

SHOALHAVEN CITY COUNCIL

ORDINARY MEETING

To be held on Tuesday, 20th November, 2007
Commencing at 3.30 pm

City Administrative Centre
Bridge Road
NOWRA NSW 2541

14th November, 2007

Councillors,

NOTICE OF MEETING

You are hereby requested to attend the Ordinary Meeting of the Council of the City of Shoalhaven, **to be held in the Council Chambers, City Administrative Centre, Bridge Road, Nowra on Tuesday, 20th November, 2007 commencing at 3.30 pm** for consideration of the following business.

Yours faithfully

R D Pigg
General Manager

Membership

All Councillors

BUSINESS OF MEETING

PRAYER: Pastor Peter Pilt - Christian Outreach Centre, Nowra

1. **Australian National Anthem**
2. **Apologies**
3. **Confirmation of Minutes**
Ordinary Meeting - 30th October, 2007
4. **Presentation of Petitions**
5. **Mayoral Minute**
6. **Report of the General Manager**
Policy and Planning Committee - 6th November, 2007
Works and Finance Committee - 6th November, 2007
Development Committee - 6th November, 2007
Shoalhaven Water Operations and Strategic Review Committee - 13th November 2007
Crown Reserve, Community and Commercial Operations Committee - 13th November, 2007
Youth Advisory Committee - 29th October, 2007
Confidential Senior Staff Contractual Matters Committee - 1st November, 2007
Shoalhaven Access Advisory Committee - 1st November, 2007
Industrial Development & Employment Committee - 5th November, 2007
Tourism Development Committee - 8th November, 2007
Council Property Steering Committee - 12th November, 2007
Alternative Waste Processing Technologies Working Group - 13th November, 2007
7. **Report of the Shoalhaven Traffic Committee - 13th November, 2007**
8. **Report of the General Manager**
Assistant General Manager
City Services & Operations
Strategic Planning
Finance & Corporate Services
9. **Legal Documents**
Strategic Planning
10. **Confidential Report of the General Manager**
Council Property Steering Committee - 12th November, 2007
11. **Notices of Motion**

Cell Phones:

Council's Code of Meeting Practice states that "All cell phones are to be turned off for the duration of the meeting".

LOCAL GOVERNMENT ACT 1993

Chapter 3

Section 8(1) - The Council's Charter

(1) The council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- to promote and to provide and plan for the needs of children
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- to have regard to the long term and cumulative effects of its decisions
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
- to keep the local community and the State government (and through it, the wider community) informed about its activities
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
- to be a responsible employer.

MAYORAL MINUTE

ORDINARY MEETING

TUESDAY, 20 NOVEMBER, 2007

1. NSW State Government Library Funding - Proposed Day of Action

File 7290-03

There has been a serious and ongoing proportional reduction in State Government funding for public libraries over the past 25 years. In 1980, the State Government contributed 23.5% of the total operating costs of public libraries. The State contribution dwindled to 7.8% in 2004/2005 with further reductions in years since then, including a massive cut of \$1,023,000 (4.16%) in 2006/2007. NSW has the lowest State Government per capita contribution to public libraries of all States and Territories in Australia.

A widespread recent publicity campaign involving many NSW Councils, regional organisations of Councils, Public Libraries NSW Country (PLC), Public Libraries NSW Metropolitan (PLM), and the Local Government and Shires Associations (LGSA) has highlighted the public library funding crisis in regional, state and national media forums, however this needs to be followed up with a co-ordinated and targeted action strategy.

The strategy revolves around a “Day of Action” on 29 November, 2007 (when both Houses of Parliament are sitting) and includes the following components:

- Closure of as many public libraries as possible across the State on that day (it should be noted that the closure will only proceed if there is widespread support for this strategy across the State) OR the inclusion of symbolic gestures of protest in libraries on that day.
- Attendance of Councillors, Council officers, library staff and members of the public at a rally at Parliament House.
- Withdrawal of as many libraries as possible across the State from the Premier’s Reading Challenge – a children’s reading program that carries the Premier’s title and endorsement but receives no additional state funding despite its human and physical resources implications for libraries (yet another example of cost-shifting from State Government to Local Government) – at a strategic time during 2008 if required.
- Use of the slogan “*Libraries: Too Valuable To Lose*”
- A statewide petition in all public libraries is proposed in order to capture the growing discontent of library users. If the majority of the 363 library service points across the State participate, it is anticipated that a sizeable petition will be available to hand to Premier Iemma on 29 November.

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- Extensive publicity to library borrowers and media outlets about the reason for the closure of libraries and other aspects of the campaign.

Whilst Council might not choose to pursue all or any of the above actions it is necessary to attract the attention of the State Government to the unacceptable level of State financial contribution to public libraries in NSW. The funding situation threatens to deteriorate further through the current NSW Public Library Funding Review which Minister Sartor has appointed consultant Dr Tom Parry to undertake. This review has proceeded notwithstanding advice from State Library of NSW, PLC and PLM that the NSW Public Library Funding Strategy, which was established as the result of significant research and collaboration just two years ago provides a sustainable model for future allocation of funds. It is also noted that the State Opposition pledged to double the current level of State funding to public libraries (currently around \$24million per annum) during a four year term of government as part of its platform for the 2007 election.

Council needs to take a strong lobbying position on this issue. The matter of cost shifting and its future impact on public library funding is currently a “hot topic” within the community, Council Library services and associated peak bodies. It is an ideal time to let the State Government know how Council views this issue.

RECOMMENDED that:

- a) Council support the campaign “*Libraries: Too Valuable To Lose*”;**
- b) Council approve the placement of a petition in all Shoalhaven Libraries for library users to sign in relation to the low level of State Government funding for public libraries;**
- c) Council endorse the provision of information flyers and media releases to raise awareness about the funding campaign.**



Greg Watson,
Mayor.

REPORT OF THE GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 20TH NOVEMBER 2007

GENERAL MANAGER

POLICY AND PLANNING COMMITTEE – TUESDAY 6TH NOVEMBER 2007

City Services and Operations

1. Building Roads Better File 34899

RECOMMENDED that in regard to the report of the General Manager (City Services and Operations) concerning Building Better Roads, the matter be deferred pending a Councillor Briefing.

2. World Youth Day 2008 “Journey of the Cross” Visit to Shoalhaven File 2161-09

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding World Youth Day 2008 “Journey of the Cross” Visit to Shoalhaven be received for information.

Strategic Planning

3. Draft Burrill Lake Interim Entrance Management Policy File 3423-03

RECOMMENDED that

- a) Council endorse the Draft Burrill Lake Interim Entrance Management Policy be placed on public exhibition for a period of 56 days;
- b) The draft document be placed on Council’s Internet Site with easy links to make comments electronically;
- c) Forward multiple copies to members of the Far South Shoalhaven Natural Resource and Floodplain Management Committee, local retail outlets and to individual or all Consultative Bodies as appropriate; and
- d) A further report be submitted following public consultation.

4. Recent Changes to Planning Legislation File 16635-02, 3167-06

RECOMMENDED that the report of the General Manager (Strategic Planning Group) concerning Recent Changes to Planning Legislation be received for information.

5. Use of Council's Waterways Infrastructure (Wharves & Jetties) by Commercial Users File 27563

RECOMMENDED that

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- a) The draft policy for use of Council's Waterways Infrastructure (Wharves and Jetties) be advertised for public comment.
 - b) The draft document be placed on Council's Internet Site with easy links to make comments electronically;
 - c) Forward to Community Consultative Bodies as appropriate.
 - d) A further report be submitted following public consultation.

6. Annual Conference - Floodplain Management Authorities of NSW File 3328-07

RECOMMENDED that

- a) Arrangements be made for available Councillors and relevant staff to attend the 48th Floodplain Management Authorities NSW Annual Conference in Wollongong from 26th to 29 February 2008, and that such attendance be deemed to be business of Council; and
- b) Councillors bring to the notice of both Federal and State Members of Parliament the importance of continued funding for Flood Mitigation and Floodplain Management.
- c) The delegates for the Annual Conference - Floodplain Management Authorities of NSW be Clr Anderson, Clr McCrudden and Clr Rudd as alternate delegate.

7. Section 94 Draft Amendment 77.1.2 - Nowra CBD Traffic Facilities and ENSA - Recommendations for Adoption File 34683

RECOMMENDED that the matter be deferred pending a Councillor Briefing on Section 94 Draft Amendment 77.1.2 - Nowra CBD Traffic Facilities and ENSA.

8. Quarterly Report - Planning Work Program (Environmental Planning & Assessment Act Projects) File 28283

RECOMMENDED that:

- a) The quarterly report of the General Manager (Strategic Planning) in relation to the Strategic Planning Group Work Program be received for information and the work program adopted;
- b) That the issue of the deferred 1(c) zones be included as a priority in this Planning Work Program (Environmental Planning & Assessment Act Projects) for the next 12 months and be part of the LEP 2009 Review.

Finance and Corporate Services

9. 1st Quarterly Operating Report - Management Plan 2007 - 2010 File 35373-02

RECOMMENDED that the report of the General Manager regarding the 1st Quarterly Operating Report (1st July 2007 to 30th September 2007) of the Management Plan 2007-2010 be received for information.

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10. Quarterly Budget Review as at 30th September 2007 File 2127

RECOMMENDED that the September Quarterly Budget Review and vote movements outlined in the report and document be adopted by Council.

Development and Environmental Services

11. Supplementary State of the Environment Report 2006/2007 File 30842

RECOMMENDED that the report regarding the supplementary State of the Environment Report 2006/2007 be received for information.

12. Quarterly Progress Report - Key Performance Indicators for Development Activity File 1442

RECOMMENDED that the report of the General Manager (Development and Environmental Services) regarding Quarterly Progress Report - Key Performance Indicators for Development Activity be received for information.

General Business

13. Additional item - Leave of Absence File

RECOMMENDED that Council:

- a) Grant leave of absence to Councillor Paul Green for a period of four weeks commencing 12th November 2007.
- b) The normal annual councillor fee (determined monthly) be paid to Councillor Green during this period of absence.

WORKS AND FINANCE COMMITTEE – TUESDAY 6TH NOVEMBER 2007

City Services and Operations

1. Centenary of Rugby League Celebrations File 3161-02

RECOMMENDED that the report of the General Manager (City Services & Operations) on the Centenary of Rugby League Celebrations be received for information.

2. Success of the Southern Rivers Regional Lantana Strategy (SRRLS) File 32465-02

RECOMMENDED that the report of the General Manager (City Services & Operations) regarding the success of the Southern Rivers Regional Lantana Strategy (SRRLS) project be received for information.

3. Grant Offer - Extension of Coral Tree Removal Project at Berry File 36025

RECOMMENDED that:

- a) Council accept and administer the ENVIROFUND grant of \$44,259 for the Berry Landcare Project involving Coral Tree Removal and Riparian Restoration on Broughton Mill and Bundewallah Creeks at Berry.
- b) The funds be voted upon receipt.
- c) Council write to Kate Gowland, Director, Australian Government ENVIROFUND, thanking her for the generous granting of additional project funding.

