

MINUTES OF THE STRATEGY AND ASSETS COMMITTEE

Meeting Date: Tuesday, 10 November 2020
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

Clr John Wells - Chairperson
Clr Amanda Findley
Clr Joanna Gash
Clr Patricia White
Clr Kaye Gartner – (Remotely) left at 7.58pm
Clr Nina Digiglio
Clr Annette Alldrick
Clr John Levett
Clr Andrew Guile – (Remotely) left at 6.02pm
Clr Mitchell Pakes
Clr Greg Watson
Clr Mark Kitchener – (Remotely)
Clr Bob Proudfoot
Mr Stephen Dunshea - Chief Executive Officer

Apologies / Leave of Absence

Nil

Confirmation of the Minutes

RESOLVED (Clr Levett / Clr Digiglio) MIN20.817

That the Minutes of the Strategy and Assets Committee held on Tuesday 13 October 2020 be confirmed.

CARRIED

Declarations of Interest

Stephen Dunshea - CEO – “SA20.212 - Notice of Motion - A Study into the Feasibility of Providing Tomerong Village and Environs with a Reticulated Sewerage Scheme” – significant non pecuniary interest declaration – will leave the room and will not take part in discussion or vote – “he is a property owner and resident of Tomerong”.

Clr Pakes – “SA20.227 - Tenders – Management & Operation of Holiday Haven Swan Lake” – less than significant non pecuniary interest declaration – will remain in the room and will take part in discussion and vote – “one of the Tenderers works at the Culburra Bowling and Recreation Club of which he is a Director”.

MAYORAL MINUTES

Nil

DEPUTATIONS AND PRESENTATIONS

SA20.213 – Notice of motion – Donation Request – Slow Food Berry 2 Jervis Bay Inc

Marilyn Odowd – FOR

SA20.233 – Ulladulla Civic Centre – Management Review

Darryl Bozicevic – FOR

NOTICES OF MOTION / QUESTIONS ON NOTICE

SA20.211 Notice of Motion - Marriott Park Master Plan

**HPERM Ref:
D20/458115**

Recommendation (Item to be determined under delegated authority)

That:

1. The Marriot Park Master Plan be further reviewed as per the diagram below and be readvertised to relevant stakeholders.
2. A further report be prepared by Staff for the consideration of the Council following readvertising of the revised master plan.

RESOLVED (Clr Wells / Clr Pakes)

MIN20.818

That:

1. The Marriot Park Master Plan be further reviewed as per the diagram below and be readvertised to relevant stakeholders.
2. A further report be prepared by Staff for the consideration of the Council following readvertising of the revised master plan.

CARRIED

Note: The CEO - Stephen Dunshea left the meeting at 5.04pm prior to the discussion.

SA20.212 Notice of Motion - A Study into the Feasibility of Providing Tomerong Village and Environs with a Reticulated Sewerage Scheme

**HPERM Ref:
D20/464841**

Stephen Dunshea - CEO – significant non pecuniary interest declaration – he is a property owner and resident of Tomerong - left the room and did not take part in discussion or vote.

Recommendation (Item to be determined under delegated authority)

That the CEO (Executive Manager, Shoalhaven Water):

1. Undertake a feasibility study into the provision of a sewerage scheme to Tomerong Village and Environs that will:
 - a. Reduce the amount of effluent finding its way into St Georges Basin.
 - b. Promote a healthier Village environment.
 - c. Connect to the St Georges Basin Treatment plant to facilitate a connection with the Reclaimed Water Management Scheme to enable an increase to the amount of irrigation water available to farmers.
2. Report to Council when the study is completed and such report include the possibility of the proposal being part funded by grant source(s).

RESOLVED (Clr Watson / Clr Proudfoot)

MIN20.819

That the CEO (Executive Manager, Shoalhaven Water):

1. Undertake a feasibility study into the provision of a sewerage scheme to Tomerong Village and Environs that will:
 - a. Reduce the amount of nutrient finding its way into St Georges Basin.
 - b. Promote a healthier Village environment.
 - c. Connect to the St Georges Basin Treatment plant to facilitate a connection with the Reclaimed Water Management Scheme to enable an increase to the amount of irrigation water available to farmers.
2. Report to Council when the study is completed and such report include the possibility of the proposal being part funded by grant source(s).

CARRIED

Note: The CEO - Stephen Dunshea returned to the meeting at 5.09pm

**SA20.213 Notice of Motion - Donation Request - Slow Food Berry 2
Jervis Bay Inc.**

**HPERM Ref:
D20/480210**

Recommendation

That Council donate \$3,000 (from the Unallocated Donations Budget) to Slow Food Berry 2 Jervis Bay Inc to support their work in planning and creating a large (1 acre) community vegetable garden to be worked by refugee communities on the South Coast.

RECOMMENDATION (Clr Gartner / Clr Findley)

That Council donate \$3000 and provide approximately three (3) good loads of mulch and delivery (from the Unallocated Donations Budget) to Slow Food Berry 2 Jervis Bay Inc to support their work in planning and creating a large (1 acre) community vegetable garden to be worked by refugee communities on the South Coast.

