

Strategy and Assets Committee

Meeting Date: Tuesday, 13 December, 2016
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 4.00pm

Membership (Quorum - 5)
Clr Andrew Guile - Chairperson
All Councillors
General Manager or nominee

Please note: Council's Code of Meeting Practice permits the electronic recording and broadcast of the proceedings of meetings of the Council which are open to the public. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

Agenda

1. **Apologies / Leave of Absence**
2. **Confirmation of Minutes**
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3. **Declarations of Interest**
4. **Mayoral Minute**
 - MMS16.1 Mayoral Minute - Water Quality in Harry Sawkins and Marriott Parks..... 27
5. **Deputations and Presentations**
6. **Notices of Motion / Questions on Notice**
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 - SN16.2 Community engagement on Coastal Management - Our Coast Our Lifestyle

SN16.3	Shoalhaven Coastal Hazard Review
SN16.4	2016/17 Flood Program Update
SN16.5	Shoalhaven River Levee Repair Works update
SN16.6	June 2016 Storm Remediation Response
SN16.7	Natural Resources and Floodplain Management Committee - Terms of Reference - review
SN16.11	Member Resignation - Thomas Booler

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9. Confidential Reports

Reports

CSA16.10	Tenders – Road Upgrade Naval College Road, Worroving Heights between Pine Forest Road & Seagrass Avenue
	<i>Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</i>

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

Strategy and Assets Committee

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.

MINUTES OF THE STRATEGY AND ASSETS COMMITTEE

Meeting Date: Tuesday, 15 November 2016
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 4.39pm

The following members were present:

Clr Andrew Guile - Chairperson
Clr Amanda Findley
Clr Joanna Gash
Clr Patricia White
Clr John Wells
Clr John Levett
Clr Nina Cheyne
Clr Kaye Gartner
Clr Mitchell Pakes
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot
Mr Russ Pigg - General Manager

Apologies / Leave of Absence

An apology was received from Clr Alldrick.

Confirmation of the Minutes

RESOLVED (Clr Wells / Clr White)

MIN16.847

That the Minutes of the Strategy and Assets Committee held on Tuesday 11 October 2016 be confirmed.

CARRIED

Declarations of Interest

Clr White – SA16.35 and CSA16.7 – Tender Vincentia Tower Redevelopment – pecuniary interest declaration – will leave the room and will take no part in discussion and voting –May receive remuneration from Telstra.

Clr Findley – SA16.24 – Electric Vehicle Charging Points – less than significant non pecuniary interest declaration – she owns an electric car - will remain in the room and take part in discussion, and vote.

DEPUTATIONS

SA16.27 - Proposed Leasing of 81 Osborne Street Nowra: Ms Maxine Edwards, Shoalhaven Neighbourhood Services – against the recommendation

SA16.30 Supplementary Report – requirement for a certified Coastal Zone Management Plan or Coastal Management Program: Ms Dawn Thompson – against the recommendation

SA16.31 Dune vegetation management at Collingwood Beach - outcome of public exhibition and petitions:

Ms Liz Tooley – for the recommendation

Mr Bob Pullinger – against the recommendation

SA16.42 Notice of Motion – Huskisson Sewerage Scheme – Woollamia Village Extension

Ms Robyn Trouville (on behalf of residents of Woollamia) – for the recommendation.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Wells / Clr Watson)

MIN16.848

That the matter of item SA16.27, SA16.30, SA16.31 and SA16.42 be brought forward for consideration.

CARRIED

SA16.27 Proposed Leasing of 81 Osborne Street Nowra

HPERM Ref:
D16/320554

Recommendation

1. That Council enter into a lease agreement with Stepping Stones Preschool for the premises at 81 Osborne Street, Nowra for a period of 5 years with a 5 year option at an initial annual rent of \$25,225.00 + GST.
2. That the General Manager be authorised to finalise the lease terms that may or may not yet be determined and to sign any documentation necessary to give effect to this Resolution.

Recommendation (Clr Watson / Clr Gash)

1. That Council resolve to enter into a lease agreement with Shoalhaven Neighbourhood Services (SNS) for a subsidised rental (90.91%) for a period of 5 years with a 5 year option
2. That the General Manager be authorised to finalise the lease terms that may or may not yet be determined and to sign any documentation necessary to give effect to this Resolution.

CARRIED

SA16.30 Supplementary Report - requirement for a certified Coastal Zone Management Plan or Coastal Management Program

HPERM Ref:
D16/340836

Recommendation (Item to be determined under delegated authority)

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

1. Adopt and submit Council's draft 2012 Coastal Zone Management Plan and adopted estuary

management plans to the Minister for Planning, The Hon Rob Stokes MP, for certification, to ensure Council is eligible to apply for future grant funding for works under the NSW Government's coast and estuary program, while Council prepares a new Coastal Management Program.

RESOLVED (Clr Watson / Clr Proudfoot)

MIN16.849

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

1. Adopt and submit Council's draft 2012 Coastal Zone Management Plan and adopted estuary management plans to the Minister for Planning, The Hon Rob Stokes MP, for certification, to ensure Council is eligible to apply for future grant funding for works under the NSW Government's coast and estuary program, while Council prepares a new Coastal Management Program.
2. The Minister be advised that Council is aware that the hazard lines within the revised hazard study do not reflect Council's adopted sea level lines and is urgently reviewing those lines.
3. Council commits to amending the certified Coastal Zone Management Plan (CZMP) as soon as the revised coastal hazard study has been adopted and by 30 June 2017.

CARRIED

**SA16.31 Dune vegetation management at Collingwood Beach -
outcome of public exhibition and petitions.**

**HPERM Ref:
D16/328027**

Recommendation (Item to be determined under delegated authority)

That

1. Council receive the petitions on this matter for information.
2. Council thank all petitioners and people who made a submissions for their input and careful consideration of this matter.
3. In view of the petitions and submissions received, Council not adopt either of the two plans that were placed on public exhibition.
4. In view of the submissions received and position of relevant Government agencies, Council engage NGH and a coastal expert to review the draft management plan and current approach and to work with and gain endorsement of, key government agencies. The new revised approach should reflect the new Coastal Management Act hierarchy of management objectives establish in section 10.3 of the Act. A further report to council would follow this review.

RESOLVED (Clr Proudfoot / Clr White)

MIN16.850

That

1. Council receive the petitions on this matter for information.
2. Council thank all petitioners and people who made a submissions for their input and careful consideration of this matter.
3. In view of the petitions and submissions received, Council not adopt either of the two plans that were placed on public exhibition.
4. In view of the submissions received and position of relevant Government agencies, Council engage NGH and a coastal expert to review the draft management plan and current approach and to work with and gain endorsement of, key government agencies.
 - a. The new revised approach should reflect the new Coastal Management Act hierarchy of management objectives established in section 10.3 of the Act. A further report to council

would follow this review.

- b. As part of the review a reasonable balance (as assessed by the consultant) between appropriate vegetation and the vista of Jervis Bay from the cycleway be considered.
- c. Councillors be invited to participate with the consultant in a workshop in order to better understand the dunal environment, and in so doing address the concerns raised by the community in their submissions.
- d. That a report be provided to Council in relation to the draft vegetation management plan for Collingwood Beach by July 2017.
- e. In its consideration Council consider including a revegetation plan for the dune and a strong policy that responds to vandalism

CARRIED

FOR: Cllr Guile, Cllr Gash, Cllr White, Cllr Wells, Cllr Levett, Cllr Cheyne, Cllr Proudfoot, Cllr Findley and Russ Pigg

AGAINST: Cllr Gartner, Cllr Pakes, Cllr Watson and Cllr Kitchener

Note: Cllr Proudfoot left the meeting at 7:20pm

SA16.42 Notice of Motion - Huskisson Sewerage Scheme - Woollamia Village Extension

HPERM Ref: D16/338343

Recommendation (Item to be determined under delegated authority)

That Council

- 1. Make an application to the NSW state Government for a subsidy under the new subsidy scheme to assist with the extension of sewer to Woollamia Village area
- 2. Carry out a scoping study and detailed design
- 3. should there be a significant delay in the receipt of the subsidy this be the trigger for another report from the General manager to enable Council to consider fully funding the extension itself.

RESOLVED (Cllr Watson / Cllr Guile)

MIN16.851

That Council

- 1. Make an application to the NSW state Government for a subsidy under the new subsidy scheme to assist with the extension of sewer to Woollamia Village area
- 2. Carry out a scoping study and detailed design
- 3. should there be a significant delay in the receipt of the subsidy this be the trigger for another report from the General manager to enable Council to consider fully funding the extension itself.

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Cllr Guile / Cllr Pakes)

MIN16.852

That the matter of item items SA16.43 to SA16.53 be brought forward for consideration.

CARRIED

SA16.43 Notice of Motion - Marriott Park - All Day Car Park Proposal

**HPERM Ref:
D16/342616**

Recommendation (Item to be determined under delegated authority)

That Council abandon its plan to develop an all-day car park within the grounds of Marriott Park.

RESOLVED (Clr Watson / Clr Guile)

MIN16.853

That Council abandon its plan to develop an all-day car park within the grounds of Marriott Park.

CARRIED

Note: Clr Proudfoot returned to the meeting at 7:25pm

SA16.44 Notice of Motion - Marriott Park - All Day Car Park Proposal

**HPERM Ref:
D16/344459**

Recommendation (Item to be determined under delegated authority)

That the General Manager (Director of Assets and Works) explain to council what the proposal was for Marriott Park.

RESOLVED (Clr Gash / Clr Gartner)

MIN16.854

That the General Manager (Director of Assets and Works) explain to council what the proposal was for Marriott Park.

CARRIED

Note: Clr Cheyne left the meeting at 7.30pm

SA16.45 Notice of Motion – Long Term Parking Facility Proposal – Bomaderry Railway Station

**HPERM Ref:
D16/342832**

Recommendation (Item to be determined under delegated authority)

That a report come to Council on the availability of land in the vicinity of the Bomaderry Railway station to be used for all day/night parking and, if available, the feasibility of creating all-day/all-night parking, with disabled access included.

RESOLVED (Clr Wells / Clr Gash)

MIN16.855

That a report come to Council on the availability of land in the vicinity of the Bomaderry Railway station to be used for all day/night parking and, if available, the feasibility of creating all-day/all-night parking, with disabled access included.

CARRIED

Note: Clr Cheyne returned to the meeting at 7.32pm

SA16.46 Notice of Motion - Public Toilet Block - North Nowra**HPERM Ref:
D16/344303****Recommendation (Item to be determined under delegated authority)**

That a report come to Council on the feasibility of building public toilets in the vicinity of the North Nowra (shopping centre?) precinct, especially for the convenience of the elderly people walking in the area.

RESOLVED (Clr Gartner / Clr Cheyne)

MIN16.856

That a report come to Council on the feasibility of building public toilets in the vicinity of the North Nowra (shopping centre?) precinct, especially for the convenience of the elderly people walking in the area.

CARRIED

**SA16.47 Notice of Motion - Bomaderry Railway Station to Nowra
CBD - Bus Services****HPERM Ref:
D16/344426****Recommendation (Item to be determined under delegated authority)**

That a report come to Council on the feasibility of either:

1. subsidising a shuttle bus service from Bomaderry Railway station to the Nowra CBD; or
2. facilitating a process whereby the current bus companies agree on a suitable time-table system to provide timely bus services between the station and the CBD and beyond, if appropriate.

RESOLVED (Clr Cheyne / Clr Findley)

MIN16.857

That a report come to Council on the feasibility of either:

1. subsidising a shuttle bus service from Bomaderry Railway station to the Nowra CBD; or
2. facilitating a process whereby the current bus companies agree on a suitable time-table system to provide timely bus services between the station and the CBD and beyond, if appropriate.

CARRIED

Note: Russ Pigg left the meeting at 7.37pm**SA16.48 Notice of Motion - Climate Change Action Committee****HPERM Ref:
D16/349553****Recommendation (Item to be determined under delegated authority)**

That the SCC reinstate the Climate Change Action committee.

RESOLVED (Clr Gartner / Clr Proudfoot)

MIN16.858

That Council reinstate the Climate Change Action Committee.

CARRIED

FOR: Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Gartner, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Clr Findley

AGAINST: Clr Guile

SA16.49 Notice of Motion - Community Solar Conference

**HPERM Ref:
D16/349555**

Recommendation (Item to be determined under delegated authority)

That Council include the Community Energy Congress in its allowable conferences for council and staff attendance.

RESOLVED (Clr Gartner / Clr Gash)

MIN16.859

That Council

5. Notes the details of the Community Energy Congress scheduled for 27-28 February (with side events on Sunday 26 February & Wednesday 1 March 2017) in the Melbourne Town Hall, Melbourne Victoria.
6. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
7. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
8. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

CARRIED

SA16.50 Notice of Motion - Australian Coastal Councils Management Committee

**HPERM Ref:
D16/349560**

Recommendation (Item to be determined under delegated authority)

That the council nominate Councillor Kaye Gartner for the current vacancy on the Australian Coastal Councils Management Committee.

RESOLVED (Clr Gartner / Clr Findley)

MIN16.860

That the council nominate Councillor John Levett for the current vacancy on the Australian Coastal Councils Management Committee.

CARRIED

SA16.51 Notice of Motion - Moona Moona Creek, Huskisson - Pedestrian Walkway

**HPERM Ref:
D16/349972**

Recommendation (Item to be determined under delegated authority)

That the Director of Assets and Works please advise where stage 2 for Moona Moona Creek is at in regards to the widening of the pedestrian walkway.

RESOLVED (Clr Gash / Clr Gartner)

MIN16.861

That the General Manager (Director of Assets and Works) please advise where stage 2 for Moona Moona Creek is at in regards to the widening of the pedestrian walkway.

CARRIED

SA16.52 Notice of Motion - Bus Shelter - Owen Street, Huskisson

**HPERM Ref:
D16/349991**

Recommendation (Item to be determined under delegated authority)

That the Director Assets & Works investigate the costing and feasibility of provision for a shelter over the bus stop, seat on Owen Street South.

RESOLVED (Clr Gash / Clr Gartner)

MIN16.862

That the General Manager (Director of Assets and Works) investigate the costing and feasibility of provision for a shelter over the bus stop, seat on Owen Street South.

CARRIED

SA16.53 Notice of Motion - Road Maintenance - Jervis Bay Road / Huskisson Road intersection

**HPERM Ref:
D16/350014**

Recommendation (Item to be determined under delegated authority)

That the Director Assets & Works give an update on where council is at on the proposed work to be carried out on the Huskisson turnoff on the Jervis Bay Road entrance into Huskisson.

RESOLVED (Clr Gash / Clr Gartner)

MIN16.863

That the General Manager (Director of Assets and Works) give an update on where council is at on the proposed work to be carried out on the Huskisson turnoff on the Jervis Bay Road entrance into Huskisson.

CARRIED

Note: Russ Pigg returned to the meeting at 7.48pm

Procedural Motion - Bring Item Forward

RESOLVED (Clr Guile / Clr Wells)

MIN16.864

That the matter of item SA16.33 -Funding of Sewer Services to St Andrew's Way Coolangatta be brought forward for consideration.

CARRIED

SA16.33 Funding of Sewer Services to St Andrew's Way Coolangatta

**HPERM Ref:
D16/346590**

Recommendation (Item to be determined under delegated authority)

That Council support "in principle", the provision of sewerage to residential lots in St Andrew's Way, and Berry's Bay, Coolangatta to allow Council staff to further consult with the affected owners in regards to timing, scope, extent of services, and the proposal that properties benefiting meet 100% of the associated works.

RESOLVED (Clr Wells / Clr Findley)

MIN16.865

1. That Council support "in principle", the provision of sewerage to residential lots in St Andrew's

Way, and Berry's Bay, Coolangatta to allow Council staff to further consult with the affected owners in regards to timing, scope, extent of services

2. That Council consider funding 100% of the cost of the scheme implementation in St Andrews Way and consult with the other property owners with respect to contributions.
3. That a report be provided by the General Manager on the Financial aspects of providing a Sewer Main System to St Andrews Way.

CARRIED

REPORTS

SA16.14 Meeting Times for Council & Committees

HPERM Ref:
D16/332293

Recommendation

That Council

1. Adopt a schedule of meeting dates as per the attached schedule providing:
 - a. a Three (3) week cycle of meeting dates per month, held on a Monday as follows:
 - i. Week 1 – Development Committee;
 - ii. Week 2 – Strategy and Assets Committee;
 - iii. Week 3 – Ordinary Meeting.
 - b. Meetings and briefings not being held during the following periods:
 - i. Christmas break, including the first Two (2) weeks of January 2017
 - ii. Easter break;
 - iii. Australian Local Government Association General Assembly - 18 to 21 June 2017;
 - iv. The first Two (2) weeks of July 2017
 - v. Local Government Association Conference - 4 to 6 December 2017.
2. Determine the start time for Council and Committee meetings to be generally at 5.00 pm.
3. Schedule Councillor Briefings on Tuesdays & Thursdays OR at 4pm on Monday meeting days
4. Schedule the meetings of Advisory Committees & Boards on Tuesday, Wednesday or Thursday to be determined at the 1st meeting of each.

Recommendation (Clr Findley / Clr Gartner)

That Council

1. Adopt a schedule of meeting dates as per the attached schedule providing:
 - a. a Three (3) week cycle of meeting dates per month, held on a Tuesday as follows:
 - i. Week 1 – Development Committee;
 - ii. Week 2 – Strategy and Assets Committee;
 - iii. Week 3 – Ordinary Meeting.
 - b. Meetings and briefings not being held during the following periods:
 - i. Christmas break, including the first Two (2) weeks of January 2017

- ii. Easter break;
 - iii. Australian Local Government Association General Assembly - 18 to 21 June 2017;
 - iv. The first Two (2) weeks of July 2017
 - v. Local Government Association Conference - 4 to 6 December 2017.
2. Determine the start time for Council and Committee meetings to be generally at 5.00 pm.
 3. Schedule Councillor Briefings on Mondays & Thursdays OR at 4pm on Tuesday meeting days
 4. Schedule the meetings of Advisory Committees & Boards on Monday, Wednesday or Thursday to be determined at the 1st meeting of each.

SA16.15 Berry Community Strategic Plan

**HPERM Ref:
D16/345626**

Recommendation (Item to be determined under delegated authority)

That Council endorse the Berry Community Strategic Plan and consider the themes and strategic priorities contained within the plan as part of Council's planning processes.

RESOLVED (Clr Guile / Clr Wells)

MIN16.866

That Council endorse the Berry Community Strategic Plan as a community plan and consider the themes and strategic priorities contained within the plan as part of Council's planning processes.

CARRIED

SA16.16 Ulladulla Harbour Berthing Facility Project Funding

**HPERM Ref:
D16/350140**

Recommendation

That

1. Council accept the offer of a grant from the Community Development Grant Programme operated by the Australian Department of Infrastructure and Regional Development for the sum of \$789,742 towards the establishment of a small berthing facility within Ulladulla Harbour and the General Manager be authorised to enter into the necessary contracts to receive the grant
2. Council thank the Member for Gilmore for her assistance in obtaining the grant
3. Council vote the grant monies received for the construction of the berthing facility within Ulladulla Harbour
4. Council thank NSW Crown Lands and the NSW Minister for Primary Industries for making available \$400,000 towards the project for deepening of the rock shelf within the Harbour
5. Council staff commence negotiations to prepare an agreement with Crown Lands to secure tenure over the area within Ulladulla Harbour for the purposes of developing the berthing facility; and authorise the General Manager to sign any documentation required to give effect to this resolution.
6. Council vote an additional \$400,000 from the Economic Development Reserve towards the construction of the berthing facility
7. Council staff commence preparation of an operations and management agreement and advertise by way of an Expression of Interest for an operator to manage the facility on behalf

of Council and a separate report be presented to Council following closure of the EOI

8. Council staff establish a fee structure for berths and seek expressions of interest from persons wishing to “lease” a berth, when available and a separate report be submitted to Council following closure of the EOI

Recommendation (Clr Proudfoot / Clr White)

That

1. Council accept the offer of a grant from the Community Development Grant Programme operated by the Australian Department of Infrastructure and Regional Development for the sum of \$789,742 towards the establishment of a small berthing facility within Ulladulla Harbour and the General Manager be authorised to enter into the necessary contracts to receive the grant
2. Council thank the Member for Gilmore for her assistance in obtaining the grant
3. Council vote the grant monies received for the construction of the berthing facility within Ulladulla Harbour
4. Council thank NSW Crown Lands and the NSW Minister for Primary Industries for making available \$400,000 towards the project for deepening of the rock shelf within the Harbour
5. Council staff commence negotiations to prepare an agreement with Crown Lands to secure tenure over the area within Ulladulla Harbour for the purposes of developing the berthing facility; and authorise the General Manager to sign any documentation required to give effect to this resolution.
6. Council vote an additional \$400,000 from the Economic Development Reserve towards the construction of the berthing facility
7. Council staff commence preparation of an operations and management agreement and advertise by way of an Expression of Interest for an operator to manage the facility on behalf of Council and a separate report be presented to Council following closure of the EOI
8. Council staff establish a fee structure for berths and seek expressions of interest from persons wishing to “lease” a berth, when available and a separate report be submitted to Council following closure of the EOI.

CARRIED

SA16.17 Adoption Community Infrastructure Strategic Plan

**HPERM Ref:
D16/323734**

Recommendation (Item to be determined under delegated authority)

1. Council finalise and adopt the draft Community Infrastructure Strategic Plan (including the recommendations in Section 12 and Appendix H) with the following main amendments:-
 - a. the term “rationalisation” be defined further in the plan and understood as explained in this report
 - b. tennis court facilities and netball courts to be included in the plan
 - c. to update provision guidelines for arts, museums and libraries
2. The minor amendments as outlined in the attached submissions table (outlined in Attachment 2) and staff feedback / amendments as identified in the report below also be included in the final version and adopted.
3. Council continue to work with community and sporting groups to develop more accurate information on utilisation rates, times, programs, etc. to better understand future infrastructure needs and facilities that can be utilised for events and marketed

4. Council staff commence exploring ways in which its community infrastructure facilities can be marketed to maximise community knowledge of the facilities and increase utilisation.
5. Council advise those that made submissions related to the draft plan, CCBs, community and sports groups of the resolution of this meeting.
6. Council rescind the *Sportsground Strategic Plan* which is superseded by the Community Infrastructure Strategic Plan:
7. The Community Infrastructure Strategic Plan inform a review of the Council's Section 94 Plan.

RESOLVED (Clr Watson / Clr Pakes)

MIN16.867

That consideration of the Community Infrastructure Strategic Plan be deferred until Council has provided a detailed workshop for Councillors on this matter.

CARRIED

SA16.18 Paringa Park - Non motorised Water Sports Hub - Draft Master Plan

**HPERM Ref:
D16/329306**

Recommendation (Item to be determined under delegated authority)

1. Council endorse public exhibition of the draft master plan for a non-motorised water sports hub in Paringa Park for a period of 28 days.
2. Council continue to work with Nowra Sea Scouts, Nowra Community Sailing Club, Nowra Water Dragons, Nowra Rowing Club and other relevant stakeholders during and after the exhibition period to engage with the broader community on this initiative.
3. Council receive a further report after public exhibition of the draft master plan for a non-motorised water sports hub in Paringa Park.
4. Council consider an allocation of \$80,000 in the 2017/18 budget to undertake the detailed design of the key elements of the master plan for a non-motorised water sports hub in Paringa Park in order that the project is shovel ready for possible grant applications.

RESOLVED (Clr Proudfoot / Clr White)

MIN16.868

That

1. Council endorse public exhibition of the draft master plan for a non-motorised water sports hub in Paringa Park for a period of 28 days.
2. Council continue to work with Nowra Sea Scouts, Nowra Community Sailing Club, Nowra Water Dragons, Nowra Rowing Club and other relevant stakeholders during and after the exhibition period to engage with the broader community on this initiative.
3. Council receive a further report after public exhibition of the draft master plan for a non-motorised water sports hub in Paringa Park.
4. Council consider an allocation of \$80,000 in the 2017/18 budget to undertake the detailed design of the key elements of the master plan for a non-motorised water sports hub in Paringa Park in order that the project is shovel ready for possible grant applications.

