

SHOALHAVEN CITY COUNCIL

O R D I N A R Y M E E T I N G

To be held on Tuesday, 30th October, 2007
Commencing at 3.30 pm

City Administrative Centre
Bridge Road
NOWRA NSW 2541

24th October, 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, 30th October, 2007 commencing at 3.30 pm** for consideration of the following business.

Yours faithfully

E Royston
Acting Assistant General Manager

Membership

All Councillors

BUSINESS OF MEETING

PRAYER: Pastor Richard Utber - Baptist Church, Nowra

- 1. Australian National Anthem**
- 2. Presentation of the 2006/2007 Annual Financial Reports and Audit Report**
- 3. Apologies**
- 4. Confirmation of Minutes**
 - Ordinary Meeting - 25th September, 2007
 - Extra Ordinary Meeting - 9th October, 2007
- 5. Presentation of Petitions**
- 6. Mayoral Minute**
- 7. Report of the General Manager**
 - Policy and Planning Committee - 9th October, 2007
 - Works and Finance Committee - 9th October, 2007
 - Development Committee - 9th October, 2007
 - Special Development Committee - 25th October, 2007 - Addendum Report
 - Shoalhaven Water Operations and Strategic Review Committee - 16th October 2007
 - Crown Reserve, Community and Commercial Operations Committee - 16th October, 2007
 - Shoalhaven Sports Board - 8th October, 2007
 - Council Property Steering Committee - 14th October, 2007
 - Shoalhaven Arts Board - 18th October, 2007
- 8. Report of the Shoalhaven Traffic Committee - 16th October, 2007**
- 9. Report of the General Manager**
 - Strategic Planning
 - Finance & Corporate Services
- 10. Legal Documents**
 - Strategic Planning
 - Development & Environmental Services
- 11. Confidential Report of the General Manager**
 - Works and Finance Committee - 9th October, 2007
 - Council Property Steering Committee - 14th October, 2007
- 12. 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, 30 OCTOBER, 2007

1. New Years Eve Celebrations 2007

File 2161-09

As Councillors may be aware, the Milton-Ulladulla community have enjoyed New Years Eve celebrations over the past couple of years and reports received indicate that these events have been most successful. Similarly, the City of Wollongong has sponsored substantial New Years Eve celebrations for its community in recent years and it is understood that a number of Shoalhaven residents have travelled north to attend those celebrations.

It has come to my attention that there could be a significant event happening in Nowra on New Years Eve in the form of a race meeting and, potentially, follow-up family based entertainment at the Shoalhaven City Turf Club. With limited additional support from Council, this initiative together with the existing initiatives at Ulladulla and perhaps one other community in the Shoalhaven could be developed into New Years Eve celebrations. Such celebrations would bring the community together, and provide families and particularly the City's young people with a positive outlet in which to celebrate the passing of 2007 and arrival of 2008.

One of my motives for proposing that Council support such initiative is based on the occurrences which took place in a number of locations in our City last New Years Eve which resulted in violent and unacceptable behaviour occurring. One of these incidents resulted in a particularly confrontational situation.

I am also conscious that over the Christmas/New Year period our City has in excess of 200,000 visitors. The staging of a number of attractive New Years Eve celebration events would really add value to their holiday experience and stimulate positive word-of-mouth and repeat visitation in future years, to the economic benefit of the City.

I think it is timely for Council to exercise more leadership in providing the community with some positive community building activities which afford the opportunity to bring various parties of the community together in celebration.

Accordingly, I would propose that Council vote a sum of say \$30,000 to enable proponents of New Years Eve celebrations in the Nowra/Bomaderry area, Milton/Ulladulla and perhaps one other location for New Years Eve 2007/2008. Council's support would supplement existing and proposed investment in and organisation of local celebrations by local community groups and organisations as it is not intended that Council "take over" and/or deliver these events.

RECOMMENDED that council vote the sum of \$30,000 for the purpose of supporting New Years Eve celebrations in the City of Shoalhaven for New Years Eve 2007/2008.



Greg Watson
MAYOR

REPORT OF THE GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 30TH OCTOBER 2007

GENERAL MANAGER

REPORT OF THE POLICY AND PLANNING COMMITTEE – TUESDAY 9TH OCTOBER 2007

Rating Working Party

1. Minister for Local Government – Options for Increasing of the Rating Base Amount File 2973-02

RECOMMENDED that Council renew their efforts to forward submissions to the Minister for Local Government, the Hon Mr Paul Lynch, to pursue a higher base rate of 70% for the calculation of rates in order to achieve greater equity across the City.

2. Special Rates Levied Lots 50 & 51 DP 11629 Jerberra Estate File 31944

RECOMMENDED that upon receipt of proof of lodgement of a consolidation plan with the Land and Property Information Office, the rezoning special rate be removed for Lots 50 and 51 DP 11629 but retain the road design special rate on these parcels.

Shoalhaven Tourism Board

3. Budget - 2007-2008 File 1490-07

RECOMMENDED that Shoalhaven City Council note and endorse the budget result to date.

4. Film Illawarra File 3083

RECOMMENDED that

- a) the Shoalhaven Tourism Board advise Shoalhaven City Council that it is disappointed in the performance of Film Illawarra in attracting the making of films and commercials in the Shoalhaven area.
- b) Shoalhaven City Council no longer contribute funding to the operation of Film Illawarra and instead investigate ways of setting up information and a website promoting the Shoalhaven which can in turn be directed to film location companies operating out of Sydney.

5. Marketing and Media Plans File 1011-02

RECOMMENDED that the Shoalhaven City Council note and endorse the report on the marketing and media plans for the whole South Coast and the Shoalhaven.

-
6. Shoalhaven Tourism Economic Impact Statement File 8169-05

RECOMMENDED that Shoalhaven City Council note and endorse that tourism contributed \$552 million to the economy of the Shoalhaven for the year ending December 2006 and that that expenditure generated 3,750 direct jobs and a further 2,000 jobs by indirect activity. This represents 11%, and then a total of 18% of the Shoalhaven workforce (33,011) respectively.

7. Request for Financial Assistance File 1864-07

RECOMMENDED that the Shoalhaven Tourism Board respectfully decline the request from Blueprint Shoalhaven as the matter of funding this sort of competition was not in the Charter of the Shoalhaven Tourism Board.

General Manager

8. Australian Vocational Student Prize 2007 File 3984

RECOMMENDED that

- a) Cameron Curle be congratulated on receiving an Australian Vocational Student Prize 2007.
- b) Council authorise the General Manager to engage Mr Curle in a traineeship with the Information Technology Section.

9. Picnic Day Public Holiday & Proposed Christmas/New Year Close-Down File 35896

RECOMMENDED that in view of the positive response received from staff, Group Directors and Union representatives, authorisation be given to proceed with arrangements for the Council close-down from Thursday, 27th December, to Monday, 31st December, 2007, on the basis that appropriate arrangements be made for essential services to remain operational and for provision to be made for staff to be available to respond to emergency situations.

10. Organisational Energy and Water Management Policy File 34317

RECOMMENDED that

- a) Council adopt the *Organisational Energy and Water Management Policy*.
- b) The report of the General Manager concerning all other energy management matters be received for information.

City Services and Operations

11. Local Government Association Conference - Proposed Notice of Motion Regarding Conservation Hunting in State Forests File 33064

RECOMMENDED that the report regarding the proposed notice of motion by Hornsby Shire Council to the 2007 Local Government Association Conference regarding conservation hunting in State Forests and the NSW Game Council's response be received for information.

Strategic Planning

12. Kangaroo Valley Flood Study File 28145

RECOMMENDED that

- a) The draft Kangaroo Valley Flood Study be placed on Council's internet site with easy links to make the comments electronically;
- b) Community consultation be undertaken by public advertisement for a period of five (5) weeks;
- c) A public meeting be held at Kangaroo Valley showground during November 2007; and
- d) A further report be submitted to Council following the exhibition period.

13. Broughton Creek Flood Study File 28146

RECOMMENDED that

- a) The draft Broughton Creek Flood Study be placed on Council's internet site with easy links to make the comments electronically and a copy be available at Nowra Library and Council's Nowra Administrative Centre.
- b) Community consultation be undertaken by public advertisement for a period of five (5) weeks;
- c) A public information session be held at Council's Nowra Administrative Centre during November 2007; and
- d) A further report be submitted to Council following the exhibition period.

