

Strategy and Assets Committee

Meeting Date: Tuesday, 19 January, 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 - 8 December 2020 1
3. **Declarations of Interest**
4. **Mayoral Minute**
5. **Deputations and Presentations**
6. **Notices of Motion / Questions on Notice**
 - Notices of Motion / Questions on Notice
 - SA21.1 Notice of Motion - Site Investigations - South Nowra/Worrigee Aquatic Centre 19
 - SA21.2 Notice of Motion - Investigations Regarding the Urgent Provision of Overflow Carparking - Basin View Boat Ramp 20
 - SA21.3 Notice of Motion - Traffic Safety Measures - Wool Road Area, Old Erawal Bay 21
 - SA21.4 Notice of Motion - Call in Development Applications DA20/2322 and DA20/2190 22
7. **Reports**
 - CEO

SA21.5	Application for Community Consultative Body Council Accreditation - Sassafras and Districts Progress Association	23
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City Performance

SA21.6	Extension of the Interest-Free Period on Rates & Charges until 30 June 2021	29
SA21.7	Ordinary Council Meeting Date - January 2021	31

City Services

SA21.8	Chinamans Island - Lake Conjola - Update - Cottage Management Options	32
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City Lifestyles

SA21.9	Concept Design - Bay and Basin Skate Park	41
SA21.10	Outcomes of Site Investigation and Proposed Next Steps - Berry Spinners and Weavers	46

Shoalhaven Water

SA21.11	Part 2: Moss Vale Road Urban Release Area - Wastewater Infrastructure - Review of Environmental Factors	50
SA21.12	Acquisition of Easement - Sewer Purposes - 45 Bannister Head Road Mollymook Beach - Lot 724 DP 231243	56
SA21.13	Acquisition of Easement - Sewer Purposes - 1 Dolphin Street Ulladulla - Lot 19 DP 24534	59
SA21.14	Acquisition of Easement - Sewer Purposes - 30 Hollywood Avenue Ulladulla - Lot 52 DP 261132	62

8. Confidential Reports

Nil

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;

- 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, 8 December 2020
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5.07pm

The following members were present:

Clr John Wells - Chairperson
Clr Amanda Findley – left the meeting at 6.02pm
Clr Joanna Gash
Clr Kaye Gartner – (remotely)
Clr Nina Digiglio
Clr Annette Alldrick
Clr John Levett
Clr Andrew Guile – (remotely) – left the meeting at 5.41pm
Clr Mitchell Pakes – left the meeting at 6.49pm
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot
Mr Stephen Dunshea - Chief Executive Officer

Procedural Motion - Adjournment of Meeting

PROCEDURAL MOTION (Clr Pakes / Clr Findley)

That the meeting be adjourned to permit the opening of the Regional Development Committee meeting, and to resume at its close.

CARRIED

Note: The meeting adjourned, the time being 5.07pm

Note: The meeting reconvened, the time being 5.30pm

Apologies / Leave of Absence

An apology was received from Clr White.

Confirmation of the Minutes

RESOLVED (Clr Pakes / Clr Digiglio)

MIN20.898

That the Minutes of the Strategy and Assets Committee held on Tuesday 10 November 2020 be confirmed.

Minutes Confirmed Tuesday 19 January 2021 – Chairperson

CARRIED

Declarations of Interest

Stephen Dunshea, Chief Executive Officer – SA20.235 Notice of Motion - Financial assistance for Tomerong School of Arts (Tomerong Hall) – Non significant non pecuniary interest declaration – Will remain in the room and will not take part in discussion or vote – He is a resident in the area.

MAYORAL MINUTES

Nil

DEPUTATIONS AND PRESENTATIONS

SA20.253 - Access Areas For Dogs Policy - Summary of Investigation and Consultation - Shoalhaven Heads and Dolphin Point / Burrill Lake

Craig Stewart - For

Paws4Shoalhaven Inc - Against

Heather Wales - Against

NOTICES OF MOTION / QUESTIONS ON NOTICE

SA20.234 Notice of Motion - Motorsports Complex - Shoalhaven Area

HPERM Ref:
D20/516767

Recommendation (Item to be determined under delegated authority)

That Council staff provide a written report on the progress of the investigation into a Motorsports Complex for the Shoalhaven and include details of:

1. How much money has been spent so far and how it has been spent.
2. An estimate of how much money is expected to be spent in the future and how it will be spent.

RESOLVED (Clr Alldrick / Clr Findley)

MIN20.899

That Council staff provide a written report on the progress of the investigation into a Motorsports Complex for the Shoalhaven and include details of:

1. How much money has been spent so far and how it has been spent.
2. An estimate of how much money is expected to be spent in the future and how it will be spent.
3. Lists of sites that have been examined and are still to be examined for the location of the complex.

CARRIED

SA20.235 Notice of Motion - Financial assistance for Tomerong School of Arts (Tomerong Hall)

**HPERM Ref:
D20/517155**

Stephen Dunshea, Chief Executive Officer – SA20.235 Notice of Motion - Financial assistance for Tomerong School of Arts (Tomerong Hall) – Non significant non pecuniary interest declaration – Remained in the room but did not take part in discussion or vote – He is a resident in the area.

Recommendation

That Council donates \$5,000 from the Unallocated Donations budget to assist the Tomerong School of Arts Committee meet its financial commitments in the face of a serious shortfall in market and booking income over the last twelve months due to the Bushfires and COVID19.

Note: Clr Guile left the meeting at 5.42pm

RECOMMENDATION (Clr Levett / Clr Digiglio)

That Council donates \$5,000 from the Unallocated Donations budget or other funding source deemed appropriate by the CEO to assist the Tomerong School of Arts Committee meet its financial commitments in the face of a serious shortfall in market and booking income over the last twelve months due to the Bushfires and COVID19.

CARRIED

SA20.236 Notice of Motion - Milton Ulladulla Princes Highway Bypass - Support for Communities of Burrill Lake & Lake Tabourie

**HPERM Ref:
D20/531087**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Support the Lake Burrill and Lake Tabourie residents and communities in their endeavours to change the preferred route announced by Transport for NSW for the Milton Ulladulla Princes Highway by-pass to:
 - a. protect Burrill Lake and Lake Tabourie residents,
 - b. to ensure the safety of the communities,
 - c. retain the quality of life and sense of place which has been enjoyed for decades,
 - d. deliver a safer Princes Highway.
2. Request Transport for NSW to investigate alternative by-pass options to the west of Burrill Lake and Lake Tabourie.
3. Write to the Hon Shelley Hancock MP, Member for South Coast, the Hon Andrew Constance MP, Transport Minister NSW and Fiona Phillips, Federal Member for Gilmore requesting support for Council's recommendation for alternative by-pass options.
4. Request SEATS to
 - a. Endorse the representations from Burrill Lake and Lake Tabourie communities to change the By-pass options and:
 - b. Write to Federal and State Members of Parliament supporting Council's recommendations.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN20.900

That Council:

1. Support the Lake Burrill and Lake Tabourie residents and communities in their endeavours to change the preferred route announced by Transport for NSW for the Milton Ulladulla Princes Highway bypass to:
 - a. protect Burrill Lake and Lake Tabourie residents from excessive volumes of traffic,
 - b. ensure greater safety of the local communities,
 - c. retain the quality of life and sense of place which has been enjoyed for decades,
 - d. deliver a safer Princes Highway,
2. Request an urgent briefing by Transport for NSW on the Highway bypass.
3. Strongly supports the full bypass option including bypasses of Burrill Lake and Tabourie Lake.
4. To facilitate the development, request that the project is staged, with Stage 1 including a link along the Canberra Crescent route.
5. Write to the Hon Shelley Hancock MP, Member for South Coast, the Hon Andrew Constance MP, Transport Minister NSW and Fiona Phillips, Federal Member for Gilmore requesting support for Council's recommendation for alternative by-pass options.
6. Request SEATS to
 - a. Endorse the representations from Burrill Lake and Lake Tabourie communities to change the Bypass options and:
 - b. Write to Federal and State Members of Parliament supporting Council's recommendations.
7. Receive regular updates / briefings on the development of route options.

CARRIED

REPORT OF THE NOWRA CBD REVITALISATION STRATEGY COMMITTEE - 11 NOVEMBER 2020

CBD20.23 Annual Financial Statement - Nowra CBD Promotions Budget - 2019-2020	HPERM Ref: D20/478363
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Recommendation (Item to be determined under delegated authority)

That the Annual Financial Statements for the 2019-2020 Financial Year (attached) provided by the Nowra CBD Business Chamber be received for information.

RESOLVED (Clr Findley / Clr Digiglio)

MIN20.901

That the Annual Financial Statements for the 2019-2020 Financial Year (attached) provided by the Nowra CBD Business Chamber be received for information.

CARRIED

CBD20.24 Additional Item - Proposed Establishment of an Alcohol Prohibited Area for the Laneways off Egans Lane Car Park**Recommendation**

That the CEO investigate the actions that can be taken by Council to prohibit the consumption of alcohol in the Laneways off Egans Lane Car Park near the Library and Arts Centre.

RESOLVED (Clr Findley / Clr Digiglio)

MIN20.902

That the CEO investigate the appropriate actions that can be taken by Council to prohibit the consumption of alcohol in the Laneways off Egans Lane and Stewart Place Car Parks, near the Library, Arts Centre and commercial areas.

CARRIED

Note: Clr Findley left the meeting at 6.02pm

REPORTS**SA20.238 Quarterly Progress Report - Councillors' Notices of Motion****HPERM Ref:
D20/520239****Recommendation (Item to be determined under delegated authority)**

That Council:

1. Receive the Progress report on Councillors' Notices of Motion.
2. Receive future Councillors' Notices of Motion progress reports as part of the Quarterly Performance Report to the Strategy and Assets Committee Meetings.

RESOLVED (Clr Pakes / Clr Gash)

MIN20.903

That Council:

1. Receive the Progress report on Councillors' Notices of Motion.
2. Receive future Councillors' Notices of Motion progress reports as part of the Quarterly Performance Report to the Strategy and Assets Committee Meetings.

CARRIED

SA20.239 2021 Conferences**HPERM Ref:
D20/418578****Recommendation (Item to be determined under delegated authority)**

That Council

1. Authorises available Councillors to attend the following conferences and such attendance be deemed Council Business
 - a. 10th Australian Small Bridges Conference
 - b. 2021 Australian Coastal Councils Conference
 - c. 2021 Australian Local Government Women's Association NSW State Conference
 - d. Waste 2021 Conference

- e. 2021 OzWater Conference
- f. 2021 National Australian Women's Association Conference
- g. 2021 National General Assembly of Local Government
- h. Local Government Planning & Environmental Law Conference 2021
- i. 2021 LGNSW Water Management Conference
- j. 2021 NSW Local Government Aboriginal Network Conference
- k. 2021 LGNSW Annual Conference
- l. 20th International Cities and Town Centres Conference
- m. 29th NSW Coastal Conference
- n. Local Government Parking Summit 2021
- o. 2021 National Local Roads & Transport Congress
- p. 2021 Global Eco Asia-Pacific Tourism Conference
2. Require that travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with Council Members – Payment of Expenses and Provision of Facilities Policy.
3. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN20.904

That Council

1. Authorises available Councillors to attend the following conferences and such attendance be deemed Council Business
 - a. 10th Australian Small Bridges Conference
 - b. 2021 Australian Coastal Councils Conference
 - c. 2021 Australian Local Government Women's Association NSW State Conference
 - d. Waste 2021 Conference
 - e. 2021 OzWater Conference
 - f. 2021 National Australian Women's Association Conference
 - g. 2021 National General Assembly of Local Government
 - h. Local Government Planning & Environmental Law Conference 2021
 - i. 2021 LGNSW Water Management Conference
 - j. 2021 NSW Local Government Aboriginal Network Conference
 - k. 2021 LGNSW Annual Conference
 - l. 20th International Cities and Town Centres Conference
 - m. 29th NSW Coastal Conference
 - n. Local Government Parking Summit 2021
 - o. 2021 National Local Roads & Transport Congress
 - p. 2021 Global Eco Asia-Pacific Tourism Conference
2. Require that travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with Council Members – Payment of Expenses and Provision

of Facilities Policy.

3. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

CARRIED

**SA20.240 Code of Conduct and Code of Conduct Procedures -
Changes to Model Code to be reflected in Council Policy
Documents**

**HPERM Ref:
D20/484863**

Recommendation (Item to be determined under delegated authority)

That Council adopt:

1. The amendments to the Code of Conduct (provided as Attachment 1 to the report) including the increase in the cap on Gifts and Benefits at \$100 outlined in the enacted revised Model Code
2. The amendments to the Code of Conduct Procedures (provided as Attachment 2 to the report) reflecting the amendments the enacted revised Model Procedures.

RESOLVED (Clr Gash / Clr Pakes)

MIN20.905

That Council adopt:

1. The amendments to the Code of Conduct (provided as Attachment 1 to the report) including the increase in the cap on Gifts and Benefits at \$100 outlined in the enacted revised Model Code
2. The amendments to the Code of Conduct Procedures (provided as Attachment 2 to the report) reflecting the amendments the enacted revised Model Procedures.

