

Strategy and Assets Committee

Meeting Date: Tuesday, 11 October, 2016
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 4.00pm

Membership (Quorum - 7)
All Councillors
General Manager or nominee

Please note: Council's Code of Meeting Practice permits the electronic recording and broadcast of the proceedings of meetings of the Council which are open to the public. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

Agenda

Election of Chairperson

1. **Apologies / Leave of Absence**
2. **Confirmation of Minutes**
 - Strategy & Assets Committee – 9 August 2016

3. **Declarations of Interest**

Deputations

4. **Reports**

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5. Confidential Reports

Reports

CSA16.1 Request to Reduce Court Cost Order

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 reveal an individual's personal information or contravene an information protection principle under the Privacy and Personal Information Protection Act 1998 or a Health Privacy Principle under the Health Records and Information Privacy Act 2002.

CSA16.2 Tenders – Provision of Catering Services for Shoalhaven Entertainment Centre

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 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.

Strategy and Assets Committee

Delegation:

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

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

Schedule:

1. Make recommendations to Council and, 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 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.

**MINUTES OF THE STRATEGY AND ASSETS COMMITTEE MEETING HELD ON
TUESDAY, 9 AUGUST 2016 IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE
CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 4.04 PM**

The following members were present;

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

Apologies:

Apologies were received from Clr Kitchener, Clr Anstiss

1. Confirmation of the Minutes of the Strategy and Assets Committee meeting held on Tuesday 19 July 2016

MOTION:

Moved: Baptist / Second: White

(MIN16.621) RESOLVED that the Minutes of the Strategy and Assets Committee meeting held on Tuesday 19 July 2016 be confirmed.

CARRIED

2. Declarations of Interest

Conflict of Interest Declaration - Clr White – Item 8 page 35 – Telecommunications Licence to Optus – Lot 473 DP704673 & Item 9 page 38 – Telecommunications Licence to Vodafone pecuniary interest – remuneration received from Telstra who is a competitor in telecommunications – will leave the room, will not take part in discussion or vote.

3. Deputations

Mr Bob Pullinger (Collingwood Beach Preservation Group) addressed the Committee in relation to the Addendum Report, Item 1 - Coast and Estuary grant program 2016/17 requirement for a certified CZMP or Coastal Management Program.

MOTION:

Moved: Findley / Second: Guile

That a late deputation be permitted from Mr Bob Dunn in relation to the confidential item – Collingwood Beach Dune Vegetation Management

CARRIED

Mr Bob Dunn addressed the Committee in relation to the Addendum Report - Confidential, Item 1 - Collingwood Beach Dune Vegetation Management.

4. Procedural Motion – Bring Item Forward

PROCEDURAL MOTION:

Moved: Baptist / Second: Wells

That the matters of Addendum Report 1, Item 1 – Coast and Estuary grant program 2016/17 requirement for a certified CZMP or Coastal Management Program and Item 2 – Collingwood Beach Dune Vegetation Management, be brought forward for consideration.

CARRIED

PROCEDURAL MOTION:

Moved: Guile / Second: Findley

That the Confidential Addendum Report 1 – Item 1 - Collingwood Beach Dune Vegetation Management including the attached legal advice be brought forward to be considered in conjunction with Addendum Report 1, Item 1 & Item 2 and be discussed in open session.

CARRIED

5. (Confidential Item 1) Collingwood Beach Dune Vegetation Management File 9929E

Note: This item was considered in conjunction Addendum Report Item 2 - Collingwood Beach Dune Vegetation Vandalism Management see MIN16.623

6. Addendum Item 1 Coast and Estuary grant program 2016/17 requirement for a certified CZMP or Coastal Management Program File 30596E

MOTION:

Moved: Findley / Second: Baptist

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

- a) Continue to seek representation to the Minister to seek an exemption from the requirement of a certified CZMP to qualify for funding in the first round.
- b) If exemption is not granted by 18 August 2016, Council submit the draft 2012 CZMP, including additional reports as listed in this report and adopted Council Estuary Management Plans for certification by the Minister.
- c) Endorse the development of a new Coastal Management Program in line with the new Coastal Management Act, such new program to include the revision of relevant studies and strategies to address Council's adopted sea level projections. In addition, the public exhibition and subsequent resolution of coastal erosion policy matters, as well as other issues raised by the community be resolved in 12 months.

MOTION LOST

FOR: Tribe, Robertson, Findley, Baptist and Russ Pigg

AGAINST: Kearney, White, Guile, Gash, Watson, Wells

FORESHADOWED MOTION:

Moved: Guile / Second: White

(MIN16.622) RESOLVED that in accordance with the Committee's delegated authority from Council, the Committee

- a) Continue to seek representation to the Minister to seek an exemption from the requirement of a certified CZMP to qualify for funding in the first round.
- b) Endorse the development of a new Coastal Management Program in line with the new Coastal Management Act, such new program to include the revision of relevant studies and strategies to address Council's adopted sea level projections. In addition, the public exhibition and subsequent resolution of coastal erosion policy matters, as well as other issues raised by the community be resolved in 12 months.

CARRIED

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

AGAINST: Findley

7. Addendum Report 1 - Item 2 Collingwood Beach Dune Vegetation Vandalism Management File 9929e

Note: This item was considered in conjunction with the confidential report – Confidential Addendum Report 1 - Item 1 – Collingwood Beach Dune Vegetation Management.

MOTION:

Moved: Findley

That

1. Under its obligation to the Crowns Lands Act, Council complete the comprehensive plan of management for Collingwood Beach and that the plan comply with the New Coastal Management Bill 2016, and the Coastal Management Manual.
2. The Collingwood Beach Dune Vegetation Management Plan be deferred until such times as the plan of management is complete.
3. A further report be presented to Council outlining Councils response to the Office of Environment and Heritage email of 4 August (Addendum report 1 Item 2 Attachment I Strategy and Assets meeting 9 August 2016)
4. The Review of Environmental Factors for the Susan Street demonstration be appended to the minutes of this meeting to allow for public scrutiny.
5. Council notes that there has been a significant amount of public interest in this issue to date, even though the plan has not yet been on public exhibition. Council embarked on this project as a means to appease beachside residents and reduce the incidents of vegetation vandalism that occurs in parts of the Collingwood reserve, however the project has failed to produce an outcome of compromise that would gain broad public support.

MOTION LAPSED due to lack of seconder.

MOTION:

Moved: White / Second: Kearney

(MIN16.623) RESOLVED that the Committee under delegation from Council, the Committee;

- a) Not proceed with the demonstration site and use existing sections of dune to provide example of management zones proposed in the draft Council plan.
- b) Exhibit Council's draft Collingwood Beach Dune Vegetation Management Plan and the Collingwood Beach Preservation Group amended proposal for a period of 28 days to receive written submissions.
- c) Develop a Review of Environmental Factors (REF) for the entire site following consideration of the submissions received during the public exhibition prior to adoption of the plan by Council.
- d) Seek further advice and comments from Jervis Bay Marine Parks, Office of Environment and Heritage and NSW DPI-Lands during the public exhibition period.

AMENDMENT:

Moved: Guile / Second: Watson

That the Committee under delegation from Council, the Committee;

- a) Not proceed with the demonstration site and use existing sections of dune to provide example of management zones proposed in the draft Council plan.
- b) Exhibit Council's draft Collingwood Beach Dune Vegetation Management Plan and the Collingwood Beach Preservation Group amended proposal for a period of 28 days to receive written submissions.
- c) Develop a Review of Environmental Factors (REF) for the entire site following consideration of the submissions received during the public exhibition prior to adoption of the plan by Council.

AMENDMENT LOST

FOR: Guile, Watson

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

MOTION CARRIED

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

AGAINST: Findley, Guile, Watson

Note: Councillor Findley advised the Committee that she had received a letter from the Collingwood Beach Preservation Group requesting that she apologise for a comment that she had made at the Strategy and Assets Committee meeting on Tuesday 19 July 2016 regarding the Collingwood Beach Dune Vegetation Management Plan. Councillor Findley advised that she had made the comments in reference to a letter that she had received from the Collingwood Beach Preservation Group dated 10

May 2016, and would not be submitting an apology. Both letters were read to the Committee.

GENERAL MANAGER

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

MOTION:

Moved: Robertson / Second: Kearney

(MIN16.624) RESOLVED that in accordance with the Committee's delegated authority from Council, the report of the General Manager (Executive Strategy) regarding progress to 30 June 2016 on the 2015/2017 Delivery Program and Operational Plan be received for information, noted and published on Council's website.

CARRIED

CORPORATE AND COMMUNITY SERVICES

9. Maritime Museums of Australia Project Support Scheme (MMAPSS) Grant File 10975E

MOTION:

Moved: Findley / Second: White

RECOMMENDED that Council:

- a) Accept the Maritime Museums of Australia Project Support Scheme (MMAPSS) Grant 2016 - \$8,500 and vote the funds for the restoration of the Flood Boat ready for installation at the Nowra Aquatic Centre.
- b) Write to the Maritime Museum of Australia accepting and thanking them for the grant funds.

CARRIED

10. Request for Donation - Milton Ulladulla Community and Business Award File 4771E

MOTION:

Moved: White / Second: Robertson

RECOMMENDED that:

- a) Council provide a \$2,000 Silver Sponsorship to support the Milton Ulladulla 2016 Community and Business Awards
- b) Funds to be sourced from the 2016/2017 Unallocated Donations Budget.

CARRIED

-
11. Application for Proclamation of Public Holiday - Kangaroo Valley Show 2017/2018 File 2128E
-

MOTION: Moved: Robertson / Second: Baptist

RECOMMENDED that Council make a biennial application to the Minister for Industrial Relations under the Banks and Bank Holiday Act, 1912, over that part of the county of Camden, the Parish of Cambewarra and those portions of the Parishes of Burrawang, Bugong, Yarrawa and Wallawa, situated in the City of Shoalhaven, for the proclamation of a partial public holiday (9am-5pm) on the first day of the Kangaroo Valley Show to be held on:

- a) Friday 17 February 2017
- b) Friday 16 February 2018

CARRIED

ASSETS AND WORKS

12. Nowra Steakhouse - Assignment of Lease File 12872E
-

MOTION: Moved: Findley / Second: White

(MIN16.625) RESOLVED that in accordance with the Committee's delegated authority from Council, that the Committee authorise the execution of the Deed of Consent and Assignment of Lease for Unit 2, 10 Pleasant Way, Nowra from Christopher Armstrong, Nikki Edwards and Jade Edwards to Eating Habits Australia Pty Ltd.

CARRIED

13. Lease 6 - 10 Moss Street File 35408E
-

MOTION: Moved: Findley / Second: Guile

RECOMMENDED, that Council

- a) Enter into a lease agreement as detailed in the report with Mr Pip Pulford of Hyper Hyper Coffee to coincide with his current lease agreements;
- b) Authorise the General Manager to finalise the lease terms that may not yet be determined and to sign any documentation necessary to give effect to this resolution;
- c) Modify the proposed plan of the site to ensure safe sight lines are not impacted for traffic and pedestrians at the intersection of North Street/Moss Street/O'Keefe Avenue roundabout, and
- d) Approve borrowings of \$100,000 towards the construction of the additional 31 parking spaces in McGrath Avenue to offset the loss of informal public parking associated with the Lease proposal and the lease revenue be used to service the loan repayments.

CARRIED

14. Master Plan - Woollamia Regional Boat Ramp Precinct File 52470EMOTION: Moved: Robertson / Second: Baptist

RECOMMENDED that

- a) Council adopts in principle the Master Plan for the Woollamia Regional Boat Ramp Precinct
- b) Council proceeds with detailed design and construction for stage one comprising of:
 - Widening the existing two lane ramp to a three lane boat ramp
 - Provision of pontoons
 - Provision of a boardwalk to the east to facilitate access for paddle craft
- c) Council undertakes an expression of interest process for the build/own/operation of boat lift and maintenance facilities and that the results of the expression of interest be reported to Council
- d) Detailed design for future stages including lift out and boat maintenance facilities involve community consultation and stakeholder engagement
- e) Funding and timing of future stages of Woollamia Regional Boat Ramp Precinct be considered with the next round of the NSW Better Boating Now Funding Program
- f) Provision of fuelling facilities for non-trailerable vessels be identified as a desirable service facility for any future redevelopment adjacent to the Huskisson public wharves

CARRIED

15. Telecommunications Licence to Optus – Lot 473 DP704673 – Cunjurong Point Road, Cunjurong Point File 53034E

Conflict of Interest Declaration - Cllr White – Item 8 page 35 – Telecommunications Licence to Optus – Lot 473 DP704673 & Item 9 page 38 – Telecommunications Licence to Vodafone pecuniary interest – remuneration received from Telstra who is a competitor in telecommunications left the room, did not take part in discussion or vote.

MOTION: Moved: Robertson / Second: Gash

RECOMMENDED that Council;

- a) Enter into a Licence with Optus for a 20 year term with break dates at 5 yearly intervals at Optus's discretion for the annual rent of \$10,000 per annum + GST with increases of 3% annually commencing 1 October 2016; and
- b) Delegate authority to the General Manager to finalise the lease terms that may not yet be determined and to sign any documentation necessary to give effect to this resolution.

CARRIED

16. Telecommunications Licence to Vodafone File 52020E

Conflict of Interest Declaration - Clr White – Item 8 page 35 – Telecommunications Licence to Optus – Lot 473 DP704673 & Item 9 page 38 – Telecommunications Licence to Vodafone pecuniary interest – remuneration received from Telstra who is a competitor in telecommunications left the room, did not take part in discussion or vote.

MOTION:

Moved: Robertson / Second: Gash

RECOMMENDED that Council:

- a) Enter into a Licence with Vodafone for a 20 year term for the annual rent of \$11,100 per annum + GST with annual increases of 3%; and
- b) Delegate authority to the General Manager to finalise the lease terms to finalise the lease terms that may not yet be determined and to sign any documentation necessary to give effect to this resolution.

CARRIED

17. Graffiti Abatement – Strategies 2016/2017 File 1244e

Note: Clr White returned to the meeting, the time being 5.42pm.

MOTION:

Moved: Guile / Second: Kearney

RECOMMENDED that Council:

- a) Support the strategies for graffiti abatement in the Shoalhaven as outlined in this report.
- b) In accordance with Section 67 (2)(b) of the Local Government Act, it is proposed to charge no fee and provide funding up to \$1,000 from the Graffiti Management budget, to support a mural being painted at Lot 2 DP 624351 being 23 Browns Road, South Nowra owned by Rynarp PTY LTD.

CARRIED

18. Ratepayer Advance - 17, 19, 21 & 23 Illfracombe Ave Vincentia File 10263E

MOTION:

Moved: Wells / Second: White

RECOMMENDED that:

- a) Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with J P & K Rembisz of 17 Illfracombe Avenue, Vincentia in respect of Kerb and Gutter construction to the value of \$5,452.43 of which \$1,917.33 (including \$22 GST) is a contribution, \$3,535.10 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$4,418.38.
- b) Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with T A & D E Barrett of 19 Illfracombe Avenue, Vincentia in respect of Kerb and Gutter construction to the value of \$5,452.43 of which \$1,917.33 (including \$22 GST) is a contribution, \$3,535.10 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$4,418.38.

- c) Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with O F Lugton of 21 Illfracombe Avenue, Vincentia in respect of Kerb and Gutter construction to the value of \$5,210.43 of which \$1,675.33 is a contribution, \$3,535.10 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$4,418.88.
- d) Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with S & L Michael of 23 Illfracombe Avenue, Vincentia in respect of Kerb and Gutter construction to the value of \$4,562.94 of which \$1,467.14 is a contribution, \$3,095.80 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$3,869.75.
- e) 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.
- f) The works be funded by contributions from residents without additional Council capital.

CARRIED

PLANNING AND DEVELOPMENT

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

MOTION:

Moved: Gash / Second: White

(MIN16.626) RESOLVED that the Committee under delegated authority from Council receive the report for information.

CARRIED

NOTICES OF MOTION

20. Collingwood Beach Vegetation Management Plan File 9929E

This Notice of Motion was withdrawn

21. Australian Government Contribution for the Completion of the Princes Highway duplication from Berry to Bomaderry File 1992E

MOTION:

Moved: Guile / Second: Watson

(MIN16.627) RESOLVED that in accordance with the Committee's delegated authority from Council:

1. Shoalhaven City Council support efforts by the Parliamentary Secretary to the Premier for the Illawarra and South Coast and Member for Kiama Gareth Ward MP to secure an Australian Government contribution for the completion of the Princes Highway duplication from Berry to Bomaderry.
2. Council writes to the Member for Gilmore Ann Sudmalis notifying her of Council's position and seeking her support for securing such a funding contribution.

3. Council further seek endorsement from other stakeholder groups such as Business Chambers, SEATs and the Joint organisation of Councils for the injection of Federal funding.
4. The General Manager report back to the Committee on the outcomes of the meeting with the Minister for Infrastructure and transport, regarding Commonwealth Assistance for major infrastructure projects, as proposed by the Illawarra Pilot Joint Organisation.

CARRIED

ADDENDUM REPORT 1

22. Coast and Estuary grant program 2016/17 requirement for a certified CZMP or Coastal Management Program File 30596E

Note: This item was dealt with earlier in the meeting.

23. Collingwood Beach Dune Vegetation Vandalism Management File 9929e

Note: This item was dealt with earlier in the meeting.

There being no further business, the meeting concluded, the time being 5.54 pm.

Clr Wells
CHAIRPERSON

SA16.1 Community Medical Scholarship

HPERM Ref: D16/306961

Group: General Manager's Group

Attachments: 1. Mayoral Minute [↓](#)

Purpose / Summary

To seek direction from Council in respect to the establishment of a Shoalhaven Community Medical Scholarship.

Recommendation

That Council determine its policy position on the establishment of a Shoalhaven Community Medical Scholarship and if necessary determine what resources will be allocated.

Options

1. As recommended.
2. Council reaffirm that the Mayor call a meeting as resolved in August.
3. Council appoint another Councillor(s) to facilitate a meeting of interested representatives.

Background

At the Council Meeting of 16/8/2016 the Council considered a Mayoral Minute on this matter and resolved:

"That the Mayor call a meeting of interested representatives to discuss the feasibility of establishing a Shoalhaven Community Medical Scholarship."

The background to this matter is found in the Mayoral Minute - Attachment 1.

Council needs to determine whether this is a matter for the local council to pursue and take a leadership role because of community expectations or whether it is a State Government issue for the local Member to take the lead role.

Community Engagement

Councillors have been involved in community meetings.

Financial Implications

Virtually nothing unless it is expected that Council staff become actively involved.

MAYORAL MINUTE**ORDINARY MEETING****TUESDAY, 16 AUGUST 2016****1. Community Medical Scholarship****File 30141E, 50252E**

RECOMMENDED that the Mayor call a meeting of interested representatives to discuss the feasibility of establishing a Shoalhaven Community Medical Scholarship.

DETAILS

The Milton Ulladulla Hospital is having great difficulty coming to terms with the closure of its Birthing Unit. Effectively the loss of this most important community facility poses not only an immediate concern for the safety and welfare of our local expectant mothers but also the ongoing problem of attracting needed professional natal services to Milton in the long term future.

While the community meeting at Ulladulla on Friday, 12 August came up with a resolution to create a taskforce, there may be other proactive approaches that build long term security of birthing services by attracting needed specialist support services to live and work in Milton and the Shoalhaven generally.

A possible long term solution is put forward for consideration and discussion by Council; that being the establishment of a Shoalhaven Community Medical Scholarship.

A successful model has been developed in Gunnedah NSW to attract GPs to live and work in their small rural town. An annual \$25k scholarship fund has been initiated to entice local high school students to study and train in medicine and to return to their home town to live, work and practice medicine.

The concept for Milton Ulladulla District Hospital would require Council to initiate a meeting of community representatives from the University of Wollongong, Council, Ulladulla High School Student Council, Allied Health Services, MP Shelley Hancock, Milton Hospital Auxiliary and the Shoalhaven Education Fund to discuss the feasibility of forming a partnership, fundraising and the selection and awarding process of a scholarship in the Shoalhaven.

Council might also consider an annual donation over a period of years to support the Scholarship.

The Deputy Mayor of Gunnedah, Cllr Gae Swain, a member of the model project, has kindly offered any advice on the structure and effectiveness of their program.

While attending the NSW Country Mayors Meeting held at State Parliament House last Friday, 12 August, the Assistant Deputy Mayor Cllr Allan Baptist OAM, representing the Mayor, raised the Milton Hospital Birthing Unit loss with the Minister for Health, Hon Jillian Skinner MP, who addressed the vexing issue of attracting and keeping health

professionals in rural areas. Minister Skinner suggested the Shoalhaven might look at the Camden Tresillian Approach as a new service for Milton. Minister Skinner also expressed her strong desire to work with the Milton Ulladulla community in seeking a way forward.

SA16.2 Fit for the Future Consultation Paper - Joint Organisations: Getting the boundaries right

HPERM Ref: D16/307003

Group: General Manager's Group
r

Attachments: 1. Consultation Paper [↓](#)

Purpose / Summary

To have Council review the consultation paper (Attachment 1) and make comment by 27/10/2016.

Recommendation

That Council make response to the consultation paper - *Joint Organisations: Getting the boundaries right* - stating it supports the boundaries encompassing the four councils of Wollongong, Shellharbour, Kiama & Shoalhaven City Council and that Council request the name be changed to Illawarra-Shoalhaven Joint Organisation.

Options

1. As recommended.
2. Council suggest an expansion of the boundaries.
3. Council not suggest a name change.

Background

The consultation paper was notified to councils on 16/9/2016 by Office of Local Government and seeks the councils' views on the appropriate boundaries for the Joint Organisation (JO).

The Illawarra Joint Organisation (IJO) membership consists of four councils (Wollongong, Shellharbour, Kiama & Shoalhaven City Council) and is smaller than the previous organisation, Southern Councils Group consisting of seven councils. Nevertheless the IJO has been effective and is a better 'match' to other regional boundaries such as the Illawarra-Shoalhaven Regional Plan and Illawarra-Shoalhaven Area Health.

