

SHOALHAVEN CITY COUNCIL
ORDINARY MEETING

To be held on Tuesday, 24 May, 2016
Commencing at 4.00 pm

18 May, 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 Ulladulla Civic Centre on Tuesday, 24 May, 2016 commencing at 4.00 pm** for consideration of the following business.

R D Pigg
General Manager

Membership
All Councillors

BUSINESS OF MEETING

1. **Opening Prayer** - Rev Frank Gee – Ulladulla Anglican Church
2. **Acknowledgement of Traditional Custodians**
3. **Australian National Anthem**
4. **Apologies/Leave of Absence**
5. **Confirmation of Minutes**
Ordinary Meeting – 19 April, 2016
6. **Declarations of Interest**
7. **Petitions and Presentations**
8. **Mayoral Minute**
9. **Deputations**
10. **Report of the General Manager – Committees Report**
Report of the Strategy and Assets Committee – 10 May, 2016
Report of the Aboriginal Advisory Committee – 9 May, 2016
Report of the Shoalhaven Arts Board – 12 May, 2016
11. **Report of the Shoalhaven Traffic Committee – 10 May, 2016**
12. **Report of the General Manager**
Corporate and Community Services
Assets and Works
Planning and Development
Shoalhaven Water
13. **Notices of Motion and Questions on Notice**
14. **Addendum Reports**
15. **Confidential Report of the General Manager**
Report of the Strategy and Assets Committee - 10 May, 2016
Assets and Works
Shoalhaven Water

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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MAYORAL MINUTE
ORDINARY MEETING
TUESDAY, 24 MAY 2016

1. Local Council Elections **File 50512E**

RECOMMENDED that Council receive the report for information

DETAILS

A letter to me from Minister Toole's office has been received confirming that the Local Government Elections will be held on 10 September 2016 (Attachment A).

2. Signage for Nowra Private Hospital **File 4050e**

RECOMMENDED that Council endorse a letter to the Traffic Committee regarding inadequate signage for Nowra Private Hospital

DETAILS

At a recent meeting of the Shoalhaven Business Forum, the Nowra Private Hospital CEO, Kate Jerome, approached me regarding the inadequate signage for the hospital, one sign is required on Hillcrest Avenue and the other on McKay Street, both on the Princes Highway. Ms Jerome has been continually advised that a larger sign is unable to be fixed. Many complaints have been received as it is extremely difficult to find. This should be corrected as a service to the public.

3. Illegal Dumping Program **File 51412E**

RECOMMENDED that Council receive the report for information.

DETAILS

Congratulations to Mick Jarman, Rangers Unit Leader and his team, in particular rangers Phil McNeice and Ian Hamilton who through EPA funding have been employed on a three day a week arrangement obtaining results for the EPA, Shoalhaven City Council and the general public tackling illegal dumping and litter head on.

Approximately 70% of all rubbish & littering incidents reported/investigated by RiD Rangers were self-observed, i.e. found whilst patrolling.

The RiD Rangers (over 18 months) investigated 833 rubbish/littering matters, issued 107 penalty infringements, 30 POEO Act 1997 Enforcement Notices and the Value of Penalty Infringement issued totalled \$113,544.00.

RECOMMENDED that Council receive the report for information.

DETAILS

Over the past month I have attended the following events:

- Breastfeeding venues in the Shoalhaven
- Shoalhaven Business Chamber Business After Hours - First Birthday Quest Nowra
- ANZAC Day services at Bolong, Bomaderry, Huskisson & St Johns
- ANZAC Day Board of Directors Function at Shoalhaven Ex-Servos
- LEAF in Nowra Grand Opening
- Afternoon Tea with Minister Sussan Ley & Ann Sudmalis MP
- Public Briefings regarding the draft Budget
- Milton Ulladulla Dog Training Club
- Morning Tea meet & greet with new 2ST news broadcaster, Brian Lowe
- Sussex Inlet Red Cross 10th Anniversary Morning Tea
- UOW Shoalhaven Campus Graduation Ceremony
- Shoalhaven Women's Conference
 - Congratulations to Lynne Kearney and team, another great conference.
- CCB Executive Meeting
- Shoalhaven Business Forum
- Shoalhaven Nowra Support Group of Partners of Veterans Mother's Day Dinner
- Nowra Croquet Club World Croquet Day
- Callala Beach Progress Association Family Friendly Mother's Day High Tea & Fashion Parade
- Blessing & Opening of new Vinnies Retail Centre & Shoalhaven Warehouse
- Shoalhaven Historic Vehicle Club - Heritage Motoring Day
- Official Opening of new SES Shed
- Official Opening - Stage 2 - Callala Beach to Myola Shared Pathway
- Welcomed guests at the Flood Management Conference
 - Very well organised. Congratulations to staff on their efforts.
- Tour of the new Headquarters Fleet Air Arm & morning tea
 - Thank you to Commodore Chris Smallhorne and staff for giving us a fabulous tour of the new Headquarters Fleet Air Arm & morning tea. There is certainly a lot going on at the base!
- Famil Tour
- Staff appreciation BBQ at Bomaderry
- Australian Citizenship Ceremony

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

- ANZAC Day services at Coastal Waters Retirement Village, Greenwell Point and Berry
- Wings Over Illawarra
- Meeting with Minister Mark Speakman MP
- IPJO meeting

Assistant Deputy Mayor, Councillor Allan Baptist

- ANZAC Day services at Ulladulla & Bawley Point/Kioloa

Councillor Karen Anstiss

- ANZAC Day service at Nowra

Councillor Patricia White

- Jervis Bay Hearing Centre 6th Birthday
- Zone NGO2 VIEW Clubs Zone Conference & Church Service
- ANZAC Day service at Sussex Inlet

Councillor Jemma Tribe

- Chairman's Lunch Kinghorn Motor Group Nowra Cup/Girls Day out
- ANZAC Day service at Callala Beach

Councillor Lynnette Kearney

- ANZAC Day services at Shoalhaven Heads and Bomaderry

Councillor Amanda Findley

- ANZAC Day service at Milton

Councillor Andrew Guile

- ANZAC Day service at Kangaroo Valley

Councillor Greg Watson

- ANZAC Day service at St Georges Basin

**Joanna Gash (Mrs)
Mayor**

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 24 MAY 2016

GENERAL MANAGER – COMMITTEES REPORT

STRATEGY AND ASSETS COMMITTEE – TUESDAY 10 MAY 2016 (ITEMS 1 to 17)

Planning and Development

1. Request for Refund of Development Application Fees – Masterplan/Staged Development Application for Upgrade of Facilities at Lot 101 DP 751273 (Por 101) 170 Riversdale Road, Lot 227 DP 751273 (Por 227) Bundanon Road and Lot 7315 DP 1166783, Illaroo. Applicant: Locale Consulting Pty Ltd Owner: Bundanon Trust File RA15/1002

RECOMMENDED that in relation to Request for Refund of Development Application Fees – Masterplan/Staged Development Application for Upgrade of Facilities at Lot 101 DP 751273 (Por 101) 170 Riversdale Road, Lot 227 DP 751273 (Por 227) Bundanon Road and Lot 7315 DP 1166783, Illaroo, the total amount of Development Application fees being \$26,587.00, be refunded and be sourced from the Economic Development Budget.

Corporate and Community Services

2. Quarterly Budget Review as at 31st March 2016 File 2127e

RECOMMENDED that the March Quarterly Budget Review and vote movements outlined in the Quarterly Budget Review Statement be adopted by Council.

3. Investment Policy Review File 23767e

RECOMMENDED that the amended Investment Policy – Policy POL15/51 be adopted.

4. Stronger Communities Program Federal Funding Success File 2391E

RECOMMENDED that Council:

- a) Accept the Stronger Communities Federal funding grant of \$20,000 to contribute towards the delivery of a learn to ride facility at Sussex Inlet in partnership with the community.
- b) The funds to be placed in a job number 82586 created for the grant.
- c) Write to Federal Member Ann Sudmalis and thank the member for her support of the project.
- d) Write to the delegate of the Stronger Communities Program and thank the delegate for the funding.

-
5. Local Government Remuneration Tribunal - Determination - Councillor and Mayoral Fees 2016/2017 File 5141E

RECOMMENDED that Council note the Local Government Remuneration Tribunal review of annual fees and agree to adjust councillor and mayoral fees for the 2016/2017 financial year to \$18,840 and \$41,090 respectively.

Assets and Works

6. Draft Policy for Adoption – Management of Mobile Food Vending Vehicles File 33417E, 52631E

RECOMMENDED that MIN16.280 be reaffirmed from Council's meeting of 19th April 2016 and adopt the draft Policy – Management of Mobile Food Vending Vehicles on Council Owned or Managed Land (including roads), with amendments.

7. Emergency Operations Centre Application for Funding File 26118E, 4537E

RECOMMENDED that Council allocates \$50,000, from the Building Maintenance budget, as a co-contribution to partial funding of the fit out of the Emergency Operations Centre and support the application for funding to the Veolia Mulwaree Trust

8. Classification of Land – Huskisson & Terara File 7720E, 49630E, 2444E

RECOMMENDED that Council resolve to classify the land described in Schedule A as Operational land:

Schedule A

Legal Description	Locality	Purpose	Council resolution to acquire	Trim reference
Lot 1 DP1214540 (Pt Lot 4 DP705589)	Terara	Nowra Sewerage Treatment Plant	MIN15.664	49630E
Lot 1 DP1208870 (Pt Lot 7300 DP1128666)	Huskisson	Sewer Mains	MIN15.475	2444E

9. Sale of Land – Chisholm Street Callala Bay File 48516E

RECOMMENDED that Council receive the Report of the General Manager (Assets & Works) for information.

