

SHOALHAVEN CITY COUNCIL

STRATEGY AND ASSETS COMMITTEE

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

3 February, 2016

Councillors,

NOTICE OF MEETING

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

R D Pigg
General Manager

Membership (Quorum – 5)

Clr Wells – Chairperson

All Councillors

General Manager or nominee

BUSINESS OF MEETING

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

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.

TABLE OF CONTENTS

MINUTES OF THE STRATEGY AND ASSETS COMMITTEE - 19 JANUARY 2016	1
GENERAL MANAGER	16
<i>ITEM TO BE DEALT WITH UNDER DELEGATED AUTHORITY</i>	16
1. Second Quarter Report on Delivery Program 2015 - 2017 & Operational Plan 2015 - 2016 File 50863E	16
CORPORATE AND COMMUNITY SERVICES	18
<i>ITEM TO BE DEALT WITH UNDER DELEGATED AUTHORITY</i>	18
2. Shoalhaven Entertainment Centre - Recognition & Contribution of Clr Greg Watson File 36592E	18
ASSETS AND WORKS	22
<i>ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY</i>	22
3. Surf Life Saving Club use and occupation of Crown Land File 4916E	22
4. Objection to Proposed Men's Shed Licence – Sanctuary Point Men's Shed – Clifton Park, Sanctuary Point File 49189E	25
5. Resolutions/Actions – Projects to be Completed File 30977E.....	27
<i>ITEM TO BE FORWARDED TO ORDINARY MEETING</i>	27
6. Acquisition of Part Boree Street, Ulladulla by Council from Sheffield Crest Pty Ltd File 52692E.....	27
PLANNING AND DEVELOPMENT	30
<i>ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY</i>	30
7. Update on Council Officer presence at Hyams Beach during the Christmas and New Year period File 47143E.....	30
8. Aboriginal Land Claim No. 25658 - 26 Currambene Street Huskisson File 30043e	35
SHOALHAVEN WATER.....	39
<i>ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY.....</i>	39
9. Ozwater '16 Water Conference & Exhibition File 3989E	39
NOTICES OF MOTION.....	41
10. Waiver of Development and construction Fees – Ulladulla Milton Mens Shed Inc. File 23618E	41

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

The following members were present;

Clr Wells – Chairperson
Clr Gash
Clr Tribe
Clr Robertson
Clr Kearney
Clr Baptist
Clr White
Clr Anstiss
Clr Findley
Clr Guile
Clr Watson
Clr Kitchener
Clr McCrudden
Carmel Krogh – Acting General Manager

1. Welcome Hon. Tony Messner [Index](#)

The Chairperson welcomed the Hon. Tony Messner, Chairperson of the Risk and Audit Committee.

2. Confirmation of the Minutes of the Strategy and Assets Committee meeting held on Tuesday 8 December 2015 [Index](#)

MOTION: Moved: Baptist / Second: Kearney

(MIN16.12) RESOLVED that the Minutes of the Strategy and Assets Committee meeting held on Tuesday 8 December 2015 be confirmed.

CARRIED

3. Deputations [Index](#)

Mr Sal Scevola (Shoalhaven Landowners Association) addressed the Strategy and Assets Committee in relation to Item 21, Page 47 - Heritage Estates - Proposed Gates/Barriers – Submissions.

Mr Jon Chesterson (Landowner) addressed the Strategy and Assets Committee and tabled a written submission in relation to Item 21, Page 47 - Heritage Estates - Proposed Gates/Barriers – Submissions.

PRESENTATIONS

4. Presentation – Risk and Audit Committee Annual Report 2014-2015 [Index](#)

The Hon. Tony Messner provided a verbal presentation regarding the Annual Report for the Risk and Audit Committee.

The Chairperson thanked the Hon. Tony Messner for his leadership of the Risk and Audit Committee.

5. Procedural Motion – Bring Items Forward [Index](#)

PROCEDURAL MOTION:

Moved: Watson / Second: Guile

That Item 21, Page 47 Heritage Estates - Proposed Gates/Barriers – Submissions and Item 5, Page 19 Presentation – Risk and Audit Committee Annual Report 2014-2015 be brought forward.

CARRIED

6. (Item 21) Heritage Estates - Proposed Gates/Barriers - Submissions File 1446e [Index](#)

Note: Mr Sal Scevola (Shoalhaven Landowners Association) and Mr Jon Chesterson (Landowner) provided deputations in relation to this item earlier in the meeting.

MOTION:

Moved: Findley / Second: White

(MIN16.13) RESOLVED that 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.
- d) A Report be brought back to Council on any proposed locking mechanisms.

AMENDMENT 1:

Moved: Watson / Second:

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

- 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.
 - d) That Council provide keys to all landowners.

AMENDMENT 1 LAPSED DUE TO LACK OF A SECONDER

AMENDMENT 2:

Moved: Watson / Second: Guile

That in accordance with the Committee's delegated authority from Council:

- 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.
- d) That Council provide a locking mechanism that can be accessed by land owners if practical.

AMENDMENT 2 LOST

FOR: Guile, Watson, Kitchener, McCrudden, Carmel Krogh

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

MOTION CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, White, Gash, Baptist, Findley, Wells, Carmel Krogh

AGAINST: Guile, Watson, Kitchener, McCrudden

MOTION: Moved: Findley / Second: Guile

That in accordance with the delegated authority of Council that:

- a) The Risk and Audit Committee's Annual Report be noted for information of Council.
- b) Council extend its thanks to the Risk and Audit Committee.
- c) The Risk and Audit Committee conduct a desktop analysis of the loss of Shoalhaven Water, should a merger of Kiama Municipal Council and Shoalhaven City Council go ahead.
- d) A report be provided to an open meeting of Council on the funding required for a poll of residents and an information campaign about the proposed merger.
- e) Council not support the merger of Kiama Municipal Council and Shoalhaven City Council considering the information proposed by the Premier and the Delegate.

Point of Order – Carmel Krogh – That the proposed additional recommendation in the motion is beyond the business of the Strategy and Assets Committee, which was publicly notified for the meeting.

Point of Order – Clr Guile – that the proposed additional recommendation in the motion is not beyond the business of the Strategy and Assets Committee

The Chair ruled that part (c, d and e) of the proposed motion were outside the advertised business for the meeting and were not urgent as an Extra Ordinary Meeting has been called for Monday, 25 January 2016, to discuss the potential Merger of Kiama Municipal Council and Shoalhaven City Council.

MOTION OF DISSENT: Moved: Findley / Second: Guile

That the Chairperson's ruling be dissented upon.

