

SHOALHAVEN CITY COUNCIL

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

To be held on Tuesday, 25th September, 2007
Commencing at 4.00 pm

City Administrative Centre
Bridge Road
NOWRA NSW 2541

19th September, 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, 25th September, 2007 commencing at 4.00 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 - 28th August, 2007
- 4. Presentation of Petitions**
- 5. Mayoral Minute**
- 6. Report of the General Manager**
Policy and Planning Committee - 11th September, 2007
Works and Finance Committee - 11th September, 2007
Development Committee - 11th September, 2007
Shoalhaven Water Operations and Strategic Review Committee - 18th September, 2007
Crown Reserve, Community and Commercial Operations Committee - 18th September, 2007
Council Property Steering Committee - 10th September, 2007
- 7. Report of the Shoalhaven Traffic Committee - 18th September, 2007**
- 8. Report of the General Manager**
City Services & Operations
Strategic Planning
Finance & Corporate Services
Finance & Corporate Services / Assistant General Manager / City Services & Operations / Shoalhaven Water
- 9. Legal Documents**
Strategic Planning
Development & Environmental Services
- 10. Confidential Report of the General Manager**
Strategic Planning / Development & Environmental Services

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, 25TH SEPTEMBER, 2007

1. Asia Pacific Cities Summit

File 35019

I recently had the opportunity to attend the Asia Pacific Cities Summit in Brisbane. The Summit was established in 1996 and Brisbane has had the opportunity to host the event on three separate occasions. In 2005 Chongqing hosted the Summit when there were over nine hundred delegates from 127 Cities represented. In 2001 Seattle was the host City.

Brisbane has a large number of Sister Cities – eight in total and as a result, part of the Summit was dedicated to Sister City networking opportunities.

Brisbane City Council was the primary sponsor of the event which was also heavily supported by the Queensland Government with Premier Beattie sharing the opening podium with the Lord Mayor of Brisbane, Campbell Newman.

Much of the Summit was focused on sustainable Cities which included everything from environment to architecture. The Presenters at the various sessions ranged from private enterprise, academia and Government and covered topics such as industry, professional services, planning and infrastructure for sustainable Cities as well as information communication technology.

Bernard Salt from KPMG gave a very interesting presentation on the future of the technical workforce from a World-wide perspective. He indicated that Australia is producing sufficient technical people to be self-sustaining. The reason for this is because of Australia's inward migration programme. In Europe the reverse is the situation, where every Country has a short fall in the graduates needed by industry and commerce in the future. He even predicted that China would start to fall short on graduates about 2018 with India being one of the few countries producing surplus graduates. Salt went on to claim that India would continue to produce surplus graduates for the next one hundred years as a result of the high birth rate in that country. Because of the World-wide shortage of graduates Bernard Salt predicted that we would see globalisation of the labour market with people having technical qualifications from other countries actively competing in Australia. He said to some extent this is already happening as almost everyone would have a friend who has children who have employment overseas.

As most of you are aware, Brisbane City Council, is the largest Municipal Council in Australia and operates the widest range of services which including public transport.

The Lord Mayor, Campbell Newman, has been driving a programme aimed at achieving carbon neutral status for Brisbane. As a result of the programme Brisbane has almost achieved this objective. It is my opinion that this should be a goal which Shoalhaven City Council sets for itself. Council could set the objective of achieving carbon neutral status. It is my suggestion that when Council considers its next electricity contract that one of the options should be a 100% supply of green energy. In addition to this it would be appropriate for our staff to consider

reporting to Council on the potential of claiming carbon credits for the thousands of trees which are planted each year in the Shoalhaven area as well as other actions we could take to generate carbon credits.

RECOMMENDED that

- a) **the Report of the Asia Pacific Sister City Summit be received for information**
- b) **that Council include an all “green electricity” option in the tender documentation when we call new supply tenders next year**
- c) **the General Manager give consideration to the possibility of Council generating tradable carbon credits and report to Council on the options.**

2. Friendship Agreement with Coolamon Shire Council

File 26439

The number of Friendship Agreements between smaller rural Councils and larger regional or metropolitan Councils is growing and has been promoted and supported by the Department of Local Government, due to the positive and beneficial outcomes that can be achieved, not only for the Councils themselves, but also for the wider community.

Such Agreements already exist between –

- Bankstown and Broken Hill
- Randwick and Temora
- Penrith and Lachlan
- Sutherland and Harden

Coolamon Shire Council has approached Council to enter into a Friendship Agreement and the General Manager and myself recently met with Coolamon Mayor, Clr Robert Menzies and General Manager, Terrey Kiss, to further discuss the proposal.

It is thought that, in the short term, benefits could be obtained by sharing information and providing assistance between the Councils. Staff exchanges may be possible in the future, which would benefit the Councils and support staff personal development.

I can see that a Friendship Agreement could evolve into a broader community exchange between schools, sporting clubs, business and cultural groups and service clubs. The Jervis Bay Lions Club has already provided assistance to the smaller township of Ardlethan in Coolamon shire.

Attached to my report is a summary of goals and a draft Friendship Agreement for signing, if supported by Council.

Council may also give consideration to the appointment of a local Friendship Committee, the membership to comprise representatives of service clubs, sporting clubs, business, cultural and educational interests.

RECOMMENDED –

- a) **That Council establish and sign a Friendship Agreement with Coolamon Shire Council.**
- b) **That an appropriate “Signing Ceremony” be arranged and that the Minister for Local Government, the Hon Paul Lynch, MP, be invited to attend.**
- c) **That Council seek Expressions of Interest from community members to be appointed to a local Friendship Committee, with delegated authority to arrange exchanges and visits, to achieve the goals of the Friendship Agreement.**



Greg Watson,
Mayor.

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 25TH SEPTEMBER 2007

GENERAL MANAGER

POLICY AND PLANNING COMMITTEE – TUESDAY 11TH SEPTEMBER 2007

Shoalhaven tourism Board

1. Budget - Final Report 2006-2007 File 1490-07

RECOMMENDED that Shoalhaven City Council note and endorse the final budget result to 30th June, 2007.

2. Budget - 2007/2008 File 1490-07

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

3. Sydney Melbourne Coastal Drive File 3823-10

RECOMMENDED that Shoalhaven City Council through the Shoalhaven Tourism Board write to the South Coast Regional Tourism Organisation Inc expressing its concern over the cut in funding of the Sydney Melbourne Coastal Drive from Tourism New South Wales and from the lack of leadership being shown by Tourism New South Wales for this essential international program and request that the South Coast Regional Tourism Organisation Inc take up the matter with the Minister for Tourism Mr. Matt Brown MP, Member for Kiama.

4. Shoalhaven Marketing Program File 1011-02

RECOMMENDED that

- a) Shoalhaven City Council endorse the Tourism Manager's actions in booking the Print Program for the Shoalhaven Tourism Board, to date.
- b) The General Manager (Finance and Corporate Services) investigate other media sources for print marketing programs such as suburban newspapers and report to a subsequent meeting of the Tourism Board with a view to possible implementation in 2008/2009.

5. Regional Tourist Drives File 36572

RECOMMENDED that

- a) Shoalhaven City Council write to the Minister for Tourism, the Minister for Roads and the Minister for the Environment requesting that legislation be introduced to preserve the scenic values of Regional Tourist Drives.

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- b) Shoalhaven City Council request the South Coast Regional Tourism Organisation Inc to support the request that legislation be introduced to preserve the scenic values of Regional Tourist Drives.

General Manager

6. Code of Conduct - Conduct Committee Status Report File 31148

RECOMMENDED that the report of the General Manager regarding the Code of Conduct – Conduct Committee Status Report be received for information.

City Services and Operations

7. Naming of the Shoalhaven Multi Purpose Cultural and Convention Centre File 31436

RECOMMENDED that:

- a) The general community be asked to provide ideas for the naming of the Shoalhaven Multi Purpose Cultural Convention Centre;
- b) The General Manager to immediately advertise in the local media and write to all CCBs and schools in the area;
- c) Suggestions to be received no later that 5 October 2007 with a decision to be made at a Councillor Briefing and ratified at Council.

Strategic Planning

8. Nowra Bomaderry Structure Plan - Endorsement File 1028-05

RECOMMENDED that the matter of the Nowra Bomaderry Structure Plan to be deferred to Council's Ordinary Meeting of 25 September 2007 to allow for the receipt of further information addressing the various comments from the Department of Planning.

9. Draft Millards Creek, Ulladulla, Urban Stream Corridor Management Plan File 2879-03

RECOMMENDED that the

- a) Draft Millards Creek, Ulladulla, Urban Stream Corridor Management Plan be placed on public exhibition for public comment;
- 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; and
- d) A further report be submitted to Council following public exhibition.

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10. Draft Local Environmental Plan (LEP) No. LP 362 – part of Lot 11 DP 1104789 Dolphin Point Road, Dolphin Point File 29171-02
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RECOMMENDED that in regard to draft LEP No. LP 362 Council

- a) Adopt the plan as exhibited subject to any minor wording changes required by the Parliamentary Counsel, provided the meaning and intent is not changed; and
- b) Forward the draft LEP to the Department of Planning in accordance with Section 68 and 69 of the *Environmental Planning and Assessment Act 1979* requesting its gazettal.

11. Draft Plan of Management – Jerrawangala National Park and Parma Creek Nature Reserve File 36276
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RECOMMENDED that Council write to National Parks and Wildlife Service indicating that Council has no objection to the draft Plan of Management for Jerrawangala National Park and Parma Creek Nature Reserve provided that -

- a) Adequate consultation is undertaken with Aboriginal stakeholders and local walking clubs to ensure they have no objections;
- b) Council is kept advised of any re-alignment of the Two Rivers Walking Track as Council currently promotes the walking track via a series of brochures.
- c) Provision for Council's existing water main is retained.

12. State Environmental Planning Policy No 64 – (Advertising and Signage)(Amendment No 2) and Transport Corridor Outdoor Advertising and Signage Guidelines – Assessing Development Applications Under SEPP 64 File 2380
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RECOMMENDED that the Report of the General Manager (Strategic Planning Group) concerning the State Environmental Planning Policy No 64 – (Advertising and Signage)(Amendment No. 2) and Transport Corridor Outdoor Advertising and Signage Guidelines – Assessing Development Applications Under SEPP 64 be received for information.

Finance and Corporate Services

13. Code of Meeting Practice Review File 3798
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RECOMMENDED that the matter of the Code of Meeting Review be deferred pending a Councillor Briefing.

14. Council Members - Payment of Expenses and Provision of Facilities File 5141-02
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RECOMMENDED that the matter of Council Members - Payment of Expenses and Provision of Facilities be deferred pending a Councillor Briefing

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15. Financial Assistance Grant 2007/2008 File 36278

RECOMMENDED that

- a) The budgets for the General Purpose Component and Local Roads Component of the 2007/2008 Financial Assistance Grants be adjusted to reflect the actual amounts allocated by the NSW Local Government Grants Commission.
- b) The budget shortfall for the 2007/2008 Financial Assistance Grants of \$149,876 be funded from the 2006/2007 budget surplus which has been transferred to the Strategic Projects Reserve.

16. Draft Compliance Policy File 34946

RECOMMENDED that Council adopt the Compliance Policy as amended and shown in the attachments and it be published prominently on Council's webpage.

17. Jervis Bay Tourism and the Jervis Bay Plan File 11259-02

RECOMMENDED that Shoalhaven City Council commence legal action against Jervis Bay Tourism Inc to recover the \$3,300 (including GST).

Strategic Planning / Development and Environmental Services

18. Sustaining Our Shoalhaven Project - Assistance and Involvement Request File 33821

RECOMMENDED that

- a) That Council offer "in principle" support (non financial) to Timbercrete Pty Ltd to establish a consortia of local businesses to construct a Sustainable Show Home;
- b) Staff negotiate Councils practical involvement in the project and report back to Council;
- c) Council agree to a letter being sent to potential sponsors indicating Council's "In principle" support for this project as requested by Timbercrete Pty Ltd (see Attachment A).

Assistant General Manager / Finance & Corporate Services / City Services & Operations / Development & Environmental Services / Strategic Planning / Shoalhaven Water

19. Sustainable Energy Trial - Wind Turbines File 36545

RECOMMENDED that the matter of the Sustainable Energy Trial – Wind Turbines be deferred pending receipt of the financial arrangements from Private Parts Pty Ltd.

WORKS AND FINANCE COMMITTEE – TUESDAY 11TH SEPTEMBER 2007

Assistant General Manager

1. Funds for Community Groups - Disbursement File 35860

RECOMMENDED that:

- a) Council provide funding assistance to the following groups for minor improvements from the 2007/08 Funding for Community Groups allocation:
- | | | |
|------|--------------------------|---------|
| i) | Sussex Men's Shed | \$5,000 |
| ii) | Lyrebird Preschool Fence | \$3,000 |
| iii) | Basin Potters kiln | \$1,000 |
- b) A further report be submitted to Council on criteria for disbursement of funds for Community groups in future years.

City Services and Operations

2. Expansion of the Cigarette Butt Bin Program File 4375

RECOMMENDED that Council endorse the program for full implementation of the Cigarette Butt Bin Program.

3. Bugong Road Slip near Mt Scanzi - Sealing Request File 4499

RECOMMENDED that Council vote an amount of \$16,500 from Council's Strategic Projects Reserve for the sealing of the section of Bugong Road near Mt Scanzi that has recently been rehabilitated following a landslip.

4. Shoalhaven City Council Building Forecourt File 19996

RECOMMENDED that:

- a) Council upgrade the western forecourt of the Administrative building to match the new access road and pathways paving associated with the Shoalhaven Multi Purpose Cultural Convention Centre;
- b) The project be funded from Strategic Projects Reserve;
- c) Council call tenders for the replacement of the paving on the western forecourt of the Administration Building, Nowra.

5. Request for Waiver of Loan Repayment - Orient Point Community Pre-School Inc File 30349

RECOMMENDED that Council defer Orient Point Community Pre-School's loan repayment of \$2,000 for the year of 2007, but that the deferred sum remain as part of the Pre-School's loan liability to Council.

6. Nowra Gas Works Remediation File 36172-02

RECOMMENDED that:

- a) The report regarding Nowra Gas Works Remediation be received for information;
- b) Council vote \$1.2million from the Gasworks Land Decontamination Reserve to cover schedule of rates costs incurred to date on this project.

7. The Eleventh Indigenous Australian Engineering Summer School File 2696-07

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding the Eleventh Indigenous Australian Engineering Summer School be received for information.

Strategic Planning

8. Lease of Shop 39 Kinghorne Street, Nowra to Michelle Collison File 21738

RECOMMENDED that

- a) The Council of the City of Shoalhaven leases to Michelle Collison Shop 39 Kinghorne Street, Nowra for a term of three years with an option for a further three years at a rental of \$19,600 plus GST per annum;
- 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.

9. Emergency Management Training - Offer of Grant Funding File 32463

RECOMMENDED that

- a) Council accept and vote the grant funds of \$15,400 under the *Working Together to Manage Emergencies* – Local Grants Scheme, Emergency Management Australia for formal emergency management training for staff.
- b) Council write to the Attorney General, The Hon Philip Ruddock MP, accepting the grant and thanking him for the offer;
- c) Council write to Emergency Management Australia accepting the grant offer; and
- d) The General Manager be authorised to sign the relevant contract documents.

10. Accelerated Footpath & Cycleway Program 2007/08 File 35531

RECOMMENDED that:

- a) Council adopt Option 1 for the 2007/08 Accelerated Footpath & Cycleway Programs with the following adjustments:

-
- i) \$130,000 be provided for a shared path in Murramarang Road, Bawley Point from Malibu Drive to Voyager Crescent.
 - ii) MacGibbon Parade, Old Erowal Bay be substituted for Princes Highway, Nowra (Moss Street to Skatepark) as the lowest priority for 2007/08 and MacGibbon Parade have an allocation of \$34,000.
- b) Council review Footpath and Cycleway priorities for 2008/09 and 2009/10 in conjunction with the draft 2008 – 2011 Management Plan.

11. Grant Offer - Greenwell Point Boat Launching Ramp Improvements File 33920, 29107-02

RECOMMENDED that

- a) Council accept the funding offer of \$100,000 from the Commonwealth Recreational Fishing Grant Program for the upgrade of the Greenwell Point main foreshore Boat Launching Ramp and that matching funds of \$100,000 be provided in the 2008/09 year.
- b) The Federal Minister for Agriculture, Fisheries and Conservation, the Honourable Eric Abetz MP, be thanked for the grant and his support.

12. Road and Car Park Mowing and Landscape Maintenance File 4123

RECOMMENDED that the report of the General Manager (Strategic Planning) concerning road and car park mowing and landscape maintenance be received for information.

13. Replacement of Floodgates – Shoalhaven River Floodplain File 4355-06

RECOMMENDED that Council

- a) Support the upgrade of the floodgates as detailed in the report; and
- b) Write to Department of Primary Industries (DPI) accepting the offer under the following terms –
 - i) If the gates are unsuccessful DPI will reinstate the former gates at its cost
 - ii) There is to be no additional resource requirement from Council
 - iii) Property owners are responsible for checking, clearing and reporting of faults
 - iv) DPI is responsible for any weed related issues arising from changing the current structures.

14. Call for Comment - Licensing of Older Driver Discussion Paper File 34644

RECOMMENDED that the report of the General Manager (Strategic Planning) regarding Call for Comment – Licensing of Older Driver Discussion Paper be received for information.

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15. Lease to Ulladulla & District Community Resources Centre Inc. - Ulladulla Multi Purpose Centre
File 34026

RECOMMENDED that

- a) The Council of the City of Shoalhaven leases Building No. 1 at the Ulladulla Multi Purpose Centre, 78 St Vincent Street, Ulladulla to the Ulladulla & District Community Resources Centre Inc. for a term of 10 years at a rental of \$6,134 plus GST per annum;
- 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.

Note: A report to the Works & Finance Committee on 11th April, 2006 indicated that the current market rental is assessed at \$32,500 (+ GST) but due to grant funding the Ulladulla and Districts Community Resources Centre Inc was unable to pay more than \$6,000 (+ GST) per annum. Council adopted a \$6,000 (+GST) rental for a term of one year.

16. 2007/08 Footpath Replacement Program - Graham Street, Nowra File 36159 / 35531 / 35634

RECOMMENDED that Council adopt Option 5 and replace the footpath in Graham Street Nowra with coloured textured concrete, 2.5 metres wide and authorize commencement of works for the section from the Administrative Centre to McGrath Avenue.

17. Acquisition of Part Lot 10 DP 7169, 60 Owen Street, Huskisson File 9673

RECOMMENDED that

- a) Council resolves to acquire Lot 4 DP 1071010 for service access for an amount of \$25,000 plus GST, if applicable;
- b) The compensation payable and associated acquisition costs (including cost of relocating the presently existing cool room) be funded from the Public Land Acquisition Fund 2007/2008;
- 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;
- d) Lot 4 DP 1071010 to be classified as Operational Land following acquisition.

Finance and Corporate Services

18. Donation Request - Sussex Inlet and District Lions Club Inc. - Australia Day Citizenship Ceremony 2008 File 4033-06

RECOMMENDED that Council donate an amount of \$2,100 from the 2007/2008 Donations Vote to the Lions Club of Sussex Inlet and District to assist with the Sussex Inlet and District Citizenship Australia Day Ceremony 2007.

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19. Donation Request – Lions Club of Ulladulla Milton Inc. Australia Day 2008 Celebrations
File 4033-06
-

RECOMMENDED that Council donate an amount of \$8,000 from the 2007/2008 Donations Vote to the Lions Club of Ulladulla Milton Inc for Australia Day 2008 Celebrations.