4. Policy Update - Control and Eradication of Noxious Weeds File 31165

RECOMMENDED that the proposed changes to Council's Policy for the Control and Eradication of Noxious Weeds to reflect changes to the Noxious Weeds Act and Pesticides Act be adopted.

5. Changes to Membership Structure of the Noxious Weeds Advisory Committee File 6735

RECOMMENDED that the report concerning the restructure of membership of the Noxious Weeds Advisory Committee be received for information.

6. Mick Ryan Park Landscape Project - Stage 1 File 7912, 35113

RECOMMENDED that Council transfer \$10,000 from the contribution plan identified as 050REC009 Passive Open Space to Job No 66509 / 17783.

Strategic Planning

7. Lease of Shop 37A Kinghorne Street, Nowra to Nowra Real Estate Pty Ltd File 9255-02

RECOMMENDED that

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- a) The Council of the City of Shoalhaven leases to Nowra Real Estate Pty Ltd Shop 37A Kinghorne Street, Nowra for a term of three years with an option for a further three years at current market rental as assessed by Walsh & Monaghan, registered valuers;
 - b) The Common Seal of the Council of the City of Shoalhaven is affixed to any documents required to be sealed and that otherwise the General Manager is authorised to sign any documentation necessary to give effect to this resolution.

8. Beach Road, Berry - Section 94 Contribution Project 01ROAD0133 File 7175

RECOMMENDED that Council vote and authorise for expenditure in 2007/08 from Section 94 Reserves, the current balance of 01ROAD0133 of approximately \$112,550, for road pavement repairs and strengthening in Beach Road, Berry.

9. Erowal Bay Drainage Works File 13528, 35040, 13477, 16262

RECOMMENDED that the interim report detailing progress of design of drainage and road improvements at Erowal Bay be received for information.

10. Asset Management Plan - Parks & Reserves File 31367

RECOMMENDED that Council adopt the draft Asset Management Plan – Parks and Reserves as exhibited subject to an additional item being included in the AMP to recognize the input of the Park Care groups in the maintenance of local parks.

Development and Environmental Services/Strategic Planning

11. Private Use of Public Carpark South Street Carpark, Ulladulla - Pier 32 Development. Applicant: J Puglisi File DA06/2236 & 17432

RECOMMENDED that

- a) Council grant approval to the request from Wideform Constructions Pty Ltd to occupy 17 spaces of the Ulladulla South Street Carpark as requested subject to appropriate conditions in relation to reinstatement of the carpark; and
- b) For the first eleven (11) months the fee be 50% of the fee provided in the draft Policy, i.e. annual rate \$16,282.23 (\$19,155.56 (s.94 parking rate for Ulladulla)*10%*17 spaces*50%) providing a weekly fee of \$313.12 and that any occupation extending beyond mid December 2008 be charged in accordance with the provisions of the draft Policy (or the finally adopted Policy by Council).

Strategic Planning/City Services and Operations/Finance and Corporate Services

12. Audit of Fire Services, Emergency Exit and other Equipment within Council Buildings File 35527, 35528, 36851

RECOMMENDED that

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- a) The report of the General Manager (Strategic Planning) regarding the audit of fire services, emergency exit and other equipment within Council Buildings be received for information.
 - b) Council endorse the centralization of the management of all mandatory inspection and testing for fire services, emergency exit and other equipment within Council buildings.
 - c) Council consider the provision of funding to bring all facilities up to standard with regard to fire services, emergency exit and other equipment in future budgets reviews and the 2008/09 Capital Works Program.

CONFIDENTIAL REPORT

CONSIDERATION OF ITEMS OF A CONFIDENTIAL NATURE

Item	Reason
Request to Waive Sewage Management Facility Renewal Fee	Section 10A(2)(b) – The personal hardship of any resident or ratepayer.

Development & Environmental Services

13. Request to Waive Sewage Management Facility Renewal Fee File DR1999/3969

RECOMMENDED that Council vary its practice of requiring fees to be paid in full and allow the applicant “time to pay” the Sewage Management Facility Renewal Fee on the basis of personal hardship.

DEVELOPMENT COMMITTEE – TUESDAY 6TH NOVEMBER 2007

Strategic Planning

1. Draft Shoalhaven Planning Policy No. 5 Dual Occupancy Development Subdivision Policy Amendment No. 1 File 34829-02
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RECOMMENDED that Council amend the exhibited draft Amendment No 1 to SPP5 to exclude the area of Hay Avenue (Shoalhaven Heads) and the flood liable areas of Greenwell Point as designated on attachment 'A'.

Development and Environmental Services

2. Work (Construction) Zone - Owen St Huskisson File 17432, DA94/1404
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RECOMMENDED that

- a) Council approve the extension of the 'Work Zone' for DA94/1404 (Mr Cerulli) from 27 April 2005 to 30 June 2008 be applied.
 - b) Council adopt a reduced charge of \$242 for the period 14 September 2007 to 14 December 2007 (on the basis that it is consistent with Council's draft policy, that the charge is applicable only from date of notification of charge to applicant and the work zone now effectively impacts on one public car parking space) and a further proportional charge for the period to 30 June 2008.
 - c) Council staff be requested to negotiate with the applicant regarding public access to the car parking spaces over the Christmas period.
3. Proposed Dwelling with Attached Garage - Lot 103 DP 1034706, 7 The Terrace, Cambewarra Village. Applicant: R & H McGee File DA07/1834
-

RECOMMENDED that

- a) The applicant be advised that Council supports the request to site the proposed dwelling at 5.0m from the front boundary;
 - b) The development application be determined under delegated authority.
4. Development Application - Mixed Use Residential Flat Building Development - Lots 1 and 2 DP 10561, Nos. 1 and 1A Beach Street, Huskisson. Applicant - Kann Finch Group File DA07/1650
-

RECOMMENDED that:

- a) Council accept the amended proposal for Development Application - Mixed Use Residential Flat Building Development - Lots 1 and 2 DP 10561, Nos. 1 and 1A Beach Street, Huskisson as submitted by the applicant;
 - b) As there is a reduction in the bulk and scale in the amended proposal and it remains substantially the same development, Council deems the application does not require readvertising.
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RECOMMENDED that any determination in relation to Development Application – Mixed Use Residential Flat Building Development - Lots 1 and 2 DP 10561, Nos. 1 and 1A Beach Street, Huskisson shall not be interpreted as a policy direction for other SEPP 65 applications.

Strategic Planning/Development and Environmental Services

5. Shoalhaven City Wide Development Control Plan Review File 33571

RECOMMENDED that Council pursue Option 3 outlined in this report and commence a comprehensive review of all effective and Draft Development Control Plans and relevant planning focused policies to ensure compliance with the LEP Standard Template, consistency of format and structure and correction of anomalies.

**SHOALHAVEN WATER OPERATIONS AND STRATEGIC REVIEW COMMITTEE –
TUESDAY 13TH NOVEMBER 2007**

1. New South Wales Water Supply and Sewerage Performance Comparisons File 28864

RECOMMENDED that the report of the General Manager (Shoalhaven Water) regarding New South Wales water supply and sewerage performance comparisons be received for information.

2. Shoalhaven Water Reclamation Schemes - 2006/2007 Annual Report File 13887

RECOMMENDED that Council adopt the Shoalhaven Water Reclamation Annual Report 2006/07.

3. Manildra – Wastewater Treatment File 1398-04

RECOMMENDED that Council cooperate with Manildra with a view to achieve a joint waste water disposal option to serve Manildra and Council's requirements in the future.

4. Drought Management Plan File 1533, 4844

RECOMMENDED that the report of the General Manager (Shoalhaven Water) regarding the Drought Management Plan be received for information.

5. Review of Structural and Regulatory Arrangements – Water and Sewerage Services in Regional New South Wales File 28864-03

RECOMMENDED that Council

- a) Respond to the Minister's request for comments on the draft terms of reference as per the LGA Conference principles.
- b) Provide supporting information on the Shoalhaven Water model during the review period.

RECOMMENDED that

- a) Council establish a Working Party to consider the future economic reforms of Shoalhaven Water.
- b) The Working Party comprise of:
 - i) General Manager
 - ii) Director Shoalhaven Water
 - iii) Assistant General Manager
 - iv) Councillors Watson, Anderson, Kerr, Kearney, Willmott and Ward.

6. Extension of Water Supply to Lot 3 DP 775296 Bayly Road, Tomerong File DA04/3790SW

RECOMMENDED that Council authorise the extension of the Water Supply to Lot 3 DP 775296 Bayly Road, Tomerong at the applicants expense and that relevant Section 64 charges apply.

**CROWN RESERVE, COMMUNITY AND COMMERCIAL OPERATIONS COMMITTEE –
TUESDAY 13TH NOVEMBER 2007**

City Services and Operations

1. Draft Events Policy - POL06/171 File 21764
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RECOMMENDED that:

- a) The Draft Events Policy be released on public exhibition for a period of 28 days, with a further 14 day period for submissions.
- b) The draft document be placed on Council's internet site with easy links to enable the comments to be made electronically.
- c) A copy of the draft be forwarded to individuals or all Community Consultative Bodies as appropriate.
- d) A further report will be submitted at the conclusion of the public exhibition period, reviewing all comments and submissions prior to adoption by Council.

2. Moss Vale Road, Kangaroo Valley File 7761
-

RECOMMENDED that the General Manager (City Services and Operations) write to Kangaroo Valley Community Groups seeking their views on reallocating the \$10,000 identified for rehabilitation works in Kangaroo Valley as a result of the tree felling activities along Moss Vale Road towards a cycleway project within the Valley.

3. Ulladulla Leisure Centre - Acceptance of Water Grant File 36379
-

RECOMMENDED that

- a) Council accept the grant for \$30,000 (GST inc) made available from the Department of Environment & Water Resources under its Federal Community Water Grants Program.
- b) The funds be voted to the Shoalhaven Aquatics Capital Works Projects Budget for rainwater harvesting purposes (Job No 81801).
- c) The Federal Minister for the Environment & Water Resources, the Hon Malcolm Turnbull, MP, and the Federal Minister for Agriculture, Fisheries and Forestry, the Hon Peter McGauran, MP, be thanked for their generous offer.

4. Royal Life Saving Society of Australia - Active Family Fun Day 2007 File 1754-09, 24581-03
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RECOMMENDED that:

- a) Council support the program of activities for Water Safety Awareness Week, to be jointly promoted by the Royal Life Saving Society of Australia and Shoalhaven Aquatics.
- b) Approve free entry to Bomaderry Aquatic Centre between the hours of 12noon and 2pm on 2 December, 2007, for participation in the Active Family Fun Day supported by the Royal Life Saving Society of Australia.

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5. Nowra Olympic Pool - Clubhouse Licence Agreement File 4410-12, 30050-02, 15044-04

RECOMMENDED that the report of the General Manger (City Services and Operations) regarding the Nowra Olympic Pool Clubhouse licence agreement be received for information.

Strategic Planning

6. Asset Management Plan - Walking Tracks File 31367

RECOMMENDED that Council adopts the draft Asset Management Plan – Walking Tracks.