CARRIED

SA20.241 2021/22 Budget Parameters

**HPERM Ref:
D20/528633**

Recommendation (Item to be determined under delegated authority)

That Council adopt the following budgeting strategies and economic parameters for the preparation of the 2021/22 Draft Budget:

1. Principal budgeting strategies:
 - a. The budget will not result in an unrestricted cash deficit.
 - b. Prioritise funding in the following order:
 - i. Provide sufficient funding for all continuing services.
 - ii. Continue Council's commitment to asset renewal.
 - iii. Continue a program of capital improvements at similar budget levels and ratios.
 - iv. Provide funding for recommended service expansions.
 - c. Maintain or improve Council's financial and asset management performance indicators reported in the annual financial statements.
 - d. Maintain an adequate working funds balance.
2. Economic parameters:

- a. Rates are increased by 2.6% to cover known additional costs in 2021/22 with the additional loan repayments funded from reduced capital expenditure.
- b. User fees and charges are increased by 2%.
- c. Salaries and wages will be increased by 2%.
- d. Materials and other expenditures increased by 0.50%.
- e. The capital works program has the same level of general funding as 2020/21, with the additional loan repayments for the new loans in 2020/21 funded from this allocation.
- f. Borrowing for capital works is limited to Council businesses where an external funding source for the loan repayment can be identified.
- g. Should the need arise during the year for additional borrowings, the following options in priority order will be considered:
 - i. Internal borrowing opportunities.
 - ii. Low cost loan initiative.
 - iii. External loans not subsidised by the low-cost loan initiative.

RESOLVED (Clr Pakes / Clr Gash)

MIN20.906

That Council adopt the following budgeting strategies and economic parameters for the preparation of the 2021/22 Draft Budget:

1. Principal budgeting strategies:

- a. The budget will not result in an unrestricted cash deficit.
- b. Prioritise funding in the following order:
 - i. Provide sufficient funding for all continuing services.
 - ii. Continue Council's commitment to asset renewal.
 - iii. Continue a program of capital improvements at similar budget levels and ratios.
 - iv. Provide funding for recommended service expansions.
- c. Maintain or improve Council's financial and asset management performance indicators reported in the annual financial statements.
- d. Maintain an adequate working funds balance.

2. Economic parameters:

- a. Rates are increased by 2.6% to cover known additional costs in 2021/22 with the additional loan repayments funded from reduced capital expenditure.
- b. User fees and charges are increased by 2%.
- c. Salaries and wages will be increased by 2%.
- d. Materials and other expenditures increased by 0.50%.
- e. The capital works program has the same level of general funding as 2020/21, with the additional loan repayments for the new loans in 2020/21 funded from this allocation.
- f. Borrowing for capital works is limited to Council businesses where an external funding source for the loan repayment can be identified.
- g. Should the need arise during the year for additional borrowings, the following options in priority order will be considered:
 - i. Internal borrowing opportunities.

- ii. Low cost loan initiative.
- iii. External loans not subsidised by the low-cost loan initiative.

CARRIED

SA20.242 Purchase of a Property in Ulladulla

**HPERM Ref:
D20/534328**

Recommendation (Item to be determined under delegated authority)

That Council, in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, consider a separate confidential report in relation to the proposed purchase of a property in Ulladulla.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN20.907

That Council, in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, consider a separate confidential report in relation to the proposed purchase of a property in Ulladulla.

CARRIED

SA20.243 Request for Seed Funding - Local RFS Capital Works Program

**HPERM Ref:
D20/469241**

Recommendation

That Council:

1. Note that at the Rural Fire Service Strategic Planning Committee meeting on 14 May 2020 the committee adopted the following priority list for station developments:
 - Currarong Station
 - Conjola Station
 - Manyana Station
 - Tomerong Station
 - Wandandian Station
 - Basin View Station
 - Training/Logistics/SMSS Facility (TLSF)
 - Huskisson Station, and
 - Beaumont Station.
2. Allocate \$100,000 in the Draft 2020/2021 budget to allow for advanced design work to be completed and thus maximise the possibility of obtaining sufficient State Government funding to develop these stations – noting that design funding will be part of any funding arrangement.

RECOMMENDATION (Clr Pakes / Clr Proudfoot)

That Council:

1. Note that at the Rural Fire Service Strategic Planning Committee meeting on 14 May 2020 the committee adopted the following priority list for station developments:
 - Currarong Station
 - Conjola Station
 - Manyana Station
 - Tomerong Station
 - Wandandian Station
 - Basin View Station

- Training/Logistics/SMSS Facility (TLSF)
- Huskisson Station, and
- Beaumont Station.

2. Allocate \$100,000 in the Draft 2020/2021 budget to allow for advanced design work to be completed and thus maximise the possibility of obtaining sufficient State Government funding to develop these stations – noting that design funding will be part of any funding arrangement.

CARRIED

**SA20.244 Tender - Bank Revetment Works - River Road
Shoalhaven Heads**

**HPERM Ref:
D20/488642**

Recommendation (Item to be determined under delegated authority)

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

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN20.908

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

CARRIED

**SA20.245 Peak Season Preparations for known Traffic Hotspots in
the Region**

**HPERM Ref:
D20/529604**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Note the traffic management initiatives outlined in this report for the coming summer season at the following regular high-profile hotspots:
 - a. Hyams Beach
 - b. Bendalong Village
 - c. Jervis Bay Road and Princes Highway intersection
 - d. The Princes Highway through Milton and the operation of Pedestrian Crossings
 - e. The Princes Highway through Ulladulla and the congestion this creates getting around Ulladulla.
2. Undertake widespread communication of the traffic management initiatives through all available media strategies.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN20.909

That Council:

1. Note the traffic management initiatives outlined in this report for the coming summer season at the following regular high-profile hotspots:
 - a. Hyams Beach
 - b. Bendalong Village
 - c. Jervis Bay Road and Princes Highway intersection
 - d. The Princes Highway through Milton and the operation of Pedestrian Crossings

- e. The Princes Highway through Ulladulla and the congestion this creates getting around Ulladulla.
2. Undertake widespread communication of the traffic management initiatives through all available media strategies.
3. Seek consultation with Transport for NSW to resolve traffic issues on the Princes Highway from Jervis Bay Road through to Bomaderry during the peak holiday period.

CARRIED

**SA20.246 Report - Community Fire Unit (CFU) -
Bendalong/Manyana/Cunjurong Point/Berringer Lake -
Investigations of Options**

**HPERM Ref:
D20/427955**

Recommendation (Item to be determined under delegated authority)

That Council

1. Note that the Red Head Villages Association and the Rural Fire Service have been in contact with each other and discussions around the possibility of establishing of a Community Fire Unit have commenced.
2. Write to the Red Head Villages Association advising that Council understands that they are engaging with the RFS management in respect to the possibility of establishing of a Community Fire Unit on the local area.

RESOLVED (Clr Gash / Clr Levett)

MIN20.910

That Council

1. Note that the Red Head Villages Association and the Rural Fire Service have been in contact with each other and discussions around the possibility of establishing of a Community Fire Unit have commenced.
2. Write to the Red Head Villages Association advising that Council understands that they are engaging with the RFS management in respect to the possibility of establishing of a Community Fire Unit on the local area.
3. Receive a report from the CEO on the future of the vacated fire station asset at Bendalong.

CARRIED

**SA20.247 Holiday Haven - Debt Write Off - Holiday Van Occupancy
Fees - Income from Coin Operated Washing Machines**

**HPERM Ref:
D20/534003**

Recommendation (Item to be determined under delegated authority)

That Council, in accordance with Section 10A(2)(b) and Section Section 10A(2)(d)(ii) of the Local Government Act 1993, consider separate confidential reports to consider writing off the debts in relation to the following matters:

1. Occupancy fees at Holiday Haven White Sands and Holiday Haven Currarong
2. Income from coin operated washing machines and dryers

RESOLVED (Clr Proudfoot / Clr Alldrick)

MIN20.911

That Council, in accordance with Section 10A(2)(b) and Section Section 10A(2)(d)(ii) of the Local Government Act 1993, consider separate confidential reports to consider writing off the debts in relation to the following matters:

1. Occupancy fees at Holiday Haven White Sands and Holiday Haven Currarong
2. Income from coin operated washing machines and dryers

CARRIED

SA20.248 Exhibition Outcomes - Draft Policy Fee Waivers - Ranger Services Unit

**HPERM Ref:
D20/422474**

Recommendation (Item to be determined under delegated authority)

That Council adopt the Draft Policy Fee Waivers – Ranger Services Unit.

RESOLVED (Clr Gash / Clr Digiglio)

MIN20.912

That Council adopt the Draft Policy Fee Waivers – Ranger Services Unit.

CARRIED

SA20.249 South Mollymook Coastal Protection cost benefit analysis and impact assessment implementation

**HPERM Ref:
D20/471380**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Acknowledge the South Mollymook Beach Cost Benefit & Distributional Analysis for Coastal Protection Works prepared by Origin Capital Group 2020;
2. Seek a NSW State Government coast & estuary grant for detailed design for Option 4 – Seawall Protection Plus Amenity Nourishment 50 year design life for South Mollymook Beach to understand the full budget implications and inform further community consultation and Council's future policy direction in relation to this matter;
3. Investigate public private partnership opportunities for funding the construction of replacement and future maintenance of the coastal protection structures at South Mollymook Beach; and
4. In the interim, Council continue to monitor and maintain the existing structures by implementing emergency action sub plan under the Coastal Zone Management Plan (CZMP) for the Shoalhaven Coastline 2018.

RESOLVED (Clr Digiglio / Clr Gartner)

MIN20.913

That Council:

1. Acknowledge the South Mollymook Beach Cost Benefit & Distributional Analysis for Coastal Protection Works prepared by Origin Capital Group 2020;
2. Seek a NSW State Government coast & estuary grant for detailed design for Option 4 – Seawall Protection Plus Amenity Nourishment 50 year design life for South Mollymook Beach to understand the full budget implications and inform further community consultation and Council's future policy direction in relation to this matter;
3. Investigate public private partnership opportunities for funding the construction of replacement and future maintenance of the coastal protection structures at South Mollymook Beach; and
4. In the interim, Council continue to monitor and maintain the existing structures by implementing emergency action sub plan under the Coastal Zone Management Plan (CZMP) for the Shoalhaven Coastline 2018.

CARRIED

Note: Cllr Pakes left the meeting at 6.49pm

SA20.250 Tenders - Lake Conjola Coastal Management Plan

**HPERM Ref:
D20/525957**

Recommendation (Item to be determined under delegated authority)

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

RESOLVED (Cllr Proudfoot / Cllr Watson)

MIN20.914

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

CARRIED

SA20.251 Reclassification of Land - Lot 1151 DP 1159783 - Larmer Avenue, Sanctuary Point

**HPERM Ref:
D20/356585**

Recommendation

That Council reclassifies the land described as Lot 1151 DP 1159783 known as BHERWERRE WETLAND from Operational Land to Community Land as shown on attachment 1 (D20/507881).

RESOLVED (Cllr Wells / Cllr Digiglio)

MIN20.915

That this item be deferred pending a Councillor Briefing from Property Staff.

CARRIED

SA20.252 Shoalhaven Family Day Care - Fees and Charges - Adopted

**HPERM Ref:
D20/526007**

Recommendation

That Council endorse the changes to fees and charges for Shoalhaven Family Day Care Service to take effect from 1 January 2021 being:

- a. Educator Fee Parameters - \$8.00 to \$20.00 per hour
- b. Educator Levy - \$0.30 per hour
- c. Educator Registration Fee - \$50.00
- d. Educator Training Fee - \$400.00 (one-off fee)
- e. Family enrolment fees:
 - i. \$25.00 1st child
 - ii. \$20.00 2nd child
 - iii. \$15.00 3rd child
 - iv. Nil 4th child
- f. Parent Administration Levy - \$1.35 per child per hour

All fees are GST exclusive

RECOMMENDATION (Clr Gash / Clr Digiglio)

That Council endorse the changes to fees and charges for Shoalhaven Family Day Care Service to take effect from 1 January 2021 being:

- a. Educator Fee Parameters - \$8.00 to \$20.00 per hour
- b. Educator Levy - \$0.30 per hour
- c. Educator Registration Fee - \$50.00
- d. Educator Training Fee - \$400.00 (one-off fee)
- e. Family enrolment fees:
 - i. \$25.00 1st child
 - ii. \$20.00 2nd child
 - iii. \$15.00 3rd child
 - iv. Nil 4th child
- f. Parent Administration Levy - \$1.35 per child per hour

All fees are GST exclusive

CARRIED

Note: Clr Proudfoot left the meeting at 7.00pm

SA20.253 Access Areas For Dogs Policy - Summary of Investigation and Consultation - Shoalhaven Heads and Dolphin Point / Burrill Lake

HPERM Ref: D20/487439

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse the provision of a new fenced dog off-leash park at Lions Park, Burrill Lake and fund the fencing of the off-leash dog area from the existing budget allocation for dog off-leash area embellishments.
2. Amend the dog off-leash area at Jerry Bailey Oval, Shoalhaven Heads in accordance with the new fenced area and increase hours of operation to 24-hour dog off-leash access.
3. As part of the Access Areas for Dogs Policy review:
 - a. Further investigate establishment of fenced dog off-leash areas in Burrill Lake (McDonald Parade and Rackham Crescent Reserves)
 - b. Investigate potential for a dog off-leash beach south of Ulladulla and north of Bawley Point
 - c. Further investigate extension of the Seven Mile Beach off-leash area to the north, including:
 - i. Seek community feedback in relation to the northern extension; and
 - ii. Seek advice from National Parks & Wildlife Services and other relevant Government stakeholders.

