certain recommendations. In addition to the report – following numerous complaints and concerns made, I would like to advise that in order to hear both sides of this complex situation, I will be calling on the three tiers of Government, together with Church leaders, stake holders and Community Housing to discuss vacant halls, premises etc that could be used for extreme emergency housing.

RECOMMENDED that Council consider this report and determine whether it wishes to adopt a position in respect to the future of the Greyhound racing industry in NSW.

DETAILS

I have been asked by the media what Council's opinion is in regards to the recent announcement by Premier Baird to ban greyhound racing in July 2017. To assist any decision, below are some local facts from the industry.

- Full time employees Illawarra / South Coast - 131
- Economy Illawarra South Coast - \$2.4M (annual spend in 2012/2013)
- Hunter (\$3.7M), and Northern Rivers (\$1.6M).
- Gross value add - \$14.5m
- Accommodation - \$130,000
- Meals & Entertainment - \$340,000
- Transport - \$520,000
- Retail - \$200,000
- Pups born in region – 407
- No. of registered sires – 4
- No. of broodbitches – 70
- No. of trainers – 250
- No. of stable employees – 81
- No. of Greyhounds in training – 429
- No. of breeders – 42
- No. of race meetings – 172
- Average attendance per race meeting – 366
- No. of races – 1710
- Prizemoney paid - \$3.01m

Having not read the full commission report, it is difficult to make a personal decision.

Should Council form a view or should we leave it to individual opinions?

Attachments

- A. Letter from Secretary / Manager Shoalhaven Greyhound Racing Club Ltd
- B. Media release from Parliamentary Secretary for Illawarra & South Coast & Member for Kiama, Mr Gareth Ward MP.
- C. Notes from Economic Development Manager, Mr Greg Pullen.

A handwritten signature in blue ink, appearing to read 'Joanna Gash'.

Joanna Gash (Mrs)
Mayor

ADDENDUM REPORT OF GENERAL MANAGER

STRATEGY AND ASSETS COMMITTEE

TUESDAY, 19 JULY 2016

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

1. **June 2016 East Coast Low Impacts** **File 30596e & 53449e**
-

SECTION MANAGER: Kelie Lowe/Martin Upitis/Jane Lewis.

PURPOSE:

To present the preliminary responses to the impacts of the June 2016 East Coast Low on Council assets and coastal areas. Funding options for restoration work are outlined.

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

- a) **Write to Roads & Maritime Services (RMS) to seek funding to upgrade the shoreline protection structures at Ulladulla Harbour and around boat launching ramps;**
- b) **Make further representations to Crown Lands to seek funding for priority works on the Crown Land foreshore managed by Council;**
- c) **Make a submission followed by representation to the State & Federal Government to support the submission under the *Natural Disaster Relief and Recovery Arrangements* for non-eligible costs; and**
- d) **Apply to the Minister for Planning, for a one year exemption from the requirement for a certified Coastal Management Program, thereby enabling access to grant funding for works under the NSW Coastal and Estuary Program 2016/17.**

AND RECOMMEND TO COUNCIL that as an interim measure, Council re-allocate \$500,000 in the 2016/17 budget as follows:

- **\$100,000 from Parks & Reserves Operating Budget - Minor Improvement Program (Noting that \$213,000 is being carried forward from 2015/16);**
- **\$150,000 from Capital Expenditure - Tourist Parks Development; and**
- **\$250,000 from Capital Expenditure - Yarramunmun Creek Bridge Renewal (Noting that bridge funds are available in 2017/18 to be allocated to this project.)**

Of the above \$500,000, \$350,000 be allocated for coastal management priority works that match the objectives & priorities of the NSW Coastal & Estuaries grants program and \$150,000 be allocated for restoration works in the immediate vicinity of adjoining Holiday Haven Tourist Parks.

OPTIONS

1. As recommended.
2. Alternative recommendation as determined by the Committee.

DETAILS

At its meeting on 14 June 2016 Council resolved (in part) that Council:

- d) Make further representations to seek government funding for restoration works in natural areas and recreation areas, and to have Council “ordinary” hours costs recognised as legitimate claimable expenses to facilitate timely response and repairs, and make requests to the Federal and State Government to secure an ongoing funding source such as National Levy for environmental damage sustained during natural disasters*
- e) Seek a further report on a priority list of “unfunded” works to be submitted to Council for consideration;*
- f) Council seek urgent agreement from the State Government for funding for protection works for Warrain Beach, Currarong, which will include funding for short & long term actions.*

In response to part *d)*, after contacting OEH & Crown Lands, the local and regional offices of OEH and Crown Lands have confirmed that there are no grants programs available to repair assets damaged by the recent storm event. In response to Council’s resolution, the General Manager wrote to the Prime Minister and Premier requesting their consideration for implementing an on-going national levy. In addition, Gareth Ward MP, Member for Kiama & Parliamentary Secretary for the Illawarra and South Coast has made representation on behalf of Council to the Minister for Emergencies Services. As such representations will need to continue to be made to other levels of government for funding to assist in this regard.

In respect to part *f)*, a letter was sent to the Hon Shelley Hancock MP, Member for South Coast, and a meeting between staff, community representatives & Shelley Hancock MP has been arranged.

In respect to part *e)*, the following information is provided:

Impact Assessment

Road and Parks Infrastructure

In addition to clearing tree debris and sediments from roads and drains, there were three landslips impacting the road formation (in addition to the ones from the August 2015 storm).

These were on Upper Kangaroo River Road (UKRR) and two on Gerringong Creek Road. The UKRR slip and one on Gerringong Creek Road have been repaired. Many unsealed roads also were scoured and require grading and or re-sheeting. Debris has been removed from many parks, particularly in coastal areas.

