

SHOALHAVEN CITY COUNCIL

ORDINARY MEETING

To be held on Tuesday, 13th October, 2009
Commencing at 5.00 pm

7th October, 2009

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, 13th October, 2009 commencing at 5.00 pm** for consideration of the following business.

R D Pigg
General Manager

Membership
All Councillors

BUSINESS OF MEETING

PRAYER: Pastor Rodney Davies – North Nowra Baptist Church

1. **Acknowledgement of Traditional Owners**
2. **Australian National Anthem**
3. **Apologies**
4. **Confirmation of Minutes**
Ordinary Meeting – 21st September, 2009
5. **Presentation of Petitions**
6. **Mayoral Minute**
7. **Deputations**
8. **Report of the General Manager – Committees Report**
Report of the Crown Reserve, Community & Commercial Operations Committee – 6th October, 2009
Report of the Development Committee – 6th October, 2009
Report of the Shoalhaven Tourism Board – 22nd September, 2009
Report of the Shoalhaven Entertainment Centre Advisory Committee – 1st October, 2009
9. **Report of the Shoalhaven Traffic Committee – 15th September, 2009** – Item deferred from Ordinary Meeting 21st September, 2009
10. **Report of the General Manager**
Finance & Corporate Services
City Services & Operations
Strategic Planning & Infrastructure / Finance & Corporate Services
11. **Notices of Motion**
12. **Addendum Reports**

Note: The attention of Councillors is drawn to Section 451 of the Local Government Act and Regulations and Code of Conduct regarding the requirements to declare pecuniary and non-pecuniary Interest in matters before Council.

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.

Wording for Acknowledgement of Traditional Owners

“I would like to acknowledge the original custodians on whose land we are meeting today. I would also like to pay my respects to Elders past and present, and welcome all Aboriginal people here with us.”

Australian National Anthem

“Advance Australia Fair”

Australians all let us rejoice
For we are young and free
We’ve golden soil and wealth for toil,
Our home is girt by sea:
Our land abounds in nature’s gifts
Of beauty rich and rare,
In history’s page let every stage
Advance Australia fair,
In joyful strains then let us sing
Advance Australia fair.

Beneath our radiant Southern Cross,
We’ll toil with hearts and hands,
To make this Commonwealth of ours
Renowned of all the lands,
For those who’ve come across the seas
We’ve boundless plains to share,
With courage let us all combine
To Advance Australia fair.
In joyful strains then let us sing,
Advance Australia fair.

TABLE OF CONTENTS

GENERAL MANAGER – COMMITTEE REPORTS	1
Crown Reserve, Community and Commercial Operations Committee – Tuesday 6th October 2009 (Items 1 to 9).....	1
1. Currarong Boat Launching Ramp - Review of Environmental Factors File 4007-08.	1
2. Huskisson White Sands Tourist Park - Public Walkway Security Concerns File 270 .	1
3. Park Enhancement Policy File 29624	2
4. Options for Development of Gateway Park File 14910-02 & 39267	2
5. Policy for the Provision of Skate Parks Policy File 16417	2
6. Icon Park Policy File 12843, 18303 & 27448	2
7. Beach Patrol Service - South Mollymook Beach File 17639-07	2
8. Access Areas for Dogs Policy Proposed Amendment File 3220-07	3
9. Risk Management - Unsupervised Swimming Pools & Sea Pools File 4410E, 5070E, 2233E, 29005E, 29006E, 29007E, 31181E	3
Development Committee – Tuesday 6th October 2009 (Items 10 To 31)	5
10. Land & Environment Court Appeal – DA08/1258 – 75 Site Caravan Park, Manyana, Owner/Applicant: Berringer Road Pty Ltd File DA08/1258	5
11. Development Application - Commercial Additions - Restoration, Reconstruction, Minor Internal Works, Demolition of Old Bakery and Use of Building as Commercial Premises - Lot 4 DP 631087 - 67 Princes Highway, Milton. Applicant: Cowman Stoddart Pty Ltd. Owner: GP & NE Starkey. File DA09/1696 (PDR)	5
12. Development Application - Mobile Telecommunication Base Station (comprising a 40m high monopole and associated headframe with 3 panel antennas and 6 tower mounted amplifiers, an equipment building, security fencing and associated landscaping. DP 1113050 Callala Bay Road, Callala Bay. Applicant: NGH Environmental. Owner: Shoalhaven City Council. File DA09/1516(PDR)	5
13. Development Application for Medium Density Development (9 x 3 bedroom single storey dwellings) with associated car parking - Lot 337 DP 1077197 - Sullivan Street, Worrigea. Applicant: Christopher Robson. Owner: Bayou Land Pty Ltd. File DA09/1893 (PDR)	6
14. Development Application - Commercial development containing a supermarket, six (6) retail shops, associated car parking area for seventy five (75) cars, alterations to the existing traffic network, works within the Weston Street road reserve, signage and associated landscaping. Lots 1477, 1478, 1479, 1480, 1482, 1483, 1484 DP12278 and Lot 1 DP1094219, No.8-22 Weston Street, Culburra Beach. Applicant: Cowman Stoddart Pty Ltd. Owner: Siblow Pty Ltd and Shoalhaven City Council. File DA09/1144 (PDR)	7
15. Policy Review – Strategy Planning Section, Strategic Planning & Infrastructure Group. File 33571-02, 33363-09 & 18107-09 (PDR)	7
16. Draft Local Environmental Plan No. LP 401 – Reclassification of Land at Nowra – Public Exhibition Outcomes File 39248(PDR)	8
17. State Environmental Planning Policy (Affordable Rental Housing) 2009 File 31157-07	8
18. Nowra CBD Liaison Committee File 39962	9

19.	Shoalhaven Contributions Plan Draft Amendment No 99-Ulladulla Town Centre File 38142-02 (PDR)	9
20.	Shoalhaven Contributions Plan Draft Amendment No 77.4 - Planning Area 4 Roads File 28709-02 (PDR)	10
21.	Shoalhaven Contributions Plan Amendment No 77.2 - Planning Area 2 Roads File 28709-02 (PDR)	10
22.	Jerberra Estate Rezoning Investigations File 2653-04 (PDR)	10
23.	Policy Review - Development & Environmental Services Group - Reaffirmation of Development Control Plans and Policies to be Incorporated into Shoalhaven Development Control Plan 2009 File 33571-02 (PDR).....	11
24.	Development Application for four (4) new shops and toilet for the disabled to be located within the rear service area of the existing Settlement Shopping Centre - Lot 1 DP 741976 - 97 Princes Highway, Milton. Applicant: ADS Designs. Owner: John Blackburn. File DA08/2767 (PDR).....	12
25.	Community Consultation Policy for Development Applications (including Subdivisions) and the Formulation of Development Guidelines and Policies (Amendment No 6) File 8139	13
26.	Development Application for proposed Monthly Produce Markets to be held 2nd Saturday of each month at Jindy Andy Mill Complex - 719 Greenwell Point Road, Pyree - Lot 101 DP 629485. Applicant: Sharnah Coulthart. Owner: Sally Marshman. File DA09/1995 (PDR)	13
27.	Review of Council's Compliance Policy File 34946	13
28.	Proposed extension to the existing 15 hole Golf Course comprising three additional holes - Lot 7010 DP 1035145, Scott Street (Staples Street), Shoalhaven Heads. Applicant: Shoalhaven Heads Golf Club Limited. Owner: Department of Lands. File DA08/2312 (PDR)	13
29.	Additional Item – Change of Council Meeting Commencement Time File 3910	14
30.	Interim Measures - Managing Land Degradation in the Heritage Estates, Worroving Heights File 1446-10	14
31.	Draft Shoalhaven Contributions Plan 2010 - Proposed Administrative Changes File 39338-02 (PDR)	14
Shoalhaven Tourism Board – Tuesday 22nd September 2009 (Items 32 to 37)		15
32.	Strategic Review of the Shoalhaven Tourism Board File 1490-09.....	15
33.	Precinct Marketing Program File 1864-08	15
34.	Shoalhaven Tourism Board's Development Program File 32956-03	15
35.	Additional item - Visitor Information Centre File.....	15
36.	Additional Item – Renaming Main Road 92 File.....	16
37.	Budget File 1490-09	16
Shoalhaven Entertainment Centre Advisory Committee – Thursday 1st October 2009 (Item 38).....		17
38.	Proposed Extension of Foyer Area - Shoalhaven Entertainment Centre File 36870	17
SHOALHAVEN TRAFFIC COMMITTEE – 15TH SEPTEMBER, 2009		18
39.	B-Double Route - Braidwood Road (MR92) (PN 2501) File 5525-02	18

FINANCE AND CORPORATE SERVICES	19
40. Southern Phone Company – Annual General Meeting File 26805	19
41. Dolphin Point Inclusion in Ulladulla & Districts Community Forum Boundaries File 26805	20
42. Request for Reinstatement as a CCB - Tomerong Community Forum File 26805	21
43. Pecuniary Interest Returns - 1st July 2008 to 30th June 2009 File 4063-02.....	22
44. Annual Financial Report for the year ended 30th June 2009 File 39889E.....	27
CITY SERVICES AND OPERATIONS	30
45. Annual Groundwater and Leachate Monitoring Reports File 40115	30
STRATEGIC PLANNING AND INFRASTRUCTURE / FINANCE AND CORPORATE SERVICES.....	33
46. Acceptance of Funding and Assistance – Climate Change Risk Assessment and Adaptation File 8596-04	33
NOTICES OF MOTION.....	35
47. Rescission Motion - Northern Shoalhaven Leisure Centre – Nowra Pool Closure File 13775E, 30050E.....	35
48. Joint Regional Planning Panel - Appointment of Council Representatives File 39782E.....	36
49. Public Comment on Development Applications to be determined by the Joint Regional Planning Panel (JRPP) File 39782E	37

DEPUTY MAYORAL MINUTE

ORDINARY MEETING

TUESDAY, 13TH OCTOBER, 2009

1. Hire of the Berry School of Arts - Berry RSL Sub Branch Fundraiser File 7056

I have received representations from Mr Ray Strong (Vice President) on behalf of the Berry RSL (Sub Branch) requesting that Council give consideration to making a donation equivalent to the fees associated with the hire of the Berry School of Arts to conduct a fundraiser for the Berry RSL on Saturday 17 October 2009.

Proceeds from the fundraiser will go towards the restoration of the Berry RSL Hall and upkeep of the memorial gardens.

The fundraiser will be a 'Musical Extravaganza' organized by Mr Les Crosby and other local performers are offering their services free of charge as part of this event.

The Berry RSL (Sub Branch) has continued to make a strong and positive contribution to our local community with this event being an example of their work to enhance and improve important community assets.

RECOMMENDED that Council make a donation from the Unallocated Donations Vote being the cost of the hire of the Berry School of Arts on Saturday 17 October 2009 to assist the Berry RSL (Sub Branch) host its Musical Extravaganza with all proceeds going towards the Berry RSL Hall and Memorial Gardens.

