

# AGENDA

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## **Acknowledgement to Country**

Shellharbour City Council acknowledges the Traditional Owners and Custodians of the Land on which we are meeting.

### **1. Apologies / Leave of Absence**

## **2. General Manager's Office**

### **2.1 Proposed Relocation of Warilla Library (9046320)**

To the Administrator

**Division:** General Manager's Division

**Department:** Executive Office

**Manager:** Brian Weir - General Manager

**Author:** Brian Weir - General Manager

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### **Summary**

This report responds to Council's decision on 20 January 2009 to defer consideration of a proposal to relocate Warilla Library to a site at Warilla Grove, following the raising of a number of issues. While the relocation was proposed as a genuine project that would seize a funding opportunity to benefit residents of Warilla and surrounding suburbs, the matters raised show Council needs to seek the views of the broader community if it is to proceed with such a move.

It should be noted that both the Administrator and General Manager have received comments in support of the proposal since it became publicly known. However, as there is no time for broad consultation to take place before the funding application deadline, this report proposes not to proceed with the project at this stage.

### **Recommendations**

**That Council take no further action in pursuing the feasibility of relocating the Warilla Branch Library to a site at the Warilla Grove Shopping Centre to enable it to be funded as part of the Regional & Local Community Infrastructure Program.**

**That Council note the Open Space, Recreation and Community Facilities Needs Study, currently being progressed to consider the future needs of libraries and other facilities in the City.**

**That Library expenditure be reviewed as part of the 2009-2010 budget process, with a view to incrementally increasing our financial commitment, to ensure our Library resources compare favourably with councils of similar size.**

### **Background**

This matter was considered at the Extraordinary Council Meeting held on 20 January 2009.

Council resolved:

*That this item be deferred to an Extraordinary Meeting of Council to be arranged the week commencing 26 January 2009.*

The deferral was to allow time for a report back to Council in response to questions raised about the proposal in Public Participation.

While specific issues have been addressed in an attachment to this report, it should be stressed that the proposal was put forward in response to a funding opportunity that had a strict deadline and particular guidelines attached. Each of the issues raised had been taken into consideration in compiling the original proposal, including the fact that there had been no opportunity to conduct broad community consultation on the project. On balance, Council officers believed the community benefits of pursuing the relocation proposal outweighed the issues.

As the previous report explained, the shortcomings of the current Warilla Library building are increasingly impacting on Council's ability to meet customer needs and provide appropriate levels of service. These shortcomings include its location and limited visibility, access, security issues and the age of the building. These issues have been considered over a long period of time, and while the matter has not to date proceeded to a formal Council decision, it's generally considered by Council officers that refurbishing the existing facility is not a viable option. The alternatives would be to rebuild on the present site, or relocate elsewhere.

The opportunity to pursue the Federal funding coincided with the availability of what was considered to be an appropriate alternative site. However, the questions raised in Public Participation show there's a need to gauge the broader community view before proceeding with such a project. As this cannot be achieved before the funding application deadline date of 30 January 2009, I have taken the view that we should focus the funding application grant in other areas.

## **Consultations**

### **Internal**

There has been considerable discussion with relevant Council Managers in preparation of the original proposal and this report.

### **External**

Nil.

## **Considerations**

### **Financial/resources implications**

The estimated cost to provide a new Warilla Branch Library at Warilla Grove, as detailed in the previous report, is \$891,000. The Federal Government Grant offer provided an opportunity to fast track a solution to what is an increasingly difficult problem.

The proposal to use some grant funds to partially fund a new Warilla Branch Library was considered a worthy and appropriate use of the funds.

The opportunity to use these grant funds for the Warilla Library project will lapse if the recommendation is adopted. Similarly, the opportunity to occupy the proposed Warilla Grove premises will be lost once a new tenant occupies the site.

### **Legal & policy implications**

These are as shown in the previous reports. The "Library Requirements" Report is a study document that will help inform broader planning, and does not represent Council's policy.

Council's Strategic Plan refers to Council's Library & Museum Services objective as follows:

#### **"Library and Museum Services**

To enrich lifestyles through recreation and knowledge and to support the changing intellectual, social, economic, recreational and cultural needs of the community. To continue to provide and promote equitable access to library resources and services, we will: -

- Provide high standard library and museum services to the community
- Maximise use of the library and museum services and facilities
- Ensure equity of access to library and museum services
- Ensure cost efficient provision of library and museum services "

The relocation was proposed in order to fulfill these objectives for our community.

