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**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF SHOALHAVEN HELD IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA ON TUESDAY 28<sup>TH</sup> AUGUST 2007 COMMENCING AT 4.04 PM.**

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The following members were present;

Clr G Watson – Chairman  
Clr J Finkernagel  
Clr R Rudd  
Clr P Murphy  
Clr P Green  
Clr J McCrudden  
Clr G Ward  
Clr G Kearney  
Clr J Anderson  
Clr J Willmott  
Clr J Young  
Clr R Bates

The meeting was opened in Prayer by Father Patrick Faherty, followed by the playing of the Australian National Anthem.

1133. Confirmation of the Minutes of the Ordinary Meeting of Council held on 24<sup>th</sup> July 2007 & 14<sup>th</sup> August, 2007
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RESOLVED on a MOTION of Clr Green, seconded Clr Kearney, that the Minutes of the Ordinary Meeting of Council held on 24<sup>th</sup> July 2007 and the Minutes of the Extra Ordinary meeting of Council held on 14<sup>th</sup> August 2007 be confirmed.

**MAYORAL MINUTE - TUESDAY, 28TH AUGUST, 2007**

1134. LGSA Position on Local Government Inquiry Recommendations File 13726-02

RESOLVED on a MOTION of Clr Watson, seconded Clr Green that Council acknowledge and endorse the Associations' positions on the forty nine recommendations of the Independent Inquiry into the Financial Sustainability of NSW Local Government and call on the Minister for Local Government to coordinate a whole-of-Government response and establish a reform implementation fund.

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## REPORT OF THE GENERAL MANAGER

### POLICY AND PLANNING COMMITTEE – TUESDAY 14<sup>TH</sup> AUGUST 2007

#### 1135. Adoption of Report

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RESOLVED on a MOTION of Clr Kearney, seconded Clr Ward, that the following recommendations of the Policy and Planning Committee be adopted.

#### 1136. Ground Works and Goal-Post Management by Sporting Clubs File 4538-04

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RECOMMENDED that:

- a) The General Manager (City Services and Operations) investigate management options for inspecting, maintaining and removing/replacing goal-posts and provide a further report to the Shoalhaven Sports Board.
- b) Sports clubs be required to show proof that their public liability insurance includes cover for volunteers carrying out sport specific maintenance on Council grounds.
- c) Sports clubs be responsible for OH&S of their members while carrying out sports specific maintenance on grounds.
- d) The present system of induction by Council staff continue for minor improvement and construction type activities.

#### 1137. Voluntary User Contribution Scheme - Applications Financial Year 2007/2008 File 24899-04

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RECOMMENDED that:

- a) Applications for funding under the Volunteer User Contribution Scheme for 2007/2008 by:

Shoalhaven Heads Football Club	\$6,250
Nowra Croquet Club	\$30,000
Milton Bulldogs Rugby League Club	\$2,035
Shoalhaven District Football Association	\$13,000
Shoalhaven District Football Association	\$2,500
St Georges Basin Senior Rugby League Club	\$8,500
Huskisson Football Club	\$5,250
Shoalhaven Rugby Club	\$10,000
Frogs Holla Combined User Groups	\$3,000
Culburra Beach Junior Rugby League Club	\$5,000;

be approved.

- b) Applications from Currarong Tennis Courts and Culburra Beach Tennis Courts Management Committees be deferred pending a further report to the Shoalhaven Sports Board and a decision of Council.

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1138. Good Sports Program

File 32457

RECOMMENDED that

- a) The report of the General Manager (City Services and Operations) regarding progress with implementation of the Good Sports Program into four local clubs, be received for information.
- b) The General Manager (City Services and Operations) invite all Shoalhaven Sports Board members to future Good Sports Program presentations.

1139. Voluntary User Contributions Policy Review

File 5270

RECOMMENDED that Council defer consideration of varying the Voluntary User Contribution Policy to include tennis court management committees pending a report of the General Manager (City Services and Operations) on:

- a) The number of tennis court facilities in the Shoalhaven under Council control and management.
- b) Indicative cost estimates to up grade tennis court facilities identified in a) and
- c) A priority listing of Council tennis court facilities requiring an up grade.

1140. Sports Ground Policies

File 5270

RECOMMENDED that

- a) The General Manager (City Services and Operations) amend the Sports Ground Line-marking Policy to include; the incurring of an on going \$500 bond if a club breaches the policy.
- b) Council adopt the amended Sports Ground Line-marking Policy.

1141. Possible Hosting of World Archery Championship for Disabled

File 7009

RECOMMENDED that:

- a) The report of the General Manager (City Services & Operations) concerning the possible hosting of the World Archery Championship for Disabled be received for information.
- b) Preliminary discussions be held with current users of Vic Zealand Oval to assess potential impacts.

1142. NSW Sport & Recreation Capital Assistance Grants 2007 / 2008

File 36248

RECOMMENDED that Council adopt the Shoalhaven Sports Board prioritised list of the Capital Assistance Program applications as follows:

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- a) Kiama Electorate:
    - i) Shoalhaven Heads-Berry Soccer Club – Floodlight additional area to training standards
    - ii) Shoalhaven District Tennis – Shade Shelter
    - iii) Nowra Croquet Club – Construction of lawns and clubroom
  - b) South Coast Electorate:
    - i) Shoalhaven City Council (Yulunga Reserve Manyana) – installation of irrigation system
    - ii) St Georges Basin Rugby League Club – construction of perimeter fence
    - iii) Currarong Skatepark Committee – construction of skate park
    - iv) Shoalhaven District Football (Soccer) Association – installation of irrigation system
    - v) Ulladulla Pistol Club – classification office and scoring shed.

1143. Voluntary User Contribution Scheme – Annual Report

File 24899-04

RECOMMENDED that:

- a) Council support the following projects be funded in the “User Contribution Scheme Request for Unallocated Funds 2006/2007”
  - i) Shoalhaven Little Athletics – synthetic rubber run-ups to long jump pits & associated works - \$4,959
  - ii) Sussex Inlet Touch – extend irrigation system - \$13,000
  - iii) Shoalhaven Soccer – completion of building upgrade works - \$2,058
  - iv) Sussex Inlet Soccer – partial topdress of mail field - \$3,000
- b) Residual Unallocated funds be used to carry out additional canteen upgrade works in accordance with the program previously adopted by Council (Minutes No. 07/13).

1144. NSW Department of Sport and Recreation - Regional Sports Facility Funding Program

File 22308

RECOMMENDED that the Sports Board write a letter of support to the NSW Department of Sport and Recreation for the following projects;

- a) Bernie Regan Synthetic Hockey Field – construct a regional synthetic hockey field at Bernie Regan Sporting Complex North Nowra.
- b) Milton/Ulladulla Tennis Association Upgrade – Shade shelter and seating.

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1145. Huskisson Sportsground - Additional Sporting Field

File 28705 & 3578-02

RECOMMENDED that

- a) Council allocate any remaining funds from the construction of an additional sports field at Huskisson Sportsground to the extension of the Huskisson Sportsground Amenities Building; and
- b) Council approach the Department of Lands to transfer the section of road reserve (Kioloa Street) adjacent to Huskisson Sportsground into Council ownership.

1146. Nowra Skate Park Update

File 24903

RECOMMENDED that

- a) The minor changes to the Nowra Skate Park design to incorporate BMX rider elements be endorsed.
- b) The General Manager (Strategic Planning Group) advise the twenty five (25) submission riders that their comments have been considered and elements incorporated into the Nowra Skate Park design where practical.

1147. Shoalhaven City Sport - Website

File 26275

- # RECOMMENDED that Council adopt the Shoalhaven Sports Boards endorsement of the attached Shoalhaven City Sports website, with the inclusion of a component to allow community comment.

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1148. Regional Boundaries

File 4828

RECOMMENDED that the General Manager (Finance and Corporate Services) write to the Minister for Regional Development, the Hon. Tony Kelly, to request a review of Regional Development Board boundaries in NSW based on the logic of establishing a South Coast Region from Wollongong through to the Victorian border.

1149. Employment Opportunities for Trainees, Apprentices and Cadets

File 8341

RECOMMENDED that Council (Human Resources and other appropriate Groups / Sections) continue to progress the following initiatives;

- a) Shared Civil Engineer between Shoalhaven City Council and Wollongong City Council
- b) Strategic Training Needs Analysis – an annual undertaking.
- c) Refinement and on-going maintenance of the Workforce Management (and Succession) Plan.
- d) Work Experience Placements.
- e) Future Local Government Careers Displays in Sydney and Country areas.
- f) University of Wollongong Careers Displays during 2007 and beyond.
- g) High School Careers Days during 2007 and beyond.
- h) Presentations to High Schools during 2007 and beyond.
- i) Prepare another application when the Department of Local Government call for round two of the Local Government Skills Shortages Scholarship Program towards the end of 2007.
- j) Continue to work-up the Local Government Information Evening initiative.
- k) Continue to work-up the Shoalhaven City Council Adopt a School proposal.
- l) On completion of the existing Schools Based Apprenticeship review and continue the scheme.
- m) Council set a target for all Groups to attain a Trainee / Apprentice / Cadet ratio of at least 5% of Group staff numbers subject to Council providing funding in the budget.
- n) Information Leaflets be supplied to the Local Government and Shires Country Week 2007 Expo in August 2007.

1150. Mobi Mat

File 28441

RECOMMENDED that:

- a) The General Manager (City Services and Operations) write to the National Parks and Wildlife Service seeking co-operation in the implementation of a Mobi Mat at Greenfields Beach, Vincentia;
- b) A report be submitted to the Shoalhaven Access Committee regarding the listing of suitable sites for additional Mobi Mats within the Shoalhaven.

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1151. Handrail or Seat in Morrison's Arcade Nowra

File 3743

RECOMMENDED that the General Manager (City Services and Operations) write to the Hon. Kristina Keneally MP, State Minister for Aging and Disability Services and the Hon. Mal Brough, Federal Minister for Disability Services seeking an update on the aligning of the conflicts between the Building Codes of Australia and the Disability Discrimination Act.

1152. Disabled Toilets North Nowra Shops

File 35910

RECOMMENDED that:

- a) The General Manager (Development and Environmental Services) investigate the use of the existing private amenities at the North Nowra Shops being made available to the public;
- b) The General Manager (Strategic Planning) investigate the construction of a public toilet facility in close proximity of the North Nowra Shops.

1153. Accessibility Improvements - 2007/08 Capital Works Programme

File 35373, 35531

RECOMMENDED that the following works be included in 2007/08 capital works programme for accessibility improvements throughout the Shoalhaven, subject to final designs and available budget:

- a) Provision of hand rails and tactile ground surface indicators (TGSI) on three flights of steps at the Berry Street entrance to the Nowra School of Arts and the entrance to the Berry School of Arts;
- b) Provision of grab rails for ambulant disabled persons in male and female toilet facilities at the following locations:
  - Burrill Lake Hall
  - Callala Bay Community Centre
  - Greenwell Point Hall
  - Lake Conjola Community Centre
  - Nowra Showground Committee Rooms
  - Cudmirrah Public Hall and
  - Ulladulla Civic Centre
- c) Improved access pathways and entry to buildings at:
  - Greenwell Point Hall
  - Yulunga Community Hall, Manyana
  - North Nowra Community Centre
  - Shoalhaven Heads Surf Club public amenities

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1154. Additional Accessible Car Parking - Nowra

File 10456

RECOMMENDED that the General Manager (Development and Environmental Services) investigate the Condition Consent for the Nowra Community Health building in Lawrence Avenue, Nowra in regard to allocated car parking spaces.

1155. Provision of Kerb Ramps

File 8217

# RECOMMENDED that Council adopt the draft 2007/08 Works Program for the Provision of Kerb Ramps as per the attachment.

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1156. Accessible Public Amenities - Sussex Inlet File 18680, 26428

RECOMMENDED that Council write to the Minister for Roads, the Hon. Eric Roozendaal MLC, the member for Kiama, the Hon. Matt Brown MP and the member for South Coast, Shelley Hancock MP requesting support for the installation of permanent public toilets at the corner of the Princes Highway and Sussex Inlet Road to support the Driver Reviver Program.

