

**SHOALHAVEN CITY COUNCIL**  
**ORDINARY MEETING**

To be held on Tuesday, 19 April, 2016  
Commencing at 4.00 pm

12 April, 2016

Councillors,

**NOTICE OF MEETING**

You are hereby requested to attend the Ordinary Meeting of the Council of the City of Shoalhaven, **to be held in the Council Chambers, City Administrative Centre, Bridge Road, Nowra on Tuesday, 19 April, 2016 commencing at 4.00 pm** for consideration of the following business.

B Stewart  
**Acting General Manager**

**Membership**

All Councillors

**BUSINESS OF MEETING**

1. **Opening Prayer** - Rev Sandra Spencer – Shoalhaven Church of God
2. **Acknowledgement of Traditional Custodians**
3. **Australian National Anthem – Emma Jene**
4. **Apologies/Leave of Absence**
5. **Confirmation of Minutes**  
Ordinary Meeting – 16 April, 2016
6. **Declarations of Interest**
7. **Petitions and Presentations**
8. **Emma Jene singing ‘The Beat of a Drum’**
9. **Mayoral Minute**
10. **Deputations**
11. **Report of the General Manager – Committees Report**  
Report of the Strategy and Assets Committee – 12 April, 2016  
Report of the Shoalhaven Heads Estuary Taskforce – 30 March, 2016  
Report of the Shoalhaven Sports Board – 31 March, 2016  
Report of the Shoalhaven Natural Resources & Floodplain Management Committee – 6 April, 2016
12. **Report of the Shoalhaven Traffic Committee – 12 April, 2016**
13. **Report of the General Manager**  
Corporate and Community Services  
Assets and Works  
Planning and Development
14. **Notices of Motion and Questions on Notice**
15. **Addendum Reports**
16. **Confidential Report of the General Manager**  
Report of the Strategy and Assets Committee – 12 April, 2016  
Corporate and Community Services  
Assets and Works  
Planning and Development

Note: If any items of business require attendance of specialist staff (eg Legal, Insurance, Property) then Council will generally consider those items following the Mayoral Minutes.

Note: The attention of Councillors is drawn to Section 451 of the Local Government Act and Regulations and Code of Conduct regarding the requirements to declare pecuniary and non-pecuniary Interest in matters before Council.

### Cell Phones:

Council's Code of Meeting Practice states that "All cell phones are to be turned off for the duration of the meeting".

## **LOCAL GOVERNMENT ACT 1993**

### **Chapter 3**

#### **Section 8(1) - The Council's Charter**

(1) The council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- to promote and to provide and plan for the needs of children
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- to have regard to the long term and cumulative effects of its decisions
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
- to keep the local community and the State government (and through it, the wider community) informed about its activities
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
- to be a responsible employer.

## Wording for Acknowledgement of Traditional Owners

“It is customary to acknowledge country and I do so by paying our respects to elders past and present and acknowledge the unique role Aboriginal people have, and still do play, in the life of Australia today, and to all peoples who have made Australia this great country we live in.”

### Australian National Anthem

*“Advance Australia Fair”*

Australians all let us rejoice  
For we are young and free  
We’ve golden soil and wealth for toil,  
Our home is girt by sea:  
Our land abounds in nature’s gifts  
Of beauty rich and rare,  
In history’s page let every stage  
Advance Australia fair,  
In joyful strains then let us sing  
Advance Australia fair.

Beneath our radiant Southern Cross,  
We’ll toil with hearts and hands,  
To make this Commonwealth of ours  
Renowned of all the lands,  
For those who’ve come across the seas  
We’ve boundless plains to share,  
With courage let us all combine  
To Advance Australia fair.  
In joyful strains then let us sing,  
Advance Australia fair.

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## TABLE OF CONTENTS

<b>GENERAL MANAGER – COMMITTEES REPORT .....</b>	<b>1</b>
<b>Strategy And Assets Committee – Tuesday 12 April 2016 .....</b>	<b>1</b>
1. Heritage Estates - Proposed Gates/Barriers – Traffic Committee Referral File 1446E/4 .....	1
2. Shoalhaven Business Chamber - Memorandum of Understanding - Economic Development File 39962E.....	1
3. Request for Community Consultative Body Recognition - Hyams Beach File 1792E, 34354E.....	2
4. Lehman Brothers Australia Ltd - Class Action - Acceptance of Covenant File 35194E .....	2
5. Request for Donation – Ulladulla and Districts Blessing of the Fleet Festival File 4771E, 8029E, 1247E, 2245E, 3076E.....	2
6. Request for Donation - Australia Day Event in Nowra File 4771E.....	2
7. Berry District Park Draft Master Plan File 49929e.....	2
8. Draft Policy for Adoption – Management of Mobile Food Vending Vehicles File 33417E, 52631E .....	3
9. Rural Fire Service - Capital Works Program File 2371E .....	3
10. Mollymook Beach Reserve - Inclusive Play Space – Adult ‘Changing Places’ grant File 50637E.....	4
11. Request for Donation - Council Slashing Works at the Old Pyree School Site File 4771E, 5469E.....	4
12. Acquisition of water supply easement at Woollamia Road Huskisson File 30773E ....	4
13. Greenwell Point Anzac Park & Old Berrys Wharf File 6037E.....	5
14. Coolangatta - St Andrews Way - Long term wastewater needs - options File 50317e .....	5
15. Naming of Shoalhaven Entertainment Centre Auditorium File 36592E.....	6
<b>Shoalhaven Heads Estuary Taskforce Committee – 30 March 2016.....</b>	<b>7</b>
16. Study to investigate options for improving flows of the Shoalhaven River at Shoalhaven Heads-update File 9825E .....	7
<b>Shoalhaven Sports Board – Thursday 31 March 2016 .....</b>	<b>9</b>
17. Shoalhaven Sports Board Review - Final Report File 12623E.....	9
18. Additional Item – Workshop on Review of Fees and Charges .....	9
<b>Shoalhaven Natural Resources &amp; Floodplain Management Committee – Wednesday 6 April 2016 .....</b>	<b>10</b>
19. Election of Acting Chairperson/Chairperson File 53021E .....	10
<b>SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 12 APRIL 2016 .....</b>	<b>11</b>
20. Road Safety - Intersection of Grange Road and The Wool Road, St Georges Basin (PN 1209) File 1713E.....	11
21. Temporary Road Closures for ANZAC Day Services and Marches (PN 2776) File 8601E.....	12
22. Signage and Linemarking Plan - GP Super Clinic, Scenic Drive, Nowra (PN 3181) File RA13/1002-03 .....	13

23.	Proposed additional vehicle control measures - Hertiage Estates, Worrowing Heights (PN 3260) File 1446E.....	13
24.	Relocation of Visitor Information Centre to the Shoalhaven Entertainment Centre (PN 3261) File 2636E, 1478E .....	13
25.	Parking Restrictions - Leonard Street, Bomaderry (PN 3263) File 1667E, 2936E ...	14
26.	Give Way or Stop Sign - Edward Street, Berry (PN 3273) File 1664E .....	14
27.	Regulatory Signage and Linemarking - Central Avenue, South Nowra (PN 3275) File 51373E.....	14
28.	No Stopping Zone Extension - North Street, Nowra (PN 3276) File 2636E .....	14
29.	Give Way Sign - Jasmine Drive, Bomaderry (PN 3277) File 1667E, 3995E .....	14
30.	Regulatory Signage and Linemarking Plan - Wuru Drive, Burrill Lake (PN 3278) File 3A07/1005R, CC15/1879 .....	14
31.	Timed Loading Zone - Meroo Street, Bomaderry (PN 3279) File 2936E, DA15/2090 .....	15
32.	No Stopping Zone Extension - Isa Road, Worrigger (PN 3280) File 31143E .....	15
33.	Regulatory Signage and Linemarking Plan – 1 & 1A Beach Street, Huskisson (PN 3281) File DA07/1650-04 .....	15
34.	Linemarking and Signage Plan - Culburra Road, Wollumboola (PN 3282) File 53050E .....	15
<b>GENERAL MANAGER.....</b>		<b>16</b>
35.	Public Exhibition - Draft Delivery Program & Operational Plan 2016 - 2017 File 50863E .....	16
<b>CORPORATE AND COMMUNITY SERVICES .....</b>		<b>18</b>
36.	Appointment - New Members to Shoalhaven Tourism Advisory Group File 1490E ..	18
37.	2015/16 Council Borrowings – Loan Agreement File 51035E.....	19
38.	Investment Report – March 2016 File 2126E.....	21
39.	Draft Budget and Delivery Program 2016 / 2017 File 49285E .....	23
<b>ASSETS AND WORKS .....</b>		<b>33</b>
40.	Tender - Construction of Boat Ramp and Carpark - Sanctuary Point File 52775E....	33
41.	Tender – Blackspot Construction of Road Shoulders – Sussex Inlet Road File 52803E .....	35
42.	Tender – Blackspot Construction of Road Shoulders - The Springs Road, Swanhaven File 52805E.....	36
43.	Memorandum of Advice – Car Park at Owen Street, Huskisson & Civic Centre Site Bridge Road, Nowra File 35143E.....	38
44.	Tender – Shoulder widening - Lake Conjola Entrance Rd, Conjola Park File 52807E .....	39
<b>PLANNING AND DEVELOPMENT .....</b>		<b>41</b>
45.	Draft Chapter S2 Badgee Urban Release Area, Shoalhaven Development Control Plan 2014 - Exhibition Outcomes File 47610e .....	41
46.	Development Application - Demolition of existing structures, bulk earthworks, construction of a retail development, associated car parking, advertising signage, landscaping, new vehicle access points and works within the adjoining road reserve - Lot 7 DP 583795 Princes Highway and Lot 2 DP 655641 (No.320) Princes Highway,	

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Bomaderry. Applicant/Owner: The Planning Group NSW / Fabcot Pty Ltd File: DA14/2579-03 .....	48
<b>NOTICES OF MOTION.....</b>	<b>53</b>
47. Clean Up Order – Culburra Beach Service Station File ON2015/3839 .....	53
48. Council to approach Gilmore election candidates to fund local infrastructure projects File 8324E .....	54
<b>QUESTIONS ON NOTICE.....</b>	<b>56</b>
49. “Thumbs Up” – Motor Sports Facility File 42554E.....	56
50. Bayswood Estate File SF9786 .....	56
<b>CONFIDENTIAL BUSINESS PAPER AGENDA .....</b>	<b>61</b>

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**MAYORAL MINUTE**  
**ORDINARY MEETING**  
**TUESDAY, 19 APRIL 2016**

**1. Merger Proposal & Council Elections** **File 50512E, 50252E**

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**RECOMMENDED that Council receive the report for information.**

**DETAILS**

The Minister, in a speech in Parliament, has made it clear that those councils subject to a merger proposal will have their elections delayed until March 2017.

- # On Monday 18 April I also received a letter from the Minister confirming the delay in the elections (see Attachment A) and the publication in the Government Gazette on 15 April lists a total of 73 councils - all subject to a merger proposal and delayed elections (see Attachment B).

Also, all Councillors and myself received a letter from the Minister inviting us to submit an EOI to indicate whether, in the event that a merger happens mid-year, we would be interested to be considered for positions of Councillors in any transitional Council. The options could be Administrator, Councillor or Member of an Advisory Committee. The closing date was 15 April 2016.

**2. Visit from the Prime Minister, Hon Malcolm Turnbull MP** **File 8324E, 50252E**

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**RECOMMENDED that Council receive the report for information.**

**DETAILS**

With only seven days' notice and unbelievable security the Prime Minister made a visit to our City on Thursday 24 March. Visiting Air Affairs at our Defence Technology Park, Sanctuary Point Public School, an onsite visit to the Shoalhaven Bridge and a business lunch at the Shoalhaven Entertainment Centre where the staff excelled themselves, with all catering done in-house - food, staff and service could not have been better. The standard the Centre set for the Prime Minister to witness made us all very proud.

Since the Prime Minister's visit, Member for Gilmore, Ann Sudmalis, has started an online petition to lobby for funding for the new bridge - the petition can be found at:

[www.annsudmalismp.com.au/petitions/](http://www.annsudmalismp.com.au/petitions/)

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**3. Council owned & operated CCTV on Private Property****File 10357E, 50252E**

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**RECOMMENDED that Council write to the NSW Attorney General, the Member for Kiama and the Member for South Coast requesting the Privacy and Personal Information Protection Regulation 2014 be reviewed to provide NSW councils with an exemption from Section 11 of the Act in relation to the filming of private property such as car parks and shopping centres.**

**DETAILS**

On the 17 May 2013 The Minister for Local Government distributed a Circular "Protecting Council Use of CCTV Cameras" (Circular No. M13-04). In particular, this circular outlined an addition to the Regulation of the Privacy and Personal Information Act 1998 enabling Councils to collect "personal information by using a CCTV camera that the council has installed for the purpose of filming a public place if the camera is positioned so no other land is filmed (unless it is not reasonably practicable to avoid filming the other land when filming the public place)."

Although the regulation enabled Councils to install and use CCTV to film individuals and people in a public place it does not offer protection for areas that are often viewed as public places, but are privately owned and not a public place. For example, this would apply to many suburban shopping strips and precincts. These may be wholly privately owned. This includes the shops and parking areas. In these situations, community members see no distinction between this location and other locations as private or public land. Often there are requests for CCTV to be installed in these locations and, I'm certain, a number of councils would already operate CCTV in some of these locations. The regulation does not provide exemptions for Councils in operating CCTV in these private places. As a result, councils operating these systems are open to challenges under section 11 of the Privacy and Personal Information Act 1998.

Council has previously sought an exemption for this from the Premier, the Minister for Local Government and the NSW Attorney General without success. However, with the installation of new CCTV systems in Bomaderry, East Nowra and Sanctuary Point requests have increased from shop owners and business operators for the cameras to be focussed on privately owned car parks and shopping strips. It is important for Council to seek an exemption to safeguard against a challenge under section 11 of the Privacy and Personal Protection Act 1998 should CCTV be focussed on these privately owned locations.

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**4. Visit to Southern Shoalhaven areas****File 50252E**

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**RECOMMENDED that Council receive the report for information.**

**DETAILS**

Contrary to some reports in the media that "nothing happens south of Nowra" I have responded as follows:



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On Thursday, 17 March 2016 I was able to inspect the following location with Councillors Baptist and White and later that morning did a live interview on 2ST with Chris Firth broadcasting from the Boardwalk Café in Ulladulla.

- Frogs Holla Pedestrian Path on Matron Porter Drive = \$1 million+.
- Mollymook Oval Creek that has been cleared out of rubbish and sediment and risk of flooding to houses that has occurred over many years has been substantially reduced - cost \$180,000 - the new Lions Club premises will be located in that area.
- New Basketball court at Mollymook Reserve = cost \$50,000
- Golf Avenue road upgrade at Mollymook = cost \$400,000
- St Vincent Street - shared user path = cost \$150,000
- Camden Street - Pavement rehabilitation and car park = cost \$800,000+
- Roundabout, Ulladulla / St Vincent / Parson Street = cost \$120,000

Total cost approximately \$2.6 million.

Also inspected location for current DA for new cremator premises.

- Burrill Lake - new amenities were closed and a discussion was held with Director of Assets & Works - the contractor has been instructed to rectify defective works which since our visit has seen Council undertake the installation of a change table, trimming & painting of doors, plumbing & alterations.
- Sussex Inlet - Inspected a number of outstanding issues of concern.
- I inspected the work done by RMS and funded by the Federal Government the new road diversion at Little Forest Road, corner of Princes Highway - cost \$1.9 million.

We could go back for the last three years of this Council for many more projects - and should the need arise to do so then I will certainly make the facts known.

## 5. **Congratulations**

**File 50252E**

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**RECOMMENDED that Council receive the report for information.**

### **DETAILS**

- Well done to staff on the progression of Kinghorne Street upgrade. It looks terrific and is a quality job. Businesses & the Revitalisation Committee are very praiseworthy in their comments.
- Congratulations also to the owners & shopkeepers in Junction Street - well done! How great do the hanging flower baskets look on the street façade?

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**6. Appointment of Unit Controller - SES St Georges Basin**

**File 50252E**

**RECOMMENDED that Council receive the report for information.**

**DETAILS**

Congratulations to Mrs Erin Smith on her appointment of Unit Controller for St Georges Basin SES.

**7. White Sands & Blessing of the Fleet Festival**

**File 47520E/3, 8029E/2, 50252E**

**RECOMMENDED that Council receive the report for information.**

**DETAILS**

On Easter Saturday I was fortunate enough to judge the White Sands Festival - well done to Jervis Bay Lions. The whole village was packed, mostly with tourists. Again, thanks to Council staff for keeping the amenities and bins clean and emptied for the long weekend.

Ulladulla Blessing of the Fleet - can I assure Council that the funding we provide for this amazing event and the Princess Ball is well spent.

Again thousands of people lined the streets, many of our local residents came out for the day to enjoy with family and friends including the open air Blessing of the Fleet service.

To Lions / Rotary and all the sponsors, it was no easy take for Shelley Hancock MP, Ann Sudmalis MP, myself, Pia from Ulladulla Ex-Servos, Captain Stephen Hussey and Jason from Coles to select the winning floats. The Princesses are also a credit to our City.