CARRIED

SA16.19 Acceptance of Grant Funding - Veolia Mulwaree Trust - \$25,000 -Plantation Point Exercise Equipment

HPERM Ref: D16/339363

Recommendation

1. That Council thank the Veolia Mulwaree Trust and accept the grant of \$25,000 (inclusive of GST) for the delivery of exercise equipment at Plantation Point Vincentia.
2. The committee under delegation nominate the Mayor or a Councillor to accompany a staff member to the Veolia Mulwaree Trust Grant Presentation on Thursday 24 November in Goulburn.

Recommendation (Clr Wells / Clr Gash)

That Council

1. Thank the Veolia Mulwaree Trust and accept the grant of \$25,000 (inclusive of GST) for the delivery of exercise equipment at Plantation Point Vincentia.
2. Nominate the Mayor or a Councillor to accompany a staff member to the Veolia Mulwaree Trust Grant Presentation on Thursday 24 November in Goulburn.

CARRIED

SA16.20 Councillor Conference - Community Energy Congress

HPERM Ref: D16/338473

Recommendation (Item to be determined under delegated authority)

That the Committee

1. Notes the details of the Community Energy Congress and Masterclass scheduled for 27 February 2017 to 2 March 2017 in Melbourne, Victoria.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

RESOLVED (Clr Gartner / Clr Gash)

MIN16.869

That the Committee

1. Notes the details of the Community Energy Congress and Masterclass scheduled for 27 February 2017 to 2 March 2017 in Melbourne, Victoria.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

CARRIED

SA16.21 Construction of Roundabout - Paradise Beach Rd & Kerry St Sanctuary Point

**HPERM Ref:
D16/324847**

Recommendation (Item to be determined under delegated authority)

That the report on the proposed roundabout at the intersection of Paradise Beach Road and Kerry Street, Sanctuary Point, be received for information.

RESOLVED (Clr Proudfoot / Clr Kitchener)

MIN16.870

That the report on the proposed roundabout at the intersection of Paradise Beach Road and Kerry Street, Sanctuary Point, be received for information.

CARRIED

SA16.22 Integrated Emergency Management Centre Master Plan and Electrical Supply at Albatross Road - IEMC

**HPERM Ref:
D16/290450**

Recommendation

That Council

1. Adopt the Integrated Emergency Management Centre Master Plan (reference number S1/1k); and
2. Allocate a budget of \$135,000 funded from the Strategic Projects Reserve for the balance of costs for a new electrical substation and associated works

Recommendation (Clr Pakes / Clr Kitchener)

That Council

1. Adopt the Integrated Emergency Management Centre Master Plan (reference number S1/1k); and
2. Allocate a budget of \$135,000 funded from the Strategic Projects Reserve for the balance of costs for a new electrical substation and associated works.

CARRIED

SA16.23 NSW Government Safer Roads Program - Approved Projects 2016/17

**HPERM Ref:
D16/315000**

Recommendation

That Council thanks the Minister for Roads and writes a letter of thanks to RMS and accepts the grant funding offers as follows:

1. \$340,000 for construction of safety improvements on Culburra Road (from CH0.00-1.03km east of Coonemia Road) including shoulder widening and sealing, guardrail, signage and delineation improvements
2. \$5,000 for survey and design investigations for safety improvements on Bolong Road (from east of Broughton Creek to south of Askeaton Park)
3. \$5,000 for survey and design investigations for safety improvements on Bolong Road (from north of the Coolangatta Road intersection to north of the Bolong Road/Gerroa Road intersection)
4. \$5,000 for survey and design investigations for safety improvements on Currarong Road (from CH 7.7-11.5km, including the intersection of Currarong Road and Lighthouse Road)

Recommendation (Clr Proudfoot / Clr Cheyne)

That Council thanks the Minister for Roads and writes a letter of thanks to RMS and accepts the grant funding offers as follows:

1. \$340,000 for construction of safety improvements on Culburra Road (from CH0.00-1.03km east of Coonemia Road) including shoulder widening and sealing, guardrail, signage and delineation improvements
2. \$5,000 for survey and design investigations for safety improvements on Bolong Road (from east of Broughton Creek to south of Askeaton Park)
3. \$5,000 for survey and design investigations for safety improvements on Bolong Road (from north of the Coolangatta Road intersection to north of the Bolong Road/Gerroa Road intersection)
4. \$5,000 for survey and design investigations for safety improvements on Currarong Road (from CH 7.7-11.5km, including the intersection of Currarong Road and Lighthouse Road)

CARRIED

SA16.24 Electric Vehicle Charging Points

**HPERM Ref:
D16/290510**

Clr Findley – less than significant non pecuniary interest declaration – will remain in the room and will take part in discussion and vote – she is the owner of an electric vehicle.

Recommendation (Item to be determined under delegated authority)

That community engagement be undertaken on the installation of electric vehicle charging points in central business districts and a report be provided to Council on demand and business interest

RESOLVED (Clr Findley / Clr Gartner)

MIN16.871

That a report be provided to council with respect to Council ability to encourage or require electric vehicle charging facilities for future developments within the CBD. The report should include other solutions that may be available to Council for providing electric fast vehicle charging facilities within the Shoalhaven.

CARRIED

**SA16.25 Property Lease - 11 Lamonds Lane, Nowra - Lot 3
DP868373**

**HPERM Ref:
D16/309588**

Recommendation

That Council:

1. Approve the grant of a new lease agreement with Dorothy Curnow for a term of three (3) years with a further option of three (3) years for the continued use and occupation of 11 Lamonds Lane, Nowra (Lot 3 DP868373) at an initial annual rental of \$19,219.43 plus GST, increased annually by CPI with a review to market at the commencement of the option period.
2. Authorise the General Manager to execute the lease agreement and affix the Seal of the Council of the City of Shoalhaven to any documentation requiring to be sealed.

Recommendation (Clr Proudfoot / Clr White)

That Council:

1. Approve the grant of a new lease agreement with Dorothy Curnow for a term of three (3) years with a further option of three (3) years for the continued use and occupation of 11 Lamonds Lane, Nowra (Lot 3 DP868373) at an initial annual rental of \$19,219.43 plus GST, increased annually by CPI with a review to market at the commencement of the option period.
2. Authorise the General Manager to execute the lease agreement and affix the Seal of the Council of the City of Shoalhaven to any documentation requiring to be sealed.

CARRIED

**SA16.26 Acquisition of Easement for Drainage - 19 Nirimba Ave
Sanctuary Point**

**HPERM Ref:
D16/318684**

Recommendation

That

1. In accordance with the Local Government Act 1993 and Land Acquisition (Just Terms Compensation) Act 1991, Council resolve to acquire an Easement for Drainage 1.83m wide including swale drain over Lot 2407 DP216525 at Sanctuary Point, as shown by hatching on the copy of DP216525 marked Attachment 1.
2. Council pay compensation of \$18,000, excluding GST, and reasonable legal costs associated with the acquisition from Job No 85001.45694
3. The Mayor and General Manager be authorised to execute any documents that require execution and affix The Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed.

Recommendation (Clr Wells / Clr White)

That

1. In accordance with the Local Government Act 1993 and Land Acquisition (Just Terms Compensation) Act 1991, Council resolve to acquire an Easement for Drainage 1.83m wide including swale drain over Lot 2407 DP216525 at Sanctuary Point, as shown by hatching on the copy of DP216525 marked Attachment 1.
2. Council pay compensation of \$18,000, excluding GST, and reasonable legal costs associated with the acquisition from Job No 85001.45694
3. The Mayor and General Manager be authorised to execute any documents that require execution and affix The Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed.

CARRIED

**SA16.27 PROPOSED LEASING OF 81 OSBORNE STREET
NOWRA**

**HPERM REF:
D16/320554**

Item dealt with earlier in the meeting.

**SA16.28 Proposed Road Closure of Part of Piscator Ave
Currarong and sale to William & Elaine McLaughlin and
consolidation with Lot 3 DP700672**

**HPERM Ref:
D16/332622**

Recommendation

That:

1. Council resolves to make an application to the Minister administering the Roads Act 1993, for the part of Piscator Avenue, Currarong shown by hatching on Attachment "1" to be closed and sold to the owners of the adjoining Lot 3 DP700672, William and Elaine McLaughlin.
2. Upon closure, the land within the closed road is to be consolidated with the adjoining land being Lot 3 DP700672;
3. Authority be granted to affix the Common Seal of the Council of the City of Shoalhaven to any documents requiring to be sealed and that the General Manager be authorised to sign any documents necessary to give effect to this resolution;
4. Council authorise the sale of the closed road to William and Elaine McLaughlin for \$18,000 (plus GST if applicable); and
5. All costs associated with the road closure are to be met by William and Elaine McLaughlin.

Recommendation (Clr Gash / Clr Pakes)

That:

1. Council resolves to make an application to the Minister administering the Roads Act 1993, for the part of Piscator Avenue, Currarong shown by hatching on Attachment "1" to be closed and sold to the owners of the adjoining Lot 3 DP700672, William and Elaine McLaughlin.
2. Upon closure, the land within the closed road is to be consolidated with the adjoining land being Lot 3 DP700672;
3. Authority be granted to affix the Common Seal of the Council of the City of Shoalhaven to any documents requiring to be sealed and that the General Manager be authorised to sign any documents necessary to give effect to this resolution;
4. Council authorise the sale of the closed road to William and Elaine McLaughlin for \$18,000 (plus GST if applicable); and
5. All costs associated with the road closure are to be met by William and Elaine McLaughlin.

CARRIED

**SA16.29 Acquisition of Land for Matron Porter Drive Pathway -
Part Lot 12 DP807589 - 13 Sungrove Lane**

**HPERM Ref:
D16/336966**

Recommendation

That Council rescind part MIN16.732 (2) and pay compensation of \$62,000 plus GST (based on the area of 2,358m²), legal and valuation costs associated with the acquisition, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 from Matron Porter Drive SUP budget job number 85583.

Recommendation (Clr Proudfoot / Clr Kitchener)

That Council rescind part MIN16.732 (2) and pay compensation of \$62,000 plus GST (based on the area of 2,358m²), legal and valuation costs associated with the acquisition, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 from Matron Porter Drive SUP budget job number 85583.

CARRIED

SA16.30	SUPPLEMENTARY REPORT - REQUIREMENT FOR A CERTIFIED COASTAL ZONE MANAGEMENT PLAN OR COASTAL MANAGEMENT PROGRAM	HPERM REF: D16/340836
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Item dealt with earlier/later in the meeting see MIN16.849

SA16.31	DUNE VEGETATION MANAGEMENT AT COLLINGWOOD BEACH - OUTCOME OF PUBLIC EXHIBITION AND PETITIONS.	HPERM REF: D16/328027
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Item dealt with earlier/later in the meeting see MIN16.850

SA16.32	Closure of Council's free childhood immunisation service	HPERM Ref: D16/314324
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Recommendation (Item to be determined under delegated authority)

Council close the free childhood immunisation service after the December 2016 clinics; and

1. advertise the closing of clinics and thank the community for their support over the last 50 years; and
2. write to parents who are currently using the clinics to notify them of the closure.

RESOLVED (Clr Wells / Clr White)

MIN16.872

That Council close the free childhood immunisation service after the December 2016 clinics; and

1. advertise the closing of clinics and thank the community for their support over the last 50 years; and
2. write to parents who are currently using the clinics to notify them of the closure.

CARRIED

SA16.33	FUNDING OF SEWER SERVICES TO ST ANDREW'S WAY COOLANGATTA	HPERM REF: D16/346590
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Item dealt with earlier/later in the meeting see MIN16.865

SA16.34	Tenders - Water Meter Reading Services	HPERM Ref: D16/327570
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Recommendation

That the Committee consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

Recommendation (Clr Watson / Clr Wells)

That the Committee consider a separate confidential report in accordance with Section 10A(2)(d)(i)

of the Local Government Act 1993

CARRIED

Note: Cllr White left the meeting at 8.17pm

SA16.35 Tenders - Vincentia Tower Redevelopment

**HPERM Ref:
D16/346001**

Cllr White - pecuniary interest declaration – left the room and took no part in discussion or voting.

Recommendation

That the Committee consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

Recommendation (Cllr Proudfoot / Cllr Wells)

That the Committee consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

CARRIED

Note: Cllr White returned to the meeting at 8.19pm

SA16.36 Tenders - Purchase of new 24,000lt Vacuum Tanker Trailer

**HPERM Ref:
D16/346690**

Recommendation (Item to be determined under delegated authority)

That the Committee consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

RESOLVED (Cllr Proudfoot / Cllr Pakes)

MIN16.873

That the Committee consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

CARRIED

SA16.37 BOM National Performance Report Audit

**HPERM Ref:
D16/315191**

Recommendation (Item to be determined under delegated authority)

That Council note the successful outcome of the 2015-16 independent audit of the National Performance Indicators for Shoalhaven Water.

RESOLVED (Cllr Gartner / Cllr Wells)

MIN16.874

That

1. Council note the successful outcome of the 2015-16 independent audit of the National Performance Indicators for Shoalhaven Water.
2. Shoalhaven Water staff be congratulated on their efforts leading to the results. .

CARRIED

SA16.38 Acquisition of Easement for Water Supply at Terara

**HPERM Ref:
D16/319958**

Recommendation

That Council resolve to

1. Acquire an Easement for Water Supply 3 wide over Lot 1 DP579451 at Millbank Rd, Terara, as shown by hatching on plan marked Attachment '1';
2. Council extinguish an existing Easement for Water Supply marked 'D' as shown on DP579451 that has been made redundant, as shown on plan marked Attachment '2';
3. Council pay compensation of \$8,500 (plus GST if applicable) and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Water Fund;
4. If necessary, the compensation be adjusted in accordance with the area of the easement to be acquired determined by final survey;
5. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

Recommendation (Clr Wells / Clr Gash)

That Council

1. Acquire an Easement for Water Supply 3 wide over Lot 1 DP579451 at Millbank Rd, Terara, as shown by hatching on plan marked Attachment '1';
2. Council extinguish an existing Easement for Water Supply marked 'D' as shown on DP579451 that has been made redundant, as shown on plan marked Attachment '2';
3. Council pay compensation of \$8,500 (plus GST if applicable) and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Water Fund;
4. If necessary, the compensation be adjusted in accordance with the area of the easement to be acquired determined by final survey;
5. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CARRIED

**SA16.39 Extinguishment of Water Supply Easement - 6 Mount
Vista Close Falls Creek**

**HPERM Ref:
D16/325611**

Recommendation

That Council resolve to

1. Extinguish the Easement for Water Supply 4.57 wide over Lot 17 DP258913 at Berry, as shown by hatching on extract of that deposited plan marked 'Attachment A'.
2. Costs to extinguish the easements are to be met from Shoalhaven Water's Water Fund.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

Recommendation (Clr Proudfoot / Clr Pakes)

That Council

1. Extinguish the Easement for Water Supply 4.57 wide over Lot 17 DP258913 at Berry, as shown by hatching on extract of that deposited plan marked 'Attachment A'.
2. Costs to extinguish the easements are to be met from Shoalhaven Water's Water Fund.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CARRIED

SA16.40 Acquisition of Easements for Water Supply at Wason Street Ulladulla

**HPERM Ref:
D16/336427**

Recommendation

That

1. Council resolve to acquire the following easements at Ulladulla:
 - a. An Easement for Water Supply variable width over Lot 22 DP576042 from Antonio Capogreco as designated (A) on copy of plan marked Attachment '1', and
 - b. An Easement for Water Supply 0.1 wide over Lot 11 DP856300 from Antonio Capogreco and Rosa Capogreco designated (B) on copy of plan marked Attachment '1'.

The acquisitions to be undertaken under the Local Government Act 1993.

2. Council pay compensation of \$2,000 for each easement, total \$4,000, plus GST if applicable and reasonable legal costs associated with the acquisition in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Water Fund.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

Gartner/cheyne – as printed - carried

Recommendation (Clr Gartner / Clr Cheyne)

That

1. Council resolve to acquire the following easements at Ulladulla:
 - a. An Easement for Water Supply variable width over Lot 22 DP576042 from Antonio Capogreco as designated (A) on copy of plan marked Attachment '1', and
 - b. An Easement for Water Supply 0.1 wide over Lot 11 DP856300 from Antonio Capogreco and Rosa Capogreco designated (B) on copy of plan marked Attachment '1'.

The acquisitions to be undertaken under the Local Government Act 1993.

2. Council pay compensation of \$2,000 for each easement, total \$4,000, plus GST if applicable and reasonable legal costs associated with the acquisition in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Water Fund.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CARRIED

SA16.41 Research Grant Proposal - University of Wollongong**HPERM Ref:
D16/346129****Recommendation**

That Council agree to partner (through Shoalhaven Water) with the University of Wollongong on the ARC Linkage Grant proposal for an integrated data concentration system for sewerage reticulation networks.

Recommendation (Clr Proudfoot / Clr Gartner)

That Council agree to partner (through Shoalhaven Water) with the University of Wollongong on the ARC Linkage Grant proposal for an integrated data concentration system for sewerage reticulation networks.

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE**SA16.42 Notice of Motion - Huskisson Sewerage Scheme -
Woollamia Village Extension****HPERM REF:
D16/338343**

Item dealt with earlier/later in the meeting see MIN16.851

**SA16.43 Notice of Motion - Marriott Park - All Day Car Park
Proposal****HPERM REF:
D16/342616**

Item dealt with earlier/later in the meeting see MIN16.853

**SA16.44 Notice of Motion - Marriott Park - All Day Car Park
Proposal****HPERM REF:
D16/344459**

Item dealt with earlier/later in the meeting see MIN16.854

**SA16.45 Notice of Motion - Long Term Parking Facility Proposal -
Bomaderry Railway Station****HPERM REF:
D16/342832**

Item dealt with earlier/later in the meeting see MIN16.855

SA16.46 Notice of Motion - Public Toilet Block - North Nowra**HPERM REF:
D16/344303**

Item dealt with earlier/later in the meeting see MIN16.856

**SA16.47 Notice of Motion - Bomaderry Railway Station To Nowra
CBD - Bus Services****HPERM REF:
D16/344426**

Item dealt with earlier/later in the meeting see MIN16.857

SA16.48 Notice of Motion - Climate Change Action Committee	HPERM REF: D16/349553
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Item dealt with earlier/later in the meeting see MIN16.858

SA16.49 Notice of Motion - Community Solar Conference	HPERM REF: D16/349555
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Item dealt with earlier/later in the meeting see MIN16.859

SA16.50 Notice of Motion - Australian Coastal Councils Management Committee	HPERM REF: D16/349560
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Item dealt with earlier/later in the meeting see MIN16.860

SA16.51 Notice of Motion - Moona Moona Creek, Huskisson - Pedestrian Walkway	HPERM REF: D16/349972
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Item dealt with earlier/later in the meeting see MIN16.861

SA16.52 Notice of Motion - Bus Shelter - Owen Street, Huskisson	HPERM REF: D16/349991
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Item dealt with earlier/later in the meeting see MIN16.862

SA16.53 Notice of Motion - Road Maintenance - Jervis Bay Road / Huskisson Road Intersection	HPERM REF: D16/350014
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Item dealt with earlier/later in the meeting see MIN16.863

Introduction of Items as Matters of Urgency

RESOLVED (Clr Guile / Clr Watson)	MIN16.875
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That the following addendum reports be introduced as matters of urgency:

1. SA16.54 Expression of Interest for the Sale of the Visitor Information Centre Site and Graham Lodge
2. CSA16.9 Expression of Interest for the Sale of the Visitor Information Centre Site and Graham Lodge

CARRIED

The Chairperson ruled the matters as ones of urgency as they relate to urgent business of Council and allowed their introduction.

ADDENDUM REPORTS

SA16.54	Expression of Interest for the Sale of the Visitor Information Centre Site and Graham Lodge	HPERM Ref: D16/352276
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Recommendation (Item to be determined under delegated authority)

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

RESOLVED (Clr Gartner / Clr Findley)

MIN16.876

That item SA16.54 - Expression of Interest for the Sale of the Visitor Information Centre Site and Graham Lodge be deferred to the Ordinary Meeting of 22 November 2016.

CARRIED

CONFIDENTIAL REPORTS

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

RESOLVED (Clr Wells / Clr White)

MIN16.877

That the Ordinary Meeting exclude the press and public from the Meeting, pursuant to section 10A(1)(a) of the Local Government Act, 1993, to consider the following items of a confidential nature.

- CSA16.4 Legal Advice - Dune Vegetation Management at Collingwood Beach - outcomes of public exhibition and petitions
- Advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. 10(A)(2)(g)*
- There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to prejudice any court proceedings by revealing matter prepared for the purposes of or in relation to current or future proceedings or prejudice the fair trial of any person, the impartial adjudication of any case or a person's right to procedural fairness.*
- CSA16.5 Development Application – Four Storey Residential Flat Building - Island Point Rd, St Georges Basin – Lot 6 DP 1082382
- Advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. 10(A)(2)(g)*
- There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to prejudice any court*

proceedings by revealing matter prepared for the purposes of or in relation to current or future proceedings or prejudice the fair trial of any person, the impartial adjudication of any case or a person's right to procedural fairness.

CSA16.6 Tenders – Water Meter Reading Services

Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

CSA16.7 Tenders - Vincentia Tower Redevelopment

Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

CSA16.8 Tenders – Purchase of New 24,000lt Vacuum Tanker Trailer

Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

CSA16.9 Expression of Interest for the Sale of the Visitor Information Centre Site and Graham Lodge

Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence information and diminish the competitive commercial value of the information of the proponents and prejudice their commercial interests.

CARRIED

The meeting moved into confidential the time being 8.34pm.

The meeting moved into open session, the time being 8.40pm.

REPORT FROM CONFIDENTIAL SESSION

The following resolutions of the Committee Meeting, whilst closed to the public, were made public.

CSA16.4	Legal Advice - Dune Vegetation Management at Collingwood Beach - outcomes of public exhibition and petitions	HPERM Ref: D16/338910
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RESOLVED

MIN16.878C

That in accordance with the Committee's delegated authority from Council, the Committee accept the report for information.

CSA16.5	Development Application – Four Storey Residential Flat Building - Island Point Rd, St Georges Basin – Lot 6 DP 1082382	HPERM Ref: D16/345327
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RESOLVED

MIN16.879C

That the Committee refuse the development application for the reasons outlined in the section 79C assessment report and attached draft determination notice.

CSA16.9	Expression of Interest for the Sale of the Visitor Information Centre Site and Graham Lodge	HPERM Ref: D16/321021
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RESOLVED

MIN16.880C

That the CSA16.9 Expression of Interest for the Sale of the Visitor Information Centre Site and Graham Lodge be deferred to the Ordinary Meeting 22 November 2016.

There being no further business, the meeting concluded, the time being 8.41pm.

Clr Guile
CHAIRPERSON

MMS16.1 Mayoral Minute - Water Quality in Harry Sawkins and Marriott Parks

HPERM Ref: D16/373991

Recommendation (Item to be determined under delegated authority)

That staff prepare a report Council outlining options and costs for improving the water quality in the ponds of Harry Swakins Park and Marriott park, including an option to reinstall fountains, or other innovative ways to circulate water.

Details

I have received a number of complaints in regards to the look of the ponds in Harry Sawkins and Marriott Park. Council does have a maintenance regime for the parks but due to the shallow nature of the water bodies and the amount of nutrient that enters the water they are predisposed to having algae growth which leads to poor appearance. It is important to get a good understanding of what can be done and the associated costs to make a difference in these two parks which are highly used and appreciated by the Nowra community.

SA16.55 Notice of Motion - Improving Signage and Pedestrian Crossing - Illaroo Road, North Nowra

HPERM Ref: D16/372264

Submitted by: Cllr Nina Cheyne

Attachments: 1. Letters of Support [↓](#)
2. Site Photos [↓](#)

Purpose / Summary

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

Recommendation (Item to be determined under delegated authority)

That Council staff investigate the possibility of improving signage and pedestrian crossing lighting and surrounding structures to ensure appropriate safety measures for aged care residents at Clelland Lodge and for school children utilising this road during peak traffic. Request to include:

1. Signage to indicate that an aged care facility was in place (include that vision and hearing impaired people around)
2. Proper pedestrian crossing with adequate lighting, east of the driveway
3. Keep the current road island in place to promote traffic to slow down before reaching the crossing.

