

MINUTES OF THE STRATEGY AND ASSETS COMMITTEE

Meeting Date: Tuesday, 21 February 2017
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5:00pm

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 Annette Alldrick
Clr Kaye Gartner
Clr Mitchell Pakes
Clr Greg Watson
Clr Bob Proudfoot
Mr Russ Pigg - General Manager

Apologies / Leave of Absence

Apology was received from Clr Kitchener

Confirmation of the Minutes

RESOLVED (Clr Wells / Clr Pakes) MIN17.86

That the Minutes of the Strategy and Assets Committee held on Tuesday 24 January 2017 be confirmed.

CARRIED

Declarations of Interest

Mr Russ Pigg – significant non pecuniary interest declaration – will leave the room and will not take part in discussion or vote – as one of his neighbours is an associate of a waste company in the following items:

- SA17.53 – Resource Recovery Park – West Nowra AWT

- SA17.54 – Extension of Waste and recycling Collection and Processing Contracts
- CSA17.4 – Resource Recovery Park – West Nowra AWT
- CSA17.5 - Extension of Waste and recycling Collection and Processing Contracts

NOTICES OF MOTION / QUESTIONS ON NOTICE

SA17.24 Notice of Motion - Ecocity World Summit

HPERM Ref:
D17/39168

Recommendation (Item to be determined under delegated authority)

That Council add the Ecocity World Summit, to be held in Melbourne, July 12-14, 2017 to the conference list that councillors and staff can attend.

RESOLVED (Clr Gartner / Clr White)

MIN17.87

That Council:

1. Notes the details of the Ecocity World Summit scheduled for 12-14 July 2017 in the Melbourne Convention & Exhibition Centre, 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.

FOR: Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Aldrick, Clr Gartner, Clr Watson, Clr Proudfoot, Russ Pigg and Clr Findley

AGAINST: Clr Guile and Clr Pakes

CARRIED

SA17.25 Notice of Motion - Shared Pathways - Mollymook

HPERM Ref:
D17/39300

Recommendation (Item to be determined under delegated authority)

That the staff report on any plans to extend shared pathways in Mollymook. That the report include, specifically, any plan to create a pathway between Forest Way and Tallwood Avenue or when such a pathway might be expected to be constructed.

RESOLVED (Clr Gartner / Clr Cheyne)

MIN17.88

That the staff report on any plans to extend shared pathways in Mollymook and the report include, specifically, any plan to create a pathway between Forest Way and Tallwood Avenue or when such a pathway might be expected to be constructed.

CARRIED

SA17.26 Notice of Motion - Bomaderry Sporting Complex

**HPERM Ref:
D17/39696**

Recommendation (Item to be determined under delegated authority)

Council be provided regular reports and updates in relation to the Bomaderry Sporting complex.

MOTION (Clr Cheyne / Clr Wells)

That Council be provided regular reports and updates in relation to the Bomaderry Sporting complex.

AMENDMENT (Clr Watson / Clr Proudfoot)

That Council:

1. Be provided regular reports and updates in relation to the Bomaderry Sporting complex; and
2. Abandon the compulsory acquisition of any private property.

Point of Order – Clr Findley – the amendment is contrary to the Master Plan which Council has already adopted for the Sporting Facility Complex and should be ruled out of order.

Note: The Chairperson ruled against the Point of Order.

MOTION OF DISSENT (Clr Findley / Clr Levett)

That the ruling by the Chairperson regarding the Point of Order is incorrect.

The Chairperson declared the MOTION LOST.

Clr Findley requested Division and the following vote was recorded.

FOR: Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Aldrick, Clr Gartner, Russ Pigg and Clr Findley

AGAINST: Clr Guile, Clr Pakes, Clr Watson and Clr Proudfoot

CARRIED

The AMENDMENT is considered out of order and will not be debated or voted upon.

PROCEDURAL MOTION - ADJOURNMENT OF MEETING (Clr Findley / Clr Gash)

That the meeting be adjourned for 5 minutes.

FOR: Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Aldrick, Clr Gartner, Russ Pigg and Clr Findley

AGAINST: Clr Guile, Clr Pakes, Clr Watson and Clr Proudfoot

CARRIED

The meeting adjourned the time being 5.28pm

The meeting reconvened the time being 5.32pm

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 Bob Proudfoot
Mr Russ Pigg - General Manager

Note: Clr Alldrick returned to the meeting at 5:37pm.

RESOLVED (Clr Cheyne / Clr Wells)

MIN17.89

That Council be provided regular reports and updates in relation to the Bomaderry Sporting complex.

CARRIED

SA17.27 Notice of Motion - Future Planning Recreational Spaces

**HPERM Ref:
D17/44958**

Recommendation (Item to be determined under delegated authority)

That Council staff prepare a report for Council on the future planning used in determining the quantum of playing fields and recreational spaces needed to carry our city forward for the next thirty to fifty years. The report should cover, but not be restricted to, the following:

1. The current position regarding the planning of future fields.
2. The expected impact of an ageing population, and the demand that this places on the securing of sites for uses such as men's sheds, croquet courts and the like.
3. Increase in demand for a greater variety of recreational activities for our younger children.
4. The likely significant impact of the massive participation take-up in girl's and women's sport.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN17.90

That Council staff prepare a report for Council on the future planning used in determining the quantum of playing fields and recreational spaces needed to carry our city forward for the next thirty to fifty years. The report should cover, but not be restricted to, the following:

1. The current position regarding the planning of future fields.
2. The expected impact of an ageing population, and the demand that this places on the securing of sites for uses such as men's sheds, croquet courts and the like.
3. Increase in demand for a greater variety of recreational activities for our younger children.
4. The likely significant impact of the massive participation take-up in girl's and women's sport.

