

MINUTES OF THE STRATEGY AND ASSETS COMMITTEE

Meeting Date: Tuesday, 8 October 2019
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

Clr John Wells - Chairperson
Clr Joanna Gash
Clr Amanda Findley
Clr Patricia White
Clr Nina Digiglio
Clr Annette Alldrick
Clr Mitchell Pakes
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot
Mr Stephen Dunshea - Chief Executive Officer

Apologies / Leave of Absence

Apologies were received from Clr Guile, Clr Levett and Clr Gartner.

Confirmation of the Minutes

RESOLVED (Clr Gash / Clr White) MIN19.728

That the Minutes of the Strategy and Assets Committee held on Tuesday 10 September 2019 be confirmed.

CARRIED

Declarations of Interest

Nil

Call Over of the Business Paper

The following items were called up for debate:

SA19.149, SA19.150, SA19.151, SA19.155, SA19.156, SA19.157, SA19.158, SA19.162, SA19.164, SA19.165, SA19.168

The remaining items were resolved en bloc (Clr White / Clr Pakes) at this time. They are marked with an asterisk (*) in these Minutes.

MAYORAL MINUTES

Nil

DEPUTATIONS AND PRESENTATIONS

Nil

REPORTS

SA19.149 Aboriginal Tourism Promotion Focus

HPERM Ref:
D19/199547

Recommendation (Item to be determined under delegated authority)

That Council:

1. Accept the report for information.
2. Support the report being forwarded to the Aboriginal Advisory Committee for information.
3. Note that future actions will be included in Council's annual Delivery Program and Operational Plan that will aim to help our local Aboriginal communities by supporting tourism business growth opportunities and their ongoing promotion.

RESOLVED (Clr Proudfoot / Clr Findley)

MIN19.729

That Council:

1. Accept the report for information.
2. Support the report being forwarded to the Aboriginal Advisory Committee for information.
3. Note that future actions will be included in Council's annual Delivery Program and Operational Plan that will aim to help our local Aboriginal communities by supporting tourism business growth opportunities and their ongoing promotion.

CARRIED

SA19.150 Tenders - Legal Services Panel

HPERM Ref:
D19/317096

Recommendation (Item to be determined under delegated authority)

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

RESOLVED (Clr Pakes / Clr Findley)

MIN19.730

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

CARRIED

SA19.151 Draft Community Participation Plan

**HPERM Ref:
D19/334330**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Make necessary changes to the working draft Community Participation Plan (CPP) prior to exhibition in accordance with feedback received from key stakeholders
2. Once changes have been made proceed to exhibit the draft CPP for a period of 28 days, as soon as possible, following finalisation of feedback in order to meet the 1 December 2019 timeframe.
3. Report the outcome of the exhibition and the final CPP to Council for adoption at the November 2019 Ordinary Meeting
4. Consult with the community in accordance with the Community Engagement Plan detailed within the report.

RESOLVED (Clr Proudfoot / Clr Findley)

MIN19.731

That Council:

1. Make necessary changes to the working draft Community Participation Plan (CPP) prior to exhibition in accordance with feedback received from key stakeholders
2. Once changes have been made proceed to exhibit the draft CPP for a period of 28 days, as soon as possible, following finalisation of feedback in order to meet the 1 December 2019 timeframe.
3. Report the outcome of the exhibition and the final CPP to Council for adoption at the November 2019 Ordinary Meeting
4. Consult with the community in accordance with the Community Engagement Plan detailed within the report.

CARRIED

Items marked with an * were resolved 'en block'.

SA19.152 Delivery Program and Operational Plan Six Monthly Performance Report

**HPERM Ref:
D19/334335**

RESOLVED* (Clr White / Clr Pakes)

MIN19.732

That Council:

1. Receive the Six Monthly Performance Report for information
2. Publish the report on Council's website and communicate the report outcomes to relevant stakeholders.

CARRIED

SA19.153 Infrastructure Australia - Call for Projects

**HPERM Ref:
D19/338218**

RESOLVED* (Clr White / Clr Pakes)

MIN19.733

That Council note that the following projects have been nominated to Infrastructure Australia for inclusion in the 2020 Infrastructure Priority List:

1. Rail connectivity – upgrades to line from Moss Vale to Unanderra/Port Kembla to Bomaderry
2. East West road freight corridor from Nowra – Beyond Nerriga upgrade to Tarago & Goulburn
3. Nowra Bomaderry Transport Strategy – To address congestion in and around the Shoalhaven River crossing

CARRIED

SA19.154 Section 355 Management Committees - Annual Report

**HPERM Ref:
D19/307649**

RESOLVED* (Clr White / Clr Pakes)

MIN19.734

That:

