

SHOALHAVEN CITY COUNCIL

ORDINARY MEETING

To be held on Tuesday, 19 November, 2013
Commencing at 4.00 pm

13 November, 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, 19 November, 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** – Reverend Richard Utber – Nowra Baptist Church
2. **Acknowledgement of Traditional Custodians**
3. **Australian National Anthem**
4. **Apologies/Leave of Absence**
5. **Presentation of the 2012/2013 Annual Financial Statements and Audit Report**
6. **Confirmation of Minutes**
Ordinary Meeting – 22 October, 2013
7. **Declarations of Interest**
8. **Petitions and Presentations**
9. **Mayoral Minute**
10. **Deputations**
11. **Report of the General Manager – Committees Report**
Report of the Policy and Resources Committee – 11 November, 2013
Report of the Shoalhaven Tourism Board – 28 October, 2013
Report of the Council Property Steering Committee – 5 November, 2013
Report of the Crookhaven Heads Lighthouse Steering Committee – 8 November, 2013
12. **Report of the Shoalhaven Traffic Committee – 12 November, 2013**
13. **Report of the General Manager**
Councillor Reports of Conferences
Corporate and Community Services
Planning and Development
14. **Notices of Motion and Questions on Notice**
15. **Addendum Reports**
16. **Confidential Report of the General Manager**
Report of the Policy and Resources Committee – 11 November, 2013
Report of the Council Property Steering Committee – 5 November, 2013
Planning and Development

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, 19 NOVEMBER 2013

1. Councillor Attendance at Conferences – deferred from October meeting File 4688E [Index](#)

RECOMMENDED that Council approve three conferences per year per Councillor for the next 12 months and review the situation after that period.

This recommendation does not include State, Federal or Local Government Conferences where Councillors are expected to present their motions. Nor does it include daily seminars or training courses.

DETAILS

There has been some recent debate in the media and community about the cost of Councillor attendance at conferences and whether this is good value. This has come about by some Councillors expressing public concern about costs and the extent of presence at Conferences. Prior to those comments I have had concerns about costs, especially as we are in the Transformation, and cost savings for Council. The Mayoral Minute contains a recommendation to Council for discussion and debate. Conferences are a very valuable source of information and education for Councillors to gain important knowledge about industry trends, innovations, professional, legal, technical and technology changes relating to the broad range of Council business activities and responsibilities. It is also an opportunity to network with other Councils, speak about common issues and challenges and learn from each other.

Historically Shoalhaven City Council has always supported and encouraged Councillors to actively participate in its business, in addition to the expected attendance at Committee and Council meetings, including engaging with community and business groups and attending Councillor briefings and familiarity tours, conferences and other training courses (LGNSW), as each individual determines.

Limiting conference attendance by Councillors will potentially deny some Councillors these learning experiences. For example, if Council wanted to only allow two Councillors to attend any one conference, then the Council would normally need to vote and approve those to attend, creating the circumstance where potentially one or more Councillors may be disappointed if they are unable to attend. Alternatively, Council could limit the number of conferences an individual Councillor could attend each year. This would still enable each individual to choose those conferences which they see have the greatest value or relate to their special interests. In the first year of this Council's term, the number of conferences attended by Councillors has been variable and ranges from Nil to 11, with most Councillors attending 4 or less. On average, costs to attend are about \$1,500 to \$2,000, inclusive of registration, travel, accommodation and out of pocket expenses.

In reality, there are minimal savings to be made by introducing limits, unless the limit is set at two or three per Councillor per annum. This would then deny those Councillors who have the time, energy and willingness, to seek and obtain the knowledge gained by attendance.

ADDITIONAL INFORMATION

As determined by Council at the last meeting, a Councillor Briefing was held on 11th November 2013. The General Manager presented the following information –

Councillor Expenses Policy -

Conferences – Clause 3.3 (e)

- Council to meet costs
- A report to be provided on return

Definitions – Clause 3.2

“Council Business” includes –

“Conferences or training authorised by the Council OR jointly by the Mayor and General Manager”

Limitations –

- For Training - \$4,000 per annum – cumulative to \$16,000 per term
- For Conferences – No limit

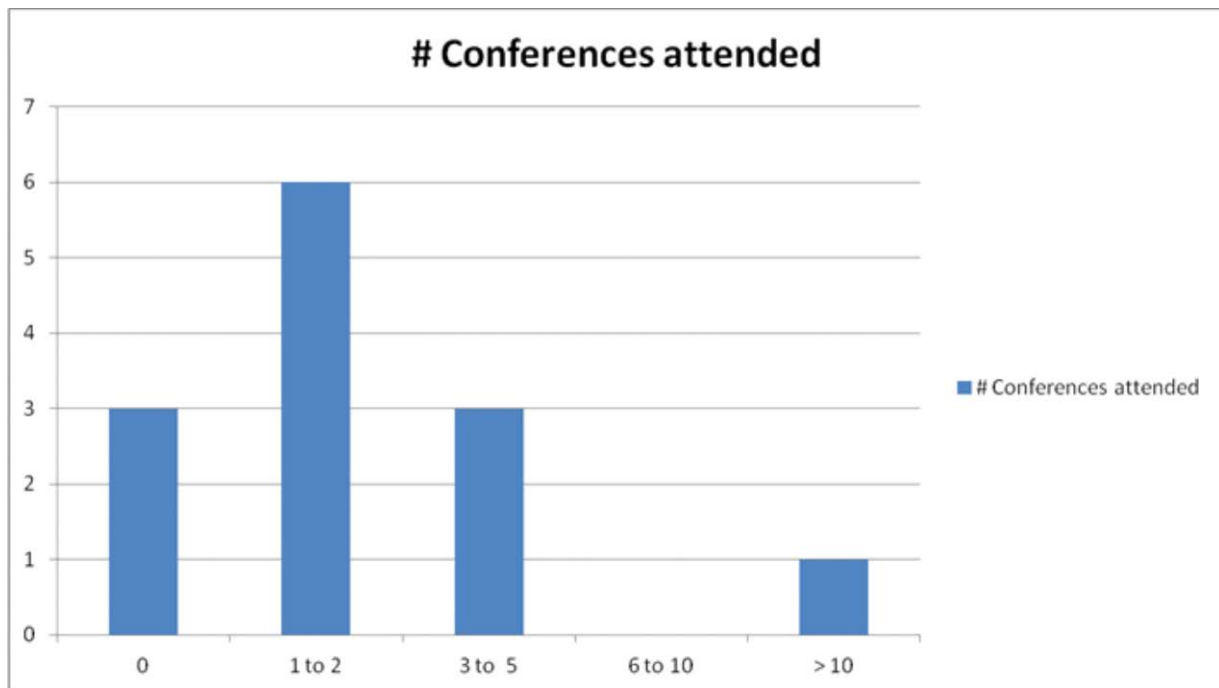
History of Expenses – Conferences

2009/10	\$41,556	
2010/11	\$53,226	(2 Councillors \$28,000)
2011/12	\$32,051	
2012/13	\$35,843	(\$1,123 previous Council)

History of Expenses – Training

2009/10	\$30,546
2010/11	\$ 5,370
2011/12	\$ 200
2012/13	\$12,488

What is the Attendance Record?