CARRIED

REPORTS

SA20.214 Application for Community Consultative Body Council Accreditation - Burrill Lake Community Association Inc

**HPERM Ref:
D20/482413**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Supports in-principle the application from Burrill Lake Community Association Inc. to become a Council accredited CCB.
2. Advertise the proposal for public comment.
3. Following receipt of public comment, submit a report to Council for determination.

RESOLVED (Clr White / Clr Pakes)

MIN20.820

That Council:

1. Supports in-principle the application from Burrill Lake Community Association Inc. to become a Council accredited CCB.
2. Advertise the proposal for public comment.
3. Following receipt of public comment, submit a report to Council for determination.

CARRIED

SA20.215 DPOP 2020-21 - Quarterly Performance and Budget Report (July-September)

**HPERM Ref:
D20/459982**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Receive the September Quarterly Performance Report on the 2017-2022 Delivery Program and 2020-2021 Operational Plan and publish on Council's website.
2. Receive the September Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the September Quarterly Budget Review document.

RECOMMENDATION (Clr Proudfoot / Clr White)

That Council:

1. Receive the September Quarterly Performance Report on the 2017-2022 Delivery Program and 2020-2021 Operational Plan and publish on Council's website.
2. Receive the September Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the September Quarterly Budget Review document.

CARRIED

**SA20.216 Proposed Submission - Multiple Aboriginal Land Claims
- Shoalhaven Heads, Culburra Beach (Crookhaven
Headland), Huskisson and Kioloa**

**HPERM Ref:
D20/452365**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Notify the NSW Department of Planning, Industry & Environment – Crown Lands Aboriginal Land Claims Assessment Team (ALCAT) that Council:
 - a. Raises no objections to Aboriginal Land Claim (ALC) Number 37806, Part Claim 42448 and Part Claim 42479 over Lot 2 DP 704667, 134 Scott Street, Shoalhaven Heads.
 - b. Does not support Part ALC Numbers 42454 and 42493 over two Part-Lots 34 DP 755971 and Lot 7004 DP 1059066, Prince Edward Avenue, Culburra Beach (Crookhaven Headland), because at the date of claim lodgement:
 - i. The land was lawfully used and occupied for its Reserve Purpose of ‘Public Recreation’ and ‘Community Purposes’ and contained infrastructure to support this use.
 - ii. The land was needed for an essential public purpose, being the Shoalhaven Marine Rescue, and contained infrastructure to support this use.
 - iii. Part of the land was leased to Marine Rescue NSW to support this essential public purpose.
 - c. Does not support Part ALC Numbers 42448, 42454, 42479 and 42493 over Huskisson Marine Rescue site, Voyager Memorial Park and White Sands Park, Huskisson (Lot 7012 DP 1021163, Lot 1 DP 209436, Lot 1 DP 209435, two Part-Lots 7010 DP 1076858), because at the date of claim lodgement:
 - i. The land was lawfully used and occupied for its Reserve Purpose of ‘Public Recreation’ and contained significant public infrastructure to support this use.
 - ii. The land was needed for an essential public purpose (multiple uses).
 - iii. Part of the land was leased or licenced in accordance with its Reserve Purpose.
 - d. Does not support Part ALC Numbers 42454 and 42487 over Lot 34 DP 755941, Lot 7009 DP 1020455 and Lot 7304 DP 1143028, Kioloa Marine Rescue site, because at the date of claim lodgement:
 - i. The land was lawfully used and occupied for its Reserve Purpose of ‘Public Recreation’ and contained infrastructure to support this use.
 - ii. The land was needed for an essential public purpose, being the Kioloa Marine Rescue and associated marine infrastructure.
 - iii. Part of the land was leased to Marine Rescue NSW to support this essential public purpose.
2. Provide any necessary documents and evidence to the ALCAT to support this position.

RESOLVED (Clr Findley / Clr Proudfoot)

MIN20.821

That Council:

1. Accept the detail contained in the report as the basis for establishing the ‘interests’ that exist in the subject land at Culburra Beach/Crookhaven Headland, Huskisson and Kioloa.
2. Defer any action in this regard until after the November 2020 Council meeting to enable discussions to be held in the meantime with the Jerrinja Local Aboriginal Land Council.
3. Receive a further report on these matters, if needed, at the November 2020 Council meeting.

CARRIED

Note: Clr Guile left at 6.02pm

SA20.217 Shoalhaven Economic Performance

**HPERM Ref:
D20/474816**

Recommendation (Item to be determined under delegated authority)

That the report on the state of the Shoalhaven Economic Performance be received for information.

RESOLVED (Clr Proudfoot / Clr White)

MIN20.822

That the report on the state of the Shoalhaven Economic Performance be received for information.

CARRIED

**SA20.218 Road Network Strategy - Nowra / Bomaderry - Key Road
Projects - Prioritising Congestion Chokepoints**

**HPERM Ref:
D20/476760**

Recommendation (Item to be determined under delegated authority)

That

1. Council as a matter of urgency re-emphasise to the NSW Ministers for Roads and Transport that the section of the Princes Highway between Cambewarra Rd in the north and Jervis Bay Rd in the south is in critical need of being upgraded to address issues of regular congestion
2. Council lobby the NSW Members for South Coast and Kiama and the Federal Member for Gilmore to have the section of the Princes Highway between Cambewarra Rd in the north and Jervis Bay Rd in the south included within the scope for the Princes Highway Upgrade being funded by the NSW and Australian Governments
3. Council instruct the CEO to take whatever initiatives are considered reasonable to elevate this issue before Governments and government agencies.

