

SHOALHAVEN CITY COUNCIL

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

To be held on Tuesday, 24th July, 2007
Commencing at 4.00 pm

City Administrative Centre
Bridge Road
NOWRA NSW 2541

18th July, 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, 24th July, 2007 commencing at 4.00 pm** for consideration of the following business.

Yours faithfully

R D Pigg
General Manager

Membership

All Councillors

BUSINESS OF MEETING

PRAYER: Pastor Trevor Aspin - Christian Outreach Centre, Shoalhaven Heads

1. **Australian National Anthem**
2. **Apologies**
3. **Confirmation of Minutes**
Ordinary Meeting - 25th June, 2007
4. **Presentation of Petitions**
5. **Report of the General Manager**
Policy and Planning Committee - 10th July, 2007
Works and Finance Committee - 10th July, 2007
Development Committee - 10th July, 2007
Shoalhaven Water Operations and Strategic Review Committee - 17th July, 2007
Crown Reserve, Community and Commercial Operations Committee - 17th July, 2007
Council Property Steering Committee - 9th July, 2007
6. **Reports of the Shoalhaven Traffic Committee - 17th July, 2007**
7. **Report of the General Manager**
Assistant General Manager
Strategic Planning
Finance & Corporate Services
8. **Legal Documents**
Strategic Planning
Development & Environmental Services
9. **Notices of Motion**
10. **Confidential Report of the General Manager**
Policy and Planning Committee - 10th July, 2007

Note: Presentation to Lt. Commander Paul Lea, RAN, CSM.

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, 24TH JULY, 2007

1. Princes Highway Upgrade Projects - Federal Funding Advice **File 6852**

I have received representations from the Member for Gilmore, Mrs. Joanna Gash, M.P. who has requested that her letter dated 9th July, 2007 (copy attached) be published with our Business Paper.

The purpose of this Mayoral Minute is to facilitate the Federal Member's request.

SUBMITTED for information.

2. Princes Highway, South Nowra - Landscape South of Hillcrest Avenue **File 3897**

I am continuing to receive representations from business and property owners at South Nowra, since the last time this matter was considered, regarding the untidy nature of some of the road verge areas owned by Council.

About twelve months ago Council undertook some landscaping works on the corner of Flinders Road and the Princes Highway which has dramatically improved the general appearance of the area. Many of the businesses at South Nowra have struggled to improve their frontages but the proprietors continue to be disappointed at the lack of maintenance and landscaping on the Council-owned verges.

The section causing the greatest concern is that from Hillcrest Avenue to the pull-over bay located on the northern side of Plant Land Nursery. This area is frequently used by locals to sell their motor cars, boats, trailers and caravans and apart from being an unsightly mess has contributed to a number of rear end accidents and some very near misses – some of these near misses have involved buses carrying children.

It is my view that Council should undertake the urgent tidying up and landscaping of this area aimed at improving the appearance of the South Nowra area generally and restricting the amount of space available for the display of private motor vehicles.

RECOMMENDED 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.



Greg Watson,
Mayor.

SECOND MAYORAL MINUTE

ORDINARY MEETING

TUESDAY, 24TH JULY, 2007

1. Forest Road/Princes Highway Intersection

File 9519-02

Council is in receipt of a letter from the Roads & Traffic Authority in which it states “*RTA is conscious of the pressure on drivers waiting to turn right onto the Princes Highway due to the heavy traffic flow during peak hours. Therefore the RTA recommends that in the future traffic should take the opportunity to utilise a U turn facility, being planned for construction in the Parma Road, 2 kilometres south of Forest Road*’. This is an unbelievable response from the RTA as a result of our expression of concern regarding the safety of the Forest Road/Princes Highway intersection and a need for an urgent upgrade. In the letter the RTA say that residents exiting Forest Road will have a short 2 kilometre drive south to a turnaround facility at Parma Road and, of course, a 2 kilometre drive back to the Forest Road intersection.

I have checked with the writer of the letter to seek clarification as to the RTA intention regarding the existing right hand turn at Forrest Road because the letter was unclear, and they have confirmed that the turn will still be permitted. A copy of the letter from the Regional Manager of the RTA is attached.

It is my view that performing a U turn on the Princes Highway at Parma Road will be a dangerous traffic manoeuvre and little safer than the existing inadequate facility.

In the last thirty years Council has been planning to undertake the construction of a new road to service Callala Beach, Callala Bay and Currarong or, upgrade Forest Road. As a result of Council adopting a Mayoral Minute in 1993 Council gave Forest Road No. 1 priority under the Roads to Recovery funding which has produced a safe sealed alternate access to the eastern villages. The RTA response to improving this road is unbelievable and will render the road almost unusable for vehicles travelling into Nowra. This will force additional traffic flow onto Pyree Lane and Greenwell Point Road and further add to the congestion at the traffic lights at Kalandar Street.

Should Council adopt this Mayoral Minute it is my intention to make representations to the Minister for Roads, The Hon. Eric Roozendaal, MLC, our local Members of Parliament, including Member for Gilmore, Mrs. Joanna Gash, MP as the proposed activities will have a severe effect on a road which has been partly Federally funded. It is my view that we should once again ask the RTA to apply for ‘Black Spot’ funding for the simultaneous upgrade of the intersection in conjunction with the other works being carried out on the Princes Highway during the current financial year.

RECOMMENDED 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.

2. Pacific Oysters - Shoalhaven/Crookhaven Estuary

File 4543-02

I have received representations from a group of Oyster Farmers, Trippac Oyster Farmers of the Shoalhaven Inc., who wish to undertake the growing of Triploid Pacific Oysters in the Shoalhaven and Crookhaven estuaries.

Council's resolved position on this matter is 'that Council oppose the growing and harvesting of Pacific oysters in both estuaries'. This position was adopted following a report to Council in the late 1990's when a number of oyster farmers wished to undertake the cultivation of wild Pacific oysters, a move which was strongly opposed by the then Shoalhaven Oyster Farmers Association.