**Joanna Gash (Mrs)
Mayor**

SECOND MAYORAL MINUTE

ORDINARY MEETING

TUESDAY, 19 NOVEMBER 2013

1. NSW Community Cabinet Visit – Meetings with Ministers

File 7655E

RECOMMENDED that Council thank the NSW Premier the Hon Barry O’Farrell, The Hon Shelley Hancock MP, Member for South Coast, Gareth Ward MP, Member for Kiama for their efforts in bringing the Community Cabinet Meeting to the Shoalhaven.

It was a pleasure to have the NSW Community Cabinet meeting in Nowra on 4 November 2013. This provided an opportunity for Council representatives to meet with several Ministers during the morning session and I provide a summary of issues raised.

Minister Andrew Stoner MP, NSW Deputy Premier, NSW Minister for Trade & Investment, NSW Minister for Regional Infrastructure & Services
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Ulladulla Harbour

Council would like to expand the harbour facilities at Ulladulla and enable additional commercial vessels to use them.

Council requested that:

- NSW T&I complete the studies and designs required to construct a 20 berth boat mooring facility within Ulladulla Harbour
- NSW T&I contributes financially (\$495K) to the development of this new boating facility to cater for commercial/recreational vessels.

Ulladulla Future Park

The proposal to transform the decommissioned Ulladulla Sewerage Treatment Plant into the Ulladulla Future Park and use the existing infrastructure to create an integrated marine poly-aquaculture facility to grow one or more marine or estuarine finfish species in the existing tanks at the USTP and to recycle the utilized water by growing secondary crops such as bivalves and seaweeds.

Council proposed that:

NSW State Government contribute financially (up to \$1.9M) to the development of the Ulladulla Future Park including nationally significant aquaculture research facilities.

Regional Relocation Grant and Skilled Regional Relocation Incentive

Council expressed concern over the demographics of the grant recipients being (as at June 2013):

- 837 grants were to people aged 20 to 50 years of age
- 1081 grants were to people aged 51 to 70 years of age
- 286 grant recipients were aged over 70 years.

Council's recommendations were that:

- All Regional Relocation Grants need to be tied to proof of employment in order to drive economic development in regional areas and meet the grant objectives.
- Eligibility requirements include that all grant recipients prove that they have secured 1FTE position in the relocation area.
- There should not be a restriction on where the relocater has moved from if taking up local employment (i.e. interstate relocations should be eligible).
- Some of the funding should be set aside for concerted marketing and/or industry and local government partnership activities.
- Improved access to data will help local government and others better promote the grant program. Grant data, in relation to grant recipients, should include information such as :
 - From where and to where did they move
 - Relative values of properties bought and sold
 - Did the grant entice them to move or was it just an added bonus
 - How did they find out about the grant?

Albatross Aviation Technology Park – Request for Infrastructure Funding

The main points were that Council now intends to develop Stage 4 of the AATP which will yield an additional 3Ha of fully serviced land creating approximately 7 lots at a cost of in excess of \$2m.

Certain attributes of the development relate to aspects not normally encountered in traditional employment land creation.

- The demand for electricity has far outstripped the original expectation. There is now a requirement to provide an additional 11kV feed and this feeder needs to be brought approximately 6km at a cost of approx. \$1.2m.
- The need for additional taxiway is now required, and whilst this cost has been allowed in the subdivision, it is necessary to pipe, as part of Stage 4, an additional drainage line (approx 550m) to redirect surface water from upstream undeveloped Defence and Crown land around the AATP at a cost of approx. \$700,000.

-
- Following the incidents of 9/11, security of Australian military bases is paramount to the Department of Defence. As a consequence, Council has been asked to install CCTV and automated controls for the gate (45m wide) through which aircraft are required to pass to enter the airfield from the AATP.

In the brief Council sought:

The State Government help fund the expansion of the Albatross Aviation Technology Park in relation to the electricity extension, drainage from Crown Land and CCTV for AATP Gate operations. Council requires \$1.9M from State Government through the Infrastructure stream of the Regional Industry Investment Fund for these works which will result in 500 long term jobs (approx \$4,000/job).

Jervis Bay / Currumbene Creek

Currumbene Creek is currently under-utilised and has the potential to contribute to the economic viability of the Shoalhaven.

A number of barriers to economic expansion were identified and Council proposed that:

- Increased numbers of moorings be made available within Jervis Bay and surrounds.
- Wharf facilities at Huskisson are upgraded to cater for increased use by commercial operators. This will lead to increased visitation, tourist spend and local employment.
- Wharf facilities need to be upgraded to include disabled access and environmentally sound fuel facilities.
- State Government funding be made available to undertake a feasibility study and subsequent detailed investigation, design and approvals to improve Currumbene Creek entrance.
- State Government needs to partner with Council to identify and provide suitable waterfront land for waterway access and launching of commercial vessels and for users of passive recreational vessels such as stand up paddles and kayaks.
- State Government and Council partner to create a Woollamia Regional Boat Ramp Precinct including slipway and travel lift facilities.

South Coast Masterplan

Council provided the following information to both the Deputy Premier and to the Minister for Planning & Infrastructure.

- Shoalhaven, together with both Eurobodalla and Bega Valley Councils, has been working at the Executive level to provide a planning platform which can enable investment within the South Coast to stimulate regional economic development and long term regional viability.

-
- A project has now commenced, albeit very early in its development, and seeks to evaluate and determine the future of the South Coast Region. The Regional Manager of the Dept. of Planning and various ministerial advisors are aware of this commencement but Ministerial or Government endorsement has not been forthcoming.

Council proposed that:

- NSW Govt endorse as a pilot project the development of a South Coast Master Plan
- NSW Govt become financially and administratively involved with Shoalhaven, Eurobodalla and Bega Valley Councils in the development of a South Coast Master Plan
- NSW Govt incorporates the outcomes of the South Coast Master Plan within the framework of the Planning Reform Package.

Defence Industry

Council aimed to emphasise the importance of the Defence industry to the economy, and culture, of the Shoalhaven.

