

From: Edwards, Susan <EdwardsS@shoalhaven.nsw.gov.au>
Sent: Thursday, 19 June 2014 4:29 PM
To: CDG
Subject: FW: TRIM: Application Community Development Grants Program - Shoalhaven City Council - Round the Bay Walk - Orion Beach Foreshore

Categories: [REDACTED]

Please note previous email the link was not working please find correct link below

Dear [REDACTED] – Regional Programs Branch

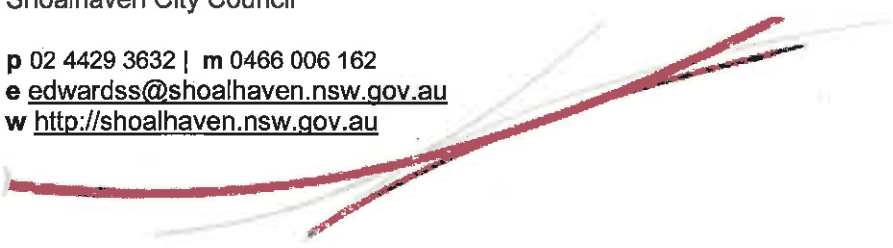
Please follow link to our completed application form and attachments in relation to the Community Development Grants Program for Round the Bay Walk – Orion Beach Foreshore – Shoalhaven City Council – Gilmore. [Application CDG Round the Bay Walk Orion Beach Walkway](#)

If you require any further information please contact Ms Claire Scott, Recreation and Community Planning Manager on (02) 4429 3152.

Regards
Susan

Susan Edwards
Senior Strategic Planner
Shoalhaven City Council

p 02 4429 3632 | m 0466 006 162
e edwardss@shoalhaven.nsw.gov.au
w <http://shoalhaven.nsw.gov.au>



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From: Edwards, Susan <EdwardsS@shoalhaven.nsw.gov.au>
Sent: Friday, 20 June 2014 4:49 PM
To: CDG
Subject: Signed Legal Authorisation - Declarations and disclosures - Shoalhaven City Council - 4 projects
Attachments: 20140620164011211.pdf
Categories:

Dear section 22

Please find attached Councils signed legal authorisation - declaration and disclosures to be attached to Councils applications for community Development Grants Programmes - 1. Round the Bay Walk - Orion Beach Foreshore Stage 1
 2. 3 Local Youth Recreational Facilities'
 3. Sanctuary Point Men's Shed
 4. Berry School of Arts

If you require any further information please contact Ms Claire Scott, Recreation and Community Planning Manager on (02) 4429 3152.

Regards
 Susan

Susan Edwards
 Senior Strategic Planner
 Shoalhaven City Council

p 02 4429 3632 | m 0466 006 162
 e edwardss@shoalhaven.nsw.gov.au
 w <http://shoalhaven.nsw.gov.au>

-----Original Message-----

From: no_reply@shoalhaven.nsw.gov.au [mailto:no_reply@shoalhaven.nsw.gov.au]
Sent: Friday, 20 June 2014 4:40 PM
To: Edwards, Susan
Subject: Message from "RNP00267336E2DE"

This E-mail was sent from "RNP00267336E2DE" (Aficio MP C5501A).

Scan Date: 20.06.2014 16:40:11 (+1000)
 Queries to: no_reply@shoalhaven.nsw.gov.au

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From: CDG
Sent: Monday, 23 June 2014 9:19 AM
To: 'Edwards, Susan'
Subject: RE: Signed Legal Authorisation - Declarations and disclosures - Shoalhaven City Council - 4 projects [SEC=UNCLASSIFIED]

Hi Susan

Thank you for providing this information relating to the following projects:

- Round the Bay Pathway - Orion and Callala Sections (Jervis Bay);
- Skate Parks - Construction of Three Facilities;
- Men's Shed - Sanctuary Point - Small Equipment Grant; and
- Berry School of Arts Upgrade.

We will ensure these are included on the relevant project files.

Kind regards

CDG Team

-----Original Message-----

From: Edwards, Susan [<mailto:EdwardsS@shoalhaven.nsw.gov.au>]
Sent: Friday, 20 June 2014 4:49 PM
To: CDG
Subject: Signed Legal Authorisation - Declarations and disclosures - Shoalhaven City Council - 4 projects

Dear [REDACTED]

Please find attached Councils signed legal authorisation - declaration and disclosures to be attached to Councils applications for community Development Grants Programmes - 1. Round the Bay Walk - Orion Beach Foreshore Stage 1
2. 3 Local Youth Recreational Facilities'
3. Sanctuary Point Men's Shed
1. Berry School of Arts

If you require any further information please contact Ms Claire Scott, Recreation and Community Planning Manager on (02) 4429 3152.

Regards
Susan

Susan Edwards
Senior Strategic Planner
Shoalhaven City Council

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-----Original Message-----

From: no_reply@shoalhaven.nsw.gov.au [mailto:no_reply@shoalhaven.nsw.gov.au]

Sent: Friday, 20 June 2014 4:40 PM

To: Edwards, Susan

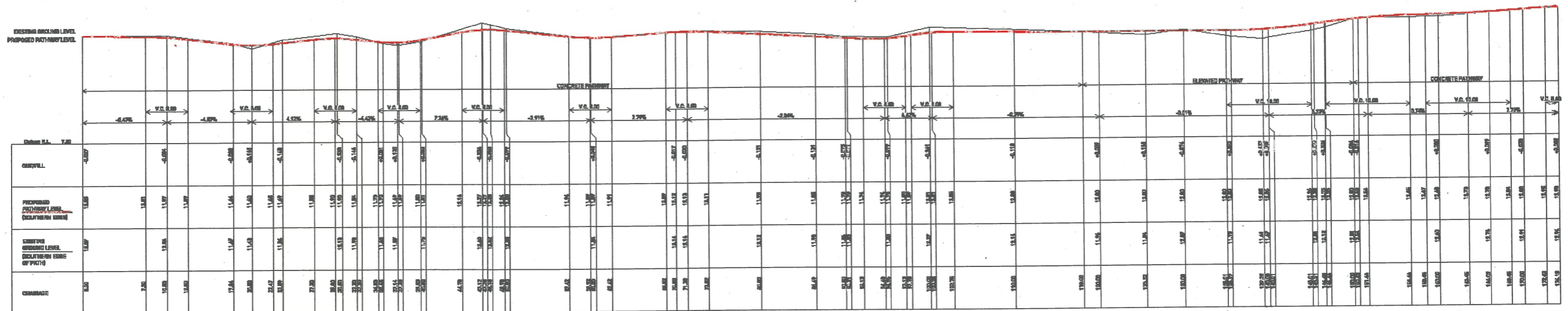
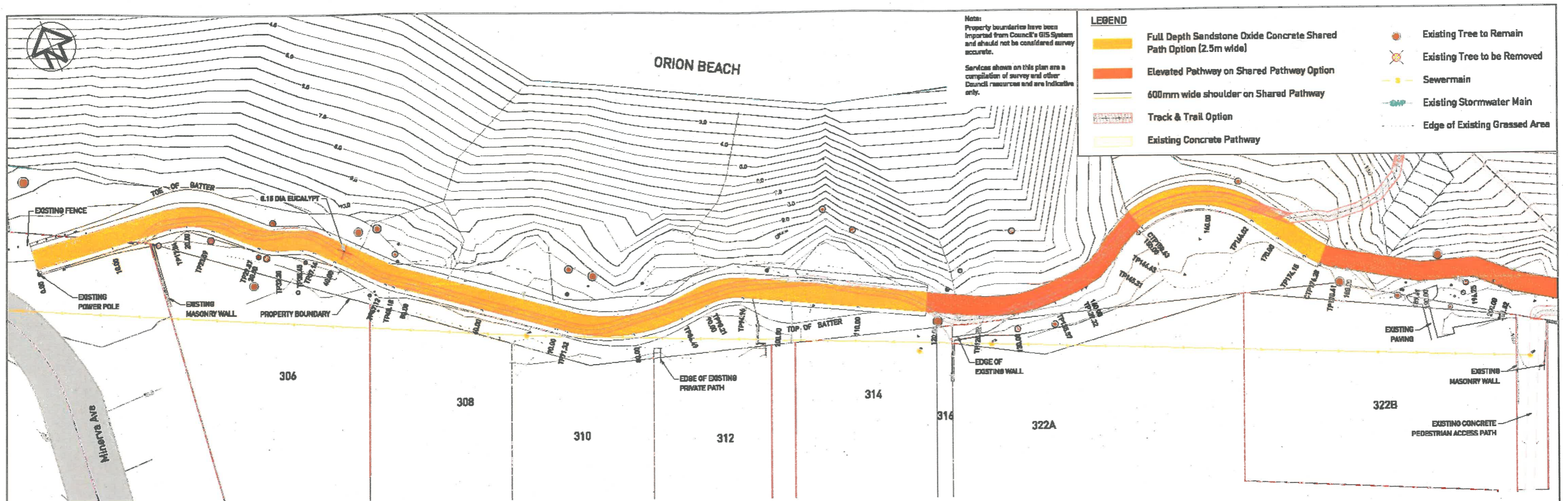
Subject: Message from "RNP00267336E2DE"

This E-mail was sent from "RNP00267336E2DE" (Aficio MP C5501A).

Scan Date: 20.06.2014 16:40:11 (+1000)

Queries to: no_reply@shoalhaven.nsw.gov.au

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REVISION	AMENDMENTS	DATE	APP'D	SURVEYOR	CLIENT	SYDNEY OFFICE	MIENGINEERS	PROJECT	DESIGNED	DRAWN	APPROVED
A	CONCEPT ISSUE	07/02/14	S47F		City Council	83 - 87 Ramwick Street, Redfern 2014 Tel (02) 8396 6565 Fax (02) 8396 6564		VINCENTIA - ORION BEACH SHARED PATHWAY	S47F	S47F	S47F
				DATE OF SURVEY:		SOUTH COAST OFFICE 47 Berry Street, Nowra NSW 2541 Tel (02) 44 230 566 Fax (02) 44 230 228		DRAWING NAME: CONCEPT DESIGN PLAN (2.5m WIDE SHARED PATH) - CH 0.00 TO CH 172.40	SHEET SIZE: A1	SCALE: 1 : 250	DATE: 07/02/14
				DRAWN:		E : info@miengineers.com W : www.miengineers.com			DRAWING NUMBER: ND130180/A		REVISION: A
				HORIZONTAL DATUM:							



Overall Plan (Track & Trail Option 1)

Scale
1:600 for A1 size sheet
1:1200 for A3 size sheet

From: Edwards, Susan <EdwardsS@shoalhaven.nsw.gov.au>
Sent: Thursday, 10 July 2014 4:59 PM
To: [REDACTED]
Subject: RE: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]


Hi [REDACTED]

Table below updated.
 And questions answered

Thanks
 Susan

Susan Edwards
Senior Strategic Planner
 Shoalhaven City Council

p 02 4429 3632 | m 0466 006 162
 e edwardss@shoalhaven.nsw.gov.au
 w <http://shoalhaven.nsw.gov.au>



From: [REDACTED]
Sent: Thursday, 10 July 2014 4:14 PM
To: Edwards, Susan
Subject: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]

Hi Susan

1. Are you able to update the budget and milestone table taking into account the fact that CDG funding cannot be used for council wages?

Cost Item	Description of Cost Item	Proposed Start Date	Estimated Finish Date	Total Estimated Cost (\$)	CDG Funding Contribution (\$)	Partnership Funding Contribution (\$)
Design & Approval	Detail Design, Approval Processes (REF) & Engineering drawings	July 2014	February 2015	120,000		
Project	Project	July 2014	February	28,000	15,000	

Management	Management – Documentation preparation & construction		2015			
Construction	Construction	February 2015	June 2015	435,000.00	435,000.00	
Marketing & Promotion	Official Opening, Advertising,	Sept 2015	Sept 2015	2,500		

2. Could you also confirm what we discussed on the phone that a project manager will be engaged for this project? **Yes please note the total estimated costs are more as external project management is more but Council does not have internal capacity to undertake.**
3. Also, I am not sure where the \$439,345.27 comes from as I can only see a cost estimate of \$435,000 in the MI Engineers report. **Unsure what happened there this amount was taken out of a report not the information submitted.**

Thanks



Contract Manager
Infrastructure and Investment Division
Department of Infrastructure and Regional Development
02 6274 7471



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[REDACTED]

From: Edwards, Susan <EdwardsS@shoalhaven.nsw.gov.au>
Sent: Friday, 11 July 2014 11:31 AM
To: [REDACTED]
Subject: RE: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]

Yes that's correct

Susan Edwards
Senior Strategic Planner
Shoalhaven City Council

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w <http://shoalhaven.nsw.gov.au>



From: [REDACTED]
Sent: Friday, 11 July 2014 10:11 AM
To: Edwards, Susan
Subject: RE: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]

Hi Susan

Therefore you are not including the \$120,000 for Design and Approval included as the first cost item in the budget and milestone table. Is this correct?