1157. Council's Fraud Control Policy and Fraud Control Strategy File 9192

RECOMMENDED that Council adopt the updated Fraud Control Policy and the associated Fraud Control Strategy.

1158. Illawarra Area Assistance Scheme Funded Projects in the Shoalhaven 2007 File 34799

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding the Illawarra Area Assistance Scheme Funded projects in the Shoalhaven 2007 be received for information.

1159. NSW Planning System – Recent Legislative Changes File 31157-03, 3167-06

This item was withdrawn and dealt with separately at the conclusion of consideration of the Policy and Planning Committee report.

1160. Draft Local Environmental Plan No. LP 225 Seaspray Street, Narrawallee and Draft Local Environmental Plan No. 338 Ross Avenue, Narrawallee File 1787-04 & 26448

RECOMMENDED that

- a) The landowner and Council finalise (sign) the required Deed of Agreement (consistent with the discussions at of the Councillor Briefing held 19<sup>th</sup> July 2007 and listed in the body of the report above) within 60 days.
- b) A further report be submitted to Council, regarding the Deed of Agreement and the LEP process, at the end of the 60 day period.
- c) The Draft LEPs be forwarded to the Department of Planning LEP Review Panel once the Deed of Agreement is finalised (signed by both parties, being Council and the landowner).

1161. Information Report - Heritage Estates Rezoning Investigations Update File 1446-07

RECOMMENDED that the Report of the General Manager (Strategic Planning) concerning the Heritage Estates Rezoning Investigations Update be received for information and the proposed actions to seek approvals from the respective State and Federal Ministers be endorsed as detailed in the report.

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1162. 16th NSW Coastal Management Conference 2007 File 3444

RECOMMENDED that Council authorise available Councillors to attend the 16<sup>th</sup> NSW Coastal Management Conference from the 7<sup>th</sup> to the 9<sup>th</sup> November 2007 and it be deemed business of Council.

1163. Shoalhaven River Natural Resource and Floodplain Management Committee File 30567

RECOMMENDED that

- a) Council write to Mr Bannister thanking him for his contribution with Council and the community of the Shoalhaven;
- b) Council invite a member of the Greenwell Point Community Consultative Body to put forward a nomination for membership of the Shoalhaven River Natural Resource and Floodplain Management Committee; and
- c) Further report to Council be provided upon receipt of the nomination for Council consideration.

1164. Quarterly Report – Planning Work Program (Environmental Planning & Assessment Act Projects). File 28283

RECOMMENDED that the quarterly report of the General Manager (Strategic Planning) in relation to the Strategic Planning Group Work Program be received for information and the work program adopted.

1165. Section 94 Contributions Plan (CP) Amendment 74 - Adoption of Draft Amendment File 28706

RECOMMENDED that in relation to Contributions Plan Amendment 74 (removal of 30% discount factor), the draft Amendment be adopted as exhibited.

1166. Quarterly Budget Review as at 30th June 2007 File 2127

This item was withdrawn and dealt with separately at the conclusion of consideration of the Policy and Planning Committee report.

1167. Management Plan 2006-2009 - 4th Quarter Operating Report File 33481-02

This item was withdrawn and dealt with separately at the conclusion of consideration of the Policy and Planning Committee report.

1168. Tourism Advertising at Bomaderry Railway Station File 2221-02

This item was withdrawn and dealt with separately at the conclusion of consideration of the Policy and Planning Committee report.

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1169. Authorisation to determine applications under the Freedom of Information Act, 1989 File 1297

RECOMMENDED that the following officers be nominated as 'other officers' under the provisions of Section 18(2)(b) of the Freedom of Information Act, 1989 to determine applications for access to documents held by Council:-

- Mr Russell Desmond Pigg, General Manager
- Mr Peter James Dun, Director Finance & Corporate Services
- Mrs Emma Broomfield, Legal Services Manager
- Mr Leigh William Wallace, Corporate Operations Support Manager
- Mr Greg Roberts, Executive Support Manager
- Mr Wayne George Gee, Records Team Leader
- Mr Robin Alexander McLean, Information Officer

1170. Proposed Guidelines for use of Community Notice Boards File 1792-03

RECOMMENDED that the proposed amendments to the Guidelines for CCBs as detailed in Item 5 of the Policy and Planning report of 14<sup>th</sup> August 2007 be presented to all Community Consultative Bodies for comment and a further report be presented following the closing date of submissions.

1171. Staff Gratuities File 30099

RECOMMENDED that Council adopt the updated Staff Gratuities Policy.

1172. Shoalhaven Arts Board - Delegations of Authority File 4063, 2123-13

This item was withdrawn and dealt with separately at the conclusion of consideration of the Policy and Planning Committee report.

1173. Guidelines for the Conduct of Community Consultative Bodies – Council's Intention to Remove Clause e) Parts i and ii. File 1792-03

RECOMMENDED that Council delete Clause e) Parts i and ii from the resolution of Council's Ordinary meeting of 27<sup>th</sup> March 2007, Min07.397 Community Consultation Strategy and amend the Guidelines for the Conduct of Community Consultative Bodies accordingly.

1174. Request for Recognition as a Community Consultative Body – Bawley Point-Kioloa Ratepayers and Residents Association Inc. File 1757

RECOMMENDED that Council authorise an advertisement in the local press inviting comment from local individuals or organisations on the proposal to recognise the Bawley Point-Kioloa Ratepayers and Residents Association Inc. as a Community Consultative Body for the Bawley Point-Kioloa area.

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1175. Huskisson CBD Development Control Plan No.54 Facilitated Workshops File 10132-04

This item was withdrawn and dealt with separately at the conclusion of consideration of the Policy and Planning Committee report.

1176. Indian Myna Birds File 21621

RECOMMENDED that the report of the General Manager (Finance and Corporate Services) regarding the Indian Myna Birds be received for information.

1177. Review of Ward Boundaries and Related Electoral Matters File 18854-02, 3379

This item was withdrawn and dealt with separately at the conclusion of consideration of the Policy and Planning Committee report.

1178. Ranger Services Annual Report – 2006/2007 File 1383

RECOMMENDED that the report of the General Manager (Finance and Corporate Services) regarding the Ranger Services Annual Report 2006/2007 be received for information.

1179. Community Consultation Policy for Development Applications (Including Subdivisions) and the Formulation of Development Guidelines and Policies (Draft Amendment No 4) File 8139

This item was withdrawn and dealt with separately at the conclusion of consideration of the Policy and Planning Committee report.

1180. Quarterly Progress Report File 1442

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

1181. Additional item - Local Government Landcare Community Partnerships – Award File 10610

RECOMMENDED that Council;

a) Advise Bushcare and Landcare Groups of the “Local Government Landcare Community Partnerships” award received and acknowledge the volunteer efforts and activities of Bushcare and Landcare groups across the Shoalhaven that have contributed towards the receiving of the award.

b) Acknowledge the staff contribution and leadership to Bushcare and Landcare Groups.

1182. (Item 24, Page 19) NSW Planning System – Recent Legislative Changes File 31157-03, 3167-06

This item was withdrawn and dealt with separately.

RECOMMENDED that the Report of the General Manager (Strategic Planning) concerning the NSW Planning System – Recent Legislative Changes, be received for information.

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RESOLVED on a MOTION of Clr Ward, seconded Clr Anderson that;

- a) The Report of the General Manager (Strategic Planning) concerning the NSW Planning System – Recent Legislative Changes, be received for information
- b) The General Manager (Strategic Planning) seek clarification from NSW Planning over the recent legislative changes and the approval process of the Shaolin Temple, Correctional Facility and North Nowra Link Road proposals.

1183. (Item 31, Page 21) Quarterly Budget Review as at 30th June 2007

File 2127

This item was withdrawn and dealt with separately.

RECOMMENDED that

- a) The June Quarterly Budget Review and vote movements outlined in the report and document be adopted by Council.
- b) The Surplus in General Fund be transferred to the Strategic Projects Reserve.

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Bates that the recommendation of the Policy and Planning Committee be adopted.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Finkernagel, Rudd, Murphy, Green, McCrudden, Kearney, Willmott, Young, Bates, Watson

The following Councillors voted “No”;

Clrs Ward, Anderson

1184. (Item 32, Page 21) Management Plan 2006-2009 - 4th Quarter Operating Report File 33481-02

This item was withdrawn and dealt with separately

RECOMMENDED that the report of the General Manager regarding the 4<sup>th</sup> Quarterly Operating Report (1<sup>st</sup> April 2007 to 30<sup>th</sup> June 2007) of the Management Plan 2006-2009 be received for information.

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Murphy that the recommendation of the Policy and Planning Committee be adopted.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

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Clr Finkernagel, Rudd, Murphy, Green, McCrudden, Kearney, Anderson, Willmott, Young, Bates, Watson

The following Councillors voted “No”;

Clr Ward

1185. (Item 33, Page 21) Tourism Advertising at Bomaderry Railway Station File 2221-02

This item was withdrawn and dealt with separately

RECOMMENDED that the report of the General Manager (Finance & Corporate Services) on tourist facilities at the Bomaderry Railway Station be received for information.

RESOLVED on a MOTION of Clr Ward, seconded Clr Green that the recommendation of the Policy and Planning Committee be adopted.

1186. (Item 37, Page 22) Shoalhaven Arts Board - Delegations of Authority File 4063, 2665-04, 2123-13

This item was withdrawn and dealt with separately

RECOMMENDED 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.

RESOLVED on a MOTION of Clr Anderson, seconded Clr Willmott that the recommendation of the Policy and Planning Committee be adopted.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Finkernagel, Rudd, Murphy, Green, McCrudden, Kearney, Anderson, Willmott, Young, Bates, Watson

The following Councillors voted “No”;

Clr Ward.

This item was withdrawn and dealt with separately.

RECOMMENDED that in regard to the nominations received to serve on the Huskisson CBD Development Control Plan No54 Facilitated Workshops Council appoint:

- a) Graeme Gibson and Kate Broadhurst from the Huskisson Woollamia Community Voice
- b) Abe Mehmet and Domenic Cerulli from the Huskisson Chamber of Commerce
- c) Two Tourism Industry Associations representatives being Brian Brown from Tourism Jervis Bay and Alan Burrows from Jervis Bay Tourism Inc.
- d) Two representatives from the community being Rod Simpson and Brian Aulesbrook.
- e) A representative from the Department of Planning, Wollongong.

A MOTION was moved by Clr Bates, seconded Clr Rudd that in regard to the nominations received to serve on the Huskisson CBD Development Control Plan No54 Facilitated Workshops Council appoint:

- a) Graeme Gibson and Kate Broadhurst from the Huskisson Woollamia Community Voice
- b) Abe Mehmet and Domenic Cerulli from the Huskisson Chamber of Commerce
- c) Two Tourism Industry Associations representatives being Brian Brown from Tourism Jervis Bay and Alan Burrows from Jervis Bay Tourism Inc.
- d) Two representatives from the community being John Fergusson and Brian Aulesbrook.
- e) A representative from the Department of Planning, Wollongong.
- f) Mr Rod Simpson, representing the Huskisson RSL Club.

The MOTION upon being PUT to the meeting was declared LOST

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clrs Rudd, Ward, Bates

The following Councillors voted "No";

Clrs Finkernagel, Murphy, Green, McCrudden, Kearney, Anderson, Willmott, Young, Watson

RESOLVED on a MOTION of Clr Willmott seconded Clr Kearney that the recommendation of the Policy and Planning Committee be adopted.

This item was withdrawn and dealt with separately.

RECOMMENDED that Council retain its current position of

- a) Three (3) Wards within the existing boundaries
- b) Four (4) Councillors elected by all the electors within a ward; and
- c) A Mayor to be elected by popular vote

RESOLVED on a MOTION of Clr Green, seconded Clr Finkernagel that the recommendation of the Policy and Planning Committee be adopted.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Finkernagel, Rudd, Murphy, Green, McCrudden, Kearney, Anderson, Young, Bates, Watson

The following Councillors voted “No”;

Clrs Ward, Willmott

This item was withdrawn and dealt with separately

RECOMMENDED that the Community Consultation Policy for Development Applications (Including Subdivisions) and the Formulation of Development Guidelines and Policies (draft Amendment No 4) be adopted as exhibited.