RESOLVED (Clr Proudfoot / Clr White)

MIN20.823

That Council:

1. As a matter of urgency re-emphasise to the NSW Ministers for Roads and Transport that the section of the Princes Highway between Cambewarra Rd in the north and Jervis Bay Rd in the south is in critical need of being upgraded to address issues of regular congestion;
2. Lobby the:
 - a. NSW Member for South Coast – The Hon Shelley Hancock;
 - b. NSW Member for Kiama – The Hon Gareth Ward;
 - c. Federal Member for Gilmore – Mrs Fiona Phillips MP,
 - d. Minister for Regional Transport and Roads – The Hon Paul Toole,
 - e. Minister for transport and Roads – The Hon Andrew Constance,
 - f. Minister for Water, Property and Housing – The Hon Melinda Pavey,
 - g. Minister for Regional NSW Industry and Trade The Hon John Barilaro

to have the section of the Princes Highway between Cambewarra Rd in the north and Jervis Bay Rd in the south included within the scope for the Princes Highway Upgrade being funded by the NSW and Australian Governments;

3. Include in the representations, that the strong preference of the community and Council is addressing the critical choke point/s between the intersections of Plunkett and Kalandar street/s for urgent upgrade and grade separation, with a secondary concern being congestion from Kalandar to Hillcrest Street/s.
4. Instruct the CEO to take whatever initiatives are considered reasonable to elevate this issue before Governments and government agencies.

CARRIED

SA20.219 Bushfire Local Economy Recovery Fund - project nominations

**HPERM Ref:
D20/481406**

Recommendation (Item to be determined under delegated authority)

That

1. Council endorse the following projects to be submitted as applications to the Bushfire Local Economy Recovery (BLER) Fund and the Council contributions be also endorsed:
 - a. Materials Recovery Centre, West Nowra
 - i. Council contribution = \$13,000,000
 - b. Additional REMS dam, Coonamia
 - i. Council contribution = \$7,000,000
 - c. Livestock yard holding improvements @ 4 Showgrounds
 - d. Remediate former Ulladulla STP site for Employment Land development
 - i. Council contribution = \$2,500,000
 - e. Bawley Pt / Kioloa Energy Hub
 - f. Huskisson Boardwalk refurbishment
 - g. Sanctuary Point Employment Land
 - i. Council contribution = \$3,000,000
 - h. Underground power to Bamarang water facilities
 - i. Conjola Park Regional Boat Ramp
 - j. Sussex Inlet Employment Lands – Water & Sewerage extension
 - k. Citywide K&G renewal program
 - l. Lake Conjola Entrance Rd – new SUP Bridge
 - m. Inground Water tanks in APZs
 - i. Council contribution \$260,000
 - n. Shoalhaven Water Recovery & Resilience Project (Generators)
 - i. Council contribution = \$250,000
 - o. Construct new RFS Station at Conjola
 - p. Construct new RFS Station at Manyana
 - q. SCC Development Assessment Personnel (Temporary)

- r. Worrigeer Cemetery APZ & Asset protection
 - s. Shoalhaven Heads Boat Ramp
 - t. Low-cost sealing of Prosperity Rd, Sth Nowra
 - u. Additional generators & PV @ telecommunications sites
 - i. Council contribution = \$150,000
2. Council contributions for the BLER projects, totalling \$4.05M, will be sourced from a combination of internal borrowing from reserves and future capital budget allocations over the period 2020/21 to 2021/22
3. The Chief Executive Officer be authorised to sign and execute any deeds or documents for any successful projects from the Bushfire Local Economic Recovery Fund

MOTION (Clr Pakes / Clr White)

That:

1. Council endorse the following projects to be submitted as applications to the Bushfire Local Economy Recovery (BLER) Fund and the Council contributions be also endorsed:
- a. Materials Recovery Centre, West Nowra
 - i. Council contribution = \$13,000,000
 - b. Additional REMS dam, Coonamia
 - i. Council contribution = \$7,000,000
 - c. Livestock yard holding improvements @ 4 Showgrounds
 - d. Remediate former Ulladulla STP site for Employment Land development
 - i. Council contribution = \$2,500,000
 - e. Bawley Pt / Kioloa Energy Hub
 - f. Huskisson Boardwalk refurbishment
 - g. Sanctuary Point Employment Land
 - i. Council contribution = \$3,000,000
 - h. Underground power to Bamarang water facilities
 - i. Conjola Park Regional Boat Ramp
 - j. Sussex Inlet Employment Lands – Water & Sewerage extension
 - k. Citywide K&G renewal program
 - l. Lake Conjola Entrance Rd – new SUP Bridge
 - m. Inground Water tanks in APZs
 - i. Council contribution \$260,000
 - n. Shoalhaven Water Recovery & Resilience Project (Generators)
 - i. Council contribution = \$250,000
 - o. Undertake renovations and alterations to the existing RFS Station at Conjola (Estimate of \$750,000)
 - p. Construct new RFS Station at Manyana (allocate \$1.5M)
 - q. SCC Development Assessment Personnel (Temporary)
 - r. Worrigeer Cemetery APZ & Asset protection

