

SHOALHAVEN CITY COUNCIL

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

To be held on Tuesday, 28th August, 2007
Commencing at 4.00 pm

City Administrative Centre
Bridge Road
NOWRA NSW 2541

22nd August, 2007

Councillors,

NOTICE OF MEETING

You are hereby requested to attend the Ordinary Meeting of the Council of the City of Shoalhaven, **to be held in the Council Chambers, City Administrative Centre, Bridge Road, Nowra on Tuesday, 28th August, 2007 commencing at 4.00 pm** for consideration of the following business.

Yours faithfully

R D Pigg
General Manager

Membership

All Councillors

BUSINESS OF MEETING

PRAYER: Father Patrick Faherty - Catholic Church Nowra

1. **Australian National Anthem**
2. **Apologies**
3. **Confirmation of Minutes**
 - Ordinary Meeting - 24th July, 2007
 - Extra Ordinary Meeting - 14th August, 2007
4. **Presentation of Petitions**
5. **Mayoral Minute**
6. **Report of the General Manager**
 - Policy and Planning Committee - 14th August, 2007
 - Works and Finance Committee - 14th August, 2007
 - Development Committee - 14th August, 2007
 - Shoalhaven Water Operations and Strategic Review Committee - 21st August, 2007
 - Crown Reserve, Community and Commercial Operations Committee - 21st August, 2007
 - Youth Advisory Committee - 8th August, 2007
 - Shoalhaven Arts Board - 9th August, 2007
 - Council Property Steering Committee - 13th August, 2007
 - Rural Fire Service Strategic Review Committee - 16th August, 2007
 - Alternative Waste Processing Technologies Working Group - 20th August, 2007
7. **Reports of the Shoalhaven Traffic Committee - 21st August, 2007**
8. **Report of the General Manager**
 - Assistant General Manager
 - Strategic Planning
 - Finance & Corporate Services
 - Development & Environmental Services
9. **Legal Documents**
 - Development & Environmental Services
10. **Notices of Motion**
11. **Confidential Report of the General Manager**
 - Shoalhaven Arts Board - 9th August, 2007
 - Assistant General Manager

Cell Phones:

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

LOCAL GOVERNMENT ACT 1993

Chapter 3

Section 8(1) - The Council's Charter

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

MAYORAL MINUTE
ORDINARY MEETING
TUESDAY, 28TH AUGUST, 2007

1. LGSA Position on Local Government Inquiry Recommendations

File 13726-02

Summary

The Local Government and Shires Associations of NSW have provided their positions on all forty nine recommendations of the Independent Inquiry into the Financial Sustainability of NSW Local Government. The attached table outlines the Associations' positions on the recommendations and the work already underway to respond to the Inquiry.

Background

In July 2007, after about one year of work, the Strengthening Local Government Task Force provided to the Associations its positions and actions on all forty nine recommendations of the Independent Inquiry into the Financial Sustainability of NSW Local Government. The Associations endorsed these positions and actions on 5 July 2007 and subsequently submitted them to the NSW Government for a whole-of-government response.

Positions and actions have mainly been developed by the Task Force's five expert working groups:

- Intergovernmental Relations and Community Relations;
- Financial Management;
- Corporate Governance and Performance Measurement;
- Resource Optimising and Capacity Building; and
- Promoting Local Government Leadership.

The work of the Task Force and its working groups was guided by principles including:

- The positions and actions should be sectoral ones including all key Local Government stakeholders;
- Stakeholders should work together in partnership;
- Existing initiatives should be recognised and actively promoted in order to not duplicate efforts; and
- Deliberations should be consensus based, open and transparent.

To facilitate this sectoral response the Task Force comprised key Local Government stakeholders, including the Presidents, Executive members and the Secretary General of the Associations, the Presidents of the Local Government Managers Australia (LGMA), NSW Division, and the Institute of Public Works Engineering Australia (IPWEA), NSW Division, Associate Professor Graham Sansom, Director of the University of Technology Sydney's Centre for Local Government, and, as a permanent observer, the Deputy Director General of the Department of Local Government. Working groups comprised a wide range of experts and professionals from the Local Government sector, social, environmental and community groups, government departments and businesses.

The Task Force contributed to and promoted the other important initiatives such as the Department of Local Government's Integrated Planning and Reporting Project, the asset management position paper prepared by the Department of Local Government and the NSW Infrastructure Task Force, the Strategic Alliance Network, Local Government Procurement, the LGMA Good Practice Toolkit, and the national Infrastructure Financial Management Guidelines currently being developed by the National Asset Management Strategy (NAMS) Committee.

The Task Force widely consulted throughout NSW via workshops and roundtables and established a comprehensive program website (www.StrengtheningLG.lgsa.org.au).

Priority issues

The priority issues identified in the positions table include:

Intergovernmental Relations:

The inquiry recognised the importance of good intergovernmental relations and recommended the signing of an Intergovernmental Agreement. The Associations are also committed to working closely with the State Government on the implementation of the State Plan which will guide the delivery of services in NSW over the next ten years.

To be successful, the State Plan must be delivered locally. This can only be achieved if the State Government, individual agencies, and Councils all work together horizontally and vertically at the local level. The signing of an Intergovernmental Agreement would strengthen relationships at the local level, help clarifying mutual roles and responsibilities, and send a strong message to the Local Government sector that the State Government wants to work closely with it.

Integrated Planning and Reporting:

The current review of the strategic and financial planning and reporting system for Councils presents an important opportunity to change the current, integration-lacking planning and reporting requirements and establish a new, integrated strategic planning framework that focuses on outcomes for the community and links State and Local Government priorities. Whilst work is well underway much more needs to be done to reduce red tape and integrate the plans of State agencies into the process.

Asset Management:

The inquiry found that only 20 per cent of Councils have adequate asset management systems and practices in place. It is critical that all Councils adopt asset management systems with consistent asset accounting practices. This will enable them to better assess priorities and trade-off and make decisions that most effectively and efficiently use Council's asset portfolio and can be funded over the long term from Council resources. Improving asset management systems and practices should be closely linked to the integrated planning and reporting review and the Associations will continue to work with the Department of Local Government to address these issues.

Resource Sharing:

The Associations support resource sharing and with the Department of Local Government are jointly hosting the Strategic Alliance Network Conference in August 2007 to further promote resource sharing initiatives including Local Government Procurement and the LGMA Good Practice Toolkit.

Rate Pegging and Financial Assistance Grants:

The inquiry recommended that the Commonwealth and the State Government increase grant funding for infrastructure, and that as a trade-off for Councils implementing longer term strategic and financial planning, rate pegging should be removed. The Associations strongly support these recommendations and are actively promoting long term strategic and financial planning and reporting.

Reform Assistance:

The priority issues and activities outlined above represent the biggest changes to NSW Local Government in decades. The successful implementation of these structural, financial and administrative reforms will depend on a reform implementation program financially supported by the State Government.

Conclusion

The Associations' positions table outlines the next steps forward and should form the basis for continued work by the Local Government sector in NSW as a whole.

The support of Councillors and Council in promoting this work is critical. In particular local Councils should be calling for a whole-of-Government response and the establishment of a reform implementation fund.

RECOMMENDED that 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.



Greg Watson,
Mayor.

REPORT OF THE GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 28TH AUGUST 2007

GENERAL MANAGER

POLICY AND PLANNING COMMITTEE - TUESDAY 14TH AUGUST, 2007

Shoalhaven Sports Board – Wednesday 18th July 2007

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

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.

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

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.

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- 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.

3. 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.

4. 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.

5. 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.

6. 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.

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

- 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.

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).