RESOLVED (Clr Gash / Clr Levett)

MIN20.916

That Council:

1. Endorse the provision of a new fenced dog off-leash park at Lions Park, Burrill Lake and fund the fencing of the off-leash dog area from the existing budget allocation for dog off-leash area

embellishments.

2. Amend the dog off-leash area at Jerry Bailey Oval, Shoalhaven Heads in accordance with the new fenced area and increase hours of operation to 24-hour dog off-leash access.
3. Defer investigations of the following sites as off-leash locations:
 - a. A dog off-leash beach south of Ulladulla and north of Bawley Point
 - b. Further investigation of extension of the Seven Mile Beach off-leash area to the north, including:
 - i. Seek community feedback in relation to the northern extension; and
 - ii. Seek advice from National Parks & Wildlife Services and other relevant Government stakeholders.

CARRIED

SA20.254 Classification of Land - Lot 101 DP 1242748

**HPERM Ref:
D20/488152**

Recommendation

That Council classify the land described as Lot 101 DP 1242748 River Road Sussex Inlet as Operational land.

RECOMMENDATION (Clr Digiglio / Clr Alldrick)

That Council classify the land described as Lot 101 DP 1242748 River Road Sussex Inlet as Operational land.

CARRIED

**SA20.255 Acquisition of Easement - Sewer Purposes - 12 Daley
Crescent North Nowra**

**HPERM Ref:
D20/518514**

Recommendation

That:

1. Council acquire an Easement to Drain Sewage 3 metres wide over part of Lot 21 DP22131, 12 Daley Crescent North Nowra marked on the attached draft survey plan.
2. Council pay compensation of \$11,000 plus GST if applicable and reasonable legal and valuation costs associated with the acquisition in accordance with the provision 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.

RECOMMENDATION (Clr Gash / Clr Digiglio)

That:

1. Council acquire an Easement to Drain Sewage 3 metres wide over part of Lot 21 DP22131, 12 Daley Crescent North Nowra marked on the attached draft survey plan.
2. Council pay compensation of \$11,000 plus GST if applicable and reasonable legal and valuation costs associated with the acquisition in accordance with the provision 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

Note: Cllr Proudfoot returned to the meeting at 7.03pm

SA20.256 2019/20 Annual Energy Review Report

**HPERM Ref:
D20/507480**

Recommendation (Item to be determined under delegated authority)

That Council receive and note the achievements outlined in the Annual Energy Review FY 2019/20 report presented as Attachment 1 to this Report.

RESOLVED (Cllr Gash / Cllr Digiglio)

MIN20.917

That Council receive and note the achievements outlined in the Annual Energy Review FY 2019/20 report presented as Attachment 1 to this Report.

CARRIED

Procedural Motion - Matters of Urgency

MOTION (Cllr Digiglio / Cllr Alldrick)

That an additional item to Call in Development Application DA20/2172 be introduced as a matter of urgency.

The Chairperson ruled the matter as urgent due to public interest.

SA20.257 Call In DA20/2172 - 8 Homestead Lane Berry - Lot 101 DP 1057897

RESOLVED (Cllr Digiglio / Cllr Alldrick)

MIN20.918

That DA20/2172 – 8 Homestead Lane Berry - Lot 101 DP 1057897 - Commercial Additions - Alterations & Additions & Use of Existing 'Mananga Homestead' for Functions & Events be called to Council for determination due to significant public interest.

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 (Cllr Proudfoot / Cllr Levett)

MIN20.919

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.

CSA20.17 Purchase of a Property in Ulladulla

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 prejudice the effective exercise by an agency of the agency's functions.

CSA20.18 Tenders - Bank Revetment Works - River Road Shoalhaven Heads

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)

CSA20.19 Holiday Haven - Holiday Van Occupancy Fees - Debt Write Off

Discussion in relation to the personal hardship of a resident or ratepayer. 10(A)(2)(b)

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal an individual's personal information or contravene an information protection principle under the Privacy and Personal Information Protection Act 1998.

CSA20.20 Holiday Haven - Income from Coin Operated Washing Machines & Dryers - Debt Write Off

Information that would, if disclosed, confer a commercial advantage on a competitor of the council. 10(A)(2)(d)(ii)

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.

CSA20.21 Tenders - Coastal Management Plan for Lake Conjola Report and Recommendations

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

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

CARRIED

The meeting moved into confidential the time being 7.06pm.

The meeting moved into open session, the time being 7.13pm.

REPORT FROM CONFIDENTIAL SESSION

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

**CSA20.18 Tenders - Bank Revetment Works - River Road
Shoalhaven Heads****HPERM Ref:
D20/468767****RESOLVED**

MIN20.920

That:

1. Council endorses the recommendation of the Tender Evaluation Team and accepts the Tender from MGN Civil Pty Ltd for Bank Revetment works at River Road Shoalhaven Heads at a total cost of \$ 1,528,300 (excluding GST). Tender reference 61554E.
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl.165 of the Local Government Regulation by the CEO (Director City Services), as the Principal's Representative.

CARRIED

**CSA20.21 Tenders - Coastal Management Plan for Lake Conjola
Report and Recommendations****HPERM Ref:
D20/490508****RESOLVED**

MIN20.921

That Council:

1. Accept the Tender from Royal HaskoningDHV for the Lake Conjola Coastal Management Program (CMP) at a total cost of \$244,110 (excluding GST).
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl.165 of the Local Government Regulation by the Chief Executive Officer (Director City Development).

CARRIED

There being no further business, the meeting concluded, the time being 7.15pm.

Clr Wells
CHAIRPERSON

SA21.1 Notice of Motion - Site Investigations - South Nowra/Worrigee Aquatic Centre

HPERM Ref: D21/3633

Submitted by: Cllr Greg Watson

Purpose / Summary

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

Recommendation (Item to be determined under delegated authority)

That:

1. The CEO undertake site identification investigations with a view to finding the most appropriate site to construct an aquatic facility (swimming pool) in the Worrigee/South Nowra area, and report back to Council when the investigations are complete.
2. Once a site has been identified the CEO also report to Council on a source of funding to enable project scoping and preliminary design of the proposed facility.

Background

The Worrigee, East Nowra and South Nowra areas already has 4 schools established in the area, and the State Government is planning the construction of a fifth in the area.

The area also has a large number young families as well as a public housing estate. The development of a modest aquatic facility in the area would add greatly to the social capital of the the area

SA21.1

SA21.2 Notice of Motion - Investigations Regarding the Urgent Provision of Overflow Carparking - Basin View Boat Ramp

HPERM Ref: D21/10021

Submitted by: Cllr Greg Watson

Purpose / Summary

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

Recommendation (Item to be determined under delegated authority)

That the CEO undertake urgent investigations regarding the provision of additional carparking at the Basin View Boat Ramp and report back to Council.

SA21.2

SA21.3 Notice of Motion - Traffic Safety Measures - Wool Road Area, Old Erowal Bay

HPERM Ref: D21/11030

Submitted by: Cllr John Levett

Purpose / Summary

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

Recommendation (Item to be determined under delegated authority)

That Council investigate costing and funding for the following traffic safety measures in the Wool Road area at Old Erowal Bay and provide a report back to a future Strategy & Assets Committee Meeting:

1. Construction of a roundabout at the intersection of Macgibbon Parade and the Wool Road.
2. Construction of a dedicated right turn lane for traffic heading north on the Wool Road to turn into Mernie Street.
3. Stop signs at both Tibbles and Christianson Avenues where they intersect Mernie Street for traffic travelling south.
4. Reduction of the speed limit on the Wool Road between Naval College Road roundabout and the Larmer Avenue roundabout from 70 to 60km per hour.
5. The installation of a pedestrian crossing where the shared pathway on the west side of the Wool Road ends at the shoulder of that road about 50 metres south of Naval College Road. This would allow pedestrians and mobility scooter drivers safe access across the Wool Road to the continuation of the shared pathway on the east side.

SA21.4 Notice of Motion - Call in Development Applications DA20/2322 and DA20/2190

HPERM Ref: D21/11192

Submitted by: Cllr John Levett

Purpose / Summary

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

Recommendation (Item to be determined under delegated authority)

That the following Development Applications be called in to Council for determination in response to considerable public concern:

1. DA 20/2322 – 12, 14 & 16 The Wool Road and 5 Burton Street, Vincentia – Demolition of Existing Structures and Construction of Hotel Accommodation with Ancilliary bar/bistro and function centre
2. DA20/2190 – 268 Parma Road, Parma – Construction of Shed for use as Rural Industry (Handling, Treating, Processing, Storing and Packing Honey)

SA21.4

SA21.5 Application for Community Consultative Body Council Accreditation - Sassafras and Districts Progress Association

HPERM Ref: D20/553591

Section: Communication & Community Engagement
Approver: Stephen Dunshea, Chief Executive Officer

Attachments: 1. Strategy and Assets Report - SA20.187 - 13 October 2020 [↓](#)
2. SDPA Geographical Area Map [↓](#)

Reason for Report

It was previously resolved that Council support in principle the application from Sassafras and Districts Progress Association to become a Council accredited CCB and that the proposal be advertised for public comment, and reported back to Council for determination **Attachment 1**.

This process has been completed and Council is now required to determine whether Sassafras and Districts Progress Association are to become a Council accredited Community Consultative Body.

Recommendation (Item to be determined under delegated authority)

That Council support the application from Sassafras and Districts Progress Association to become a Council accredited Community Consultative Body.

Options

1. Shoalhaven City Council make a determination that supports the application from Sassafras and Districts Progress Association (SDPA) to become a Council accredited Community Consultative Body (CCB).

Implications: SDPA will be bound by the Community Consultative Bodies – Guidelines for the Conduct of Community Consultative Bodies Policy (POL12/296) to represent the communities identified in **Attachment 2**. There are currently 23 active CCBs in the Shoalhaven but none of them represent the area proposed by SDPA.

2. Shoalhaven City Council does not support the application from SDPA to become a Council accredited CCB.

Implications: Sassafras, and the surrounding towns, will remain an area within Shoalhaven that does not have CCB representation.

Background

At the Strategy and Assets Committee meeting on 13 October 2020, it was resolved that (MIN20.746):

Council:

1. *Support in principle the application from Sassafras and Districts Progress Association to become a Council accredited CCB.*
2. *Advertise the proposal for public comment.*

3. *Following receipt of public comment, submit a report to Council for determination.*

There is now the requirement to submit a report to Council for determination, taking into account any comments received.

The geographical area SDPA has applied to represent includes Sassafras, Tianjara, Coolumburra, St George, Tolwong, Bulee, Ettrema, Touga and Boolijah. No other CCB represents these areas.

SDPA have stated in their application that it will comply with the current Community Consultative Bodies – Guidelines for the Conduct of Community Consultative Bodies Policy (POL12/296).

Community Engagement

The application and supporting documentation for Community Consultative Body Council accreditation from Sassafras and Districts Progress Association was advertised for public comment for a period of 28 days from 20 October to 17 November 2020.

Nil public comment submissions were received.

Policy Implications

SDPA will be bound by the Community Consultative Bodies – Guidelines for the Conduct of Community Consultative Bodies Policy (POL12/296) if they become recognised as a Council accredited CCB.

Financial Implications

As per Section 2.3 of the Community Consultative Bodies – Guidelines for the Conduct of Community Consultative Bodies Policy (POL12/296), Council provides financial assistance to help meet the administrative costs and/or hall hire expenses.

The amount determined in Council's budget process is currently \$500 and is paid each financial year after the CCB provides a copy of their financial statement for the previous 12 months.

SA20.187 Application for Community Consultative Body Council Accreditation - Sassafras and Districts Progress Association

HPERM Ref: D20/424817

Approver: Stephen Dunshea, Chief Executive Officer

Attachments: 1. Application letter - SDPA CCB Accreditation
2. SDPA Geographical Area

Reason for Report

Shoalhaven City Council to consider the application from Sassafras and Districts Progress Association (SDPA) to become a Council accredited Community Consultative Body, in principle.

Recommendation (Item to be determined under delegated authority)

That Council

1. Support in principle the application from Sassafras and Districts Progress Association to become a Council accredited CCB.
2. Advertise the proposal for public comment.
3. Following receipt of public comment, submit a report to Council for determination.

Options

1. Shoalhaven City Council supports the application from SDPA to become a Council accredited CCB, in principle.

Implications:

As per Section 7.1 of the Community Consultative Bodies - Guidelines for the Conduct of Community Consultative Bodies Policy (POL12/296), following Council's support, in principle, for consultation purposes, Council staff will then:

- a) Advertise the proposal for public comment.
- b) Following public comment submit a report to a Council meeting for determination.

2. Shoalhaven City Council does not support the application from SDPA to become a Council accredited CCB, in principle.

Implications:

Sassafras, and the surrounding towns, will remain to be an area within Shoalhaven that does not have CCB representation.

Background

The newly formed SDPA have applied to become a Council accredited CCB to represent a sparsely populated remote geographical area in Shoalhaven. Application letter at **Attachment 1**.

The Sassafras community was impacted by the recent Currowan Bushfire and were included in March 2020 Bushfire Recovery meetings. They raised concerns about the impact of the fires and the opportunity to become an accredited CCB.

Many SDPA members lost homes, businesses and other infrastructure and Sassafras lost three heritage listed buildings during the bushfires. The proposal to establish a Council accredited CCB would help bring the residents of the remote districts together to build capacity in their villages for the future.