Since that time it is claimed that a majority of oyster farmers in both estuaries wish to grow Triploid oysters as a means of extending their harvesting period as with the Sydney Rock oysters only spawning during the winter months they do not provide a resource which is satisfactory to many of the oyster farmers. The request to NSW Fisheries is to approve the harvesting of the Triploid oyster on the basis that these oysters are likely to be substantially sterile and unlikely to add to the existing load of wild Pacific oysters in the estuaries.

Following representations from Clr. Gareth Ward I conveyed to NSW Fisheries the existing Council resolution.

This report is submitted to Council for consideration as to whether it wishes to vary its position in respect of growing Pacific Oysters in both the Shoalhaven and Crookhaven estuaries.

SUBMITTED for consideration.



Greg Watson,
Mayor

REPORT OF THE GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 24TH JULY 2007

GENERAL MANAGER

POLICY AND PLANNING COMMITTEE – TUESDAY 10TH JULY 2007

Shoalhaven Tourism Board – Monday 18th June 2007

1. Budget 2006/2007 File 1490-07

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

2. 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.

3. 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.

4. Print Program File 1011-02

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

5. 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.

6. 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.

7. 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.

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8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

City Services and Operations

14. 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.

Strategic Planning

15. Nowra CBD Transport Strategy and Nowra CBD East Road Network Strategy Review File 2537-07

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.

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16. 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.

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

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.
18. 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.

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

RECOMMENDED that Council:

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

Finance and Corporate Services

20. Deed for Indemnification of Kiama Municipal Council as Manager of Southern Group of Councils File 2172

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

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- b) Authority be given to the Mayor and General Manager to affix the Council Seal to that Deed.

21. Conference – 2007 Australian Sister Cities Annual Conference File 8282-02

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.

22. Membership Request - Ulladulla DCP 56 Review Working Party File 34759

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.

Development and Environmental Services

23. Operations of Markets Policy File 4528

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.

24. 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*.

25. Policy Amendment to Council's Policy for Fees - Waiving of Development Application and Other Fees for Charitable Organisations and Community Groups File 23618

RECOMMENDED that the Policy for Fees - Waiving of Development Application and Other Fees for Charitable Organisations and Community Groups be adopted as exhibited.

26. Keeping of Roosters in Residential Areas File 17433

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

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27. Protocol for Dealing with Differences of Opinion between Flora and Fauna Consultants and Council's Staff File 33044-03
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RECOMMENDED that the draft protocol for dealing with differences of opinion between Flora and Fauna consultants and Council's staff be adopted for use.

REPORT OF THE WORKS AND FINANCE COMMITTEE – TUESDAY 10TH JULY 2007

Assistant General Manager

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

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.

City Services and Operations

2. 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.

Strategic Planning

3. 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.

4. Swan Lake Cycleway
File 16747
-

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

6. Local Heritage Assistance Fund ~ Applications 2007/08

File 1110-11

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.

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.

8. 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.

9. Classification of Land at Worrowing 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.

10. 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.

11. 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.

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

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.

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13. 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.

Finance and Corporate Services

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

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.

15. Berry and Districts Garden Club File 1023-03

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.

Addendum Report - Strategic Planning

16. 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

General Business

17. Additional Item – Drainage Kallaroo and Killarney Road, Erowal Bay File

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, Erowal Bay.

REPORT OF THE DEVELOPMENT COMMITTEE – TUESDAY 10TH JULY 2007

Development and Environmental Services

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
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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.

2. Development Control Plan 63 - Tourist Development in Rural Areas (Amendment 5) File 17912-02
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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.
3. Stockland Nowra (formerly LEDA) Development Application and Section 96 Application File DA05/3342 & DS07/1167
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RECOMMENDED that the report regarding the Section 96 application to modify DA05/3342 be received for information.

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

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

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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
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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.

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

Shoalhaven Water

1. NSW Government Rainwater Tanks Rebate File 26581-14
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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.

2. Currarong Sewerage Scheme - Funding Announcement File 1374-05
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RECOMMENDED that the report of the General Manager (Shoalhaven Water) regarding Currarong Sewerage Scheme – Funding Announcement be received for information.

3. Shoalhaven Water Strategic Business Plan File 29179
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RECOMMENDED that Council endorse the Shoalhaven Water Strategic Business Plan 2007/08 Parts A and B.

4. Reclaimed Water Management Policy File 12039
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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.

5. Integrated Water Cycle Management (IWCM) File 29188
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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.

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;

Addendum Report of the General Manager

Shoalhaven Water

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.

General Business

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

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.

REPORT OF THE CROWN RESERVE, COMMUNITY AND COMMERCIAL OPERATIONS COMMITTEE – TUESDAY 17TH JULY 2007

City Services and Operations

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

Addendum Report of the General Manager

City Services and Operations

2. 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.

Strategic Planning

3. 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.

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).

REPORT OF THE COUNCIL PROPERTY STEERING COMMITTEE – MONDAY 9TH JULY 2007

Assistant General Manager

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

The Committee was advised that staff were currently considering land requirements and designs of new sports fields resulting from the site meeting.

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.

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

The Committee agreed to proceed to acquire a new access from Forest Road to the Pine Forest and for future long term requirements.

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.

R.D Pigg
GENERAL MANAGER

SHOALHAVEN TRAFFIC COMMITTEE – 17th JULY 2007

ORDINARY MEETING

TUESDAY, 24th JULY, 2007

REPORT OF THE CONVENOR

ITEMS FOR APPROVAL UNDER DELEGATED AUTHORITY

1. 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.

2. 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.

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

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.

4. 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

-
5. 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.

6. 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).

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

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.

8. Parking Restrictions - Queen Street, Berry (PN 2226) File 2637
-

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).