Planning and Development

10. Adoption of Generic Community Lands Plan of Management version 5 & Foreshore Reserves Policy (POL16/38) File 20861E, 51952E, 29352E

RECOMMENDED that:

- a) In accordance with s40 of the Local Government Act 1993 Council adopt version 5 of the Generic Community Lands Plan of Management – Natural Areas as exhibited.
- b) Council adopt amendments to the Foreshore Reserves Policy (POL16/38) as exhibited.
- c) Both documents be updated and finalised with the exhibited changes and Council's website be updated with the new versions of the documents.
- d) Chapter G6 of the Citywide DCP be amended to reflect the revised contents of the Generic Community Lands Plan of Management – Natural Areas and Foreshore Reserves Policy as detailed in this report. That the changes to the DCP be included in the scheduled stage 2 Housekeeping Amendment.

11. Five (5) Bushcare Group Action Plans - 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 & Stuart King Reserve Bushcare Action Plan – Review 2016

Shoalhaven Water

12. Payment of Dividends from Shoalhaven Water 2014-15 File 32701E

RECOMMENDED that Council determines that “substantial compliance” of the criteria in the Best Practice Management of Water Supply and Sewerage Guidelines has been achieved and a dividend will be paid from the Water and Sewer Funds to the General Fund for the 2014/2015 budget year.

13. Tender Process - Milton-Ulladulla Sewer Trunk Main File 52945E

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

Corporate and Community Services / General Manager

14. Shoalhaven River - Riverfront Infrastructure File 52289E

RECOMMENDED that

- a) Up to \$200,000 be allocated from the Southern Phones Dividend to fund the electricity and pontoon infrastructure initiative outlined below in this report on the basis of the economic benefits it will bring to the city.
- b) Staff seek possible grants to assist with funding.
- c) \$10,000 be allocated annually for future maintenance of this infrastructure.

Corporate and Community Services / Assets and Works

15. Future Use - Nowra Sailing Club Building File4237E

RECOMMENDED that Council:

- a) Considers allocating \$60,000 in the 2016/17 Operations Plan budget to undertake a detailed design of the Paringa Park Master Plan, and
- b) A decision on the 'Nowra Sailing Club' building be deferred pending detailed design of the precinct and consideration, after public consultation, of representation of its historic values.

Notices of Motion

16. Proposed Sale of 'Future Park' Ulladulla File 35345E

RECOMMENDED that the General Manager develop a report to Council on the proposed sale and options for future use of the Council owned land known as 'Future Park' on Camden St West Ulladulla.

17. Proposed Sale of 'The Old Bakery' Sussex Inlet File 46484E

RECOMMENDED that the General Manager develop a report to Council considering the proposed sale of Council owned land known as 'The Old Bakery' on Jacobs Drive Sussex Inlet.

ABORIGINAL ADVISORY COMMITTEE – MONDAY 9 MAY 2016 (ITEMS 18 to 20)

18. Presentation – Coolangatta Mountain Community Consultations

RECOMMENDED that:

- a) Council appoint an external facilitator to conduct Workshops with the Committee, Community and Council that will contribute to the creation of the Plan of Management (POM) of Council managed land on Cullunghutti;
- b) In relation to part a) above, a selection panel of Aboriginal Advisory Committee Members (Shane Brown, Noel Wellington, Patricia Lester, Leslie Halls) be appointed to select the facilitator;
- c) Council allocate a Budget for this item and execute by the end of July 2016.

General Business

19. Additional Item – Governance Training

RECOMMENDED that Council extend an invitation to surrounding Council areas and the community to participate in the Aboriginal Advisory Committee's Governance Training.

20. Additional Item – Aboriginal Advisory Committee – NAIDOC Promotion

RECOMMENDED that Council promote the Aboriginal Advisory Committee in the lead up to NAIDOC week and purchase a banners and flyers for the NAIDOC stall to be held at the NAIDOC Awards Ceremony in Wollongong on 23 July 2016.

SHOALHAVEN ARTS BOARD – THURSDAY 12 MAY 2016 (ITEM 21)

21. Arts Board Grants

RECOMMENDED that the following Shoalhaven Arts Board grants be awarded:

- a) \$5,000 – Jervis Bay and Basin Arts in the ‘New Collaborations for a Sense of Place’ category for their project *Bound*.
- b) \$5,000 – Clayton Champion and Jervis Bay Maritime Museum in the ‘New Collaborations for a Sense of Place’ category for their project *1920 Footbridge Mural at Moona Moona Creek*.
- c) \$10,000 – Elyssa Sykes-Smith in the Public Art, Sense of Place category for a sculptural work to be installed inside at the Shoalhaven Entertainment Centre.

R.D Pigg
GENERAL MANAGER

SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 10 MAY 2016

ORDINARY MEETING

TUESDAY, 24 MAY 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.

22. No Stopping Zone - Berry School of Arts - Princess Street, Berry (PN 3283) File 2637E

RECOMMENDED that the General Manager (Director Assets and Works) be requested to install a No Stopping zone (approx. 6m) across the driveway access at the rear of the Berry School of Arts in Princess Street, Berry as detailed in the attached plan TRAF 2016/32.

23. Proposed Linemarking and Signage - Sports Complex Access Road, Camden Street, Ulladulla (PN 3284) File 8044E, 1715E

RECOMMENDED that the General Manager (Director Assets and Works) be requested to install the following delineation measures on the access road to the Ulladulla Sporting Complex, Camden Street, Ulladulla as detailed in the attached plan TRAF 2016/33.

- a) Install approx. 310m BB centre linemarking from the carpark located at the sports fields to the cul-de-sac area in Camden Street
- b) Install approx. 310m E1 edge linemarking from the carpark located at the sports fields to the cul-de-sac area in Camden Street to create 2 x 3m travel lanes
- c) Install RRPMS for a distance of approx. 32m at each power pole at 8m spacing's

24. Left Turn Storage Lane Signage & Linemarking Plan - Old Southern Road & Greenwell Point Rd, Nowra (PN 3286) File DS15/1219

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 construction of a left turn storage lane on Old Southern Road at its intersection with Greenwell Point Road, Nowra as detailed in the attached plan TRAF 2016/34, subject to:

a) The removal of the two R5-400 No Stopping signs

25. One Lane Causeway - Bugong Fire Trail, Budgong (PN 3288) File 4010E

RECOMMENDED that the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the regulatory signage plan associated with the construction of a one-lane causeway on Bugong Fire Trail, Budgong approximately 1.7km from the intersection of Bugong Road & Mt Scanzi Road, as detailed in the attached plan TRAF 2016/36.

26. Linemarking and Signage - Intersection Sydney Street and Bowen Street, Huskisson (PN 3289) File 29797E

RECOMMENDED that the General Manager (Director Assets and Works) be requested to install the following signage and linemarking on the curve in Sydney Street and Bowen Street, Huskisson as detailed in the attached plan TRAF 2016/37.

a) Install 56m of double barrier (BB) linemarking on the curve with RRPMs at 8m spacing's.

b) Install D4-6A CAM's spaced in accordance with AS1742.2

27. Proposed Linemarking - Pine Forest Road, Tomerong (PN 3290) File 20694E

RECOMMENDED that the General Manager (Director Assets and Works) be requested to install edge (E1) linemarking on Pine Forest Road for a distance of approximately 100m from Hawken Road to Amaryllis Way, Tomerong as detailed in the attached plan TRAF 2016/38.

Martin Upitis
CONVENOR

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 24 MAY 2016

GENERAL MANAGER

28. Blue Bio Tech Shoalhaven - BioMarine 2016

File 48687E

SECTION MANAGER: Greg Pullen

PURPOSE:

To report on the activities of the Blue Biotech Shoalhaven and upcoming BioMarine 2016 Business Convention.

RECOMMENDED that the Council:

- a) **Congratulate member organisations of the Blue BioTech Shoalhaven initiative on their accomplishment to date;**
- b) **Endorse Blue BioTech Shoalhaven's participation in BioMarine 2016; and**
- c) **Authorise the attendance of the Economic Development Manager at BioMarine 2016 in Oslo, Norway in October 2016 and that Council contribute to the costs for the staff member to attend as determined by the General Manager.**

OPTIONS

1. The recommendation be accepted as written.
2. An alternative recommendation be proposed.

DETAILS

Background

Since the last report to Council on the activities of members of Blue BioTech Shoalhaven there have been a number of initiatives progressed and milestones reached.

Following on from the previous 2 BioMarine Business Conventions, agreements have been made with three overseas biotechnology organisations:

- a biomedical research project, based in Portugal, has involved the joint venture development of a medical grade product and procedure to repair and replace joint cartilage;

-
- an import/export arrangement of edible seaweed products has been entered into with a Portuguese algae farming operation; and
 - a cosmetic/nutraceutical product development and marketing corporation from Norway is working with 2 Nowra based companies to develop products for the European market.

These initiatives involve Venus Shell Systems and other Blue BioTech partners and whilst it is early days, significant progress has been achieved in 18 months.

Other initiatives to progress is the further development of the 3D stem cell printing research utilising locally grown algae. The recent BioBelly clinical trial is another innovative product development which has shown significant outcomes that will enhance the ability to substantiate the beneficial attributes of the ingredients derived from algae.

The algae production itself has now progressed from the laboratory to the prototype production trials and in 2017 a production facility of approximately one hectare of pondage will be developed to satisfy the growing demand for dry product.

In parallel with the growth in algal production and research, NSW Primary Industries and Blue Harvest, another BBS partner are looking to commence the physical build of the aquaculture farm in Jervis Bay. The oyster farming fraternity are also improving marketing and harvesting procedures to take further advantage of the Asian seafood markets.

Going Forward

Several joint venture projects are proceeding here in the local Shoalhaven area. Overseas interest has been created in the research, product development and sales/marketing for marine biotechnology projects.

BioMarine has been instrumental in three ways to add value to the local business network:

1. providing a forum for locally based members of Blue BioTech Shoalhaven to promote and create awareness of the breadth and expertise of this Australian consortium;
2. providing 1:1 opportunities for local business to meet and talk with overseas businesses seeking new and innovative products or technologies to move forward into more collaborative ventures; and
3. providing local BBS members to seek out overseas partners for markets, product development or technical processes.