Council requested that:

- NSW Govt continue its support for Defence and support industries within NSW.
- Financial assistance under the Infrastructure stream of the Regional Industries Incentive Scheme be provided to Council to augment electricity and drainage works at the AATP (subject of a separate briefing note).
- NSW Govt continue its financial support for the Shoalhaven Defence Industry Group by way of a modest annual contribution.
- NSW Govt coordinate a national helicopter/UAV conference within the Shoalhaven.

Shoalhaven Agri-Business Hub

Essentially the Agri-Business Hub utilises Council owned land and creates a business space for agricultural activities and related business and tourism opportunities. The Hub would create affordable 'wholesale spaces' and provide lessees with networking opportunities. The Hub would also provide an interface between the farm gate and the public enabling smaller enterprises to actively market and sell their goods directly to the public.

Council recommended that:

- State Government contribute to the development of a Shoalhaven Agri-Business Hub (\$900K). Total cost of development is \$2.7M.

Jervis Bay Aquaculture

Council generally supports the establishment of aquaculture leases within Jervis Bay but did identify the following issues.

- The Environmental Impact Statement does not address land based activities.
- A fully operational commercial shellfish aquaculture industry will require an associated land base for shellfish cleaning and preparation and lease infrastructure maintenance.
- Huskisson Public Wharves are currently operating at full capacity and future demand for berthing space is expected to increase. These wharves require upgrading to cater for increased demand, not only from this project, but mainly due to increases in commercial tourist vessels and recreational vessels.

Council recommended that:

- State Government work in partnership with Shoalhaven City Council to identify and release (if necessary) appropriate land for the purpose of developing land/water interface infrastructure.
- State Government work in partnership with Shoalhaven City Council to identify and co-fund priority wharf infrastructure upgrades.

Government Agency Relocations

Council highlighted to Minister for Finance & Services and Deputy Premier that:

- it has been successful in attracting Commonwealth and State agencies to the area
- the establishment of these agencies has created over 600 direct jobs
- the Shoalhaven region would benefit from any future agency/business unit relocations
- it is able to provide greenfield sites for expansion
- it provides an attractive and suitable location for agency staff.

Council requested that the NSW State Government;

- work in partnership to secure government agency relocations to our LGA
- promote the Shoalhaven LGA as a priority location for agency relocations
- use previously successful and future relocations as case studies promoting the Shoalhaven region, benefits to the State Government agencies and the benefits to agency staff in adopting a regional lifestyle.

Shoalhaven Reclaimed Water Management Scheme

Seeking confirmation that the original MOU and funding agreement is still valid and seeking advice on proposed process to undertake construction of next stage.

Request for Pipe / Easement Cost Recovery (Lot 73 DP257068 McIntosh Street, Shoalhaven Heads)

Briefing on the subdivision history of the site by the Crown and seeking agreement for joint funding of works required to relocate drainage.

Robyn Parker MP, Minister for the Environment & Heritage

POEO Act Section 88 Waste Levy Issues, Alternative Waste Technologies and WaSIP Program.

Raising various issues in respect to the “unfair” waste levy and seeking:

- Exemptions for some materials used within the landfill for maintenance
- More transparency in use of Levy funds
- Funding towards combined AWT facility

AHIP for Callala Headland pathway

Seeking urgent consideration and approval of the AHIP.

George Souris, Minister for Tourism, Major Events, Hospitality & Racing Minister for the Arts

Shoalhaven Tourism Masterplan

Provided background information concerning potential for Motel development, Shaolin Temple project and International Marketing opportunities.

Seeking assistance to:

- Finalise traffic and environmental concerns for Shaolin Temple
- Fund brochure and marketing to target Asian market

Pru Goward, Minister for Family and Community Services

Disadvantaged in the Shoalhaven

Provided demographic information and sought:

- Investment in affordable housing or tax incentives for developers
- Improvements in public transport
- Provisions of specialist care worker services

The Hon Victor Dominello MP, Minister for Citizenship & Communities, Minister for Aboriginal Affairs

Seeking better integrated service delivery across all levels of government and implementation of local strategies to build community capacity.

Paul Terrett, (Snr Policy Advisor for Don Page, Minister for Local Government)

Council Entering and Carrying our Orders under LGA & EP&A Act (Hoarders & Demolition)

Seeking amendments to Local Government Act & EP&A Act to enable costs incurred by Council in entering land and undertaking clean up works to enforce an Order can be recovered as a “charge on the land”.

The Hon Gabrielle Upton MP, NSW Minister for Sport & Recreation

Establishment of Motor Sports Complex at Yerriyong on the NSW South Coast

This brief was developed to provide the Minister for Sport & Recreation with information about the Motor Sports Complex at Yerriyong and seeking any support available to assist its development.

Ison Park & Round the Bay Walk

Briefing on the Projects, aims and outcomes and seeking support for grant funding opportunities.

The Hon Jillian Skinner MP, NSW Minister for Health, NSW Minister for Medical Research

Shoalhaven Medical Campus Precinct Masterplan

This brief to the Minister for Health was developed to reiterate Council's need for the progression of the Shoalhaven Medical Campus Precinct Master Plan – a long term vision for the Shoalhaven Hospital and environs.

The brief highlighted that Council:

- Reaffirms its support for the establishment and staged development of a master planned medical precinct centred on the current Shoalhaven hospital site and adjacent lands.
- Supports the Illawarra Shoalhaven Local Area Health District Board, Illawarra Shoalhaven Medicare Local, University of Wollongong and local Members of

Parliament in the master plan approach and vision and appropriate community engagement steps.

- Seeks commencement of the master planning task by Health.
- Will take a participative role in the further definition and staged implementation of the master plan to create a “Centre of Health Delivery and Education Excellence” for the Shoalhaven.

The Minister reiterated her support for a Master Plan but explained that current health planning priorities were on hospital precincts to the north.

Alastair Cameron (Policy Advisor for John Ajaka MP, Minister for the Illawarra & Minister for Ageing & Disability)

Restart Illawarra

A briefing on the 15 EoI's lodged by Council of which two council projects were shortlisted being:

- South Nowra Employment Precinct
- Nowra CBD Multideck Car Park

Also highlighted that Shoalhaven has almost 25% of the Illawarra's population and sought that this be taken into consideration.

Council suggested to the Minister that:

- Projects with significant economic benefit and job generation not on the short list be reconsidered under other NSW Govt programs for assistance as a priority.

The Hon Michael Gallacher MLC, Minister for Police

Policing Needs of the Shoalhaven

Reiterated Council's long standing representations seeking a new Police Station in “Central Shoalhaven” and more police resources and highlighted the discrepancies of police ratios in other commands. The Minister advised that there were higher priorities in the North Coast.