Thanks

[REDACTED]

[REDACTED]

Contract Manager
Infrastructure and Investment Division
Department of Infrastructure and Regional Development
02 6274 7471

[REDACTED]

From: Edwards, Susan [<mailto:EdwardsS@shoalhaven.nsw.gov.au>]
Sent: Friday, 11 July 2014 9:52 AM
To: [REDACTED]
Subject: RE: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]

1. What is the total project cost? (Use GST exclusive amounts)

\$1,100,500 Total project cost (including stage 1 & 2)

2. What is the amount of funding committed by the Australian Government? (Use GST exclusive amounts)

\$450,000 For the delivery of Stage 1.

Susan Edwards

Senior Strategic Planner
Shoalhaven City Council

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e edwardss@shoalhaven.nsw.gov.au

w <http://shoalhaven.nsw.gov.au>

From: [REDACTED]

Sent: Friday, 11 July 2014 9:42 AM

To: Edwards, Susan

Subject: RE: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]

Hi Susan

I am now checking the total project cost. Are you able to tell me what the total project cost is now there is an increase in project management costs (Question 28)?

Thanks

[REDACTED]

[REDACTED]

Contract Manager
Infrastructure and Investment Division
Department of Infrastructure and Regional Development
02 6274 7471

[REDACTED]

From: Edwards, Susan [<mailto:EdwardsS@shoalhaven.nsw.gov.au>]

Sent: Thursday, 10 July 2014 4:59 PM

To: [REDACTED]

Subject: RE: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]


Hi [REDACTED]

Table below updated.
And questions answered

Thanks
Susan

Susan Edwards
Senior Strategic Planner
Shoalhaven City Council

p 02 4429 3632 | m 0466 006 162
e edwardss@shoalhaven.nsw.gov.au
w <http://shoalhaven.nsw.gov.au>



From: [REDACTED]
Sent: Thursday, 10 July 2014 4:14 PM
To: Edwards, Susan
Subject: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]

Hi Susan

1. Are you able to update the budget and milestone table taking into account the fact that CDG funding cannot be used for council wages?

Cost Item	Description of Cost Item	Proposed Start Date	Estimated Finish Date	Total Estimated Cost (\$)	CDG Funding Contribution (\$)	Partnership Funding Contribution (\$)
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Project Management	Project Management – Documentation preparation & construction	July 2014	February 2015	28,000	15,000	
Construction	Construction	February 2015	June 2015	435,000.00	435,000.00	
Marketing &	Official	Sept	Sept 2015	2,500		

Promotion	Opening, Advertising,	2015				

2. Could you also confirm what we discussed on the phone that a project manager will be engaged for this project? **Yes please note the total estimated costs are more as external project management is more but Council does not have internal capacity to undertake.**
3. Also, I am not sure where the \$439,345.27 comes from as I can only see a cost estimate of \$435,000 in the MI Engineers report. **Unsure what happened there this amount was taken out of a report not the information submitted.**

Thanks



Contract Manager
Infrastructure and Investment Division
Department of Infrastructure and Regional Development
02 6274 7471



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From: Edwards, Susan <EdwardsS@shoalhaven.nsw.gov.au>
Sent: Monday, 14 July 2014 12:22 PM
To: [REDACTED]
Subject: RE: CDG032 - Skate Parks - Construction of Three Facilities [SEC=UNCLASSIFIED]

Dear [REDACTED]

Put my answer below.

Susan Edwards
 Senior Strategic Planner
 Shoalhaven City Council

p 02 4429 3632 | m 0466 006 162
 e edwardss@shoalhaven.nsw.gov.au
 w <http://shoalhaven.nsw.gov.au>

From: [REDACTED]
Sent: Monday, 14 July 2014 12:17 PM
To: Edwards, Susan
Subject: RE: CDG032 - Skate Parks - Construction of Three Facilities [SEC=UNCLASSIFIED]

Hi Susan

Thanks for the information below. I am following up further on Question 35 in the application form.

1. 35. Is your project multi-stage? If Yes, are all stages fully funded?

The project has been identified to be delivered in two stages.
 Stage 1 will be fully funded by this Community Development Grants Programme - \$450,000.
 Stage 2 is not currently fully funded. Council will fund \$200,000 in the 2014/15 budget for commencement of construction of stage 2 and \$435,000 in the 2015/16 Budget for finalisation of the construction stage 2. Design and construction of the entire pathway will be planned in such a way that project delivery can be continuous and extend over the two (2) financial years subject to funding allocation. Council will continue to seek alternate grant funding opportunities to assist with the design and/or construction of the Stage 2 shared user pathway.

It says above that Stage 2 is not currently fully funded yet it then says the Council will budget over the 2014/15 and 2015/16 financial years to cover the costs for Stage 2. In the Community Engagement Strategy I can see that a motion was passed by Council on 18 March 2014 for this to occur. Only \$435,000 was approved.

Question

1. Stage 2 costs are \$650,000 by the MI Engineers report. Will the other \$15,000 come from Council allocated funds or other sources? (Previously I think this \$15,000 must have been coming from the CDG funding but now this is going towards project management.) [REDACTED] please note that the stage 2 is not fully funded as stated

“Council will continue to seek alternate grant funding opportunities to assist with the design and/or construction of the Stage 2 shared user pathway.”

Council can also reallocate savings from other projects (as identified) as they see fit.

Hope this helps
Susan

Thanks

[REDACTED]

[REDACTED]

Contract Manager
Infrastructure and Investment Division
Department of Infrastructure and Regional Development
02 6274 7471
[REDACTED]

From: Edwards, Susan [<mailto:EdwardsS@shoalhaven.nsw.gov.au>]
Sent: Friday, 11 July 2014 2:32 PM
To: [REDACTED]
Subject: RE: CDG032 - Skate Parks - Construction of Three Facilities [SEC=UNCLASSIFIED]

Hi [REDACTED]


I have put in replies in red below and updated the table.

Please let me know if you require any further information.

Thanks very much,
Susan

Susan Edwards
Senior Strategic Planner
Shoalhaven City Council

p 02 4429 3632 | m 0466 006 162
e edwardss@shoalhaven.nsw.gov.au
w <http://shoalhaven.nsw.gov.au>



[REDACTED]

From: [REDACTED]
Sent: Friday, 11 July 2014 10:55 AM
To: Edwards, Susan
Subject: RE: CDG032 - Skate Parks - Construction of Three Facilities [SEC=UNCLASSIFIED]

Hi Susan

Thank you for the extra information.

- When I have added the amounts on the budget table the CDG funding comes to \$330,000 when the funding is for \$300,000. Could you please reallocate the costs to reflect the correct amount. **Fixed that**
- Do you know if the CONVIC cost estimates are GST exclusive? I couldn't see it on the estimate anywhere (attached). **CONVIC cost estimates are GST exclusive.**

Cost Item	Description of Cost Item	Proposed Start Date	Estimated Finish Date	Total Estimated Cost (\$)	CDG Funding Contribution (\$)	Partnership Funding Contribution (\$)
Design& Approval – Manyana Skate Park	Detail design, Approval processes (REF) Engineering certification	June 2014	September 2014	30,000		
Stage 2 – Learn to ride Facility Design	Detail design	June 2014	July 2014	5,000		
Design & Approval – Francis Ryan Skate Park	Detail Design, Approval Processes (REF) & Engineering drawings	June 2014	October 2014	40,000		
Project Management – Learn to Ride Facility	Project Management – Documentation preparation & construction,	June 2014	until completion – February 2015	10,000		10,000
Project Management – Manyana	Project Management – Documentation preparation & construction,	June 2014	Until completion – December 2015	10,000		10,000
Project Management – Francis Ryan Youth Park	Project Management – Documentation preparation &	June 2014	March 2016	25,000		25,000

	construction,					
Construction – Learn to ride	Construction	August 2014	February 2015	45,000	40,000	5,000
Construction – Manyana Skate Park	Construction	October 2014	July 2015	85,000	85,000	
Francis Ryan Youth Park	Construction	November 2014	March 2016	175,000	175,000	
Marketing & Promotion – Francis Ryan	Open Day, Advertising, School holiday program (youth week)	April 2016	April 2015	5,000		5,000
Marketing & Promotion – Manyana	Open Day, Advertising, School holiday program	January 2015	January 2015	5,000		5,000
Marketing & Promotion – Learn to Ride	Open Day, Advertising, School Holiday program	March 2015	March 2015	5,000		5,000

Thanks

[REDACTED]

[REDACTED]

Contract Manager
Infrastructure and Investment Division
Department of Infrastructure and Regional Development
02 6274 7471

[REDACTED]

From: Edwards, Susan [<mailto:EdwardsS@shoalhaven.nsw.gov.au>]

Sent: Friday, 11 July 2014 9:40 AM

To: [REDACTED]

Subject: RE: CDG032 - Skate Parks - Construction of Three Facilities [SEC=UNCLASSIFIED]

Dear [REDACTED]

I have attached for your information the Review of Environmental Effects for the skate park at Sanctuary Point and the Detail Design for Manyana skate park to add to our applications.

Thanks
Susan

Susan Edwards
Senior Strategic Planner
Shoalhaven City Council

p 02 4429 3632 | m 0466 006 162
e edwardss@shoalhaven.nsw.gov.au
w <http://shoalhaven.nsw.gov.au>

From: [REDACTED]
Sent: Thursday, 10 July 2014 4:35 PM
To: Edwards, Susan
Subject: RE: CDG032 - Skate Parks - Construction of Three Facilities [SEC=UNCLASSIFIED]

Thanks Susan for this info..

[REDACTED]
[REDACTED]
Contract Manager
Infrastructure and Investment Division
Department of Infrastructure and Regional Development
02 6274 7471
[REDACTED]

From: Edwards, Susan [<mailto:EdwardsS@shoalhaven.nsw.gov.au>]
Sent: Thursday, 10 July 2014 4:30 PM
To: [REDACTED]
Subject: RE: CDG032 - Skate Parks - Construction of Three Facilities [SEC=UNCLASSIFIED]

Hi [REDACTED]

I have put in replies in red below and updated the table.

Please let me know if you require any further information.

Regards

Susan Edwards
Acting Social and Infrastructure Planning Unit Manager
Shoalhaven City Council

p 02 4429 3632 | m 0466 006 162
e edwardss@shoalhaven.nsw.gov.au
w <http://shoalhaven.nsw.gov.au>

From: [REDACTED]
Sent: Thursday, 10 July 2014 3:57 PM

To: Edwards, Susan

Subject: CDG032 - Skate Parks - Construction of Three Facilities [SEC=UNCLASSIFIED]

Hi Susan

I am just checking on some details regarding the Three Facilities project.

1. Could you confirm for me that the In-house delivery will be the Learn-to-Ride Facility? **Yes that is currently correct, please note that this is dependent on internal capacity if/when monies received.**
2. Could you confirm the community delivery project will be the Manyana Skate Park? **Yes that is correct**
3. Could you confirm that the skate park going out to tender is located at Francis Ryan Park? **Yes that is correct**
4. Included below is the budget and milestone table. Could you please update the table to show the costs and then confirm the total project cost?

