

Strategy and Assets Committee

Meeting Date: Tuesday, 18 September, 2018
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5.00pm

Membership (Quorum - 5)
Clr John Wells - Chairperson
Clr Bob Proudfoot
All Councillors
General Manager or nominee

Please note: The proceedings of this meeting (including presentations, deputations and debate) will be webcast and may be recorded and broadcast under the provisions of the Code of Meeting Practice. 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

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Nil

Strategy and Assets CommitteeDelegation:

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

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

Schedule:

1. Make recommendations to Council and consider, formulate, review and adopt policies in relation to Council's corporate & community planning under Part 2 of Chapter 13 of the LG Act, asset management and in connection with the other functions listed in this Schedule and in particular to make recommendations to Council in respect of the content of Council's community strategic plan, delivery program, resourcing strategy and operational plan within the meaning of Part 2 of Chapter 13 of the LG Act;
2. Make recommendations to Council and consider, formulate, review and adopt Council policies, plans and strategies other than those in respect of town planning and environmental matters, and any other matter referred to the Committee by the General Manager.
3. Make recommendations in respect of the introduction of new fees or charges or the alteration of existing fees and charges for inclusion in the Council's next operational plan within the meaning of s405 of the LG Act;
4. Monitor, review and consider matters relating to the operations and strategic direction of Council's Holiday Haven Tourist Parks Group;
5. All functions in respect of the management of, and facilities provided on Crown Land in respect of which Council is the 'reserve trust manager' within the meaning of s92 of the Crown Lands Act 1989, and the making of recommendations to Council regarding such matters where the function cannot be delegated by Council;
6. Provision of corporate direction to the Shoalhaven Water Group in respect of powers delegated to it by Council regarding the construction, alteration or maintenance of water and sewerage works, effluent works and pump out removal;
7. Authorise the expenditure of funds raised under s64 of the LG Act within the limits outlined in, and in accordance with Council's adopted Development Servicing Plan and other relevant adopted Council policies;
8. Make recommendations to Council in respect of fees and charges for water and wastewater services provided by Council;
9. Develop, implement, review and adopt strategic policies for water, sewerage and effluent operations of Council;

10. Undertake preliminary investigations (feasibility, cost benefit, risk analysis, etc.) into development opportunities for Council's strategic land holdings and make recommendations to Council.
11. Review and make recommendations to Council in relation to:
 - a) The sale prices of land in connection with residential and industrial Council subdivisions;
 - b) The sale of Council property or the purchase or resumption of land;
 - c) The compensation to be offered in respect of land resumed by Council; and
 - d) Properties leased or rented by Council, other than those delegated to the General Manager for approval and execution in accordance with MIN14.912 and MIN15.237 of the Council.
12. To determine and accept all tenders with a value of \$1 Million or more, except those tenders required by law to be determined by full Council (MIN17.334).

MINUTES OF THE STRATEGY AND ASSETS COMMITTEE

Meeting Date: Tuesday, 21 August 2018
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

Clr John Wells - Chairperson
Clr Joanna Gash
Clr Amanda Findley
Clr Patricia White
Clr Kaye Gartner
Clr Nina Cheyne
Clr Annette Alldrick
Clr John Levett
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot
Russ Pigg - General Manager

Apologies / Leave of Absence

Apologies were received for Clr Guile and Clr Pakes.

Confirmation of the Minutes

RESOLVED (Clr Alldrick / Clr Gash) MIN18.615

That the Minutes of the Strategy and Assets Committee held on Tuesday 24 July 2018 be confirmed.

CARRIED

Declarations of Interest

Clr White – CSA18.16 Tenders – Holiday Haven Tourist Parks - Management & Operation – Bandalong Point Holiday Park – less than significant pecuniary interest declaration – will leave the room and will not take part in discussion or vote – is a personal friend of one of the tendering applicants.

Clr Wells – CSA18.16 Tenders – Holiday Haven Tourist Parks - Management & Operation – Bendalong Point Holiday Park – less than significant non pecuniary interest declaration – will remain in the room and will take part in discussion or vote – one of the tendering parties is known to him as he oversaw their management of a Tourist Park from 2011 to 2013.

MAYORAL MINUTES

MMS18.4 Mayoral Minute - Acknowledgements for the Kingiman and Bomaderry Fires

**HPERM Ref:
D18/286339**

Recommendation

That in response to the Bushfires in the Shoalhaven this month and the incredible efforts of many in our community, that Council

1. Acknowledges the ultimate sacrifice given by Allan “Tully” Tull in fighting the Kingiman Fires in Milton, and send the deepest condolences to Tully’s family and to all of those who called him a friend and colleague.
2. Note that a Mayoral Appeal has been opened to collect financial donations for Tully, in response to calls from Jill Blackler and many others within the Milton Ulladulla Community
3. Thanks and acknowledges all the work that has been undertaken by volunteers and paid staff alike across the district during this very trying time.
4. Arrange for a suitable plaque to be raised to commemorate the lives of Fixed Wing Pilot David Black and Helicopter Pilot Allan Tull and with the aid of the community find a location that is fitting for it.
5. Hold a community picnic day of “Commemoration, Celebration and Commiseration” to be held at Milton Showgrounds at a future date and ensure that no fees are charged to community organisations for the event.

RECOMMENDATION (Clr Findley / Clr Watson)

That in response to the Bushfires in the Shoalhaven this month and the incredible efforts of many in our community, that Council

1. Acknowledges the ultimate sacrifice given by Allan “Tully” Tull in fighting the Kingiman Fires in Milton, and send the deepest condolences to Tully’s family and to all of those who called him a friend and colleague.
2. Contribute a donation of \$2,500 from the unallocated donations budget, and note that a Mayoral Appeal has been opened to collect financial donations for Tully, in response to calls from Jill Blackler and many others within the Milton Ulladulla Community
3. Thanks and acknowledges all the work that has been undertaken by volunteers and paid staff alike across the district during this very trying time.
4. Arrange for a suitable plaque to be raised to commemorate the lives of Fixed Wing Pilot David Black and Helicopter Pilot Allan Tull and with the aid of the community find a location that is fitting for it.
5. Hold a community picnic day of “Commemoration, Celebration and Commiseration” to be held at Milton Showgrounds at a future date and ensure that no fees are charged to community organisations for the event.
6. Forward an acknowledgement to Clr Pakes thanking him for his contribution during the emergency in the absence of the Mayor and Deputy Mayor.

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr Wells / Clr Gash)

MIN18.616

That the matter of item SA18.197 City of Shoalhaven Eisteddfod Inc. Nowra Request for Additional Funding be brought forward for consideration.

CARRIED

SA18.197 City of Shoalhaven Eisteddfod Inc. Nowra Request for Additional Funding

**HPERM Ref:
D18/260411**

Recommendation

That Council consider the request from the City of Shoalhaven Eisteddfod Inc. Nowra for an additional donation to contribute to costs arising from the use of the Shoalhaven Entertainment Centre.

RECOMMENDATION (Clr Wells / Clr Gash)

That:

1. Council donate the sum of \$10,000 per annum from the Donations budget to the City of Shoalhaven Eisteddfod Inc.
2. The donation be indexed annually in accordance with the Consumer Price Index.

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

SA18.190 Notice of Motion - Donation - Berry Small Farm Field Days

**HPERM Ref:
D18/268440**

Recommendation

That Council support Berry Rotary's Small Farm Field Day event by voting \$2000 from the unallocated donations vote.

RECOMMENDATION (Clr Wells / Clr Gash)

That Council support Berry Rotary's Small Farm Field Day event by voting \$2000 from the unallocated donations vote.

CARRIED

SA18.191 Notice of Motion - Traffic/Parking Control Plan - Owen/Sydney/Tomerong Streets Huskisson

**HPERM Ref:
D18/278044**

Recommendation

That further to the Council Resolution of 24 April 2018 (MIN18.290) for the Council to prioritise and take action in regard to "a comprehensive current traffic/parking control plan for the intersection of Owen/Sydney/Tomerong Streets (Picture Theatre Corner)" that funds be now sourced so that a design and costing study can be completed to take the project to the stage of being "shovel ready".

RECOMMENDATION (Clr Findley / Clr Gash)

That further to the Council Resolution of 24 April 2018 (MIN18.290) for the Council to prioritise and take action in regard to "a comprehensive current traffic/parking control plan for the intersection of Owen/Sydney/Tomerong Streets (Picture Theatre Corner)" that funds be now sourced so that a design and costing study can be completed to take the project to the stage of being "shovel ready."

CARRIED

REPORT OF THE HOMELESSNESS TASKFORCE SHOALHAVEN - 30 JULY 2018

Items marked with an * were resolved 'en bloc'.

HT18.10 Everybody's Home Campaign - Support Request

HPERM Ref:
D18/205917

Recommendation

That Council offer its support to the Everybody's Home campaign, and write to Lake Macquarie City Council to affirm this.

RESOLVED* (Clr Findley / Clr Alldrick)

MIN18.617

That Council offer its support to the Everybody's Home campaign, and write to Lake Macquarie City Council to affirm this.

CARRIED

HT18.12 Proposed Memorandum of Understanding - Affordable Housing Opportunities

HPERM
D18/210107

Ref:

Recommendation

That Council:

1. Proceed to enter into a Memorandum of Understanding with Amoveo and Southern Cross Community Housing to pursue a partnership to investigate and deliver affordable housing and emergency accommodation opportunities in Shoalhaven
2. Receive update reports, through the Homelessness Taskforce Shoalhaven, as needed or required.

RESOLVED* (Clr Findley / Clr Alldrick)

MIN18.618

That Council:

1. Proceed to enter into a Memorandum of Understanding with Amoveo and Southern Cross Community Housing to pursue a partnership to investigate and deliver affordable housing and emergency accommodation opportunities in Shoalhaven
2. Receive update reports, through the Homelessness Taskforce Shoalhaven, as needed or required.

CARRIED

REPORT OF THE YOUTH ADVISORY COMMITTEE - 1 AUGUST 2018

Items marked with an * were resolved 'en bloc'.

YA18.17 Youth Advisory Committee Planning Day 2018 - 2019 - Proposed Budget Allocations

**HPERM Ref:
D18/226673**

Recommendation

That the Youth Advisory Committee approve the disbursement of funds to support the following initiatives from the existing 2018/19 Youth Advisory Committee budget:

1. International Youth Day Awards - \$3,000
2. South Coast Youth Leaderships Forum Activity - \$1,000
3. Ulladulla Youth Centre School Holiday Activities - \$1,000
4. Nowra Youth Centre Cooking Program - \$1,000

RESOLVED* (Clr White / Clr Gartner)

MIN18.619

That Council approve the disbursement of funds to support the following initiatives from the existing 2018/19 Youth Advisory Committee budget:

1. International Youth Day Awards - \$3,000
2. South Coast Youth Leaderships Forum Activity - \$1,000
3. Ulladulla Youth Centre School Holiday Activities - \$1,000
4. Nowra Youth Centre Cooking Program - \$1,000

CARRIED

YA18.19 Terms of Reference Review and Update

**HPERM Ref:
D18/253523**

Recommendation

That the Youth Advisory Committee Terms of Reference be amended as follows:

3.3 Membership

- a) *A maximum of 26 youth members comprising of:*
 - i) *18 students from Year 9 and above from local high schools, be appointed as members. A maximum of 5 students may be elected from each local high school, however only a maximum of 2 students from each school may attend and vote at any meeting;*
 - ii) *A maximum of 8 young people aged between 15 and 21 years from the community and/or Youth Services be appointed as members; and*
- b) *One representative for each of the Federal Member for Gilmore and the State Members for South Coast and Kiama; and*
- c) *Councillors of Shoalhaven City Council.*

Council and the Youth Advisory Committee welcomes membership of young people from diverse and varied backgrounds. Other interested people may attend as support and observers but are not able to vote on motions. The Youth Advisory Committee may also call on other people to attend the meetings as required.

When a member turns 21 years of age, their position will be declared vacant.

RESOLVED* (Clr White / Clr Gartner)

MIN18.620

That the Youth Advisory Committee Terms of Reference be amended as follows:

3.3 Membership

- a) *A maximum of 26 youth members comprising of:*
 - i) *18 students from Year 9 and above from local high schools, be appointed as members. A maximum of 5 students may be elected from each local high school, however only a maximum of 2 students from each school may attend and vote at any meeting;*
 - ii) *A maximum of 8 young people aged between 15 and 21 years from the community and/or Youth Services be appointed as members; and*
- b) *One representative for each of the Federal Member for Gilmore and the State Members for South Coast and Kiama; and*
- c) *Councillors of Shoalhaven City Council.*

Council and the Youth Advisory Committee welcomes membership of young people from diverse and varied backgrounds. Other interested people may attend as support and observers but are not able to vote on motions. The Youth Advisory Committee may also call on other people to attend the meetings as required.

When a member turns 21 years of age, their position will be declared vacant.

CARRIED

YA18.21 Additional item - Traffic options and pedestrian safety - John Purcell Way and Hillcrest Avenue**Recommendation**

That:

1. Council request staff investigate traffic options and pedestrian safety for the intersection of Hillcrest Avenue and John Purcell Way due to the large volume of traffic during school times and at sporting events;
2. A member of Council's traffic unit attend the next meeting of the Youth Advisory Committee.

RESOLVED* (Clr White / Clr Gartner)

MIN18.621

That:

1. Council request staff investigate traffic options and pedestrian safety for the intersection of Hillcrest Avenue and John Purcell Way due to the large volume of traffic during school times and at sporting events;
2. A member of Council's traffic unit attend the next meeting of the Youth Advisory Committee.

CARRIED

DEPUTATIONS AND PRESENTATIONS

SA18.203 - Boat Harbour Beach, Bendalong – Coastal Hazard Report

Ms Lexie Meyer and Mr Kevin Miller (Red Head Villages Association) spoke against the recommendation.

REPORTS

Procedural Motion - Bring Item Forward

RESOLVED (Clr Wells / Clr White)

MIN18.622

That the matter of item SA18.203 Boat Harbour Beach, Bendalong – Coastal Hazard Report be brought forward for consideration.

CARRIED

SA18.203 Boat Harbour Beach, Bendalong - Coastal Hazard Report

HPERM Ref:
D18/237557

Recommendation (Item to be determined under delegated authority)

That Council adopt the Bendalong Coastal Hazard Mapping Report 2017 and Bendalong Beach Erosion Control Technical Advice Report 2018 and their recommendations, for managing beach erosion at Boat Harbour Beach at Bendalong.

RESOLVED (Clr Findley / Clr Cheyne)

MIN18.623

That

1. Council defer considerations for managing beach erosion at Boat Harbour Beach at Bendalong until a Councillor Briefing has been held on this topic and the Bendalong Master Plan.
2. The Briefing include the engineers, community representatives and relevant government departments.

CARRIED

SA18.194 Country Mayors Association Meeting - 3 August 2018

HPERM Ref:
D18/270085

Recommendation (Item to be determined under delegated authority)

That Council receive the report of the Country Mayors Association held on 3rd August for information.

RESOLVED (Clr Findley / Clr Cheyne)

MIN18.624

That Council receive the report of the Country Mayors Association held on 3rd August for information.

CARRIED

**SA18.195 Shoalhaven Community and Recreation Precinct -
Addition of Croquet Courts to Artie Smith Detailed
Design**

**HPERM Ref:
D18/229741**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Note the investigations undertaken in consultation with the Athletics Club in attempting to identify an alternate site for a new facility.
2. Include provision for croquet facilities as part of the detailed design of the Artie Smith Oval site.
3. Note the engagement of Acclimate to liaise with peak sporting and grants bodies to progress the Artie Smith project.

RESOLVED (Clr Watson / Clr Cheyne)

MIN18.625

That Council:

1. Note the investigations undertaken in consultation with the Athletics Club in attempting to identify an alternate site for a new facility.
2. Include provision for croquet facilities as part of the detailed design of the Artie Smith Oval site.
3. Note the engagement of Acclimate to liaise with peak sporting and grants bodies to progress the Artie Smith project.

CARRIED

**SA18.196 Waiving & Discounting of Fees for Open Space &
Community Facilities 2017/2018**

**HPERM Ref:
D18/237308**

Recommendation (Item to be determined under delegated authority)

That Council note that a total of \$39,922.15 of fees were waived or discounted during the period of 1 July 2017 to 30 June 2018 for the use of Council's open space and community facilities.

RESOLVED (Clr Watson / Clr Gartner)

MIN18.626

That Council note that a total of \$39,922.15 of fees were waived or discounted during the period of 1 July 2017 to 30 June 2018 for the use of Council's open space and community facilities.

CARRIED

**SA18.197 CITY OF SHOALHAVEN EISTEDDFOD INC. NOWRA
REQUEST FOR ADDITIONAL FUNDING**

**HPERM REF:
D18/260411**

Item dealt with earlier in the meeting.

SA18.198 Women in Local Government Leadership Summit

**HPERM Ref:
D18/263082**

Recommendation (Item to be determined under delegated authority)

That Council

1. Notes the details of the 10th Women in Local Government Leadership Summit scheduled for 11-14 September 2018 in Sydney.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

RESOLVED (Clr Cheyne / Clr Gartner)

MIN18.627

That Council

1. Notes the details of the 10th Women in Local Government Leadership Summit scheduled for 11-14 September 2018 in Sydney.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

CARRIED

SA18.199 2018 MAV Sustainable Communities National Summit

**HPERM Ref:
D18/271248**

Recommendation (Item to be determined under delegated authority)

That Council

1. Notes the details of the 2018 MAV Sustainable Communities National Summit scheduled for 18 & 19 September 2018 in Melbourne.
1. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
2. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
3. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

RESOLVED (Clr Cheyne / Clr Findley)

MIN18.628

That Council

1. Notes the details of the 2018 MAV Sustainable Communities National Summit scheduled for 18 & 19 September 2018 in Melbourne.

1. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
2. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
3. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

CARRIED

**SA18.200 Parkcare Action Plans - Badgee Creek Parkcare Group /
Bawley Point Kioloa Community Association Graffiti
Parkcare Group**

**HPERM Ref:
D18/250389**

Recommendation (Item to be determined under delegated authority)

That Council endorse updated 'Parkcare' Plans for Badgee Creek and Bawley Point Kioloa and continue to allocate ongoing annual funding of \$400 (CPI adjusted and exc GST) per plan to cover safety PPE, miscellaneous materials, waste disposal and purchase of minor tools.

RESOLVED (Clr Proudfoot / Clr White)

MIN18.629

That Council endorse updated 'Parkcare' Plans for Badgee Creek and Bawley Point Kioloa and continue to allocate ongoing annual funding of \$400 (CPI adjusted and exc GST) per plan to cover safety PPE, miscellaneous materials, waste disposal and purchase of minor tools.

CARRIED

**SA18.201 Unit 2 (Nowra Steakhouse), 10 Pleasant Way Nowra -
Assignment of Lease**

**HPERM Ref:
D18/270604**

Recommendation

That Council:

1. Authorise the execution of the Deed of Consent and Assignment of Lease for Unit 2, 10 Pleasant Way Nowra from Eating Habits Pty Limited to Somporn Daichuenchit; and
2. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the City of Shoalhaven to all documentation required to be sealed.

RECOMMENDATION (Clr Gartner / Clr White)

That Council:

1. Authorise the execution of the Deed of Consent and Assignment of Lease for Unit 2, 10 Pleasant Way Nowra from Eating Habits Pty Limited to Somporn Daichuenchit; and
2. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the City of Shoalhaven to all documentation required to be sealed.

CARRIED

SA18.202 Tenders - Management & Operation of the Shoalhaven Indoor Sports Centre & Bomaderry Basketball Stadium

HPERM Ref: D18/274508

Recommendation (Item to be determined under delegated authority)

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

RESOLVED (Clr Proudfoot / Clr White)

MIN18.630

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

CARRIED

SA18.203 Boat Harbour Beach, Bandalong - Coastal Hazard Report

HPERM REF: D18/237557

Item dealt with earlier in the meeting see MIN18.623

SA18.204 Proposed Bollards Installation - Foreshore Reserve, The Park Drive, Sanctuary Point - Alleviate Public Risk and Environmental Damage Due to Vehicle Access

HPERM Ref: D18/250225

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse the installation of bollards at Lot 566 DP 24760 The Park Drive foreshore reserve, Sanctuary Point as per Attachment 1 to the report; and
2. Fund the works from the existing 2018/19 Foreshore Reserve Policy Operational Budget.

RESOLVED (Clr Proudfoot / Clr Watson)

MIN18.631

That Council:

1. Endorse the installation of bollards and/or access gates at the rear of Council reserve for access points as shown on the map on page 87 of the Agenda, attachment 2, excluding Shoalhaven Water land.
2. Fund the works from the existing 2018/19 Foreshore Reserve Policy Operational Budget.

FOR: Clr Wells, Clr Gash, Clr White, Clr Alldrick, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Clr Gartner, Clr Cheyne and Clr Levett

CARRIED

Note: Clr Findley left the meeting at 6.35pm

Note: Clr Findley was present during the discussion of this item but not present during the vote.

Note: Clr Findley returned to the meeting at 6.37pm

**SA18.205 Development Application Fees - Refund Request - GJ
Gardner Homes - Variety Freedom House - Patonga
Street, Nowra - DA18/1808**

**HPERM Ref:
D18/239219**

Recommendation

That Council:

1. Reimburse GJ Gardner Homes \$4836.00, being the development application and associated fees in relation to DA18/1808 for construction of a house at Lot 800 DP1240170 Patonga Street, Nowra.
2. Fund the reimbursement from the Unallocated Donations budget.

RECOMMENDATION (Clr White / Clr Watson)

That Council:

1. Reimburse GJ Gardner Homes \$4836.00, being the development application and associated fees in relation to DA18/1808 for construction of a house at Lot 800 DP1240170 Patonga Street, Nowra, and that Council be appropriately acknowledged for this contribution to the Variety Freedom House project.
2. Fund the reimbursement from the Unallocated Donations budget.

CARRIED

SA18.206 Danjera Dam Camping Redevelopment

**HPERM Ref:
D18/267965**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Place the attached Future Directions Report on public exhibition for 28 days and send a copy to all stakeholders who have registered their interest in the future of the camping area and seek public comment on the proposed way forward
2. Bring a further report to Council with all responses received through this process.

RESOLVED (Clr Gartner / Clr Watson)

MIN18.632

That Council:

1. Place the Future Directions Report on public exhibition for 28 days and send a copy to NSW Police and all stakeholders who have registered their interest in the future of the camping area and seek public comment on the proposed way forward.
2. Bring a further report to Council with all responses received through this process.

CARRIED

SA18.207 Drought Impact on Shoalhaven Water Supplies**HPERM Ref:
D18/272328****Recommendation (Item to be determined under delegated authority)**

That Council receive the report for information.

RESOLVED (Clr Gartner / Clr Proudfoot)

MIN18.633

That Council receive the report for information.

CARRIED

Introduction of Items as Matters of Urgency**RESOLVED** (Clr Watson / Clr White)

MIN18.634

That the following addendum reports be introduced as matters of urgency:

1. MMS18.4 Mayoral Minute - Acknowledgements for the Kingiman and Bomaderry Fires
2. SA18.208 2018 Local Government NSW Annual Conference - Motions
3. SA18.209 Tenders - Holiday Haven Tourist Parks - Management & Operation - Bendalong Point Holiday Park
4. CSA18.16 Tenders – Holiday Haven Tourist Parks - Management & Operation - Bendalong Point Holiday Park

CARRIED

The Chairperson ruled the matters as ones of urgency as they relate to urgent business of Council and allowed their introduction.

ADDENDUM REPORTS**MMS18.4 MAYORAL MINUTE - ACKNOWLEDGEMENTS FOR THE
KINGIMAN AND BOMADERRY FIRES****HPERM REF:
D18/286339**

Item dealt with earlier in the meeting see MIN18.616

**SA18.208 2018 Local Government NSW Annual Conference -
Motions****HPERM Ref:
D18/269842****Recommendation (Item to be determined under delegated authority)**

That Council consider the Motions, as printed in the report and, if accepted, the Motions be submitted to Local Government NSW for inclusion in the Conference Agenda.

RESOLVED (Clr Watson / Clr Gash)

MIN18.635

That Council submit the Motions, as printed in the report with the exception of Motion 3, to Local Government NSW for inclusion in the Conference Agenda.

FOR: Clr Wells, Clr Gash, Clr White, Clr Watson, Clr Kitchener and Russ Pigg
AGAINST: Clr Findley, Clr Gartner, Clr Cheyne, Clr Aldrick, Clr Levett and Clr Proudfoot
CARRIED ON THE CASTING VOTE OF THE CHAIR

SA18.209 Tenders - Holiday Haven Tourist Parks - Management & Operation - Bendalong Point Holiday Park

**HPERM Ref:
D18/267995**

Recommendation (Item to be determined under delegated authority)

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

RESOLVED (Clr Gash / Clr Findley)

MIN18.636

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

CARRIED

CONFIDENTIAL REPORTS

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

No members of the public made representations.

RESOLVED (CLR GASH / CLR GARTNER)

MIN18.637

That the press and public be excluded from the Meeting, pursuant to section 10A(1)(a) of the Local Government Act, 1993, to consider the following items of a confidential nature.

CSA18.16 Tenders – Holiday Haven Tourist Parks - Management & Operation - Bendalong Point Holiday Park

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

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.

CSA18.15 Tender - Management & Operation of the Shoalhaven Indoor Sports Centre & Bomaderry Basketball Stadium

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

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.

CARRIED

The meeting moved into confidential the time being 7.05pm.

The meeting moved into open session, the time being 7.09pm.

REPORT FROM CONFIDENTIAL SESSION

The following resolutions of the meeting, whilst closed to the public, were made public.

CSA18.16 Tenders – Holiday Haven Tourist Parks - Management & Operation - Bendalong Point Holiday Park

**HPERM Ref:
D18/268067**

Clr White – less than significant pecuniary interest declaration – is a personal friend of one of the tendering applicants – left the room and did not take part in discussion or vote.

Clr Wells – less than significant non pecuniary interest declaration – one of the tendering parties is known to him as he oversaw their management of a Tourist Park from 2011 to 2013 – remained in the room and took part in discussion and voted.

RESOLVED

MIN18.638C

That

1. Council endorses the recommendation of the Tender Assessment Team to accept the tender from Joshua & Claire Nicholls for the Management & Operation of Holiday Haven Bendalong.
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the General Manager or his delegated nominee.

CARRIED

There being no further business, the meeting concluded, the time being 7.11pm.

Clr Wells
CHAIRPERSON

SA18.210 Notice of Motion - Toilet Block - Culburra Beach Skate Park

HPERM Ref: D18/310378

Submitted by: Cllr Greg Watson
Cllr Mitchell Pakes

Purpose / Summary

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

Recommendation (Item to be determined under delegated authority)

That the General Manager take all reasonable actions to ensure construction on the Toilet Block adjacent to the Skate Park at Culburra Beach is commenced without further delay.

SA18.210

SA18.211 Notice of Motion - Dogs on Leash Adelaide Street Reserve Greenwell Point

HPERM Ref: D18/314490

Submitted by: Cllr Mitchell Pakes
Cllr Greg Watson

Attachments: 1. Signage examples / Map / Rules [↓](#)

Purpose / Summary

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

Recommendation (Item to be determined under delegated authority)

That Council

1. Reaffirms its dog on leash policy for the identified areas
 - a. Anzac Reserve (Greenwell Point)
 - b. Foreshore Reserve (Greenwell Point)
 - c. Adelaide Street Boat ramp (Greenwell Point)
 - d. Adelaide Street Reserve (Greenwell Point)
2. Undertake a trial of new signage printed on pathways
3. Consider a fenced dog of leash area for the community of Greenwell Point, possible location being the Council owned overflow carpark, West Street.

Background

See attachment.

Note by the General Manager

Council's Access Areas for Dogs Policy provides public domain conduct guidelines and defines locations that are designated off-leash area, on-leash area and dog prohibited area on land that is within ownership, management or care and control of Council. Anzac Reserve, Foreshore Reserve, Adelaide Street Boat Ramp and Reserve are dog on-leash areas as per Council's Policy.

Provision of printed signage on pathways requires further exploration in terms of location for establishment and durability of such signage. Where paved pathways (either asphalt/bitumen or concrete) exist in dog on-leash areas, provision of printed signs is possible, however where paths do not exist, these signs cannot be established on gravel, grass or other terrain. In addition, durability of printed pathway signage in some locations may be limited due to environmental constraints or high traffic. Further consideration is required with respect to the area where such printed signage is to be implemented, i.e. in transition zones between on-leash and off-leash dog areas. In making a decision in relation to part 2 of the Notice of Motion, Council should consider identifying a specific locality for the trial, areas for printed signage and allocating a budget.

SA18.211

Considering an additional off-leash dog area outside of the review period of Council's Access Areas for Dogs Policy (scheduled for 2020) is not recommended, however it is recognised that there is currently no off leash area at Greenwell Point.

Council may wish to consider this NOM in conjunction with the report to be presented to the October Strategy & Assets Committee on the outcome of the Councillors Briefing held on 30 August 2018 which discussed the Sussex Inlet District Investigation and the Access Areas for Dogs Policy more generally.

Examples of dog on leash signage



Map of Greenwell Point Foreshore
(Council reaffirms its dog on leash policy for the identified areas)



Dog prohibited areas

Dogs are prohibited in the following places throughout the Shoalhaven (whether or not they are leashed or otherwise controlled):

- **Children's play areas** (meaning any public place, or part of a public place, that is within 10 metres of any playing apparatus provided in that public place or part for the use of children).
- **Food preparation/consumption areas** (meaning any public place, or part of a public place, that is within 10 metres of any apparatus provided in that public place or part for the preparation of food for human consumption or for the consumption of food by humans).
- **Recreation areas where dogs are prohibited** (meaning any public place, or part of a public place, provided or set apart by a local authority for public recreation or the playing of organised games and in which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place or part).
- **Public bathing areas where dogs are prohibited** (meaning any public place or any part of a public place that is used for or in conjunction with public bathing or public recreation (including a beach), in which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place).
- **School grounds** (meaning any property occupied or used for a purpose connected with the conduct of a government school or non- government school under the [Education Act 1990](#), other than any property used for a residence or the curtilage of a residence).
- **Child care centres** (meaning any property occupied or used for a purpose connected with the conduct of an approved education and care service within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#) or the [Children \(Education and Care Services\) Supplementary Provisions Act 2011](#), other than any property used for a residence or the curtilage of a residence).
- **Shopping areas where dogs are prohibited** (meaning a shopping arcade or shopping complex, including any part of it that is used by the public for parking or access to shops, in which or part of which the local authority has ordered that dogs are prohibited and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited there). This paragraph does not apply to any shop or part of a shop.
- **Wildlife protection areas** (meaning any public place or any part of a public place set apart by the local authority for the protection of wildlife and in which the local authority has ordered that dogs are prohibited for the purposes of the protection of wildlife and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that dogs are prohibited in or on that public place).

SA18.212 Report of the Business & Employment Development Committee - 22 August 2018

HPERM Ref: D18/307981

BE18.22 Membership - new members

HPERM Ref:
D18/237405

Recommendation:

That:

1. The report outlining the new representatives for Shoalhaven Secondary Schools and TAFE NSW be received for information.
2. Mary-Jean Ardent and Steve Prothero be appointed as community member representatives.

SA18.212

SA18.213 Report of the Inclusion & Access Advisory Group - 3 September 2018

HPERM Ref: D18/316655

IA18.13 Beach Wheelchair Access

HPERM Ref:
D18/276058

Recommendation

That:

1. The report regarding Beach Wheelchair Access be received for information;
2. Council install signage at each of the Beach Wheelchair Access locations advising that wheelchairs are available and with contact details for hire.

IA18.15 Application for Membership - Grace Kennedy

HPERM Ref:
D18/286049

Recommendation

That Grace Kennedy be appointed as a member of the Inclusion and Access Committee.

SA18.213

SA18.214 Gateway Park - Nowra

HPERM Ref: D18/213658

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

Purpose / Summary

Following on from the Councillor Briefing for Gateway Park, Council staff are proposing to pause the project until RMS have finalised their plans for the new bridge and access can be determined to and from the Gateway Park site.

Recommendation (Item to be determined under delegated authority)

That Council determine to put the Gateway Park project on hold until RMS finalise their plans regarding the new bridge crossing.

Options

1. Adopt the recommendation as written.

Implications: Council staff pause the project until RMS advise final details about the new bridge crossing. This will ensure the project can proceed when the bridge site is finalised, and no unnecessary funding is expended.

2. Council determine to continue to progress with the Gateway Park project.

Implications: With RMS plans having the potential to significantly impact the site, there is potential for significant changes needed into the future. This may result in significant work having to be redone impacting resources and staff productivity.

Background

Gateway Park is located on Princes Highway opposite Council's Administration Building. The extent of the site covers 17ha; however, to date design and investigation has concentrated on the western portion of the land leaving the residual (eastern) portion for future generations.

The map below is an aerial photograph of the full extent of the site known as Gateway Park.



SA18.214

Council staff presented the work that has been undertaken to date on the Gateway Park project at a Councillor briefing on 21 June 2018. The project has progressed to a point where Council can proceed to detail design and public consultation.

To date Council have developed a concept plan for a park of the 21st Century. This 'state of the art park' would act as a major drawcard for both visitors to the Shoalhaven and the local community. Gateway Park would provide both a quick amenity stopover for travellers to/from the south coast and a unique destination providing opportunity for repeated visits. Proposed within the Gateway Park site is open parklands landscaped with local and Australian native vegetation. Featuring an Australian style landscaped setting for weddings, provision for market spaces, a network of pathways connecting carparking and RV parking. Amenities to internal roads and the adjoining local streets are also part of the plan.

The drawing below is a schematic design of the Gateway Park proposal located on the western portion of the overall site.



SA18.214

Current Challenges

Vehicular access into and out of Gateway Park is currently uncertain due to RMS not having finalised their plans for the bridge and its access points. The project team are unsure of the impact it may/will have on the park. The current preferred model indicates a road from the highway linking Lyrebird Drive and Pleasant Way subdivision. If this goes ahead it may potentially have a positive outcome for the park; however, the effects of this option have not been assessed in detail. To date, RMS have indicated the proposed acquisitions which include the current lot through the site linking the highway to Lyrebird Dr plus a strip fronting Princes Highway. Due to this unknown factor, we are recommending pausing the Gateway project until the plans are finalised, and RMS have given us definitive approval for access to and from our site.

When RMS have finalised their plans for the Bridge and associated road works, Council staff propose to report back on the implications this may have on our park and then request to proceed to detail design if appropriate.

During the detail design phase, we will ensure that the detail design include Aboriginal culture input into design and we will investigate and include as required lighting and fencing.

Financial Implications

If the project is paused in line with the recommendation, there are no financial implications at this stage

SA18.215 Redesign of Bay and Basin Hub and proceed to detail design

HPERM Ref: D18/288050

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

Attachments: 1. Draft redesign of Bay and Basin Hub [↓](#)

Purpose / Summary

This report is to provide an update to MIN18.195 regarding the redesign for Bay and Basin Hub and request to proceed to detail design.

Recommendation (Item to be determined under delegated authority)

That Council agree to progress on the Bay and Basin Hub by:

1. Endorsing the revised concept plans; and
2. Proceed to detail design for the Bay and Basin Hub featuring the inclusions of a learn to Swim/Therapy pool and exclusion of library facilities.

Options

1. Accept the recommendation as written.

Implications: This will allow Council staff to ensure the Bay and Basin Hub progresses towards development. Having detailed designs in place will ensure staff can actively peruse for grant opportunities to assist with the construction of the facility.

2. Adopt an alternative recommendation to amend the concept plan prior to moving to detail design.

Implications: This may pause the project and not allow us to use this project as a grant funding opportunity.

3. Not endorse the concept plans and place the project on hold.

Implications: this would mean that the Bay and Basin facility would not be able to grow to meet the needs of the growing community in the Bay and Basin region.

Background

Council resolved at the March Ordinary meeting that Shoalhaven City Council:

1. Construct a District Library at Sanctuary Point as a priority;
2. Redesign the Draft Bay and Basin Community Hub Master Plan without the library.

In relation to part one of this resolution, a briefing has been presented to Council and a separate report is submitted to this meeting.

In relation to part two of the resolution, Council staff arranged a second draft of the concept designs, with the following considerations:

1. Exclude the Library
2. Include the addition of a learn to swim/therapy pool (15m x 18m) as identified from community engagement undertaken during exhibition of the draft master plan.

The revised draft concept design sketch is presented as Attachment 1. Whilst reflecting the changes requested, consideration was also given to accommodate the same footprint as the previous building to maintain the integrity of the overarching Master Plan, as follows:

- The main entrance is in the same place and relates to a Central Hub area.
- The main circulation spine extends off this Hub to connect the various uses of the facility.

