

Ordinary Meeting

Meeting Date: Tuesday, 04 October, 2016
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 3.30pm

Membership (Quorum - 7)
All Councillors

Note:

An Official Ceremony will be held from 3pm prior to the commencement of the Ordinary Meeting of the Council, which will include:

- Smoking ceremony and welcome song
- Mayoral oath and affirmation of office
- Presentation of Mayoral Chains
- Councillor oaths and affirmations

Agenda

1. Opening Prayer
2. Acknowledgement of Traditional Custodians
3. Australian National Anthem
4. Apologies / Leave of Absence
5. Confirmation of Minutes
 - Ordinary Meeting - 16 August 2016
6. Declarations of Interest
7. Committee Reports

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| CCL16.2 | Tenders - Ison Park Football Complex Amenities Building - Stage 1 <i>Local Government Act - 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.</i> <i>There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal</i> |

commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

CCL16.3 Negotiations - Provision of Management & Operations of the Ulladulla Civic Centre 2016/19

Local Government Act - 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.

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

CCL16.4 Tenders – Supply Landfill Compactor

Local Government Act - 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.

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably expected to impact on the ability of Council to attract competitive tenders in the future.

CCL16.5 Occupancy Fees - Holiday Haven - Debt

Local Government Act - Section 10A(2)(b) - Discussion in relation to the personal hardship of a resident or ratepayer.

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to impact on the ability of Council to deal with sensitive matters concerning residents or ratepayers in the future.

CCL16.6 Tenders – Analogue to DMR Digital Radio Network

Local Government Act - 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.

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

CCL16.7 Tenders – Mandatory Portable Electrical Items Test & Tag

Local Government Act - 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.

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably expected to reveal

commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

CCL16.8 Tenders – Nowra to REMS 1A Transfer Main

Local Government Act - 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.

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

CL16.1 Report of the Shoalhaven Natural Resources & Floodplain Management Committee - 20 July 2016

HPERM Ref: D16/303101

SN16.1 Sea Level Rise Projection in Shoalhaven: Science and Policy

HPERM Ref: D16/296674

Recommendation

1. That Council consider, as part of their review process of existing Sea Level Rise Policy review, adopting a precautionary principle to sea level rise policy/adaption to climate change and that future policies include a statement of intent that informs a more detailed policy position including a scientifically supported planning horizon for the Shoalhaven.

Note: The Committee expressed their concerns on the apparent lack of credible and widely accepted competent scientific basis upon which the current Council adopted their Policy.

2. That Council:
 - a. Consider adopting a more holistic approach managing Sea Level Rise and Climate change risk.
 - b. Adopt a four year review cycle for the above mentioned policies.
 - c. Report back to the Committee if the peer review of the legal advice known as Attachment D on 10 February 2015 was undertaken.

Note by the General Manager: (prepared by Director Planning & Development)

The 2009, NSW Government Sea Level Rise required that Council consider, as a minimum, 40cm sea level rise by 2050 and 90cm rise by 2100 above 1990 levels. In response, Council conducted flood studies and coastal risk studies which informed council LEP and citywide DCP based on the NSW Government Sea Level Rise. The State Government repealed their Sea Level Rise Policy in 2012 as part of the stage 1 coastal reforms and encouraged each council to adopt their own sea level rise projections. In response, Council in partnership with Eurobodalla Council engaged expert consultants to develop a [South Coast Regional Sea Level Rise Policy and Planning Framework](#) (October 2014). This document was not adopted by Council, however, part of it together with submissions from the Nongovernmental International Panel on Climate Change and local civil engineer were used by Councillors to adopt the following sea level rise projections on 10 February 2015. 10cm for 2030; 23cm for 2050 and 36cm for 2100. Referring to table 10 on page 55 of the [South Coast Regional Sea Level Rise Policy and Planning Framework](#) (<http://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=D15/91828>) these numbers correspond to the sea level rise projections associated with a greenhouse gas scenario RCP6.0 (mid-range greenhouse gas emissions scenario which rely on significant reduced emissions in the near future). Council is now in the process of reviewing its coastal hazard studies and some flood risk studies in view of Council's adopted sea level rise projections. Since Council's decision on sea level rise, the NSW government has released a comprehensive climate change tool: AdaptNSW, it contains guidance for local government on sea level rise <http://climatechange.environment.nsw.gov.au/Impacts-of-climate-change/Sea-level-and-coasts>. The Australian Government also released a comprehensive decision support tool for coastal managers developed by NCCARF (National Climate Change Adaptation Research Facility). Specific information on the

CL16.1

choice of greenhouse gas scenario are available at <https://coastadapt.com.au/how-to-pages/how-to-understand-climate-change-scenarios>.

CL16.2 Report of the Shoalhaven Arts Board - 11 August 2016

HPERM Ref: D16/303080

**AB16.1 Rebranding of the Shoalhaven City Arts Centre -
Discussion Paper**

**HPERM Ref:
D16/296689**

Recommendation

That the Shoalhaven Arts Board recommend the Shoalhaven City Arts Centre be renamed to Shoalhaven Regional Gallery, Nowra.

Option 1: Shoalhaven Regional Gallery, Nowra

Option 2: Nowra Regional Gallery – NRG

Option 3: Shoalhaven Nowra Regional Gallery - SNRG

CL16.2

CL16.3 Electronic Recording of Council and Committee Meetings

HPERM Ref: D16/305702

Group: General Manager Group

Purpose / Summary

To amend the provisions of Council's Code of Meeting Practice to permit electronic recording of Open Council and 'Core' Committee Meetings.

Recommendation

That the Code of Meeting Practice be amended to state the following at Clause 9.12:

"Recording of Council Meeting

1. Council will allow the electronic recording by any person of an open session of any Council meeting and open meetings of the Development Committee and Strategy and Assets Committee.
2. No person shall electronically record the proceeding of any Council Committee other than outlined in subclause 1 above, without that Committee passing a resolution to allow the recording.
3. Under no circumstances shall any confidential session of a Council or Committee meeting be electronically recorded
4. That a statement be made at the commencement of meetings subject to subclause (1) above to advise those in attendance that their image and voice whilst at the meeting may be captured and/or broadcast and their continuing attendance is acceptance of that recording."

CL16.3

Options

1. That the above recommendation be adopted.
2. That the recommendations not be adopted and therefore the provisions of the Code of Meeting practice remain unchanged.
3. That alternate provisions in regard to the recording of Meetings be proposed

Background

The current provisions of Council's Code of Meeting Practice do not extend to allow electronic recording/ and or broadcasting of open meetings of both Council and Core Committees and amendments are proposed the allow this.

Section 273 of the Local Government (General) Regulation 2005 permits a person to use a tape recorder to record the proceedings of a meeting of a Council or committee of a council

only with the authority of the council or committee. A resolution as proposed by this report would extend the authority that currently exists to the Committees of the Council.

Council's Code of Meeting Practice (POL15/46), in relation to the recording of meetings currently states at Clause 9.12:

9.12 “Recording of Council meeting

Council will allow any person to tape record the proceedings of an open session of any Council meeting.

No person shall tape record the proceedings of any Council Committee meeting without first seeking permission and the committee passing a resolution to allow the tape recording.

Under no circumstances shall any confidential session of a Council or Committee meeting be electronically recorded.”

The following amendments are proposed to allow any person to record the proceedings of Open Council and ‘Core’ Committee meetings (those being the Development Committee and Strategy and Assets Committee) without resolution of the Meeting.

At any time during the meeting, the approval of the recording of the meeting provided can be removed by resolution of that Meeting.

The rules relating to other committees of the Council will remain un-changed, that being that resolution of the Committee permitting recording will be required prior to the commencement of any taping or electronic recording of the meeting.

The proposed amendments extends the concept of ‘tape recording’ to electronic recording of the open meetings by way of electronic device, including video recording and live or delayed video or audio streaming.

Recording of confidential or closed sessions of the Council are currently not permitted and the proposed amendment will not alter this restriction.

CL16.4 Declaration of Poll - Ordinary Election - Saturday 10 September 2016

HPERM Ref: D16/290784

Group: General Manager's Group

Purpose / Summary

To advise Council of the result of the Election held on Saturday, 10 September 2016.

Recommendation

That the report of the General Manager regarding the Declaration of Poll, Ordinary Election, Saturday 10 September 2016, be received for information.

Options

1. As recommended
2. That Council receive the report of the General Manager and add other recommendations related to the election results.

Background

Notice is hereby given that as a result of the election held on Saturday, 10 September 2016, the Returning Officer, Grahame Allen, has declared the following person duly elected as Mayor of the City of Shoalhaven for the ensuing period, in accordance with the provisions, Clause 356, of the Local Government (General) Regulation 2005.

Amanda Findley

Notice is also given that as a result of the Election held on Saturday, 10 September 2016, the Returning Officer, Grahame Allen, has declared the following persons duly elected as Councillors of the City of Shoalhaven for the Wards indicated hereunder, for the ensuing four year period in accordance with the provisions, Clause 356, of the Local Government (General) Regulation 2005.

Ward One

Andrew Guile
John Wells
Nina Cheyne
Annette Alldrick

Ward Two

Greg Watson
Jo Gash
John Levett
Mitchell Pakes

Ward Three

Mark Kitchener

Patricia White

Bob Proudfoot

Kaye Gartner

CL16.4

CL16.5 Election of Deputy Mayor and Assistant Deputy Mayor for the Ensuring Year

HPERM Ref: D16/291146

Group: General Manager's Group

Purpose / Summary

To elect a Deputy Mayor and Assistant Deputy Mayor for the period to September 2017.

Recommendation

That Council determine the method of election and then conduct an election for Deputy Mayor and Assistant Deputy Mayor for the period until September 2017.

Options

1. Elect and appoint the Deputy Mayor and the Assistant Deputy Mayor. (as recommended)
2. Elect and appoint a Deputy Mayor only.

Background

Under the provisions of Section 231 of the Local Government Act 1993 (LG Act) the Councillors may elect a person from among their members to be the Deputy Mayor. A Deputy Mayor may be elected for the Mayoral term or a shorter term. The recommendation provides for the positions to be filled for one year.

Council has previously appointed an Assistant Deputy Mayor who may exercise the function of Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising the function of the Deputy Mayor. Election to the position of Assistant Deputy Mayor should follow the same procedure as for Deputy Mayor if Council considers the position is required.

Council at its meeting on 15 September 2015 elected Cllr Wells as Deputy Mayor and Cllr Baptist as Assistant Deputy Mayor.

The Deputy Mayor or the Assistant Deputy Mayor in his/her absence may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of the Mayor.

The method of election is as follows:

i. Returning Officer

The General Manager (or a person appointed by the General Manager) is the Returning Officer. The General Manager has appointed Director Corporate and Community Services as the Returning Officer.

ii. Nominations

- a) A Councillor may be nominated without notice for election as Deputy Mayor, and that Councillor has indicated consent to the nomination.
- b) The nomination can also be made in writing by two (2) or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- c) The nomination is to be delivered or sent to the Returning Officer.
- d) The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is held.

It would be appreciated if nominations could be in the hands of the Returning Officer by 12 Noon on Tuesday 4 October 2016 to allow ballot papers to be prepared should there be more than one candidate and Council elects to proceed by preferential or ordinary ballot. However, this does not preclude nominations being lodged under part (a) above.

iii. Election

- a) If only one Councillor is nominated, that Councillor is elected.
- b) If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting. (ie. show of hands)
- c) The election is to be held at the Council meeting at which the Council resolves on the method of voting.
- d) In this clause:
 - (1) **Ballot** has its normal meaning of secret ballot;
 - (2) **Open voting** means voting by a show of hands or similar means.
- e) In the event of an equal number of ballots being cast for the position of Deputy Mayor or Assistant Deputy Mayor, the position shall be determined by draw. In the event of a draw the name drawn shall be the Councillor appointed to the position.

CL16.6 Instruments of Delegation - Mayor and General Manager

HPERM Ref: D16/304939

Group: Corporate & Community Services Group
Section: Human Resources, Governance & Customer Service

Attachments: 1. Legal Instrument - Draft Delegation to General Manager [↓](#)
2. Legal Instrument - Draft Delegation to Mayor [↓](#)

Purpose / Summary

To provide the Instruments of Delegation for the Mayor and the General Manager and provisions to allow for an Acting General Manager when required.

Recommendation

That Council

1. Delegate to the General Manager the authority as outlined in the Instrument of Delegation provided as Attachment 1 to this report
2. Delegate to the Mayor, Councillor Amanda Findely the authority as outlined in the Instrument of Delegation as provided as Attachment 2 to this report
3. That for the period 4 October 2016 to 30 October 2017, one of the persons (determined by the Mayor at the relevant time) holding the position of:
 - a. Director of Assets & Works;
 - b. Director of Corporate & Community;
 - c. Director of Planning & Development; or
 - d. Director of Shoalhaven Water,

be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave or for any other purpose. Such appointment is to cease upon the return to work of the General Manager or by other resolution of the Council.
4. That any person acting as General Manager pursuant to this resolution has all the functions, delegations, and sub-delegations given to the General Manager by the Council.

Options

1. To adopt the instruments of delegation provided as attachments to the report and include in the resolution the recommended provisions to allow for a Group Director to be appointed as Acting General Manager.

Implications: The Instruments of delegations and recommendations proposed have been updated following review and legal advice.

2. To adopt differing Instruments of delegation and /or provisions for the appointment of an Acting General Manager

Implications: Amendments to the proposed Instruments of Delegation and/or recommendations for appointment of an Acting General Manager may impact upon the ability of the Council to make lawful decisions of the Council. It would be strongly recommended that should the Council wish to amend those proposed that legal advice be sought.

3. To defer the adoption of the differing instruments to allow for further information or advice.

Implications: The Mayor, Councillor Findley will not be able to apply delegations until such time as they are approved by the Council.

Background

In accordance with Section 380 of the Local Government Act, 1993 each Council must review its delegations within the first 12 months of each term of office.

The previous delegations of the General Manager and Mayor have been reviewed and legal advice received to confirm the proposed content reflects the requirements of the Council, including those legislative amendments which occurred as the result of the recent assent of the Local Government Amendment (Governance and Planning) 2016.

The proposed Instrument of Delegations for the General Manager is provided as Attachment 1 and Attachment 2 provides a proposed Instrument of Delegation for the Mayor.

In accordance with advice received, specific recommendations are proposed to allow for the appointment of an Acting General Manager in circumstances where the General Manager is absent.

SHOALHAVEN CITY COUNCIL

INSTRUMENT OF DELEGATION TO GENERAL MANAGER

On Tuesday, 4 October 2016 the Shoalhaven City Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council ("**General Manager**"), being at the date of this instrument RUSSELL DESMOND PIGG, be delegated authority under:
 - 2.a Section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council's Functions under all Acts and Regulations in force and as amended from time to time:
 - i. **Subject to** any condition or limitation on a Function specified in Schedule 1; and
 - ii. **Excluding** those Functions:
 1. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
 2. which are expressly required by legislation to be exercised by a resolution of the Council.
 - 2.b Section 68 of the NW Act, to exercise and/or perform on behalf of Council the Functions of the Council (other than the power of delegation) under the NW Act.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2**, **excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The General Manager be conferred authority to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.
5. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.

6. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.
7. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a.a the requirements of the relevant Legislation;
 - a.b any conditions or limitations set out in **Schedule 1**; and
 - a.c any resolution or policy, procedure or budget adopted from time to time by the Council.
8. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
9. In this delegation:
 - **“Acts”** includes legislation enacted by the parliaments of New South Wales and of the Commonwealth of Australia;
 - **“Functions”** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
 - **“Legislation”** includes an Act of the parliament of New South Wales or of the Commonwealth of Australia and a Regulation under an Act.
 - **“LG Act”** means the *Local Government Act 1993* as amended.
 - **“NW Act”** means *Noxious Weeds Act 1993* as amended.

Schedule 1: Limitations

| Part A – Limitations applicable to specific statutory Function (if any) | |
|--|---------------------|
| Legislation | Limitation (if any) |
| N/A | N/A |

| |
|---|
| Part B – General Limitations |
| Subject to any limitations imposed by legislation; specific directives from the Mayor, Council; or any Council Policy, Code or Procedure. |

Schedule 2: Instruments of Delegation to Council

| Delegator | Instrument Name | Date Of Instrument |
|-----------------------------|---|---------------------------|
| Department of Fair Trading | Instrument of delegation under section 21 of the Plumbing and Drainage Act 2011 | Thursday, 8 November 2012 |
| Roads and Maritime Services | Transport Administration Act Delegation - Section 50 | Monday, 31 October 2011 |

Schedule 3: Policy Authorities

| Code | Policy Authority |
|---|---|
| <p>F01 - Sign and Draw Cheques on behalf of Council - MIN15.383</p> <p>Pursuant to Council MIN15.383 adopted at Council meeting held 23 June 2015</p> | <p>Authority, with one other authorised person:</p> <ul style="list-style-type: none"> to operate on any account(s) now opened or to be opened by the Shoalhaven City Council with Financial Institutions so long as the account(s) shall be in credit or at the Financial Institutions' discretion notwithstanding that they shall become thereby or be already overdrawn; To sign, draw, make, accept and negotiate cheques on behalf of the Shoalhaven City Council. |
| <p>F02 - Accounts receivable - Write-Offs < \$4000</p> <p>Pursuant to Councils Debt Recovery Policy POL 15/61 adopted 23/04/2008</p> | <p>To authorise the abandonment or write off of accounts receivable for any amount up to but not exceeding \$4,000.</p> |

| | |
|--|--|
| GM01 - POL 11/128 - International Gifts - Giving and Receiving Pursuant to Council POL 11/128 adopted by Council 28/02/2012 | Authority to administer the giving and receiving of gifts to the City as a result of international interactions by Councillors or staff, according to <i>Code of Conduct Guidelines</i> . |
| GM02 - Leases and Licences - MIN14.912 Pursuant to Council MIN14.912 | Authority to: (a) approve and execute leases and licences that: <ul style="list-style-type: none"> • are for a maximum term of 5 years; and • have an annual rental of \$5,000 or less; and (b) approve and execute telecommunications licences where the agreement relates to an existing telecommunication site. |
| GM03 - Leases - Council Owned Properties - MIN15.237 Pursuant to Council resolution adopted by Council 21 April 2015 under MIN15.237 | Authority to approve and finalise all lease negotiations in relation to Council owned properties managed by Integrity Real Estate, and to sign any documents necessary to give effect to Council resolution adopted 21 April 2015 under MIN15.237. |
| GM04 - Trees - Expend Funds - MIN12.1329 Pursuant to resolution of Council MIN12.1329 and Council's tree management policy - POL 14/58 adopted by Council 06/03/2015. | Authority to expend funds to remove trees subject to a Court Order, under section 17 of the <i>Trees (Disputes Between Neighbours) Act 2006</i> , and pursuant to Council POL14/58. |

Pursuant to a Resolution of the Council at its meeting of Tuesday, 4 October 2016,
MIN16.XXX 4 October 2016

Amanda Findley

Mayor

Date: Tuesday, 4 October 2016

Review date: Thursday, 29 September 2016

General Manager's acknowledgement of Delegations of Authority

I, Russell Desmond Pigg, currently employed by the Council in the position of General Manager, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

General Manager of Shoalhaven City Council

Date:

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CL16.6 - Attachment 1

SHOALHAVEN CITY COUNCIL

INSTRUMENT OF DELEGATION TO Mayor

On Tuesday, 4 October 2016 the Shoalhaven City Council (“**Council**”) resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. Pursuant to section 377 of the LG Act to delegate to the Mayor authority to exercise and/or perform on behalf of the Council the Council’s Functions identified in **Schedule 1** subject to any condition or limitation specified.
3. The Mayor be conferred authority to carry out the Policy Authorities listed in **Schedule 2** and undertake any administrative actions necessary to carry out those Policy Authorities.
4. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. the requirements of the relevant Legislation;
 - b. any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and
 - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
6. In this delegation:
 - o ‘**Functions**’ means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
 - o ‘**Legislation**’ includes an Act of the parliament of New South Wales or of the Commonwealth of Australia and a Regulation under an Act.
 - o ‘**LG Act**’ means the *Local Government Act 1993* as amended.

Schedule 1: Delegated Functions

Local Government Act 1993

| Function Code | Function | Condition/ Limitation (if any) |
|---------------|----------|--------------------------------|
| Legislation | N/A | N/A |

Schedule 2: Policy Authorities

| Code | Policy Authority |
|---|--|
| MA02 - Appoint members of Committees and Panels | Authority to appoint members of the Building Awards Selection Panel and the Australia Day Awards Selection Panel and members of other committees or panels as determined by a resolution of Council. Pursuant to MIN12.1091 dated 25 September 2012 |

Schedule 3: General Limitations

| Limitation (if any) |
|---------------------|
| N/A |

Pursuant to a Resolution of the Council at its meeting of Tuesday, 4 October 2016.

MIN16.XXX 4 October 2016

Councillor: [Name]

Councillor: [Name]

Date:

Review date: Thursday, 29 September 2016

Delegate Acknowledgement of Delegation

I, Amanda Findley, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

Mayor of Shoalhaven City Council

Date:

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DRAFT

CL16.7 Ordinary Meeting - Order of Business

HPERM Ref: D16/294825

Group: Corporate & Community Services Group

Section: Human Resources, Governance & Customer Service

Purpose / Summary

The Local Government (General) Regulation 2005 states that at a meeting of the Council (other than an Extra Ordinary meeting) the General Order of Business is as fixed by the Council's Code of Meeting Practice or as fixed by resolution of the Council.

Recommendation

1. That Council adopt the Order of Business, as follows, for the Ordinary Meetings of Council:
 - a. Opening Prayer
 - b. Acknowledgement of Traditional Custodians
 - c. Australian National Anthem
 - d. Apologies/Leave of Absence
 - e. Confirmation of Minutes
 - f. Declarations of Interest
 - g. Presentation of Petitions
 - h. Mayoral Minutes
 - i. Deputations
 - j. Report of Committees
 - k. Report of the Shoalhaven Traffic Committee
 - l. Officers Reports
 - m. Notices of Motion and Questions on Notice
 - n. Addendum Reports
 - o. Confidential Report of the General Manager

*If any items of business require attendance of specialist staff (eg Legal, Insurance, Property) then Council will generally consider those items following the Deputations

Options

1. Council adopt the order of business as show in the recommendation.
2. Council change the order of business.

Background

Council's Code of Meeting Practice provides that "the Order of Business" on the Agenda for Council and Committee Meetings be as fixed by the Code or by resolution of Council".

Council's Code of Meeting Practice provides a procedure whereby priority can be given to those items of business of particular interest to members of the public present at the meeting if the Council so resolves.

CL16.8 Determination of Core Committees

HPERM Ref: D16/290900

Group: Corporate & Community Services Group
Section: Human Resources, Governance & Customer Service

Purpose / Summary

In accordance with Clause 260 of the Local Government General Regulation 2005, a Council may appoint or elect such committees as it considers necessary. In regard to such committees Council must specify the functions or delegation, membership and quorum of each Committee.

Recommendation

That

1. Pursuant to Section 355(b) – Local Government Act ,1993 and Clause 260 of the Local Government (General) Regulation, 2005 Council establish the ‘Core’ Council Committees as:
 - a. Strategy and Assets Committee
 - b. Development Committee
2. The Delegations of the Strategy and Assets Committee be as follows:

Strategy and Assets Committee

THAT pursuant to s377 (1) of the Local Government Act 1993:

- A 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, where permitted under legislation 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

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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.
3. The Delegations of the Development Committee be as follows:

Development Committee

THAT pursuant to s377 (1) of the Local Government Act 1993:

- A. The Committee is delegated the functions conferred on Council by the Environmental Planning & Assessment Act 1979 (EPA Act), Local Government Act 1993 (LG Act) or any other Act or delegated to Council, as are specified in the attached Schedule, subject to the following limitations:
 - i. The Committee cannot make a decision to make a local environmental plan to classify or reclassify public land under Division 1 of Part 2 of Chapter 6 of the LG Act;
 - ii. The Committee cannot review a s82A or s96AB EPA Act determination made by the Council or by the Committee itself;
 - iii. The Committee cannot exercise any function delegated to the Council which by the terms of that delegation cannot be sub-delegated;

- iv. The Committee cannot exercise any function which s377(1) of the LG Act provides cannot be delegated by Council; and
- v. 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.

SCHEDULE

1. All functions relating to the preparation, making, and review of local environmental plans (LEPs) and development control plans (DCPs) under Part 3 of the EPA Act.
 2. All functions relating to the preparation, making, and review of contributions plans and the preparation, entry into, and review of voluntary planning agreements under Part 4 of the EPA Act.
 3. The preparation, adoption, and review of policies and strategies of the Council in respect of town planning and environmental matters and the variation of such policies.
 4. Determination of variations to development standards related to development applications under the EPA Act where the development application involves a development which breaches a development standard by more than 10% and the application is accompanied by a request to vary the development standard under clause 4.6 of Shoalhaven Local Environmental Plan 2014 or an objection to the application of the development standard under State Environmental Planning Policy No. 1 – Development Standards.
 5. Determination of variations from the acceptable solutions and/or other numerical standards contained within the DCP or a Council Policy that the General Manager requires to be determined by the Committee
 6. Determination of development applications that Council requires to be determined by the Committee on a case by case basis.
 7. Review of all determinations of development applications under sections 82A and 96AB of the EP&A Act.
 8. Preparation, review, and adoption of policies and guidelines in respect of the determination of development applications by other delegates of the Council.
4. The membership and quorums be as set as follows:
- i. Strategy and Assets Committee

Membership:

 - Mayor
 - All Councillors
 - General Manager (or nominee)

Chairperson has casting vote

Quorum: Five (5)
 - ii. Development Committee

Membership:

 - Mayor
 - All Councillors
 - General Manager (or nominee)

Chairperson has casting vote

Quorum: Five (5)

5. That the following Councillors be appointed as Chairperson and Deputy Chairperson of the Core Committees:
 - a. Development Committee
 - i. Chairperson
 - ii. Deputy Chairperson
 - b. Strategy and Assets Committee
 - i. Chairperson
 - ii. Deputy Chairperson

Options

1. Establish the proposed Core Council Committees including the functions, delegation, membership and quorum.

Implications: No change of procedure, delegation or meeting practice is required.

2. Establish the proposed Core Council Committees with changes in functions, delegation, membership or quorum.

Implications: Should council wish to change the functions of committees, changes to procedures and the Code of Meeting Practice may be required. Should amended delegations be proposed for a Committee, it may be prudent to obtain legal advice on the impact of those changes to ensure decisions are legally valid.

3. Establish different Core Council Committees with changes in functions, delegation, membership or quorum.

Implications: Changes to procedures and the Code of Meeting Practice may be required, and, it would be prudent to obtain legal advice on the the proposed delegations of the Core Committee to ensure decisions are legally valid.

Background

The delegations proposed in this report reflect legal advice obtained with respect to the functions of the Core Committees outlined in this report.

A Council must specify the function, purpose and delegation of each of its committees when such a committee is appointed or elected but may from time to time amend those functions or purpose and delegation.

Such a committee is to consist of The Mayor, and such other Councillors as are elected by the Councillors or appointed by Council.

The Chairperson of each committee (i.e. a committee consisting of only Councillors) of Council must be:

- a) The Mayor; or
- b) If the Mayor does not wish to be the Chairperson of the Committee – a member of the Committee elected by the Council; or

- c) If the Council does not elect such a member – a member of the committee elected by the Committee.

As the Council has historically included the General Manager as a member of committees the Local Government Act provision relating to Chairmanship does not apply.

A Council may elect a member of a committee of the Council as Deputy Chairperson of the committee. If the Council does not elect a Deputy Chairperson of such a committee, the committee may elect a Deputy Chairperson.

If neither the Chairperson nor the Deputy Chairperson of a committee of a Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be the Acting Chairperson of the committee.

The Chairperson is to preside at a meeting of a committee of a Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the Acting Chairperson is to preside at the meeting.

The quorum for a meeting of such a committee is to be:

- a) Such number of members as the Council decides; or
- b) If the Council has not decided a number – a majority of the members of the committee.

It should be noted that recent amendments to the Local Government Act 1993 which do not yet have a commencement date, will result in a 'Model' Code of Meeting Practice for NSW Councils. This will likely impact on meeting procedure and may impact on the membership, quorum and other features of 'Core' Committees. Reports will be provided to Council when further information comes to hand.

Community Engagement

No community engagement has occurred in relation to the proposed Core Committees.

CL16.9 Determination of Date and Time of "Core" Council Committee Meetings, Ordinary Meetings and Councillor Briefings

HPERM Ref: D16/290979

Group: Corporate & Community Services Group
Section: Human Resources, Governance & Customer Service

Attachments: 1. Proposed Schedule of Meetings and Briefings [↓](#)

Purpose / Summary

To set the time, date and place for the meeting cycle of Ordinary and Committee meetings.

Recommendation

That Council:

1. Adopt a schedule of meeting dates as per the attached schedule providing:
 - a. a Three (3) week cycle of meeting dates per month, held on a Tuesday as follows:
 - i. Week 1 – Development Committee;
 - ii. Week 2 – Strategy and Assets Committee;
 - iii. Week 3 – Ordinary Meeting.
 - b. Meetings and briefings not being held during the following periods:
 - i. Christmas break, including the first Two (2) weeks of January 2017
 - ii. Easter break;
 - iii. Australian Local Government Association General Assembly - 18 to 21 June 2017;
 - iv. The first Two (2) weeks of July 2017
 - v. Local Government Association Conference - 4 to 6 December 2017.
2. Reaffirm the authorisations to the General Manager as set out in the report; and
3. Determine the start time for Council and Committee meetings and Councillor Briefings, to be generally at 4:00 pm.

Options

1. Adopt the recommendation as outlined in the report.
2. Adopt an amended schedule of meetings, authorisations to the General Manager or meeting commencement times.

Background

Council's Code of Meeting Practice states that "The Council shall, by resolution, set the time, date and place for the meeting cycle of ordinary and committee meetings in accordance with

Section 365 – Local Government Act (namely at least ten times each year, each time in a different month).

If Option 1 is adopted, it will allow for any additional meetings (such as Extra Ordinary Meetings) to be convened on the fourth Tuesday of the month.

It is recommended that Council adopt the following authorisation to the General Manager:

- a) Calling of Special Committee Meetings and Briefing Sessions: the General Manager be authorised to call Special Meetings or Briefing Sessions for any of the Core or Advisory Committees and Boards.
- b) Commencement Time for Regular Council Committees: the General Manager be authorised to make changes to the commencing time for the Core Council Committees where appropriate.
- c) Advisory Committees – Frequency of Meetings: Advisory Committees to meet as adopted by Council subject to the General Manager, in consultation with the Chairperson, being authorised to call meetings on a more regular basis to consider urgent and/or important business.
- d) To allow the General Manager to consider alternate venues for the Ordinary Meeting of Council in special circumstances, provided that at least one meeting per year is held in both Ulladulla and within the Central Shoalhaven.

Financial Implications

The frequency and time dedicated to Committee meetings have a direct correlation with the administrative costs of those meetings.