Cost Item	Description of Cost Item	Proposed Start Date	Estimated Finish Date	Total Estimated Cost (\$)	CDG Funding Contribution (\$)	Partnership Funding Contribution (\$)
Design& Approval – Manyana Skate Park	Detail design, Approval processes (REF) Engineering certification	June 2014	September 2014	30,000		
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Project Management – Learn to Ride Facility	Project Management – Documentation preparation & construction,	June 2014	until completion – February 2015	10,000		10,000
Project Management – Manyana	Project Management – Documentation preparation & construction,	June 2014	Until completion – December 2015	10,000		10,000
Project Management – Francis Ryan Youth Park	Project Management – Documentation preparation & construction,	June 2014	March 2016	25,000	25,000	
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Francis Ryan Youth Park	Construction	November 2014	March 2016	175,000	175,000	
Marketing & Promotion – Francis Ryan	Open Day, Advertising, School holiday program (youth week)	April 2016	April 2015	5,000		5,000
Marketing & Promotion – Manyana	Open Day, Advertising, School holiday program	January 2015	January 2015	5,000		5,000
Marketing & Promotion – Learn to Ride	Open Day, Advertising, School Holiday program	March 2015	March 2015	5,000		5,000

1. What is the total project cost? (Use GST exclusive amounts)

\$365,000

Thanks



Contract Manager
Infrastructure and Investment Division
Department of Infrastructure and Regional Development
02 6274 7471



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destroy the original message.

From: Scott, Claire <Claire.Scott@shoalhaven.nsw.gov.au>
Sent: Wednesday, 30 July 2014 1:53 PM
To: [REDACTED]
Subject: FW: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]

Hi [REDACTED]

In relation to question 2 to the below email please note the following:

Council has been open and transparent with information in relation to the development of the Round the Bay Walk, Orion Beach. When requested, Council provided information on the design, costings and investigation report to the OBF as well as the broader local community.

Council investigated the alternative option provided by OBH and as part of the broader community consultation all three pathway options were open to the public for comment after a community consultation evening. The majority of the community supported the more formalised option, which is the current submitted design.

Prior to the Council recommendation supporting the current design option, Council staff and Councillors held several meetings onsite with OBH members to address their concerns raised.

It was considered that the alternate OBH option was not able to be designed as a shared pathway and did not meet DDA standards for accessibility. During high tides or large swells the walkway was not an option. Also, it was viewed that the track option would not provide environmental protection of the foreshore, as people would look for easier alternate routes.

Council's current design prevents people from venturing into the natural area due to elevation, embankments and hand rails, therefore providing a better protection to the natural area. Council is formalising better connection to the beach from the existing 'Council built' access points while closing off dangerous privately constructed stairs etc, through future bush regeneration projects.

Council is undertaking all necessary statutory approvals for the development including an REF and AHIP. The REF will address the concerns raised by the OBH. Furthermore, Council has stated that they will commence with Bushcare initiatives once the project is completed. The current project has a webpage for reference to demonstrate that Council remains open to meeting with any group/community member at any time as the process continues:

<http://www.shoalhaven.nsw.gov.au/MyCouncil/CurrentProjects/RoundtheBayWalk.aspx>

The above statement has been reviewed and supported by Director, Corporate and Community Services, Mr Craig Milburn.

Regards

Claire Scott

Recreation and Community Facilities Planning Unit Manager
 Recreation, Community and Culture Section
 Corporate & Community Services Group
 Shoalhaven City Council

From: [REDACTED]
Sent: Wednesday, 30 July 2014 9:49 AM
To: Scott, Claire
Cc: Edwards, Susan
Subject: RE: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]

Good morning Claire

I have been requested by my managers to find out some more information from you regarding CDG033 – Round the Bay Pathway project.

1. Previously Susan and I had discussed the project management of this project and Susan informed me that an external project manager would be employed. Are you expecting this project manager to be part of the successful tender company or will you be employing a project manager from a different company for a set period of time to get the project to a particular level?
2. We have received some correspondence from Orion Beach Foreshore Protection Association – OBF Inc (OBF). In the correspondence OBF states a number of reasons why the project shouldn't go ahead. The Shoalhaven City Council has passed a resolution to go ahead with the project so I am sure that OBF's concerns have been discussed at this level. **The Department requires a comment from the Shoalhaven City Council regarding OBF's concerns and how these have been addressed/are being addressed.** For example, environmental concerns are being addressed through the Review of Environmental Factors.
3. It is mentioned in the RFI Application form that the Council has prepared a brief for tender and contract (Question 25). Has there been any revision of costs with this brief or are you still using the MI Engineers estimates?

Please call me if you have any questions about the above or the project in general.

Kind regards

[REDACTED]

[REDACTED]
Contract Manager
Infrastructure and Investment Division
Department of Infrastructure and Regional Development
02 6274 7471
[REDACTED]


From: Edwards, Susan [<mailto:EdwardsS@shoalhaven.nsw.gov.au>]
Sent: Friday, 11 July 2014 11:31 AM

To: [REDACTED]
Subject: RE: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]

Yes that's correct

Susan Edwards
Senior Strategic Planner
Shoalhaven City Council

p 02 4429 3632 | m 0466 006 162
e edwardss@shoalhaven.nsw.gov.au
w <http://shoalhaven.nsw.gov.au>



From: [REDACTED]
Sent: Friday, 11 July 2014 10:11 AM
To: Edwards, Susan
Subject: RE: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]

Hi Susan

Therefore you are not including the \$120,000 for Design and Approval included as the first cost item in the budget and milestone table. Is this correct?

Thanks

[REDACTED]
[REDACTED]
Contract Manager
Infrastructure and Investment Division
Department of Infrastructure and Regional Development
02 6274 7471
[REDACTED]

From: Edwards, Susan [<mailto:EdwardsS@shoalhaven.nsw.gov.au>]
Sent: Friday, 11 July 2014 9:52 AM
To: [REDACTED]
Subject: RE: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]

1. What is the total project cost? (Use GST exclusive amounts)

\$1,100,500 Total project cost (including stage 1 & 2)
--

2. What is the amount of funding committed by the Australian Government? (Use GST exclusive amounts)

\$450,000 For the delivery of Stage 1.

Susan Edwards

Senior Strategic Planner

Shoalhaven City Council

p 02 4429 3632 | m 0466 006 162

e edwardss@shoalhaven.nsw.gov.au

w <http://shoalhaven.nsw.gov.au>

From: [REDACTED]
Sent: Friday, 11 July 2014 9:42 AM
To: Edwards, Susan
Subject: RE: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]

Hi Susan

I am now checking the total project cost. Are you able to tell me what the total project cost is now there is an increase in project management costs (Question 28)?

Thanks

[REDACTED]
[REDACTED]
Contract Manager
Infrastructure and Investment Division
Department of Infrastructure and Regional Development
02 6274 7471
[REDACTED]

From: Edwards, Susan [<mailto:EdwardsS@shoalhaven.nsw.gov.au>]
Sent: Thursday, 10 July 2014 4:59 PM
To: [REDACTED]
Subject: RE: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]

Hi [REDACTED]

Table below updated.
And questions answered

Thanks

Susan

Susan Edwards
Senior Strategic Planner
Shoalhaven City Council

p 02 4429 3632 | m 0466 006 162
e edwardss@shoalhaven.nsw.gov.au
w <http://shoalhaven.nsw.gov.au>

From: [REDACTED]
Sent: Thursday, 10 July 2014 4:14 PM
To: Edwards, Susan
Subject: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]

Hi Susan

1. Are you able to update the budget and milestone table taking into account the fact that CDG funding cannot be used for council wages?

Cost Item	Description of Cost Item	Proposed Start Date	Estimated Finish Date	Total Estimated Cost (\$)	CDG Funding Contribution (\$)	Partnership Funding Contribution (\$)
Design & Approval	Detail Design, Approval Processes (REF) & Engineering drawings	July 2014	February 2015	120,000		
Project Management	Project Management – Documentation preparation & construction	July 2014	February 2015	28,000	15,000	
Construction	Construction	February 2015	June 2015	435,000.00	435,000.00	
Marketing & Promotion	Official Opening, Advertising,	Sept 2015	Sept 2015	2,500		

2. Could you also confirm what we discussed on the phone that a project manager will be engaged for this project? **Yes please note the total estimated costs are more as external project management is more but Council does not have internal capacity to undertake.**
3. Also, I am not sure where the \$439,345.27 comes from as I can only see a cost estimate of \$435,000 in the MI Engineers report. **Unsure what happened there this amount was taken out of a report not the information submitted.**

Thanks



Contract Manager
Infrastructure and Investment Division
Department of Infrastructure and Regional Development
02 6274 7471



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Assessment Report

Reference No: CDG033 CDG Commitment: \$450,000 Total Project Cost: \$1,100,000 Project Officer: [REDACTED]

Project Title: Round the Bay Pathway – Orion and Callala Sections – Jervis Bay

Project Description:

The project, to be undertaken in two stages, will provide a 500 metre shared pathway along Orion Beach Foreshore in Vincentia as part of the 52km 'Round the Bay Walk' strategy.

Proponent: Shoalhaven City Council

Project and Outcomes

Is the Project consistent with the Funding/Election Commitment?

The Department has been unable to locate any announcement of the election commitment for this project. Official correspondence on 6 December 2013 from the Hon Jamie Briggs MP, Assistant Minister for Infrastructure and Regional Development, to the proponent, Shoalhaven City Council, confirms the \$450,000 commitment towards the Round the Bay Pathway – Orion and Callala Sections (Jervis Bay) project.

Based on the information provided by the proponent the project is consistent with the intent of the commitment.

What Outcomes will be achieved with the Project?

The proponent has advised that the project will provide the following economic and community benefits:

- A link to existing and future pathway connections to deliver the vision of a 'Round the Bay Walk' experience;
- The opportunity for community members to exercise, socialise, connect and commute while enjoying the vistas and environment of the walkway;
- Improved health and wellbeing opportunities;
- Establishing diversity of public assets increases participation and enjoyment of public lands;
- Equitable access to public land;
- A decrease in anti-social behaviour;
- Social cohesion;
- Increased tourist opportunities;

- The creation of 20 full time positions during construction; and
- The retention of one full time position after project completion.

Project Viability and Sustainability

Can the project be delivered on time and budget and does the proponent have a strategy in place for the ongoing management and/or maintenance of the project?

Project Viability

Project Planning

The project is the two stage construction of a 500 x 2.5 metre shared walkway, using concrete on ground and composite fibre when elevated, along the Orion Beach foreshore at Vincentia. The total project is valued at \$1,100,000 (GST exclusive). Australian Government funding of \$450,000 (GST Exclusive) will go towards:

- Materials and Construction of Stage One of Orion Beach Foreshore Walkway (200 metres) - \$435,000
 - Project management - \$ 15,000
- \$450,000

The 'Round the Bay Walks – Jervis Bay' has been a long term project for the proponent. A feasibility study was undertaken in 2002 and a report produced in 2004. In December 2012 the Round the Bay Walks Implementation Plan was adopted with the aim to 'prioritise improvements to key undeveloped walking routes on Council managed foreshore land'.

The proponent used a Community Engagement Strategy to assess broad community preferences and goals. A number of stakeholders were identified and engagement procedures agreed. The engagement procedures included a community meeting, plans exhibition, submissions, site walk and a Council report. The engagement strategy received a high level of interest with 193 people registering for the community meeting and 210 submissions. Two local Aboriginal groups expressed interest in being consulted with respect to one of the proposed paths and the Jerrinja Local Aboriginal Land Council took the opportunity to complete a walk-over of the site and survey of artefacts.

The Department has received correspondence, dated 30 May 2014, from Orion Beach Foreshore Protection Association – OBF Inc (OBF) opposing the proposed route for the pathway. OBF has stated a number of reasons in its opposition to the proposed route including that in March 2014 the proponent resolved to construct the pathway 'despite clear majority community sentiment against such a Path'. In response to this decision OBF became an incorporated not-for-profit association 'in preparation for the possible need to undertake litigation against the Project' and to 'broaden the membership base to include supporters from elsewhere in the Shoalhaven who also oppose the proposed Path'. The proponent has provided a statement to the Department on how it has addressed and continues to address OBF's concerns.

A local resident, whose property is located beside the proposed construction access point, wrote to the Assistant Minister in April 2014 outlining concerns about the economic viability of the project and how the proponent has ignored the outcomes of community engagement. The Assistant Minister replied in May 2014 (MC 14-000136) advising the resident to continue discussions with the Shoalhaven City Council and that the Department would make an assessment of the project once detailed project information had been received from the proponent.

Construction of Stage One of the Orion Beach Foreshore Walkway is planned to commence in February 2015 and be completed by June 2015. The project is planned to be completed by June 2016.