2. Luncheon & Q & A with The Hon Mike Baird MP

File 2044E

DETAILS

A luncheon and Q & A with The Hon Mike Baird MP, Treasurer and Minister for Industrial Relations was organised by Member for Kiama Gareth Ward MP with the Shoalhaven Business Chamber on Friday, 8 November 2013 which gave Council an opportunity to

give a presentation on some of the key economic drivers and projects within the Shoalhaven. The Treasurer highlighted some of the challenges faced by the Government and actions taken to stimulate the economy and control the budget.

RECOMMENDED that Council write to the Hon Mike Baird MP and Member for Kiama, Gareth Ward MP thanking them for the visit.

3. Letter from Vice Admiral Ray Griggs File 47337E

DETAILS

I would also like to note that I recently received a letter from Vice Admiral Ray Griggs, Chief of Navy, thanking on behalf of himself and the entire Royal Australian Navy for the support that the Shoalhaven City Council team gave them during the Jervis Bay visit for the International Fleet Review 2013.

4. Shoalhaven Business Chamber – NSW Business Awards Finalists File 36320E

DETAILS

I would also like to wish the Shoalhaven Business Chamber (SBC) success at the NSW Business Awards to be held at Technology Park in Sydney on 29 November 2013. The SBC recently won the Local Chamber of Commerce of the Year Award at the Illawarra Business Awards. Congratulations and good luck Shoalhaven Business Chamber.

5. Vale Yvonne Boyd – 1920-2013 File 4124E

DETAILS

I was saddened to hear the news that Yvonne Boyd, widow of Arthur Boyd, died peacefully on Wednesday, 13 October 2013 in Melbourne aged 93 following a fall.

Yvonne and Arthur gifted the Bundanon properties and collections to the Australian people in 1993 and given Australia a unique cultural and environmental asset. Bundanon houses a collection of more than 4,000 artworks and objects and the Trust supports the development of arts practice across all disciplines through its artist in residence program.

The Bundanon newsletter wrote:

“Yvonne was greatly loved by all at Bundanon where she visited regularly until recently when the demands of travel became too much. She showed an active interest in the day to day activities at Bundanon – the artists, the children’s programs and the concerts. (Her grandchildren Alexander and Nathaniel, both classical musicians, have performed at Bundanon many times over the past decade.)

She was particularly interested in the Trust’s environmental initiatives to restore the bushland at Bundanon and enhance wildlife corridors. Yvonne is also well remembered

in the town of Nowra where she and Arthur would shop and visit local cafes when they were in residence at Bundanon.”

Our thoughts are with the family at this time.

6. 2013 National Local Roads & Transport Congress

File 4688E

DETAILS

Together with Deputy Mayor Cnr John Wells, Cnr Greg Watson and Manager Asset Management Martin Uptis, I attended the recent 2013 National Local Roads and Transport Congress – Sustaining our Roads conference.

The key messages were:

1. Over 250 delegates from councils across Australia met in Alice Springs 13-14 November at the fourteenth National Roads & Transport Congress. The Congress recognised the critical role of local infrastructure in communities across Australia in particular the importance of local roads and regional airports in achieving social, economic and environmental outcomes at the local and national level.
2. Owing to Parliament sitting both the Minister and Shadow Minister conveyed their messages via video link.
3. The Congress welcomed the Prime Minister’s commitment to invest in the nation’s infrastructure and its links to Australia’s future prosperity. Delegates resolved to work collaboratively with the Government on productivity gains through sensible roads and transport reform, and targeted infrastructure investment.
4. Delegates applauded the Government’s commitment to the Roads to Recovery program, road safety and the Commonwealth’s commitment to a \$300m Bridges Renewal Program.
5. The Congress received the first national State of the Assets Report. This Report, prepared by JRA, is a national examination of the quality, function and capacity of over 60% of local government’s road and bridge assets worth over \$98 billion. The report reveals that over \$8 billion in sealed roads, \$1.9 billion of unsealed roads and \$1.4 billion in concert and timber bridges are in poor or very poor condition.
6. Delegates noted the adverse impacts of poor and very poor local roads and bridges on national transport productivity as well as the detriment to community access.

The Congress noted the importance of local road access to national road reforms under the National Heavy Vehicle Regulator and the significance of these reforms to achieving improved national productivity. Delegates welcomed the development of a PBS Route Assessment Tool to assist councils to undertake route assessment for the provision of access under this new regime.

Delegates resolved to continue to work with the Regulator on national road reforms, including through better integrated transport planning and data management. In this regards delegates call on the NHVR to share data that is collected and compiled to assist councils with strategic planning to improve infrastructure investment by all levels of government.

7. Delegates further resolved to work collaboratively with all levels of government and industry to support appropriate reforms recognising that they must not jeopardise road safety, community amenity or lead to unacceptable decline in local and regional road conditions. Delegates highlighted the importance of appropriate funding, including for maintenance, and in some cases upgrade of local roads and bridges, to support these reforms.

The Congress received a report on the Heavy Vehicle Investment and Charging project. Delegates acknowledged the importance of this work and its implications for industry and all road providers. Delegates welcome the potential of the reforms to provide additional direct funding to local governments to address the first and last mile issues. Delegates resolved to support the work of Transport Ministers on these proposals and looks forward to further consultation on this matter.

8. There is no doubt that regional councils are all suffering from infrastructure fatigue – Council will need to be prepared with specific plans / projects – to be ready for grants and submissions regarding availability of funds.
9. Further details on the Conference will be tabled to the next meeting of Council.
10. It was very appropriate to have Martin Upitis, Asset Management Manager present as the information was specific to his current role

7. Shoalhaven River Festival

File 47326E

RECOMMENDED that a letter from the Mayor be sent to the River Festival Committee thanking them for a successful event.

DETAILS

I, like many other Councillors would have received much praise on this outstanding day of festivities. Thank you to Clr Tribe and Clr White for attending many meetings, and Council staff for making this event “happen”.

Special acknowledgement to Lynn Locke and Catherine Shields for showing what can be done, with a will to make it happen and Narelle Brown of Jaybees for providing the entertainment.

8. **Celebration of Cullungutthi Aboriginal Area**

File 1829E

RECOMMENDED that a letter from the Mayor be sent to Margaret Simoes, Aboriginal Community Development Officer on the excellent organisation of the recent Cullunghutti function.

DETAILS

I recently attended the very professional, very moving ceremony with the Elders from Shoalhaven Aboriginal communities who celebrated the NSW Government's formal recognition and protection of a portion of Coolangatta Mountain, now known as Cullunghutti Aboriginal Area.