7. Nowra Showground Plan of Management - Results of Public Exhibition File 32149-02

RECOMMENDED that:

- a) Council adopt (under the Local Government Act) the Nowra Showground Plan of Management, subject to the following amendments:
 - (i) include an action to hold discussions with the Nowra Show Society and other Showground users over ways in which the fig tree roots can be protected from vehicles whilst allowing for showtime activities in the area (issue 1)
 - (ii) delete the potential site for the Poultry Pavilion in Precinct 1 adjacent to the Worrigeer Street entrance (issue 5)
 - (iii) accurately reflect the tenure of the land between Worrigeer and Plunkett Streets, if necessary based on advice received from the Department of Lands (issue 6)
 - (iv) more clearly and more fully describe the role and contribution of the Nowra Show Society (issue 7)
 - (v) propose the creation of a dog off leash area north of the Worrigeer Street entrance, with the stockyard area to be designated a dog on leash area (issue 9)
 - (vi) include an action to hold discussions with the Nowra Show Society to designate a sand stockpile area for the Show Society that is not under the drip line of trees (issue 11)
 - (vii) to change the captions on photos in Precinct 7 (issue 16),
- b) Council request the Minister for Lands, The Hon Anthony Kelly MLC, to adopt the Nowra Showground Plan of Management under the Crown Lands Act, subject to the amendments listed in part a) above,
- c) Council, when preparing the next ten year capital improvements program, consider inclusion of high priority Nowra Showground projects (as outlined in the report to the 17 July 2007 meeting of the Crown Reserves, Community and Commercial Operations Committee), and
- d) Council endorse the advertising of the proposal to designate the area north of Worrigeer Street at the Nowra Showground as a 24 hour dog off-leash area, subject to there being no major events, as a proposed amendment to the Access Areas for Dogs Policy.

Finance and Corporate Services

8. Crookhaven Headland File 1840-02

RECOMMENDED that the General Manager (Strategic Planning);

- a) Prepare a report to the Crown Reserves, Community and Commercial Operations Committee on a strategy for the upgrade and maintenance of Crookhaven Headland.
- b) Write to the Minister for Lands and State Members seeking funding for the restoration of the Crookhaven Lighthouse.

City Services and Operations/Finance and Corporate Services

9. Management of Crown Land Reserves 2006/2007 File 3595

RECOMMENDED that the report of the General Manager (City Services & Operations and Finance & Corporate Services) regarding the Management of Crown Land Reserves 2006/2007 be received for information.

General Business

10. Additional Item – Lake Wollumboola File

RECOMMENDED that Council write to the Minister expressing concern over;

- a) The lack of consultation with the RAMSAR nomination of Lake Wollumboola.
- b) The restriction on development that a RAMSAR wet lands treaty would impose.

11. Additional Item – Comberton Grange File

RECOMMENDED that

- a) The General Manager investigate the possible listing of Comberton Grange by the National Trust or Heritage Office as a heritage site.
- b) If a listing is present, Council lodge a strenuous objection.

YOUTH ADVISORY COMMITTEE – MONDAY 29TH OCTOBER 2007

1. SK8 Day Event at Sanctuary Point File 10210-02, 1506-04
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RECOMMENDED that Council

- a) Support the annual SK8 Day Event for the Shoalhaven to be held at Francis Ryan Oval, Sanctuary Point during the Christmas holiday period 2007/2008
- b) Provide public liability insurance, occupational health and safety risk assessment and the waiver of the fees for the park and event management for 2007/2008.

2. Youth Specific Beautiful Soul Mental Health/Suicide Prevention Workshop File 32242
-

RECOMMENDED that Council write to Bomaderry Rotaract, Nowra Youth Centre, Merryn Corbyn, Kieren Corbyn, Cameron Curle, Alex Intihar and Zac Newton thanking them for their support of the Youth Specific Mental Health Workshop and their positive contributions.

3. Membership - Youth Advisory Committee File 1506-04
-

RECOMMENDED that the General Manager (Finance and Corporate Services) write to Mr Alexander Blom & Miss Jarqui Fetchet

- a) Thanking them for their interest in the Youth Advisory Committee and advising that their membership has been declined due to their inability to attend three past meetings.
- b) Encouraging them to reapply when they have greater availability to attend meetings.

1. Position of Threatened Species Officer - Redundancy

File 16153

Background:

Council, at its meeting held on the 24th July, 2007, resolved that –

- “(a) The position of the Threatened Species Officer be made redundant.*
- (b) This action be deferred for a period of four months, to enable the General Manager to further review operational changes in respect of the position.*
- (c) At the end of the period of four months, the General Manager submit a further report to the Confidential Senior Staff Contractual Matters Committee and if it is recommended by the Committee that this position be retained, a further report be submitted to Council.”*

Over the past three months -

- General Manager met with approximately 65 members of staff who had registered as “affected employees”, to outline the process under NAPSA (the Award), to talk about the implementation and implications of Council’s decision and to provide an opportunity for the staff to clarify issues and raise concerns.
- Mayor, Clr Greg Watson met with approximately 80 staff members, in response to a request from staff.
- Numerous submissions have been received requesting the retention of the TSO position.
- The extent of the utilisation of the TSO position across the organisation and the support provided to volunteer groups has become more evident.
- Monitoring of the TSO workload, DA referrals and other communications has been enhanced.
- The “user pays” principle was introduced on the 1st September, 2007, requiring all applicants to submit Flora and Fauna studies.
- The Confidential Senior Staff Contractual Matters Committee received a deputation from four staff members representing all staff interests at its meeting on the 1st November, 2007, and that Committee has submitted the following recommendation to Council –

RECOMMENDED that the position of Threatened Species Officer be retained and continue to be closely supervised and that a report be submitted to the Confidential Senior Staff Contractual Matters Committee on a six-monthly basis.

SHOALHAVEN ACCESS ADVISORY COMMITTEE – THURSDAY 1ST NOVEMBER 2007

1. Mobi Mat File 28441
-

RECOMMENDED that the General Manager (City Services and Operations) investigate the following locations for trial of the remaining Mobi Mats:

1. Callala Beach Central
2. Shoalhaven Heads – near the clubhouse
3. Palm Beach, Sanctuary Point

2. Wheelchair Accessible Carparking Space - Wason Street, Ulladulla File 3624
-

RECOMMENDED that:

- a) Subject to Traffic Committee approval, Council approve the provision of a wheelchair accessible car parking space on the southern side of Wason Street, Ulladulla, adjacent to the existing taxi zone.
- b) Construction works be funded from the 2007/08 Capital Works budget, 'Minor Works - Access Committee';

3. Public Amenities - North Nowra Shopping Centre File 35910
-

RECOMMENDED that Council consider the provision of public amenities in North Nowra as a high priority in the 2008/9 Asset Management Plan – Public Amenities.

INDUSTRIAL DEVELOPMENT AND EMPLOYMENT COMMITTEE – MONDAY 5TH NOVEMBER 2007

1. Format of Future IDEC Meetings File 1220-02
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RECOMMENDED that Council adopt the following format for future Industrial Development and Employment Committee meetings:

- Minutes & matters arising
- Reports
- Sub-committee reports
- Presentations
 - Any special report
 - Shoalhaven economic report by a relevant agency
- General Business

2. Flinders Industrial Estate - Stage 9 File 1998-05
-

RECOMMENDED that Council give consideration to purchasing land in order to create a land bank for industrial development and to meet future employment needs.

3. blueprint *Shoalhaven* - Update File 35878
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RECOMMENDED that

- a) The report of the General Manager (Finance and Corporate Services) regarding *blueprint Shoalhaven* update be received for information.
- b) Council invite and appoint the Executive Officer for *blueprint Shoalhaven*, Rhonda McGuire as a member of Industrial Development and Employment Committee.

4. SEATS - August 2007 File 3678-12
-

RECOMMENDED that

- a) Council submit a strenuous complaint to the Roads and Traffic Authority over the speed zone reductions to 80 km/h on the Princes Highway from Omega Hill north of Gerringong to Fox Ground.
- b) The General Manager (City Services and Operations) urgently undertake an inspection of the most recently completed section of Main Road 92 with a view to asking Roads and Traffic Authority to make a claim on the contract before the contract warranty expires.
- c) The General Manager make representations through the Local Members (Federal and State) requesting a commitment to fund the early construction of the F6 extension.

5. Development Application Monitoring

File 31474

RECOMMENDED that

- a) The report of the General Manager (Finance and Corporate Services) regarding the Development Application Monitoring be received for information.
- b) Future Development Application monitoring reports include a timeline of the process with comparisons to state averages.

6. Additional item - South Coast Correctional Facility

File 32511-04

RECOMMENDED that Council consider and investigate further the option of a privately run Correctional Facility in the Shoalhaven.

Note by General Manager: additional information has been emailed to all councillors.

TOURISM DEVELOPMENT COMMITTEE – THURSDAY 8TH NOVEMBER 2007

1. Budget File 1080-02
-

RECOMMENDED that General Manager (Tourism Manager):

- a) Source information in regard to Whale Watching signs;
- b) Investigate, through the Defence Department, the availability of decommissioned Leopard Tanks and other military “hardware”;
- c) Correspond with Community Groups in regard to projects that can be attained through Works in Kind.

2. Signage for Tourism Accommodation File 2221-02
-

RECOMMENDED that:

- a) Council change the size for fingerboard signs in rural areas where speed limits are greater than 60 klm per hour to 160/120 mm uppercase/lowercase on blades of 200 mm;
- b) Any new signs or replacement signs be at the cost of the requesting tourism operator at the existing cost of \$440.00 for five years.

3. Sussex Inlet and Districts Community Forum - Request for Signage File 2221-02
-

RECOMMENDED that the General Manager (Finance and Corporate Services) contact businesses within the Sussex Inlet area to determine the level of interest in funding and maintaining a large pictorial sign at the highway intersection to Sussex Inlet.

4. Additional Item - Appreciation to Council File 2778
-

RECOMMENDED that the General Manager (Finance and Corporate Services) write a letter of appreciation to Council staff involved in the construction of the new electric BBQs at Cudmirrah.

COUNCIL PROPERTY STEERING COMMITTEE – MONDAY 12TH NOVEMBER 2007

1. Council Land at 85-87 South St, Ulladulla and Boree St, Ulladulla File 30259, 31095

RECOMMENDED that:

- a) Council adopt the Public Interest Evaluation process as outlined in the report:
 - 1 Amend the “Executive Summary – South Street Ulladulla to include a provision for more carparking and the requirement for service access, and advertise for comment;
 - 2 Seek comment through the Ulladulla DCP Working Party;
 - 3 Provide a media release for (1);
 - 4 Consult with the local CCB and Shoalhaven Business Chamber (southern Branch).
 - 5 Consider all comments.
- b) Engage a probity advisor and develop a probity plan in accordance with the guidelines and engage other consultants as required;
- c) Adopt the “Executive Summary (as amended) – South Street Ulladulla, 12/10/2007” (Attachment B - Addendum attachment folder)
- d) Adopt the “Executive Summary – Boree Street Ulladulla, 12/10/2007” (Attachment C - Addendum attachment folder)

2. Council Land - Offer to Purchase part of Lot 10 DP 811133 off Graham Street, Nowra File 36874

RECOMMENDED that Council authorises the General Manager (Assistant General Manager) to indicate to the owners of 4 McGrath Ave, Nowra, (Lot 4 DP 232757) known as The Park Medical Centre, that Council is not interested in selling part of Council owned land, Lot 10 DP 811133 at this stage but would be open to further offers.