Proposed Schedule of Ordinary Meetings, Core Committee Meetings

| | | |
|-----------------------|---------|-----------------------------|
| October 2016 | | |
| Monday 10 | 4:00 pm | Development Committee |
| Tuesday 11 | 4:00 pm | Strategy & Assets Committee |
| Tuesday 25 | 4:00 pm | Ordinary Meeting |
| November 2016 | | |
| Tuesday 8 | 4:00 pm | Development Committee |
| Tuesday 15 | 4:00 pm | Strategy & Assets Committee |
| Tuesday 22 | 4:00 pm | Ordinary Meeting |
| December 2016 | | |
| Tuesday 6 | 4:00 pm | Development Committee |
| Tuesday 13 | 4:00 pm | Strategy & Assets Committee |
| Tuesday 20 | 4:00 pm | Ordinary Meeting |
| January 2017 | | |
| Monday 23 | 4:00 pm | Development Committee |
| Tuesday 24 | 4:00 pm | Strategy & Assets Committee |
| Tuesday 31 | 4:00 pm | Ordinary Meeting |
| February 2017 | | |
| Tuesday 7 | 4:00 pm | Development Committee |
| Tuesday 14 | 4:00 pm | Strategy & Assets Committee |
| Tuesday 21 | 4:00 pm | Ordinary Meeting |
| March 2017 | | |
| Tuesday 7 | 4:00 pm | Development Committee |
| Tuesday 14 | 4:00 pm | Strategy & Assets Committee |
| Tuesday 21 | 4:00 pm | Ordinary Meeting |
| April 2017 | | |
| Tuesday 4 | 4:00 pm | Development Committee |
| Tuesday 11 | 4:00 pm | Strategy & Assets Committee |
| Tuesday 18 | 4:00 pm | Ordinary Meeting |
| May 2017 | | |
| Tuesday 2 | 4:00 pm | Development Committee |
| Tuesday 9 | 4:00 pm | Strategy & Assets Committee |
| Tuesday 16 | 4:00 pm | Ordinary Meeting |
| June 2017 | | |
| Tuesday 6 | 4:00 pm | Development Committee |
| Tuesday 13 | 4:00 pm | Strategy & Assets Committee |
| Tuesday 27 | 4:00 pm | Ordinary Meeting |
| July 2017 | | |
| Monday 17 | 4:00 pm | Development Committee |
| Tuesday 18 | 4:00 pm | Strategy & Assets Committee |
| Tuesday 25 | 4:00 pm | Ordinary Meeting |
| August 2017 | | |
| Tuesday 1 | 4:00 pm | Development Committee |
| Tuesday 8 | 4:00 pm | Strategy & Assets Committee |
| Tuesday 15 | 4:00 pm | Ordinary Meeting |
| September 2017 | | |
| Tuesday 5 | 4:00 pm | Development Committee |
| Tuesday 12 | 4:00 pm | Strategy & Assets Committee |

| | | |
|---------------------|---------|-----------------------------|
| Tuesday 19 | 4.00 pm | Ordinary Meeting |
| October 2017 | | |
| Tuesday 3 | 4:00 pm | Development Committee |
| Tuesday 10, | 4:00 pm | Strategy & Assets Committee |
| Tuesday 17, | 4:00 pm | Ordinary Meeting |

Christmas Break – Monday 26 December 2016 to Sunday 22 January 2017

Australia Day – Thursday 26 January 2017

Easter – Friday 14 April – Monday 17 April 2017

Anzac Day – Tuesday 25 April 2017

Australian Local Government Association National General Assembly – 18-21 June 2017

Queen's Birthday – Monday 12 June 2017

Mid Year Break – Monday 3 July to Friday 14 July 2017

Labour Day – Monday 2 October 2017

Local Government NSW Conference – is 16 to 18 October 2016 (2017 dates are 4 to 6 December 2017)

CL16.10 Community Consultation & Committee System

HPERM Ref: D16/290524

Group: Corporate & Community Services Group
Section: Human Resources, Governance & Customer Service

Purpose / Summary

To determine the Councillor membership, confirm or disband the purpose/objective, delegated authority and quorum of Council's Committees.

Recommendation

1. That Establish the Risk and Audit Committee (39763E) pursuant to Section 355 – Local Government Act and pursuant to Section 377 - Local Government Act authorize the Committee to carry out the roles and responsibilities in accordance with the Audit Committee guidelines published by the Office of Local Government and Council's Audit Committee charter with the objective, membership, sitting fee, and quorum as outlined in the report.
2. Establish the Regional Development Committee (39964E) pursuant to Section 355 and Section 377 of the Local Government Act, with delegation, membership and quorum as outlined in the report.
3. Establish the Senior Staff Contractual Matters Committee (5001E) pursuant to Section 355 and Section 377 of the Local Government Act, with delegation, membership and quorum as outlined in the report.
4. Establish the following Boards, Advisory Committees, Working Parties and Reference Groups with the purpose, delegation (if applicable) Pursuant to Section 355 and Section 377 – Local Government Act, membership and quorum detailed hereunder:
 - a. Aboriginal Advisory Committee
 - b. Business and Employment Development Committee
 - c. Children's Services Reference Group
 - d. Council Bushcare Representative Group
 - e. Nowra CBD Revitalisation Strategy
 - f. Rural Fire Service Strategic Planning Committee
 - g. Shoalhaven Access Advisory Committee
 - h. Shoalhaven Arts Board
 - i. Shoalhaven City Mayor's Relief Fund
 - j. Shoalhaven Heads Estuary Taskforce
 - k. Shoalhaven Natural Resources & Floodplain Management Committee
 - l. Shoalhaven Sports Board
 - m. Shoalhaven Tourism Advisory Group
 - n. Youth Advisory Committee

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Options

1. That the current Committees, with their existing purpose, terms of reference, delegations, membership and meeting frequency, as outlined in the report be adopted by the Council.

Implications: This will continue current resourcing allocations and community membership.

2. That the proposed list of committees be altered, and /or those purpose, terms of reference, delegations, membership and meeting frequency, be amended.

Implications: Dependant upon the extent of the amendments, resources for the administration and support of Committees may be impacted.

Background

At the commencement of each term, the Council establishes it's system of community consultation in terms of the system of advisory and other committess to inform the Council. These Committees are reviewed each year, usually in September, and other amendments are proposed to the Council throughout the term, when identified or required.

Outlined in this report is the existing Committee system of the Council as at the end of the 2012- 2016 Council term for consideration of the Council for the ensuing 12 month period.

1. The Risk and Audit Committee (39763E)

The Risk and Audit Committee is recommended to be continued as previously appointed by the Council and outlined below. It should be noted that subsequent amendments to this Committee may be provided for the consideration of Council within this term to reflect the August 2016 amendments to the Local Government Act 1993, arising from the assent of the Local Government Amendment (Governance and Planning) Bill 2016. Council is awaiting further direction of the Office of Local Government on those changes.

| Risk and Audit Committee (39763E) | |
|--|--|
| <u>Meetings per year</u> – 5 & others as required <u>Commencement</u> – 4pm | <u>Quorum</u> – Three (3) – including 1 Councillor & 1 External member |
| Objective: The objective of the Risk and Audit Committee is to provide independent assurance and assistance to Shoalhaven City Council on risk management, control, governance, and external accountability responsibilities. | |
| 2015-2016 Councillor/ Staff Membership | 2016 -2017 Councillor/ Staff Membership |
| Clr Wells Clr Baptist Clr Guile (Alternate member) Clr Tribe (Alternate member) | Clr Clr Clr (Alternate Member) Clr (Alternate Member) |
| Independent Community Representatives (CHAIRPERSON- Independent Member Appointed by Council) Mr Anthony Messner — independent person (until 31/12/16) Ms Diana Price – independent person (until 31/12/19) Associate Professor Philip Ross (until 31/12/18) | Sitting Fee for Community Members Monthly payment of \$250 on the proviso 80% of meetings are attended <u>plus</u> a travel per kilometre allowance based on the Councillor rates for external members only. |

2.

| Regional Development Committee (39964E) | |
|--|---|
| Meetings per year - As Required No set meeting commence time | <u>Quorum</u> – Three (3) |
| Objective: To Consider staff reports sent to the Joint Regional Planning Panel | |
| Delegations: To make determinations in support or otherwise in relation to reports sent to the Joint Regional Planning Panel, including making representations to the Joint Regional Planning Panel | |
| 2015 -2016 Membership (CHAIRPERSON) Mayor – Clr Gash All Councillors General Manager or nominee | 2016 -2017 Membership (CHAIRPERSON) |

3.

| Senior Staff Contractual Matters Committee (5001E) | |
|--|--|
| Meetings per year - As required No set commencement time | <u>Quorum</u> – Five (5) |
| Purpose and Delegated Authority The Committee be delegated authority under Section 377 of the Local Government Act to: <ol style="list-style-type: none"> 1. Review the General Managers performance against the agreement, at least annually. 2. Deal with matters relating to requirements of the contract including the annual review of remuneration and to make any determinations where necessary. 3. Receive the General Manager’s annual reports on other Senior Staff contracts where Council is required to deal with contractual matters. 4. Consider and determine : <ul style="list-style-type: none"> • The organisational structure. • Industrial Relations Policy. • Other staff matters requiring Council consideration | |
| 2015-2016 Councillor/ Staff Membership | 2016 -2017 Councillor/ Staff Membership |
| CHAIRPERSON - Mayor All Councillors General Manager <u>Sub- Committee to undertake Delegations 1 & 2:</u> CHAIRPERSON – Mayor Deputy Mayor (Clr Wells) Clr Watson Clr White | CHAIRPERSON - Mayor <u>Sub- Committee to undertake Delegations 1 & 2</u> CHAIRPERSON – Mayor Deputy Mayor Clr Clr |

4. Pursuant to Section 355 LG Act it is recommended that the following Boards, Advisory Committees, Working Parties and Reference Groups be appointed with the existing purpose, delegation (if applicable) pursuant to Section 377 – Local Government Act, membership and quorum detailed hereunder:

- a) It is recommended that the Aboriginal Advisory Committee be re-appointed. The terms of reference for this Committee recently changed. (MIN 16.656) resulting in a reduced membership of three (3) nominated Councillors on the Committee, one of which will either be elected by the Committee as Chairperson or Co-Chairperson.

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| Aboriginal Advisory Committee – File 1209E | |
|---|--|
| Meetings per year - Four (4) Commencement Time – 4pm | <u>Quorum</u> – Five (5) |
| Purpose <ul style="list-style-type: none"> Advise Council on issues relating to the Aboriginal community. Act as a channel to advise Council of new issues affecting the Aboriginal community. Receive information on issues affecting the Aboriginal community and forward to Council. Provide a facilitation role. Advocate for the Aboriginal community. | |
| Delegation: NIL | |
| 2015-2016 Councillor/ Staff Membership | 2016 -2017 Councillor/ Staff Membership |
| (CHAIRPERSON –Appointed by Committee) - Cllr Findley – Chairperson All Councillors General Manager or nominee | Councillor Councillor Councillor General Manager or Nominee |
| Community Representatives (CO- CHAIRPERSON – Appointed by Committee) – To be Appointed Janet Atkins; Lena Bloxsome; Shondelle Bolt; Shane Brown; Valda Corigan; Sue-Anne Cutmore; Leonie Ebzery; Leslie Halls; Troy Lenihan; Patricia Lester; Sylvia Timberly; Noel Wellington | |

b)

| Business and Employment Development Committee – 38821E | |
|---|--|
| Meetings per year - Four (4) Commencement Time – 4pm | <u>Quorum</u> – Six (6) |
| Purpose <ul style="list-style-type: none"> To assist in the implementation of the Economic Development Strategy and monitor and report on performance. Support the expansion of industry activities within the Shoalhaven, across all sectors. Encourage the location of new industries in the region which will lead to an increase in the number of employment opportunities for the residents of the region Grow the socio economic base of the Shoalhaven. Examine and review employment development strategies and report on initiatives to carry their strategies forward | |
| Delegations: NIL | |
| 2015-2016 Councillor/ Staff Membership | 2016 -2017 Councillor/ Staff Membership |
| All Councillors General Manager or Nominee | General Manager or Nominee |
| Community / Organisational Representatives (CHAIRPERSON- Appointed by Committee) John Lamont – Regional Development Australia; Member for Gilmore – Ann Sudmalis MP or nominee; Member for South Coast – Shelley Hancock MP or nominee; Member for Kiama – Gareth Ward MP or nominee; Representative - Shoalhaven Tourism Advisory Group – To be appointed; Representative – Shoalhaven Sports Board – David Goodman; Shoalhaven Arts Board Representative - Vacant | |

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University of Wollongong, Shoalhaven Campus – Robbie Collins; NSW Department of Industry – Megan Cleary; Milton Ulladulla Business Chamber – Vacant; Regional Development Australia – Fiona Hatcher; NSW TAFE (Bomaderry Campus – Manager) – Paul Goodwin; Secondary Schools Representative – Nowra High School - Angela Byron; Southern Regional Business Enterprise Centre - Adrian Stam / Graham Baxter, Shoalhaven Professional Business Association- Steven Bayer; Representative – Manufacturing – Vacant; Representative- Defence – Vacant; Representative- Construction-Vacant

Three (3) Community Representatives - Lexie Meyer; James Coburn; Peter Dryer.

c)

| Children's Services Reference Group – 46176E | |
|--|---|
| <u>Meetings per year</u> : One (1) & others as required Commencement Time: 4pm | <u>Quorum</u> – Five (5) |
| Purpose To progress the future planning of facilities and services to meet the growth and development needs of the Shoalhaven: <ul style="list-style-type: none"> • Advise Council on issues relating to the education and care of children aged 0 – 12 years. • Act as a channel to advise Council on new issues and developments affecting children 0 – 12 years. • Share information on issues affecting children, families and their communities. • Develop and progress new and innovative ideas which enhance all children's health and wellbeing. • Advocate for inclusive environments and practices for all children and families in the Shoalhaven. • Develop and implement a collaborative Child Friendly Cities Plan for the Shoalhaven. | |
| Delegations: NIL | |
| 2015-2016 Councillor/ Staff Membership | 2016 -2017 Councillor/Staff Membership |
| (CHAIRPERSON) Clr Tribe All Councillors | (CHAIRPERSON- Appointed by Council) Clr |
| Community Representatives Craig Ardler; Pamela Arnold; Carmen Carter; Kathy Rembisz - (Alternative - Shannon Chessher); Amelia Collins; Julie Flanagan; Alison Grills; Belinda Hibbert; Cindy Holmes; Kimberlie Johnson; Leisa King; Stacey Plim; Bernadette Pullen; Kim Stouse-Lee; Kim Thompson; Melissa Wicks; Michelle Wozatka; Melinda Wren; Linda Windley | |

d)

| Council Bushcare Representative Group (42643E) | |
|--|---|
| <u>Meetings per year</u> - As required Commence Time – 4.00pm | <u>Quorum</u> – Five (5) |
| Purpose: To act as an advisory group on all matters relating to the future directions of the Bushcare Policy and program | |
| Delegations - Nil | |
| 2015-2016 Councillor/Staff Membership CHAIRPERSON Clr Findley All Councillors | 2016 -2017 Councillor Staff Membership CHAIRPERSON - Appointed by the Committee) All Councillors |
| Community/ Organisational Representatives 6 Bushcare Group Representatives- Annie Boutland; Francis Bray; Mike Clear; Tony Jennings; Bryan Lenne; Bill Pigott; Local Land Services – Jason Carson; Office of Environment & Heritage- Vacant | |

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e)

| Nowra CBD Revitalisation Strategy (50242E) | |
|---|---|
| Meetings per year Four (4) & others as required Commencement Time – 4.00pm | <u>Quorum</u> – Five (5) members |
| Purpose <ul style="list-style-type: none"> To direct the development and implementation of the Revitalisation Strategy for the Nowra CBD and review as appropriate. To determine overall capital works programs established by the Nowra CBD Revitalisation Strategy, as amended from time to time. To agree an annual capital works budget with Council To identify and approve all expenditure of funds identified in the Nowra CBD Revitalisation Strategy, additional funds allocated by Council for capital expenditure in the Nowra CBD including any loans, grants or from funds from any other source. To act as a communication conduit between Council and the CBD stakeholders in respect to the Nowra CBD Revitalisation Strategy with appropriate support from Council as required. Assist Council in advocating the adopted CBD Revitalisation Strategy to the community. Provide a report to Council each year outlining progress towards achieving the goals set out in the CBD Revitalisation Strategy together with any recommendations for updating the Revitalisation Strategy. Consult with relevant stakeholders as needed | |
| Delegations: <ul style="list-style-type: none"> To expend funds allocated to the CBD Nowra Revitalisation Strategy Committee by Council within the approved budget. To establish sub Committees as deemed appropriate. To promote the advantages of the CBD inside and outside the area, including making press releases and promoting the Nowra CBD Revitalisation Strategy project. To raise funds other than rates and loans to fund the objectives of the Committee. To expend funds raised outside of Council as the Committee deems appropriate, e.g. promotions, entertainment etc. | |
| 2015-2016 Councillor/ Staff Membership General Manager or delegate Director of Assets and Works or delegate Director of Planning and Development or delegate All Councillors are observers only | 2016-2017 Councillor/ Staff Membership |
| Community Representatives (CHAIRPERSON – Appointed by Committee) James Caldwell – land owner ; Annie Aldous – land owner; Mark Crowther – land owner; Scott Baxter – business operator; Brendan Goddard – business operator; George Parker – business operator; Community member- Sivan Agam | |

f)

| Rural Fire Service Strategic Planning Committee (1227E) | |
|--|--------------------------|
| Meetings per year Two (2) Commencement time - 5.30 pm | <u>Quorum</u> – Five (5) |
| Objectives: To advise Council on issues of a strategic and policy nature relating to the operation of the Rural Fire Services having regard to the following: <ul style="list-style-type: none"> That the core communication between brigades and Fire Control Officer on operational issues be raised through the Group Officers utilising the committee structure. All issues be raised through Fire Control so that statutory matters can be resolved immediately. | |

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| <ul style="list-style-type: none"> Policy matters raised can be referred to the Strategy and Assets Committee through the General Manager so that statutory matters can be resolved. That the Strategic Planning Committee be developed as the body advising Council on Rural Fire Service policy issues | |
| 2015-2016 Councillor/ Staff Membership Clr Gash – Mayor CHAIRPERSON- Lynne Kearney – Clr Kitchener General Manager or Nominee | 2016 -2017 Councillor/ Staff Membership CHAIRPERSON (Appointed by Council) –Clr Clr General Manager or Nominee |
| Community Representatives District Manager RFS – Mark Williams Staff Representative RFS – Paul Gooley Group Officer Representative RFS – Jennifer Lawther (Alternate – John Ashton) Group 1 Area Representative – Andrew Fielding (Alternate – Bob Johnston) Group 2 Area Representative – Vic Walker (Alternate – Jacqui Cox) Group 3 Area Representative – Martin Gaffey (Alternate – Ron Rollinson) Group 4 Area Representative – Paul Gleeson (Alternate – Geoff Phillips) Group 5 Area Representative – Colin Lonergan (Alternate – TBA) Group 6 Support Brigades Representative – Bill Bean (Alternate – TBA) Operations Manager – Jervis Bay Territory Administration – Chris Baseler or nominee | |

g)

| Shoalhaven Access Advisory Committee (1228E) | |
|--|---|
| <u>Meetings per year</u> Four (4) Commencement Time - 4.00pm | <u>Quorum</u> – Five (5) |
| Purpose: <ul style="list-style-type: none"> To identify the major needs of the different disability groups in the Local Government area. To make recommendations to Council to resolve the local access problems in priority order. To develop a policy on access which can be used in conjunction with the Building Code of Australia in the consideration of applications for building or development and generally in the preparation of Council's own plan for recreation facilities. To increase public awareness of access barriers and the extent to which they disadvantage people with disabilities, the aged and parents with children etc. | |
| Delegation - NIL | |
| 2015-2016 Councillor/ Staff Membership CHAIRPERSON – Clr Findley All Councillors General Manager or Nominee | 2016 -2017 Councillor/Staff Membership CHAIRPERSON - Appointed by Committee and reaffirmed by Council All Councillors General Manager or Nominee |
| Community Representatives Neville Foord; Jackie Kay AM; Bill Deaves; Andrea Wallace; Theo Bagou; Nola Stephens; Peter Thomas; Arthur Ball; Brett Tory – non attending member Organisational Representatives: Member for Gilmore – Anne Sudmalis MP or nominee; Department of Aging Disability and Homecare – Gillian Lidsey; Department of Aging Disability and Homecare - Brendan Vaughn; Shoalhaven Community Transport - Leonie Dippel ; Vision Australia – Alex Collins; Vision Impairment Australia- Jodie Hoger; Post-Polio Support Group – John Burns; Spinal Cord Injuries Australia- Mel Gorman; Occupational Therapy Department, Shoalhaven Hospital – non attending member | |

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h)

| Shoalhaven Arts Board – 2123E | | | |
|---|--|--|--------------------------|
| <u>Meetings per year</u> : | | <u>Quorum</u> – Majority of the members | |
| Commencement time - 1.00pm | | | |
| Purpose: <ul style="list-style-type: none">• To develop strategy and policy both for the Shoalhaven City Council as well as in alignment with the Region.• To develop and implement policy, planning and promotion for the broad arts within existing resources and using co-opted panel of peers for professional advice. They include:<ul style="list-style-type: none">• Visual Arts• Heritage and Museum Sector• Literature• Performing Arts• Audience development | | | |
| Delegations: <ul style="list-style-type: none">• Make recommendation on the arts to Council• Appoint suitable representatives to fill casual vacancies on a set term basis• Inform and recommend policy for arts related funding programs, and where required by Council, vote on related matters• To establish a peer panel of professionals, experts and practitioners across art forms, heritage and cultural platforms to be co-opted as needed for input and advice to the Shoalhaven Arts Board• To establish a Shoalhaven Arts Foundation:<ul style="list-style-type: none">• To support the development and enrichment of broad arts across the Shoalhaven including visual, heritage, literature & performing arts• To ensure that the Foundation in its governance, membership and charter are independent/ and at arms-length from Council yet which needs to work in concert with the Shoalhaven Arts Board and the Council and the community needs• To fundraise and develop a sustainable principal investment to generate ongoing grant funds | | | |
| 2015-2016 Councillor/ Staff Membership (Ward 1) Clr Kearney (Ward 2) Clr Robertson (Ward 3) Clr Baptist (CHAIRPERSON- Appointed by Committee) | | 2016 -2017 Membership (Ward 1) Clr (Ward 2) Clr (Ward 3) Clr | Councillor/ Staff |
| Community Representatives Ian Grant (expires 30 June 2017); Warwick Keen (expires 30 June 2017); Robert Swieca (expires 30 June 2017); Merilynn Weiss (expires 30 June 2017); Aboriginal Community Representative – Troy Lenihan; Industry Representative – Allison Chiam | | | |

i)

| Shoalhaven City Mayor's Relief Fund –(3926E) | |
|--|---------------------------|
| <u>Meetings per year</u> : One (1) & others as required | <u>Quorum</u> – Three (3) |
| No determined meeting commence time | |
| Purpose: <ul style="list-style-type: none"> The fund has been established and maintained as a public fund for the relief of persons in Australia who are in necessitous circumstances and it is intended that the public be invited to contribute to the fund. | |

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|---|--|
| <ul style="list-style-type: none"> A person will be in necessitous circumstances where his or her financial resources are insufficient to obtain all that is necessary, not only for a bare existence, but for a modest standard of living in the Australian community. Necessitous circumstances may result from a disaster caused by flood, fire, drought, tempest or other calamity. | |
| Delegations: The management of the fund is vested in the Shoalhaven City Mayor's Relief Fund Committee. Rules have been adopted by Council. | |
| 2015-2016 Councillor/ Staff Membership CHAIRPERSON – Mayor – Clr Gash All Councillors General Manager or nominee | 2016-2017 Councillor/ Staff Membership CHAIRPERSON – Mayor General Manager or nominee |
| Organisation Representatives Shoalhaven City Fire Control Officer; Coordinator, Shoalhaven City State Emergency Services; Chairman – Nowra Ministers Association or nominee | |

j)

| Shoalhaven Heads Estuary Taskforce – (45866E) | |
|---|---|
| <u>Meetings per year</u> - One (1) & others as required <u>Meetings commence at</u> 4.00pm | <u>Quorum</u> – 3 – One (1) Councillor and Two (2) Community Members |
| Purpose <ul style="list-style-type: none"> Examine options for pursuing a partial or complete opening of Shoalhaven Heads Review Councils current Entrance and Estuary Management Plans for Shoalhaven Heads Report directly to Council | |
| Delegation – NIL | |
| 2015-2016 Councillor/ Staff Membership CHAIRPERSON – Appointed by Committee- Clr Guile Clr Gash – Mayor Clr Wells Clr Kearney Clr McCrudden | 2016 -2017 Councillor/Staff Membership Clr Clr Clr Clr |
| Community Representatives State Member – Gareth Ward MP (Nominee – Paul Ell); Barry/Brian Allen; Gerald Groom; Phil Guy; Mike James; David Lamb; Craig Peters; Graeme Philpott; Allan Richardson; Stephen Short; Bob Williamson; Jessica Zealand | |

k) Note: the Charter is still to be presented to Council for adoption.

| Shoalhaven Natural Resources and Floodplain Management Committee - 53021E | |
|---|--|
| <u>Meetings per year</u> - At least two (2) <u>Meetings commence at</u> 4.00pm | <u>Quorum</u> – 3 – One (1) Councillor and Two (2) Community Members |
| Objective: To foster sustainable management of Shoalhaven's natural resources including floodplains, coast and estuaries. | |
| Delegation – NIL | |
| 2015-2016 Councillor/ Staff Membership CHAIRPERSON – Appointed by Committee - Clr Findley All Councillors General Manager or Nominee | 2016 -2017 Councillor/Staff Membership |
| Community Representatives Jessica Zealand; David McCorkell; Duncan Marshall; David Reynolds; Chris Grounds; Mike Clear; Paul Beckett; Brett Stevenson; Dr Michael Brungs; Ian Stewart; Dirk Treloar | |

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Annie Boutland; Helen Moody; Kaye Milsom; Thomas Booler (requested resignation)

State Emergency Services - Ashley Sullivan & Ian Borrowdale; Jervis Bay Marine Park - Mr Matt Carr; Department Primary Industries – Allan Lugg; Roads and Maritime Services - Mike Hammond; Roads and Maritime Services – Brad Dudley; Local Land Services - Jason Carson; Crown Lands – Mark Edwards; National Parks and Wildlife Service - Alex Deura, Neale Watson & Libby Shields; Office of Environment & Heritage – John Murtagh, John Bucinkas & Ullah, Muhammed (Habib); NSW Office of Water – David Zerafa; Department of Primary Industries – Jillian Reynolds; Jerrinja Local Aboriginal Land Council – Vacant ; Ulladulla Local Aboriginal Land Council – Fred Carriage

- l) The Shoalhaven Sports Board is recommended for reappointment based on the following purpose, delegation and membership as approved in the Terms of Reference adopted on 16 August 2016, which reduced Councillor Membership to Three (3) Councillors.

| Shoalhaven Sports Board – 12623E | |
|--|---|
| Meetings per year Four (4) – Quarterly Commencement Time: 5.00pm | Quorum – Seven (7) Members |
| Purpose: To provide advocate for the sporting community on policy, direction and strategic planning related to Council's objectives. To achieve this policy and strategic directive, the Board will be strategic in nature and focus on appointments to achieve this outcome. | |
| DELEGATION: NIL | |
| 2015-2016 Councillor/ Staff Membership | 2016 -2017 Councillor/Staff Membership |
| Clr Gash – Mayor Clr Robertson Clr White Clr Guile Clr Watson Clr Kitchener General Manager or nominee | 3 x Councillors General Manager or Nominee |
| Community Representatives – Nine (9) Local Community Members (CHAIRPERSON- Elected by Board) - David Goodman; Elaine Caswell;; Andrew Johnson; Roger Walker; Syd Weller, 4 Vacant Positions | |

m)

| Shoalhaven Tourism Advisory Group – File 1490E | |
|--|----------------------------------|
| Meetings per year: At least Four (4) Commencement Time: 5.30pm | Quorum – Majority of the members |
| Purpose <ul style="list-style-type: none"> • Inform the development, implementation and review of council priorities from the Shoalhaven Tourism Master Plan and councils corporate plan • Represent the tourism industry and advise and make recommendations to Council on matters relating to tourism, the development of tourism and the future of tourism in the Shoalhaven. • Promote the direct and in-direct value and benefits of tourism within the Shoalhaven and on a regional, state and national basis. | |
| Delegation: <ul style="list-style-type: none"> • Make recommendation on the expenditure of the annual Shoalhaven marketing budget as provided by Council. • Appoint suitable representatives to fill casual vacancies | |

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|--|---|
| <ul style="list-style-type: none"> Inform and recommend policy for tourism related funding programs, and where required by Council, vote on related matters. | |
| 2015-2016 Councillor/Staff Membership | 2016 -2017 Councillor/Staff Membership |
| Clr Gash – Mayor Clr Wells Clr Kearney Clr Kitchener Clr Tribe Clr Watson | |
| Community/ Organisational Representatives (CHAIRPERSON-Appointed by Committee) Lynn Locke Shoalhaven Sports Board Chairperson – David Goodman; Michelle Bishop; Melissa McManus; Lynn Locke; Stephen Bartlett; Matt Cross; Annie Cochrane; Matthew Forbes | |

n)

| Youth Advisory Committee (1506E) | |
|---|-------------------------|
| Meetings per year: Four (4) | <u>Quorum</u> – Six (6) |
| Commencement Time: 10.00am | |
| Purpose: To represent the interests and views of young people to Council and the Community in accordance with the delegation set out below | |
| Delegation: <ul style="list-style-type: none"> To advise and recommend to Council staff on matters of an operational nature and implement policy relating to the interests and views of young people and/or within adopted budgets; To recommend to Council on policy matters and other matters not able to be delegated by Council; To provide recommendations to Council on Strategic and Financial directions relating to Youth in the Shoalhaven; To commit expenditure up to the limits determined by Council, including grant funding. | |
| 2015-2016 Councillor/Staff Membership | |
| All Councillors General Manager or nominee | |
| Community Representatives CHAIRPERSON – Appointed by Committee at each meeting Community Youth Representatives being:- Jonah Allen; Scott Castelnoble; Dean Naylor-Clark; Chris Farley; Shannon Karger; Kimberley Peat Two (2) voting representatives from each local High School Member for Gilmore – Anne Sudmalis MP or nominee (Federal Member of Parliament); Member for Kiama – Gareth Ward MP or nominee; Member for South Coast – Shelley Hancock MP or nominee Jacob Williams Representatives from Shoalhaven Local Area Command NSW Police; Sanctuary Point Youth & Community Centre; Bay & Basin Community Resources; Regional Development Australia; Shoalhaven Business Chamber; 330 Squadron Australian Air Force Cadets | |

CL16.10

CL16.11 Council Representatives on Other Committees or Organisations Outside of Council

HPERM Ref: D16/290652

Group: Corporate & Community Services Group
Section: Human Resources, Governance & Customer Service

Purpose / Summary

To confirm the list of Council representatives on Other Committees or Organisations Outside of Council.

Recommendation

That Council resolve the representative membership of Councillors and other delegates on other Committees or Organisations Outside of Council for the period to 30 September 2017.

Options

1. Council confirm membership as per the recommendation.
2. Council change the membership of Councillors and other delegates on other Committees or Organisations Outside of Council.