9. Speeding Vehicles, Traffic Volume & Heavy Vehicles - Victoria Street, Berry (PN 645) File 1664

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.

R Sutherland
CONVENOR/CHAIRPERSON

REPORT OF THE GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 24TH JULY 2007

ASSISTANT GENERAL MANAGER

1. State Emergency Services - Southern Unit Controller Appointment **File 2429**

In recent months, Council received a report regarding the resignation of the Southern Unit Controller for the State Emergency Services.

The State Emergency Services are in the process of appointing James Sands as the Southern Unit Controller as a result of the vacant position and request Council's endorsement.

Mr Sands has been with the SES for a number of years and has worked as Training Coordinator – Southern Area. The Southern Unit Coordinator reports to the Local Controller, Shoalhaven City SES, Mr Ian Borrowdale. Mr Borrowdale recommends the appointment of James Sands.

RECOMMENDED that Council endorse the appointment of Mr James Sands as the Southern Unit Controller of the State Emergency Services, Shoalhaven City.

J. Gould
ASSISTANT GENERAL MANAGER

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 24 JULY 2007

STRATEGIC PLANNING

1. Mollymook Beach Local Area Traffic Management (LATM)

File 29245-03

When considering the detailed concept design for the proposed Mollymook Beach LATM (in Ocean St) Council resolved on 25 June 2007:-

- a) *Council endorse action to commence work at Ocean Street, Mollymook, subject to the carpark design in Attachment A (part grassed area) and the LATM area outside of those issues contained in b) hereunder;*
- b) *The LATM proposal, for Ocean Street Mollymook be referred to Councillor Briefing to consider the following key issues as raised by Clr Willmott:*
 - i *Inclusion of grassed areas within the carparking area*
 - ii *Tree plantings within the carparking area*
 - iii *Parallel parking on Ocean Street*
 - iv *Disabled parking nearest the Mobi Mat*
 - v *The necessity of kerb replacement on Ocean Street*
 - vi *One light and one tree being located in Ocean Street.*

The councillor briefing was held on 11 July 2007 (copy of presentation is included in the Councillor Information Folder) and there was general agreement by Councillors present to the following design principles:-

- a) angled parking in Ocean St to be 'nose in' parking
- b) a mid-block raised threshold to be provided near the boundary of Nos 66 & 68 Ocean St
- c) 8 street trees (Tuckeroo) to be provided to Ocean St
- d) a 'disabled' parking bay to be provided on the west side of Golf Ave immediately before the raised threshold at the corner of Golf Ave and Ocean St
- e) options be investigated for the provision of additional 'disabled' parking along the surf club access drive
- f) streetlighting be provided on the northern side of Ocean St in a future stage

The above issues are currently being drafted into a revised design and a plan indicating the proposed changes is attached. Also attached is a copy of Plan C which was adopted by Council on 29 February 2006 as the preferred design option. However, there are 2 options for the western end of Ocean St that are referred to Council for consideration.

Option 1

Plan C indicates parallel parking on both sides of the road at the western end of the block. To allow for this option the roadway is narrowed by realignment of the kerb on the south side of the road. The realignment is considered necessary to induce lower traffic speed and there will also be a benefit of a wider footpath area.

Option 2

This option involves realigning the kerb on the north side of the road to allow for angled parking on the north side and parallel parking on the south side. It will provide an additional 4 car parking spaces than Option 1 and be more uniform in the parking layout.

Both options are of similar cost.

RECOMMENDED that

- a) **Council endorse the design principles outlined in the report and as indicated in the attachment**
- b) **Council consider the preferred Option for the parking layout at the western end of Ocean St**

E J Royston
DIRECTOR, STRATEGIC PLANNING

J Gould
ASSISTANT GENERAL MANAGER

R D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 24th JULY 2007

FINANCE AND CORPORATE SERVICES

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

The Australian Local Government Association is seeking motions to be submitted for consideration at the National General Assembly to be held in Darwin between 26th and 29th November 2007.

The criteria established by the Australian Local Government Association is as follows:

- i. it must refer to an issue of national significance
- ii. be relevant to the work of local government
- iii. not be antithetical to the interests of any one state or territory

Motions submitted will be reviewed against these principles by the General Assembly Review Committee and state/territory associations as to their eligibility for inclusion in the General Assembly Business Papers.

The proposed motions are as follows:

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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.
- v. 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.
- vi. 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.
 - vii. 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.
 - viii. 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.
 - ix. 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.
 - x. 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
 - xi. That a Local Government Infrastructure Fund be established and funded by the Australian Government
 - xii. 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
 - xiii. That Local Government not be required to implement the International Accounting Standard for the regular revaluation of assets that can't be disposed of
 - xiv. 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

Full details of the background and National Objective of each of the proposed motions are presented in the Councillors Information Folder.

RECOMMENDED that the draft motions i) to xiv) as detailed in this report be presented for consideration by the Australian Local Government Association Review Committee as motions for the Australian Local Government Association Annual Conference.

The 2007 Annual Conference of the Local Government Association of New South Wales will be held in Coffs Harbour, over the period 20th October 2007 to 24th October 2007. The conference theme is “Anchoring the Future”.

Submission of Motions

The Association has called for the submission of Motions and Councils are encouraged to formulate Motions in terms of the current policy statements. Closing date for submission of Motions is Friday 10th August 2007. All motions submitted must be adopted by Council before being submitted to the Association. Councillors and senior staff were canvassed to submit Motions for consideration by Council.

Motion 1

Subject: Amendments to the Native Vegetation Act

Motion Text: That the requirements for dual consents under the Native Vegetation Act and the Environmental Planning & Assessment Act be abolished.

Note from Council:

Changes to the Native Vegetation Act require in many instances approval under both that Act and development consent under a planning instrument (Environmental Planning & Assessment Act.

This results in a duplication of resources between State and Local Government. While there has been recognition of this, there has been no legislation brought forward to reduce this problem.

