

SHOALHAVEN CITY COUNCIL
ORDINARY MEETING

To be held on Tuesday, 28 June, 2016
Commencing at 4.00 pm

22 June, 2016

Councillors,

NOTICE OF MEETING

You are hereby requested to attend the Ordinary Meeting of the Council of the City of Shoalhaven, **to be held in the Council Chambers, City Administrative Centre, Bridge Road, Nowra on Tuesday, 28 June, 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 Dr Matthew Wilson – Nowra Uniting Church
2. **Acknowledgement of Traditional Custodians**
3. **Australian National Anthem**
4. **Apologies/Leave of Absence**
 Clr McCrudden has been granted a leave of absence for this meeting.
5. **Confirmation of Minutes**
 Ordinary Meeting – 24 May, 2016
 Extra Ordinary Meeting – 14 June, 2016
 Extra Ordinary Meeting – 22 June, 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 – 14 June, 2016
 Report of the Shoalhaven Sports Board – 19 May, 2016
 Report of the Business Employment Development Committee – 25 May, 2016
 Report of the Aboriginal Advisory Committee – 20 June, 2016
11. **Report of the Shoalhaven Traffic Committee – 14 June, 2016**
12. **Report of the General Manager**
 Corporate and Community Services
 Assets and Works
 Planning and Development
13. **Notices of Motion and Questions on Notice**
14. **Addendum Reports**
15. **Confidential Report of the General Manager**
 Assets and Works

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.

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.

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.

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MAYORAL MINUTE
ORDINARY MEETING
TUESDAY, 28 JUNE 2016

1. 2016 Queen's Birthday Honours **File 8592E, 50252E**

RECOMMENDED that Council receive the report for information

DETAILS

In recognition of the honours bestowed upon Peter Lloyd AC, Bruce Fagan OAM, Doreen Rash OAM, Elaine Spring OAM, The late Patricia Yates OAM and Commodore Vince Di Pietro AM, I have taken the liberty of writing congratulatory letters and inviting them to celebrate with Council at a future date to be determined.

MEMBER (AM) IN THE MILITARY DIVISION OF THE ORDER OF AUSTRALIA

- **Commodore Vincenzo Di Pietro CSC RAN** for exceptional service as Commander of the Royal Australian Navy Fleet Air Arm from January 2013 to January 2016, and as Australia's Naval Attaché to the United States, from June 2007 to June 2010.

MEDAL (OAM) OF THE ORDER OF AUSTRALIA IN THE GENERAL DIVISION

- **Bruce Fagan OAM** for service to Judo.
- **Doreen Rash OAM** for service to Veterans and their families, and to the Community.
- **The Late Patricia Yates OAM** for service to the community through music.

COMPANION (AC) IN THE GENERAL DIVISION OF THE ORDER OF AUSTRALIA

- **George Lloyd AO OBE** for eminent service to the aviation industry, particularly to the advancement of air safety in Australia, through leading roles with national and international aeronautical organisations, and airport associations.

2. Congratulations - Flood Conference **File 49468E, 50252E**

RECOMMENDED that Council receive the report for information

DETAILS

Congratulations to Thelma Marr and Ailsa Schofield for their presentation at the recent Flood Management Conference held at the Shoalhaven Entertainment Centre held in May.

Winner of 2016 Harold Sternbeck Medal Announced

Once again, the calibre of paper presentations at the Conference was very high. The winner of the 2016 Harold Sternbeck Medal is awarded to:

- **Allan Gear** (formerly of The Hills Shire Council) for his paper entitled '*Of Doubts and Flooded Drains: the artistry in defining an overland flowpath*'.

With so many great paper presentations, it has been decided to also award two Highly Commended Awards:

- **Andrew Gissing** (Risk Frontiers) for his paper entitled '*An Analysis of Human Fatalities from Flood Hazards in Australia 1900-2014*'.
- **Thelma Marr** (Shoalhaven City Council) and **Stephen Yeo** (Flood Focus Consulting) for their paper entitled '*Plans Schmans? How Caravan Parks Responded to the August 2015 Sussex Inlet and Conjola Lake Floods*'.

The 2016 Harold Sternbeck Medal and Highly Commended Awards will presented formally at the next FMA Quarterly Meeting in August.

3. 2018 Digger Day & Valour & Gallantry Ball File 4771E, 50252E

RECOMMENDED that Council receive the report for information and pledge its support and sponsorship of \$10,000 towards the 2018 Digger Day and Valour and Gallantry Ball.

DETAILS

- # Following a meeting with me and the General Manager on 10 May 2016, Rick Meehan OAM, Honorary Secretary, Nowra RSL Sub Branch has written to Council seeking sponsorship for the 2018 Digger Day event. This will be a very significant occasion attracting international guests, Victoria Cross recipients and Cross of Valour recipients. Because of the logistics and forward planning necessary to make this an exceptional nationally significant event, Mr Meehan is seeking an early indication of council support (copy of letter attached).

4. Other events attended File 50252E

RECOMMENDED that Council receive the report for information.

DETAILS

Over the past month I have attended the following events:

- Staff appreciation BBQ at the Woollamia Depot
- Berry Celtic Festival
- Public Meeting – Woollamia Regional Boat Ramp
- Councillor Familiarity Tour
- Shoalhaven History Society information day
- Nowra Culburra Surf Club Presentation
- Staff appreciation BBQ at the Shoalhaven Water Depot

-
- Official Opening of Mollymook Beach Basketball Facility
 - Nowra Lions Club 57th Changeover dinner
 - Milton Ulladulla Rugby League Football Club 100 Elimination Draw
 - Stars of the Eisteddfod – A fantastic display of the best of our talent. This was the 32nd year of the Eisteddfod. Congratulations to George Windsor and his Committee.
 - SOLA Graduation
 - Excellence in Vocation Education & Training Awards
 - Official Opening of the South Coast Dairy Processing Facility
 - Shoalhaven Water Operations Diploma Presentation & lunch
 - I would also like to congratulate the organisers of Sea Change on a well-run event program, even the constant rain did not dampen the enthusiasm of the organisers.

5. Thank you

File 50252E

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

- Launch of Nowra Makers' Market
- PIA Seminar
- IAS Sponsors Awards
- St John's NAIDOC Celebration

Assistant Deputy Mayor, Councillor Allan Baptist

- Launch of the Shoalhaven Coast Winter Wine Festival
- Country Mayor's Association
- Mollymook SLSC IRB State Championships

Councillor Patricia White

- Mollymook VIEW Club – Smith Family support of Disadvantaged Children
- SPBA Breakfast
- Ulladulla Milton Lions Club 52nd Changeover

Councillor Jemma Tribe

- Boer War Memorial Service
- Ceremonial Sunset & NEOC Reception
- Rotary Club of South Nowra Changeover Dinner

Councillor Lynnette Kearney

- Milton Ulladulla War Widows Guild AGM & afternoon tea
- Southern Sons of Cornwall in conjunction with Berry Celtic Festival Dinner
- Excellence in Vocation Education & Training Awards

Councillor Clive Robertson

- New Entry Officers' Course 54 Parade & Luncheon



Joanna Gash (Mrs)
Mayor

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 28 JUNE 2016

GENERAL MANAGER – COMMITTEES REPORT

STRATEGY AND ASSETS COMMITTEE – TUESDAY 14 JUNE 2016 (ITEMS 1 to 6)

Corporate and Community Services

1. Request for Donation File 4771E

RECOMMENDED that the General Manager (Corporate and Community Services) meet with representatives of the Milton Theatre Management Committee and the Milton Follies to discuss the affordability of fees charged to the Milton Follies and report back to Council should a donation still be required.

Assets and Works

2. 2015/16 Grant Funding Variations – Blackspot – Active Transport
File 28099E; 5279E; 49683E; 49451E

RECOMMENDED that Council:

- a) Accepts the approved variations including time extensions and revised grant funding offers under the Federal Nation Building Blackspot Program as follows:
 - i) Naval College Road project, increasing the budget from \$1.5 Million to \$2 Million, and revising the funding provision (breakdown over each consecutive financial year period) as; \$30,000 in 2014/15, \$140,000 in 2015/16, and \$1,830,000 in 2016/17; votes funds and authorises adjustments to the budget
 - ii) Yalwal Road project, increasing the budget from \$60,000 to \$75,000; votes funds and authorises adjustments to the budget
 - iii) for the Flinders Road projects, revising the funding provision (breakdown over each consecutive financial year period) as; \$30,000 in 2014/15, \$200,000 in 2015/16, and \$570,000 in 2016/17 (no change to the approved total \$800,000); votes funds and authorises adjustments to the budget
 - iv) Turpentine Road project (from CH8.565 to CH10.020) revising the funding provision (breakdown over each consecutive financial year period) as; \$6,000 in 2014/15, \$320,000 in 2015/16, and \$434,000 in 2016/17 (no change to the approved total \$760,000); votes funds and authorises adjustments to the budget
- b) Accepts variations to Council's budget consistent with the remaining variations to be approved under the Federal Nation Building Blackspot Program as follows:

-
- i) The Springs Road project, revising the funding provision (breakdown over each consecutive financial year period) as; \$30,000 in 2014/15, \$80,000 in 2015/16, and \$110,000 in 2016/17; votes funds and authorises adjustments to the budget
 - ii) Sussex Inlet Road project, revising the funding provision (breakdown over each consecutive financial year period) as; \$30,000 in 2014/15, \$170,000 in 2015/16, and \$450,000 in 2016/17; votes funds and authorises adjustments to the budget
 - iii) Lake Conjola Entrance Road project, revising the funding provision (breakdown over each consecutive financial year period) as; \$30,000 in 2014/15, \$40,000 in 2015/16, and \$380,000 in 2016/17; votes funds and authorises adjustments to the budget; and if unsuccessful in entering into a contract undertakes works in-house
- c) Accepts the change to the funding source for the Flinders Road project from the NSW Government, and accepts the variation approved under the NSW Rural and Regional Road Fund (RRRF) including the revised funding provision (breakdown over each consecutive financial year period) as \$100,000 in 2015/16, and \$3 Million in 2016/17 (no change to the total grant originally approved under the NSW Fixing Country Roads program of \$3,100,000) and authorises adjustments to the budget
 - d) Accepts the variation approved under the Federal Government's Heavy Vehicle Safety and Productivity (HVSPP) Program including the revised funding provision, being all \$2,950,000 funds originally approved in 2015/16 now approved to be provided in 2016/17, and authorises adjustments to the budget
 - e) Accepts the grant funding offer by NSW Roads and Maritime Services of \$22,372.50 under the TRACKS modelling program, being 50% of the cost of an independent peer review of the recently developed TRACKS (traffic and transportation) models, and authorises expenditure
 - f) Accepts the grant funding offer by NSW Government under the NSW Government's Active Transport Program of \$15,000 (being 49% of the cost of kerb ramp improvements at five locations, approved for 2016/17, brought forward to 2015/16, and authorises expenditure
 - g) Accepts the variation approved under the NSW Government's Active Transport Program for the 2015/16 stage of the Matron Porter Drive shared user path project (formerly approved from Garrads Lane to Sungrove Lane), to accept the completed works to the Frogs Holla Sports Fields access, the grant funding provided in 2015/16 be increased to \$245,000, and authorises adjustments to the budget
 - h) Accepts the funding offer under the NSW Government's Active Transport Program for the 2016/17 stage of the Matron Porter Drive shared user path project (formerly approved from Sungrove Lane to Garside Road), to now also include the section from Frogs Holla Sports Fields access to Sungrove Lane, the grant funding approved in 2016/17 be increased to \$200,000, and authorises adjustments to the budget

3. Acquisition of Land for Matron Porter Drive Shared Pathway File 51477E, 48363e

RECOMMENDED that:

- a) Council resolve to acquire part of Lot 21 DP1174684, known as 8 The Heights Narrawallee, as shown by hatching on copy of sketch plan marked Attachment 'A';
- b) Council pay compensation of \$70,000 plus GST (based on the area of 3,961m²), legal and valuation costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;
- c) The compensation be adjusted in accordance with the area of the land determined by final survey;
- d) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manger is authorised to sign any documentation necessary to give effect to the resolution; and
- e) Following acquisition, the land be dedicated as Public Road pursuant to Section 10 of the Roads Act 1993.