3. Request for Owner’s Consent to Lodge an Application for Construction Certificate related to Proposed Signage for Stockland Development Pty Ltd’s Vincentia Coastal Village. File SF9786

RECOMMENDED that

- a) Council endorse its owner’s consent for the lodgement of Construction Certificate application - CC07/2615 in respect to the proposed land sales signage located within the road reserve adjacent to the roundabout at the intersection of Naval College Road and The Wool Road, Vincentia as depicted on the accompanying plans;
- b) Construction Certificate Applications – CC07/2614 and CC07/2615 be issued under delegated authority;
- c) Council arrange a two year licence agreement, at commercial rates, for the signage.

-
4. Request for Owner's Endorsement to Lodge a Development Application for erection of a Mobile Phone Monopole Structure by Telstra within the Callala Bay Road Reserve at the entrance to Callala Bay Village. File 2249
-

RECOMMENDED that Council;

- a) Endorse its owner's consent for the lodgement of a development application in respect to the proposed mobile phone monopole to be located within the Callala Bay Road reserve adjacent to the Village of Callala Bay entrance as depicted on the submitted accompanying plans;
- b) Support the location of the mobile phone monopole subject to the ownership transfer to Council with free usage for Telstra.

5. Proposed Skate Park Extension, Harry Sawkins Park, McGrath Ave Nowra File 24903-02 & DA06/2485
-

RECOMMENDED that Council:

- a) Not move the design of the proposed skate park in Harry Sawkins Park, McGrath Avenue, Nowra and accept that it will encroach onto part of Lot 112.;
- b) Submit a development application to adjust the boundary of Lot 112 DP 130977 to accommodate the skate park development and to create the largest possible residue lot fronting the highway and adjoining Lot 111 DP 130977;
- c) Call for Expressions of Interest on the residue of Lot 112 DP 130977;

**ALTERNATIVE WASTE PROCESSING TECHNOLOGIES WORKING PARTY – TUESDAY
13TH NOVEMBER 2007**

1. Chipper Trial - Final Results File 31669

RECOMMENDED that in regard to continuing investigations into mobile chipping as a component of the domestic organic waste strategy the General Manager (City Services and Operations) investigate costs for the options to hire or purchase a vehicle and chipper from Kiama Municipal Council.

2. Composting Trial - Progress File 2210

RECOMMENDED that the General Manager (City Services and Operations) include the trialling of other composting technologies within the current Composting Trial.

3. Business Plan West Nowra Stage 4 File 36873

RECOMMENDED that Council have an independent review of the Business Plan to determine the most cost effective way forward in developing and operating a Resource Recovery Park at West Nowra.

4. Fluorescent Lights and Mobile Phones File 31669

RECOMMENDED that Council:

- a) Lobby State and Federal Government to address the disposal and/or recycling of energy-efficient light globes and household batteries and the need to educate the community of this process with as much vigour as they have shown in distributing the energy-efficient light globes.
- b) Issue regular media releases to remind the community of the arrangements in place for the disposal of these problematical items.

R.D Pigg
GENERAL MANAGER

SHOALHAVEN TRAFFIC COMMITTEE – 13TH NOVEMBER 2007

ORDINARY MEETING

TUESDAY, 20TH NOVEMBER, 2007

REPORT OF THE CONVENOR

ITEMS FOR APPROVAL UNDER DELEGATED AUTHORITY

1. Parking Restrictions - Moss Vale Road, Kangaroo Valley (PN 937) File 2638

RECOMMENDED that the General Manager (Director Strategic Planning) be requested to arrange for the current "Loading Zone" on the southern side of Moss Vale Road and adjacent to the Kangaroo Valley Post Office to be amended to incorporate the hours of 8am - 5pm Mon - Fri; and 8am - 12 noon Sat.

2. Intersection Priority - Intersection of Tourist Road & Kangaroo Valley Road, Bellawongarah (PN 1554) File 33868

RECOMMENDED that: -

- a) The General Manager (Director Strategic Planning) not support the request for reversing of priority at the junction, and instead be requested to arrange for: -
- i) The Installation of "T junction" ahead advance warning signs (TW-4B) at appropriate locations (80 - 120m) on Kangaroo Valley Rd, on both approaches to the Junction of Tourist Rd;
 - ii) the installation of Double Barrier (BB) Centre "Linemarking" and raised reflective pavement markers (RRPMs) for a distance of 50 m on all 3 legs of the junction;
 - iii) Vegetation maintenance on the south western corner of the junction to improve sight distance.
- b) The applicant be advised accordingly.

3. No Parking - Shopping Centre Arcade Entrance - Kerry Street Car Park, Sanctuary Point (PN 2283) File 2942

RECOMMENDED that the General Manager (Director Strategic Planning) be requested to arrange for the installation of a "No Stopping" Zone (approx 3 m) and associated pavement markings, to restrict vehicles parking adjacent to the rear arcade entrance of the Sanctuary Point Shopping Centre and that Councillor G Ward be advised accordingly.

4. Additional Item – B-Double Route Extension, West Nowra (PN 2284) File 5525

Mr Poulton informed the meeting of a request received from Soilco Pty Ltd for an extension of the existing B-double route along Yalwal Road, Longreach Road and Wogamia Road, West Nowra for 19 metre (55 tonne) B-doubles.

Mr Poulton advised that preliminary investigations with the Roads and Traffic Authority indicate that no constraints or structural issues could be identified to preclude the extension of the route, however that a time restricted permit (say 12 months) be considered to allow investigation of the impacts of the extension of B-Double route on the affected local road pavements.

RECOMMENDED that the Shoalhaven Traffic Committee support in principle an extension of the B-Double route on Yalwal Road from George Evans Road intersection to Longreach Road, and on Longreach Road to Wogamia Road, West Nowra, to allow use by 19 metre 55 tonne B-Doubles, subject to the approval being time restricted to 12 months to allow investigation of the impacts of the extension of the B-Double route on the affected local road pavements.

5. Additional Item – No Stopping Sign, Kioloa (PN 1574)

File 29178

Mr Poulton advised that following a recent meeting between the Mayor and the Bawley Point-Kioloa Ratepayers and Residents Progress Association Inc information was received regarding road safety concerns with respect of on sight distance at the curve in Scerri Drive, Kioloa (access to boat ramp).

RECOMMENDED that the General Manager (Strategic Planning) be requested to move the existing No Stopping sign on Scerri Drive, Kioloa approximately 20 metres to the east to improve site distance and road safety.

R Sutherland
CONVENOR/CHAIRPERSON

SHOALHAVEN TRAFFIC COMMITTEE – 13TH NOVEMBER, 2007

INFORMATION REPORT

ORDINARY MEETING

TUESDAY, 20TH NOVEMBER, 2007

REPORT OF THE CONVENOR

ITEMS NOT REQUIRING APPROVAL UNDER DELEGATED AUTHORITY

1. Mollymook LATM (PN 1409) File 29245-03

RESOLVED that the report of the Convenor concerning issues relating to pedestrian safety, speeding vehicles and proposed facilities to be installed in Shepherd St, Mollymook be received for information and that the General Manager (Director Strategic Planning) be requested to: -

- a) Continue to investigate provision of pedestrian facilities in Shepherd St and report options back to a future meeting of the Shoalhaven Traffic Committee;
- b) Undertake speed classification surveys in Shepherd St, in the vicinity of Wallace Street and report the results back to a future meeting of the Shoalhaven Traffic Committee.
- c) Based on current traffic volumes, the matter of banning right turn out of Wallace Street (on to Shepherd Street) be deferred pending the outcome of speed classification surveys on Shepherd Street, however noting that a draft condition of banning the right turn out of Wallace Street (on to Shepherd Street) has been recommended by the Shoalhaven Traffic (Development) Committee due to anticipated traffic impacts of DA07/2052 (Ocean Street Apartments)
- d) Refer the matter of speeding vehicles on Shepherd St to the NSW Police Force with the recommendation of continued monitoring of the area.
- e) The applicant be advised of the investigations and proposed installations accordingly.

2. Additional Item – Request for Clear Zone & associated solutions to curb anti-social behaviour at New Years Eve events (PN 2286) File 2161-09

Mr Wells advised the meeting of a request received from senior Council staff (following a meeting with Police earlier in 2007) for a number of traffic measures to be considered to assist NSW Police curb the adverse impacts of anti-social behaviour at New Years Eve events in Shoalhaven City, particularly at Shoalhaven Heads, Lake Conjola, and Mollymook Beach.

The Committee discussed the matter, and the information made available, and advised:

- That the Committee supports in principle the development of practical solutions to assist NSW Police to mitigate the adverse impacts of anti-social behaviour at new years eve celebrations
- That clear zones were practical solutions on busy multi-lane roads, where as Mitchell Parade was only a two-way two lane road, and as such the introduction of a clear zone on Mitchell Parade had very limited benefits, and was not considered to be an effective option

- That No Stopping restrictions were a possible alternative to clear zones, and could be considered, however the Committee had concerns about the cost and effectiveness of parking restriction applications on Mitchell Parade, given the extensive parking opportunities allowable along the extent of Mollymook Beach, and the availability of alternative adjacent car parks
- That the powers of Traffic Committee were limited to approval of traffic control facilities and regulatory facilities, and as such would be able to assist in the approvals process for any scheme adopted by Council. If Council were to adopt a recommendation at the November Ordinary meeting for the installation of regulatory facilities, this would need to be put to December Traffic Committee, or if time did not allow, approvals could be pursued alternatively through direct liaison with NSW Police and RTA outside of the Traffic Committee forum
- That there were no objections in principle to the closure of caravan park access roads, and advised that standard conditions relating to closures had already been forwarded to the relevant parties requesting information and support from Traffic Committee
- That there were no objections in principle to the establishment of a NSW Police command post in the Mollymook Beach car park area
- Sgt Tebbutt advised the meeting that NSW Police would be further discussing the matter, and that Council would be advised of any additional requirements where NSW Police believe Council may be of assistance.

3. Additional Item – Road Safety - Cars For Sale on the side of the Road (PN 2287) File 4039

Rick Gainford raised safety concerns over the position and angle of some cars parked for sale on the side of the road.

Sergeant Mick Tebbutt – NSW Police Department advised that

- Registered vehicles parked legally are not committing an offence
 - it is an offence to park on the side of the road facing on coming traffic, however parking offences are difficult to enforce where there is no kerb and guttering and no parking restrictions
 - it is an offence to park on a nature strip, however parking offences of this nature are difficult to enforce if the subject vehicles are not obstructing pedestrian traffic.

Robert Sutherland advised that Council does not have a specific policy at this time on cars for sale on the side of the road other than to not disallow if no traffic/safety impact..

Melanie Musgrove – Roads & Traffic Authority (RTA) advised she will investigate if RTA has any policies on cars for sale on the side of the road and on advertising signage in the road reserve and advise the Shoalhaven Traffic Committee.