SDPA have stated in their application that it will comply with the current Community Consultative Bodies - Guidelines for the Conduct of Community Consultative Bodies Policy (POL12/296).

The area includes Sassafras, Tianjara, Coolumburra, St George, Tolwong, Bulee, Ettrema, Touga and Boolijah. No other CCB represents these areas. The map of the geographical area SDPA wishes to represent is at **Attachment 2**.

The SDPA was recently established to aid the community through the enablement of internal discussion, guiding local priorities as well as directing liaison with other community and government entities. SDPA believes they will become a valuable partner in advancing the Shoalhaven area, specifically by becoming its western gateway and adding to the already recognised beauty of the region.

To date, there are 27 registered SDPA members. All members live within the geographical area that SDPA has applied to represent.

SDPA are already being included in CCB correspondence sent out by Council staff.

Community Engagement

As per Section 7.1 of the Community Consultative Bodies - Guidelines for the Conduct of Community Consultative Bodies Policy (POL12/296), if Council supports, in principle for consultation purposes, Council staff will then:

- a) Advertise the proposal for public comment. Guidelines for the Conduct of Community Consultative Bodies
- b) Consult with any other organisation that is recognised as a CCB within any part of the same geographic area.
- c) Following public comment submit a report to a Council meeting for determination.
- d) Take into consideration any comments received when determining the application.
- e) Inform the applicant of Council's determination.

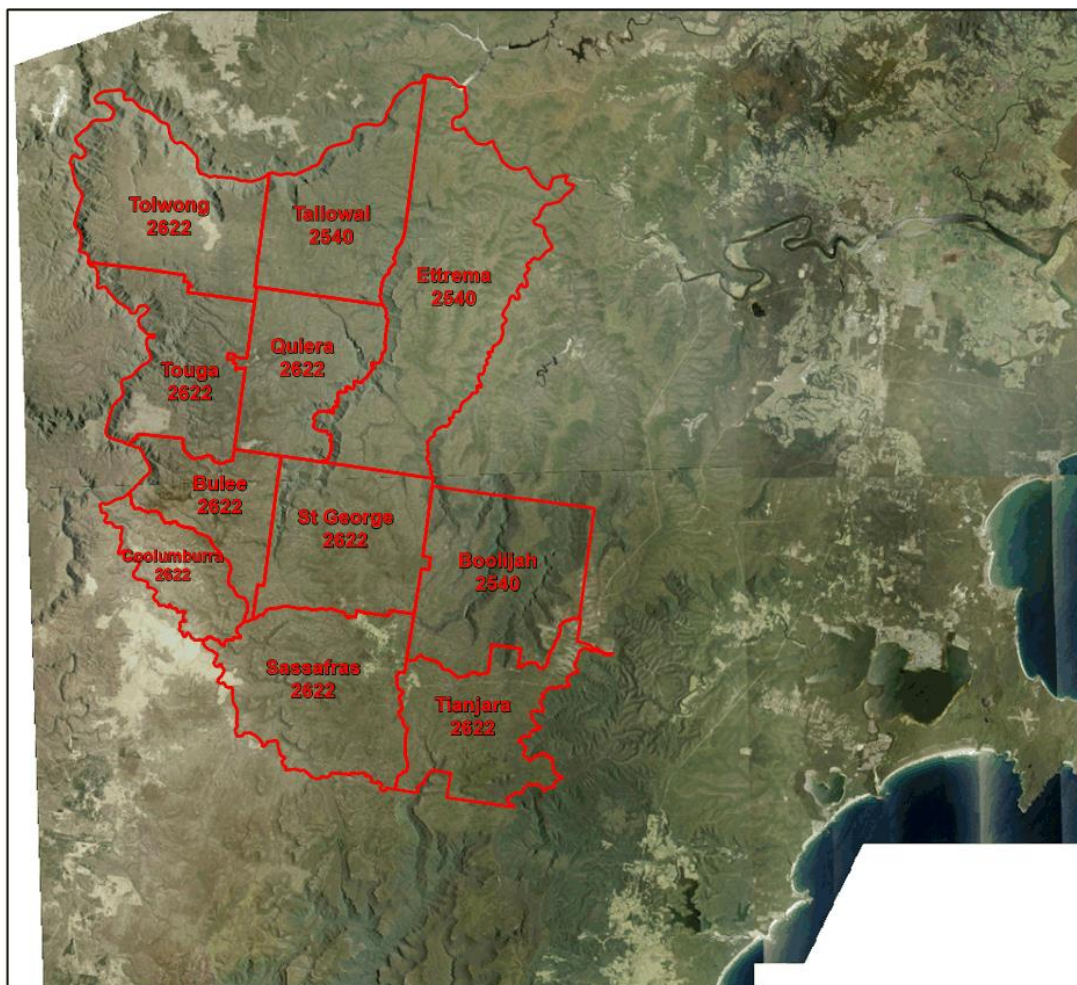
Policy Implications

Sassafras and Districts Progress Association will be bound by the Community Consultative Bodies - Guidelines for the Conduct of Community Consultative Bodies Policy (POL12/296) if they become recognised as a Council accredited CCB.

Financial Implications

As per Section 2.3 of the Community Consultative Bodies - Guidelines for the Conduct of Community Consultative Bodies Policy (POL12/296), Council provides financial assistance to help meet the administrative costs and/or hall hire expenses.

The amount determined in Council's budget process, currently \$500, and will be paid each financial year after the CCB provides a copy of their financial statement for the previous 12 months.



SA21.6 Extension of the Interest-Free Period on Rates & Charges until 30 June 2021

HPERM Ref: D21/5186

Section: Finance

Approver: Kevin Voegt, Director - City Performance

Reason for Report

The purpose of this report is to seek Council endorsement for the extension of the interest-free period on overdue rates and charges, including water and sewer charges until 30 June 2021.

Recommendation

That Council:

1. Amend the interest rate on overdue rates and charges to 0% for the period 1 January 2021 to 30 June 2021.
2. Endorses further suspension of debt recovery action until 30 June 2021 with the exception of outstanding recoveries for damage caused to Council property and motor vehicles.
3. Endorses commencement of debt recovery action of the outstanding recovery claims – noting that these balances relate to the recovery of costs incurred by Council as the result of third parties damaging Council property and motor vehicles.

Options

1. Resolve to endorse the proposed extension of financial assistance measures.

Implications: This would enable the extension of financial assistance measures and will result in \$350k reduction in revenue budget in 2020/21 financial year in the General fund, \$75k in the Water funds and \$100k in Sewer funds. This adjustment will be included in the December Quarterly Budget Review.

2. Adopt an alternate recommendation

Implications: Unknown

Background

According to the 2020/21 Delivery Program, Operational Plan & Budget adopted by Council, the interest rate that is charged on overdue rates and charges was set at 0% for the first half of the 2020-21 financial year and at 7% for the second half on the financial year.

In response to the financial challenges faced by the community as a result of the ongoing COVID-19 pandemic, it is proposed to extend the overdue rates and charges interest free period until 30 June 2021.

It is also recommended that further suspension of debt recovery action on overdue rates, charges, and other debtor accounts be implemented until 30 June 2021 - with the exception of the outstanding insurance recovery claims accounts. The insurance recovery claim accounts represent the repair costs payable to Council by third parties that are at fault of damaging Council assets. Whilst these third parties may have insurance in place to cover

their liability to Council it cannot be guaranteed. Just like any other Council debtors, they are eligible to seek financial assistance under the Hardship Policy and may be provided the relief under delegated authority of the CEO.

Debt recovery actions include sending demand letters and taking further legal action to recover the debt, along with sending notices of intention to restrict the flow of water and action on restricting the flow of water.

It is important to note that it is recommended for Council to continue the process of sending reminder notices to property owners or sundry debtors to ensure they are kept informed of their outstanding balances. This does not constitute any debt recovery action but ensures continued Council's customer engagement.

Financial Implications

Further suspension of debt recovery action until 30 June 2021 will result in a \$350k reduction in the general fund revenue in 2020/21 financial year and \$75k in Water and \$100k in Sewer funds. Management is committed to maintaining a balanced budget and will pursue operational savings to offset this unfavourable budget movement through the December quarterly budget review process.

SA21.7 Ordinary Council Meeting Date - January 2021

HPERM Ref: D21/9706

Section: Business Assurance & Risk

Approver: Kevin Voegt, Director - City Performance

Reason for Report

To seek Council approval to vary the resolved date of the 25 January 2021 Ordinary meeting of Council, which falls between a weekend and a public holiday.

Recommendation (Item to be determined under delegated authority)

That Council reschedule the January 2021 Ordinary Meeting of Council to Wednesday 27 January 2021 commencing at 5.00pm in the Council Chambers, Nowra Administrative Centre, Bridge Road, Nowra.

Options

1. As Recommended

Implications: The Ordinary meeting of Council will be held on Wednesday 27 January 2021, following the Australia Day public holiday period.

2. Retain the Monday 25 January 2021 meeting date as originally resolved

Implications: The conduct of the Ordinary Meeting may be affected by absences due to the extended Australia Day holiday period.

Background

At the September 2020 meeting of Council, the date of the January 2021 Ordinary Meeting was resolved as being Monday 25 January (MIN20.655). The meeting had been scheduled for Monday, as the Australia Day public holiday falls on the Tuesday.

However, it is likely that the Ordinary Meeting may be adversely affected by its scheduling between a weekend and public holiday, with a risk to participation and quorum numbers. It is therefore recommended that the meeting be rescheduled to Wednesday 27 January, following the holiday period. The Strategy and Assets Committee may resolve this date change under delegation.

At the time of writing this report the draft Agenda did not contain any items that would be affected by the proposed change of date.

Community Engagement

The required advertisement and public notice of the change of date will be undertaken on Council's website and social media platforms.

SA21.8 Chinamans Island - Lake Conjola - Update - Cottage Management Options

HPERM Ref: D20/399879

Approver: Paul Keech, Director - City Services

Attachments: 1. Report - Update - Chinamans Island, Lake Conjola - Development & Environment Committee 6 October 2020 [↓](#)

Reason for Report

To provide Council with an update on the tenure and condition of the cottages on Chinamans Island and options available to retain and manage them.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Receive the report providing an update on the occupancies on Chinamans Island in accordance with MIN19.872 Part 2; noting the following are presented as the management options in regard to the cottages and occupancies:
 - a. Continued Department Primary Industries & Environment – Crown Lands (DPIE) management, however recognising DPIE's intention to demolish the cottages, remediate and make good, and return the island to open public space.
 - b. Council assume management of the land comprising the cottages (destroyed and current) by way of the following, and noting either could be restricted by Native Title legislation and/or Aboriginal Land Claims:
 - i. Management function; or
 - ii. Appointment as Crown land manager
 - c. DPIE (Crown Lands) appoint another entity or person to manage other than Council noting it is not an option being considered by DPIE.
2. Take no further action at this time.

Options

1. Adopt the recommendation as written.

Implications: Council will be updated on the options available for the ongoing management of the cottages and occupancies.

2. Not adopt the recommendation as written, but consider the following alternative resolution:

That Council:

1. *Receive the report providing an update on the occupancies on Chinamans Island in accordance with MIN19.872 Part 2; noting the following are presented as the management options in regard to the cottages and occupancies:*
 - a. *Continued Department Primary Industries & Environment – Crown Lands (DPIE) management however recognising DPIE's intention to demolish the cottages, remediate and make good, and return the island to open public space.*

SA21.8

- b. Council assume management of the land comprising the cottages (destroyed and current) by way of the following, and noting either could be restricted by Native Title legislation and/or Aboriginal Land Claims;
 - i. Management function; or
 - ii.Appointment as Crown land manager
 - c. DPIE (Crown Lands) appoint another entity or person to manage other than Council noting it is not an option being considered by DPIE.
2. Notwithstanding the above, make a request to DPIE to be appointed the manager (either by management function or as Crown land manager) thereby taking on all responsibility for costs associated with the renovation/remediation and/or reletting and/or demolition of the cottages.

Implications: Council will take on all responsibility for costs associated with the renovation/remediation and/or reletting and/or demolition of the cottages. If Council wanted to consider this option it would be prudent to defer consideration of this report and some work can go into trying to estimate the financial liability of this option.

Background

At the Ordinary meeting of 26 November 2019 Council resolved as follows (MIN19.872):

That Council:

1. *Request the General Manager to report to Council the findings from Dept Crown Lands and the three permissive occupants on Chinaman's Island on the following issues:-*
 - a. *Audit of the current wastewater systems*
 - b. *An on-site wastewater report in accordance with Chapter G8 Shoalhaven DCP 2014; and*
 - c. *A structural engineering report for the cottages on Chinaman's Island.*
2. *Request the General Manager to investigate with Dept Crown Lands on all options available to retain the cottages and future occupancies of the cottages on the Island and report back to Council the options for further consideration.*

Part 2 of MIN19.872 is the subject of this report.

