

## SHOALHAVEN CITY COUNCIL

### ORDINARY MEETING

To be held on Tuesday, 3 September, 2013  
Commencing at 4.00 pm

28 August, 2013

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, 3 September, 2013 commencing at 4.00 pm** for consideration of the following business.

R D Pigg  
General Manager

**Membership**  
All Councillors

#### BUSINESS OF MEETING

1. **Opening Prayer** – Pastor Peter Pilt – Nowra City Church
2. **Acknowledgement of Traditional Custodians**
3. **Australian National Anthem**
4. **Apologies/Leave of Absence**
5. **Confirmation of Minutes**
  - Ordinary Meeting – 30 July, 2013
  - Extra Ordinary Meeting – 20 August, 2013
6. **Declarations of Interest**
7. **Petitions and Presentations**
8. **Mayoral Minute**
9. **Deputations**
10. **Report of the General Manager – Committees Report**
  - Report of the Development Committee – 6 August, 2013
  - Report of the Policy and Resources Committee – 13 August, 2013
  - Report of Nowra CBD Action – 5 August, 2013
  - Report of the Council Property Steering Committee – 6 August, 2013
  - Report of the Northern Shoalhaven Natural Resource & Floodplain Management Committee – 7 August, 2013
  - Report of the Shoalhaven Sports Board – 8 August, 2013
  - Report of the Central Shoalhaven Natural Resource & Floodplain Management Committee – 12 August, 2013
  - Report of the Shoalhaven Tourism Board – 26 August, 2013
11. **Report of the Shoalhaven Traffic Committee – 13 August, 2013**
12. **Report of the General Manager**
  - Corporate and Community Services
  - Assets and Works
  - Planning and Development
13. **Notices of Motion and Questions on Notice**
14. **Addendum Reports**
15. **Confidential Report of the General Manager**
  - Report of the Policy & Resources Committee – 13 August, 2013
  - Assets and Works

Note: If any items of business require attendance of specialist staff (eg Legal, Insurance, Property) then Council will generally consider those items following the Mayoral Minutes.

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

“It is customary to acknowledge country and I do so by paying our respects to elders past and present and acknowledge all peoples who have made Australia this great country we live in.”

### 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.

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## **MAYORAL MINUTE**

### **ORDINARY MEETING**

**TUESDAY, 3 SEPTEMBER 2013**

**1. South Coast Tourism Awards 2013 - Shoalhaven Winners**

**File 4256E**

**RECOMMENDED that Council congratulate the winners from the 2013 South Coast Regional Tourism Awards by way of a Mayoral congratulatory letter.**

#### **DETAILS**

The Gala Presentation evening for the South Coast Regional Tourism Awards was held at The Shellharbour Club, Shellharbour on 28 August 2013. The event was attended by over 270 people which highlights the hard work that has been done by the thousands of Tourism businesses from Helensburgh to Eden along the South Coast of NSW.

The award recipients from the Shoalhaven are:

#### **Gold Award Winners**

- Visitors Information Centre - Shoalhaven Visitors Centre, Nowra
- Regional Winery, Brewery or Pub - Silos Estate, Berry
- Tour and Transport Operator - Dolphin Watch Cruises, Huskisson
- Tourism Retailing - The Treat Factory, Berry
- New Tourism Development - Destination Mollymook
- Budget Accommodation - Anchor Bay Motel, Greenwell Point
- Accommodation Holiday Letting - The Beach House, Sanctuary Point
- Hosted Accommodation - Mollymook Beach Waterfront, Mollymook
- Tourist and Caravan Parks up to 3.5 Star - Swan Lake Tourist Village, Cudmirrah
- Unique Accommodation - Barrengarry Boutique Farm Cottages, Kangaroo Valley
- Family Friendly - Daisycare Nanny Agency
- Small Business Operator - Swan Lake Tourist Village, Cudmirrah
- Outstanding Contribution to South Coast Tourism - Matt Cross, Huskisson

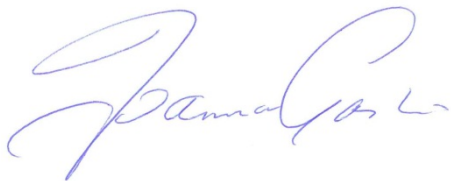
#### **Silver Awards Winners**

- Adventure Tourism - Walking on Water, Fisherman's Paradise
- Tourism Restaurant – Kangaroo Valley Bistro One46, Kangaroo Valley
- Marketing and Promotion, Destination Mollymook Milton Ulladulla, Ken & June Banks, Mollymook

- 
- General Tourism Services or Product, Daisycare Nanny Agency, Bomaderry
  - Accommodation – Holiday Letting, The Beach House, Culburra Beach
  - Tourist & Caravan Parks up to 3.5 Star, Burrill Lake Tourist Park, Burrill Lake
  - Tourist & Caravan Parks 4 star & above, Big 4 Conjola Lakeside Van Park, Lake Conjola
  - Family Friendly, Big 4 Conjola Lakeside Van Park, Lake Conjola

**Bronze Awards Winners**

- Accommodation – Self Catering and Serviced Apartments, Cillanti Retreat, Sussex Inlet
- Accommodation – Holiday Letting, Mollymook Beach View, Mollymook
- Family Friendly, Burrill Lake Tourist Park, Burrill Lake

A handwritten signature in blue ink, appearing to read 'Joanna Gash'.

**Joanna Gash (Mrs)  
Mayor**



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## **REPORT OF GENERAL MANAGER**

### **ORDINARY MEETING**

**TUESDAY, 3 SEPTEMBER 2013**

#### **GENERAL MANAGER – COMMITTEES REPORT**

##### **DEVELOPMENT COMMITTEE – TUESDAY 6 AUGUST 2013 (ITEMS 1 to 2)**

###### **Planning & Development**

1. Planning Proposal (Rezoning) – North Manyana – Owner: Kylor Pty Ltd - Proponent: EMGA Mitchell McLennan Pty Ltd File 1027E (PDR) [Index](#)

RECOMMENDED that Council:

- a) Receive the report and the attached consultation summaries for information;
  - b) Receive a detailed briefing from the proponent and the Red Head Villages Association after the revised Planning Proposal is provided by the proponent; and
  - c) Receive a further report on the revised Planning Proposal after it is reviewed by staff.
2. Review of Planning & Development Services Policies (Strategic Planning Section) – Round 5. 33571E, 33363E, 18107E (PDR) [Index](#)

RECOMMENDED that:

- a) Reaffirm the following policies with minor updating and reconsider them in conjunction with the finalisation of the Citywide DCP or other work that is underway:
  - i) The Built Environment (POL12/216, 1444)
  - ii) Coastal Areas (POL12/217, 31329)
  - iii) Highways & Arterial Roads (POL12/219, 31327)
  - iv) Housing in Residential Zones (POL12/220, 1444)
  - v) Nuclear Industries and Activities (POL12/227, 31331)
  - vi) Fair Trading – Dedication of Land for Major Infrastructure Project (POL12/231, 5135)
  - vii) Lake Conjola Village Zone – Residential Development (POL12/236, 1444)
  - viii) Notations on DCP's (POL12/230, 5297)
  - ix) Aged Persons Accommodation – Establishment (POL08/369, 16635)
- b) Rescind the following Policies given that they have been superseded by the adopted Shoalhaven Growth Management Strategy:

- 
- x) Development – Main Centre Strategy (POL12/221, 31326); and
  - xi) Kangaroo Valley – Planning Issues & Policies (MIN09.1375)
- c) Rescind the following policies because they have been superseded by legislative or other policy changes/initiatives:
- i) Hazardous Industries (POL12/218, 31331)
  - ii) Natural Hazards (other than flood or bushfire) (POL12/225, 31330)
  - iii) New Development Areas (POL12/226, 31326)
  - iv) Development Control Plans – Landowner Notification (POL12/229, 5297)
  - v) Public Utilities – Water & Sewerage – Planning & Development (POL08/395, 31328)

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## **POLICY AND RESOURCES COMMITTEE – TUESDAY 13 AUGUST 2013 (ITEMS 3 to 24)**

### **Councillor Report on Conferences**

3. Local Government Conference - Floodplain Management Association National Conference File 4688E, 4355E [Index](#)

RECOMMENDED that the report regarding the Floodplain Management Association National Conference held in Tweed Heads from 28-31 May 2013 be received for information.

### **General Manager**

4. Delegation of Authority - Appointment of Acting General Manager File 16699E [Index](#)

RECOMMENDED that Council delegate authority to the Mayor, Cllr Joanna Gash, to appoint a person to act in the role of General Manager temporarily, during periods when the General Manager is on leave of absence.

### **Corporate & Community Services**

5. Twelve Month Progress Report on Delivery Program & Operational Plan 2012 - 2013 File 44691E [Index](#)

RECOMMENDED that the report of the General Manager (Corporate and Community Services) regarding progress to June 2013 on the 2012/2013 Delivery Program and Operational Plan be received for information, noted and published on Council's website.

6. Quarterly Budget Review as at 30 June 2013 File 2127E [Index](#)

RECOMMENDED that:

- a) The June Quarterly Budget Review and vote movements including revotes outlined in the Quarterly Budget Review Statement be adopted by Council; and
- b) The Provision for Investment Losses Reserve be transferred to the Employees Leave Entitlement Reserve.

7. Review of Shoalhaven Libraries – Children's Policy File 6230E [Index](#)

RECOMMENDED that Council adopt the amended Corporate and Community Services – Shoalhaven Libraries – Children's Policy – POL12/183 in accordance with the recommendations in the report.

8. Local Government Conference – Dynamic Cities Conference File 4688E [Index](#)

RECOMMENDED that:

- a) Council notes the details of the forthcoming conference Dynamic Cities Conference, scheduled for 16-18 October 2013, at Mandurah Western Australia;

- 
- b) Council authorises available Councillors to attend the conference and such attendance be deemed Council Business;
  - c) Council meets the travel, registration fees, accommodation and all reasonable out-of-pocket expenses in accordance with its adopted policy; and
  - d) Councillors attending the conference provide a written report within 30 days of returning from the conference.

9. Proposed Memorandum of Understanding - Shoalhaven FM File 7434E [Index](#)

RECOMMENDED that:

- a) That the draft Memorandum of Understanding with Shoalhaven FM be adopted; and
- b) The General Manager be authorised to sign the Memorandum of Understanding with Shoalhaven FM on behalf of Council.

10. Revised Privacy Management Plan File 10357E [Index](#)

RECOMMENDED that the report of the General Manager (Corporate and Community Services) regarding the revised Privacy Management Plan based on the new Model Privacy Management Plan for Local Government as attached to this report be adopted.

### **Assets & Works**

11. Junction Court - Funding Offer 2013-14 File 44389E [Index](#)

RECOMMENDED that Council:

- a) Accepts the grant funding offer of \$50,000 from the NSW Roads and Maritime Services for the completion of the Junction Court Nowra (opening to traffic) project, and authorise the expenditure (Job No 85990); and
- b) Writes to Roads and Maritime Service thanking it for its cooperation and funding assistance, and advising that Council accepts the grant funds offered and committing to a completion of the project by June 2014, as required, through the Member for South Coast.

12. 2013/2014 Regional Roads Block Grant Funding File 47832E, 5279E [Index](#)

RECOMMENDED that Council:

- a) Accepts the 2013/14 Regional Roads Block Grant of \$2,095,000 from Roads and Maritime Services; and
- b) Writes to Roads and Maritime Services thanking it for the grant, through the Members for South Coast and Kiama.