Background

A meeting was held with over 30 residents at Clelland Lodge on 14 November 2016 as they requested to speak with a Councillor about the issues concerning the lack of safety on Illaroo Road given the increased traffic and upcoming housing development proposed around Bangalee/Tapitalee estates.

This issue has been submitted in the past according to Mr Ted Potts a resident at the aged care facility. This was backed by Mr. Ivan Collard and Mr. Ed Johns, all who spoke raising concerns about their safety when crossing the road to access the North Nowra shops or the Tavern. They also mentioned that due to their slowed mobilisation were afraid they would not walk at an increased pace which may precipitate them to hurry increasing their risk of falls and injury.

There have been issues around driver speeding, increased driving use and poor lighting in the evenings. Concerns raised that a loss of life would be high price to pay before having the safe pedestrian crossing in place

Minutes of the meeting attached, letters of support for a user friendly and safer pedestrian structure and photos of the site.

Note by the General Manager

The existing pedestrian refuge was built in 1996 and requires some upgrading to meet current standards. These upgrade works are being arranged and will be implemented in the

short-term. Initial investigations have suggested that a dedicated pedestrian crossing would be better located, just east of the access to Clelland Lodge, under a streetlight and away from residences. This location could incorporate a raised pedestrian crossing to act as a 'speed hump' to slow approaching traffic. Pedestrian and traffic counts will be undertaken to confirm design parameters for the proposed crossing, which is currently not funded.

Dr Peter and Mrs Helen TAYLOR

Clelland Lodge
201 Illaroo Rd
North Nowra
NSW 2541

10/11/2016

To whom it may concern.

This is to confirm my full support for the re-assessment of the safety of the crossing outside Clelland Lodge in Illaroo Rd, North Nowra. The matter has been raised by the residents themselves but it also affects others.

My aged Mother has now moved into Clelland Lodge and we have had difficulty when taking her to the local shops in her wheelchair. The vehicles in Illaroo Road tend to be moving at the maximum legal speed (or more!) and many do not appear to recognise that elderly persons (and others) will be crossing the road at this location.

The "refuge" in the centre of the road is narrow and offers little protection. Even when not pushing my Mother in a wheelchair, we have felt decidedly unsafe when crossing to and from our vehicle when parked on the opposite side of the road. I have also noted children having difficulty – in particular if they are pushing bicycles across the road. In addition, the kerb approaches at the crossing are not particularly wheelchair and walking frame friendly.

I apologise for not being able to attend the meeting personally as my wife and myself will be interstate on that date. We appreciate Councillor Cheyne agreeing to meet with residents and interested persons in order to look into reassessing the crossing and the investigation of possible solutions.

Yours faithfully,



Dr Peter TAYLOR

I too apologise for not being able to attend the meeting personally and I add my full support to the re-assessment of the crossing for the reasons outlined above.



Helen TAYLOR

TRAFFIC LIGHTS TO BE ACTIVATED BY PEDESTRIANS
WISHING TO CROSS
TO STOP VEHICLES.

ALSO, A FLASHING TIME LIGHT FOR PEDESTRIANS WHEN
CROSSING TO BE PLACED ON BOTH SIDES OF THE ROAD. }

J Hunt
RESIDENT

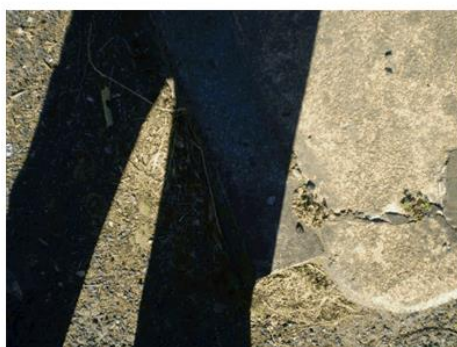
A REQUEST TO THE SHOALHAVEN CITY COUNCIL FROM THE
RESIDENTS OF
CLELLAND LODGE
201 ILLAROO ROAD
NORTH NOWRA

WE REQUEST THAT A PEDESTRIAN CROSSING WITH TRAFFIC
LIGHTS AND FLASHING TIME LIGHTS BE PLACED AT THE
MAIN ENTRANCE OF THE LODGE TO ENABLE THE ELDERLY
TO CROSS ILLAROO ROAD SAFELY.

ON BEHALF
OF

THE RESIDENTS
CLELLAND LODGE

Signed : J. Hunt RESIDENT



SA16.56 Notice of Motion - Greenwell Point Mens Shed

HPERM Ref: D16/373621

Submitted by: Cllr Mitchell Pakes

Purpose / Summary

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

Recommendation

That Council reduce the Greenwell Point Mens Shed rent for land from \$464.00 PA to \$1 PA for the remainder of their five year licence.

Background

Current licence 1 October 2015 to 30 September 2020.

In Final stages of DA Process.

About to start the process of applying for grant money to build the Shed.

Note by the General Manager

Councils policy 15/47 - "Occupation of Council owned and managed land" stipulates the starting point for rents is a commercial or market rate.

If the group is not for profit, volunteer based or relies totally on government funding, they have access to the subsidy framework to determine a suitable percentage reduction to the market rent.

In exceptional circumstances, such as the Men's Shed, a rent equivalent to the statutory minimum on Crown Land can be applied. This is the lowest rental under the Policy.

Notwithstanding the above, the Policy has a provision whereby groups/organisations can apply to have the rent (or fees) waived. Delegation to determine the waiving of rent sits with the GM or his delegate.

Should Council consider further assistance is appropriate, and to avoid undermining council adopted policy, the mechanism for doing this is to vote funds from the unallocated donations budget for the additional \$463 subsidy.

SA16.56

SA16.57 Notice of Motion - Council Policy - Nowra Showground - Camping

HPERM Ref: D16/382477

Submitted by: Cllr Andrew Guile

Purpose / Summary

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

Recommendation (Item to be determined under delegated authority)

That the General Manager (Director of Corporate and Community Services) provide an update as to the progress of the implementation of the recent change to policy with regard to tent camping at the Nowra Showground.

Note by the General Manager

A verbal report will be provided at the meeting & written report to a future meeting as required.

SA16.57

SA16.58 Notice of Motion - Beach Access - Culburra - Ocean Street

HPERM Ref: D16/382558

Submitted by: Cllr Mitchell Pakes

Purpose / Summary

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

Recommendation (Item to be determined under delegated authority)

That

1. Council Staff to investigate and provide costs back to council to repair the car park and access track to Ocean Street Beach so it can be utilised by disabled users, family access and emergency responders and general beach users.
2. The community and the CCB be included in any design ideas to create a user friendly area.

Background

Ocean Street Beach access is one on the busiest beach access points in Culburra Beach, Tourists, families and locals are drawn to Ocean Street beach because of its calm conditions.

The Access point is also used by emergency service personnel to access the beach (Fire Brigade, NSW Police, NSW Ambulance Service and Local Surf Life Saving Club).

After the East Coast Low the access point has become almost unusable. The showers and track to the beach are in desperate need of repair and there is concerns that the access point is almost at the dangerous stage.

Note by the General Manager

Arrangements have been made to repair the shower and car park. Minor beach reshaping works will occur during the week starting 12 December at the Ocean St beach access.

SA16.58

SA16.59 Report of the Shoalhaven Natural Resources & Floodplain Management Committee - 29 November 2016

HPERM Ref: D16/382101

SN16.2 Community engagement on Coastal Management - Our Coast Our Lifestyle

HPERM Ref:
D16/351599

Recommendation

That:

1. Council place the full report on Council's website and inform the community via media release and emails to stakeholders who participated in this project
2. The outcomes of 'Our Coast Our Lifestyle' inform the development of a future Coastal Management Program for the Shoalhaven.

SN16.3 Shoalhaven Coastal Hazard Review

HPERM Ref:
D16/361774

Recommendation

That:

1. The Committee receive the presentation on the draft Shoalhaven Coastal Hazard Review;
2. Subject to Councils affirmation of the current policy position on sea level rise which will be reported to the upcoming meeting of Strategy and Assets Committee Meeting on 13 December 2016, Council place the draft Shoalhaven Coastal Hazard Review on public exhibition.

SN16.4 2016/17 Flood Program Update

HPERM Ref:
D16/345608

Recommendation

That Council write to the Office of Environment and Heritage to seek direction on how adopted Floodplain Risk Management Studies and Plans are to be revised in light of changes to modelling inputs or catchment characteristics.

SN16.5 Shoalhaven River Levee Repair Works update

HPERM Ref:
D16/346291

Recommendation

That Council:

1. Write to the Minister for the National Disaster Relief Assistance Program funding thanking him for providing the funding to Council to repair the 2015 flood levee

SA16.59

damages.

2. Note that based on the successful 2015 National Disaster Relief Assistance Program funding application, works will be prioritised to utilise the NDRA funding and Council contribution to undertake levee repairs.

SN16.6 June 2016 Storm Remediation Response**HPERM Ref:
D16/347267****Recommendation**

That Council:

1. Proceed with detailed design, Review of Environmental Factors, Aboriginal Heritage assessment for long-term coastal erosion management works at Currarong including a trial geotextile sand groyne and sand nourishment. That further community consultation be undertaken as part of this process.
2. Recognise the opportunity provided by the August 2015 and June 2016 East Coast Lows to investigate adaptive strategies to the management of Council's Coastal Assets such as retreat, relocate and/or rationalisation of the number of assets where possible.

**SN16.7 Natural Resources and Floodplain Management
Committee - Terms of Reference - review****HPERM Ref:
D16/351800****Recommendation**

That the revised Terms of Reference (Attached) be submitted to Council for Adoption.

SN16.11 Member Resignation - Thomas Booler**HPERM Ref:
D16/371293****Recommendation**

That:

1. The resignation of Thomas Booler be accepted and that he be thanked for his contribution to the Shoalhaven Natural Resources and Floodplain Management Committee.
2. Council advertise the vacant community representative position.

SA16.59

SA16.60 Mollymook All Access Playground - Mollymook Beach Reserve

HPERM Ref: D16/374203

Group: Corporate & Community Services Group
Section: Recreation Community & Culture

Purpose / Summary

Provide Council with an update on the progress of the Mollymook All Inclusive Play space for Mollymook Beach Reserve.

Recommendation

That Council

1. Proceed to tender for the completion of all stages of the All Ages All Inclusive Play Space at Mollymook Beach Reserve in accordance with the endorsed Council Master Plan; and
2. Provide additional funding up to \$850,000 from Council's Strategic Reserve Funds to Job Number 82583.

Options

1. Council provide additional funding of up to \$850,000 from Council's Strategic Projects Reserve to proceed to tender for the completion of the original Council endorsed Master Plan and call tenders for all works.

Implication: This will ensure that Council delivers the All Access Playground that it originally worked in partnership with the community and touched by Olivia to produce. The Mollymook Inclusive Playspace will be the first of its kind in the Shoalhaven and will help continue to showcase the Shoalhaven as a leader in inclusion.

2. Council proceed to tender for the revised/reduced Stage 1 Plan of the Mollymook All Access playground using existing available budget of \$420,000.

Implication: This will deliver only part of the original park that was exhibited to the public.

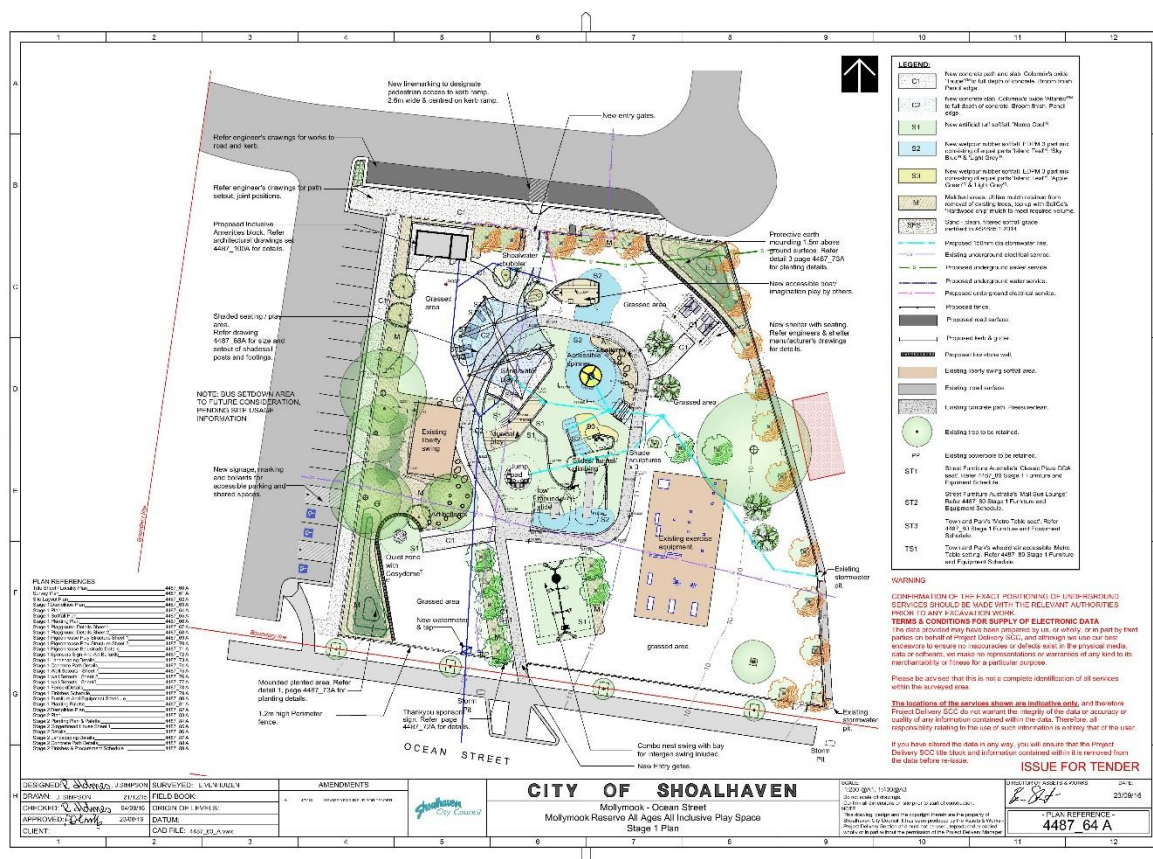
3. Council proceed to tender for all stages of the All Ages All Inclusive Play Space in separable portions for Stages 1a, 1b and 2 and determine which additional stages will be funded once tenders are known.

Implications: Council will be able to have the flexibility of accepting a tender to do all or part of the works dependant on prices.

Background

Council has been working towards the installation of all-inclusive play equipment at Mollymook Beach Reserve to replace the existing playground. To assist with provision of the new play equipment, Council approached Touched by Olivia Foundation. Touched by Olivia are working to secure additional funding through their contacts and will continue to do this in line with the Memorandum of Understanding signed with Council

Council staff in conjunction with the community and key stakeholders developed a Master Plan for the site that was endorsed by Council, as shown below.



SA16.60

Council engaged a consultant to undertake a Quality Survey (QS) of the master plan and this has come in at \$1.2 million. Stage one as per the endorsed plan was \$985,000.

Council currently have available funds of \$420,000. To meet this funding level Stage One would need to be reduced through the removal of key elements to be able to deliver this within budget. The revised/reduced stage one plan is identified below along with costings.



- the Pigeon House Mountain play structure (which includes 2 slides and a tone tumbler)
- the all access spinner
- the pirate ship (by The Ulladulla Mens Shed)
- perimeter fencing
- carpark line marking adjustments
- softfall to the now reduced play areas
- two grassed mounds to assist with protecting from wind
- the majority of the stormwater and underground services provisions necessary for future stages

- the cosy dome quiet zone
- the musical play walk
- the sand/water play area + shade structure
- the jump pad
- new swing set
- picnic area and shelter
- retaining walls
- concrete paths lining all equipment and providing transition into and onto play features
- installation of the art bollards
- improved parking/drop-off areas, and

- landscaping and planting throughout the park,

The remaining works, Stage 2 (\$190,000), will include:

- oversized games pad
- seating
- new gingerbread storage cottage
- more retaining walls
- more additional concrete paths
- more landscaping

The Mollymook Inclusive Playspace will be the first of its kind in the Shoalhaven and will help continue to showcase the Shoalhaven as an inclusive community and a leader in inclusive tourism. Within the region 6.9% of the population require assistance which is higher than the NSW average which is 4.9% (2011 Census). It is also noted that the Ulladulla Milton area currently provides 28 classes within the education sector supporting children with additional needs – Ulladulla High School – 10 classes, Milton Public School - 4 classes, Ulladulla Public school - 4 classes and Budawang - 5 classes.

The development of an Inclusive Playspace will incorporate shared pathways, inclusive play equipment (including seniors play), shade, seating, tables and a Changing Places amenities building, all within a fully fenced area. The space will incorporate all access play design principles and an all access pathway network throughout the park, connecting car parks with disabled toilet, beach access, café and adjoining accommodation. Shoalhaven City Council aims to create a space where all ages and abilities play and socialise, side by side.

The Playspace will be of universal design, universal design means products and buildings that are accessible and usable by everyone, including people with disabilities. Universal design provides one solution that can accommodate people with disabilities as well as the rest of the population. It also gives attention to the needs of older people as well as young, women as well as men, left handed persons as well as right handed persons. Council has also incorporated a bespoke 'Pigeon House Mountain' and the centre piece of the Playspace in recognition of this significant landmark in the Southern Shoalhaven.

The space will be a destination for local residents, residents from across the Shoalhaven and visitors as part of the Mollymook and surrounds experience. It will also be a drawcard for return visits.

It should be noted that Council and Touched by Olivia are working to secure additional funding through their contacts and will continue to do this in line with Council's communication plan and the Memorandum of Understanding signed by Touched by Olivia together with Council.

Community Engagement

Council has been consulting with the community and recognised stakeholder user groups throughout the project and is continuing to undertake this to seek additional funding and continued support.

Council and Touched by Olivia have been undertaking community consultation for the Mollymook Beach Reserve Inclusive Playspace.

Council staff attended the Mollymook Beach Markets on Sunday 31 May 2015 as part of the community consultation process for developing a Mollymook Beach Reserve Inclusive Playspace. The "drop in" consultation market stall was a huge success with many interested members of the community providing input and what they would like to see and use in the place space.

Further community consultation has also occurred through discussions with local schools, local businesses and community service providers to inform and gain support for the project.

The draft plans were exhibition from Thursday 28 April to Friday 21 May 2016.

Through this process the Ulladulla Mens Shed have agreed to support and participate in the project and will be constructing the pirate ship as part of its contribution to the Playspace.

Financial Implications

Council has an available budget for the project of \$420,000. This will only complete a portion of the project. It is being recommended that the Strategic Projects Reserve be used to provide further funds up to \$850,000 in order to complete the entire project in a single stage instead of a multi-stage approach.

This approach will provide economies of scale for both infrastructure / ground works and supply / installation of equipment along with professional services. It is considered that this reserve is a suitable location for investment of funds for this project given the unique nature and the benefits it will provide to the Shoalhaven Community, visitors and tourists to the area.

SA16.61 Recreational Fishing Trust Funding - Bawley Point Headland - Gantry

HPERM Ref: D16/345245

Group: Assets & Works Group
Section: Asset Management

Purpose / Summary

Report on a grant funding offer from the NSW Recreational Fishing Trust and the contribution of Terry Snow towards the project.

Recommendation

That Council:

1. Accepts the grant offer of \$60,000 from the NSW Recreational Fishing Trust for improvement to fishing access facilities at Bawley Point Headland
2. Write to the Honourable Shelley Hancock MP, Member for South Coast and the Minister for Primary Industry and thank the State Government for funding this important community project.
3. Write a letter of appreciation to Terry Snow for his support and staff contribution to the gantry project and assistance to Council and the community

Options

1. Accept the grant offer (recommended)
2. Do not accept the grant offer (not recommended)

Background

In 1891 a timber mill was established on the Bawley Point headland that included a gantry and jetty. Since the closure of the mill, the community has been using the abandoned jetty as a fishing platform.

In 2014 a structural assessment was undertaken of the jetty/fishing platform. This assessment deemed that the structure was at the end of its asset life and not suitable for use. The community requested that the facility be repaired and so a funding application was submitted in March 2016 to the NSW Recreational Fishing Trust.

The significant storm (east coast low) of June 2016 washed most of the structure away. The community responded with financial support from local resident Terry Snow committing to replacing the timber platform.

This funding offer will fund investigation and design costs for the platform as well as improvement to access for pedestrians and vehicles. The exact scope of works still needs to be finalised with the community.

Community Engagement

Community consultation has been limited to the Bawley Point and Kioloa Community Association. A number of on - site meetings have been held and there is strong support for fishing facilities to be provided. Further consultation will be undertaken in relation to a plan of works currently in preparation.

Policy Implications

Nil

Financial Implications

The funding offer is \$60,000. Council has spent \$9,211 on investigation, heritage assessment and detailed structural design.

The cost of the building and installing the timber fishing platform will be substantially met by local resident Terry Snow. The cost of railings (price to be confirmed) will be met by Council.

The balance of funds of approximately \$40,000 to \$50,000 will be allocated towards access improvements and heritage interpretation signage.

Risk Implications

It is understood that this is the first ocean fishing platform funded by the NSW Recreational Fishing Trust. Design has been undertaken by a structural engineer to ensure that the asset withstands coastal forces. In accordance with Australian standards to minimise the risk of pedestrian/fisherman falling onto the adjacent rock platform, side railings as an engineering control will be installed to form a barrier. Appropriate signage will also be installed as an administrative control to identify the risks to users of the facilities.

SA16.62 Road Safety - Illaroo Road Public School

HPERM Ref: D16/324837

Group: Assets & Works Group

Section: Asset Management

Purpose / Summary

To report on the construction of a bus bay and associated 'drop off' zone on Illaroo Road at the Illaroo Road Public School.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Receive the report on the construction of a bus bay at Illaroo Road Public School for information.
2. Write to the Department of Education and Training advising of the concerns raised in relation to road safety for school students.

Options

1. As recommended

Implications: New works will not be constructed and the Department of Education and Training will be advised of the concerns in relation to road safety

2. Advise of an alternative

Implications: Any new works will require a funding source to be identified

Background

Council resolved at its meeting on 4 October 2016 (Minute MIN16.755) that

The General Manager report back to council on the following issue: for Council to consider construction of "s" lanes in Illaroo Road outside Illaroo Public School as a measure to improve safety for the hundreds of students at the school, and to make Illaroo Road easier for traffic.

In this report, the 'construction of "s" lanes' is taken to mean the construction of an additional traffic lane to be used by buses and other vehicles to drop off and/or pick up students at the Illaroo Road Public School. Although there is sufficient room in the road reserve to construct another lane, the adjacent path would need to be constructed within the school grounds. This proposal has been considered on a number of previous occasions.

In 2003, Council resolved (Minute MIN03.1339) that

the Director City Services Group be advised that the Shoalhaven Traffic Committee has no objection in principle to the proposed installation of a bus bay within the grounds of Illaroo Road Public School and that the Director be requested to enter into discussions with the Department of Education and Training with a view to developing a joint project.

Also, in September 2012 the Mayor discussed the matter with the principal of Illaroo Road Public School and subsequently received a letter from NSW Department of Education and Communities which supported the proposal but stated that “Departmental policy regarding bus bays and kiss and drop zones are that it must come at a neutral cost to the Department. If a cost must be bought [sic] by the Department, then the contribution will only be the dedication of land if required.”

Although Council and the Department agree with the proposal, there have been no grant funding opportunities for the work and Council has not previously considered using its own funds for the project.

It is difficult to quantify the benefits of the project in both improved safety and traffic efficiency terms as there have been no recorded accidents directly related to the area although a ‘crash’ and several ‘near misses’ have been reported anecdotally.

The crash was reported to have occurred at the traffic lights at the intersection of Crest Ave and Illaroo Road. The construction of a bus bay may not have prevented this accident. Similarly, accounts of ‘near misses’ have been associated with the use of the pedestrian crossing at the traffic lights, therefore a new bus bay may not resolve this problem.

Council’s resolution also included the desired outcome “to make Illaroo Road easier for traffic”. It is unlikely the construction of a bus bay will achieve this outcome without restricting parking on the eastern side of the traffic lights where students are currently being dropped off or picked up. It could be possible for the vehicles using this parking zone to use the new bus bay and drop off area. However, the capacity of this area would quickly be exceeded if multiple buses and vehicles arrive at the same time. This would cause backing up into the adjacent travel lane and replicate the current situation where through traffic is required to merge into the travel lane closest to the centreline of the road. Vehicles and buses exiting the bus bay also increase the potential of accidents with through traffic, there may be only a marginal improvement in traffic “ease” and road safety, if the bus bay is built.

