
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF SHOALHAVEN HELD IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA ON TUESDAY 24TH JULY 2007 COMMENCING AT 4.03 PM

The following members were present;

Clr G Watson – Chairman
Clr J Finkernagel
Clr R Rudd
Clr P Murphy
Clr P Green
Clr J McCrudden – Left 10.36 pm
Clr G Ward
Clr G Kearney
Clr J Anderson – Left 5.06 pm
Clr J Willmott – Left 10.34 pm
Clr J Young – Left 10.32 pm
Clr R Bates

The meeting was opened in Prayer by Pastor Trevor Aspin, followed by the playing of the Australian National Anthem.

1011. Confirmation of the Minutes of the Ordinary Meeting of Council held on Monday 25th June 2007.
File 3423-04, 13775
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RESOLVED on a MOTION of Clr Young, seconded Clr Wilmott, that the Minutes of the Ordinary Meeting of Council held on Monday 25th June 2007 be confirmed with the words “with the addition of a learn to swim pool” being removed from the end the recommendation of Min07.919 – Burrill Lake Entrance Intervention – Status Report – File 3423-04 and added to the end of part c) of Min07.920 – Northern Shoalhaven Leisure Centre.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”

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

The following Councillors voted “No”

Clr Ward.

MAYORAL MINUTE – TUESDAY 24TH JULY 2007.

1012. Princes Highway Upgrade Projects - Federal Funding Advice File 6852

RESOLVED on a MOTION of Clr Watson, seconded Clr Ward, that the Mayoral Minute regarding Princes Highway Upgrade Projects - Federal Funding Advice be received for information.

1013. Princes Highway, South Nowra - Landscape South of Hillcrest Avenue File 3897, 36356

A MOTION was moved by Clr Watson, seconded by Clr Ward, that Council vote the sum of \$20,000 to carry out landscaping works at South Nowra and those funds be sourced from existing relevant maintenance votes.

The MOTION upon being PUT to the meeting was declared LOST.

An AMENDMENT was moved by Clr Anderson, seconded Clr McCrudden, that:

- a) Council defer consideration of landscaping works at South Nowra pending investigations by the General Manager into alternate locations for private vehicle sales;
- b) A report be submitted on these investigations.

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

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

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”

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

The following Councillors voted “No”

Clrs Watson, Ward, Murphy.

SECOND MAYORAL MINUTE – TUESDAY 24TH JULY 2007

1014. Forest Road/Princes Highway Intersection File 9519-02

RESOLVED on a MOTION of Clr Watson, seconded Clr Green, that Council make strenuous representations to the Regional Manager of the Roads & Traffic Authority, M/s Jay Stricker, the Minister for Roads, The Hon. Eric Roozendaal, MLC, The Minister for Housing and Tourism, The Hon. Matt Brown, MP, Member for South Coast, Mrs. Shelley Hancock, MP and Federal Member for Gilmore, Mrs. Joanna Gash, MP again expressing Council’s concern for safety of the Forest

Road/Princes Highway intersection and again requesting that the Roads & Traffic Authority make an immediate application for 'Black Spot' funding to enable the intersection to be upgraded in conjunction with the current road works being carried out on the Princes Highway.

1015. Pacific Oysters - Shoalhaven/Crookhaven Estuary File 4543-02

Ms Lyn Desoto, from Trippac Oysters Farmers, addressed the meeting in regard to Triploid Pacific Oysters.

Note: Clr Anderson left the meeting during debate on this matter the time being 5.06 pm.

Note: Clr Watson left the meeting during debate on the Pacific Oysters – Shoalhaven/Crookhaven Estuary and requested Clr Murphy take the chair, the time being 5.06 pm. Clr Watson returned to the meeting and took the chair the time being 5.08 pm.

RESOLVED on a MOTION of Clr Young, seconded Clr Rudd, that Council support in principle the initiative of a trial of growing and harvesting Triploid Pacific Oysters in the Shoalhaven subject to favourable outcome from the NSW Department of Primary Industries' consideration of the effect on existing Sydney Rock Oysters production and on the environment during the Department's assessment of the review of environmental factors and determination of the application.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye"

Clrs Watson, Young, Kearney, McCrudden, Green, Murphy, Rudd, Finkernagel.

The following Councillors voted "No"

Clrs Bates, Willmott, Ward.

REPORT OF THE GENERAL MANAGER

POLICY AND PLANNING COMMITTEE – TUESDAY 10TH JULY 2007.

1016. Adoption of Report

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

1017. Budget 2006/2007 File 1490-07

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

1018. Draft Budget and Marketing Plan 2007/2008 File 1490-07

RECOMMENDED that the report of the General Manager (Finance & Corporate Services) concerning the Draft Budget and Marketing Plan 2007/2008 be received for information.

1019. Public Relations and Media Stories File 4929-05

RECOMMENDED that the report of the General Manager (Finance & Corporate Services) on Public Relations and Media Stories be received for information.

1020. Print Program File 1011-02

RECOMMENDED that the report of the General Manager (Finance & Corporate Services) on the Print Program be received for information.

1021. www.shoalhavenholidays.com.au File 31341

RECOMMENDED that the report of the General Manager (Finance & Corporate Services) on www.shoalhavenholidays.com.au be received for information.

1022. Community Geographic Domain Names File 2487

RECOMMENDED that the report of the General Manager (Finance & Corporate Services) on the Community Geographic Domain Names be received for information.

1023. APEC Conference - Sydney File 1011-02

RECOMMENDED that the report of the General Manager (Finance & Corporate Services) concerning the APEC Conference in Sydney be received for information.

1024. South Coast Regional Tourism Organisation File 6853-08

RECOMMENDED that the report of the General Manager (Finance & Corporate Services) on the meeting of the South Coast Regional Tourism Organisation be received for information.

1025. Mega South Coast Regional Tourism Organisation File 6853-08

RECOMMENDED that Mr. Ken Merrifield and the Tourism Manager be the Shoalhaven Tourism Board's representatives on the Board of the South Coast Regional Tourism Organisation Inc.

1026. Shoalhaven Tourism Master Plan File 32929

RECOMMENDED that the report of the General Manager (Finance & Corporate Services) on the Shoalhaven Tourism Master Plan be received for information.

1027. South Coast Holiday Planner File 33158

RECOMMENDED that the report of the General Manager (Finance & Corporate Services) on the South Coast Holiday Planner be received for information.

THIS IS PAGE 4 OF THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF SHOALHAVEN HELD ON TUESDAY, 24TH JULY 2007

MINUTES CONFIRMED TUESDAY 28TH AUGUST, 2007 - CHAIRMAN

1028. Next Meeting File 1490-07

RECOMMENDED that the next meeting of the Shoalhaven Tourism Board be held on Monday 20 August, 2007 in Committee Rooms 1 and 2, City Administrative Centre, Bridge Road, Nowra.

1029. Additional Item - Large Motorhomes and 4 Wheel Drives and Caravans - Parking Needs File 16124

RECOMMENDED that the additional matter reported concerning Large Motorhomes and 4 Wheel Drives and Caravans parking needs be received for information.