- 
13. Update on Berry Sporting Complex Management Committee File 3196E [Index](#)

RECOMMENDED that Council:

- a) Disband the Berry Sporting Complex Management Committee and that any delegations issued pursuant to Section 377 of the Local Government Act be rescinded;
- b) Permanently reallocates \$9,300 maintenance funds from Job No 29999 (Management Committees Others) to Job No 22102 (Parks Core Maintenance); and
- c) Closes the bank account of the Berry Sporting Complex Management Committee and allocates the remaining \$300 to Job No 22102.

14. Ulladulla Leisure Centre Gymnasium Extension – Tender File 47365E [Index](#)

RECOMMENDED that in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, Council consider a separate confidential report on this matter, and any decision made in the confidential session be made public in accordance with Clause 253 of the Local Government Act (General) Regulation 2005.

15. Crossroads Rural Fire Station Tender File 47432E [Index](#)

RECOMMENDED that in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, Council consider a separate confidential report on this matter, and any decision made in the confidential session be made public in accordance with Clause 253 of the Local Government Act (General) Regulation 2005.

16. St Georges Basin Soil Analysis and Renovation Program File 2253E [Index](#)

RECOMMENDED that Council:

- a) Retrofit subsoil drainage to the field at an estimated cost of between \$43,987 to \$53,762; and
- b) Fund the upgrade works as follows: revoted funds (\$34,885) from Job No 82527 (St Georges Basin Field Upgrade); and the balance to be funded from Job No 22107 (Minor Improvement Program).

### **Planning & Development**

17. Submission of Grants - Swan Lake Estuary Environmental & Cultural Restoration Project  
File 17261e [Index](#)

RECOMMENDED that Council:

- a) Accepts the Grant of \$63,290 for the Swan Lake Estuary Environmental and Cultural Restoration Project; and
- b) Send a letter to the Hon. Robyn Parker MP, the NSW Minister for the Environment and Heritage thanking her for the grant offer.

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18. Biobanking Agreement – Garrad Reserve Narrawallee

File 46748E [Index](#)

RECOMMENDED that:

- a) Council vote to accept the 2013-2014 payment of \$137,437 and subsequent payments each year, to undertake specified management actions on Garrad Reserve;
- b) After finalisation of the Shoalhaven LEP 2013, Council prepare a planning proposal to amend the LEP to reflect the conservation status of the reserve and ensure that all four lots that make up the biobank site have a consistent zoning; and
- c) The community engagement strategy attached to the report be noted and received for information.

19. Crookhaven Headland Lighthouse – Future Management & Maintenance

File 42240E [Index](#)

RECOMMENDED that Council:

- a) Does not accept responsibility for the future management and maintenance of Crookhaven Headland Lighthouse until the NSW Government provides a budget to fully fund its restoration and ongoing maintenance costs;
- b) Hold further discussions with the NSW Government regarding the ongoing maintenance costs;
- c) Facilitate a meeting of the Crookhaven Headland Lighthouse Steering Committee to advise the Committee of Council's position; and
- d) Write to the Member for South Coast and Minister for Regional Infrastructure and Services advising them of this resolution.

20. Swimming Pool Amendment Act 2012 – Draft Swimming Pool Barrier Inspection Program

File 32517E [Index](#)

RECOMMENDED that:

- a) Council publically exhibit the Draft Swimming Pool Barrier Inspection Program for a minimum period of 28 days; and
- b) A further report be submitted after closure of the exhibition period.

RECOMMENDED that in respect to the Shoalhaven Local Heritage Assistance Fund for 2013-2014, grants be offered to the eight (8) applicants listed in the following Table for the amounts shown:

| <b>Owner / Applicant</b>   | <b>Project Location</b>      | <b>Heritage Item &amp; Level of Significance</b>                              | <b>Description of Works</b>   | <b>Recommended Grant Amount</b> |
|--|------------------------------|---|---|---------------------------------|
| W Carter   | Tannery Road Cambewarra      | Former Schoolmaster's Brick Residence and garden<br><b>STATE Significance</b> | Essential drainage works – Roofing, downpipe and gutters due to rising damp.                          | <b>\$1,800</b>                  |
| C J Knapp  | 680 Bolong Road Bolong       | *Swanlea Dairy Farm Complex<br><b>Not listed in SLEP</b>                      | Restoration to roof of concrete silo.   | <b>\$1,000</b>                  |
| E Lothian  | 53 Queen Street Berry        | <b>*Not listed in SLEP See Attachment 'B'</b>                                 | Repainting exterior of house.   | <b>\$1,000</b>                  |
| S McIntosh   | 94 Tannery Road Berry        | Dairy Farm Complex and Gatehouse<br><b>STATE Significance</b>                 | Replace roof of feed stall shed and supporting poles.   | <b>\$2,788</b>                  |
| F Pami   | 19 Ferry Lane Nowra          | Victorian Georgian style Timber Slab Cottage<br><b>LOCAL Significance</b>     | Replace timber verandah to front of cottage.  | <b>\$1,800</b>                  |
| J M Saw  | 32 Woodstock Road Croobyar   | Former Victorian Brick Gatehouse to Mt Airlie<br><b>LOCAL Significance</b>    | Front door brickwork and barge board replacement.   | <b>\$1,700</b>                  |
| A & M Sherringham  | 1165 Bolong Road Coolangatta | Victorian Georgian style Farmhouse and trees<br><b>LOCAL Significance</b>     | Replacement of 1950s window with new style window to assimilate with original building style windows. | <b>\$1,800</b>                  |
| K & G Thompson   | 138 Princes Highway Milton   | Interwar Federation style Cottage<br><b>LOCAL Significance</b>                | Remove infilled asbestos verandah and restore verandah to original style.                             | <b>\$2,200</b>                  |
| <b>Total</b>   |                              |   |   | <b>\$14,088</b>                 |
| Note: (*) identified in Shoalhaven Heritage Study 1995-98 as locally significance but not listed in Shoalhaven Local Environmental Plan. |                              |   |   |                                 |

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## Shoalhaven Water

22. Review of Shoalhaven Water Group Policies - Round 8 File 12039E [Index](#)

RECOMMENDED that:

- a) Council place the following Public Policies on public exhibition and invite submissions in accordance with Section 160 of the Local Government Act:
  - i) Connection of Properties to Council's Sewerage System Policy;
  - ii) Reclaimed Water Policy;
- b) Council place the following Local Approval Policy on public exhibition and invite submissions in accordance with Section 160 of the Local Government Act:
  - i) Liquid Trade Waste Discharge to the Sewerage System Policy;
- c) Should Council receive no feedback or minor comments in relation to the Policies placed on public exhibition, then the Policies be deemed adopted at the conclusion of the submissions period, otherwise a further report is to be provided to Council; and
- d) Council reaffirm the following Public Policy without amendment:
  - i) Building Over Sewers Policy.

## Planning & Development / Assets & Works / Corporate & Community Services

23. Draft Sanctuary Point Place Making Action Plan – Report Following Public Exhibition File 44032E [Index](#)

RECOMMENDED that Council:

- a) Adopt the draft Sanctuary Point Place Making Action Plan (as publicly exhibited);
- b) Re-categorise part of the Community Land which forms Clifton Park from "Park to "General Community Use" (as detailed in the report);
- c) Amend the "Schedule of land" in its adopted Generic Community Land Plans of Management for Park and General Community Use to reflect the dual Community Land categorisation on Clifton Park (as detailed in the report);
- d) Provide in principle support for development of a proposed Men's Shed, community food garden and 'Learn-to-ride' facility on Clifton Park; and
- e) Continue to investigate the development of a specific public policy to guide the facilitation and co-ordination of a place based planning approach for the City.



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## **Addendum Report 2 – Shoalhaven Water**

24. Water and Sewer Headworks Charges (Section 64 Charges) File 15513E [Index](#)

RECOMMENDED that:

- a) Council modify the policy “Assistance for Small Business” to include all development types and allow for a 75% concession up to 2 ET and 50% for >2ET concession on Water and Sewer Section 64 charges, effective from the 1<sup>st</sup> July 2013; and
- b) Section 64 charges for dual occupancy development be based on the number of bedrooms, irrespective of whether a subdivision occurs.

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## NOWRA CBD ACTION – MONDAY 5 AUGUST 2013 (ITEMS 25 to 31)

### Assets & Works

25. Capital Works Update for Nowra CBD File 46730E [Index](#)

#### Recommendation 1

RECOMMENDED that:

- a) The issue of Junction Court opening be deferred until the next Nowra CBD Action meeting;
- b) A breakdown of costs to make Junction Court trafficable be brought back to the Committee; and
- c) Councillors to discuss impacts of opening Junction Court with affected shopowners.

#### Recommendation 2

RECOMMENDED that:

- a) The footpath on the eastern side of Berry St adjacent to the frontage of existing cafes be widened;
- b) Parallel parking in Berry St be line marked; and
- c) The matter be referred to Council for action.

#### Recommendation 3

RECOMMENDED that a report be presented at the next meeting on a reconfigured design with a possible 3 buses parking parallel to main alignment or an alternative design to maximise pedestrian safety for the Stewart Bus Interchange.

26. Taxi Rank Re-location - Junction Street, Nowra File 9886E, 2636E [Index](#)

RECOMMENDED that the General Manager (Director Assets and Works):

- a) Not pursue the re-location of the main Junction Street taxi rank (located between O'Connell Lane and Nowra Lane); and
- b) Submit a proposal to increase the size of night time taxi zones adjacent to the Nowra CBD Hotels (increase of one space and corresponding loss of one parking space) to the Shoalhaven Traffic Committee for consideration.

- 
27. Proposed Car Parking - Burr Avenue, Nowra File 39962E; 46219E, 17670E [Index](#)

RECOMMENDED that:

- a) Works at the Burr Avenue car park site be deferred; and
- b) Available funding be directed to the construction of 19 additional spaces in the Berry Street car park.

28. Nowra CBD - Cleaning Service and Staff Hours - Trial Results  
File 45446E, 35106E, 27690E [Index](#)

RECOMMENDED that:

- a) Cleaning services within the CBD continue (Tuesdays/Wednesdays and 4hrs on a Sunday); and
- b) Cleaning services be minimised in winter months.

### **Planning & Development**

29. Nowra CBD Economic Analysis File 45403E [Index](#)

RECOMMENDED that Council:

- a) Adopt the "*Nowra CBD Economic Analysis*" and Council's "*Response to the Nowra CBD Economic Analysis*" as public documents for discussion purposes;
- b) Actively pursue options for grant or alternate funding and partnership funding to provide infrastructure in the Nowra CBD;
- c) Review car parking rates in Council's Car Parking Code to determine whether any concession might be appropriate for low car usage developments and receive a report back on this matter;
- d) Investigate options for discounting car parking requirements for shop top housing as an incentive to development and provide a report back on this issue;
- e) Adopt a policy position of only providing discounts or incentives for development if alternative funding can be obtained, and that Council not subsidise development;
- f) Report further, if appropriate alternative funding can be sourced, with options on discounting car parking contributions in the Nowra CBD; and
- g) A sub group be formed comprising of David Goodman, Paul Dean, Peter Price, Lee Carmichael, Clr Wells and Clr Tribe to review recommendations and timeframes for amending developer contributions.

30. POL05/64 Landscaping of the Princes Highway – Nowra Urban Area File 31679E [Index](#)

RECOMMENDED that the Committee recommend to Council that policy POL05/64 Landscaping of the Princes Highway – Nowra Urban Area be rescinded.