CARRIED

SA17.28 Question on Notice - NSW Container Deposit Scheme

**HPERM Ref:
D17/46213**

It was noted that the commencement of the legislation was deferred until December 2017.

RESOLVED (Clr Gartner / Clr Findley)

MIN17.91

That the Question on Notice – NSW Container Deposit Scheme and Response be received for information.

CARRIED

Procedural Motion - Bring Item Forward

MOTION (Clr Findley / Clr Cheyne)

That the following items be brought forward for consideration:

- SA17.41 – Greenwell Point Wharf Management Committee
- SA17.51 – Determination of Review of Environmental Factors (REF) - Lake Conjola Boardwalk Replacement
- SA17.52 – Determination of Review of Environmental Factors (REF) - Rehabilitation of Coolangatta Road CH5400 to CH6550
- SA17.55 – Readoption of Environmental Services Policies.

CARRIED

SA17.41 Greenwell Point Wharf Management Committee

HPERM Ref: D17/2806

Recommendation (Item to be determined under delegated authority)

That Council:

1. Request NSW Department of Primary Industry – Lands remove Council as Trust Manager for the Greenwell Point Fisherman’s Wharf Reserve, as the Greenwell Point Wharf is used primarily by commercial vessels and not for recreation vessels.
2. Write to NSW Department of Primary Industry – Lands as the asset owner for the Greenwell Point main concrete wharf and advise that upgrading of the facility is required as a high priority to cater for the future needs of commercial and charter fishing vessels.

RESOLVED (Clr Wells / Clr White)

MIN17.92

That Council:

1. Council request NSW Department of Primary Industry – Lands remove Council as Trust Manager for the Greenwell Point Fisherman’s Wharf Reserve, as the Greenwell Point Wharf is used primarily by commercial vessels and not for recreation vessels.
2. Council write to NSW Department of Primary Industry – Lands as the asset owner for the Greenwell Point main concrete wharf and advise that upgrading of the facility is required as a high priority to cater for the future needs of commercial and charter fishing vessels.
3. Prior to the request to the NSW Department of Primary Industry as outlined in parts 1 and 2 above, that Council advertise to the local community the intention to remove Council as the Trust Manager, and should there be no objections, the action proceed without reporting back to Council.

CARRIED

Note: Clr Gartner left the meeting at 5:51pm

**SA17.51 Determination of Review of Environmental Factors (REF)
- Lake Conjola Boardwalk Replacement**

**HPERM Ref:
D17/33957**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopts the Lake Conjola boardwalk REF and determines the activity may proceed, and
2. Acknowledges that the Lake Conjola boardwalk site remains culturally sensitive due to previous discovery of Aboriginal ancestral remains close to the boardwalk and Council will ensure relevant safeguards listed in the REF are implemented.

Note: Clr Gartner returned to the meeting at 5:53pm

RESOLVED (Clr White / Clr Findley)

MIN17.93

That Council:

1. Adopts the Lake Conjola boardwalk REF and determines the activity may proceed, and
2. Acknowledges that the Lake Conjola boardwalk site remains culturally sensitive due to previous discovery of Aboriginal ancestral remains close to the boardwalk and Council will ensure relevant safeguards listed in the REF are implemented.

CARRIED

**SA17.52 Determination of Review of Environmental Factors (REF)
- Rehabilitation of Coolangatta Road CH5400 to CH6550**

**HPERM Ref:
D17/34043**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopts the Review of Environmental Factors (REF) and determines the activity may proceed to improve road safety,
2. Acknowledges the tree removal component of the works
3. Ensure relevant safeguards listed in the REF are implemented.

RESOLVED (Clr Wells / Clr Proudfoot)

MIN17.94

That under delegated authority from Council, the Committee:

1. Adopts the Review of Environmental Factors (REF) and determines the activity may proceed to improve road safety,
2. Acknowledges the tree removal component of the works
3. Ensure relevant safeguards listed in the REF are implemented.

CARRIED

SA17.55 Readoption of Environmental Services Policies.

**HPERM Ref:
D17/34240**

Recommendation (Item to be determined under delegated authority)

That Council adopt the following policies, with the minor amendments outlined in the report:

1. The Control and Eradication of Noxious Weeds.
2. Companion Animals (Impacts on Native Fauna) – Conditions of Development Consent.
3. Caravan Parks on Flood Prone Land/ Local Approvals Policy
4. Flood Planning Levels for the Lower Shoalhaven River Floodplain Policy.
5. Foreshore Reserves Policy.
6. Mobile Food Stalls/Vehicles and Temporary Food Premises/ Local Approvals Policy
7. Food Premises Policy.