- s. Shoalhaven Heads Boat Ramp
- t. Low-cost sealing of Prosperity Rd, Sth Nowra
- u. Additional generators & PV @ telecommunications sites
 - i. Council contribution = \$150,000
- 2. Council contributions for the BLER projects, totalling \$4.05M, will be sourced from a combination of internal borrowing from reserves and future capital budget allocations over the period 2020/21 to 2021/22
- 3. The Chief Executive Officer be authorised to sign and execute any deeds or documents for any successful projects from the Bushfire Local Economic Recovery Fund

AMENDMENT (RESOLVED) (Clr Findley / Clr Gartner)

MIN20.824

That:

- 1. Council endorse the following projects to be submitted as applications to the Bushfire Local Economy Recovery (BLER) Fund and the Council contributions be also endorsed:
 - a. Materials Recovery Centre, West Nowra
 - i. Council contribution = \$13,000,000
 - b. Additional REMS dam, Coonamia
 - i. Council contribution = \$7,000,000
 - c. Livestock yard holding improvements @ 4 Showgrounds
 - d. Remediate former Ulladulla STP site for Employment Land development
 - i. Council contribution = \$2,500,000
 - e. Bawley Pt / Kioloa Energy Hub
 - f. Huskisson Boardwalk refurbishment
 - g. Sanctuary Point Employment Land
 - i. Council contribution = \$3,000,000
 - h. Underground power to Bamarang water facilities
 - i. Conjola Park Regional Boat Ramp
 - j. Sussex Inlet Employment Lands – Water & Sewerage extension
 - k. Citywide K&G renewal program
 - l. Lake Conjola Entrance Rd – new SUP Bridge
 - m. Inground Water tanks in APZs
 - i. Council contribution \$260,000
 - n. Shoalhaven Water Recovery & Resilience Project (Generators)
 - i. Council contribution = \$250,000
 - o. Undertake renovations and alterations to the existing RFS Station at Conjola (Estimate of \$750,000)
 - p. Construct new RFS Station at Manyana (allocate \$1.5M)
 - q. SCC Development Assessment Personnel (Temporary)
 - r. Worrigeer Cemetery APZ & Asset protection
 - s. Shoalhaven Heads Boat Ramp

- t. Low-cost sealing of Prosperity Rd, Sth Nowra
 - u. Additional generators & PV @ telecommunications sites
 - i. Council contribution = \$150,000
 - v. Construct portion of Riversdale Road, joint application with Bundanon
2. Council contributions for the BLER projects, totalling \$4.05M, will be sourced from a combination of internal borrowing from reserves and future capital budget allocations over the period 2020/21 to 2021/22
3. The Chief Executive Officer be authorised to sign and execute any deeds or documents for any successful projects from the Bushfire Local Economic Recovery Fund

FOR: Clr Wells, Clr Findley, Clr Gash, Clr White, Clr Gartner, Clr Digiglio, Clr Alldrick, Clr Levett, Clr Kitchener and Stephen Dunshea

AGAINST: Clr Pakes, Clr Watson and Clr Proudfoot

AMENDMENT CARRIED

THE AMENDMENT BECAME THE MOTION AND WAS PUT TO THE MEETING

FOR: Clr Wells, Clr Findley, Clr Gash, Clr White, Clr Gartner, Clr Digiglio, Clr Alldrick, Clr Levett, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

SA20.220 Further Update - Rent Relief - Occupiers of Council Owned or Management Properties

**HPERM Ref:
D20/421669**

Recommendation

That Council

1. Extend the COVID19 rent-free period to:
 - a. all tenancies listed (Attachment 1 – ‘Proposed Rent Relief Table’) 100% rent relief until 31st January 2021.
 - b. all tenants listed as Community Organisations (Attachment 1 – ‘Proposed Rent Relief Table’) 100% rent relief until the 30 June 2021.
2. Delegate authority to the CEO (Director City Services) to provide Rent Relief to tenancies listed in Attachment 1 – ‘Proposed Rent Relief Table’ if a “hardship” case can be demonstrated as a result of the COVID19 crisis. The CEO (Director City Services) is to report all representations and decisions at an appropriate Budget Quarterly Review.

Clr Findley raised a Point of Order and requested the Chairperson ask Clr Pakes to refrain from making side comments.

The Chairperson asked all Councillors to refrain from making side comments.

RECOMMENDATION (Clr White / Clr Pakes)

That Council:

1. Extend the COVID19 rent-free period to:
 - a. all tenancies listed (Attachment 1 – ‘Proposed Rent Relief Table’) 100% rent relief until 31st January 2021.

- b. all tenants listed as Community Organisations (Attachment 1 – ‘Proposed Rent Relief Table’) 100% rent relief until the 30 June 2021.
2. Delegate authority to the CEO (Director City Services) to provide Rent Relief to tenancies listed in Attachment 1 – ‘Proposed Rent Relief Table’ if a “hardship” case can be demonstrated as a result of the COVID19 crisis. The CEO (Director City Services) is to report all representations and decisions at an appropriate Budget Quarterly Review.