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## General Business

### 31. Additional Item – Additional All Day Car Parking

File [Index](#)

RECOMMENDED that in reviewing the options for satisfying the shortfall in all day car parking within the CBD and in assessing the alternatives, in particular Stewart Place and Worrige/Berry St car parks, that Council sets a minimum requirement of providing an additional 400 all day car parking spaces over all existing spaces.

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**COUNCIL PROPERTY STEERING COMMITTEE – TUESDAY 6 AUGUST 2013 (ITEMS 32 to 34)**

**Assets & Works**

32. Proposed Donation of Council Land – Coolangatta Mountain File 21718E [Index](#)

RECOMMENDED that Council:

- a) Provide in principle support to the proposal of donating Council land, Lot 5 DP834853, Lot 7 DP 833168 and Lot 26 DP 843541 to National Parks & Wildlife Service as an Aboriginal Place;
- b) Undertake a consultation process with the community in respect to the proposed donation of land;
- c) Delegate authority to the General Manager to discuss and negotiate the terms of the donation with NPWS and JLALC;
- d) Receive a further report on the outcome of the matter following the consultations, discussions and negotiations;
- e) The General Manager to consider requesting a number of tradeoffs of mutual benefit to both parties from Office of Environment & Heritage.

33. Classification of Land - Various File 7720E, 46605E, 46739E [Index](#)

MOTION:

Moved: Robertson / Second: Baptist

RECOMMENDED that Council resolve to classify the land described in Schedule A as operational land in accordance with section 31 (2) of the Local Government Act, 1993.

Schedule A

| Legal Description                     | Locality          | Purpose   | Reference |
|---------------------------------------|-------------------|---|-----------|
| Lot 125 DP 8772 Currana Ave,          | Worrowing Heights | Donating the land to the Foundation of National Parks and Wildlife as part of the HELP project. | 46605e    |
| Lot 137 DP 8772 Currana Ave           | Worrowing Heights |   |           |
| Lot 259 DP 8591 Elouera Dr            | Worrowing Heights |   |           |
| Lot 97 DP8770 Ooranye Gdn             | Worrowing Heights |   |           |
| Lot 22 Section 25 DP2886<br>Coomea St | Bomaderry         | For future development or resale  | 46739E    |

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## Addendum Report 1 – Assets & Works

34. Proposed Closure of Unformed Council Public Road within Lots 1 and 2 DP 1038647  
Tannery Road and Agars Lane Berry File 45813e [Index](#)
- 

RECOMMENDED that:

- a) Council resolves to advise the Crown Lands Division of the Department of Primary Industries that Council objects to the advertised closure of the unformed Council Public Road within Lots 1 and 2 DP 1038647, in light of the cycle/pathway proposed by the Berry Rotary Club;
- b) Council continue discussion with Berry Rotary Club to progress its proposed cycle/walking track linking Tannery Road with Moeyan Road; and
- c) Council resolves to receive further progress reports on the cycle/walking tracks proposed by Berry Rotary Club with the view to considering whether Council supports all or part of the proposed road closures within Lots 1 and 2 DP 1038647.

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**NORTHERN SHOALHAVEN NATURAL RESOURCES AND FLOODPLAIN MANAGEMENT COMMITTEE – WEDNESDAY 7 AUGUST 2013 (ITEMS 35 to 41)**

**Planning & Development**

35. Coast and Estuary 2013-2014 Grant Announcements File 3406E & 30596E [Index](#)

RECOMMENDED that

- a) The Committee receive the report for information; and
- b) Council proceed with unfunded projects within available budget limits, with priority given to the Shoalhaven River Entrance Process Study and Community Education and the Citywide Maintenance Dredging Feasibility Study.

36. Flood Event 24 & 25 June 2013 File 9825e [Index](#)

RECOMMENDED that Council approve the community awareness and education activities for people located in the Shoalhaven and Broughton Creek floodplain areas.

37. Shoalhaven River Strategic Management Framework Report File 30596E & 3426E [Index](#)

RECOMMENDED that Council authorise:

- a) The Committee identifying and prioritising key issues to be addressed by the proposed Strategic Management Framework for the Shoalhaven River Catchment;
- b) Recommending to the NSW State Government the development of a Strategic Management Framework for the Shoalhaven River Catchment;
- c) Part funding, facilitation and development of the Strategic Management Framework for the Shoalhaven River within the Shoalhaven City Area when developing the 2014/18 delivery program and the 2014/15 Operational Plan;
- d) Requesting the State Government make representations to the Federal Government for support and funding; and
- e) The above actions be subject to confirmation of State and/or Federal Government funding

**General Business**

38. Additional Item – Bank Erosion File 3426E [Index](#)

RECOMMENDED that a report be brought back to the Northern Shoalhaven Natural Resources and Floodplain Management Committee on options for stabilisation of bank erosion and channel change in the lower Estuary including Berry's Canal.

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39. Additional Item – Australian Oyster Coast File 47308E [Index](#)

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RECOMMENDED that:

- a) A report be submitted to the Committee regarding the Memorandum of Understanding provided by Australia's Oyster Coast; and
- b) A presentation be provided at the next meeting of the Committee by a representative of Australia's Oyster Coast, if possible.

40. Additional Item – Committee Membership File 46778E [Index](#)

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RECOMMENDED that Council approve a membership request from Australia's Oyster Coast and increase the membership of the Northern Shoalhaven Natural Resources and Floodplain Management Committee accordingly.

41. Additional Item – Working Group File 46778E [Index](#)

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RECOMMENDED that Council approve the Southern Rivers Catchment Management Authority to consider Mr Tony Emery be made a member of the Shoalhaven river Riverbank Stability Study Working Group.



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**SHOALHAVEN SPORTS BOARD – THURSDAY 8 AUGUST 2013 (ITEMS 42 to 46)**

**Assets & Works**

42. Voluntary User Contribution Fund Application - Round One 2013/2014 File 24899E [Index](#)

RECOMMENDED that:

- a) The application from Southern Shoalhaven Rugby League Club for Round One 2013/2014 not be approved; and
- b) The matter of Voluntary User Contribution Fund Application - Round One 2013/2014 be referred to Council's Tree Management Officer to action as it is a maintenance issue.

**Corporate & Community Services**

43. Community Representative - Illawarra Academy of Sport File 2388E [Index](#)

RECOMMENDED that Shoalhaven Sports Board supports the nomination of the position of Chairperson of the Shoalhaven Sports Board as the community representative on the Illawarra Academy of Sport.

44. Sportsground - Temporary Storage (Shipping) Container on Public Land Policy File 4538E [Index](#)

RECOMMENDED that

- a) Council formalise a Temporary Storage (Shipping) Container on Public Land Policy which will set guidelines to assess temporary storage requests on Council owned and/or managed land categorised as 'Sports Ground' or 'General Community Use'; and
- b) The draft Temporary Storage (Shipping) Container on Public Land Policy be referred to the Sports Board for comment, prior to public exhibition.

45. Free Use of Facilities - Elite Athlete Support Program – Shoalhaven Swim & Fitness Centres – Sporting Facilities File 5247E [Index](#)

RECOMMENDED that:

- a) The Shoalhaven Sports Board adopt the following criteria as the basis for a draft policy and for all future approaches from individual athletes for free access to Council's Shoalhaven Swim & Fitness Centres and sporting facilities:
  - i) Applicants must meet the criteria of the Shoalhaven Sporting Hall of Fame, having met the relevant criteria:
    - a) The nominated athlete must have represented Australia at an international or national elite junior or senior level.

- 
- b) Selection of an athlete does not include persons who have represented their sport through school sports activities.
  - c) The selected athlete shall have undergone their formative training in the Shoalhaven, or be recognised as a medium/long term Shoalhaven Local Government Area resident.
- ii) Applicants must not be currently paid or sponsored to compete in their respective sports.
  - iii) External coaches of successful applicants will be required to pay all lane hire/facility charges as per Council's fees and charges.
  - iv) An athlete's inclusion into the Elite Athlete Support Program should not conflict with any other schemes support by way of fee waiver or subsidy currently offered by Council.
  - v) Access to Council's Shoalhaven Swim & Fitness Centres and sporting facilities shall be limited to free casual swimming entry only and does not extend to any other program such as coaching, personal training or group exercise classes.
  - vi) Access shall be limited to individuals only, groups or teams will not be considered.
  - vii) Successful applicants shall also be required to abide by Council's current Patron Behaviour Guidelines (PRD12/36) - failure to do so may lead to the withdrawal of free casual entry.
  - viii) Access to facilities for free casual swimming will be permitted during normal hours of operation only.
  - ix) Each athlete under the Elite Athlete Support Program will be required to provide his/her own equipment for training sessions.
  - x) Parents and other relatives of athletes under the Elite Athlete Support Program are not entitled to free access to facilities.
  - xi) Use of Shoalhaven Swim & Fitness Centres and sporting facilities must be relevant to the Elite Athlete's chosen field of endeavour.
- b) Subject to approval by the Shoalhaven Sports Board, an Elite Athlete Support Program Policy be prepared and submitted to Council.

46. Bill Andriske, Mollymook Oval Master Plan

File 44796E [Index](#)

RECOMMENDED that:

- a) Council adopt the Bill Andriske Mollymook Oval Master Plan;
- b) Council consider funding in the 2014/15 budget to undertake detail design of the oval, car parking, entrances and tiered seating areas; and
- c) Preliminary construction costing be reported back to Council for the consideration in the Long Term Financial Plan.

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**CENTRAL SHOALHAVEN NATURAL RESOURCES AND FLOODPLAIN MANAGEMENT COMMITTEE – MONDAY 12 AUGUST 2013 (ITEMS 47 to 52)**

**Assets & Works**

47. Currambene Creek Boating Infrastructure Strategy File 43319E [Index](#)

RECOMMENDED that:

- a) Council receive the report on the Currambene Creek Boating Infrastructure Strategy Discussion Paper for information;
- b) The Currambene Creek Boating Infrastructure Strategy Discussion Paper be exhibited and consultation be undertaken; and
- c) Council receive a further report on the feedback from consultation and exhibition period.

**Planning & Development**

48. Coast and Estuary 2013-2014 Grant Announcements File 3406E & 30596E [Index](#)

RECOMMENDED that

- a) The Committee receive the report for information; and
- b) Council proceed with unfunded projects within available budget limits, with priority given to the Shoalhaven River Entrance Process Study and Community Education and the Citywide Maintenance Dredging Feasibility Study.

49. Flood Event 24 & 25 June 2013 File 9825E [Index](#)

RECOMMENDED that Council support the community awareness and education activities for individuals located in flood affected areas.

50. Coastal Erosion Projects Update File 30596E [Index](#)

RECOMMENDED that Council develop a Consultant's Brief and invite suitably qualified Coastal Engineering consultants to submit a report for a Coastal Erosion Remediation Implementation Strategy for Currarong and Authorised Locations.

51. Sussex Inlet Navigation Channel Dredging File 3420E [Index](#)

RECOMMENDED that Council proceed with the Citywide Dredging Feasibility Study and the Study consider commercial sand dredging options.

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## **General Business**

52. Additional Item – Membership on Committee

File 30568E [Index](#)

RECOMMENDED that Council consider appointing Chris Grounds as a replacement for Maureen Webb as a member on the Central Shoalhaven Natural Resources and Floodplain Management Committee.

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**SHOALHAVEN TOURISM BOARD – MONDAY 26 AUGUST 2013 (ITEM 53)**

**Corporate & Community Services**

53. Application for Funding

File 42405E [Index](#)

RECOMMENDED that Council support the 2015 Adventure Racing World Championships with an event hosting fee of \$50,000 and placement fee for Sports Marketing Australia of \$4,400 from Council general funds 2015/2016.