MOTION OF DISSENT LOST

FOR: Findley, Guile, Kitchener

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

MOTION: Moved: Findley / Second: Guile

(MIN16.14) RESOLVED that in accordance with the delegated authority of Council, that:

- a) The Risk and Audit Committee's annual report be noted for information of Council.
- b) Council extend its thanks to the Risk and Audit Committee

CARRIED

GENERAL MANAGER – COMMITTEES REPORT

COUNCIL BUSHCARE REPRESENTATIVES GROUP – MONDAY 14 DECEMBER 2015

8. Adoption of Report [Index](#)

MOTION: Moved: Findley / Second: Robertson

That the following items of the Council Bushcare Representatives Group be adopted.

CARRIED

9. Five (5) Bushcare Group Action Plans – Review File 26279E, 26280E, 26281E [Index](#)

(MIN16.15) RESOLVED 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.

10. Additional Item – Congratulations on Great Work and Achievements File 42643E [Index](#)

(MIN16.16) RESOLVED 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

11. Additional Item – Grotto Reserve File 27661E [Index](#)

(MIN16.17) RESOLVED that Council investigate the potential unauthorised use of the Grotto Reserve, associated with the use of the caravan park.

12. Additional Item – Future Meetings File 42643E [Index](#)

(MIN16.18) RESOLVED 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.

GENERAL MANAGER

13. Risk and Audit Committee Annual Report 2014 – 2015 File 39763e [Index](#)

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

CORPORATE AND COMMUNITY SERVICES

14. Draft Stormwater Management Policy File 2973E [Index](#)

MOTION: Moved: Robertson / Second: Baptist

(MIN16.19) RESOLVED that 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.

CARRIED

15. Lady Denman Reserve - Exhibition of Draft Strategic Business & Master Plan
File 52288E [Index](#)

MOTION: Moved: Gash / Second: Baptist

(MIN16.20) RESOLVED that 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.

CARRIED

16. Successful Grant Funding – Community Building Partnership Grants File 39785E [Index](#)

MOTION: Moved: Findley / Second: Baptist

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 GM (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.

CARRIED

ASSETS AND WORKS

17. Proposed Men's Shed Licence – Sanctuary Point Men's Shed – Clifton Park, Sanctuary Point File 49189E [Index](#)

MOTION: Moved: Robertson / Second: Baptist

(MIN16.21) RESOLVED that 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.

CARRIED

18. Resolutions/Actions – Projects to be Completed File 30977E [Index](#)

MOTION: Moved: Baptist / Second: White

(MIN16.22) 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

19. National Roads & Transport Congress File 4688E [Index](#)

MOTION: Moved: Gash / Second: White

(MIN16.23) RESOLVED 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.

CARRIED

20. Drainage Works – Wayfarer Drive Sussex Inlet - 2016/17 Operational Plan Budget
File 16579E, 49285E [Index](#)

MOTION: Moved: Kitchener / Second: White

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

CARRIED

21. Release of Easement – 54 Parsons Street, Ulladulla – Lot 11 DP237534 File 52554E [Index](#)

MOTION: Moved: Findley / Second: Baptist

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.

CARRIED

22. Adoption of Reports [Index](#)

MOTION:

Moved: Watson / Second: Baptist

That the following items of the Assets and Works report be adopted.

CARRIED

23. Road Closure - Old Golf Course Way, Sussex Inlet – Lot 125 DP528699 File 45196E [Index](#)

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.

24. Acquisition of Land for Matron Porter Drive Shared Pathway File 51682E, 48363E [Index](#)

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

25. Grant of Lease – Western Freight Management – 21 Norfolk Avenue, South Nowra File 12657E [Index](#)

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 be sealed, otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution.

26. Ratepayers Advance Scheme - 22 & 24 Fishery Rd Currarong File 51907E [Index](#)

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.

27. Funding Options – Intersection Beautification Huskisson and Jervis Bay Roads
File 7915E [Index](#)

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

28. (Item 15) Acquisition of Land for Matron Porter Drive Shared Pathway
File 51682E, 48363E [Index](#)

MOTION:

Moved: Findley / Second: White

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.

Note: Watson left the meeting - 5.44pm.

CARRIED

29. Egans Lane Precinct Status Update File 47709E, 49862E [Index](#)

Note: Watson was absent from the meeting.

MOTION:

Moved: Gash / Second: Baptist

(MIN16.24) RESOLVED that Council receive the Report of the General Manager (Assets & Works) on the Egans Lane Precinct Status Update for information.

CARRIED

PLANNING AND DEVELOPMENT

30. Outcome of Council's grant applications to the 2015/16 State Estuary Coastal and Floodplain Management programs File 48579E, 48008E [Index](#)

Note: Clr Findley left the meeting – 5.48pm

Note: Clr Watson returned to the meeting – 5.49pm

MOTION:

Moved: White / Second: Baptist

(MIN16.25) RESOLVED that in accordance with the Committee's delegated authority from Council, that Council:

- a) 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) Write to the State Government and request that grant announcements align with Council's financial year budget cycle; and
- c) Adopt the staged approach to implementation of the unsuccessful coastal, estuary and flood projects as identified in this report.

CARRIED

-
31. Heritage Estates - Proposed Gates/Barriers - Submissions File 1446e [Index](#)

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

SHOALHAVEN WATER

32. Acquisition of Easement for Drainage of Sewage at Kings Point File 49830E [Index](#)

Note: Clr Findley returned to the meeting – 5.50pm.

MOTION: Moved: Baptist / Second: White

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.

CARRIED

33. Acquisition of easements - Crown land and roads at Kings Point, Milton & Ulladulla File 49829E [Index](#)

MOTION: Moved: Baptist / Second: White

RECOMMENDED that:

- a) Council resolve to compulsorily acquire from the Crown, easements for drainage of sewage 6 wide over:
 - i) Unmade Crown roads off Slaughterhouse Road and Turnbull Lane at Milton, as shown by hatching on the attached sketch plan marked Attachment 'A'.
 - ii) 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.

CARRIED

PLANNING AND DEVELOPMENT / SHOALHAVEN WATER

34. Progress update - long term strategies to address sewerage needs of residents of St Andrews Way, Coolangatta File 50317e [Index](#)

MOTION: Moved: Guile / Second: Wells

(MIN16.26) RESOLVED that in accordance with the Committee's delegated authority from Council, that Council adopts this report for information.

CARRIED

NOTICES OF MOTION

35. Report on Options for Wheel Chair Access to Beaches File 28441E [Index](#)

MOTION: Moved: Tribe / Second: Anstiss

(MIN16.27) RESOLVED that the General Manager provide a report following consultation with the Access Advisory Committee so that they too can have input 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 beach accessible wheelchair.

CARRIED

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

MOTION: Moved: Findley / Second: Baptist

That the matter of the Fig Tree for planting in Milton's Mick Ryan Park be introduced as a matter of urgency.