14. Finalisation of Lower Shoalhaven River Floodplain Risk Management Study and Plan File 1799-06

RECOMMENDED that

- a) Council formally adopt the Lower Shoalhaven River Floodplain Risk Management Study and Plan;
- b) DCP 106 be amended to include information pertaining to flooding and floodplain management from the Lower Shoalhaven River Floodplain Risk Management Study and Plan;
- c) Information related to flooding and floodplain management as presented in the Risk Management Study be used to inform future development and planning decisions; and
- d) Recommendations in the Plan be implemented for the Lower Shoalhaven River area, in accordance with budget and resource allocations.

15. Shoalhaven River Estuary Management Plan File 3426-02

RECOMMENDED that Council defer adoption of the Draft Shoalhaven River Estuary Management Plan pending a review of the actions and recommendations listed in the Draft Plan by the General Manager.

16. Release of South Coast Regional Strategy Settlement Planning Guidelines File 29118-04

RECOMMENDED that:

- a) The General Manager's (Strategic Planning) Report on the Release of South Coast Regional Strategy Settlement Planning Guidelines be received for information.
- b) Council invite the Regional Manager of the Department of Planning, Neil McGaffin to brief Council on the South Coast Regional Strategy Settlement Planning Guidelines.

17. NSW Heritage Act Review File 12930

RECOMMENDED that Council make a submission on the Review of NSW Heritage Act taking into account:

- a) The need to facilitate urban consolidation and support continued economic growth.
- b) That a right of appeal be supported for individuals based on economic hardship, against the listing of their property.

18. Section 94 Contributions Plan - Draft Amendment 78 - Fire Control and Emergency Services Review File 28710

RECOMMENDED that in regard to Contributions Plan Amendment No 78 – Fire and SES Review

- a) The Draft Amendment be adopted as exhibited apart from minor editing changes;
- b) An adoption notice be placed in local newspapers;
- c) A new Citywide Contributions Plan project be created for Fire and SES Services; and
- d) The SES Contributions Plan project be reported to Council following adoption of the SES Strategic Plan.

19. Bugong Fire Trail File 4010

RECOMMENDED that

- a) Council allocate \$19,000 from Reserves for repairs to the road washout and the twin 750mm pipe culvert on the Bugong Fire Trail at about 130m from Bugong Rd
- b) Council continue discussions with the Department of Lands and the National Parks & Wildlife Service with the purpose of obtaining a road reserve over the formed Bugong Fire Trail, with the process of land transfers (opening and closing roads) be cost neutral to Council as a starting point.

-
- c) Seek to obtain a commitment from land owners that the opening and closing of road reserves to achieve a legal and practical access to properties will be at no cost to Council, and should agreement be reached, proceed with administrative processes.

Finance and Corporate Services

20. Statement of Business Ethics File 4092-02
-

RECOMMENDED that Council endorse the Statement of Business Ethics Policy.

Strategic Planning & Development and Environmental Services

21. Amendment No. 3 to State Environmental Planning Policy No. 62 – Sustainable Aquaculture and the NSW Oyster Industry Sustainable Aquaculture Strategy File 4226-03
-

RECOMMENDED that the Report of the General Manager (Strategic Planning Group) concerning Amendment No. 3 to State Environmental Planning Policy No. 62 – Sustainable Aquaculture and the NSW Oyster Industry Sustainable Aquaculture Strategy be received for information.

Finance and Corporate Services & Strategic Planning

22. Special Rates Levied – Lots 50 & 51 DP 11629 Jerberra Estate File 31944
-

RECOMMENDED that upon receipt of proof of lodgement of a consolidation plan with the Land and Property Information office, the rezoning special rate be removed for Lots 50 and 51 DP 11629 but that Council retain the road design special rate on these parcels.

REPORT OF THE WORKS AND FINANCE COMMITTEE – TUESDAY 9TH OCTOBER 2007

Assistant General Manager

1. Proposed Warra Warra Road Roundabout, Princes Highway, Construction File 3897

RECOMMENDED that Council consider including \$0.5M in the 2008/2009 Management Plan as a contribution towards the proposed Warra Warra Road Roundabout, Princes Highway, and that investigations be undertaken into the feasibility of a Section 94 Plan to recoup some of the contributions.

City Services And Operations

2. Piping Drainage Easement - 23 William Bryce Road, Tomerong File 10209

RECOMMENDED that the amount of \$6,500 be voted to pipe the drainage easement at No 23 William Bryce Road, Tomerong from the Wattamolla Road drainage project (Job No 75532).

3. Undercover Disabled Parking Shelter Proposal for SMPCCC File 7189, 32877

RECOMMENDED that:

- a) Council provide covered disabled parking as per option 4, in the existing Administrative Building car park to provide covered disabled access parking for both the Administrative Building and the Shoalhaven Entertainment Centre.
- b) Council call for design and construct quotations for the covered disabled parking for the Administrative Building and The Shoalhaven Entertainment Centre.

4. Accelerated Footpath and Cycleway Program File 35531

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding the accelerated footpath and cycleway program be received for information.

5. Southern Rivers Catchment Management Authority Biodiversity Program, Bush Incentives Bid Funding Offer for Council Reserve No. NCO168, Mt Coolangatta - Negotiations Between SCC staff and SRCMA staff. File 28894

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding Southern Rivers Catchment Management Authority Biodiversity Program, Bush Incentives Bid Funding Offer for Council Reserve No. NCO168, Mt Coolangatta - Negotiations Between SCC staff and SRCMA staff, be referred to the October 2007 Crown Reserve, Community and Commercial Operations Committee for consideration.

Strategic Planning

6. Creation of Easements for Nowra Courthouse Extensions DA03/3063, Plunkett Street, Nowra File 36618

RECOMMENDED that

- a) Council resolves to accept the benefit of easement for sewer purposes over Lot 701 DP1024854, Lots 1 and 2 DP998312 and Lot 8 Sec 26 DP758794 shown hatched on the attached plan; and
- b) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution.

7. Grant of Easement over SMPCCC Site Bridge Road Nowra to Integral Energy for Electricity Purposes File 36358

RECOMMENDED that

- a) Council resolve to Grant over:-
 - i) Lot 9 DP605984 an easement for substation variable width in favour of Integral Energy and being identified as "A" on the attached plan.
 - ii) Lots 10 and 11 DP606121, Lot 10 DP607132 and Lot 9 DP605984 an easement for access 6 wide (and variable) in favour of Integral Energy and being identified as "B" on the attached plan.
 - iii) Lot 2 DP130993 and Lot 9 DP605984 an easement for underground cables 2 wide and variable in favour of Integral Energy.
- b) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution.

8. Acquisition of Easement for Sewerage over Lot 18 DP805460 at Ulladulla File 35117

RECOMMENDED that

- a) Council resolve to acquire an Easement for Sewerage 10 wide and variable over Lot 18 DP805460 at Ulladulla, shown by hatching on DP 1109183, for an amount of \$1,000 plus GST.
- b) The compensation payable and acquisition costs including all survey, valuation and legal costs payable in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 are to be funded by Shoalhaven Water, Job No. 79083.38934.
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the General Manager is authorised to sign any documentation necessary to give effect to this resolution.

-
9. Acquisition of Part Lot 16 DP26636 Cnr Sussex Inlet Road and Old Berrara Road, Sussex Inlet for Road Purposes File 33899

RECOMMENDED that

- a) Council resolve to acquire that part of Lot 16 DP26636 identified as Lot 1 on the attached plan for purposes of the Roads Act 1993 for the amount of \$15,000, plus GST if applicable, in accordance with the Land Acquisition (Just Terms Compensation) Act, 1991.
- b) The compensation payable, valuation and legal costs are to be funded from City Services Land Acquisition Job No. 85001 / 99999
- c) Upon acquisition, Lot 1 shall be dedicated as Road pursuant to Section 10 of the Roads, Act 1993
- d) The General Manager be authorised to sign any documentation necessary to give full and proper effect to this resolution

The MOTION upon being PUT to the meeting was declared CARRIED

10. Worrige Street / Berry Street Car Park, Nowra File 17670

RECOMMENDED that Council adopt Option 1 (mark as 2.4m – long term parking – 200 spaces) as the preferred car park layout for the Worrige Street / Berry Street Car Park, Nowra

11. Asset Management Plan - Waterways Infrastructure (Boating Facilities) File 30281

RECOMMENDED that Council adopt the draft Asset Management Plan - Waterways Infrastructure - for the purpose of public exhibition to include:

- a) Community consultation be undertaken by public advertisement for a minimum period of 28 days
- b) The draft document be placed on Council's Internet site with easy links to make comments electronically
- c) Forwarding to Community Consultative Bodies (as appropriate)
- d) A further report be submitted following public exhibition.