It is proposed that Council support the retention of the four member councils and not seek to expand the area.

It is also proposed that Council request that the name of the IJO change to the Illawarra-Shoalhaven JO to better reflect the region it represents.

Community Engagement

Not considered necessary for this issue.

Financial Implications

N/A in context of this report.

Fit for the Future

Joint Organisations:

Getting the boundaries right



SEPTEMBER 2016

Why are we building Joint Organisations?

Joint Organisations are a vital part of the NSW Government's plan to strengthen councils and communities.

A network of robust, connected Joint Organisations (JOs) will provide a forum for councils, State agencies and others to come together at a regional level to work on shared priorities. This will help to deliver important regional projects, delivering better outcomes for communities.

We are working with councils to develop a shared model for JOs. This model has been built through consultation and the experiences of five Pilot regions, which trialled options for the model during 2015.

JOs will work with local councils and State agencies to develop new ways of working together and with others, and a real commitment to change from everyone involved.

What will they do?

JOs will undertake three core functions:

- regional strategic planning and priority setting
- intergovernmental collaboration
- regional leadership and advocacy

The Office of Local Government recently consulted on a proposed model through the paper, *Joint Organisations: Towards a new model for regional collaboration*. That paper in turn reflected feedback in response to an initial paper, *Joint Organisations: Emerging Directions*, released in October 2015.

There has been positive feedback and strong support to date. An independent evaluation has confirmed that JOs can enhance regional strategic planning and intergovernmental collaboration to benefit regions.



Why are boundaries important?

Regional and rural councils will each be a voting member of a JO, providing a stronger voice for their local community at a regional level. In light of their unique circumstances, separate regional arrangements are being developed for Far West councils as part of the Far West Initiative.

Building a robust, reliable body for councils at a regional level will help to connect member councils' local plans and priorities with planning by other levels of government. It will also promote the active participation and commitment of all councils and agencies in each region. Clear boundaries will provide everyone with certainty and provide a basis to build the strongest possible relationships over time.

How big should Joint Organisations be?

While fifteen JOs were originally considered, the Government has yet to make a decision about the number of JOs or their final boundaries.

Our most recent feedback indicates that councils are open to considering forming part of a larger JO, perhaps with sub-regional arrangements. This would help to reduce resourcing costs for member councils and help to accommodate existing council relationships.

Which councils should work together?

Each JO will focus on delivering its three core functions through a shared model, helping to strengthen collaboration to deliver better community outcomes. As such, the boundaries will need to bring together members to fulfil those core functions for a specific region.

Importantly, councils will still be able to work with other councils outside their JO. This could be achieved by becoming an Associate (non-voting) member of another JO or simply continuing existing initiatives to deliver shared services, procurement, etc.

What are the boundary criteria?

The NSW Government has consulted councils on criteria for setting JO boundaries several times since releasing *Fit for the Future* in 2014. The final criteria, which are set out in the box below, have been generally supported by councils.

Each JO should	
✓	align or 'nest' within strategic growth planning boundaries
✓	demonstrate clear community of interest between member councils and regions
✓	not adversely impact on other councils or JOs, for example, leaving too few councils to form a JO
✓	be based around a strong regional centre, where possible
✓	be of appropriate scale and capacity to partner with the NSW Government, Commonwealth Government and other partners.

What is a *community of interest*?

For the purposes of determining JO boundaries, a community of interest may exist where member councils and the local communities they serve share common or closely related interests and goals, are geographically connected, share similar social and cultural identities and the sense that they 'belong together' as part of a cohesive region. Community of interest also relates to the ways that councils are bound together by common planning and growth interests.

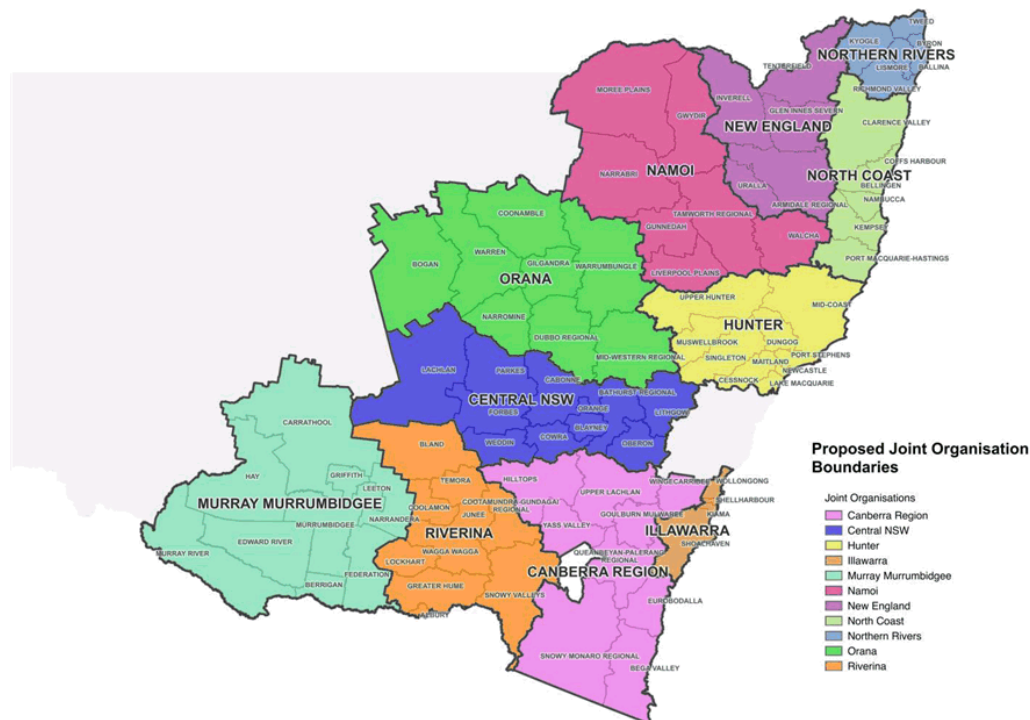
Why do JOs need *scale and capacity*?

Feedback received to date has emphasised that JOs need to be both viable and workable. They will need to promote consistent regional strategic planning, priority setting and collaboration.

JOs will also need to be capable of supporting member councils through coordinating optional functions such as sharing data, systems, staff, services, tools and expertise.

What are the proposed boundaries?

The proposed map below is based on the final boundary criteria and feedback to date. This is designed to be a basis for further discussion and consideration.



Have your say

All councils in regional and rural NSW are invited to provide feedback on the proposed map of JO boundaries by **5pm on Thursday 27 October 2016** via email to jointorganisations@olg.nsw.gov.au.

A decision on boundaries will then be made and the final members of each JO announced. It is intended that each JO will be proclaimed under the *Local Government Act 1993* to begin operation in early 2017.

Further information

Please contact the Joint Organisations Team at the Office of Local Government on 02 4428 4100 or via email at jointorganisations@olg.nsw.gov.au.

SA16.3 Request for Tender - Catering Services for Shoalhaven Entertainment Centre

HPERM Ref: D16/292960

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

Purpose / Summary

To inform Council of the tender process for the provision of Catering Services for the Shoalhaven Entertainment Centre.

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.

Recommendation

That the Committee consider a separate confidential report 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 (recommended)
Implications: Enables consideration of the item as a confidential business item in accordance with Section 10A(2)(d)(i) of the Local Government Act
2. That Council decline to consider the matter as a confidential business item
Implications: Potential to breach Section 10A(2)(d)(i) of the Local Government Act and risk disclosure of commercial in confidence information
3. Council provide further direction to staff and propose an alternative
Implications: Unknown at this stage

Details

A Service Review of the Shoalhaven Entertainment Centre was undertaken by Positive Solutions as part of Council's Transformation Program.

The consultants report made a number of recommendations pertaining to the future management and operation of the facility. These were considered and adopted by Council in

October 2014 and are being progressively implemented. With regard to Catering Services one of the recommendations was:

“Retail and function catering at SEC and meeting/ function catering SCC are outsourced under single or multiple contacts for 3 – 5 years in the first instance, aligning contract term with program development and governance plans for SEC at which time a further assessment of catering arrangements could occur”

Council through a Request for Tender process called for public tenders for Catering Services for Shoalhaven Entertainment Centre which closed on 30 August 2016.

Tenders Received

Tenders were received from the following:

Tenderer	Location
Shoalhaven Entertainment Centre (In-house)	Nowra

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

SA16.4 Berry District Park - Re-exhibition of Master Plan

HPERM Ref: D16/293099

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

Attachments:

1. MIN16.428 - Notice of Motion - Berry District Park - Master Plan - Name Change [↓](#)
2. Summary of Submissions - Berry District Park Re-exhibition (under separate cover) [⇒](#)
3. Draft Berry District Park Master Plan (inc cycling track) [↓](#)
4. Survey for Berry District Park - from RMS [↓](#)

Purpose / Summary

To report to Council the submissions received from the re-exhibition of the Berry District Park Master Plan (Attachment 3), and the preferred naming of Berry District Park.

SA16.4

Recommendation (Item to be determined under delegated authority)

That:

1. Council amend and finalise the Berry District Park Master Plan with the following changes:
 - a. Removal of long vehicle parking area on North Street.
 - b. Provision of additional long vehicle parking in the off street car parking area within the Berry District Park (identified as F on the concept plan which was re-exhibited).
 - c. Provision of toilet block at the off street car parking area within Berry District Park (identified as F on the concept plan which was re-exhibited).
 - d. Area identified (hatched I & K on the concept plan which was re-exhibited) for future expansion of proposed adventure playground north of existing site.
 - e. Removal of Mountain Bike & Running Trail (I) to allow for future expansion of proposed adventure playground north of existing site.
 - f. Spacing fitness equipment stations along the walking path within the park.
 - g. Remove the criterion track.
2. Council establish and liaise with a dedicated community project reference group (i.e. Rotary Club, Berry Forum, sporting groups, etc.) to assist with advancing detailed design of the site.
3. Council consider allocating \$100,000 in the 2017/18 budget to undertake staged detailed design and development of a Business Case and Plan, and Funding and Procurement Plan to guide future delivery of Berry District Park and ensure it is “shovel ready” for future grant applications.
4. Council work with the future community project reference group involved in progressing the detail design of the park to determine the preferred name for Berry District Park.

Options

1. Adopt the recommendations

Implications: This will allow finalisation of the overall vision to develop Berry District Park and allow staff and the community to focus on seeking grant funding to undertake staged detailed design and development of a Business Plan.

2. Council not adopt the recommendation and provide alternative recommendations.

Implications: This may delay the opportunity to seek grant funding to advance delivery of the project and may require additional Council funding to undertake the required work.

3. Council not adopt the recommendation and commit to the master plan which it adopted on 19 April 2016 (Min16.279).

Implications: This will allow finalisation of the overall vision to develop Berry District Park and allow staff and the community to focus on seeking grant funding to undertake staged detailed design and development of a Business Plan. However this option does not address the concerns outlined in the Councillor Notice of Motion which was raised on 24 May 2016 (Min16.428).

Background

The Council resolution requesting re-exhibition of the Berry District park master plan and the preferred naming of Berry District Park is provided as Attachment 1.

Re-exhibition feedback / Summary analysis

In actioning part a) of the resolution, Council advertised the revised plan in accordance with part C) of the attached resolution. Council received 26 submissions which are shown in Attachment 2 with Council staff analysis and recommended changes to the Master Plan. The main concerns raised were in relation to the addition of the criterion track, the removal of the Dog off-leash area, the size of the proposed adventure playground, need for continued community involvement in the project and re-naming of the park.

During the re-exhibition of the Plan, Council staff received feedback that Shoalhaven Cycling Committee have been in discussions with Berry Sport and Recreation in relation to locating both a criterion track & professional BMX track at the Berry Sport and Recreation Centre (located on Coolangatta Road). This site provides the opportunity to locate both cycling facilities at this site. The Shoalhaven Cycle Committee have indicated a preference for the Berry Sport & Recreation site and are no longer interested in Berry District Park.

When constructing the future adventure playground site, the current Dog Off-leash Area will be lost. However, in the short term and recognising that there are no funds to advance the project, this site can remain and a replacement site be investigated as part of a future review of Access Areas for Dog Policy. In addition, should the opportunity to advance development of separate area of the Berry District Park (i.e. sportsground area) this may also present the opportunity to review an available site for Dog Off-Leash Area. In the short term, it is practical to retain the existing Dog Off-leash Area.

The size of the adventure playground was raised during the re-exhibition period. The adventure playground is in a proposed area of 5,500sq.m (this equates to the size of eight (8) tennis courts or 2/3 of a rectangular sports field). Currently, one of the largest parks within the city is 550sq.m and is estimated to cost \$990,000. Additionally, land to the west is open sports fields that can be utilized for unstructured play. In considering this request in a strategic citywide context, Council is currently working towards providing significant playground facilities in Gateway Park in Nowra and all accessible playground at Mollymook and is challenged

financially to provide these facilities and maintain its 136 existing playgrounds. In addition, should a new or existing sport (i.e. soccer) be based in Berry (i.e. currently Shoalhaven Heads provides for Berry) or sports numbers increase this opportunity would be lost to provide for this need. Therefore, Council staff do not support to expand the playground into the adjacent proposed sportsground area as this is the only opportunity in the short to medium term to provide additional sportsgrounds area for the northern Shoalhaven.

An option to further expand the proposed adventure playground would be to expand north into the area currently identified as Mountain Bike and Running Trail (I) and north east towards the area currently known as “Camp Quality” when the proposed adventure playground area is completed. This would potentially create a playground area the size of sixteen (16) tennis courts or almost two (2) full size rectangular sports fields. Despite being a tourist destination, the demand analysis is not there to justify provision of this level at this stage and the required level of investment that would be in the region of \$4million dollars at current costs.

Shoalhaven Cycling Committees original proposal was for a competition standard BMX track, a criterion circuit, as well as mountain bike trail, playground and dirt jumps; however, Berry District Park was only ever considered large enough to accommodate the criterion component of the proposal. Shoalhaven Cycling committee have now indicated a preference to locate their facilities at the Berry Sport and Recreation site, as this site is large enough to accommodate all cycling codes within the same location. Given this, it is considered that the Mountain Bike and Running Trail (I) can now be removed to allow for future expansion to the proposed adventure playground north of the existing site and to avoid any duplication between Berry District Park and Shoalhaven Cycling facilities at Berry Sport and Recreation.

As part of the re-exhibition, a submission was received requesting further community consultation be undertaken; however, significant public consultation was undertaken as part of the original exhibition period. Any additional consultation would delay completion of the master plan, therefore Council staff recommend the formation of a community reference group, including representation from the Rotary Club, Berry Forum Park Sub-Committee, Sporting groups and Council staff be created to inform the detailed design stage of the parks development. The community reference group would also be involved in future reviews of the master plan which would consider future requirements like expansion of the playground area.

Proposed name change feedback

In actioning part b) of the resolution, Council submissions identified nine (9) submissions relating to naming of the reserve, these included:

- Bongaree - Two (2) submissions
- Bill Bramley Oval - One (1) submission
- Elizabeth Park or Queen Elizabeth Park – Two (2) submissions (form letters)
- Broughton Park - Two (2) submissions
- Berry Community Park - One (1) submission,
- Berry Village Park, Berry Town Park or David Berry Park - One (1) submission

Given there is no clear preferred name, staff cannot determine overall support for a name change and recommend this be a role for the future project community reference group involved in progressing the detail design of the park.

As built survey plan from RMS

In actioning part (d) of the resolution, Council staff contacted RMS and have been provided with a survey plan (see Attachment 4) and have noted the available area for the master plan has been reduced and this will be further investigated in the detail design process, and when RMS works are completed.

Request for funding to erect bollards on RMS land

The section of land to the west of the existing Berry Sporting Complex is owned by RMS and under an agreement negotiated with Property, Council will become responsible for care, control and management of the land in the future. This section of land extends approximately 950m parallel adjacent to North Street and the urban fringe of Berry.

Council staff have recently been advised by RMS staff that the 950m construction fence along North Street will be removed in the upcoming months and RMS are not providing any replacement fencing to prevent vehicles from entering the current “unformed” park area. Recognising that the fence needs to be removed, and the adjacent land boundary with North Street and Berry township, Council is concerned the land will become an area for rubbish dumping, ground surface damage and “undesirable activities” associated with uncontrolled vehicles entering the land. Such unrestricted access will create management issues for both RMS and Council and also affect residents living in close proximity to the site.

Acknowledging that Council will likely be responsible for the long term maintenance of the above land and be required to invest in maintenance and improvements to the land, Council has written to the Minister for Roads (Hon. Duncan Gay) requesting that RMS either erects bollards and gated vehicle access points or provides funds to Council to undertake this work. Council staff have estimated that the erection of bollards and gates for this 950m boundary to North Street will cost \$40,000. Since making this representation to the Minister, Council staff have met onsite with RMS staff and are seeking resolution of this matter.

Community Engagement

Council advertised the re-exhibition in line with part (c) of the resolution for a period of 28 days from 20 July – 24 August 2016.

In addition, targeted stakeholder consultations formed a key process in developing the draft Master Plan in June 2015 and involved various sporting groups, Berry Landcare, Berry Rotary, Berry Chamber of Commerce, Berry Alliance and representatives from RMS were all invited to comment.

Financial Implications

The master plan provides a conceptual approach to the park which is estimated some \$5 million to develop (this excludes an extended adventure playground) and identifies its potential into the future, when and if funding becomes available to progress to detail design, the detail design would be the time to find solutions to any of the concerns raised.

To commence this process, it is recommended that Council consider allocating \$100,000 in the 2017/18 budget to undertake staged detailed design and development of a Business Case and Plan and a Funding and Procurement Plan to guide future delivery of Berry District Park and ensure it is “shovel ready” for future grant applications.

It should be also recognised that original project funding of \$30,000 to complete the master plan has been exhausted and additional funding would need to be provided to undertake any further reviews or detailed design.

ADOPTED AT COUNCIL MEETING HELD ON TUESDAY 24 MAY 2016

428. Berry District Park – Re-exhibition of Master Plan (concept plan only) File 49929E

MOTION:

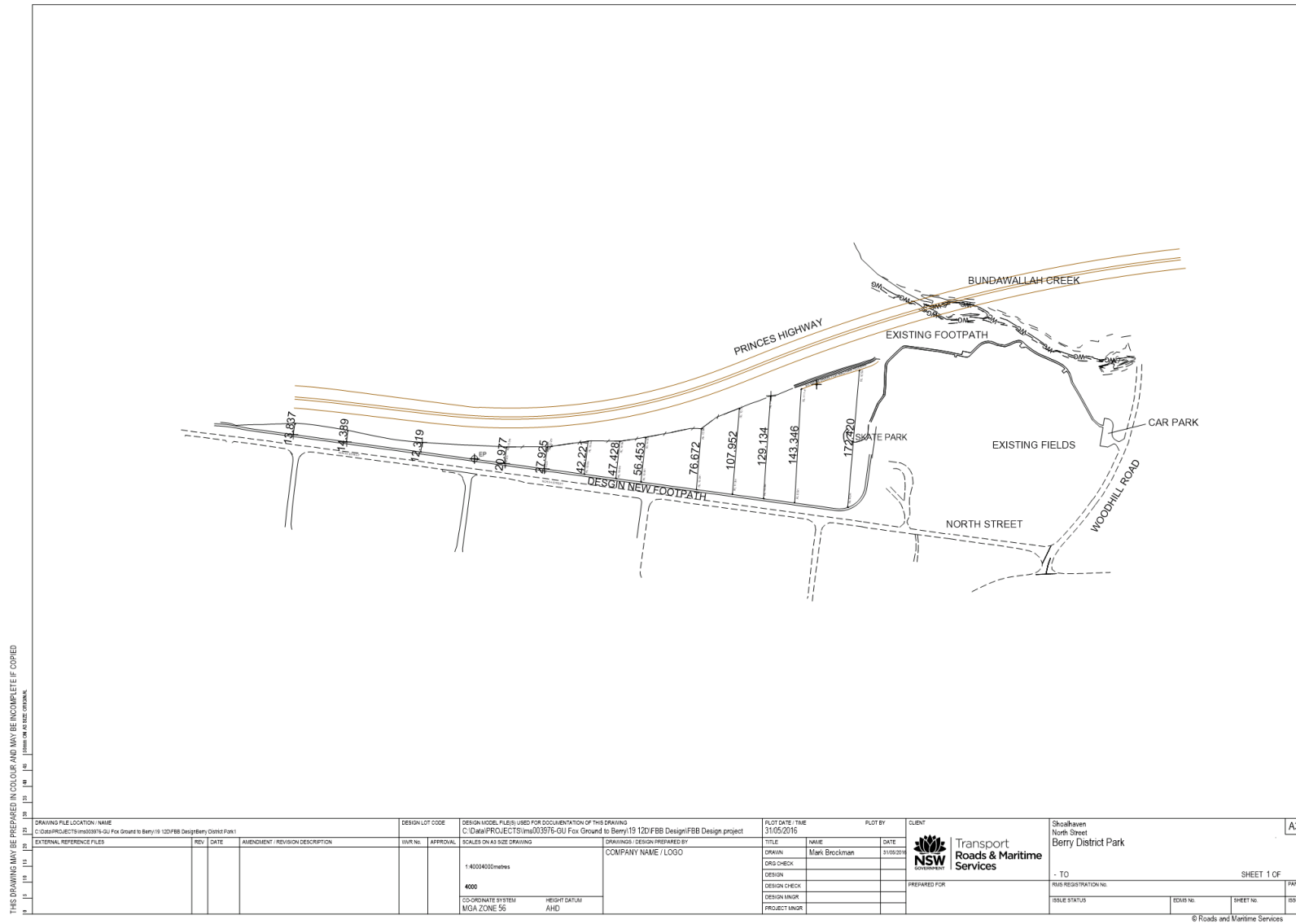
Moved: Wells / Second: Guile

That:

- a) Council re-exhibit the Berry District Park Master Plan (concept plan only) with the following inclusions for a period of 28 days:
 - Remove long vehicle parking area be shown on North Street (identified as E on concept plan)
 - Provision of more long vehicle parking in the off street car parking area within Berry District Park (identified as G on concept plan)
 - Provision of toilet block at the off street car parking area within Berry District Park (identified as G on concept plan).
 - Hatch area for potential expansion of the proposed adventure playground north of the existing site (identified as L & K on concept plan).
 - Spacing fitness equipment stations along the walking path within the Park (identified as 'S' on concept plan).
- b) Council through re-exhibition of the Berry District Park Master Plan (concept plan only) seek at the same time community feedback on the proposed name change from Berry District Park to either:
 - Boongaree Park
 - Bramley Oval: or,
 - Other park name which is strongly supported by the community.
- c) Notification of the above exhibition be advertised in local newspapers and letters sent to key stakeholders, including:
 - Berry Riding Club
 - Berry Landcare
 - Berry Garden Club
 - Current Berry Sporting Complex user groups
 - Berry Alliance
 - Berry Rotary
 - Berry Forum
 - Berry Chamber of Commerce and Tourism
 - Roads and Maritime Services
- d) Council staff ground truth the site with RMS staff and request an “as built” survey plan from RMS to determine if all elements of the Master Plan can be delivered.
- e) Council receive a report detailing community feedback submissions received on the above exhibition matters.
- f) Council retain all intentions of the previous resolution of 19 April 2016 (Min 16.279) with the exception of making the Berry District Park Master Plan (concept plan only) final until the above re-exhibition process has been undertaken.