This industry network is indeed an innovative initiative, fostered by Council, and is now developing legs of its own to move forward and the continued support to attend BioMarine 2016 is warranted.

Early indications are that at least 2 local companies are interested in attending. The organisers of BioMarine 2016 have also asked if a Government Minister could attend to be part of a Policy Framework initiative to be run in parallel at Oslo (already 4 European Ministers are reportedly attending). This invitation has been passed on to NSW Dept of Primary Industry for their Minister's consideration.

BioMarine 2016 is being held in Oslo, Norway from Wednesday 19 October - Friday 21 October 2016 - <http://www.biomarine.org/oslo2016/>.

This year BioMarine 2016 will focus on demonstrating the utility and feasibility of achieving a 'full circle' of the blue industry value chain. Extracting the ingredients and marine compounds produced during each stage of the value chain can help to produce new nutraceuticals, cosmetic products, or even cancer treatment drugs. Aquaculture is already ahead of the curve on this and has successfully managed to transform the by-products of their activities into blue gold. Seaweed and algae will be the next revolutionary ingredients from which we will extract the starch that will be used to produce bioplastics.

Previous BioMarine Conventions have attracted around 250+ delegates mainly from industry with some academics and government supporters.

Blue BioTech Shoalhaven have had representation at the last 3 BioMarine Conventions - Halifax, Canada; Cascais, Portugal; and Wilmington NC, USA. The organisers of BioMarine are also looking at Australia as a venue possibly in 2018.

FINANCIAL IMPLICATIONS:

In previous years, Blue BioTech Shoalhaven has arranged a small sponsorship package which includes a number of complimentary, subsidised and full fee tickets for delegates. The members attending have paid for tickets to cover the cost and Council has paid the cost of the sponsorship.

In 2016 there are again several levels of sponsorship with the base level being between \$AUD 8,800 and \$AUD 11,200 depending on the number of discounted tickets required. A single ticket to BioMarine has a cost of \$AUD 1,765.

The cost of a return air ticket is approximately \$AUD 1,500 and accommodation is in the order of \$AUD 250/night (5 nights required).

The Economic Development Manager will be in Europe on holiday at this time and has made provision to attend BioMarine in Oslo should Council wish him to attend. The General Manager can negotiate what contribution towards his cost will be met by Council.

COMMUNITY ENGAGEMENT:

Whilst there is much interest in the Blue BioTech Shoalhaven agenda, much of the work being undertaken is by local commercial entities and is in the formative stages of product development. Because of this commercial in confidence nature of some of the work, only limited information can be disseminated.

29. Proposed Merger of Kiama Municipal Council and Shoalhaven City Council

File 52579e

PURPOSE:

To report on the recent announcement by Minister for Local Government, the Hon Paul Toole, that the merger will not proceed.

RECOMMENDED that:

- a. **Council write and thank delegate Greg Wright for his impassionate and independent assessment of the merger proposal that led to his conclusion and recommendation that it not proceed;**
- b. **Council write and thank Premier Hon Mike Baird and Minister for Local Government Hon Paul Toole for their final decision to leave Kiama and Shoalhaven Councils as “stand alone”;**
- c. **Council write and thank local members Gareth Ward MP & Shelley Hancock MP, Federal Member, Ann Sudmalis MP, and Paul Green MLC for their active support of the Council and community in their objection to the proposal.**
- d. **Council acknowledge and thank all staff who actively contributed to building the case again the merger proposal.**
- e. **Council thank the various media outlets for their active coverage and publicity of this important community issue.**
- f. **That Council broadly thank the wider community and organisations who made submissions.**

OPTIONS

1. The recommendation be accepted as written.
2. An alternative recommendation be proposed.

DETAILS

The history of the proposed merger is well known by Councillors and community. It commenced on 18 December 2015 with the shock merger announcement. January - February 2016 was filled with activity and communications. A Discussion paper was produced by Council and uploaded on our website together with links to the State Government proposal document and KPMG report. Community organisations were briefed, a media conference was held and a combined meeting of CCB Executives was convened.

Delegate Greg Wright was appointed and held the public enquiry during February with two hearings in Kiama, one in Nowra and one in Ulladulla. Council's General Manager presented Council's formally adopted position of "*objection to the proposed merger in its present form*" at both inquiries within Shoalhaven.

Council commissioned IRIS to undertake a community survey to gauge community views and a significant majority were opposed to the merger.

A detailed submission, based on Council's resolved position, the results of the community survey and points from the Council Discussion Paper, was prepared and submitted to the delegate at the end of February.

The delegate had originally advised that his report would be made public at the time it was delivered to the Minister and the Boundaries Commission - this was later changed and the report was not made public at the time.

"Rules" changed or new decisions and process were announced with some "surprise".

Expressions of Interest (EOI) were called inviting Mayors and Councillors to submit EOIs in continuing as Councillors in any new merged Council.

EOIs were called inviting General Managers to submit EOIs to be appointed as an interim General Manager in a merged council. This process later involved extensive online "testing" plus 4½ hours of "exercise" and interviews by recruitment consultants, Hudsons, in Sydney.

Meanwhile the Minister continued to say that decisions will be made mid-year.

Speculation mounted and then on Thursday 12 May a series of major announcements were made by the Minister and Premier:

- 19 Merged Councils were proclaimed effective on 12 May - this involved 29 rural and regional councils (including Gosford and Wyong) and 13 metropolitan councils plus parts of 2 other metro councils. A single Administrator has been appointed to each Merged Council with the intent that the Administrator would appoint a minimum of 2 councillors from each of the previous councils to an Advisory Committee.
- A further 9 proposed Merged Councils were announced pending decisions of the court - this includes the proposed Shellharbour/Wollongong merger and another 5 rural councils and 16 metro councils.
- A number of other merger proposals are "pending" including Newcastle/Port Stephens and Dungog/Maitland.
- A small number of councils were announced as not included in any merger including Kiama Municipal Council and Shoalhaven City Council as well as Tamworth Regional Council, Lockhart Shire Council and Goulburn-Mulwaree Council (the full list is available at www.strongercouncils.nsw.gov.au).

How did Kiama and Shoalhaven “survive” and remain as standalone councils?

In my opinion there are many influencing factors including:

- Both Councils in reality are relatively financially strong and have strategies to reach the “Fit for the Future” criteria.
- Both Councils provided logical and factually based submissions to the delegate demonstrating that there were many reasons the merger should not proceed.
- Both communities demonstrated overwhelming objection to the proposal through community surveys, petitions, public rallies/meetings, media & social media.
- Local State MPs (Shelley Hancock and Gareth Ward), Federal MP (Ann Sudmalis) and State MLC (Paul Green) voiced opposition publicly, visibly and/or “behind the scenes”.

However the Delegates Report submitted to the Boundaries Commission on 30 March, which concluded and recommended against the merger, is also very significant. It is significant because it is an independent review of all submissions and the Government’s proposal documents itself. The Delegates Report says *“I have come to the conclusion that there are a number of major impediments to the mergers proceeding. I have, therefore recommended that the merger not proceed.”*

This report is now on the public record and its analysis and conclusions will be very relevant in future years if a similar merger proposal is re-enlivened.

Some of the key conclusions and “major impediments” from the Delegate Report in examining each of the heads of consideration include:

- Financial Advantages or Disadvantages

“On balance, it is my view that there is only limited financial advantage to the proposed merger, and only in relation to the infrastructure funding, with the likely integration costs being understated and the potential saving being only minimal.” (Page 17)

The delegate notes that even if the savings were achieved it would only represent 1% of the total revenue of a merged council. He also recognised the significant staff and cost reductions achieved in Shoalhaven Council’s Transformation Program and concluded that the staff savings predicted by KPMG were not achievable.

- Community of Interest & Geographic Cohesion

“It is clear, with relatively minor exceptions, the Kiama Municipality and the Shoalhaven City exist and operate in significantly different communities of interest. Substantial demographic differences, travel patterns and external servicing regions combine to differentiate the two localities in many respects.” (Page 22)

The delegate concluded that Kiama had a stronger community of interest to the north in many respects and for these reasons was not a good fit with Shoalhaven.

- Existing Historical & Traditional Values

“Kiama Municipality and Shoalhaven City share a joint placement on the South Coast of New South Wales and there is some combined history, particularly north of the Shoalhaven River. However, there are very different patterns of heritage activity in the present day. Kiama has a focus on the European built heritage while Shoalhaven has a significant indigenous history.” (Page 24)

- Attitude of Residents and Ratepayers

“The attitudes of those people actively engaging in the process of this merger are significantly opposed to the proposal. The people of Kiama Municipal have been much more active than the population of Shoalhaven City.

Both Councils have conducted surveys of residents and both surveys identify significant opposition to the merger proposal.” (Page 26)

- Electoral Representation

“While representation ratios exceeding 1:8,000 are common in metropolitan councils with populations over 100,000, the representational duties of councillors in those councils are undertaken over relatively small geographical areas. I believe that such a ratio in a linear geographic area of 4,825 square kilometres and 195 kilometres in length would be sub optimal.” (Page 29)

The delegate recognised the difficulties a larger geographic area **and population centre spread would create.**

- Providing Adequate, Equitable and Appropriate Services and Facilities

“A higher level of service (for some services) is provided in Kiama compared to Shoalhaven, demonstrated by higher levels of expenditure per capita in a range of service areas shown in Figure 8 above. Kiama residents also pay significantly higher property rates than do Shoalhaven residents.

Differing service levels and pricing mechanisms will be difficult to harmonise in the short term; specialised services responding to specific community need (such as Blue Haven) may suffer a lack of focus or divestiture; and completely different water and sewer arrangements may lead to confusion, inefficiency and inequity for residents.” (Page 34)

- Impacts on Staff Employment

“There is both anecdotal and empirical evidence, borne out by a number of research studies, that staffing cohorts generally grow, rather than shrink, after council amalgamations. It is also true that there are legislative protections in place for the existing staff of the councils.