GARETH WARD
Deputy Mayor

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 13TH OCTOBER 2009

GENERAL MANAGER – COMMITTEE REPORTS

CROWN RESERVE, COMMUNITY AND COMMERCIAL OPERATIONS COMMITTEE – TUESDAY 6TH OCTOBER 2009 (Items 1 to 9)

1. **Currarong Boat Launching Ramp - Review of Environmental Factors** File 4007-08

Clr Young declared her significant, non pecuniary interest in the matter being that Graham McKee was her legal advisor on a business matter and P S Smith Surveyors may have provided advice on that matter and left the room and did not take part in discussion or vote on this matter.

RECOMMENDED that Council proceed with the construction of the Boat Launching Ramp within the Yalwal Street Reserve, Currarong as described in the REF and,

- a) It is unlikely that there will be any significant environmental impact as a result of the proposed work;
- b) The proposed safeguards identified in the report are to be adopted;
- c) No Environmental Impact Statement is required for the proposed works;
- d) Council proceed with the tenders for the project with a view of construction commencing in 2010;
- e) An urgent Councillor Briefing be scheduled on the matter, including the legal issues, before the next Ordinary meeting of Council.

Finance & Corporate Services

2. **Huskisson White Sands Tourist Park - Public Walkway Security Concerns** File 2701-03

RECOMMENDED that Council install a gate on the southern end of the Huskisson White Sands walkway to complement the existing gate on the northern end so that it can be closed on selected occasions during peak tourist visitation times between 9.30pm and 6.30am (to protect park patrons).

Note by General Manager: Funding for this work will be provided from the normal maintenance budget for the Holiday Haven Tourist Parks operations.

Strategic Planning & Infrastructure

3. Park Enhancement Policy File 29624

RECOMMENDED that no changes be made to the Policy other than to amend the Community & Operations Group to the Strategic Planning and Infrastructure Group to reflect Council's current structure at this time.

4. Options for Development of Gateway Park File 14910-02 & 39267

RECOMMENDED that Council:

- a) Reaffirm its commitment to the original Concept Plan;
- b) Write to the Minister for Justice and ascertain the likelihood of a correctional centre based working group to help construct and maintain the gardens; and
- c) Investigate the possibility of community volunteers, Bushcare Groups and the Illawarra Retirement Trust to assist with the maintenance and upkeep of the proposed gardens.

5. Policy for the Provision of Skate Parks Policy File 16417

RECOMMENDED that:

- a) Council amends the Provision of Skate Parks Policy (POL08/375) in accordance with the recommendations in the report and as shown in the Attachment;
- b) Council support the location of the Sussex Inlet Skate Park at the Thompson Street Complex and support any application it for State Government funding.

6. Icon Park Policy File 12843, 18303 & 27448

RECOMMENDED that Council adopts the amended Icon Park Policy in accordance with the recommendations in the report.

City Services & Operations/Finance & Corporate Services

7. Beach Patrol Service - South Mollymook Beach File 17639-07

RECOMMENDED that:

- a) The General Manager (City Services & Operations) extend the provision of professional Beach Patrol Services at South Mollymook Beach for the period Tuesday, 1 December to Friday, 18 December 2009 and Wednesday, 27 January to Friday, 26 February 2010;
- b) Council allocate funds of \$28,885 (exGST) for the extended services, the funding to be sourced from General Revenue Funds

Note by General Manager: As pointed out to the committee this recommendation affectively increases the projected deficit for 2009/2010. Council may also wish to make

clear its intentions whether the extended period applies in future years or for 2009/2010 only.

Development & Environmental Services/Strategic Planning & Infrastructure

8. Access Areas for Dogs Policy Proposed Amendment File 3220-07

RECOMMENDED that:

- a) Council amend the Access Areas for Dogs Policy to show that Cormorant Beach, Bawley Point become a 24 hour access area and Gannet Beach, Bawley Point have access from 4.00 pm to 8.00 am;
- b) Council endorse the advertising of the proposed amendments to Access Areas for Dogs Policy;
- c) All Community Consultative Bodies be advised of the proposed amendments;
- d) Following the advertisement period the matter be reported back to Council;

City Services & Operations

9. Risk Management - Unsupervised Swimming Pools & Sea Pools
File 4410E, 5070E, 2233E, 29005E, 29006E, 29007E, 31181E

RECOMMENDED that in regard to Risk Management – Unsupervised Swimming Pools and Sea Pools the item be deferred to an urgent Councillor Briefing to consider the information provided.

Note by General Manager: The staff recommendation in the report to the committee was:

RECOMMENDED that Council select an Option for implementation for management of village swimming pools and sea pools:

Either:

- a) Option 1- Implement in accordance with the provisions of the LOGOV Report Recommendation 1 and 4.*
- b) Vote funding of \$158,290 to implement Option 1*

Or:

- c) Option 2 - Implement in accordance with the provisions of the LOGOV Report Recommendation 2.*
- d) Rescind the Water Safety Policy POL05/27 & POL08/297*
- e) Adopt and implement an interim Water Safety Policy in accordance with LOGOV Recommendation 2.*
- f) Vote funding of \$69,780 to implement Option 2.*

Or:

g) *Rescind MIN09.581 Part (a) (i) (ii) and implement Option 3 reinstate full time supervision at village swimming pools and sea pools 6am – 6pm 1/11/09- 30/04/09.*

h) *Vote funding of \$260,000 to implement Option 3.*

And:

i) *Vote funding of \$28,000 to meet implementation costs incurred to date.*

DEVELOPMENT COMMITTEE – TUESDAY 6TH OCTOBER 2009 (Items 10 to 31)

General Manager

10. Land & Environment Court Appeal – DA08/1258 – 75 Site Caravan Park, Manyana, Owner/Applicant: Berringer Road Pty Ltd File DA08/1258
-

Clr Watson, Young, Proudfoot, Kearney declared their less than significant, non pecuniary interest in the matter being that a company with the same directorship donated to the Shoalhaven Independents Group. They explained that no further action is necessary as:

- a) the donor is a different entity to the owner and applicant for this Development Application;
- b) that as there were 21 Shoalhaven Independents Group candidates in the election the contribution is not significant;
- c) the contribution was made to a registered political party;
- d) discussions with the Department of Local Government had confirmed this position.

RECOMMENDED that Council not accept the Applicant's offer.

Development & Environmental Services

11. Development Application - Commercial Additions - Restoration, Reconstruction, Minor Internal Works, Demolition of Old Bakery and Use of Building as Commercial Premises - Lot 4 DP 631087 - 67 Princes Highway, Milton. Applicant: Cowman Stoddart Pty Ltd. Owner: GP & NE Starkey. File DA09/1696 (PDR)
-

RECOMMENDED that in respect of DA09/1696 for Commercial Additions - restoration, reconstruction, minor internal works, demolition of old bakery and use of building as commercial premises, Lot 4 DP 631087, 67 Princes Highway, Milton that:

- a) Council accept the applicant's proposal for existing car parking credits and the proposal to retain the existing two car spaces off the highway as a variation to DCP 18 Car Parking Code and waive the requirement to pay contributions for the additional demand of one car space on the basis of the conservation incentives in the code for heritage items;
 - b) The application be determined under delegated authority.
12. Development Application - Mobile Telecommunication Base Station (comprising a 40m high monopole and associated headframe with 3 panel antennas and 6 tower mounted amplifiers, an equipment building, security fencing and associated landscaping. DP 1113050 Callala Bay Road, Callala Bay. Applicant: NGH Environmental. Owner: Shoalhaven City Council. File DA09/1516(PDR)
-

Clrs Ward, Bennett, Young, Watson, and Russ Pigg declared their less than significant non pecuniary interest in the matter being that they are Directors of Southern Water

Services, a company owned by Council, who is the consent authority. They explained that no further action was necessary as no decision was being made.

Clr Brumerskyj declared his pecuniary interest in the matter being that he is employed by Optus, who is in direct competition to Telstra and left the room and did not take part in discussion or vote on this matter.

RECOMMENDED that in respect of DA09/1516 for the proposed mobile telecommunications base station at DP 1113050, Callala Bay, this matter be deferred to the next Development Committee meeting pending advice from the General Manager on any potential conflicts of interest that Council may have with respect to Southern Water Services and Council's role as the determining authority for this application.

13. Development Application for Medium Density Development (9 x 3 bedroom single storey dwellings) with associated car parking - Lot 337 DP 1077197 - Sullivan Street, Worrigea. Applicant: Christopher Robson. Owner: Bayou Land Pty Ltd. File DA09/1893 (PDR)

RECOMMENDED that in respect of DA09/1893 for the proposed medium density development (9 x 3 bedroom single storey dwellings) with associated car parking - Lot 337 DP 1077197 Sullivan St, Worrigea;

- a) A variation of Acceptable Solution A1 in Design Element - 3.1.3 Site Density of Council's Development Control Plan 71 – Medium Density Housing be supported;
- b) A variation of Performance Criteria P6 in Design Element - 3.2.1 Streetscape, Building Appearance and Front Setbacks of Council's Development Control Plan 71 – Medium Density Housing be supported;
- c) A variation of Acceptable Solution A2 in Design Element - 3.2.1 Streetscape, Building Appearance and Front Setbacks of Council's Development Control Plan 71 – Medium Density Housing be supported;
- d) A variation of Acceptable Solution A4 in Design Element - 3.3 Building Siting and Design of Council's Development Control Plan 71 – Medium Density Housing be supported;
- e) A variation of Performance Criteria P2 in Design Element - 3.3.4 Car Parking Provisions and Dimensions of Council's Development Control Plan 71 – Medium Density Housing be supported;
- f) A variation of Performance Criteria P3 in Design Element - 3.3.4 Car Parking Provisions and Dimensions of Council's Development Control Plan 71 – Medium Density Housing be supported;
- g) That the application be determined under delegated authority;
- h) That because of the multiple street frontage to the subject land Council believes the proposed application is the best way to achieve the overall objectives of the DCP.