A MOTION was moved by Clr Rudd, seconded Clr Ward that the Community Consultation Policy for Development Applications (Including Subdivisions) and the Formulation of Development Guidelines and Policies (draft Amendment No 4) be adopted with the inclusion of a minimum of one (1) and a maximum of three (3) community members to deliver a short presentation upon request and approval at a Resident Briefing Meeting.

The MOTION upon being PUT to the meeting was declared LOST

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Rudd, Green, Ward, Bates, Watson

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The following Councillors voted “No”;

Clrs Finkernagel, Murphy, McCrudden, Kearney, Anderson, Willmott, Young

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

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Finkernagel, Murphy, McCrudden, Kearney, Anderson, Willmott, Young

The following Councillors voted “No”;

Clrs Rudd, Green, Ward, Bates, Watson

#### **WORKS AND FINANCE – TUESDAY 14<sup>TH</sup> AUGUST 2007**

1190. Adoption of Report

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RESOLVED on a MOTION of Clr Ward, seconded Clr Anderson, that the following recommendations of the Works and Finance Committee be adopted.

1191. Working Together to Manage Emergencies - Local Grants Scheme File 32463

RECOMMENDED that:

- a) Council accept the grant of \$53,900 from the Attorney-General’s Department under the “Working Together to Management Emergencies – Local Grants Scheme” for the Installation and Upgrading of Equipment at the Emergency Operations Centre.
- b) The Attorney-General’s Department be thanked for making the grant offer available to Shoalhaven City Council.

1192. Offer of Grant for Fox Removal from Urban Areas Adjoining Lake Wollumboola File 36225

RECOMMENDED that:

- a) The grant offer of \$13,960 from the Southern Rivers Catchment Management Authority for Fox Removal from Urban Areas adjoining Lake Wollumboola be accepted and voted upon receipt;

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- b) Council write to the Hon P Koperberg, Minister for Environment and Climate Change, thanking him for the grant offer.

1193. Offer of Grant for Environmental Improvements on Public and Private Land along Broughton Mill Creek, Berry File 36025

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RECOMMENDED that :

- a) The grant offer of \$30,736 from the Southern Rivers Catchment Management Authority for Coral tree removal and Riparian Revegetation on Broughton Mill Creek be accepted and voted upon receipt;
- b) An amount of \$7,000 be allocated from job no 25002 as matching funding
- c) The General Manager (City Services and Operations) write to the Hon P Koperberg, Minister for the Environment and Climate Change, thanking him for the grant offer.

1194. Shoalhaven Art Society Rent Review File 26761

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RECOMMENDED that

- a) Council decrease the Shoalhaven Art Society rent to \$3,000 for one (1) year (August 2007 to August 2008) to allow them to develop programs in art education, studio painting, self development and exhibitions of work.
- b) The reduction in income expectation be provided from savings in a Quarterly Budget Review.

1195. Creation of Easement over Lot 21 DP657197 for Jane Street Overpass File 32267

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RECOMMENDED that

- a) Council resolve to acquire from the owner of Lot 21 DP657197 for the consideration of \$5,000 (plus GST if applicable) the benefit of an easement for that part of Jane Street Overpass that overhangs and encroaches onto Lot 21 DP657197, identified as "Proposed Easement for Overhead Path" on the attached plan.
- b) The compensation payable, valuation and legal costs payable in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 are to be funded from 88610.99999.
- 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.

# RECOMMENDED that

- a) Council resolve to acquire an easement to drain water 1.8m wide over lot 48 DP 17199, in lieu of the existing easement for drainage 0.915m wide registered no. M69391, in the location shown on the attached sketch plan.
- b) Survey and reasonable legal costs payable in accordance with the Land Acquisition (Just Terms Compensation) Act to be funded from Job Number 85001.99999.
- 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.

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1197. Encroachment Licence - Ison & Co. Pty Ltd. Lamonds Lane, Nowra File 13538

This item was withdrawn and dealt with separately at the conclusion of consideration of the Works and Finance Committee report.

1198. Acquisition of Part Lot 325 DP 16557, Sanctuary Point Rd Sanctuary Point File 35662

RECOMMENDED that

- a) Council resolve to acquire that part of Lot 325 DP 16557 described as Lot 1 DP 1112690 for the sum of \$2,000 plus GST (if applicable).
- b) The compensation payable valuation and legal costs payable in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 are to be funded from the annual road acquisition fund 85001.99999.
- 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) Following acquisition Lot 1 DP 1112690 be dedicated as Public Road pursuant to Section 10 of the Public Roads Act.

1199. Acquisition of Part Lot 1 DP 552504, 98 St Vincent St Ulladulla File 32301

RECOMMENDED that

- a) Council resolve to acquire proposed Lot 1 DP 1085672, for the sum of \$15,000 plus GST if applicable.
- b) The compensation payable valuation and removable legal costs payable in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 are to be funded from Job Number 85001.99999.
- c) The common seal of 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) Council resolve to classify the land as “operational”.

1200. 2007/08 Regional Roads Block Grant File 36309

RECOMMENDED that:

- a) The report of the General Manager (Assistant General Manager) regarding the 2007/08 Regional Roads Block Grant be received for information
- b) Council accept the 2007/08 Regional Roads Block Grant and vote the sum of \$1,231,000 to Job No 25002 Regional Road Maintenance and \$240,000 to Job No 26003 Traffic Facility Maintenance.

- 
- c) Council authorise the General Manager to sign the Agreement for Block Grant Assistance to Council for Regional Roads on behalf of Council.
  - d) A further report be referred to Council on expenditure of the supplementary (3x3) component.

1201. Private Use of Public Car Parking Spaces File 17432

This item was withdrawn and dealt with separately at the conclusion of consideration of the Works and Finance Committee report.

1202. Asset Management Plan - Parks & Reserves File 31367

RECOMMENDED that

- a) Council adopt the draft Asset Management Plan – Parks and Reserves for public exhibition.
- b) Community Consultation be undertaken by public advertisement for a period of 6 weeks on the draft Parks & Reserves Asset Management Plan.
- c) The draft Asset Management Plan be placed on Council's Internet site with easy links to make the comments electronically
- d) A copy of the Asset Management Plan be forwarded to all Community Consultative Bodies inviting their comment
- e) A further report be submitted following public exhibition

1203. Princes Hwy - South Nowra – Road Network Strategy File 3897, 2973-02

RECOMMENDED that

- a) The General Manager (Strategic Planning) write to the Roads and Traffic Authority and outline Council's views on the Princes Highway South Nowra Strategy in accordance with the report summary as a matter of urgency.
- b) Council investigate the provision of a local rate in lieu of Section 94 as a possible way of fast tracking the provision of the east service road network and submit a report to Council.

1204. McMahons Rd, North Nowra - Traffic Facilities File 2618, 6174

RECOMMENDED that

- a) Council adopt the short and medium term strategy as recommended in the report.
- b) The General Manager (Strategic Planning) be requested to implement the short term strategy at the earliest practical time.
- c) The General Manager (Strategic Planning) be requested to write to the RTA with the view of identifying other potential sources of funding to complete Stage 2 of the works, and provide a further report to Council on funding options for Stage 2 works.

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- d) Council vote and authorise the expenditure of the \$10,000 grant funds towards the McMahons Road Pedestrian Safety Project noting Job # 85275.99999
  - e) Council authorise the expenditure of up to \$10,000 to match RTA grant funds – noting Job # 85023.99999 (Provision of Pedestrian Crossings)
  - f) Council write to the Roads and Traffic Authority thanking them for their contributory funding assistance towards the McMahons Road Pedestrian Safety Project

1205. Encroachment Licence to ROC Cosmetics/ Pharmaceuticals Pty Ltd - Wason Street, Milton

File 35248

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# RECOMMENDED that

- a) Council determine the market rental for the licence between The Council of the City of Shoalhaven and ROC Cosmetics/Pharmaceuticals Pty Ltd for that part of Lot A DP 160887 and Lot H DP 165010 at Wason Street, Milton shown numbered 1 & 2 on the attached plan for a term of 10 years as;
  - i) \$150.00 per annum for the steps and bin receptacles; and
  - ii) \$1.00 per annum for the landscaped areas to the west of the bin receptacles on the attached plan.
- b) The Common Seal of the Council of the City of Shoalhaven be 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.

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1206. Proposed Legislative Reform to Rail Safety Act - Road and Rail Interface Agreements File 5934

RECOMMENDED that Council support the Local Government and Shires Association in opposing the cost shifting effect of the Rail Safety Act – Road and Rail Interface Agreements.

1207. Request for Donation - Sporting Events - NSW State Under 14 and 15 Soccer Championships and South Nowra and Shoalhaven Heads and Southern Suns Regional Touch Football Championships  
File 4771-06, 4306

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RECOMMENDED that

- a) Council vote an additional \$20,000 to the Donations Vote from the surplus in the June Budget Review for tourism sporting event donation requests.
- b) Council allocate \$6,822 from the Sporting Donation Request allocation identified in part a) to;
  - i) Shoalhaven District Football Association, South Nowra (\$1359) and Shoalhaven Heads Soccer Club (\$3496) to assist with the staging of Under 14 and Under 15 State Championships on 4<sup>th</sup> - 10<sup>th</sup> October 2007.
  - ii) Nowra Shoalhaven Touch Association (\$1967) to assist with the staging of the Southern Suns Touch Football Championships on 9<sup>th</sup> – 10<sup>th</sup> November 2007.
- c) The General Manager (Finance and Corporate Services) prepare a Draft Policy on Tourism Sporting Event Donation Requests to be considered by Works and Finance Committee prior to consideration by the Shoalhaven Sports Board and Shoalhaven Tourism Board.

1208. Footpaths to Nowra Skate Park - Princes Highway Underpass, Harry Sawkins Park, Nowra  
File 10458

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RECOMMENDED that:

- a) The Princes Highway underpass (tunnel) and its surrounds be included in the footpath and parks maintenance schedules for regular cleaning and repair.
- b) The pedestrian footpath linking the underpass with Campbell Place, Nowra be included in the priority list of projects for the additional footpath and cycleway funding 2007/08.
- c) An amount of \$2,000 be expended from the streetlighting capital works budget for reinstalling and recommissioning vandal-proof lighting in the Princes Highway underpass to increase pedestrian safety, and
- d) The General Manager (City Services and Operations) report back to Council on the opportunity of a community art work project in the Princes Highway underpass, Nowra, including funding options, when further details are available.

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1209. Elizabeth Drive, Vincentia - Kerb & Gutter File 7857, 18269, 26652

RECOMMENDED that

- a) Stage 2 works of kerb & gutter in Elizabeth Drive, Vincentia include Argyle Street to Edward Street (western side).
- b) Community Consultation be undertaken regarding the proposed 2008/09 kerb & gutter projects to Wyoming Avenue & Braidwood Avenue, Burrill Lake

1210. Additional item - Footpath, Moss Street to Brereton Street, Nowra File DA99/1811-09

RECOMMENDED that the General Manager investigate the development consent conditions of the Illawarra Retirement Trust (IRT) to determine if the completion of the Moss Street to Brereton Street, Nowra footpath and associated pram ramp are an obligation of the IRT or Council and submit a report to Council.

1211. (Item 7, Page 26) Encroachment Licence - Ison & Co. Pty Ltd. Lamonds Lane, Nowra File 13538

This item was withdrawn and dealt with separately.

RECOMMENDED that

- a) The Council of the City of Shoalhaven licences to Ison & Co Pty Ltd part of Lot 3 DP 868373 at Lamonds Lane, Nowra comprising approximately 116 m2 for a term of five years commencing from completion of remediation and clean up works on site at a rental of \$3,480 plus GST per annum and,
- 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.

RESOLVED on a MOTION of Clr Willmott, seconded Clr Green that Council defer consideration of the encroachment licence to Ison & Co Pty Ltd for part of Lot 3, DP 868373 Lamonds Lane Nowra until further information is known about the possible contamination of the land.