**8. Other events attended**

**File 50252E**

**RECOMMENDED that Council receive the report for information.**

**DETAILS**

Over the past month I have attended the following events:

- JRPP meetings for the Shoalhaven LGA
- Probus Club of Jervis Bay Change-over luncheon
- Australian Citizenship Ceremony
- Luncheon with the Prime Minister, Malcolm Turnbull
- Nowra Alive - Money Bunny Draw
- Currarong Easter Art Show
- Barefoot Bowls
- Nowra Relay for Life
- Funding Announcement - Accessible Toilet

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- Sod Turning - new bridge across Burrill Lake
  - Whiteley's Walk Opening at Howell Faulks Park
  - 3 Tiers of Government meeting
  - Nowra East Public School ANZAC Day Assembly
  - Essential Employment & Training Cupcake Decorating Competition
  - Official Opening Arts & Crafts Shoalhaven
  - Shoalhaven Business Chamber - Women in Business Luncheon
  - Presentation of Certificates to The Pathfinders Program winners
  - Meeting with Shoalhaven Business Chamber Executives
  - ANZAC Day Commemoration Service at Jonathan Rogers GC House Dumaresq Village

9. **Thank you**

**File 50252E**

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**RECOMMENDED that Council receive the report for information.**

**DETAILS**

Owing to conflicting functions, thank you to the following Councillors for attending on my behalf:

**Deputy Mayor, Councillor John Wells**

- Shoalhaven District Cricket Association Presentation

**Assistant Deputy Mayor, Councillor Allan Baptist**

- Corrective Services NSW Swearing in Ceremony & Graduation

**Councillor Karen Anstiss**

- Ageing & Disability Lifestyle Options Expo

**Councillor Patricia White**

- Launch of the Greater Nowra Fun Run & King of the Mountain
- Community Safety Precinct Meeting
- TAFE Illawarra Ulladulla Student Graduation

**Councillor Jemma Tribe**

- Callala Beach Easter Saturday Trash & Treasure
- Official Reception New Entry Officers' Course 54 – Clarkson Division
- Shoalhaven Netball March Past

**Councillor Lynnette Kearney**

- Official Reception New Entry Officers' Course 54 – Moran Division
- Meroo Union Church ANZAC Commemoration Service

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**Councillor Clive Robertson**

- Launch of the Greater Nowra Fun Run & King of the Mountain
- ANZAC Commemorative Service at Basin View Masonic Village

A handwritten signature in blue ink, appearing to read 'Joanna Gash', written in a cursive style.

**Joanna Gash**  
**Mayor**

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## **REPORT OF GENERAL MANAGER**

### **ORDINARY MEETING**

**TUESDAY, 19 APRIL 2016**

#### **GENERAL MANAGER – COMMITTEES REPORT**

##### **STRATEGY AND ASSETS COMMITTEE – TUESDAY 12 APRIL 2016 (ITEMS 1 to 15)**

###### **Planning and Development**

1. Heritage Estates - Proposed Gates/Barriers – Traffic Committee Referral File 1446E/4 [Index](#)

RECOMMENDED that Council:

- a) Grant consent to install the proposed gates and barriers in accordance with section 118 of the Roads Act 1993 (the Act) and the Shoalhaven Traffic Committee's recommendation;
- b) Undertake a risk assessment and determine if it is appropriate to allow vehicles into the area given their current condition of the tracks;
- c) Investigate whether appropriate control measures can be put in place to mitigate risk;
- d) Subject to the outcomes of b) and c), develop a protocol for providing vehicular access to landowners and the general public which minimises Council's exposure to public liability claims, provides keys to the land owners at no cost to the land owners and Council write to the land owners to advise the results of the risk assessment so that they are aware of the risk of accessing the land by vehicle.

###### **General Manager**

2. Shoalhaven Business Chamber - Memorandum of Understanding - Economic Development File 39962E [Index](#)

RECOMMENDED that

- a) Council enters into a new Memorandum of Understanding with the Shoalhaven Business Chamber for the three financial years being 2016/2017, 2017/2018 and 2018/2019:
  - i) for the delivery of the Shoalhaven Business Awards; and
  - ii) for a business events/training program.
- b) Council allocate \$40,000 in the Economic Development budget for each financial year for the duration of the Memorandum of Understanding.

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3. Request for Community Consultative Body Recognition - Hyams Beach  
File 1792E, 34354E [Index](#)

RECOMMENDED that Council:

- a) Formally recognise Hyams Beach Villages Association as the Community Consultative Body for the Hyams Beach area;
- b) Authorise the payment of \$125 from its donations vote to assist HBVA in its administrative costs and/or hall hire expenses for the remainder of 2015/16.

### **Corporate and Community Services**

4. Lehman Brothers Australia Ltd - Class Action - Acceptance of Covenant File 35194E [Index](#)

RECOMMENDED that Council resolve for the General Manager and Mayor to execute the Deed of Covenant (Confidential Attachment A) to ensure Council has entitlement to claim as per the Claim Data Notice (Confidential Attachment B) in relation to the above Class Action.

5. Request for Donation – Ulladulla and Districts Blessing of the Fleet Festival  
File 4771E, 8029E, 1247E, 2245E, 3076E [Index](#)

RECOMMENDED that Council

- a) Continue to support the current arrangement for an annual contribution of \$10,000 towards the Ulladulla and Districts Blessing of the Fleet Festival.
- b) Waive the cost of the hire and cleaning fees for the use of the Ulladulla Civic Centre and grounds and the Foreshore Reserve for the Ulladulla and Districts Blessing of the Fleet Festival and Princess Ball events in 2016 and future years, with the fees for the 2016 event (\$3682) to be sourced from the Unallocated Donations budget.
- c) Funds for the waiving of the fees for future Ulladulla and Districts Blessing of the Fleet Festivals to be sourced from the Allocated Donations Budget.

6. Request for Donation - Australia Day Event in Nowra File 4771E [Index](#)

RECOMMENDED that this item be deferred until the General Manager and the Mayor meet with the Rotary Club of South Nowra to consider what arrangements they can come up with in relation to managing costs for the event.

7. Berry District Park Draft Master Plan File 49929e [Index](#)

RECOMMENDED that:

- a) Council adopt the Berry District Park Draft Master Plan with the amendments as detailed in this report which includes the following main changes:
  - i) Need for further archaeological studies

- 
- ii) Modification to off street car parking area “G” to provide for long vehicle parking
  - iii) Inclusion of cycling facility
  - iv) Roads & Maritime Service land to remain in their ownership (control by Council)
- b) Council consider allocating \$100,000 in the 2016/17 budget to undertake staged detailed design and development of a Business Plan to guide future delivery of Berry District Park and ensure it is “shovel ready” for future grant applications.
  - c) Council consider development of the Berry District Park in its future Delivery Program.
  - d) Council seek grant funding to develop Berry District Park
  - e) Council work with Roads & Maritime Service staff to encourage in-kind support to start developing key earthwork elements of the Berry District Park Master Plan.
  - f) Council continue to assist the Berry Garden Club to develop the George Street Reserve.
  - g) Council seek further community feedback via public exhibition of the proposed name change from Berry District Park to “Boongaree Park (the original Aboriginal name for the Berry/Broughton Creek area) and receive a report on this matter.

### **Assets and Works**

- 8. Draft Policy for Adoption – Management of Mobile Food Vending Vehicles File 33417E, 52631E [Index](#)

RECOMMENDED that:

- a) This item be deferred until the next meeting of Strategy & Assets Committee
- b) That the Draft Policy be amended to:
  - i) Remove specific locations, with any proposed locations to be assessed on merit
  - ii) Extend trading restrictions to locations 1km from the nearest shop selling similar products.

- 9. Rural Fire Service - Capital Works Program File 2371E [Index](#)

RECOMMENDED that:

- a) Council provides a commitment to contribute 11.7% of the amount the Shoalhaven District Rural Fire Service (RFS) secures for Capital Projects through the Rural Fire Fighting Fund (State Government) in accordance with this report.
- b) Council allocates in the 2016/17 Operational Plan budget the amount of \$1,307,000 towards the RFS contribution.
- c) All fire brigades listed are communicated with in relation to the Station upgrades.

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10. Mollymook Beach Reserve - Inclusive Play Space – Adult ‘Changing Places’ grant  
File 50637E [Index](#)
- 

RECOMMENDED that Council:

- a) Accept the \$35,000 grant from LGNSW to contribute towards the cost of a Changing Places room at the Mollymook Beach Reserve, be accepted
  - b) Accept the donation of \$20,000 from the Budawang School (for students with moderate or severe physical disabilities) and thank them for their contribution
  - c) Allocate \$105,000 from the 2016/2017 Operational Plan budget within the Public Toilets Replacement Program to the Mollymook Changing Places room and accessible toilet construction
  - d) Allocate the Operating Expenses budget be increased by \$8,000 in 2016/17, and by \$17,200 in subsequent financial years, resulting from the new Mollymook beach reserve toilet construction
  - e) Consider funding other improvements in the Mollymook Beach reserve in the 2016/17 Operational Plan budget
  - f) Request additional funding from LGNSW for the Changing Places room at the Mollymook Beach Reserve.
  - g) Priority be allocated to a contribution towards a public toilet at Clifton Park (Men’s Shed) as part of the 2016/17 Public Toilet Replacement Program.
11. Request for Donation - Council Slashing Works at the Old Pyree School Site  
File 4771E, 5469E [Index](#)
- 

RECOMMENDED that:

- a) Council subsidise the Pyree Public School Site Management Committee for the cost of slashing (\$720 annually) of the Old Pyree School Site for three (3) years commencing in 2016/2017.
- b) Funds to be sourced from the 2016/2017 to 2018/2019 Unallocated Donations Budget.

### **Shoalhaven Water**

12. Acquisition of water supply easement at Woollamia Road Huskisson File 30773E [Index](#)

# RECOMMENDED that:

- a) Council resolve to acquire an Easement for Water Supply variable width over Lot 1 DP1044611 Woollamia Road Huskisson, as shown by hatching on copy of DP1204307 marked Attachment ‘A’.
- b) Council pay compensation of \$4,500 plus GST and costs associated with the acquisition, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water’s Water fund.



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- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

### **Corporate and Community Services / Planning and Development**

13. Greenwell Point Anzac Park & Old Berrys Wharf File 6037E [Index](#)

RECOMMENDED that:

- a) Council treat foreshore erosion affecting Greenwell Point Anzac Park and the site of the old Berrys Wharf by undertaking remediation works that involves installation of rock armour and mid-slope path and seek concurrence from Office of Environment & Heritage (OEH) (Option 1 as identified in the Attachment B to this report).
- b) Council consider allocating \$100,000 in 16/17 budget process to treat foreshore erosion affecting Greenwell Point Anzac Park and the site of the old Berrys Wharf.
- c) Council request OEH to have the old Berrys Wharf site placed on the NSW State Heritage Register and develop appropriate heritage signage installation.
- d) Council advise "Get To The Point Program Inc" and Nowra RSL Sub-Branch of the above resolution.
- e) That the General Manager provide a report to Council on the Berry's Bay Wharf and the possibility of the funding of the reconstruction of the wharf

### **Planning and Development / Shoalhaven Water**

14. Coolangatta - St Andrews Way - Long term wastewater needs - options File 50317e [Index](#)

RECOMMENDED that:

- a) Council recognise in principle, that the long-term wastewater needs for St Andrews Way estate, Coolangatta; 99 Edward Wollstonecraft Lane, Coolangatta and No.'s 1260 – 1280 Bolong Rd, Coolangatta (Berry's Bay) is to connect to pressurised reticulated sewer, pending Council approval of a financial plan to fund the scheme;
- b) The financial plan will determine what, if any, additional contributions may be payable by existing residents; and
- c) Options to fund the sewer scheme are to be reported to Council once the outcome of the potential merger with Kiama Council is determined, in accordance with section 23A of the Local Government Act (merger guidelines).

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## Corporate and Community Services

15. Naming of Shoalhaven Entertainment Centre Auditorium File 36592E [Index](#)

Conflict of Interest Declaration - Cllr Watson – less than significant non pecuniary interest – that the report and proposed naming of the SEC is of personal interest - left the room, did not take part in discussion or vote.

RECOMMENDED that this matter be deferred until the full Council meeting, Tuesday 19 April 2016.

### **Note by General Manager:**

The original recommendation was as follows:

*RECOMMENDED, in accordance with the Committee's delegated authority from Council, that the auditorium at the Shoalhaven Entertainment Centre not be named the Greg Watson Auditorium.*

- # A copy of the report is attached.

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## SHOALHAVEN HEADS ESTUARY TASKFORCE COMMITTEE – 30 MARCH 2016 (ITEM 16)

### Planning and Development

16. Study to investigate options for improving flows of the Shoalhaven River at Shoalhaven Heads-update File 9825E [Index](#)
- 

RECOMMENDED that:

- a) The Shoalhaven Heads Estuary Taskforce recommends through the creation of a permanent or a semi-permanent non-navigable river entrance at Shoalhaven Heads as it is the only way in which river flow and the maintenance of an essentially marine environment can be established at the Heads.
- b) The Shoalhaven Heads Estuary Taskforce concludes that the permanent opening would increase the amenity, recreational environment and economic development of the community and the NSW tourism initiative of the Grand Pacific Drive.
- c) A memo from Dr Will Glamore on the additional investigation be included as an appendix to the report 'Management Options for improving flows of the Shoalhaven River at Shoalhaven Heads'.
- d) Dr William Glamore be invited to a public meeting at Shoalhaven Heads to present the findings of his report.
- e) A brochure be sent to all Shoalhaven Heads residents and be placed on Council's internet outlining and incorporating the findings of the report by Dr Will Glamore and the Taskforce's recommendation for a semi-permanent non-navigable river entrance at Shoalhaven Heads.
- f) A media release be organised to present the findings of the report and clearly highlight the needs for Federal and private enterprise funding and include the Taskforce recommendation relating to the permanent or a semi-permanent non-navigable river entrance at Shoalhaven Heads.
- g) Progress on the status of implementation of the recommendations of the report be presented to the Shoalhaven Heads Estuary Taskforce and to Council on a regular basis through its Natural Resources and Floodplain Management Committee
- h) That members of the Taskforce be thanked for their active contributions to this study.

#### **Note by General Manager:**

It is important that Councillors note that the report from Dr William Glamore (University of NSW, Water Research Laboratory), previously adopted by Council (Min 15.822), does not recommend a permanent or semi-permanent entrance. The report found that from an environmental point of view the estuary is performing well. The report recommends catchment based initiatives to manage acid sulfate soil issues and sporadic water quality issues as well as a review of the now outdated flood study. The Shoalhaven Heads Estuary Taskforce and Council previously supported the findings of this investigation (min 15.822). However, at its last meeting, the Taskforce recommended the creation of a permanent or a semi-permanent non-navigable river entrance in order to establish a marine environment

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that in the view of the Taskforce would increase the amenity of the area, recreational and economic development opportunities.

If council adopt the latest recommendations from the Taskforce, it is proposed that the media release and brochure clearly separate the report from Dr William Glamore which has an environmental focus and the latest recommendations from the Taskforce which have an economic development focus.

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## SHOALHAVEN SPORTS BOARD – THURSDAY 31 MARCH 2016 (ITEMS 17 to 18)

### 17. Shoalhaven Sports Board Review - Final Report

File 12623E [Index](#)

RECOMMENDED that:

- a) The Shoalhaven Sports Board not adopt the recommendation and that the current structure remain.
- b) A workshop be scheduled, as soon as convenient, with a majority of members of the Shoalhaven Sports Board, to discuss the recommendation contained in the Shoalhaven Sports Board Review report with a view to adopting those deemed appropriate.

#### **Note by General Manager:**

The original recommendation was as follows:

*RECOMMENDED that:*

- a) *Council adopt the Shoalhaven Sports Board Review Report from The Strategic Edge and adopt option 4 which involves establishment of a Sports Community Advisory Board.*
- b) *Council rescind the Shoalhaven Sports Board Charter.*
- c) *Council thank current members for their commitment and contribution to the Shoalhaven Sports Board.*
- d) *Council adopt the Draft Sport Community Advisory Group Draft Terms of Reference, POL 16/41.*
- e) *Council commence the recruitment of community members for the Sports Community Advisory Group.*
- f) *Council contact the broader Shoalhaven Sports Community to thank them for their contribution to review process, advise outcome and recruitment process for new Shoalhaven Community Advisory Group.*
- g) *Council implement induction process for new Advisory Board members once appointed.*
- h) *Council appoint three (3) Councillor representatives to the Sport Community Advisory Group.*

### 18. Additional Item – Workshop on Review of Fees and Charges

[Index](#)

RECOMMENDED that:

- a) the Shoalhaven Sports Board indicate to Council that it is opposed to the introduction of any fees for groups currently not charged fees on sporting grounds.
- b) Should Council consider the introduction of fees, the proposals be workshopped with the Shoalhaven Sport Board prior to Council's final determination.

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**SHOALHAVEN NATURAL RESOURCES & FLOODPLAIN MANAGEMENT COMMITTEE –  
WEDNESDAY 6 APRIL 2016 (ITEM 19)**

19. Election of Acting Chairperson/Chairperson File 53021E [Index](#)

RECOMMENDED that Cllr Findley be appointed as the Chairperson for the Shoalhaven Natural Resources and Floodplain Management Committee.

B Stewart  
**ACTING GENERAL MANAGER**

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## **SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 12 APRIL 2016**

### **ORDINARY MEETING**

**TUESDAY, 19 APRIL 2016**

#### **REPORT OF THE CONVENOR**

#### **ITEMS FOR APPROVAL UNDER DELEGATED AUTHORITY**

The Shoalhaven Traffic Committee is not a committee of Council under the Local Government Act 1993. The Committee operates under authority conferred to Council by the Roads and Maritime Services (RMS) under the Transport Administration Act 1988 (Section 50).

Council has been delegated certain powers, from the RMS, with regard to traffic matters upon its local roads. A condition of this delegation is that Council must take into account the Traffic Committee recommendations.

#### **IMPORTANT NOTE:**

The Council can only:

1. Adopt the Traffic Committee recommendation
2. Not Adopt the Traffic Committee recommendation
3. Request the Traffic Committee reconsider the issue.

Council cannot amend a Traffic Committee recommendation, but can raise other issues as Additional Business at the Ordinary Meeting.

20. Road Safety - Intersection of Grange Road and The Wool Road, St Georges Basin (PN 1209) File 1713E [Index](#)
- 

RECOMMENDED that the General Manager (Director Assets and Works) be requested to install the following linemarking and signage upgrades at the intersection of Grange Road and The Wool Road, St Georges Basin as detailed in TRAF 2016/18:

- a) Extend E1 linemarking 20m into Grange Road
- b) Install C1 linemarking across the intersection, on the alignment of the curve to delineate the eastbound travel lane on The Wool Road
- c) Remark and extend the BB linemarking on the curved alignment to allow a 10m gap centralised over the intersection
- d) Existing turn warning sign and 35km/h supplementary speed advisory signs on The Wool Road on both approaches to intersection to be duplicated
- e) Grade shoulder of grass and debris to reveal existing E1 linemarking on The Wool Road
- f) Remark all linemarking east and west of the intersection for a distance of 100m and install centreline and edgeline RRPMS at 12m spacings

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- g) Remark all linemarking north of the intersection for a distance of 30m and install centreline and edgeline RRPMS at 12m spacings
21. Temporary Road Closures for ANZAC Day Services and Marches (PN 2776)

File 8601E [Index](#)

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RECOMMENDED that the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the following temporary road closures to enable ANZAC Day marches and commemorative services to be held on Monday, 25 April 2016:

Berry – Assemble in Queen Street adjacent to Apex Park at 10.20am. The march will move off at 10.30am via Queen and Alexandra Streets to War Memorial Gardens for the one (1) hour service.