However, in this particular merger proposal it is my contention that the geographic size and linear nature of the proposed area will impose the need to retain lower order district type offices for customer service needs and, also, regional depots to minimise travel time and other lost time. Therefore, the majority of savings in staff are unlikely to be achieved and the “impacts on staff” referred to in Section 263 (3)(e2) will be more in

the way of transfer of location than loss of jobs. This will require more travel for any staff transferring to Nowra from Kiama. (Page 37)

- Impacts on Rural Communities

“The proposed merger will not have a significant effect on the rural communities of either of the existing Council areas, however, there are concerns about loss of representation in rural areas. (Page 38)

- Opinions of Diverse Communities

“Not only are the two existing local government areas quite diverse in their demographic makeup, but the Shoalhaven City area itself has a level of diversity that comes of encompassing 49 distinct towns and villages within its existing borders. In the event of a merger, significant work will be required in managing that diversity.

In itself, however, simply expanding the existing diversity of the Shoalhaven area by adding the Kiama area does not present an insurmountable obstacle to a merger.” (Page 41)

- Any other Relevant Factors

“Attitudes to development and average processing times are marginally different between the two Councils and would require harmonisation in the event of a merger.

The Illawarra Joint Organisation appears, on face value and before any major review has been conducted, to be achieving many of the objectives of the merger proposal. That is, economies of scale in purchasing, greater lobbying capacity and higher levels of regional co-operation.

A merged Council would have a higher level of strategic capacity and better advocacy opportunities.” (Page 44)

And at pages 47-48 the delegate gives a summary:

“In summary, among the range of considerations in this matter, there are several major impediments to a merger taking place. Representation ratios would increase and access to elected councillors will be more difficult. The substantial geographic area and its linear nature, together with over 50 localities, would render a ratio of one councillor to every 8,000 residents difficult and impractical to manage effectively. The views of the residents that have been involved in this public process are overwhelmingly against the proposal.

Though scale and capacity are likely to be improved, the improvement is marginal. Relative service levels and pricing between the Councils vary considerably and harmonisation over time, while retaining some equity in the process, will be difficult.

There are clear delineations in the broader communities of interest within the two Councils. The Kiama community generally looks north to the broader Illawarra for higher order health, educational, sporting and commercial needs. There is little commonality with the Shoalhaven centres. I do not believe that there is any significant community of interest between the two existing areas beyond their shared boundary.

Perhaps the most telling factor, however, is the finance advantage or disadvantage of the proposal.

The significant benefit is the offer of \$10 million in capital funding. The infrastructure backlog - regardless of how it is calculated from one year to the next - is significant across the two Councils in dollar terms (although only 2% in relative terms). An injection of \$10 million will significantly reduce the level of infrastructure backlog works by some 25%.

However, I am of the view that the projected savings are unlikely to be achieved at the scale proposed due to the geography of the new Council, savings already achieved at Shoalhaven and the impacts of the arrangements made through the Joint Organisation. Any savings in staff and Councillor costs will represent a very small proportion of total expenditure for a new entity.

For all of these reasons, and on balance of all of the issues, I am unable to recommend the merger of these Councils. (Pages 47-48)

It should be noted that the delegate's report on the Kiama and Shoalhaven merger was one of a very few which actually recommended it not proceed. Most delegate reports for other merger proposals across the State concluded and supported those mergers proceeding.

FINANCIAL IMPLICATIONS:

Whilst accurate time sheet records have not been kept the cost to the organisation in staff time and direct costs involved in responding to the merger proposal are significant and approaching \$100,000.

- Community Survey (IRIS) - \$10,000
- Flyer production/distribution - \$4,000
- Staff wages/salary/on costs - \$60,000 to \$80,000

COMMUNITY ENGAGEMENT:

Of the 1657 submissions considered by the delegate 16% were Shoalhaven residents and ratepayers (263), 80% Kiama residents and ratepayers (1,325) and 4% (69) non-residents and others. This is understandable given the intensive community driven campaign by Kiama residents & their concerns particularly about loss of representation and becoming a minority voice in a very large organisation and hence loss of control over the future of services in the Kiama area.

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 24 MAY 2016

CORPORATE AND COMMUNITY SERVICES

30. **Draft Bomaderry/Nowra Regional Sports & Community Precinct Master Plan - Public Exhibition** **File 52005e**
-

SECTION MANAGER: Jane Lewis.

PURPOSE:

To obtain approval from Council to publicly exhibit the draft Shoalhaven Regional Sports & Community Precinct Master Plan which encompasses the existing sport and community facilities at Artie Smith Oval, Bomaderry Sporting Complex and Bomaderry Aquatic Centre.

RECOMMENDED that:

- a) **Council endorse public exhibition of the draft Bomaderry/Nowra Regional Sports & Community Precinct Master Plan for 40 days.**
- b) **Notification of the draft Bomaderry/Nowra Regional Sports & Community Precinct Master Plan be advertised in local newspapers, and placed on Council website**
- c) **Notification of the draft Bomaderry/Nowra Regional Sports & Community Precinct Master Plan be sent the Pride of Bomaderry and key stakeholders consulted in the development of the draft Master Plan.**
- d) **A briefing be provided to the Shoalhaven Sports Board of the draft Bomaderry/Nowra Regional Sports & Community Precinct Master Plan.**
- e) **A post exhibition report for the draft Bomaderry/Nowra Regional Sports & Community Precinct Master Plan be presented to a future Strategy & Assets Committee meeting.**

OPTIONS

1. Council adopt the recommendation
2. Council not adopt the recommendation and provide an alternative option to progress development of the regarding the future of the draft Bomaderry/Nowra Regional Sports & Community Precinct Master Plan.

DETAILS

Background Councillor Involvement

The proposal to develop the draft Bomaderry/Nowra Regional Sports & Community Precinct from the existing Artie Smith Oval, Bomaderry Sporting Complex and Bomaderry Aquatic Centre was presented to a Councillor Briefing on Thursday 11 February 2016. Further to this briefing, Council considered a confidential report on the matter at its Strategy & Assets Committee meeting on 12 April 2016 which gave authority for Council staff to consult with landowners directly impacted by the Master Plan. Consultation with these land owners occurred in early May and key feedback will be verbally reported at this meeting in response to MIN 16.326 part (a) & (b).

- a) *Council authorises the General Manager to advise the property owners of:
 - i) 109 Cambewarra Rd, Bomaderry
 - ii) 111 Cambewarra Rd, Bomaderry
 - iii) 111A Cambewarra Rd, Bomaderry
 - iv) 113 Cambewarra Rd, Bomaderrythat Council is considering a draft Shoalhaven Regional Sports & Community Precinct Master Plan, which may impact their properties.*
- b) *Council receives a further report outlining property owner feedback prior to public exhibition of the Draft Shoalhaven Regional Sports & Community Precinct Master Plan.*
- c) *Council prepare a separate report to outline appropriate zonings and land classifications for the Draft Shoalhaven Regional Sports & Community Precinct Master Plan site.*
- d) *The recommendation remain confidential under Section 10A(2)(C)of the Local Government Act 1993, until parts a) and b) have been completed.*

Furthermore a detailed report will be submitted to a future Strategy & Assets Committee meeting along with feedback from the public exhibition period in response to part (b) & (c).

Draft Master Plan Purpose

The purpose of the Master Plan is to guide the long term development of a Regional Sports and Community Precinct at the Artie Smith Oval, Bomaderry Sporting Complex and Bomaderry Aquatic Centre which delivers high quality sporting facilities together with infrastructure to support local, regional and state level sport; as well as local and regional community needs. This also builds on the upcoming construction of the Shoalhaven Indoor Sports Centre at this location.

Draft Master Plan Objectives

The key overall objectives of the master planning investigations were to determine the specific needs of sporting codes, educational institutions, community and business by way of appropriate market research, identified trends and demand.

Shoalhaven Regional Sports & Community Precinct – Draft Master Plan

A copy of the full draft Master Plan is provided in the Councillors Rooms and a copy of the preferred master plan site layout is provided as Attachment A to this Council report.

As shown on the master plan site layout, key stages / facilities identified in the draft Master Plan include:

1. Community facilities / pavilion – suitable for a range of uses – e.g. special interest groups, arts & crafts, boutique library and small exhibition space
2. Informal lounge space for gathering and meeting, space for a homework hub etc.
3. Café and retail space
4. Consulting and professional rooms
5. Aquatic and learn to swim facility
6. Rehabilitation and hydrotherapy facility
7. Indoor fitness and gymnasium
8. Athletic facility
9. Capacity for rectangular and oval sports fields
10. Capacity for junior and senior sports
11. Mix of synthetic and grass wickets for cricket
12. Rugby league facilities / pavilion
13. AFL / cricket facility / pavilion
14. Indoor multi-purpose sports centre
15. Cricket practice nets
16. Childcare and crèche facilities
17. Walking, cycling tracks, outdoor fitness stations with exercise equipment
18. Playground and open spaces for informal recreation
19. Indigenous Community gardens
20. Traffic flow / car parking improvements
21. Pedestrian / bike path improvements

Relationship to draft Community Infrastructure Strategic Plan

Development of a regional sports and community precinct in Bomaderry is consistent with key findings identified in the draft Community Infrastructure Strategic Plan which is currently on public exhibition.

Acquisition of residential properties

As shown in the Master Plan document, and as reported in the previous confidential report, acquisition of four (4) residential properties along Cambewarra Road (i.e. 109, 111, 111A & 113) is needed to provide the sufficient space to provide the Community Pavilion which is central and a key element of the Master Plan. As mentioned above, the Pavilion will provide facilities to provide the following functions:

• Indoor aquatics	• Library services
• Gymnasium	• Consulting / professional rooms
• Café/retail	• Childcare / crèche facilities
• Community meeting areas	• Indigenous Community gardens
• Exhibition space	• Administration

Croquet facility relocation

To provide car parking and provision of a citywide synthetic athletics track will require relocation of the existing croquet facility. Currently, staff are in discussions with croquet representatives for Council to consider providing a like for like facility at another site within Bomaderry or surrounding area.