4. Greenwell Point Wharf Management Committee – Timber Jetty File 5219E, 9818E

RECOMMENDED that:

- a) The Greenwell Point Wharf Committee be dissolved;
- b) Council write to the Committee and thank them;
- c) Council prepare options for the replacement of the timber jetty with a multi-purpose facility (public and commercial) at an estimated cost of \$200,000. To be located approximately where the existing Council owned timber wharf is located, with preferred option being a floating pontoon with a sewage pump out facility and the community be consulted after the draft options have been adopted by Council;
- d) The Council Waterways Infrastructure Plan to be amended to include this pontoon facility as a priority at this location and an application for funding be made to the State Government at the appropriate time.

Shoalhaven Water

5. Acquisition of Crown Land and Easement over Crown Land at Ulladulla File 21687E

RECOMMENDED that:

- a) Council resolve to compulsorily acquire from the Crown:
 - Lot 1 DP1109186, being part of Lot 7304 DP1166765, at Kings Point Drive Ulladulla, as shown on the attached copy of DP1109186 marked Attachment 'A'.
 - A Sewerage Easement 10 wide and variable over Lot 7305 DP1166765 and Lot 5 DP256334 at Kings Point Drive Ulladulla, as shown by hatching on the attached copies of DP1109186 marked Attachment 'A' & 'B'.

-
- b) Council pay compensation and costs associated with the acquisition, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer fund.
 - c) The necessary application be made to the Minister for Local Government and the Governor. The acquisition is to be carried out under the Local Government Act 1993.
 - d) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

6. Acquisition of land - Sunset Strip and The Bulwark, Manyana

File 27440E

RECOMMENDED that:

- a) Council resolve to acquire proposed Lot 100 in plan of subdivision, being part of Lot 682 DP568678 and part of Lot 705 DP613881, at Manyana as shown by hatching on plan marked 'Attachment A', under the Local Government Act 1993.
- b) Council to pay compensation of \$36,000 plus GST, and legal, valuation and survey costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer Fund.
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.
- d) Council resolve to classify the land as Operational in accordance with section 31 (2) of the Local Government Act, 1993.

SHOALHAVEN SPORTS BOARD – THURSDAY 19 MAY 2016 (ITEM 7)

General Business

7. Additional Item – Workshop – Sports Board Review File 12623E

RECOMMENDED that the terms of reference be adopted with the following changes:

- The wording 'skills based' where it makes reference to the members be removed;
- The Board Remain titled Shoalhaven Sports Board;
- A Strategic planning nature to be introduced for the future;
- The interview panel of community member appointments to include the chairperson of the Shoalhaven Sports Board.

**BUSINESS AND EMPLOYMENT DEVELOPMENT COMMITTEE – WEDNESDAY 25 MAY 2016
(ITEMS 8 to 9)**

General Manager

8. Smart Cities Plan File 31157E

RECOMMENDED that:

- a) The Business and Economic Development Committee receive the report on the Smart Cities Plan for information.
- b) Council notify relevant federal agencies of its interest in the Smart Cities Program and make appropriate submissions.

General Business

9. Additional Item – Business and Employment Development Committee Membership
File 38821E

RECOMMENDED that Council approve the appointment of a representative from the Shoalhaven Tourism Advisory Group to the Business and Employment Development Committee.

ABORIGINAL ADVISORY COMMITTEE – MONDAY 20 JUNE 2016 (ITEMS 10)

10. Local Government NSW Aboriginal Network Conference

RECOMMENDED that

- a) An Aboriginal Advisory Committee member attend the Local Government NSW Aboriginal Network Conference at Tweed Heads from 24 to 26 August 2016 at a cost of \$780, not including accommodation and travel expenses.
- b) The cost of attending the conference to be allocated from the Aboriginal Advisory Committee budget (Job number 13710).

R.D Pigg
GENERAL MANAGER

SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 14 JUNE 2016

ORDINARY MEETING

TUESDAY, 28 JUNE 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.

11. Intersection Priority - Moolianga Road and Myrniong Grove, Berrara (PN 1205) File 7774E

RECOMMENDED that the General Manager (Director Assets and Works) be requested to install double barrier (BB) centre line marking with a 10m break at the intersection of Myrniong Grove and Moolianga Road, Berrara as detailed in the attached plan TRAF 2016/40.

12. Temporary Work Zone - Carpark off Lawrence Avenue, Nowra (PN 3291) File 17432E

RECOMMENDED that the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed temporary work zone of 6 car parking spaces in the carpark located on the eastern side of Lawrence Avenue, Nowra as detailed in the attached diagram TRAF 2016/41.

13. Give Way Sign - Stewart Place Carpark, Nowra (PN 3292) File 14626E

RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the installation of a Give Way Sign and associated TB/TB1 hold linemarking at the western exit from the Stewart Place carpark to Stewart Place north of the Worrigee Street roundabout, Nowra as detailed in the attached plan TRAF 2016/42.

14. Temporary 15t Gross Weight Restriction - Henry's Bridge, Main Road, Cambewarra (PN 3293) File 4347E

- # RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the installation of temporary (R6-3 'Bridge Load Limit 15t Gross') signs on Henry's Bridge, Main Road, Cambewarra as detailed in the attached plan TRAF 2016/43.

15. Linemarking & Signage Plan for Proposed Roundabout - Bishop Drive, Narrawallee (PN 3297) Lots 4, 5 & 35 DP 220678 Bishop Drive, Narrawallee
Applicant: Simon Punnet and Associates Pty Ltd File CC15/2442

- # RECOMMENDED that the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed linemarking and regulatory signage in conjunction with the construction with the road and roundabout at Bishop Drive, Matron Porter Drive and Garside Road, Mollymook Beach as detailed in the attached plan (drawing no. 480-E16-17) TRAF 2016/44, subject to following:

- a) All linemarking around splitter islands to be E5, edgeline markings to be E1
- b) All edge linemarking of splitter islands to be offset typically 300mm
- c) Width of pedestrian crossing in all splitter islands to be 2m
- d) Painted chevron infill points to be shown on the plan
- e) All signs to be size B, including speed signs
- f) In the typical cross section, central island to be shown 12m diameter, not 6m, or specify radius 6m.
- g) All landscaping in the central island of the roundabout to be ground cover
- h) Ensure pram ramps are clear of light poles (address conflicts shown on plans)
- i) BS linemarking (170m (14)) needed to transition between BB and S1 linemarking in accordance with AS1742.2, on Bishop Drive
- j) W2-7 signs to be erected 80-120m from hold lines on all legs of the roundabout. with the exception of Garside Road which is to be 60-80m
- k) Pram ramps and connection to path to be provided from shoulder on approach to roundabout on all legs
- l) E1 edge line markings are to transition to the lip of kerb rather than the invert
- m) BB linemarking to be noted as continuous 100mm wide with 100mm separation between lines
 - E4 to be noted as E5 and 150mm wide continuous linemarking
 - TB holding line to be noted as 300mm wide x 600mm long

16. Give Way - Rose Gum Avenue and Golden Wattle Drive, Ulladulla (PN 3299) File 1715E

- # RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the installation of a R1-2B Give Way sign and TB/TB1 hold line at the intersection of Rose Gum Avenue and Golden Wattle Drive, Ulladulla as detailed in the attached plan TRAF 2016/45.
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17. No Stopping Zone - Isa Road, Worrigee (Lot 188 DP 1097639) Isa Road, Worrigee – Applicant: Lee Carmichael Town Planning (PN 3305) – Owner: Marvast Developments Pty Ltd File DA15/1208, 31143E

RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the installation of a No Stopping zone (approx 6.5m) to maintain emergency bushfire access, in Isa Road, Worrigee as detailed in the attached diagram TRAF 2016/46.

18. Linemarking - Sussex Inlet Road, Sussex Inlet (PN 3306) File 13834E, 1714E

RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the installation of approximately 360m of double barrier (BB) Centre linemarking on Sussex Inlet Road, Sussex Inlet, between Government Road and Glanville Road with a 10m break in the linemarking at Cater Crescent and Ray Street as detailed in the attached diagram TRAF 2016/47.

Martin Upitis
CONVENOR

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 28 JUNE 2016

GENERAL MANAGER

19. New Model for Joint Organisation

File 50403E

PURPOSE:

To report the proposed model for new Joint Organisations recently released by the Office of Local Government and calling for comments by 15 July 2016.

RECOMMENDED that Council note the Joint Organisation Background Paper and make a submission generally in support of the proposed model.

OPTIONS

1. Adopt the recommendation as written.
2. Adopt an alternative recommendation and provide direction to the General Manager on specific issues to be included in any submission to the Background Paper.

DETAILS

The Illawarra Pilot Joint Organisation (JO) has successfully functioned for over 12 months.

A proposed model for JOs developed in partnership with councils is now available for consultation. The key document, [Joint Organisations: Towards a new model for regional collaboration](#), provides an update on progress to date, seeks feedback on the proposed JO model and outlines next steps in building JOs.

An accompanying [Joint Organisations Background Paper](#) contains detailed information and key questions about proposals for the legislation, guidance and tools needed to help build JOs that support consistent regional planning and collaboration yet recognise the unique differences of each region.

The key principles for the new JO model will be:

JOs should:

- Have legal status i.e. *JOs will be bodies corporate established by proclamation under the Local Government Act. The proclamations will designate JO regions. All general purpose councils within each designated region must be a member of the JO.*
- Be enabled through the Local Government Act and recognised in other relevant laws.
- Be owned by, and accountable to, member councils rather than be a 'fourth tier' of government.
- Not impose significant red tape, cost or risks and ensure benefits outweigh costs and risks.
- Embed collaborative relationships between local government and the State Government, as well as a wide range of other stakeholders and partners.
- Have a consistent core model with flexible elements.
- Protect entitlements for council staff through the Local Government (State) Award.
- Enable significant projects and initiatives, and associated funding and assets, to be managed regionally.
- Ensure good governance.
- Serve the best interests of the region and its communities.

Much of what is proposed aligns closely with existing practices in the Pilot JOs such as:

- The Core functions.
- Optional functions - *JOs would be free to determine the best vehicle to undertake optional functions. They could be delivered:*
 - *directly through the JO;*
 - *through 'lead' member council/s; or*
 - *through other regional service delivery bodies such as county councils or other entities formed by JOs under the Local Government Act.*

Should optional functions be delivered directly through the JO, it is proposed that operational decisions would be delegated by the Board, potentially to the Executive Officer or a subcommittee, such as a General Managers Advisory Committee.

- Planning & reporting.
- Financial resourcing.
- Employment of an Executive Officer.