Community Engagement

Not applicable

Policy Implications

Not applicable

Financial Implications

Although the project is small-scale, it will be expensive to construct owing to its proximity to both vehicular and pedestrian traffic; confined working area; and the significant cost of public utility adjustments. The estimated cost is likely to be in the range from \$350,000 to \$500,000.

The construction of this new traffic facility is not funded and Council is currently focused on making provision for the renewal of its existing traffic facility infrastructure, ahead of constructing new facilities unless they are grant funded.

Risk Implications

Not applicable

SA16.63 Electric Vehicle Charging Points - Future Developments in CBD

HPERM Ref: D16/371373

Group: Assets & Works Group

Section: Asset Management

Purpose / Summary

To report on the ability of Council to encourage or require electric fast vehicle charging facilities for future development within the Nowra CBD.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Consider electric vehicle charging facilities for future development within the Nowra CBD as part of Amendment No. 7 to Shoalhaven Development Control Plan 2014 (DCP 2014).
2. Undertake consultation with the Business and Development Industry as part of the review process.

Options

1. Investigate the implementation of provisions relating to electric vehicle charging facilities for future development within the Nowra CBD as part of Amendment No. 7 to Shoalhaven DCP 2014.

Implications: This option will allow Council Staff to consider the most appropriate policy approach to facilitate the provision of electric vehicle charging facilities in the Nowra CBD. Appropriate consultation can be undertaken as part of this process.

2. Accept this report for information.

Implications: Provisions relating to electric vehicle charging facilities will not be included in Shoalhaven DCP 2014 for new development in the Nowra CBD.

Background

The Strategy and Assets Committee resolved at its meeting on 15 November 2016 (Minute MIN16.871) that:

A report be provided to Council with respect to Council ability to encourage or require electric vehicle charging facilities for future developments within the CBD. The report should include other solutions that may be available to Council for providing electric fast vehicle charging facilities within the Shoalhaven.

For the purposes of car parking, Shoalhaven DCP 2014 identifies the Nowra CBD as the area shown in Figure 1. For consistency, the same area has been used to define the Nowra CBD for the purpose of this report.

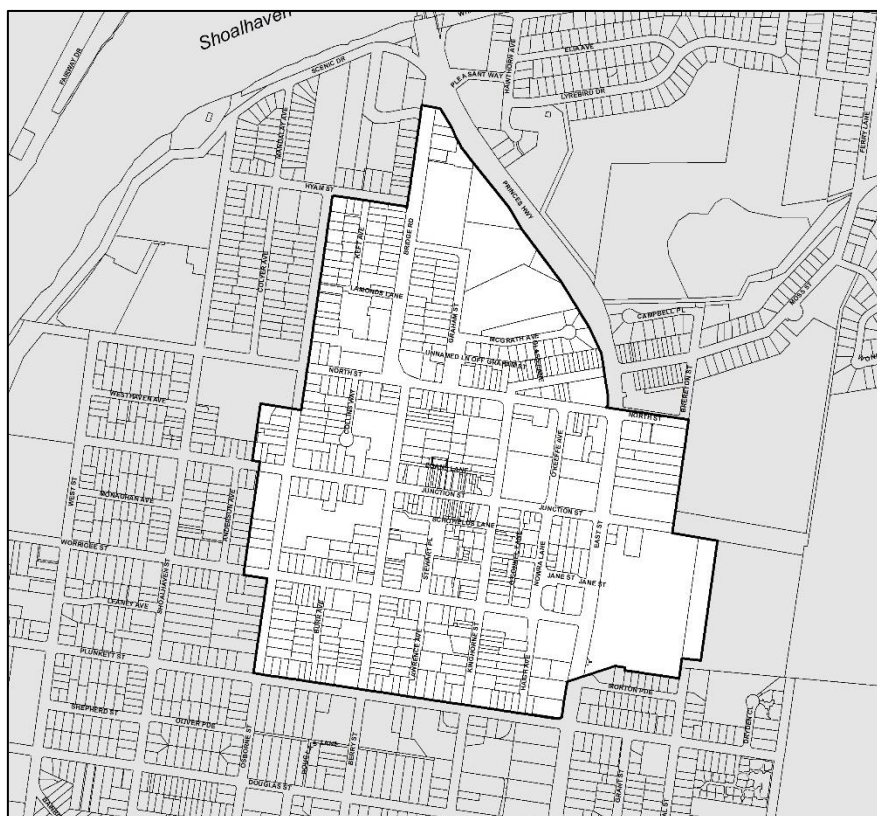


Figure 1: Nowra CBD subject area

Although there are a number of businesses in Shoalhaven that have invested in electric vehicle charging facilities to date, this has been voluntary and has not been required by Council. Council currently does not have any policy specifically requiring electric vehicle charging facilities or associated parking.

A number of NSW councils have adopted provisions relating to electric vehicle charging facilities for new development including Woollahra, Sydney and Randwick. The following table summarises these provisions:

Local Government Area	Summary of provision
Woollahra	<ul style="list-style-type: none"> The provisions encourage the installation of a 15Amp dedicated circuit for vehicle charging in dwelling houses, semi-detached dwellings, dual occupancies, residential flat buildings, multi dwelling housing and the residential component of a mixed use development. For commercial development, a user pays charging point may be included with a dedicated space for electric vehicles.
Sydney	<ul style="list-style-type: none"> Car parking areas are to be designed and constructed so that electric vehicle charging points can be installed at a later time.
Randwick	<ul style="list-style-type: none"> A minimum of 10% of parking spaces are to be designed and labelled for small & environmental vehicles in commercial, office or shopping centre development wherever 10 or more spaces are required. <p><i>Note: 'environmental vehicles' typically covers very small cars, hybrid cars and fully electric cars.</i></p>

Should Council wish to proceed and require electric vehicle charging facilities to be installed for new development in the Nowra CBD, the most appropriate mechanism to facilitate this would be via the Shoalhaven DCP 2014. The options to facilitate this in the DCP would be to:

- Require the provision of electric vehicle charging facilities (or set aside space to ensure ability to install in the future) for new development of a certain scale in the Nowra CBD. Based on the B3 Commercial Core and B4 Mixed Use zoning within the Nowra CBD, the most appropriate land use types would be residential flat buildings, mixed use development, commercial/retail development and tourist and visitor accommodation. The scale could be determined by floor area, apartment numbers, car parking space numbers etc. Although a developer could seek a variation to such a provision, it would in essence be a development standard.

OR

- Incentivise the installation of electric vehicle charging facilities by reducing the number of regular parking spaces and/or substitute with charging facility parking spaces (for example). There is a risk that the developer could choose not to take up the incentive.

The Development Industry may consider the provision of electric vehicle charging facilities to be onerous and resist any requirement to provide additional parking spaces for charging facilities on top of what is already required by DCP Chapter G21: Car Parking and Traffic. Thus, it may be more appropriate to include provisions in the DCP to encourage/incentivise electric vehicle charging facilities, rather than mandate them; especially due to the cost associated with installing and running of the charging facilities.

Current pricing is estimated at:

- Fast charger - \$55,000. This amount could increase depending on site-specific requirements.
- Dual port level 2 charger - \$20,000. This again is dependent on site requirements.

Where electric vehicle charging facilities are available for the use of occupants/residents in a private development, a level 2 commercial charger would likely be adequate. These systems charge within 4-6 hours. Alternatively, a fast charger (Level 3 Commercial DC chargers) could be installed which can recharge batteries generally within 30 minutes. A fast charger would also be appropriate where the charging facilities are available to the wider public.

Council resolved in June 2015 to commence work on multiple amendments to Shoalhaven DCP 2014. Council Staff are currently preparing an amendment (No. 7) to the Generic Chapters of DCP 2014, including Chapter G21: Car Parking and Traffic, to cover:

- Review rates in the car parking schedule (commercial premises, holiday cabins, serviced apartments, outdoor eating areas, special industrial, professional consulting rooms, veterinary surgery, medical centres and educational establishments).
- Insert mapping specifying the new car parking provisions required under the Apartment Design Guide (State Environmental Planning Policy 65).
- Consider the extension of the Nowra CBD parking development incentive.

Investigation into electric vehicle charging facilities could form part of this review. An important component of any investigation would be consultation with the Business and Development Industry and this could be undertaken as part of the Shoalhaven DCP 2014 Amendment No. 7 preparation process.

Other Options

Recently, an electric vehicle manufacturer funded a charging station at Goulburn's Visitor Information Centre to complete its network of 'supercharger' stations along the Hume Highway, from Sydney to Melbourne. The same manufacturer has five 'destination' charging points within the Shoalhaven for exclusive use of their visitors and these provide four to six hour charging times. Council staff have written to the supplier and requested consideration of Nowra as a future site for a 'supercharger'.

The manufacturer also intends to expand its network of 'supercharger' 30 minute charging stations throughout Australia. However, it may be some time before the South Coast is considered as south-east Queensland is currently likely to have a higher priority for network expansion.

Funding from either Federal or State governments for a fast charger may be an option. However, it is likely that Council would need to make a commitment towards electric vehicles such as to convert some of its fleet to electric vehicles or present a 'business case' to attract a contribution specifically for the installation of a fast charger.

Victoria's Moreland City Council commissioned a feasibility study (August 2014) which demonstrated that *"the benefit cost ratio for the adoption of additional Nissan LEAFs in place of Hybrid Camrys at 7% discount rate was 1.48 indicating a sound investment."* However, the same benefits may not accrue in the Shoalhaven owing to the lack of infrastructure to support electric vehicles and differences in the cost of electricity and the purchase prices of vehicles. It is understood that it was Moreland City's commitment to convert to a partly electric vehicle fleet and to partially fund the fast charger which allowed it to gain funding from the Victorian Government Electric Vehicle Trial.

SA16.63

Community Engagement

Any proposed amendment to the Shoalhaven DCP 2014 in this regard would be advertised for a minimum of 28 days as required by legislation. Targeted consultation with the Business and Development Industry would also be beneficial.

Policy Implications

Should Council proceed with a direction to include electric vehicle charging facility provisions in Shoalhaven DCP 2014, an amendment to Chapter G21: Car Parking and Traffic would be required. Council staff have recently commenced a review of this Chapter and an investigation into electric vehicle charging facilities could form part of this review. Any proposed amendments would be reported back to Council prior to exhibition.

Financial Implications

There are no immediate financial implications for Council. Costs associated with reviewing and amending Shoalhaven DCP 2014 are being managed within Council's existing Strategic Planning budget.

SA16.64 Tender - Road upgrade Naval College Road, Worrowing Heights between Pine Forest Road & Seagrass Avenue - Federal Blackspot Funded

HPERM Ref: D16/349837

Group: Assets & Works Group
Section: Project Delivery & Contract

Purpose / Summary

To inform Council of the tender process for the Upgrade of Naval College Road, Worrowing Heights between Pine Forest Road and Seagrass Avenue.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

Recommendation

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

Options

1. Council accept the recommendation as presented and consider a separate confidential report to progress the Tender process
2. Council amend the recommendation.

Implications: The milestones for the road project and the associated Federal Blackspot funding that has been allocated to the project may be at risk

Details

The project proposes to improve safety by widening the road shoulders and upgrading the seal to a high level non-skid surface; installing audio tactile edge lines and centre lines; installing curve alignment markers; installing reflective pavement markers on centre lines and installing guard rail.

Council called tenders for the upgrade of Naval College Road, Worrowing Heights between Pine Forest Road and Seagrass Avenue which closed at 10:00am on 1 November 2016. Nine (9) tenders were received at the time of closing and are shown in the table below.

Tenders Received

Tenders were received from the following:

Tenderer	Location
Accurate Asphalt & Road Repairs	Lake Macquarie Area
Bostock Services Pty Ltd	Albion Park
Cadifern Civil Pty Ltd	Thirroul
Cleary Brothers Pty Ltd	Port Kembla
Hisway Pty Ltd	Nowra
Select Civil Pty Ltd	Kembla Grange
Shoalhaven Excavation Pty Ltd	Nowra
Stefanutti Construction Pty Ltd	Unanderra
Ward Civil Pty Ltd	Sydney

Details relating the evaluation of the tenders are contained in the confidential report.

Community Engagement:

Announcements of the Federal Blackspot funding were made previously with the Member for Gilmore Anne Sudmalis. This information and the proposed scope of works was published in the South Coast Register and local newsletter and letters sent to nearby property owners when the application was made. The community will be advised prior to commencement of construction activities, which are scheduled for March 2017 outside the busy holiday period. Vegetation and tree clearing is required on the verges to improve road safety and allow for shoulder widening.

Financial Implications:

Sufficient funds have been allocated for the upgrade of Naval College Road, Worroving Heights between Pine Forest Road and Seagrass Avenue project in the 2016/17 budget.

SA16.65 Council Policy Review - Property and Bereavement Services

HPERM Ref: D16/345109

Group: Assets & Works Group

Section: Business & Property

- Attachments:**
1. Funerary and Monument Masonry Services Policy (under separate cover) ➡
 2. Dog Control – Holiday Haven Tourist Parks (under separate cover) ➡
 3. Dealing with Requests for the Closure, Sale or Transfer of Council and Crown Roads (under separate cover) ➡
 4. Due Diligence for Land Transactions (under separate cover) ➡
 5. Management of Mobile Food Vending Vehicles on Council Owned or Managed Land (under separate cover) ➡
 6. Occupation of Council Owned or Managed Land (under separate cover) ➡
 7. Cemeteries Crematorium and Memorial Gardens Policy (under separate cover) ➡
 8. Development and/or Disposal of Council Lands (under separate cover) ➡

Purpose / Summary

To consider the rescission and affirmation of existing public policies which deal with the responsibilities of the Assets & Works Group, Business & Property Section.

Recommendation

That Council:

1. Recategorise the following policies and list these as a corporate procedure and guideline with minor changes:
 - a. Funerary and Monument/Masonry Services Policy;
 - b. Dog Control – Holiday Haven Tourist Parks;
 - c. Dealing with Requests for the Closure, Sale or Transfer of Council and Crown Roads; and
 - d. Due Diligence for Land Transactions;
2. Reaffirm the following policies with minor changes:
 - a. Management of Mobile Food Vending Vehicles on Council Owned or Managed Land – Local Approvals Policy;
 - b. Occupation of Council Owned or Managed Land;
 - c. Cemeteries Crematorium and Memorial Gardens Policy; and
 - d. Development and/or Disposal of Council Lands

Options

1. Adopt the recommendation

Implications as follows:

- a. Recategorisation of the abovementioned policies related to procedures of Disposal of Land, Funerary Services, Dealing with Closure and Transfer of Roads and Dog Control at Holiday Haven in sub-paragraph a. and listing these as a procedure and park guidelines will more accurately reflect their intent as administrative and operational tools.
 - b. Minor changes made in other policies will assist in the policy implementation
2. Not adopt the recommendation and resolve to make amendments to the Policies

Background

The following policies are recommended to be recategorised as they detail administrative and operational processes, rather than being strictly policy documents (refer Attachments 1-4):

- Funerary and Monument/Masonry Services Policy;
- Dog Control – Holiday Haven Tourist Parks;
- Dealing with Requests for the Closure, Sale or Transfer of Roads; and
- Due Diligence for Land Transactions

Minor changes have been made to the policies listed below from Property and Bereavement services, all have amendments as a result of the restructure as the responsible Group is now Assets and Works and other minor changes have also been identified.

A key change included in the Cemeteries Crematoria and Memorial Gardens Policy was recognising the Cemeteries and Crematoria Act 2013. A key change in the management of Mobile Food Vending vehicles on council owned or managed land, is the removal of the maximum number of approved category 2 permits. Category 2 allows stopping for a maximum of 3 hours, more than 1 km away from a takeaway with similar products. This will now be considered in the guidelines if required, the maximum was originally identified in the Policy to align with nominated sites, these sites were removed from the Policy under the direction of Council.

Policies to be reaffirmed are attached (Attachments 5-8):

- Management of Mobile Food Vending Vehicles on Council Owned or Managed Land – Local Approvals Policy;
- Occupation of Council Owned or Managed Land;
- Cemeteries Crematorium and Memorial Gardens Policy; and
- Development and/or Disposal of Council Lands

SA16.66 Crown Land Management Act 2016

HPERM Ref: D16/374904

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. Advice - Crown Land Management Act 2016 [↓](#)
2. Report - Crown Lands Legislation White Paper (under separate cover) [⇒](#)

Purpose / Summary

To advise Council of the most recent advice from Department of Primary Industry – Lands about the Crown Lands Management Act 2016.

Recommendation (Item to be determined under delegated authority)

The update report regarding the Crown Lands Management Act 2016 be received for information.

Options

1. Resolve as recommended.

Implications: Council will receive the update in relation to timing and proposed changes under the Crown Lands Management Act

2. Not resolve as recommended and provide further direction to staff.

Background

The review of Crown Lands and the management of the Crown estate has been undertaken as a result of the Crown Lands Legislation White Paper which was published in 2014 (refer Attachment 2 for a report on the White Paper) and culminated in the passing into legislation of the Crown Lands Management Bill 2016 on 9 November 2016 (assented to 14 November 2016).

The aim of the review was *“improving the management of Crown land and increasing the benefits and returns from Crown land to the community”*.

The review aimed to:

1. Create a single, modern Crown land legislation;
2. Give Aboriginal communities greater recognition and rights in Crown land management;
3. Improve community engagement on major decisions;
4. Involve local Councils, which are best-placed to own and/or manage locally-significant Crown land;
5. Create greater flexibility on Western land leases to build the regional economy, while protecting the area’s environment;

6. Introduce stronger compliance provisions, including higher penalty levels and allowing longer periods to begin prosecutions; and
7. Cut unnecessary red tape.

The most recent correspondence from Department of Industry – Lands explains the various aspects of the new legislation. Whilst it is acknowledged that most issues relating to the new legislation are covered in this correspondence, the key omission is any reference to what is to be defined as “State” lands, or alternatively land of primarily local significance that could be vested in Council and it is intended that further clarification be sought on this issue as a matter of critical importance to Council.



LBN16/3629

General Manager
Mr Russell Pigg
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Shoalhaven City Council

Received

29 NOV 2016

File No. 12578 E

Referred to: M. Harben

etc:RP

Dear Mr Pigg

As you may be aware, on 9 November 2016 the NSW Parliament passed the Crown Land Management Bill 2016, which was assented to on 14 November 2016. You can view a copy of the Act on the NSW Legislation website - www.legislation.nsw.gov.au.

The new Act provides for modern and transparent management of Crown land, delivering better social, environmental and economic outcomes, and facilitating community engagement with Crown land.

There are no immediate changes for Councils which manage Crown land. All current legislation remains in place. Crown land and all Crown reserves will continue to be administered in accordance with current legislation.

The NSW Government recognises the important role that local councils play in managing Crown reserves across the State. The new Act will reduce the red tape, duplication and administrative burden on councils in their public land management role and provide councils with greater certainty about the legal requirements for managing Crown land.

The Act will enable councils to manage Crown reserves under the provisions of the *Local Government Act 1993* (LGA) for public land. This will reduce the duplication experienced by councils resulting from the current dual legislative frameworks.

Under the new Act, in most cases, management will generally be in accordance with the provisions of the LGA for 'community land'. However, with the Minister's consent, there will be a limited ability for appropriate land to be managed as 'operational land'. Councils will generally not be required to seek the Minister for Lands' approval for dealings on Crown reserves.

The requirement under the LGA to have plans of management for each reserve that is classified as community land will be phased in over time and councils will not have to go through the full LGA process for initial plans. Financial assistance will be available for Councils to assist with the costs of preparing plans of management.

Councils will continue to be eligible to apply for grants from the Public Reserve Management Fund Program to support the management and up-keep of reserves.

Delivering on the Crown Land Management Review recommendation about transferring land to the most appropriate owner and manager, the new Act provides that land of primarily local significance may be vested in local councils to allow for local interests and needs to be managed locally.

There will be no forced transfers - the Act explicitly requires Council consent to any transfers. Any transfer of Crown land will be guided by local land criteria which will be outlined in a regulatory instrument, and will be entirely voluntary and by agreement.

Councils will have the opportunity to consider the values of the land, including any resourcing implications, before agreeing to any voluntary land transfers. Once land is transferred, income generated by that land will be retained by the council.

The new Act includes provisions to facilitate compliance by councils and other Crown land managers with the *Native Title Act 1993* (Cth) (NTA), including requirements about using trained native title managers to ensure compliance with obligations under the NTA. The State will pay for initial training for native title managers for all councils.

It is anticipated that the majority of the Act will commence in early 2018. Further information will be provided in 2017, as we track towards commencement of the Act.

Further information about the new legislation, including factsheets, is available on the Department of Industry (DoI) – Lands' website at www.crownland.nsw.gov.au.

Should you wish to discuss this matter further, Ms Ilana Waldman, Director Strategy and Policy in DoI Lands, can be contacted on (02) 9934 0716.

Yours sincerely



ALISON STONE
DEPUTY DIRECTOR GENERAL
DEPARTMENT OF INDUSTRY – LANDS 25 November 2016

SA16.67 Compulsory Acquisition Crown Land - Lots 1, 2 & 3 DP 879670 Dowling Street, Ulladulla - existing road access

HPERM Ref: D16/357287

Group: Assets & Works Group
Section: Business & Property

Purpose / Summary

To seek Councils approval for the voting of funds for the payment of compensation determined by the Valuer General for the compulsory acquisition of Lots 1, 2 & 3 DP879670 Dowling Street, Ulladulla as resolved in MIN15.658.

Recommendation

Council resolve to pay compensation in the amount of \$52,500 to the Department of Primary Industries – Crown Lands for the compulsory acquisition of Lots 1, 2 & 3 DP879670 Dowling Street Ulladulla and that the funds be voted from the Property Reserve for this purpose.

Options

1. Resolve as recommended.

Implications: The payment of the compensation utilising proceeds received from the sale of unmade roads under Section 43 (4) of the Roads Act 1993 will formalise Council's ownership of the cul-de-sac head at the eastern extremity of Dowling Street, Ulladulla. .

2. Not resolve as recommended provide further direction to staff and propose an alternative.

Implications: Compensation will not be paid resulting in the stalling of the compulsory acquisition process.

Background

The compulsory acquisition of land for the extension of Dowling Street Ulladulla was considered by Council on 27 October 2015 and is covered by MIN15.658 as follows:

- a) *"Council resolve to compulsorily acquire Lots 1-3 DP 879670 (plan of acquisition) being Crown Land comprised in Lots 7321 & 7322 DP 1183910 being part of Reserve 83283;*
- b) *Council pay compensation as defined in Section 55 of the Land Acquisition (Just Terms Compensation) Act as determined by the Valuer General and the voting of funds for this purpose be the subject of a further report to Council when the amount of compensation has been determined".*

Following Council's resolution, the Valuer General of New South Wales determined the compensation payable to the Department of Primary Industries – Crown Land (as the affected landowner) at \$52,500.

The Property Reserve has a current balance of \$231,000 from which the funds can be voted.

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.

The proposed action is administrative and has no environmental impact.

Financial Implications

The compensation has been determined in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. The compensation is to be funded from Council's Property Reserve consistent with Section 43 (4) of the Roads Act 1993 which states, Money received by a council from the proceeds of sale of the land is not to be used by the council except for acquiring land for public roads or for carryout road work on public roads.

SA16.68 Acquisition of Drainage Easement - Woollamia - Pt Lot 1 DP1027849 17 James Farmer Grove, Woollamia - Easement for Bund

HPERM Ref: D16/372970

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. Plan of Acquisition - Drainage Easement - Lot 1 DP1027849 [↓](#)

Purpose / Summary

To seek Council approval to acquire a drainage easement 14 metres wide over part of Lot 1 DP 1027849, known as 17 James Farmer Grove, Woollamia (Owner; JC Cassar) for the existing drainage earthen bund to alleviate flooding in Woollamia Road.

Recommendation

That Council:

1. Resolve to acquire a 14 metre wide Easement for Drainage over part of Lot 1 DP1027849 known as 17 James Farmer Grove, Woollamia, as shown in Attachment 1;
2. Pay compensation of \$35,800 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 74901.39954 (If necessary, the compensation be adjusted in accordance with the area determined by final survey); and
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.