CARRIED

SA20.221 Proposed Road Closure - Part Bolong Road Bomaderry - Shoalhaven Starches P/L

HPERM Ref: D20/420227

Recommendation

That Council:

1. Close approximately 103.2 sqm of Bolong Road, Bomaderry as per Attachment 1 (D20/460983) adjoining Lot 1 DP 838753 by way of a notice published in the Government Gazette;
2. Authorise the creation of any easements, including for services and any restriction on the use of the land in favour of Shoalhaven City Council across the portion comprised in the road closure at the time of finalising the survey plan;
3. Authorise the sale of the portion comprised in the road closure, per point 1 above, to Shoalhaven Starches (adjoining property owner) for \$3,100 (plus GST if applicable);
4. Require the portion comprised in the road closure and the adjoining Lot 1 DP 838753 to be consolidated into one lot;
5. Require all costs associated with the road closure and sale be borne by Shoalhaven Starches and the net income from the sale be placed in the Property Reserve; and
6. Authorise the Chief Executive Officer to sign any 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 Gash / Clr Findley)

That Council:

1. Close approximately 103.2 sqm of Bolong Road, Bomaderry as per Attachment 1 (D20/460983) adjoining Lot 1 DP 838753 by way of a notice published in the Government Gazette;
2. Authorise the creation of any easements, including for services and any restriction on the use of the land in favour of Shoalhaven City Council across the portion comprised in the road closure at the time of finalising the survey plan;
3. Authorise the sale of the portion comprised in the road closure, per point 1 above, to Shoalhaven Starches (adjoining property owner) for \$3,100 (plus GST if applicable);
4. Require the portion comprised in the road closure and the adjoining Lot 1 DP 838753 to be consolidated into one lot;
5. Require all costs associated with the road closure and sale be borne by Shoalhaven Starches and the net income from the sale be placed in the Property Reserve; and
6. Authorise the Chief Executive Officer to sign any 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

SA20.222 Proposed Road Closure & Sale Jarretts Lane Kangaroo Valley

**HPERM Ref:
D20/458022**

Recommendation

That Council

1. Close approximately 89.64 lineal metres of the unformed Jarretts Lane, Kangaroo Valley shown red on Attachment 1 (D20/458208) at the rear of 115A Jarretts Lane, Kangaroo Valley by a notice published in the Government Gazette.
2. Authorise the sale of the closed road to Trudie Nicole Jarnason (adjoining property owner) for \$4,000 + GST (if applicable)
3. Require the portion comprised in the road closure be consolidated into one lot with Lot 1 DP 826997.
4. Require all costs associated with the road closure and sale to be borne by Stefan and Trudie Jarnason.
5. Authorise the Chief Executive officer to sign any 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 Proudfoot / Clr Digiglio)

That Council:

1. Close approximately 89.64 lineal metres of the unformed Jarretts Lane, Kangaroo Valley shown red on Attachment 1 (D20/458208) at the rear of 115A Jarretts Lane, Kangaroo Valley by a notice published in the Government Gazette.
2. Authorise the sale of the closed road to Trudie Nicole Jarnason (adjoining property owner) for \$4,000 + GST (if applicable)
3. Require the portion comprised in the road closure be consolidated into one lot with Lot 1 DP 826997.
4. Require all costs associated with the road closure and sale to be borne by Stefan and Trudie Jarnason.
5. Authorise the Chief Executive officer to sign any 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

SA20.223 Easement for Access Extinguishment Lot 48 DP 25550 and Road Dedication Lots 46 & 47 DP 25550 Island Point Road St Georges Basin

**HPERM Ref:
D20/426031**

Recommendation

That Council

1. Resolve to dedicate Lots 46 & 47 DP 25550 Island Point Road St Georges Basin as Public Road pursuant to Section 10 of the Roads Act 1993; and
2. Approve the Extinguishment of the Right of Way over Lots 46 & 47 DP 25550 as no longer required due to the Road dedication under point 1 above; and

3. Approve the Extinguishment of the Easement for Access over Lot 48 DP 25550 Island Point Road St Georges Basin as no longer required due to the Road dedication under point 1 above; and
4. Grant authority to affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and that the Chief Executive Officer be authorised to sign any documentation necessary to give effect to this Resolution.

RECOMMENDATION (Clr Proudfoot / Clr White)

That Council:

1. Resolve to dedicate Lots 46 & 47 DP 25550 Island Point Road St Georges Basin as Public Road pursuant to Section 10 of the Roads Act 1993; and
2. Approve the Extinguishment of the Right of Way over Lots 46 & 47 DP 25550 as no longer required due to the Road dedication under point 1 above; and
3. Approve the Extinguishment of the Easement for Access over Lot 48 DP 25550 Island Point Road St Georges Basin as no longer required due to the Road dedication under point 1 above; and
4. Grant authority to affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and that the Chief Executive Officer be authorised to sign any documentation necessary to give effect to this Resolution.