12. Voyager Park Amenities Building Upgrade File 35247

RECOMMENDED that the report of the General Manager (Strategic Planning) concerning the Voyager Park Amenities Building Upgrade be received for information.

13. Draft Policy on Tourism Sporting Event Donation Requests File 4306

RECOMMENDED that

- a) The Draft Policy on Tourism Sporting Event Donation Requests be referred to the Shoalhaven Sports Board and Shoalhaven Tourism Board for consideration

-
- b) The General Manager (Finance and Corporate Services) submit a further report to Works and Finance Committee on the feedback received from the Shoalhaven Sports Board and Shoalhaven Tourism Board.

City Services and Operations & Strategic Planning

14. Mollymook Beach LATM Project File 29245-03

RECOMMENDED that Council adopt a revised budget of \$342,000 for the Mollymook Beach LATM Project with the funding source for the additional amount to be determined at a quarterly budget review once the outcome of the second grant application to the Roads & Traffic Authority is known.

15. Proposed 2 Lot Rural Subdivision for Kirkwood – 663 Sussex Inlet Road, Sussex Inlet. Settlement Offer to avoid further Land and Environment Court Action File 9692

RECOMMENDED that the Confidential Works and Finance Committee minutes relating to the Proposed 2 Lot Rural Subdivision for Kirkwood – 663 Sussex Inlet Road, Sussex Inlet. Settlement Offer to avoid further Land and Environment Court Action remain confidential until business is conducted in accordance with 10A(2)(g) of the Local Government Act.

REPORT OF THE DEVELOPMENT COMMITTEE – TUESDAY 9TH OCTOBER 2007

Development and Environmental Services

1. Development Control Plan 100 - Subdivision Code (Amendment No 1) File 5034

RECOMMENDED that

- a) Council adopt Development Control Plan 1 - Subdivision Code (Amendment No 1) as exhibited with amendments as outlined in the report;
 - b) The adopted DCP 100 be advertised in accordance with Clause 21 of the Environmental Planning and Assessment Act Regulation 2000 and the date that DCP 100 comes into effect be two months from the date the notice is advertised; and
 - c) The adopted DCP 100 be notified to submitters, the development industry, the Community Consultative Bodies and highlighted on Council's website.
2. Unauthorised Dinghy Storage Structure attached to a Jetty. Lot 35 DP 270112, 50 Jacobs Drive, Sussex Inlet. Applicant: M Frazer. File DA04/1819

RECOMMENDED that

- a) The applicant's request to vary Clause 3.2.1 (d) of the Wharves and Jetties Policy and to retain the dinghy storage structure at the side of the jetty be supported; and
 - b) The development application be determined under delegated authority.
3. Proposed Twelve Lot Subdivision - Lots 68 and 69 DP 25550, The Old Wool Road and Lot 4 DP 785956, Island Point Road, St Georges Basin. Owner: Salcorp Pty Ltd. Applicant: Cowman and Stoddart. File SF9847

RECOMMENDED that with respect to that part of the proposed Section 96 application to modify 14(c) of SF9847 over Lots 68 and 69 DP 25550 and Lot 4 DP 785956, St Georges Basin, Council resolve to support the applicant's request as follows:

- a) Delete reference to the retention of trees along the "treed ridgeline"; and
 - b) The Section 96 application be determined under delegated authority.
4. Request for Variation of Development Control Plan 49 Berry Town Centre Amendment No 5 in respect to Development Application for Berry Hotel Extensions/Mixed Retail/Residential Development - Lot 1 DP 578257, 120 Queen Street, Berry. File DA04/3834-02

RECOMMENDED that the report to the Development Committee meeting on the Request for variation of Development Control Plan 49 Berry Town Centre Amendment No 5 in relation to Development Application for Berry Hotel Extension/Mixed Retail/Residential Development – Lot 1 DP 578257 120 Queen Street Berry be deferred to a Special Development Committee meeting and the applicants be invited to attend that meeting.

-
5. Development Application - Multi-unit Residential Development - Corner of Ocean, Davies and Shepherd Streets, Mollymook. Applicant: Lefmar Pty Ltd. File DA07/2052
-

RECOMMENDED that Council accept the proposal as submitted by the applicant and justified by their submission and give a policy direction to staff to accept the height and scale of the development in terms of meeting the performance criteria of DCP 71 and Council's Coastal Areas Policy and request the applicant to meet with the most impacted objector with a view to resolving where possible the view aspects.

6. Proposed Dual Occupancy and Subdivision - Lot 1 DP 2624, 123 Berry Street, Nowra. Applicant: L Carmichael File DA07/2173
-

RECOMMENDED that

- a) The rear setback of 3.78 metres as originally proposed by the applicant, being a variation from the minimum rear building line of 4.0 metres in Clause 2.2(a) of Development Control Plan 57 – Dual Occupancy Guidelines be supported;
- b) The variation from Building Materials and Design Standards in Clause 2.2 (k) of Development Control Plan 57 - Dual Occupancy Guidelines be supported;
- c) The proposed relocated garage shall be located at a distance of not less than 6.645 metres from the front boundary of the property adjoining Berry Street;
- d) The proposed dwelling shall be located at a distance of not less than 5 metres as originally proposed by the applicant from the boundary to Centre Street; and
- e) The development application be determined under delegated authority

ADDENDUM REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 30TH OCTOBER 2007

GENERAL MANAGER

REPORT OF THE SPECIAL DEVELOPMENT COMMITTEE – THURSDAY 25TH OCTOBER 2007

Development and Environmental services

1. Request for Variation of Development Control Plan 49 Berry Town Centre Amendment No 5 in respect to Development Application for Berry Hotel Extensions/Mixed Retail/Residential Development - Lot 1 DP 578257, 120 Queen Street, Berry. File DA04/3834-02
-

RECOMMENDED that with regard to the Development Application DA04/3834 for the alterations and additions to Berry Hotel that:

- a) A future report be submitted to the Development Committee regarding the Carparking Contributions required for the existing hotel and the proposed extensions;
- b) Further negotiations be held between the Applicant, Mayor, Clr Young – Chair of the Development Committee and Council staff;
- c) Legal advice be sought regarding the Carparking Credits situation.

R.D Pigg
GENERAL MANAGER

REPORT OF THE SHOALHAVEN WATER OPERATIONS AND STRATEGIC REVIEW COMMITTEE – TUESDAY 16TH OCTOBER 2007.

Shoalhaven Water

1. 2007 LGSA Water Management Conference File 35844, 3989-07

RECOMMENDED that the report of the General Manager (Shoalhaven Water) regarding the 2007 LGSA Water Management Conference be received for information.

2. Application for Waiving Section 64 Contributions File 4267-02

RECOMMENDED that

- a) As a matter of Policy Council recognise this and future applications from Shoalhaven Community Housing Scheme Ltd for variation to Section 64 reductions as a CSO Level 4 with a percentage reduction of 50%.
- b) The budget allocation for CSO Section 64 contributions be adjusted during the quarterly budget financial review.

3. Conjola Regional Sewerage Scheme (CRSS) Update File 32134-02

RECOMMENDED that the report of the General Manager (Shoalhaven Water) regarding the Conjola Regional Sewerage Scheme (CRSS) update be received for information.

4. Lake Tabourie Sewerage Scheme Update File 34521

RECOMMENDED that the report of the General Manager (Shoalhaven Water) regarding the Lake Tabourie Sewerage Scheme update be received for information.

5. Recent Sewerage Incidents and Impact on Shoalhaven Oyster Growers File 4543-02

RECOMMENDED that Council:

- a) Fund additional sampling costs attributable to sewerage infrastructure failures up to a value of \$8,000 from unallocated Sewerage Fund
- b) Confirm its commitment to providing the Oyster Industry with any water quality tests results that have been carried out due to sewerage infrastructure failures
- c) Hold further discussions with relevant stakeholders to assess the option of adopting a “Clean Water Model” as proposed by the Oyster Industry
- d) Council support the launch of the Shoalhaven Oyster Inc. marketing and branding launch for 2008 to the amount of \$3,000.
- e) Provide a specific monitoring budget of \$15,000 per annum in future annual sewerage budgets as a contribution to the Oyster Quality Assurance Program for a trial period of 2 years to determine the effectiveness of the program.

REPORT OF THE CROWN RESERVE, COMMUNITY AND COMMERCIAL OPERATIONS COMMITTEE – TUESDAY 16TH OCTOBER 2007.