Bomaderry Aquatic Centre

Implementation of the Master Plan consolidates and provides a modern indoor aquatic facilities with learn to swim, rehabilitation and hydrotherapy facilities to provide for future sport and community needs of the area. Some of these public facilities are not currently provided in the Bomaderry / Nowra. The outcome of this consolidation will involve Nowra Aquatics Park providing the venue for 50m pool swimming and associated uses.

FINANCIAL IMPLICATIONS:

Implementation of the draft Shoalhaven Regional Sports & Community Precinct Master Plan will be a significant and challenging financial investment for Council with full implementation estimate to cost \$60 - 70m which is broken into a number of key stages.

The Master Plan is a long term vision to meet the needs and growth of the City community over the next forty (40) years.

Implementation of the capital and operational investment will be guided by a business plan to be developed for the site and on ground development funded from a combination of both Council funds and grants. This business plan is currently being prepared and further information will be presented at a Councillor briefing when available.

COMMUNITY ENGAGEMENT:

Notification of the draft Shoalhaven Regional Sports & Community Precinct Master Plan will be placed on public exhibition for 40 days, advertised in the local papers, on Councils website, forwarded to relevant CCBs and all stakeholders consulted in the development of the draft master plan.

31. Investment Report – April 2016

File 2126E

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 30 April 2016 be received for information.

OPTIONS

1. The report on the Record of Investments for the period to 30 April 2016 be received for information
2. Further information regarding the Record of Investments for the period to 30 April 2016 be requested
3. The report on the Record of Investments for the period to 30 April 2016 be received for information with any changes requested for the Record of Investments to be reflected in the report for the period to 31 May 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 April was \$443,698.80 which was \$146,902.73 above budget. The budget assumed an interest rate of 3.25%, the attached CPG report shows our current investment portfolio earning a return of 3.65%.

RECORD OF INVESTMENTS Cash and Investment Balances

	April 2016	March 2016
Cash And Investments Held		
Cash at Bank - Consolidated Account	\$5,634,749	\$7,267,403
Cash at Bank - Trust Fund	\$1,240	\$1,240
Cash on Hand	\$28,230	\$28,230
Total Investments	\$140,849,661	\$141,728,315
	\$146,513,880	\$149,025,189
Fair Value Adjustment	-\$74,699	-\$88,866
Bank Reconciliation	\$306,330	-\$124,895
	\$231,631	-\$213,761
Book Value of Cash and Investments	\$146,745,511	\$148,811,428
Less Cash & Investments Held In Relation To Restricted Assets		
Leave Entitlements & Workers Compensation Liability	\$9,970,579	\$10,057,642
Land Decontamination	\$1,655,181	\$1,677,679
Critical Asset Compliance	\$1,987,305	\$1,988,773

North Nowra Link Road	\$662,035	\$664,104
Other Internal Reserves	\$7,162,999	\$7,202,666
Section 94 Matching Funds	\$546,957	\$547,923
Strategic Projects General	\$3,101,337	\$3,281,902
Industrial Land Development Reserve	\$2,445,119	\$2,027,958
Plant Replacement	\$189,783	\$189,783
S94 Recoupment	\$1,651,650	\$1,672,139
Commitment To Capital Works	\$6,161,686	\$6,164,584
Strategic Property Acquisitions	\$2,572,195	\$2,466,658
Total Internally Restricted	\$38,106,827	\$37,941,811
Loans - General Fund	\$0	\$32,523
Financial Assistance Grant	\$0	\$0
Grant reserve	\$4,048,475	\$3,642,959
Section 94	\$24,174,771	\$23,416,276
Storm Water Levy	\$632,366	\$680,387
Trust - Mayors Relief Fund	\$97,355	\$97,355
Trust - General Trust	\$2,881,001	\$2,324,802
Waste Disposal	\$8,773,375	\$9,901,336
Section 64 Sewer	\$0	\$0
Sewer Compensation	\$6,568	\$6,568
Sewer Fund	\$22,458,722	\$22,499,804
Sewer Plant Fund	\$803,168	\$762,086
Section 64 Water	\$12,972,395	\$12,921,243
Water Fund	\$23,146,757	\$23,285,418
Water Communication Towers	\$832,062	\$828,869
Water Plant Fund	\$755,571	\$671,255
Total Externally Restricted	\$101,582,586	\$101,070,881
Total Restricted	\$139,689,414	\$139,012,692
Unrestricted Cash And Investments		
General	\$5,056,097	\$7,798,736
Water	\$1,000,000	\$1,000,000
Waste Water	\$1,000,000	\$1,000,000
Total Unrestricted	\$7,056,097	\$9,798,736

The Grant Reserve increased as a result of grant funds received during the month of April. April expenditure led to a decrease in the Waste Disposal fund. Section 94 and Trust funds increased due to the large volume of DAs processed in April.

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.

Craig Milburn
DIRECTOR CORPORATE & COMMUNITY SERVICES

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 24 MAY 2016

ASSETS AND WORKS

32. **Intention to Sell by Expressions of Interest - Mundamia and Visitors Information Centre / Graham Lodge** **File 53026E & 53354E**
-

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 via an expression of interest process.

RECOMMENDED that Council receive the report for information and proceed with the sale by Expression of Interest of the two properties at George Evans Drive Mundamia and the Visitors Information Centre including Graham Lodge in Pleasant Way Nowra.

OPTIONS

1. Resolve as recommended. The properties will be advertised for sale through an Expression of Interest process.
2. Not resolve as recommended.
3. Provide further direction to staff and propose an alternative.

DETAILS

At Council's Ordinary Meeting of 19th April 2016 (MIN16.324) it was recommended that Council:

- a) 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 expression of interest of both properties;*
- b) Receive a further report on the objectives for use of the land; and*

-
- c) *Readvertise the sale advising the community that sale will be by expression of interest.*

Accordingly, Council's intention to sell via expression of interest was advertised in the South Coast Register on 27 April 2016, 4 May 2016 and 11 May 2016 with submissions closing at 5.00pm on 16 May 2016.

As stated in the previous Council report dated 19 April 2016, one (1) submission was received during the first advertising period and the issues raised are outlined below:

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.

After careful review of the submission received, it is not considered that an amendment to MIN16.324 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 from a subdivision is only "marginal" as advised by Walsh & Monaghan in valuation advice received in 2012.

Fee proposals, marketing appraisals and strategies have been sought and received from Real Estate Agencies for the sale of both properties. Once resolution to proceed with the sale is obtained, 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 27 April 2016, 4 May 2016 and 11 May 2016. Notice was also placed

on Council's Public Exhibition page of the website. The notice provided for a submission period of 19 days in which the public could make a submission or objection to the proposal.

33. EOI Civic Centre Site, Bridge Road Nowra

File 52523E

SECTION MANAGER: Michael Harben

PURPOSE:

Report to Council the key principles guiding the Expression of Interest (EOI) for the disposal of the Civic Centre Site.

RECOMMENDED that Council receive the report detailing the key principles for the disposal of the Civic Centre Site, Bridge Road, Nowra for inclusion in the EOI.

OPTIONS

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

DETAILS

On the 10th May 2016 Council's Strategy & Assets Committee (MIN16.359) resolved that:

"...in accordance with the Committee's delegated authority from Council, that staff prepare documentation to go to an Expression of Interest and report back to Council prior to advertising by the next ordinary meeting (24 May 2016) on the key principles of the project".

The key principles are:

- a) Communicate Council's vision for the site and to stimulate appropriate development at the "Gateway to Nowra".
- b) Select proponent(s) to submit a tender for the purchase of the property who meet the expectations of Council for:
 - i) A shared aspiration for the Gateway site;
 - ii) Capability to deliver Council's vision;
 - iii) Financial capacity; and
 - iv) Proven experience and access to the necessary resources.
- c) Demonstration of best practice development through:

-
- i) Design of buildings and landscaping to contribute to the landmark nature of the site considering vistas from the site, the high profile nature of the site, and of a scale that relates to existing development;
 - ii) Excellence in urban design and sustainability principles;
 - iii) Optimising public benefit through a balance of:
 - a) Financial return;
 - b) High quality development addressing the civic forecourt, parking and pedestrian access; and
 - c) Appropriate mixed use development.

CONCLUSION:

A further report is to be presented to Council detailing the way forward for the sale of the Civic Centre Site via a two stage Expression of Interest process. This report will also include advice related to:

- a. EOI project plan including timeframes;
- b. Agent engagement;
- c. Probity Plan;
- d. Negotiation Plan;
- e. EOI evaluation plan and associated selection criteria; and
- f. Draft development agreement and transaction documents for a proponent to acquire the site.

Proponents will be required to provide detailed information in relation to the development scheme. The proponents would also be required to gain development approvals.

34. Funding - Regrading / Maintenance Jones Beach Access & Car Park File 34345E

SECTION MANAGER: Tony Fraser

PURPOSE:

Provide details of an offer from Banisters Hotel to fund additional ongoing maintenance of the Council reserve carpark adjacent to their property on Mitchell Parade, Mollymook.

RECOMMENDED that Council accept the donation from Bannisters Hotel for regular scheduled maintenance of Council's Jones Beach Access Carpark at Mollymook up to a value of \$2,500 per year.

OPTIONS

1. As recommended (preferred option). The funding will allow the Council asset to be maintained to a higher service level than is currently available in Council's operational budgets.
2. Not accept the offer. Council would continue to provide basic maintenance to the carpark on an 'as needs basis'.

DETAILS

The Council reserve adjacent to Bannisters Hotel at Mollymook provides walking track access to Jones Beach, has a carpark, and allow passive enjoyment of the reserve.

The carpark is unsealed. The surface condition deteriorates through use and stormwater runoff, potentially creating a risk to users. Council currently undertakes limited maintenance of the carpark. Bannisters' Hotel approached Council on the 8th March 2016 proposing to fund maintenance of the carpark.