Key considerations in the draft redesign

- The existing swimming pool building is extended at the north eastern end to accommodate the Learn to Swim/therapy Pool. The intent is for the new pool to be a seamless part of the existing pool area, with strong visual connections between the pools.
 - The location of the Learn to Swim Pool creates opportunities for the pool deck to open to the outdoor area.
 - It is proposed that there be an extension of the existing pool plant area to accommodate the new pool. Specialist engineering advice will need to be sought as part of the detailed design phase.
 - Pool change facilities remain unchanged.
- The removal of the Library allows most functions to be located on the ground level, which is predicted to reduce construction costs.
 - The proposed Clubhouse extension, facing the proposed netball courts, will remain a two-storey structure as per the previous Master Plan.
- Fitness-related uses, such as the gym, have been relocated to the ground floor along the western edge of the existing building. It is envisaged a similar arrangement of spaces as the previous Master Plan, but now re-located to the ground floor.
 - The location of the gym benefits from proximity to the new dry change facilities proposed in the Clubhouse extension, and in addition facilitates after-hours access.
- Community uses (such as multi-purpose rooms, meeting rooms etc); the creche; office space and foyer amenities (toilets and nursing room), have been relocated on the ground floor where the Library used to be.
 - This footprint is proposed to be slightly larger than the initial Library in the previous Master Plan.
 - The community-related uses will benefit from an outlook to the Community Garden to the south.
- The following remains unchanged from the previous Master Plan:
 - Parking provision.
 - Vehicular circulation around the site.
 - Site planning generally (except for minor adjustments at the interface between built form and outdoor areas where the building footprint deviates from the previous Master Plan).

Additional points of note

- The revised plan is for the ground only as the Clubhouse (overlooking the netball courts) will now be the only part of the design to have a first-floor component, which was identified in the original Master Plan.
- Proceeding to detail design for the Bay and Basin Hub will ensure Council have the plans and costings necessary to actively peruse grant opportunities to deliver this assets for our community.

Community Engagement

This project has had extensive community consultation through the development of the draft plan and exhibition processes and was well received. Council have incorporated the Learn to Swim/Therapy pool as identified during these consultations. The removal of the library was submitted by the community via Councillors as identified in MIN 18.195.

Financial Implications

The detail design will be funded from the monies identified at the June Quarterly Budget Review for progressing Council projects to be grant ready.

SA18.215



SA18.216 Floodlighting Charges Review

HPERM Ref: D18/295712

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

Attachments:

1. Payments Recent Past - All Clubs (councillors information folder)
2. Cross Council Comparison - Floodlight Administration [↓](#)
3. Options 1 - 4 - All clubs (councillors information folder)
4. Powerpoint Presentation (councillors information folder)

Purpose / Summary

To report on the Floodlighting Charges Review following the Councillor Briefing, and to seek determination of Floodlighting Charges and direction as to invoicing procedures.

Recommendation (Item to be determined under delegated authority)

That:

1. The Floodlighting fee for sportsgrounds be amended to \$0.47/kwhr for the 2018/19 financial year.
2. The Floodlighting fee is to be Consumer Price Indexed (CPI) annually thereafter, in line with Council's other Fees & Charges, and adjusted to accommodate any future increases to electricity charges beyond CPI.
3. All fees for sportsground floodlighting for local clubs, be waived and no charges to apply, for the period 1 July 2017 to 30 March 2019. This includes both Council and Management Committee public facilities.
4. Local clubs be reimbursed for any invoices already paid for sportsground floodlighting for the period 1 July 2017 to 30 March 2019. Local clubs at Management Committee facilities to be refunded from the Sportsgrounds operational budget.
5. 2018/19 Floodlight fees for local clubs be charged quarterly from 1 April 2019.
6. Council staff to administer all invoicing, and payments for floodlighting to be made directly from clubs to Management Committees where applicable.
7. Staff to ensure that all electricity accounts are held in the name of Shoalhaven City Council or Management Committee. Local clubs at all public facilities are to be invoiced according to this Resolution.
8. Staff install floodlight controllers on all Council sportsgrounds by 1 April 2019, subject to funding availability.
9. Council allocate the balance of \$42,500 to the Floodlight Controllers budget, required to facilitate the installation of illuminators at currently unfunded sportsgrounds, thus enabling all controllers to be in place and operational by 1 April 2019.
10. Amendments to the Floodlighting fee (Fees and Charges Policy) be placed on Public Exhibition for a period of 28 days, in accordance with Section 705 of the Local Government Act. If no adverse comments are received, the amended Policy be deemed adopted.
11. Staff amend the Sportsground Management Policy to reflect this Resolution, and the Policy be placed on Public Exhibition for a period of 28 days. If no adverse comments are received, they amended Policy be deemed adopted.

SA18.216

Options

1. Recommend as written above

Implications:

- Fees and Charges and Sportsground Management Policies will be amended.
- Clubs will be refunded any floodlighting fees already paid for 2017/18.
- Management Committees will be reimbursed for any loss in income resulting from waivers and refunds.
- All clubs will be charged adopted fees from 1 April 2019, as determined by usage data from floodlight controllers.
- Staff will administer invoicing.
- All electricity accounts will be held by Council.
- Staff will actively work towards installation of floodlight controllers by 1 April 2019.

2. Council not accept this Recommendation, and provide alternate direction:

Implications:

- a. An alternate Floodlighting fee for sportsgrounds for the 2018/19 financial year be determined.
- b. The Floodlighting fee not be:
 - i. Consumer Price Indexed (CPI) annually thereafter, in line with Council's other Fees & Charges
 - ii. Adjusted to accommodate any future increases to electricity charges beyond CPI.
- c. All fees for sportsground floodlighting, for local clubs, not be waived for the period 1 July 2017 to 30 March 2019. This includes both Council and Management Committee public facilities.
 - i. Determine alternate period
 - ii. Do not resolve to waive any fees
- d. Nominate alternate budget to fund refunds to local clubs.
- e. If waiver approved, Management Committees not be reimbursed for floodlighting income, or nominate alternate budget.
- f. Alter frequency of invoicing for Floodlight fees for local clubs.
- g. Alter arrangements for staff to administer invoicing, and payments for floodlighting with respect to Management Committees facilities.
- h. Staff not to proceed to install floodlight controllers on all Council sportsgrounds by 1 April 2019, subject to funding availability.
- i. Council not allocate to the Floodlight Controllers budget for installation of illuminators at currently unfunded sportsgrounds, to have all controllers in place and operational by 1 April 2019:
 - i. Determine alternate amount
 - ii. Do not allocate funding

Background

This Report is in response to Council Minute MIN 18.271:

1. *“Withdraw the invoices submitted to Shoalhaven sporting clubs with respect to floodlighting.*
2. *Review any policies associated with the floodlighting charges.*
3. *Hold an urgent Councillor briefing in relation to the matter of floodlighting charges.”*

As a result, all invoices were immediately withdrawn, staff conducted a full review, and a Councillor Briefing was held 23 August 2018 (presentation slideshow attached).

The Review addressed playing fields: AFL, Rugby League, Soccer, Cricket, Touch Football, Rugby Union and Netball.

Leased Facilities

Council's Fees and Charges for public facilities do not apply to leased facilities. They have been included in this Review only to note that the lease conditions for these local clubs generally require them to pay for all maintenance and electricity usage for floodlighting.

Tennis Courts

Tennis Courts were not included, as the floodlighting charge is a different fee structure, being included in the 'night hire' fee. Once a /kwhr fee has been adopted, tennis court 'night hire' fees can be reviewed, and the /kwhr fee applied to calculate the appropriate corresponding increase for night hire. This will align the charge with sportsground floodlighting charges.

New rates for Tennis Courts can be reported in the 2019/20 DPOP Fees & Charges Report.

Process of Review

As part of this review staff have:

- Collated historical data regarding floodlight charging
- Contacted other Councils to investigate their charging schedules
- Investigated a number of floodlight metering devices (controllers), and their capabilities – the outcome of this indicates that the “Illuminator” product has been identified as the most user-friendly, cost-effective and market-tested product.

Review of the History

Council has adopted fee for floodlight usage since 1995. This fee has been indexed annually and the consequent 2017/18 fee was \$0.95/kwhr.

The Fees are outlined in Council's:

- *Fees & Charges Policy*, and
- *Sportsground Management Policy*, most recently endorsed by Council 4/04/2017 (replaced but did not alter the direction of the previous Policy, *Sportsgrounds – User Group Responsibilities*, adopted 7/05/1985).

Both policies include the clause:

3.2 “User groups shall pay full costs associated with the lighting of sportsgrounds for the duration of their allocated use.”

The fee was reviewed in 2002 to include:

- Electricity usage, and
- Maintenance costs of the floodlights and poles.

Advice to Clubs

Clubs have been advised annually on the Seasonal Allocation Form, that:

- Fees will be charged for use of floodlights. All fees are in accordance with Council's advertised Fees and Charges.
- Lighting fee will be charged for hours booked, any amendments must be supported by a detailed log of actual usage.

Inequity

It has been identified that only 45% of clubs at Council managed sportsgrounds (including Management Committee-run facilities) have been paying part or full costs of electricity and maintenance. Different rates and charges have been applied at different facilities, and 55% of clubs have not been paying anything.

Attachment 1 shows the different amounts that clubs have been paying in the recent past.

Invoicing

The administrative error was identified in 2017 and staff undertook to correct this, issuing invoices as per Council's Policy, using hours of usage as recorded on Seasonal Allocation Forms, log books provided by the clubs, or floodlight controller data (2 facilities).

Attachment 3 shows the amounts that clubs were invoiced, under Option 1. (Wreck Bay Soccer was also invoiced, but as that club is no longer using the grounds, for planning purposes going forwards, they have not been included in the data.)

These invoices have all been withdrawn as per MIN 18.271. Ulladulla Netball has made payment and they have requested that Council hold the funds, pending outcome of the Review. This payment will need to be refunded if Council resolves to waive the 2017/18 fees.

Wastage

It has been identified that there is considerable wastage of electricity:

- If clubs do not pay they don't realise/consider the costs,
- Clubs leave the floodlights on for long periods,
- Clubs do not conserve amenities & clubhouse power,
- Additional power costs to Council,
- Environmental costs.

Benchmarking

Attachment 2 details feedback from seven (7) nearby Councils. In summary:

- All but Kiama charge floodlighting fees,
- Only SCC charges full cost recovery,

- Only SCC and Kiama do not charge ground hire,
- All have varying billing periods,
- All others, excepting Kiama, recover additional costs from a field hire or club house fee,
- Shoalhaven Council do not currently charge field hire,
- SCC Management Committees charge for clubhouse electricity,
- All but Kiama use similar floodlight controllers.

Actual Costs at Council-managed Facilities:

Details	Cost 2017/18	\$ / kwhr
Maintenance of lights	\$84,247 <i>Actual charges paid for maintenance, like changing light globes and switch board repairs.</i>	\$0.845/kwhr <i>(converted total actual \$ 84,247 divided by Estimated floodlight usage (Club actual winter bookings after 5:30pm OR from log books provided by some clubs 99,678 kwhr) = \$0.845/kwhr</i>
Estimated electricity usage 17/18 attributed to floodlights multiplied by rate \$0.185/kwh = \$18,440.	\$18,440 <i>This was considered by staff as conservative because lights are often on before 5:30pm and clubs often use fields without booking in.</i>	\$0.185/kwhr Actual contract rate on bill. <i>NOTE: This does not include the additional \$254 pa per site billing service charge not factored in.</i>
Total	\$102,687	\$1.03 /kwhr <div>2017/18 adopted fee \$0.95/kwhr</div>
Additional electricity charges to sportsgrounds Not factored in to flood light charges <i>attributed to air con, hot water, etc</i>	\$ 51,032 Actual bill (\$69,472) minus Estimated flood light usage costs (18,440) = \$51,032	\$0.51/kwhr <i>(converted total actual \$ 51,032 divided by Estimated flood light usage (Club actual winter bookings after 5:30pm OR from log books provided by some clubs 99,678 kwhr) = 0.51/kwhr</i>

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Upgrade costs, such as, improving lights to fields that have inadequate levels or don't meet AU standards, are not factored into this process

Cost and Equity Factors

The table below shows that under the 2017/18 fee, a club is likely to pay between \$10 and \$38 per hour per field for use of floodlights. At the most expensive field to train at, and assuming 10 players attend: this would mean each player contributes \$8, each 2 hour training session.

Some clubs have identified that the costs are prohibitive. Other clubs have been paying these fees for years, as well as contributing to grounds upgrades.

Other users at public facilities:

- At Council's halls, meeting rooms and showgrounds, users are required to pay an hourly hire fee that contributes to cost recovery for the maintenance of the infrastructure,
- At leased facilities full costs of electricity and maintenance are borne by the club.

In consideration of these factors, the following 4 Options were identified and considered at the Councillor Briefing and a compromise is proposed:

Option 1:	Current Fee Full cost recovery of electricity supply and maintenance (not including service fees and clubhouse usage)
Option 2:	Full subsidy of maintenance - electricity supply only
Option 3:	Partial cost recovery - electricity supply + 33% of estimated maintenance costs (not including service fees and clubhouse usage)
Option 4:	Full subsidy of electricity supply and maintenance – ie all costs met by Council

Indicative costs to clubs:

FIELD	SPORT	HOURLY COST to clubs – PER FIELD		
NB. OPTION 4 = \$0		OPTION 1 Electricity + Maintenance \$0.95/kwhr (2017/18 CPI indexed)	OPTION 2 Electricity Only \$0.24/kwhr (average cost from provider)	OPTION 3 Electricity + 33% Maintenance (estimate) \$0.47/kwhr (Annual CPI indexing)
Crookhaven Park	Rugby League	\$22.80	\$4.44	\$10.83
Vincentia Oval	AFL	\$37.60	\$7.32	\$17.86
Lyrebird Park Main field	Rugby League	\$10.69	\$2.08	\$ 5.07
Lyrebird Park Main field	Soccer	\$22.80	\$4.44	\$10.83

SA18.216

Ison Park	Soccer	\$22.80	\$4.44	\$10.83
Francis Ryan Oval	Rugby League	\$22.80	\$4.44	\$10.83
Bomaderry Sporting Complex - Main field	Rugby League	\$19.00	\$3.70	\$ 9.02

Attachment 3 demonstrates the differing annual invoice amounts that would result from the application of these fees to the 2017 usage. (as identified on Seasonal Allocation Forms).

Option 3 is the preferred option

Option 3 was discussed at the Councillor Briefing as a compromise and considered an appropriate way forward. This proposal seeks to strike a balance between the need for a user contribution (equity and financial considerations) and keeping costs down for clubs. The fee is designed to include all direct electricity charges (not including service fees or clubhouse electricity) and 33% of estimated maintenance costs for floodlighting.

Option 3 represents a significant subsidy to the maintenance and operational costs of floodlighting. The costs to Council of implementing the different options follows.

These figures represent costs at SCC managed sites only – not including Management Committee facilities. Costs at Management Committee facilities are not available as Committees have either not identified the costs in their financial statements, or not submitted financial statements. A broad estimate would indicate the costs for the Management Committee sites approximately equal to the SCC sites, effectively doubling the \$ amounts below.

2017/18	OPTION 1 As Invoiced	OPTION 2	OPTION 3	OPTION 4
Actual Cost	\$102,687	\$102,687	\$102,687	\$102,687
Recovered from Clubs	\$94,694	\$18,440	\$46,849	\$0
Net Cost to Council SCC managed facilities only	\$7,993	\$84,247	\$55,838	\$102,687

Option 3 is identified as the preferred way forward.

It is anticipated that floodlight charges / fees are likely to reduce as clubs conserve electricity and floodlight controllers provide more accurate data.

Implementation of Option 3

Due to the hardship identified by the clubs in paying the unexpected floodlighting invoices, it is proposed that all local club fees that can be attributed to floodlights usage for the 2017/18 financial year be waived, and no charges be applied until 30 March 2019.

This will ensure that clubs are given time to implement all measures necessary to meet future costs. This will include:

1. Ulladulla Netball 2017 fees be refunded (already paid).

2. Management Committee clubs:
 - a. fees be refunded to local clubs
 - b. Management Committees be subsidised for the 2017 (\$20,888) and 2018 fees (\$ currently unknown).
 - c. Subsidy payments to be made from the Sportsgrounds operational budget.

Once controllers are implemented, it is recommended that fees be charged quarterly (from 1 April 2019).

It is proposed that the Floodlighting fee is to be Consumer Price Indexed (CPI) annually thereafter, in line with Council's other Fees & Charges. However, as is a likely that electricity prices will continue to rise above CPI, it is recommended that the Fee also be adjusted to include any such future price increases beyond CPI annual fee increases.

Floodlight Controllers: implementing new systems for better reporting and fairer invoicing

Floodlight controllers have been installed at all benchmarked councils, with the exception of Kiama.

All councils contacted identified that their existing systems and fee structures require review and are currently complex and inadequate. Should Council decide to implement the proposed recommendation we will be proving a model and standard by which floodlighting at sportsgrounds is managed. The councils contacted have indicated their interest in knowing how this progresses and is implemented, as they may use us as a model for their own reviews and potential way forward.

The controllers provide for:

- Accurate usage data - better long-term planning,
- Less club paperwork with log books,
- Remote access turns on and off,
- Safer,
- Less wastage,
- No keys required,
- Senior club members can be responsible from home and juniors can't leave light on,
- Security of who can access the system,
- Streamline and ensure accuracy of usage data & charges,
- Reduce complexity of administration and reduce staffing requirements,
- Fairer usage charges – no guesswork/estimating.

Floodlight controllers have now been installed at twelve (12) high-use Shoalhaven sportsgrounds. To ensure equity and ease of use, it is recommended that the installation of floodlight controllers continues to be rolled out, to include all sportsgrounds where floodlighting is in place (21 sports grounds). Any new / future provision of sportsgrounds with floodlights should have a controller system installed as standard.

A Stronger Country Communities Fund grant application is currently pending, seeking funds to complete installation at all sportsgrounds, including Management Committee sites in 2018/19.

However, the installation of controllers has prompted a review of electrical boards and infrastructure at the sportsgrounds. Much of this infrastructure has been found to be aged and non-compliant and / or will not support the installation of a controller system.

Initial estimates for installation were inadequate, and a further \$62,500 is required to complete installation at all sportsgrounds. Of this, \$20,000 can be sourced from the Lighting Upgrades budget and this Report requests a further \$42,500 be allocated to enable all sportsgrounds with floodlights to be fitted with controller systems. It is proposed that these funds be identified in the September Quarterly Budget Review.

Council to resume management of all Electricity Accounts:

When controllers are installed at facilities where the electricity account invoice has previously been paid directly by the club, Council will resume paying the account directly, and these clubs will be invoiced as per all other sites.

This measure ensures Council's responsible custodianship and governance of public infrastructure.

Council to prepare all quarterly invoices for floodlighting

Council staff will prepare quarterly invoices for the local clubs and issue these on behalf of the Management Committees. Payment will be made by the clubs directly to the Management Committees as per current practice. This change in administration will reduce the work load of Management Committee volunteers.

The Management Committees will continue to pay electricity bills and maintain floodlights.

Community Engagement

Sports Board

The Shoalhaven Sports Board supports retaining, simplifying and ensuring greater equity in the application of charges for floodlights as well as the installation of new floodlight controller systems to improve data and charges accuracy. The initial clarification on the current status of accounts and charges of floodlighting came to Council's attention via the Sports Board at their meeting. The Chair of the Shoalhaven Sports Board attended the briefing on behalf of the Sports Board and indicated support for the Option 3 proposal.

Measures to Improve Communication with Clubs

When 2017 usage was invoiced, clubs were given very short notice given the substantial change to previous invoicing practice. This has been identified as poor business practice and not to be repeated when changes are proposed and implemented.

Further, staff have apologised that a three-week period was nominated as the due date for payment. This is a default setting for Council's digital invoices, and staff neglected to extend the period, which would be appropriate for such large charges.

Staff have commenced the following improved consultation procedures with sporting clubs:

- Keep clubs involved in the process and explain why we need to charge.
- Regular news-email to all sporting clubs using Council managed facilities, providing information and updates
- Bi-annual sporting groups workshops being held (North and South), to engage clubs in a consultative forum for sporting community development and promote club-Council partnership.

Management Committees

Staff will liaise with Management Committees and local clubs to advise of changes to invoicing procedures.

Financial Implications

In the longer term this presents a sound way forward to manage and operate this aspect of Council business. Feedback from stakeholders indicates a change is required and Option 3 presents a more balanced outcome.

The following items have funding implication for Council:

Funding Request

\$42,500 Aged and non-compliant infrastructure at several facilities has meant that initial estimates for installation were inadequate. A further \$42,500 is required to complete installations and will need to be identified at the September Quarterly Budget Review.

Waiving Fees - Expenses:

\$2,092 Ulladulla Netball 2017 fees be refunded or provided as a credit to the club against future charges (as already paid).

\$20,888 2017/18 - Management Committees – all fees already paid by local clubs are to be refunded by Council staff to the clubs from the Sportsgrounds operational budget.

\$10,444 (est.) 2018 – 31/03/2019 fees (\$ currently unknown)
Loss in income for Management Committees be paid by Council to the Committees from the Sportsgrounds operational budget.

Future Income

Calculated from 2017 reported usage, floodlighting charges revenue is estimated to be:

\$45,390 (est) 2018/19 financial year

\$90,781 2019/20 financial year

Funds pertaining to the Management Committees (approx. 48.4% of total income), will be paid directly from clubs to the Management Committees for expenditure towards floodlights. The sportsgrounds maintenance subsidy paid by Council to Management Committees further supplements floodlight maintenance expenses.

Future Fee Adjustments

The Floodlighting fee is to be Consumer Price Indexed (CPI) annually, in line with Council's other Fees & Charges, and further adjusted to accommodate any future increases to electricity charges beyond CPI.

Sportsground Floodlight Administration – Council Comparison

	Shoalhaven City Council	Wollondilly Shire Council	Eurobodalla Shire Council	Kiama Municipal Council	Shellharbour City Council	Blacktown City Council	Campbelltown City Council	Camden Council
Does Council review floodlight charges?	Yes, currently reviewing.	Has not been reviewed for a few years	Charged required to be reviewed as they are outdated.	No	Have just reviewed and reduced by 50%	Yes, review completed	Yes, currently undertaking review.	About to undertake review.
Does Council charge for floodlight usage?	Yes	Yes	Yes	No	Yes	Yes	Yes, Sportsfields charged but not tennis due to administration problems.	Yes
What rate does Council charge for usage?	\$0.95 per kilowatt output	\$281.50 annual fee (For Maintenance).	\$5.30 per token		\$41/hour floodlighting per field	New system. Rates yet to be confirmed.	Hourly rate = \$0.50 per lamp x number of field lamps.	Tennis hourly rate \$5.20
	Hourly rates determined by kilowatt output of each field.	Actual cost of electricity only	Standard ground uses 3 tokens per hour	None	\$33/hr floodlighting per field training lights (bond held against payment of accounts)	Clubs with direct accounts pay less as no maintenance or administration cost included.	Clubs with direct accounts pay less as no maintenance or administration cost included.	Netball \$115 /court/season
	Clubs with direct accounts pay less as no maintenance or administration cost included.		Seasonal bond \$530					Field Floodlights \$133/field/night/season
Is charge rate for floodlights based resulting in full cost recovery?	Yes	No	No	N/A	Has been reduced after a review into cost of minor repairs and electricity costs. The pricing remain within cost recovery pricing.	No	No	No
Does Council recover costs via a field hire or club house fee?	No	\$8 - 13 per player or \$477 - \$2865 per field	\$12 - \$38 per player per season	No	\$124 seasonal booking fee for club. (late fee \$244). \$18-\$29 per player per season (not per field)	Yes	\$626 - \$2488 per field per season	Yes
When are clubs invoiced by Council?	At end of season.	Annual fee at time of booking. Usage fees as electricity invoice is sent to Council.	Start of season or when purchasing tokens	N/A	Monthly - Floodlighting Seasonal - all other charges	New system just installed. Invoicing frequency not yet determined.	At end of season.	One month after start of seasonal booking.
Are clubs the electricity account holders?	Some accounts with clubs, Management Committees or Lease holders and pay directly. Most with Council.	No	No	No	No	Some accounts with clubs or lease holders who pay directly. Most with Council.	Some accounts with clubs who pay directly. Most with Council. One with Lease holder.	No, Council holds accounts.
Are data collecting floodlight controllers installed at grounds?	Yes, Halytech controllers at 12 grounds with 34 fields.	1 Halytech controller on one ground.	Yes, Cloudmaster controller only on one field.	No	Yes, at 5 fields	Yes, Halytech controllers at all grounds.	Yes, Cloudmaster controllers at grounds.	Yes, Halytech or Cloudmaster controllers at all grounds.

SA18.217 Proposed Submission to Everyone Can Play - Draft Guideline on Creating Inclusive Playspaces

HPERM Ref: D18/280615

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

Attachments: 1. Draft Submission - Everyone Can Play Draft Guidelines [↓](#)

Purpose / Summary

To endorse the staff submission prepared for the Everyone Can Play Draft Guideline and submit to the NSW Department of Planning and Environment (DPE).

Recommendation (Item to be determined under delegated authority)

That Council endorse the draft submission at Attachment 1 on the Everyone Can Play Draft Guideline and submit to the NSW Department of Planning and Environment, Office of Open Space and Parklands.

Options

1. Adopt the recommendation to make a submission to the DPE on the Everyone Can Play Draft Guideline as per Attachment 1 to this report.

Implications: This is the preferred option, as it will provide support for the submission at Attachment 1 which can be provided by the 21 September 2018 close.

2. Adopt an alternative recommendation that seeks to amend or add comments to the submission on the Everyone Can Play Draft Guideline.

Implications: This will require an amendment to the attached draft submission.

3. Do not make a submission to DPE on the Everyone Can Play Draft Guideline.

Implications: This is not preferred as it will be a missed opportunity to provide feedback to DPE on where the Draft Guideline could be improved.

Background

On 8 August 2018, DPE released the 'Everyone Can Play' Draft Guideline for community consultation until 21 September 2018. The Draft Guideline seeks to establish a toolkit for creating inclusive play spaces – areas within parks with playground equipment and any immediately adjacent supporting amenities such as toilets, car parking, bike paths, picnic facilities, and open space or landscape areas. A copy of the Draft Guideline can be found at the below link:

<https://www.planning.nsw.gov.au/~media/Files/DPE/Guidelines/everyone-can-play-draft-for-exhibition-guideline-2018-08.ashx>

The Draft Guideline has been prepared in association with an Advocacy Group and Advisory Group. Shoalhaven City Council was represented on the Advisory Group by the Community and Recreation Manager.

SA18.217

A submission has been prepared to submit to DPE on the Draft Guidelines. The submission is provided at **Attachment 1**.

Draft Submission

The draft submission provides general comments and addresses the three sections of the Draft Guideline more specifically. Recommendations regarding implementation of the Draft Guideline have been included. The submission was prepared by Council's Community and Recreation Team with input from internal sections of Council. A summary of the matters raised in the submission is provided below.

- Council supports this initiative by Department of Planning and Environment (DPE) Office of Open Space and Parklands to create more inclusive playspaces within community.
- The toolbox offers sound guidance for a site-specific park, its surrounds and context. There is an opportunity to provide more direction on how to integrate this into the 'bigger picture'.
- A preface should be provided to describe the functions and purpose of the different sections of the Draft Guideline Inform, Consider and Tools.
- The Draft Guideline would benefit from an implementation package which would include pro-forma templates and checklists which can be used for the planning, design and evaluation of new, or upgrades to existing, inclusive playspaces.
- Cultural inclusivity is one of the aims of the Draft Guideline, however it is not necessarily reflected in the content.
- The Inform section of the Draft Guideline provides information on why it is important to make playspaces inclusive, and how the Draft Guideline was prepared; however there is no meaningful information on how to undertake this step in planning for inclusive playspaces.
- The Consider section includes the steps of plan, design, evaluate, deliver, monitor and champion which may not be applicable to all projects. Some direction could be provided in the implementation package that indicates in what circumstances stages may or may not apply to any given project.
- Consultation with stakeholders and communities has been identified as a key part of delivering inclusive playspaces within the planning step. In some circumstances, councils are required to design parks including playspaces in greenfield development areas where there is no existing community.
- Integration with the statutory planning framework should be considered in order to mandate provision of inclusive playspaces, particularly in new subdivision areas.
- DPE should consider developing a mapping tool of inclusive playspaces state-wide. This could be beneficial for users and parents or guardians of users of inclusive playspaces across NSW. The mapping tool could also be used to measure the increase in number of inclusive playspaces following the adoption of the Draft Guideline.
- It is understood that a budget of \$20M is being allocated over the next five (5) years for the implementation of the Draft Guideline. The reach of this budget is significantly limited and a much greater budget should be considered by the State Government. Distribution of funds needs to be carefully considered and equitable, ensuring that regional and rural councils are not disadvantaged.
- An allocation of part of the budget towards Research and Development for Industry should also be considered as this may lead to savings for inclusive playspace providers such as Local Government.

- Best Practice Design Recommendations do not consider how to incorporate recognition of Aboriginal people and connections to the place in which the playspace exists. There is an opportunity here to expand the inclusiveness of this Guideline at the cultural level.
- The evaluation checklist is a good tool as it can be utilised at all stages of the process. The checklist could be improved by providing additional information or links on how to answer 'yes' to each of the questions in each category.
- There needs to be consideration of a rating or star system to identify the degree of inclusivity of playspaces.
- There are opportunities within the Draft Guidelines or the implementation package to provide additional resources to, as a minimum, external websites, which provide information on the needs of sectors of our community, for example, all age groups with Autism Spectrum Disorder.

Community Engagement

The community consultation on the draft Guidelines is being facilitated by DPE. During the consultation period, Council staff distributed information to Council's Inclusion and Access Advisory Committee, Youth Advisory Committee and Children's Reference Group for their consideration.



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Address all correspondence to
The General Manager, PO Box 42, Nowra NSW 2541 Australia
DX5323 Nowra Fax 02 4422 1816

Council Reference: 29118E (D18/292748)

Department of Planning and Environment
Office of Open Space and Parklands
320 Pitt Street
SYDNEY NSW 2000

Submitted via Online Submissions Portal

Dear Ms Morrison

Submission – Everyone Can Play – Draft Guideline

Thank you for the opportunity to provide comment on the Everyone Can Play Draft Guideline.

This submission provides general comments on the draft Guideline and specific comments that relate to the three sections Inform, Consider and Tools.

General

- Council supports this initiative by Department of Planning and Environment (DPE) Office of Open Space and Parklands to create more inclusive playspaces within community.
- The toolbox offers sound guidance for a site-specific park, its surrounds and context. There is an opportunity to provide more direction on how to integrate this into the 'bigger picture' via strategic planning processes and documents such as Community Infrastructure Strategic Plans (i.e. Active and Passive Recreation Needs Study), Masterplans, Implementation / Maintenance / Upgrade Plans to ensure existing and future parks are inclusive spaces.
- A preface should be provided to describe the functions and purpose of the different sections of the Draft Guideline Inform, Consider and Tools.
- The Draft Guideline would benefit from an implementation package which would include pro-forma templates and checklists which can be used for the planning and design of new or upgrades to existing inclusive playspaces. This would provide Councils, designers, developers, planners and manufacturers with suitable resources to guide the planning, design and delivery of inclusive playspaces consistently throughout NSW.

- The Draft Guideline seeks to strive for inclusivity *by removing obstacles and barriers that prevent people of all ages, abilities and cultural backgrounds from being invited to play.* Whilst cultural inclusivity is one of the aims of the Draft Guideline, this is not necessarily reflected in the content. There is opportunity to consider Aboriginal community, and culturally and linguistically diverse backgrounds particularly within the design principle 'Join In'.
- The development of a glossary would ensure the readability of the Draft Guidelines are improved.
- There are opportunities within the Draft Guidelines or the implementation package to provide additional resources to, as a minimum, external websites, which provide information on the needs of sectors of our community, for example, all age groups with Autism Spectrum Disorder.

Inform

- This section provides useful information in understanding the foundation of the Draft Guideline and how it was prepared, however it is unclear of its role in the planning for inclusive playspaces, other than understanding its importance.
- There is an opportunity to have the three key questions better represented in this stage of the planning for inclusive playspaces. Depending on the purpose of this section of the Draft Guideline, a checklist could be prepared as part of the implementation package, which establishes a process to determine 'why is it important that this playspace is inclusive'. This checklist might incorporate the principles and goals of universal design, and a site analysis could assess how it performs against each. This particular tool will be helpful in proceeding to the next stage and asking the three key questions as part of the 'Consider' stage.

Consider

- The 'Consider' section includes the steps of plan, design, evaluate, deliver, monitor and champion. It is noted that each of these steps will not be applicable to all projects. Some direction could be provided in the implementation package that indicates in what circumstances stages may or may not apply to any given project. This will ensure that there is some consistency in the appropriate state-wide.
- This process requires suitable resources as part of the implementation package to ensure that the planning for inclusive playspaces is undertaken in accordance with the Draft Guideline. A checklist which flows on from the 'Inform' checklist, as suggested above, should be considered. The evaluation checklist provided in the 'Tools' section of the Draft Guideline could be used to inform this checklist. This would also provide the benefit of being able to measure the success of inclusive playspaces from inception (planning and design stage) to delivery.
- The diagram provided on page 19 of the Draft Guideline should better illustrate how there is an intrinsic link between the three questions and the design principles.
- As part of the 'Consider' stage in planning for an inclusive playspace, the three key questions play a vital role in ensuring that the design of the playspace meets the Best Practice Design Recommendations. Page 20 of the Draft Guideline offers considerations

for the design of an inclusive playspace as per the three key questions. It is considered that these should be reflected in a checklist, as previously suggested, or in the implementation package.

- Consultation with stakeholders and communities has been identified as a key part of delivering inclusive playspaces within the planning step. In some circumstances, Councils are required to design parks including playspaces in greenfield development areas where there is no existing community. The Draft Guideline needs to consider who would be a suitable alternative in this instance.
- Integration of the Draft Guideline into Planning Documents such as Plans of Management (PoM), Development Control Plans (DCP), Open Space Strategies, Public Domain Technical Manuals and Voluntary Planning Agreements (VPA) is strongly encouraged. As part of the implementation package, DPE should consider developing model provisions (i.e. Model Development Control Plan) or templates (PoM, VPAs) which Local Government are mandated to use.
- Appreciation of the spatial distribution of existing inclusive playspaces has been identified as an important in identifying where new inclusive playspaces are needed most. An additional resource which DPE should consider developing as part of the implementation package, is a mapping tool of inclusive playspaces state-wide. This could be beneficial for users and parents or guardians of users of inclusive playspaces across NSW. The mapping tool could also be used to measure the increase in number of inclusive playspaces following the adoption of the Draft Guideline, and *to what extent inclusive playspaces are becoming the norm.*
- It is understood that a budget of \$20M is being allocated over the next five (5) years for the implementation of the Draft Guideline. Given that there are over 6000 parks across NSW, the reach of this budget is significantly limited and a much greater budget should be considered by the State Government. In addition, distribution of funds needs to be carefully considered given funding will be subject to a competitive process. It is important that regional and rural Councils are not disadvantaged in this process.
- An allocation of part of the budget towards Research and Development for Industry should also be considered. Inclusive Playspace providers regularly experience significantly greater costs for playspaces that are part or wholly inclusive as opposed to those that are not. Investing in R&D could result in finding more efficient ways to design and produce inclusive playspace equipment or materials which has the potential to provide cost savings for inclusive playspace providers such as Local Government.
- Design considerations listed within each of the design principles should be listed as individual dot points to ensure it is readable.
- Design Principle 'Fit' should refer to all abilities and ages, rather than sizes. This ensures that there has been consideration of all ages. It is also important that images throughout the document represent different age groups. There is the potential for additional images of youth (ages 13-25) to be incorporated into the Draft Guideline.
- Evaluation of inclusive playspaces is acknowledged as an important part of the process. In order to obtain valuable feedback as part of the monitor stage, a checklist needs to be developed and completed during the planning and design stage. This will ensure that

the evaluation post delivery can be measured against tangible data, and an opportunity to learn from previous errors can be provided.

Tools

- Best Practice Design Recommendations do not consider how to incorporate recognition of Aboriginal people and connections to the place in which the playground stands. There is an opportunity here to expand the inclusiveness of this Guideline at the cultural level by identifying engagement of the local Aboriginal community or Local Aboriginal Lands Council (LALC) to determine how Aboriginal culture and community can be acknowledged and intertwined into the design of a playspace.
- The evaluation checklist is a good tool as it can be utilised at all stages of the process. The checklist could be improved by providing additional information or links on how to answer 'yes' to each of the questions in each category.
- There needs to be consideration of a rating or star system to identify the degree of inclusivity of playspaces. It is acknowledged that this may have a negative effect of isolating playspaces.

It is hoped that our comments will be fully considered.

If you need further information about this matter, please contact Jessica Volkanovski, on (02) 4429 3152. Please quote Council's reference 29118E (D18/292748).

Yours faithfully

Russ Pigg
General Manager
28/08/2018

SA18.218 Options for Rate Relief for Drought-Affected Farmers

HPERM Ref: D18/303835

Group: Finance Corporate & Community Services Group
Section: Finance

Attachments: 1. Draft Amended Harship Policy (under separate cover)

Purpose / Summary

At its Ordinary Meeting on 28 August 2018, Council resolved to receive a report at the September Strategy & Assets Committee Meeting on options available to Council to amend its Hardship Policy to provide further rates relief to affected farmers, as well as consider other support measures.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Note the actions taken to date in promoting the NSW Government's Drought Assistance.
2. Amend its Hardship Policy to allow all Farmland rated property owners experiencing financial hardship due to the drought to make an application to have their rates deferred to the 2019/20 financial year.
3. Endorse the issue of two Drought Relief Waste Disposal vouchers for each Shoalhaven property with a 'Farmland' or 'Farmland – Dairy Farmers' rating.
4. Place the financial assistance measures it proposes for drought-affected farmland on public notice, in accordance with Section 356 of the Local Government Act, and receive a further report following the notification period and review any written submissions received.
5. Note that Council staff, as an interim measure, will process any payment plan for the 2018/19 financial year submitted by eligible farmers experiencing financial hardship.
6. Promote the measures outlined in this report that provide practical support to drought affected farmers across the Shoalhaven.