1212. (Item 11, Page 27) Private Use of Public Car Parking Spaces File 17432, DA94/1404-03

This item was withdrawn and dealt with separately

RECOMMENDED that

- a) Council approve the extension of the 'Work Zone' for DA94/1404 (Mr Cerulli) from 27 April 2005 to the commencement of the Christmas School holidays 2007 at an annual charge of \$2,625 (three car spaces).
- b) Mr Cerulli be requested to show cause as to why the 'Work Zone' for DA94/1404 should remain beyond the Christmas School holidays 2007.
- c) Council amend the draft Policy - Private Use of Public Parking and associated Fee and Charges policy, to apply to 'Council controlled car parking spaces'.

- 
- d) Council adopt the amended draft Policy - Private Use of Public Parking and associated Fee and Charges for public exhibition.

RESOLVED on a MOTION of Clr Bates, seconded Clr Rudd that

- a) Council approve the extension of the 'Work Zone' for DA94/1404 (Mr Cerulli) from 27 April 2005 to the commencement of the Christmas School holidays 2007 at an annual charge of \$4,475 (five car spaces).
- b) Mr Cerulli be requested to show cause as to why the 'Work Zone' for DA94/1404 should remain beyond the Christmas School holidays 2007.
- c) Council amend the draft Policy - Private Use of Public Parking and associated Fee and Charges policy, to apply to 'Council controlled car parking spaces'.
- d) Council adopt the amended draft Policy - Private Use of Public Parking and associated Fee and Charges for public exhibition.

**DEVELOPMENT COMMITTEE – TUESDAY 14<sup>TH</sup> AUGUST 2007**

1213. (Item 1, Page 31) DCP No. 54 Huskisson Town Centre – Draft Amendment No. 3 File 10132-04

This item was withdrawn and dealt with separately.

RECOMMENDED that Council accept the proposal as put forward by the club to amend DCP 54 to allow setbacks as outlined 5m (east), 3m (west), 5m (north), and a 3 storey height limit with any development providing articulated and modulated elevations.

RESOLVED on a MOTION of Clr Willmott, seconded Clr Anderson that Council accept the proposal as put forward by the Huskisson RSL Club, in relation to Lot 2 DP 571682, to amend DCP 54 to allow setbacks as outlined 5m (east), 3m (west), 5m (north), and a 3 storey height limit with any development providing articulated and modulated elevations.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clrs Murphy, McCrudden, Ward, Kearney, Anderson, Willmott, Young, Watson

The following Councillors voted "No";

Clrs Finkernagel, Rudd, Green, Bates.

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1214. (Item 2, Page 31) Submission of Draft DCP for “Nowra Hotel Site” Bridge Road, Nowra  
File 29054-03, 36554

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This item was withdrawn and dealt with separately

RECOMMENDED that Council support the Development Control Plan as submitted by Kann Finch Pty Ltd and that it be placed on public exhibition as Council is satisfied that the requirements of clause 40K of the Shoalhaven LEP 1985 have been complied with.

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

A PROCEDURAL MOTION was moved by Clr McCrudden, seconded Clr Kearney that the motion be put to the meeting.

The PROCEDURAL MOTION upon being PUT to the meeting was declared CARRIED

The MOTION upon being PUT to the meeting was declared CARRIED

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Finkernagel, Murphy, Green, McCrudden, Kearney, Anderson, Willmott, Young, Watson

The following Councillors voted “No”;

Clrs Rudd, Ward, Bates

1215. (Item 3, Page 31) St. Georges Basin Village Development Precinct – Status Report  
File 29447, 18815, SF9847, DA07/1059

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This item was withdrawn and dealt with separately

RECOMMENDED that

- a) The report on the status of the St. Georges Basin Village Centre development precinct be received for information.
- b) Council resolve to amend the DCP to be exhibited for public comment as part of the development application process (Option 1 in the report).
- c) Council resolve to amend the S94 Contributions Plan to reflect additional infrastructure needs for the area as outlined in the report.

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- d) \$10,500 be voted from S94 recoupment funds, \$4,000 be voted from S94 job number 64301 and \$500 be voted from S94 job number 67394 for design of the local road and drainage network at St. Georges Basin Village Centre and surrounds.

RESOLVED on a MOTION of Clr Anderson, seconded Clr Finkernagel that the recommendation of the Development Committee be adopted.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Finkernagel, Murphy, Green, McCrudden, Ward, Kearney, Anderson, Willmott, Young, Watson

The following Councillors voted “No”;

Clrs Rudd, Bates.

1216. (Item 4, Page 31) Development Application for Dwelling – Lot 12 DP 1016153 (No 10) Sandgroper Crescent, Lake Conjola. Applicant: Anna Pender File DA07/1327, 8296
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This item was withdrawn and dealt with separately.

RECOMMENDED that in relation to Development Application 07/1327 to erect a dwelling on Lot 12, DP 1016513, 10 Sandgroper Crescent, Lake Conjola, that:

- a) The applicant’s proposal to vary Council’s existing policy and use zincalume roof and wall cladding be supported; and
- b) The application be determined under delegated authority.

RESOLVED on a MOTION of Clr Willmott, seconded Clr Anderson that in relation to Development Application 07/1327 to erect a dwelling on Lot 12, DP 1016513, 10 Sandgroper Crescent, Lake Conjola, that:

- a) The applicant’s proposal to vary Council’s existing policy and use zincalume roof and wall cladding be supported; and
- b) The application be determined under delegated authority
- c) Council review the Use of Reflective Building Materials - Coastal and Rural Areas Policy in regards to the use of zincalume as a building material.

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**SHOALHAVEN WATER OPERATIONS AND STRATEGIC REVIEW COMMITTEE –  
TUESDAY 21<sup>ST</sup> AUGUST 2007**

1217. Adoption of Report

RESOLVED on a MOTION of Clr Ward, seconded Clr Green, that the following recommendations of the Shoalhaven Water Operations and Strategic Review Committee be adopted.

1218. Proposed Dual Water Reticulation – Manyana File 1370-13

RECOMMENDED that Council:

- a) Adopt the proposed Manyana Dual Pipe Reticulation Scheme as detailed in this report, subject to full developer participation and approval from New South Wales Department of Health and Department of Water and Energy
- b) Fund the capital cost of providing treatment, storage, pumping and distribution to the developments, estimated at \$1.65m to be funded from the Developer Fund and absorbed into the Water Supply Developer Charge
- c) Endorse the usage charge for recycled water at 50% of the potable water charge throughout the area
- d) Undertake appropriate community and customer communications regarding the scheme and the use of recycled water.

1219. Pumpout Policy File 12039

This item was withdrawn and dealt with separately at the conclusion of consideration of the Shoalhaven Water Operations and Strategic Review Committee report.

1220. Industrial Bulk Water Supply - Australian Paper/Manildra File 36323

RECOMMENDED that the report of the General Manager (Shoalhaven Water) regarding the Industrial Bulk Water Supply – Australian Paper/Manildra be received for information.

1221. Undetected Water Leak Policy – Rural Properties File 2213-02

RECOMMENDED that the report of the General Manager (Shoalhaven Water) regarding the Undetected Water Leak Policy be received for information.

1222. Emergency Incident Culburra Beach File 28464

RECOMMENDED that the report of the General Manager (Shoalhaven Water) regarding the emergency incident at Culburra Beach be received for information.

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1223. Currarong Sewerage Scheme - Funding Announcement File 1374-05

RECOMMENDED that the report of the General Manager (Shoalhaven Water) regarding the Currarong Sewerage Scheme – funding announcement be received for information.

1224. Additional Item – Staff Retirement - Bill Tomkinson

This item was withdrawn and dealt with separately at the conclusion of consideration of the Shoalhaven Water Operations and Strategic Review Committee report.

1225. (Item 2, page 32) Pumpout Policy File 12039

This item was withdrawn and dealt with separately

RECOMMENDED that Council:

- a) Adopt the draft Pumpout Policy
- b) The draft policy be placed on public exhibition for a period of twenty eight days and following expiry of the exhibition period if no submissions have been received that the Policy be adopted as submitted

RESOLVED on a MOTION of Clr Ward, seconded Clr Green that the recommendation of the Shoalhaven Water Operations and Strategic Review Committee be adopted.

1226. (Item 7, Page 33) Additional Item – Staff Retirement - Bill Tomkinson File 19812

This item was withdrawn and dealt with separately

In light of Bill Tomkinson’s last Shoalhaven Water Operations and Strategic Review Committee, Clr Watson expressed sincere appreciation to Bill for his significant contribution to Council and the Shoalhaven throughout his time with Council in a variety of different roles.

Bill duly responded with an expression of thanks to Shoalhaven Waters section managers for their support and the great team environment all the staff of Shoalhaven Water offer.

RESOLVED on a MOTION of Clr Anderson seconded Clr Ward that the additional item of the Shoalhaven Water Operations and Strategic Review Committee in recognition of Bill Tomkinson’s contribution to Council and the Shoalhaven be received for information.

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**CROWN RESERVE, COMMUNITY AND COMMERCIAL OPERATIONS COMMITTEE  
– TUESDAY 21<sup>ST</sup> AUGUST 2007**

1227. Adoption of Report

RESOLVED on a MOTION of Clr Ward, seconded Clr Anderson, that the following recommendations of the Crown Reserve Community and Commercial Operations Committee be adopted.

1228. Additional Capital Works - Sale of Surplus Land - Shoalhaven Heads File 35747

RECOMMENDED that the report of the General Manager (Assistant General Manager) regarding the additional capital works – sale of surplus land, Shoalhaven Heads be received for information.

1229. Grant offer from the Southern Rivers Catchment Management Authority for the Bundewallah Reserve Rehabilitation Project File 28894

RECOMMENDED that:

- a) The offer of \$22,880 from the Southern Rivers Catchment Management Authority for work in Bundewallah Reserve be accepted and voted upon receipt;
- b) Council write to the Hon P Koperberg, Minister for Environment and Climate Change, thanking him for the grant offer;
- c) Council write to the Bundewallah Bushcare Group thanking it for its contribution to the grant application, and in-kind works.

1230. Grant offer from the Southern Rivers Catchment Management Authority for the Orient Point Coastal Saltmarsh Restoration/Education Project File 28894

RECOMMENDED that

- a) The offer of \$11,430 from the Southern Rivers Catchment Management Authority for the Orient Point Coastal Saltmarsh Restoration/Education Project be accepted and voted upon receipt;
- b) Council write to the Hon P Koperberg, Minister for Environment and Climate Change, thanking him for the grant offer;
- c) Council write to the Orient Point Bushcare Group thanking it for its contribution to the grant application, and in-kind works.

1231. Grant offer from the Southern Rivers Catchment Management Authority for the Myola-Callala (Bangalay Sand Forest) Foreshore Protection Project File 28894

RECOMMENDED that:

- a) The offer of \$15,752 from the Southern Rivers Catchment Management Authority for Myola-Callala (Bangalay Sand Forest) Foreshore Protection Project be accepted and voted upon receipt;

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- b) Council write to the Hon P Koperberg, Minister for Environment and Climate Change, thanking him for the grant offer;
  - c) Council write to the Callala Bushcare Group thanking it for its contribution to the grant application, and in-kind works.

1232. Grant offer from the Southern Rivers Catchment Management Authority for the Milton – Ulladulla Sub Tropical Rainforest Regeneration Project File 28894

RECOMMENDED that:

- a) The offer of \$13,040 from the Southern Rivers Catchment Management Authority for Milton-Ulladulla Sub Tropical Rainforest Regeneration Project be accepted and voted upon receipt;
- b) Council write to the Hon P Koperberg, Minister for Environment and Climate Change, thanking him for the grant offer;
- c) Council write to the Milton Rainforest Bushcare Group thanking it for its contribution to the grant application, and in-kind works.

1233. Shoalhaven Volunteer Community Nursery - Crookhaven Heads, Culburra Beach Report File 26279-06

RECOMMENDED that:

- a) Council adopt the outcomes of the volunteer nursery meeting and incorporate them into the Shoalhaven Community Volunteer Nursery Guidelines;
- b) Council continue to support the funding of the Shoalhaven Community Volunteer Nursery with minor maintenance works at the nursery;
- c) Council continue to support the funding of the Shoalhaven Community Volunteer Nursery with the coordination/supervision of the nursery.