Bomaderry – Dawn Service in Walsh Memorial Park, Meroo Street commencing at 5.45am – Memorial Service – Assemble in Bunberra Street adjacent to Bomaderry RSL Club at 9.00am and march to Walsh Memorial Park in Meroo Street at 9.15am via Bunberra and Meroo Streets for service at 9.30am.

Callala Beach – A Memorial Service will be held at the Cenotaph in the grounds of the Callala RSL Country Club commencing at 10.00am.

Culburra – Assemble in Culburra Bowling and Recreation Club car park at 11.30am. March to the Culburra Community Centre at 11.45am via West Crescent and Culburra Road for service at 12noon.

Greenwell Point – Dawn Service – Assemble at Greenwell Point Memorial Hall at 5.10am and march to ANZAC Park via Greenwell Point Road for service commencing at 5.30am.

Huskisson – Assemble in Hawke Street adjacent to White Sands Park at 10.15am. The march will move off at 10.30am via Hawke, Owen and Currumbene Streets to Voyager Park for service commencing at 11.00am.

Kangaroo Valley – Assemble at the Showground at 9.45am for march to commence at 10.00am travelling along Moss Vale Road to Cenotaph for service, returning along same route for dispersal at the Showground at approx 11.00am.

Milton - Assemble at the intersection of the Princes Highway and Church Street at 10.20am for march to commence at 10.30am along the Princes Highway to Milton Cenotaph for service expected to be completed by 12.00pm.

Nowra – Assemble at 10.00am in Junction Street between Berry and Osborne Streets, form up at 10.30am and march to Memorial Gates at Nowra Showground for a one (1) hour service after which the assembly will march along Junction Street to Shoalhaven Street where the parade will be dispersed.

Shoalhaven Heads – Assemble at 5.30am adjacent to the Centre Shops in Shoalhaven Heads Road with march to commence at 5.45am to the Shoalhaven Heads Memorial Park via Shoalhaven Heads Road for the service.

St Georges Basin – Memorial Service – Assemble at the Lions Park Memorial, Island Point Road (opposite hardware store) at 10.50am for service commencing at 11.00am.

Sussex Inlet – Assemble in Nielson Road adjacent to the RSL Sub Branch Hall at 9.45am for march commencing at 10.00am to the Sussex Inlet War Memorial at the RSL Club for the service.



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22. Signage and Linemarking Plan - GP Super Clinic, Scenic Drive, Nowra (PN 3181)  
File RA13/1002-03 [Index](#)
- 

RECOMMENDED that the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the regulatory signage and linemarking proposed as part of the access amendments for the GP Super Clinic, Scenic Drive, Nowra as detailed in TRAF 2016/19.

23. Proposed additional vehicle control measures - Hertiage Estates, Worrowing Heights (PN 3260)  
File 1446E [Index](#)
- 

RECOMMENDED that the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the following proposed vehicle control measures being installed as detailed in TRAF 2016/20:

- a) A locked gate and barriers across Birriga Avenue between Lots 25 and 56 DP 8771 (west of the Greek Orthodox Church), and
- b) Steel cable and post/boulder fencing on the western side of Naval College Road between Wanawong Boulevard and Erowal Bay Road.
- c) All control measures are to be located outside the clear zone

24. Relocation of Visitor Information Centre to the Shoalhaven Entertainment Centre (PN 3261)  
File 2636E, 1478E [Index](#)
- 

RECOMMENDED that the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the following amendments to the existing parking restrictions as detailed in TRAF 2016/21:

- a) Convert 4 x 30 minute (1/2P) parking spaces and 9 x 2 hour (2P) parking spaces time restricted (9am-5pm Mon-Fri) to 13 x 1 hour (1P) parking spaces time restricted (9am-5pm Mon-Fri)
- b) Convert 28m existing No Parking - pick up drop off to No Parking - Vehicles and Combinations over 6m excepted, time-restricted to 30 minutes on the eastern side of the service road between the Shoalhaven Entertainment Centre and the Council Administration Building
- c) Convert 28m existing No Parking - pick up drop off to No Parking - Vehicles and Combinations over 6m excepted, time-restricted to 30 minutes on the western side of the service road between the Shoalhaven Entertainment Centre and the Council Administration Building

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25. Parking Restrictions - Leonard Street, Bomaderry (PN 3263) File 1667E, 2936E [Index](#)

RECOMMENDED that the General Manager (Director Assets and Works) be requested to install Double Barrier (BB) centre linemarking for a distance of approx. 60m on the curve in Leonard Street, Bomaderry (between Peace Street and Shirley Street) as detailed in TRAF 2016/22.

26. Give Way or Stop Sign - Edward Street, Berry (PN 3273) File 1664E [Index](#)

RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the installation of a Give Way sign and associated TB/TB1 hold line on Edward Street at its intersection with North Street, Berry as detailed in drawing TRAF 2016/23.

27. Regulatory Signage and Linemarking - Central Avenue, South Nowra (PN 3275) File 51373E [Index](#)

RECOMMENDED that the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the regulatory signage and linemarking associated with the road rehabilitation works on Central Avenue, South Nowra, as detailed in TRAF 2016/24.

28. No Stopping Zone Extension - North Street, Nowra (PN 3276) File 2636E [Index](#)

RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the extension of the existing No Stopping zone a further 6m (approximately) east of its current location on the southern side of North Street, east of Kinghorne Street, Nowra, as detailed in TRAF 2016/25.

29. Give Way Sign - Jasmine Drive, Bomaderry (PN 3277) File 1667E, 3995E [Index](#)

RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the installation of a R1-2B Give Way sign and associated TB/TB1 linemarking on Jasmine Drive at its intersection with Meroo Road, Bomaderry as detailed in TRAF 2016/26.

30. Regulatory Signage and Linemarking Plan - Wuru Drive, Burrill Lake (PN 3278) File 3A07/1005R, CC15/1879 [Index](#)

RECOMMENDED that the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed roundabouts, and installation of regulatory signage and linemarking proposed at the intersection of Wuru Drive / Macquarie Drive and Macquarie Drive / Superior Avenue, Burrill Lake as detailed in TRAF 2016/27, subject to items of a technical nature.

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31. Timed Loading Zone - Meroo Street, Bomaderry (PN 3279) File 2936E, DA15/2090 [Index](#)

RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the following parking restriction amendments in Meroo Street, Bomaderry, as detailed in TRAF 2016/28a & 28b:

- a) on the western side of Meroo Street, south of the pedestrian facility adjacent to 71 Meroo Street, relocate the existing R5-400(R) No stopping sign 6m north of its existing location
- b) on the western side of Meroo Street, north of the pedestrian facility adjacent to 71 Meroo Street, remove the existing No Stopping zone and install a Loading zone (time restricted to 7am-12pm Mon to Fri), combined with a 1P parking zone (time restricted to 12pm-6pm Mon to Fri, 8.30am-12.30pm Sat), for a distance of 14m (to the driveway between 69 and 67 Meroo Street)
- c) on the eastern side of Meroo Street north of the pedestrian facility adjacent to 31 Meroo St, relocate the existing R5-400(R) No Stopping sign 6m south of its existing location.

32. No Stopping Zone Extension - Isa Road, Worrigea (PN 3280) File 31143E [Index](#)

RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the extension of the existing No Stopping zone (8am-5.30pm MON-FRI) from its current location at the boundary of 45 and 47 Isa Road, Worrigea to the boundary of 41 and 43 Isa Road, Worrigea (a distance of approx. 36m) as detailed in TRAF 2016/29.

33. Regulatory Signage and Linemarking Plan – 1 & 1A Beach Street, Huskisson (PN 3281) File DA07/1650-04 [Index](#)

RECOMMENDED that the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the installation of regulatory signage and linemarking proposed as part of construction of a residential building comprising four levels of residential units at 1 & 1A Beach St, Huskisson, as detailed in TRAF 2016/30.

34. Linemarking and Signage Plan - Culburra Road, Wollumbolla (PN 3282) File 53050E [Index](#)

RECOMMENDED that the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the installation of regulatory signage and linemarking proposed as part of the road rehabilitation project on Culburra Road, Wollumbolla as detailed in TRAF 2016/31.

Martin Uptis  
CONVENOR

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## **REPORT OF GENERAL MANAGER**

### **ORDINARY MEETING**

**TUESDAY, 19 APRIL 2016**

#### **GENERAL MANAGER**

**35. Public Exhibition - Draft Delivery Program & Operational Plan 2016 - 2017**

**File 50863E [Index](#)**

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**SECTION MANAGER:** Jessica Rippon

#### **PURPOSE:**

Integrated Planning and Reporting (IPR), through its service profile, maintains Council's IPR Framework to meet Office of Local Government IPR Guidelines, develops, acquires and coordinates processes and tools that enhance the corporate integration of the IPR Framework.

**RECOMMENDED that the draft Delivery Program and Operational Plan (DP/OP) 2016 - 2017 be:**

- a) Endorsed for the purposes of community consultation; and**
- b) Considered further by Council following the community consultation program and receipt of community responses, prior to adoption of the final Delivery Program and Operational Plan 2016 - 2017.**

#### **OPTIONS**

- 1. Endorse the document for community consultation purposes, as recommended.
- 2. Endorse the document for community consultation purposes, incorporating minor variations to be determined by Council. Note minor changes may require adjustments to be made to the proposed budget and works program if impacted.
- 3. Delay endorsement of the document and seek major changes to it before proceeding to community consultation. This will likely require consequential changes to the proposed budget and works program. Depending on the complexity of issues to be addressed, delayed consideration of a consultation draft Delivery Program and Operational Plan would delay consultation on the budget and related content, thus placing the timely adoption of the budget and Revenue Policy at risk.

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## DETAILS

# Shoalhaven City Council's Delivery Program and Operational Plan 2016 - 2017 (attached) details Council's response to the Community Strategic Plan: ***Shoalhaven 2023***.

It sets out how Council will work with the community to achieve its priorities over the remaining life of this elected Council and describes the key actions that will help achieve these priorities.

A review of the Delivery Program has been carried out by Essential Element as required by 3.9 of the Integrated Planning and Reporting Guidelines - March 2003.

### FINANCIAL IMPLICATIONS:

The recommendation to proceed to public exhibition of the DP/OP will incur costs that have been provided for in the current budget.

### COMMUNITY ENGAGEMENT:

The Community receive an opportunity to make submissions to Council as part of the consultation period commencing on Wednesday 20<sup>th</sup> April 2016 until Wednesday 18<sup>th</sup> May 2016.

As part of this consultation phase, 3 public meetings, commencing at 7pm, are scheduled to be held as follows:

- Vera Hatton Gallery, Jervis Bay Museum, Huskisson on Wednesday, 27 April 2016;
- Nowra School of Arts on Thursday, 28 April 2016; and
- Ulladulla Civic Centre Wednesday, 4 May 2016.

Copies of the Draft Delivery Program & Operational Plan will be available for viewing at Council's Nowra and Ulladulla Administration offices, as well as Nowra, Sanctuary Point, Ulladulla and Bookmobile Libraries.

All CCBs & Business Chambers will be notified of these meetings. The community will be notified through advertising over the next few weeks.

B Stewart  
**ACTING GENERAL MANAGER**

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## **REPORT OF GENERAL MANAGER**

### **ORDINARY MEETING**

**TUESDAY, 19 APRIL 2016**

#### **CORPORATE AND COMMUNITY SERVICES**

**36. Appointment - New Members to Shoalhaven Tourism Advisory Group File 1490E [Index](#)**

**SECTION MANAGER: Coralie Bell.**

**PURPOSE:**

To formally appoint the new members to the Shoalhaven Tourism Advisory Group (STAG) in accordance with the Terms of Reference.

**RECOMMENDED that Council appoint the following:**

- a) **Catherine Shields – reappointed**
- b) **Annie Cochrane – reappointed**
- c) **Matthew Forbes – new member**

**OPTIONS**

- 1. As recommended

**DETAILS**

In March 2016 four of the current STAG committee members completed their 2 year term. Under the STAG Terms of Reference 4 industry positions are to be filled at this time.

Following the advertising, selection and interview process it is the recommendation of the interview panel that 3 industry representatives are invited to join the STAG committee. This on the basis that the 3 selected candidates will bring to STAG a range of direct industry knowledge, experience and insight that will greatly assist STAG and Council in its tourism related activities. These applicants are:

Catherine Shields – reappointed  
Annie Cochrane – reappointed  
Matthew Forbes – new member

There remains one vacant position on the committee.

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The full committee will be:

Clr Joanna Gash, Mayor  
Clr John Wells, Deputy Mayor  
Clr Lynnette Kearney  
Clr Mark Kitchener  
Clr Jemma Tribe  
Clr Greg Watson  
Mr David Goodman (Sports Board Rep)  
Mr Stephen Bartlett  
Ms Michelle Bishop  
Ms Annie Cochrane  
Mr Matt Cross  
Ms Lynn Locke  
Ms Melissa McManus  
Ms Catherine Shields  
Mr Matthew Forbes

#### **COMMUNITY ENGAGEMENT:**

The Shoalhaven Tourism Advisory Group plays an important role in the development of tourism related strategic plans and activities and provides critical input through industry representatives in this process.

#### **37. 2015/16 Council Borrowings – Loan Agreement**

**File 51035E [Index](#)**

**SECTION MANAGER: Pamela Gokgur.**

**PURPOSE:** To seek Council approval to enter into a loan agreement with TCorp for funding the Jerberra Estate infrastructure works.

**RECOMMENDED that Council enter into a loan agreement, executed under seal of Council, with New South Wales Treasury Corporation for the amount of \$7,200,000 with a term of ten years to cover the costs of the Jerberra Estate infrastructure works.**

#### **OPTIONS**

1. Adopt the recommendation in the report.
2. Not adopt the recommendation and to make an alternative resolution.

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## **DETAILS**

As part of Fit for the Future reforms the NSW Government announced that Councils who were declared "Fit" would be able to borrow funds from T Corp at reduced interest rates. Given that Shoalhaven were deemed "Fit" in October 2015, they are now eligible to utilise T Corp for borrowing funds at reduced rates for approved purposes.

Accordingly Council applied to T Corp for approval to borrow \$7.2m to fund the infrastructure work in Jerberra Estate. This work will encompass road and electricity works, with the cost of these works to be recovered from ratepayers in the Jerberra Estate by a Special Rate previously approved by IPART in May 2015.

Prior to a decision to accept this loan, quotations were received from three other financial institutions also. The loan chosen was for a term of 10 years with a fixed indicative rate of 3.25%, the other three institutions supplied rates of 3.61%, 3.76% and 3.86% for a similar product.

The interest rate used in calculating the special rate was 6%, therefore the Jerberra ratepayers will see a reduction in the overall interest paid of over \$1 million with the reduced interest rate. Rates will be adjusted in 2017/18, after the loan is confirmed and the work completed.

The New South Wales Treasury Corporation will provide an updated interest rate closer to the loan drawdown date. Debt covenants specified in section 11.2.1 of the attached loan agreement would require council to maintain a debt service cover ratio of at least 1.5:1, interest cover ratio of at least 3.00:1 and a minimum cash expense cover ratio of 2 months.

Council's current results for these ratios for the 2015 financial year were:

Debt Service Cover Ratio – 5.02:1

Interest Cover Ratio – 16.46:1

Cash Expense Cover Ratio – 9.20 months

In addition to this there will be no fees applied to this loan by T Corp and interest rates are calculated at the Cost of Funds plus .55% for all terms.

## **FINANCIAL IMPLICATIONS**

It is important for Council to gain the best interest rates on loan funding and locking this agreement in place will confirm a much lower rate for the full 10 years of the loan agreement. The works at Jerberra are built into the Long Term Financial Plan and are currently being undertaken, with completion date estimated to be in August 2016. Changes will be made to the Long Term Financial Plan in relation to interest rates and rate recovery as part of the DPOP process for 2017/18.

## **COMMUNITY ENGAGEMENT**

This agreement does not require consultation with the community other than the normal Quarterly Review and Delivery Program reporting requirements. Jerberra ratepayers will be advised of any reductions in the special rate in relation to the infrastructure works at the appropriate time.



**SECTION MANAGER: Pamela Gokgur.**

**PURPOSE:**

Under Section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation it is a requirement to provide a written report to Council on a monthly basis setting out details of all money that Council has invested.

**RECOMMENDED that the Report of the General Manager (Corporate Services and Community Services Group) on the Record of Investments for the period to 31 March 2016 be received for information.**

**OPTIONS**

1. The report on the Record of Investments for the period to 31 March 2016 be received for information
2. Further information regarding the Record of Investments for the period to 31 March 2016 be requested
3. The report on the Record of Investments for the period to 31 March 2016 be received for information with any changes requested for the Record of Investments to be reflected in the report for the period to 30 April 2016

**DETAILS**

# Please refer to the attached monthly report provided by Council's Investment Adviser – CPG Research and Advisory Pty Ltd.

Further comparisons and budget review is found below:

The interest earned for the month of March was \$455,672.81 which was \$158,876.74 above budget. The budget assumed an interest rate of 3.25%, the attached CPG report shows our current investment portfolio earning a return of 3.62%.

Funds have now been separated into internally and externally restricted categories. A selection of funds formerly reported within the Other Internal Reserves category have been individually reported to provide greater transparency.

Crown Reserves fund has been removed from record of investments as the source is separately reconciled in an annual report.