Development and Environmental Services

20. Proposed Construction of Three (3) Single Storey Units, On-site Parking and Landscaping and Strata Subdivision. Lot 186 DP 1056358, 184 Anson Street, St Georges Basin. Applicant: Sarkis Charlie Moussa
File DA07/2054
-

RECOMMENDED that in relation to Development Application DA07/2054, Council refund the applicant a total of \$761.85, being 40% of the application fees.

Strategic Planning / City Services and Operations

21. 2007/08 Streetscape Program - Junction St, Nowra
File 17655
-

RECOMMENDED that Council authorise expenditure of \$4,000 to undertake urgent repairs to the existing path in Junction St from Kinghorne Ford to Nowra Lane.

22. Turpentine Rd - Upgrade & Sealing
File 36137, 1940
-

RECOMMENDED that

- a) Council allocate available Roads to Recovery 2 funds of \$520,000 and available Roads to Recovery Supplementary funds of \$38,587 (from North Durras Rd) to 'Turpentine Rd Upgrade & Seal' to give a total 2007/08 budget of \$1,758,587.
- b) Council vote and authorise expenditure by the Works & Services Section to upgrade and seal Turpentine Rd from CH 0.53km to CH 2.33km in an amount of \$700,000.

Strategic Planning / Development and Environmental Services

23. Nowra CBD Strategy - Stockland DA - Extent of Construction of Junction St
File 3961, 2537-09, DA05/3342-16
-

RECOMMENDED that

- a) Council endorse in principle the provision of the full formation of Junction Street in conjunction with works by Stockland.
- b) The General Manager (Strategic Planning) be requested to seek from Stockland a cost estimate to provide the additional works required, and report back to Council for consideration.

DEVELOPMENT COMMITTEE – TUESDAY 11TH SEPTEMBER 2007

Strategic Planning

1. Heritage Listing – 37 Beecroft Way (Lot 11 DP 755903), Currarong (Manson) File 1106-07

RECOMMENDED that Council, in conjunction with a future LEP, prepare an amendment to the Shoalhaven Heritage LEP to remove the property, 37 Beecroft Way (Lot 11 DP 755903), Currarong, from its Heritage listing.

Development & Environmental Services

2. Tourist Accommodation Design - Permanent Occupation File DA89/1389 and 17912

RECOMMENDED that Council revoke the Tourist Accommodation Design - Permanent Occupation Policy, as it has been replaced with DCP 63.

3. Addendum Report - Portions 92, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 148, 150, 151, 152, 153, 154 of the Parish of Burrawang; and Portions 225, 226, 227 and 334 of the Parish of Yarrawa; and Lot 4 DP 41685, Bunkers Hill Rd, Barrengarry. File SF8305

- # RECOMMENDED that the proposed stage two (2) of the rural subdivision submission for Portions 92, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 148, 150, 151, 152, 153, 154 of the Parish of Burrawang; and Portions 225, 226, 227 and 334 of the Parish of Yarrawa; and Lot 4 DP 41685, Bunkers Hill Rd, Barrengarry be approved subject to the conditions in Attachment E.

4. Proposed Two Lot Subdivision - Lot 12 DP 1064853, 110 Berry Street, Nowra. Owner: Farr Applicant: Watkinson Apperley Pty Ltd File SF9840

RECOMMENDED that the proposed 2 lot subdivision of Lot 12 DP 1064853, 110 Berry Street, Nowra, be approved subject to conditions of consent as outlined below:

General

1. This consent relates to the subdivision proposal as illustrated on the plans (Surveyor's reference 101909 and dated 19 April 1006) stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.
2. Creation of the proposed lots as per the approved plan.

Construction Certificate

3. A Construction Certificate must be obtained from Council before any subdivision works can commence.

Heritage

4. The following requirements shall be complied with:

-
- a) the timber prop clothesline shall be repaired and relocated in the same format to the south yard area of proposed Lot 1;
 - b) a photographic recording to be undertaken of the spatial inter-relationships and extant elements from the rear building line of *Hampden Villa* to the current property boundary, including but not exclusively the Barn, the prop clothes line and vegetation. Such recording is to be undertaken by a heritage practitioner having proven experience in heritage archival recordings and according to the NSW Heritage Office Guidelines to a minimum level of regional significance as set out in Schedule B of the Heritage Office publication entitled 'How to prepare Archival Records of heritage Items (1986)', and two copies are to be placed in Council's local studies library and Heritage Office Library;
 - c) In the event any artefact or relic is revealed during any works, all works to cease immediately, and an excavation permit is to be obtained;
 - d) Recycled materials from the barn to be retained and reused in any infill structures; and
 - e) Barn stone footings may be relocated to proposed lot 1 and used in interpretation of *Hampden Villa*.
5. An archaeological permit or exception to a permit may be required if excavation of land is proposed, (eg. re-routing of services, excavation for footings). Further information on archaeological requirements under the Heritage Act can be found on the Heritage Office website (www.heritage.nsw.gov.au) under the headings 'About Heritage' ~ 'Historical Archaeology' & Development'.
 6. If any artefact or 'relic' is revealed during any works, all works on the site must cease immediately and application be made to the NSW Heritage Office for an excavation permit in accordance with the NSW Heritage Act, 1977. No works what-so-ever are to continue until such a permit is obtained and a copy acknowledging receipt of the permit lodgement with the Council being publicly displayed on the Wilson street boundary for the duration of the works.

Utility Services

7. Utility services shall be provided, in accordance with the following:
 - a) The provision of underground electricity to service allotments in the proposed subdivision shall be in accordance with the requirements of Integral Energy and who are to confirm in writing that conditions of supply have been met;
 - b) The provision of telephone service to each lot to the requirements of Telstra; and
 - c) A Certificate of Compliance (CC) under Section 307 of Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance shall be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Development Application Notice and prior to the issue of an Occupation Certificate, Subdivision Certificate or Caravan Park Approval, as the case may be. In the event that development is to be completed in approved stages or application is subsequently made for staging of the development, separate Compliance Certificates shall be obtained for each stage of the development.

Where a Construction Certificate is required all conditions listed on the Shoalhaven Water Development Application Notice under the heading "PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE" must be complied with and accepted by Shoalhaven Water. The authority issuing the Construction Certificate for the

development shall obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued. This shall also apply to approved staged developments.

Note: Relevant details, including monetary contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water.

For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3111.

Construction Hours

8. To limit the impact of the development on adjoining owners, *all* construction work shall be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 3.00pm Saturdays. No construction work shall take place on Sundays or Public Holidays.

Engineering Conditions

9. An application under Section 138 of the Roads Act must be lodged with and approved by Council before any works within a road reserve can commence. Only Council can approve of such work under S138 of the Roads Act, 1993.
10. Roofwater drainage from the existing dwelling shall be connected to the existing street drainage system in Wilson Street. A plan certified by a registered surveyor showing these details shall be submitted prior to the issue of a subdivision certificate.

Restrictions

11. The following shall be created as restrictions-as-to-user under Section 88B of the Conveyancing Act.
 - a) No internal dividing fence between the 2 lots shall be erected, unless it is no higher than 1.2m, timber joinery framed with traditional unadorned timber palings;
 - b) No future development on proposed lot 1, unless:
 - i) Viewlines are to be protected and retained to the south, west and north gardens and street frontage of *Hampden Villa*;
 - ii) Artefacts from the demolished barn are safely housed and conserved in safe repository on proposed lot 1.
 - c) There shall be no infill building on proposed lot 2 unless it:
 - i) Is no higher than the existing *Hampden Villa* cottage roof ridge,
 - ii) Has a simple barn-like roof form, presentation and use of timber materials, and
 - iii) Is in accordance with the principles and schematic design Option 3 SK204-33-0 drawn by Robin Graham Architect, as reviewed by the NSW Heritage Office, including footprint location, site percentage, roof form, external wall and roof cladding materials, single car port and location and terrace areas.
 - iv) A maximum amount of material is reused/recycled from the demolished barn.
 - v) A landscape plan is submitted with any future development application.
 - d) No building shall be erected unless its roofwater is drained by gravity to the existing street drainage system.

- e) In preparing the Instrument setting out the terms of easements and restrictions affecting this land, ensure that such restrictions cannot be varied, modified or released without the consent of the necessary parties involved and without the consent of the Shoalhaven City Council, where appropriate.
- f) Except those required by Council, the final plan and associated instruments shall not contain restriction, that prohibit development allowed under the relevant environmental planning instruments applicable to the site.

Contributions for Additional Services and/or Facilities

12. This development will generate a need for additional services and/or facilities as described in Council's *Contributions Plan 1993*, as itemised in the following table.

Project	Description	Rate	Qty	Total	GST	GST Inc
01 AREC 0001	Tennis, Football,Cricket (Area 1)	\$2,205.42	1	\$2,205.42	\$0.00	\$2,205.42
01 AREC 0002	Basketball & Netball (Areas 1 & 2)	\$442.32	1	\$442.32	\$0.00	\$442.32
01 CFAC 0003	S94 CP AMENDMENT No.67: Community Centre Nowra Nowra District Community Centre	\$278.57	1	\$278.57	\$0.00	\$278.57
01 CFAC 0012	Nowra District Integrated Youth Services Centre	\$60.28	1	\$60.28	\$0.00	\$60.28
01 FIRE 0009	City Wide - fire control/state emergency services	\$32.38	1	\$32.38	\$0.00	\$32.38
CW AREC 0003	Hockey Facilities	\$285.11	1	\$285.11	\$0.00	\$285.11
CW CFAC 0001	Stage 1: Shoalhaven City Library Extensions	\$264.43	1	\$264.43	\$0.00	\$264.43
CW CFAC 0001	Stage 2: Shoalhaven City Arts Center	\$23.92	1	\$23.92	\$0.00	\$23.92
CW CFAC 0001	Stage 3: Shoalhaven Mobile Childrens Services	\$7.84	1	\$7.84	\$0.00	\$7.84
CW CFAC 0002	Shoalhaven Multi Purpose Cultural & Convention Centre	\$598.44	1	\$598.44	\$0.00	\$598.44
CW MGMT 2001	Section 94 Administration	\$398.10	1	\$398.10	\$0.00	\$398.10
CW OREC 0001	Embellishment of Icon and District Parks and Walking Tracks	\$153.32	1	\$153.32	\$0.00	\$153.32
MA CFAC 0001	Northern Shoalhaven Integrated Childrens Services	\$42.90	1	\$42.90	\$0.00	\$42.90
MA CFAC 0002	Northern Shoalhaven Community Transport and Family Support Services	\$12.29	1	\$12.29	\$0.00	\$12.29
Total						\$4,805.32

Contribution rates are adjusted annually on 1st July in accordance with the indexation formula indicated in the Contributions Plan (currently the implicit price deflator) and the total contribution levied will be adjusted accordingly at the time of payment. (ie contributions are calculated on the rate applicable at the date of payment, not the date of development consent.)

A total contribution, currently assessed at the sum of \$4,805.32 (i.e. 2007/2008 rate) or as indexed in future years shall be paid to Council before the issue of a Subdivision/Construction Certificate.

Contributions Plan 1993 may be inspected at the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.

Subdivision Certificate

13. The applicant shall submit 10 copies of the plan of survey to Council for their record prior to the issue of a Subdivision Certificate.
14. A Subdivision Certificate must be issued prior to lodgement of the Final Plan of Survey with the Land Property Information Office. Council must issue a Subdivision Certificate except where an environmental planning instrument provides that a Subdivision Certificate may be issued by an Accredited Certifier for a specified subdivision.

**SHOALHAVEN WATER OPERATIONS AND STRATEGIC REVIEW COMMITTEE -
TUESDAY, 18TH SEPTEMBER, 2007**

Shoalhaven Water

1. Sewer Main Failure Culburra Beach File 28464, 36624

RECOMMENDED that:

- a) Council vote \$170,000 from the Sewer Fund Accumulated Reserve to immediately replace 470m of 375mm diameter DICL pipe in the low lying area adjacent Curleys Bay
- b) Shoalhaven Water carry out further investigations of the 225mm diameter main from Greenwell Point to consider what further action may be needed.

2. Sewer Main Failure Jamieson Road North Nowra File 27428, 36623

RECOMMENDED that Shoalhaven Water carry out investigations on sewer rising mains in sensitive areas and determine the suitability of an early warning system to notify of system failures.

General Business

3. Additional Item - Oyster Growers Association - Partnerships File

RECOMMENDED that Council hold further discussions with the Oysters Growers Association on the possibility of partnership agreements with themselves, the Sydney Catchment Authority and any other authorities regarding water quality monitoring in the Shoalhaven River.

**CROWN RESERVE, COMMUNITY AND COMMERCIAL OPERATIONS COMMITTEE
- TUESDAY, 18TH SEPTEMBER, 2007**

City Services and Operations

1. Southern Rivers Catchment Management Authorities - Council Award File 1835-03

RECOMMENDED that the Council forward each Bushcare Group a letter thanking them for their volunteer contribution to managing and improving the Shoalhaven's bushland and other natural areas.

2. Comerong Island Ferry - Out of Water Survey File 3591-04

RECOMMENDED that the report of the General Manager (City Services and Operations regarding Comerong Island Ferry – Out of Water Survey be received for information.

3. Shoalhaven Heads Community Centre – World Disabled Archery Championships 2012
File 5460

RECOMMENDED that the hire fee of \$500 per week (indexed annually) for the total hire of the Shoalhaven Heads Community Centre be accepted and that these fees be publicly advertised for twenty eight (28) days in accordance with Section 610F of the Local Government Act 1993.

4. Aqua Natal Classes at Bay & Basin Leisure Centre File 26763-08

RECOMMENDED that Council trial the Aqua Natal Program at the Bay and Basin Leisure Centre for a period of 1 term (3 months).

5. Seasonal Pools - Length of Season File 2233, 5070, 24297, 29005, 29006, 29007, 30050, 31181

RECOMMENDED that the report of the General Manager (City Services & Operations) concerning Seasonal Pools – Length of Season be received for information.

6. Supervision at Sea Pools File 5070-03, 4410-12, 2233-06

RECOMMENDED that:

- a) The report of the General Manager (City Services & Operations) regarding the Supervision of Sea Pools be received for information;
- b) Council implement a variation of hours for the Huskisson and Ulladulla Sea Pools (within budget), at the discretion of staff, following further consultation with users.

Strategic Planning

7. Shoalhaven Public Open Space Plan File 12579

RECOMMENDED that:

-
- a) Council place the draft Shoalhaven Open Space Plan on public exhibition for 6 weeks comment;
 - b) The public exhibition include referral to all CCB's and placement on Council's internet site and in Public Libraries; and
 - c) A further report be provided on submissions received;
 - d) A report be submitted on the condition of vegetation growth and maintenance costson the following Council owned properties:
 - Ex Armco site - off Rockhill Road, North Nowra
 - Ex Mottrams Farm - Stonegarth Road, Mundamia
 - The Grotto - Yurunga Drive, North Nowra
 - Depot Farm - Depot Road, West Nowra

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

RECOMMENDED that the advertising of amendments to the current 'Access Areas for Dogs' Policy be deferred pending the submission of a report to a future meeting of the Crown Reserve Community and Commercial Operations Committee regarding threatened bird species within the area of the two beaches north/east of Rennies Beach, Ulladulla.

9. Lease to Milton Ulladulla Historical Society Inc. - Historic House, 275 Green Street, Ulladulla File 3581-02

RECOMMENDED that

- a) The Council of the City of Shoalhaven as Manager of the Ulladulla Heritage and Community (R700023) Reserve Trust for Heritage and Community Purposes leases the Historic House at 275 Green Street, Ulladulla to the Milton Ulladulla Historical Society Inc. for a term of five years at a rental of \$1,000 plus GST per annum with reviews at the end of second and fourth years on the basis of movements in the CPI;
- 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.

10. Callala Creek Bushland Reserve File 5714-03

RECOMMENDED that Council rename the public land between Callala Beach and Callala Bay and the foreshore reserve between Callala Creek and Callala Beach Fire Station as Callala Creek Bushland Reserve and advise the Callala Bushcare Group

Finance and Corporate Services

11. Huskisson Beach Tourist Resort Stage 1 Re-development Progress File 17887-05

RECOMMENDED that the report of the General Manager (Finance and Corporate Services) regarding Huskisson Beach Tourist Resort Stage 1 Re-development Progress be received for information.

Addendum Report - Strategic Planning

12. Lease to Southern Shoalhaven Zone Meals on Wheels Cooperative, Building 3 Ulladulla Multi Purpose Centre, 78-86 St Vincent Street, Ulladulla File 34028
-

RECOMMENDED that Council defer the matter of the lease over Building 3 of the Ulladulla Multi Purpose Centre pending a meeting with Council staff, the Southern Shoalhaven Zone Meals on Wheels and the Milton Ulladulla Meals on Wheels to clarify usage of the facilities and appropriate lease arrangements.

General Business

13. Additional Item - Congratulations to Natural Resources Staff File
-

RECOMMENDED that Council's Natural Resources staff be congratulated and thanked for their efforts in regard to the improvement works in the Bogey Hole locality, Ulladulla.

COUNCIL PROPERTY STEERING COMMITTEE – MONDAY 10TH SEPTEMBER 2007

1. Redevelopment Proposal for 16 Berry Street, Nowra (Betta Electrical) File 9864

RECOMMENDED that Council indicate to applicant of the redevelopment proposal at 16 Berry Street, Nowra, that Council will not support any proposal for a shop relying on access to the Egans Lane Car Park

2. Various Lands - Nowra Local Aboriginal Land Council File 19665

RECOMMENDED that

- a) Council proceed with a Legal Agreement with the Nowra Local Aboriginal Land Council to achieve the early resolution of the Land Claims 6379, 6380 and 6696 and securing the road easement for the proposed road at Falcon Crescent, North Nowra, and
- b) Council agree in principle to the proposal to prepare title plans for Aboriginal Land Claims 6379, 6380, 6696, 6383, 6384 for the purpose of negotiation and report back to Council.

3. Land Acquisition - Nowra CBD Traffic Strategy File 32364

RECOMMENDED that

- a) Council authorises the General Manager (Assistant General Manager) to commence negotiations with the Department of Education and Training to acquire part of Lot 1 DP1106524; part of Lot 3 DP23898 and part of Lot 2 DP16558 being a total area of 25,957m² approximately for road purposes in association with the Nowra Traffic and Transport Strategy.
- b) The compensation payable is to be determined in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 including the transfer of the Council land to the Department upon which the new sporting fields are to be constructed at the cost of Council.
- c) The initial costs of acquisition including valuation, legal and survey be funded from Job No 28616.

4. Mollymook Beach Hut Cafe - Redevelopment Proposal File 2406-02

RECOMMENDED that:

- a) The Council of the City of Shoalhaven as manager of the Mollymook Beach (R52790) Reserve Trust leases to Wayne and Susan Smith the Mollymook Beach Hut at Ocean Street, Mollymook being part of Reserve R52790 for a term of three years with two options each for a further three years;
- b) The Lease incorporates conditions requiring that the Lessees carry out refurbishment works as approved by Council to an estimated value of \$57,000 prior to re-commencement of business on site, subject to compliance with any conditions imposed by the development consent for the works and report back to Council;

-
- c) Rental is to be assessed at the current market rental, following a further valuation report, payable for the premises on completion of the works on the basis that all works remain the property of the tenant;
 - d) Rental is reviewed annually on the basis of movements in the Consumer Price Index with reviews to current market rental at the end of the third and sixth years;
 - e) 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.