Partnership funding/Cost Overruns

The proponent has advised that the overall project cost is \$1,100,000. With the Australian Government providing \$450,000 for Stage One and the proponent budgeting \$635,000 over the 2014/15 and 2015/16 financial years for Stage Two. The proponent has indicated that a shortfall of \$15,000 may remain. The proponent will be seeking alternate grant funding opportunities to complete Stage Two. As total funding is unconfirmed this is considered a risk to project viability and will be treated in the funding agreement. The proponent will be required to confirm all funding before any payments are made.

The project costs are:

Stage One construction (Australian Government Funding)	\$ 435,000
Project management (Australian Government funding)	\$ 15,000
Stage Two construction commencement (Proponent budget 2014/15)	\$ 200,000
Stage Two construction (Proponent budget 2015/16)	\$ 435,000
Stage Two construction (Unfunded)	<u>\$ 15,000</u>
	\$1,100,000

The proponent has advised that it will cover any cost overruns.

Designs/Costs

The proponent engaged MI Engineers to determine a construction methodology and prepare construction cost estimates for the project. MI Engineers investigated 4 different options for construction and provided the costing for each of these in their *Concept Design – Construction Methodology and Cost Estimates* report. The preferred option was selected because of accessibility, shared use by a number of different users, whole of life costs including maintenance, construction method, environmental impact and neighbouring residents. The costs provided are for the preferred option and are based on MI Engineers calculations.

The proponent has advised that a brief for design and construct tender is prepared and that the tender process will commence once Government funding is confirmed. No revised cost estimates have been provided for this.

There is some conjecture that the pathway will be located on an Endangered Ecological Community (Bangalay Sand Forest). The proponent has advised that the final alignment for the pathway is still subject to amendment based on further environmental and engineering studies and approval processes. These studies and approvals are considered a risk to project viability. This risk will be mitigated through the funding agreement with the proponent required to provide evidence that all necessary environmental and engineering studies have been completed and any approvals, if required, have been issued.

The final design and costing could be further determined by the above studies. This is considered a risk to project viability and will be treated through the funding agreement. The proponent will be required to provide evidence that the final design has been completed and that costs have been finalised through the construction tender process.

Approvals

The proponent has advised that the following approvals will need to be obtained from Shoalhaven City Council:

- Aboriginal Heritage Impact Statement (AHIP); and
- Review of Environmental Factors.

Both of these approvals are currently under review with an expected issue date in October 2014. As the approvals have not been issued this is considered a risk to project viability and will be treated through the funding agreement. The proponent will be required to provide evidence of these approvals before any payments being made.

Project Management Expertise

The project will be managed by Ms Claire Scott, the proponent's Recreation and Community Facilities Planning Unit Manager. Claire has been in this position since 2009. She will be assisted by other key employees of the proponent including the corporate and community director, landscape architect, environmental compliance officer and recreation, community and culture manager.

The proponent has had experience managing similar projects including the Ulladulla Civic Centre, Ulladulla Sport Park, Junction Court Nowra redevelopment and Bolong Road Black Spot project.

Technology

The project does not include the implementation of new or innovative technology.

Project Sustainability

As the asset will be situated on Crown land the Shoalhaven City Council's Trust Manager will be responsible for the asset. The proponent has advised that it will manage and maintain the asset within its current asset management, maintenance and inspections routine. The proponent

forecasts this asset to have an indicative lifespan of 40 years at which point the proponent will evaluate to rehabilitate, upgrade or decommission. MI Engineers provided a lifecycle costing for the walkway in their *Concept Design – Construction Methodology and Cost Estimates* report.

The proponent advises that 20 full time positions will be created during the construction phase of the project with one position being retained upon completion.

Project Viability and Sustainability Risk Details

What risks to Project Viability and/or Sustainability have been identified?

Based on the information provided by the proponent and queries undertaken during the assessment, the Department considers the proponent has demonstrated it has planned and prepared for the project, has sufficient project management expertise to deliver the project, will achieve the results identified in the commitment and be able to sustain the project into the future.

However, the Department considers there is a risk that project delivery may be delayed as the following risks have been identified:

- Not all partner funding has been confirmed;
- Further environmental and engineering studies and any associated approvals may be required;
- Final design has not been completed;
- The tender process to engage contractors to confirm costs for the project has not been finalised;
- Aboriginal Heritage Impact Statement (AHIP) has not been approved; and
- Review of Environmental Factors has not been approved.

Project Delivery Risk Rating:

Concerns Identified

What treatments/controls are required to mitigate the identified risks to Project Viability and Sustainability?

The risks can be treated through controls in the funding agreement with the proponent required to provide evidence that:

- All partner funding has been confirmed;
- All necessary approvals have been issued;
- The final design has been completed; and
- Costs have been finalised through the construction tender process.

Proponent Viability

What is the proponent's financial position? Is any adverse information known about the proponent's personnel or practices that could put funding at risk? What is the proponent's history of Grants Management?

Financial Position

An analysis of the financial statements for the past three years through the Financial Viability Calculator rates the proponent as low risk.

Corporate and Personnel

An Internet search revealed that an Independent Commission Against Corruption (ICAC) investigation took place in 2010-11 after an allegation was made against a staff member of the proponent in relation to the disposal/sale of an impounded plant item. The allegation was substantiated and the employee resigned. The proponent has since amended procedures when disposing of impounded articles and vehicles.

An Australian Securities and Investments Commission search has not revealed any adverse information regarding the proponent or their personnel.

Management of Grant Funds

The Department has confirmed the proponent has had 36 projects approved over the past seven years. All legacy programme projects have been completed and acquitted, indicating the proponent used the funding for the purpose provided and the agreed outcomes were delivered.

Proponent Viability Risk Details

What risks to Proponent Viability have been identified?

Based on the information provided by the proponent, through independent research undertaken by the Department and revealed by the Financial Viability Assessment, there is nothing that suggests funding is in danger of being misused or misappropriated or the proponent organisation does not have the finances to deliver and sustain the project.

Proponent Viability Risk Rating:

No concerns

What treatments/controls are required to mitigate the identified risks to Proponent Viability?

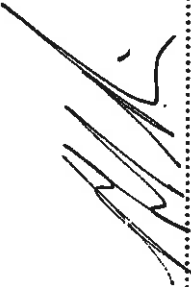
N/A

Partnership Funding (Input data from Application/Partners)

Name of Partner	Value of Contribution GST Exc.	Status of Contribution	Cash or In-Kind Contribution	% Total Project Cost
Department of Infrastructure and Regional Development	\$450,000	Sought	Cash	41
Shoalhaven City Council	\$635,000	Confirmed	Cash	58
Unknown	\$15,000	Unconfirmed	Cash	1
Total Contributions (GST Exc.):	\$1,100,000			

RECOMMENDATION

Under Section 71 of the *Public Governance, Performance and Accountability Act 2013*, you must not approve the grant without first receiving written advice on the merits of the proposed grant. Based on the assessment undertaken by the Department as outlined above, the Department recommends grant funding for \$450,000 (GST exclusive) be made available on the basis the project, in its current form and after making reasonable enquiries, is not inconsistent with Government policy and represents efficient, effective, economical and ethical use with relevant money.

Assessment Approved  22/8/14

REGIONAL PROGRAMMES BRANCH

Correspondence Ref: MS14-000995

ROUTINE DOCUMENTS

Date Submitted: 25/8/14Due Date: 15/9/14Action Officer: [REDACTED] Contact: 6274 7471Section Head Clearance (compulsory): YES NO 28/8/14.

Type of Document: (circle one)	Minute	<u>Brief</u>	Letter	Other: (specify)
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Action Required: (circle one)	Agree	Sign	Note	<u>Approve</u>
----------------------------------	-------	------	------	----------------

TOPIC: CDG 033 - Round the Bay Pathway -
Omon and Callala Sections - Jervis Bay
Main Sub.

KEY ISSUES:

OTHER COMMENTS:

• Possibility of litigation against Council
 by OBF Inc.

GM COMMENTS:

Please provide more info on how
Council is addressing OBF issues

GM Signature: [Signature]Date: 29/8/1429/8



Australian Government

Department of Infrastructure and Regional Development

FOR: The Hon Jamie Briggs MP cc: The Hon Warren Truss MP Mr Mike Mrdak, Secretary Ms Lyn O'Connell, Deputy Secretary	PDR ID: MS14-000995	For Decision by: 15 September 2014
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**SUBJECT: COMMUNITY DEVELOPMENT GRANTS – ROUND THE BAY
PATHWAY – ORION AND CALLALA SECTIONS – JERVIS BAY**

Recommendation: That you:

1. **Approve** under Section 71 of the *Public Governance, Performance and Accountability Act 2013* the expenditure of relevant money as a grant for funding of up to \$450,000 (GST exclusive) from the Community Development Grants Programme to the Shoalhaven City Council for the Round the Bay Pathway – Orion and Callala Sections – Jervis Bay project, subject to the Department imposing the risk treatments identified (Attachment A) and any conditions requested by you in writing.
2. **Agree** to the Department's assessment (Attachment A) that the project is considered value with relevant money; and
3. **Sign** the attached letters to the proponent and Mrs Ann Sudmalis MP, Member for Gilmore, advising of your decision (Attachment B).

Key Issues:

1. In the lead up to the 2013 Federal Election, the Government committed to provide funding of up to \$450,000 (GST exclusive) for the Round the Bay Pathway – Orion and Callala Sections – Jervis Bay project in Vincentia, NSW, 2541.
2. The project, to be undertaken in two stages, will provide a 500 metre shared pathway along Orion Beach Foreshore in Vincentia as part of the 52km 'Round the Bay Walk' strategy. The project is scheduled to commence in February 2015 and be completed by June 2016.
3. Based on the information provided by the proponent and the Department's assessment of the project and proponent, provision of funding for this project in its current form is value with relevant money and represents efficient, effective, economical and ethical use with relevant money. A summary of the Department's assessment is at Attachment A.
4. The Department's assessment has identified five risks to the successful implementation of the project that require treatment in the Funding Agreement as listed in the Risk Analysis Table in Attachment A. The risk to project viability of the partner funding, engineering and environmental studies, final design and costs, and approvals can be successfully mitigated through treatments in the Funding Agreement. The proponent will be required to confirm all partner funding, complete the final design, confirm costs through the tender process and receive all necessary approvals.
5. Advice on *Public Governance, Performance and Accountability Act 2013*, Rules and the Commonwealth Grants Rules and Guidelines, 1 July 2014 requirements is at Attachment C.

CLEARED BY:	Gordon McCormick	1. APPROVED / NOT APPROVED
CONTACT:	6274 8212	2. AGREED / NOT AGREED
DATE:	29 / 8 / 2014	3. SIGNED / NOT SIGNED
DIVISION:	Infrastructure Investment	Jamie Briggs
BRANCH:	Regional Programmes / /

Sensitivities:

Section 47C

2. The Department has received correspondence, dated 30 May 2014, from Orion Beach Foreshore Protection Association – OBF Inc (OBF) opposing the proposed route for the pathway. OBF has stated a number of reasons in its opposition to the proposed route including that in March 2014 the proponent resolved to construct the pathway 'despite clear majority community sentiment against such a Path'. In response to this decision OBF became an incorporated not-for-profit association 'in preparation for the possible need to undertake litigation against the Project' and to 'broaden the membership base to include supporters from elsewhere in the Shoalhaven who also oppose the proposed Path'. The proponent has provided a statement to the Department on how it has addressed and continues to address OBF's concerns.

In its statement the proponent outlines how it has provided information on the design, costings and investigation report to OBF and the wider community, met with OBF members onsite to address their concerns, investigated the alternative route option provided by OBF and then discussed this option with the broader community at the community consultation evening. Further, many concerns raised by OBF will be addressed when the proponent applies for the Review of Environmental Factors and Aboriginal Heritage Impact Statement statutory approvals. The proponent has a webpage for reference to the project and it remains open to meeting with any group/community member as the process continues.