RESOLVED (Clr White / Clr Wells)

MIN17.95

That Council adopt the following policies, with the minor amendments outlined in the report:

1. The Control and Eradication of Noxious Weeds.
2. Companion Animals (Impacts on Native Fauna) – Conditions of Development Consent.
3. Caravan Parks on Flood Prone Land/ Local Approvals Policy
4. Flood Planning Levels for the Lower Shoalhaven River Floodplain Policy.
5. Foreshore Reserves Policy.
6. Mobile Food Stalls/Vehicles and Temporary Food Premises/ Local Approvals Policy
7. Food Premises Policy.

FOR: Clr Guile, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Watson, Russ Pigg and Clr Findley

AGAINST: Clr Proudfoot

CARRIED

**REPORT OF THE NOWRA CBD REVITALISATION STRATEGY
COMMITTEE - 8 FEBRUARY 2017**

CBD17.2 Member Resignation - Mark Crowther

**HPERM Ref:
D17/36538**

Recommendation (Item to be determined under delegated authority)

That Council

1. Accept the resignation of Mr Mark Crowther from the Nowra CBD Revitalisation Strategy Committee.
2. Write to Mr Crowther to thank him for his contribution to the Committee.
3. Remove one Council staff position (Council to determine: General Manager or Director Assets & Works or Director Planning & Development)
4. Add one (1) additional Community member position

5. Council amend the remaining Nowra CBD Revitalisation Strategy Committee in addition to the reduced staff positions in the Terms of Reference to reflect the following membership:
 - Two (2) Community members (non business operator or landowner)
 - Two (2) CBD Landowners
 - Three (3) CBD Business owner/operators
 - One (1) CBD Business retailer (vacant)
6. Advertise the vacant positions.

RESOLVED (Clr Findley / Clr Gash)

MIN17.96

That Council:

1. Accept the resignation of Mr Mark Crowther from the Nowra CBD Revitalisation Strategy Committee.
2. Write to Mr Crowther to thank him for his contribution to the Committee.
3. Remove the General Manager as a Staff member of the Committee
4. Add one (1) additional Community member position to the Committee
5. Amend the remaining Nowra CBD Revitalisation Strategy Committee in addition to the reduced staff positions in the Terms of Reference to reflect the following membership:
 - Two (2) Community members (non business operator or landowner)
 - Two (2) CBD Landowners
 - Three (3) CBD Business owner/operators
 - One (1) CBD Business retailer (vacant)
6. Advertise the vacant positions.
7. Amend the Terms of Reference for the Committee to allow Councillors to attend and speak but not vote (non-voting members).
8. The meetings be conducted in accordance with the Code of Meeting Practice.

FOR: Clr Guile, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Watson, Russ Pigg and Clr Findley

AGAINST: Clr Proudfoot

CARRIED

REPORTS

**SA17.30 Six Monthly Delivery Program Operational Plan Report 1
July 2016 to 31 December 2016**

**HPERM Ref:
D17/38447**

Recommendation (Item to be determined under delegated authority)

That in accordance with the Committee's delegated authority from Council, the report of the General Manager (Executive Strategy) regarding progress to 31 December 2016 on the 2015/2017 Delivery Program and 2016/2017 Operational Plan be received for information, noted and published on Council's website.

RESOLVED (Clr Wells / Clr Gartner)

MIN17.97

That in accordance with the Committee's delegated authority from Council, the report of the General Manager (Executive Strategy) regarding progress to 31 December 2016 on the 2015/2017 Delivery Program and 2016/2017 Operational Plan be received for information, noted and published on Council's website.

CARRIED

SA17.31 December 2016 Quarterly Budget Review

**HPERM Ref:
D17/40951**

Recommendation (Item to be determined under delegated authority)

That the December Quarterly Budget Review and vote movements outlined in the Quarterly Budget Review Statement be adopted by Council.

Note: Clr Proudfoot left the meeting at 7.25pm

RESOLVED (Clr Wells / Clr Gash)

MIN17.98

That under delegated authority from Council, the December Quarterly Budget Review outlined in the Quarterly Budget Review Statement be adopted.

CARRIED

**SA17.32 Re-establishment of Alcohol Free Zones - East Nowra,
Shoalhaven Heads, Culburra Beach, Orient Point,
Mollymook**

**HPERM Ref:
D17/28001**

Recommendation

That:

1. Council proceed with the re-establishment of the Alcohol Free Zones for a period of four (4) years in the areas of East Nowra, Shoalhaven Heads, Culburra Beach/Orient Point and Mollymook, including consultation with licensees in the surrounding areas;
2. Should no objections be received to the re-establishment of these zones, authority be given to staff to proceed with the declaration of the above areas as an Alcohol Free Zone, without further reference to Council.

Note: Clr Proudfoot was absent from the meeting.

Recommendation (Clr Gash / Clr White)

That:

1. Council proceed with the re-establishment of the Alcohol Free Zones for a period of four (4) years in the areas of East Nowra, Shoalhaven Heads, Culburra Beach/Orient Point and Mollymook, including consultation with licensees in the surrounding areas;
2. Should no objections be received to the re-establishment of these zones, authority be given to staff to proceed with the declaration of the above areas as an Alcohol Free Zone, without further reference to Council.

