
MINUTES OF THE STRATEGY AND ASSETS COMMITTEE MEETING HELD ON TUESDAY, 12 APRIL, 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 Gash
Clr Tribe
Clr Robertson
Clr Kearney
Clr White
Clr Baptist
Clr Guile – 4.10pm
Clr Watson
Clr McCrudden
Ben Stewart – Acting General Manager

Apologies:

Apologies were received from Clr Kitchener and Clr Anstiss

1. Confirmation of the Minutes of the Strategy and Assets Committee meeting held on Tuesday 8 March 2016
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MOTION:

Moved: Robertson / Second: Baptist

(MIN16.232) RESOLVED that the Minutes of the Strategy and Assets Committee meeting held on Tuesday 8 March 2016 be confirmed.

CARRIED

2. Declarations of Interest
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Conflict of Interest Declaration - Clr Watson – Item 7, Naming of Shoalhaven Entertainment Centre Auditorium - less than significant non pecuniary interest – that the report and proposed naming of the SEC is of personal interest – will leave the room, will not take part in discussion or vote.

Conflict of Interest Declaration - Clr Kearney – Item 1, Shoalhaven Business Chamber - Memorandum of Understanding - Economic Development - less than significant non pecuniary interest – member of non-financing subcommittee of the Shoalhaven Business Chamber, there will be no benefit financially or personally – will remain in the room

3. Procedural Motion – Item Be Dealt With Later

PROCEDURAL MOTION:

Moved: Wells / Second: Baptist

That Item 7 Naming of Shoalhaven Entertainment Centre Auditorium be dealt with at the end of the open session of the Strategy and Assets Committee meeting.

CARRIED

4. Deputations

Mr Grounds addressed the Committee in relation to Item 20 - Heritage Estates - Proposed Gates/Barriers – Traffic Committee Referral

Note: Clr Guile arrived – 4.10pm

Mr Scevola (Shoalhaven Land Owners Association) addressed the Committee in relation to Item 20 - Heritage Estates - Proposed Gates/Barriers – Traffic Committee Referral

Mr Chesterson addressed the Committee in relation to Item 20 - Heritage Estates - Proposed Gates/Barriers – Traffic Committee Referral

5. Procedural Motion – Item Be Brought Forward

PROCEDURAL MOTION:

Moved: Wells / Second: White

That Item 20 - Heritage Estates - Proposed Gates/Barriers – Traffic Committee Referral be brought forward.

CARRIED

6. (Item 20) Heritage Estates - Proposed Gates/Barriers – Traffic Committee Referral File 1446E/4

MOTION:

Moved: Gash / Second: White

RECOMMENDED that Council:

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

owners and Council write to the land owners to advise the results of the risk assessment so that they are aware of the risk of accessing the land by vehicle.

CARRIED

FOR: Tribe, Kearney, Gash, White, Baptist, Wells, Ben Stewart

AGAINST: Robertson, Guile, Watson, McCrudden

REPORT OF THE GENERAL MANAGER

7. Shoalhaven Business Chamber - Memorandum of Understanding - Economic Development File 39962E

MOTION: Moved: Guile / Second: Baptist

RECOMMENDED that

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

CARRIED

8. Request for Community Consultative Body Recognition - Hyams Beach File 1792E, 34354E

MOTION: Moved: Robertson / Second: Tribe

RECOMMENDED that Council:

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

CARRIED

CORPORATE AND COMMUNITY SERVICES

9. Local Government Conference - 2016 National General Assembly of Local Government File 1077E

MOTION: Moved: Robertson / Second: Baptist

(MIN16.233) RESOLVED that in accordance with its delegated authority from Council the Committee:

- a) Notes the details of the Australian Local Government Association – 2016 National General Assembly, scheduled for 19-22 June 2016, in Canberra, ACT.
- 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) Councillor/s Gash, Guile, Wells, White be determined as the Council voting delegates for the conference and Councillor Watson as alternate delegate.
- e) Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.
- f) Call for a Councillor Briefing to be convened to consider Notices of Motion for the Australian Local Government Association National General Assembly

CARRIED

10. Local Government Conference - Urban Renewal Australia Conference File 4688E

MOTION: Moved: Robertson / Second: Baptist

(MIN16.234) RESOLVED that in accordance with its delegated authority from Council the Committee:

- a) Notes the details of the Urban Renewal Australia Conference, scheduled for 13-14 July 2016, in Melbourne.
- 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

11. Draft Community Infrastructure Strategic Plan – Public Exhibition File 35382e

MOTION: Moved: Gash / Second: White

(MIN16.235) RESOLVED that in accordance with the Committee’s delegated authority from Council, that

- a) Council endorse public exhibition of the Draft Community Infrastructure Strategic Plan for 40 days.
- b) Notification of the Draft Community Infrastructure Strategic Plan be advertised in local newspapers, Council website and notification to Community Consultative Bodies and key stakeholders including several Council Advisory Committees as identified during the development of the draft strategic plan.
- c) A post exhibition report for the Draft Community Infrastructure Strategic Plan be presented to a future Strategy & Assets committee meeting.