Background

Details of the other committees or organisations in which Council has an interest, along with their respective purpose and current membership, are listed below.

a)

| Batemans Marine Park – 33451E | |
|---|---------------------------|
| Meetings per year: Four (4) | |
| Purpose: Advise the Ministers and the Marine Parks Authority (NSW) on the development of the Batemans Marine Park. | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Clr Findley Clr White | Clr Clr |

b)

| Crown Cemeteries Advisory Committee – 4043E | |
|---|---------------------------|
| Purpose: To advise the Minister on matters affecting the day to day management and long term sustainability of public cemeteries in NSW. . | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Bereavement Services Manager or delegate | |

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c)

| Healthy Cities Illawarra Management Committee – 4043E | |
|--|---------------------------|
| Purpose: Healthy Cities Illawarra is a community based, non profit organisation that is part of a world wide movement initiated by the World Health Organisation, committed to improvement of health, environment and the quality of life within the Illawarra community. | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Clr Tribe General Manager or delegate – Alternative representative | |

d)

| Illawarra Academy of Sport – 2388E | |
|--|---------------------------------|
| Purpose: To develop outstanding young community citizens who utilise their sporting talents and role model status in a positive manner within the Illawarra Region. | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Mayor Appointed Representative - Clr Wells – Deputy Mayor | Mayor Appointed Representative- |

- e) Note: The amendments proposed in the Local Government Act 1993 will provide that the Role of Mayor includes representing Council on the Joint Organisation and also that General Manager's can no longer be appointed as delegates.

| Illawarra Pilot Joint Organisation – 2172E | |
|---|--|
| Functions: Three core functions and two optional functions for are being piloted by JOs. The functions of the IPJO are: <ul style="list-style-type: none"> • regional strategic planning, including high level planning across the quadruple bottom line • inter-governmental collaboration, working closely with the NSW Government as well as the Australian Government and other councils and JOs • regional leadership and advocacy, as the preeminent regional voice for councils and communities • enhancing regional strategic capacity, to support member councils to deliver services to their communities • regional service delivery, to provide services directly to communities within the region. The Illawarra Joint Organisation is comprised of representatives from Shellharbour; Kiama; Wollongong & Shoalhaven Councils. | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Clr Gash – Mayor Clr Wells – Deputy Mayor General Manager (alternate delegate) | Clr Clr Clr (alternate delegate) |

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f)

| Jervis Bay Marine Park Advisory Authority Committee – 1462E | |
|---|----------------------------------|
| Purpose: Advise the Ministers and the Marine Parks Authority (NSW) on the management of the Park and: <ul style="list-style-type: none"> • The conservation of the marine biological diversity within the Marine Park • The ecologically sustainable use of the Marine Park • The public use and enjoyment of the Marine Park | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Clr Findley Clr Kearney | Clr Clr |

g) Note: The council appointed members can either be councillors, community members or a combination of both.

| Joint Regional Planning Panel – 39782E | |
|--|------------------------------------|
| Meetings per year: As required | |
| Purpose: To determine regionally significant development applications | |
| 2015-2016 Council Member | 2016-2017 Council Member |
| Clr Watson | |
| 2015-2016 Community Members | 2016-2017 Community Members |
| Ernie Royston – Primary Member Michelle Bishop - Alternative | |
| Sitting Fees - A sitting fee of \$400.00 is paid to the Council and Community Representatives | |

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h)

| National Sea Change Task Force - Committee of Management – 3245E | |
|---|----------------------------------|
| Purpose: To represent the interests of coastal councils and communities experiencing the effects of rapid growth and development | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Clr Findley | Clr |

i) Note: The Mayor & General Manager are members under the constitution. Council may wish to appoint an alternate delegate.

| NSW Country Mayors Association – 14214E | |
|---|----------------------------------|
| Purpose: The NSW Country Mayors Association is a group that comprises Mayors and General Managers, or their representatives, from country areas of NSW under its constitution. | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Clr Gash – Mayor Clr Wells – Deputy Mayor (alternate delegate) Russ Pigg – General Manager | |

j)

| Noxious Weeds Advisory Committee – 6735E | |
|---|----------------------------------|
| Purpose: <ul style="list-style-type: none"> • Provide a forum for all matters relating to the control of noxious weeds • Provide advice to the Minister on all matters related to noxious weed control • Recommend to the Minister allocations from the Government's Weeds Action Program funding and to ensure public authorities are accountable for those funds. • Recommend to the Minister plant species proposed to be declared as noxious weeds | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Clr Kearney | Clr |

k)

| Rural Fire Service Shoalhaven District Liaison Committee – 2122E | |
|--|--|
| Purpose: In regard to the RFS: <ul style="list-style-type: none"> • Monitor the performance of the Service Level Agreement • Develop a local service delivery model • Prepare an annual budget and business plan for Councils consideration • Provide financial performance reports • Act as the appropriate disciplinary authority for Council. | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Clr Robertson Clr Kitchener General Manager (or nominee) | Clr Clr General Manager (or nominee) |

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l)

| Shoalhaven Bush Fire Management Committee – 2820E | |
|---|--|
| Purpose: Under the Rural Fires Regulation 2002 – Part 3, At the request of the Bush Fire Co-ordinating Committee: <ul style="list-style-type: none"> • Assist the Bush Fire Co-ordinating Committee in the performance of its functions under Section 48 of the Act; • Assist the Bush Fire Co-ordinating Committee in the performance of its functions under Sections 60(2) and 63(4) of the Act; • Draw to the attention of the following in regard to any matter it considers relevant to the protection of land, life, property or the environment in that area from the impact of bush fires: <ul style="list-style-type: none"> ▪ The Bush fire Co-ordinating Committee; or ▪ A public authority exercising it's functions in the Bush Fire Management Committee's area. Note: The Committee has no power to conduct or take part in fire fighting or fire prevention operations authorised by the Act, this regulation or any other Act or statutory instrument. | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Clr Robertson Clr Kitchener (Alternate) | Clr Robertson Clr Kitchener (Alternate) |

| | |
|---|---|
| General Manager (or nominee) as an observer | General Manager (or nominee) as an observer |
|---|---|

m)

| Safer Community Action Team – 3519E | |
|---|----------------------------------|
| Purpose: To increase community safety in the Shoalhaven and develop an Action Plan containing strategies to address the issues and enlist support for the Plan from the community. | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Clr Findley Clr White Clr Kitchener Clr Kearney (alternate delegate) Clr Baptist (alternate delegate) | |

n)

| Shoalhaven Traffic Committee – 1491E | |
|---|--|
| Purpose: The Traffic Authority has delegated certain powers to Councils in respect of the provision of Traffic control facilities and traffic management measures on public streets. The exercise of such powers is conditional upon the Council forming a Local Traffic Committee and seeking its advice /approval before as traffic facility/traffic management measure is implemented or removed. NOTE- the Local Traffic Committee is not a Committee appointed by Council under the Local Government Act but a Committee to be formed by Council in the exercise of its delegated powers. Councillor members are considered informal members who may contribute to discussion but may not vote. | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Informal - Clr Gash – Mayor Informal - Clr White Informal - Clr Guile CONVENOR/CHAIRPERSON - Mr Martin Uptis – Assets Manager | Informal – Clr Informal – Clr Informal - Clr |

o)

| South Coast Co-operative Library Services – 3934E | |
|--|----------------------------------|
| Purpose: To provide control and manage libraries or library services within the areas of the Member Councils upon the terms and subject to the conditions specified in the agreement Note: The member Councils are Shoalhaven City Council and Kiama Municipal Council. | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Clr Gash - Mayor All Councillors General Manager or nominee Director Corporate & Community Services Library Services Manager | |

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p)

| South Coast Correctional Centre Community Consultative Committee – 4043E | |
|--|----------------------------------|
| Purpose:. <ul style="list-style-type: none"> • To assist in the development and maintenance of a positive relationship with the local community • To provide a forum for local community consultation and comment on correctional programs and procedures • To facilitate the involvement of the local community in correctional centres programs • To provide a mechanism to identify appropriate programs in which the correctional centre can participate and assist in the local community • To assist in the establishment of worthwhile community partnerships | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Clr Anstiss Mr Ben Stewart – Director Assets & Works | |

q)

| South Coast Regional Tourism Organisation Incorporated – 6853E | |
|--|----------------------------------|
| Purpose:. To promote Tourism to the South Coast of NSW. | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Chairperson of the Tourism Advisory Group or Delegate Tourism Manager | |

r)

| South East Australia Transport Strategy Inc – 3678E | |
|--|----------------------------------|
| Purpose: To improve the transport network to enhance economic development within the region | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Clr White Clr Robertson (Alternate) Mr Greg Pullen – Economic Development Manager | |

s)

| Southern Tablelands and South Coast Regional Noxious Plants Committee – 3201E | |
|---|----------------------------------|
| Purpose: This Committee allows representatives of Councils involved in noxious weed eradication on the Southern Tablelands and South Coast to meet quarterly for the purpose of discussing common problems and objectives. The Committee also makes special purchasing arrangements for noxious weed sprays, in order that the Councils in the area can obtain the most advantageous prices available. | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Clr Gash – Mayor or nominee (Clr White) Clr Guile | |

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t)

| Southern Water Services Pty Ltd – 4043E | |
|--|---------------------------|
| Purpose: To operate in a commercial way under the Companies Act on a similar basis to any other trading Company. Note: Southern Water Services is a Council owned company formed in 1998 with permission from the Minister of the day. Its constitution states that the Company was formed to “ <i>undertake the provision of water, sewerage and related services</i> ”. It currently has no relationship with Shoalhaven Water operations or staff. | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Clr Wells – Deputy Mayor – Director Clr Tribe – Director Clr Kearney – Director Clr Kitchener – Director Clr Watson – Director Clr Guile – Director Clr Robertson – Director Ms Vanessa Phelan – Secretary | |

u)

| Ulladulla User Group – 4043E | |
|---|---------------------------|
| Purpose: To assist Crown Lands to resolve operational matters and identify emerging issues in relation to operation and maintenance of coastal infrastructure including Ulladulla Harbour. | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Michael Strachan – Project Manager | |

v)

| Ulladulla Working Port Committee – 4043E | |
|---|---------------------------|
| Purpose: To provide input and support to the Department of Lands and it's proposed agent in connection with the operation of the present maritime and associated facilities at Ulladulla Harbour | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Clr Baptist Clr White | Clr Clr |

w)

| Vincentia High School Hall Management Committee – 4043E | |
|---|---------------------------|
| <u>Meetings per year:</u> | |
| Purpose: To oversee procedures in regard to hall hire, management and insurance. Council contributed \$100,000 towards the construction of the hall. | |
| 2015-2016 Council Members | 2016-2017 Council Members |
| Clr Robertson | Clr |

CL16.11

CL16.12 Section 355 Management Committees

HPERM Ref: D16/294914

Group: Corporate & Community Services Group
Section: Human Resources, Governance & Customer Services

Purpose / Summary

To confirm the Section 355 Management Committee's delegated responsibility and their authority to expend up to an amount of \$5,000.

Recommendation

That:

1. The Section 355 Management Committees listed in this report, retain their delegated responsibility pursuant to Section 377 – LG Act for the care control and management of their facilities with authority to expend up to an amount of \$5,000 consistent with the delegation; and
2. The authorisation to the General Manager to appoint members as required be confirmed.
3. The following Section 355 Management Committees be renewed, however discussions commence to transition these Committees to an occupancy agreement within 2 years:
 - a. Ahimsa Sailing Club Management Committee
 - b. Jervis Bay Maritime Museum
 - c. Nowra Communal Hall
 - d. Vincentia Sailing Club
 - e. West Street Oval
4. The Finkernagel Reserve be renewed however discussions commence to transition this Committee to an annual seasonal sportsground allocation process within 2 years.
5. Council receive a report within the next 2 years outlining the status of the above Committees transition to an occupancy agreement or annual seasonal sportsground allocation process and therefore no longer function as a Management Committee.

Options

1. As recommended.

Implications: Will result in improved management of Council's community facilities as the more appropriate model of management is applied to the different types of facility. There may be some resistance to this change from Management Committee members.

2. Council change the delegated responsibility for the care control and management of its facilities with authority to expend up to a different amount consistent with the delegation.

Implications: Increasing the amount will increase the risk of inappropriate expenditure of funds by the Management Committee. Decreasing the amount will restrict the ability of the Management Committee to manage the finances without ongoing input from Council's officers.

Background

Council values the delegated responsibility that Management Committees provide for some of its multi-use facilities. The delegation allows community groups to take greater ownership and value add to Council facilities while at the same time reducing resource requirements from Council. This delegation is overseen by Council's [Management Committee Guidelines](#).

Council has previously delegated responsibility for the care, control and management of the facilities operated by Management Committees on behalf of Council, with authority to expend up to an amount of \$5,000 consistent with the delegation, to the Management Committees listed below. Council also previously confirmed the authorisation to the General Manager to appoint members as required.

Council is recommending that the following Section 355 Management Committees be retained.

Management Committees

Berry Showgrounds (Hazel & David Berry Parks)
Bill Andriske Mollymook Oval
Bomaderry Community Centre
Burrill Lake Community Hall
Callala Bay Community Centre
Callala Bay Progress Hall
Callala Beach Community Centre
Cudmirrah Berrara Community Hall and Tennis Courts
Culburra Beach Community Centre
Culburra Tennis Courts
Currarong Tennis Courts
Former Pyree Public School
Frogs Holla Sporting Complex
Greenwell Point Memorial Community Hall
Greenwell Point Wharf
Huskisson Community Centre
Huskisson Tennis Courts
Huskisson Wharves
Kangaroo Valley Showground (Osborne Park)
Kioloa-Bawley Point Community Centre
Milton Showground
Milton/Mollymook Pony Club Grounds
North Nowra Community Centre
Shoalhaven Heads Community Centre
Shoalhaven Heads Tennis Courts
Shoalhaven Rugby Park
St Georges Basin Community Centre
Sussex Inlet Thompson Street Community Facilities
Ulladulla Slipway
Vic Zealand Oval
Wandandian Recreation Reserve
West Street Oval
Worrigee Equestrian Common
Yulunga Reserve

Existing Management Committees recommended not to be renewed in the future

Council staff have recently completed a thorough review of all its Management Committees, including reviewing the functionality of all Committees against its Management Committee Guidelines. Through this process it has been identified that discussions should continue with the Management Committees below. These facilities operate primarily as a single use and the occupying organisation do not function as a 355 Management Committee or report in accordance with the Management Committee Guidelines. Instead they operate as independent organisations. In addition, Council already has a number of water based clubs on building occupancy agreements (i.e. Nowra & Callala Bay Sailing Clubs, Nowra Rowing Club, Fishing Clubs in Huskisson & Ulladulla) and therefore these groups should be managed consistently by Council.

It is therefore proposed to transition them to either an occupancy agreement or annual seasonal sportsground allocation process within 2 years for the following reasons.

| Management Committee | Reason |
|--|---|
| Ahimsa Sailing Club Management Committee | The Committee is the sole occupier of the Wrights Beach Sailing Clubhouse and is operating as Sailing Club. The Club / Committee is not representing any other users or operating as per Council's Management Guidelines. It is recommended that the Committee enter into a building occupancy agreement with Council. |
| Finkernagel Reserve | The Committee is representing one user (Rugby League Club) of the reserve and is no longer undertaking significant maintenance of the reserve or taking bookings. The user of the reserve has expressed an interest in dealing directly with Council via the seasonal sportsground allocation process. |
| Jervis Bay Maritime Museum | Council has recently adopted the Strategic Business & Master Plan for the Lady Denman Reserve which recommends the development of an occupancy agreement between Council and the Jervis Bay Maritime Museum (JBMM). The JBMM operates and trades independently of Council (although in receipt of an annual funding donation) through a Board and is an Incorporated Body which employs staff and engages volunteers to manage the museum. It does not function as nor does not meet the framework of a Section 355 Management Committee. |
| Nowra Communal Hall | The Club is the main occupier of the Gymnasium Hall and operates as a Gymnastics Club at Nowra Showground in addition the Hall is used by the Nowra Show Society for the Annual Show. The Club / Committee is not representing any other users or operating as per Council's Management Guidelines. It is recommended that the Committee enter into a building occupancy agreement with Council. |
| Vincentia Sailing Club | The Club is the sole occupier of the Vincentia Sailing Clubhouse and operates as Sailing Club. The Club / Committee is not representing any other users or operating as per Council's Management Guidelines. It is recommended that the Committee enter into a building occupancy agreement with Council. |
| West Street Oval | The Club (AFL Club) is the sole occupier of the West Street Oval AFL Clubhouse. The Club / Committee is not representing any other users or operating as per Council's Management Guidelines. It is recommended that the |

CL16.12

| | |
|--|--|
| | Committee enter into a building occupancy agreement with Council agreement or annual seasonal sportsground allocation process. |
|--|--|

Transitional arrangements for the above committees

Upon Council adopting the above resolution, Council staff will commenced more formal discussions with the above Committees and update Council of transitional progress with each Committee to be achieved within a 2 year period. The transitional period of 2 years recognises that available Council staffing resources are limited and relevant Committees need time to consider these transitional arrangements.

Community Engagement

Council supports the Management Committee volunteers with advice, in kind assistance and budget provisions where appropriate.

Volunteerism is a delivery method encouraged and supported by Council.

Though providing the above information, Council staff have been in ongoing discussions with the above Committees. Upon Council adopting the above resolution, further discussion will occur with the Committees identified for transition to an occupancy agreement or annual seasonal sportsground allocation process and feedback reported to Council within the next 2 years. Should an occupancy agreement be the agreed outcome, this will involve a further process of entering into leases / licences which will likely require public advertising or community engagement.

Financial Implications

Having community based Management Committees take responsibility for the care, control and management of local facilities is an extremely cost effective delivery method.

Should a lease / licence be determined as the most appropriate occupancy agreement from the above discussion, this will involve implementing fees as per Council's adopted Fees & Charges.

CL16.12

CL16.13 Live Web Streaming - Council Meetings

HPERM Ref: D16/294806

Group: Corporate & Community Services Group

Purpose / Summary

To provide Council with information in relation to the costs associated with web streaming of Council Meetings.

Recommendation

That Council not proceed with web streaming of Council meetings.

Options

1. As per the recommendation.
2. Council could choose to proceed with web streaming of the meetings at a cost of approximately \$20,000 initial set up and \$16,800 ongoing annual fees. Council would need to identify what services it would like to reduce in order to pay for this new and increased service level.

Background

Staff have sought information in relation to web streaming of the meetings. The indicative costs provided by a vendor used in other Councils in the region indicate a set up cost of \$17,000. Council would also need to allow some funds for costs directly associated with its works – approximately \$3,000.

In addition, the monthly streaming charge is \$1,400 per month or \$16,800 per year.

Numbers provided by the vendor in relation to live views indicate that for Kiama and Eurobodalla, over the period of February 2015 to February 2016, the average number of views were around 40 per meeting. We are not able to provide information on how long each view lasted. Archive views are higher per meeting.

Council currently has 2UUU record and podcast the Council meetings for free. This provides a similar service as web streaming other than the visual image and is not live.

Given the service provided by 2UUU, the costs associated with web streaming of the meetings and Council's financial position it is difficult to justify there would be any greater participation in meetings for the costs involved.

Community Engagement

Consultation has occurred with internal staff and external service providers.

Policy Implications

Council's Code of Meeting Practice does not currently provide for the web – streaming of meetings. Should Council choose to proceed with web- streaming, amendments to this policy will be required.

Financial Implications

There are no financial implications from the recommendation. Should Council choose to proceed with web streaming of the meetings the cost is approximately \$20,000 initial set up and \$16,800 ongoing annual fees. Council would need to identify a funding source in order to pay for this new and increased service level.

CL16.14 Tender - Tree Services Supplier Panel - 2016/2019

HPERM Ref: D16/293927

Group: Corporate & Community Services Group
Section: Finance

Attachments: 1. Tree Services Zones 2016 [↓](#)

Purpose / Summary

To advise Council of the Tender for the Provision of Tree Services – 1 July 2016 to 30 June 2019 with further one (1) + one (1) year option and to seek approval to appoint suppliers to a Panel of Preferred Suppliers.

Recommendation

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

Options

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

Background

Shoalhaven, Shellharbour, Kiama and Wollongong Councils collaborated to conduct a joint tender to establish preferred supplier panels for Tree services used by each Council. This tender process is in line with best practice to ensure compliance with Council's Purchasing Policy, the Local Government Act 1993, and the NSW Tendering Regulations 2009.

The tender was advertised in the Sydney Morning Herald, Illawarra Mercury, South Coast Register and the Milton Ulladulla Times. Shoalhaven Council performed an extensive communication process to ensure that all suppliers within the Shoalhaven Local Government area and all adjacent Council areas were notified of the intention to tender for these services.

Shoalhaven advised all current suppliers and potential suppliers in writing and via an SMS release. Council staff that frequently engaged external service contractors were also advised of the tender process and requested to alert any existing contractors providing these services to Council of the upcoming tender.

An industry briefing was conducted at 10:00am on the 15th March 2016 at the Kiama Council Offices. The industry briefing scheduled to be held at the Shoalhaven Entertainment Centre on the same date was cancelled as no supplier's registered an intention to attend.

The Request for Tender was managed through the IPJO (Illawarra Pilot Joint Organisation) Tenderlink Portal. Tender documents were made available by registering on the IPJO e-tendering portal or through hard copy from the Kiama Council Offices.

Shoalhaven Council also listed the tender on its Tenderlink portal and on the Shoalhaven City Council Internet Site.

Tenders closed at 2 pm on 4th April 2016.

At the closing date/time a total of 14 tenders were received electronically across the four (4) Council areas and five (5) identified zones.

The Shoalhaven City Council area was divided into two (2) zones.

Attachment 1 – Tree Service Zones 2016

The Procurement Plan

The Procurement Plan set out that a supplier must attain a minimum acceptable evaluation score of 600 for appointment to a Panel, and that a minimum of three (3) or maximum of five (5) suppliers are to be appointed to each of the identified zones.

Tenders were evaluated by representatives from Shoalhaven, Shellharbour, Kiama and Wollongong Councils. Tenders were assessed against the mandatory criteria.

Suppliers were appointed as per the ranking order received via the evaluation on the following criteria:

- Tendered prices/rates (35%)
- Experience/Capacity (30%)
- Work Health & Safety (20%)
- Qualifications (10%)
- Strengthening Local Economy (5%)

Tenders for each Zone were ranked based on the score received, with the Tenderer with the highest score ranked first. The scores for all complying Tenderers were recorded and ranked. As per the Evaluation Plan suppliers scoring the minimum acceptable score of 600 were not included in the recommendation for appointment to the Panels. Where more than five (5) suppliers attained the minimum score, those suppliers ranked outside the top five have been identified as reserves to the Panel.

Detail of the Scoring is covered in the confidential report.

Local Preference Policy and Application

The tender document did not state that the Local Preference Policy would be given consideration in the evaluation of submissions as this was a joint tender with Shellharbour, Kiama, Wollongong and Shoalhaven Councils.

The evaluation has identified that applying the Shoalhaven Local Preference Policy would not adjust the outcome of the evaluation.

All local suppliers who met the mandatory criteria were subsequently evaluated and were successful in being appointed to a zone within the Shoalhaven Council area.

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

Community Engagement

Council must be seen to be both open and transparent in its dealings with suppliers of tree services in accordance with the tender process.

The process undertaken has provided an opportunity for all suppliers to respond to the tender specification and be evaluated on merit.

Financial Implications

Council currently expends approximately in excess of \$700,000 on tree services per annum. In accordance with the Local Government Act 1993 Council is required to undertake a full open competitive tendering process where expenditure exceeds \$150,000.

This tender process ensures Council meets its legislative requirements, obtains competitive pricing and provides an opportunity for local and regional suppliers to be engaged by Council for works and services through an open and fair process.

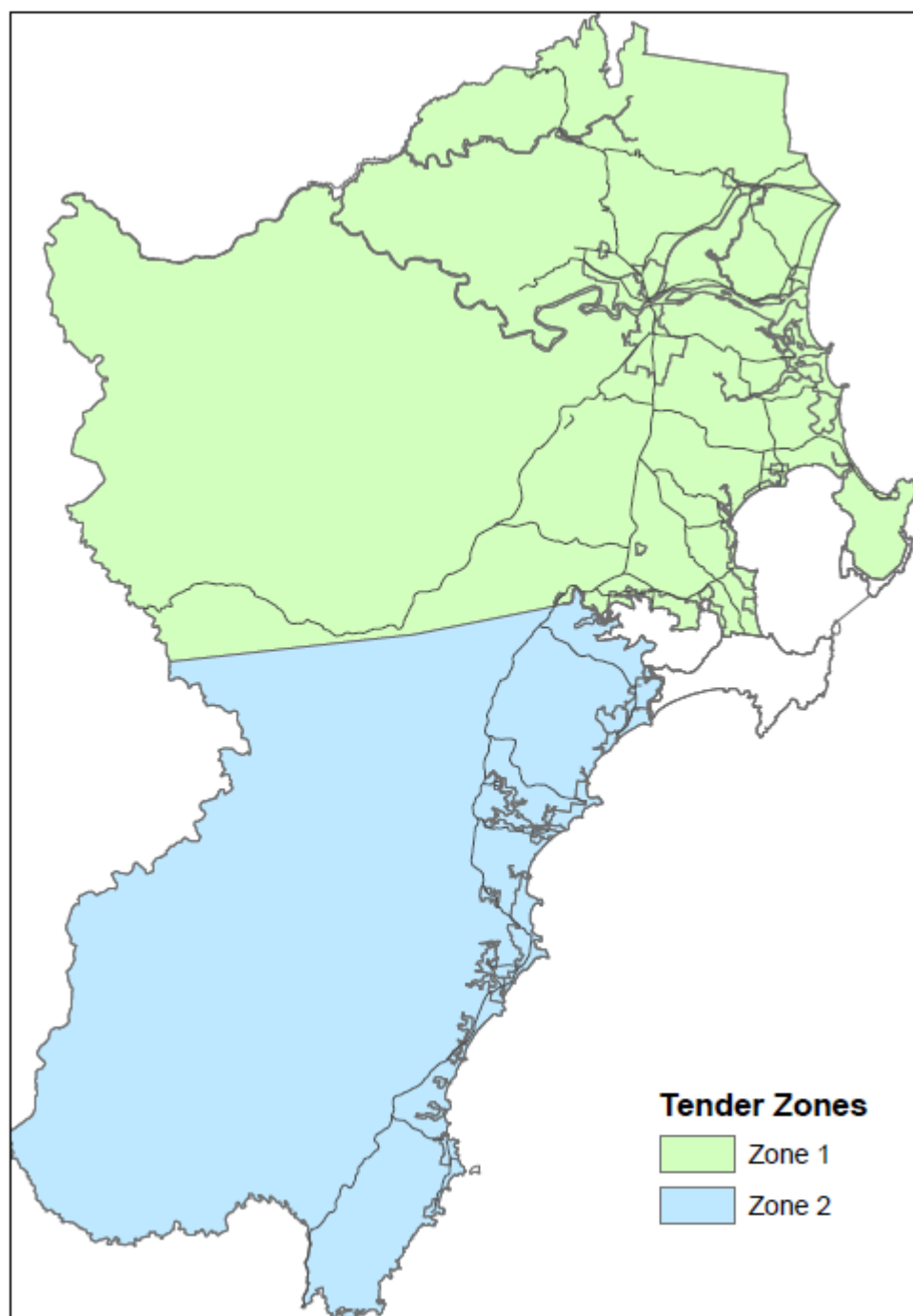
CL16.14

Attachment 1

Shoalhaven City Council – Tree Services Zones

Zone 1 – All areas from Wandandian Creek North

Zone 2 – All areas from Wandandian Creek South



CL16.15 Tender Report - Ison Park Amenities Building Stage 1 Supply & Construct

HPERM Ref: D16/292552

Group: Corporate & Community Services Group
Section: Recreation Community & Culture

Purpose / Summary

To inform Council of the tender process for the Ison Park Amenities Building Stage 1.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 2003, 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.

This report is submitted directly to the Ordinary Council Meeting pursuant to Clause 3 of Council's "Acceptance of Tenders – Reports to Council" Policy.

Recommendation:

That, in accordance with Section 10A(2)(d)(i) of the Local Government Act 2003, Council consider a separate confidential report on this matter

Options

1. Council accept the recommendation as presented.
2. Council amend the recommendation.
3. Council not accept the recommendation, giving reasons and propose an alternative resolution.

Details

The pre-design/tender estimate determined by the elected Council for this project was \$600,000 (Job No. 82536). The budget consists of \$400,000 Council funding and \$200,000 from the Shoalhaven Football Association who occupy Ison Park.

The initial design of the amenities building was to provide a facility with 7 unisex public toilets, four (4) changing rooms and two (2) referee rooms. A quantity survey of the building was completed and indicated construction was likely to cost in the order of \$922,000. Recognising that the available project budget was \$600,000, the building works was broken into two (2) stages. Stage 1 involved construction of with 7 unisex public toilets, two (2) changing rooms and two (2) referee rooms. Stage 2 involved completing the building with two (2) changing rooms.

Tenders for stage 1 of the Ison Park Amenities Building closed on 19 July 2016 with five (5) tenders received in the tender box/portal at the close of tenders, as shown below in alphabetical order. No late tenders have been received.

All of the tenders below exceed the available project budget.

Tenders Received

Tenders were received from the following:

| Tenderer | Location |
|-------------------------------|-------------------|
| AMA Projects | Canberra City ACT |
| CBC Innovation Pty Ltd | Carlingford NSW |
| Joss Facility Management | Albury NSW |
| Monument Built | Taren Point NSW |
| Project Co-Ordination Pty Ltd | Unanderra NSW |

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

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

Community Engagement:

The effect on the public during construction is considered to be minor and community engagement has occurred via input from the Shoalhaven Football Association when preparing and finalising the amenities building design.

Financial Implications:

The project was allocated \$600,000 in the 2015/16 financial year. The current budget allocation remaining for this project is approximately \$550,000. To date approximately \$50,000 has been spent on design, tender preparation and project management.

To address the budget shortfall, the project can only progress with one or more of the following options:

- Downscale the building to meet the remaining project budget of \$550,000. The staged approach already meets the minimal requirements for the Football Association and the Association has indicated a preference for delivery of both stage 1 & 2 of the Amenities Building concurrently. This option would require the project funding for redesign and may increase construction costs as the economies of scale are lost.
- Downscale the building roof design to reduce costs. The building roof has been designed to match the recently built baseball amenities building and a redesign based on architectural advice could reduce the construction budget by approximately \$80,000. This is being recommended in the confidential report as a way forward.

-
- Negotiate with the lowest tender and modify the roof design and other building elements to reduce construction costs.
-
- Defer construction and Council provides additional funding in the 2017/18 financial year. This option is not recommended as no funding has been budgeted for the project in the upcoming financial year.
-
- Defer construction and seek grant funding (based on roofing redesign) to assist in delivering the project. This option may require retendering of the project.
-
- Determine the project is cost prohibited at this time and return funds given to the project from the Football Association. This option is not recommended as Council has made a commitment to the user of Ison Park to provide a new amenities building.
-
- Additional funding could be sourced from Council's Strategic Projects Reserve for the completion of Stage 1 or Stage 1 and 2 if Council deemed this project to be a high priority for these funds.

Development Application (DA) for the Works

The works were deemed to be capable of being constructed without a Development Application (DA) needing to be put into place by relying on SEPP Infrastructure provisions.

CL16.15

CL16.16 Local Government NSW Conference - Appointment of Delegates

HPERM Ref: D16/289562

Group: Corporate & Community Services Group
Section: Human Resources, Governance & Customer Services

Purpose / Summary

To appoint four (4) voting delegates, and some reserves for Council at the 2016 LGNSW Annual Conference to be held from 16 to 18 October 2016 in Wollongong.

Recommendation

That:

1. Four (4) Councillors be appointed as the voting delegates for the 2016 Local Government NSW Annual Conference.
2. Councillors be appointed as reserve Committee voting delegates (in order of appointment) for the 2016 Local Government NSW Annual Conference if required.

Options

1. As per the recommendation.

Implications: Council's appointment of four (4) delegates would fulfill the Council's current member entitlements for voting delegates. The appointment of Reserve delegates will permit Council to submit additional Committee voting delegates should they be called for after the recalculation of Committee voting entitlements which is to occur on 3 October 2016.

2. That Council appoint less than four (4) voting delegates to the 2016 LGNSW Annual Conference or no reserve Committee voting delegates

Implications: Appointing less than four (4) delegates would reduce the voice of the Council in relation to issues and direction of LGNSW in the following year. If the Council does not appoint reserve delegates, should Council's entitlements for Committee voting delegates be greater than the formal voting delegates, then an additional resolution of Council between 3 and 16 October 2016 will be required to allow their nomination.

Background

The [2016 Local Government NSW Annual Conference](#) is to be held at the Wollongong Entertainment Centre from 16 to 18 October 2016.