CARRIED





SA16.5 Crime Prevention Plan 2016 - 2021

HPERM Ref: D16/297347

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

Attachments: 1. Crime Prevention Plan - Draft - 2016 (under separate cover) [⇒](#)

Purpose / Summary

To request Council to endorse the Shoalhaven Crime Prevention Plan 2016-2021 and seek endorsement as a Crime Compact with the NSW Attorney General

Recommendation (Item to be determined under delegated authority)

That Council

- a. Endorse the Shoalhaven Crime Prevention Plan 2016-2021
- b. Seek registration of the Shoalhaven Crime Prevention Plan 2016-2021 with the NSW Attorney General as a Crime Compact

SA16.5

Options

1. Recommendation.

That Council endorses the Crime Prevention Plan 2016-2021 as a method of reducing *Steal from Retail* and *Domestic Violence* in the Shoalhaven region. Reducing these two crime profiles will entail employment of four programs: Ambassador Program, CCTV development, Neighbour Day and a White Ribbon Accreditation Program.

Implications: Endorsement will enable the Crime Prevention Plan to be sent to the NSW Attorney General to seek registration as a Crime Compact. This registration will open strategies up for funding opportunities.

2. Not endorse the Shoalhaven Crime Prevention Plan.

Implications: This will result in the Shoalhaven not having a Crime Compact registered with the NSW Attorney General and mean Council is not in a position to seek funding to support necessary safety strategies.

Background

The Shoalhaven Crime Prevention Plan 2016-2021 was developed through a process of community consultation, engagement with the Police and research of crime statistics and crime hotspots.

Initial investigation through the Bureau of Crime Statistics and Research (BOCSAR) allowed Council to compile data relevant to the Shoalhaven and to create a comparative study with neighbouring areas. This research highlighted target crime categories possible of inclusion in an updated Crime Prevention Plan. Further information from the Shoalhaven Local Area

Command of the NSW Police complemented this research enabling two target crime categories to be identified.

The two categories being: Steal from Retail and Assault (Domestic).

For the category of Steal from Retail the Shoalhaven ranked as the 21st highest Local Government Area for this type of crime in NSW in 2014. Over the past 5 years the Shoalhaven has seen an 8.6% increase for this crime category.

For the category of Assault (Domestic) the Shoalhaven ranked the 63rd highest Local Government Area for this type of crime in 2014. The recorded incidents from the Bureau of Crime Statistics and Research (BOCSAR) indicate an increase in the trend for this offence for the 12 months July 2014-June 2015.

Once the profiles were identified, extensive consultation with the Community via surveys, business owners and key service agencies had qualified the initial research and reinforced these two crime categories as the priorities for the Plan.

The Plan identifies two main strategies for each category. These being:

Steal From Retail:

- Youth and Merchant protocol/Ambassador Program
- Closed Circuit Television (CCTV) installations.

Assault (Domestic):

- Situational crime prevention techniques such as information distribution and promotion of programs
- Neighbour Day

Once the Plan has been endorsed by Council it will be sent to the NSW Attorney General with the aim of registration as a Crime Compact. Once this has been registered by the Attorney General Council is eligible to apply for funding to support the plan.

Community Engagement

In formulating the Crime Prevention Plan the following groups were consulted:-

- The broader community through a crime prevention survey accessible via Council's website and database of relevant community services. Over 400 surveys were received.
- 5 "Have Your Say" community consultations
- Local interagency meetings
- Local Police

Going forward staff will utilise various tools of Community engagement to derive information from Services and Community to better develop our programs. Tools such as surveys and meetings will be used primarily as well as general advertising through Council Community Engagement department. Listed below are services and agencies that have been made aware of the Crime Compact and are eager to see the programs within developed for the safety and positive growth of the Community.

- Shoalhaven Local Area Command

- NSW Police
- Community Safety Precinct Committee
- Police Aboriginal Consultative Committee
- Department of Family and Community Services
- Southern Cross Housing
- Police Aboriginal Consultative Committee
- YWCA Domestic Violence
- Nowra Domestic Violence Committee
- PCYC
- Mission Australia
- TAFE Illawarra
- Community College
- Nowra Stockland
- Shoalhaven High Schools

Internal Stakeholders

- Community Development
- Community Engagement
- Social Infrastructure Planning
- Tourism
- Economic Development
- Rangers
- Waste
- RMS
- Shoalhaven Community (All CCB's and Pride Groups)
- Nowra Revitalisation Committee
- Shoalhaven Business Chamber
- Safer Community Action Team

Financial Implications

The initial stage of the Youth and Merchant Protocol/Ambassador Program will be funded from the Community Development budget (job Number 13030). \$6,000 will be dedicated to this purpose. Any further funding will be subject to external grant funding being available.

Closed Circuit Television (CCTV) represents an extension of existing CCTV. Funding will be subject to Council and external grant funding being available.

Situational Crime Prevention Techniques will be subject to external grant funding being available

Neighbour Day is an existing program but will be expanded. \$2000 is dedicated to this from the Community Development budget (job number 13030) but external funding will be sourced where possible.

SA16.6 Milton Showground - Second Croquet Court & Expansion Options

HPERM Ref: D16/301979

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

Attachments:

1. Sports Board Report - Voluntary User Contributions Scheme Round 1 Funding 2016-2017 [↓](#)
2. Milton Ulladulla Croquet Club INC. Voluntary Users Contributions Policy - Project Nomination Form & Supporting Documentation - June 2016 (councillors information folder) [⇒](#)
3. Response - Plans of Second Croquet Court - Milton Showground - Milton Showground Management Committee (councillors information folder) [⇒](#)
4. Milton Showground Aerial Map [↓](#)
5. Milton Showground User Agreement [↓](#)

RePurpose / Summary

To update Council on the construction status of a second croquet court and options to expand Milton Showground.

Recommendation (Item to be determined under delegated authority)

That

1. Council accept the construction status update report for a second croquet court at Milton Showground which is consistent with Council's adopted Milton Showground Plan of Management.
2. Council continue to work with land owners adjacent to Milton Showground to formalise offsite parking options via a licence agreement for future large events at the Showground.
3. Council adopt the Croquet User Agreement (as outlined in this report) and inform both Milton Ulladulla Croquet Club & Milton Showground Management Committee that they are to abide by this agreement.

Options

1. Council adopt the recommendation.
2. Council adopt the recommendation with an amendment.
3. Council not adopt the recommendation and provide direction to staff.

Background

Previous Sports Board Report Related To Second Croquet Court

As reported to the Shoalhaven Sports Board meeting on 3 August 2016, Council has received an application to Council's Voluntary User Contribution Policy Fund (VUCPF) from Milton Ulladulla Croquet Club to construct a second croquet court at Milton Showground. The application requested \$50,000 from the VUCPF to construct the court to the value of \$126,000. Since making this application, the Club has advised Council that it has received grant funding of \$20,000 from the Federal Government Stronger Communities Programme to deliver this project.

As per the report to the Sport Board (see Attachment 1), the Milton Ulladulla Croquet Club's VUCPF application was not determined at the time due to the design not having been reviewed and signed off before the application was considered. This application can be assessed again when round 2 (two) VUCPF are reported to the Sports Board in either November / December 2016. This assessment can consider if the Croquet User Agreement for use of the showground has been finalised.

An initial assessment by Council staff has deemed the design to be consistent with the Council adopted Milton Showground Plan of Management (Plan of Management can be viewed at <http://doc.shoalhaven.nsw.gov.au/Displaydoc.aspx?Record=D11/116086>). The VUCPF application (including design plans and supporting information) is provided as Attachment 2.

Second Croquet Court Design Feedback

Feedback on the design plans for the second croquet court was requested from Council staff and the Milton Showground Management Committee. Council staff have reviewed the design and are satisfied providing construction of the court does not occur when the annual show occurs and the stockpile area during construction does not impact on use of the showground land. Feedback from the Management Committee does not support the application due to loss of the area to conduct the show and other large events. Supporting information from the Management Committee is provided as Attachment 3. In addition, Council has received correspondence from concerned users of the Showground and Attachment 3 in part includes a petition.

Upon reviewing feedback from the Management Committee, the main concerns stem from loss of onsite car parking associated with large events. To minimise impact on the Showground site, the Management Committee has suggested that the second croquet court should be constructed on adjacent private land (which they have suggested that Council buys). The option to construct the second croquet court on adjacent private land is not practical as the croquet courts will be divided by a drainage line and the facility operations / user arrangements would be impacted by such an arrangement.

The Management Committee have also questioned the relevance of the Milton Showground Plan of Management which was due for review in February 2015 however, due to competing workload priorities this plan has not been reviewed.

Onsite Car Parking

As identified in feedback from the Management Committee, onsite car parking is a key priority and supporting function of large events held at the Showground. However, when comparing the Milton Showground to Showgrounds in Nowra, Berry and Kangaroo Valley most car parking at these facilities are provided on street. Therefore, whilst recognising that the Milton Showground has unique functions and attractions compared to other facilities, offsite parking should be investigated both on street surrounding the showground and off street on adjacent land.

Upon recognising that off street car parking is a benefit for large event users of the Milton Showground, it cannot be necessarily justified that purchase of additional land to meet this short term need is an immediate solution. For example, it is more cost effective in the short term for Council to enter into a licence agreement for use of adjacent land for car parking than necessarily purchase land outright which may be vacant for most of the year and may need ongoing maintenance or adjustment to keep vegetation under control. In addition, whilst an inconvenience for surrounding residents, the width of the road reserve does provide opportunities for short term car parking during peak usage periods.

Expansion Options Resolution

Upon receiving representation from the Management Committee regarding the loss of showground area from construction of a second croquet court, Council at its Strategy & Assets Committee meeting of 19 July 2016 (MIN16.557), resolved that:

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

Adjoining Property Owner Feedback

Upon actioning the above resolution, Council staff have investigated options to expand the showground and determined that it is only feasible to expand the showground to the west. This determination was based on the proximity of a residential house to the east and proximity to the creek / riparian area to the south of the Showground. As shown in the attached aerial map (see Attachment 4), two (2) land lots with separate owners are to the west of the Showground and Lot / DP details are shown.

Council staff have made initial contact with the two land owners to the west of the showground and they have provided the following feedback.

Lot 2 DP 1097329 – Landowner is open to considering a licence use of some adjacent land for a nominal fee however, at this time is not wanting to sell part of the adjacent land for showground use.

Lot 11 DP 599612 – Landowner will consider meeting with Council but not sure at this time if they want to assist with options to expand Milton Showground. At the time of writing this report, no further feedback from the landowner had been received.

Based on reviewing the above information, it is recommended that Council continue to work with land owners adjacent to Milton Showground to formalise offsite parking options via a licence agreement for future large events at the Showground.

Croquet User Agreement

An outstanding item since construction of the current croquet court at Milton Showground is the finalisation of a Croquet User Agreement between Milton Ulladulla Croquet Club & Milton Showground Management Committee. In trying to reach a resolution and sign off of the User Agreement, Council staff have prepared multiple versions of the agreement (based on Croquet and Management Committee feedback) and facilitated meetings with the relevant parties to the Agreement. This process has been ongoing for numerous years and taken considerable Council resources, therefore, Council staff are seeking resolution of the matter as soon as possible.

At the last meeting facilitated by Council staff on 15 August 2016, both the Croquet Club and Management Committee representatives agreed on most information in the latest version of the Croquet User Agreement (see Attachment 5) however, sign off could not be achieved due to no agreement being able to be reached with point 5 which addressed access to croquet facilities of the Agreement. In response to reviewing information in Point 5, the Show Society via the Management Committee requested to use the croquet court area during shows (although use not defined) and the Croquet Club has refused any use of the croquet court area outside croquet club related activities. It was acknowledged that neither the Management Committee nor Croquet Club could resolve this point.

To provide resolution of this matter, Council Staff have amended wording in point 5 (five) to try and meet the needs of both groups. The amendment allows for applications to be made for use of the specialist croquet courts and for these applications to be assessed by the Croquet Club and relevant Council staff. This will allow for each application to be assessed on its merits. Any possible use of the surface would need to be in keeping with the types of uses for which is has been designed and constructed.

It is recommended that Council review and adopt the attached version of the Croquet User Agreement which has been amended since the meeting of 15 August 2016 and inform both Milton Ulladulla Croquet Club & Milton Showground Management Committee that they are to abide by this agreement.

Community Engagement

As mentioned above, ongoing community engagement has been occurring with Milton Showground users for construction of a second croquet court at Milton Showground which is consistent with the Plan of Management for this land.

As also mentioned above, ongoing engagement has been occurring between the Milton Ulladulla Croquet Club and Milton Showground Management Committee regarding expansion options for the showground and sign off of the Croquet User Agreement.

Financial Implications

As mentioned above, the Milton Ulladulla Croquet Club is seeking consideration of funding from Council's VUCPF at the next Sport Board meeting to allow construction to commence on a second croquet court at Milton Showground.

As also mentioned above, the landowner of Lot 2 DP 1097329 is open to considering a licence with Council for use of part of the adjacent land for car parking for a nominal fee.

SHOALHAVEN SPORTS BOARD**WEDNESDAY, 3 AUGUST 2016****CORPORATE AND COMMUNITY SERVICES****1. Voluntary User Contribution Scheme - Round 1 Funding 2016/2017 File 24899E****SECTION MANAGER: Jane Lewis.****PURPOSE:**

To advise the Sports Board and Council of the first round of funding applications for the Voluntary User Contribution Scheme (VUCS) 2016/2017 and to seek Council endorsement for allocating funding to the recommended applications.

RECOMMENDED that:

- a) The Voluntary User Contribution Scheme – Round 1 Funding - 2016/2017, be approved for:
- Milton Ulladulla RLFC (Inc) – Electronic Scoreboard (\$4,077.00)
 - Huskisson Vincentia Football Club – Subsoil drainage Field 2 (\$24,896.67)
 - St Georges Basin RLFC – Upgrade reserves bench, officials shelters & shipping container storage (\$26,320.30)
 - Illaroo Football Club – Install canteen steel shutter & shipping container storage (\$4,550.40)
 - Milton Ulladulla Athletics Club – Cement runways, supply & install synthetic turf (\$10,333.00)
- b) Remaining VUCS funds of \$69,822.63 be made available for second round applications in 2016/17.

OPTIONS

1. As recommended (preferred option).
2. Provide an alternative recommendation which provides direction to staff.

DETAILS**Background**

The purpose of the VUCS is to assist Shoalhaven sporting groups to undertake new works or improvements to existing fixed assets at sporting facilities on Council managed land. It is not for maintenance activities.

As per the VUCS Policy (POL12/315), applications for funding occur twice each year. Letters were sent to all sporting clubs on Council's database reminding clubs of the scheme and requesting that clubs make application prior to 30 June 2016.

Applications Received

Eleven applications were received for round one funding totalling funding requests of \$183,559 and the total available from Council this financial year is \$148,000.

A summary of five conforming applications for round one and staff recommendation if the project should be considered for funding is outlined in Table 1. Information outlining why some projects are not recommended for funding consideration at this time is detailed in Table 2. It is important to recognise that the projects not recommended for funding should be considered again in the near future if supporting requirements are undertaken. Nonconforming application information is provide in Table 3.

Table 1 - Summary of Conforming Applications

Club	Ground	Project	Est. Cost of Project without In-Kind Labour	Funds Requested	Club Contribution	Fund. Consid
Milton Ulladulla RLFC (Inc)	Bill Andriski Oval	Electronic Scoreboard	\$9,116.00	\$4,077.00	\$5,039.00	Yes
Huskisson Vincentia Football Club	Huskisson Sports Fields	Sub surface drainage to Field 2	\$37,345.00	\$24,896.67	\$12,448.33	Yes
St Georges Basin JRLFC	Francis Ryan Sportsfield	Upgrade reserves bench, officials shelter and external storage	\$39,483.50	\$26,320.30	\$13,163.20	Yes
Illaroo Football Club	Bernie Regan Sportsfield	Install canteen steel shutter & shipping container storage	\$6,825.60	\$4,550.40	\$2,275.20	Yes
Milton Ulladulla Athletics Club	Frogs Holla Sporting Complex	Cement runways supply & install synthetic turf	\$15,499.00	\$10,333.00	\$5,166.00	Yes
Total			\$108,269.10	\$70,177.37	\$38,091.73	

Table 2 – Projects not recommended to be considered for funding at this time

Club	Project	Supporting requirements to be undertaken
Shoalhaven District	Top dress Fields 4 & 5	Installation of subsoil drainage on these fields as funded in VUCS 2015/2016 is yet to commence and Council is waiting on final details from the

Football Association		Association. Application to be considered after completion of drainage works.
Milton Ulladulla Croquet Club Inc	Construct Second Croquet Court	The final second croquet design has not yet been signed off before application can be further considered.
Culburra Cougars Football Club	Upgrade canteen, toilets, change rooms and awning. Improve lighting & seating. Upgrade disabled toilet facilities	No design or construction plans (which the club were to undertake) have been provided to Council to consider and agree upon. Application to be considered after supply of these plans.
Culburra Touch Football	Install Subsurface drainage	Quotes only received, no application received. Application to be considered after supply of this information.

Table 3 - Summary of Nonconforming Applications

Club	Project	Reason for nonconformance
Huskisson Vincentia Football Club	Grounds Fencing	Works have been completed prior to application being submitted
Milton Ulladulla Touch Association	Ride on Mower Purchase	Capital improvements do not include provision of machinery

Assessment of Projects Recommended for Funding Consideration

The applications recommended to receive funding in this round were assessed against the criteria outlined in the policy to prioritise allocations and are summarised in Table 4.

Table 2 - Assessment of projects recommended for funding

Club (Project)	Compliance with Strategic and other Plans of Council – 50%	Value of additional in-kind labour to contribute – 15%	VUCS funding received by applicant over last 4 years – 10%	Percentage of funding club is contributing – 15%	The apparent "readiness" of the project to proceed – 5%	Benefit to other users of the reserve – 5%	Total Score Using Selection Criteria
Milton Ulladulla RLFC (Electronic Scoreboard)	25%	15%	10%	15%	5%	0%	70%
Huskisson Vincentia Football Club (Sub surface drainage to Field 2)	50%	15%	5%	15%	5%	5%	95%
St Georges Basin JRLFC	40%	15%	10%	15%	2.5%	5%	87.5%

(Upgrade reserves bench, officials shelter and external storage)							
Illaroo Football Club (Install canteen steel shutter & shipping container storage)	40%	15%	10%	15%	5%	5%	85%
Milton Ulladulla Athletics Club (Cement runways supply & install synthetic turf)	50%	15%	10%	15%	5%	0%	95%

FINANCIAL IMPLICATIONS:

Upon receiving the above information, it is recommended that the following projects be allocated VUCS from the available \$148,000.

Club (Project)	Funding
Milton Ulladulla RLFC (Electronic Scoreboard)	\$4,077.00
Huskisson Vincentia Football Club (Sub surface drainage to Field 2)	\$24,896.67
St Georges Basin JRLFC (Upgrade reserves bench, officials shelter and external storage)	\$26,320.30
Illaroo Football Club (Install canteen steel shutter & shipping container storage)	\$4,550.40
Milton Ulladulla Athletics Club (Cement runways supply & install synthetic turf)	\$10,333.00
Total	\$70,177.37

The remaining VUCS funds of \$69,822.63 be made available for second round applications in 2016/2017.

COMMUNITY ENGAGEMENT:

Council wrote to all sports clubs in the Shoalhaven in May 2016 advising applications for VUCS Round 1 funding would be received up to close of business at 5pm, 30th June 2016.



MILTON SHOWGROUND USER AGREEMENT – CROQUET

PREAMBLE

This document formalises the Milton Showground User Agreement between the Milton Showground Management Committee (hereinafter referred to as the Management Committee) and Milton Ulladulla Croquet Club Inc., (hereinafter referred to as the Club) for the hire of its venue, and to represent already accepted terms and conditions for the Club's continued, long term occupancy on the Showground site.

Day to day management of the Milton Showground is carried out by the Management Committee, with authority delegated from Shoalhaven City Council (hereinafter referred to as the Council) under Section 377 of the Local Government Act 1993 and under Section 97A of the Crown Lands Act 1989, in accordance with Council's Management Committee Guidelines.