5. Council Land - Lot 9 DP186813 North Street, Nowra File 35230

RECOMMENDED that the Committee resolve to inform Stockland Development Pty Ltd that Council relies on its resolution of 30 January 2007: The adopted recommendation being:

“RECOMMENDED that Council agrees to excising from Lot 9 DP186813 the land for road reserve required as part of the Brereton Street road extension, subject to all development issues relating to the developments proposed by LEDA and Stocklands in Nowra being resolved to Council’s satisfaction and that there be no cost to Council.”

6. Council Land - Lot 87 Anderson Lane, Berry File 29289-02

RECOMMENDED that Council:

- a) Authorise the General Manager (Assistant General Manager) to proceed to prepare a Local Environment Plan to classify the vacant land described as Lot 82 in Deposited Plan 48603 Berry to operational land in accordance also with the provisions of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979;
- b) Notify the proponents that Council is applying for reclassification of the land.

7. Milton Commercial Car Park - Lot 2 DP 872508 Princes Highway (behind IGA and Star Hotel) File 8973

RECOMMENDED that Council retain the land described as Lot 2, DP 872508 Princes Highway, Milton for possible future public use.

8. Proposed Transfer of Permissive Occupancy - Hellhole Quarry File 4916-02 & 9053

RECOMMENDED that Council submit a joint application with the owners of “Hellhole” Quarry to “transfer” the Permissive Occupancy.

9. Council Land - Lot B DP160491 Slaughterhouse Road, Milton File 31675 & 27796

RECOMMENDED that Council fence the cleared area on the eastern side of Council land, Lot B DP160491 Slaughterhouse Road, Milton, for use as a stockpiling depot and allow the residue to be used for agistment.

10. Proposed Land Acquisition and Section 94 Contribution Plan (Active Recreation) – Sanctuary Point File 21806-02, 28705

RECOMMENDED that

- a) Council resolve to not acquire the area of Lot 1 DP 522942 as included in Council's Section 94 Contribution Plan for active recreation purposes.
- b) The land owner be immediately informed of the outcome of point a) above.
- c) Negotiations continue in relation to any parts of Lot 1 DP 552942 required for Council purposes.

11. Sale of Industrial Land - Pricing File 1998-05; 13766-02, 5173-04

RECOMMENDED that:

- a) Council set the minimum prices for industrial sites at Yerriyong (AATP), Huskisson, and South Nowra as set out in the confidential attachment to the report.
- a) The General Manager be authorised to sign the Contracts for Sale of the industrial land at South Nowra, Huskisson, and Yerriyong based on a) above.
- b) The Transfers to complete the Contracts be executed under the Seal of Council.

R.D Pigg
GENERAL MANAGER

SHOALHAVEN TRAFFIC COMMITTEE – 18TH SEPTEMBER, 2007

ORDINARY MEETING

TUESDAY, 25TH SEPTEMBER, 2007

REPORT OF THE CONVENOR

ITEMS FOR APPROVAL UNDER DELEGATED AUTHORITY

1. Road Safety - Vincentia Public School - George Caley Place, Vincentia. (PN 741) File 18383, 10582
-

RECOMMENDED that the General Manager (Director Strategic Planning) be requested to arrange for the current parking restrictions in George Caley Place adjacent to the Vincentia Public School to be amended in accordance with diagram TRAF 2007/13.

2. Pedestrian Access and Safety - Boree Street Car Park, Ulladulla (PN 1678) File 3572
-

RECOMMENDED that the General Manager (Director Strategic Planning) be advised that the Shoalhaven Traffic Committee has no objection to the proposal to amend the current layout of the public car park located on the eastern side of Boree Street, Ulladulla including the installation of a defined pedestrian pathway in an easterly direction through the parking area leading from Boree Street and a Loading zone to be located on eastern side of the car park approximately at the mid point.

3. Traffic Facility - Green Street, Ulladulla (PN 1742) File 2633
-

RECOMMENDED that the General Manager (Director Strategic Planning) be advised that the Shoalhaven Traffic Committee has no object to the installation of a traffic facility (kerb blisters) on Green Street between Village Drive and Warden Street as shown on diagram TRAF 2007/15.

4. School Bus Zone - Walsh Crescent, North Nowra (PN 1952) File 6174
-

RECOMMENDED that the General Manager (Director Strategic Planning) be requested to amend the current parking restriction signage located adjacent to the entrance of Illaroo Road School in Walsh Crescent, North Nowra in accordance with diagram TRAF 2007/12 (ie reducing the length of the existing No Parking 8.00am-9.30am and 2.30pm-4.00pm School Days zone and installing a No Stopping and a No Stopping 8.00am-9.30am and 2.30pm-4.00pm School Days zone).

5. Traffic Facilities - Nowra Infants School, Osborne Street, Nowra (PN 2250) File 18377, 2617
-

RECOMMENDED that the General Manager (Director Strategic Planning Group) approve the proposed traffic facility (Childrens Crossing), linemarking and regulatory signs to be installed on Osborne Street, Nowra as per plan 4593-01 subject to technical detail.

6. Bus Zones - Shepherd Street, Mollymook (PN 2254)

File 2669, 2634

RECOMMENDED that:-

- a) The General Manager (Director Strategic Planning) be requested to arrange for the installation of bus zones, to operate at the times identified by the Bus Operators, in accordance with relevant guidelines on both sides of Shepherd Street at an appropriate location west of Wallace Street, Mollymook.
- b) The General Manager (Director Strategic Planning) be advised that the Shoalhaven Traffic Committee has identified the area immediately west of Wallace Street as a suitable site for the installation of pedestrian refuge and that formal design plans for this facility be referred back to a future Traffic Committee meeting for approval.
- c) Ulladulla Bus Lines be advised accordingly.

7. Give Way Sign - Intersection of Sutton and Frederick Streets, Vincentia (PN 2259)

File 1716

RECOMMENDED that:-

- a) The General Manager (Director Strategic Planning) be requested to arrange for the installation of a Stop (R1-1) sign and associated hold linemarking (TF/TB) for north bound vehicles on Sutton Street at its junction with Frederick Street, Vincentia due to the lack of adequate sight distance to the east of the junction.
- b) The letter writer be advised accordingly.

8. Drop-off/Pick-up zone - Nowra East Public School (PN 2263)

File 18376, 2636-02

RECOMMENDED that the General Manager (Director Strategic Planning) be requested to arrange for the western end of the current No Stopping zone adjacent to the entrance of Nowra East Public School to be amended to incorporate a No Parking zone (8.00am-9.30am & 2.30pm-4.00pm School Days) in accordance with diagram TRAF 2007/16.

9. School Traffic Zones – Time restrictions (PN 2264)

File 1948

RECOMMENDED that the General Manager (Director Strategic Planning) be requested to amend signage as required in school precincts throughout the City to provide uniformity with respect of time of operation as per the following:

- a) For traffic control devices at a school, the time restrictions (on school days as defined by the State Government) to be:
 - i) Morning 8:00 am to 9:30 am
 - ii) Afternoon 2:30 pm to 4:00 pm
- b) For all new signs the above hours are to be used in school zones.
- c) When existing signs are replaced due to damage or at the end of life the new signs should have the standard hours as stated above.

10. Bridge Load Limit - Willowglen Road, Barrengarry (PN 2268)

File 26129

RECOMMENDED that General Manager (Director City Services & Operations Group) be advised that the Shoalhaven Traffic Committee has no objection to the imposition of a 25 tonne load limit on the recently reconstructed timber bridge spanning Trimbles Creek on Willowglen Road, Barrengarry subject to:-

- a) The installation of regulatory signage (R6-3) at appropriate locations on both approaches to the bridge and advance signage (R6-3 & R7-2b) at the intersection of Willowglen Road and Moss Vale Road; and,
- b) Appropriate advertising of the load limit.

11. Car Park Layout – Worrigeer Street, Nowra (PN 2270)

File 17670

RECOMMENDED that the General Manager (Director Strategic Planning) be advised that the Shoalhaven Traffic Committee endorses the proposal to alter the layout of the car park bounded by Berry Street, Worrigeer Street and Lawrence Avenue, Nowra by changing the existing car park space markings to comply with Australian Standard – Parking Facilities – Part 1: Off-street Car Parking (AS 2890.1 – 1993).

R Sutherland
CONVENOR/CHAIRPERSON

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 25 SEPTEMBER, 2007

GENERAL MANAGER

1. Election of Deputy Mayor and Assistant Deputy Mayor for the Ensuring Year **File 3905**

Under the provisions of Section 231 of the Local Government Act 1993 the Councillors may elect a person from among their members to be the Deputy Mayor. A person may be elected for the Mayoral term or a shorter term.

Council at its meeting on 26th September 2006 elected Clr Murphy as Deputy Mayor for the period until September 2007 and Clr Young as Assistant Deputy Mayor for the period until September 2007.

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of the Mayor.

The method of election is as follows:

Returning Officer

The General Manager (or a person appointed by the General Manager) is the Returning Officer.

Nomination

- a) A Councillor may be nominated without notice for election as Deputy Mayor.
- b) The nomination is to be made in writing by two (2) or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- c) The nomination is to be delivered or sent to the Returning Officer.
- d) The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is held.

It would be appreciated if nominations could be in the hands of the Returning Officer by 2.00 pm on Tuesday 25th September 2007 to allow ballot papers to be prepared should there be more than one candidate and Council elects to proceed by preferential or ordinary ballot. However, this does not preclude nominations being lodged under part (a) above.

Election

- a) If only one Councillor is nominated, that Councillor is elected.

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- b) If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
 - c) The election is to be held at the Council meeting at which the Council resolves on the method of voting.
 - d) In this clause:
 - i) **Ballot** has its normal meaning of secret ballot;
 - ii) **Open voting** means voting by a show of hands or similar means.
 - e) In the event of an equal number of ballots being cast for the position of Deputy Mayor, the position shall be determined by draw. In the event of a draw the name drawn shall be the councillor appointed to the position.

Assistant Deputy Mayor

Council for the last six years has appointed an Assistant Deputy Mayor who may exercise the function of Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising the function of the Deputy Mayor.

SUBMITTED for election of Deputy Mayor and Assistant Deputy Mayor.

2. Ordinary Meeting - Order of Business

File 3910

The Local Government (Meetings) Regulations state that at a meeting of the Council (other than an Extra Ordinary meeting) the General Order of Business is such as the Council has fixed by resolution passed at any previous meeting or, if no such resolution has been passed, in accordance with any Code of Meeting Practice that the Council has adopted.

Council's Code of Meeting Practice states that "the Order of Business on the Agenda for Council and Committee Meetings be determined by the General Manager unless Council has made a determination by resolution".

Council at its meeting held on 26th September 2006 resolved that the order of business as follows be re-adopted:

- Prayer
- Australian National Anthem
- Apologies
- Confirmation of Minutes
- Mayoral Minute (A Mayoral Minute may be considered at any time in accordance with the regulations)
- Deputations
- Reports of Committees (including the Conduct Committee)
- Report of the General Manager
- Legal Documents
- Notices of Motion.

Council has adopted a procedure whereby priority can be given to those items of business of particular interest to members of the public present at the meeting.

Any business included in a confidential business paper is dealt with at the conclusion of the Open Council meeting

RECOMMENDED that the Ordinary Meeting order of business be re-adopted as follows:

Prayer

Australian National Anthem

Apologies

Confirmation of Minutes

Mayoral Minute (A Mayoral Minute may be considered at any time in accordance with the regulations)

Deputations

Reports of Committees (including the Conduct Committee)

Report of the General Manager

Legal Documents

Notices of Motion

Confidential Business Items

3. Determination of Regular Council Committees, Function and Election of Membership

File 1753

In accordance with the Local Government General Regulations 2005, a Council may appoint or elect such committees as it considers necessary.

Such a committee is to consist of The Mayor and such other Councillors as are elected by the Councillors or appointed by Council.

The quorum for a meeting of such a committee is to be:

- a) Such number of members as the Council decides; or
- b) If the Council has not decided a number – a majority of the members of the committee.

A Council must also specify the function of each of its committees when the committee is appointed or elected but may from time to time amend those functions.

The Chairperson of each committee of Council must be:

- a) The Mayor or;
- b) If the Mayor does not wish to be the Chairperson of the Committee – a member of the Committee elected by the Council or;
- c) If the Council does not elect such a member – a member of the committee elected by the Committee.

A Council may elect a member of a committee of the Council as Deputy Chairperson of the committee. If the Council does not elect a Deputy Chairperson of such a committee, the committee may elect a Deputy Chairperson.

If neither the Chairperson nor the Deputy Chairperson of a committee of a Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be the Acting Chairperson of the committee.

The Chairperson is to preside at a meeting of a committee of a Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the Acting Chairperson is to preside at the meeting.

Council at its meeting on 22nd February 2005 resolved to “confirm its long-standing practice of making the General Manager or his nominee an ex officio member of all committees and confirm the Local Government General Regulation by resolving to appoint the Mayor as an ex officio member of all committees”.

In order to facilitate the election of Chairperson and Deputy Chairperson for Council committees, if Council wishes to proceed in this manner, it will be desirable for the Mayor to identify the Committees which he wishes to chair.

Council has previously resolved that:

- a) Council establish the Regular Council Committees as follows:
 - i) Policy and Planning Committee
 - ii) Works and Finance Committee
 - iii) Development Committee
 - iv) Crown Reserve, Community and Commercial Operations Committee
 - v) Shoalhaven Water Operations and Strategic Review Committee.
- b) Council adopt the functions of the Regular Council Committees as follows:
 - i) Policy and Planning Committee

Functions

- a) To consider and recommend on matters dealing with major re-zoning/alterations and major town planning matters of a policy nature and to evaluate the implementation of such policies including reference to the planning and development of such areas, design, financing etc.
- b) To consider and recommend upon the sale of Council property or the purchase or resumption of land by Council where the estimated market value is \$100,000 or more. (Note: Council’s Property Steering Committee has a similar role)
- c) To oversee, review and recommend on all major matters relating to the collection and disposal of City garbage and refuse.
- d) To oversee, review and recommend on all matters relating to Council’s industrial development activities.
- e) To consider and recommend on major Council policies as may be referred to the Committee from time to time by the General Manager or other Committees of the Council.

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- f) To watch generally over the collection and expenditure of the Council's revenue and to report, from time to time, upon the different funds of the Council and to keep Council informed on whether the probable income of the fund will be sufficient to meet the probable expenditure of the Fund.
 - g) To consider and recommend upon the amount of Section 94 contributions to be levied on developments.

ii) Works and Finance Committee

Functions

- i) To make recommendations on the exercise of all powers vested in Council under any Statutes, By-Laws or Regulations affecting the construction, alteration or maintenance of roads, bridges, parks and reserves, flood mitigation, cemeteries, provision of plant and equipment, communications and safety, noxious weeds eradication, fire hazard reduction, emergency services, swimming pool operations or other works. (Note: Swimming pool operations have in recent years been referred to the Crown Reserve, Community and Commercial Operations Committee)
- ii) To recommend the construction of works within the sums voted by Council.
- iii) To make recommendations on the expenditure of funds raised under Section 94 of the Environmental Planning and Assessment Act.
- iv) To make recommendations on the source, availability and volume of revenue and the voting of funds and to oversee and review the obtaining and the collection thereof.
- v) To oversee, review and recommend on all matters relating to the promotion of tourism. (Note: In recent years this has been the role of the Tourism Board)
- vi) To oversee, review and recommend on Council's Statutory obligations and community needs, as affecting public health, buildings and community welfare and animal control.
- vii) To review and recommend to Council the sale prices of land in connection with residential and industrial Council subdivisions. (Note: In recent years this has been the role of the Property Steering Committee)
- viii) To consider and recommend to Council the sale of Council property or the purchase or resumption of land where the estimated market value is less than \$100,000. (Note: In recent years this has been the role of the Property Steering Committee)
- ix) To consider and recommend the introduction of new fees or charges or the alteration of existing fees and charges for inclusion in the next management plan.
- x) To consider and recommend on minor matters relating to the collection and disposal of City garbage and refuse.
- xi) To recommend to Council the acquisition of easements and compensation

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- xii) To recommend to Council the compensation to be offered in respect of land resumed by Council.
 - xiii) To review properties leased or rented by Council and make recommendations thereon.
 - xiv) To consider any special applications for the use of the Reception Room, where such applications are outside Council's policy.
 - xv) To authorise civic functions and arrangements associated with visits to the area by dignitaries. (Note: In recent years this has been dealt with by the Mayors Office)
 - xvi) To consider and recommend the acceptance or rejection of offers to transfer land to Council under Section 570 of the Local Government Act, 1993 in lieu of the payment of rates.

iii) Development Committee

Functions

- i) To deal with major variations to policy and determine policy guidelines where there are insufficient relevant policy guidelines to allow staff to proceed to determine a development application under delegated authority.
 - ii) To formulate and review policy guidelines for determining applications under delegated authority by staff.
 - iii) To prepare and review Development Control Plans and minor LEP's and to act as a Committee of Review when an application has been refused under delegated authority and an application for reconsideration has been made by an applicant.
 - iv) To deal with other matters which may be referred to the Committee by the General Manager or Council.

iv) Crown Reserve, Community and Commercial Operations Committee

Functions

- a) To monitor, review and develop matters of relevance in respect of the operations and strategic direction of council's Holiday Haven Tourist Parks Group.
- b) To monitor, review and develop matters of relevance in respect of the operations and strategic direction of Council's cemeteries/crematorium functions, aquatic recreation facilities, sporting and recreation facilities, parks and reserves, community facilities and commercial tenancies on Crown Land.
- c) To recommend to Council on all matters relating to the management and facilities provided on all Crown Reserve Trust Land where Council is the Trust Manager.

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- v) Shoalhaven Water Operations and Strategic Review Committee
- Functions*
- a) To provide corporate direction for the Shoalhaven Water Group to make recommendations on the exercise of powers vested in Council under any statutes or regulations affecting the construction, alteration or maintenance of water and sewerage works and effluent works and pump out removal.
 - b) To make recommendation on the expenditure funds raised under Section 64 of the Local Government Act 1993.
 - c) To develop and review strategic policies for water, sewerage and effluent operations.
- c) The membership of the Regular Council Committees as determined by Council at its meeting on 26th September 2006 is:
- i) Policy and Planning Committee – All Councillors, General Manager or his nominee.
 - ii) Works and Finance Committee – Clr Watson, Clr Finkernagel (Chairperson), Clr Anderson, Clr Kerr, Clr Bates, Clr Green, Clr Kearney, the General Manager (or nominee).
 - iii) Development Committee - Clr Watson, Clr Young (Chairperson), Clr Murphy, Clr Willmott, Clr Rudd, Clr Ward, Clr McCrudden, the General Manager (or nominee).
 - iv) Crown Reserve, Community and Commercial Operations Committee – Clr Watson, Clr Anderson (Chairperson), available Councillors, the General Manager (or nominee).
 - v) Shoalhaven Water Operations and Strategic Review Committee – Clr Watson (Chairperson), Clr Anderson, Clr Willmott, Clr Kerr, Clr Kearney, available Councillors, the General Manager (or nominee), Director Shoalhaven Water Group.
- d) The quorums for the Regular Council Committees be:
- i) Policy and Planning Committee – seven (7)
 - ii) Works and Finance Committee – three (3)
 - iii) Development Committee – three (3)
 - iv) Crown Reserve, Community and Commercial Operations Committee – three (3)
 - v) Shoalhaven Water Operations and Strategic Review Committee – two (2).

It should be noted that there is some duplication of functions under the Works and Finance Committee and the Crown Reserve, Community and Commercial Operations Committee relating to parks and reserves, swimming pools and cemeteries. Generally these matters would be referred to the Crown Reserve, Community and Commercial Operations Committee. It is also worth considering the role of other committees (e.g. Property Steering Committee, Alternative Waste Processing Technologies Working Group, and Advisory Committees) that now regularly report directly to Council rather than one of the five Regular Committees.