CARRIED

**SA20.224 Creation of Asset Protection Zone over Council Land -
Lot 61 DP 833017 Ilett Street, Mollymook**

**HPERM Ref:
D20/441004**

Recommendation

That Council:

1. Approve the creation of an Asset Protection Zone over part Lot 61 DP 1833017 as shown in SET Consultant's APZ Plan at Attachment 2 (D20/442538), by way of a positive covenant in accordance with the provisions of Section 88B of the Conveyancing Act 1919 allowing the following activities:
 - a. Clear from the APZ Site and at all times, keep the APZ Site free of all bush, scrub, flora and fauna (with the exception of grass); and
 - b. Do all things necessary to maintain the APZ Site as an APZ.;
2. Require the landowners of Lot 76 DP 1243148 indemnify Council against any loss, injury or damages incurred whilst on Council owned land and undertaking the activities noted above at 1 (a) & 1 (b) and pay all costs (including Councils) associated with the creation of the positive covenant; and
3. Authorise the Chief Executive Officer to sign any 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.

RESOLVED (Clr White / Clr Pakes)

MIN20.825

That the matter relating Creation of Asset Protection Zone over Council Land - Lot 61 DP 833017 Ilett Street, Mollymook be deferred and:

1. Referred to an on-site meeting of available Councillors and the RFS be invited; and then
2. Referred to a Clr Briefing.

CARRIED

SA20.225 Creation of Asset Protection Zone over Council Unmade Road adjoining Lot 1 Sec 5 DP 758322 - 2 Jervis St, Currarong

**HPERM Ref:
D20/461430**

Recommendation

That Council:

1. Resolve to approve the creation of an Asset Protection Zone over Council's unmade road at Crookhaven Parade, Currarong adjoining the common northern boundary of Lot 1 Sec 5 DP 758322 as shown on Attachment 1 (D20/461554), by way of positive covenant in accordance with the provisions of Section 88E of the Conveyancing Act 1919'
2. Require that the landowners of Lot 1 Sec 5 DP 758322 indemnify Council against any loss, injury or damages incurred whilst on Council owned land and undertaking the activities defined in the APZ Management Plan and pay all costs, fees and charges (including legal) associated with the creation of the positive covenant: and
3. Authorise the Chief Executive Officer to sign any 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 Pakes / Clr Gash)

MIN20.826

That Council:

1. Resolve to approve the creation of an Asset Protection Zone over Council's unmade road at Crookhaven Parade, Currarong adjoining the common northern boundary of Lot 1 Sec 5 DP 758322 as shown on Attachment 1 (D20/461554), by way of positive covenant in accordance with the provisions of Section 88E of the Conveyancing Act 1919'
2. Require that the landowners of Lot 1 Sec 5 DP 758322 indemnify Council against any loss, injury or damages incurred whilst on Council owned land and undertaking the activities defined in the APZ Management Plan and pay all costs, fees and charges (including legal) associated with the creation of the positive covenant: and
3. Authorise the Chief Executive Officer to sign any 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.

FOR: Clr Wells, Clr Gash, Clr White, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Clr Findley, Clr Gartner, Clr Digiglio, Clr Alldrick and Clr Levett

CARRIED

Note: Clr Gash and Clr Alldrick left the meeting at 7.32pm

**SA20.226 Parkcare Action Plans - Callala Bay Foreshore /
Collingwood Reserve / Fishermans Paradise / Friends of
Hyams Beach / Paino Reserve / Surfers Avenue**

**HPERM Ref:
D20/410898**

Recommendation (Item to be determined under delegated authority)

That Council

1. Endorse the updated and new 'Parkcare' plans for
 - a. Callala Bay Foreshore – Callala Bay (NEW)
 - b. Collingwood Reserve – Basin View (UPDATED)
 - c. Hazel Rowbotham Reserve – Fishermans Paradise (NEW)
 - d. Hyams Beach Parks – Hyams Beach (UPDATED)
 - e. Paino Reserve – Sanctuary Point (NEW)
 - f. Surfers Avenue Reserve – Narrawallee (UPDATED)
2. Continue to allocate ongoing annual operating funding of \$400 (GST exclusive and CPI adjusted) for each Parkcare Group, totalling \$2,400, to cover safety PPE, miscellaneous materials, waste disposal and purchase minor tools. This has been provided for in the Draft 2021/2022 Operating Budget.

RESOLVED (Clr Proudfoot / Clr Levett)

MIN20.827

That Council:

1. Endorse the updated and new 'Parkcare' plans for
 - a. Callala Bay Foreshore – Callala Bay (NEW)
 - b. Collingwood Reserve – Basin View (UPDATED)
 - c. Hazel Rowbotham Reserve – Fishermans Paradise (NEW)
 - d. Hyams Beach Parks – Hyams Beach (UPDATED)
 - e. Paino Reserve – Sanctuary Point (NEW)
 - f. Surfers Avenue Reserve – Narrawallee (UPDATED)
2. Continue to allocate ongoing annual operating funding of \$400 (GST exclusive and CPI adjusted) for each Parkcare Group, totalling \$2,400, to cover safety PPE, miscellaneous materials, waste disposal and purchase minor tools. This has been provided for in the Draft 2021/2022 Operating Budget.

FOR: Clr Wells, Clr Findley, Clr Gash, Clr White, Clr Gartner, Clr Digiglio, Clr Alldrick, Clr Levett, Clr Pakes, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Clr Watson

CARRIED

**SA20.227 Tenders – Management & Operation of Holiday Haven
Swan Lake**

**HPERM Ref:
D20/463153**

Clr Pakes – less than significant non pecuniary interest declaration – will remain in the room and will take part in discussion and vote – “one of the Tenderers works at the Culburra Bowling and Recreation Club of which he is a Director”.

