



Business Paper

Shire Services Committee

Monday, 5 November 2018

7.00pm

**Committee Rooms 203 and 204,
Level 2, Administration Building,
4-20 Eton Street, Sutherland**

SUTHERLANDSHIRE

ORDER OF BUSINESS

- 1. ACKNOWLEDGEMENT OF COUNTRY**
- 2. APOLOGIES**
- 3. DISCLOSURES OF INTEREST**
- 4. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS**
- 5. PRESENTATIONS**
- 6. REPORTS FROM OFFICERS**
 - SER037-18 2018 Sutherland Shire Literary Competition Report
 - SER038-18 Compulsory Acquisition of Open Space at 7-8/1R The Esplanade,
Sylvania
- 7. QUESTIONS**
- 8. CONSIDERATION OF BUSINESS IN CLOSED SESSION**
- 9. CONFIDENTIAL REPORTS FROM OFFICERS**

SER037-18 2018 SUTHERLAND SHIRE LITERARY COMPETITION REPORT

Attachments: Nil

EXECUTIVE SUMMARY

- The inaugural Sutherland Shire Literary Competition has been a major success with five hundred and eighty one entries received from across Australia.
- It has been strongly supported by the local community with generous sponsorship, a significant number of entries from Shire residents and strong attendance at the presentation ceremony.
- Two hundred and fifty six (44%) of all entries received were from Sutherland Shire residents highlighting the amount of local interest and the depth of local literary talent.
- The 2018 competition was cost neutral to Council, having secured \$15,848 in revenue, \$9,545 from local sponsors and \$6,303 from competition entry fees, and incurred expenditure of \$15,918 which primarily was used for prize money, and also included promotion and advertising, presentation evening and associated catering and the printing of the competition magazine.
- The success of the competition raised the profile of Sutherland Shire as a cultural centre and will be incorporated in Council's draft Arts and Culture Strategy.

REPORT RECOMMENDATION

THAT:

1. Council endorse the continuation of the Sutherland Shire literary competition on a cost neutral basis.
2. The next literary competition be held as part of the First Encounters 2020 event, and be reviewed thereafter to determine the most suitable frequency for the competition.
3. Literary patrons be secured as ambassadors of future literary competitions to enhance the profile and grow the success of future competitions.

PURPOSE

Council resolved in November 2017 (SER007-18) THAT:

1. An annual Sutherland Shire Literary Competition be established, commencing 2018.
2. A Sutherland Shire Literary Competition Sub-committee comprising 3 Councillors and the Manager Library Services be formed to oversee the organisation and implementation of the competition in consultation, as required, with the local literary community.
3. The sub-committee seek sponsorship for the competition from Shire businesses and organisations, subject to Council policies and procedures.
4. The sub-committee report back to Council on the outcomes and suggested improvements on the competition of the 2018 Competition.

Items 1-3 have been completed for 2018 and this report provides information on the outcomes of the competition and suggested improvements for future competitions as per item 4.

BACKGROUND

The Sutherland Shire is well known for the natural environment, sport and the visual and performing arts but less well known for literature and creative writing. The Sutherland Shire Literary Competition was conceived to fill this gap and foster this interest within the community.

The immediate aim was to improve recognition and promotion of literature and writing throughout the Shire. Ongoing benefits also included developing and supporting existing literary groups and programs within the area and promoting the Shire as an area of cultural growth.

Oversight for the competition was provided by the Literary Competition Sub-committee comprising Councillors Barry Collier (Chairperson), Tom Croucher and Michael Forshaw with the support of Library Manager, Deborah Best and Team Leader Community Engagement, Kelly Wilson. The sub-committee met regularly throughout the eighteen months of the lead up to and during competition.

The competition, which was open between 5 February and 30 April 2018, was promoted through local, state and national media, on social media and literary competition and other relevant websites.

There were three literary categories: traditional (rhyming) poetry, free verse poetry and short story with prize money for each category:

- 1st prize - \$1000
- 2nd prize - \$500
- 3rd prize - \$250

To support the competition aim of promoting writing within the region, a Shire Residents prize of \$250 was made available (at the judge's discretion) for each category. The prize money was via sponsorship from Tradies, the University of Wollongong and Moran Aged Care.

As Council did not have an online payments system that could be utilised for this competition, the decision was made to use an online competition platform, Submittable, to manage the submission of entries, workflows and online payments. This proved to be very successful in administratively managing the large number of entries received and assisted library staff balance the competing priorities of providing existing library programs and services as well as running the competition.

Five hundred and eighty one entries were received and each entry was checked by library staff against the terms and conditions. The complying entries were sorted and, after the closing date, were posted to the relevant judge. Judging was completed by both judges within five weeks. 44% of the entries received were from residents of the Sutherland Shire which highlighted both the amount of local interest and also the depth of local literary talent.

