

Strategy and Assets Committee

Meeting Date: Tuesday, 08 June, 2021
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5.00pm

Membership (Quorum - 5)
Clr John Wells - Chairperson
Clr Bob Proudfoot
All Councillors
Chief Executive Officer 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

1. **Apologies / Leave of Absence**
2. **Confirmation of Minutes**
 - Strategy and Assets Committee - 18 May 20211
3. **Declarations of Interest**
4. **Mayoral Minute**
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8. Confidential Reports

Reports

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| CSA21.25 | Proposed Acquisition of Land - Moss Vale Road South Urban Release Area |
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Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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.

CSA21.26 Caravan Park Opportunities in the Shoalhaven

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

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

CSA21.27 Mundamia Urban Release Area - Update

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

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

CSA21.28 Tenders - Albatross Aviation Technology Park - Stage 5 Subdivision

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

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

CSA21.29 Tenders - Panel for Provision of Construction Materials

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

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

CSA21.30 Tenders – Technical Services Consultants Capital Works Program

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

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

CSA21.31 Tenders – Panel Contract for Consultant Self Employed Project Managers – Capital Works Project Development and/or Delivery

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

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

CSA21.32 Tenders - Road Rehabilitation and Heavy Patching - BTU Road Nowra Hill

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

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

CSA21.33 Tenders - Main Road Cambewarra Water Main Relocation and Stage 1 - Moss Vale Road Water Lead-in Project

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

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

Strategy and Assets Committee

Delegation:

Pursuant to s377(1) of the *Local Government Act 1993* (LG Act) the Committee is delegated the functions conferred on Council by the LG Act 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

- a. 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, operational plan, and resourcing strategy within the meaning of Part 2 of Chapter 13 of the LG Act;
- b. 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 Chief Executive Officer;
- c. 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;
- d. Monitor, review and consider matters relating to the operations and strategic direction of Council's Holiday Haven Tourist Parks Group;
- e. All functions in respect of the management of, and facilities provided on Crown Land in respect of which Council is the 'Crown Land Manager' under Division 3.4 of the *Crown Lands Management Act 2016* and the making of recommendations to Council regarding such matters where the function is not dealt with under the delegations to the Chief Executive Officer or cannot be delegated by Council;
- f. Provision of corporate direction to Shoalhaven Water 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;
- g. 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;
- h. Make recommendations to Council in respect of fees and charges for water and wastewater services provided by Council;
- i. Develop, implement, review and adopt strategic policies for water, sewerage and effluent operations of Council;
- j. Undertake preliminary investigations (feasibility, cost benefit, risk analysis, etc.) into development opportunities for Council's strategic land holdings and make recommendations to Council;

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- k. Review and make recommendations to Council in relation to:
- i. The sale prices of land in connection with residential and industrial Council subdivisions;
 - ii. The sale of Council property or the purchase or resumption of land;
 - iii. The compensation to be offered in respect of land resumed by Council; and
 - iv. Properties leased/rented by Council, or properties leased/rented from Council other than those delegated to the Chief Executive Officer for approval and execution in accordance with MIN14.912 and MIN15.237 of the Council.
- Note: MIN14.912 delegates authority to the Chief Executive Officer to approve and execute leases and licences that are for a maximum term of 5 years; and are in accordance with current policies and relevant legislation; and have an annual rental of \$5,000 or less; and have not been objected to as a result of the public exhibition process (Community Land).*
- In addition, MIN14.912 delegates authority to the Chief Executive Officer to approve and execute telecommunications licences where the agreement relates to an existing telecommunication site.*
- Note: MIN15.237 delegates authority to the Chief Executive Officer to approve and finalise all lease negotiations in relation to the properties now managed by Integrity Real Estate ... and to sign any documents necessary to give effect to this resolution.*
- l. To determine and accept all tenders with a value of \$1 Million or more with the following exceptions (MIN17.334):
- i. Those tenders required by law to be determined by full Council (MIN17.334),
 - ii. Those tenders where the recommendation is to not accept any tender (which will be reported directly to Ordinary) (GD19.164).

MINUTES OF THE STRATEGY AND ASSETS COMMITTEE

Meeting Date: Tuesday, 18 May 2021
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

Clr John Wells - Chairperson
Clr Amanda Findley
Clr Joanna Gash
Clr Patricia White
Clr Kaye Gartner
Clr Nina Digiglio
Clr John Levett
Clr Andrew Guile – (remotely)
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot
Mr Stephen Dunshea - Chief Executive Officer

Apologies / Leave of Absence

Apologies were received from Clr Alldrick and Clr Pakes.

Confirmation of the Minutes

RESOLVED (Clr Digiglio / Clr White) MIN21.259

That the Minutes of the Strategy and Assets Committee held on Tuesday 13 April 2021 be confirmed.

CARRIED

Declarations of Interest

Clr Kitchener – SA21.90 - Mollymook Outriggers Club - Storage Site Location –significant non pecuniary interest declaration – Will leave the room and will not take part in discussion or vote – Friends, campaign helpers, colleagues and people known to him socially are members of the club.

MAYORAL MINUTES

Nil

DEPUTATIONS AND PRESENTATIONS

SA21.73 - Notice of Motion - Creating a Dementia Friendly Shoalhaven

Ms Natalie Banks addressed the meeting and spoke in favour of the recommendation.

SA21.74 - Notice of Motion - Reconstruction and Sealing Hames Rd Parma.

Mr Greg Urquhart, representing Residents of Hames Road, Parma, addressed the meeting and spoke in favour of the recommendation.

Procedural Motion - Matters of Urgency

MOTION (Clr Gash)

That an additional item in relation to sending a letter of condolence to the family of the late Charlie Weir be introduced as a matter of urgency.

The Chairperson ruled the matter as urgent.

SA21.110 Condolences - Charlie Weir

RESOLVED (Clr Gash / Clr Findley)

MIN21.260

That Council send a letter of condolence to the family of the late Charlie Weir.

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

SA21.73 Notice of Motion - Creating a Dementia Friendly Shoalhaven

HPERM Ref:
D21/127978

Recommendation

That Shoalhaven City Council:

1. Implement the principles and recommendations in the *Alzheimer's Support Australia – Creating Dementia-Friendly Communities toolkit for Local Government* to make the Shoalhaven a “Dementia-Friendly Community” and enable best practice outcomes for those in our city living with dementia.
2. Acknowledge the Ageing population of the Shoalhaven deserve the values we uphold: Respect, Collaboration, Adaptability and Integrity.

RESOLVED (Clr Digiglio / Clr Proudfoot)

MIN21.261

That Shoalhaven City Council:

1. Receive a report from the CEO regarding the implications of the recommendations contained in the *Alzheimer's Support Australia – Creating Dementia-Friendly Communities toolkit* for Local Government and the implications, including any costs and benefits, associated with implementing any or all of those recommendations.
2. Acknowledge the Ageing population of the Shoalhaven deserve the values we uphold: Respect, Collaboration, Adaptability and Integrity.

CARRIED

SA21.74 Notice of Motion - Reconstruction and Sealing Hames Rd Parma

HPERM Ref: D21/162653

Recommendation (Item to be determined under delegated authority)

That:

1. Council give priority to the reconstruction and sealing of Hames Rd Parma and include it in the 2022-23 roads programme, or should a funding source become available earlier consider the road for a special allocation.
2. Additional funding sources could be but are not restricted to special stimulus, or road grants, savings on projects or the reallocation of funds from projects included in the 2021-22 Operational Plan which are unable to commence in the financial year.

RESOLVED (Clr Watson / Clr Findley)

MIN21.262

That:

1. Council give priority to the reconstruction and sealing of Hames Rd Parma and include it in the 2022-23 roads programme, or should a funding source become available earlier consider the road for a special allocation.
2. Additional funding sources could be but are not restricted to special stimulus, or road grants, savings on projects or the reallocation of funds from projects included in the 2021-22 Operational Plan which are unable to commence in the financial year.

FOR: Clr Wells, Clr Findley, Clr Gash, Clr White, Clr Gartner, Clr Digiglio, Clr Levett, Clr Guile, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

Note: The voting on this item has been recorded in the Minutes at the request of the Chairperson.

SA21.75 Notice of Motion - Cost of Refurbishment of the Mayoral Office

HPERM Ref: D21/180251

Recommendation (Item to be determined under delegated authority)

That the CEO provide a report on the following:

1. The cost of the refurbishment of the Mayor's Office including the furniture;
2. Where is the Sassafras Rosewood Credenza, the Black Wood Desk and the Board Room Table;
3. The total cost of the project including an estimate of the cost of Council Staff used in the

refurbishment;

4. This matter be dealt with under delegation.

RESOLVED (Clr Watson / Clr Proudfoot)

MIN21.263

That the item be received for information.

FOR: Clr Wells, Clr Findley, Clr Gash, Clr White, Clr Levett, Clr Guile, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Clr Gartner and Clr Digiglio

CARRIED

**SA21.76 Notice of Motion - Madeira Vine Infestation Transport
For NSW Land Berry**

**HPERM Ref:
D21/184184**

Recommendation (Item to be determined under delegated authority)

That Council make urgent representations to Transport for NSW in respect of an infestation of Madeira Vine plants around their sediment control ponds on the Northern side of Berry, requesting them to either undertake the control of the weeds or fund the local land care group to undertake the maintenance of the area for them.

RESOLVED (Clr Watson / Clr White)

MIN21.264

That Council make urgent representations to Transport for NSW in respect of an infestation of Madeira Vine plants around their sediment control ponds on the Northern side of Berry, requesting them to either undertake the control of the weeds or fund the local land care group to undertake the maintenance of the area for them.

CARRIED

SA21.77 Notice of Motion - Possible RAAF World War 2 Memorial

**HPERM Ref:
D21/184229**

Recommendation (Item to be determined under delegated authority)

That:

1. Council agree to facilitate the formation of a Working Party to investigate the possible establishment of a RAAF Memorial to commemorate the RAAF and American involvement in the Shoalhaven during the Second World War.
2. The CEO be delegated the authority to seek an interim Heritage Order on the former Torpedo Workshop and associated bunker located at the Timber Mill, 50 BTU Road, Nowra Hill as a matter of urgency and the current owner be advised of this decision.
3. The Working Party be Chaired by Capt. Cris George RAN ret. and initially comprise one representative nominated from the Nowra Historical Society and the CEO or delegate.
4. The Working Party be delegated the power to co-opt other members.
5. The Working Party be authorised to make recommendation to Council on the following:
 - a. The possible preservation critical heritage infrastructure associated with the RAAF and to make recommendations to Council in respect of the heritage listing in the LEP and the possible immediate interim protection of items considered at risk i.e. the torpedo workshop and magazine.
 - b. The possible establishment of a suitable Memorial.

- c. The application for grants to establish a memorial.
- d. The possible inclusion of some RN and American recognition.
- e. Any other matters that relate to the subject proposal.

MOTION (RESOLVED) (Clr Watson / Clr White)

MIN21.265

That:

1. Council agree to facilitate the formation of a Working Party to investigate the possible establishment of a RAAF Memorial to commemorate the RAAF, RAF and American involvement in the Shoalhaven during the Second World War.
2. The CEO be delegated the authority to seek an interim Heritage Order on the former Torpedo Workshop and associated bunker located at the Timber Mill, 50 BTU Road, Nowra Hill as a matter of urgency and the current owner be advised of this decision.
3. The Working Party be Chaired by Capt. Cris George RAN ret. and initially comprise one representative nominated from the Nowra Historical Society and the CEO or delegate.
4. The Working Party be delegated the power to co-opt other members.
5. The Working Party be authorised to make recommendation to Council on the following:
 - a. The possible preservation critical heritage infrastructure associated with the RAAF and to make recommendations to Council in respect of the heritage listing in the LEP and the possible immediate interim protection of items considered at risk i.e. the torpedo workshop and magazine.
 - b. The possible establishment of a suitable Memorial.
 - c. The application for grants to establish a memorial.
 - d. The possible inclusion of some RN and American recognition.
 - e. Any other matters that relate to the subject proposal.

CARRIED

AMENDMENT (Clr Findley / Clr Gartner)

That Council engage with a suitable heritage consultant to undertake the necessary work as outlined in the BURRA CHARTER for heritage to understand the significance of the former torpedo workshop and the best way to value and commemorate the history.

FOR: Clr Findley, Clr Gartner, Clr Digiglio and Clr Levett

AGAINST: Clr Wells, Clr Gash, Clr White, Clr Guile, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

LOST

The Chairperson ruled Clr Gartner out of order for not addressing the item with relevance.

Clr Proudfoot raised a Point of Order against unspecified Councillors in the Chamber playing politics. The Chairperson did not rule it as a Point of Order.

Clr Gartner raised a Point of Order against unspecified Councillors for impugning her reputation. The Chairperson did not rule it as a Point of Order.

Clr Gartner raised a Point of Order against Clr Watson for stating she and other Councillors were disrespecting the service community and imputing motivation. The Chairperson did not rule it as a Point of Order and asked Clr Watson not to impute motivations to other Councillors.

Clr Gartner raised a Point of Order against Clr Watson for stating she had abused him, whereas

she had not. The Chairperson asked both Clr Watson and Clr Gartner to apologise.

The Chairperson ruled that Clr Garter was out of order, stating that he believed Clr Watson had consulted with the community, and that Clr Gartner had imputed improper motives to him by comparing his actions in this matter to those relating to another property.

PROCEDURAL MOTION - ADJOURNMENT OF MEETING (Clr Gash / Clr Gartner)

That the meeting be adjourned for 5 minutes

FOR: Clr Findley, Clr Gash, Clr Gartner, Clr Levett and Clr Kitchener

AGAINST: Clr Wells, Clr White, Clr Digiglio, Clr Guile, Clr Watson, Clr Proudfoot and Stephen Dunshea

LOST

Clr Levett raised a Point of Order under 15.11(d) of the Code of Meeting Practice against Clr Watson for implying that those who argue against the Motion are by projection dishonouring the war dead, and asked that he apologise unreservedly and withdraw the imputation. Clr Watson withdrew the comment. Clr Levett raised a further Point of Order against Clr Watson for implying that if he votes against the Motion it is making a statement about our war dead. The Chairperson did not rule it as a Point of Order.

MOTION WAS PUT AND CARRIED

FOR: Clr Wells, Clr Gash, Clr White, Clr Guile, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Clr Findley, Clr Gartner, Clr Digiglio and Clr Levett

Call Over of the Business Paper

The following items were called up for debate:

SA20.78, SA20.79, SA20.81, SA20.82, SA20.83, SA20.85, SA20.87, SA20.89, SA20.90, SA20.97, SA20.106.

The remaining items were resolved en bloc (Clr White/Clr Gash) at this time. They are marked with an asterisk (*) in these Minutes.

REPORTS

SA21.78 Application for Community Consultative Body Council Accreditation - Burrill Lake Community Association

HPERM Ref: D21/112996

Recommendation (Item to be determined under delegated authority)

That Council recognise Burrill Lake Community Association as a Community Consultative Body (CCB).

RESOLVED (Clr White / Clr Proudfoot)

MIN21.266

That Council recognise Burrill Lake Community Association as a Community Consultative Body (CCB).

CARRIED

SA21.79 Recruitment of Employees Update

HPERM Ref:
D21/74629

Recommendation (Item to be determined under delegated authority)

That the Recruitment of Employees Update report be received for information.

RESOLVED (Clr Proudfoot / Clr Findley)

MIN21.267

That the Recruitment of Employees Update report be received for information.

CARRIED

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

SA21.80 Status Report - Naming Berrara Reserve - Rob Bourke Reserve

HPERM Ref:
D21/81250

RESOLVED* (Clr White / Clr Gash)

MIN21.268

That Council does not proceed with the naming of Berrara Reserve after Mr Rob Bourke for the reasons outlined in the report and advise the Bourke family of Council's decision.

CARRIED

SA21.81 DPOP 2020-21 - Quarterly Performance and Budget Report (January-March)

HPERM Ref:
D21/161574

Recommendation (Item to be determined under delegated authority)

That Council:

1. Receive the March Quarterly Performance Report on the 2017-2022 Delivery Program and 2020-2021 Operational Plan and publish on Council's website.
2. Receive the March Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the March Quarterly Budget Review document.

RESOLVED (Clr White / Clr Findley)

MIN21.269

That Council:

1. Receive the March Quarterly Performance Report on the 2017-2022 Delivery Program and 2020-2021 Operational Plan and publish on Council's website.
2. Receive the March Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the March Quarterly Budget Review document.

CARRIED

SA21.82 Policy - Liquidity Contingency Plan

HPERM Ref:
D21/186706

Recommendation (Item to be determined under delegated authority)

That Council:

1. Receive and note the Draft Liquidity Contingency Plan presented as Attachment 1.

2. Refer the Draft Plan to the Office of Local Government and to the NSW Local Finance Professionals seeking feedback on this Shoalhaven Council initiative and its potential for broader take-up across NSW Councils.
3. Receive a further report on any feedback received in response to the referrals referenced above for consideration in Council's decision in respect of final adoption of the Liquidity Contingency Plan.

RESOLVED (Clr White / Clr Guile)

MIN21.270

That Council:

1. Receive and note the Draft Liquidity Contingency Plan presented as Attachment 1.
2. Refer the Draft Plan to the Office of Local Government and to the NSW Local Finance Professionals seeking feedback on this Shoalhaven Council initiative and its potential for broader take-up across NSW Councils.
3. Receive a further report on any feedback received in response to the referrals referenced above for consideration in Council's decision in respect of final adoption of the Liquidity Contingency Plan.

FOR: Clr Wells, Clr Findley, Clr Gash, Clr White, Clr Gartner, Clr Digiglio, Clr Levett, Clr Guile, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

Note: The voting on this item has been recorded in the Minutes at the request of the Chairperson.

