

SHOALHAVEN CITY COUNCIL

STRATEGY AND ASSETS COMMITTEE

To be held on Tuesday, 9 August, 2016
Commencing at 4.00 pm

3 August, 2016

Councillors,

NOTICE OF MEETING

You are hereby requested to attend a meeting of the Strategy and Assets Committee of the Council of the City of Shoalhaven, **to be held in the Council Chambers at the City Administrative Centre, Bridge Road, Nowra on Tuesday, 9 August, 2016 commencing at 4.00 pm** for consideration of the following business.

R D Pigg
General Manager

Membership (Quorum – 5)

Clr Wells – Chairperson

All Councillors

General Manager or nominee

BUSINESS OF MEETING

1. **Apologies**
2. **Adoption of Minutes of Previous Meeting**
3. **Declarations of Interest**
4. **Mayoral Minutes**
5. **Deputations**
6. **Report of the General Manager**
 - Corporate and Community Services
 - Assets and Works
 - Planning and Development
7. **Notices of Motion**
8. **Addendum Reports**
9. **Confidential Report of the General Manager**

Delegation:

Pursuant to s377 (1) of the *Local Government Act 1993* the Committee is delegated the functions conferred on Council by the *Local Government Act 1993* (LG Act) or any other Act or delegated to Council, as are specified in the Schedule, subject to the following limitations:

- i. The Committee cannot exercise any function delegated to the Council which by the terms of that delegation cannot be sub-delegated;
- ii. The Committee cannot exercise any function which s377(1) of the LG Act provides cannot be delegated by Council;
- iii. The Committee cannot exercise a function which is expressly required by the LG Act or any other Act to be exercised by resolution of the Council; and
- iv. The Committee cannot exercise any function which is a function of the General Manager under s335 of the LG Act.

Schedule

1. Make recommendations to Council and consider, formulate, review and adopt policies in relation to Council's corporate & community planning under Part 2 of Chapter 13 of the LG Act, asset management and in connection with the other functions listed in this Schedule and in particular to make recommendations to Council in respect of the content of Council's community strategic plan, delivery program, resourcing strategy and operational plan within the meaning of Part 2 of Chapter 13 of the LG Act;
2. Make recommendations to Council and consider, formulate, review and adopt Council policies, plans and strategies other than those in respect of town planning and environmental matters, and any other matter referred to the Committee by the General Manager.
3. Make recommendations in respect of the introduction of new fees or charges or the alteration of existing fees and charges for inclusion in the Council's next operational plan within the meaning of s405 of the LG Act;
4. Monitor, review and consider matters relating to the operations and strategic direction of Council's Holiday Haven Tourist Parks Group;
5. All functions in respect of the management of, and facilities provided on Crown Land in respect of which Council is the 'reserve trust manager' within the meaning of s92 of the *Crown Lands Act 1989*, and the making of recommendations to Council regarding such matters where the function cannot be delegated by Council;
6. Provision of corporate direction to the Shoalhaven Water Group in respect of powers delegated to it by Council regarding the construction, alteration or maintenance of water and sewerage works, effluent works and pump out removal;
7. Authorise the expenditure of funds raised under s64 of the LG Act within the limits outlined in, and in accordance with Council's adopted Development Servicing Plan and other relevant adopted Council policies;
8. Make recommendations to Council in respect of fees and charges for water and wastewater services provided by Council;
9. Develop, implement, review and adopt strategic policies for water, sewerage and effluent operations of Council;
10. Undertake preliminary investigations (feasibility, cost benefit, risk analysis, etc) into development opportunities for Council's strategic land holdings and make recommendations to Council.
11. Review and make recommendations to Council in relation to:
 - a) The sale prices of land in connection with residential and industrial Council subdivisions;
 - b) The sale of Council property or the purchase or resumption of land;
 - c) The compensation to be offered in respect of land resumed by Council; and
 - d) Properties leased or rented by Council, other than those delegated to the General Manager for approval and execution in accordance with MIN14.912 and MIN15.237 of the Council.

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

Cell Phones:

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

LOCAL GOVERNMENT ACT 1993

Chapter 3

Section 8(1) - The Council's Charter

(1) The council has the following charter:

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

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MINUTES OF THE STRATEGY AND ASSETS COMMITTEE MEETING HELD ON TUESDAY, 19 JULY, 2016 IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 4.00 PM

The following members were present;

Clr Wells – Chairperson
Clr Tribe
Clr Robertson
Clr Kearney – arrived 4.25pm
Clr Anstiss
Clr White
Clr Gash
Clr Baptist
Clr Findley
Clr Guile – arrived 4.05pm
Clr Watson
Clr Kitchener
Russ Pigg – General Manager

1. Confirmation of the Minutes of the Strategy and Assets Committee meeting held on Tuesday 14 June 2016 [Index](#)

MOTION: Moved: Baptist / Second: Robertson

(MIN16.535) RESOLVED That the Minutes of the Strategy and Assets Committee meeting held on Tuesday 14 June 2016 be confirmed.

CARRIED

2. Declarations of Interest [Index](#)

Conflict of Interest Declaration - Clr Anstiss Item 22, Page 58 Future of Human Waste Removal Services – less than significant non pecuniary interest – her husband, David owns property in Terara that uses this service, no financial loss or gain is foreseen – will remain in the room.

MAYORAL MINUTE

3. Emergency Services Wilderness Navigation Shield (NAVSHIELD) win File 50252E [Index](#)

MOTION: Moved: Gash / Second: Wells

(MIN16.536) RESOLVED that Council receive this report regarding the Emergency Services Wilderness Navigation Shield (NAVSHIELD) win for information.

CARRIED

4. Congratulations to the Economic Development Department File 50252E [Index](#)

MOTION: Moved: Gash / Second: Wells

(MIN16.537) RESOLVED that Council receive this report to congratulate the Economic Development Department for information.

CARRIED

5. Congratulations to Andy Depree File 50252E [Index](#)

MOTION: Moved: Gash / Second: Wells

(MIN16.538) RESOLVED that Council receive this report to Congratulate Andy Depree for information.

CARRIED

6. Homelessness File 44336E, 50252E [Index](#)

MOTION: Moved: Gash / Second: Findley

(MIN16.539) RESOLVED that Council

- a) Hold a meeting with the Federal & State members, church leaders, stake holders and Community Housing to discuss vacant halls, premises etc that could be used for extreme emergency housing
- b) Consider any of its commercial facilities in and around Nowra that may be suitable.

CARRIED

7. Greyhound Racing File 50252E [Index](#)

Note: Clr Guile arrived, the time being 4.05pm

MOTION: Moved: Watson / Second: Robertson

(MIN16.540) RESOLVED that Council:

- a) Make representation to the State Government and request it reconsider its position and implement a trial period of stronger legislation and voluntary management of the Industry
- b) Hold a Councillor Briefing on the matter
- c) Request the Government to fully fund an independent regulatory authority for the industry.

AMENDMENT:

Moved: Findley / Second: Tribe

That this matter be deferred to a Councillor briefing.

AMENDMENT LOST

FOR: Tribe, Anstiss, Findley, Guile

AGAINST: Robertson, Baptist, White, Gash, Watson, Kitchener, Wells, Russ Pigg

MOTION CARRIED

FOR: Robertson, Anstiss, White, Baptist, Guile, Watson, Kitchener, Wells, Gash, Russ Pigg

AGAINST: Findley, Tribe

8. Procedural Motion – Bring Items Forward

[Index](#)

PROCEDURAL MOTION:

Moved: Wells / Second: Gash

That the matters of the following items be brought forward for consideration at the conclusion of the deputations:

- Item 8, Page 25 - Deferment of Access Areas for Dogs Policy Review and Finalisation of Dog Access Trial at Narrawallee Beach
- Item 10, Page 31 - Lady Denman Draft Strategic Business and Master Plan
- Item 29, Page 77 – Collingwood Beach

CARRIED

9. Deputations

[Index](#)

Note: Cllr Kearney arrived, the time being 4.25pm

Leigh Maloney, Paul Mitchell, and Graham Sweet and Jan Gregory addressed the Committee in relation to Item 8, Page 25 - Deferment of Access Areas for Dogs Policy Review and Finalisation of Dog Access Trial at Narrawallee Beach

John Fergusson, President, Lady Denman Heritage Complex Huskisson Inc addressed the Committee in relation to Item 10, Page 31 - Lady Denman Draft Strategic Business and Master Plan

Annie Boutland and Tony Vukelic (Collingwood Beach Preservation Group) addressed the Committee in relation to Item 29, Page 77 – Collingwood Beach

CORPORATE AND COMMUNITY SERVICES

10. (Item 8) Deferment of Access Areas for Dogs Policy Review and Finalisation of Dog Access Trial at Narrawallee Beach File 3220e [Index](#)

Note: Jan Gregory, Paul Mitchell, Leigh Maloney and Graham Sweet addressed the Committee in relation to this item earlier in the meeting.

MOTION: Moved: Baptist / Second: White

(MIN16.541) RESOLVED, under delegated authority from Council, that Council:

- a) Defer the Shoalhaven Wide Review of the Access Areas for Dogs Policy until such time as monies are identified in a budget
- b) Finalise the trial at Narrawallee Beach and adopt the arrangements of dogs off leash area restricted times 6pm – 8am 1 October – 30 April and 3pm – 10am 1 May – 30 September in the designated area until a review of the Access Areas for Dogs Policy has been reviewed.
- c) A public consultation be undertaken within 12 months to ascertain whether a fenced off leash dog exercise area be established in the reserve in Narrawallee

AMENDMENT: Moved: Findley / Second: Guile

That Council:

- a) Defer the Shoalhaven Wide Review of the Access Areas for Dogs Policy until such time as monies are identified in a budget
- b) Finalise the trial at Narrawallee Beach and adopt the arrangements of dogs off leash area restricted times 6pm – 8am 1 October – 30 April and 3pm – 10am 1 May – 30 September in the designated area until a review of the Access Areas for Dogs Policy has been reviewed.
- c) A public consultation be undertaken within 12 months to ascertain whether a fenced off leash dog exercise area be established in the reserve in Narrawallee with the view to replace the use of the beach as an off leash area.

AMENDMENT LOST

FOR: Findley, Guile, Kitchener, Russ Pigg

AGAINST: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Watson, Gash

MOTION CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Watson, Gash

AGAINST: Findley, Guile, Kitchener, Russ Pigg

11. (Item 10) Lady Denman Draft Strategic Business and Master Plan File 52288e [Index](#)

Note: John Fergusson, President, Lady Denman Heritage Complex Huskisson Inc addressed the Committee in relation to this item earlier in the meeting.

MOTION: Moved: Guile / Second: Findley

RECOMMENDED that Council:

- a) Adopt the Lady Denman Draft Strategic Business and Master Plan (LDDSBMP) with the amendments as attached in the report. (See # Attachment A & A1).
- b) Consider allocating \$50,000 in the 2017/2018 budget to commence costing of detail design and development/implementation of the LDDSBMP.
- c) Advise those who made a submission on the LDDSBMP of the above resolution.

