

SHOALHAVEN CITY COUNCIL

STRATEGY AND ASSETS COMMITTEE

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

13 January, 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, 19 January, 2016 commencing at 4.00pm** for consideration of the following business.

C Krogh
Acting 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. **Presentations**
 - Risk and Audit Committee Annual Report 2014 - 2015
7. **Report of the General Manager – Committees Report**
 - Report of the Council Bushcare Representatives Group – 14 December, 2015
8. **Report of the General Manager**
 - Corporate and Community Services
 - Assets and Works
 - Planning and Development
 - Shoalhaven Water
 - Planning and Development / Shoalhaven Water
9. **Notices of Motion**
10. **Addendum Reports**
11. **Confidential Report of the General Manager**
 - Planning and Development

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, 8 DECEMBER 2015 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 Robertson
Clr Kearney – left 5.16pm
Clr Anstiss
Clr White
Clr Baptist
Clr Findley
Clr Guile – left 5.42pm
Clr Watson
Clr Kitchener
Russ Pigg – General Manager

Apologies:

Apologies were received from Clr Tribe

1. Confirmation of the Minutes of the Strategy and Assets Committee meeting held on Tuesday 10 November 2015
-

MOTION:

Moved: White / Second: Baptist

RESOLVED that the Minutes of the Strategy and Assets Committee meeting held on Tuesday 10 November 2015 be confirmed.

CARRIED

2. Declarations of Interest
-

Conflict of Interest Declaration - Clr Anstiss – non pecuniary significant interest – Slice Of Life Australia have auspiced funding through a solicitor to the Culburra Beach Youth Skate Park – will leave the room.

3. Deputations
-

Ms Dawn Thompson – CBPG Executive addressed the Committee in relation to Item 12, Page 32, Draft Collingwood Beach Dune Vegetation Management Plan

Mr Alex McNeilly – Vice Chair - Project Manager Culburra Beach Youth Projects Committee and Culburra Beach Progress Association Inc. Member, addressed the Committee in relation to Item 4, Page 15 - Confirmation of Local Skate Park Site Location in Culburra Beach - Curleys Bay Reserve, Prince Edward Avenue

Note: after the deputation from Mr McNeilly, Clr Antiss made the following declaration:

Conflict of Interest Declaration - Clr Anstiss – non pecuniary significant interest – Slice Of Life Australia have auspiced funding through a solicitor to the Culburra Beach Youth Skate Park - remained in the room during deputation but will leave the room for discussion.

4. Procedural Motion – Bring Items Forward

Note: Clr Anstiss left the meeting

MOTION:

Moved: Watson / Second: Robertson

That the following items be brought forward:

- Item 4, Page 15 - Confirmation of Local Skate Park Site Location in Culburra Beach - Curleys Bay Reserve, Prince Edward Avenue
- Item 12, Page 32 - Draft Collingwood Beach Dune Vegetation Management Plan
- Item 6, Page 19 – Nowra CBD Parking Study Files
- Item 30, Page 83 – Lake Conjola Boardwalk Reconstruction Funding
- Item 31, Page 85 – Shoalhaven Heads – Aged Care Retirement Lifestyle Facility

CARRIED

CORPORATE AND COMMUNITY SERVICES

5. Item 4 - Confirmation of Local Skate Park Site Location in Culburra Beach - Curleys Bay Reserve, Prince Edward Avenue File 29129e

Conflict of Interest Declaration - Clr Anstiss – non pecuniary significant interest – Slice Of Life Australia have auspiced funding through a solicitor to the Culburra Beach Youth Skate Park – was absent from the meeting.

MOTION:

Moved: Gash / Second: Kearney

RESOLVED that, in accordance with the Committee’s delegated authority from Council, that:

- a) Curley Bay Reserve, Prince Edward Avenue, Culburra Beach is the Council approved site for the construction of a local skate park.
- b) Council gives in principal support to the Culburra Beach Youth Projects Committee to further seek and secure funding through fundraising and grants to provide the Culburra Beach Community Skate Park Project with additional facilities to support the community’s use of the site.
- c) That the Culburra Beach Youth Projects Committee, community members and Council Staff involved be congratulated on the success of the community consultation process for this facility .

CARRIED

PLANNING AND DEVELOPMENT

6. Item 12 - Draft Collingwood Beach Dune Vegetation Management Plan File 9929E

Note: Cllr Anstiss returned to the meeting.

MOTION: Moved: Watson / Second: Guile

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

- a) That the Draft Collingwood Beach Dune Vegetation Management Plan be deferred
- b) A Committee of all Councillors be formed to liaise with the consultant on the finalisation of the Draft Collingwood Beach Vegetation Management Plan.

CARRIED

ASSETS AND WORKS

7. Item 6 - Nowra CBD Car Parking Study Files 2537E, 2186E, 39962E

MOTION: Moved: Findley / Second: Kearney

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

- a) The Nowra CBD Car Parking Study be made publicly available
- b) Consultation and the planning process be commenced for all short-term parking options
- c) A consideration of an allocation for the planning, design and consultation of short term works be included in the 2016/17 Operational Plan budget
- d) The Contributions Plan projects related to car parking be considered for review

CARRIED

FOR: Wells, Gash, Robertson, Kearney, Baptist, White, Anstiss, Findley, Guile and Russ Pigg

AGAINST: Kitchener, Watson

ASSETS AND WORKS / PLANNING AND DEVELOPMENT

8. Item 30 - Lake Conjola Boardwalk Reconstruction Funding File 48353E

MOTION: Moved: Findley / Second: White

RECOMMENDED that Council allocate from the Holiday Haven Capital Works budget in 2015/2016 of \$100,000 and vote \$540,000 from the Strategic Projects Reserve 2016/17 to give a total budget of \$840,000 and enable a tender to proceed for a 1.8m width boardwalk.

CARRIED

NOTICE OF MOTION

9. Item 31 - Shoalhaven Heads – Aged Care Retirement Lifestyle Facility File 50159E

MOTION: Moved: White / Second: Kearney

RESOLVED that, in accordance with the Committee's delegated authority from Council, that the Committee request the General Manager:

- a) To commence discussions with the Minister for Crown Lands with a view to secure control of the 10h Crown land site situated north of Scott Street, Shoalhaven Heads for the use of an Aged Care Retirement Lifestyle Facility.
- b) Along with the Mayor and Deputy Mayor meet with the Member for Kiama Gareth Ward to discuss the future proposal of an Aged Care Retirement Lifestyle Facility at Shoalhaven Heads on Crown Land. Following this meeting a Councillor Briefing be held.

CARRIED

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

AGAINST: Findley

GENERAL MANAGER

10. 2015-2016 Allocations - NSW Rural Fire Fighting Fund File 2371E

MOTION: Moved: Gash / Second: White

RECOMMENDED that Council adopt Option 1, 2 & 3 being:

1. That Council make the strongest representation to the Minister for Emergency Services, Hon David Elliott and local members Shelley Hancock, Member for South Coast and Gareth Ward, Member for Kiama and Parliamentary Secretary for the

Illawarra & South Coast protesting at the apparent disregard to Council's request for funding restraint and ask for an explanation and comment;

2. That Council write to Minister for Local Government Paul Toole and NSW Premier Mike Baird highlighting the impact of the Government agency budget allocation on Council's Fit for the Future KPI's which is out of Council's control and request their views on this matter; and
3. That Council make payments equivalent to \$821,000 for 2015/16 until the Ministers and Premier provide a response to Council's representations.

AMENDMENT

MOTION:

Moved: Findley /

1. That Council make the strongest representation to the Minister for Emergency Services, Hon David Elliott and local members Shelley Hancock, Member for South Coast and Gareth Ward, Member for Kiama and Parliamentary Secretary for the Illawarra & South Coast protesting at the apparent disregard to Council's request for funding restraint and ask for an explanation and comment;
2. That Council write to Minister for Local Government Paul Toole and NSW Premier Mike Baird highlighting the impact of the Government agency budget allocation on Council's Fit for the Future KPI's which is out of Council's control and request their views on this matter; and
3. That Council make payments equivalent to \$821,000 for 2015/16 until the Ministers & Premier provide a response to Council's representations.
4. Council also make representation to the Federal Government to seek the introduction of a Federal Assistance Grant for Fire and Emergency Services considering our increased risk for climate change

AMENDMENT LAPSED DUE TO LACK OF A SECONDER

MOTION CARRIED

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

AGAINST: Guile, Findley

11. Risk and Audit Committee Charter File 39763E

MOTION:

Moved: Baptist / Second: White

RECOMMENDED that Council adopt the revised Risk and Audit Committee Charter.

CARRIED

12. UOW Shoalhaven Campus - Annual Graduation

File 50147E

MOTION:

Moved: Gash / Second:

RECOMMENDED that:

- a) Council provide sponsorship of 50% of costs to hire the SEC including catering, up to a maximum of \$6,000 to support the Shoalhaven Campus graduation ceremony, funded from the Economic Development Reserve (i.e. Southern Phone dividend received by Council).
- b) That The Vice Chancellor of the University of Wollongong, Professor Paul Wellings be invited to address Council in relation to the future of the Shoalhaven Campus of the University.

CARRIED

CORPORATE AND COMMUNITY SERVICES

13. Confirmation of Local Skate Park Site Location in Culburra Beach - Curleys Bay Reserve, Prince Edward Avenue

File 29129e

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

ASSETS AND WORKS

14. Management of Mobile Food Vending Vehicles on Council owned or Managed Land 33417E

MOTION:

Moved: Baptist / Second: White

RECOMMENDED that:

- a) Council place on public exhibition and seek submissions on the draft Local Approvals Policy "Management of Mobile Food Vending Vehicles on Council Owned or Managed Land (including roads)"
- b) Council approve and advertise a new fee of \$1000 plus GST for the Category 2 Mobile Vans.
- c) Should Council receive no submissions or submissions that would mean minor alteration to the Policy and Fee then the policy and fee be deemed adopted at the conclusion of the submissions period.
- d) Should Council receive submission(s) that are considered to have a significant effect on the policy and fees then a further report be presented to Council.

CARRIED

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

AGAINST: Guile

15. Nowra CBD Car Parking Study Files 2537E, 2186E, 39962E

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

16. Sale of Land – Chisholm St Callala Bay File 48045E, 48516E, SF10418

Note: Clr Watson was absent from the meeting.

MOTION:

Moved: White / Second: Gash

RECOMMENDED that:

- a) Council authorise the sale of five (5) lots in the proposed plan of subdivision of Lots 23 & 24 Sec 5A DP9063 (SF10418), Chisholm St Callala Bay.
- b) Council authorise the General Manager to determine the most appropriate method of sale, to set the sale price (based on valuation advice), and to finalise the terms of the sale within 10% of either the reserve in the case of the auction or the list price in the case of a private treaty sale;
- c) All costs associated with these sales be funded from Job Number 88796 and the net income be placed in the Property Acquisition Reserve to fund future property projects; and
- d) Authority be granted to affix the Common Seal of the Council to any documents require to be sealed.

CARRIED

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

AGAINST: Findley

17. Expungement of Drainage Easement – 12 Vigilant Street, Ulladulla File 52306E

Note: Clr Watson was absent from the meeting.

Note: Clr Kearney left the meeting – the time being 5.16pm

MOTION:

Moved: Findley / Second: Baptist

RECOMMENDED that Council:

- a) Resolve to expunge the drainage easement measuring 2 metres wide on the northern side of Lot 18 DP712855, known as 12 Vigilant Street, Ulladulla, NSW;
- b) Resolve that the owner of Lot 18 DP712855 be responsible for payment of Council's legal costs in this matter; and

-
- c) Authorise the Common Seal of the Council of the City of Shoalhaven be applied to documents where necessary.

CARRIED

18. Licence - Part of 21 Meriton Street, St. Georges Basin. File 51697E

MOTION: Moved: Robertson / Second: White

RECOMMENDED that Council:

- a) Resolve to enter into a licence agreement with the Illawarra Retirement Trust (IRT) for a period of five (5) years with a five (5) year option period at a commencement rent of \$5,871 plus GST if applicable, for the occupation of part of Lot 1 DP629175 at 21 Meriton Street, St. Georges Basin (as shown on Attachment A) in accordance with the terms and conditions outlined in the following report; and
- b) Resolve that the General Manager be authorised to finalise the licence terms that may not yet be determined.

Note: Cllr Watson returned to the meeting

CARRIED

19. Resolutions/Actions – Projects to be Completed File 30977E

MOTION: Moved: White / Second: Baptist

RESOLVED that, in accordance with the Committee's delegated authority from Council, the Committee receive the Report of the General Manager (Assets & Works) concerning the most recent action taken against the Listing of Resolutions/Actions – Projects to be completed from the Council Property Steering Committee for Information.

CARRIED

20. Proposed Lease – 81 Osborne Street Nowra File 51771E

MOTION: Moved: Baptist / Second: White

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

- a) Enter into a lease agreement with the Illawarra Shoalhaven Local Health District for the premises at 81 Osborne Street Nowra for a period of 5 years with two 5 year options, at an initial annual rental of \$24,225.00 excl GST; and
- b) Authorise the General Manager to finalise the lease terms that may not yet be determined.