CARRIED

SA17.33 Council Policy - Asbestos

**HPERM Ref:
D17/11876**

Recommendation (Item to be determined under delegated authority)

That Council adopt the draft Asbestos Policy as attached to this report.

Note: Clr Proudfoot returned to the meeting 7.28pm.

RESOLVED (Clr Findley / Clr Cheyne)

MIN17.99

That Council adopt the draft Asbestos Policy as attached to this report.

CARRIED

SA17.34 Council Policy - Events Policy (Revision)

**HPERM Ref:
D17/30515**

Recommendation (Item to be determined under delegated authority)

That:

1. Council endorse the new Events Policy taking into consideration the changes due to new LEP requirements and place it on public exhibition for 28 days.
2. If no significant comments are received after 42 days the policy be adopted. If significant comments are received a further report be presented to Council

RESOLVED (Clr Guile / Clr Proudfoot)

MIN17.100

That:

1. Council endorse the new Events Policy taking into consideration the changes due to new LEP requirements and place it on public exhibition for 28 days.
2. If no significant comments are received after 42 days the policy be adopted. If significant comments are received a further report be presented to Council

CARRIED

SA17.35 Council Policy - Park Management (Policy Consolidation)

**HPERM Ref:
D17/23615**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt the Park Management Policy POL17/7.
2. Rescind the following policies:
 - Parks & Reserves – Emplacement of plaques & artefacts & trees
 - Reserve Naming
 - Park Enhancement
 - Icon Parks

RESOLVED (Clr White / Clr Levett)

MIN17.101

That:

1. Council endorse the new Park Management Policy (POL17/7) and place it on public exhibition for 28 days.

2. If no significant comments are received after 28 days the policy be adopted. If significant comments are received a further report be presented to Council;
3. Rescind the following policies:
 - Parks & Reserves – Emplacement of plaques & artefacts & trees
 - Reserve Naming
 - Park Enhancement
 - Icon Parks

CARRIED

SA17.36 Bay and Basin Community Hub - Draft Master Plan

**HPERM Ref:
D17/28287**

Recommendation (Item to be determined under delegated authority)

That Council

1. Endorse public exhibition of the draft Bay & Basin Community Hub Master Plan for a period of 28 days.
2. Advise stakeholders involved in the preparation of the draft Bay & Basin Community Hub Master Plan of its public exhibition.
3. Receive a further report after public exhibition of the draft Bay & Basin Community Hub Master Plan.

MOTION (Clr Watson / Clr Pakes)

That the public exhibition of the Draft Bay & Basin Community Hub Master Plan be deferred pending a review of the Master Plan by a Council Sub-Committee of the Strategy and Assets Committee comprising of available Clrs and representatives from the CCB's in the area.

FOR: Clr Guile, Clr Pakes, Clr Watson, Clr Proudfoot and Russ Pigg

AGAINST: Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Gartner and Clr Findley

LOST

RESOLVED (Clr White / Clr Gash)

MIN17.102

That under delegated authority from Council, the Committee:

1. Endorse public exhibition of the draft Bay & Basin Community Hub Master Plan for a period of 42 days.
2. Advise stakeholders involved in the preparation of the draft Bay & Basin Community Hub Master Plan of its public exhibition.
3. Receive a further report after public exhibition of the draft Bay & Basin Community Hub Master Plan.
4. Establish a Sub-Committee comprising of Clrs and members of the CCB's and user groups be convened to assist to finalise the Draft Bay & Basin Community Hub Master Plan.

FOR: Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Gartner, Russ Pigg and Clr Findley

AGAINST: Clr Guile, Clr Pakes, Clr Watson and Clr Proudfoot

CARRIED

SA17.37 Adoption of Community Infrastructure Strategic Plan

**HPERM Ref:
D17/28535**

Recommendation (Item to be determined under delegated authority)

That

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 Gartner / Clr White)

MIN17.103

That:

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.
8. Before Council plans to sell, rationalise, or close any park, reserve or community hall that it be the subject of a separate report to Council.

CARRIED

SA17.38 Grant Offer - Community Development Grants Programme - Construction of Ulladulla Netball Courts

HPERM Ref: D17/45952

Recommendation

That Council

1. Accept the Federal Government grant funding offer of \$150,000 from the Community Development Grant Programme for construction of two (2) additional netball courts at Ulladulla Sports Park.
2. Write to Ann Sudmalis MP the Member for Gilmore and the Hon Fiona Nash, Minister for Regional Development, thanking them for the Federal Government funding assistance to assist in the delivery of two (2) additional netball courts at Ulladulla Sports Park.

Recommendation (Clr White / Clr Findley)

That Council:

1. Accept the Federal Government grant funding offer of \$150,000 from the Community Development Grant Programme for construction of two (2) additional netball courts at Ulladulla Sports Park.
2. Write to Ann Sudmalis MP the Member for Gilmore and the Hon Fiona Nash, Minister for Regional Development, thanking them for the Federal Government funding assistance to assist in the delivery of two (2) additional netball courts at Ulladulla Sports Park.