## RECORD OF INVESTMENTS Cash and Investment Balances

	March 2016	February 2016
<b>Cash And Investments Held</b>		
Cash at Bank - Consolidated Account	\$7,267,403	\$10,134,472
Cash at Bank - Trust Fund	\$1,240	\$1,240
Cash on Hand	\$28,230	\$28,080
Total Investments	<u>\$141,728,315</u>	<u>\$144,589,101</u>
	<b>\$149,025,189</b>	<b>\$154,752,892</b>
Fair Value Adjustment	-\$88,866	-\$88,866
Bank Reconciliation	<u>-\$124,895</u>	<u>\$294,092</u>
	-\$213,761	\$205,226
<b>Book Value of Cash and Investments</b>	<b><u>\$148,811,428</u></b>	<b><u>\$154,958,118</u></b>
<b>Less Cash &amp; Investments Held In Relation To Restricted Assets</b>		
Leave Entitlements & Workers Compensation Liability	\$10,057,642	\$9,921,417
Land Decontamination	\$1,677,679	\$1,689,098
Critical Asset Compliance	\$1,988,773	\$1,989,897
North Nowra Link Road	\$664,104	\$665,497
Other Internal Reserves	\$7,202,666	\$6,875,803
Section 94 Matching Funds	\$547,923	\$548,978
Strategic Projects General	\$3,281,902	\$3,661,198
Industrial Land Development Reserve	\$2,027,958	\$1,346,473
Plant Replacement	\$189,783	\$189,783
S94 Recoupment	\$1,672,139	\$1,694,504
Commitment To Capital Works	\$6,164,584	\$6,282,461
Strategic Property Acquisitions	<u>\$2,466,658</u>	<u>\$2,156,781</u>
<b>Total Internally Restricted</b>	<b>\$37,941,811</b>	<b>\$37,021,889</b>
Loans - General Fund	\$32,523	\$496,113
Financial Assistance Grant	\$0	\$0
Grant reserve	\$3,642,959	\$1,861,464
Section 94	\$23,416,276	\$23,301,573
Storm Water Levy	\$680,387	\$704,171
Trust - Mayors Relief Fund	\$97,355	\$97,355
Trust - General Trust	\$2,324,802	\$2,340,097
Waste Disposal	\$9,901,336	\$11,071,100
Section 64 Sewer	\$0	\$0
Sewer Compensation	\$6,568	\$6,568
Sewer Fund	\$22,499,804	\$22,386,669
Sewer Plant Fund	\$762,086	\$875,221
Section 64 Water	\$12,921,243	\$12,664,807
Water Fund	\$23,285,418	\$23,685,251
Water Communication Towers	\$828,869	\$791,126
Water Plant Fund	<u>\$671,255</u>	<u>\$565,601</u>
<b>Total Externally Restricted</b>	<b>\$101,070,881</b>	<b>\$100,847,116</b>
<b>Total Restricted</b>	<b><u>\$139,012,692</u></b>	<b><u>\$137,869,005</u></b>

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**Unrestricted Cash And Investments**

General	\$7,798,736	\$15,089,113
Water	\$1,000,000	\$1,000,000
Waste Water	\$1,000,000	\$1,000,000
<b>Total Unrestricted</b>	<b>\$9,798,736</b>	<b>\$17,089,113</b>

The Grant Reserve increased as a result of grant funds received during the month of March. March expenditure led to a decrease in the Waste Disposal fund.

**Certification – Responsible Accounting Officer:**

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulations 2005 and Council's Investments Policy number POL14/60.



Pamela Gokgur  
Chief Financial Officer

**FINANCIAL IMPLICATIONS:**

It is important for Council to be informed in regard to its investment on a regular basis. Revenue from interest on investments forms a vital part of Council's revenue stream.

**39. Draft Budget and Delivery Program 2016 / 2017****File 49285E [Index](#)****SECTION MANAGER: Pam Gokgur.****PURPOSE:**

The draft budget for 2016/2017 is presented to Council for consideration. The draft budget had been prepared after a number of Council briefing sessions, and contains directions given by Council from the briefing sessions held. The budget being presented includes an operational savings target of \$6.1m and results in a net operating result of -\$57k and has a deficit cash result of \$2.1m for General Fund.

**RECOMMENDED that Council adopts the 2016/2017 Draft Budget, and includes it as part of Council's Draft Delivery Program and Operational Plan for public exhibition, for a period of 28 days, from Wednesday 20<sup>th</sup> April 2016.**

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## OPTIONS

1. Council adopt the draft budget as presented and resolve to place it on public exhibition for 28 days.
2. Council recommend amendments to be made to the current draft budget and resolve to place the amended draft budget on exhibition for 28 days.
3. Council not adopt the draft budget as presented.

## DETAILS

### General Fund

Following are details of the key components and assumptions included in the Draft Budget for 2016/2017.

### Rates

The rate-pegging limit set by IPART for the 2016/2017 financial year is 1.8%. IPART determined that the Local Government Cost Index increased by 1.78% in the year to September 2015, reflecting the continuing low inflationary environment and modest rate of public sector wages growth since late 2012, however, this did not recognise the LG award increase of 2.8%, which had been in place for 2 years, in addition to any step increases due to be applied.

This rate peg has been applied across all properties equally within the Council area. However a change to the structure of the rating categories has been proposed. New ad valorem calculations have endeavoured to resolve historical inequities in the rating base. The new calculations have resulted in a flat ad valorem across all residential and business properties, with an additional special ad valorem being applied to all business categories to cover such costs as car parking, tourism and security, with a further special ad valorem applied to the Nowra CBD for revitalisation and continued improvements. These changes were similar to those recommended by KPMG in a review of Business Rates, which aimed to achieve equity, efficiency and policy consistency. The report suggested a general ad valorem for all business rate payers, with a user pay approach to additional costs associated with servicing business areas.

Given the Merger proposal for Shoalhaven and Kiama Councils the recommended Special Rate Variation Application for Verons Estate was not permitted, and may have to be deferred for a further 4 years if the Merger proposal goes ahead.

The Long Term Financial plan also has factored in a special rate increase of 7.5% for 2 consecutive years from 2017/18 and 2018/19, a cumulative total of 15%, over and above the rate peg. This has been factored in to fund the current service levels which Council provides. It is yet to be seen if this Special Rate Variation will be permitted under a merged Council, but if not will have a significant adverse effect on Councils Operating result. The amount proposed in the Fit for the Future application forecast a 2.5% rate peg increase in line with OLG recommendations. Given that the rate peg for 2016/17 is 1.8%, the forecast Special Rate Variation requested may need to be increased to cater for the lost revenue

from a lower rate peg. For next financial year alone the reduction in rates is \$413k, after 10 years this results in \$4.6m in lost revenue annually, if the rate peg remains at 1.8%.

A comparison of the rates levied on a typical residential property within the city in 2015/2016 to 2016/2017 is shown below.

	2015/2016	2016/2017	% Change
General Rates (\$217,000 Valuation)	\$990.72	\$1028.39	3.80%*
Domestic Waste Management Charge (120 litre)	\$306.00	\$315.00	2.94%
Storm Water Charge	\$25.00	\$25.00	0%
<b>Total Charges</b>	<b>\$1,321.72</b>	<b>\$1,368.39</b>	<b>3.50%</b>

\*\* Note the increase in general rates is greater than the 1.8% from rate peg due to the reallocation of the ad valorem rate across all categories

### Shoalhaven Water

The pricing path for residential water and sewer services proposed for the 2016/17 financial year is consistent with the current Delivery Program/Operational Plan as follows:

	2015/2016	2016/2017	% Change
Water Access	\$80.00	\$82.00	2.50%
Water Usage (NWC National Benchmark 200KL)	\$330.00	\$340.00	3.00%
Sewer Access	\$772.00	\$795.00	3.00%
<b>Total Charges</b>	<b>\$1,182.00</b>	<b>\$1,217.00</b>	<b>3.00%</b>

The water usage charges for large industrial accounts have historically been levied based on an agreement and as contained within previous DPOP (fees and charges). The charges for treated water are an inclining block tariff arrangement based on the monthly volume of water used and raw water is charged at a single tariff rate regardless of volume. These charges were subject to calculated CPI index rate increases applicable as at 31 March each year in accordance with the respective agreements.

The agreements expired and following the submission of a further extension to the arrangement and the closure of the Paper Mill, the single remaining large industrial user (Manildra) have not signed the ongoing agreement. On an annual basis taking into account the volume of water used to February 2016, the water usage charge equated to \$0.567 cents per kilolitre for treated water and \$0.297 cents per kilolitre for raw water.

It has been suggested that Council consider a path whereby this charge would reach parity with other customers. There would clearly be financial implications with a significant increase to the price of water for any customer with high volumetric requirements. It is suggested that further discussions be held with that industry and in light of any unsigned agreement, it is recommended that Industrial water usage charges for 2016/17 be increased by the same percentage (3.03%) to that being proposed above for residential customers.

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## Budget Assumptions

The preparation of the Draft Budget is based on the following assumptions:

On-Cost Salary and Wages	38.90%	
Salaries and Wages increase	2.80%	Award increase
Inflation	3.00%	Projected only in limited areas
Electricity Prices	5.00%	Projected
Electricity Prices – street lighting	2.25%	Projected
Interest on Investments	3.00%	Projected at 2.75%
Interest on Loans	3.50%	Projected
General Purpose rate increase	1.80%	
Water Access	2.50%	
Water Usage	3.03%	
Sewer Access	3.00%	
Sewer Usage	\$1.50 per kilolitre	
Fees and Charges	2.00%- 4.00%	

## Special Rates

There is a continuation of the Special Rate Variance of 4.6% from 2014/2015. The following projects are included in the draft budget, funded from these Special Rates:

DESCRIPTION	2016/17 ALLOCATION
Naval College Rd rehab	\$340,000
Coolangatta Road rehab	\$1,200,000
Sealing Agars Lane	\$300,000
Matron Porter Dr path	\$160,000
Jacobs Dr streetscape	\$401,614
Mollymook Beach path	\$65,000
TOTAL =	\$2,466,614

The Special Rate Variation works within the Jerberra Estate are due for completion in the first quarter of 2016/17. Special Rate Variations from 2005/06 for Jerberra, Nebraska and Veron's for Design and Rezoning are due to cease at the end of June 2016.

## Loan Program

The Draft General Fund Budget for 2016/2017 includes loan funding of \$9.096 million for some major capital works projects. This includes \$4.7m refinancing of a bullet loan taken out over a 3 year period to access better loan interest rates, and to provide flexibility to refinance at lower interest rates in 2016/17, which was in accordance with advice from Councils investment advisors.

Council's proposed General Fund Loan Program for the next three years is as follows:

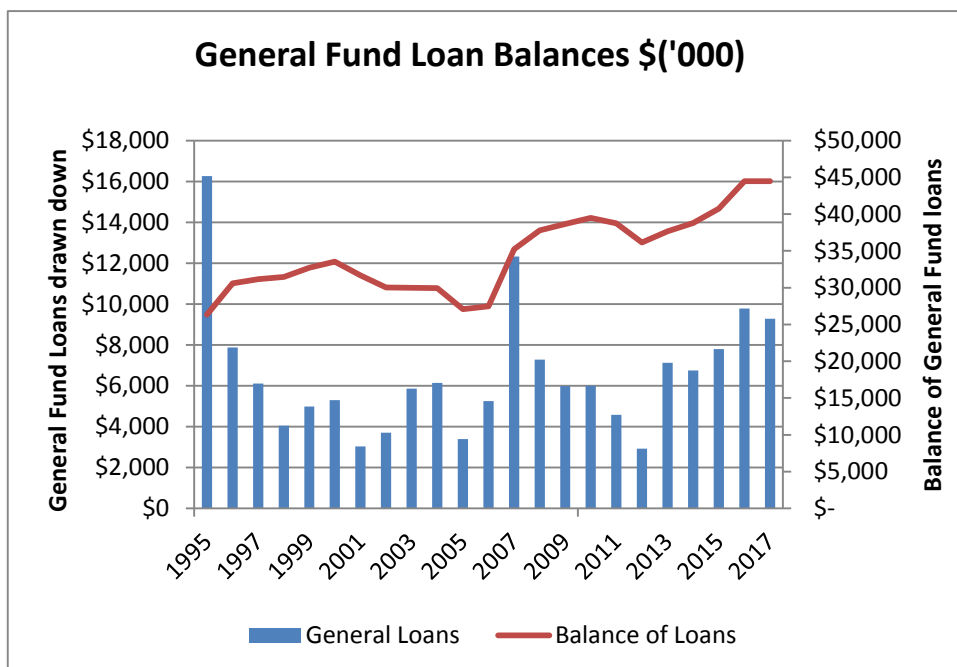
Projects	2016/17	2017/18	2018/19
Loan Refinancing*	\$ 4,727,441		
Jerberra Development**	\$ 2,700,000		
Verons Estate Development		\$ 1,900,000	
Holiday Parks Development	\$ 1,519,302	\$ 1,272,059	\$ 1,166,720
Swan Lake Renewal	\$ 150,000	\$ 190,000	\$ 350,000
Swan Lake Development		\$ 80,000	
North Nowra Link Road			\$ 4,597,677
Vincentia Community Library		\$ 521,144	\$ 3,097,146
Property Development General		\$ 2,000,000	\$ 1,500,000
Waste Management		\$ 6,000,000	
	<u>\$ 9,096,743</u>	<u>\$ 11,963,203</u>	<u>\$ 10,711,543</u>

Council's projected Loan Repayments (principal and interest at 3.5%) for future years are:

	General Fund \$'000	Water Fund \$'000	Sewer Fund \$'000
2016/17	11,522	7	6,081
2017/18	15,856	0	12,624

With the increase in loan funding for the REMS project over the next three years Council's Debt Service Ratio will be significantly impacted. This will be closely monitored and loans reforecast where necessary.

Total loan balances for General Fund are as below:



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### General Fund - Strategic Projects Reserve Strategy

It is proposed to transfer the whole of the dividend from Shoalhaven Water to the Strategic Project Reserve. Transfers to and from the Strategic Projects Reserve and the estimated balances are indicated below:

	<b>2016/17</b>
Estimated Opening balance	3,956,669
Transfers to Reserve	2,969,130
Transfers from Reserve	<u>2,313,284</u>
Closing Balance	<u>4,612,516</u>

It is envisaged that this funding will be utilised for strategic projects, namely Lake Conjola Boardwalk, Flinders Estate and Croziers Road Bridge Replacement.

It should be further noted that given the extensive capital works program for Shoalhaven Water's Sewer Fund in future years there will be no sewer dividend for 3 years from 2017/18.

### **Analysis of Capital Works Budgets**

#### General Fund

Capital Expenditure of \$47 million has been allocated in the Draft Budget. The total for 2016/2017 includes the following significant projects:

- \$3.6 million for Local Road Repair Programs
- \$3.3 million for Local Road Reseal
- \$1.2 million for Coolangatta Rd, Shoalhaven Heads
- \$2.1 million for Waste Plant Purchases

A number of large projects are funded by Government Grants as shown below:

Fire upgrade AATP	\$250,000
Matron Porter Drive, Milton	\$160,000
Turpentine Road (Stage 3)	\$400,000
Fire Stations (unallocated)	\$600,000
Grays Beach Reserve BLR	\$270,000
Woollamia Boat Ramp - portion	\$450,000
Ulladulla Harbour - portion	\$310,000

The following lists out those projects where funds have been allocated in the three major asset categories:

Growth Capital works total \$632,500 and are limited to the following:

Extend Chapel – Cremator	\$182,500
Vincentia Community Hub	\$150,000
Sussex Inlet Car Parking	\$300,000
Total	\$632,500



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Capital Works on New Assets totals \$20,757,486 and relates to the follow areas of Council:

Economic Development	2,220,000
Fire Protection & Emergency Services	600,000
Information Services	962,375
Parking Areas	100,000
Parks & Reserves	500,000
Roads and Transport	12,329,851
Shoalhaven Entertainment Centre	50,000
Tourist Parks	1,519,302
Tree Management	67,000
Waste Management	1,061,958
Waterways, Coastal & Floodplain	1,347,000
<b>Total New</b>	<b>20,757,486</b>

One of the Fit for the Future targets is the Building and Infrastructure Asset Renewal Ratio, which measures the total of spend on these assets in relation to the depreciation of these assets. Therefore this category receives the greatest focus to continue to renew Councils assets.

Council is budgeting to spend \$25,657,192 on renewal of assets in the areas shown below:

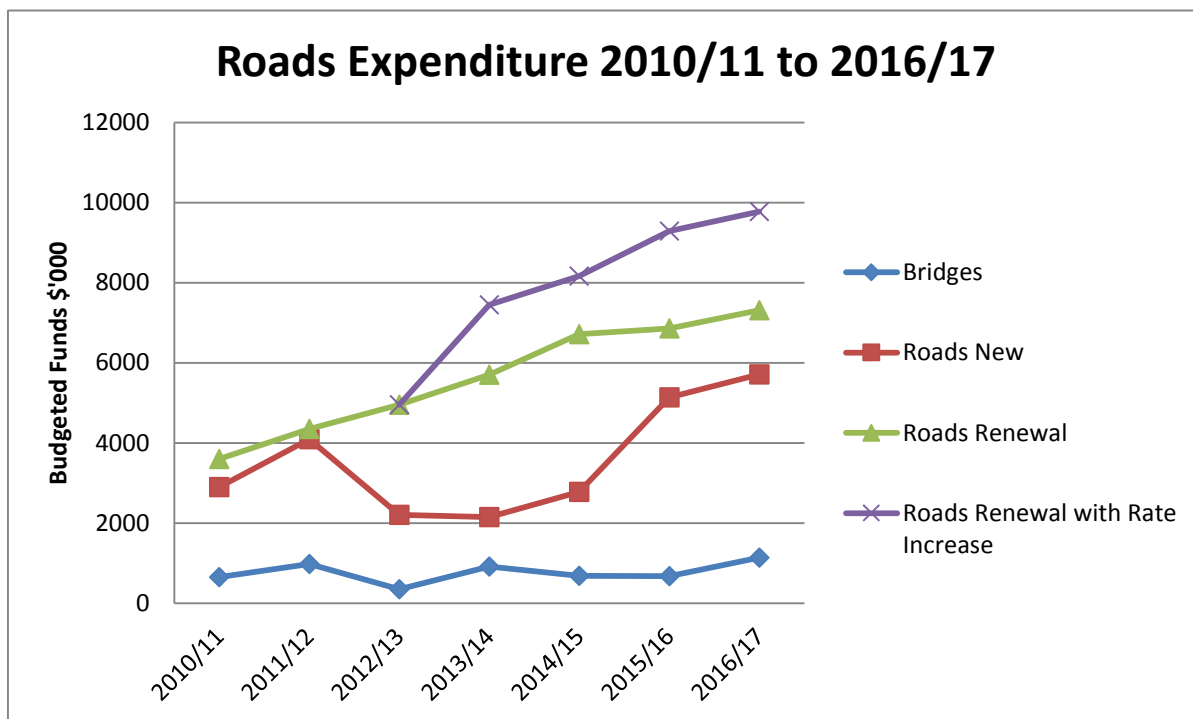
Admin Centres Operation & Management	52,000
Cemeteries	126,000
Communications	7,000
Environmental Services	7,000
Fleet Management	2,218,000
Information Services	271,000
Library	454,000
Management - Development & Environment	24,000
Management of Principal Activity	36,000
Mechanical Services	145,000
Parks & Reserves	386,000
Program Management	36,000
Property Unit	400,000
Public Amenities	120,000
Public Buildings	561,000
Roads and Transport	13,617,876
Strategic Planning and Infrastructure Management	24,000
Swim and Fitness	531,000
Tourist Parks	3,603,316
Tree Management	0
Waste Management	2,180,000
Waterways, Coastal & Floodplain	858,000
<b>Total Renewal</b>	<b>25,657,192</b>

\*NB – Roads and Transport includes Drainage, Pedestrian & Traffic facilities, Bridges

In an effort to provide additional funding for Council's roads network, the Roads and Transport Renewal budget has received significant increases year on year. These increases have been funded by reducing operating budgets; by setting operational savings

targets and by reducing capital works for new and growth projects. Further to this, for the Fit for the Future Application it factored in increased capital expenditure on renewal of assets in order to achieve “Fit for the Future Status”.