CARRIED

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

AGAINST: Robertson

PLANNING AND DEVELOPMENT

21. Draft Collingwood Beach Dune Vegetation Management Plan File 9929E

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

22. Public Exhibition Floodplain Risk Management Studies and Plans File 37537E & 47572E

Note: Cllr Gash was absent from the meeting.

MOTION:

Moved: White / Second: Robertson

RESOLVED that, in accordance with the Committee's delegated authority from Council the Committee place the draft Currumbene and Moona Moona Creeks Floodplain Risk Management Study and Plan, and the draft Tabourie Lake Floodplain Risk Management Study and Plan on public exhibition.

CARRIED

23. Lake Conjola Estuary Management Plan Review 2015 File 1438E

Note: Gash was absent from the meeting.

MOTION:

Moved: Guile / Second: Findley

RESOLVED that, in accordance with the Committee's delegated authority from Council, the Committee adopt the Lake Conjola Estuary Management Plan (2015) with amendments identified in the report.

CARRIED

SHOALHAVEN WATER

24. REF Determination - Bewong to Radar Hill Water Trunk Main File 50858E/2

Note: Cllr Gash was absent from the meeting.

MOTION: Moved: Watson / Second: Baptist

RESOLVED that in accordance with Council's delegated authority, Council determine that Easement Works on the Bewong to Radar Hill Water Main can proceed in accordance with the Review of Environmental Factors and the mitigation measures recommended therein.

CARRIED

25. Shoalhaven Water Reclamation - Annual Report 2014/15 File 13887E, 1499E

Note: Cllr Gash was absent from the meeting.

MOTION: Moved: Wells / Second: Guile

RESOLVED that, in accordance with the Committee's delegated authority from Council, that the Shoalhaven Water Reclamation Annual Report 2014/15 be accepted and noted.

CARRIED

26. Customer Survey – Shoalhaven Water File 1851e

Note: Cllr Gash returned to the meeting.

Note: Cllr Guile left the meeting the time being 5.42pm

MOTION: Moved: Watson / Second: White

RESOLVED that in accordance with the Committee's delegated authority, the information in the Customer Survey – Shoalhaven Water Report be noted.

CARRIED

27. Adoption of Items

MOTION: Moved: Watson / Second: White

RESOLVED that Items 28 to 38 of the Strategy and Assets Committee be adopted.

CARRIED

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28. Connection to Kangaroo Valley Sewerage Scheme - Three Lot Residential Subdivision File SF10464SW

RESOLVED that, in accordance with Council's delegated authority, Council approve the connection of the two additional lots (under SF10464) to the Kangaroo Valley Sewerage Scheme subject to development consent being granted.

29. Tender process - The Supply of a Trailer Mounted 400 Kva Generator File 51437E

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

30. Request by Sussex Inlet CCB – Installation of RV Dump Point File 50260E,4977E,49688E

RESOLVED that in accordance with Council's delegated authority, approve in principle the installation of an RV dump point at the Lions Park Sussex Inlet, subject to a final design being acceptable to the community.

31. Infiltration Report File 48397E

RESOLVED that, Council in accordance with its delegated authority, determine that the Infiltration & Inflow Investigation project works can proceed after appropriate community consultation.

32. Acquisition of land at Pointer Mountain File 52047E

RECOMMENDED that:

- a) Council resolve to acquire part of Lot 26 DP755942 at Pointer Mountain, as shown by hatching on plan marked Attachment 'A'.
- b) Council to pay compensation of \$12,738 and reasonable legal costs in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Porters Creek Dam Remediation Fund.
- c) If necessary, the purchase price for the land is to be adjusted in accordance with the area determined by final survey.
- d) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.
- e) The land to be acquired as Public Road pursuant to the Roads Act.

33. Acquisition of Easement for Sewer Pipeline at Brundee File 50647E

RECOMMENDED that:

- a) Council resolve to acquire the Easement for Sewer Pipeline 6 wide over Lot 1 DP725979, Lot 1 DP725980, Lot 1 DP725983 and Lot 2 DP596844 at Brundee, as shown on plan marked Attachment 'A'.

-
- b) Council pay compensation of \$18,200 plus GST and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's REMS Sewer Scheme Fund.
 - c) If necessary, the compensation be adjusted in accordance with the area of the easement determined by final survey.
 - d) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

34. Acquisition of Easement for Drainage of Sewage at Milton File 49812E

RECOMMENDED that:

- a) Council resolve to acquire an Easement for Drainage of Sewage 6 wide over Lot 1 DP780801 at Milton, as shown by hatching on copy of sketch plan marked Attachment 'A', under the Local Government Act 1993.
- b) Council pay compensation of \$10,500, plus GST if applicable, and reasonable legal costs associated with the acquisition in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Sewer Fund.
- c) Should agreement not be reached with the landowner, Council to acquire the easement by the compulsory process, in accordance with the Land Acquisition (Just Terms Compensation) Act, with compensation being determined by the Valuer General. The necessary application is to be made to the Minister for Local Government and the Governor.
- d) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

35. Acquisition of Easement for Drainage of Sewage at Milton File 49826E

RECOMMENDED that:

- a) Council resolve to acquire an Easement for Drainage of Sewage 6 wide over Lot 6 DP775941 at Milton, as shown by hatching on copy of sketch plan marked Attachment 'A', under the Local Government Act 1993.
- b) Council pay compensation of \$3,500 plus GST and reasonable costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Sewer Fund.
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

36. Acquisition of Easement for Sewer Pipeline at Terara File 50644E

RECOMMENDED that:

- a) Council resolve to acquire the Easement for Sewer Pipeline 6 wide over Lot 14 DP828209, Lot 22 DP803581, Lot 2 DP1087811 and Crookhaven Creek at Terara, as shown on plan marked Attachment 'A'.

-
- b) Council pay compensation of \$42,200 plus GST and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's REMS Sewer Scheme Fund.
 - c) If necessary, the compensation be adjusted in accordance with the area of the easement determined by final survey.
 - d) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

37. Acquisition of Easement for Water Supply at Kangaroo Valley File 50125E

RECOMMENDED that:

- a) Council resolve to acquire an Easement for Water Supply 2 metres wide over Lot 3 DP576156 at Kangaroo Valley, as shown on copy of sketch plan marked Attachment 'A', under the Local Government Act 1993.
- b) Council pay compensation of \$10,000, plus GST if applicable, and reasonable legal costs associated with the acquisition in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Water Fund.
- c) Should agreement not be reached with the landowner, Council to acquire the easement by the compulsory process, in accordance with the Land Acquisition (Just Terms Compensation) Act, with compensation being determined by the Valuer General. The necessary application is to be made to the Minister for Local Government and the Governor.
- d) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

38. Acquisition of Easement for Water Supply at Kangaroo Valley File 50125E

RECOMMENDED that:

- a) Council resolve to acquire an Easement for Water Supply 2 metres wide over Lot 13 DP829169 at Kangaroo Valley, as shown on copy of sketch plan marked Attachment 'A', under the Local Government Act 1993.
- b) Council pay compensation of \$1,000, plus GST if applicable, and reasonable legal costs associated with the acquisition in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Water Fund.
- c) Should agreement not be reached with the landowner, Council to acquire the easement by the compulsory process, in accordance with the Land Acquisition (Just Terms Compensation) Act, with compensation being determined by the Valuer General. The necessary application is to be made to the Minister for Local Government and the Governor.
- d) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

39. Project Proposal - Rapid Re-Opening of Oyster Growing Areas File 48397E

MOTION: Moved: Wells / Second: Baptist

RECOMMENDED that Council:

- a) Agree to partner with other Councils, The Oyster Industry, South Australian Research & Development Institute and NSW Food Authority in the proposed collaborative project for rapid re-opening of oyster growing areas after sewer spills using bacteriophage.
- b) Provide \$50,000 budget to the project from existing allocations.

CARRIED

ASSETS AND WORKS / PLANNING AND DEVELOPMENT

40. Lake Conjola Boardwalk Reconstruction Funding File 48353E

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

NOTICES OF MOTION

41. Shoalhaven Heads – Aged Care Retirement Lifestyle Facility File 50159E

Note: This item was dealt with earlier in the meeting

42. Holiday Time - Slow Down - Kids Around Signs - Vincentia File 40260E

MOTION: Moved: White / Second: Wells

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

- a) Support a program over holiday periods at Vincentia with the children's safety signage from Little Blue Dinosaur.
- b) Allocate a budget of \$2,000 (if required) for the purchase of signs and assistance of installation of signs from unallocated donations.
- c) Request the Council's Road Safety Officer consider other towns and villages where the safety signs could be installed.
- d) Request the Council's Road Safety Officer to consider applying for grants to purchase signs for other towns and villages.
- e) Inform CCB's of the availability of the new signs for holiday periods which they may wish to fundraise to purchase for their village/town.

CARRIED

43. Procedural Motion - Introduction of Item as a Matter of Urgency

MOTION: Moved: Findley / Second: Wells

That the matter of the relocation of the power pole of Ulladulla Sports Park be introduced as a matter of urgency.

CARRIED

The Chairperson ruled the matter as one of urgency as it related to safety and allowed its introduction.

44. Additional Item – Relocation Power Pole Ulladulla Sports Park

MOTION: Moved: Findley / Second: Wells

RESOLVED that, in accordance with the Committee's delegated authority from Council, that Council investigate the removal and relocation of the power pole adjacent to the entrance road of the Ulladulla Sports Park.

CARRIED

CONFIDENTIAL REPORT OF THE GENERAL MANAGER

CORPORATE AND COMMUNITY SERVICES

Item	Reason
Lehman Brothers Australia Ltd - Class Action - Settlement Proposal	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 finalise legal proceedings.
Tender Process - The Supply of a Trailer Mounted 400Kva Generator	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.

Pursuant to section 10A(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: Robertson / Second: Baptist

That the Strategy and Assets 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)(d)(i) and 10A(2)(g).

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 Process - The Supply of a Trailer Mounted 400Kva Generator Tender

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.

- Lehman Brothers Australia Ltd - Class Action - Settlement Proposal

CARRIED

The meeting moved into confidential the time being 5.56 pm.

The meeting moved into open session, the time being 6.00 pm.

The following resolutions of the Strategy and Assets Committee were made public

45. Lehman Brothers Australia Ltd - Class Action - Settlement Proposal File 35194E

RESOLVED that, in accordance with the Committee's delegated authority from Council, that Council support the settlement of the Class Action on the basis of the offer of 45.4284% of the Claim outstanding (as per Attachment 1) and delegate the General Manager to sign the Settlement Form on behalf of Council prior to 11 December 2015.

There being no further business, the meeting concluded, the time being 6.00 pm.

Clr Wells
CHAIRPERSON

REPORT OF GENERAL MANAGER
STRATEGY AND ASSETS COMMITTEE

TUESDAY, 19 JANUARY 2016

GENERAL MANAGER – COMMITTEES REPORT

COUNCIL BUSHCARE REPRESENTATIVES GROUP – MONDAY 14 DECEMBER 2015

Planning and Development

1. Five (5) Bushcare Group Action Plans – Review File 26279E, 26280E, 26281E

RECOMMENDED that Council adopt the five (5) reviewed Bushcare Group Action Plans (2015) as follows:

1. Callala Bushcare Group Action Plan Review 2015;
2. Currarong Dunecare/Bushcare Group Action Plan Review 2015;
3. Lake Wollumboola Bushcare Group Action Plan Review 2015;
4. Rennies Beach Bushcare Group Action Plan Review 2015; and
5. Bangalee Reserve Bushcare Group Action Plan Review 2015.

General Business

2. Additional Item – Congratulations on Great Work and Achievements

RECOMMENDED that

- a) Council congratulate the Bushcare Groups and Program Managers for the fantastic work throughout 2015 and acknowledge the work that has been put into the review of plans.
- b) The Bushcare Representative Group also congratulate Council for its ongoing support and commitment to the programs, of which the outcomes and achievements in respect to environmental improvements and community capacity are extraordinary

3. Additional Item – Grotto Reserve

RECOMMENDED that Council investigate the potential unauthorised use of the Grotto Reserve, associated with the use of the caravan park.

4. Additional Item – Future Meetings

RECOMMENDED that the Council Bushcare Representatives Group hold two meetings per year, the first to be held in April and the second to be held in October.

C Krogh
ACTING GENERAL MANAGER

REPORT OF GENERAL MANAGER

STRATEGY & ASSETS COMMITTEE

TUESDAY, 19 JANUARY 2016

GENERAL MANAGER

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

5. Risk and Audit Committee Annual Report 2014 – 2015

File 39763e

SECTION MANAGER: JESSICA RIPPON

PURPOSE OF THE REPORT

To table the 2014 – 2015 annual report of Risk and Audit Committee.

RECOMMENDED that in accordance with the delegated authority of Council, that the Risk and Audit Committee’s annual report be noted for information of Council.