It is estimated that the carpark needs to be graded twice per year at an approximate cost of \$2,500 per visit. Bannister's propose to fund one of these visits, with the other one being at Council's cost.

FINANCIAL IMPLICATIONS:

Council currently incurs limited costs for the maintenance of this carpark. Accepting this offer, will require \$2,500 to be absorbed into existing operational budgets.

COMMUNITY ENGAGEMENT:

The funding offer will support and increase Councils existing maintenance of the carpark.

35. **Holiday Haven Tourist Parks – Tender for the Management and Operation of the Currarong Beachside Holiday Park** **File 52730E**

SECTION MANAGER: Michael Harben

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

PURPOSE:

To inform Council of the tender process for the Management and operation of Currarong Beachside Holiday Park.

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

OPTIONS

1. Council accept the recommendation as presented.
2. Provide further direction to staff and propose an alternative.

DETAILS

Currarong Beachside Holiday Park has been managed for nearly five (5) years by Bidois Pty Ltd. That contract will end on 23 July 2016.

The tender for the management and operation of Currarong Beachside Holiday Park was advertised on 10 February 2016 and closed on 2 March 2016.

At the tender closing date eight (8) tenders had been received, as below. Tenders were assessed by Council staff for compliance and fulfilment of the stated selection criteria.

Tenders – Currarong Beachside Holiday Park

1. Robert and Erin Bell;
2. Paul and Maria Harrod;
3. Sharen Gardner for (Steatherines Hawkesbury Discretionary Trust);
4. Jenna Coelli and Mathew Sturt;
5. Bidois Pty Ltd;
6. Karraba Management Pty Ltd;
7. Maloma Pty Ltd;
8. R & J Sal Pty Ltd; and
9. Bidois Pty Ltd (non-conforming Tender).

Further details are contained in the separate confidential report.

FINANCIAL IMPLICATIONS:

Financial aspects of the management contracts for Council's commercially operated Tourist Parks ensure a prudent level of staffing and equipment to effectively operate these complex properties and to obtain the best value for money. Shoalhaven City Council considers the cost of operating these properties carefully in order to maintain an adequate business benefit to Council and a return to the Contractor that ensures the properties are operated and maintained for Council to the required industry standards.

COMMUNITY ENGAGEMENT:

This matter is considered to be a Local Area Low Impact issue as detailed in Council's Community Engagement Policy and Handbook and no community engagement has taken place.

36. Boat Ramp Carpark Renewal – Lakehaven Drive, Sussex Inlet File 53005E

SECTION MANAGER: Peter Knill

PURPOSE:

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.

To inform Council of the Tender process for the Sussex Inlet – Boat Ramp Carpark Renewal – Lakehaven 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 Sussex Inlet – Boat Ramp Carpark Renewal – Lakehaven Drive. Tenders closed on 26 Apr 2016, with two tenders received in the tender box/portal at the close of tenders, as shown below in alphabetical order. No late tenders have been received.

Tenderer	Location
Civil Logic	Luddenham, NSW 2745
MBC	Auburn, NSW 2144

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 from the NSW Better Boating Program in the amount of \$150,000.

COMMUNITY ENGAGEMENT:

This is maintenance related project and as such does not impose any need for community consultation. However, it does have support from the local community.

37. **Tender Report - Albatross Aviation Technology Park Taxiway** **File 48395E**

SECTION MANAGER: Peter Knill

PURPOSE:

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.

To inform Council of the Tender process for the Albatross Aviation Technology Park Taxiway.

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 AATP taxiway tender on 19 April 2016 and closed at 10:00am on Wednesday 4 May 2016. Five tenders were received at the time of closing and one late tender was received.

Tenderer	Location
Brefni (Late)	The Oaks 2570
Cadifern Pty Ltd	Thirroul 2515
Druce DP Pty Ltd	North Nowra 2541
Hawkins Civil Constructions Pty Ltd	Loganholme 4129
Select Civil Pty Ltd	Kembla Grange 2526
Shoalhaven Excavations Pty Ltd	South Nowra 2541

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:

The proposed contract is funded partially by grant funding from NSW Department of Trade & Investment under the Regional Industries Infrastructure Fund and partially by the Council Industrial Land Development budget.

COMMUNITY ENGAGEMENT:

The proposed taxiway is a continuation of the Albatross Aviation Technology Park subdivision which is a Council initiative to encourage the development of local industries, technology and employment in support of the Defence Industry.

B. Stewart
DIRECTOR, ASSETS & WORKS

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 24 MAY 2016

PLANNING AND DEVELOPMENT

38. **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: Fabcot Pty Ltd File: DA14/2579-03**
-

SECTION MANAGER: Cathy Bern.

PURPOSE:

This report is in response to Council's resolution, specifically part b), of 19 April 2016 which reads as follows

That Council:

- a) *Approve Development Application 14/2579 subject to conditions for the following reasons:
 - i) *The development is permissible in the zone and the economic impact is not of such a degree that would undermine the variability of the existing centres and as such would not warrant refusal.*
 - ii) *Improved convenience to the broader public and future residents out-weighs the potential negative impact on existing businesses/centres*
 - iii) *The benefits of providing a full-line supermarket addresses the unsatisfied and under-supply of supermarket floor space in the area and north of the Shoalhaven River.**
- b) *Request the General Manager to prepare an additional report to Council with draft conditions of consent to the next Development Committee Meeting.*
- c) *Undertake a review of the strategic planning framework as it applies to retail and business in the northern Shoalhaven, in particular in the context of the Nowra Bomaderry Structure Plan and the SLEP 2014 zoning provisions to be completed by December 2016.*
- d) *As part of the retail and business review landowners be consulted.*

The draft conditions of consent can be viewed in **ATTACHMENT A**.

SUBMITTED for consideration

OPTIONS

1. Pursuant to the resolution of 19 April 2016, Council issue an approval to DA14/2579 subject to the conditions provided in ATTACHMENT A;
2. Modify the conditions;
3. Resolve to modify the recommendation 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 3,800m² and bulky goods tenancy with a GFA of 1,500m² (total GFA 5,300m²);
- 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.

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 were provided to Council on 19 April 2016.

FINANCIAL IMPLICATIONS:

As previously advised, 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 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, seven (7) submissions during the second notification and seven (7) submissions during the third notification as well as one thousand seven hundred and fifty seven (1,757) form letters. A more detailed discussion of Council's community engagement, including a discussion of comments made and issues raised in the submissions received, was contained in the Section 79C assessment attached to the report of 19 April 2016. At Council's meeting of 19 April 2016 there were two (2) deputations made with respect to the application. One by an objector to the development, Mr Wes Hindmarsh and the other a representative for Fabcot, Mr Wes Dose.

CONCLUSION

The Council has resolved to approve the development.

This report is in response to that resolution which called for a further report with draft conditions.

Tim Fletcher

DIRECTOR PLANNING AND DEVELOPMENT SERVICES

R.D Pigg

GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 24 MAY 2016

SHOALHAVEN WATER

39. Tenders - Minor Mains Replacement Panel - Construction Package 4C File 52763E

SECTION MANAGER: Robert Horner.

PURPOSE:

To inform Council of the tender process in relation to the appointment of a construction contractor for Construction Package 4C for Minor Mains Replacement Programme works within the Shoalhaven.

In accordance with the Department of Local Government's "Tendering Guidelines for NSW Local Government 2009" and 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. Such information has been considered in the separate confidential report.

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

OPTIONS

1. Council accept the recommendation as presented (preferred option). Further details are provided in the confidential report.
2. Council amend the recommendation.
3. Council not accept the recommendation, giving reasons, and propose an alternative resolution.

DETAILS

Introduction:

Council, at its Ordinary Meeting on 24 September 2013, resolved to appoint a panel of construction contractors for minor mains replacement works. The Panel comprises the following contractors:

-
- I. Murphy McCarthy & Associates PTY Ltd
 - II. Ledonne Constructions Pty Ltd
 - III. Interflow Pty Ltd
 - IV. Pipe Replacement Solutions
 - V. EL Civil Engineering Pty Ltd
 - VI. Diona Pty Ltd
 - VII. Hisway Pty Ltd
 - VIII. UEA Trenchless Solutions Pty Ltd
 - IX. McNamee Constructions Pty Ltd, and
 - X. Lynch Civil Contractors Pty Ltd.

The Panel was formed following an Expressions of Interest (EOI) process. The philosophy behind this approach was to identify suitably qualified contractors (based on a non-price assessment) to bid on a number of mains replacement packages over the next few years. This would enable a simplified assessment procedure whereby only price assessment would need to be considered for the award of future works packages.

Background:

Shoalhaven Water, through its Asset Management process, has identified a large number of undersized water mains (<100mm diameter) requiring replacement. The mains to be replaced are generally a source of issue with regards to pressure and water quality. Two hundred and seventy six individual jobs totalling approximately 41km have been identified and prioritised for replacement over the next few years.

Given the quantum of work in this replacement program it was determined that the most efficient method to undertake renewals was through a panel of qualified contractors.

Package 1A was awarded to Ledonne Construction Pty Ltd at Council's December 2013 Meeting.

Package 1B was awarded to Lynch Civil Contractors Pty Ltd at Council's January 2014 Meeting.

Package 2A was awarded to Ledonne Construction Pty Ltd at Council's March 2014 Meeting.

Package 2B was awarded to Lynch Civil Contractors Pty Ltd at Council's April 2014 Meeting.

Package 2C was awarded to Hisway Pty Ltd at Council's May 2014 Meeting.

Package 2D was awarded to Hisway Pty Ltd at Council's June 2014 Meeting.

Package 2E was awarded to Ledonne Constructions Pty Ltd at Council's August 2014 Meeting.

Package 3A was awarded to Hisway Pty Ltd at Council's October 2014 Meeting.

Package 3B was awarded to Ledonne Constructions Pty Ltd at Council's November 2014 Meeting.

Package 3C was awarded to Hisway Pty Ltd at Council's March 2015 Meeting.