1030. Shoalhaven Multicultural Committee – Changes To Local Population File 17701-02

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding Shoalhaven Multicultural Committee – Changes To Local Population be received for information.

1031. Nowra CBD Transport Strategy and Nowra CBD East Road Network Strategy Review File 2537-07, 17377

RECOMMENDED that in relation to the Nowra CBD Strategy Review Council adopt the draft Nowra CBD Transport Strategy (December 2003) and Nowra CBD East Road Network Strategy Review (July 2007) as fundamental background documents upon which the Nowra CBD Traffic and Transport Strategy and the Nowra CBD DCP Review will be based.

1032. Section 94 Draft Amendment 77.1.2 - Nowra CBD Traffic Facilities and ENSA - Recommendations for Adoption File 34683

RECOMMENDED that the Contributions Plan Amendment 77.1.2, Nowra CBD Traffic Facilities and ENSA be deferred pending a Councillor Briefing.

1033. Section 94 Contributions Plan Amendment 74.1 - Car Parking Nowra File 28706

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

1034. Roads & Traffic Authority Delegation to Councils for the Regulation of Traffic (including the operation of Traffic Committees) - New Guidelines File 1491

RECOMMENDED that the report of the General Manager (Director Strategic Planning) concerning the New Guidelines provided by the Roads & Traffic Authority for the Delegation to Councils for the Regulation of Traffic (including the operation of Traffic Committees) be received for information.

1035. Managing the Risk of Changing Weather Patterns File 8596-02

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

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1036. Deed for Indemnification of Kiama Municipal Council as Manager of Southern Group of Councils File 2172
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RECOMMENDED that

- a) Council approve the Deed of Agreement between all members of the Southern Councils Group which indemnifies Kiama Municipal Council against any claim that may arise as a result of its role as Manager of the group and
- b) Authority be given to the Mayor and General Manager to affix the Council Seal to that Deed.

1037. Conference – 2007 Australian Sister Cities Annual Conference File 8282-02
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RECOMMENDED that Council authorise the attendance of available Councillors to attend the 'Making the Connection' Australian Sister Cities Association Conference (ASCA) from 30th September to 3rd October 2007 and that such attendance be deemed to be business of Council.

1038. Membership Request - Ulladulla DCP 56 Review Working Party File 34759
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RECOMMENDED that Ruth Richards, from the Ulladulla & Districts Community Forum, be accepted as a member of the Ulladulla DCP 56 Review Working Party following the resignation of Wendy Fuller, also from the Ulladulla & Districts Community Forum.

1039. Operations of Markets Policy File 4528
-

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

1040. Offer of Grant Funding File 1409-03
-

RECOMMENDED that Council accept the grant offer under the Environmental Trusts Program of \$19,800 + GST for support of the study on the leafless tongue orchid, *Cryptostylis hunteriana*.

1041. Policy Amendment to Council's Policy for Fees - Waiving of Development Application and Other Fees for Charitable Organisations and Community Groups File 23618
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RECOMMENDED that the Policy for Fees - Waiving of Development Application and Other Fees for Charitable Organisations and Community Groups be adopted as exhibited.

1042. Keeping of Roosters in Residential Areas File 17433
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RECOMMENDED that the report of the General Manager (Development and Environmental Services) regarding Keeping Roosters in Residential Areas be received for information.

1043. Protocol for Dealing with Differences of Opinion between Flora and Fauna Consultants and Council's Staff File 33044-03

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

1044. (Page 11, Item 17) Section 94 Contributions Plan Amendment 74.1 - Car Parking Nowra File 28706

This item was withdrawn and dealt with separately.

RECOMMENDED that:

- a) The report of the General Manager (Strategic Planning) concerning the Monaro Consultants report on Car Parking in Nowra and the implications for Section 94 Contributions be received for information;
- b) A Councillor Briefing be scheduled on the issue of carparking requirements in the Nowra CBD.

RESOLVED on a MOTION of Clr Ward, seconded Clr Green, that:

- a) The report of the General Manager (Strategic Planning) concerning the Monaro Consultants report on Car Parking in Nowra and the implications for Section 94 Contributions be received for information;
- b) A Councillor Briefing be scheduled on the issue of carparking requirements in the Nowra CBD;
- c) Construction of a Public Private Partnership (PPP) multi storey carpark in the Nowra CBD be considered at the Councillor Briefing.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye"

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

The following Councillors voted "No"

Clr McCrudden.

1045. (Page 11 Item 19) Managing the Risk of Changing Weather Patterns File 8596-02

This item was withdrawn and dealt with separately.

RECOMMENDED that Council:

- a) Hold a workshop to develop a climate change policy that is more specific to the Shoalhaven area;

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- b) Monitor current research into the impact of climate change and review all available data and report to the workshop;
 - c) Consider the Commonwealth and State Government's position on climate change at the workshop.

A MOTION was moved by Clr Rudd, seconded by Clr Ward, that:

- a) Council stay abreast of the current research and issues involved in respect to climate change and consider measures that mitigate impacts in regard to any new policies;
- b) Hold a workshop to develop a climate change policy that is more specific to the Shoalhaven area;
- c) Monitor current research into the impact of climate change and review all available data and report to the workshop;
- d) Consider the Commonwealth and State Government's position on climate change at the workshop.

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

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

The MOTION upon being PUT to the meeting was declared LOST.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye"

Clrs Bates, Kearney, Ward, Murphy, Rudd.

The following Councillors voted "No"

Clrs Watson, Young, Willmott, McCrudden, Green, Finkernagel.

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

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye"

Clrs Young, Willmott, Kearney, McCrudden, Green, Finkernagel.

The following Councillors voted "No"

Clrs Watson, Bates, Ward, Murphy, Rudd.

1046. Procedural Motion

RESOLVED on a MOTION of Clr Ward, seconded Clr McCrudden, that the meeting be adjourned for dinner at 6.45 pm.

1047. Operations of Markets Policy

File 4528

This item was withdrawn and dealt with separately.

RECOMMENDED that:

- a) The Operations of Markets Policy as exhibited, and with the following amendments, be adopted:
 - Addition of a standard condition in Attachment D of the Policy to prohibit dogs in market areas; and
 - Insurance cover in Clause 3 be changed from \$5 million to \$10 million; and
- b) The adoption of the Policy be advertised and the persons making submissions, market operators and Community Consultative Bodies be advised.

RESOLVED on a MOTION of Clr Young, seconded Clr Green, that:

- a) Council defer the adoption of the Market Policy for a period of three months;
- b) The General Manager arrange a Councillor Briefing/Workshop to further consider the matter with the view to adopting a policy within three months;
- c) No new markets be approved in the interim.

PRESENTATION

1048. Presentation to Lt. Commander Paul Lea, RAN, CSM

File 8592

Lt Commander Paul Lea, RAN, CSM and his wife Gillian were welcomed to the meeting by the Mayor and congratulated on being awarded the Conspicuous Service Medal for outstanding service as a Sea King Pilot Instructor at 817 Squadron and HMAS Albatross in this year's Queen's Birthday Honours . The Mayor made a presentation on behalf of Council.