### **Public/social impact**

These impacts are addressed in the previous report.

The public/social advantages were further reinforced by a speaker in Public Participation on 20 January 2009, who outlined the pressing need for the best possible library service and access to that service in the Warilla area, and the poor level of relative Council funding the library has received since 1984.

### **Options**

There are three options:

- (a) to proceed with the proposal,
- (b) to not proceed with the proposal,
- (c) take other action

## Conclusions

As stated in the report to the Extraordinary Meeting of Council, the Federal Government's Regional Local Community Infrastructure Program gave Council a window of opportunity to improve our library service in Warilla, provide a substantial benefit to the residents of Warilla and the patrons and staff of Warilla Library, and prevent the necessity to "throw good money after bad" in attempting to prop up facilities at the present Warilla Library site.

This window of opportunity could only be taken up if there was community support.

Council's library staff are enthusiastic about the proposed relocation as they believe it will benefit the library's members and staff and will enable the Council to provide an improved level of service. They believe the library's members will also welcome the move. The Administrator and myself have received supportive comments about the proposal since the Extraordinary Meeting, once the deferral of the proposal became public knowledge.

However, there have been sufficient concerns raised about the proposal to make it clear that we would need to gather evidence of widespread community support if the funding application were to smoothly and successfully proceed. I don't believe it is acceptable to submit the project for funding when it is the subject of continued debate and, due to the urgency of the deadline, Council does not have time to carry out a comprehensive survey to establish whether the project's opponents reflect the views of the majority of Warilla residents and Warilla Library members.

Therefore, I reluctantly must recommend that no further action be taken in progressing the relocation to enable it to be lodged as a Council project eligible for program funding.

The issues at Warilla Library remain, and will require careful planning and consultation into the future. We recognise the need for and the importance of establishing a specific strategic direction for our libraries (along with all our community facilities, open space and recreation facilities) and that this will be achieved through the Open Space, Recreation and Community Facilities Needs Study which will inform and allow policy to be finalised and adopted by Council.

Approved for Council's consideration:



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## Attachments

1. Responses to Issues Raised in Public Participation.

Attachment 1 – Responses to Issues Raised in Public Participation (Page 1 of 5)

### **Responses to Issues Raised in Public Participation**

The key issues raised in Public Participation are addressed here:

#### **1. Community Consultation.**

We acknowledge that community consultation was not conducted on this issue before the proposal was put to Council. We believed this action was justified because of the opportunity this grant offered, the potential benefits of a relocation, and the availability of an alternate site. In the circumstances, an open consultative process would have detrimentally affected Council's lease negotiations. This was pointed out in the original report to Council.

#### **2. Possible Sale of Existing Site**

The Warilla Library is located on land that is classified as operational.

Like any other government authority, Council looks at its assets - including its land - to make sure it has appropriate and adequate resources to provide for operational and community requirements. In some instances, this will require Council to either purchase or dispose of land.

A comment from the Commission of Inquiry into Hastings Council deals with the issue of community facilities being located on potentially valuable commercial sites. The Warilla branch library, whether it was located on its current site or relocated into the Council Chambers (part of which is currently under lease) may not be seen as the highest and best use of a potentially valuable commercial site. It should be stressed, however, that Council has made no decision to sell this site.

## Attachment 1 – Responses to Issues Raised in Public Participation (Page 2 of 5)

**3. Refurbishing the Existing Building**

This option is not favoured, for these reasons:

- (a) It would be “throwing good money after bad” in attempting to prop up a facility that has considerable shortcomings
- (b) We would be spending Council’s limited funds on building restoration rather than fit out and more direct library service benefit (if the Warilla Grove option were implemented)
- (c) The staff and patrons would continue to operate in an environment and in a location which is prone to unsatisfactory security issues for patrons and staff. The staff feel very isolated at the current site.

**4. The proposed Warilla Grove site is smaller than the current library building**

While the proposed site has a smaller floor area approx (108 m<sup>2</sup>) the open layout will allow for improved functionality and therefore improved customer service. By taking advantage of the more regular building shape and with efficient design the proposed library would deliver more 'usable space' improving customer flow, collection presentation, recreational reading areas and general surveillance.

It is important to note that floor area is only one of the aspects to be considered in locating a library service.