Options

1. Council maintain the status quo and not introduce a rate holiday

Implications: Nil, but contrary to Council resolution

2. Council amend its Hardship Policy to allow all Farmland rated property owners experiencing financial hardship due to the drought to make an application to have their rates deferred to the 2019/20 financial year

Implications: Delays the receipt of \$1.9M of rate revenue to 2019/20 (worse case scenario), impacting service delivery, at a maximum estimated opportunity cost of \$229K. Allows Council flexibility to adjust its response with the benefit of additional information when rates and charges are made for the 2019/20 financial year.

3. Council amend its Hardship Policy to allow property owners experiencing financial hardship in the following Farmland sub-categories to make an application to have their rates deferred for the duration of the drought
 - a. Dairy Farmers
 - b. Ordinary Farmland
 - c. Both Dairy Farmers and Ordinary Farmland

Implications: Depending on the duration of the drought, there is a significant cost to Council. The cost may be mitigated to the extent that financial assistance is limited to Dairy Farmers.
4. Council amend its Hardship Policy to allow property owners experiencing financial hardship in the following Farmland sub-categories to make an application to have their rates deferred for the duration of the drought plus a period of up to twelve months
 - a. Dairy Farmers
 - b. Ordinary Farmland
 - c. Both Dairy Farmers and Ordinary Farmland
5. Implications: Depending on the duration of the drought, there is a significant cost to Council. The cost may be mitigated to the extent that financial assistance is limited to Dairy Farmers.

Background

At its Ordinary Meeting on 28 August 2018, Council resolved (MIN18.642) that it:

1. Wishes to support in practical ways the plight of our farmers and those who make their living off the rich farming and grazing lands throughout the City.
2. Promotes the assistance provided by the NSW Government to those impacted by drought under the recently announced \$1 Billion support package.
3. Immediately suspend the accrual of interest from 1 July 2018 on all farmland rating properties with overdue rates and charges.
4. Write to the State Government seeking an exemption to allow a rates holiday
5. Receive a report at the September Strategy & Assets Committee Meeting on options available to Council to amend its Hardship Policy to provide further rates relief to affected farmers.

Action to date

Promotion of NSW Government drought assistance

Council staff have commenced promotion of the drought appeal and support for farmers. This has occurred through the placement of content in Council's E-newsletter. The following information appeared in Council's E-news on 5 September:

Are you a farmer that needs support? The government has the following farmers emergency drought relief support programs in place. Find out more about the [Emergency Drought Relief Transport Subsidy](#).

[Regional Investment Corporation](#) (RIC) is the Commonwealth's farm business concessional loans. The RIC can offer two loan products for farm businesses – Farm Investment Loans and Drought Loans. For more information contact the RIC on 1800 875 675 or visit the RIC website.

[Drought Assistance Fund Interest free loans](#) of up to \$50,000 are available to eligible primary producers to assist in implementing systems and management practices that enhance the sustainability of their enterprise by funding; Transport of livestock, transport of fodder and/or water; Water and Fodder infrastructure, and Banking of genetic material of livestock.

The [Australian Government](#) provides a number of assistance measures to support farm families, farm businesses and rural communities to prepare for, manage through and recover from drought and other hardship. Find out more on the Government's Assistance Measures page.

[Lifeline](#) - *If you are experiencing a personal crisis, help is available. No one needs to face their problems alone. Contact Lifeline on 13 11 14 (24/7).*

Ongoing promotion will continue to occur through Council's E-news, on our website as news articles and in our social media platforms. A pop-up message and slider will be used to promote the drought appeal on our Council web platform. Displays will also be provided at Council buildings through brochures and posters. Promotion through media channels and other methods will also be utilised to ensure the message is conveyed out into the community.

A banner could be placed on Nowra bridge and other displays could be installed around the City, depending on budget availability.

[Suspension of interest accrual on Farmland rated properties](#)

Before the 31 August 2018 due date for the payment of rates, only \$22,931 was outstanding as arrears from the Farmland Category, comprising 18 Farmland assessments and one Farmland – Dairy Farmers assessment. To enact Council's resolution, interest has been turned off for the rate categories 'Farmland' and 'Farmland – Dairy Farmers' for 2018/19 as a proactive application of s567 of the Local Government Act 1993.

Reactivation of the interest accrual function beyond 30 June 2019 will be a matter for consideration in the development of the 2019/20 draft budget and having regard to the duration of and recovery from the drought.

Discussion

[Definition of 'rates holiday'](#)

Under the Local Government Act 1993, all land in an area is rateable, unless it is specifically exempt from rating.

Council staff have interpreted the reference to a 'rates holiday' in Part 4 of the resolution from 28 August 2018 as being a [deferral](#) of rates. This interpretation accords with the drought assistance actions taken by other councils such as Wollondilly and Wingecarribee Shire Councils.

Should Council intend the 'rates holiday' to mean a 'waiver' of rates rather than a deferral, then application would need to be made to the NSW Government to allow the requested land to be exempt from rates in accordance with s556 of the Local Government Act 1993 and Regulation 123 of the Local Government (General) Regulation 2005. Subject to this clarification, the requested letter to the State Government will be sent but it should be noted that the chance of success in having the Act and Regulation changed would be greater if it was a coordinated approach by councils via LGNSW.

An alternative to seeking the exemption from rating would be for Council to make a donation to drought-affected farmers. Such a financial assistance measure to a "proposed recipient who acts for private gain" requires public notice of Council's proposal for at least 28 days, in accordance with Section 356 of the Local Government Act 1993. A further report would need

to be provided following the notification period and review of any written submissions received. The cost of this alternative is far greater than the opportunity cost of deferral of rates for 2018/19.

Options to amend POL16/200 Revenue – Hardship Policy to provide rates relief

The Department of Primary Industries' Combined Drought Indicator (CDI) identifies the Shoalhaven experiencing an 'Intense Drought' phase in all but five of its parishes, with the latter identified in a 'Drought' phase. The CDI is updated at a parish level on a monthly basis.

A number of Options for rate relief for drought-affected farmers experiencing financial hardship have been identified, two of which are comparable to the approach of other Councils:

- Deferral of rates until the beginning of the 2019/20 financial year (Wingecarribee)
- Deferral of rates for the duration of the drought
- Deferral of rates for the duration of the drought plus a period of up to twelve months (Wollondilly)

To operationalise the meaning of 'drought duration', it is proposed that the City be defined as drought-affected while its parishes are identified by the CDI as being in the 'Drought Affected (weakening)' phase or worse.

The following data about the Farmland Category updates the rating structure in Council's Integrated Strategic Plan 2018:

Sub-Category	No of assessments	Total Rate Yield	Average
Ordinary Farmland	725	\$1,654,033	\$2,281.43
Dairy Farmers	130	\$257,304	\$1,979.27
Total	855	\$1,911,337	

This data has been used to model the financial impact of each of the Options presented above. While deferral of rates does not affect the revenue recorded in 2018/19, it does impact the cash available to Council to pursue its program of services. The impact on available cash is referenced further later in this report.

To determine the opportunity cost associated with the delay in receipts, NSW Treasury's social discount rate of 7% has been used. This discount rate better reflects the fact that any given public investment occurs at the expense of alternative public investments and aligns more closely with the efficiency criterion used in Cost Benefit Analysis.

Given that drought duration and the number of farmers applying for drought relief are unknown, the maximum cumulative impact using total assessments over a range of one to five years from 2018/19 ('Year 0') is presented in the following table for each Option, in today's dollars, compared to the status quo (all other things kept the same):

		<i>Duration of drought (years)</i>				
Option		1	2	3	4	5
2		-\$229K	-	-	-	-
Deferral to 2019/20						
3a		-26K	-\$87K	-\$203K	-\$384K	-\$636K
Deferral for drought Dairy Farmer						
3b		-\$170K	-\$560K	-	-	-
Deferral for drought Ordinary Farmland				\$1,307K	\$2,468K	\$4,091K
3c		-\$196K	-\$647K	-	-	-
Deferral for drought All Farmland				\$1,510K	\$2,852K	\$4,727K
4a		-\$62K	-\$180K	-\$362K	-\$616K	-\$948K
Deferral for + drought 12months Dairy Farmer						
4b		-\$401K	-	-	-	-
Deferral for + drought 12months Ordinary Farmland			\$1,158K	\$2,329K	\$3,962K	\$6,096K
4c		-\$463K	-	-	-	-
Deferral for + drought 12months All Farmland			\$1,338K	\$2,691K	\$4,578K	\$7,044K

Note: Option 1 is status quo and not introduce a 'rates holiday'

These estimates compare to a maximum total cost of \$1.9M in 2018/19, should a donation equal to rates be made to all properties categorised as Farmland.

Given the uncertainty associated with the duration of the drought, together with the likely cascading effects on the community of an extended drought, deferral of 2018/19 rates until the beginning of the 2019/20 financial year provides immediate relief and allows assistance measures to be reviewed as part of the making of rates and charges for 2019/20. This approach provides Council with the flexibility to adjust its response with the benefit of additional information.

Should Council adopt Option 2, a revised copy of POL16/200 Revenue – Hardship Policy is attached.

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Eligibility Criteria

The eligibility criteria applied by the NSW Government for drought relief vary depending on the element of the Emergency Drought Relief Package. For example, Drought Transport Subsidies require applicants to declare:

- a) They are the owner and operator of a farm business in NSW
- b) They as a sole trader, partnership, trust or private company and trades agricultural products
- c) The business is registered with the Australian Taxation Office as a primary producer, and have an Australian Business Number (ABN)
- d) The owners and operators of the business earn more than 50% of their gross income from the primary production enterprise under normal seasonal circumstances
- e) The business is being negatively impacted by drought conditions
- f) The owners and operators of the business do not have gross off-farm assets exceeding \$1,000,000 (excluding funds in a registered superannuation fund)

This contrasts with the eligibility for waivers that apply automatically, namely:

- Local Land Services Rates – applies to ‘rateable land’ under the Local Land Services Act 2013, generally land 10 hectares and above
- Fixed charges for water licences - general security licence holders (and supplementary water access licence holders) in rural and regional NSW across surface and ground water systems
- Farm Innovation Fund interest - existing Farm Innovation Fund customers and all applicants who submitted an application on or before 30 July 2018

The diversity of eligibility criteria make it extremely problematic to tie any relief Council provides to drought-affected farmers to eligibility criteria associated with the NSW Government’s Emergency Drought Relief Package. Therefore, in order to streamline the processing of any financial assistance measures adopted by Council, it is proposed that Council adopt the same approach as Wingecarribee Shire Council and only require a Financial Hardship Application – Farmland, similar to the Application For Hardship Relief form that is part of Council’s existing POL16/200 Revenue – Hardship Policy.

Payment plans for affected farmers

Council already recognises that some ratepayers may experience financial difficulties in meeting their rate commitments on time. A ratepayer may make an arrangement, at any time, to pay off their outstanding accounts by regular payments, subject to the following guidelines:

- All agreements must be in writing and signed.
- The amount and frequency of the payments under the agreement are to be acceptable to Council.
- Agreements should, where possible, seek to have the outstanding rates and annual charges cleared by the end of the current financial year.
- Current rates and charges are to be paid when they fall due in addition to the arrangement plan, where possible.
- All arrangements are in accordance with Council policy and will be reviewed on regular basis.

Should Council adopt Option 2 - Deferral to 2019/20 as recommended, POL16/200 Revenue – Hardship Policy needs to be amended to ensure that payment in the following financial year is allowed.

In addition to the consideration of options available to Council to amend its Hardship Policy, Council also mentioned a number of other options to provide support to drought-affected farmers, namely:

- Reduction in water rates;
- Providing Tipping vouchers;
- Investigate the Load limits and the use of local roads for farmers tractors as soon as possible and
- Other support options

These options are discussed below.

Other Support Options

Reduction in water rates

This option of a water rebate for drought-affected farmers is the subject of separate report to be presented to Strategy & Assets Committee at its meeting of 18 September 2018.

Providing Tipping Vouchers

Asset and Works propose the issue of a Drought Relief Waste Disposal voucher[s] for each Shoalhaven property with a 'Farmland' or 'Farmland – Dairy Farmers' rating. Like the Household Waste Disposal vouchers that are issued annually with rates notices, each special voucher will be valid for use until 31 July 2019 and allow for disposal of up to 300kg of waste at a Council weighbridge waste depot (Nowra, Ulladulla or Huskisson) or up to 1m3 at the other waste depots (Berry, Kangaroo Valley, Callala, Sussex Inlet, Bendalong, Lake Conjola or Kioloa).

Waste operations staff will allow acceptable non-household farm waste to be disposed with, or instead of, household waste when the special vouchers are used.

The estimated cost of this proposal is \$70,000 for the issue of one voucher and \$125,000 for the issue of two vouchers.

Load limits and use of local roads by farmers' tractors

With regard to Tractor and B-Double access to local roads, Council is not the only authority involved in the approval process and sometimes structural issues prevent access to a local road, regardless of the situation.

However, to provide assistance to drought-affected farmers, Council will:

- Make our involvement in any access application process a very high priority and turn our response around as quickly as possible
- Where the road alignment is an issue for B-Doubles delivering fodder, Council can implement traffic control measures, free of charge, to assist the B-Double negotiate tight alignments
- Be available to meet with farmers and discuss their local road access plans and concerns and help them navigate any approval process well in advance of their needs.

Other support options

- Council's Assets & Works Group also propose the following drought relief measures:
 - Waiver of fees for commercial quantity loads (over 2m3) of Council's pasteurised garden waste product, where and when available, up to 31 July 2019. The mulch/compost-like product may assist farmers in restoration of soils and improve retention of moisture when it does rain.
The product is:
 - i. developed from the shredding and pasteurisation of relatively clean green waste stockpiles at each waste depot in accordance with 'The pasteurised garden organics order – 2016' (NSW EPA);
 - ii. transported to, and refined by, screening at Huskisson Waste Depot for further maturation/storage;
 - iii. loaded by waste operations staff (loading fee to be waived for drought affected farm destinations) at Huskisson; and
 - iv. to be applied to land by consumers in accordance with the conditions and time frames outlined in 'The pasteurised garden organics exemption – 2016' (NSW EPA).
 - Acceptance of silage wrap, at no charge, at all 10 waste depots (not just West Nowra and Ulladulla) to minimise travel distance for farmers, up to 31 July 2019. For acceptance at no charge, silage wrap materials should be presented sufficiently decontaminated for recycling purposes (i.e., free of silage or other waste).
- A Mayor's Relief Fund "Drought" appeal has been launched to assist drought-affected farmers in the Shoalhaven.

Community Engagement

It is proposed to publicly notify the Community of any financial assistance measures adopted by Council, in accordance with Section 356 of the Local Government Act 1993.

Following the notification period, and evaluation of submissions, the amended Hardship Policy can be passed by Council. To expedite financial assistance measures, Council staff will process payment plans for the 2018/19 financial year submitted by eligible farmers experiencing financial hardship, in accordance with the existing POL16/200 Revenue – Hardship Policy, but using an amended Application For Hardship Relief form.

Policy Implications

Amendment to POL16/200 Revenue – Hardship Policy required to ensure that payment of rates and charges in the following financial year is allowed.

Financial Implications

The recommended Option 2 - Deferral to 2019/20 does not change revenue for 2018/19 but will increase the debtor balance. However, the Option adversely impacts Council's cash flow receipts in 2018/19, with flow-on effects for service delivery and the capital works program.

The financial impact on 2018/19 cannot be precisely estimated because the recommended Option 2 depends on the take-up rate among affected farmers. However, the maximum

opportunity cost associated with Option 2 is estimated at \$229K. The financial impact and the impact on cashflow will be monitored and reported to Council at each Quarterly Budget Review during 2018/19.

In the event of a prolonged period of drought (extending beyond the current financial year), future budgeting will need to consider the actual level of assistance provided to farmers during 2018/19 when determining the level of ongoing assistance to be made available.

SA18.219 Receive Money from South Coast Regional Tourism Organisation (SCRTO)

HPERM Ref: D18/304069

Group: Finance Corporate & Community Services Group
Section: Tourism

Purpose / Summary

To advise Council of the acceptance of \$2,312.48 from the now dissolved South Coast Regional Tourism Organisation (SCRTO).

Recommendation (Item to be determined under delegated authority)

That Shoalhaven City Council

1. Receive the report for information and accept the payment of \$2,312.48.
2. Council write to the partners of SCRTO and thank them for their long-term partnership and collaboration.

Options

1. Adopt the recommendation as written

Implications: Shoalhaven Tourism will receive the cheque of \$2,312.48 back into the operational tourism budget and a receipt will be forwarded to SCRTO advising that Shoalhaven Council has accepted the assets (\$2,312.48).

2. Request more information

Implications: As the SCRTO is now formally dissolved, there is nowhere to return the funding to.

Background

Shoalhaven City Council were in the past financial members of the South Coast Regional Tourism Organisation (SCRTO). The organisation was created in partnership with the State Government and other Local Tourism Organisations:

- Shellharbour Tourist & Visitors Association Inc. (Tourism Shellharbour)
- Kiama & District Business Chamber Incorporated
- Eurobodalla Shire Coast Council
- Sapphire Coast Tourism Ltd

In 2017, the NSW State Government launched a new structure for regional partnerships with the creation of the Destination Networks. As a result, the SCRTO Board voted to dissolve to make way for the new organisations.

On 27 August 2018, Shoalhaven City Council received correspondence from the SCRTO advising the organisation had notification from the NSW Department of Fair Trading regarding the voluntary cancellation of registration of the South Coast Regional Tourism Organisation.

As a result, the SCRTO advised they had been given approval for the distribution of the SCRTO Association's assets to the following:

- Shellharbour Tourist & Visitors Association Inc (Tourism Shellharbour)
- Kiama & District Business Chamber Incorporated
- Shoalhaven City Council
- Eurobodalla Shire Coast Council
- Sapphire Coast Tourism Ltd

The current balance of the SCRTO account is \$11,562.40, which equals an even amount distributed to each of the parties of \$2,312.48. The SCRTO has sent cheques to each organisation.

As part of the voluntary cancellation of registration, a receipt or letter from each partner as recipients is required advising that each have accepted the assets (\$2,312.48) from the SCRTO.

When all the funds have been transferred, SCRTO has advised they will then need to close the bank account and send proof of this as well as relevant letters/receipts to the Department of Fair Trading, who will in turn publish a Notice of cancellation in the NSW Government Gazette.

Financial Implications

Shoalhaven City Council will receive the cheque of \$2,312.48 with funds to be placed into the tourism operational budget.

SA18.220 Continuation of Road Safety Officer Program (to 30 June 2021)

HPERM Ref: D18/288483

Group: Assets & Works Group
Section: Traffic & Transport

Attachments: 1. Roads & Maritime Services - Local Government Road Safety Program - Grant Agreement [↓](#)

Purpose / Summary

To consider the offer by the Roads and Maritime Services (RMS) for continued funding of the Road Safety Officer Program.

Recommendation (Item to be determined under delegated authority)

That Council write to Bernard Carlon, Executive Director (Centres for Road Safety and Maritime Safety) advising that Council accepts the invitation to participate in the revised Local Government Road Safety Program (LGRSP) until 30 June 2021, in particular the 50/50 funding agreement for the Road Safety Officer (RSO) position.

Options

1. Adopt the recommendation.

Implications: This will allow the RSO to continue important road safety projects and offer road safety services in the community over the three year period. (Recommended).

2. Council does not accept the invitation for continued funding of the Local Government Road Safety Officer Program from Roads & Maritime Services (RMS).

Implications: Not accepting the invitation from RMS would mean the LGRSP would not continue. Important road safety projects would not be implemented and RSO services in the community would not be available. (Not Recommended).

Background

The LGRSP aims to assist NSW councils to reduce the likelihood of deaths and injuries from road trauma in their local communities. Shoalhaven City Council has been a member of this program since inception in 1999.

Bernard Carlon, Executive Director (Centres for Road Safety and Maritime Safety), has forwarded an invitation for Council to participate in the construction of the LGRSP which commenced on 1 July 2018.

The initial offer to Council, dated 17 May 2018, was for a one year extension to June 2019.

Council received subsequent advice from the RMS dated 6 July 2018 providing an assurance that the agreement is in fact supported to 30 June 2021 (for three years).

Accordingly, the program will provide a three year funding commitment for the Council RSO position and local road safety projects (separately reported). This ensures funding for the RSO position and supports for the planning and delivery of local road safety projects of up to three years' duration. (see **Attachment 'A'**).

SA18.220

Community Engagement

The RSO role is an integral part of the Traffic and Transport Unit within the Assets and Works Group. Consequently the RSO establishes and fosters partnerships with Government, business and community, initiates discussion in the community on road safety and presents positive public relations for Council.

Major projects will include the U Turn the Wheel program, Safety Around Schools projects, Look out before you step out pedestrian program, Little Blue Dinosaur Holiday Time program, Double Demerit Days, Speed monitoring on local roads, Motorcycle Awareness Month, Plan B Breath testing at local events, Free Cuppa for the Driver, 65+ presentations, Helping learner drivers become safer drivers workshops, and Bike Week events.

Financial Implications

Under the NSW Local Government Road Safety Officer Program, the agreement provides for funding of the RSO as well as specific project funding, as follows:

- a) The funding for employment of Council's RSO, for operational costs, offers 50% funding up to \$64,600 annually, in accordance with the Local Government Roads Safety Program Guidelines. Council has forecast that the RMS contribution (50%) towards the RSO position will be; 2018/19 (\$56,000), 2019/20 (\$58,000) and 2020/21 (\$59,000), these amounts will be claimed pro rata each quarter.
- b) The RSO program provides an avenue to obtain additional program funding and sponsorships aimed at providing a safer environment for all road users within the Shoalhaven City Council Local Government Area (LGA). Funding for specific partnership programs can be up to 100% of costs, subject to each application and RMS approval. The approved local road safety projects for 2018/19 has been separately reported.

LD 7275



Transport
Roads & Maritime
Services

Local Government Road Safety Program Funding Agreement

Overview

Transport for NSW (TfNSW) and Roads and Maritime Services (RMS) are committed to working with local government, the community and stakeholders to deliver the practical road safety initiatives identified in the *NSW Road Safety Plan 2021* and the *NSW Road Safety Strategy 2012-21*.

The Strategy is underpinned by the Safe System approach to improving road safety. This approach takes a holistic view of the road transport system and the interactions among the key components of that system – the road user, the roads and roadsides, the vehicle and travel speeds. It recognises that all components of the system have a role to play in helping to keep road users safe.

The Local Government Road Safety Program (LGRSP) aims to help NSW local Councils by making funding available for Councils to target road safety issues in their local community. TfNSW is committed to continue funding the LGRSP on an ongoing basis.

RMS and Councils are roads authorities under the *Roads Act 1993* and have statutory responsibilities for traffic management. The responsibilities of RMS include promoting road safety throughout NSW, coordinating the activities of public authorities as far as those activities relate to road safety, and strategic planning for improved road safety. The functions of TfNSW include the administration of the allocation of public funding for the transport sector, including the determination of budgets and programs across that sector.

Under this agreement, RMS will support the delivery of the Local Government Road Safety Program (LGRSP) and will contribute funding, made available by TfNSW, towards Councils' road safety program.

The LGRSP aims to help NSW Councils to reduce the likelihood of deaths and injuries from road trauma in their local communities.

Parties	<p>Roads and Maritime Services NSW 90 Crown Street Wollongong NSW ABN: 76 236 371 088. ('RMS') and</p> <p>Shoalhaven City Council PO Box 42 Nowra NSW 2541 ABN: 59 855 182 344 ('Council')</p>
Definitions	<p>1.1. Unless the contrary intention appears:</p> <p>GST – has the same meaning as in the A New Tax System (Goods and Services Tax) Act 1999 (Cth) and any other law which imposes or otherwise deals with the imposition or administration of a goods and services tax in Australia.</p> <p>LGRSP Guidelines – means the Local Government Road Safety</p>

	<p>Program Guidelines published by TfNSW, as amended from time to time.</p> <p>Local Government Award – means the Local Government (State) Award 2014 and any Award or agreement that may supersede this Award.</p> <p>Local Road Safety Action Plan (Action Plan) – means Council's framework and direction for working systematically to improve road safety in its Local Government Area, developed in accordance with the LGRSP Guidelines, and based on local crash data analysis and the road safety priorities set out in the NSW Road Safety Strategy 2012-2021.</p> <p>Managing Council – means, where an RSO is preparing and implementing an Action Plan for more than one Council, the Council nominated to receive and manage program funding on behalf of all partner Councils in the joint arrangement.</p> <p>Road Safety Officers System – means the online system established by TfNSW and RMS for the purpose of entering and tracking Councils' Local Road Safety Action Plans.</p> <p>RSO – means a Road Safety Officer employed by Council.</p>
Term	<p>2.1. This Agreement commences on 1 July 2018 and expires on 30 June 2019. (The "Term").</p>
Program Funding	<p>3.1 RMS will provide funding towards Council's Local Road Safety Action Plan subject to Council's compliance with the terms of this Agreement and the requirements in the LGRSP Guidelines:</p> <p>3.1.1. RSO funding RMS will provide funding towards Council's costs of employing one or more RSOs, whether full time or part time, of up to 50% of the cost of the salary for an RSO but capped at \$64,600 per year. This includes up to a maximum of 35% of on-costs (for award leave conditions, including sick leave, maternity/paternity leave, long service leave, payroll tax, superannuation and workers compensation (where applicable) but not annual leave which is included in the salary).</p> <p>3.1.2. Work-related Transport Where the RSO is working for more than one Council, a portion of the funding may be used for the RSO's work-related transport costs, subject to agreement between the Managing Council and RMS (through the relevant Region).</p> <p>3.2. Road Safety Projects RMS agrees to provide funding for projects that RMS approves in a Council's Local Road Safety Action Plan, to an annual level determined by RMS.</p> <p>3.3. GST Funding for the items referred to in clauses 3.1.1, 3.1.2 and 3.2 is</p>

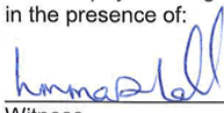
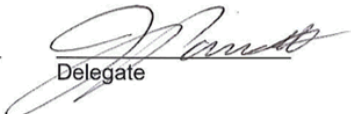
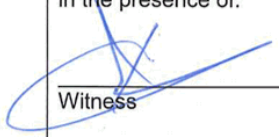

	calculated and identified as a sum not including GST. GST is to be identified and charged as an additional, separate amount.
Council's Responsibilities	<p>4.1. Local Road Safety Action Plan Council must prepare and implement a Local Road Safety Action Plan (Action Plan) in accordance with the LGRSP Guidelines and enter it into the online Road Safety Officers System, to obtain funding approval from RMS. Council is responsible for assessing the adequacy, suitability and priority of projects it includes in its Action Plan. The Action Plan is subject to RMS approval that it appropriately addresses community road safety priorities.</p> <p>4.2. Milestone Achievement Reporting Council must report to RMS on milestone achievement, tracked against its Action Plan in the online Road Safety Officers System, every month. The report will demonstrate Council's achievement of the actions set out in the Action Plan and confirm continuing compliance with the conditions of funding. Any delays by Council in meeting milestones should be explained in this report.</p> <p>4.3. RSO Appointment by Council</p> <p>4.3.1. RSO is a Qualified Person Council must ensure that the RSO is a suitably qualified person selected on merit pursuant to advertising in an approved online job site and/or newspaper. Council may request a representative from the relevant RMS Regional Office to participate on the selection panel for the Council's RSO position.</p> <p>4.3.2. RSO Position Description An RSO Position Description will be agreed by Council and RMS before the position is advertised. An example Position Description, that demonstrates the minimum requirements for an RMS-funded RSO position, is set out in Annexure A.</p> <p>4.3.3. Qualified Supervisor Council must ensure that a suitably qualified person is appointed as the RSO supervisor. The RSO supervisor provides day-to-day management of the RSO, including performance development and management.</p> <p>The role of the supervisor includes approving the Local Road Safety Action Plan on behalf of Council for agreement with RMS; participating in Council's Road Safety Program Steering Committee meetings; monitoring the delivery of Council's Action Plan and the RSO's work output; reviewing and commenting on monthly milestone reports and annual reports prior to being forwarded to RMS; and providing support and direction to the RSO.</p> <p>4.3.4. Training In accordance with the Local Government (State) Award, Council will implement an RSO training plan. The employee's training plan will provide for a training framework that is consistent with other Council employees.</p> <p>4.3.5. Vacancies During Leave</p>

	<p>Council is not entitled to claim funding specified in clause 3.1.1:</p> <ul style="list-style-type: none"> a) during any period when the RSO is not actually performing road safety functions of the kind set out in the example position description or of a kind otherwise agreed with RMS; or b) if the RSO takes extended leave or maternity/paternity leave, or the RSO is required to act in another position, unless a suitable temporary replacement RSO is provided by Council. <p>Council must make every effort to ensure that the RSO role is performed at all times during this agreement.</p> <p>4.3.6. Overheads Council is solely responsible for all other expenses relating to the RSO and road safety projects including, but not limited to, overheads such as stationery, phones, computer and access to the internet, power, floor space rental and other corporate infrastructure costs. These are not included under this Agreement and Council agrees not to include such expenses in any claim for funding under this Agreement.</p> <p>4.4. Road Safety Program Steering Committee Meetings Council must establish a Council Road Safety Program Steering Committee. The composition and meeting schedule of the Council Road Safety Program Steering Committee will be negotiated and agreed upon by Council and the relevant RMS Region. As a minimum, the Committee will invite membership from Council, RMS and Police.</p> <p>4.5. RSO to attend Forums with RMS The RSO is required to attend coordination meetings administered through RMS Regional Offices and may also be required to attend other forums convened by RMS from time to time.</p>
Funding payment	<p>5.1. Payment Method Council is to initiate funding payments for this Agreement in accordance with the LGRSP Guidelines and the <i>Financial Arrangements with Council for Road Management</i> (August 2014) by either:</p> <ul style="list-style-type: none"> 5.1.1. a direct claim for payment to RMS; or 5.1.2. a monthly invoice through the Council Payment System. <p>5.2. Payment Timing Funding provided under the LGRSP for an RSO is to be claimed or invoiced at least quarterly. Timing for claims for payment will be negotiated and agreed upon by Council and the relevant RMS region.</p> <p>5.3. Claims for Payment Claims for funding payment must:</p> <ul style="list-style-type: none"> 5.3.1. Be accompanied by a Milestone Achievement Report. 5.3.2. Be issued in accordance with the requirements of GST Law.

	<p>5.3.3. Include a breakdown of the expenses including Salary and On-Costs.</p> <p>5.3.4. Projects funded under the LGRSP Guidelines and subsequent versions are to be claimed or invoiced within one month of completion.</p> <p>5.3.5. Claims for payment or invoices for projects funded under the LGRSP Guidelines and subsequent versions must be accompanied by an annual or final project report.</p> <p>5.4. Certification Council must provide a detailed claim for payment certified by Council's Chief Financial Officer that Council has in fact incurred the amount claimed.</p> <p>5.6. Payment by RMS</p> <p>5.6.1. RMS will pay a claim for funding within 28 days of receiving a claim.</p> <p>5.6.2. However, RMS may withhold payment by notice where RMS reasonably believes Council has not complied with the Agreement or has not adequately explained any delays in meeting milestones.</p> <p>5.6.3. A notice under clause 5.6.2 will state the reasons for RMS withholding the payment and the steps Council can take to address those reasons.</p> <p>5.6.4. RMS will pay the withheld amount once Council has satisfactorily addressed the reasons contained in the notice.</p>
RMS's Responsibilities	<p>6.1. Program Funding RMS will reimburse Council for funding approved in accordance with the LGRSP Guidelines and the <i>Financial Arrangements with Council for Road Management</i> (August 2014).</p> <p>6.2. Promotional and Educational Material RMS will also provide:</p> <p>6.2.1. on behalf of TfNSW, promotional and educational materials, where possible, to assist in delivery of LGRSP objectives, including material developed specifically for RSOs. If available, Council will use these materials in local road safety projects, campaigns and workshops.</p> <p>6.2.2. Regional RMS officers to participate, as appropriate, in Council Road Safety Program Steering Committee meetings and joint project meetings about Council's approved road safety</p>

	<p>projects.</p> <p>6.2.3. Advice, assistance and feedback to RSOs for the development of Council's Local Road Safety Action Plan and approved road safety projects.</p> <p>6.3. Road Safety Initiatives Identified by TfNSW and/or RMS Strategic road safety initiatives identified by TfNSW and/or RMS during the period of this agreement that are relevant to Councils may be notified to the RSO and the RSO must advise, within a time frame agreed to by the parties at the time the initiative is put forward, whether the initiative will be incorporated into the Action Plan or otherwise delivered by Council. When implemented, initiatives will be delivered by the RSO using the material provided to Council by TfNSW and/or RMS and reported in the Road Safety Officers system.</p>
Intellectual Property	<p>7.1. Intellectual Property in Promotional Material funded by RMS The intellectual property in any promotional material provided to Council by RMS, including any material developed from that promotional material by the RSO in the scope of performing RSO duties, will be owned by RMS.</p> <p>7.2. Consultation on all Developed Materials Council must seek input from RMS on the content and look of any road safety materials it develops or adapts as part of the LGRSP as outlined in the LGRSP Guidelines.</p> <p>7.3. Licence to RMS of reporting and associated materials Council agrees to grant RMS a permanent, non-exclusive, irrevocable, royalty-free licence (including a right to sub-licence) to use, reproduce, publish and adapt any report or associated material for any non-commercial purpose.</p>
Risk Management	<p>8.1. Risk Management Council is responsible for ensuring that it has implemented appropriate risk management strategies for all road safety projects, including appropriate insurance, traffic control plans etc.</p> <p>8.2. RMS will assess community road safety priorities RMS will not assess the risk management strategies Council has or puts in place for road safety projects, and will approve an Action Plan only on the basis that the Action Plan appropriately addresses community road safety priorities.</p> <p>8.3 RSO Work Health Safety Given Council's statutory role as a roads authority and employer of the RSO, Council acknowledges its obligations to comply with all relevant laws, including those relating to the RSO's employment and work health safety laws, whether applying to the RSO or the work performed by the RSO. Council indemnifies RMS from all liability of any kind in respect of the RSO or the work undertaken for Council by the RSO.</p>

	In this clause, "work health safety laws" includes the Work Health and Safety Act 2011 (NSW) and Work Health and Safety Regulation 2011.
RMS Equipment and Materials	<p>9.1. Security of Equipment and Materials Council must protect and keep safe and secure all materials, documentation and equipment provided by RMS to Council.</p> <p>9.2. Return of Equipment Upon the expiry or termination of this Agreement, Council must promptly return to RMS any equipment purchased by RMS as part of the Program.</p>
Use of RMS and TfNSW Logo or Intellectual Property	<p>10.1. Permission of RMS Council must seek written authority to use the logos of RMS or TfNSW in any promotional material adapted by Council or the RSO for the purpose of the LGRSP. RMS, in giving any permission, may impose any conditions it considers appropriate.</p> <p>10.2. Adding Council Logos For materials produced as a part of the LGRSP, use of Council logo should be in accordance with the LGRSP Guidelines.</p>
Dispute Resolution	<p>11.1. In Good Faith If a dispute arises in relation to this Agreement, the parties will endeavour to resolve it in good faith. If any dispute is not resolved within 30 days, the matter will be referred to the Principal Manager Road Safety Coordination and the Council's Director Engineering Services, or their respective duly authorised representatives, to resolve the dispute or agree on a mechanism to apply.</p> <p>11.2. Continue with Obligations Each party will continue to perform its obligations under this Agreement notwithstanding the existence of a dispute.</p>
Termination	<p>12.1. Termination Procedure Either party may terminate this Agreement:</p> <ul style="list-style-type: none"> (i) if all reasonable efforts have been made to resolve the dispute in accordance with Clause 11 and that dispute remains unresolved after a period of 2 months from the date of referral, or such other time as the parties agree; and (ii) by giving the other party one month's written notice. <p>12.2. Without Prejudice Termination of this Agreement is without prejudice to any accrued rights or remedies of the parties.</p>

<p>Execution Clause</p> <p>Roads and Maritime Services</p>	<p>13.1. Signed by:</p> <p>the _____ (Roads and Maritime Services) by its delegate in the presence of:</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  Witness <u>H. Marshall</u> Name (printed) <u>12/6/18</u> Date </div> <div style="text-align: center;">  Delegate <u>J. Parrott</u> Name (printed) <u>12/6/18</u> Date </div> </div>
<p>Council</p>	<p>Signed by: the _____ (Council) by its delegate in the presence of:</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  Witness <u>Scott Wells</u> Name (printed) <u>5/7/18</u> Date </div> <div style="text-align: center;">  Delegate <u>TON D MEE Russell Pigg</u> Name (printed) <u>5/7/18</u> <u>5/7/18</u> Date </div> </div>

SA18.220 - Attachment 1

SA18.221 Local Government Road Safety Program 2018/19 (Approved Projects)

HPERM Ref: D18/288506

Group: Assets & Works Group

Section: Traffic & Transport

Purpose / Summary

To accept the Local Government Road Safety Program (LGRSP) approved funding of \$11,400 for 2018/19 (exclusive of GST).