CARRIED

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

37. Additional Item - Fig Tree for planting in Milton's Mick Ryan Park [Index](#)

MOTION: Moved: Findley / Second: Baptist

(MIN16.28) RESOLVED that Council:

- a) Accept the donation of a Fig Tree for planting in Milton's Mick Ryan Park and recognise that the Fig Tree seeding is an important part of maintaining the trees history.
- b) write to and thank Marjo and Darren Rauhala for their foresight in collecting seed from the Fig tree for future generations

CARRIED

CONFIDENTIAL REPORT OF THE GENERAL MANAGER

PLANNING AND DEVELOPMENT

Item	Reason
Legal Advice Heritage Estates - Proposed Gates/Barriers - Submissions	<p>Section 10A(2)(g) - Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.</p> <p>It is not in the public interest to disclose this information as it may impact on the ability of Council to conduct appropriate legal proceedings.</p>

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: Baptist / Second: White

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)(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 conduct appropriate legal proceedings.

- Legal Advice Heritage Estates – Proposed Gates / Barriers – Submission.

CARRIED

The meeting moved into confidential the time being 6.02 pm.

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

The following resolution of the confidential session was made public.

38. Legal Advice Heritage Estates - Proposed Gates/Barriers - Submissions File 1446e [Index](#)

(MIN16.29) RESOLVED that in accordance with the Committee's delegated authority from Council, that the Committee receive this report for information.

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

Clr Wells
CHAIRPERSON

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

GENERAL MANAGER

ITEM TO BE DEALT WITH UNDER DELEGATED AUTHORITY

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

PURPOSE:

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

RECOMMENDED that in accordance with the Committee's delegated authority from Council, the report of the General Manager (Executive Strategy) regarding progress to 31 December 2015 on the 2015/2017 Delivery Program and Operational Plan be received for information, noted and published on Council's website.

OPTIONS

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

DETAILS

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

FINANCIAL IMPLICATIONS

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

COMMUNITY ENGAGEMENT

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

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

STRATEGY & ASSETS COMMITTEE

TUESDAY, 9 FEBRUARY 2016

CORPORATE AND COMMUNITY SERVICES

ITEM TO BE DEALT WITH UNDER DELEGATED AUTHORITY

2. Shoalhaven Entertainment Centre - Recognition & Contribution of Clr Greg Watson
File 36592E [Index](#)
-

SECTION MANAGER: Jane Lewis

PURPOSE:

To provide options to acknowledge Clr Watsons contribution to the community and towards the planning, construction and establishment of the Shoalhaven Entertainment Centre and to recommend the best option for this recognition.

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

- a) **The Auditorium at the Shoalhaven Entertainment Centre be named the Greg Watson Auditorium and that this proposal be placed on Public Exhibition for a period of 28 days**
- b) **That the proposal be adopted if no objections are received**
- c) **A further report be submitted to Council if there are objections received**

OPTIONS

- 1. Adopt the recommendation as stated above.
- 2. Rename the Shoalhaven Entertainment Centre to the Watson Entertainment Centre.
- 3. Rename an alternative space within the Shoalhaven Entertainment Centre, such as the studio theatre or foyer, to the Greg Watson Studio / Foyer.
- 4. Find an alternative for providing recognition to Clr Watson for his contribution to the community through community consultation.

DETAILS

At the Ordinary Council Meeting on 18 August 2015, Council resolved:

- a) The proposal to rename the Shoalhaven Entertainment Centre 'The Watson Shoalhaven Entertainment Centre' be deferred to a Clr Briefing for consideration of other alternatives, to acknowledge Clr Watson contribution to the Centre and to the Shoalhaven.
- b) A report be provided back to Council on the outcome of the briefing including details of the community consultation processes (this report).

The requested briefing was held on 19 January 2016. This briefing included summarised feedback from venue managers who are active in the peak industry national body Australian Performing Arts Centres Association (APACA) and summarised comments from correspondence received from community members.

Key messages from the venues network (APACA) contained in the briefing included:

- a) Very few venues name a complete centre after a person and if done it is usually because of a highly recognisable artistic association (e.g. Penrith's Joan Sutherland Performing Arts Centre) or a financial contribution to the venue (e.g. Perth's Don Russell PAC.) One exception was the Pilbeam Theatre in Rockhampton named after RBJ Pilbeam a long-serving Mayor with 30 years of public service. The reasons that few venues name an entire centre after a person include:
 - It is a challenge to geographically place the venue from a person's name
 - It can create confusion for patrons if the name has similarity to another location or facility
 - Changing a name from a geographical / macro name with significant recognition around the state and country to the name of an identity is recessive and not consistent with venue branding and marketing intent
 - Many people think the venue name refers to a location
- b) Community consultation is essential as:
 - Only your community can tell you if renaming a significant building is a fitting gesture
 - Significant change requires community buy in.
- c) Many venues name a space within a venue as this is the more usual practice e.g. a meeting room or theatre to recognise the contribution of a community member.

Examples include:

- Fairfax Studio and Hamer Hall at the Arts Centre Melbourne
- Heath Ledger Theatre, State Theatre Perth
- Joan Sutherland Theatre, Sydney Opera House
- The Sumner and The Lawler, Southbank Theatre Melbourne
- The John Leslie Theatre, Sale Victoria

-
- d) Naming a centre must be considered from a commercial perspective and adequately address issues such as:
- Branding and identity
 - Sponsorship potential
 - Marketing issues
 - There is no “sunset clause” so the name is permanent and limits future considerations or opportunities
- e) Individual messages from the community responses, contained in the briefing included:
- “I have absolutely no disagreement with the lauding of Greg for his initiative and long history with the Centre but to remove the word Shoalhaven title could remove the SEC’s (Entertainment Centre’s) wider profile
 - “Because of the hard promotional work already done to get the SEC on the various entertainment circuits, that needs to increase not be threatened by a name change”
 - “Do not rename the Centre. Who on earth would know where the Watson Entertainment Centre is?”
 - “Name a park after him if you must, not the Entertainment Centre”
 - “Take it to the people – I thought it was our centre”
 - “A community competition was used to name the venue. It would be a slap in the face of the community to change it without further consultation”
 - “Councillor Greg Watson has achieved many great things.... so whilst in no way wishing to diminish his outstanding role in the Shoalhaven ... over that time, I do not agree that the Shoalhaven Entertainment Centre should be renamed the Watson Entertainment Centre”

FINANCIAL IMPLICATIONS:

Renaming the Auditorium as recommended within the Shoalhaven Entertainment Centre would have the following financial implications although these have not been fully costed.

The actions and activities incurring costs include:

- a) Renaming the internal space and specifically:
- Changes to internal venue signage
 - Redesign and reprinting of some venue marketing collateral and informational
 - Minor website changes including digital information
 - Changes to some documents
- b) Expenses incurred for community consultation

-
- c) Lowered commercial opportunity relating to naming rights or sponsorship of an internal space

COMMUNITY ENGAGEMENT:

A community engagement matrix has been completed.

The level of impact of the recommendation, in light of the industry and community feedback, is considered “Citywide” and “low” and would necessitate the following activities:

- a) Informing the public through website and media release and most likely through publications such as newsletters and by posting notices in services centres, libraries etc.
- b) Public consultation asking for submissions would be necessary. Use of social media to receive feedback would be recommended.