It was also suggested that the premises adjacent to the new Bing Lee store in Shellharbour Road is double the size but half the rent of the proposed Warilla Grove site. This is not the case. The site adjacent to the new Bing Lee store is 43% larger than the premises at Warilla Grove, but the rent per square metre requested was significantly greater than that requested by Warilla Grove.

## Attachment 1 – Responses to Issues Raised in Public Participation (Page 3 of 5)

The rental cost and the fit-out costs for the premises adjacent to the new Bing Lee store would be significantly greater than for the Warilla Grove premises.

**5. Council should move the library into the old Council Chambers site and refurbish the Warilla Library.**

This is not seen as a practical option, bearing in mind current lease agreements and other occupancy arrangements. This option would require considerable further investigation regarding its operational suitability. Refer also to item 2.

**6. The traffic and pedestrian access to the current Warilla Library site and accident record are superior to that of the proposed site.**

This claim is untested. There would need to be a detailed assessment of both sites before this objection could be adequately answered.

**7. A member of the public was unable to obtain a copy of the "Library Requirements" report.**

This report has now been released. There was never any statement made, to my knowledge, that an application for the release of the document would take 12 days to be processed. This study was commissioned to assist Council staff in their strategic planning of future library services. Council has not adopted it. There were a range of recommendations which required further investigation and consideration before releasing it for public comment and Council consideration.

Attachment 1 – Responses to Issues Raised in Public Participation (Page 4 of 5)

**8. The processes and procedures outlined in the People Places document have not been followed.**

This is acknowledged in some respects and the circumstances were explained at the Extraordinary Council Meeting and in this report.

The People Places document is a guide produced in 2000 to assist Councils when planning or reviewing Public Library Services. The guide provides a detailed description of the planning framework recommended by the Library Council of NSW. It is acknowledged that a key element of the process is stakeholder consultation. However, as mentioned in the previous report, time constraints of the grant funding have not permitted this consultation to be undertaken. Should a relocation or redevelopment proposal for Warilla Library be put forward in the future, it will include an appropriate level of community consultation.

**9. Disputing that the present library is not within a busy shopping centre.**

This objection appears hard to sustain. The Warilla Library is fronted by six lane roads on two sides. A generous interpretation would be that it is on the edge of the Warilla CBD. It is not within a busy shopping centre.

**10. The proposed site has inferior parking spaces to the current site i.e. 67 compared to 40.**

It is not correct to claim that the present site has 67 spaces available exclusively for library patrons when, on any day, there are many non-library users of these spaces.

Attachment 1 – Responses to Issues Raised in Public Participation (Page 5 of 5)

**11. There is no mention of the need to repair Warilla Library in the current Management Plan & Budget**

It has been noted in Council's Annual Report, and elsewhere, that there is a shortfall in funding for the maintenance of all infrastructure throughout the City. In terms of asset maintenance, Warilla Library's condition could be described as poor. However, with limited maintenance funds across the City and many competing projects, Warilla Library has not scored highly because of the uncertainty about its "design life" as a library facility, and the belief that relocation or total redevelopment are required. Many of Council's other 226 buildings are also in need of asset improvement funding but they rated much higher in terms of priorities, because their future as a Council facility in their current form was more assured.

### **3. Operations & Services Division**

#### **3.1 Regional & Local Community Infrastructure Program (9046494)**

To the General Manager

**Division: Operations & Services Division**  
**Department: Customer and Environmental Services**

**Manager:** Colin Watt - Acting Director Operations and Services  
**Author:** Graham Standen - Group Manager Customer & Environmental Services

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### **Summary**

This report follows the resolution to item 2.3 at the Extraordinary Council meeting of 20 January 2009. At that meeting Council endorsed the allocation of \$395,000 from the Federal Government's offer of \$899,000 under the Regional & Local Community Infrastructure Program (RLCIP), to sportsfield lighting at Myimbarr Community Park.

This report seeks endorsement for the allocation of the remaining \$504,000 under the RLCIP to other projects at Myimbarr Community Park.

### **Recommendation**

**That in addition to the \$395,000 allocated to the Myimbarr Community Park project by Council's Minute No. 3 / 2009, Council allocate the remaining sum of \$504,000 from the Australian Government's offer of \$899,000 under the Regional & Local Community Infrastructure Programme (RLCIP) to Myimbarr Community Park sportsfield lighting, landscaping and associated works.**

### **Background**

The Hon Anthony Albanese, Minister for Infrastructure, Transport, Regional Development and Local Government wrote to Council on 16 December 2008 (Attachment 1). In this letter he advised Council it is eligible for a one-off funding provision of \$899,000 under the Regional & Local Community Infrastructure Program (RLCIP).