1234. Callala Beach Tennis Court File 3084

RECOMMENDED that Council loan \$21,000 interest free from Job Number 10454, Advances to Community Groups to the Callala Beach Facilities Management Committee to be repaid at \$3,000 per year for a period of 7 year term for the repair of the tennis court.

1235. Use of Community Facilities as Place of Polling Stations File 28029

This item was withdrawn and dealt with separately at the conclusion of consideration of the Crown Reserve, Community and Commercial Operations Committee report.

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1236. Licence of the North Nowra Community Centre Office File 1967-04

RECOMMENDED that

- a) The Council of the City of Shoalhaven licences to the North Nowra Quilters Inc the office only at the North Nowra Community Centre for a term of three (3) years at a rental of \$1,040 (GST inclusive) 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.

1237. Kangaroo Valley Pool File 24297-05

RECOMMENDED that Council submit the management and operation of the Kangaroo Valley Village Pool to open tender and that the results of the tender process be reported to Council for determination.

1238. Aquatic & Leisure Facilities - Christmas / New Year / Public Holiday - Hours of Operation  
File 1754, 2233, 5070, 20696, 24297, 24581, 26762, 26763, 29005, 29006, 29007, 30050, 31181

RECOMMENDED that the report of the General Manager (City Services & Operations) concerning Aquatic & Leisure Facilities - Christmas / New Year / Public Holidays Hours of Operation be adopted and advertised by public notice in local newspapers.

1239. Pool Hire Fees – Aquatic Programs File 1754-08, 26762-07, 26763-07, 20696-03

This item was withdrawn and dealt with separately at the conclusion of consideration of the Crown Reserve, Community and Commercial Operations Committee report.

1240. Hyams Beach Boat Launching Ramp File 34235

This item was withdrawn and dealt with separately at the conclusion of consideration of the Crown Reserve, Community and Commercial Operations Committee report.

1241. Department of Lands - Caravan Park Levy File 3617-03

RECOMMENDED that Council endorse a grant application for \$20,000 to be submitted to the Department of Lands for the development of a Plan Of Management (POM) for Plantation Point Reserve, Vincentia.

1242. Vehicular Access Across Dyball Reserve at Swanhaven for The Springs Holiday Cabins  
File 31844

This item was withdrawn and dealt with separately at the conclusion of consideration of the Crown Reserve, Community and Commercial Operations Committee report.

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1243. Liberty Park - Corner Isa and Worrigee Roads Worrigee File 24958

This item was withdrawn and dealt with separately at the conclusion of consideration of the Crown Reserve, Community and Commercial Operations Committee report.

1244. Contract for the Management & Operation of Swan Lake Tourist Village File 30784

RECOMMENDED that Council enter into a Deed of Agreement and execute under the Ordinary Seal of Council an extension of its contract for the management and operation of Swan Lake Tourist Village with Tracken Pty Ltd at the current contract percentage for a further two years commencing 14 August 2007.

1245. Report Tenders for the Management & Operations of the Lake Tabourie Tourist Park File 36266

This item was withdrawn and dealt with separately at the conclusion of consideration of the Crown Reserve, Community and Commercial Operations Committee report.

1246. Shoalhaven Heads Tourist Park - Prime Ministers Award 2007 File 28558

RECOMMENDED that

- a) The report of the General Manager (Finance & Corporate Services) regarding Shoalhaven Heads Tourist Park - Prime Ministers Award 2007 be received for information.
- b) Council formally congratulate in writing Justin & Nicolle Fitzgerald, Managers of the Shoalhaven Heads Tourist Park on achieving the 'Employer of the Year' Prime Ministers Award 2007.

1247. Holiday Haven – Summary of financial results 2006/07 File 9694-08

RECOMMENDED that the report of the General Manager (Finance and Corporate Services) regarding the Holiday Haven summary of financial results 2006/07 be received for information.

1248. (Item 8, Page 35) Use of Community Facilities as Place of Polling Stations File 28029

This item was withdrawn and dealt with separately

RECOMMENDED that

- a) Council advise all Community Hall Management Committees that bookings for election purposes will take precedence over other booking for community facilities;
- b) Bookings of community facilities made between September 2007 and February 2008 be advised that in the event of a Federal Election being called, that it will take precedence over other bookings.

RESOLVED on a MOTION of Clr Ward, seconded Clr Young that

- a) Council advise all Community Hall Management Committees that bookings for election purposes will take precedence over other booking for community facilities;

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THIS IS PAGE 33 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF SHOALHAVEN HELD ON TUESDAY, 28TH AUGUST, 2007

MINUTES CONFIRMED TUESDAY 25<sup>TH</sup> SEPTEMBER 2007 - CHAIRMAN .....

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- b) Bookings of community facilities made between October 2007 and February 2008 be advised that in the event of a Federal Election being called, that it will take precedence over other bookings.

1249. (Item 12, Page 36) Pool Hire Fees – Aquatic Programs

File 1754-09, 26762-07, 26763-07, 20696-03

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This item was withdrawn and dealt with separately

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding the Pool Hire Fees, Aquatic Programs be received for information.

A MOTION was moved by Clr Ward, seconded Clr Green that the Pool Hire Fees for 2007/2008 financial year be reverted to those set in 2006/2007.

The MOTION upon being PUT to the meeting was declared LOST

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Green, Ward, Bates

The following Councillors voted “No”;

Clrs Finkernagel, Rudd, Murphy, McCrudden, Kearney, Anderson, Willmott, Young, Watson.

RESOLVED on a MOTION of Clr Rudd seconded Clr Kearney that the recommendation of the Crown Reserve, Community and Commercial Operations Committee be adopted.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Finkernagel, Rudd, Murphy, Green, McCrudden, Kearney, Anderson, Willmott, Young, Bates, Watson.

The following Councillors voted “No”;

Clr Ward

Note: during discussion on this item the Chairperson ruled Clr Ward as out of control and out of order. Clr Ward withdrew the remarks and resumed his seat.

This item was withdrawn and dealt with separately

RECOMMENDED that work proceed on the restoration of the Hyams Beach boat ramp with the objective of retaining ramped access to the beach for small water craft only (option B) subject to further consultation with the Hyams Beach Villagers Association.

A MOTION was moved by Clr Bates, seconded Clr Rudd that work proceed on the restoration of the Hyams Beach boat ramp with the objective of retaining ramped access to the beach for small water craft only (option B) subject to further consultation with the Hyams Beach Villagers Association.

An AMENDMENT was moved by Clr Green, seconded Clr Finkernagel that work proceed on the restoration of the Hyams Beach boat ramp with the objective of retaining ramped access to the beach for small water craft only (option B) subject to further consultation with the Hyams Beach Villagers Association and other user groups.

The AMENDMENT upon being PUT to the meeting was declared CARRIED on the casting vote of the Mayor

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Finkernagel, Murphy, Green, McCrudden, Willmott, Watson

The following Councillors voted “No”;

Clrs Rudd, Ward, Kearney, Anderson, Young, Bates.

The AMENDMENT upon becoming the MOTION was PUT to the meeting and declared CARRIED on the casting vote of the Mayor.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Finkernagel, Murphy, Green, McCrudden, Willmott, Watson

The following Councillors voted “No”;

Clrs Rudd, Ward, Kearney, Anderson, Young, Bates.

This item was withdrawn and dealt with separately

RECOMMENDED that Council support the continuation of the current vehicular access across Dyball Reserve, Swanhaven to the Springs Holiday Cabins subject to joint discussions between Council, the proprietor and Department of Lands and the proprietor agreeing to undertake improvements to the vehicular access across the reserve.

A MOTION was moved by Clr Bates, seconded Clr Rudd that Council support the continuation of the current vehicular access across Dyball Reserve, Swanhaven to the Springs Holiday Cabins subject to joint discussions between Council, the proprietor and Department of Lands and the proprietor agreeing to undertake improvements to the vehicular access across the reserve including construction of a new bridge.

The MOTION upon being PUT to the meeting was declared LOST

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Rudd, Bates

The following Councillors voted “No”;

Clrs Finkernagel, Murphy, Green, Ward, Kearney, Anderson, Willmott, Young, Watson.

Note: Clr McCrudden was absent from the meeting during the vote on this item.

RESOLVED on a MOTION of Clr Finkernagel seconded Clr Young that the recommendation of the Crown Reserve, Community and Commercial Operations Committee be adopted.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Finkernagel, Murphy, Green, McCrudden, Ward, Kearney, Anderson, Willmott, Young, Bates, Watson

The following Councillors voted “No”;

Clr Rudd.

This item was withdrawn and dealt with separately

RECOMMENDED that Council arrange for an inspection of the playground equipment within Liberty Park, Corner Isa and Worrigeer Roads, Worrigeer.

RECOMMENDED that the General Manager produce a community consultation process for undertaking park enhancements.

A MOTION was moved by Clr Bates, seconded Clr Rudd that

- a) Council remove the playground equipment within Liberty Park, Corner Isa and Worrigeer Roads, Worrigeer until a more suitable location site is found elsewhere.
- b) The General Manager produce a community consultation process for undertaking park enhancements

The MOTION upon being PUT to the meeting was declared LOST

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clr Bates

The following Councillors voted "No";

Clrs Finkernagel, Rudd, Murphy, Green, McCrudden, Ward, Kearney, Anderson, Willmott, Young, Watson.

RESOLVED on a MOTION of Clr Green, seconded Clr Finkernagel that

- a) Council retain the playground equipment at its current location within Liberty Park, Corner Isa and Worrigeer Roads, Worrigeer until the completion of landscaping and drainage works within the Park.
- b) The General Manager (City Services and Operations) arrange for the immediate slashing of Liberty Park
- c) The General Manager produce a community consultation process for undertaking park enhancements.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clrs Finkernagel, Rudd, Murphy, Green, McCrudden, Ward, Kearney, Anderson, Willmott, Young, Watson

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The following Councillors voted “No”;

Clr Bates

RESOLVED on a MOTION of Clr Kearney, seconded Clr Green that the meeting adjourn for dinner.

The meeting adjourned the time being 7.10 pm.

The meeting reconvened the time being 8.22 pm.

The following members were present;

Clr G Watson – Chairman  
Clr J Finkernagel  
Clr R Rudd  
Clr P Murphy  
Clr P Green  
Clr J McCrudden  
Clr G Ward  
Clr G Kearney  
Clr J Anderson  
Clr J Willmott  
Clr J Young  
Clr R Bates

1253. (Item 18, Page 37) Report Tenders for the Management & Operations of the Lake Tabourie  
Tourist Park File 36266

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This item was withdrawn and dealt with separately

RECOMMENDED that:

- a) In accordance with Clause 178 (1)(b) of the Local Government (General) Regulation 2005 Council decline to accept any of the tenders for the management of Lake Tabourie Tourist Park.
- b) In accordance with Clause 178 (3)(e) of the Local Government (General) Regulation 2005 Council authorise the General Manager (Finance and Corporate Services) to enter into negotiations with the tenderers judged as most suitable as a result of the tender interview and evaluation process.
- c) In accordance with Clause 178 (4)(b) of the Local Government (General) Regulation 2005 the Council enter into negotiations on the basis that tendered percentages are considered too high.

- 
- d) The General Manager (Finance & Corporate Services Group) report back to Council on the result of the negotiations.

RESOLVED on a MOTION of Clr Willmott, seconded Clr Anderson that the recommendation of the Crown Reserve Community and Commercial Operations Committee be adopted.

**YOUTH ADVISORY COMMITTEE - WEDNESDAY, 8<sup>TH</sup> AUGUST 2007**

1254. Adoption of Report

RESOLVED on a MOTION of Clr Ward, seconded Clr Kearney, that the following recommendations of the Youth Advisory Committee be adopted.