REPORT DETAILS

The chair of the Risk and Audit Committee has tabled the third annual report (**attachment A**) to provide an overview of the key issues that the committee has dealt in 2014 – 2015.

FINANCIAL IMPLICATIONS:

No financial implications.

COMMUNITY ENGAGEMENT:

Not required.

C Krogh
ACTING GENERAL MANAGER

REPORT OF GENERAL MANAGER
STRATEGY AND ASSETS COMMITTEE

TUESDAY, 19 JANUARY 2016

CORPORATE AND COMMUNITY SERVICES

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

6. Draft Stormwater Management Policy

File 2973E

SECTION MANAGER: Pam Gokgur.

PURPOSE:

- # To seek adoption of proposed Policy to assist Councils Revenue Unit with the management and charging of a Stormwater Management Charge on eligible parcels of land within the Shoalhaven City Council boundary. - see **Attachment 'A'**.

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

- a) **Council endorse the draft Revenue – Stormwater Management Policy for public exhibition for a period of 28 days**
- b) **Should Council receive no submissions or submissions that would mean minor alteration the policy be deemed adopted at the conclusion of the submissions period.**
- c) **Should Council receive submission(s) that are considered to have a significant effect on the policy then a further report be presented to Council.**

OPTIONS

- 1. Council adopt the recommendation.
- 2. Council adopt the recommendation with suggested amendments.
- 3. Council not adopt the recommendation and continue charging for stormwater management on an ad hoc basis.

DETAILS

Councils have primary responsibility for stormwater management within their local government area. This includes managing both stormwater quality and quantity in their area and ensuring that potential negative stormwater impacts are not transferred across council boundaries.

In 2006 the addition of Section 496A to the Local Government Act, 1993 made by the Local Government Amendment (Stormwater) Act 2005 enabled councils to make and levy an annual charge for Stormwater Management Services for each parcel of rateable land for which a stormwater Management Service is provided. The charge applies to parcels of land categorised for rating purposes as ‘Residential’ or ‘Business’ (including all sub categories), not being vacant land or land owned by the Crown, or land held under a lease for private purposes granted under the Housing Act 2001 or The Aboriginal Housing Act, 1998 or as defined further in this Policy.

This policy provides the guidelines for administering the levying of the Stormwater Management Charge on eligible properties within the Shoalhaven City Council area in accordance with Section 496A of the Local Government Act, 1993 and clauses 125A and 125AA of the Local Government (General) Regulation 2005.

FINANCIAL IMPLICATIONS:

Levy Stormwater Management Charges in accordance with the Local Government Act, 1993, the Government Amendment (Stormwater) Act, 2005 and the Local Government (General) Regulations 2005. It is critical that a consistent approach to charging this Levy is implemented by way of the attached policy.

COMMUNITY ENGAGEMENT:

Not required at this stage. Stormwater Management Charges are covered in the draft DPOP document which is publicly exhibited each year as part of the budget process.

7. Lady Denman Reserve - Exhibition of Draft Strategic Business & Master Plan **File 52288E**

SECTION MANAGER: Jane Lewis

PURPOSE:

To seek Council endorsement to place the Lady Denman Reserve - Draft Strategic Business & Master Plan on Public Exhibition for wider community input.

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

- a) **Council endorse public exhibition of the Lady Denman Reserve – Exhibition Draft Strategic Business & Master Plan on Council’s website for a period of minimum 28 days.**
- b) **Notification of the Lady Denman Reserve - Draft Strategic Business & Master Plan be advertised in local newspapers and letters sent to key stakeholders being:**

-
- **Mr Allen Price (representing the interests of Warren Halloran)**
 - **Australian Plant Society (Nowra Group)**
 - **Crown Lands**
 - **Dharawal Aboriginal Corporation Association**
 - **Huskisson Chamber of Commerce and Tourism**
 - **Huskisson Woollamia Community Voice**
 - **Jervis Bay Trust Fund**
 - **Jervis Bay and Basin Arts Inc.**
 - **Laddie Timbery's Aboriginal Arts & Crafts Shop**
 - **Jervis Bay Maritime Museum / Lady Denman Heritage Complex Inc.**
 - **New South Wales Department of Fisheries**
 - **Wreck Bay Aboriginal Community Council**
- c) **A post exhibition report for the Lady Denman Reserve – Exhibition Draft Strategic Business & Master Plan be presented to a future Strategy & Assets committee meeting.**

OPTIONS

1. Council adopt the recommendation and continue progressing the Master Plan project.
2. Council not adopt the recommendation and provide an alternative option regarding the future of the project.

DETAILS

The Committee will recall that Council was successful in obtaining grant funding through the Public Reserves Management Fund for the development of a Strategic Business & Master Plan to guide the development and governance of their Crown Reserve into the future. Council is Trust Manager of the Lady Denman Reserve.

Background

The Strategic Business & Master Plan is to provide a strategic analysis of the Lady Denman Reserve, and its operation within the context of the Reserve Manager – Shoalhaven City Council, and the land owner – the NSW Trade & Investment (Crowns Land). The Reserve is managed on behalf of Council by the Lady Denman Heritage Complex Incorporated trading as Jervis Bay Maritime Museum and the Lady Denman Heritage Museum Management Committee.

Draft Master Plan Process

Consultants Ayling & Drury Landscape Architecture and Locale Consulting were engaged to prepare the Draft Strategic Business & Master Plan. Targeted stakeholder consultations formed a key process in developing the Draft document. A copy of the Exhibition Draft Strategic Business & Master Plan has been provided to Councillors in the Councillors Information Folder.

Draft Strategic Business & Master Plan Outcomes

The Strategic Business & Master Plan has been prepared with a long term horizon which recommends actions and outcomes provided into short, medium and long term priorities.

FINANCIAL IMPLICATIONS:

There are no financial implications outside of operational status at this point in time. Subject to the outcome of the Community Engagement process and final adoption by Council, any funding requirements arising will be submitted as budget bids for inclusion in Council's Long Term Financial Plan and grant funding sought and where available.

COMMUNITY ENGAGEMENT:

Initial community engagement for the Draft Plan commenced with key stakeholder input from:

- Mr Allen Price; (representing the interests of Warren Halloran)
- Australian Plant Society (Nowra Group);
- Crown Lands;
- Huskisson Laddie Timbery's Aboriginal Arts & Crafts Shop;
- Woollamia Community Voice;
- Jervis Bay Maritime Museum / Lady Denman Heritage Complex Inc.;
- New South Wales Department of Fisheries.

In addition to these stakeholders, feedback will also be invited from:

- Dharawal Aboriginal Corporation Association;
- Huskisson Chamber of Commerce and Tourism;
- Jervis Bay and Basin Arts Inc.;
- Wreck Bay Aboriginal Community Council.

The recommended public exhibition process will enable wider community input in to the Draft Plan.

The proposed community engagement process is consistent with the priorities identified in the Councils Engagement Matrix, being "Local Area High Impact" including public exhibition for a period of at least 28 days, advertised in local print media, Council's website and advice to key stakeholders.

During the public exhibition process a Councillor Briefing will also be undertaken on 11 April 2016.

A further report will be submitted to Council at the end of the Community Engagement process.

ITEMS TO BE REFERRED TO ORDINARY MEETING

8. Successful Grant Funding – Community Building Partnership Grants File 39785E

SECTION MANAGER: Jane Lewis.

PURPOSE:

To advise Council of two (2) successful NSW Government Community Building Partnership Grants 2015 - \$30,000 'Activating Space' – Moveable Shelving for Nowra Library and \$20,000 for Bomaderry Sporting Complex Astro Turf Wicket.

RECOMMENDED, that Council

- a) **accept the NSW Government Community Building Partnership Grants 2015 - \$30,000 'Activating Space' – Moveable Shelving for Nowra Library and \$20,000 for Bomaderry Sporting Complex Astro Turf Wicket**
- b) **Provide to the Director of Corporate and Community Services delegated authority to accept the grant funding and acquittal of the funds**
- c) **Write to the Hon. Shelley Hancock, Speaker of the NSW Legislative Assembly and Member for South Coast and Hon. Gareth Ward Member for Kiama 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

'Activating Space' – Moveable Shelving for Nowra Library

An application for \$30,000 was submitted to purchase new shelving, which will bring Nowra Library into the 21st century and create a contemporary, multifunctional library space that better reflects the current and future needs of the community. In order to create a modern library space, and to build on improvements that have already been made, it is intended to fit new moveable shelving for the adult non-fiction collection. Nowra Library holds a central place in the community and this renovation will allow for increased usage and accessibility; helping to enhance this important community building.

\$20,000 for Bomaderry Sporting Complex Astro Turf Wicket

An application for \$20,000 was submitted to provide an Astro Turf Wicket at Bomaderry Sporting Complex which will replace an existing Astro Turf Wicket at Artie Smith Oval when the Shoalhaven Indoor Sports Stadium is constructed in mid 2016. The replacement wicket will ensure that cricket facilities are continued to be provided in Bomaderry.

FINANCIAL IMPLICATIONS:

The \$30,000 will cover half the cost of the new shelving and the library budget will provide the additional \$30,000 required.

The \$20,000 will cover approximately half the cost of providing an Astro Turf Wicket at Bomaderry Sporting Complex. The remaining funds will be funded from Councils Reserve Minor Improvements budget.

COMMUNITY ENGAGEMENT:

No community engagement is proposed as a result of receiving this grant funding.

Craig Milburn
DIRECTOR CORPORATE & COMMUNITY SERVICES

C Krogh
ACTING GENERAL MANAGER

REPORT OF GENERAL MANAGER
STRATEGY AND ASSETS COMMITTEE

TUESDAY, 19 JANUARY 2016

ASSETS AND WORKS

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

9. **Proposed Men's Shed Licence – Sanctuary Point Men's Shed – Clifton Park, Sanctuary Point** **File 49189E**
-

SECTION MANAGER: Michael Harben

PURPOSE:

To obtain Council's endorsement to enter into a licence agreement for the construction of a Men's Shed at Clifton Park, Sanctuary Point by Sanctuary Point Men's Shed Inc.

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

- a) **Enter into a five (5) year licence agreement with Sanctuary Point Men's Shed Inc. for the use and occupation of part Lot 1 DP 1215751, Clifton Park, Sanctuary Point at a nominal rental of \$468 per annum plus GST in accordance with Council's Occupation of Council Owned and Managed Land Policy, providing no objections are received during the public exhibition period; and**
- b) **Authorise the General Manager to endorse the terms of the licence agreement that are yet to be determined and to sign any documentation necessary to give effect to this resolution.**

Note: Council, in consultation with the Sanctuary Point community designed a master plan for Clifton Park which incorporated, among other things, a Men's Shed.

Sanctuary Point Men's Shed Inc. requires a licence agreement for the use and occupation of the property to construct a shed.

10. **Resolutions/Actions – Projects to be Completed**

File 30977E

SECTION MANAGER: Michael Harben

PURPOSE:

To provide Council with a listing of the most recent resolutions/actions from the Council Property Steering Committee (**Attachment A**).

RECOMMENDED that, in accordance with the Committee’s delegated authority from Council, the Committee receive the Report of the General Manager (Assets & Works) concerning the most recent action taken against the Listing of Resolutions/Actions – Projects to be completed from the Council Property Steering Committee for Information.

11. **National Roads & Transport Congress**

File 4688E

GROUP DIRECTOR: Ben Stewart

PURPOSE:

This report provides Council with information from the National Roads & Transport Congress in November 2015 that was attended by the Director of Assets and Works, Clr Watson, Clr Guile and Clr Wells.

RECOMMENDED that, in accordance with the Committee’s delegated authority from Council, the Committee note the report on the National Roads and Transport Congress and it be received for information.

OPTIONS

1. As recommended above
2. Council not accept the recommendation and propose an alternative

DETAILS

The National Roads & Transport Conference was held in Ballarat during November 2015. Over 200 delegates attended the Conference from across Australia LGAs. The Congress provided an opportunity for delegates to engage with fellow local government representatives on transport challenges facing Councils. The Congress provided an opportunity to hear from the Deputy Prime Minister, the Hon Warren Truss MP, the Minister for Territories, Local Government and Major Projects, the Hon Paul Fletcher MP and the Shadow Minister for Infrastructure and Transport the Hon Anthony Albanese MP. In addition presentations were made by Chief Executive Officers of the main national bodies

in the transport field including Infrastructure Australia, the National Transport Commission and the National Heavy Vehicle Regulator.

This event has built a reputation for influencing significant change, and as this was expected to be the last Roads Congress before the 2016 Federal Election, and was an opportunity to ensure both the Government and Opposition understand the key concerns Local Government share in this crucial area. For many councils, local roads and bridges are their single largest area of expenditure and present the greatest challenge in terms of asset management and financial sustainability.

A key aim of this year's Local Roads Congress was to highlight the importance of Federal funding to local government in overcoming road and infrastructure challenges. But this considered more than funding, to how strong and effective relationships are built and maintained between the Federal Government and Local Government.

The 2015 Congress program had a strong focus on collaboration – between towns, cities, regions and jurisdictions through *Connecting Communities*.