SUBMITTED for adoption subject to any amendments.

4. Determination of Date and Time of Regular Council Committee Meetings and Ordinary Meetings **File 3910**

Council at its meeting on 26th September 2006 resolved to hold its Regular Council Committee meetings and Ordinary Meetings as follows:

- a) On the second Tuesday of each month the following meetings be held:
 - i) 3.30 pm – Policy and Planning Committee
 - ii) 5.00 pm – Works and Finance Committee
 - iii) 5.00 pm – Development Committee
- b) On the third Tuesday of each month the following meetings be held:
 - i) 3.45 pm – 5.00 pm – Shoalhaven Water Operations and Strategic Review Committee
 - ii) 5.00 pm – 6.00 pm or at the conclusion of the Shoalhaven Water Operations and Strategic Review Committee – Crown Reserve, Community and Commercial Operations Committee
- c) On the 4th Tuesday of each month an Ordinary Meeting commencing at 4.00 pm be held and any urgent matters be reported direct to the Ordinary Meeting by the General Manager or as previously resolved by Council.

Note: In August 2007 Council resolved to adjourn the Ordinary meeting at 10.00 pm and reconvene the following day. Council may also want to consider whether the commencement time should be brought forward to 3.30 pm

Council has previously resolved:

- a) **Calling of Special Committee Meetings and Briefing Sessions:** the General Manager be authorised to call Special Meetings or Briefing Sessions for the Policy and Planning Committee, Works and Finance Committee and the Development Committee for the purpose of considering important and urgent business.
- b) **Commencement Time for Regular Council Committees:** the General Manager be authorised to make changes to the commencing time for the Regular Council Committees where appropriate.
- c) **Advisory Committees – Frequency of Meetings:** Advisory Committees to meet not more than quarterly subject to the General Manager, in consultation with the Chairperson, being authorised to call meetings on a more regular basis to consider urgent and/or important business.

Council’s Code of Meeting Practice states that “the Council shall, by resolution, set the time, date and place for the meeting cycle of ordinary and committee meetings in accordance with Section 365 of the Local Government Act 1993 (namely at least ten times each year, each time in a different month)”.

Clause 232 of the Local Government General Regulations 2005 requires Council to publish in a local newspaper the time and place of its meetings.

Meeting dates for October 2007 were set by Council at its meeting on 26th September 2006.

In recommending meeting dates the following has been taken into consideration:

- The public holidays in 2007 and 2008
- Council has traditionally not scheduled meetings over the Christmas/New Year period so as to provide a break in early January
- The Local Government & Shires Association Conference 20th-23rd October 2007
- The Australian Local Government General Assembly in Darwin on 26th – 29th November 2007
- The desirability of scheduling the Regular Council Committee Meetings and the Ordinary Meeting in different weeks
- Official closure over Christmas New Year /New year period

RECOMMENDED that Council adopt the following meeting dates for the period November 2007 to October 2008 and authorise the publication of an advertisement detailing times and venue of its meetings:

Tuesday 6 th November 2007	3.30 pm	Policy and Planning Committee
	4.30 pm	Extra Ordinary Meeting (if required)
	5.00 pm	Works and Finance Committee
	5.00 pm	Development Committee
Tuesday 13 th November 2007	3.45 pm	Shoalhaven Water Operations & Strategic Review Committee (SWO&SR Committee)
	5.00 pm – or at the conclusion of the SWO&SR Committee	Crown Reserve, Community & Commercial Operations Committee
Tuesday 20 th November 2007	4.00 pm	Ordinary Meeting
Tuesday 4 th December 2007	3.30 pm	Policy and Planning Committee
	4.30 pm	Extra Ordinary Meeting (if required)
	5.00 pm	Works and Finance Committee
	5.00 pm	Development Committee
Tuesday 11 th December 2007	3.45 pm	Shoalhaven Water Operations & Strategic Review Committee
	5.00 pm – or at the conclusion of the SWO&SR Committee	Crown Reserve, Community & Commercial Operations Committee
Tuesday 18 th December 2007	4.00 pm	Ordinary Meeting
Monday 21 st January 2008	3.45 pm	Shoalhaven Water Operations & Strategic Review Committee
	5.00 pm – or at the conclusion of the SWO&SR Committee	Crown Reserve, Community & Operations Committee
Tuesday 22 nd January 2008	3.30 pm	Policy and Planning Committee
	4.30 pm	Extra Ordinary Meeting (if required)
	5.00 pm	Works and Finance Committee
	5.00 pm	Development Committee
Tuesday 29 th January 2008	4.00 pm	Ordinary Meeting
Tuesday 12 th February 2008	3.30 pm	Policy and Planning Committee
	4.30 pm	Extra Ordinary Meeting (if required)
	5.00 pm	Works and Finance Committee
	5.00 pm	Development Committee
Tuesday	3.45 pm	Shoalhaven Water Operations & Strategic Review

19 th February 2008		Committee
	5.00 pm – or at the conclusion of the SWO&SR Committee	Crown Reserve, Community & Operations Committee
Tuesday 26 th February 2008	4.00 pm	Ordinary Meeting
Tuesday 11 th March 2008	3.30 pm	Policy and Planning Committee
	4.30 pm	Extra Ordinary Meeting (if required)
	5.00 pm	Works and Finance Committee
	5.00 pm	Development Committee
Tuesday 18 th March 2008	3.45 pm	Shoalhaven Water Operations & Strategic Review Committee
	5.00 pm – or at the conclusion of the SWO&SR Committee	Crown Reserve, Community & Operations Committee
Tuesday 25 th March 2008	4.00 pm	Ordinary Meeting
Tuesday 8 th April 2008	3.30 pm	Policy and Planning Committee
	4.30 pm	Extra Ordinary Meeting (if required)
	5.00 pm	Works and Finance Committee
	5.00 pm	Development Committee
Tuesday 15 th April 2008	3.45 pm	Shoalhaven Water Operations & Strategic Review Committee
	5.00 pm – or at the conclusion of the SWO&SR Committee	Crown Reserve, Community & Operations Committee
Tuesday 22 nd April 2008	4.00 pm	Ordinary Meeting
Tuesday 13 th May 2008	3.30 pm	Policy and Planning Committee
	4.30 pm	Extra Ordinary Meeting (if required)
	5.00 pm	Works and Finance Committee
	5.00 pm	Development Committee
Tuesday 20 th May 2008	3.45 pm	Shoalhaven Water Operations & Strategic Review Committee
	5.00 pm – or at the conclusion of the SWO&SR Committee	Crown Reserve, Community & Operations Committee
Tuesday 27 th May 2008	4.00 pm	Ordinary Meeting
Tuesday 10 th June 2008	3.30 pm	Policy and Planning Committee
	4.30 pm	Extra Ordinary Meeting (if required)
	5.00 pm	Works and Finance Committee
	5.00 pm	Development Committee
Tuesday 17 th June 2008	3.45 pm	Shoalhaven Water Operations & Strategic Review Committee
	5.00 pm – or at the conclusion of the SWO&SR Committee	Crown Reserve, Community & Operations Committee
Tuesday 24 th June 2008	4.00 pm	Ordinary Meeting
Tuesday 8 th July 2008	3.30 pm	Policy and Planning Committee
	4.40 pm	Extra Ordinary Meeting (if required)
	5.00 pm	Works and Finance Committee
	5.00 pm	Development Committee
Tuesday 15 th July 2008	3.45 pm	Shoalhaven Water Operations & Strategic Review Committee
	5.00 pm – or at the conclusion of the SWO&SR Committee	Crown Reserve, Community & Operations Committee
Tuesday 22 nd July 2008	4.00 pm	Ordinary Meeting
Tuesday 12 th August 2008	3.30 pm	Policy and Planning Committee
	4.30 pm	Extra Ordinary Meeting (if required)
	5.00 pm	Works and Finance Committee

	5.00 pm	Development Committee
Tuesday 19th August 2008	3.45 pm	Shoalhaven Water Operations & Strategic Review Committee
	5.00 pm – or at the conclusion of the SWO&SR Committee	Crown Reserve, Community & Operations Committee
Tuesday 26th August 2008	4.00 pm	Ordinary Meeting
Tuesday 9th September 2008	3.30 pm	Policy and Planning Committee
	4.30 pm	Extra Ordinary Meeting (if required)
	5.00 pm	Works and Finance Committee
	5.00 pm	Development Committee
Tuesday 16th September 2008	3.45 pm	Shoalhaven Water Operations & Strategic Review Committee
	5.00 pm – or at the conclusion of the SWO&SR Committee	Crown Reserve, Community & Operations Committee
Tuesday 23rd September 2008	4.00 pm	Ordinary Meeting
Tuesday 14th October 2008	3.30 pm	Policy and Planning Committee
	4.30 pm	Extra Ordinary Meeting (if required)
	5.00 pm	Works and Finance Committee
	5.00 pm	Development Committee
Tuesday 21st October 2008	3.45 pm	Shoalhaven Water Operations & Strategic Review Committee
	5.00 pm – or at the conclusion of the SWO&SR Committee	Crown Reserve, Community & Operations Committee
Tuesday 28th October 2008	4.00 pm	Ordinary Meeting

5. Council Committees

File 1753, 1229

Council currently has the following committees:

- a) Regular Council Committees - 1753
 - Policy and Planning Committee
 - Works and Finance Committee
 - Development Committee
 - Crown Reserve, Community and Commercial Operations Committee
 - Shoalhaven Water Operations and Strategic Operations Committee
- b) Committees With Delegated Authority (Refer to delegations in the next item)
 - Conduct Committee - 31148
 - Senior Staff Contractual Matters Committee - 5001
 - Shoalhaven Arts Board - 2123-14
 - Shoalhaven City Mayor's Relief Fund - 3926
 - South Coast Co-operative Library Services – 3934
- c) The Rural Fire Service Strategic Planning Committee – 1227
- d) Special Interest Groups
 - Aboriginal Advisory Committee - 1209
 - Alternative Waste Processing Technologies Working Party - 31133

Bomaderry Shopping Centre and Railway Precinct Working Party – 30100
Caravan Park Flood Safety Study Project Steering Committee - 35734
Council Property Steering Committee - 30977
Council Property Steering Sub-Committee – 30977
Executive Marina Review Committee - 1451-02
Industrial Development and Employment Committee (IDEC) – 1220-02
Nowra Skate Park Advisory Committee - 35337
Rating Working Party – 2973-02
Rental Policy Working Party - 28029
Shoalhaven Access Advisory Committee – 1228-02
Shoalhaven Multi Purpose Cultural Convention Centre Project Control Group (Working Group of Council Property Steering Sub-Committee) – 30977
Shoalhaven Sports Board - 12623-05
Shoalhaven Tourism Board - 1490-07
Skills Development Initiative Working Party - 31531
Tourism Development Committee – 1080-02
Ulladulla Town Centre DCP No. 56 Amendment No.3 Interim Floor Space and Height Controls Working Party (Ulladulla DCP 56 Review Working Party) - 34759
Youth Advisory Committee – 1506-04

e) Natural Resource and Floodplain Management Committees

Central Shoalhaven Natural Resource and Floodplain Management Committee - 30568
Coastal Management Committee - 30573
Far South Shoalhaven Natural Resource and Floodplain Management Committee - 30570
Jervis Bay Floodplain Management Committee - 30572
Shoalhaven River Natural Resource and Floodplain Management Committee - 30567
Southern Shoalhaven Natural Resource and Floodplain Management Committee - 30569
Ulladulla Harbour and Millards Creek Natural Resource and Floodplain Management Committee - 30571

Casting Vote

Council has previously resolved and the Code of Meeting Practice provides that the Chairperson of the following committees be given a casting vote on motions where the voting is equal:

- Committee of the Whole Council
- Policy and Planning Committee
- Works and Finance Committee
- Development Committee
- Crown Reserve, Community and Commercial Operations Committee
- Shoalhaven Water Operations and Strategic Review Committee

Council Committees – Mayor and General Manager Appointed

Council has previously resolved that the Mayor and the General Manager (or his nominee) be appointed as ex officio members of all Committees.

Quorums

Council has previously resolved that the quorum for the advisory committees of Council shall be one third of the specifically named members of the Committee excluding for the purpose of calculating the quorum available Councillors and the General Manager.

Introduction of Additional Items at Council Committee Meetings

Council has previously resolved that:

- a) Councillors endeavour as far as possible, to provide advance notice of any business they wish to have considered at a meeting of Council or a Committee of Council.
- b) Advance notice of business to be by:
 - i) Notice of Motion to an Ordinary Meeting of Council where this is appropriate, or
 - ii) Details of the item together with any relevant background to be given to the General Manager prior to the commencement of the meeting for circulation to all Councillors, or
 - iii) Where it is not practical to provide details to the General Manager prior to the meeting the matter be raised verbally at the commencement of the meeting on the basis that it will be considered following completion of other business by the Committee.
- c) Those matters which do not require a resolution of Council should be directed to the relevant staff.

Meeting Attendance

All Councillors have the right to attend any of Council's Committees or Boards regardless of whether they are a member and whether the Committee or Board members consist of all Councillors or include staff or external members. Those Councillors who attend and are not members are entitled to speak not but not vote on the matter

All Committees and Boards should be open to the press and public with agendas made available, immediately prior to commencement of a meeting, upon request. Confidential items should be placed in a "confidential agenda" and treated the same way as for Council's Ordinary meeting and Regular Committees.

Deputations to Committee Meetings

- a) Deputations will only be permitted to the Committees of Council and must relate to business before the Committee.
- b) Only one speaker is permitted to address Council both for and against each proposal except in the event of extenuating circumstances.
- c) An individual or representative group is only permitted to address a committee on one occasion in respect of an issue except where the Committee resolves otherwise on the basis of new material being presented to the Committee in respect of the matter and the person or representative group wishes to comment in respect of that new material.

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- d) The Committee Chairperson is authorised to grant approval for individuals or representatives of organisations to address a committee meeting of Council where such request is received prior to issuing the Notice of Meeting to members of the Committee.
 - e) Where requests are received for a deputation after the issue of the Notice of Meeting they will be dealt with in accordance with this Policy except such requests for deputations may be declined when it is considered time will not permit the matter to be heard.
 - f) Deputations approved by the Committee Chairperson will be listed as an item of business on the Notice of meeting. If the Chairperson approves a deputation after the Notice of Meeting has been distributed, the Chairman shall notify the Executive Support Section staff who shall notify the General Manager and Directors. If new items are presented to the Committee and staff cannot address those items to the satisfaction of the Committee, staff shall be entitled to comment to Councillors on those new items raised only before the matter is considered by Council.
 - g) Where more than one request is received to address a Committee either for or against a proposal, the individuals and/or groups involved will be encouraged to appoint one representative to present their submission.
 - h) Where more than one person is granted permission to address a committee on the same issue every endeavour will be made to ensure that the information being presented by the different people cover different aspects of the proposal and there is not an unnecessary repetition of the same argument.
 - i) Where requests are received from individuals or representative organisations to address a committee on more than one occasion in respect of the same issue, permission will only be granted where new material is being presented to the Committee in respect of the proposal and the deputation relates to this new material.
 - j) Where an individual or organisation is granted permission to address a committee they be informed that: -
 1. Maximum time permitted is five (5) minutes.
 2. One main spokesperson is to be nominated to address the Committee.
 3. Comments which may cast reflection on any organisation or individual are to be avoided as these comments can be regarded as public statements.

Deputations to Council Meetings

Council may permit a deputation on any item before Council which has not been previously considered by a Committee where for reasons such as delay, it is undesirable to refer the matter back to a Regular Council Committee. And further that:

- a) These deputations be limited to five minutes duration with one speaker in favour and one against.
- b) Requests for deputations must be made to the Mayor or General Manager no later than 12 noon on the day of the Ordinary meeting.
- c) If the Mayor or General Manager as the case may be approves a deputation as provided for in this clause, notification is to be given to the Executive Support Staff who shall notify Group Directors.

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- d) If new issues are introduced at that deputation, the matter is not to be considered by Council at that meeting unless those issues are of a minor nature and staff can clarify those issues at the meeting. If the issues are significant, and cannot be clarified, the matter is to be deferred to the next available meeting to allow staff sufficient time to consider and report on the matters raised in the deputation. If the Council and responsible Director agree that no new matters are raised in the deputation, the item may be considered at that meeting.

Delegation of Authority and Declaration of Pecuniary Interest

Section 441 of the Local Government Act states that a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's function under this or any under Act (such as regulatory functions or contractual functions) that, **in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.** Members of such committees who have a pecuniary interest in any matter before the committee are required to disclose that interest and must leave the meeting during discussion and voting on the item.

Previously the Shoalhaven Tourism Board and the Shoalhaven Arts Board were granted delegated authority but some members had raised objection to the depth of personal details that were required in their 'Declaration of Interest' forms. Therefore Council withdrew the delegated authority and modified the purpose of the Boards so that they would act in an advisory capacity to the General Manager and Council, eliminating the need for members of these Boards to complete 'Declaration of Interest' forms and declare any pecuniary interest at Board meetings.