Package 3D was awarded to Ledonne Constructions Pty Ltd at Council's May 2015 Meeting.

Package 3E was awarded to UEA Pty Ltd at Council's July 2015 Meeting.

Package 3F was awarded to Hisway Pty Ltd at Council's August 2015 Meeting.

Package 3G was awarded to UEA Pty Ltd at Council's October 2015 Meeting.

Package 4A was awarded to Hisway Pty Ltd at Council's March 2016 Meeting.

Package 4B was awarded to Hisway Pty Ltd at Council's April 2016 Meeting.

Package 4C consists of jobs 171 to 181 within the Minor Mains Replacement Programme. It comprises water main replacements at the following locations within the Shoalhaven City Council area.

1. Arnheim Place, North Nowra
2. Bamarook Place, North Nowra
3. Garlin Close, North Nowra
4. Golden Cane Avenue, North Nowra
5. Harrison Street, North Nowra
6. Ikara Place, North Nowra
7. Ilinga Close, North Nowra
8. Kelly Place, North Nowra
9. Nunkeri Place, North Nowra
10. Palm Close, North Nowra and
11. Richard Place, North Nowra.

Tender Process:

Tenders were invited from all contractors on the Panel on 29 March 2016 for the construction of Design Package 4C. No mandatory pre-tender meeting was held with the release of this package as feedback from panel members suggested familiarisation with sites could be undertaken at their convenience with any questions posted through the Tenderlink forum site.

As the non-price evaluation of all respondents was completed as part of the EOI process, the evaluation of this tender only comprised a price assessment.

Tenders closed at 10am on 19 April 2016 with a total of five (5) conforming tenders received by the deadline from the contractors shown below:

- Hisway Pty Ltd
- Ledonne Constructions Pty Ltd
- Pipe Replacement Solutions
- UEA Pty Ltd
- Murphy McCarthy & Associates Pty Ltd

The submitted prices and associated tender assessment is included in the separate Confidential Report.

FINANCIAL IMPLICATIONS:

Sufficient funds have been identified in the Water Fund Capital Works Budget for 2015/16. Contract management will be undertaken by Shoalhaven Water's nominated Project Manager with daily site inspections to be undertaken by Shoalhaven Water nominated construction inspectors.

It is proposed to complete construction of this package by September 2016.

COMMUNITY ENGAGEMENT:

Affected residents will be consulted in accordance with Council's Community Engagement Policy.

An REF (Review of Environmental Factors) has been undertaken on all proposed sites and the recommended environmental control measures from the REF have been incorporated into the tender specifications.

It is a further requirement of the tender to provide ongoing community consultation as required during the construction of the works.

Conclusion:

Shoalhaven Water staff have undertaken a comprehensive tender evaluation, through an initial EOI process then a targeted tender, in accordance with the approved Tender Evaluation Plan. It is recommended that a contract be awarded in accordance with the details included in the separate confidential report.

C Krogh
DIRECTOR SHOALHAVEN WATER

R.D Pigg
GENERAL MANAGER

NOTICES OF MOTION

ORDINARY MEETING

TUESDAY, 24 MAY, 2016

40. **Rescission Motion – Ordinary Meeting 19 April 2016 – 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, 52652E**
-

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

Rescind the motion of Councillor White and Baptist to be replaced by the staff recommendation.

Signed
Clr Guile
Clr Findley
Clr Kitchener

Note: The following resolution was adopted at the Ordinary Meeting held Tuesday 19 April 2016:

That Council:

- (a) *Approve Development Application 14/2579 subject to conditions for the following reasons:*
 - (i) *The development is permissible in the zone and the economic impact is not of such a degree that would undermine the variability of the existing centres and as such would not warrant refusal.*
 - (ii) *Improved convenience to the broader public and future residents outweighs the potential negative impact on existing businesses/centres.*
 - (iii) *The benefits of providing a full-line supermarket addresses the unsatisfied and under-supply of supermarket floor space in the area and north of the Shoalhaven River.*
- (b) *Request the General Manager to prepare an additional report to Council with draft conditions of consent to the next Development Committee Meeting.*
- (c) *Undertake a review of the strategic planning framework as it applies to retail and business in the northern Shoalhaven, in particular in the context of the Nowra Bomaderry Structure Plan and the SLEP 2014 zoning provisions to be completed by December 2016.*

(d) *As part of the retail and business review landowners be consulted.*

The staff recommendation was as follows:

- 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.*

41. Rescission Motion – Strategy & Assets Committee 10 May 2016 – Collingwood Beach Dune Vegetation Management File DA14/2579, 52652E

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

That Council rescind the motion relating to this item that was carried on 10 May 2016.

Signed
Clr Guile
Clr Watson
Clr Kitchener

Note: The following resolution was adopted under delegated authority at the Strategy and Assets Committee Meeting held Tuesday 10 May 2016:

RESOLVED that in accordance with the delegated authority of Council the Committee, that Council:

- a) *Endorse the draft Collingwood Beach Dune Vegetation Management Plan with the following variations added*
 - i) *Zone 5 – Thin/prune 50%-70% low shrubs/trees within the 1.5m – 2.5m view window,*
 - ii) *Zone 5 prune trees and tall shrubs to a height 1m-1.5m*

-
- iii) *All vandalism signs to be removed once the plan is formally adopted by council.*
 - b) *Place the draft Collingwood Beach Dune Vegetation Management Plan on public exhibition for a period of six (6) weeks and report back to Council the outcome of the public exhibition.*
 - c) *Establish a 50m demonstration site at the end of Susan Street, Vincentia prior to the exhibition period to facilitate the understanding and visualisation of the proposed management zone for this area.*
 - d) *Allocate \$5,000 budget to achieve the 50m demonstration site at Susan St.*
 - e) *Report back on the proposed schedule of delivery and costings to deliver the CBDV Plan, the ongoing 5 year management and maintenance activities, with options that might include:*
 - i) *funding from the general fund, a special rate levy (noting that IPART approval would be necessary if this was in addition to the rate peg limit),*
 - ii) *support funding of works by private properties fronting the dune,*
 - iii) *A staged action plan*
 - iv) *utilisation and participation of community volunteers in programmed maintenance works.*
 - f) *Ensure appropriate funding up to \$120,000 is placed in the 16/17 budget to activate the plan.*

Note from General Manager:

1. The Code of Meeting Practice provides that in the circumstance where a resolution of a Committee is carried under delegated authority and it is subject to rescission then it is referred to the next Ordinary meeting to be dealt with.
2. In accordance with Section 377(1)(g) of the Local Government Act, 1993, the Strategy and Assets Committee does not hold delegated authority to vote expenditure on works, services or operations of the Council. With respect to the above resolution for this matter, the following should be noted:
 - Part d) of the resolution refers to funding of an amount of \$5,000 which is already available in the budget and therefore is confirmed by the resolution:
 - Part f) of the resolution is outside the authority of the Committee and therefore is ultra vires and cannot take effect. The Council will need to allocate appropriate funding for this project when considering the implementation of the Collingwood Beach Dune Vegetation Management Plan. This can be dealt with at the conclusion of the exhibition period.

42. Collingwood Beach Dune Vegetation Management

File 49987E

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

That Council include the submissions of the Collingwood Beach Preservation Group as part of any public exhibition and that this form a clause to other aspects of the

recommended motion that appeared on the committee's business paper on 10 May 2016.

Signed
Clr Guile
Clr Watson

Note: The staff recommendation was as follows:

- a) *Place the draft Collingwood Beach Dune Vegetation Management Plan on public exhibition for a period of six (6) weeks and report back to Council the outcome of the public exhibition.*
- b) *Establish a demonstration site at the end of Susan Street, Vincentia prior to the exhibition period to facilitate the understanding and visualisation of the proposed management zone for this area.*
- c) *Investigate and report back on sustainable ways of funding the subject dune vegetation management plan activities – options could include special rate levy (noting that IPART approval would be necessary if this was in addition to the rate peg limit), funding of works by private properties fronting the dune, utilisation of volunteers and other options.*

43. Shoalhaven DCP – Chapter G3: Landscaping Design Guidelines File 49987E

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

The City Wide DCPs Chapter G3: Landscaping Design Guidelines be varied as follows:

- a) **Amend Acceptable Solution A 2.1 as follows:**

A2.1 For development other than a new dwelling house, alterations and additions to a dwelling house or a dual occupancy, landscaping must be in accordance with an approved landscape plan for the site, ~~prepared by a qualified landscape architect or designer (deleted)~~. The plans should meet the performance criteria and show:

- **The street reserve, carriageway, parking bays, footpaths, cycleway systems, street lighting and driveways;**
- **Existing vegetation and proposed general character of tree planting and landscape treatment (including proposed species);**
- **Existing trees and significant vegetation on the site and identify those to be retained and those proposed to be removed;**
- **General arrangement of hard landscaping elements and major earth cuts, fills and mounding;**
- **Indicative treatment of any floodway and drainage lines; and**
- **General information on fencing, access points furniture, pavement materials and on-going maintenance requirements.**

b) Amend Acceptable Solution A 3.1 as follows:

A3.1 A landscape plan must be submitted with the development application illustrating the following landscape principles *for landscaping to the street frontage of the development*:

- The location, height and species of all existing and proposed vegetation;
- Methods employed to minimise soil erosion; and
- Cross section through entire site indicating major level changes, existing retained and proposed landscaping that demonstrates the proposed finished landscape (hard and soft).

Background:

Adding the words *for landscaping to the street frontage of the development* makes it clear that acceptable solution A3.1 relates back to performance criteria P3 which reads:

P3 To enhance the appearance and to integrate the development into the streetscape through the provision of substantial landscaping to the street frontage.

Signed
Clr Watson

Note by General Manager:

The need for a landscape plan, prepared by a suitably qualified landscape architect or designer, has been a feature of Councils planning controls for many years. The requirement relates to a range of larger developments (Note: Not single dwellings or dual occupancies) that have the potential to have a greater impact both in terms of the streetscape, amenity and also soil/water management.