**SA21.83 Report Back - Jervis Bay National Park - Council
Property Transfers**

**HPERM Ref:
D21/69325**

Recommendation (Item to be determined under delegated authority)

That Council receive the report on the status of the Council land transfers to the Jervis Bay National Park for information.

RECOMMENDATION (Clr Levett / Clr Digiglio)

That Council:

1. Receive the report on the status of the Council land transfers to the Jervis Bay National Park.
2. Write to the Minister for the Environment The Hon Matt Kean in regards to possible transfers of land to the National Park to include the following:
 - a. Lot 2 DP 1087105 Leo Drive Narrawallee (Garrads Reserve)
 - b. Lot 5 DP 1087106 Garrads Lane Narrawallee (Garrads Reserve)
 - c. Lot 29 DP 874275 Seaspray Street Narrawallee (For purchase by NSW Government and consistent with previous minutes)
3. Acknowledge that the three blocks as outlined above are contiguous with National Park land holding Narrawallee Creek Nature Reserve and would bring overall value to the National Parks estate as previously identified by the NSW State Government.

CARRIED

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

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| SA21.84 Proposed Sale of Land - Moss Vale Road South Urban Release Area | HPERM Ref: D21/125945 |
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RESOLVED* (Clr White / Clr Gash)

MIN21.271

That Council, in accordance with Section 10A(2)(c) of the Local Government Act 1993, consider a separate confidential report in relation to a property matter in the Moss Vale Road South Urban Release Area.

CARRIED

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| SA21.85 Proposed Lease - Council as Lessee - Unit 1, 51 Graham Street, Nowra | HPERM Ref: D21/176484 |
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Recommendation

That:

1. Council enter into a Lease agreement with Churston Quay Pty Ltd ATF Torbay Superannuation Fund for Unit 1, 51 Graham Street, Nowra being lot 1 SP 63182 in accordance with the terms outlined in the confidential attachment;
2. The terms of the lease remain confidential until adopted by Council;
3. Council authorise the rent to be paid from existing operational budget from the savings identified by management across all Directorates;
4. Council authorise the Common Seal of the Council of the City of Shoalhaven to be affixed to any document required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

RECOMMENDATION (Clr Proudfoot / Clr Gartner)

That:

1. Council enter into a Lease agreement with Churston Quay Pty Ltd ATF Torbay Superannuation Fund for Unit 1, 51 Graham Street, Nowra being lot 1 SP 63182 in accordance with the terms outlined in the confidential attachment;
2. The terms of the lease remain confidential until adopted by Council;
3. Council authorise the rent to be paid from existing operational budget from the savings identified by management across all Directorates;
4. Council authorise the Common Seal of the Council of the City of Shoalhaven to be affixed to any document required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

CARRIED

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| SA21.86 Tenders - Flinders Industrial Estate - Stage 10 Subdivision | HPERM Ref: D21/151326 |
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RESOLVED* (Clr White / Clr Gash)

MIN21.272

That Council consider a separate confidential report "Tenders – Flinders Industrial Estate – Stage 10 Subdivision" in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

CARRIED

**SA21.87 Public Spaces Legacy Program - Acceptance of Grant
for Ulladulla Harbour Boardwalk & Harbourside Project**

**HPERM Ref:
D21/186739**

Recommendation (Item to be determined under delegated authority)

That

1. Council accepts the offer of a grant from the Dept of Planning, Industry & Environment for \$3,000,000 (ex GST) from the NSW Public Spaces Legacy Program to undertake the Ulladulla Harbour Boardwalk & Harbourside project
2. The CEO be authorised to sign the necessary deed and documentation to enable this grant to be taken up.
3. Council writes to the Member for South Coast and the Dept of Planning, Industry & Environment extending its thanks to receive grant funding to undertake the Ulladulla Harbour Boardwalk & Harbourside project.

RESOLVED (Clr White / Clr Findley)

MIN21.273

That

1. Council accepts the offer of a grant from the Dept of Planning, Industry & Environment for \$3,000,000 (ex GST) from the NSW Public Spaces Legacy Program to undertake the Ulladulla Harbour Boardwalk & Harbourside project
2. The CEO be authorised to sign the necessary deed and documentation to enable this grant to be taken up.
3. Council writes to the Member for South Coast and the Dept of Planning, Industry & Environment extending its thanks to receive grant funding to undertake the Ulladulla Harbour Boardwalk & Harbourside project

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr Wells / Clr Findley)

MIN21.274

That the matter of item SA21.106 - Thurgate Oval - Proposed Dog Park - Status Update be brought forward for consideration.

CARRIED

SA21.106 Thurgate Oval - Proposed Dog Park - Status Update

**HPERM Ref:
D21/190948**

Recommendation (Item to be determined under delegated authority)

That Council

1. Request Bomaderry Community Inc. provide detailed construction-ready designs and quantity survey / estimate of probable costs to Council staff.
2. Write to the Community Building Partnerships program supporting the extension of the Community Building Partnerships funding granted to Bomaderry Community Inc. into the next financial year in order to align with the funding identified in the Draft DPOP for Thurgate Oval Dog Park.
3. Continue to work in collaboration with Bomaderry Community Inc to deliver Thurgate Oval Dog Park.

4. Establish a Council-led Project Control Group comprising relevant Council staff and representatives from Bomaderry Community Inc. and prepare a Project Governance Plan.
5. Continue to support Bomaderry Community Inc. in preparation of grant funding applications.

RESOLVED (Clr Digiglio / Clr White)

MIN21.275

That Council

1. Request Bomaderry Community Inc. provide detailed construction-ready designs and quantity survey / estimate of probable costs to Council staff.
2. Write to the Community Building Partnerships program supporting the extension of the Community Building Partnerships funding granted to Bomaderry Community Inc. into the next financial year in order to align with the funding identified in the Draft DPOP for Thurgate Oval Dog Park.
3. Continue to work in collaboration with Bomaderry Community Inc to deliver Thurgate Oval Dog Park.
4. Establish a Council-led Project Control Group comprising relevant Council staff and representatives from Bomaderry Community Inc. and prepare a Project Governance Plan.
5. Continue to support Bomaderry Community Inc. in preparation of grant funding applications.

CARRIED

Items marked with an * were resolved ‘en bloc’.

SA21.88 Callala Beach Drainage Maintenance & Construction

**HPERM Ref:
D20/82059**

RECOMMENDATION (Clr White / Clr Gash)

That Council, with regard to the management of stormwater in the Callala Beach Village:

1. Note that scheduled maintenance to desilt the eight absorption pits has been programmed to be completed before the end of this financial year from the existing maintenance allocation.
2. Note that from 2021/2022 and onwards (subject to operating budget allocations) 20 pits will be desilted every year at an annual cost of \$17,500. This means that 80 pits across the region will be desilted every four year at a total cost of \$70,000 over the four years. This work will most likely be packaged up as an annual contract with visual inspection/cleaning records being received prior to payment. The 2021/2022 draft budget be amended accordingly as part of the public consultation phase currently underway.
3. The Draft Interim Policy for “The disposal of stormwater from hard surfaces for infill or redevelopment” will be refined by Council staff, advertised seeking public comment and that comment will be reported back to Council for consideration before adoption.
4. Allocate \$80,000 in the long-term financial plan (2023/2024) to develop a long-term Stormwater Drainage Strategy for the Callala Beach catchment, with the ultimate arrangement to be a consideration of a hybrid drainage system consisting of a combination of gravity drained pipe outlets and absorption pits.

CARRIED

SA21.89 North Mollymook Beach - Car Parking & Pedestrian Access / Safety

**HPERM Ref:
D20/349606**

Recommendation

That:

1. Council allocate \$40,000 (2021/2022) towards the preparation of a Masterplan (including Community Consultation) which will enable better management of pedestrians and carparking at the North End of Mollymook Beach, to achieve improved safety and amenity for all – noting that the Master Planning process will:
 - a. Include an investigation on how best to manage pedestrian and carparking at the northern end of Mollymook Beach on Mitchell Parade at the top of the beach access stairway.
 - b. At the northern end of Mollymook Beach on Mitchell Parade, investigate the possibilities of opening the western side of Mollymoke Creek Reserve to overflow parking during the peak tourist season.
 - c. Include an investigation on how best to manage pedestrian and carparking around the corner at the North Mollymook Tallwood Avenue Shops which is described by residents as a motoring and pedestrian hazard.
 - d. At the northern end of Mollymook Beach on Carroll Avenue investigate the possibilities of opening the parking area in 'Bill Andriske Oval' to overflow parking during peak tourist season.
2. A draft Masterplan be considered at a future meeting of Council with a view to adoption and allocating further funds to prepare project plans that are 'shovel ready' to assist future funding considerations including possible grant applications.

RECOMMENDATION (Clr Findley / Clr Gartner)

That:

1. Council allocate \$40,000 (2021/2022) towards the preparation of a Masterplan (including consultation) which will enable better management of pedestrians and carparking at the North end of Mollymook beach, to improve safety and amenity for all – noting the following:
 - a. The plan will integrate with any strategic planning for coastal zone management/ coastal planning that may be under consideration for the Northern End of Mollymook Beach which appears to need some attention in regard to dune stabilisation alongside of Beach Rd.
 - b. Include an investigation on how best to manage pedestrian and carparking at Mitchell Parade in the vicinity of the beach access stairway.
 - c. Plan for the formalisation of the dirt carpark on the North Eastern Side of Mollymoke Farm Creek and NOT pursue the opening up of the western side that would involve any vegetation clearing.
 - d. Pursue a conversation with the Bill Andriske Management Committee in regard to how upgraded car park facilities can be used on non-match days.
 - e. Include investigation on how best to manage pedestrian and carparking around the corner at the North Mollymook Tallwood Ave Shops.
2. The draft masterplan be further considered at a future meeting of Council with a view to adopt and allocate funds to prepare plans to a 'shovel ready' state for future grant and internal funding considerations.

CARRIED

Note: Clr Kitchener left the meeting at 7.28pm

SA21.90 Mollymook Outriggers Club - Storage Site Location

HPERM Ref:
D20/397239

Clr Kitchener – SA21.90 - Mollymook Outriggers Club - Storage Site Location –significant non pecuniary interest declaration – Left the room and did not take part in discussion or vote – Friends, campaign helpers, colleagues and people known to him socially are members of the club.

Recommendation

That Council, following an extensive and unsuccessful search of sites in the Ulladulla Region to accommodate the Mollymook Outriggers Club's storage needs:

1. Support the Club's quest to obtain approval from the Crown to build a boat shed next to the Coastal Patrol Building at Ulladulla Harbour.
2. Add \$5,000 to the 2021/2022 draft budget (noting that the draft budget is currently on public exhibition) as Council's contribution to any documentation or studies or plans that are required for the Crown Lands process as determined by the CEO (Director City Services).

RECOMMENDATION (Clr Gash / Clr Gartner)

That Council, following an extensive and unsuccessful search of sites in the Ulladulla Region to accommodate the Mollymook Outriggers Club's storage needs:

1. Support the Club's quest to obtain approval from the Crown to build a boat shed next to the Coastal Patrol Building at Ulladulla Harbour.
2. Add \$5,000 to the 2021/2022 draft budget (noting that the draft budget is currently on public exhibition) as Council's contribution to any documentation or studies or plans that are required for the Crown Lands process as determined by the CEO (Director City Services).

CARRIED

Note: Clr Kitchener returned to the meeting at 7.30pm

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

SA21.91 Proposed Road Closure & Sale - Broughton Vale Road Broughton Vale

HPERM Ref:
D21/56320

RECOMMENDATION* (Clr White / Clr Gash)

That Council

1. Close the unformed part of Broughton Vale Road, Broughton Vale, being approximately 1,500m in length as shown in Attachment 1 (D21/56393) by a notice published in the Government Gazette as the road reserve is effectively landlocked.
2. Authorise the sale of the closed road to V Wasp Pty Ltd (adjoining property owner) for \$37,700 + GST (if applicable) and the proceeds from the sale be allocated to the Property Reserve.
3. Require the portion comprised in the road closure be consolidated into one lot with the parent Lot being Lot 19 DP 1264739.
4. Require all costs associated with the road closure and sale to be borne by V Wasp Pty Ltd.
5. Authorise the Chief Executive officer to sign any documentation required to give effect to this Resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

CARRIED

| | |
|--|-----------------------------|
| SA21.92 Community Fire Unit (CFU) - Bendalong / Manyana / Cunjurong Point / Berringer Lake - RFS - Report Request - Future Vacant Bendalong Station | HPERM Ref: D21/67104 |
|--|-----------------------------|

RESOLVED* (Clr White / Clr Gash) MIN21.276

That the Strategy and Assets Committee note that the existing Bendalong Rural Fire Station is still in operation. The RFS and Council have identified the need for a new facility at Manyana and a BLER grant application has been submitted. Considering the events of last year the RFS have advised that the existing station will remain operational until a replacement is built.

CARRIED

| | |
|---|------------------------------|
| SA21.93 Tenders - Basin Walk - Stage 2 | HPERM Ref: D21/153641 |
|---|------------------------------|

RESOLVED* (Clr White / Clr Gash) MIN21.277

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

CARRIED

| | |
|--|------------------------------|
| SA21.94 Tenders - Management & Operation of Holiday Haven White Sands | HPERM Ref: D21/159467 |
|--|------------------------------|

RESOLVED* (Clr White / Clr Gash) MIN21.278

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

CARRIED

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|--|------------------------------|
| SA21.95 Tenders - Management & Operation of Holiday Haven Lake Tabourie | HPERM Ref: D21/160695 |
|--|------------------------------|

RESOLVED* (Clr White / Clr Gash) MIN21.279

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

CARRIED

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|--|------------------------------|
| SA21.96 Tenders - Management and Operation of Holiday Haven Currarong | HPERM Ref: D21/167718 |
|--|------------------------------|

RESOLVED* (Clr White / Clr Gash) MIN21.280

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

CARRIED

SA21.97 12 Month Update of Electric Vehicle Trial**HPERM Ref:
D21/157431****Recommendation (Item to be determined under delegated authority)**

That Council note that after the first twelve months the trial has produced the following data:

- Electric vehicles are well suited for pool vehicles that are typically used for short, local journeys.
- Operators find the vehicles comfortable, safe and drivable.
- The range is a concern being 44% below specification.
- Airconditioning and lights markedly impact the range.
- The recharge is time consuming with fast charges still requiring ~9 hours.
- Greenhouse gas generation is markedly below comparator vehicles.
- Operational cost including depreciation is markedly more than comparator vehicles.
- Servicing in Sydney is a further demonstration of market maturity and limited vehicle numbers resulting in increased cost and reduced availability.

RESOLVED (Clr Gartner / Clr Findley)

MIN21.281

That Council note that after the first twelve months the trial has produced the following data:

- Electric vehicles are well suited for pool vehicles that are typically used for short, local journeys.
- Operators find the vehicles comfortable, safe and drivable.
- The range is a concern being 44% below specification.
- Airconditioning and lights markedly impact the range.
- The recharge is time consuming with fast charges still requiring ~9 hours.
- Greenhouse gas generation is markedly below comparator vehicles.
- Operational cost including depreciation is markedly more than comparator vehicles.
- Servicing in Sydney is a further demonstration of market maturity and limited vehicle numbers resulting in increased cost and reduced availability.

CARRIED

Note: The meeting adjourned at 7.41pm

Note: Clr Proudfoot, Clr White, and Clr Guile left the meeting at 7.41pm

Note: The meeting resumed at 8.10pm

The following members were present:

Clr John Wells - Chairperson
Clr Amanda Findley
Clr Joanna Gash
Clr Kaye Gartner
Clr Nina Digiglio
Clr John Levett
Clr Greg Watson
Clr Mark Kitchener
Mr Stephen Dunshea - Chief Executive Officer

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

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|---|------------------------------|
| SA21.98 Response - Question on Notice - Road Renewals & Building Maintenance | HPERM Ref: D21/160208 |
|---|------------------------------|

RESOLVED* (Clr White / Clr Gash) MIN21.282

That the response to the Questions on Notice from Cr Kaye Gartner at the Ordinary meeting of 27 April 2021 be received for information.

CARRIED

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|---|------------------------------|
| SA21.99 Bereavement Services - Crown Land Plan of Management - Progress to Public Exhibition | HPERM Ref: D21/171595 |
|---|------------------------------|

RESOLVED* (Clr White / Clr Gash) MIN21.283

That Council:

1. Proceed to Public Exhibition of the Council Managed Crown Land Cemeteries Plan of Management, upon receipt of Crown Lands concurrence to proceed to public exhibition
2. Undertake Public Exhibition of the Draft Plans of Management in accordance with the Crown Land Management Act 2016 and Local Government Act 1993 for a minimum period of 28 days, and
 - a. If no significant feedback is received as part of the public exhibition, the Draft Plans of Management be finalised and deemed adopted pursuant to section 38 of The Local Government Act 1993 and in accordance with 3.23(6) of the Crown Land Management Act 2016; or
 - b. If significant adverse feedback is as part of the public exhibition, the Draft Plans of Management, Council receive a report of the outcomes of the public exhibition period to Council prior to adoption.
3. If the Draft Plans of Management are deemed adopted, forward a copy of the adopted Plan of Management to the Department of Industry for record purposes.

CARRIED

| | |
|---|------------------------------|
| SA21.100 Protecting Our Towns from Bushfire - Report on Federal and State Inquiry Findings | HPERM Ref: D21/128226 |
|---|------------------------------|

Recommendation (Item to be determined under delegated authority)

That Council consider and note the outcomes of the NSW Bushfire Inquiry, The Royal Commission into National Natural Disaster Arrangements, and the Senate Inquiry.

RESOLVED (Clr Gash / Clr Digiglio) MIN21.284

That Council consider and note the outcomes of the NSW Bushfire Inquiry, The Royal Commission into National Natural Disaster Arrangements, and the Senate Inquiry.