City Services and Operations

1. The Shoalhaven Entertainment Centre - Fees and Charges for Usage File 36595

RECOMMENDED that:

- a) Council adopt The Shoalhaven Entertainment Centre Fees and Charges for Usage as scheduled in:
- Attachment 2 – Recommended Fees and Charges for Hire of Centre
 - Attachment 3 – Equipment Hire List
- b) In accordance with Section 610F of the Local Government Act 1993, the proposed new Fees and Charges be advertised for the period of twenty eight (28) days and should no community objection be received, the Fees and Charges be implemented immediately thereafter;
- c) The report of the General Manager (City Services & Operations) regarding the Shoalhaven Entertainment Centre – Fees and Charges for Usage, form the basis of a Policy document for the operation of the new Shoalhaven Entertainment Centre.

2. The Shoalhaven Entertainment Centre - Provision of Catering Service File 35526

RECOMMENDED that:

- a) Council call for expressions of interest for;
- a) The operation of catering and/or bar functions for The Shoalhaven Entertainment Centre; and
- b) A possible onsite permanent catering service for The Shoalhaven Entertainment Centre
- b) A further report be submitted to Council on the outcome of the expressions of interest process.

3. The Shoalhaven Entertainment Centre - Budget Submission 2007/2008 File 36595

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding The Shoalhaven Entertainment Centre, budget submission 2007/2008 be received for information.

4. The Shoalhaven Entertainment Centre - 2008/2009 Financial Year Budget File 36595

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding The Shoalhaven Entertainment Centre – 2008/2009 financial year budget be received for information.

-
5. Ulladulla Leisure Centre Gymnasium - Request for Extension File 26762-08

RECOMMENDED that the General Manager (City Services & Operations) monitor the Ulladulla Leisure Centre Gymnasium patronage for a period of six months and submit a further report to Crown Reserve, Community and Commercial Operations Committee on the demand for the facilities.

6. Ulladulla Swim Club - Regional Country Championships File 26762-08

RECOMMENDED that Council charge a 50% concessional fee of \$750 per day to the Ulladulla Swim Club to host the NSW Regional Country Championships on 26-27th January 2008 at the Ulladulla Leisure Centre.

7. Mollymook Surf Club Upgrade File 14557 & 27979

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding the Mollymook Surf Club upgrade be received for information.

8. Shoalhaven City Council Bushcare Program Finalist in NSW State Landcare Awards File 1835-03

RECOMMENDED that approval be granted for the attendance of Council's Bushcare Co-Ordinator, Alasdair Stratton, to attend the NSW Landcare Awards and Ceremony and that he be authorised to nominate a Bushcare volunteer to also attend the Awards.

9. Southern Rivers Catchment Management Authority Biodiversity Program, Bush Incentives Bid Funding Offer for Council Reserve No. NCO168, Mt Coolangatta - Negotiations Between SCC staff and SRCMA staff. File 28894

RECOMMENDED that Council reject the grant offer of the Southern Rivers Catchment Management Authority to undertaken environmental improvement works within Mt Coolangatta Reserve unless a suitable biobanking arrangement can be entered into with relevant authorities.

Strategic Planning

10. Trial of Doggy Doo Dispensers - Callala Beach File 3220-06

RECOMMENDED that the report of the General Manager (Strategic Planning) regarding the Trial of Doggy Doo Dispensers at Callala Beach be received for information.

11. Dog Off-Leash Areas in Ulladulla and Districts File 3220-06

RECOMMENDED that

- a) Council endorse the advertising of the proposal to designate the beach north of the northern breakwater in Ulladulla Harbour as a 24 hour dog off-leash area;

-
- b) Council endorse the advertising of the proposal to designate Collers Beach, Mollymook as a dog off-leash area between the hours of 4pm and 8am; and
 - c) Feedback following the advertisement period is reported back to Council.

12. Northern Shoalhaven Leisure Centre File 13775

RECOMMENDED that the General Manager (Strategic Planning) further investigate the development of the Northern Shoalhaven Leisure Centre on the existing Bomaderry Aquatic Centre site or Bomaderry Artie Smith Oval and submit a further report to the Crown Reserve, Community and Commercial Operations Committee on constraints and opportunities.

13. Currarong Boat Launching Ramp File 4007-06

RECOMMENDED that in relation to the proposed upgrading of the Currarong Boat Launching Ramp:

- a) Council proceed with detailed design and lodgement of a development application for the boat launching proposal on the existing “high tide ramp” as originally proposed.
- b) The design incorporate a reduced turning circle and manoeuvring length.
- c) Results of the outcomes of Councils funding application to the NSW Maritime Infrastructure Program and the NSW Recreational Fishing Trust be reported back to a meeting of Council and any shortfall in funding be considered further at that time.

Finance and Corporate Services

14. Holiday Haven Tourist Parks - Capital Works Program File 36277

RECOMMENDED that the report of the General Manager (Finance and Corporate Services) regarding the Holiday Haven Tourist Parks Capital Works Program be received for information.

15. Currarong Beachside Tourist Park - Road Closure File 2699-02 & 3757-02

RECOMMENDED that

- a) Council resolve to transfer that section of Nowra Road, Currarong traversing the Reserve occupied by Currarong Beachside Tourist Park to the Department of Lands NSW under Section 150 of the Roads Act.
- b) Council contact the NSW Department of Lands seeking their formal consent to the transfer of the road as above.
- c) Council Gazette the transfer of the land to the Crown.

REPORT OF THE SHOALHAVEN SPORTS BOARD – MONDAY 8TH OCTOBER 2007

1. St Georges Basin Soccer Fields - Additional Sports Fields File 28705, 2253-02

RECOMMENDED that:

- a) Council fund design costs for the expansion of St Georges Basin Soccer Fields to the value of \$12,000.
- b) The funds be transferred from AREC Recoupment Reserve into job number 82202 (Forward Design - Strategic Planning / Parks & Reserves).

2. Proposed Park Naming - Lyrebird Sports Park Nowra File 5714-03

RECOMMENDED that Council adopt the name of Lyrebird Sports Park for the area comprising Lyrebird Park and the Wondalga Sporting Complex.

3. Shoalhaven Sports Board - Website Page File 26275

RECOMMENDED that Council endorse the layout of the Shoalhaven Sports Board – Website Page and staff continue with detailed work until finalisation.

4. Sporting Facilities Survey Final Analysis File 21682-03

RECOMMENDED that

- a) The report of the General Manager (Strategic Planning) concerning the Sporting Facilities Survey analysis be received for information
- b) The report be used as input to the development of the Sporting Facilities Strategy Plan 2007-2036.

5. Tennis Courts File 5270, 31367

RECOMMENDED that Council support the inclusion of tennis in the Voluntary Users Scheme and future budget allocations be increased by \$20,000 to cover the inclusion of tennis.

6. Sporting Facility Strategic Plan 2007-2036 File 21682-03

RECOMMENDED that

- a) Council adopt the guiding principles in the report as the basis of developing the Sporting Facilities Strategic Plan 2007 – 2036.
- b) Council adopt the recommended Regional and Citywide facilities proposals as presented to the Shoalhaven Sports Board.

**REPORT OF THE COUNCIL PROPERTY STEERING COMMITTEE – MONDAY
14TH OCTOBER 2007.**

1. Acquisition of Part of Lot 2 DP310005 Albert Street Berry for Carparking File 31530

RECOMMENDED that:

- a) Council resolve to acquire that part of Lot 2 DP310005 described as Lot 1 on the attached plan for \$30,000 (plus GST if applicable);
- b) The compensation payable, valuation and reasonable legal costs payable in accordance with the Land Acquisition (Just Terms Compensations) Act 1991 are to be funded from the Public Land Acquisition Fund;
- c) The common seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the General Manager is authorised to sign any documentations necessary to give effect to this resolution; and
- d) Following acquisition the land to be classified as operational pursuant to the Local Government Act 1993.

2. Northern Shoalhaven Multipurpose Indoor Sports Stadium - Expression of Interest File 30436-02

RECOMMENDED that Council proceed to enter into negotiations with Proponent C for the development and operation of the Shoalhaven Multi-Purpose Indoor Sports Stadium.

3. Council Owned Land – Scenic Drive, Nowra File 36768, 35919

RECOMMENDED that Council resolve to prepare a draft LEP amendment, in accordance with the provisions of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979, to reclassify to “operational” the land described as: Lot 5 DP262460, Lot C DP158196, Lot 1 DP738519, Lot 1 DP738518, Nowra Pool Site, Lot 28 DP36447 for the purpose of activating the riverfront precinct and facilitating development to provide a commercial/residential anchor point with links to the CBD.