The Management Committee is responsible for routine maintenance, taking bookings, and collection of fees for use of the Milton Showground. The Committee is an extension of Council rather than a separate entity. The facilities and funds handled by the Management Committee belong to the community through Council. The Management Committee is in effect a volunteer organisation representing Council when acting within the terms of its delegated authority and is therefore obliged to operate in accordance with the rules and regulations which govern Council's and the Crown Lands Division of NSW Trade and Investment's activities.

The Club was certified in July 2004 as an incorporated association in New South Wales under the Association Incorporation Act 1984. The Club was relocated to Council owned land at Milton Showground in 2006 following displacement from Milton Ulladulla Bowling Club due to additional parking required by Council as part of the Bowling Club's redevelopment. The Club occupied its current facility in May 2006 after construction of its croquet court at the Showground, funded by the Club, Council, NSW Sport and Recreation and the Australian Government's Regional Partnerships Program. The Club is managed by a volunteer committee of members.

Future planning of the Milton Showground is **guided** by the Milton Showground Plan of Management which was adopted by Council on 1 February 2010 or subsequent superseding document that Council adopts.

1. Area Hired At Showground

The area of land encompassing the croquet court and clubhouse is currently within the fenced area situated on the north western corner of the Showground, immediately adjacent to the main entrance gate. This area measures approximately 1,760 square metres and is detailed in Attachment 1. Included in this area is a swale and coral trees which are not maintained by the Club with the exception of grass mowing by the Club. The adjacent car parking area is common area used by all users of the Showground and is not maintained by the Club.

2. Hire Period

The hire period is seven (7) days per week 52 weeks per year, except for the two days of the Annual Milton Show; as negotiated between the parties for other major events; and during times of declared emergency situations.

3. Hire Fees

The Club is responsible for paying the agreed annual hire fee as adopted by Council. A quarterly invoice will be submitted to the Club by the Management Committee and will be paid in instalments – (July – September, October – December, January – March and April – June), one quarter in advance. Payment of the hire fee will be made within 30 days of receipt of the invoice.

4. Expenses And Responsibilities

The Club is responsible for costs and tasks associated with:

- Maintenance and repair of the croquet court and surrounds.
- General maintenance and cleaning of the croquet clubhouse.
- Maintenance and repair of the fence surrounding the croquet courts and clubhouse, excluding the Showground perimeter fences.
- Maintenance, repair or replacement of any Club equipment.
- The general running of the Club.
- The Club's public liability insurance and insurance of any contents in the clubhouse.
- Metered electricity usage by the Club. Charges will be calculated by the Club recording the power box meter readings at the end date of each quarter (July – September, October – December, January – March and April – June) and submitting them to the Management Committee. The meter reading process will involve the Club providing a photo of the previous meter reading and photo of the current meter reading which will determine a unit of use. This unit of use will then be multiplied by the current electrical rate billed by the electrical supplier of the Showground and which the Management is responsible for paying. The Management Committee will undertake the above calculation and invoice the Club quarterly for its electricity usage/supply and include a copy of the electricity bill received by the Management Committee.
- Water/sewerage usage charges are determined via a metering arrangement between Shoalhaven Water and the Club, based on the reading of the submeter downstream of the Showground's master meter. The Club's use and subsequent charges will be as determined by Shoalhaven Water policy and will be invoiced directly to the Club.

5. Access To Facilities

The Club will provide access to the area hired and any buildings for routine electrical inspections by Council staff; routine fire extinguisher inspections and for any emergency situation. To facilitate access for these purposes only, keys to the hired area and buildings are provided to the Management Committee for use by the relevant officer. The Management Committee will inform the Club of any loss of those keys and secure their return in the event of a change of staff in the officer's position.

Access to the croquet courts, surrounds and clubhouse will be considered upon request by the Club and assessed if the access/activity can demonstrate it has no significant impact on the associated facilities and specialised grass surface. If the access/activity is deemed appropriate by the Club, the Club will authorise the access/activity and an appropriate bond will be retained for any repairs needed to be undertaken and costs recovered for use of any utilities.

6. Consultation

The Management Committee is committed to consultation with the Club and other user groups. This consultation will normally be undertaken through the quarterly Management Committee meetings.

Consultation will include, but not be limited to such issues as:

- Information on any major works within the Showground site.
- Regular briefings on matters of mutual interest involving use or development of the Showground facility.
- Opportunities for sharing/joining of resources or support for mutually beneficial activities such as funding applications and/or grants.
- Implementation of management/operational plans.

7. Evacuation Centre

The Milton Showground is a designated evacuation centre at times of emergency. If an emergency is declared, access to the facilities may not be available to the Club.

8. Public Liability Insurance

The Club will obtain and maintain public liability insurance to the appropriate industry standard / level (i.e. Twenty million dollars \$20,000,000) with an insurer approved by the Australian Prudential Regulation Authority. The policy is to state the interests of the Council. The Club will annually provide the Management Committee with a Certificate of Currency.

The Club agrees to indemnify Council from and against actions, suits, claims and demands in respect of any accident or injury to any person or property which may arise out of activities approved under this user agreement, as per Council Management Committee Guidelines – Section 4.8 (insurances) – see <http://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=POL10/131>.

This indemnification will not apply in cases where Council and/or the Management Committee approves hire of the Showground to other parties and there is damage caused to the croquet facility, or an accident or injury to a person or persons not authorised by the Club to enter or occupy the facility.

9. Legal Obligations

The Club will ensure compliance with all legislative obligations relating to its use and occupation of the Milton Showground including (without limitation) work, health & safety (WHS), environmental management and planning laws.

The Management Committee will inform the Club in writing of any advice received from Council related to changes to existing WHS, environmental management and planning laws applicable to the Club's occupancy of the Milton Showground.

10. Management Committee Representatives

Club members are invited to Management Committee meetings and is represented on the Management Committee with two voting Committee positions.

11. Damage

The Club will be responsible for any damage by its authorised users caused to the venue, or any fixtures, furniture or equipment.

The Club is responsible for appropriately insuring all of its assets against loss or damage.

12. Construction Works And Asset Improvements

Any plan for new buildings or structures or extension to existing buildings or structures, as indicated in the Milton Showground Plan of Management or superseded document, will be submitted to the Management Committee for comment before application is lodged with the Council for approval.

13. Showground Improvements

From time to time the Management Committee will need to develop additions and improvements as specified in their annual management/operational plan. In these circumstances, where the croquet clubhouse, courts and usage program might be affected, the Management Committee will inform the Club Secretary in writing in a timely manner.

14. Electrical Equipment

All electrical appliances used will carry a current compliance tested tag. The Club is responsible for ensuring compliance and for associated costs.

15. Annual General Meetings

The Club is entitled to access the foyer area of the stadium complex once a year for its Annual General Meeting at no charge. A booking must be made with the Showground Booking Officer on 0429 934 067 or alternative contact.

16. Annual Croquet Court Restoration

Excess grass clippings from the annual restoration work may be disposed of on the Showground site following consultation with the Management Committee and agreed disposal area determined.

17. Tree Management

The pruning of the coral trees on the western fence line will be undertaken by the Management Committee. Any risk management issues with trees are to be reported to Council as required.

18. Communication

Written communications with the Croquet Club will be directed to the Club Secretary, PO Box 307, Ulladulla NSW 2539 or milton.ulladulla.croquet.club@gmail.com. Communications with the Management Committee will be directed to the Milton Showground Management Committee Secretary, PO Box 152, Milton NSW 2538.

19. Review Of Agreement

This agreement will be reviewed by all parties every five (5) years.

Agreement executed on behalf of the Milton Ulladulla Croquet Club Inc. by

_____	_____	_____
President - (Print Name)	Signature	Date

Agreement ratified at a General Meeting of the Milton Ulladulla Croquet Club Inc on _____ date _____

Agreement executed on behalf of the Milton Showground Management Committee by

_____	_____	_____
President - (Print Name)	Signature	Date

Agreement ratified at a Milton Showground Management Committee Meeting on _____ date _____

SA16.7 Application for a Special Rate Variation

HPERM Ref: D16/301901

Group: Corporate & Community Services Group
Section: Finance

Attachments: 1. Financial Sustainability Document (under separate cover) [⇒](#)

Purpose / Summary

Council, as part of its Fit for the Future Submission proposed its intention to apply for a special rate variation application in 2017/18 and 2018/19. The latest Long Term Financial modelling results in a required increase above rate peg of 23% over two years, to maintain financial sustainability and to meet Fit for the Future benchmarks. This report will summarise the need for this rate increase, and the consequences if an application of a Special Rate is not submitted.

Recommendation

1. That Council authorise staff to notify the IPART of its intention to apply for a Special Rate Variation Application for 2017/18 and 2018/19 at the rate of 23% (11.5% each year) above rate peg over the 2 years in order for Council to financially support the ongoing provision of service levels to the community.
2. That Council proceed with the formal Special Rate Variation Application for 2017/18 and 2018/19 at the rate of 23% (11.5% each year) above rate peg over the 2 years and submit this in line with the timelines set by IPART (expected to be February 2017)

Options

1. Council adopts the resolution.

Implications: Council will have the capacity to meet Fit for the Future Benchmarks and provide expected community service levels.

Note: If council seeks to adopt a rate rise less than recommended and hence reduce revenue forecasts it should also make decisions to reduce services (not related to infrastructure maintenance or renewal) equivalent to that shortfall in revenue to maintain a financial sustainability pathway to meet the Government FFF benchmarks. Any decision that does not meet those targets increases the risk of some form of Ministerial direction and discussions should be held with the Office of Local Government to understand what implications could arise.

2. Council does not adopt the resolution and authorises staff to notify the IPART of its intention to apply for a Special Rate Variation for 2017/18, 2018/19 and 2019/20 of 22.5% over 3 years (ie 7.5% x 3 years) from 2017/18 to 2019/2020. NOT RECOMMENDED unless operating expenditures are reduced to compensate.

Implications: This will delay achieving the Operating Performance Ratio until 2020/21, which is one year later than Fit for the Future requirements and impact on ongoing service levels.

3. Council does not adopt the resolution and authorises staff to notify the IPART of its intention to apply for a Special Rate Variation of 18% over 9 years (ie. 2% x 9 years) from 2017/18 to 2019/2020. NOT RECOMMENDED unless operating expenditures are reduced to compensate.

Implications: This will delay achieving the Operating Performance Ratio until 2023/24, which is four years later than Fit for the Future requirements and has a detrimental impact on the operating result and cashflow to the tune of \$68m over the 9 year period.

4. Council does not adopt the resolution and proposes an alternate resolution. NOT RECOMMENDED

Implications: Council may not have the capacity to meet Fit for the Future Benchmarks, nor to support the ongoing provision or services.

Background

On 29th September 2016 Council received a briefing from The Director of Assets and Works with regard to the funding issues around Asset Management and maintenance. Some of the key points from this presentation were that:

- Many assets require renewal as they were constructed over 30 years ago
- Current expenditure on renewals is about a third of the required amount
- Council aims to meet a required level of service to manage or alleviate risk
- Prioritisation of work is required given funding issues

An example of the issue Shoalhaven City council is currently facing is shown in the chart below, with the red line showing the required spend and the blue line showing the actual spend to date and the forecast required expenditure to achieve the required level of service in relation to resealing of roads. This is a similar situation for all asset areas, with significant funding gaps across all Council assets and maintenance programs.

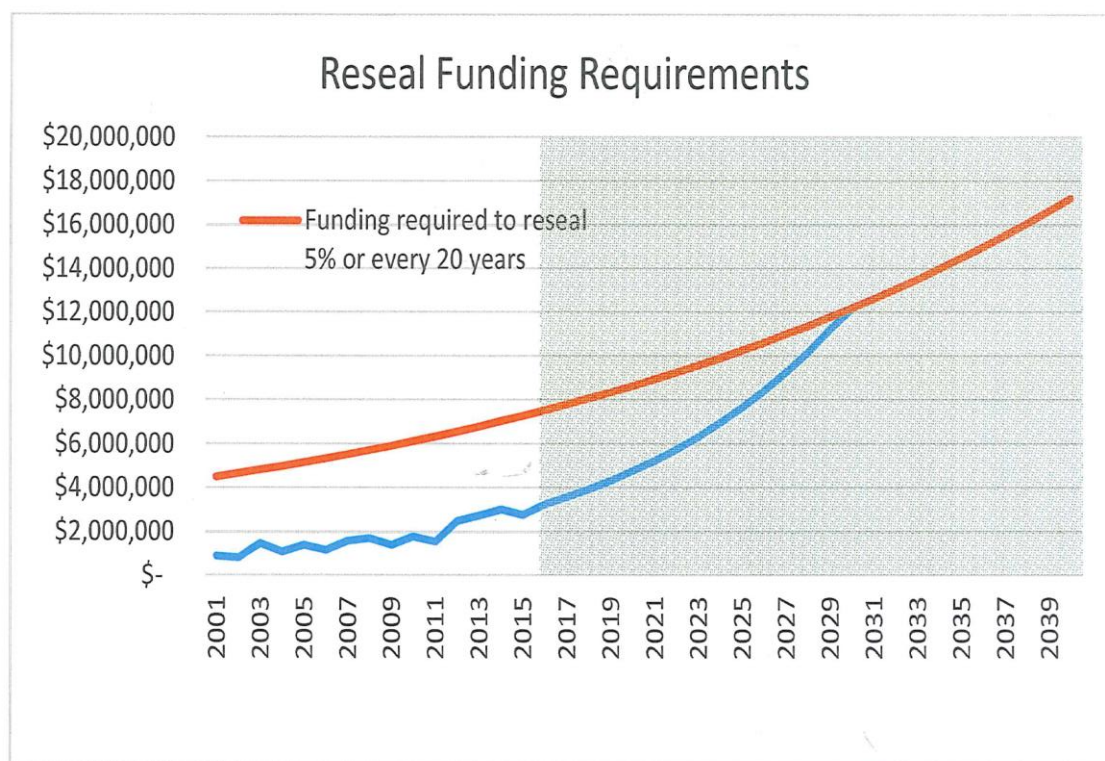
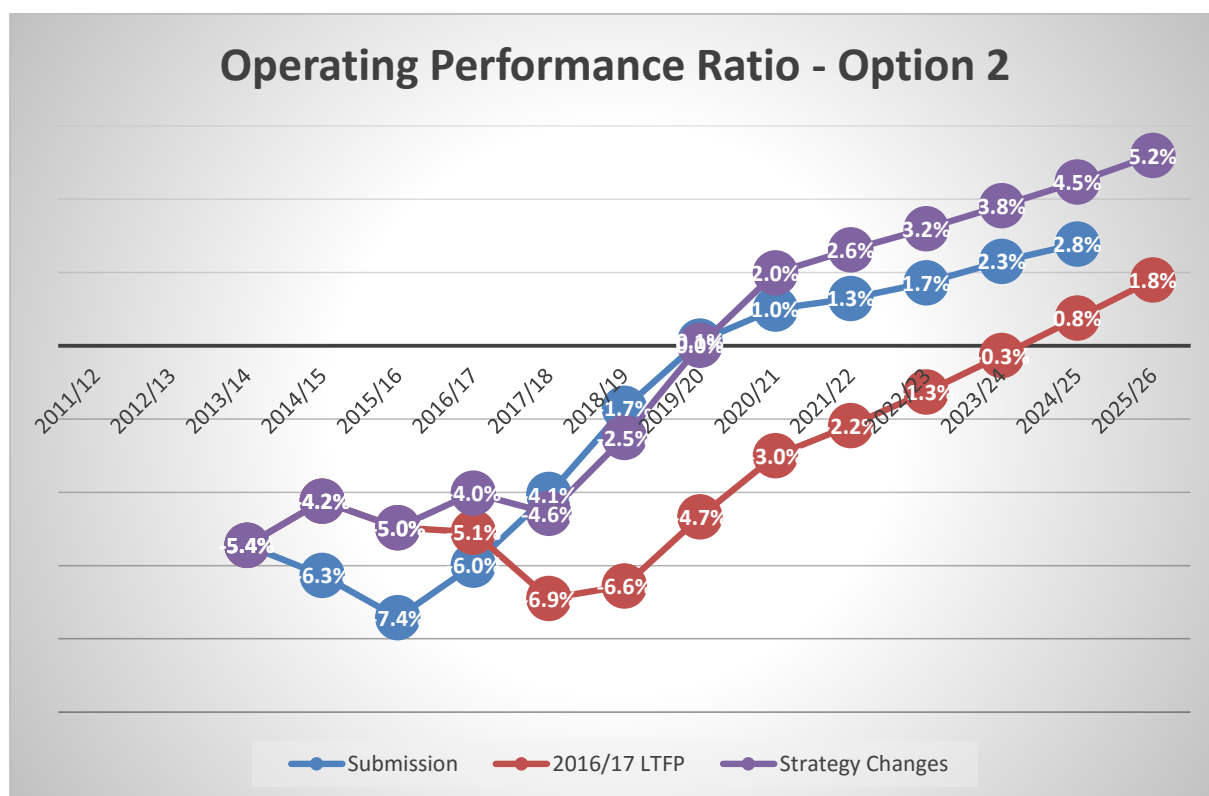


Chart 1 – Reseal Funding Requirements

Directly after the above mentioned briefing the Corporate and Community Services Director, Craig Milburn, presented on the financial situation of Council. At this meeting the proposal to increase rates by 23% above the rate peg in order to meet Fit for the Future benchmarks was discussed with Councillors.

See below for chart showing the Fit for the Future Operating performance benchmark being met in line with the OLG guidelines of 2019/20.



SA16.7

Chart 2 – Operating Performance Ratio – 2 x 11.5% above rate peg increases

Councillors suggested staff look at an additional 2 options for increasing rates. The four options are itemised below:

- Option 1 – 2 x 7.5% over and above rate peg of 2% per annum (Original FFTF submission)
- Option 2 – 2 x 11.5% over and above rate peg of 2% per annum (Recommended approach – see Chart 2)
- Option 3 – 3 x 7.5% over and above rate peg of 2% per annum (Chart 3)
- Option 4 – 9 x 2% over and above rate peg of 2% per annum. (Chart 4)

Below Table 1 shows these options and the impact on revenue between the recommended Option 2 and the two new options introduced. (Options 3 and 4).

A key factor to note in this table is the cumulative impact of the different options. Over the period examined Option 3 (3 x 7.5% over and above rate peg) results in \$7.9M less being collected in rates and therefore less being spent on necessary infrastructure.

Option 4 (9 x 2% over and above rate peg) results are far worse with a shortfall of \$68M less being made available for necessary community infrastructure. This option also results in an annual difference of \$3.2M per year as the base amount of rates collected which has a continuing negative impact on Council's ability to meet the community's ongoing needs.

	Option 1	Option 2	Option 3	Option 4	Option 3 - Option 2	Option 4 - Option 2
Current Revenue	\$57,504,699	\$57,504,699	\$57,504,699	\$57,504,699	\$ 57,504,699	\$ 57,504,699
Rate Increase	9.5%	13.5%	9.5%	4.0%	9.5%	4.0%
Rate Peg	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
No. of Years	2	2	3	9	3	9
2017/18	\$62,967,645	\$65,267,833	\$62,967,645	\$59,804,887	-\$ 2,300,188	-\$ 5,462,946
2018/19	\$68,949,572	\$74,078,991	\$68,949,572	\$62,197,082	-\$ 5,129,419	-\$ 11,881,908
2019/20	\$70,328,563	\$75,560,571	\$75,499,781	\$64,684,966	-\$ 60,790	-\$ 10,875,605
2020/21	\$71,735,134	\$77,071,782	\$77,009,777	\$67,272,364	-\$ 62,005	-\$ 9,799,418
2021/22	\$73,169,837	\$78,613,218	\$78,549,972	\$69,963,259	-\$ 63,246	-\$ 8,649,959
2022/23	\$74,633,234	\$80,185,482	\$80,120,972	\$72,761,789	-\$ 64,510	-\$ 7,423,693
2023/24	\$76,125,899	\$81,789,192	\$81,723,391	\$75,672,261	-\$ 65,801	-\$ 6,116,931
2024/25	\$77,648,416	\$83,424,976	\$83,357,859	\$78,699,151	-\$ 67,117	-\$ 4,725,824
2025/26	\$79,201,385	\$85,093,475	\$85,025,016	\$81,847,117	-\$ 68,459	-\$ 3,246,358
Cumulative impact					-\$ 7,881,535	-\$ 68,182,642

Table 1 – Rate Increase Comparative

The Third option was to introduce a 7.5% above rate peg for 3 years ie 22.5% between 2017/18 to 2020/21. This approach results in the below chart 3 and not achieving the Fit for the Future benchmark of breakeven Operating Performance until 2020/21, which is 1 year later than required. By selecting this option over the recommended approach there is a loss in additional income over the next 9 financial years of \$7.9m.