CARRIED

NOTICE OF MOTION

12. (Item 29) Collingwood Beach File 9929E [Index](#)

Note: Annie Boutland and Tony Vukelic (Collingwood Beach Preservation Group) addressed the Committee in relation to this item earlier in the meeting.

MOTION: Moved: Findley / Second: Gash

(MIN16.542) RESOLVED that in accordance with the Committee's delegated authority from Council the General Manager accept the petition in respect to Collingwood Dune Management Plan, and given the level of concern

- a) Defer commencement of the demonstration site in order to receive outstanding legal advice, and
- b) To consider the petition and preliminary comments that have been received from the community.
- c) Report back to Council on the issues at hand.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Findley, Kitchener, Gash, Russ Pigg

AGAINST: Guile, Watson

Note: The Petition with 945 signatures says:

Stop Shoalhaven Council's support for vegetation vandals.

We the undersigned do not support Shoalhaven City Council's proposed Collingwood Beach Dune Vegetation Plan. We believe the proposed lopping of vegetation along a 1.5 km stretch of Collingwood Beach sends the wrong message to vegetation vandals and undermines the work of community volunteers who have managed the dune vegetation for the broader community benefit since the early 1980s. We also believe that lopping this dune vegetation will result in the death of many tall shrubs and weaken the dune. This will increase the susceptibility of Collingwood Beach including its foreshore properties and public assets, to extreme weather conditions; reduce the habitat values of the Reserve; and set a dreadful precedent for other parts of the coast where vegetation vandalism is rife.

REPORT OF GENERAL MANAGER

CORPORATE AND COMMUNITY SERVICES

13. Use of Council Resources and Electoral Matter - Local Government Elections - 2016 File 18854E [Index](#)
-

MOTION: Moved: Robertson / Second: Baptist

(MIN16.543) RESOLVED that in accordance with the Committee's delegated authority from Council, that the information in relation to use of council resources and electoral matter be noted.

CARRIED

14. The Local Government and Elections Legislation Amendment (Integrity) Act 2016 - File 18854E [Index](#)
-

MOTION: Moved: Baptist / Second: Tribe

(MIN16.544) RESOLVED that in accordance with the Committee's delegated authority from Council, that the information in relation to the Local Government and Elections Legislation Amendment (Integrity) Act 2016 be noted.

CARRIED

15. Council decision making prior to the September 2016 Local Government Elections - Caretaker Period File 18854E [Index](#)
-

MOTION: Moved: Baptist / Second: White

(MIN16.545) RESOLVED that in accordance with the Committee's delegated authority from Council, that the information in relation to Council decision making prior to the September 2016 Local Government Elections be noted.

CARRIED

16. Local Government Conference - 16th International Cities, Town Centres & Communities Conference File 4688E [Index](#)

MOTION: Moved: White / Second: Baptist

(MIN16.546) RESOLVED that in accordance with its delegated authority from Council the Committee:

- a) Notes the details of the 16th International Cities, Town Centres & Communities Conference, scheduled for 9 to 11 November 2016, at Launceston, Tasmania.
- b) Authorises Councillors to attend the conference within the limits imposed under current policy and such attendance be deemed Council Business.
- c) Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
- d) Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

CARRIED

17. Local Government Conference – LGNSW Water Management Conference 28-30 August 2016 File 4688E [Index](#)

MOTION: Moved: Baptist / Second: White

(MIN16.547) RESOLVED that in accordance with its delegated authority from Council the Committee:

- a) Notes the details of the LGNSW Water Management Conference, scheduled for 28 to 30 August 2016, at Broken Hill, NSW.
- b) Authorises Councillors to attend the conference within the limits imposed under current policy and such attendance be deemed Council Business.
- c) Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
- d) Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

CARRIED

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18. Waiving & Discounting of Fees for Open Space & Community Facilities 2015/2016 File 19969e [Index](#)

MOTION: Moved: Baptist / Second: White

(MIN16.548) RESOLVED that, in accordance with the Committee's delegated authority from Council, the report regarding the Waiving & Discounting of Fees from 1 July 2015 to 30 June 2016 for the use of Council's open space and community facilities be received for information.

CARRIED

19. Tenders – Provision of the Management & Operations of the Ulladulla Civic Centre 2016/19 File 52412e [Index](#)

MOTION: Moved: Baptist / Second: White

(MIN16.549) RESOLVED that in accordance with the Committee's delegated authority from Council, that Council consider a separate confidential report on this matter in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

CARRIED

20. Deferment of Access Areas for Dogs Policy Review and Finalisation of Dog Access Trial at Narrawallee Beach File 3220e [Index](#)

Note: this item was dealt with earlier in the meeting.

21. Homelessness in the Shoalhaven File 44336E [Index](#)

MOTION: Moved: Kearney / Second: Baptist

(MIN16.550) RESOLVED that in accordance with the Committee's delegated authority from Council the Committee receive the report for information.

CARRIED

22. Lady Denman Draft Strategic Business and Master Plan File 52288e [Index](#)

Note: This item was dealt with earlier in the meeting.

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23. Release Agreement Lehman Brothers Special Financing Inc (LBSF) Lehman Brothers Holding Inc (LBHI), Lehman Brothers Australia Limited (LBA), ANZ and Shoalhaven City Council AND Deed of Release with ANZ and Shoalhaven City Council – Signing of Agreements File 35194E [Index](#)
-

MOTION: Moved: White / Second: Baptist

(MIN16.551) RESOLVED that in accordance with Section 10A(2)(g) of the Local Government Act 1993, Council consider a separate confidential report on this matter, and any decision made in the confidential session be made public in accordance with Clause 253 of the Local Government Act (General) Regulation 2005.

CARRIED

ASSETS AND WORKS

24. Amendment to Section 88B Instrument - Drainage Easement over Lot 12 DP1022813 File SF7858 [Index](#)
-

Note: Clr Findley was absent from the meeting the time being 6.07pm.

MOTION: Moved: White / Second: Baptist

RECOMMENDED that Council:

- a) Amend the S. 88B Instrument relating to the easement to drain water over Lot 12 DP1022813 to note Lot 11 DP1022813 as a benefitted Lot, with all costs associated with amendment, including legal fees and LPI registration costs to be paid by the owner of Lot 11 DP1022813; and
- b) Authorise the General Manager to affix the Seal of Council to the LPI Request form and any other documentation associated with the matter to enable this resolution to be enacted.

CARRIED

25. Reclassification of Land File 50767E [Index](#)
-

Note: Clr Findley returned to the meeting, the time being 6.09pm.

MOTION: Moved: White / Second: Baptist

RECOMMENDED that Council resolve to reclassify the land described in Schedule A as Community land:

Schedule A

Legal Description	Street	Locality	Reference
Lot 21 DP252581	50 Shoalhaven Heads Road	Shoalhaven Heads	50767E
Lot 12 DP617101	Bolong Road	Coolangatta	50767E
Lot 3 DP597223	Bolong Road	Coolangatta	50767E
Lot 4 DP550354	Island Point Road	St Georges Basin	50767E
Lot 2081 DP216860	Lively Street	Vincentia	50767E

CARRIED

26. Creation of Easement over Council Land Lot 12 DP1022913 File DA03/1477 [Index](#)

MOTION: Moved: White / Second: Baptist

RECOMMENDED that Council:

- a) Approve the creation of the easement to drain water within Council's land known as Lot 12 DP1022913 to benefit Lot X DP164823 and Lot 1 DP514622, with all costs associated with the easement creation, including compensation for market value of the easement, legal fees and LPI registration costs to be paid by the registered proprietor of Lot X DP164823;
- b) Authorise the General Manager to affix the Seal of Council to all relevant documentation associated with the matter to enable this resolution to be enacted; and
- c) Authorise the General Manager to finalise any negotiations as required to enable this resolution to be effected.

CARRIED

27. Additional Grant Funding Variations – 2015/16 Black Spot Program
File No 28099E, 5279E [Index](#)

MOTION: Moved: White / Second: Kearney

RECOMMENDED that Council accepts the approved variations under the Federal Nation Building Black Spot Program as follows:

- a) Springs Road project, increase the budget from \$220,000 to \$275,000 and revise the funding provision as \$30,000 in 2014/15; \$80,000 in 2015/16; and \$165,000 in 2016/17.
- b) for the Sussex Inlet Road project, increasing the budget from \$650,000 to \$1,055,000 and revising the funding provision as \$30,000 in 2014/15; \$170,000 in 2015/16; and \$855,000 in 2016/17.
- c) for the Lake Conjola Entrance Road project, increasing the budget from \$450,000 to \$675,000 and revising the funding provision as \$30,000 in 2014/15; \$40,000 in 2015/16; and \$605,000 in 2016/17.

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- d) for the Illaroo Road project, increasing the budget from \$280,000 to \$380,000 and revising the funding provision as \$30,000 in 2014/15; and \$350,000 in 2015/16.

CARRIED

28. 2016/17 Federal Nation Building Black Spot Program File No 28099E, 5279E [Index](#)

MOTION: Moved: Robertson / Second: Kearney

RECOMMENDED that Council

- a) Accepts the grant funding offers under the Federal Nation Building Black Spot Program as follows:
- i) \$660,000 for the safety improvements along Bendalong Road, Conjola.
 - ii) \$285,000 for the roundabout at the Paradise Beach Road and Kerry Street intersection (Sanctuary Point).
 - iii) \$210,000 for the roundabout at the St Vincent Street and Church Street intersection (Ulladulla).
 - iv) \$140,000 for the roundabout at the Deering Street and Jubilee Street intersection (Ulladulla).
 - v) \$420,000 for the safety improvements along Bolong Road, Bolong.
 - vi) \$510,000 for the safety improvements along Woodburn Road, Morton.
 - vii) \$240,000 for the safety improvements at the Forest Road and Callala Beach Road intersection (Wollumboola).
- b) Council writes to the Local Members of Federal Parliament and the Federal Government thanking it for its funding assistance as part of the 2016/17 Black Spot program.

CARRIED

29. 2016/17 NSW Active Transport Program File No 5279E [Index](#)

MOTION: Moved: Findley / Second: White

RECOMMENDED that Council:

- a) accepts the grant funding offers under the NSW Active Transport Program as follows:
- i) \$10,500 for the installation of new bike racks
 - ii) \$65,000 for the extension of the shared path network along Mitchell Parade, Mollymook
 - iii) \$160,000 for the extension of the shared path network along Matron Porter Drive (Milton/Mollymook)

-
- iv) \$70,000 for the construction of a pedestrian refuge at the West Birriley Street / North Tarawal Street intersection (Bomaderry)
 - v) \$30,000 for the construction of a pedestrian crossing treatment on Tallwood Avenue, Mollymook Beach
- b) Council writes to the Local Members of New South Wales Parliament and the State Government thanking it for its funding assistance as part of the 2016/17 NSW Active Transport program.