REPORT OF THE SHOALHAVEN ARTS BOARD – THURSDAY 18TH OCTOBER 2007

1. Shoalhaven Eisteddfod File 2123-14
-

RECOMMENDED that the General Manager (City Services and Operations) write to the family of Helen Ring to seek permission for the use of their name for a certificate to be presented to a chosen school for participation in the Shoalhaven Eisteddfod.

2. Shoalhaven Literary Award – Request for Funding File 2123-14
-

RECOMMENDED that Council:

- a) Donate from the Shoalhaven Arts Board budget \$1,500 to the Fellowship of Australian Writers Shoalhaven in support of the Shoalhaven Literary Award 2008;
- b) Write to the Fellowship of Australian Writers Shoalhaven emphasising that applications need to be received within the given time period.

3. Arts Grants File 35609, 2123-14
-

RECOMMENDED that the Shoalhaven Arts Board endorse the procedures advised by the Berry Musicale Committee in regard to the execution of their grant monies to sponsor career development for young musicians.

4. The Shoalhaven Youth Orchestra Funding File 2123-14
-

RECOMMENDED that Council donate from the Shoalhaven Arts Board budget \$7,000 to the Shoalhaven Youth Orchestra to support their 2007-2008 programs of training and events

5. Additional Item – Christmas Cards File 2123-14
-

RECOMMENDED that Council endorse the Shoalhaven Arts Board's presentation of Christmas Cards to clients and grant recipients.

Ernie Royston
ACTING ASSISTANT GENERAL MANAGER

SHOALHAVEN TRAFFIC COMMITTEE – 16TH OCTOBER 2007

ORDINARY MEETING

TUESDAY, 30TH OCTOBER, 2007

REPORT OF THE CONVENOR

ITEMS FOR APPROVAL UNDER DELEGATED AUTHORITY

1. Signs - Road Safety - Intersection of Yallara Crescent and Maxwell Crescent, Sanctuary Point (PN 1934) File 1709-02
-

RECOMMENDED that:-

- a) The General Manager (Director Strategic Planning) be requested to arrange for the installation of double barrier centre linemarking and raised reflective pavement markers (RRPMs) in Yallara Cres for a distance of 20 metres north from the junction of Maxwell Cres and in Maxwell Crescent for a distance of 20 metres west of the junction of Yallara Cres, Sanctuary Point.
- b) The applicant be advised accordingly.

2. No Stopping Zone - Moss Street, Nowra (PN 1968) File 2636-02, 1707-02
-

RECOMMENDED that:-

- a) The General Manager (Director Strategic Planning) be requested to:-
- i) arrange for the existing No Stopping Zones located on the Northern side of Moss St, at the intersection of Brereton St, to be amended in accordance with diagram TRAF2007/20. and
 - ii) arrange for the replacement of the existing Give Way signs for vehicles in Brereton St at it's intersections with Moss St with Stop signs and associated hold line markings (TF) due to the lack of sight distance and to improve safety at this location.
- b) The applicant be advised accordingly

3. Road Safety - Laneway between Currambene & Hawke Streets, Huskisson (PN 2261) File 1695
-

RECOMMENDED that the General Manager (Director Strategic Planning) be requested to take all action necessary, including public consultation, to install One Way traffic flow (West to East) in the laneway connecting Hawke and Currambene Sts, Huskisson.

4. Additional Item – Sight Distance Deficiency – Host Place and Ford Street, Berry (PN 2274)

File 1664

RECOMMENDED that that the General Manager (Director Strategic Planning) be requested to arrange for the installation of double centre barrier (BB) Linemarking in Host Place, Berry in accordance with diagram TRAF 2007/21.

R Sutherland
CONVENOR/CHAIRPERSON

SHOALHAVEN TRAFFIC COMMITTEE – 16TH OCTOBER, 2007

INFORMATION REPORT

ORDINARY MEETING

MONDAY, 30TH OCTOBER, 2007

REPORT OF THE CONVENOR

ITEMS NOT REQUIRING APPROVAL UNDER DELEGATED AUTHORITY

1. Mollymook LATM (PN 1409) File 7814

RESOLVED on a MOTION of consent that the General Manager be advised that the Shoalhaven Traffic Committee has no objection to the layout including the proposed lines and signs for the Local Area Traffic Management Plan (LATM) incorporating Ocean St, Mollymook and as shown on Plan # 4487.23

2. Road Safety - Intersection of Hockeys Lane and Illaroo Road, Bangalee (PN 2275) File 1706

RESOLVED on a MOTION of consent that the General Manager (Director Strategic Planning) be requested to arrange for a review of the Centre Line marking on Illaroo Rd between Moondara Dr and Koloona Dr, Bangalee with a view to ensuring that the line marking meets the requirement of current guidelines and report back to a future meeting on any necessary changes to the line marking.

3. Additional Item – World Youth Day (PN 2280) File 2161-09

The Committee was advised that to coincide with World Youth Day, celebrated between 15 and 20 July 2008, a cross would be transported around Australia. The cross will be passing through the Shoalhaven area between 25 March and 5 April 2008.

Following discussions, Mr Benedetti advised that as this was a national event, an RTA coordinator (Mr Wayne Wilson) would be overseeing the preparation of traffic management plans to ensure smooth and safe management of the event, an RTA advisor would also be travelling with the group, and any local traffic issues will be discussed with Council prior to the event.

4. Additional Item – Flashing Lights at Schools (PN 1235) File 1948

Mr Benedetti advised the Committee that the RTA has announced it will be implementing a strategy to install flashing lights at 100 schools a year for the next four years across NSW. Priorities will need to be identified and Danny advised he will ensure Council is contacted soon to advise of local priorities for RTA's consideration.

RESOLVED on a MOTION of consent that the verbal report from the Roads and Traffic Authority in regard to the implementation of the strategy to install flashing lights at schools be received for information.

Mr Wells advised the Committee that today's meeting was the last that Danny Benedetti would be attending, following the appointment of Mrs Melanie Musgrove to the position of Local RTA representative (Road Safety and Traffic Engineering Officer – Shoalhaven LGA).

Members expressed their thanks for the effort Mr Benedetti had contributed to the Shoalhaven Traffic Committee meetings over the time of his membership.

R Sutherland
CONVENOR/CHAIRPERSON

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 30 OCTOBER 2007

STRATEGIC PLANNING

1. Grant Funding Offer for ALERT System Upgrade

File 2004

Reason for Report: To request Council acceptance of a grant offer of \$50,000 from the 2007-08 Natural Disaster Mitigation Programme (NDMP) to upgrade Council's ALERT system.

Background

Flood warning and the implementation of evacuation procedures by State Emergency Services (SES) are widely used throughout NSW to reduce flood damage and protect lives. A flood warning system is usually based on a series of stations or gauges which automatically record rainfall or river levels at upstream locations and telemeter the information to a central location.

The Bureau of Meteorology (BoM) is responsible for storm/rainfall predictions for the Shoalhaven. However, SES requires rain and stream gauge data long before an official warning by the Bureau is generally issued.

To cover a larger percentage of the City, Council's Floodplain Risk Management Plans for various catchments recommended the installation of additional gauges to connect into the existing system to benefit the Greenwell Point, Orient Point, Lake Conjola, Burrill Lake and Tabourie Lake areas.

The intent of the system is to provide timely warning to residents and visitors with the view that such information minimises the risk to life and property.

As such, Shoalhaven City Council applied for and received a grant of \$50,000 under the 2007-08 Natural Disaster Mitigation Programme (NDMP) to install the recommended new flood and rain gauges in the abovementioned areas. Telemetered systems are funded on a fifty-fifty each basis by the Commonwealth and State governments, subject to Council accepting responsibility for full maintenance and replacement costs in future.

RECOMMENDED that

- a) **Council accept the grant offer of \$50,000 from NDMP to upgrade Council's existing ALERT system;**
- b) **Council write to the Hon Jim Lloyd MP thanking him for the grant offer;**
- c) **The General Manager be authorised to sign all relevant contract documents to advance the project; and**

-
- d) **Future maintenance funding requirements be considered as required and included into future Flood Mitigation program budgets.**

E J Royston
DIRECTOR, STRATEGIC PLANNING

R D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 30 OCTOBER 2007

STRATEGIC PLANNING

1. Shaolin Temple Comberton Grange

File 33378

Reason For Report

This report is presented to provide Council with an update in relation to the development of the Shaolin Temple Complex in Shoalhaven and recommends that Council reaffirm the previous resolution to prepare a Draft Local Environmental Plan over the Comberton Grange Property, albeit for a different concept than previous.