On 26 July 2016 (MIN16.594) Council resolved, when considering a report on the Conference as follows:

"That Council:

CL16.16

- a) *Notes the details of the forthcoming Local Government NSW Annual Conference 2016, scheduled for Sunday 16 October 2016 to Tuesday 18 October 2016, at Wollongong.*
- 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) *Propose motions to be put forward for consideration at the conference.*
- e) *Receive a further report in after appointment of the new Council in September 2016 to determine the appointment of Delegates to the Conference”*

Now that the new Council has been elected , it is time to nominate voting delegates for the conference.

As nominations were required to be lodged by **Friday 30 September 2016**, four councillor names were submitted after consultation with Mayor Findley

Should council resolve to appoint a different four delegates these changes will be advised in writing to LGNSW before the conference commences.

Voting delegates must be either an elected member of a council or county council, a member of the Board of the NSW Aboriginal Land Council (NSWALC), or an Administrator of a member that was financial on 1 March 2016.

Councillors who are voting delegates will be requested to nominate a mobile telephone number which will be used at the conference for the recording of votes.

Special Arrangements for 2016 Conference to allow for Merged Councils

LGNSW has advised that Special arrangements are proposed for this year's conference to allow recently formed Councils and all members the the opportunity to participate in debate on motions. This is, once the standing orders have been adopted, the financial reports have been presented to members and any proposed motions concerning alterations to the LGNSW rules have been dealt with (by both the State and Federal Conferences), the LGNSW Board will move a motion that the Conference adjourns (at its discretion) into committee.

During the proposed committee meeting (which would in practice run in substantially the same manner as a normal Conference), different voter entitlements could apply, because the committee would not form part of the formal Conference and would not be governed by the Rules.

If the committee option is supported, all members (including the Administrators of new councils who are members of LGNSW) will be able to participate in debate on motions. Committee participants would consider policy motions (other than the Conference standing orders, the finance reports and rule change motions) and make recommendations to the LGNSW Board for ratification.

The voter entitlements of the committee would be distributed to address the rural/regional and metro/urban imbalances caused by the dissolution of the merged councils. The formal voter entitlements would be unchanged from those calculated on 1 March 2016, but LGNSW will

recalculate committee voter entitlements prior to the conference commencing (i.e. on 3 October 2016 – public holiday).

The proposed nomination of reserve Committee delegates is recommended in this report to provide authority for the nomination of additional delegates as required

Further information about the proposed voter entitlement changes can be found at the [LGNSW Website](#) .

CL16.17 Investment Report - August 2016

HPERM Ref: D16/292740

Group: Corporate & Community Services Group
Section: Finance

Attachments: 1. Monthly Investment Report - August 2016 (under separate cover) [⇒](#)

Purpose / Summary

Under Section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation it is a requirement to provide a written report to Council on a monthly basis setting out details of all money that Council has invested.

Recommendation

That the Report of the General Manager (Corporate Services and Community Services Group) on the Record of Investments for the period to 31st August 2016 be received for information.

Options

1. The report on the Record of Investments for the period to 31st August 2016 be received for information

Implications: Nil

2. Further information regarding the Record of Investments for the period to 31st August 2016 be requested

Implications: Staff will need to prepare a further report to provide any information that is requested.

3. The report on the Record of Investments for the period to 31st August 2016 be received for information with any changes requested for the Record of Investments to be reflected in the report for the period to 30th September 2016

Implications: Nil

Background

Please refer to the attached monthly report provided by Council's Investment Adviser – CPG Research and Advisory Pty Ltd.

Further comparisons and budget review is found below:

The interest earned for the month of August was \$472,748.54 which was \$281,550.05 above budget. The budget assumed an interest rate of 3.25%, the attached CPG report shows our current investment portfolio earning a return of 3.29%.

CL16.17

RECORD OF INVESTMENTS

Cash and Investment Balances

| | August 2016 | July 2016 |
|--|-----------------------------|-----------------------------|
| Cash And Investments Held | | |
| Cash at Bank - Consolidated Account | \$11,301,006 | \$12,192,542 |
| Cash at Bank - Trust Fund | \$1,240 | \$1,240 |
| Cash on Hand | \$28,470 | \$28,520 |
| Total Investments | <u>\$167,998,387</u> | <u>\$147,957,125</u> |
| | \$179,329,104 | \$160,179,427 |
| | | |
| Fair Value Adjustment | -\$26,634 | -\$70,839 |
| Bank Reconciliation | <u>\$510,762</u> | <u>\$359,177</u> |
| | \$484,129 | \$288,338 |
| | | |
| Book Value of Cash and Investments | <u>\$179,813,233</u> | <u>\$160,467,764</u> |
| | | |
| Less Cash & Investments Held In Relation To Restricted Assets | | |
| Leave Entitlements & Workers Compensation Liability | \$9,620,664 | \$10,038,009 |
| Land Decontamination | \$1,588,646 | \$1,642,541 |
| Critical Asset Compliance | \$2,484,517 | \$1,984,517 |
| North Nowra Link Road | \$660,384 | \$656,527 |
| Other Internal Reserves | \$3,079,674 | \$2,761,547 |
| Section 94 Matching Funds | \$544,062 | \$544,602 |
| Strategic Projects General | \$6,197,961 | \$5,469,513 |
| Industrial Land Development Reserve | \$1,924,938 | \$2,921,575 |
| Plant Replacement | \$4,960,782 | \$4,887,043 |
| S94 Recoupment | \$2,341,213 | \$1,481,884 |
| Commitment To Capital Works | \$7,034,953 | \$6,032,717 |
| Strategic Property Acquisitions | <u>\$2,194,032</u> | <u>\$3,240,972</u> |
| Total Internally Restricted | \$42,631,827 | \$41,661,447 |
| | | |
| Loans - General Fund | \$7,878,928 | \$8,145,924 |
| Grant reserve | \$16,315,744 | \$9,686,340 |
| Section 94 | \$26,284,338 | \$26,793,047 |
| Storm Water Levy | \$437,886 | \$583,436 |
| Trust - Mayors Relief Fund | \$99,808 | \$99,808 |
| Trust - General Trust | \$2,923,959 | \$2,879,051 |
| Waste Disposal | \$11,259,336 | \$7,591,368 |
| Section 64 Sewer | \$0 | \$0 |
| Sewer Compensation | \$0 | \$6,568 |
| Sewer Fund | \$22,222,252 | \$22,480,268 |
| Sewer Plant Fund | \$1,046,205 | \$781,622 |
| Section 64 Water | \$13,968,953 | \$13,513,728 |
| Water Fund | \$22,028,458 | \$22,595,989 |
| Water Communication Towers | \$1,013,983 | \$973,780 |
| Water Plant Fund | <u>\$695,391</u> | <u>\$623,290</u> |
| Total Externally Restricted | \$126,175,241 | \$116,754,218 |
| | | |
| Total Restricted | <u>\$168,807,068</u> | <u>\$158,415,664</u> |
| | | |
| Unrestricted Cash And Investments | | |
| General | \$9,006,164 | \$52,100 |
| Water | \$1,000,000 | \$1,000,000 |
| Waste Water | <u>\$1,000,000</u> | <u>\$1,000,000</u> |
| Total Unrestricted | \$11,006,164 | \$2,052,100 |

CL16.17

Waste fund increased as a result of quarterly levy payments. Income accruals and expenditure commitments led to an increase in the grant reserve. Quarterly rate instalment receipts increased unrestricted cash and investments.

Certification – Responsible Accounting Officer:

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulations 2005 and Council's Investments Policy number POL14/60.

Pamela Gokgur
Chief Financial Officer

Financial Implications

It is important for Council to be informed in regard to its investment on a regular basis. Revenue from interest on investments forms a vital part of Council's revenue stream.

CL16.17

CL16.18 Request for Donation - Milton Follies

HPERM Ref: D16/289543

Group: Corporate & Community Services Group
Section: Human Resources, Governance & Customer Services

Purpose / Summary

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

Recommendation

That Council not provide a donation to the Milton Follies to subsidise their hire fees of the Milton Theatre.

Options

1. As per the recommendation.

Implications: Milton Follies would need to increase ticket prices.

2. Council agree to provide a donation of \$2,500 to Milton Follies to subsidise the hire fees of the Milton Theatre.

Implications: Council would need to identify what other service or funding source the donation would be taken from as Council is already in significant deficit. Council already provides \$7,700 subsidy to the Milton Theatre.

Background

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

The Milton Follies is a not for profit, community based theatre group, based in Milton, which is run by members and managed by an elected voluntary committee. The Group have been providing live, local amateur theatre and musical theatre at the Milton Theatre for more than 13 years, producing two shows per year, one all-ages show and one adult production.

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

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

In 2014, Council entered into a five (5) year lease agreement with the Milton Theatre Committee Incorporated for the use and occupation of the theatre. The annual cost of the rental of the theatre is \$12,000. Council provides a subsidy of \$7,746 to Milton Theatre Committee

each year toward the cost of the rental, leaving \$4,254 (with annual CPI increases) paid by the Committee to Council.

The Milton Theatre Committee is required to meet the operating costs for the venue and they do not receive assistance from Council to do this.

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

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

It is understood that the Milton Theatre Committee Incorporated maintains that the fees charged to the Milton Follies are heavily subsidised. This is supported via a comparison of fees charged for a three week period which for a regular hirer would be \$9,380 as opposed to the \$4,840 charged to the Follies.

The Milton Follies advise that to cover the costs of the increased rental fees, they would need to increase show ticket prices and membership fees, from the current cost of \$20 per ticket to \$25 per ticket. We understand that this action has now been taken by the Follies and the outcomes should be seen in 12 months.

In their application, Milton Follies advised that *“Milton Follies can cover these costs, but anticipate that we will be required to increase our show and membership fees”*. Based on this, the Follies should be given the opportunity to cover these costs through their normal operations. The Follies also have over \$25,000 in their main account and \$16,600 in a term deposit.

The recommendation made by staff for non-approval of the funds is on the basis that:-

- Council already provides over \$7,700 per year to the Theatre to help subsidise the group,
- Council is not able to continually support all community groups,
- If the shortfall of funds can be met by altering membership and/or ticket fees, and/or finding alternate venues, then this should be undertaken by Milton Follies.
- The Milton Follies have funds in their main account and a term deposit totalling over \$40,000.

Community Engagement

A meeting was held on 22 August 2016 to discuss the situation. Milton Theatre Committee Executive, Executive Committee Milton Follies, Cllr Gash, Cllr White and Council staff were in attendance. Both the Milton Theatre Committee and the Milton Follies have provided additional information and have been very cooperative.

Financial Implications

Council would need to identify what other service or funding source the donation would be taken from as Council is already in a significant deficit position.

The current available balance of the Uncommitted Donations budget is \$13,493. This amount is to cover the remainder of the financial year.

CL16.19 Review of the Local Government Rating System

HPERM Ref: D16/290313

Group: Corporate & Community Services Group
Section: Finance

Attachments:

1. Issues Paper (under separate cover) [⇒](#)
2. Council Response to Issues Paper (under separate cover) [⇒](#)
3. Draft Report on Recommendations (under separate cover) [⇒](#)
4. Councils Response to the Recommendations (under separate cover) [⇒](#)

Purpose / Summary

To seek Council approval to make a written submission to IPART into the Draft Report on the Review of the Local Government Rating System.

Recommendation

That Council make a submission to the Independent Pricing and Regulatory Tribunal (IPART) commenting on the recommendations being proposed in the Draft Report on the Review of the Local Government Rating System.

Options

1. Option 1 - Adopt the recommendation in the report
Implications: Council has input into the Review of the Rating System
2. Option 2 - Not adopt the recommendation in the report and make an alternative resolution
Implications: Council may miss the opportunity for input into the Review of the Rating System.

Background

In April 2016, the IPART issued an issues paper (Attachment 1) into a review of the local government rating system in NSW, with the aim to recommend reforms to improve its efficiency and equity and to ensure that councils can implement sustainable fiscal policies over the longer term. The terms of reference of this report covered:

- The rating burden across the within communities, including consideration of multi-unit dwellings
- The appropriateness and impact of current rating categories and exemptions and mandatory concessions
- The land valuation methodology used as the basis for determining rates in comparison to other jurisdictions
- The capacity of a merged council to establish a new equitable rating system and transition to it in a fair and timely manner, and
- The objectives and design of the rating system according to recognised principles of taxation.

In May 2016 Council made a submission to the Issues Paper (Attachment 2)

In August 2016 a report covering the recommended changes to the Local Government Rating System was issued to all interested parties, for feedback by 14th October 2016. (Attachment 3)

This report included 34 recommendations covering the following main areas:

- The use of Capital Improved Value in setting rates
- Allowing councils general income to grow as the communities grow
- Giving Councils greater flexibility when setting residential rates
- Improved rate exemption eligibility
- A replacement of the pensioner subsidy scheme
- An increase in the number of rating categories
- Recovery of outstanding rates
- The introduction of the Emergency Services Property levy.

Council has prepared a response to the draft recommendations. In most instances the recommendations are in line with Council's original submission or welcomed improvements. There are a few areas where council is seeking more information with regard to the practicalities of the recommendations and how they will work.

Full detail on Council's response to the Recommendations is shown in ATTACHMENT 4.

Additional attachments are:

ATTACHMENT 1 – IPART Issues Paper – which covers the original issues paper issued by the IPART

ATTACHMENT 2 – Council's response to the Issues Paper

ATTACHMENT 3 – IPART Draft report with Recommendations showing full detail on all the recommendations and supporting arguments, along with feedback from all Council responses.

Community Engagement

There has been no community consultation as part of this review.

Financial Implications

Given that the implementation of the recommendations from this report will have a direct impact on Councils revenue and ultimate operating result it is important that Council have a say in the direction being taken. Any changes will have an impact on Councils ability to rate and collect rates and the concessions or exemptions which are made. Depending upon the outcomes with regard to Debt collection, Emergency Services Levy and pensioner concessions there may also be a significant impact on Councils cash flow, which needs to be addressed before changes are legislated.

CL16.20 Negotiations - Provision of the Management & Operations of the Ulladulla Civic Centre 2016/19

HPERM Ref: D16/290719

Group: Corporate & Community Services Group
Section: Recreation Community & Culture

Purpose / Summary

To inform Council of the outcome of negotiations and to determine the future management arrangements for the operation and management of the Ulladulla Civic Centre, and to seek approval to consider as a confidential business item.

Recommendation

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. That Council consider this matter as a confidential business item

Implications: That there will be no disclosure of information that could be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

2. That Council decline to consider the matter as confidential business item

Implications: That there may be a disclosure of information that could reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

3. Council provide further direction to staff and propose an alternative.

Implications: These are currently unknown.

Background

The tender process for the provision of management and operations of the Ulladulla Civic Centre was unsuccessful in finding an acceptable tender.

This was reported to Council on 26th July 2016 and Council adopted MIN16.608.C that:

- a) *In accordance with Section 178(i)a of the Local Government Regulation 2005 Council decline to accept any tender.*
- b) *In accordance with Section 178(3)e delegate authority to the General Manager (Director of Corporate & Community Services) to enter into negotiations with Milton Ulladulla Ex Servos Club Ltd with a view to entering into a contract*
- c) *In accordance with Section 178(4)b Council enters into negotiations in relation to the specific management requirements to achieve best value for Council.*

CL16.20

- d) *In the event that negotiations are not successful Council manage the Centre itself;*
- e) *The recommendation remain confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act (1993), until negotiations are final.*

The Director of Corporate & Community Services and key Council staff have met with representatives from the Milton Ulladulla Ex-Servos Club Ltd to negotiate a mutually acceptable and beneficial arrangement for the management of the Ulladulla Civic Centre.

Further details are contained in the separate confidential report.

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.

Financial Implications

Shoalhaven City Council considers the cost of operating the Centre in order to maintain an acceptable business benefit to Council and a return to the Contractor, that ensures the Centre is operated and maintained for Council and the community to the required industry standards.

CL16.20

CL16.21 Successful Grant Funding - NSW Government 2016/17 Public Reserves Management Fund Program

HPERM Ref: D16/293612

Group: Corporate & Community Services Group
Section: Recreation Community & Culture

Purpose / Summary

To advise Council of two successful NSW Government's 2016/17 Public Reserve Management Fund Program (PRMFP) grant applications, being:

- \$40,000 for replacement of the Nowra Showground (Pavilion) kitchen.
- \$20,000 for remediation and re-routing of a section of Bens Walk.

Recommendation

That Council

1. Accept the NSW Government's 2016/17 Public Reserve Management Fund Program grant offer of:
 - \$40,000 for replacement of the Nowra Showground (Pavilion) kitchen.
 - \$20,000 for remediation and re-routing of a section of Bens Walk
2. Write to the Hon. Niall Blair MLC, Minister for Primary Industries, Minister for Lands and Water accepting and thanking him for the grant funds.
3. Allocate funds of \$10,000 from Council's Minor Improvement Program (job no. 22107) to part meet the funding shortfall for replacement of the Nowra Showground (Pavilion) kitchen.
4. To address the timing issue, provide the Nowra Show Society loan funds of \$50,000 (to be paid off by \$40,000 PRMFP grant and \$10,000 Council Minor Improvement Program funds) to undertake replacement of the Nowra Showground (Pavilion) kitchen under the supervision of Council staff.
5. Encourage the Nowra Show Society to provide cash or further in-kind support to the value of \$7,000 for replacement of the Nowra Showground (Pavilion) kitchen.

Options

1. Council adopt the recommendation.

Implications: This will allow the immediate upgrade of the pavillion kitchen at Nowra Showground .

CL16.21

2. Council adopt the recommendation with an amendment.

Implication: This may delay the immediate upgrade of the pavillion kitchen at Nowra Showground.

3. Council not adopt the recommendation and provide direction to staff.

Implication: This may inhibit or prevent the immediate upgrade of the pavillion kitchen at Nowra Showground.

Background

Public Reserve Management Fund Program

Annually the NSW Government provides grant funding for capital works projects on Crown Land via its PRMFP. Background information related to the Program can be viewed at http://www.crownland.nsw.gov.au/crown_land/crown_reserves/funding/PRMFP.

Replacement of the Nowra Showground (Pavillion) Kitchen

The Nowra Show Society has for some time raised concerns with Council staff regarding the state of the Showground Pavilion kitchen. The current kitchen was installed in the early 1980s and is no longer meeting user needs and deteriorating due to its age. The kitchen also does not meet the NSW Food Act 2003 due to the condition of bench materials and having no exhaust fan.

With no dedicated budget for the kitchen replacement, Council staff encouraged the Nowra Show Society to make application to the PRMFP and staff provided a letter of support. In submitting this application, the kitchen replacement budget of \$57,000 was determined by the Show Society and relied on the Show Society delivery part of the works with in-kind assistance from local suppliers. Notice from the PRMFP is that a grant of \$40,000 has been offered and therefore a shortfall of \$17,000 exists to deliver the kitchen replacement. In submitting the application, no cash contribution was provided by the Show Society.

As the Show Society submitted the application, it was assumed by Council staff that the Show Society would be the recipient of the grant. However, following assessment of the application, grant funds were offered to the Nowra Showground Reserve Trust (i.e. Council) and not the Show Society. Feedback from PRMFP staff have indicated that the NSW Government will only provide grant funds to the Reserve Trust and not a user group of the Reserve.

To allow the Show Society delivery part of the works with in-kind assistance it is recommended that Council advance loan funds to the Nowra Show Society to commence undertaking replacement of the kitchen under the supervision of Council staff. Council will then extinguish the loan when the grant is received and Council funding is transferred to the project. Upon completion of the project Council will then complete the reporting requirement for the grant.

Remediation and re-routing of a section of Bens Walk

Bens Walk was damaged during the flood of August 2015 and some works were undertaken to allow continued use of the track. Further works to reroute and rehabilitate the track were identified however these were beyond the limit of the allocated annual budget for Walking Tracks. The repair of non-essential assets such as walking tracks is not eligible for natural disaster relief funding.

An application for \$27,240 was submitted to:

- Reroute approximately 20m of the historic track away from the river bank which is at risk of slumping after the flooding of August 2015

- Stabilise and rehabilitate actively eroding sections of the river bank to limit further environmental damage.

Recognising that the project after receiving the grant has a shortfall of \$7,240.00, this funding will be provided from Job. No. 15865 Coastal Management Priority Works East Coast Low.

Community Engagement

The replacement of the Nowra Showground Pavilion Kitchen will involve Council staff consulting with the Nowra Show Society and other key users groups of the Pavilion.

Remediation and re-routing of a section of Bens Walk is not proposed to involve community engagement however signage will be erected if sections of the path need to be closed for work repairs.

Financial Implications

Recognising that there is a shortfall of \$17,000 to deliver the replacement Pavilion kitchen it is recommended that:

- Council allocation funds of \$10,000 from Council's Minor Improvement Program (job no. 22107). This allocation results in a re-prioritisation for programmed works
- Council encourage the Nowra Show Society to provide cash or further in-kind support to the value of \$7,000

As mentioned above, the loan to the Show Society will be paid off when grant funds are received.

The shortfall of funding for the Bens Walk project will be provided by Job No. 15865 Coastal Management Priority Works East Coast Low.

CL16.22 Local Government - Urban Renewal Australia Conference

HPERM Ref: D16/294869

Group: General Manager's Group
Officer: Patricia White - Councillor
Lynnette Kearney - Councillor

Attachments: 1. Conference Report - Urban Renewal Australia Conference 2016 [↓](#)

Purpose / Summary

To provide a report from Clr Patricia White and Clr Lynnette Kearney on the Local Government Urban Renewal Australia Conference held in Melbourne on 13 to 15 July 2016 in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

Recommendation

That Ordinary Meeting receive the report from Clr Patricia White and Clr Lynnette Kearney on the Local Government Urban Renewal Australia Conference for information.

Options

1. Receive the report for information.
2. Request further information on the conference.

Background

In accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy, Clrs White and Kearney have submitted a report regarding the Urban Renewal Australia Conference. Refer to Attachment 1.

CL16.22

Conference Report

URBAN RENEWAL AUSTRALIA

ENHANCING CITY EFFICIENCY WHILE PRESERVING CITY INDIVIDUALITY

"Dull, inert cities, it is true, do contain the seeds of their own destruction and little else. But lively, diverse, intense cities contain the seeds of their own regeneration, with energy enough to carry over for problems and needs outside themselves." - Jane Jacobs

Date: 13th to 15th July 2016

By: Cllr Patricia White
Cllr Lynne Kearney

Overview

The conference was a strategic think-tank focused on discussion and debate with the objective of helping to shape the Australian urban renewal policy, in building sustainable and modern towns and cities. This conference brought together government officials, policy makers, local councils, urban planners, developers, investors and community representatives, and provided a platform for thought provoking discussion and serious consideration on issues relating to public infrastructure investment, planning partnerships, social and environmental impacts.

In developed countries, Australia has the fastest population growth. Current population projection, of 24 million people, is projected to increase to between 40 million people by 2061.

Sydney is to remain the populous city in Australia, with 8.0 million people in 2061, followed by Melbourne with 7.6 million.

Sadly in most cases, population growth more often outpaces infrastructure developments in housing, healthcare and transport, hence putting pressure on the already strained infrastructure which can adversely affect quality of life.

We need to create liveable cities with carefully planned transformation projects, well-thought infrastructure development that preserves old infrastructure but mixes with new infrastructure to achieve quality living standards for communities whilst contribute to social and economic development of the country.

Keynote speakers:

- ✓ Jacinta Allan MP – Minister for Public Transport & Major Projects Victoria
- ✓ Gregory Anderson Chief Executive Officer Places Victoria
- ✓ Simon Wilson General Manager Precincts, Places Victoria Speaking on:
- ✓ Peter Seamer Chief Executive Officer Metropolitan Planning Authority
- ✓ Ian Pike – City Shaper Wellington City Council New Zealand
- ✓ Tony Arnel – Global Director Sustainability Norman Disney & Young
- ✓ Kate Vinot – Director of City Strategy & Places City of Melbourne
- ✓ Sean Scaife Manager Redevelopment Strategy Redevelopment Authority of Perth
- ✓ David Tow – Head of Strategy Urban growth NSW
- ✓ James Larmour Reid Planisphere
- ✓ Adam Beck Urban Innovation Private Ltd
- ✓ Adrian Box – Infrastructure and Projects Group KPMG
- ✓ Giovanni Cirillo – Urban Renewal & Major sites NSW Dept. of Planning

Report

Official Opening

Opening address was given by Gregory Anderson Chief Executive Officer of Places Victoria. Key points covered:-

- Roles and responsibilities of Governments including Local Government in urban renewal and future planning
- Population growth – delivering **Key infrastructure early** in developments and renewal
- Finding new ways to address:
 - (a) Economic/social challengers
 - (b) Housing choices including affordable; family friendly solutions; catering for all income levels; aging population; diversity of people; communities and environments
- Delivering communities of the future; environments outside the home – parks; bike trails; libraries; hubs; playgrounds, etc.
- Growing cost of infrastructure – who pays and what funding methods are available.

Key Note Addresses:

Simon Wilson – General Manager Precincts Places Victoria

The address was on delivering a well-planned precinct and Simon is currently managing the development of Melbourne's Docklands after several failures. Key points:-

- Housing choices – need a variety of housing models. Docklands has high end apartments mixed in low affordable housing in same developments. Working well and many “sold off the plans”.
- No real definitions of “Affordable Housing”; No uniform model
- Renewal needs to be good strong development that always needs a “vision” of the infrastructure required first – This is the absolute key to unlock an area.
- Community –
 - (a) Round connections to public transport
 - (b) Ask the community what they want for community space
 - (c) Competing objectives of public perception – achieve cohesiveness
 - (d) Don't be afraid to use valuable land for community infrastructure
- Investment ratio – every \$1.00 council spends, what is the return on investment; Sometimes there is a need to borrow/loan and then repay, this can be a far better outcome for residents and community, as it attracts further investment both private and public.
- Events & Attractions – don't come in then leave – come in and stay. Governments need to give reasons to invest in infrastructure (ie parks; pop up retail etc).

Jacinta Allan MP – Minister for Major Projects & Transport Victoria

Key points:

- Regions are real challenges for governments and yet to be fully grasped
- A real need for a plan for investment – what investments are overdue; there are high expectation for investment of funds but what opportunities to these investments present.
- Governments are doing business different now; there needs to be a one stop shop for the private sector looking to work with councils. – A fresh approach is required.
- We are building for the next generation.

Peter Seamer – Chief Executive Officer Planning Authority Victoria

Peter spoke on tapping into well-integrated value capture funding methods for transport and land use planning.

High-level government commitment planning and implementation of long term infrastructure projects are vital both to attract and to development quality infrastructure investment that will be responsive to the current and future needs of the country. Infrastructure planning is an important function of government and has brought forward a mix of successful ventures and unique infrastructure challenges.

Key points:

- Funding Levy's – they date back to 1925. Victoria had a betterment tax in the 1950's.
- We always need to look beyond the \$ to ensure community value is maximised and it is all about the end result for our community
- Strong demands for levies will not kill the development
- Paying for infrastructure is critical
- Land value capture in rezoning

Tony Arnel – Global Director of Sustainability – Norman Disney & Young

Tony spoke on cities are the new innovation economy – just how can urban renew be the catalyst for new industries and economic opportunities. The industries of the future require all of use to re-think the way we design and build our towns and cities. Poor planning and lack of infrastructure investment will damage our ability to compete in the new innovation economy.

Key points:

- It is predicted that \$90 billion of housing will go under climate change – this housing will not be un-inhabitable but rather not insurable.

David Tow – Head of Strategy Urban Growth NSW

David spoke on delivering a vibrant and dynamic place – the Bays Precinct in Sydney. The Bays Precinct is an urban transformation program that represents a once-in-a-generation opportunity to deliver a place to live, work and visit.

Key points:

- You must have a bold ambition
- Don't be afraid to change plans along the way
- Innovation is changing always – need to seed ideas
- Clear principles/requirements to guide developments – i.e. heritage sub-sustainability; views; land use outcomes; engagement with communities and developers
- Transformation Planning End State Vision instead of a Master Plan – this allows for ideas around possibilities and changing directions as you go. Publish the transformation/ideas plan. Plan for all ideas and meet the ones that are viable. (No Master planning).
- Call on residents and community for great ideas – open house sessions; school sessions; community briefings and drop in sessions. Must undertake before, during and after the project.

Adam Beck – Director and Chief Collaboration Officer – Centre for Urban Innovation Pty Ltd

This was the most uplifting presentation of the Conference.

Adam is an Australian who has 20 years' experience in social and environmental planning with a passion for developing and implementing built environment projects.

Adam's presentation was on lessons from North America on Urban renew. There are many challenges for urban renew which involve a diversity of stakeholders, competing forces, entrenched mindsets, institutional agendas, and business-as-usual interests that will often work against positive change. These forces impede successful plan implementation, and ultimately development success. Innovation continues to be the hardest path forward; funding is always a challenge; and communities become "planned to death".

This is not an ideal set of conditions for towns or cities wishing to actively tackle some of our most wicked planning problems – housing affordability; job equity; increasing density; chronic heart-related disease and climate change. These are not characteristics of a town building prosperity and competitiveness and position itself to respond to future disruptions from environment, economic, social, technological or political change.

Adam is currently the Director of Innovation at Eco Districts, as a fast paced entrepreneurial start up no profit company in Portland Oregon. Adam also advises on a range of urban regeneration pilot projects across North America.

Key points:-

- His Agenda for renew projects in Portland:-
“How to do it better, accelerate planning and do it”
- What are the implementation barriers for projects? We need to see the image that will be created – then unpack it to deliver it – and remove the barriers.
- Great quick projects get the best outcomes
- Foot-fall traffic (walking passed) creates the best retail and more sales for retailers
- You can't copy and paste urban renewal projects from others or other areas, towns or cities
- Governments
 - (a) Dealing with local government can be brain haemorrhaging.
 - (b) Agencies have mindsets
 - (c) Political barriers
 - (d) Need a secret source to unlock the problems
Examples were provided for (a) to (d). One example on a renew project was that all government agencies, local politicians, developers, project planners and local government met in a room to discuss a project. After 6 hours everyone walked out ready to commence the project. Direct discussion worked very positive.
- Communities and residents
 - (a) Have your say – you must show up when asked, or she will and she hates everything.
 - (b) There is no innovation with some community engagement methods, as you must sit down, debate, and work out the issues.
- Governance and good leadership is the key
- To have place activation, projects must be:
 - Local objectives
 - Implemented
 - Have ongoing maintenance

Conclusion

This was an excellent conference that presented some forward thinking ideas of how we move forward with affordable housing, urban renewal of older planning areas, different models of funding but most importantly planning infrastructure for the next generation.

Would highly recommend Councillors and Staff to attend the annual conference in the future.

Clr Patricia White

Clr Lynne Kearney

CL16.23 Tenders - Supply Landfill Compactor

HPERM Ref: D16/293270

Group: Assets & Works Group

Section: Works & Services

Purpose / Summary

To inform Council of the tender process for the trade in and supply of one landfill compactor.

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. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

This report is submitted directly to the Ordinary Council Meeting pursuant to Clause 3 of Council's "Acceptance of Tenders – Reports to Council" Policy.

Recommendation

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

Options

1. Council accept the recommendation as presented.

Implications: Councils will consider the confidential Tender report that contains commercial information.

2. Council amend the recommendation.

Implications: Councils Waste Management operation may be impacted, the decision on a machine upgrade will ensure efficient landfill operations continue with a new heavy compactor machine.

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

Implications: Council has undertaken a tender process and changes can affect the competitive bid process

Details

Council sought tenders for the supply and delivery of a new Landfill Compactor, including 'Trade In' of Council's existing machine.

The Landfill Compactor is an essential part of waste services operation compacting waste to maximise the use of valuable space in the landfill.

CL16.23

The existing compactor has reached the end of its useful life and is programmed for replacement. The cost of the replacement has been allocated in the 2016/17 plant replacement program.