Development & Environmental Services/Strategic Planning & Infrastructure

14. Development Application - Commercial development containing a supermarket, six (6) retail shops, associated car parking area for seventy five (75) cars, alterations to the existing traffic network, works within the Weston Street road reserve, signage and associated landscaping. Lots 1477, 1478, 1479, 1480, 1482, 1483, 1484 DP12278 and Lot 1 DP1094219, No.8-22 Weston Street, Culburra Beach. Applicant: Cowman Stoddart Pty Ltd. Owner: Siblow Pty Ltd and Shoalhaven City Council. File DA09/1144 (PDR)
-

RECOMMENDED that;

- a) The variations to Development Control Plan No.30 - Culburra Commercial Area as requested that relate to the internal access road/servicing, building footprint, setbacks and parking for vehicles towing caravans/trailers be supported;
- b) The one way traffic proposal being one way, west to east along Redbank Lane and one way, east to west, along Weston Street, Culburra Beach be supported;
- c) The angled car parking in Weston Street is constructed so it is nose in angled car parking (i.e. as shown on plan reference no MS2078);
- d) The Voluntary Planning Agreement between Shoalhaven City Council and *Siblow Pty Ltd* (dated 15 September 2009) *that is associated with DA09/1144 be supported and Council resolves that due to the following reasons:*
 - i) The developer (being the registered proprietor of the relevant land) is the only entity capable of dedicating that land to Council;
 - ii) The developer is the only entity which can carry out works to provide a material public benefit as an offset against s94 Contributions it will be required to pay; and
 - iii) If Council accepted only land and works equivalent to the amount of the s94 contributions, the works would not be complete and the facilities would not be functional.

It is accepted that 'extenuating circumstances' exist and the Council considers a satisfactory result would not be achieved by inviting tenders for works covered under the Voluntary Planning Agreement.

- e) Council resolves that the Voluntary Planning Agreement with Siblow Pty Ltd (associated with DA09/1144) and any other associated documents may be executed by or on behalf of the Council in accordance with cl 165 of the Local Government Regulation by the General Manager.
- f) The development application be determined under delegated authority in accordance with the conclusions and recommendations contained in this report.

Strategic Planning & Infrastructure

15. Policy Review – Strategy Planning Section, Strategic Planning & Infrastructure Group.
File 33571-02, 33363-09 & 18107-09 (PDR)
-

RECOMMENDED that Council:

-
- a) Reaffirm the following policies and reconsider them in conjunction with the development and completion of the Shoalhaven LEP 2009, Citywide DCP, Citywide Growth Management Strategy and Community Strategic Plan Process or other work that is underway:

Development – Built Environment (POL08/380, 1444)

Development – Coastal Areas (POL08/381, 31329)

Development – Hazardous Industries (POL08/382, 31331)

Development – Highways & Arterial Roads (POL08/383, 31327)

Development – Housing in Residential Zones (POL08/384, 1444)

Development – Main Centre Strategy (POL08/385, 31326)

Development – Natural Hazards (other than flood or bushfire) (POL08/391, 31330)

Development – New Development Areas (POL08/392, 31326)

Development – Nuclear Industries and Activities (POL08/393, 31331)

Development – Public Utilities – Electricity (POL08/394, 31328)

Fair Trading – Dedication of Land for Major Infrastructure Project (POL08/398, 5135)

Kangaroo Valley – Planning Issues & Policies (Min91.3357, 84/2609)

Lake Conjola Village Zone – Residential Development (POL08/407, 1444)

Requests for Council Support for Rural Road Closures (POL08/399, 2895)

- b) Rescind the Policy entitled “Development – Land Retention – Canada Street, Cunjurong Point (Min92.495, DA91/2899)” given that intent of this policy will be implemented through Shoalhaven LEP 2009.
- c) Rescind the Policy entitled “Rezoning – Procedures for Requests (POL08/401, 23426)” given that it has been superseded by State Government changes to the rezoning process and a future report be submitted to Council on a new process/procedure for dealing with rezoning requests.

16. Draft Local Environmental Plan No. LP 401 – Reclassification of Land at Nowra – Public Exhibition Outcomes File 39248(PDR)

RECOMMENDED that in regard to the component of draft LEP No. LP 401 – Reclassification of land at Nowra and Huskisson, that relates to the ‘Civic Precinct’ Nowra, Council:

- a) Adopt that component of the draft plan as exhibited; and
- b) Following consideration of the subsequent report on the Huskisson site, forward the plan to the Department of Planning in accordance with Section 68 & 69 of the Environmental Planning & Assessment Act 1979 requesting its gazettal, assuming the Parliamentary Counsel’s Opinion on the plan does not change its intent and meaning.

17. State Environmental Planning Policy (Affordable Rental Housing) 2009 File 31157-07

RECOMMENDED that the report of the General Manager on the gazettal of the State Environmental Planning Policy (Affordable Rental Housing) 2009, associated Environmental Planning and Assessment Amendment (Site Compatibility Certificates)

Regulation 2009 and Standard Instrument (Local Environmental Plans) Amendment (Affordable Rental Housing) Order 2009 be received for information.

18. Nowra CBD Liaison Committee

File 39962

RECOMMENDED that in respect to the Nowra CBD Liaison Committee:

- a) The committee be formed as a sunset committee for the purpose of providing feedback on the Draft CBD Strategic Review, Draft Urban Design Master Plan, Development Control PLAN 95 and the accompanying Contributions Plan.
- b) The purpose of the committee would be to provide a forum for exchange of information and opinion during the preparation of the draft Nowra CBD Urban Design Master Plan, Draft Development Control Plan and Draft Contributions Plan.
- c) The objectives of the committee would be:
 - To ensure that desired outcomes and any limitations including budget constraints are ascertained and documented.
 - To ensure that the views of the stakeholders are known and given consideration.
- d) Membership would consist of:
 - 1 representative from CBD Promotions Committee
 - 2 representative from the Business Chamber of Shoalhaven
 - 1 representative from Youth
 - 1 representative from Tourism
 - 1 arts / heritage advocate
 - 1 public transport advocate
 - 1 safer by design/police advocate
 - 2 community representatives
 - Available Councillors and the General Manager
- e) Terms of Reference:
 - The Committee will make recommendations to Council.
 - The Committee will act at all times in accordance with the relevant legislation Local Govt Act and with any written policies and guidelines of the Council.
 - The committee will meet at the discretion of Council
 - A quorum for the Committee meeting shall be one third of the total number of members excluding Councillors and the General Manager.
 - All decisions of the committee shall be made on the basis of a majority decision of the members present.

19. Shoalhaven Contributions Plan Draft Amendment No 99-Ulladulla Town Centre

File 38142-02 (PDR)

Clr Young declared her pecuniary interest in the matter being that her family owns property in the area covered by the Shoalhaven Contributions Plan Draft Amendment No 99-Ulladulla Town Centre and left the room and did not take part in discussion or vote on this matter.

RECOMMENDED that in relation to the Shoalhaven Contributions Plan Draft Amendment No 99 – Ulladulla Town Centre:

- a) Council adopt the draft Amendment as exhibited (attachment “A”) with changes detailed in the report;
- b) Council place a Notice of Adoption in local newspapers and on Council’s website within 28 days of adoption of the draft Amendment; and
- c) Council advise those who made submissions on the draft Amendment of this resolution.

20. Shoalhaven Contributions Plan Draft Amendment No 77.4 - Planning Area 4 Roads
File 28709-02 (PDR)

RECOMMENDED that in relation to the Shoalhaven Contributions Plan Draft Amendment No 77.4 – Planning Area 4 Roads

- a) Council adopt the Draft Amendment as exhibited; and
- b) Council place a Notice of Adoption in local newspapers and on Council’s website within 28 days of adoption of the draft.

21. Shoalhaven Contributions Plan Amendment No 77.2 - Planning Area 2 Roads
File 28709-02 (PDR)

RECOMMENDED that in relation to Shoalhaven Contributions Plan draft Amendment No 77.2 – Planning Area 2 Roads:

- a) Council adopt the draft Amendment as exhibited; and
- b) Council place a Notice of Adoption in local newspapers and on Council’s website within 28 days of adoption of the draft Amendment.

22. Jerberra Estate Rezoning Investigations File 2653-04 (PDR)

RECOMMENDED that Council

- a) Pursue a Torrens Title outcome;
- b) Proceed with finalising the environmental study and seek a Section 65 certificate from Department of Planning (DoP) to exhibit a draft Local Environmental Plan based on the above;
- c) Provide a written update to the landowners on the status of the rezoning investigations; and
- d) Arrange a briefing for landowners when advice has been received from DoP in relation to the draft Local Environmental Plan.

Development & Environmental Services

23. Policy Review - Development & Environmental Services Group - Reaffirmation of Development Control Plans and Policies to be Incorporated into Shoalhaven Development Control Plan 2009 File 33571-02 (PDR)
-

Clr Young declared her pecuniary interest in the matter being that she owns a commercial food business that affected some of the Policies and left and did not take part in discussion or vote on the matter.

Clrs Watson, Findley, and Miller declared their less than significant, non pecuniary interest in the matter being that some of the policies affect them and left the room and did not take part in discussion or vote on this matter.

Russ Pigg declared his pecuniary interest in the matter being that some of the policies may relate to land in which he has an interest and left the room and did not take part in discussion or vote on this matter.

This item could not be dealt with because of a lack of quorum.

STAFF RECOMMENDATION (Report to Development Committee 6th October 2009)

RECOMMENDED that Council reaffirm Development and Environmental Services Group's Development Control Plans and Policies listed below and consider any required revisions to these plans in conjunction with the Shoalhaven Development Control Plan 2009:

DES Group's DCPs

- DCP - Car Parking Code (DCP 18, 7481)
- DCP - Culburra Beach - (DCP 48, 32908)
- DCP - Dual Occupancy Guidelines (DCP 57, 5262)
- DCP - Exempt and Complying Development (DCP 89, 8267)
- DCP - Foreshore Areas - Residential Development (DCP 62, 2797)
- DCP - Home Activity Guidelines (DCP 109, 26752)
- DCP - Huskisson - Foreshore Business Development Zone 3(g) - Duncan Bowen Fegen and Nowra Streets - (DCP 99, 20891)
- DCP - Medium Density Housing (DCP 71, 21842)
- DCP - Nowra CBD - Streetscape Guidelines for Paving and Tree Planting (DCP 80, 1033)
- DCP - Signage Strategy - Section 2 Development Guidelines for Advertising Signs (DCP 82, 4102)
- DCP - Single Dwellings and Ancillary Structures - Minimum Building Requirements (DCP 91, 12856)
- DCP - Subdivision Code - Amendment No1 - (DCP 100, 5034)
- DCP - Tourist Development in Rural Areas (DCP 63, 17912)
- DCP - Yatte Yattah - Policy to Control Development within the Vicinity of the Eagle View Farm Piggery (DCP 113, 29220)
- Demolition of Buildings Containing Asbestos - Conditions of Development Consent (3621)
- Development Applications - Industrial Development - Retailing Space (24278)

-
- Dogs - Keeping of Dogs in the Calymea Street and Albatross Road Area (Nowra) and Interim Guidelines – Citywide (13854)

DES Group's Policies

- Aged Persons Accommodation Guidelines (16635)
- Bed and Breakfast Guidelines (5139)
- Building Line - Penguins Head Road Culburra (5266)
- Building Lines (front) in South Nowra Industrial Areas (5266)
- Buildings - Flinders Estate - Zincalume Roofs (31513)
- Buildings - Reflective Building Materials - Use in Coastal and Rural Areas (8296)
- Buildings - Temporary Moveable Dwellings for Aged or Disabled Persons - Standards – LAP (10007)
- Caravan Parks - Design Guidelines for Permanent Occupancy of (1039)
- Food - Commercial Home Catering (7467)
- Community Consultation Policy - for Development Applications (including subdivision) and the Formulation of Development Guidelines and Policies (8139)
- Food Premises Policy (7467)
- Garage Sales (31503)
- Markets - Operation of Markets (4528)
- Outdoor Eating (5213)
- Relocation of Second-hand Dwellings (8397)
- Sand Dunes - Risks of Building on (88/1583)
- Stationary Food Van/Vehicles on Existing Operating Service Station Sites (33417)
- Stormwater Protection on Construction Sites (32379)
- Support for Variations of DCP 43 - Landscape Buffer Requirement - Old Southern Road South Nowra (1114)
- Tree Management Policy (7378)
- Wharves and Jetties (27563)

Note by General Manager: If for any reason Council cannot consider this item then the status quo remains ie all the Policies still remain effective.