CARRIED

30. Tender – Supply of Construction Materials - Concrete Supply Tender File 53054E [Index](#)

MOTION: Moved: Baptist / Second: Tribe

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

CARRIED

PLANNING AND DEVELOPMENT

31. Broughton Creek Catchment – Updated Flood Information File 39480E [Index](#)

MOTION: Moved: Guile / Second: Wells

(MIN16.552) RESOLVED that in accordance with the Committee's delegated authority from Council, that the Committee

- a) Adopt the revised flood information and mapping for the Broughton Creek catchment;
- b) Section 149 certificates be updated to include the revised Broughton Creek catchment flood information and mapping;
- c) Flood planning area mapping in the Shoalhaven LEP 2014 be updated to include the flood extents from the revised Broughton Creek catchment flood information and mapping; and
- d) Write to the property owners in the newly mapped areas advising them of the information and mapping.

CARRIED

32. Shoalhaven Council's Immunisation Clinic - Future File 1869e [Index](#)

MOTION: Moved: Tribe / Second: Robertson

(MIN16.553) RESOLVED that in accordance with the Committee's delegated authority from Council, that the General Manager:

- a) Contact the Local State Members to request that they make representations to NSW Health seeking to overturn their decision regarding funding for immunisation services and that it be reinstated.
- b) Write to the Federal Member to ensure she is aware of this issue.

CARRIED

33. Companion Animals Policy - Review File 32667E [Index](#)

MOTION: Moved: Findley / Second: White

(MIN16.554) RESOLVED that in accordance with the Committee's delegated authority that, the Committee:

- a) Support the amended policy titled "Companion Animals – Management of Feral and Infant Cats and Dogs", being placed on exhibition for a period of 28 days.
- b) At the completion of the exhibition period and if nil submissions are received, the Policy be adopted

CARRIED

SHOALHAVEN WATER

34. Future of Human Waste Removal Services File 1084E [Index](#)

MOTION: Moved: Baptist / Second: White

(MIN16.555) RESOLVED that in accordance with the Committee's delegated authority from Council, that the report for the Future of Human Waste Removal Services be considered for information.

CARRIED

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35. 21 Lot Rural / Residential Subdivision of Lots 1 & 2 DP 1118306 Milbank Road, Worrigee for Linkwood Nowra Pty Ltd. File SF10487 [Index](#)

MOTION:

Moved: Wells / Second: Watson

(MIN16.556) RESOLVED that in accordance with the Committee's delegated authority from Council, that:

- a) Pending Planning Approval, the proposed subdivision of Lots 1 & 2 DP 1118306 into 21 lots be permitted to connect to the town sewerage system where a dwelling house is constructed within the R5 zone.
- b) Shoalhaven Water prepare a Notice of Requirements for the subdivision development in accordance with Section 306 of the Water Management Act 2000 to also include sewerage services.

CARRIED

36. Tender Process - REMS 1B Works File 52079E [Index](#)

MOTION:

Moved: White / Second: Baptist

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.

CARRIED

37. Extinguishment of Easements - 31 Vidler Road Falls Creek File 52908E [Index](#)

MOTION:

Moved: Wells / Second: Baptist

RECOMMENDED that:

- a) Council resolve to extinguish the Easements for Water Supply 3.05 wide over Lot 421 DP789734 at Falls Creek, as shown by hatching on copy of that deposited plan marked 'Attachment A'.
- b) Costs to extinguish the easements are to be met from Council's Water Fund.
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CARRIED

38. Expressions of Interest Process - Minor Projects Survey and Design File 52348E [Index](#)

MOTION: Moved: Wells / Second: Baptist

RECOMMENDED that the Committee consider the separate confidential report.

CARRIED

NOTICES OF MOTION

39. Milton Showground Expansion File 3661E [Index](#)

MOTION: Moved: Watson / Second: Gash

(MIN16.557) RESOLVED That:

1. The General Manager investigate options for the expansion of the Milton Showground including negotiations with adjoining property owners.
2. Once investigations are completed a report on the findings be provided to an appropriate meeting of Council.

CARRIED

40. Old Fire Station – Hyams Beach File 47042E [Index](#)

MOTION: Moved: Robertson / Second: Kearney

(MIN16.558) RESOLVED that given the very strong community interest in gaining community use of the now abandoned fire station precinct at Hyams Beach - and, at all times acknowledging this very strong interest and commitment - the General Manager take the following preliminary actions:

- a) Make application to the DPI Crown Lands Aboriginal Land Claims Unit to have the assessment of Aboriginal claims upon this site expedited.
- b) At the same time apply to the Minister administering the Crown Lands Act seeking approval to amend the Reserve purpose to include the Communities use thereof.
- c) Provide available reports regarding structural soundness and risks involving asbestos to the HBCCB in order that they may seek private quotes from approved tradesmen to make the buildings useable and safe. Enter into discussions with the CCB regarding the practicalities of them fund raising and completing these works.
- d) Once these actions have progressed call a meeting of Councillors briefing them on:
 - i) an appropriate future zoning and the options available for any change to the LEP
 - ii) the issues in implementing an Asset Protection Zone;
 - iii) what steps remain to enable the project to reach a conclusion; and

-
- iv) a proposed budget that would enable the project to proceed any further.

CARRIED

41. Collingwood Beach File 9929E [Index](#)

Note: this item was dealt with earlier in the meeting.

42. Procedural Motion - Introduction of Item as a Matter of Urgency [Index](#)

MOTION: Moved: Watson / Second: Wells

That the matter of June 2016 East Coast Low Impacts be introduced as a matter of urgency.

CARRIED

The Chairperson ruled the matter as one of urgency as it relates to urgent business of Council and allowed its introduction.

ADDENDUM REPORT 1 - PLANNING AND DEVELOPMENT / ASSETS AND WORKS / CORPORATE AND COMMUNITY SERVICES

43. June 2016 East Coast Low Impacts File 30596e & 53449e [Index](#)

MOTION: Moved: Watson / Second: Wells

(MIN16.559) RESOLVED that in accordance with the Committee's delegated authority from Council, that the Committee

- a) Write to Roads & Maritime Services (RMS) to seek funding to upgrade the shoreline protection structures at Ulladulla Harbour and around boat launching ramps;
- b) Make further representations to Crown Lands to seek funding for priority works on the Crown Land foreshore managed by Council;
- c) Make a submission followed by representation to the State & Federal Government to support the submission under the *Natural Disaster Relief and Recovery Arrangements* for non-eligible costs; and
- d) Apply to the Minister for Planning, for a one year exemption from the requirement for a certified Coastal Management Program, thereby enabling access to grant funding for works under the NSW Coastal and Estuary Program 2016/17.
- e) Receive a report back from the General Manager in respect of the possibility of adopting sections of the draft Coastal Management Plan to facilitate an application for funding under the Coastal & Estuary Management Program.

RECOMMENDED that as an interim measure, the Council

- a) Re-allocate \$500,000 in the 2016/17 budget as follows:

- \$100,000 from Parks & Reserves Operating Budget – Mollymook Access Playgrounds;
 - \$150,000 from Capital Expenditure - Tourist Parks Development; and
 - \$250,000 from Capital Expenditure – Yarramunmun Creek Bridge Renewal (Noting that bridge funds are available in 2017/18 to be allocated to this project.)
- b) Of the above \$500,000, \$350,000 be allocated for coastal management priority works that match the objectives & priorities of the NSW Coastal & Estuaries grants program and \$150,000 be allocated for restoration works in the immediate vicinity of adjoining Holiday Haven Tourist Parks.

CONFIDENTIAL REPORT OF THE GENERAL MANAGER

CORPORATE AND COMMUNITY SERVICES

Item	Reason
Tenders – Provision of Management & Operations of the Ulladulla Civic Centre 2016/19	<p>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.</p> <p>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.</p>
Release Agreement Lehman Brothers Special Financing Inc (LBSF) Lehman Brothers Holding Inc (LBHI), Lehman Brothers Australia Limited (LBA), ANZ and Shoalhaven City Council AND Deed of Release with ANZ and Shoalhaven City Council – Signing of Agreements	<p>Section 10A(2)(g) - Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.</p> <p>It is not in the public interest to disclose this information as it may impact on the ability of Council to finalise legal proceedings.</p>

ASSETS AND WORKS

Item	Reason
Tender – Supply of Construction Materials - Concrete Supply Tender	Section 10A(2)(d)(i) - Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

SHOALHAVEN WATER

Item	Reason
Tender Process - REMS 1B Works	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.
Expressions of Interest Process - Minor Projects Survey and Design	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 were invited to make representations to the Committee before any part of the meeting is closed, as to whether that part of the meeting should be closed. The Chairperson asked the General Manager if any written representations had been received as to whether that part of the meeting should be closed.

MOTION:

Moved: Anstiss / Second: Baptist

That the Committee exclude the press and public from the Meeting pursuant to section 10A(1)(a) of the Local Government Act, 1993 as it was to consider items of a confidential nature in relation to matters pursuant to Section 10A(2)(i).

The public interest in preserving the confidentiality of information outweighs the public interest in maintaining openness and transparency in Council decision making, as it may impact on the ability of Council to attract competitive tenders in the future:

- Provision of Management & Operations of the Ulladulla Civic Centre 2016/19
- Tender – Supply of Construction Materials - Concrete Supply Tender
- Tender Process - REMS 1B Works
- Expressions of Interest Process - Minor Projects Survey and Design

The public interest in preserving the confidentiality of information outweighs the public interest in maintaining openness and transparency in Council decision making, as it may impact on the ability of Council to finalise legal proceedings

- Release Agreement Lehman Brothers Special Financing Inc (LBSF) Lehman Brothers Holding Inc (LBHI), Lehman Brothers Australia Limited (LBA), ANZ and Shoalhaven City Council AND Deed of Release with ANZ and Shoalhaven City Council – Signing of Agreements

CARRIED

The meeting moved into confidential the time being 6.47 pm.

The meeting moved into open session, the time being 7.09 pm.

There being no further business, the meeting concluded, the time being 7.09 pm.

Clr Wells
CHAIRPERSON

REPORT OF GENERAL MANAGER
STRATEGY AND ASSETS COMMITTEE
TUESDAY, 9 AUGUST 2016

GENERAL MANAGER

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

1. **Fourth Quarter Report on Delivery Program 2015 - 2017 & Operational Plan 2015 - 2016** File 50863E [Index](#)
-

PURPOSE:

The purpose of this report is to provide information on how the organisation has performed against targets during the fourth quarter of the financial year commencing July 2015.

RECOMMENDED that in accordance with the Committee's delegated authority from Council, the report of the General Manager (Executive Strategy) regarding progress to 30 June 2016 on the 2015/2017 Delivery Program and Operational Plan be received for information, noted and published on Council's website.

OPTIONS

1. As recommended.
2. Adopt the recommendation and seek a further report on specific aspects of the Fourth Quarter Progress Report.

DETAILS

Attached (**Attachment 'A'**) is a summary of the Fourth Quarter Progress Report on the Delivery Program and Operational Plan providing a snapshot of how the organisation has performed against targets during the fourth quarter of the 2015/2016 financial year. Whilst most activities are either 'on' or 'above' target some are 'below' target and the summary provides a short commentary on those.