Four (4) offers from three (3) Suppliers were received at the time of closing on 2 August 2016. These are shown in the table below:

| Supplier | Make / Model |
|-----------------------|------------------|
| GCM Enviro | TANA E450 |
| GCM Enviro | TANA E520 |
| Westrac | CAT 836K |
| Tutt Byrant Equipment | Bomag BC1172RB-2 |

Details relating the evaluation of the tenders are contained in the confidential report which relates to commercial information.

Financial Implications:

The tender evaluation process followed the agreed Tender Evaluation Plan. The replacement is budgeted for in 2016/17.

CL16.23

CL16.24 Occupancy Fees - Holiday Haven - Debt

HPERM Ref: D16/291636

Group: Assets & Works Group

Section: Business & Property

Purpose / Summary

In accordance with s10A(2)(b) of the Local Government Act 1993 some information should remain confidential and will be considered as part of a separate confidential report to Council. It is not in the public interest to disclose this information as it contains "information that would, if disclosed, divulge the personal hardship of any resident or ratepayer."

For Council to consider the write off of outstanding occupancy fees on the following Holiday Haven Tourist Park sites:

- a. Site 126, Ulladulla Headland Holiday Park - \$5,589.90;
- b. Site 101, Culburra Beach Holiday Park - \$6,343.41; and
- c. Site 63, Huskisson Beach Holiday Park - \$5,031.69.

Recommendation

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

Options

1. Council accept the recommendation as presented.

Implications: Consider a separate confidential report to resolve outstanding debts

2. Provide further direction to staff and propose an alternative.

Implications: Outstanding fees continue to accrue interest.

Background

Due to mitigating circumstances for the owners, including personal hardship, on the abovementioned sites occupancy fees have been unable to be recovered for the sites. To continue to pursue legal proceedings to recover the amount owing on each site will incur excessive costs outweighing the cost of the debt.

CL16.25 Crown Land at Shoalhaven Heads

HPERM Ref: D16/291217

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. Shoalhaven Heads Retirement Village Proposal [↓](#)
2. 2015 Letter from Hon Niall Blair MLC Minister for Lands [↓](#)
3. 2016 Letter from Hon Niall Blair MLC Minister for Lands [↓](#)

Purpose / Summary

To advise Council of the current status of an investigation into the possible acquisition and development of land for a retirement village complex at Shoalhaven Heads.

Recommendation

That Council receive the report of the General Manager (Director of Assets & Works) concerning Crown Land at Shoalhaven Heads for Information.

Options

1. Resolve as recommended.

Implications: This report, which is submitted for information, serves to provide Council with the most recent information relating to Crown land at Shoalhaven Heads and the request that the land be transferred to Council.

2. Not resolve as recommended.

Implications: Provide further direction to staff and propose an alternative.

Background

The need for a retirement and aged care facility at Shoalhaven Heads has been discussed amongst residents, CCB members, councillors and other elected officials for a number of years.

Whilst there are a number of references in Council files regarding the possible release of land at Shoalhaven Heads to facilitate development for a retirement and aged care facility, a public meeting held on 23 November 2014 considered a number of potentially suitable sites and appears to have concluded that the Crown land north of Scott Street was the most suitable.

The Crown land north of Scott Street is about 18.7 ha in area and is comprised in part of Lot 7010 DP 1035145 (Attachment "1"). The land is zoned R1 General Residential in Shoalhaven LEP 2014 and the zoning permits development of a retirement and aged care facility on the land with consent. The reserve is managed by DPI – Lands on behalf of the Crown as the Shoalhaven Heads Bushland Reserve Trust.

The outcome of a community forum sub-committee meeting held 23 November 2014 was to continue to focus on sites within the village and on taking this matter forward. This led to a meeting on 19 June 2015 with the Hon Niall Blair, MLC, Minister for Primary Industries, Minister

for Lands and Water which was organised by Member for Kiama, Gareth Ward MP. The meeting was also attended by representatives of the community forum.

On 12 August 2015, Minister Blair wrote to Gareth Ward (refer Attachment "2") in response to representations made on behalf of Ms Robyn Flack as the representative of the community forum advising as follows:

- *"...potential to develop the site is limited by environmental, Native Title and statutory constraints."*
- *"...use of the land is currently limited to environmental management and recreational activities that do not adversely impact on the environmental values of the land."*
- *"...independent consultants recognised the environmental value of the site's vegetation, and supported the need to reserve the site for environmental protection."*
- *"...it seems the cost and time requirements associated with addressing these issues for this parcel of land are likely to make the proposal (ie for a retirement complex) unviable and difficult to market to potential developers."*

Despite this advice, the proposal was kept alive through a series of subsequent events including a resolution dated 8 December 2015 by the Strategy & Assets Committee under delegation from Council which directed the General Manager to commence discussions with the Minister aimed at securing control of the land north of Scott Street for an aged care retirement lifestyle facility and to meet with Member for Kiama, Gareth Ward MP to further discuss the proposal.

The latter meeting was held 4 April 2016 when it was agreed that Council would obtain a valuation of the land to inform Council, the Minister and the Member for Kiama as to the market value of the land. The formal valuation obtained by Council assessed the value of the land as follows:

| | |
|---|--------------------|
| ➤ Market Value with Vacant Possession (ie bush land used for passive recreation with no certainty of obtaining a building permit) | \$100,000 ex GST |
| ➤ Market Value as a Residential Development site | \$6,500,000 ex GST |
| ➤ Market Value as a Retirement Village site | \$2,750,000 ex GST |

In May 2016, the Minister was asked through the Member for Kiama to agree to transfer the land to Council at no cost.

In a letter dated 18 August 2016, the Minister responded (Attachment "3") to the Member for Kiama in the following terms:

- *"...Council may submit a formal application to the Department of Primary Industries (DPI) – Lands for the acquisition of the subject Crown land..."*
- *As an alternative, "...DPI Lands may consider vesting the Crown land to Council under section 76 of the Crown Lands Act 1989 if it can be demonstrated that vesting will deliver certain benefits to the community."*

NOTE: This advice is in conflict of previous advice provided by DPI - Lands officers to Council at a meeting in the Mayor's office on 4 April 2016.

- *"...approval to waive applicable compensation can only be granted by the Treasurer."*

NOTE: this is a reference to a requirement to pay compensation if the land is acquired under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

- “...dealing in the subject land must take account of Native Title, regardless of the preferred approach. Should DPI Lands approve the request for vesting of the land, Council would need to accept full liability for any future Native Title compensation.”
- “...supporting information, such as a business plan, strategic plans, or other documentation that identifies the subject Crown land and its importance to Council in exercising any of its functions would assist DPI lands in evaluating any request.”

The following comments are offered in order to further inform Council and to elaborate on statements in the Minister’s letter:

- If Council is to acquire this land it will do so under the Land Acquisition (Just Terms Compensation) Act 1991 as a compulsory acquisition. Approval to compulsorily acquire land will only be granted if the acquisition is for a public purpose.
- The reference to the waiving of compensation is acknowledged. Experience has demonstrated that the Treasurer is unlikely to approve such a waiver.
- If the land is to be vested in Council, it must be vested for a public purpose. If it is vested, Council must accept responsibility for future Native Title compensation (as far as Council is aware, Native Title has not been extinguished).
- The Minister has asked for supporting documentation such as a business plan or a strategic plan which identifies this land and its importance to Council. This is a community driven project and Council has not developed any business plans which support the community aims and objectives relating to the need for a retirement village complex at Shoalhaven Heads nor has it been made aware that any such plans have been prepared by others.

Additional advice from NSW Department of Industry – Lands dated 30 August 2015 appears to continue to reflect the original Ministerial advice which suggested that there are too many impediments to the sale of this land for development and therefore to be at odds with the latest advice dated 18 August 2016:

- Native Title has not been extinguished which limits Crown Land’s dealing in the land;
- The site is a residue from refusal of Aboriginal Land Claim 6692 on environmental grounds. Development would be inconsistent with the ALC refusal;
- The environmental value of the site supports the reserve purpose; and
- A Vegetation Management Plan has been developed as a condition of consent imposed on the Golf Club.

Native Title

The Minister for Lands declared on 17 February 2006 that this land was not claimable Crown land within the meaning of the Aboriginal Land Rights Act 1983 because it was “...lawfully occupied by the Shoalhaven Bushland Reserve Trust and lawfully used by the general public for purposes of the covering Reserve 1003018 for Public Recreation and Environmental Protection”.

If the status of the land is changed to the extent that it is no longer “lawfully occupied” by a reserve trust and/or “used by the general public” for purposes consistent with the reservation, it may then be claimable Crown land and of considerable interest to the local land council.

Environmental Considerations

The environmental issues which need to be taken into account when considering a proposal to develop this land include:

- Vegetation on the site is Bangalay Sand Forest (BSF), an endangered ecological community;

CL16.25

- Twenty eight (28) threatened species have been recorded within 10km of the site (5 on the site);
- It is more than likely any further development would trigger the need for a further species impact statement;
- An environmental “offset” may be required as a way to mitigate the likely impact of any development; and
- The adjoining golf course development (when the golf course expanded to 18 holes) approval required on-going protection, restoration and management of this vegetation to Seven Mile Beach National Park through an approved Vegetation Management Plan.

Regardless of whether the proposal goes through a Species Impact Statement or is assessed as a Major Project, under the current legislation it will require an offset. Under the bio-banking methodology, a developer would need to demonstrate that impact on the vegetation has been minimised and avoided in the first instance.

It will be a difficult site to offset due to the presence of Bangalay Sand Forest – an Endangered Ecological community. The Office of Environment and Heritage (OEH) has advised that the vegetation on site is near ‘benchmark’ and is in moderate to good condition. It will be difficult to find an offset large enough and it will be expensive. The patch in Shoalhaven Heads has good connectivity. Supporting this the golf course development was required to improve the connectivity as a condition of its consent and this connectivity will make it more expensive to offset. It is also identified by OEH as an environmental corridor.

If the offset ratio is only 5:1 that is the equivalent of a 90Ha offset site. It is unlikely that a site that large can be found. In some cases where a suitable offset cannot be found a developer will be permitted to provide funding of an equivalent amount plus 10%.

What this means in financial terms is best explained by making a simple comparison with a recent precedent - the first Illawarra Lowlands Grassy Woodlands EEC development site biobank assessment registered for 3.8ha of that EEC was worth \$7500 per credit. The cost to the developer in that case was \$1.7million. Based on that information, development of the 18ha at Shoalhaven Heads without an offset may be estimated to cost a developer about \$8 million.

In addition to credits for removing the vegetation on site, it is highly likely that the applicant will also need to find credits for specific threatened species if they are found on the site. As an indication, a credit can cost approximately \$1000 - \$5000. For example, the new Resource Recovery Park site in West Nowra requires 2.3Ha of clearing and is required to find and retire 52 squirrel glider credits. These credits are currently for sale for \$3500-\$5000 per credit. At an average cost of \$3500 per credit this will cost an additional \$183,000. As the Shoalhaven Heads site is much larger this potential additional cost needs to be considered and factored in when considering any project viability.

Under the current rules a developer can only use bio-banking in this situation if the project proposed is of “State significance”. Non State significant projects are not able to offset Endangered Ecological Communities. There are environmental values to the site and these need detailed consideration and investigation. Environmental, economic and social aspects need to be considered together.

Review of Crown Lands

In a recent submission to the NSW Upper House enquiry into Crown Land and the management of the Crown Estate, this Council confirmed its support, in principle, of the recommendations in the Crown Lands White Paper. This includes, but is not limited to, the proposed transfer of “local” lands to local Councils to meet local needs.

It is therefore a possibility that the land which is the subject of this report may ultimately be transferred to Council as a result of the review of the Crown Lands legislation but it will have to be managed as a reserve and is not likely to ever be made available for development for

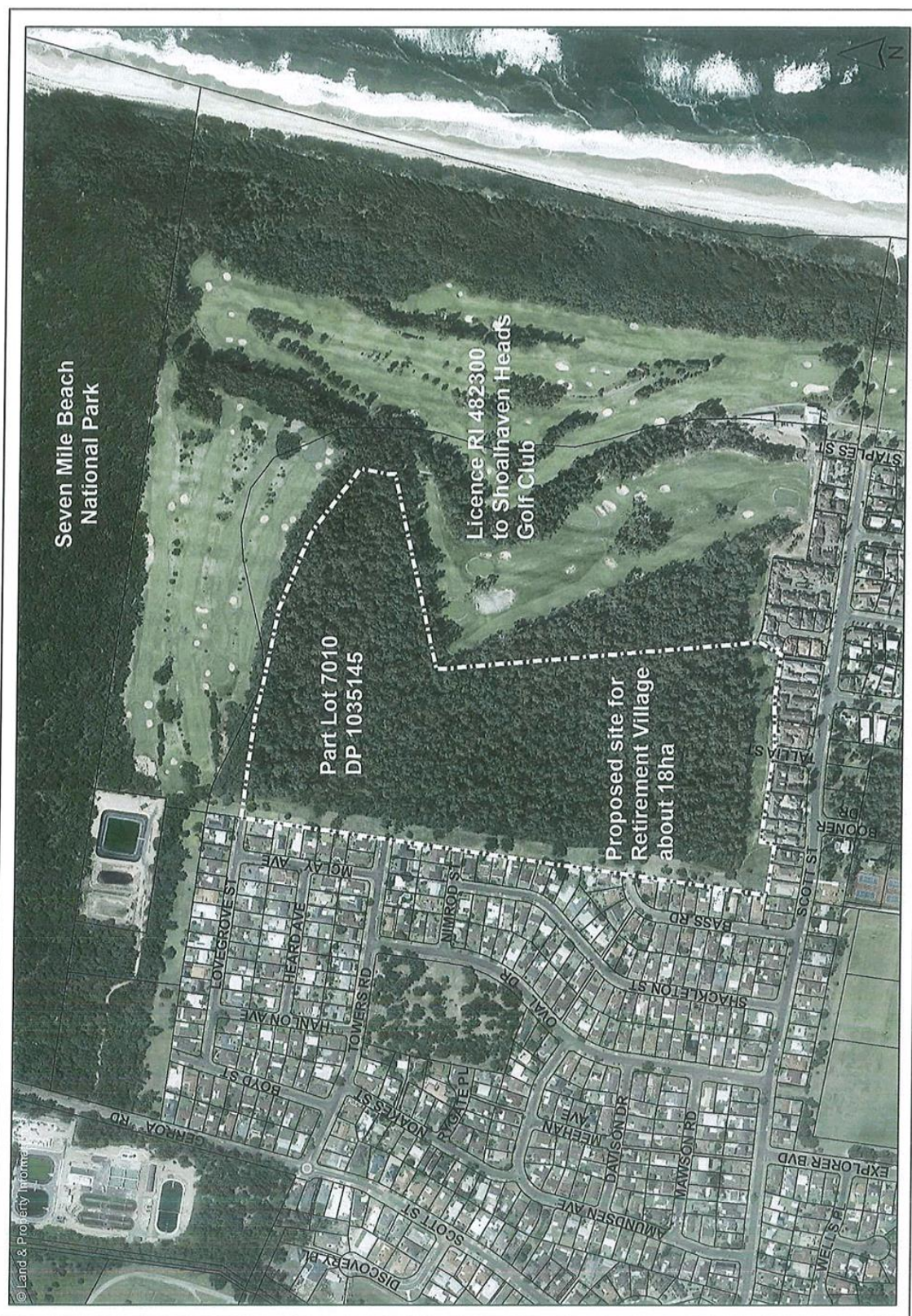
any purpose inconsistent with the purposes for which the land was set aside ie public recreation and environment protection.

Community Engagement

The proposed development of a retirement village complex at Shoalhaven Heads has been developed and promoted by the local community through the Shoalhaven Heads CCB. It is of high importance to the local area and continued engagement with the community is essential.

Financial Implications

The information contained in this report indicates that any development of the Crown land north of Scott Street, Shoalhaven Heads cannot be supported in terms of financial viability at this stage.



CL16.25 - Attachment 1



The Hon Niall Blair MLC

Minister for Primary Industries
Minister for Lands and Water

IM15/21367
Your ref: GW:mj

Mr Gareth Ward MP
Member for Kiama
102 Terralong Street
KIAMA NSW 2533

Dear Mr Ward *Gareth*

Thank you for your representations of 17 July 2015 on behalf of Ms Robyn Flack, regarding the proposal to establish an aged care facility on Crown land at Shoalhaven Heads, Lot 7010, DP 1035145, Crown Reserve 1003018. I would like to thank you for organising our recent meeting and being offered the opportunity to meet with Ms Flack.

I asked the Department of Primary Industries - Lands to investigate the proposal for development. As a result of these investigations, I am advised that the potential to develop the site is limited by environmental, Native Title and statutory constraints.

The use of the land is currently limited to environmental management and recreational activities that do not adversely impact on the environmental values of the land. The current reservation over the land was established following an extensive land assessment and community consultation process, undertaken under the provisions of *Part 3 of the Crown Lands Act 1989*. Reports from independent consultants recognised the environmental value of the site's vegetation, and supported the need to reserve the site for environmental protection. The site is also subject to a Vegetation Management Plan, endorsed by the Office of Environment and Heritage, to protect and strengthen the remaining Bangalay Sand Forest.

Consideration could be given to granting a licence to Council for a purpose consistent with the reserve purpose. Any licence issued would be subject to standard clauses to recognise and protect any potential Native Title interests that may exist.

If a lease was sought, a non-claimant application would need to be lodged with the National Native Title Tribunal for determination under the provisions of the *Native Title Act 1993*.

The Department advises that Council has considered progressing this proposal via a land acquisition process undertaken under the provisions of the *Local Government Act 1993* and *Land Acquisition (Just Terms Compensation) Act 1991*, but were hesitant to proceed unless a Development Consent was in place for the site.

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Mr Gareth Ward MP

-2-

The Hon Niall Blair MLC

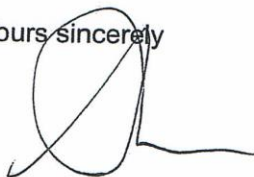
Any proposal to subdivide the existing lot would require approval under the *Environmental Planning and Assessment Act 1989* and registration of a subdivision plan with Land and Property Information. The legislative and administrative process to deal with this land will be the same irrespective of whether the proposal involves the whole or part of the site. Any cost associated with subdivision of the lot would be the responsibility of the proponent.

I understand what an important issue this is for the community. However, it seems the cost and time requirements associated with addressing these issues for this parcel of land are likely to make the proposal unviable and difficult to market to potential developers. The land is being used and managed in accordance with the gazetted reserve purpose of public recreation and environmental protection.

I have requested that the Department be available to continue to work with the local community to assess opportunities for the development of an age care facility at Shoalhaven Heads. I have asked that Ms Karen Fowler, South Coast Area Manager, be available to discuss this matter further with Ms Flack. Ms Fowler can be contacted on (02) 4428 9107.

Thank you again for your representation and for arranging the recent meeting.

Yours sincerely



The Hon Niall Blair MLC
Minister for Primary Industries
Minister for Lands and Water

12 AUG 2015



The Hon Niall Blair MLC

Minister for Primary Industries
Minister for Lands and Water

IM16/16297
IM16/17172

Mr Gareth Ward MP
Member for Kiama
102 Terralong Street
KIAMA NSW 2533

Dear Mr Ward *Gareth*

Thank you for your letter of 6 June 2016, on behalf of Mr Ben Stewart, Director, Assets & Works, Shoalhaven City Council, regarding a request for the transfer of Crown land at Scott Street, Shoalhaven Heads to Shoalhaven City Council (Council).

I thank Mr Stewart for raising Council's interest in acquiring the Crown land at Scott Street for the proposed establishment of an Aged Care Retirement Lifestyle Facility. I note Council's request that the Crown land be transferred at no cost.

I can advise that Council may submit a formal application to the Department of Primary Industries (DPI) – Lands, for the acquisition of the subject Crown land, being part of Lot 7010 DP 1035145. The acquisition application would be considered by the Department of Primary Industries (DPI) - Lands under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* and the objectives of the *Crown Lands Act 1989*.

Alternatively, DPI Lands may consider vesting the Crown land to Council under section 76 of the *Crown Lands Act 1989*, if it can be demonstrated that vesting will deliver certain benefits to the community.

In either instance, a Departmental assessment will be required. Importantly, approval to waive applicable compensation can only be granted by the Treasurer.

If Council wishes to pursue acquisition, a copy of DPI Lands' acquisition form is available at:

http://www.crownland.nsw.gov.au/__data/assets/pdf_file/0006/652461/AT_-_Acquisitions_Consent_to_Acquire_Crown_Land_Application_Aug_2014.pdf.

Council will need to complete the form and lodge it with DPI Lands.

The timeframe to process vesting of Crown land under section 76 of the *Crown Lands Act 1989*, would be significantly longer than the acquisition process. DPI Lands would need to assess the merits of vesting the land to Council and consider potential benefits to the community.

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The Hon Niall Blair MLC

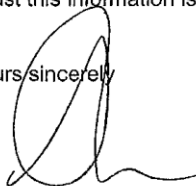
Any dealing in the subject land must take account of Native Title, regardless of the preferred approach. Should DPI Lands approve the request for vesting of the land, Council would need to accept full liability for any future Native Title compensation.

It may assist Council to know that supporting information, such as a business plan, strategic plans, or other documentation that identifies the subject Crown land and its importance to Council in exercising any of its functions would assist DPI Lands in evaluating any request.

Thank you again for bringing this matter to my attention. Should Mr Stewart wish to discuss this matter further, I have asked that Mr Thomas Delgatto, Manager Strategic Sales & Disposals be available. Mr Delgatto can be contacted on (02) 4925 4183.

I trust this information is of assistance to you in responding to Mr Stewart.

Yours sincerely



18 AUG 2016

The Hon Niall Blair MLC
Minister for Primary Industries
Minister for Lands and Water

CL16.26 Proposed Sale of Land - Wire Lane Berry

HPERM Ref: D16/295369

Group: Assets & Works Group
Section:: Business & Property

Attachments: 1. Plan - Wire Lane Berry [↓](#)
2. POL12/275 [↓](#)
3. Photos - Wire Lane, Berry [↓](#)

Purpose / Summary

To progress the sale of Lot 1 DP593975 & Lot 1 DP1217124 Wire Lane, Berry.

Recommendation

That Council resolve to:

1. Advertise its intention to sell the property at Wire Lane, Berry comprised in Lot 1 DP593975 & Lot 1 DP1217124 in accordance with Council's policy POL12/275 "*Development and/or Disposal of Council Lands*" and subject to no objections being received, offer the property for sale by public auction and that the General Manager be authorised to set a reserve price based on advice from the selling agent and/or a valuer;
2. Fund all costs associated with the sale from Job Number 88746 and the net proceeds from the sale be placed in the Strategic Property Acquisition Reserve to fund future road acquisitions and/or works on public roads; and
3. Authority be granted to affix the Common Seal of the Council to any documents required to be sealed and that the General Manager be authorised to sign any documents necessary to give effect to this resolution.

Options

1. Adopt the recommendation.

Implications: The two allotments of land will be offered to the market in one line via a public auction resulting in an increase to Council's revenue base.

2. Not adopt the recommendation.

Implications: The two allotments will be retained requiring ongoing maintenance. Council will forego the opportunity to maximise income generated by the proceeds of the sale.

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

Background

Council at its meeting of 19 October 2004 (MIN04.1312) resolved in part that:

CL16.26

- a. *Council authorise the General Manager to proceed to sell Lot 1 DP593975 by public auction or by tender to obtain the best market value and the reserve price to be determined by the Mayor and General Manager based on a valuation report by a registered valuer.*
- b. *A road closure application be lodged and the Plan of Subdivision be executed under the common seal of the Council of the City of Shoalhaven.*
- c. *The contract for sale be signed by the General Manager and the Transfer be executed under the common seal of the Council of the City of Shoalhaven.*
- d. *The cost of selling be funded from Accumulated Funds and reimbursed from the sale proceeds.*

Council owns Lot 1 DP593975 Wire Lane Berry, having purchased the land in 1978 for an extension of the shale quarry and for stock piling of material. The quarry is no longer in use resulting in it being surplus to Council's operational requirements.

The proposal to close part of the adjoining Wire Lane road reserve and then take disposal action to maximise returns to Council was referred to the various Sections/Operational Units within Council in July 2014. There were no objections to either the road closure or the disposal action.

Part of the adjoining Wire Lane road reserve has been closed under the provisions of Part 4 Division 1 Roads Act 1993, creating Lots 1 & 2 DP1217124 (Lot 1 is to the west of Wire Lane and Lot 2 is to the east).

Lot 1 DP593975

Lot 1 DP593975 is 2.43ha and zoned RU4-Primary Production Small Lots under Shoalhaven LEP2014 with the benefit of a dwelling entitlement, however there is no sewer or water entitlement.

Council has received a number of enquiries from adjoining owners requesting information on Council's ongoing intentions for the land. In all instances the response has been the land is no longer operationally required and has been earmarked for disposal as a rural homesite.

Lot 1 DP1217154

Lot 1 DP1217154 is 0.76ha and does not have a dwelling entitlement. It is therefore proposed that Lot 1 DP593975 and Lot 1 DP 1217154 be sold together in one line (combined area of 3.19ha), and the contract of sale be conditioned to require that the two parcels be consolidated prior to issue of any occupation certificate when a dwelling is constructed on the land. The two lots are being put to the market in one line as the consolidation into one lot prior to sale would extinguish the building entitlement enjoyed by Lot 1 DP593975 thereby reducing the property's value significantly.

The land to be sold is shown by hatching on the plan (Attachment 1).

Lot 2 DP1217154

The sale of Lot 2 DP1217154 being 1.014ha on the eastern side of Wire Lane will be considered in a separate report (the adjoining owner has expressed an interest in purchasing the land).

Disposal Options

In accordance with disposal options as outlined in POL12/275 (Attachment 2) the methods of disposal available to Council are as follows:

- Expression of Interest- a property will generally be on the market for 4-6 weeks to allow potential purchasers to view the property. Interested purchasers will be requested by the agent to complete an Expression of Interest (EOI). The EOI will close on a specific day and time, and each potential purchaser will need to put forward their best and final offer (in writing). NOTE: An EOI undertaken by local government is a very different process to that undertaken by the private sector.
- Tender – a more formal process than an EOI; requires the tenderer to execute a contact as part of the tender.
- Auction – a public auction is open to all interested parties (although people intending to bid at the auction are required to be registered to do so).
- Private Treaty – usually involving direct dealing with one or more prospective purchaser(s).

In these circumstances, offering a property for sale by auction provides an opportunity for the broader market, including the adjoining owners, to determine levels of interest in this land. If the land is not sold at auction then Council is free to deal with any party as it sees fit.

Market conditions

Verbal advice was sought from three local real estate agents at the time of undertaking due diligence and feasibility for the proposed road closure and sale of the subject property in 2014. This feedback at the time suggested that based on some levelling and tidying up the site could achieve a gross return of over \$500,000 as a rural home site. Based on recent sales of similar rural home site this advice remains current. Analysed values of some recent comparable sales have indicated a price range of \$450,000 to \$600,000 for 1 to 1.44 hectare home sites.

Recent Sales

271 Tullouch Road, Broughton Vale- 1.44ha - sold \$455,000 22 June 2016. Partially timbered and relatively level area for dwelling, remote location and smaller than Council's property.

265A Bundewallah Rd, Bundewallah – 1.0ha sold \$600,000 7 April 2016. Partially timbered and slightly sloping with cleared area for dwelling and shared ROW access. Smaller than Council's property and a similar distance to Berry.

76A Borrowdale Cl, Berry – 1.4ha – sold \$475,000, 21 May 2015. Cleared site, subject to a right of access across the property for a land locked parcel of land to the rear. Smaller than Council's property and a similar distance to Berry.

If Council resolves to take action to dispose of this property, a current valuation will be commissioned to assist with the setting of a reserve price for a sale by auction.

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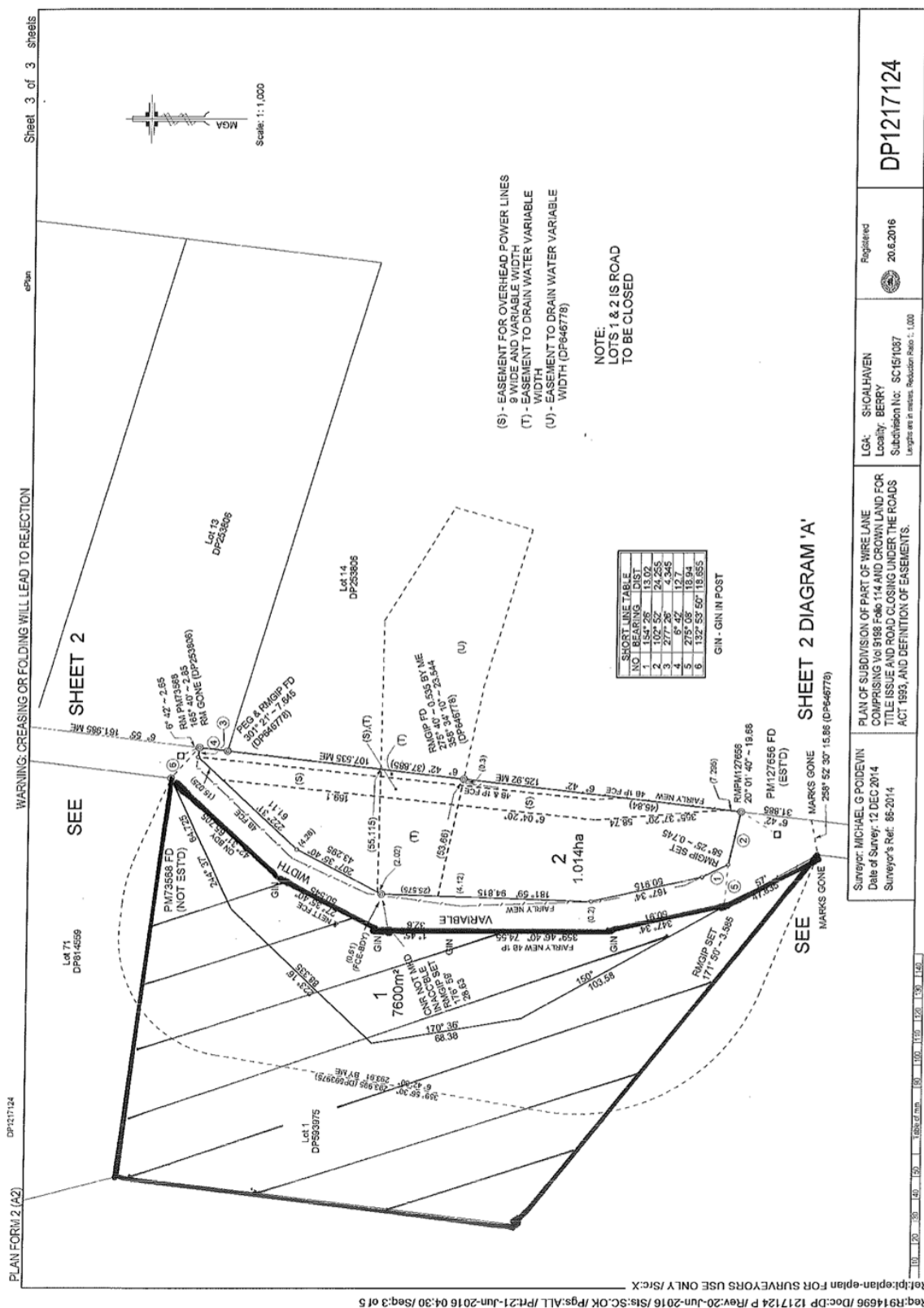
Community Engagement

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. Council will however advertise its intention to dispose of the property per Council Policy.

Financial Implications

Proceeding with the sale removes Council's responsibility for ongoing maintenance whilst increasing Council's revenue base.