Mr Wells asked Mrs Musgrove if (in investigating RTA policy on the matter) she could please consider whether policies such as clear zone requirements, general road safety hazards, and RTA policy on advertising in road reserves (does policy extend to all advertising or just signs / advertising structures) be taken into consideration when considering action to be taken in individual circumstances.

R Sutherland
CONVENOR/CHAIRPERSON

REPORT OF THE GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 20 NOVEMBER 2007

ASSISTANT GENERAL MANAGER

1. 2008/2009 Rural Fire Service Estimates Bid

File 2371-03

Reason For The Report

Council has recently received a bid from the RFS Local Area Manager which is required to be signed by Council's General Manager as soon as possible.

Background and Bid Process

In October each year the District Rural Fire Services are required to submit a bid for the following year to the NSW Rural Fire Service outlining the estimated amounts required to be allocated from the NSW Fire Fighting Fund for the operations of their local areas. It was delayed until November this year so that the allocation for 2007/2008 could be provided prior to finalising the 2008/2009 bid.

The estimate is required to be signed by Council's General Manager as confirmation that the amounts are a fair estimate of the anticipated expenditure for the District RFS in respect of the applicable financial year and that Council will comply with Sections 109 and 110 of the Rural Fires Act when meeting its statutory obligation. The estimate therefore has implications on the amount Council will pay as the statutory 13.3% contribution. Council's total contribution is based on a 13.3% contribution to the items included in the bid plus a 13.3% contribution to expenditure on salaries and insurance.

Implications of the 2008/2009 Bid

The bid supplied by the RFS Local Area Manager has been reviewed to ensure adequate estimates have been provided for maintenance, repair and other operating costs compared to expenditure in the 2006/2007 financial year. Some brigades station spending has been brought forward in the strategic plan but spending has been limited to ensure that the Council contribution does not exceed the Management Plan provision.

After allowing for a 4% increase in salaries and insurance on the 2007/2008 allocation, the estimates would require a total contribution by Council in 2008/2009 of \$556,436 calculated as:

13.3% of the bid (\$3,031,371.55)	\$403,039
13.3% of estimated salaries (\$1,002,014)	\$133,268
13.3% of estimated insurance expense (151,346)	<u>\$ 20,129</u>
Total Contribution in 2008/2009	\$556,436

This compares with an expected contribution in 2007/2008 of \$508,250 and a budget in 2007/08 Management Plan of \$551,513.

A copy of the 2008/2009 Rural Fighting Fund Estimates is included in the Councillors Information Folder.

RECOMMENDED that Council approve the bid of \$3,030,371.55 and endorse signature on its behalf by the General Manager.

J Gould
ASSISTANT GENERAL MANAGER

R.D Pigg
GENERAL MANAGER

REPORT OF THE GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 20 NOVEMBER, 2007

CITY SERVICES AND OPERATIONS

1. Lyrebird Preschool - "Cee Cees" Awards

File 5364

This report advises Council of the success of the Lyrebird Preschool in being recognised in the inaugural state-wide Community Childcare Co-Operative Awards which were announced at a dinner at Parliament House, Sydney on 19 October, 2007.

The Lyrebird Preschool kindergarten situated in East Nowra is a Council owned, Management Committee operated, preschool which has serviced the Shoalhaven community for 32 years. This Preschool was nominated as a finalist in two (2) categories of the "Cee Cees" Awards, as follows:

1. 2007 Advocate of the Year who Shines Award – Preschool Director Mrs Gai Lindsay was recognised for her endeavours in lobbying State Government for adequate State funding for community based Preschools, for being a moderator of a state-wide campaign of e-group, and for managing a Parent Student Partnership Initiative which employs indigenous community support worker to improve outcomes for local indigenous families in accessing preschool kindergarten services.
2. Management Committee category – The Lyrebird Management Committee was named as a co-winner in this category of Awards in recognition of their outreach services in the local community and in developing a nurturing atmosphere for a broad cross section of the community. The Committee was also recognised for demonstrating the belief that all children will thrive in an environment of high standards which are consistently supported and maintained.

The Awards were presented to Mrs Lindsay and Management Committee President, Kate Weakley, by the Minister for Community Services, the Hon Kevin Green, MP.

It is also noted that Lyrebird Preschool has successfully applied for a \$49,000 Federal grant to fund the installation of a rain water harvesting system for the Preschool which will enable the grounds of the facility to be irrigated, thus ensuring a high standard presentation for this attractive Council asset.

RECOMMENDED that Council write to the Lyrebird Preschool Management Committee and to Mrs Gai Lindsay extending Council’s congratulations on their success in the state-wide “Cee Cees” Awards and in securing a substantial Federal Grant to enable the installation of a rain water harvesting system.

J J Wells
DIRECTOR CITY SERVICES & OPERATIONS

J Gould
ASSISTANT GENERAL MANAGER

R.D Pigg
GENERAL MANAGER

REPORT OF THE GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 20 NOVEMBER 2007

STRATEGIC PLANNING

1. Classification of Land at St Georges Basin as Operational File 35588, 14857

This matter is reported direct to the Ordinary Meeting due to the need to finalise the matter, and the period for public comment closing after the deadline for preparation of reports to committees.

Reason for Report

To classify Lot 64 DP25550 as operational land within the meaning of Section 31 of the Local Government Act 1993.

Background

By way of Minute 07.1006 (Attachment "A") Council resolved to acquire Lot 64 DP25550 for drainage purposes.

Council has now acquired Lot 64 DP25550 and has three months within which to classify the land failing which it is classified as "community land".

In accordance with the terms of the resolution to classify the land as operational this resolution has been advertised in accordance with the terms of Section 34 of the Local Government Act 1993.

RECOMMENDED that Council classify Lot 64 DP25550 as "operational land" pursuant to Sections 31(2) and 34 of the Local Government Act 1993.

2. Classification of Land at Worrowing Heights File 18176

This matter is reported direct to the Ordinary Meeting due to the need to finalise the matter, and the period for public comment closing after the deadline for preparation of reports to committees.

Reason for Report

To classify Lot 195 DP8770 as operational land within the meaning of Section 31 of the Local Government Act 1993.

Background

By way of Minute 07.283 (Attachment "A") Council resolved to accept transfer of land in accordance with Section 570 of the Local Government Act, 1993 within the Heritage Estates investigation areas in lieu of unpaid rates and charges or accrued interest.

Council recently received a request from the owners of Lot 195 DP8770 to accept their land. The allotment has now been transferred into Council's name and Council has three months within which to classify the land, failing which it is classified as "community land".

Lot 195 DP8770 has been advertised in accordance with the terms of Section 34 of the Local Government Act 1993.

RECOMMENDED that Council classify Lot 195 DP8770 as "operational land" pursuant to Sections 31 (2) and 34 of the Local Government Act 1993.

3. Council Lease to W & S Smith - Mollymook Beach Hut

File 2406-02

At the September meeting Council resolved to approve the above Lease (a copy of the resolution is attached as Attachment A) subject to a further report to Council confirming the basis on which the market rental had been assessed. Walsh & Monaghan have now confirmed that their rental assessment was carried out on the following basis (a copy of their letter is attached as Attachment B):

- The value of improvements to be carried out by the tenant totalling approximately \$57,000 was excluded from the rental calculation at Council's request. This followed legal advice that if the improvements were paid for by the tenant but became the property of Council on completion of the work, Council would be in breach of S.14 of the Retail Leases Act which prohibits the landlord from requiring a tenant to pay key money.
- The improvements will remain the property of the tenant on completion of the work and can be removed by the tenant at the end of the lease
- The cost of maintaining all improvements is the sole responsibility of the tenant

The area of the premises to be leased by Council will not change as a result of the improvements as all work is being carried out within the area currently occupied by the shop and outdoor dining area.

RECOMMENDED that the report of the General Manager (Strategic Planning) concerning the lease of Mollymook Beach Hut to W & S Smith be received for information.

4. Draft Development Control Plan (DCP) No.119, “Nowra Hotel Site”, Bridge Road, Nowra – Public Exhibition Outcome. File 36554

This matter is reported direct to the Ordinary Meeting of Council given the statutory time constraints associated with the processing of this draft DCP that has been submitted by the development proponents under Clause 74D of the *Environmental Planning & Assessment Act 1979*.

1. Background

The subject draft DCP covers the “Nowra Hotel Site” and the remainder of the civic precinct, Bridge Road, Nowra and was submitted to Council by Kann Finch Pty Ltd on behalf of the development proponents Huscorp Group Pty Ltd to comply with Clause 40K of Shoalhaven LEP 1985.

The preparation and submission of the draft DCP by the development proponents is allowed under the provisions of Sections 74B-74F of the *Environmental Planning & Assessment Act 1979*.

The draft DCP was initially considered by Council during August 2007 (Copy in Councillor’s Information Folder – Report to Development Committee) and it was resolved at the Ordinary meeting on 28th August 2007 that:

Council support the Development Control Plan (DCP) as submitted by Kann Finch Pty Ltd in relation to the “Nowra Hotel Site” and the remainder of the civic precinct, Bridge Road, Nowra, and the DCP be placed on public exhibition as Council is satisfied that the requirements of clause 40K of the Shoalhaven LEP 1985 have been complied with.

This report provides detail on the recent public exhibition of draft DCP No.119, the submissions received and the finalisation of the DCP.

2. Draft DCP – Public Exhibition Overview and Outcomes

- # The draft DCP received from the proponents was publicly exhibited from 12th September until 24th October 2007 in accordance with the provisions of the relevant provisions of the *Environmental Planning & Assessment Act 1979*. The DCP document (see Attachment “A”-exhibited document) was available for review at the City Administrative Centre, Nowra and on Council’s website during this period.

Written notification of the exhibition arrangements was sent to adjoining landowners and to relevant Community Consultative Bodies and Business Chambers in accordance with Council’s Community Consultation Policy. The Roads & Traffic Authority (adjoining landowner), Integral Energy (future service requirements) and Department of Planning (possible future consent authority) were also provided with written notification of the exhibition. At the time of writing the RTA and Integral Energy had provided written submissions. The Department of Planning had also indicated their intention to provide a submission. Relevant Groups of Council were also provided with the opportunity to review the draft DCP.

Council staff also gave a presentation on the draft DCP and related plans to the Shoalhaven Business Chamber during the exhibition period.

Fifteen (15) submissions were received on the draft DCP and have the following break up:

Government Agencies	2
Proponents	1
Community Groups	1
Community Members	
<i>Business</i>	2
<i>Individuals/adjoining owners</i>	9
TOTAL	15

The submissions received are summarised in Attachment “B”. Copies of the actual submissions are provided in the Councillors Information Folder for today’s meeting. The following is an overview of the submissions or the broad issues raised in them and where relevant comment on them.

Proponents

Kann Finch Pty Ltd advised that the version of the draft DCP they submitted and was adopted by Council for exhibition and subsequently exhibited does not include the text detail on principles 6 (Site Amalgamation) and 7 (Heritage Conservation). Principles 6 & 7 are included in the table of contents on the draft document, but not in the body of the document.