However there are also some proposals for the final legislated model for JOs that will be a significant variation to the Illawarra Pilot JO current model such as:

Representation: It is proposed that:

- ***The Mayor will be the legislated member council representative on the JO, this recognises the authority of the Mayor to lead and make decisions that reflect the council's policies - with the JO enabled to appoint additional elected representatives as long as representation remains equal. General Managers will participate in JO Board meetings in an advisory capacity and not be members.***
- ***An alternate representative, preferably the Deputy Mayor where there is one, may be appointed in certain circumstances where the Mayor cannot be represented, for example, due to illness or leave.***
- *Remote or proxy voting may occur in circumstances where it is impractical for the representative to attend in person.*
- *The relevant Department of Premier and Cabinet (DPC) Regional Coordinator will represent the State Government on the Board in an associate, non-voting capacity.*
- ***The Board members will be appointed for a two year term, with the Chair being a Mayor chosen by voting representatives of the Board.***
- *The role of Board members and Chair will be modelled on relevant roles of a councillor and mayor in the Local Government Act, plus the need to act in the best interests of the region as a whole.*
- *All member councils will have equal voting rights.*
- *A simple majority at a meeting at which a quorum is present will be required for a decision to be made. The Chair of the JO will not have a casting vote.*
- ***Board members will not be paid sitting fees. However, a one-off increase to the Mayoral fee will be considered as part of the councillor remuneration review to commence in the coming months.***

Corporations & JO formed entities: It is proposed that:

- *The development of a robust model for JOs to form corporations and other entities should integrate with the existing framework for councils to do so under section 358 of the Local Government Act and consider other local government entities such as county councils.*

Regulatory functions: Office of Local Government (OLG) is looking at the option of allowing JOs to undertake regulatory functions on behalf of member councils (would require agreement of the member councils) and requesting feedback on support (or not) and what legislation may need amendment.

FINANCIAL IMPLICATIONS:

No real change to the current arrangements with the Illawarra Pilot JO.

COMMUNITY ENGAGEMENT:

Not considered necessary in the context of this report. Individual community members may access the OLG website to make any comment/submission direct to the OLG.

20. Mind the Gap Project Funding

File 49858E

PURPOSE:

To report on the administrative arrangements for the successful National Stronger Regions Fund Round 2 project called Mind the Gap.

RECOMMENDED that:

- a) **Council approve the necessary budgetary and/or accounting arrangements that will facilitate the timely transfer of the National Stronger Region Fund project funds from Shoalhaven City Council to the University of Wollongong for the delivery of the Mind the Gap project by creating:**
 - i) **Within the Economic Development budget, an income allocation of \$1,229,554; and**
 - ii) **Within the Economic Development budget, an equivalent expenditure allocation for \$1,229,554.**
- b) **These allocations be treated as a single project commencing in the 2016/2017 financial year and potentially rolling forward into 2017/2018.**

OPTIONS

- a) The recommendation be accepted as written.
- b) An alternative recommendation be proposed.

DETAILS

Background

The National Stronger Regions Fund (NSRF) is a Federal Government program aimed at promoting economic development in regional areas. The program commenced in 2015/2016 and will provide \$1 billion over five years.

The objective of the NSRF is to fund investment ready projects which support economic growth and sustainability of regions across Australia, particularly disadvantaged regions, by supporting investment in priority infrastructure. NSRF funding is for capital projects which involve the construction of new infrastructure, or upgrade or extend existing infrastructure.

Applications for funding can be made by local government and incorporated not-for-profit organisations. Ineligible proponents include for profit organisations, state and territory government owned entities, universities, technical colleges, schools and hospitals or business entities owned by them and Regional Development Australia committees.

Ineligible organisations are able to be part of a consortium to apply for funding where the lead applicant must be an eligible organisation.

Shoalhaven City Council (SCC) was approached by the University of Wollongong (UoW) to apply as a consortium in a project application under the NSRF Round 2.

SCC was supportive of this approach, and the Mind the Gap project, and resolved that Council and the University of Wollongong apply to the NSRF Round 2 for funding for Mind the Gap (MIN15.453).

Mind the Gap

Mind the Gap (Mental Illness in the Nowra District - Goals and Prevention) is part of the UoW Health and Wellbeing strategy. The project consists of the construction of a new facility at the UoW Shoalhaven Campus. The facility will be a centre for education, research and service collaboration, in partnership with Lifeline South Coast, Lifeline Australia Research Foundation, Coordinare (the primary health network for the Illawarra, Shoalhaven and Canberra), the Illawarra Shoalhaven Local Health District, Noah's Shoalhaven, the Illawarra Health and Medical Research Institute and potentially other partners in the region.

NSRF Success

The NSRF application was successful and SCC will receive \$1,229,554 toward the construction of the Mind the Gap facility (total project cost \$2,459,110). The additional \$1,229,556 in project costs, and any additional cost overruns, will be covered by the UoW. The UoW will project manage the construction of the facility and will be responsible for the management of the facility once completed.

Administration

SCC was the lead proponent in the NSRF application and will be the recipient of NSRF grant funds. The construction of the Mind the Gap facility will be wholly project managed by the UoW. The completed facility will be owned and operated by the UOW.

SCC has entered into a Deed of Agreement with the Commonwealth. SCC has also entered into a mirrored Deed of Agreement with the UoW. As per these agreements SCC will receive the grant funding and then pass this grant funding onto the UoW. The UoW will provide SCC with progress reports which will then be submitted to the NSRF funding body. These transactions are to take place in a timely fashion and are outlined within the agreements.

In terms of funding, SCC is merely an administrative body. Funding received from the Commonwealth is contractually tied to the construction of the Mind the Gap facility.

FINANCIAL IMPLICATIONS:

SCC will receive \$1,229,554 from the Commonwealth via the NSRF. This funding will be provided to the UoW for the construction of the Mind the Gap facility. The UoW will contribute \$1,229,556 and meet any cost overruns. The University will be responsible for the ongoing management and maintenance of this facility.

SCC's contribution to the project will consist of administration support. This support will be minimal and will consist of liaising between the Commonwealth and the UoW to facilitate transfer of funds and projects reporting.

COMMUNITY ENGAGEMENT:

Community engagement will be undertaken by the UoW and, in regards to the construction of the Mind the Gap facility, will consist of notifications and other communications required as part of the Development Assessment process.

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 28 JUNE 2016

CORPORATE AND COMMUNITY SERVICES

21. Investment Report – May 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 31st May 2016 be received for information.

OPTIONS

1. The report on the Record of Investments for the period to 31st May 2016 be received for information
2. Further information regarding the Record of Investments for the period to 31st May 2016 be requested
3. The report on the Record of Investments for the period to 31st May 2016 be received for information with any changes requested for the Record of Investments to be reflected in the report for the period to 30th June 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 May was \$435,461.54 which was \$83,928.94 above budget. The budget assumed an interest rate of 3.25%, the attached CPG report shows our current investment portfolio earning a return of 3.44%.

As a result of the March quarterly budget review, the budgeted monthly interest amount has increased from \$296,796.07 to \$351,532.60.

RECORD OF INVESTMENTS

Cash and Investment Balances

	May 2016	April 2016
Cash And Investments Held		
Cash at Bank - Consolidated Account	\$8,559,739	\$5,634,749
Cash at Bank - Trust Fund	\$1,240	\$1,240
Cash on Hand	\$28,230	\$28,230
Total Investments	<u>\$149,886,294</u>	<u>\$140,849,661</u>
	<u>\$158,475,503</u>	<u>\$146,513,880</u>
 Fair Value Adjustment	 -\$52,874	 -\$74,699
Bank Reconciliation	<u>\$263,758</u>	<u>\$306,330</u>
	\$210,885	\$231,631
 Book Value of Cash and Investments	 <u>\$158,686,388</u>	 <u>\$146,745,511</u>
 Less Cash & Investments Held In Relation To Restricted Assets		
Leave Entitlements & Workers Compensation Liability	\$10,138,719	\$9,970,579
Land Decontamination	\$1,659,479	\$1,655,181
Critical Asset Compliance	\$1,985,128	\$1,987,305
North Nowra Link Road	\$657,635	\$662,035
Other Internal Reserves	\$7,375,940	\$7,162,999
Section 94 Matching Funds	\$545,563	\$546,957
Strategic Projects General	\$3,127,850	\$3,101,337
Industrial Land Development Reserve	\$2,439,513	\$2,445,119
Plant Replacement	\$189,783	\$189,783
S94 Recoupment	\$1,622,101	\$1,651,650
Commitment To Capital Works	\$6,210,563	\$6,161,686
Strategic Property Acquisitions	<u>\$2,678,798</u>	<u>\$2,572,195</u>
Total Internally Restricted	<u>\$38,631,072</u>	<u>\$38,106,827</u>
 Loans - General Fund	 \$0	 \$0
Financial Assistance Grant	\$0	\$0
Grant reserve	\$5,056,671	\$4,048,475
Section 94	\$24,870,362	\$24,174,771
Storm Water Levy	\$580,168	\$632,366
Trust - Mayors Relief Fund	\$97,355	\$97,355
Trust - General Trust	\$2,951,226	\$2,881,001
Waste Disposal	\$8,946,023	\$8,773,375
Section 64 Sewer	\$0	\$0
Sewer Compensation	\$6,568	\$6,568
Sewer Fund	\$22,637,464	\$22,458,722
Sewer Plant Fund	\$624,425	\$803,168
Section 64 Water	\$13,176,540	\$12,972,395
Water Fund	\$22,813,843	\$23,146,757
Water Communication Towers	\$982,219	\$832,062
Water Plant Fund	<u>\$734,183</u>	<u>\$755,571</u>
Total Externally Restricted	<u>\$103,477,049</u>	<u>\$101,582,586</u>
 Total Restricted	 <u>\$142,108,121</u>	 <u>\$139,689,414</u>

Unrestricted Cash And Investments

General	\$14,578,267	\$5,056,097
Water	\$1,000,000	\$1,000,000
Waste Water	\$1,000,000	\$1,000,000
Total Unrestricted	\$16,578,267	\$7,056,097

Grant funds received during the month of May led to an increase in the grant reserve. Unrestricted funds increased as a result of quarterly rates instalment receipts.

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.

22. Frogs Holla Sporting Complex - Wastewater Upgrade**File 2525e****SECTION MANAGER: Jane Lewis.****PURPOSE:**

To seek Council funding from an upcoming financial quarterly review to address urgent wastewater upgrades needed at Frogs Holla Sporting Complex, Milton.

RECOMMENDED that

- a) Council commence urgent wastewater upgrade works at Frogs Holla Sporting Complex to provide a rising main connection to the adjacent Milton town sewer system.
- b) Council fund the estimated \$90,000 wastewater from the 2016/17 budget allocation for New - Car Parking Active - Crown.
- c) Council provide interim portaloos type facilities at Frogs Holla Sporting Complex on high usage days such as school carnivals.
- d) Council advise the Frogs Holla Sporting Complex Management Committee of the above resolution.

OPTIONS

1. Council adopt the recommendation
2. Council not adopt the recommendation and provide an alternative option to address urgent wastewater upgrades needed at Frogs Holla Sporting Complex.

DETAILS

Site Background

As shown in Attachment A, Frogs Holla Sporting Complex is located on Matron Porter Drive, Milton and consists of a large / multipurpose sporting field area which provides for sports such as league, touch football, cricket and athletics. To facilitate sport usage, an amenities building is located on higher land on the northern side of the Complex. Located between the sports fields and amenities building is a fourth order tributary (water course) which flows north into a swamp system that feeds into Narrawallee Creek. The existing wastewater tank is located within the 40m water course buffer.

Frogs Holla Sporting Complex is the only Council managed sporting facility where wastewater is treated via a treated septic system whilst all other facilities are connected to a town sewer system. The main advantage of being connected to a sewer system is to minimise potential wastewater failures created by peak usage loadings.

Existing Wastewater System

The existing wastewater system which services the Frogs Holla Sporting Complex amenities building is an aerated treatment system that is designed to clean and discharge wastewater onsite into 100 metres of piping for drip irrigation and 10 pop-up rotary type sprinklers. However, recent inspections and feedback from the Frogs Holla Management Committee have identified that the current waste water system appears to be failing as the surface soil surrounding the wastewater tanks is moist and sprinklers are not working.

Wastewater System Investigations

Wastewater system investigations have identified that a previous “pump out” wastewater system has been decommissioned which consisted of a 2050 litre septic tank and 30 metres of trenches. The decommissioning of this system could have been due to the system being unable to provide for peak usage loads (i.e. large sporting events).