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 Proudfoot / Clr White)

MIN20.828

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

CARRIED

SA20.228 Fishermans Paradise Voluntary Planning Agreement

**HPERM Ref:
D20/459989**

Recommendation (Item to be determined under delegated authority)

That the Strategy and Assets Committee endorse the Voluntary Planning Agreement (VPA) for the dedication of land at Fisherman’s Paradise subject to the developer Grange Estates P/L meeting the following requirements:

1. Prior to the commencement of any site works, including the clearing or modification of any vegetation, or the issuing of a Subdivision Works Certificate, the Developer Grange Estates P/L will submit to Council an Environmental Management Plan (EMP) prepared by a suitably qualified practising Ecologist, Environmental Scientist or Bushland Restoration Expert for the rehabilitation and ongoing management of the Public Reserve for a period of 5 years in accordance with the NSW DPIE Guidelines for the management of waterfront lands.

The EMP shall include a requirement to install four strand plain wire fencing supported by treated pine posts along the interface between the road reserve and the public reserve where required to prevent public access as part of Year 1 works and as part of the works required to be completed prior to dedication of the land to Council; and

2. Prior to the issue of a Subdivision Certificate for the Plan of Survey for Stage 2A (shown plan N27743-11 rev 2 dated 19 December 2019 (D20/161178)) which will dedicate the Public Reserve, the developer Grange Estates P/L will:
 - a. implement the actions in the approved EMP which are required to be completed prior to dedication of the land; and
 - b. provide Council with a EMP monitoring and implement report to confirm works within the EMP have been completed.
3. Following dedication of the Public Reserve, the Developer Grange Estates P/L will:
 - a. implement any additional actions identified in the approved EMP for Years 1 and 2; and
 - b. provide Council with a EMP report monitoring and implementation report at the end of years 1 and 2 to confirm EMP actions have been completed; and
 - c. pay \$2,240 annually to Council on the 3rd, 4th and 5th anniversary of the date the Public Reserve was dedicated to cover Council’s estimated costs for implementing the EMP on the Public Reserve for years 3-5.

RESOLVED (Clr Proudfoot / Clr White)

MIN20.829

That the Strategy and Assets Committee endorse the Voluntary Planning Agreement (VPA) for the dedication of land at Fisherman's Paradise subject to the developer Grange Estates P/L meeting the following requirements:

1. Prior to the commencement of any site works, including the clearing or modification of any vegetation, or the issuing of a Subdivision Works Certificate, the Developer Grange Estates P/L will submit to Council an Environmental Management Plan (EMP) prepared by a suitably qualified practising Ecologist, Environmental Scientist or Bushland Restoration Expert for the rehabilitation and ongoing management of the Public Reserve for a period of 5 years in accordance with the NSW DPIE Guidelines for the management of waterfront lands.

The EMP shall include a requirement to install four strand plain wire fencing supported by treated pine posts along the interface between the road reserve and the public reserve where required to prevent public access as part of Year 1 works and as part of the works required to be completed prior to dedication of the land to Council; and

2. Prior to the issue of a Subdivision Certificate for the Plan of Survey for Stage 2A (shown plan N27743-11 rev 2 dated 19 December 2019 (D20/161178)) which will dedicate the Public Reserve, the developer Grange Estates P/L will:
 - a. implement the actions in the approved EMP which are required to be completed prior to dedication of the land; and
 - b. provide Council with a EMP monitoring and implement report to confirm works within the EMP have been completed.
3. Following dedication of the Public Reserve, the Developer Grange Estates P/L will:
 - a. implement any additional actions identified in the approved EMP for Years 1 and 2; and
 - b. provide Council with a EMP report monitoring and implementation report at the end of years 1 and 2 to confirm EMP actions have been completed; and
 - c. pay \$2,240 annually to Council on the 3rd, 4th and 5th anniversary of the date the Public Reserve was dedicated to cover Council's estimated costs for implementing the EMP on the Public Reserve for years 3-5.

CARRIED

SA20.229 Conjola Community Forum and Case Clinic

**HPERM Ref:
D20/481294**

Recommendation (Item to be determined under delegated authority)

That Council receive this report for consideration and:

1. Thank Resilience NSW for their offer of assistance
2. Support the initiative to hold a Case Clinic for internal stakeholders to discuss the current issues within Conjola.
3. Support the initiative, following the case clinic, to have a series of Community Forums within Conjola, hosted by Resilience NSW that focus on bringing the community together.

RESOLVED (Clr Findley / Clr White)

MIN20.830

That Council receive this report for consideration and:

1. Thank Resilience NSW for their offer of assistance
2. Support the initiative to hold a Case Clinic for internal stakeholders to discuss the current issues within Conjola.

3. Support the initiative, following the case clinic, to have a series of Community Forums within Conjola, hosted by Resilience NSW that focus on bringing the community together.