The Speakers program covered the topics below:-

1. Provided information to LGAs to understand their role in the national transport agenda. This in areas such as safely maximising road access to efficiently carry out the freight task while minimising infrastructure impacts. Many of the presenters highlighted the regional challenges to boosting national productivity.
2. Natural Disaster Funding from the Federal Government and the changes to the eligibility criteria, with a resulting impact on the restoration of critical infrastructure.
3. It facilitated discussion amongst LGAs on the Local Government need to action transport reforms and initiatives. Initiatives such as determining infrastructure deficiencies, identifying and agreeing on key local freight routes and to determine desired access requirements to improve productivity.
4. ALGA launched the 2015 National State of the Assets 2015: Roads & Community Infrastructure Report. This report summarises the outcomes of the data provided by 230 or 41% of local governments across Australia with a reported gross replacement value of \$180 billion in local infrastructure under management.
5. Developing ALGAs 2016 Federal election strategy and beginning the work required to build our case for continued federal support.

One of the key messages which emerged from the Congress was an acknowledgement of the value of the extra \$1.105 billion in Roads to Recovery funding which councils have received from the Federal Government. The extra funding is spread over two financial years, 2015-16 and 2016-17, and Deputy Prime Minister Truss was strong in his message that the Government expects Councils to spend the money over these two years.

ALGA President Summary – Moving forward 2016

Mayor Troy Pickard addressed the Roads Congress highlighting it was the last event before the next federal election and we must begin to work on the ALGA's case for continued roads and bridge funding; new initiatives such as research; building our capacity on asset management; developing asset registers; and working in regional groups.

The R2R program was doubled in 2015-16 and, as a result of our continued work on R2R and Financial Assistance Grants, the first two years of the indexation of fuel excise has been allocated to additional R2R funding. Troy highlighted these are fantastic outcomes for the R2R program, but we need to continue to make our case, especially in the lead up to the next Federal election, to ensure this funding commitment finds permanent support across the political spectrum.

Conclusion:

The congress had a range of notable presentations on productivity, freight and infrastructure. There was a focus on Local Government and its resource limitations, but support from industry to work with Local Government. Roads are one of LGAs largest areas of expenditure there is insufficient funding to meet the backlog of renewals and demand for freight access on the last mile in relation to roads infrastructure.

FINANCIAL IMPLICATIONS:

There are no direct financial implications arising from this report.

COMMUNITY ENGAGEMENT:

It is considered the attendance of Council staff and Councillors at such conferences provides an opportunity to meet with other Councils on the challenges with maintaining local roads, access across regions and infrastructure deficiencies related to freight access.

ITEMS TO BE REFERRED TO ORDINARY MEETING

12. **Drainage Works – Wayfarer Drive Sussex Inlet - 2016/17 Operational Plan Budget**
File 16579E, 49285E
-

SECTION MANAGER: Martin Uptis

PURPOSE:

To report on drainage works in the Wayfarer Drive precinct at Sussex Inlet, for inclusion in the 2016/17 Drainage Program.

RECOMMENDED, that Council allocate \$30,000 in the 2016/17 drainage program to install subsoil drainage in Wayfarer Drive, Sussex Inlet.

OPTIONS

1. Allocate \$30,000 in funding to the 2016/17 Drainage Program to install subsoil drainage in Wayfarer Drive Sussex Inlet. This will improve the situation but note there will be limitations to the extent of groundwater capture.
2. Undertake extensive subsoil drainage installation along local streets in the Wayfarer Drive, Lakehaven Drive and Boatharbour Drive precinct. This option is not recommended as it would be a costly and largely ineffective project.
3. Undertake extensive subsoil drainage installation in private properties in the Wayfarer Drive, Lakehaven Drive and Boatharbour Drive precinct. This option is not recommended as any contribution to these private works would need to be treated as a donation and would divert funds from Council's other infrastructure needs.
4. Make some other recommendation.

DETAILS

Council resolved at its meeting on 24 November 2015 (Minute MIN15.756) that

“Council carry out immediate drainage works on Lakehaven Drive, Wayfarer Drive, Boatharbour Drive, Voyager Avenue and the Wildwoods Sussex Inlet and the General Manager report back to the next meeting on how it will be funded and that funding be considered in 2016/2017 budget rounds.”

The precinct bounded by Wayfarer Drive, Lakehaven Drive and Boatharbour Drive is affected by a raised water table which regularly appears on the surface as seepage. This natural subsurface flow emanates from the old dune to the south of properties in Wayfarer Drive.

Consequently, any drainage solutions need to address the movement and control of subsurface water flow, not surface stormwater. As there are no records of significant flooding in the precinct from localised stormwater run-off, the priority for immediate and future drainage works should only focus on the control of subsurface flows. As a result, the construction of additional drainage pits in the precinct would be ineffective as these predominantly only provide inlets and outlets for stormwater run-off.

There are two common methods for intercepting and controlling subsurface flows. These are either installing perforated subsoil pipes in a trench backfilled with free-draining material or constructing 'blankets' of free-draining material which are usually wrapped in a 'geo-fabric' which acts as a filter for the subsurface flows. In both cases, collected subsurface water is directed towards, and connected to, the surface stormwater system for ultimate disposal lower in the catchment.

Subsoil drains are best suited where isolated seepage is evident, for example, at a spring, or where flows are close to the surface, as there are practical limits to the depth of trenches for subsoil drains. There are also limits to the ability of drains to capture groundwater as it moves through soil.

Filter blankets, however, can be used where there is widespread seepage. Alternatively, a network of subsoil drains, typically in a herringbone pattern, can also be used effectively in this situation, but there are limitations with this method.

Both surface and subsurface water tends to flow directly downhill, when unobstructed. The direction of these flow paths can be interpreted from a contour plan (Attachment A), as flows will typically be perpendicular to contours. It can therefore be seen that a relatively uniform subsurface flow would be expected from Wayfarer Drive to Boatharbour Drive.

The cross section shown in **Attachment A** tries to demonstrate the impact of a raised water table on the precinct. Seepage is usually evident where the water table reaches the surface. The level of a water table will fluctuate in response to the prevailing climatic conditions. For example, there may be little evidence of seepage higher in the catchment during a prolonged dry spell.

The cross section also shows that subsoil drains are not effective in reducing the overall level of the water table and therefore they have no impact, in isolation, on the occurrence of widespread seepage in the precinct. There is only localised 'draw down' of the water table to the bottom of the trench of the subsoil drain. Consequently, the majority of subsurface flows, and the saturated conditions they create, bypass these shallow subsoil drains.

The benefits of installing subsoil drains along local streets are limited to addressing seepage occurring within the road reserve and protecting the road pavement from moisture ingress, which may cause premature pavement failure and soft verges. Consequently, the completion of the subsoil drain in Wayfarer Drive would be the priority works in the precinct. These works could be included in the 2016/17 Drainage Program at an estimated cost of \$30,000, noting it may not resolve all of the concerns or source problems as these types of subsurface flows can often be difficult to divert and capture.

Land owners in the precinct could use either subsoil drains or small filter blankets to address seepage on their properties. However, subsoil drains are the most practical method as most properties are fully developed. Typically, plumbers can install subsoil drains and connect these to existing stormwater systems (where available) or the proposed subsoil Council is considering to install. Council has no responsibility in assisting owners to resolve natural seepage issues on private properties, unless a 'nuisance' as defined under the Common Law has been created.

FINANCIAL IMPLICATIONS:

The recommended action of installing the subsoil drainage system in Wayfarer Drive is estimated to cost \$30,000. Provision for this could be made in the 2016/17 Drainage Program which forms a part of the 2016/17 Operational Plan budget.

COMMUNITY ENGAGEMENT:

In accordance with Council's Community Engagement Policy, this matter would be considered as Local Area – Low Impact. An approach to community consultation in this case may be to seek written submissions from land owners and other stakeholders of the

precinct. This may then allow an assessment of the extent seepage issues and their impacts on the amenity of residents. Any new information would supplement that already received by staff and councillors.

13. Release of Easement – 54 Parsons Street, Ulladulla – Lot 11 DP237534

File 52554E

SECTION MANAGER: Michael Harben

PURPOSE:

To obtain approval from Council to release a drainage easement 3.05m wide over Lot 11 DP237534, known as 54 Parsons Street, Ulladulla, (**refer Attachment A**).

RECOMMENDED that Council:

- a) **Resolve to release the drainage easement measuring 3.05m wide over Lot 11 DP237534, known as 54 Parsons Street, Ulladulla, NSW provided all costs are covered by the applicant;**
- b) **Authorise the General Manager to sign any documentation necessary and the Common Seal of the Council of the City of Shoalhaven be applied where necessary.**

OPTIONS

- 1. Resolve as recommended. The applicant will be able to build a new dwelling over the land formerly blighted by the easement.
- 2. Not resolve as recommended. The applicant will be unable to obtain Development Approval to build a new dwelling.
- 3. Provide further direction to staff and propose an alternative.

DETAILS

Background

On December 7th the applicant applied to Council to have the drainage easement released as he wishes to construct a new dwelling over the land blighted by the easement.

Key Issues

The applicant will install new storm water drainage works on the lot including a storm water pit at the rear of the property.

Council's roads and drainage engineer has reviewed the proposed stormwater design plans and after requesting amendments to be made, has accepted the design for the works. He therefore has no objection to the easement being released.

Shoalhaven Water has no objection to the release of the easement.

The applicant is unable to gain Development Approval for his proposed new house until the easement is released.

The easement on Lot 35 DP237534 known as 19 Rennies Beach Close which backs onto the subject lot is still required for inter-allotment drainage and will not be released.

The Registrar General directions provide that an easement may be expressly released by the registration of a dealing under S47(6) of the Real Property Act 1900.

FINANCIAL IMPLICATIONS:

The release of the easement will be at no cost to Council.

The applicant, by email to Council dated 21st December 2015, has agreed to pay compensation to Council as determined by an independent valuation and all costs associated with obtaining the valuation and legal fees.

COMMUNITY ENGAGEMENT:

The matter is considered to be local area low impact as outlined in Council's Community Engagement Handbook, therefore no community consultation has occurred.

14. Road Closure - Old Golf Course Way, Sussex Inlet – Lot 125 DP528699

File 45196E

SECTION MANAGER: Michael Harben

PURPOSE:

To obtain a resolution from Council to close part of the unformed Council road known as Old Golf Course Way, Sussex Inlet, for consolidation with the adjoining Lot 125 DP528699 to facilitate a senior living residential development.

RECOMMENDED that Council:

- a) **Resolves to make an application to the Minister administering the Roads Act 1993 to close part of the unformed Council road known as Old Golf Course Way at Sussex Inlet (refer Attachment A);**

-
- b) Resolves to transfer the unformed Council road to Taliac Pty Ltd for consolidation with Lot 125 DP528699 subject to development approval for a senior residential living development;
 - c) Authority be given to affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and that the General Manager be authorised to sign any documents necessary to give effect to the resolution; and
 - d) All costs associated with the road closure are to be met by the applicant Taliac Pty Ltd.

OPTIONS

1. Resolve as recommendation. The applicant will be able to proceed with their DA for senior residential living development, comprising 186 self-care units.
2. Not resolve as recommended. The DA (yet to be submitted) will be impacted and less units may be able to be constructed.
3. Provide further direction to staff and propose an alternative.

DETAILS:

Background:

The application to close the road and consolidate it with the adjoining Lot 125 DP528699 was received in July 2015 following a Development Advisory Unit (DAU) meeting held between the applicant Taliac Pty Ltd and Council staff. The meeting outlined a Development Application (yet to be submitted) for a seniors residential living development comprising 186 self-care units on Lot 125 DP528699.

At the meeting the applicants were advised by Council staff that the subject road must be closed to facilitate the development.

Key Issues:

Notwithstanding the application does not meet the requirements for Council to action under POL13/12 "*Dealing with Requests for the Closure, Sale or Transfer of Council and Crown Roads*", on this occasion the Property Unit is supporting the application given the degree of Community benefit that will be derived from the development when completed.

There could be issues achieving a cohesive development outcome for Lot 125 if the road is not closed. The triangle shaped land to the south of the road reserve would be awkward to develop.

FINANCIAL IMPLICATIONS:

As the road is unformed, the proceeds from its sale will vest in Crown Lands upon closure.

All costs associated with the matter will be borne by the applicant.

COMMUNITY ENGAGEMENT:

The relevant Statutory Authorities, adjoining neighbours and Sussex Inlet Community Forum were notified by letter and given a 28 day period to respond. No objections were received.

The proposal was advertised in the South Coast Register on 7 October 2015 and a 28 day period was advised to receive any comments or objections. No objections or comments were received.

The road reserve closure proposal is local impact only and the above actions are consistent with the Consult level of engagement as outlined in the Community Engagement Handbook and Policy.

15. Acquisition of Land for Matron Porter Drive Shared Pathway File 51682E, 48363E

SECTION MANAGER: Michael Harben

PURPOSE:

To seek Council approval to acquire part of Lot 1 DP1009573, known as 275B Matron Porter Dr Narrawallee, for the shared pathway along Matron Porter Drive which will provide improved road safety and accessibility to the Frogs Holla Sports fields, Milton town centre and Mollymook Beach.