Recently the Shoalhaven Arts Board requested they be granted Delegated Authority again and at Council's meeting of 28 August 2007 it was resolved that:

- a) *Council approve the delegation of authority to the Shoalhaven Arts Board as follows: The Shoalhaven Arts Board only has authority to act on Arts matters and in regard to Arts development and promotion matters the Board, when acting on those matters, acts as if it was Council and is able to commit expenditure up to its budget limit.*
- b) *The delegation remain subject to all community members completing a Pecuniary Interest return in July each year and*
- c) *The delegation cease in the event that returns of all members are not completed and returned to the Executive Support area by 30 September each year.*

The following Council committees have delegated authority and also have members who are not Councillors or designated persons under Section 441 of the Local Government Act 1993:

- Conduct Committee
- Senior Staff Contractual Matters Committee
- Shoalhaven Arts Board
- Shoalhaven City Mayor's Relief Fund
- South Coast Co-operative Library Services

RECOMMENDED that:

a) Regular Council Committees

Council retain the following Regular Council Committees:

- i) Policy and Planning Committee**
- ii) Works and Finance Committee**
- iii) Development Committee**
- iv) Crown Reserve, Community and Commercial Operations Committee**
- v) Shoalhaven Water Operations and Strategic Review Committee**

b) Committees With Delegated Authority

Council retain the following Committees With Delegated Authority:

- i) Conduct Committee - 31148**
- ii) Senior Staff Contractual Matters Committee – 5001**
- iii) Shoalhaven Arts Board – 2123-14**
- iv) Shoalhaven City Mayor’s Relief Fund - 3926**
- v) South Coast Co-operative Library Services - 3934**

c) The Rural Fire Service Strategic Planning Committee

Council retain the Rural Fire Service Strategic Planning Committee – 1227

d) Special Interest Groups

Council retain the following Special Interest Groups:

- i) Aboriginal Advisory Committee – 1209**
- ii) Alternative Waste Processing Technologies Working Party - 31133**
- iii) Bomaderry Shopping Centre and Railway Precinct Working Party – 30100**
- iv) Caravan Park Flood Safety Study Project Steering Committee - 35734**
- v) Council Property Steering Committee – 30977**
- vi) Council Property Steering Sub-Committee – 30977**
- vii) Executive Marina Review Committee - 1451-02**
- viii) Industrial Development and Employment Committee (IDEC) – 1220-02**
- ix) Nowra Skate Park Advisory Committee - 35337**
- x) Rating Working Party – 2973-02**
- xi) Rental Policy Working Party - 28029**

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- xii) Shoalhaven Access Advisory Committee – 1228-02
 - xiii) Shoalhaven Multi Purpose Cultural Convention Centre Project Control Group (Working Group of Council Property Steering Sub-Committee) – 30977
 - xiv) Shoalhaven Spots Board – 12623-05
 - xv) Shoalhaven Tourism Board - 1490-07
 - xvi) Skills Development Initiative Working Party - 31531
 - xvii) Tourism Development Committee – 1080-02
 - xviii) Ulladulla Town Centre DCP No. 56 Amendment No.3 Interim Floor Space & Height Controls Working Party - 34759
 - xix) Youth Advisory Committee – 1506-04
- e) **Natural Resource and Floodplain Management Committees**
- Council retain the following Natural Resource and Floodplain Management Committees:
- i) Central Shoalhaven Natural Resource and Floodplain Management Committee - 30568
 - ii) Coastal Management Committee - 30573
 - iii) Far South Shoalhaven Natural Resource and Floodplain Management Committee - 30570
 - iv) Jervis Bay Floodplain Management Committee - 30572
 - v) Shoalhaven River Natural Resource and Floodplain Management Committee - 30567
 - vi) Southern Shoalhaven Natural Resource and Floodplain Management Committee - 30569
 - vii) Ulladulla Harbour and - Millards Creek Natural Resource and Floodplain Management Committee - 30571
- f) **Casting Vote**
- Council re-affirm its decision that the Chairperson of the following committees be given a casting vote on motions where the voting is equal:
- i) Committee of the Whole Council
 - ii) Policy and Planning Committee
 - iii) Works and Finance Committee
 - iv) Development Committee
 - v) Crown Reserve, Community and Commercial Operations Committee
 - vi) Shoalhaven Water Operations and Strategic Review Committee
- g) **Council Committees – Mayor and General Manager Appointed**
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Council re-affirm its decision that the Mayor and the General Manager (or his nominee) be appointed as ex officio members of all Committees.

h) Quorums - Advisory Committees

Council re-affirm its decision as outlined in the report of the General Manager relating to the quorum of Advisory Committees.

i) Introduction of Additional Items at Council Committee Meetings

Council re-affirm its decision as detailed in the report of the General Manager relating to the introduction of additional items at Council Committee Meetings.

j) Meeting Attendance

i) All Councillors have the right to attend any of Council's Committees or Boards regardless of whether they are a member or not and whether the Committee or Board members consist of all Councillors or include staff or external members. Those Councillors who attend and are not members are entitled to speak not but not vote on the matter

ii) All Committees and Boards be open to the press and public with agendas made available, immediately prior to the commencement of the meeting, upon request and confidential items should be placed in a "confidential agenda" and treated the same way as for Council's Ordinary meeting and Regular Committees.

k) Deputations

i) If a deputation to a Council or Committee meeting introduces new information that has not been assessed or considered by professional staff then the Council or Committee may stand over the item of business to the next meeting.

6. Community Consultation and Committee System - Committees With Delegated Authority

File 1229

Council has appointed the following Committees with Delegated Authority and their respective purpose and membership.

a) Senior Staff Contractual Matters Committee – 5001

Purpose and Delegated Authority

The Committee be delegated under Section 377 of the Local Government Act to:

- Review the General Managers performance against the agreement, at least annually.
- Deal with matters relating to requirements of the contract including the annual review of remuneration and to make any determinations where necessary.
- Receive the General Manager's annual reports on other Senior Staff contracts where Council is required to deal with contractual matters.

Current Membership

Mayor - Clr Watson
Clr Anderson
Clr Bates

Clr Kearney
Clr Kerr
Clr Murphy
Clr Willmott
Clr Young
General Manager

b) Shoalhaven Arts Board - 2123-14

Purpose and Delegated Authority

- Foster ways to enrich, celebrate and develop the arts for the benefit, esteem and image of the whole of the Shoalhaven.
- Organise and oversee the city's Arts Grants Program.
- The Shoalhaven Arts Board only has authority to act on Arts matters and in regard to Arts development and promotion matters the Board, when acting on those matters, acts as if it was Council and is able to commit expenditure up to its budget limit

Current Membership

Mayor – Clr Watson
Clr Anderson (Chairperson)
Clr McCrudden
Clr Willmott
General Manager (or nominee)
Richard Ballinger
Diana Falloon
Jennifer Mors
George Windsor
Deborah Ely

c) Shoalhaven City Mayor's Relief Fund - 3926

Purpose

- The fund has been established and maintained as a public fund for the relief of persons in Australia who are in necessitous circumstances and it is intended that the public be invited to contribute to the fund.
- A person will be in necessitous circumstances where his or her financial resources are insufficient to obtain all that is necessary, not only for a bare existence, but for a modest standard of living in the Australian community.
- Necessitous circumstances may result from a disaster caused by flood, fire, drought, tempest or other calamity.

Delegated Authority

The management of the fund is vested in the Shoalhaven City Mayor's Relief Fund Committee. Rules have been adopted by Council.

Current Membership

Mayor - Clr Watson (Chairperson)
Clr Anderson
Clr Kearney
Clr Kerr
General Manager (or nominee)

Director Finance and Corporate Services Group
Shoalhaven City Fire Control Officer
Co-ordinator, Shoalhaven City State Emergency Services
Chairman – Nowra Ministers Association or his nominee

d) South Coast Co-operative Library Services - 3934

Purpose and Delegated Authority

To provide Control and manage libraries or library services within the areas of the Member Councils upon the terms and subject to the conditions specified in the agreement.

Note: The member Councils are Shoalhaven City Council, Kiama Municipal Council, Eurobodalla Shire Council.

Current Membership

Mayor

Clr Anderson

Clr Rudd

Clr Ward

General Manager (or nominee)

Director City Services & Operations Group

Noela Lim – South Coast Co-operative Library Manager, Manager Shoalhaven Libraries and Community Services

Geoffrey Hadrill – Information Services Manager

Representatives – Kiama Municipal Council

Representatives– Eurobodalla Shire Council

SUBMITTED for Council’s consideration in relation to Council’s membership on the respective committees.

7. Community Consultation and Committee System - The Rural Fire Service Strategic Planning Committee **File 1229, 1227**

Council has appointed the following Rural Fire Service Strategic Planning Committee and its purpose and membership.

Rural Fire Service Strategic Planning Committee

Purpose

To advise Council on issues of a strategic and policy nature relating to the operation of the Rural Fire Services having regard to the following:

- That the core communication between brigades and Fire Control Officer on operational issues be raised through the Group Officers utilising the committee structure.
- All issues be raised through Fire Control so that statutory matters can be resolved immediately.
- Policy matters raised can be referred to the Strategic Planning Committee by report to the Policy and Planning Committee through the General Manager so that statutory matters can be resolved.

-
- That the Strategic Planning Committee be developed as the body advising Council on Rural Fire Service policy issues.
 - Representation on the Strategic Planning Committee with voting rights be given to the following:-
 - 1 Group Officer representative
 - 1 OHS&R Committee representative
 - 1 Training committee representative
 - 1 Volunteer representative of each group area (5)
 - 1 Councillor representative of each Ward (3)
 - General Manager or his representative(s)
 - 1 Fire Control Officer
 - Total representation of 13 comprising 8 volunteer personnel
 - Committee to meet 4 times per year after normal office hours or more frequently on demand.
 - The Committee to have authorisation to request the attendance of other staff or volunteers to advise on particular issues.
 - The Committee make provision for formal brigade submissions on issues – not adequately resolved within the “system”.

Current Membership

Mayor – Clr Watson
 Clr Anderson (Chairperson)
 Clr Kerr
 Clr Kearney (Alternate Delegate – Ward 1)
 Clr Murphy (Alternate Delegate – Ward 2)
 Clr Young (Alternate Delegate – Ward 3)
 Clr Willmott
 General Manager (or nominee – John Gould, Assistant General Manager)
 Jacqui Cox – OH&S Representative
 Alan Davison – Group 5 area representative
 Paul Gleeson – Group 4 area representative (Alternate: Dennis Stannard)
 Bob Johnston – Group 1 area representative (Alternate: Trevor Banks)
 Jennifer Lawther – Group 2 area representative
 Phil Paterson – Training Representative (Alternate: Bob Burton)
 Craig Beaumont – Group 3 area representative
 Vic Walker – Group Officer Representative (Alternate: Bob Johnson)

SUBMITTED for Council’s consideration in relation to Council’s membership on the respective committees.

8. Community Consultation and Committee System – Special Interest Groups File 1229

Council has appointed the following Special Interest Groups and their respective purpose and membership.

a) Aboriginal Advisory Committee – File 1209

Purpose

- Advise Council on issues relating to the Aboriginal community.
- Act as a channel to advise Council of new issues affecting the Aboriginal community.

-
- Receive information on issues affecting the Aboriginal community and forward to Council.
 - Provide a facilitation role.
 - Advocate for the Aboriginal community.

Current Membership

Mayor – Clr Watson
Clr McCrudden (Chairperson)
Clr Rudd
Clr Ward
Available Councillors
General Manager (or nominee)
Edward Braddick
Adell Hyslop
Suzanne Malligan
Henry (Sonny) Simms
Manager, Aboriginal Unit, Illawarra TAFE (Nowra Campus)

b) Alternative Waste Processing Technologies Working Group – File 31133

Purpose

To advance the Implementation Plan for Alternative Waste Processing Technologies.

Current Membership

Mayor – Clr Watson
Clr Anderson
Clr Green
Clr Kearney (Chairperson)
Clr Kerr
Clr Rudd
General Manager (or nominee)
Director City Services & Operations Group
Director Finance & Corporate Services Group

c) Bomaderry Shopping Centre and Railway Precinct Working Party – File 30100

Purpose

Within the defined geographic scope of this group, consideration of:

- the future form of the Bomaderry shopping centre;
- transport servicing/relationships – rail, bus, taxi;
- access – in particular disabled access;
- car parking – in particular the need for secure parking adjacent to the railway station;
- traffic circulation;
- streetscape;
- need for footpath widening;
- DCP review considerations.

Current Membership

Mayor – Clr Watson
Clr Kearney (Chairperson)

Available Councillors
General Manager (or nominee)
Representative – Bomaderry Chamber of Commerce & Industry (Steen Pedersen)
Representative – StateRail (Tony Lazzarini)
John Barron
Alan Hawkes
Wendy Kooij
Nola Stephens
Warren Snodgrass

d) Caravan Park Flood Safety Study Project Steering Committee - File 35734

Purpose

To allow Councillors and appropriate stakeholders involvement in the Caravan park Flood Safety Study process.

Current Membership

Mayor – Clr Watson (Chairperson)
Clr Anderson
Clr Green
Clr Ward
Clr Willmott (Deputy Chairperson)
(Clr Young as alternate member)
General Manager (or nominee)
Representative – State Emergency Services (Dianne Gordon)
Representative – Department of Natural Resources (John Murtagh)
Three representatives – NSW Caravan and Camping Industry Association (Rod Larkins)
John Greenaway, (Vera Farnham)
Representative - Holiday Haven (Kevin Sullivan)
Representative – Central Shoalhaven Natural Resource and Floodplain Management Committee
Representative – Far South Natural Resource and Floodplain Management Committee
Representative – Jervis Bay Natural Resource and Floodplain Management Committee
Representative - Southern Shoalhaven Natural Resource and Floodplain Management Committee (Gail Taylor – alternate Bob O’Brien)

e) Council Property Steering Committee – File 30977

Purpose

To undertake preliminary investigations (feasibility, cost benefit, risk analysis, etc) into development opportunities for Council’s strategic land holdings.

Current Membership

Mayor - Clr Watson (Chairperson)
Clr Anderson
Clr Bates
Clr Finkernagel
Clr Kearney
Clr Willmott

General Manager (or nominee)
Assistant General Manager
Director Finance & Corporate Services Group

f) Council Property Steering Sub-Committee - File 30977

Purpose:

To consider the Bridge Road Precinct master plan and development options.

Current Membership:

Mayor – Clr Watson (Chairperson)
Clr Anderson
Clr Finkernagel
Clr Kearney
Clr Willmott
General Manager (or nominee)
Joanna Gash MP – Member for Gilmore
Assistant General Manager
Director Finance & Corporate Services Group
Arts Project Manager
Council staff as deemed appropriate

g) Executive Marina Review Committee - File 1451-02

Purpose

To review potential locations for development of Boat Harbours and Marinas in Jervis Bay and throughout the Shoalhaven

Note: In accordance with MIN07.179, this Committee has delegated authority to appoint independent advisors when needed.

Current Membership

Mayor – Clr Watson
Clr Finkernagel
Clr Kerr
Clr Rudd
Available Councillors
General Manager (or nominee)
Colin Waller (Chairperson)
Representative – Boat Owners Association
Representative – Sailing Fraternity (Greg Troy)

h) Industrial Development and Employment Committee (IDEC) – File 1220-02

Purpose

The Committee has been convened in recognition of a major challenge, being the acceleration of job opportunities within the City. Broad aims are:

- To actively work towards methods by which the initiatives established through this Committee will be advertised and promoted throughout the country.

-
- To canvas as widely as possible the ideas and opinions of the various sectors within the City,
 - To establish a forum for the development of employment generating initiatives.

Current Membership

Mayor - Clr Watson (Chairperson)

Available Councillors

General Manager (or nominee)

Joanna Gash MP - Member for Gilmore (or nominee)

Shelley Hancock MP – Member for South Coast (or Nominee)

Matthew Brown MP – Member for Kiama

John Ings – Berry Small Town Alliance

Lyn Kearney – Shoalhaven Business Chamber

Faye Lamont

Milton Lay - Shoalhaven Area Consultative Committee

Michelle Miran – Department of State & Regional Development

Tim Montgomery – Shoalhaven Group of Unions

Mark Roberts – Premiers Department

Barry Russell – Illawarra Regional Development Board

Ian Strathie – Nowra Commercial Ratepayers

John Underwood - Berry Chamber of Commerce & Industry

James Coburn – Shoalhaven Business Chamber

Colin Waller

Rick Gainford

i) Nowra Skate Park Advisory Committee - File 35337

Purpose

To provide input to the design process for the Nowra Skate Park

Current Membership

Mayor – Clr Watson – Chairperson

Clr Finkernagel alternate Chairperson

Available Councillors

General Manager (or nominee)

Representative – Youth Advisory Committee (Paul Ell)

Representative - Sports Board (David Goodman)

Representative – Nowra Youth Centre

Representative – Skate Shops in Nowra (Chris Ford)

Representative – YWCA (ray Carroll)

The Police Youth Liaison Officer (Gina Wood)

Representative – Nowra High School (Adam Austin – alternate Zac Newton)

Representative – PCYC (Mark Anderson)

Two potential users nominated by Council's Youth Development Officer (Doug Gould, Daniel Raynor)

j) Rating Working Party – File 2973-02

Purpose

To review Council's rating structure.

Current Membership

Mayor - Clr Watson (Chairperson)

Available Councillors

General Manager (or nominee)

k) Rental Policy Working Party – File 28029

Purpose

To consider the development of a Rental Policy for Community Buildings and Commercial Properties.

Current Membership

Mayor – Clr Watson

Clr Anderson – Chairperson

Available Councillors

General Manager (or nominee)

l) Shoalhaven Access Advisory Committee – File 1228-02

Purpose

- To identify the major needs of the different disability groups in the Local Government area.
- To make recommendations to Council to resolve the local access problems in priority order.
- To develop a policy on access which can be used in conjunction with the Building Code of Australia in the consideration of applications for building or development and generally in the preparation of Council's own plan for recreation facilities.
- To increase public awareness of access barriers and the extent to which they disadvantage people with disabilities, the aged and parents with children etc.

Current Membership

Mayor – Clr Watson

Clr Bates

Clr Young (Chairperson)

Clr Ward

Available Councillors

General Manager (or nominee)

Joanna Gash MP

Nathan Black

Chris Bryant

John Burns

Bill Deaves

Lisa Chelberg

Neville Foord
Leith Hamilton
Rachael Lewis
Meg Madge
Jeffrey Rudd
Fay Smedley
Nola Stephens
Brett Tory
Andrea Wallace

m) Shoalhaven Multi Purpose Cultural Convention Centre Project Control Group – File 30977

Purpose

Responsible for the design and delivery of the project with regular reports to the Sub-Committee of the Council Property Steering Committee and Council on budget, design and construction matters.

Current Membership

Mayor – Clr Watson
Clr Anderson
Clr Bates
Clr Finkernagel
Clr Green
Clr Ward
Clr Willmott
General Manager (or nominee)
Assistant General Manager
Arts Project Manager

n) Shoalhaven Sports Board - File 12623-05

Purpose

To liaise on the provision of the strategic development of sports in the Shoalhaven to maximize the benefits to the people of Shoalhaven.

Aims and Objectives

- Formulate Policies on the use of Grounds in the City of Shoalhaven and make suitable recommendations to Council
- To advise Council on the need for additional sporting facilities in the City.
- To establish priorities for the development of facilities in the City including both sport and recreation and to make suitable recommendations to Council.
- To set priorities for Government Grants for sport and recreation facilities in the City.
- To make recommendations to the Council on the setting of fees and charges for the use of Council sporting and recreational facilities.
- Make recommendations to Council with respect to the setting of budgets for the administration of sports within the City of Shoalhaven.
- To consider applications for licensing/leasing for the care, control and management of facilities by sporting and recreational organisations.
- To facilitate communication between the sporting public and Council in order that the existing and future needs and requirements of those participating, and those existing

and future needs and requirements of those administering sports, are accurately identified and brought to the attention of Council.

- To promote the role and scope of sport and recreation to the Shoalhaven community.

Current Membership

Mayor – Clr Watson
Clr Anderson
Clr Finkernagel (Chairperson)
Clr Green
Clr Kearney
Clr Ward
Clr Willmott
Available Councillors
General Manager (or nominee)
David Chapple
Kaye Diver
David Goodman
Andrew Johnstone
Gary Pudney
Clive Robertson
Keith Wallace
Roger Walker
Syd Weller
John Dyball

o) Shoalhaven Tourism Board - File 1490-07

Purpose

- The Shoalhaven Tourism Board is charged with the promotion of Tourism to the City of Shoalhaven.
- The main emphasis of its efforts shall be directed at the target markets for the Shoalhaven, outside of the Shoalhaven.
- As detailed in the guidelines for the Shoalhaven Tourism Board

Current Membership

Mayor – Clr Watson
Clr Anderson
Clr Green
Clr Kearney
Clr McCrudden
Clr Young
General Manager (or nominee)
Les Crosby (Appointed for period until 31st March 2008)
Matt Cross (Appointed for period until 31st March 2009)
Vera Farnham (Appointed for period until 31st March 2009)
Ken Merrifield (Reappointed for period until 31st March 2009)
Peter Martin (Appointed for period until 31st March 2008)
Joe Puglisi – Chairperson - (Appointed for period until 31st March 2008)
Christopher Warren (Appointed for period until 31st March 2008)

p) **Skills Development Initiative Working Party – File 31531**

Purpose

To liaise with senior staff on all aspects of the Skills Development Initiative project.

Current Membership

Mayor – Clr Watson
Clr Rudd
Clr Young (Chairperson)
Available Councillors
General Manager (or nominee)

q) **Tourism Development Committee – File 1080-02**

Purpose

To develop and implement tourism activities focussing on the promotion and co-ordination of citywide features. In addition it will review the various issues affecting the development of tourism facilities within the City.