Design for the competition magazine was a joint effort between the sub-committee, library staff and Council's Creative Officer with printing done in-house. The magazine received broad based compliments for its professional finish from award winners, sponsors, sub-committee members and guests at the presentation.

The presentation at Hazelhurst Café on 21 August, was attended by approximately eighty people with Kathy Lette, a renowned author originally from the local area as the guest speaker, adding to the success of the event.

DISCUSSION

Annual or Biannual Competition

The inaugural Sutherland Shire Literary Competition has been very successful and demonstrated a clear desire in the community for such an initiative to continue. The frequency of the competition be it annual or biannual event needs further consideration based on the level of sustained interest from successive competitions, availability of on-going sponsorship and any adverse impact on the levels of service to existing library programs.

Key benefits for running the competition annually include:

- maintaining interest within the community and nationwide as it would be a regular feature on cultural calendars;
- ongoing promotion of Sutherland Shire ;
- meeting Outcome 4 from the Community Strategic Plan of *creating and strengthening community connections through shared cultural experiences*;
- regular and ongoing support programs delivered through the library service e.g. writing workshops, manuscript appraisals etc.

The 2018 competition secured revenue of \$15,848 and incurred expenditure of \$15,918. However, an annual competition requires ongoing and adequate sponsorship to minimise impact on the Council budget. Future competitions needs to consider:

- Revenue consisted of \$9,545 from three sponsors and \$6,303 from the entry submission fees, which covered the costs of the prize money. Entry numbers were very high and there is no guarantee that they will be maintained at the same level for future competitions which means revenue from more sponsors will need to be sought.
- Costs for the presentation were kept low through the support of the Hazelhurst Café which provided catering at significantly discounted rates to support the competition in its inaugural year. It would be assumed that these costs for future competitions would be two to three times greater than the \$2,704 for 2018.
- In-house designing and printing of the competition magazine and library staff undertaking administration, sponsor management, web design and promotions assisted in keeping costs low.

The inaugural competition required significant resource as it involved initial setup of the competition process, managing submissions and magazine layout and design. While these are now in place for future competitions, there is still a significant amount of work for each competition which is undertaken in addition to current library programs and services. The impact of this is a material factor in ensuring continued successful events as to whether this is best achieved with an annual or biannual competition.

Appointing Competition Patrons

It is proposed that Sutherland Shire Literary Competition patrons be appointed to provide high profile support and extra publicity. The success of having Kathy Lette as guest speaker at the presentation highlights how much attention can be gained from having successful literary role models involved.

RESOURCING STRATEGY IMPLICATIONS

Without Council support the competition would be unviable as the cost of external management would be prohibitive. While direct expenditure on the 2018 competition equalled revenue, the in-kind support through library staff involvement was a key element to the success of inaugural competition. Six library staff assisted with the planning and execution of the 2018 competition providing a cumulative 920 hours of in-kind support to the initiative.

There are also indirect costs in that staff have carried the work load as an extra responsibility to their normal daily work with a resulting loss of productivity for existing library services, programs and events. The sub-committee is aware of this and proposes to seek increased sponsorship to allow for extra support (casual staff) for library staff during peak demand periods of the competition.

The risk for Council facing increased costs from the literary competition arises from:

- lack of enough sponsorship;
- inadequate entries to cover the prize money.

In these circumstances, Council may be required to subsidise the competition to ensure prize money is paid, the magazine printed and the presentation occurs. A suggestion, should this occur, is for Council to fund a component of the competition or presentation, possibly the design and printing of the Literary Competition magazine each year, which costs between \$1,100 (in-house 2018 cost) and \$1,400 (external quote).

COMMUNITY ENGAGEMENT

The overall success of the competition indicates significant support from the community. Prior to the establishment of the competition, the sub-committee met with three local writing groups, the Fellowship of Australian Writers (Sutherland Branch), Sutherland Shire Writing Group and the Cronulla Writer's Group to gain their input into the proposal. Ongoing contact will be maintained with these groups to ensure that the competition supports, rather than competes with, existing programs and competitions.

STRATEGIC ALIGNMENT

Community Strategic Plan Strategy	Delivery Program (2017-2021) Deliverables
Outcome 4 - Achieving a culturally rich and vibrant community by creating and strengthening community connections through shared cultural experiences (4.1)	4A – Develop and present a diverse, dynamic and inspiring Arts & Culture Strategy and Plan.
Outcome 5 - Developing a prosperous community for all by promoting our community as a place to visit, work and invest (5.1.3)	5C - Delivering lifelong learning opportunities and initiatives through the library services program.