The following graph represents the growth in funding for road renewal works:



Specific details on what capital works are included in the budget can be found in the Draft Delivery Program / Operational Plan document – Park D – Capital Works Programs

Shoalhaven Water – Water and Sewer Fund

The water and sewer capital programs are dominated by the following major projects:

- REMS 1B – Nowra and Bomaderry treatment plant upgrade
- Porters Creek dam remediation
- Continuing watermain renewal works (minor and major construction panels including Lake Tabourie trunk main
- Ongoing sewer pump replacement program
- Sewer pump station emergency storages

The table below summarises the capital programs in the two funds.

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Shoalhaven Water – Water Fund

<b>Asset Renewal</b>	<b>2016/17</b>	<b>2017/18</b>
Chargeable Private Works	100,000	100,000
Other Asset Purchases	2,644,188	2,327,250
Renewal/Replacement Works	4,883,500	3,630,000
	<b>7,627,688</b>	<b>6,057,250</b>
<b>Asset Growth</b>		
New Works Growth	210,000	535,000
	<b>210,000</b>	<b>535,000</b>
<b>Asset New</b>		
New Works (Asset Enhancement)	13,613,500	3,550,000
	<b>13,613,500</b>	<b>3,550,000</b>
	<b>21,451,188</b>	<b>10,142,250</b>

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Shoalhaven Water – Sewerage Fund

<b>Asset Renewal</b>	<b>2016/17</b>	<b>2017/18</b>
Chargeable Private Works	50,000	50,000
Other Asset Purchases	996,000	1,195,000
Renewal/Replacement Works	971,000	600,000
	<b>2,017,000</b>	<b>1,845,000</b>
<b>Asset Growth</b>		
New Works Growth	8,355,000	6,870,000
	<b>8,355,000</b>	<b>6,870,000</b>
<b>Asset New</b>		
New Works (Asset Enhancement)	58,394,484	55,030,000
	<b>58,394,484</b>	<b>55,030,000</b>
	<b>68,766,484</b>	<b>63,745,000</b>

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General Fund Operating Budget

The General Fund Operating Budget has been prepared on the basis of transformation savings, however there have been some increases in staff to cater for increased activities or workload. The resultant Operating Result excluding capital Grants is (\$13,583k), when capital grants are included the net operating result is (\$57k).

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The Cashflow result is a deficit of \$2,132k, which has been significantly impacted by the following:

Emergency Services increases	- \$811k
Rate reductions	- \$448k
Interest Reduction	- \$387k

These additional costs and losses in revenue have impacted Council's result significantly.

#### Section 94 – Funding allocation

In an effort to free up funding, where deleted projects have a positive balance, funds will be allocated to the recoupment fund for Section 94 projects. For large balances of deleted projects the specific amendment or council resolution will be referred to where available

#### Plant Reserve Redistribution

The Plant Reserve currently operates with a balance of approximately \$3.5m, to cater for purchases of new plant and equipment. After a service review of the Fleet Unit it was recommended that this balance be reduced to \$1m. This was estimated to be an adequate balance given ongoing recoveries each year to cater for any "abnormal" purchases. Funds of \$1.8m from the reduction in the reserve are to be utilised to cater for capital works and some operational requirements.

#### Operational Savings Targets

Council has achieved permanent Operational Savings to date of \$6.1m annually, these have been factored in over the next 10 years and allocated predominantly against road repair and asset maintenance.

### **FINANCIAL IMPLICATIONS**

The Council's Operational Plan is a critical document that allocates funding towards works and services by Council to its community.

### **COMMUNITY ENGAGEMENT**

The Community receive an opportunity to make submissions to Council as part of the consultation period during the month of April/May 2016. As part of this consultation phase, 3 public meetings are scheduled to be held, firstly at the Vera Hatton Gallery, Jervis Bay Museum, Huskisson on Wednesday, 27<sup>th</sup> April 2016, Nowra School of Arts on Thursday, 28<sup>th</sup> April 2016 and Ulladulla Civic Centre Wednesday, 4<sup>th</sup> May 2016, all commencing at 7.00pm. All CCB's & Business Chambers have been notified of these meetings, and the community will be notified through advertising over the next few weeks.

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## **REPORT OF GENERAL MANAGER**

### **ORDINARY MEETING**

**TUESDAY, 19 APRIL 2016**

#### **ASSETS AND WORKS**

**40. Tender - Construction of Boat Ramp and Carpark - Sanctuary PointFile 52775E [Index](#)**

**SECTION MANAGER: Peter Knill**

This report is submitted directly to the Ordinary Council Meeting pursuant to Clause 3 of Council's "Acceptance of Tenders – Reports to Council" Policy, POL12/148.

**PURPOSE:**

To inform Council of the Tender process for the construction of the Sanctuary Point Boat Ramp & Car Park.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would if disclosed prejudice the commercial position of the person who supplied it, and will be considered under a separate confidential report to this Committee. It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

**RECOMMENDED that in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, Council consider a separate confidential report on this matter.**

**OPTIONS**

1. Council accept the recommendation as presented.
2. Council amend the recommendation.
3. Council not accept the recommendation, giving reasons and propose an alternative resolution.

**DETAILS**

Council called tenders for the construction of Sanctuary Point Boat Ramp and Carpark on 16 February 2016. Tenders closed at 10:00am on 15 March 2016 with four (4) tenders received in portal at the close of tenders, as shown below in alphabetical order. No late tenders have been received.

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<b>Tenderer</b>	<b>Location</b>
Clement Marine Construction	Annandale, NSW
Josa Constructions Pty Ltd	Penrith, NSW
Linkom Pty Ltd	Sanctuary Point & Ingleburn, NSW
TCL Contracting Pty Ltd	Greenwell Point, Shoalhaven NSW

Tenders were evaluated in accordance with Council's Tender Evaluation Policy with Evaluation Criteria established in the Tender Evaluation Plan, as follows:

- Total Cost to Council, including the Local Preference Policy
- Experience and expertise in nature of work
- Management ability, regarding programming, WHS, Environmental, Quality Systems and technical skills
- Resource capabilities to complete the works.

Further details on the Tender Evaluation are contained in the confidential report.

**FINANCIAL IMPLICATIONS:**

\$640,000 has been allocated for this project through State Government grant funds.

**COMMUNITY ENGAGEMENT:**

SCC has placed the plans of the proposed boat ramp, jetty and car park on the website (<http://shoalhaven.nsw.gov.au/My-Council/Current-Projects/Sanctuary-Point-Boat-Launching-Ramp>).

As part of the design investigations Council, along with the engineering consultant, held a community consultation day on the 3<sup>rd</sup> of May 2012. The day was advertised in the South Coast Register, Nowra News, Bay and Basin 92.7 FM community announcements (refer to TRIM D12/90774) and via letters sent to surrounding residents, owners, and the Basin Villages Forum, Vincentia Sailing Club, Sanctuary Point Sailboarders, Basin Lure and Fly Anglers Club, AHIMSA Sailing Club, Jervis Bay Cruising Yacht Club and the Sussex Inlet and Basin Yacht Club. The results of the community day were reported. The Regional boating plan was also publically advertised by the State Government including this site.

Signs were erected at the entrance to the site from Sanctuary Point Road and another at the boat ramp advising the public of the closure and reconstruction program in February, 2016.

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41. **Tender – Blackspot Construction of Road Shoulders – Sussex Inlet Road**

File 52803E [Index](#)

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**SECTION MANAGER: Peter Knill**

This report is submitted directly to the Ordinary Council Meeting pursuant to Clause 3 of Council's "Acceptance of Tenders – Reports to Council" Policy, POL12/148.

**PURPOSE:**

The purpose of this document is to inform Council of the Tender process for the construction of road shoulders and safety improvements on Sussex Inlet Road for 1.6 km.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would if disclosed prejudice the commercial position of the person who supplied it, and will be considered under a separate confidential report to this Committee. It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

**RECOMMENDED that in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, Council consider a separate confidential report on this matter.**

**OPTIONS**

1. Council accept the recommendation as presented.
2. Council amend the recommendation.
3. Council not accept the recommendation, giving reasons and propose an alternative resolution.

**DETAILS**

Council called tenders for the construction of road widening and guardrail at Sussex Inlet Road from Ch80 to Ch1620. Tenders closed on 18 March 2016 with two (2) tenders received in the tender portal at the close of tenders, as shown below in alphabetical order. No late tenders have been received.

<b>Tenderer</b>	<b>Location</b>
Cleary Brothers Pty Ltd	Bomaderry
Stefanutti Constructions Pty Ltd	Unanderra

Tenders were evaluated in accordance with Council's Tender Evaluation Policy with Evaluation Criteria established in the Tender Evaluation Plan, as follows:

- 
- Total Cost to Council, including the Local Preference Policy
  - Experience and expertise in nature of work
  - Management ability, regarding programming, WHS, Environmental, Quality Systems and technical skills
  - Resource capabilities to complete the works

Further details on the Tender Evaluation are contained in the confidential report

### **FINANCIAL IMPLICATIONS:**

This project is funded through the Federal Government Blackspot program and additional funding from Roads to Recovery.

### **COMMUNITY ENGAGEMENT:**

The CCB was advised of the planned improvement when the Blackspot applications were submitted. The Contractor will provide further advice throughout the project.

## **42. Tender – Blackspot Construction of Road Shoulders - The Springs Road, Swanhaven** **File 52805E [Index](#)**

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This report is submitted directly to the Ordinary Council Meeting pursuant to Clause 3 of Council's "Acceptance of Tenders – Reports to Council" Policy, POL12/148.

**SECTION MANAGER: Peter Knill**

### **PURPOSE:**

The purpose of this document is to inform Council of the Tender process for the Construction of The Springs Road, Swanhaven 420m North of Hoffman Drive.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would if disclosed prejudice the commercial position of the person who supplied it, and will be considered under a separate confidential report to this Committee. It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

**RECOMMENDED that in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, Council consider a separate confidential report on this matter.**

### **OPTIONS**

1. Council accept the recommendation as presented.



- 
2. Council amend the recommendation.
  3. Council not accept the recommendation, giving reasons and propose an alternative resolution.

## **DETAILS**

Council called tenders for the construction of The Springs Road, Swanhaven 420m north of Hoffman Drive. Tenders closed on 18 March 2016 with two (3) tenders received in the tender portal at the close of tenders, as shown below in alphabetical order. No late tenders have been received.

<b>Tenderer</b>	<b>Location</b>
<b>Cleary Brothers Pty Ltd</b>	Bomaderry
<b>ROADWORX Pty Ltd</b>	Unanderra
<b>Stefanutti Construction Pty Ltd</b>	Unanderra

**NOTE:** No late tenders were received and consequently no late tenders were considered for this project.

Tenders were evaluated in accordance with Council's Tender Evaluation Policy with Evaluation Criteria established in the Tender Evaluation Plan, as follows:

- Total Cost to Council, including the Local Preference Policy
- Experience and expertise in nature of work
- Management ability, regarding programming, WHS, Environmental, Quality Systems and technical skills
- Resource capabilities to complete the works

Further details on the Tender Evaluation are contained in the confidential report.

## **FINANCIAL IMPLICATIONS:**

Funding is being provided under the Federal Blackspot Program. For successful completion of this project, Roads to Recovery budget may be used.

## **COMMUNITY ENGAGEMENT:**

The CCB was advised of the planned improvement when the Blackspot applications were submitted. The Contractor will provide further advice throughout the project.

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43. **Memorandum of Advice – Car Park at Owen Street, Huskisson & Civic Centre Site  
Bridge Road, Nowra** File 35143E [Index](#)

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**SECTION MANAGER:** Michael Harben

In accordance with section 10A(2)(g) of the Local Government Act 1993 some information should remain confidential and will be considered as part of a separate confidential report to Council. It is not in the public interest to disclose this information as it contains “advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege”.

**PURPOSE:**

To advise Council of legal advice received in relation to the subject properties.

**RECOMMENDED that Council receive the Report of the General Manager (Assets & Works) on the Memorandum of Advice – Car Park at Owen Street, Huskisson & Civic Centre Site Bridge Road, Nowra.**

**OPTIONS**

1. Adopt the recommendation as written.
2. Provide further direction to staff and propose an alternative.

**DETAILS**

Council has been advised of an interest in acquiring the subject properties. At Council’s meeting of 15 March 2016 (MIN16.215) it was resolved:

*“That the consideration of this matter be deferred until Council is provided with a report outlining legal advice on the required processes and options for selling the land.”*

Legal advice been since been received by Council and will be considered as part of a separate confidential report to Council.

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#### 44. Tender – Shoulder widening - Lake Conjola Entrance Rd, Conjola Park

File 52807E [Index](#)

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##### **PURPOSE:**

The purpose of this document is to inform Council of the Tender process for The Lake Conjola Entrance Rd, Conjola Park.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would if disclosed prejudice the commercial position of the person who supplied it, and will be considered under a separate confidential report to this Committee. It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

**RECOMMENDED that in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, Council consider a separate confidential report on this matter.**

##### **OPTIONS**

1. Council accept the recommendation as presented.
2. Council amend the recommendation.- This is not applicable
3. Council not accept the recommendation, giving reasons and propose an alternative resolution.

##### **DETAILS**

Council called tenders for the construction of The Lake Conjola Entrance Rd, Conjola Park. Tenders closed on 17 Marc 2016 with one tender received in the tender portal at the close of tenders from Cleary Brothers. No late tenders have been received.

Tenders were evaluated in accordance with Council's Tender Evaluation Policy with Evaluation Criteria established in the Tender Evaluation Plan, as follows:

- Total Cost to Council, including the Local Preference Policy
- Experience and expertise in nature of work
- Management ability, regarding programming, WHS, Environmental, Quality Systems and technical skills
- Resource capabilities to complete the works

Further details on the Tender Evaluation are contained in the confidential report.

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## **FINANCIAL IMPLICATIONS**

This project is funded through the Federal Government Blackspot program and additional funding from Roads to Recovery.

## **COMMUNITY ENGAGEMENT:**

The CCB was advised previously when the Blackspot applications were submitted.

Mike Harben  
**ACTING DIRECTOR ASSETS AND WORKS**

Ben Stewart  
**ACTING GENERAL MANAGER**

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## **REPORT OF GENERAL MANAGER**

### **ORDINARY MEETING**

**TUESDAY, 19 APRIL 2016**

#### **PLANNING AND DEVELOPMENT**

45. **Draft Chapter S2 Badgee Urban Release Area, Shoalhaven Development Control Plan 2014 - Exhibition Outcomes** File 47610e [Index](#)
- 

**SECTION MANAGER: Gordon Clark.**

This matter is reported direct to Council to enable this long running matter to be resolved.

#### **PURPOSE:**

Detail the outcomes of the re-exhibition of draft Chapter S2 Badgee Urban Release Area, Shoalhaven Development Control Plan (DCP) 2014 (the draft Chapter).

#### **RECOMMENDED that Council:**

- a) **Adopt the draft Chapter S2 Badgee Urban Release Area for inclusion in the Shoalhaven Development Control Pan 2014, subject to the following changes:**
- i) **Insert Mandatory Control to Section 5.2 Subdivision and Staging as follows:**  
  
*Should a change in the staging plan be proposed, provision of infrastructure will be at the expense of the developer, including construction of the temporary Flood Free Access Road.*
  - ii) **Delete Mandatory Control C6 i. and ii. from Section 5.3 Flooding and Flood Free Access Road;**
  - iii) **Reword Mandatory Control C1 from Section 5.5 Biodiversity Conservation as follows:**  
  
*An Environmental Management Plan over the Central Precinct must be prepared in conjunction with the first stage of subdivision, prior to issue of the subdivision construction certificate. Refer to Section 6.1 for Environmental Management Plan requirements;*
  - iv) **Reword the requirement for a Tree and Vegetation Plan Under 6.2 Information required with subdivision applications as follows:**  
  
*A tree and vegetation plan showing significant individual trees such as Hollow Bearing Trees and Feed Trees which are to be retained within the Asset Protection Zones. Outside of the Asset Protection Zones, a more general plan may be provided showing areas where trees and vegetation are to be removed or retained.*

- 
- b) **Consider the construction of the proposed roundabout on Sussex Inlet Road as part of the assessment of the subsequent development application for subdivision.**
  - c) **Notify all submitters of this resolution and notify the adoption of the draft Chapter in accordance with the *Environmental Planning and Assessment Regulation 2000*.**

## **OPTIONS**

1. Support the recommendation - this is the preferred option. This will enable Chapter S2 to be finalised and subsequent development applications to be assessed and determined in accordance with its requirements.
2. Not support the recommendation and require additional work to be undertaken and detail added to the proposed Chapter to address issues raised in the submissions.
3. Provide alternative direction in this regard.

## **DETAILS**

The draft Chapter was re-exhibited from 24 February to 25 March 2016 (inclusive), having initially been exhibited in 2014.

The current draft Chapter includes the following updates:

- Changes outlined in Council resolution of 6 May 2014;
- Provision for roundabout at the intersection of Sussex Inlet Road and Golfcourse Way;
- Roundabout design considerations for safety and to minimise impacts on adjoining properties;
- Clarification of flood free access road requirements; and
- Updates to controls, layout and formatting to ensure consistency with Shoalhaven DCP 2014, remove duplicated controls and correct typographical errors. Note: The draft Chapter will be part of the overall Shoalhaven DCP 2014 and is no longer a standalone DCP.