1. The authorisation to the Chief Executive Officer to appoint members to Management Committees as required be confirmed;
2. The Section 355 Management Committees listed in this report retain their delegated responsibility pursuant to Section 377 – LG Act 1993 for the care, control and management of their facilities with authority to expend up to an amount of \$5,000, consistent with the delegation;
3. The following Management Committees be acknowledged to have dissolved and the facilities to have transitioned to occupancy agreements as per Council Resolution MIN16.706:
 - a. Nowra Communal Youth Hall
 - b. Jervis Bay Maritime Museum
 - c. Ahimsa Sailing Club
 - d. Vincentia Sailing Club

CARRIED

SA19.155 Relocation of Skate Park - Bay and Basin Community Hub

**HPERM Ref:
D19/309824**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt the new location of the Regional Skate Park in the Bay and Basin Community Hub precinct.
2. Use the current budget allocation, which is for the delivery of a fully completed skate park facility, to engage a consultant to prepare a detailed design for the construction of the Bay and Basin Skate Park that reflects the new location.
3. Report back to Council with the detail design.

RESOLVED (Clr Proudfoot / Clr Findley)

MIN19.735

That Council:

1. Adopt the new location of the Regional Skate Park in the Bay and Basin Community Hub precinct, subject to geotechnical investigations be undertaken and reported back to Council.
2. Use the current budget allocation, which is for the delivery of a fully completed skate park facility, to engage a consultant to prepare a detailed design for the construction of the Bay and Basin Skate Park that reflects the new location.
3. Report back to Council with the detailed design.

CARRIED

SA19.156 Investment Report - August 2019

**HPERM Ref:
D19/328130**

Recommendation

That the report of the Chief Executive Officer (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 31 August 2019 be received for information.

RECOMMENDATION (Clr Gash / Clr Proudfoot)

That the report of the Chief Executive Officer (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 31 August 2019 be received for information.

CARRIED

SA19.157 Proposed Lease - Milton Ulladulla Family History Society - Ulladulla Civic Centre

**HPERM Ref:
D19/167775**

Recommendation

That Council:

1. Enter into a two (2) year lease agreement with Milton Ulladulla Family History Society Incorporated for occupation of a room on the lower floor of the Ulladulla Civic Centre at a commencement rent of \$501.00 per annum plus GST (Statutory Minimum) with annual CPI increases.
2. Six months prior to the lease expiring the CEO (Director Assets and Works) advertise the estimated market value for the rental of the space and call for expressions of interest from entities interested in leasing the space.
3. Authorise the Chief Executive Officer 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 where required to give effect to this resolution.

RECOMMENDATION (Clr White / Clr Findley)

That Council:

1. Enter into a five (5) year lease agreement with Milton Ulladulla Family History Society Incorporated for occupation of a room at the Ulladulla Civic Centre at a commencement rent of \$501.00 per annum plus GST (Statutory Minimum) with annual CPI increases.
2. Authorise the Chief Executive Officer 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 where required to give effect to this resolution.

CARRIED

SA19.158 Proposed Acquisition of Land - Moss Vale Road South Urban Release Area

**HPERM Ref:
D19/285827**

Recommendation

That Council, in accordance with Section 10A(2)(c) of the Local Government Act 1993, consider a separate confidential report in relation to property acquisition matters associated with Moss Vale Road South Urban Release Area.

RESOLVED (Clr White / Clr Digiglio)

MIN19.736

That Council, in accordance with Section 10A(2)(c) of the Local Government Act 1993, consider a separate confidential report in relation to property acquisition matters associated with Moss Vale Road South Urban Release Area.

CARRIED

SA19.159 Proposed Lease - 2 Moss Street Nowra

**HPERM Ref:
D19/293874**

RECOMMENDATION* (Clr White / Clr Pakes)

That Council;

1. Accept the surrender of lease agreements dated 1 December 2019 to 30 November 2024 and 1 December 2024 to 30 November 2026 with Philip Pulford for the use and occupation of part Lot 1 DP 334547, Lot B DP 335109 & part Lot A DP 335109 known as 2 Moss Street Nowra;
2. Enter into two consecutive lease agreements with Mr Philip Pulford and Ms Rebecca Jane Low for a five (5) year lease agreement, followed by a two (2) year lease agreement consistent with current lease terms including market rent determined within 3 months from the commencement date of 1 December 2019, plus GST with annual CPI increases, noting that the lease agreement will set out a process for acquisition and demolition at the site in response to road widening needs in the future;
3. Authorise the Chief Executive Officer 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 where required to give effect to this resolution.