The Arts and Culture Strategy is currently being developed and will include the Sutherland Shire Literary Competition as a key outcome.

Developing programs that support the literary competition will be a key outcome of the lifelong learning opportunities delivered by library services.

POLICY AND LEGISLATIVE REQUIREMENTS

Not applicable

CONCLUSION

The 2018 Sutherland Shire Literary Competition has been an overwhelming success with five hundred and eighty one entries from across Australia and 44% of the entries being from residents of the Sutherland Shire. The judging was completed in a professional manner, the winning entries were acknowledged as being of high quality and the presentation an outstanding success. Around eighty people listened to a very entertaining Kathy Lette and applauded the presentation of awards to the competition winners. Due to the generosity of the sponsors and the high number of entries, the competition was cost neutral. The competition directly addresses a number of key outcomes in the Community Strategic Plan. The success of the inaugural event confirms that, with Council support, the Sutherland Shire Literary Competition should be held in 2020 as part of the First Encounters program of events and then a review undertaken to decide if it should continue as an annual or biannual event.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Library Services, Deborah Best, who can be contacted on 0459 849 264.

File Number: 2017/280489, 2017/280490

**SER038-18 COMPULSORY ACQUISITION OF OPEN SPACE AT 7-8/1R THE
ESPLANADE, SYLVANIA**

SER038-18

Attachments: Appendix A, [Appendix B](#) (under separate cover) and Appendix C (under separate cover)

EXECUTIVE SUMMARY

- The foreshore land located at 7-8/1R The Esplanade, Sylvania is zoned for open space purposes and is privately owned.
- Council resolved to acquire the land in 2017 at terms and conditions to the satisfaction of the General Manager.
- Council and the land owner have been unable to reach agreement on purchase price.
- The land owner gave notice to Council under S23(1) of the Land Acquisition (Just Terms Compensation) Act 1991 that he was suffering hardship and required Council to purchase the property. Sufficient evidence to substantiate hardship was not provided to Council.
- The land owner sought a review by the Secretary of the Department of Finance, Services and Innovation on his claim of hardship.
- The Department determined the land owner is suffering hardship and notified Council it must acquire the property within 90 days.
- Council has 90 days to acquire the land, as agreement on price is unlikely to be reached in that time, compulsory acquisition is recommended.

REPORT RECOMMENDATION

THAT:

1. Council make an application to the Minister for Local Government and the Governor for approval to acquire 7-8/1R The Esplanade, Sylvania described as Lot 7 Sec B DP 12157 and Lot 121 Sec B DP 12157 by compulsory process under section 186(2) (a) of the Local Government Act 1993 for the purpose of public open space in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.
2. The land is to be classified as community land.
3. In accordance with the Power of Attorney dated 24 October 2018, the Acting General Manager execute any necessary documentation to give effect to this resolution.
4. Pursuant to clause 400 of the Local Government Regulation 2005, the following documents be executed under Common Seal of the Council of the Sutherland Shire:
Type of Document: Contract, transfer and any other associated documentation to give effect to this resolution.

PURPOSE

To seek approval to commence the compulsory acquisition process for 7-8/1R The Esplanade, Sylvania, as instructed by the Secretary of the Department of Finance, Services and Innovation.

BACKGROUND

In 2017 Council resolved (SER012-17) to acquire the waterfront parcels of land at 7-8/1R The Esplanade, Sylvania at terms and conditions to the satisfaction of the General Manager. Council and the land owner have been negotiating on purchase price since 2012 and have not reached agreement.

Council is committed to creating public open space corridors identified in Council's LEP 2015 and has been actively purchasing land along The Esplanade Foreshore Reserve at Sylvania for many years. The foreshore properties have been zoned public open space or an equivalent zoning since at least 1980. Four land parcels along the foreshore are zoned RE1 - Public Recreation and remain in private ownership, these are listed for acquisition in Council's LEP 2015.

The land consists of two waterfront lots, with a total area of 170.7 square metres, the land has an associated dwelling separated by road and located at 2 The Esplanade. The land has improvements consisting of a shed/cabana and part of a 50 year old concrete swimming pool. Attached to the land is a licence for domestic waterfront occupancy (DWO) issued under Crown Lands Act 1989. Built upon this DWO are half of the pool (50.6sqm) and a jetty (3.8sqm). An aerial view of the site is contained in Appendix A.

Council has previously considered a report regarding the acquisition of open space lands at The Esplanade, Sylvania on 10 November 2014 (WKS055-15), resolving not to compulsorily acquire properties and to continue negotiations with the land owners.