It is noted that the earlier version of the draft included the detail on principles 6 and 7 and the principles were also included in the presentation provided to Council in January. They were however, inadvertently omitted in the subsequent process of amendment to the maps.

Comments – given the oversight and to ensure the fullness of the DCP document it would be appropriate to include detail on principles 6 (site amalgamation) and 7 (Heritage conservation) in the DCP finally adopted by Council. In this regard the related Clause 40K within Shoalhaven LEP 1985 indicates that the DCP needs to contain or deal with “proposed patterns of amalgamation of lots and subdivision” and “proposals regarding heritage conservation”.

Attachment “C” shows the wording for principles 6 and 7 that was proposed by the proponents in earlier version of the draft DCP.

Government Agencies

Integral Energy – Existing electricity distribution network can be augmented to provide additional electrical load associated with future development in the area. Any additional load can be assessed when proponent makes an application for connection.

Comment – proponent will need to discuss electrical load further with Integral Energy should the proposal proceed.

Roads & Traffic Authority (RTA) – Have concerns regarding the northern most access to Bridge Road shown indicatively on DCP map. This access has potential to impact on the safety and efficiency of the Princes Highway/Bridge Road intersection. Should provide access to the northern most corner of the subject land possibly via other arrangements, that is via internal roads that connect to Bridge Road south of the current northern access shown on the draft DCP.

Recommend that the northern most access is removed from the DCP.

Comment – The exhibited draft DCP includes an “acceptable solution” in Section 4.3 Access, Traffic Management and Parking which indicates that vehicular entries off Bridge Road should be minimised and not permitted in certain areas as shown indicatively on the DCP map relating to access (DCP -01).

The DCP map (DCP -01) actually shows two “vehicular entry/movement” accesses on Bridge Road. The southern one appears to provide access primarily to the hotel component of the development and is in the general location of the recently constructed access to the Shoalhaven Entertainment Centre. The proposed northern access point appears to provide access primarily to the residential component. Included on the map is a notation at this access point “road enhancement along Bridge road”. Thus this access point may correspond with one of the current historical access points off Bridge Road.

Given the RTA’s objection to the current northern most access point it would be appropriate to amend map DCP-01 to remove this access point. It is noted that map DCP-01 does not actually do what the “acceptable solution” in Section 4.3 indicates, in that it does not indicatively show areas where vehicular entries off Bridge Road will not be permitted. It currently shows vehicular entry/movement locations. In keeping with the “acceptable solution” it would be more appropriate to show a limitation on access along the Bridge Road frontage, except for the southern corner of the hotel site (current southern access point). This would also involve removing current the northern access point.

Community Groups

Shoalhaven Business Chamber – The vision to have a four and a half star or better hotel within the Nowra precinct is strongly supported. The need for a facility of this nature is great given the number of major projects proposed for the region, the number of visitors that come to Shoalhaven and the accommodation requirement associated with the Shoalhaven Entertainment Centre. Preferred site for a hotel complex would be in the vicinity of the Shoalhaven River area precinct ie. other side of Bridge Road close to the River.

There are concerns with the current DCP:

- Large number of buildings on a small parcel of land
- Little natural light in courtyard due to building heights
- Number of car park spaces needed for residents and hotel guests and conflict with Entertainment Centre events
- Nine storey wedge on the Highway/Bridge Road Intersection – not a “gateway” to the town.

It is understood that there may be other proposals being considered for the development of a hotel in Nowra and specifically in the area preferred by the Chamber. Therefore, Chamber strongly

urges Council to pursue an option for the development of a hotel in the Shoalhaven River precinct area.

The need to enhance the interface between the town and the river and provide a greater focus on the waterfront is recognised in the Nowra Bomaderry Structure Plan. This development will be a catalyst for further development in the River precinct, utilising this significant natural asset.

Request that DCP No.119 not be approved at this time until development proposals for the river precinct are considered. If other proposals do not come forward the Chamber requests that the sighting of the 9 storey apartments be reconsidered as they do not provide a welcoming gateway to Nowra and Shoalhaven.

Individual Community Submissions – Overview

- Unsuitable development for this site and would destroy view of town as you enter it. Nine storeys is too high and would be ugly and out of place.
- Is not an appropriate gateway to Nowra. Does not compliment the natural characteristics and will dramatically and irrevocably change visual and amenity characteristics of entry.
- Proposed building heights are out of scale – should reduce number of towers from 3 to 1, set away from the corner. The wedge point of land should remain at human scale and as our City gateway needs to speak softly to visitors.
- The visual impact of two thirty metre towers wedged into an acute corner is disturbing – the total building mass is too sudden and awkward and would benefit from some refinement and modelling.
- Borders the busy Princes Highway – negates views of the River and surroundings. Traffic noise will be a major deterrent to users.
- Proposed retail component will further split the site.
- Support for a hotel development within Nowra. Would be more appropriate site on opposite side of Bridge Road – still in walking distance of CBD, less affected by traffic noise and has river views.
- Should develop the current Riverhaven site for this use – is close to Bridge and Entertainment Centre. Would create a strong focal point on waterfront – would have view to river and stimulate economic development. Fewer conflicts eg. free up parking space close to Entertainment Centre. Could be redeveloped along with adjoining Council land.
- Diagrams in the DCP are not consistent with the principles and objectives in the DCP document and were prepared by the developer. Find it unusual that they form part of a DCP prepared by Council.
- The last “acceptable solution” in Section 2.2 seems to override most of the proceeding noble considerations. It legitimises the developer’s plans and appears to have been written to suit – need controls in place before developer proposals are considered.

-
- Raises universal issues for high rise policy in Nowra – this is no ordinary site and it is not in the CBD where high rise would normally occur. Significant gateway site and part of civic precinct – is where we create our image and character. As such deserves special attention.
 - Proposed development may affect viability of existing business/residence in Bridge Road – unfair competition; disruption during construction; loss of on street parking; difficult traffic movement in/out of premises; increase in anti social behaviour; overshadowing of business and residence; loss of privacy from overlooking by apartments/hotel; and impact on the Bridge Road streetscape.
 - Existing Masterplan for the overall civic precinct was not available for viewing with draft DCP – therefore Council has not made all required information available for review.
 - Plans infer that more detailed elevations would be available – these were not made publicly available.
 - Basic objectives of the DCP are flawed – town focal point and gateway will not be created. Civic uses do not need residential apartments in such close proximity. No need for a hotel on this site – better placed elsewhere eg. river.
 - Urban design impacts – 7 to 9 storeys is not a positive impact, will be a negative impact – shadowing etc. Cannot comply with SEPP 65 and Residential Flat Code. Not compatible with height of adjoining buildings. Lack of landscaping and impact on views.
 - There will be impacts on traffic and car parking – this detail has been left for later. True impact might show development is better placed elsewhere.
 - Council has funded landscaping works to integrate the Administrative Building and the Entertainment Centre – proposal will impact on these which is a waste of Council money.
 - Does not comply with Clause 40K of LEP – some of the requirements are not addressed or complied with. Need to have proper regard to this clause.
 - Is the DCP for a hotel site or an apartment site – there is a need for a hotel, but it is dwarfed by the apartments and buried in a sea of other buildings. The four storey hotel would be compatible – the 7 to 9 storey apartments are not.
 - DCP appears to apply to one proposal only – as such more detail should be available. If a development is not “locked in” then the detailed and specific diagrams should be removed.
 - Drawings show provision of access to an underground car park in the area of the Entertainment Centre forecourt – this may not be feasible and could have impacts on centre.
 - Nil to minimal setback to Bridge Road and Princes Highway – what sort of legacy will it have on the future of Shoalhaven. Council has a vested interest in high rise development on this site that could have flow on precedent elsewhere.

-
- Should be deferred and rewritten to achieve a compatible development for this important and prominent site.
 - Hotel of this type is not sustainable on its own – residential flat buildings are an unfair incentive to develop the hotel. Need to revisit demand justification prior to creating the largest development in Nowra.
 - The DCP is primarily for a “high density residential towers site” and not the “hotel site” which appears ancillary. Need proper numerical data on what will be permissible.

Comments: Community Submissions – Group and Individual

The broad issues raised in the community submissions can be summarised as follows:

Need for and siting of proposed hotel – there is support in the submissions for a hotel development within Nowra given the demand within the region. However, a number have suggested that a more appropriate site for a hotel would be on the opposite side of Bridge Road adjacent to the river, where the current Riverhaven Motel is sited. It is suggested that this site is also within walking distance of the CBD and Entertainment Centre, would have less functional impacts (eg. no car park conflicts with Entertainment Centre), favourable outlook to the River and would utilise the waterfront location to create the much needed economic stimulus for the area.

Comment – The demand for a 4 to 4.5 star corporate hotel within walking distance of the Nowra CBD is identified in the report “Demand for Upmarket Visitor Accommodation in Shoalhaven City” (Feb 2002) prepared for Council by Dain Simpson & Associates. It is also noted in this report that Nowra and Huskisson would benefit from quality serviced apartments. As such the provision of a hotel in the vicinity of the Nowra CBD would be consistent with this research.

The Nowra-Bomaderry Structure Plan identifies the desire to activate the town’s frontage to the Shoalhaven River and strengthen the linkage between the current CBD and the river. This builds on the discussion in this regard that was held as part of the 1999 “Ratio” Charrette process and adopted as part of the Nowra CBD Strategy. At this time the land on either side of the Shoalhaven River Bridges was identified as a “gateway precinct”.

As recently as last month Council resolved to prepare a draft LEP to reclassify to “operational” the Nowra Pool Site and surrounding Council land for the purpose of activating the riverfront precinct and facilitating development to provide a commercial/residential anchor point with links to the CBD. It is also understood that another proponent has been discussing a possible hotel development within the “River precinct” with the Department of Planning.

Thus, there appears to be more than one hotel development proposal being considered that would possibly realize the findings of the Dain Simpson Report and provide Nowra with a future 4-4.5 star hotel. Both the current site covered by draft DCP No.119 and the Riverhaven site are zoned Business 3(g) and as such would provide for the development of a hotel. Council is however, not able at this point to predict whether either will be viable and proceed and thus is not in a position to favour one site over the other.

Detailed Urban Design issues – The submissions provide a range of detailed urban design comments and concerns. There is concern that the development provided for by the specific plans in the DCP will dramatically and irreversibly change the visual amenity. There is contention that the eventual development will provide an inappropriate “gateway” to Nowra and 7 to 9 storey development in this location is not supported. It is also suggested that the scale and form of development is not in keeping with the surroundings and is wedged into a tight corner – it is suggested that it be moved back from the corner and needs careful treatment including landscaping and setbacks. The ability to comply with SEPP 65 was also raised as an issue.

Comment – *The urban design related issues raised in the community submissions reinforce the previous staff concerns regarding the design and impact of the development proposed in the proponents draft DCP which were outlined in the previous report to Council.*

In finalising the DCP Council should give further consideration to refining the document to address a number of the current urban design related concerns including those outlined in the recent submissions and the earlier Council report.