FINANCIAL IMPLICATIONS

This report provides a snapshot on the delivery of community outcomes across the span of people, place, prosperity, leadership and governance with no specific financial implication for its adoption.

COMMUNITY ENGAGEMENT

The community was provided with an opportunity for engagement as part of the consultation period when drafting the Delivery Program 2015 - 2017 & Operational Plan for 2015 - 2016.

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

STRATEGY & ASSETS COMMITTEE

TUESDAY, 9 AUGUST 2016

CORPORATE AND COMMUNITY SERVICES

ITEMS TO BE REFERRED TO ORDINARY MEETING

2. Maritime Museums of Australia Project Support Scheme (MMAPSS) Grant
File 10975E [Index](#)
-

SECTION MANAGER: Jane Lewis

PURPOSE:

To advise Council of one (1) successful Maritime Museums of Australia Project Support Scheme (MMAPSS) Grant 2016 - \$8,500 for the restoration of the Flood Boat.

RECOMMENDED that Council:

- a) **Accept the Maritime Museums of Australia Project Support Scheme (MMAPSS) Grant 2016 - \$8,500 and vote the funds for the restoration of the Flood Boat ready for installation at the Nowra Aquatic Centre.**
- b) **Write to the Maritime Museum of Australia accepting and thanking them for the grant funds.**

OPTIONS

- 1. Council adopt the recommendation as printed
- 2. Council reject the recommendation and provide an alternative

DETAILS

The David Berry Flood Boat restoration, conservation and relocation project.

An application for \$8,500 was submitted to facilitate the restoration of the David Berry Flood Boat.

'Shoalhaven' is one of two flood boats built in 1889 by John Hawken in the Shoalhaven district on the south coast of NSW. Well known landowner David Berry sponsored their construction as a gesture to the community. The other vessel NOAH remains extant as well and both remain in the Shoalhaven district. The two craft were housed on the Shoalhaven River for decades until the mid-1960s.

They were then passed into the care of the Shoalhaven Historical Society. 'Shoalhaven' was restored and put in an outside display following its use in the Captain Cook bi-centennial celebrations but eventually removed after being vandalised.

The restoration of this boat will enable another chapter of our history to be told both to visitors and residents of the Shoalhaven. Situated as it will be on the shore of the Shoalhaven River it will serve as a living example of the challenges our floods bring us and the way our community pulls together to offer assistance to one another.

FINANCIAL IMPLICATIONS:

The grant funding will cover most of the cost of the repair of timber elements and re-paint to conservation standard by Breakwater Boat Services of Ulladulla. Any additional funding required will be sourced from the Library Services budget.

COMMUNITY ENGAGEMENT:

Shoalhaven Historical Society have been of assistance during this grant application and are supportive of the restoration of the David Berry Flood Boat.

3. Request for Donation - Milton Ulladulla Community and Business AwardFile 4771E [Index](#)

SECTION MANAGER: Melissa McCoy.

PURPOSE:

To consider a request from the Rotary Club of Milton Ulladulla Inc. to provide a donation in the form of sponsorship of the Milton Ulladulla 2016 Community and Business Awards.

RECOMMENDED that

- a) **Council provide a \$2,000 Silver Sponsorship to support the Milton Ulladulla 2016 Community and Business Awards**
- b) **Funds to be sourced from the 2016/2017 Unallocated Donations Budget.**

OPTIONS

1. Adopt the recommendation above.
2. Suggest another sponsorship amount.
3. Not agree to provide a donation.

DETAILS

The Rotary Club of Milton-Ulladulla, in conjunction with the Milton Ulladulla Times newspaper, are hosting the Milton Ulladulla 2016 Community and Business Awards on Friday 16 September 2016. The event will acknowledge local businesses, community groups and individuals, through a series of awards that will be judged by popular vote or through selection by industry experts (**Attachment**).

The Awards will provide an opportunity for local businesses to network, promote their business, club or community organisation through sponsorship or by entering. Funds raised will be donated to charities working for the local community.

The various levels of sponsorship available are:

- Platinum \$10,000
- Gold \$5,000
- Silver \$2,000
- Bronze Plus \$1,000
- Bronze \$500

Council supported the 2015 event by providing a \$2,000 Silver Sponsorship.

FINANCIAL IMPLICATIONS:

The available balance in the 2016/2017 Unallocated Donations Budget is \$15,493.

4. **Application for Proclamation of Public Holiday - Kangaroo Valley Show 2017/2018** File 2128E [Index](#)

SECTION MANAGER: Melissa McCoy.

PURPOSE:

A request has been received from the Kangaroo Valley A & H Association for Council to make application to The Treasury - NSW Government for the proclamation of a biennial public holiday of the Kangaroo Valley Show as a Public Holiday under the Banks and Bank Holiday Act, 1912. The Proposed dates are the first days of each of the 2017 and 2018 Shows, being Friday 17 February 2017 and Friday 16 February 2018.

RECOMMENDED that Council make a biennial application to the Minister for Industrial Relations under the Banks and Bank Holiday Act, 1912, over that part of the county of Camden, the Parish of Cambewarra and those portions of the Parishes of Burrawang, Bugong, Yarrawa and Wallawa, situated in the City of Shoalhaven, for the proclamation of a partial public holiday (9am-5pm) on the first day of the Kangaroo Valley Show to be held on:

- a) **Friday 17 February 2017**
- b) **Friday 16 February 2018**

OPTIONS

1. As Recommended
2. Council decline the request

DETAILS

Council has received a request (**Attachment**) from the Kangaroo Valley A & H Association to make an application to the Minister for a Partial Public Holiday.

As part of the application process, in October 2015 a notice was placed in the local newspaper, The Kangaroo Valley Voice for a period of 28 days from which no submissions were received. The A & H Association contacted local community groups to seek support and the following responses for support were received

- a) Kangaroo Valley Public School
- b) Osborne Park Committee
- c) South Coast and Tablelands Show Societies Inc.
- d) Kangaroo Valley Tourist Association
- e) Kangaroo Valley Lions Club

The following comments have been made by Council's Economic Development Manager in relation to the economic impact of the Show:

*The Economic impact of 1200 people go through the gates each day of the show and approximately 500 would stay in local accommodation.
The total economic output for the Kangaroo Valley Show would be \$296,000; generating \$73,000 in wages and salaries and adding \$145,000 to the economy of the wider Shoalhaven.*

The following comments have been made by our Community Development Section in relation to the cultural significance of the Show:

*“Events such as the Kangaroo Valley Show are important in the life of rural communities. They bring the whole community together in an atmosphere of pride, celebration and fun. As such, they promote the building and development of strong and cohesive social networks.
The creation of a Public Holiday for the Kangaroo Valley Show increases the opportunity for members of the local community to be available to join in the event and would aid in increasing the social capital of the area.”*

FINANCIAL IMPLICATIONS:

Council has incurred the cost of advertising for comment in the South Coast Register.

COMMUNITY ENGAGEMENT:

As outlined in the report, advertising and seeking of comment from the Community has been undertaken in relation to the request.

Craig Milburn
DIRECTOR CORPORATE & COMMUNITY SERVICES

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

STRATEGY & ASSETS COMMITTEE

TUESDAY, 9 AUGUST 2016

ASSETS AND WORKS

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

5. Nowra Steakhouse - Assignment of Lease

File 12872E [Index](#)

SECTION MANAGER: Michael Harben

PURPOSE:

To authorise the execution of the Deed of Consent and Assignment of Lease documentation for Nowra Steakhouse to effect the assignment of the lease from Christopher Armstrong, Nikki Edwards and Jade Edwards to Eating Habits Australia Pty Ltd.

RECOMMENDED, in accordance with the Committee's delegated authority from Council, that the Committee authorise the execution of the Deed of Consent and Assignment of Lease for Unit 2, 10 Pleasant Way, Nowra from Christopher Armstrong, Nikki Edwards and Jade Edwards to Eating Habits Australia Pty Ltd.

Note: Shoalhaven City Council holds a lease agreement with Christopher Armstrong, Nikki Edwards and Jade Edwards for the occupation of the Council owned premises within Unit 2 of the Nowra Visitors Centre, 10 Pleasant Way, Nowra. The premises has been operating as a restaurant known as the Nowra Steakhouse for a number of years. In accordance with the lease agreement, the current tenant has requested the assignment of the lease. Under the lease, Council cannot withhold its consent to the assignment of the lease except in the following circumstances, which do not apply to this instance:

1. The proposed transferee proposes to change the use to which the property is put; or
2. The proposed transferee has financial resources or business experience inferior to those of the proposed transferor; or
3. The lessee has not requested the assignment of the lease in writing.

Council staff have reviewed the written application provided by the transferee and are satisfied that the proposed transferees business experience is equal to that of the current lessee.

ITEMS TO BE REFERRED TO ORDINARY MEETING

6. **Lease 6 - 10 Moss Street**

File 35408e [Index](#)

SECTION MANAGER: Michael Harben/ Martin Upitis

PURPOSE:

To obtain approval from Council to enter into a ten (10) year Lease with Mr Pip Pulford of Hyper Hyper Coffee over the land (Attachment A) known as Lot A DP 335109 – 6 Moss Street Nowra and Part Lot 2 DP 1607 Sec 2 – 10 Moss Street Nowra.

RECOMMENDED, that Council

- a) **Enter into a lease agreement as detailed in the report with Mr Pip Pulford of Hyper Hyper Coffee to coincide with his current lease agreements;**
- b) **Authorise the General Manager to finalise the lease terms that may not yet be determined and to sign any documentation necessary to give effect to this resolution;**
- c) **Modify the proposed plan of the site to ensure safe sight lines are not impacted for traffic and pedestrians at the intersection of North Street/Moss Street/ O’Keefe Avenue roundabout, and**
- d) **Approve borrowings of \$100,000 towards the construction of the additional 31 parking spaces in McGrath Avenue to offset the loss of informal public parking associated with the Lease proposal and the lease revenue be used to service the loan repayments.**

OPTIONS

1. Adopt the Recommendation. This will lead to the execution of an Agreement to occupy the land which will generate additional income and beautify the informal carpark area.
2. Defer the decision to enter into a lease arrangement until the provision of car parking and the timing is resolved.
3. Not adopt the Recommendation and provide further direction to staff.

DETAILS

On the 29 May 2016, Mr Ernie Panucci approached Council on behalf of Mr Pip Pulford of Hyper Hyper Coffee to lease the remaining area next to his current leased property, known as 10 Moss Street Nowra. This land in total is bounded by Moss Street to the North, North Street to the South and O'Keefe Avenue to the East and is used as an all day informal car parking area for approximately 30 cars.

Mr Pulford currently leases from Council No 4 (shop and cottage) and Part of No 6 (car parking) Moss Street as a takeaway coffee shop. A second yet to be determined Development Application to establish an area for artistic performances, storage shed, modify a disabled WC and relocated 5 car parking spaces has been lodged over this currently leased area.