- # Recent discussions between consultants for Shaolin, Conybeare Morrison International Pty Ltd and representatives of the Department of Planning has resulted in the attached correspondence being copied to Council (Attachment "A"). The correspondence essentially asks the consultants to adjust the proposal to conform with the South Coast Sensitive Urban Lands Review of October 2006.

The attachments to the correspondence provides additional detail and in respect of Requirements for a Rezoning –

“Having identified whether the site is located in a sensitive coastal location, please indicate whether the proposal requires a rezoning.

Recent amendments to the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2000 will prevent the Minister from approving project applications that are wholly or partly permissible development on a site that is in a ‘sensitive coastal location’ or ‘environmentally sensitive area of State significance’. Based on the information provided to date, it is understood that your development may be located in a ‘sensitive coastal location’, being potentially within 100m of the mean high water mark of the Currumbene Creek.”

Separate advice from the consultants and reiterated in the Department’s documentation indicates that it is necessary for Council to have a new Section 54 resolution to allow the matter to progress if within a sensitive coastal location. Because the detail of the project is still undermined it is recommended that Council resolve to prepare a Draft Local Environmental Plan over the site to allow for a tourist/residential development and associated facilities. This will then require Council to formally advise the Director General of the Department of Planning in accordance with Section 54 of the Environmental Planning and Assessment Act 1979. As the detail of the proposal evolves, the Draft Local Environmental Plan can be couched to meet an acceptable form of development.

Should the final concept be able to proceed under the current zone, although this appears unlikely, then the Draft Local Environmental Plan process can be discontinued.

RECOMMENDED that Council resolve to prepare a Draft Local Environmental Plan over Lots 59, 60, 61 DP 755928; Lot 4 DP 63405; Lot 1 DP725955 and Lot 1 DP 550098 at Comberton Grange for the purpose of a tourist/residential development and associated facilities.

E J Royston
ACTING ASSISTANT GENERAL MANAGER

REPORT OF THE GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 30TH OCTOBER 2007

FINANCE AND CORPORATE SERVICES

1. Pecuniary Interest Returns - 1st July 2006 to 30th June 2007

File 4063

Section 450 A of the Local Government Act states that Pecuniary Interest Returns lodged with the General Manager must be tabled at a meeting of the Council.

The lodgement date for returns covering the period 1st July 2006 to 30th June 2007 was 30th September 2007.

Persons with an obligation to lodge a pecuniary interest return by 30th September 2007 were:

Councillors

Clr Watson
Clr Kearney
Clr Kerr
Clr Finkernagel
Clr Young

Clr Anderson
Clr Ward
Clr McCrudden
Clr Rudd

Clr Bates
Clr Green
Clr Murphy
Clr Willmott

Staff

Rebecca Allen
Peter Aney
David Banwell
Allan Baptist
Megan Birmingham
Ian Borrowdale
Wayne Brighton
Emma Broomfield
Mark Buckland
Brett Carter
Marie-Louise Clark
Graham Clunas
Paul Collins
Patrick Corrigan
Richard Creasy
Michael Dale
John Drummond
Pierre Duparte
Darron Ellery
Glen Elliott

Clifford Harris
Ron Hasler
David Hojem
Roslyn Holmes
Jane Lewis
Kay Murray
David Paisley-Topp
William Paterson
Troy Punnett
Gary Thompson
Martin Uptis
David Wagstaff
Barry Adams
David Anderson
James Bonner
Phillip Britton
Alison Brooks
Troy Bryce
Robert Christlo
Alison Dalyell

Malcolm Dillon
Elizabeth Downing
Andrew Gibbes
Robert Goldspring
Jason Haig
Garon Irwin
Sandra Jones
Paul Kalanoski
Glendon Lee
Andrew Lissendon
Kelie Lowe
Guy Marchant
Peter Marczuk
Steve McDiarmid
Patrick McLoughlin
John Mion
Robert Moran
Ricahrd Murphie
Michael Musson
Warwick Papworth

Shane Pickering
John Price
David Pym
Jessica Rippon
Leon Rodwell
Robert Russell
Matthew Shannon
Michael Smith
Edo Smits
Trent Swan
Christopher Vince
Andrew Walters
William Wilson
Rob McLean
Tom Phillips
Greg Pullen
Kevin Sullivan
Leigh Wallace
Mathew Wright
Stephen Crerar
Peter Dun
Tim Fletcher
Neville Gordon
John Gould
John Lenehan
Russell Pigg

Ernest Royston
John Wells
Carl Beddoe
Tony Holmes
Ljupco Lazarevski
Wayne Beckenham
Martin Bergs
Gordon Clark
Chris Coates
Sharon Cooper
Robert Coulthart
Elizabeth Dixon
Cinnamon Dunsford
John Flett
Daniela Heubusch
Anisul Huq
Sang-Min Lee
Ray Massie
Brian Perry
Lila Sawko
Neil Southorn
Alan Stasiukynas
Robert Sutherland
Simon Welch

Scott Wells
Gary George
Gary Girdlestone
James Harris
Michael Harris
Eric Hollinger
Matthew Lennartz
Alex Love
Kevin Norwood
Greg Roberts
John Rushton
Michael Stanton
Greg Thompson
Wayne Willis
Deborah Ely
Richard Ballinger
Diana Falloon
George Windsor
Jennifer Mors

Returns have been completed and are tabled at this meeting for the persons listed above.

RECOMMENDED that the report of the General Manager regarding the Pecuniary Interest Returns lodged for the period of 1st July 2006 to 30th June 2007 be received for information.

2. Proposed Amendments to CCB Guidelines - Community Notice Boards File 1792-03

Council at its meeting on 28 August 2007 considered a report on the following proposed amendments to the Guidelines for CCB's regarding use of Community Notice Boards:

- *The underlying principle for Community Notice Boards is to promulgate matters of community interest as considered relevant by the local Community Consultative Body;*
- *Information placed on Community Notice Boards is for information dissemination that provides to the community a balanced view. For example, if there are contrary views that are published, both views are to be placed on the Notice Board, rather than only one point of view;*
- *Council advertisements may be placed on the Notice Board at the discretion of the Community Consultative Body.*

Council resolved to present the proposed amendments to the Guidelines for CCB's to Community Consultative Bodies for comment.

At the closing time, two written submissions were received supporting the proposed amendments.

RECOMMENDED that the amendments to the Guidelines for Community Consultative Bodies regarding the use of Community Notice Boards be adopted by Council.

3. Request for recognition as a Community Consultative Body - Bawley Point-Kioloa Ratepayers and Residents Association Inc File 1757

Council at its meeting on 28 August 2007 considered a report on the proposed recognition of the Bawley Point-Kioloa Ratepayers and Residents Association Inc as a Community Consultative Body and resolved as follows:

That Council authorize an advertisement in the local press inviting comment from local individuals or organisations on the proposal to recognize the Bawley Point–Kioloa Ratepayers and Residents Association Inc as a community Consultative Body for the Bawley Point Kioloa area.

There was one submission received to the proposal. Details of the submission and staff comments are as follows:

Why is one group singled out at their request and given a situation that is created as being “special” in respect to the remaining members of the community.

Staff Comment – Council recognizes CCB’s as peak advisory bodies and supports the concept of using such forums as a vehicle for community consultation to encourage local issues to be dealt with at a local level.

Why doesn’t Council seek representation from facility Management Committees in preference to the use of CCB’s?

Staff Comment – Management Committees are delegated care control and management of a particular facility with limited membership. By contrast, a CCB has unlimited membership and opinions can be discussed at the forums convened by CCB’s.

It is suggested that the matter be deferred as the group is only a few months old. If the organisation is going to put itself up as representing the community, then it should only be allowed to do so after it has gained the confidence of the community.

Staff Comment – The public meeting that supported this proposal was attended by 52 people that voted to re-establish the association and to seek to renew the role as a CCB for the Kioloa and Bawley Point area.

An undertaking has been given that the group will comply with the Guidelines for CCB's. There appears to be significant community support to the proposal.

RECOMMENDED that the Bawley Point-Kioloa Ratepayers and Residents Association Inc be recognized as a Community Consultative Body and that an annual allocation of \$400.00 be made available to the group upon submission of a formal request.

4. Review of Policy for Referring Matters to Community Justice Centre File 22119

Council in July 2001 adopted a policy for referring matters to the Community Justice Centre.

The policy and associated procedures have served the community well and have provided methods of resolution through mediation, rather than the legal avenue. Complaints dealt with by this mechanism are usually neighborhood complaints such as noise complaints and barking dogs.

The policy allows an option for resolution where either Council has previously attempted resolution without success or for matters that are outside the Council jurisdiction.