Landscape plans are required for medium density development, residential subdivisions, tourist cabins, commercial development and the like. They are currently required at the development application stage so that they can be considered as part of the overall assessment and can be used as a mitigation measure to reduce impact of a proposal, especially in sensitive locations. The requirement for them to be prepared by a qualified designer aims to ensure that they are of an appropriate standard and the species used are appropriate for the site and local area. The need for the plan to cover the whole site (as opposed to just the street frontage) is to ensure that the overall development is finished to an appropriate standard for future residents and users, this is particularly relevant where larger sites are involved and there could be potential soil and water management impacts if appropriate landscaping is not established as part of the final development.

The changes suggested have the potential to have a significant impact and should not be made to the DCP without following due process. This would require the proposed changes, if supported, to be included in one of the upcoming amendments to the DCP so that they can be advertised in accordance with legislation and provide the broader community with the opportunity to comment on the changes. A number of local communities have made strong representations over the years regarding the visual impact of development, especially within the rural landscape (eg. Berry, Huskisson, Kangaroo Valley). Well designed landscaping is an important mitigation measure to reduce the visual impact of such development.

44. Banning Super Trawler from the Waters of Shoalhaven**File 4912E**

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

The General Manager write to the Federal Government requesting that the Super Trawler – Geelong Star be excluded from operating in Australian Waters of the coast of Shoalhaven in particular but not limited to the waters of Jervis Bay.

Background:

The Australian Federal Government in 2012 banned the then named Abel Tasman super trawler from factory farming the waters around Australia, however this was overturned in 2015. Super trawlers are super damaging as they indiscriminately harvest marine creatures including dolphins. The waters of the Shoalhaven provide an income stream for the Shoalhaven via recreational fishing, commercial fishing, marine mammal watching and diving. The last thing we need is to have these precious water's depleted and ruined by indiscriminate fishing.

Signed
Clr Findley

45. Berry District Park – Re-exhibition of Master Plan (concept plan only) File 49929E

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

Recommended that:

- a) **Council re-exhibit the Berry District Park Master Plan (concept plan only) with the following inclusions for a period of 28 days:**
- **Remove long vehicle parking area be shown on North Street (identified as E on concept plan)**
 - **Provision of more long vehicle parking in the off street car parking area within Berry District Park (identified as G on concept plan)**
 - **Provision of toilet block at the off street car parking area within Berry District Park (identified as G on concept plan).**
 - **Hatch area for potential expansion of the proposed adventure playground north of the existing site (identified as L & K on concept plan).**
 - **Spacing fitness equipment stations along the walking path within the Park (identified as S on concept plan).**
- b) **Council through re-exhibition of the Berry District Park Master Plan (concept plan only) seek at the same time community feedback on the proposed name change from Berry District Park to either:**
- **Boongaree Park**
 - **Bill Bramley Park: or,**
 - **Other park name which is strongly supported by the community.**

-
- c) **Notification of the above exhibition be advertised in local newspapers and letters sent to key stakeholders, including:**
- **Berry Riding Club**
 - **Berry Landcare**
 - **Berry Garden Club**
 - **Current Berry Sporting Complex user groups**
 - **Berry Alliance**
 - **Berry Rotary**
 - **Berry Forum**
 - **Berry Chamber of Commerce and Tourism**
 - **Roads and Maritime Services**
- d) **Council staff ground truth the site with RMS staff and request an “as built” survey plan from RMS to determine if all elements of the Master Plan can be delivered.**
- e) **Council receive a report detailing community feedback submissions received on the above exhibition matters.**
- f) **Council retain all intentions of the previous resolution of 19 April 2016 (Min 16.279) with the exception of making the Berry District Park Master Plan (concept plan only) final until the above re-exhibition process has been undertaken.**

Background:

Since Council adoption of the Berry District Park Master Plan on 19 April 2016 (Min 16.279) feedback from key Berry stakeholder groups has raised concerns that the Master Plan should have been re-exhibited after inclusion of a cycling facility which was not previously shown in the original concept plan contained within the Master Plan document. The concept plan is shown as Appendix A4 of the Master Plan document and visually showed the community the proposed intended future use of the Park area.

In addition to the above, these key Berry stakeholder groups have requested that the following additional changes should be included in the Master Plan concept plan:

- No long vehicle parking area at all on North Street (identified as E on concept plan)
- Provision of more long vehicle parking in the off street car parking area within Berry District Park (identified as G on concept plan)
- Provision of toilet block at the off street car parking area within Berry District Park (identified as G on concept plan).
- Hatch area for potential expansion of the proposed adventure playground north of the existing site (identified as L & K on concept plan).
- Spacing fitness equipment stations along the walking path within the Park (identified as S on concept plan).

Acknowledging the previous Council endorsement of the Berry District Park Master Plan document, it is proposed that all intentions of the previous resolution of 19 April 2016 (Min 16.279) with the exception of making the Berry District Park Master Plan (concept plan only) final be retained and re-exhibition only apply to the above matters. Therefore, it is only proposed that the concept plan that is shown as Appendix A4 of the Master Plan document be re-exhibited and if necessary supporting parts of the larger document be

amended after reporting community feedback to Council. Re-exhibition of the concept plan will allow the community to easily focus and interpret the above changes without necessarily having to re-read the supporting master plan document that has not changed since its original public exhibition.

Recognising that Road & Maritime Service (RMS) are still constructing the vegetation bypass embankment it appears from site visits that the final embankment location is encroaching onto the various elements shown on the Master Plan. Therefore, it is recommended Council staff ground truth the site with RMS staff and request an "as built" survey plan from RMS to determine if all elements of the Master Plan can be delivered.

Previous resolution of 19 April 2016 (Min 16.279):

- 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;*
- h) *Council seek further feedback by way of community consultation in relation to the naming of the sporting precinct Bill Bramley.*

Current concept plan from the Master Plan document

- # Shown as an attachment and is intended to be amended before public exhibition to show the above changes.

Signed
Clr Wells
Clr Kearney

CONFIDENTIAL BUSINESS PAPER AGENDA

GENERAL MANAGER – COMMITTEES REPORT

STRATEGY AND ASSETS COMMITTEE – TUESDAY 10 MAY 2016

1. Milton-Ulladulla Sewer Trunk Main Tender Process

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.

ASSETS AND WORKS

2. Holiday Haven Tourist Parks – Tender for the Management and Operation of the Currarong Beachside 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.

3. Tender - Boat Ramp Carpark Renewal – Lakehaven Drive, Sussex Inlet 53005E File

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. Tender – Albatross Aviation Technology Park Taxiway

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.

SHOALHAVEN WATER

5. Tenders - Minor Mains Replacement Panel - Construction Package 4C

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.

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, 24 MAY 2016

ASSETS AND WORKS

1. **EOI Objectives on the use of the land - George Evans Rd - Mundamia - Nowra Visitors Information Centre / Graham Lodge - 10 Pleasant Way - Nowra File 53354E & 53026E**
-

SECTION MANAGER: Michael Harben

PURPOSE:

To outline the objectives for use of the Council owned land at George Evans Road, Mundamia & 10 Pleasant Way, Nowra.

RECOMMENDED that Council receive the Report of the General Manager (Assets and Works) outlining the objectives for use of the land.

OPTIONS

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

DETAILS

At the Ordinary Council meeting of 19 April 2016 (MIN16.324) Council resolved to:

- “a) 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 expression of interest of both properties;*
- b) Receive a further report on the objectives for use of the land; and*
- c) Readvertise the sale advising the community that sale will be by expression of interest.”*

Public notice of the proposed sale has been advertised and the outcome of the notice is the subject of a separate report to Council. Council has recommenced work on the Riverfront Precinct Masterplan and dialogue will commence this week with relevant government agencies (including the 10 Pleasant Way site) this process will produce desired planning outcomes for the broader precinct.

The objectives for use of the land are outlined below:

a. 10 Pleasant Way, Nowra

- i. Communicate Council's vision for the site and to stimulate development as a "Gateway to Nowra" which may enhance the future development of the Gateway Park area;
- ii. Select proponent(s) to submit a tender for the purchase of the property who meet the expectations of Council for:
 1. A shared aspiration for the Gateway site;
 2. Capability to deliver Council's vision;
 3. Financial capacity;
 4. Proven experience and access to the necessary resources; and
 5. Timeframes for development of the site.

b. Demonstration of best practice development through:

- i. Design of buildings and landscaping to contribute to the landmark nature of the site and scale to relate to surrounding development;
- ii. Excellence in urban design and sustainability principles;
- iii. Expertise in adaptive reuse architecture and brownfield reclamation;
- iv. Contributes to the activation of the Shoalhaven Riverfront precinct and contributes to an appropriate Gateway to Nowra.
- v. Optimising public benefit through a balance of:
 1. Financial return;
 2. High quality development that is appropriately designed; and
 3. Appropriate mixed use development.

c. George Evans Road, Mundamia

- i. Communicate Council's vision for the site to develop an attractive new urban release area for Mundamia;

- ii. Select proponent(s) to submit a tender for the purchase of the property who meet the expectations of Council for:
 - 1. A shared aspiration for a mixed residential development with associated neighbourhood hub (for further details in this regard see Council's Development plan for the site);
 - 2. Capability to deliver Council's vision;
 - 3. Financial capacity; and
 - 4. Proven experience and access to the necessary resources.
- a. Demonstration of best practice development through:
 - i. Excellence in urban design and sustainability principles;
 - ii. Optimising public benefit through a balance of:
 - 1. Financial return; and
 - 2. High quality development with a mix of residential living opportunities;

CONCLUSION:

A further report will be presented to Council after the first stage of the Expression of Interest process.

Proponents will be required to provide detailed information in relation to the development scheme. The proponents would also be required to gain development approvals and consider the heritage aspects of Graham Lodge in any proposal.

B. Stewart
DIRECTOR, ASSETS & WORKS

R.D Pigg
GENERAL MANAGER