CARRIED

SA17.39 Public Policies for Review - Asset Management

HPERM Ref: D16/359772

Recommendation (Item to be determined under delegated authority)

That

1. the following public policy be rescinded
 - Cycleways and Footpaths – Charges Applicable
2. the following public policies be adopted with the minor changes
 - POL16/142 Drainage Easements – Maintenance of Open Drains
 - POL16/143 Drainage Easements –Piping in Existing Subdivisions
 - POL16/148 Kerb and Guttering – Charges Applicable
 - POL16/154 Private Use of Public Parking
 - POL16/155 Ratepayer Financing Policy for Kerb and Gutter Construction
 - POL16/158 Rural Fire Stations – Community Use
 - POL16/138 Council Waterways Infrastructure – Use of for Commercial Purposes

RESOLVED (Clr Wells / Clr Gartner)

MIN17.104

That:

1. The following public policy be rescinded
 - Cycleways and Footpaths – Charges Applicable
2. The following public policies be adopted with the minor changes
 - POL16/142 Drainage Easements – Maintenance of Open Drains
 - POL16/143 Drainage Easements –Piping in Existing Subdivisions
 - POL16/148 Kerb and Guttering – Charges Applicable
 - POL16/154 Private Use of Public Parking
 - POL16/155 Ratepayer Financing Policy for Kerb and Gutter Construction
 - POL16/158 Rural Fire Stations – Community Use
 - POL16/138 Council Waterways Infrastructure – Use of for Commercial Purposes

CARRIED

SA17.40 Building Better Regions Fund - Projects

**HPERM Ref:
D17/48198**

Recommendation (Item to be determined under delegated authority)

That;

1. Applications be made for the following projects under the Building Better Regions Fund – Infrastructure Projects Stream
 - a. Woollamia Regional Boating Maintenance Facilities (Project cost \$1,980,000 with Council contribution of \$990,000)
 - b. Shoalhaven Indoor Sports Centre (Project cost \$12,000,000 with Council contribution of \$8,000,000)
2. Applications be made for the following projects under the Building Better Regions Fund – Community Investments Stream
 - a. Nowra Waterfront – investment strategy (Project cost \$500,000 with Council contribution of \$250,000)
 - b. Stewart Place – investment strategy (Project cost \$500,000 with Council contribution of \$250,000)

RESOLVED (Clr Findley / Clr Gash)

MIN17.105

That:

1. Applications be made for the following projects under the Building Better Regions Fund – Infrastructure Projects Stream:
 - a. Woollamia Regional Boating Maintenance Facilities (Project cost \$1,980,000 with Council contribution of \$990,000)
 - b. Riversdale Development Proposal – in partnership with the Bundanon Trust. Council acknowledges and accepts there are contractual responsibilities and risks for Council in submitting the application.

2. Applications be made for the following projects under the Building Better Regions Fund – Community Investments Stream
- a. Nowra Waterfront – investment strategy (Project cost \$500,000 with Council contribution of \$250,000)
 - b. Stewart Place – investment strategy (Project cost \$500,000 with Council contribution of \$250,000)

FOR: Clr Gash, Clr White, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Gartner and Clr Findley

AGAINST: Clr Guile, Clr Wells, Clr Pakes, Clr Watson, Clr Proudfoot and Russ Pigg

CARRIED

Note: A rescission motion was received on this item.

SA17.41 Greenwell Point Wharf Management Committee

**HPERM REF:
D17/2806**

Item dealt with earlier/later in the meeting see MIN17.92

SA17.42 Intersection of Mernie Street and The Wool Road, Old Erowal Bay

**HPERM Ref:
D17/32181**

Recommendation (Item to be determined under delegated authority)

That the General Manager (Director Assets & Works) continue to review conditions at the intersection of The Wool Road and Mernie Street, and actively pursue any available grant funding opportunities to provide safety improvements (in particular regarding right turn movements) for vehicles on The Wool Road turning right into Mernie Street, Old Erowal Bay.

RESOLVED (Clr Pakes / Clr Watson)

MIN17.106

That the General Manager (Director Assets & Works) continue to review conditions at the intersection of The Wool Road and Mernie Street, and actively pursue any available grant funding opportunities to provide safety improvements (in particular regarding right turn movements) for vehicles on The Wool Road turning right into Mernie Street, Old Erowal Bay.

CARRIED

SA17.43 Land Acquisition - Easement for Drainage - Lot 202 DP1119087 - Jack Kooij

**HPERM Ref:
D16/377516**

Recommendation

That Council resolve to:

1. Acquire an Easement for Drainage 3 metres wide along the northern boundary of Lot 202 DP1119087 at Kaross Close, South Nowra, shown by broken line on attached easement plan;
2. Endorse the agreement with Shoalhaven District Football Association that all costs associated with the acquisition, including the payment of compensation, be met by the Association; and
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documentation requiring the Seal to be affixed, otherwise the General Manager be given delegated authority to sign any documentation necessary to give effect to this resolution.

Recommendation (Clr Wells / Clr Cheyne)

That Council resolve to:

1. Acquire an Easement for Drainage 3 metres wide along the northern boundary of Lot 202 DP1119087 at Kaross Close, South Nowra, shown by broken line on attached easement plan;
2. Endorse the agreement with Shoalhaven District Football Association that all costs associated with the acquisition, including the payment of compensation, be met by the Association; and
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documentation requiring the Seal to be affixed, otherwise the General Manager be given delegated authority to sign any documentation necessary to give effect to this resolution.