Craig Milburn
DIRECTOR CORPORATE & COMMUNITY SERVICES

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

STRATEGY & ASSETS COMMITTEE

TUESDAY, 9 FEBRUARY 2016

ASSETS AND WORKS

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

3. **Surf Life Saving Club use and occupation of Crown Land** File 4916E [Index](#)
-

SECTION MANAGER: Michael Harben

PURPOSE:

To inform Council, as reserve trust manager, of the information received from the Minister for Crown Lands in relation to lease agreements with Surf Life Saving Clubs (SLSC) located on Crown Land.

RECOMMENDED that, in accordance with the Committee's delegated authority from Council, the Committee receive the Report of General Manager (Assets & Works) on Crown Lands Lease Template – Surf Life Saving Club use of Crown Land be received for information.

OPTIONS

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

DETAILS

The Council of the City of Shoalhaven, in its capacity as reserve trust manager, manages the Crown Reserves upon which the following Surf Life Saving Clubs are situated:

- Shoalhaven Heads SLSC (Jerry Bailey (R52855) Reserve Trust);
- Culburra Beach SLSC (Culburra Beach (D580094) Reserve Trust);
- Mollymook Beach SLSC (Mollymook Beach (R52790) Reserve Trust); and
- Sussex Inlet SLSC (Swan Lake (R78638) Reserve Trust).

All agreements in relation to the SLSCs' occupation of these reserves have expired but continue to operate under the holding over provisions of the respective agreements.

The negotiation of new agreements were placed on hold since approximately 2010 when Crown Lands gave notice of an intention to hold discussions with the NSW Surf Life Saving

Authority with a view to reaching an agreement for the ongoing occupation of those Crown reserves.

The Honourable Niall Blair MLC, Minister for Lands and Water has now advised Council that following extensive consultation with coastal councils and the surf life saving movement, he has decided to authorise Council managed reserve trusts to grant leases to surf life saving clubs without the need to seek Ministerial consent.

The Minister has issued a formal authorisation (Attachment A) pursuant to Section 102A of the *Crown Lands Act 1989* subject to conditions summarised as follows:

- a) The council-managed reserve trust must ensure that:
1. The lease is consistent with the standard surf life saving club lease, with only those changes that are permitted by the completion notes in the standard surf life saving club lease.
 2. The standard surf life saving club lease is consistent with the declared purpose of the Crown reserve.
 3. The standard surf life saving club lease complies with all requirements of the Act and all other relevant legislation (other than the requirement to obtain the Minister's consent under section 102 of the Act)
 4. The standard surf life saving club lease either does not affect native title or is a valid future act under native title legislation.
 5. The requirements of the native title legislation have been followed in the granting of the standard surf life saving club lease, including but not limited to any notification requirements.
 6. The standard surf life saving club lease is not granted on land affected by an unresolved land claim under the Aboriginal Land Rights Act 1983.
 7. In relation to a standard surf life saving club lease for a term exceeding 5 years (including any option), 14 days have elapsed since notice of intention to grant the standard surf life saving club lease has been published in a newspaper circulating in the locality in which the land is situated or in a newspaper circulating generally in the State.
- b) An electronic copy of the negotiated standard surf life saving club lease must be provided to Crown Lands within 14 days of execution, but failure to do so will not be a failure to comply with the terms of the Ministerial Authority.

This authorisation has been provided following recommendations made to the Minister in the *Crown Lands Management Review (2015)* which identified the need to reduce red tape and eliminate duplication of process in the current Crown land management system.

Additional documentation included with the correspondence received from the Minister is a factsheet entitled Authorising surf life saving clubs' use of Crown land in NSW (Attachment B) and a standard lease agreement (Attachment C).

Council's Property Unit have reviewed the documentation included and have noted a number of issues, as outlined below, that will need to be addressed by Crown Lands prior to the commencement of negotiations with the relevant SLSC's.

Term of Agreement

The factsheet advises that the Trust will offer a standard 20 year lease term.

A lease of land creates a subdivision under s.7A Conveyancing Act 1919 (formerly s.327AA Local Government Act 1919 now repealed) when the total of the original term of the lease, together with any option of renewal, is more than 5 years.

When the lease affects part of a lot or lots in a current plan, it will be necessary to provide a plan to define the land in the lease and the residue of any lot in a current plan affected by the leased area.

The plan must:

- be a deposited plan of subdivision
- bear a completed subdivision certificate and
- be a survey, complying with the normal requirements for plan preparation and lodgement.

Therefore, leases for all SLSC's within the Shoalhaven will require subdivision.

Commercial use of Premises

The standard lease agreement states the permitted use as *“Surf Life Saving Club and associated activities including Fundraising and any Commercial Operations that are the subject of a written agreement as contemplated by clause 9.5(a)”*

Fundraising is defined within the lease agreement as *“...a fundraising appeal as defined by section 5 of the Charitable Fundraising Act 1991...”*. Attachment D illustrates this section of the Charitable Fundraising Act 1991 in its entirety. Part 9.4 of the lease provides for the lessee to conduct fund raising activities within the property. Information provided from Crown Lands indicates that the funds raised may be used to assist in undertaking surf life saving activities, support the management of the facility and meet obligations as a tenant under a lease.

Part 9.5 of the lease specifically relates to Commercial Operations and requires any permitted commercial operations to be the subject of separate written agreement, however no standard agreement for this purpose has been provided for review. Council has sought advice from Crown Lands in relation to this issue.

Part 9.5(d) requires the lessee to use any funds received under a Commercial Operation agreement to be used to fund the lessee's obligations under the lease.

Assignment & Subletting

Part 12 of the standard lease provides the lessee with the ability to *“...grant a sub-lease or licence with a person or body involved in assisting the lessee in relation to conducting the Permitted Use”*. This Part does not indicate that the Trust's approval is required when entering such agreements and confirmation from Crown lands has been sought on this issue.

Maintenance Responsibilities

Maintenance responsibilities are set out in Part 11 of the document and essentially place the obligations for all internal maintenance and repairs on the lessee. This does not appear to include the replacement of items that reach the end of their serviceable life and Council has sought comments from Crown Lands in this regard. Initial discussions with Crown Lands indicate that any amendment to this Part will fall outside the Ministerial Authorisation and will require Ministers Consent.

A further report to the Trust will be submitted upon receipt of the responses from Crown Lands to the issues outlined above.

FINANCIAL IMPLICATIONS:

There will be no financial implications at this stage as this report is for information only. However, costs (estimated at between \$120,000 to \$150,000) will be incurred to create individual allotments via subdivision for each surf club. Upon registration of individual titles, the respective leases could be registered against some.

COMMUNITY ENGAGEMENT:

No community engagement has taken place as this report is for information only.