Recommendation (Item to be determined under delegated authority)

That Council writes to NSW Roads and Maritime Services (RMS) thanking it for its funding assistance towards the 2018/19 Road Safety Program and accept and vote the grant funding offer of \$11,400 from RMS as follows:

1. \$900 for Shoalhaven Look out before you step out pedestrian safety
2. \$600 for Shoalhaven Youth Graduated Licensing Scheme (GLS)
3. \$4200 for Shoalhaven Free Cuppa for the Driver Fatigue program
4. \$200 for Motorcycle Safety- Motorcycle Awareness Week
5. \$500 for the Safety around Schools Forum
6. \$5000 for Bike Week
7. Slow Down/ Hold my Hand/ There's Kids Around Pedestrian safety - Little Blue Dinosaur campaign (no funds required)
8. Speed Monitoring on Local Roads (paid directly by RMS).
9. Breath Testing at Local Events (paid directly by RMS).
10. 65 + Older Drivers Presentations (paid directly by RMS).
11. U turn the Wheel youth program (paid directly by Rotary).

Options

1. Adopt the recommendation.

Implications: This will allow these important road safety projects to be completed with 100% funding (Recommended).

2. Council does not accept the grant funding offer.

Implications: Not accepting the grant funds would mean these programs would not be completed and the planned road safety outcomes would not be achieved (Not Recommended).

Background

RMS offers funding each year to Councils as part of the LGRSP. 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

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Council is concentrating on programs based on positive evaluations of past programs supported by crash statistics.

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.

SA18.222 Bolong Road / Back Forest Road - Unsuitable Material

HPERM Ref: D18/302406

Group: Assets & Works Group

Section: Asset Management

Purpose / Summary

To advise Council of an increase in the cost of the works at Bolong Road 400m east of Broughton Creek due to the realisation of a latent condition.

Recommendation (Item to be determined under delegated authority)

That Council notes in respect to the works on Bolong Road:

1. That the removal of unsuitable material is required at the Bolong Road shoulder widening/safety improvement works 400m east of Broughton Creek;
2. The value of this work is estimated to be \$359,678.40 (GST exclusive);
3. It will be managed as a variation under the terms of the contract with Select Civil Pty Ltd;
4. Funding for this additional work is being sought from external sources.

Options

1. Adopt the recommendation

Implications: The roadworks can be completed to an acceptable standard

2. Not adopt the recommendation

Implications: The roadworks remain unfinished. There is the potential to lose \$425k allocated to this project from the NSW government Safer Roads program and \$700k from the Bolong Road Preservation fund.

Background

This project includes the installation of a sealed shoulder, guardrail and a pavement overlay to improve safety. During the design of the works the water under the existing pavement (as identified in the Geotechnical Report D18/283641) was not considered a risk of impacting the works as the existing pavement was not to be substantially disturbed.

This assumption proved to be incorrect.

During construction the disturbance of the existing pavement caused the contractor to encounter water under the existing pavement (ponding water) and this soft material was no longer “bridged”. Construction works were halted while the contractor and their geotechnical consultant investigated options to rectify the problem.

As the unsuitable road foundation was not considered a risk by the design team a variation to the original contract must be issued to complete the works.

The solution is to replace unsuitable wet silty material with drier granular material.

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Community Engagement

Preliminary advice has been forwarded to the various stakeholders, residents and community groups giving notification of the proposed works at the locations as specified.

It is intended that all these stakeholders including residents and respective community groups will again be advised well in advance of works commencing and that suitable notices will be placed in the local print media.

As the works will necessitate the use of large vehicles and equipment on sections of narrow and sometimes winding roadways it is expected that there will be some traffic disruption and delays. These, however, will be kept to a minimum.

Policy Implications

Initially Council resolved to award a tender to Select Civil for this works via the following resolution at the Council meeting on MIN 18.107C 20/02/2018.

Financial Implications

Council has received funding through the Safer Roads program for works to be completed in the 2018/19 financial year. All the proposed construction is integral to this program of road safety improvement works.

If this work cannot be funded from an external source it will need to be funded via an internal adjustment of budgets at a budget quarterly review meeting.

Risk Implications

If works is halted until funding is sourced the cost of the works could blow out, particularly if we experience more rain.

SA18.223 New Shoalhaven Bridge - Nowra

HPERM Ref: D18/305160

Group: Assets & Works Group

Section: Business & Property

Attachments: 1. Proposed Acquisitions (councillors information folder)
2. Draft Submission to RMS - Nowra Bridge Project [↓](#)

Purpose / Summary

To provide Council with an opportunity to consider a report on the NSW Roads and Maritime Services (RMS) proposals for acquisition and/or occupation of Council owned land in connection with the Nowra Bridge project. In addition, Council has an opportunity to provide a response/submission to the RMS environmental assessment and concept design for the Nowra Bridge Project which is on display for five weeks from Monday 27 August until Friday 28 September 2018.

Recommendation (Item to be determined under delegated authority)

The Council authorise the General Manager to:

1. Make a submission to the Roads and Maritime Services on behalf of Council in relation to the RMS proposal to construct an additional bridge crossing of the Shoalhaven River immediately west of the crossing that currently connects Bomaderry to Nowra. The submission is to cover the matters contained within this report and specifically highlight the following:
 - a. Council is adamant that its preferred option is for grade separated intersections and does not support at grade treatments;
 - b. There is likely to be significant upstream and downstream impacts following construction of the Nowra bridge project. The bridge project, in conjunction with the Berry to Bomaderry upgrade, will bring forward the need to extend 3 lanes of traffic in each direction continuous through Bomaderry and South Nowra;
 - c. With regards to urban design, Council requests that the RMS urban design team agrees to a plan and process that involves Council staff in the urban design to ensure integration between the Nowra Bridge project and the Council's river foreshore masterplan;
 - d. Opportunities exist for RMS residual assets that may have the potential to enhance some of Council's long term projects, and Council requests that the RMS work closely with Council staff to achieve the best value for money from residual assets.
2. Make further submissions as the design process commences, briefing Councillors regularly and reporting back to Council as required.
3. Request RMS agreement to further discuss its requirements for the occupation of Council owned land and to negotiate agreements subject to formal Council approval, for the acquisition of various properties.

Options

1. Adopt the recommendation.

Implications: Council will make a submission to RMS in accordance with the information in this report.

2. Make another recommendation or resolve not to make a submission.

Implications: Council will forego an opportunity to inform RMS of its views relative to various aspects of the Nowra Bridge project.

Background

This report has been prepared following a number of briefings by RMS and Council staff and features contributions from Recreation Community and Culture Section (Strategic Planner), Assets Section (Traffic and Transport), Strategic Planning (Local Planning Team), Economic Development Manager and the Business and Property Section.

In February 2018, RMS publicly exhibited the Preferred Option for the Nowra Bridge project. At Council's Strategy and Assets Meeting on 20 March 2018, the Committee resolved (MIN18.183) to make a submission to RMS in relation to the Preferred Option, specifically:

"That Council provides the following response to the NSW Roads and Maritime Services (RMS) request for comment on the preferred option for the Nowra Bridge Project:

1. *Council is adamant that its preferred option of grade separated intersections at each location (Bolong Road to Bridge Road) should be pursued.*
2. *Council thanks the RMS for acknowledging that the preferred option report overstated the involvement of Council staff in the shortlisting process that arrived at the RMS preferred option. The Council staff assisted in the development of options for consideration.*
3. *Council is opposed to the "at grade" option proposed as it is a short term solution only, and the State Government needs to bring forward the planning and construction of a Nowra-Bomaderry Bypass in the medium term.*
4. *In addition to the minuted comments (reproduced in the body of this report) Council made at the RMS briefing to Councillors on Thursday 22 February, and given that the RMS is only seeking feedback (during the period from 19 February 2018 to 23 March 2018) on a conceptual layout of its preferred option, Council also makes the following request/comments:*
 - a. *There is likely to be significant upstream and downstream impacts following construction of the Nowra bridge project. The bridge project, in conjunction with the Berry to Bomaderry upgrade, will bring forward the need to extend 3 lanes of traffic in each direction continuous through Bomaderry and South Nowra.*
 - b. *Similar to the requirement to maintain a free left slip lane into Illaroo Road off the Highway, it is not clear whether the proposal maintains the free left slip lane out of Bridge Road on to the Highway. Previous attempts by the former RTA to control those movements have failed (causing significant impacts to the Highway and Bridge Road). Both of these free flowing movements are essential to maintain and ensure a free flowing network and must be incorporated into the design of the new bridge.*
 - c. *Given that RMS were able to confirm at the briefing that there will be turn restrictions on Bridge Road at the intersection with Scenic Drive, there is a need for RMS to do a thorough assessment of the resulting traffic impacts*

at the intersection of Bridge Road and Hyams Street (Council believes traffic signals will be required in the short term).

- d. The changes at the intersection of Bridge Road and Scenic Drive will present an opportunity to incorporate a pedestrian refuge on Bridge Road (immediately south of Scenic Drive) without impacting two lanes of southbound traffic, and this should be included.*
 - e. Council believes traffic signals will also be required at the intersection of Illaroo Road and Fairway Drive (access to Greys Beach and the Nowra Golf Club) where the project is likely to terminate.*
 - f. With regards to urban design, Council requests that the RMS urban design consultants work closely with Council (and Council's urban design consultants) to ensure integration between the Nowra bridge project and the river foreshore masterplan.*
 - g. Pedestrian and cyclist considerations will need to be more thoroughly examined once more detail is released.*
 - h. The use and integration of the old bridge will need to be more thoroughly examined once more detail is released.*
- 5. Given the level of detail provided to the public is still preliminary (concept layouts provided only, with no detailed engineering), there are still many questions to ask with regards to how the proposal will impact on Council's assets and property, and how it will integrate with Council's other planning. Accordingly, Council requests that RMS provides more detail, and increase its level of communication with Council so that more 'detailed' feedback can be provided in a timely manner, and more certainty can be provided to allow Council to finalise its other plans.*
 - 6. RMS confirm that the downstream historic bridge will remain in State ownership and be maintained by the State Government in perpetuity.*
 - 7. Council write to Federal Member for Gilmore and State Members for South Coast and Kiama informing them of Council's resolution expressing disappointment in relation to the RMS preferred option and thanking them for their support."*

On 23 August 2018, staff from the RMS project team briefed Councillors and Council staff on the upcoming public exhibition of the Review of Environmental Factors (REF) and Concept Design for the Nowra Bridge Project. At the briefing, RMS staff advised of the revisions to the concept design of the Nowra Bridge project since the preferred option exhibition in February and March this year, summarised what was found as part of the technical investigations and identified Council owned land that is subject to land acquisition or temporary lease arrangements. RMS acknowledged that it was difficult for Council to understand some of the proposed land acquisition and leasing proposals in the absence of the design.

On 27 August 2018 RMS placed the REF and Concept Design for the Nowra Bridge Project on exhibition, from Monday 27 August until Friday 28 September 2018 (inclusive). The documents included in the exhibited material include:

- REF
- Traffic and Transport Assessment
- Noise and Vibration Assessment
- Aboriginal Cultural Heritage Assessment
- Non-Aboriginal Statement of Heritage Impact
- Urban Design Report, Landscape Character and Visual Assessment

- Flooding and Hydrology Assessment
- Socio-economic Impact Assessment
- Biodiversity Assessment
- Soil and Water Assessment
- Operational Water Quality Assessment

RMS staff advised Council they are prepared to attend additional briefings if required and will accept late submissions from Council should Council require additional time.

A submission has been prepared on the REF and Concept Design for the Nowra Bridge project and is provided as **Attachment 2** to this report.

Revised Concept Design

The exhibited material documents a number of design changes that have been incorporated into the concept design since the preferred option was announced in February 2018. The revised concept design does not address all of the concerns raised previously by Council with RMS. The revised concept design includes but is not limited to the following:

- Removal of the signalised intersection at the new local road connection off Lyrebird Drive to Princes Highway. The intersection remains, however will maintain restricted left-in left-out movements only.
- Restricted left-in-left-out access to Scenic Drive from Bridge Road.
- Provision of a dedicated right turn only lane from Bolong Road onto the Princes Highway.
- Provision of a dedicated left turn only lane and three dedicated right turn lanes from Illaroo Road onto the Princes Highway.

Outstanding Issues

The below summary details the outstanding issues which have not been resolved by the concept plan and that need to be addressed:

- Council only accepts the at-grade proposal on the condition that the Government brings forward the planning and construction of the western Bypass of Nowra-Bomaderry for the medium term.
- There is likely to be significant upstream and downstream impacts following construction of the Nowra Bridge project. Council does not agree that the proposed merging of three lanes to two will not exacerbate traffic congestion, particularly in times of higher seasonal traffic demand. Council reiterates that the Nowra Bridge project, in conjunction with the Berry to Bomaderry upgrade, and continued background traffic growth, will bring forward the need to extend 3 lanes of traffic in each direction continuous through Bomaderry and South Nowra.
- Reiterate that there will be unacceptable traffic impacts on Bridge Road at the intersection with Hyams Street (due to the restrictions proposed at Scenic Drive) and Council believes traffic signals will be required at this intersection. These signals must be provided up front to improve pedestrian and traffic safety given the proposed traffic changes and parking impacts. Despite these concerns and the changed traffic conditions proposed at Scenic Drive, it is considered that Scenic Drive should be closed from Bridge Road permanently with a new local road connection off Hyam Street.

- Council does not accept the parking impacts proposed in the civic precinct (particularly land to the north of the Shoalhaven Entertainment Centre) which provides significant overflow parking relief for the Council building and entertainment centre precincts. A replacement 120-space car park needs to be provided within reasonable walking distance and with safe pedestrian linkages back to the civic precinct. Council suggests this needs to be provided on land between Scenic Drive and Hyam Street, with a road link between Scenic Drive and Hyam Street, and safe and efficient pedestrian access back to the traffic signals required at the intersection of Bridge Road and Hyam Street. There is no other land available within a reasonable walking distance of the Council and Shoalhaven Entertainment Centre precinct.
- Reiterate that the changes at the intersection of Bridge Road and Scenic Drive presents an opportunity to incorporate a pedestrian refuge on Bridge Road (immediately south of Scenic Drive) within the current proposed painted median, without impacting two lanes of southbound traffic. This addition should be included to improve vehicular and pedestrian safety on Bridge Road.
- Reiterate that traffic signals will be required at the intersection of Illaroo Road and Fairway Drive (access to Greys Beach and the Nowra Golf Club) where the project is likely to terminate. These signals must be provided up front to improve safety for the proposed intensified use of this intersection (proposed for access to the Greys Beach foreshore for construction).
- Reiterates Council's willingness to work closely with RMS' urban design consultants to ensure integration between the Nowra bridge project and the river foreshore masterplan.
- Pedestrian and cyclist considerations will need to be more thoroughly examined once more detail is released (the current concept plans do not allow the proposed pedestrian and cyclist links to be examined in detail).
- The exhibited material illustrates a pedestrian and cyclist connection is proposed from the foreshore to Illaroo Road (on the south west corner of the Princes Highway/Illaroo Road intersection). A connection from the foreshore level to Illaroo Road in this location is supported, however it is not clear how this will be achieved given prevalent levels, adjacent cliff line and potential Aboriginal cultural heritage.
- The concept design fails to demonstrate a pedestrian/cyclist connection between the proposed cul-de-sac at Pleasant Way back to the Highway and with the old bridge.
- Reiterate that a pedestrian/cyclist "overpass" must be provided to connect the Pleasant Way precinct to the civic precinct to improve pedestrian accessibility over the proposed wider Highway and minimise the number of times pedestrians/cyclists have to interrupt traffic when crossing the Highway. The current use of the existing crossing is highly utilised and is likely to intensify when the old bridge is transformed into a higher order pedestrian and cyclist link, and the proposed Highway upgrade does not cater for an efficient pedestrian-cyclist link from the old bridge into Nowra which is a significant omission, and does not satisfy Council's objectives of improving this link and better integrating east-west in the foreshore precinct and northern fringe of Nowra CBD.
- The concept design illustrates a duplication of a pedestrian/cyclist path in the Scenic Drive precinct (at the bend).
- The proposed "free left slip lane" out of Illaroo Road (for movements West to North out of Illaroo Road on to the Highway) will cause safety and efficiency issues, due to the very high demand for weave movements between Illaroo Road and Bolong Road. This is of significant concern and the movement must be signalised in Council's view (with a "left turn on red after stopping" arrangement, as per existing) to address this concern.

- Council does not accept the changed proposal (now proposed left in/left out arrangements) at the new intersection south of Bridge Road (new connection to Lyrebird Drive). Council considers this will have an unacceptable impact on residents and businesses of Pleasant Way and Wharf Road, and unacceptable impacts on residents of Hawthorn Avenue, Riverview Road, Elia Avenue, Lyrebird Drive, and Ferry Lane, and on residents and the Nowra High School community on Moss Street. The current proposal will result in unacceptable travel times, delays, adverse safety impacts, and adverse impacts on noise and amenity, and conflicts with Council's objectives of seeking to improve the integration and accessibility for the community to the east of the Highway, not provide a poorer level of access, which will result from the current proposal. The previously proposed traffic signals at the new junction should be reinstated, noting RMS previously documented that the proposed new signals would not adversely impact traffic flows on the Highway, compared to current conditions.
- The concept design shows inadequate lane widths on all slip lanes (given how vulnerable the network is to breakdowns and crashes in the vicinity of the river, additional width should be provided on all slip lanes to accommodate infrequent breakdowns, in accordance with standards).
- Opportunities exist for RMS residual assets that may have the potential to enhance some of Council's longer-term projects, including barge loading facilities at Greys Beach, and car parking infrastructure to the rear of the Nowra Aquatic Park which may service construction works and provide a longer-term parking solution for the Riverfront Precinct.

Additional Matters

In addition to the above outstanding issues, additional matters have been identified through the review of the exhibited material. An assessment of the impact and a number of recommendations have been made to ensure that the impact to Council owned and managed land and assets are minimised. In summary, a number of Council owned and managed assets are impacted for the duration of the construction works and once complete, which warrants requesting compensation or provision of replacement infrastructure. The following provides a summary of the Council owned and managed assets which will be implicated and the impacts which could transpire as a result of the works:

- *Moorhouse Park* – the works involve significant impact (loss) to the existing heritage listed Bicentennial Memorial (Floodboat Shelter), access to the foreshore area from the western side of the highway and significant impact (loss) to the existing playground along the foreshore. Part of Moorhouse Park along the foreshore area will be part of a potential ancillary site.

In relation to the Bicentennial Memorial, Council encourages dialogue with RMS for the relocation of the structure as suggested in Appendix F (Non-Aboriginal Statement of Heritage Impact) of the exhibited material. Other locations for the siting of the memorial should be assessed in relation to heritage impact. Consideration of a new site for the Bicentennial Memorial must be undertaken in consultation with Council and must ensure that it remains within the riverfront area to ensure the intrinsic relationship with the Shoalhaven River continues. The relocation of the memorial must be fully funded by RMS.

The concept plan indicates pedestrian access to the foreshore from the western side of the Highway. Access must be accessible and must also consider improving accessibility, comfort and safety of the underpass through to Mavromattes Reserve. This will be particularly important noting Council's preference to close Scenic Drive from Bridge Road in accordance with the proposed Nowra Riverfront Leisure and Entertainment Precinct masterplan.

The loss of the playground and park area needs to be addressed to ensure that loss to social infrastructure as a result of the bridge project, is managed. RMS must ensure that suitable replacements or monetary compensation is provided to Council to ensure that this infrastructure can be replaced in the fullness of time. Appendix I (Socio-economic Impact Assessment) of the exhibited material indicates that impact will only be incurred during construction on the Council owned section of land, with permanent occupation of the Crown Land portion of Moorhouse Park by the Nowra Bridge. A correction needs to be made in this study as Lot 1 DP 1127316 within Moorhouse Park, is Council owned land and in part will be permanently occupied by the Nowra Bridge.

- *Greys Beach including North Nowra Rotary Park* - the works involve impact to the use of Greys Beach for parking, passive recreation and access to the boat ramp as a result of the site being utilised for a potential ancillary site and launching area. It is acknowledged that the proposed lease indicates that the boat ramp is not included in the lease area but will be utilised for the storage of plant and material, launching of construction barges and transfer of plant and materials during the construction of the Nowra Bridge. North Nowra Rotary Park is significantly impacted by the acquisition of land required for the northbound landing of the bridge and the widening of Illaroo Road. Considering the significant impact that can be anticipated at the boat ramp and adjacent car park at Greys Beach, the RMS must provide suitable replacement infrastructure to minimise these impacts to users during construction of the Nowra Bridge.

Greys Beach has been recently master planned and some works undertaken on the boat ramps, access ways and car parking. The area is highly utilised, particularly from September through to May by watercraft users. Appendix I of the exhibited material indicates that Greys Beach will be affected by a temporary lease of part of the land, construction of a temporary jetty and associated exclusion zone. The lease / works will have significant impact on users of this area, specifically the reduced navigable water area of the Shoalhaven River will impact non-motorised sporting groups who practice and race in this location. In addition, the Study indicates that during the construction of the Nowra Bridge (i.e. such as during craning new sections of the bridge into place), marine vessels will be restricted and, in these events, community and river users would be notified in advance. This will also impact users of Paringa Park in the same regard. The Study indicates that there would be an overall high impact. RMS must consider potential replacement infrastructure to minimise impact to watercraft users during construction of the Nowra Bridge. In addition, RMS must ensure that Greys Beach is returned to its original or improved condition once construction is complete. Council would encourage dialogue with RMS to ensure that the needs of the user groups are met as part of the finishing of the site after the project is complete.

North Nowra Rotary Park will largely be affected as a result of the works associated with the Nowra Bridge. The existing amenities building, car park and paths will be absorbed as a result of the bridge landing, realignment of the intersection and widening of Illaroo Road. Appendix I of the exhibited material indicates that the remaining area of the park will be returned to public use with relocated parking area and shared park. It should be noted that the amenities building is not being replaced as part of the reopening of the park. Given the reduction in size of the park, Council should request that an amenities building is included in the reopened park to compensate for the loss of open space and associated social impact. If an amenities building within the park is not deemed necessary, Council should liaise with RMS to determine a suitable replacement location.

- *Previous Nowra Sailing Club and Wharf* – the works will require maritime activity periodically from Nowra Wharf which will have a minor impact. It is unclear how periodic or the timeframe in which the Nowra Wharf could be used for maritime activity such as the launching of construction barges and transfer of plant and material.

Similar to Greys Beach, the wharf and boat ramp may be closed to marine vessels during certain construction activities. There will be some impact in these situations where the restriction of the use of the wharf and boat ramp impacts practice and race use by water sport groups and users. RMS must provide suitable replacement infrastructure to minimise impact to watercraft users during construction of the Nowra Bridge.

- *Paringa Park* – the works will restrict navigable water areas of the Shoalhaven River which are utilised by non-motorised sporting groups.

Paringa Park has recently been master planned to transform into the non-motorised water sporting hub. The masterplan includes Rowing Club house and boat storage, access ramps and launching area for boats including dragon boats, Sea Scouts clubhouse including storage for water dragons boats, and improved signage, footpaths, parking and seating. The direct impact of the works to Paringa Park are considered minor as it is not associated with any lease or land acquisition, however the reduction of the navigable water area could have significant impacts for user groups of the Shoalhaven River. Indirect impacts will occur as a result of the significant impacts to Greys Beach during the construction of the Nowra Bridge. As per recommendations made for Greys Beach, RMS must consider potential replacement infrastructure to minimise impact to watercraft users during construction of the Nowra Bridge.

- *Gateway Park* – Council has been preparing a master plan for Gateway Park over a number of years with significant investment made in preparing technical investigations such as flood constraints. The project is currently on hold to ensure that it accurately reflects the Nowra Bridge Project acquisition and construction works.

The landscaping of the closed section of the southbound carriageway of Princes Highway directly adjacent to Gateway Park, must consider the impact to Gateway Park from an access and visual impact perspective. Council would encourage dialogue with RMS in relation to the design of the local road, and the landscaping of the closed section of the Highway.

- *Southern Shoalhaven River Foreshore East and West (Scenic Drive and Mavromattes Reserve)* – the works will impact the amenity of the foreshore area during construction which may result in reduced use of the public open space. The foreshore area generally will also be impacted at the old Nowra Sailing Club site as detailed above.

During construction of the Nowra Bridge, it is expected that the amenity of the foreshore area will be impacted. There are no suggested management actions to minimise this impact. An opportunity exists to thoughtfully consider integration of the Heritage Bridge with Mavromattes Reserve to ensure the future of the bridge as a public open space is accessible, well utilised, and connects with the foreshore area. It is acknowledged that Section 6.4.1 and 6.7.2 of Appendix I of the exhibited materials addresses this opportunity. This is an important aspect of the proposal to ensure that the impact endured during the construction of the bridge is alleviated by an improved community and social outcome once the project is complete. Council would encourage dialogue with RMS to continue to discuss this opportunity.

- *Nowra Aquatic Park* – the works will result in reduced accessibility to the Aquatic Park from the Highway and operational impacts (amenity, noise, vibration and acoustic) associated with the ancillary site located on the adjacent Riverhaven Motel site.

An opportunity exists to reduce this impact by establishing a new local road off Hyams Street in accordance with the Nowra Riverfront Leisure and Entertainment Precinct. The concept prepared by RMS retains Scenic Drive in its current location with limited access, left in and left out only. The new local road would provide improved and safe access to the foreshore area to the west of the Highway. As mentioned previously, RMS should consider constructing a car park to the rear of the Aquatic Park for use during construction and consider dedicating the infrastructure to Council once

the construction is complete. This car park will need to be in addition to the 120-spaces to be replaced as a result of the impact to the triangle site north of Shoalhaven Entertainment Centre.

- *Harry Sawkins Park* – the works will impact the park as a result of the realignment and widening of the highway. The acquisition and realignment / widening of the Princes Highway will result in a reduced overall area, removal of the significant native trees which provide visual buffer and improved amenity, and encroachment of the existing skate park on the southern side of Harry Sawkins Park.

Appendix I of the exhibited material does not address any management of impacts on Harry Sawkins Park. Appendix G (Urban Design and Landscape Character and Visual Impact Assessment) identifies that the length of Harry Sawkins Park will be heavily landscaped with native vegetation to compensate for the loss of the existing significant vegetation. Reducing the width of the southern landscaping buffer may need to be considered in order to reduce the impact on the existing skate park. Any installation of native trees should be of a considerable size in order to maintain some level of visual buffer and amenity within Harry Sawkins Park. Council would encourage dialogue with RMS to continue to discuss the detail design of this section of the project. Any potential damage or loss to this infrastructure must be suitable addressed and replaced by RMS in consultation with Council.

Other issues have been identified following a review of the exhibited materials, these are summarised below:

- Appendix I (Socio-economic Impact Assessment) does not relate to Council's Community Infrastructure Strategic Plan as the relevant guiding document to social infrastructure, it relates to the rescinded Public Open Space Plan. The study will need to be revised to ensure that it addresses Council's adopted strategy. The report also incorrectly refers to the Bicentennial Memorial as being removed for restoration, this should refer to the flood boat which is also of heritage significance. The Bicentennial Memorial remains in place at the current Moorhouse Park location and will need to be relocated as a result of the works. The error within the report will need to be amended.

Other Comments from Council Staff

Business and Property Manager

In a letter dated 15 August 2018 the Roads and Maritime Services (RMS) advised Council about acquisitions of Council owned land as well as proposals to occupy various parcels of Council owned land during the construction phase of the Nowra Bridge project (the acquisitions and proposed lease/licence areas were explained to Council at a briefing on 30 August 2018 and copies of plans provided by RMS have also been provided in the Information Folder).

1. The letter serves as notice of the commencement of the minimum six month negotiation period required to be given to property owners under S10A of the Land Acquisition (Just Terms Compensation) Act 1991. This is the minimum period for negotiation before the compulsory acquisition process can be pursued.
2. RMS have engaged Walsh & Monaghan, Consultant Valuers, to value lands to be acquired.
3. RMS agree that RMS and Council can jointly instruct the valuers where it is unlikely that the valuations will be contentious and/or disputed.
4. RMS agree that Council may elect to instruct Walsh & Monaghan to value specific properties and in those circumstances, RMS will instruct valuers other than Walsh & Monaghan.

5. There is insufficient detail about proposals to occupy Council land ie length of occupation, purpose of occupying the land, plans to provide community access to areas such as Nowra Golf Club, Greys Beach and the river foreshore areas.
6. The proposal to occupy the former Visitor Information Centre building and site generally does not take into account Council's legal obligations in relation to that property.
7. RMS staff have indicated (verbally) a willingness to consider alternative proposals for occupation of various parcels of land eg other Council owned land west of Bridge Road could be used for car parking and a construction compound as could parts of Gateway Park.
8. The proposed acquisition to allow widening on the western side of the Highway threatens to impinge on the amenity currently enjoyed in the administration building. Council is entitled to seek advice from RMS about proposed noise abatement treatments and a commitment which ensures that there is no loss of amenity during the construction phase and thereafter.
9. The proposal to acquire Moorhouse Park does not offer any narrative about the relocation of the Captain Cook Memorial and Flood Boat.
10. There are numerous Council assets in Crown reserves eg. the toilet block on the northern side of the river and west of the bridge.

It is expected that Council and RMS will conduct extensive negotiations about all proposed property transactions and that further reports will be submitted to Council in due course in regard to the outcome of those negotiations which will always be "subject to Council approval".

Strategic Planning

Council has a number of existing strategic planning projects and property interests which relate to the land within proximity to or that could be directly affected by the Nowra Bridge Project.

Council's Strategic Planning Section is currently undertaking a range of projects that are relevant in this regard, with the most significant being the Nowra Riverfront Precinct master planning project. Below is a summary of the relevant strategic planning projects and the potential impacts or uncertainties resulting from the Nowra Bridge Project.

Nowra Riverfront Precinct

The riverfront precinct covers land to the east and west of the Highway as shown in the figure below. Master planning work has been underway for some time pending the release of information regarding the bridge project.



Figure 1 - Nowra Riverfront precinct area – outlined in red



Figure 2 – Sub-precincts within Nowra Riverfront Leisure and Entertainment Precinct

The overall precinct is broken into six (6) sub-precincts (see Figure 2) which each have their individual opportunities, constraints and proposed planning controls.

Council considered a report on the Nowra Riverfront Leisure and Entertainment Precinct Proposed Planning Controls Report at its meeting on 27 March 2018. Council's project consultants, Studio GL, also briefed Councillors on 22 March 2018.

Council resolved (MIN18.207) on 27 March 2018 as follows:

- “1. Receive the attached Nowra Riverfront Entertainment and Leisure Precinct Proposed Planning Controls Report prepared by Studio GL for information and

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endorse it being placed on public exhibition for a minimum period of 28 days to enable community comment.

2. *During the exhibition period, directly consult with NSW Roads and Maritime Services in relation to the Nowra Bridge Project.*
3. *Consider a further report following the exhibition of the Nowra Riverfront Entertainment and Leisure Precinct Proposed Planning Controls Report that details any comments received, with a view to proceeding to: prepare a Planning Proposal for submission for initial Gateway determination to revise relevant Local Environmental Plan provisions; and a supporting Area Specific Chapter to be inserted in Shoalhaven Development Control Plan 2014.*
4. *Receive a further report on the insurance options for the former Nowra Sailing Club site.”*

The Nowra Riverfront Entertainment and Leisure Precinct proposed planning controls package was publicly exhibited from 25 April to 25 May 2018 (inclusive) and included the following documents:

- Strategic Direction: Review and Analysis report
- Proposed Planning Controls Report
- Explanatory Statement.

A total of fourteen (14) submissions were received during the submission, including 1 from NSW Roads and Maritime Services (RMS).

Council staff notified RMS of the public exhibition period, and copies of the draft package were provided to help assess the compatibility of the Nowra Bridge project with the package. In response to Council's notification, RMS provided a submission on 25 June 2018. The contents of which are summarised below:

- It is understood that the reports identify possible changes to Shoalhaven LEP 2014 in terms of zoning, heights and floor space ratios (FSR). It also recommends several design controls that could be incorporated into a future amendment to the DCP.
- The works currently being undertaken by RMS for the Nowra Bridge project has the potential to impact upon the smaller catchments that the *Proposed Planning Control (Draft)* prepared by Studio GL has identified (i.e. Scenic Drive Precinct, Wharf Road Precinct, Pleasant Way/Graham Lodge Precinct and Bridge Road Precinct).
- RMS is currently preparing the environmental assessment for the Nowra Bridge project. This will contain more details on the preferred option having regard for community feedback, additional design works undertaken, etc. RMS anticipates that this will be placed on public exhibition in late 2018;
- It is important that the location/alignment for the Princes Highway and its intersections with both Pleasant Way and Bridge Road in Nowra Riverfront Entertainment and Leisure Precinct package align with the latest design work RMS is undertaking.
- At this time the exhibited preferred option for the RMS Nowra Bridge project is based on concept designs. RMS believes that further detailed design work is required before certainty on the future Princes Highway road alignment and intersection locations at both Pleasant Way and Bridge Street can be provided. The detailed design that is required includes, but is not limited to, more detailed investigation of constraints such as utilities and geotechnical issues which may impact on the future road alignment and required setbacks to enable future RMS works.
- The indicative future road location and alignment for the Princes Highway as detailed in the Proposed Planning Control report is not the same as the RMS preferred option that has been publicly exhibited by the RMS for the Nowra Bridge project.

- The Proposed Planning Control report has identified the area south of the Bridge Road and Pleasant Way/Graham Lodge Precinct as no change, however the Nowra Bridge project preferred option identifies a new intersection for Pleasant Way and the Princes Highway on the eastern side of the Princes Highway.

Staff Comment

A report to Council's Development Committee September 2018 Meeting considers the submissions made during the public exhibition.

It is noted that significant changes will be required to the Bridge Road and Scenic Drive sub-precincts because of the RMS concept design and the land acquisition required to construct the new bridge crossing, realignment of Princes Highway and intersection treatments. These sub-precincts will need to be deferred from the next stage of preparing a Planning Proposal (PP) and Development Control Plan (DCP) in the interim and until such time as the detailed design of Nowra Bridge project is available. This will enable a full understanding of the remaining land after acquisition, to undertake site testing of potential developments.

The staff recommendation in this report recommends that the Bridge Road and Scenic Drive sub-precincts include additional text to note that the future development of these sub-precincts will be subject to additional investigation once the detailed design of the Nowra Bridge project is complete. The Planning Proposal and DCP Chapter for this area will be adjusted to reflect the latest Concept Design for the Nowra Bridge Project.

It should be noted that since commencing this master planning project, staff have met with RMS to understand potential impacts of the project. Subsequently, Council invited RMS to meet with its consultant to ensure that the design of the new bridge crossing and the southern intersection would ensure that a positive urban design outcome was achieved that responded appropriately to the context. This did not however occur.

The Nowra Bridge Project has the potential to impact the riverfront precinct project in respect to (but not limited to) land for acquisition and construction, access into the important precinct. Specifically:

- Development potential of the area west of the highway including the land in front of the Council Administration Building and the site of the former Riverhaven Motel - given the proposed acquisition area, there is significant impact on the possible development of this area west of the bridge alignment;
- Potential disconnection of Scenic Drive from Bridge Road - It is unclear whether the existing intersection of Scenic Drive and Bridge Road will be maintained and if so in what form or arrangement. With the proposed southern intersection moving further south of its existing location, it is assumed that the current formation of the Bridge Road / Scenic Drive intersection cannot exist as it currently does;
- Closing off Pleasant Way and establishing a new intersection south of the existing multi-dwelling housing development at Hawthorn Street – need to understand the exact location of this and the implications associated with it; and
- Maintaining the existing heritage bridge for future public use - suitable connections will need to be made between the existing structure and the riverfront area, and specifically to ensure safe, accessible and convenient movement from one side of the bridges to the other (i.e. east to west of the Highway).

Civic Precinct

The proposed bridge alignment appears to significantly impact the norther portion of the Civic Precinct and Hotel site (i.e. Council Administration Building, Shoalhaven Entertainment Centre, Harry Sawkins Park and surrounding car parking areas). Shoalhaven Development

Control Plan (DCP) 2014 – Chapter N7: Nowra Hotel Site and Civic Precinct currently provides controls for this gateway site. The site is considered ideal for development to provide a defined entrance or gateway to Nowra. The DCP Chapter N7 and Shoalhaven Local Environmental Plan (LEP) 2014 provides a maximum height of buildings of 28 metres for the northern portion of this site and 25 metres and 16 metres for the remainder of this site.

The proposed bridge significant impacts on the development potential of this site and the future of this site will be reviewed through the Shoalhaven Riverfront Leisure and Recreation Precinct Study discussed above.