RECOMMENDED that Council:

- a) **Resolve to acquire part of Lot 1 DP1009573 known as 275B Matron Porter Dr Narrawallee, as shown in Attachment A;**
- b) **Pay compensation of \$2,000 plus GST (if applicable) and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from job number 85583/39903;**
- c) **If necessary, the compensation be adjusted in accordance with the area of the land determined by final survey; and**
- d) **The Common Seal of the Council of the City of Shoalhaven Be affixed to any documents required to be sealed, otherwise the General Manger is authorised to sign any documentation necessary to give effect to the resolution.**

OPTIONS

1. Resolve as recommended. Council will be able to proceed with constructing the shared path.
2. Not resolve as recommended. Council will be unable to proceed with constructing the shared path and the financial funds available for construction this financial year will be lost.
3. Provide further direction to staff and propose an alternative.

DETAILS

Council's Traffic staff requested the Property Unit to commence the acquisition proceedings for the land prior to constructing the works.

A conditional offer of compensation for the land was made at a nominal amount of \$2,000, plus reimbursement of reasonable legal costs. This compensation also takes into account the removal of existing landscaping and is comprised of the following:

- Land Value - \$1,000 (40.64m2)
- Landscaping - \$1,000

The land owners have advised that this amount is acceptable. The compensation is consistent with recent assessments by Valuers Walsh & Monaghan Pty Ltd for nearby land acquisitions for the Shared User Pathway project. The claim is considered reasonable and recommended for approval.

FINANCIAL IMPLICATIONS:

In accordance with the Land Acquisition (Just Terms compensation) Act 1991, Council is responsible for the land owner's reasonable legal and ancillary cost associated with the acquisition. These costs along with the compensation are to be funded from job no. 85583/39903.

Funding is available to acquire the land this financial year.

COMMUNITY ENGAGEMENT:

This matter is considered to be a local area low impact issue as outlined in Council's Community Engagement Policy and Handbook and therefore no community engagement apart from the property owner directly affected by the acquisition referred to in this report.

16. **Grant of Lease – Western Freight Management – 21 Norfolk Avenue,
South Nowra**

File 12657E

SECTION MANAGER: Michael Harben

PURPOSE:

To obtain Council's endorsement to renew a lease of Lot 77 DP1032397 known as 21 Norfolk Avenue, South Nowra, to Western Freight Management for an initial term of two (2) years with an option for a further one (1) year.

RECOMMENDED that Council:

- a) **Renew the lease with Western Freight Management of Lot 2 DP1137716 for a term of two (2) years with an option for a further one (1) year term;**
- b) **Authorise the General Manager to endorse any terms of the Lease that may not yet be negotiated; and**
- c) **The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to sealed, otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution.**

Note: This property is an asset of Waste Management – as a business unit. Western Freight Management has been the tenant at this property since 2013 and has advised Council of its preference to continue to occupy the property for the next three (3) years. The current rent is \$24,411 with the new rent to be determined by a valuation from Walsh & Monaghan Valuations. The new rent will not be less than the current rent.

17. **Ratepayers Advance Scheme - 22 & 24 Fishery Rd Currarong**

File 51907E

SECTION MANAGER: Tony Fraser

RECOMMENDED that:

- a) **Council enter into a Ratepayers Advance Agreement for 22 Fishery Rd Currarong, executed under the Seal of Council with Marshall Balmain Pty Limited in respect of Kerb and Gutter construction to the value of \$14,638.75 of which \$1,823.57 is a contribution, \$12,815.18 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$16,018.98;**
- b) **Council enter into a Ratepayers Advance Agreement for 24 Fishery Rd Currarong, executed under the Seal of Council with W L Hannett in respect of Kerb and Gutter construction to the value of \$15,736.88 of which \$1,960.37 is a contribution, \$13,776.51 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$17,220.64;**

-
- c) The project be included in FY16/17 Capital Works Program, with additional funds of \$2,883 to be allocated from Kerb & Gutter Replacement Program; and
 - d) 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 the resolution.

18. Funding Options – Intersection Beautification Huskisson and Jervis Bay Roads
File 7915E

SECTION MANAGER: Martin Upitis

PURPOSE

To report on options to fund beautification works at the intersection of Huskisson and Jervis Bay Roads.

RECOMMENDED that Council:

- a) Entrance signage and landscaping works at the intersection of Huskisson and Jervis Bay Roads commence in the current financial year, allocate \$20,000 of existing 2015/16 Streetscapes budget;
- b) Allocate \$5,000 from the Tourism Development budget in 2015/16;
- c) Accept \$20,000 from the Huskisson Chamber of Commerce in 2015/16;
- d) Allocate \$45,000 under the Streetscapes Program in the 2016/17 Operational Plan budget for the completion of the works, and
- e) Operational budgets be increased by \$3,000 for FY16/17 and onwards for the ongoing maintenance of the works

OPTIONS

1. As recommended, commence the beautification works this financial year and consider allocating \$30,000 in 2016/17 for its completion.
2. Fund the beautification works from some other source.
3. Not fund the beautification works.
4. Make some other recommendation.

DETAILS

Council at its meeting on 24 November 2015 (MIN15.718) resolved that

- a) *Council in conjunction with the Huskisson Chamber of Commerce and Booderee National Park agree to beautify the Huskisson/Jervis Bay Road intersection.*
- b) *Council confirm that the Huskisson Chamber of Commerce will make a \$20,000 contribution towards the works.*
- c) *the General Manager report back to Council on options for Council to fund the balance of the \$40,000 project.*

The estimate of cost for all the works shown in the concept landscape plan (**Attachment A**) totals \$90,000.

If the project is to be limited to a \$40,000 budget (as per MIN15.718c above), then there would only be sufficient funds to erect the main Jervis Bay sign and the poles for banners etc., together with new plants being supplied by Booderee National Park staff. The sandstone wall, parking bay and lighting would not be included.

FINANCIAL IMPLICATIONS:

The potential funding sources for the project are: the Council's General Fund; community funding; grants; and contributions from other government authorities. If the project cost is assumed to be \$90,000, and \$20,000 of funding from the Huskisson Chamber of Commerce can be confirmed, then Council would need to contribute \$70,000 as both grants and contributions from other authorities are unlikely funding sources for this type of project.

As the beautification of the intersection will promote tourism around Jervis Bay, the General Fund allocation to the Tourism budget is an appropriate funding source along with General Fund allocations to the Streetscapes Programs.

A funding option could comprise: \$20,000 from the Huskisson Chamber of Commerce; \$5,000 from the Tourism budget; \$20,000 from existing 2015/16 Streetscapes budgets; and \$45,000 from the 2016/17 Streetscapes Program in next financial year's Operational Plan budget.

Council will incur additional operational and maintenance costs of about \$3,000 per year, should the project be realised.

COMMUNITY ENGAGEMENT:

Staff have been working with the Huskisson Chamber of Commerce in developing the concept landscaping plan for the intersection. Comments will also be sought from the community consultative body (Huskisson Woollamia Voice).

If adopted, the proposed 2016/17 budget allocation for the project will be exhibited as part of the community consultation process for the 2016/17 Operational Plan.

SECTION MANAGER: Michael Harben

PURPOSE:

To inform Council of the outcome of the evaluation process for the Expression of Interest (EOI) on the proposed development of the Egans Lane Precinct.

RECOMMENDED that Council receive the Report of the General Manager (Assets & Works) on the Egans Lane Precinct Status Update for information.

OPTIONS

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

DETAILS

In accordance with MIN13.657, Council has undertaken the process of an EOI for the procurement of a suitable proponent to undertake the proposed redevelopment of the Egans Lane Precinct.

The close off for expressions of interest was 4 February 2015 whereby two (2) submissions were received and subsequently assessed by the Evaluation Committee in accordance with an Evaluation Plan. Derby Pty Ltd was shortlisted as the preferred proponent.

Derby advised Council in July 2015 that the company had revised their original EOI submission and subsequently forwarded a new proposal to Council for consideration. The new proposal was reviewed by both Council staff and CBRE then reported to Council. A response to a request for further financial details was provided to Council in December 2015.

This information has been provided to CBRE for review and a meeting is planned for the first week in February with the proponents and Woolworths.

FINANCIAL IMPLICATIONS:

Council will be provided a further report subject to negotiations with Derby Pty Ltd and before any legally binding agreement is entered into with Derby Pty Ltd.

COMMUNITY ENGAGEMENT:

As this is a significant development the level of community engagement has been consistent with the consultation levels (citywide/high impact) as outlined in Council's Community Engagement Handbook and Policy.

Council has not approved any proposed development.

B. Stewart
DIRECTOR, ASSETS & WORKS

C Krogh
ACTING GENERAL MANAGER

REPORT OF GENERAL MANAGER
STRATEGY AND ASSETS COMMITTEE

TUESDAY, 19 JANUARY 2016

PLANNING AND DEVELOPMENT

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

20. **Outcome of Council's grant applications to the 2015/16 State Estuary Coastal and Floodplain Management programs** **File 48579E, 48008E**
-

SECTION MANAGER: Kelie Lowe

PURPOSE:

To inform Council of the unsuccessful outcome of its grant applications to the State Government under the 2015/16 Estuary, Coastal and Flood programs and advise of a way forward to implement priority components of these projects.

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

- a) **Council write to the State Government expressing its disappointment in the lack of support to implement local sea level rise projections through its Coastal, Estuary and Flood Programs;**
- b) **Council write to the State Government and request that grant announcements align with Council's financial year budget cycle; and**
- c) **Council adopt the staged approach to implementation of the unsuccessful coastal, estuary and flood projects as identified in this report.**

OPTIONS

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

DETAILS

Council had applied to the State Government 2015/16 Estuary, Coastal and Floodplain Management Programs for the following projects. The applications were submitted in March 2015 (Estuary and Coastal) and in April 2015 (Floodplain Program):

Summary of applications to the Coastal and Estuary Program:

1) Coastal road stormwater erosion remediation – project cost \$100,000 – grant amount sought \$50,000

Project summary:

This project seeks to partly implement the Coastal Erosion - Road Stormwater Impact Assessment (2014). Council now has a risk-based, prioritised list of coastal storm water outlets in need of remediation. The report identifies 20 very high and high risk sites where the drainage system is at risk. The top 3 sites will be addressed using the typical treatments recommended in the report and adapted for each site.

2) Beach nourishment dune revegetation trials – Callala and Mollymook beaches – project estimated cost \$80,000- grant amount sought \$50,000

Project summary:

Revegetate 2km of frontal dune at Callala Beach and 0.5kms of dune at Mollymook Beach following beach nourishment works with sand sourced from dredging projects.

Prior to commencement of this project, at Mollymook Beach a training wall north of Blackwater Creek is to be constructed to support the beach nourishment works.

On-going monitoring of the areas is planned to be undertaken through Council's surveyed dune profiles. Potential partnership with Universities (University of Wollongong and Macquarie University) are currently being explored for on-going monitoring/research activities.

3) Review of coastal hazards (Council resolution MIN 15.258) and develop erosion remediation options for Culburra Beach – project estimated cost: \$120,000 – grant amount sought \$60,000

The project is threefold:

1. Geotechnical investigations at Shoalhaven's five high risk beaches affecting private redevelopment.
2. Remap the coastal hazard lines at these five beaches using the geotechnical investigation outcomes and Council's recently adopted local sea level rise projections.
3. Prepare a coastal erosion remediation options report for Culburra Beach.

Summary of applications to the Floodplain Program:

4) Sea level Rise Review – Floodplain Risk Management Studies and Plans – total estimated project costs \$150,000- grant amount sought \$100,000

Project summary:

This project will review the Burrill Lake, Conjola Lake and St Georges Basin Floodplain Risk Management Studies and Plans (FRMSPs) to include Council's recently adopted sea level rise projections for the years 2050 and 2100.

A revised 2D flood model will be created for the St Georges Basin catchment as the current model does not allow further revision or use by Council through waterRIDE.

Revised flood information will feed into Council's Development Control Plan, Local Environmental Plan mapping and Section 149 planning certificate notations. This project seeks to revise modelling and review current sea level rise information/considerations in the existing FRMSPs.

The project will also identify a methodology that can be used for future model adaptations should sea level rise projections change in the future.

5) Lower Shoalhaven River Floodplain Risk Management Study and Plan review – total estimated project cost \$150,000- grant amount sought \$100,000

Project summary:

The aim of the Lower Shoalhaven River Floodplain Risk Management Study Climate Change Review is to revise the previous 2008 and 2011 Floodplain Risk Management Studies and Plans to assess Council's recently adopted (Feb 2015) sea level rise (SLR) projections. The previous studies were based on the 1990 flood study, utilising the now antiquated CELLS model. Following the 2011 Climate Change Assessment, the consultant undertaking the study recommended that a new model be used next time the study was to be reviewed. In view of the recently adopted sea level rise projections and the minor flood events of March 2012 and June 2013, which could give valuable information for improving the model calibration, it is deemed timely to review and remodel the Lower Shoalhaven River catchment. The application was lodged before the August 2015 flood.