4. Objection to Proposed Men's Shed Licence – Sanctuary Point Men's Shed – Clifton Park, Sanctuary Point **File 49189E [Index](#)**

SECTION MANAGER: Michael Harben

PURPOSE:

To obtain Council's direction in relation to entering into a licence agreement for the construction of a Men's Shed at Clifton Park, Sanctuary Point by Sanctuary Point Men's Shed Inc, in light of submissions received to the Public Notice.

RECOMMENDED that, in accordance with the Committee's delegated authority from Council, the Committee confirm the resolution of the Strategy & Assets Committee meeting on 19th January 2016 with respect to the proposed Men's Shed Licence.

DETAILS

Council resolved to enter into a five (5) year licence agreement with Sanctuary Point Men's Shed Inc at the meeting held 19 January 2016 (Strategy & Assets Committee Meeting Minutes dated 19 January 2016) providing no objections were received during the public notice period which closed 19th January 2016 viz:

“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;”

Two submissions have been received; one from Sanctuary Point Community Pride Incorporated and another from an Erowal Bay resident. Their concerns are outlined hereunder:

Issue: *Alienation of public land – the area is classified as parkland.*

Staff Comments: The land is classified “community” land and is categorised “General Community Use” having been re-categorised from “Park” in 2013 in line with the Sanctuary Point Place Making Action Plan. The proposed use of part of this reserve for a men’s shed is also consistent with that plan.

Issue: *Sanctuary Point currently has a fully functioning men’s shed and Sanctuary Point Community Pride Inc has a good working relationship with Bay and Basin Community Resources Inc. who run it. The applicants are a breakaway group from the original men’s shed and we have concerns about their long term viability.*

Staff Comments: The construction of a men’s shed in Clifton Park has broad public support as evidenced by the compilation and adoption of the Sanctuary Point Place Making Action Plan. This development is to be undertaken without funding from Council and does not, at this stage, require any commitment from Council in terms of future maintenance.

Issue: *Clifton Park is a significant neighbourhood green space, especially with the garden and the cycle training track, but the prospect of a “mens shed” will need to be carefully sited and operated to reduce its unsightly visual impact on that parkland.*

Staff Comments: The site of the proposed Men’s Shed was approved following extensive community consultation.

FINANCIAL IMPLICATIONS:

There will be minimal financial implications as Sanctuary Point Men’s Shed Inc. will be responsible for all costs associated with the construction of the facility, all ongoing maintenance costs and all outgoings associated with the property.

COMMUNITY ENGAGEMENT:

This matter is considered to be a local area / low impact issue as detailed in Council’s Community Engagement Policy and Handbook and no community engagement has taken place. However, a Public Notice was advertised for 28 days.

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

File 30977E [Index](#)

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.

ITEM TO BE FORWARDED TO ORDINARY MEETING

6. **Acquisition of Part Boree Street, Ulladulla by Council from Sheffield Crest Pty Ltd**

File 52692E [Index](#)

SECTION MANAGER: Michael Harben

PURPOSE:

To obtain approval from Council to proceed with the acquisition of Part Lot 1 DP 872058, being that part of Boree Street, Ulladulla fronting the Dolphin Court Shopping Centre (contains Coles Supermarket and a number of specialty shops) and delegate to the General Manager the authority to determine and approve the conditions of the acquisition (Attachment A refers).

RECOMMENDED that Council:

- a) **Resolve to enter into an agreement with Sheffield Crest Pty Ltd to acquire, under the provisions of the Roads Act 1993, part Lot 1 DP 872058, being that part of Boree Street, Ulladulla fronting the Dolphin Court Shopping Centre from Sheffield Crest to Council at no cost to Council for road;**
- b) **Resolve that the General Manager be authorised to determine and approve the conditions of the acquisition that may not yet be determined;**
- c) **Resolve that Sheffield Crest (as owner) be responsible for the payment of all costs, including Council’s, associated with this matter;**
- d) **Resolve that upon successful acquisition of the land the adjoining Lot 1 DP 867311 be dedicated as road under the provisions of the Roads Act 1993;**
- e) **Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed to give effect to the resolution; and**

-
- f) **A report in due course be provided to Council on the outcome of the acquisition.**

OPTIONS

1. Resolve as recommended and proceed with the acquisition subject to the approval of the conditions by the General Manager.
2. Not resolve as recommended and provide further direction to staff.

DETAILS

Background:

- # Council through staged purchases and site amalgamation over the period 1990-1996 owned the land currently occupied by the existing Dolphin Court Shopping Centre. In October 1996 Council approved the sale of the freehold land and that part of Boree Street comprised in Lot 2 DP867311 for \$400,000 subject to finalisation of a feasibility study for the shopping centre and a positive covenant being placed on the land for the provision of 80 public car parking spaces within the development. A copy of DP 872058 and Section 88B Instrument is at Attachment B.
- # DA97/0025 was subsequently lodged for the construction of the shopping centre with the recommendation to approve subject to conditions obtained at the "Policy and Planning Committee" meeting on Tuesday 18th March 1997. A copy of the Development Services report is at Attachment C.

The former Council freehold land and that part of Boree Street contained within Lot 2 DP 867311 (closed road Gazette 30 May 1997) was amalgamated to form Lot 1 DP 872058 with registration occurring on the 16th October 1997. In 1998 community concerns were raised in respect to the process. These were investigated and resolved.

Subsequent to the above the shopping centre was constructed and that part of Boree Street, Ulladulla was sold by Council and consolidated into one lot with the land owned by Sheffield Crest subject to a (16.165m wide) right of carriageway with easements for services. Today, anyone travelling along Boree Street, Ulladulla would not identify any difference between that part owned by Council and that owned by Sheffield Crest.

Current Situation:

During negotiations in late 2015 between Council and Sheffield Crest regarding the provision of lighting to the pedestrian crossing in front of the Dolphin Court Shopping Centre the on-going ownership of the road was raised by Sheffield Crest.

Based on the above, both Council's Traffic and Transport and Planning and Development Units reviewed and commented on the potential impact to Council as a result of the subject land reverting to Council ownership as a public road.

Of particular importance is the issue of compliance with the original approval should the land to be acquired be excluded from the development area. It has been confirmed that the land to be acquired was not required to meet any development controls applying under the LEP or DCP existing at the time. Further, it is understood the land was required by Sheffield Crest at the time to meet Coles Development Section requirement for a minimum development lot size.

The land is to be dedicated public road and will not create any Building Code issues relating to the existing shopping centre development.

Two existing minor encroachments (an entry pole sign and a small number of steps) to the potential Council road will need to be addressed as part of the process. This can easily be dealt with by granting either a licence or easement over the encroachments.

Way Forward:

It is proposed that Council enter into good faith negotiations with Sheffield Crest to agree the basis of and conditions applicable to any acceptance by Council to the acquisition as a public road that part of Boree Street, Ulladulla currently in private ownership.