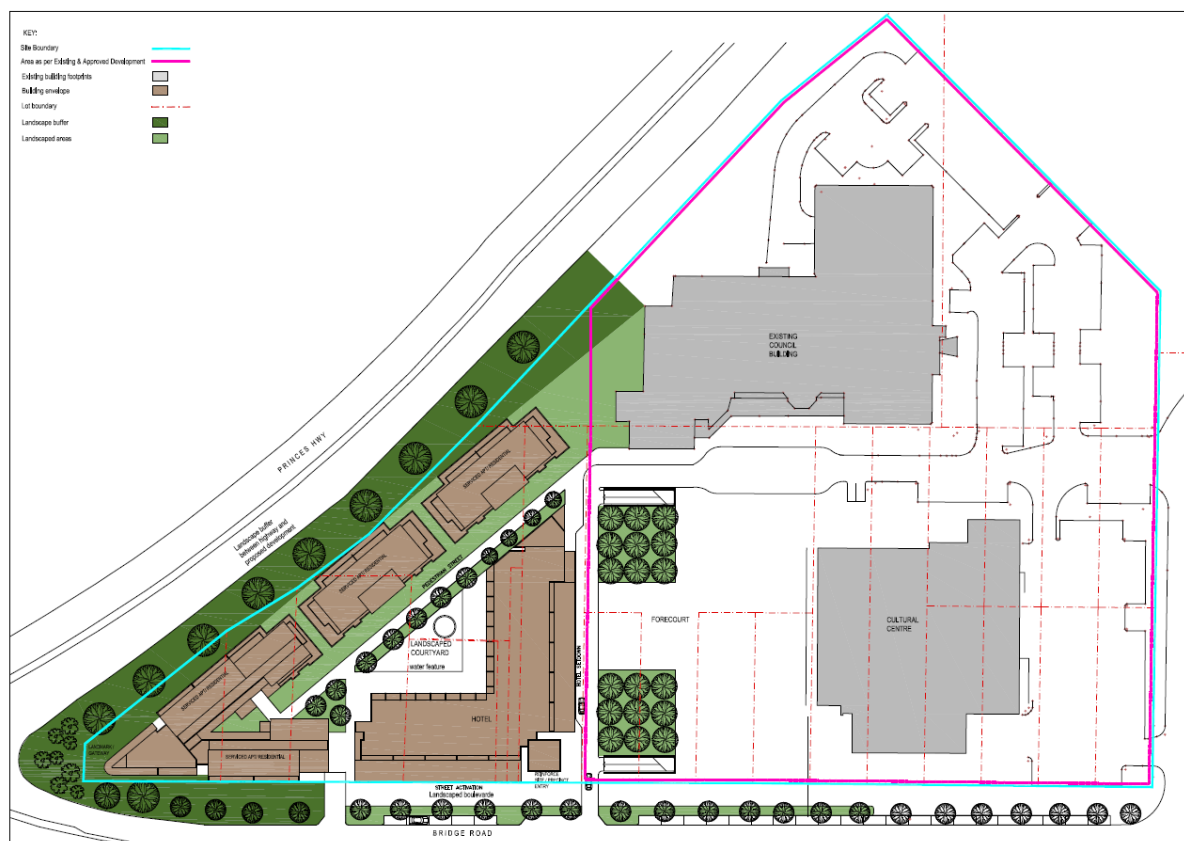


Figure 2 – Shoalhaven DCP 2014 Chapter N7: Nowra Hotel Site and Civic Precinct

Historic Truss Bridge

The Nowra Bridge Project: Statement of Heritage Impact report attached to the REF identifies the need for an Interpretation Strategy be prepared.

Council supports the preparation of this strategy, the conservation of the historic truss bridge and the proposed pedestrian walkway and cycleway on the truss bridge. The strategy and design of this pedestrian cycle link should create a point of tourists and pedestrians generally. This would be an opportunity to provide interpretative information about the historic bridge, other heritage items nearby, the history of Shoalhaven River including flood events, the former Sailing Club and wharf.

Economic Development Manager

However out of the construction assets to be put into place by the construction contractor there may be some residual assets that could enhance some of Council's longer term projects:

- Greys Beach - any barge loading facility may be suited as a wharf frontage for craft;

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- Land between Nowra pool and Hyams St – this area within the masterplan may be suited as carparking for construction workers and form part of the precinct outcome going forward; and
- Gateway Park – with a new road to be constructed through this area, cannot elements of “park” be left as part of the rehab process should this area be used as part of the construction zone.

Community Engagement

The upgrade of the Princes Highway and associated community consultation is the responsibility of the State Government.

Staff have had limited discussions with concerned residents. It is understood most residents are corresponding directly with the RMS.

There is no RMS requirement nor any real time available to seek public comment on Council’s submission however if this was very important to Councillors a suitable resolution would be to add the following as a fourth point to the above recommendation.

“Seek public feedback, in a manner to be determined by the General Manager, on the submission before finalising it and lodging it with the RMS”.

Policy Implications

N/A.

Financial Implications

A considerable amount of Council land and several key council assets will be impacted.

However, the details and any likely costs involved are unknown at this time. There will be further reports to Council as the project evolves and more detail is available.

Risk Implications

The Identity of risks to Council has not been formalised at this time. There will be further reports to Council as the project evolves and more detail is available.

Roads and Maritime Service
Nowra Bridge Project
PO Box 477
Wollongong NSW 2520

By email only: NowraBridgeProject@rms.nsw.gov.au

Submission – Environmental Assessment and Concept Design for the Nowra Bridge Project

I refer to Environmental assessment and concept design exhibition material for the Nowra Bridge Project. Thank you for the opportunity for Council to provide a submission on this matter.

On XX of XX, Council at its XX Meeting resolved (MIN18.XXX): {INSERT RESOLUTION}

Council acknowledges the consultation undertaken to date and a number of issues have been appropriately considered by RMS. The following issues has been identified as significant and outstanding from Council's review of the exhibition material.

Outstanding Issues:

- The at-grade proposal is only supported on the proviso that the Government brings forward the planning and construction of the western Bypass of Nowra-Bomaderry for the medium term.
- Significant traffic impacts are highly likely following the construction of the Nowra Bridge project. Contrary to Review of Environmental Factors and Concept design considerations, Council is of the opinion that traffic congestion issues WILL be exacerbated by the proposed merging of three lanes to two, particularly in times of higher seasonal traffic demand. Council reiterates that the Nowra Bridge project, in conjunction with the Berry to Bomaderry upgrade, and continued background traffic growth, will bring forward the need to extend 3 lanes of traffic in each direction continuous through Bomaderry and South Nowra.
- Council reiterates its willingness to work closely with RMS' urban design consultants to ensure integration between the Nowra bridge project and the river foreshore masterplan.
- Changes at the intersection of Bridge Road and Scenic Drive presents an opportunity to incorporate a pedestrian refuge on Bridge Road (immediately south of Scenic Drive) within the current proposed painted median, without impacting two lanes of southbound traffic. This addition should be included to improve vehicular and pedestrian safety on Bridge Road.
- Council is of the opinion that Scenic Drive should be closed to Bridge Road, permanently. The restrictions proposed at Scenic Drive will result in unacceptable traffic impacts at the Bridge Road/Hyam Street intersection.
- The Bridge Road/Hyam Street intersection will require traffic signals up front to address pedestrian and vehicular safety in this location. Additionally, traffic signals will be required to manage high volume traffic experienced in peak periods at this location.
- Council does not accept the parking impacts proposed in the civic precinct (particularly land to the north of the Shoalhaven Entertainment Centre) which provides significant overflow parking relief for the Council building and entertainment centre precincts. A replacement 120-space (minimum) car park needs to be provided within reasonable

walking distance and with safe pedestrian linkages back to the civic precinct. Council suggests this needs to be provided on land between Scenic Drive and Hyam Street, with a road link between Scenic Drive and Hyam Street, and safe and efficient pedestrian access back to the traffic signals required at the intersection of Bridge Road and Hyam Street.

- Traffic signals will be required up front at the intersection of Illaroo Road and Fairway Drive (access to Greys Beach and the Nowra Golf Club) to address pedestrian and vehicular safety for the proposed intensified use of this intersection (proposed for access to the greys beach foreshore for construction).
- The proposed “free left slip lane” out of Illaroo Road (for movements West to North out of Illaroo Road on to the Highway) will cause safety and efficiency issues due to the high volume of weave movements between Illaroo Road and Bolong Road. This lane should be signalled with a “left turn on red after stopping” arrangement, as currently exists).
- All slip lanes in the concept design are of inadequate width. The network is highly vulnerable to breakdowns and accidents, especially in the vicinity of the river (lane weaving, multiple lanes, multiple exit and entry points in this location particularly). All slip lanes should be designed to an adequate width to accommodate such events, in line with best practice standards).
- Council does not accept the amended proposal of “left in/left out” at the proposed new connection to Lyrebird Drive. This will have an unacceptable impact on residents and businesses of Pleasant Way, Wharf Road, Hawthorn Avenue, Riverview Road, Elia Avenue, Lyrebird Drive, and Ferry Lane. This will also negatively impact the residents and Nowra High School Community on Moss Street. The situation proposed by the concept design will create unacceptable travel times and resulting delays for vehicular traffic in these locations. Additionally, safety, noise and amenity will be unduly impacted by the amended proposal. Council strongly advocates for the previously proposed traffic signals at the new junction to be reinstated, noting RMS previously documented that the proposed new signals would not adversely impact traffic flows on the Highway, compared to current conditions.
- In addition to the related comments above, pedestrian and cyclist considerations will need to be more thoroughly examined once more detail is released (the current concept plans do not allow the proposed pedestrian and cyclist links to be interrogated in detail), however, to the degree the concept design can be interrogated the following is identified:
 - The proposed Princes Highway upgrade does not cater for an efficient pedestrian/cyclist link from the old bridge into Nowra which is a significant omission. Council’s objective is to improve this link and better integrating east-west in the foreshore precinct, and northern fringe of Nowra CBD. This land is already somewhat disconnected and the proposed new bridge will exacerbate this.
 - A pedestrian/cyclist “overpass” must be provided to connect the Pleasant Way precinct to the civic precinct to improve pedestrian/cyclist accessibility over the proposed wider Princes Highway and minimise the number of times pedestrians/cyclists have to interrupt traffic when crossing the Princes Highway. The existing crossing is highly utilised and will intensify when the old bridge is transformed into a higher order pedestrian and cyclist link.
 - The concept design illustrates a duplication of a pedestrian/cyclist path in the Scenic Drive precinct (at the bend).
- The exhibition material identifies noise and vibration impacts and potential amelioration measures. Council requires further detail to adequately consider this aspect of the proposal. In particular, Council should be consulted in the design and location of any sound barriers and any other measures of this nature. Concerns is raised in relation to the impacts such measures will have on visual amenity and heritage items.

Impact to Council Owned and Managed Land and Assets

The exhibited material identifies that there will be significant impact on a number of Council owned and managed lands and assets, including during the construction phase and at the completion of the works. Compensation and/or replacement of infrastructure is a high priority and must be genuinely considered by RMS in consultation with Council.

Moorhouse Park

The works involve significant impact (loss) to the existing heritage listed Bicentennial Memorial (Floodboat Shelter), access to the foreshore area from the western side of the highway and significant impact (loss) to the existing playground along the foreshore. It is noted that part of Moorhouse Park along the foreshore area will be part of a potential ancillary site. This detail needs to be provided to ascertain the full extent of the impact.

In relation to the Bicentennial Memorial, Council encourages dialogue with RMS for the relocation of the structure as suggested in Appendix F (Non-Aboriginal Statement of Heritage Impact) of the exhibited material. Other locations for the siting of the memorial should be assessed in relation to heritage impact. Consideration of a new site for the Bicentennial Memorial must be undertaken in consultation with Council and must ensure that it remains within the riverfront area to ensure the intrinsic relationship with the Shoalhaven River continues. The relocation of the memorial must be fully funded by RMS.

Appendix I (Socio-economic Impact Assessment) of the exhibited material indicates that impact will only be incurred during construction on the Council owned section of land, with permanent occupation of the Crown Land portion of Moorhouse Park by the Nowra Bridge. A correction needs to be made in this study as Lot 1 DP 1127316 within Moorhouse Park, is Council owned land and in part will be permanently occupied by the Nowra Bridge. Appendix I also incorrectly refers to the Bicentennial Memorial as being removed for restoration, this should refer to the flood boat which is also of heritage significance. The Bicentennial Memorial remains in place at the current Moorhouse Park location and will need to be relocated as a result of the works. The error within the report will need to be amended.

The concept plan of the Nowra Bridge indicates pedestrian access to the forehorse from the western side of the Highway. Access must be accessible and must also consider improving accessibility, comfort and safety of the underpass through to Mavromattes Reserve. This will be particularly important noting Council's preference to close Scenic Drive from Bridge Road in accordance with the Nowra Riverfront Leisure and Entertainment Precinct package.

The loss of the playground and park area needs to be addressed to ensure that loss to social infrastructure as a result of the bridge project, is managed. RMS must ensure that suitable replacements or monetary compensation is provided to Council to ensure that this infrastructure can be replaced in the fullness of time.

Greys Beach including North Nowra Rotary Park

The works involve impact to the use of Greys Beach for parking, passive recreation and access to the boat ramp as a result of the site being utilised for a potential ancillary site and launching area. It is acknowledged that the proposed lease indicates that the boat ramp is not included in the lease area but will be utilised for the storage of plant and material, launching of construction barges and transfer of plant and materials during the construction of the Nowra Bridge. North Nowra Rotary Park is significantly impacted by the acquisition of land required for the northbound landing of the bridge and the widening of Illaroo Road.

Greys Beach has been recently master planned and some works undertaken on the boat ramps, access ways and car parking. The area is highly utilised, particularly from September through to May by watercraft users. Appendix I of the exhibited material indicates that Greys Beach will be affected by a temporary lease of part of the land, construction of a temporary jetty and associated exclusion zone. The lease / works will have significant impact on users of this area, specifically the reduced navigable water area of the Shoalhaven River will impact non-motorised sporting groups who practice and race in this location. In addition, the Study indicates that during the construction of the Nowra Bridge (i.e. such as during craning new sections of the bridge into place), marine vessels will be restricted and, in these events, community and river users would be notified in advance. This will also impact users of Paringa Park in the same regard. The Study indicates that there would be an overall high impact. RMS must consider potential replacement infrastructure to minimise impact to watercraft users during construction of the Nowra Bridge. In addition, RMS must ensure that Greys Beach is returned to its original or improved condition once construction is complete. Council would encourage dialogue with RMS to ensure that the needs of the user groups are met as part of the finishing of the site after the project is complete.

North Nowra Rotary Park will largely be affected as a result of the works associated with the Nowra Bridge. The existing amenities building, car park and paths will be absorbed as a result of the bridge landing, realignment of the intersection and widening of Illaroo Road. Appendix I of the exhibited material indicates that the remaining area of the park will be returned to public use with relocated parking area and shared park. It should be noted that the amenities building does not appear that it will be replaced as part of the reopening of the park. Council requests that a new amenities building is included in the reopened park to compensate the loss of open space and associated social impact. If an amenities building within the park is not deemed necessary, Council will liaise with RMS to determine a suitable replacement location.

Former Nowra Sailing Club and Wharf

The works will require maritime activity periodically from Nowra Wharf which will have a minor impact. It is unclear how periodic or the timeframe in which the Nowra Wharf could be used for maritime activity such as the launching of construction barges and transfer of plant and material.

Similar to Greys Beach, the wharf and boat ramp may be closed to marine vessels during certain construction activities. There will be some impact in these situations where the restriction of the use of the wharf and boat ramp impacts practice and race use by water sport groups and users. RMS must provide suitable replacement infrastructure to minimise impact to watercraft users during construction of the Nowra Bridge

Paringa Park

The works will restrict navigable water area of the Shoalhaven River which are utilised by non-motorised sporting groups. The direct impact of the works to Paringa Park are considered minor as it is not associated with any lease or land acquisition, however the reduction of the navigable water area could have significant impacts for user groups of the Shoalhaven River. Indirect impacts will occur as a result of the significant impacts to Greys Beach during the construction of the Nowra Bridge.

As per recommendations made for Greys Beach, RMS must consider potential replacement infrastructure to minimise impact to watercraft users during construction of the Nowra Bridge.

Council is open to liaising with the affected groups and RMS regarding a suitable solution to this impact.

Gateway Park

Council has been preparing a master plan for Gateway Park over a number of years with significant investment made in preparing technical investigations such as flood constraints. The project is currently on hold to ensure that it accurately reflects the Nowra Bridge Project acquisition and construction works. Monetary compensation to Council may be appropriate in the event that the impacts from the Bridge Project require the work already undertaken to be significantly revised.

The landscaping of the closed section of the southbound carriageway of Princes Highway directly adjacent to Gateway Park, must consider the impact to Gateway Park from an access and visual impact perspective. Council would encourage dialogue with RMS in relation to the design of the local road, and the landscaping of the closed section of the Highway.

Southern Shoalhaven River Foreshore East and West (Scenic Drive and Mavromattes Reserve)

The works will impact the amenity of the foreshore area during construction which will result in reduced access/use of the public open space. The foreshore area generally will also be impacted at the old Nowra Sailing Club site as detailed above.

During construction of the Nowra Bridge, it is expected that the amenity of the foreshore area will be impacted. There are no suggested management actions to minimise this impact. An opportunity exists to thoughtfully consider integration of the Heritage Bridge with Mavromattes Reserve to ensure the future of the bridge as a public open space is accessible, well utilised, and connects with the foreshore area. It is acknowledged that Section 6.4.1 and 6.7.2 of Appendix I of the exhibited materials addresses this opportunity. This is an important aspect of the proposal to ensure that the impact endured during the construction of the bridge is alleviated by an improved community and social outcome once the project is complete. Council would encourage dialogue with RMS to continue to discuss this opportunity.

Nowra Aquatic Park

The works will result in reduced accessibility to the Aquatic Park from the Highway and operational impacts (amenity, noise, vibration and acoustic) associated with the ancillary site located on the adjacent Riverhaven Motel site.

An opportunity exists to reduce this impact by establishing a new local road off Hyams Street in accordance with the Nowra Riverfront Leisure and Entertainment Precinct. The concept prepared by RMS retains Scenic Drive in its current location with limited access, left in and left out only. The new local road would provide improved and safe access to the foreshore area to the west of the Highway. As mentioned previously, RMS should consider constructing a car park to the rear of the Aquatic Park for use during construction and consider dedicating the infrastructure to Council once the construction is complete. This car park will need to be in addition to the 120-spaces to be replaced as a result of the impact to the triangle site north of Shoalhaven Entertainment Centre.

Harry Sawkins Park

The works will impact the park as a result of the realignment and widening of the Princes Highway. The acquisition and realignment / widening of the Princes Highway will result in a reduced overall area, removal of the significant native trees which provide visual buffer and improved amenity, and encroachment of the existing skate park on the southern side of Harry Sawkins Park.

Appendix I of the exhibited material does not address any management of impacts on Harry Sawkins Park. Appendix G (Urban Design and Landscape Character and Visual Impact Assessment) identifies that the length of Harry Sawkins Park will be heavily landscaped with native vegetation to compensate for the loss of the existing significant vegetation. Reducing the width of the southern landscaping buffer may need to be considered in order to reduce the impact on the existing skate park. Any installation of native trees should be of a considerable size in order to maintain some level of visual buffer and amenity within Harry Sawkins Park. Council would encourage dialogue with RMS to continue to discuss the detail design of this section of the project. Any potential damage or loss to this infrastructure must be suitably addressed and replaced by RMS in consultation with Council.

Community Infrastructure Strategic Plan

Any infrastructure provided as a result of the impact to Council owned and managed assets will need to be done so in consultation with Council and in accordance with Council's adopted Community Infrastructure Strategic Plan.

It is noted that Appendix I (Socio-economic Impact Assessment) does not relate to Council's Community Infrastructure Strategic Plan as the relevant guiding document to social infrastructure, it relates to the rescinded Public Open Space Plan. The study will need to be revised to ensure that it addresses Council's adopted strategy.

Comments from Individual Council Groups/Staff

The following comments are provided from specific staff or sections of Council and complement and add to the points raised above. They have been included separately as they in part refer issues relating to specific and direct consultation between these sections and RMS or agents of RMS.

Business and Property Manager

In a letter dated 15 August 2018 the RMS advised Council about acquisitions of Council owned land as well as proposals to occupy various parcels of Council owned land during the construction phase of the Nowra Bridge project.

It is noted that RMS staff have indicated (verbally) a willingness to consider alternative proposals for various parcels of land currently identified for acquisition. Council strongly requests that these discussions remain open to determine a resolution suitable to both Council and RMS.

The proposed acquisition to allow widening on the western side of the Princes Highway threatens to impinge on the amenity of the Council administration building. Council requests detail from RMS about proposed noise abatement treatments and a commitment which ensures that there is no loss of amenity during the construction phase and thereafter.

It is reiterated that there are various Council assets in the land proposed to be acquired and negotiations must be undertaken to appropriately protect, relocate or compensate for the loss of these assets and the reduced access to these assets during construction and thereafter.

Strategic Planning

- Nowra Riverfront Precinct Master Planning Project and Heritage Truss Bridge

The riverfront precinct covers land to the east and west of the Highway as shown in the Figure 1 below.



Figure 1 - Nowra Riverfront precinct area – outlined in red

The impacts discussed in the main body of this submission will have significant implications for this precinct and further consultation between Council and RMS is required to mitigate these impacts. It is of particular relevance that proposed land acquisition within the precinct will result in significant loss of development potential. RMS must provide adequate compensation for the loss of this land. Additionally and/or alternatively, Council encourages dialogue with the RMS to explore development options of this land that better align with Council objectives for the Riverfront Precinct than are currently proposed by RMS.

The existing bridge to the east is an important heritage item to the community. It is supported that this is retained, however adequate provision needs to be made to ensure connection to the Riverfront Precinct and safe, accessible and convenient movement both across the bridge and on each side of the bridge.

Council supports the need for an Interpretation Strategy for the Bridge. Council identifies the opportunity and importance of infrastructure and interpretive information about the bridge and the other heritage items in the area.

If the bridge is to be dedicated to Council, adequate monetary contribution should be provided by RMS to ensure Council can appropriately maintain the heritage bridge into the future. Council encourages dialogue and commitment to this matter.

- Civic Precinct

The New Bridge Project will significantly impact the norther portion of the Civic Precinct and Hotel site (i.e. Council Administration Building, Shoalhaven Entertainment Centre, Harry

Sawkins Park and surrounding car parking areas). The site is considered a key location for future development to provide a defined gateway to Nowra. There will be significant impacts on the development potential of this site and the future of this site will need to be reviewed. RMS must be open to the mitigation of the potential negative impacts on the development potential of this site.

Economic Development Manager

RMS should consider bestowal of any residual assets resulting from the construction of the Nowra Bridge Project, particularly those assets that could enhance some of Council's longer-term projects:

- Barge loading facilities; and
- Car park to the rear of Nowra Aquatic Park which may be used during construction and retained in perpetuity by Council as a new car park for the Aquatic Park.

Thank you again for the opportunity to provide this submission on the Environmental Assessment and concept design exhibition material for the Nowra Bridge Project. A timely response in relation to the matters raised in the submission will be much appreciated. It is reiterated that Council encourages close, ongoing dialogue and collaboration in the progression of the Nowra Bridge Project to adequately address Council's concerns and the appropriate mitigation and amelioration of all potential impacts of the project.

If you need further information about these matters, please contact {INSERT APPROPRIATE DETAILS HERE}

Yours faithfully

XX

XX

SA18.224 Crown Land Management Act 2016

HPERM Ref: D18/305448

Group: Assets & Works Group
Section: Business & Property

Purpose / Summary

This report provides the Committee with an opportunity to consider delegating authority to the General Manager to make submissions to the Minister responsible for administration of the Crown Lands Management Act 2016 in relation to (a) the classification of specific Crown reserves as operational land, (b) the categorisation of specific Crown reserves which have been classified as community land, and (c) proposed changes of reserve purpose(s).

Recommendation (Item to be determined under delegated authority)

That the General Manager be authorised to make submissions to the Minister responsible for administration of the Crown Lands Management Act 2016 in relation to (a) the classification of specific Crown reserves as operational land, (b) the categorisation of specific Crown reserves which have been classified as community land, and (c) proposed changes of reserve purpose(s).

Options

1. Adopt the recommendation.

Implications: This will streamline the process of determining the classification and categorisation of Crown reserves as well as the relevant reserve purpose(s) as a result of the legislative reform in the Crown Land Management Act 2016.

2. Not adopt the recommendation.

Implications: The status quo will be maintained which means that every decision regarding the classification and categorisation of Crown reserves will have to be made by Council.

Background

The *Crown Land Management Act 2016* (the CLM Act) was assented to on 14 November and came into force 1 July 2018.

The CLM Act authorises the management of Crown land by local councils under the provisions of the *Local Government Act 1993* even though the legislation retains broad and general powers for the Minister for Lands and Forestry to influence that management.

Key Issues

Whilst there are many elements to the reform, in essence, there are four (4) major issues arising out of the CLM Act:

1. From commencement of the CLM Act, Councils will manage Crown land as public land under the provisions of the *Local Government Act 1993*. Plans of management have to be prepared for every reserve and the legislation provides a transition period of three (3) years for this to happen.

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2. Each parcel of Crown land must be classified under the *Local Government Act 1993* and every parcel of land classified as “community” land must be categorised as one or more of the following: natural area, general community use, park, sportsground, area of cultural significance. The natural area category has a subset comprising foreshore, watercourse, bushland, escarpment and wetland.
3. Crown Land Negotiation Programme – aims to provide an opportunity for the strategic assessment of Crown land in local government areas and, through negotiation involving the NSW State Government, Council and local Aboriginal Land Councils, have land transferred to Council or the Land Council. The programme aims to deliver local ownership of Crown land to benefit local communities, a reduction in red tape and regulatory burdens on local government, more efficient and streamlined management of public land, and recognition of the importance of land to Aboriginal people and to support spiritual, cultural, environmental and economic benefits for Aboriginal people.
4. Each Council must employ or engage a Native Title manager to ensure that the Council’s dealings with the relevant land (Crown land irrespective of whether or not it is reserved, dedicated or vested in Council) comply with any applicable provisions of the native title legislation.

The Local Government Act 1993 and Public Land Management

The *Local Government Act 1993* provides for the management of public land and the classification of such land as either “community” land or “operational” land.

Classification as community land reflects the importance of the land to the community because of its use and/or its special features. Community land is typically a “public reserve” type asset such as a sportsfield, showground, public park, community hall or natural area.

The majority of Crown reserves are to be managed as if they are community land under the provisions of the *Local Government Act 1993* which includes but is not limited to the following specific requirements/prohibitions:

- community land cannot be sold;
- community land cannot be leased, licensed or have the creation of any other estate over the land for greater than 21 years;
- community land can only be leased or licensed subject to restrictions outlined in Part 2 Division 2 of Chapter 6 of the *Local Government Act 1993* which deals with the use and management of community land; and
- community land must have a plan of management.

The requirement to adopt a *Local Government Act 1993* compliant plan of management will be phased in over three (3) years from the commencement of the CLM Act.

The classification of Crown land as “operational” land requires the consent of the Minister and councils are obliged to seek approval from Crown Lands about the initial categorisation of each Crown reserve and any change of reserve purpose(s).

The process for all of this work is to engage with Crown Lands through a portal on the Crown Lands website. To simplify the process it is proposed that the General Manager be authorised to make submissions to Crown Lands without having to seek a Council resolution for each and every submission.

As soon as this initial work is completed and all approvals are in place, preparation of plans of management under the *Local Government Act* can be prepared and review of the current generic plans of management can be undertaken.

Crown Reserve Use and Purpose

The use of a Crown reserve is limited by the purpose(s) for which the land is reserved or dedicated and any other permissible use(s) under the CLM Act or other Act. Use of Crown land generally must be consistent with or incidental or ancillary to the reserve purpose(s).

Management of Crown land under the *Local Government Act 1993* – Additional Considerations Provided by the *Crown Land Management Act 2016*

Council Crown Land Managers must conform to legal obligations for the management of Crown reserves provided by the CLM Act despite any other provision of the *Local Government Act 1993*. These additional considerations are summarised as follows:

- Crown reserves can only be classified “operational” with Ministerial consent;
- A category assigned to community land must closely relate to the reserve purpose (S3.23(3));
- The Minister has to be notified of any proposed categorisation as soon as practical (S3.23(2)) and has to give consent to any plan of management that would alter the categorisation of the land if it would otherwise require an “additional purpose” (S3.23(7)(d));
- The Minister can require alteration of an initial category and cannot give consent to a subsequent alteration if it is considered that the alteration is likely to adversely impact the use of the land for its reserve purpose;
- Council must obtain the consent of the Minister to the sale of Crown land;
- Council must comply with any conditions of any appointment instrument; and
- Council must comply with any Crown land management rule established by the Minister to influence the management of Crown reserves.

Financial Implications

The broader implications for Shoalhaven City Council as a result of this legislative reform are significant.

It has been estimated that the cost of complying with the legislation in terms of the preparation of plans of management might cost \$1.3M over the three (3) years which commenced 1 July 2018. The State Government has advised Council it will receive \$78,444 as an assistance grant to help defray this cost.

Whilst there has been no specific allocation in the current budget for this work, requests for funding in future budgets will be submitted for consideration as part of the budget process. Any requirement for specific funding during this current financial year will be met within operational budgets and if that is not available, consideration will be given to a request for extra budgetary funding on a case by case basis.

SA18.225 Classification of Land - Lot 137 DP 1236274 - Vendetta St Nowra

HPERM Ref: D18/298418

Group: Assets & Works Group

Section: Business & Property

Attachments: 1. Deposited Plan 1236274 [↓](#)

Purpose / Summary

To provide Council with an opportunity to consider the classification of land described as Lot 137 DP 1236274 Vendetta Street Nowra, as Operational Land.

Recommendation

That Council resolve to classify the land described as Lot 137 DP 1236274 Vendetta Street Nowra, as Operational Land.

Options

1. Resolve as recommended.

Implications: The land will be able to be used as drainage reserve. Should any objections be received prior to the close of submissions on 10 October 2018, Council will be notified at its meeting on 30 October 2018.

2. Not resolve as recommended.

Implications: The land will default to Community Land and be subject to the Community Land provisions as outlined in the Local Government Act 1993 (LGA93).

Background

Council issued Subdivision Certificate SC18/1064 (SF10477) for a 38 lot residential subdivision at Nowra. The plan of survey for the subject land was registered at Land Registry Services (LRS) on 23 August 2018 with Lot 137 DP 1236274 being dedicated as drainage reserve (as noted on the deposited plan administration sheet at attachment 1). Upon registration the dedication of Lot 137 transfers title to Council with the Certificate of title being received on 28 August 2018.

The proposed drainage reserve is part of a larger en globo subdivision allotment (Lot 11 & 13 DP 226701) that is zoned R1 – General Residential under Shoalhaven Environmental Plan 2014. The proposed lot takes on the zoning of the parent lot until such time as Council implements a new Council-wide Local Environmental Plan. Although the timing of this is unknown, it would more than likely be zoned RE1 – Public Recreation in the future.

Section 31(2) of the Local Government Act, 1993 (LGA93) provides that before Council acquires land, or within 3 months after it acquires land, Council may resolve to classify it.

There are two classifications available:

1. Operational Land – land which Council owns as a business entity and upon which it conducts Council business, and

2. Community Land – land in Council’s ownership which is held for and on behalf of the Community subject to the Community Land provisions of the LGA93.

Land will automatically be classified community land if it is acquired or dedicated (under Section 94 of the EPA Act 1979) being “subject to a trust for public purposes”, i.e. land intended for public access or use. The advantage of community land is it will restrict the alienation and use of the land, thereby protecting the public interest.

Operational land on the other hand has no special restrictions other than those that may apply to any parcel of land. The advantage of operational land is to afford Council flexibility in its use and any future dealings.



A resolution of Council, within the time frame prescribed in the LGA93, is required to finalise the classification of land as Operational. Should the classification process not be completed, the land will default to Community Land.

Land incorrectly classified (via resolution or by default) that subsequently requires an ability to be dealt with will require a reclassification to operational land that involves the making of an LEP amendment under the EPA Act 1979. This is a timely and costly exercise with no budget having been provided.

Community Engagement

In accordance with Section 34 of the LGA93, a public notice of Council’s intention to classify the land as Operational was placed in the local press on Wednesday 12 September 2018, allowing 28 days for written submissions, closing 5pm Wednesday 10 October 2018. Any submissions received prior to the closing time will be advised at the Committee meeting.