CL16.26





City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Strategic Planning & Infrastructure Group

Development and/or Disposal of Council Lands

Policy Number: POL12/275 • **Adopted:** 29/10/2009 • **Amended:** 26/03/2013 • **Minute Number:** MIN09.1486, MIN13.301 • **File:** 1457E • **Produced By:** Strategic Planning & Infrastructure Group • **Review Date:** 01/12/2016

1. PURPOSE

To clearly set out the procedures to be followed whenever Council considers an option to dispose of any land/property.

2. STATEMENT

This policy is based on Council Minute No. 1314 of 21st September, 2009.

- a. To ensure fairness, openness and transparency in decision-making.
- b. To allow public comment before any final decision is made to dispose of land/property.
- c. To ensure Council receives “best value” in any disposal process.
- d. To ensure the most appropriate method of disposal is identified.
- e. To ensure the public interest is uppermost and overrides any private interest of any party.
- f. To ensure that Council abides by the Code of Conduct and any ICAC and Department of Local Government Guidelines.

3. PROCESS/CHECKLIST

- a. Establish a Council Vision/Purpose for the land.
- b. Define the strategic objective(s) to be achieved and create a broad concept for its development.
- c. Ensure completion of a comprehensive Risk Assessment and Due Diligence before proceeding further. Refer to the Due Diligence for Land Transactions Policy POL12/291.
- d. Research the land holding –
 - Zoning/rezoning and potential/proposed uses. (obtain a Section 149(5) certificate)
 - Community or Operational classification.
 - History of purchase/acquisition (Section 94, compulsory acquisition, dedication, etc)
 - Is the land properly (legally) classified correctly? Is there any TRUST over the land?
 - Other planning instruments and consideration.(eg, SEPP's, DCP, Policy, contamination, easements, other restrictions, access).

- What property improvements exist?
- Any tenancy issues?
- Any road widening proposals?
- e. Consider feasibility of the “concept”, prepare Business Plan and cost/benefit analysis. (Refer 3.10)
- f. Determine whether Council should proceed with DA and obtain DA consent.
- g. Revise and update the comprehensive Risk Assessment, before proceeding further.
- h. Engage Probity Advisor early in the process as required.
- i. Prepare a Probity Plan as required.
- j. Consider whether Public Private Partnership (PPP) guidelines/procedures are triggered and, if so, implement.
- k. Consult with the community, in accordance with an adopted Communication Plan.
- l. Commission property valuation report. (Two independent valuation reports for significant disposals)
- m. Prepare EOI documentation, including Assessment criteria and Evaluation Plan which details the criteria/factors which will be taken into account and which will form the basis of decisions.
- n. Seek Expressions of Interest (competitive process) if appropriate to ensure equity and fairness to all parties or proponents and include advice as to whether late or non-conforming responses will be considered.

Options for project delivery to include:

- BOOT – Build, Own, Operate, Transfer
- BOT – Build, Operate, Transfer
- BOO – Build, Own, Operate
- DBFO – Design, Build, Finance, Operate
- PFP – Privately Financed Projects
- Ground Lease

OR

- o. Direct negotiate only in exceptional circumstances and only where there is compelling and publicly-disclosed reasons for doing so – refer Attachment 1 “Checklist from ICAC – Direct Negotiation”. Note: this would include smaller parcels for Industrial and Residential purposes and the like.
- p. Auction, tender or private treaty.
- q. Prepare an Evaluation Report after close of Expressions of Interest.

4. OTHER PRINCIPLES

- a. Any meetings or other communications (eg, telephone, email) between Council officials and potential proponents are to be properly minuted and recorded and filed (TRIM), noting that confidentiality principles must be observed by all parties.
- b. Council (or Council officials) should not enter into (or give the impression that they are entering into) any contractual arrangements which purport to guarantee outcomes that are subject to a separate regulatory process.

- c. The focus of Council's preliminary assessment should be on planning consideration^s under Council's regulatory role, in assuring the best public/community interest following ESD principles.
- d. Statement of Business Ethics. This statement provides guidelines for all sectors of the community when conducting business with Council.
- e. Where considered advantageous consideration to be given to engagement of a third party with particular expertise to undertake discussions and negotiations.

5. IMPLEMENTATION

This policy is to be implemented by the Strategic Planning & Infrastructure Group – Property Section however; it applies to all Shoalhaven City Council including the Assistant General Manager, Economic Development Officer and Shoalhaven Water.

6. REVIEW

This policy will be reviewed whenever new relevant guidelines are issued by the Department of Local Government or ICAC, but at least within 12 months of each Council election.

7. APPLICATION OF ESD PRINCIPLES

Application of this policy will ensure that ESD is considered in the preliminary assessment process and that any outcomes (development or disposal) have broad socio-economic benefit for the community.

Checklist for undertaking direct negotiations

- ☐ Using the general principles in Chapter 1 and the circumstances outlined in Chapter 2 of this publication, decide whether direct negotiations can be justified
- ☐ Verify that the project or proposal is consistent with the agency's overall strategic plan
- ☐ Check that there is an appropriate project or business case and that funding has been approved
- ☐ Ensure that the decision to enter into direct negotiations has been made or approved at a senior level within the agency
- ☐ Ensure that the decision to enter into direct negotiations and the reasons for it, are recorded and are publicly accessible
- ☐ Perform cost-benefit analysis or similar study to verify that direct negotiations will not sacrifice value for money
- ☐ Obtain conflict of interest declarations from persons associated with the project including staff, the proponent's employees and advisers
- ☐ Ensure that the contract entered into gives the agency the authority to intervene in the event of poor performance or unethical conduct
- ☐ Engage external assistance as necessary
- ☐ Prepare a probity plan
- ☐ Establish an agreed negotiation protocol
- ☐ Ensure that an auditable document trail is established
- ☐ Obtain an independent estimate of the price or financial consideration
- ☐ Establish project benchmarks for deliverable items
- ☐ Arrange for an 'open-book' relationship with the proponent
- ☐ Segregate duties
- ☐ Form a steering committee or similar oversight mechanism
- ☐ Supervise the project to ensure that the contract is adhered to
- ☐ Conduct a post-completion evaluation of the project to assess whether value for money has been obtained



CL16.27 Acquisition of Land for Matron Porter Drive Pathway - Part Lot 12 DP807589 - 13 Sungrove Lane

HPERM Ref: D16/291570

Group: Assets & Works Group
Section:: Business & Property

Attachments: 1. Plan showing Lot 2 DP1214563 - Land to be acquired [↓](#)

Purpose / Summary

To seek Council approval to acquire part of Lot 12 DP807589, known as 13 Sungrove Lane Milton, for the shared user pathway (SUP) along Matron Porter Drive which will provide improved road safety and accessibility to the Frogs Holla Sports fields, Milton town centre and Mollymook Beach.

Recommendation

That Council:

1. Resolve to acquire part of Lot 12 DP807589 (being Lot 2 DP1214563) described as 13 Sungrove Lane, Milton as marked on Attachment 1;
2. Pay compensation of \$61,856 plus GST (based on the area of 2,358m²), legal and valuation costs associated with the acquisition, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 from Matron Porter Drive SUP budget job number 85583;
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution; and
4. Following gazettal of the acquisition, the land be dedicated as Public Road pursuant to Section 10 Roads Act 1993.

Options

1. Resolve as recommended.

Implications: Council will be able to complete the next stage of the shared user path.

2. Not resolve as recommended and provide further directions to staff.

Implications: The SUP project will stall resulting in a disfunctional and incomplete shared user path.

Background

Following successful funding of the next stage of the Matron Porter Drive shared pathway project to Garside Road (50% State funding), the Property Unit has successfully reached agreement to acquire land along Matron Porter Drive.

The final acquisition of part of Lot 12 DP807589 will complete the land acquisition for the path project to Garside Rd.

In August 2015, Council obtained a valuation report from valuers Walsh & Monaghan in which compensation was assessed at \$20/m².

The plan of acquisition has since been registered and the area to be acquired is identified as Lot 2 DP1214563 comprising an area 2,358m². Given the time lapse, further advice was sought from Walsh & Monaghan in July 2016 based on an assessment that market conditions had improved. Consequently a rate of \$21-22/m² was deemed more appropriate. A revised offer was made in July 2016 at \$22/m² which has been accepted and total compensation is now assessed as follows:

| | |
|--|------------------------|
| Area to be purchased | 2,358m ² |
| Market Value (\$/m ²) | \$22/m ² |
| Subtotal | <u>\$51,876</u> |
| Injurious Affection | \$5,000 |
| Fence (Inner paddock approx. 300m x \$16.60/m) | \$4,980 |
| Total Compensation | <u>\$61,856</u> |

This is the last remaining property for the Shared User Path that was pending acquisition. All other affected properties identified in the plan of acquisition (DP1214563) are currently being finalised.

Community Engagement

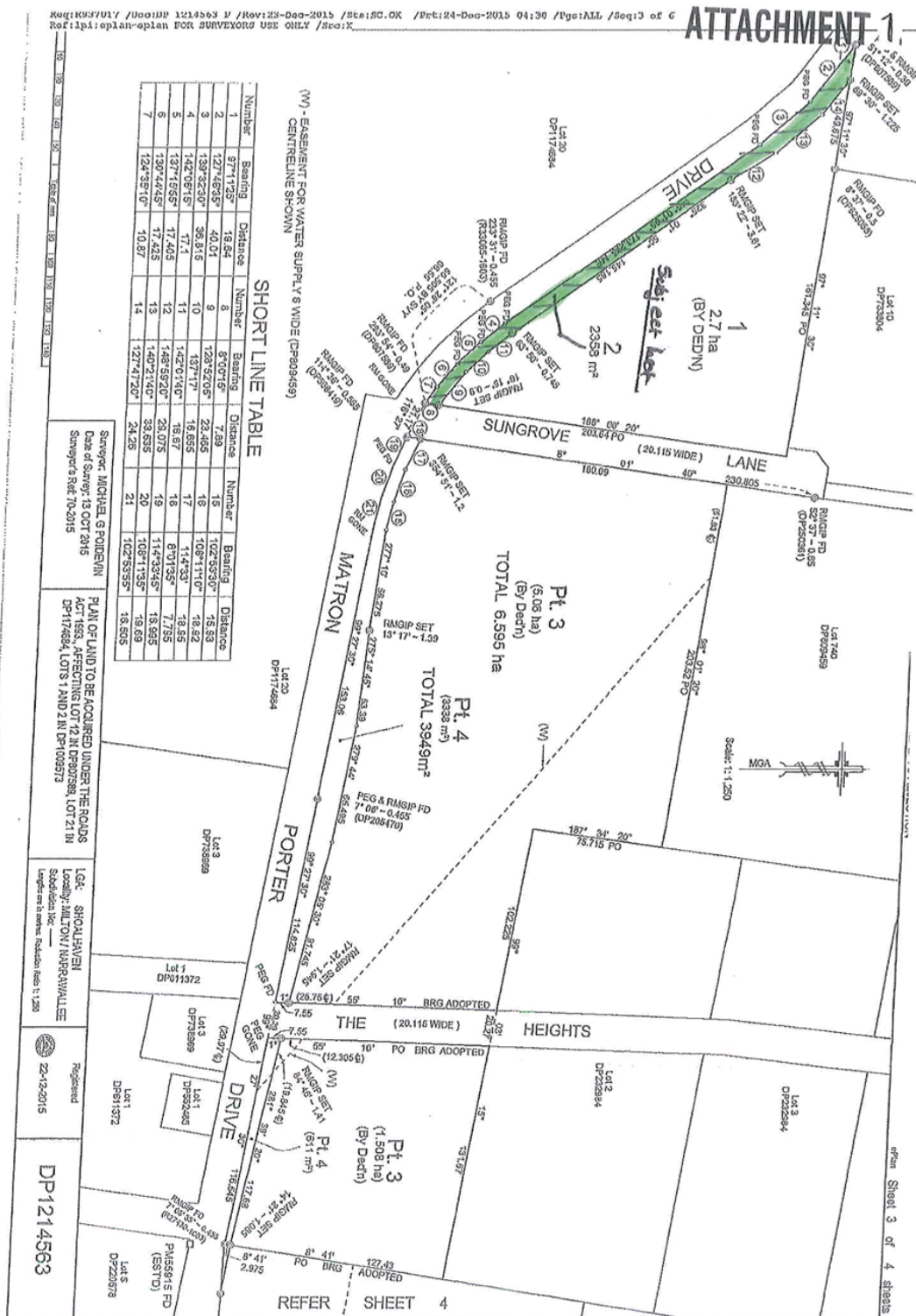
This matter is considered to be a Local Area Low Impact issue as detailed in Council's Community Engagement Policy and Handbook and no community engagement has taken place.

Financial Implications

In accordance with the Land Acquisition (Just Terms Compensation) Act 1991, Council is responsible for the land owner's reasonable legal and ancillary cost associated with the acquisition. Funds are allocated in the 2016/17 budget for these works.

The compensation amount also takes into account the removal of trees affected by the acquisition (injurious affection) and Council will be responsible for the replacement of the boundary fencing.

CL16.27



CL16.28 Gateway Park-Electricity Supply-Princes Hwy Nowra

HPERM Ref: D16/300461

Group: Assets & Works Group
Section:: Business & Property

Purpose / Summary

To consider the estimated expenditure for the construction of electricity infrastructure and reticulation of a power supply to Gateway Park.

Recommendation

That Council:

1. Proceed with a Deed of Agreement with Nosbor Group Pty Limited to deliver a cost sharing arrangement for shared infrastructure for the supply of electricity to Gateway Park precinct.
2. Vote an additional \$15,000 to this project from the Strategic Projects Reserve.

Options

1. Proceed in accordance with the recommendation

Implications: Council has the opportunity to connect power to the Gateway Park precinct at a vastly reduced cost by sharing some of the infrastructure costs with the developer. There are insufficient funds in the Gateway Park budget to cover the cost of this work and Council will be required to allocate a budget for this work to proceed.

2. Resolve not to proceed in accordance with the recommendation, arrange for a Councillor Briefing on the Gateway Park project and provide further direction to staff.

Implications: A Councillor Briefing will enable staff to present an overview of the status of the project, however should we not capitalise on the opportunity to cost-share with the developer, a future independent connection will cost substantially more than that which is currently proposed.

Background

With reference to the Report of the General Manager, 28 June 2016 'Gateway Park – Electricity Supply – Princes Hwy Nowra' (MIN 16.518), Council approved an allocation of funds for the construction of electricity infrastructure up to \$40,000 for a cost sharing arrangement with the developer Nosbor Group Pty Ltd.

"The current estimate for a pad-mount substation to service Gateway Park including design fees, construction costs and high voltage reticulation exceeds \$200,000..."

Council has been advised that there is an opportunity for Council to enter into an agreement with Nosbor Group Pty Limited to share the costs of design, construction and installation of a pad-mount substation on a 75:25 split as follows:

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- The developer will use 3 of the 4 low voltage fuse strips within the substation;
- Council will use the fourth fuse strip which will be sufficient to supply the required 190 amps per phase for Gateway Park;
- Install an Endeavour Energy low voltage distribution mains in an easement for electricity supply from Hawthorn Avenue to the Gateway Park land;
- Council to fund 25% of the substation infrastructure and commissioning costs; and
- Council to fund 100% of any required low voltage ducts, pillars, cables and connection from Hawthorn Avenue through to Gateway Park.”

The 25% share of the substation costs was previously forecast to be in the vicinity of \$25-\$30,000, with funds allocated up to \$40,000.

Pursuant to the previous Council resolution, staff have engaged in the design process and have sought legal advice in the creation of a draft Deed of Agreement.

Council are now in receipt of cost estimates for both the shared portion (25% of the substation costs) and the separate portion (100% of the cost of connection from Hawthorne Ave through to Gateway Park) as follows:

| Item of Work | Cost (ex GST) | Nosbor Share (ex GST) | SCC Share (ex GST) |
|---|---------------|-----------------------|--------------------|
| Substation | \$85,000 | 75% = \$63,750 | 25% = \$21,250 |
| Connection to SCC land | \$30,000 | \$0 | 100% = \$30,000 |
| Contingency | | | \$3,750 |
| Total Works Estimate | | | \$55,000 |
| (less) Funds Allocated as per Min16.518 | | | \$40,000 |
| Additional Funds Sought | | | \$15,000 |

Council may consider deferring making a decision on this matter and request a Councillor Briefing on the status of the Gateway park project and the site investigations and concept design work undertaken to date. However, should Council take this option the opportunity to cost-share with the developer may be lost, and a future independent connection will cost substantially more than that which is currently proposed.

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.

Financial Implications

The proposal to enter into a cost sharing agreement for the construction of electricity infrastructure and reticulation of a power supply to Gateway Park has the potential to save Council up to \$170,000 on current estimates if Council chose to “go it alone”.

The balance of funds for site investigations and concept design for the provision of infrastructure for Gateway Park are insufficient to meet the cost of the electricity infrastructure and reticulation of power supply. Should council wish to proceed with this matter additional funds of \$15,000 will be required to meet the costs associated with the project.

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CL16.29 Disposal of Land to National Parks & Wildlife Service - Addition to Jervis Bay National Park

HPERM Ref: D16/291043

Group: Assets & Works Group

Section:: Business & Property

Attachments: 1. Overlay of Lots to be Transferred [↓](#)
2. Aerial View of Lands to be Transferred [↓](#)

Purpose / Summary

To seek Council's endorsement to transfer seven (7) undeveloped inaccessible lots and several unformed roads located in a heavily vegetated area of Erowal Bay to National Parks and Wildlife Service for addition to Jervis Bay National Park which is adjacent to the lots.

Recommendation

That Council:

1. Approve the transfer of Lots 265 & 266 in DP8592, Lots 23, 25, 45, 77 and 78 in DP8769 to National Parks and Wildlife Service at nil compensation for addition to Jervis Bay National Park;
2. Approve the transfer of the unformed sections of Eerebeenee Grove, Pannamena Crescent, Wanawong Boulevarde, Elouera Drive, Currana Avenue, Kinkuna Crescent and Pillapai Ring to National Parks and Wildlife Service at nil compensation for closure under the *National Parks and Wildlife Act 1974* and addition to Jervis Bay National Park; and
3. Authorise the Mayor and General Manager or his delegate to sign and affix the Seal of Shoalhaven City Council to any documentation required to give effect to this resolution.

Options

1. Resolve as recommended.

Implications: Will allow NPWS to consolidate 286 allotments of land and various unformed roads into a single parcel for addition to the existing Jervis Bay National Park to protect the high biodiversity value of the land.

2. Not resolve as recommended, retaining ownership of the listed Lots and Roads.

Implications: Will result in Council owning seven fragmented parcels of land and some unformed roads that will have ongoing maintenance and access issues.

3. Resolve to negotiate the transfer of the requested lands to National Parks & Wildlife Service for a reasonable monetary value similar to the compensation paid for the privately owned lots in Heritage Estate.

Implications: This could jeopardise the land transfer.

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Background

National Parks & Wildlife Service via the Foundation for National Parks & Wildlife in March 2016 acquired 279 lots of a paper subdivision comprising most lots listed in Deposited Plans 8769 and 8592 and which are intended to be added to Jervis Bay National Park. Subsequent to this transfer an audit identified a number of lots and roads still in the ownership of Council. The Office of Environment and Heritage NSW National Parks & Wildlife Service (NPWS) has now requested Council consider the transfer of a number of Council owned lots and unformed Council roads not required for legal access (see Attachment 1 & 2) into the ownership of NPWS. NPWS will then dedicate, via Government Gazette, the entire holding, bounded by Erowal Bay Rd to the North, Kallaroo Rd to the South and Eerebeenee Grove to the East, as an addition to Jervis Bay National Park.

The subject lots were acquired by Council in lieu of unpaid rates, pursuant to S.570 of the Local Government Act 1993. Details of the Lots are outlined below:

| Lot | DP | Street Name | Area (m ²) | Date | Price |
|-----|------|--------------------|------------------------|---------------------------|----------|
| 265 | 8592 | Erowal Bay Road | 765.11m ² | 14/5/1997 | \$895.00 |
| 266 | 8592 | Erowal Bay Road | 765.11m ² | 14/5/1997 | \$895.00 |
| 23 | 8769 | Wanawong Boulevard | 822.02m ² | 20/2/2001 | \$558.00 |
| 25 | 8769 | Wanawong Boulevard | 739.82m ² | Information not available | |
| 45 | 8769 | Pannamena Crescent | 638.64m ² | 17/4/1997 | Nil |
| 77 | 8769 | Elouera Drive | 739.82m ² | Information not available | |
| 78 | 8769 | Elouera Drive | 739.82m ² | Information not available | |

All lots are Council owned Operational land and were rezoned E2 – Environmental Conservation under SLEP2014 from the former zone RU2 - Rural Landscape. The E2 zoning is consistent with the high biodiversity values of the land. The rezoning occurred to prevent prospective purchasers of individual lots within the subdivision being misled over the current and future planning status of the land.

Currently, Council owns the above lots and if not transferred to NPWS they would form an inholding within the reserve to be dedicated as Jervis Bay National Park. Transferring of the lots to NPWS will enable the entire area to become one reserve. NPWS have also requested information on the roads within the addition area and indicated that any Council owned roads that do not need to be retained for access purposes to any privately owned lots can be transferred to NPWS. NPWS will then close the roads in accordance with S. 10 of the National Park Estate (Southern Region Reservations) Act 2000 and gazette the closed roads as National Park.

Council is unable to utilise the subject lots as an environmental offset. Generally a formal offset must be no less than 4 ha with the entire area incorporated into one land parcel.

The transfer of the lots and the unformed Council roads as requested by NPWS will support continued cooperative working relationships between the two agencies. This positive

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relationship will, over the next few years, lead to a joint action to rehabilitate Heritage Estates on the northern side of Erowal Bay Road.

However, whilst council has been very cooperative in providing its landholdings for no compensation in the adjoining Heritage Estates for conservation reasons the general land dealings with State Government is normally under the provisions of Just Terms legislation. Examples: Council is required to pay substantial value for the Yerriyong land whilst the RMS has paid council the assessed value for lands acquired for the Berry highway bypass works.

In 2006 Council and NPWS came to an agreement, whereby NPWS acquired from Council a total of 1,777 lots in the Pacific City Estate Area which is in close proximity to the subject properties for the sum of \$8.65 million. The acquired lots were then amalgamated with Jervis Bay National Park. The transfer of the subject properties at nil consideration in this case is considered to be quite different because the subject properties are scattered lots which have minimal value, as evidenced by the acquisition price outlined in the table above. As previously stated, if the properties are not transferred, they will form an in-holding within Jervis Bay National Park.

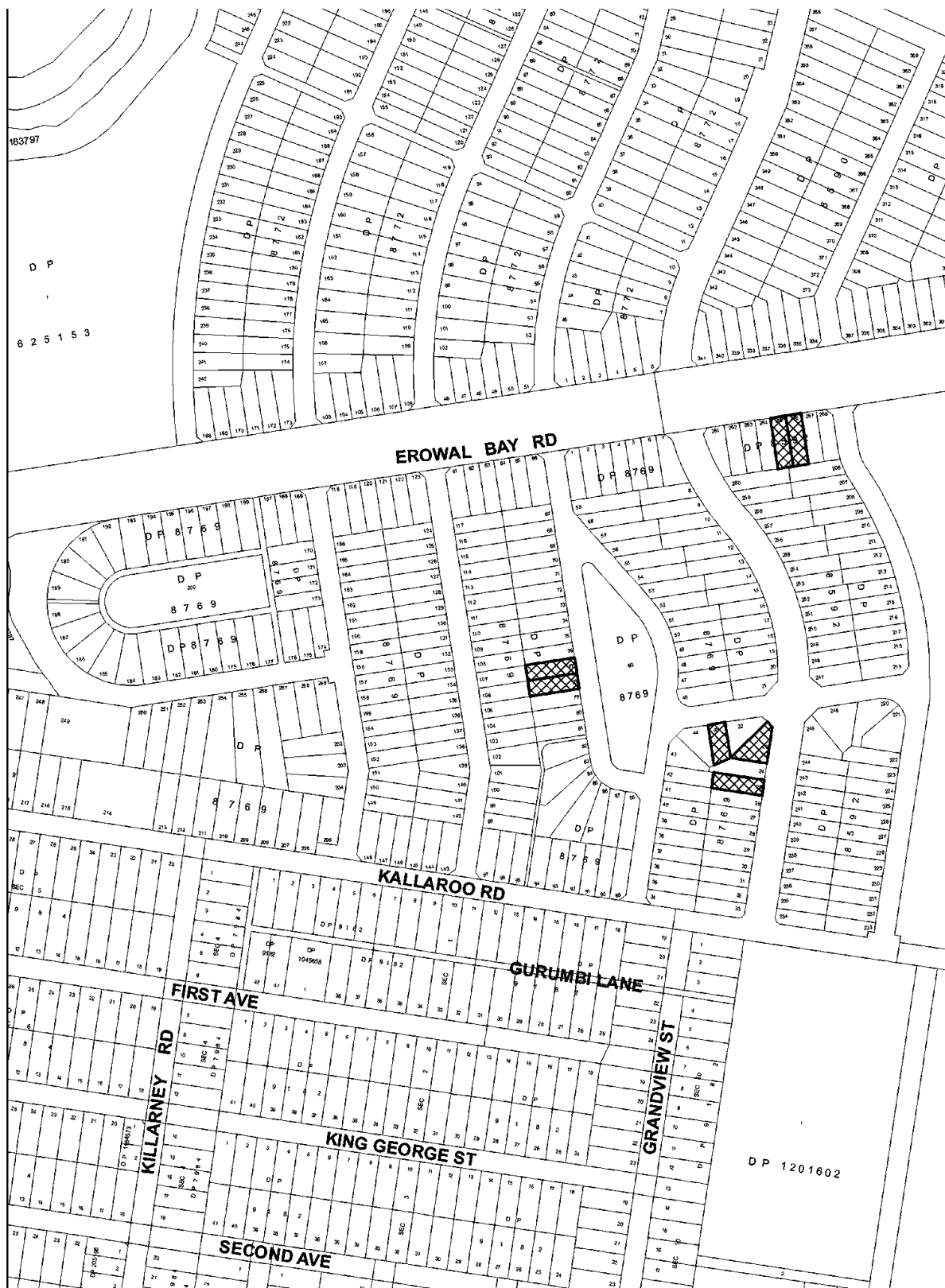
Community Engagement

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.

Financial Implications

The request for the transfer is at no cost, accordingly, all costs associated with survey and preparation of plans to enable the transfer must be borne by Council.

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COUNCIL LAND PROPOSED TO BE TRANSFERRED TO NPWS



Lots Proposed to be Transferred to NPWS





CL16.30 Public Engagement - Recycling & Waste Transfer Facilities

HPERM Ref: D16/300639

Group: Assets & Works Group
Section: Works & Services

Attachments:

1. Kioloa Waste Facility (under separate cover) [⇒](#)
2. Sussex Inlet Waste Facility (under separate cover) [⇒](#)
3. Lake Conjola Waste Transfer Facility (under separate cover) [⇒](#)
4. Callala Waste Facility (under separate cover) [⇒](#)
5. Berry Waste Transfer (under separate cover) [⇒](#)
6. Kangaroo Valley Waste Transfer (under separate cover) [⇒](#)
7. Bendalong Waste Transfer (under separate cover) [⇒](#)
8. Service Review Executive Summary (under separate cover) [⇒](#)
9. Survey Form [↓](#)

Purpose / Summary

To inform Council of the public survey results in the community engagement process considering improved efficiencies in the operation of the Recycling and Waste Transfer Facilities.

Recommendation

1. That Council proceed to engage with the community regarding the results of the survey and seek feedback on the proposed recommendations as listed below:
 - a. West Nowra, Huskisson and Ulladulla - continue operating the three large facilities seven days per week;
 - b. Berry, Callala and Sussex Inlet - change the operating days to three days per week, Friday, Saturday and Sunday and open the buyback facilities on Saturday and Sunday mornings;
 - c. Kangaroo Valley - change the operating days to three days per week, Saturday, Sunday and Monday and open the buyback facility on a Sunday morning;
 - d. Kioloa - change the operating days to three days per week, Friday, Saturday and Sunday;
 - e. Lake Conjola - change the operation to 2 mornings per weekend from 8am to 12pm;
 - f. Bendalong - change the operation to 2 afternoons per weekend from 1pm to 5pm;
 - g. Continue operating all facilities for 7 days per week from Christmas to the end of the January school holidays with the exception of Bendalong and Lake Conjola;
 - h. Operate Lake Conjola and Bendalong for 5 days per week during the Christmas school holidays, on Friday, Saturday, Sunday, Monday and Wednesday;
 - i. Public holidays - close all ten recycling and waste facilities on all public holidays;
 - j. Currarong, Berry, Culburra and Nowra - close and remove the bottle bank;
2. Staff provide a further report to Council on completion of community engagement, with details and cost analysis of the options and time line for implementation.

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Options

1. Council accept the recommendation as presented.

Implications: The recommendation is for all sites to remain open. The primary sites of Huskisson, Ulladulla and West Nowra remain unchanged providing an alternative to the smaller sites 7 days per week. The suggested changes to opening hours at Bendalong and Conjola will allow for efficient staffing with movement between sites morning to afternoon by 1 staff member. The proposed changes to days at Kioloa and Kangaroo Valley are proposed to focus the 8 to 10 transactions per day with a change in opening from 4 days to 3 days. The sites of Callala, Berry and Sussex Inlet are recommended to be changed from 4 days to 3 days to further reduce costs and focus the transactions. The continuation of the community engagement and does not change service levels at this time, this will close the loop for the 5496 respondents and see Stage 3 of the engagement below.

With the nominated changes, Waste and Recycling drop off facilities continue to be provided to the community, but with lower accessibility. The changes reduce expenses by about \$386,000 per year, lowering the subsidies to the smaller transfer stations to \$735,000 (from \$1.12m). This revised opening hours and days focuses the demand at sites and lower utilisation days will be less frequent.

2. Do not proceed with the next phase community engagement and maintain current service levels.

Implications: Council's transfer stations are operating at a financial loss and are being subsidised by the higher volume of gate fees collected at the West Nowra Waste Facility. The high cost of gate fees are often a concern of residents visiting West Nowra and other depots. Increasing diversion to the Resource Recovery Park will reduce the gate fees collected, reducing the capacity to fund the current level of service or alternatively an increase in the charge will be required. Service level changes are required to reduce operating costs to make Waste Services financially sustainable into the future.

Background

Council currently operates 10 Waste Facilities. The three main sites are Ulladulla, Huskisson and West Nowra. There are 7 smaller transfer stations at Berry, Kangaroo Valley, Callala, Sussex Inlet, Bendalong, Lake Conjola and Kioloa. West Nowra is the Shoalhaven's only putrescible landfill, with all waste collected at the other sites transferred to this location for disposal. Inert waste can be landfilled at Huskisson. No decision has been made to close Transfer stations.

A Service Review was undertaken in November 2015 of the Waste Services operation (see Attachment 8). A key recommendation of the report required that Council review the current operation of all the recycling and waste transfer facilities as they all rely on a subsidy of approximately \$3m / year from the main landfill facility at West Nowra.

The ability to sustain this subsidy will decline as Council moves to achieve State Government targets to increase diversion of waste from landfill to 70%. Shoalhaven currently diverts 43% from landfill through kerbside recycling and green waste processing at the depots. A key element to achieving the required diversion is the development of a Resource Recovery Park, which recently received planning approval. The status of this project will be provided in a separate, future report.

Increasing diversion will reduce the gate fees collected, reducing the capacity to fund the current level of service.

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At the Council meeting held at Sussex Inlet on 15 March 2016 Council resolved (MIN16.197) to receive the Waste Service Review report and endorse a number of recommendations, including:

- c) *Seeks community views on the provision of waste services with transparency of costs, including:*
- i. *operating hours / days of the Waste Facilities;*
 - ii. *the number of transfer stations;*
 - iii. *the pricing structure for transfer station drop offs;*
 - iv. *the bulky waste collection service;*
 - v. *the provision of the bin based Community Recycling Centres*

This report provides an update on recommendations c), i, ii & v.