DISCUSSION

In April 2018, Council received an application requesting it to acquire the land due to the hardship of the landowner. Council requested evidence to substantiate the owner's hardship claim, however sufficient evidence was not received.

The land owner made an application to the Secretary of the Department of Finance, Services and Innovation (DoFSI) for a merits review of hardship under s.27A of the *Land Acquisition (Just Terms Compensation) Act 1991 (JTC Act)*. An independent review by the Hon. M Craig QC (a member of the DoFSI Hardship Review Panel) found that the property owner satisfies the hardship criteria under the Act. As such DoFSI has instructed Council to acquire the land within 90 days. The decision by the reviewer is final and Council must now acquire the land. Appendix B – provided under separate cover includes the determination by the Hon. M Craig QC.

Council can acquire the land within 90 days by agreement or by compulsory acquisition. To acquire the land by agreement the parties must have agreed on compensation. Negotiations on sale price have reached an impasse with the parties not being able to agree on price, it is therefore recommended that Council proceed to compulsorily acquire the land in order to meet the 90 day timeframe. Details of the negotiations to date are included in Appendix C – under separate cover.

Council can proceed to compulsorily acquire the land and make an offer of compensation to the land owner. Should the land owner not accept the compensation amount offered by Council, S.66 of the JTC Act 1991 allows the owner to lodge an objection to the Land and Environment Court (L&E Court) regarding the amount of compensation offered by Council. The Court will then determine compensation.

RESOURCING STRATEGY IMPLICATIONS

Council has a statutory obligation under LEP 2015 to purchase the property and compensation must be determined in accordance with the JTC Act. Compensation must be assessed as the market value of the property. The special value of land, any loss attributable to severance or disturbance and disadvantage resulting from relocation need not be taken into account when an owner initiates an acquisition on the basis of hardship. Funds for the purchase of the property will be sourced from Section 94 funds which are held in trust for the purchase of land under the LEP 2015.

Demolition of the swimming pool and shed/cabana will be required before this property can be used as open space. These works, estimated to cost \$50,000, will be funded from Section 94 funds.

STRATEGIC ALIGNMENT

This proposal assists Council in meeting the following strategic objective:

Community Strategic Plan Strategy	Delivery Program (2017-2021) Deliverables
6.3 Providing welcoming, safe and accessible places and spaces that encourage active lifestyles.	6F Develop and implement an Open Space Leisure and recreation Strategy.

POLICY AND LEGISLATIVE REQUIREMENTS

Local Government Act 1993 states:

S.186 For what purposes may a council acquire land?

- (1) A council may acquire land (including an interest in land) for the purpose of exercising any of its functions.
- (2) Without limiting subsection (1), a council may acquire:
 - (a) land that is to be made available for any public purpose for which it is reserved or zoned under an environmental planning instrument,

Acquisition of public recreation zoned land is carried out in accordance with Council's Open Space Land Acquisition Policy. LEP 2015 lists the property for acquisition by Council and Section 5.1 states that if the landowner will suffer hardship if there is any delay in the land being acquired by Council, section 23 of the JTC Act requires Council to acquire the land.

It has been determined by the Hardship Review Panel of the Department of Finance, Services and Innovation that the landowner will suffer hardship if there is a delay in Council acquiring the land.

The reviewer was satisfied that the owner of the property meets the Hardship requirements of the JT Act s 24(2) in that:

- they are unable to sell the land at its market value, because of the designation of the land for acquisition for a public purpose. That is the land is zoned RE1 – Public Recreation and that Council is the only realistic purchaser of such land, and
- it has become necessary for the owner to sell the land without delay:
 - (i) for pressing personal, domestic or social reasons, or
 - (ii) in order to avoid the loss of (or a substantial reduction in) the owner's income.

The owner has requested Council acquire the land due to hardship. Compulsory acquisition is the most straight forward and achievable way for Council to acquire the land within the 90 day time frame. Compulsory acquisition of land within NSW requires the approval of the Governor. Council must make application to the Minister for Local Government. If supported the Minister will recommend the Governor approve the compulsory acquisition.

CONCLUSION

Acquisition of this land will assist Council in achieving a contiguous open space corridor along The Esplanade Foreshore Reserve for use by the community. The acquisition of this land satisfies an objective of the LEP 2015 and therefore the acquisition of the identified open space property should proceed. The Secretary of the Department of Finance, Services and Innovation has found in favour of the land owner suffering hardship. Council has been instructed by DoFSI to acquire the land within 90 days. Compulsory acquisition of the land will ensure Council can meet the 90 day time frame. Should compensation not be agreed between the parties, it can be determined by the Land and Environment Court.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Property Services, Lani Richardson, who can be contacted on 9710 0614.

File Number: 2015/4570