Part 1 was the subject of a report to Council's Development & Environment Committee on 3 March 2020 and the outcome under delegation was per MIN20.159:

That Council:

1. *Receive the report providing an update on investigations by Department of Crown Lands and the three permissive occupants on Chinamans Island in accordance with Part 1 MIN19.872 for information.*
2. *Endorse Council staff to continue to liaise with Crown Lands following the impact of the Currowan fire and report progress back to Council.*

Per point 2 above, a subsequent progress report was provided to Council's 6 October 2020 Development & Environment Committee. Refer to Attachment 1 (D20/389848). The outcome under delegation was per MIN20.735:

That Council:

1. *Receive the report providing an update on continued liaison with Crown land – NSW Department of Planning, Industry & Environment (DPIE), following the impact of the Currowan Bushfire on Chinamans Island in accordance with Part 2 MIN20.159, for information.*
2. *Endorse Council staff to continue to liaise with Crown land – NSW DPIE and provide updates to Councillors.*

Clean up of fire damaged cottages

DPIE (Crown Lands) have engaged Public Works to manage the clean-up of the 2 destroyed cottages (sites 4 & 5) and several outbuildings that were also fire damaged/destroyed. Works are proposed to commence in November.

Status of Occupancies



- Site 1 – Estate of Ferreira – occupancy agreement terminated. Minister approved April 2019 back dated to 15/9/2016 - Cottage vacant - uninhabitable
- Site 2 – Estate of Falson - occupancy agreement terminated – Minister approved April 2019 back dated to 6/1/2016. Cottage vacant - uninhabitable
- Site 3 – Hicks – valid tenure (occupancy agreement). Cottage vacant - uninhabitable
- Site 4 – Cottage destroyed by fire – valid tenure (occupancy agreement)
- Site 5 – Cottage destroyed by fire – valid tenure (occupancy agreement)
- Site 6 – Estate of King - occupancy agreement terminated. Minister approved April 2019 back dated to 17/9/2016 - Cottage vacant - uninhabitable
- Site 7 – Estate of Ryan - occupancy agreement terminated. Minister approved April 2019 back dated to 6/1/2016 - Cottage vacant – uninhabitable

Conditions of each tenure (occupancy) agreement is different. However, overall, the responsibility lies with the tenure holder to remove any structures and remediate the site prior to termination of the tenure. DPIE (Crown Lands) holds a bond against each tenure to cover the cost of demolition and remediation in case the holder or the estate of the deceased holder does not comply with requirement to vacate the site.

DPIE (Crown Lands) are reviewing the occupancy agreements of Sites 4 & 5, where the cottages were destroyed, with the view of contacting the affected tenure holders in the near future.

Crown land Status

Chinamans Island is Crown land managed directly by DPIE (Crown Lands), and is subject to the following reservations:

1. R56143 – Reserved from Sale – waterways reserve
2. R1011268 – Future Public Requirements
3. R1011528 – Regional Crown Reserves – multiple purposes

Chinamans Island is subject to two Aboriginal Land Claims (ALC) being 42493 & 42454 being the blanket claims lodged by NSW Aboriginal Land Council in December 2016. Both are unresolved. The status of the Island in relation to these claims would be:

1. Sites 3, 4 & 5 covered by occupancy agreements – not claimable;
2. remainder of the island inclusive of sites 1, 2, 6 & 7 - Unless the NSW Aboriginal Land Council withdraws the claims due to the contamination issue the land is claimable and would most likely be granted if and when determined.

Native title exists over the entire Island including the areas covered by current and former occupancy agreements.

Viable options available to retain the cottages and future occupancies of the cottages on the Island

Option 1: Crown Lands continues to manage the Island and occupancies.

DPIE (Crown Lands) long term strategy for the Island is to phase out the remaining occupation, demolish the cottages, remediate and make good, and return the island to open public space.

Option 2: Council becomes the Manager for the land previously covered by the occupancies.

Option 2(a)

Technically Council could become the manager of the existing cottages through an appointment by management function. However, Native Title legislation and Aboriginal Land Claims could affect this appointment process and would not be known until assessed by DPIE (Crown Lands) Status and Reserves Branches.

Option 2(b)

Appointment of Council as CLM over the existing cottages only would be subject to NT future act provisions. There was no reservation over the island pre 1996 that provides for the appointment of a CLM under Subdivision J of the NT Act. The Permissive occupancies did not extinguish NT as the tenure agreements did not provide for exclusive right of occupancy. Appointment of Council as CLM would be subject to special appointment instrument restricting the CLM's action to :

xx. *The Crown Land Manager cannot undertake any activities on the land except where they are validated by a provision in the future acts regime in Subdivisions G – L of Division 3 of Part 2 of the Native Title Act 1993 (Cth) or a registered Indigenous Land Use Agreement.*

Option 3: Some other entity manages the land previously covered by the occupancies.

Managing the Island and cottages by another entity or person other than DPIE (Crown Lands) or Council is not an option being considered by DPIE (Crown Lands).

Notwithstanding the options considered above, it is DPIE (Crown Lands) preferred option to appoint Council as CLM once the Island has been remediated and returned to open public space.

Community Engagement

As all of the actions proposed within this report are to be undertaken by DPIE (Crown Lands) and as Council currently has no involvement in the management of the Island there is no Community engagement by Council is required.

Policy Implications

There are no Policy implications.

Financial Implications

Should Council take on the management of the Island or the cottages, it would take over any land management issues at that time inclusive of liability for the renovation being the cost of bringing the cottages up to a habitable standard for re-licencing, and/or demolition and make good of the remaining cottages.

The above however is considered a moot point as DPIE (Crown Lands) would not appointed Council CLM before the clean-up begins.

The cost of remediation/renovation to bring the remaining cottages up to habitable standard is in the magnitude of \$800,000 plus, given a wastewater audit report provided by DPIE (Crown Lands) conducted on 12 December 2019 (prior to the fires) identified:

- existing drainage pipework was damaged and defective
- no septic tanks were located, and
- no absorption pit/trenches were located

Alternatively, the cost of demolition/make good is around \$400,000.

Risk Implications

Should Council take on the role of Crown Land Manager and accountability for the future of the structurally inadequate and uninhabitable cottages, it risks both a financial impost, as detailed above, and reputational damage in respect to potentially providing a false hope the cottages would once again be offered for occupation when such a result is all but obtainable given legislative, environmental and public health/safety risks cannot be eliminated.

DE20.119 Update - Chinamans Island, Lake Conjola

HPERM Ref: D20/389848

Section: Environmental Services

Approver: Phil Costello, Director - City Development

Reason for Report

To provide Council with an update on continued liaison with Crown land - NSW Department of Planning, Industry & Environment (DPIE) following the impact of the Currowan Bushfire on Chinamans Island in accordance with Council resolution MIN20.159.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Receive the report providing an update on continued liaison with Crown land – NSW Department of Planning, Industry & Environment (DPIE), following the impact of the Currowan Bushfire on Chinamans Island in accordance with Part 2 MIN20.159, for information.
2. Endorse Council staff to continue to liaise with Crown land – NSW DPIE and provide updates to Councillors.

Options

1. As recommended

Implications: This will allow Council and other stakeholders to make informed decisions and for Council to continue to work collaboratively with the community.

2. Other direction as determined by Council.

Implications: Any implications relating to legislative responsibility, cost, policy and risk will need to be considered.

Background

At Council's Development & Environment Committee meeting of 3 March 2020 (MIN20.159) it was resolved:

That Council:

1. *Receive the report providing an update on investigations by Department of Crown Lands and the three permissive occupants on Chinamans Island in accordance with Part 1 MIN19.872 for information.*
2. *Endorse Council staff to continue to liaise with Crown Lands following the impact of the Currowan fire and report progress back to Council.*

The report presented to the Development & Environment Committee on 3 March 2020 identified that:

- two of the three tenured dwellings on Chinamans Island (the Island) were destroyed in the 2019/20 Currowan Bushfire. The one remaining tenured dwelling was untouched;

- RFS mapping shows of the four untenured dwellings; one had major damage, two had minor damage and one remained untouched from the fire;
- reports received from Crown land – NSW DPIE identified post-fire hazards on the Island, such as broken fibro sheeting containing asbestos and that all dwellings and most associated structures (sheds and jetties) were structurally inadequate; and
- wastewater investigations had only been received from Crown land – NSW DPIE for the four untenured properties, which reported that no septic tanks or absorption trenches were located and existing drainage pipework was damaged and defective.

Crown land have advised that the clean-up of Chinamans Island by NSW Public Works Advisory's contractor, Laing O'Rourke (LO'R), is outside the scope of works of the contract to complete clean-up works resulting from the Currowan Bushfire. The purpose of this contract is to facilitate re-building and at the Island, there is no indication of:

- i. the owners wanting to re-build; and/or
- ii. being permitted to re-build damaged structures.

Crown land are consequently seeking to separately engage a contractor to complete the clean-up at the Island for works resulting from the Currowan Bushfire.

Community Engagement

Crown land – NSW DPIE

Council is continually engaging with Crown land – NSW DPIE via on-going monthly meetings, e-mail and telephone communications to address the legislative, environmental and public health/safety risks on the Island. This includes the impact, implications and risks posed on site following the Currowan Bushfire.

Permissive Occupants – two destroyed dwellings

Council Officers consulted and communicated with the three permissive occupants prior to the 2019/2020 Currowan Bushfire. Council currently has no reason to engage with the permissive occupants of the two destroyed dwellings. Crown land – NSW DPIE have agreed to conduct any required communications with these two permissive occupants.

Permissive Occupant – remaining dwelling

A wastewater audit and options report are still required for the one remaining tenured dwelling on the Island. However, the clean-up of the Island, especially of asbestos material, is required before any such investigations can safely take place. All of the asbestos-containing materials were sprayed and sealed as part of the clean up works after the Currowan Bushfire. However, there is concern that the heavy rainfalls experienced earlier this year may have washed off some of the binding material. As an interim measure, an understanding has been reached between Crown land – NSW DPIE and the permissive occupant of the remaining dwelling that the latter will not occupy the site until it is safe to do so. In addition, signs were erected in May 2020 on the Island, identifying asbestos present on the Island and alerting the general public to the potential dangers and not allowing admittance to the Island.

In addition, Crown land – NSW DPIE have advised that the permissive occupant is currently not in a position where they can comfortably discuss the future of their tenure. Accordingly, Council has ceased communications with this permissive occupant until further notice by Crown land – NSW DPIE.

Policy Implications

The implications from the impact of the Currowan Bushfire are being addressed as first priority. Council staff will then respectfully follow up on any outstanding requirements, such as wastewater management issues, to ensure that Council Policy and legislative requirements are being met.

Financial Implications

Nil

Risk Implications

There is a high public health and environmental risk associated with the potential for public to access the Island and from debris being blown or washed from the site. Accordingly, the fire-damaged buildings and associated debris are required to be cleaned up as soon as possible.

As heritage or draft heritage items are not exempt under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Council is issuing an Emergency Demolish Order under the Environment Planning and Assessment Act to enable the timely clean-up of asbestos and other debris from the two destroyed dwellings (see Photos 1 and 2) and destroyed ancillary buildings. The Order will:

- i. not be issued until written confirmation is received from Heritage NSW confirming there is no submission lodged with them in respect of dwellings on the Island;
- ii. require DPI – Crown Lands to submit a montage of the two dwellings to Council; and
- iii. be specific to the two destroyed sites and does not allow scope for demolition outside of this.

Continuing to operate on-site sewage systems without proper assessment and current Approval to Operate may lead to pollution of waters. This risk is minimised at this stage as the permissive occupant of the remaining dwelling has given an undertaking not to visit the Island until such matters are resolved.

Council has a responsibility to ensure the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants (Clause 1.3 EPA Act, 1979). The risks identified with structures will be properly considered and addressed in time. However, the identified risks resulting from the Currowan Bushfire must first be addressed.



Photo 1 – the first of the two destroyed dwellings on Chinamans Island, Lake Conjola.



Photo 2 – the second of the two destroyed dwellings on Chinamans Island, Lake Conjola.

SA21.9 Concept Design - Bay and Basin Skate Park

HPERM Ref: D20/546127

Section: Recreation Community & Culture
Approver: Jane Lewis, Director - City Lifestyles

Attachments:

1. Pre-Design Consultation Report (under separate cover)
2. Draft Exhibited Concept Report (under separate cover)
3. Final Concept Design Report (under separate cover)
4. Estimate of Probable Costs [↓](#)

Reason for Report

To seek Council's approval of the Final Concept Design Report for the Bay and Basin Skate Park so the project can proceed to the detailed design stage.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt the Final Concept Design Report for the Bay and Basin Skate Park.
2. Progress the project to Detailed Design stage.

Options

1. Adopt the recommendation.

Implications: This will provide staff with clear direction on the Bay and Basin Skate Park way forward and allow the project to proceed to detailed design. This is in line with community expectation.

2. Adopt the recommendation with amendments.

Implications: Depending on the significance of the amendment, this may require further investigations and design by the Consultant and the need for additional community consultation. This could result in additional costs and prolonging the timeframe of the Bay and Basin Skate Park; however, it may contribute to an improved outcome.

3. Not adopt the recommendation and provide direction to staff.

Implications: This may delay/halt completion of the Bay and Basin Skate Park and would not provide strategic direction on this matter. This is inconsistent with community expectation in relation to this project.

Background

On 8 October 2019, Council endorsed the location of the Bay and Basin Skate Park; specifically, Council resolved (MIN19.735):

That Council:

1. *Adopt the new location of the Regional Skate Park in the Bay and Basin Community Hub precinct, subject to geotechnical investigations be undertaken and reported back to Council.*

2. *Use the current budget allocation, which is for the delivery of a fully completed skate park facility, to engage a consultant to prepare a detailed design for the construction of the Bay and Basin Skate Park that reflects the new location.*
3. *Report back to Council with the detailed design.*

Subsequent to Council's endorsement, geotechnical investigations were completed by Terra Insight, and design parameters were received for inclusion into the skate park design.