24. Development Application for four (4) new shops and toilet for the disabled to be located within the rear service area of the existing Settlement Shopping Centre - Lot 1 DP 741976 - 97 Princes Highway, Milton. Applicant: ADS Designs. Owner: John Blackburn.
File DA08/2767 (PDR)
-

RECOMMENDED that:

- a) Council stipulate to the applicant, for the purpose of providing future pedestrian linkage with the Village Green, that a 3m wide pedestrian Right of Way be registered with the Lands Title providing public access from the western boundary of Lot 1 DP 735827 to Wason Street, Milton; and
- b) The application be determined under delegated authority.

-
25. Community Consultation Policy for Development Applications (including Subdivisions) and the Formulation of Development Guidelines and Policies (Amendment No 6)

File 8139

RECOMMENDED that:

- a) The Community Consultation Policy for Development Applications (including Subdivisions) and the Formulation of Development Guidelines and Policies (draft Amendment No 6) be publically exhibited for a period of 30 days;
 - b) The public exhibition includes notification to Community Consultative Bodies; and
 - c) A further report be made at the conclusion of the exhibition period.
26. Development Application for proposed Monthly Produce Markets to be held 2nd Saturday of each month at Jindy Andy Mill Complex - 719 Greenwell Point Road, Pyree - Lot 101 DP 629485. Applicant: Sharnah Coulthart. Owner: Sally Marshman.

File DA09/1995 (PDR)

RECOMMENDED that in respect of DA09/1995 for the proposed monthly produce market to be held 2nd Saturday of each month at Jindy Andy Mill Complex - 719 Greenwell Point Road, Pyree - Lot 101 DP 629485:

- a) A variation of Council's Policy on Operation of Markets specifically in relation to clause 4 - Who May Apply be supported thereby permitting the applicant to conduct the market;
 - b) A variation of Council's Policy on Operation of Markets specifically in relation to Attachment C - Economic Considerations be supported allowing a second market in the locality of Pyree in accordance with the Policy requirement that it be a local produce market; and
 - c) That the application be determined under delegated authority following the submission of a traffic impact assessment.
27. Review of Council's Compliance Policy

File 34946

RECOMMENDED that:

- a) Council adopt the revised Compliance Policy as shown in the Councillors' Information Folder;
 - b) The Compliance Policy be reviewed every two years.
28. Proposed extension to the existing 15 hole Golf Course comprising three additional holes - Lot 7010 DP 1035145, Scott Street (Staples Street), Shoalhaven Heads. Applicant: Shoalhaven Heads Golf Club Limited. Owner: Department of Lands.

File DA08/2312 (PDR)

RECOMMENDED that:

- a) The report on the status of Development Application DA08/2312 is submitted for Council's information;

-
- b) *In accordance with Council's resolution of 16th December 2008 (min. 1688), "a full S79C assessment be prepared for Council's consideration" once all the relevant information has been received and assessed*

29. Additional Item – Change of Council Meeting Commencement Time File 3910

RECOMMENDED that the commencement time for the Regular Committees and the Ordinary Meetings change from 5.00 pm to 4.00 pm.

Strategic Planning & Infrastructure / Development & Environmental Services

30. Interim Measures - Managing Land Degradation in the Heritage Estates, Worroving Heights File 1446-10

RECOMMENDED that the General Manager (Strategic Planning and Infrastructure) seek input from the relevant stakeholders including DECC and NSW Police regarding possible signage, monitoring and enforcement, educational strategies and associated resourcing issues.

31. Draft Shoalhaven Contributions Plan 2010 - Proposed Administrative Changes File 39338-02 (PDR)

RECOMMENDED that:

- a) Council adopt an annual indexation for proposed construction and recoupment of contribution projects based on Sydney CPI for inclusion in the draft Shoalhaven Contributions Plan 2010;
- b) Council regularly review the land valuations of proposed contribution projects that require land acquisition in the draft Shoalhaven Contributions Plan 2010; and
- c) Council adopt the changes to the calculation of rates for various forms of development as detailed in this report for inclusion in the draft Shoalhaven Contributions Plan 2010.

SHOALHAVEN TOURISM BOARD – TUESDAY 22ND SEPTEMBER 2009 (Items 32 to 37)

Finance & Corporate Services

32. Strategic Review of the Shoalhaven Tourism Board File 1490-09

RECOMMENDED that:

- a) The Shoalhaven Tourism Board draw up specifications for the purpose of engaging a consultant or consulting firm to conduct an overview of the Shoalhaven Tourism Board's current marketing strategies and Shoalhaven Tourism Business Model;
- b) The General Manager (Finance and Corporate Services) email a brief to members for comment by close of business Friday 25th September 2009 and finalise the brief based on those comments and commence the procurement process;
- c) The Strategic Review be completed by 31 March 2010.

33. Precinct Marketing Program File 1864-08

RECOMMENDED that:

- a) The report of Finance and Corporate Services concerning the Precinct Marketing program be received for information;
- b) The Shoalhaven Tourism Board does assist the Shoalhaven Folk Club with a grant of \$2,500 towards the Kangaroo Valley Folk Festival being held from Friday 23rd October to Sunday 25th October, 2009 from identified marketing budget savings;
- c) The Shoalhaven Tourism Board decline any further applications for Precinct Marketing until 30 June, 2010.

34. Shoalhaven Tourism Board's Development Program File 32956-03

RECOMMENDED that

- a) The report of the General Manager (Finance & Corporate Services) regarding Tourism Development Program be received for information.
- b) The Shoalhaven Tourism Board assists the Callala Beach Progress Association with a grant of \$5,000 towards the provision of beach viewing areas at Callala Beach.

General Business

35. Additional item - Visitor Information Centre File

RECOMMENDED that:

- a) Council adopt the implementation of the accreditation of the prospective Level 3 Visitor Information Centre forthwith;

-
- b) This process involve calling for expressions of interest from existing Visitor Information Centre's, other interested parties and by informing the Local Tourism Associations, CCB's and Business Chambers in precinct areas;
 - c) The evaluation of selection of Visitor Information Centre's be delegated to a Sub Committee of the Shoalhaven Tourism Board and that Sub Committee comprise of the General Manager or delegate, Tourism Manager, Visitor Information Centre Manager Nowra, Cllr Findley and Chris Warren;
 - d) The delegated group report its recommendations to the Shoalhaven Tourism Board for endorsement and support of the Level 3 Visitor Information Centre accreditation (subject to completion of the accreditation process by the respective Visitor Information Centre);
 - e) The Shoalhaven Tourism Board affirm the budget line item.

36. Additional Item – Renaming Main Road 92 File

RECOMMENDED that Council endorse the renaming of Main Road 92 and that this be part of the consultants review.

37. Budget File 1490-09

RECOMMENDED that Council note and endorse the Shoalhaven Tourism Board Budget Report of 2009/2010 to date.

**SHOALHAVEN ENTERTAINMENT CENTRE ADVISORY COMMITTEE – THURSDAY 1ST
OCTOBER 2009 (ITEM 38)**

38. Proposed Extension of Foyer Area - Shoalhaven Entertainment Centre File 36870

RECOMMENDED that:

- a) The preferred Option 1 (at a cost of \$2.050 million) to extend the eastern foyer area of the Shoalhaven Entertainment Centre building (eastern side long version) be adopted to facilitate future commercial opportunities for the Centre (diagram attached);
- b) This amount to be funded from current and proposed loan funding over the 2009/10 and 2010/11 Financial Years as outlined in Council's Management Plan 2009 – 2012.

R.D Pigg
GENERAL MANAGER

SHOALHAVEN TRAFFIC COMMITTEE – 15TH SEPTEMBER, 2009

ORDINARY MEETING

MONDAY 13TH OCTOBER 2009

REPORT OF THE CONVENOR

**ITEMS FOR APPROVAL UNDER DELEGATED AUTHORITY – DEFERRED FROM
ORDINARY MEETING 21ST SEPTEMBER 2009**

39. B-Double Route - Braidwood Road (MR92) (PN 2501) File 5525-02

RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for extension of the B-Double route on Braidwood Road (MR92) subject to the following conditions:

- a) That B-Double vehicles would be required to enter and leave the Depot in a forward manner.
- b) That B-Double route be:
 - i) Flinders Road, South Nowra from Princes Highway to Albatross Road,
 - ii) Albatross Road, South Nowra from Flinders Road to Braidwood Road,
- iii) Braidwood Road from Albatross Road to Nerriga Nace Depot at peg #25

Martin Upitis
CONVENOR

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 13TH OCTOBER, 2009

FINANCE AND CORPORATE SERVICES

40. Southern Phone Company – Annual General Meeting

File 26805

Purpose of Report

The Southern Phone Company has advised Council of its Annual General Meeting to be held on Monday, 9th November, 2009, at Eurobodalla Shire Council.

SUBMITTED for consideration by Council.

Options

Option 1

That Council nominate the Mayor or nominee to attend the Annual General Meeting of the Southern Phone Company as its voting delegate (or vote by proxy) and that the motions as detailed in the report be supported.

Option 2

That Council nominate the Mayor or his nominee to attend the Annual General meeting of the Southern Phone Company as a voting delegate (or vote by proxy) and that the motions as detailed in the report not be supported.

Details/Issues

Shoalhaven City Council is a shareholder of Southern Phone Company and as such is entitled to one vote at the Annual General Meeting. The representative may be either the Council's General Manager, the Mayor or their nominee by proxy. Although Council only has one vote, more than one representative may attend the Annual General Meeting if required.

The Agenda includes the adoption of the Annual Report and two motions.

The motions presented on the Agenda refer to the appointment of the Auditors, Duesburies Nexia for the financial year 2009-10 which is recommended by the Board and the increase in Directors Fees of 50% from an aggregate of \$100,000 to \$150,000.

The explanatory notes suggest that the increase in the maximum aggregate is consistent with fees paid to non-executive directors of similar companies and reflects the increased complexity of the Company and demands on the non-executive directors.