**Note by General Manager:**

The \$54,400 is NOT within Council's Long Term Financial Plan budgets. By 2015/2016 Council has already set Operational budget reduction targets of \$4.5 million from the Transformation Program plus a further \$1 million from other identified savings/reductions. These reductions are being made through restructure, efficiency & technology advances and potentially changes in service levels. Council has also committed to additional borrowings of \$5 million towards the Nowra CBD Multi Storey car park, which will add about \$672,000 per annum to the loan servicing costs. Thus, if Council approves additional program expenditures as recommended by the Tourism Board additional cuts will be required elsewhere and Council is requested to identify those cuts.

R.D Pigg  
**GENERAL MANAGER**

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## **SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 13 AUGUST 2013**

### **ORDINARY MEETING**

**TUESDAY, 3 SEPTEMBER 2013**

#### **REPORT OF THE CONVENOR**

#### **ITEMS FOR APPROVAL UNDER DELEGATED AUTHORITY**

54. 15 minute Bus Zones - Owen Street, Huskisson (PN 664) File 9576E, 17279E [Index](#)
- # RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the installation of 15 minute time restrictions at the existing bus zones on the northern and southern sides of Owen Street, Huskisson immediately west of Currambene Street as detailed in the attached plan TRAF2013/34.
55. Road Safety - Intersections of Central Avenue and Flinders Road with Bellevue Street, South Nowra (PN 729) File 1712E [Index](#)
- # RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the installation of Give Way signs (R1-2B) and associated Hold (TB/TB1) line marking at the intersections of Bellevue Street and Flinders Road, South Nowra and Bellevue Street and Central Avenue, South Nowra as detailed in the attached plan TRAF2013/35.
56. Road Safety - Browns Road, South Nowra (PN 883) File 1712E [Index](#)
- # RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the installation of a No Stopping zone on the southern side of Browns Road, South Nowra (for a distance of approximately 35m) east of the existing car wash, as detailed in the attached plan TRAF2013/36.
57. Parking Restrictions - Boree Street, Ulladulla (PN 2920) File 2947E, 45794E [Index](#)
- # RECOMMENDED that the General Manager (Director Assets and Works) arrange for the reinstatement of three unrestricted car parking spaces on the western side of Boree Street, immediately north of South Street, as detailed in the attached plan TRAF2013/37.
58. Application for a 25m B-Double, 4.6m high route - Manildra - Hanigans Lane (PN 2943) File 5525E [Index](#)
- # RECOMMENDED that the General Manager (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objection to the provision of (as outlined in TRAF2013/38):
- a) A 25m B-Double route along Hanigans Lane from Bolong Road to Lot 164 DP4469 Hanigans Lane (Manildra Farm driveway), operational outside the hours of 7.30am-9.30am, 2.30pm-4pm on school days; and

- 
- b) A 4.6m high vehicle route from the Princes Highway along Bolong Road and Hanigans Lane to Lot 164 DP4469 Hanigans Lane (Manildra Farm driveway).

59. Parking concerns - peak period - Hyams Beach Village (PN 2967) File 38766E [Index](#)

# RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the installation of No Stopping zones in Hyams Beach at the following locations;

- a) A No Stopping zone for a distance of 10m on the northern and southern side of the intersection of Booderee Avenue and Cyrus Street, and a No Stopping zone for approx 20m on the eastern side of Cyrus Street, opposite the intersection of Booderee Avenue, as detailed in the attached plan TRAF2013/39.
- b) A No Stopping zone for a distance of 10m on the northern and southern side of the intersection of Hyam Road and Cyrus Street, as detailed in the attached plan TRAF2013/40.
- c) A No Stopping zone for a distance of approx 37m on the southern side of the curve of Aster Street and Cyrus Street, and install guideposts (at approx 3.5m spacings) for a distance of approx 35m on the northern side of the curve of Aster Street and Cyrus Street, as detailed in the attached plan TRAF2013/41.
- d) A No Stopping zone for a distance of 10m on the northern side of the intersection of Bayview Avenue and Cyrus Street, and a No Stopping zone on the western side of Cyrus Street, from the intersection of Bayview Avenue, south to the end of Cyrus Street including the head of the cul-de-sac, as detailed in the attached plan TRAF2013/42.

60. Application for a 4.6m high vehicle route – South Nowra, Bomaderry, Terara/Brundee (PN 2985) File 5525E [Index](#)

# RECOMMENDED that the General Manager (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objection to the provision of a 4.6m high vehicle route on the following roads:

Bomaderry (TRAF 2013/43)

- a) Bolong Road, Bomaderry (from the Princes Hwy to Hanigans Lane)
- b) Hanigans Lane, Bolong (from Bolong Road to Lot 164 DP4469)
- c) Railway Street, Bomaderry (from Bolong Road to the entrance driveway of the vehicle weigh station 16 Railway St)

South Nowra (TRAF 2013/44)

- d) Flinders Road (from the Princes Hwy to Norfolk Ave)
- e) Norfolk Ave (from Flinders Road to Tom Thumb Ave)
- f) Tom Thumb Ave (entire length)
- g) Cumberland Ave (from Tom Thumb Ave to Flinders Road)
- h) Bellevue St (entire length)

- 
- i) Central Ave (from Bellevue St to the Princes Hwy)  
South Nowra, Terara and Brundee (TRAF 2013/45)
  - j) Quinns Lane (entire length)
  - k) Old Southern Road (from Quinns Lane to Greenwell Point Road)
  - l) Greenwell Point Road (from Old Southern Road to Jindy Andy Lane)
  - m) Millbank Road (from Greenwell Point Road to the driveway of 233 Millbank Road)

61. Bus zone - Kalandar Street, Nowra (PN 3000) File 6869E, 2017E [Index](#)

RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the installation of a 30m bus zone on the southern side of Kalandar Street, immediately west of the driveway of property number 100 Kalandar Street, Nowra as detailed in the attached plan TRAF2013/46.

**GENERAL BUSINESS**

62. Additional Item – Berry Street Nowra Parallel Parking File [Index](#)

RECOMMENDED that the General Manager be advised that the Shoalhaven Traffic Committee does not support line marking parallel parking on Berry Street Nowra between Worrigea Street and Junction Street.

Convenor’s note: Representatives of the NSW Police Force; Roads and Maritime Services; and the Member for South Coast voted against the proposal to line mark parallel parking in Berry Street. Council’s representative voted for the proposal.

If Council intends to pursue the line marking, against the Traffic Committee’s recommendation, it must first advise the NSW Police Force and the RMS of this intention. The Police and/or RMS may then lodge an appeal to the Regional Traffic Committee, for its ultimate determination of the matter.

Martin Upitis  
CONVENOR



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## **REPORT OF GENERAL MANAGER**

### **ORDINARY MEETING**

**TUESDAY, 3 SEPTEMBER 2013**

#### **CORPORATE AND COMMUNITY SERVICES**

##### **63. Record of Investments - July 2013**

File 2126E [Index](#)

**SECTION MANAGER:** Nancy Marriott.

**PURPOSE:** Delivery Program Activity: 5.1.3.14

Under Section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation it is a requirement to provide a written report to Council on a monthly basis setting out details of all money that Council has invested.

**RECOMMENDED that the Report of the General Manager (Corporate and Community Services Group) on the Record of Investments for the period to 31 July 2013 be received for information.**

#### **OPTIONS**

1. The report on the Record of Investments for the period to 31 July 2013 be received for information
2. Further information regarding the Record of Investments for the period to 31 July 2013 be requested

#### **DETAILS**

Council's overall investment performance resulted in a weighted average return of 4.22% (annualised), 146 basis points above the average 90 day Bank Bill Rate of 2.76% (as supplied by CBA).

The Managed Fund Portfolio returned an average 4.22% over the last twelve months while Council's direct investment portfolio posted a weighted average of 4.22%, 146 basis points above the benchmark.

Interest earned on Council's investment portfolio for the financial year to date is \$346,772 (on total investments of \$112,881,599) compared with \$405,711 (on total investments of \$103,730,947) for the same period last financial year. The decrease in interest on investments is due to the Council's overall weighted average return decreasing by 89 basis points over the last 12 months. The interest earned for the month of July is slightly above pro rata budget.

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The Portfolio Valuation Report provided by ANZ for 31 July 2013 states that:

The Australian equity market recovered during the month. The S&P ASX 200 closed the month 5.20% higher at 5,051.98. The Australian dollar lost another 2 cents, buying 0.8992 USD at month end.

The RBA kept the target cash rate steady at 2.75% at the July meeting, whilst the 90 day Bank Bill Swap Rate (BBSW) closed the month down at 2.72%.

## **RECORD OF INVESTMENTS** as at 31 July 2013

### **Total Cash And Investments**

|                   |                             |
|-------------------|-----------------------------|
| Total Cash        | \$3,164,047                 |
| Total Investments | \$109,717,553               |
|                   | <u><b>\$112,881,599</b></u> |

### **Less Cash & Investments Held In Relation To Restricted Assets**

|   |                            |
|---|----------------------------|
| Leave Entitlements & Workers Compensation Liability | \$7,620,937                |
| Financial Assistance Grant                          | \$4,793,727                |
| Grant reserve                                       | \$406,445                  |
| North Nowra Link Road                               | \$661,689                  |
| Other Internal Reserves                             | \$11,909,671               |
| Section 94  | \$17,411,102               |
| Section 94 Matching Funds                           | \$1,001,586                |
| Storm Water Levy                                    | \$85,599                   |
| Strategic Projects General                          | \$2,058,842                |
| Trust   | \$98,006                   |
| Waste Disposal                                      | \$7,266,181                |
| Sewer Compensation                                  | \$6,568                    |
| Sewer Construction Works                            | \$7,649,176                |
| Section 64 Water                                    | \$9,576,506                |
| Water Construction Works                            | \$24,008,814               |
| <b>Total Restricted</b>                             | <u><b>\$94,554,850</b></u> |

### **Unrestricted Cash And Investments**

|                           |                            |
|---------------------------|----------------------------|
| General                   | \$16,326,749               |
| Water                     | \$1,000,000                |
| Waste Water               | \$1,000,000                |
| <b>Total Unrestricted</b> | <u><b>\$18,326,749</b></u> |