The existing wastewater system, when fully working, has a design capacity to treat 1,500 litres per day. Estimating that 10 litres per person is used for toilet usage and handwashing, the current system can provide for approximately 150 uses per day before the system is overloaded. The capacity of the existing system is most likely to have been designed to meet a previous/lower need, however with increased usage of the facility over time, the existing wastewater system has not been upgraded. Toilet usage can be increased by installing an additional in ground storage tank but the system is limited by amount of suitable surrounding land (i.e. irrigation trenches) can absorb.

Whilst it is difficult to predict actual wastewater generation, it is estimated from Management Committee feedback that the system has the capacity to meet weekday evening training needs. However, the system is potentially failing during competition use (i.e. peak usage) when more than 150 toilet uses occurs. It is not uncommon for competition and school sports use to attract 400 people and therefore the current system has only capacity for 38% of people to use the toilet facilities before the system is potentially overloaded.

Wastewater Failure Concerns / Portaloo Usage

As identified above, the existing Frogs Holla Sporting Complex septic is failing and cannot accommodate demand created by large competition days. Whilst wastewater is treated within the existing ground tanks, it has the potential to create a health issue to users of the Complex and potential to flow via the fourth order tributary (water course) and swamp into Narrawallee Creek which is an offence under Protection of the Environment Operations Act 1997. Based on the above potential failure an immediate upgrade to the wastewater system is recommended. In addition, it is recommended that Council provide interim porta-loos type facilities at the Complex on potential peak load days to reduce the potential of the existing septic system to fail.

Septic System Monitoring & Maintenance

Another consideration with using a septic system with the ongoing need to cater for peak usage events is that it needs to be regularly monitored and maintained. This includes monitoring during before/after peak loading events and follow up maintenance of the tanks and dispersion lines (i.e. irrigation, trenches, etc.). In addition, recognising that Frogs Holla Sporting Complex is managed by a volunteer Management Committee or if managed by a paid staff or contractor, a septic system has ongoing resourcing needs.

Wastewater Treatments Options

The following wastewater treatments options could be applied at Frogs Holla Sporting Complex.

1. "Pump out" wastewater system with increased storage capacity. This option is not recommended due to potential for failure if the system is not regularly monitored or assessed against potential peak usage demands and can also be affected by associated inflow plumbing (i.e. running toilet). This option has not been costed.
2. Septic treatment systems which cleans and discharges wastewater onsite. This option exists onsite and requires repairs, improvements and extension to provide a trench irrigation system uphill of the existing amenities building. This option is estimated to cost \$30,000 to supply and project manage. In recognition of the failings identified above associated with the existing system this option is not recommended.
3. Rising main connection to the adjacent town sewer system. Connection to a mains sewer system is the recommended option to minimise the potential failings of the current (i.e. minimise impacts to users and adjacent watercourse). This option is to connect a 780m rising main line to the mains sewer system and is estimated to cost \$90,000 to supply and project manage. In the short term, this estimate has the

potential to fund a limited usage of portaloos to reduce current peak demand on the current septic system.

FINANCIAL IMPLICATIONS:

In recognition that the above wastewater problem has only recently been brought to the attention of Council's Social & Infrastructure Planning staff hence, no budget planning or asset replacement program need has been identified previously. Also, recognising the potential significant failings of the current Frogs Holla Sporting Complex septic system and the need to provide interim portaloos, it is recommended that associated upgrade works be undertaken as soon as possible and be funded by Council from the 2016/17 budget allocation for New - Car Parking Active – Crown which has a current budget allocation of \$84,000. The implication of reallocating this funding from car parking to fix the irrigation is that no car parking works will occur in sports ground car parks for the 2016/17 financial year. The cost of the connection to mains sewer works and temporary provision and servicing of portaloos is estimated to cost \$90,000 and if required the remainder funding of \$6,000 will be funded from other funding sources relating to sports grounds.

COMMUNITY ENGAGEMENT:

Initial community engagement has been undertaken with the Frogs Holla Sporting Complex Management Committee. Recognising the potential of the Council decision related to this report to affect users of the Complex, it is recommended that Council advise the Frogs Holla Sporting Complex Management Committee of the associated Council resolution.

Craig Milburn
DIRECTOR CORPORATE & COMMUNITY SERVICES

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 28 JUNE 2016

ASSETS AND WORKS

- 23. Tender for the Manufacture & Installation of Relocatable Cabins at Holiday Haven Tourist Parks** **File 53188E**
-

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 seek Council’s approval to accept a tender for the supply of Seven (7) high standard relocatable tourist cabins and two (2) ensuite units for the Holiday Haven Tourist Park Group.

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 adopt the recommendation.
2. Council not adopt the recommendation and provide further direction to staff and propose an alternative.

DETAILS

Tenders were invited for the manufacture and installation of relocatable tourist cabins and ensuite units to be installed at the following locations:

- Cabins:
 -
 - Huskisson White Sands Holiday Park x 1
 - Huskisson Beach Holiday Park x 2

-
- Culburra Beach Holiday Park x 1
 - Currarong Beachside Holiday Park x1
 - Shoalhaven Heads Holiday Park x 2
 - Ensuite Units:
 - Huskisson Beach Holiday Park x 1
 - Currarong Beachside Holiday Park x 1

Tenders were invited through Tenderlink and advertised in the South Coast Register, Illawarra Mercury and Sydney Morning Herald. Tenders closed on Monday the 30th of May 2016. Four tenders were received via Tenderlink before the closing date.

Tenders were received from the following companies:

- a) Yarrawonga Manufactured Housing Pty Ltd
- b) Uniplan Group – Armidale, NSW
- c) Wengold Pty Ltd, Trading as East Coast Homes and Park Cabins QLD
- d) BRB modular Pty Ltd, Trading as Fleetwood Vic

Tenders were assessed for compliance and the ability to supply the units as specified in the tender documents. This is against selection criteria that would provide the best value for money to Council.

The confidential report provides a breakdown of the tenders received and the subsequent tender evaluation.

FINANCIAL IMPLICATIONS

Funding for the manufacture and installation of the cabins is allocated in the 2016/17 Delivery Program/Operational Program.

24. Gateway Park – Electricity Supply – Princes Hwy Nowra

File 39962E

SECTION MANAGER: Michael Harben

PURPOSE:

To consider a proposal to enter into an agreement for the construction of electricity infrastructure and reticulation of a power supply to Gateway Park.

RECOMMENDED that Council enter into a deed of agreement with Nosbor Group Pty Limited and Endeavour Energy to deliver a cost sharing arrangement for the supply of electricity to Gateway Park precinct provided that the financial arrangements are

confirmed with Endeavour Energy and allocate funds up to \$40,000 under the existing Gateway Park budget.

OPTIONS

1. Proceed in accordance with the recommendation
2. Resolve not to proceed in accordance with the recommendation and provide further direction to staff.

DETAILS

Gateway Park is a significant development project proposed for the entrance into Nowra. It is proposed to be located on the eastern side of the Princes Highway, south of the Shoalhaven River and generally in the area bounded by Lyrebird Drive, Ferry Lane, Campbell Place and the highway.

The development of a “Nowra entry statement” in this gateway location is still in the planning phase although it has been the subject of discussion since the 1960’s when the Mavromattes subdivisions were first proposed.

When Gateway Park is developed, Council will have to enter into an agreement with Endeavour Energy for the supply of electricity to the development to meet forecast demand estimated at 159 amps per phase (AS3000 maximum demand calculation) although Council’s preference is for 190 amps per phase to allow for future electrical expansions.

This level of supply would normally require a substation on site which means that because the site is a flood storage area below the 1:100 flood level, Endeavour Energy will require an elevated structure similar to that which has recently been installed in Hyam Street to service the Nowra Swimming Pool complex.

The current estimate for a pad-mount substation to service Gateway Park including design fees, construction costs and high voltage reticulation exceeds \$200,000.

Land off Lyrebird Drive and at the head of the Hawthorn Avenue cul-de-sac which is adjacent to the site of the proposed Gateway Park is owned by Nosbor Group Pty Limited. Council has been advised that a medium density development is proposed for this site and that AKH Design Services is currently undertaking a design for electricity reticulation to meet the demand generated by that development.

Council has been advised that there is an opportunity for Council to enter into an agreement with Nosbor Group Pty Limited to share the costs of design, construction and installation of a pad-mount substation on a 75:25 split as follows:

- The developer will use 3 of the 4 low voltage fuse strips within the substation;
- Council will use the fourth fuse strip which will be sufficient to supply the required 190 amps per phase for Gateway Park;
- Install an Endeavour Energy low voltage distribution mains in an easement for electricity supply from Hawthorn Avenue to the Gateway Park land;
- Council to fund 25% of the substation infrastructure and commissioning costs; and

-
- Council to fund 100% of any required low voltage ducts, pillars, cables and connection from Hawthorn Avenue through to Gateway Park.

The total cost to the developer for the substation infrastructure and commissioning is estimated at \$100,000 to \$120,000. Council's share is therefore \$25-30,000. This represents a potential saving of up to \$170,000 at this stage.

FINANCIAL IMPLICATIONS:

The proposal to enter into a cost sharing agreement for the construction of electricity infrastructure and reticulation of a power supply to Gateway Park has the potential to save Council up to \$170,000 on current estimates if Council chose to "go it alone".

Funds for site investigations and concept design for the provision of infrastructure for Gateway Park are provided in the current budget. Council funds to be allocated for this arrangement when a firm offer is made to the developer by Endeavour Energy.

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.

25. Outcome of Public Notice - Proposed Sale of Civic Centre Site, Bridge Road

File 52523E

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 property via an expression of interest process.

RECOMMENDED that Council acknowledge the submission received and proceed with the EOI in relation to the Civic Centre site, Bridge Road, Nowra.

OPTIONS

1. Resolve as recommended.
2. Defer the sale of the property until:
 - a) Further information is obtained regarding the construction of the new Nowra bridge and any impacts on the subject site;
 - b) The Riverfront Precinct Planning Proposal is finalised; and

-
3. Provide further direction to staff and propose an alternative.

DETAILS

At the Strategy & Assets Committee Meeting held on 10th May 2016 (MIN16.359), it was 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.”

At the Ordinary Council Meeting of 24th May 2016 (MIN16.413), Council resolved:

“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.”

In accordance with Council’s Development and/or Disposal of Council Land Policy (POL12/275), public notice of Council’s intention to sell the subject property was advertised in the Nowra News and South Coast Register on 18th & 20th May 2016. One submission was received from a member of the community during the public notice period, objecting to the proposed sale (Annexure A). A summary of the objections outlined in the submission are outlined below, together with staff comments:

- **There is no qualification as to the acceptability of any development of the land indicating that an acceptable price will ensure the sale of the land**

This information will be sought at the time Expressions of Interest for the Bridge Road property. Any development on the site must meet the key principles as outlined in the Council report dated 10 May 2016 as follows:

- a) Communicate Council’s vision for the site and to stimulate 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 buildings and landscaping to contribute to the landmark nature of the site considering vistas from the site and scale to relate to existing development;
 - ii) Excellence in urban design and sustainability principles;

-
- d) Optimising public benefit through a balance of:
- i) Financial return;
 - ii) High quality development addressing the civic forecourt, parking and pedestrian access; and
 - iii) Diverse development mix.

- ***Doubtful that at this time the population of the area would support any development of any substance or significance***

The above was outlined in the consultant's report February 2016 prepared for the site and presented to Council on 10 May 2016.

This site is one of the very few close to the river. Consideration should be given to the future development demands of the area. Council should consider the macro development of the city;

The above comments should be considered in conjunction with the current Riverfront Precinct Plan that is in preparation.

- ***Council has a responsibility to have regard to the future and not sell strategic land for a quick dollar***

These comments are noted.