CARRIED

12. Tender Report - Shoalhaven Equestrian Centre of Excellence - Stage 1 Construction File 52396E

MOTION: Moved: Baptist / Second: Gash

(MIN16.236) RESOLVED that in accordance with the Committee’s delegated authority from Council, that in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, Council consider a separate confidential report on this matter.

CARRIED

13. Naming of Shoalhaven Entertainment Centre Auditorium File 36592E

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

14. Lehman Brothers Australia Ltd - Class Action - Acceptance of Covenant File 35194E

MOTION: Moved: Wells / Second: Watson

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

CARRIED

15. International Conference Attendance – Arts & Culture Manager File 47656E

MOTION: Moved: Baptist / Second: Robertson

(MIN16.237) RESOLVED that in accordance with the Committee's delegated authority from Council, that Bronwyn Coulston, Arts and Culture Manager be approved to attend the Museums Australasia Conference in Auckland from the 16-19th May 2016.

CARRIED

16. Request for Donation – Ulladulla and Districts Blessing of the Fleet Festival
File 4771E, 8029E, 1247E, 2245E, 3076E

MOTION: Moved: White / Second: Gash

RECOMMENDED that Council

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

CARRIED

17. Request for Donation - Australia Day Event in Nowra File 4771E

MOTION: Moved: Guile / Second: Watson

That Council agree to provide the additional donation of \$5,000 toward the Australia Day event to be held at the Nowra Showground on 26 January 2016 subject to the GM and Mayor meeting with the Rotary Club to discuss arrangements.

LOST

FOR: Guile

AGAINST: Robertson, Tribe, Kearney, Gash, White, Baptist, Watson, McCrudden, Wells, Ben Stewart

FORESHADOWED MOTION: Moved: Gash / Second: Tribe

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

CARRIED

18. Berry District Park Draft Master Plan

File 49929e

MOTION:

Moved: Guile / Second: Kearney

RECOMMENDED that:

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

CARRIED

ASSETS AND WORKS

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

File 52601E

MOTION:

Moved: White / Second: Baptist

(MIN16.238) RESOLVED that, in accordance with the Committee's delegated authority from Council, 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

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

MOTION: Moved: Gash / Second: Tribe

RECOMMENDED that:

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

CARRIED

21. Rural Fire Service - Capital Works Program
File 2371E

MOTION: Moved: Robertson / Second: Kearney

RECOMMENDED that:

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

CARRIED

22. Mollymook Beach Reserve - Inclusive Play Space – Adult ‘Changing Places’ grant
File 50637E

Note: Cllr Kearney left the meeting, the time being 5.34pm

MOTION: Moved: Tribe / Second: Baptist

RECOMMENDED that Council:

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

CARRIED

23. Request for Donation - Council Slashing Works at the Old Pyree School Site File 4771E, 5469E

Note: Cllr Kearney was absent from the meeting.

MOTION:

Moved: Watson / Second: Guile

RECOMMENDED that:

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

CARRIED

PLANNING AND DEVELOPMENT

24. Adoption of Floodplain Risk Management Study and Plans
File 42487E, 44188E, 44869E, 47572E, 37537E

MOTION:

Moved: Baptist / Second: White

Note: Cllr Kearney was absent from the meeting.

(MIN16.239) RESOLVED that, in accordance with the Committee's delegated authority from Council, the:

- a) Tabourie Lake Floodplain Risk Management Study and Plan be adopted with minor changes as detailed in this report;
- b) Kangaroo River Floodplain Risk Management Study and Plan be adopted with minor changes as detailed in this report;

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- c) Nowra and Browns Creeks Floodplain Risk Management Study and Plan be adopted with minor changes as detailed in this report;
 - d) Bomaderry Creek Floodplain Risk Management Study and Plan be adopted with minor changes as detailed in this report;
 - e) Currumbene and Moona Moona Creeks Floodplain Risk Management Study and Plan be adopted as with minor changes as detailed in this report;
 - f) Section 149 certificates be updated to include flood extents from the Lake Tabourie, Kangaroo River, Nowra and Browns Creeks, Bomaderry Creek and the Currumbene and Moona Moona Creeks Floodplain Risk Management Studies and Plans; and
 - g) Flood planning area mapping in the Shoalhaven LEP 2014 be updated to include flood extents from the Lake Tabourie, Kangaroo River, Nowra and Browns Creeks, Bomaderry Creek and the Currumbene and Moona Moona Creeks Floodplain Risk Management Studies and Plans.

CARRIED

25. Natural Areas Tender: Maintenance, minor construction, asset auditing & risk assessments in Natural Areas File 51689E, 50372E

Note: Cllr Kearney was absent from the meeting.

MOTION:

Moved: Baptist / Second: White

(MIN16.240) RESOLVED that, in accordance with the Committee's delegated authority from Council, the Committee consider a separate confidential report on this matter in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, Council.