Council resolved on 20 January 2009, amongst other things to allocate \$395,000 from the RCLIP towards sportsfield lighting at the Myimbarr Community Park project. It is now recommended that, if the Warilla Library Relocation project is not endorsed under this programme, that the \$504,000 balance of the grant be allocated to Myimbarr Community Park. The allocation would be for landscaping, site embellishments and the \$75,000 required to supplement a previous allocation for the lighting of two sportsfields.

The Myimbarr project is supported by a Master Plan, which was adopted on 28 February 2006 following a process of community consultation. Components of the Myimbarr project have appeared in Council's draft budget and the RLCIP grant will enable significant progress with completion of this community asset.

Funding applications are required to be lodged by 30 January 2009 and funds are required to be expended by 30 September 2009. This requirement has caused councils to nominate projects which have straightforward community consultation and approvals processes and which have complementary funding identified.

Myimbarr Community Park is a 30 hectare parkland intended to provide a unique blend of passive and active recreational areas that exhibit environmentally sustainable features. The centrepiece of the park is the artificial wetlands that have been constructed to provide stormwater treatment and a habitat for migratory birds.

Once complete, the park will provide sportsfields, pathways for walking and cycling, viewing platforms, stormwater reuse and educational signage, to explain the environmental and heritage values of the park.

The Myimbarr Community Park is a large undertaking for Council. The estimated cost of the work identified on the Master Plan is \$13.62million (2006) (this cost estimate does not include the wetland and earthworks which were constructed by others). Due to funding constraints the Park is being constructed in stages. The components of the Master Plan completed to date have been funded under the Section 94 Plan and have been restricted to the provision of sporting facilities. The large amount of landscaping works around the wetlands and the sportsfields are not funded under the Section 94 Plan and are yet to be completed.

It is proposed to allocate the majority of the available RLCIP grant funds to provide some of the landscaping and site embellishments. These will improve the Park's appearance and encourage its use by the wider community, as well as sporting groups.

## **Consultations**

### **Internal**

General Manager  
Director Operations and Services  
Director Community Planning and Strategies  
Director Shell Cove Business Division  
Group Manager Corporate Services

### **External**

Member for Throsby, Jennie George  
Member for Kiama, Matt Brown  
Member for Shellharbour, Lylea McMahon

## **Considerations**

### **Financial/resources implications**

The total amount available to Council under the RLCIP is \$899,000. Council allocated \$395,000 toward the lighting of Myimbarr sportsfields on 20 January 2009. This report is addressing the balance of \$504,000 available under the RLCIP.

As the estimated cost of lighting two sportsfields at Myimbarr Community Park is \$470,000, an additional \$75,000 is to be allocated from the \$504,000. The balance of the grant, being \$429,000, will fund associated landscaping works

### **Legal & policy implications**

Council will be required to meet relevant guidelines and timeframes to be eligible for any funding . Details of the guidelines can be found at:

[http://www.infrastructure.gov.au/local/rlcip\\_guidelines.aspx](http://www.infrastructure.gov.au/local/rlcip_guidelines.aspx)

Allocation of the grant funding to this project is in compliance with the relevant guidelines and Council will undertake to complete the funded works by the required deadline.

### **Public/social impact**

Construction of these lighting and landscaping works will give a boost to the works programme for Myimbarr Community Park. The public will benefit from the immediate improvement and the increased probability of Council being able to fully complete the development of this facility.

Owing to the short time available to Council to accept these grant opportunities, Council was unable to consult more widely with the community about the allocation of these funds to the projects that have been recommended. However, the Myimbarr Community Park has an adopted Master Plan, which was developed following community and stakeholder consultation. Further, the Myimbarr Community Park project has been the subject of Council works programmes since the Master Plan was adopted in 2006.

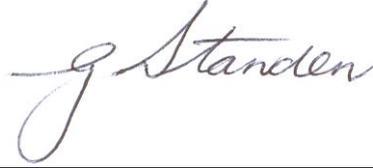
A copy of the Myimbarr Community Park Master Plan can be viewed at Council's Administration Office, Lamerton House, Lamerton Crescent, Shellharbour City Centre.