6) Community education- building a flood resilient community – total estimated project cost \$60,000- grant amount sought \$40,000

Project summary:

Numerous adopted floodplain risk management studies and plans identify the need for extensive community education to build a flood-resilient community. They also show that for smaller catchments flood response is quick, with limited engineered mitigation options, leaving community education as the vital mechanism to reduce flood risk. In addition, most of the Shoalhaven community has not experienced a large flood event, making them more vulnerable during a flood. Therefore, education is required to build a prepared community, which is able to respond to and recover from a flood.

This education campaign is designed to enhance a display currently being developed for the 2016 Flood Conference. Initially it will target schools, caravan parks, agricultural shows and Councillors and then will be used at all community consultations for flooding. A portable demonstration model will be developed to demonstrate how flooding occurs from a catchment/oceanic event and how the flood travels down/upstream.

Outcome of the grant applications

In early December 2015 Council was advised that all of its funding applications were unsuccessful.

Three of the grant funding applications were a direct result of the State Government direction to Council to develop their own sea level rise projections, the grant applications were seeking to apply Council's adopted sea level rise projections to its floodplain risk studies and coastal hazard studies in accordance with Council's resolution of February 2015 (MIN 15.258).

The Lower Shoalhaven River Floodplain Risk Management Study and Plan review was also unsuccessful. This is despite the fact that the State Government itself recommends review of the Flood Study and Flood Risk Management Study and Plan (FRMSP) after 5 years on average and/or after flood events. The application highlighted that the Lower Shoalhaven River FRMSP is based on an old flood model (1990) and that the March 2012 and June 2013 minor flood events could provide valuable information to develop and calibrate a new contemporary model. The application was made prior to the August 2015 flood and it is noted that Local MP, Gareth Ward, made representations to the Minister following the August flood to highlight the importance of reviewing the Lower Shoalhaven River FRMSP.

As far as Council officers are aware, this is the first time since Council started its flood, coastal and estuary programs, that Council has not been successful in securing funding under any of these programs.

Impacts on the 2015/16 and 2016/17 Coastal, Estuary and Flood Programs

The outcome of 2015/16 grant round occurred half way through the financial year, leaving Council with limited capacity to respond and readjust its programs based on priority.

Council set aside matching contributions for these projects. In order to not delay the implementation of some aspects of these projects, as they are deemed important to the community, Councillors and also are based on Council resolutions, a staged approach is recommended for their implementation.

Council's allocated matching contributions can be used to fund the initial stages of the non-funded projects and grant funding applications to the 2016/17 State Coastal Estuary and Floodplain Program will be submitted for the remaining stages.

Specific Program impacts:

1) Coastal road stormwater erosion remediation –project cost \$100,000 – grant amount sought \$50,000

It is proposed to fund the remediation of high priority road stormwater outlets, causing erosion risks on beaches of headlands, through Council's capital works road program /stormwater levy. It was initially thought that with grant funding three sites could be remediated, this now needs to be reduced to two sites (North Bendalong 2 and Ulladulla 10) – refer **Attachment A** – Coastal Erosion – Road Stormwater Impact Assessment – Implementation Tracking.

2) Beach nourishment dune revegetation trials – Callala and Mollymook beaches – project estimated cost \$80,000 – grant amount sought \$50,000

The scope of this project has been reduced as a result of the August 2015 flood.

At Currambene Creek, sand to be used for beach nourishment at Callala Beach, was flushed out and is therefore no longer available.

At Mollymook Beach, the scope of the works (to revegetate the sand nourished area) is now estimated at \$20,000 and will be funded through Council's 2015/16 Estuary budget (75714). 'In kind' contribution from the Mollymook Bushcare Group and Council's volunteer nursery has been offered for this project and will offset some of the cost.

3) Review of coastal hazards and develop erosion remediation options for Culburra Beach – project estimated cost: \$120,000 – grant amount sought \$60,000 (MIN 15.258)

It is proposed to stage this project with the first stage being the review of the coastal hazard studies and associated maps in view of Council's adopted SLR projections. This first stage will be fully funded through Council's existing coastal budget (75742) and will occur in the second half of 2015/16 financial year.

It is noted that the State Government's Coastal Reforms Stage 2, introduces a new set of mapping under a future Coastal Management State Environment Planning Policy (SEPP), so the next stages of this project will be reviewed in light of these reforms.

4) Sea Level Rise Review – Floodplain Risk Management Studies and Plans – total estimated project costs \$150,000 – grant amount sought \$100,000 MIN D15/314859 – Part i) and MIN15.258

It is proposed to stage this project and to review the flood risk mapping incorporating SLR projections in the first stage. In addition, for St Georges Basin it is proposed to include a review of the model as the model for this area is now outdated. This component will be fully funded by Council 2015/16 Floodplain Program (75706) and is expected to be completed by June 2017. A grant application to the 2016/17 State, Coastal and Estuary Flood Program will be submitted to also review the trigger levels for the Lake Conjola Entrance Management Plan in lieu of the new SLR projections and recent flood events.

5) Lower Shoalhaven River Floodplain Risk Management Study and Plan review – total estimated project cost \$150,000 – grant amount sought \$100,000 MIN D15/314859 – Part a) and MIN15.258

Again, it is proposed to stage this project to first undertake the review of the flood model together with a review of the entrance management triggers which is a priority for the community. The first stage will be fully funded by Council (75706) and is anticipated to be completed by June 2017. A grant application to the 2016/17 State, Coastal and Estuary Flood Program will be submitted to undertake a new review of flood management options. This project will include a review of all levees in the Lower Shoalhaven River system to assess their flood mitigation benefits. This assessment could also include an assessment of Terara levee and identification of options to overcome the issues of the levee being lowered at two locations on private properties. However, a further report will be provided to Council in relation to these private, properties to seek Council's direction on this matter.

As it is unlikely that, subject to a successful grant application, funds would be secured and the assessment commence before December 2016.

**6) Community education – building a flood resilient community – total estimated project cost \$60,000 – grant amount sought \$40,000
MIN D15/314859 – Part g)**

The Office of Environment & Heritage (OEH) advised that community education is not seen as a state priority. Therefore it is proposed to undertake components of this project through the Council Flood Program 2015/16 (75706 – approximately \$20,000) with a focus on engagement material which will be available at the Flood Conference in May 2016 to be hosted by SCC at the Entertainment Centre.

FINANCIAL IMPLICATIONS:

As outlined in the previous section of this report.

COMMUNITY ENGAGEMENT:

Community engagement is a core part of any coastal, estuary or flood project.

21. Heritage Estates - Proposed Gates/Barriers - Submissions

File 1446e

SECTION MANAGER: Gordon Clark.

PURPOSE:

Consider submissions on the proposed installation of gates and barriers at the Heritage Estates under Section 116 of the NSW Roads Act 1993 (the Act) and to seek Council's direction to refer the proposal to the Shoalhaven Traffic Committee (STC).

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

- a) **The proposal be referred to the Shoalhaven Traffic Committee in accordance with Section 116 of the NSW Roads Act 1993 subject to removing the reference to the installation of boulders and/or steel cabling along Naval College Road;**
- b) **Council prepare and exhibit a separate Section 116 notice in relation to the proposed erection of a gate/barrier on Birriga Avenue to the west of the Greek Orthodox Church complex and the erection of a barrier on the western side of Naval College Road adjoining the Heritage Estates;**
- c) **The Shoalhaven Traffic Committee recommendation be reported back to Council before proceeding in accordance with the requirements of Section 116 of the Act.**

OPTIONS

1. Refer the proposal to STC as recommended.
2. Refer the proposal to STC as exhibited (i.e. including the potential erection of a barrier along Naval College Road) - not recommended as there is a need to ensure the requirements of the Act are met.
3. Not proceed – This is not recommended as the tracks will continue to deteriorate to the detriment of the environment, and increase public risk.

DETAILS

Background

Ongoing use of tracks in the Heritage Estates (HE) by vehicles and trail bikes has resulted in illegal dumping, land and water degradation, and an increased risk to public safety. The condition of the tracks has rapidly declined in recent years. New tracks are continually being created by 4WD and trail bike activities as the older tracks become impassable.

Unless vehicle and trail bike access is ultimately addressed, other control/management measures will be ineffective. Under the Act, a roads authority may apply to the NSW Roads and Maritime Services (RMS) for consent to erect a barrier for the purpose of regulating traffic on a public road for purposes (other than for road work).

This function of the Act has been delegated to Council, subject to a condition that requires Council to consider the technical recommendations of the STC when exercising this function.

On 8 September 2015, Council resolved to:

- a) *Endorse and exhibit the proposal to install gates, barriers and signs at the entrances to the Heritage Estates as outlined in this report;*
- b) *Refer the matter to the Shoalhaven Traffic Committee following the exhibition;*
- c) *Report the Shoalhaven Traffic Committee's recommendation and outcome of the exhibition to Council before determining whether to proceed;*

Due to the potentially contentious nature of the proposal, Council's Traffic and Transport Unit has advised that the feedback from the public exhibition should be reported to Council **before** the proposal is forwarded to the STC. The STC's recommendation will then need to be reported back to Council in accordance with The Act.

Public exhibition details

- # The proposal was publicly exhibited from Wednesday 7 October to Friday 6 November 2015 and a notice was placed in the South Coast Register on 7 October 2015. A copy of the exhibited map and explanatory statement is provided as **Attachment "A"**. Notification letters were sent to landowners within the HE, as well as members of the community who had previously written to Council in relation to the problems caused by vehicle/trail bike activity in the area.

The proposal was available for viewing at Council’s Nowra administrative building, and also on Council’s website.

Summary of submissions

A total of 55 submissions (including form letters) were received in response to the public exhibition, 48 were against the proposal proceeding and 7 were in favour. A full copy of the submissions is provided in the **Councillors’ Room**.

All of the submissions against the proposal were from or on behalf of landowners. Legal advice obtained in response to certain issues is provided in a separate confidential report to this meeting. A detailed breakdown of the issues raised in submissions is provided in Table 1 (against the proposal) and Table 2 (for the proposal).

Table 1 - Issues raised in submissions against the proposal by or on behalf of landowners

Submission No.	Issue	Staff comments
General/historical/miscellaneous		
1	<i>“Council will try anything but I will not sell our property”</i>	Noted.
9*, 10, 23, 28, 31, 35, 38	The proposal is a violation of the owners’ private property rights. <i>“The proposal will deny access to my property.”</i> Landowners have the right of access.	Landowners will continue to be able to access their land by foot in accordance with statutory requirements. The Act states: <i>“The owner of land adjoining a public road is entitled, as of right, to access (whether on foot, in a vehicle or otherwise) across the boundary between the land and the public road.”</i>
9*, 10, 20, 23, 35	The Shoalhaven Landowners Association (SLA) previously spent \$45K on installing gates and locks and fences but the gates and locks were continually broken.	Fencing is still located around much of the perimeter of the Estate. The proposed gates have been used successfully elsewhere in Shoalhaven (e.g. Forest Road).
10, 35	Landowners represented by the SLA have paid rates for 28-34 years.	Noted.
37	SLA has instructed its members to refuse consent to install gates and barriers. <i>“I instructed my members to refuse consent to protect their financial interests in their land and... to force the State to issue a Property Acquisition Notice (PAN)...”</i>	Noted.
37	Minutes of the Voluntary Heritage Estates Land Purchase (HELP) project Steering Committee meeting on 4 th /5 th April 2013 noted discussion of the potential installation of gates and barriers, and the anticipated push back from landowners. <i>“...should become an immense embarrassment to all parties involved in this State and Federally sanctioned LAND THEFT escapade.”</i>	The minutes show that the Steering Committee discussed the distinction between installing barriers (i.e. under Part 8 of the Act) and formally closing the roads (under Part 4 of the Act). The minutes show that the Steering Committee asked the Council representatives to seek further advice given the likely reaction from the landowners and potential impact on the Voluntary HELP project, which at that time had only 3 months left to run.
38	<i>“I have invested a lot of time and money in improving the area as well (building bridges,</i>	Noted.