CARRIED

26. Heritage Estates - Proposed Gates/Barriers – Traffic Committee Referral File 1446E/4

Note: This item was brought forward.

SHOALHAVEN WATER

27. Tenders - Minor Mains Replacement Panel - Construction Package 4B File 52762E

Note: Cllr Kearney was absent from the meeting.

MOTION:

Moved: Guile / Second: Robertson

(MIN16.241) RESOLVED that, in accordance with the Committee's delegated authority from Council 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

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28. Tender Report - Construction of Proposed Workshop and offices for Shoalhaven Water at Council's Ulladulla Depot File 52549E

Note: Cllr Kearney was absent from the meeting.

MOTION: Moved: Guile / Second: Baptist

(MIN16.242) RESOLVED that, in accordance with the Committee's delegated authority from Council, 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

29. Acquisition of water supply easement at Woollamia Road Huskisson File 30773E

Note: Cllr Kearney was absent from the meeting.

MOTION: Moved: Guile / Second: Baptist

RECOMMENDED that:

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

CARRIED

CORPORATE AND COMMUNITY SERVICES / PLANNING AND DEVELOPMENT

30. Greenwell Point Anzac Park & Old Berrys Wharf File 6037E

MOTION: Moved: Guile / Second: Tribe

RECOMMENDED that:

- a) Council treat foreshore erosion affecting Greenwell Point Anzac Park and the site of the old Berrys Wharf by undertaking remediation works that involves installation of rock armour and mid-slope path and seek concurrence from Office of Environment & Heritage (OEH) (Option 1 as identified in the Attachment B to this report).
- b) Council consider allocating \$100,000 in 16/17 budget process to treat foreshore erosion affecting Greenwell Point Anzac Park and the site of the old Berrys Wharf.

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- c) Council request OEH to have the old Berrys Wharf site placed on the NSW State Heritage Register and develop appropriate heritage signage installation.
 - d) Council advise "Get To The Point Program Inc" and Nowra RSL Sub-Branch of the above resolution.
 - e) That the General Manager provide a report to Council on the Berry's Bay Wharf and the possibility of the funding of the reconstruction of the wharf

Note: Clr Kearney returned to the meeting the time being 5.35pm.

CARRIED

PLANNING AND DEVELOPMENT / SHOALHAVEN WATER

25. Coolangatta - St Andrews Way - Long term wastewater needs - options File 50317e

MOTION: Moved: Wells / Second: Guile

RECOMMENDED that:

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

CARRIED

26. (Item 7) Naming of Shoalhaven Entertainment Centre Auditorium File 36592E

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

MOTION: Moved: McCrudden / Second: Gash

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

CARRIED

Note: Clr Watson returned to the meeting.

CONFIDENTIAL REPORT

CONSIDERATION OF ITEMS OF A CONFIDENTIAL NATURE

CORPORATE AND COMMUNITY SERVICES

Item	Reason
Tender Shoalhaven Equestrian Centre of Excellence - Stage 1 Construction	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)
Draft Shoalhaven Regional Sports & Community Precinct Master Plan – Notice to Affected Land Owners prior to Public Exhibition	Information that would if disclosed confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 10(A)(2)(c)

ASSETS AND WORKS

Item	Reason
Holiday Haven Tourist Parks – Tender for the Management & Operation of the Huskisson White Sands Holiday Park	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)

PLANNING AND DEVELOPMENT

Item	Reason
Natural Areas Tender: Maintenance, minor construction, asset auditing & risk assessments in Natural Areas	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)

SHOALHAVEN WATER

Item	Reason
Tenders - Minor Mains Replacement Panel - Construction Package 4B	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)
Tender Report - Construction of proposed Workshop and Offices for Shoalhaven Water at Council's Ulladulla Depot	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)

Pursuant to Section 10(A)(4), the public were invited to make representations to the Strategy and Assets 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: Baptist / Second: Gash

That the Strategy and Assets Committee Meeting exclude the press and public from the Meeting pursuant to Section 10(A)(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 10(A)(2)(c) and 10A(2)(d)(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:

- Tender Shoalhaven Equestrian Centre of Excellence - Stage 1 Construction
- Holiday Haven Tourist Parks – Tender for the Management & Operation of the Huskisson White Sands Holiday Park
- Natural Areas Tender: Maintenance, minor construction, asset auditing & risk assessments in Natural Areas
- Tenders - Minor Mains Replacement Panel - Construction Package 4B
- Tender Report - Construction of proposed Workshop and Offices for Shoalhaven Water at Council's Ulladulla Depot

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 prejudice the commercial position of Council in future negotiations.

- Draft Shoalhaven Regional Sports & Community Precinct Master Plan – Notice to Affected Land Owners prior to Public Exhibition

CARRIED.

The meeting moved into confidential the time being 5.51 pm.

The meeting moved into open session, the time being 6.05 pm.

There being no further business, the meeting concluded, the time being 6.06 pm.

Clr Wells
CHAIRPERSON