### **Options**

1. To allocate the balance of the RLCIP grant of \$504,000 to landscaping, site embellishments and sportsfield lighting at Myimbarr Community Park.
2. To allocate the balance of the RLCIP grant of \$504,000 to the relocation of the Warilla Branch Library to Warilla Grove. This was proposed in Report 2.3 to the Extraordinary Council Meeting of 20 January 2009.

## **Conclusions**

The project identified is compatible with the purposes of the Australian Government's RLCI programme. The funding will assist Council to progress development of the Myimbarr Community Park, much faster than we could achieve by smaller, annual budget allocations.



Approved for Council's consideration: \_\_\_\_\_

## **Attachments**

1. Letter from Hon Anthony Albanese.

Attachment 1 – Letter From Hon Anthony Albanese (Page 1 of 6)



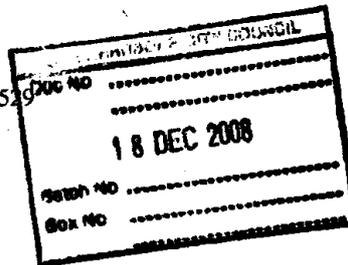
**The Hon Anthony Albanese MP**

Minister for Infrastructure,  
Transport, Regional Development  
and Local Government  
Leader of the House

Reference: 11688-2008

16 DEC 2008

Mr David Jesson  
Administrator  
Shellharbour City Council  
PO Box 155  
SHELLHARBOUR CITY CENTRE NSW 2529



Dear Administrator

I am pleased to advise formally that Shellharbour City Council is eligible to receive \$899,000 under the new Regional and Local Community Infrastructure Program (RLCIP).

On 18 November 2008 at the inaugural meeting of the Australian Council of Local Government, the Prime Minister, the Hon Kevin Rudd MP, and I announced \$300 million through the RLCIP in the 2008-09 Financial Year, for local councils and shires to stimulate economic activity and support jobs in local communities.

The Australian Government Department of Infrastructure, Regional Development and Local Government (my Department) emailed you on 21 November 2008 and the General Manager of your Council on 26 November 2008, with details of this program.

The new RLCIP includes \$250 million to be distributed in 2008-09 across all local councils and shires for new construction and major renovations or refurbishment of community infrastructure.

This funding will be provided to you subject to a number of conditions, including entering into a funding agreement with the Commonwealth and that funding be spent by 30 September 2009 on projects consistent with the RLCIP Guidelines.

You are required to provide details of projects on which you intend to spend RLCIP funding by 30 January 2009 at the latest. Please complete the attached RLCIP Project Details pro-forma and return it to my Department.

Please note funding will only be released for projects that meet the requirements of the RLCIP Guidelines.

The Rudd Government is delivering funding through the RLCIP to also begin addressing the substantial backlog in local infrastructure and help improve the quality of life in local communities.

PARLIAMENT HOUSE CANBERRA ACT 2600

Telephone: 02 6277 7680 Facsimile: 02 6273 4126

DataWorks Document Number: 915

Attachment 1 – Letter From Hon Anthony Albanese (Page 2 of 6)

Some examples of community infrastructure eligible for funding under the RLCIP include:

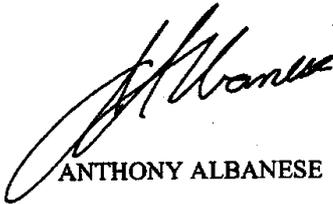
- social and cultural infrastructure, such as town halls, community centres, libraries, parks, public squares;
- sport and recreation facilities, such as sporting grounds, stadiums, pools, walking tracks and playgrounds;
- tourism infrastructure, such as walkways and tourist information centres; and
- access facilities, such as bus shelters, jetties and boat ramps.

As the first meeting of the Australian Council of Local Government demonstrated, the Rudd Government wants a new partnership between the Australian Government and local government.

Guidelines for both components of the program and the Application Form for the RLCIP – Strategic Projects are available at <<http://www.infrastructure.gov.au/local/index.aspx>>.

Please contact my Department's RLCIP Information Line on 1800 005 494 if you require any further information.

Yours sincerely



ANTHONY ALBANESE

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## Attachment 1 – Letter From Hon Anthony Albanese (Page 3 of 6)



**Australian Government**

**Department of Infrastructure, Transport,  
Regional Development and Local Government**

## **Regional and Local Community Infrastructure Program Project Details Pro-forma**

Under the Regional and Local Community Infrastructure Program (RLCIP) the Australian Government will provide one-off funding of \$250 million in 2008-09 to local councils to stimulate additional growth and economic activity in Australia as part of the Australian Government's contribution to address the global economic crisis.