Economic, Social & Environmental (ESD) Considerations

Southern Phone Company has delivered significant economic benefits to the users of its products. It has achieved an increase in gross revenue for the last financial year to \$20.4 million with a net loss of \$370,000. Even with this loss, the Directors have resolved to return a dividend payment to member Councils similar to last year. This Councils' share for the previous financial year was \$10,635.

Financial Considerations

Not applicable in the context of this report apart from the increase in revenue.

41. Dolphin Point Inclusion in Ulladulla & Districts Community Forum Boundaries

File 26805

Purpose of Report

To advise Council that following the advertisement period for the inclusion of the Dolphin Point area into the boundaries of the Ulladulla & Districts Community Forum's CCB area that no submissions were received.

RECOMMENDED that the area previously covered by the Dolphin Point Residents Action Group be included within the CCB boundaries of the Ulladulla & Districts Community Forum.

Options

Option 1

Include the Dolphin Point area within the Ulladulla & Districts Community Forum's CCB boundaries.

Option 2

Not include the Dolphin Point area within the Ulladulla & Districts Community Forum's CCB boundaries.

Details/Issues

Following a request from the Ulladulla & Districts Community Forum Council resolved on 25th August to advertise its intention to include the area previously covered by the Dolphin Point Residents Action Group within the CCB boundaries of the Ulladulla & Districts Community Forum. No submissions were received in regard to this matter during the advertised period.

Economic, Social & Environmental (ESD) Consideration:

There are no ESD considerations as this report considers the expansion of the boundaries of a CCB.

Financial Considerations:

There are no financial considerations to be taken into account as a result of this report.

42. Request for Reinstatement as a CCB - Tomerong Community Forum File 26805

Purpose of Report

To advise Council of the receipt of an application from the residents of Tomerong to reinstate the Tomerong Community Forum as a CCB.

SUBMITTED for consideration.

Option 1

Reinstate the Tomerong Community Forum as a CCB (not supported).

Option 2

Do not reinstate the Tomerong Community Forum as a CCB but ensure them that strong communication/consultation will continue with a nominated representative of the group during consideration of the DA for a Waste Facility, and that Council review this position should an ongoing commitment be made by the group for compliance with the Guidelines for the Conduct of CCBs.

Details/Issues

In February 2009 the Tomerong Community Forum CCB was disbanded following a letter from the Chairman advising of the absence of any local issues. The Forum hadn't managed a quorum since early 2008 and did not comply with components of the Guidelines. Following consultation the Executive Committee advised Council that they no longer wished to be recognised as a CCB. The Forum expressed its hopes that they could continue a productive relationship despite not being a CCB.

Council sees CCBs and other reference groups as one of the important methods of maintaining dialogue with the various communities in the Shoalhaven. This has been unsustainable in the past in Tomerong for a number of reasons, but mainly due to the fact that very few issues arise in that part of the City.

As there is currently a development application lodged for a Waste Facility at Tomerong it is understandable that the residents are now banding together to address this important issue in their locality.

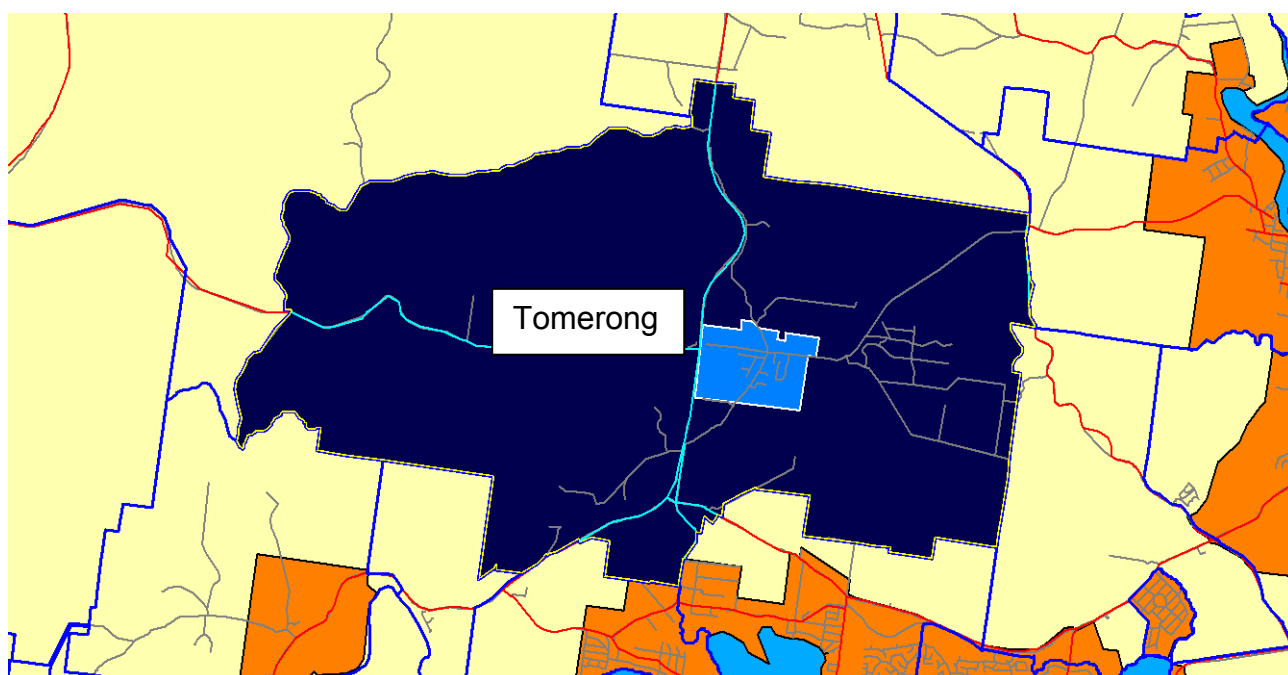
If Council recognised the community as a CCB for the life of this issue, it would create a precedent for the recognition of other groups, when an issue arises. It would also require the group to comply with the Guidelines required of a CCB and the initial Administrative tasks involved in establishing the group - appointments of Executive etc. This would distract the group away from the need to address the issues before them.

As provided above, the group expressed the hope that it could continue a productive arrangement despite not being a CCB. With this in mind, the Tomerong Community has

worked together to deal with the issue before them and have re-established communication links with Council. Through these and other links, Councillors are aware of the community issues and has sufficient information to assist in any decision making process required of Council.

As such it is submitted that there is no need to re-establish the CCB at this stage. This position could be reviewed should the Group undertake to provide an ongoing commitment to complying with the CCB Guidelines.

The map below shows the proposed area that would be covered by the Tomerong Community Forum should they be reinstated as a CCB.



Economic, Social & Environmental (ESD) Consideration:

There are no ESD considerations as this report considers recognition of a CCB.

Financial Considerations:

CCBs receive an annual subsidy of \$400.

43. Pecuniary Interest Returns - 1st July 2008 to 30th June 2009 **File 4063-02**

Purpose of the Report:

Section 450 A of the Local Government Act states that Pecuniary Interest Returns lodged with the General Manager must be tabled at a meeting of the Council.

The lodgement date for returns covering the period 1st July 2008 to 30th June 2009 was 30th September 2009.

Persons with an obligation to lodge a pecuniary interest return by 30th September 2009 were:

Surname	First Name	Group
Green	Paul	Councillor
Soames	Nigel	Councillor
Fergusson	John	Councillor
Bennett	David	Councillor
Guile	Andrew	Councillor
Miller	Robert	Councillor
Brumerskyj	Bohdan	Councillor
Ward	Gareth	Councillor
Kearney	Gary	Councillor
Watson	Greg	Councillor
Proudfoot	Bob	Councillor
Young	Josi	Councillor
Findley	Amanda	Councillor
Banwell	David	City Services & Operations
Borrowdale	Ian	City Services & Operations
Brighton	Wayne	City Services & Operations
Buckland	Mark	City Services & Operations
Carter	Brett	City Services & Operations
Clunas	Graham	City Services & Operations
Collins	Paul	City Services & Operations
Dale	Michael	City Services & Operations
Duparte	Pierre	City Services & Operations
Ellery	Darron	City Services & Operations
Elliott	Glen	City Services & Operations
French	Rachel	City Services & Operations
George	Gary	City Services & Operations
Girdlestone	Gary	City Services & Operations
Harris	Michael	City Services & Operations
Harris	Clifford	City Services & Operations
Hasler	Ron	City Services & Operations
Hojem	David	City Services & Operations
Holmes	Roslyn	City Services & Operations
Lewis	Jane	City Services & Operations
Murray	Kay	City Services & Operations
Norwood	Kevin	City Services & Operations

Paisley-Topp	David	City Services & Operations
Punnett	Troy	City Services & Operations
Thompson	Gary	City Services & Operations
Thompson	Greg	City Services & Operations
Wagstaff	David	City Services & Operations
Webb	David	City Services & Operations
Abdul Aziz-Kallus	Intan	Dev & Environmental Services
Adams	Barry	Dev & Environmental Services
Allen	Rebecca	Dev & Environmental Services
Anderson	David	Dev & Environmental Services
Anstiss	David	Dev & Environmental Services
Bonner	James	Dev & Environmental Services
Britton	Phillip John	Dev & Environmental Services
Christlo	Robert	Dev & Environmental Services
Crompton	Craig	Dev & Environmental Services
Dalyell	Alison	Dev & Environmental Services
Dillon	Malcolm	Dev & Environmental Services
Dollery	Ian	Dev & Environmental Services
Downing	Elizabeth	Dev & Environmental Services
Dunn	Matt	Dev & Environmental Services
Gibbes	Andrew	Dev & Environmental Services
Goldspring	Robert	Dev & Environmental Services
Haig	Jason	Dev & Environmental Services
Irwin	Garon	Dev & Environmental Services
Jenkins	Gareth	Dev & Environmental Services
Johnston	Peter	Dev & Environmental Services
Lee	Glendon	Dev & Environmental Services
Lissendon	Andrew	Dev & Environmental Services
Lloyd	Aaron	Dev & Environmental Services
Lowe	Kelie	Dev & Environmental Services
Marczuk	Peter	Dev & Environmental Services
Martin	David	Dev & Environmental Services
McDiarmid	Steve	Dev & Environmental Services
McLoughlin	Patrick	Dev & Environmental Services
McVey	Alison	Dev & Environmental Services
Mion	John	Dev & Environmental Services
Murphie	Richard	Dev & Environmental Services
Musson	Michael	Dev & Environmental Services
Papworth	Warwick	Dev & Environmental Services