Current Membership

Mayor – Clr Watson
Clr Young (Chairperson)
Clr Anderson
Clr Kerr
Clr Kearney
Clr Willmott
Available Councillors
General Manager (or nominee)
Peter Harris
Milton Lay
Colin Waller
Wayne Whitten

r) **Ulladulla Town Centre DCP No.56 Amendment No.3 Interim Floor Space & Height Controls Working Party – File 34759**

Purpose

To review the Ulladulla Town Centre Development Control Plan No.56

Current Membership

Mayor – Clr Watson
Available Councillors
General Manager (or nominee)
Two representatives from the Ulladulla & Districts Community Forum (Ruth Richards and David Gregory)
Two representatives from the commercial sector (Glen Rowan and Ian Cowley)
Two representatives from the tourism industry (Tom Robertson and Joe Puglisi)
An independent person with architectural qualifications (Mark Jones)
Representative of the Premiers Department (Mark Roberts)
Representative of the Department of Planning (Graham Towers)
Representative of the Department of Lands (Brett Phillips)
Representative (observer status) – Roads & Traffic Authority (Christopher Millett)

s) **Youth Advisory Committee – File 1506-04**

Purpose

To represent the interests and views of young people to Council and the Community.

Current Membership

Mayor – Clr Watson

Clr Green

Clr Ward

Clr Willmott (Chairperson)

Available Councillors

General Manager (or nominee)

Youth Liaison Officer, Shoalhaven Local Area Command

Matt Brown MP (or nominee – currently Morgan Forrest)

Joanna Gash MP (or nominee – currently Justine Vost)

Shelley Hancock MP (or nominee – currently Luke Sikora)

Bohdan Bramerskyj

Jenny Chen

Merryn Corbyn

Paul Ell

Nathan Green

Candice Kielly-Carroll

Corey Martin

Kate Quilter

SUBMITTED for Council’s consideration in relation to Council’s membership on the respective committees.

9. **Community Consultation and Committee System – Natural Resource and Floodplain Management Committees** **File 1229**

Council has appointed the following Natural Resource and Floodplain Management Committees and their respective purpose and membership.

a) **Central Shoalhaven Natural Resource and Floodplain Management Committee – File 30568**

Purpose

To oversee implementation of the Natural Resource Management Plans for St Georges Basin and Swan Lake; undertake review of those plans as necessary; provide a focus for community consultation and a conduit for information flow to the broader community in respect of natural resource management issues, inclusive of floodplain management; oversee implementation of natural resource management projects; and assist Council in its prioritisation of natural resource management projects and programs submitted for grant funding.

The Estuary and Floodplain Risk management Plans are to be developed in a manner consistent with the NSW Government Policies and the relevant Management Manuals.

Current Membership

Mayor – Clr Watson
Clr Finkernagel (Chairperson)
Clr Rudd (Alternate)
General Manager (or nominee)
Ray Brooks
Dick Finlayson
Dianne Lennon-Rice
David Reynolds
Chris South
David Tarbert

Representatives from the following State Government Agencies:

- Department of Natural Resources
- Department of Primary Industries
- Maritime Authority
- National Parks & Wildlife Service
- Department of Environment and Conservation
- Marine Park Authority
- Lands Department
- Catchment Management Authority
- State Emergency Service
- Sydney Catchment Authority

Representative St Georges Basin Community Forum

b) Coastal Management Committee – File 30573

Purpose

Provide overall guidance for the future management of the coastal zone in accordance with the NSW Coastal Policy. Develop agreed vision, goals, objectives and targets for the coastal zone in consultation with the community. Oversee various investigations and studies that are required in order to evaluate coastal zone management options, inclusive of Coastal Hazard Mapping and Assessment. Oversee the preparation of coastal zone management plans. Make recommendations to the preparation of coastal zone management plans. Make recommendations to the Council regarding management options and the contents of coastal zone management plans. Provide advice and assistance to the Council regarding the implementation of coastal zone management plans. Liaise with relevant catchment management authorities and other natural resource management agencies so as to minimise duplication, maintain consistency and facilitate integration with catchment management initiatives. (NSW Government Coastline Management Manual 1990)

The Estuary and Floodplain Risk Management Plans are to be developed in a manner consistent with the NSW Government Policies and the relevant Management Manuals.

Current Membership

Mayor – Clr Watson
Clr Finkernagel (Chairman)
Clr Green (Alternate)
General Manager (or nominee)
Peter Cumes

John Dale
Margaret Day
John Downey
Ken Jones
William McElroy
Jennifer Mors
Arvan Prichard
Jim Wallis
Merilynn Weiss

Representatives from the following State Government Agencies:

- Department of Natural Resources
- Department of Primary Industries
- Maritime Authority
- National Parks & Wildlife Service
- Department of Environment and Conservation
- Marine Park Authority
- Lands Department
- Catchment Management Authority
- State Emergency Service
- Sydney Catchment Authority

c) **Far South Shoalhaven Natural Resource and Floodplain Management Committee – File 30570**

Purpose

To oversee implementation of the Natural Resource Management Plans for Burrill Lake and Lake Tabourie; undertake review of those plans as necessary; provide a focus for community consultation and a conduit for information flow to the broader community in respect to natural resource management issues, inclusive of floodplain management; oversee implementation of natural resource management projects; and, assist Council in its prioritisation of natural resource management projects and programs submitted for grant funding.

The Estuary and Floodplain Risk Management Plans are to be developed in a manner consistent with the NSW Government Policies and the relevant Management Manuals.

Current Membership

Mayor – Clr Watson
Clr Willmott (Alternate)
Clr Young (Chairperson)
General Manager (or nominee)
Tom Booler
Lorraine Dixon
Peter Finnigan
Bob Goodwin
Brian Gulson
Graham Halford
Geoff Johnstone
Peter Maddison
Kaye Milson

Annette Parsons
Robyn Perry
Cathy Power
Tom Shields
Horrie Tebbutt
Dale Wilford

Representatives from the following State Government Agencies:

- Department of Natural Resources
- Department of Primary Industries
- Maritime Authority
- National Parks Service
- Department of Environment and Conservation
- Marine Park Authority
- Lands Department
- Catchment Management Authority
- State Emergency Service
- Sydney Catchment Authority

d) Jervis Bay Floodplain Management Committee – File 30572

Purpose

The Jervis Bay Floodplain Management Committee has been formed for the express purpose of working on floodplain management issues in Currumbene and Moona Moona Creeks where two flood studies have commenced. This Committee would be disbanded upon completion of the Floodplain Management Plans. The Floodplain management plans are to be developed in a manner consistent with the NSW Government Policies and the relevant Management Manuals.

Current Membership

Mayor - Clr Watson (Chairperson)
Clr Green (Alternate)
General Manager (or nominee)
Ray Brooks
Rob Dunn
Ken Jones
Merilynn Weiss

Representatives from the following State Government Agencies:

- Department of Natural Resources
- Department of Primary Industries
- Maritime Authority
- National Parks & Wildlife Service
- Department of Environment and Conservation
- Marine Park Authority
- Lands Department
- Catchment Management Authority
- State Emergency Service
- Sydney Catchment Authority

e) **Shoalhaven River Natural Resource and Floodplain Management Committee – File 30567**

Purpose

To facilitate preparation of the Natural Resource Management Plan for the Shoalhaven River; provide a focus for community consultation and a conduit for information flow to the broader community in respect to natural resource management issues, inclusive of floodplain management; oversee implementation of natural resource management projects; and, assist council in its prioritisation of natural resource management projects and programs submitted for grant funding.

The Estuary and Floodplain Risk Management Plans are to be developed in a manner consistent with the NSW Government Policies and the relevant Management Manuals.

Current Membership

Mayor – Clr Watson
Clr Kerr (Alternate)
Clr Murphy (Chairperson)
General Manager (or nominee)
John Downey
Tony Emery
Robyn Flack
David McCorkell
Michael Moore
John Tate
Jim Wallis
Charlie Weir
Theo Wright

Representatives from the following State Government Agencies:

- Department of Infrastructure Planning and Natural Resources
- Department of Primary Industries
- Maritime Authority
- National Parks Service
- Department of Environment and Conservation
- Marine Park Authority
- Lands Department
- Catchment Management Authority
- State Emergency Service
- Sydney Catchment Authority

f) **Southern Shoalhaven Natural Resource and Floodplain Management Committee – File 30569**

Purpose

To oversee implementation of the Natural Resource Management Plans for Lake Conjola and Narrawallee Inlet; undertake review of those plans as necessary; provide a focus for community consultation and a conduit for information flow to the broader community in respect to natural resource management issues, inclusive of floodplain management; oversee implementation of natural resource management projects; and, assist council in its prioritisation of natural resource management projects and programs submitted for grant funding.

The Estuary and Floodplain Risk Management Plans are to be developed in a manner consistent with the NSW Government Policies and the relevant Management

Current Membership

Mayor – Clr Watson
Clr Willmott (Alternate)
Clr Young (Chairperson)
General Manager (or nominee)
Paul Barry
Elaine Caswell
Wendy Fuller
Tim Gregory
Clayton Harrington
Brian Hawkins
Robyn Kerves
Peter Lloyd
Desmond Melville
Barry Miller
Bob O’Brien
Gail Taylor

Representatives from the following State Government Agencies:

- Department of Natural Resources
- Department of Primary Industries
- Maritime Authority
- National Parks Service
- Department of Environment and Conservation
- Marine Park Authority
- Lands Department
- Catchment Management Authority
- State Emergency Service
- Sydney Catchment Authority

g) Ulladulla Harbour and Millards Creek Natural Resource and Floodplain Management Committee – File 30571

Purpose

To facilitate preparation of the Natural Resource Management Plan for Millards Creek and Ulladulla Harbour; provide a focus for community consultation and a conduit for information flow to the broader community in respect to natural resource management issues; oversee implementation of natural resource management projects; and, assist council in its prioritisation of natural resource management projects and programs submitted for grant funding.

The Estuary and Floodplain Risk Management Plans are to be developed in a manner consistent with the NSW Government Policies and relevant Management Manuals.

Current Membership

Mayor – Clr Watson
Clr Willmott (Alternate)
Clr Young (Chairperson)

General Manager (or nominee)

Gary Thompson

Kirsten Vine

Representatives from the following State Government Agencies:

- Department of Natural Resources
- Department of Primary Industries
- Maritime Authority
- National Parks Service
- Department of Environment and Conservation
- Marine Park Authority
- Lands Department
- Catchment Management Authority
- State Emergency Service
- Sydney Catchment Authority

SUBMITTED for Council's consideration in relation to Council's membership on the respective committees.

10. Section 355 Management Committees

File 9012

This report seeks Council authority to delegate care, control and management of the facilities operated by Management Committees on behalf of Council.

Section 8 of the Local Government Act 1993, refers to the Charter of the Council.

Included in the charter are the following principals:

- to bear in mind that Council 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

Under the provisions of Section 355 of the Local Government Act 1993, a function of a Council may, subject to this Chapter, be exercised by a committee of the Council. Section 377 further provides that a council may, by resolution, delegate to the General Manager or any other person or body (Committee), any of the functions of the Council.

Council has many groups of volunteers that manage the many Community facilities. Without these volunteers, it is likely that either those services would not be available to the Community or the cost of managing them would be an additional burden on the ratepayer. Council in its deliberations on this matter, may carefully balance the need to encourage community members to continue to fulfill their roles in Management Committees, with their responsibilities in the event of a Conflict of Interest or Pecuniary Interest situation.

Delegations

Based on these principles, the recommendation provides that delegations be granted to each of the following listed committees for the care control and management of the named facility, with

authority to expend funds on that facility up to a limit of \$2,000 (currently \$1,000) to cover normal operating expenses, excluding electrical items, by resolution of the Committee.

- a) Management Committees
- Berry Showgrounds (Hazel & David Berry Parks)
 - Berry Sporting Complex
 - Bomaderry Community Centre
 - Bomaderry/Thurgate Oval
 - Burrill Lake Public Hall
 - Callala Bay Community Centre
 - Callala Bay Progress Hall
 - Callala Beach Community Centre
 - Callala Sports Complex
 - Cudmirrah Berrara Community Hall/Tennis Courts
 - Culburra Beach Community Centre
 - Culburra Tennis Courts
 - Former Pyree Public School
 - Finkernagel Reserve
 - Frogs Holla Sporting Complex
 - Greenwell Point Memorial Community Centre
 - Greenwell Point Wharf
 - Huskisson Community Centre
 - Huskisson/Rotary Wharf
 - Huskisson Tennis Courts
 - Kioloa-Bawley Point Community Centre
 - Lady Denman Heritage Museum
 - Milton/Mollymook Pony Club Grounds
 - Milton Showground
 - Milton Theatre
 - Mollymook Oval
 - St Georges Basin Community Centre
 - Sanctuary Point Oval
 - Shoalhaven Heads Celia Hall
 - Shoalhaven Heads Community Centre
 - Shoalhaven Heads Tennis Courts
 - Shoalhaven Rugby Park
 - Sussex Inlet Thompson Street Community Facilities
 - Ulladulla Slipway
 - Ulladulla Sporting Park Grounds
 - Vic Zealand Oval
 - Vincentia Sailing Club
 - Wandandian Recreation Reserve
 - West Street Oval
 - Worrigeer Equestrian Common
 - Yulunga Reserve

Appointments to Committees

In keeping with previous practices, it is proposed to appoint individual members to each Committee which will involve a considerable increase in the administration of the Committees,

such as reporting to Council. In order to limit this additional workload, it is proposed that Council delegate to the General Manager authority to appoint replacement members when required. Management Committees will be then presented for review by Council in September each year.

Section 441 of the Local Government Act 1993, defines a designated person in respect to Committees as:

“a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’s functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member’s duty as a member of the committee and the member’s private interest.”

Almost all of the Committees deal with relatively small amounts of funding for the operation of their facilities and as such there is little potential for conflict of interest or pecuniary interest situations to arise. The range of funding allocated to various Committees listed above is between \$2,000 and \$22,000. Future allocations are intended to be conditional upon receiving a completed Facilities Management Plan, audited financial statements, AGM minutes, Committee memberships and recommended fees and charges.

Staff have considered the concept of requiring Committee members to complete Pecuniary Interest declarations each year. This would also increase the administration of these Committees in the distribution of returns and follow up when they were not returned. Members of Committees are likely to discontinue their voluntary service if this concept was pursued.

It is submitted that due to the relatively small amounts of expenditure of these Committees, the potential for conflict between the member’s public duty and their private interests is minimal. To avoid circumstances where a conflict is likely, guidelines and regular information may be provided to Committees, so that greater awareness of these principals is disseminated to the members. Letters of appointment will include an attachment from the ICAC clarifying conflicts of interest. Being local Committees, most members are aware of the personal circumstances of each other. As such, Committees, provided they are adequately briefed, will be capable of reminding a person of circumstances where a possible conflict of interest or pecuniary interest situation has arisen.

Staff and Committee Guidelines can provide limits on expenditure and direction on examples of Conflict of Interest and Pecuniary Interest. Assistance can be provided by staff on the action to be taken by the person who is in the situation, and the role of the Secretary in recording that interest and the member’s role in discussion and voting on the matter and the position in the event of a complaint.

This is the first step in formalizing the arrangement with the facility Management Committees. Staff intend to update the composition of the Committees on an ongoing basis, as advice is received on changes in membership.

RECOMMENDED that the Section 355 Management Committees:

- a) Be delegated responsibility for the care control and management of their facilities listed in the report to Council of 25 September 2007 with authority to expend up to an amount of \$2,000 consistent with the delegation;**

-
- b) **Be notified of this additional responsibility and guidelines be established to assist members with complying with that responsibility.**

11. Council Representatives on Other Committees or Organisations Outside of Council

File 4043-02

For the information of Councillors, details of the other committees or organizations in which Council has an interest, along with their respective purpose and current membership, are listed below.

a) **Batemans Marine Park – File 33451**

Purpose

Advise the Ministers and the Marine Parks Authority (NSW) on the development of the Batemans Marine Park.

Current Membership

Clr Kerr

b) **Illawarra Academy of Sport – File 2388**

PurposeTo develop outstanding young community citizens who utilise their sporting talents and role model status in a positive manner within the Illawarra Region. This appointment is a three year term.

Current Membership (Not appointed by Council)

J Wells – Director City Services & Operations (Community representative)

c) **Illawarra Area Assistance Scheme – Regional Ranking Committee – File 4046**

Purpose

The Illawarra Area Assistance Scheme – is a regional community development program of the Department of Urban Affairs & Planning. The Regional Ranking Committee ranks all applications for grant funding under this scheme for the Illawarra Region.

Note: Council has made representations to the Minister for Community Services regarding the need for Council to retain input into the Regional Ranking Committee, rather than there being only 1 representative from the Southern Councils Group.

Current Membership

Clr Watson

Clr Young (alternate delegate)

d) **Illawarra Area Assistance Scheme – Shoalhaven Local Ranking Committee – File 4046**

Purpose

The Illawarra Area Assistance Scheme is a regional community development program of the Department of Urban Affairs & Planning. The Shoalhaven Local Ranking Committee ranks all applications for grant funding under this scheme for the Shoalhaven area.

Current Membership

Clr Watson

Clr Young (alternate)

e) **LGSA Joint Working Party to Develop Amendments to the Local Government Act – File 4043-02**

Purpose

To clarify the accountability of General Managers to the Mayor and Council.

Current Membership

Clr Watson

f) **Local Government & Shires Association - Library and Information Services Reference Group – File 4043-02**

Purpose

- Provide advice, support and assistance to the Standing Committee on Community Planning and Services and Associations staff on dealing with current and potential issues relating to library and information services.
- Reviewing and updating the Association's policy on library and information services for consideration by the annual conferences of both the Local Government Association and the Shires Association.
- Liaising with Councillors or staff representing the Associations on external committees such as the Public Libraries Consultative Committee.

Current Membership

Clr Ward

g) **NSW Country Mayors Association - File 14214**

Purpose

The NSW Country Mayors Association is a group that works within the secretariat of the Local Government Association and comprises Mayors from country areas of NSW.

Current Membership

Mayor - Clr Watson

General Manager – Russ Pigg

h) **Planning Reforms Implementation Group - File 31529**

Purpose

Overseeing the implementation of planning reforms in areas such as:

- the local plan template including the model provisions, standard definitions, etc
- appropriate distribution of the Planning Reform Fund (PlanFirst levy)
- issues around accreditation and certification of the planning system
- other issues arising from planning reforms.

Current Membership

E Royston – Director Strategic Planning Group

i) Regional Aboriginal Heritage Study Project Steering Committee - File 32365

Purpose

- To develop a better understanding of Aboriginal heritage in the Shoalhaven, including heritage values of traditional, historic and contemporary importance to Aboriginal communities.
- To develop ways of better managing the above listed values in local planning processes.

Current Membership

Mayor – Clr Watson
Deputy Mayor (alternate)
M Clark – Strategic Planner

j) Rural Fire Service Shoalhaven District Liaison Committee – File 2122

Purpose

In regard to the RFS:
Monitor the performance of the Service Level Agreement
Develop a local service delivery model
Prepare an annual budget and business plan for Councils consideration
Provide financial performance reports
Act as the appropriate disciplinary authority for Council.

Current Membership

Clr Anderson (Chairperson)
Clr Kerr
General Manager (or nominee John Gould, Assistant General Manager)

k) Shoalhaven Bush Fire Management Committee – File 2820

Purpose

Under the Rural Fires Regulation 2002 – Part 3:

- At the request of the Bush Fire Co-ordinating Committee:
- Assist the Bush Fire Co-ordinating Committee in the performance of its functions under Section 48 of the Act.
- Assist the Bush Fire Co-ordinating Committee in the performance of its functions under Sections 60(2) and 63(4) of the Act.
- Draw to the attention of the following in regard to any matter it considers relevant to the protection of land, life, property or the environment in that area from the impact of bush fires:
 - the Bush fire Co-ordinating Committee; or
 - a public authority exercising its functions in the Bush Fire Management Committee's area.