Following consultation with staff of the Community Justice Centre and Council staff, the policy in its present state does not require review. It is only proposed to amend the policy to meet the format of current policies and amend the procedures slightly to reflect recommendations from the Community Justice Centre. As it is an operational policy and as minor amendments are proposed it is not considered necessary to seek public comment to this policy.

A copy of the proposed policy is presented for information in the Attachments folder.

RECOMMENDED that Council adopt the Policy for Referring Matters to Community Justice Centre.

5. National Parks and Wildlife Service Regional Advisory Committee Nominations - Local Government Representation File 4043-02

The National Parks and Wildlife Service is seeking nominations from members of local communities to apply for membership to a regional advisory committee in the local area.

The role of the body is, as an advisory body, to achieve conservation outcomes by facilitating the development of co-operative, constructive and innovative relationships between the National Parks and Wildlife Service and local communities. This may include recommendations to the Minister for Climate Change Environment and Water.

The National Parks Act 1974 requires that applications can only be considered by persons having expertise and qualifications in Local Government

Under a Memorandum of Understanding between Department of Environment and Climate Change and the LGSA, Local Government representation on all regional advisory committees will be co-ordinated by the Local Government Association.

The term of appointment will be from 1 July 2008 until 30 June 2012.

It has been ascertained from the Association that it is not essential for a Local Government Representative to be a Councillor. If a Councillor seeking re-election was not elected at the September 2008 Council election, that person would be entitled to remain on this Committee.

Alternatively, a suitable applicant may be a staff member or someone with Local Government experience. However, the Association indicated it strongly prefers a sitting Councillor.

Travel and out of pocket expenses associated with this role will be provided for by the National Parks and Wildlife Service. Travel rates are those provided by official business rate provided to public servants.

SUBMITTED for consideration.

6. Proposed Community Consultative Body - Huskisson Chamber of Commerce and Tourism
File 1792-03

The Huskisson Chamber of Commerce and Tourism has requested that it be recognised as the formal consultative body for the business community of Huskisson and the Bay and Basin region.

In its submission, the Chamber recognises the Huskisson Woolamia Community Voice as the consultative body for the residents of the area, but submits that information for the business and tourism sectors would be better promulgated through the Chamber of Commerce and Tourism.

The Chamber has written to the Huskisson Woolamia Community Voice stating its position on any future partnerships as it does not consider the present consultative body is working in the best interests for the future success of the Huskisson business environment and surrounding areas.

The guidelines stipulate that Council shall only recognise one organisation as a Community Consultative Body over any geographic area. They also establish objectives for CCB's as being:

- To obtain information on behalf of the local community, information on local government issues relevant to the CCB area;
- To disseminate relevant information to residents and ratepayers within the CCB area;
- To facilitate discussion on and communicate to Council, the collective views of the community; and
- Encourage the involvement of residents and ratepayers in Council's decision making process.

In consideration of the above extracts from the guidelines, it is submitted that it is not appropriate for more than one Community Consultative Body to be recognised over a particular area. The group is to disseminate relevant information to interested residents and ratepayers and ascertain the collective views of the community. Establishing two Community Consultative Bodies in the one area would lead to opposing views being presented to Council.

It is further submitted that the role of a CCB is to provide Council with an accurate overall perspective of community views to assist in the decision making process. However in respect to the Ulladulla district, Council did give some recognition to the local Chamber when it approved the local CCB. Council did this by resolving as follows: *“(a) Council recognise the Ulladulla and Districts Community Forum as a Community Consultative Body for the Ulladulla and Mollymook area including Burrill Lake until such time as they wish to form their own Community Consultative Body;*

(b) The Southern Branch of the Shoalhaven Business Chamber be recognised as the primary consultative group in regard to business issues in the Ulladulla area”.

It is recommended that Council advise the Huskisson Chamber of Commerce that it will not be recognised as a Community Consultative Body for the reasons detailed in the report, however Council may wish to consider this as a similar situation to the Ulladulla and Districts Community Forum.

SUBMITTED for consideration.

7. Southern Phone Company Ltd

File 26805

Southern Phone Company, of which Shoalhaven City Council is a shareholder, has sent its' Annual Report for 2007 together with its notice for the Annual General Meeting to be held in Moruya on Monday 5th November 2007.

In summary the Company recorded a profit of \$216,677 for the financial year 2006/7 (2005/7 profit of \$96,421). This was generated based on a gross revenue of \$16.5m for telephony and \$117,000 on digital publishing.

The directors have recommended that a dividend totalling \$50,000 be paid to 42 shareholders. Council as a shareholder, will benefit from this dividend dispersal.

Annual General Meeting

As well as the statutory resolutions to accept the Annual Report etc four resolutions are to be put to the AGM. To consider and, if thought appropriate pass the following motions:

1. That Duesburys Nexia be reappointed as the company auditor for 2006-07.
2. That the company constitution on the calculation of the dividend for Redeemable Preference Shares be amended. The rationale of the resolution is that the current formula for dispersal of dividends is cumbersome. A recommendation is being made to amend the formula to reflect:
 - 20% of the dividend pool be distributed equally amongst the shareholders (42)
 - The remaining 80% of the dividend pool will be distributed amongst the shareholders proportionally to the income stream from the Local Government Area (by postcode) as occurred in the last quarterly billing period of the financial year.
3. That the maximum yearly aggregate sum for directors fees payable to the seven (7) directors by the Company be increased to \$100,000 from the present maximum of \$60,000.
4. That the A Class Ordinary Share number 32 issued to Sutherland Shire Council be cancelled.

It is recommended that all 4 motions be voted for in the affirmative.

RECOMMENDED that

- a) **that the report of the General Manager (Finance & Corporate Services) on the Southern Phone Company Ltd be received for information.**

-
- b) That an affirmative vote be delivered by proxy to the Chairman for each of the four (4) resolutions to be put at the 2007 Annual General Meeting.

8. 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 30th September 2007:

**RECORD OF INVESTMENTS
as at 30th September 2007**

TOTAL CASH AND INVESTMENTS

TOTAL CASH	1,028,925
TOTAL INVESTMENTS	126,588,550
	<u>127,617,475</u>

LESS CASH & INVESTMENTS HELD IN RELATION TO RESTRICTED ASSETS

LEAVE ENTITLEMENTS	5,669,446
WASTE DISPOSAL	2,994,087
STRATEGIC PROJECTS GENERAL	28,425,340
MULTI PURPOSE CULTURAL & CONVENTION CENTRE	7,648,999
OTHER INTERNAL RESERVES	4,376,135
SECTION 94	16,295,872
SECTION 94 LIABILITY RESERVE	2,999,910
TRUST	70,650
UNEXPENDED GRANTS	3,389,359
LOANS - GENERAL FUND	1,200,095
WORKCOVER GUARANTEE	4,304,000
SECTION 64 WASTE WATER	1,935,999
SEWER COMPENSATION	6,568
SEWER CONSTRUCTION WORKS	7,244,800
SECTION 64 WATER	3,351,759
WATER CONSTRUCTION WORKS	25,762,317
TOTAL RESTRICTED	<u>115,675,336</u>

UNRESTRICTED CASH AND INVESTMENTS

GENERAL	10,942,139
WATER	500,000
WASTE WATER	500,000
TOTAL UNRESTRICTED	<u>11,942,139</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.

RECOMMENDED that the Report of the General Manager (Finance & Corporate Services Group) on the Statement of Record of Investments for the period of 30th September 2007 be received for information.

Leigh Wallace

ACTING DIRECTOR, FINANCE & CORPORATE SERVICES GROUP

E J Royston

ACTING ASSISTANT GENERAL MANAGER

LEGAL DOCUMENTS

ORDINARY MEETING

TUESDAY 30 OCTOBER 2007

STRATEGIC PLANNING

1. **Consent of Council to Land Transfer RTA to Wheatley Lot 46 DP 792994, Princes Highway Yatte Yattah** **File 4221-03**
-

RECOMMENDED that the Council of Shoalhaven consent to the transfer of Lot 46 DP 792994 to Wheatley containing a covenant restricting access to the adjoining Princes Highway.

Note:

Upon sale of a portion of closed road, the RTA has stipulated that the Purchaser (Wheatley) enter into a covenant in favour of Council re access to the adjoining Highway. As Council is the beneficiary of the covenant, Council consent is required.