**SHOALHAVEN CITY COUNCIL  
STATEMENT OF INVESTMENTS  
31 July 2013**

| DIRECT INVESTMENTS:<br>Institution | Rating | Inv<br>Type | Principal               | Terms | Interest<br>Rate | Maturity<br>(1st) | Final<br>Maturity |
|------------------------------------|--------|-------------|-------------------------|-------|------------------|-------------------|-------------------|
| ANZ                                | A1+    | TD          | \$2,000,000.00          | 105   | 4.30%            | 21-Aug-13         |                   |
| ANZ                                | A1+    | TD          | \$3,000,000.00          | 110   | 4.20%            | 25-Sep-13         |                   |
| ANZ                                | A1+    | TD          | \$3,000,000.00          | 98    | 4.15%            | 29-Aug-13         |                   |
| ANZ                                | A1+    | TD          | \$1,000,000.00          | 104   | 4.40%            | 14-Aug-13         |                   |
| ANZ                                | A1+    | TD          | \$1,000,000.00          | 104   | 4.40%            | 15-Aug-13         |                   |
| ANZ                                | A1+    | TD          | \$1,000,000.00          | 101   | 4.30%            | 15-Aug-13         |                   |
| Bank of Qld                        | A2     | TD          | \$1,000,000.00          | 90    | 4.20%            | 28-Aug-13         |                   |
| Bank of Qld                        | A2     | TD          | \$2,000,000.00          | 105   | 4.25%            | 29-Aug-13         |                   |
| Bank of Qld                        | A2     | TD          | \$1,000,000.00          | 105   | 4.33%            | 22-Aug-13         |                   |
| Bank of Qld                        | A2     | TD          | \$2,000,000.00          | 98    | 4.43%            | 08-Aug-13         |                   |
| Bank of Qld                        | A2     | TD          | \$1,000,000.00          | 92    | 4.28%            | 15-Aug-13         |                   |
| Bendigo Bank                       | A2     | TD          | \$2,000,000.00          | 98    | 4.10%            | 11-Sep-13         |                   |
| Bendigo Bank                       | A2     | TD          | \$2,000,000.00          | 183   | 4.05%            | 23-Jan-14         |                   |
| Bendigo Bank                       | A2     | TD          | \$2,000,000.00          | 92    | 4.10%            | 29-Aug-13         |                   |
| Bendigo Bank                       | A2     | TD          | \$1,000,000.00          | 99    | 4.45%            | 08-Aug-13         |                   |
| Bendigo Bank                       | A2     | TD          | \$1,000,000.00          | 105   | 4.50%            | 07-Aug-13         |                   |
| Heritage Bank                      | A3     | TD          | \$2,000,000.00          | 97    | 4.15%            | 16-Oct-13         |                   |
| ING Bank (Australia) Ltd           | A1     | TD          | \$2,000,000.00          | 98    | 4.27%            | 19-Sep-13         |                   |
| ING Bank (Australia) Ltd           | A1     | TD          | \$2,000,000.00          | 183   | 4.29%            | 28-Nov-13         |                   |
| ING Bank (Australia) Ltd           | A1     | TD          | \$2,000,000.00          | 104   | 4.29%            | 18-Sep-13         |                   |
| ING Bank (Australia) Ltd           | A1     | TD          | \$2,000,000.00          | 91    | 4.28%            | 26-Sep-13         |                   |
| ING Bank (Australia) Ltd           | A1     | TD          | \$2,000,000.00          | 91    | 4.27%            | 12-Sep-13         |                   |
| Members Equity Bank                | A2     | TD          | \$1,000,000.00          | 112   | 4.20%            | 02-Oct-13         |                   |
| Members Equity Bank                | A2     | TD          | \$1,000,000.00          | 92    | 4.20%            | 03-Oct-13         |                   |
| Members Equity Bank                | A2     | TD          | \$1,000,000.00          | 99    | 4.25%            | 26-Sep-13         |                   |
| Members Equity Bank                | A2     | TD          | \$1,000,000.00          | 105   | 4.33%            | 22-Aug-13         |                   |
| Members Equity Bank                | A2     | TD          | \$2,000,000.00          | 99    | 4.40%            | 01-Aug-13         |                   |
| Members Equity Bank                | A2     | TD          | \$2,000,000.00          | 90    | 4.20%            | 23-Oct-13         |                   |
| Members Equity Bank                | A2     | TD          | \$2,000,000.00          | 97    | 4.25%            | 04-Sep-13         |                   |
| National Australia Bank            | A1+    | CRD         | \$5,000,000.00          | 31    | 4.44%            | 08-Aug-13         | 04-Apr-14         |
| National Australia Bank            | A1+    | MATD        | \$98,006.21             | 365   | 4.22%            | 30-Jun-14         |                   |
| National Australia Bank            | A1+    | TD          | \$4,000,000.00          | 173   | 4.19%            | 18-Dec-13         |                   |
| National Australia Bank            | A1+    | TD          | \$1,000,000.00          | 93    | 4.12%            | 30-Aug-13         |                   |
| National Australia Bank            | A1+    | TD          | \$2,000,000.00          | 148   | 4.20%            | 28-Nov-13         |                   |
| National Australia Bank            | A1+    | TD          | \$4,000,000.00          | 91    | 4.07%            | 24-Oct-13         |                   |
| National Australia Bank            | A1+    | TD          | \$2,000,000.00          | 99    | 4.15%            | 29-Aug-13         |                   |
| National Australia Bank            | A1+    | TD          | \$2,000,000.00          | 98    | 4.15%            | 05-Sep-13         |                   |
| National Australia Bank            | A1+    | TD          | \$1,000,000.00          | 99    | 4.40%            | 01-Aug-13         |                   |
| National Australia Bank            | A1+    | TD          | \$2,000,000.00          | 112   | 4.12%            | 26-Sep-13         |                   |
| National Australia Bank            | A1+    | TD          | \$2,000,000.00          | 91    | 4.01%            | 30-Oct-13         |                   |
| NSW Treasury Corp                  | A1+    | TD          | \$3,300,000.00          | 183   | 4.37%            | 04-Oct-13         |                   |
| Police Credit Union Ltd (SA)       | NR     | TD          | \$1,000,000.00          | 90    | 4.21%            | 28-Aug-13         |                   |
| Rural Bank                         | A2     | TD          | \$2,000,000.00          | 106   | 4.25%            | 19-Sep-13         |                   |
| Rural Bank                         | A2     | TD          | \$2,000,000.00          | 96    | 4.32%            | 02-Oct-13         |                   |
| Westpac Bank                       | A1+    | TD          | \$2,000,000.00          | 99    | 4.12%            | 24-Oct-13         |                   |
| Westpac Bank                       | A1+    | TD          | \$4,000,000.00          | 105   | 4.13%            | 17-Oct-13         |                   |
| Westpac Bank                       | A1+    | TD          | \$1,000,000.00          | 97    | 4.21%            | 15-Aug-13         |                   |
| Westpac Bank                       | A1+    | TD          | \$3,000,000.00          | 104   | 4.18%            | 10-Oct-13         |                   |
| Westpac Bank                       | A1+    | TD          | \$2,000,000.00          | 103   | 4.18%            | 09-Oct-13         |                   |
| Westpac Bank                       | A1+    | TD          | \$4,000,000.00          | 101   | 4.17%            | 12-Sep-13         |                   |
| Westpac Bank                       | A1+    | TD          | \$2,000,000.00          | 105   | 4.05%            | 03-Oct-13         |                   |
| Westpac Bank                       | A1+    | TD          | \$3,000,000.00          | 111   | 4.20%            | 26-Sep-13         |                   |
| Westpac Bank                       | A1+    | TD          | \$3,000,000.00          | 188   | 4.21%            | 02-Jan-14         |                   |
| <b>TOTAL DIRECT INVESTMENTS</b>    |        |             | <b>\$105,398,006.21</b> |       | <b>4.22%</b>     |                   |                   |

| <b>MANAGED FUNDS</b>  | <b>Rating</b> | <b>Inv Type</b>                           | <b>Carrying Value</b>   | <b>Purchase Date</b> | <b>Monthly Return</b>              | <b>over last 12 months</b> |
|---|---------------|---|-------------------------|----------------------|------------------------------------|----------------------------|
| CDO Portfolio   | C             | CDO                                       | \$2,723,696.91          | Various              | 0.19%                              | 2.23%                      |
| Macquarie Income Plus   | AAAm          | MF  | \$1,595,849.65          | 17/08/2005           | 0.63%                              | 7.61%                      |
| <b>TOTAL MANAGED FUNDS</b>  |               |   | <b>\$4,319,546.56</b>   |                      | <b>0.35%</b>                       | <b>4.22%</b>               |
| <b>TOTAL INVESTMENTS</b>  |               |   | <b>\$109,717,552.77</b> |                      |                                    | <b>4.22%</b>               |
| <i>Note:</i>  |               |   |                         |                      |                                    |                            |
| <i>CA At Call Account</i>   |               | <i>CDO Collateralised Debt Obligation</i> |                         |                      | <i>FRSD Floating Rate Sub Debt</i> |                            |
| <i>MF Managed Fund</i>  |               | <i>CRD Committed Rolling Deposit</i>      |                         |                      | <i>FRN Floating Rate Note</i>      |                            |
| <i>MATD Mayors Appeal Term Deposit</i>  |               | <i>TD Term Deposit</i>                    |                         |                      |                                    |                            |
| The investments have been made in accordance with the Act, Regulations and the Council's Investment Policy. |               |   |                         |                      |                                    |                            |
| Russ Pigg<br>General Manager  |               |   |                         |                      |                                    |                            |

### **FINANCIAL IMPLICATIONS:**

It is important for Council to be informed in regard to its investment on a regular basis. Revenue from interest on investments forms a vital part of Council's revenue stream.

Craig Milburn  
**DIRECTOR, CORPORATE AND COMMUNITY SERVICES**

R.D Pigg  
**GENERAL MANAGER**

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## **REPORT OF GENERAL MANAGER**

### **ORDINARY MEETING**

**TUESDAY, 3 SEPTEMBER 2013**

#### **ASSETS AND WORKS**

**64. Graffiti Removal on Private Property in the Nowra CBD**

**File 1244E [Index](#)**

**SECTION MANAGER:** Tony Fraser.

**PURPOSE:** Delivery Program Activity: 5.1.2.27

This report outlines proposed works on private properties in the Nowra CBD to remove graffiti that is visible from public areas.

#### **RECOMMENDED that Council:**

- a) **Receive the section of the report about the 'Graffiti Removal Blitz' in the Nowra CBD for information;**
- b) **Publicly exhibit, for 28 days, the following fees for Council to undertake graffiti removal on private land:**
  - a) **\$60/hr to high pressure clean to remove the graffiti; and**
  - b) **An additional \$25/litre where paint and/or chemicals are necessary to remove or conceal the graffiti.**
- c) **Request a further report addressing submissions on the fees following the conclusion of the public exhibition period, or if no submissions are received Council adopt and apply the fees as stated.**

#### **OPTIONS**

1. As recommended (preferred option). The blitz is required to remove existing graffiti and enhance presentation of the CBD buildings that are visible from the public domain. This is a once-off initiative to assist property owners in the battle to control graffiti.
2. Council not accept the recommendation, giving reasons, and propose an alternative recommendation.

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## DETAILS

### Background

At the Council meeting on 21 June 2013 (MIN13.681) it was resolved:

*“that Council further support the relevant tasks to maintain the Graffiti Management Program at the highest level.”*

One of the initiatives discussed at the Nowra CBD Action Group meeting on 5 August 2013 is to undertake removal of all graffiti visible from public spaces in the Nowra CBD. This will be a once off action to enable business owners to take control of graffiti on their buildings. It is expected, on completion of the blitz, business owners will quickly remove any graffiti that reappears. Quick removal is the best deterrent for repeat attacks.

This report outlines the requirements under the Graffiti Control Act 2008 to undertake work on private properties. It also outlines details of the associated initiative, the graffiti trailer, to control reappearing graffiti and proposed fees for Council to undertake graffiti removal on private property on an ongoing basis.

### Graffiti Control Act

Council staff have undertaken an audit and identified 168 separate instances of graffiti that are located on private property and visible from public spaces. Council is not required to comply with the requirements of Section 67 (Private Works) of the Local Government Act, where they comply with the Graffiti Control Act 2008.

Following is a summary of the requirements of this Act:

- Council may, by agreement with the land owner, occupy private land to carry out graffiti removal work;
- Where the graffiti removal work can be carried out from public land, no agreement is necessary to remove graffiti from private buildings. In these instances Council must notify the owner that the works have been carried out; and
- Council must keep a register of the graffiti removed. This will record owner details, nature of work and costs.

# The properties affected are listed in **Attachment ‘A’**. Approximately 70 of these properties need to be accessed from just inside private land. The balance can be undertaken from public land. Council staff have written to the affected business owners requesting permission to enter.

Works are scheduled to commence in September 2013.