- ***As owner of the land, Council is in the most prominent position to control and dictate its future use as opposed to private development on privately owned land***

Council has the ability to dictate the future development on the site with the expression of interest process. The first stage of the process will call for EOI's from interested parties to submit a proposal for a development on the site. Council will assess all proposals and invite selected applicants to submit a tender for the purchase of the site.

The contract for sale of land will incorporate milestone clauses which require the development to be constructed in accordance with the proposal submitted and in accord with an agreed timeline.

- ***Seems premature in view of the proposed construction of another bridge crossing - this may impact on this site or open opportunities***

These comments are noted. Council is aware of the uncertainty and views have been expressed in recent reports to Council. This will need to be outlined in the EOI process.

Council also received comments from the Project Development Manager for the Nowra Bridge Project at Road & Maritime Services on the proposed sale. An outline of the submission and staff comments are listed below:

-
- ***At this stage the proposed project scope for the Nowra Bridge would not be likely to impact this land, however there is a possibility that this land may be of interest to RMS for construction purposes, particularly if land for ancillary sites is not available elsewhere or is likely to be flood prone.***

These comments are noted.

- ***There is a possibility that this land may be of interest to RMS in liaison with Council staff when discussing the future network (Bridge Road / Pleasant Way) connections to the Princes Highway***

The EOI documentation and contract will identify that the land may be affected by future RMS plans.

- ***Graham Lodge is also on the State Heritage Register and RMS may have comments on any proposal that might impact its heritage value.***

Council will advise the State Heritage Register at the time the sale is complete, in accordance with S. 70A of the Heritage Act. Any proposal for the site would be assessed in accordance with the relevant development application processes relating to State Heritage items.

FINANCIAL IMPLICATIONS:

The sale of this property would generate income to improve Council's financial sustainability.

Any risk, deemed by a developer to be associated with the property, will have a detrimental effect on the land value.

Council will now seek fee proposals from interested Real Estate Agents. All proposals received will be assessed and the most appropriate agent will be appointed.

Council will incur legal costs associated with the preparation of the contract for sale of land which we expect to be in the order of \$2,000 given the complex nature of the matter.

COMMUNITY ENGAGEMENT:

In accordance with Council's Development and/or Disposal of Council Lands Policy POL12/275, Council's intention to sell the subject property was advertised in the South Coast Register and Nowra News on 18th & 20th May 2016. Notice was also placed on Council's Public Exhibition page of the website. The notice provided for a submission period of 14 days in which the public could make a submission or objection to the proposal.

SECTION MANAGER: Michael Harben

PURPOSE:

Report to Council on a request to vary the current contractual conditions of the sale of Lot 8 DP1206432 (part of Maisie Williams Drive, Mollymook) to Mollymook Golf Club. The intention of the developer is to utilise the Asset Protection Zone as a road access to reduce the impact on the development and increase lot yield.

RECOMMENDED that Council resolve to work with Mollymook Golf Club to mutually terminate the existing contractual documentation (Deed of Option and Pre-emption, Deed of Covenant and Contract for Sale) subject to substitution with an unconditional contract for the sale of Lot 8 DP1206432 (part of Maisie Williams Drive, Mollymook) to the Mollymook Golf Club for \$145,000 which will allow the Club to treat, deal with, utilise and/or subdivide Lot 8 as the Club sees fit and finalise its sale of Lot 621.

OPTIONS

1. Adopt the recommendation.
2. Resolve to:
 - “Amend the Deed of Covenant in the contract for sale by:
 - a) Amending the definition of development in section 1.1 to the following:

Development ‘means the subdivision of the subject land (except by the dedication of land as public road or public reserve) so as to extract the land or any part of the land, or any construction, development or use of the land for a use other than a permitted use’.
 - b) Amending the definition of permitted use in section 1.1 to the following:

Permitted use means the use of the subject land for one or more of the following purposes:

 1. an asset protection zone; and
 2. a fire management plan to avoid the escape of fire onto neighbouring land; and
 3. dedication of the land or part of the land as public road or public reserve; and
 4. rehabilitation of the land.
 - c) Amending section 2.1 by the addition of the following words ‘except for a permitted use; and

-
- d) Also amend the Deed of Option and pre-emption by amending clause 2.1 by the addition of the following words 'except for a Permitted Use'.
 3. Take no action. *Council would maintain and rely upon its position outlined in the Deed of Covenant with Mollymook Golf Club.*
 4. Provide further direction to staff and propose an alternative.

BACKGROUND:

Council was first approached in early 2007 by Mollymook Golf Club (the Club) to close part of Maisie Williams Drive. Later that year at the bequest of Council, Crown Lands approved in principle the closure. For reasons unknown the Club did not decide to proceed until early 2014 whereby the Club advised Council the road was required for an Asset Protection Zone between the Club's golf course land and a further surplus parcel of land to the south, also owned by the Club.

Property Steering Committee – 15 July 2014

The above approach to Council resulted in a report being presented to the Council Property Steering Committee on the 15 July 2014. The report recommended an unconditional sale to the Club with compensation determined at \$145,000 (valuation dated March 2014).

At the meeting the recommendation was amended to reflect the following:

- a) *Council resolves to make an application to the Minister Administering the Roads Act 1993, for the closure of that part of Maisie Williams Drive shown by hatching on Attachment A, and the lot be sold for \$1 to the adjoining land owner of Lot 2 DP1062604 and Lot 621 DP804355, Mollymook Golf Club Ltd.*
- b) *The land within the road closure be consolidated with the golf course land, Lot 2 DP 1062604, and a restriction placed over the land, former road, to prevent further subdivision of this land;*
- c) *In the future if there is a desire for this land to be incorporated into the subdivision then the full compensation become payable;*
- d) *If possible, notwithstanding anything in the restriction there will be nothing to prevent the Golf Club entering into an instrument over the land as Green Space."*

Councillor Briefing – 22 July 2014

A Councillor briefing was held on the 22nd July to outline matters for consideration in transferring the land to the Club for \$1, including:

- a) Wider community expectation for the sale of Council assets to be on commercial terms;
- b) No evidence of "financial hardship" provided by the Club;
- c) No requirement by Council for the Club to create a (golf ball) buffer zone;
- d) A more realistic location of an Asset Protection Zone being to the south of Lot 621 not the north;
- e) Additional permitted uses the land can be put to under SLEP schedule 1;

-
- f) Substantial return to the Club through sale or development of Lot 621 notwithstanding the payment of \$145,000 to Council;
 - g) Council Policy POL12/275 requiring Council to achieve “best value” in any disposal process;
 - h) ICAC guidelines; and
 - i) Council obligations under the Roads Act 1993, S43.

Ordinary Meeting – 29 July 2014

The above matter was then presented to Council’s Ordinary Meeting dated 29th July 2014, where further amendments were made to the recommendation that are reflected in MIN14.517 below:

- “a) Council resolves to make an application to the Minister Administering the Roads Act 1993, for the closure of that part of Maisie Williams Drive shown by hatching on Attachment A (the Road)*
- b) Conditional upon the closure application being granted, the lot created be sold for \$1 to the Mollymook Golf Club Limited being the owner of the adjoining land Lot 2 DP1062604 subject to:*
 - i). the contract for sale being conditional on the lot being consolidated with lot 2 DP 1062604; and*
 - ii). Further legal advice to be taken for incorporation of terms limiting further subdivision and other development on the land; and*
 - iii). a public positive covenant being recorded on the title to the consolidated land such that if the land being formerly the road is excised out of the consolidated lot, or redeveloped, then an amount equal to the then current market value of the Road be payable to the council by the then owner of the land.*
 - iv). The General Manager be authorised to sign the contract documentation.*
- c) Notwithstanding anything in the restriction the Council will not object to the Golf Club offering to create an instrument reserving the land, in addition to golf course uses, for use as an asset protection zone, or land reserved for the purposes of a fire management plan to avoid the escape of fire onto neighbouring land.*
- d) The resolution not be actioned until the General Manager is satisfied that all legal matters have been addressed to his satisfaction.”*

Ordinary Meeting – 27 October 2015

Based on Point b) ii) above of MIN14.517 further legal advice was obtained which included discussions with the Club and their legal representative that resulted in a further report being presented to Council’s Ordinary Meeting dated 27th October 2015 that is reflected in MIN15.665 below:

- “a) Complete the sale of Lot 8 DP1206432 (part of Maisie Williams Drive, Mollymook) to the Mollymook Golf Club by way of Deed of Option and Pre-*

emption and Deed of Covenant in addition to the Contract for Sale, to capture all of the conditions of the Council Minute 14.517; and

- b) *The Common Seal of the Council of the City of Shoalhaven be applied to any documentation required to be sealed and the General Manager be authorised to sign all necessary documentation."*

Deed of Covenant:

Clause 2.1 of the Deed of Covenant states ***"the purchaser must not carry out any development"***. It defines development under Clause 1.1 Definitions & Interpretation as:

"means the subdivision of the property, the subdivision of the land so as to extract the property or any part of the property, or any construction, development or use of the property for a use other than a permitted use". and

"Permitted Use" is defined as:

"means the use of the property for one or more of the following purposes:

- a) *An asset protection zone; and*
b) *A fire management plan to avoid the escape of fire onto neighbouring land."*

Mollymook Golf Club Sale of Lot 621 Maisie Williams Drive Mollymook to Hazcorp P/L

Lot 621 with an area of approximately seven hectares is land owned by Mollymook Golf Club to the south of Lot 8 DP 1206432 (being the closed part of Maisie Williams Drive). The property was DA approved in 2010, however lapsed in late 2015 for a staged development for residential development comprising concept masterplan providing for a total residential gross floor area of approximately 32,000m² which allows for approximately 320 dwellings of average two bedroom size or a mix of dwelling sizes allowing for a maximum of 350 dwellings. The proposal includes a mix of 2, 3 and 4 storey residential flat buildings.

Hazcorp P/L's ability to have access to Lot 8 DP 1206432 (the closed Part Maisie Williams Drive) is critical to their ability to develop Lot 621.

Shoalhaven Local Environmental Plan (SLEP):

Notwithstanding it is proposed to use the land as an Asset Protection Zone (APZ) the SLEP under Schedule 1 (Additional Permitted Uses) allows Lot 8 DP1206432 (part of Maisie Williams Drive, Mollymook) to be "developed for the purposes of dwelling houses or dual occupancies." The gazettal of the SLEP occurred after the original valuation at \$145,000 being obtained and as such has increased the value of the land.

RECENT CHANGES TO THE SITUATION:

The Club contacted Council in March 2016 concerned the Deed of Option and Pre-emption and Deed of Covenant in addition to the Contract for Sale, notwithstanding execution of the documentation by the Club, frustrates their sale of Lot 621 to Hazcorp P/L. This was surprising as it does not stop the Club from utilising the land as an APZ in accordance with the resolution and intent of Council.

Correspondence followed, culminating in a meeting between Council staff and representatives from Hazcorp and the Club's Consultant on the 21st April whereat a request

to amend the Deed of Option and Pre-emption and Deed of Covenant was offered in order for the sale to Hazcorp P/L to proceed. The offer was subsequently rejected by Council staff as it did not align with the resolved position of Council.

Legal Advice

Legal advice obtained confirmed variations and/or termination of the existing contractual documentation must be in writing and signed by both parties.

Development Committee Meeting – 7 June 2016

The matter was raised as an additional Item at the Development Committee Meeting on the 7 June 2016 with the following motion carried:

(MIN16.447) RESOLVED that the following wording be considered for the Mollymook Golf Club Road Consolidation and a report be provided back to Council to facilitate the resolution of this matter.