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

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- 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.

10. 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.

11. 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.

12. 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.

Industrial Development and Employment Committee – Monday 23rd July 2007

13. 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.

Skills Development Initiative Working Party – 27th July 2007

14. 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.

Shoalhaven Access Advisory Committee – Thursday 2nd August 2007

15. 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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16. Handrail or Seat in Morrison's Arcade Nowra File 3743
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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.

17. Disabled Toilets North Nowra Shops File 35910
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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.

18. Accessibility Improvements - 2007/08 Capital Works Programme File 35373
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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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19. 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.

20. 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.

21. Accessible Public Amenities - Sussex Inlet File 18680

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.

General Manager

22. 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.

City Services and Operations

23. 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.

Strategic Planning

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

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

- a) The landowner and Council finalise (sign) the required Deed of Agreement (consistent with the discussions at of the Councillor Briefing held 19th 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).

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

27. 16th NSW Coastal Management Conference 2007 File 3444
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RECOMMENDED that Council authorise available Councillors to attend the 16th NSW Coastal Management Conference from the 7th to the 9th November 2007 and it be deemed business of Council.

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

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

30. 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.

Finance and Corporate Services

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

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.

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

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

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

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

34. 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

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35. Proposed Guidelines for use of Community Notice Boards File 1792-03
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RECOMMENDED that the proposed amendments to the Guidelines for CCBs as detailed in Item 5 of the Policy and Planning report of 14th August 2007 be presented to all Community Consultative Bodies for comment and a further report be presented following the closing date of submissions.

36. Staff Gratuities File 30099
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RECOMMENDED that Council adopt the updated Staff Gratuities Policy.

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

38. Guidelines for the Conduct of Community Consultative Bodies – Council’s Intention to Remove Clause e) Parts i and ii. File 1792-03
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RECOMMENDED that Council delete Clause e) Parts i and ii from the resolution of Council’s Ordinary meeting of 27th March 2007, Min07.397 Community Consultation Strategy and amend the Guidelines for the Conduct of Community Consultative Bodies accordingly.

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

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

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

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- 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.

41. 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.

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

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

43. 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.

Development and Environmental Services

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

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.

45. 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.

General Business

46. 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.

47. Additional item - Youth Week Activities - Award File 2503-05

Clr Willmott advised the meeting that Council was one of four (4) finalists out of 144 NSW Councils for a Youth Week Local Government Award, and acknowledge the contribution of staff and the Youth Advisory Committee to this achievement.

WORKS & FINANCE COMMITTEE - TUESDAY 14TH AUGUST, 2007

Assistant General Manager

1. 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.

City Services and Operations

2. 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;
- b) Council write to the Hon P Koperberg, Minister for Environment and Climate Change, thanking him for the grant offer.

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

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.

4. Shoalhaven Art Society Rent Review File 26761

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.

Strategic Planning

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

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.

6. Relocation of Easement Lot 48 DP 17199 Panorama Road, St Georges Basin File 35378

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.

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

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.

8. 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.

9. 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”.

10. 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.

11. Private Use of Public Car Parking Spaces File 17432

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.

12. 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

13. Princes Hwy - South Nowra – Road Network Strategy File 3897

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.

14. 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.
- 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

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

File 35248

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.

16. 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.

Finance and Corporate Services

17. 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

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 allocated \$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 4th - 10th October 2007.
 - ii) Nowra Shoalhaven Touch Association (\$1967) to assist with the staging of the Southern Suns Touch Football Championships on 9th – 10th 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.
-

City Services and Operations / Strategic Planning

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

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.

19. Elizabeth Drive, Vincentia - Kerb & Gutter File 7857
-

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

General Business

20. Additional item - Footpath, Moss Street to Brereton Street, Nowra File
-

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.

DEVELOPMENT COMMITTEE - TUESDAY 14TH AUGUST, 2007

Strategic Planning

1. DCP No. 54 Huskisson Town Centre – Draft Amendment No. 3 File 10132-04
-

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.

2. Submission of Draft DCP for “Nowra Hotel Site” Bridge Road, Nowra File 29054-03
-

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.

3. St. Georges Basin Village Development Precinct – Status Report
File 29447, 18815, SF9847, DA07/1059
-

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.
- 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.

Development and Environmental Services

4. Development Application for Dwelling – Lot 12 DP 1016153 (No 10) Sandgroper Crescent, Lake Conjola. Applicant: Anna Pender File DA07/1327
-

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

**SHOALHAVEN WATER OPERATIONS AND STRATEGIC REVIEW COMMITTEE –
TUESDAY 21ST AUGUST 2007**

Shoalhaven Water

1. 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.

2. Pumpout Policy File 12039

RECOMMENDED that Council:

- a) Adopt the draft Pumpout Policy
- b) The new 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

3. 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.

4. 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.

5. 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.

6. 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.

7. Additional Item – Staff Retirement - Bill Tomkinson

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.

**CROWN RESERVE, COMMUNITY AND COMMERCIAL OPERATIONS COMMITTEE
– TUESDAY 21ST AUGUST 2007**

Assistant General Manager

1. 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.

City Services and Operations

2. 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.
3. 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
4. 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;

-
- 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.
5. 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.
6. Shoalhaven Volunteer Community Nursery - Crookhaven Heads, Culburra Beach Report File 26279-05
-

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.
7. 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.

8. Use of Community Facilities as Place of Polling Stations File 28029
-

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.

-
9. Licence of the North Nowra Community Centre Office File 1967-05

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.

10. Kangaroo Valley Pool File 24297-05

Clr Watson declared a non pecuniary interest in this item being that of a Lions Club member and did not take part in discussion or vote on the matter.

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.

11. 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.

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

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

Strategic Planning

13. Hyams Beach Boat Launching Ramp File 34235

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.

Note: there was an equality of votes on this motion and the chairperson did not exercise their right to use a casting vote. The matter is submitted to Council for determination.

14. 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.

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

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.

16. Liberty Park - Corner Isa and Worrigeer Roads Worrigeer File 24958

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.

Finance and Corporate Services

17. 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.

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

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.

19. 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.

20. 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.

YOUTH ADVISORY COMMITTEE - WEDNESDAY, 8TH AUGUST 2007

1. 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.

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

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.

3. 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.

4. 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.

5. Resignation - Youth Advisory Committee File 1506-04
-

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

6. 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 8th – 9th November 2007 with a Silver Sponsorship package to the value of \$1,500 from the Community Development budget.

7. 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.

SHOALHAVEN ARTS BOARD – THURSDAY 9TH AUGUST 2007

1. 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.

2. 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 28th August 2007.

3. The Art Collection Policy 2007 File 18106

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

4. Arts Board Arts Grants 2007 File 35609

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.

COUNCIL PROPERTY STEERING COMMITTEE – MONDAY 13TH AUGUST 2007

1. 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.

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

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.

Note by the General Manager: Legal advice has now been received and is subject to separate reports. It is recommended that Council not adopt the above recommendation and consider the matter in conjunction with the later reports.

3. 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);
- c) The contract for the sale of Lots 658 & 681 in Deposited Plan 27855 and the related mortgage agreement be signed by the General Manager and the transfer be executed under the common seal of the Council of the City of Shoalhaven.

4. 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.

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

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

6. 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.

7. 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.

8. 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 2nd May 2007 to 25th July 2007.

**RURAL FIRE SERVICE STRATEGIC PLANNING COMMITTEE – THURSDAY,
14 AUGUST 2007**

1. 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.

2. 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.

3. 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.

**ALTERNATIVE WASTE PROCESSING TECHNOLOGIES WORKING GROUP -
MONDAY, 20TH AUGUST 2007**

1. Waste 2007 Conference File 35616
-

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

2. 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.