### Graffiti Trailer

In conjunction with the blitz, all CBD business owners will be sent details about Council’s Graffiti Trailer. The trailer, sourced through a NSW Government grant, is outfitted with a water pressure cleaner to enable property owners to undertake DIY graffiti removal.

The trailer is provided free of charge, but staff will undertake a risk assessment of the work involved before loaning it. Where the graffiti removal is assessed as being

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dangerous to inexperienced operators, Council will not loan the trailer. Instead, staff will offer to undertake the work for a nominated fee (see below).

## **FINANCIAL IMPLICATIONS:**

### **Graffiti Removal Blitz**

The estimated cost to undertake the blitz is \$15,000 plus materials. Business owners are being requested to provide the paint for their buildings to cover any graffiti that cannot be washed off by high pressure cleaning. It is understood many businesses have materials such as paint. The cost will reduce depending on the amount of materials provided.

The original scope of works was going to focus on the properties accessible from public land, but the audit indicated a significant amount of graffiti fell just inside private land. The blitz would only be effective if all the graffiti was targeted in one operation.

The Graffiti Control Act allows Council to charge, by prior agreement, to remove graffiti on private property. However, it is not proposed to charge business for these costs in this once-off initiative in September.

Sufficient funds are available in the 2013/14 budget to undertake the works, but it will divert staff from removal of graffiti on Council assets.

Under the Graffiti Control Act, Council is liable for any damage caused to private property during the graffiti removal. Council staff are very experienced in graffiti removal and this will assist to manage this risk.

### **Graffiti Trailer**

Generally, the trailer is free to use by the public except where a risk assessment indicates it is not safe to do so by inexperienced persons. Council staff can offer to undertake the removal, but, currently Council does not have a published fee for these works.

In accordance with Section 405 of the NSW Local Government Act, Council is required to publicly exhibit proposed fees for 28 days before considering submission and adopting the fees. Based on the cost estimates the fees proposed to be exhibited are:

- \$60/h to high pressure clean to remove the graffiti; and
- An additional \$25/litre where paint and/or chemicals are necessary to remove or conceal the graffiti.

## **COMMUNITY ENGAGEMENT:**

Under Council's Community Engagement Policy, this program is assessed as "Local/High Impact".

The graffiti removal on private property was discussed and supported by the Nowra CBD Action Committee at their meeting on the 5 August 2013. Letters will be posted to

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affected owners requesting permission to enter. Letters will be sent to all CBD property owners about the graffiti trailer.

Additional promotion of the initiative will be undertaken with the local Police.

A media statement has already been released and further one on one engagement will be undertaken with business owners by the Graffiti Abatement Officer.

## 65. **Ulladulla Civic Centre Library & Visitors Centre Update**

**File 37026E** [Index](#)

**SECTION MANAGER:** Cliff Harris.

**PURPOSE:** Delivery Program Activity: 1.3.3.1

- To inform the Council about the changes made, and the cost thereto, as a result of the December 2012 Community Consultation, and the subsequent integration of changes made in the approvals process; and
- To inform the Council of the intention, and the reasons it is now proposed, to include some of the fit out items into the current contract with Zauner Construction Pty Limited.

**RECOMMENDED that Council receive the report for information.**

### **OPTIONS**

1. As recommended.
2. Council not accept the recommendation, giving reasons, and propose an alternative recommendation.

### **DETAILS**

Council submitted its Development Application in October 2012 for the additions and alterations to the Ulladulla Civic Centre Library & Visitors Centre following considerable Community Consultation.

Following lodgement of the DA, Council became aware of growing objection from a section of the community to parts of the design of the Civic Centre as it stood in the DA submission. In response to this, Council elected to undertake a further community information session at the Ulladulla Civic Centre on 7 December, 2012 to clarify some misinformation and to provide further opportunity to comment. Resulting from the information session were some changes to be made to the appearance of the proposal and some amendments made to the floor plan.



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Additionally the assessment process for the DA, which became a Regional Development Application, included a period of public exhibition which drew more comments from the community invoking further minor changes.

The delivery program created by Council in 2012 was to close the Centre in early 2013 and commence construction, although this was later deferred to accommodate the Ulladulla Easter festivities. Nonetheless, to hold program schedule, tenders were called in November 2012 following the DA submission, and those tenders closed mid December, 2012.

Council, at its meeting of 14 December 2012, resolved to support some of the changes emanating from the December 2012 community consultation, together with changes resulting from Development Approval. However, these changes were not included in the submitted Tenders.

### **FINANCIAL IMPLICATIONS:**

Council accepted the tender of Zauner Construction Pty Limited, based on the tendered scope of works only (called Schedule 1). The additional scope of work resulting from community changes and DA conditions (Schedule 2) includes 29 variations. The cost of those variations, as claimed by the Contractor and ratified by the Project Quantity Surveyor, is approximately \$150,000. One item relating to the use of monsonite stone remains outstanding and is valued in the order of \$10,000.

As an (Endeavour Energy) authority requirement, the proposed 500kVA substation will be relocated from its designed position adjacent the Civic Centre to St Vincent Street, increasing the Zauner Construction Pty Limited contract sum by a further \$121,782.00. However, this will be partially offset by the budget allowance of \$150,000 in the separate delivery of the substation as a single budget item.

Numerous variations have also been identified as the works are in progress, largely as a result of the inability to interrogate the structure in the design development phase, and the impracticability and cost to have undertaken such interrogation at the time the facility was in use. This nature of variations was previously anticipated and reported to Council.

In parallel to the construction, a stakeholder team has been diligent in advancing the interior design and the products to be used in the facility. This culminated in recently finalising an interior design specification and procurement is presently being scheduled. There are many items in the interior that interface with the building work, such as the library shelving and interactive touch screens, the works stations, and the provision of computers, graphics, signage and joinery. It is now intended that this part of the fitout be delivered through the existing contract with Zauner Construction Pty Limited by further variation to the contract.

Chattel items such as the auditorium chairs, stacker units, tables, easy chairs, etc will be undertaken through a separate procurement process.

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The benefit of increasing the Zauner contract is the interfaces with the building and fitout become clearly the responsibility of the contractor for quality and responsibility, notwithstanding that this firm has a permanent local presence in Ulladulla which will be a great advantage to Council for attending service requirements for defects and changes that are expected.

The Building Contract with Zauner Constructions Pty Ltd remains with the budget line item for this work, and the additional variation to include a portion of fit-out costs will be funded from budget line item for that purpose.

Council should also note that the Project, as a whole, at this stage, is running on time and within the budget that was ratified by Council earlier in 2013.

### **COMMUNITY ENGAGEMENT:**

As a result of the significant Community Consultation undertaken with this project, it seems to have resulted in a level of acceptance. Council staff are working with the team of consultants to deliver a centre of excellence.

The scheduled date for building completion which will facilitate the return of Council staff is mid April 2014. Soon thereafter it is expected that Council will arrange a formal opening of the Centre.

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**66. Northern Shoalhaven Indoor Sports Centre Tender Report** **File 47296E** [Index](#)

**SECTION MANAGER:** Cliff Harris.

**PURPOSE:** Delivery Program Activity: 1.3.3.1

To inform the Council of the tender process for Architectural Services for the Northern Shoalhaven Indoor Sports Centre project.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it, and will be considered under a separate confidential report. It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

**RECOMMENDED that, in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, Council consider a separate confidential report on this matter, and any decision made in the confidential session be made public in accordance with Clause 253 of the Local Government Act (General) Regulation 2005.**

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## OPTIONS

1. As recommended.
2. Council not accept the recommendation, giving reasons, and propose an alternative recommendation.

## DETAILS

Tenders were called for the Architect and sub consultant services for the Northern Shoalhaven Indoor Sports Centre. Eleven (11) tenders were received by the prescribed date and time of 9 July 2013 and all tenders were conforming. The conforming tenders are listed in alphabetical order below:

| <b>Tenderer</b>               | <b>Location</b>      |
|-------------------------------|----------------------|
| Allen Jack Cottier Architects | Chippendale NSW 2008 |
| Architects Edmiston Jones     | Nowra NSW 2541       |
| Etch Architectural Solutions  | Ringwood VIC 3134    |
| Facility Design Group         | Cambewarra NSW 2540  |
| GHD Pty Ltd                   | Nowra NSW 2541       |
| GroupGSA / BHI                | East Sydney NSW 2011 |
| Iarchitecture                 | Nowra NSW 2541       |
| Kinsley Associates            | St Leonards NSW 2065 |
| Lippmann Partnership          | Surry Hills NSW 2010 |
| Mode Design Corp              | Surry Hills NSW 2010 |
| Tompkins MDA Architects       | Sydney NSW 2000      |

Tenders were evaluated by a Tender Evaluation Panel in accordance with the predetermined Tender Evaluation Plan which considers the:

- Total cost of the Tenderer's bid to Council, including application of the Local Preference Policy;
- Tenderer's experience and expertise in the nature of work;
- Tenderer's management ability to undertake the works with regard to programming, Works Health and Safety, Environmental Management and Quality Systems, Industrial Relations and Management of Subcontractors and Suppliers; and
- Tenderer's capacity to carry out the works.

## FINANCIAL IMPLICATIONS:

The Northern Shoalhaven Indoor Sports Stadium is identified in the Operational Plan 2013-2014 and has been funded under the adopted Delivery Program 2013-2017 in the amounts of \$4,865,000 in 2013/2014 and \$4,000,000 in 2014/2015.

Martin Uptis  
**ACTING DIRECTOR, ASSETS AND WORKS**

R.D Pigg  
**GENERAL MANAGER**

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## **REPORT OF GENERAL MANAGER**

### **ORDINARY MEETING**

**TUESDAY, 3 SEPTEMBER 2013**

#### **PLANNING AND DEVELOPMENT**

67. **Jerberra Estate – Draft Development Control Plan**

File 46741E [Index](#)

**SECTION MANAGER:** Gordon Clark.

**PURPOSE:** Delivery Program Activity: 2.2.1.8

To seek Council's direction to place the Jerberra Estate Draft Development Control Plan (DCP) and supporting documentation on exhibition as required by the statutory process.

#### **RECOMMENDED that Council:**

- a) **Exhibit the attached draft Development Control Plan (DCP) for Jerberra Estate (Draft DCP No. 125) and supporting documentation for a minimum of 28 days;**
- b) **Authorise staff to make minor changes to the draft DCP prior to exhibition to improve its readability;**
- c) **Notify landowners in writing prior to commencement of the exhibition;**
- d) **Arrange for a drop-in, information session at Tomerong or Huskisson during the exhibition period;**
- e) **Consider feedback received and the finalisation of the draft DCP as soon as possible.**

#### **OPTIONS**

1. Exhibit the attached draft DCP and supporting documentation subject to minor changes to improve readability.

Implications:

This is the preferred option as it will enable the important supporting project to advance.

2. Delay exhibition and make significant changes to the draft DCP and supporting documentation.

Implications:

This is not advisable as the DCP is needed to facilitate the eventual development of the Estate once the land is rezoned.

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## DETAILS

The Department of Planning & Infrastructure (DP&I) is currently preparing the Shoalhaven Local Environmental Plan (Jerberra) 2013, (the Jerberra LEP). It is anticipated that the Jerberra LEP will be notified in coming months. Commencement of the LEP may need to be delayed slightly to allow the draft Jerberra Estate Development Control Plan (DCP No. 125) to be finalised and adopted. Hence, it is imperative that DCP No. 125 is finalised as soon as possible to avoid unnecessary delays with development of the land. The timeline for preparing DCP No. 125 has been compressed, as required by the circumstances, and some further refinement to improve its readability is necessary before it is placed on exhibition.