Ulladulla, Huskisson and West Nowra are important to the overall waste management strategy, providing a waste facility within 30km of 95% of the population. It is not proposed to make any major changes to the accessibility of these sites.

The other 7 sites currently operate with a financial loss of \$1.21m.

Table 1 shows a summary of the tonnes, transactions, income and expense, averaged per month over the past 36 months at the 7 smaller sites. Note the low number of average transaction per day at some of the sites. This provides an indication of the scale of operations at these smaller transfer facilities, and the financial losses that need to be funded through income generated at the West Nowra facility.

Table 1

| Average over 36 months to 30 June 2016 | | Tonnes | | Trans- actions | Income | Expense | Inc - Exp | Vouchers redeemed |
|--|----------|------------------|---------------|-------------------|----------|----------|-----------|-------------------|
| | | Trans- ferred | Recy- cled | | | | | |
| Kangaroo Valley | / month | 22 | 41 | 192 | \$5,196 | \$14,443 | -\$9,247 | 64 |
| | / op day | 1 | 2 | 10 | \$278 | \$773 | -\$495 | 3 |
| Berry | / month | 106 | 157 | 971 | \$30,469 | \$47,900 | -\$17,431 | 349 |
| | / op day | 5 | 8 | 51 | \$1,584 | \$2,490 | -\$906 | 18 |
| Callala | / month | 71 | 141 | 757 | \$24,927 | \$36,553 | -\$11,626 | 442 |
| | / op day | 4 | 7 | 39 | \$1,296 | \$1,900 | -\$604 | 23 |
| Sussex Inlet | / month | 61 | 89 | 518 | \$17,588 | \$41,042 | -\$23,454 | 260 |
| | / op day | 3 | 5 | 27 | \$914 | \$2,134 | -\$1,219 | 13 |
| Bendalong | / month | 11 | 17 | 108 | \$3,392 | \$15,210 | -\$11,818 | 72 |
| | / op day | 1 | 2 | 12 | \$372 | \$1,669 | -\$1,297 | 8 |
| Lake Conjola | / month | 19 | 33 | 140 | \$4,101 | \$13,557 | -\$9,455 | 70 |
| | / op day | 1 | 2 | 8 | \$219 | \$726 | -\$506 | 4 |
| Kioloa | / month | 24 | 47 | 146 | \$6,595 | \$17,019 | -\$10,424 | 91 |
| | / op day | 1 | 2 | 8 | \$353 | \$911 | -\$558 | 5 |

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Community Engagement Process

Council developed a community engagement plan which briefly outlined the project and proposed a methodology for communicating with stakeholders. The stakeholders were identified as those who may be affected by any future changes to the seven small Recycling and Waste Transfer Facilities throughout the Shoalhaven.

The consultation activities aim to:

- seek to find out the opinions and views of the key stakeholders and the community who rely on and may be impacted by changes to service, pricing and operations.
- provide an opportunity for key users to present their views and concerns and provide alternative suggestions to Council for consideration; and
- provide a clear explanation of the parameters and constraints and the rationale for any changes to the service

The Consultation stages are shown below. Stages 1 and 2 are complete and this report provides the Council with the opportunity to guide the process into Stages 3 and 4.

Stage 1

- Survey form to be made available at each of the 7 affected facilities and handed out to each customer
- Letter box drop local facility areas
- Electronic survey form placed on Council's internet site
- Letters to all CCBs and other relevant community groups

Stage 2

- Evaluate submission from Survey Forms
- Provide a cost estimate for the top (most popular) or preferred options
- Produce a survey results summary

Stage 3

- Community meetings - to promote and encourage feedback and discussion
- Present facts to stakeholders and outline possible options

Stage 4

- Analysis of feedback from discussion with stakeholders
- Report to Council

Survey results

A survey form was developed and made available as from 30 May 2016 at all of the seven affected facilities (Berry, Sussex Inlet, Conjola, Bendalong, Callala, Kangaroo Valley and Kioloa). The surveys were also letterbox dropped within the catchment area of each of the facilities, sent to the local CCBs and other community groups and placed on-line on Council's website. A copy of the survey form is attached for reference.

Council received 5,496 Survey responses by the closing date of 30 June 2016, most of which needed to be manually entered into the electronic database.

The results of the surveys were allocated according to each facility in order to track and identify requirements specific to that facility. These results, including all comments, are attached.

The main points gained from the survey are summarised in Table 2.

Table 2

| | Kangaroo Valley | Berry | Callala | Sussex Inlet | Bendalong | Lake Conjola | Kioloa |
|---|------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|
| Responses | 399 | 1085 | 1496 | 1233 | 478 | 319 | 471 |
| Use facility seldom (monthly or less) | 54% | 77% | 92% | 76% | 87% | 83% | 80% |
| Use facility often (fortnightly or more) | 46% | 23% | 8% | 24% | 13% | 17% | 20% |
| Main purpose | 1. Recycle 2. Waste | 1. Recycle 2. Green 3. Waste | 1. Green 2. Recycle 3. Waste | 1. Green 2. Recycle 3. Waste | 1.Green 2. Waste, 3. Recycle | 1.Green 2. Waste, 3. Recycle | 1. Green 2. Recycle 3. Waste |
| % Commercial loads | 7% | 4% | 1% | 5% | 2% | 1% | 3% |
| Preference 1 | No action | No action | No action | No action | No action | No action | No action |
| Preference 2 | Reduce hours (morning) | Reduce days to 3 | One weekend per month | Reduce days to 3 | One weekend per month | Reduce hours (morning) | Reduce hours (morning) |
| Preference 3 | Reduce days to 2 | One weekend per month | Reduce days to 2 | Reduce hours (morning) | Reduce days to 1 | Reduce days to 2 | One weekend per month |
| Preferred Days 1 | Sat | Sat | Sat | Sat | Sat | Sat | Sat |
| Preferred Days 2 | Sun | Sun | Sun | Sun | Sun | Sun | Sun |
| Preferred Days 3 | Mon | Fri | Fri | Fri | | Fri | Fri |

Comments Received

The general comments in the survey are available in each of the attached facility reports.

Many comments were received, with the comment themes provided below.

1. The loss of access to the facility will increase illegal dumping
2. A Green Bin is required.
3. Waste Services is paid for by the Rates, does not need to make a 'profit'. Funding for Waste Services is clarified under *Financial Implications*.

Proposed Changes

There is general and consistent consensus amongst the community that the transfer facilities should not close.

The proposed changes are discussed separately below

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Operating Hours / Days

| Proposal | Current Status | Community Feedback | Cost Saving (per year) |
|---|---|--|------------------------|
| Close all ten recycling and waste facilities on all public holidays | Currently they are only closed on Good Friday and Christmas Day | To be presented in next round of community engagement | \$230,000 |
| Operating all the facilities for 7 days over the Christmas school holidays except Lake Conjola and Bendalong. | Same | No change in service | Nil |
| Berry, Callala, and Sussex Inlet Operating days change to three days per week, Friday, Saturday and Sunday. Operating Hours remain unchanged. | Currently open four days, Friday to Monday (8am – 4pm) | Reducing to three days was preferred to closing facility. Remaining open on Friday was preferred to Monday | \$76,000 |
| Kangaroo Valley and Kioloa Operating days change to three days per week, Saturday, Sunday and Monday. Operating Hours remain unchanged. | Currently open four days, Friday to Monday (9am – 1pm) | Remaining open on Monday was preferred to Friday. | \$18,000 |
| Lake Conjola Change to 2 mornings per weekend from 8am to 12pm (staff move to Bendalong in afternoon) | Currently open four days, Friday to Monday (9am – 1pm) | Preference for reduced days to 2, with Morning opening | \$22,000 |
| Bendalong | Currently open two days, Saturday 9am – 1pm Sunday 1pm – 5pm | Supported a more limited access | \$0 |

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| Proposal | Current Status | Community Feedback | Cost Saving (per year) |
|---|----------------|--------------------|------------------------|
| Change to 2 afternoons per weekend from 1pm to 5pm. | | | |

Buy Back Centres

Buy Back Centres are currently operating at:

- West Nowra, Ulladulla and Huskisson between 10am and 4pm; and
- Berry, Callala and Sussex Inlet between 8am and 12pm on Saturday and Sunday mornings.

These changes were implemented early 2016 (following the collapse of the contractor who operated the service). Reusable items / materials received at the non-buyback sites is being collected and transported to a buyback centre for sale.

The only proposed change is to reinstate the centre at Kangaroo Valley to open Sunday morning only.

Community recycling bottle banks

The community recycling bottle banks were installed into 13 locations across the City in the late 1980's. Over the past decade nine of the bottle banks have been progressively closed due to ongoing vandalism, misuse of the bins and the introduction of commingled recycling as a regular kerbside pickup. There are 4 remaining bottle banks located at Currarong, Culburra, Berry and Nowra. 86% of the respondents in those areas do not use the bottle banks.

The kerbside recycling service together with free drop off of recycling available at all of the waste facilities renders the Bottles Banks as superfluous. It is considered to be a seldom used unnecessary service that attracts vandalism, is an eyesore and is misused with ongoing contamination of the recycling. It is also an ongoing cost to Council of approximately \$40,000 per year. It is recommended that the bottle banks be removed.

Financial Implications

Waste Facility costs are covered by income generated by the gate fee collected to use the facility, not by Rates or an allocation from Council's General Fund. As noted most of these costs are received at the West Nowra facility, which subsidises the balance of the operation.

The Domestic Waste Charge paid by residents with their rates only funds the kerb side collection service and the cost to manage that waste collected. . This was information that was highlighted at community meetings and was a critical factor in understanding the justification for considering cost effective options for operations going forward, as the Domestic Waste Charge can't be used to subsidise the smaller transfer stations.

If all the recommendations are supported the total saving across all sites is approximately \$386,000. The reliance on West Nowra will continue and other measures will need to be considered, including increasing gate fees and rationalisation of operating costs, or reviewing the need for continuing operation of the smaller facilities after commissioning of the Resource Recovery Park.

Financial modelling of the Resource Recovery Park is being updated and will be advised to Council, this will provide targets for operational savings to ensure the Waste Service remains sustainable into the long term.



Council is reviewing operations at each of its recycling and waste transfer facilities at Berry, Kangaroo Valley, Callala, Sussex Inlet, Bendalong, Lake Conjola and Kioloa.

These facilities are not cost effective, having been heavily subsidised by the gate fee at the main waste facility at West Nowra.

Have your say!

We would like customers of each transfer facility to have input into the review before any decisions are made. The options put forward are to reduce operational losses and the cross subsidy from the West Nowra gate fee.

Alternative sites for recycling and waste facilities are at West Nowra, Huskisson and Ulladulla and are continuing to operate at current service levels.

Complete the survey below and hand it to your local waste transfer facility attendant or mail it to the General Manager, PO Box 42, Nowra 2541 in a reply paid envelope or complete it online at <https://www.surveymonkey.com/r/wastefacility>

Completed surveys are due by 30 June 2016.

Customer Name

Town or location of residence

Email (optional)

Are you a (Please tick):

☐ Tenant ☐ Owner/occupier ☐ Absentee owner

Please indicate your local transfer facility location (Please tick):

☐ Berry ☐ Kangaroo Valley ☐ Callala ☐ Sussex Inlet
☐ Bendalong ☐ Lake Conjola ☐ Kioloa

1. How often do you use the facility? (Please tick)

☐ Daily (when open) ☐ Weekly ☐ Fortnightly
☐ Monthly ☐ Once or twice per year ☐ Never

File 53245E/1 Survey

2. What is the usual purpose for visiting the facility? (can select more than one response)

- ☐ Drop off waste for landfilling ☐ Drop off recycling for recovery
☐ Drop off garden waste for processing ☐ Collect shredded garden material (mulch)
☐ Browse/buy from the buyback centre (tip shop)

3. Is your waste mostly generated by a commercial or domestic activity?

- ☐ Commercial ☐ Domestic

4. The Berry facility is running at a significant and increasing annual loss. Please number in order of preference (1 to 7) which of the following options you consider appropriate to improve the efficiency of the Berry facility with (1) being the most preferred option and (7) being the least preferred option:

- ☐ Reduce operation to one weekend per month
- ☐ Reduce days of operation to:
☐ 1 day per week ☐ 2 days per week ☐ 3 days per week
 Preferred Days: ☐ Mon ☐ Tue ☐ Wed ☐ Thu ☐ Fri ☐ Sat ☐ Sun
- ☐ Reduce hours of operation, and if so what are the preferred hours?
☐ 9am to 1pm ☐ 1pm to 5pm
- ☐ Increase gate fees
- ☐ Close the facility, and direct customers to West Nowra, Huskisson or Ulladulla
- ☐ Close parts of the operation - please specify which parts:
☐ General waste ☐ Recycling ☐ Green waste ☐ Buyback
- ☐ Take no action - service remains the same

Other options.....

5. If waste facilities were closed, what services would you like to see in your area?

- ☐ None ☐ Scheduled bulky waste collection days
☐ "On-call" bulky waste collections ☐ Other

6. How often do you use the community recycling "bottle/bin bank" in your town?

- ☐ Often (Weekly/Monthly) ☐ Seldom (every couple of months/yearly)
☐ Never

*Thank you for completing this survey.
 Results will be published on Council's website in August 2016.*

CL16.31 Ratepayer Advance Scheme - Kerb & Gutter Construction - Various Locations

HPERM Ref: D16/290914

Group: Assets & Works Group

Section: Works & Services

Purpose / Summary

The purpose of this report is to advise and gain Council's approval for the amount of contribution to be recovered, from the owner of land adjoining a public road, towards the costs incurred by Council in constructing kerb and guttering along a public road adjacent to the land, in accordance with Section 217 of the Roads Act 1993. (POL12/240).

Council has in place a program whereby Ratepayers can pay the full cost of the provision of kerb and gutter along a public road adjacent to their land, where the work is not identified in Council's Capital Works program. This Policy accommodates ratepayers who wish to have kerb and gutter ahead of Council's planned program. Under the program Council enters into a formal agreement with the ratepayer, for them to advance to Council the full cost of the work and for Council to repay Council's component of cost, after a period of 5 years.

Ratepayers have requested participation in the Ratepayer Advance Scheme at the following locations:

- 18, 20 & 22 Myrniong Grove, Berrara
- 8, 10, 12, 14, 16 & 18 Elizabeth Drive, Vincentia
- 2 Mitchell Road, Callala Bay
- 6 & 8 Plantation Point Parade, Vincentia

Recommendation

That:

1. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with A E L King & P W A Purcell of 18 Myrniong Gr, Berrara in respect of Kerb and Gutter construction to the value of \$8264.82 of which \$2657.42 is a contribution, \$5607.40 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$7009.25.
2. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with P A Drew of 20 Myrniong Gr, Berrara in respect of Kerb and Gutter construction to the value of \$8264.82 of which \$2657.42 is a contribution, \$5607.40 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$7009.25.
3. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with A J Lidden of 22 Myrniong Gr, Berrara in respect of Kerb and Gutter construction to the value of \$8264.82 of which \$2657.42 is a contribution, \$5607.40 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$7009.25.

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4. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with G M & D Malekkou of 8 Elizabeth Drive, Vincentia in respect of Kerb and Gutter construction to the value of \$5,408.36 of which \$1,903.16 (Including \$22 GST) is a contribution, \$3,505.20 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$4,381.50.
5. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with J & J Swinton of 10 Elizabeth Drive, Vincentia in respect of Kerb and Gutter construction to the value of \$5,166.36 of which \$1,661.16 is a contribution, \$3,505.20 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$4,381.50.
6. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with A M & B C Pemberton of 12 Elizabeth Drive, Vincentia in respect of Kerb and Gutter construction to the value of \$5,166.36 of which \$1,661.16 is a contribution, \$3,505.20 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$4,381.50.
7. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with L & R D Casmiri of 14 Elizabeth Drive, Vincentia in respect of Kerb and Gutter construction to the value of \$5,166.36 of which \$1,661.16 is a contribution, \$3,505.20 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$4,381.50.
8. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with B J Bunter of 16 Elizabeth Drive, Vincentia in respect of Kerb and Gutter construction to the value of \$5,166.36 of which \$1,661.16 is a contribution, \$3,505.20 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$4,381.50.
9. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with J & M Manetas of 18 Elizabeth Drive, Vincentia in respect of Kerb and Gutter construction to the value of \$5,166.36 of which \$1,661.16 is a contribution, \$3,505.20 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$4,381.50.
10. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with F M Folkes of 2 Mitchell Road, Callala Bay in respect of Kerb and Gutter construction to the value of \$17,839.12 of which \$4,339.24 is a contribution, \$13,439.88 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$16,799.83.
11. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with B & B Tait of 8 Plantation Point Pde, Vincentia in respect of Kerb and Gutter construction to the value of \$7,317.69 of which \$2,342.49 is a contribution, \$4,975.20 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$6,219.00.
12. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with E Kofler of 6 Plantation Point Pie, Vincentia in respect of Kerb and Gutter construction to the value of \$8,544.79 of which \$2,488.82 is a contribution, \$6,055.97 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$7,569.97.
13. The funding for additional cost of the works for all projects, being \$12,282.54, is to be funded from the Kerb & Gutter Program.
14. The Common Seal of Council of the City of Shoalhaven be affixed to any documentation required to be sealed, otherwise the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

Options

1. Council accept the recommendation as presented.

Implications: Council will be contractually bound to repay contributions plus interest as per the Policy. The ratepayers and Council will benefit from the proactive efforts of ratepayers to improve drainage, appearance and access to properties and it may minimise erosion of the existing road verge.

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

Implications: Residents will be without kerb & gutter infrastructure and may be dissatisfied in the outcome.

CL16.32 Telstra Asset Relocation – Intersection Flinders Road & Albatross Road, South Nowra

HPERM Ref: D16/305568

Group: Assets & Works Group
Section: Project Delivery

Purpose / Summary

To approve the engagement of Telstra to relocate telecommunications assets in the Flinders road reserve outside of purchasing policy (POL 11/12) provisions and over \$150000 therefore above the threshold for the Local Government Act for the requirement of tenders.

Recommendation

That

1. Council accepts the quotation received from Telstra for the relocation of telecommunications assets at the intersection of Flinders Road and Albatross Road (Service Road) in South Nowra for \$219,592.79 inclusive of GST
2. In accordance with Section 55(3) of the Local Government Act, Council resolves not to invite tenders for this work due to there being no other supplier able to provide this service
3. Authorise the General Manager (Director of Assets & Works) to finalise and execute the contract with Telstra on behalf of Council
4. Authorise the General Manager (Director of Assets and Works) to adjust the contract for variations under the contract

Options

1. Council accept the recommendation as presented.

Implications: This will ensure that the Flinders Road upgrade work can continue in accordance with the project plan and grant funding milestones

2. Council amend the recommendation

Implications: This is not recommended as Telstra is the only supplier able to carry out the relocation of services ahead of the Flinders Road upgrade.

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

Implications: This could delay the next stage of works and impact the grant funded works as specific milestones need to be met

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Background

A quotation has been received from Telstra in the amount of \$219,592.79 inclusive of GST to undertake the relocation works of Telstra assets at the intersection of Flinders Road and Albatross Road (Service Road) in South Nowra. The works form part of the proposed roundabout construction project at that same location for the approved Federal Blackspot, Heavy Vehicle Safety & Productivity and Rural & Regional Roads programs.

Planning is well in advance for the commencement of this project and the relocation of the existing Telstra assets impacted by the works is necessary.

Council's Purchasing Policy states that "Except where excluded under section 55(3) of the Local Government Act 1993, the purchase of goods and services above \$150,000 must be by open tender or expressions of interest. This process must comply with Section 55(3) of the NSW Local Government Act 1993 and the Local Government (General) Regulations 2005".

Section 55(3) permits a Council to enter into a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders.

In this case no other supplier can provide these works on the Telstra asset network and therefore no other tenders can be sought.

Community Engagement

Consultation is occurring on an ongoing basis with businesses and transport companies operating in the Flinders Industrial Estate for this project. In June 2016 a drop-in session was held at the Shoalhaven Water Depot on Flinders Road, where draft plans of the project were tabled and feedback received from those who attended.

The proposed Telstra relocation are preliminary works before construction can start. When the plans are finalised, further information will be disseminated to the community about the project.

Policy Implications

The relocation of Telstra services is a significant cost and impacts many of the road and drainage works throughout the city.

Financial Implications

There is currently an amount of \$6,750,000 allocated to the Flinders Roundabout and Road Widening projects for this financial year allocated from a combination of funding sources including the Federal Blackspot Program, the Federal Government Heavy Safety & Productivity Program and the NSW Government Rural & Regional Roads Fund (see MIN16.494

Risk Implications

CL16.33 Addition of Regulated Fee to Council's Fees and Charges

HPERM Ref: D16/293868

Group: Planning & Development Services Group
Section: Building & Compliance

Purpose / Summary

To advise Council of the need to introduce a regulated fee of \$70.00, under the Swimming Pool Regulations 2008, for Certificate of Exemption for Swimming Pool. This fee is required to be added to Council's Fees and Charges and therefore must be advertised.

Recommendation

That Council:

1. In accordance with the Local Government Act 1993, endorse the advertising of the regulated fee of \$70 (under the Swimming Pools Regulations 2008) for Certificate of Exemption for a Swimming Pool;
2. The fee be placed on Council's website for a period of 28 days;
3. The fee be added to Council's Fees and Charges if no submissions are received;
4. A further report to Council be submitted to Council with the outcome of any submissions received.

Options

1. As recommended

Implications: If this fee is listed in Council's Fees and Charges Council will be able to charge the fee and therefore recoup some of the costs of providing the service.

2. Not accept the recommendation and propose an alternative

Implications: Council needs to add the fee to the Fees and Charges before it can charge the fee.

Background

It has recently been identified that the regulated fee, under the Swimming Pools Regulations 2008, for Certificate of Exemption for a Swimming Pool has not been listed under Council's Fees and Charges.

According to the Local Government Act 1993, Chapter 610F – Public Notice of Fees Council is required to be advertise the fee for 28 days.

Community Engagement

The fee will need to be advertised for a period of 28 days.

Financial Implications

If this fee is listed in Council's Fees and Charges Council will be able to charge the fee and therefore recoup some of the costs of providing the service.

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CL16.34 Tenders - Analogue to DMR Digital Radio Network Upgrade

HPERM Ref: D16/291531

Group: Shoalhaven Water Group
Section: Shoalwater Operations

Purpose / Summary

To inform Council of the tender process for the supply of equipment and engineering based on a schedule of rates for the Analogue to DMR Digital Radio Network Upgrade.

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. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

This report is submitted directly to the Ordinary Council Meeting pursuant to Clause 3 of Council's "Acceptance of Tenders – Reports to Council" Policy.

Recommendation

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

Options

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

Details

Introduction:

Tenders recently closed for the engineering and supply of digital network equipment to upgrade Council's analogue two-way radio network to a digital system for use by Shoalhaven Council staff across all areas. The tenders have been evaluated and Council is requested to consider (in Confidence) the tender process and award a contract.

Background:

Shoalhaven Council has operated an analogue radio communications network for many years and prior to mobile phones was a key means of communications for Council field staff. The radio network has a greater coverage than the mobile phone network. Currently, the critical function of the network is to provide support for Council staff, community and other emergency

response agencies in times of emergency or disaster. Experience has shown that the mobile phone network is extremely unreliable in emergency events.

The current analogue network equipment is no longer supported and has become unreliable. Upgrading from an analogue system to a digital network will provide improvements in voice clarity, functionality of the devices and improved coverage.

Key Issues:

An expression of Interest for the engineering and supply of digital network equipment to upgrade Council's analogue two-way radio network to a digital system was sought in September 2015. Nine companies submitted EOI's for the proposed tender and were reviewed as part of the Tender Evaluation Plan. The TEP considered price and non-price criteria.

After consideration of the EOI's the following companies were invited to tender:

| Tenderer |
|--------------------------|
| Logic Wireless |
| Karera Communications |
| Mastercom |
| Illawarra Communications |
| BTW Communications |

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Tenders were called on 26th May 2016 and closed on 17th June 2016. A Tender Evaluation Committee (TEC) was formed and a Tender Evaluation Plan (TEP) developed for the tender analysis.

The tenders were evaluated strictly in accordance with the TEP, which comprised mandatory, price and non-price criteria. Criteria assessed (under price and non-price components) included:

- Tendered price (including application of the Local Preference Policy)
- Technical experience and capability of key staff
- Technical specifications of the proposed equipment and ability to supply.
- WHS systems
- Managerial capability to maintain system and Council staff training proposal.

The aim of this evaluation methodology was to identify the best value for money while targeting suppliers with high level experience and performance with similar projects.

Details relating to the evaluation of the tenders are contained in the confidential report.

Community Impact:

The proposed digital radio network upgrade represents a step forward in technology, reliability and disaster management capability to enable Council and emergency services agencies to better serve the community. The digital radio network will form part of Councils DISPLAN.

Financial Implications:

Funds have been allocated in the 2016/17 budget for this project.

Conclusion

The tender process for the supply of the digital radio network upgrade has been carried out in accordance with Council's requirements and it is appropriate for Council to consider the recommendation in the confidential report.

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CL16.35 Tenders - Mandatory Portable Electrical Items Test & Tag

HPERM Ref: D16/292301

Group: Shoalhaven Water Group
Section: Shoalwater Operations

Purpose / Summary

To inform Council of the tender process for Mandatory Portable Electrical Items Test and Tag.

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. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

This report is submitted directly to the Ordinary Council Meeting pursuant to Clause 3 of Council's "Acceptance of Tenders – Reports to Council" Policy.

Recommendation

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

Options

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

Details

Introduction:

Tenders recently closed for the Mandatory Portable Electrical Items Test and Tag. This testing of electrical items is a requirement under the Australian Standards for in service electrical equipment and construction/demolition electrical equipment and calls for electrical inspection and testing.

Background:

Historically, mandatory testing and tagging of electrical items for Council has been done by the electrical/communications unit of Council. Audits of the quantum of devices has indicated that

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the current system is outdated and requires major modifications to align with current standards and maximise the efficiency of the tasks to be undertaken.

The current system utilises considerable internal resources that can be better deployed in more technical asset management areas. A review of the options to meet current statutory requirements has led to the development of a tender specification to gain an external provider to carry out this task.

Under the provisions of the NSW Local Government State Award, if the proposed contract resulted in the termination of employment or major changes to current employees' job opportunities or restructuring of the operational area, consultation and notification provisions would be triggered. It should be highlighted that there is no proposal to reduce staff numbers in this area, and in fact one of the reasons to contract out routine activities such as this is to enhance the opportunities for full time staff and apprentices to be involved in a more diverse range of activities. This will involve more focus on proactive routine electrical maintenance and renewal for larger assets with more complex control systems. No redundancies, staff restructuring or reduction in numbers will be triggered by this proposal.

Key Issues:

An Expression of Interest (EOI) for the Mandatory Portable Electrical Items Testing and Tagging was sought in September 2015. Six companies submitted EOI's for the proposed tender and were reviewed as part of the Tender Evaluation Plan. The TEP considered price and non-price criteria.

The EOI requested the tenderers to supply "per item" prices for testing and tagging Council assets. The scope of works included the vast variety of tools requiring testing and the number of depots/sites that the tenderers would be required to visit to undertake these tests.

After consideration of the EOI's the following companies were invited to tender:

Tenders were received from the following:

| Tenderer |
|------------------------------------|
| SPA Trade Services |
| Esafe Services Pty Ltd |
| Appliance Tagging Services Pty Ltd |
| The Disability Trust |

Tenders were called on 26th May 2016 and closed on 17th June 2016. A Tender Evaluation Committee (TEC) was formed and a Tender Evaluation Plan (TEP) developed for the tender analysis.

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

- Tendered price (including loadings such as Local Preference Policy)
- Technical experience and capability of key staff
- Demonstrated ability of proposed equipment and capacity to carry out service.
- WHS systems

- Managerial capability to maintain data system and access to data by Council staff.

The aim of this evaluation methodology was to identify the best value for money while targeting suppliers with high level experience and performance with similar projects.

Details relating the evaluation of the tenders are contained in the confidential report.

Financial Implications:

The budget for mandatory testing and tagging is included in the operational budget for each asset area.

Conclusion:

The tender process for the supply of mandatory portable electrical items test and tag has been carried out in accordance with Council's requirements and it is appropriate for Council to consider the recommendation in this confidential report.

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CL16.36 Tenders - Nowra to REMS 1A Transfer Main

HPERM Ref: D16/292140

Group: Shoalhaven Water Group
Section: Water Asset Planning & Development

Purpose / Summary

To inform Council of the tender process for the Nowra to REMS 1A Transfer Main.

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. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

This report is submitted directly to the Ordinary Council Meeting pursuant to Clause 3 of Council's "Acceptance of Tenders – Reports to Council" Policy.

Recommendation

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

Options

1. Council accept the recommendation as presented

2. Council amend the recommendation

Implications: Council may diminish the competitive commercial values of the tenders received or prejudice the tenderers legitimate interests if these matters are discussed non-confidentially.

3. Council not accept the recommendation

Implications: Council propose an alternative resolution. Depending on the resolution Council may not be able to deliberate on the tender process for the Nowra to REMS 1A Transfer Main while giving consideration to all the available information.

Details

Introduction: Council, at its Ordinary Meeting on 16 December 2014, resolved to appoint a panel of contractors for mains construction works. The Panel comprises the following contractors:

- i. Comdain Civil Construction Pty Ltd
- ii. Murphy McCarthy & Associates Pty Ltd
- iii. EL Civil Engineering Pty Ltd
- iv. Ledonne Constructions Pty Ltd
- v. Interflow Pty Ltd

- vi. Hisway Pty Ltd
- vii. Select Civil Pty Ltd, and
- viii. Lynch Civil Contractors Pty Ltd.

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

Background: Shoalhaven City Council has an extensive Reclaimed Water Management Scheme (REMS) network of pipework, pump stations and storage facilities to beneficially re-use the effluent from the Vincentia, Culburra, Callala and St Georges Basin Wastewater Treatment Plants (known as REMS 1A).

The REMS network is proposed to be augmented with an increased capacity as part of the REMS 1B project. This project involves 4 major components:

- Upgrade of the Bomaderry WWTP
- Upgrade of the Nowra WWTP
- An interconnecting effluent pipeline between the Bomaderry and Nowra WWTP
- An effluent transfer main delivering the effluent from the Nowra WWTP (and effluent received at Nowra from Bomaderry through the interconnecting pipeline) to the existing REMS 1A distribution network.

In January 2015 GHD produced a Review of Environmental Factors (REF) for the REMS 1B project. At the Ordinary Meeting of Council on 21 April 2015 Council resolved to adopt the proposed mitigation and control measures identified in the REF and proceed to tender. (MIN15.221)

At the Ordinary Meeting of Council on 26 July 2016 Council resolved to accept a tender from UGL Engineering Pty Ltd for the construction of the first 3 of the major components of the REMS 1B project (MIN16.611.C) being the:

- Upgrade of the Bomaderry WWTP
- Upgrade of the Nowra WWTP
- An interconnecting effluent pipeline between the Bomaderry and Nowra WWTP

Tenders have been called for the remaining major component of the REMS 1B project and the result of the Tender Evaluation process for the Nowra to REMS 1A Transfer Main is now being presented to Council for determination.

Tenders Received

Tenders were invited from all contractors on the Panel on 25th July 2016 for the construction of the Nowra to REMS 1A Transfer Main pipeline with a mandatory pre-tender site meeting on 27th July 2016.