CARRIED

SA17.44 Acquisition of Fire Trail Easements at Jerberra Estate, Tomerong

**HPERM Ref:
D17/14579**

Recommendation

That Council:

1. Approve the acquisition of a fire trail easement approximately 6 metres wide and variable under the Land Acquisition (Just Terms Compensation) Act 1991, in favour of the Rural Fire Service, over Lots 55, 61 & 62 DP 11629, Invermay Avenue, Jerberra Estate, Tomerong, for nil compensation (Attachment 1);
2. Agree to pay the effected land owners of Lots 55, 61 & 62 DP 11629 reasonable legal costs and any other reasonable ancillary costs associated with the acquisition from Job No. 85286; and
3. Authorise that the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

Recommendation (Clr Wells / Clr Proudfoot)

That Council:

1. Approve the acquisition of a fire trail easement approximately 6 metres wide and variable under the Land Acquisition (Just Terms Compensation) Act 1991, in favour of the Rural Fire Service, over Lots 55, 61 & 62 DP 11629, Invermay Avenue, Jerberra Estate, Tomerong, for nil compensation (Attachment 1);
2. Agree to pay the effected land owners of Lots 55, 61 & 62 DP 11629 reasonable legal costs and any other reasonable ancillary costs associated with the acquisition from Job No. 85286; and
3. Authorise that the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

CARRIED

SA17.45 Classification of land - Lot 116 DP1226471 Dolphin Point

**HPERM Ref:
D17/25477**

Recommendation (Item to be determined under delegated authority)

That Council approve the classification of the land described as Lot 116 DP 1226471 Dolphin Point as Operational land.

Recommendation (Clr Wells / Clr Cheyne)

That Council approve the classification of the land described as Lot 116 DP 1226471 Dolphin Point as Operational land.

CARRIED

**SA17.46 Acquisition and Extinguishment of Easement for
Drainage - Woollamia - Pt Lot 1 DP650295 785 Woollamia
Road**

**HPERM Ref:
D17/30854**

Recommendation

That Council:

1. Resolve to acquire a 2 metre wide Easement for Drainage and extinguish an existing Easement for Drainage over part of Lot 1 DP650295 known as 785 Woollamia Road, Woollamia as shown in Attachment 1;
2. Pay all reasonable legal and ancillary costs associated with the acquisition and be funded from Job number 74901.39954; 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.

Recommendation (Clr Wells / Clr White)

That Council:

1. Resolve to acquire a 2 metre wide Easement for Drainage and extinguish an existing Easement for Drainage over part of Lot 1 DP650295 known as 785 Woollamia Road, Woollamia as shown in Attachment 1;
2. Pay all reasonable legal and ancillary costs associated with the acquisition and be funded from Job number 74901.39954; 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.

CARRIED

**SA17.47 Classification of land - Sunset Strip Manyana- Sewer
Pump Station - SPS**

**HPERM Ref:
D17/41087**

Recommendation

That Council resolve to classify the land described as Lot 100 DP1222243 known as Sunset Strip Manyana as Operational land subject to no submissions being received objecting to this position by the closing date of 15 March 2017.

Recommendation (Clr Proudfoot / Clr White)

That Council resolve to classify the land described as Lot 100 DP1222243 known as Sunset Strip Manyana as Operational land subject to no submissions being received objecting to this position by the closing date of 15 March 2017.

CARRIED

SA17.48 Rural Fire Service - RFS - Proposed Closure of Part North Street, Berry

**HPERM Ref:
D17/28879**

Recommendation

That Council resolve to:

1. Make an application to the Minister administering the Roads Act 1993, for the part of North Street, Berry shown by hatching on Attachment "1" to be closed and retained by Council as Operational land; and
2. Affix the Common Seal of the Council of the City of Shoalhaven to any documentation requiring the Seal to be affixed, otherwise the General Manager be given delegated authority to sign any documentation necessary to give effect to this resolution.

Recommendation (Clr Pakes / Clr Alldrick)

That Council resolve to:

1. Make an application to the Minister administering the Roads Act 1993, for the part of North Street, Berry shown by hatching on Attachment "1" to be closed and retained by Council as Operational land; and
2. Affix the Common Seal of the Council of the City of Shoalhaven to any documentation requiring the Seal to be affixed, otherwise the General Manager be given delegated authority to sign any documentation necessary to give effect to this resolution.

CARRIED

SA17.49 Sale by Expression of Interest - Lot 1 DP 1021332 George Evans Road, Mundamia - Update

**HPERM Ref:
D17/37826**

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 in accordance with Section.

RESOLVED (Clr White / Clr Gash)

MIN17.107

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

CARRIED

SA17.50 Proposed Retail Lease of 41 Kinghorne Street, Nowra

**HPERM Ref:
D17/38082**

Recommendation

That Council:

1. Enter into a lease with Christian Mathew Wykniet (Trading as Pump House Pies) for two (2) years with a two (2) year option for an annual rent of \$21,529 per annum plus GST with annual increases of 3%; and
2. 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.