CARRIED

| | |
|--|------------------------------|
| SA21.101 TfNSW Acquisition by Agreement Part Lot 415 DP 1210528 Gardenia Crescent Bomaderry (Princes Highway Bomaderry) | HPERM Ref: D20/546110 |
|--|------------------------------|

RECOMMENDATION* (Clr White / Clr Gash)

That Council:

1. Approve the acquisition by agreement of Part Lot 415 DP 1210528 being approximately 630sqm by TfNSW for the Princes Highway Upgrade project;
2. Delegate authority to the Chief Executive Officer to agree to the compensation amount determined by the Valuer General;
3. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any document requiring to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

CARRIED

SA21.102 Heating Options - Greenwell Point Village Pool

**HPERM Ref:
D21/83875**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Commit to the installation of Black Solar Collector Heating at Greenwell Point Village Pool, to be funded subject to any savings identified in the 2021/22 Swim Sport Fitness Capital Works Program.
2. Identify solar heating installations in the Long-Term Financial Plan, one location per annum at \$45,000 ex-GST per location, for the remainder of Council's Village Pools being Kangaroo Valley, Berry, Shoalhaven Heads and Milton to commence from the 2022/23 Budget.
3. Seek grant funding opportunities to expedite the installation of Black Solar Collector Heating at Greenwell Point Village Pool and other Village Swimming Pools across the Shoalhaven LGA.

RESOLVED (Clr Findley / Clr Digiglio)

MIN21.285

That Council:

1. Commit to the installation of Black Solar Collector Heating at Greenwell Point Village Pool, to be funded subject to any savings identified in the 2021/22 Swim Sport Fitness Capital Works Program.
2. Identify solar heating installations in the Long-Term Financial Plan, one location per annum at \$45,000 ex-GST per location, for the remainder of Council's Village Pools being Kangaroo Valley, Berry, Shoalhaven Heads and Milton to commence from the 2022/23 Budget.
3. Seek grant funding opportunities to expedite the installation of Black Solar Collector Heating at Greenwell Point Village Pool and other Village Swimming Pools across the Shoalhaven LGA.

CARRIED

SA21.103 Tender - Construction of Amenities Building - Milton Showground

**HPERM Ref:
D21/162625**

RESOLVED (Clr White / Clr Gash)

MIN21.286

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

CARRIED

SA21.104 Acceptance of Grant Funding - Regional Cultural Fund Digitisation Round

**HPERM Ref:
D21/170454**

Recommendation (Item to be determined under delegated authority)

That

1. Council accept the grant funding of \$132,481 (excl GST) from the Regional Cultural Fund Digitisation Round and undertake the project supporting volunteer museums to begin digitisation of collections
2. Write to Create NSW and The Hon. Don Harwin MLC, Minister for the Arts, to thank them for the grant.

RESOLVED (Clr Gartner / Clr Findley)

MIN21.287

That

1. Council accept the grant funding of \$132,481 (excl GST) from the Regional Cultural Fund Digitisation Round and undertake the project supporting volunteer museums to begin digitisation of collections
2. Write to Create NSW and The Hon. Don Harwin MLC, Minister for the Arts, to thank them for the grant.

CARRIED

SA21.105 Acceptance of Bushfire Community Recovery and Resilience Fund - Stream 2 Grants and 12 Month Extension of Community Recovery Officer Funding

**HPERM Ref:
D21/179057**

Recommendation (Item to be determined under delegated authority)

That Council

1. Accept the Bushfire Community Recovery and Resilience Fund Stream 2 Grant offer of \$170,915.00 to fund a 12-month fixed term position to deliver Community Needs Assessments for Bushfire Affected Communities.
2. Accept the Resilience NSW Funding of \$220,000 to extend the Bushfire Recovery Officer Position for a further 12 months and acknowledge that this funding includes an additional \$70,000 for programs.
3. Authorise the Director – City Lifestyles to sign the funding agreement with Resilience NSW for the above projects.
4. Write to the Minister David Littleproud MP, Minister for Agriculture, Drought and Emergency management to thank him for the additional Funding for the Community Recovery Officer.
5. Write to Minister John Barilaro MP, Minister for Regional NSW, Industry and Trade to thank him for the funding granted through the Bushfire Community Recovery and Resilience Fund for a Community Project Officer to deliver needs assessments to Bushfire affected communities in the Shoalhaven.

RESOLVED (Clr Gartner / Clr Digiglio)

MIN21.288

That Council

1. Accept the Bushfire Community Recovery and Resilience Fund Stream 2 Grant offer of \$170,915.00 to fund a 12-month fixed term position to deliver Community Needs Assessments for Bushfire Affected Communities.
2. Accept the Resilience NSW Funding of \$220,000 to extend the Bushfire Recovery Officer

Position for a further 12 months and acknowledge that this funding includes an additional \$70,000 for programs.

3. Authorise the Director – City Lifestyles to sign the funding agreement with Resilience NSW for the above projects.
4. Write to the Minister David Littleproud MP, Minister for Agriculture, Drought and Emergency management to thank him for the additional Funding for the Community Recovery Officer.
5. Write to Minister John Barilaro MP, Minister for Regional NSW, Industry and Trade to thank him for the funding granted through the Bushfire Community Recovery and Resilience Fund for a Community Project Officer to deliver needs assessments to Bushfire affected communities in the Shoalhaven.

CARRIED

SA21.106 THURGATE OVAL - PROPOSED DOG PARK - STATUS UPDATE

**HPERM REF:
D21/190948**

Item dealt with earlier in the meeting see MIN21.275

SA21.107 Shoalhaven Water - Debt Write Off - Telecommunications Rent

**HPERM Ref:
D21/118665**

RESOLVED* (Clr Gartner / Clr White)

MIN21.289

That Council, in accordance with Section10A(2)(c) of the Local Government Act 1993, consider a separate confidential report to consider writing off the debt in relation to Telecommunications Rent at Mt Cambewarra Telecommunications Facility.

CARRIED

SA21.108 Sale of Surplus Council Land at Terara

**HPERM Ref:
D21/136112**

RECOMMENDATION* (Clr White / Clr Gash)

That Council:

1. Resolve to vary MIN15.664 and:
2. Sell part of Lot 1 DP594857, shown edged red on 'Plan of Land to be Sold', for an amount of \$54,200.
3. Reimburse the purchaser's reasonable legal costs from Council's REMS Sewer Scheme Fund, in accordance with the original land exchange agreement with the adjoining landowner. Proceeds from the sale of the Council land are to be paid to that fund to partially offset the acquisition costs.
4. If necessary, adjust the purchase price for the lands in accordance with the area determined by final survey plan.
5. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.
6. Approve a subdivision of Lot 1 DP594857 under officer delegation.

CARRIED

**SA21.109 Acquisition of Easement for Sewerage Purposes - 14&16
Daley Crescent North Nowra**

**HPERM Ref:
D21/151649**

RECOMMENDATION* (Clr White / Clr Gash)

That

1. Council acquire an Easement for Sewerage Purposes 3 metres wide over part of Lots 19 & 20 DP22131, Nos. 14-16 Daley Crescent North Nowra as shown highlighted on the attached copy of DP 644296.
2. Council pay compensation of \$19,000, plus GST if applicable, and reasonable legal and valuation costs associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer Fund.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

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 Gartner / Clr Findley)

MIN21.290

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.

CSA21.9 Proposed Sale of Land - Moss Vale Road South Urban Release Area

Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 10(A)(2)(c)

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.

CSA21.10 Tenders – Flinders Industrial Estate – Stage 10 Subdivision

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.

CSA21.11 Tenders - Basin Walk Stage 2

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.

CSA21.12 Tenders – Management & Operation of Holiday Haven White Sands

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.

CSA21.13 Tenders – Management & Operation of Holiday Haven Lake Tabourie

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.

CSA21.14 Tenders – Management and Operation of Holiday Haven Currarong

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.

CSA21.15 Tender - Construction of Amenities Building - Milton Showground

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.

CSA21.16 Shoalhaven Water - Debt Write Off - Telecommunications Rent

Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 10(A)(2)(c)

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to undermine competitive neutrality in connection with any functions of an agency in respect of which it competes with any person or otherwise place an agency at a competitive advantage or disadvantage in any market.

CARRIED

The meeting moved into confidential the time being 8.12pm.

The meeting moved into open session, the time being 8.17pm.

REPORT FROM CONFIDENTIAL SESSION

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

CSA21.9 Proposed Sale of Land - Moss Vale Road South Urban Release Area

**HPERM Ref:
D21/125259**

This item is a Recommendation to Council to be addressed at the Ordinary Meeting on 25 May 2021.

CSA21.10 Tenders – Flinders Industrial Estate – Stage 10 Subdivision

**HPERM Ref:
D21/151430**

RESOLVED*

MIN21.291C

That:

1. Council accepts the tender option that uses Virgin Excavated New Material (VENM) or Excavated New Material (ENM) material as the fill material for the Stage 10 subdivision at the Flinders Industrial Estate
2. Council endorses the recommendation of the Tender Evaluation Team and accept the conforming Tender from Pascall Group Pty Ltd for Flinders Industrial Estate - Stage 10 Subdivision at a total cost of \$5,121,365.69 (excluding GST).
3. 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 Director City Futures, as the Principal's Representative.
4. Council authorises the Superintendent under the contract to adjust the contract for variations under the contract, authorise a purchase order in the amount of \$6,196,852.49 (including GST) for the contract plus 10% construction contingency and adjust the funding within Council's Financial system.
5. The recommendation remains confidential in accordance with Section 10(A)(2)(d)(i) of the Local Government Act until determined by Council.
6. Council staff investigate the acceptability of the future use of coalwash as a fill material, similar to the DCP of Wollongong City Council and, if considered acceptable, incorporate as a housekeeping amendment to the Shoalhaven DCP to permit coalwash as an engineered fill material.

CARRIED

CSA21.11 Tenders - Basin Walk Stage 2

**HPERM Ref:
D21/154355**

RESOLVED*

MIN21.292C

That

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from GC Civil Pty Ltd for the construction of Basin Walk Stage 2 for the amount of \$1,174,820.81 (excluding GST). Tender Reference 66180E.
2. Council approves a contingency budget of \$117,481.19 (excluding GST), bringing the total contract value to \$1,292,302.00 (excluding GST).

3. 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 CEO (Director City Services), as the Principal's Representative.

CARRIED

CSA21.12 Tenders – Management & Operation of Holiday Haven White Sands

HPERM Ref: D21/159490

RESOLVED*

MIN21.293C

That

1. Council adopt the recommendation of the Tender Assessment Team to accept the Tender from Arndell Industries Pty Ltd for Management and Operation of Holiday Haven White Sands
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 CEO (Director – City Services), as the Principal's Representative;
3. The recommendation remain Confidential in accordance with Section 10(A)(2)(d)(i) of the Local Government Act until Tenders are determined by Council.

CARRIED

CSA21.13 Tenders – Management & Operation of Holiday Haven Lake Tabourie

HPERM Ref: D21/160807

RESOLVED*

MIN21.294C

That

1. Council adopt the recommendation of the Tender Assessment Team to accept the Tender from LTPO Pty Ltd for the Management and Operation of Holiday Haven Lake Tabourie.
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 CEO (Director – City Services), as the Principal's Representative; and
3. The recommendation remain Confidential in accordance with Section 10(A)(2)(d)(i) of the Local Government Act until Tenders are determined by Council.

CARRIED

CSA21.14 Tenders – Management and Operation of Holiday Haven Currarong

HPERM Ref: D21/167898

RESOLVED*

MIN21.295C

That

1. Council accept the recommendation of the Tender Assessment Panel from Bellfive Pty Ltd for the Management and Operation of Holiday Haven Currarong
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 CEO (Director – City Services), as the Principal's Representative; and
3. The recommendation remain Confidential in accordance with Section 10(A)(2)(d)(i) of the Local Government Act until Tenders are determined by Council.

CARRIED

CSA21.15 Tender - Construction of Amenities Building - Milton Showground

**HPERM Ref:
D21/155307**

RESOLVED*

MIN21.296C

That:

1. In accordance with Section 178(1)(b) of the regulations Council decline to accept the (1) tender received for the construction of an amenities building at Milton Showground.
2. The CEO (Director City Lifestyles) consider carrying out the requirements of the proposed contract itself in accordance with Section 178(3)(f). Council's operational staff will project manage and complete aspects of the works in house.
3. The recommendation remains confidential in accordance with Section 10(A)(2)(d)(i) of the Local Government Act until determined by Council.

CARRIED

CSA21.16 Shoalhaven Water - Debt Write Off - Telecommunications Rent

**HPERM Ref:
D21/141103**

This item is a Recommendation to Council to be addressed at the Ordinary Meeting on 25 May 2021.

Procedural Motion - Matters of Urgency

MOTION (Clr Wells)

That an additional item to Call In DA21/1333 – 23 Parker Crescent Berry be introduced as a matter of urgency.

The Chairperson ruled the matter as urgent as attracting extensive public interest.

SA21.111 Call In DA21/1333 - 23 Parker Crescent Berry

RESOLVED (Clr Wells / Clr Watson)

MIN21.297

That Development Application DA21/1333 – 23 Parker Crescent Berry be called in due to extensive public interest.

CARRIED

There being no further business, the meeting concluded, the time being 8.23pm.

Clr Wells
CHAIRPERSON

SA21.112 Notice of Motion - Culburra Park - Potential Dog Off Leash Park

HPERM Ref: D21/222438

Submitted by: Cllr Joanna Gash

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 investigate the cost and suitability of the land known as Culburra Park, behind the shops at Culburra Beach Shopping Centre, for use as an off leash dog park.

Background

The park is fully enclosed with fencing around three sides of the park; the only area that would need to be fenced is the front of the block being entry into the park. There are toilet facilities and water on site together with some seating.

I am not aware of the usage of the site, but having visited the site on numerous times there appears to be very few people who actually use it.

SA21.112

SA21.113 Notice of Motion - Access To Rotary Nature Play Park, Boongaree, Berry

HPERM Ref: D21/226478

Submitted by: Cllr John Wells

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

1. Council construct kerb & guttering and a footpath on Prince Alfred Street Berry (between Albert Street and North Street)
2. The funds be sourced if possible from the budget already allocated to Boongaree Rotary Nature Play Park project.

Background

It is anticipated that the Rotary Nature Play Park at Boongaree, Berry will be completed by years end. It is therefore probable that the play facilities and associated infrastructure will be opened for use by the public shortly thereafter.

It is also anticipated that the most likely pedestrian access route will be along Prince Alfred Street from the Queen Street CBD area to North Street. There is line of sight to the new playground along Prince Alfred Street.

Presently Prince Alfred Street, between Queen Street and Albert Street, has kerb and gutter on both sides, a footpath on the south side and angle parking and in line parking on the north and south sides respectively.

Unfortunately Prince Alfred Street, between Albert Street and North Street, has no footpath, no kerb and gutter and the roadway is in urgent need of repair, this short section of road is also one of the lowest point of berry township and can be quite boggy after periods of heavy rain.

This 'problem' section of Albert Street is approximately 120 metres long and it would be unacceptable, given the level of investment in the park, to leave the Albert to North Street section of Prince Alfred Street without kerb and gutter and footpath access to Boongaree.

I am sure that the Rotary Club of Berry, the community, visitors and other stakeholders would be delighted if council could address the question of drainage, pedestrian access and road rehabilitation prior to Boongaree's nature play par opening.

It is proposed that these works be included in and funded from the project brief and budget already allocated to the project.

Note by the CEO

This improvements sought are outside the current scope of work for Boongaree and does not form part of the footprint of the park.

SA21.113

There is insufficient funding left in Stage 1 budget beyond that which is delivering the contracted scope works. Stage 2 works will go to the market early in the new financial year subject to the adoption of the draft DPOP by Council, this is for the skatepark and pump track.

The missing section of footpath, kerb and gutter have already been identified by Council staff, **preliminary costings** indicate funding for the works in Prince Alfred Street would be in the order of:

- Footpath, kerb and gutter, between North Street and Albert Street – Missing western side (57m):
 - Estimated cost - \$55,000, price includes footpath, kerb and gutter
 - Additional funds of
- Footpath, kerb and gutter, between North Street and Albert Street:
 - Missing eastern side 114m - Estimated cost - \$95,000 price includes footpath, kerb and gutter
 - Additional funds will be required for pavement reconstruction
- Pavement between North Street and Albert Street
 - \$135,000 will be required for pavement reconstruction and intersection reseal
- Footpath missing western side, 40m south of Albert Street – \$25,000

Allocation has not been made for the works in Council's budgets, however if Council determines to allocate funding towards this, these projects can be delivered in November 2021.

The next round of the Local Roads and Community Infrastructure grant program has recently been announced, however if successful these funds, based on current advice, will become available from January 2022.

SA21.114 Request to Vary Donation - City of Shoalhaven Eisteddfod Inc

HPERM Ref: D21/222616

Department: Business Assurance & Risk

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. Financial Assistance Request - City of Shoalhaven Eisteddfod Inc [↓](#)
2. Application Form [↓](#)

Reason for Report

To seek Council's approval for a one-off change of purpose for an Allocated Donation to the City of Shoalhaven Eisteddfod Inc.

Recommendation

That Council:

1. Approve the City of Shoalhaven Eisteddfod Inc's request for a variation of purpose for the remaining \$7,630 from the 2020/21 Allocated Donation of \$10,130 as a contribution towards the costs of a project aimed at promoting and maintaining the profile of the Shoalhaven Eisteddfod for 2022.
2. Allocate an additional donation of \$2,670 towards the cost of this project bringing the total donation for the 2020/21 Financial Year to \$12,800.

Options

1. As recommended.

Implications: City of Shoalhaven Eisteddfod Inc will be able to conduct a project that has a similar purpose to the Eisteddfod event.

2. Variation of donation amount.

Implications: City of Shoalhaven Eisteddfod Inc will receive a different donation amount.