Lt Commander Paul Lea, RAN, CSM duly responded.

The meeting adjourned for dinner the time being 6.53 pm.

The meeting reconvened the time being 8.04 pm

The following members were present:

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

1049. (Page 12 Item 27) Protocol for Dealing with Differences of Opinion between Flora and Fauna Consultants and Council's Staff File 33044-03
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This item was withdrawn and dealt with separately.

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

RESOLVED on a MOTION of Clr Willmott, seconded Clr Ward, that a Councillor Briefing be scheduled on the Protocol for dealing with differences of opinion between Flora and Fauna Consultants and Council's Staff.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye"

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

The following Councillors voted "No"

Clrs Bates, Rudd.

WORKS AND FINANCE COMMITTEE – TUESDAY 10TH JULY 2007

1050. Adoption of Report
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RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Kearney, that the following recommendations of the Works and Finance Committee be adopted.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye"

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

The following Councillors voted “No”

Clr McCrudden.

1051. Proposed Thanksgiving Service for Emergency Services - Sunday, 16th September 2007
File 4537-03, 2216-05
-

RECOMMENDED that Council support the proposed Thanksgiving Service for emergency services on the 16th September 2007 and waive the Showground Pavilion Hire Fees for the event and provide administrative support as required.

1052. Cambewarra Tower, Buildings Package File 36194
-

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding the Cambewarra Tower, Buildings Package be received for information.

1053. Park Row, Orient Point - Streetlighting File 3035
-

RECOMMENDED that the report of the General Manager (Strategic Planning) concerning streetlighting at Park Row, Orient Point be received for information.

1054. Swan Lake Cycleway File 16747
-

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

1055. Illawarra Area Child Care Limited - Management of Clipper Road, Sanctuary Point and Basin Pre Schools File 22099, 2744, 7601
-

RECOMMENDED that

- a) The Council of the City of Shoalhaven sublease to Illawarra Area Child Care Limited the Clipper Road Children’s Centre at Clipper Road, Nowra being Lots 141 – 143 DP 703670 for a term of five years at a rental of \$1 per annum;
- b) The Council of the City of Shoalhaven lease to Illawarra Area Child Care Limited the Sanctuary Point Children’s Centre at Kerry Street, Sanctuary Point being Lots 952-954 DP 27857 for a term of 10 years at a rental of \$1 per annum;
- c) The Council of the City of Shoalhaven lease to Illawarra Area Child Care Limited the Basin Preschool at Paradise Beach Road, Sanctuary Point being part Lot 2 DP 805351 for a term of 10 years at a rental of \$1 per annum;
- d) 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.

RECOMMENDED that

- a) In respect to the Shoalhaven Local Heritage Assistance fund 2007/08 grants be offered to the eleven (11) successful applicants for amounts as follows:

Applicant	Property	Recommended Grant Amount
Dale, H & T	109 Osborne Street, Nowra	\$1,000.00
Garland D & Johnson D	70 Wason Street, Milton	\$1,000.00
Marriott Oliver Solicitors	84 Plunkett Street, Nowra	\$3,675.00
Powell, L P	93 Osborne Street, Nowra	\$500.00
Powell, N	9 Bryant Street, Terara	\$1,750.00
Ryan, RM & FE	140 Back Forest Road, Via Berry	\$1,000.00
Tomerong School of Arts – Part 1	358 Hawken Road, Tomerong	\$2,000.00
Tomerong School of Arts – Part 2	358 Hawken Road, Tomerong	\$1,000.00
Tomerong Union Church Inc, Friends of	Cnr Church Street & Hawken Road, Tomerong	\$2,275.00
Turnbull, CP & CA	79 Wason Street, Milton	\$500.00
Pomona Vale P/L	C360 Princes Highway, Meroo Meadow	\$1,700.00
Total Grant Funding		\$ 16,400.00

- b) Should any of the successful applicants be unable to accept or complete the works in accordance with the terms of the scheme before the end of 2007/08, the General Manager be given delegated authority to re-assign these funds to other worthy heritage projects which comply with the terms of the Local Heritage Assistance Fund.

1057. Acquisition and Classification of Lot 11 DP1062928 ~ Riversdale Avenue, Mollymook

File 1382-09

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

1058. Classification of Land at Berry as Operational

File 34159

RECOMMENDED that Council classify Lot 1 DP1102281 as “operational land” pursuant to Sections 31(2) and 34 of the Local Government Act 1993.

1059. Classification of Land at Worroing Heights as Operational

File 18176

RECOMMENDED that Council classify Lot 209 DP8591 as “operational land” pursuant to Sections 31 (2) and 34 of the Local Government Act 1993.

1060. Classification of Land at West Nowra as Operational File 33580

RECOMMENDED that Council classify Lot 1 DP1103159 as “operational land” pursuant to Sections 31(2) and 34 of the Local Government Act 1993.

1061. Exercise of Lease Option & Proposed Extension of Lease Term - My Italian Kitchen File 12367

RECOMMENDED that

- a) The Council of the City of Shoalhaven grants a lease for a term of three years from 1 July 2007 to Penelope Elizabeth James for the business known as My Italian Kitchen at Shop 39A Kinghorne Street, Nowra being part Lot 1 DP 225912 at an annual rental of \$19,950 plus GST per annum ;
- b) The Council of the City of Shoalhaven varies the lease to Penelope Elizabeth James for the business known as My Italian Kitchen at Shop 39A Kinghorne Street, Nowra being part Lot 1 DP 225912 by granting a two year extension from 1 July 2010 at the then current market rental;
- c) 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.

1062. Lease to Southern Shoalhaven Zone Meals on Wheels Cooperative Ltd - Ulladulla Multi Purpose Centre File 34028

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

1063. Draft Asbestos Management Plan File 1538 & 12557

RECOMMENDED that

- a) The report of the General Manager (Strategic Planning) regarding the Draft Asbestos Management Plan be received for information.
- b) Council consider the provision of additional funding of around \$75,000 in 2008/09 to employ a temporary building inspector for 12 months, to assist with inspections, data recording and labeling of asbestos containing materials in all Council owned buildings.
- c) Funding be provided in future Capital Works budgets to progressively replace asbestos material within the Bomaderry Works Depot in accordance with the suggested works programme.

1064. Bankstown City Council - Request for Assistance with Legal Costs File 1276

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

1065. Berry and Districts Garden Club File 1023-03

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

1066. McMahons Rd, North Nowra - Traffic Facilities File 2618

RECOMMENDED that report of the General Manager (Strategic Planning) concerning traffic facilities at McMahons Road, North Nowra be received for information

1067. Additional Item – Drainage Kallaroo and Killarney Road, Erawal Bay File 16262, 13477

RECOMMENDED that the General Manager (Strategic Planning) prepare a report to a future Works and Finance Committee meeting on the drainage issues for Kallaroo and Killarney Roads, Erawal Bay.

1068. (Page 13 Item 4) Swan Lake Cycleway File 16747

This item was withdrawn and dealt with separately.