Recommendation (Clr Wells / Clr Cheyne)

That Council:

1. Enter into a lease with Christian Mathew Wykniet (Trading as Pump House Pies) for two (2) years with a two (2) year option for an annual rent of \$21,529 per annum plus GST with annual increases of 3%; and
2. 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.

CARRIED

SA17.51 Determination Of Review Of Environmental Factors (REF) - Lake Conjola Boardwalk Replacement

**HPERM REF:
D17/33957**

Item dealt with earlier/later in the meeting see MIN17.93

SA17.52 Determination Of Review Of Environmental Factors (REF) - Rehabilitation Of Coolangatta Road Ch5400 To Ch6550

**HPERM REF:
D17/34043**

Item dealt with earlier/later in the meeting see MIN17.94

SA17.53 Resource Recovery Park - West Nowra AWT

**HPERM Ref:
D17/37694**

Recommendation (Item to be determined under delegated authority)

That Council:

1. That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993 on the procurement methodology for provision of Alternative Waste Processing Technology.
2. Establish a bio-banking site on land surrounding the Huskisson Recycling and Waste Facility and retire Environmental Offsets needed for the Resource Recovery Park and Landfill extension projects.
3. Receive a further report on options to provide the required Species Credits needed for the Resource Recovery Park.

Russ Pigg – significant non pecuniary interest declaration - as one of his neighbours is an associate of a waste company - left the room and did not take part in discussion or vote.

RESOLVED (Clr Wells / Clr Proudfoot)

MIN17.108

That Council:

1. That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993 on the procurement methodology for provision of Alternative Waste Processing Technology.
2. Establish a bio-banking site on land surrounding the Huskisson Recycling and Waste Facility and retire Environmental Offsets needed for the Resource Recovery Park and Landfill extension projects.
3. Receive a further report on options to provide the required Species Credits needed for the Resource Recovery Park.

CARRIED

SA17.54 Extension of Waste and Recycling Collection and Processing Contracts

**HPERM Ref:
D17/40470**

Recommendation (Item to be determined under delegated authority)

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

Russ Pigg – significant non pecuniary interest declaration - as one of his neighbours is an associate of a waste company – left the room and did not take part in discussion or vote.

Note: Clr Findley was absent from the meeting.

RESOLVED (Clr Gash / Clr Pakes)

MIN17.109

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

CARRIED

SA17.55 Readoption Of Environmental Services Policies.

**HPERM REF:
D17/34240**

Item dealt with earlier/later in the meeting see MIN17.95

SA17.56 Acquisition of Easement for Water Supply - 2 Wandean Road Wandandian

**HPERM Ref:
D17/23306**

Recommendation

That:

1. Council resolve to compulsorily acquire an Easement for Water Supply variable width over Lot 5 DP1027962 at 2 Wandean Road Wandandian, shown by broken line on attached copy of DP269010.
2. Council pay compensation as determined by the Valuer-General in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and ancillary costs for the acquisition from

Council's Water Fund.

3. The necessary application be made to the Minister for Local Government and the Governor for approval to the acquisition under the Local Government Act 1993.
4. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

Note: Clr Findley was absent from the meeting.

Note: Russ Pigg returned to the meeting.

Recommendation (Clr Proudfoot / Clr Wells)

That:

1. Council resolve to compulsorily acquire an Easement for Water Supply variable width over Lot 5 DP1027962 at 2 Wandean Road Wandandian, shown by broken line on attached copy of DP269010.
2. Council pay compensation as determined by the Valuer-General in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and ancillary costs for the acquisition from Council's Water Fund.
3. The necessary application be made to the Minister for Local Government and the Governor for approval to the acquisition under the Local Government Act 1993.
4. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CARRIED

SA17.57 Acquisition of Crown land and easement over Crown land at Ulladulla

**HPERM Ref:
D17/16594**

Recommendation

That the previous approval MIN 16.497 be varied and Council resolve to:

1. Compulsorily acquire from the Crown:
 - a. Lot 1 DP1109186, being part of Lot 7304 DP1166765, at Kings Point Drive Ulladulla, shown on the attached copy of DP1109186 marked Attachment 'A'.
 - b. A Sewerage Easement 10 wide and variable over Lot 7304 and Lot 7305 DP1166765 and Lot 5 DP256334 at Kings Point Drive Ulladulla, the attached copies of DP1109186 marked Attachments 'A' & 'B'.
2. Pay compensation and costs associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer fund.
3. The necessary application be made to the Minister for Local Government and the Governor for the acquisition under the Local Government Act 1993.
4. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.
5. The land to be acquired to be classified as 'Operational' in accordance with Section 31(2) of the Local Government Act, 1993.

Recommendation (Clr Proudfoot / Clr Cheyne)

That the previous approval MIN 16.497 be varied and Council resolve to:

1. Compulsorily acquire from the Crown:
 - a. Lot 1 DP1109186, being part of Lot 7304 DP1166765, at Kings Point Drive Ulladulla, shown on the attached copy of DP1109186 marked Attachment 'A'.
 - b. A Sewerage Easement 10 wide and variable over Lot 7304 and Lot 7305 DP1166765 and Lot 5 DP256334 at Kings Point Drive Ulladulla, the attached copies of DP1109186 marked Attachments 'A' & 'B'.
2. Pay compensation and costs associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer fund.
3. The necessary application be made to the Minister for Local Government and the Governor for the acquisition under the Local Government Act 1993.
4. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.
5. The land to be acquired to be classified as 'Operational' in accordance with Section 31(2) of the Local Government Act, 1993.