Motion 2

Subject: Grants from the NSW State Government

Motion Text: That the Local Government Association strongly lobby the NSW Government to increase the level of grants being offered to Local Council in NSW.

Note from Council:

The level of grant funding being provided to local council in NSW has been stagnant in many areas, and Council are struggling financially to continue to provide adequate levels of service. Grants for library services, roads, flood mitigation maintenance and noxious weeds are some examples.

Motion 3

Subject: Constitutional Recognition for Local Government

Motion Text: That the Local Government Association calls on the Australian Government to support a referendum on the issue of constitutional recognition for Local Government.

Note from Council:

The Federal Labor Party have attempted to have a motion passed by the Senate to “support a referendum to extend constitutional recognition to local government to recognition of the essential

role it plays in the governance of Australia”. This motion was lost, and the Coalition needs to be called on to support this motion in the future.

Motion 4

Subject: Election Expenses

Motion Text: That Local Councils be given the option to run their own elections due to the exorbitant cost & inefficient manner that the count is carried out by the State Electoral Office.

Note from Council:

Council would have recently received information from the State Electoral Office giving them an indication of the level of costs they would be facing for the September 2008 election. The major increase in costs, coupled with the very long period of time the Electoral Office took at the last election to finalise the results, leads Council to the above request.

Shoalhaven City Council have been given an indication that the September 2008 election will cost \$464,000 – this is compared with the cost of the 2004 election \$200,000 and the 2000 election at \$156,000.

Motion 5

Subject: Best Practice Pricing for water in NSW

Motion Text: That the Local Government Act (1993) be amended to allow Local Councils to separately levy water & sewer access charges in association with water usage accounts on a cyclic basis throughout the year.

Note from Council:

The Local Government Act (1993) has provisions in regard to payment of rates that are specifically focussed on the payment of rates by quarterly instalment spread throughout the year. Those Councils wishing to levy water and sewer charges on a separate rate notice along with usage charges are unable to do so due to the provisions of the Act being too rigid.

Motion 6

Subject: Part 3A – Major Projects

Motion Text: That a review be undertaken to address the following problems that currently affect projects being determined under Part 3A:

The lack of community consultation

The lack of revenue that flows to Council from these applications

The reduction in Section 94 contributions being levied

The local Council, and by extension the local community being excluded from the process

Note from Council:

Part 3A applications have been put forward by the State Government as a way of streamlining the approval process for major developments. However many Councils are finding this process has major implications on their resources as well as for their community.

Most residents do not fully understand the difference between Councils and the State Government being the consent authority and are therefore confused when they do not get advised of significant development proposals in the manner they are use to by their local Council. Consequently there is often considerable frustration both by residents and Council staff when details of 3A applications have not been distributed adequately within their community. Enquires can be difficult to answer when state officers are not readily available to discuss these projects.

Additional, the expectations of Councils to provide details of relevant issues, detailed assessment comments and potential conditions of approval without any fee revenue is completely unrealistic. For some Councils who have a significant number of 3A applications this impact is dramatic. Such is the drain on resources, it can materially affect the Councils ability to meet reasonable performance targets for normal development applications.

More fundamentally, the 3A process is removing from Local Government the ability to make their own decisions on applications that affect their communities. 3A applications are not just those very large and complex applications that most would regard as of State significance. Increasingly they also involve far simpler applications that should be processed at a local level. This is particularly the case in coastal locations.

Motion 7

Subject: NSW Local Government Grants Commission

Motion Text: That the formula used by the NSW Local Government Grants Commission for distribution of the Financial Assistance Grant be reviewed to ensure that no Local Councils are penalised through temporary shifts in the land value of properties in their Local Government Area.

Note from Council:

The present formula used by the NSW Local Government Grants Commission has a component that measures the ability of each local council to raise revenue. This component is based on the movements in land value with the local government area as supplied by the Valuer Generals Department.

The use of changes in land value to measure the ability the local council has to raise revenue can lead to some Councils receiving major reductions in their Financial Assistance Grant. The Financial Assistance Grant is a major source of revenue for local councils, and it is not equitable for some councils to receive reductions in this grant when the total amount of grant received by the state increases by over 3% each year.

Motion 8

Subject: Code of Conduct training

Motion Text: That the Local Government Act General Regulations be amended to require mandatory training for Councillors on the requirements of the Code of Conduct & Pecuniary Interest declarations.

Note from Council:

Many of the breaches of the Code of Conduct or the rules regarding pecuniary interest declarations occur due to the lack of knowledge of the requirements on behalf of elected representatives. It is of vital importance that all elected representatives are fully educated on the

requirements that the Code of Conduct and the Local Government Act & regulations place upon them, and for this reason, training on these issues should be mandatory for all Councillors immediately following an election.

Motion 9

Subject: Guidelines on motions to be debated at the LGA Conference

Motion Text: That clear guidelines be established to guide delegates on what type of motions should be debated at the Local Government Association Conference.

Note from Council:

In the past there has been a wide variety of motions debated at the LGA Conference, and it is felt that many of them really don't relate much to issues being faced by the majority of Local Councils in NSW. In previous years, national issues such as the war in Iraq have been debated, and although a very important issue, should not be the subject of debate at a Local Government Association Conference. If clear guidelines were established on the type of issues that should be debated, delegates would be better placed to make informed decisions on what motions to propose.

Motion 10

Subject: Local Environmental Plan Review Panel

Motion Text: That the Local Government Association lobby the NSW State Government to allow Local Councils to directly address the LEP Review Panel

Note from Council:

There is currently a lack of opportunity for adequate direct representation to the LEP Review Panel and often the importance and benefits of a particular LEP amendment may not be adequately relayed to the Panel.

The ability to answer questions or present information direct to the panel would avoid the time and resources wasted in the present extended communication trail.

Nomination of Delegates

Council is entitled to nominate four delegates who may vote on all matters before the Conference. Council's delegates and observers are accompanied by the General Manager.