3. 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.

R.D Pigg
GENERAL MANAGER

SHOALHAVEN TRAFFIC COMMITTEE – 21ST AUGUST 2007

ORDINARY MEETING

TUESDAY, 28TH AUGUST, 2007

REPORT OF THE CONVENOR

ITEMS FOR APPROVAL UNDER DELEGATED AUTHORITY

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

2. 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.

3. 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. See attached plan.

4. 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 attached plan no. 1311-03A.

5. 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 the attached plan TRAF 2007 / 08.

-
6. 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.

7. 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.

8. 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.

9. 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 attached plan TRAF 2007/09.

10. 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.

11. 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.

GENERAL BUSINESS

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

A request was received from the Shoalhaven Access Advisory Committee to investigate the sight restrictions at the intersection of Meroo Street and Cambewarra Road, Bomaderry.

Investigations show there is possible safety issue that could be addressed by the installation of "No Stopping" signs.

- # 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).

R Sutherland
CONVENOR/CHAIRPERSON

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 28 AUGUST, 2007

GENERAL MANAGER

1. Staff Pay Rise 2007

File 3864-03

Background:

Council is of the opinion, following advice from the Local Government & Shires Association, that it is a constitutional corporation and hence comes under the WorkChoices legislation. This being the case, the Local Government (State) Award becomes a NAPSA under the Federal law and will apply up to 27th March, 2009 maximum. The NSW Minister for Industrial Relations, John Della Bosca and the Minister for Local Government, Paul Lynch, have recently written to all NSW Councils stating that –

“Should any local government in NSW attempt to enter into any agreement under the Workplace Relations Act 1996, the State Government will commence proceedings seeking declarations that any such agreement is invalid.”

The NAPSA does not provide for any increase in pay rates during 2007. The last general pay rise was 3% effective 1st November, 2006, under the NAPSA. A further pay rise determined by the Australian Fair Pay Commission (AFPC) was effective 1st December, 2006, however, this increase was applied to the pay rates effective as at 1st November, 2005, and hence the 3% (1/11/06) essentially absorbed most of that increase.

There is a possibility that the 1st December, 2006, AFPC increase should have applied to the 1st November, 2006, rates of pay and Council awaits further advice from the Local Government & Shires Association on this issue. In any case, should this be the situation, it is unavoidable that some staff would be entitled to a pay rate adjustment and back pay.

Issues

There is an expectation by the Unions and staff that a pay rise should be negotiated for 2007. There is an AFPC determination applicable at 1st October, 2007, that is very moderate and applies to a small number of staff.

The United Services Union held meetings with a substantial number of staff last week and, arising from those meetings, has submitted the following resolutions –

“Motion 1 – We the employees and members of the Unions at Shoalhaven City Council call on Council to sign a ‘Council Agreement’ with the Unions to roll over the Local Government (State) Award/NAPSA, however so defined, for a period of twelve (12) months from the 1st November, 2007, with a wage increase of four (4) percent. We empower the Unions to negotiate a reasonable rate of pay increase to address this matter.”

“Motion 2 – We the employees and members of the Unions at Shoalhaven City Council call on Council to sign a twelve (12) month ‘Referral Agreement’ retaining access to the NSW Industrial Relations Commission for the purposes of resolving disputes and unfair dismissals. This Referral Agreement is to run simultaneous to the Council Agreement.”

These motions are supported by staff and the four Unions having members employed by Council –

United Services Union
Local Government Engineers’ Association
Development & Environmental Professionals’ Association
Electrical Trades Union

Comment on Motion 1

It is generally accepted that a pay rise is a reasonable expectation during the year, even though the NAPSA does not provide for an increase and the AFPC increase only applies to a few staff. The question is, what is a reasonable increase? There are a range of indicators to consider, such as –

- 3.4% ratepegging
- 2.7% Sydney all Group CPI June, 2007
- 4.1% Wage Price Index March, 2007
- 4% NSW State Senior Executive Service (applicable to all “senior staff” in Local Government)
- 4% pay increase factored into Council’s budget

The Unions have also submitted a draft Agreement concerning the requested pay rise and this agreement has been subject to modification through negotiations.

The Agreement is acceptable and specifically notes that any increases arising from past AFPC decisions (including the 1st October, 2007 increase) are consolidated (absorbed) into the negotiated increase applicable 1st November, 2007.

On the basis of the above issues and to maintain equity and fairness, it will be recommended that Council agree to a 4% pay increase effective from the first pay period commencing on or after the 1st November, 2007, subject to the conditions of the “Agreement”.

Comment Motion 2

This issue has been submitted to Council on two previous occasions and Council has resolved not to sign a Referral Agreement and to leave these matters to the General Manager to determine on a case-by-case basis, should any dispute elevate to the level of an Industrial Commission (either State or Federal). It will be recommended that Council maintain its previous position.

RECOMMENDED that –

-
- a) **Council resolve to grant a 4% pay increase to employees, effective from the first pay period commencing on or after 1st 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.**

**RD PIGG
GENERAL MANAGER**

REPORT OF THE GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 28TH AUGUST 2007

ASSISTANT GENERAL MANAGER

1. Reclassification of Council Land - Huskisson and Nowra

File 35143; 33126

Council resolved in March 1994 to give Public Notice in accordance with Section 34 of the Local Government Act 1993 of its intention to classify specified properties as “operational” land under Clause 6(3) of Schedule 7 of the Act. Included in the list of properties were the Owen Street Carpark and Council Administrative Centre and surrounds. At the conclusion of the exhibition period, no written submissions were received regarding these lands. The lands at Huskisson and parts of the land comprising the Nowra Civic and Hotel Precinct are identified for sale and development and were classified as “operational land” in 1994.

Ensuing from recent discussions with and correspondence from the Department of Local Government regarding the classification status of the aforementioned Huskisson lands and reference to relevant case law, sufficient doubt has arisen whether the lands have been properly classified as operational or were deemed to be “community” lands at the commencement of the Local Government Act 1993. The Department therefore recommended that Council proceed to prepare a draft local environment plan in accordance with the provisions of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979 as part of the process to reclassify to “operational land” the Owen Street Carpark, Huskisson and the Nowra Civic and Hotel Precinct sites. Attached are 2 GIS maps identifying the lands described in the Recommendation below.

The draft LEP will be required to follow the standard LEP process (including obtaining approval from LEP panel to proceed) with the additional requirements of a mandatory public hearing. This hearing will be chaired by an independent person at the end of the 28 day public exhibition. It should be noted that the processing of a draft LEP of this nature could take 6 months or much longer depending on issues raised, if any.

RECOMMENDED 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 5 DP813461; Lot 6 DP813461; Lot 1 DP194884; Lot A DP158942; Lot 5 DP1112482; Lot B DP158942; Lot 4 DP1112482; Lot 3 DP552527; Lot 2 DP552527; Lot A DP161574; Lot 1 DP513571; Lot 5 DP975062; Lot 6 DP975062; Lots 7 and 8 DP600782; Lots 8 and 9 DP605984; Lots 9 and 10 DP607132; Lots 10 and 11 DP606121 and Lot 1 DP130993 (known as Nowra Civic and Hotel Precinct).**

J. Gould
ASSISTANT GENERAL MANAGER

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 28 AUGUST 2007

STRATEGIC PLANNING

1. Swan Lake Cycleway

File 16747

Council at its meeting of 24th July 2007 considered a report (copy attached “A”) on the proposed Swan Lake Cycleway and resolved that:

- a) *The General Manager write to the Swan Lake Environment Protection Association Inc. (SLEPA) inviting comment within 14 days, on the Swanhaven/Cudmirrah cycleway options;*
- b) *Any submissions received and the July report be referred to the August Ordinary meeting for consideration.*

In accordance with Council’s resolution a letter was sent to SLEPA accompanied with a copy of the draft Review of Environmental Factors (REF).