3. Decline to approve the request.

Implications: City of Shoalhaven Eisteddfod Inc will not receive a donation from Council towards this project.

Background

Council has provided an annual Allocated Donation to the City of Shoalhaven Eisteddfod Inc for the City of Shoalhaven Eisteddfod for many years.

This year's donation of \$10,130 was funded in the 2020-21 Delivery Program / Operational Plan.

A payment of \$2,500 was made to the Shoalhaven Eisteddfod in August 2020 to offset fixed costs that had been outlaid for the 2020 Eisteddfod which was cancelled.

The Eisteddfod Committee is now requesting an increase in the donation of \$2,670 to \$10,300 be paid from the 2020-21 Donations budget, as a contribution to the project outlined below. This is in addition to the \$2,500 already provided.

The Committee have developed a plan to promote and maintain interest for the 2022 Eisteddfod via use of their Facebook page and website. The plan includes conducting a series of interviews across past contestants and those who contribute to the production of the Eisteddfod such as volunteers and adjudicators. The interviews will be professionally produced and the cost of this project is approximately \$15,000.

The application for the total amount of \$10,300 (inclusive of \$2,670) would substantially assist with the cost of the project as well as support the planned launch of the 2022 Shoalhaven Eisteddfod Syllabus in late October 2021.

Policy Implications

The application for donation has been completed in accordance with the current [Donations Policy \(POL16/181\)](#).

Financial Implications

\$2,500 of the Allocated Donation of \$10,130 has already been paid to the City of Shoalhaven Eisteddfod Inc, leaving a balance of \$7,630 available from their 2020/21 allocation. This balance is \$2,670 short of the \$10,300 being requested.

Should Council resolve to support the request for \$10,300, the additional \$2,670 will be funded from the Donations budget.



City of Shoalhaven Eisteddfod Inc.

ACNC/ABN 16 736 907 376

Website www.shoalhaveneisteddfod.org.au
Email: shoalhaveneisteddfod@gmail.com

PO Box 189 Nowra NSW 2541

The Mayor
Shoalhaven City Council
P.O. Box 42
NOWRA NSW 2541

14th May 2021

Dear Mayor Finley

City of Eisteddfod Council Donation

Although Council has provided a donation in August 2020 to offset fixed costs that were outlaid for the 2020 Eisteddfod due to the cancellation of the event, we would ask Council to consider granting the indexed donation of \$10,300 in order to proceed with the project outlined below.

In January 2021 the City of Shoalhaven Eisteddfod Committee made the difficult decision not to proceed with a 2021 Eisteddfod. At the time there was an outbreak of COVID19 in Sydney and Melbourne and, given that there are often contestants from Sydney and interstate, the Committee deemed it best not to proceed with the 2021 competition.

In making the decision, the committee took into consideration all aspects of the Eisteddfod: the potential changes to how the programme would run, limits on group sizes for performance, the requirements of social distancing, COVID cleaning requirements, the safety of all those involved.

The Committee then considered how we might maintain interest in the Eisteddfod until 2022 when we hope to proceed with the competition.

It was decided to make better use of our Facebook page and website by producing a series of interviews across a wide spectrum of those who have been involved as a contestant in the past: a 'Where are they now?' segment, given that many previous Eisteddfod entrants have pursued a career in the Performing Arts.

Interviews with those who contribute to the running of an Eisteddfod (adjudicators, volunteers, etc) are also planned. These items would be an enduring feature on the Eisteddfod social media site and website.

Based on a quote received the cost of a professional production of these interviews would be in the vicinity of \$15,000.00. The quote includes workshops with local students in video production. The Committee see this as a worthy project on which to expend funds to maintain the profile of the Shoalhaven Eisteddfod in the community.

This application for 2020-21 funding from Council would help substantially to defray the costs of this project and support a planned launch of the 2022 Shoalhaven Eisteddfod Syllabus in late October 2021.



Honorary Secretary



Address correspondence to The Chief Executive Officer, PO Box 42, Nowra NSW 2541 Australia
Bridge Rd, Nowra NSW 2541 02 4429 3111 | Deering St, Ulladulla NSW 2539 02 4429 8999
shoalhaven.nsw.gov.au | council@shoalhaven.nsw.gov.au

Application for Financial Assistance / Donation

City Performance

- Please refer to the Donations Policy before completing this application form. This information is the minimum required for an application
- Please attach additional information as requested in the Checklist of documents to be forwarded with application, as listed at the end of this form
- Please contact the Governance Team on (02) 4429 3316 for further details if required

| | | | |
|------|-----------|----------------|---------|
| Date | 11/5/2021 | Financial Year | 2020/21 |
|------|-----------|----------------|---------|

Details of Organisation/Individual

Name of Applicant/Organisation responsible for the event/activity

City of Shoalhaven Eisteddfod Inc.

Contact Person Details

| | |
|--------------------|------------|
| Name | [REDACTED] |
| Phone/Mobile Phone | [REDACTED] |
| Mailing Address | [REDACTED] |
| Email Address | [REDACTED] |

Type of Organisation (please tick all that apply)

| | | | |
|--|--|--|---|
| Not for Profit <input checked="" type="checkbox"/> | Registered Charity <input checked="" type="checkbox"/> | Incorporated <input checked="" type="checkbox"/> | Commercial Undertaking <input type="checkbox"/> |
| Other (please specify) | | | |

Details of Event/Project

Title of Project or Event Annual City of Shoalhaven Eisteddfod

Please give a brief description of the event/project for which assistance is sought

Refer attached letter dated 14th May 2021.

Date/s of the proposed event/project June /July 2021

Amount of assistance being sought \$ 10,130.00

Is this proposed to be an annual event/project Yes No ☒

Where will the event/project take place Locally produced advertising for Facebook & Eisteddfod Webb pages.

Name of the Public Liability Insurer Berkley Insurance Australia

Amount of Insurance Cover \$ 20,000,000.00

Will the proceeds of this event be donated to another organisation or charity Yes No ☒

If yes, please specify

Office Use Only

| | | |
|------------------------|------------------------------|--|
| Related Policies: | POL16/181 – Donations Policy |  |
| TRIM Form Number | FM21/12 | |
| Owned by (Department): | City Performance | |

shoalhaven.nsw.gov.au



SA21.114 - Attachment 2

| Funding | | | | | | |
|--|-----------------|--------|--------------|------------|------------------------|--|
| Who will the target audience or participants be | | | | | | |
| School students in the local area, Children and adults in the Arts fields of Vocal, Instrumental, Dance, Speech and Drama di | | | | | | |
| Will there be a fee, charge or contribution payable by participants Yes No ✓ | | | | | | |
| If so, please give details | | | | | | |
| Total cost of the event or project \$ 10,000.00 - \$15,000.00 | | | | | | |
| Funds held by the organisation that will be used to support the event or project \$ 20,000.00 | | | | | | |
| Has Council previously assisted your organisation with an event or project Yes ✓ No | | | | | | |
| If yes, what was the amount of assistance from Council | | | | | | |
| Year | 2018/19 | Amount | \$ 10,130.00 | | | |
| Year | 2017/18 | Amount | \$ 10,000.00 | | | |
| Year | 2016/17 | Amount | \$ 6,677.00 | | | |
| Have you applied for funding for this event or project from others Yes No ✓ | | | | | | |
| If yes, please state | | | | | | |
| a. Other funding from Council | | | | | | |
| Source | COVID-19 Relief | Amount | \$ 2500.00 | Successful | Yes ✓ No | |
| Source | | Amount | \$ | Successful | Yes No | |
| b. Funding from other organisations | | | | | | |
| Source | | Amount | \$ | Successful | Yes No | |
| Source | | Amount | \$ | Successful | Yes No | |
| If any applications were successful, what was the total amount allocated \$ | | | | | | |
| Is it anticipated this event/project will be self-funding in the future Yes No ✓ | | | | | | |
| If yes, please provide details | | | | | | |
| How do you intend to give public recognition to the financial assistance received from Council and acknowledge Council's financial assistance on any related promotional or other material | | | | | | |
| All Promotional Material clearly states that the Shoalhaven Eisteddfod is Proudly Sponsored by the Shoalhaven Arts Board, | | | | | | |
| Please state how this event/project will meet Council's Community Strategic Plan Key Priorities: | | | | | | |
| 1.1 Build inclusive, safe and connected communities | | | | | | |
| 1.2 Activate communities through arts, culture and events | | | | | | |
| 1.3 Support active, healthy livable communities | | | | | | |
| 2.3 Protect and showcase the natural environment | | | | | | |
| 3.1 Maintain and grow a robust economy with vibrant towns and villages | | | | | | |
| We believe the Eisteddfod meets all of the above criteria in some way but specifically 1.2 in advancing the Arts in a number | | | | | | |
| Please provide any other relevant information in support of this application | | | | | | |
| The successful operation of the Eisteddfod over 35 years that has promoted both the Arts and the Shoalhaven throughout A | | | | | | |

Checklist of documents to be forwarded with application

| | |
|---|--|
| | For first time applicants, a copy of their organisations constitution and if that constitution changes then an updated copy of it is to be forwarded with any subsequent application |
| ✓ | A copy of the most recent annual report (including financial statements of income and expenditure) – preferably audited |
| ✓ | Copy of notification of ABN and GST registration (if applicable) from the Australian Tax Office |
| | If the above does not apply, completed Statement by a Supplier (Form is provided at Attachment 1) |
| | Evidence of incorporation where applicable |
| ✓ | A copy of the applicant's current public liability insurance policy (i.e Certificate of Currency) |
| ✓ | Where the applicant is a registered public charity, a copy of the registration certificate |
| | Budget for the event or project. This should be a firm estimate if not the final budget. (Sample Budget is provided at Attachment 2) |
| | Acquittal report of previous Council financial assistance received, if not already submitted. (Sample Acquittal is provided at Attachment 3) |

In making this application I/we confirm that

- Where funding is being sought for an event, this event will comply with Council's Events policy
- I/we will retain full responsibility for organising and hosting the project or event, including marketing, procurement, administration, obtaining all relevant permits, and supplying information as requested by Council
- No financial assistance, other than that which is outlined in this application, is being received or sought from Council this financial year for this project or event
- I/we undertake to provide an acquittal of the funding by the end of the financial year in which the donation is paid

| | | | |
|---|------------|------|---------------|
| I have been authorised by City of Shoalhaven Eisteddfod Inc. (organisation) to make this application. | | | |
| Full Name | [Redacted] | | |
| Position in organisation | Treasurer | | |
| Signature | [Redacted] | Date | 15th May 2021 |

SA21.115 Local Government Remuneration Tribunal - Councillor and Mayoral Fees 2021/2022 - Superannuation Payments

HPERM Ref: D21/215900

Department: Business Assurance & Risk

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. Annual Report and Determination - Local Government Remuneration Tribunal 2021 (under separate cover) [⇒](#)

Reason for Report

To note and consider the attached determination from the Local Government Remuneration Tribunal, and to adopt the fees payable to the Mayor and Councillors for the 2021/22 financial year; and to note the introduction of superannuation payments for Councillors from July 2022, in line with the Local Government Amendment Act 2021.

Recommendation

That Council:

1. Note the Local Government Remuneration Tribunal's Annual Report and Determination dated 23 April 2021.
2. Adjust the Councillor Fee to \$24,810 and the Additional Mayoral Fee to \$61,280 for the 2021/2022 financial year.
3. Note that the matter of superannuation payments for Councillors from July 2022 will be a policy matter for determination by the Council following the September 2021 Council Elections.

Options

1. As recommended.
2. Adjust the Councillor and Mayoral fees to a lesser amount within the minimum and maximum amounts as outlined in the report.

Background

The Local Government Remuneration Tribunal has determined an increase of 2% to Mayoral and Councillor fees for the 2021-22 financial year, with effect from 1 July 2021.

Section 241 of the Local Government Act 1993 (the Act) requires the Tribunal to determine each year the maximum and minimum amounts of annual fees payable during the following year to Mayors and Councillors. Section 248 and 249 of the Act require Councils to fix and pay an annual fee based on the Tribunal's determination.

This year the Tribunal concluded that the allocation of Councils into the current categories is appropriate, and therefore the categories have not changed since the extensive 2020 review which reallocated Shoalhaven City Council to the new Regional Centre category.

SA21.115

In addition, a recent amendment to the *Local Government Act 1993*, the *Local Government Amendment Bill 2021*, has introduced the provision for Councils to make superannuation contributions for Councillors on top of their annual fees, commencing July 2022.

Councillors' Fees

Councils are to fix Councillor and Mayoral fees for the 2021/22 financial year based on the Tribunal's Determination. The level of fees paid will depend on the category the Council is allocated to. A Council may not fix a fee higher than the maximum amount determined by the Tribunal. If a Council does not fix a fee, the Council must pay the minimum fee determined by the Tribunal.

The recommendation outlined in the report reflects the maximum fee payable, as has been (generally) the practice of Shoalhaven City Council for several years.

The Councillor and Mayoral fee adoption is distinct and separate to the payment of expenses and provision of facilities to Councillors. The Mayoral Fee is an amount paid to the Mayor in addition to the Councillor Fee.

The Determination of the Tribunal is that Councils in the Regional Centre category may fix the 2021/22 annual fee for Councillors between \$14,100 (minimum) and \$24,810 (maximum). The Mayoral Additional Fee has been set at between \$29,330 (minimum) and \$61,280 (maximum).

Superannuation for Councillors

On 16 May 2021, legislation was passed in Parliament to introduce superannuation payments for councillors in NSW. The [*Local Government Amendment Act 2021*](#) addresses a longstanding inequity in local government by providing Councils with the option to make superannuation payments to Mayors and Councillors in addition to their annual fees from July 2022.

The relevant amendment to the Local Government Act 1993 states:

Section 254B Insert after section 254A—

254B Payment for superannuation contributions for councillors

- 1) A council may make a payment (a superannuation contribution payment) as a contribution to a superannuation account nominated by a councillor, starting from the financial year commencing 1 July 2022.*
- 2) The amount of a superannuation contribution payment is the amount the council would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the council.*
- 3) A superannuation contribution payment is payable with, and at the same intervals as, the annual fee is payable to the councillor.*
- 4) A council is not permitted to make a superannuation contribution payment—*
 - a) unless the council has previously passed a resolution at an open meeting to make superannuation contribution payments to its councillors, or*
 - b) if the councillor does not nominate a superannuation account for the payment before the end of the month to which the payment relates, or*
 - c) to the extent the councillor has agreed in writing to forgo or reduce the payment.*
- 5) The Remuneration Tribunal may not take superannuation contribution payments into account in determining annual fees or other remuneration payable to a mayor or other councillor.*

- 6) A person is not, for the purposes of any Act, taken to be an employee of a council and is not disqualified from holding civic office merely because the person is paid a superannuation contribution payment.
- 7) A superannuation contribution payment does not constitute salary for the purposes of any Act.
- 8) Sections 248A and 254A apply in relation to a superannuation contribution payment in the same way as they apply in relation to an annual fee.
- 9) In this section—

Commonwealth superannuation legislation means the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth.

superannuation account means an account for superannuation or retirement benefits from a scheme or fund to which the Commonwealth superannuation legislation applies.

The decision on whether to make superannuation contributions to Councillors is being left for each Council to determine, taking into account financial considerations, the views of Councillors and the expectations of their local community.

Councils are required to make the decision to pay councillors superannuation by resolution at an open meeting of the Council, thereby ensuring public accountability and transparency.

Following the election of the new Council, a review of all Council public policies will include a report on the payment of superannuation to all Councillors.

Community Engagement

Council is not required to undertake community consultation in relation to the adoption of the fee amendment determination process, as it is based on a published report and process undertaken by the Tribunal.

Financial Implications

Current 2020/21 fees paid to Shoalhaven City Councillors and Mayor

| CATEGORY | Councillor Annual Fee | Mayor Additional Fee* |
|-----------------|-----------------------|---|
| Regional Centre | \$ 24,320 | \$ 60,080 (Allowable) \$ 53,250 (Actual by Council Resolution) |

Proposed fees to Shoalhaven City Councillors and Mayor 2021/22 financial year:

2021/22 Determination - Pursuant to Section 241 of Fees for Councillors and Mayors

| CATEGORY | Councillor Annual Fee | | Mayor Additional Fee* | |
|-----------------|-----------------------|-----------|-----------------------|-----------|
| | Minimum | Maximum | Minimum | Maximum |
| Regional Centre | \$ 14,100 | \$ 24,810 | \$ 29,330 | \$ 61,280 |

*this fee must be paid in addition to the fee paid to the Mayor as a Councillor/Member (s429 (2)).

There are sufficient funds available in the 2021/22 Budget for the proposed Councillors/Mayoral fees and the total financial impact of the recommendation is summarised below:

SA21.115

| Councillor / Mayoral Fees | | Net Increase in Fees |
|---------------------------|--------------------|----------------------|
| Current (2020/21) | Proposed (2021/22) | |
| \$ 369,410 | \$ 383,810 | \$ 14,400 |

SA21.116 Progress Report, Jervis Bay Regional Boat Ramp Master Plan (H) - Boat Maintenance Facility at Woollamia

HPERM Ref: D21/182527

Department: Economic Development

Approver: Robert Domm, Director - City Futures

Attachments: 1. Woollamia Maritime Precinct - Report on projects March 2021 (under separate cover) [⇒](#)

Reason for Report

An onsite Councillor presentation was held on Monday 29 March at the Jervis Bay Regional Boating Facility to update the Council on the progress of several projects being delivered in that area. Councillors sought a further report.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Receive the Progress Report, Jervis Bay Regional Boat Ramp Master Plan (H) - Boat Maintenance Facility at Woollamia.
2. Continue to construct and commission the Boat Maintenance Facility in accordance with the Jervis Bay Regional Boat Ramp Master Plan (H).
3. Lease to a qualified operator the Boat Maintenance Facility on terms acceptable to the Chief Executive Officer and authorise the execution of the lease.