Local Aboriginal Elders are working with NSW National Parks and Wildlife Service officers to plan for the management of the Cullunghutti Aboriginal Area to protect both its cultural significance and the environment. A public celebration is in planning stages, tentatively scheduled for May.

9. **Remembrance Day Service, Walsh Park, Bomaderry**

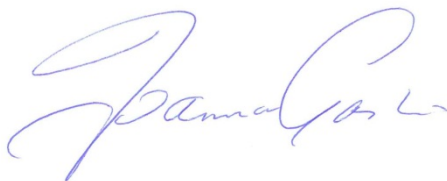
File 1829E

DETAILS

I have attached a letter from the Bomaderry RSL Sub Branch regarding the recent Remembrance Day Service at Bomaderry.

The Sub Branch appreciated the work of Council staff keeping the park in a presentable condition in the inclement weather, turning up before the service to clear debris from a storm the previous night and as a final touch, providing the members of the public with paper towelling to dry seats and chairs.

On behalf of the Sub Branch and myself and Councillors, I would like to say well done to Council staff, this is the type of praise we like to hear.



Joanna Gash (Mrs)
Mayor

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 19 NOVEMBER 2013

GENERAL MANAGER – COMMITTEES REPORT

POLICY AND RESOURCES COMMITTEE – MONDAY 11 NOVEMBER 2013 (ITEMS 2 to 22)

Corporate and Community Services

2. Local BMX Track Facility Culburra Beach – Alternative Site Investigation File 29129E [Index](#)

RECOMMENDED that Council:

- a) Construct a local BMX track on Curleys Bay Reserve for a trial period of twelve (12) months, after which time, a further report will be presented to Council on the outcomes; and
- b) Write to Mr Hallaran thanking him for his offer of alternative sites for the BMX track.

3. Northern Shoalhaven Indoor Sports Centre - Project Delivery File 47296E [Index](#)

RECOMMENDED that

- a) Pursuant to MIN 13.395 b), Council invite fresh tenders under the provisions of S178.3 (b) of the regulations for architectural and consultancy services for the design, construction and project management of the Northern Shoalhaven Indoor Sports Centre - Project Delivery (NSISC) and
- b) The tender for the design, construction and project management of the NSISC cover the following elements:-
 - i) Preparation of detailed designs, drawings and specifications to the standard required for satisfying and obtaining a Construction Certificate Approval from Council and the subsequent calling of Sub Tenders for Council.
 - ii) Development of all design development documentation for construction and Specifications and Scheduling for specialist requirements.
 - iii) Capacity, availability of supply and supply for utilities such as water, sewer, power, telephone and fibre optic cable to be established.
 - iv) Development of facility industry specific special contract conditions for consultants and contractors.
 - v) In relation to other consultants and expertise needed for the project, the tender is to include a list of the type of consultants that will be required with fixed lump sum prices for each consultant.

-
- vi) Assessment of preliminary work, geotechnical and survey work required to be undertaken and make recommendation regarding the way in which this work is to be carried out during the construction of the project.
 - vii) Project/Construction Management for construction of the project including overseeing tendering, contract negotiations and recommendations for the appointment of contractors, construction management, commissioning and coverage of the defects liability period.
 - viii) Project Management is to cover the provision of maintenance and servicing requirements and program maintenance schedules, consultation with the Client Representative in relation to fit out and operational requirements and overseeing the initial training requirements for operators.
 - ix) That the detailed designs be based on the DA approval and Conditions of Consent from the Regional Development Application.
 - x) That a total value of \$9M be assigned to the project and that this is to include all consultancy services, site establishment, preliminaries, construction, fit out, commissioning, contingency, studies, initial training of operational staff, and Council's costs.

4. Round the Bay Walk – Project Direction - Agreed Position

File 24693E [Index](#)

RECOMMENDED that:

- a) Council undertake full design with options and stages if necessary in investigating of the Round the Bay Walk track between entry points at Minerva Avenue and Plantation Point Parade, Vincentia in consultation with the community and stakeholders;
- b) Council receive a further report on the proposed design, project delivery milestones and timeframe as well as outcomes from community consultation to meet the March 2014/15 Budget timeline; and
- c) Council write to the Hon Ann Sudmalis MP, Member for Gilmore, confirming details of the financial pledge of \$450,000 announced during the 2013 Federal Election to develop the next stage of the Round the Bay Walk from Minerva Avenue to Plantation Point Parade in Vincentia.

5. Berry Bypass Land Transfer Proposal - Concept Planning & Consultation Report

File 3a11/1000, 1992E, 3196E [Index](#)

RECOMMENDED that:

- a) Council endorse the Berry Bypass Land Transfer Proposal – concept planning and consultation report;
- b) The Berry Bypass Land Transfer Proposal – concept planning and consultation report be considered during the future land acquisition and land transfer negotiations between Shoalhaven City Council and NSW Government, Roads and Maritime Services;
- c) Council make representation and forward a copy of the report to the Minister for Transport, the Honourable Duncan Gay and Member for Kiama, Gareth Ward MP

for residual Lots identified in the concept plans which are not required for road purposes being transferred to Council; and

- d) A further report on the outcomes of land negotiations be presented to Council.

6. Alcohol Free Zones - Mollymook and Shoalhaven Heads File 28069E, 16533E [Index](#)

RECOMMENDED that:

- a) Council commence the process for the establishment of the Alcohol Free Zones for a further term of four (4) years for the following areas:
- i. The car park adjacent to the Shoalhaven Heads Surf Club and the section of McIntosh Road adjacent to the C.H. Gumley Reserve; and
 - ii. The whole of Burleigh Way and the car park at Mollymook in the vicinity of Colliers Beach; and
- b) Should there be no objections received to the re-establishment of these zones, authority be given for staff to proceed with the declaration of the above areas as Alcohol Free Zones, without further reference to Council.

7. Memorandum of Understanding with Anti - Poverty Committee File 38425E [Index](#)

RECOMMENDED that:-

- a) Council authorise the Mayor and the General Manager to sign the Memorandum of Understanding with the Shoalhaven Anti - Poverty Committee; and
- b) Council's Community Development staff continue to act on Council's behalf and be involved in the Shoalhaven Anti – Poverty Committee as a partner.