CARRIED

SA17.58 Grant of easement & restriction over Council land at Nowra

**HPERM Ref:
D17/36398**

Recommendation

That Council resolve to:

1. Grant an Easement for Padmount Substation 3.35 wide and a Restriction on the use of land in favour of Endeavour Energy, over Council land Lot 1 DP531142 at St Anns Street Nowra. The Easement and Restriction are delineated (A) and (B) respectively on attached plan marked Annexure 'B'.
2. Costs associated with the transaction are to be met from Council's Sewer Fund. The Easement and Restriction are to be granted at \$nil consideration.
3. The Common Seal of the Council of the City of Shoalhaven to be fixed to any document required to be sealed.

Recommendation (Clr Cheyne / Clr Levett)

That Council resolve to:

1. Grant an Easement for Padmount Substation 3.35 wide and a Restriction on the use of land in favour of Endeavour Energy, over Council land Lot 1 DP531142 at St Anns Street Nowra. The Easement and Restriction are delineated (A) and (B) respectively on attached plan marked Annexure 'B'.
2. Costs associated with the transaction are to be met from Council's Sewer Fund. The Easement and Restriction are to be granted at \$nil consideration.
3. The Common Seal of the Council of the City of Shoalhaven to be fixed to any document required to be sealed.

CARRIED

SA17.59 Future of Human Waste Removal Services

**HPERM Ref:
D17/27138**

Recommendation

That Council;

1. Seek tenders for human waste removal services
2. Apply full cost recovery to all fees and charges relating to human waste removal services commencing 1 July 2018.

Note: Clr Findley returned to the meeting at 8.58pm

Recommendation (Clr Wells / Clr White)

That Council:

1. Seek tenders for human waste removal services
2. Apply full cost recovery to all fees and charges relating to human waste removal services commencing 1 July 2018.

FOR: Clr Guile, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Proudfoot, Russ Pigg and Clr Findley

AGAINST: Clr Watson

CARRIED

SA17.60 Kangaroo Valley Sewerage Scheme Capacity Assessment - Proposed 3 lot subdivision Rendga CI, Kangaroo Valley

**HPERM Ref:
D17/37189**

Recommendation (Item to be determined under delegated authority)

That:

1. Council approve the connection of the two additional lots (under SF10539) to the Kangaroo Valley Sewerage Scheme subject to development consent being granted.
2. Staff continue to monitor the Kangaroo Valley Sewerage Scheme capacity and report to Council only those development proposals in future that are considered to exceed normal infill development.

RESOLVED (Clr Wells / Clr Guile)

MIN17.110

That under delegated authority from Council:

1. Council approve the connection of the two additional lots (under SF10539) to the Kangaroo Valley Sewerage Scheme subject to development consent being granted.
2. Staff continue to monitor the Kangaroo Valley Sewerage Scheme capacity and report to Council only those development proposals in future that are considered to exceed normal infill development.

CARRIED

Introduction of Items as Matters of Urgency

RESOLVED (Clr Pakes / Clr White)

That the following addendum reports be introduced as matters of urgency:

1. SA17.61 Pedestrian Suspension Bridge Over Kangaroo River - Upper Kangaroo Valley

CARRIED

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

ADDENDUM REPORTS

**SA17.61 Pedestrian Suspension Bridge Over Kangaroo River -
Upper Kangaroo Valley**

**HPERM Ref:
D17/51245**

Recommendation (Item to be determined under delegated authority)

That Council;

1. Engage an Engineering consultant to review the options, including costs, for repairing and renewing the footbridge over the Kangaroo River
2. Advise the residents and stakeholders that plans are being progressed to renew components of the bridge and funding will be considered as part of the 2017/18 budget against other priorities.

RESOLVED (Clr Wells / Clr Guile)

MIN17.111

That Council:

1. Engage an Engineering consultant to review the options, including costs, for repairing and renewing the footbridge over the Kangaroo River
2. Advise the residents and stakeholders that plans are being progressed to renew components of the bridge and funding will be considered as part of the 2017/18 budget against other priorities.

CARRIED

CONFIDENTIAL REPORTS

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

No members of the public made representations.

RESOLVED (Clr Pakes / Clr White)

MIN17.112

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

CSA17.3 Sale by Expression of Interest - Lot 1 DP 1021332 George Evans Road, Mundamia
- Update

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.

CSA17.4 Resource Recovery Park - West Nowra AWT

Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 10(A)(2)(c)

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be 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.

CSA17.5 Extension of Waste and Recycling Collection and Recycling Processing Contracts

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.

CARRIED

The meeting moved into confidential the time being 9.05pm.

The meeting moved into open session, the time being 9.19pm.

Note: A rescission motion was received in relation to SA17.40 - Building Better Regions Fund - Projects. It will be considered at an Extra Ordinary Meeting on Thursday 23 February 2017 at 5.00pm in the Council Chambers.

There being no further business, the meeting concluded, the time being 9.20pm.

Clr Guile
CHAIRPERSON