Form of the DCP – Some of the submissions have questioned the consistency of the DCP with the related Clause 40K of Shoalhaven LEP 1985 and that the use of detailed plans provided by the proponents effectively “locks in” a specific development outcome. It has also been suggested that the wording in the DCP needs to be revised and tightened up to provide controls rather than specify a proposed development form and that the plan appears to relate to and facilitate an apartment development and not a hotel.

Comment – *The need for the DCP to conform to Clause 40K of the LEP was highlighted in the previous report and it was resolved in August 2007 that “...Council is satisfied that the requirements of Clause 40K of the Shoalhaven LEP 1985 have been complied with”. However, the consistency with Clause 40K was raised again in some of the community submissions.*

It was previously indicated that the draft DCP appears to be a hybrid of a DCP and a development proposal and as such does not link the criteria for development with alternative design/acceptable solutions. Again there was detailed staff comment provided on the form and content in the August 2007 report and the community submissions have raised similar concerns.

Impact on adjoining properties/uses - Will be functional issues associated with existing properties on Bridge Road and the operation of the Entertainment Centre including lack of/loss of parking, vehicular access conflicts, overshadowing, streetscapes will be dramatically changed etc. The proposed apartments will also be affected by traffic noise from the Highway and the overall traffic impacts need to be considered in full now.

Comment – *The potential impact on adjoining properties or uses is in part related to the scale of the development and its urban design. Traffic and transport impacts are a major concern and at present the draft DCP leaves these largely for resolution at the development application stage. However, sufficient detail needs to be provided in the DCP to give some comfort that the proposed use is practical and achievable. The issue of traffic noise from the Highway is also a concern.*

The issue of overshadowing within the development and also on properties surrounding it is a concern that needs to be addressed. Thus, it would be appropriate to include a requirement in the DCP to require any future development application to be supported by shadow diagrams and demonstrate acceptable impacts in this regard.

Retail Competition – The proposed development includes a retailing component that will further split the CBD and also create unfair competition (subsidised by Hotel).

Comment – The subject land currently has a Business 3(g) zone. This zone promotes mixed uses. Any shops within the proposed development would appear to be, for economic viability of a limited nature and ancillary to the hotel component and/or the Entertainment Centre.

Exhibited Information – The existing Masterplan for the overall civic precinct was not available for viewing with draft DCP and therefore Council has not made all required information available for review. The plans also infer that more detailed elevations would be available – these were not made publicly available.

Comment – It is accepted that the draft DCP makes reference to the need to read the DCP in conjunction with the overall masterplan for the civic precinct prepared for Council by Cox Humpries/GHD (December 2005). This masterplan was previously considered by Council and there is no formal requirement to exhibit it with the draft DCP. There is limited detail in the masterplan related to the proposed hotel site and it largely focuses on the Entertainment Centre site. In regard to publicly exhibiting detailed elevations, the draft DCP document submitted by the proponents did not include detailed elevations and these have not been provided as part of the DCP discussions.

Conclusions

As previously reported in August 2007, there are concerns regarding the current form and content of the draft DCP as submitted by the proponents. The recent public exhibition of the draft DCP has also raised similar concerns relating to the DCP. As such, should Council wish to proceed to finalise this DCP it is recommended that additional detail be added to the document to address the following:

- Ensure consistency with clause 40K of Shoalhaven LEP 1985
- Include urban design controls (eg. bulk and scale, street setbacks, landscaping, overshadowing, traffic noise, landscaping etc) that provide soundly based, broad desired development outcomes/principles, rather than focussing on a specific development proposal.

To achieve this the development could be pulled back from the tip of the Princes Highway/Bridge Road corner and provide a high quality design that provides an enhanced gateway statement, rather than a 7-9 storey walled effect which is more consistent in a central CBD location.

- An appropriate level of detailed investigation and consideration is given to traffic and transport impacts – this will involve deleting the northern access point as requested in the RTA submission and show areas where access will not be permitted.

Option 1

Many of the issues raised in submissions e.g. bulk, scale, setbacks, gateway treatment, compliance with Clause 40K etc have been considered previously by Council prior to adopting the draft DCP for exhibition. However if Council wishes to continue with the overall thrust of the draft DCP as exhibited it is appropriate that the following amendments at least be made:

- a. Restriction of vehicular ingress/egress to the southernmost location on Bridge Road.
- b. Incorporation of principles 6 (site amalgamation) and 7 (Heritage Conservation) (Attachment "C").
- c. Inclusion of a requirement for submission of shadow diagrams with any development application.

Option 2

If however, in the light of submissions and further consideration, Council wishes staff to revise the draft DCP, and this is the preferred option, the following principles, as well as a) to c) of Option 1 should be also incorporated:

- d. Reduced height and bulk
- e. Greater setback from the Princes Highway and Bridge Road more in keeping with the civic precinct that has been established by Council buildings and to provide for greater landscaping opportunities.
- f. Greater separation between buildings on the Princes Highway frontage.

RECOMMENDED that draft DCP No.119 be amended as outlined in Option 2 and to ensure consistency with Clause 40K Shoalhaven LEP 1985 and be reported back to Council for final adoption.

E J Royston
DIRECTOR, STRATEGIC PLANNING

J Gould
ASSISTANT GENERAL MANAGER

R D Pigg
GENERAL MANAGER

REPORT OF THE GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 20TH NOVEMBER 2007

FINANCE AND CORPORATE SERVICES

1. Council Members - Payment of Expenses and Provision of Facilities Policy File 5141-02

Council at its meeting on 25 September 2007 resolved that the draft Council members – Payment of Expenses and Provision of Facilities Policy as amended at the Councillor Briefing be placed on Public Exhibition and if any submissions are received, the matter be the subject of a further report to Council.

The draft policy was advertised on 10 October 2007 and at the closing time for submissions, one submission was received.

The submission made is in respect to Clause 3.7 regarding Secretarial Assistance and Office Supplies. It refers to monthly allowance for stamps a Councillor is entitled to. The submission provides that a Councillor has been required to personally pay for stamps in excess of the limit imposed by the policy. The submission (Attachment 1) requests the following amendment.

- i) The stamp allowance be doubled from 40 to 80 stamps per month:
- ii) That the remaining stamps of Councillors who have not used the entirety of their stamp allowance at the end of the financial year be pooled and allotted to a general pool to cover any excess stamps used by other Councillors for that year, or for Councillors who exceed their allowance in the following year.

The guidelines from the Department of Local Government require limits to be imposed on Councillor expenditure, and the proposal is consistent with that directive. In the circumstances, the proposed amendment is supported.

Options:

1. That Council amend the policy in accordance with the submission request as outlined in the report.
2. That Council consider increasing the stamp allowance by 50% or some other factor determined by Council
3. That Council adopt the Policy without any amendment.

SUBMITTED for consideration.

2. Record of Investments

File 2126

Under Section 625 of the Local Government Act 1993, and Clause 19, Part 4 of the Local Government Financial Management Regulations it is a requirement to provide a written report to Council on a monthly basis setting out details of all money that Council has invested.

Below is a list of investments as at 31st October 2007:

RECORD OF INVESTMENTS as at 31st October 2007

TOTAL CASH AND INVESTMENTS

TOTAL CASH	3,910,438
TOTAL INVESTMENTS	115,972,706
	<u>119,883,144</u>

LESS CASH & INVESTMENTS HELD IN RELATION TO RESTRICTED ASSETS

LEAVE ENTITLEMENTS	5,669,446
WASTE DISPOSAL	4,308,922
STRATEGIC PROJECTS GENERAL	28,277,004
MULTI PURPOSE CULTURAL & CONVENTION CENTRE	6,230,292
OTHER INTERNAL RESERVES	5,934,475
SECTION 94	16,311,480
SECTION 94 LIABILITY RESERVE	3,000,000
TRUST	70,650
UNEXPENDED GRANTS	3,134,958
LOANS - GENERAL FUND	564,925
WORKCOVER GUARANTEE	4,304,000
SECTION 64 WASTE WATER	1,935,999
SEWER COMPENSATION	6,568
SEWER CONSTRUCTION WORKS	3,666,754
SECTION 64 WATER	3,351,759
WATER CONSTRUCTION WORKS	25,329,317
TOTAL RESTRICTED	<u>112,096,549</u>

UNRESTRICTED CASH AND INVESTMENTS

GENERAL	5,786,595
WATER	1,000,000
WASTE WATER	1,000,000
TOTAL UNRESTRICTED	<u>7,786,595</u>

Note: The Cash balances of reserves do not reflect the uncommitted balance. The cash balance reflects uncommitted funds, the unspent portion of allocated funds and income received to date which may be less than budgeted for the entire year.

Record of Investments as at 31st October 2007

Institution	Credit Rating	Security Type	Principal	Terms	Interest Rate	Date Matured	SCC Inv No
Adelaide Bank	AAA	At Call	1,003,131.51	At Call	6.9000%	At Call	3002
Australian Central Credit Union	NR	TD	500,000.00	367	7.0900%	30/06/2008	2997
Australian Central Credit Union	NR	TD	2,000,000.00	91	7.1800%	23/01/2008	2952
Australian Central Credit Union	NR	TD	2,000,000.00	366	6.9200%	1/05/2008	2992
BANK OF QLD	BBB	FRN	1,500,000.00	89	7.2367%	15/03/2008	2918
Bendigo Bank	BBB	FRN	2,000,000.00	92	8.1900%	21/09/2012	3010
Bendigo Bank	BBB	FRN	3,000,000.00	92	6.6600%	25/08/2010	2989
Bendigo Bank	NR	TD	2,000,000.00	366	6.7100%	5/06/2008	2996
CBA	A1+	BB	1,989,651.63	28	6.7800%	26/11/2007	2916
CBA	A1+	O/S	550,855.96	180	7.0400%	28/05/2009	2732
CITIBANK	A1+	TD	1,520,644.93	63	6.8500%	12/12/2007	2879
CITIBANK	A1+	TD	3,000,000.00	34	6.7700%	7/11/2007	2965
CITIBANK	A1+	TD	3,000,000.00	99	6.9800%	12/12/2007	3009
CITIBANK	A1+	TD	3,000,000.00	273	6.6300%	27/02/2008	2864
CITIBANK	A1+	TD	6,000,000.00	366	6.8600%	27/06/2008	2868
HORIZON	NR	TD	2,000,000.00	35	6.8800%	29/11/2007	2994
HORIZON	NR	TD	3,000,000.00	188	6.7000%	2/01/2008	2985
IMB	A3	TD	1,500,000.00	92	6.9000%	29/11/2007	2964
IMB	A3	TD	2,500,000.00	92	6.8800%	20/11/2007	3005
IMB	A3	TD	2,500,000.00	92	7.1400%	31/01/2008	2886
IMB	A3	TD	3,000,000.00	183	6.5900%	5/12/2007	2981
IMB	A3	TD	3,000,000.00	84	7.0600%	19/12/2007	2913
IMB	A3	TD	5,000,000.00	92	6.8900%	28/11/2007	2991
LGFS	A1	TD	1,500,000.00	97	6.6800%	6/11/2007	3004
LGFS	A1	TD	1,500,000.00	36	6.8000%	14/11/2007	2990
LGFS	A1	TD	2,000,000.00	30	6.8000%	1/11/2007	3003
Macquarie Bank	A-	FRN	1,000,000.00	92	7.2233%	18/02/2008	2902
NAB		MATD	70,649.89	367	6.7500%	30/06/2008	3000
NAB	A1+	O/S	364,667.04	120	5.8700%	26/06/2008	186
NAB	A1+	TD	2,500,000.00	49	6.8400%	14/11/2007	2961
NEWCASTLE PERMANENT	A2	TD	3,000,000.00	365	7.2500%	3/09/2008	3007
NEWCASTLE PERMANENT	A2	TD	5,000,000.00	90	7.0200%	20/12/2007	3006
Police Credit Union LTD (SA)	NR	CRI	1,000,000.00	91	6.8300%	16/04/2008	2995
Police Credit Union LTD (SA)	NR	TD	1,000,000.00	367	7.1900%	30/06/2008	2999
Railways Credit Union	NR	CRI	5,000,000.00	90	7.1800%	16/02/2009	2988
Savings and Loans Credit Union	NR	TD	500,000.00	367	7.0400%	30/06/2008	2998
Savings and Loans Credit Union	NR	TD	1,000,000.00	365	6.9200%	8/05/2008	2993
T/CORP	A1+	TD	5,097,000.00	365	7.0000%	3/10/2008	2842
MANAGED FUNDS					Indicative Annual Rate		
GRANGE SECURITIES		MGMD FD	16,855,913.24	At Call	7.3900%	At Call	2984
Merrill Lynch Diversified Credit Fund (Class D)	A	MGMD FD	4,011,902.60	At Call	0.8759% (1)	At Call	3001
Aberdeen Cash Plus	Af	MGMD FD	4,548,736.24	At Call	6.2279%	At Call	2915
Macquarie Income Plus	Af	MGMD FD	1,149,121.67	At Call	6.8898%	At Call	2915
Perpetual Investments	Af	MGMD FD	3,310,431.35	At Call	4.9051%	At Call	2915