The costs for the emergency response and clean-up is \$440,000. An estimated additional \$500,000 will be required for restoration of damaged assets.

Coastal Area

The attached document (**Attachment A**) outlines the damage across the City to foreshore assets and identifies the immediate actions taken by Council to ensure public safety, as well as the proposed short, medium and long term remediation options and indicative associated costs. Immediate actions include:

- Ulladulla Harbour - A meeting is being scheduled with Roads & Maritime Services (RMS) to discuss damage and potential risk to the Princes Highway. It is hoped that RMS will partly fund the works in this location. Significant damage was also sustained to the Ulladulla Sea Pool.
- Currarong - Royal Haskoning Pty Ltd has been engaged to attend a site visit and public meeting (date to be confirmed) to discuss and prioritise remediation options and the replacement of some of the damaged beach access ways.
- Shoalhaven Heads - Public meeting was held on 11 July 2016 to discuss risks and the identify community priorities. Council is in the process of engaging expert coastal engineers to provide advice and an approximate costing on management options. A survey of the area has been completed and will be compared to a 2008 survey in order to assess the extent of the erosion. Tree inspections have been completed and works scheduled to manage public risk.
- Mollymook - Royal Haskoning Pty Ltd has been engaged to develop a long term strategy for Mollymook Beach (south) as the gabion structure approaches the end of its useful life.

Shoreline Protection Audit

Council's Natural Resources and Floodplain Unit (NRFM) has been undertaking planning for sustainable coastal management in Shoalhaven. The key role of the Unit when it comes to coastal management is to:

- manage healthy coastal systems such as estuaries, wetlands, dunes, foreshore bushlands;
- provide safe access to the beach; and
- evaluate risks to private and public assets and plan to manage the risks to these assets.

Historically a number of shoreline protection structures have been placed to manage the risk to assets such as shared pathways, playgrounds, parks, sewer and water supply infrastructures and roads. These protection structures only exist to protect the assets located behind the structures. Thus, all Council's various Asset Managers have a role in monitoring the structures and coordinating repairs and upgrades.

- # The attached extract of an audit report from GHD Pty Limited (**Attachment B**) completed before the June 2016 event, highlights that a number of structures are in need of urgent repair.

Funding Options

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

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

- road infrastructure, for example road signs, guard rails and traffic lights;
- bridges;
- tunnels;
- footpaths;
- culverts;
- levees;
- local government office; and
- stormwater infrastructure.

It does not include restoration to natural areas (e.g. foreshore erosion), or parks and reserves. In addition, Council's normal hour costs are not claimable. Only additional costs, such as overtime, contractor costs and materials can be claimed.

Of the \$440,000 (Roads and Parks Infrastructure) incurred for the emergency response and clean-up, \$240,000 is expected to be claimable.

Attachment A clearly identifies costings associated with coastal damage that are currently well beyond existing budget capacity.

The NDRRA funding does have provisions for submission of claims for non-eligible costs, referred to as a Part C claim. Council lodged a Part C claim following the August 2015 flood, determination is pending. A similar claim will be lodged for this recent event, but it is very uncertain if the claim, in part or full part, will be approved. If not, the balance will need to be funded by Council.

FINANCIAL IMPLICATIONS:

- # Recently the NSW government has announced that it will provide \$83.6 million for coastal management over five years from 2016-17 to 2020-21. (refer **ATTACHMENT C**). Grant funding will only be available for works that are consistent with a certified Coastal Zone Management Plan (CZMP) or Coastal Management Program. This requirement reinforces the priority for Council to transition its draft CZMP into a Coastal Management Program to be certified by the Minister so that Council can access funding for works in future.

However, given that Council had publicly exhibited its draft CZMP and held off adopting it and getting it certified by the Minister at the time due to the NSW coastal reform being undertaken and the requirement for Council to adopt their own SLR projections, it is

believed that Council could apply to the Minister for a temporary (one year) exemption from this requirement, to access grant funding for works.

Council allocated very little funds in the Coastal & Estuary Management budgets for 2016/17. This significantly reduces Council's ability to match any potential funding allocation under the NSW Government's Estuary and Coastal Grant Funding Program.

It is recommended that in view of the significant damages caused by erosion, Council allocate further funding to the coastal management program 2016/17. This funding will need to be sourced from General Fund, which may impact on the delivery of some projects.

It is proposed that funding be reallocated in 2016/17 from:

- \$100,000 from Parks & Reserves Operating Budget - Minor Improvement Program (Noting that \$213,000 is being carried forward from 2015/16);
- \$150,000 from Capital Expenditure - Tourist Parks Development; and
- \$250,000 from Capital Expenditure - Yarramunmun Creek Bridge Renewal (Noting that bridge funds are available in 2017/18 to be allocated to this project.)

Of the above \$500,000, \$350,000 be allocated for coastal management priority works that match the objectives & priorities of the NSW Coastal & Estuaries grants program and \$150,000 be allocated for restoration works in the immediate vicinity of adjoining Holiday Haven Tourist Parks.

The August 2015 event caused over \$630,000 damage to ineligible assets and the damage bill arising from the June 2016 event will be significantly more than previous events to undertake restoration of extensive foreshore erosion (coastline and riverbanks).

If the claim process is unsuccessful, funding provisions will need to be made in current and future budgets. The financial implications are currently beyond Council's existing budget capacity.

COMMUNITY ENGAGEMENT:

Community engagement will occur at each shoreline/erosion site to help identify appropriate remediation options.

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