Note: The Committee has no power to conduct or take part in fire fighting or fire prevention operations authorised by the Act, this regulation or any other Act or statutory instrument.

Current Membership

Clr Anderson
General Manager (or Nominee)

l) Shoalhaven Living Futures – File 3519

Purpose

To increase community safety in the Shoalhaven and develop an Action Plan containing strategies to address the issues and enlist support for the Plan from the community.

Current Membership

Clr Bates
Clr Willmott

m) Shoalhaven River Community Reference Group – File 4844

Purpose

To facilitate dialogue between the NSW government and the Shoalhaven community about the water supply transfer and environmental flows projects, announced in the Metropolitan Water Plan “Meeting the challenges: Securing Sydney’s water future”.

Current Membership

Clr Watson

n) Shoalhaven Traffic Committee – File 1491

Purpose

The Traffic Authority has delegated certain powers to Councils in respect of the provision of Traffic control facilities and traffic management measures on public streets. The exercise of such powers is conditional upon the Council forming a Local Traffic Committee and seeking its advice /approval before as traffic facility/traffic management measure is implemented or removed.

It should be noted that Local Traffic Committee is not a Committee appointed by Council under Local Government Regulations but a Committee to be formed by Council in the exercise of its delegated powers. Councillors do not have a formal vote.

Current Membership

Clr Anderson
Clr Kearney
Clr Kerr
Clr Ward
Clr Willmott
Robert Sutherland (Convenor/Chairperson)

o) South Coast Regional Tourism Organisation Incorporated – File 6853

Purpose

To promote Tourism to the South Coast of NSW.

Current Membership

Clr Young
Tom Phillips – Tourism Manager

p) South East Australia Transport Strategy Inc – File 3678

Purpose

To improve the transport network to enhance economic development within the region.

Current Membership

Clr Anderson

Greg Pullen – Economic Development Manager

q) Southern Councils Group – File 2172

Purpose

- To consider the needs of the Local Government area and of the people of the Illawarra and South Coast Region and of making known those needs to the Commonwealth and New South Wales Government;
- To submit to such governments requests for financial assistance, policy changes and additional resources for the region of member Councils;
- To strengthen the role of Local Government in regional affairs particularly where the region may be affected by Australian or New South Wales Government policy;
- To encourage the Councils of the region to work together and co-operate on problems and projects of joint interest;
- To advance the interests of the region; and
- To encourage closer co-ordination among Local, State and Commonwealth Governments for the promotion and benefit of the region.

The Southern Councils Group is comprised of representatives from the following Councils:

- Shellharbour
- Kiama
- Wingecarribee
- Wollongong
- Shoalhaven
- Bega
- Eurobodalla

being two representatives of each Council (Mayor and one other).

Current Membership

Clr Watson

Clr Anderson

Clr McCrudden (alternate delegate)

General Manager (alternate delegate)

r) Southern Tablelands and South Coast Regional Noxious Plants Committee – File 3201

Purpose

This Committee allows representatives of Councils involved in noxious weed eradication on the Southern Tablelands and South Coast to meet quarterly for the purpose of discussing common problems and objectives. The Committee also makes special purchasing arrangements for noxious weed sprays, in order that the Councils in the area can obtain the most advantageous prices available.

Current Membership

Clr Anderson
Clr Kerr (alternate delegate)
Clr Rudd (second alternate delegate)

s) Southern Water Services Pty Ltd – File 4043-02**Purpose**

To operate in a commercial way under the Companies Act on a similar basis to any other trading Company.

Current Membership

Clr Watson – Director
Clr Anderson – Director
Clr Finkernagel – Director
Clr Kerr - Director
Clr McCrudden – Director
Russ Pigg - Director
John Gould – Director
John Wells – Managing Director
Matthew Wright – Secretary

t) Sydney Catchment Authority Local Government Reference Panel – File 4043-02**Purpose**

Regularly consult with one or more Consultative Committees to enable community involvement on issues relevant to the performance of the Authority's obligations under the licence, those being:-

- Securing future water resources from the Shoalhaven River in competition with the Authority
- The development of a sewerage scheme for Kangaroo Valley township
- Impacts on development and land use in Kangaroo Valley on water supply quality for Kangaroo Valley township
- Pricing of bulk water from the Sydney Catchment Authority and particularly over periods of severe drought for the City.
- Liaison between the Department of Land & Water Conservation and the Sydney Catchment Authority for issue of a licence and specifically requirements for environmental flows in the Shoalhaven River.

Current Membership

Clr Anderson
Carmel Krogh - Director Shoalhaven Water

u) Wollongong Conservatorium of Music Ltd Board – 4043-02**Purpose**

Management Board for the Wollongong Conservatorium of Music Ltd

Current Membership

Clr Anderson

v) **Vincentia High School Hall Management Committee – File 4043-02**

Purpose

To oversee procedures in regard to hall hire, management and insurance. Council contributed \$100,000 towards the construction of the hall.

Membership

Clr Finkernagel.

SUBMITTED for information.

R.D Pigg

GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 25 SEPTEMBER, 2007

CITY SERVICES AND OPERATIONS

1. Mollymook Beach Reserve Carpark and Playground Loan Funding **File 29245-03**

In the March 2007 quarterly review \$140,000 of Crown Loan funds for the Mollymook Beach Carpark and Playground project was transferred back into reserves as the project was deferred to be undertaken in conjunction with the Mollymook Beach LATM works. Works are now ready to commence and the funding is required.

RECOMMENDED that Council votes \$140,000 from Loan Reserves to job number 82520 for the Mollymook Beach Reserve Car Park project.

2. Mental Health Award **File 32242**

The Mental Health Foundation of Australia has advised that Shoalhaven City Council has won an Award in the 2007 Mental Health Matters Awards – Government Organisation Category.

The Award recognises the Beautiful Souls Programs which Council runs regularly for the Aboriginal, Youth and General Communities. The Government Organisation category is about recognising mental health related programs or policy initiatives, planned and implemented by Government organisations, including Councils.

The Mental Health Matters Awards recognize excellence in mental health provision.

These Awards are unique, and are designed to recognise the achievement of individuals and organisations who have worked to improve understanding, awareness, service provision and the general betterment of the mental health of our community, over the past twelve months (September 2006-August 2007).

The awards acknowledge the high standard and ongoing commitment demonstrated by those involved in innovative and effective programs which address key mental health issues at a local, regional or state-wide level. Further, the awards encourage individuals and organisations to continue to strive for excellence in their daily work and to continue to enhance their skills and experience within the mental health field.

A member of Council's Community Development Team will be attending the Official Launch of Mental Health Week in Sydney on 10 October, 2007 at which the Award is to be presented. It would be appropriate for any Councillor available to attend this launch to be present to accept the

Award on Council's behalf. Council may wish to nominate a Councillor at the Council meeting, or allow the Mayor to delegate closer to the event.

SUBMITTED for information.

J J Wells
DIRECTOR CITY SERVICES & OPERATIONS

J Gould
ASSISTANT GENERAL MANAGER

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 25 SEPTEMBER 2007

STRATEGIC PLANNING

1. Draft LEP Request - Badgee Lagoon at Sussex Inlet - Lucas Properties/A & C Finkernagel
File 12359

This report is submitted direct to Ordinary as the proponents are currently negotiating with the Department of Planning in relation to a Part 3A application to the Minister for Planning under the recent amendments.

Purpose of the report

The purpose of the report is to advise Council of a request for the rezoning of land owned by the Lucas Property Group and A & C Finkernagel adjoining Badgee Lagoon at Sussex Inlet. In 1986, Council resolved to prepare a Local Environmental Plan (LEP) for the land to enable its use for urban purposes. Although local environmental studies were carried out over part of the land at that time a moratorium over all rezonings was placed over the Sussex Inlet area by the State Government in the 1990s and the matter was never finalised.

The Sussex Inlet Settlement Strategy (SISS) has now been endorsed by the State Government, subject to some changes which were adopted by Council in August 2007, and identifies the subject land as an investigation area. Lucas Property Group has now requested that Council again resolve to commence the preparation of a rezoning (draft LEP) over their land and adjoining land owned by A & C Finkernagel given the recent endorsement of the SISS and lifting of the moratorium.

Background

There is already a Council resolution in relation to the preparation of an LEP (LP No. 51) over the Badgee Lagoon area that dates back to the 1980/90s. Whilst the project is already listed on the Planning Work Program (pending the finalisation of the Strategy) Lucas Property Group has elected to seek a new resolution. Given the time that has elapsed the Environmental Study prepared following the initial rezoning request will need to be up-dated to reflect changes in legislation and the planning framework. Recent significant changes to the planning framework include the adoption of the SISS and the release of the South Coast Regional Strategy (SCRS).

The SISS was adopted by Council on 28 August, 2007 subject to the changes outlined in the Department of Planning's letter received 17 August, 2007 relating to Verons Estate and the One Tree Bay proposal. The specific recommendations contained in the SISS that apply to this site are discussed later in this report.

The Lucas Property Group has advised Council that in order to commence the process under Part 3A and obtain the Director General's requirements for the Environmental Assessment Report it is necessary for the Council to have also resolved to commence the rezoning process. As a result, a resolution from Council under Section 54 of the EPA Act, 1979 to prepare a Local Environmental Plan over the site has been sought. Although Council has, in the past resolved to prepare an LEP for the site it is suggested that Council should review that decision. The request for rezoning has been submitted over properties in the ownership of TALIAC Pty Ltd, L&T Pastoral Co. P/L (subsidiaries of the Lucas Property Group) and Lot 51 owned by A&C Finkernagel. These properties are shown on Attachment 'A'.

The subject land is within the coastal zone defined by SEPP71 – Coastal Development and as such is subject to the provisions of the Major Projects SEPP (Schedule 2). The Lucas Property Group indicate that given the size of the residential development proposed on the land they intend to prepare a concept plan and lodge a development application under Part 3A of the EPA Act. Their submission states that discussions have been held between Lucas Property Group and officers from the Department of Planning where it was agreed that an “*Environmental Assessment Report prepared under this process could provide the information required for the Council to assess the appropriate future zoning and development of the site*”. This position however, needs to be confirmed should the matter progress.

Advice from the Department

Should Council resolve to recommence the rezoning process staff will seek further clarification from the Department in relation to how the two processes can be run concurrently given that the Part 3A development application cannot be determined until such time as the LEP has been gazetted. Essentially it is understood that both processes (rezoning and Part 3A) will need to run in full. There may however, be some overlaps in the processes and the Department are currently considering the operation of the concurrent processes.

The Lucas Property Group have suggested in their submission dated 15 August 2007, that the Environmental Assessment Report prepared under the Part 3A process would be adequate for Council to assess the rezoning proposal. Further advice will be sought on this matter from the Department.

The Department of Planning has advised that it is possible to start processing LEPs for the Sussex Inlet area consistent with the Department's conditional approval of the SISS.

South Coast Regional Strategy & Sensitive Urban Lands Review Panel

The South Coast Regional Strategy (SCRS) establishes the State Government's long term plan for the protection of the natural environment and sustainable supply of jobs and housing to meet the expected population growth and infrastructure demand. The SCRS aims to increase housing and future urban release areas in and around existing well serviced centres and towns whilst protecting high value environments including threatened species, vegetation communities and habitat corridors.

The SCRS is supported by a Section 117(2) Direction under the *Environmental Planning & Assessment Act, 1979* requiring any rezoning proposals to consider the Regional Strategy provisions.

The SCRS states that new urban development is to be prohibited by Local Environmental Plans (LEPs) on land assessed as being of high conservation value. Appropriate planning controls are to be incorporated into LEPs to protect biodiversity values on land of lower conservation value. The Department of Environment and Climate Change (DECC) has recently provided Council with further detail and mapping of land considered to be of high conservation value. This includes old growth forest with DECC having recently refined and validated the mapping of old growth in the Sussex Inlet area in response to the SCRS and SISS processes. The rules established for validating areas of high conservation value include a range of matters including (but not limited to) endangered ecological communities, rare vegetation types, vegetation in over-cleared areas as well as old growth vegetation. This mapping covers the southern foreshores of St Georges Basin, including the subject land and will impact on the rezoning and development potential of the land. This issue will require detailed consideration as part of the rezoning investigations.

The SCRS also uses the recommendations of the Sensitive Urban Lands Panel to guide the development of 17 sensitive urban lands.

- # The South Coast Sensitive Urban Lands Review Panel (October, 2006) reviewed 35 hectares of land around Badgee Lagoon owned by TALIAIC Pty Ltd and L&T Pastoral Co. P/L (subsidiaries of Lucas Property Group) and is part of the broader land holding of around 195 hectares to the west and north which includes the existing Sussex Inlet Golf Course. The area subject to the recommendations of the Independent Review Panel is shown in Attachment 'B'. The rezoning request covers part of the land considered by the Independent Review Panel.

The Independent Review Panel noted that a Master Plan for the 195 hectare site that encompasses the Badgee Lagoon site had been prepared on behalf of the property owner and that whilst the majority of the site area (Attachment 'B') was considered for open space there are two exceptions. These include areas to the north-west and the south-west that could yield about 20 residential blocks in the north-west and a medium density development on the portion in the south-west. The Independent Review Panel report indicates that the owner requested consideration be given to residential development of those lots as they are part of the broader long-term concept plan for the land holding. The following is a summary of the recommendations from the Independent Review Panel in regards to the Badgee site:

- The majority of Site is unsuitable for urban development on the grounds of its potential negative impacts on water quality in Badgee Lagoon. Two areas of the site in the north-western and south-western corners are suitable for residential development in accordance with the proposals put forward by the owner subject to best practice Water Sensitive Urban Design and water quality management.
- Development should provide for a mix of housing (at yields that exceed traditional residential yields in the locality) with the land that is unsuitable for development being zoned for conservation purposes.
- Negotiations should be commenced with the owner to secure dedication of the land for conservation purposes in return for the development of the 2 areas identified in the report.

- # The areas considered acceptable for development are shown on the map which forms Attachment 'C'.

It should be noted that the land in the south-western corner is flood liable and may not be able to ultimately accommodate medium density development.

Sussex Inlet Settlement Strategy

The adopted SISS which has been endorsed by the Director-General of Planning contains general aims and site specific objectives that will need to be addressed in any rezoning process. The SISS notes that part of the subject land had been proposed for mixed residential purposes, a range of community facilities and the expansion on the golf course to 18 holes. The area referred to in the SISS as the Badgee Investigation Area is shown on Attachment 'D'. The SISS notes that potential social/economic benefits arising from the development of this land to include:

- Additional housing stock in a flood free location adjacent to the existing urban area of Sussex Inlet;
- Provision of a flood free access from the existing residential area to the north of Badgee Lagoon through to Sussex Inlet Road;
- Co-ordination of planning and environmental management (including water quality) across 2 large holdings under one environmental study and rezoning process;
- Sufficient land to provide for an extension of the existing golf course.

The identified environmental protection measures contained in the SISS include:

- Subject to further detailed assessment the opportunity to incorporate habitat corridors through the site in a north-south direction. This includes the opportunity to link the Badgee riparian areas to the south of Sussex Inlet Road to the bush land fronting St Georges Basin
- Dedication of Badgee Lagoon (with an appropriate buffer) to the community at no cost, thereby protecting the SEPP No. 14 wetland and rezoning this land to an appropriate environmental protection zone. This is in keeping with the recommendations of the Independent Review Panel which forms part of the SCRS.
- Public dedication of St Georges Basin foreshore.

The Strategy states that any rezoning of these lands must involve the preparation of a joint environmental study and rezoning process to ensure integration of planning and environmental outcomes across property boundaries. The Strategy requires the provision of flood free access to Sussex Inlet Road as shown indicatively on the map (Attachment 'D'). Further actions were also stipulated in the Strategy to ensure any future rezoning included investigations and controls to address water quality management issues as well as further detailed flora and fauna analysis to determine the appropriate location, width and linkages to achieve potential habitat corridors through the lands.

The SISS notes that an environmental study would be necessary in order to adequately consider in detail issues such as flora and fauna, water quality and bush fire hazard protection. Finally, the SISS indicates that the environmental study will also need to consider its potential high conservation value (defined under the SCRS). As mentioned earlier in this report, DECC have provided further detailed mapping of areas of high conservation value which must be taken into

consideration in the rezoning process. The SCRS states that new urban development is to be prohibited by LEPs on land assessed as being of high conservation value. This information has been passed on to the proponents and will require detailed consideration as part of the rezoning process and may impact on the outcome.

The Proposal

The proponents submission includes a copy of the preliminary concept plan forwarded to the Director-General of the Department of Planning requesting requirements in relation to the preparation of the environmental assessment report which forms part of the Part 3A application process. The preliminary concept plan has been prepared by Julius Bokor Architect Pty Ltd, (August, 2007) and includes an Economic and Employment Impact Assessment of Sussex Inlet Golf Course Estate Development (prepared by Rolyat Services Pty Ltd and Hincks & Assoc. Pty Ltd, March 2007).

- # The preliminary concept plan is shown in Attachment 'E' and requires rezoning to enable the proposed development to proceed. The site has been identified as an investigation area under the Council's SISS which has been endorsed by the State Government. The proposal includes the protection of the sensitive Badgee Lagoon lands, a residential development including a mix of housing types, the development of seniors housing, the development of an 18-hole golf course and associated facilities, a tourist development and the provision of associated open space and recreation facilities.

It is estimated that approximately 1,000 residences could be developed on the site and it is expected that the development of the site would have an investment value of over \$250 million. It is intended to stage the development and for separate applications to be lodged for the various proposed uses.

It is proposed to build a new clubhouse for the golf course as part of the overall development and it is suggested that consideration could also be given to including a small hotel and other sporting facilities like a swimming pool, gymnasium and sports centre near this proposal.

There are 2 areas of land that are proposed for medium density development in accordance with the findings of the Independent Review Panel which formed part of the SCRS process. It is also proposed to develop a tourist facility at the northern end of the subject land adjacent to Jew Fish Bay. This will also include part of the golf course and will comprise a hotel or other tourist accommodation and associated facilities. The land along the St Georges Basin foreshore will be made available as open space to the community.

The preliminary concept plan is accompanied by a report that was provided to the Department of Planning to enable the Director General to establish the level and scope of the environmental assessment required for the Part 3A Development Application process.

Next Step in the process

Council staff will seek clarification about the current operation of the two different sections of the EPA Act related to the rezoning and Part 3A processes eg. the rezoning investigations (environmental study) may highlight additional matters that the development application and associated environmental assessment report will need to address. Should Council resolve to prepare the LEP this will effectively "re-activate" Council's previous resolution to investigate the

possible rezoning of the subject land and enable Council to seek advice from the Department of Planning and relevant State Government Authorities in terms of the issues to be addressed in the rezoning process and possible environmental study.