(1) Note this investment has been held since 29 June 2007 and a distribution for October has not yet been made.

Note:

BB Bank Bill	FRN Floating Rate Note
OS Offset Loan	IMP Individually Managed Portfolio
MGMD FD Managed Fund	CRI Committed Rolling Investment
TD Term Deposit	MATD Mayors Appeal Term Deposit

It is noted that these have been made in accordance with the Act, Regulations and the Council's Investment Policies.

P.J. Dun
Director, Finance & Corporate Services Group

RECOMMENDED that the Report of the General Manager (Finance & Corporate Services Group) on the Statement of Record of Investments for the period of 31st October 2007 be received for information.

P.J Dun

DIRECTOR, FINANCE & CORPORATE SERVICES GROUP

R.D Pigg

GENERAL MANAGER

LEGAL DOCUMENTS

ORDINARY MEETING

TUESDAY, 20 NOVEMBER 2007

STRATEGIC PLANNING

1. Renewal of Council Lease to Landsvik Holdings Pty Ltd - Egan's Lane, Nowra **File 13360**

RECOMMENDED that

- a) **The Council of the City of Shoalhaven leases to Landsvik Holdings Pty Ltd part Lot J DP 39259 at Egan's Lane, Nowra for a term of five years at a rental of \$4,875 per annum plus GST;**
- b) **The Common Seal of the Council of the City of Shoalhaven is affixed to any documents required to be sealed but that otherwise the General Manager is authorised to sign any documentation necessary to give effect to this resolution.**

Note: This is a renewal of an existing lease to the company which operates Grant's Seafood Centre and Restaurant at Egan's Lane Nowra. The company leases approximately 60 m2 of land from Council immediately adjoining the restaurant on which it has constructed a covered and screened deck which is used as a dining area. The rental is current market rental as assessed by Council's valuers, Walsh & Monaghan.

2. Grazing Licence to Kleran Pty Ltd Family Trust - Wondalga Farm Property **File 29134**

RECOMMENDED that

- a) **The Council of the City of Shoalhaven licences to Kleran Pty Ltd Family Trust for grazing purposes the Wondalga Farm property off Terara Road, Nowra comprising approximately 172 hectares in area for a term of three years at a rental of \$12,000 per annum plus GST;**
- b) **The Common Seal of the Council of the City of Shoalhaven is affixed to any documents required to be sealed but that otherwise the General Manager is authorised to sign any documentation necessary to give effect to this resolution.**

Note: This is a renewal of an existing grazing licence to the Kleran Pty Ltd Family Trust covering farmland purchased by Council in 2003, part of which has been licensed back to the vendor until required by Council. The licence contains a clause permitting Council to terminate the licence on

three month's notice. In addition Council can take back any part of the land it requires at any time on one month's notice. The rental is current market rental as assessed by rural valuers A J Campbell & Son Pty Ltd.

E J Royston
DIRECTOR, STRATEGIC PLANNING

J Gould
ASSISTANT GENERAL MANAGER

R.D Pigg
GENERAL MANAGER

Confidential Business Paper Agenda

GENERAL MANAGER

COUNCIL PROPERTY STEERING COMMITTEE – 12 NOVEMBER 2007

Item 1 Redevelopment of 16 Berry Street and Impact on Egans Lane Car Park

Reason

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

Item 2 East Nowra Sub Arterial (ENSA) Road Land Acquisition

Reason

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

Item 3 Additional Item – Sale of Council Land – “Hotel Site”, Bridge Road, Nowra

Reason

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

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

NOTICES OF MOTION

ORDINARY MEETING

TUESDAY, 20TH NOVEMBER, 2007

1. Rescission Motion - Community Consultation Policy for Development Applications (Including Subdivisions) and the Formulation of Development Guidelines and Policies (Draft Amendment No 4) File 8139

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

That the motion in respect of residents briefing meetings carried in August 2007 be rescinded and that the motion be recommitted including one presentation from a relevant community group.

Signed
Clr G Ward
Clr R Bates

Note: The following resolution was adopted at the Council Meeting held Tuesday 28th August, 2007.

RESOLVED on a MOTION of Clr Anderson seconded Clr Willmott that the Community Consultation Policy for Development Applications (Including Subdivisions) and the Formulation of Development Guidelines and Policies (draft Amendment No 4) be adopted subject to the amendment that, short presentations at a Resident Briefing Meeting to be made only by Council and the applicant.

Note by the General Manager: The possible complicating issue in respect to allowing one community group representative to speak is that Council now has two CCB's within the Huskisson locality, one CCB and one primary consultative body (for business matters) in the Ulladulla locality.

2. Rescission Motion - Sale of Council Land - 38-40 Owen Street and 3 Morton Street Huskisson File 33572, 36533

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

It is recommended that Council rescind the motion not to reclassify the Huskisson car park site.

Signed
Clr G Ward
Clr R Bates
Clr R Rudd

Note: The following resolution was adopted at the Council Meeting held Tuesday 30th October, 2007.

RESOLVED that Council proceed to negotiate the terms and conditions for the contract of sale of 38-40 Owen Street and 3 Morton Street, Huskisson without the need for reclassification of the land.

Note by the General Manager: This issue has previously been reported to Council or Committee on several occasions:

Council Property Steering Committee - 1st February, 2005
Council Property Steering Committee - 27th October, 2005
Ordinary Council Meeting - 2nd November, 2005
Council Property Steering Committee - 1st February, 2006
Council Property Steering Committee - 19th May, 2006
Ordinary Council Meeting - 23rd May, 2006
Council Property Steering Committee - 19th July, 2006
Council Property Steering Committee - 20th September, 2006
Ordinary Council Meeting - 26th September, 2006
Extra Ordinary Council Meeting - 3rd October, 2006
Property Steering Committee - 15th September, 2006
Ordinary Council Meeting - 28th September, 2006
Council Property Steering Committee - 18th December, 2006
Ordinary Council Meeting - 20th December, 2006
Council Property Steering Committee - 24th January, 2007
Ordinary Council Meeting - 30th January, 2007
Council Property Steering Committee - 5th February, 2007
Policy and Planning Committee - 13th February, 2007
Council Property Steering Committee - 12th February, 2007
Ordinary Council Meeting - 27th February, 2007
Council Property Steering Committee - 12th March, 2007
Ordinary Council Meeting - 27th March, 2007
Council Property Steering Committee - 2nd May, 2007
Ordinary Council Meeting - 29th May, 2007
Council Property Steering Committee - 4th June, 2007
Ordinary Council Meeting - 25th June, 2007
Council Property Steering Committee - 9th July, 2007
Council Property Steering Committee - 13th August, 2007
Ordinary Council Meeting - 28th August, 2007
Ordinary Council Meeting - 25th September, 2007
Council Property Steering Committee - 15th October, 2007
Ordinary Council Meeting - 30th October, 2007

3. Huskisson and Ulladulla Sea Pools - Risk Assessment

File 5070-03, 2233-06

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

It is recommended that Council undertake a risk assessment in respect of opening our sea pools (Huskisson and Ulladulla) to the public for unsupervised periods.

Background

Following representations from residents in Ulladulla and the Huskisson Swimming Club (in addition to a petition tabled in respect of the matter last year) this motion is put forward as an opportunity for Council to consider investigating the level of risk that would, in fact, be conferred to Council if our City's sea pools were left unsupervised for a period of time.

While the abovementioned recommendation does not prescribe the removal of lifeguards from our sea pools, what it does seek to do is act on a recommendation from Council's Risk Management consultants in a letter from Echelon Risk Management dated 4 July, 2007.

In responding to Council's current policy in respect of only opening our sea pools without supervision our risk management consultant Mr Ron Barnes said:

We have always encouraged our Member Councils to conduct risk assessment of their facilities based on criteria set down by Council. Some Councils have elected to do nothing whilst others have elected to provide supervision. For example, Randwick City relies on signage at their sea pools...Shellharbour engages supervision during the school holidays only...All potential public liability exposures are covered by Statewide Mutual. Whether indemnity for loss is offered depends on the circumstances of the claim.

The Huskisson and Ulladulla Sea pools are closed between 11:00 am and 2:00 pm when open. They're closed Christmas Day and only operate from 1:00 pm till 5:00 pm on public holidays.

While accidents have the propensity to occur in any location where Council has responsibility, there must be a careful balance struck between sensible risk management and allowing the community access to the facilities they paid for. It is the view of some that Councils response to risk management issues is often a disproportionate response, predicated on quasi legal opinions that lack substance, credibility and common sense.

The suggestion that we should fence sea pools is someone nonsensical when the entire Pacific Ocean coastline remains unfenced and mostly unsupervised.

While having faith in the Shoalhaven public to use our swimming pools sensibly and responsibly without supervision comes with the potential to enhance our liability, as was noted in the letter from our risk managers, Councils liability in the sad and tragic event that a mishap occurs is firstly predicated on the nature of the accident and whether or not such an accident could have reasonably been prevented.

However, there is a concurrent question of access to community facilities and assets owned and paid for by the community. By undertaking this risk assessment, Council will be able to establish whether the claims made in relation to our risk do outweigh the question of access. It would be at this point that Council could examine the operation of sea pools including sustaining the lifeguards' current presence but allowing unsupervised swimming at other times during the day.

Signed
Clr G Ward
Clr J Willmott