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

Tenders closed at 10am on 30th August 2016 with a total of six (6) tenders received by the deadline.

| Tenderer | Location |
|--------------------------------------|-------------------|
| Comdain Civil Constructions Pty Ltd | Tenderlink Portal |
| Hisway Pty Ltd | Tenderlink Portal |
| Ledonne Constructions Pty Ltd | Tenderlink Portal |
| EL Civil Engineering Pty Ltd | Tenderlink Portal |
| Select Civil Pty Ltd | Tenderlink Portal |
| Murphy McCarthy & Associates Pty Ltd | Tenderlink Portal |

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

- Total cost of tenderers bid, including application of Local Preference Policy
- Construction methodology and program
- Skills, experience and availability of proposed key personnel
- Acid Sulphate Soils Management Plan
- Past performance on previous Mains Construction Panel Contracts

In order to identify the best value for money while ensuring a suitable balance between the main criteria of price, experience and methodology it was determined to use a 60% price to 40% non-price ratio for the tender assessment.

Details relating the evaluation of the tenders are contained in the confidential report.

Summary of the Evaluation Process:

1 Assessment of Mandatory Criteria and Compliance

The tenders were initially examined for compliance with the mandatory criteria in the conditions of tendering in the TEP.

The TEC considered all submissions to be sufficient for further assessment.

2. Assessment of Price Criteria

The six tenders had their price components assessed as per the formula given in Clause 5.5 of the TEP.

Reductions in the assessed tender price were given to those tenderers who included local contractors and suppliers as per the Local Preference Policy capped at \$15,000.

3. Assessment of Non-Price Criteria

The TEC assessed the tenders for non-price criteria as detailed in the methodology for Non-Price Ratings contained within the Tender Evaluation Plan (Sections 5.6).

Tenders were assessed by the TEC as a group. Following discussions a consensus score was reached for each assessment criteria for each of the tender submissions. Tenders were assessed following the guidelines for scoring Non-Price Criteria described in Attachment B of the TEP.

4. Outcome of Tender Evaluation

The final score for each tenderer was obtained by adding together the normalised total non-price score with the normalised total price score. The Tenderer with the highest total combined score was identified as the Preferred Tenderer. The tenderer with the second highest score was identified as the alternate Preferred Tenderer.

As per the Procedure defined in section 4 of the TEP, the TEC resolved to hold tender evaluation interviews with the two highest scoring tenderers to ensure that each tenderer had a comprehensive understanding of the scope of works and clarify any issues identified in each tender. These interviews were held in the SCC Tomerong meeting room on the 7 September 2016 and attended by two (2) members of the TEC.

As a result of these interviews, along with the price and non-price criterias, the TEC made the recommendation contained in the confidential report.

Community Engagement:

Shoalhaven Water has conducted extensive community consultation with landowners who will be directly affected by the installation of the recycled water transfer main. This includes negotiations regarding:

- The alignment of the pipeline through their property as well as the locations of surface fittings within paddocks.
- Compensation for easements for the construction of the pipeline
- Works agreements setting out conditions for access to the property, cattle/farmhand protection, materials storage and remediation
- Entitlements to recycled water allocations and locations of offtake structures

Financial Implications:

Sufficient funds have been allocated in the Sewer fund capital budgets for 2016/17 to complete the works. Contract management will be done by Shoalhaven Water and daily site inspections to be undertaken by Shoalhaven Water nominated construction inspector.

It is required to start the construction of the project in November 2016 with completion required by April 2017.

Conclusion:

Shoalhaven Water have undertaken a comprehensive tender evaluation in accordance with the approved tender evaluation plan and it is appropriate for Council to consider the recommendations of the confidential report.

CL16.37 Emergency Overflow Storage Facilities - Sewage Pumping Stations - Various Locations - REF

HPERM Ref: D16/289600

Group: Shoalhaven Water Group
Section: Water Asset Planning & Development

Attachments:

1. Review of Environmental Factors (REF) Report (under separate cover) [⇒](#)
2. REF Annexure 1 - Plans - Sewage Pumping Stations (under separate cover) [⇒](#)
3. REF Annexure 2 - SLEP Mapping (under separate cover) [⇒](#)
4. REF Annexure 3 - Aboriginal Due Diligence (under separate cover) [⇒](#)
5. REF Annexure 4 - Threatened Species Assessment (under separate cover) [⇒](#)

Purpose / Summary

The purpose of this report is to seek Council's concurrence to proceed with the construction of nine (9) out of the eleven (11) proposed emergency storage facilities considered in the Review of Environmental Factors (REF), December 2015. It is proposed to defer the construction at the two (2) remaining sites pending further community consultation and include these sites in a future package of works.

Recommendation

1. After consideration of the REF for the Emergency Storage Facility Works at eleven (11) locations, December 2015, Council resolves to proceed with construction at nine (9) of these sites as detailed in this Report.
2. Council determines that it is unlikely that there will be any significant environmental impact at the nine (9) locations (proposed for construction) as a result of the proposed work and an Environmental Impact Statement is therefore not required for the proposed activity.
3. Defer construction at two (2) locations: Culburra SPS 5 and St Georges Basin SPS 12 pending further community consultation.
4. The proposed mitigation measures and controls outlined in the REF (and summarised in Sections 7.2 & 8.0) be adopted and implemented through the construction phase.

Options

1. Adopt the recommendation.
2. Council could determine not to proceed with the project or parts of the project as a result of the REF recommendations.

Implications: This is not recommended as the provision of emergency storage facilities will provide improved containment capacity at strategic Sewage Pumping Station sites.

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Introduction

A Review of Environmental Factors (REF) has been undertaken for proposed works to construct 11 Emergency Overflow Storage Facilities at various sewage pumping station (SPS) sites throughout Shoalhaven. Council is requested to determine whether construction of the proposed works can proceed in accordance with the mitigation measures recommended in the REF. Detailed design plans and specifications have now been completed.

While it was intended to construct emergency facilities at 11 sites there were 2 sites that originally raised concerns of local residents during the REF exhibition phase (Culburra SPS 5 and St Georges Basin SPS 12). Staff feel it is warranted to remove these two sites from the current work package and include it in a future package following further community engagement to resolve the local concerns.

The completion of the emergency storage facilities at these 9 SPS sites will provide a higher degree of containment of raw sewage in the event of mechanical issues and power outages.

Background

Following completion of the Wastewater Servicing Strategy by GHD in June 2013, a number of sewage pumping sites were identified where protection of the surrounding environment was deemed critical. Following on from the Strategy, Shoalhaven Water engaged GHD to prepare an Investigations/Options Report for the provision of Emergency Storages at various SPS sites. This was completed in May 2014. 18 SPS sites were considered in this Investigations/Options Report.

Shoalhaven Water then engaged GHD to undertake detailed designs for the emergency storage facilities, split into two packages based on geographical areas. Package 1 was to include sites in Berry, Culburra and Huskisson/Vincentia and Package 2 sites were in St Georges Basin and Sussex Inlet.

The detailed design phase revealed that 7 of the 18 sites were more technically complex and/or required extensive environmental assessment. In order to expedite construction at the less challenging sites it was decided to complete the REF for the remaining 11 sites as package 1.

The REF has been undertaken for the following 11 SPS sites.

- Berry SPS 5, Victoria St, Berry.
- Culburra SPS 5, unformed section of The Strand road reserve.
- Culburra SPS 6, Prince Edward Ave.
- Culburra SPS 9, East Crescent, Culburra Beach
- Culburra SPS 10, East Crescent, Culburra Beach
- Huskisson/Vincentia SPS 3, near intersection of Sydney and Bowen Streets.
- St Georges Basin SPS 10, Loralyn Avenue.
- St Georges Basin SPS 12, Walmer Avenue.
- St Georges Basin SPS 13, Greville Avenue.
- Sussex Inlet SPS 1, River Road.
- Sussex Inlet SPS 16, Lakeland Avenue, Berrara.

More details of the locations can be viewed within the attached REF.

Review of Environmental Factors (REF)

CL16.37

An REF has been completed by Cowman Stoddart at each of the 11 sites. Details of the assessment are included in the document “Review of Environmental Factors - Proposed Provision of Emergency Overflow Storage Facilities at Sewage Pumping Stations – Various Locations at Berry, Culburra, Huskisson, St Georges Basin and Sussex Inlet – December 2015”.

A flora and fauna assessment was conducted at all the sites, and other than the removal of some trees at SPS 10 in St Georges Basin where nesting boxes have been recommended to be placed in other nearby trees, there were no other significant long term environmental issues identified or significant mitigation measures recommended.

An Aboriginal Due Diligence Assessment was also undertaken and it was concluded that it was unlikely that any Aboriginal objects would be harmed as the sites comprise disturbed lands for the purposes of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*.

The REF concludes:

- “The proposal is not inconsistent with any state legislation or policies, regional or local planning provisions.
- The proposal will not adversely impact any threatened flora and fauna or their habitats.
- The proposal will not unreasonably impact on the visual amenity of the locality.
- The proposal is a positive one that will result in the provision of emergency storage to avoid untreated effluent waste being discharged into the environment from the sewerage system.”

Community Engagement

The REF Document was placed on public exhibition from 29th June to 15th July 2016, during which time Council requested public submissions. The REF was available for viewing at Council’s Administration Centres at Nowra and Ulladulla or by download from Council’s website.

By the close of the public submission period Council had received a number of responses from stakeholders and the general public. These submissions are summarised below.

1. SPS 12 (St Georges Basin Sewerage System) - Walmer Ave, Sanctuary Point:

8 submissions received from nearby residents. The main concerns were perceived loss of property values, disruption during construction, preference for an alternative location, visual amenity, request for alternative arrangements such as permanent generator, etc.

2. SPS 5, Addison Road, Culburra

4 submissions received from landholders notified and their neighbours. The main concerns are flooding during rainstorms resulting from raising the area around the top of the proposed tank and perceived public health risk having a “sewerage” overflow tank located in this location.

3. SPS 1 River Road, Sussex Inlet

1 submission received from adjoining landholder whose main concerns was loss of view (could we bury the tank or camouflage the top of the tank?), stormwater runoff effects resulting from raising the ground level around the top of the proposed tank,

odour. They were happy to see the large tree earmarked for removal to allow construction of the proposed tank.

There were also submissions from the following government agencies

4. Office of Environment & Heritage (OEH) – Made reference to the supporting the flora and fauna report at SPS 10, St Georges Basin recommending placement of parrot nesting boxes to offset loss of habitat to enable construction of the proposed tank. Also made reference to SPS 9 Culburra adjacent Lake Wollumboola supporting the proposed emergency storage, but noted a number of manholes in this catchment could be affected by flooding of the lake and requested sealing of manholes between 2.54m and 2.78m AHD. Reference was also made to due diligence with respect to aboriginal heritage (was addressed in the REF by Cowman Stoddart) and Floodplain Risk Management with respect to the electrical switch gear.
5. Roads & Maritime Services (RMS) - provided a generic response without specific concerns to any particular site.
6. Environmental Protection Agency (EPA) – were supportive of the construction of the overflow storage facilities, and further noted that these works will likely result in significant environmental and community benefit.
7. Department of Primary Industries – Water (DPI) – Concurs with the REF in matters of interest to the DPI and has no comment or substantive comment to provide.

Given the community concerns for SPS 5 Culburra and SPS 12 Sanctuary Point, staff are recommending to defer works at these sites until the implementation of package 2 to enable further consultation. This means that 9 sites remain in package 1 and 9 sites will be completed in package 2.

Financial Implications

Sufficient funds have been allocated in the current financial year and subsequent years within the Wastewater Fund Capital Works Budget to proceed with the calling for tenders and construction of the project.

Conclusion

Shoalhaven Water staff seek resolution from Council to proceed with the construction of the emergency overflow storage facilities at nine (9) of the eleven (11) locations identified in the REF in accordance with mitigation and control measures identified in the REF for these works.

CL16.37

CL16.38 Notice of Motion - Old Tourist Information Centre Site

HPERM Ref: D16/293417

Submitted by: Cllr Greg Watson
Cllr Mark Kitchener

Purpose / Summary

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

Recommendation

That

1. Council exclude from any possible sale of the old tourist information centre site the land on which the Navy helicopter is located plus a reasonable curtilage.
2. The site be excised from the original parcel and when the subdivision is complete the subject Lot be classified community land with the intention of retaining the area for the display of naval aircraft into the future as recognition of the exceptional contribution that both the Navy, Navy personnel and former personnel have made to our city
3. Should Council decide to proceed with the sale of the residue of the site proper provision be made for the protection of Graham Lodge.
4. That once the current expression of interest process has been completed Council reconsider the desirability of the community retaining the site pending a full assessment of the success or otherwise of the relocation of the tourist information Centre to the Shoalhaven Entertainment Centre foyer.
5. Should Council decide to retain the subject site consideration then be given to the acquisition of adjacent lands to provide an additional green space linkage for the community to the Shoalhaven River.

CL16.38

Note by the General Manager

In April 2016 the Council resolved to call Expressions of Interest (EOI) for the sale of the property referred to as the (now vacated) Nowra Visitor Information Centre & Graham Lodge.

The EOI process closed on 15/9/16 and staff will be reporting this matter to Council shortly. Discussions have been held with the Commanding Officer HMAS Albatross and various options were discussed in respect to the helicopter including leave on current site & either create an easement or subdivide off the lot or relocate to another prominent highway location.

It was considered at the time of these discussions to await assessment of the EOI's and determine the position with the Navy helicopter in conjunction with council determining the next step with the EOI process.

CL16.39 Notice of Motion - Land Reclassification - 59 Owen Street, Huskisson

HPERM Ref: D16/293446

Submitted by: Cllr Greg Watson

Purpose / Summary

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

Recommendation

That Council reclassify 59 Owen St Huskisson to community land.

Note by the General Manager

Council has undertaken an extensive process to develop the draft Huskisson Foreshore Masterplan covering the areas of 59 Owen Street (previous Club Jervis Bay overflow carpark), the Club Jervis Bay and Huskisson Hotel properties.

The draft Masterplan has recently been on public exhibition and staff are about to report the results of submissions to Council.

Council purchased 59 Owen Street in early 2015 following acceptance of its tendered price. Council resolved to classify it as 'Operational'.

MIN15.3 (below) foreshadowed some "development options", "which do not compromise views from Owen Street".

3 Land Owned by Club Jervis Bay – 59 Owen Street, Huskisson File 35563E

Part 1 of the resolution of the Extra Ordinary Meeting was made public:

1. *That in relation to 59 Owen Street Huskisson (being the whole of the land in certificate of title folio identifier 2/571682 / Lot 2 in DP 571682), Council*
 - a) *Lodge a tender in accordance with the "call for tenders" issued by Club Jervis Bay Ltd,*
 - b) *In accordance with S10A(2)(c) of the Local Government Act 1993 maintain the confidentiality of the tender price as it contains information of a confidential nature that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, and*
 - c) *Should Councils tender be successful, the subject land be classified in accordance with the relevant provisions of the Local Government Act 1993 as operational, and*
 - d) *Subject to (c), proceed immediately to consider development options for the subject property which do not compromise views from the Owen*

CL16.39

Street Huskisson, understanding that any development costs would need to be funded.

Council may reclassify Operational land to Community land by a simple resolution (Section 33 LGAct). Section 34 requires Public Notice of the proposed reclassification and 28 days to allow public submissions.

Community land uses are in accordance with the adopted Plan of Management for the lot. Pending adoption of the Plan of Management the nature and use of the land must not be changed.

Council may wish to defer this item until it has the benefit of a further report providing the community feedback for the recent public exhibition of the Masterplan.

CL16.40 Notice of Motion - Special Rate Variation Proposal

HPERM Ref: D16/294896

Submitted by: Cllr Greg Watson
Cllr Andrew Guile
Cllr Mark Kitchener

Purpose / Summary

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

Recommendation

That Council abandon the proposed 21% rate increase over 2 years in favour of longer term strategy over a 10-15 year period.

Background

The State Government demonstrated how inconsistent they are with the recent amalgamations when they proposed a mandated 4 year rate freeze in respect of the merging Councils. This proved the so called fit for the future program was a political stunt to try and facilitate an excuse to amalgamate Councils. The reality is many of our resident cannot afford the massive rate increases proposed by the last Council.

Note by the General Manager

The proposal for the above ratepeg rate increases in 2017/18 & 2018/19 form part of Councils adopted "Fit for the Future" financial plan submitted to IPART in 2015 and the basis of Council being assessed as "fit for the future". Those Councils in NSW that were not assessed as "fit" were either included in the recent round of merger proposals OR were given another opportunity to review their financial plans and demonstrate to the NSW Government how they would achieve the seven "Fit For the Future" KPI benchmarks.

This is one of the most significant policy decisions Council can make and a full Councillor Briefing is scheduled to explain Councils financial situation and projections particularly for the benefit of the six newly elected Councillors.

Should Council decide to abandon the proposed rate increases it should only do so through a proper revision of its 10 year financial plan and further community engagement process.

Council has options to reduce rate increase projections if it decides to make expenditure cuts to services to still achieve the State Government FFF criteria.

Council's average residential rates are currently 20%-45% lower than other NSW Councils of similar size, scale and nature.

CL16.41 Notice of Motion - Community Halls

HPERM Ref: D16/294899

Submitted by: Cllr Greg Watson
Cllr Mark Kitchener

Purpose / Summary

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

Recommendation

That Council resolve not to proceed with the sale of any community halls or buildings.

Note by the General Manager

The Community Infrastructure Strategic Plan has been on exhibition recently and staff will soon report back to Council on the submissions received.

Council can obviously make a policy decision at any time however if this item is deferred until the report on the public exhibition Council will have further information to consider.

CL16.41

CL16.42 Notice of Motion - Waste Transfer Stations

HPERM Ref: D16/294910

Submitted by: Cllr Greg Watson
Cllr Mark Kitchener

Purpose / Summary

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

Recommendation

That That Council retain in an operational condition all of our waste transfer station as well as the existing operating hours.

Note by the General Manager

Council has recently undertaken a broad survey of users of Council waste facilities and the general public. A separate report on the survey results including recommended changes to operations is included in this Business paper.

CL16.42

CL16.43 Notice of Motion - Greenwell Point Wharf Management

HPERM Ref: D16/302864

Submitted by: Cllr Greg Watson

Purpose / Summary

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

Recommendation

That Council

1. Re-establish the Greenwell Point Wharf Management Committee.
2. Advertise for expression of interest for individuals interested in serving on the Committee with a report back to council in respect of the suggested Committee membership, terms of reference, and fee structure.
3. Receive a further report on the stability of the old Council owned facility pending the future planned grant application to replace the wharf.

CL16.43

Background – from Cllr Watson

The users of the Greenwell Point Wharf have expressed a desire to have Council reform the Wharf Management Committee, some Councillors will recall the Committee members resigned over difficulties they were having with the allocation of mooring spaces. The re-establishment of the committee would have the potential of saving the Council a significant amount of money.

Note by the General Manager

- The Crown still owns and maintains the main concrete wharf structure.
- A valuation is being undertaken to assess the value of the berthing spaces and to guide future berthing fees on a more commercial basis.
- Investigation has commenced on the design of a new pontoon/pump out facility/visiting vessel berth that will require removal of the dilapidated jetty. Funding will be requested for the new facility through the state government advertised NSW Boating Now program in 2017. The old jetty is closed to public access due to its condition & public liability risks.

CL16.44 Notice of Motion - Cycleway to the Burrill Lake Bridge

HPERM Ref: D16/300220

Submitted by: Cllr Bob Proudfoot

Purpose / Summary

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

Recommendation

That

1. Council works with the Roads and Maritime Services with a view to providing much greater safety for the users of the cycleway leading to the Burrill Lake Bridge.

The discussion needs to particularly focus on the protection of children and especially where the cycleway is at its closest proximity to the Princes Highway.

The options required to ensure that this potentially marvellous facility is much less dangerous than the local community feels that it is, include, but are not restricted to the following:

- a. Strategically located guardrails.
- b. Appropriately positioned metal fencing.
- c. Copper logs railing type fencing.
- d. Soft engineering with selected vegetation, shrubs and hedges, such as photinia robusta.

Background (from Cllr Proudfoot)

Even though the construction of the Burrill Lake bridge is both essential and most welcome, the local community has been inconvenienced severely. There are noise and dust issues as well as the visual impact experienced by neighbouring residents and users of nearby Lion's Park. As an act of good faith the R.M.S has the ideal opportunity to support young families, the community and tourists, by ensuring the greatest possible safety for both children and adults, at long this vital piece of infrastructure.

Note by the General Manager: (prepared by Director Assets and Works)

In the location advised there is a 2.5m shoulder/breakdown lane between the kerb and northbound through lane on the Highway, the Shared User Path (SUP) itself is 3.1m from kerb face (an extra 600mm was allowed in case future sign posting or lighting was installed and so this would not encroach or impact the 2.5m SUP), these were RMS requirements. But the consequence is the path is the widest SUP in the city, and there is a 2.5m shoulder/breakdown lane between the SUP and the Highway through lane. The risk is minimised due to the 2.5m shoulder/breakdown lane which will only be used sporadically by traffic/broken down vehicles. Council may review the suggested controls and other alternatives such as an edge line on the path and the location of the recommended plantings.

CL16.44

Closer to Burrill Lake bridge and to the south the bridge project is underway that is being managed by the RMS. Full project details can be found on the RMS website;

<http://www.rms.nsw.gov.au/projects/south-coast/burrill-lake-crossing/index.html>

There was extensive consultation with the community and Council as part of the bridge project development and subsequently the RMS has included in the scope the following key features which will provide improved pedestrian and cyclist access and safety:

- A pedestrian and cycle path on the new bridge, connecting to new paths on both sides and linking to the Ulladulla cycle path
- Pedestrian paths underneath both ends of the new bridge. There would be a total of five locations where pedestrians can safely cross the highway
- The proposed shared path will extend to the north to tie into the path constructed by Council in 2014/15. The proposed shared path will then extend to the south to a location approximately 100m north of the Wallaroy Drive/ Wuru Drive roundabout.

Council have plans to extend the southern path further to link to the Wallaroy Drive/ Wuru Drive roundabout and this additional work is included in the budget in 2016/17, and it is intended to terminate the path work where Shoalhaven Water commence their water main replacement works (to the south of the Wallaroy Drive/ Wuru Drive roundabout). If the community has any concerns about interim connections (during works) or details regarding the proposed finished pedestrian and cyclist facilities these matters should be discussed directly with the RMS Project Manager Mr Peter Townsend in the first instance.

A good summary of the pedestrian/cyclist works is shown on the concept plan which is included in each of the “community updates” newsletters which can be found on the project website (link above)

CL16.45 Notice of Motion - Construction of a Roundabout, Paradise Beach Road & Kerry Street Sanctuary Point

HPERM Ref: D16/300255

Submitted by: Cllr Bob Proudfoot

Purpose / Summary

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

Recommendation

That a report be prepared for Council regarding the much needed construction of a roundabout at the intersection of Paradise Beach Road and Kerry Street, Sanctuary Point. The report needs to include the following:

1. The likely start of construction.
2. The estimated cost of the project and the sources of funding.
3. The criteria used in preparation for an application for State or Federal funding.
4. The likely conclusion of the project.

CL16.45

Note by the General Manager: (prepared by Director Assets and Works)

The construction of a roundabout at the intersection of Paradise Beach Road & Kerry Street, Sanctuary Point is currently planned to start by March 2017, and will be completed by June 2017. The cost is \$285,000 for the approved project (100% Federal Government Nation Building Blackspot Program). When completed the project will provide safety benefits by reducing targeted crashes that have occurred. Traffic movements at the intersection will be more safely controlled by the roundabout to reduce cross traffic crashes, and pedestrians will benefit from improvements to safety and accessibility on each leg of the intersection (pedestrians will be able to cross each leg of the intersection in two stages and the prevailing widths of the road will allow physical islands to be constructed, providing refuge for pedestrians on both of the Paradise Beach Road legs which is where pedestrian crashes have been recorded).

This is a Federal funded project, but both State and Federal Blackspot programs now have the same criteria which includes:

- a minimum of 3 casualty crashes for blackspots (up to 3km);
- a minimum of 0.2 casualty crashes per km per year (for black lengths \geq 3km);
- a minimum calculated benefit/cost ratio of 2.0;
- total cost of projects must be in the range \$10,000 (min.) - \$2,000,000 (max.)

The difference between the State and Federal Government Black Spot programs is that Federal Government projects provide 100% funding whereas State Government projects are approved on 50/50 funding basis. Council's generally apply for Federal Government funding, and for some projects that have not been successful for Federal Government funding, the State Government may then offer funding for a selection of projects to Council's on 50/50 funding basis under the State Government blackspot program.

CL16.46 Notice of Motion - Vehicle Barriers for Pedestrian Safety, Sanctuary Point

HPERM Ref: D16/300266

Submitted by: Cllr Bob Proudfoot

Purpose / Summary

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

Recommendation

That all steps be taken by the shopowners at Sanctuary Point, (adjacent to Paradise Beach Road carpark) to install appropriate vehicle barriers in order to maximise pedestrian safety along the shopfront footpath.

Background

The carpark is privately owned and has been a source of many community fears and complaints and yet nothing has changed. Now is the time to act before an innocent citizen experiences a major accident.

Note by the General Manager: (prepared by Director Planning & Development)

Council considered a similar Notice of Motion in 2012 and resolved at the time (Minute MIN12.215):

Shopkeepers be urgently required to install road surface barriers in order to give pedestrians some degree of safety. (The current situation sees cars being parked front to shops with little or no protection for pedestrians as they walk along the footpath.)

However, the car park and adjoining path at the Sanctuary Point shopping centre remain in private ownership so Council has no authority to direct landowners "to install appropriate vehicle barriers" or any other devices.

CL16.46

CL16.47 Notice of Motion - Road Surface Investigation, 802 Sussex Inlet Road

HPERM Ref: D16/303216

Submitted by: Cllr Bob Proudfoot

Purpose / Summary

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

Recommendation

That an urgent investigation of the road surface in the proximity of 802 Sussex Inlet Road be conducted with a view to carrying out remediation works.

Background

This section of road pools badly during rain events and the local people tell me that it becomes incredibly dangerous.

Note by the General Manager: (prepared by Director Assets and Works)

As part of the previous 2015/2016 and current 2016/2017 Operational Plan budget, Council has already allocated \$200,000 to address the drainage and road surface issue at the location identified. The works will include the raising of the road and installation of a culvert at this low point. Unfortunately due to minimal grades there is frequent nuisance flooding. Council regular maintenance of the table drains on Sussex Inlet road have been unable to address this low point. The design was completed by local consultants in early 2016 and is planned for construction in early 2017.

CL16.47

CL16.48 Notice of Motion - Pedestrian Access - Sanctuary Point Public School to Skate Park

HPERM Ref: D16/304225

Submitted by: Cllr John Levett

Purpose / Summary

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

Recommendation

That the General Manager investigate the feasibility and costs of creating safe pedestrian access between the eastern side of Sanctuary Point Public School down Centaur Avenue to the skate park adjacent to Francis Ryan Reserve and report back to council.

CL16.48

CL16.49 Notice of Motion - Old Erowal Bay - Right Turn Lane - Mernie Street

HPERM Ref: D16/304230

Submitted by: Cllr John Levett

Purpose / Summary

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

Recommendation

That the General Manager report to council on the possibility of creating a dedicated right turn lane into Mernie Street from the Wool Road at Old Erowal Bay for north flowing traffic.

CL16.49

CL16.50 Notice of Motion - Public Transport

HPERM Ref: D16/304233

Submitted by: Cllr John Levett

Purpose / Summary

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

Recommendation

That the General Manager report to council on what plans are in place to improve public transport in the Shoalhaven.

CL16.50

CL16.51 Notice of Motion - Illaroo Road Public School - Road Safety

HPERM Ref: D16/304245

Submitted by: Cllr Nina Cheyne

Purpose / Summary

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

Recommendation

That the General Manager report back to council on the following issue:

1. For Council to consider construction of "s" lanes in Illaroo Road outside Illaroo Road Public School as a measure to improve safety for the hundreds of students at the school, and to make Illaroo Road easier for traffic.

Background

Hundreds of students who enter and leave the school each day are at constant risk from traffic in Illaroo Road. I am aware of literally dozens of incidents where drivers have sped through red lights outside the school, and where some, trying to overtake buses at the school, have mounted the footpath.

The school has approached council in the past to have this very serious situation addressed, and since I am known in the ward 1 area they have approached me again. The ideal solution would be to have a pedestrian footbridge across Illaroo Road, but parents would be relieved to see an "s" lane for buses, and a kiss-and-drop zone in busy Illaroo Road to improve life for the students as well as drivers.

According to the teachers at Illaroo Primary, getting more than 500 students out of the school at the end of the day requires an almost military operation to ensure students' safety. Getting them into school in the morning is equally difficult, with long delays for drivers as small groups of children use the pedestrian crossing. And because parents are aware of the safety issues, they want to stay and watch and ensure their child gets safely across the road, thus creating further traffic blockages.

Note by the Director Assets & Works

According to Roads and Maritime Services, "S lanes make a right turn lane at intersections by merging the kerb side lane". Typically, this treatment is used on six lane roads allowing uninterrupted flow of two lanes of traffic in each direction. This may not be the appropriate traffic treatment to address the bus zone on Illaroo Road near the school.

Previous investigations suggested that the only practical solution to improving the situation was to construct a bus bay along the frontage of the school. However, this would require funds to be allocated to the acquisition from the Department of Education and the construction of new pavement; kerb and gutter; path; fencing; and the relocation of public utilities. Council's Road Safety Officer is available to discuss this further with stakeholders.

CL16.51

CL16.52 Notice of Motion - Proposed Removal of Strata Title - Anson St, St Georges Basin

HPERM Ref: D16/305716

Submitted by: Cllr Kaye Gartner

Purpose / Summary

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

Recommendation

That the General Manager provide a full report on the proposed removal of Strata Title from DA 16/1830 and advise the council how soon a public meeting can be called to discuss and review DA 16/1830, Anson St, St Georges Basin.

Note by the General Manager: (prepared by Director Planning and Development)

The applicant has removed the subdivision component from the application.

This is because the property is bushfire prone and would have been integrated development.

Without the strata subdivision the bushfire assessment is undertaken via 79B of the Environmental Planning and Assessment Act 1979 rather than 100B of the Rural Fires Act 1997.

This application will be the subject of a resident's briefing meeting in the second or third week of October, a date and venue is currently being arranged.

Due to the level of public interest in this application, it is likely to be reported to Council.

CL16.52

CL16.53 Notice of Motion - Pedestrian Crossing in Tallwood Avenue, Mollymook

HPERM Ref: D16/305719

Submitted by: Cllr Kaye Gartner

Purpose / Summary

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

Recommendation

That the General Manager report back to Council urgently on the feasibility and costs to provide an interim safety measure, such as a 'lollypop person', at the intersection of Tallwood Ave and Mitchell Parade Mollymook from December 24 2016 to January 2, 2017.

Background

As the pedestrian crossing in Tallwood Avenue Mollymook cannot be completed before the 2016 Christmas holiday period it is considered that council should implement some action to improve pedestrian safety at this location.

Note by the General Manager (prepared by Director Assets and Works)

The State Government funding for the Tallwood Avenue crossing was accepted by Council on the 26 July 2016 at the Ordinary meeting. Additional survey work is now underway and a design will be completed prior to Christmas, there are 16 new grant funded projects in the design area. Documentation and plans will be prepared for construction in early 2017. These works are now being linked to new pedestrian refuges in Mitchell Parade, this is an alternative to the previously proposed path on Mitchell Parade. Therefore a larger package of safety improvements is now being designed and planned. Council is also consulting with the CCB and residents on the future shared path locations throughout Narrawallee and Mollymook. Major works planned for southern construction over coming months include the Lake Conjola Road safety improvements (Blackspot funded) and the shared path along Matron Porter Drive from Frogs Holla to Garside (50% State funding). RMS pay for lollypop persons at schools but it must meet certain thresholds. Additional interim safety measures can be discussed with Councils Road Safety Officer. Council can supply signage through the Little Blue Dinosaur foundation with "slow down kids around" and "hold my hand" messages and variable message boards and speed signage.

CL16.53

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.