SLEPA responded to Council’s invitation with a detailed submission (copy attached “B”) and advise that all matters raised in previous submissions are still pertinent to the foreshore route. These are:

- Not consistent with Council’s cycleway strategy and the NSW coastline Strategy
- Route is environmentally sensitive
- Potential for disturbing Acid Sulphate soils
- Ongoing maintenance issues
- Will result in introduction of weeds and litter
- High cost
- Land tenure

They also raise the following issues in relation to the draft REF:

Issues raised by SLEPA	Comment
REF Does not constitute an adequate Part 5 assessment of the project	The REF was provided as a draft and cannot be finalised until detailed survey and design is completed. Notwithstanding this sufficient information is available for a preferred route to be selected
REF fails to identify sufficient detail e.g. dimensions, sectional elevations, construction methods	Details can be provided after survey and design is completed.

Issues raised by SLEPA	Comment
REF lacks a detailed flora and fauna assessment	A targeted flora and fauna assessment report can be provided after survey and design is completed
REF Does not substantially address Aboriginal heritage	Survey of the National Parks aboriginal heritage inventory has been undertaken and has not identified any known sites of aboriginal significance on the route
REF fails to address indirect impacts such as impacts during construction	Details can be requested after survey and design is completed
Fails to address landowner consent issues on Crown land	Many public infrastructure projects are located on Crown land.
Fails to address Flooding	Cycleways may be constructed in flood prone areas. Detailed survey and design will determine extent if any of any flooding impact
PAMP Bicycle Strategy Coastline Strategy	This route is the preferred route by the CBSPA and the Sussex Inlet Community Forum and was recognised as a route in Council's PAMP

In Council's letter to SLEPA, an invitation was made for representatives of SLEPA to meet with staff on site to discuss any issues. At the time of writing this report the meeting had not been undertaken but was scheduled for 20th August 2007.

Essentially the questions raised by SLEPA are valid issues in some respects but can be resolved during the detailed design process. It is unreasonable, unpractical and uneconomic to undertake a full detailed design of the project to allow for selection of a preferred route.

Investigations completed to date have not identified any major impediment to the off road shared pathway via Swanhaven and are sufficient to allow a preferred route to be selected and allow the project to proceed to the next stage of survey and design.

In this respect staff have also met with representatives of the Cudmirrah Berrara Swanhaven Progress Association (CBSPA) to discuss further of how the project would progress. They have advised that the project would be managed by the Rotary Club of Sussex Inlet that holds all the necessary insurances. The project would be constructed in stages with the first stage being constructed south of the sand dunes between Swanhaven and Cudmirrah. Further consultation and consideration needs to be undertaken between Council and the Association as to the type of materials that would be used for crossing the wetland south of Swanhaven. This decision is needed before a final REF can be completed. Attached is a copy of letter received subsequent to the July Works and Finance Committee (Attachment "C").

It is considered that a major factor in determining the preferred route is the expected type of usage of the path. Although the path will serve as a pedestrian / cyclist route from Cudmirrah to Swanhaven it is expected that the main use will be for local recreational use and the foreshore route is considered more appropriate for this purpose.

Detailed design and survey will be funded by existing budget allocations

The recommended process for the project to proceed is as follows:

1. Survey (Council)
2. Detailed design by Council (with input from CBSPA, government agencies, Integral Energy etc)
3. Preparation of a preliminary final REF
4. Consultation with SLEPA and the community
5. REF completed
6. Preparation of work method statements to manage safety and environmental issues
7. Construction

In summary option 3 (Swan Lake Foreshore Route) traverses an existing cleared track for the majority of the route involving minimal vegetation removal and is the proposal supported by the community representatives. Option 3 is still recommended as the preferred option.

RECOMMENDED that in respect to the Swan Lake Cycleway:

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

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

Purpose of the report

This report advises Council of the comments received recently from the Department of Planning in relation to the adopted Sussex Inlet Settlement Strategy. The Department have provided their final position on several issues related to the Strategy. These issues now need to be considered by Council to enable the final endorsement of the Settlement Strategy by the Director General of Department of Planning and the lifting of the moratorium placed over rezoning proposals within the Sussex Inlet area.

The Department of Planning's letter to Council which was received on 14th August 2007, signed by the Director General, is provided as Attachment 'A'.

Background

Council resolved on 24th April 2007, to adopt the revised Sussex Inlet Settlement Strategy with the inclusion of additional detail regarding the One Tree Bay proposal in Section 2.1.1 “Future Settlement” and seek final comments from the relevant State Government Agencies prior to seeking its endorsement by the Director General of Department of Planning.

In respect of Verons Estate, Council also maintained its previously resolved position of:

- i) One (1) dwelling on each allotment within the catchment of Swan Lake;
- ii) Potential subdivisions outside the Swan Lake catchment be reduced to two (2) hectare lots;
- iii) Tourist development and facilities outside the Swan Lake catchment be allowed.

These amendments were included in the final Settlement Strategy document that was submitted to the Department of Planning (the Department) for endorsement in June 2007.

Comments from the Department - Overview

- **Verons Estate**

The Department does not support 2 hectare subdivision of properties within Verons Estate. Section 3.1.3 and any other reference within the Sussex Inlet Settlement Strategy (SISS) should be amended to remove any reference to permitting 2 hectare allotments. The Department will only support one dwelling per lot as a maximum.

The Department notes that the only justification for considering Verons Estate, at all, is to provide some equity for affected landowners, which would suggest a maximum of one dwelling per lot. There has not been any rigorous assessment, similar to that required for other “paper subdivisions” in the Jervis Bay Region that justifies more intense development or identifies community benefit.

Comment

Council has on a number of occasions in the development of the Settlement Strategy provided justification to the Department of Planning in regard to additional subdivision within the Estate and the associated benefits. The Department has consistently indicated that they would only support investigation of one dwelling per lot as part of the rezoning investigations. The Departments position is at odds with Councils previously resolved position to include the ability for further subdivision outside the Swan Lake catchment.

- **One Tree Bay**

The South Coast Regional Strategy provides an outline of identified and supported settlements within the region and Shoalhaven local government area. This proposal is not identified as one of these settlements and any consideration of the proposal should be made in the context of the Regional Strategy.

Thus request that Action 4 of Section 3.1.2 be amended to include the following reference:

“One Tree Bay is not identified as one of the settlements supported by the South Coast Regional Strategy (SCRS) and is not included in this strategy. Therefore, any consideration of the One Tree Bay proposal should be made in the context of the Housing and Settlement Section of the SCRS. In particular the following actions will apply:

-
- *No new towns or villages will be supported, unless compelling reasons are presented and if it can be demonstrated that they satisfy the sustainability criteria.*
 - *Any additional development proposed will need to demonstrate that it can satisfy the Sustainability Criteria in Appendix 1 of the SCRS.”*

Comment

Council resolved to “support in principle” the One Tree Bay proposal and include appropriate wording to this effect within the finalised Settlement Strategy. As a result the following wording was included within Actions in Sections 2.1.1 and 3.1.2 - “In this regard, Shoalhaven City Council supports the proposal in principle for One Tree Bay as proposed by Miltonbrook Pty Ltd, which provides an opportunity for the development of a unique ecologically sustainable best practice settlement in the Sussex Inlet Area together with the environmental benefit of substantial dedication of land on the foreshores of St Georges Basin to the public”. Section 2.1.1 of the current Strategy document also includes a brief overview of the proposal and Councils support for it.