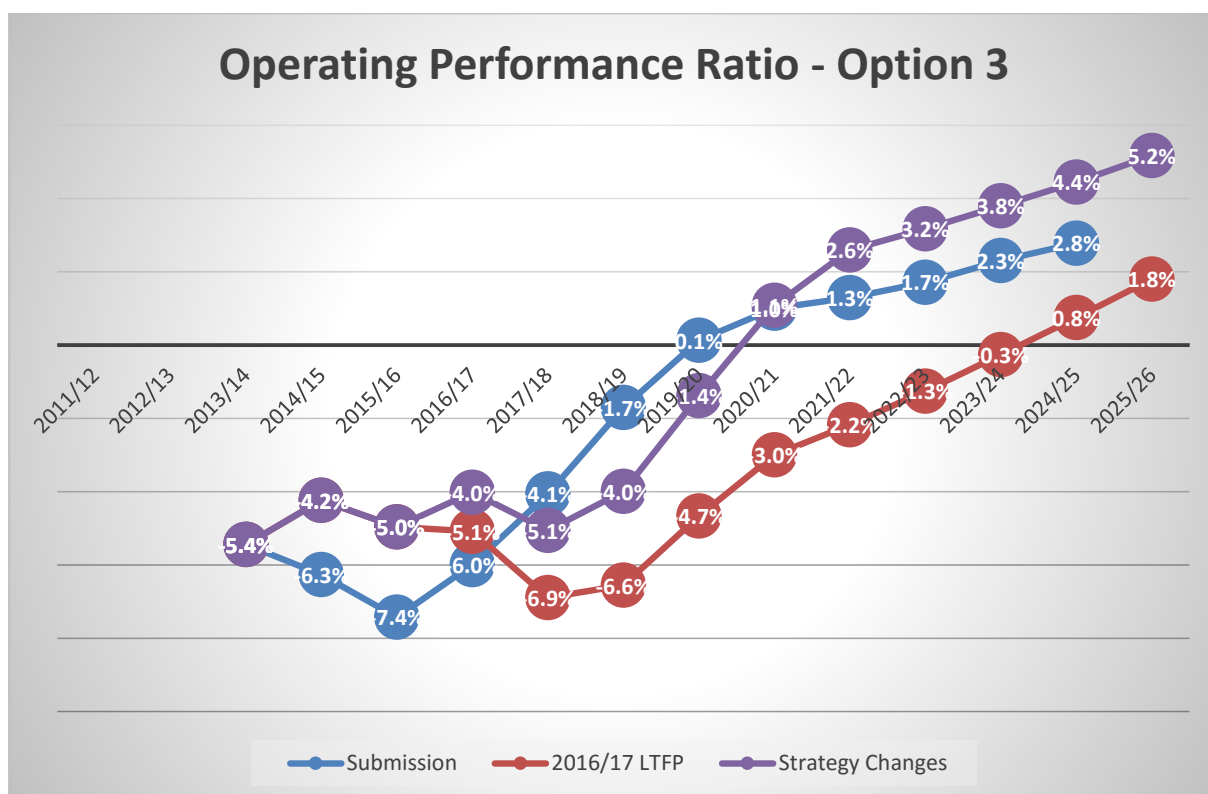


Chart 3 – Operating Performance Ratio – 3 x 7.5% above rate peg increases

The final scenario was to increase rates by 2% above rate peg for the next 10 years. Given Council only prepare a 10 year plan and the first rate increase could not be until next year, this

has been modelled over 9 years. The resultant Chart 4 below, shows that breakeven for the Operating Performance ratio is not met until 2023/24. This shows very little improvement on the original FFTF proposal and also results in a loss in income of \$68m over the next 9 years, adversely impacting a number of other ratios and cash flow over this period. This option is not recommended.

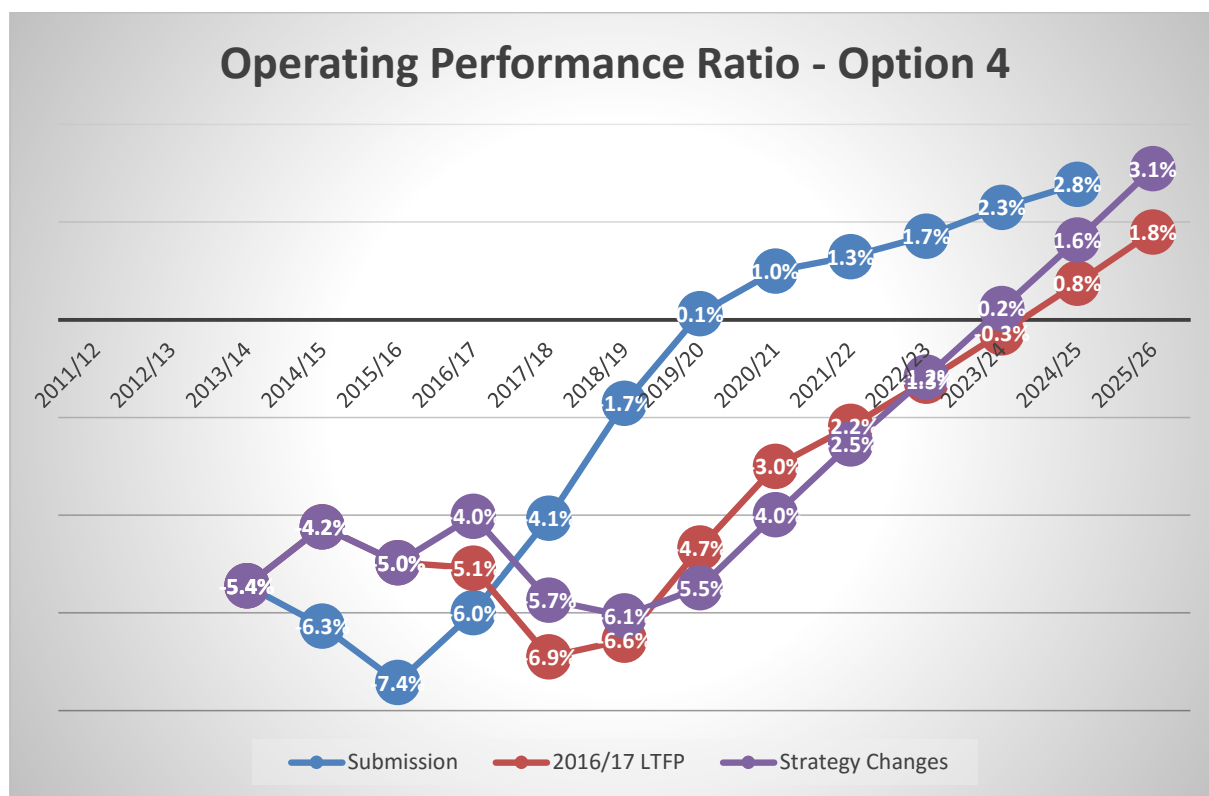


Chart 4 – Operating Performance Ratio – 9 x 2% above rate peg increases

The Financial Sustainability Report is attached to this document and further highlights the need for a special rate increase over and above rate peg of 23% over the two years 2017/18 and 2018/19, going into much more detail around some of the issues within Council and the options for addressing the negative outlook.

Council's current financial trajectory if no rate increases are introduced would see the need to cut on average \$11.69M each year or \$116.9M over 10 years from its ongoing service delivery. This would have a very significant impact on the community and the services provided. The current Fit for the Future strategy (including 2 x 7.5% rate rises over rate peg increases) sees a shortfall of \$3.432 per year. This has come about as a result of increases in the Emergency Service Levy and Council's additional contribution of approximately \$870,000 per year, along with a reduction in the current and future year's rate peg amount, as well as reductions in interest income. The 2016/17 rate peg amount issued by IPART was 1.8%. In preparing the Fit for the Future application Council was advised to use 2.5% for all future years. The one year impact of this reduction is \$450,000 and has a cumulative impact of \$4.9m over the 10 year period. The revised model has future year's rate peg increased set at 2%, so there is still some risk in using this number.

Community Engagement

The Delivery Program and Operating Plan 2016/17 was placed on public exhibition from Wednesday 23rd March 2016 to Friday 6th May 2016 inclusive. These documents included a rate increase of 15% over and above rate peg for the 2 year period 2017/18 and 2018/19. There were no submissions received with regard to this level of rate increase.

The rate increase was also highlighted as part of the Public Meetings with regard to Fit for the Future. Council's Fit for the Future Application was supported by IPART who assessed Council as being fit for the future. The proposed rate increases were included in the Public Presentations in regard to the DPOP held during April and May 2016. A number of CCB's supported the increase to rates as part of the Anti-Merger campaigns.

There will be further intensive consultation when the communications plan is completed and Council has approved moving toward this Special Rate Variation application.

Policy Implications

There are no implications on any policies in relation to this report.

Financial Implications

There are significant financial implications from this report. The decision is critical as to whether Council fulfil the Office of Local Government requirements for a Fit for the Future Council. If the special rate application is approved, Council can move forward with the current level of services and programs currently in place. If Council do not support this report than it should be noted that the OLG can issue a "Performance Order" requiring Council to take the necessary steps to meet the criteria.

If Council is still not meeting the criteria, the OLG can appoint an external Financial Specialist to make the necessary decisions. Should this not produce the required results the OLG has the option of dismissing the Council and appointing Administrators to take control of the Council and make all the necessary decisions to make the organisation financially sustainable.

A summary of the Key Fit for the Future ratios is below (Table 2), with the main ratio affected by a rate increase being the Operating Performance Ratio, where the benchmark is only met by 2019/20 by increasing rates by 11.5% above rate peg for the two years from 2017/18 to 2018/19.

Three Year Average			Summary Fit for the Future Ratios								
Measure		Target	Options	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Sustainability	General Fund - Operating Performance Result	Greater than 0%	Option 1 - 2 x 10% increase	-7.4%	-6.0%	-4.1%	-1.7%	0.1%	1.0%	1.3%	1.7%
			Option 2 - 2 x 13.5% increase	-5.0%	-4.0%	-4.6%	-2.5%	0.0%	2.0%	2.6%	3.2%
			Option 3 - 3 x 9.5% increase	-5.0%	-4.0%	-5.1%	-4.0%	-1.4%	1.1%	2.6%	3.2%
			Option 4 - 9 x 4% increase	-5.0%	-4.0%	-5.7%	-6.1%	-5.5%	-4.0%	-2.5%	-1.2%
	General Fund - Own Source Revenue Result	Greater than 60%	Option 1 - 2 x 10% increase	79.4%	80.2%	82.6%	86.0%	87.3%	87.8%	88.0%	88.1%
			Option 2 - 2 x 13.5% increase	81.2%	81.1%	83.8%	86.5%	89.6%	90.2%	90.5%	90.6%
			Option 3 - 3 x 9.5% increase	81.2%	81.1%	83.7%	86.3%	89.4%	90.1%	90.5%	90.6%
			Option 4 - 9 x 4% increase	81.2%	81.1%	83.7%	86.1%	89.0%	89.6%	90.0%	90.2%
	General Fund - Building And Infrastructure Asset Renewal Result	Greater than 100%	Option 1 - 2 x 10% increase	70.6%	56.3%	58.9%	62.4%	66.5%	67.7%	67.3%	67.1%
			Option 2 - 2 x 13.5% increase	62.6%	59.7%	56.3%	61.8%	64.2%	64.9%	60.6%	59.9%
			Option 3 - 3 x 9.5% increase	62.6%	59.7%	56.3%	61.0%	63.5%	64.2%	60.5%	59.9%
			Option 4 - 9 x 4% increase	62.6%	59.7%	56.3%	61.0%	62.2%	61.8%	56.7%	56.3%
Effective Infrastructure and Service Management	General Fund - Asset Maintenance Result	Greater than 100%	Option 1 - 2 x 10% increase	78.9%	80.4%	79.7%	82.0%	83.7%	86.3%	87.9%	89.4%
			Option 2 - 2 x 13.5% increase	85.1%	91.5%	93.2%	92.8%	92.8%	94.7%	96.6%	98.4%
			Option 3 - 3 x 9.5% increase	85.1%	91.5%	93.2%	92.8%	92.8%	94.7%	96.6%	98.4%
			Option 4 - 9 x 4% increase	85.1%	91.5%	93.2%	92.8%	92.8%	94.7%	96.6%	98.4%
	General Fund - Debt Service Result	Greater than 0 and less	Option 1 - 2 x 10% increase	5.5%	6.3%	5.9%	5.7%	4.8%	5.1%	5.2%	5.0%
			Option 2 - 2 x 13.5% increase	4.1%	4.9%	4.6%	5.9%	5.2%	5.6%	5.7%	5.7%
			Option 3 - 3 x 9.5% increase	4.1%	4.9%	4.6%	6.0%	5.2%	5.6%	5.7%	5.7%
			Option 4 - 9 x 4% increase	4.1%	4.9%	4.6%	6.1%	5.5%	5.9%	6.0%	5.9%
One Year											
Sustainability	General Fund - Infrastructure Backlog Result	Less than 2%	Option 1 - 2 x 10% increase	0.9%	0.9%	0.9%	0.9%	1.0%	1.0%	1.0%	1.0%
			Option 2 - 2 x 13.5% increase	0.8%	0.8%	0.9%	0.9%	0.9%	0.9%	1.0%	1.0%
			Option 3 - 3 x 9.5% increase	0.8%	0.8%	0.9%	0.9%	0.9%	0.9%	1.0%	1.0%
			Option 4 - 9 x 4% increase	0.8%	0.8%	0.9%	0.9%	0.9%	0.9%	1.0%	1.0%
Efficiency	General Fund - Real Operating Expenditure Per Capita Result	A decrease overtime	Option 1 - 2 x 10% increase	1,452	1,428	1,422	1,417	1,400	1,393	1,373	1,353
			Option 2 - 2 x 13.5% increase	1,484	1,452	1,424	1,400	1,375	1,358	1,331	1,304
			Option 3 - 3 x 9.5% increase	1,484	1,452	1,424	1,400	1,375	1,358	1,331	1,304
			Option 4 - 9 x 4% increase	1,484	1,452	1,424	1,400	1,375	1,358	1,331	1,304

*Table 2 – Fit for the Future Financial Ratios***Risk Implications**

There are substantial risks to the financial sustainability of Council if a special rate increase is not supported. It would have a significant detrimental impact on service levels or indeed entire programs if the approval to apply to the IPART for a Special Rate Increase is not supported.

SA16.8 Kayak/Paddle Launching Facility - Dent St Huskisson

HPERM Ref: D16/290441

Group: Assets & Works Group

Section: Asset Management

Attachments: 1. Layout Plan [↓](#)
2. Landscape Plan [↓](#)
3. Feedback Kayak Launching Facility (councillors information folder) [⇒](#)

Purpose / Summary

To report on community consultation and feedback in relation to the investigation and design of a proposed paddlecraft/kayak launching facility at Dent Street Huskisson.

Recommendation (Item to be determined under delegated authority)

That :

1. Council proceed to quotation for construction of a paddlecraft/kayak launching facility in Currumbene Creek at Dent Street Huskisson and associated improvements and
2. Infrastructure upgrades at the end of the Dent Street Road Reserve and landscaping with the connection to the Maritime Museum Reserve be undertaken with remaining funds

Options

1. As recommended

Implications: A new access point will be created on Currumbene Creek and Council will meet the requirements of the Better Boating Now Program and an alternate site for launching kayaks and paddleboards will be established away from the main wharf.

2. Council consult with stakeholders and proceed with detailed investigation, design and construction of a paddle craft facility within the “fish pond” at the Jervis Bay Maritime Museum without upgrading of the Dent Street Road Reserve

Implications: Limited funds would remain following the design process and potential alterations to the “fish pond” for any new infrastructure, however funding may be constrained and the project may only be partly achieved. There are a range of views on the future use of the pond and access for vessels that need to be clarified.

Background

Funding has been provided by the NSW Better Boating Now Program to provide a purpose built facility for use by paddle craft such as kayak, canoes and stand up paddle boards to access Currumbene Creek.

Existing waterways infrastructure at Huskisson and Woollamia are popular with motorised vessels/boats. The growing popularity of non-motorised paddle craft generates safety issues associated with the conflict between non-motorised craft and motorised craft. The provision of a dedicated non-motorised facility will reduce risk and reduce competing demands (including parking) at alternative facilities.

A plan of the proposed launching facility is provided as Attachment One and the landscape plan which was generated in response to representations from the Jervis Bay Maritime Museum, shows the interface with the Museum Reserve and is provided as Attachment Two.

Community Engagement

The project was advertised in July 2016 to government agencies, the Huskisson Woollamia Community Voice (CCB), local residents in Dent Street and Wood Crescent Huskisson as well as in the local paper. A summary of submissions received are as follows:

Respondent	Issue/concern	Comment
Vacant land owner-Dent Street	Disturbance to mangroves disturbance to creek bed and increase in traffic	Disturbance acceptable to Marine Park subject to conditions. Traffic will be low impact.
Sydney resident/kayaker	Concern with tidal range at location and would prefer a floating facility	At very low tides, water depth will be minimal and therefore does not support a floating facility.
Jervis Bay Kayak and Paddle Sports and Sea Kayak Jervis Bay.	Initially preferred a floating facility similar to Nelligen's on the Clyde River	Tidal range does not support a floating facility. Staff subsequently met with the respondents and following consultation modified the design so that: <ul style="list-style-type: none"> • A ramp has been provided so as to align opposite the entrance walk way • Steps have been widened to 1200mm to cater for the wider fishing type paddle craft. • The railing has been spayed to facilitate handling/manoeuvring of long paddle craft
RMS/Maritime	OK with project	
Jervis Bay Marine Park/DPI Fisheries	OK with project subject to conditions	Main concern is that alignment and construction needs to minimise impact on fisheries and mangrove habitat
Jervis Bay Maritime Museum	Submits that limited funding would be better spent on the Maritime Museum Reserve	See responses below . Budget does not allow for project to open up the "fish pond"

SA16.8

A summary of the responses are provided in the Councillors' folder

Policy Implications

Clause 2.6 of the Strategic Action Plan within the Lady Denman Strategic Business and Master Plan states:

“ In conjunction with Council’s Project Manager for boating improvements, NSW Fisheries, the incorporated Board and Council’s Recreational Planning staff, develop a plan and associated costs for the south-eastern corner of the site, including water access facilities, open space improvements (including play equipment) and necessary actions to enable the opening of the existing fish pond “

On this basis a landscape plan was prepared to integrate the museum site and the road reserve (See Attachment Two) to assist with activating this part of the site albeit not actually being on the site.

Financial Implications

Available funding provided by the NSW Better Boating Program for construction is \$135,000

A pre-construction estimate of the project as advertised is \$200,077 that includes:

\$56,755 for the jetty component within the water ;

\$61,144 for the dent street road cul-de-sac.

\$10,000 landscaping allowance to facilitate interface with the museum site

\$14,000 for rock revetment on the Creek bank

Additional costs (preliminary estimates) for building the facility within the “fishpond” are:

\$12,000 - Additional detailed design and investigation (including geotechnical/REF)

\$15,000 - Pond opening (say 2.6m wide)

\$35,000 - Pedestrian bridge (1.5 wide by 10 metres long)

\$6,000 – Additional pathways

\$27,200 – 40% Contingency

\$95,200 Subtotal

Risk Implications

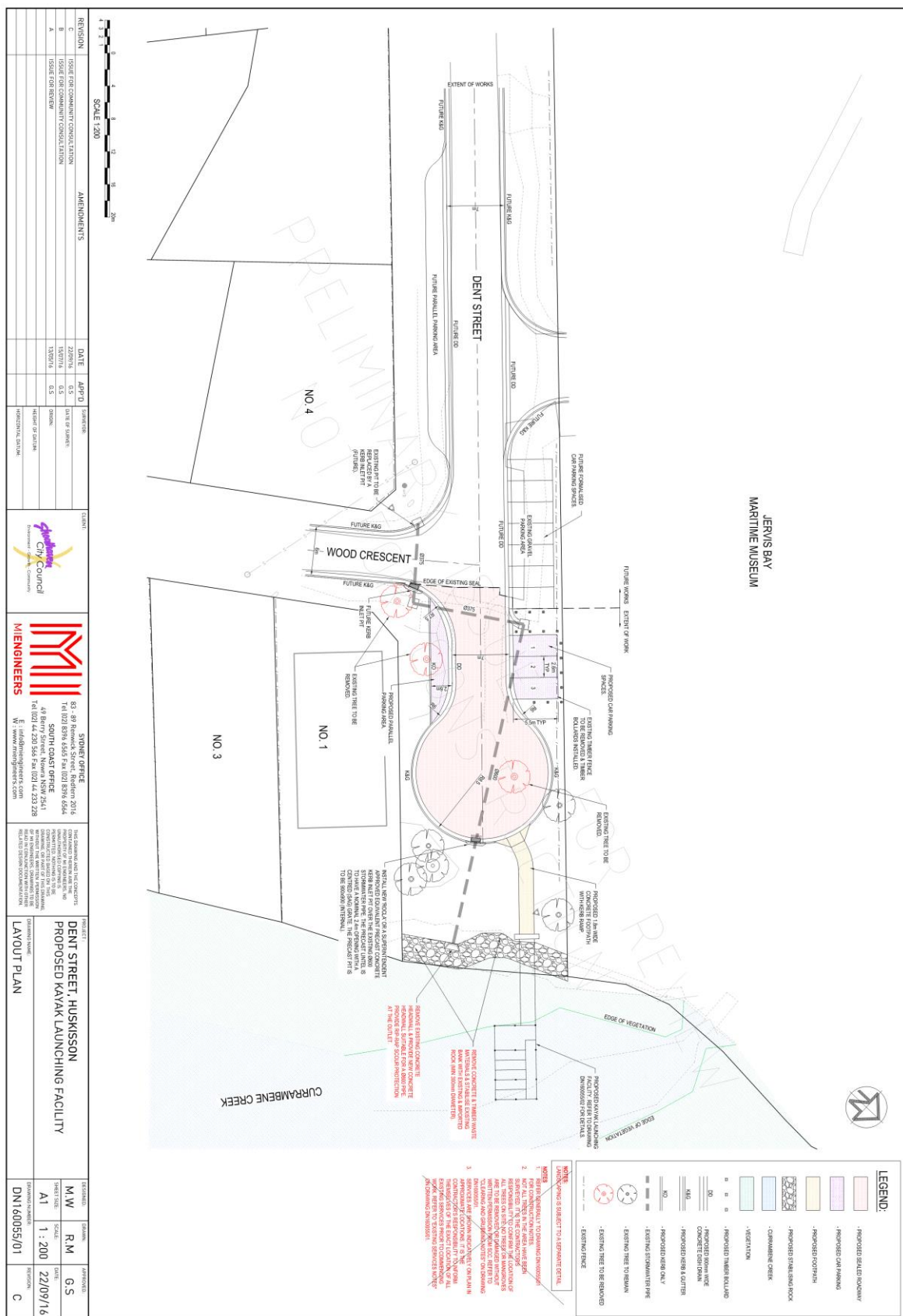
As the pre-construction estimate exceeds budget, risk of budget overspend can be minimised by staging the project with roadworks/landscaping being done separately as funds permit.