Background: Nil**Resources:** Nil**Consultation:** Nil**Attachments:**

- A. Assessment of project proposal and proponent organisation
- B. Letters advising of your decision
- C. *Public Governance, Performance and Accountability Act 2013*, Rules and the Commonwealth Grants Rules and Guidelines, 1 July 2014 requirements

ASSESSMENT OF COMMUNITY DEVELOPMENT GRANTS PROJECT

Project ID: CDG033
Project Title: ROUND THE BAY PATHWAY – ORION AND CALLALA SECTIONS – JERVIS BAY
Proponent/Organisation Name: Shoalhaven City Council
Proponent/Organisation Type: Local Government
Project Location: Vincentia, NSW, 2540
Primary Electorate: Gilmore
Funding Commitment: \$450,000 (GST exclusive)
Total Project Value: \$1,100,000 (GST exclusive)
Project Description: The project, to be undertaken in two stages, will provide a 500 metre shared pathway along Orion Beach Foreshore in Vincentia as part of the 52km 'Round the Bay Walk' strategy.

Project Funding – Total Project Cost

Name of Partner	\$ Value of Contribution GST Excl.	Status of Contribution	Cash/ In-kind	% of Total Project Cost
Department of Infrastructure and Regional Development	\$450,000	Sought	Cash	41
Shoalhaven City Council	\$635,000	Confirmed	Cash	58
Unknown	\$15,000	Unconfirmed	Cash	1

The funding amount is provided on the basis that it does not attract GST as the payment will be made by one government-related entity to another government-related entity. This circumstance is specifically covered by an appropriation under Australian Government law and falls within the Terms of the Taxation Office ruling GSTR 2012/2. The proponent will be advised to seek guidance from the Australian Taxation Office or tax adviser on the impact of the Community Development Grants on their organisation's taxation liabilities.

Project Assessment

The Department has conducted an assessment of this project against the programme criteria, including a risk analysis:

- outcomes;
- proponent viability; and
- project viability and sustainability.

The seven key areas of risk that have been analysed are:

- the financial position of the proponent;
- corporate and personnel matters relating to the proponent;
- the proponent's ability to manage grant funds;
- the proponent's ability to deliver the project and intended results;
- the proponent's ability to sustain the project and intended results;
- is the project reliant on new technology and how will this impact on the project and intended results; and
- any other risk which may be identified as part of the assessment.

Announced Project

The Department has been unable to locate any announcement of the election commitment for this project. Official correspondence on 6 December 2013 from the Hon Jamie Briggs MP, Assistant Minister for Infrastructure and Regional Development, to the proponent, Shoalhaven City Council, confirms the \$450,000 commitment towards the Round the Bay Pathway – Orion and Callala Sections (Jervis Bay) project.

Based on the information provided by the proponent the project is consistent with the intent of the election commitment:

Outcomes

The proponent has advised that the project will provide the following economic and community benefits:

- A link to existing and future pathway connections to deliver the vision of a 'Round the Bay Walk' experience;
- The opportunity for community members to exercise, socialise, connect and commute while enjoying the vistas and environment of the walkway;
- Improved health and wellbeing opportunities;
- Establishing diversity of public assets increases participation and enjoyment of public lands;
- Equitable access to public land;
- A decrease in anti-social behaviour;
- Social cohesion;
- Increased tourist opportunities;
- The creation of 20 full time positions during construction; and
- The retention of one full time position after project completion.

Project Viability and Sustainability

Project Planning

The project is the two stage construction of a 500 x 2.5 metre shared walkway, using concrete on ground and composite fibre when elevated, along the Orion Beach foreshore at Vincentia. The total project is valued at \$1,100,000 (GST exclusive). Australian Government funding of \$450,000 (GST Exclusive) will go towards:

• Materials and Construction of Stage One of Orion Beach Foreshore Walkway (200 metres) -	\$435,000
• Project management -	<u>\$ 15,000</u>
	\$450,000

The 'Round the Bay Walks – Jervis Bay' has been a long term project for the proponent. A feasibility study was undertaken in 2002 and a report produced in 2004. In December 2012 the Round the Bay Walks Implementation Plan was adopted with the aim to 'prioritise improvements to key undeveloped walking routes on Council managed foreshore land'.

The proponent used a Community Engagement Strategy to assess broad community preferences and goals. A number of stakeholders were identified and engagement procedures agreed. The engagement procedures included a community meeting, plans exhibition, submissions, site walk and a Council report. The engagement strategy received a high level of interest with 193 people registering for the community meeting and 210 submissions. Two local Aboriginal groups expressed interest in being consulted with respect to one of the proposed paths and the Jerrinja Local Aboriginal Land Council took the opportunity to complete a walk-over of the site and survey of artefacts.

The Department has received correspondence, dated 30 May 2014, from Orion Beach Foreshore Protection Association – OBF Inc (OBF) opposing the proposed route for the pathway. OBF has stated a number of reasons in its opposition to the proposed route including that in March 2014 the proponent resolved to construct the pathway 'despite clear majority community sentiment against such a Path'. In response to this decision OBF became an incorporated not-for-profit association 'in preparation for the possible need to undertake litigation against the Project' and to 'broaden the membership base to include supporters from elsewhere in the Shoalhaven who also oppose the proposed Path'. The proponent has provided a statement to the Department on how it has addressed and continues to address OBF's concerns.

In its statement the proponent outlines how it has provided information on the design, costings and investigation report to OBF and the wider community, met with OBF members onsite to address their concerns, investigated the alternative route option provided by OBF and then discussed this option with the broader community at the community consultation evening. Further, many concerns raised by OBF will be addressed when the proponent applies for the Review of Environmental Factors and Aboriginal Heritage Impact Statement statutory approvals. The proponent has a webpage for reference to the project and it remains open to meeting with any group/community member as the process continues.

A local resident, whose property is located beside the proposed construction access point, wrote to the Assistant Minister in April 2014 outlining concerns about the economic viability of the project and how the proponent has ignored the outcomes of community engagement. The Assistant Minister replied in May 2014 (MC 14-000136) advising the resident to continue discussions with the Shoalhaven City Council and that the Department would make an assessment of the project once detailed project information had been received from the proponent.

Construction of Stage One of the Orion Beach Foreshore Walkway is planned to commence in February 2015 and be completed by June 2015. The project is planned to be completed by June 2016.

Partnership funding/Cost Overruns

The proponent has advised that the overall project cost is \$1,100,000. With the Australian Government providing \$450,000 for Stage One and the proponent budgeting \$635,000 over the 2014/15 and 2015/16 financial years for Stage Two. The proponent has indicated that a shortfall of \$15,000 may remain. The proponent will be seeking alternate grant funding opportunities to complete Stage Two. As total funding is unconfirmed this is considered a risk to project viability and will be treated in the funding agreement. The proponent will be required to confirm all funding before any payments are made.

The project costs are:

Stage One construction (Australian Government Funding)	\$ 435,000
Project management (Australian Government funding)	\$ 15,000
Stage Two construction commencement (Proponent budget 2014/15)	\$ 200,000
Stage Two construction (Proponent budget 2015/16)	\$ 435,000
Stage Two construction (Unfunded)	<u>\$ 15,000</u>
	\$1,100,000

The proponent has advised that it will cover any cost overruns.

Designs/Costs

The proponent engaged MI Engineers to determine a construction methodology and prepare construction cost estimates for the project. MI Engineers investigated 4 different options for construction and provided the costing for each of these in their *Concept Design – Construction Methodology and Cost Estimates* report. The preferred option was selected because of accessibility, shared use by a number of different users, whole of life costs including maintenance, construction method, environmental impact and neighbouring residents. The costs provided are for the preferred option and are based on MI Engineers calculations.

The proponent has advised that a brief for design and construct tender is prepared and that the tender process will commence once Government funding is confirmed. No revised cost estimates have been provided for this.

There is some conjecture that the pathway will be located on an Endangered Ecological Community (Bangalay Sand Forest). The proponent has advised that the final alignment for the pathway is still subject to amendment based on further environmental and engineering studies and approval processes. These studies and approvals are considered a risk to project viability. This risk will be mitigated through the funding agreement with the proponent required to provide evidence that all necessary environmental and engineering studies have been completed and any approvals, if required, have been issued prior to any payments being made by the Department of Infrastructure and Regional Development to the proponent.

The final design and costing could be further determined by the above studies. This is considered a risk to project viability and will be treated through the funding agreement. The proponent will be required to provide evidence that the final design has been completed and that costs have been finalised through the construction tender process.

Approvals

The proponent has advised that the following approvals will need to be obtained from Shoalhaven City Council:

- Aboriginal Heritage Impact Statement (AHIP); and
- Review of Environmental Factors.

Both of these approvals are currently under review with an expected issue date in October 2014. As the approvals have not been issued this is considered a risk to project viability and will be treated through the funding agreement. The proponent will be required to provide evidence of these approvals before any payments being made.

Project Management Expertise

The project will be managed by Ms Claire Scott, the proponent's Recreation and Community Facilities Planning Unit Manager. Claire has been in this position since 2009. She will be assisted by other key employees of the proponent including the corporate and community director, landscape architect, environmental compliance officer and recreation, community and culture manager.

The proponent has had experience managing similar projects including the Ulladulla Civic Centre, Ulladulla Sport Park, Junction Court Nowra redevelopment and Bolong Road Black Spot project.

Technology

The project does not include the implementation of new or innovative technology.

Project Sustainability

As the asset will be situated on Crown land the Shoalhaven City Council's Trust Manager will be responsible for the asset. The proponent has advised that it will manage and maintain the asset within its current asset management, maintenance and inspections routine. The proponent forecasts this asset to have an indicative lifespan of 40 years at which point the proponent will evaluate to rehabilitate, upgrade or decommission. MI Engineers provided a lifecycle costing for the walkway in their *Concept Design – Construction Methodology and Cost Estimates* report.

The proponent advises that 20 full time positions will be created during the construction phase of the project with one position being retained upon completion.

Summary

Based on the information provided by the proponent and queries undertaken during the assessment, the Department considers the proponent has demonstrated it has planned and prepared for the project, has sufficient project management expertise to deliver the project, will achieve the results identified in the commitment and be able to sustain the project into the future.

However, the risk analysis has identified some concerns which will be treated through the Funding Agreement with the proponent required to provide evidence that:

- All partner funding has been confirmed;
- All necessary approvals have been issued;
- The final design has been completed; and
- Costs have been finalised through the construction tender process.

Proponent Viability

Financial Position

An analysis of the financial statements for the past three years through the Financial Viability Calculator rates the proponent as low risk.

Corporate and Personnel

An Internet search revealed that an Independent Commission Against Corruption (ICAC) investigation took place in 2010-11 after an allegation was made against a staff member of the proponent in relation to the disposal/sale of an impounded plant item. The allegation was substantiated and the employee resigned. The proponent has since amended procedures when disposing of impounded articles and vehicles.

An Australian Securities and Investments Commission search has not revealed any adverse information regarding the proponent or their personnel.

Management of Grant Funds

The Department has confirmed the proponent has had 36 projects approved over the past seven years. All legacy programme projects have been completed and acquitted, indicating the proponent used the funding for the purpose provided and the agreed outcomes were delivered.

Summary

Based on the information provided by the proponent, through independent research undertaken by the Department and revealed by the Financial Viability Assessment, there is nothing that suggests funding is in danger of being misused or misappropriated or the proponent organisation does not have the finances to deliver and sustain the project.

Value with Relevant Money

On the basis of the information provided by the proponent and further enquiries made by the Department as part of the assessment process:

- the project meets the intent of the Government's announcement;
- project costs and benefits are reasonable; and
- the project can be sustained.

On this basis the project is considered value with relevant money.

Recommendation

Under Section 71 of the *Public Governance, Performance and Accountability Act 2013*, you must not approve the grant without first receiving written advice on the merits of the proposed grant. Based on the assessment undertaken by the Department as outlined above, the Department recommends grant funding of up to \$450,000 (GST exclusive) be made available on the basis the project, in its current form and after making reasonable enquiries, is not inconsistent with Government policy and represents efficient, effective, economical and ethical use with relevant money.

Risk Analysis Summary Table¹

Criteria	Risk Category	Risk Rating	Identified Risk	Mitigation Strategy
Project Viability and Sustainability	Project Viability	Low	Not all partner funding has been confirmed; Further environmental and engineering studies may be required; Not all approvals have been issued; Final design has not been completed; and The tender process to engage contractors and confirm costs has not been finalised.	The risks can be treated through controls in the funding agreement with the proponent required to provide evidence that: <ul style="list-style-type: none"> • All partner funding has been confirmed; • All necessary approvals have been issued; • The final design has been completed; and • Costs have been finalised through the construction tender process.
	Project Sustainability	Low	Nil	Not applicable
	Technology	Low	Nil	Not applicable
	Other	Low	Nil	Not applicable
Proponent Viability	Proponent's Financial Position	Low	Nil	Not applicable
	Corporate and Personnel	Low	Nil	Not applicable
	Management of Grant Funds	Low	Nil	Not applicable
	Other	Low	Nil	Not applicable

¹ Full analysis provided in project file.