Options

1. Resolve as recommended.

Implications: Acquisition of the easement is required to formalise legal access for drainage and maintenance purposes for the already constructed bund.

2. Not resolve as recommended and provide further directions to staff.

Implications: Council will not have guaranteed access to maintain drainage infrastructure.

Background

The proposed easement is required for the already constructed earthen bund over privately owned land at Lot 1 DP1027849. The bund was constructed to intercept stormwater at James Farmer Grove and discharge the water into an existing swale drain located on Crown land, then across Woollamia Road into a natural watercourse that flows into Currumbene Creek.

A valuation undertaken on behalf of Council by Walsh & Monaghan Pty Ltd has assessed compensation for the easement at \$31,250 (excluding GST) assuming an area of 1562m². A further valuation undertaken on behalf of the owner of Lot 1 DP1027849 Mr Cassar by MVS Valuers, assessed compensation for the easement at \$45,800 (excluding GST). A conditional offer was made of \$35,000, Mr Cassar's solicitor has advised this offer has been accepted.

When the survey is finalised, the compensation can be adjusted if the area is different.

Community Engagement

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

Financial Implications

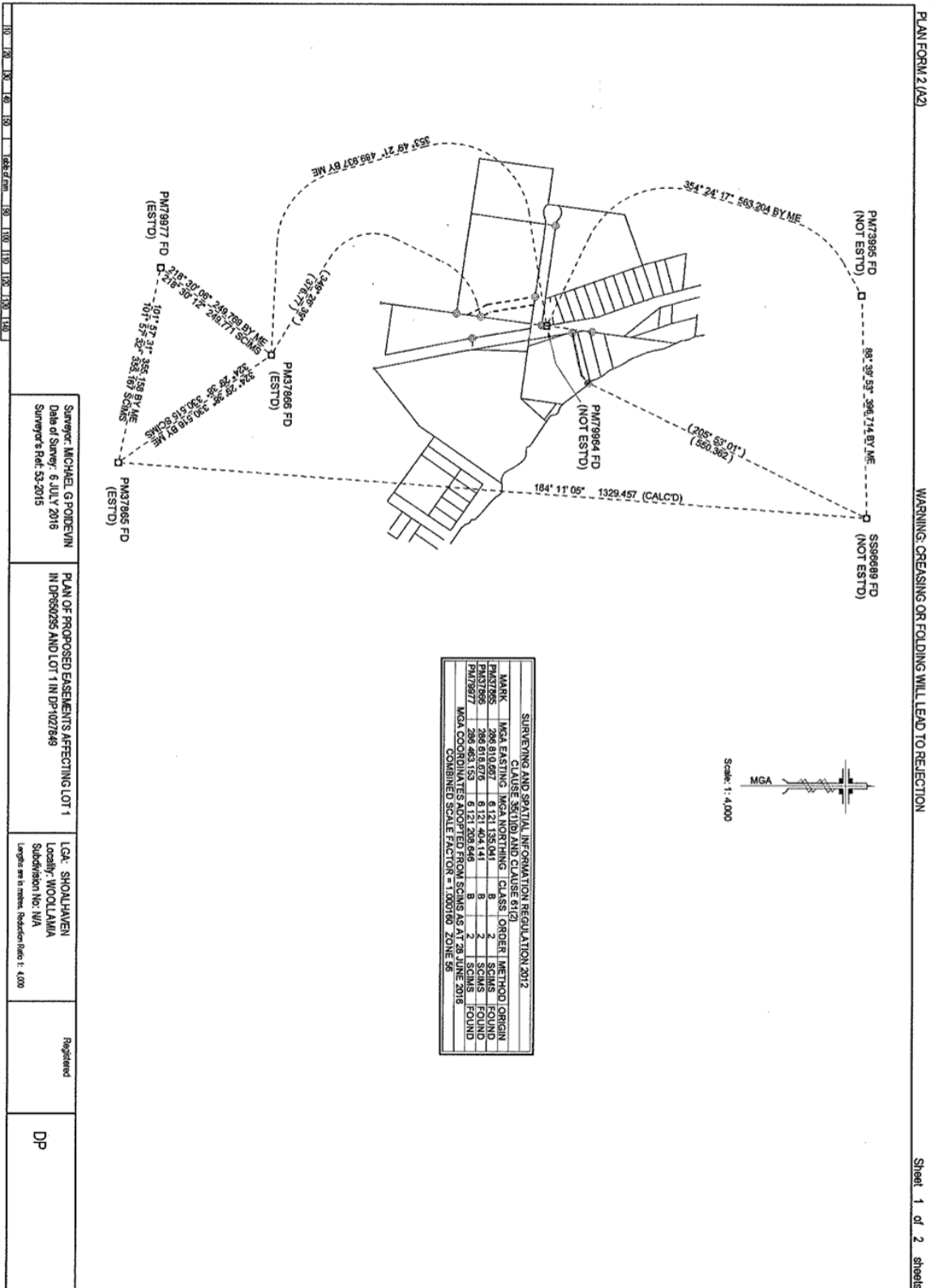
In accordance with the Land Acquisition (Just Terms Compensation) Act 1991, Council is responsible for the land owner's reasonable legal and ancillary cost associated with the acquisition. These costs along with the compensation are to be funded from job no.74901.39954.

Risk Implications

Registration of the easement is necessary to secure Council's access for the maintenance of essential public infrastructure and right to drain water through the easement.



SA16.68 - Attachment 1



SA16.69 Lease to Council from C & R Property Investments Pty Ltd - Units 1 & 2, 2 McIntyre Way, Bomaderry

HPERM Ref: D16/367005

Group: Assets & Works Group
Section: Business & Property

Purpose / Summary

To seek Council approval to renew the lease with C&R Property Investments Pty Ltd on Units 1 & 2, 2 McIntyre Way, Bomaderry occupied by Council's Northern Maintenance Section.

Recommendation

That Council resolves to:

1. Enter into a lease agreement for Units 1 & 2, at 2 McIntyre Way, Bomaderry with C & R Property Pty Ltd, for the continued use and occupation by Council's Northern Maintenance Section, for a term of two (2) years with three (3) options of 12 months each with an initial annual rent of \$42,342.91 (GST inclusive) with annual CPI increases.
2. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

Options

1. Adopt the recommendation.

Implications: Council's Northern Maintenance Section will continue to occupy the premises whilst allowing Council time to determine its longer terms requirements for the leased premises.

2. Not adopt the recommendation, provide further direction to staff and propose an alternative.

Implications: Council's Northern Maintenance Section would be required to vacate the premises and find alternative accommodation.

Background

Council's Northern Maintenance section has leased Units 1 & 2, at 2 McIntyre Way, Bomaderry from a private owner for over 20 years, being utilised as a workshop and office.

C & R Property Investments Pty Ltd has agreed to Council's required term with no changes to existing conditions and rent, as outlined below: -

Lessee	Shoalhaven City Council
Lessor	C & R Property Investments Pty Ltd
Premises	Units 1 & 2, 2 McIntyre Way, Bomaderry
Term	2 years
Commencement Date	1 December 2016
Termination Date	30 November 2018
Option	1 year – 1 December 2018 – 30 November 2019 1 year – 1 December 2019 – 30 November 2020 1 year – 1 December 2020 – 30 November 2021
Rent	Annual – \$42,342.91 (GST inclusive) Monthly - \$3,528.58 (GST inclusive)
Rent review	CPI – Annually
Percentage of Outgoings	33.33% (a) local council rates and charges (b) water, sewerage and drainage rates & usage charges

SA16.69

Community Engagement

The subject land is not owned by Council, therefore there is no requirement for any public notification resulting from this lease proposal.

Financial Implications

The commencement rent is the former years rental plus CPI and is considered reasonable in light of Council's long term occupation of the premises. There is sufficient funds within the Works and Services budget to cover the rental commitment.

Risk Implications

There are no risks to Council in continuing to occupy the premises

SA16.70 Proposed Lease - Berry Community Preschool Incorporated - 24 Albert Street, Berry

HPERM Ref: D16/365968

Group: Assets & Works Group
Section: Business & Property

Purpose / Summary

To seek Council approval to enter into a lease agreement with Berry Community Preschool Incorporated for the continued use and occupation of 24 Albert Street, Berry as a community preschool.

Recommendation

That Council:

1. Enter into a 5 year lease agreement with a 5 year option period with Berry Community Preschool Incorporated for the continued use and occupation of 24 Albert Street, Berry for the purpose of a community preschool with an initial annual rent of \$3,636.36 plus GST with annual CPI increases;
2. Approve the allocation of rent received under the lease agreement into the Property Reserve restricted account
3. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

Options

1. Not resolve as recommended and place the property on the open market for lease.
Implications: Berry Community Preschool Inc. operates a working preschool which has already accepted enrolments for the coming year. To terminate the current lease would cause stress to the parents of children attending the preschool. Further, there is no guarantee that a replacement lessee could be found in the short term.
2. Not resolve as recommended and renegotiate lease terms.
Implications: The proposed lease terms are in accordance with Council's adopted Occupation of Council Owned and Managed Land Policy;
3. Provide further direction to staff and propose an alternative.

Background

In June 1986 Council received numerous requests from Berry Community Preschool Inc. for Council to acquire land for the purpose of constructing and operating a preschool. At that time, the preschool occupied the Church of England Hall in Berry which was not permanent nor was it a purpose built building.

SA16.70

Investigations were carried out by Council and in April 1987 Council resolved to purchase the property at 24 Albert Street, Berry and construct a preschool. The Preschool contributed \$40,000 and Council provided an interest free loan of \$35,000 to be repaid over a period of five years. The total cost of the construction of the building and other associated works was \$153,849 with Council contributing an additional amount of \$78,849.

Council entered into a licence agreement with the Preschool for a period of five (5) years where the Preschool was required to pay a licence fee of \$7,000 per annum to Council to repay the interest free loan.

The licence agreement expired on 22 December 1993 at which time the licence fee reduced to \$1 per annum. The Preschool has remained in occupation of the property on a monthly holding over basis since that time.

Council has been in lease negotiations with Berry Community Preschool Incorporated for the past 4 years. The lease negotiations commenced with a “preschool co-operative” group as initial concerns were shared with each community preschool. Negotiations with the co-operative group were finalised in June and now each community preschool is negotiating with Council directly on the remaining issues.

The co-operative group included:

- Berry Community Preschool;
- Milton Ulladulla Community Preschool;
- Ulladulla Children’s Centre;
- Shoalhaven Community Preschool;
- Lyrebird Community Preschool;
- Culburra & District Preschool; and
- Bomaderry Community Preschool;

Negotiations with Berry Community Preschool Incorporated have now concluded and an agreement has been reached as outlined below:

Lessee	Berry Community Preschool
Lessor	Shoalhaven City Council
Premises	Lot 10 DP771829 as depicted in plan annexed to the lease and marked “B” at 24 Albert Street, Berry
Term	5 years
Option	5 years
Assessed Market Rent	\$40,000 plus GST per annum
Rent Payable	\$3,636.36 plus GST per annum, payable monthly in advance
Application of Rent Assessment Policy	Rental subsidy = 90.91%
Rent Review	Annually by CPI

Percentage of Outgoings	100%, outgoings refers to all charges for gas, electricity, telephone and any water rates and usage, garbage or sanitary rates or user charges relating to the Lessee's use of the Premises.
Permitted Use	The operation of a Community Based Preschool and all activities incidental thereto.
Public Risk Insurance	Twenty million dollars (\$20,000,000.00)

Council obtained a market valuation from Opteon Property Group for the property which assessed the current market rent at \$40,000 plus GST per annum. This figure represents the rent Council could receive if the property were leased to a commercial child care operator.

Market valuations for child care centres are based on a Government set ratio of indoor and outdoor space with the fees charged by the centre and the success (or otherwise) of the business having no impact on the market rental.

Berry Community Preschool Inc. completed and returned its proposal documentation to enable Council to apply the rental assessment framework to the Market Valuation. Given the high level of service the Preschool provides, it was determined that a rental subsidy of 90.91% would apply thus requiring the Preschool to pay \$3,636.36 per annum.

Community Engagement

The subject land is classified as Operational land under the Local Government Act 1993 and accordingly, there is no requirement for any public notification out of this lease proposal.

Policy Implications

The proposed lease terms are in accordance with Council's Occupation of Council Owned or Managed Land Policy.

Financial Implications

Entering into the lease agreement, as recommended will increase Council's revenue by \$3,636.36 per annum which will assist Council in maintaining its assets into the future.

SA16.71 Road Widening - Mundamia - Public Road Dedication

HPERM Ref: D16/369132

Group: Assets & Works Group

Section: Business & Property

Attachments: 1. Proposed Road Widening - Lot 2 DP1226624 [↓](#)

Purpose / Summary

To seek Council's approval to dedicate as a Public Road the land in Lot 2 DP 1226624 as shown in the attached plan (Attachment A). This will ensure compliance of the road widening with chapter NB1 of Shoalhaven Development Control Plan 2014 relating to the Mundamia Urban Release Area and compliance with a condition of the contract for the sale of the Council owned land in Lot 1 DP 1021332 (now Lot 1 DP 1226624).

Recommendation

That

1. Council resolves to dedicate Lot 2 DP1226624 (formerly part Lot 1 DP1021332) as Public Road pursuant to Section 10 of the Roads Act 1993;
2. The Mayor and General Manager be authorised to execute all documents necessary to give effect to this resolution and to affix the Seal of the Council of the City of Shoalhaven to any documents requiring to be sealed.

Options

1. Resolve as recommended.

Implications: Completing the road widening will ensure compliance with the relevant part of the Shoalhaven DCP 2014 and fulfil Council's obligation as set out in the contract for sale of the Mundamia land.

2. Provide further direction to staff and propose an alternative.

Background

Council resolved 25 October 2016 MIN16.289C to authorise the sale of land at Mundamia as a result of an Expression of Interest campaign. The sale is conditional to the extent that Council is required to register a plan to give effect to a road widening proposal which was established in the Development Control Plan for Mundamia. This plan has now been registered as DP 1226624 and completion of the action requires a resolution of Council to dedicate the land required for road widening in Lot 2 DP 1226624 under the provisions of Section 10 of the Roads Act.

Chapter NB1 of the Shoalhaven Development Control Plan 2014 relates to the Mundamia Urban Release Area (URA). This DCP outlines a requirement to widen the proposed access road to the residential development area to facilitate the construction of a prominent gateway to Mundamia in accordance with the DCP.


Req:R877667 /Doc:DP 1226624 P /Rev:01-Dec-2016 /Sts:SC.OK /Pgs:ALL /Prt:02-Dec-2016 04:30 /Seq:4 of 4

Ref:lp:epfan-epfan FOR SURVEYORS USE ONLY /Src:W

PLAN FORM 6A

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET					Sheet 2 of 2 sheet(s)										
PLAN OF LAND TO BE ACQUIRED UNDER THE ROADS ACT 1993., AFFECTING LOT 1 IN DP1021332				DP1226624											
				Office Use Only											
				Office Use Only											
Registered:  1.12.2016															
Subdivision Certificate No.: N/A			Date of Endorsement: N/A												
<table border="1" style="width: 100%; border-collapse: collapse; margin-bottom: 20px;"> <thead> <tr> <th style="width: 15%;">LOT No</th> <th style="width: 15%;">STREET No</th> <th style="width: 25%;">STREET NAME</th> <th style="width: 20%;">STREET TYPE</th> <th style="width: 25%;">LOCALITY</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">N/A</td> <td style="text-align: center;">GEORGE EVANS</td> <td style="text-align: center;">ROAD</td> <td style="text-align: center;">WEST NOWRA</td> </tr> </tbody> </table>						LOT No	STREET No	STREET NAME	STREET TYPE	LOCALITY	1	N/A	GEORGE EVANS	ROAD	WEST NOWRA
LOT No	STREET No	STREET NAME	STREET TYPE	LOCALITY											
1	N/A	GEORGE EVANS	ROAD	WEST NOWRA											
<div style="font-size: x-small; margin-top: 10px;">Surveyor's Reference: 60-2016</div>															

DP1226624

SA16.71 - Attachment 1

Req:R877667 /Doc:DP 1226624 P /Rev:01-Dec-2016 /Sts:SC:OK /Pgs:ALL /Prt:02-Dec-2016 04:30 /Seq:3 of 4

Ref:lp:ep:plan-ep:plan FOR SURVEYORS USE ONLY /Src:W

PLAN FORM 6 (2012)

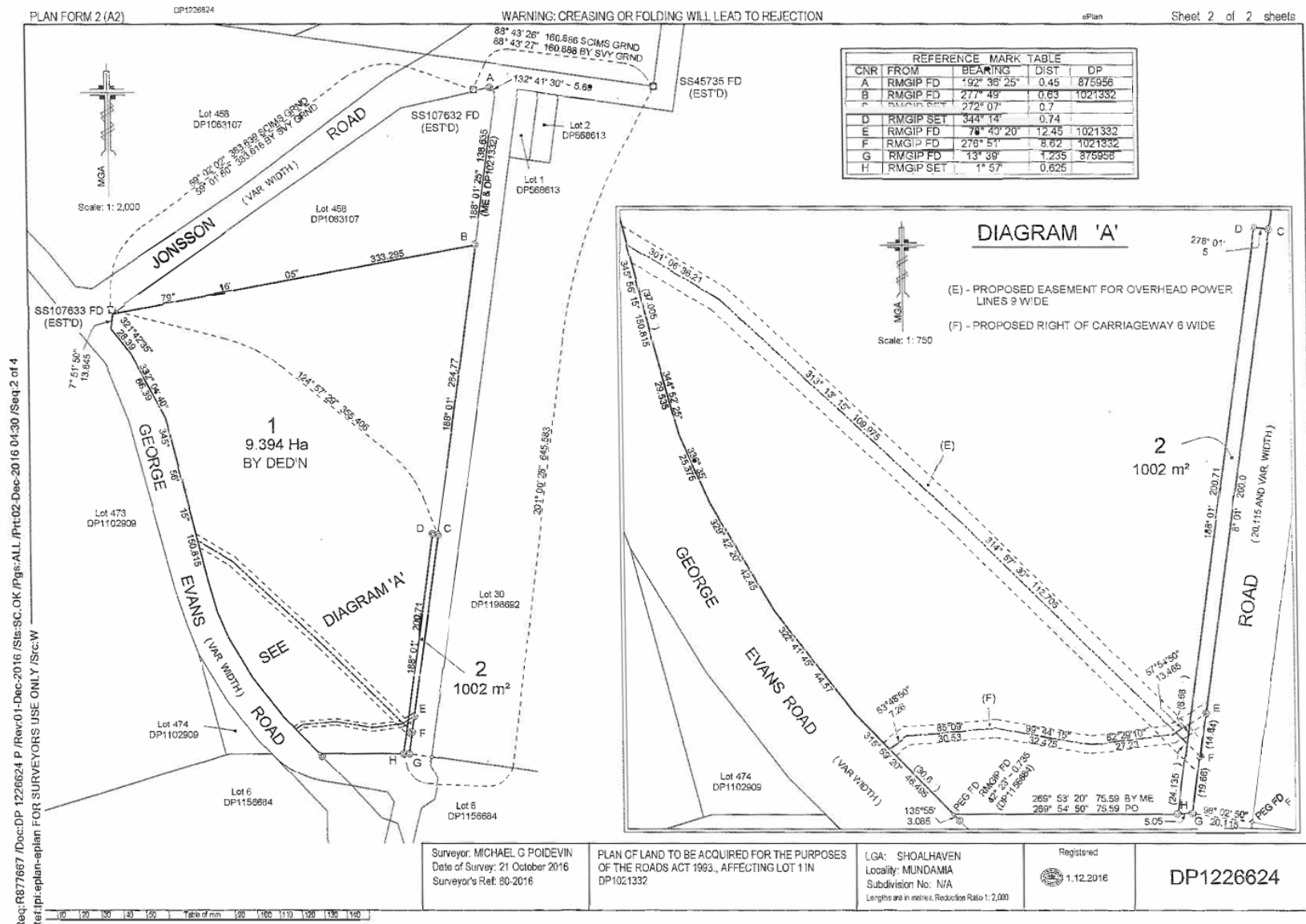
WARNING: Creasing or folding will lead to rejection

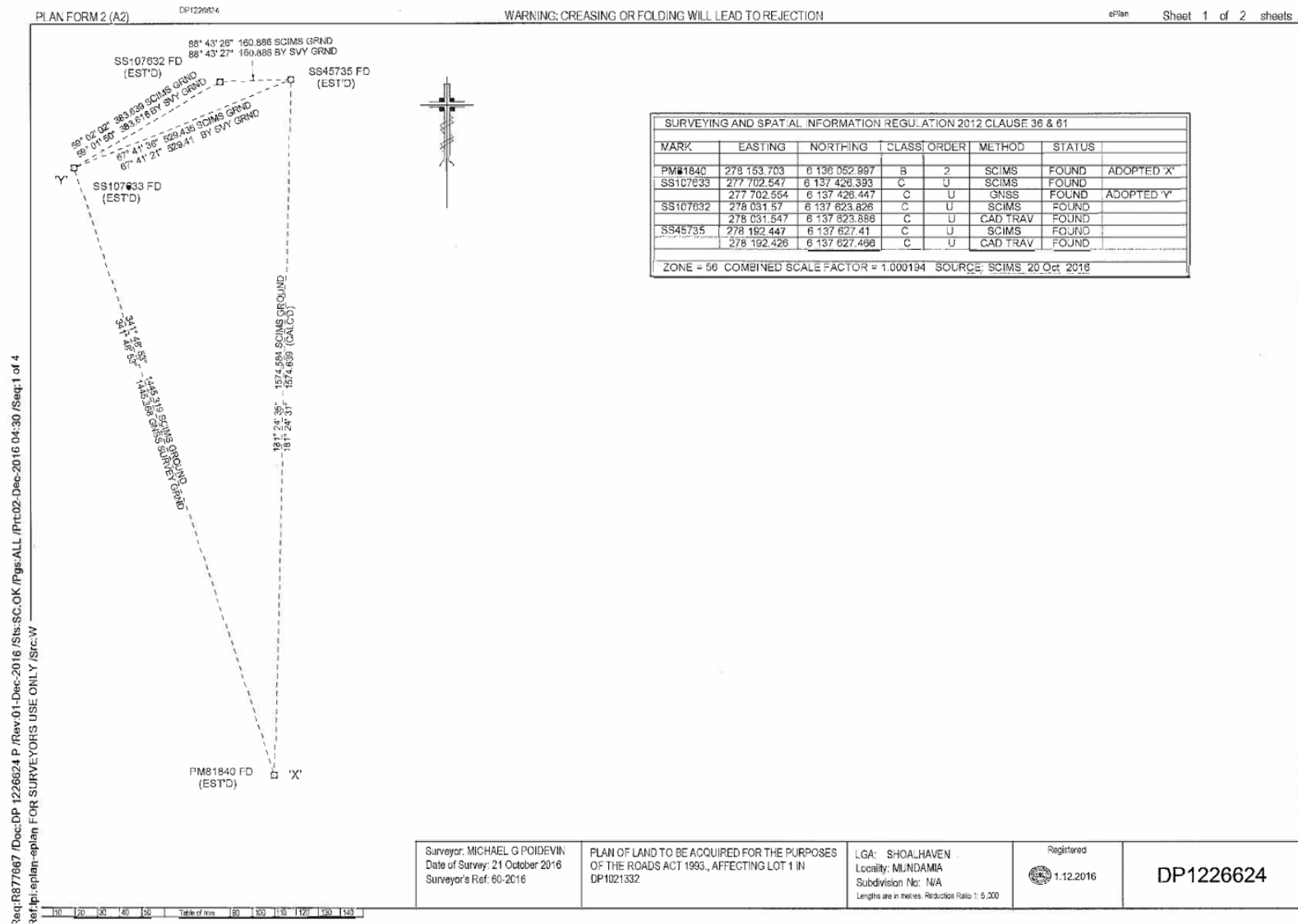
ePlan

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 2 sheet(s)
<p>Registered:  1.12.2016</p> <p>Title System: TORRENS</p> <p>Purpose: ROADS ACT, 1993</p>	<p>Office Use Only</p> <p>Office Use Only</p> <p>DP1226624</p>	
<p>PLAN OF LAND TO BE ACQUIRED UNDER THE ROADS ACT 1993., AFFECTING LOT 1 IN DP1021332</p>	<p>LGA: SHOALHAVEN</p> <p>Locality: MUNDAMIA</p> <p>Parish: NOWRA</p> <p>County: ST. VINCENT</p>	
<p>Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p>	<p>Survey Certificate</p> <p>I, MICHAEL GERARD POIDEVIN of PO BOX 42, NOWRA 2541 a surveyor registered under the Surveying and Spatial Information Act 2002, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on</p> <p>*(b) The part of the land shown in the plan (being Road Widening and connections) was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on, 21 October 2016 the part not surveyed was compiled in accordance with that Regulation.</p> <p>*(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2012.</p> <p>Signature:  Dated: 24/11/2016</p> <p>Surveyor ID: 1041</p> <p>Datum Line: 'X' – 'Y'</p> <p>Type: Urban/Rural</p> <p>The terrain is *Level-Undulating / *Steep-Mountaneous.</p> <p>*Strike through if inapplicable.</p> <p>*Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>	
<p>Subdivision Certificate</p> <p>I, *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:</p> <p>Accreditation number:</p> <p>Consent Authority:</p> <p>Date of endorsement:</p> <p>Subdivision Certificate number:</p> <p>File number:</p> <p>*Strike through if inapplicable.</p>	<p>Statements of intention to dedicate public roads, public reserves and drainage reserves.</p> <p>IT IS INTENDED TO DEDICATE LOT 2 TO THE PUBLIC AS ROAD</p>	
<p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>		<p>Plans used in the preparation of survey/compilation:</p> <p>DP1021332 DP1063107 DP568613 DP875956</p> <p>DP1198692 DP1156684</p> <p>If space is insufficient continue on PLAN FORM 6A</p> <p>Surveyor's Reference: 60-2016</p>

DP1226624

SA16.71 - Attachment 1





SA16.72 Reclassification of Land - 59 Owen St Huskisson

HPERM Ref: D16/374913

Group: Assets & Works Group

Section: Business & Property

Attachments: 1. Submissions Summary [↓](#)

Purpose / Summary

To reclassify the land described as Lot 2 DP 571682, known as 59 Owen St Huskisson from Operational Land to Community Land.