“Amend the Deed of Covenant in the contract for sale by:

- 1. Amending the definition of development in section 1.1 to the following:
Development ‘means the subdivision of the subject land (except by the dedication of land as public road or public reserve) so as to extract the land or any part of the land, or any construction, development or use of the land for a use other than a permitted use’.*
- 2. Amending the definition of permitted use in section 1.1 to the following:
Permitted use means the use of the subject land for one or more of the following purposes:
 - a) an asset protection zone; and*
 - b) a fire management plan to avoid the escape of fire onto neighbouring land; and*
 - c) dedication of the land or part of the land as public road or public reserve; and*
 - d) rehabilitation of the land.**
- 3. Amending section 2.1 by the addition of the following words ‘except for a permitted use and*
- 4. Also amend the Deed of Option and pre-emption by amending clause 2.1 by the addition of the following words ‘except for a Permitted Use’.*

The above motion is not supported for the following reasons:

- a) The use of Lot 8 DP 1206432 (the closed Part Maisie Williams Drive) as an APZ does not prohibit, subject to any environmental approvals, rehabilitation or ongoing maintenance by the Club, per the Rural Fire Services publications “Planning for Bush Fire Protection December 2006” and “Standards for Asset Protection Zones”.*
- b) The contractual documentation as it stands reflects the intent of Council Property Steering Committee meeting dated 15th July 2014, MIN14.517 and MIN15.665.*

-
- c) Lot 8 DP 1206432 (the closed Part Maisie Williams Drive) is of significant value to the Club and Hazcorp P/L for purposes other than an APZ:
 - i. The developer (Hazcorp P/L) is attempting to excise out a road which provides a higher lot yield on Lot 621
 - ii. Creation of access to Lot 621 facilitates the completion of the sale between the parties for \$2,500,000;
 - d) The sale of Lot 8 DP 1206432 (the closed Part Maisie Williams Drive) for \$1 whilst the Club commercially benefits from the encroachment on to the closed part of Maisie Williams Drive is inconsistent with Council Policy
 - e) The layout thereof and access thereto of Lot 621 is to be determined by the owner/developer and the provision of a road within that development is not a requirement nor the responsibility of Council
 - f) No evidence of “financial hardship” provided by the Club to substantiate a sale of Lot 8 DP 1206432 (the closed Part Maisie Williams Drive) for \$1

FINANCIAL IMPLICATIONS:

If Council resolves to make the changes to the contractual documentation per MIN16.447, Council will receive \$1 compensation whilst Council previously resolved to pursue an amount equal to the current market value of the road if there was development of the land (MIN14.517).

COMMUNITY ENGAGEMENT:

This matter is considered to be a Local Area Low Impact issue as detailed in Council's Community Engagement Policy and Handbook. The Ulladulla and Districts Community Forum were advised at the time of the intended road closure.

Ben Stewart

DIRECTOR ASSETS AND WORKS

R.D Pigg

GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 28 JUNE 2016

PLANNING AND DEVELOPMENT

27. **Further Report - Planning Proposal (Rezoning) - 5C Creston Grove Bomaderry (Ride Australia)** **File 52920e**
-

SECTION MANAGER: Gordon Clark.

PURPOSE:

Obtain direction on the Planning Proposal (PP) for 5C Creston Grove, Bomaderry and a possible way forward.

Note: this matter is reported direct to Council to enable its timely consideration given it was the subject of a previous report and resolution.

RECOMMENDED, that Council:

- a) **Support a Planning Proposal over 5C Creston Grove, Bomaderry that enables the proposed boat and merchandise showroom and associated office space via a suitably worded inclusion in Schedule 1 (Additional Permitted Uses) of Shoalhaven Local Environmental Plan (LEP) 2014 that “sunsets” in 12 months if not acted upon;**
- b) **Submit the Planning Proposal to the Department of Planning & Environment to request a ‘Gateway determination’.**
- c) **Encourage the proponent to also lodge a development application for the proposed use to be considered and advanced alongside the Planning Proposal so that the adjoining landowners/residents can get greater certainty on the proposed development outcome; and**
- d) **Notify the NSW Roads & Maritime Service and the adjoining landowners/residents who participated in the early discussions surrounding this matter of this resolution.**

OPTIONS

- 1. **Adopt the recommendation - this is consistent with the previous resolution that sought to use Schedule 1 (Additional Permitted Uses) in this instance to facilitate the requested development outcome, with some limited future flexibility. Whilst this option does not remove previous concerns related to precedent and impact it is more manageable and limits the potential range of land uses and potential outcomes that could have arisen**

from a general zoning change (e.g. B5 Business Development zoning) and provides a time limit to take up the additional use.

2. Adopt an alternative resolution to support a PP that seeks to change the zoning of the land to a business zone to facilitate the requested development outcome. This option was largely detailed in the previous report and discounted due to the broader potential range of potential impacts that could follow.
3. Adopt an alternative resolution to not support a PP to facilitate the proposed use in this location. This would remove the potential concerns related to precedent and potential impact. However it is likely that this lot will continue to be problematic given its location next to the service station and the desire of the current owners to develop it for a high profile boat and merchandise showroom and associated office space that has been acknowledged by Council.

DETAILS

Background

This matter was triggered by the lodgement of a PP by Ride Australia to rezone 5C Creston Grove, Bomaderry to allow for a new commercial premises comprising of a boat and merchandise showroom with associated office space. The original PP sought to rezone the subject land from R2 Low Density Residential and SP2 Infrastructure to B5 Business Development under Shoalhaven LEP2014.

- # The PP was reported to Councils Development Committee on 3rd May 2016 for initial consideration – see **Attachment “A”**.

Just prior to this matter being considered by the Development Committee, the proponents advised that they were willing to consider the inclusion of the property in Schedule 1 of the LEP with an additional permitted use that would provide for their desired development. Also prior to the meeting a number of submissions were also received from adjoining landowners raising concerns with the proposal.

The Development Committee resolved (under delegation) on 3rd May 2016 (MIN16.341) that:

- a) *Consideration of the Planning Proposal be deferred to allow:*
 - i) *A further report being provided to Council on the Proponents amended proposal and approach regarding the use of Schedule 1 of the LEP*
 - ii) *Council to consult with Department of Planning regarding the use of schedule 1 for the proposed rezoning.*
 - iii) *Council to further consult with Roads and Maritime Services given the scale and activity of the proposed development*
 - iv) *Council and the proponent undertaking further consultation with the local residents*

-
- b) *That Council write to MP Gareth Ward to advise him of Councils decision in relation to the proposal.*

Council in not accepting the previous staff report recommendation (ie. not to support the PP) and adopting the abovementioned resolution, have given direction to staff that a PP utilising a Schedule 1 clause should be pursued.

This report details the actions and outcomes in regard to this resolution and presents a possible way forward for Councils consideration.

Development Committee – Resulting Actions

The Member for South Coast, Gareth Ward MP was advised of the resolution in this regard in writing on 12th May 2016.

Department of Planning Consultation – The views of the NSW Department of Planning & Environment (DP&E) were sought regarding the possible use of Schedule 1 in this instance. Staff asked the following questions of the DP&E and received the following responses (in italics):

- What would the view of the DP&E be on the use of a Schedule 1 inclusion in the LEP in this circumstance?
Not appropriate to pre-empt our position on a specific proposal. While the Department would prefer to see the most appropriate zone applied, the Department would be willing to consider the use of schedule 1 if this can be justified by Council. It may be the case that Council believes that no new zone is suitable for the site due to the range of uses permitted, but the use proposed would be appropriate and therefore the use of schedule 1 is justified.
- If a Schedule 1 is likely to be considered is it possible to:
“Sunset” the provision? For example if the proposed use is ultimately approved, but it discontinues, the reuse or redevelopment of the site could only be for a purpose consistent with the underlying residential zone?
Understand that it is possible to apply a limited time period to an additional use.
- Tailor the inclusion in schedule 1 whilst still using the dictionary definition, for example: “Business Premises, being a boat and merchandise showroom and associated office space”?
It is possible to tailor the Schedule 1 entry as described and these details should be included in the Planning Proposal.

Comments – The advice confirms that a Schedule 1 inclusion can be considered, but Council will need to justify its use when submitting a PP. The additional questions regarding ‘sun setting’ or tailoring the provision were sought so that they could be considered moving forward when constructing a possible Schedule 1 inclusion. Tailoring the provision and/or including a “Sunset” ability will be discussed later in the report.

NSW Roads and Maritime Services (RMS) Consultation – further feedback was sought from the RMS on the changed nature of the PP (possible use of Schedule 1) and also whether a U-turn bay or roundabout as part of the future highway upgrading in this location would provide a better opportunity to manage safe access in this area in future. For context RMS were also advised of the questions that had also been asked on DP&E.

- # RMS provided written comments on 25th May 2016 - see **Attachment “B”**. In this letter it is noted that essentially the RMS view on the proposal has not changed and they still have strong concerns with the proposed use in this location, even with the proposed tightening of the LEP inclusion.

It is also noted in the letter that a U-turn treatment north of this site is currently the preferred option, but there is the potential for the preferred treatment to be adjusted during the development of the proposed highway upgrade. However RMS does not believe that it would be appropriate for a spot zoning change to influence broader network planning.

RMS concluded by advising that in the event that Council decides that it is appropriate to amend the LEP to allow the proposed use via Schedule 1 then there are a range of matters that need to be considered:

- Would support a tailored Schedule 1 inclusion which tightened the controls – limit the permitted uses as much as practical and restricting what can be developed beyond the life of a boat showroom.
- If a development application is lodged prior to the Berry to Bomaderry Princes Highway Upgrade then access needs to be constructed to RMS satisfaction. At a minimum the RMS would require: locating development wholly outside the SP2 zone; access located adjacent to the southern boundary; provision of kerb and gutter along the full frontage and pavement upgrading; and an appropriate right turn treatment on the Highway.

Comments – the further feedback received from RMS advises that their position has not changed and strongly raises concerns in relation to the PP, even with the possible utilisation of a tailored Schedule 1 inclusion. Ideally the RMS would not like to see the proposed change occur to provide for the proposed use. However they have advised that if Council wishes to pursue amending the LEP via an inclusion in Schedule 1 that there are detailed matters related to access that will need to be considered.

Local Residents Consultation – Council staff arranged to meet with adjoining landowners/residents and the proponents on 26th May 2016 to discuss the PP and possible adjustments to it to alleviate any concerns they may have prior to it being reported back to Council. Invitations were sent to the eight (8) property owners who immediately adjoin the site or make up Creston Grove.

Owners of four (4) properties attended the meeting and written advice was also received from the immediate owner to the north (1) and the tenant to the south (1) prior to the meeting advising that they supported the venture and their concerns had been alleviated.

At the meeting with the adjacent owners, staff provided an update on the status of the PP, explained the Gateway process and likely timing and also discussed the possibility of using Schedule 1 in this circumstance. The owners noted that the proponents had discussed

their plans with them. It was identified that the three main concerns arising from the previous submissions received by Council related to:

- Access
- Impact on amenity
- Design of development

There was a general acceptance at the meeting that the proposal in question is generally acceptable subject to the detail, however 'future proofing' the site was important. Specifically if a general business zoning was implemented then it could change through time into a less acceptable outcome. Thus, the use of a tailored Schedule 1 inclusion appears to be a more favourable way forward.

There was some criticism about the lack of notification from Council regarding the proposal. Staff outlined the PP process and that formal consultation is supposed to occur later in the process. The opportunity for further involvement moving forward was also discussed.

The ability to concurrently submit a development application for assessment alongside the PP was also discussed and there was general support for this as it provides an opportunity to see and comment on the detail associated with the proposal, noting that most of their interest relates to detailed aspects.

Comments – the meeting was positive and there does not appear to be concern regarding the proposal being put forward by Ride Australia. The residents concern primarily relates to what use or uses could eventuate on the site in the future under a broader business zone. This should be able to be managed and minimised through the use of a Schedule 1 inclusion. The adjoining owners are obviously interested in the detailed aspects of the proposal related to access, impact on amenity (noise, hours of operation etc.) and the design of the development (e.g. landscaping, building scale etc.). Thus it was suggested that the proponents look at concurrently lodging a development application for the use to run alongside the PP so its detail can be seen and commented on. The proponents indicated that they were happy to consider this approach.