- # Once the “acquisition” is complete, an opportunity exists to dedicate the adjoining Lot 1 DP 867311 as a public road under the provisions of the Roads Act 1993. A copy of DP 867311 is at Attachment D. Lot 1 DP 867311 was created at the time of sale to deal with an encroachment of the roof of the public amenities on the eastern side of Boree Street, Ulladulla. If this lot was not created the encroachment would have been into land eventually owned by Sheffield Crest.

FINANCIAL IMPLICATIONS:

The acquisition of the land will be at no cost to Council whilst also taking into consideration the transference of any of Sheffield Crest’s ongoing liability as current owner of the land.

COMMUNITY ENGAGEMENT:

The matter is considered to be a local area low impact issue as outlined in Council’s Community Engagement Policy and Handbook and no community engagement has taken place.

B. Stewart
DIRECTOR, ASSETS & WORKS

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER
STRATEGY AND ASSETS COMMITTEE

TUESDAY, 9 FEBRUARY 2016

PLANNING AND DEVELOPMENT

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

7. **Update on Council Officer presence at Hyams Beach during the Christmas and New Year period** File 47143E [Index](#)
-

SECTION MANAGER: Colin Wood.

PURPOSE:

The purpose of this report is to update Councillors on the findings of Council Officers following their increased presence at Hyams Beach during the Christmas and New Year period.

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

- a) **The report be received.**
- b) **The following actions be endorsed:**
 - i) **Clear signage be provided prior to the "T" intersection of Cyrus Street and Booderee Avenue. The signs need to indicate where to find parking, picnic and BBQ facilities and amenities at both Hyams and Chinaman's Beach.**
 - ii) **A push button timer be placed on the showers to reduce water wastage.**
 - iii) **More prominent "No Camping" signage and additional after hours patrolling by Rangers be provided during peak holiday periods.**
- c) **Future consideration be given to the findings that require further investigation and consultation.**

OPTIONS

- 1. **Adopt the recommendations as outlined.**
- 2. **Adopt recommendation with additional actions as outline in the report noting that some possible actions are quite costly.**
- 3. **Do not accept any of the recommendation.**

DETAILS

Background

At the Strategy and Assets Committee meeting on 20 October 2015, Council resolved that during the period from 26 December 2015 to 3 January 2016, a:

- a) *Council ranger, or other authorised person, patrols Hyams Beach for two full days;*
- b) *Manned 'traffic control post' be provided at the intersection of Booderee Avenue and Naval College Road for two full days; and*
- c) *Portable 'variable message sign' be installed on Naval College Road for the full period.*

Issues identified

The Rangers attended Hyams Beach in split shifts from 6.00 am to 5.00 pm daily for the full nine day period. The Rangers used Hyams Beach as a base and attended other local call outs as required. The reason they attended for the full period was in response to the number of people visiting the area, the emergencies that occurred and to assist with traffic control.

Two traffic control staff and a traffic investigation officer attended on 26 and 27 December 2015 to monitor the traffic movements. The variable message sign (VMS) was installed on 23 December and was removed on 4 January 2016.

The VMS was not activated over the period because the parking capacity had not been reached. From visual observations, the parking capacity on 26 December reached 75-80% and on 27 December it reached 90%. This may have been impacted by the weather conditions on these days. The maximum temperatures on 26 and 27 December were 24^oC and 19^oC respectively. Rain was also recorded on 27 December yet it still managed to reach 90% parking capacity. The Rangers reported more people attending on the hotter days during the period and much of this report reflects their findings.

The issues relate to the lack of signage for visitors to the area, the lack of parking and access to the beach, insufficient amenities, illegal camping and the impact of unforeseen emergency events.

Lack of Signage

There is a general lack of signage directing motorists to parking options, the location of amenities, the beach and the general store. People were constantly asking questions of the Rangers and local residents on the location of these facilities and attractions.

Clear signage is required prior to the "T" intersection of Cyrus Street and Booderee Avenue. The signs need to indicate where to find parking, picnic and BBQ facilities, amenities and the Beach. Assets and Works budget allows for this work to be undertaken.

Parking and access to the beach

There is limited parking to cope with the number of vehicles visiting Hyams Beach. During the period, it was estimated that between 500 and 700 vehicles entered the area per day. Many of these motorists did not stop and visit the local attractions due to the lack of parking options.

Tourist buses were also coming into the area and dropping people off. The buses would turn around in the cul-de-sac at the southern end of Cyrus Street and either wait in the “No stopping” area or drive around trying to find a park. A better procedure would be to advise bus drivers to drop off their passengers, relocate outside the area and come back at a later time to do a pick up. It would be an advantage to write to local bus operators prior to the peak periods and advise them of the proposed changes.

The southern end carpark only accommodates 13 vehicles. There is limited street parking and the parking habits of visitors is frustrating residents. Limiting the amount of time people can park in these areas during “peak periods” will also increase the turnover of visitors and this should be included as one of the more long term proposals for investigation.

Interestingly, the parking area at the northern end of Cyrus Street was under utilised and this was mainly because people did not know it existed. This parking area is parallel at the moment but there may be an opportunity to convert this to 90⁰ parking and provide for additional spaces. Such a change would be costly and have an impact on the size of the adjoining parkland. This modification would require a further investigation including community consultation.

There is no footpath leading to Hyams Beach and this holds up traffic flows as people walk on the roadway. This was particularly noticeable for people with mobility impairment or those who were pushing prams, carrying chairs or other bulky items to and from the beach. This related to safety of pedestrians and consideration should be given to providing a permanent footpath for pedestrians if funding can be allocated.

Although the Rangers had a presence, as soon as they left an area, the orderly flow of traffic disappeared. People were parking in ‘no stopping’ zones or double parking on the street. A total of 72 penalty notices were issued for traffic offences during the period. Significantly more penalties could have been issued but the Rangers exercised discretion and took the opportunity to educate motorists wherever possible.

Another area worthy of consideration and previously raised by the community is the provision of a shuttle bus service from Vincentia High School or Bay and Basin Leisure Centre. This would depend on local business operators providing the service.

Amenities

There are only 2 unisex toilets in both the southern and northern carparking areas. Rangers noticed the queue to use these facilities were up to 25 persons during peak times. The shower beside the toilet facilities were constantly being used but the water was often left running and people were complaining about water wastage.

As part of the long term strategy, consideration should be given to providing additional portable toilet facilities beside both amenity areas. To alleviate the shower water wastage

problem, it is recommended that a push button timer be installed and this is a relatively easy fix.

Illegal camping and the parking of motorhomes on the street

Campers continued to exploit the ease of pitching a tent in the sand dunes. This usually occurs on Chinaman's Beach and the southern end of Hyams Beach. Both of these locations are controlled by the National Parks and Wildlife Service. Motorhomes are also parked in the streets and this has an impact on overall parking availability and amenity to the area.