Options

1. Adopt the resolution as written.

Implications: Allows the Boat Maintenance Facility to be completed and made operational in accordance with the Grant Deed entered into with the Australian Government.

2. Adopt an alternate resolution.

Implications: Depending on the wording the facility may not be deemed completed by the Australian Government, and grant monies will need to be returned.

3. Not to adopt a resolution at all

Implications: The Boat Maintenance facility will proceed to be delivered in accordance with the Funding Deed and the Jervis Bay Regional Boat Ramp Master Plan (H) and negotiations will continue to lease the operation in accordance with the EoI process.

Background

A briefing of Councillors was conducted on 29 March 2021 onsite at Woollamia Boat Ramp with several senior staff in attendance, including the Economic Development Manager who made the presentation. The presentation is at Attachment 1.

SA21.116

The presentation covered the following projects:

- Boat Maintenance Area
- Loading Wharf
- New Carpark
- Pontoons (west)
- Boat Ramp Toe repairs
- Reconfiguration of the boat preparation area.

The locality of each of the projects are shown on the plan below on the Council adopted Jervis Bay Regional Boating Facility Master Plan version H adopted on 25 February 2020.



SA21.116

At the presentation there were representatives of the Woollamia Boat Ramp Advisory Committee, representatives of some marine service businesses, and some local residents. The main issue of contention was the Minor Boat Maintenance Facility.

History of Minor Boat Maintenance Facility

The need for improvements to boat maintenance facilities within the Jervis Bay area has been identified by SCC for many years. The current lack of facilities within Jervis Bay means that vessels are either not regularly maintained and/or there is a loss of productive time and resources as craft need to sail or motor to Sydney (or other locations) where maintenance activities can be carried out and the mandatory government inspections are performed. This period can be as long as 10 days.

There are approximately 100 craft moored within Jervis Bay that require regular routine maintenance and annual survey. The transfer of these craft to Sydney is weather dependent and needs to align with the availability of a dockyard and marine surveyor.

The benefit of the provision of proposed maintenance facility means:

- that there will be a more regular workload for local shipwrights and other marine service contractors – engines, upholstery, sails, hydraulics, etc.
- that watercraft will be maintained more regularly and in a more seaworthy condition
- more craft will be attracted to Jervis Bay to operate tourism activities
- less downtime will be scheduled for vessel transfer to Sydney
- safety risks associated with travelling to Sydney is eliminated.

Because of the unregulated boat maintenance activities that occurred at the site, the new facility with its proposed environmental controls would also provide numerous environmental benefits, such as the reduction of anti-fouling waste contamination of the site, runoff to adjacent wetland and Currambene Creek.



SA21.116

In a report by consultants (Royal HaskoningDHV 2017) it was found:

Council have identified the following issues with the current operation of the Woollamia Regional Boat Ramp

- *Occupation and use of Council land without consent (for minor boat repairs).*
- *Insurance / safety issues due to use of cranes.*
- *Development without consent – commercial boat repairs being carried out on reserves.*
- *Environmental impacts from anti-fouling and boat maintenance by both contractors and boat owners.*
- *Risk of Council-managed land becoming a contaminated site.*
- *Contamination of adjacent lands and watercourses.*

The proposed activity shall address these issues.

As has been commenced, the boat maintenance facility is being constructed in the south-eastern corner of the Jervis Bay Regional Boat Ramp Facility. The area formerly comprised car parking but predominantly the area is maintained by Council as an open grassy area with low level picnic facilities (single picnic table and bins). It is regularly mown.

The site contained approximately 16 Swamp Oak *Casuarina glauca* which have been removed to construct the facility.

The area had been used for overflow carparking, picnicking, and social gatherings. The site was also used for unauthorised activities such as boat maintenance and campervan overnight stays.



The first photo above shows the area prior to construction of the facility looking from the west to east showing the swamp oaks that have been removed. The second photo shows the area of the proposed facility showing swamp oaks and picnic table that have been removed.

The first picture below shows an example of the maintenance of boats at the site that have led to the presence of biofouling material at the location of the proposed activity. The adjacent picture shows waste from anti-fouling work evident in the area of the proposed activity from previous work on vessels.



The site is adjacent to Coastal Wetlands and without capturing any runoff, the material would find its way into this area.

Other operating concerns identified were:

- Need for compliance with the NSW Pesticides Act 1999
- NSW Protection of the Environment Operations Act 1997

The facility being developed comprises a concreted graded base encapsulated within bunded edges which runs to a sump and collection pit. The material in the collection pit is transferred by pump to tanks where the solid materials separate out and will be transferred to a trade waste facility. There is an area upon the concrete apron to place storage containers for equipment and tools to be used by the operator of the facility. Storage for a tractor and boat lift trailer will also be required within the compound. The area is to be fenced for security, safety and WH&S purposes.

SA21.116



It is anticipated that the compound will hold between 4-7 vessels, depending on size and the key to the operation will be quick turnaround of craft with a typical stay being 24-48-72 hours.

Generally, the proposed activity would be undertaken within the existing footprint of the Woollamia Regional Boat Ramp facility.

The proposed activity will substantially transform an area which was a managed (mown/slashed) Swamp Oak forest area to a fenced hardstand surface with storage container and pollution controls. The reserve however is gazetted as a car park and has been used as a boat facility for around 30 years. The proposed activity is considered consistent with the current nature and use of the area.

The key to the quick retrieval of craft for the maintenance area is to have the correct equipment. As part of the grant received by Council from the Australian Government a specialist trailer was to be purchased with the facility operator providing a tractor.



It is the intention that the facility will be leased to a qualified operator who would undertake the maintenance activities including cleaning of hulls, antifouling, maintenance of the craft and arrange any other services needed engine maintenance, marine survey etc.

The process of identifying a qualified business operator for the facility commenced in 2019 when a public Expression of Interest process was implemented by Council and from this, negotiations are continuing with the preferred local operator. Once all of the factors relating to the operational lease have been negotiated between Council and the tenant these will be encapsulated into the appropriate legal arrangement.

Matters relating to operation, service and maintenance of equipment, emission of noise or odours, hours of operation, will be included within any lease.

SA21.116

The existing business operations working out of the Woollamia Industrial Estate will be able to continue in the same way in which they operate currently for the overhauls and maintenance regimes that are usually for a longer term. In fact, with the improved crane/loading platform the retrieval of the larger craft should be easier.

Community Consultation

Over the development of the Jervis Bay Regional Boat Ramp Master Plan, including the Boat Maintenance Facility, there were several public and private stakeholder consultation sessions. The earliest of these dates back to 2016.

In the working up of the Master Plan (version H) there were meetings onsite and within Council and the Plan was revised several times

Council formed a S355 Committee, Woollamia Maritime Precinct Management Committee, comprising a range of people with both commercial and recreational interests as well as residential representatives. The Committee has held four regular meetings and is working to the Master Plan (Version H) without any motions to the contrary, with issues regarding signage for parking, vessel tying up signage, amenities etc. being the main topics of interest.

It would appear from feedback to Council that individual vested interests have more recently been lobbying against the Boat Maintenance Facility and specifically the boat lift trailer, contrary to the resolved position of the Committee.

Summary

The locality affected by the proposed activity is an existing regional boat ramp facility in a natural bushland landscape, but also adjacent to residential area and recreational waterway. The locality would essentially remain the same.

The proposed activity will improve safety for recreational boating in Currumbene Creek waterway and Jervis Bay.

Community Engagement

Through the consultative process of the Master Plan there has been an extensive engagement with the various stakeholders over several years.

Policy Implications

This Boat Maintenance Facility will eliminate the operations previously operating in a less than desirable environmental manner and provide a means of quickly retrieving vessels from the water for basic and essential maintenance.

Financial Implications

Council has secured grant funding of \$180,000 towards the maintenance area and the trailer. If Council was not to deliver this project in full, the grant would need to be returned and forfeited.

Risk Implications

The retrieval and maintenance of vessels is an area that necessitates adequate insurances and care. By engaging a qualified person and providing adequate facilities and equipment this risk is being managed.

SA21.117 Tenders - Albatross Aviation Technology Park - Stage 5 Subdivision

HPERM Ref: D21/220823

Department: Economic Development

Approver: Robert Domm, Director - City Futures

Reason for Report

To inform Council of the tender process, the evaluation and awarding of contract for Albatross Aviation Technology Park – Stage 5 Subdivision.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

Recommendation (Item to be determined under delegated authority)

That Council consider a separate confidential report "Tenders – Albatross Aviation Technology Park – Stage 5 Subdivision" in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

Options

1. Consider the separate confidential report.

Implications: Full details of the tendering process is available within the confidential report to enable Councillors to make an informed decision.

2. Council could propose an alternative.

Implications: No opportunity to assess and make an informed decision on the tender process and results.

Background

Council recently called tenders for the Subdivisional works for Stage 5, Albatross Aviation Technology Park. Tenders were called on 7 April 2021 and closed at 10:00am on 4 May 2021.

The project is another in a series of staged subdivisions to open up additional employment land within the City. Some grant funding has been secured for this work from Restart NSW: Growing Local Economies.

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

Financial Implications:

Sufficient funds are available in the Economic Development budget and Industrial Land Development Reserve for the 2021/2022 and 2022/2023 Financial Years. Funding is available to cover the tender amount and other project costs.

SA21.118 Consolidation of Grant Funding for Ulladulla Harbour Berthing Facility

HPERM Ref: D21/222107

Department: Economic Development

Approver: Robert Domm, Director - City Futures

Reason for Report

Council has been successful in negotiating grant funding from a number of Australian and NSW Government funding programs to build berthing facilities within Ulladulla Harbour. The Government Agencies are proposing to roll up these various grants into a single funding agreement.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Accept the proposal by the Australian and NSW Governments to consolidate the various funding for the Council project at Ulladulla Harbour to build berthing facilities.
2. Authorise the CEO to sign the consolidated Deed to enable the funding to be provided for the project.
3. Terminate the previous funding deeds entered into for this project that will be usurped by the consolidated deed.

Options

1. Adopt the recommendation as printed.

Implications: Allows the 4 different financial assistance to be consolidated into a single funding stream

2. Propose an alternate recommendation for consideration.

Implications: This may or may not meet the objectives of the funding agencies

Background

As Council is aware, Shoalhaven City Council have received funding from multiple NSW and Australian funding programs for the Ulladulla Berths project. The Department of Regional NSW (DRNSW), NSW Maritime Infrastructure Delivery Office, the Australian Department of Infrastructure and Shoalhaven City Council have been negotiating that the existing grant funds approved for this project be terminated and the funding (excluding amounts that have been paid to Council to date) be transferred to DRNSW to administer under a single Funding Deed through the Bushfire Local Economic Recovery (BLER) Fund.

The total amount of consolidated funding for this project will be \$3,027,442. The following provides an overview of the funding streams proposed to be consolidated and managed under the single BLER Funding Deed:

| Funding Source | Government | Amount |
|---|-------------------|--------------------|
| NSW Crown Lands – Maritime Infrastructure Delivery Office | NSW | \$400,000 |
| Better Boating – Maritime Infrastructure Delivery Office | NSW | \$87,700 |
| BLER Fund – Regional NSW | NSW | \$1,750,000 |
| Community Development Program – Aust Dept of Infrastructure | Australian | \$789,742 |
| TOTAL | | \$3,027,442 |

Consolidating funds will allow for a more streamlined approach and mitigate any risk of funding duplication. The funds would be used as a contribution to the overall project, rather than funding individual components.

The scope of the overall project being funded includes the following:

- Excavation of the existing rock shelf and associated dredging within the harbour.
- A floating pontoon, and associated piles, including:
 - 19 berths for various sized vessels
 - 1.5m wide access gangway and landside platform
 - Landside security fencing, gates, and CCTV system
 - Services to the pontoon and berths of power, sewer, water
- The design for an amenity building to support the new facility.

DRNSW is concurrently working with the Australian Government to action a transfer from the Community Development Program grant, which would also be included under the single BLER Deed for the project.

Reporting and acquittals for this project will be undertaken by Council to the DRNSW who will undertake the joint administration for all Government agencies.

Policy Implications

This project, along with several others across NSW, and similarly in other states, are transitioning to this streamlined system where multiple grants are involved.

As to how this will relate to Local Government in general is yet to be seen but from Council's perspective it does seem better from an administrative and accounting perspective.

Financial Implications

This option should ensure that a single reporting avenue will be open to Council and that any confusion relating to the previous differences as to what grants applied to what expenditure will be taken away.

Council will still get the full amount of grant monies approved for the project.

SA21.119 Proposed Acquisition of Land - Moss Vale Road South Urban Release Area

HPERM Ref: D21/120036

Department: Technical Services

Approver: Robert Domm, Director - City Futures

Reason for Report

Provide Council the opportunity to consider a confidential report for the acquisition of land within the Moss Vale Road South Urban Release Area.

Further information is provided in a separate confidential report in accordance with Section 10A(2)(c) of the Local Government Act 1993; if the information was disclosed, this would confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

Recommendation (Item to be determined under delegated authority)

That Council, in accordance with Section 10A(2)(c) of the Local Government Act 1993, consider a separate confidential report in relation to property acquisition matters associated with Moss Vale Road South Urban Release Area.

Options

1. Proceed in accordance with the recommendation

Implications: Consider a separate confidential report for the proposed acquisition of land associated with the Moss Vale Road South Urban Release Area.

2. Not adopt the recommendation

Background

Council sought and was given approval for a low interest loan through the NSW Department of Planning & Environment's Low-Cost Loan Initiative to accelerate the provision of infrastructure (open space) for new housing.

The purchase of land for open space using funds from the above loan forms part of a separate confidential report to Council.

SA21.120 Caravan Park Opportunities in the Shoalhaven

HPERM Ref: D21/203823

Approver: Robert Domm, Director - City Futures

Reason for Report

This report provides Council with the opportunity to consider a confidential report in relation to caravan park opportunities in the Shoalhaven.

Recommendation (Item to be determined under delegated authority)

That Council, in accordance with Section 10A(2)(d) of the Local Government Act 1993, consider a separate confidential report in relation to caravan park opportunities in the Shoalhaven.

Options

1. Proceed in accordance with the recommendation.

Implications: Council will be able to consider a separate confidential report in relation to caravan park opportunities in the Shoalhaven.

2. Not adopt as recommended.

Implications: Council will not consider the confidential report.

SA21.121 Mundamia Urban Release Area - Update

HPERM Ref: D21/217369

Approver: Robert Domm, Director - City Futures

Reason for Report

This report provides Council with the opportunity to consider a confidential report in relation to the Mundamia Urban Release area.

Recommendation (Item to be determined under delegated authority)

That Council, in accordance with Section 10A(2)(d) of the Local Government Act 1993, consider a separate confidential report in relation to the Mundamia Urban Release area.

Options

1. Proceed in accordance with the recommendation.

Implications: Council will be able to consider a separate confidential report in relation to the Mundamia Urban Release area.

2. Not adopt as recommended.

Implications: Council will not consider the confidential report.

SA21.122 Policy Review - Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land.

HPERM Ref: D20/434459

Department: Technical Services

Approver: Paul Keech, Director - City Services

Attachments: 1. Policy POL20/6 - Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land [↓](#)

Reason for Report

This report provides Council with an opportunity to consider the potential implications for granting approval to the establishment of Asset Protection Zones on Council owned community land, private land, and Crown land as per Council resolution MIN20.319 Part 2.

Recommendation

That Council:

1. Resolves to retain the existing Policy "Creation of an Asset Protection Zone (APZ) over Council owned or managed land" POL20/6; and
2. Receives separate reports to consider the creation of APZs over Council community land and Crown land (where Council is Crown Land Manager) when applications are received from adjacent property owners where such applications demonstrate "Exceptional Cases" as identified in the Council's Plans of Management; and
3. Notes it has no power to grant or enforce the establishment of APZs on land it does not own or manage (i.e. private land or Crown Land where Council is not the Crown Land Manager).

Options

1. Resolve as recommended.

Implications: Adopted policy will remain and applications for APZs over community or Crown land that demonstrate "Exceptional Cases" as identified in Council's Plans of Management will be considered by Council on merit.

2. Not adopt as recommended

Implications: Adopted policy POL20/6 will remain and applications will be assessed in accordance with the policy.

3. Resolve the following alternative recommendation:

That Council staff further review Council's Creation of an Asset Protection Zone (APZ) over Council owned or Managed Land Policy (POL20/6) to include the establishment of APZs on Council community and Crown land and provide a further report outlining the proposed changes.

Implications: The existing Policy will be reviewed and redrafted to include Council Community land and Crown land managed by Council as Crown land Manager, for a private use is in conflict with the Local Government Act.

The establishment of an APZ on Community land, unless the application has shown to have exceptional cases as identified in Council's Plans of Management, is for a private intention and not in line with the objectives of the management of Community Land in accordance with adopted Plans of Management. It would also be in conflict with the NSW Rural Fire Service, NSW Planning for Bushfire Protection 2019 which clearly states easement should not be considered where the adjoining land is used for a public purpose.

Background

At Council's Ordinary meeting of 5 May 2020, it was resolved per MIN20.319:

That:

- 1. Council adopt the revised Policy – "Creation of an Asset Protection Zone (APZ) over Council owned or Managed Land", as presented (current reference POL19/10 proposed reference POL20/6).*
- 2. A further report be prepared regarding the possible establishment of APZ's on Community land, Crown land or Private land.*

In accordance with the above Council resolution, Council staff have prepared this report to outline the potential implications of the establishment of APZs on Community, Crown, or private land.

As outlined in NSW RFS Planning for Bushfire Protection 2019, Easements should not be considered where the adjoining land is used for a public purpose or where vegetation management is not likely or cannot be legally granted.

Should Council resolve as recommended, any application supporting the establishment of an APZ on Community Land or Crown land where Council is Crown Land Manager, will be required to be advertised for a period of 28 days and the adjoining landowners notified of the proposed APZ.