Implementation

The Department concludes that they endorse the Settlement Strategy as adopted by Council on 24 April 2007, subject to the key changes requested in relation to Verons Estate and the One Tree Bay proposal being made.

The Department has requested that Council amend the Strategy document accordingly and forward a copy to their Regional Office. On this basis it is indicated that Council can start processing local environmental plans for the Sussex Inlet area consistent with the Department’s conditional approval of the Settlement Strategy.

It is also indicated that further planning of Badgee Lagoon may be undertaken through the concurrent processes of Part 3A (State Significant Development) and the Local Environmental Plan process. In this regard, Council and Department staff have met recently with representatives of Lucas Properties to discuss a possible way forward for the proposed development associated with the expansion of the golf course and Badgee Residential area.

Comment

The Director-General of the Department has now offered his conditional approval of the Strategy subject to the two changes requested related to Verons Estate and One Tree Bay being made. He has also indicated that the current moratorium will be lifted on this basis. As such Council now has the opportunity to see this Settlement Strategy finalised and the current rezoning moratorium lifted. Any request for further reconsideration of Council’s position on these two matters is likely to further delay the completion of this Strategy.

Next Step in the process

It is recommended that Council now amend the Strategy document to reflect the position of the State Government and then forward a copy of revised document to Department of Planning. The Strategy will not be endorsed by the State Government in its current form and support for the strategy is conditional upon the changes outlined in the Department’s letter being made. Further discussion or debate about these issues will delay the finalisation of the strategy and seems to be unwarranted given the consistent views expressed by the Department on these issues and the final position now provided by them.

RECOMMENDED 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.

3. Shoalhaven Memorial Hospital - Parking

File 2186, 2636-02

Council staff have been liaising with hospital administrative staff with regard to options for the provision of additional (formal) parking at the hospital. Hospital staff are seeking funding from State sources for car park works and have raised the option as to whether Council may provide some funding towards the proposals.

Attached are plans of the options developed by Council staff and these have been forwarded to the hospital, together with indicative costs for their consideration (Attachment "A").

The options are:-

1. 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
2. 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
3. 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

Although funding for the parking is normally the responsibility of the Dept of Health there is considerable public concern on the matter and a financial contribution by Council may assist in the local hospital staff obtaining funding. There is no identified funding in the 2007/08 Budget and funding would need to be sourced from Reserves if Council resolved to make any financial commitment.

Based on existing parking demands it is considered that 90 additional formal spaces are required to satisfy current demand. This can be catered for by Options 1 and 2 and the first 26 spaces of Option 3. Formilisation of the balance of Option 3 could be undertaken in the future as required.

RECOMMENDED that

- a) **the report of the General Manager (Strategic Planning) concerning parking at Shoalhaven Memorial Hospital be received for information**
- b) **Council consider the option of providing funding assistance to the provision of additional parking in Scenic Drive, Nowra and if so whether any conditions attach.**

E J Royston
DIRECTOR, STRATEGIC PLANNING

J Gould
ASSISTANT GENERAL MANAGER

R D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 28TH AUGUST 2007

FINANCE AND CORPORATE SERVICES

1. National General Assembly of Local Government - Delegates

File 1077-02

Council at its meeting on 24 July 2007 determined the motions to be considered at the National General Assembly of Local Government to be held in Darwin between 26th and 29th November 2007.

The theme of the Assembly is consistent with the theme recently adopted by the NSW Local Government and Shires Association for Local Government Week – A Climate for Change. This refers to:

1. The political climate – Constitutional recognition of local government
2. The financial climate – infrastructure affordability and financial sustainability for local government and
3. The natural climate – climate change and its implications for local government

This will be the first opportunity for Local Government to make representations to the incoming government to build on the momentum achieved in recent years.

That report omitted to seek nomination of delegates to the Assembly. The ALGA has confirmed that voting rights are limited to one delegate.

RECOMMENDED that in respect to the National General Assembly of Local Government to be held in Darwin between 26th and 29th 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) **That Councillor (name to be inserted) be appointed as the voting delegate and Councillor (name to be inserted if necessary) as alternate delegate.**

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

Council may be aware that there has been recent publicity regarding the nature and form of investments held by Councils across the state and the impact recent fluctuations in the financial markets may have on those investments. Councils are only permitted to place funds in forms of investments that comply with the Ministerial Order issued under Council Circular 05-53 on 23 September 2005. Shoalhaven Council also has an investment policy in place that reinforces the requirements of the Order in addition to other investment guidelines. All of Councils investments comply with the Order and Investment Policy.

The recent publicity relates primarily to a form of investment called Collateralised Debt Obligations (CDOs). These investment products are permissible forms of investment in accordance with the Ministerial Order. Council does have some of its investment portfolio invested in CDO's, in addition to other investment forms, via a managed portfolio with Grange Securities. The funds invested in this portfolio are not expected to be required in the near future for cash flow purposes and are generally invested for a longer period of time. The investments pay periodic coupons which in all cases are better than short term returns earned on term deposits and bank bills (the traditional short term investment vehicle of Councils).

Like all investments the market value of CDO's is affected by fluctuations in the financial markets. Should Council wish to redeem the investments prior to maturity then the proceeds would be determined by the market. Due to recent volatility in financial markets CDO's, like other investments, have deteriorated in market value. Should the financial markets stabilise and improve, the market value would be expected to improve also. However, at this stage it is intended to hold these investments to maturity, or should market values improve, redeem early and realise a capital gain. It should be noted that all of Council investments would be subject to market price variations should they be redeemed prior to maturity. The recent publicity in relation to CDO's has been generated from Council's who have significant portions of their portfolio invested in CDO's and due to cash flow reasons may be required to redeem an investment at current market value. Shoalhaven City Council is not in this position.

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

RECORD OF INVESTMENTS
as at 31st July 2007

TOTAL CASH AND INVESTMENTS

TOTAL CASH	3,690,587
TOTAL INVESTMENTS	<u>112,677,886</u>
	<u>116,368,473</u>

LESS CASH & INVESTMENTS HELD IN RELATION TO RESTRICTED ASSETS

LEAVE ENTITLEMENTS	5,669,446
WASTE DISPOSAL	2,676,589
STRATEGIC PROJECTS GENERAL	26,906,049
MULTI PURPOSE CULTURAL & CONVENTION CENTRE	14,000,000
OTHER INTERNAL RESERVES	8,997,354
SECTION 94	14,623,696
SECTION 94 LIABILITY RESERVE	3,000,000
TRUST	70,650
WORKCOVER GUARANTEE	3,755,000
SECTION 64 WASTE WATER	1,760,525
SEWER COMPENSATION	6,568
SEWER CONSTRUCTION WORKS	4,379,823
SECTION 64 WATER	2,902,893
WATER CONSTRUCTION WORKS	24,563,305
TOTAL RESTRICTED	<u>113,311,898</u>