The Local Government Association must be advised by Monday 1st October 2007 of the names of Council's delegates.

RECOMMENDED 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) Council determine its voting delegates for the 2007 Local Government Conference.
- d) The Motions, as printed in the above report be considered by Council and, if accepted, be submitted to the Local Government Association of New South Wales for inclusion in the Conference Agenda.

3. Record of Investments

File 2126

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

Below is a list of investments as at 30th June 2007:

RECORD OF INVESTMENTS as at 30th June 2007

TOTAL CASH AND INVESTMENTS

TOTAL CASH	3,585,560
TOTAL INVESTMENTS	120,497,247
	124,082,807

LESS CASH & INVESTMENTS HELD IN RELATION TO RESTRICTED ASSETS

LEAVE ENTITLEMENTS	5,667,202
WASTE DISPOSAL	1,965,307
STRATEGIC PROJECTS GENERAL	23,496,438
MULTI PURPOSE CULTURAL & CONVENTION CENTRE	14,000,000
OTHER INTERNAL RESERVES	6,178,212
SECTION 94	15,501,573
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	5,094,607
SECTION 64 WATER	2,902,893
WATER CONSTRUCTION WORKS	25,966,578
TOTAL RESTRICTED	109,365,553

UNRESTRICTED CASH AND INVESTMENTS

GENERAL	12,717,254
WATER	1,000,000
WASTE WATER	1,000,000
TOTAL UNRESTRICTED	14,717,254

Record of Investments as at 30th June 2007

Institution	Credit Rating	Security Type	Principal	Terms	Interest Rate	Date Matured	SCC Inv No
ADELAIDE MANAGED FUNDS	AAA	At Call	3,000,521.92	At Call	6.40%	At Call	2302
CBA	A1+	BB	1,988,979.42	32	6.32%	3/07/2007	2916
WESTPAC	A1+	BB	969,332.45	181	6.38%	5/09/2007	2887
LGFS	A1	CRI	1,000,000.00	91	6.64%	12/07/2007	2793
Police Credit Union LTD (SA)	NR	CRI	1,000,000.00	91	6.83%	16/04/2008	2995
Railways Credit Union	NR	CRI	5,000,000.00	90	6.73%	16/02/2009	2988
BANK OF QLD	BBB	FRN	1,500,000.00	91	6.68%	17/03/2008	2918
Bendigo Bank	BBB	FRN	3,000,000.00	92	6.66%	25/08/2010	2989
HSBC	A	FRN	2,000,000.00	91	7.23%	16/07/2007	2905
Macquarie Bank	A-	FRN	1,000,000.00	92	7.22%	18/02/2008	2902
Australian Central Credit Union	NR	TD	500,000.00	367	7.09%	30/06/2008	2997
Australian Central Credit Union	NR	TD	2,000,000.00	92	6.60%	21/08/2007	2952
Australian Central Credit Union	NR	TD	2,000,000.00	366	6.92%	1/05/2008	2992
Bendigo Bank	NR	TD	2,000,000.00	366	6.71%	5/06/2008	2996
CITIBANK	A1+	TD	2,500,000.00	94	6.57%	26/07/2007	2879
CITIBANK	A1+	TD	3,000,000.00	125	6.43%	3/07/2007	2965
CITIBANK	A1+	TD	3,000,000.00	273	6.63%	27/02/2008	2864
CITIBANK	A1+	TD	6,000,000.00	366	6.86%	27/06/2008	2868
Credit Union Australia	NR	TD	1,500,000.00	180	6.59%	10/09/2007	2882
HORIZON	NR	TD	1,000,000.00	152	6.51%	6/08/2007	2959
HORIZON	NR	TD	1,500,000.00	120	6.65%	20/07/2007	2880
HORIZON	NR	TD	2,000,000.00	92	6.60%	13/09/2007	2994
HORIZON	NR	TD	3,000,000.00	188	6.70%	2/01/2008	2985
IMB	A3	TD	1,500,000.00	127	6.65%	29/08/2007	2964
IMB	A3	TD	2,500,000.00	153	6.53%	15/08/2007	2886
IMB	A3	TD	3,000,000.00	125	6.50%	26/09/2007	2913
IMB	A3	TD	3,000,000.00	183	6.59%	5/12/2007	2981
IMB	A3	TD	5,000,000.00	181	6.58%	20/08/2007	2987
IMB	A3	TD	5,000,000.00	180	6.58%	28/08/2007	2991
LGFS	A1	TD	1,000,000.00	28	6.40%	4/07/2007	2861
LGFS	A1	TD	5,000,000.00	153	6.50%	1/08/2007	2990
NAB	A1+	TD	2,500,000.00	86	6.37%	25/07/2007	2961
Police Credit Union LTD (SA)	NR	TD	1,000,000.00	367	7.19%	30/06/2008	2999
Savings and Loans Credit Union	NR	TD	500,000.00	367	7.04%	30/06/2008	2998
Savings and Loans Credit Union	NR	TD	1,000,000.00	365	6.92%	8/05/2008	2993
Savings and Loans Credit Union	NR	TD	1,500,000.00	64	6.56%	23/08/2007	2907
Savings and Loans Credit Union	NR	TD	1,500,000.00	180	6.64%	10/09/2007	2881
T/CORP	A1+	TD	1,014,000.00	365	6.24%	4/10/2007	2842
T/CORP	A1+	TD	3,290,000.00	365	6.24%	4/10/2007	2842
NAB	A1+	MATD	70,649.89	367	6.75%	30/06/2008	2300
Aberdeen Cash Plus	Af	MGMD FD	4,481,668.61	At Call	6.54%	At Call	2915
Macquarie Income Plus	Af	MGMD FD	1,132,585.44	At Call	6.57%	At Call	2915
Merrill Lynch Diversified Credit Fund (Class D)	Af	MGMD FD	4,000,987.78	At Call	4.51%	At Call	2301
Perpetual Investments	Af	MGMD FD	3,342,389.87	At Call	6.52%	At Call	2915
GRANGE SECURITIES		IMP	17,433,643.03	At Call	7.71%	At Call	2984
CBA	A1+	O/S	725,488.27	180	6.60%	28/05/2009	2732
NAB	A1+	O/S	547,000.36	120	5.87%	26/06/2008	186

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 30th June 2007 be received for information.