Mr Pulford has expressed a further interest in landscaping the additional land to the east of his current leased area to create a Community Garden, and an education area demonstrating recycling resources. (Attachment B).

The Nowra CBD Urban Design Masterplan identifies this location as being within the boundary of the "Gateway Precinct".

The objective of the plan is to invigorate/beautify and improve the "Gateway Area" for visitors to the Shoalhaven coming from the Princes Highway travelling North and South.

If the Lease is not granted the informal carpark will remain in the current condition which is not in keeping with the Nowra CBD Urban Design Masterplan.

Conversely should the leases be granted, Mr Pulford will be able to consolidate his lease interest over the block to fulfil his vision of an artistic hub at the gateway to the Nowra CBD.

IMPACT ON NOWRA CBD CAR PARKING STRATEGY

A consequence of the proposed lease will be the loss of approximately 35 informal long term parking sites and there is a potential for nearby businesses to be impacted.

The Nowra CBD Car Parking Study identified a current theoretical DCP demand deficit of 186 spaces.

The study further identified 192 spaces that could be provided in the short term "at grade" in several locations around the Nowra CBD and Council's Long term financial plan includes a budget allocation commencing with \$100,000 adopted in 2016/17 to commence the provision of those parking sites.

In closer proximity to the subject site, some of the spaces proposed in the short term were in McGrath Avenue (31 spaces at eastern end and a conversion of 10 spaces at the western end) and in Graham Street (23 new angled spaces), these spaces are subject to design and further consultation.

Whilst the new spaces in McGrath Avenue and Graham Street will help to offset the loss of the spaces associated with the proposed lease, therefore revenue generated from this

lease could be allocated towards car park construction and loan funded works could commence this financial year.

PROPOSED LEASE TERMS

The execution of the Lease Agreement will be subject to DA Approval and any conditions attached thereto.

The proposed Lease terms are as follows:

Premises	Known as Lot A DP 335109 and Part Lot 2 DP 1607 Moss Street Nowra
Term	3 Years
Commencement Date	1 December 2016
Termination Date	30 November 2019
Option	5 years – 1 Dec 2019 – 30 Nov 2024 2 years - 1 Dec 2024 – 20 Nov 2026
Rent	\$16,250.00 plus GST per annum, payable <i>monthly</i> in advance
Application of Rent Assessment Policy	NA
Rent Review	Annually to 3%
Percentage of Outgoings	100%
Maintenance Responsibilities	Lawn and garden maintenance. Fencing and landscaping.

FINANCIAL IMPLICATIONS:

If approved Council will be receiving a commercial rent of approximately \$16,250 plus GST per annum. There will be no financial burden to Council.

COMMUNITY ENGAGEMENT:

A broad consultation was undertaken with neighbouring properties and CBD Committees. Only one (1) formal objection was received 6 days after the closing period from Nowra CBD Business Chamber referring to the potential loss of car parking already identified above.

Car parking is to be considered as part of the development of the site and Council is independently undertaking a car park planning exercise to improve car parking options in the CBD.

The CBD Revitalisation Committee has also resolved that Council consider car parking prior to the displacement of cars parked on this site through a lease arrangement.

The Assignee is purchasing the property on the understanding that Council intends to sell the property in the near future. Council advised the Assignee to obtain legal advice on their legal rights in this regard.

The lease is due to expire on 31 January 2022

7. Master Plan - Woollamia Regional Boat Ramp Precinct

File 52470E [Index](#)

SECTION MANAGER: Martin Upitis

PURPOSE:

To report on the results of community consultation concerning the preparation of a Master Plan to guide future redevelopment of the Woollamia Regional Boat Launching Ramp Precinct.

RECOMMENDED that

- a) Council adopts in principle the Master Plan for the Woollamia Regional Boat Ramp Precinct**
- b) Council proceeds with detailed design and construction for stage one comprising of:**
 - Widening the existing two lane ramp to a three lane boat ramp**
 - Provision of pontoons**
 - Provision of a boardwalk to the east to facilitate access for paddle craft**
- c) Council undertakes an expression of interest process for the build/own/operation of boat lift and maintenance facilities and that the results of the expression of interest be reported to Council**
- d) Detailed design for future stages including lift out and boat maintenance facilities involve community consultation and stakeholder engagement**
- e) Funding and timing of future stages of Woollamia Regional Boat Ramp Precinct be considered with the next round of the NSW Better Boating Now Funding Program**
- f) Provision of fuelling facilities for non-trailerable vessels be identified as a desirable service facility for any future redevelopment adjacent to the Huskisson public wharves**

OPTIONS

1. Adopt an alternative staging plan
2. Deleting components from the Master Plan
3. Make some other recommendation and provide direction to staff

DETAILS

A draft Master Plan (Attachment A) has been prepared to address the following issues:

- Upgrading of the boat launching ramp to improve usability
- Provision of a floating pontoon(s) to improve access
- Improvements to car and trailer parking (including drainage)
- Increasing depth of wharf berth(s)
- Formalising dinghy storage
- Provision of facilities for the launching of non-motorised watercraft (paddle craft)
- Provision of a temporary berthing facility for visiting non-trailerable vessels including water and power
- Investigation and design into non-trailerable vessel lift, maintenance and storage needs
- Improve the recreational amenity of the foreshore/wharf area to make more attractive for picnickers and fishing off the wharf/creek bank.

For a number of years Council has received periodical representations from non-trailerable boating owners (including the Jervis Bay Cruising Yacht Club) to address the lack of boat lift and maintenance facilities for non-trailerable vessels in Jervis Bay. The Woollamia site as well as other sites in Jervis Bay has a history of unauthorised large vessel lift in/lift out and maintenance occurring. Jervis Bay, including Currumbene Creek and Callala Bay, has 274 licenced moorings with the nearest boat lift facilities provided at Greenwell Point and Ulladulla Harbour. This Master Plan attempts to address this issue on the basis that it would be best built, owned and operated by others. Some preliminary interest has been expressed from local vessel owners to partner in this but needs to be tested by an EOI process. The travel lift pen would need to be owned by Council and would be eligible for grant funding. Government Agencies have been consulted and there are no impediments to this approval.

FINANCIAL IMPLICATIONS:

The project budget is \$500,000 comprising of \$450,000 grant funding from the NSW Better Boating Now Program.

Preliminary cost estimates are:

Stage One

Site Costs	\$42,000
Widening of boat launching ramp	\$159,000
On-ramp pontoon	\$55,000
Replacement of downstream jetty with pontoon	\$115,000
Boardwalk	\$70,000
Total	\$441,000

Future Stages

Travel lift pen (subject to EOI)	\$400,000
Travel lift (consider second hand)	To be provided by others
Minor boat maintenance facility	To be provided by others
Extend the main wharf including power & water	\$200,000
Car park drainage	Low cost solution under investigation
New carpark	\$250,000
Landscaping improvements	\$30,000 (plus)

COMMUNITY ENGAGEMENT:

A meeting was held with stakeholders on site on 3 March 2016 to identify and clarify issues. This meeting was attended by approximately 40 persons with a large proportion of non-trailerable vessel owners represented.

A formal public meeting was held on 1 June 2016 to present the draft plan that was advertised to relevant user and community groups.

A copy of responses received is provided in the Councillors' information folder and a summary of issues raised discussed below:

Issues	Response
Removal of traffic island to improve vehicle manoeuvring Impact of tidal currents	Has merit and can be considered as part of the detailed design process to widen the boat ramp Indenting the boat ramp to provide shelter from tidal currents will result in loss of land, loss of car parking and additional project cost. This is an issue but will be addressed by the provision of an “on ramp” finger floating pontoon that will assist in guiding boats and keeping them perpendicular to the ramp.
Suggest two extra ramps	The provision of two additional ramps is out of proportion to the amount of available car and trailer spaces provided. Provision of a 3 rd ramp and pontoons should speed up ramp turnover by 50%
Car park drainage	Drainage is an aesthetic and amenity issue with ponding occurring after rainfall events. The ideal solution would be to completely re-shape and re grade the carpark however this would cost in excess of \$500,000. Low cost solutions are currently being investigated.
Refuelling	This is the only issue that is not addressed in the Master Plan. Due to navigable depth restrictions between Huskisson and Woollamia, it is considered that if fuelling facilities were to be provided, Huskisson wharves would be the best location. It could be identified as a desirable service to be incorporated into the redevelopment of the Huskisson Foreshore Redevelopment project that is currently on public exhibition
Travel lift location	The viability of the travel lift at its location will need to be tested via the EOI and detailed design process and ensure that traffic impacts are minimised. Operational procedures will need to be developed to minimise traffic and safety impacts. The fall back option is not to proceed with a travel lift but to regularise the existing lift out process via the use of oversize trailers and strict operational procedures.
Car park location impact on adjacent residence	This site has been identified as a reserve for parking since 2006. Impact can be minimised via landscape design. No alternative use of this site is nominated
Travel lift may not cater for wide beam/multi-hull vessels (catamarans)	Oversize trailers are currently used and would need to continue to be used to cater for wide beam and some multi-hull vessels not suitable for lifting by a travel lift
Maintenance area too small	Valid issue but size is limited to the boundaries of the site. Only intended as a small maintenance facility for routine low impact maintenance. Major maintenance should continue to be undertaken at alternative commercial facilities

CONCLUSION

The project has broad support from the community (including the Jervis Bay Cruising Yacht Club), there are for specific local concerns in relation to Stage 2 from residents in Coulon Street Woollamia with impacts to be minimised by design. The Master Plan meets all user objectives except for the provision of fuelling facilities. There are no objections to the

proposed stage one works and therefore it is recommended that the Master Plan be adopted and work progress with implementing stage one works. Further consultation be undertaken in relation to future stages.

8. Telecommunications Licence to Optus – Lot 473 DP704673 – Cunjurong Point Road, Cunjurong Point **File 53034e** [Index](#)

SECTION MANAGER: Michael Harben

PURPOSE:

To obtain approval from Council to enter into a 20 year Licence with Optus over Operational Council owned land known as Lot 473 DP704673 Cunjurong Point Road, Cunjurong Point. (Attachment A).

RECOMMENDED that Council;

- a) **Enter into a Licence with Optus for a 20 year term with break dates at 5 yearly intervals at Optus's discretion for the annual rent of \$10,000 per annum + GST with increases of 3% annually commencing 1 October 2016; and**
- b) **Delegate authority to the General Manager to finalise the lease terms that may not yet be determined and to sign any documentation necessary to give effect to this resolution.**

OPTIONS

1. Adopt the Recommendation.
2. Not adopt the Recommendation and enter into further negotiations.

DETAILS

Council has been approached by Telecommunications Carrier Optus to enter into a 20 year agreement on land known as Lot 473 DP 704673 Cunjurong Point Road, Cunjurong Point.

The site is classified Operational and the current use is a single Water Reservoir.