Key Issues

In considering moving this PP forward the following issues are relevant and are commented on below:

Precedent – there is still a concern that undertaking a PP in this location on the Princes Highway may trigger further requests of a similar nature in the future, particularly when the known highway upgrades are considered. However this has been somewhat lessened by the change of the PP from a general rezoning (to B5) to the possible use of a tailored Schedule 1 inclusion. This would see the underlying R2 Low Density Residential zone remain and an additional use added.

Schedule 1 Additional Use – the key will be identifying an additional use that can be added to Schedule 1 in the LEP that provides for the proponents development, which is tight enough to control impacts and also allows some level of flexibility should Ride Australia's operation cease or need to move.

Noting that use terms from the Standard LEP Instrument need to be used, but there is the ability to provide further detail on them, it was initially considered that the following wording could be used: “Business Premises, being a boat and merchandise showroom and associated office space”

This wording would limit the proposed additional use specifically to the one being sought by Ride Australia, however it would potentially constrain or limit any future reuse to a business related to boats. This lack of flexibility may be unduly limiting in the future.

The proponents have subsequently advised that they would be happy with a Schedule 1 inclusion that allows for “vehicle sales or hire premises”. This use is defined in the LEP as: “means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there”.

They believe this definition will enable their current business to operate compatibly within the local context while allowing a scope for suitable uses to occupy the site in the future should their operations no longer require the site. While they cannot foresee this occurring, for financial reasons this definition offers them some security to the viability of the site.

The suggested use term would provide for their proposed operation and a range of similar display/sales operations, the potential for the servicing, repair etc. will need to be considered as this could potentially create amenity impacts. It is noted that the LEP contains separate definitions for “vehicle body repair workshop” and “vehicle repair station”, however the potential for servicing or repair functions to be carried out as an “ancillary” use will need to be further considered should the PP proceed.

The inclusion of a “Sunset” provision within the resulting LEP Amendment will require that the ability is acted on within 12 months. This provision provides a window within which the LEP provision is to be utilised and ensure the proponents act on the provision in a timely manner and the site is not ultimately left undeveloped and subject to further change.

Traffic Impact – the PP will need to be supported by an appropriate traffic impact statement that considers the various matters raised in the relevant advices from the RMS to date. In addition, should the development eventuate there are a range of works that will be required to provide safe access at the proponents cost.

It is noted that the current right of way of Creston Grove will be kept open to provide for any future residential development of the property consistent with the underlying R2 zone. However access to the proposed development sought by the PP should only be via the Princes Highway and the need to condition this should be considered as part of the subsequent development application.

Detailed Impacts – the detailed impacts of this proposal cannot really be managed in any detail within the PP. The matters that the adjoining residents are interested in relate to the detailed design and operation of the development. As such the proponents should be encouraged to lodge a development application for consideration and advancement alongside the PP so that the adjoining landowners/residents get greater certainty on the proposed development outcome.

Conclusion

Given the Council's non-acceptance of staff's previous report recommendation, it is clear that there is a desire to see some middle ground reached in regard to this PP that enables the specific development proposed by Ride Australia to eventuate and the potential broader impacts to be managed. The adjacent landowners are obviously also interested in specific outcomes related to the actual development that could impact on their amenity.

Thus whilst there is still no fundamental support from RMS to a PP in this location, it appears that there is acknowledgement that using an additional permitted use in Schedule 1 of the LEP to provide for the development would limit the potential impact of a change in zone. As discussed in the report there is a need to keep the use relatively narrow, but still provides some limited future flexibility for the proponents. The option to also encourage the proponents to concurrently lodge a development application also has merit as it will enable the adjoining landowners to see and comment on the detail of the proposal. The use of a "Sunset" clause may also help to ensure that the applicants are bona fide and the property is not on sold after any amendments to the LEP.

Whilst the views of DP&E have been sought on the use of Schedule 1 the PP will now need to be prepared and submitted to the Gateway for initial determination. This will determine the likely passage of this PP and Council will be kept advised in this regard.

FINANCIAL IMPLICATIONS:

The proponent has paid the initial PP lodgement fee in accordance with Council's Fees and Charges. Should the PP proceed then additional fees will be payable.

COMMUNITY ENGAGEMENT:

The surrounding landowners were advised of the receipt of the PP and it was made available on Council's website for viewing. Following the previous consideration of this matter, Council staff and the proponents met with landowners to discuss the proposal on the 26th May 2016. Should the PP proceed there will be additional opportunities for community comment.

28. **Proposed Draft Planning Agreement – Partial demolition of existing structures, alterations to an existing building and construction of a service station (BP), food and drink premises (McDonalds), car parking, signage and associated works at Lot 1 DP 781046 (No.18) Haigh Avenue and Lot 101 DP 1176270 (No.103) Plunkett Street, Nowra. Applicant: KDC Pty Ltd. Owner: RG Property Ten Pty Ltd.**

File: DA15/2291

SECTION MANAGER: Cathy Bern.

PURPOSE:

To seek 'in principle' support to commence the process of entering into a Planning Agreement (PA) with the owner of Lot 1 DP 781046 (No.18) Haigh Avenue and Lot 101 DP 1176270 (No.103) Plunkett Street, Nowra.

RECOMMENDED that Council:

- a) **Provide ‘in-principle’ support to enter into a proposed draft Planning Agreement with the owner of Lot 1 DP 781046 (No.18) Haigh Avenue and Lot 101 DP 1176270 (No.103) Plunkett Street, Nowra as detailed in the letter from RG Property dated 16 June 2016;**
- b) **The draft Planning Agreement and Explanatory Note associated with DA15/2291, when prepared, be placed on public exhibition in compliance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated regulations; and**
- c) **A further report on the Planning Agreement be submitted to Council following the public exhibition.**

OPTIONS:

- 1. Resolve to accept the applicant’s offer to enter into a PA and therefore, adopt the recommendations of this report (preferred option). This will allow Council staff to prepared the PA, publicly exhibit the PA and associated explanatory note (EN) for a minimum of 28 days and allow Council to seek comments from the community; or
- 2. Resolve to refuse the applicant’s offer to enter into a PA. A decision not to enter into in the PA may affect the ability of the applicant to offset traffic impacts the development will have on the adjoining intersection as well as the economic viability of the proposed development and therefore make it less feasible. If this option is pursued, the development as proposed may not proceed; or
- 3. Resolve to modify the recommendations as contained in this report and/or request amendments to the applicant’s offer of a PA. If this option is pursued, Council will need to provide direction to staff.

DETAILS:

Background:

Proposal

Development Application (DA) 15/2291 proposes (summary only):

- a) The demolition of existing buildings and structures;
- b) Reduction in the size of the existing bulky goods building;
- c) Construction of a service station which includes a convenience store and fuel infrastructure (BP service station);
- d) Construction of a food and drink premises with drive through facility (McDonalds);
- e) Car parking, landscaping and associated signage;
- f) Modification of vehicle access points onto both Plunkett Street and Haig Avenue; and

g) A PA pursuant to Section 93F of the Environmental Planning and Assessment Act 1979 (EP&A Act). Additional details on this are provided below.

- # The development is proposed on Lot 1 DP 781046 (No.18) Haigh Avenue and Lot 101 DP 1176270 (No.103) Plunkett Street, Nowra which is located at the intersection of Plunkett Street and the Princes Highway (western side). A location map for the land and a site layout plan of the proposed development is provided in **Attachment 'A'** to this report. The submitted DA has an estimated project value of \$2,961,218.00 and has associated employment opportunities for Shoalhaven residents.

Draft Planning Agreement Overview

- # As part of the DA, the proponent has made an offer to Council to enter into a PA pursuant to Section 93F of the EP&A Act (refer to **Attachment 'B'**). The proposed PA makes provision for the payment of \$100,000.00 to Council as a mechanism to contribute towards future upgrade works required at the intersection of Plunkett Street and the Princes Highway, Nowra. These upgrade works being in accordance with the requirements of the Nowra CBD (East) Expansion Road Network Strategy. This strategy, in part, outlining the need for road widening and associated works (i.e. relocation of traffic lights, provision of new lanes, drainage, etc) at this intersection.

In accordance with the provisions of the EP&A Act, Council as the consent authority cannot refuse to grant development consent on the grounds that a PA has not been entered into. Council is however, able to require that a PA, in accordance with an offer made to it, be entered into as a condition of development consent. This is the approach that is proposed with this current application should Council support, in principle, the applicant's offer to enter into a PA. Subsequent discussions will still need to be held with the applicant in relation to the requirements to pay the associated legal costs associated with the preparation and/or review of the PA.

A preliminary assessment of the offer that has been made against the requirements of Council's Policy on Voluntary Planning Agreements (POL08/417) has indicated that the submitted offer complies with the applicable requirements of this policy. In particular, it meets the acceptability criteria that all PAs are required to satisfy under the policy. Specifically, the proposed offer will result in a public benefit (i.e. assist in the creation of an improved intersection as per a Council adopted Strategy). It also, reduces Council's capital liability by reducing the monetary contribution that Council would require to do the works.

The applicant's offer to enter into a PA will not remove the requirement to pay applicable Section 94 Contributions in accordance with the provisions of the Shoalhaven Contribution Plan 2010 (Contributions Plan).

At this time a draft PA and associated EN have not been prepared and would be prepared at the applicant's expense should Council endorse the principle of what has been proposed. The applicant would also be responsible for Council's legal costs associated with reviewing the documents to ensure they comply with applicable legislative requirements and protect Council's interests.

NSW Roads and Maritime Services and Council's Traffic Unit have provided comment on the applicant's offer to Council to enter into a PA and have raised no concerns that would prevent it being supported 'in principle' so as to allow the process of entering into a PA to

commence. At this time, Council's internal solicitor has not reviewed the draft offer to enter into a PA. This will be undertaken prior to its exhibition to confirm it complies with legislative requirements and adequately protects Council's interests when a draft PA has been prepared by the developer.

FINANCIAL IMPLICATIONS:

If Council resolves 'in-principle' support to enter into a PA with the owner, Council staff resources will be required to review information and to facilitate public exhibition of the PA. As per Council's Voluntary Planning Agreement Policy, all costs associated with drafting the PA (i.e. the legal costs) will be funded by the applicant and staff resources are not charged.

The works that have been proposed by the applicant to be included in the PA should be beneficial for Council's capital works program as the money collected will be held in trust and will offset the cost of the works when they are undertaken. At this time there is no time frame for processing with the intersection upgrade works. Advancing this project without a PA could have associated costs for Council which would include undertaking the works/providing any infrastructure required at its cost and without any contribution from an adjoining land owner.

COMMUNITY ENGAGEMENT:

If Council resolves 'in-principle' support to enter into a proposed PA, the draft PA and EN, when prepared, is required under the EP&A Act to be placed on public exhibition for not less than 28 days. Community engagement will be encouraged through the public exhibition of the PA and explanatory note.

CONCLUSION

Council staff raise no concerns with the applicant offer to enter into a PA. When it has been prepared and reviewed by Council's Solicitor it will be exhibited in accordance with legislative requirements. A further report on the PA and the exhibition process would be submitted to Council for its consideration post exhibition.

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29. **Development Application – Shoalhaven Equestrian Centre of Excellence (Construction of Stage 1) at Lot 6 DP 1188080 Andersons Lane, Berry. Applicant/Owner: Shoalhaven City Council. File DA16/1203**
-

SECTION MANAGER: Cathy Bern.

PURPOSE:

The development application (DA) is being reported to the Council for its consideration and determination in accordance with the requirements of section 47E (Development on Community Land) of the Local Government Act 1993 (LG Act). Under section 47E, Council cannot delegate its powers of determination.