## **Submissions**

A total of fourteen (14) community submissions were received in response to the re-exhibition. These included submissions from the Sussex Inlet & Districts Community Forum, Sussex Inlet District Chamber of Commerce and the Swan Lake Environment Protection Association. The issues raised were:

- Impact of roundabout on neighbouring properties;
- Concerns with roundabout concept not being a final detailed design plan;

- 
- Staging of development should be changed to allow the golf course to be developed as the first stage;
  - Concerns that Council was rushing the draft Chapter without adequate consideration of impacts, particularly in relation to the roundabout;
  - Desire to see the development go ahead quickly and golf course expanded to 18 holes; and
  - Issues around proposed controls for the staging of development, flood free access road, Environmental Management Plan, Tree and Vegetation Plan and asset protection zones (APZs).

# Comments in relation to the key issues are outlined below and a detailed summary of the submissions is at **Attachment "A"**. Copies of the actual submissions received will be available for review in the Councillor's Room prior to the meeting.

### **Proposed Roundabout - Impacts**

Concerns about the following potential impacts were raised:

- Safety of design;
- Aesthetics being of a high standard;
- Light and noise pollution; and
- Stormwater drainage.

Comment: Targeted consultation was undertaken with neighbouring landowners in relation to the roundabout proposed at the intersection of Golfcourse Way and Sussex Inlet Road prior to the draft Chapter proceeding to re-exhibition. This consultation informed the controls in the draft Chapter. The controls aim to ensure that potential impacts on adjoining properties are addressed in the detailed final design of the roundabout that will be part of the development application (DA) for the subsequent subdivision.

Safety – The relevant AUSTRROADS design guide states that roundabouts are the safest form of intersection control as numerous studies show there are fewer casualty crashes as speed levels are lower. The proposed roundabout is designed to require cars to slow to 60km/hr and trucks 40-50km/hr to negotiate the roundabout. The improvement in intersection safety, with reduced speed and turning lanes, will also allow adjoining property owners to safely turn into and out of their properties.

Noise - As speeds of vehicles are considerably lower at a well-designed roundabout, studies on sound pressure levels at roundabouts indicate that noise levels are lower than traffic travelling at 100km/hr which is the current speed limit in the vicinity.

Lighting - The lighting of the roundabout will be required to meet Australian Standards the detail of which will be addressed at the detailed design stage. Council does however have a desire to keep lighting to a minimum for ongoing maintenance reasons, whilst also ensuring it meets safety standards.

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No changes are recommended to the proposed DCP content/controls as a result of submissions, but the detailed aspects touched on above will need to be further considered as part of the development application.

*Proposed Roundabout - Detailed design*

The concerns raised about the lack of a final, detailed roundabout design (showing details of lighting, landscaping and drainage) in the draft Chapter are noted. However the DCP is a higher order document and it should guide the design of the intersection at the DA stage.

As noted above, the controls in the draft Chapter are designed to require a range of issues to be considered and addressed when a detailed design is prepared and submitted for assessment. In addition to the DCP controls, the roundabout will also need to go through a formal approval process with the Local Traffic Committee which includes representatives from Council and Roads and Maritime Services (RMS). The Local Traffic Committee will consider the design which is prepared against the DCP Chapter and relevant road design standards. This will occur as part of the development assessment process, after the Chapter is finalised.

Comment: No changes are recommended to the draft Chapter.

*Proposed Roundabout – Funding*

It has been suggested that as the roundabout will benefit more than just the development of Badgee, it should be funded by Section 94 contributions levied on development across Sussex Inlet.

Comment: The roundabout will eventually serve the broader community of Sussex Inlet once the Flood Free Access Road (FFAR) is open to all traffic. It is not known when this will occur as it is dependent on the speed at which development proceeds and will only occur when the Eastern Precinct is developed. Given that the developer has expressed a desire to develop the Western Precinct first, and has indicated that the housing market in Sussex Inlet is 'soft', this could be for 10+ years away. Additionally given that other directly benefitting development (e.g. existing Badgee area) is largely already fully developed there is likely to be limited contributing development.

Council has 3 options in this regard:

*Option 1 – Amend the Contributions Plan to include the roundabout.* Given that there is limited development potential in Sussex Inlet besides the Badgee URA, from a contributions point of view the other demand would only be generated by existing development and therefore need to be funded by Council. In order to amend the contributions plan to include the roundabout, analysis of traffic generation will be required to determine apportionment, and a detailed design and costings for the roundabout will need to be completed.

A draft plan will then need to be prepared, reported to Council and exhibited. This process would take approximately 6 months to complete. One disadvantage of including the roundabout in the contributions plan is that it could delay determination of SF10425 which has already been lodged. This is because it is expected the developer would be seeking a contributions credit for the cost of works undertaken to construct the roundabout, and it



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is not legally possible to enter into a works in kind agreement for works which are not in the contributions plan at the time of development consent.

*Option 2 – Enter into a Voluntary Planning Agreement (VPA) with the developer for the construction of the roundabout.* Entering into a VPA would enable the cost of the roundabout, as well as any contributions required under the current contributions plan, to be considered as part of the development assessment process. VPAs are considered to be a transparent way for Council to enter into infrastructure funding and provisions agreements with developers as they are also required to be publicly exhibited. The costs of preparing a VPA are borne by the developer. Again there is likely to be a delay created by the processes associated with a VPA.

*Option 3 – Require construction of a roundabout as a condition of development consent.* The developer has not previously expressed concerns about funding the roundabout. Requiring the developer to provide the roundabout in its entirety as part of the development application process is the simplest way to facilitate the outcome, but without doing a detailed demand analysis it is not possible to comment on the equity of this option.

However it is likely that even without the eventual FFAR through the development that a roundabout would be required to provide safe access to a subdivision of this size. As such this is still the favoured mechanism for achieving the roundabout.

### **Currency of information pertaining to flooding and bush fire conditions**

A submission raised concerns that the data on which the development of the Badgee URA was based is flawed as it is based on current conditions and not future scenarios under climate change. It further noted that the use of the term “flood free” is incorrect and misleading as no coastal area can be considered free of flood, rather that the probability of flooding may be lower. The submission also stated that the Southern Precinct is unsuitable for development due to bush fire and flood constraints.

Comment: The Badgee URA was based on the best available information/analysis at the time of rezoning in 2013, and this information was reviewed by both Council, independent consultants and relevant public authorities on flooding and bush fire such as the Office of Environment and Heritage (OEH) and the NSW Rural Fire Service (RFS). The comments are noted, but are outside the scope of the DCP.

### **Developer’s Submission**

A detailed submission was also received from Allen Price & Scarratts Pty Ltd on behalf of the proponent (Lucas Properties). The submission raised the following matters.

- *Flood Free Access Road (FFAR)*

The requirement to provide the temporary FFAR in the same location as the permanent FFAR is premature as detailed planning for the permanent alignment is yet to be done.

Comment: The intent of the controls relating to the alignment was to ensure that excessive vegetation clearing did not occur as a result of differing alignments for the temporary and permanent FFARs. This is because the FFAR traverses the Central Precinct which is zoned E2 and contains vegetation of high conservation value. Master plans showing the

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development of the whole Western Precinct which were submitted with SF10425 indicate some thought has been given to the final FFAR location. As a result it is therefore not unreasonable for the developer to provide a temporary FFAR in a location which is generally similar to that of the final alignment.

Concern also raised that the construction requirements for the FFAR were less onerous than what would be required by *Planning for Bush Fire Protection (PBP) 2006* and should be amended to be consistent.

Comment: On review it does appear that the proposed Mandatory Controls C6 i. and ii. do conflict in some instances with the PBP 2006 requirements for Access (2). For clarification it is recommended that C6 i. and ii. be deleted from the final DCP Chapter.

- *Staging of development*

This issue was also raised in other community submissions, on the basis that it was easier to market land adjacent to the golf course first. This issue was also raised in the previous exhibition, and no amendments were made to the plan on the basis that in terms of infrastructure provision, the Eastern Precinct was the logical first development stage. This is because the Eastern Precinct was able to be developed without significant augmentation to existing water and sewer infrastructure. At the time the draft Chapter was originally reported, the desire of the developer and others to see the land around the golf course developed first was noted, and it was acknowledged that a change to the staging could be considered but required infrastructure would need to be provided at the developer's cost.

Comment: Since the draft Chapter was first prepared, the developer has lodged a development application for subdivision of the land around the golf course in the Western Precinct. The exhibited draft Chapter does not prevent the Western Precinct from being developed first, and therefore no changes are proposed to the staging plan.

However, on review it appears that a previous control relating to staging and the provision of infrastructure has been inadvertently omitted from the exhibited draft Chapter. It is proposed to insert the following mandatory control into Section 5.2 Subdivision and Staging:

*Should a change in the staging plan be proposed, provision of infrastructure will be at the expense of the developer, including construction of the temporary Flood Free Access Road.*

- *Location of 'Hub'*

The developer's consultant has requested that the commercial hub be relocated to somewhere 'more central' in the Western Precinct.

Comment: The rationale for the location of the 'Hub' came out of the environmental study for the Badgee URA rezoning which provided for a potential centralised mixed use neighbourhood area that would be in reasonable walking or cycle distance from the Eastern Precinct and the existing Badgee area via the FFAR. It is therefore still considered appropriate that the hub remain in this location. As the land for the hub is not commercially zoned, it is considered that there is adequate flexibility for the hub to be provided elsewhere

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should this be warranted, although it would be desirable for it to be easily accessible from the Eastern Precinct.

- *Environmental Management Plan (EMP)*

Requests that the EMP be dealt with as a condition of consent, and only be prepared after the final route for the permanent FFAR has been determined. Contend that it is premature to prepare the EMP before the permanent FFAR route has been decided upon.

Comment: The development of the Western Precinct and temporary FFAR will still impact on vegetation in the Central Precinct, and therefore it is appropriate that an EMP be prepared at the first stage of subdivision, before the subdivision construction certificate is issued. For clarity, it is recommended that Section 5.5.3, Mandatory Control C1 be reworded as follows:

*An Environmental Management Plan (EMP) over the Central Precinct must be prepared in conjunction with the first stage of subdivision, prior to issue of the subdivision construction certificate. Refer to Section 6.1 for EMP requirements.*

- *Asset Protection Zones (APZs)*

Requests that the control relating to APZs be amended to enable clearing of E2 Environmental Conservation land for APZs where they cannot be accommodated within the R1 General Residential and RE2 Private Recreation zones.

Comment: Given that the E2 zoning has been applied to significant high conservation value vegetation, it is not appropriate to amend this control. APZs are generally considered to be incompatible with E2 zonings. Any variation to the proposed control can be considered on its merits at development application stage, subject to completion of flora and fauna analysis.

- *Tree and Vegetation Plan (TVP)*

The requirements for a TVP are overly onerous, and only significant individual trees such as hollow bearing trees and feed trees which are to be retained in APZs should be surveyed and mapped.

Comment: The intention of this control is to ensure that significant trees (hollow bearing and feed trees) are retained in APZs. For clarity it is recommended that the requirement be amended as follows:

*A tree and vegetation plan showing significant individual trees such as hollow bearing trees and feed trees which are to be retained within the asset protection zones (APZs). Outside of the APZs, a more general plan may be provided showing areas where trees and vegetation are to be removed or retained.*

## **FINANCIAL IMPLICATIONS:**

There are no direct financial implications as a result of this report. However, should Council resolve to contribute to the cost of providing the roundabout, there will be costs involved in

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preparing a contributions plan (but not a VPA, other than in staff time) as well as fund Council's share of the roundabout. If this option is pursued, more detailed work would first need to be undertaken and then be considered by Council.

### **COMMUNITY ENGAGEMENT:**

This is the second exhibition of the proposed DCP controls for the Badgee URA, and follows detailed consultation on the concept roundabout design with neighbouring landowners in the form of an on-site meeting as well as individual meetings facilitated by an independent person. This report recommends a number of changes to the draft Chapter as a result of submissions received. The most significant issue raised in the community submissions continues to be the proposed roundabout and its detailed design. This aspect will now require further careful consideration as part of the development application process and within the parameters established through the DCP exercise.

### **CONCLUSION:**

The finalisation of the Badgee DCP Chapter will enable applications for development within the URA to be considered and for development to commence. A number of changes are proposed to the draft Chapter as a result of submissions received during the exhibition. Subject to these changes, it is recommended that Council adopt the Chapter, and give the required legal notice of adoption and commencement in the local papers.

46. **Development Application - Demolition of existing structures, bulk earthworks, construction of a retail development, associated car parking, advertising signage, landscaping, new vehicle access points and works within the adjoining road reserve - Lot 7 DP 583795 Princes Highway and Lot 2 DP 655641 (No.320) Princes Highway, Bomaderry. Applicant/Owner: The Planning Group NSW / Fabcot Pty Ltd**  
File: DA14/2579-03 [Index](#)
- 

**SECTION MANAGER:** Cathy Bern.

### **PURPOSE:**

The development application (DA) due to public interest, issues associated with compliance with the Shoalhaven Local Environmental Plan 2014 and broader strategic planning implications is being reported for its consideration and determination.

Council should also note that a separate confidential report providing legal advice on this application has also been provided. That report is confidential pursuant to S10A(2)(g) of the Local Government Act 1993 given the need to maintain legal privilege.

### **# RECOMMENDED that the Council:**

- a) **In light of the existing strategic planning framework, not support the proposal and determine Development Application 14/2579 by way of refusal for the reasons as listed in Attachment 'A';**

- 
- b) **Resolve to undertake a review of the strategic planning framework as it applies to retail and business hierarchy in the northern Shoalhaven, in particular in the context of the Nowra Bomaderry Structure Plan. The review should consider feasible site(s) within existing centres for the development of an additional (full-line) supermarket space north of the Shoalhaven River. In addition, the review should also consider the zoning provisions within SLEP2014 and inclusion of primacy controls to preserve the adopted retail and business hierarchy identified;**
  - c) **As part of the retail and business hierarchy review affected landowners be consulted;**
  - d) **The applicant be advised that following the strategic review, Council may be prepared to further consider the subject application if the current proposal is found to be consistent with the adopted outcomes of the review and any proposed modifications to SLEP2014.**

## **OPTIONS**

1. Resolve to refuse the application (i.e. adopt the recommendations of this report). Refusing the application may lead to a Class 1 appeal and proceedings being commenced by the applicant in the Land and Environment Court; or
2. Resolve to approve the application subject to conditions (and seek an additional report from staff with draft conditions of consent). This is not recommended as a comprehensive assessment has indicated that approving the application may result in adverse impacts on the economic viability of the existing retail/business hierarchy of Bomaderry, North Bomaderry and the proposed retail centre of Cambewarra (Moss Vale Road). Such actions could also lead to a third party objector appeal. Councillors would need to give reasons, if this option is selected.
3. Resolve not to support the application at this time pending the outcome of the review of the strategic planning framework (ie. Business and Retail Hierarchy). This would mean that the determination of the application would be held in abeyance for some months. The outcome of the review cannot be foreshadowed and this would also mean that the applicant would not have a clear outcome at this stage. The applicant would have ability to lodge an appeal against this decision, based on the delay in determination.
4. Resolve to modify the recommendations and provide direction to staff.

## **DETAILS**

### **Proposal:**

The submitted DA seeks approval for (summary only):

- a) Site preparation, demolition and bulk earthworks;
- b) Construction of a building comprising a supermarket with a gross floor area (GFA) of 3,800m<sup>2</sup> and bulky goods tenancy with a GFA of 1,500m<sup>2</sup> (total GFA 5,300m<sup>2</sup>);

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- c) Changes to the existing vehicular access arrangements to both Cambewarra Road (two additional vehicular access and egress points including a new roundabout) and to the Princes Highway (including the construction of a slip lane);
  - d) Construction of a bus bay within the Cambewarra Road road reserve;
  - e) Car parking for 279 cars, 4 motorcycle spaces, 14 bicycle rails, 2 taxi spaces and one space for parking of a mini-bus;
  - f) Advertising signage;
  - g) Landscaping; and
  - h) Associated civil engineering works.

# Refer to **Attachment 'B'** for a copy of the development application plans.

### **Assessment Comments/Key Issues:**

A full assessment of the application having regard for the matters for consideration under Section 79(C) of the Environmental Planning and Assessment Act 1979 (EP&A Act) has been undertaken by TCG Planning (an independent planning consultancy appointed by Council). A copy of the assessment report, draft determination, plans and associated supporting documents are contained in **Attachment 'B'**.

As noted in the assessment report, there is a demonstrated need for additional supermarket floor space in the area north of the Shoalhaven River, and whilst a full-line supermarket in this highly accessible and central location on an arterial road will create employment and be of significant convenience for residents who will not have to travel to Nowra for some grocery items, there are some broader and fundamental issues of concern that have warranted a recommendation of refusal. These issues are:

- a) The development application's inconsistency with the objectives of the B5 Business Management Zone of the Shoalhaven Local Environmental Plan 2014 (SLEP 2014);
- b) The precedent for future similar applications in other B5-zoned land (including a significant area in South Nowra);
- c) The development application's inconsistency with the adopted retail hierarchy within the Nowra Bomaderry Structure Plan which informed the SLEP 2014; and
- d) The likely significant negative economic impacts and associated decline of some centres within Council's adopted centres hierarchy, that are likely to result from approving the subject development application.

### **LEGAL ADVICE**

Council's has obtained legal advice through Council's Legal Services Co-ordinator in relation to the development application. This advice has been provided to Council as a separate confidential report to ensure that legal privilege is maintained.

### **FINANCIAL IMPLICATIONS:**

Any decision that Council makes in relation to this application may be subject to challenge in the Land and Environment Court (L&E Court). A decision to refuse the application could be challenged by the applicant and an approval could potentially face a judicial review by

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third party objectors. These actions may have a financial impact on Council in that it may have to fund the defence of its decision if challenged.

## **COMMUNITY ENGAGEMENT:**

The DA was notified on three (3) separate occasions (i.e. each time the application was amended). Forty five (45) submissions were received during the first notification (including 5 in support), 927 signed form letters objecting to the development as well as a petition signed by 4,630 people (44 in support, the remainder in opposition). During the second notification seven (7) submissions were received and a further seven (7) submissions during the third notification, plus one thousand seven hundred and fifty seven (1,757) form letters of objection.