8. Community Services Grants File 35860E [Index](#)

RECOMMENDED that Council allocate Community Grant Scheme funds (Job Number 13030) to support the following projects:

- a) Healthy Cities Illawarra Inc.– Feel Alive Five– Community Walking and Running Event. 5km one night a week for five weeks. To develop healthy habits in a fun supportive environment.- \$2,000
- b) Milton Ulladulla Uniting Church – Messy Church – Maintain a relationship with young families of the local community - \$1,500
- c) Yard Assist- Auspiced by Southern Cross Community Housing Ltd – Yard Assist- To provide volunteer based community support around the house and garden for people who are not coping at this time - \$2,000
- d) Gambling Impact Society (NSW) Inc. – Talking Heads – To produce 10 Consumer Voice video recording, each telling their story about the impacts of gambling - \$2,000
- e) Ulladulla Men's Shed Inc - Upgrade older equipment plus fit out shed glasshouse & garden – To improve safety and upgrade members skills with new equipment and to set up glasshouse and garden - \$1,636

-
- f) The Zonta Club of Berry Inc. – Zonta’s Community Sewing Day – To produce breast cushions and drainage bag holders. Also pillowcases for Oncology kids for distribution to local hospitals and individuals - \$2,000
 - g) Friends of the Curtis Park Arboretum Inc. - Murals – To blend existing toilets into the surrounding gardens and discourage vandalism - \$2,000
 - h) Mission Australia – Swimming Lessons for Children – Prepare children for pool and beach activities - \$1,950
 - i) Nowra Croquet Club Inc – Sun Protection – To provide protection from the sun for members and visitors - \$1,000
 - j) Prior to funds being distributed to the Nowra Croquet Club Inc the organisation will need to lodge Development Application documents; application to be successfully approved and satisfy Community Development that this procedure has been successfully undertaken.
 - k) Women’s Sport and Recreation NSW – Shoalhaven Girls Get Active Event – To encourage a healthy, active lifestyle and promote leadership skills by providing school girls in and around the Shoalhaven the opportunity to take part in physical activity outside their regular PE classes - \$2,000
 - l) Lara Jean Association Inc - Bawlaroma – To provide a fun filled free day out for local special need kids an opportunity they may never have experienced - \$2,000

9. Racism It Stops with Me Campaign File 6577E [Index](#)

RECOMMENDED that Council become a supporter of the national anti-racism campaign, “*Racism It Stops with Me*”, the General Manager, on behalf of Council sign the supporter agreement and Council include the campaign logo on Council’s facebook and webpage.

10. Naming of New Burrill Lake Bridge (Roy McDaniel Bridge) File 7233E [Index](#)

RECOMMENDED that:

- a) Council undertake community consultation for a period of four weeks to seek feedback on the proposal to name the new Burrill Lake Bridge, the Roy McDaniel Bridge or to suggest other prominent citizens; and
- b) A report be brought back to Council.

11. Quarterly Progress Report on Delivery Program & Operational Plan File 45907E [Index](#)

RECOMMENDED that the Quarterly Report of the General Manager on the 2013 – 2017 Delivery Program & 2013 – 2014 Operational Plan be received for information.

12. Quarterly Budget Review as at 30th September 2013 File 2127E [Index](#)

RECOMMENDED that

- a) The September Quarterly Budget Review and vote movements outlined in the Quarterly Budget Review Statement be adopted by Council;

-
- b) The Special Rate Variation adjustment of \$122,241 from Woollamia Rd Community Path to the alternative project Matron Porter Drive Path be adopted by Council;
 - c) Part of Woodhill Mountain Road project funding be diverted to pavement rehabilitation projects for Main Road, Cambewarra \$250,000 and Currarong Road, Kinghorne \$100,000 be adopted by Council; and
 - d) Council does not commit to any further additional expenditure unless it is in conjunction with a quarterly budget review and a funding source can be identified.
13. Requests for Financial Assistance - Community Life Batemans Bay File 4771E [Index](#)

RECOMMENDED that as the request does not comply with the Council Donations Policy, Council not financially assist Community Life Batemans Bay.

14. Financial Assistance for Australia Day Events File 4771E [Index](#)

RECOMMENDED that Council allocate an amount of \$1,000 to the Callala Bay Community Association and \$2,500 to the Rotary Club of Berry to assist with the costs associated with convening Australia Day events in those areas.

Assets and Works

15. Shoalhaven Traffic Surveys - RMS Funding Contribution
File 5279e, 39923E, 28392E, 28985E, 6852E [Index](#)

RECOMMENDED that

- a) Council accepts the funding contribution offer from RMS as follows:
 - i) \$43,360 for 100% funding towards an Origin-Destination survey to be undertaken October/November 2013;
 - ii) \$48,080 for 50/50 funding towards a repeat of the Origin-Destination survey to be undertaken (date to be confirmed) in February 2014 with reporting and analysis based on full 24-hour of data, with Council to contribute matching funding of \$48,080 (job number 85923);
 - iii) \$8,000 for 100% funding towards intersection turning movement counts along the Highway through Nowra/Bomaderry to be undertaken October/November 2013;
 - iv) \$8,000 for 100% funding towards a repeat of the intersection turning movement counts along the Highway through Nowra/Bomaderry to be undertaken (date to be confirmed) in February 2014 ; and
- b) Council writes to RMS thanking it for its cooperation and funding assistance towards the 2013/14 Origin-Destination surveys, and advising that Council accepts the funding contributions.

16. North Nowra Link Road - Status Update and Next Steps

File 5253e [Index](#)

RECOMMENDED that

- a) The next steps in the planning process to build North Nowra Link Road Option 3 (Northern Option) and/or the Illaroo Road - Moss Vale Road link (far northern collector road) be deferred until the outcomes of the local planning project control group are more advanced; and
- b) Subject to the results of the project control group's analysis, funding be considered for inclusion in the 2014/2015 Operational Plan budget to commence detailed investigations of a route for the Illaroo Road - Moss Vale Road link (far northern collector road "FNC").

Planning and Development

17. Local Heritage Assistance Fund 2013/14 - Reassignment of Part Grant File 1110E [Index](#)

RECOMMENDED that Council approve the part funding of \$1,000 be reassigned to Kate Dale to assist with the approved works being carried out on their State Significant residence at 1 Kalinga Street, Cambewarra as part of the Shoalhaven Local Heritage Assistance Fund 2013-14.

18. Funding Agreement (Contract No. SR2413) Contain & Connect – Protecting Coastal Ecosystems in Shoalhaven LGA Project (CC Project) File 13772E [Index](#)

RECOMMENDED that Council:

- a) Accept the SRCMA's offer of \$380,800 over 4 years (2013-2017) to expand and continue its control and containment of Weeds of National Significance (WoNS);
- b) Direct that the internal funds (\$22,720 pa over 4 years from 15913) and external funds be set aside for this project and be identified in a separate budget line for the next four years;
- c) Write to the SRCMA thanking them for the funds.