Attachment B**LETTERS**

- Letter to the Shoalhaven City Council advising it of funding for its project and noting any conditions attached to the approval of this funding; and
- Letter to Mrs Ann Sudmalis MP, Member for Gilmore, informing her of funding for the project and noting any conditions attached to the approval of this funding.

Reference: MS14-000995

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

Dear Mr Pigg

**COMMUNITY DEVELOPMENT GRANTS PROGRAMME – ROUND THE
BAY PATHWAY – ORION AND CALLALA SECTIONS – JERVIS BAY**

I am pleased to advise you that I have approved funding of up to \$450,000 (GST exclusive) under the Community Development Grants Programme to the Shoalhaven City Council for the Round the Bay Pathway – Orion and Callala Sections – Jervis Bay project. This approval delivers on a 2013 election commitment.

Provision of funding is dependent on the preparation and execution by both parties of a Funding Agreement that sets out the terms and conditions under which the funding is provided, and the settling of other details, including that:

- All partner funding has been confirmed;
- All necessary approvals have been issued;
- The final design has been completed; and
- Costs have been finalised through the construction tender process.

You must enter a Funding Agreement within four weeks of the project being approved otherwise the offer of funding will be reviewed and may be withdrawn.

You will shortly be contacted by an officer from the Department to discuss the Funding Agreement.

The funding amount is provided on the basis that it **does** not attract GST as the payment will be made by one government-related entity to another government-related entity. This circumstance is specifically covered by an appropriation under

Australian law and falls within the terms of Australian Taxation Office ruling GSTTR 2012/2. You may wish to seek guidance from the Australian Taxation Office or your tax adviser on the impact of Community Development Grants funding on your organisation's taxation liabilities.

Should you wish to conduct a project launch at the conclusion of the project or at another suitable time, please contact the Department on *cdg@infrastructure.gov.au* to arrange a suitable date. It would be appreciated if you could provide three possible dates and at least six weeks notice to the Department. This will allow time to make the appropriate arrangements for me or my representative to attend.

I wish you every success with the Round the Bay Pathway – Orion and Callala Sections – Jervis Bay project.

Yours sincerely

Jamie Briggs

Reference: MS14-000995

Mrs Ann Sudmalis MP
Member for Gilmore
PO Box 1009
NOWRA NSW 2541

Dear Mrs Sudmalis

**COMMUNITY DEVELOPMENT GRANTS PROGRAMME – ROUND THE
BAY PATHWAY – ORION AND CALLALA SECTIONS – JERVIS BAY**

I am writing to advise that I have approved funding of up to \$450,000 (GST exclusive) under the Community Development Grants Programme to the Shoalhaven City Council for the Round the Bay Pathway – Orion and Callala Sections – Jervis Bay project. This funding approval delivers on a 2013 election commitment in your electorate.

Provision of funding is dependent on the preparation and execution by both parties of a Funding Agreement that sets out the terms and conditions under which the funding is provided, and the settling of other details, including:

- Confirmation of all partner funding;
- That all necessary approvals have been issued;
- The final design has been completed; and
- Costs have been finalised through the construction tender process.

The Community Development Grants Programme is administered by the Department of Infrastructure and Regional Development who will contact Shoalhaven City Council shortly to discuss the details of the Funding Agreement.

I enclose details of the project for your information.

Yours sincerely

Jamie Briggs

Enc



Australian Government

Department of Infrastructure and Regional Development

Community Development Grants Programme – Approved Project

Project ID:	CDG033
Project Title:	Round the Bay Pathway – Orion and Callala Sections – Jervis Bay
Proponent/Organisation Name:	Shoalhaven City Council
Proponent/Organisation Type:	Local Government
Project Location:	Vincentia, NSW, 2540
Primary Electorate:	Gilmore
CDG Commitment:	\$450,000 (GST exclusive)
Total Project Cost:	\$1,100,000 (GST exclusive)
Project Description:	The project, to be undertaken in two stages, will provide a 500 metre shared pathway along Orion Beach Foreshore in Vincentia as part of the 52km 'Round the Bay Walk' strategy.

REQUIREMENTS OF THE *PUBLIC GOVERNANCE, PERFORMANCE AND ACCOUNTABILITY ACT 2013, RULES, AND THE COMMONWEALTH GRANTS RULES AND GUIDELINES, 1 JULY 2014.*

Any decision by a Minister to approve expenditure of relevant money must be undertaken in a manner that is consistent with the requirements of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), Rules, and the Commonwealth Grants Rules and Guidelines, 1 July 2014 (CGRGs).

The PGPA Act, Rules and CGRGs requirements relevant to the approval of funding for this proposed expenditure of relevant money under the Community Development Grants Programme are:

Requirements under the PGPA Act

Section 71(1) – Approval of proposed expenditure by you requires that you must not approve the proposed expenditure of relevant money unless you are satisfied, after making reasonable enquiries that the expenditure would be a “proper” use of relevant money. “Proper” when used in relation to the use or management of public resources means efficient, effective, economical and ethical use.

Section 71 (2a) requires where you agree with the Department’s recommendation to approve or not approve the expenditure of relevant money for this project, that you must record the terms of approval in writing as soon as practicable after giving your approval. This brief and any attachments, including annotations or conditions recorded by you on these documents, satisfies the requirements of Section 71 (2a) of the PGPA Act.

Section 71 (2b) requires that if you approve a proposed expenditure of relevant money, that you must comply with any other requirements prescribed by the Rules in relation to the approval.

Requirements under the CGRGs – Section 4 – Grants specific Processes and Requirements

The CGRGs contain a mandatory requirement that Entity Staff must provide written advice to you, where you exercise the role of an approver. These requirements are outlined under item 4.6 of the CGRGs and include:

- (a) That the proposed expenditure of relevant money for this project is for purposes of a “grant” as described in item 2.3 of the CGRGs;
- (b) That you are advised of any applicable requirements of the PGPA Act and Rules and the CGRGs relating to any ministerial reporting obligations, including the legal authority of the grant;
- (c) Outlining the application and selection process, including the selection criteria, that were used to select potential grants recipients; and
- (d) The merits of the proposed grant or grants relative to the grant guidelines and the key consideration of achieving value with relevant money.

These requirements are addressed under “Key Issues” in the covering brief.

[REDACTED]

From: McCormick Gordon
Sent: Tuesday, 2 September 2014 1:06 PM
To: [REDACTED]
Subject: FW: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]
Attachments: Attachment A - Conflict of interest.pdf; FW: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]

For your info.

Gordon

From: McCormick Gordon
Sent: Tuesday, 2 September 2014 1:06 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]

[REDACTED]

Last Friday the brief for CDG033 Round the Bay Pathway – Orion and Callala Sections – Jervis Bay (PDR ID: MS 14-000995) was forwarded to the Assistant Minister's Office for approval.

In the Sensitivities no 2, there was mention of Orion Beach Foreshore Protection Association-OBF Inc, which was formed to oppose the route for the pathway.

Today the Department received further information from OBF Inc. This information does not add any new information or change the Department's assessment or recommendations. However, one of the articles sent through today refers to a conflict of interest in which the Assistant Minister is mentioned. This article is Attachment A.

For further information as to how the proponent has responded and continues to respond to OBF Inc and other community concerns about the project see the attached email FW: CDG033 – Round the Bay Pathway. This statement was provided by the proponent on 30 July 2014.

For your info.

Gordon

Re: Shoalhaven City Council's application for Community Development Grant

2 September 2014

Memorandum of material relevant to the declaration of conflict of interest

Conflict of interest - Community Grants Programme (relevant to guidelines 4.1)

The grant application includes a declaration of Conflict of interest by the proponent. The Mayor of Shoalhaven City Council, Joanna Gash, was the liberal Federal member for Gilmore from 1996 – 2013. As such, she has extensive contacts in the Liberal party Australia-wide and is well known to many current serving ministers, members of parliament and public servants. These facts raise the following potential conflicts:

A. Parties able to influence the appraisal process

Mayor Gash has relationships with many parties who are able to influence the appraisal process including but not limited to, the following relationships:

1. Anne Sudmalis MP, liberal member for Gilmore 2013- present

Nature of relationship

- Personal: housemate
- Commercial: co- investor
- Professional: co-member of the Liberal Party Federal Electoral Conference for Gilmore

2. Jamie Briggs MP, assistant minister for infrastructure and development.

Liberal MP from 2008 – present

- Personal: known to the mayor for at least 5 years.
- Professional
 - served together as Liberal MPs for 5 years.
 - political allies eg the open revolt against the liberal party director Brian Loughnane in 2010 ¹
 - co-members of the executive committee of the *Society of Modest Members in 2011*²

3. Tony Abbott MP, Prime Minister

- Personal friend³
- Professional – former colleague

4 Liberal Party of Australia

Mayor Gash has a long relationship with the Liberal party of Australia, an organisation in which she still serves, as member of the Liberal Party Federal Electoral Conference for Gilmore and as a NSW female senate selector. Her

¹ Read more: <http://www.smh.com.au/national/mps-revolt-over-party-directors-decision-20100512-uy9n.html#ixzz2yNAV8xAT>

² <http://catallaxyfiles.com/2011/10/12/off-to-canberra/>

³ See Media Release: *Tony Abbott doorstep* 16 March 2011, Liberal Party of Australia <https://www.liberal.org.au/latest-news/2011/03/16/tony-abbott-doorstop-2>

OBF Inc

2

Re: Shoalhaven City Council's application for Community Development Grant

2 September 2014

relationship with and interest in this organisation could influence the outcome of the funding application.

B. Organisations from which the proponent or any of its personnel will receive personal gain as a result of the granting of funding under the Community Development Grants Programme.

Mayor Gash will receive personal gain from the Liberal party as a result of granting of funding.

- Advancement of her political career.
- Pecuniary gain consequent upon the advancement of the political career of her housemate and co-investor Ann Sudmalis MP.

Particulars:

Mayor Gash has a pecuniary interest in the electoral and parliamentary success of Ann Sudmalis MP, whom she actively promoted as her successor in the federal seat of Gilmore and with whom she cohabits and co-invests.

It is in the pecuniary interest of the Mayor that Ann Sudmalis MP continues to receive her not insignificant parliamentary remuneration and to remain an effective parliamentary member and, if possible, to advance on the federal parliamentary ladder and that she thereby continues to contribute appropriately financially to the cohabiting and co-investing arrangements between them.

It is, thereby, in the pecuniary interests of both the Mayor and Ann Sudmalis MP that the latter is seen to be an effective parliamentary member and, as such, seeking to deliver on her electoral promise of federal funding for the Orion Beach Foreshore Path.

From: Scott, Claire <Claire.Scott@shoalhaven.nsw.gov.au>
Sent: Wednesday, 30 July 2014 1:53 PM
To: [REDACTED]
Subject: FW: CDG033 - Round the Bay Pathway [SEC=UNCLASSIFIED]

Hi [REDACTED]

In relation to question 2 to the below email please note the following:

Council has been open and transparent with information in relation to the development of the Round the Bay Walk, Orion Beach. When requested, Council provided information on the design, costings and investigation report to the OBF as well as the broader local community.

Council investigated the alternative option provided by OBH and as part of the broader community consultation all three pathway options were open to the public for comment after a community consultation evening. The majority of the community supported the more formalised option, which is the current submitted design.

Prior to the Council recommendation supporting the current design option, Council staff and Councillors held several meetings onsite with OBH members to address their concerns raised.

It was considered that the alternate OBH option was not able to be designed as a shared pathway and did not meet DDA standards for accessibility. During high tides or large swells the walkway was not an option. Also, it was viewed that the track option would not provide environmental protection of the foreshore, as people would look for easier alternate routes.

Council's current design prevents people from venturing into the natural area due to elevation, embankments and hand rails, therefore providing a better protection to the natural area. Council is formalising better connection to the beach from the existing 'Council built' access points while closing off dangerous privately constructed stairs etc, through future bush regeneration projects.