Pickering	Shane	Dev & Environmental Services
Price	John	Dev & Environmental Services
Pym	David	Dev & Environmental Services
Russell	Robert	Dev & Environmental Services
Shannon	Matthew	Dev & Environmental Services
Smith	Michael	Dev & Environmental Services
Smits	Edo	Dev & Environmental Services
Swan	Trent	Dev & Environmental Services
Vince	Christopher	Dev & Environmental Services
Walters	Andrew	Dev & Environmental Services
White	Eleanor	Dev & Environmental Services
Willis	Wayne	Dev & Environmental Services
Wilson	William	Dev & Environmental Services
Broomfield	Emma	Finance & Corporate Services
Marriott	Nancy	Finance & Corporate Services
McCoy	Melissa	Finance & Corporate Services
McLean	Rob	Finance & Corporate Services
Phillips	Tom	Finance & Corporate Services
Pullen	Greg	Finance & Corporate Services
Roberts	Greg	Finance & Corporate Services
Sprester	Robert	Finance & Corporate Services
Sullivan	Kevin	Finance & Corporate Services
Wallace	Leigh	Finance & Corporate Services
Aney	Peter	Assistant General Managers
Crerar	Stephen	Assistant General Managers
Donaldson	Robert	Assistant General Managers
Gordon	Neville	Assistant General Managers
Lenahan	John	Assistant General Managers
Rushton	John	Assistant General Managers
Dun	Peter	General Managers Group
Fletcher	Tim	General Managers Group
Krogh	Carmel	General Managers Group
Paterson	William	General Managers Group
Pigg	Russell	General Managers Group
Royston	Ernest	General Managers Group
Birmingham	Megan	Strategic Planning & Infrastructure
Clark	Gordon	Strategic Planning & Infrastructure
Coulthart	Robert	Strategic Planning & Infrastructure
Davis	Brad	Strategic Planning & Infrastructure

Dixon	Elizabeth	Strategic Planning & Infrastructure
Drummond	John	Strategic Planning & Infrastructure
Flett	John	Strategic Planning & Infrastructure
Foley	Marie-Louise	Strategic Planning & Infrastructure
Ghetti	Isabelle	Strategic Planning & Infrastructure
Harris	James	Strategic Planning & Infrastructure
Hollinger	Eric	Strategic Planning & Infrastructure
Lee	Sang-Min	Strategic Planning & Infrastructure
Love	Alex	Strategic Planning & Infrastructure
Massie	Ray	Strategic Planning & Infrastructure
Moylan	Amanda	Strategic Planning & Infrastructure
Park	Michael	Strategic Planning & Infrastructure
Perry	Brian	Strategic Planning & Infrastructure
Ratcliffe	Danielle	Strategic Planning & Infrastructure
Rippon	Jessica	Strategic Planning & Infrastructure
Sandrey	Lindy	Strategic Planning & Infrastructure
Sawko	Lila	Strategic Planning & Infrastructure
Schofield	Ailsa	Strategic Planning & Infrastructure
Southorn	Neil	Strategic Planning & Infrastructure
Strachan	Michael	Strategic Planning & Infrastructure
Upitis	Martin	Strategic Planning & Infrastructure
Wallace	Rodney	Strategic Planning & Infrastructure
Weekley	Glen	Strategic Planning & Infrastructure
Wells	Scott	Strategic Planning & Infrastructure
Beddoe	Carl	Shoalhaven Water Group
Holmes	Tony	Shoalhaven Water Group
Horner	Robert	Shoalhaven Water Group
Lazarevski	Ljupco	Shoalhaven Water Group
Ely	Deborah	Arts Board
Windsor	George	Arts Board
Mors	Jennifer	Arts Board
Dickerson	Jennifer	Arts Board
Ryder	Libby	Arts Board
Farrar	Jill	Arts Board
Crosby	Les	Arts Board

Returns have been completed and are tabled at this meeting for the persons listed above.

Returns that have not been completed are tabled below.

Bashir	Mohamed	City Services & Operations	Is on extended leave
Bryce	Troy	Dev & Environmental Services	Is on extended leave
Creasy	Richard	Strategic Planning & Infrastructure	Has been and is on sick leave until 15 th October
De Mel	Ranjan	Strategic Planning & Infrastructure	No Response
Dunsford	Cinnamon	Strategic Planning & Infrastructure	

RECOMMENDED that the report of the General Manager (Finance and Corporate Services) regarding the Pecuniary Interest Returns lodged for the period of 1st July 2008 to 30th June 2009 be received for information.

Details/Issue:

N/A

Economic, Social & Environmental (ESD) Consideration:

N/A

Financial Considerations:

N/A

44. Annual Financial Report for the year ended 30th June 2009 File 39889E

Purpose of the Report:

Council's Annual Financial Report for the year ended 30th June 2009 have been prepared and are ready to be audited. The Annual Financial Report include the General Purpose Financial Report and the Special Purpose Financial Reports (draft copies are included in the Councillors' Information Folder. In accordance with Section 413 of the Local Government Act 1993 (as amended), Council must refer these Reports for audit. In doing so, Council is required to give their opinion on these Reports prior to referral.

RECOMMENDED that Council resolve that in its opinion:

- a) the Annual Financial Report for the year ending 30 June 2009 has been drawn up in accordance with the Local Government Act 1993 (as amended) and regulations, Local Government Code of Accounting Practice and Financial Reporting, applicable accounting standards, and professional pronouncements;
- b) the Financial Reports present fairly the Council's operating result and financial position for the year;

-
- c) the Financial Reports are in accordance with Council's accounting and other records and they do not include any false or misleading information;
 - d) the Mayor, one other Councillor, the Responsible Accounting Officer and the General Manager shall sign a statement in accordance with Section 413 of the Local Government Act 1993 (as amended);
 - e) the Financial Reports for the accounting period ending 30 June 2009 be submitted to Council's Auditor for audit in accordance with Section 413 of the Local Government Act 1993 (as amended)

Options:

Option 1

Council adopt the recommendation and refer the Annual Financial Report to its Auditor

Option 2

Council does not adopt the recommendation and not refer the Annual Financial Report to its Auditor

Details/Issue:

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

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

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

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

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

In preparing the Special Purpose Financial Reports certain taxes and charges that Council is not normally liable to pay must be calculated. These include company income

tax, sales tax, land tax, stamp duty, payroll tax and dividends. These amounts are then included in the Special Purpose Financial Reports but only as notional amounts. The Special Purpose Reports also include calculations with regard to Water and Waste Water Best Practice pricing guidelines and dividend payments. These reports must be audited and submitted to the Department of Energy, Utilities and Sustainability prior to the payment of a dividend from Water or Wastewater funds.

Council is required by the Local Government Act to give their opinion on the Annual Financial Report. The Reports are then officially referred to audit. After the Reports have been audited, Council will then receive the Auditors Report. Council then sets a date at which the Financial Report and Auditor's Report will be presented to the public. At this meeting Council's auditors will discuss their report, provide an overview of the Financial Report and answer any related questions.

Economic, Social & Environmental (ESD) Consideration:

There are no significant ESD considerations for this item.

Financial Considerations:

There are no significant financial considerations for this item.

Tom Phillips
ACTING DIRECTOR, FINANCE & CORPORATE SERVICES

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 13 OCTOBER 2009

CITY SERVICES AND OPERATIONS

45. Annual Groundwater and Leachate Monitoring Reports

File 40115

Purpose of the Report:

This report has been presented direct to the Ordinary Meeting due to the tight deadline provided by the Department of Environment Climate Change and Water (DECCW) to submit the monitoring report.

The purpose of this report is to seek Council approval for Environment & Natural Resource Solutions to be awarded the contract to provide annual Groundwater and Leachate Monitoring reports for the West Nowra, Huskisson and Sussex Inlet Recycling and Waste Facilities, the Ulladulla Transfer Station, and the Closed North Nowra Landfill for a contract period of 5 years.

RECOMMENDED that:

- a) **Council to accept Environment & Natural Resource Solutions's Tender for the provision of annual Groundwater and Leachate Monitoring reports for a Contract sum of \$77,500 exc GST for 5 years.**
- b) **Council authorise the General Manager to execute the Contract.**

Options:

- 1. Council resolves to adopt the recommendations a) and b) in this report.
- 2. Council resolves to not accept recommendations a) and b) in this report.

Details/Issue:

In July 2009 Council received notification from DECCW that it needed to submit annual environmental monitoring reports, including groundwater and leachate monitoring, for the five Environment Protection Licenced (EPL) waste facilities (namely West Nowra, Huskisson and Sussex Inlet Recycling and Waste Facilities, the Ulladulla Transfer Station, and the Closed North Nowra Landfill).

Each facility has anniversary dates for reporting. The anniversary date for the West Nowra, Huskisson and Sussex Inlet Recycling and Waste Facilities is 30 October each year, and for the Ulladulla Transfer Station and the closed North Nowra Landfill is 1 June 2009 each year. Annual reports for all of these facilities must be submitted 60 days from the anniversary date.

Tenders were called in local and metropolitan newspapers in accordance with the Local Government Tendering Regulation and Council's own Purchasing Policy. Council received twelve (12) Tender submissions for carrying out of this work.

The Tenders closed on 3 September 2009 and were assessed against the following selection criteria; Tender conformity, price (65%), previous experience on similar works (15%), capacity to carry out this work (15%), and management systems (5%). Four (4) of the Tender submissions (Golder Associates, Parsons Brinckerhoff, Douglas Partners and Sinclair Knight Merz) were non-conforming. The recommended Tenderer's referees were also contacted to provide further information and confirm the Tenderer's work quality, co-operation, and time and budget management. The results of the Tender process, based on the selection criteria, are as follows (exc. GST):

Conforming Tenderers	Score (out of 100)	Cost (5 years)
Environment & Natural Resource Solutions	83.9	\$77,500
GHD	83.4	\$83,475
Coffey Environments	69.2	\$111,520
Environmental & Earth Sciences	64.3	\$128,800
Earth 2 Water	63.6	\$117,250
Ecowise Environmental	53.2	\$170,000
Heggies	43.4	\$200,000
Cardno Forbes Rigby	32.8	\$556,535

Economic, Social & Environmental (ESD) Consideration:

The work to be carried out is required to comply with DECCW requirements, and to meet Council's own objectives in terms of providing a high standard of environmental protection reporting at Recycling and Waste Facilities.

Financial Considerations:

This is an annual cost that will be included the Waste Services Section operating budgets for each facility.

Conclusion:

Environment & Natural Resource Solutions has met all Council's requirements outlined in the Tender documentation, are based locally at Shoalhaven Heads, and have provided similar works to others in the past. It is recommended that their tender be accepted.

W P Paterson
DIRECTOR CITY SERVICES & OPERATIONS

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 13 OCTOBER 2009

STRATEGIC PLANNING AND INFRASTRUCTURE /FINANCE AND CORPORATE SERVICES

46. Acceptance of Funding and Assistance – Climate Change Risk Assessment and Adaptation

File 8596-04

Purpose of the Report:

To inform Council about successful selection by Statewide Mutual to participate in their Climate Change Risk Assessment process.