Recommendation

1. That Council approve the reclassification of land described as Lot 2 DP 571682, known as 59 Owen St Huskisson from Operational Land to Community Land
2. That Council consider allocation of funds in the 2017/18 budget for the preparation of a Plan of Management over 59 Owen Street Huskisson.

Options

1. Resolve as recommended.

Implications: The land will only be able to be used for Community land uses which are in accordance with the adopted Plan of Management for the lot. Pending adoption of the Plan of Management the nature and use of the land must not be changed. Under the Local Government Act 1993, a Council cannot sell, exchange or otherwise dispose of community land and is limited in its granting of leases or licences.

2. Not resolve as recommended.

Implications: The land will remain as Operational land and may be dealt with freely. An opportunity may exist at wharf level to undertake a low level minor development for tourism related activities and the majority of the site remain as open space, while maintaining the iconic view.

Background

Council purchased the land at 59 Owen Street from the Huskisson Ex-Serviceman's Club in early 2015 following acceptance of its tendered price. Council resolved at that time to classify the land as 'Operational'.

Following consideration of a Notice of Motion, Council at its meeting of 4 November 2016 (MIN16.745) resolved in part that:

- "2. Council advertise its proposed resolution to reclassify 59 Owen Street from Operational Land to Community Land for 28 days as required by section 34 of the

SA16.72

Local Government Act and a report be submitted to council following the public notice detailing any submissions received.”

Section 33(1) of the Local Government Act, 1993 (LGA93) provides that a Council may resolve that public land classified as operational land can be reclassified as community land.

Section 34 of LGA93, requires Public Notice of Council’s intention to reclassify the land from Operational Land to Community Land. The public notice relating to the reclassification of Lot 2 DP 571682 was placed in the local press for 28 days inviting written submissions. The submission period has closed and a copy of the submissions are provided in Attachment 1.

The key points raised in the submissions supporting reclassification of the land as community land include maintaining the iconic view and the intrinsic value of open space for both the benefit of the local residents and visitors.

Only 2 of the submissions received objected to the reclassification and supported development to maximise the highest and best use of the site and return on investment to Council.

Community Engagement

Following the closure of the submission period, and at the time of preparing this report, Council has received 55 submissions of which 53 are in favour of the proposal to reclassify the land as community land. There are 2 objections to the proposal.

Following the outcome of this report, a further update will be provided to those who made submissions. The site will remain as a primitive car park until a decision is made by Council on the future improvements of this open space.

Summary of Submissions – Reclassification of Land - 59 Owen St Huskisson	
No.	Comments
1	Support Community Land and encourages business & development. But development does not only mean construction of buildings. It means development of a town for its future sustainability & Huskisson sustainability relies on tourism. We should not underestimate the long term value of this space with regards to the tourism dollar. The Chamber therefore feels that the value of this block does not lie within its construction value but rather in its long term tourism value, which is priceless. Once the iconic view and green space is lost it can never be reclaimed. When the Management Committee is formed to look after the Community Land, the Chamber would like to request that we have a representative on the Committee.
2	Support Community Land - important to the community
3	Support Community Land - view must be preserved
4	Support Community Land - views are valuable to all concerned
5	Support Community Land - land belongs to the ratepayers
6	Support Community Land - no development above current ground level
7	Support Community Land - Their view would be affected by any development - request land at current level with no higher development - enjoyment of view by community forever
8	Support Community Land - Positive outcome for future generations - essential land part of broader plan for maintaining appropriate development that is reflective of small community
9	Support Community Land - Want community land & not buildings - iconic view - need to preserve & not build up too much - leave view/trees/grass & shopping street along
10	Support Community Land - Don't destroy it - I care
11	Support Community Land - Great move for progressive Council - needed to be done for future generations
12	Support Community Land - Request land to be protected for community use & to become a park
13	Support Community Land - land should be in public hands - any development will impede the vista
14	Support Community Land - extremely important to community
15	Support Community Land - character of Huskisson rests in great part on the vista of the spit & mouth of Currumbene Creek fm centre of Huskisson township.
16	Support Community Land - says community is overwhelmingly in favour of this decision. Free access to iconic view only way forward
17	Support Community Land - View is character of town which is unique. Present use for single level parking seems to work well. Leave alone
18	Support Community Land
19	Support Community Land - character of Huskisson rests in great part on the vista of the spit & mouth of Currumbene Creek fm centre of Huskisson township. Any development at the detriment of community.
20	Support Community Land - Will ensure aesthetic value of land will be maintained & village feel not lost.
21	Support Community Land - strong support - iconic view from block
22	Support Community Land - Land should be forever available to the public
23	Support Community Land - Please don't approve development at Owen St - public incl tourists should be able to enjoy space now and in future
24	Support Community Land - Many thanks for all your efforts in opting for the sustainable benefits that accrue to tourism and the community from this decision.
25	Support Community Land & to restrict development above ground level on the block site. Support maintaining block undeveloped & in hands of community
26	Support Community Land - Request view to be preserve & large multi-storey developments do not dominate Huskisson, and small intimate village feel to Huskisson will not be lost
27	Support Community Land - Various comments - keep this world class view pristine & available for all
28	Support Community Land (in accordance with S134 of the LGA 1993)
29	Support Community Land - This would not prejudice any future usage or development options, but merely strengthen the hand of the community in future decisions about the site.
30	Support Community Land - Huskisson needs to preserve that iconic view
31	Support Community Land
32	Support Community Land
33	Support Community Land - Most important iconic site & much loved by local community

34	Support Community Land - invaluable asset to Huskisson, its residents & visitors	
35	Support Community Land - Please keep the view	
36	Support Community Land - keep vista for all to see	
37	Support Community Land	
38	Support Community Land	
39	Support Community Land	
40	Support Community Land	
41	Does not support Community Land - Not a chance. Waste of taxpayer money. Should be sold to the highest bidder. What are you saving the view from - people driving their cars? They should be looking at the road. More people could enjoy the view if it was developed and included cafes, bars and restaurants	
42	Support Community Land	
43	Support Community Land. This submission indicates that Chamber strongly SUPPORTS the Council's proposal to reclassify 59 Owen Street, Huskisson, from Operational to Community land.	
44	Does not Support Community Land. Money from development could be used to update grid. I do not support my tax money (and I pay more tax than any socialist opposing this) being spent on something which is going to lower the GRP. That is essentially paying money so more dole bludgers can sit in a park.	
45	Support Community Land	
46	Support Community Land - I write to express my strong support for the reclassification 59 Owen St, Huskisson. This land was purchased by the Council at the behest of our community to preserve the iconic view over Currumbene Creek and Jervis Bay. We want this view to stay. It is vital to the community and its growth as a tourist destination in an "unspoilt" Shoalhaven.	
47	Support Community Land - It would be an absolute crime to lose this beautiful and iconic view so please please re-classify this land as Community land, never to be built on.	
48	Support Community Land - there is a need to protect the uniqueness of Huskisson and to avoid development that will be detrimental as the recent proposals have been.	
49	Support Community Land - This view is important to locals and visitors and is integral to the character of the town. I applaud SCC for taking steps to reclassify the block so that this view can be enjoyed for generations to come.	
50	Support Community Land	
51	Support Community Land - Please keep it for the community. We thank you and so will our children and the future generations to come. It is so important to have the vision to protect what is left of my home town and support the people, and not the developers wanting to make a quick profit! PLEASE PUT PEOPLE BEFORE PROFIT	
52	Support Community Land - This will maintain the attraction of Huskisson for tourism by maintaining the spectacular views of Jervis Bay from the Town Centre.	
53	Support Community Land	
54	Support Community Land	
55	Support Community Land - Our members welcome the decision to retain the wide, open space and visual connection to the wharf, bay and distant views up the creek from the main street of Huskisson – our unique point of difference and a key economic driver. This will mean that Huskisson continues to be a very successful international and domestic tourism destination, which benefits the entire region.	

SA16.73 Classification of Operational Land - Spinnaker St Vincentia - SPS

HPERM Ref: D16/381932

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. Location Plan - Lot 737, DP1204850 [↓](#)

Purpose / Summary

To classify the land described as Lot 737 DP1204850, known as Spinnaker St Vincentia as Operational Land.

Recommendation

That Council approve the classification of the land described as Lot 737 DP1204850 known as Spinnaker St Vincentia as Operational land.

Options

1. Resolve as recommended

Implications: The land will be able to be used for its intended purpose (Sewer Pump Station).

2. Not resolve as recommended

Implications: The land will default to Community Land and therefore is subject to the Community Land provisions as outlined in the Local Government Act 1993 (LGA93).

Background

Lot 737 DP1204850, a sewer pump station site in the Bayswood Estate at Vincentia was transferred to Council as a condition of the subdivision approval (SF9786) for the Bayswood Estate.

Section 31(2) of the Local Government Act, 1993 (LGA93) provides that before Council acquires land, or within 3 months after it acquires land, Council may resolve to classify it.

There are two Classifications available:

1. Operational Land – land which Council owns as a business entity and upon which it conducts Council business, and
2. Community Land – Land in Council's ownership which is held for and on behalf of the Community – subject to the Community Land provisions of the LGA93.

A resolution of Council, within the time frame prescribed in the LGA93, is required to finalise the classification of land as Operational. Should the classification process not be completed, the land will default to Community Land.

Community Engagement

In accordance with Section 34 of the LGA93, public notice of Council's intention to classify the land as Operational land Lot 737 DP 1204850 was placed in the local press 9 November 2016 allowing 28 days for written submissions, closing 7 December 2016. At the time of writing this report no submissions have been received and any submissions prior to the closing time will be advised at the Committee meeting.



SA16.74 Sea level rise projections and policy framework

HPERM Ref: D16/324334

Group: Planning & Development Services Group
Section: Environmental Services

Attachments:

1. Council sea level rise policy adopted 10 February 2015 [↓](#)
2. Report to Council 28 October 2014 (under separate cover) [⇒](#)
3. Council resolution 28 October 2014 [↓](#)
4. Report to Policy & Resources Committee 10 February 2015 (under separate cover) [⇒](#)
5. Submission from Shoalhaven NRFM Committee [↓](#)

Purpose / Summary

Council's governance practice requires that all policies are to be reviewed within 12 months of an election of a new Council.

The sea level rise (SLR) policy adopted by Council on 10 February 2015 (provided in attachment 1) is presented for Council's consideration at this meeting.

Recommendation

Submitted for consideration.

(However, staff would recommend Option 2 which is consistent with staff previous recommended position. Option 1 reflects the policy position established in the last term of Council.)

Options

1. Readopt the sea level rise policy without changes.

Implications: This option reaffirms Council's existing policy position that was resolved after extensive consideration of the consultant's report in February 2015. Council's current policy includes a seven (7) year review. Council needs to appreciate that there has been additional information and advice since that date.

2. Rescind the sea level rise policy adopted by Council on 10 February 2015 and
 - a. Adopt sea level rise (SLR) projections based on the carbon emission scenario RCP8.5 high probability scenario (line), as recommended in the South Coast Regional Sea Level Rise Policy and Planning Framework (October 2014) and in line with State and Federal Governments' coastal adaption advice.
 - b. Review its coastal hazard studies and flood risk studies, in view of the adopted SLR projections.
 - c. Develop an adaptive SLR policy framework based on the South Coast Regional Sea Level Rise Policy and Planning Framework (October 2014), and advice provided by State and Federal Governments and that Council receive a separate report on this matter in future.

Implications: The recommendations presented above are based on the most current available science and are in line with recent advice provided by State and Federal Governments. Additional costs would be incurred in further revisiting studies that have recently been completed using Council's existing policy position

3. Adopt a different option.

Implications: Council needs to document the rationale for their decision so that Council's position is defensible under the Local Government Act and demonstrates the decision has been made in good faith.

Background

Sea level rise projections

The 2009, NSW Government Sea Level Rise Policy required Councils to consider, as a minimum, 40cm sea level rise by 2050 and 90cm rise by 2100 above 1990 levels. In response, Council conducted flood studies and coastal risk studies which informed Council's LEP and citywide DCP based on the NSW Government Sea Level Rise Policy.

The State Government repealed their Sea Level Rise Policy in 2012 as part of the stage 1 coastal reforms and encouraged each Council to adopt their own sea level rise projections. In response, Council in partnership with Eurobodalla Council engaged expert consultants to develop a [South Coast Regional Sea Level Rise Policy and Planning Framework](#) (October 2014). Based on a careful consideration of the science, legal advice, planning and legislative framework, the report recommended that Council adopt sea level rise projections associated with the carbon emission scenario RCP8.5 (also referred to as business as usual scenario). To acknowledge the uncertainty with modelling projections the report also recommended adopting the 'high' values of this scenario (around 15% chance of being exceeded). In addition to recommending sea level rise projections and values, the report also presented an adaptive policy framework to guide Council policies and planning in responding to the impacts of such sea level rise.


The Policy and Planning Framework was not adopted by Council. Consideration and weight was given to part of it together with submissions from the Nongovernmental International Panel on Climate Change and a local civil engineer. The following sea level rise projections were eventually adopted on 10 February 2015 - 100mm for 2030; 230mm for 2050 and 360mm for 2100. A copy of the policy is contained in attachment 1.


Referring to table 10 on page 55 of the Policy and Planning Framework (<http://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=D15/91828>) (refer to figure below), Council's adopted sea level rise projections correspond to the sea level rise projections associated with a greenhouse gas scenario RCP6.0 (mid-range greenhouse gas emissions scenario which rely on significant reduced emissions in the near future). The adopted 2030 and 2050 projections have a 15% chance (high probability line) of being exceeded while the 2100 projection of 360mm has a 85% chance of being exceeded (low probability line).

Table 10 Locally Adjusted Projections of Sea-level rise for Shoalhaven and Eurobodalla¹

Year	RCP2.6			RCP4.5			RCP6.0			RCP8.5		
	Low	Middle	High	Low	Middle	High	Low	Middle	High	Low	Middle	High
2015	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2020	0.02	0.02	0.03	0.02	0.02	0.03	0.02	0.02	0.03	0.02	0.02	0.03
2030	0.05	0.07	0.10	0.05	0.07	0.10	0.05	0.06	0.10	0.06	0.07	0.10
2040	0.10	0.12	0.16	0.09	0.12	0.16	0.08	0.12	0.15	0.11	0.14	0.17
2050	0.13	0.17	0.23	0.14	0.18	0.24	0.13	0.17	0.23	0.16	0.20	0.26
2060	0.15	0.21	0.30	0.18	0.24	0.32	0.16	0.22	0.30	0.21	0.29	0.37
2070	0.18	0.27	0.37	0.22	0.31	0.41	0.21	0.29	0.39	0.29	0.39	0.50
2080	0.21	0.31	0.44	0.25	0.38	0.51	0.25	0.36	0.50	0.35	0.49	0.64
2090	0.23	0.36	0.51	0.30	0.44	0.60	0.31	0.44	0.61	0.44	0.61	0.79
2100	0.25	0.41	0.58	0.34	0.50	0.69	0.36	0.53	0.72	0.53	0.74	0.98

¹Derived by adjusting the Global Projections from Table 3 for regional effects from 2015

 values adopted by council in february 2015

 values/projection recommended by Consultant

It is to be noted that the sea level rise projections adopted by Council and recommended by the consultant do not differ significantly before 2050 (only a difference of 3cm). The projections adopted will not have a significant impact on planning for development that will have reached its end of life by 2050. However, for longer-term developments or decisions that have long term impacts such as rezoning or subdivisions the impacts are likely to be different because the 2100 projection must be considered in these circumstances. The adaptive planning framework developed recommends that proposed development should be adaptable and subject to controls to ensure they are safe for the course of their expected life or can be decommissioned or suitably adapted in future.

Attached to this report is a copy of the original report to the Ordinary meeting of Council on 28 October 2014 (see attachment 2) and the resolution of Council on 28 October 2014 (see attachment 3). A copy of the subsequent report to Council's Policy and Resources Committee on 10 February 2015 is contained within attachment 4.

Additional Information:

Since Council's decision on sea level rise, the NSW Government has released a comprehensive climate change tool: AdaptNSW. It contains guidance for local government on sea level rise <http://climatechange.environment.nsw.gov.au/Impacts-of-climate-change/Sea-level-and-coasts> (see extract below). The climate projections for NSW regions provided on this website are based on an emission scenario similar to RCP8.5.

Extract from the AdaptNSW website <http://climatechange.environment.nsw.gov.au/Climate-projections-for-NSW/About-NARClIM/Emissions-scenarios#fn3> :

'The SRES A2 emission scenario was selected for the NARClIM climate projections because the global emissions trajectory suggested that it was the most likely scenario.'

'Recent publications have confirmed that we are tracking at the higher end of the A2 scenario. For the latter half of the 21st century, SRES A2 has a similar trajectory to that of RCP8.5, with both reaching about 8 W/m² by 2100 (Figure 1a). SRES A2 is also similar to RCP8.5 in terms of changes in global mean temperature (Figure 1b).'

The Australian Government has also released a comprehensive decision support tool for coastal managers developed by NCCARF (National Climate Change Adaptation Research Facility). Specific information on the choice of greenhouse gas scenario are available at <https://coastadapt.com.au/how-to-pages/how-to-understand-climate-change-scenarios>. An extract of this webpage is provided below.

Extract from CoastAdapt <https://coastadapt.com.au/how-to-pages/how-to-understand-climate-change-scenarios>.

'How should you select a greenhouse gas scenario? There are two good reasons for choosing RCP8.5. Firstly, of the current generation of model runs, it presents the 'worst case'. That isn't to say things couldn't be worse, they could. But we don't have model evidence for a case worse than RCP8.5. So it is possible to argue that, by selecting RCP8.5, you are fulfilling a duty of care by being as risk averse as possible. The second is that, globally, we are currently tracking along the RCP8.5 pathway, and therefore it can be argued that by selecting RCP8.5 you are picking the scenario that is closest to reality. Whether or not this situation is likely to continue is arguable - many would say that as mitigation policy begins to bite we will default to a lower RCP pathway such as RCP6.0 - but in terms of the evidence of present performance, RCP8.5 would be the closest.'

For the reasons outlined above it is recommended that Council reconsider its current policy position. The staff position in the original report of 28 October 2016 (see attachment 2) to Council was that the consultant's recommendation of RCP 8.5 should be supported.

Impact on studies and planning

Adopting sea level rise projections is only the first step in planning for climate change, it is as important to understand how the sea level rise projections will impact on future risks and how to respond to these risks.

In order to understand future risks associated with sea level rise, Council is now in the process of reviewing its coastal hazard studies and some flood risk studies in view of the sea level rise projections adopted in February 2015.

The review of the coastal hazard study with Council's adopted sea level rise projections is complete and in draft form. A Councillor briefing was held on 29 November 2016 to inform Councillors of the outcomes of the review. The matter was reported to Council's Shoalhaven Natural Resource & Floodplain Committee (NRFMC), Council's community consultative body for coast, estuary and floodplain matters, on 29th November 2016. The minutes of that meeting are included in this Strategy and Asset Committee business paper for 13th December 2016. The Committee recommended that *Council consider placing the draft revised coastal hazard study report on public exhibition subject to Council reaffirming its sea level rise policy*. Should Council resolve to amend the sea level rise policy, the study can be amended with new sea level rise projections in a relatively short time frame.

At the meeting of the Shoalhaven NRFMC on 20 July 2016 the Committee:

RECOMMENDED that Council consider as part of their review process of existing Sea Level Rise Policy review adopting a precautionary principle to sea level rise policy/adaption to climate change and that future policies include a statement of intent that informs a more detailed policy position including a scientifically supported planning horizon for the Shoalhaven.

Note: The Committee expressed their concerns on the apparent lack of a credible and widely accepted competent scientific basis upon which the current Council adopted their policy.

The Committee also RECOMMENDED that Council:

- a) Consider adopting a more holistic approach managing Sea Level Rise and Climate change risk.*
- b) Adopt a four year review cycle for the above mentioned policies.*
- c) Report back to the committee if the peer review of the legal advice known as Attachment D on 10 February 2015 was undertaken.*

Some members of the Shoalhaven NRFMC have lodged a submission in relation to the policy (Attachment 5).

Council's response to future sea level rise risks is embedded in its LEP and Citywide DCP.

Community Engagement

The draft South Coast Sea Level Rise Planning and Policy Response Framework was placed on exhibition in August/September 2014 and the outcome of exhibition was reported to Council on 28 October 2014 (see attachment 2). All comments on the draft report were addressed by the consultant in a separate report that was included in attachment to the Council report.

Any changes or review of coastal and flood studies and, or development controls will be subject to separate community engagement activities.

Policy Implications

The adopted policy position will be used to inform and direct Council's studies and adopted plans, which subsequently affect land use planning decisions.

Financial Implications

Adopting new sea level rise projections would trigger a review of coastal and flood studies. The coastal hazard study is currently being reviewed in view of the projections adopted in 2015, the cost associated with a variation to the review would be limited (in the order of \$2,000).

The cost associated with reviewing flood studies would be in a similar range for each study.

Risk Implications

Measurements and Government advice are pointing at higher sea level rise projections beyond the year 2050 than those currently adopted by Council. The long-term implications of not considering relevant sea level rise projections in decisions that have long term effects such as rezoning or subdivision or construction of critical assets such as roads could be significant for future generations to deal with. It is accepted that Council's current policy position does require a periodic review (e.g. every 7 years) and Council will have the opportunity at that time to reconsider their current position and scientific evidence.

Shoalhaven Council currently has significant challenges with legacies of the past. Examples of such legacies include developments that had been approved in very low lying areas or high risk flood prone areas and there are no (or unaffordable) engineering solutions to fix the constant drainage and flooding issues. Other examples include developments at Mollymook (Surf Life Saving Clubs and Golf Club) where they have been located close to the coast and

are likely to require the construction of expensive seawalls, in the future to protect them against coastal hazards. At the time of such decisions the risks were poorly understood, now that the risks are well understood, it is important for Council to not create additional legacies that place future generations at unacceptable risk or burden them with significant expenses to protect assets against such risks.