Typically, a carrier who complies with the Telecommunications Act 1997 when installing a low-impact facility is immune from some state and territory laws, including town planning, use of land, tenancy and commercial and domestic power supply laws. The Act also offers immunity from environmental assessment and protection laws, with the exception of laws pertaining to the protection of places or items of significance to the cultural

heritage of Aboriginal persons or Torres Strait Islanders, for installation or maintenance of facilities.

However, Optus in this case, will be licensing land only to enable the construction of an equipment shelter 3 x 2.5m and a 30m monopole that will be owned and maintained by them. (Attachment B). As the Reservoir site does not have a connection to electrical reticulation, Council will install the electrical provision and Optus will be required to reimburse Council 50% of installation costs.

Under the Telecommunications (Low-Impact Facilities) Determination 1997 the installation and/or construction of overhead cabling and new mobile telecommunications towers are not low-impact facilities. Hence Optus will be required to follow the normal Development Application process.

Carriers must develop a consultation plan that addresses community interests and submit these to Council upon request. They are also required to publish a newspaper notice in the affected surrounding area of the proposed works.

Under the Ministerial Code of Practice carriers are obligated to comply with the provisions listed below prior to installing a facility:

1. Make reasonable efforts to enter into an agreement with public utilities about the installation; comply with industry standards and listed international agreements;
2. Provide notice to road authorities and utilities;
3. Act in accordance with good engineering practice; protect the safety of persons and property;
4. Ensure design, planning and installation of facilities is in accordance with best practice and complies with the Australian Communications and Media Authority (the ACMA) or industry codes or standards;
5. Co-operate with other carriers and public utilities who are undertaking similar activities on the same land to minimise inconvenience and damage;
6. Minimise interference with public utilities, roads and paths, traffic and land use;
7. Take reasonable steps to co-locate facilities with the existing facilities of other carriers or public utilities or use public easements;
8. Co-operate with other carriers and public utilities who are undertaking similar activities on the same land to minimise inconvenience and damage; and
9. Where relevant, notify the Director of National Parks, the Heritage Chairperson or the Environment Secretary of the proposed activity.

The area surrounding Council's Reservoir site is vacant Crown Land (with Council as Reserve Trust Manager), being bushland with the closest residential properties some 500 metres away. The impact on these properties is considered to be minimal.

The proposed Licence terms are as follows:

Lessor: Shoalhaven City Council – ABN 59 855 182 344

Lessee:	Optus Mobile Pty Ltd - ABN: 65 054 365 696
Premises:	Part of the property described as Lot 473 Cunjurong Point Rd, Cunjurong Point NSW 2539
Permitted Use:	For the purpose of constructing, maintaining and operating a telecommunications network and telecommunications service including but not limited to installing, storing, operating, repairing, maintaining, altering and replacing Telecommunications Equipment consistent with the evolving nature of telecommunications services.
Term of Lease:	20 years with break provisions at 5 yearly intervals -
Break Dates:	The Lessee may give the Lessor at least 6 months notice that it wishes to end the term on the date that is 15 years, 10 years or 5 years before the date of expiration.
Further Term:	5 years as an automatic option – that is, the option will automatically be exercised unless the Lessee delivers a notice to the Lessor advising that the option term is not required
Rent:	\$10,000 (plus GST) per annum paid Yearly in advance by electronic funds transfer.
Rent Reviews:	3% fixed increase annually on the anniversary of the commencement date of the lease

FINANCIAL IMPLICATIONS:

Council will benefit from an income of \$10,000 per annum. Optus will pay Council's legal fees up to \$2000.00

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.

9. Telecommunications Licence to Vodafone

File 52020E [Index](#)

SECTION MANAGER: Michael Harben

PURPOSE:

To obtain approval from Council to enter into a 20 year Licence with Vodafone over Operational Council owned land known as Lot 16 DP 23671 (Princes Highway) Hollands Road South Nowra (Attachment A).

RECOMMENDED that Council:

- a) **Enter into a Licence with Vodafone for a 20 year term for the annual rent of \$11,100 per annum + GST with annual increases of 3%; and**
- b) **Delegate authority to the General Manager to finalise the lease terms to finalise the lease terms that may not yet be determined and to sign any documentation necessary to give effect to this resolution.**

OPTIONS

1. Adopt the Recommendation.
2. Not adopt the Recommendation and enter into further negotiations.

DETAILS

Council has been approached by Telecommunications carrier Vodafone to enter into a 20 year Licence on land known as Lot 16 DP 23671 (Princes Highway) Hollands Road South Nowra.

The site is classified operational and has constructed thereon an elevated, 15 metre high concrete reservoir. The reservoir was built in the 1960's and decommissioned approximately 20 years ago following changes to the water network resulting in pressure zone changes, meaning the reservoir was no longer needed. The life expectancy of elevated concrete reservoirs is 100 years.

A carrier who complies with the Telecommunications Act 1997 when installing a low-impact facility is immune from some state and territory laws, including town planning, use of land, tenancy and commercial and domestic power supply laws. The Act also offers immunity from environmental assessment and protection laws, with the exception of laws pertaining to the protection of places or items of significance to the cultural heritage of Aboriginal persons or Torres Strait Islanders, for installation or maintenance of facilities.

Due to the position and size of the equipment used in this instance, (Attachment B) shows a pictorial representation), under the Telecommunications Act 1997 this is deemed as a Low Impact Facility.

The Communications Alliance Ltd "Industry Code C564:2011 Mobile Phone Base Station Deployment" places obligations on carriers to notify and consult with councils and communities about proposals to install low-impact radio communications facilities such as mobile phone network antennas and dishes.

Carriers must develop a consultation plan that addresses community interests and submit these to council. They are also required to publish a newspaper notice in the affected surrounding area of the proposed works.

Under the Ministerial Code of Practice carriers are obligated to comply with the provisions listed below prior to installing a facility:

1. Make reasonable efforts to enter into an agreement with public utilities about the installation; comply with industry standards and listed international agreements;
2. Provide notice to road authorities and utilities;
3. Act in accordance with good engineering practice; protect the safety of persons and property;
4. Ensure design, planning and installation of facilities is in accordance with best practice and complies with the Australian Communications and Media Authority (the ACMA) or industry codes or standards;
5. Co-operate with other carriers and public utilities who are undertaking similar activities on the same land to minimise inconvenience and damage;
6. Minimise interference with public utilities, roads and paths, traffic and land use;
7. Take reasonable steps to co-locate facilities with the existing facilities of other carriers or public utilities or use public easements;
8. Co-operate with other carriers and public utilities who are undertaking similar activities on the same land to minimise inconvenience and damage; and
9. Where relevant, notify the Director of National Parks, the Heritage Chairperson or the Environment Secretary of the proposed activity.

Vodafone is proposing to attach the following equipment to the external face of the decommissioned reservoir:

Antenna	Height	Bearing
2 x 2.68m long panels	15.46	70
2 x 2.68m long panels	15.46	190
2 x 2.68m long panels	15.46	330

In addition to the above an equipment cabin – 3.15m x 2.38m, height 2.94m will be located on the ground at the base of the decommissioned reservoir.

Should Council adopt the recommendation, Shoalhaven Water will be responsible for the maintenance and ongoing structural integrity of the decommissioned reservoir for the next twenty (20) years. Given the age of the reservoir at approximately 55 years an additional 20 years life to cover the licence period is still well within the 100 year life expectancy of this type of reservoir.

The proposed Licence terms are as follows:

Land	Lot 16 DP 23671 Hollands Road South Nowra
Commencing Date	1 July 2016
Terminating Date	30 June 2036
Term	20 years
Licence Fee	\$11,100 per annum + GST.
Licence Fee Review Date	3% Annually on the anniversary of the commencing Date

FINANCIAL IMPLICATIONS:

Council will receive an income of \$11,100 per annum increased annually at 3% for the term of the Licence.

Vodafone will pay Council's legal fees up to \$3000.00.

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 by Council has taken place.

10. Graffiti Abatement – Strategies 2016/2017

File 1244e [Index](#)

SECTION MANAGER: Tony Fraser

PURPOSE:

To inform Council of future strategies in graffiti abatement in the Shoalhaven as part of Council's Graffiti Management Program.

RECOMMENDED that Council:

- a) **Support the strategies for graffiti abatement in the Shoalhaven as outlined in this report.**
- b) **In accordance with Section 67 (2)(b) of the Local Government Act, it is proposed to charge no fee and provide funding up to \$1,000 from the Graffiti Management budget, to support a mural being painted at Lot 2 DP 624351 being 23 Browns Road, South Nowra owned by Rynarp PTY LTD.**

OPTIONS

-
1. As recommended (preferred option). The strategies proposed will be sites that are visible from public areas. Murals have been effective in minimising the reoccurrence of graffiti.
 2. Continue to encourage the property owners to address graffiti on their building. Addressing ongoing graffiti may not occur without financial support from Council.
 3. Not accept the recommendation, giving reasons and propose an alternative.

DETAILS

Council, at its meeting of 21 June 2013 (MIN13.681), resolved:

“That Council further support the relevant tasks to maintain the Graffiti Management Program at the highest level.”

This report is introducing three new strategies for graffiti management for Council's consideration, as part of Council's Graffiti Management Program and in the lead up to Graffiti Removal Day in October 2016.

1. A site at Ison Park in South Nowra has been identified with an extensive amount of graffiti. The site is on private property on the southern side of the soccer ground. It is proposed the graffiti be painted out on Graffiti Removal Day (State Government funded) then a mural be painted using a theme developed in collaboration with user groups of Ison Park to reduce future attacks. Murals are a proven strategy to prevent repeated attacks. The mural will be funded out of the Graffiti Management budget up to \$1,000 which includes the cost of the artist and paint required.
2. Undertake a “Blitz” in the Nowra CBD. The last blitz was completed in October 2013 and was very successful with only a handful of tags being noticed and removed in the months following the blitz. Reappearance of graffiti has been slow and any work on private property as part of the “Blitz” will be reported to Council in accordance with Section 67 of the Local Government Act.
3. Investigate a system to provide the public with assistance to reimburse the purchase of paint to cover graffiti that is on private land but visible from public areas. The amount of assistance will vary depending on the area of graffiti. It is proposed that Council will fund 20% of the cost of paint. The property owner will be required to fund 80% of the paint cost and supply all labour and other materials. This is similar to the façade improvement program.

Other Graffiti Abatement Activities include:

- Liaise with utility providers to develop a Graffiti Removal Strategy for their facilities in accordance with MIN13.1257 b). An offer to utilities has been made for Council's specialist tradesperson to remove graffiti on their behalf for a nominal fee;
- Promote the use of the graffiti trailer by business owners and volunteers free of charge;

-
- Carry out regular inspections of the CBD area and discussions with individual business owners on the options involved for tackling graffiti;
 - Provide regular reporting of graffiti on utility owners infrastructure and follow up;
 - Remove graffiti on Council land and sites accessible from Council land, as a matter of priority;
 - Survey and arrange graffiti removal around the Shoalhaven River precinct prior to the Shoalhaven River Festival in October;
 - Site inspect the greater Shoalhaven for graffiti and arrange removal; and
 - Encourage members of the public to report graffiti.