RECOMMENDED that Council accept the offer from Statewide Mutual and respond thanking them for the opportunity and confirming Council's commitment to the process.

Options:

1. Accept the offer from Statewide Mutual and respond thanking them for the opportunity and confirming Council's commitment to the process.
2. Decline the offer.

Details/Issue:

Council has been successful in gaining selection by Statewide Mutual (our insurers) to participate in a climate change assessment opportunity available to selected member Councils (Letter of offer forms Attachment "A"). Statewide is funding a consultant to work with selected Councils to develop a Climate Change Risk Assessment based on the Australian Greenhouse Office Guidelines. Once the assessment is complete an Adaptation Plan will also be developed and provided to Council.

The assessment will involve all aspects of Council business including:

- Infrastructure and property services
- Provision of recreation facilities
- Health services
- Planning and development approvals
- Natural resource management
- Water and sewerage services

The assessment will involve a series of workshops with key staff from across the organisation. Echelon Australia has been appointed to undertake the risk assessment and provide Council with an Adaptation Report on the understanding that Council will work cooperatively with them to ensure they have all the relevant information.

Council will be kept advised of the progress of this project.

Economic, Social & Environmental (ESD) Consideration:

This is an expensive process that requires expert assistance. To date, Council has been unable to win funding to complete this process. It will be of great benefit to Council to have vulnerable areas identified and adaptation options drafted.

Financial Considerations:

Statewide Mutual's contribution of a consultant is worth about \$20,000. Council's contribution will be staff time for key staff to participate in workshops to ensure the outcome is accurate and useable.

The process when complete may identify assets etc that are at risk as a result of climate change and may require mitigation measures to be implemented in the short/long term. The cost of any mitigation work will need to be considered at the appropriate point.

E J Royston

DIRECTOR, STRATEGIC PLANNING AND INFRASTRUCTURE

T Phillips

ACTING DIRECTOR, FINANCE AND CORPORATE SERVICES

R D Pigg

GENERAL MANAGER

NOTICES OF MOTION

ORDINARY MEETING

TUESDAY, 13TH OCTOBER 2009

47. Rescission Motion - Northern Shoalhaven Leisure Centre – Nowra Pool Closure
File 13775E, 30050E

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

That item (g) of the resolution on the Delivery of the Northern Leisure Centre be rescinded.

Signed
Clr Watson
Clr Kearney
Clr Young
Clr Findley

Note: The following resolution was adopted at the Ordinary Meeting held Monday 21st September, 2009:

RESOLVED on a MOTION of Clr Guile, seconded Clr Miller, that

- a) Council confirm the retention of the existing 50m x 7 lane outdoor pool at the Bomaderry Aquatic Centre as part of the proposed Northern Shoalhaven Leisure Centre;*
- b) Council confirm previous direction by Council of staged development of the Northern Shoalhaven Leisure Centre with the first stage to include the indoor heated 51.5m pool including a 1.5 moveable bulkhead, with 8 x 2.5m lanes, delivering a 51.5m x 20m indoor heated pool and associated infrastructure including waterpark, and the second stage to include the health and fitness facility, café and amenities to complement the existing facilities;*
- c) Council acknowledge that the staging outlined in (b) may not be the most cost effective but will be offset by the retention of overall water space availability in the Nowra Bomaderry area;*
- d) The development of the multipurpose indoor sports stadium form stage three, unless funding opportunities arise which will enable an earlier delivery period eg Commonwealth Jobs Fund;*
- e) Council proceed to develop the Master Concept Plans for the Northern Shoalhaven Leisure Centre which minimises the impact of the development on the public use of the existing complex, and seek development approval; and*

-
- f) *A Steering Committee, to be chaired by Clr Ward, be formed of interested Councillors and relevant staff to progress the detailed design, taking into account key user group requirements.*
 - g) ***To accelerate this project, a plan for the closure of Nowra Pool be the subject of community consultation;***
 - h) *Council receive a report on latest status of the Nowra Pool and how to maximise the profit of the pool for the remainder of its life;*
 - i) *A further report be submitted to Council following community consultation.*

48. Joint Regional Planning Panel - Appointment of Council Representatives

File 39782E

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

- 1. That part (a) of Minute 884 adopted at the Council Meeting of 14 July 2009 be rescinded.**
- 2. That Shoalhaven City Council agreed to appoint two community representatives to represent it on the Planning Panel.**
- 3. The General Manager place an advertisement in the local media calling for the expression of interest of suitably qualified community members interested in representing Shoalhaven City Council on the Planning Panel.**

Signed
Clr Watson
Clr Kearney
Clr Young

Note: Council's continued refusal to appoint representatives to the JRPP is in my opinion costing our community a say in the assessment of developments which have been referred to the Planning Panel and I would strenuously urge Council to carry the above motion.

Note from General Manager:

It is clear from the legislation that it is open to Council to nominate members of the community as the Council members on the Joint Regional Planning Panel (JRPP). Council can also nominate alternate members. At least one Council member is required to have expertise in one or more of the following: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration. The role of a panel member could include initial training, attending Council and Departmental staff briefing sessions, on-site inspections, meetings with applicants and/or objectors, reading and researching application details, assessment reports, submissions, referral comments as well as attending and participating in the panel hearing. In some circumstances members may also be involved in any subsequent appeal proceedings that may be lodged following determination of applications.

The selection process is open to Council and appointed members are bound to comply with the JRPP Code of Conduct. Given the complexity and controversial nature of many of the regional applications plus the likelihood that Shoalhaven could have as many as 10-15 such applications within a 12 month period, membership is likely to involve a considerable time commitment. The state JRPP members are remunerated by the state government and given the likely workload it is reasonable to expect that community members would likewise expect to be financially compensated for their time.

49. Public Comment on Development Applications to be determined by the Joint Regional Planning Panel (JRPP) File 39782E

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

In respect to the Council and Councillors legal position regarding public comment on DA's nominated to be determined by the JRPP

- a) That the General Manager obtain legal advice from counsel regarding the manner in which Councillors can make comment on matters before the JRPP during the notification and assessment process and prior to the finalisation of the 79c report.
- b) That the General Manager obtain further legal advice as to what comment staff may make in regard to matters to be determined the JRPP during the notification and assessment process and prior to the finalisation of the 79c report.

Background:

The JRPP process is new and untested and it is appropriate that Council be in receipt of the best available advice, to ensure that future challenges or difficulties do not arise in respect of these matters under consideration.

Signed
Clr Fergusson
Clr Findley

ADDENDUM REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 13 OCTOBER 2009

CITY SERVICES AND OPERATIONS / DEVELOPMENT AND ENVIRONMENTAL SERVICES

1. Review of Tree Management Policy (POL08/232) File 7378-03 & 2023

The Council, at its Ordinary Meeting of 21 September 2009, resolved that this matter be deferred until the next Ordinary Meeting.

PURPOSE OF THE REPORT:

The Local Government Act requires that all policies be reviewed within twelve (12) months of an election of a new Council.

The subject Policy is presented to Council at this meeting to provide Council the opportunity to reaffirm, modify, amend or rescind the Tree Management Policy. A copy has been included in the Councillors' Information Folder.

RECOMMENDED that Council reaffirm the Tree Management Policy, with minor amendments, as detailed in this report.

OPTIONS:

- a) Resolve to adopt the amended Tree Management Policy as recommended; or
- b) Resolve to review the Policy, and give directions on matters to be considered; or
- c) Resolve to make amendments to the Policy; or
- d) Resolve to require a further report or briefing; or
- e) Rescind the Policy.

DETAILS/ISSUE:

A Councillor briefing held on 21 January 2009 outlined the Tree Management Policy and in particular the assessment process for applications Council receives for tree works on private and public land.

The purpose of the Tree Management Policy is to provide direction for the implementation of Council's Tree Preservation Order (TPO). Council's TPO has been adopted under the provisions of the Shoalhaven Local Environmental Plan (SLEP).

The Tree Management Policy was originally adopted on 16 December 2003. The Policy provides details of what tree works require approval, the process for submission of applications for tree works on private and public land, application assessment

considerations and the risk management approach. The Policy is divided into the following three (3) parts:

- Tree Management Policy Part 1: main document
- Tree Management Policy Part 2: management principles, implementation and evaluation.
- Tree Management Policy Part 3: appendices

Amendments to the current Policy have been made to update references to legislation and standards. Other minor amendments have also been made to make it clear when the Policy is referring to 'private land' rather than public land. These changes have not changed the context or intent of the Policy. A copy of the amended Policy is included in the Councillors' Information Folder with changes highlighted.

The Policy has also been amended to incorporate part of Council's previous resolutions in regard to its implementation. Council's resolution of 2 November 2005 (MIN05.1412) in italics below, detailed procedures to support the implementation of the Policy. Part a(i) to (iii) relate to development applications and have not been included in the Policy as these points are considered as part of the development assessment and determination process. Part b of the resolution was not included as a Citywide Section 94 Contributions Plan for tree planting does not comply with the legislative provisions of Section 94. However, Development Control Plan (DCP) 100 - Subdivision Code does require tree planting. This requirement is implemented by placing a condition of development consent on subdivision approvals. Part c of the resolution was not incorporated into the Policy as it is no longer applicable as it related to the 2005/06 fees only.