Both campers and motorhome owners at times leave rubbish in litter bins and this impacts on the provision of waste services. Whilst both campers and motorhome owners were moved on at every opportunity, clearly many were arriving after and leaving before the Rangers arrived for duty. More prominent signage and additional after hours patrolling is required to address this problem if funding permits.

Rubbish collection

Rubbish is normally removed from the public carparking areas in Hyams Beach three times a week. During the peak holiday period, rubbish was removed daily and this worked really well. This practice should continue in future years.

The Rangers noticed a number of people from holiday lets and privately owned properties trying to deposit waste in the public collection bins. These people were challenged when noticed but we suspect the practice continued when the Rangers were off duty. Perhaps additional signage could be used to identify offenders but it doubtful this will be totally effective.

Emergency issues

On 26th December 2015 a storm swept through the area at about 1.40 pm. This instantly created an urgency amongst visitors to leave the area. Unfortunately the storm brought down a large tree across Booderee Avenue and with it power lines blocking the only access in or out of the township. Approximately 500 visitors were unable to leave from the town side of the blockage.

The lack of mobile reception made it difficult to speak with staff and emergency services but the Rangers persisted and managed to make contact. By 3.00 pm one lane was opened to allow a steady stream of traffic out of the township and by 5.00 pm the road was completely reopened.

On the 28th December 2015 at about 1.30 pm Rangers were approached by a visitor who had lost a 5.0 metre catamaran to the incoming tide and it was now drifting off Hyams beach towards the heads. Rangers contacted rescue organisations and the Federal Police from Jervis Bay Territory also attended. This highlights the need to have signage with a list of emergency contact numbers and our Rangers were fortunate to have identified this in the preplanning stage of the operation.

On the 30th and 31st December 2015 visitors reported shark sightings close to the shore. Rangers cleared the beach area. Surf Life Saving Australia was approached and engaged

to monitor the beach for a number of weeks after the incident. This was expensive with the helicopter attending on two of the days, this needs to be reviewed and budget considered.

Summary of findings

A number of items have been identified that could improve the situation at Hyams Beach during peak holiday periods subject to funding. Consideration should be given to the following:

- (a) Clear signage be provided prior to the “T” intersection of Cyrus Street and Booderee Avenue. The signs need to indicate where to find parking, picnic and BBQ facilities and amenities at both Hyams and Chinaman’s Beach.
- (b) The provision of more formalised parking to the northern end of Cyrus Street.
- (c) The provision of a footpath in the road reserve leading to Hyams Beach.
- (d) Limiting parking hours in the area during peak holiday periods.
- (e) A procedure be developed whereby bus drivers drop off passengers, relocate their bus to predetermined areas outside the area and then come back at a set time to collect their passengers.
- (f) A push button timer be placed on the showers to reduce water wastage.
- (g) More prominent “No Camping” signage and additional after hours patrolling by Rangers be provided during peak holiday periods.
- (h) Continuation of daily rubbish removal in the public areas during peak holiday periods.
- (i) Additional portable toilet facilities be provided beside both amenity areas during peak periods.

FINANCIAL IMPLICATIONS

The costs associated with the monitoring of Hyams Beach for the holiday period was \$38,320.00 made up of the following:

Two days of traffic control including signage and equipment	\$ 8,000.00
VMS hire for period	\$ 990.00
Nine (9) days for Ranger Services	\$17,330.00
15 days for Surf Life Saving (Including helicopter)	<u>\$12,000.00</u>
Total	<u>\$38,320.00</u>

It should be noted that Rangers also attended other calls (other than at Hyams Beach) during the period.

COMMUNITY ENGAGEMENT

Consultation on Councils findings and recommendations be distributed for community consultation.

8. **Aboriginal Land Claim No. 25658 - 26 Currumbene Street Huskisson** File 30043e [Index](#)

SECTION MANAGER: Gordon Clark.

PURPOSE:

To advise of the determination of Aboriginal Land Claim (ALC) No. 25658. over 26 Currumbene Street, Huskisson.

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

- a) **Receive the report on the determination of the Aboriginal Land Claim No. 25658 over 26 Currumbene Street, Huskisson (Lot 9 Section 3 DP 758530) for information; and**
- b) **At the conclusion of the appeal period associated with the determination, formally request that the Crown create a reserve over the subject land for the purpose of car parking and appoint Council as the Trust Manager of the reserve.**

OPTIONS

1. Proceed as recommended - this is the preferred option as it will enable Council to utilise this land as originally planned to help resolve parking issues in Huskisson town centre.
2. Adopt an alternative recommendation - depending on the nature of this, it may hinder Council's ability to work towards alleviating the parking issues in Huskisson town centre.

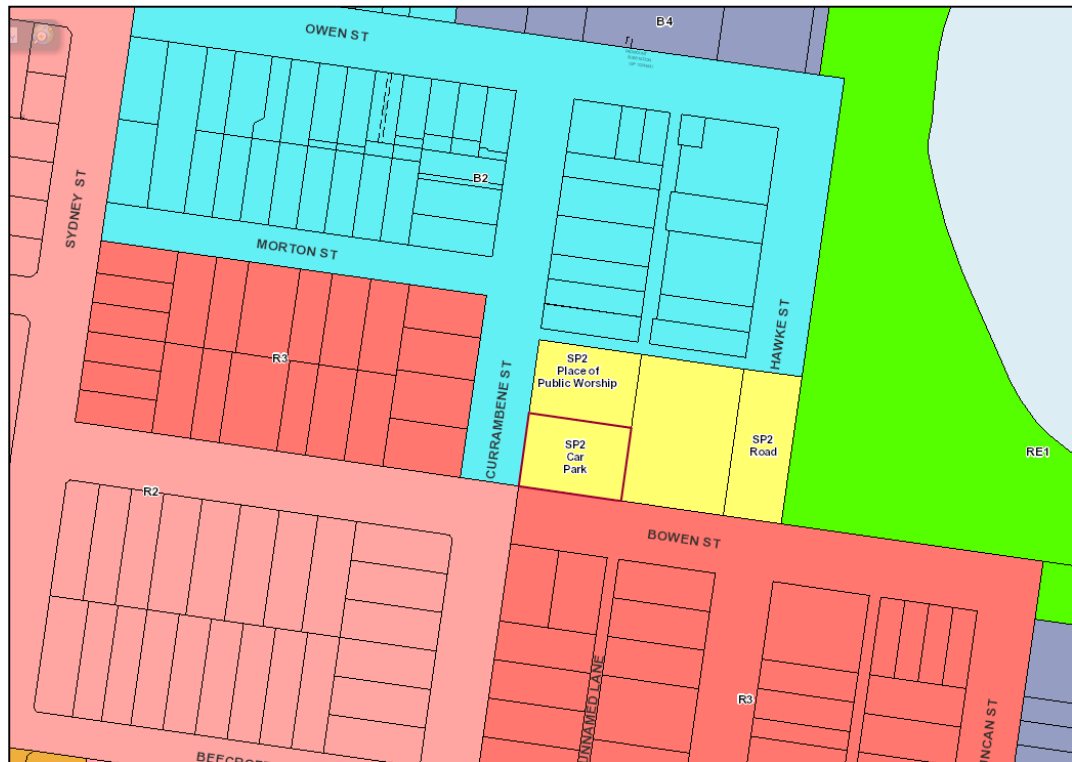
DETAILS

Background

ALC No. 25658 over 26 Currumbene Street, Huskisson (Lot 9 Section 3 DP 758530) was lodged on 7 June 2010. The subject land is un-notified Crown reserve for the purpose of public buildings that is zoned SP2 Infrastructure – Car Park under Shoalhaven LEP 2014, and adjoins the Anglican Church (see aerial photo and zoning map below). The subject land is currently vacant, however it is understood that there are a number of unmarked grave sites on the land.