RECOMMENDED that

- a) Council have further consultation with the Cudmirrah Berrara Swanhaven Progress Association Inc, Swanhaven Progress Association and Swan Lake Environment Protection Association Inc and the general Community in relation to cycleway options 2 and 3 as identified in the report.
- b) Options for staging, funding and outcomes of the project be reported back to a meeting of Council after the consultation in part a) has been undertaken.

RESOLVED on a MOTION of Cllr Finkernagel, seconded Cllr Ward, that:

- a) The General Manager write to the Swan Lake Environment Protection Association Inc. 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.

1069. (Page 14 Item 7) Acquisition and Classification of Lot 11 DP1062928 ~ Riversdale Avenue, Mollymook File 1382-09

RECOMMENDED that Council:

- a) Resolve to acquire Lot 11 DP1062928 by way of vesting;
- b) Resolve to classify Lot 11 DP1062928 as “operational land” pursuant to Sections 31(2) and 34 of the Local Government Act 1993; and

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- 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.

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

1070. (Page 15 Item 12) Lease to Southern Shoalhaven Zone Meals on Wheels Cooperative Ltd - Ulladulla Multi Purpose Centre File 34028
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RECOMMENDED that

- a) Council lease to the Southern Shoalhaven Zone Meals on Wheels Cooperative Ltd Suite 1, Building No.3 at the Ulladulla Multi Purpose Centre, St Vincent Street, Ulladulla at a rental of \$1 per annum for a term of 10 years;
- b) The Common Seal of the Council of the City of Shoalhaven is affixed to any documents required to be sealed and that otherwise the General Manager is authorised to sign any documentation necessary to give effect to this resolution.

RESOLVED on a MOTION of Clr Willmott, seconded Clr Ward, that the matter of the Lease to Southern Shoalhaven Zone Meals on Wheels Cooperative Ltd - Ulladulla Multi Purpose Centre be deferred back to the Works and Finance Committee pending discussions with the Director City Services and Operations clarifying issues raised by the community.

1071. (Page 16 Item 14) Bankstown City Council - Request for Assistance with Legal Costs File 1276
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RECOMMENDED that

- a) Council contribute \$18,712.92 to the Local Government and Shires Association, as its proportion of legal costs incurred in the Alamo Holdings and Bankstown City Council High Court Appeal, such amount to be funded from Unallocated Donations.
- b) Should the Unallocated Donations Vote be depleted during the financial year, additional funds be reallocated as part of the quarterly review process.

A MOTION was moved by Clr Ward, seconded by Clr Bates, that the report of the General Manager (Finance and Corporate Services) regarding Bankstown City Council - Request for Assistance with Legal Costs be received for information.

The MOTION upon being PUT to the meeting was declared LOST.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye"

Clr Ward.

The following Councillors voted "No"

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

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

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”

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

The following Councillors voted “No”

Clr Ward.

1072. (Page 16 Item 15) Berry and Districts Garden Club

File 1023-03

This item was withdrawn and dealt with separately.

Clr Watson declared a non pecuniary interest in the matter being the Chairperson of the LINAC Committee who are in receipt of funds from the Berry and Districts Garden Club.

RECOMMENDED that the General Manager (Finance and Corporate Services) advise the Berry and Districts Garden Club that Council is unable to accede to their request for sponsorship of a site at the Gardening Australia Expo (ABC) on 24th – 26th August 2007.

A MOTION was moved by Clr Ward, seconded by Clr Watson, that Council support the request from the Berry and Districts Garden Club for sponsorship of a site at the Gardening Australia Expo (ABC) on 24th – 26th August 2007.

The MOTION upon being PUT to the meeting was declared LOST.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”

Clrs Watson, Ward, McCrudden, Green.

The following Councillors voted “No”

Clrs Bates, Young, Willmott, Kearney, Murphy, Rudd, Finkernagel.

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Kearney, that the recommendation of the Works and Finance Committee be adopted.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”

Clrs Bates, Young, Willmott, Kearney, Murphy, Rudd, Finkernagel.

The following Councillors voted “No”

Clrs Watson, Ward, McCrudden, Green.

DEVELOPMENT COMMITTEE – TUESDAY 10TH JULY 2007

1073. Adoption of Report

RESOLVED on a MOTION of Clr Ward, seconded Clr Young, that the following recommendations of the Development Committee be adopted.

1074. Application for Review of Determination (Section 82A) for Development Application for a New Dwelling, Machinery Shed and Barn at Lot 215 DP 6131, Jaspers Brush Road, Jaspers Brush. Applicant: Evelyne Concetta Parker. File DA02/4346
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This item was withdrawn and dealt with at the conclusion of consideration of the Development Committee report.

1075. Development Control Plan 63 - Tourist Development in Rural Areas (Amendment 5) File 17912-02
-

RECOMMENDED that:

- a) Development Control Plan 63 - Tourist Development in Rural Areas (Amendment 5) be adopted as exhibited; and
- b) The adoption of the DCP be advertised in accordance with Council Policy and be notified to all Community Consultative Bodies, persons making submissions and the development industry.

1076. Stockland Nowra (formerly LEDA) Development Application and Section 96 Application File DA05/3342 & DS07/1167
-

RECOMMENDED that the report regarding the Section 96 application to modify DA05/3342 be received for information.

1077. Status of Land and Environment Court Cases - Cambewarra Retirement Village and Corks Lane Subdivision File DA03/2924 and SF9634
-

RECOMMENDED that the report of the General Manager (Development and Environmental Services) regarding the Status of Land and Environment Court Cases - Cambewarra Retirement Village and Corks Lane Subdivision be received for information.

-
1078. Development Control Plan 82 - Signage Strategy (Section 2) - Development Guidelines for Advertising Signs (Amendment 1) File 4102-06
-

RECOMMENDED that

- a) Development Control Plan 82 - Signage Strategy (Section 2) (Amendment 1) be adopted as publicly exhibited; and
- b) The adoption of the DCP be advertised in accordance with Council Policy.

1079. Section 96 Application to Amend Development Consent for a Home Activity to Sell Excess Birds from Existing Aviaries - Lot B DP 418978, D2840 Princes Highway, Wandandian. Applicant: Robert & Charlotte Brown. File DA05/3599
-

This item was withdrawn and dealt with at the conclusion of consideration of the Development Committee report.

1080. Introduction of Item as a Matter of Urgency
-

RESOLVED on a MOTION of Cllr Finkernagel, seconded Cllr Ward that the matters of:

- Southern Rivers Catchment Authority Biodiversity Program, Bush Incentives Bid Funding Offer for Council Reserve at Mt Coolangatta
- Cambewarra Tower, Building Package
- Application for Review of Determination (Section 82A) for Development Application for a New Dwelling, Machinery Shed and Barn at Lot 215 DP 6131, Jaspers Brush Road, Jaspers Brush

be introduced as matters of urgency.

The Chairperson ruled the matters as items of urgency and allowed their introduction.