The applicant commissioned a survey during June 2015 (by Crosby Textor Research Strategies). The results were presented to the residents briefing meeting held at Council on 11 August 2015. In summary, the research was committed to identify and validate public opinion on the proposed Woolworths development in Bomaderry and survey 400 randomly selected residents in Wards 1 and 2.

### *Level of Support*

- Total support: 61%
- Total oppose: 29%
- Don't know/ No opinion: 11%

### *Research Summary*

- The current context in the Shoalhaven LGA highlights both roads and unemployment as key concerns for residents.
- This latter concern links intrinsically to the key benefits from the proposed development-the creation of jobs.
- There is relatively high awareness about the proposed development, which is indicatively higher amongst Bomaderry residents.
- Almost two thirds of those surveyed are in support for the development.

A more detailed discussion of Council's community engagement, including a discussion of comments made and issues raised in the submissions received, is contained in the Section 79C assessment attached to this report.

## **CONCLUSION**

As a result of a detailed assessment against relevant planning legislation, the proposal is recommended for refusal. The assessment undertaken acknowledges, subject to the imposition of conditions, **the site** is physically suitable for the proposed development and that the design (subject to some modifications) is considered acceptable.

The broader strategic planning implications of the proposed development (predominant supermarket component specifically) in this location however have resulted in a negative

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recommendation. Recommended reasons for refusal have been drafted and are provided in **Attachment 'A'** to this report.

The assessment also recognises the need for Council to review the existing business and retail centres hierarchy as outlined in the adopted Nowra Bomaderry Structure Plan.

Tim Fletcher  
**PLANNING & DEVELOPMENT SERVICES**

Ben Stewart  
**ACTING GENERAL MANAGER**



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**NOTICES OF MOTION**

**ORDINARY MEETING**

**TUESDAY, 19 APRIL, 2016**

**47. Clean Up Order – Culburra Beach Service Station**

**File ON2015/3839 [Index](#)**

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

**That Council order the immediate clean-up of the old service station site at the gateway to Culburra Beach and if necessary take legal action to ensure that work is done to both remove graffiti and secure the area.**

**Background:**

This site is an eyesore and has been a source of anxiety for the community for too long. It is an embarrassing landmark at the gateway of the city and looks a mess.

The site is also easily accessed by vandals who add to the problem. Council needs to take action to bring about a positive outcome for the community.

Signed  
Clr Tribe  
Clr Gash

**Note by General Manager:**

SafeWork NSW have inspected the site and are satisfied that the site has been rendered safe and the site has been secured.

Remediation Works are currently underway on the Service Station Site at Lot 1 DP 1159501 H/N 189 Prince Edward Ave Culburra Beach

The Clean-up Notice ref. ON2015/3989, was issued by Council's Environmental Services Section is still current and being acted on. Directions on the Notice included:

- Fence the perimeter, install pollution controls, investigation of the site to ascertain if there is any contamination
- Preparation of a site remedial action plan
- All underground fuel storage tanks must be abandoned and removed if no longer in use
- Provide copies of waste disposal receipts to Council
- Provide Council with verification that the site has been successfully remediated

It is understood that the property is in the process of being sold.

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The property owner has engaged the services of a suitably qualified environmental consultant who has carried out investigations in collaboration with SafeWork NSW.

A fresh Targeted Contamination Investigation Report by MEtech Consulting dated 8 March 2016 has now been submitted to Council.

The requirements of the above-mentioned clean-up notice have now been extended to 28 June 2016 in line with the requirements of the Improvement Notice issued by SafeWork NSW (ref. 7-282631-1). At which time it is expected that the site will have been remediated in accordance with EPA and Worksafe guidelines. A site validation certificate will then be issued to ensure the site is suitable for its intended use.

It is understood that buildings on the site will be repaired and graffiti painted over in the near future.

**48. Council to approach Gilmore election candidates to fund local infrastructure projects** **File 8324E [Index](#)**

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

**Shoalhaven City Council requests of Gilmore Federal Election candidates a commitment to fund the following projects and/or initiatives that will directly contribute to the economic development and employment of Shoalhaven residents:**

- 1. Princes Highway funding for Berry to Bomaderry (Stage 3)**
- 2. Replacement of the original Shoalhaven River bridge and associated road infrastructure improvements**
- 3. Funding for a North Nowra Link Road to reduce dependence on Illaroo Road and to increase the development potential of areas north of Nowra and the Taylors Lane and Moss Vale Road precincts**
- 4. Funding for the East Nowra Sub Arterial road to provide for efficient road transport through Nowra.**
- 5. Funding for a Milton bypass (planning, design and construction)**
- 6. Funding for the rejuvenation of the Nowra CBD**
- 7. Expansion of the community safety CCTV program in a form that alleviates the associated recurrent cost imposts on ratepayers**
- 8. Initiatives to expand the educational opportunities available locally for both vocational education and tertiary education through the UOW Shoalhaven Campus**
- 9. Restoration of Federal Assistance Grants to 2% of tax revenue**
- 10. Commitment to complete NBN roll out in the Shoalhaven by the end of the next term of Government**
- 11. Request of the Navy a review of access to local airfields for the purposes of tourism visitation to the region**

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**12. Legislate for mobile telecommunications providers to deliver basic service agreements in regional areas.**

**That Council facilitates a candidate's forum where public responses to these issues might be heard.**

Background:

With a Federal election closing in on us, it is important that Council represent the economic interests of our local community in using this opportunity to increase interest in key projects and initiatives.

This list is by no means exhaustive and seeks to cover many of the key infrastructure issues that impact on the employment and workforce participation of local residents. Some of these matters have even recently been advanced by Council at ALGA or LGNSW conferences.

The dominance of roads projects reflects the reliance our region has on road transport for both freight and urban transport needs with the former directly relevant to the funding priorities of the Australian Government.

Support for such a motion would indicate Council is fairly and transparently representing projects of merit on behalf of residents.

Signed  
Clr Guile

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**QUESTIONS ON NOTICE**

**ORDINARY MEETING**

**TUESDAY, 19 APRIL, 2016**

**49. “Thumbs Up” – Motor Sports Facility**

**File 42554E [Index](#)**

Can the General Manager please advise if Shoalhaven City Council supported financially or in kind the production of advertising material for the recent “Thumbs Up” for the motor sporting facility.

Submitted by Cllr Findley

**Response**

Enquiries have been made with all Groups of Council and I can confirm that Council did not support, financially or in kind, the production of advertising material for the recent “Thumbs Up” for the motor sporting facility.

**50. Bayswood Estate**

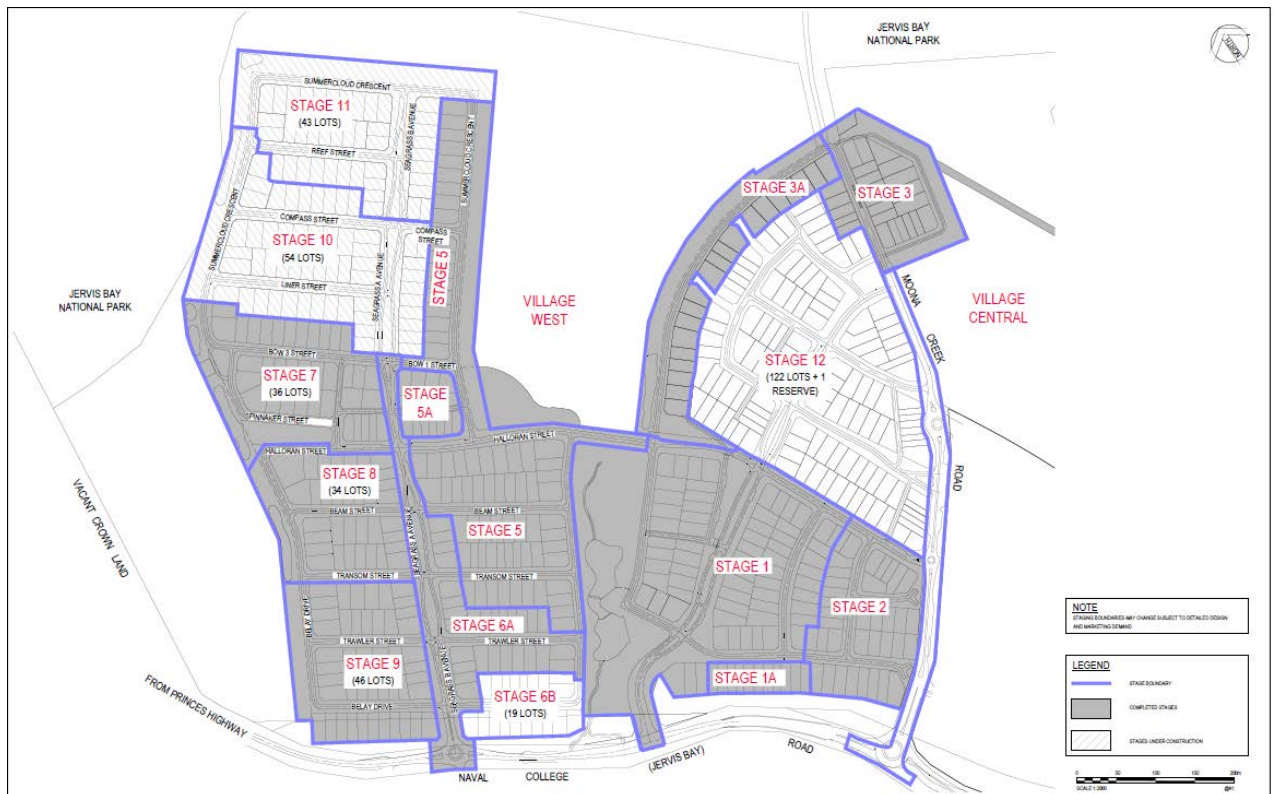
**File SF9786 [Index](#)**

**1. Area of responsibility.**

What parts of the estate are the responsibility of council & what parts Stockland remain responsible for. Can we please have a map of Bayswood stages 1 – 6 clearly showing exactly who is responsible for what?

**Response**

- Stages, 6B, 7,8,9,10,11 and 12 are the responsibility of Wakefield Ashurst.
- Previous stages were undertaken by Stocklands.
- The consent applies to the land.
- Council is not responsible for the ponds located in stage 1, at this stage.



## 2. The Ponds

When will the ponds be rehabilitated?

### Response

- Council has received the scope of works which was submitted to Council via email on 16 March 2016. The scope of works is to be completed as per the set of drawing and a revised verification plan was provided to Council via email on 13 April 2016. In summary, these works include (but are not limited to) cleaning out, planting, removal of self-seeded trees, pond trimming to match design levels, sediment removal, rock restoration, locate and review condition of pump and clean up at completion.
- Cardno advised that works would be commenced once agreement has been reached.
- Agreement has been reached 'in principle'. An email received on 13 April 2016 summarises that scope of works and contains advice upon formalisation of agreement, Cardno will procure the required works on Wakefield's behalf.
- Council emailed Cardno on 12 April 2016 to ascertain when certain works are to commence and when it can expect lodgement of a construction certificate for upstream works adjacent to Stage 6B and advice concerning the ponds. Advice provided on 13 April 2016 suggests that the CC for Stage 6B is forthcoming at the end of May. Stage 6B will impact on the ponds through sediment loss and in this regard Council only wants to take over the maintenance of the ponds once upstream catchments works are completed. The Stage 6B works and clean out of the ponds will be undertaken in a co-ordinated process. The scour protection will be superseded upon completion of the Stage 6B.

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- In addition to the works proposed for the ponds / park area, Cardno advises that the development proposes to complete maintenance at the inlet and outlet of the culverts under Halloran St to help improve water flow in the near future. Contractors are close to being engaged.

### **3. Drainage Issues**

The WSUD (Water sensitive urban design). Prolific reed growth has impeded water flow and swales have become choked with weeds. As Council recognised the stormwater system in the estate would need a higher level of maintenance than a normal system. When will this action be seen on the ground?

#### **Response**

- The ponds will be rehabilitated prior to handover. Upon receipt, Council has access to a one off payment, \$150,000 (via the State's consent) to assist with maintenance however it is conceded that WSUD is an imposition on Council's resources with respect to long term maintenance.

### **4. The Playground**

The playground also suffers from drainage issues. 5mm of rain turns it into a lake for a week. The sand is waterlogged and filthy. When will this situation be corrected? Is there anyway residents can assist Council by lobbying for grant funding?

#### **Response**

- Council is considering various options with respect to the playground and will consider this in conjunction with the rehabilitation works for the ponds. In the interim, Council is planning to 'top up' the sand around the play equipment but acknowledges that this will not address the design issues that are causing water to 'pond' in this location.
- Senior Council staff recently met (21st March) with a group of residents in the park area to discuss the condition of the park, including the play equipment, water 'ponding' and accessibility issues in light of a section being effectively closed off with a barrier due to water over a section of footpath. These issues, in addition to the concerns with respect to the playground, are being explored however it is expected the rehabilitation works will assist with the ponding issues.

### **5. General Overgrowth of Landscaped areas**

Road verges, corners, path side gardens, the Coaster Circuit shared pathway and the area behind the school bus bay are all heavily overgrown with weeds and thistles. Sightlines are impeded causing safety hazards for drivers, cyclists and pedestrians – not to mention the large number of youngsters on scooters, bikes and skateboards. In general the overgrowth is an eyesore, a fire hazard and a haven for rats, rabbits and snakes. When residents complain loud enough about a particular black spot some band-aid clearing is done, but within 3 months it has grown back thicker than ever. Is there any plan to bring this council controlled land back to an acceptable standard and to keep it at that standard on an ongoing basis?

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## Response

Council has scheduled works to address risk related issues with overgrown vegetation. This will generally include removal of vegetation that is blocking sight lines at intersections. Vegetation will be cut back or removed and exposed soil mulched to minimise regrowth. Some vegetation has already been removed and further works will progress over the next few months.

Vegetation management for aesthetic purposes is limited by available budgets.

## **6. Park care Group**

An interim park care group has been established in response to a Mayoral suggestion at the Vincentia High School community meeting held in Feb 2015. This group needs a solid starting platform from which to establish itself and become an effective community body. At the moment the job is way beyond a small group of community members using hand tools. What are council's plans for substantial rehabilitation of City Pacific Park and other Bayswood public areas to bring them to a standard that can be maintained by a community park care group?

## Response

Maintenance works over and above the current service level are unfunded.

## **7. Path to Leisure Centre**

There are three other issues with the path that need to be attended to at the same time:

- 1) The constant water over the entrance to the path from the Bayswood estate (another problem caused by the WSUD drainage issues)
- 2) The difficulty negotiating the locked gate at the Leisure Centre end of the path; very difficult for prams, strollers and bikes with kiddie trailers, especially after rain.
- 3) The state of the path between the Leisure Centre gate and the Shoalhaven Water pump station. This once relatively smooth piece of bitumen has been ripped to pieces by the machinery used to build the existing path and exacerbated by the water runoff caused by the construction of the new road into the Leisure Centre. Will these issues be addressed when the path reconstruction occurs?

## Response

The existing pathway entrance nearby the residential area has a dual purpose; being a driveway access for maintenance purpose as well as for pedestrians and cyclists. The driveway access was specifically designed noting there would be water overflowing the area.

The gates are locked to prevent vehicular access which is a significant concern given that the path could be compromised by unrestricted vehicles access and there is a sewer pump station nearby. There is ability to navigate around the gate.

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The construction standard path has been the subject of on-going and recent discussions. On 1 April there were discussions between Fabcot, Cardno (agents for both Stockland and Fabcot) and Council concerning upgrading the standard of construction. At that meeting it was agreed that there would be investigations concerning the potential costs for upgrading the path to a concrete standard. Negotiations are continuing with another discussion scheduled for 18 April 2016.

The section of path that connects with the Shoalhaven Water access is currently being investigated to construct to a bitumen standard. It is understood that Shoalhaven Water is in the process of allocating funds to undertake the work including raising the level of the access inclusive of incorporating a drainage diversion bank.



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## **CONFIDENTIAL BUSINESS PAPER AGENDA**

### **GENERAL MANAGER – COMMITTEES REPORT**

#### **STRATEGY AND ASSETS COMMITTEE – 12 APRIL 2016**

##### **1. Tender Shoalhaven Equestrian Centre of Excellence - Stage 1 Construction**

###### **Reason**

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

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

##### **2. Draft Shoalhaven Regional Sports & Community Precinct Master Plan – Notice to Affected Land Owners prior to Public Exhibition**

###### **Reason**

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

It is not in the public interest to disclose this information as it may prejudice the commercial position of Council in future negotiations.

##### **3. Holiday Haven Tourist Parks – Tender for the Management & Operation of the Huskisson White Sands Holiday Park**

###### **Reason**

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

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

##### **4. Natural Areas Tender: Maintenance, minor construction, asset auditing & risk assessments in Natural Areas**

###### **Reason**

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

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

##### **5. Tenders - Minor Mains Replacement Panel - Construction Package 4B**

###### **Reason**

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

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

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**6. Tender Report - Construction of proposed Workshop and Offices for Shoalhaven Water at Council's Ulladulla Depot**

**Reason**

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

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

**CORPORATE AND COMMUNITY SERVICES**

**7. Julix Pty Limited & Tagdime Pty Limited – Claim for Costs incurred in relation to remediation for the development of 70 Bridge Road Nowra**

**Reason**

Section 10A(2)(g) - Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**ASSETS AND WORKS**

**8. Confidential Tender – Blackspot Construction of Road Shoulders, The Springs Road, Swanhaven**

**Reason**

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

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

**9. Tender - Confidential Tender Update - Construction of Boat Ramp & Carpark - Sanctuary Point**

**Reason**

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

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

**10. Confidential Tender – Blackspot Construction of Road Shoulders - Sussex Inlet Road**

**Reason**

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

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

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**11. Tender – Shoulder widening - Lake Conjola Entrance Rd, Conjola Park**

**Reason**

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

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

**12. Memorandum of Advice – Car Park at Owen Street, Huskisson & Civic Centre Site Bridge Road, Nowra**

**Reason**

Section 10A(2)(g) - Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

**PLANNING AND DEVELOPMENT**

**13. Development Application - Demolition of existing structures, bulk earthworks, construction of a retail development, associated car parking, advertising signage, landscaping, new vehicle access points and works within the adjoining road reserve - Lot 7 DP 583795 Princes Highway and Lot 2 DP 655641 (No.320) Princes Highway, Bomaderry. Applicant/Owner: The Planning Group NSW / Fabcot Pty Ltd**

**Reason**

Section 10A(2)(g) - Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

It is not in the public interest to disclose this information as it may impact on the ability of Council to conduct appropriate legal proceedings.