In early 2020, Council engaged skate park design company Convic (consultants) to consult with the community and develop the concept and detailed design of the Bay and Basin Skate Park. The results of the previously completed Review of Environmental Factors (REF) and geotechnical investigations were forwarded to the consultants for consideration and inclusion into the design.

The consultants conducted pre-design consultation with the community and relevant stakeholders to inform the draft concept of the skate park. Further consultation was conducted on the draft concept, and amendments were made to reflect the feedback received (see Community Engagement below for further details).

The Final Concept Design Report of the Bay and Basin Skate Park is now presented to Council for endorsement, prior to proceeding to detailed design – this presents an opportunity for Council to identify any concerns / issues so that they can be addressed prior to proceeding to detail design.

Community Engagement

Pre-design Consultation

Due to the current social environment and social distancing practices, the consultants adapted their typical face-to-face community workshops to occur through an online platform, supported by Council's Get Involved webpage. The community consultation ran for three weeks from Monday 20 July to Sunday 9 August 2020 (inclusive), which included potential users, the broader community, and surrounding stakeholders.

The consultation comprised a video designed to educate and inspire the community on possible inclusions for the new facility and provide insight into the project parameters, opportunities and constraints. This was followed by an online questionnaire that allowed the community to provide input towards the design of the new facility.

The pre-design consultation was completed by 197 participants. The Site Analysis and Pre-Design Consultation Report can be viewed in *Attachment 1*.

The community feedback was consolidated, and the key findings formed the basis of the Draft Concept Design Report.

Consultation of the Draft Concept Design Report

A Draft Concept Design Report was prepared following the pre-design consultation. The draft concept took into consideration the skill level, preferred style, and requirements of potential users and their spectators. The Draft Concept Design Report is provided as *Attachment 2*.

The Draft Concept Design Report was exhibited to the community from Friday 20 November to Sunday 6 December 2020 (inclusive). This allowed feedback on the draft concept of the Bay and Basin Skate Park. Feedback was sought from internal Council units, the community, and relevant stakeholders.

During the consultation period twenty (20) survey responses were received from the community, with key themes and messages being:

- Supported the draft concept design
- Requested an increase in the provision of street skating opportunities

- Request to include a skateable set of stairs
- Request to provide additional advanced skate features
- Request to provide more shade and amenity
- Request to add rubbish bins to the site
- Request to include a water fill up station

As a result of internal and external feedback on the draft concept, the Final Concept Design Report for the Bay and Basin Skate Park has been prepared. The final concept includes an increase of street skating elements, an increase of advanced skating features, additional shade and seating, and supporting elements such as bins and a drinking fountain. The Final Concept Design Report is provided at Attachment 3.

Policy Implications

The Community Infrastructure Strategic Plan provides the following recommendation for the Bay and Basin Leisure Centre: *“Develop a master plan to deliver a community hub, which could include a regional sized skate/scooter/ BMX facility.”*

The Bay and Basin Skate Park is in line with this recommendation.

Financial Implications

The consultants have provided an Estimate of Probable Costs for the delivery of the Bay and Basin Skate Park, with the estimated total to complete the works being \$475,700. The estimate of probable costs can be viewed in *Attachment 4*. Once detailed design has been completed a further QS / estimate of probable cost will be obtained.

The estimate of probable costs is in line with the funding as per Council’s resolution (MIN14.138) which allocated \$650,000 for the planning and investigations, detailed design, construction and delivery of the project in the 2018/19 Financial Year budget. Planning and investigations commenced in the 2018/19 Financial Year and to date \$21,280.45 has been expended, with a balance of \$626,994 remaining. This remaining funding will be utilised to progress this project with:

- Planning & Investigations:
 - Any further assessments or studies required at the site, prior to progressing to detailed design.
- Detailed Design:
 - Completion of the concept and detailed design of the skate park, being completed by Convic.
- Construction & Delivery:
 - Subject to adoption, the Request for Tender process will be undertaken to appoint a contractor to construct and deliver the Regional Skate Park facility at this site.

In addition, the Bay and Basin Skate Park will require an operational budget for inspections, maintenance and repairs to ensure:

- The longevity of the facility’s life expectancy;
- A safe use facility reducing exposure to risk;
- Manageable annual budget expectations and costs for maintenance, upkeep and repair; and
- Smooth ongoing operation of the facility.

An annual budget allocation will be required for the ongoing scheduled and unscheduled maintenance of the skate park. The estimated annual costs will be provided in a maintenance manual, which is delivered during the construction phase of the skate park. An operational budget bid will be submitted seeking an allocation of funding to undertake the operational maintenance.

An Asset Management Plan for the facility will also need to be prepared to cover the asset renewal / replacement over the life of the asset. It is noted that concrete skate facilities have a finite life due to the material used for construction, environmental factors, and the harsh wear and tear they receive from use and activation. A well-maintained facility may last 20 – 25 years before needing complete renewal.

Without a dedicated annual budget, and regular inspection and maintenance of the facility, the skate park may have a much shorter usable facility life with each issue being more chronic due to lack of appropriate inspection, maintenance and care. A facility without this approach may last anywhere between 10 and 15 years.

The Asset Management Plan for the Bay and Basin Skate Park will need to ensure that the whole of life cost is accounted for in the Long-Term Financial Plan.

BAY AND BASIN SKATEPARK

ESTIMATE OF PROBABLE COSTS
BASED ON FINAL CONCEPT REPORT
16.12.20

PREPARED: AB
CHECKED: JT

ITEM	DESCRIPTION	PROBABLE COST
1.00	SKATE PARK WORKS	
1.01	Preliminaries	Inclusive of insurances, mobilisation, site establishment, project management, travel, site clean-up, demobilisation and site manager time. \$ 51,600.00
1.02	Civil Works	Inclusive of cost of site scrape, earthworks, excavation, filling, material, drainage works and cost of plant and labour. \$ 56,500.00
1.03	Concrete Skate Park	Inclusive of supply and install of all steel reinforcing; supply and setting of formwork, supply, placement, finishing and curing of concrete to a specialised finish. \$ 304,600.00
1.04	Fabricated Skate Steel	Inclusive of fabrication, supply and installation of all steel skate elements including coping, rails and custom skate obstacles. \$ 18,400.00
1.05	Granite Pool Coping	Inclusive of supply and installation of custom granite pool coping blocks to quarter pipe extensions as shown in final concept report. \$ 9,700.00
1.06	Concrete Pathways	Inclusive of supply and install of all steel reinforcing; supply and setting of formwork, supply, placement, finishing and curing of concrete to a pedestrian finish. \$ 10,100.00
1.07	Shade Structure	Inclusive of fabrication, supply, installation of 1 no. shade shelter including footings \$ 19,700.00
1.08	Landscaping Works	Inclusive of supply and install of top soil and turfing to disturbed areas immediately adjacent to skatepark works. \$ 5,100.00
COMPLETE WORKS TOTAL		\$ 475,700.00

Exclusions
- GST
- Authority charges
- Soil disposal fees
- Cost escalation
- Significant rock excavation
- Sub grade improvements
- Builder's Margins where CONVIC works under a Head Contractor

Note : This estimate is based on currently available industry rates and prices. Skate park construction is a specialised trade and costs are prone to fluctuation.

Convic have based the skate park costs on recently tendered projects. This is an estimate of probable costs only, all components of which are subject to escalation in construction, labour and material costs. Prices submitted at tender may vary according to market demand at the time of tender.

CONVIC

SA21.10 Outcomes of Site Investigation and Proposed Next Steps - Berry Spinners and Weavers

HPERM Ref: D20/554984

Section: Recreation Community & Culture

Approver: Jane Lewis, Director - City Lifestyles

Attachments: 1. Final Outcomes Report - Berry Spinners & Weavers Workshop - Locale Consulting (under separate cover)

Reason for Report

To report on the outcomes of the site investigation to identify a suitable home for the Berry Spinners and Weavers; seek Council endorsement of the preferred site; allocate a budget to prepare designs and other required Development Application (DA) documentation; and proceed to lodgement of a DA.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse Lot 3 DP 840080 Station Road, Berry as the location for a new multipurpose community facility to house the Berry Spinners and Weavers.
2. Utilise a budget of \$15,000 to prepare designs and other required documentation to submit a Development Application from an existing Community and Recreation Budget.
3. Proceed to lodgement of a Development Application for a new community facility on the subject site.
4. Include these plans in the Master Planning process for Berry Showground.

Options

1. Adopt the recommendation.

Implications: This is consistent with the Working Party's preferred direction and will provide a suitable facility for the Berry Spinners and Weavers, whilst providing potential for other community groups to utilise. The lease/licencing arrangements for the building will be considered prior to constructing the building so that all parties are clear on the governance arrangements once the building is constructed to enable an agreement to be put in place and under the requirements of relevant legislation, noting that the Berry Spinners and Weavers will be the principal tenant.

2. Adopt an alternative recommendation.

Implications: Depending on the nature of the alternative recommendation, it may be inconsistent with the preferred direction of the Working Party and may lead to the Berry Spinners and Weavers being without a stable location to operate out of.

Background

On 9 June 2020, a Notice of Motion was considered by the Council seeking to locate, build or refurbish a building to house the Berry Spinners and Weavers. The Notice of Motion was in

response to the groups need for a larger, and more stable facility to accommodate their various operations and gatherings. Council resolved that (MIN20.397):

1. *Council make every endeavour to locate, build or refurbish a building to house the Berry Spinners and Weavers in Berry.*
2. *Council form a working party of Council staff, three members from Berry Spinner and Weavers and three available Councillors to develop a solution for a permanent home for Berry Spinner and Weavers which has the following Councillor members.*
 - a) *Clr Watson*
 - b) *Clr Wells*
 - c) *Clr Digiglio*
3. *Once a preferred option has been identified and the project is shovel ready Council consider funding in a future budget and also make applications for grant funding to assist with refurbishment and/or construction works.*
4. *The use of loan funding be considered.*

Site Investigation

Following the Council resolution, Council's (then) Property Unit undertook an investigation of various Council owned and/or managed sites in Berry. A meeting was held on 15 July 2020 with the Working Group which included representatives from Berry Spinners and Weavers, Councillor Watson, Councillor Wells and Councillor Digiglio, and Council Staff from Property, Facilities and Community & Recreation.

At this meeting, Council's Property staff identified the Council owned and managed sites in Berry, with potential for housing the Berry Spinners and Weavers. The sites included but are not limited to:

- Berry District Park / Boongaree
- Berry Showground
- Berry School of Arts
- Princess Street Reserve

The outcome of this meeting was to approach private landholders on Alexandra Street which may have capacity to accommodate a new community facility, and investigate the Operational land associated with Berry Showground, being Lot 3 DP 840080.

Following this meeting, Berry Spinners and Weavers indicated their preference towards the Berry Showground site. On this basis, no further site investigations were undertaken, and Lot 3 DP 840080 was determined to be the preferred site.

The basis upon which the Berry Spinners and Weavers have access and use of the premises needs to be considered, noting that they are seeking to have a space where their equipment can remain in situ; it is anticipated they will be the principal users of the building. The option for lease/licencing arrangements for the building will be considered and discussed with Berry Spinners and Weavers prior to constructing the building so that all parties are clear on the governance arrangements once the building is constructed. This will enable an agreement to be put in place under the requirements of relevant legislation, noting that the Berry Spinners and Weavers will be the principal tenant.

Site and Facility Requirements Workshop and Outcomes Report

After the preferred site was determined, Council engaged Locale Consulting to facilitate a workshop with the Berry Spinners and Weavers and Working Group to ascertain the storage, layout, configuration, space, access and other design requirements of new premises for the

Berry Spinners and Weavers. As part of the engagement, the consultant was required to prepare a report on the outcomes of the workshop.

A workshop was held on 22 October 2020 with the working group. The outcomes report is provided at **Attachment 1** of this report.

The outcomes of this workshop included the preparation of a list of requirements for a new premises to house the Berry Spinners and Weavers, determination that a project home with no internal walls would best suit the needs of Berry Spinners and Weavers whilst providing a design complementary to the character of Berry, and directions to be actioned. A follow up meeting with the working group was held on 2 December 2020 to confirm the contents of the Outcomes Report.

The key outcomes and directions contained within the report are summarised as follows:

- *The BSW visit the Nowra Aquatic Park Club Room as an example of a possible modular building that may suit their needs.*
- *The BSW formally engage in the Berry Showground Master Plan process.*
- *Council staff report the matter to a Council meeting to obtain endorsement for the working group's preferred site (Lot 3 DP 840080) and initial budget to enable planning approval to be obtained.*
- *Concurrently with site confirmation, Council's asset strategic planner undertakes a formal DAU meeting, obtain plans for the 'project style' home with flexible floor plan or modular building (based on needs identified at Appendix B).*

This report and its recommendation are provided to Council on the basis of the key outcomes and directions of the Outcomes Report, which were supported by the working group.

Community Engagement

The community facility will be subject to a DA and will be publicly notified.

Separately to that process, Council's Community and Recreation Unit are currently managing the preparation of the Plan of Management for Berry Showground. Where relevant, identification of the preferred location for the new community facility to house Berry Spinners and Weavers shall be incorporated into those plans, which will be subject to a separate community consultation and public exhibition process.