Additional risks associated with building within the fish pond are:

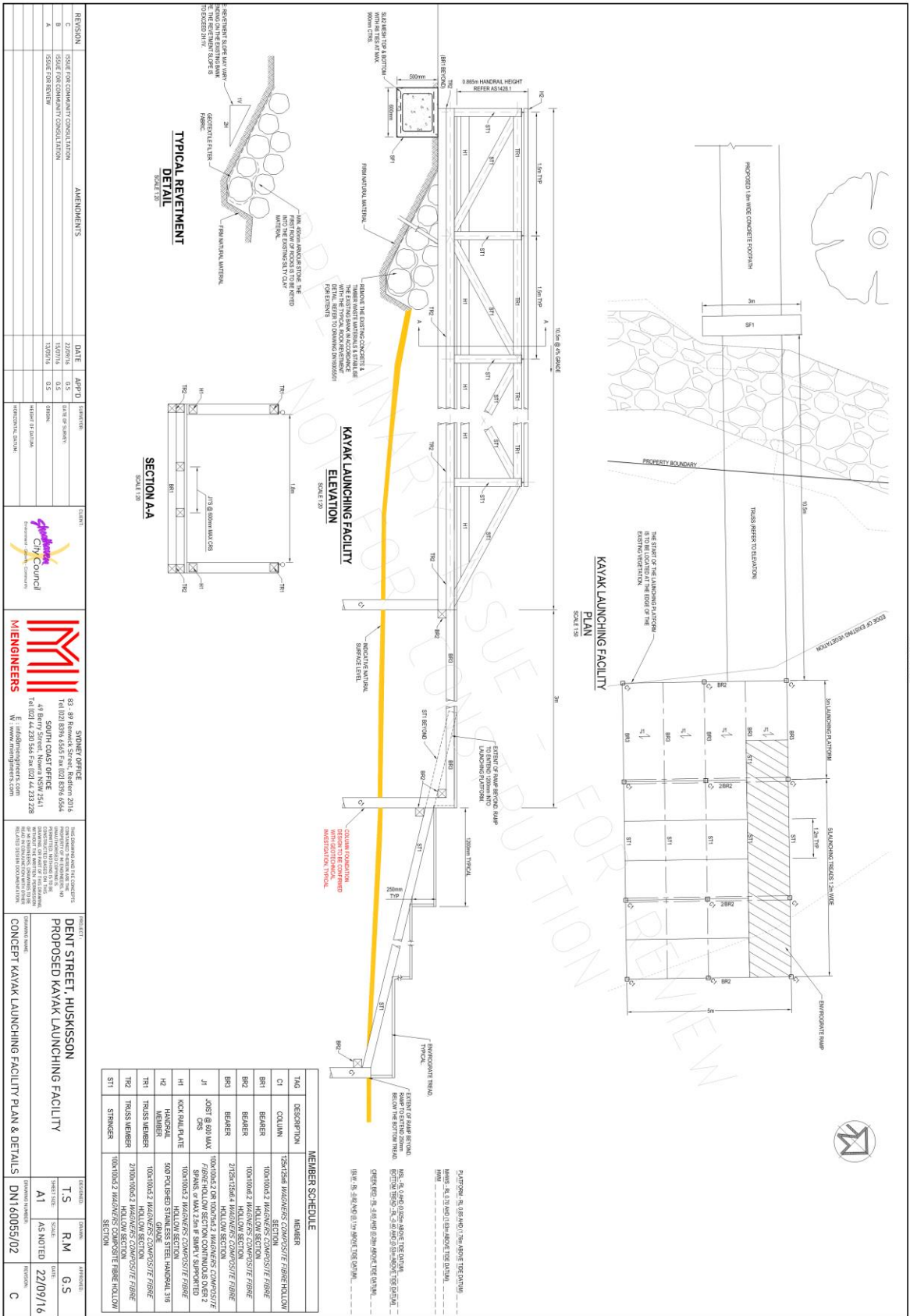
- Risk of project cost increase as a result of contaminated soil (possible contaminants in pond sediment).
- Community opposition to the opening of the pond being driven by the paddle craft launching project
- Risk of water quality not being as good within the contained pond and risk of project not being less attractive to users
- Project cost increase associated with possible contaminated soil rehabilitation
- Project time delay associated with seeking approvals
- Asset not being under control of Council if reserve is leased (but could be mitigated)

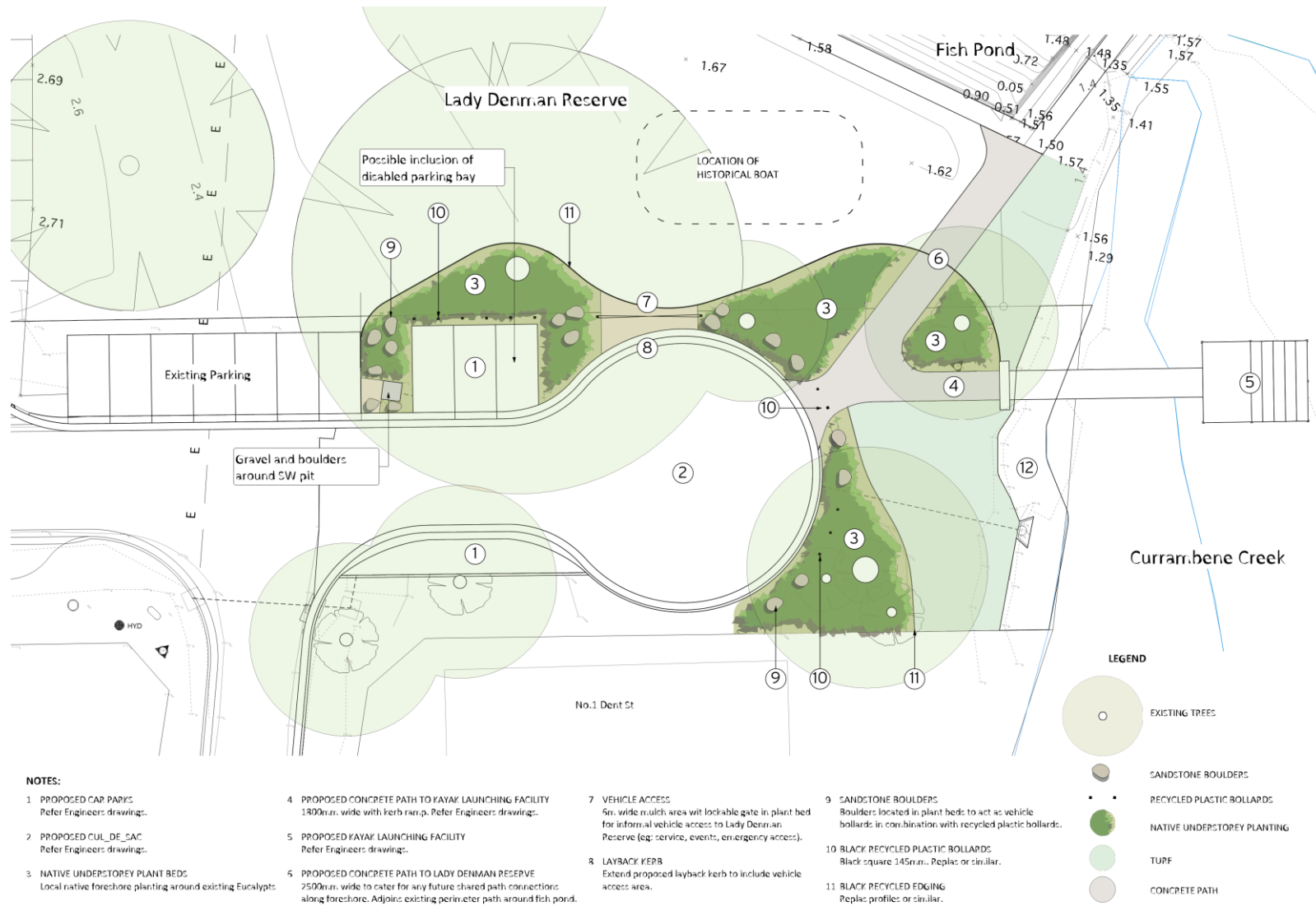
Summary

Provision of a launching facility within the pond has merit but at an increased project cost in excess of current available budget. As funds are limited, building of the facility (as a staged project as funds permit) within the Dent Street Road Reserve can still activate the south east corner of the museum site/precinct.



SA16.8 - Attachment 1





SA16.9 Huskisson Public Wharves - Commercial Berthing Encroachment

HPERM Ref: D16/293633

Group: Assets & Works Group

Section: Asset Management

Attachments: 1. Attachment 1 - Huskisson Public Wharves [↓](#)
2. Attachment 2 - Huskisson Public Wharves [↓](#)
3. Submission Comments (councillors information folder) [⇒](#)

Purpose / Summary

To consider the merit of granting wharf owner's consent to enable a development application to be lodged by Dolphin Wild/Jervis Bay Wild to modify Council's Huskisson Public Wharves

Recommendation (Item to be determined under delegated authority)

That

1. Council reconfirm its policy of 2013 that the use of Huskisson Public Wharves continue for the broad community benefit of both recreational and commercial users with priority given for the loading and unloading of passengers and goods
2. Council not support the loss of limited public berthing space for the exclusive benefit of adjacent commercial vessels
3. Wharf owners consent not be provided to allow modification of the Huskisson western public wharf by the adjoining commercial vessel owner

Options

1. Accept the recommendation
2. Grant owners consent to allow a Development Application (DA) to be lodged by Dolphin Wild/Jervis Bay Wild to modify the Huskisson western wharf low level landing and that the public interest be considered as part of the development assessment process.

Background

Council at its meeting of 17 December 2013 considered a report in relation to Dolphin Wild's largest commercial vessel "Port Venture" being too big for its berth and its overhang into public berthing space in front of the Huskisson Public Wharves.

Council resolved that:

- a) "Council use of Huskisson Public Wharves continues for the broad community benefit of both recreational and commercial users with priority given for the loading and unloading of passengers and goods;
- b) The authority to resolve day to day operational issues remains with the Huskisson Wharf Management Committee (HWMC) with an appeal process to Council being available subject to the issue first being considered by the HWMC; and

- c) Council allow the status quo for both Dolphin Wild and Dolphin Watch to remain until the applications to Crown Land are determined
- d) Council advise the Crown Lands Office that Council has no objection to an application by Dolphin Wild vessel extending their wet area berthing licence so as to extend in front of the public wharf/reserve”

Since Council’s decision, numerous complaints have been received about the loss of public berthing space for the exclusive benefit of a commercial operator. These complaints have been referred to DPI (Crown Lands) as it is the owner of the sea bed and the licencing authority for wet area berths.

DPI (Crown Lands) will not support an extension to the wet berthing area without support from other government agencies including Council. RMS has offered to provide alternative mooring locations for the vessel but these have not been agreed to by Dolphin Wild. To find a solution to this issue, RMS provided “safety navigation advice” on 20 May 2016 stating that it has no objection to the wet area berthing extension providing that the low level landing is not obstructed.

RMS also advise that *“While we agree the loss of approximately 2.5 metres of public wharf space is less than ideal, our opinion is that the proposal to allow this and relocate the low-level landing to the east will have a neutral impact on vessel access, as while there will be less overall space available for vessels to berth at the wharf, access to the wharf will improve for small vessels due to the low-level landing being usable once again. On balance our view is that this would be preferable to the current situation, though of course the ideal solution from a Roads and Maritime perspective would be for The Port Venture to be moored away from the wharf as we originally (and unsuccessfully) proposed.”*

Subsequently, a plan was submitted on 17 June 2016 by Edmiston Jones (Architects) on behalf of Dolphin Wild that shows modification to Council’s wharf western low level landing to address the obstruction issue. The plan also includes a wet area berthing encroachment of 4.014 metres into the public berthing space. A copy of this plan is attached (Attachment 1).

The Huskisson Wharf Management Committee considered the proposal at its meeting of 26 July 2016 and the discussion was minuted as below:

“Clarified that all committee members understood that as per the email from Michael Strachan, discussions regarding the proposed alterations by Dolphin Wild to the Rotary Wharf were in relation to any technical issues that may arise with the low level landing being reversed. The committee were not being asked to vote on whether the alterations should go ahead. This decision has already been made a political level in council. It was also clarified that once this DA is approved; Dolphin Wilds wet lease extension will go ahead.

Glen Maybury: Advised committee that Dolphin Watch are in the process of submitting a DA to extend their wet lease.

Main concerns that came out of the committee discussions outside of any technical issues and division between members is private commercial enterprise vs public interest and the animosity created. Public wharf space eroded by commercial enterprise. “Where does it stop?”

Technical Issues: With the proposed space being taken up by Port Venture along the Rotary wharf and the lack of depth in the area left available for public access, large/deep draft vessels will not be able use the wharf facilities. With the potential of wharf space being lost at the Eastern end of the main wharf as a result of extended wet leases, commercial operators especially Sea King Fisheries and the Dive Operator, will be compromised in their operations due lack of useable public wharf.

Committee members were advised that Dolphin Wilds DA will go out for public

comment and were encouraged to ensure all user groups/community groups they represent know and have their say in the interest of public assets. “

Community Engagement

There has been no consultation on this matter except with the Huskisson Wharf Management Committee. The Committee is opposed to the berthing encroachment.

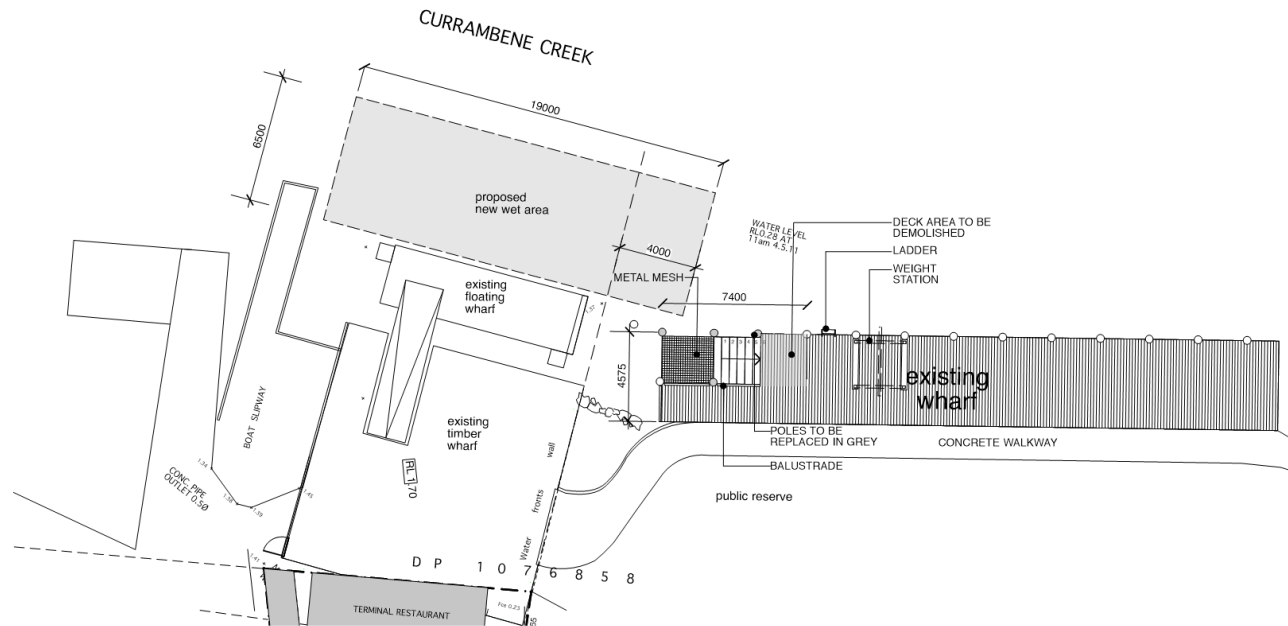
The Jervis Bay Game Fishing Club has also since written to the Wharf Committee opposing the encroachment and a copy of their response is attached (Attachment 2).

Under Crown lands legislation there is no requirement for the wet area berth extension to be advertised however Crown Lands has asked that community consultation on this encroachment be undertaken by Council via the DA process before determination of an application for an extension to the wet area.

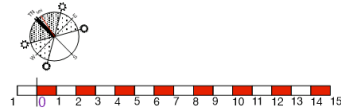
If advertised, it is expected that there will be strong community opposition to this proposal

Financial Implications

There are no financial implications to Council as modifications to the western wharf will be at the proponent's (Dolphin Wild) expense.



site / existing
PLAN



Proposed Alterations to Rotary Wharf
for Mr Brendan Aulsebrook
at 15 Field St, Huskisson

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WOLLONGONG
10 Belmore Street
Wollongong
NSW 2500
T 02 42 261 387
F 02 42 286 405
W www.aej.com.au

NOWRA
92 North Street
Nowra
NSW 2541
T 02 44 216 822
F 02 44 221 963
E aej@aej.com.au

BATEMANS BAY
1 North Street
Batemans Bay
NSW 2536
T 02 44 727 388
F 02 44 221 963

REV	DESCRIPTION	DATE
P1	Issued for Owner Consent	6/9/16
P2	Proposed new wet area added	17/9/16
P3	Revisions added to wet area	17/9/16

PROJECT #:	16-0012
SCALE:	1:200 © A3
DRAWN BY:	AEJ
CHECKED BY:	AEJ
DESIGNED BY:	AEJ
DRAWING NO.:	DA01
REVISION:	P3

16-0012 Aulsebrook DD2.vwx

12/9/16



25/07/2016

IN CONFIDENCE

To whom it may concern

It has come to the attention of the Jervis Bay Game Fishing Club (JBGFC) committee that a proposal has been put forward to extend the wet area by reducing the current size of the Rotary Wharf.

After consultation with our members, the committee is hereby expressing our vehement objection to this proposal for the following reasons:

- Current access to the public wharf is restrictive enough. Any further reductions would impact negatively both public access embarking and disembarking their own vessels, as well as cause disruption to JBGFC's tournaments, community events and member weigh ins.
- The proposed increase to the current wet area would significantly hamper the public's access to deep water access which is imperative for larger vessels to both tie up as well as manoeuvre.
- It is well known that during periods of low tide, larger vessels tie up to the wharf and wait for hours for the high tide before being able to cross the mouth of the creek. Currently, it requires great effort for two larger vessels (35 to 40 foot) to tie up to the wharf stern to stern. Any reduction in the length of the wharf would mean that vessels awaiting the high tide would have to raft side by side. This not only means they risk damaging their vessels in the shallower water, but also impedes access for other vessels requiring passage and/or the dis/embarking of their passengers.

From the stand point of the JBGFC in particular; the implementation of the proposal would impact in the following ways:

- The number of vessels that we can safely raft for our tournament would need to be halved at minimum. We currently have on average between 4-6 such vessels attend each year and although some elect to take up a public mooring outside the creek, there are some that take the opportunity to tie up to the wharf. These vessels do so for various reasons including vessel safety, access to power and water, lack of tender with crew requiring access to land, as well as the prediction of inclement weather making them opt to not fish the following day.
- Informing potential entrants of this would conservatively see a reduction of anywhere between 10 – 20 participants and a significant loss of revenue to the club not to mention the loss of revenue to the retailers in the area
- The proposed reduction to the wharf would see the area in which we conduct our weigh ins as well as other inspections during our tournaments significantly decrease.
- The proposed increase to the wet area would render manoeuvrability in the immediate area more difficult for vessels waiting to have fish weighed, attempting entry/exit to the area as well as the general public in times of congestion. Both this and the previous point would increase the risk of damage to vessels, the wharf itself and more importantly, create a risk to human life that is avoidable and unnecessary.

After taking all of the above into strong consideration, we now draw your attention to the both the moral and logical aspects of our opposition:

- Any changes/alterations to any public structure should be to the betterment of public use and as yet, we cannot see a single benefit to the public that would result from the implementation of the proposed changes.
- Should a privately owned commercial entity require a larger area in which to operate, it has always been the responsibility of that private entity to source a suitable area and acquire it through purchase and/or lease options; not to simply take over public property with no value or compensation or alternatives offered to said public.
- From what we can ascertain, the reason the proposal has been put forward is because the applicant's vessel is too large for their current wet area. This, whether by oversight or by choice, should be rectified by the applicant, not the public.

- From our understanding the allotment of the applicant's wet area was issued **prior** to their acquisition of a vessel. The fact that they then purchased a vessel that would not fit in said wet area should certainly not be a burden to the public but to those who made this purchase.
- It is also our understanding that the RMS has suggested the applicant make use of the mooring option it has offered him and use the wharf as it was intended to be used, not as a permanent and private berth.
- The JBGFC committee, our members, our guests and in large, members of the public have all been subjected to unsavoury, stand over, manipulative and bullying tactics when requiring use of the public wharf. It has become as if those put in charge of the upkeep and management of a public structure have managed to turn it into an exclusive property which serves their private gain at the public's expense. It is public money that built it, it is public money that maintains it and it is in everyone's best interest for the public to be the major beneficiaries of it.
- JBGFC would like the current wharf committee disbanded immediately and a new committee, that better represents the wider community, elected. A committee that represents all who use, maintain, and benefit from the public wharf so that everyone has a voice and each voice is heard.

The Jervis Bay Game Fishing Club would like to thank you for the time you have taken today and we welcome any and all opportunities to discuss the matter with you in person.

In closing, we would like to pose the following question. We pose this question to you as you are the ones charged with ensuring that the public's best interests are explored and ultimately implemented.

Since when are the financial gains of a single commercial entity considered more important than the benefits, well-being and safety of tens of thousands of members of the local community, not to mention the tens of thousands of tourists to the area?

I urge you to think about not only the context of your response and the motive behind it but what your response will ultimately result in. If the end result will benefit the local community directly, as well as indirectly through the hundreds of thousands of tourists the region sees annually; then logic has prevailed and the message that the gain of one will never outweigh the need of the many has been clearly stamped rather than the message that people and their public assets are nothing but obstacles for those with the money, tenacity or lack of moral standing to manipulate as they see fit.

We trust that you will make the right decision and look forward to hearing from you.