1081. (Page 17 Item 1) Application for Review of Determination (Section 82A) for Development Application for a New Dwelling, Machinery Shed and Barn at Lot 215 DP 6131, Jaspers Brush Road, Jaspers Brush. Applicant: Evelyne Concetta Parker. File DA02/4346
-

This item was withdrawn and dealt with separately.

RECOMMENDED that in respect of the Section 82A Application for Review of Determination, Development Application DA02/4346 for the erection of a New Dwelling, Machinery Shed and Barn at Lot 215 DP 6131, Jaspers Brush Road, Jaspers Brush that Council, following considerations of the Sec 79(c) attached report, determine approval as per the draft conditions attached to the subject report.

RESOLVED on a MOTION of Cllr Willmott, seconded Cllr McCrudden, that in respect of the Section 82A Application for Review of Determination, Development Application DA02/4346 for the erection of a New Dwelling, Machinery Shed and Barn at Lot 215 DP 6131, Jaspers Brush Road, Jaspers Brush that Council, following considerations of the Sec 79(c) attached report, determine approval as per the draft conditions attached to the subject report, subject to the

applicant providing a peer review of the consultant's assessment and its compliance with the Floodplain Manual.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye"

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

The following Councillors voted "No"

Clrs Bates, Green, Rudd, Finkernagel.

1082. (Page 18 Item 6) Section 96 Application to Amend Development Consent for a Home Activity to Sell Excess Birds from Existing Aviaries - Lot B DP 418978, D2840 Princes Highway, Wandandian. Applicant: Robert & Charlotte Brown. File DA05/3599
-

This item was withdrawn and dealt with separately.

RECOMMENDED that in regard to the Section 96 Application for Amendment to Conditions of Development Consent (DA05/3599) for the selling of Excess Birds from a Home Activity on Lot B DP418978, D2840 princes Highway, Wandandian:

- a) Council support the request for the deletion of Condition No.3;
- b) Council support the request for the deletion of Condition No.5 f.;
- c) Council agree to signage consistent with signage for rural zones within the Signage Strategy.

Note: Clr Ward departed the meeting.

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

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye"

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

The following Councillors voted "No"

Clrs Bates, Rudd, Finkernagel.

Note: Clr Ward returned to the meeting.

**SHOALHAVEN WATER OPERATIONS AND STRATEGIC REVIEW COMMITTEE –
TUESDAY 17TH JULY 2007**

1083. Adoption of Report

RESOLVED on a MOTION of Cllr Finkernagel, seconded Cllr Bates, that the following recommendations of the Shoalhaven Water Operations Strategic Review Committee be adopted.

1084. NSW Government Rainwater Tanks Rebate File 26581-14

RECOMMENDED that:

- a) Council continue with the rainwater tank rebate program for 2007/2008
- b) A report be provided in 6 months on the effectiveness of Council's current program in light of the implementation of the NSW Government's rainwater tank rebate program.

1085. Currarong Sewerage Scheme - Funding Announcement File 1374-05

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

1086. Shoalhaven Water Strategic Business Plan File 29179

RECOMMENDED that Council endorse the Shoalhaven Water Strategic Business Plan 2007/08 Parts A and B.

1087. Reclaimed Water Management Policy File 12039

RECOMMENDED that:

- a) Council adopt the draft Reclaimed Water Management Policy
- b) The Draft Policy be placed on public exhibition for a period of 28 days and following expiry of the exhibition period if no submissions have been received that the policy be adopted as submitted.

1088. Integrated Water Cycle Management (IWCM) File 29188

RECOMMENDED that Council:

- a) Adopt the draft IWCM Strategy with the preferred Scenario (Option A1 – for lots sizes 500m² and larger, A2,B,C & D)
- b) The Draft Policy be placed on public exhibition for a period of 6 weeks and community information sessions be held in Nowra and Ulladulla during this time
- c) Receive a report on the exhibition, community information sessions and other submissions on the Strategy.

1089. Conjola Regional Sewerage Scheme - Manyana Sewerage Capacity File 1370-13

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

1090. Undetected Water Leak Policy Waiver File 01088.988, 12039-02

RECOMMENDED that:

- a) In consideration of the unique circumstances involved regarding the lack of detection of the water leak at E438 Princes Highway, Yatte Yattah, Council waiver the Undetected Water Leak Policy and provide a rebate of \$1,194.00;
- b) A further report be submitted regarding options for dealing with undetected water leaks on rural properties, including the development of an education policy or separate rural policy.

1091. Additional Item - Macerated Sewerage Pump Installations File 24443

RECOMMENDED that the General Manager (Shoalhaven Water) submit a report to the Shoalhaven Water Operations Strategic Review Committee regarding Stand Alone Macerated Pump Systems.

1092. Additional Item - Retirement of Bill Tomkinson - Acting Director Shoalhaven Water File 19812

RECOMMENDED that the Committee extend to Mr Tomkinson their appreciation in regard to all the roles he has filled within Shoalhaven Water, including the role of Acting Director, and congratulate him on his retirement.

1093. (Page 20 Item 6) Conjola Regional Sewerage Scheme - Manyana Sewerage Capacity File 1370-13

This item was withdrawn and dealt with separately.

RECOMMENDED that:

- a) All future subdivisions in the Conjola regional area be required to install pressure sewer systems;
- b) The land owned by Malbec (western side of Inyadda Drive) be offered a sewerage connection subject to:
 - The existing sewerage capacity firstly meeting the current and future demand for the existing urban zoned lands;
 - The development must be permissible in the zone;
 - The developer comply with Council's policy 'provision of Water and Sewerage Infrastructure – Rezoning, Major Development, SEPP 5 Developments', and demonstrating spare capacity available;
 - If development approval is given to use the spare capacity, further approvals cannot use the same spare capacity;

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

- a) All future subdivisions in the Conjola regional area be required to install pressure sewer systems;
- b) Council do not commit to any additional development in the short term outside the currently zoned urban area until either;
 - Two years of operation of the Conjola Regional Sewerage Scheme, particularly the northern wastewater treatment plant and exfiltration area to confirm the actual capacity under operational conditions; and/or
 - The hydraulic capacity of the reclaimed water pipelines is verified.

The MOTION upon being PUT to the meeting was declared LOST.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”

Clrs Bates, Ward, Green, Rudd, Finkernagel.

The following Councillors voted “No”

Clrs Watson, Young, Willmott, Kearney, McCrudden, Murphy.

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

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”

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

The following Councillors voted “No”

Clrs Bates, Ward, Rudd, Finkernagel.

**CROWN RESERVE, COMMUNITY AND COMMERCIAL OPERATIONS COMMITTEE
– TUESDAY 17TH JULY 2007**

1094. Adoption of Report

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

-
1095. Southern Rivers Catchment Management Authority Biodiversity Program, Bush Incentives Bid Funding Offer for Council Reserve at Mt Coolangatta File 28894

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding Southern Rivers Catchment Management Authority Biodiversity Program, Bush Incentives Bid Funding Offer for Council Reserve at Mt Coolangatta be received for information.