E J Royston
DIRECTOR, STRATEGIC PLANNING

R D Pigg
GENERAL MANAGER

LEGAL DOCUMENTS

ORDINARY MEETING

TUESDAY, 30TH OCTOBER 2007

DEVELOPMENT AND ENVIRONMENTAL SERVICES

1. Legal Document – Request for Release of Section 88B Restriction as to User – Lot 353 DP 778613, 869 Woodstock Road, Woodburn File SF5890

Reason for Report

A request has been made to release a Restriction as to User on the title of Lot 353 DP 778613, 869 Woodstock Road, Woodburn in relation to a building envelope, and access to the property. Council is the authority empowered to vary, release or modify this restriction.

Background

The lot was originally created in 1985 as part of a 3 lot rural subdivision (SF5890). (See **Attachment No 1 for location**). Condition 3 of the consent required:

“Creation of Restrictions as to User under Section 88B of the Conveyancing Act, as follows:

- a) *No vehicular access from Woodburn Road to proposed lots 351, 352 and 353 except at the areas indicated as building envelope*
- b) *No erection of buildings except within the areas indicated as building envelope”*

An approved dwelling and access already existed on Lot 353, and no building envelope was noted on the proposed plan of subdivision. Therefore the Restrictions as to User (RATU) was not in fact required for that lot, and should not have been included in this condition of consent.

Notwithstanding this anomaly on the consent, Restrictions as to User regarding the building envelope and access were placed on the 88B instrument for Lot 353, even though there is no building envelope shown on the deposited plan.

The owner of Lot 353 is now in the process of selling the land, however the purchasers have indicated they will not exchange contracts while the linen plan and 88B instrument give conflicting information.

At the owner’s request, the Subdivision Manager has researched the file and is supportive of releasing the RATU in this instance. Any application to develop the land further would be assessed pursuant to Section 79C of the Environmental Planning & Assessment Act, 1979, and it is therefore considered appropriate to release the Restrictions as requested.

The owner will be required to lodge a Section 96 application to rectify the anomaly in the consent. The release of the restrictions will be processed concurrently with the Section 96 application.

Conclusion

The applicant has lodged a request for Release of Restriction as to User form for Lot 353 DP 778613, Woodstock Road, Woodburn. The matter has been researched by the Subdivision Manager and it is considered appropriate to fulfil the applicant's request.

RECOMMENDED that the request to release the Section 88B Instrument for the Release of the Restriction as to User, the subject of this report over Lot 353 DP 778613, 869 Woodstock Road, Woodburn be executed under the seal of Council.

2. Legal Document – Request for Release of Section 88B Restriction as to User – Lot 3 DP 1084210, Currowar Lane, Yatte Yattah File SF7167

Reason for Report

A request has been made by the owner to release a restriction as to user on the title of Lot 3 DP 1084210, Currowar Lane, Yatte Yattah in relation to access to the property. Council is the authority empowered to vary, release or modify this restriction.

Background

The lot was originally created in SF7167 as part of a four lot rural subdivision. **(See Attachment No 1 for location)**. The conditions of consent for the subdivision did not require the identification of an access point to the proposed lot 3, however the linen plan for the first stage of the subdivision created an indented access point at the northern boundary of Lot 3 (marked (C) on the linen plan) which was intended to be a common access point with a future adjoining lot, to be created in a further stage of the subdivision. The 88B instrument listed a Restriction as to User (RATU) in Part 1 of the instrument, with Part 2 (Terms) stating **“No vehicular access to the land hereby burdened shall be permitted except at the constructed access point denoted (C) on the plan.”** The plan was released by Council on 29 April 2005 and subsequently registered with Land and Property Information Office (LPI).

The linen plan for the remaining two lots created in the subdivision (Lots 4 & 5 DP 1112703), was released from Council earlier this year (18 April 2007), and shows the adjoining lots with separate access points further to the north.

Research was undertaken by staff, after receiving an enquiry from Accor Building and Design on behalf of the owner of Lot 3. The research has revealed the RATU for access to Lot 3 was unnecessary, as a formed driveway already existed further to the south on lot 3. Correspondence received from the original surveyor of the subdivision has also confirmed this.

The applicant has now lodged a Release or Extinguishment of Restriction as to User form to delete such RATU from the 88B instrument..

Conclusion

The applicant has lodged a request for a release of a Restriction as to User for Lot 3 DP 1084210, Currowar Lane, Yatte Yattah. The matter has been researched and it is considered appropriate to fulfil the applicant's request by executing the submitted legal documents by being signed under the seal of Shoalhaven City Council.

RECOMMENDED that the request to modify the Section 88B Instrument for the Release of the Restriction as to User, the subject of this report over Lot 3 DP 1084210, Currowar Lane, Yatte Yattah be executed under the seal of Council.

Tim Fletcher

DIRECTOR DEVELOPMENT & ENVIRONMENTAL SERVICES GROUP

E J Royston

ACTING ASSISTANT GENERAL MANAGER

Confidential Business Paper Agenda

WORKS AND FINANCE COMMITTEE - 9TH OCTOBER, 2007

Item 1 Proposed 2 Lot Rural Subdivision for Kirkwood - 663 Sussex Inlet Road, Sussex Inlet. Settlement Offer to avoid further Land and Environment Court Action

Reason

Section 10A(2)(g) - advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

COUNCIL PROPERTY STEERING COMMITTEE - 15TH OCTOBER, 2007

Item 1 Sale of Council Land - 38-40 Owen Street and 3 Morton Street Huskisson

Reason

Section 10A(2)(g) - advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

Item 2 Council Owned Land - Scenic Drive, Nowra

Reason

Section 10A(2)(d)(i) - prejudice the commercial position of the person who supplied it

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, 30TH OCTOBER, 2007

1. Shoalhaven City Council Newspaper File 31362

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

RECOMMENDED that the General Manager provide a report on costings and other aspects of Council producing its own newspaper with the frequency of issue being approximately every two weeks (the week following each Council meeting) and the means of distribution being by delivery to every letterbox within the Shoalhaven Local Government area.

Signed
Clr J Anderson
Clr J McCrudden
Clr G Kearney
Clr Willmott
Clr J Kerr
Clr J Young
Clr G Watson
Clr R Rudd
Clr P Green
Clr R Bates
Clr P Murphy
Clr J Finkernagel

2. Crookhaven Headland File 1840-02

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

It is recommended that the General Manager (Community and Operations Group) prepare a report on the upgrade and maintenance of the Crookhaven Headland. Specifically, the report should address:

- a) **Action taken to clear and improve walking tracks and maintenance to lookout points,**
- b) **Possible sources of grant funding to upgrade the Crookhaven Lighthouse; and**
- c) **Appropriations in the quarterly review to bring forward works in the 2008/9 for Crookhaven Headland – tourist services (BBQs, tables and viewing area).**

-
- d) **That any report be supplemented with a motion requesting support from State and Federal Members of Parliament.**

Background

The Crookhaven Headland is currently in a depressing and dilapidated state. The Crookhaven Headland provides one of the most outstanding viewing locations in the Shoalhaven district however its surrounds do not currently compliment this very special Jewel in the Shoalhaven crown.

The upgrade and maintenance required to improve this area is not onerous but necessary to improve this important tourist asset. This upgrade would include limited clearing along walking tracks, fixing loose boards at lookout points as well as seeking further grant funding to upgrade the Crookhaven Heads lighthouse which is currently suffering from a lack of care and attention as well as graffiti which detracts from this important historical asset.

Works are also programmed in Management Plan out years which should be brought forward in order to progress the works as a matter of urgency.

Signed:

Clr G Ward

Clr J Kerr

3. Dog Off Leash Area in Berry

File 3220-06

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

It is recommended that the General Manager (Community and Operations Group) prepare a report to be considered by the Community and Operations Review Committee to expand dog off-leash areas in the Berry Township.

Background

I have received representations from Berry residents requesting that Council consider an expansion of dog off-leash facilities in Berry.

At present, there is a relatively small area set aside to allow dog off-leash activity in Berry along North Street (adjacent to the Berry Township Skate Park) However, resident dog owners have expressed concern that this area is too small.

Council is requested to support a motion to bring forward a report to seek and consider options on the possible expansion of existing facilities at this site and/or other locations.

Signed

Clr G Ward

4. **Immigration Comments - Clr P Green**

File 6577-02

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

RECOMMENDED that Council disassociate itself from comments previously made by Clr Green, the current Deputy Mayor, with regard to Muslim immigration.

Background

At the time the comments were made it was generally accepted that they were nothing more than the perhaps unfortunate view of an individual councillor. Since that time he has been elected by the Councillors of this Council as its Deputy Mayor. This would appear to some as an endorsement of his comments. This is an opportunity for each Councillor to register their disapproval (or otherwise) of those comments.

Signed
Clr J Anderson
Clr R Bates
Clr J Willmott