Regards

Martin Issa

JBGFC Secretary, on behalf of the

Jervis Bay Game Fishing Club

secretary@jervisbaygfc.com

SA16.10 Local Government Road Safety Program (LGRSP) - 2016/17 - RMS Grant Funds -

HPERM Ref: D16/291257

Group: Assets & Works Group

Section: Asset Management

Attachments: 1. Successful Grant Funding - Local Government Road Safety Officer Program (LGRSP) - 2016/17 [↓](#)

Purpose / Summary

To accept the Local Government Road Safety Program (LGRSP) approved funding of \$12,600 (Ex GST) for 2016/17.

Recommendation

That Council writes to NSW Roads and Maritime Services thanking it for its funding assistance towards the Road Safety Program and accept the grant funding offer of \$12,600 from Roads and Maritime Services (RMS) and vote funds as follows:

1. \$200 for Shoalhaven Youth Log Book Run
2. \$1,200 for Shoalhaven Youth Graduated Licensing Scheme (GLS)
3. \$200 for Fatigue
4. \$4,800 for Motorcycle Safety
5. \$1,200 for Restraints
6. \$5,000 for Shoalhaven Cycles Bike Week
7. Speed Monitoring on Local Roads (paid directly by RMS)

Options

1. Council accepts the grant funding offer. This will allow these important road safety projects to be completed with 100% funding (Recommended)
2. Council does not accept the grant funding offer. Not accepting the grant funds would mean these programs would not be completed and would lessen the planned road safety outcomes (Not Recommended)

Background

Roads & Maritime Services (RMS) offers funding each year to Councils as part of the Local Government Road Safety Program. This funding is offered to cover programs based on the Safe Systems approach to road safety, highlighting Safe Roads and Roadsides, Safe Vehicles, Safe Speeds and Safe People. Shoalhaven City Council is concentrating on programs based on positive evaluations of past programs supported by crash statistics of the previous five years. These programs are in addition to RMS specifically funded programs such as

Shoalhaven Youth Graduated Licensing Scheme and Shoalhaven Cycles Bike Week (see attachment A).

Community Engagement

Community consultation has commenced and will continue to be undertaken as part of the delivery of these projects.

Financial Implications

These projects are 100% funded by RMS.



2 September 2016

Shoalhaven City Council

Russ Pigg
General Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Received

- 6 SEP 2016

File No. _____

Referred to: K. Wiseman

Dear Mr Pigg

**Re: SHOALHAVEN COUNCIL
LOCAL GOVERNMENT ROAD SAFETY OFFICER PROGRAM (LGRSP)
APPROVED PROJECT FUNDING FOR 2016-2017**

As part of the Local Government Road Safety Program, Road Safety Officers are eligible to bid for project funding each financial year. We are pleased to advise that the following project applications were successful for Kathy Wiseman, Road Safety Officer, and Shoalhaven City Council.

Funding source	Project	Funding amount
LGRSP	Shoalhaven Youth Logbook Book Run	\$200
GLS	Shoalhaven Youth Graduated Licensing Scheme (GLS)	\$1,200
LGRSP	Fatigue	\$200
LGRSP	Motorcycle Safety	\$4,800
LGRSP	Restraints	\$1,200
Bike Week	Shoalhaven Cycles Bike Week	\$5,000
Speed	Speed Monitoring on Local Roads (paid directly by RMS)	NA
Total		\$12,600

Note: All amounts are exclusive of GST

LGRSP projects must adhere to Roads and Maritime Services (RMS) Local Government Program's *Road Safety Project Funding Guidelines February 2014*, and subsequent versions, and in accordance with the Local Government Road Safety Program Performance Funding Agreement between council and RMS.

Council is required to inform RMS in writing that it accepts these conditions before the project commences. Final payment for the project will be made on receipt of project evaluation details and a final invoice. Please note that all funding amounts above are exclusive of GST.

If you have any questions, please do not hesitate to contact Glenda Castles, Road User Safety Project Officer, on phone (02) 4221 2768 or email Glenda.A.Castles@rms.nsw.gov.au.

Yours sincerely


Chris Millet
A/Manager, Network and Safety

Roads & Maritime Services

Level 4, 90 Crown Street, Wollongong, NSW 2500 | PO Box 477 Wollongong East NSW 2500
T 02 4221 2405 | F 02 4221 2777 | E heather.marshall@rms.nsw.gov.au

www.rms.nsw.gov.au

SA16.10 - Attachment 1

SA16.11 2015 - 2016 Food Regulation Partnership Activity Report

HPERM Ref: D16/298687

Group: Planning & Development Services Group
Section: Environmental Services

Purpose / Summary

The purpose of this report is to inform Council of the 2015–2016 Food Regulation Partnership Activity Report. As an appointed enforcement agency, Council under Section 113 of the NSW Food Act is required to provide information to the NSW Food Authority about our food regulation activities via an annual activity report.

Recommendation (Item to be determined under delegated authority)

Recommended that the Strategy & Assets Committee receive this report for information.

Options

1. Council receive this report for information.
2. Council propose an alternate option.

Background

For the 2015–2016 reporting period, Environmental Health Officers completed 686 primary inspections and 51 re-inspections of fixed retail food businesses. Approximately 150 inspections of mobile and temporary food premises were also completed. During this period 56 food handling complaints were investigated.

Overall 93.5% of fixed food premises were found to be compliant at the primary inspection with a further 5% compliant after re-inspection. During the reporting period, 27 Improvement Notices, 3 Penalty Infringement Notices and 2 Prohibition Orders were issued.

Food premises assessment reports were also prepared for each of the 686 premises inspected. These electronic reports provide a comprehensive analysis of the food businesses status in relation to food safety compliance with corrective action and advice provided.

During the 2015–2016 reporting period, Council also began participating in the “Scores on Doors” program. The outcome of which resulted in 396 Excellent (5 Star) scores, 129 Very Good (4 Star) scores, and 54 Good (3 Star) scores being awarded. A further 41 premises were not awarded a score (no star) due to critical food safety failures.

Financial Implications

The Food business regulation program was delivered within the existing 2015–2016 budget (15900).

Community Engagement

As part of the regulatory program, Environmental Health Officers engage regularly with food handlers and food business operators with the aim of improving food safety standards.

SA16.12 Mollymook Beach and Conjola Bushcare Group Action Plans - Review

HPERM Ref: D16/299318

Group: Planning & Development Services Group
Section: Environmental Services

Purpose / Summary

The purpose of the report is to present the review of Mollymook Beach and Conjola Bushcare Group Action Plans, and outcome of community consultation.

Recommendation (Item to be determined under delegated authority)

That Council adopt the reviewed Mollymook Beach and Conjola Bushcare Group Action Plans (2016).

Options

1. Adopt the reviewed Bushcare Group Action Plans. The Mollymook Beach and Conjola Bushcare Group Action Plans have been reviewed by Council's Operational and Strategic Planning staff and State Government agencies staff from the NSW Crown Lands. Both plans have been sent to CCBs and all residents and ratepayers within 200 metres of the reserve affected by both Bushcare Action Plans. This is as per the requirements of the Bushcare/Parkcare Policy and Procedures 2009, and in line with Council's Community Engagement Policy.

Implications: This would continue to support the work of the volunteer Bushcare groups.

2. Adopt only one of the reviewed Bushcare Group Action Plans and seek a review or make changes to the other.

Implications: The positive and negative implications of choosing this option would depend on what the proposed changes are.

3. Not adopt either of the Bushcare Group Action Plans.

Implications: This decision would significantly affect volunteer's morale and result in a loss of volunteer participation in Council's Bushcare program.

Background

The following Bushcare Action Plans were due for review in June and December 2011:

1. Mollymook Beach Bushcare Action Plan; and
2. Conjola Bushcare Group.

Part C of MIN08.117 Ordinary Council meeting dated 29 January 2008 states that:

‘Council affirms its direction that planting and other associated pursuits should only be done by abovementioned groups in accordance with Bushcare and Parkcare action plans as approved by Council.’

This part of the Council resolution requires that all Bushcare and Parkcare Groups that operate on Council owned or managed land prepare plans for adoption by Council.

Part D of MIN08.1552 Ordinary Council meeting dated 25 November 2008 states that:

‘An all-embracing Consultation Policy be developed that will include nearby residents, the wider community, Tourism Shoalhaven, CCBs, Chamber of Commerce, community groups, church groups and local schools.’

The level of consultation required is dependent on the actions outlined within the plan and is specified in chapter 6, Community Consultation, of the Bushcare/Parkcare Policy, 2009.

Under the Council’s Community Engagement Policy engagement matrix all Bushcare Action Plans are classed as local low impact project. Therefore, combined with the requirements of the Bushcare Policy, direct communication via a mailout to all residents/ratepayers and CCBs was completed. Both reviewed plans were made available on Council’s website.

The two (2) reviewed plans were placed on Council’s website under [Documents for Exhibition](#). Notification of the review and instructions on how to provide feedback on the reviewed plans were mailed and/or emailed out to 546 adjoining residents/ratepayers near the effected public reserves, as well as the Ulladulla and District Community Forum.

Following this consultation phase, Council received three (3) submissions about the Mollymook Beach Bushcare Action Plan. No submissions were received about the Conjola Bushcare Action Plan. A summary of the Mollymook Beach Bushcare Plan submissions is tabled below.

A Councillor briefing to outline the content of the reviewed Plans and results of community consultation was held on 18 July 2016.

Mollymook Bushcare Action Plan Review (D15/ 285913) - Summary of Submissions – Submissions received from individuals

<i>Summary of Issues raised by submissions</i>	<i>Changes made or actions taken as a result of the submissions</i>	<i>Number of submissions that raised this issue</i>
<i>Overgrowing vegetation restricting pedestrian access along the southern side of Mitchell Parade adjacent to the Bannister head littoral rainforest</i>	<i>Submission forwarded to Southern Asset and Works engineer for inspection</i>	1
<i>Wanted to include small remnant patch of bushland at the beginning of Beach Rd adjacent to Mollymook Creek into the Bushcare Plan</i>	<i>Arrange a site meeting with staff and Bushcare Group discuss the possibility of including the area into the BAP</i>	1
<i>Wanted Council re-open old disused beach access track from Beach Rd (adjacent to No. 4 see appendix for location details) to provide a possible</i>	<i>Have forwarded request onto staff managing beach access assets for consideration</i>	1

<i>link with the Mollymook Beach shared pathway</i>		
<i>Concerned about coastal vegetation blocking ocean views/vista and suggested under pruning to lift canopy height of trees and tall shrubs and only planting low growing under story species</i>	<i>All revegetation in the BAP will not impede on current ocean vistas</i>	1
<i>Suggested that Council construct a series of viewing platforms along the eastern side of Beach Road</i>	<i>Have forwarded to staff in charge of coastal assets and written to resident explaining that this type of works is beyond the capacity of the Bushcare Group</i>	1

Community Engagement

One CCB and 546 residents and ratepayers were informed of the opportunity to comment on both reviewed Bushcare Action Plans via the post or email. 549 letters were sent out to all residents and ratepayers within 200 metres of the reserves where Bushcare actions are proposed or will continue.

Residents/Ratepayers were able to view the draft Bushcare Action Plans via a “**Documents on Exhibition**” web link on Council website and were given 28 days to make a submission. People without internet access were able to contact Council and request a hard copy of the plan and make a submission via mail. This community engagement is in line with Council Community Engagement Policy for low impact local projects.

Financial Implications

Implementing the actions within the reviewed plans over three years, including voluntary labour, represents a total cost of \$47,965. These costs will be funded through Council's existing Bushcare program budget and voluntary labour, as follows:

- \$10,200 (accommodated through existing budgets) materials/equipment and direct support from casual Bushcare Field Officer Staff;
- \$7,525 in existing salaried staff time; and
- In-kind volunteer contribution \$30,240.

Conclusion

This report demonstrates the value of Bushcare volunteers to manage natural areas under the care and control of Council. The community is largely supportive of the exhibited Conjola and Mollymook Beach Bushcare Action Plans. The report outlines the consultation process and how submissions received have been considered and addressed. It is recommended that the Conjola and Mollymook Beach Bushcare Group Action plans be adopted.

SA16.13 Verons Estate Special Rate Variation to Upgrade Roads

HPERM Ref: D16/306078

Group: Planning & Development Services Group
Section: Strategic Planning
Finance

Attachments: 1. DCP Chapter S1 - Supporting Map [↓](#)
2. Verons Estate Costings [↓](#)

Purpose / Summary

The purpose of this report is to seek Council endorsement to prepare a Special Rate Variation application to the Independent Pricing and Regulatory Tribunal (IPART) to enable the roads in Verons Estate to be upgraded, and to provide an indication of the special rate levy on lots within this subdivision.

Recommendation

That

1. Council authorise staff to notify IPART of its intention to prepare a Special Variation application for a \$2.13m loan-funded special rate levy ('Special Rate Variation') so that Council can provide essential road infrastructure in Verons Estate;
2. 17% of the total cost be met by the broader rate base based in recognition of the potential benefit of the road upgrades to the broader community including properties fronting Sussex Inlet Road which have rear access onto Mokau Road.
3. Further details of the proposed funding arrangement be refined in consultation with the affected landowners; and
4. Unless there are substantial changes to the details provided in this report, the Special Rate Variation application to IPART be submitted before the February 2017 deadline.

Options

1. Proceed with the Special Rate Variation application.

Implications: The roads within the Estate need to be upgraded to mitigate bushfire risk and enable the Estate to be safely developed consistent with the rezoning outcome. Council can only provide this essential road infrastructure if funding (cost recoupment) arrangements are in place.

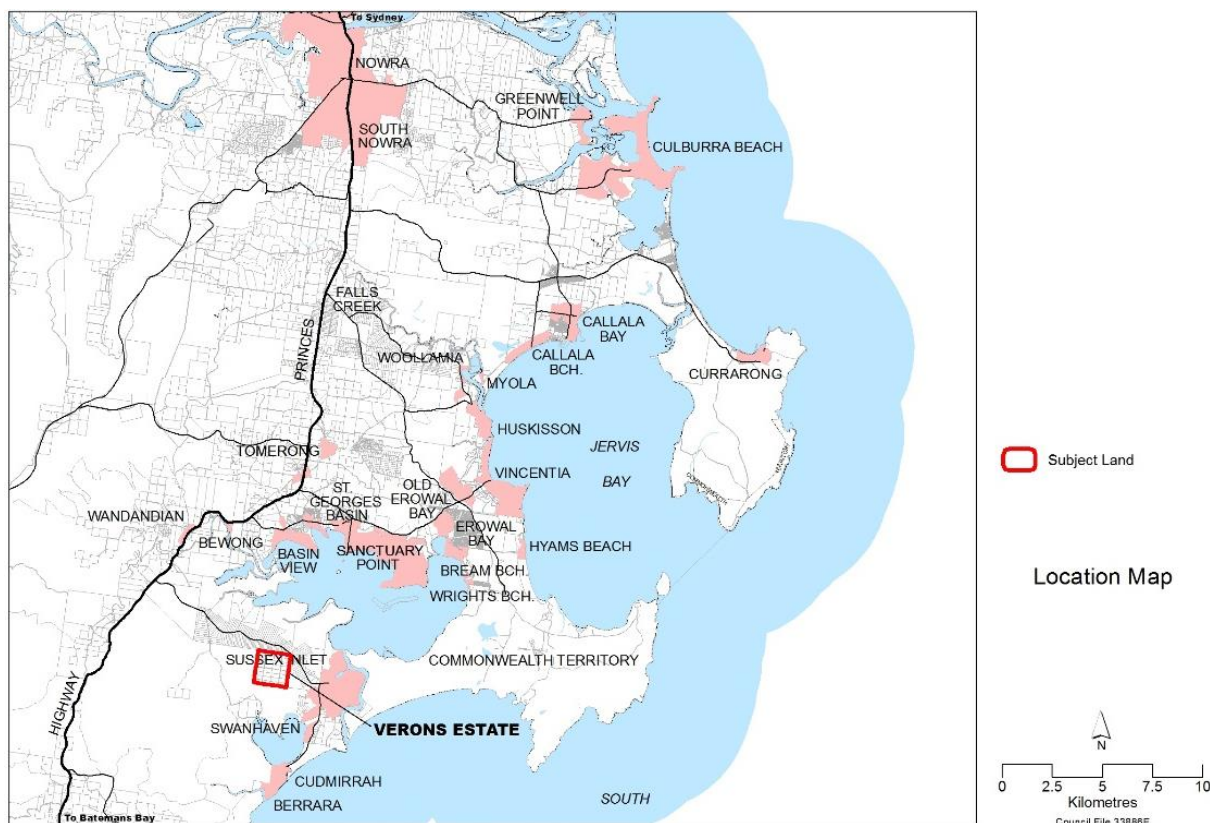
2. Not proceed with the Special Rate Variation application.

Implications: Council will not be able to provide the required essential road infrastructure and development will not be able to be realised until the infrastructure is provided.

Background

Planning context

Verons Estate is a 'paper subdivision' comprising 32 lots, each 8 ha in size, is located 3 km inland from Sussex Inlet (refer to Figure 1 below).



(1) *Figure 1 - Verons Estate location*

In 1993, Council resolved to investigate rezoning the Estate to allow development, subject to the benefiting owners meeting the costs of rezoning the land and providing infrastructure. As discussed later in this report, the cost of rezoning the land (including investigations and assessments) has largely been recouped from the benefiting owners via a special rate. Similarly, some minor road upgrading has been undertaken in the Estate, again largely paid for by the landowners via a special rate.

Now that the land's planning status has been resolved, significant upgrades are required to the road network to reduce risks to fire fighters and evacuating residents to a more acceptable level, so that the Estate can be safely developed.

Preferably, the landowners or a developer acting on their behalf would coordinate the provision of essential infrastructure to enable the development of the Estate to be realised. This is not practical however given the number of landowners. Thus, the provision of infrastructure needs to be coordinated by Council, as has been the case with the Jerberra Estate at Tomerong.

The Estate's planning status remained unresolved until the Verons Estate Planning Proposal (PP) and supporting planning controls were finalised in 2014 when the following commenced:

SA16.13

- Amendment No. 1 to Shoalhaven Local Environmental Plan (SLEP) 2014, gave legal effect to the Verons Estate PP. The key changes to the LEP were:
 - The land was rezoned from a mix of RU2 – Rural Landscape and E2 – Environmental Conservation to a mix of ‘E4 – Environmental Living’, ‘E3 – Environmental Management’ and E2.
 - The minimum lot size map was amended from 40 ha to 7 ha enabling a dwelling to potentially be approved on Lots 1 to 19. The 40 ha minimum lot size was retained on Lots 20 to 32.
- New site specific chapter (Chapter S1) in the Shoalhaven Development Control Plan (DCP) 2014, provides additional objectives and guidance to facilitate development and ensure the intended outcomes of the PP are achieved. Chapter S1 includes a ‘[Supporting Map](#)’ which identifies building / development areas on lots 1-19, and vegetation management requirements for the road corridors to mitigate bushfire risk while also protecting important environmental attributes. A copy of the Supporting Map is provided in **Attachment 1**.

The history of Verons Estate was provided in a report to Council on 15 July 2014:

<http://doc.shoalhaven.nsw.gov.au/Displaydoc.aspx?Record=D14/173029>

Council’s resolution to adopt Chapter S1 of DCP 2014 (MIN14.724) also included that a report is to be prepared on the following financial and cost recovery issues:

- i) *Reconciliation of the rezoning budget deficit;*
- ii) *The cost of the proposed road upgrades shown on the Supporting Map (SDCP 2014 Chapter S1);*
- iii) *The feasibility of constructing a perimeter fire trail along Taramung Road between Wandra and Advance Roads; and*
- iv) *A review of cost recovery options and properties which will derive a benefit from the proposed upgrades.*

These matters are addressed in detail below.

Reconciliation of the rezoning budget deficit

Income and expenditure for the rezoning investigation process are shown in Table 1 and Table 2 respectively.

(2) Table 1 - Rezoning investigation income

Rezoning income	Amount
Loan funded (10 year loan repaid via special rate)	\$150,000
Transfer from Road Design	\$12,968
Previous contributions (pre 1996)	\$2,571
Total	\$165,539

(3) Table 2 – Rezoning investigation expenditure

Category	Description	Cost
Consultancies	Environmental and land capability assessment reports	\$157,396

Staff salaries	Reports to Council, the Planning Proposal, and correspondence, project management etc	\$32,614
Other	Advertising, printing etc	\$1,942
Total		\$191,952

The surplus/deficit (total income minus total expenditure) is as follows:

= \$165,539 - \$191,952

= -\$26,413 (deficit)

The \$26,413 deficit is proposed to be offset against the Road Construction Special Rate Surplus resulting in a remaining deficit of \$20,650 being recouped from the benefiting landowners (i.e. Lots 1-19) as part of the proposed special rate arrangement. Given the amount is less than 1.5% of the overall project cost estimate (which includes appropriate contingencies) it has been subsumed for the purpose of the Special Rate Variation application.

Cost estimate

It is noted that NSW Rural Fire Service's support for the PP was conditional on the following measures being undertaken:

- upgrading the roads to perimeter road standard (as described in Planning for Bushfire Protection); and
- establishing a vegetation management corridor, primarily to reduce risk to fire fighters in an emergency situation. The corridor will typically have a total width of 32 m (the full width of the road reserve (20 m) plus 6 m either side of the road reserve, maintained by owners). This excludes riparian vegetation and seasonal restrictions apply to threatened orchid habitat. Refer to **Attachment 1** (DCP Chapter S1 – Supporting Map).

A preliminary road design and accompanying construction cost estimate was prepared by Council's Project Delivery section, based on the above measures. The design for the intersection of Sussex Inlet Road and Mokau Road is based on the recommendations of a traffic assessment completed by Bitzios Consulting.

To minimise the cost without compromising the safety of fire fighters, the width of the proposed pavement has been reduced from 8 metres (normal requirement for perimeter roads) to 6 metres with 1 metre wide gravel shoulders. This reduction in sealed pavement width is appropriate given the low density of development and availability of off-street parking.