1096. Kangaroo Valley Pool - Lease of land - Further negotiations File 24297-05, 3070-02

RECOMMENDED that in regard to further negotiations on the lease of land at Kangaroo Valley Pool Council adopt Option 3 – Reduced Contract Period, being the reduction of the period of contract extension from two years to one year that will limit the total term of the agreement to three years.

1097. Nowra Showground Plan of Management File 32149

RECOMMENDED that

- a) Council adopt the proposed changes to the draft document as indicated at the Councillor briefing and outlined in the report;
- b) The General Manager (Strategic Planning) seek authorisation from the Minister for Lands to place the Draft Nowra Showground Plan of Management on public exhibition with 42 days for receipt of submissions;
- c) The draft document be placed on Council's Internet site with easy links to make the comments electronically;
- d) The draft document be exhibited at Council's Nowra Administration Building and Nowra Library;
- e) The draft document be advertised in relevant newspapers;
- f) The draft document be forwarded to relevant Community Consultative Bodies and relevant stakeholders; and
- g) A further report be submitted following public exhibition.

1098. Currarong Creek Entrance Management Plan File 12406-02

RECOMMENDED that Council adopt the Currarong Creek Entrance Management Plan, as exhibited, subject to minor amendments being made for consistency with current legislation (including the Marine Parks Regulation), minor correction of typographical errors and clarification purposes (including acknowledgement of alternative views on amenity).

COUNCIL PROPERTY STEERING COMMITTEE – MONDAY 9TH JULY 2007

1099. Adoption of Report

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

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”

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

The following Councillors voted “No”

Clr Ward.

1100. Investigation and Purchase of Land for Additional Playing Fields - Bay and Basin File 21682-02, 36348

RECOMMENDED that Council commence negotiations with the owner of Lot 5 DP1027705 with a view to acquiring appropriate land for the provision of additional playing fields in the Bay and Basin area and report back to Council on the outcomes of the negotiations.

1101. Acquisition of Land under the Roads Act 1993 File 35557

RECOMMENDED that Council authorise the General Manager (Assistant General Manager) to negotiate conditionally the compensation payable for the acquisition of a new access from Forest Road to the “Pine Forest” section of Comberton Grange land in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and report the outcome to the Council Property Steering Committee.

REPORT OF THE SHOALHAVEN TRAFFIC COMMITTEE TUESDAY 17TH JULY 2007.

1102. Adoption of Report

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

1103. Stop Sign - Intersection of Reserve Road & Clarendon Crescent, Basin View (PN 2229) File 1653

RECOMMENDED that the General Manager (Director Strategic Planning Group) be requested to install a "Stop" (R1 - 1B) regulatory sign and "Hold" line (TF & TB) on Clarendon Crescent at its intersection with Reserve Road. Basin View.

1104. Give Way - Intersection of Smiths Lane & Nowra Lane, Nowra (PN 2230) File 1707

RECOMMENDED that the General Manager (Director Strategic Planning Group) be requested to install a "Give Way" (R1 - 2B) regulatory sign and "Hold" line (TB) on Smiths Lane at its intersection with Nowra Lane, Nowra.

1105. On-Street Parking - Scenic Drive, Nowra (PN 1633) File 2636-02

This item was withdrawn and dealt with at the conclusion of consideration of the Shoalhaven Traffic Committee report.

1106. Linemarking - Burrier Road (PN 1947) File 24877

RECOMMENDED that the report concerning the advise regarding the installation of double barrier (BB) & Barrier Separation (BS) centre linemarking on the following sections of Burrier Road, Burrier in conjunction with Council's road sealing program for 2007 - 08 be received for information.

Chainage 0.579 to 1.279 BB Linemarking
Chainage 7.707 to 7.827 BS Linemarking
Chainage 7.827 to 8.292 BB Linemarking

1107. Stop Sign - Intersection of Ben Dooley Road / Kangaroo Valley Road, Berry Mountain (PN 2222) File 1664

RECOMMENDED that the General Manager (Director Strategic Planning Group) to arrange for:-

- a) Sealing of first 30.0 metres of roadway in Ben Dooley Road from the intersection of Kangaroo Valley Road, Berry Mountain.
- b) The installation of a "Stop" (R1 - 1B) regulatory sign and "Hold" line (TF & TB) on Ben Dooley Road, Berry Mountain.

1108. Traffic Flow - Bomaderry Railway Car Park Exit - Meroo Street, Bomaderry (PN 2224) File 1667

RECOMMENDED that the General Manager (Director Strategic Planning Group) be requested to extend the existing "No Stopping" zone on the eastern side of Meroo Street, Bomaderry, 9.5 metres to the north of the Railway Car park exit, in order to meet the minimum site distance requirements from the car park (in accordance with TRAF 2007/06).

1109. Parking Restrictions - Matron Porter Drive, Narrawallee (PN 2225) File 21774

This item was withdrawn and dealt with at the conclusion of consideration of the Shoalhaven Traffic Committee report.

RECOMMENDED that the General Manager (Director Strategic Planning Group) extend the existing No Stopping zone on the south side of Queen St immediately east of Albany Street, Berry 8 metres to the east to meet minimum site distance requirements (as shown on TRAF 2007/07).

RECOMMENDED that:-

- a) Council be advised that the Shoalhaven Traffic Committee do not object to the proposal to reverse priority at the intersections of Albany / Victoria Street and Albany / Princess Streets, Berry.
- b) The General Manager (Director Strategic Planning Group) be requested to advertise the proposed changes and provide a report back to a future meeting of the Shoalhaven Traffic Committee.
- c) That Council be advised that Shoalhaven Traffic Committee do not concur at this time with the implementation of a 3 tonne weight limit on Victoria Street as the survey indicates that vehicle >3t represent a very small proportion of the total trips (in the order of some 1 - 2% maximum), but recommend that future monitoring of the situation.
- d) The letter writer be advised accordingly.

This item was withdrawn and dealt with separately.

RECOMMENDED that

- a) The General Manager (Director Strategic Planning Group) replace the existing "Bus Zone" on Scenic Drive, Nowra immediately north of the main entrance to the Shoalhaven District Hospital with "1/2 P" parking restrictions in the interim.
- b) The General Manager (Director Strategic Planning Group) commence the process to convert the "1/2 P" parking restrictions on Scenic Drive, Nowra (immediately north of the main entrance to the hospital) to "1 P" parking restrictions.

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Green, that the recommendation of the Shoalhaven Traffic Committee be adopted.

This item was withdrawn and dealt with separately.

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

- a) Parallel parking around the western side and eastern side of the gated area of the turn around area at the northern end of Matron Porter Drive at Narrawallee Inlet.

-
- b) "No Stopping" across the gated area allowing access to the picnic area for Council Parks staff to allow mowing of the reserve.
 - c) 90 degree parking restrictions to the south of the Toilet block for a distance of approximately 25.0 metres. As shown on attached TRAF 2007 / 05
 - d) An edge line around the parallel parking area to define the parking area.
 - e) Pavement arrows around the turn around area.
 - f) A "Keep Left" sign on the approach to the island.
 - g) Investigate options to reconfigure the parking area.