1255. Youth Advisory Committee Planning Day - 13th July 2007 File 1506-04

RECOMMENDED that Council approve the implementation of the following Youth Advisory Committee actions:

- a) Youth Advisory Committee budget outcomes and allocations of \$6,900 as follows:
- 3 Youth Centres to implement programs i.e. Dance Parties, Surf Lessons, Karaoke etc @ \$300 per centre. Meets (4.3-3.3) of Community Plan..... \$900
  - Nowra Show – Youth Stage Meets (4.1-1.9, 4.2-2.3 & 4.3-3.3) of Community Plan ..... \$1,000
  - \$1500 for transport. Meets (4.1-1.11) of Community Plan. .... \$1,500
  - National Young Leaders Day. Meets (4.4-4.4) of Community Plan ..... \$500
  - Kangaroo Valley Show FYRE. Meets (4.4-4.4) of Community Plan..... \$500
  - Youth Specific Beautiful Soul Mental Health. Meets (4.1-1.9) of Community Plan. .... \$750
  - Holiday Christmas Activities-Youth Centres/Auspices each \$300. Meets (4.3-3.3, 4.3-3.4) of Community Plan..... \$1,500
  - Support for Youth Development to Nowra City Lanes ..... \$250
- b) Youth Advisory Committee receive a report from relevant Council Groups re Bay & Basin SK8 park update and allocations of funds for sporting fields in the Huskisson and Bay & Basin areas to their next meeting so Youth Advisory Committee can report back to the young people who reported to their planning day.
- c) Youth Development Officer makes inquiries into the cost of local youth workers obtaining their Light Rigid Licence to be able to drive buses to address transport issues and if cost effective fund training from the Youth Advisory Committee Budget.
- d) Youth Advisory Committee support campaigns in partnership with local police to develop Safe Party & Drink Spiking kits to be distributed widely throughout the City including at Nowra Show.
- e) Youth Advisory Committee write to relevant Chambers of Commerce informing them of all the needs that young people identified and cared about in their local areas for information.

- f) Youth Advisory Committee fund the purchase of disposable cameras and development of film to be distributed throughout the Youth Centres for young people to take photographs of what they like and do not like within their environment to report to future YAC meetings as a consultation process to report to Council.
- g) Youth Advisory Committee write to local Job Network Providers and inform them that Youth Employment was a major issue that was reported to YAC Planning Day and request information from them as to what outreach services they provide in the Bay & Basin and Ulladulla areas for YAC to report back to young people who reported to the YAC Planning Day.

1256. Shoalhaven Naval Aviation Prospects Scheme (SNAPS) File 10210-02

This item was withdrawn and dealt with separately at the conclusion of consideration of the Youth Advisory Committee report.

1257. Sponsorship Request File 1506-04

RECOMMENDED that the General Manager (City Services and Operations) liaise with Mitch Campbell seeking further information and clarification on the sponsorship request for the formation of a Shoalhaven Heads Boardriders Club.

1258. Membership - Youth Advisory Committee File 1506-04

RECOMMENDED that the General Manager (Finance and Corporate Services) extend one (1) further invitation to Alexander Blom and Jarqui Fetchet to attend a meeting of the Youth Advisory Committee in support of their nomination for membership on the Committee.

1259. Resignation - Youth Advisory Committee File 1506-04

RECOMMENDED that the resignation of Caitlen Allan from the Youth Advisory Committee be accepted.

1260. Illawarra & South Coast Youth Services Conference Sponsorship Request File 10210-02

RECOMMENDED that Council support the Illawarra and South Coast Youth Services Conference to be held on 8<sup>th</sup> – 9<sup>th</sup> November 2007 with a Silver Sponsorship package to the value of \$1,500 from the Community Development budget.

1261. Additional Item - Regional Youth Advisory Committee Conference File 1506-04

RECOMMENDED that the General Manager (City Services and Operation);

- a) Submit a report to the Youth Advisory Committee on the proposed Regional Youth Advisory Committee Conference to incorporate Eurobodalla, Bega, Monaro and Shoalhaven Local Government areas.
- b) Express the Youth Advisory Committees in principle support to Eurobodalla Shire Council's Youth Development Officer, for a Regional Youth Advisory Committee Conference.

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1262. (Item 2, Page 40) Shoalhaven Naval Aviation Prospects Scheme (SNAPS) File 10210-02

This item was withdrawn and dealt with separately

RECOMMENDED that the Chairman of the Youth Advisory Committee (Clr Willmott) and Mayor Watson write to Daryl Robinson, Lieutenant Commander RAN, Aircrew Training Coordinator, HMAS Albatross to congratulate HMAS Albatross on the Shoalhaven Naval Aviation Prospects Scheme (SNAPS) initiative and the training, work experience and leadership opportunities the program brings to the City's secondary schools and its young people.

RESOLVED on a MOTION of Clr Murphy, seconded Clr Ward that the recommendation of the Youth Advisory Committee be adopted.

### **SHOALHAVEN ARTS BOARD – THURSDAY 9<sup>TH</sup> AUGUST 2007**

1263. Adoption of Report

RESOLVED on a MOTION of Clr Anderson, seconded Clr Willmott, that the following recommendations of the Shoalhaven Arts Board be adopted.

1264. Corporate Pin File 2123-14

RECOMMENDED that the Shoalhaven Arts Board purchase four (4) Corporate Pins for the Board, as required, from the design artist, Radka Passianova for \$50 each from the Shoalhaven Arts Board budget.

1265. Small Museums Grants File 28781-02

# RECOMMENDED that

- a) Council endorse Shoalhaven Arts Board 2007/2008 Small Museums Grant Applications and Guidelines (as attached)
- b) The Small Museum Grants Program be launched on 28<sup>th</sup> August 2007.

# RECOMMENDED that Council adopt the Art Collection Policy 2007 (as attached).

# RECOMMENDED that

- a) Council endorse the Shoalhaven Arts Board recommendations for the allocation of \$20,000 from the Shoalhaven Arts Board budget for the Arts Grants 2007 (as attached).
- b) The General Manager (City Services and Operations) provide specific reference to Berry Musicale on the delivery of the musical scholarship and the acknowledgement of the Shoalhaven Arts Board grant.

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**COUNCIL PROPERTY STEERING COMMITTEE – MONDAY 13<sup>TH</sup> AUGUST 2007**

1268. Adoption of Report

RESOLVED on a MOTION of Clr Ward, seconded Clr Anderson, that the following recommendations of the Council Property Steering Committee be adopted.

1269. Council's Strategy for the Bomaderry Works Depot File 34279

RECOMMENDED that Council:

- a) Proceed with the planning of the redevelopment of the Works Depot at McIntyre Way, Bomaderry;
- b) Negotiate a further 24 month lease of the premises at 2 & 4 McIntyre Way, Bomaderry.

1270. Sale of Council Land – Nowra and Huskisson File 35143 & 33126

This item was withdrawn and dealt with separately at the conclusion of consideration of the Council Property Steering Committee report.

1271. Council Land - Lots 658 and 681 DP27855 Sanctuary Point File 33889

RECOMMENDED that:

- a) If the Bay & Basin Community Resource Centre do not lodge a Development Application for the construction of premises for the South Coast Community Care Centre on Lots 658 & 681 in Deposited Plan 27855 by 1 October 2008, then the Bay & Basin Community Resource Inc. is to sell back to Council Lots 658 & 681 DP27855 at the same consideration sum that was paid for their purchase;
- b) The land described as Lots 658 & 681 in Deposited Plan 27855 be mortgaged to the amount of \$300,000 under the conditions stated in the report of the General Manager (Assistant General Manager).

1272. Council Land - Lot 1 DP1021332 George Evans Road, Mundamia File 35343

RECOMMENDED that

- a) The offer to purchase the land be rejected and the party advised that the land is not for sale;
- b) Council adopt the principles in the attachment for the development of the Master Plan.

1273. Rehabilitation of Old Gasworks Site in Bridge Road File 27106-03

This item was withdrawn and dealt with separately at the conclusion of consideration of the Council Property Steering Committee report.

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1274. Nowra - Shoalhaven River Foreshore Concept Master Plan File 35919

RECOMMENDED that the matter of the Nowra – Shoalhaven River Foreshore Masterplan be deferred till October 2007.

1275. Provision of Sporting Fields for the Basin Area File 36348

RECOMMENDED that negotiations continue with Mr Toby Davis to acquire appropriate land for playing fields to meet the short term needs of the Basin area and negotiation commence with the owners of other property in the Bay and Basin area with a view to providing playing fields to meet the long term needs of the Basin Area.

1276. Lease to Wollongong City Employment Training (Multi Media and Music Centre) – 12 Berry Street, Nowra File 33992

RECOMMENDED that Council authorises the lease commencement date for Wollongong City Employment Training (Multi Media and Music Centre) for the premises at 12 Berry Street, Nowra be changed from 2<sup>nd</sup> May 2007 to 25<sup>th</sup> July 2007.

1277. (Item 2, page 42) Sale of Council Land – Nowra and Huskisson File 35143 & 33126

This item was withdrawn and dealt with separately

RECOMMENDED that:

- a) Council agree, as the property owner, to endorse the lodging of development applications over 38-40 Owen Street and 3 Morton Street, Huskisson and the “Hotel Site” Bridge Road, Nowra, subject to receipt of the appropriate and acceptable indemnification by Huscorp Group Pty Ltd against claims on Council should the sale/s not proceed;
- b) Subject to positive legal advice, Council resolve to reaffirm the classification of the land described in a) above as operational lands.

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Rudd that Council not adopt the recommendation of the Council Property Steering Committee and consider it in conjunction with Item 1 of the Report of the Assistant General Manager Reclassification of Council Land – Huskisson and Nowra.

1278. (Item 5, Page 43) Rehabilitation of Old Gasworks Site in Bridge Road File 27106-03

This item was withdrawn and dealt with separately

RECOMMENDED that:

- a) The status report on rehabilitation of the Old Gasworks site in Bridge Road be received for information;
- b) Approval for full or partial demolition of the Gas Holder and the Retort Building, if required to achieve full rehabilitation of the site, be delegated to the General Manager;

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- c) Council seek consent to demolish the Retort Building on the basis of community safety.

RESOLVED on a MOTION of Clr Willmott seconded Clr Anderson that the recommendation of the Council property Steering Committee be adopted.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Finkernagel, Rudd, Murphy, McCrudden, Kearney, Anderson, Willmott, Young, Bates, Watson

The following Councillors voted “No”;

Clrs Green, Ward.

### **RURAL FIRE SERVICE STRATEGIC PLANNING COMMITTEE – THURSDAY 14<sup>TH</sup> AUGUST 2007**

1279. Adoption of Report

RESOLVED on a MOTION of Clr Ward, seconded Clr Finkernagel, that the following recommendations of the Rural Fire Service Strategic Planning Committee be adopted.

1280. Service Agreement between Shoalhaven City Council and the NSW Rural Fire Service File 23301-02

RECOMMENDED that the Rural Fire Service and Council sign the Rural Fire Service Agreement between the Rural Fire Service and Council.

1281. Cambewarra RFS Brigade - Application under Local Grants Scheme File 7159

RECOMMENDED that Council sponsor the submission of another grant application for the provision of a satellite building to house a fire tanker at the Old School site, Cambewarra Village.

1282. Falls Creek Rural Fire Service Station File 6826

RECOMMENDED that the upgrading of Falls Creek Rural Fire Station be a low priority in the Rural Fire Service Strategy at this time.

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**ALTERNATIVE WASTE PROCESSING TECHNOLOGIES WORKING PARTY –  
MONDAY 20<sup>TH</sup> AUGUST 2007**

1283. Adoption of Report

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RESOLVED on a MOTION of Clr Ward, seconded Clr Rudd, that the following recommendations of the Alternative Waste Processing Technologies Working Party be adopted.

1284. Waste 2007 Conference

File 35616

RECOMMENDED that Council authorise the attendance by Councillors to the 8th Annual Coff's Harbour Waste Management Conference on 17 and 18 October 2007, and that such attendance be deemed business of Council.

1285. Tender for Waste Services Contract

File 9078-02

RECOMMENDED that, in view of contract extension options available to Council and the Southern Council Groups Regional Waste management Initiative, Council:

- a) Agree to waste management contract terms of 6 years, with an option to extend this by up to 3 additional years;
- b) Proceed to tender, prior to 30 June 2008, a two year contract for the management of Green Waste;
- c) Agree to the extension of all other waste contracts, so new contracts align, from 30 June 2010, and advertise all the contracts together.
- d) Defer the consideration of the operation of weighbridges and recycling operations pending preparation of a business case on options for the management of these operations.