The cost estimates are provided in **Attachment 2**.

The cost estimates are summarised in Table 3. The cost estimates include modest contingencies (typically 15-25%).

(4) Table 3 - Summary of road upgrade cost estimates

Item	Amount
Preliminaries	\$ 50,000.00
Clearing and grubbing	\$ 85,000.00
Sediment and erosion control	\$ 66,625.00
Earthworks	\$ 224,200.00

Drainage	\$ 327,442.00
Road pavement construction (includes \$193,200 for sealing – see below)	\$ 796,693.80
Fire trail (Tarramung Road b/w Advance and Wandra Roads)	\$ 67,402.50
Signs and markings	\$ 4,212.50
Reinstatement	\$ 65,400.00
Sussex Inlet Road intersection upgrade	\$ 331,049.40
Survey and design	\$ 27,621.00
Consultant reports	\$ 29,700.00
Project management, tender documentation and contract management	\$ 32,500.00
TOTAL CONSTRUCTION COSTS	\$ 2,107,846.20
Existing Deficit from previous special rates	\$ 20,650.00
TOTAL	\$ 2,128,496.20

The cost for sealing the roads is approx. 10% of the total project cost. This is acceptable given the potential benefits of sealed vs unsealed roads in respect of maintenance (including the road drainage system), dust and noise levels, and water quality.

Feasibility of establishing a fire trail along Taramung Road

The establishment of a dedicated fire trail along Taramung Road between Advance and Wandra Roads would provide:

- an alternative access/egress route from Wandra to Advance Road; and
- an additional opportunity for strategic fire management operations.

The estimated cost of establishing the fire trail is approx. \$67,000. The fire trail would be gated and locked, and would require maintenance in perpetuity to ensure compliance with the relevant fire trail standards. Annual maintenance costs would be in the order of \$2,000 and this would be met by Council.

In summary, provided it is properly constructed and maintained, the fire trail would be beneficial from a bushfire perspective. It is proposed to include establishment of the fire trail in the project for the purpose of the Special Rate Variation application, and determine if it can be constructed once the actual cost of upgrading the roads is known (subject to approval of the Special Rate Variation application).

Cost recovery options

Special rates are seen as the preferred cost recoupment option because it allows the costs to landowners to be spread over a number of years and provides more financial certainty for Council.

Section 495 of the *Local Government Act (1993)* allows Council to levy Special Rates. A Council may make a special rate for or towards meeting the cost of any works, services, facilities or activities provided or undertaken, or proposed to be provided or undertaken, by the Council within the whole or any part of the Council's area, other than domestic waste management services. Special rates can be levied on rateable land that in Council's opinion:

- benefits or will benefit from the works, services, facilities or activities; or

- contributes or will contribute to the need for the works, services, facilities or activities;
or
- has or will have access to the works, services, facilities or activities.

To avoid impacting on other expenditure programs, a special variation would be sought from the Independent Pricing and Regulatory Tribunal (IPART) to increase the total rate revenue above the rate pegging limit.

IPART would assess the application against the guidelines published by the Division of Local Government, Department of Premier and Cabinet.

Other cost recoupment mechanisms are not considered appropriate in this instance. A summary of alternative cost recoupment arrangements is provided below.

- Development contributions - payable as part of the development approval process meaning that cost recoupment would depend on development of all of the individual lots. Cost recovery via Developer Contributions would not be financially sustainable for Council because landowners may not seek to develop their land for a number of years. There would be no certainty when Council would receive contribution payments, which in turn would impact on Council's ability to repay the loan. Furthermore, each landowner would be required to pay their contribution payment in a lump sum at the time of development, unlike a special rate which allows the costs to be spread over a number of years.
- Fees and charges - recoupment via a fee and/or charge is not a viable option due to the potential losses that would be incurred by Council. There may be interest from some landowners to make an upfront payment, in order to avoid future interest payments. However, it would not be possible to charge a fee to all landowners, as a one off payment for the cost of the works would be out of reach for the majority.
- Planning agreements - a legally binding agreement with each landowner to pay their proportion of site costs upfront or through a schedule of payments. However, given the number of landowners involved it would be difficult to get agreement from all landowners.
- Council could seek to use provisions that were introduced under Schedule 5 of the NSW *Environmental Planning and Assessment Act* for overcoming implementation barriers associated with the fragmented ownership of paper subdivisions. To be eligible to use these provisions, Council would need to run a formal ballot to demonstrate that at least 60% of landowners, and the owners of at least 60% of the land area, support the proposed arrangements. This option is likely to demand significant Council resources to progress, but could potentially be considered if IPART does not approve the Special Rate Variation.

Cost apportionment

To ensure the special rates are applied in accordance with section 495 of the Local Government Act, it is proposed to apportion the costs based on the 'post development' traffic generation rates used in the traffic assessment that was completed by Bitzios Consulting for the Sussex Inlet Road – Mokau Road intersection. The traffic generation rates are shown in Table 4.

(5) *Table 4 - Proposed apportionment of costs*

	Property category	trips	%
1	Verons Estate properties with dwelling entitlement potential (Lots 1-19 + Lots 20, 28 & 29)	19.8	79
2	Other Verons Estate properties (Lots 21-27 & 30-32)	1	4

3	Properties fronting Sussex Inlet Rd which will potentially use Mokau Rd as their secondary access	4.275	17
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(6) *Table 5 - Proposed average rates*

	Property category	Avg Land Value	Avg Rates 10 yr Loan	Avg Rates 20 yr Loan
1	Verons Estate properties with dwelling entitlement potential (Lots 1-19 + Lots 20, 28 & 29)	\$209,318	\$9,124	\$5,346
2	Other Verons Estate properties (Lots 21-27 & 30-32)	\$111,000	\$1,016	\$596
3	Properties fronting Sussex Inlet Rd which will potentially use Mokau Rd as their secondary access		\$43,198	\$25,308

Community Engagement

Benefitting landowners within Verons Estate and other similar 'paper subdivisions' have been consistently advised that they will need to meet the costs associated with rezoning their land and providing infrastructure (This has been Council's position since it initiated the rezoning process in 1993).

An integral part of the application process is that Council will engage and consult with the community on the proposed expenditure and revenue arrangements. If Council resolves to proceed with the Special Rate Variation application (as recommended) a consultation package will be prepared and circulated to affected landowners. This will include a questionnaire which will enable landowners' views to be considered as part of the Special Rates Variation application process, as well as a 'Frequently Asked Questions' document. In readiness a Communication Plan has also been prepared in conjunction with the Executive Strategy Team. All affected landowners have been notified of the Council Meeting to discuss this topic.

Policy Implications

The introduction of a Special Rate for Verons Estate is consistent with the approach taken for Jerberra Estate ratepayers. If the option for a 10 year loan is chosen then the Jerberra Estate Payment Relief Policy may need to be updated to include an option for Veron's Estate ratepayers to apply for Payment Relief also.

Financial Implications

The infrastructure required to enable Verons Estate to be safely and appropriately developed is expected to cost around \$2.13 million, of which it is proposed that the Estate's landowners will contribute 83%. It is proposed that Council will meet 17% of the cost in proportion with the potential benefit that will be derived from non-landowners, notably properties between the Estate and Sussex Inlet Road.

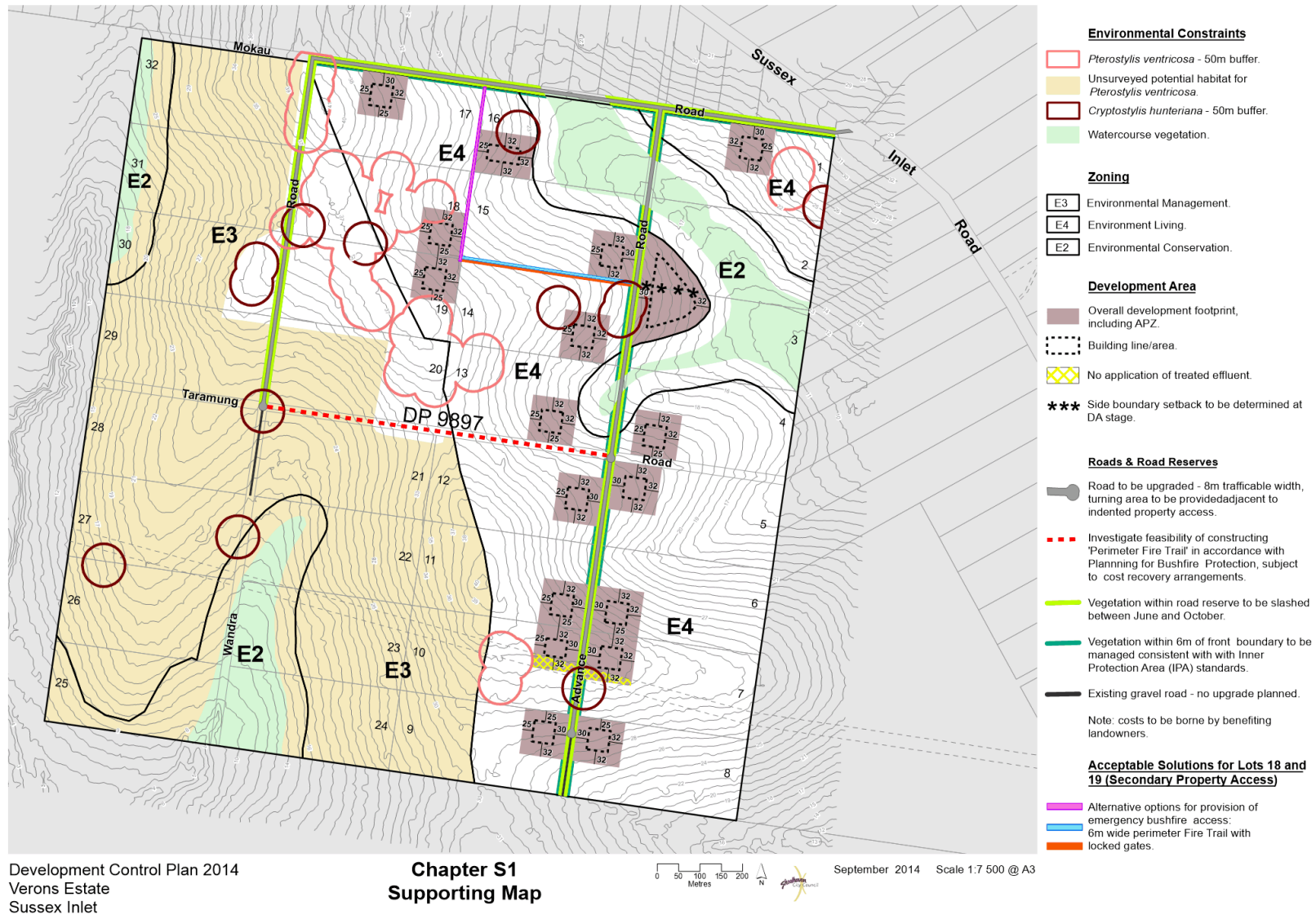
It is proposed that Council coordinate this work under a loan-funded special rate arrangement. For this to occur, Council will need to apply to IPART for a Special Rate Variation.

The financial implications for Council on a 20 year loan repayment will be approximately \$25,000 per annum made up of \$18,000 of principal and \$7,000 of interest. If the loan

taken out is over 10 years these repayments will increase to \$43,000 made up of \$36,000 principal and \$7,000 interest.

Risk Implications

The establishment of the proposed fire trail will benefit properties from a bushfire perspective and reduce overall risk to properties.



**VERONS ESTATE
ROAD AND DRAINAGE DESIGN AND CONSTRUCTION
PRELIMINARY COST ESTIMATE - 6m CARRIAGEWAY WIDTH**

ITEM	DESCRIPTION	QUANTITY	UNIT	RATE	CONTINGENCY	COST
1.0	Survey & Design					
1.1	Project Management	1	item	\$ 1,845.00	10%	\$ 2,029.50
1.2	Detail Survey	1	item	\$ 9,865.00	10%	\$ 10,851.50
1.3	Road & Drainage Design	1	item	\$ 9,100.00	10%	\$ 10,010.00
1.3	Sussex Inlet Road Intersection - Design & Approval	1	item	\$ 3,000.00	10%	\$ 3,300.00
1.3	Cost Estimates	1	item	\$ 1,300.00	10%	\$ 1,430.00
2.0	Consultant Reports					
2.2	Review of Environmental Factors	1	Item	\$ 4,000.00	10%	\$ 4,400.00
2.2	Storm Water Management Plan	1	Item	\$ 8,000.00	10%	\$ 8,800.00
2.2	Pavement Investigation & Design	1	Item	\$ 15,000.00	10%	\$ 16,500.00
2.0	Project Management, Tender Documentation and Contract Management					
2.1	Project Management	1	Item	\$ 25,000.00	30%	\$ 32,500.00
3.0	Construction Cost (Refer to Preliminary Construction Cost Estimate)					
3.1	Construction (Refer to Preliminary Construction Cost Estimate)	1	Item	\$ 2,089,678.00	0%	\$ 1,686,975.80
Total (ex GST)						\$ 1,776,796.80

VERONS ESTATE, SUSSEX INLET
Road and Drainage Construction

PRELIMINARY COST ESTIMATE - 6m CARRIAGEWAY WIDTH

ITEM	DESCRIPTION	QUANTITY	UNIT	RATE	CONTINGENCY	COST
1.0	Preliminaries					
1.1	Establishment	1	item	\$ 30,000.00	25%	\$ 37,500.00
1.2	Control of Traffic	1	item	\$ 10,000.00	25%	\$ 12,500.00
2.0	Clearing and Grubbing					
2.1	Tree removal (tree >300mm trunk diameter)	30	ea	\$ 1,000.00	25%	\$ 37,500.00
2.3	Clearing and Grubbing	1.9	ha	\$ 20,000.00	25%	\$ 47,500.00
3.0	Sediment and Erosion Control					
3.1	Sediment Fencing	1000	m	\$ 15.00	25%	\$ 18,750.00
3.2	Sediment Basins	4	ea	\$ 2,000.00	25%	\$ 10,000.00
3.3	Diversion Drains	1000	m	\$ 10.00	25%	\$ 12,500.00
3.4	Shaker Grid	1	ea	\$ 800.00	25%	\$ 1,000.00
3.5	Hay Bale Check Dams	130	ea	\$ 150.00	25%	\$ 24,375.00
4.0	Earthworks					
4.1	Trim topsoil and stockpile	25,500	m2	\$ 2.00	5%	\$ 53,550.00
4.2	Cut to Fill	2,400	m3	\$ 25.00	5%	\$ 63,000.00
4.3	Cut to Spoil (including off-site disposal within 20km)	0	m3	\$ 30.00	5%	\$ -
4.4	Trim, Shape and Compact Subgrade	18,000	m2	\$ 2.50	5%	\$ 47,250.00
4.5	Trim and Shape Embankments/Drains	16,000	m2	\$ 1.50	5%	\$ 25,200.00
4.6	Respread Topsoil	16,000	m2	\$ 2.00	10%	\$ 35,200.00
5.0	Drainage					
5.1	Excavate, supply, bed, lay and backfill drainage culverts including extension of existing culverts					
a	375mm RCP	66.3	m	\$ 200.00	15%	\$ 15,249.00
b	450mm RCP	2.44	m	\$ 250.00	15%	\$ 701.50
c	Headwall to suit 375mm pipe	10	ea	\$ 930.00	15%	\$ 10,695.00
d	Headwall to suit 450mm pipe	1	ea	\$ 1,050.00	15%	\$ 1,207.50
e	Headwall to suit twin 450mm pipes	2	ea	\$ 1,400.00	15%	\$ 3,220.00
f	Headwall to suit tripple 375mm pipes	2	ea	\$ 3,000.00	15%	\$ 6,900.00
5.2	Outlet treatment (scour protection)	144	m2	\$ 160.00	10%	\$ 25,344.00
5.3	Driveways - (Sussex Inlet Road frontage lots) (single cell RCP)	16	ea	\$ 6,000.00	25%	\$ 120,000.00
5.4	Driveway - (single cell RCP Culvert)	8	ea	\$ 6,000.00	25%	\$ 60,000.00
5.5	Driveway Only	18	ea	\$ 600.00	25%	\$ 13,500.00
5.6	Jute Matting to Swale Inverts	13,750	m2	\$ 4.00	25%	\$ 68,750.00
	Rock Check Dams 100mm high (Grades >4%)	6	ea	\$ 250.00	25%	\$ 1,875.00
6.0	Road Pavement Construction					
6.1	Supply, place and compact pavement comprising: 200mm 2c Basecourse Material to 98% MMDD	22106	m2	\$ 26.00	5%	\$ 603,493.80
6.2	14/10 Bitumen Seal	18,400	m2	\$ 10.00	5%	\$ 193,200.00
7.0	Fire Trails					
7.1	Clearing	0.6	ha	\$ 20,000.00	25%	\$ 14,375.00
7.3	Vehicle Gates - Robust	2	ea	\$ 2,500.00	25%	\$ 6,250.00
7.4	Trim and Compact Subgrade	4,860	m2	\$ 2.50	5%	\$ 12,157.50
7.5	Blend Rock Spall with top 300mm	3,240	m2	\$ 10.00	5%	\$ 34,020.00
8.0	Signs and Markings					
8.1	Type BB Line	50	m	\$ 6.00	25%	\$ 375.00
8.2	Type ET Edge Line	100	m	\$ 5.00	25%	\$ 625.00
8.3	TB Line	20	m	\$ 15.00	25%	\$ 375.00
8.4	Chevron Marking	5	m2	\$ 30.00	25%	\$ 187.50
8.5	RRPM's (@ 12m spacing)	20	each	\$ 15.00	25%	\$ 375.00
8.6	R1-2A (Give Way)	1	each	\$ 250.00	25%	\$ 312.50
8.7	W2-4A (Side Road Junction)	1	each	\$ 250.00	25%	\$ 312.50
8.8	Guideposts (150m spacing)	60	each	\$ 25.00	10%	\$ 1,650.00
9.0	Reinstatement					
9.1	Hydrosed disturbed areas (including drains) with native seed	16,000	m2	\$ 3.00	5%	\$ 50,400.00
9.2	Swale Maintenance Watering (12 weeks)	6	weeks	\$ 2,000.00	25%	\$ 15,000.00
Total (ex GST)						\$ 1,686,975.80

**SUSSEX INLET / MOKAU ROAD
Intersection Upgrade**

PRELIMINARY COST ESTIMATE

ITEM	DESCRIPTION	QUANTITY	UNIT	RATE	CONTINGENCY	COST
1.0	Preliminaries					
1.1	Establishment	1	item	\$ 30,000.00	10%	\$ 33,000.00
1.2	Control of Traffic	1	item	\$ 25,000.00	10%	\$ 27,500.00
2.0	Clearing and Grubbing					
2.1	Tree removal	3	ea	\$ 1,000.00	10%	\$ 3,300.00
2.3	Clearing and Grubbing	1	Item	\$ 8,000.00	10%	\$ 8,800.00
3.0	Sediment and Erosion Control					
3.1	Sediment Fencing	200	m	\$ 15.00	10%	\$ 3,300.00
3.2	Hay Bale Check Dams	10	ea	\$ 150.00	10%	\$ 1,650.00
4.0	Earthworks					
4.1	Cut to Fill	21	m3	\$ 25.00	10%	\$ 577.50
4.2	Cut to Spoil (including off-site disposal within 20km)	300	m3	\$ 40.00	10%	\$ 13,200.00
4.3	Trim, Shape and Compact Subgrade	3,060	m2	\$ 3.00	10%	\$ 10,098.00
4.4	Trim and Shape Embankments/Drains	920	m2	\$ 2.00	10%	\$ 2,024.00
4.5	Spread topsoil & seed	920	m2	\$ 3.00	10%	\$ 3,036.00
5.0	Road Pavement Construction					
5.1	Supply, place and compact pavement comprising: 300mm Subbase	1313	m2	\$ 33.00	10%	\$ 47,661.90
5.2	Supply, place and compact pavement comprising: 150mm 2b Basecourse Material to 98% MMDD	3060	m2	\$ 20.00	10%	\$ 67,320.00
5.3	14/10 Bitumen Seal	3,060	m2	\$ 10.00	10%	\$ 33,660.00
6.0	Signs and Markings					
6.1	Type BB Line	91	m	\$ 6.00	10%	\$ 600.60
6.2	Type E1 Edge Line	485	m	\$ 5.00	10%	\$ 2,667.50
6.3	TF Line	7.5	m	\$ 15.00	10%	\$ 123.75
6.4	TB Line	9.1	m	\$ 15.00	10%	\$ 150.15
6.5	Chevron Marking	33	m2	\$ 30.00	10%	\$ 1,089.00
6.6	RRPM's (@ 12m spacing)	20	each	\$ 15.00	10%	\$ 330.00
6.7	R1-1 (Stop)	1	each	\$ 250.00	10%	\$ 275.00
6.8	G3-8 (R)	1	each	\$ 250.00	10%	\$ 275.00
6.9	W1-3 (R)	1	each	\$ 250.00	10%	\$ 275.00
6.10	W8-2 (85)	1	each	\$ 250.00	10%	\$ 275.00
6.11	D4-2-1	1	each	\$ 250.00	10%	\$ 275.00
6.12	G3-5	1	each	\$ 250.00	10%	\$ 275.00
6.13	Guideposts (150m spacing)	10	each	\$ 25.00	10%	\$ 275.00
7.0	Reinstatement					
7.1	Hydroseed disturbed areas (including drains) with native seed	920	m2	\$ 3.00	10%	\$ 3,036.00
8.0	Utility Service Adjustments					
8.1	Power Poles	4	ea	\$ 15,000.00	10%	\$ 66,000.00
8.2	Water	1	Item	?	10%	#/ALUEI
8.3	Telecommunication	1	Item	?	10%	#/ALUEI
Total (ex GST)						\$ 331,049.40

LOCAL GOVERNMENT ACT 1993

Chapter 3

Section 8(1) - The Council's Charter

(7) 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.