**MINUTES OF THE POLICY & RESOURCES COMMITTEE MEETING HELD ON TUESDAY,
10 FEBRUARY, 2015 IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE,
BRIDGE ROAD, NOWRA COMMENCING AT 4.11 PM.**

1. South Coast Regional Sea Level Rise Planning and Policy Response Framework
File 30596E

Note: George Kruk addressed the meeting earlier in relation to this item.

Note: That the General Manager advised that Attachment D Item 12 was withdrawn to allow the document to be peer reviewed prior to presentation to Council.

Note: Cllr Findley asked that Cllr Watson be requested to withdraw his comment that Cllr Findley provided a 'rant' in debate. Cllr Watson withdrew his comment.

MOTION: Moved: Watson / Second: Gash

RESOLVED that, in accordance with Committee's delegated authority from Council, that Council reaffirm its decision in respect of sea level projections as follows:

- a) Establish a sea level rise benchmarks for planning purposes based on a 2030 horizon 100 mm, a 2050 horizon of 230 mm and 360 mm horizon for 2100 as indicated in the Whitehead & associates Report.
- b) Review the projection based on real data every 7 years with tidal gauges at HMAS Creswell and Ulladulla being included in the calculations along with other NSW gauges, modelled or corrected altimeter data be excluded unless new Satellites overcome the present measurement error.
- c) Apply the adopted sea level rise projections for the preparation and review of flood studies, flood risk management studies and plans, coastal hazard studies and asset management plans;
- d) As part of a future amendment to Shoalhaven Development Control Plan 2014, review Chapter G6: Areas of Coastal Management and other relevant chapters to ensure provisions are consistent with the adopted Sea Level Rise Policy and
- e) Continue to monitor State and Federal Government advice including Stage 2 Coastal Reform and future Intergovernmental Panel on Climate Change (IPCC) reports and review its sea level rise projections in accordance with part b.
- f) Adopt the explanatory Notes and Guidelines as follows:-
 - i) This resolution takes into account the following papers and Presentation, and Complementary Review of the Whitehead Report and is adopted on the basis of 7 year reviews primarily using real long term data from the Fort Denison Tidal Gauge as well as the consideration of trends from local tidal stations.

The seven year reviews means Council's plans can quickly respond to any significant change in the rate of sea level increase or decrease and on this basis Council believes it is reasonable to use the above methodology to

determine the planning levels.

It is also noted that the CZMP's are plans which are assented to by the Minister.

Whitehead and Associates Report Eurobodalla and Shoalhaven Councils.
Whitehead & Lord

The presentation by George Kruk Chartered Civil Engineer 10th Feb 2015

Commentary and Analysis on the
Whitehead & Associates 2014 NSW Sea-Level Report
Carter R.M., de Lange W., Hansen, J.M., Humlum O., Idso C.,
Kear, D., Legates, D., Mörner, N.A., Ollier C., Singer F. & Soon W.

NSW Ocean Water Levels
B Modra¹, S Hesse
Manly Hydraulics Laboratory, Sydney, NSW

FOR: White, Tribe, Kearney, Gash, Baptist, Guile, Wells Watson, McCrudden and
Kitchener.

AGAINST: Findley and Russ Pigg.

ADOPTED AT COUNCIL MEETING HELD ON TUESDAY 28 OCTOBER 2014

750. (Item 33) South Coast Regional Sea Level Rise Benchmarks and Policy Response Framework File 30596E, 49987E [Index](#)

MOTION:

Moved: Wells / Second: Watson

That Council:

- a) Establish a sea level rise benchmark for planning purposes based on a 2050 horizon of 230 mm and the RCP 6 as indicated in the Whitehead & associates Report.
- b) Review the projection based on real data every 7 years with tidal gauges at HMAS Creswell and Ulladulla being included in the calculations along with other NSW gauges, modelled or corrected altimeter data be excluded unless new Satellites overcome the present measurement error.
- c) Apply the adopted sea level rise projection for the preparation and review of flood studies, flood risk management studies and plans, coastal hazard studies and asset management plans;
- d) As part of a future amendment to Shoalhaven Development Control Plan 2014, review Chapter G6: Areas of Coastal Management and other relevant chapters to ensure provisions are consistent with the adopted Sea Level Rise Policy and
- e) Continue to monitor State and Federal Government advice including Stage 2 Coastal Reform and future Intergovernmental Panel on Climate Change (IPCC) reports and review its sea level rise projections in accordance with part b.
- f) Respond to all who made a submission, thanking them for their input and providing them with a copy of this resolution, and the consultants response to key issues raised during the exhibition

CARRIED

FOR: Tribe, Kearney, Anstiss, White, Wells, Watson, Kitchener, McCrudden, Gash

AGAINST: Findley and Guile

Subject: FW: Item on SLR policy for December 13 Strategy & Assets Meeting
Attachments: Submission on Councils SLR policy Item for S&A Committee .doc

From: Mike & Rose [<mailto:rosemike2@dodo.com.au>]
Sent: Thursday, 8 December 2016 11:09 AM
To: Council Email <Council@shoalhaven.nsw.gov.au>
Cc: All Councillors <AllCouncillors@shoalhaven.nsw.gov.au>; Mike & Rose <rosemike2@dodo.com.au>; 'Duncan Marshall' <duncan@northeastwind.com.au>; Brett & Deb <banddstevenson@tpg.com.au>; Chris Grounds <solum306@gmail.com>; annie boutland <annie.boutland@exemail.com.au>; 'Helen Moody' <helenmd12@gmail.com>; Ian Stewart <ian@yattah.net>; David Reynolds <dave@machelp.com.au>; notapplicable4@bigpond.com; Kaye Milsom - Sth NRFMC <kayelmilsom@bigpond.com>
Subject: Item on SLR policy for December 13 Strategy & Assets Meeting

Dear Mayor, Councillors and General Manager,

Please find attached our submission urging a change to Council's sea level rise projections and policy. Thank you for your consideration of this as part of the Agenda of the December 13, Strategies & Assets Committee.

Yours faithfully,

(On behalf of Community Members of the Natural Resource & Floodplain Management Committee, who are signatories to the submission)

Dr Mike Clear
11 Koolyn Drive
Cudmirrah NSW 2540

M: 0415714535



Virus-free. www.avast.com

Dear Mayor, Councillors and General Manager,

We are community representatives on your Natural Resources and Floodplain Management (NRFM) Committee. We urge Shoalhaven City Council through this committee, to review the existing sea level rise (SLR) projections to better reflect current credible science and accepted engineering practice, and to develop a policy document to manage risks associated with SLR.

The guidance and links provided by Office of Environment & Heritage (OEH) can be found at <http://climatechange.environment.nsw.gov.au/Impacts-of-climate-change/Sea-level-and-coasts>. They provide important direction about SLR projections and emission scenarios that best reflect the current most credible science. Significantly, they use the IPCC Fifth Assessment Report 2013. OEH add two key additional points to the essential and relevant projection and scenario advice;

“They (IPCC) also suggest the possibility of up to several tens of centimetres above these values if marine-based sectors of the Antarctic ice sheet collapse.” and

“Data provided by the IPCC also indicate that sea level rise along the east coast of Australia might be 0% to 10% above the global average by 2100 (relative to 1986–2005), with higher rates offshore.” (<http://www.ipcc.ch/report/ar5/wg1/> Chapter 13).

The advice provided on the OEH site, reflecting as it does the IPCC Fifth Assessment Report 2013, corresponds to the recommendations of Whitehead & Associates in their 2014 Report to Council. We also believe that Engineers Australia provides valuable advice consistent with both the IPCC and Whitehead & Associates.
https://www.engineersaustralia.org.au/sites/default/files/shado/Learned%20Groups/National%20Committees%20and%20Panels/Coastal%20and%20Ocean%20Engineering/vol_1_web.pdf

We wish to address three principal areas of Council’s SLR policy. These are:

- 1.0 The context and recent changes impacting SLR projections.
- 2.0 Legal and ethical obligations to act in ‘good faith’.
- 3.0 Values and guiding principles for decision making and the cost of inaction.

1.0 The context and recent changes impacting SLR projections

Since Council’s February 2015 adoption of SLR projections of 0.23m by 2050 and 0.36m by 2100, we have researched the issues at some length. We believe that the Shoalhaven City Council’s (SCC) SLR projection over this century, may be amongst one of the lowest of any Council in Australia, and the policy articulation one of the most scant and least coherent. This is alarming, and it forcefully highlights the extent to which our Council is currently at odds with accepted scientific knowledge on SLR.

We don’t expect that Council should lead the way or be at some frontier of science and SLR, but we do most assuredly expect that our Council will be guided by “widely accepted competent scientific opinion” and the best possible advice. We don’t believe that any fair-minded person could assess that this has occurred.

Indeed, not only has Council effectively rejected its Consultant’s (Whitehead&Associates) scientific report, but it has constructed its SLR projections on the advice of one civil engineer, and the submission of the Non Intergovernmental Panel on Climate Change (NIPCC). This organisation is funded by the fossil fuel industry’s Heartland Foundation. It does not only advocate that society should reject the most widely accepted climate science of the Intergovernmental Panel on Climate Change (IPCC), but also recommends abandonment of policies dedicated to stopping global sea level rise (NIPCC Submission, *Commentary& Analysis on the Whitehead & Associates 2014 NSW Sea-Level Report*, September, 2014. P32).

In contrast the IPCC is made up of thousands of scientists from over 190 countries around the world, who contribute to the work of the IPCC. *“Review is an essential part of the IPCC process, to ensure an objective and complete assessment of current information.”* (<https://www.ipcc.ch/organization/organization.shtml>).

Of course Council itself has acknowledged that the SLR projection adopted for 2100 of 0.36m has an “85% chance of being exceeded.” This would seem to represent a very low level of confidence in Council’s chosen figure. We, like the IPCC and the vast majority of climate scientists, share that lack of confidence, profoundly. Council has an opportunity, now, to adopt a more scientifically based, coherent and widely acceptable position on SLR.

1.1 Evidence of acceleration in SLR since Council’s February, 2015 Policy decision

(<https://www.scientificamerican.com/article/new-data-reveal-stunning-acceleration-of-sea-level-rise/>)

Evidence of important changes in the factors contributing to SLR since Council’s February, 2015 SLR policy decision provides a powerful reason to review SLR policy, now. The link to the Scientific American article sets this out in some detail. Global warming has extended the summer ice-melt and reduced winter snow fall resulting in far greater than expected melt of ice that cover Greenland and Antarctica. This is predicted to accelerate SLR, considerably.

The impact of a high tide now and in the year 2100 in the Shoalhaven, can be viewed graphically at <http://coastalrisk.com.au/> It is noteworthy that, *“The high scenario is in line with recent global emissions and observations of sea level rise. This high scenario aligns to RCP 8.5, which has a median sea level rise of 0.74 metres by 2100.”*

(IPCC Fifth Assessment Report, Climate Change 2013: The Physical Science Basis, Chapter 13 Sea Level Rise, Table 13.5 Median Values and Likely Ranges for Projections of Global Mean Sea Level Rise)

2.0 Legal and ethical obligations to act in ‘good faith’

In March 2013 Council Insurers Statewide Mutual provided advice it had received and supported from the Global Law Firm, DLA Piper. Their advice, amongst other things was that,

“...in the absence of compelling data supporting a benchmark significantly less than those set out in the Policy Statement (this refers to OEH 0.4m by 2050 and 0.9m by 2100), Council will likely limit statutory defences otherwise available to it in any liability claim concerning the issue of the appropriateness of the benchmark selected.”(Statewide Mutual Letter to GM, SCC dated 13 March, 2013)

We understand that consistent with the counsel contained in this letter from Statewide Mutual, SCC did obtain “independent” advice in an attempt to support its chosen benchmarks. This was the Whitehead & Associates Report that Council did not adopt. We make two fundamental points in relation to this.

First, we accept that SLR benchmarks adopted by SCC may possibly be defensible under s733 of the *Local Government Act*, but the policy could hardly be said to be in “good faith” when a broader understanding of responsibility to the whole community and an ethical perspective is applied. We believe it has been established beyond reasonable doubt, that Council has not based its SLR benchmarks on the “widely accepted competent scientific opinion” that was contained in the Consultant’s report. This is the generally accepted condition for indemnity (from liability) with respect to s733 and the ‘good faith’ provisions of the *Local Government Act*.

Second, far-reaching changes in the science since Council commissioned Whitehead & Associates, demand a rethink. Recent acceleration in some factors contributing to SLR, evidenced at 1.1 above, make a renewed consideration of the SLR projections for the Shoalhaven, based on authentically robust science, imperative.

3.0 The guiding principles for decision making and the cost of inaction

We believe that decisions such as those concerning SLR, with potentially such profound consequences for the future of Shoalhaven residents, require that Council explicitly delineate the guiding principles and framework that form the basis of its policy decisions. Nothing less than complete transparency about the rationale for the decisions made, and a straightforward statement of the objectives and guiding values would seem adequate. As important as numerical SLR projections are, a response to SLR is far more than their adoption. The explicit statement of objectives and the guiding principles underpinning them provides the raw arithmetic projections with the sense of purpose and meaning they demand, and that is currently sorely lacking in Council's SLR statement.

We recommend at least two core values expressed as principles: i) the 'precautionary principle' and ii) the 'intergenerational principle'. The precautionary principle can caution against Council acting precipitously and without proper consideration of the science and potential impacts. It can also ensure that lack of absolute certainty in the science does not stand in the way of taking strong policy actions. The precautionary principle is well suited to providing guidance in response to the uncertainties of climate change impacts.
(<http://ro.uow.edu.au/cgi/viewcontent.cgi?article=1136&context=lawpapers>)

The intergenerational principle aims to meet the needs of current Shoalhaven residents and visitors, at the same time as conserving our natural values and community assets for the benefit of future generations (<http://ro.uow.edu.au/cgi/viewcontent.cgi?article=1030&context=artspapers>). This is about our children, their children and so on. The cost of taking action because of the threat of sea level rise will, if not already, be very significant, but the cost of delay will be significantly greater. Of course this is central to intergenerational equity (<http://www.abc.net.au/news/2014-09-17/steffen-and-hughes-the-cost-of-coastal-flooding/5748098>).

Simply shifting the cost of our neglect and our mismanagement to our children and future generations is not merely inequitable, but raises serious questions about how we apprehend decency, and discharge our responsibilities to the whole community, rather than just particular present interests.

We appreciate the opportunity to make this case for change to Council's current Sea Level Rise policy, and urge you to review and amend the policy consistent with the best and widely accepted evidence.

Yours faithfully,

Mike Clear
Duncan Marshall
Brett Stevenson
Chris Grounds
Annie Boutland
Helen Moody
Ian Stewart
David Reynolds
Paul T. Beckett
Kaye Milsom
(Community Members of the NRFM Committee)

Further Links to articles and Youtube on Climate Change/ Sea Level Rise

Office of Environment & Heritage. Adapt NSW. Sea level and Coasts

<http://climatechange.environment.nsw.gov.au/Impacts-of-climate-change/Sea-level-and-coasts>

Guidelines for Responding to the Effects of Climate Change in Coastal and Ocean Engineering (NCCOE, 2012a) and Coastal Engineering Guidelines for Working with the Australian Coast in an Ecologically Sustainable Way (NCCOE, 2012b)

https://www.engineersaustralia.org.au/sites/default/files/shado/Learned%20Groups/National%20Committee%20and%20Panels/Coastal%20and%20Ocean%20Engineering/climate_change_adaptation_guidelines.pdf

Climate science explained in 60 seconds by the Royal Society and the US National Academy of Sciences

https://www.youtube.com/watch?v=n4e5UPu1co0&utm_source=social_media&utm_medium=hootsuite&utm_campaign=standard

The rise in sea levels is linked to three primary factors, all induced by this ongoing global climate change

<http://ocean.nationalgeographic.com/ocean/critical-issues-sea-level-rise/>

Sea level rise - fact & fiction: John Englander at TEDxBocaRaton (11mins)

<https://www.youtube.com/watch?v=TH8Q8Ki9fCA>

Sea-Level Information for Local Government and the Australian context

<http://nespclimate.com.au/sea-level-information-for-local-government/>
<http://theconversation.com/what-does-the-science-really-say-about-sea-level-rise-56807>

Accelerating SLR due to Antarctic ice loss

https://www.washingtonpost.com/news/energy-environment/wp/2016/03/30/antarctic-loss-could-double-expected-sea-level-rise-by-2100-scientists-say/?utm_term=.b8f44117ffb0

The Intergovernmental Panel on Climate Change (IPCC) Assessment Report5 (AR5) 2013

<http://www.ipcc.ch/report/ar5/wg1/>

Counting the cost of climate change and coastal flooding/ The Climate Council Report 2014

<http://www.climatecouncil.org.au/uploads/56812f1261b168e02032126342619dad.pdf>

SA16.76 Shoalhaven Coastal Hazard Review

HPERM Ref: D16/383403

Group: Planning & Development Services Group
Section: Environmental Services

Attachments: 1. Report to Natural Resource & Floodplain Committee [↓](#)

Purpose / Summary

To inform Council that the draft Shoalhaven Coastal Hazard Review is complete and to seek Council's endorsement to place the document of public exhibition.

Recommendation (Item to be determined under delegated authority)

1. That Council place the Draft Shoalhaven Coastal Hazard Review on public exhibition until 3rd February, to take into account Christmas and summer school holidays.
 - a. The report be exhibited on Council's website.
 - b. Council advertise the public exhibition in local papers and issue a media release.
 - c. CCBs be advised of the exhibition.
2. Council receive a report after the public exhibition period detailing submissions received.

Options

1. As recommended.

Implications: This recommendation ensures that Council sea level rise decision and Coastal Hazard study align; it also ensures that new information collated since 2009 is appropriately considered in determining coastal hazards for the Shoalhaven coast.

2. The Committee could choose an alternative recommendation.

Implications: Depends on the direction given..

Background

Coastal hazards of the Shoalhaven coastline were mapped and identified in 2009 based on coastal engineering studies undertaken as part of the risk assessment to inform the draft Shoalhaven Coastal Zone Management Plan 2012. That mapping took into account sea level rise (SLR) benchmarks under the previous NSW government SLR policy statement (DECCW, 2009) which set SLR benchmarks of 40cm above 1990 sea levels by 2050 and 90 cm above 1990 levels by 2100.

The State Government through its stage 1 coastal reforms, which came into effect in January 2013, asked NSW coastal Councils to adopt their own sea level rise projections. In response, Council in partnership with Eurobodalla Council and with funding and technical assistance from OEH, engaged expert consultants to develop a South Coast Regional Sea Level Rise Policy and Planning response framework. That document was not adopted by Council,

however the study informed the decision by Councillors to adopt the following sea level rise projections on 10 February 2015:

- 100mm for 2030;
- 230 mm for 2050; and
- 350mm for 2100.

The revised SLR projections adopted by Council triggered a review of the coastal hazard mapping for the areas of the Shoalhaven coast identified in the map below.

The review also incorporated additional data that has become available since the 2009 coastal hazard assessment, including:

- Photogrammetry data
- LiDAR ground level information
- Bathymetric surveys
- Field survey transects
- Post storm survey information
- Coastal compartments information

The review also uses advances in analysis techniques developed by consultant Advisian.

Advisian staff presented the methodology and findings at a Councillor briefing on 29th November 2016. A copy of the study is available in the Councillors Room.

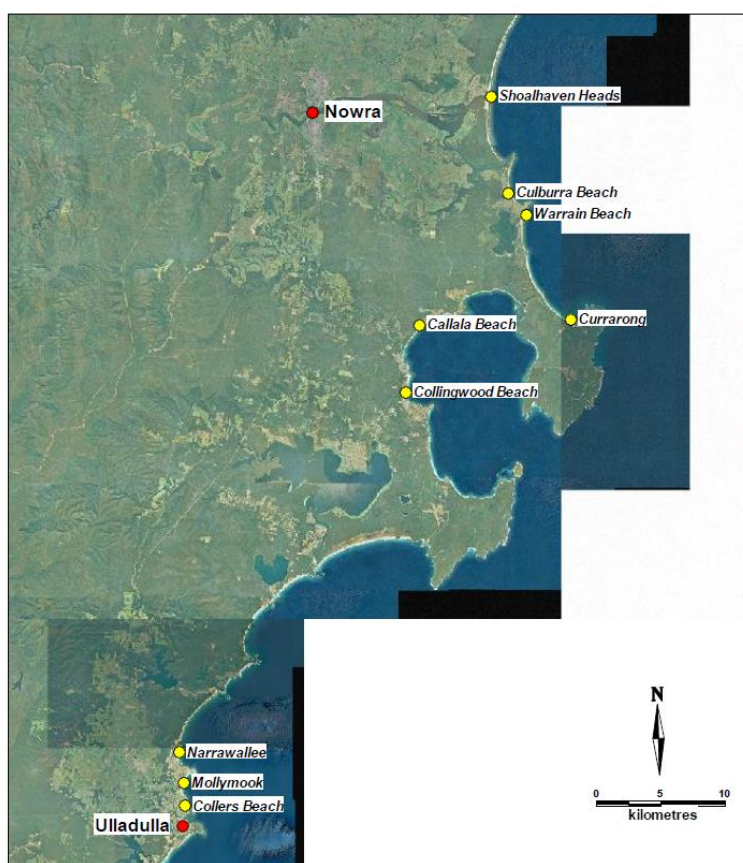


Figure 1 - Study area

Community Engagement

In accordance with Council's community engagement policy and the Coastal Manual, the Shoalhaven Coastal Hazard Review was reported to the November meeting of the Council's Natural Resources and Floodplain Committee. This Committee is Council's primary community consultative body for coast, estuary and flood matters. A copy of the report to this

Committee is attached. The Committee recommended that Council consider public exhibition of the document subject to Council reaffirming its sea level rise policy. The minutes of that meeting are included in this business paper of this Strategy and Assets Committee meeting of the 13th December 2016.

It is recommended that the draft Coastal Hazard Review be placed on public exhibition and that all submissions received be reported back to Council for consideration.

Policy Implications

Council practice is that all policies should be reviewed within 12 months of an election of a new Council.

It is anticipated that the sea level rise (SLR) policy adopted by Council on 10 February 2015 will be presented for Council's consideration at the Strategy and Assets Committee on 13 December 2016.

If Council decides to readopt its policy then the draft Shoalhaven Coastal Hazard review could be exhibited as it will be in line with Council adopted policy position.

If Council chooses to change its SLR projections, the draft Shoalhaven Coastal Hazard review will need to be updated to consider the new policy position. It is anticipated that this could be done relatively quickly and at limited cost.

Financial Implications

This review has been completed within the existing 2016/17 budget.

SN16.3 Shoalhaven Coastal Hazard Review

HPERM Ref: D16/361774

Group: Planning & Development Services Group
Section: Environmental Services

Purpose / Summary

To inform the Committee that the draft Shoalhaven Coastal Hazard Review is now available.

Recommendation

That the committee:

1. Receive the presentation on the draft Shoalhaven Coastal Hazard Review.
2. Recommend Council consider placing the draft Shoalhaven Coastal Hazard Review on public exhibition.

Options

1. As recommended

Implications: This recommendation ensures that Council sea level rise decision and Coastal Hazard study align; it also ensures that new information collated since 2009 is appropriately considered in determining coastal hazards for the Shoalhaven coast.

2. The Committee could chose an alternative recommendation to make to Council.

Implications: unknown

Background

Coastal hazards of the Shoalhaven coastline were mapped and identified in 2009 based on coastal engineering studies undertaken as part of the risk assessment to inform the draft Shoalhaven Coastal Zone Management Plan 2012. That mapping took into account sea level rise (SLR) benchmarks under the previous NSW government SLR policy statement (DECCW, 2009) which set SLR benchmarks of 40cm above 1990 sea levels by 2050 and 90 cm above 1990 levels by 2100.

The State Government through its stage 1 coastal reforms, which came into effect in January 2013, asked NSW coastal Councils to adopt their own sea level rise projections. In response, Council in partnership with Eurobodalla Council and with funding and technical assistance from OEH, engaged expert consultants to develop a South Coast Regional Sea Level Rise Policy and Planning response framework. That document was not adopted by Council, however the study informed the decision by Councillors to adopt the following sea level rise projections on 10 February 2015:

- 100mm for 2030;
- 230 mm for 2050; and

- 350mm for 2100.