Financial Implications

There is no budget allocation towards preparation of a design or other required documentation to submit a DA, or for the delivery of the new community facility. A budget allocation of \$15,000 is required to prepare the documentation required to submit a DA. This could be funded from Council's Community and Recreation Unit's existing operational budgets.

It is noted that in MIN20.397, part 4 states that "*The use of loan funding be considered*". This may be necessary to fund the construction of the community facility. At this stage, without any designs, the cost for the construction of a community facility cannot be determined. A further report to Council will be required once designs have been sought / agreed with the Berry Spinners and Weavers. This will include an estimate of probable cost and options for seeking funds, loan funded or otherwise, to deliver the facility.

Based on the requirements of Berry Spinners and Weavers, an expected construction cost of a project style home is \$350,000 excluding site costs. Berry Spinners and Weavers have indicated to the working group that they will be willing to assist with sourcing grant funding.

The costs associated with the operation of the building post construction will need to be considered so that these can be considered as part of any lease/licencing arrangements.

SA21.11 Part 2: Moss Vale Road Urban Release Area - Wastewater Infrastructure - Review of Environmental Factors

HPERM Ref: D20/562063

Section: Water Asset Planning & Development

Approver: Robert Horner, Executive Manager Shoalhaven Water

Attachments: 1. Review of Environmental Factors (REF) (under separate cover)

Reason for Report

The purpose of this report is to seek Council's concurrence to proceed with the Proposed Moss Vale Road URAs Part 2: Moss Vale Road Wastewater Infrastructure project at Cambewarra. This follows the preparation of a Review of Environmental Factors (REF) for the project.

Recommendation (Item to be determined under delegated authority)

That Council, after consideration of the Review of Environmental Factors (REF) for the Proposed Moss Vale Road URAs Part 2: Moss Vale Road Wastewater Infrastructure project at Cambewarra, dated December 2020:

1. Determine that it is unlikely that there will be any significant environmental impact as a result of the proposed works and an Environmental Impact Statement is therefore not required for the proposed activity.
2. Adopt and implement the proposed mitigation measures and controls outlined in the REF.

Options

1. Adopt the recommendations.

Implications: This is recommended as the project, with the mitigation measures adopted, will deliver wastewater infrastructure to the Moss Vale Road Urban Release Area, in an appropriate timeframe.

2. Council could determine not to proceed with provision of wastewater infrastructure delivery to the Moss Vale Road Urban Release Area.

Implications: All proposed development within the Urban Release Area would be required to provide their own wastewater collection/treatment system (septage system), for the provision of wastewater collection onsite.

3. Council could determine that the environmental impacts warrant the preparation of an EIS.

Implications: This is not recommended as the REF has found that the identified potential impacts are satisfactorily addressed by the proposed management and mitigation measures.

Location

The proposed works would be undertaken within Council owned land, road reserves and easements to be established over privately owned lots. The work area extends from the future Far North Collector Rd, northward along Bells Lane, westward along part of Abernethys Lane and through Council, RMS and private land to the railway line, before running south adjacent to Railway St to the Bomaderry STP. A new sewer pumping station is proposed adjacent to the future Far North Collector Rd near the Illaroo Rd intersection. Gravity sewer mains will connect the new pumping station to the existing SPS21 (to be decommissioned) running along Illaroo Rd. (refer to Figures 1, 2, 3 and 4). A register of affected properties is presented in Table 1.

Lot / DP	Owner / Land Manager	Comments
Lot 262 DP 794245	SCC	Freehold Council operational land
Lot 4 DP 268209	Private	Creation of a services easement required
Lot 2 DP 1134376	Private	Land acquisition required for SPS; Creation of a services easement required
Lot 1 DP 1134376	Private	Creation of a services easement required
Lot 601 DP 1223625	Private	Creation of a services easement required
Lot 602 DP 1223625	RMS	Creation of a services easement required
Lot 435 DP 1210528	RMS	Creation of a services easement required
Lot 415 DP 1210528	SCC	Freehold Council community land
Lot 502 DP 1221372	Private	Creation of a services easement required
Lot 73 DP 1047274	SCC	Freehold Council community land
Lot 202 DP 1180659	Private	Existing services easements occur; Creation / modification of a services easement likely required
Lot 1 DP 1164576	SCC	Freehold Council operational land
Lot 13 DP 708513	SCC	Freehold Council operational land
Lot 16 DP 259169	SCC	Freehold Council operational land
Lot 1 DP 572583	SCC	Freehold Council operational land
Lot 1 DP 848630	SCC	Freehold Council operational land
Lot 2 DP 848630	Private	Land acquisition in progress associated with Far North Collector Rd. Sewer infrastructure would be entirely within Council acquired land.
Lot 8 DP 1256748	Private	Land acquisition in progress associated with Far North Collector Rd. Sewer infrastructure would be partially within Council acquired land; Creation of a services easement required
Moss Vale Rd	SCC	Road reserve – rising main would cross beneath Moss Vale Rd via micro tunnel
Bells Lane	SCC	Road reserve
Abernethys Lane	SCC	Road reserve
Princes Hwy	RMS	Road reserve – rising main would cross beneath Princes Hwy via HDD or micro tunnel; Authorisation required
Meroo Rd	SCC	Road reserve
(unnamed road reserve adjacent to railway reserve)	SCC	Road reserve
Railway St	SCC	Road reserve
Illaroo Rd	SCC	Road reserve
DP Ms1611Sy	Railcorp	Railway reserve – rising main would cross beneath

SA21.11

		railway reserve via HDD under bore; Authorisation required
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Table 1. Affected properties

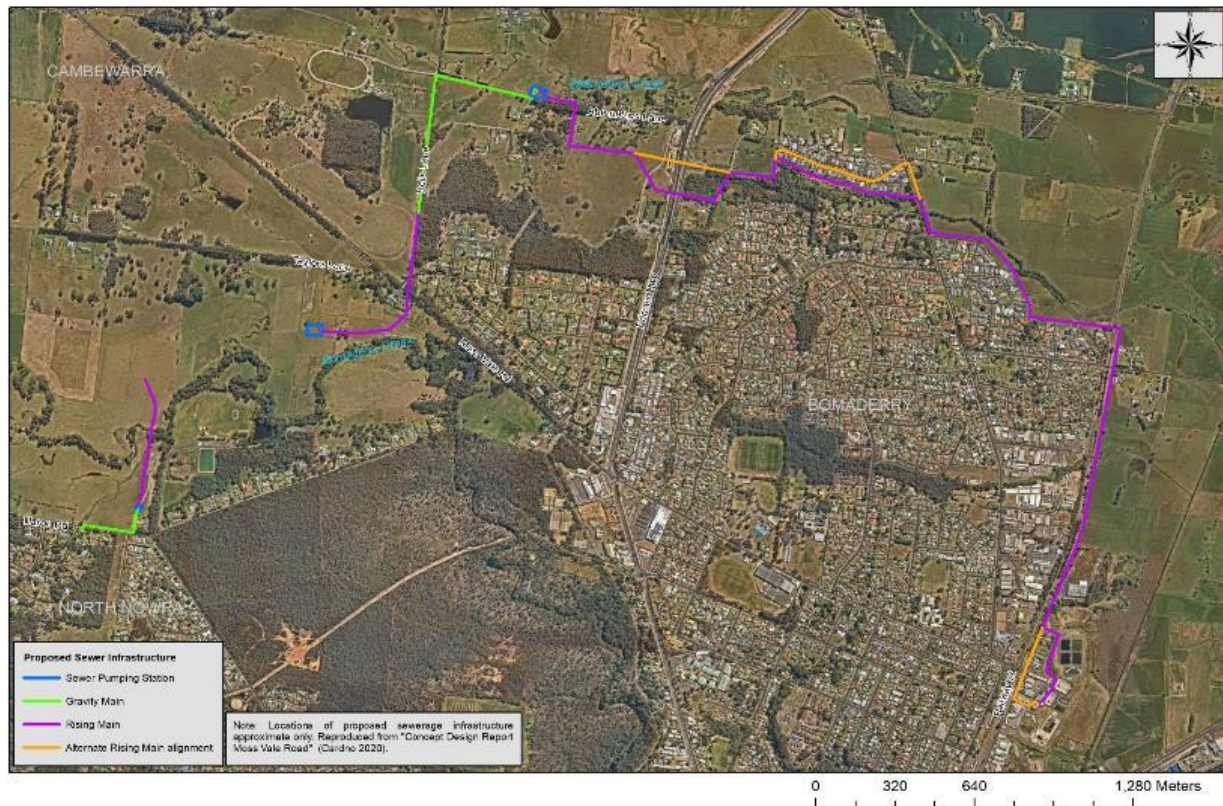


Figure 1. Site location

Background

The proposed activity is the construction of sewerage infrastructure to service the Moss Vale Rd Urban Release Areas (URAs). Sewer Rising Mains, Gravity Mains and two Sewer Pumping Stations (SPSs) would be constructed to deliver sewage from the Moss Vale Rd URAs to the Bomaderry Sewage Treatment Plant (STP). Additionally, a new SPS (named New SPS21) would be constructed in North Nowra, adjacent to the future Far North Collector Rd, and the existing SPS21 (located on Illaroo Rd) would be decommissioned.

The key components and phasing of the proposal include:

- 2022 - Construction of the MVRS SPS (located in Lot 262 DP 794245 on Far North Collector Rd approx. 480m west of Moss Vale Rd), with the following features:
 - Access from the Far North Collector/Taylors Lane Roundabout
 - Site approx. 60x40m with level to be built up to exceed flood occurrence requirements
 - An all-weather access track
 - 1.8m high fence around the site
 - Concrete wet well, concrete valve pit and concrete flow meter chamber
 - Underground concrete emergency storage tank, with an overflow discharge to vegetated swale (directed to Bomaderry Creek)
 - 2 x 10kL Chemical dosing tanks to be provided within a concrete bunded area

SA21.11

- Electrical cabinet, 300mm above the flood level with Electrical supply from Moss Vale Road
- Emergency generator connection point
- Potable Water Supply connection from Moss Vale Road
- 2022 - Installation of 1.3 km of rising main from MVRN to MVRN SPS site. Potential to inject into the terminal rising main, allowing MVRN SPS to be staged, but should be further reviewed in Concept Design, when development timings are better understood.
- 2022 - Installation of 2.7 km of 525mm dia (DN525) rising main to SPS08. Dual DN375 mains could potentially be installed to provide better interim performance and minimise retention times.
- 2022 – installation of 1.6 km of DN675 main from SPS08 to the Bomaderry WWTP
- 2022 – Divert North Nowra flows via a DN300 gravity line that utilises the Far North Collector Bridge across Bomaderry creek.
- 2022/2023 – Construction of the New MVRN SPS (located in Lot 2 DP1134376, along Abernethys Lane, approximately 350m west of the Bells Lane and Abernethys Lane intersection), with the following features:
 - Site approx. 60x40m
 - An all-weather access track from the intersection of Bells Lane and Abernethys Lane to the SPS site along the road reserve. Culvert bridging of watercourse required.
 - 1.8m high fence around the site
 - Concrete wet well, concrete valve pit and concrete flow meter chamber
 - Underground concrete emergency storage tank, with an overflow discharge to a vegetated swale (directed to Abernethys Creek)
 - 2 x 10kL Chemical dosing tanks to be provided within a concrete bunded area
 - Electrical cabinet, 300mm above the flood level with Electrical supply from Bells Lane
 - Emergency generator connection point
 - Potable Water Supply connection from Bells Lane
- 2022/2023 – Connection of Cambewarra rising main (SPS23) into the MVRN gravity system
- Construction of New SPS21 (located in Lot 1 DP848630 adjacent to the future Far North Collector Rd near the intersection with Illaroo Rd) with the following features:
 - All weather access track into the site from Illaroo Road
 - Concrete slab adjacent to the wet well
 - 1.8m high fence around the site
 - Concrete wet well, concrete valve pit and concrete flow meter chamber
 - Underground concrete emergency storage tank, with an overflow discharge to a vegetated swale (directed to Bomaderry Creek)

- Electrical cabinet, with Electrical supply from Illaroo Road
- Emergency generator connection point
- Potable Water Supply from Illaroo Road
- 5m wide easements shall be established where required. A 20m construction corridor would generally be provided

Excavation for the installation of pipes would generally be in the form of trenching. Underboring (micro tunnel or horizontal directional drilling (HDD)) would be applied where the crossing of creeks, roads and the railway line is required, and would comply with relevant authority approvals

Clearing of vegetation would be minimal – the proposal has been designed to align with existing and future road easements and existing cleared corridors to every practical extent to minimise the potential for impact to native vegetation and habitat.

Shoalhaven City Council (SCC) is the proponent and the determining authority under Part 5 of the EP&A Act. The environmental assessment of the proposed activity and associated environmental impacts has been undertaken in the context of Clause 228 of the Environmental Planning and Assessment Regulation 2000. In doing so, the Review of Environmental Factors (REF) helps fulfil the requirements of Section 5.5 of the Act that Council examine and take into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of the activity.