FINANCIAL IMPLICATIONS:

Council has an allocated budget for the Graffiti Management Program and this will be used to fund the above strategies.

COMMUNITY ENGAGEMENT:

Consultation is currently underway with user groups of Ison Park for the removal of the graffiti on Graffiti Removal Day and for a possible mural in the future.

SECTION MANAGER: Tony Fraser

RECOMMENDED that:

- a) **Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with J P & K Rembisz of 17 Illfracombe Avenue, Vincentia in respect of Kerb and Gutter construction to the value of \$5,452.43 of which \$1,917.33 (including \$22 GST) is a contribution, \$3,535.10 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$4,418.38.**
- b) **Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with T A & D E Barrett of 19 Illfracombe Avenue, Vincentia in respect of Kerb and Gutter construction to the value of \$5,452.43 of which \$1,917.33 (including \$22 GST) is a contribution, \$3,535.10 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$4,418.38.**
- c) **Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with O F Lugton of 21 Illfracombe Avenue, Vincentia in respect of Kerb and Gutter construction to the value of \$5,210.43 of which \$1,675.33 is a contribution, \$3,535.10 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$4,418.88.**
- d) **Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with S & L Michael of 23 Illfracombe Avenue, Vincentia in respect of Kerb and Gutter construction to the value of \$4,562.94 of which \$1,467.14 is a contribution, \$3,095.80 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$3,869.75.**
- e) **The Common Seal of Council of the City of Shoalhaven be affixed to any documentation required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to.**
- f) **The works be funded by contributions from residents without additional Council capital.**

B. Stewart
DIRECTOR, ASSETS & WORKS

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER
STRATEGY AND ASSETS COMMITTEE

TUESDAY, 9 AUGUST 2016

PLANNING AND DEVELOPMENT

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

12. **Natural Areas Tender: Maintenance, minor construction, asset auditing & risk assessments in Natural Areas** File 51689E, 50372E [Index](#)
-

SECTION MANAGER: Kelie Lowe

PURPOSE:

To update Council on the outcome of the tender process for maintenance, minor construction, asset auditing and risk assessments in natural areas.

RECOMMENDED that the Committee under delegated authority from Council receive the report for information.

OPTIONS

1. Adopt the recommendation.
2. Propose an alternate recommendation.

DETAILS

Council called tenders for maintenance, minor construction, asset auditing and risk assessments in natural areas. This repeated the process undertaken in 2012 to refresh the list of contractors available to the Natural Resources and Floodplain Unit to deliver significant work (>\$500,000 per annum) on a range of programs including coastal access / shoreline protection maintenance, bushfire asset protection zone (APZ) maintenance, walking tracks, bush regeneration, bushland, estuary and coastal rehabilitation projects.

A report was presented to Council on Tuesday 19 April 2016 and Council resolved to (min 16.328).

- a) *Decline to accept any of the tenders in accordance with S178(1)(b) of the Local Government Regulation 2005;*
- b) *In accordance with S178(3)(e) of the Local Government Regulation 2005 delegate authority for the General Manager (Planning and Development) to enter into*

negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender;

- c) *In accordance with S178(4)(a) not invite fresh tenders as the time delay would impact on current natural resource and floodplain work programs that are risk based;*
- d) *Subject to successful negotiations, authorise the General Manager (Planning and Development) to finalise and execute a contract for the works and establish a preferred suppliers list; and*
- e) *The outcome of the negotiations be reported to Council for information.*

The outcome of the negotiations have been successful and a pool of 21 contractors (5 x additional to the initial call for tender – see **Attachment A**) have now been appointed to the preferred supplier list. This pool of contractors will ensure an efficient delivery of a range of works in natural areas.

The preferred supplier list will be placed on Council's intranet website under 'SCC procurement Panels' so that it is accessible to all staff conducting works in natural areas.

FINANCIAL IMPLICATIONS:

Contractor experience and diversity is needed to deliver future cost effective work programs. A large local contractor pool is required due to the large geographic area of the City, as well as to meet seasonal and variable workload peaks on several over-lapping programs.

COMMUNITY ENGAGEMENT:

Not applicable.

Tim Fletcher

DIRECTOR PLANNING AND DEVELOPMENT SERVICES

R.D Pigg

GENERAL MANAGER

NOTICES OF MOTION

STRATEGY AND ASSETS COMMITTEE

TUESDAY, 9 AUGUST, 2016

13. Collingwood Beach Vegetation Management Plan File 9929E [Index](#)

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

The General Manager report to next available Council committee or Council Meeting following the receipt of the legal advice in respect of the Collingwood Beach Vegetation Management Plan.

Signed
Clr Watson

14. Australian Government Contribution for the Completion of the Princes Highway duplication from Berry to Bomaderry File 1992E [Index](#)

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

- 1. That Shoalhaven City Council supports efforts by the Parliamentary Secretary to the Premier for the Illawarra and South Coast and Member for Kiama Gareth Ward MP to secure an Australian Government contribution for the completion of the Princes Highway duplication from Berry to Bomaderry.**
- 2. That Council writes to the Member for Gilmore Ann Sudmalis notifying her of Council's position and seeking her support for securing such a funding contribution.**
- 3. That Council further seek endorsement from other stakeholder groups such as Business Chambers, SEATs and the Joint organisation of Councils for the injection of Federal funding.**

Signed
Clr Guile
Clr Watson

Note by General Manager: Following the last meeting of the Illawarra Pilot Joint Organisations, the Executive Officer on behalf of the Chairman, has requested Member for Gilmore Ann Sudmalis, to arrange a meeting with the Minister for Infrastructure and Transport, the Honourable Darren Chester MP, regarding Commonwealth assistance with major infrastructure projects in the region.

CONFIDENTIAL BUSINESS PAPER AGENDA

PLANNING AND DEVELOPMENT SERVICES

1. Collingwood Beach Dune Vegetation Management

Reason

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

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

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

ADDENDUM REPORT OF GENERAL MANAGER

STRATEGY AND ASSETS COMMITTEE

TUESDAY, 9 AUGUST 2016

PLANNING AND DEVELOPMENT

ITEM TO BE DEALT WITH UNDER DELEGATED AUTHORITY

1. **Coast and Estuary grant program 2016/17 requirement for a certified CZMP or Coastal Management Program** **File 30596E**
-

SECTION MANAGER: Kelie Lowe

PURPOSE:

To provide Council with an update and further information on the requirement to have a certified Coastal Zone Management Plan (CZMP) or Coastal Management Program (CMP) lodged with the Minister seeking certification, before grant applications close on 18 August 2016 in order to be eligible to apply for the 2016/17 coast and estuary and grant program.

RECOMMENDED that, in accordance with the Committee's delegated authority from Council, the Committee:

- a) **Continue to seek representation to the Minister to seek an exemption from the requirement of a certified CZMP to qualify for funding in the first round.**
- b) **If exemption is not granted by 18 August 2016, Council submit the draft 2012 CZMP, including additional reports as listed in this report and adopted Council Estuary Management Plans for certification by the Minister.**
- c) **Endorse the development of a new Coastal Management Program in line with the new Coastal Management Act, such new program to include the revision of relevant studies and strategies to address Council's adopted sea level projections. In addition, the public exhibition and subsequent resolution of coastal erosion policy matters, as well as other issues raised by the community.**

OPTIONS

1. As recommended. This affords Council the best opportunity to apply for 2016/17 coast and estuary grants.
2. Council not apply to the Minister for Planning, The Hon Rob Stokes MP to certify Council's draft Coast Zone Management Plan and Council not apply for grant funding under the NSW Government 2016/17 Coast and Estuary program.
3. Council propose an alternate option.

DETAILS

Council at its meeting on 26 July 2016 considered a report on this matter and resolved to (Min 16.572):

- a) *Advertise the outstanding issues in the plan with the view to reporting back to Council as soon as possible on the potential to adopt the draft plan;*
- b) *Seek urgent representation through Offices of the Parliamentary Secretary of Illawarra and the Hon Shelley Hancock, to the Minister to seek an exemption from the requirement of a certified CZMP to qualify for funding in the first round;*
- c) *Prepare to seek certification and apply for funding with a further report to the Strategy and Assets Committee in August 2016 on progress of this matter.*

In regard to part a) of the resolution above, a media release was issued on 28 July 2016 informing of further consultation on the draft Coastal Zone Management Plan (refer **Attachment A**). In addition an email was sent directly to all CCBs, community groups and individuals that were consulted during the Our Coast Our Lifestyle community engagement project on coastal management on 2 August 2016. The exhibition was also advertised on Council's website on the home page Council notice board so that it was in a prominent location (refer **Attachment B**).

The draft CZMP 2012 update as well as additional coastal management reports listed below will be available for public exhibition until 8 August 2016.

- **July 2014:** Shoalhaven Coastal Erosion Remediation - [Adaptive Work Strategy](#)
- **June 2014:** Shoalhaven Authorised Locations, Coastal Erosion Remedial Options - [Collingwood Beach](#)
- **May 2013:** Management of Shoreline Erosion and Beach Access - [Callala Bay Design Review](#)
- **May 2013:** Shoalhaven Authorised Locations, Coastal Erosion Remedial Options – [Mollymook Beach](#)
- **May 2013:** Shoalhaven Authorised Locations, Coastal Erosion Remedial Options – [Callala Beach](#)

At the time of writing this report it is not possible to provide an overview of submissions received, however a full copy of all submissions received will be provided in the Councillors room on 9 August 2016 from 10.00am and outlined at the Committee meeting.

In regard to part b), the General Manager and Mayor have sought an urgent meeting with the Minister, at the time of writing this report the meeting had not been held or scheduled.

In regard to part c), Council staff wrote to Office of Environment & Heritage (OEH) to seek further advice. It is understood that Council could request the Minister to certify its draft

Coastal Zone Management Plan so that it can apply for funding for implementing works and then transition to a Coastal Management Program so that the updated hazard mapping in view of Council's adopted SLR projections (currently in progress) and the outcomes of Our Coast Our Lifestyle citywide community engagement project (nearing completion) can be included. That is, the existing draft CZMP can effectively be amended to include updated studies and community input by transitioning to a new coastal management program. Advice received from OEH is that Council cannot seek certification of sections or parts of the plan that directly relate to grant applications. This is because the documents submitted would then not comply with the guidelines for the preparation of CZMP's called up by the Coastal Protection Act.

FINANCIAL IMPLICATIONS:

\$40,000 of Council 2016/17 coastal budget allocation could be allocated to progressing a Coastal Management Program.

COMMUNITY ENGAGEMENT:

The Draft 2012 Shoalhaven Coastal Zone Management Plan was on public exhibition from 10 October 2012 to 7 December 2012. Further public exhibition of the draft CZMP occurred from 28 July 2016 to 8 August 2016.

2. Collingwood Beach Dune Vegetation Vandalism Management File 9929e

SECTION MANAGER: Kelie Lowe

PURPOSE:

To progress the management of Collingwood Beach dune vegetation in view of minimising occurrences of vegetation vandalism.