	<i>clearing access tracks, & installing perimeter fence and lockable gates). "By investing in this neighbourhood, residents would have created many new jobs and businesses..."</i>	
35	Complained to Council in the 1990s about trail bikes and their ramps, and illegal dumping. Council's response was that nothing could be done about it. The problem hasn't just appeared in the last several years. Council's statement that it has been going on for several years <i>"is a gross fabrication and lie"</i> .	The status of the roads in the HE was not resolved until they were dedicated as public roads in 2005. It is acknowledged that erosion and illegal dumping have been occurring in the HE for a number of years. The erosion has accelerated in recent years. Other efforts to curtail recreational vehicle and trail bike use have had limited effect.
35	Why are you proposing to erect barriers which will not stop entry from surrounding land such as Old Erowal Bay?	Pedestrian access will not and cannot be restricted. Monitoring will be necessary to identify any new trail bike access points and take remedial action as appropriate.
35	Proposal will be technically illegal without our permission.	This issue is addressed in confidential report.
35	Trail bikes can, and have been entering from multiple points wherever there is a gap in the bush.	The proposal will aim to reduce trail bike activity with the available resources. It is acknowledged that this is a challenging task.
35	It will not stop dumping, which can be done by four wheel drive vehicles, by bikes, trailers and hand.	Restricting vehicle access is a proven illegal dumping prevention strategy.
35	Proposal is a misuse of public money and a violation of public trust and responsibility.	The proposal will help to prevent further erosion from occurring and therefore protect St Georges Basin. It will also help to reduce/eliminate illegal dumping on the land.
35	<i>"I and other landowners are not the source of these breaches."</i>	The vast majority (more than 95%) of landowners live outside Shoalhaven. It is highly likely that the vast majority of vehicle and trail bike activity can be attributed to non-landowners.
Statutory issues (NSW Roads Act and NSW Roads Regulation)		
2, 3, 5, 6, 7, 11, 12, 13, 14, 15, 19, 20, 21, 24, 25, 26, 29, 30, 34, 35, 36, 37	Under <i>Clause 73 of the NSW Roads Regulation 2008</i> (the Regulation): An application for a public gate permit that is made by a person who owns land on one side only of the road across which the proposed public gate is to be erected must be accompanied by the written consent of the owner or owners of the land on the other side of the road. <i>"In respect of [relevant gate numbers inserted], I do not give my permission for those gates to be erected as it would deny me access to my property."</i>	Section 128 of the Act and Clause 73 of the Regulation do not apply. Large areas of the Estate cannot be safely accessed by vehicle at present. The proposed gates will generally prevent vehicle access due to safety and environmental concerns. Pedestrian access will be provided.

	<i>"I also object to the placement of concrete boulders and steel cabled fences along Erowal Bay and Naval College Roads as intimidated..."</i>	
5	Under Clause 74 of the Regulation, before determining an application for a public gate permit, the roads authority: <ul style="list-style-type: none"> (a) must cause notice of the proposal to erect a public gate (including particulars as to the proposed location of the gate) to be published in a local newspaper, and (b) must allow sufficient time (being not less than 28 days from the date of publication of the notice) for written submissions on the proposal to be made to the roads authority, and (c) must have due regard to any written submissions on the proposal that are made to the roads authority within that time. 	The proposal is not for a public gate under Section 128 of the Act to which Clause 74 of the Regulation relates.
5, 31	Installation of the proposed gates/barriers is <i>"...tantamount to Compulsory Acquisition by Shoalhaven City Council..."</i> by permanently closing the roads. The roads in the Estate are public roads. Quotes Section 41 of the Act (Compulsory acquisition of land operates to close public road)	Council is not proposing to close the roads under Part 4 of the Act, hence Section 41 is not relevant. Installation of the proposed gates/barriers would not alter the status of the roads in the HE as 'public roads'.
10	Council denied responsibility for the roads for 25 years. Landowners maintained the privately-owned roads themselves.	For many years the status of the roads in the HE was uncertain. They were dedicated as public roads in 2005. Council has a legal obligation to manage public risk but is not legally obliged to maintain the roads. Signs were erected in 2005 stating that the roads are not maintained.
Issues concerning the Federal Court appeal		
5, 6, 7, 11, 12, 13, 15, 24, 26, 28, 31, 34, 35	The proposal is presumptuous because a decision by the Federal Court is pending.	The Federal Court dismissed the appeal lodged by representatives of the HE landowner class action on 17 November 2015. The Federal Court case is not relevant to this Section 116 application and vice versa.
23	Do not want to delay Judge Foster's decision.	See above.
9*, 10, 20	Any attempt by Council may be seen to prejudice landowners' legal claims.	See above.
38	Proposal is an underhanded way to influence the Judges' decision.	See above.
9*, 10, 20, 23, 38	Council should delay any decision until all legal challenges have been resolved.	Irrespective of the status of the court matter the proposed installation of gates and barriers is an appropriate response to the deterioration of the tracks in the HE. Any delay will be detrimental to the in situ and downstream environments.

20, 23	Council may be required to remove the barriers if the Federal Court appeal rules in favour of the landowners.	See above.
35	"... the correct course of action is to resolve the land dispute..." believe the problems identified by Council will potentially be resolved by "an Appeal and legal process".	See above.
Submission from Pikes Verekers Lawyers on behalf of owner of Lot 232 DP8590		
32	<p><i>"It is unclear from your notice whether or not this proposal will interfere with our client's access but, clearly there is the potential for it to do so."</i></p> <p><i>"Apart from Naval College Road, our client has no other alternative means of vehicular access available." Proposal does not meet the requirement of s.116(3)(a) to 'specify the particular action'."</i></p> <p>The proposal is "bad for uncertainty". No thought has been given to properties and public roads along Naval College Rd.</p>	<p>The intention is ensure that vehicles do not enter the land from any of the surrounding roads, including Naval College Road. The only existing vehicle track leading into the Heritage Estates from Naval College Road is at the Birriga Ave/Wanawong Blvd intersection, where a locked gate is proposed. To avoid any ambiguity, this report recommends that a new Section 116 notice be prepared and exhibited in relation to the erection of a barrier between the HE and Naval College Road.</p> <p>Properties along Naval College Road are accessible by foot from the road and this will continue to be the case. The roads which intersect with Naval College Road from within the HE are unformed and unmaintained.</p>
32	Section 116 does not entitle the roads authority to prevent the owner of adjoining land from access to the road.	Acknowledged. Landowners will continue to be able to access their land by foot in accordance with the requirements of Section 6 of the Act.
32	<i>"The proposal is unreasonable... because it unduly curtails our client's use and enjoyment of his land without financial compensation."</i>	Provided the process required by the Act is followed, Council has the power to restrict vehicular access to the roads in the manner prescribed. There is no express right to compensation arising from a roads authority restricting access to a road under the Act.
32	<i>"...consideration ought to be given to the provision of locked gates to those public roads adjoining our client's premises with each affected landowner... to be provided with a key... ...This would ameliorate the unreasonableness referred to above."</i>	The purpose of the proposal is to prevent vehicles and trail bikes from entering the land to prevent further environmental degradation, and to protect public health. Any person seeking vehicle entry will be able to contact Council to request access. It is neither appropriate from a public risk perspective, nor logistically feasible to provide all landowners with a key to the gates.

Table 2 - Issues raised in submissions in favour of the proposal

Submission No.	Issue	Comment
4,16, 17, 22, 33	The land has high biodiversity value. Concerned by the extent of erosion, illegal	Acknowledged.

	dumping, public safety, and potential sedimentation in St Georges Basin. Illegal dumping in the area is appalling, e.g. several burnt out cars.	
17, 27	Trail bikes cause a nuisance.	Acknowledged.
16, 17	Halting damaging processes is a positive step.	Acknowledged.
33	The proposal will help to manage and maintain the land's conservation values.	Excluding vehicles and trail bikes will hopefully enable land degradation and public risk to be managed.
4,16	Suggest signage at entrances to explain the area's biodiversity values, as well as alternative trail bike riding venues.	Appropriate signage will be provided to convey the reasons for the barriers. An information leaflet has been prepared.
8	Have made ongoing representations to local police to use their limited resources to address illegal activities within the Estate.	Advice provided to Council by NSW Police has been to encourage members of the community to make requests to the Police for the Estate to be patrolled by the Police trail bike squad. The squad is a state wide resource, so its availability is very limited.
8, 16, 17	Community education/awareness campaign is/will be needed using newspaper/radio/website.	Signage at entry points has been improved. An educational leaflet targeting trail bike riders who use the Heritage Estates has been prepared and distributed through the local community.
8	Community should be advised of the planning history of the Heritage Estates.	Council has a dedicated 'Heritage Estates' page on its website. See: http://shoalhaven.nsw.gov.au/Planning-and-Building/Strategic-planning/Paper-subdivisions
27	The signs that have been installed do not prevent cars/trail bikes from entering the area.	Acknowledged.
27	Cars have been set on fire in the Estate at night, close to our [residential] property [within the coat hanger site]. Would have been devastating if not for RFS.	Acknowledged.
8, 18, 22	Trail bike riders will continue to gain access via small foot trails. All access points need to be signed and controlled.	It is acknowledged that preventing trail bikes from entering any land is problematic. The proposal seeks to achieve this with the available resources but it is likely that it will not be 100% effective.
8	Residents along MacGibbon Parade access the Crown Reserve from the rear of their properties.	The south-western side of Worroving Waterway is separated from the HE by the creek. A site inspection identified at least two makeshift pedestrian crossings above the tidal section of the creek, both of which appear to have limited pedestrian use. These should be monitored and if required, measures can be implemented to exclude trail bikes without requiring a Section 116 application.
16	Trail bike riders use the area because they believe they won't get caught.	It is inherently difficult to police/manage illegal trail bike activity. Council Rangers patrol the area but they are not able to pursue trail bikes. Numerous requests have been made to the get the NSW

		Police trail bike squad to target the area but it is a state wide resource so availability is extremely limited.
17	Insufficient support has been provided by Council Rangers and NSW Police in relation to trail bikes.	See above.
16	Council should also install a gate/barrier on Birriga Ave west of The Wool Rd, beyond the Greek Orthodox Church, or if this is not possible, increase signage and compliance to address illegal dumping.	The exhibited plan did not identify any treatment at this location. Council rangers have advised that this location is targeted by illegal dumpers. It is recommended that a separate Section 116 notice be prepared and exhibited, incorporating this suggestion.
16, 17	Council should organise a community clean up, possibly in conjunction with Clean Up Australia Day.	Advice has been provided to these submitters on how to register for Clean Up Australia Day to access resources/assistance.
16, 17	Council should run a media campaign to raise awareness.	This will be considered as part of a communication strategy associated with this project.
16,17, 18, 33	Monitoring should be increased for several weeks after the gates/barriers have been installed.	Acknowledged.
16	Council in conjunction with NPWS should immediately undertake erosion control, and develop a restoration and management plan for the HE.	This would require resources to be redirected away from existing and current priorities. Funding has been sought under the NSW Environmental Trust's Restoration and Rehabilitation Program, and if successful, these suggestions will be implemented on public land in HE.
16	There is a significant amount of community support for the proposed installation of gates and barriers to prevent entry by trail bikes. Members of the community are willing to participate in restoration and would like to get schools involved in tree planting.	These opportunities can be explored once the gates/barriers have been installed.
17	Access from residential land in the adjoining 'coat hanger site' will need to be considered in with the landowners.	This is a matter between landowners.
	Consideration should be given to the future of the existing barbed wire fences surrounding the HE.	It is understood that fencing around HE was erected by the landowners in early 1990s. It is not anticipated that this will be removed or replaced at this stage.
17, 18, 22	Any gates/barriers at the junction of Birriga Avenue and Naval College Road ('Site 2') should also embrace Wanawong Boulevard which meets Naval College Road at the same point.	A 110 m section of the Birriga Ave Fire Trail is not within the road reserve, cutting across private, Council and NPWS land. It is also heavily eroded in this location and not safe for use. The proposed gate will be located on Wanawong Boulevard and the eastern end of the Birriga Avenue track will be blocked with boulders. Alignment of the eastern end of the Birriga Avenue Fire Trail will be reviewed in due course. See map provided in Attachment "B" .

17, 22,	The junction of Wanawong Boulevard and Erowal Bay Road ('Site 3') is a critical entry point for trail bike riders. Proposed blocking should be sufficient.	Acknowledged.
17, 18	Additional entry points along Erowal Bay Rd occur in the vicinity of Kinkuna Crescent, Currana Avenue, Kowil Street (?) and near the intersection with Naval College Road. Some of these will require additional barriers.	The exhibited plan identified that a barrier would be erected along the entire length of Erowal Bay Road.

FINANCIAL IMPLICATIONS:

No additional funding is required to cover the cost of preparing a separate and additional Section 116 application for Birriga Avenue. Funding for the actual installation of the gates/barriers will be sourced from:

- Council's existing fire trail budget;
- The Bay and Basin Illegal Dumping Prevention project (recently funded by the State Government); and
- NSW NPWS.

COMMUNITY ENGAGEMENT:

The proposal was publicly exhibited in accordance with the requirements of the Act. Council also wrote to the directly affected landowners. The separate Section 116 application which is recommended for the western end of Birriga Avenue (to the west of the Baptist Church complex) and the barrier between the Heritage Estates and Naval College Road, will be publicly exhibited for a minimum of 28 days in accordance with the Act should it proceed.

Tim Fletcher
DIRECTOR PLANNING AND DEVELOPMENT SERVICES

Carmel Krogh
ACTING GENERAL MANAGER

REPORT OF GENERAL MANAGER
STRATEGY AND ASSETS COMMITTEE

TUESDAY, 19 JANUARY 2016

SHOALHAVEN WATER

ITEMS TO BE REFERRED TO ORDINARY MEETING

22. Acquisition of Easement for Drainage of Sewage at Kings Point File 49830E

SECTION MANAGER: Robert Horner.