RESOLVED on a MOTION of Clr Willmott, seconded Clr Young, that the General Manager (Director Strategic Planning Group) be requested to investigate options to reconfigure the parking area to increase the number of parking spaces.

ASSISTANT GENERAL MANAGER

1114. State Emergency Services - Southern Unit Controller Appointment File 2429

RESOLVED on a MOTION of Clr Ward, seconded Clr Green, that Council endorse the appointment of Mr James Sands as the Southern Unit Controller of the State Emergency Services, Shoalhaven City.

STRATEGIC PLANNING

1115. Mollymook Beach Local Area Traffic Management (LATM) File 29245-03

RESOLVED on a MOTION of Clr Willmott, seconded Clr Green, that:

- a) Council endorse the design principles outlined in the report and as indicated in the attachment;
- b) Council adopt Option 1 for the parking layout at the western end of Ocean St;
- c) The General Manager investigate the allocation of a disabled parking space outside the newsagency.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye"

Clrs Bates, Young, Willmott, Kearney, Ward, McCrudden, Green, Rudd.

The following Councillors voted "No"

Clrs Watson, Murphy, Finkernagel.

FINANCE AND CORPORATE SERVICES

1116. Proposed Motions to the 2007 National General Assembly of Local Government File 1077-02

A PROCEDURAL MOTION was moved by Clr Ward, seconded Clr Willmott, that the proposed motions to the 2007 National General Assembly of Local Government be debated englobo and voted in seriatim.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”

Clrs Young, Willmott, Kearney, Ward, McCrudden, Green.

The following Councillors voted “No”

Clrs Watson, Bates, Murphy, Rudd, Finkernagel.

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Ward, that the following draft motion be presented to the Australian Local Government Association Conference:

That this National General Assembly calls on the Federal Government to adopt the South Australian model and legislation for container deposit, as a National policy position.

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

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Ward, that the following draft motion be presented to the Australian Local Government Association Conference:

The National General Assembly call on the Federal Government to extend its grant funding and rebate program for photovoltaic cells and other solar energy technology to Local Government owned and operated facilities.

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

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”

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

The following Councillors voted “No”

Clr McCrudden.

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Ward, that the following draft motion be presented to the Australian Local Government Association Conference:

That this National General Assembly call on the Federal Government to:

- a) give priority to research, and provision of Local Government and industry incentives for solar and geothermal infrastructure to meet the nations future energy demands; and
- b) assist Local Governments to increase the use of sustainable energy sources in order to minimise green house gas emissions in accordance with best international practice.

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

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”

Clrs Watson, Bates, Young, Ward, Green, Murphy, Young, Finkernagel.

The following Councillors voted “No”

Clrs Willmott, Kearney, McCrudden.

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Ward, that the following draft motion be presented to the Australian Local Government Association Conference:

That this National General Assembly calls on the Federal Government to provide higher levels of funding to Local Governments to facilitate compliance with the provisions of the Commonwealth Disability Discrimination Act.

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

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Ward, that the following draft motion be presented to the Australian Local Government Association Conference:

That this National General Assembly calls on the Federal Government to increase the level of Family Day Care subsidy to assist single parent and low income families to access equitable, affordable and quality Day Care facilities for their young children.

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

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Ward, that the following draft motion be presented to the Australian Local Government Association Conference:

That this National General Assembly endorse the recommendation of the National Sea Change Task Force Policy Framework for Coastal Australia relating to the development of a Community

Infrastructure Fund to facilitate direct Federal funding of Local Government for infrastructure provision.

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

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Ward, that the following draft motion be presented to the Australian Local Government Association Conference:

That this National General Assembly calls for increased funding by the Federal and State Governments to facilitate the provision of respite care accommodation and services for the Nations children and youth who suffer intellectual or physical disabilities.

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

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Ward, that the following draft motion be presented to the Australian Local Government Association Conference:

That this National General Assembly:

- a) Commend the Federal Government for extending and increasing the budget allocation to the Roads to Recovery Program;
- b) Request the Federal Government to provide formal notification of forward financial commitment to individual Local Government areas under the Roads to Recovery Program to enable more cost effective programming and delivery of road infrastructure works

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

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Ward, that the following draft motion be presented to the Australian Local Government Association Conference:

That a Local Government Infrastructure Fund be established and funded by the Australian Government

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

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”

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

The following Councillors voted “No”

Clr Ward.

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Ward, that the following draft motion be presented to the Australian Local Government Association Conference:

That Local Government in Australia receive a fixed percentage of National Taxation Revenue to ensure that this source of revenue has the potential to grow

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

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”

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

The following Councillors voted “No”

Clrs Rudd, Ward.

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Ward, that the following draft motion be presented to the Australian Local Government Association Conference:

That Local Government not be required to implement the International Accounting Standard for the regular revaluation of assets that can't be disposed of

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

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Ward, that the following draft motion be presented to the Australian Local Government Association Conference:

That a Local Government Assistance Fund for Council's embarking on a programme to encourage foreign investment be established and funded by the Australian Government

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

The Following draft motions were LOST.

A MOTION was moved by Clr Rudd, seconded Clr Bates, that the following motion be submitted to 2007 National General Assembly of Local Government for consideration:

This National General Assembly call on the ALGA to further support the “meet or beat” greenhouse reduction targets assigned by the Kyoto Protocol by pursuing ambitious targets of up to 30% in their operations and activities and the Federal Government provide financial support to Local Government to implement this initiative in the next Federal Budget.

The MOTION upon being PUT to the meeting was declared LOST.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”

Clrs Bates, Rudd.

The following Councillors voted “No”

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

A MOTION was moved by Clr Rudd, seconded Clr Bates, that the following motion be submitted to 2007 National General Assembly of Local Government for consideration:

That this National General Assembly calls on the Federal Government to introduce a national program of asbestos clean-up, including community education, and provide subsidies to facilitate the safe disposal of asbestos.

The MOTION upon being PUT to the meeting was declared LOST.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”

Clrs Bates, Green, Murphy, Rudd.

The following Councillors voted “No”

Clrs Watson, Young, Willmott, Kearney, Ward, McCrudden, Finkernagel.

1117. 2007 Annual Conference - Local Government Association of NSW File 35544

A PROCEDURAL MOTION was moved by Clr Ward, seconded by Clr Green, that the motions to be submitted in the Conference Agenda for the 2007 Annual Local Government Association of New South Wales Conference be debated englobo and voted in seriatim.

The MOTION upon being PUT to the meeting was declared LOST.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”

Clrs Young, Willmott, Ward, McCrudden, Green.

The following Councillors voted “No”

Clrs Watson, Bates, Kearney, Murphy, Rudd, Finkernagel.