1286. Waste Processing Trial

File 8133

RECOMMENDED that Council advertise for quotations to undertake a small scale trial on low technology options for processing domestic waste.

**REPORT OF THE SHOALHAVEN TRAFFIC COMMITTEE - TUESDAY, 21<sup>ST</sup> AUGUST, 2007**

1287. Adoption of Report

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RESOLVED on a MOTION of Clr Anderson, seconded Clr Kearney, that the following recommendations of the Shoalhaven Traffic Committee be adopted.

1288. Request for Parking Restrictions, Hawthorn/Elia Avenue, Nowra (PN 7)

File 2636

RECOMMENDED that the General Manager (Director Strategic Planning Group) arrange for the installation of "No Stopping" regulatory signage to obtain the necessary minimum stopping sight

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distance in accordance with AUSTRROADS Part 5 (Intersections at Grade) at the intersection of Elia / Hawthorn Avenue, Nowra as per plan TRAF 2007 / 10 .

1289. Road Safety - Cambewarra Road, Bomaderry (PN 711) File 2936

RECOMMENDED that the General Manager (Director Strategic Planning Group) arrange for the existing Disabled Parking zone on the northern side of Cambewarra Road, Bomaderry adjacent to the Childrens Crossing to be shortened by a distance of 12.0 metres to allow the installation of a "No Parking" (8.00 am - 9.30 am & 2.30 pm - 4.00 pm School Days) zone subject to the Principal of Bomaderry Public School agreeing to the changes.

1290. Access Road - Car Parking area off Scerri Drive - Signs & Lines (PN 1892) File 29178

RECOMMENDED that the General Manager (Director Strategic Planning Group) arrange for the removal of part of the current "No Stopping" zone located on the western side of the access road leading down to the Kioloa boat ramp. The location of the signs to be removed are from the first power pole when leaving Scerri Drive, Kioloa to the start of the bollards on the curve adjacent to the steps down to the beach.

1291. Disabled Parking Provisions - Public Car Parking Areas - Nowra (PN 2003) File 10456

RECOMMENDED that the General Manager (Director Strategic Planning Group) be requested to arrange for the provision of three (3) Disabled car parking spaces in the Lawrence Avenue / Berry Street car park, Nowra in accordance with Council's Car Parking Code DCP 18:- and as shown on plan no. 1311-03A.

1292. Road Safety - Ulladulla Multi Purpose Centre - St Vincent Street, Ulladulla (PN 2069)  
File 3065-07

RECOMMENDED that the General Manager (Director Strategic Planning Group) arrange for the installation of "3P" parking restrictions in the existing car park at the Multi-Purpose Centre in St Vincent Street, Ulladulla as shown on plan TRAF 2007 / 08.

1293. No Stopping Zone – Mc Mahons Road, North Nowra. (PN 2240) File 2932

RECOMMENDED that the General Manager (Director Strategic Planning Group) arrange for the extension of the existing "No Stopping" zone for a distance of 12.0 metres to the east on the southern side of McMahons Road, North Nowra so that the owner of the property can exit their driveway and have their garbage bins collected without vehicles obstructing the collection truck subject to the applicant meeting all associated costs.

1294. No Stopping Zone - Emerald Drive - Meroo Meadow. (PN 2241) File 2936

RECOMMENDED that the General Manager (Director Strategic Planning Group) liaise with the owners of the property at the end of Emerald Drive, Meroo Meadow, regarding parking in the turn-around area.

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1295. Disabled Parking - Jacob Drive, Sussex Inlet (PN 2242) File 10456

RECOMMENDED that the General Manager (Director Strategic Planning Group) be requested to:

- a) arrange for the installation of a Disabled parking space and kerb ramp to be installed at the western end of the indented 45 degree angle parking area out the front of the Village Plaza on Jacobs Drive, Sussex Inlet;
- b) Investigate the conversion of the existing 45° angle parking to 90° angle parking for the parking area at the front of the Village Plaza on Jacobs Drive, Sussex Inlet and report back to a future Shoalhaven Traffic Committee meeting if a change to the angle of parking is to be recommended.

1296. Sight Distance Problem - Intersection of Kerry Street & Paradise Beach Road, Sanctuary Point (PN 2244) File 2942

RECOMMENDED that the General Manager (Director Strategic Planning) arrange for the installation of a "No Stopping" sign in Paradise Beach Road and change the existing "No Stopping" sign in Kerry Street, Sanctuary Point to a (RS-400 L & R) as per a plan TRAF 2007/09.

1297. No Stopping Zone - Mattes Way, Bomaderry. (PN 2245) File 2936

RECOMMENDED that the General Manager (Director Strategic Planning) arrange for the installation of a "No Stopping" zone on the southern side of Mattes Way, Bomaderry adjacent to the kerb ramp to the end of the concrete island approximately 22.0 metres to the west.

1298. Bus Zone - Princes Highway, Ulladulla (PN 2255) File 17668

RECOMMENDED that the General Manager (Director Strategic Planning Group) arrange for the installation of a "Bus Zone" with times of operation to be from 8.30am-6.30pm Mon-Fri and 8.30am-12.30pm Sat. on the eastern side of the Princes Highway just south of North Street, Ulladulla. The zone is to allow buses to use the recently installed bus shelter.

1299. Additional Item - Sight Distance Problems - Intersection Meroo Street and Cambewarra Road, Bomaderry (PN 2257) File 2936

RECOMMENDED that the General Manager (Director Strategic Planning) be requested to arrange for the installation of a "No Stopping" zone on the southern side of Cambewarra Road for a distance of 16m from the intersection of Meroo Street, Bomaderry wrapping around for the regulatory distance of 10m into Meroo Street (western side).

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## REPORT OF THE GENERAL MANAGER

1300. Staff Pay Rise 2007

File 3864-03

RESOLVED on a MOTION of Clr Finkernagel seconded Clr Rudd that –

- a) Council resolve to grant a 4% pay increase to employees, effective from the first pay period commencing on or after 1<sup>st</sup> November, 2007, subject to the conditions in the proposed agreement attached to this report.
- b) Council resolve not to sign a Referral Agreement and to leave matters of dispute resolution to the discretion of the General Manager.

## ASSISTANT GENERAL MANAGER

1301. Reclassification of Council Land - Huskisson and Nowra

File 35143; 33126, 36533

RESOLVED on a MOTION of Clr Willmott, seconded Clr Anderson that Council resolve to prepare a draft Local Environmental Plan for the reclassification of land to “operational” in accordance with the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979 for the land described as:

- a) Lot 1 DP7169, Lot 23 DP7169 and Lot B DP348180 (known as Owen Street Carpark, Huskisson).
- b) Lot 1 DP194884.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Finkernagel, Murphy, Green, McCrudden, Ward, Kearney, Anderson, Willmott, Young, Watson

The following Councillors voted “No”;

Clrs Rudd, Bates.

## STRATEGIC PLANNING

1302. Swan Lake Cycleway

File 16747

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Green that in respect to the Swan Lake Cycleway:

- a) Council proceed with detailed survey and design for Option 3 (Swan Lake foreshore route).

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THIS IS PAGE 50 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF SHOALHAVEN HELD ON TUESDAY, 28TH AUGUST, 2007

MINUTES CONFIRMED TUESDAY 25<sup>TH</sup> SEPTEMBER 2007 - CHAIRMAN .....

- 
- b) Detailed survey and design proceed in consultation with the Cudmirrah Berrara Swanhaven Progress Association.
  - c) Detailed design and a preliminary final REF be provided to SLEPA, Government Agencies and the community for comment prior to referring the REF for adoption by Council.

1303. Draft Sussex Inlet Settlement Strategy – Progress on Endorsement File 30152-06

Clr Finkernagel declared a pecuniary interest in this matter being that of a property owner in the affected area and left the meeting and did not take part in discussion or vote on the matter.

RESOLVED on a MOTION of Clr Ward, seconded Clr Rudd that Council amend the final Sussex Inlet Settlement Strategy to reflect the final comments received from the Director General of the Department of Planning and forward the revised Settlement Strategy document to the Department of Planning’s Regional Office.

Note: Clr Finkernagel returned to the meeting.

1304. Shoalhaven Memorial Hospital - Parking File 2186, 2636-02

Clr Watson declared a non-pecuniary interest in this item as a patron of the hospital.

A MOTION was moved by Clr Bates, seconded Clr Rudd that the General Manager negotiate with the Shoalhaven Memorial Hospital on funding options for the provision of additional parking in Scenic Drive Nowra as follows:

- a) Upgrading to existing off-street car park by removal of landscaping. Landscape areas are currently denuded and are used for parking
  - additional 52 formal spaces
  - additional 30 spaces in reality as about 22 cars park in landscape areas
  - indicative cost - \$200,000
- b) Conversion of 6 indented parallel spaces in Scenic Dr located between off-street car park and hospital entrance to 90° parking
  - additional 12 spaces
  - indicative cost - \$80,000
- c) Provision of 90° parking along Scenic Dr between off-street car park and North St
  - additional 50 spaces (11 parking in area on 15 August 2007)
  - indicative cost - \$160,000

The MOTION upon being PUT to the meeting was declared LOST on the casting vote of the Mayor.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

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Clrs Finkernagel, Rudd, Murphy, Green, Bates, Watson

The following Councillors voted “No”;

Clrs McCrudden, Ward, Kearney, Anderson, Willmott, Young

RESOLVED on a MOTION of Clr Anderson seconded Clr Green that

- a) The report of the General Manager (Strategic Planning) concerning parking at Shoalhaven Memorial Hospital be received for information.
- b) Council write to the Minister for Health, Shadow Minister for Health and Local Members of Parliament requesting their support in lobbying the State Government on car park funding for Shoalhaven Memorial Hospital.
- c) The General Manager advise the Ministers and Local Members of the following options and cost estimates prepared by Council in consultation with Hospital staff:
  - i) Upgrading to existing off-street car park by removal of landscaping. Landscape areas are currently denuded and are used for parking
    - additional 52 formal spaces
    - additional 30 spaces in reality as about 22 cars park in landscape areas
    - indicative cost - \$200,000
  - ii) Conversion of 6 indented parallel spaces in Scenic Dr located between off-street car park and hospital entrance to 90° parking
    - additional 12 spaces
    - indicative cost - \$80,000
  - iii) Provision of 90° parking along Scenic Dr between off-street car park and North St
    - additional 50 spaces (11 parking in area on 15 August 2007)
    - indicative cost - \$160,000

## **FINANCE AND CORPORATE SERVICES**

1305. National General Assembly of Local Government - Delegates

File 1077-02

RESOLVED on a MOTION of Clr Ward seconded Clr Young that in respect to the National General Assembly of Local Government to be held in Darwin between 26<sup>th</sup> and 29<sup>th</sup> November 2007:

- a) Council authorise available Councillors to attend the conference and that they be accompanied by the General Manager.
- b) Council meet the registration fees accommodation and reasonable out of pocket expenses in accordance with the Councillors – Payment of Expenses and Provision of facilities policy.

- 
- c) Council appoint Councillor Willmott as the voting delegate and Councillor Ward as the alternate delegate, as determined by open ballot.

1306. Record of Investments

File 2126

RESOLVED on a MOTION of Clr Anderson seconded Clr Green that the Report of the General Manager (Finance & Corporate Services Group) on the Statement of Record of Investments for the period of 31<sup>st</sup> July 2007 be received for information.

**DEVELOPMENT AND ENVIRONMENTAL SERVICES**

1307. Protocol for Dealing with Differences of Opinion between Flora and Fauna Consultants and Council's Staff or Consultants.

File 33044-03

RESOLVED on a MOTION of Clr Rudd, seconded Clr Finkernagel that the protocol for dealing with differences of opinion between Flora and Fauna consultants and Council's staff or consultants be adopted for use.

1308. Introduction of Item as a Matter of Urgency

RESOLVED on a MOTION of Clr Ward, seconded Clr Anderson that the matters of

- Compulsory Acquisition of part Lots 25 & 26 DP25550 Island Point Road, St Georges Basin for road
- Tenders for the Management and Operations of the Lake Tabourie Tourist Park
- Proposed 2 Lot Rural Subdivision for Kirkwood – 663 Sussex Inlet Road, Sussex Inlet. Judgement of Land and Environment Court

be introduced as matters of urgency.