UNRESTRICTED CASH AND INVESTMENTS

GENERAL	1,056,575
WATER	1,000,000
WASTE WATER	1,000,000
TOTAL UNRESTRICTED	<u>3,056,575</u>

Record of Investments - 31st July 2007

Issuer	Credit Rating	Security Type	Principal	Terms	Interest Rate	Date Matured	SCC Inv No
Adelaide Bank	AAA	At Call	3,003,132	At Call	6.3500%	At Call	3002
Australian Central Credit Union	NR	TD	500,000	367	7.0900%	30/06/2008	2997
Australian Central Credit Union	NR	TD	2,000,000	92	6.6000%	21/08/2007	2952
Australian Central Credit Union	NR	TD	2,000,000	366	6.9200%	1/05/2008	2992
BANK OF QLD	BBB	FRN	1,500,000	91	6.6833%	17/03/2008	2918
Bendigo Bank	BBB	FRN	3,000,000	92	6.6600%	25/08/2010	2989
Bendigo Bank	NR	TD	2,000,000	366	6.7100%	5/06/2008	2996
CBA	A1+	BB	1,970,289	86	6.4000%	27/09/2007	2916
CBA	A1+	O/S	725,488	180	6.6000%	28/05/2009	2732
CITIBANK	A1+	TD	1,500,000	76	6.6100%	10/10/2007	2879
CITIBANK	A1+	TD	3,000,000	93	6.5000%	4/10/2007	2965
CITIBANK	A1+	TD	3,000,000	273	6.6300%	27/02/2008	2864
CITIBANK	A1+	TD	6,000,000	366	6.8600%	27/06/2008	2868
Credit Union Australia	NR	TD	1,500,000	180	6.5900%	10/09/2007	2882
HORIZON	NR	TD	1,000,000	152	6.5100%	6/08/2007	2959
HORIZON	NR	TD	2,000,000	92	6.6000%	13/09/2007	2994
HORIZON	NR	TD	3,000,000	188	6.7000%	2/01/2008	2985
IMB	A3	TD	1,500,000	127	6.6500%	29/08/2007	2964
IMB	A3	TD	2,500,000	153	6.5300%	15/08/2007	2886
IMB	A3	TD	3,000,000	125	6.5000%	26/09/2007	2913
IMB	A3	TD	3,000,000	183	6.5900%	5/12/2007	2981
IMB	A3	TD	5,000,000	181	6.5800%	20/08/2007	2987
IMB	A3	TD	5,000,000	180	6.5800%	28/08/2007	2991
LGFS	A1	TD	5,000,000	153	6.5000%	1/08/2007	2990
Macquarie Bank	A-	FRN	1,000,000	92	7.2233%	18/02/2008	2902
NAB	A1+	MATD	70,650	367	6.7500%	30/06/2008	3000
NAB	A1+	O/S	501,417	120	5.8700%	26/06/2008	186
NAB	A1+	TD	2,500,000	63	6.4200%	26/09/2007	2961
Police Credit Union LTD (SA)	NR	CRI	1,000,000	91	6.8300%	16/04/2008	2995
Police Credit Union LTD (SA)	NR	TD	1,000,000	367	7.1900%	30/06/2008	2999
Railways Credit Union	NR	CRI	5,000,000	90	6.7300%	16/02/2009	2988
Savings and Loans Credit Union	NR	TD	500,000	367	7.0400%	30/06/2008	2998
Savings and Loans Credit Union	NR	TD	1,000,000	365	6.9200%	8/05/2008	2993
Savings and Loans Credit Union	NR	TD	1,500,000	64	6.5600%	23/08/2007	2907
Savings and Loans Credit Union	NR	TD	1,500,000	180	6.6400%	10/09/2007	2881
T/CORP	A1+	TD	1,014,000	365	6.2400%	4/10/2007	2842
T/CORP	A1+	TD	3,290,000	365	6.2400%	4/10/2007	2842
WESTPAC	A1+	BB	969,332	181	6.3800%	5/09/2007	2887
MANAGED INVESTMENTS					Indicative Annual Rate		
GRANGE SECURITIES		IMP	17,015,029	At Call	7.4300%	At Call	2984
Merrill Lynch Diversified Credit Fund (Class D)	A	MGMD FD	4,000,000	At Call	1.8844% (1)	At Call	3001
Aberdeen Cash Plus	Af	MGMD FD	4,000,000	At Call	6.4851%	At Call	2915
Macquarie Income Plus	Af	MGMD FD	1,000,000	At Call	7.1899%	At Call	2915
Perpetual Investments	Af	MGMD FD	3,000,000	At Call	5.5133%	At Call	2915

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

Note:

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

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

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

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

P.J. Dun

DIRECTOR - FINANCE & CORPORATE SERVICES GROUP

R.D Pigg

GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 28 AUGUST 2007

DEVELOPMENT AND ENVIRONMENTAL SERVICES

1. **Protocol for Dealing with Differences of Opinion between Flora and Fauna Consultants and Council's Staff or Consultants.** **File 33044-03**
-

PURPOSE OF THE REPORT

The purpose of the report is to provide an amended protocol to Council following a Councillor Briefing held on 20 August 2007.

BACKGROUND

Council resolved on 24 July 2007 that a Councillor Briefing be scheduled on the protocol for dealing with differences of opinion between Flora and Fauna Consultants and Council staff. This briefing was held on 20 August 2007. The protocol was discussed with Councillors and a number of changes were recommended.

CHANGES

The new protocol document has been amended to address the following issues raised by Councillors:

- Define the precautionary principle;
- Nominate the Group Director or his delegate as arbitrator;
- Change response times from applicants from 14 to 28 days;
- Provide advice in relation to opportunities for s82A reviews; and
- Define a procedure for dealing with situations where an applicant will not provide a section 5a assessment.

The amended document is included as **Attachment 'A'** showing additional text shaded and removed text with a strikethrough.

RECOMMENDED that the protocol for dealing with differences of opinion between Flora and Fauna consultants and Council's staff or consultants be adopted for use.

Tim Fletcher
DIRECTOR DEVELOPMENT AND ENVIRONMENTAL SERVICES

R.D Pigg
GENERAL MANAGER

ADDENDUM REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 28 AUGUST 2007

STRATEGIC PLANNING

1. Compulsory Acquisition of Part Lots 25 & 26 DP25550 Island Point Road, St Georges Basin for road. File 24580

This report is submitted as an addendum to facilitate early acquisition of road access and allow development to proceed.

Purpose of Report

- # To seek a resolution of Council to compulsorily acquire lots 2, 3, 4 and 5 DP1082382, (and being part of lots 25 and 26 DP25550) for purposes of the Roads Act 1993. *Refer Attachment "A"*.

Background

Lots 2, 3, 4 and 5 DP1082382 will form part of the road network contemplated by DCP 17 – Village Centre Island part Road, St Georges Basin.

The compulsory acquisition of part lot 26 DP25550 has been the subject of previous reports and resolutions of Council.

Minute 01-1533 resolved to authorise the General Manager to negotiate to acquire part lot 26 DP 25550 from the property owner; and

Minute 04-1329 which authorised the General Manager to request the Minister of Local Government to compulsorily acquire part of lots 26 DP25550 referred to in a sketch plan attached to the report.

- # Following Minute 04-1329 more detailed design work revealed that the alignment of the road needed to be altered so that the point of intersection of the proposed road with island Point Road was at the existing point of intersection with Collett Place. A copy diagram highlighting the preferred point of intersection is *Attachment "B"*.

This preferred point of intersection also occasioned the change of alignment so that the road could provide a thoroughfare through to Anson Street.

Given that Council cannot seek to compulsorily acquire land without first exhausting negotiations with the property owner Council started negotiations with the owner of lot 25 DP25550 to acquire that part of the new alignment traversing lot 25.

In this regard Council should be aware that the owner of lot 26 DP25550 is also a part owner of lot 25 DP25550. Council, in the interests of seeking a negotiated outcome, also liaised with the property owners in relation to the route of the road through lots 25 and 26. The property owner did not object to the preferred route.

Thereafter, Council sought to negotiate with the owners of lots 25 and 26 DP 25550 to acquire the lands identified for the road based upon the new design.