In all cases where applications with exceptional cases as identified in Council's Plans of Management are supported by Council, all other requirements outlined in the Policy must be met and adhered to.

Private Land

Neither the RFS nor a Council has the power to impose an APZ on an adjoining landowner's private land. It is the applicant/owner's responsibility to negotiate directly with the adjoining landowners to facilitate the creation of an APZ over their land.

Community Land

The *Local Government Act 1993* provides that Council Community Land must be categorised as one or more of the following:

- Natural Area
- Sportsground
- Park
- Area of cultural significance
- General Community Use

Each category has core objectives for the management of the land in which any activity or holding granted over the land must be in accordance with. Council must also adopt a Plan of Management for each individual category.

Core objectives are outlined as below:

Natural area

- (a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and
- (b) to maintain the land, or that feature or habitat, in its natural state and setting, and
- (c) to provide for the restoration and regeneration of the land, and
- (d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and
- (e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*.

Sportsground

- (a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- (b) to ensure that such activities are managed having regard to any adverse impact on nearby residences

Park

- (a) to encourage, promote and facilitate recreational, cultural, social, and educational pastimes and activities, and
- (b) to provide for passive recreational activities or pastimes and for the casual playing of games, and
- (c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

Area of cultural significance

- (1) The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.
- (2) Those conservation methods may include any or all of the following methods—
 - (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance,
 - (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,
 - (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,

(d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),

(e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.

(3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.

General community use

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public—

(a) in relation to public recreation and the physical, cultural, social, and intellectual welfare or development of individual members of the public, and

(b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Council's adopted Plans of Management outline Bushfire Mitigation stating:

Council's extensive bushfire mitigation program establishes and maintains firebreaks and Asset Protection Zones on Council managed land to provide a measure of protection to adjacent private assets. These activities are certified under the Bushfire Environmental Assessment Code. **Council does not allow maintenance of these zones by members of the public.**

Permission to establish Asset Protection Zones for adjoining freehold development on public land will only be granted in **exceptional cases**, such as proposals involving infill developments or additions to existing developments where **no other options are available**. Any proposal to establish Asset Protection for new freehold subdivision on adjoining public land will not be supported.

The establishment of an APZ on Community land, unless the application has shown to have exceptional cases, is for a private intention and not in line with the objectives of the management of Community Land in accordance with the Local Government Act and adopted Plans of Management.

Council staff will assess applications to establish an APZ over community land with exceptional cases, where sufficient evidence has been provided and if so, Council staff will refer the application to Council's Strategy & Assets Committee for review.

Crown Land

Council can only assess applications to establish an APZ on Crown land if Council is authorised as Crown Land Manager. Any application over vacant Crown land where Council is "Care Control Management" (CCM) or has no authority to act on behalf of the Crown, should be referred directly to Crown lands in that instance.

Where Council is Crown Land Manager, in accordance with the *Crown Land Management Act 2016*, Council must manage that land as if it were classified as "community land" under the *Local Government Act 1993*.

Council staff will therefore assess applications shown to have exceptional cases, and if sufficient evidence has been provided, Council staff will refer the application to Council's Strategy & Assets Committee for review.



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

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

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Assets & Works Group

Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land Policy

Policy Number: POL20/6 • **Adopted:** 20/04/2019 • **Amended:** 5/05/2020 • **Minute Number:** MIN19.247,
MIN20.319 • **File:** 35181E • **Produced By:** Assets & Works Group • **Review Date:** 1/12/2020

1. PURPOSE

The purpose of this policy is to provide clear guiding principles to regulate the use of land owned or managed by Council for private use as an Asset Protection Zone (APZ) to mitigate the threat of loss from bushfire.

2. STATEMENT

This policy has application in those cases where, on merit, some concession may be appropriate to assist a proposed development to meet the requirements of *Planning for Bushfire Protection 2019 (PBP2019)*.

Permission to establish APZs which benefit adjoining freehold land on Council Owned or Managed Land, will only be considered where the application meets all requirements set out below:

- The proposal is infill development (see 3 Definitions),
- The APZ cannot be wholly contained on the private land by the consideration of other options and/or reconfiguration by design and siting (acceptance of such proof at Council's sole discretion),
- Applicants Bushfire Attack Level (BAL) rating has been assessed at 'Flame Zone' and the BAL cannot be reduced through the use of other bushfire protection measures.

All approved APZs must be created by way of Positive Covenant in accordance with Section 88D or 88E or the *Conveyancing Act 1919*. Interests will only be registered on Council's Owned or Managed land title at Council's sole discretion.

Any proposal to establish APZs on Council Owned or Managed Land for new freehold subdivisions will **NOT** be supported under this policy.

2.1 SCOPE

Development or redevelopment on land that is mapped as Bushfire Prone under the *Environmental Planning & Assessment Act 1979* (EP&A Act) triggers compliance with PBP2019.

One of the identified Bushfire Protection Measures (BPMs) to improve property protection is the provision of an APZ. The APZ provides a buffer between the asset (new dwelling/s or dwelling additions) and the bushfire hazard. This is to ensure that there is a progressive reduction of bushfire fuels between the hazard and any asset.

It is acknowledged that, in some circumstances, site attributes can constrain the ability to provide an APZ wholly within the development allotment and conversely the same principles apply to Council Owned or Managed Land.

APZs over Council Owned or Managed Land will not be considered where:

- Council Owned or Managed Land is categorised as Community Land (see 3 Definitions);
- Land subject to a Native Title Claim or Aboriginal Land Claim;
- Vegetation management is not likely or cannot be legally granted (e.g. council bushland reserve i.e., Community Land categorised as Natural Area) or is likely to result in environmental harm or the activity will be carried out in an unsatisfactory manner or is an environmental protection offence (as defined by the POEO Act);
- Applicants BAL rating is assessed at BAL-40 or lower (excluding Jerberra Estate);
- Applications to extend the maintenance area to provide a greater reduction below BAL-29 (excluding Jerberra Estate);
- The proposed development is for the creation of dual occupancy or multi-dwelling developments;
- Applications within Jerberra Estate where the APZ area extends beyond the mapped "development area" as shown on the Development Area Map that forms part of the Shoalhaven LEP (Jerberra Estate) 2014;
- The adjoining existing land-use is not compatible with vegetation management (e.g. environmental protection, endangered ecological communities, riparian corridors etc);
- The onus for management/maintenance of the APZ rests other than with the registered proprietor(s) of the benefiting land; and
- Areas of SEPP 14 – Coastal Wetlands, SEPP 26 – Littoral Rainforests or areas of Critical Habitat are involved or the land is the subject of a biodiversity stewardship or conservation agreement.

2.2 BACKGROUND

Shoalhaven City Council - Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land Policy

The *Environmental Planning and Assessment Act 1979* (EP&A Act) establishes a system for requiring bushfire protection measures on bushfire prone land to be presented at Development Application (DA) stage, as follows:

- i. By requiring Councils to map bushfire prone land. If any part of a development site is within a bushfire prone area, bushfire related assessment requirements apply to the DA.
- ii. Section 4.14 of the *EP&A Act* requires compliance with *PBP2019* and, where a proposal is located within Flame Zone then consultation with the Rural Fire Service (RFS) is mandatory. In other cases, Council Officers can determine the level of compliance or they can rely upon a report prepared by a suitable qualified bushfire consultant.

PfBP2019 outlines planning considerations that need to be taken into account when a development application is to be determined in bushfire prone areas.

3 PROVISIONS

All proposed APZs over Council Owned or Managed Land must be lodged as part of a Development Application. The Development Application must demonstrate that the requirements outlined in Section 2 of this policy apply to the development proposal prior to Council considering approval for the establishment of an APZ on Council Owned or Managed Land. All relevant documentation must be provided with the development application including but not limited to a plan detailing the proposed APZ area and Bushfire Assessment.

Where the DA proposes an APZ that involves the clearing or modification of native vegetation on Council Owned or Managed Land, the applicant will need to provide a *NSW Biodiversity Conservation Act 2016 (BC Act)* compliant biodiversity impact assessment. Applications for development in Jerrberra Estate that comply with the biodiversity conservation provisions in the Jerrberra Estate LEP and DCP (Chapter N20) will be assessed under the legislation that applied prior to the commencement of the *Biodiversity Conservation Act 2019*.

Referrals will be made to internal stakeholders to investigate the creation of the proposed APZ. The consideration will involve assessment against matters identified in Section 2.1 and whether there are proposals to use such land for a public purpose which may be incompatible with the proposed positive covenant.

The requirement, if approved, will then be included in the conditions of approval for the issuing of a Development Consent (additional fees may apply in accordance with Council's Fees & Charges).

All positive covenant documentation must ensure that:

The registered proprietor(s) of the land which is benefited by the positive covenant shall:

1. be responsible for maintenance of the APZ and any ongoing associated costs
2. Indemnify Council against any loss, injury or damages incurred undertaking the activities defined in the APZ Management Plan or from failure to maintain the APZ to the RFS approved standards.

Shoalhaven City Council - Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land Policy

All costs associated with the creation of the positive covenant must be met by the applicant including but not limited to legal costs, survey costs and registration fees.

Where the impact of the APZ on Council Owned or Managed Land triggers entry into the BC Act “offset scheme”, the cost of the Biodiversity Assessment Report by an “accredited person” and the retirement of credits is the responsibility of the applicant. All other biodiversity impact assessment and mitigation costs post approval are also the responsibility of the applicant. This could include costs for ecologist supervision of clearing and for the hollow-bearing tree removal and associated wildlife rescue.

4 DEFINITIONS

Asset Protection Zone (APZ)

Development on bush fire prone land will normally require the implementation of a setback distance which is referred to as an asset protection zone. An APZ is also known as a fire protection zone and aims to protect human life, property and highly valued public assets and values. It is a buffer zone between a bush fire hazard and an asset or dwelling/s, which is managed to minimise fuel loads and reduce the potential radiant heat levels, flame contact, ember and smoke impact on life and property. The width of the APZ will vary with slope, vegetation and construction level.

An APZ can consist of an area maintained to minimise fuel loads and can be comprised of a combination of perimeter roads (subdivision), fire trails and managed lands so that a fire path is not created between the hazard and the new dwelling or addition to an existing dwelling.

Bush fire attack Level (BAL)

Means of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact using increments of radiant heat (expressed in kilowatts/m²). This is the basis for establishing the requirements for construction under AS3959-Construction of buildings in bushfire prone areas. The following BAL construction requirements apply in AS3959.

| | |
|-----------|---|
| BAL-LOW | insufficient threat to warrant specific construction requirements |
| BAL-12.5 | ember attack with heat flux to 12.5kW/m ² |
| BAL-19 | increased ember attack, ignition of debris & heat flux to 19kW/m ² |
| BAL-29 | increased ember attack, ignition of debris & heat flux to 29kW/m ² |
| BAL-40 | increased ember attack, ignition of debris, heat flux to 40kW/m ² & flame exposure |
| Flam Zone | direct flame exposure, ember attack & heat flux greater than 40kW/m ² |

Bush fire prone land/area

Is an area of land that can support a bush fire or is likely to be subject to bush fire attack, as designated on a bush fire prone land map that identifies vegetation types and associated buffer zones.

Bush fire prone land map

A map prepared in accordance with NSW RFS requirements and certified by the Commissioner of the NSW RFS under Section 10.3 of the EP&A Act.

Shoalhaven City Council - Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land Policy

Bush fire protection measures (BPMs)

A range of measures used to minimise the risk from a bush fire that need to be complied with. BPMs include APZs, construction provisions, suitable access, water and utility services, emergency management and landscaping. BPMs are defined in Chapter 3 of Planning for Bushfire Protection 2019.

Community Land

Land that is classified as community land under Division 1 of Part 2 of Chapter 6 of the Local Government Act 1993.

Council Owned or Managed Land

Land which is Council owned or managed, developed or otherwise. Including but not limited to Community Land, Operational Land, Crown land managed as Crown Land Manager under the Crown Land Management Act 2016, Devolved Care Control and Managed Crown land and public unmade Council road and Council road reserves.

In Fill Development

Refers to the development of land by the erection of or addition to a building, which is within an existing allotment and does not require the spatial extension of services. Existing services may include public roads, electricity, water or sewerage.

Jerberra Estate

Land identified as Development Area on the Development Area Map that forms part of the Shoalhaven Local Environmental Plan (Jerberra Estate) 2014.

5 RELATED DOCUMENTATION

- Environmental Planning and Assessment Act 1979
- Rural Fires Act 1997
- Planning for Bush Fire Protection 2019
- Protection of the Environment Operations Act 1997
- SEPP Coastal Management
- Coastal Management Act 2016
- Biodiversity Conservation Act 2016
- Australian Standard: 3959 Construction of buildings in bushfire-prone areas 2009 (AS3959)
- Building Code of Australia
- Council Plans of Management
- Foreshore Reserves Policy
- Local Government Act 1993
- Crown Land Management Act 2016
- Native Title Act 1993
- Aboriginal Land Rights Act 1983
- Other relevant statutory plans and policies

6 IMPLEMENTATION

The Business and Property Section implements this policy as part of its function as Property Manager of Council owned and managed lands.

7 REVIEW

Shoalhaven City Council - Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land Policy

The Technical Services Section will review this policy within one year of the election of every new Council in consultation with relevant land managers and asset custodians. A review of this policy may also be triggered by amendments to relevant *Development Control Practice Notes* and/or *Planning for Bushfire Protection 2019* published by the NSW Rural Fire Service.

8 APPLICATION OF ESD PRINCIPLES

- Enhancement of the bushfire protective measures employed for developments in bushfire prone areas providing both social and economic benefits to the community.
- The protection of threatened species and significant habitats through the incorporation of environmental assessment for the removal of vegetation within the APZ into the overall DA assessment process for the development approval.

SA21.123 Traffic Committee Reports - Sub Delegation of Authorisation to Director City Services

HPERM Ref: D21/170434

Department: Technical Services

Approver: Paul Keech, Director - City Services

Reason for Report

To allow Council to consider sub-delegation, to the Chief Executive Officer (Director City Services), the authority to determine and action reports endorsed by the Shoalhaven Traffic Committee.

Recommendation

That Council:

1. Sub-Delegates to the Chief Executive Officer (Director City Services) the functions listed below that have been delegated to Shoalhaven City Council by Transport for NSW (TfNSW – formerly RMS).

The exercising of all functions of RMS under:

- a. Division 1 of Part 4 (Traffic control devices) of the Road Transport (Safety and Traffic Management) Act 1999
 - b. Division 2 part 5 (Special event parking schemes) of the Road Transport (Safety and Traffic Management) Act 1999
2. Note that notwithstanding the Sub-Delegation above, that Councillors can still have a Traffic Committee item considered at an Ordinary meeting at a Councillor's request through the following process:
 - a. Councillors will be emailed the minutes of the Traffic Committee as a matter of standard process.
 - b. If a Councillor would like a Traffic Committee item considered at an Ordinary meeting, a request is to be email to Governance within 3 days of the Traffic Committee minutes being distributed and quote the Traffic Committee item number.
 - c. The CEO (Director City Services) will discuss the issue with the Councillor. If the Councillor would still like it considered at an Ordinary meeting it will be added to the agenda of the next meeting.

Options

1. As recommended.

Implications: Recommendations of the Shoalhaven Traffic Committee can be determined and actioned by the Chief Executive Officer (Director City Services).

Shoalhaven Traffic Committee reports will no longer be required to be submitted to a Council Ordinary Meeting for a resolution accepting the recommendations. The time required for authorisation of Shoalhaven Traffic Committee reports will be reduced by at least 2 weeks. This will reduce the required time to approve capital and private development works such as changes to regulatory signage and/or line marking of roads.

Should the CEO/Director perceive a particular Traffic Committee issue to be worthy of consideration by the Council (following consultation with Councillors, the community or staff) the CEO/Director may choose to not exercise the sub-delegation and refer the matter to the Council.

Councillors will also be given the opportunity to have a Traffic Committee item considered at an Ordinary Meeting at their request.

2. Council could elect not to sub-delegate the functions delegated to Shoalhaven City Council by TfNSW to the Chief Executive Officer (Director City Services).

Implications: Authorisation of Traffic Committee recommendations on Council managed roads would continue as per the current process. Shoalhaven Traffic Committee reports will continue to be submitted to a Council Ordinary Meeting for a resolution accepting the recommendations.

Background

Transport for NSW (TfNSW) is legislated as the organisation responsible for the control of traffic on all roads in New South Wales under the *Road Transport (Safety & Traffic Management) Act 1999*. To deal with the large number and range of traffic related matters effectively, TfNSW has delegated functions relating to the use of regulatory signage and line marking for the control of traffic on local roads to councils. Councils may sub-delegate their powers to Councillors, the General Manager, or an employee of the Council.

Shoalhaven City Council has not sub-delegated any of these functions. The delegation from TfNSW to councils is formally set out in TfNSW's Delegation to Councils Regulation of Traffic document. The delegation to councils limits and imposes conditions on the types of prescribed traffic control devices and traffic control facilities that Council can authorise.

One of the conditions of Council performing its delegation from TfNSW requires councils to receive a recommendation of support from the Local Traffic Committee (LTC) prior to exercising the delegated functions. The LTC is composed of four formal members each with one vote. These four members are a representative from Council, the Police, TfNSW and the Local State Member of Parliament or their nominee. The LTC is an advisory body only, having no decision-making powers. It is, primarily, a technical review committee that is required to advise the Council on traffic related matters referred to it.