- # RECOMMENDED that Council determine Development Application 16/1203 for the construction of Stage 1 of the Shoalhaven Equestrian Centre of Excellence at Lot 6 DP 1188080 Andersons Lane, Berry by way of approval subject to conditions as contained in Attachment A.**

OPTIONS

1. Resolve to approve the application subject to conditions (i.e. adopt the recommendations of this report). Approving the application will enable Council to implement Stage 1 of the Shoalhaven Equestrian Centre of Excellence Master Plan; or
2. Resolve to refuse the application and seek an additional report from staff with draft reasons for refusal. Refusing the application will not allow implementation of the Shoalhaven Equestrian Centre of Excellence Master Plan; or
3. Resolve to modify the recommendations and thereby provide direction to staff.

DETAILS

Proposal:

The submitted DA seeks approval for Stage 1 of the Shoalhaven Equestrian Centre of Excellence, and consists of (summary only):

- a) Equestrian arena, measuring 145m x 100m, positioned in roughly the centre of the development area;
- b) Training Area 1, measuring 110m x 60m and to be positioned to the west of the main equestrian arena;
- c) Training Area 2, consisting of a large open grassed area adjoining the highway (no construction work proposed);
- d) An 8m x 12m equipment storage shed to be erected adjacent to the site's Schofields Lane entrance;
- e) An 8m x 12m spectator shelter shed to be erected on the northern side of the main equestrian arena; and

-
- f) Associated earthworks (cut and fill), car parking, vehicular access, fencing, and infrastructure.

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

The Site

The subject site is known as Lot 6 DP 1188080 and is situated between Andersons and Schofields Lanes at Berry. The site has an area of 35.6 hectares, is located south of the Berry township and consists primarily of cleared pasture lands divided into fenced paddocks, with a pocket of Blue Gum forest vegetation located centrally on its western boundary and extending eastward along the two (2) unnamed watercourses that traverse the centre of the site. The site is currently vacant, with the Berry Riding Club currently using a large paddock in the north-eastern corner of the site for horse riding activities (i.e. location of proposed training area 2).

Surrounding development consists primarily of rural and rural-residential land uses; seniors' housing developments and the Berry Community Church. The Princes Highway (currently being widened and upgraded) forms the eastern boundary of the subject site.

Refer to **Attachment B** for a site location plan.

Background

The development site was formerly part of the 'Graham Park' property owned by the NSW Government, before being purchased by Council in the mid-1990s. Council on 21 July 2015 endorsed the 'Shoalhaven Equestrian Centre of Excellence Masterplan' for the site which provides a starting point for the future development of the site.

As this development application relates to land that has been classified as community land under the LG Act and as the proposed development does not meet the exemptions in sub-section 47E(2) of the LG Act, Council has no power to delegate authority to determine the development application.

Assessment Comments:

A full assessment of the application having regard to the matters for consideration under section 79C(1) of the Environmental Planning and Assessment Act 1979 (EPA Act) has been undertaken by Council staff. A copy of Council staff's assessment report is contained in **Attachment C**.

FINANCIAL IMPLICATIONS:

Should the application be determined by way of approval, there is the possibility of action in the Land and Environment Court by the objector. Accordingly, there would be costs associated with such action. There are no other budgetary concerns.

COMMUNITY ENGAGEMENT:

Council has received two submissions on the proposed development during the notification period. One was a submission in support of the proposal, commenting that the proposal was a “*positive step ahead for the Shoalhaven*”.

- # The second submission was from a neighbouring property owner raising a number of concerns and questions in relation to the proposed development. A response to the issues raised has been provided by the applicant. The concerns are detailed in **Attachment C**. They include (but are not limited to) site management, early morning starts, drainage, landscaping and access. There was also concern about proposed camping. Camping is not proposed with this application but may be proposed in the future. Recommended conditions included in the draft development consent address issues raised (e.g. operating hours, wash bay location, infrastructure provision, etc).

A more detailed discussion of Council's community engagement is contained in the section 79C assessment attached to this report. This includes a discussion of all issues raised in the submissions received.

CONCLUSION

Following a comprehensive assessment of the matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, the application as submitted should be approved subject to conditions (i.e. Option 1). This course of action is recommended on the grounds that the application has been assessed as being acceptable and generally complies with relevant Council policies. Recommended conditions of approval have been prepared and are provided in **Attachment A** to this report.

Tim Fletcher

DIRECTOR PLANNING AND DEVELOPMENT SERVICES

R.D Pigg

GENERAL MANAGER

NOTICES OF MOTION
ORDINARY MEETING
TUESDAY, 28 JUNE, 2016

30. Take Three for the Sea

File 21493E

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

That:

- a) The Shoalhaven City Council establish the “Take Three for the Sea Anti-Litter Awareness Program” in the Shoalhaven Local Government Area at a cost of \$2000.**
- b) The project to be funded out of the 16/17 unallocated donations vote.**
- c) Enter into an agreement with the Take Three Organization to trial the program for twelve months and for the General Manager to report back before the end of the trial.**

Background:

Several residents in the Ulladulla precinct have made representations concerning an anti-litter awareness program they consider warrants Council involvement.

The Shoalhaven City Council has always been proactive in clean up, prevention, recycling and investigations of illegal dumping and reducing litter by implementing such programs as ‘Reducing Illegal dumping’ (RiD), ‘Hey Tosser’, Community Champions, Yuk! Cigarette Butt display and media releases. There is a continued need to implement as many attitude changing strategies as possible for the purpose of changing a culture and responding to peak season population influxes and major water events.

The Shoalhaven is the number one tourist destination for day trips and overnight stays outside the Sydney metropolitan area with the population escalating in excess of 300 000 during peak holiday periods. The Shoalhaven LGA is the habitat to some 100 endangered/vulnerable species of native fauna and flora. Potential adverse impacts that illegal dumping and littering may have on Shoalhaven tourism (a region dependent on its beaches and waterways) and those identified endangered/vulnerable species is very real.

Dumped rubbish and litter impacts the environment, leads to a state of local degradation and places at risk the safety of the community. Adding another anti-litter campaign such as ‘Take Three for the Sea’ awareness program will enhance the Shoalhaven City Council and the State Government litter reduction targets by encouraging participation of the general populace. The ‘Take Three for the Sea’ program will supplement the land based programs and focus on beaches, rivers, lakes foreshores and waterways.

The “Take Three Awareness Program” is strongly promoted on social media and through the ripple effect has the capacity to change people’s attitudes leading to cultural change. With litter reduction programs that complement each other there is a greater probability of developing a culture that will continue to keep the Shoalhaven Unspoilt.

Signed
Clr Kitchener

31. Road Transport Access – North Nowra

File 5253E

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

That the General Manager report to the next ordinary meeting of Council regarding progress on measures to improve road transport access to the North Nowra area since Council changed its Link Road policy in 2012.

Signed
Clr Guile

Note by General Manager: Ben / Martin

Council’s resolution (Minute MIN13.1140) on the North Nowra Link Road stated, in part, that;

The next steps in the planning process to build North Nowra Link Road Option 3 (Northern Option) and/or the Illaroo Road – Moss Vale Road link (far northern collector road) be deferred until the outcomes of the local planning project control group are more advanced

Since the above resolution was made, staff have continued to work (through the project control group) with RMS and Department of Planning regarding infrastructure requirements for the implementation of the Nowra-Bomaderry Structure Plan (NBSP) including North Nowra. The recent completion of the updated TRACKS traffic models for the NBSP area will allow the project control group to finalise the implementation schedule for the preferred road network. This will also lead to a determination of both State and development contributions for roads projects.

Funds for the construction of NBSP roadworks are currently allocated in Council’s Long Term Financial Plan for 2017/18, 2018/19 and 2019/20.

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

That the Private Functions on Public Reserves Policy Number POL15/34 be amended as follows:-

4.1 General Provisions –

- a) Reserve bookings will be accepted a maximum 18 Month's in advance of the function.**

Background:

The current policy allows for reserve bookings to be accepted for up to a maximum of 12 in advance of the function.

Representations have been made to Council to amend the policy timeframe from various areas.

Wedding parties, especially from out of area brides, who are planning their weddings up to 18 months to 2 years in advance. Being unable to secure a reserve for the ceremony in the initial stages of the wedding planning due to the limitations in the policy of 12 months advance only is resulting in these brides looking and booking weddings within other LGA's. This results in a loss of revenue to Shoalhaven Tourism industries.

Tourism Advisory Board Executive met with Council staff on 16th June 2016 to discuss some concerns from the Tourism industry with the policy and weddings. At the meeting the Executive agreed the first step would be to change the policy from 12 months to 18 months.

The reasoning behind a defined period for function bookings is to allow Council the opportunity program future reserve improvements which may require a booking free period and/or allow a reasonable timeframe for policy change which may affect future bookings.

Signed
Clr White
Clr Wells
Clr Kearney
Clr Tribe

Note by General Manager: This item has been discussed with members of Shoalhaven Tourism Advisory Group and the Tourism and Social Infrastructure Planning Units and is supported by staff for the reasons set out in the Background.

33. Bomaderry Nowra Regional Sports & Community Precinct Master Plan File 52005E

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

- 1. In response to the distress caused to residents and the unidentified and unlikely future funding of the Bomaderry/Nowra Regional Sports & Community Precinct Master Plan, Shoalhaven City Council does rescind MIN16.326 part a), namely**
 - 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, Bomaderry**

that Council is considering a draft Shoalhaven Regional Sports & Community Precinct Master Plan, which may impact their properties.

Note by General Manager: This relates to MIN16.326C which was adopted by council on 19.04.16. It is now able to be published as the reason for retaining confidentiality has passed. Nevertheless the resolution has already been actioned and completed and hence any rescission would not have any affect.

- 2. That Council continues development of approved elements of the precinct plan including the Northern Indoor Sports Centre and the associated improvements to the Artie Smith Oval.**
- 3. That Council work with local sporting groups through the Sports Board to establish the priority and options for delivery of artificial surfaces for athletics and football (soccer).**
- 4. That Council defer further consideration of the Precinct plan in its entirety until 3 is complete and a new Council is elected in September.**
- 5. That Council receive a report on any material or potential losses for owners of properties listed in 1 resulting from Council's actions**

Signed
Clr Guile
Clr Watson
Clr Kitchener

Note by General Manager: relating to Part 2-5: On 24 May 2016 council considered a further report (as required from the April resolution) and subsequently resolved as follows (MIN16.410):

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.*
 - f) *Council note the recent development of the Bomaderry Croquet Courts and the community use and consider providing a like facility in another location as a replacement.*

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Guile, Watson, Gash
AGAINST: Kitchener, McCrudden

All of this resolution has been actioned excepting part e) which will not happen until the conclusion of the public exhibition period and consideration of any submissions and other feedback from drop-in sessions and the like. The public exhibition concludes on 1st August and therefore given the “caretaker” provisions relating to council decisions in the lead up to the September elections the matter would not be put back before this council.

CONFIDENTIAL BUSINESS PAPER AGENDA

ASSETS AND WORKS

1. Tender for the Manufacture and Installation of Relocatable Cabins at Holiday Haven Tourist Parks

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, 28 JUNE 2016

GENERAL MANAGER – COMMITTEES REPORT

DEVELOPMENT COMMITTEE – TUESDAY 7 JUNE 2016

Planning & Development Services

1. Development Application for proposed Men's Shed at Lot 2625 DP 235029 Clifton St, Sanctuary Point. Applicant: Sanctuary Point Men's Shed Incorporated. Owner: Shoalhaven City Council. File DA15/2646 (PDR)
- # RECOMMENDED Council resolve to support the application for a proposed men's shed in accordance with the conditions detailed in Attachment "A".

R.D Pigg
GENERAL MANAGER