Pursuant to Section 10A(4) the public will be invited to make representation to the Council meeting, before any part of the meeting is closed, as to whether that part of the meeting should be closed.

**ADDENDUM REPORT OF GENERAL MANAGER**

**ORDINARY MEETING**

**TUESDAY, 19 APRIL 2016**

**GENERAL MANAGER – COMMITTEES REPORT**

**COUNCIL BUSHCARE REPRESENTATIVES GROUP – 13 APRIL 2016**

**Planning & Development**

1. Five (5) Bushcare Group Action Plan - Review File 51838E
- 

RECOMMENDED that Council adopt the five (5) reviewed Bushcare Group Action Plans (2016) as follows:

- a) Kioloa Bushcare Action Plan – Review 2016
- b) Bens Walk Bushcare Action Plan – Review 2016
- c) Moeyan Hill Bushcare Action Plan – Review 2016
- d) Milton Rainforest Bushcare Action Plan – Review 2016
- e) Barfleur Beach, Plantation Point and Stuart King Reserve Bushcare Action Plan – Review 2016

B Stewart  
**ACTING GENERAL MANAGER**

**ADDENDUM REPORT OF GENERAL MANAGER**

**ORDINARY MEETING**

**TUESDAY, 19 APRIL 2016**

**CORPORATE AND COMMUNITY SERVICES**

1. **Local Government Conference – 2016 National General Assembly of Local Government – Proposed Motions** **File 1007E**
- 

**SECTION MANAGER:** Melissa McCoy.

**PURPOSE:**

This report details Council's proposed Motions to be submitted to the Australian Local Government Association – 2016 National General Assembly scheduled for 19-22 June 2016 at the National Convention Centre in Canberra. Motions are required to be submitted by 28 April 2016.

**RECOMMENDED that Council endorse the four (4) Motions as detailed in this report for submission to the Australian Local Government Association – 2016 National Assembly.**

**OPTIONS**

1. As per the recommendation
2. Alternate suggested Notices of Motion be presented for consideration

**DETAILS**

A report was submitted to Council's Strategy and Assets Committee on 12 April 2016 which recommended in part f) *Call for a Councillor Briefing to be convened to consider Notices of Motion for the Australian Local Government Association National General Assembly.*

A Councillor Briefing was held Thursday 14 April 2016 to discuss draft Motions for submission.

Four (4) motions proposed for submission arising from that briefing are as follows:

### **MOTION 1**

That the Australian Local Government Association support the position of the Australian Coastal Councils Association and call on the Federal Government to implement a coordinated national approach to Coastal Management.

#### **Why is this a national issue and why should it be debated at the Assembly?**

This is an issue which relates to all coastal zones across the nation.

#### **Summary of Key arguments:**

At the current time in each of the Australian States and Territories, different modelling, mapping, policy and approaches to funding are applied to Coastal Management. A national and robust approach is required to ensure consistency across the nation with respect to the management of our important coastal zones.

### **MOTION 2:**

That the Australian Local Government Association calls on the Federal Government to allow Local Government agencies to apply for funding under the Clean Energy Innovation Fund.

#### **Why is this a national issue and why should it be debated at the Assembly?**

The Clean Energy Information fund was established by the Federal Government to promote innovation, economic opportunity and to protect the environment across the Nation. The exclusion of Local Government project funding limits the scope of the fund to achieve those aims.

#### **Summary of Key Arguments:**

The budget restrictions of Local Councils limit the ability for innovation and application of clean technologies for larger projects. Should Councils have this funding available they would be in a position to invest in renewable technologies; increase the sustainability of their assets and assist in increasing the development, demonstration and deployment of innovation in renewable technology in Australia.

### **MOTION 3:**

That the Australian Local Government Association calls on the Federal Government to adopt a consistent Australian wide approach to determine infrastructure deficiencies and funding priorities on key local freight routes, in particular the first and last mile.

#### **Why is this a national issue and why should it be debated at the Assembly?**

Moving freight requires Federal Government funding to resolve first and last mile issues, but it requires a consistent approach to identifying access priorities. Upgrading state-controlled roads may not provide maximum benefit if local road limits prevent complete journeys in High Productivity Vehicles. Adjoining local roads must allow the same vehicle limits to operate between origins and destinations.

**Summary of Key Arguments:** There are economic benefits from expanded access for high productivity vehicles. Local Councils have limited ability to undertake route and deficiency assessment on aspects such as bridge strength, pavement strength and intersections. The Federal government investment needs to be influenced and based on an Australian wide infrastructure focussed plan to improve productivity.

**MOTION 4:**

That the Australian Local Government Association calls on the Federal Government to reduce the duplication between the Commonwealth and State Governments with respect to Environmental Approvals.

**Why is this a national issue and why should it be debated at the Assembly?**

Dual environmental approvals under both State and Federal legislation have a very significant impact on the time and costs involved in securing planning approval for major development projects that have the potential to provide substantial economic and social benefits to local communities. This issue affects all states and territories and should be a key focus of the Federal Government in their attempts to cut unnecessary delays and costs in facilitating the establishment of major projects throughout the country.

**Summary of Key Arguments:**

Necessary environmental approvals need to be rationalised so that they occur through a single 'one stop' process, where appropriate levels of assessment are undertaken in a single efficient process that avoids very costly and time consuming duplicative requirements under different but related pieces of legislation.

Craig Milburn

**DIRECTOR CORPORATE & COMMUNITY SERVICES**

R.D Pigg

**GENERAL MANAGER**

**ADDENDUM REPORT OF GENERAL MANAGER**

**ORDINARY MEETING**

**TUESDAY, 19 APRIL 2016**

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B Stewart  
**ACTING GENERAL MANAGER**



**ADDENDUM REPORT OF GENERAL MANAGER**

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**TUESDAY, 19 APRIL 2016**

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**DETAILS**

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#### **Summary of Key Arguments:**

The budget restrictions of Local Councils limit the ability for innovation and application of clean technologies for larger projects. Should Councils have this funding available they would be in a position to invest in renewable technologies; increase the sustainability of their assets and assist in increasing the development, demonstration and deployment of innovation in renewable technology in Australia.

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**Summary of Key Arguments:**

Necessary environmental approvals need to be rationalised so that they occur through a single 'one stop' process, where appropriate levels of assessment are undertaken in a single efficient process that avoids very costly and time consuming duplicative requirements under different but related pieces of legislation.

Craig Milburn

**DIRECTOR CORPORATE & COMMUNITY SERVICES**

R.D Pigg

**GENERAL MANAGER**

**ADDENDUM REPORT OF GENERAL MANAGER**

**ORDINARY MEETING**

**TUESDAY, 19 APRIL 2016**

**GENERAL MANAGER**

1. **Supply of Electricity to Lot 115 Flinders Road, South Nowra** **File 1998E**
- 

**SECTION MANAGER:** Greg Pullen

**PURPOSE:**

This report is submitted to provide Council with an update on negotiations with Endeavour Energy (EE) to have low voltage (LV) electricity supplied to an industrial lot created and sold in the mid 1980s in Flinders Road at South Nowra.

**RECOMMENDED that Council awaits the determination by Endeavour Energy to make a low voltage electricity supply available to Lot 115 Flinders Road at South Nowra.**

**OPTIONS**

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

**DETAILS**

**Background**

This matter relates to a subdivision of industrial land at the corner of Flinders Road and Norfolk Avenue, South Nowra in 1986 owned at the time by the NSW Ministerial Corporation for Industry and Decentralisation (60%) and Shoalhaven City Council (40%). Council acted as developer on behalf of the Minister in all subdivisional dealings.

The most recent owner has applied for a low voltage supply and Endeavour Energy has indicated that the capital works to supply this electricity are to be borne by him. Council has been assisting this landowner and his consultants to resolve the matter.

**The facts**

The predecessor lots (Lots 12 & 13 DP 733151) were part of a 10 lot subdivision registered on 13/5/1986 under the subdivision consent 3960.

On 18 November 1986 the Deposited Plan 738256 was registered as a result of a Council subdivision process (File 3960)

The relevant files relating to this matter in 1985-87 have been destroyed both by this Council and by Illawarra County Council or its successors.



A brief history of each of the 4 lots appears below:

- Lot 114 - Sold by SCC in 1986-7 with initial DA88/1477 approved on 27/5/1988 with BA88/1957 approved 13/9/1988 [NOTE - Factory built & occupied].
- Lot 113 - Sold by SCC in 1986-7 with initial DA92/4510 approved on 15/10/1992. Council records show approvals to occupy in late 1993 [NOTE - Factory built & occupied].
- Lot 112 - Sold by SCC in 1999 with initial DA08/1565 approved on 17/6/2008 but no building [Note - no water meter as at 3/2016].
- Lot 115 - Sold by SCC in 1989 with initial DA90/1059 approved on 22/3/1990 but no building [Note - no water meter as at 3/2016].

Council records show, in the report to Council seeking landowner's approval to subdivide Lots 12 & 13 into 4 lots, that Illawarra County Council (ICC) had sought a contribution of \$3,000 towards the capital cost of undertaking high voltage (HV) electricity reticulation for the proposal, as was the practice at that time.

The Electricity supply was paid for by this Council to ICC in 1985/6, the practice was that the ICC could construct or defer construction until supply connection was made by an applicant. Council staff believe in this case the reticulation was done at the time.

Various pieces of correspondence in the 1980s and 1990s from Illawarra County Council and Integral Energy indicate that:

- *....you (SCC) are advised that Council (ICC) extend its existing overhead high voltage mains as shown on plan... thereby making high voltage available to lots ..... These works are subject to payment .....*
- ***“Low voltage supply will be installed throughout the subdivision on the proposed line route at our cost in accordance with Illawarra Electricity’s policies and further extension into any extension into any of the lots or on site substations will be at the prospective consumer’s expense.”***
- *“the subdivider will be required to carry out, at his expense, any timber clearing necessary to provide supply to the subdivision and this work.....”*
- ***“Council (ICC) will not commence construction works until the appropriate Capital Contribution amount has been paid....”***

- *“However, Council (ICC) may decide not to install the electricity reticulation until there is evidence of building construction within the subdivision.”*
- *“Finally, to arrange connection of electricity supply to individual allotments within the subdivision, each prospective customer is required to contact ICC’s Nowra office.....concerning payment of the Supply Fee, which is currently one hundred and thirty-five dollars (\$135).....”*

These extracts are taken from a letter from ICC (signed by the General Manager, Mr Greentree per Mr A Hamilton) to Council as developer, for a subsequent stage of the Flinders Industrial Estate in 1990. It is held that a similar letter would have issued from ICC in 1985-6 for subdivision 3960.

Council has asked of Endeavour Energy (EE):

- How were Lots 113 & 114 connected to the low voltage supply? And given this, was not the work and Capital Contribution paid for the subdivision to ICC by Shoalhaven Council?
- With regard to LV, it would appear that ICC was to provide this reticulation at no cost to the subdivider? Based on the fact that the HV is reticulated to all 4 lots, then the Capital Contribution must have been paid by Shoalhaven Council.
- Why now does EE hold that the owner/developer of the lot, should now pay once again?

Council’s Economic Development Manager believes that Shoalhaven Council, as developer, has complied with the electricity supply requirements for the subdivision - HV is in place and 2 of the 4 properties are connected with a LV supply.

Council contends that the Capital Contribution payment cannot be proven to have been made, either at this end or by the electricity supplier, but the HV works would not have been undertaken by ICC unless it had been paid and these reticulation works are in place at the site and have been since the 1990s at least.

Shoalhaven Council believes that it was the responsibility of the electricity provider to make LV supply available to all lots in this subdivision in accordance with the Illawarra Electricity (or ICC) policy that applied at the time of the subdivision. Shoalhaven Council also holds that EE needs to abide by the “policy for LV reticulation” that applied at the time.

EE has been requested to please liaise with the owner of the lot, or his representatives, to arrange supply. Council believes that the owner has applied for an electricity connection but that may have been refused by EE based on a misunderstanding of the circumstances of supply that applied in 1986.

EE initially replied to Council indicating that Council would need to undertake the design and capital works. In a more recent reply, the line has softened and the Network Connection group is looking into the matter which indicates to staff that EE are considering that they have the responsibility to supply.

Discussions are currently active with EE and the substantiation of payment appears to be the current sticking point.

**FINANCIAL IMPLICATIONS:**

Council staff firmly believe that the electricity supply responsibility for the subdivision to create Deposited Plan 738256 has been met many years ago.

The estimate to connect LV supply to the lot is \$45,000.

The original sale price in 1986 was \$25,000 (of which Council's share was \$10,000).

EE are aware of the circumstances and acknowledge that the practices in the 1980s were as indicated above.

Council should await a determination by EE before taking any further action.

**COMMUNITY ENGAGEMENT:**

The owner of the lot has been working on gaining Development Consent which was issued in November 2015. The Construction Certificate has not yet been determined.

The lot owner is aware that "builder's power" is not guaranteed for construction. The consultants for the owner are also aware of Council's position and the negotiations with EE.

R.D Pigg  
**GENERAL MANAGER**

**ADDENDUM REPORT OF GENERAL MANAGER**

**ORDINARY MEETING**

**TUESDAY, 19 APRIL 2016**

**ASSETS AND WORKS**

1. **Outcome of Advertising Intention to Sell – Mundamia and Visitors Information Centre / Graham Lodge** **File 52522E, 35343E**
- 

**SECTION MANAGER:** Michael Harben

**PURPOSE:**

To advise Council of the submissions received as a result of the public notice of Council's intention to sell the subject properties.

**RECOMMENDED that Council receive the Report of the General Manager (Assets & Works) on the Outcome of Advertising Intention to Sell – Mundamia and Visitors Information Centre/Graham Lodge for information and proceed with the sale by public auction of both properties.**

**OPTIONS**

1. Resolve as recommended.
2. Not resolve as recommended. Provide further direction to staff and propose an alternative.

**DETAILS**

At the Ordinary Council Meeting of 15 March 2016 Council resolved (MIN16.216 & MIN16.217) as follows:

**216. Unsolicited Offer to Purchase Council Land - Mundamia File 53022E, 35343E**

*That Council resolve to:*

- a) *Advertise its intention to sell the property at George Evans Road Mundamia comprised in Lot 1 DP 1021332 in accordance with Council's Property Process P033 and subject to no objections being received, offer the property for sale by public auction and that the General Manager be authorised to set a reserve price in accordance with valuation advice;*



- b) *Fund all costs associated with the sale from Job Number 28616 and the net income from the sale be placed in the Strategic Property Acquisition Reserve; and*
- c) *Authority be granted to affix the Common Seal of Council to any documents required to be sealed in this matter and that the General Manager be authorised to sign any documents necessary to give effect to this resolution.*

217. *Council Property Assets – Visitor Information Centre, Graham Lodge and the Civic Centre Site* *File 53026E, 52522E, 52523E*

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*That Council resolve to:*

- a) *Defer the consideration of the Civic Centre Site until the receipt of legal advice*
- b) *Advertise its intention to sell the Visitor Information Centre property, including Graham Lodge, at Pleasant Way and Hawthorne Avenue Nowra comprised in Lot 1 DP 1010062 in accordance with Council's Property Process P033 and subject to no objections being received, offer the property for sale by public auction and that the General Manager be authorised to set a reserve price in accordance with valuation advice;*
- c) *Fund all costs associated with the sale in (b) from Job Number 28616 and the net income from the sale be placed in the Strategic Property Acquisition Reserve;*
- d) *Grant authority to affix the Common Seal of Council to any documents required to be sealed in this matter and that the General Manager be authorised to sign any documents necessary to give effect to this resolution; and*
- e) *Investigate the relocation of the Iroquois helicopter tribute to the Royal Australian Navy which is currently located at the intersection of the Princes Highway and Pleasant Way and provide a further report to Council.*

Accordingly, Council's intention to sell was advertised in the South Coast Register on 6 April 2016 with submissions closing at 5.00pm on 18 April 2016.

One (1) submission was received during the submission period as follows:

***Mundamia - Nowra Local Aboriginal Land Council (NLALC)***

The key points of the submission (which can be found within the Councillors Information Folder) relate to the possibility of a joint development of the land between Council and the Nowra Local Aboriginal Land Council. Benefits outlined detail the possibility of increased employment opportunities in all aspects of property development e.g. traffic management, heavy machinery operators, form work, concreting, building, landscaping and real estate.

The submission refers to the former concept that Council had developed in 2009 and discussed with NLALC at this time. The development proposal was detailed within the report to Council of 15 March 2016. The development application did not proceed, however

NLALC are seeking to revitalise the matter and have indicated that they are willing to work with Council in the development of the land.

***Mundamia & VIC/Graham Lodge - Commercial in Confidence***

# An unsolicited offer was received on each property from what can be regarded as a prospective purchaser with the letters supporting the sale of both properties (refer to Attachments A & B which are contained within the Confidential Attachments Folder due to requirement for confidentiality). These were not considered to be formal submissions. The support is provided with an apparent suggestion that Council deal directly with the prospective purchaser. This is not recommended as Council should adhere to the Independent Commission Against Corruption (ICAC) Guidelines of 2006. The examples where direct negotiation may be appropriate do not include the current situation.

After careful review of the submission received, it is not considered that an amendment to MIN16.216 & MIN16.217 is warranted.

The sale of the Mundamia land by Council does not prevent the NLALC from dealing with a private developer and securing the same benefits outlined within their submission.

**FINANCIAL IMPLICATIONS:**

The sale of these properties would generate income to improve Council's financial sustainability.

As outlined in the 15 March 2016 report, the likelihood of a positive return on investment is only "marginal" as advised by Walsh & Monaghan in valuation advice received in 2012.

Fee proposals, marketing appraisals and strategies have been sought from Real Estate Agencies for the sale of Mundamia. Once received, the documents will be assessed and the most appropriate agent appointed.

**COMMUNITY ENGAGEMENT:**

In accordance with Council's Development and/or Disposal of Council Lands Policy POL12/275, Council's intention to sell the subject properties was advertised in the South Coast Register on 6 April 2016. Notice was also placed on Council's Public Exhibition page of the website. The notice provided for a submission period of 12 days in which the public could make a submission or objection to the proposal.

B. Stewart  
**DIRECTOR, ASSETS & WORKS**

R.D Pigg  
**GENERAL MANAGER**