### **Purpose of DCP No. 125 (Jerberra Estate)**

The DCP will provide clear guidance for landowners seeking to realise the lands' changed development potential facilitated by the pending rezoning. It will provide site specific details on a range of relevant issues including bushfire, effluent, stormwater, and conservation management, as well as supporting information outlined later in this report.

### **Why a combination of prescriptive and performance-based controls is required**

To ensure the desired development and conservation outcomes anticipated through the negotiated rezoning are achieved whilst managing bushfire risk and providing an equitable outcome to as many landowners as possible, the areas that will accommodate dwellings and associated bushfire asset protection zones (APZs) and conservation areas need to be clearly delineated moving forward. Hence, the areas to be retained as bushland will be identified as part of the LEP. In terms of the Draft DCP, whilst many of the controls are performance-based (*ie.* potentially allowing landowners to propose alternative solutions) some prescriptive (*ie.* rigid) controls are also needed to ensure consistency with or achievement of the Jerberra LEP.

- # To ensure timely delivery, Draft DCP No. 125 has been prepared with the assistance of a local planning consultant (Cowman Stoddart Pty Ltd). A copy of draft DCP and supporting documentation is provided in **Attachment 'A'**.

A map showing dimensions of the potential building areas and asset protection zones is being prepared and will also be inserted into the Draft DCP either prior to publication of Council's business paper or before it is placed on exhibition. At the time of writing this report some changes were being made to the potential building areas particularly within the proposed 'E4' zone area.

### **Supporting documentation**

The supporting documentation includes:

- Description of each lot and whether it meets the proposed minimum lot size requirement of the Jerberra LEP (to enable a dwelling to potentially be approved). If amalgamation is necessary, a description of the other lots is provided.

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- Draft guideline of options available to landowners whose properties would need to be amalgamated to enable development.
  - Draft Environmental Management Plan (EMP) which provides further information for landowners on environmental management issues.

In addition to the above, as indicated in the progress report to Council's Development Committee in July, the valuation assessment, originally completed on 1 March 2012 has been updated by Opteon (South East NSW) Pty Ltd to reflect the revised lot layout and dwelling yield (which increased slightly from 83 to 87 dwellings). A copy of the updated assessment is available on Council's website at:

<http://doc.shoalhaven.nsw.gov.au/Displaydoc.aspx?Record=d13/178085>

The valuation assessment has been provided to assist discussions between potential purchasers and sellers where development will potentially be able to occur if existing lots are amalgamated. It is emphasised that the valuation assessment has a number of limitations and should be used as a guide only.

#### **FINANCIAL IMPLICATIONS:**

In 2006, Council borrowed \$350,000 to fund the Jerberra Estate rezoning investigations. The 10-year fixed interest loan is generally being repaid by the benefiting landowners via a special rate that will finish at the end of 2015/2016.

At 30 June 2013, \$83,754 remained unspent. There is a strong financial imperative to conclude the rezoning investigations in a time and cost effective manner. Any funds remaining after the LEP and DCP have been concluded could potentially be used for road or infrastructure construction, subject to Council resolution.

#### **COMMUNITY ENGAGEMENT:**

Under Council's Community Engagement Policy this matter is assessed as LOCAL/HIGH IMPACT.

The attached draft DCP is consistent with the details provided in the Jerberra Estate Planning Proposal which included much more detail than normally contained in an LEP to provide a clearer picture of the intended planning outcomes. A landowner information day (also attended by staff from the Department of Planning and Infrastructure and the Office of Environment and Heritage) was held when the Planning Proposal was exhibited in 2012. A landowner information day was also held in 2010 to help landowners decide between the land pooling and resubdivision (community title) option and the constrained development option.

A drop-in, information session at Tomerong or Huskisson will be arranged during the exhibition period.

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Landowners will have the opportunity to formally comment on draft DCP No. 125 as part of the exhibition process. Further consultation will also be required as part of consideration of future cost recoupment options.

**CONCLUSION:**

It is imperative that the Draft DCP No. 125 is finalised as soon as possible. The attached draft DCP No. 125 is consistent with the details provided in the Planning Proposal. In recognition of the urgent need to finalise the DCP and the need to make the draft document more reader friendly, a recommendation has been included to enable staff to make readability improvements prior to exhibition.

Tim Fletcher  
**DIRECTOR PLANNING & DEVELOPMENT SERVICES**

R.D Pigg  
**GENERAL MANAGER**

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## **NOTICES OF MOTION**

### **ORDINARY MEETING**

**TUESDAY, 3 SEPTEMBER, 2013**

**68. Available Parking - Huskisson**

**File 2248E [Index](#)**

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

**Council requests the General Manager arrange a councillor briefing providing details of both long term and short term plans to address & increase the available parking for Huskisson.**

**Background:**

Such a briefing would need to address the following perceptions and facts:

- Huskisson is a popular centre for local residents every day of the week and as such there are times when parking spaces are limited e.g. Fridays and some pension days.
- Huskisson is now located close enough to major centres that weekend traffic severely impacts on people trying to park in close proximity to the main street.
- In times of public and school vacation periods there is a severe shortage of parking spaces.
- Huskisson CCB members are very nervous regarding the public parking area adjacent to the bottle shop. This area is owned by Council but is classified "operational" and not community. The community wants the classification changed.
- The space owned by the RSL is most unlikely to be bought by Council and as a consequence may be sold. This would remove parking from the main street that is currently available.
- Large sections of Huskisson have been exhibited in the LEP as R3, which provides capacity for over 1000 additional residents in the same footprint. Not all new development will cover the full requirements for parking on their own land.

Possible solutions include:

1. Increasing the number of rear to kerb parking as opposed to parallel parking in streets that adjoin the main street. These streets are clearly wide enough and relatively clear on the footpath to provide for this form of parking.
2. Provide a coach and small bus parking area in Bowen Street to take these vehicles away from the main street.



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3. A seemingly simple solution would be to utilize the Crown Land block that forms part of the church precinct. The church, it seems has fenced this off so nobody can park there. A clarification of our intentions for this block of land currently earmarked on maps as car park needs to be made public. Steps should be taken to ensure this Crown Land is going to be available in the future.

Perhaps a motion would flow from this briefing giving assurance to the local community that Council is aware of the future needs of Huskisson and that there are plans to cater for potential growth.

Signed  
Clr Robertson

**69. Facilitation of Medium to Large Scale Investment Projects **File 16715E** [Index](#)**

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

**That council establish a working party of all councillors with the general manager to formulate a request to the NSW government for a development corporation or similar entity to facilitate medium to large scale investment projects for the region.**

Signed  
Clr Guile

Note by General Manager:

A [development corporation](#) is a NSW Government agency.

The responsibilities of a development corporation under the GROWTH CENTRES (DEVELOPMENT CORPORATIONS) ACT 1974 are:

**7 Responsibility etc of [development corporation](#)**

- (1) Subject to this Act, a [development corporation](#) is charged with the responsibility of promoting, co-ordinating, managing and securing the orderly and economic development of the [growth centre](#) in respect of which it is constituted.
- (2) Without affecting the generality of subsection (1), a [development corporation](#) shall have and may [exercise](#) and discharge the following powers, authorities, duties and [functions](#):
  - (a) to submit to the Minister such proposals with respect to the development and use of land within the [growth centre](#) in respect of which it is constituted, or the planning of the development and use of that land, as it considers necessary or appropriate, including proposals for the development and use of land in conjunction with the

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provision of utility services and public transport facilities for or in connection with the [growth centre](#),

(b) to consider, and furnish reports to and advise and make recommendations to the Minister upon, any matter or proposal with respect to the promotion, co-ordination and management of the [growth centre](#), or the development and use, or the planning of the development and use, of land within the [growth centre](#), which may be referred to it by the Minister,

(c) to carry out research into problems with respect to the promotion, co-ordination and management of the [growth centre](#), or the development and use, or the planning of the development and use, of land within the [growth centre](#), and prepare and issue memoranda, reports, bulletins, maps or plans relating thereto or any other material,

(d) to assist [councils](#), which the [development corporation](#) considers may be affected, with respect to matters concerning the promotion, co-ordination and management of the [growth centre](#), or the development and use, or the planning of the development and use, of land within the [growth centre](#),

(e) to [exercise](#) and discharge such other powers, authorities, duties and [functions](#) as are conferred or imposed on it by or under this or any other Act, and

(f) to do such supplemental, incidental and consequential acts as may be necessary or expedient for the [exercise](#) or discharge of its responsibilities, powers, authorities, duties and [functions](#).

The following development Corporations already exist in NSW:

| Column 1   | Column 2   | Column 3             |
|--|--|----------------------|
| Name of <a href="#">development corporation</a>                | <a href="#">Description</a> of land of <a href="#">growth centre</a>   | Nature of governance |
| Hunter <a href="#">Development Corporation</a>                 | All those pieces or parcels of land within the local government areas of Cessnock, Dungog, Gloucester, Great Lakes, Lake Macquarie, Maitland, Muswellbrook, Newcastle, Port Stephens, Singleton and Upper Hunter as at 1 January 2008. | Board                |
| Central Coast Regional <a href="#">Development Corporation</a> | All those pieces or parcels of land within the local government areas of Gosford and Wyong.  | Board                |

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**70. Seat Belts on Buses****File 17407E [Index](#)**

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

**Council write to the member for the South Coast the Hon. S Hancock and to the member for Kiama the Hon. G Ward seeking their assistance and assurance to continue their support in campaigning for Seat Belts on Buses, in particular seeking further funding and the reclassification of the Bawley Point shared morning service so that children on this high speed rural run are protected by the recent changes.**

Background:

As many Councillors would be aware Termeil / Bawley Point resident Glenda Staniford and Jan Shalhoub have been campaigning for seat belts on high speed rural school buses for over ten years. The campaign commenced in 2001 after the tragic death of Kristian Carruthers who died at age 15 when the school bus he was travelling in rolled. Finally the NSW State Government have honoured their commitment to improving transport safety for rural children and have put forward funding for seat belts on buses, however in a cruel irony one of the school runs that Mrs Stanifords children once frequented (Bawley Point to Ulladulla) has not been classified for seat belts as it is a shared passenger route. Councils charter seeks Council to care for young people so it is incumbent on Council to continue to assist residents in lobbying for improved transport conditions. It is acknowledged that bus travel is a much safer form of transport than others. It is not the responsibility of the bus driver or company to enforce the wearing of seatbelts, and it may take a generational change to achieve the full shift to passengers taking responsibility for putting on the seat belts provided on buses and coaches on long haul high speed routes.

Signed  
Clr Findley

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**71. Willinga Point, Bawley Point – Composting Toilet****File 2489E [Index](#)**

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

**Council prepare a costing for a single unit composting toilet for Willinga Point Bawley Point, so that it can be considered in the long term financial plan and future budget sessions.**

Background:

Wiling Point at Bawley Point is a very popular surf spot with locals and visitors alike. Community members take pride in the natural environment of this area and clean up rubbish. There are reports of an ever increasing amount of human faeces and toilet paper being found in this area, which community members have been cleaning up. The request has been that Council now cost and consider the installation of a toilet for this

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area. Perhaps there would be an opportunity for state funding as this is a foreshore area that requires protection.

Signed  
Clr Findley

**72. NSW Local Government Association – Pre-conference Briefing**    **File 47455E** [Index](#)

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

**Council convene a briefing prior to the Local Government Association Conference to review the candidates for the upcoming election of association board members.**

**This briefing should also include a review of the business paper for the Conference.**

Background:

The Local Government Association is the peak lobbying body for Local Government in NSW. The recent amalgamation with the Shires association has seen a change in how representation on the board will be made up.