The revised SLR projections adopted by Council triggered a review of the coastal hazard mapping for the areas of the Shoalhaven coast identified in the map below.

The review also incorporated additional data that has become available since the 2009 coastal hazard assessment, including:

- Photogrammetry data
- LiDAR ground level information
- Bathymetric surveys
- Field survey transects
- Post storm survey information
- Coastal compartments information

The review also uses advances in analysis techniques developed by consultant Advisian.

Advisian staff will present the methodology and findings of the review at the meeting.

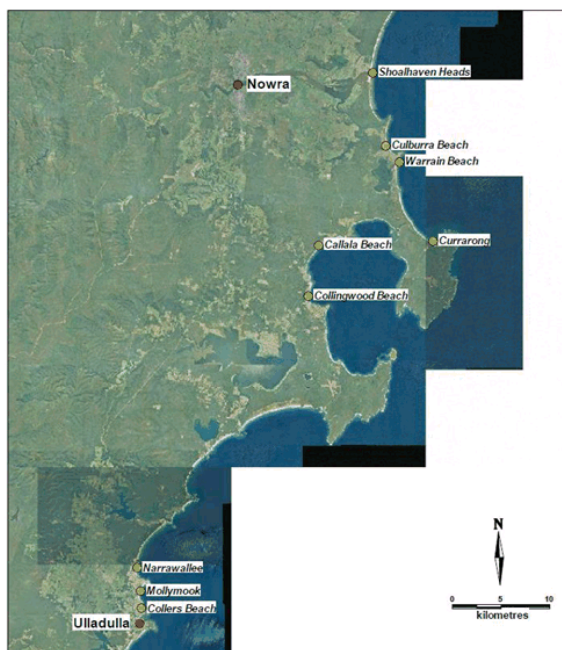


Figure 1 - Study area

Community Engagement

It is recommended that the draft Coastal Hazard Review be placed on public exhibition and that all submissions received be reported back to Council for consideration.

Policy Implications

Council practice is that all policies should be reviewed within 12 months of an election of a new Council.

It is anticipated that the sea level rise (SLR) policy adopted by Council on 10 February 2015 will be presented for Council's consideration at the Strategy and Assets Committee on 13 December 2016.

If Council decides to readopt its policy then the draft Shoalhaven Coastal Hazard review could be exhibited as it will be in line with Council adopted policy position.

If Council chooses to change its SLR projections, the draft Shoalhaven Coastal Hazard review will need to be updated to consider the new policy position. It is anticipated that this could be done relatively quickly and at minimal cost.

SA16.77 NSW Coastal Conference

HPERM Ref: D16/379364

Group: Planning & Development Services Group
Section: Environmental Services

Attachments: 1. Conference report from Councillor Wells and Councillor Levett [↓](#)

Purpose / Summary

To provide a report prepared by Councillors and staff that attended the 25th Annual NSW Coastal Conference held on 9 – 11 November 2016 in Coffs Harbour.

Recommendation (Item to be determined under delegated authority)

That the Committee receive the report outlining presentations attended during the NSW Coastal Conference for information.

Options

1. As per the recommendation.
2. The Committee adopt an alternative recommendation.

Implications: Unknown.

Background

Councillor Wells, Councillor Levett and staff attended the NSW Coastal Conference held on 9-11 November 2016 at Coffs Harbour.

A summary of the key information gathered by Councillors is contained in attachment 1.

The welcome to country was given by local Aboriginal Elder Uncle Mark Flanders who reminded us that “we are the caretakers of our land and water”. The conference was opened by the Coffs Harbour Mayor, Denise Knight.

Keynote speakers presented information on:

- economics in coastal management: tools for dealing with risk, uncertainty and indecision;
- community engagement – we need to talk about trade-offs;
- fifty years of diving at the Solitary Islands; and
- the coastal reforms.

Three concurrent sessions were also held each day which covered the following topics:

- coastal reforms, management and planning;
- applying science, technology and innovation;
- connected coastal systems;
- east coast low; and
- the social coast.

Policy Implications

A key message received from The Hon. Rob Stokes, Minister for Planning, who was a keynote speaker at the conference, was that Council's should seek certification of their draft Coastal Zone Management Plans (CZMP) and further develop these in the future as the plans will need to be flexible to adapt to changes in our coastal environments and communities. The Minister stated that in 2011 there were only two (2) certified CZMP's, these were for estuaries, now in 2016 an additional 12 had been certified in the last 12 months. The Minister said there is a need to be flexible but also provide certainty through a certified plan, to provide clarity for investment, while still recognising that natural systems change.

The Minister announced the public exhibition of the Coastal Management State Environmental Planning Policy (SEPP) until 24 December 2016. Speakers from the Department of Planning and Environment (DPE) and the NSW Office of Environment and Heritage (OEH) advised that the Coastal Manual and Toolkit would not be further developed or completed until after the finalisation of the SEPP.

The Minister also advised that a new s.117 Direction would be issued after commencement of the SEPP, identifying what issues a planning proposal in the coastal zone must address.

A presentation given by Lindsay Taylor Lawyers stated that coastal management plans (CMPs) will no longer be specifically identified under section 79C of the Environmental Planning & Assessment Act, which are matters for consideration when assessing development applications. The presenter described CMPs as a resourcing and planning document not a strategic planning (e.g. town planning) document.

Community Consultation

Community engagement and consultation is a key part of the new Coastal Management Act, which requires Councils to engage with their communities when making decisions about managing the coast. Kathy Jones from newDemocracy, was a keynote speaker at the conference and spoke about examples the latest practice in comparison with past engagement techniques. Kathy talked about strategies to deal with wicked problems and engage with polarised communities by using "slow thinking" or "critical thinking" techniques with representative groups randomly selected from the target community to come up with recommendations that are given in person to the government agency or business or group that is engaging with the community.

The Minister, during his keynote speech, reinforced the importance of community engagement in relation to the coastal reforms and stated that "the rights of all of the community" need to be considered.

Financial Implications:

At the conference the Minister reinforced that there will be no change to the Government's requirement to have a certified CZMP or CMP to access State Government coast and estuary funding of which there is \$86.3 million dollars available over 5 years for works and \$5 million annually for development of CMPs and transition from CZMP to a CMP.

Another keynote speaker was Valerie Seidel from the Balmoral Group, she reinforced the need for cost-benefit analysis to comprehensively evaluate coastal management options. Valerie stated that "economic reality requires embracing the inherent uncertainties of climate and coastal issues".

25th Annual NSW Coastal Conference, Coffs Harbour, 9-11 November 2016

Report from Councillor John Wells

The conference presented 78 Sessions centred around;

- the June 2016 East Coast Low event
- applying science, technology and innovation to the coastal landscape
- the connectedness of coastal systems
- social issues and the coast and
- coastal reforms, management and planning

A major preoccupation of the conference was the East Coast Low event of 5 & 6 June 2016 and the dynamics which made it the most destructive coastal event since 1974.

The conference noted that whilst the “Pasha Bulka” event of June 2007 and the storm event of June 2015 witnessed higher wave heights and indeed, energy levels than June 2016, neither were as destructive. What then differentiated the June 2016 event? What influence of forces created the most destructive storm in nearly half a century?

In summary, in 2016

- The movement of the low pressure cell (980 bars) off the coast of Australia was blocked by a high pressure cell (10304 bars) sitting over New Zealand. The effect was to trap the low pressure cell which had two centres (one off Jervis Bay, The other off the Coffs Coast) for a protracted period of time. It also impacted the direction of the storm as it could not move away eastwards
- The timing of the event coincided with the seasonal high tides adding significant additional height to those tides.
- There was a substantial influx of warm tropical water (2.5 to 3 degrees Celsius warmer) moving in a north to south direction inflowing from the south sea intensifying the atmospheric low pressure.

In combination, these factors impacted the direction and duration of the event. Rather than being a traditional south to north-easterly pattern of perhaps a day’s duration the June 2016 event had an east to north – east direction and lasted for two days and four high tides. Thus, beaches with an easterly or north-easterly orientation – which usually fare reasonably well with storms from the south, were devastated – Warrain Beach Currarong is a case in point.

So severe was the damage occurred in June 2016 that the insurance industry sought expert advice on the likelihood of a reoccurrence of the event. The advice prepared by consultants Baird Australia suggested a return period of around 17 years; this was corroborated by another expert Angus Gordon

of Coastal Zone Planning and Management whose presentation on damage at Collaroy Beach suggested a recurrence every 15 to 20 years.

The keynote address by Minister for Planning, the Honorable Rob Stokes focused on his government's work to;

- develop a modern, integrated planning system for managing the coast
- recognise the coastal fundamental value to our economy and way of life
- respond in a coherent way to the demand for developments along the coast, including the need to deal with legal issues and control of development to avoid creating future legacy issues.

He outlined progress in establishing the State's Environmental Estate (2014), developing a new Coastal Management Manual (2015) and establishing a new Coastal Management Act and supporting Council's in establishing Coastal Zone Management Plans (of which 12 are now certified) and funds to get work started. A new Coastal SEPP is in draft form and a new Coastal Council is to be established.

Report by Councillor John Levett

Hosted by Coffs Harbour City Council at the Novatel Pacific Bay Resort, the Conference opened with a beautiful Welcome to Country by Uncle Mark Flanders a local Gumbaynggir Elder. He took delegates on a journey in words around his and neighbouring country, naming the various clan groups and describing what the land meant to each and telling their stories and myths. It was an absorbing introduction and Uncle was heard later in the Conference playing didge for us in his local band.

The Mayor of Coffs Harbour, Denise Knight, opened the Conference with a few amusing anecdotes and was followed by Professor Bruce Thom, from the Wentworth Group of Concerned Scientists, who offered some recollections of 25 years of Coastal Conferences. He described how the Conference had varied in theme over time and that some 1,070 technical papers had been presented since the first Conference in 1986 in Coffs Harbour, including one on Lake Wollumboola. Professor Thom lamented the fact that Commonwealth Government interest in the Australian coast has dropped away almost completely. He warned that "Councils must understand the significance of sea level science, an issue which is so misunderstood"

The last speaker in Session 1 was Valerie Seidel of "The Balmoral Group" on "Economics in Coastal Management: Tools for Dealing with Risk, Uncertainty and Indecision" She explained the need for Councils to manage risk but not to confuse perceived risks with actual risks....to keep communities informed and explain all the options available in dealing with coastal erosion: engineered protections, accommodate and repair, and the retreat option. She made the point that it is a difficult task for Councils to evaluate costs with each option. The public view both here and in the USA seems to be that location comes with degrees of risk and that Councils should exercise caution in where they allow development, but that there is a collective responsibility to mitigate. She concluded with the comment that councils should engage the community on the issue: be consistent, accept uncertainty, consider community preferences, stage their planning and be transparent.

In Session 2 delegates were free to attend one of three talks available in each time slot. Isaac Santos (National Marine Science Centre, Southern Cross University) talked about water quality management challenges in modified NSW coastal catchments...particularly in relation to drains but also canals which account for over 50 per cent of CO2 escape from waterways. Drains lower the water table and increase groundwater seepage which can be a major source of pollution if it's coming off acid sulphate soils. Some of the answers are: to restore natural hydrology, retain groundwater with floodgates and weirs. Increasing the water level restores the geochemical processes that retain metals in groundwater.

Next was Prof Stephen Smith, National Marine Science Centre talking about his study tracing the source of marine debris on NSW beaches, 80-90% of which is plastic.

The next two talks outlined initiatives in place to study and protect the fish stocks in the sandy bottom offshore areas and then Jack Hannan of Transport NSW brought us up to speed on the safety and social challenges of managing boating and boating infrastructure on the NSW coast.

After lunch the emphasis was on the East Coast Low storm event last June and Evan Watterson of Royal HaskoningDHV described the measures engineers use to gather evidence about foreshore erosion in order to make the correct investment decision to solve the problem.

Legal aspects of coastal planning reform were introduced by lawyer Megan Hawley and she spoke on minimising litigation risk for negligent liability. The S733 of the Local Government Act will be amended so that acting in accordance with your Coastal Management Plan is sufficient to rely on the defence of "acting in good faith". The LEP should be followed strictly in order to avoid the consequences of S733.

To end the first day lawyer Amanda Engels gave details of four Land & Environment Court decisions which showed that the Court can and will intervene and possibly award damages against Councils that don't act strictly in accordance with their planning instruments and their duty of care.

Drinks followed at a Department of Lands Welcome Reception at the Coffs Harbour Surf Club.

Day 2 began with an absorbing chat by the amazing Dr Charlie Vernon who had spent fifty years of his life diving at the Solitary Islands off Coffs Harbour. He completed a PhD in cell physiology at James Cook University and was the first full time research officer on the Great Barrier Reef where he developed a new taxonomy of corals based on the area in which they grew rather than genus and species. His book "Corals of the World" is still a work in progress after forty years.

Kathy Jones from "New Democracy" took us through alternative forms of decision making such as randomly selected citizens juries. Big decisions, such as coastal management (and maybe rate increases) have the potential to split communities so shrill public opinion needs to be converted into "critical thinking" which means weighing up all the options and understanding the "trade offs". It involves compromise. Kathy explained that you are thinking critically when you display clarity, accuracy, relevance and depth in your arguments and are capable of seeing logic in other points of view.

Citizen juries work because they convey to the wider community that the decision has been well considered....and carries authority. A number of speakers throughout the Conference touched on Kathy Jones notion that the broader population is unhappy with decision making processes.

Peta Leahy from Griffith University told of her "Citizen Science" dune watch program to measure human impact and the health of flora and fauna on dune systemsand Nicola Johnstone (NSW DPI) explained how oral histories can complement and extend our scientific knowledge and provide a perspective on environmental change.

After lunch we went on our respective field trips....mine was the Solitary Islands Marine Park boat tour and it didn't disappoint. The day was warm and sunny, there was little swell and we even had a humpback mother and calf putting on a show for us on the way out....spectacular.

The second day ended with the Conference Dinner and Annual NSW Coastal Management Awards.

And so Day 3 - Remembrance Day

Michael Kinsela from Office of Environment and Heritage kicked off with a detailed explanation of the complex evolution and behaviour of the East Coast Low storm in June 2016. The high pressure system over NZ held the low over the eastern seaboard of Australia and the storm grew in intensity from north to south. A record wave height of 17 metres was recorded at Eden. Because the waves were coming from the east they were not refracted around headlands and so hit the coast with full energy causing massive erosion and damage.

A popular session was Bob Creese (NSW DPI) on the \$16 million shark management strategy which was announced on 25/10/15. The program is built on the pillars of "detection, deterrents, education and engagement." Detection now extends to the catching of sharks and attaching a tag that can be picked up by a VR4G acoustic receiver. These are in place at Kiama, Mollymook and Sussex apparently and are soon to be positioned right up the coast. Add in helicopters, drones, sonar cameras and the time honoured shark nets and we have a very expensive program.

Brief talks on the management of salinity, bacteria levels and algal blooms in estuaries took us up to a minute of silence for Remembrance Day.

The keynote address was from Minister for Planning, Rob Stokes, who quickly outlined his commitment to better enhance the way the Coast is managed...to deal with "legacy issues" and to control the coastal "ribbon development" so that our use of resources does not effect future generations. "We have a generally eroding coastline and we need to think beyond coastal hotspots" he said. He flagged a return to the more strategic planning approach that existed in the 70's and 80's. The Coastal Management SEP is on draft exhibition now and its finalisation will lead to the completion of the Coastal Management Manual. The intention of the SEPP is to reflect existing council LEPs and DCPs and their approach to hazards. "It is not the role of the State to dictate council management plans for coastal areas" he said. Minister Stokes also spoke of the need for more clarity in 149 Certificates, to increase certainty in relation to land use.

A display of entries in the local primary school "Marine Debris Art Competition" followed together with some thoughts from students on what we need to do to preserve our beautiful coastal environment.

It was a well organised Conference...friendly and thought provoking. The complexity of the issues around coastal management and appropriate government responses were well documented and the speakers were outstanding. It was a great fun and an excellent learning experience.

Thanks for the opportunity,

Clr John Levett

SA16.78 Connection to Kangaroo Valley Sewerage Scheme - Three Lot Subdivision

HPERM Ref: D16/367198

Group: Shoalhaven Water Group
Section: Water Asset Planning & Development

Attachments: 1. Proposed Subdivision Layout [↓](#)

Purpose / Summary

This report is provided to Council to determine whether additional connections to the Kangaroo Valley Sewerage Scheme (pressure sewer system) will be granted.

Recommendation

That Council approve the connection of the two additional lots (under SF10521) to the Kangaroo Valley Sewerage Scheme subject to development consent being granted.

Options

1. Adopt the recommendation.

Implications: The report will be considered.

2. Council could choose not to allow connection to the Kangaroo Valley Sewerage Scheme (KVSS) until such time as a thorough assessment of the scheme capacity has been completed. This is not recommended as the preliminary assessment indicates there is some spare capacity and the proposed development is minor in scale.

Implications: The subdivision may be permitted to be approved subject to the installation of a on-site waste disposal system to each new lot created.

Introduction:

A development application for the subdivision of Lot 1 DP596037, No. 40 Mt Scanzi Road, Kangaroo Valley had been lodged at Council on 5 August 2016 (known as SF10521 – refer to attached plan). The subdivision application is for the creation of three lots (two additional).

Background

The existing property currently has a weatherboard / fibro cement cottage with metal roof. Sewerage services are currently provided by way of the pressure sewer unit connected to the town pressure sewer system. A pressure sewer unit was installed as part of the Kangaroo Valley sewerage scheme implementation.

The subdivision proposal is for all lots to have frontage to Mt Scanzi Road. Access to the pressure sewerage system could be provided from Mt Scanzi Road.

Kangaroo Valley Sewerage Scheme (KVSS):

The Kangaroo Valley Sewerage Scheme (KVSS) was completed in 2013 as a defined sewerage scheme with limited capacity. Council resolved an interim strategy when considering another residential subdivision application at its Ordinary Meeting in January 2013 under minute number MIN13.32 :-

that:

- a) *The proposed 15 lot residential subdivision of Lot 4 DP 537784, permissible under the current zoning, be included as part of the Kangaroo Valley Sewerage Scheme design capacity;*
- b) *A report be provided to Council after 12 months operation of the Sewerage Scheme that demonstrates the theoretical vs actual loadings and determines any spare system capacity; and*
- c) *In the interim, (ie prior to the 12 month proving period), any development that seeks to take up spare capacity from the design allowance be reported to Council for consideration. The cumulative total of all additional development proposals serviced by the Scheme shall not exceed the 10% development capacity factored into the design of scheme, until the outcomes of Part (b) of this resolution are resolved.*

A response to part b) of the above resolution has been delayed due to factors that would distort the results of a scheme capacity assessment. Those factors included:

- A significant delay with the connection of the Pioneer Motel (17ET design) to the scheme due to technical complexity.
- Significant infiltration/inflow experienced at a local commercial site during significant rain events.

The above issues have been resolved and analysis is proceeding on the scheme capacity. Indications at this stage are that the flows into the treatment plant are within the theoretical design by approximately 15 - 20%. Further work is required to determine the actual working capacity of the scheme.

The total scheme design capacity is 1410 equivalent persons (EPs) or 455 equivalent tenements (ETs). A 10% infill allowance equates to 45 ETs.

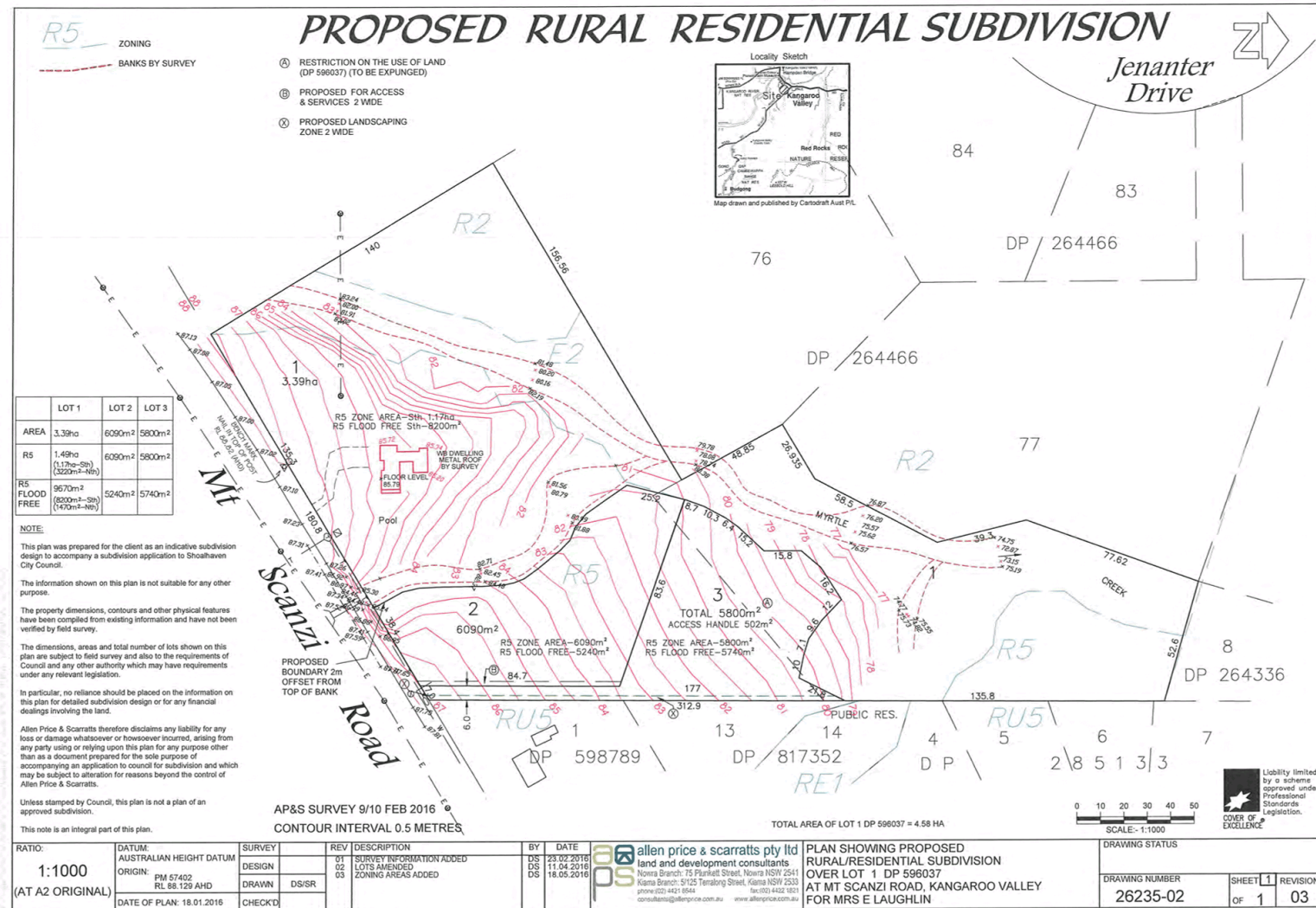
To date SF10297, a 15 lot subdivision (containing 12 additional lots or ETs) and SF10464, a 2 lot subdivision (1 additional lot) have been approved by Council to connect to the pressure sewerage system. Therefore, based on part c) of Council's resolution in January 2013, this brings the remaining design infill allowance to 32 ETs.

Spare design capacity therefore exists to allow the two additional residential lots from SF10521 to connect to the pressure sewer system. There may be a further requirement for augmentation to the existing pressure sewer mains to support the two additional residential lots, which would be at the applicant's cost.

Based on the above staff see no potential for the additional two lots to exceed the capacity of the Kangaroo Valley Sewerage Scheme and are therefore recommending that Council approve the connection of the subject additional two lots to the pressure sewer system, subject to development consent being granted.

Financial Implications:

The cost of the additional units and their connection to the system will be at full cost to the developer in accordance with Council's Pressure Sewer System Policy.



LOCAL GOVERNMENT AMENDMENT (GOVERNANCE & PLANNING) ACT 2016

Chapter 3, Section 8A Guiding principles for councils

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
 - (i) performance management and reporting,
 - (ii) asset maintenance and enhancement,
 - (iii) funding decisions,
 - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
 - (i) policy decisions are made after considering their financial effects on future generations,
 - (ii) the current generation funds the cost of its services

Chapter 3, 8C Integrated planning and reporting principles that apply to councils

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.