Box:e-DeX /Doc:DP 1236274 P /Rev:23-Aug-2018 /Sts:OK.OK /Pgs:ALL /Prt:24-Aug-2018 01:35 /Seq:5 of 8
WARNING: Electronic Document Supplied by NSW LRS for Your Internal Use Only

PLAN FORM 6 (2017)		DEPOSITED PLAN ADMINISTRATION SHEET		ePlan Sheet 1 of 4 Sheets											
Office Use Only		Office Use Only													
Registered:  22.08.2018		DP1236274													
Title System: TORRENS															
PLAN OF SUBDIVISION OF LOT 11 & 13 DP 226701		LGA: SHOALHAVEN Locality: NOWRA Parish: NOWRA County: ST VINCENT													
<p align="center">Survey Certificate</p> <p>I, THANH N LE of ALLEN PRICE AND SCARRATTS PTY LTD a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, is accurate and the survey was completed on 22.02.2018</p> <p>*(b) The part of the land shown in the plan (being "excluding **") was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, is accurate and the survey was completed on the part not surveyed was compiled in accordance with that Regulation, or</p> <p>*(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>.</p> <p>Datum Line: "X" – "Y"</p> <p>Type: *Urban/*Rural</p> <p>The terrain is *Level/Undulating / *Steep/Mountainous.</p> <p>Signature:  Dated: 9.5.18</p> <p>Surveyor Identification No.: 8205..... Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i></p> <p>* Strike out inappropriate words ** Specify if the land actually surveyed or specify land shown in the plan that is not the subject of the survey.</p>		<p align="center">Crown Lands NSW/Western Lands Office Approval</p> <p>I, _____ (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature: _____ Date: _____ File Number: _____ Office: _____</p>													
		<p align="center">Subdivision Certificate</p> <p>I, GORDON CLARK *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature: G. Clark Accreditation number: _____ Consent Authority: SHOALHAVEN CITY COUNCIL Date of endorsement: 27/7/2018 Subdivision Certificate number: SC18/1064 File number: SP10477</p> <p>* Strike out inappropriate words</p>													
<p>Plans used in the preparation of survey/compilation</p> <table border="0"> <tr><td>DP 226701</td><td>DP 1166495</td></tr> <tr><td>DP 237247</td><td>DP 1040059</td></tr> <tr><td>DP 245773</td><td>DP 1008152</td></tr> <tr><td>DP 809625</td><td>DP 1050653</td></tr> <tr><td>DP 826741</td><td>DP 1238218</td></tr> </table>		DP 226701	DP 1166495	DP 237247	DP 1040059	DP 245773	DP 1008152	DP 809625	DP 1050653	DP 826741	DP 1238218	<p>Statements of intention to dedicate public roads create public reserves and drainage reserves, acquire/resume land.</p> <p>IT IS INTENDED TO DEDICATE BENDIGO CIRCUIT, GUNBAR WAY, MANOORA WAY, ADELE CLOSE, EXTENSION OF MORESBY STREET, VENDETTA STREET & PATHWAY 4 WIDE TO THE PUBLIC AS PUBLIC ROAD.</p> <p>IT IS INTENDED TO CREATE LOT 137 AS DRAINAGE RESERVE.</p> <p>If space is insufficient continue on PLAN FORM 6A</p>			
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DP 237247	DP 1040059														
DP 245773	DP 1008152														
DP 809625	DP 1050653														
DP 826741	DP 1238218														
Surveyor's Reference: N26095–S1		Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A													

SA18.225 - Attachment 1

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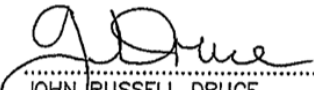
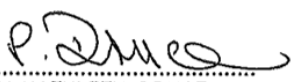
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PLAN FORM 6A (2017)	DEPOSITED PLAN ADMINISTRATION SHEET
Sheet 2 of 4 Sheets	
<div style="text-align: center; font-size: small;">Office Use Only</div> <div style="display: flex; justify-content: space-between; align-items: center;"> <div>Registered: </div> <div>22.08.2018</div> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> PLAN OF SUBDIVISION OF LOT 11 & 13 DP 226701 </div> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 5px;"> <div style="width: 60%;"> Subdivision Certificate number: SC181064 Date of endorsement: 27 JULY 2018 </div> <div style="width: 35%; font-size: small;"> This sheet is for the provision of the following information as required: • A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2017</i> • Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i> • Signatures and seals- see 195D <i>Conveyancing Act 1919</i> • Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets. </div> </div>	<div style="text-align: center; font-size: small;">Office Use Only</div> <div style="text-align: center; font-size: 2em; font-weight: bold; margin-top: 20px;">DP1236274</div>
<p>PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919, IT IS INTENDED TO CREATE:—</p> <ol style="list-style-type: none"> 1. EASEMENT FOR WATER DRAINAGE 2 WIDE ① 2. EASEMENT FOR SEWER MAIN 2.4 WIDE ⑤ 3. EASEMENT FOR SEWER MAIN 3.7 WIDE ⑤1 4. EASEMENT FOR PADMOUNT SUBSTATION 2.75 WIDE ⑥ 5. EASEMENT FOR PADMOUNT SUBSTATION 3.25 WIDE ⑥1 6. RESTRICTION ON THE USE OF LAND ①1 7. RESTRICTION ON THE USE OF LAND ①2 8. RESTRICTION ON THE USE OF LAND 9. RESTRICTION ON THE USE OF LAND 10. RESTRICTION ON THE USE OF LAND 11. RESTRICTION ON THE USE OF LAND 12. RESTRICTION ON THE USE OF LAND 13. POSITIVE COVENANT <p>AS SET OUT IN THE ACCOMPANYING INSTRUMENT APPROVED BY THE COUNCIL OF THE CITY OF SHOALHAVEN</p>	
If space is insufficient use additional annexure sheet	
Surveyor's Reference: N26095—S1	

SA18.225 - Attachment 1

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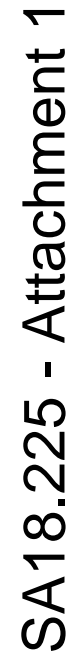
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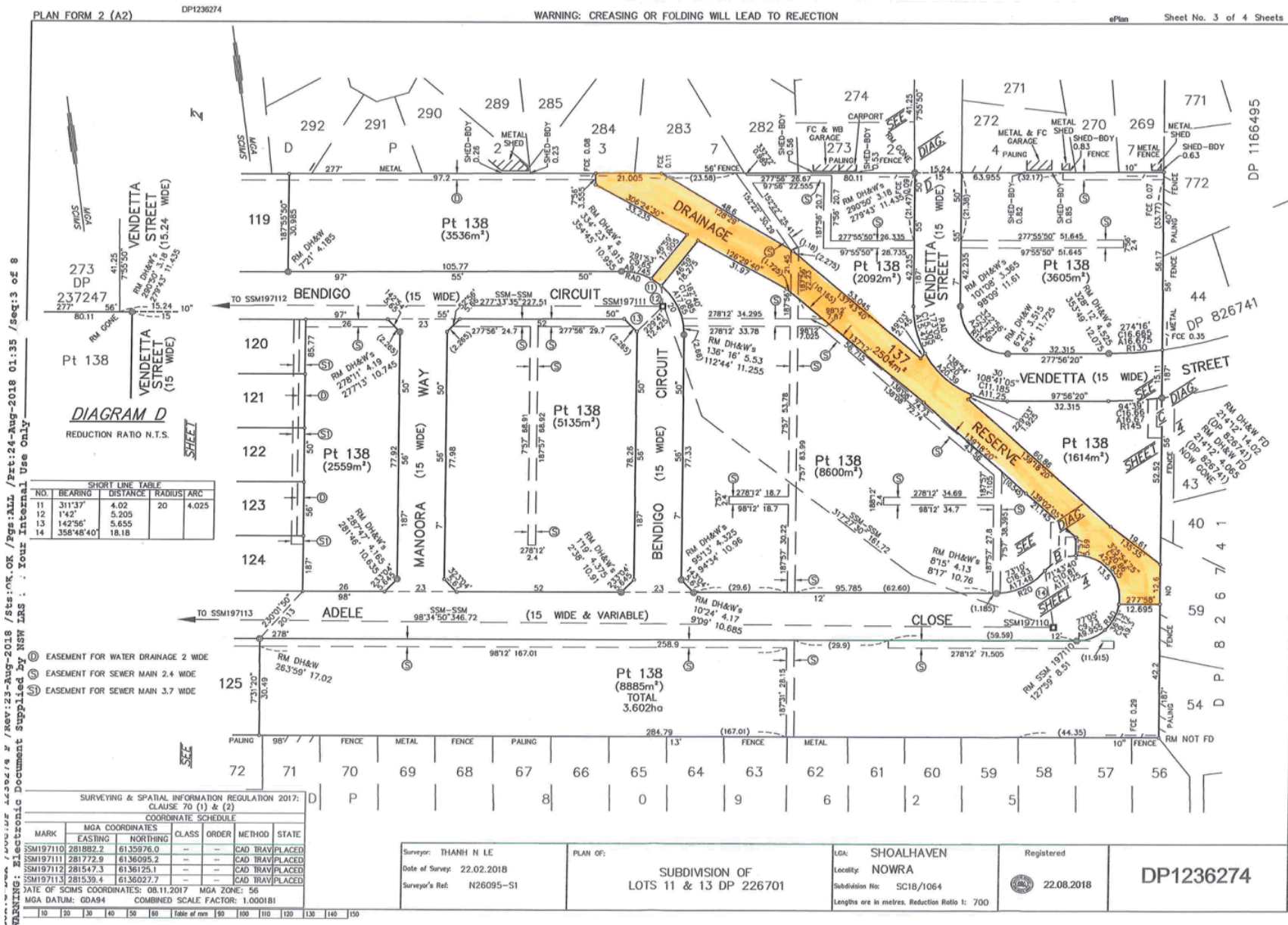
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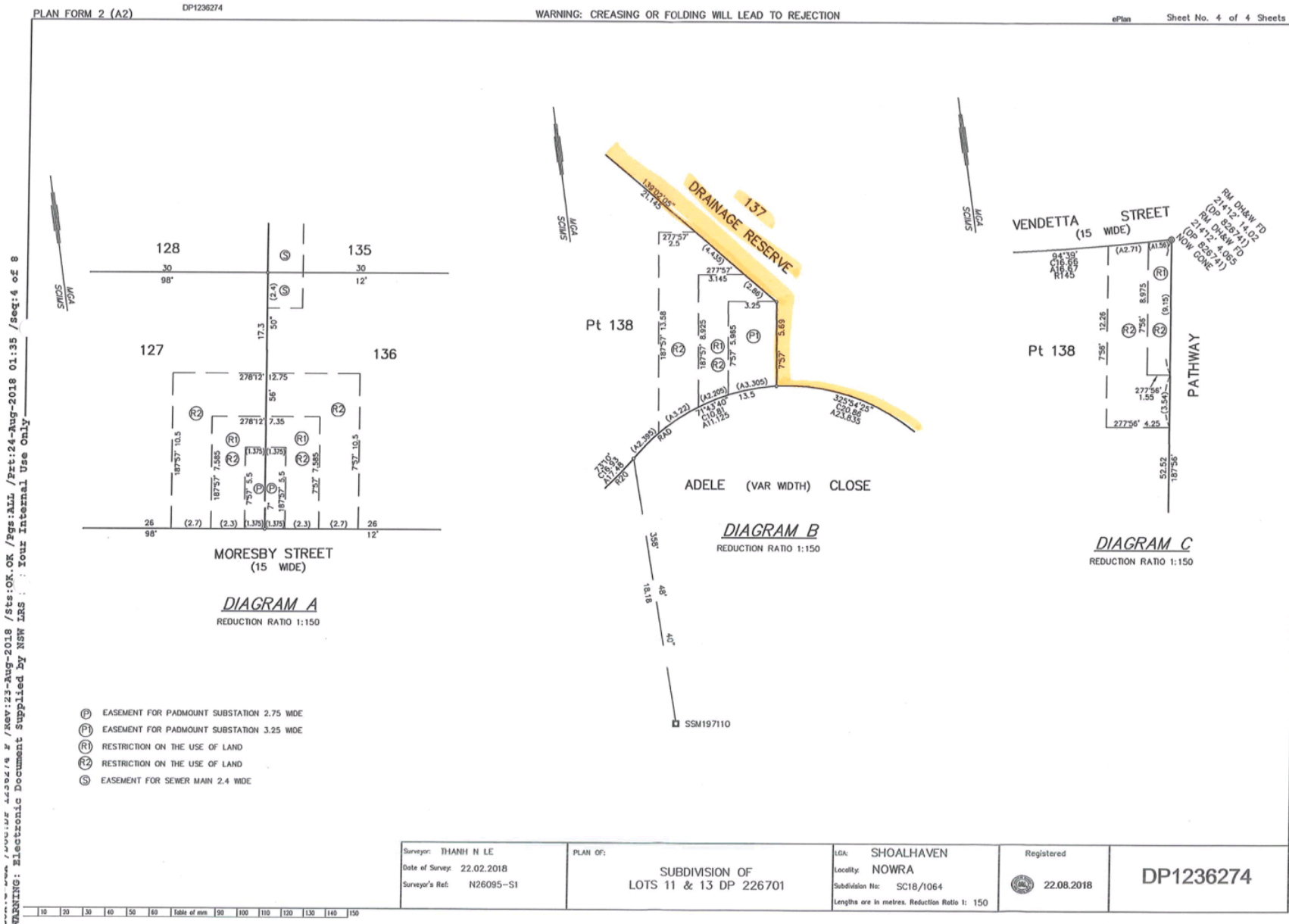
PLAN FORM 6A (2017)	DEPOSITED PLAN ADMINISTRATION SHEET	Sheet 4 of 4 Sheets
Office Use Only		Office Use Only
Registered:  22.08.2018	DP1236274	
PLAN OF SUBDIVISION OF LOT 11 & 13 DP 226701		
Subdivision Certificate number: SC18/1064 Date of endorsement: 27 JULY 2018	This sheet is for the provision of the following information as required: • A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2017</i> • Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i> • Signatures and seals- see 195D <i>Conveyancing Act 1919</i> • Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.	
 TELISSA DE PAOLI sole Director / Secretary OSTAVEST PTY LIMITED ACN 003 781 584 Authority: Section 127 (1) Corporations Act, 2001  JOHN RUSSELL DRUCE Director CHIMNEY ROCK HILL PTY LTD ACN 103 933 035 Authority: Section 127 (1) Corporations Act, 2001  PEGGY KATHLEEN DRUCE Director CHIMNEY ROCK HILL PTY LTD ACN 103 933 035 Authority: Section 127 (1) Corporations Act, 2001		
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Surveyor's Reference: N26095-S1		

SA18.225 - Attachment 1









SA18.226 Proposed Licence to Berry Riding Club Inc

HPERM Ref: D18/260965

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. Site Plan [↓](#)
2. Subsidy Matrix [↓](#)

Purpose / Summary

This report provides Council with an opportunity to consider approval of a licence agreement with Berry Riding Club Incorporated over Lot 6 DP1188080 Schofields Lane Berry known as the Shoalhaven Equestrian Centre.

Recommendation

That Council resolves to:

1. Enter into a 5 year licence agreement over Lot 6 DP 1188080 at Schofields Lane Berry with a 5 year option period with Berry Riding Club Incorporated commencing at an annual rent of \$10,702.84 + GST with annual CPI increases.
2. Approve the allocation of rent received under the licence agreement into the Property Reserve Restricted Asset Account.
3. Approve that the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution.

Options

1. Resolve as Recommended

Implications: Council will receive an annual rent as determined under the “rental subsidy framework” per the Occupation of Council owned and Managed Land Policy and secure a long term tenant.

2. Not adopt the Recommendation and if the offer by Berry Riding Club is accepted, resolve along the following lines:

Enter into a 5 year Licence Agreement over Lot 6 DP1188080 Schofields Lane Berry with a 5 year option period with Berry Riding Club Incorporated commencing at an annual rent of \$3,000.00 + GST with annual CPI increases as offered by Berry Riding Club.

Background

Berry Riding Club (BRC) has occupied approximately 3ha of the Council owned 35ha property between Schofields and Andersons Lanes at Berry (the property has frontage to the highway) pursuant to a licence agreement which commenced 1 December 2015 due to the original Riding Club grounds at North Street Berry being acquired by RMS for works on the Berry bypass.

Council has completed building works on the property in accordance with the Shoalhaven Equestrian Centre Master Plan in the way of:

SA18.226

- Newly constructed carpark;
- 8 x 12m Storage shed with double roller doors;
- 8 x 12m Spectator viewing platform;
- Two equestrian arenas; and
- Boundary landscaping.

Berry Riding Club now wishes to enter into a licence agreement for the whole of the property with a vision to create, in addition to the current utilisation, a cross country course (subject to DA approval).

In accordance with Council's "Occupation of Council Owned and Managed Land" policy, a rental valuation was obtained from independent valuers Walsh & Monaghan, who assessed the market rental for the proposed licence at \$32,500.00 per annum + GST.

Based on the information received from Berry Riding Club in its proposal document and using Council's rental subsidy matrix (see Attachment 2), Berry Riding Club qualifies for a rental subsidy of 68.18%, which means that the annual rental can be reduced to \$10,702.84 per annum + GST with Council's approval.

Notwithstanding the above, Berry Riding Club has offered \$3,000 per annum + GST for the occupation of the total 35 ha where currently it pays \$677.82 per annum + GST for 3ha.

Reference Schedule

Item 1	Licensor: Address:	The Council of the City of Shoalhaven Bridge Road Nowra
Item 2	Licensee: Address:	Berry Riding Club Incorporated 445 Coolangatta Road, Berry NSW 2535
Item 3	Description of property:	Lot 6 DP 1188080 – 39 Schofields Lane Berry
Item 4	A. Licence period: B. Commencing date: C. Terminating date:	5 years 1 May 2018 30 April 2023
Item 5	Licence fee:	\$10,702.84 per annum plus GST payable in six monthly instalments upon invoice
Item 6		Deliberately left blank
Item 7	Fee review dates:	On each anniversary of the <i>commencing</i> date.
Item 7B	Fee review method	In accordance with CPI
Item 8A	Portion of licensees outgoings:	100%
Item 8B	Licensees outgoings:	(a) rates and other charges imposed by any authority;

		(b) Water and Sewer Usage charges (c) repair, maintenance and redecoration if required. (d) Garbage Charges (e) the cost of supplying, maintaining, repairing and renovating any services to the Berry Riding Club building, the <i>property</i> or the <i>land</i> and upgrading them to comply with all <i>laws</i> and <i>requirements</i> ;
Item 9	Permitted use:	Riding and Equestrian events, associated equipment storage, grazing and Community Events
Item 10	Limit of liability under insurance:	\$20 Million
Item 11	Option periods:	5 years
Item 12	Permitted Hours:	As per Development Consent
Item 13	Redecoration Dates:	Not Applicable

Community Engagement

This matter is considered a low Impact issue as detailed in Council's Community Engagement Policy and Handbook.

In accordance with Section 47 of the Local Government Act, a public notice in relation to the proposed licence was attached to the property entrance gate and advertisements placed in the South Coast Register. Adjoining property owners have also been notified.

One Submission was received which mainly raised concerns relating to the original Development Application but also included the following concerns:

Issue	My family has waited 3 years for Berry Riding Club to remove 2 large felled Eucalyptus trees from our property. If Berry Riding Club has \$10,000 to spend on renting land from SCC then they have \$10,000 to HONOUR their previous commitment to my family and remove these felled trees from our property.
Council response	This is a private matter for Berry Riding Club to address these concerns with the Resident direct.
Issue	My Internal back fence damaged by fallen conifer from SCC land from recent storm We have cut up the pine on our side, but the fence is still damaged. <u>PLEASE ADVISE WHEN THE DAMAGE WILL BE FULLY REPAIRED & WHO IS PAYING FOR IT.</u>
Council response	Berry Riding Club is currently undertaking repairs to the fence.
Issue	Please also note that there is a conifer in the corner of the SCC/ BRC grounds that is dead and in danger of falling onto my fence and possibly the overhead electricity cables along the Princes Highway. I am at risk of my fence being damaged if it falls and losing my horses onto the Princes Highway. Please advise what action will be taken by SCC or BRC regarding this dead tree.

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Council response	Berry Riding Club is currently awaiting an inspection by Council's Tree Management Officer.
Issue	There is no internal boundary fence between the Council Land that is being leased between my property and Andersons Lane.
Council response	Council has requested survey work and fencing quotes and will contribute 50% of the fencing costs.
Issue	Who is going to pay for damage to our external boundary fence by the previous tenant.
Council response	Council will not be responsible for any alleged damage by a former tenant who vacated the property in September 2016.

A multi-response letter will be sent to the Resident addressing all concerns raised. In the circumstances, the proposal to enter into this agreement with the Berry Riding Club should not be prejudiced on any of the issues raised in this submission.

SA18.226

"Annexure A"



SA18.226 - Attachment 1

TENANT: Berry Riding Club
PREMISES: Andersons Lane Berry

CATEGORY TABLE DETERMINING the LEVEL of SUBSIDISATION

The level of subsidisation will be determined by assessing each user against the criteria and evaluating their weighted distribution across the categories.

Category	Level of Subsidisation	From (>)	To (<=)
A	High	90%	100%
B	Medium	50%	90%
C	Low	0%	50%
D	None	0%	0%

Criteria	Category A (90%-100% subsidy). Each answer worth 4 points.	Category B (50%-90% subsidy). Each answer worth 3 points.	Category C (1-50% subsidy). Each answer worth 2 points.	Category D (No subsidy). Each answer worth 1 point.
Structural Integrity	Assumes full responsibility for long term maintenance of building	Makes some contribution to long term maintenance of building	Makes minimal contribution to long term of building	Council responsible for long term maintenance of building
Reactive & Ongoing maintenance	Takes responsibility for internal & external reactive maintenance as detailed in agreement	Takes responsibility for almost all of the internal & external reactive maintenance as detailed in agreement	Takes responsibility for some of internal & external reactive maintenance as detailed in agreement	Does not take responsibility for internal & external reactive maintenance even though detailed in agreement
Extent of Service provided by organisation	Broad community (more than 40%) is a beneficiary of service provided by organisation	Service is significantly used by number of specific sections of local community (families & children)	While the organisation provides a direct service to only a small number in the local community, it forms part of a larger service provision	Service only used by small number of local community
Extent of Accessibility of Facility to community	Facilities are accessible to many in Shoalhaven community	Facilities generally accessible to Shoalhaven community	Facilities have limited accessibility to others in Shoalhaven community & income/fees are set & forwarded to Council	Facilities not accessible to others in community or limited access with funds (if charged) going to lessee/tenant.
Number/Type of Service Providers	A unique service (only one of a kind)	One of a number of providers of a community service.	One of a number of providers meeting a less critical community need (in terms of Council identified targets) or meeting an identified recreational need.	Provider meets social or recreational needs only.
Ability to charge fees & raise income	Limited or no ability to raise revenue	Some ability to raise revenue & charge fees which may be varied to reflect ability of clients to pay.	Has ability to charge fees & raise revenue	Operates on profit basis
Access to Other Sources of Funding	No access to other funding sources	Limited access to other sources of funding (no more than 5% total)	Access to other sources of funding - State, Federal or Local funding which provided between 5-30% of total funding	Access to other sources of funding - State, Federal & Local funding which provided more than 30% of funding.
Do they provide direct competition to commercial ventures	No. Main activity is not a commercial activity	While main business is not a commercial activity, some aspects of business are in direct competition	While they are in direct competition with commercial providers they provide added or differentiated service to users	In direct competition with commercial providers
Does their service impact on Council's need to provide similar service?	Without this service provision Council would be required to provide additional service	Lack of service would have some impact on Council's provision	Service is not core responsibility of local government but could be provided	Service is not responsibility of local government
Organisation status and structure	Locally based, stand alone and not for profit. Voluntary management committee, including local area representatives.	Locally based, regional focus, financially independent, self governing, not for profit. Has a voluntary management committee, including local area representatives.	Locally based organisation, part of a larger not for profit organisation. Operates on voluntary advisory committee, including local area representatives.	Locally based, part of a larger not for profit organisation. Limited, or no local area representation on advisory committee or profitable business
Capacity to undertake range of administrative and management responsibilities	Dependent on assistance from volunteers for all administrative and management functions.	Paid staff undertake some of the administrative and management functions and volunteers assist with other tasks	Staff undertake majority of administrative and management functions with additional assistance provided by umbrella organisation.	Umbrella organisation carried out majority of administrative and management functions.
Social and community benefit	Service is unique or specific and meets high level of need or service meets identified social/community needs, with most service users from low socio-economic background.	Service meets identified social/community needs, with service users from range of socio-economic backgrounds.	Service meets a broad social/community need	Service is valued by community but it is not focused on meeting an identified social/community need.
Number of answers met in each category	3	3	3	3 TOTAL SCORE

Total Points allocated from each category	12	9	6	3	30
CATEGORY	Category A	Category B	Category C	Category D	
RANGE FROM	37	25	13	0	
RANGE TO	48	36	24	12	
TENANT FALLS INTO CATEGORY		Category B			68.18%
DIFFERENCE FROM LOWEST LEVEL OF RANGE IN EACH CATEGORY TO TOTAL SCORE OVER TOTAL NUMBER OF RANGE (e.g. If Total Score equals 28 then Category B applies hence 28 minus 25 divided by 11 i.e. Category B range 25-36)		45.45%			
NUMBER OF PERCENTAGE ABOVE LOW RANGE		18.18%			
TOTAL LEVEL OF SUBSIDY		68.18%			

SA18.227 Rent Waivers for Leases and/or Licences - Council Owned or Managed Buildings/Property

HPERM Ref: D18/305852

Group: Assets & Works Group

Section: Business & Property

Purpose / Summary

To provide an update to Council on the waiving of rents in relation to leases and/or licences over Council owned or managed buildings/property.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Notes that no rental fees have been waived since September 2015;
2. Resolves to rescind MIN15.597C which required submission of a quarterly report on rent waivers; and
3. Undertakes to report annually as Council has not waived any rental fees since the recommendation of MIN15.597C in September 2015.

Options

1. Resolve as Recommended.

Implications: The requirement for an annual report is consistent with the reporting activities of other groups within Council.

2. Not adopt the recommendation.

Implications: The requirement to submit quarterly reports would appear not to be required unless the number of requests for rent waivers increases significantly (this can be reviewed on an on-going basis).

Background

At its meeting on 15 September 2015, Council confirmed Policy 16/150 Occupation of Council Owned or Managed Land with the following minor amendment (MIN15.597C):

“The General Manager submit a quarterly report on any waivers that have been granted.”

Since September 2015, the General Manager has not granted any waivers of rent and in the circumstances an annual report is now considered more appropriate, especially as that frequency appears to be in line with the reporting activities of other groups within Council.

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SA18.228 Holiday Haven Tourist Parks - End of Year Report

HPERM Ref: D18/190107

Group: Assets & Works Group
Section: Business & Property

Purpose / Summary

Holiday Haven is to report to Council, biannually, on its financial operations, including the capital and strategic plan. The report is to include any business model changes that have driven any change to the operations.

Recommendation (Item to be determined under delegated authority)

The Holiday Haven Tourist Parks – End of Year Report be received for information with Council noting the following highlights;

1. Tourist park income is up 4.5% on last year and exceeded total budgeted income by 1%
2. Overall expenses were up on the previous year by 6.4% and up on budget by 2.1%.
3. Holiday Haven consolidated park occupancy increased 2.2% on 16/17.
4. Holiday Haven net operating result for FY 17/18 was 2.4% below budget and 1.5% above 16/17 results.

Options

1. The report be received.

Implications: Holiday Haven meets its reporting requirements in relation to Council's Holiday Haven group.

2. Further information regarding the Annual Financial Statements be requested.

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

3. That Council Committee defer a determination/decision on the matter pending discussion at a Councillor briefing.

Background

Council requested that Holiday Haven provide a status report on Holiday Haven operations covering how the business is tracking in comparison to its strategic plan, operational plan and capital expense plan. The report to also include commentary on business model changes that have driven any substantial changes to operations.

Key Financial Results

July 2017 – June 2018

Operating Profit and Loss compared to Budget and last year:

SA18.228

Operating Profit and Loss compared to Budget and last year:

Account	2016/17 Actuals YTD Jun YTD	2017/18 Actuals YTD Jun YTD	2017/18 Rev. Budget YTD Jun YTD	Budget Var\$	Budget Var%
User Charges and Fees	21,679,586	22,845,822	22,677,656	168,165	1%
Other Revenues	137,803	122,192	124,900	(2,708)	-2%
Internal Revenue	1,466,307	1,534,752	1,452,906	81,846	6%
Revenue	23,283,696	24,502,765	24,255,462	247,303	1%
Gain or Loss from the disposal of assets	0	0	0	0	0%
Other Income	0	0	0	0	0%
Income	23,283,696	24,502,765	24,255,462	247,303	1%
Employee Benefits and on costs	1,067,424	1,260,029	1,038,950	221,079	21%
Materials and Contracts	7,310,399	7,649,379	7,722,400	(73,021)	-1%
Depreciation, amortisation and impairment	2,025,586	2,325,821	2,324,957	864	0%
Other Expenses	2,302,613	2,337,307	2,865,033	(527,726)	-18%
Internal Expenses	4,882,895	5,145,821	4,377,808	768,013	18%
Expenses	17,588,918	18,718,358	18,329,148	389,210	2.1%
Net Operating Result	5,694,778	5,784,407	5,926,314	(141,907)	-2%

Income

Tourist park income is up 4.5% on last year and exceeded total budgeted income by 1%.

- User charges and fees – 11 parks achieved growth on last year apart from Shoalhaven Heads. There were 23 holiday vans removed from Huskisson White Sands. The loss of income from these vans in FY17/18 was not anticipated and amounted to over \$55,000.
- Other Revenues – this is rental income from Park Managers' residences which was on par with budget. Additional income has been realised with the disposal of holiday vans at Culburra Beach.
- Internal revenue is income received from the parks for lease payments for new cabins and an internal administration fee of 6.5% of expenses charged to each park. This was on par with budget.
- The 4.5% increase in income was achieved through a number of factors including the annual fees and charges set through Council's budget process and as a result of marketing initiatives which offered incentives aimed at boosting occupancy levels and revenues. The impact of the rate increases in the income increase is difficult to separate out.

Expenditure

Overall expenses were up on the previous year by 6.4% and up on budget by 2.1%.

- Employee benefits and on costs - additional staff accounted for additional costs that were not budgeted (Admin Assistant and OHS Officer). These positions were identified in the KPMG review of Holiday Haven in 2016.

Materials and contracts – materials were marginally down on budget. There were abnormal expenses incurred with resolving park issues at Huskisson Beach due to park management issues. Furthermore, two water leakages were investigated and resolved which have realised an increase in water expenses by more than 19%. Water leaks from old and failing infrastructure are intrinsically difficult to locate across Holiday Havens which are located in mostly sandy locations.

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- b) Depreciation, amortisation and impairment – on par with budget and 14.8% up on the previous year.
- c) Other expenses – subscriptions, land rates, and other expenses are 18.4% below budget. There have been savings in some operating expenses as tighter controls have been put in place.
- d) Internal expenses – these are cabin lease fees and are on par with performance and the previous year.

Occupancy

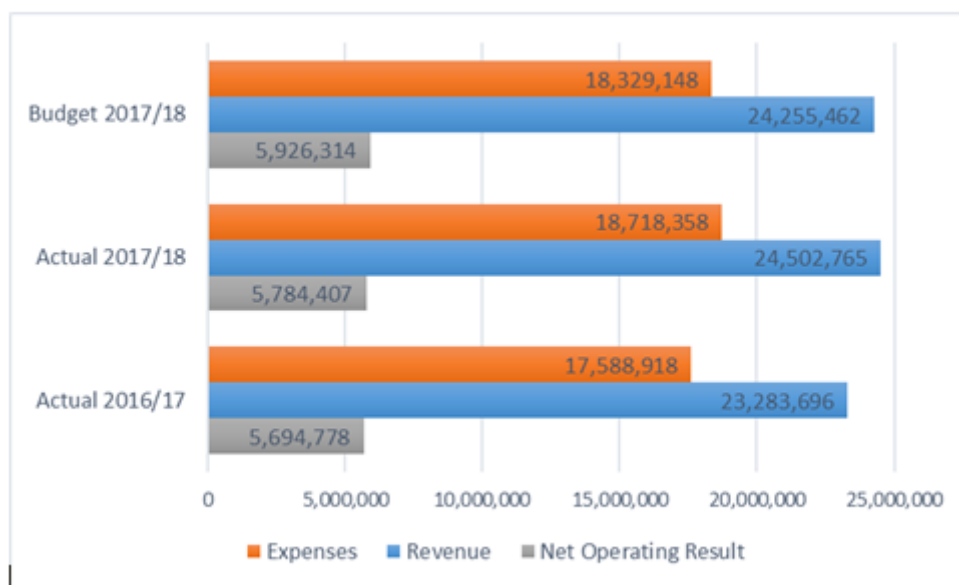
Holiday Haven consolidated park occupancy increased 2.2% on 16/17.

- Currently Holiday Haven operates 300 cabins across 12 parks
- Cabin occupancy finished at 45.7%, which is up 4.4% on last year. Average available rate, excluding discounts, was \$165.39, 3% up on the prior year.
- There are 1409 powered and unpowered sites across 12 parks with an average occupancy of 29.4% and an average yield of \$46.47 per occupied site. This represents a 7% growth in rate on the same period for 16/17.
- Holiday van ownerships are down 4% on budget, amounting to \$288K as vans have been removed due to the changing nature of the business.

CABINS				
YEAR	AVG %	% VARI	AVG RATE	% VARI
2015/16	43.2%		\$ 152.64	
2016/17	43.8%	1.4%	\$ 161.31	6%
2017/18	45.7%	4.4%	\$ 165.39	3%

SITES				
YEAR	AVG %	% VARI	AVG RATE	% VARI
2015/16	25.0%		\$ 43.84	
2016/17	28.5%	14%	\$ 43.36	-1%
2017/18	29.4%	3.3%	\$ 46.47	7%

Net Operating Result



Holiday Haven net operating result for FY 17/18 was 2.4% below budget but 1.5% above 16/17 results. Extraordinary expenses due to water leakages in Shoalhaven Heads and Bendalong Point were incurred but not budgeted. Gross Operating Profit for the year was 23.6% compared to a budget of 24.4%.

Capital Expense Plan

Under an agreement with NSW Crown Lands, capital funds of approximately \$5million annually is invested back into the Holiday Haven parks. These funds are provided to maintain the reserves and keep infrastructure, accommodation and attractions up to date in order to maintain market share and profit levels. These capital funds come partially from the profits of the parks (approximately \$3m) and the rest is borrowed.

With an original budget of \$5.11M, total expenditure to June amounted to \$5.03M for capital and related expenses.

Major capital projects undertaken during the past twelve (12) months have been:

1. Lake Tabourie Pool	\$687K
2. Huskisson Beach Amenities & Camp Kitchen	\$409K
3. Huskisson White Sands Drive Through Sites	\$408K
4. Shoalhaven Heads Siteworks / Amenity Upgrades	\$179K
5. Bendalong Recreation / Road / Siteworks	\$162K
6. Huskisson Beach New Cabins/Ensuites	\$115K
7. New Cabin at Ulladulla	\$106K
8. Lake Conjola Ensuites	\$ 90K
9. Bendalong Amenities & Camp Kitchen	\$ 84K

10. Cabin Maintenance across all parks	\$700K
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The remaining capital budget was allocated and spent on siteworks and associated capital costs.

Business Operation Model

Holiday Haven's operational structure has expanded in line with the recommendations to Council contained in the KPMG Service Revenue of August 2016. The existing structure was altered to add a dedicated Marketing role, a Finance Manager, a Marketing Assistant / Booking System Administrator and a Works & Project Officer. Additionally, a lateral transfer created an Operations Officer role. The new structure has been in place for over six months and has taken the business operation to a new level. The works, finance, reporting and marketing functions have changed significantly, and the group (and Council) will benefit financially in future. Further to this the continuing development of the NewBook reservation management system continues to provide better and more timely reporting and business audit functions.

Market Forecast

Holiday Haven operates 300 cabins and more than 1409 powered and unpowered sites across 12 parks as well as having approximately 1300 holiday vans. Collectively, this generates in excess of \$24M in revenue. Cabins achieved an average annual occupancy of 45.7% while sites achieved 29.4% in occupancy. This is an increase of 4.4% and 3.2% respectively on 2016/17 results. Across all parks, consolidated occupancy was 31.8%, up 2.1% on 16/17. Redevelopment of the brand and the website, together with a comprehensive marketing campaign, is expected to achieve an increase in occupancy of an additional 3%, generating a further \$1M in revenue in FY18/19.

Community Engagement

N/A as this is basically an "information report".

Financial Implications

The first 6 months of the financial year 17/18 were soft in terms of occupancy however this was counteracted by an excellent 3rd quarter. Significant unbudgeted park expenses (water leakages, plumbing and capital works at Huskisson Beach) have absorbed time and labour and consumed funds which were previously allocated to other projects. This has delayed other projects until the following year. Capital expenditure is concentrated such that park assets can be maintained and updated to an appropriate standard, to increase occupancy and achieve growth (market awareness) of the Holiday Haven brand.

SA18.229 Proposed Residential Subdivision - Mundamia Urban Release Area - George Evans and Jonsson Roads Mundamia (SSD7169)

DA. No: 3A08/1010-02

HPERM Ref: D18/202447

Group: Planning Environment & Development Group
Section: Development Services

Attachments:

1. Attachment 1 Plan of Subdivision (Rev 17) [↓](#)
2. Attachment 2 TDG Traffic assessment (under separate cover)
3. Attachment 3 Letter of Offer June 2018 [↓](#)
4. Attachment 4 - Summary of Key Dates [↓](#)
5. Attachment 5 Cost Estimates by APS [↓](#)
6. Attachment 6 Traffic Calming Devices - Designs by APS (under separate cover)

Description of Development: Proposed Residential Subdivision

Owner: Jemalong Mundamia Pty Ltd

Applicant: Allen Price & Scarratts

Purpose / Reason for consideration by Council

This report has been prepared to enable Council to consider a request for 'in principle' support to enter into a Voluntary Planning Agreement (VPA), as per the draft consent issued by the NSW Department of Planning and Environment.

This VPA will result in the financial contribution by Council to the cost of the construction of traffic calming devices associated with this proposed subdivision. The Department and the applicant for SSD7169 have requested Council show its support to enter a VPA for contributions towards the cost of traffic calming devices, including:

- Roundabout (additional costs) at intersection of road 1 and George Evans Road. Council to pay 58% of the *additional costs* to provide the roundabout
- Roundabout (additional costs) at road 14 and Jonsson Road. Council to pay 18% of the *additional costs* to provide the roundabout
- Entry threshold (additional costs) at the intersection of Jonsson Road and Road 16, Council to pay 100% of the additional costs to provide the entry threshold.

Refer to **Figure 7** in this report.

Given the extent of financial contribution sought, (Council's share is calculated to be \$135,979.26 based on the proportions determined by the Department and cost information provided by the applicant), this is a matter for Council's consideration.

The site is within the Mundamia Urban Release Area, as per the adopted Chapter NB1 of Shoalhaven Development Control Plan 2014 (SDCP 2014).

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Recommendation (Item to be determined under delegated authority)

That Council:

1. Provide 'in-principle' support to enter into a Voluntary Planning Agreement as per the draft consent issued by the NSW Department of Planning and Environment;
2. Upon determination of the application, by the NSW Department of Planning and Environment, process the draft Voluntary Planning Agreement as per legislative requirements (the draft VPA needs to be reported to Council and exhibited); and
3. Supports 'in principle' the request for financial contribution to the construction of traffic calming devices associated with this proposed subdivision including allocation of the necessary funds for contribution to the necessary traffic calming devices to that extent Council confirms its share (calculated to be \$135,979.26) will be payable upon completion of the works as requested by the applicant.

Options

1. Council may choose to support the request for financial contribution to the construction of traffic calming devices associated with this proposed subdivision, and subsequently agree to entering into a VPA with the developer, Jemalong Mundamia Pty Ltd.

Implications:

The main implication is one of financial commitment, but also precedent. Future requests for financial contributions may be sought where a developer argues a large community benefit exists for some form of infrastructure associated with the proposed development.

The applicant emphasises that the relevant Section 7.11 Development Contribution (formerly Section 94) projects have been set and roundabouts had been excluded from the final project listings.

2. Council may choose not to support the request for financial contribution to the construction of traffic calming devices associated with this proposed subdivision, and not agree to entering into a VPA with the developer.

Implications:

This development application is nearing completion of assessment and the developer does not wish to see further delays.

Location / Subject Land

The land is located to the west of Nowra.

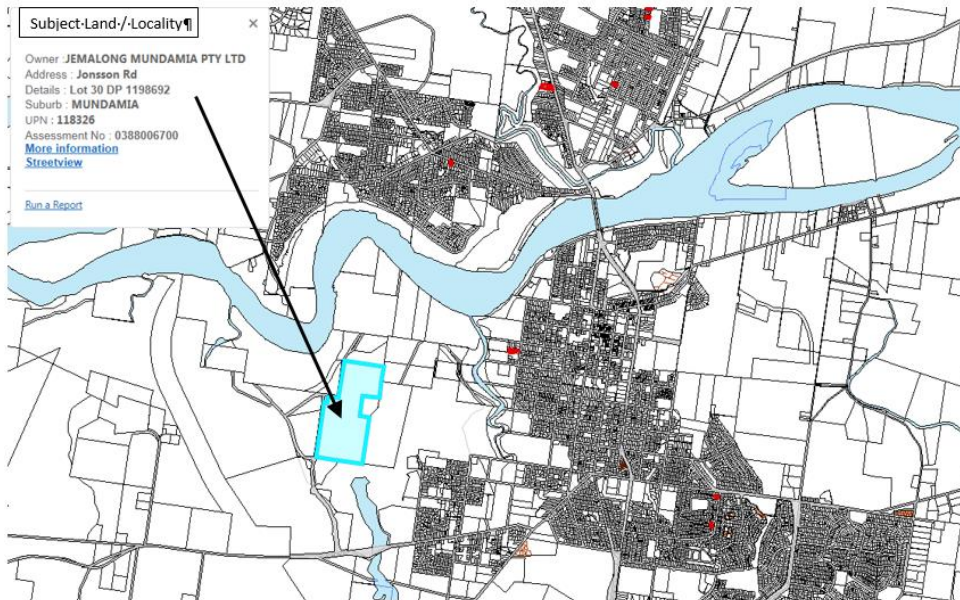


Figure 1 – Location Map

The land is located to the north-west of the University of Wollongong, Shoalhaven campus, within the Mundamia Urban Release Area. approximately 5km to the West of Nowra.