Currently changes to regulatory signage and line marking on Council managed roads require an LTC recommendation of support and a Council resolution adopting the recommendation before they can be enacted. It is proposed that Council sub-delegate to the CEO (Director City Services) the functions delegated to Council by TfNSW related to the approval of regulatory signage and line marking. This will allow changes to regulatory signage and line marking on Council managed roads to be enacted by the Director City Services following a recommendation of support from the LTC. Note that Council or its sub-delegate cannot change a recommendation from the LTC. Council or its sub-delegate can only:

1. Adopt the LTC recommendation;
2. Not Adopt the LTC recommendation; or
3. Request the LTC reconsider the issue.

LTC is currently scheduled monthly to coincide with agenda deadlines for Ordinary Meetings of Council. If the CEO (Director City Services) is sub-delegated this authority, changes to regulatory signage and line marking on Council managed roads would require less time for authorisation. It would also provide the flexibility to call an extra ordinary Shoalhaven Traffic Committee meeting to address urgent issues, for example, a last-minute change to traffic management plan of an event due to bad weather.

Councillors will be given the opportunity to have a Traffic Committee item considered at an Ordinary meeting at their request through the following 'safeguard' process:

1. Councillors will be emailed the minutes of the Traffic Committee.
2. If a Councillor would like a Traffic Committee item considered at an Ordinary meeting, a request is to be emailed to Governance within 3 days of the Traffic Committee minutes being distributed and quoting the Traffic Committee item number.
3. The CEO (Director City Services) will discuss the issue with the Councillor. If the Councillor would still like it considered at an Ordinary meeting it will be added to the agenda of the next meeting.

Consultation

Clarification from TfNSW was sought to determine if the function can be delegated to Director Level with the response being:

"The elected council can sub delegate approval usually through the GM or Director level to pass and approve an item at LTC without going to a Council meeting.

I have experienced this many times with Sydney councils where an issue can't wait weeks to go to Council meeting.

It is usually a motion through Council to delegate these powers to a director or manager in council.

The delegate can only approve (on behalf of council) if the four voting members are in agreement.

Please note the delegates decision is still subject to an appeal from TfNSW or NSW Police to the regional traffic committee."

SA21.124 Proposed Licence to land to Milton Ulladulla Railway Club Incorporated - Part Land Lot 4, DP631904, 45 Princes Highway Ulladulla

HPERM Ref: D21/210073

Department: Building Services

Approver: Paul Keech, Director - City Services

Reason for Report

It is proposed to enter into a Licence of land for a period of ten years to Milton Ulladulla Railway Club Incorporated (MURCI) commencing 1 July 2021. The land is owned by Shoalhaven City Council (Council) and is classified as operational land.

In 1982 the land and the adjacent museum was dedicated to Council subject to a covenant which restricts the use of the land for museum purposes only. MURCI is a volunteer group that provide historical railway displays and run a model railway club for members and the community. The building, collection, fixtures and fittings are owned by MURCI.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Approve the Licence of land at Part Lot 4, DP631904, 45 Princes Highway Ulladulla to Milton Ulladulla Railway Club Incorporated for a period of ten years commencing 1 July 2021 at a commencing rental of \$510 per annum excluding GST plus 2% annual increases.
2. Require the Licensee to be responsible for their proportion of outgoings, the maintenance of the licensed land and the buildings, collection and fixtures and fittings which are owned by them.
3. Approve the Chief Executive Officer to execute any documentation necessary to give effect to this resolution.

Options

1. Enter into a Licence

Implications: The responsibilities of the Licensee are clearly defined including the payment of rental and outgoings and repairs and maintenance of buildings and equipment owned by them and of the land owned by Council.

2. Not enter into a Licence

Implications: Security of tenure will not be provided to the Licensee who are looking at lodging a Development Application for the extension of the current building. Council are not receiving any rental or outgoings and responsibilities have not been documented.

Background

DA16/1720 for a Community Facility – South Coast Railway History Museum and the construction of a shed was approved 16 November 2016. Condition 4 of the Development Consent required for a Memorandum of Understanding (MOU) to be entered into between

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MURCI and the existing Museum regarding the proposed building, maintenance and operation of its facility. A Licence of land with Council is now proposed.

The construction was completed in 2018 with the assistance of grants from the State Government and the Veolia Mulwaree Trust.

MURCI are currently proposing to extend the building and will be lodging a Development Application for Council's approval for a preferred location at the front of the existing building. Prior discussions with Planning have occurred in relation to this requirement.

The balance of the land is occupied by the Lake Tabourie Museum which is managed by a volunteer committee. Unlike MURCI, Council own the building and the collection and the volunteer committee is not subject to any formal licence arrangement. Arts and Culture are providing support to this committee and continue to look at the options for the future management of the facility in line with the legal requirements of the bequest.

Licence Terms

| | |
|-------------------------|--|
| Premises | Part land on Lot 4 DP631904 as depicted in plan annexed and marked "A" at 45 Princes Highway, Lake Tabourie |
| Licensee | Milton Ulladulla Model Railway Club Incorporated Peter Walker Secretary 0418 261722 pjwalker54@gmail.com |
| Licensor | Shoalhaven City Council Administration Building 42 Bridge Road, Nowra, NSW, 2541 Tel: 02 4429 3111 Fax: 02 4422 1816 Email Council@shoalhaven.nsw.gov.au |
| Permitted Use | Ground Licence for community groups associated with the running of a museum and related activities as approved by Council. |
| Term | Ten (10) Years |
| Commencement Date | 1 July 2021 |
| Termination Date | 30 June 2031 |
| Option | Not applicable |
| Rent | \$510 plus GST per annum, payable <i>annually</i> in advance. |
| Rent Reviews | Annual 2% increases |
| Percentage of Outgoings | 50% of the following outgoings which is shared with the adjacent Licensee Tabourie Lake Museum Foundation who occupy part of the Lot. <ul style="list-style-type: none"> • Water rates and usage • Council rates • Electricity and Gas 100% of the following outgoings which is related to your occupancy <ul style="list-style-type: none"> • Garbage disposal • Sewerage costs • Any fire compliance inspections and related |

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| | |
|-------------------------------------|--|
| | costs undertaken by Licensor on behalf of the Licensee |
| Licensors Fixtures and Fittings | Not applicable |
| Licensees Fixtures and Fittings | The Licensee owns all buildings, structures, fit out and equipment on the Premises |
| Licensors Maintenance | Not applicable |
| Licensees Maintenance | <p>The Licensee is responsible for the maintenance of the Licensee's Fixtures and Fittings and for the Premises.</p> <p>The Licensee is responsible for repairs, maintenance, replacement, structural works and compliance of the Licensees Fixtures and Fittings.</p> <p>The Licensee is also responsible for the maintenance of the grounds including lawn and garden maintenance, driveways, parking, fencing, security and ensuring that the Premises are presented and accessible in a condition suitable to the use.</p> |
| Redecoration | Redecoration will include repainting of the premises three months prior to expiry/vacation and ensuring that all maintenance obligations are undertaken. |
| Makegood | <p>Upon Licence expiry or vacation, the Licensee will vacate the Premises and hand over any Licensee's Fixtures and Fittings on the site in a condition suitable to the Licensor taking into consideration redecoration and maintenance responsibilities.</p> <p>The Licensee will not be entitled to any compensation when providing the Licensee's Fixtures and Fittings to the Licensor.</p> <p>If elected by the Licensor, the Licensee will be required to remove the Licensees Fixtures and Fittings at the cost of the Licensee prior to the expiry of the Licence.</p> |
| Public Risk Insurance | Twenty million dollars (\$20,000,000) Licensor to be noted as interested party on the policy. |
| Bank Guarantee/Guarantor | Not applicable |
| Documentation and preparation costs | Licence preparation costs of \$416.40 including GST to be paid to the Licensor. |
| Other | <p>Caveat on the land restricts use of the Premises for the museum and related purposes only.</p> <p>The Licensee agrees that their bathroom facilities will be made available for the use of the adjacent Lake Tabourie Museum and its visitors and will continue to make any direct arrangements regarding the use.</p> <p>The Licensee is proposing to extend the building and will be lodging a Development Application for Council approval. The Licensee notes the presence of the rear Riparian Zone and the State Government Highway setback rules.</p> |

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INDICATIVE LICENCED AREA IN BLUE



Community Engagement

Community Engagement is not required as this is operational land.
The Licensee has been in occupation since their building was constructed in 2018.

Policy Implications

The proposed Licence Terms are in accordance with Council's Occupation of Council Owned or Managed Land Policy which provides for the minimum rent to be the statutory minimum. This is a rent set by State Government, Department of Planning, Industry and Environment (DPIE) – Crown Lands.

DPIE – Crown Lands sets a statutory minimum rent to be applied to Council Land. Council's Policy, Occupation of Council Owned or Managed Land, provides for this minimum rent to be applied to Council owned land. Council can, however, apply a different minimum on its own land for a specific rate.

Financial Implications

Council will receive annual rental income for a term ten years with annual 2% increases plus their proportion of outgoings. The Licensee will also be responsible for the maintenance of the land which is licensed along with the buildings, fitout and equipment which is owned by them.

As no structures are owned by Council there are no non-recoverable costs.

Building Asset Replacement - Not applicable, this is a Licence of land only.

Risk Implications

No risks identified.

The Licensee's Financial Statement for the year ended 30 June 2020 shows Total Assets as \$125,452.39 and Current Liabilities of less than \$1,000.

In the event that the Licence expires or is terminated, Council is not required to pay the Licensee for the ownership of the Licensee's Fixtures and Fittings.

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SA21.125 Tenders - Panel for Provision of Construction Materials

HPERM Ref: D21/119770

Department: Works & Services

Approver: Paul Keech, Director - City Services

Reason for Report

To inform Council of the tender process for the Panel for Provision of Construction Materials.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

Recommendation (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.

Options

1. Council accept the recommendation and consider the matter in a confidential setting.
2. Defer the matter to a Council briefing.

Details

Council is seeking to appoint a Preferred Supplier Panel for a range of construction materials for a three (3) year period, with two (2) options of one (1) year each, with such extensions exercisable at Council's discretion. Products to be supplied will be used in maintenance activities and capital projects which are funded by the operational or capital budgets outlined in the Delivery Program Operational Plan 2021/22 and subsequent years over the life of the Panel.

An open Tender was performed with the ISJO Group. (Wollongong, Shellharbour, Kiama, and Shoalhaven City Councils). The Tender was released by the lead organisation, Wollongong Council, on their Tender link portal.

Tenders Received

Tenders were received from the following suppliers:

| Tenderer | Location | Amount |
|-----------------------------------|--------------------|-------------------|
| Benedict Pty Limited | Belrose NSW | Schedule of Rates |
| Boral Resources (NSW) Pty Limited | Wentworthville NSW | Schedule of Rates |
| Buttai Gravel Pty Ltd T/A Daracon | Beresfield NSW | Schedule of Rates |

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| | | |
|--|---------------------|-------------------|
| Quarries | | |
| Bulk Materials Australia Pty Ltd T/A SCE | Wollongong East NSW | Schedule of Rates |
| Cleary Bros (Bombo) Pty Limited | Port Kembla NSW | Schedule of Rates |
| Dunmore Resources NSW Pty Ltd T/A Boral Resources NSW Pty Ltd | Dunmore NSW | Schedule of Rates |
| Soilco Pty Ltd | Kembla Grange NSW | Schedule of Rates |

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

Community Engagement:

The tender was released on Wollongong Council's Tenderlink site with alerts sent out to Suppliers. A notice was also released on Shoalhaven City Council's Tenderlink site with 1626 suppliers notified. The tender was advertised in the Sydney Morning Herald on 15 December and the Illawarra Mercury on 19 December. As a result, 30 suppliers downloaded the documents.

Policy Implications

Nil

Financial Implications:

Materials are used in maintenance activities and capital projects which are funded by the operational or capital budgets. The anticipated expenditure over the initial life of the panel, three (3) years is in the order of \$900,000 (\$300,000 per annum).

SA21.126 Tenders – Technical Services Consultants Capital Works Program

HPERM Ref: D21/203192

Department: Technical Services

Approver: Paul Keech, Director - City Services

Reason for Report

To allow Council to consider the Tender Evaluation Panel's recommendation concerning Tender Reference 66219E for the creation of a new panel of Technical Services Consultants required for the delivery of the Capital Works Program.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional, or financial interests. This information will be considered under a separate confidential report.

Recommendation (Item to be determined under delegated authority)

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

Options

1. Accept the recommendation and consider the matter in a confidential setting.
2. Defer the matter to a Councillor Briefing.

Background

Council designs and delivers a large number of capital works projects each year. Many of these projects require input from specialist technical consultants during the investigation and design stage. The previous panel for consultants expired on 28 February 2021 after being in place for 2 years. The previous panel adopted 2 specialty streams (structural and civil) concentrating on engineering design.

Reflection on the effectiveness of the previous panel and the designs delivered has identified that the 2 speciality streams is too broad and does not meet all requirements for design and development of projects. As such the following specialty streams are proposed for the Technical Services Consultancy Panel.

A. Design

- I. Road drainage investigation and design
- II. Flood studies
- III. Minor road design
- IV. Major road design
- V. Minor bridge design
- VI. Major bridge design

- B. Survey
 - I. Survey for civil works
 - II. Geospatial surveys
 - III. Utility location and subsurface mapping
- C. Geotechnical
 - I. Soils and concrete testing
 - II. Pavement investigation
 - III. Pavement interpretation of test results and advice
 - IV. Geotechnical assessment and interpretation
 - V. Geotechnical investigation and monitoring
- D. Environmental
 - I. Review of Environmental Factors (REF) for minor works
 - II. Environmental impact assessment, REF for major works
 - III. Aboriginal cultural heritage
 - IV. Aboriginal cultural values
 - V. Non aboriginal cultural heritage
 - VI. Noise, vibration, and dilapidation surveys
- E. Estimating
 - I. Estimating services – minor roads and bridge works
 - II. Estimating services – major road and bridge works

The proposed Technical Services Panel would be in place for 3 years.

Consultants were invited to apply for inclusion on the Panel in any of the consultant categories appropriate to their fields of expertise. Further information on the scope of these categories is provided in Volume 2, Specifications, Attachment A (see attachment).

The allocation of briefs seeking fee proposals from Consultants would be based on the consultant's capabilities; for example, if a project requires survey, major road design and minor bridge design, proposals would be sought first from consultants that qualify for all of those specialty streams.

Tenders Received

Tenders were received from the following:

| Consultant | Location |
|--|-----------------|
| AAM Pty Ltd | Spring Hill QLD |
| ADE Consulting Group | Silverwater NW |
| Allen Price & Scarratts Pty Ltd | Nowra NSW |
| Altus Group Consulting Pty Ltd | Sydney NSW |
| Ashe Civil Engineering and Design Pty Ltd | Wollongong NSW |
| Axiom Spatial Pty Ltd | Gerringong NSW |
| Building & Construction Research & Consulting (BCRC) | Lane Cove NSW |
| Burnett Engineering | North Rocks NSW |
| Construction & Remediation Advisory Services (CARAS) | North Sydney |
| Cardno (NSW/ACT) Pty Ltd | Nowra NSW |
| Chrisp Consulting | Turramurra NSW |

| | |
|---|----------------------------|
| City Coast Services * | Albion Park Rail NSW |
| Civplan | Vincentia NSW |
| Crossroads Civil Design Pty Ltd | Broadmeadow NSW |
| Currie & Brown (Australia) Pty Ltd * | Sydney NSW |
| Daly Smith Pty Ltd | Morriset NSW |
| Donald Cant Watts Corke (VIC) Pty Ltd | Melbourne NSW |
| Douglas Partners Pty Ltd | Unanderra NSW |
| Duratec Ltd | South Nowra |
| Extent Heritage Pty Ltd | Pymont NSW |
| Footprint (NSW) Pty Ltd | Kiama Downs NSW |
| GHD Pty Ltd | Nowra NSW |
| Hanna Newman Associates Pty Ltd | Wollongong & Penshurst NSW |
| Indesco Pty Ltd | Wollongong NSW / ACT |
| JHK and Associates Pty Ltd * | Yagoona NSW |
| JJ Ryan Consulting Pty Ltd | Edgecliff NSW |
| Lindsay Dynan | Sydney NSW |
| Maker Eng Pty Limited | Wollongong NSW |
| MBMPL Pty Ltd | Sydney NSW |
| MI Engineers | Nowra NSW |
| Niche Environment And Heritage | Wollongong NSW |
| Ozark Environmental & Heritage Management Pty Ltd | Dubbo NSW |
| Rhelm Pty Ltd | Neutral Bay NSW |
| Sabai Consulting | Wyoming NSW |
| Slattery Australia Pty Ltd | Sydney NSW |
| SLR Consulting Australia Pty Ltd | North Wollongong NSW |
| Terra Insight Pty Ltd | Farmborough Heights NSW |
| Total Drain Cleaning Services Pty Ltd | Wetherill Park NSW |
| Westlake Punnett & Associates Pty Limited | Nowra |
| Wilde and Woollard | Kingston ACT |
| WSP Australia | Sydney NSW & Canberra ACT |

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Financial Implications

This was a Tender for inclusion on the Panel and not a tender for a specific project. As the need arises Panel members will be invited to submit prices for specific projects in the various appropriate categories.

Risk Implications

Nil for this report

SA21.127 Tenders – Panel Contract for Consultant Self Employed Project Managers – Capital Works Project Development and/or Delivery

HPERM Ref: D21/218263

Department: Technical Services

Approver: Paul Keech, Director - City Services

Reason for Report

To allow Council to consider the Tender Evaluation Panel's recommendation concerning Tender Reference 65889E for the creation of a new panel of Consultant self-employed Project Managers for Capital Works Project Development and/or Delivery.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

Recommendation (Item to be determined under delegated authority)

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

Options

1. Accept the recommendation and consider the matter in a confidential setting
2. Defer the matter to a Councillor Briefing

Background

Council is seeking the services of suitably qualified self-employed Project Managers in a range of disciplines for the provision of project management services to manage various Capital Funded projects through either design phase, construction phase or both.