RECOMMENDED that the Committee under delegation from Council, the Committee;

- a) Not proceed with the demonstration site and use existing sections of dune to provide example of management zones proposed in the draft Council plan.**
- b) Exhibit Council's draft Collingwood Beach Dune Vegetation Management Plan and the Collingwood Beach Preservation Group amended proposal for a period of 28 days.**
- c) Develop a Review of Environmental Factors (REF) for the entire site following consideration of the submissions received during the public exhibition prior to adoption of the plan by Council.**
- d) Seek further advice and comments from Jervis Bay Marine Parks, Office of Environment and Heritage and NSW DPI-Lands during the public exhibition period.**

OPTIONS

1. As recommended. This option is in line with Council's previous resolution on this matter and recognises the strong opposition received, requesting Council not proceed with the demonstration site. It also takes into consideration comments received by NSW DPI Lands and Jervis Bay Marine Parks. However, it does not address the many requests received by community members through individual submissions, community groups submissions or petitions to reconsider the content of the draft dune vegetation management plan.
2. Exhibit the draft REF for the demonstration site. Report back to Council following the exhibition period to reconsider undertaking the works on the demonstration site and proceeding with the exhibition of Council's draft Collingwood Beach Dune Vegetation Management Plan (CBDVMP) and the Collingwood Beach Preservation Group (CBPG) amended proposal.
3. Do not proceed with the demonstration site and the exhibition of Council's draft Collingwood Beach Dune Vegetation Management Plan and the Collingwood Beach Preservation Group amended proposal. Instead, request NGH to go back to the reference group objectives, consider all submissions received to date on this matter as well as comments received from agencies and review the draft plan. This option responds to the fact that all deputations and submissions received (including CBPG) are not in support of the draft Council's plan.
4. Proceed with the demonstration site and public exhibition of Council's draft Collingwood Beach Dune Vegetation Management Plan and the Collingwood Beach Preservation Group amended proposal. This option is not recommended given the high level of community opposition to the demonstration site, advice given by the Jervis Bay Marine Park and potential breach of S56(3) of the *Marine Estate Management Act 2014* (MEM Act).

DETAILS

Following extensive vegetation vandalism on Collingwood Beach foreshore, Council erected a banner (November 2013) aimed at highlighting and discouraging similar behaviour. In considering the community response to erection of the banner, Council recognised a need for further community engagement around dune vegetation management so that vandalism could be curbed. Council subsequently decided (January 2014) to hold a public meeting and establish a reference group to develop recommendations to guide future management of dune vegetation. A draft plan was developed by consultant NGH.

Council resolved on 24 May 2016 (min16.375)

'That the following motion of the Strategy and Assets Committee from 10 May 2016 be amended as follows:

- a) *Endorse the draft Collingwood Beach Dune Vegetation Management Plan with the following variations added*

- i) *Zone 5 – Thin/prune 50%-70% low shrubs/trees within the 1.5m – 2.5m view window,*
 - ii) *Zone 5 prune trees and tall shrubs to a height 1m-1.5m*
 - iii) *All vandalism signs to be removed once the plan is formally adopted by council.*
- b) *Place the draft Collingwood Beach Dune Vegetation Management Plan and the Collingwood Beach Preservation Group amended proposal on public exhibition for a period of four (4) weeks and report back to Council the outcome of the public exhibition.*
 - c) *Establish a 50m demonstration site at the end of Susan Street, Vincentia prior to the exhibition period to facilitate the understanding and visualisation of the proposed management zone for this area.*
 - d) *Allocate \$5,000 budget to achieve the 50m demonstration site at Susan St.*
 - e) *Report back on the proposed schedule of delivery and costings to deliver the CBDV Plan, the ongoing 5 year management and maintenance activities, with options that might include:*
 - i) *funding from the general fund, a special rate levy (noting that IPART approval would be necessary if this was in addition to the rate peg limit),*
 - ii) *support funding of works by private properties fronting the dune,*
 - iii) *A staged action plan*
 - iv) *utilisation and participation of community volunteers in programmed maintenance works.*
 - f) *Ensure appropriate funding up to \$120,000 is placed in the 16/17 budget to activate the plan.'*

In response to part a) ii) of Council resolution, NGH wrote a letter to Council noting that they cannot support the variation as the risk of tree mortality increases at a lower height than 1.5m and the variation could result in less dune stability, adverse impacts to private and public assets as well as the ecological values of the reserve. NGH requested that their branding (logo) be removed from the draft Dune Vegetation Management Plan (refer **Attachment A**). The draft Dune Vegetation Management Plan has been amended to reflect part a) of Council's resolution (refer **Attachment B**), the draft Dune Vegetation Management Plan will now be referred to as Council's draft Dune Vegetation Management Plan to distinguish it from the draft plan prepared by consultant NGH and the Collingwood Beach Preservation Group amended proposal provided in **Attachment C**.

In order to progress part c) of Council's resolution, an REF was prepared by NGH for the demonstration site. Council also received numerous submissions from community members questioning the permissibility of the work and the legality of Council's resolution. Council therefore proceeded to seek legal advice to ensure Council has the right to undertake the works on the demonstration site as well as any potential legal impediments to implementing the adopted resolution. In response to enquiries from DPI – Lands and an OEH following community representations they had received concerning the draft plan, advice was sought from these agencies (refer to **Attachment D** for response from DPI

Lands and **Attachment I** for response from OEH). In accordance with requirements of the State Environmental Planning Policy (SEPP) – Infrastructure, the draft REF for the demonstration site was sent to Jervis Bay Marine Park for comment and advice (refer **Attachment E** for response).

At its meeting on 19 July 2016 Council resolved (min16.542)

‘that in accordance with the Committee’s delegated authority from Council the General Manager accept the petition in respect to Collingwood Dune Management Plan, and given the level of concern

- a) *Defer commencement of the demonstration site in order to receive outstanding legal advice, and*
- b) *To consider the petition and preliminary comments that have been received from the community.*
- c) *Report back to Council on the issues at hand.’*

After considering the legal advice, it is recommended that should Council want to proceed with the demonstration site that the REF for the works on the demonstration site be publicly exhibited before works commence.

However considering feedback from the agencies and in particular Jervis Bay Marine Park, it is recommended that Council not proceed with the demonstration site.

FINANCIAL IMPLICATIONS:

The works on the proposed demonstration site are valued at approximately \$7,000. The REF for the whole site is estimated at \$10,000.

The works to implement Council’s draft plan are estimated at approximately \$190,000 for the initial work and \$60,000 per year to maintain. Council has a budget of \$120,000 for 2016/17.

The works to implement the CBPG amended proposal have not been estimated at this stage.

COMMUNITY ENGAGEMENT:

- # Council consideration of this matter on 24 May included consideration of two deputations, one from Dawn Thompson on behalf of the Collingwood Beach Preservation Group (CBPG) (refer **Attachment F**) and one from Bruce McKenzie on behalf of Vincentia Matters (refer **Attachment G**). Despite having two diametrically opposed opinions, neither of the deputations were supportive of the draft plan.
- # Following the Council meeting on 30 May 2016, the CBPG provided an amended document incorporating their letterhead that they wish be placed on public exhibition in accordance with part b) of Council resolution (Refer **Attachment C**).

When the Council resolution became public knowledge, 29 individual submissions were received by members of the community. In addition two petitions were received by Council,

one hard copy containing 42 signatures and one electronic petition containing 904 signatures and many comments.

- # The main concerns raised are summarised in **Attachment H**. The submissions and petitions requested Council to reconsider the draft Dune Vegetation Management Plan and not proceed with the demonstration site as existing areas on the dune could be used to demonstrate the different management zone proposed by the draft plan.

CONCLUSION

Given the feedback from agencies and the community it is recommended that the demonstration site not proceed and that existing sections of the dune be used to provide examples of the proposed management zones identified in Council's draft Dune Vegetation Management Plan (for example end of Montague St for Zone 4). If Council decides to proceed with the demonstration site, based on legal advice, the draft REF for the demonstration site should be placed on public exhibition. Additional advice from Jervis Bay Marine Parks should also be sought before the works could proceed.

However, given the fact that there is no one in the community, including members of the Collingwood Beach Reference Group established to initially guide this project, in support of Council's draft plan, another option could be to ask the consultant to review the plan in view of:

- the reference group objectives adopted by Council;
- all submissions received to date on this matter; and
- comments received by agencies.

Whether this would lead to a more acceptable draft plan is questionable.

Tim Fletcher

DIRECTOR PLANNING AND DEVELOPMENT SERVICES

R.D Pigg

GENERAL MANAGER

* This Item was considered in open session of the Strategy & Assets Committee on Tuesday 9 August 2016 and therefore is no longer confidential.

Confidential Addendum Report 1

CONFIDENTIAL ADDENDUM REPORT OF GENERAL MANAGER

STRATEGY AND ASSETS COMMITTEE

TUESDAY, 9 AUGUST 2016

PLANNING AND DEVELOPMENT

ITEM TO BE DEALT WITH UNDER DELEGATED AUTHORITY

1. Collingwood Beach Dune Vegetation Management

File 9929E

SECTION MANAGER: Kelie Lowe

PURPOSE:

To inform Council of the potential legal implications of proceeding with Council's resolution to exhibit the draft Collingwood Beach Dune Vegetation Management Plan and proceed with the demonstration site.

This report is confidential in accordance with Section 10A(2)(g) of the Local Government Act 1993 as it contains legal advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. It is not in the public interest to disclose this information as it may impact on the ability of Council to conduct appropriate legal proceedings.

RECOMMENDED that, in accordance with the Committee's delegated authority from Council, the Committee receive the legal advice for information.

OPTIONS

1. Adopt the recommendation of this report.
2. Propose an alternate recommendation.

DETAILS

At its meeting on 24 May 2016 Council resolved to:

- Publicly exhibit the draft Collingwood Beach Dune Vegetation Management Plan prepared by consultants NGH with some variations to Zone 5;

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- Provide a demonstration site at the end of Susan Street to provide a visual example of zone 4 during the public exhibition period; and
- Publicly exhibit the 11 points Collingwood Beach Preservation Group amended proposal.

Following submissions received by members of the community questioning the legality and permissibility of the works, Council sought legal advice on the following:

- Does the proposed exhibition contravene the Local Government Act?
- Is the pruning of vegetation to the demonstration site a part 5 activity under the EPA Act 1979 and/or does it conflict with any other legislation?

The legal advice is provided in full in **Attachment A**, in summary the advice indicates that:

- The proposed public exhibition does not contravene the Local Government Act; and
- The pruning of vegetation on the demonstration site appears to be a part 5 activity under the EPA Act and subject to Council complying with the requirements of part 5 there does not appear to be a conflict with other legislation.

However, given the advice provided in sections 22 and 23, it would be prudent to place the REF for the demonstration site on public exhibition before the works proceed.

Tim Fletcher

DIRECTOR PLANNING AND DEVELOPMENT SERVICES

R.D Pigg

GENERAL MANAGER