CARRIED

SA19.160 Proposed Lease - 81 Osborne Street, Nowra - Lot 4 Sec 12 DP758794 - Jumbunna Children's Centre Limited

**HPERM Ref:
D19/302386**

RECOMMENDATION* (Clr White / Clr Pakes)

That Council resolve to:

1. Enter into a five (5) year lease agreement over Part Lot 4 Sec 12 DP758794, 81 Osborne Street, Nowra with Jumbunna Children's Centre Limited at an incremental commencement rent of:
 - (a) Year 1: \$498.00 (exc GST, payable by the tenant)
 - (b) Year 2: \$2,762.14 (exc GST, payable by the tenant)
 - (c) Year 3: \$5,026.27 (exc GST, payable by the tenant)

- (d) Year 4: \$7,290.41 (exc GST, payable by the tenant)
- (e) Year 5: \$9,554.55 (exc GST, payable by the tenant)

2. Approve the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution.

CARRIED

SA19.161 Proposed Disposal of Vacant Land, St Georges Basin

**HPERM Ref:
D19/323380**

RESOLVED* (Clr White / Clr Pakes)

MIN19.737

That Council in accordance with Section 10(a)(2)(c) of the Local Government Act 1993 consider a separate confidential report on the disposal of Council's vacant land in St Georges Basin.

CARRIED

SA19.162 Land Acquisition Matters - Yalwal & Buangla Localities

**HPERM Ref:
D19/323840**

Recommendation

That Council, in accordance with Section 10A(2)(c) of the Local Government Act 1993, consider a separate confidential report in relation to property disposal and acquisition matters within Yalwal & Buangla localities.

RESOLVED (Clr White / Clr Digiglio)

MIN19.738

That Council, in accordance with Section 10A(2)(c) of the Local Government Act 1993, consider a separate confidential report in relation to property disposal and acquisition matters within Yalwal & Buangla localities.

CARRIED

**SA19.163 Land Acquisition - Easement for Drainage Lot 103 DP
1161925 Burralee Drive Worrigea**

**HPERM Ref:
D19/325857**

RECOMMENDATION* (Clr White / Clr Pakes)

That Council

1. Acquire an easement to drain water 5m wide and variable width over part of Lot 103 DP 1161925, 9 Burralee Drive Worrigea, being approximately 92 metres in length parallel to and adjoining the eastern boundary of Lot 103.
2. Agree to pay compensation in the amount of \$12,000 plus reasonable legal costs associated with this acquisition from Job No 75503.
3. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documentation required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

CARRIED

SA19.164 Tenders - Bitumen Spray Sealing of Pavements

**HPERM Ref:
D19/326207**

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.

RESOLVED (Clr Pakes / Clr Findley)

MIN19.739

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

CARRIED

**SA19.165 Independent Pricing & Regulatory Tribunal (IPART) -
Compliance Burdens on Local Government**

**HPERM Ref:
D19/333659**

Recommendation (Item to be determined under delegated authority)

That Council approve the provision of the suggested feedback on the recommendations made by IPART as presented in Attachment 1 of this report.

RESOLVED (Clr Proudfoot / Clr White)

MIN19.740

That Council approve the provision of the suggested feedback on the recommendations made by IPART as presented in Attachment 1 of this report.

CARRIED

**SA19.166 Acquisition of Crown land - Lot 7 DP1242949 - Kings
Point Drive Ulladulla**

**HPERM Ref:
D19/316485**

RECOMMENDATION* (Clr White / Clr Pakes)

That Council:

1. Rescind MIN17.146.
2. Compulsorily acquire Lot 7 DP1242949 at Kings Point Drive Ulladulla from the Crown, as shown on the attached copy of that deposited plan.
3. 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.
4. Make the necessary application to the Minister for Local Government and the Governor. The acquisition is to be carried out under the Local Government Act 1993 and also in accordance with requirements of the Native Title Act 1993.
5. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documentation required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.
6. Classify the land as 'Operational' in accordance with Section 31(2) of the Local Government Act 1993

CARRIED

SA19.167 Acquisition of easement - Porters Creek Dam infrastructure

HPERM Ref: D19/317459

RECOMMENDATION* (Clr White / Clr Pakes)

That:

1. Council acquire an Easement for Porters Creek Dam Infrastructure over Morton National Park from National Parks and Wildlife Service, Office of the Environment and Heritage. The easement is marked (E) and highlighted on the attached copy of Sheets 1 & 2 of DP1250724,
2. Council pay compensation of \$9,000 plus GST and reasonable costs associated with the acquisition in accordance with the provision of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Water Fund.
3. The acquisition is to be carried out under the Local Government Act 1993, and also in accordance with requirements of the Native Title Act 1993.
4. Council authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documentation required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

CARRIED

SA19.168 St Andrews Way/Berry's Bay & Woollamia - Pressure Sewer Schemes Tender Report

HPERM Ref: D19/330484

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.