Council is undertaking all necessary statutory approvals for the development including an REF and AHIP. The REF will address the concerns raised by the OBH. Furthermore, Council has stated that they will commence with Bushcare initiatives once the project is completed. The current project has a webpage for reference to demonstrate that Council remains open to meeting with any group/community member at any time as the process continues:

<http://www.shoalhaven.nsw.gov.au/MyCouncil/CurrentProjects/RoundtheBayWalk.aspx>

The above statement has been reviewed and supported by Director, Corporate and Community Services, Mr Craig Milburn.

Regards

Claire Scott

Recreation and Community Facilities Planning Unit Manager
Recreation, Community and Culture Section
Corporate & Community Services Group
Shoalhaven City Council

p 02 4429 3152 | f 4429 3183

e Claire.Scott@shoalhaven.nsw.gov.au

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Australian Government

Department of Infrastructure and Regional Development

FOR: The Hon Jamie Briggs MP cc: The Hon Warren Truss MP Mr Mike Mrdak, Secretary Ms Lyn O'Connell, Deputy Secretary	PDR ID: MS14-000995	For Decision by: 15 September 2014
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**SUBJECT: COMMUNITY DEVELOPMENT GRANTS - ROUND THE BAY
PATHWAY - ORION AND CALLALA SECTIONS - JERVIS BAY - NSW**

Recommendation: That you:

1. **Approve** under Section 71 of the *Public Governance, Performance and Accountability Act 2013* the expenditure of relevant money as a grant for funding of up to \$450,000 (GST exclusive) from the Community Development Grants Programme to the Shoalhaven City Council for the Round the Bay Pathway – Orion and Callala Sections – Jervis Bay project, subject to the Department imposing the risk treatments identified (Attachment A) and any conditions requested by you in writing.
2. **Agree** to the Department's assessment (Attachment A) that the project is considered value with relevant money; and
3. **Sign** the attached letters to the proponent and Mrs Ann Sudmalis MP, Member for Gilmore, advising of your decision (Attachment B).

Key Issues:

1. In the lead up to the 2013 Federal Election, the Government committed to provide funding of up to \$450,000 (GST exclusive) for the Round the Bay Pathway – Orion and Callala Sections – Jervis Bay project in Vincentia, NSW, 2541.
2. The project, to be undertaken in two stages, will provide a 500 metre shared pathway along Orion Beach Foreshore in Vincentia as part of the 52km 'Round the Bay Walk' strategy. The project is scheduled to commence in February 2015 and be completed by June 2016.
3. Based on the information provided by the proponent and the Department's assessment of the project and proponent, provision of funding for this project in its current form is value with relevant money and represents efficient, effective, economical and ethical use with relevant money. A summary of the Department's assessment is at Attachment A.
4. The Department's assessment has identified five risks to the successful implementation of the project that require treatment in the Funding Agreement as listed in the Risk Analysis Table in Attachment A. The risk to project viability of the partner funding, engineering and environmental studies, final design and costs, and approvals can be successfully mitigated through treatments in the Funding Agreement. The proponent will be required to confirm all partner funding, complete the final design, confirm costs through the tender process and receive all necessary approvals.
5. Advice on *Public Governance, Performance and Accountability Act 2013*, Rules and the Commonwealth Grants Rules and Guidelines, 1 July 2014 requirements is at Attachment C.

CLEARED BY: Gordon McCormick CONTACT: 6274 8212 DATE: 29 August 2014 DIVISION: Infrastructure Investment BRANCH: Regional Programmes	(a) APPROVED / NOT APPROVED (b) AGREED / NOT AGREED (c) SIGNED / NOT SIGNED  <div style="text-align: right;"> Jamie Briggs 2 / 9 / 14 </div>
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Sensitivities:

1. Section 47C

2. The Department has received correspondence, dated 30 May 2014, from Orion Beach Foreshore Protection Association – OBF Inc (OBF) opposing the proposed route for the pathway. OBF has stated a number of reasons in its opposition to the proposed route including that in March 2014 the proponent resolved to construct the pathway ‘despite clear majority community sentiment against such a Path’. In response to this decision OBF became an incorporated not-for-profit association ‘in preparation for the possible need to undertake litigation against the Project’ and to ‘broaden the membership base to include supporters from elsewhere in the Shoalhaven who also oppose the proposed Path’. The proponent has provided a statement to the Department on how it has addressed and continues to address OBF’s concerns.

In its statement the proponent outlines how it has provided information on the design, costings and investigation report to OBF and the wider community, met with OBF members onsite to address their concerns, investigated the alternative route option provided by OBF and then discussed this option with the broader community at the community consultation evening. Further, many concerns raised by OBF will be addressed when the proponent applies for the Review of Environmental Factors and Aboriginal Heritage Impact Statement statutory approvals. The proponent has a webpage for reference to the project and it remains open to meeting with any group/community member as the process continues.

Background: Nil

Resources: Nil

Consultation: Nil

Attachments:

- A. Assessment of project proposal and proponent organisation
- B. Letters advising of your decision
- C. *Public Governance, Performance and Accountability Act 2013*, Rules and the Commonwealth Grants Rules and Guidelines, 1 July 2014 requirements

ASSESSMENT OF COMMUNITY DEVELOPMENT GRANTS PROJECT

Project ID: CDG033

Project Title: ROUND THE BAY PATHWAY – ORION AND CALLALA SECTIONS – JERVIS BAY

Proponent/Organisation Name: Shoalhaven City Council

Proponent/Organisation Type: Local Government

Project Location: Vincentia, NSW, 2540

Primary Electorate: Gilmore

Funding Commitment: \$450,000 (GST exclusive)

Total Project Value: \$1,100,000 (GST exclusive)

Project Description: The project, to be undertaken in two stages, will provide a 500 metre shared pathway along Orion Beach Foreshore in Vincentia as part of the 52km 'Round the Bay Walk' strategy.

Project Funding – Total Project Cost

Name of Partner	\$ Value of Contribution GST Excl.	Status of Contribution	Cash/ In-kind	% of Total Project Cost
Department of Infrastructure and Regional Development	\$450,000	Sought	Cash	41
Shoalhaven City Council	\$635,000	Confirmed	Cash	58
Unknown	\$15,000	Unconfirmed	Cash	1

The funding amount is provided on the basis that it does not attract GST as the payment will be made by one government-related entity to another government-related entity. This circumstance is specifically covered by an appropriation under Australian Government law and falls within the Terms of the Taxation Office ruling GSTR 2012/2. The proponent will be advised to seek guidance from the Australian Taxation Office or tax adviser on the impact of the Community Development Grants on their organisation's taxation liabilities.

Project Assessment

The Department has conducted an assessment of this project against the programme criteria, including a risk analysis:

- outcomes;
- proponent viability; and
- project viability and sustainability.

The seven key areas of risk that have been analysed are:

- the financial position of the proponent;
- corporate and personnel matters relating to the proponent;
- the proponent's ability to manage grant funds;
- the proponent's ability to deliver the project and intended results;
- the proponent's ability to sustain the project and intended results;
- is the project reliant on new technology and how will this impact on the project and intended results; and
- any other risk which may be identified as part of the assessment.

Announced Project

The Department has been unable to locate any announcement of the election commitment for this project. Official correspondence on 6 December 2013 from the Hon Jamie Briggs MP, Assistant Minister for Infrastructure and Regional Development, to the proponent, Shoalhaven City Council, confirms the \$450,000 commitment towards the Round the Bay Pathway – Orion and Callala Sections (Jervis Bay) project.

Based on the information provided by the proponent the project is consistent with the intent of the election commitment.

Outcomes

The proponent has advised that the project will provide the following economic and community benefits:

- A link to existing and future pathway connections to deliver the vision of a 'Round the Bay Walk' experience;
- The opportunity for community members to exercise, socialise, connect and commute while enjoying the vistas and environment of the walkway;
- Improved health and wellbeing opportunities;
- Establishing diversity of public assets increases participation and enjoyment of public lands;
- Equitable access to public land;
- A decrease in anti-social behaviour;
- Social cohesion;
- Increased tourist opportunities;
- The creation of 20 full time positions during construction; and
- The retention of one full time position after project completion.

Project Viability and Sustainability

Project Planning

The project is the two stage construction of a 500 x 2.5 metre shared walkway, using concrete on ground and composite fibre when elevated, along the Orion Beach foreshore at Vincentia. The total project is valued at \$1,100,000 (GST exclusive). Australian Government funding of \$450,000 (GST Exclusive) will go towards:

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• Materials and Construction of Stage One of Orion Beach Foreshore Walkway (200 metres) -	\$435,000
• Project management -	<u>\$ 15,000</u>
	\$450,000

The 'Round the Bay Walks – Jervis Bay' has been a long term project for the proponent. A feasibility study was undertaken in 2002 and a report produced in 2004. In December 2012 the Round the Bay Walks Implementation Plan was adopted with the aim to 'prioritise improvements to key undeveloped walking routes on Council managed foreshore land'.

The proponent used a Community Engagement Strategy to assess broad community preferences and goals. A number of stakeholders were identified and engagement procedures agreed. The engagement procedures included a community meeting, plans exhibition, submissions, site walk and a Council report. The engagement strategy received a high level of interest with 193 people registering for the community meeting and 210 submissions. Two local Aboriginal groups expressed interest in being consulted with respect to one of the proposed paths and the Jerrinja Local Aboriginal Land Council took the opportunity to complete a walk-over of the site and survey of artefacts.

The Department has received correspondence, dated 30 May 2014, from Orion Beach Foreshore Protection Association – OBF Inc (OBF) opposing the proposed route for the pathway. OBF has stated a number of reasons in its opposition to the proposed route including that in March 2014 the proponent resolved to construct the pathway 'despite clear majority community sentiment against such a Path'. In response to this decision OBF became an incorporated not-for-profit association 'in preparation for the possible need to undertake litigation against the Project' and to 'broaden the membership base to include supporters from elsewhere in the Shoalhaven who also oppose the proposed Path'. The proponent has provided a statement to the Department on how it has addressed and continues to address OBF's concerns.

In its statement the proponent outlines how it has provided information on the design, costings and investigation report to OBF and the wider community, met with OBF members onsite to address their concerns, investigated the alternative route option provided by OBF and then discussed this option with the broader community at the community consultation evening. Further, many concerns raised by OBF will be addressed when the proponent applies for the Review of Environmental Factors and Aboriginal Heritage Impact Statement statutory approvals. The proponent has a webpage for reference to the project and it remains open to meeting with any group/community member as the process continues.

A local resident, whose property is located beside the proposed construction access point, wrote to the Assistant Minister in April 2014 outlining concerns about the economic viability of the project and how the proponent has ignored the outcomes of community engagement. The Assistant Minister replied in May 2014 (MC 14-000136) advising the resident to continue discussions with the Shoalhaven City Council and that the Department would make an assessment of the project once detailed project information had been received from the proponent.

Construction of Stage One of the Orion Beach Foreshore Walkway is planned to commence in February 2015 and be completed by June 2015. The project is planned to be completed by June 2016.

Partnership funding/Cost Overruns

The proponent has advised that the overall project cost is \$1,100,000. With the Australian Government providing \$450,000 for Stage One and the proponent budgeting \$635,000 over the 2014/15 and 2015/16 financial years for Stage Two. The proponent has indicated that a shortfall of \$15,000 may remain. The proponent will be seeking alternate grant funding opportunities to complete Stage Two. As total funding is unconfirmed this is considered a risk to project viability and will be treated in the funding agreement. The proponent will be required to confirm all funding before any payments are made.

The project costs are:

Stage One construction (Australian Government Funding)	\$ 435,000
Project management (Australian Government funding)	\$ 15,000
Stage Two construction commencement (Proponent budget 2014/15)	\$ 200,000
Stage Two construction (Proponent budget 2015/16)	\$ 435,000
Stage Two construction (Unfunded)	<u>\$ 15,000</u>
	\$1,100,000

The proponent has advised that it will cover any cost overruns.

Designs/Costs

The proponent engaged MI Engineers to determine a construction methodology and prepare construction cost estimates for the project. MI Engineers investigated 4 different options for construction and provided the costing for each of these in their *Concept Design – Construction Methodology and Cost Estimates* report. The preferred option was selected because of accessibility, shared use by a number of different users, whole of life costs including maintenance, construction method, environmental impact and neighbouring residents. The costs provided are for the preferred option and are based on MI Engineers calculations.