The Chairperson ruled the matters as urgent and allowed their introduction.

**ADDENDUM REPORT - STRATEGIC PLANNING**

1309. Compulsory Acquisition of Part Lots 25 & 26 DP25550 Island Point Road, St Georges Basin for road.

File 24580

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Murphy that

- a) Council resolve to acquire, by compulsory process lots 2, 3, 4 and 5 in DP1082382 for purpose of the Roads Act 1993;
- b) Council resolve to make application to the Minister for Local Government and the Governor to compulsorily acquire lots 2, 3, 4 and 5 in DP1082382;

- c) The General Manager be authorised to do all things necessary to give effect to this resolution;
- d) The compensation payable and costs associated with the acquisition including all valuation and legal costs, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 are to be funded from Job No. 88712 and thereafter partly recouped from Section 94 funds Project No. 03ROAD0012; and
- e) Following acquisition lots 2, 3, 4 and 5 in DP1082382 are to be dedicated as Public Road pursuant to Section 10 of the Roads Act 1993.

**ADDENDUM REPORT - FINANCE AND CORPORATE SERVICES**

1310. Tenders for the Management and Operation of the Lake Tabourie Tourist Park File 36266

RESOLVED on a MOTION of Clr Young, seconded Clr Ward that

- a) Council enter into a Contract for three (3) years plus a two (2) year option with LTMS Pty Ltd for the management and operation of Lake Tabourie Tourist Park for the percentage of gross profit and retainer as negotiated.
- b) Council execute the contract referred to in (a) under the Ordinary Seal of Council.

**ADDENDUM REPORT - DEVELOPMENT AND ENVIRONMENTAL SERVICES**

1311. Proposed 2 Lot Rural Subdivision for Kirkwood - 663 Sussex Inlet Road, Sussex Inlet. Judgement of Land and Environment Court. File SF9692

RESOLVED on a MOTION of Clr Young, seconded Clr Murphy that in relation to the Proposed 2 Lot Rural Subdivision for Kirkwood - 663 Sussex Inlet Road, Sussex Inlet;

- a) Council pursue option three (3).
- b) The General Manager (Development and Environmental Services) work towards a resolution of the matter via consent orders, that minimize the impact of additional vehicle movements on traffic safety in Sussex Inlet Road, Sussex Inlet.
- c) Council reaffirm its recommendation from August 2006 to undertake further investigations of option four (4) as listed in the report, including possible amendments to the Section 94 Plan and a further report be submitted to Council once draft concept plans are prepared.

**LEGAL DOCUMENTS - DEVELOPMENT AND ENVIRONMENTAL SERVICES**

1312. Request for Release of Section 88B Restriction as to User - Lot 1563 DP 865942, Watt Road, Falls Creek File SF7877 & DA07/1189

RESOLVED on a MOTION of Clr Ward, seconded Clr Green that the request to modify the Section 88B Instrument for the Release of the Restriction as to User, the subject of this report over Lot 1563 DP 865942, Watt Road, Falls Creek, be executed under the seal of Council.

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1313. Request for Release of Section 88B Restriction as to User - Lot 5 DP 625156, William Bryce Road, Tomerong. File SF5080

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RESOLVED on a MOTION of Clr Ward seconded Clr Finkernagel that the request to modify the Section 88B Instrument for the Release of the Restriction as to User, the subject of this report over Lot 5 DP 625156, William Bryce Road, Tomerong be executed under the seal of Council.

**NOTICES OF MOTION - TUESDAY, 28TH AUGUST, 2007**

1314. Huskisson RSL Car Park File 35563

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A MOTION was moved by Clr Ward, seconded Clr Bates that the General Manager:

- a) Make formal representations to the NSW State Government with respect to the Huskisson RSL Car Park Site with a view to purchasing this land at the market rate.
- b) Advise the NSW State Government that Council would be prepared to make a formal financial contribution to its purchase for community benefit.
- c) Report to Council on said representations and advise Council on an appropriate course of action accordingly.

An AMENDMENT was moved by Clr Willmott, seconded Clr McCrudden that Clr Ward submit a report to Council identifying items within the 2007/2008 budget to be deleted in order for Council to make a formal financial contribution to purchase the Huskisson RSL car park site at the market rate.

A PROCEDURAL MOTION was moved by Clr Young, seconded Clr Anderson that the motion be put.

The PROCEDURAL MOTION upon being PUT to the meeting was declared CARRIED

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clrs Finkernagel, Rudd, Murphy, Green, McCrudden, Kearney, Anderson, Willmott, Young, Bates, Watson

The following Councillors voted "No";

Clr Ward

The AMENDMENT upon being PUT to the meeting was declared CARRIED.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

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Clrs Finkernagel, Murphy, McCrudden, Kearney, Anderson, Willmott, Watson

The following Councillors voted “No”;

Clrs Rudd, Green, Ward, Young, Bates.

The AMENDMENT upon becoming the MOTION was PUT to the meeting and declared CARRIED

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Finkernagel, Murphy, Green, McCrudden, Ward, Kearney, Anderson, Willmott, Watson.

The following Councillors voted “No”;

Clrs Rudd, Young, Bates.

Note: during discussion on this item, the Chairperson ruled Clr Ward as out of order for making comments out side of the matter on the table. Clr Ward returned to his discussion to the matter at hand.

1315. Code of Meeting Practice

File 3798, 36535

A MOTION was moved by Clr Ward, seconded Clr Bates that the Code of Meeting Practice be amended to prescribe that in all instances where the Chair of Council or a Committee uses their casting vote, that this be recorded in the minutes. That this provision also be extended to include confidential sessions with respect to the reporting of the record of votes on a confidential item.

The MOTION upon being PUT to the meeting was declared LOST

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clr Ward

The following Councillors voted “No”;

Clrs Finkernagel, Rudd, Murphy, Green, McCrudden, Kearney, Anderson, Willmott, Young, Bates, Watson

RESOLVED on a MOTION of Clr Watson seconded Clr McCrudden that Council refer Councillor Ward to the General Manager for appropriate action regarding a potential breach of the Local Government Act for releasing information pertaining to confidential discussion into open session.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

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The following Councillors voted “Aye”;

Clrs Finkernagel, Murphy, McCrudden, Kearney, Anderson, Willmott, Watson

The following Councillors voted “No”;

Clrs Rudd, Green, Ward, Young, Bates.

1316. Committee Meeting Attendance

File 3798

A MOTION was moved by Clr Ward seconded Clr Bates that:

- a) All Councillors be entitled to attend all committees of Council as well as all general committees, boards, reference groups, sub-committees, advisory groups or any other body established by Council.
- b) All committees, boards and advisory group meetings be open to the public unless by a vote of said meeting, the meeting resolves into confidential session for the reasons set out in Section 10A(2) of the NSW Local Government Act.

An AMENDMENT was moved by Clr Anderson, seconded Clr Murphy that

- a) Where a Councillor is not a nominated member of a Committee or Board constituted by Council, they are entitled to attend the meetings as observers.
- b) All Committee and Board meetings be open to the public.

The AMENDMENT upon being PUT to the meeting was declared CARRIED

THE AMENDMENT upon becoming the MOTION was PUT to the meeting and declared CARRIED

1317. Donations - Legal Costs - Local Government Authorities

File 1276

A MOTION was moved by Clr Ward that Council only give consideration to supporting the legal costs of other Local Government Authorities when Shoalhaven City Council has been briefed and resolves to support said legal action prior to it commencing.

The motion lapsed for want of a seconder.

1318. Vista Drive, Ulladulla (Dolphin Point) - Waste Truck Turn-around

File 19586

Clr Ward withdrew his Notice of Motion pertaining to Vista Drive, Ulladulla (Dolphin Point) – Wast Truck turn-around.

Clr Watson declared a pecuniary interest in this item being that of ratepayer in the affected area and the left the room and did not take part in discussion or vote on the matter.

Clr Murphy took the position of chairperson

Clr Ward left the meeting, the time being 10.23 pm.

A MOTION was moved by Clr Rudd seconded Clr Bates that:

- a) Council survey the residents, ratepayers and business operators of Woollamia, Huskisson, Vincentia and Hyams Beach to determine whether the community is prepared to contribute, eg. through a rates levy , to the purchase of the RSL car park block of land in Huskisson.
- b) To seek suggestions from the community on additional means of financing public purchase of the land.

The MOTION upon being PUT to the meeting was declared LOST

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Rudd, Bates

The following Councillors voted “No”;

Clrs Finkernagel, Murphy, Green, McCrudden, Kearney, Anderson, Willmott, Young

Note: Clrs Watson and Ward were absent from the meeting during voting on this item.

Clr Watson returned to the meeting

Clr Watson left the meeting the time being 10.29 pm, Clr Murphy retained the position of chairperson

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**CONFIDENTIAL REPORT OF THE GENERAL MANAGER**

**CONSIDERATION OF ITEMS OF A CONFIDENTIAL NATURE**

<b>Item</b>	<b>Reason</b>
Private Art Collection Bequest to Arts Centre	Section 10A(d)(i) – Commercial information of a confidential nature that would, if disclosed: prejudice the commercial position of the person who supplied it. The persons concerned have requested the details be kept confidential.
Sale of Council land – Nowra and Huskisson	Section 10A2(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 were invited to make representations to the Ordinary Meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

A MOTION was moved by Clr Willmott, seconded by Clr Anderson, that the Ordinary Meeting exclude the press and public from the Meeting pursuant to section 10A(2)(a) of the Local Government Act, 1993 as it was to consider items of a confidential nature.

The meeting moved into confidential the time being 10.29 pm.

Clr Watson returned to the closed meeting, the time being 10.33 pm and resumed the position of chairperson.

Clr Ward returned to the closed meeting, the time being 10.34 pm.

The meeting moved into open session, the time being 10.48 pm.

**SHOALHAVEN ARTS BOARD - 9<sup>TH</sup> AUGUST, 2007**

1320. Private Art Collection Bequest to Arts Centre

File 2123-14

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The following resolution of the Ordinary Meeting, while the meeting was closed to the public, was read to the meeting by the Minute Secretary.

RESOLVED that Council accept the generous offer and proposed bequest of art work to the Art Centre and that a formal document be drafted to detail Council's responsibilities and administration role in processing and delivering the terms of the bequest.

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## ASSISTANT GENERAL MANAGER

1321. Sale of Council land - Nowra and Huskisson

File 33126, 35143

The following resolution of the Ordinary Meeting, while the meeting was closed to the public, was read to the meeting by the Minute Secretary.

RESOLVED that Council;

- a) Authorise the General Manager to inform Huscorp Pty Ltd of the status of its property dealings at Huskisson and Nowra due to Council's resolution to proceed to prepare a local environment plan to classify the subject lands as "operational lands".
- b) Agrees to, as property owner, to endorse the lodging of development applications over 38-40 Owen Street and 3 Morton Street, Huskisson and the "Hotel Site", Bridge Road, Nowra subject to receipt of the appropriate and acceptable indemnification by Huscorp Group Pty Ltd against claims on Council, should the sale/s not proceed.
- c) Authorise the General Manager to negotiate options and contracts of mutual benefit to both parties.
- d) The contracts be executed under the Seal of Council.

## GENERAL BUSINESS

1322. Introduction of Item as a Matter of Urgency

RESOLVED on a MOTION of Clr Anderson, seconded Clr Green that the matter of Ordinary Meeting procedure be introduced as a matter of urgency.

The Chairperson ruled the matter as one of urgency and allowed its introduction.

1323. Additional item – Ordinary Meeting Procedure

File 3798

RESOLVED on a MOTION of Clr Anderson, seconded Clr Willmott that the Ordinary Meeting procedure include the following:

The business of the Ordinary Meeting cease at 10.00 pm and for any business not concluded prior to 10.00 pm the meeting be reconvened the following day.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clrs Murphy, Green, McCrudden, Kearney, Anderson, Willmott, Young, Watson

The following Councillors voted "No";

Clrs Finkernagel, Rudd, Ward, Bates.

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There being no further business, the meeting concluded, the time being 10.56 pm.

Clr Watson  
CHAIRPERSON