4. Tenders for Demolition of Existing Amenities Building and Reconstruction of New Amenities Building at the Lake Tabourie Tourist Park File 36212

One of Council's Management Plan targets for its Holiday Haven Tourist Parks is the upgrading of amenity facilities in Tourist Parks in line with industry standards and client expectations. The small toilet block in the Red are of Lake Tabourie Tourist Park has been identified as in need of replacement with a full facility catering for the large numbers of visitor and holiday van sites at the park.

Council adopted a recommendation (Min07.588) at its May meeting to call for Expressions of Interest for the Demolition and Construction of Lake Tabourie Amenities Building.

Six (6) Expressions of Interest were received of which five (5) were valid. All five valid Expressions of Interest were assessed as suitable and were invited to tender. Tenders closed on 13 July 2007.

Tenders were received from five (5) prospective contractors and are summarised as follows:

Tenderer	Price	Comment
Holmwood Builders Pty Ltd Trading as ProCorp Builders	\$380,132.00	Concerns regarding allowances for certain aspects at work.
Greg Lamont Constructions Pty Ltd	\$478,645.00	Price reflects appropriate qualities and finish.
Pearce & Percy Constructions	\$472,187.00	As above
ABLOCK Builders Pty Ltd	\$447,670.00	As above
Batmac Constructions (NSW) Pty Ltd	\$491,347.35	As above

Evaluation of the tenders was carried out by Council staff and gave regard to the total cost of the submission (and cost components), experience, OH&S and environmental management, timing of project delivery and tenderers resourcing capabilities.

All tenders provided satisfactory information regarding OH&S and environmental management procedures and policies.

Holmwood Builders Pty Ltd submitted a significantly lower tender than others. Analysis of the submission indicates that allowances for concreting and brickwork and finishing (windows/doors/locks, tiling and painting) are significantly lower than expectations and the estimates provided by other tenderers. It is considered that the allowances tendered may result in an inferior result and/or claims for variations increasing the tendered price. It is considered that this poses unnecessary risk for satisfactory delivery of the project.

Of remaining tenderers the order of merit is:

- a) Ablock Builders(\$447,670)
- b) Greg Lamont Constructions (\$478,645)
- c) Pearce & Percy (\$472,187)

Evaluation of the tenders has taken into consideration expected additional costs for solar and gas hot water systems. This consideration does not affect the recommendation. The budget available to fund the project consists of \$191,000 in 06/07 and \$250,000 in the 07/08 Budget - a total of \$441,000. The additional funds required will be found from within the General Holiday Haven capital works program.

RECOMMENDED that:

- i) **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.**
- ii) **Council enter into a contract with ABLOCK Builders Pty Ltd as above and the Contract be completed under the Seal of Council if necessary.**

5. Indicative Cost of 2008 Election

File 18854-02

Following a review of operations of the Electoral Commission, preliminary advice from the Electoral Commission of New South Wales has been received indicating that the full cost of conducting the 2008 Council elections will be met by Councils.

The indicative cost presented by the Electoral Commission for the 2008 election is \$464,800 for this Council. This estimate does not take into account the costs associated with mayoral elections, referendums or polls.

Previous Council elections were conducted on a partial cost recovery basis and the cost to this Council for the 2000 and 2004 elections were \$156,850 and \$199,946 respectively.

It is intended that the costs charged will be actual costs with no overheads and a management fee of \$195.00 per hour will be charged for staff members, which will be divided amongst Councils. This fee includes the Commission's cost associated with maintaining infrastructure to provide election services such as customised local government computer systems, manuals for Returning Officers and candidates, training and the staff understanding to Local Government Election legislation.

The Local Government and Shires Association describe this action by the State Government as another example of cost shifting by the State Government. Undertakings were previously given to the Associations that Local Government would be consulted further on this aspect, which has not occurred.

From a Council perspective it is another example of Council being expected to absorb a State Government imposed increase in its operations of 140% at a time when rate increases are pegged to the CPI. The effect of this is that it will impact on infrastructure costs in the 2008/09 year.

There are a range of options where Local Government Authorities either as one body or individually can protest such action. This may take the form of representations from the Local Government and Shires Association, political intervention, protests, media campaigns and the like. However it is submitted that consideration be given to this Council placing the Minister of Local Government on notice that it intends to seek a special one off rate increase to meet the increased cost of the 2008 election and future election years to offset this cost to Council's bottom line.

SUBMITTED for consideration of Council

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

R.D Pigg
GENERAL MANAGER

ADDENDUM REPORT OF THE GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 24TH JULY 2007

CITY SERVICES AND OPERATIONS

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

The Crown Reserve Community and Commercial Operations Committee considered a report at its meeting on 17 July 2007 regarding a funding offer of \$128,520 from the Southern Rivers Catchment Management Authority for Council's reserve at Mt Coolangatta. The Committee expressed concerns about entering into a Property Vegetation Plan (PVP) for a 42ha area of the reserve, in perpetuity, received the report for information and requested the grant application condition be further investigated.

Following the meeting, staff contacted the Southern Rivers Catchment Management Authority to request the removal of the condition to enter into a Property Vegetation Plan in perpetuity. The CMA advised that they required the PVP in perpetuity because the amount of funding requested exceeded the 10% normally allocated for public land under this funding program. However, they also indicated that if the grant was reduced to less than \$100,000 that the condition could be modified to require Council to enter into a PVP for the 42ha area for a 15 year period consistent with the Plan of Management. A copy of the previous report is attached.