Negotiations with Property Owner

As part of the negotiation process Council obtained a valuation from Walsh and Monaghan which valued, as at April 2006, the land sought at \$100,000.

In response to a request, Council advised the property owner that it would reimburse the cost of it obtaining a valuation. No valuation has been received from the property owner in response to the valuation obtained by Council nor has the property owner sought to engage in negotiations. No offers have been made by the property owner seeking compensation in response to Council's assessment of compensation at \$100,000.

Despite efforts it has proved difficult to elicit a response from the property owner to correspondence sent by Council.

In March 2007 the property owner's solicitor advised Council that whilst it held a subdivision approval for lots 25 and 26 they had "decided to defer consideration of a sale by them to Council" and intended to lodge a new development application. The property owner has advised that the new application will incorporate the road sought by Council.

Given delays to date, and the time occasioned in the property owner preparing and lodging their application staff do not recommend accepting the property owner's proposal. Additionally, Council would have to wait for the property owner to act on any new consent before obtaining the road sought – a process that Council has no control over.

Department of Local Government

The Department guidelines for compulsory acquisition of land require Council to exhaust negotiations with a property owner before seeking to rely upon its compulsory powers of acquisition.

The Department guidelines require Council to substantiate a claim that it has exhausted negotiations and can call upon copies of correspondence.

Council staff believe that Council has exhausted negotiations with the property owner for the new route of the road, such that a request for use of compulsory powers will be upheld by the Department.

Amendment of DCP 17

Given that the preferred route of the road sought straddles an area of land outside the bounds of the current DCP, Council staff will seek to amend the DCP to incorporate that part of lot 25 upon which the preferred route of the access road lays.

This amendment will be incorporated into other amendments which are the subject of another report to Council.

RECOMMENDED 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.**

E J Royston
DIRECTOR, STRATEGIC PLANNING

J Gould
ASSISTANT GENERAL MANAGER

R.D Pigg
GENERAL MANAGER

ADDENDUM REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY 28TH AUGUST 2007

FINANCE AND CORPORATE SERVICES

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

Purpose of Report.

This report provides information to Council regarding the tender for the Management and Operation of Lake Tabourie Tourist Park. The current contract for these services expires on 18th October 2007.

Background

As reported to the Crown Reserve, Community and Commercial Operations Committee on the 21st August 2008, Council received four tender offers for the Management and Operation of Lake Tabourie Tourist Park. In relation to those tenders the Committee made the following recommendations to Council:

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

In accordance with the recommendation of the Committee negotiations were undertaken with tenderers. It was important to commence negotiations as soon as possible to facilitate the contract renewal. If this addendum report was not considered by Council at the August Ordinary Council meeting the next opportunity would be the Ordinary meeting of 25th September 2007. This would result in very tight timeframes for notifying tenderers in relation to the contract renewal date.

A summary of negotiations and recommended tender percentages is included in the confidential report attached.

RECOMMENDED 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.**

P.J. Dun

DIRECTOR - FINANCE & CORPORATE SERVICES GROUP

R.D Pigg

GENERAL MANAGER

ADDENDUM REPORT OF THE GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 28 AUGUST, 2007

DEVELOPMENT AND ENVIRONMENTAL SERVICES

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

REASON FOR REPORT

The judgement for an appeal on a point of law regarding Council's legal ability to determine the subject subdivision has recently been handed down in favour of the applicant. This report is to determine what action Council will now take with the application, in terms of the merit aspects of the appeal. A confidential briefing has been scheduled prior to the meeting where relevant issues will be discussed in detail. This briefing is confidential pursuant to Sec 10A(2) of the Local Government Act as the matter involves discussion of legally privileged information.

BACKGROUND

The application was lodged as a three lot rural residential subdivision on 20 May 2005. Following reporting of the application to Council in November 2005, Council resolved to defer the application and to examine possible methods of allowing some subdivision in this estate fronting Sussex Inlet Road subject to any application meeting appropriate criteria. Council sought legal advice in December 2005 which was subsequently forwarded to the applicant for consideration. An amended plan for only two lots was then submitted.

In response to the earlier resolution, a subsequent report was submitted to Council in August 2006, Council resolved to undertake further investigation of option 4 listed in the report, including possible amendments to the Section 94 Plan and to report back to Council when draft concept plans were prepared.

Following an indication that legal action would be taken if the application was not determined, Council obtained additional legal advice which included concerns that it did not have the legal power to approve the application. A refusal was ultimately issued which triggered the appeal. To minimise costs a decision was made to initially hear the point of law related to legal permissibility. Now that this matter has been clarified, Council must make a decision on how to proceed with the application.

TWO APPLICATIONS

In addition to this application, there is another application for Bradley on Sussex Inlet Road, however it does not involve the same point of law which was in question for Kirkwood. Council's decision on Kirkwood in relation to the merit issues, especially traffic impacts, will set the precedent on how the other application is dealt with.

COURSES OF ACTION

Three options are available to Council:

1. Appeal the judgement. The point of law matter could affect up to 16 of the approximately 57 lots capable of subdivision which front Sussex Inlet Road. Failure to appeal the decision accepts the permissibility of future subdivision of the other Rural 1(c) lots which are large enough to subdivide. Even if Council was successful in an appeal, there would still be approximately 40 lots whose subdivision would still create road safety issues. Council would bear the cost of both parties if the appeal is lost.
2. Accept the judgement and allow the merit appeal to continue. Council would argue the merit reasons for refusal which related to the application being contrary to Council's 1985 policy stating that **“as a matter of policy, no access be allowed from Sussex Inlet Road to any new subdivision until such time as the matter has been considered by Council following the preparation of a minor Local Environmental Plan over the area.”** For various reasons, work on the LEP has not occurred, nor has detailed investigation of option 4 from the August 2006 resolution been completed.
3. Proceed via consent orders; that is negotiate on conditions of consent.

The detailed considerations involved in this matter will be outlined at the briefing.

SUBMITTED for Council's consideration.

Tim Fletcher

DIRECTOR DEVELOPMENT AND ENVIRONMENTAL SERVICES

R.D Pigg

GENERAL MANAGER

LEGAL DOCUMENTS

ORDINARY MEETING

TUESDAY, 28 AUGUST 2007

DEVELOPMENT AND ENVIRONMENTAL SERVICES

1. Request for Release of Section 88B Restriction as to User - Lot 1563 DP 865942, Watt Road, Falls Creek **File SF7787 & DA07/1189**

REASON FOR REPORT

A request has been made to vary a restriction as to user (RATU) on the title of Lot 1563 DP 865942, Watt Road, Falls Creek in relation to clearing and internal fencing of the property. Council is the authority empowered to vary, release or modify this restriction.

BACKGROUND

A development application (DA07/1189) was lodged on 15 February 2007 for clearing of trees on the subject lot to allow for **“the establishment of permanent paddock fencing for horses, and in-ground sand arena”**.

- # An application (DS07/1073) to modify the original subdivision consent (SF7877) was also lodged to modify conditions 4(c) and 4(d) of the consent, which placed restrictions over the proposed lots 1401 & 1402 (registered at Land and Property Information Office (LPI) as **Lots 1563 and 1564**) in regard to clearing and fencing - see **Attachment ‘A’**.