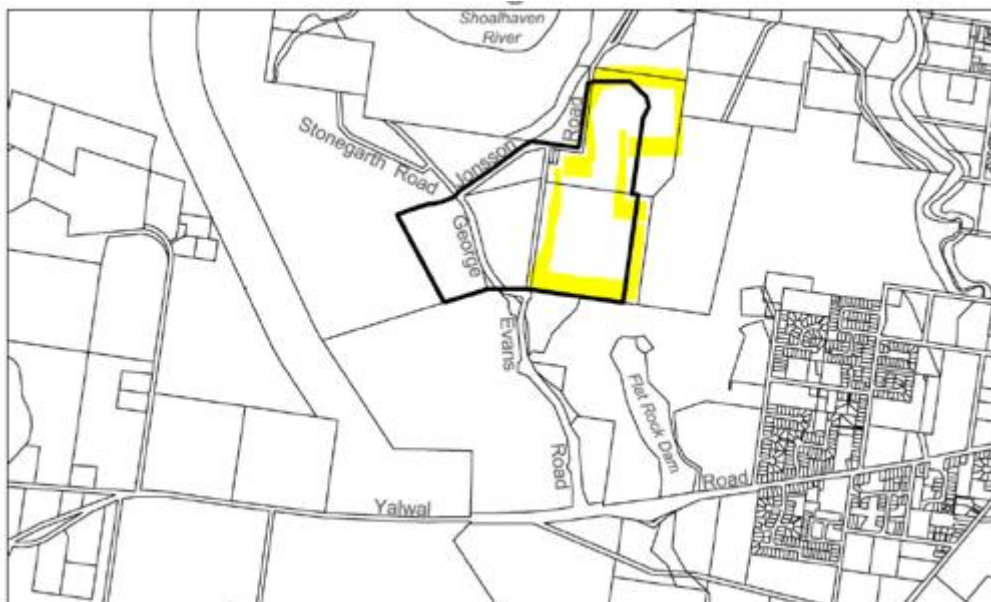


Figure 2 – locality map

The subject land is legally described as Lot 30 DP1198692 Jonsson Road, Mundamia.



Figure 3 – Site with aerial overlay

Background

Proposed Development

The application is for a residential subdivision of land which is being assessed by the Department of Planning and Environment. The application was originally a Major Project (MP08_0141) which transitioned to a State Significant Development (SSD7169). The application was lodged with the Department in 2008. The assessment is nearing completion, draft conditions have been issued.

The proposal includes a 309-lot residential subdivision comprised of 288 residential lots, 12 lots nominated as 'dual occupancy' lots, 8 'multi-dwelling' lots, 1 commercial lot, and open space and drainage reserves, in 11 stages - **Attachment 1**.

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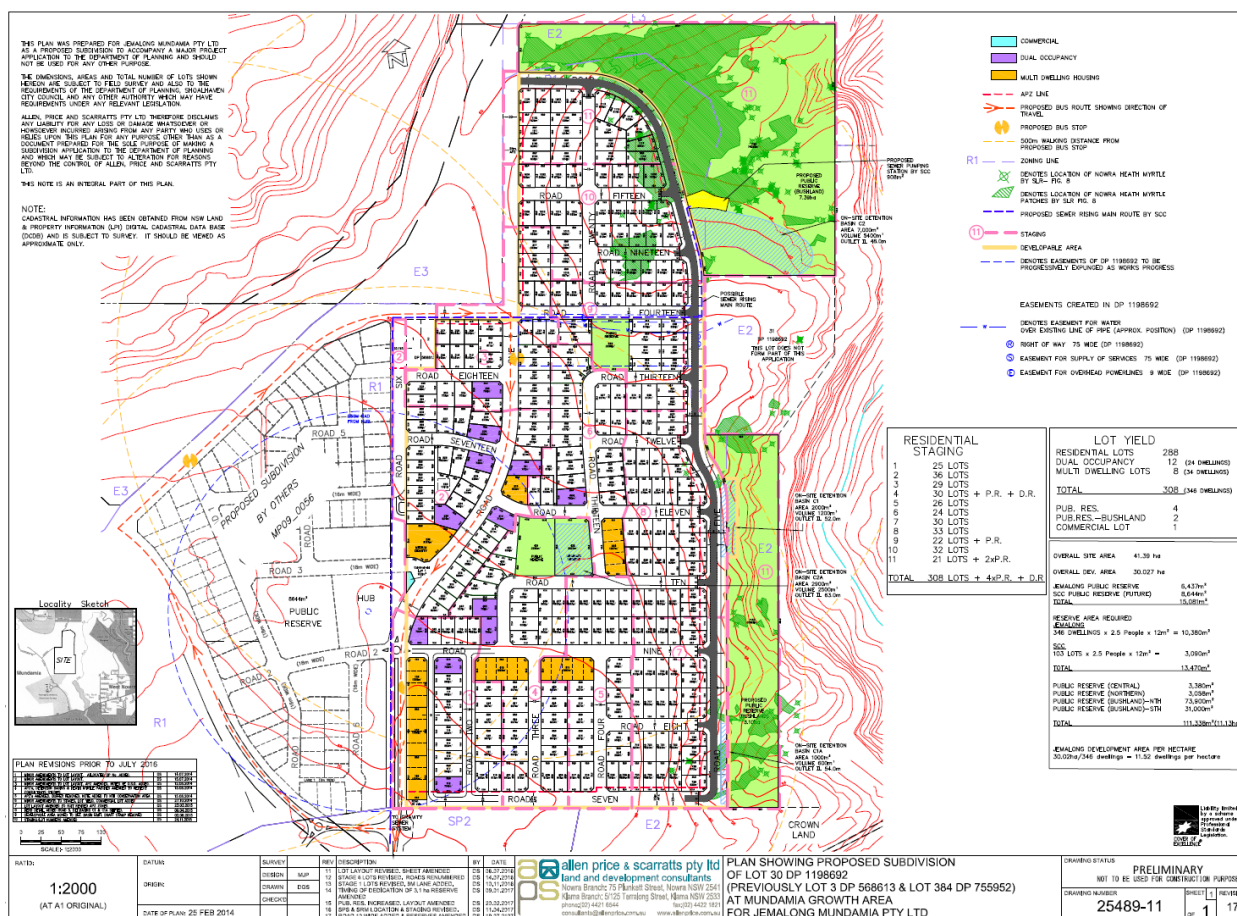


Figure 4 - Proposed Subdivision – Drawing Number 25489-11 Revision 17 – dated 19.07.2017

History

Development of the Mundamia Urban Release Area (URA) has been under consideration for several years, in line with Council's strategic plans for the Nowra / Bomaderry area.

The Mundamia URA was rezoned following on from the Nowra-Bomaderry Structure Plan, identified as Area 5. The purpose of the investigation areas identified in the Nowra Bomaderry Structure Plan was:

- 1) To review the investigation area to define areas suitable for future urban development.
- 2) Development of notional plans and appropriate zonings for these areas to work towards sustainable development outcomes and the achievement of the environmental, social and economic aims of the plan, and
- 3) Development of generic guidelines, objectives and character statements along with key issues to be addressed in any subsequent implementation plan.

Development of the Mundamia URA is necessary to ensure future land releases are available for the increasing Shoalhaven population.

The current application has been under assessment by the Department of Planning and Environment since 2008. Determination of the current application, by the Department is understood to be imminent, pending in principle support and agreement by the applicant and Council to enter into a VPA to facilitate provision of necessary traffic calming devices.

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Mundamia Urban Release Area / Shoalhaven Development Control Plan (SDCP) 2014 Chapter NB1

Consistent with the requirements of Part 6 of the Shoalhaven LEP2014, the Shoalhaven DCP 2014 Chapter NB1: Mundamia Urban Release Area sets out the controls for this URA. The Mundamia URA is forecast to be primarily an urban residential development with a mixture of residential opportunities.

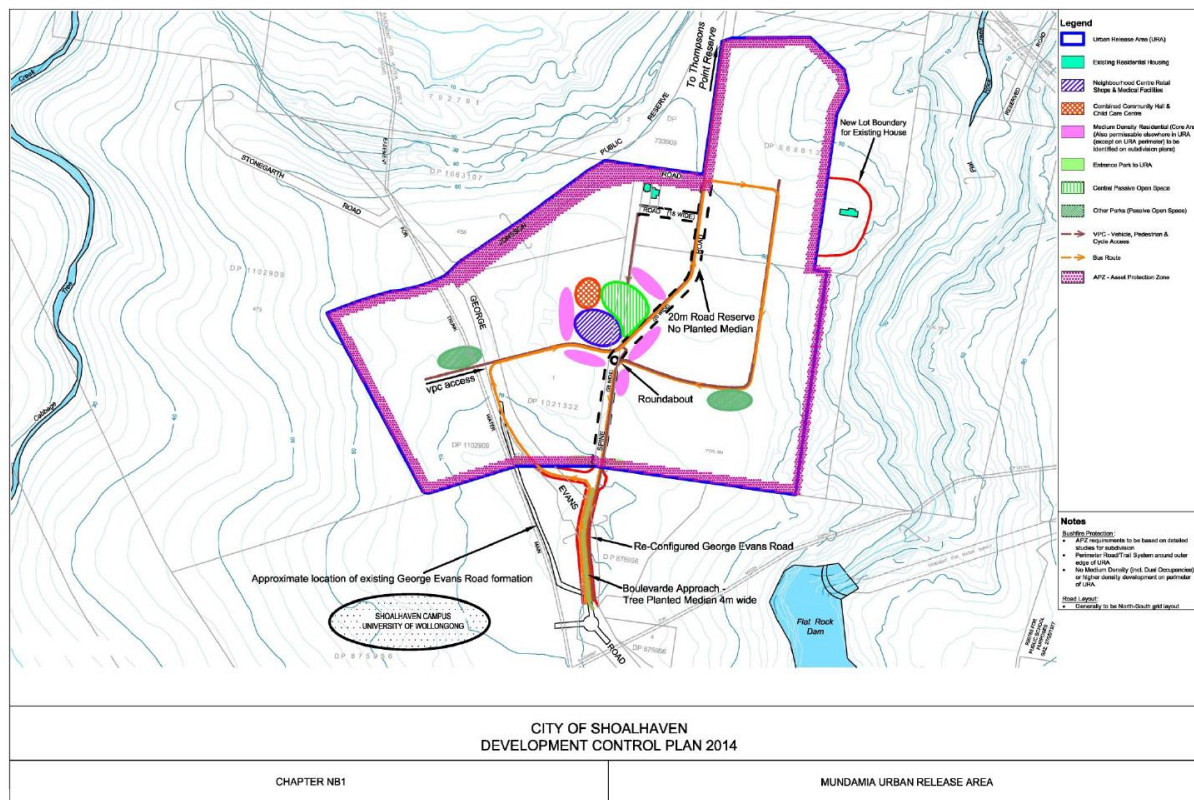


Figure 5 - Shoalhaven Development Control Plan Chapter NB 1 -Mundamia Urban Release Area

One of the objectives of SDCP2014 Chapter NB1 is to create a sense of arrival/neighbourhood with attractive street presentation, including emphasis on the attractive entrance/gateway treatment. Figure 3 shows the extent of the Mundamia URA. The envisaged treatment includes roundabouts at some of the key intersections, as shown in the Figure 5 below. Note: indicative location of roundabouts was included in the DCP.

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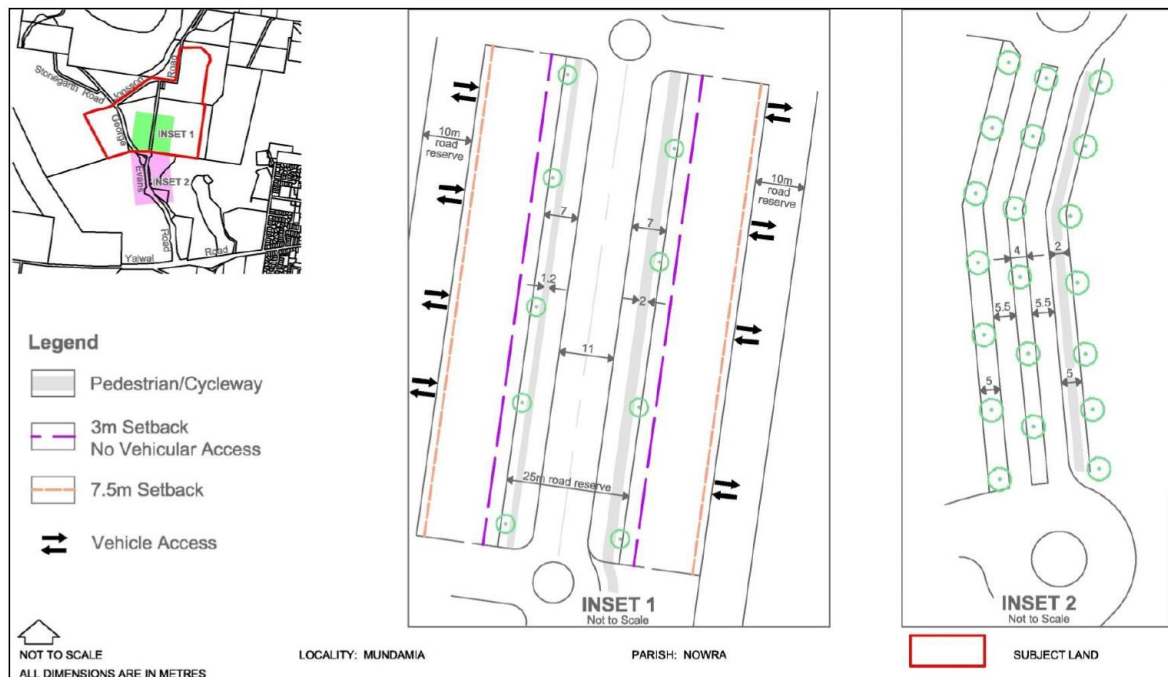


Figure 4 - Gateway Streetscape Detail

**Figure 6 - Shoalhaven Development Control Plan Chapter NB1
Mundamia Urban Release Area – Gateway Streetscape Detail.**

Shoalhaven Contributions Plan 2010

A VPA is required because the provision of two (2) additional roundabouts and an additional entry (speed) threshold sits outside the adopted projects in the Shoalhaven Contributions Plan 2010 for this area. The Contributions Plan only provided for the minimum (1 roundabout) at the central intersection of Road 1 / Road 14 where the commercial and community precinct as identified in the DCP2014.

The detailed traffic assessment of the applicant's (Jemalong) subdivision found that additional speed control facilities were warranted in accordance with guidelines due to the 1.2km of collector road traversing through the middle of the combined developments, and the prevalence of through traffic due to the existing Thomson's Point Reserve which is popular local walking and climbing location. **Attachment 2**

The Department has accepted the need for these additional facilities however considers that whilst the DCP provides for multiple developments, both the applicants (and Council's potential future development), should both contribute towards the provision of the additional infrastructure, in proportion with the traffic they will theoretically generate.

Issues

Voluntary Planning Agreement (VPA)

The Department has advised Council in the draft consent there will be a condition requiring the applicant to enter a VPA with Council for

- The additional costs of building a roundabout at intersection of road 1 and George Evans Road,
- The additional costs of building a roundabout at road 14 and Jonsson Road,
- The additional costs of building an entry threshold treatment at intersection of Jonsson Road and Road 16

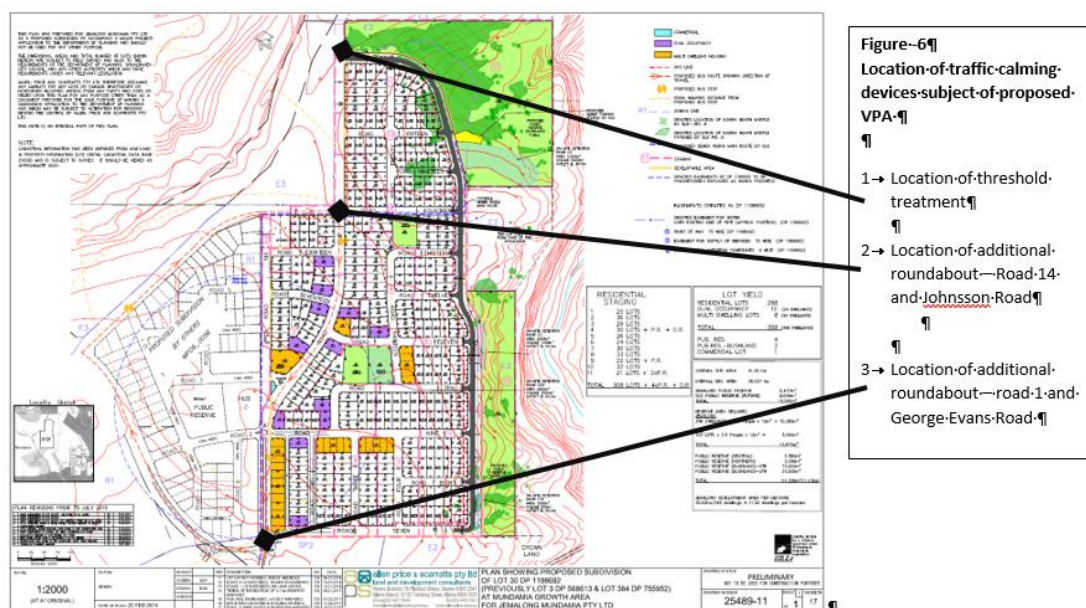


Figure 7– location of traffic calming devices subject of VPA (Roundabouts and threshold devices)

The draft condition recommended by the Department is as follows:

“Within 6 months of the date of this consent the Applicant shall enter into a Voluntary Planning Agreement (VPA) for contributions towards the cost of roundabouts at the intersections of Road One with George Evans Road and Road Fourteen and Road 1 and Road 16 (entry threshold only at this location), consistent with the Letter of Offer dated x and accepted by Council on Y. A copy of the VPA must be provided to the Secretary within 4 weeks of execution.

Comment: Traffic management/contribution issues to be discussed further with Council and Applicant. Council has provided the following alternate condition for discussion:

The Applicant shall design and construct a traffic calming device (e.g. entry threshold) in Road One just north of Road Sixteen, in the form of a ‘flat top road hump’. The flat top road hump threshold shall have a 4m length flat top and all other design parameters, as well as signs and lines, are to be designed in accordance with AS1742.13 for a ‘flat top hump’. The applicant shall also design and construct all three roundabouts at the intersections of Road One with Georges Evans Road, Road Nine and Road Fourteen. The roundabouts shall be designed generally in accordance with AUSTROADS guidelines with select design parameters suitable for the proposed locations, to Council satisfaction. Details must be shown on the Construction Certificate Drawings.

The draft traffic conditions of Consent from Department of Planning are based on information submitted by the applicant and peer reviews undertaken by TDG and Gennaoui Consulting on behalf of the Department, **Attachment 2**

Each of the intersections were considered by the Department. Those outside of the Shoalhaven Contributions Plan, have been the subject of further detailed scrutiny to ascertain apportionment between SCC and the applicant, and are the subject of the requested VPA.

Traffic issue	DoPE opinion, based on Consultant's (TDG) peer review opinion	Comment
Roundabout at intersection of road 1 and George Evans Road	42% to proponent, 58% (of additional costs) to Council	Assumes full completion of the Mundamia URA – note: no other applications now
Roundabout at intersection of road 14 and George Evans Road	82% to proponent, 18% (of additional costs) to Council	Traffic associated with Thompson Point Reserve necessitates SCC contribution
Entry threshold treatment at intersection of Jonsson Road and Road 16	100% (of additional costs) to Council	This is based on existing through traffic to Thompson Point Reserve, not traffic generated by this development.

The preparation of a VPA must comply with the provisions of the Environmental Planning and Assessment Act (EPAA), section 7.4 – 7.7 and Regulations 25B – 25H. This includes the preparation of a detailed legal Agreement, exhibition of that Agreement, specific report to Council and the like. Costs are to be borne by the developer.

Based on a preliminary draft consent, issued by the Department, the applicant submitted an initial letter of offer for a Voluntary Planning Agreement on 15 January 2018, and a second letter of offer on 1 June 2018 - **Attachment 3**. Since then, additional information has been requested, and submitted, on several occasions. **Attachment 4** is a summary of key dates pertaining to the VPA preparation and review.

Council's share is calculated to be \$135,979.26 based on the proportions determined by the Department and cost information provided by the applicant - **Attachments 5 & 6**.

The applicant is urgently seeking Council's support for the VPA to enable the application to be determined.

Adjoining Lands in the Mundamia URA / Future Development

The extent of lands included in the Mundamia URA are shown in pink, in Figure 10 below. The land subject of this development application is identified in blue and extends over and beyond the Mundamia URA defined area.

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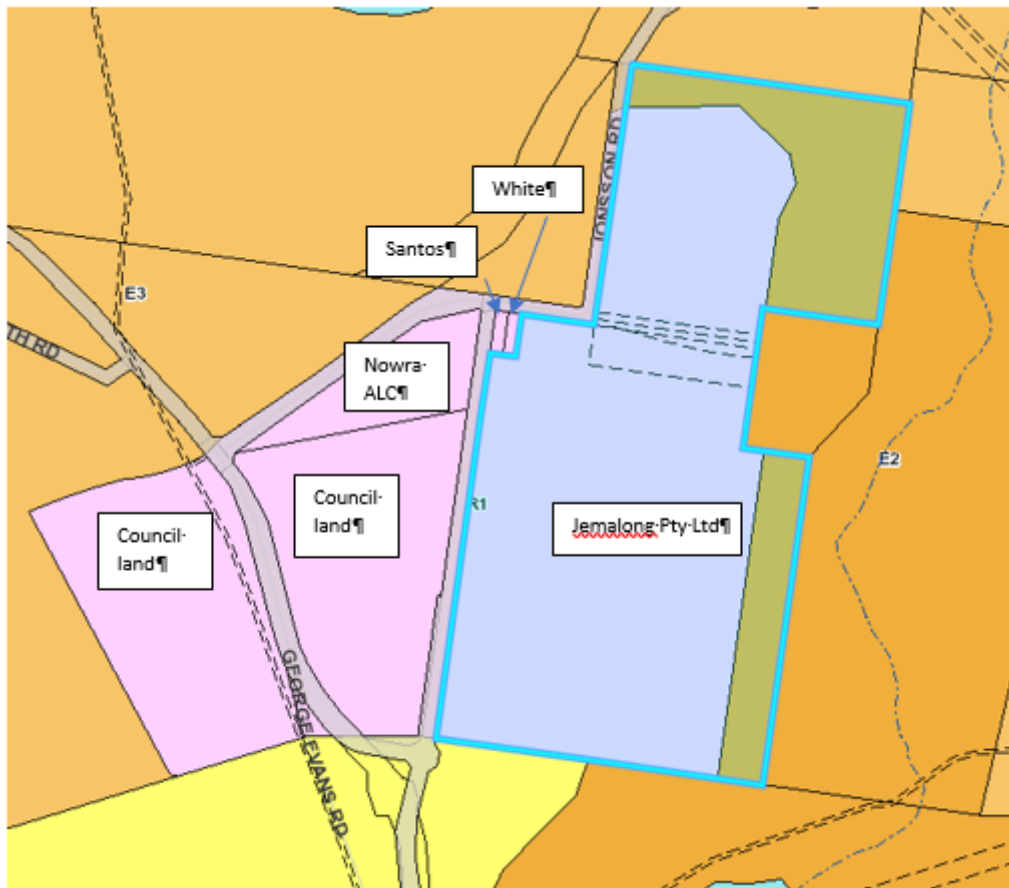


Figure 8 – extent of Mundamia URA

There are 5 landholders included in the Mundamia URA

Land	Owner	Development
Lot 1 DP1226624	Council	Major Project Withdrawn No application
Part of Lot 458 DP1063107 & Part of Lot 473 DP1102909	Nowra Local Aboriginal Land Council	No application
Lot 1 DP568613	A & S Santos	Existing dwelling
Lot 2 DP568613	L White	Existing dwelling
Lot 30 DP1198692	Jemalong Mundamia Pty Ltd	Major Project nearing determination

The traffic consultant has assumed a subdivision over the Council land and part of the Nowra LALC land of 109 lots including 105 residential lots, neighbourhood shops and a community facility, as was identified in MP09-0056. This application was withdrawn. There is no guarantee of such a lot yield.

SA18.229



Figure 9 MP09-0056 Council and NLALC land (Source: SET consultants, 2013)

This plan was Withdrawn, there is no current application over this land)

Whilst there have been expressions of interest in Council's land, and potential for applications over the Nowra Local Aboriginal Land Council (Nowra LALC) land also, there are no firm proposals now.

The Shoalhaven DCP Chapter NB1 is an indicative guide only. Given the need for future applications to comply with bushfire requirements and the recent Biodiversity Conservation Act, any lot yields shown in the DCP can be considered indicative only.

Alternatively, a VPA could be developed whereby the proponent, Jemalong Mundamia Pty Ltd, could recoup money if/when the Council land is developed in the future.

Planning Assessment

The Application is being assessed by the Department of Planning and Environment. The Department has sought and been provided with Council's input on numerous occasions during the assessment of this application.

The Department has engaged its own consultants, including traffic and environmental, to review the applicant's information and submissions. The Department's assessment has concluded that Council must contribute to 3 of the necessary traffic calming devices relevant to this proposal, based on their consultant's assessments.

Prior to determination the Department require in principle support from Council to the VPA, for financial contribution to the necessary traffic calming devices, where contribution has been assessed as necessary, by the Department.

Policy Implications

At this point in time, the assessment has not been made public. Nil policy issues identified to date.

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Consultation and Community Engagement:

Notification of the development application has been undertaken as part of the assessment, by the Department of Planning. Submissions were received from OEH, RFS and SCC.

Key issues raised include but are not limited to:

- Resolution of Biodiversity Offset Strategy type and number of ecosystem credits;
- Incorporation of NSW RFS recommended conditions;
- Developer contributions;
- Landscaping; and
- Hydrology and ground water at the locality.

The assessment has also identified the need for a VPA.

As mentioned previously, the preparation of a VPA must comply with the provisions of the Environmental Planning and Assessment Act (EPAA), section 7.4 – 7.7 and Regulations 25B – 25H. This includes the preparation of a detailed legal Agreement, exhibition of that Agreement, specific report to Council and the like.

Financial Implications:

This is the core issue for Council. The applicant and Department of Planning and Environment are seeking a commitment from Council towards contributing to road infrastructure deemed necessary because of the proposed subdivision.

The costings relate to the *difference* of constructing a normal road, and the necessary traffic calming device. For example, there are some costs such as road pavement, kerb and gutter that still must be met by the developer, but it is those costs that provide the higher level of treatment i.e. the difference in cost that is proposed to be apportioned. The percentage of apportionment has been determined by the Department.

Costings for the road infrastructure subject of the VPA include:

Infrastructure	Cost (estimates provided by APS at 23 August 2018)	% to be apportioned to SCC	Cost of difference to be allocated to SCC	comment
Roundabout at intersection of road 1 and George Evans Rd	Additional cost of roundabout \$134,526	58%	\$78,025.08	The % of apportionment has been determined by the Depart.
Roundabout at intersection of Road 14 and Jonsson Rd	Additional cost of roundabout \$99,501	18%	\$17,910.18	The % of apportionment has been determined by the Depart.
Threshold treatment at intersection of road 16 and Jonsson Rd	Additional cost of roundabout \$40,044	100%	\$40,044	The % of apportionment has been determined by the Dept.

Sub-total Council's Contribution (Cost of difference to allocate to Council) **\$135,979.26**.

Legal Implications

The VPA is to comply with the provisions of the Environmental Planning and Assessment Act, and Regulations.

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The VPA is to be registered on the land, thereby binding on and enforceable against, the owner of the land, and future owners, as if that owner had entered into the agreement.

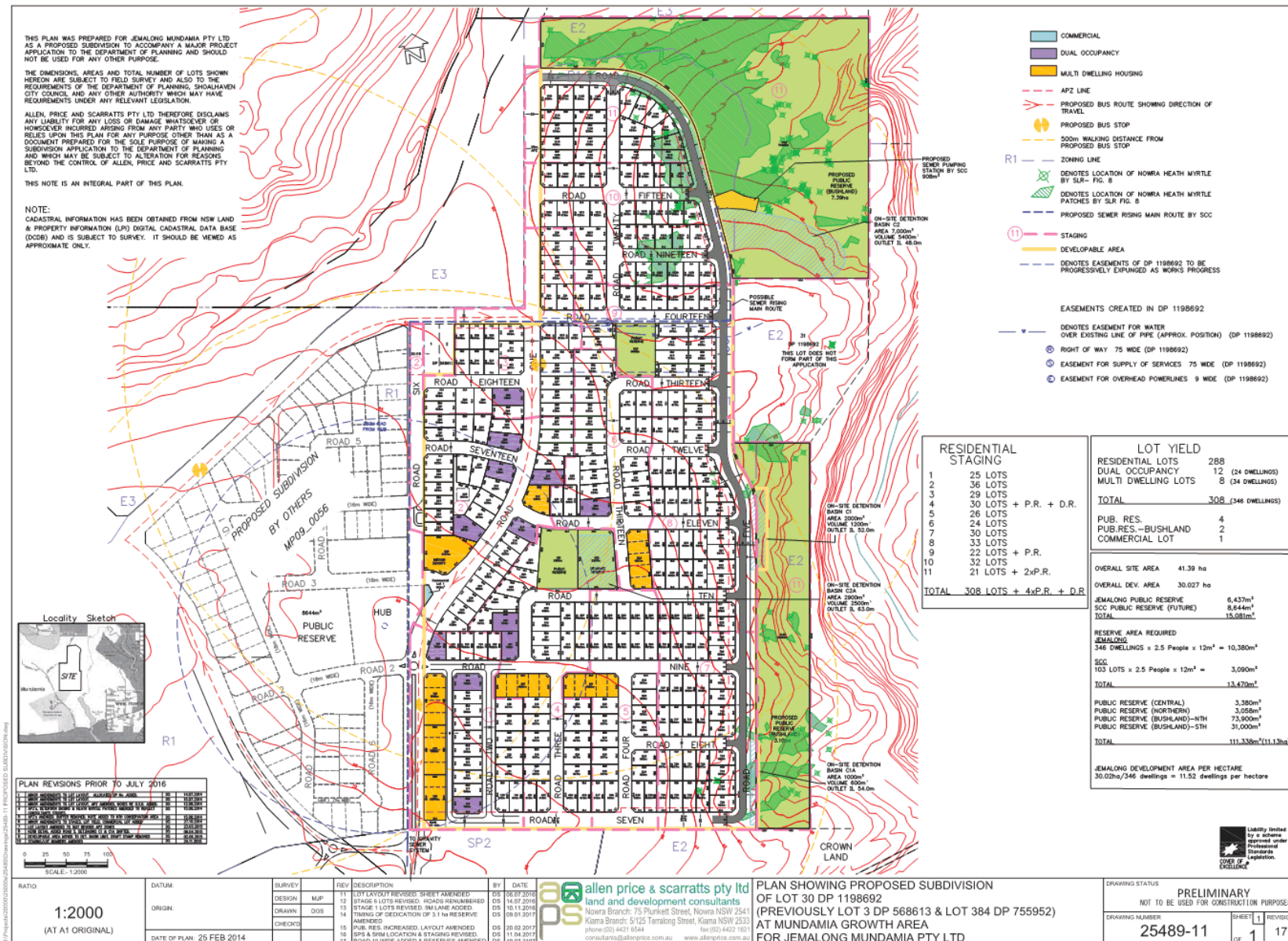
Summary and Conclusion

The applicant and NSW Department of Planning and Environment are seeking a commitment from Council towards contributing to road infrastructure costs of traffic calming devices, deemed necessary by the Department, including:

- Roundabout additional costs at intersection of road 1 and George Evans Road, Council to pay 58%.
- Roundabout additional costs at road 14 and Jonsson Road, Council to pay 18%.
- Entry threshold additional costs at intersection of Jonsson Road and Road 16, Council to pay 100%.

Based on proportions determined by the Department and costs provided by the applicant (dated 23 August 2018) sub-total Council's contribution (cost of difference to allocate to Council is \$135,979.26.

This is the "additional cost" to augment the base road design to accommodate the additional roundabouts and entry threshold. The additional cost is proposed to be share in accordance with proportions determined by the Department, based on theoretical traffic generation from both parcels of development identified in the DCP (Council's and the applicant's).





1 June 2018
Our Ref: 25489 MJPogp
Your Ref: MP08-0141

The General Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Attention: Ms Cathy Bern – Planning Manager

Dear Cathy,

LETTER OF OFFER FOR PROPOSED PLANNING AGREEMENT BETWEEN SHOALHAVEN CITY COUNCIL AND JEMALONG MUNDAMIA PTY LIMITED REGARDING COST SHARING OF PROPOSED ROUNDABOUTS AT MUNDAMIA

I refer to the request from Department of Planning and Environment (DPE) for a Voluntary Planning Agreement (VPA) to be established between Jemalong Mundamia Pty Limited and Shoalhaven City Council for the cost sharing of various traffic calming measures at the Mundamia Urban Release Area (URA).

I note that Shoalhaven City Council has established a number of projects in accordance with its Section 94 Contribution Plan (CP) for "lead in" road works at the Mundamia URA. The proposed VPA does not cover any of the works contained within the CP. I also note that the CP which was developed and endorsed by Council only required a roundabout at the intersection of Road 1 and Road 9 in the Jemalong subdivision as per the attached subdivision plan being APS drawing 25489-11 Rev 17.

Based on the traffic report and various addendum traffic reports prepared by TDG on behalf of DPE, it has been identified that:

- Roundabouts are not required at any intersection on "intersection capacity grounds";
- Traffic calming measures are desirable along Road 1;
- Roundabouts are one suitable form of traffic calming devices;
- Speed humps are another suitable form of traffic calming devices;
- The Jemalong subdivision contributes approximately 42% of the traffic load on the intersection of George Evans RD and Road 1;
- The Jemalong subdivision contributes approximately 82% of the traffic load on the intersection of Jonsson Rd, Road 1 and Road 14;

Based on the above analysis completed by DPE's consultants, a draft Schedule 1 to a proposed Planning Agreement is attached. It is understood that the parties will need enter into an agreement in accordance with Sections 93f to 93l of the Environmental Planning and Assessment Act 1979. The formalisation of the Planning Agreement is likely to be a condition of consent.

DPE has requested that Shoalhaven City Council confirm their willingness to enter into this VPA in writing.

Should you require further detail, please do not hesitate to contact us.

We look forward to hearing from you.

Yours faithfully
ALLEN PRICE & SCARRATTS PTY LTD



Matt Philpott



Schedule 1 to Proposed Planning Agreement between Jemalong Mundamia Pty Limited and Shoalhaven City Council

Stage	Public Benefits	
	Monetary Contributions	Land Contributions
1	On completion of the construction works for the proposed roundabout at the intersection of Road 1 and George Evans Rd, Shoalhaven City Council will pay Jemalong Mundamia Pty Limited 58% of the actual construction cost.	Shoalhaven City Council will ensure any adjoining land required to be dedicated or acquired as road reserve to allow the roundabout construction will be dedicated as road reserve to facilitate construction of the proposed intersection at a time that will not delay the release of this stage of Jemalong Mundamia's subdivision. If Jemalong Mundamia owns the required land, this land will be dedicated at no cost to Council.
3	On completion of the construction works for the proposed roundabout at the intersection of Road 1, Road 14 and Jonsson Rd, Shoalhaven City Council will pay Jemalong Mundamia Pty Limited 18% of the construction cost.	Shoalhaven City Council will ensure any adjoining land required to be dedicated or acquired as road reserve to allow the roundabout construction will be dedicated as road reserve to facilitate construction of the proposed intersection at a time that will not delay the release of this stage of Jemalong Mundamia's subdivision. If Jemalong Mundamia owns the required land, this land will be dedicated at no cost to Council..
11	On completion of the construction works for the proposed entry threshold north of the intersection of Jonsson Road and Road 16, Shoalhaven City Council will pay Jemalong Mundamia Pty Limited 100% of the construction cost.	Shoalhaven City Council will ensure any adjoining land required to be dedicated or acquired as road reserve to allow the entry threshold construction will be dedicated as road reserve to facilitate construction of the proposed traffic calming measure at a time that will not delay the release of this stage of Jemalong Mundamia's subdivision. If Jemalong Mundamia owns the required land, this land will be dedicated at no cost to Council..