The completed REF has been attached under separate cover for Council's reference, and concludes as follows:

Based on the information in this REF, it is concluded that:

- i. The proposed safeguards and mitigation measures identified in the report (Section 6) shall be adopted and implemented;*
- ii. It is unlikely that there will be any significant environmental impact as a result of the proposed work and an Environmental Impact Statement is not required for the proposed works;*
- iii. The proposed activity is not likely to significantly affect threatened species, populations or ecological communities, or their habitats and a Species Impact Statement / BDAR is not required; and*
- iv. No additional statutory approvals, licences, permits and external government consultations are required.*

The proposed activity is recommended to proceed subject to the implementation of the measures to avoid, minimise or manage environmental impacts listed in this REF.

The mitigation measures outlined in the REF will be incorporated in the construction contract documents.

Community Engagement

The REF for this project was placed on public exhibition between from 16 November 2020 to 7 December 2020 during which time submissions were invited, with six (6) responses received.

The first respondent initially objected to the proposed location of sewer pump station (SPS) 21; however later advised that they were satisfied once the project team had clarified that the location of the proposed pumping station was more than 1km away from their property.

The second respondent raised concern with the proposed location of the northern SPS from an environmental and geotechnical perspective. The project team clarified that the SPS was designed and located in consultation with Council's Environmental Officers, Planners,

Operations team and designers to minimise the well depth. The respondent was also advised that the proposed site would enable adequate access and ensure the SPS could service the whole catchment as identified in the Concept Options Report. The project team also advised that significant geotechnical investigation work had been undertaken and no unacceptable risks were identified with the proposed works.

The third respondent was Sydney Trains who sought further details on the proposed works and clarification on existing Council Agreements regarding the Bomaderry rail corridor. The requested information was subsequently provided by the project team. Sydney Trains have identified their requirements for further design consultation and approval as part of the upcoming detailed design.

The fourth response was from Allen Price & Scarratts Pty Ltd (AP&S), who act on behalf of the Moss Vale Road North Owners Group (MVRNOG). The respondent was generally supportive of the project and the proposed infrastructure; however they raised concern with the proposed timing of the works and location of the northern SPS. The project team clarified that the works would continue to be progressed as a priority project, with Shoalhaven Water currently in detailed design for the water and sewerage infrastructure and construction currently scheduled to commence mid-late 2021. The project team provided a similar response as to the second respondent in relation to the SPS location.

AP&S requested consideration to relocate the proposed northern SPS to the east of the current proposed site. The project team clarified that the proposed relocation would likely increase access road requirements and impose a greater potential environmental impact (including the removal of several large established trees). Their proposal (if pursued) could increase risk of delaying the current project schedule with landowner consultation, detailed survey and geotechnical investigation works previously completed for the nominated SPS locations and overall alignment. It was also identified that the proposed relocation further east would likely increase the wet well depth past the 6-7m depth currently proposed, which imposes additional cost and operational issues which were deemed unsatisfactory by Shoalhaven Water.

The fifth respondent requested clarification on potential SPS overflow events, specifically the formal notification process. The project team provided such clarification, and no further action was deemed necessary.

The sixth respondent was Transport for NSW who sought further details on the proposed works. Further details were provided by the project team as requested, with Transport for NSW highlighting the requirement for future design consultation and approval as part of Council's upcoming detailed design phase for this project. The requirements are now being incorporated into the detailed design phase.

Financial Implications

Adequate funds have been allocated in the sewer budget for the construction of the project in 2020/21, 2021/22 and 2022/23 financial years.

Risk Implications

A project risk assessment for the project has been established. Environmental risks have been identified and addressed in the project REF by recommending mitigation measures. These mitigation measures will be required to be implemented by the construction contractor through their Construction Environmental Management Plan.

SA21.12 Acquisition of Easement - Sewer Purposes - 45 Bannister Head Road Mollymook Beach - Lot 724 DP 231243

HPERM Ref: D20/533966

Section: Water Asset Planning & Development

Approver: Robert Horner, Executive Manager Shoalhaven Water

Attachments: 1. Easement Diagram [↓](#)

Reason for Report

This report is submitted to seek Council approval to acquire an Easement for sewerage purposes 2 metres wide over Lot 724 DP 231243, No. 45 Bannister Head Road, Mollymook Beach. The easement is required for an existing sewer pipeline (shown on the attached Easement Sketch).

Recommendation

That:

1. Council acquire an Easement for sewerage purposes 2 metres wide over part of Lot 724 DP 231243, No. 45 Bannister Head Road Mollymook Beach shown highlighted on Attachment 1.
2. Council pay compensation of \$31,000 plus GST if applicable and reasonable legal costs associated with the acquisition to the owner in accordance with the provision 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.

Options

1. Resolve as Recommended.

Implications: Acquisition of the easement is required to formalise existing Shoalhaven Water sewer infrastructure.

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

Background

The subject sewer rising main was constructed in 1976 over private land, being Lot 724 DP 231243. At that time, no legal entitlement was created to benefit Council for future repair, maintenance and protection of this Shoalhaven Water asset.

A valuation has been obtained on behalf of Council by Walsh & Monaghan Pty Ltd who have assessed compensation for the easement acquisition at \$31,000 excluding GST.

A conditional offer was made at that amount plus reasonable costs associated with the acquisition. The owner has advised that the offer is acceptable.

Risk Implications

Acquisition of the easement is necessary to secure Shoalhaven Water's legal operation and maintenance of essential public infrastructure. The proposed action is administrative and has no environmental impact.

SA21.13 Acquisition of Easement - Sewer Purposes - 1 Dolphin Street Ulladulla - Lot 19 DP 24534

HPERM Ref: D20/537374

Section: Water Asset Planning & Development

Approver: Robert Horner, Executive Manager Shoalhaven Water

Attachments: 1. Easement Diagram [↓](#)

Reason for Report

This report is submitted to seek Council approval to acquire an Easement for sewerage purposes 2.4 metres wide over Lot 19 DP 24534, No. 1 Dolphin Street Ulladulla. The easement is required for a new sewer pipeline within the lot.

Recommendation

That:

1. Council acquire an Easement for sewerage purposes 2.4 metre wide over part of Lot 19 DP 24534, No.1 Dolphin Street Ulladulla shown highlighted on attached copy of the sketch.
2. Council pay compensation of \$25,000, plus GST if applicable and reasonable legal costs associated with the acquisition to the owner in accordance with the provision 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.

Options

1. Resolve as Recommended

Implications: Acquisition of the easement is required to formalise existing Shoalhaven Water sewer infrastructure.

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

Background

A contractor working on the construction of a development in an adjoining property to no.1 Dolphin St Ulladulla (Lot 19 DP24534) damaged a Council sewer gravity main necessitating urgent repairs. Circumstances resulted in the best option to effect the repair being to realign the gravity main parallel to the western boundary of 1 Dolphin St (rather than the current alignment diagonally through the property). The main was replaced by directional drilling to minimise damage to the private property in August 2020.

In parallel with the construction, Shoalhaven Water staff were negotiating legal entitlement (by way of an easement) to benefit Council for future repair and maintenance of this new Shoalhaven Water asset.

A valuation was obtained on behalf of Council by Walsh & Monaghan Pty Ltd who assessed compensation for the easement acquisition at \$25,000 excluding GST.

A conditional offer was made at that amount plus reasonable costs associated with the acquisition. The owners Solicitor has advised that the offer is acceptable.

Risk Implications

Acquisition of the easement is necessary to secure Shoalhaven Water's legal operation and maintenance of essential public infrastructure. The proposed action is administrative and has no environmental impact.



SA21.14 Acquisition of Easement - Sewer Purposes - 30 Hollywood Avenue Ulladulla - Lot 52 DP 261132

HPERM Ref: D21/1509

Section: Water Asset Planning & Development

Approver: Robert Horner, Executive Manager Shoalhaven Water

Attachments: 1. Easement Diagram [↓](#)

Reason for Report

This report is submitted to seek Council approval to acquire an Easement for sewerage purposes 2.4 metres wide over Lot 52 DP 261132, No. 30 Hollywood Avenue, Ulladulla. The easement is required for an existing sewer pipeline (shown on the attached Easement Sketch).

Recommendation

That:

1. Council acquire an Easement for sewerage purposes 2.4 metres wide over part of Lot 52 DP 261132, No. 30 Hollywood Avenue, Ulladulla shown on Attachment 1.
2. Council pay compensation of \$22,000 plus GST if applicable and reasonable legal costs associated with the acquisition to the owner in accordance with the provision 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.

Options

1. Resolve as Recommended

Implications: Acquisition of the easement is required to formalise existing Shoalhaven Water sewer infrastructure.

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

Background

The subject sewer rising main was constructed in 1976 over private land, being Lot 52 DP 261132. At that time, no legal entitlement was created to benefit Council for future repair, maintenance and protection of this Shoalhaven Water asset.

A valuation has been obtained on behalf of Council by Walsh & Monaghan Pty Ltd who have assessed compensation for the easement acquisition at \$22,000 excluding GST.

A conditional offer was made at that amount plus reasonable costs associated with the acquisition. The owner has advised that the offer is acceptable.

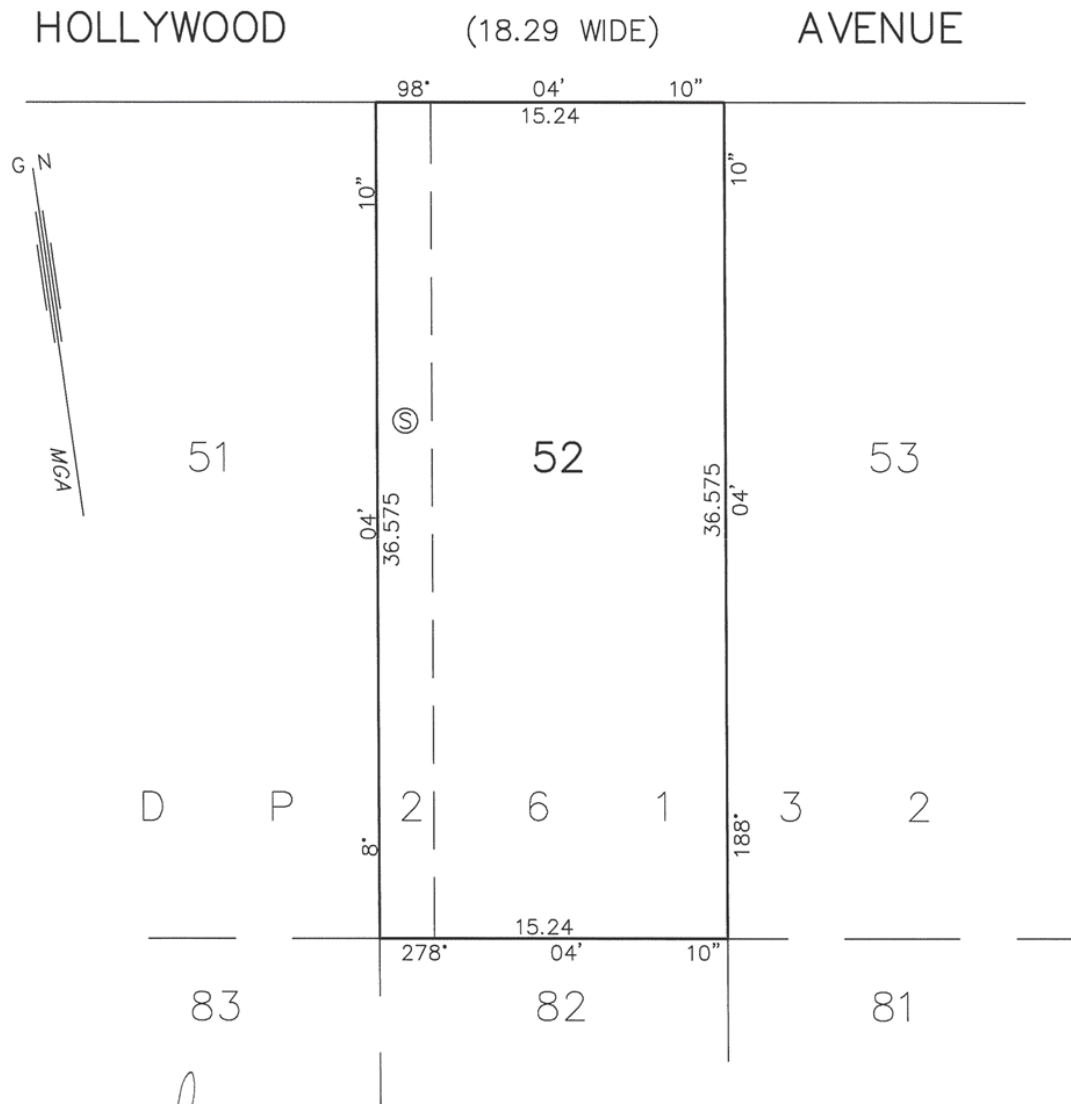
Risk Implications

Acquisition of the easement is necessary to secure Shoalhaven Water's legal operation and maintenance of essential public infrastructure. The proposed action is administrative and has no environmental impact.

PLAN OF PROPOSED EASEMENT FOR SEWER MAIN 2.4 WIDE AFFECTING LOT 52 DP 26132

LGA: SHOALHAVEN
LOCALITY: ULLADULLA
PARISH: ULLADULLA
COUNTY: ST VINCENT

⑤ PROPOSED EASEMENT FOR
SEWER MAIN 2.4 WIDE



Stephen Charles Saunders
STEPHEN CHARLES SAUNDERS
REGISTERED SURVEYOR

DATE: 31.07.2020
SURVEYORS REF: N28236

SHEET 1 OF 1 SHEET
RATIO 1:250

SA21.14 - Attachment 1

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.