The funding application for \$128,520 over a four year time period was made to the CMA's Bush Incentives Bid program because it offers 100% funding, does not require 50% contribution and the funding application does not need to go through a community body such as a Bushcare/Landcare group. No Bushcare group operates on this reserve. If Council was to accept the condition of entering into a PVP for 15 years for up to \$100,000 of grant funding, a significant impact could still be made on the heavily weed infested area of the reserve.

Council may prefer to reject this grant and make applications for funding under alternative programs, however limits generally apply as outlined below:

- The Southern Rivers Catchment Management Authority Biodiversity Program – conditions include matching of 50% contribution to the project, either in-kind or financial.
- National Heritage Trust Envirofund – conditions generally include 50% funding by Council (cash or, in kind, or volunteer work) and there is an upper limit of \$50,000.

Council therefore has a number of options available to it in relation to this grant offer:

Option 1: Agree to enter into a Property Vegetation Plan (PVP) with the Southern Rivers Catchment Management Authority, on the 42 ha site within Mt Coolangatta

Reserve in perpetuity, as a condition of receiving grant funding of \$128,520 under the Southern Rivers Catchment Management Authority's Bush Incentives Bid Program.

- Option 2:** Agree to enter into a Property Vegetation Plan (PVP) with the Southern Rivers Catchment Management Authority, on the 42ha site within Mt Coolangatta reserve for a 15 year period, as a condition of receiving grant funding of up to \$100,000 under the Southern Rivers Catchment Management Authority's Bush Incentives Bid Program.
- Option 3:** Council not agree to enter into a Property Vegetation Plan (PVP) with the Southern Rivers Catchment Management Authority on the 42 ha site within the Mt Coolangatta Reserve as a condition of receiving grant funding under the Southern Rivers Catchment Management Authority's Bushcare Incentives Bid Program and risk losing the grant offer.
- Option 4:** Reject the grant offer of the Southern Rivers Catchment Management Authority and the General Manager (City Services & Operations) seek grant funding to undertake environmental improvement works within Mt Coolangatta Reserve from funding sources that do not require Council to enter into a Property Vegetation Plan (PVP) as a condition of receiving the grant.

SUBMITTED for consideration.

2. Cambewarra Tower, Building Package

File 36194

Cambewarra Tower Redevelopment consists of three (3) packages:

1. Tower supply and installation;
2. Buildings
3. Electrical and communications fitout.

The tower supply and installation was let in January 2007 and the contractor has completed the footings and has commenced the tower installation. The erection of the tower has experienced recent delays due to high winds and is now programmed to be complete in mid August 2007.

Following completion of the tower, the buildings and associated site works will commence. These works can not run concurrently as safety requirements do not permit the building works to be undertaken beneath the tower installation works.

Tenders for the building works package were advertised in Shoalhaven and Sydney newspapers and closed on 19 July 2007.

Five tenders were received as follows (all excluding GST).

Assist Building & Maintenance	South Nowra	\$344,700.00
Bilas Knight	Cobbitty	\$350,631.00
Ablock Builders	Ulladulla	\$355,215.53
Greg Lamont Constructions	Nowra	\$355,512.00
Construct, Maintain, Manage	Batemans Bay	\$468,186.50

The lowest tender was submitted by Assist Building & Maintenance.

Evaluation of all tenders has concluded that the tender of Assist Building & Maintenance included all tender schedules and these are satisfactory. Assist Building & Maintenance have sufficient relevant experience and expertise to undertake the works satisfactory.

Funding is provided as a component of the Cambewarra Tower Redevelopment managed by Information Technology Group.

The site will become available once Future Engineering & Communications complete the erection of the tower.

RECOMMENDED 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.**

B Paterson
ACTING DIRECTOR CITY SERVICES & OPERATIONS

J Gould
ASSISTANT GENERAL MANAGER

R.D Pigg
GENERAL MANAGER

ADDENDUM REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 24 JULY 2007

STRATEGIC PLANNING

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 matter is submitted as an addendum as following the recommendation from the Development Committee on 10 July 2007 further advice has been sought on Council's indemnity, which is provided under Section 733 of the Local Government Act 1993.

While the issue of Council's indemnity under Section 733 was reported to the Development Committee there was no detail as to the likelihood or otherwise of losing this indemnification.

Advice from Gadens Lawyers has now been received and is summarised as follows (full copy of advice attached (Attachment A):

- *Councils are entitled to protection from liability under section 733(1) of the Act if the Councils actions relating to the granting of development consent are done in good faith.*
- *Under section 733(4) the Council is taken to have acted in good faith if the action (i.e.the granting of consent) is 'substantially in accordance with' the principles contained in the Manual. However, the Court has previously held that Council may prove 'good faith' other than by reliance on the Manual. Similarly, full compliance with the manual is not required but "substantial compliance" is needed. Accordingly, Council will not **automatically** lose its statutory protection under section 733(1) of the Act if it proceeds to approve the DA with knowledge that the approval of the DA is inconsistent with the Manual.*
- *However, we note that the benefit of section 733(4) is that once Council has proved that it acted substantially in accordance with the Manual, the burden of proof shifts to the applicant to prove otherwise. Accordingly, we consider that it would be far easier for Council to prove that it has acted in good faith if it acts in accordance with the Manual.*
- *If Council does not act in accordance with the Manual in circumstances where Council's officers have raised substantial concern in relation to the risk of flooding, Council would be significantly more susceptible to a claim against it than might otherwise be the case.*
- *If a Court were to rule that Council is not in this case exempt from liability under section 733, Council would then become susceptible to being found liable for damages as a result of any injury, death or damage to persons or property arising from the flooding of the property.*
- *In this regard, we are concerned that there is a risk that Council may be found negligent in approving the DA when Council officers consider there to be a "significant risk" of harm.*

-
- *At the very least, Council should consider engaging an independent flooding consultant to carry out an independent flooding analysis (perhaps at the applicant's expense) in light of the difference of opinion between Council's Floodplain Management Unit and Morse McVey. That would no doubt assist to establish "good faith".*

Based upon the facts as we understand them and taking a cautious approach, we recommend that Council should not approve the DA unless it is satisfied that the principles in the Manual are complied with. If Council is to approve the DA, we would recommend that Council at the very least ensure that the development consent is appropriately conditioned to reduce the risk of injury and damage from flooding and to ensure substantial compliance with the Manual. Further, the Property must be clearly identified as being flood-liable in any section 149 certificate issues for the Property so as to put any future purchasers on notice.