Shoalhaven Council delegates will be given the opportunity to vote for candidates and the election will be conducted by the AEC.

Council needs to consider carefully what it wants the association to do.

Does it want an association that will pander to the NSW Liberal government and support the 'Local Government Reforms' package without question that will eventually see Councils forcefully amalgamated.

or

Does Council want an association that supports consultation with its community (all Local government areas) and transparent process that gets the best possible outcomes for local government and hence our community.

Already the Liberal Party have been canvassing Councillors for support for their candidate Ms Forster from the City of Sydney- the election will surely be hotly contended.

Councillors also need to be briefed on the content of any business papers. In the past this has not occurred and there has been an assumption that those that put forward the motions will speak to and actually understand what is being proposed. Voting delegates need to understand the impacts on Shoalhaven City for each motion they vote on.

Signed  
Clr Findley

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

- 1. Council write to the Premier for New South Wales, The Hon. Barry O'Farrell MP, requesting he commit to a rewriting of the Planning Bill 2013 Exposure Draft and a re-exhibition of any proposed legislation, citing the major points of concern raised in Council's and Local Government NSW's previous submissions on the Planning Legislation.**
- 2. Council write to Local Government NSW supporting the actions they have taken to date to seek deferral of the Planning Bill, and requesting that the Chief Executive of LGNSW continue to make representations to the Premier and the Minister recommending that the Planning Bill not be passed by Parliament until extensive rewriting and consultation with councils, community groups, the ICAC and the Law Society has occurred.**
- 3. A copy of the letters be forwarded to the Member for Kiama and to Wollongong City Council for their information.**

Background:

This is the Bill that most councils have had concerns about, and Shoalhaven City Council made submissions on both the Green and White Papers.

[http://www.planning.nsw.gov.au/Portals/0/PolicyAndLegislation/GreenPaperSubmissions/Shoalhaven\\_City\\_Council.pdf](http://www.planning.nsw.gov.au/Portals/0/PolicyAndLegislation/GreenPaperSubmissions/Shoalhaven_City_Council.pdf)

You may recall that if the Bill was adopted it would mean that most development would go ahead without the local community having any opportunity to comment. Decisions about rezoning would be made by a regional board with much less Council involvement, and we had other concerns, including the role of Councillors in development assessment, infrastructure costs and more cost shifting to Councils.

Submissions by three Illawarra Councils, the ICAC, the Better Planning Network, and the Law Society among others on the white paper were essentially ignored, so Wollongong Council resolved as follows on August 12:

*1 Council write to the Premier for New South Wales, The Hon. Barry O'Farrell MP, requesting he commit to a rewriting of the Planning Bill 2013 Exposure Draft and a re-exhibition of any proposed legislation, citing the major points of Council's previous submissions on the Planning Legislation.*

*2 A copy of the letter be forwarded to all Members of the NSW Parliament for their attention.*

*3 Council write to Local Government NSW urging the Chief Executive to make representations to the Premier that any new planning legislation which attracts the level of criticism from reputable bodies such as ICAC and the Law Society of NSW should not be passed by Parliament until further extensive rewriting and consultation has occurred*

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*with ICAC, the Law Society of NSW and those who have to primarily implement the Act, ie local government.*

<http://www.wollongong.nsw.gov.au/council/meetings/BusinessPapers/Council%20Minutes%202012%20August%202013>.

I am proposing that we support the actions of Wollongong City Council and Kiama Council by passing a similar resolution here in Shoalhaven.

The ICAC's concerns were reported in the media:

"The ICAC expressed concern the draft legislation created multiple ways to get a development approved against vague or subjective criteria.

For instance, a non-compliant proposal could still be granted approval as a "complying development" if it is "not likely to cause any significant additional adverse impact". Or a development could be approved as "state significant", despite being partially prohibited under a local plan prepared by a council.

"The approval of prohibited development via this means creates the impression of 'backdoor' approvals which undermine the simplicity and overall integrity of the system," the ICAC said.

In some cases, the discretion bestowed on decision-makers by the draft laws "appears largely unfettered," said the ICAC, citing the power granted to the minister to alter local plans."

Read more:

<http://www.smh.com.au/nsw/planning-reforms-target-for-corruption-icac-20130701-2p7l6.html#ixzz2buvYf2r5>

And the Law Society said this:

The society told the government it has "serious concerns" about a provision in the draft legislation, which it said "significantly restricts the ability of the community to challenge plans and some decisions even in the case of legal error".

The draft legislation, unveiled by Premier Barry O'Farrell and Planning Minister Brad Hazzard in April, seeks to replace the community's right to object to individual development applications with greater input into strategic planning. But the society said the value of the "centrepiece" of the new reforms - the community participation charter that enshrines the public's role in the legislation - "is greatly diminished by lack of detail on implementation and enforceability".

"When you have laws that make communities feel disempowered and disenfranchised, that's going to fail in the long term," Ms Wright said.

<http://www.smh.com.au/nsw/scorn-from-lawyers-on-reforms-to-planning-20130712-2pvly.html#ixzz2c0Lixhe3>

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In the SMH this week the Director General of the Planning Department admitted errors in draft planning laws:

<http://www.smh.com.au/nsw/top-official-admits-errors-over-draft-planning-laws-20130812-2rsht.html>

Signed  
Clr Findley

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**QUESTIONS ON NOTICE**

**ORDINARY MEETING**

**TUESDAY, 3 SEPTEMBER, 2013**

**74. Road Maintenance**

**File 6820E [Index](#)**

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Does Council use the PolyCom product in road maintenance? If not has council considered the use or trial of this product on rural gravel roads.

Submitted by Cllr Findley

**Response**

PolyCom is a proprietary brand of a polymer-based road stabilising agent.

Council has not used PolyCom, or other polymer-based agents, as their costs have historically been high compared with conventional methods and their long term effectiveness had not been proven.

However, it would be appropriate now to trial Polycom, or similar, to verify the cost effectiveness and performance of contemporary products.



**CONFIDENTIAL BUSINESS PAPER AGENDA**

**GENERAL MANAGER – COMMITTEES REPORT**

**POLICY AND RESOURCES COMMITTEE – 13 AUGUST 2013**

**1. Ulladulla Leisure Centre Gymnasium Extension - Tender**

**Reason**

Section 10A(2)(d)(i) - Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

**2. Crossroads Rural Fire Station Tender**

**Reason**

Section 10A(2)(d)(i) - Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

**ASSETS AND WORKS**

**3. Tender Report - Northern Shoalhaven Indoor Sports Centre - Architect and Sub Consultant Services**

**Reason**

Section 10A(2)(d)(i) - Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

**CONFIDENTIAL ADDENDUM REPORT 1 - ASSETS AND WORKS**

**1. Confidential - Bendalong Tourist Park Splash Pad - Tender**

**Reason**

Section 10A(2)(d)(i) - Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

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

**ADDENDUM REPORT OF GENERAL MANAGER****ORDINARY MEETING****TUESDAY, 3 SEPTEMBER 2013****ASSETS AND WORKS****1. Bendalong Tourist Park Splash Pad - Tender****File 47521E****SECTION MANAGER:** Cliff Harris.**PURPOSE:** Delivery Program Activity: 1.3.3.1.

To inform the Council of tender process for the Bendalong Tourist Park Splash Pad.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would if disclosed prejudice the commercial position of the person who supplied it, and will be considered under a separate confidential report. It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

**RECOMMENDED that in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, Council consider a separate confidential report on this matter, and any decision made in the confidential session be made public in accordance with Clause 253 of the Local Government Act (General) Regulation 2005.**

**OPTIONS**

1. As recommended.
2. Council not accept the recommendation giving reasons and propose an alternative decision.

**DETAILS**

Tenders were called for the construction of the Bendalong Tourist Park Splash Pad project. Three (3) tenders were received by the prescribed date and time on 20 August 2013 and all three (3) tenders were conforming. The conforming tenders are listed in alphabetical order below:

| <b>Tenderer</b>                     | <b>Location</b>  |
|-------------------------------------|------------------|
| Parkequip Pty Ltd                   | Smithfield NSW   |
| Playrope Pty Ltd                    | Kenthurst NSW    |
| Trisleys Hydraulic Services Pty Ltd | Marrickville NSW |

Tenders were evaluated by a Tender Evaluation Panel which considers:

- The total cost of the Tenderer's bid to Council, including application of the Local Preference Policy;
- The Tenderer's experience and expertise in the nature of work;
- The Tenderer's management ability to undertake the works with regard to Programming, Work, Health & Safety, Environmental Management and Quality Systems, Industrial Relations and Management of Subcontractors and Suppliers;
- The Tenderer's resource capabilities to carry out the works, including financial, availability of plant, equipment, materials and Subcontractors;
- Splash Pad and System Design in accordance with Specification Requirements and Councils expectations for an innovative and unique facility; and
- The Tenderer's capacity to carry out the works.

Further details are contained in the separate confidential report.

**FINANCIAL IMPLICATIONS:**

Financial implications will be considered in more detail within the confidential report.

**COMMUNITY ENGAGEMENT:**

Community engagement will be considered in more detail with the confidential report.

Martin Upitis  
**ACTING DIRECTOR, ASSETS AND WORKS**

R.D Pigg  
**GENERAL MANAGER**

**ADDENDUM REPORT OF GENERAL MANAGER**

**ORDINARY MEETING**

**TUESDAY, 3 SEPTEMBER 2013**

**CORPORATE AND COMMUNITY SERVICES**

1. **Local Government Conference - Sustainable Economic Growth for Regional Australia Conference** **File 4688E**
- 

**SECTION MANAGER:** Greg Roberts.

**PURPOSE:** Delivery Program Activity: 4.3.2.1

The purpose of this report is to seek approval for Councillor attendance at the Sustainable Economic Growth for Regional Australia Conference scheduled for 16 to 18 October 2013 in Coffs Harbour.

**RECOMMENDED that**

- a) **Council notes the details of the forthcoming conference Sustainable Economic Growth for Regional Australia Conference, scheduled for 16 – 18 October 2013, at Coffs Harbour**
- b) **Council authorises available Councillors to attend the conference and such attendance be deemed Council Business.**
- c) **Council meets the travel, registration fees, accommodation and all reasonable out-of-pocket expenses in accordance with its adopted policy.**
- d) **Councillors attending the conference provide a written report within 30 days of returning from the conference.**

**OPTIONS:**

- 1. As per the recommendation.
- 2. That Council not approve Councillor attendance at the Conference as Council business.

**DETAILS:**

Advice has been received in relation to the following conference relevant to local government:

- Sustainable Economic Growth for Regional Australia Conference scheduled for 16 - 18 October 2013 at Coffs Harbour

# Information regarding the conference has been included in the Councillors' Information Folder.

Costs associated with the conference are estimated as follows:

- registration: \$995.00 (two day registration) \$1,245 (two day registration and workshop)
- official functions, optional : \$approx \$300.00
- travel, accommodation and out of pocket expenses : not yet determined.

The conference will provide an opportunity to hear from national and international speakers who will address issues impacting regional economic development in Australia. It will provide examples of success stories which may influence the policy agenda of Council. It is also intended to provide concepts and innovations that may stimulate economic development proposals that will benefit the Shoalhaven.

**FINANCIAL IMPLICATIONS:**

Funds are available in the 2013/14 budget provision for Councillors' Training and Development to meet these expenses.

Craig Milburn  
**DIRECTOR CORPORATE AND COMMUNITY SERVICES**

R.D Pigg  
**GENERAL MANAGER**