After consultation with Department of Natural Resources and Council’s Threatened Species Officer, both the Development Application and the Section 96 application were approved. Condition 4(c) and (d) of the original subdivision consent was replaced with:

- 4(c) *No clearing of vegetation on Lot 1402 except within a 30 metre radius surrounding the building envelope.*
No clearing on Lot 1401 (now Lot 1563 DP865942) unless in accordance with DA07/1189.
- 4(d) *No fencing shall be erected on any lot except:*
- (i) *Outer boundaries only*
 - (ii) *No net or mesh type fencing on boundaries.*
 - (iii) *Trees shall not be used as fence posts*
 - (iv) *No internal fencing of any kind whatsoever.*
- Except Lot 1401 (now Lot 1563 DP865942), such fencing shall be in accordance with DA07/1189.*

Advice given subsequently to the applicant was for the applicant to lodge appropriate forms with Council to vary the RATU shown on the 88B instrument originally lodged with LPI. This report is in compliance with that advice.

CONCLUSION

The applicant has lodged a request for Variation of RATU form for Lot 1563 DP 865942, Watt Road, Falls Creek in accordance with the modified conditions of subdivision consent SF7877. It is therefore considered appropriate to fulfil the applicant's request.

RECOMMENDED that the request to modify the Section 88B Instrument for the Release of the Restriction as to User, the subject of this report over Lot 1563 DP 865942, Watt Road, Falls Creek, be executed under the seal of Council.

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

REASON FOR REPORT

A request has been made to release a restriction as to user (RATU) on the title of Lot 5 DP 625156, William Bryce Road, Tomerong in relation to access to the property. Council is the authority empowered to vary, release or modify this restriction.

BACKGROUND

SF5080

- # The lot was originally created in SF5080. Condition 2 of the consent created a RATU restricting the location of the access for proposed Lot 5 to a particular location within William Bryce Road (then known as TR 92) see **Attachment 'A'** for location.

A RATU was placed on the 88B instrument lodged with Land and Property Information Office (LPI) in accordance with this condition.

SF9616

- # SF9616 consented to the subdivision of Lot 5 into 2 lots. Condition 15 of the consent created a RATU on the proposed lot 2 requiring a new accessway onto William Bryce Road whilst proposed lot 2 has an alternative frontage (Tomerong Street) and will obtain its access via that street see **Attachment 'B'**.

A restriction in accordance with this condition has been placed on the linen plan and 88B instrument released by Council for SF9616.

Condition 18 of the consent required an application pursuant to Section 96 of the Environmental Planning & Assessment Act, 1979 be lodged to seek modification condition 2 of subdivision consent SF5080. The section 96 was lodged and subsequently approved on 4 October 2006. Conditions 2(a) and 2(b) of the original consent was replaced with:

"No access onto William Bryce Road except for within a 10 metre wide strip commencing 19.72 metres from the northeastern boundary of Lot 7 DP 714141".

This fulfilled the requirement of condition 18 of SF9616.

The applicant has now lodged a Release or Extinguishment of RATU form to comply with the amended condition of subdivision consent SF5080. The restriction is no longer required as restrictions have been placed on the 88B instrument for SF9616 in accordance with that consent.

CONCLUSION

The applicant has lodged a request for Release of RATU form for Lot 5 DP 625156, William Bryce Road, Tomerong. A RATU has been created for an approved subdivision of Lot 5 in accordance with subdivision consent SF9616. It is therefore considered appropriate to fulfil the applicant's request.

RECOMMENDED that the request to modify the Section 88B Instrument for the Release of the Restriction as to User, the subject of this report over Lot 5 DP 625156, William Bryce Road, Tomerong be executed under the seal of Council.

Tim Fletcher

DIRECTOR DEVELOPMENT AND ENVIRONMENTAL SERVICES

R.D Pigg

GENERAL MANAGER

NOTICES OF MOTION

ORDINARY MEETING

TUESDAY, 28TH AUGUST, 2007

1. Huskisson RSL Car Park

File 35563

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

It is recommended that

- a) **the General Manager 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) **that the General Manager advise the NSW State Government that Council would be prepared to make a formal financial contribution to its purchase for community benefit.**
- c) **that the General Manager report to Council on said representations and advise Council on an appropriate course of action accordingly.**

Signed
Clr G Ward

Note by the General Manager: Council has previously made representations and the State Government has declined to assist - see letter in attachments.

2. Code of Meeting Practice

File 3798

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

It is recommended 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.

Signed
Clr G Ward

3. **Committee Meeting Attendance**

File 3798

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

It is recommended that:

- a) **All Councillors be able 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**

Signed
Clr G Ward

Note by the General Manager: It had been intended to report these matters to the September meeting along similar lines. The motions if adopted should be reflected in Council's Code of Meeting Practice and are supported to provide clarity to councillors, media and general public.

4. **Donations - Legal Costs - Local Government Authorities**

File 1276

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

It is recommended 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.

Signed
Clr G Ward

Note by the General Manager: The Local Government & Shires Association Policy on this matter is attached.

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

File 19586

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

It is recommended that

- a) **the General Manager negotiate with the Ulladulla Aboriginal Land Council in respect of property owned by the Land Council at the end of Vista Drive in order to allow Councils waste collection contractors to turn around and collect the garbage bins of residents along Vista Drive**

-
- b) **should representations be successful, the General Manager arrange for the extension of the bitumen in order to provide for an adequate turning circle to allow all garbage trucks to turn around and service said residents.**

Signed
Clr G Ward

Note by the General Manager: The existing road reserve at the southern end of Vista Drive does not have a turning circle. It is likely that when the land was developed by the Crown in the early 1970's, the turning circle was omitted on the basis that the road would be extended in the future.

The land at the southern end of Vista drive is currently owned by the Ulladulla Local Aboriginal Land Council. This land is the subject of a Part 3A Project Application to the Department of Planning for a 170 lot residential subdivision.

Although no plan of the proposal has been formally referred to Council by the Department, preliminary discussions have been held with the applicants in which a conceptual subdivision layout was presented which included the extension of Vista Drive down through the Aboriginal land and linking back up with Highview Drive opposite Seaside Parade. Provided this subdivision goes ahead then the extension of Vista Drive in the future will ultimately allow waste vehicles to easily service the existing properties.

Council will be invited by the Department some time in the future to comment on the proposed subdivision plan when it is formally submitted by the applicant. If the subdivision layout does not include the extension of Vista Drive, Council will strongly oppose this aspect of the design.

6. **Huskisson RSL Car Park**

File 35563

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

RECOMMENDED 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.**

Background

This site is fundamental to the future character of Huskisson. The community has expressed its desire to have this land in public ownership. Council needs to determine whether the community is prepared to assist Council in bringing this land into public ownership.

Keeping the site is fundamental to preserving the character of Huskisson, in particular through maintaining an open view of the waterfront from Owen Street. Once the site is sold (as is the RSL Club's wish) and developed, a vital element of the streetscape of Huskisson will be lost forever, never to be regained.

The community has clearly expressed its desire to keep the site such that the view is preserved. However this would require Council to purchase the property, for which funding is not available. Council needs to determine whether the community is prepared to financially assist Council, through a rates levy or by some other means, to bring this land into public ownership. Surveying the local residents to this effect seems to be the obvious next step.

If there is sufficient support from local ratepayers committed to the purchase of this land, Council should next examine additional and alternative options, such as charging for parking in Huskisson and seeking State and Federal assistance for funding the purchase of this land.

Signed
Clr R Rudd
Clr R Bates

Confidential Business Paper Agenda

GENERAL MANAGER

SHOALHAVEN ARTS BOARD – THURSDAY 9TH AUGUST 2007

Item 1 Private Art Collection Bequest to Arts Centre

Reason

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.

ASSISTANT GENERAL MANAGER

Item 1 Sale of Council Land - Nowra and Huskisson

Reason

Section 10A2(g) - advice under legal professional privilege.

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