In recognition of the above and the substantial concern raised by the report to the Development Committee it is recommended that Council obtain independent advice by an appropriate flood expert, which confirms full compliance with the Manual is not required in this particular instance, taking into account, the need to deal with development in the flood plain area in an overall strategic sense.

RECOMMENDED that Council obtain independent advice by an appropriate flood expert, which confirms full compliance with the Manual is not required in this particular instance.

E J Royston
DIRECTOR, STRATEGIC PLANNING

J Gould
ASSISTANT GENERAL MANAGER

R.D Pigg
GENERAL MANAGER

LEGAL DOCUMENTS

ORDINARY MEETING

TUESDAY, 24 JULY 2007

STRATEGIC PLANNING

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

RECOMMENDED 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.**

Note:

A Lease of Shop 41 to Deborah Dunn is currently with Morton & Harris, Solicitors for registration. They have advised that before the lease can be registered Council must execute a Request to the Registrar General to have the previous lease to Darko Klicek removed from the title to the land.

E J Royston
DIRECTOR, STRATEGIC PLANNING

J Gould
ASSISTANT GENERAL MANAGER

R.D Pigg
GENERAL MANAGER

LEGAL DOCUMENTS

ORDINARY MEETING

TUESDAY, 24 JULY 2007

DEVELOPMENT AND ENVIRONMENTAL SERVICES

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

REASON FOR REPORT

A request has been made to vary a restriction as to user on the title of Lot 6 DP 877112, North View Close, Coolangatta in relation to the location of the building envelope on the land. Council is the authority empowered to vary release or modify this restriction (see **Attachment 'A' for location**).

BACKGROUND

A development application (DA04/3544) was lodged on 3 November 2004 for a new dwelling located outside the dwelling envelope on the property, denoted as a Restriction as to User (RATU) on the 88B instrument lodged with Land and Property Information Office (LPI). After consideration, the dwelling was approved in the location as submitted in accordance with Clause 37 of Shoalhaven Local Environmental Plan 1985 (SLEP 1985).

Clause 37 states:

"37 Suspension of covenants, agreements and instruments

- (1) This clause applies to development on land within any zone.*
- (2) For the purpose of enabling development to which this clause applies to be carried out in accordance with this plan or with a consent granted under the Act, any agreement, covenant or instrument that restricts the carrying out of that development shall not apply to the extent necessary to serve that purpose.*
- (3) Nothing in subclause (2) affects the rights or interests of any public authority under any registered instrument."*

Advice given subsequently to the applicant was for the applicant to lodge appropriate forms with Council to vary the building envelope RATU shown on the 88B instrument originally lodged with LPI. This report is in compliance with that advice (see **Attachment 'B'**).

The RATU is proposed to be varied to the following:

"No building shall be erected on Lot 6 which is located west or south of the line denoted A – B – E – F – C – D on sheet 2 of the plan dated 10 April 2007 prepared by Anthony R Aulsebrook registered surveyor annexed to this deed."

The proposed variation complies with the approved Development Consent (DA04/3544) issued for the dwelling.

CONCLUSION

The applicant has lodged a request for Variation to a Restriction as to User form, to vary the location of the building envelope on Lot 6 DP 877112, North View Close, Coolangatta. The location is in accordance with the approved Development Consent for a new dwelling and it is considered appropriate to fulfil the applicant's request by executing the submitted legal documents, under the seal of Shoalhaven City Council.

RECOMMENDED 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.

Tim Fletcher

DIRECTOR DEVELOPMENT AND ENVIRONMENTAL SERVICES

R.D Pigg

GENERAL MANAGER

NOTICES OF MOTION

ORDINARY MEETING

TUESDAY, 24TH JULY, 2007

1. Lot 2 DP 115688 Ocean Street, Mollymook

File 3599-03

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

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.

Signed
Clr J Willmott

Background

The previous council approved a development on the western portion of this lot, at the time it was not foreseen that the eastern portion could not be developed due to its isolated nature boarded by 7 (a) zoned land the cemetery and Blackwater creek. The potential loss of this vegetation would reduce the ecosystem along the creek as well as visually remove a significant canopy of trees to Mollymook's detriment.

2. Bugong Fire Trail

File 4010

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

It is recommended that:

- a) **Council make urgent representations to the relevant State Government agency(s) and request that said agency(s) expeditiously repair the Bugong Fire Trail**
- b) **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**

Signed
Clr G Ward

Background

During recent wet weather, the Bugong fire trail became veritably impassable for its residents who live in this area. While the maintenance of this trail is not a Council responsibility, residents have

requested some clarity on matters of maintenance relating to this trail as well as State Government obligations in this regard.

While the Bugong fire trail is a recent example of where these questions arise, it is important to note that this situation was particularly serious with emergency services refusing to traverse the Bugong fire trail in its present condition.

As this is certainly not the first time this issue has arisen, it would be prudent that staff provide information to Councillors on fire trail issues are resolved and what role Council may have in this regard.

Confidential Business Paper Agenda

GENERAL MANAGER

POLICY AND PLANNING COMMITTEE - 10TH JULY, 2007

Item 1 Threatened Species Assessments in Rural Areas

Reason

Section 10A(2)(a) – the matter is a personnel matter concerning a particular individual.

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.