
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

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

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

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

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

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

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;

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- 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

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

(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

(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

(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

(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

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

CORPORATE AND COMMUNITY SERVICES

14. Draft Stormwater Management Policy File 2973E

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

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

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- 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

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

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

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- 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

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

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

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

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

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

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

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

25. Grant of Lease – Western Freight Management – 21 Norfolk Avenue, South Nowra File 12657E

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

RECOMMENDED that:

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- 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

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

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;

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- 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

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

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

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

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

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

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

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

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

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

(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