Aerial photo - 26 Currambene Street, Huskisson



Land Zoning Map - 26 Currambene Street, Huskisson-

The subject land has consistently been identified in Council's planning documents as a strategic site to provide public car parking to meet the current and future parking needs in Huskisson. The site was originally identified for public parking in 1985 and the land was zoned Special Uses 5(a) (Car Parking) under Shoalhaven LEP 1985 to identify Council's interests over the land.

In 2014, Council again reinforced its intent by zoning the site SP2 Infrastructure (Car Parking) under Shoalhaven Local Environmental Plan (LEP) 2014.

The site is particularly important given that car parking has been an ongoing issue in Huskisson, with demand for parking, particularly in peak holiday season, significantly exceeding parking supply, and the lack of vacant land that could be developed for car parking in the Huskisson town centre.

Aboriginal Land Claim

Crown Lands wrote to Council in August 2014 requesting comment on whether or not the claimed land was:

- lawfully used and occupied;
- needed or likely to be needed for an essential public purpose.

The matter was reported to Council's Development Committee on 4 November 2014 and it was resolved that Council:

- a. Write to NSW Trade and Investment recommending they reject Aboriginal Land Claim 25658 on the basis that the land has been strategically identified for some time for the essential public purpose of car parking.*
- b. Provide NSW Trade and Investment with evidence of Council's strategic intent to use Lot 9 DP 758530 Sec 3 for car parking purposes.*
- c. Indicate to the Crowns Lands Office in the submission that there are scattered burials within the site.*

In accordance with this resolution, Crown Lands were advised that Council objected to the Aboriginal land claim as the land had been strategically identified for the essential public purpose of car parking since 1985.

Notification was received on 12 January 2016 that ALC No. 25658 had been refused. The advice notes that there is a 4 month appeal period on the decision and this period ends on 3 May 2016. As such, there should be no dealings undertaken in respect to this land until the conclusion of the appeal period.

CONCLUSION

If no appeal is lodged, Council should begin negotiations with Crown Lands to have the land reserved for a purpose that allows the use of the site for a car park and for Council to be appointed as trust manager for the reserve. Should Council be successful in becoming trust manager, it would allow Council to proceed to provide additional car parking in the Huskisson town centre.

FINANCIAL IMPLICATIONS:

There are no financial implications at this point, however should Council be appointed trust manager over the site, then a budget for the design and construction of a car park on the site will need to be separately considered at the appropriate point.

COMMUNITY ENGAGEMENT:

Council has not undertaken any community consultation in relation to this ALC as this is a State process that does not provide for community engagement. The community was given the opportunity to comment on the zoning of the site through the preparation of the Shoalhaven LEP 2014. Should a car park proceed on the site comment would be sought from the community as part of this process.

Tim Fletcher

DIRECTOR PLANNING AND DEVELOPMENT SERVICES

R.D Pigg

GENERAL MANAGER

REPORT OF GENERAL MANAGER

STRATEGY & ASSETS COMMITTEE

TUESDAY, 9 FEBRUARY 2016

SHOALHAVEN WATER

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

9. Ozwater '16 Water Conference & Exhibition

File 3989E [Index](#)

SECTION MANAGER: Carmel Krogh.

PURPOSE:

To advise the details of the Ozwater '16 Water Conference and Exhibition to be held in Melbourne from 10 -12 May 2016.

RECOMMENDED that in accordance with its delegated authority from Council the Committee:

- a) Notes the details of the Ozwater '16 Water Conference and Exhibition, scheduled for 10-12 May 2016, in Melbourne, Victoria.
- b) Authorises Councillors to attend the conference within the limits imposed under current policy and such attendance be deemed Council Business.
- c) Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
- d) Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

OPTIONS:

1. As per the recommendation.
2. That Council not approve Councillor attendance at the Conference as Council business.

DETAILS:

Advice has been received in relation to the following conference relevant to local government:

- Ozwater '16
- Scheduled for 10-12 May 2016
- At Melbourne Convention and Exhibition Centre

Information regarding the conference has been included in the attachment folder.

Costs associated with the conference are estimated as follows:

- registration: \$1265 for AWA Members (Early bird registration until 31 March 2016)
\$1510 Non AWA members (Early bird registration)

Councillors wishing to attend the conference are requested to confirm intention to do so prior to this date in order to take advantage of the saving with the Early Bird Rate.

- Standard registration: \$1420 AWA Members
\$1665 non AWA Members
- Official functions (optional): \$185 pp - Gala Dinner and AWA National Water Awards Ceremony
- travel, accommodation and out of pocket expenses: not yet determined.

FINANCIAL IMPLICATIONS:

Funds are available for Councillors nominating to attend this conference.

C Krogh
DIRECTOR SHOALHAVEN WATER

R.D Pigg
GENERAL MANAGER

NOTICES OF MOTION
STRATEGY AND ASSETS COMMITTEE
TUESDAY, 9 FEBRUARY, 2016

10. Waiver of Development and construction Fees – Ulladulla Milton Mens Shed Inc.
File 23618E [Index](#)

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

That Council waiver the Development and Construction Fees for the Ulladulla Milton Men's Shed Inc relating to the development and construction of their proposed men's shed at Frogs Hollow Milton.

Background:

Milton Ulladulla Men's Shed Incorporated (MUMS) are progressing their plans for the construction of a Men's Shed facility at 375 Matron Porter Drive, Milton (Frogs Hollow). A combined Development Application (DA) and Construction Certificate (CC) has been completed ready for submission to Shoalhaven City Council (SCC). The Ulladulla Office of the SCC has determined that the fees due in submitting the DA amount to \$4,311.60.

MUMS is a not-for-profit community group and a registered charity with Australian Taxation Office endorsement for charity tax concessions.

MUMS understands that a waiver threshold of \$2,000.00 will most likely apply thus leaving an outstanding balance of \$2,311.60. As MUMS financial resources are very limited, Council's consideration of waiving this extra \$2,311.60 would be greatly appreciated.

Signed
Clr Baptist
Clr White