These funds will be available for additional and/or ready-to-proceed community infrastructure projects and for additional stages of projects that are currently underway.

The funding will be provided directly to Councils as a one-off payment. The RLCIP will be administered by the Department of Infrastructure, Transport, Regional Development and Local Government (the Department).

To be eligible for RLCIP funding this Project Details pro-forma must be completed and returned in hard copy or electronically to the Department by **COB 30 January 2009** to the following addresses:

By mail:

**Regional and Local Community Infrastructure Program – Project Details pro-forma  
Local Government and Northern Australia Branch  
Department of Infrastructure, Transport, Regional Development and Local  
Government  
GPO Box 594  
CANBERRA ACT 2601**

Electronically:

**[RegionalGrants@infrastructure.gov.au](mailto:RegionalGrants@infrastructure.gov.au)**

**Please note.**

1. A pro-forma returned electronically must be identified as **Regional and Local Community Infrastructure Program – Project Details pro-forma**; and
2. A hard copy of **Item C - Declaration** to this pro-forma must be signed and returned to the Department.

If you require help or information to complete this form, please contact 1800 005 494.

Page 1 of 4

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Attachment 1 – Letter From Hon Anthony Albanese (Page 4 of 6)

**PROJECTS DETAILS**

**Regional and Local Community Infrastructure Program 2008-09**

**Item A – Council Details**

**Name of Council**

--

**Australian Business Number**

--

**GST Registered?**  Yes  No

**Who is the primary contact from your organisation for matters relating to this process?**

<b>PRIMARY CONTACT</b>	
Contact (Mr/Mrs/Ms):	
Position:	
Telephone:	
E-mail address:	
Street/PO Box:	
Suburb/Town:	
City:	
State/Territory: Postcode:	

**Your Council's address**

Street Address	
Suburb/Town/City	
State	
Postcode	
Organisation Email Address	
Organisation Website	

**Your Council's postal address (leave blank if same as above)**

PO Box	
Suburb/Town/City	
State	
Postcode	

Attachment 1 – Letter From Hon Anthony Albanese (Page 5 of 6)

**Item B – Project Details**

**(If you have more than one project for which you propose to spend RLCIP funding on, please copy and complete this Item B for each project)**

**1. Project Description.**

Please describe your project. Your description must provide sufficient detail that the Department can be satisfied that it is consistent with the list of projects for which funding can be used, listed at Annexure A to the RLCIP Guidelines. *(maximum 350 words)*

**2. Project Location**

Where will the project be located or delivered from? Please state the address or location of the project.

Street Address	
Suburb/Town/City	
State	
Postcode	

**3. How much RLCIP funding will be expended on the project?**

\$.....

**4. Has the project commenced?**

- Yes (Go to Question 5)
- No (Go to Question 6)

**5. If yes, please describe how the aspect of the project RLCIP will be funding is additional to the original project. *(maximum 350 words)***

**6. If no, when is the expected commencement date (mm/yyyy)?**

**7. To which category of infrastructure does your project belongs?**

*(Please refer to Annexure A of the RLCIP guidelines for categories of infrastructure)*

Attachment 1 – Letter From Hon Anthony Albanese (Page 6 of 6)

**Item C – Declaration**

**Regional and Local Community Infrastructure Program  
Proponent Declaration**

I declare that I am authorised to supply this information.

I declare that the information I have given on this form is complete and correct and that the Council or Shire that I represent supports the project/s. If any change to this information occurs, either my organisation or I will promptly inform the Department of Infrastructure, Transport, Regional Development and Local Government.

I understand and agree to the conditions in the Guidelines and this form.

I agree that:

- to receive funding from the Regional and Local Community Infrastructure Program I am willing to enter into a Funding Agreement (contract) with the Australian Government;
- information about my organisation's project may be reproduced in promotional and media material; and
- my project may be used for program evaluation.

Below are my details and signature, acknowledging the above:

Title	
Name	
Position in Organisation	
Phone	

Signature \_\_\_\_\_

Date:

I acknowledge that I must print, sign and return this Declaration to the Department of Infrastructure, Transport, Regional Development and Local Government.