MUNDAMIA VPA – ROAD WORKS
PREPARATION / REVIEW SUMMARY
(from 15.01.18 – 31.08.18)

DATE	ACTION
15.01.18	Email from APS Letter of Offer submitted
16.01.18	Email from SCC to DoPE comments including , as well as other issues, concerns regarding peer traffic assessment and assumptions therein.
25.01.18	Email from DoPE requested meeting with Applicant and SCC
13.02.18	Email from DoPE issued further draft conditions
15.02.18	Meeting held with DoPE, Applicant & SCC
20.02.18	Email from DoPE issued revised plan by applicant and request for further comment,
02.03.18	Email from SCC replied to DoPE
15.03.18	Email from SCC to applicant, confirming DoPE yet to determine DA, VPA to be considered in detail, once DA determined
28.03.18	Email from DoPE, request for add. Infor re: open space issue
05.04.18	Email from SCC to DoPE, response to open space issue and confirmed again, VPA needed also for proposed land dedication
17.04.18	Email form APS to SCC asking if SCC had sent final response to DoPE re; traffic
17.04.18	Email from SCC to APS confirming reply sent to DoPE as per 02.03.18
24.04.18	Email from to DoPE from SCC with traffic peer review version 2 – request for comments by 02.05.18 (extension issued till 04.05.17)
04.05.18	Email from SCC to DoPE – response to traffic review, version 2
11.05.18	Email from DoPE – thanking SCC for traffic comments and asking if the Dept could forward to comments to APS
11.05.18	Email to DoPE advising ok for traffic comments to be forwarded to APS
11.05.18	Email from APS asking if SCC had responded to DoPE yet
11.05.18	Email to APS with traffic response
30.05.18	Email from APS – TDG version 3 report and advising would be in touch re: letter of offer for VPA in next few days
30.05.18	Email from DoPE to SCC advising they have asked APS to offer to enter into a VPA and Traffic peer review version 3 referred for comment
01.06.18	Email from APS to SCC requesting Council to enter into VPA, with letter of offer and brief schedule of works including <ul style="list-style-type: none"> • Roundabout at intersection of road 1 and George Evans Road, SCC 58% • Roundabout at road 14 and Jonsson Road, SCC 18% • Entry threshold at intersection of Jonsson Road and Road 16, SCC 100%
12.06.18	Email from APS requesting urgent response to letter of offer
12.06.18	Email from SCC to APS – report likely due to delegation and information re: costs likely to be required
12.06.18	Phonecall with APS report likely
12.06.18	Email from SCC to APS confirming report needed for VPA issue.
13.06.18	Email from Councillor White acknowledging information and thanks for keeping her up to date.
14.06.18	Email from APS to SCC pressing for report.
14.06.18	Email from SCC to APS confirming support in principle, proposal in line with strategic thinking and request for details concerning costs.

14.06.18	Email from APS confirming they would contact Council re: what details required.
15.06.18	Call and Email from SCC to APS requesting cost breakdown.
15.06.18	Email from APS to SCC advising estimates and sketches being prepared.
15.06.18	Work begun on report to Council, assuming information imminent
18.06.18	Email from SCC to DoPE providing update, advising report required and being prepared.
28.06.18	Email from DoPE requesting update of report
28.06.18	Email from SCC to DoPE confirmed work on report begun, information from APS pending.
06.07.18	Email from APS to Council, concept design and cost estimates submitted.
09.07.18	Email from SCC to APS – feedback re: cost estimates. Costs required relate to cost difference (roads need to be constructed anyway, cost of difference for base road and additional costs) Revised costings needed
09.07.18	Email from APS advising principal of firm on annual leave.
11.07.18	Email from APS to SCC – revised cost schedule submitted (drawings the same).
11.07.18	Email from SCC to APS – advice that information will be reviewed.
23.07.18	Email from APS to SCC requesting timing of report.
23.07.18	Email from SCC to APS advising work in progress.
24.07.18	Email from SCC to APS result of review and re-requested “difference in costs” be provided. (Email was resent during Court proceedings on site (APS v SCC Worrigee))
01.08.18	Email from APS to SCC (16 documents) with further information, schedule of estimate quantities and costs and differences, summary schedule and preliminary concept drawings,
08.08.18	Phonecall from APS to SCC seeking update.
14.08.18	Email from SCC to APS, costings much better, and designs on right track, some refinement to ensure compliance with AUSTROADS needed. This further information requested, “to ensure the best possible estimates are obtained”
20.08.18	Emails x 2 from SCC to APS with request for details.
20.08.18	Email from APS to SCC with Interim response to request for additional information, design plans being reviewed and meeting request
21.08.18	Email from Clr White re: timing of report.
21.08.18	Response to Clr White, advising response provided to APS 20.8.18, awaiting further information from APS
23.08.18	Email from APS – preliminary concept drawings and revised schedule to VPA (16 documents)
24.08.18	Email from APS to SCC asking “who pays up front?” (Differs from schedule to letter of offer – SCC to pay on completion of works)
24.08.18	Meeting with SCC and APS
24.08.18	Traffic response <ul style="list-style-type: none"> • Roundabout at intersection of road 1 and George Evans Road, SCC to pay 58% of total difference of cost, or approx., \$78,025.08 • Roundabout at road 14 and Jonsson Road, SCC to pay 18% of difference of cost or approx., \$17,910.18 • Entry threshold at intersection of Jonsson Road and Road 16, SCC to pay 100% difference of cost, or approx.. \$40,044 Re: question re: payment timing question – possible solution 50% up front and 50% on completion – to be considered. Note: letter of offer requests Councils payment upon completion.
26.08.18	Work on draft report continued

27.08.18	Work on draft report continued
27.08.18	Email to DoPE thanks for latest comments, and confirming ok to show to proponent.
27.08.18	Phonecall from DoPE questioning when report would be before Council, advised attempting to make it to September meeting. Noting information submitted from Applicant late on 23.08.18.
28.08.18	Work on draft report continued
28.08.18	Email request from Clr White if addendum report possible
28.08.18	Email response to Clr White staff would try for addendum report
30.08.18	Work on draft report continued
30.08.18	Email from APS seeking confirmation of reply to Clr White , trying for addendum report to September meeting.
30.08.18	Email to APS confirming work on report continuing, trying for addendum to September meeting.
31.08.18	Work on draft report continued



Allen Price & Scarratts
Land & Development Consultants
75 Plunkett Street
NOWRA NSW 2541

Mundamia URA - Traffic calming device cost estimates - REV 3 22.08.2018

Notes

1. These preliminary cost estimates have been prepared for the basis of Section 94 negotiations with Shoalhaven City Council.
2. The quantities contained in this schedule have been taken off concept plan view 2d sketches only. No survey, design investigation or detailed design has been undertaken.
3. Rates have been taken from 2017/2018 projects managed by APS.
4. Survey, design and project management costs are reflective of APS fees on similar projects.

Project cost breakdown summary	Total cost excl GST
Sub Project 1 - Roundabout #1 - Extension of George Evans Road	\$ 134,526
Sub Project 2 - Roundabout #3 - Jonsson Road	\$ 99,501
Sub Project 3 - Threshold - Jonsson Road	\$ 40,044
Total Estimated Project Cost	\$ 274,071

Sub Project 1 - Roundabout #1 - Extension of George Evans Road
APS Drawing Ref: N25489-SK09, SK12, SK15 and SK18 - Rev P1

	Roundabout construction	No Roundabout	Additional cost of providing roundabout
ELEMENTS	AMOUNT excl GST	AMOUNT excl GST	AMOUNT excl GST
ESTABLISHMENT AND PRELIMINARIES	\$ 30,500	\$ 26,500	\$ 4,000
SITE WORKS	\$ 21,500	\$ 20,450	\$ 1,050
ROAD WORKS	\$ 158,680	\$ 103,120	\$ 55,560
STORMWATER DRAINAGE	\$ 19,425	\$ 19,740	-\$ 315
DRAINAGE PITS	\$ 26,400	\$ 26,400	\$ -
LANDSCAPE	\$ 10,684	\$ 5,700	\$ 4,984
CONCRETE WORKS	\$ 51,450	\$ 36,120	\$ 15,330
SUBSOIL DRAINAGE	\$ 3,700	\$ 3,760	-\$ 60
SIGNAGE AND ROAD FURNITURE	\$ 7,500	\$ 3,800	\$ 3,700
FENCING	\$ 5,000	\$ 5,000	\$ -
LINEMARKING	\$ 4,343	\$ 3,721	\$ 622
TESTING AND WAE	\$ 10,000	\$ 6,000	\$ 4,000
SOIL AND WATER MANAGEMENT	\$ 10,000	\$ 10,000	\$ -
STREETLIGHTING	\$ 30,000	\$ 25,000	\$ 5,000
PROFESSIONAL FEES	\$ 39,000	\$ 25,250	\$ 13,750
Sub Total (excl GST)	\$ 428,182	\$ 320,561	\$ 107,621
CONTINGENCY - 25%	\$ 107,046	\$ 80,140	\$ 26,905
Estimated Project Cost (excl GST)	\$ 535,228	\$ 400,701	\$ 134,526

Sub Project 2 - Roundabout #3 - Jonsson Road
APS Drawing Ref: N25489-SK10, SK13, SK14, SK16, SK19 and SK20 - Rev P1

	Roundabout construction	No Roundabout	Additional cost of providing roundabout
ELEMENTS	AMOUNT excl GST	AMOUNT excl GST	AMOUNT excl GST
ESTABLISHMENT AND PRELIMINARIES	\$ 48,000	\$ 44,000	\$ 4,000
SITE WORKS	\$ 15,000	\$ 14,370	\$ 630
ROAD WORKS	\$ 102,583	\$ 87,418	\$ 15,165
STORMWATER DRAINAGE	\$ 27,200	\$ 27,200	\$ -
DRAINAGE PITS	\$ 22,000	\$ 22,000	\$ -
LANDSCAPE	\$ 5,104	\$ 5,096	\$ 8
CONCRETE WORKS	\$ 56,830	\$ 25,990	\$ 30,840
SUBSOIL DRAINAGE	\$ 3,440	\$ 3,420	\$ 20
SIGNAGE AND ROAD FURNITURE	\$ 7,900	\$ 1,200	\$ 6,700
FENCING	\$ 5,000	\$ 5,000	\$ -
LINEMARKING	\$ 3,760	\$ 1,272	\$ 2,488
TESTING AND WAE	\$ 8,000	\$ 6,000	\$ 2,000
SOIL AND WATER MANAGEMENT	\$ 10,000	\$ 10,000	\$ -
STREETLIGHTING	\$ 30,000	\$ 25,000	\$ 5,000
SERVICES RELOCATIONS ALLOWANCE	\$ 20,000	\$ 20,000	\$ -
PROFESSIONAL FEES	\$ 38,000	\$ 25,250	\$ 12,750
Sub Total (excl GST)	\$ 402,817	\$ 323,216	\$ 79,601
CONTINGENCY - 25%	\$ 100,704	\$ 80,804	\$ 19,900
Estimated Project Cost (excl GST)	\$ 503,521	\$ 404,020	\$ 99,501

Sub Project 3 - Threshold - Jonsson Road
APS Drawing Ref: N25489-SK11 Rev P1 and SK17 Rev P1

	Threshold construction	No Threshold	Additional cost of providing Threshold
ELEMENTS	AMOUNT excl GST	AMOUNT excl GST	AMOUNT excl GST
ESTABLISHMENT AND PRELIMINARIES	\$ 9,000	\$ 8,000	\$ 1,000
ROAD WORKS	\$ 5,068	\$ 5,068	\$ -
CONCRETE WORKS	\$ 19,290	\$ 455	\$ 18,835
SIGNAGE AND ROAD FURNITURE	\$ 1,200	\$ -	\$ 1,200
LINEMARKING	\$ 1,000	\$ -	\$ 1,000
TESTING AND WAE	\$ 1,500	\$ -	\$ 1,500
STREETLIGHTING	\$ 5,000	\$ -	\$ 5,000
PROFESSIONAL FEES	\$ 7,500	\$ 4,000	\$ 3,500
Sub Total (excl GST)	\$ 49,558	\$ 17,523	\$ 32,035
CONTINGENCY - 25%	\$ 12,390	\$ 4,381	\$ 8,009
Estimated Project Cost (excl GST)	\$ 61,948	\$ 21,904	\$ 40,044

Allen Price & Scarratts
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ESTIMATED QUANTITIES - REV 3 22.08.2018 - Sub Project 1
Roundabout #1 - Extension of George Evans Road

- Notes
1. This estimate of quantities and construction costs has been prepared for the basis of Section 94 negotiations with GOC.
 2. The quantities contained in this schedule have been prepared off concept plan view 2d sketches only. No design investigation or detailed design has been undertaken.
 3. Rates have been taken from 2017/2018 projects managed by APS.
 4. Survey, design and project management costs are reflective of APS fees on similar projects.

ITEM	DESCRIPTION	Roundabout construction				No Roundabout				Additional cost of providing Roundabout
		QTY	UNIT	RATE	AMOUNT excl GST	QTY	UNIT	RATE	AMOUNT excl GST	
1	ESTABLISHMENT AND PRELIMINARIES									
1.1	Establishment	1	Item	10,000	\$ 10,000	1	Item	10,000	\$ 10,000	\$ -
1.2	Set out works	1	Item	5,000	\$ 5,000	1	Item	1,000	\$ 1,000	\$ 4,000
1.3	Services locations	1	Item	500	\$ 500	1	Item	500	\$ 500	\$ -
1.4	Preparation of 8,138 certificate and gaining approval thereof, including preparation and implementation of a traffic management plan and traffic control measures.	1	Item	5,000	\$ 5,000	1	Item	5,000	\$ 5,000	\$ -
1.5	Contract works insurances	1	Item	5,000	\$ 5,000	1	Item	5,000	\$ 5,000	\$ -
1.6	WHS, CEMP and GA management plans	1	Item	5,000	\$ 5,000	1	Item	5,000	\$ 5,000	\$ -
					Subtotal				Subtotal	\$ 4,000
2	SITE WORKS									
2.1	Tree clearing, Mulch and stockpile	1	Item	10,000	\$ 10,000	1	Item	10,000	\$ 10,000	\$ -
2.2	Strip topsoil and stockpile (based on 100mm thick). Trim and compact	2,500	m2	3	\$ 7,500	2,350	m2	3	\$ 7,050	\$ 450
2.3	Trim and compact footpaths and batters. Topsoil 100mm thick	1,000	m2	4	\$ 4,000	850	m2	4	\$ 3,400	\$ 600
					Subtotal				Subtotal	\$ 1,050
3	ROADWORKS									
3.1	Trim and compact subgrade	1,800	m2	4	\$ 7,200	1,470	m2	4	\$ 5,880	\$ 1,720
3.2	Subbase - DGS40 unbound, 350mm thick	1,800	m2	20	\$ 36,000	1,470	m2	20	\$ 29,400	\$ 6,600
3.3	Basecourse - DGS20, 150mm thick	1,390	m2	12	\$ 16,320	1,280	m2	12	\$ 15,360	\$ 960
3.4	Prime seal	1,300	m2	6	\$ 7,800	1,280	m2	6	\$ 7,680	\$ 120
3.5	40mm AC10	800	m2	35	\$ 28,000	1,280	m2	35	\$ 44,800	\$ 16,800
3.6	100mm AC20	1,010	m2	60	\$ 60,600	-	m2	60	\$ -	\$ 60,600
					Subtotal				Subtotal	\$ 55,560
4	STORMWATER DRAINAGE									
4.1	D375 R/L Class 3	185	m	105	\$ 19,425	188	m	105	\$ 19,740	\$ 315
					Subtotal				Subtotal	\$ 315
5	DRAINAGE PITS (including concrete benching)									
5.1	Standard R/P	12	Each	2,200	\$ 26,400	12	Each	2,200	\$ 26,400	\$ -
					Subtotal				Subtotal	\$ -
6	Landscape									
6.1	Street trees	10	Each	250	\$ 2,500	10	Each	250	\$ 2,500	\$ -
6.2	Yarding behind kerb and gutter (800mm wide)	148	m2	8	\$ 1,184	130	m2	8	\$ 1,040	\$ 144
6.3	Mulch disturbed areas	1,000	m2	2	\$ 2,000	1,000	m2	2	\$ 2,000	\$ -
6.4	Landscape central island	1	Each	5,000	\$ 5,000	-	Each	5,000	\$ -	\$ 5,000
					Subtotal				Subtotal	\$ 4,084
7	CONCRETE WORKS									
7.1	Kerb and gutter - Upright	165	m	65	\$ 10,725	188	m	65	\$ 12,220	\$ 165
7.2	SF kerb	114	m	100	\$ 11,400	130	m	100	\$ 13,000	\$ 1,600
7.3	SM kerb	57	m	100	\$ 5,700	-	m	100	\$ -	\$ 5,700
7.4	Footpath - 1.2m wide, 100mm thick, SL72 top, broom finish on 75mm compacted FCR	71	m2	75	\$ 5,325	92	m2	75	\$ 6,900	\$ 1,375
7.5	Prism ramps	4	Each	1,000	\$ 4,000	4	Each	1,000	\$ 4,000	\$ -
7.6	Concrete infill to refuges, island and annulus	130	m2	100	\$ 13,000	-	m2	100	\$ -	\$ 13,000
					Subtotal				Subtotal	\$ 15,330
8	SUBSOIL DRAINAGE (in fabric sock)									
8.1	DN100	185	m	20	\$ 3,700	188	m	20	\$ 3,760	\$ 60
					Subtotal				Subtotal	\$ 60
9	SIGNAGE & ROAD FURNITURE									
9.1	R3-400	7	Each	200	\$ 1,400	8	Each	200	\$ 1,600	\$ 200
9.2	W2-7	3	Each	250	\$ 750	-	Each	250	\$ -	\$ 750
9.3	R1-3	8	Each	250	\$ 2,000	-	Each	250	\$ -	\$ 2,000
9.4	D4-1-1	3	Each	250	\$ 750	1	Each	250	\$ 250	\$ 500
9.5	R2-3	3	Each	250	\$ 750	2	Each	250	\$ 500	\$ 250
9.6	G2-4 - Streetframe	1	Each	350	\$ 350	1	Each	350	\$ 350	\$ -
9.7	R1-1	-	Each	250	\$ -	2	Each	250	\$ 500	\$ 500
9.8	U-Rails	4	Each	500	\$ 2,000	2	Each	500	\$ 1,000	\$ 1,000
					Subtotal				Subtotal	\$ 3,700

10	FENCING												
10.1	Provide and maintain temporary fencing to construction zone	1	Item	5,000	\$	5,000	1	Item	5,000	\$	5,000	\$	-
				Subtotal	\$	5,000		Subtotal	\$	5,000	\$	-	
11	Linemarking												
11.1	E1	185	m	8	\$	1,480	188	m	8	\$	1,504	\$	24
11.2	E4	142	m	9	\$	1,278	130	m	9	\$	1,170	\$	108
11.3	BB	20	m	9	\$	180	20	m	9	\$	180	\$	-
11.4	1B	30	m	12	\$	360	16	m	12	\$	192	\$	168
11.5	RRMa	53	Each	15	\$	795	45	Each	15	\$	675	\$	120
11.6	Chevron linemarking	10	m2	25	\$	250	-	m2	25	\$	-	\$	250
				Subtotal	\$	4,343		Subtotal	\$	3,721	\$	622	
12	TESTING & W&E												
12.1	Density testing	1	Item	5,000	\$	5,000	1	Item	5,000	\$	5,000	\$	-
12.2	Road & Drainage V&E	1	Item	5,000	\$	5,000	1	Item	1,000	\$	1,000	\$	4,000
				Subtotal	\$	10,000		Subtotal	\$	6,000	\$	4,000	
13	SOIL AND WATER MANAGEMENT												
13.1	Soil and water management	1	Item	10,000	\$	10,000	1	Item	10,000	\$	10,000	\$	-
				Subtotal	\$	10,000		Subtotal	\$	10,000	\$	-	
14	Streetlighting												
14.1	Streetlighting	1	Item	30,000	\$	30,000	1	Item	25,000	\$	25,000	\$	5,000
				Subtotal	\$	30,000		Subtotal	\$	25,000	\$	5,000	
15	Professional fees												
15.1	Pavement design	1	Item	3,000	\$	3,000	1	Item	2,750	\$	2,750	\$	250
15.2	Lighting design	1	Item	3,000	\$	3,000	1	Item	2,500	\$	2,500	\$	500
15.3	Survey for design	1	Item	3,000	\$	3,000	1	Item	3,000	\$	3,000	\$	-
15.4	Detailed design	1	Item	15,000	\$	15,000	1	Item	10,000	\$	10,000	\$	5,000
15.5	Construction project management	1	Item	10,000	\$	10,000	1	Item	5,000	\$	5,000	\$	5,000
15.6	NPER Certification	1	Item	5,000	\$	5,000	1	Item	2,000	\$	2,000	\$	3,000
				Subtotal excl GST	\$	39,000		Subtotal excl GST	\$	25,250	\$	13,750	
				Grand Total (excl GST):	\$	428,182			\$	320,561	\$	107,621	
				Contingency (25%):	\$	107,046			\$	80,140	\$	26,905	
				Grand Total incl contingency (excl GST):	\$	535,228			\$	400,701	\$	134,526	



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Allen Price & Scarratts
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75 Plunkett Street
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ESTIMATED QUANTITIES - REV 3 22.08.2018 - Sub Project 3
Threshold - Jonsson Road

- Notes**
1. This estimate of quantities and construction costs has been prepared for the basis of Section 94 negotiations with SCC.
 2. The quantities contained in this schedule have been prepared off concept plan view 2d sketches only. No design investigation or detailed design has been undertaken.
 3. Rates have been taken from 2017/2018 projects managed by APS.
 4. Survey, design and project management costs are reflective of APS fees on similar projects.

ITEM	DESCRIPTION	Threshold construction				No Threshold				Additional cost of providing Threshold
		QTY	UNIT	RATE	AMOUNT excl GST	QTY	UNIT	RATE	AMOUNT excl GST	AMOUNT excl GST
1	ESTABLISHMENT AND PRELIMINARIES									
1.1	Establishment	1	Item	2,000	\$ 2,000	1	Item	2,000	\$ 2,000	\$ -
1.2	Set out works	1	Item	1,000	\$ 1,000	-	Item	1,000	\$ -	\$ 1,000
1.3	Services locations	1	Item	1,000	\$ 1,000	1	Item	1,000	\$ 1,000	\$ -
1.4	Preparation of S.138 certificate and gaining approval thereof, including preparation and implementation of a traffic management plan and traffic control measures.	1	Item	2,000	\$ 2,000	1	Item	2,000	\$ 2,000	\$ -
1.5	Contract works insurances	1	Item	1,000	\$ 1,000	1	Item	1,000	\$ 1,000	\$ -
1.6	WHS, OEMP and QA management plans	1	Item	2,000	\$ 2,000	1	Item	2,000	\$ 2,000	\$ -
				Subtotal	\$ 9,000			Subtotal	\$ 8,000	\$ 1,000
2	ROADWORKS									
2.1	Trim and compact subgrade	60	m2	15	\$ 900	60	m2	15	\$ 900	\$ -
2.2	Subbase - DGB40 unbound, 350mm thick	60	m2	20	\$ 1,200	60	m2	20	\$ 1,200	\$ -
2.3	Basecourse - DGB20, 150mm thick	58	m2	12	\$ 672	58	m2	12	\$ 672	\$ -
2.4	Prime seal	58	m2	6	\$ 330	58	m2	6	\$ 330	\$ -
2.5	40mm AC10	58	m2	35	\$ 1,990	58	m2	35	\$ 1,990	\$ -
				Subtotal	\$ 5,068			Subtotal	\$ 5,068	\$ -
3	CONCRETE WORKS									
3.1	Kerb and gutter - layback	99	m	65	\$ 6,395	7	m	65	\$ 455	\$ 6,395
3.2	Concrete raised threshold	58	m2	240	\$ 13,440	-	m2	240	\$ -	\$ 13,440
				Subtotal	\$ 19,290			Subtotal	\$ 455	\$ 18,835
4	SIGNAGE & ROAD FURNITURE									
4.1	WS-2	2	Each	300	\$ 600	-	Each	300	\$ -	\$ 600
4.2	WS-10	2	Each	300	\$ 600	-	Each	300	\$ -	\$ 600
				Subtotal	\$ 1,200			Subtotal	\$ -	\$ 1,200
5	Linemarking									
5.1	Linemarking	1	Item	1,000	\$ 1,000	-	Item	1,000	\$ -	\$ 1,000
				Subtotal	\$ 1,000			Subtotal	\$ -	\$ 1,000
6	Work As Executed									
6.1	Road & Drainage WAE	1	Item	1,500	\$ 1,500	-	Item	1,500	\$ -	\$ 1,500
				Subtotal	\$ 1,500			Subtotal	\$ -	\$ 1,500
7	Streetlighting									
7.1	Streetlighting	1	Item	5,000	\$ 5,000	-	Item	5,000	\$ -	\$ 5,000
				Subtotal	\$ 5,000			Subtotal	\$ -	\$ 5,000
8	Professional fees									
8.1	Survey for design	1	Item	500	\$ 500	1	Item	500	\$ 500	\$ -
8.2	Detailed design	1	Item	3,000	\$ 3,000	1	Item	500	\$ 500	\$ 2,500
8.3	Construction project management	1	Item	2,000	\$ 2,000	1	Item	1,500	\$ 1,500	\$ 500
8.4	NPER Certification	1	Item	2,000	\$ 2,000	1	Item	1,500	\$ 1,500	\$ 500
				Subtotal	\$ 7,500			Subtotal	\$ 4,000	\$ 3,500
				Grand Total (excl GST)	\$ 49,558				\$ 17,523	\$ 32,035
				Contingency (25%)	\$ 12,389				\$ 4,381	\$ 8,009
				Grand Total Incl contingency (excl GST)	\$ 61,948				\$ 21,904	\$ 40,044

SA18.230 Water rebate drought affected Farmers

HPERM Ref: D18/281564

Group: Shoalhaven Water Group
Section: Water Customer & Business Services

Purpose / Summary

At its Ordinary Meeting on 28 August 2018, Council resolved to receive a report on options available to provide relief to affected farmers. This report addresses Part 5 (c) of the resolution, relating to potential water rebates.

It is proposed that a rebate is made available to eligible farmers for the duration of the drought and that it be administered in a similar manner to that provided by Council to farmers previously during the drought in 2008-9. Whilst the level of assistance is likely to be greater on this occasion in light of the drought severity, the application of that assistance will still provide the necessary signals to encourage efficient water use noting that water restrictions are in place across the wider community.

Detailed regional conditions and the impact of the proposed assistance is submitted for consideration.

Recommendation

That Council

1. Provide upon application a water rebate to customers classified for the purposes of water consumption as rural/agricultural to take effect from 1 October 2018 and for the duration of the drought.
2. The rebate be calculated as a 50% reduction of the water usage charge for the difference between the calculated daily average consumption on a billed account and the daily average consumption of the previous corresponding three periods.
3. This proposal be publicly notified in accordance with Section 356 of the Local Government Act, and a further report be provided following the notification period and review of any written submissions received.

Options

1. Council could choose not to pay a rebate or make changes to the proposed rebate
2. Council can request further information on this issue

Implications: Dependent upon request

Background

NSW continues to experience widespread drought conditions with 100% of the State covered by one of the three drought categories (48% drought affected, 37% in drought and 15% intense drought). The drought has persisted in some NSW regions since October 2017, with dry conditions in the Shoalhaven resulting from low rainfall since March 2017.

In 2013 all jurisdictions (excluding QLD) ceased the practice of issuing a “drought declaration”.

SA18.230

Currently in NSW the Department of Primary Industries (DPI) reports on regional conditions and classifies Local Land Service (LLS) regions into the following categories: intense drought, drought, drought affected, recovering or non-drought conditions.

The table below provides further explanation of those categories.

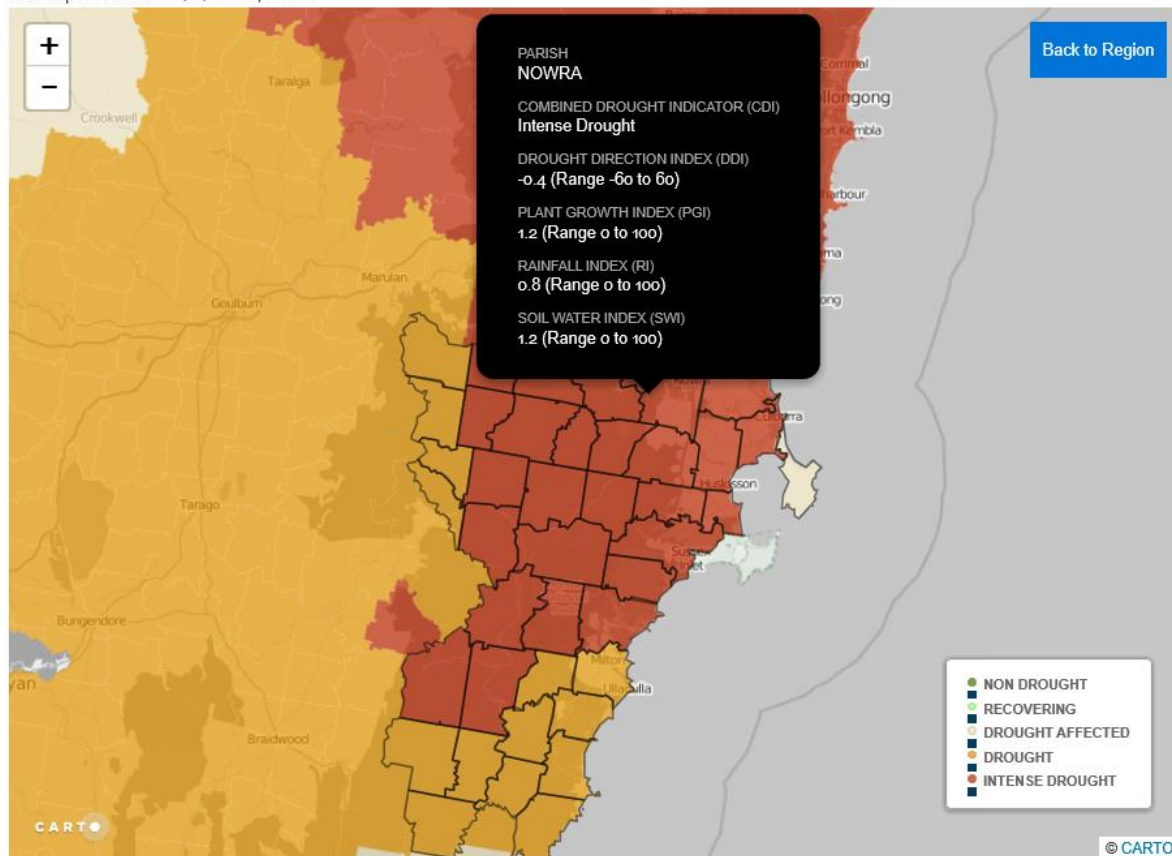
CDI Phase	Technical definition	Description - typical field conditions
Intense Drought	All three indicators (rainfall, soil water, plant growth) are below the 5 th percentile	Ground cover is very low, soil moisture stores are exhausted and rainfall has been minimal over the past 6-12 months.
Drought	At least one indicator is below the 5 th percentile	Conditions may be very dry, or agronomic production is tight (low soil moisture or plant growth). It is possible to be in Drought when there has been some modest growth, or a few falls of rain.
Drought Affected (intensifying)	At least one indicator is below the 30 th percentile and the rainfall trend is negative over the past 90 days.	Conditions are deteriorating; production is beginning to get tighter. Ground cover may be modest, but growth is moderate to low for the time of year. When indicators are close to the Drought threshold drought conditions are severe.
Drought Affected (weakening)	At least one indicator is below the 30 th percentile and the rainfall trend is positive over the past 90 days.	Production conditions are getting tighter, but there have been some falls of rain over the past month. It is rare to enter the Recovering phase from the Non-Drought category; Usually there is a quick (1-2 week) transition into Drought Affected or Drought. When indicators are close to the Drought threshold drought conditions are severe.
Recovering	All indicators are below the 50 th percentile but above the 30 th percentile	Production is occurring but would be considered 'below average'. Full production recovery may not have occurred if this area has experienced drought conditions over the past six months.
Non-drought	At least one indicator is above the 50 th percentile.	Production is not limited by climatic conditions.

A number of NSW regions including the South East Region (of which the Shoalhaven is a part) are experiencing intense drought. This means the regions farmers are experiencing a more acute rainfall deficit, low levels of soil moisture, poor pasture and crop production.

In comparison to NSW wide conditions, the South East region drought categories are more severe with 14.2% in intense drought (NSW 12.4%), 58.4% in drought (NSW 54.4%) and 27.4% drought affected (NSW 32.6%), based upon the current DPI Seasonal Update.

DPI update the Combined Drought Indicator (CDI) and mapping of drought conditions at a Parish level on a monthly basis. As depicted on the South East region map below, all parishes in the Shoalhaven region are experiencing intense drought conditions. The detailed index information is available on a Parish basis, as shown on the below map for the parish of Nowra.

Last updated on 11/9/2018, 2 AM



CDI = Combined Drought Indicator. RI = Rainfall Index. SWI = Soil Water Index. PGI = Pasture Growth Index. DDI = Drought Direction Index

Localised drought conditions

Dry conditions continue to be reported in the Shoalhaven and the Drought Management Plan (DMP) was activated to facilitate a constant review of water supply and demand considerations, weather projections and the implementation of water restrictions. Further information on the implementation of water restrictions including REMS supply restrictions was provided in a separate report to the Strategy and Assets Committee in August.

Government Assistance Measures

The Australian Government is supporting farmers through measures including loan schemes, farm household allowances, taxation measures, risk management programs and counselling services.

In 2015 the NSW Government launched its \$300 million Drought Strategy focusing on preparedness, improved decision making and targeted support for rural communities. In the NSW Budget 2018 the Government boosted drought assistance by \$284 million.

On 30 July 2018 (with then 99% of the State in drought) the NSW Government announced further support for farmers with an additional \$500 million Emergency Drought Relief Package, increasing the total drought assistance to more than \$1 billion. This assistance includes drought transport subsidies, business concessional loans, interest free loans for primary producers and subsidies on the permanent transfer of stock off a farm.

The Department of Primary Industries will implement this range of assistance measures in consultation and collaboration with Department of Industry, Roads & Maritime Services, NSW Health, Service NSW, Water NSW, Local Land Services, the Department of Premier and Cabinet and NSW Treasury. Varying conditions apply to accessing Government assistance, which is accessible through the Drought Hub on the DPI website.

SA18.230

Council Assistance through consumption based water rebates

Council have previously supported rural/agricultural properties through a water rebate in 2008/2009. That rebate was available on application (with no differentiation as to the type of farmland) and where the criteria for an increased demand of water consumption was met. Owners of other commercial or Community Service Obligation properties did not receive assistance even though some were reliant upon rainfall or impacted by the drought effects. Council should be aware that any assistance provided through a rebate for water supply will provide some rural/agricultural properties with an industry advantage over those properties not connected to potable water supply.

In 2018/19 there are 497 commercial properties in the rural/agricultural land use connected to water supply and sub-categorised as farms for purposes of levying water and sewerage charges. There is no distinction between the type of farm as is the case with rating. This compares to the 855 properties in the rating farmland category.

The 497 properties connected to water are charged for usage at a tariff of \$1.70 per kilolitre (this rate also applies to residential properties) or \$0.85 per kilolitre for raw water. Only 8 properties are supplied with raw water.

Currently the rural/agricultural properties which benefit from access to reclaimed water also generate a reduction on the demand for potable water supplies. The majority of REMS properties use potable or raw water supplies as part of their operations and would receive assistance upon application where the criteria for increased water consumption was met.

Proposed assistance

Previously the water consumption rebate was only applied where water usage had increased by 1.5 times greater than the daily average of the previous corresponding three periods. It is proposed to remove this factor in order to provide tangible relief to more rural/agricultural properties.

The rebate was calculated as a 50% reduction of the difference between the current daily average consumption (as shown on the quarterly Water Account) and the average water consumption for the previous corresponding three periods. This method of applying assistance is proposed to continue as it is most beneficial in accounting for seasonal influences. The calculation also provides appropriate relief measures in the event that extended drought conditions are experienced in the Shoalhaven.

Community Engagement

It is proposed to publicly notify the Community in accordance with the Local Government Act.

Notification of rebate and application process

Following the proposed notification period and evaluation of submissions, it would be Shoalhaven Water's intention to write to each customer outlining the details of the water rebate and how the assistance could be obtained and applied as a credit against the Water Account. The application process will be done online for simplicity and for probity contain sufficient information to support the rebate.

Financial Considerations

The 2018/19 budgeted position for the Water Fund may not be significantly impacted by the proposed water rebate however it is stressed that predictions of water usage and weather patterns cannot be accurately undertaken. Any required budget adjustments would be undertaken within the quarterly review process.

In the event of a prolonged period of drought (extending beyond the current financial year), future budgeting will consider the actual level of assistance provided to farmers during 2018/19 in determining the level of ongoing assistance available to farmers.

The amount of the rebate provided as a consequence of this initiative would be identified and reported as a “community service obligation and other assistance measures” item within the 2019/20 Delivery Program & Operational Plan.

LOCAL GOVERNMENT AMENDMENT (GOVERNANCE & PLANNING) ACT 2016

Chapter 3, Section 8A Guiding principles for councils

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
 - (i) performance management and reporting,
 - (ii) asset maintenance and enhancement,
 - (iii) funding decisions,
 - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
 - (i) policy decisions are made after considering their financial effects on future generations,
 - (ii) the current generation funds the cost of its services

Chapter 3, 8C Integrated planning and reporting principles that apply to councils

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.