Shoalhaven Water

19. Water and Sewer Headworks Charges (Section 64 Charges)

File 15513E [Index](#)

RECOMMENDED that:

- a) Council confirm that the concession rates for Section 64 charges apply to payments made in the 2013/14 financial year; and
- b) Council convene an industry forum to develop a policy relating to the subdivision of land and the payment of Section 64 charges to assist in facilitating economic growth.

-
20. Tender Process - St Anns St and Edwards Ave SPS Emergency Storage Upgrade
File 48022E [Index](#)
-

RECOMMENDED that Council, in accordance with Section 10A(2)(d)(i) of the Local Government Act (2003), consider a separate confidential report on this matter.

21. Proposed Changes to Environmental Licensing - NSW EPA File 3945E [Index](#)
-

RECOMMENDED that Council note the proposed changes to the environmental protection licences issued by the NSW Government.

General Business

22. Additional Item – Shoalhaven Arts Society Art Exhibition File [Index](#)
-

RECOMMENDED that a fee of \$600 be set for the Shoalhaven Art Society's Art exhibition.

SHOALHAVEN TOURISM BOARD – MONDAY 28 OCTOBER 2013 (ITEM 23)

General Business

23. Additional Item – Sports Board Representative File 1490E [Index](#)

RECOMMENDED that Council

- a) Increase the number of members of the Shoalhaven Tourism Board to include a representative of the Shoalhaven Sports Board; and
- b) Appoint Cllr Robertson to the Shoalhaven Tourism Board as a representative of the Shoalhaven Sports Board.

Note by General Manager: Normal protocol would allow the Shoalhaven Sports Board to nominate its representative.

**COUNCIL PROPERTY STEERING COMMITTEE – TUESDAY 5 NOVEMBER 2013
(ITEMS 24 to 27)**

Assets and Works

24. Acquisition of Drainage Easement – Lot 202 DP1180659 – 1095 Meroo Road, Meroo Meadow File 47429E [Index](#)

RECOMMENDED that:

- a) Council resolves to acquire an easement for drainage and swale drain 10m wide and variable width over part of Lot 202 DP1180659 as shown in Attachment A;
- b) Council resolves to pay compensation of \$2,000 plus GST (if applicable) in addition to the owner's reasonable legal costs and any ancillary costs under the terms of the Land Acquisition (Just Terms Compensation) Act 1991;
- c) The compensation and costs to be funded from Job No.75615 19240;
- d) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager be authorised to sign any documentation necessary to give effect to the resolution; and
- e) Council resolves to allow the landowner to construct an access across part of the easement/swale drain consisting of four concrete pipes, with any maintenance at the landowner's expense. The access (flyover) is for the purpose of allowing the landowner's cattle to safely pass through the area.

25. Egans Lane Precinct Status Report File 47709E [Index](#)

RECOMMENDED that

- a) Council receive the report of the General Manager (Assets & Works) concerning Egans Lane Precinct Redevelopment for Information; and
- b) A Councillor briefing be held to provide information in relation to the feasibility (Phase 2) and community engagement for the project.

26. Occupation of Ulladulla Civic Centre Genealogy Room File 47305E [Index](#)

RECOMMENDED that:

- a) Council proceed to negotiate a lease agreement with Milton Ulladulla Family History Society Inc. (MUFHS) for the use and occupation of the "genealogy room" at the Ulladulla Civic Centre, 81B Princes Highway, Ulladulla;
- b) The General Manager be delegated authority to endorse the terms of the lease, that are not yet settled; and
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution.

27. Proposed Purchase of Land at Mundamia

File 47650E [Index](#)

RECOMMENDED that this report be received for Information only.

CROOKHAVEN HEADS LIGHTHOUSE STEERING COMMITTEE – FRIDAY 8 NOVEMBER 2013 (ITEM 28)

Corporate & Community Services / Planning & Development

28. Crookhaven Headland Lighthouse – Future Restoration, Management and Maintenance
File 42240E, 41571E [Index](#)
-

- I. RECOMMENDED that Council:
- a) Request the NSW Government fund the conversion to a viewing deck platform and increase the funding to an amount of approximately \$120,000;
 - b) Assist with the ongoing maintenance to an amount of \$5,000/pa for ongoing maintenance of the structure and viewing deck;
 - c) Request Crown Lands retain management and ownership;
 - d) Request Corrective Services NSW to assist with the ongoing maintenance of the structure where possible; and
 - e) Write to the Member for South Coast and NSW Crown Lands requesting a joint meeting to discuss the existing conditions on the funding provided by NSW Crown Lands and the above recommendations.
- II. RECOMMENDED that Council request the community representatives on the Crookhaven Heads Lighthouse Steering Committee to investigate the level of support for the possible establishment of a replica light house next to the pilot house on Crookhaven Heads to be funded by the community.
- III. RECOMMENDED that the Crookhaven Heads Lighthouse Steering Committee continue to operate until the additional reports are received and the future restoration, management and maintenance matters are resolved.

R.D Pigg
GENERAL MANAGER

SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 12 NOVEMBER 2013

ORDINARY MEETING

TUESDAY, 19 NOVEMBER 2013

REPORT OF THE CONVENOR

ITEMS FOR APPROVAL UNDER DELEGATED AUTHORITY

29. Existing Bus Zone – Jacobs Drive, Sussex Inlet (PN 42) File 9874E [Index](#)
- # RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the removal of the existing bus zones on Jacobs Drive, Sussex Inlet, adjacent to properties 153,155 and 158 Jacobs Drive, as detailed in the attached plan TRAF 2013/50.
30. Parking Restrictions - Coulon Street, Woollamia (PN 2806) File 8553E [Index](#)
- # RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the installation of a No stopping zone for a distance of approximately 250m on the northern side of Coulon Street, including the head of the cul-de-sac, as detailed in the attached plan TRAF 2013/51.
31. Taxi zones - Nowra CBD (PN 2982) File 9886E [Index](#)
- # RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the extension of the night time taxi zones adjacent to Nowra CBD Hotels (6pm-6am) by 1 car parking space, as detailed in the attached plan TRAF 2013/52:
- a) Postman's Tavern - Junction Street
Existing Taxi zone 6pm to 6am to be extended by 1 car parking space (resulting in loss of 1 car parking space from 6pm-6am)
- b) The Australian Hotel - Kinghorne Street
Existing Taxi zone (no time restrictions) to be extended by 1 car parking space 6pm to 6am (resulting in loss of 1 car parking space from 6pm-6am)
- c) Bridge Tavern - North Street
Existing Taxi zone 6pm to 6am to be extended by 1 car parking space (resulting in loss of 1 car parking space from 6pm-6am).
32. Parking Restrictions - Wondalga Crescent, Nowra (PN 3015) File 2636E [Index](#)
- # RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the extension of the existing No Stopping zones on the northern and southern sides of Wondalga Crescent approx 10m east, as detailed in TRAF 2013/53