RESOLVED on a MOTION of Clr Finkernagel seconded Clr Bates, that in connection with the 2007 Annual Local Government Association of New South Wales Conference to be held in Coffs Harbour, from 20th to 24th October 2007:

- a) Council authorise available Councillors to attend the Conference and they be accompanied by the General Manager.
- b) Council meet the registration fees, accommodation and all reasonable out-of-pocket expenses in accordance with its adopted policy.
- c) The delegates for the 2007 Local Government Conference be Clr Watson, Clr Anderson, Clr Bates, Clr Willmott and Clr Ward as alternate delegate.
- d) The Motions, as detailed in Item 2 of the Report of the General Manager (Finance and Corporate Services) to the Council meeting of 24 July 2007 be adopted by Council and be submitted to the Local Government Association of New South Wales for inclusion in the Conference Agenda.

1118. Record of Investments

File 2126

RESOLVED on a MOTION of Clr Young, seconded Clr Kearney, that the Report of the General Manager (Finance & Corporate Services Group) on the Statement of Record of Investments for the period of 30th June 2007 be received for information.

1119. Tenders for Demolition of Existing Amenities Building and Reconstruction of New Amenities Building at the Lake Tabourie Tourist Park

File 36212

RESOLVED on a MOTION of Clr Young, seconded Clr McCrudden, that:

- a) Council accept the tender from ABLOCK Builders Pty Ltd for the Demolition & Construction of the Lake Tabourie Tourist Park Amenity Building at the Tendered Price of \$447,670.00.
- b) Council enter into a contract with ABLOCK Builders Pty Ltd as above and the Contract be completed under the Seal of Council if necessary.

1120. Indicative Cost of 2008 Election

File 18854-02

RESOLVED on a MOTION of Clr Ward, seconded Clr Willmott, that Council:

- a) Make representations to the following:
 - Premier – The Hon. Morris Iemma MP
 - Leader of Opposition – Barry O’Farrell, MP
 - Minister for Local Government – The Hon. Paul Lynch MP
 - Shadow Minister for Local Government – Chris Hartcher MP
 - Sylvia Hale – MLC (Legislative Council), Temp. Chair of Committees, the Greens member
 - Member for Kiama Matt Brown MP
 - Member for South Coast Shelley Hancock MP

To amend the Local Government Act to allow Council's to conduct their own elections (in place of the NSW Electoral Commission)

- b) Include supportive notes with the representations;
- c) Request that consideration be given to the option of electronic voting in Local Government Elections

ADDENDUM REPORT - CITY SERVICES AND OPERATIONS

1121. Southern Rivers Catchment Authority Biodiversity Program, Bush Incentives Bid Funding Offer for Council Reserve at Mt Coolangatta File 28894
-

RESOLVED on a MOTION of Clr Rudd, seconded Clr Bates, that in regard to Southern Rivers Catchment Authority Biodiversity Program, Bush Incentives Bid Funding Offer for Council Reserve at Mt Coolangatta:

- a) Council enter into further negotiations with the Southern Rivers Catchment Management Authority;
- b) A report be submitted to Council on the negotiations.

1122. Cambewarra Tower, Building Package File 36194
-

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Ward, that:

- a) Council accept the tender of Assist Building & Maintenance in the amount of \$344,700 for the building works package at Cambewarra Tower Redevelopment.
- b) Council enter into a contract with Assist Building and Maintenance for the works and affix the Common Seal of Council, if required, and the General Manager is authorised to sign any documentation necessary to give effect to this resolution.

ADDENDUM REPORT - STRATEGIC PLANNING

1123. Application for Review of Determination (Section 82A) for Development Application for a New Dwelling, Machinery Shed and Barn at Lot 215 DP 6131, Jaspers Brush Road, Jaspers Brush. Applicant: Evelyne Concetta Parker File DA02/4346
-

Note: The Chairman requested that Clr Willmott withdraw his derogatory comments towards the Chair. Clr Willmott refused.

Note: The Chairman requested that Clr Ward withdraw his derogatory comments towards the Chair. Clr Ward refused.

Note: Clr Young left the meeting, the time being 10.32 pm.

Note: Clr Willmott left the meeting, the time being 10.34 pm.

RESOLVED on a MOTION of Clr Finkernagel, seconded Clr Green, that Council obtain independent advice by an independent flood expert, to establish whether full compliance with the Manual has been achieved or if full compliance is not required in this particular instance.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”

Clrs Watson, Bates, Kearney, McCrudden, Green, Murphy, Rudd, Finkernagel.

The following Councillors voted “No”

Clr Ward.

Note: A rescission motion relating to the above item was submitted on Thursday 26th July, 2007.

LEGAL DOCUMENTS – TUESDAY 24TH JULY 2007

STRATEGIC PLANNING

1124. Request to Remove Lease from Title - Shop 41, Kinghorne Street, Nowra File 4720-02

RESOLVED on a MOTION of Clr Green, seconded Clr Kearney, that:

- a) Council execute a Request to the Registrar General to remove Lease No. 9575907 from the Council of the City of Shoalhaven to Darko Klicek from the title to the Council property at Shop 41, Kinghorne Street, Nowra described as Folio Identifier 1/225912;
- 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.

DEVELOPMENT AND ENVIRONMENTAL SERVICES

1125. Request for Variation of Section 88B Restriction as to User - Lot 6 DP 877112, North View Close, Coolangatta File SF7716 & DA04/3544

RESOLVED on a MOTION of Clr Green, seconded Clr Kearney, that the request to modify the Section 88B Instrument for the variation of the Restriction as to User, the subject of this report over Lot 6 DP 877112, North View Close, Coolangatta be executed under the seal of Council.

NOTICES OF MOTION – TUESDAY 24TH JULY 2007

1126. Lot 2 DP 115688 Ocean Street, Mollymook

File 3599-03

Note: Clr McCrudden left the meeting the time being 10.36 pm.

A MOTION was moved by Clr Ward, seconded by Clr Rudd, that the General Manager report back to council on cost neutral options to return the eastern section of lot 2 DP 115688 zoned 2(d) to public ownership.

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

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”

Clrs Watson, Kearney, Ward, Green, Murphy, Finkernagel.

The following Councillors voted “No”

Clrs Rudd, Bates.

1127. Bugong Fire Trail

File 4010

A MOTION was moved by Clr Ward, seconded by Clr Green, that the General Manager (City Services and Operations Group) prepare a briefing note for Councillors on fire trails and how Council deals with maintenance issues associated with fire trails that require repair

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

CONFIDENTIAL REPORT OF THE GENERAL MANAGER

POLICY AND PLANNING COMMITTEE – TUESDAY 10TH JULY 2007

CONSIDERATION OF ITEMS OF A CONFIDENTIAL NATURE

Item	Reason
Threatened Species Assessments in Rural Areas	Section 10A(2)(a) – the matter is a personnel matter concerning a particular individual

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

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”

Clrs Watson, Kearney, Ward, Green, Murphy, Finkernagel.

The following Councillors voted “No”

Clr Rudd, Bates.

The meeting moved into confidential the time being 10.49 pm.

The meeting moved into open session, the time being 11.32 pm.

1128. Threatened Species Assessments

File 33044-03 & 16153

The following resolution of the Ordinary Meeting of Council, while the meeting was closed to the public, was read to the meeting by the Executive Support Manager.

RESOLVED that:

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

There being no further business, the meeting concluded, the time being 11.34 pm.

Clr Watson
CHAIRPERSON