The proponent has advised that a brief for design and construct tender is prepared and that the tender process will commence once Government funding is confirmed. No revised cost estimates have been provided for this.

There is some conjecture that the pathway will be located on an Endangered Ecological Community (Bangalay Sand Forest). The proponent has advised that the final alignment for the pathway is still subject to amendment based on further environmental and engineering studies and approval processes. These studies and approvals are considered a risk to project viability. This risk will be mitigated through the funding agreement with the proponent required to provide evidence that all necessary environmental and engineering studies have been completed and any approvals, if required, have been issued prior to any payments being made by the Department of Infrastructure and Regional Development to the proponent.

The final design and costing could be further determined by the above studies. This is considered a risk to project viability and will be treated through the funding agreement. The proponent will be required to provide evidence that the final design has been completed and that costs have been finalised through the construction tender process.

Approvals

The proponent has advised that the following approvals will need to be obtained from Shoalhaven City Council:

- Aboriginal Heritage Impact Statement (AHIP); and
- Review of Environmental Factors.

Both of these approvals are currently under review with an expected issue date in October 2014. As the approvals have not been issued this is considered a risk to project viability and will be treated through the funding agreement. The proponent will be required to provide evidence of these approvals before any payments being made.

Project Management Expertise

The project will be managed by Ms Claire Scott, the proponent's Recreation and Community Facilities Planning Unit Manager. Claire has been in this position since 2009. She will be assisted by other key employees of the proponent including the corporate and community director, landscape architect, environmental compliance officer and recreation, community and culture manager.

The proponent has had experience managing similar projects including the Ulladulla Civic Centre, Ulladulla Sport Park, Junction Court Nowra redevelopment and Bolong Road Black Spot project.

Technology

The project does not include the implementation of new or innovative technology.

Project Sustainability

As the asset will be situated on Crown land the Shoalhaven City Council's Trust Manager will be responsible for the asset. The proponent has advised that it will manage and maintain the asset within its current asset management, maintenance and inspections routine. The proponent forecasts this asset to have an indicative lifespan of 40 years at which point the proponent will evaluate to rehabilitate, upgrade or decommission. MI Engineers provided a lifecycle costing for the walkway in their *Concept Design – Construction Methodology and Cost Estimates* report.

The proponent advises that 20 full time positions will be created during the construction phase of the project with one position being retained upon completion.

Summary

Based on the information provided by the proponent and queries undertaken during the assessment, the Department considers the proponent has demonstrated it has planned and prepared for the project, has sufficient project management expertise to deliver the project, will achieve the results identified in the commitment and be able to sustain the project into the future.

However, the risk analysis has identified some concerns which will be treated through the Funding Agreement with the proponent required to provide evidence that:

- All partner funding has been confirmed;
- All necessary approvals have been issued;
- The final design has been completed; and
- Costs have been finalised through the construction tender process.

Proponent Viability

Financial Position

An analysis of the financial statements for the past three years through the Financial Viability Calculator rates the proponent as low risk.

Corporate and Personnel

An Internet search revealed that an Independent Commission Against Corruption (ICAC) investigation took place in 2010-11 after an allegation was made against a staff member of the proponent in relation to the disposal/sale of an impounded plant item. The allegation was substantiated and the employee resigned. The proponent has since amended procedures when disposing of impounded articles and vehicles.

An Australian Securities and Investments Commission search has not revealed any adverse information regarding the proponent or their personnel.

Management of Grant Funds

The Department has confirmed the proponent has had 36 projects approved over the past seven years. All legacy programme projects have been completed and acquitted, indicating the proponent used the funding for the purpose provided and the agreed outcomes were delivered.

Summary

Based on the information provided by the proponent, through independent research undertaken by the Department and revealed by the Financial Viability Assessment, there is nothing that suggests funding is in danger of being misused or misappropriated or the proponent organisation does not have the finances to deliver and sustain the project.

Value with Relevant Money

On the basis of the information provided by the proponent and further enquiries made by the Department as part of the assessment process:

- the project meets the intent of the Government's announcement;
- project costs and benefits are reasonable; and
- the project can be sustained.

On this basis the project is considered value with relevant money.

Recommendation

Under Section 71 of the *Public Governance, Performance and Accountability Act 2013*, you must not approve the grant without first receiving written advice on the merits of the proposed grant. Based on the assessment undertaken by the Department as outlined above, the Department recommends grant funding of up to \$450,000 (GST exclusive) be made available on the basis the project, in its current form and after making reasonable enquiries, is not inconsistent with Government policy and represents efficient, effective, economical and ethical use with relevant money.

Risk Analysis Summary Table¹

Criteria	Risk Category	Risk Rating	Identified Risk	Mitigation Strategy
Project Viability and Sustainability	Project Viability	Low	Not all partner funding has been confirmed; Further environmental and engineering studies may be required; Not all approvals have been issued; Final design has not been completed; and The tender process to engage contractors and confirm costs has not been finalised.	The risks can be treated through controls in the funding agreement with the proponent required to provide evidence that: <ul style="list-style-type: none"> • All partner funding has been confirmed; • All necessary approvals have been issued; • The final design has been completed; and • Costs have been finalised through the construction tender process.
	Project Sustainability	Low	Nil	Not applicable
Proponent Viability	Technology	Low	Nil	Not applicable
	Other	Low	Nil	Not applicable
	Proponent's Financial Position	Low	Nil	Not applicable
	Corporate and Personnel	Low	Nil	Not applicable
	Management of Grant Funds	Low	Nil	Not applicable
	Other	Low	Nil	Not applicable

¹ Full analysis provided in project file.

Attachment B**LETTERS**

- Letter to the Shoalhaven City Council advising it of funding for its project and noting any conditions attached to the approval of this funding; and
- Letter to Mrs Ann Sudmalis MP, Member for Gilmore, informing her of funding for the project and noting any conditions attached to the approval of this funding.

REQUIREMENTS OF THE PUBLIC GOVERNANCE, PERFORMANCE AND ACCOUNTABILITY ACT 2013, RULES, AND THE COMMONWEALTH GRANTS RULES AND GUIDELINES, 1 JULY 2014.

Any decision by a Minister to approve expenditure of relevant money must be undertaken in a manner that is consistent with the requirements of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), Rules, and the Commonwealth Grants Rules and Guidelines, 1 July 2014 (CGRGs).

The PGPA Act, Rules and CGRGs requirements relevant to the approval of funding for this proposed expenditure of relevant money under the Community Development Grants Programme are:

Requirements under the PGPA Act

Section 71(1) – Approval of proposed expenditure by you requires that you must not approve the proposed expenditure of relevant money unless you are satisfied, after making reasonable enquiries that the expenditure would be a “proper” use of relevant money. “Proper” when used in relation to the use or management of public resources means efficient, effective, economical and ethical use.

Section 71 (2a) requires where you agree with the Department’s recommendation to approve or not approve the expenditure of relevant money for this project, that you must record the terms of approval in writing as soon as practicable after giving your approval. This brief and any attachments, including annotations or conditions recorded by you on these documents, satisfies the requirements of Section 71 (2a) of the PGPA Act.

Section 71 (2b) requires that if you approve a proposed expenditure of relevant money, that you must comply with any other requirements prescribed by the Rules in relation to the approval.

Requirements under the CGRGs – Section 4 – Grants specific Processes and Requirements

The CGRGs contain a mandatory requirement that Entity Staff must provide written advice to you, where you exercise the role of an approver. These requirements are outlined under item 4.6 of the CGRGs and include:

- (a) That the proposed expenditure of relevant money for this project is for purposes of a “grant” as described in item 2.3 of the CGRGs;
- (b) That you are advised of any applicable requirements of the PGPA Act and Rules and the CGRGs relating to any ministerial reporting obligations, including the legal authority of the grant;
- (c) Outlining the application and selection process, including the selection criteria, that were used to select potential grants recipients; and
- (d) The merits of the proposed grant or grants relative to the grant guidelines and the key consideration of achieving value with relevant money.

These requirements are addressed under “Key Issues” in the covering brief.



Jamie Briggs

Assistant Minister for Infrastructure and Regional
Development

Ann Sudmalis

Federal Member for Gilmore

Joint Media Statement

XX Month 2014

\$450,000 boost delivered in Gilmore through the Community Development Grants Programme

The Australian Government is delivering on its election commitments to the electorate of Gilmore through the Community Development Grants Programme.

Assistant Minister for Infrastructure and Regional Development Jamie Briggs and Federal Member for Gilmore Ann Sudmalis today announced that the Australian Government has delivered \$450,000 for the Round the Bay Pathway – Orion and Callala Sections (Jervis Bay) Project.

Mr Briggs said the funding was another example of the Australian Government's commitment to building productive infrastructure for communities across Australia.

"We are getting on with the job of delivering \$314.2 million towards almost 300 community projects across Australia."

"This project is the two-stage construction of a walkway along the Orion Beach foreshore at Vincentia," Mrs Sudmalis said.

"The project will link to existing and future pathway connections to deliver the vision of a Jervis Bay 'round the bay' walk, creating a great place for exercise and to enjoy the vistas and environment of Orion Beach.

"This walkway will be jointly funded with the Shoalhaven City Council, which is contributing \$635,000 to the project."

The programme is administered by the Department of Infrastructure and Regional Development which undertakes a value with relevant money assessment of each project against the programme guidelines to ensure the efficient, effective, ethical, and economical use with relevant money.

Unlike the previous Labor Government, the Coalition delivers on its election commitments.

Media Contacts

For Mr Briggs:

Andrew Ockenden

0429 877 721

For Mrs Sudmalis:

02 4423 1782



The Hon Jamie Briggs MP

Assistant Minister for Infrastructure
and Regional Development
Member for Mayo

Reference: MS14-000995

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

Dear Mr Pigg

COMMUNITY DEVELOPMENT GRANTS PROGRAMME – ROUND THE BAY PATHWAY – ORION AND CALLALA SECTIONS – JERVIS BAY

I am pleased to advise you that I have approved funding of up to \$450,000 (GST exclusive) under the Community Development Grants Programme to the Shoalhaven City Council for the Round the Bay Pathway – Orion and Callala Sections – Jervis Bay project. This approval delivers on a 2013 election commitment.

Provision of funding is dependent on the preparation and execution by both parties of a Funding Agreement that sets out the terms and conditions under which the funding is provided, and the settling of other details, including that:

- All partner funding has been confirmed;
- All necessary approvals have been issued;
- The final design has been completed; and
- Costs have been finalised through the construction tender process.

You must enter a Funding Agreement within four weeks of the project being approved otherwise the offer of funding will be reviewed and may be withdrawn.

You will shortly be contacted by an officer from the Department to discuss the Funding Agreement.

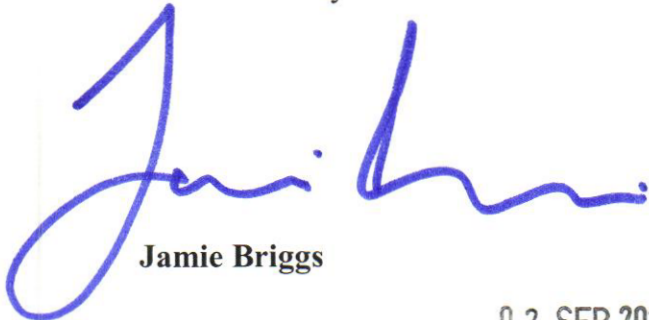
The funding amount is provided on the basis that it does not attract GST as the payment will be made by one government-related entity to another government-related entity. This circumstance is specifically covered by an appropriation under

Australian law and falls within the terms of Australian Taxation Office ruling GSTR 2012/2. You may wish to seek guidance from the Australian Taxation Office or your tax adviser on the impact of Community Development Grants funding on your organisation's taxation liabilities.

Should you wish to conduct a project launch at the conclusion of the project or at another suitable time, please contact the Department on cdg@infrastructure.gov.au to arrange a suitable date. It would be appreciated if you could provide three possible dates and at least six weeks notice to the Department. This will allow time to make the appropriate arrangements for me or my representative to attend.

I wish you every success with the Round the Bay Pathway – Orion and Callala Sections – Jervis Bay project.

Yours sincerely



Jamie Briggs

02 SEP 2014