PURPOSE:

This report is submitted to seek Council approval to purchase an Easement for Drainage of Sewage 6 metres wide over Lot 2 DP1063393 and Lot 7306 DP1166723 Kings Point Drive, Kings Point from Ulladulla Local Aboriginal Land Council (LALC) for the Milton-Ulladulla Sewer Trunk Main project.

RECOMMENDED that:

- # a) Council resolve to acquire an Easement for Drainage of Sewage 6 wide over Lot 2 DP1063393 and Lot 7306 DP1166723 at Kings Point, as shown by hatching on copy of sketch plan marked Attachment 'A', under the Local Government Act 1993.**
- b) Council pay compensation of \$5,500, plus GST if applicable, and reasonable legal and valuation fees associated with the purchase.**
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.**

OPTIONS

1. Resolve as recommended. Acquisition of the easement is urgently required.
2. Not resolve as recommended and provide further directions to staff.

REPORT DETAILS:

The proposed easement is required for construction of a sewer trunk main from a pump station at Milton to the Ulladulla Wastewater Treatment Plant. The subject properties comprise vacant land. The easement has been positioned within a cleared area parallel to a power line easement to minimise the effect on the properties.

A valuation undertaken on behalf of Council by Walsh & Monaghan Pty Ltd assessed compensation for the easement at \$2,000. A conditional offer was made at that amount, plus GST if applicable, and legal and valuation fees.

In response, Ulladulla LALC submitted a valuation of land value \$3,500 plus disturbance \$2,000, total \$5,500. The effect of the easement on the land value is not easily quantified and the claim of \$3,500 is considered reasonable.

The disturbance claim, for ongoing administration of the easement, is usually outside the bounds of a claim under the Land Acquisition (Just Terms Compensation) Act. However, dealings in Land Council land are not subject to that Act and an interest in Land Council land cannot be compulsorily acquired. This matter must therefore be a negotiated agreement rather than an acquisition.

Entry onto the land is urgently required for construction of the sewer trunk main. The Land Council has provided a Permit to Enter to allow the works to proceed on the basis of Council meeting its claim. In the circumstances it is strongly recommended that the claim of \$5,500 be accepted.

The easement is substantially over Lot 2 DP1063393 owned by Ulladulla LALC. A minor part of the easement is over Lot 7306 DP1166723, which has been granted to Ulladulla LALC under Aboriginal Land Claim 3129. Crown Lands is progressing the Grant but title to the land is still in the name of The State of NSW. Depending on the timings for Council's acquisition and finalisation of the Grant, the easement over Lot 7306 may need to be acquired from the Crown, then recognised in the Grant.

FINANCIAL IMPLICATIONS:

The compensation and reasonable legal and valuation costs associated with the easement are to be funded from Council's Sewer Fund.

COMMUNITY ENGAGEMENT:

Creation of the easement is necessary to secure Shoalhaven Water's access for the operation and maintenance of essential public infrastructure.

The proposed action is administrative and has no environmental impact.

23. Acquisition of easements - Crown land and roads at Kings Point, Milton & Ulladulla File 49829E

SECTION MANAGER: Robert Horner.

PURPOSE:

This report is submitted to seek Council approval to acquire easements for drainage of sewage 6 metres wide over Crown land, Lot 7306 DP1166723, at Kings Point and unmade Crown roads off Slaughterhouse Road/Turnbull Lane at Milton and off Green Street at Ulladulla for the Milton-Ulladulla Sewer Trunk Main project.

RECOMMENDED that:

- # (a) Council resolve to compulsorily acquire from the Crown, easements for drainage of sewage 6 wide over:**
- **Unmade Crown roads off Slaughterhouse Road and Turnbull Lane at Milton, as shown by hatching on the attached sketch plan marked Attachment 'A'.**
 - **Crown land Lot 7306 DP1166723 at Kings Point and unmade Crown roads off Green Street at Ulladulla & Kings Point Drive at Kings Point, as shown by hatching on the attached sketch plan marked Attachment 'B'.**
- (b) Council pay compensation and costs associated with the acquisition, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.**
- (c) The necessary application be made to the Minister for Local Government and the Governor. The acquisition is to be carried out under the Local Government Act 1993.**
- (d) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.**

OPTIONS

1. Resolve as recommended. Acquisition of the easements are required for construction of a new pipeline.
2. Not resolve as recommended and provide further directions to staff.

DETAILS

The proposed easements are required for construction of a sewer trunk main from a pump station at Milton to the Ulladulla Wastewater Treatment Plant. At Milton the easement has been positioned within the unmade roads to avoid affecting adjoining private properties. At Ulladulla and Kings Point the easements have been located within a cleared area parallel to a power line easement.

By letter dated 2 November 2015 and email dated 8 December 2015 the Department of Primary Industries has provided consent to the acquisition of the easements. The pipeline route will also be over sections of Crown public roads for which easements are not required.

Lot 7306 DP1166723 has been granted to Ulladulla Local Aboriginal Land Council (LALC) but title remains in the name of the Crown. The timing for transfer of the property to the Land Council is uncertain and it may be necessary to compulsorily acquire the easement from the Crown with compensation transferred to the Land Council.

It is proposed to construct the pipeline and complete the acquisitions based on survey of the final constructed alignment. An application has been made to the Crown for a Licence to undertake the works. Ulladulla LALC has agreed to the acquisition of the easement over Lot 7306 DP1166723 and has provided a Permit to Enter for construction to proceed.

FINANCIAL IMPLICATIONS:

Compensation and all costs associated with the acquisition are to be funded from Council's Sewer fund.

The compensation is to be determined by the Valuer General in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.

COMMUNITY ENGAGEMENT:

Acquisition of the land and easement is necessary to secure Shoalhaven Water's access for the operation and maintenance of essential public infrastructure.

The proposed action is administrative and has no environmental impact.

T Holmes
ACTING DIRECTOR SHOALHAVEN WATER

C Krogh
ACTING GENERAL MANAGER

REPORT OF GENERAL MANAGER
STRATEGY AND ASSETS COMMITTEE

TUESDAY, 19 JANUARY 2016

PLANNING AND DEVELOPMENT / SHOALHAVEN WATER

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

24. **Progress update - long term strategies to address sewerage needs of residents of St Andrews Way, Coolangatta** **File 50317e**
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SECTION MANAGER: Kelie Lowe/Robert Horner

PURPOSE:

To provide an update on the progress in developing long term strategies to address the sewerage needs of residents of St Andrews Way, Coolangatta (Council Minute 15.548).

RECOMMENDED, in accordance with the Committee's delegated authority from Council, that Council adopts this report for information.

OPTIONS

1. Council adopt the recommendation; or
2. Council provide a new option or amendments to the recommendation. The implications associated with any alternative depend on direction given.

DETAILS

At its meeting held on Tuesday 18th August 2015 Council resolved that:

- a) *The General Manager (Director of Shoalhaven Water) report to Council on long term strategies to address the sewerage needs of residents of St Andrews Way, Coolangatta.*
- b) *That the report might include but not be limited to considering the current investment in sewerage facilities by residents, the risks posed by poor performance of current measures and a cost benefit analysis of providing a permanent connection to a treatment facility.*

To action the Council resolution, Planning and Development Services is working closely with Shoalhaven Water to investigate long term options to address the sewerage needs of residents of St Andrews Way, Coolangatta. The following investigations have either been completed or are still in progress:

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- i. **Audit of stormwater and wastewater drainage pipes on properties** – Stormwater and external wastewater pipes of properties in the estate were investigated using CCTV and smoke testing. This was to determine if there was any leaks, cracks or cross-connections. This would have been required if the estate was to be connected to reticulated sewer. It would also assist in the management of the existing on-site sewage systems.
 - ii. **Audit of on-site sewage tanks on private properties** – Effluent tanks were investigated for any potential leaks. Effluent levels were lowered in all tanks and water was applied to the ground surface around the tanks. The tanks were then monitored to determine if stormwater may be entering the tanks and to identify any potential points of access/infiltration.
 - iii. **Pressure sewerage system feasibility design** – A preliminary design and costing has been completed for a pressure sewerage system with two design options provided. The first option includes only the 22 properties in St Andrews Way, Coolangatta and the second also includes an additional 11 properties along Bolong Road, Berry's Bay. These properties are located immediately adjacent to the oyster growing area of Berry's Bay and have a relatively small lot size.
 - iv. **Benefit/cost analysis of long-term strategies** – Footprint (NSW) Pty Ltd has been engaged to assess the suitability of the estate for on-site sewage management and to compare the benefits and costs with connecting the estate to pressure sewer or continuing to operate on-site sewage systems in the long term. Investigations are currently underway.
 - v. **Inspection of on-site sewage systems on other properties within the catchment** – The operation of all on-site sewerage systems has been reviewed on properties surrounding St Andrews Way that are also located within the Berry's Bay catchment. Of the properties inspected, 22 of these were found to be in breach of the performance standards for the operation of a sewage management system under the Local Government (General) Regulation 2005. The purpose of this exercise was to:
 - identify if there are any other areas that should be considered in any future long-term strategies/proposals; and
 - ensure that these systems are being adequately managed or require rectification for any failing or problem systems as part of Council's on-going on-site sewage management and approval program.
 - vi. **Consultation with St Andrews Way residents** – Staff have completed a number of briefings with residents, with the latest being held on the 25th May 2015. Several updates and letters have also been provided to residents since that time.

Residents of St Andrews Way (and 99 Edward Wollstonecraft Lane which was part of this subdivision) have also been provided with an opportunity to make a submission on whether they are in favour of connecting to sewer and whether or not they are opposed to providing funding towards such a scheme. As a result, 19 of the 23 property owners were in favour of connection to sewer but were not willing to financially contribute. Two property owners were not in favour of connecting to sewer and two residential developments were still under construction.

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- vii. **On-going inspections of systems** – Council staff are continuing to complete on-going inspections of on-site sewage management systems. Inspections have been completed in both dry and wet-weather conditions, in response to complaint/enquires and as part of the regular program from Approval to Operate a System of Sewage Management.

The results of all investigations will be reviewed and reported to Council.

FINANCIAL IMPLICATIONS:

There is a potential cost to either Council and/or residents should either long-term option of installing reticulated sewer or continuing with on-site sewage management be pursued. These costs will be quantified and included in a future report to Council.

COMMUNITY ENGAGEMENT:

Council has completed three Resident Briefing Meetings since 2010, written to each property owner in August 2015 to request their submission on the possibility of connecting to sewer, completed a number of inspections on each property and provided multiple updates to all residents.

Tim Fletcher

DIRECTOR PLANNING AND DEVELOPMENT SERVICES

Tony Holmes

ACTING DIRECTOR SHAOLHAVEN WATER

Carmel Krogh

ACTING GENERAL MANAGER

NOTICES OF MOTION

STRATEGY AND ASSETS COMMITTEE

TUESDAY, 19 JANUARY, 2016

25. Report on Options for Wheel Chair Access to Beaches

File 28441E

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

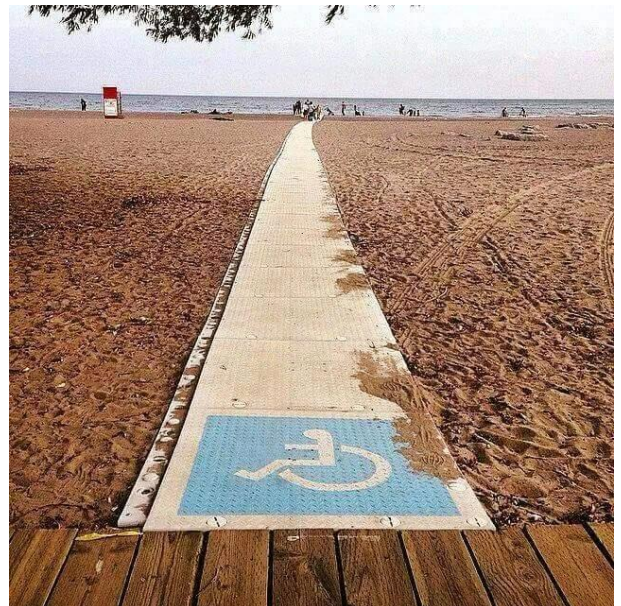
That Council staff provide a report (by the end of April) outlining which beaches are wheel chair accessible in the Shoalhaven, options/costings for making others accessible in each ward, details on how this is and can be promoted (for resident's and tourist's benefit) and the outcome of discussions at Huskisson beach where a community member offered to donate a ramp.

Background:

After enjoying a swim at Huskisson beach on January 8, I noticed a young man in a wheel chair on the grassed area above the beach watching his family in the water. I stopped to ask if he knew where the nearest wheel chair accessible beach was, he didn't. He and his family have a holiday house in Huskisson and this year he has been unable to enjoy the beach.

There are many others like him who we owe it to consider options for universal access.

Signed
Clr Tribe



CONFIDENTIAL BUSINESS PAPER AGENDA

PLANNING AND DEVELOPMENT

1. Legal Advice Heritage Estates - Proposed Gates/Barriers - Submissions

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.