Council's resolution of 2 November 2005 (MIN05.1412) states:

- "a) *The following procedures be endorsed to support the implementation of the Tree Management Policy:*
- i) *Ensure that Development Application applicants, address the likely impact of their development on trees on adjoining land. Advice be given with consents that at the time of carrying out the development, the applicant needs to consider trees in roads/parks which will become "eligible for removal" at the applicant's cost.*
 - ii) *Include a requirement in development consents that the developer must meet the cost of removal of trees within 3m of a new driveway on Council managed or owned land. (where the tree has been assessed as part of the development application).*
 - iii) *For Development Applications (Subdivision) assessment reinforce the obligation to the developer to remove all potentially dangerous trees on existing or future Council land, within 45 degrees of building envelope. (Advice to applicant acknowledging that when buildings are erected, trees on adjoining roads/parks may become "eligible for removal" at the applicant's cost).*
 - iv) *Where Council approves the removal or trimming of a tree on Council managed or owned land, at the expense of the adjoining owner making the request under this policy, that such work be arranged by Council unless approved as part of a development application process.*

- v) *A tree on Council owned or managed land may not be removed simply because it has some signs of termite activity, however it is admissible for Council to authorise the termites to be treated at the expense of the complainant. Trees will be assessed in accordance with the risk management procedure associated with the Tree Management Policy and item (c) of Council's minute Min 03.1647.*
- vi) *The results of a tree risk inspection, which has been undertaken in accordance with the TMP, will be advised to the person making the request for an inspection. If a person does not agree with the proposed action, he/she may request a reinspection, at their cost, or arrange for an arborist's report to be forwarded for consideration. (A re-inspection within 12 months will only be undertaken at Council's cost where the tree had deteriorated or been damaged since the time of the last inspection).*
- vii) *Persons making requests for inspections will be encouraged to provide all details verbally or in writing so they can be recorded and provided to the tree risk assessor but they will not be encouraged to attend.*
- viii) *When a request is made to assess the condition of trees in an entire street or park, a risk management approach will be taken with priority given to a request from an adjoining land owner or resident living close to the tree in question.*
- b) *Investigate a Citywide Section 94 Contributions Plan, which may impose a condition on new development to pay Council a Section 94 contribution for the purchase, planting and establishment of trees to replace the tree loss caused by the development.*
- c) *Delete the fees for the initial "application for inspection following requests for the removal of trees on Council owned or managed land", in the 2005/06 Fees & Charges.*
- d) *A review panel be established, consisting of the General Manager, Director City Services, Director DES (or delegates), plus the Tree Management Officer, to consider representations from an aggrieved adjoining owner, if a tree removal request was denied under our risk assessment process."*

Council's resolution of 16 December 2003 (MIN03.1647(c)) detailed assessment procedures on Council owned or managed land. A copy of the full resolution is shown in italics below. Parts a and b of the resolution are no longer applicable as they were superseded by Council's resolution 2 November 2005 (MIN05.1412). At the time this was adopted as Council's Tree Management Policy - Public Land. This resolution has been incorporated into Part 1 of the Policy under the section relating to tree works on public land so that tree management for the City is included in one policy document. As an outcome of the Councillor briefing held on 21 January 2009 a provision was included in section 9.2 (tree works on public land) of the Policy relating to the 'exempt tree species list' in Appendix 1 of the Tree Management Policy - Part 1.

Council's resolution of 16 December 2003 (MIN03.1647) states:

- "a) *The fees and charges for an application for the removal of trees (including inspection) on Council managed and owned land be as follows:
Request for Council inspection for up to two (2) trees or lopping only \$ 28.00*

Request for Council inspection for up to 10 trees \$ 66.00

Request for Council inspection for more than ten (10) trees: requires detailed assessment \$170.00

- b) The proposed fees and charges be advertised for a minimum of 28 days and, subject to no adverse submissions being received, the fees be adopted; and*
- c) Council consider the adoption of the outlined policy position in determining the request for the removal of trees on public land.*

RESOLVED on a MOTION of Cllr Hancock, seconded Cllr Anderson that

- a) The fees and charges for an application for the removal of trees (including inspection) on Council managed and owned land be as follows:
Request for Council inspection for up to two (2) trees or lopping only \$28.00
Request for Council inspection for up to 10 trees \$66.00
Request for Council inspection for more than ten (10) trees: requires detailed assessment \$170.00*
- b) The proposed fees and charges be advertised for a minimum of 28 days and, subject to no adverse submissions being received, the fees be adopted.*
- c) In determining the request for the removal of trees on public land the following Policy be adopted:
 - i) Landowner makes request to Council*
 - ii) Council makes 'risk management' assessment and also checks for compliance with any legislative requirements (Part V of the EP&A Act)*
 - iii) If deemed that approval is warranted on a 'risk management' basis, the tree(s) to be removed at Council expense.*
 - iv) If deemed that approval is not warranted on a 'risk management' basis,
 - a) Provided the tree on public land meets the 45° or distance criteria per the Tree Management Policy and a Part V assessment in accordance with the EP&A Act, Council approve the removal of the tree at the expense of the adjoining landowner making the request."***

ECONOMIC, SOCIAL AND ENVIRONMENTAL (ESD) CONSIDERATION:

The policy aims to preserve and maintain trees that provide visual, amenity, historical, horticultural or environmental value to the community and which are in a safe and healthy condition based on a risk management approach.

FINANCIAL CONSIDERATIONS:

Not applicable in the context of this report.

Kelie Lowe

ACTING DIRECTOR, DEVELOPMENT AND ENVIRONMENTAL SERVICES

W P Paterson
DIRECTOR, CITY SERVICES AND OPERATIONS

R.D Pigg
GENERAL MANAGER

LEGAL DOCUMENTS

ORDINARY MEETING

TUESDAY, 13TH OCTOBER, 2009

ASSISTANT GENERAL MANAGER

1. **Licence Agreement Between Shoalhaven City Council and The Minister for Lands –
As a Head Licence for Council's Use of Crown Land for Communication Purposes
(20 year term) File 35054E**
-

Purpose of the Report:

This report requests Council approval for the General Manager to sign the Head Licence agreement between Shoalhaven City Council and The Minister for Lands for the use of various Crown Land sites for electronic communication purposes for a period of twenty years commencing on the 1st July, 2007 and ending on the 30th June, 2027.

RECOMMENDED that:

- a) **Council resolve to enter into a head licence with the Minister for Lands for use of Crown Land for electronic communication purposes for a period of twenty (20) years commencing on the 1st July, 2007 and ending on the 30th June, 2027.**
- b) **Council resolve that the Licence with the Minister for Lands for the use of Crown Land for electronic communication purposes and any other associated documents may be executed by or on behalf of the Council by the General Manager.**

Options:

- Resolve to adopt the recommendation(s) in the report or
- Resolve to change a recommendation, bearing in mind that extensive legal negotiations have already been undertaken to protect Council's interests, or
- Resolve to require a further report or briefing for some or all matters in this report.

Details/Issue:

Council currently has several agreements in differing formats with the Minister for Lands for the use of Crown Land. Sites included in these agreements are: Cambewarra lookout (Cambewarra Lookout Road); Red Rocks (Leebold Hill Road, Beaumont); and the Currarong Rural Fire Station (Fishery Road, Currarong). The Minister for Lands is now seeking to consolidate the licences into one "Head Licence" with site appendices for individual sites.

Council is required to enter into the Head Licence with the Minister, in order to allow Council to sub-licence the use of Council's infrastructure at the above mentioned communication sites to third parties including carriers, emergency agencies and broadcasters. Signing the Head Licence will also secure Council's ongoing use of the sites for its own communication uses.

Economic, Social & Environmental (ESD) Consideration:

The three communication sites identified in this report as Crown Land are established sites, therefore authorising the General Manager to sign the Head Licence will have no adverse environmental impacts. However, not signing may leave Council open to loss of revenue from third party licences and may lead to the proliferation of unwanted communication towers at other locations.

Financial Considerations:

Each party will pay their portion of costs associated with the Head Licence.

R T Donaldson
ASSISTANT GENERAL MANAGER

RD PIGG
GENERAL MANAGER

ADDENDUM REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 13 OCTOBER 2009

CITY SERVICES AND OPERATIONS

1. Management & Operation of Unsupervised Village & Sea Pools – Post Councillor Briefing **File 4410E**

Purpose of the Report:

To provide further information to Council following the Councillor Briefing on 8 October 2009 on options to remove pool supervision at Council's village and sea pools, and to seek a direction from Council, ahead of the commencement of the swimming pool season, on the management of safety, risk and liability at Council's village and sea pools.

RECOMMENDED that Council select an Option for implementation for management of Village Swimming Pools and Sea Pools.

Options

Either Option 1 LOGOV B1/B4

- a) Implement in accordance with the provisions of the LOGOV Report Recommendation 1 and 4.
- b) Vote funding of \$158,290 to implement Option 1

Or Option 2 LGOV B2/B4

- c) Implement in accordance with the provisions of the LOGOV Report Recommendation 2.
- d) Rescind the Water Safety Policy POL05/27 and POL08/297.
- e) Adopt and implement an interim Water Safety Policy (POL09/124) in accordance with LOGOV Recommendation 2.
- f) Vote funding of \$69,780 to implement Option 2 at Village and Sea Pools.

Or Option 3 Full Supervision

- g) Rescind MIN09.581 Part (a) (i) (ii) and SELECT AND implement FROM Option 3 to reinstate supervision at village swimming pools and / or sea pools
- h) Vote funding of \$260,000 to implement Option 3.

Or:

- i) Vary the above Options by selective application of non-supervision/supervision periods and amended opening hours (as shown in the following table).

Details/Issue:

At the Briefing Councillors asked for costings to consider further variations on the above Options 1 to 3. These variations were:

Variation 1 – Village Pools supervised / Sea Pools unsupervised

Variation 2 – Return to partial supervision – 8.5 hours Monday to Friday, 12.5 hours weekends and public holidays.

The table below indicates the approximate expenditure associated with the supervision for the periods shown. Councillors can use this as a guide to adjust the figures given in the Options.

Supervision 12 Hour Day

Pool	6am – 6pm 1/11/09 – 18/12/09	6am – 6pm 19/12/09 – 27/1/10	6am – 8pm 19/12/09 – 27/1/10	6am – 6pm 28/1/10 – 30/4/109
Sea Pools	\$28,900	\$30,700	\$36,000	\$45,300
Village Pools	\$65,600	\$68,100	\$80,200	\$115,600

At the Councillor Briefing, staff were requested to provide a combination of options pertaining to supervision, and partial supervision (with a break in middle of day), based on the currently proposed season length and last year's season length.

Supervision Break in Day

Pool	6am – 6pm 1/11/09 – 18/12/09	6am – 6pm 19/12/09 – 27/1/10	6am – 8pm 19/12/09 – 27/1/10	6am – 6pm 28/1/10 – 30/4/109
Sea Pools	\$19,700	\$20,900	\$26,200	\$30,800
Village Pools	\$44,600	\$46,300	\$58,400	\$78,600

Attached is an interim Water Safety Policy (POL09/124) to be adopted in conjunction with Part (e) of the Options.

Economic, Social & Environmental (ESD) Consideration:

Not applicable for this report

Financial Considerations:

Should Council decide to remove supervision at selected pools only, there will also be a reduction in signage costs as the requirements will only apply to the selected pools.

It should be noted that should Council wish to operate some or all of the pools on an unsupervised basis for a period of time, the requirements identified in Options 1 or 2 and some of the associated costs will still be incurred to enable the transition to a non-supervised operation offer a level of protection proposed in the LOGOV Report, and the associated operational costs to service pools.

Income

The 2009 – 2010 Budget estimated an income of \$92,490 from village and sea pools. This was on the basis of sale of user access cards/keys, and the charging of user admission fees during the supervised NSW School Summer Holiday period. The implementation of Option 2 will result in this income not being received. There would, therefore, be a reduction in income of \$47,964 and the necessity to adjust income budgets downwards for the year. This will impact on the overall bottom-line performance.

Should either Option 1, which provides for some interim supervision, or Option 3 which provides for full time supervision be reinstated all part or all of the season, fees can be collected at the pools. This would be consistent with income previously estimated realising \$47,964 for a full season and pro-rata for a reduced supervised season.

W P Paterson
DIRECTOR CITY SERVICES & OPERATIONS

R.D Pigg
GENERAL MANAGER