RESOLVED (Clr Watson / Clr Pakes)

MIN19.741

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

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 Digiglio)

MIN19.742

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.

CSA19.10 Tenders – Legal Services Panel

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 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.

CSA19.11 Tenders – Bitumen Spay Sealing of Pavements - 2019 - 2020

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 undermine competitive neutrality in connection with any functions of an agency in respect of which it competes with any person or otherwise place an agency at a competitive advantage or disadvantage in any market.

CSA19.12 Proposed Acquisition of Land - Moss Vale Road South Urban Release Area

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.

CSA19.13 Proposed Land Acquisition Matters - Yalwal & Buangla Localities

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.

CSA19.14 Proposed Disposal of Vacant Land, St Georges Basin

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.

CSA19.15 St Andrews Way/Berry's Bay and Woollamia Pressure Sewer Schemes Tender Report

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 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 5.46pm.

The meeting moved into open session, the time being 5.52pm.

Procedural Motion - Matters of Urgency

RESOLVED (Clr Proudfoot / Clr Pakes) MIN19.746

That an additional item in relation to DA19/1852 – 43 Tahnee Street Sanctuary Point be introduced as a matter of urgency.

CARRIED

The Chairperson ruled the matter as urgent as due to the large number of concerned citizens

SA19.169 Additional Item - Call in Development Application - DA19/1852 - 43 Tahnee Street, Sanctuary Point

RESOLVED (Clr Proudfoot / Clr Pakes) MIN19.747

That DA19/1852 – 43 Tahnee Street, Sanctuary Point – Lot 47 DP 1243551 – Multi Dwelling Application x7 be called in to Council for determination due to the significant public interest..

CARRIED

Procedural Motion - Matters of Urgency

RESOLVED (Clr White / Clr Pakes) MIN19.748

That an additional item in relation to DA19/1857 – 52 Parker Crescent, Berry be introduced as a matter of urgency.

CARRIED

The Chairperson ruled the matter as urgent due to the public interest.

SA19.170 Additional Item - Call in Development Application - DA19/1857 - 52 Parker Crescent, Berry

RESOLVED (Clr White / Clr Pakes) MIN19.749

That DA19/1857 – 52 Parker Crescent, Berry be called in to Council for determination due to the significant public interest.

CARRIED

REPORT FROM CONFIDENTIAL SESSION

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

CSA19.10 Tenders – Legal Services Panel

**HPERM Ref:
D19/317169**

RESOLVED

MIN19.743C

That the resolution remain confidential in accordance with Section 10(A)(2)(d)(i) of the Local Government Act until the recommendations of the Tender Evaluation Committee have been considered and, if necessary, resolved by Kiama Municipal Council and Shellharbour City Council and ISJO has advised Tenderers of the outcome.

CARRIED

CSA19.11 Tenders – Bitumen Spay Sealing of Pavements - 2019 - 2020

**HPERM Ref:
D19/325921**

RESOLVED

MIN19.744C

That

1. Council (Strategy & Assets Committee) endorse the Tender Panel's recommendation and accept the Tender from Colas NSW to be the primary contractor for Bitumen Spray Sealing of Pavements throughout the Shoalhaven City Council Region, noting that the tender allows Council staff to use innovative solutions (including the incorporation of recycled materials into the seal design) where the site conditions and project budget allow.
2. Enter into contracts with Rural Bitumen Services, Downer EDI Works, State Asphalt Services, Patches Asphalt and Anthony T Lindsay as Secondary Contractors to undertake works where Colas NSW are unable to deliver a portion of works in accordance with the provisions of their contract.
3. Secondary contractor engagement is determined as per best value per separable portion and where the portion of works is within their resource capacity.
4. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the Group Director – Assets & Works.

CARRIED

CSA19.15 St Andrews Way/Berry's Bay and Woollamia Pressure Sewer Schemes Tender Report

**HPERM Ref:
D19/313642**

RESOLVED

MIN19.745C

That

1. Council's Strategy & Assets Committee accept the Tender from Ledonne Constructions P/L for St Andrews Way/Berry's Bay & Woollamia – Pressure Sewer Schemes at a total cost of \$3,834,222.73 (excluding GST).
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the Acting Group Director Shoalhaven Water.

3. The recommendation remains Confidential in accordance with Section 10(A)(2)(d)(i) of the Local Government Act until Tenders are determined by Council's Strategy & Assets Committee.
4. Authorise the Chief Executive Officer (Shoalhaven Water) to adjust the contract for variations for components under the contract.

CARRIED

There being no further business, the meeting concluded, the time being 5.56pm.

Clr Wells
CHAIRPERSON