CARRIED

**SA20.230 Acquisition - Sewer Purposes - 9 Matron Porter Drive
Narrawallee**

**HPERM Ref:
D20/432758**

Recommendation

That

1. Council acquire an Easement for sewerage purposes 2.4 metres wide over part of Lot 5 DP 216561, No. 9 Matron Porter Drive Narrawallee shown highlighted on Attachment 1.
2. Council pay compensation of \$11,500 plus GST if applicable and reasonable legal costs associated with the acquisition to the owner in accordance with the provision of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer Fund.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

RECOMMENDATION (Clr Findley / Clr Digiglio)

That:

1. Council acquire an Easement for sewerage purposes 2.4 metres wide over part of Lot 5 DP 216561, No. 9 Matron Porter Drive Narrawallee shown highlighted on Attachment 1.
2. Council pay compensation of \$11,500 plus GST if applicable and reasonable legal costs associated with the acquisition to the owner in accordance with the provision of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer Fund.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CARRIED

**SA20.231 Acquisition of Easement - Sewer Purposes - 6
Woodlawn Avenue Burrill Lake**

**HPERM Ref:
D20/435421**

Recommendation

That

1. Council acquire an Easement for sewerage purposes 1.2 metres wide over part of Lot 82 DP 209662, No. 6 Woodlawn Avenue Burrill Lake shown highlighted on Attachment 1.
2. Council pay compensation of \$5,000 plus GST if applicable and reasonable legal costs associated with the acquisition to the owner in accordance with the provision of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer 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:

1. Council acquire an Easement for sewerage purposes 1.2 metres wide over part of Lot 82 DP 209662, No. 6 Woodlawn Avenue Burrill Lake shown highlighted on Attachment 1.

2. Council pay compensation of \$5,000 plus GST if applicable and reasonable legal costs associated with the acquisition to the owner in accordance with the provision of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer Fund.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CARRIED

SA20.232 Yalwal Camping Area - Staged Reopening Strategy

**HPERM Ref:
D20/472365**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Approve the reopening of access to the Yalwal camping area for day use only.
2. Progress the development of the site as outlined in the Danjera Dam Camping - Future Directions Report
3. Continue to limit access for day use only, until such time the campground is formalised, and planned improvements made to its facilities and management.

RESOLVED (Clr Proudfoot / Clr Levett)

MIN20.831

That Council:

1. Approve the reopening of access to the Yalwal camping area for day use only.
2. Progress the development of the site as outlined in the Danjera Dam Camping - Future Directions Report
3. Continue to limit access for day use only, until such time the campground is formalised, and planned improvements made to its facilities and management.

CARRIED

Introduction of Items as Matters of Urgency

RESOLVED (Clr Wells / Stephen Dunshea)

MIN20.832

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

1. SA20.233 Ulladulla Civic Centre - Management Review

CARRIED

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

Note: Clr Gash and Alldrick returned to the meeting at 7.37pm

ADDENDUM REPORTS

SA20.233 Ulladulla Civic Centre - Management Review

HPERM Ref:
D20/457991

Recommendation (Item to be determined under delegated authority)

That Council

1. Adopt the Internal Management Model (ATP Model 3) as recommended in the “Business Plan for the Management and Operation of the Ulladulla Function Centre” report and transfer the management and operation of the Ulladulla Civic Centre to Council at the expiration of the current management contract .
2. Notify Milton Ulladulla Ex-Servos Club Ltd (MUES) that the existing contract will expire on 31 December 2020 when the management and operation of the Ulladulla Civic Centre will transfer back to Shoalhaven City Council.

RESOLVED (Clr White / Clr Gash)

MIN20.833

That Council:

1. Receive and note the report from Asset Technologies Pacific on the Business Plan for the Management and Operation of the Ulladulla Function Centre and Management Models.
2. Not proceed at this time to bring the management and operation of the Ulladulla Civic Centre in-house;
3. Delegate to the Chief Executive Officer the authority to negotiate and enter into a contract for the continued management and operation of the Ulladulla Civic Centre with the Milton Ulladulla Ex-Servos for a period of up to 12 months for an amount not exceeding the tender threshold.
4. Proceed to call for a public Request for Tender process via the open market for the management and operation of the Ulladulla Civic Centre with a report to Council by June 2021.

FOR: Clr Wells, Clr Gash, Clr White, Clr Alldrick, Clr Pakes, Clr Watson, Clr Kitchener, Clr Gartner and Clr Proudfoot

AGAINST: Clr Findley, Clr Digiglio, Clr Levett and Stephen Dunshea

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)

MIN20.834

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.

CSA20.16 Tenders – Management & Operation of Holiday Haven Swan Lake

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

Note: Cllr Gartner left the meeting at 7.58pm.

The meeting moved into confidential the time being 7.58pm.

The meeting moved into open session, the time being 8.00pm.

REPORT FROM CONFIDENTIAL SESSION

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

**CSA20.16 Tenders – Management & Operation of Holiday Haven
Swan Lake**

**HPERM Ref:
D20/463435**

RESOLVED

MIN20.835C

That:

1. Council endorses the recommendation of the Tender Assessment Team to accept the Tender from Jane and Trent Robey for Management and Operation of Holiday Haven Swan Lake
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 Director – City Services, as the Principal's Representative

CARRIED

There being no further business, the meeting concluded, the time being 8.01pm.

Cllr Wells
CHAIRPERSON