RECOMMENDED that Council resolve to:

- a) **Prepare a Local Environmental Plan over the subject land (being Lots 123, 124 & 125 DP 528699, Lot 5 DP 568283, Lots 144 & 145 DP 755937, Lot 156 DP 40207, Lot 2442 DP 1074478 and Lot 51 DP 1033684) that addresses the provisions of the Sussex Inlet Settlement Strategy.**
- b) **Seek clarification from the Department of Planning in relation to the concurrent operation in this case of Part 3 of the EPA Act, 1979 and the lodgement of a Part 3A Development Application with the Department.**

E J Royston
DIRECTOR, STRATEGIC PLANNING

J Gould
ASSISTANT GENERAL MANAGER

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY 25TH SEPTEMBER 2007

FINANCE AND CORPORATE SERVICES

1. 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 August 2007:

**RECORD OF INVESTMENTS
as at 31st Aug 2008**

TOTAL CASH AND INVESTMENTS	
TOTAL CASH	5,783,751
TOTAL INVESTMENTS	116,799,015
	<u>122,582,766</u>
LESS CASH & INVESTMENTS HELD IN RELATION TO RESTRICTED ASSETS	
LEAVE ENTITLEMENTS	5,669,446
WASTE DISPOSAL	2,871,019
STRATEGIC PROJECTS GENERAL	28,933,195
MULTI PURPOSE CULTURAL & CONVENTION CENTRE	7,633,811
OTHER INTERNAL RESERVES	9,665,794
SECTION 94	15,780,373
SECTION 94 LIABILITY RESERVE	3,000,000
TRUST	70,650
LOANS - GENERAL PURPOSE	140,000
WORKCOVER GUARANTEE	3,755,000
SECTION 64 WASTE WATER	1,760,525
SEWER COMPENSATION	6,568
SEWER CONSTRUCTION WORKS	8,966,656
SECTION 64 WATER	2,902,893
WATER CONSTRUCTION WORKS	26,356,038
TOTAL RESTRICTED	<u>117,511,968</u>
UNRESTRICTED CASH AND INVESTMENTS	
GENERAL	3,070,798
WATER	1,000,000
WASTE WATER	1,000,000
TOTAL UNRESTRICTED	<u>5,070,798</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 - 31st AUGUST 2007

Issuer	Credit Rating	Security Type	Principal	Terms	Interest Rate	Date Matured	SCC Inv No
Adelaide Bank	AAA	At Call	3,003,131.51	At Call	6.3500%	At Call	3002
Australian Central Credit Union	NR	TD	2,000,000.00	30	6.9800%	20/09/2007	2952
Australian Central Credit Union	NR	TD	2,000,000.00	366	6.9200%	1/05/2008	2992
Australian Central Credit Union	NR	TD	500,000.00	367	7.0900%	30/06/2008	2997
BANK OF QLD	BBB	FRN	1,500,000.00	91	6.6833%	17/03/2008	2918
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	1,970,289.12	86	6.4000%	27/09/2007	2916
CBA	A1+	O/S	725,488.28	180	6.6000%	28/05/2009	2732
CITIBANK	A1+	TD	3,000,000.00	93	6.5000%	4/10/2007	2965
CITIBANK	A1+	TD	1,500,000.00	76	6.6100%	10/10/2007	2879
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
Credit Union Australia	NR	TD	1,500,000.00	180	6.5900%	10/09/2007	2882
HORIZON	NR	TD	2,000,000.00	92	6.6000%	13/09/2007	2994
HORIZON	NR	TD	3,000,000.00	188	6.7000%	2/01/2008	2985
IMB	A3	TD	2,500,000.00	35	6.7900%	19/09/2007	2886
IMB	A3	TD	3,000,000.00	125	6.5000%	26/09/2007	2913
IMB	A3	TD	2,500,000.00	64	6.8500%	23/10/2007	2987
IMB	A3	TD	2,500,000.00	92	6.8800%	20/11/2007	3005
IMB	A3	TD	5,000,000.00	92	6.8900%	28/11/2007	2991
IMB	A3	TD	1,500,000.00	92	6.9000%	29/11/2007	2964
IMB	A3	TD	3,000,000.00	183	6.5900%	5/12/2007	2981
LGFS	A1	TD	1,500,000.00	34	6.5800%	4/09/2007	2990
LGFS	A1	TD	2,000,000.00	62	6.6300%	2/10/2007	3003
LGFS	A1	TD	1,500,000.00	97	6.6800%	6/11/2007	3004
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	455,833.70	120	5.8700%	26/06/2008	186
NAB	A1+	TD	2,500,000.00	63	6.4200%	26/09/2007	2961
NEWCASTLE PERMANENT	A2	TD	5,000,000.00	30	6.9700%	21/09/2007	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	1,000,000.00	365	6.9200%	8/05/2008	2993
Savings and Loans Credit Union	NR	TD	500,000.00	367	7.0400%	30/06/2008	2998
Savings and Loans Credit Union	NR	TD	1,500,000.00	180	6.6400%	10/09/2007	2881
Savings and Loans Credit Union	NR	TD	1,500,000.00	33	7.0300%	25/09/2007	2907
T/CORP	A1+	TD	3,290,000.00	365	6.2400%	4/10/2007	2842
T/CORP	A1+	TD	1,014,000.00	365	6.2400%	4/10/2007	2842
WESTPAC	A1+	BB	969,332.45	181	6.3800%	5/09/2007	2887

FUNDS WITH NO FIXED MATURITY DATE			Market Value		Indicative Annual Rate	
INDIVIDUALLY MANAGED PORTFOLIO		MGMD FD	17,015,028.68	At Call	7.8000%	At Call
Merrill Lynch Diversified Credit Fund (Class D)	A	MGMD FD	4,000,000.00	At Call	-3.91% ⁽¹⁾	At Call 2984
Aberdeen Cash Plus	Af	MGMD FD	2,000,000.00	At Call	6.25%	At Call 3001
Aberdeen Cash Plus	Af	MGMD FD	2,000,000.00	At Call	6.37%	At Call 2915
Macquarie Income Plus	Af	MGMD FD	1,000,000.00	At Call	7.01%	At Call 2915
Perpetual Investments	Af	MGMD FD	3,000,000.00	At Call	4.98%	At Call 2915

(1) Note this investment has been held since 29 June 2007 and a distribution for August 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.



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 August 2007 be received for information.

2. Annual Financial Statements for Accounting Period ended 30th June 2007 File 36477

Council's Annual Financial Statements for the period ended 30 June 2007 have been prepared and are ready to be audited. The Annual Financial Statements include the General Purpose Financial Reports and the Special Purpose Financial Reports (draft copies included in Councillors' Information Folder).

In accordance with Section 413 of the Local Government Act (1993), Council must refer these statements for audit. In doing so Council is required to give their opinion on these statements prior to the receipt of the audit report.

The General Purpose Financial Reports and Special Purpose Financial Reports have been prepared in accordance with The Local Government Code of Accounting Practice and applicable Accounting Standards.

The General Purpose Financial Reports are prepared on a consolidated basis. This means that the information presented reflects all of Council's activities including the General Fund, Water Fund, Waste Water Fund and any other entities controlled by Council.

In preparing the General Purpose Financial Reports it should be noted that they provide limited information for management, for example all internal transactions must be eliminated. This means that all expenses relating to Council rates, excess water charges, waste management charges etc levied on Council activities do not appear.

The Special Purpose Financial Reports relate to activities of Council that are classified as a business under the National Competition Guidelines. Any activity that is classified, must then be sub classified as either a Category 1 or Category 2 business depending on whether the annual turnover is above or below \$2 million. The following Council activities have been classified as a business:

Shoalhaven Water – Water	Category 1
Shoalhaven Water – Sewerage	Category 1
Holiday Haven Tourist Parks	Category 1
Shoalhaven Mechanical Services	Category 1
Shoalhaven Memorial Gardens	Category 2
Electrical Technology Services	Category 2

In preparing the Special Purpose Financial Report certain taxes and charges that Council is not normally liable to pay must be calculated. These include company income tax, sales tax, land tax, stamp duty, payroll tax and dividends. These amounts are then included in the Special Purpose Financial Report but only as notional amounts. The Special Purpose Reports also include calculations with regard to Water and Waste Water Best Practice pricing guidelines and dividend payments. These reports must be audited and submitted to the Department of Energy, Utilities and Sustainability prior to the payment of a dividend from Water or Wastewater funds.

Council is required by the Local Government Act to give their opinion on the Annual Financial Statements. The statements are then officially referred to audit. After the statements have been audited, Council will then receive the finalised financial statements and Auditors Report.

Section 418 of the Local Government Act 1993 requires Council to fix a date for the meeting at which it proposes to present its audited Annual Financial Reports and Audit Report to the public and give public notice of this date. It is proposed that the Annual Financial Report and Audit Report be presented to the public at the Ordinary Meeting of Council to be held on Tuesday 30 October 2007. Public notice of this meeting will be made on Monday 22 October 2007 with the Financial Reports and Audit Report being available for inspection at Council's offices from Tuesday 23 October 2007 to Tuesday 30 October 2007.

A copy of the finalised Financial Reports and Audit Reports will be provided to Councillors prior to the meeting of the 30 October 2007. A briefing for Councillors in relation to the Annual Financial Reports will be held on the 30 October 2007 and the auditor will be available at this meeting to answer questions relating to the Reports.

RECOMMENDED that

- a) **the Annual Financial Statements for the year ending 30 June 2007 have been drawn up in accordance with the Local Government Act (1993), regulations and applicable accounting standards;**
- b) **the Financial Statements give a true and correct view of Council's financial position as at 30 June 2007 and the operating result for the year ended 30 June 2007;**
- c) **the Financial Statements are in accordance with Council's accounting and other records and they do not include any false or misleading information;**
- d) **the Mayor, one other Councillor, the Responsible Accounting Officer and the General Manager shall sign a statement in accordance with Section 413 of the Local Government Act (1993);**
- e) **the Financial Statements for the accounting period ending 30 June 2007 be submitted to Council's Auditor for audit in accordance with Section 413 of the Local Government Act (1993)**
- f) **Council present its audited Financial Reports and Audit Report to the public at the Ordinary Meeting of Council to be held on Tuesday 30 October 2007.**
- g) **In accordance with S418 of the Local Government Act 1993 public notice of this date is placed in the media on Monday 22 October 2007 and the Financial Reports and Audit Report are made available for inspection at Council's offices from Tuesday 23 October 2007 to Tuesday 30 October 2007.**

P.J. Dun
DIRECTOR, FINANCE & CORPORATE SERVICES GROUP

R.D. Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY 25TH SEPTEMBER 2007

FINANCE AND CORPORATE SERVICES / ASSISTANT GENERAL MANAGER / CITY SERVICES AND OPERATIONS / SHOALHAVEN WATER

1. Wind Turbine Trial

File 36545

Discussions with Private Parts Engineering have refined the potential sites for the trial and the costs involved.

A total of 8 sites are now proposed:

Shoalhaven Heads

- Shoalhaven Heads Tourist Park
- Shoalhaven Heads Swimming Pool

Nowra-Bomaderry

- Bomaderry Aquatic Centre
- Arts Centre
- Tourist Centre
- Shoalhaven Water Depot, South Nowra

Nowra Rural

- Nowra Sewerage Treatment Plant
- West Nowra Waste Depot

These sites offer diversity in:

- Locality - coastal, urban, rural
- Wind Exposure - exposed, nearby trees, adjacent trees/buildings
- Visibility - high exposure, discreet, rural, urban

The company intends to monitor the benefits of the installations, in conjunction with Council, to assess actual benefit in power generation as compared with predictions.

Financial Arrangements

A typical wind generator and installation package is in the order of \$8-10,000 depending on particular requirements. This cost includes:

- 1) Supply of 1 x 1000 watt silent generator
- 2) Supply of 1 x control box
- 3) Supply of 1 x generator mounting system (eg roof, pole etc)
- 4) Installation of generator and mounting system
- 5) Installation and wiring of control box
- 6) 12 month warranty and full inspection at end of 12 month operation.

The company has proposed for the trial that the total cost will be \$68,530 of which it is proposing to contribute \$26,320. The cost to Council, who will retain ownership of the generators, will be \$42,210 for the 8 sites.

It is proposed that the company will prepare the Development Application in conjunction with Council.

Energy Implications

With a 1kW rated generator, the average power generation per day is expected to be around 7.5-9kW. (An average household consumption is 15kW/day).

For an average wind speed of 15km/hr, 9kW will be produced in a 24 hour period. This compares with around 4kW/day from a 1kW rated solar system.

Each generator will reduce the CO₂ emissions by 3 tonnes/year.

One years average energy generation based on the 8 generators will save Council between \$2,190 and \$2,630 per annum at current electricity charges.

Benefits to Shoalhaven

The obvious benefit to Shoalhaven is the manufacturing effort to produce these wind generators for domestic use. Initial steps are underway to have this happen in factory premises at Bomaderry with production commencing in earnest in late 2007.

Additionally the introduction of this product onto the market will generate much media interest. Already some local interest has been generated. The different angles that can be exploited by the company and by Council include:

- enterprising attitude by Shoalhaven industry
- co-operative attitude by Council to sustainability and regional economic development
- regional manufacturer solving energy problem
- "Shoalhaven - City of Enterprise"
- Met tasks for ESD under the Management Plan
- Meet Council's obligations under the mandatory Energy Savings Action Plan

RECOMMENDED that Council allocate \$42,210 as follows:

Shoalhaven Heads Tourist Park	Job Number 88568	\$5450.00
Shoalhaven Heads Swimming Pool	Job Number 21601	\$5450.00
Bomaderry Aquatic Centre	Job Number 21601	\$5170.00
Shoalhaven City Arts Centre	Job Number 21585	\$4220.00
Nowra Tourist Centre	Job Number 10120	\$5450.00
Shoalhaven Water Depot	Unallocated Funds Water	\$5170.00
Nowra Sewerage Treatment Plant	Unallocated Funds Sewer	\$5650.00
West Nowra Waste Depot	Waste Disposal Reserve	\$5650.00

Peter Dun
DIRECTOR FINANCE & CORPORATE SERVICES

John Gould
ASSISTANT GENERAL MANAGER

John Wells
DIRECTOR CITY SERVICES & OPERATIONS

Carmel Krogh
DIRECTOR SHOALHAVEN WATER

R D Pigg
GENERAL MANAGER

LEGAL DOCUMENTS

ORDINARY MEETING

TUESDAY, 25 SEPTEMBER 2007

STRATEGIC PLANNING

1. **Creation of Transfer Granting Easement at Miller Street, Falls Creek** **File 35375**
-

RECOMMENDED that the Transfer Granting Easement between the Council of the City of Shoalhaven (the Transferor) and Robert Allan Barca and Fiona Roselind Moon (the Transferee) to an easement for Asset Protection Zone purposes 17 metres wide over Miller Street, Falls Creek benefiting Lot 51 DP15507 (16 Gardner Road) be executed under the Common Seal of the Council of the City of Shoalhaven in accordance with DA06/1988.

Note: By Minute 06.1370 of 24 October 2006, Council resolved to approve the request for the application for an easement for the provision of an Asset Protection Zone over Miller Street, Falls Creek adjacent to 16 Gardner Road, Falls Creek as shown hatched on the attached plan.

E J Royston
DIRECTOR, STRATEGIC PLANNING

J Gould
ASSISTANT GENERAL MANAGER

R D Pigg
GENERAL MANAGER

LEGAL DOCUMENTS

ORDINARY MEETING

TUESDAY, 25 SEPTEMBER 2007

DEVELOPMENT AND ENVIRONMENTAL SERVICES

1. **Legal Document - Public Positive Covenant to be created over Approved Subdivision of Lot 2308, DP 1094925, Tallais Close, Worrigeer.** **File SF8976**
-

REASON FOR REPORT

- # A Public Positive Covenant (PPC) is required to be created over land to be released in Stage 3 of an approved subdivision (SF8976) at Lot 2308 DP 1094925, Tallais Close, Worrigeer - see **Attachment 'A'**. The creation of a PPC requires a resolution of Council, and Council seal to be affixed to the 88B Instrument prior to lodgement at the Land and Property Information Office (LPI) of the Department of Lands.

BACKGROUND

- # Consent was given to a subdivision development of Portion 100 Parish Numbaa, on 30 January 2001. Conditions were placed on the consent requiring an Environmental Management Plan (EMP) to be lodged and approved by Council for "*the regeneration and management of the hatched low-lying areas*" on certain lots. The EMP has been approved and a copy is held on Council's Subdivision File SF8976. (**Attachment 'B' shows area to be revegetated in accordance with approved EMP**)

The consent was subsequently amended pursuant to Section 96 of EPA Act, to enable staging of the development. Stages 1 and 2 have been released; Stage 3 is currently with Council for release and involves that part of the land affected by the EMP.

Council would normally place a Restriction as to User (RATU) over the affected land, however because the EMP requires "*regeneration and management...*" of the land, a restriction is not suitable in this regard. The applicant's Solicitor, as well as advice from Council's Property Unit Manager, have confirmed a PPC is appropriate.

The PPC differs from a Positive Covenant in that it can impose obligations to carry out development as broadly understood within the meaning of the EPA Act and operates as a binding agreement with the Registered Proprietor of the land, that is, it binds subsequent owners, as well as the current owner to the agreement. If Council seeks to enforce the PPC at some time in the future, the intentions of Council will be clear by having executed the seal on the 88B instrument to create the PPC.

CONCLUSION

Stage Three (3) of an approved Subdivision (SF8976) is currently with Council for linen release. The release requires creation of a Public Positive Covenant and the execution of Council of the 88B instrument before lodgement at Land and Property Information Office.

RECOMMENDED that the Public Positive Covenant placed on the 88B instrument created for the subdivision of Lot 2308 DP 1094925, Tallais Close, Worrigea be executed under the seal of Council.

2. Request for Variation of Section 88B Restriction as to User - Lot 100 DP 1072242, Bugong Road, Budgong. File SF8181-02

REASON FOR REPORT

A request has been made to vary the Restrictions as to User placed on the title of Lot 100 DP 1072242, Bugong Road, Budgong (see **Attachment 'A'**) in relation to the access to the property, location of the building envelope, bushfire matters and effluent disposal on the land. Council is the authority empowered to vary release or modify these restrictions.

BACKGROUND

The subject lot was created in a four (4) lot subdivision approved by Council on 23 October 1996. Conditions were placed on the consent, requiring Restrictions as to User (RATUs) being placed on the 88B instrument, in regard to, inter alia, access to the property, placement of building envelopes, bushfire matters and effluent disposal.

In 2006 an application (DS06/1708) to modify the consent in accordance with Section 96 of EPA Act was lodged with Council. The applicant requested a variation to the building envelope, by moving it in a northerly direction - see **Attachment 'B'**.

Advice was received from Council's Environmental Building Surveyor, Threatened Species Officer, Subdivision Engineer and NSW Rural Fire Service and an assessment pursuant to Section 79(c) of EPA Act was undertaken. After due consideration the S96 was approved on 27 July 2007 and Conditions 9 and 10 of the consent were amended in respect to effluent disposal requirements, bushfire protection, clearing of vegetation and the variation to the building envelope.

These amended conditions required the current Restrictions as to User placed on the title of the property to be amended and advice was given to the applicant to lodge appropriate forms with Council to vary them, prior to lodgement with Land and Property Information Office. This report is in accordance with that advice.

CONCLUSION

The applicant has lodged a request for Variation to a Restriction as to User form, to vary Restriction as to Users placed on the 88B instrument for Lot 100 DP 1072242, Bugong Road, Budgong. The variations are in accordance with a Section 96 modification approved by Council earlier in 2007.

RECOMMENDED that the request to modify the Section 88B Instrument for the variation of the Restrictions as to User, the subject of this report over Lot 100 DP 1072242, Bugong Road, Budgong be executed under the seal of Council.

Tim Fletcher
DIRECTOR DEVELOPMENT AND ENVIRONMENTAL SERVICES

R.D Pigg
GENERAL MANAGER

Confidential Business Paper Agenda

ASSISTANT GENERAL MANAGER

Item 1 Sale of Land - Nowra and Huskisson

Reason

Section 10A(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.

STRATEGIC PLANNING / DEVELOPMENT & ENVIRONMENTAL SERVICES

Item 1 Isa Road Drainage Augmentation

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

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.