Typical of the types of projects to be managed are:

- Intersection upgrades for urban roads
- Pavement improvements for rural roads
- Bridges, box culverts boat ramps, jetties and other waterway structures
- Upgrade urban stormwater infrastructure
- Adjustments to water and sewer mains
- Upgrade of parks and recreation areas and street beautification
- Construction/upgrade of community buildings and sporting facilities
- Repair and refurbishment of heritage sites

- Upgrade or Replacement of building electrical and mechanical components

The work to be undertaken by the Consultant generally includes but is not limited to the following:

Project Development.

- Review previous estimates and revise if required,
- Manage the development of "For Construction" drawings
- Prepare specifications (AUSSpec), SoR or BoQ, and other tender documents
- Convene and minute pre-tender meetings and site inspections
- Issue addenda, revise estimate
- Manage Tender Evaluation including recommendations and debrief Construction Project Manager

Project Delivery

- May include part or all of project development.
- Debrief from Project Manager, Project Development
- Prepare Letter of Acceptance appointing Superintendent or Principal's Representative
- Conduct start-up meeting, assess contractors' submissions and grant possession of site
- Provide project support, as necessary.

Council called Tenders for *Panel Contract for Consultant Self Employed Project Managers – Capital Works Project Development and/or Delivery* which closed at 10:00am on 6 April 2021. Thirty-Five (35) tenders were received at the time of closing.

Tenders Received

Tenders were received from the following:

| Consultant | Location |
|---|------------------|
| AAP Corporation Pty Ltd | Wollongong |
| Altus Group Consulting Pty Ltd | Sydney |
| Bellcorp Management Pty Ltd | Wollongong |
| CT Management Group Pty Ltd | Geelong Victoria |
| Chrisp Consulting Pty Ltd | Turramurra |
| Coffey Services Australia Pty Ltd | Sydney |
| Complete Urban Pty Ltd | Chippendale |
| Construction and Remediation Services Pty Ltd | North Sydney |
| GHD Pty Ltd | Nowra |
| Indesco Pty Ltd | North Sydney |
| Jerez Enterprises Pty Ltd | Towradgi |
| JJ Ryan Consulting Pty Ltd | Edgecliff |
| Johnstaff Projects Pty Ltd | Sydney |
| Jones Lang LaSalle (NSW) Pty Ltd | Sydney |

| | |
|--|------------------|
| Makereng Pty Limited | Wollongong |
| MI Engineers | Nowra |
| Public Works Advisory | Wollongong |
| SABAI Civil Management & Consultancy Pty Ltd | Turramurra |
| Signature Project Management Pty Ltd | Artarmon |
| SLR Consulting Australia Pty Ltd | North Wollongong |
| Troutman Asset Integrity Pty Ltd | Barrack Point |
| Turner and Townsend Pty Ltd | Sydney |
| VG Project Group Pty Ltd | Miranda |
| Western Project Services Pty Ltd | Bathurst |
| Broome Construction Group | Shellharbour |
| Diamond Family Trust | Batehaven |
| Dishea Contracting | The Ponds |
| Figtree Project Management | Roseville |
| Forrester Group | Lane Cove |
| Green Oak Consulting | Bulli |
| Illawarra Project Management | Wollongong |
| Mova Group | Castle Hill |
| Texform International | Bowral |
| Wagbuild | Vincentia |
| Xypher | Burradoo |

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

Policy Implications

Nil for this report

Financial Implications

This was a Tender for inclusion on the Panel and not a tender for a specific project. As the need arises Panel members will be invited to submit prices for specific projects in the various appropriate categories.

Risk Implications

Nil for this report

SA21.128 Tenders - Road Rehabilitation and Heavy Patch - BTU Road Nowra Hill

HPERM Ref: D21/225879

Department: Works & Services

Approver: Paul Keech, Director - City Services

Reason for Report

To inform Council of the tender process for Road Rehabilitation and Heavy Patching – BTU Road, Nowra Hill.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

Recommendation (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.

Options

1. Accept the recommendation.

Implications: The BTU Road construction works may be undertaken in a timely manner and be completed by the end of the financial year.

2. Council could choose not to accept the recommendation, and select a different contractor, giving reasons.

Implications: This is not recommended due to time impact and delays as an extensive tender evaluation, comprising price and non-price criteria, has been undertaken in accordance with the Tender Evaluation Plan.

3. Council could elect not to proceed with the Construction.

Implications: This is not recommended as the works have been identified, as necessary.

Details

Council has requested tenders for the BTU Rd Full-Service Pavement Rehabilitation and Heavy Patching on Tuesday 4 May 2021 which closed at 10:00am on Wednesday 26 May 2021. Two (2) tenders were received at the time of closing.

Tenders Received

Tenders were received from the following:

| Tenderer | Location |
|-----------------------------------|-----------------|
| Delaney Civil | Rosehill NSW |
| Stabilised Pavements of Australia | Bella Vista NSW |

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

SA21.129 Thomson Street Sporting Complex - Options - Reseal Main Car Park

HPERM Ref: D21/124664

Department: Shoalhaven Swim Sport Fitness

Approver: Jane Lewis, Director - City Lifestyles

Reason for Report

To provide Council with cost estimates to reseal the main car park at Thomson Street Sporting Complex, Sussex Inlet and a way forward to undertake future car park improvements at the site.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Reseal the main car park at Thomson Street Sporting Complex utilising spray seal, at a cost of \$22,079, to be funded from the 2021/22 Minor Improvement Program budget.
2. Identify the design and construction of the additional car parking at the rear of the indoor sports hall in the Swim Sport Fitness Assets Management Plan and allocate funding of \$30,000 in the budget for financial year 2022/23 for the design and investigation component of this project.
3. Once a car park design is obtained, consider seed funding in future outyears of the capital works program to enable grant funding opportunities to be sought to deliver additional car parking on the site.

Options

1. Adopt the recommendation as written

Implications:

- Provides a sealed surface for the main car park,
- Improves safety for drivers and pedestrians
- Funding for the main car park will be allocated from the Swim, Sport & Fitness 2021 / 22 Minor Improvement Program budget
- Design and construction of the additional car park will be included in the Swim, sport & Fitness Asset Management Plan
- Funding for the design and investigation stage to provide further car parking improvements on the site will be sought in future outyears of Council's capital works program

2. Reject the recommendation as written and provide an alternative way forward

Implications:

- The community may be dissatisfied because of perceived Council inaction
- May delay the delivery of a sealed car park surface

Background

Following a Notice of Motion presented to its Ordinary meeting held 27 October 2020, Council made the following resolution (MIN20.806):

“That Council:

- 1. Engage with the Management Committee of Sussex Inlet Thompson Street Complex on improvements and maintenance to the Sporting Complex.*
- 2. Organise an onsite Meeting with the Management Committee, Staff, and available Councillors to discuss options.*
- 3. Investigate and consider funding the sealing the total main Car Park at the Thomson Street Complex in the 2020 / 21 budget.*
- 4. Provide further reports to Council as required.”*

In response to Item 1 (MIN20.86) of the above resolution, staff are meeting regularly with the Management Committee to discuss and review ongoing maintenance requirements at the facility. Maintenance tasks have been discussed and reviewed, with several completed and/or underway at the facility, including:

- Fill and grade the access roads to the main car park to ameliorate trip hazards
- Liaison with soccer club to remove discarded goal posts
- Review of park seating around the fields
- Repair of tiled forecourt at kiosk
- Provision of painting supplies
- Repair of gutters
- Installation of SES flood-emergencies container
- Liaison with SES regarding ongoing procedures during emergencies
- New concrete footpath
- Replacement lawn mower

In response to Item 2 (MIN 20.876) an onsite meeting was held in December 2020 at Thomson Street Sporting Complex with user-group and Management Committee representatives, Councillors, and staff. This report summarises the outcomes of that meeting and responds to Item 3 (MIN 20.876) of the resolution.



Thomson Street Sporting Complex Carparking Areas

Green area: Recommendation 1 of this report
Reseal main car park

Orange area: Recommendation 2 and 3 of this
report Design and construction of additional
indoor sports hall car park – seek grant
funding opportunities

Main Car Park – Reseal - Green Hatched Area on Aerial Image

The main car park at Thompson Street Sporting Complex was constructed prior to the opening of the complex in the early 1980s. The car park has been well used and maintained, servicing the community for approximately 40 years. The car park services both halls at the facility and provides additional parking for the Aquatic Centre. Due to its age and high traffic use, the surface now requires resealing to return it to a reasonable and safe standard for the public.

In consideration of its poor condition, it was agreed by all present at the December 2020 onsite meeting that resealing should be identified as a high priority within the Council work program. It is recommended that Council deliver this project within the 2021/22 Minor Improvement Program budget.

Additional Car Park - Seal - Requested by Management Committee - Orange Hatched Area on Aerial Image

At the December site meeting, the Management Committee also suggested extending the car park to include the gravelled area at the rear of the indoor sports hall. The Management Committee advised, and all present generally agreed, that they do not consider the project a high priority. It was acknowledged, however, that formalising this car park would embellish the amenity, and enhance important community events at the facility.

This area is used primarily to deliver coffins into the hall during approximately 12 local funeral services per year. It was agreed that whilst the usage of this asset is infrequent, options for sealing the area should be investigated.

The investigations undertaken to date reveal that the existing crusher dust / gravel car park laid at the rear of the indoor sports hall does not provide a suitable base material for sealing. To provide a sealed surface, the existing material would need to be completely removed and a new base laid. Consequently, the sealing of this car park will require a design and cost estimate to develop the proposal as a shovel-ready project for funding consideration. Indicative costs are estimated at \$30,000 for design and up to \$250,000 for construction. These costs would include drainage and line marking.

Whilst it is acknowledged that formalising the additional car park would enhance the facility, there may be higher priorities for improvements at the facility and in the local area.

It is recommended that Council identify design and construction of the additional car park at the rear of the indoor sports hall in the Shoalhaven Swim Sport Fitness Asset Management Plan.

Council will continue to liaise with the Management Committee and user-groups to determine appropriate prioritisation of needs. This will enable the project to be developed as a shovel-ready proposal for grant applications in accordance with its priority for the facility and local area.

It is proposed that \$30,000 for design and investigation works, including a quantity survey or estimate of probable cost could be funded in Council's forward budget plan for FY 2022/23. Once this stage is completed further seed funding could be sought in subsequent outyears of Council's capital work program to assist staff in seeking grant funding opportunities to deliver this improvement when designs are completed.

Community Engagement

An onsite meeting was held with user-group and Management Committee representatives, Councillors, and staff on 3 December 2020.

It was agreed by all present that resealing of the main car park should be identified as a high priority within the Council work program.

The Management Committee further suggested extending the car park to include the gravelled area at the rear of the indoor sports hall. The committee advised, and all present generally agreed, that they do not consider the project a high priority. It was, however, acknowledged by all present that formalising this car park would embellish the amenity, and enhance important community events at the facility.

The meeting agreed to investigate sealing the additional car park, to determine an estimate of costs, and with this further information to proceed to prioritise the additional proposal. Council will continue to liaise with the Management Committee and user-groups to determine appropriate prioritisation of needs.

Financial Implications

Road works completed to date:

Council has graded access roads into the main car park at a cost of \$6,000 from the Precinct and Community Asset Maintenance Budget.

Cost Estimate – Reseal Main Car Park

As recommended:

| | GST excl. |
|-------------------|------------------|
| Spray Seal Option | \$ 19,079 |
| Line Marking | \$ 3,000 |
| Total | \$ 22,079 |

Funding of \$22,079 has been allocated in the 2021/22 Minor Improvement Program budget to seal the main car park.

Indicative Cost - Seal Additional Car Park – Rear of Indoor Sports Hall

| | GST excl. |
|--------------|-------------------|
| Design | \$ 30,000 |
| Construction | \$ 250,000 |
| Total | \$ 280,000 |

There is no allocation for construction costs in current budgets. It is recommended that design works be identified in the Shoalhaven Swim Sport Fitness Asset Management Plan, subject to prioritisation of the work program, and that seed funding from Council be considered in future outyears of the capital works program to support grant funding opportunities to deliver this improvement when designs are completed.

Risk Implications

The existing main car park has an uneven surface and presents possible trip hazards. It is in a high-use area of the facility.

If no works are carried out, the car park is expected to continue to deteriorate, potentially exacerbating health and safety risks into the future.

SA21.130 Tenders - Main Road Cambewarra Water Main Relocation and Stage 1 - Moss Vale Road Water Lead-in Project

HPERM Ref: D21/198161

Department: Water Asset Planning & Development

Approver: Robert Horner, Executive Manager Shoalhaven Water

Reason for Report

To inform Council of the tender process for the Tenders - Main Road Cambewarra Main Relocation and Stage 1 - Moss Vale Road Water Lead-in Project.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

Recommendation (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.

Options

1. As recommended

Implications: The Confidential Report will be considered.

2. Propose an alternative process for consideration of the issue.

Implications: This is not recommended as an extensive tender evaluation process has been undertaken comprising of price and non-price criteria in accordance with the Tender Evaluation and Probity Plan.

Details

The proposed works relate to 2 work packages being:

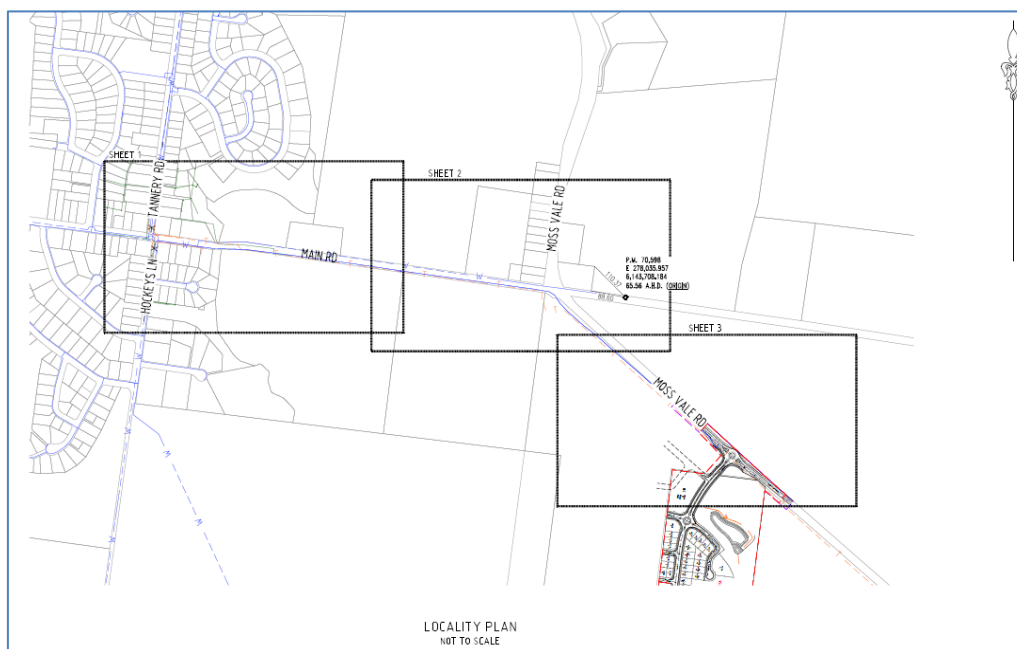
Work Package 1A: Main Road Cambewarra Water Main Relocation

- Installation of new DN180 HDPE PE100 PN16 Water Main (approximate Length 140m), to allow for the future widening of Main Road Cambewarra by City Services.



Work Package 1B: Moss Vale Road Water Lead-In For Urban Release Area (URA)

- Installation of new DN400 HDPE PE100 PN16 Water Main (approximate Length 880m).
- Installation of new DN355 HDPE PE100 PN16 Water Main (approximate Length 767m).
- The works are necessary to provide water supply to the Moss Vale Road URA.



A Tender Evaluation Plan (TEP) consistent with the Conditions of Tendering was prepared by the Tender Evaluation Committee (TEC) prior to evaluation of tenders.

All TEC members were to disclose any current associations with any of the tenderers or their companies, or any other circumstances that could lead to a conflict of interest. No conflicts of interest were recorded.

Tenders were invited from the existing Water and Sewer Mains Replacement Panel (2020-2024) via Tenderlink on 4 May 2021. Prospective tenderers were invited to attend a non-mandatory pre-tender site meeting on 11 May 2021.

SA21.130

Tenders closed at 10am on 25 May 2021 with a total of 5 tenders received by the deadline. No tenders were received after the deadline.

Council is requested to consider the tender evaluation in the Confidential Report with a view to endorsing the recommended tenderer.

Tenders Received

Tenders were received from the following:

| Tenderer | Location |
|------------------------------------|--|
| Hisway Pty Ltd | 13a Investigator Street, Nowra NSW 2541 |
| Murphy McCarthy Associates Pty Ltd | 43 Hubert Street, Leichhardt, NSW 2040 |
| Select Civil Pty Ltd | 73 Reddalls Road, Kembla Grange NSW 2526 |
| Eire Constructions Pty Ltd | 38 Orontes Close, Sancorx NSW 2446 |
| Lynch Civil Contractors Pty Ltd | 27 Quinns Lane South Nowra NSW 2541 |

Details relating the evaluation of the tenders are contained in the Confidential Report.

Community Engagement

Extensive community and stakeholder consultation has been undertaken, with the associated Review of Environmental Factors (September 2020) publicly exhibited and endorsed by Council 13 October 2020 under MIN20.756.

Additional community and stakeholder engagement prior to and during the construction is proposed, with a dedicated project webpage established under Council's 'Major Projects & Works' Portal.

Policy Implications

Procurement Policy – POL18/74 – The tender for this project has been undertaken in accordance with Council's Purchasing Policy. The recommendation for this report is consistent with the provision of Council's Purchasing Policy.

Financial Implications:

Shoalhaven Water has successfully secured Grant Funding through the State Government's Housing Acceleration Fund (HAF) for water supply works in relation to the Moss Vale Road Urban Release Areas.

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.