-
33. Proposed Car parking - New Linemarking - Cyrus Street (Seaman's Beach), Hyams Beach (PN 3016) File 47143E [Index](#)
- # RECOMMENDED that the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed car park design TRAF 2013/54 at Seaman's Beach carpark, Hyams Beach.
34. Parking Restrictions - Emmett Street, Callala Bay (PN 3017) File 18928E [Index](#)
- # RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the installation of a No Stopping zone 7m west and 18m east of the Callala Bay Sports field driveway on Emmett Street, Callala Bay, as detailed in the attached plan TRAF 2013/55.
35. No Parking Zone - Normandy Street, Narrawallee (PN 3021) File 21774E [Index](#)
- # RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the installation of a No Parking zone to replace the existing No Stopping zone in the turnaround area at the boat ramp in Normandy Street, Narrawallee, to allow loading and unloading of vehicles when launching and retrieving boats as per TRAF 2013/56.

Martin Upitis
CONVENOR

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 19 NOVEMBER 2013

COUNCILLOR REPORTS ON CONFERENCES

36. Dynamic Cities Conference

File 4688e [Index](#)

PURPOSE: Delivery Program Activity: 2.5.1.1

To provide a report from Clr John Wells on the Dynamic Cities Conference held in Mandurah WA 16-18 October 2013.

RECOMMENDED –

- a) **That the report regarding the Dynamic Cities Conference held in Mandurah from 16-18 October 2013 be received for information.**
- b) **That the report be presented to the next meeting of the Nowra CBD Action Group.**

OPTIONS:

1. Receive the report for information, as requested.
2. Request for further information on the conference.

DETAILS:

In accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provisions of Facilities Policy, Clr John Wells has submitted a report regarding the Dynamic Cities Conference held in Mandurah from 16-18 October 2013. The conference report is attached for information.

37. West Metropolitan Waste Processing Facility - Shenton Park – Perth File 4688e [Index](#)

PURPOSE: Delivery Program Activity: 2.4.6.1

To provide a report from Clrs Watson & Wells on the West Metropolitan Waste Processing Facility, Shenton Park, Perth on 18th October 2013.

RECOMMENDED that the report regarding the West Metropolitan Waste Processing Facility, Shenton Park, Perth on 18th October 2013 be received for information.

OPTIONS:

1. Receive the report for information, as requested.
2. Request for further information on the conference.

DETAILS:

- # In accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provisions of Facilities Policy, Clrs Watson & Wells submitted a report regarding the West Metropolitan Waste Processing Facility, Shenton Park, Perth on 18th October 2013. The conference report is attached for information.

38. SEGRA Sustainable Economic Growth for Regional Australia File 4688E [Index](#)

PURPOSE: Delivery Program Activity: 3.3.2.1

To provide a report from Clr Kitchener on the SEGRA Sustainable Economic Growth for Regional Australia Conference held in Coffs Harbour from the 16th to the 18th October 2013.

RECOMMENDED -

- a) **That the report regarding the SEGRA Sustainable Economic Growth for Regional Australia Conference be received for information.**
- b) **That the report be presented to the next meetings of the CBD Action Group and the Business & Employment Development Committee.**

OPTIONS:

1. Receive the report for information, as requested.
2. Request for further information on the conference.

DETAILS:

- # In accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provisions of Facilities Policy, Clr Kitchener submitted a report regarding the SEGRA Sustainable Economic Growth for Regional Australia Conference held from 16th to 18th October 2013. The conference report is attached for information.

Russ Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 19 NOVEMBER 2013

CORPORATE AND COMMUNITY SERVICES

39. Cheque Signatories

File 2665E [Index](#)

SECTION MANAGER: Pamela Gokgur

PURPOSE: Delivery Program Activity: 5.1.3.14

To update the list of Council's authorised cheque signatories to reflect recent staff changes within the Finance and Corporate Services Group.

RECOMMENDED that

a) Council authorise any two of the following persons:

Russell Desmond PIGG	General Manager
Craig Laurence MILBURN	Director Corporate & Community Services
John Gerard LENEHAN	Information Services Manager
Pamela Kaye GOKGUR	Chief Financial Officer
Melissa Jayne MCCOY	HR, Governance & Customer Services Manager
Susan Jennifer BOARDMAN	Management Accountant
Vanessa Jane PHELAN	Financial Accountant
Karen Louise HENRY	Accounting Officer
Graham David LONGFIELD	Accounting Officer
Stephanie Jane MOORLEY	Budget Accountant

- i) to operate on any account(s) now opened or to be opened by the Shoalhaven City Council with Financial Institutions so long as the account(s) shall be in credit or at the Financial Institutions' discretion notwithstanding that they shall become thereby or be already overdrawn;
- ii) to sign, draw, make, accept and negotiate cheques on behalf of the Shoalhaven City Council.
- b) This authority will cancel and supersede all previous authorities except in respect of cheques and other instruments dated prior to this authority.

OPTIONS

Option 1:

The proposed cheque signatory amendments are accepted to reflect changes in staff in the Financial & Corporate Services Group.

Option 2:

The proposed cheque signatory amendments are not accepted and Council's existing signatories are maintained. This option may cause limitations on Council's ability to manage its finances in a timely matter.

DETAILS:

Following a number of changes to staffing within the Finance and Corporate Services Group the need exists for Council authorisation for staff to sign cheques and vouchers on Council's behalf to be updated to facilitate operational requirements.

The cheque signatories will have the authority to operate on any account(s) now opened or to be opened by the Shoalhaven City Council with Financial Institutions so long as the account(s) shall be in credit or at the Financial Institutions' discretion notwithstanding that they shall become thereby or be already overdrawn.

Authority is given for staff to sign, draw, make, accept and negotiate cheques on behalf of the Shoalhaven City Council.

The above list of authorised cheque signatories does not serve as authority to negotiate fixed deposits, bills of exchange, promissory notes or any other negotiable instruments. These instruments can only be acted upon by staff with the General Managers Delegated Authority under Section 378 of Local Government Act 1993.

Authorised signatories serve to give the Shoalhaven City Council transparency acting in accordance with the community and development plan.

FINANCIAL IMPLICATIONS:

The suggested signatories are existing staff who have been selected according to their current positions and thus no further resources are required.

SECTION MANAGER: Pamela Gokgur

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 Services and Community Services Group) on the Record of Investments for the period to 30 October 2013 be received for information.

OPTIONS

1. The report on the Record of Investments for the period to 30 October 2013 be received for information
2. Further information regarding the Record of Investments for the period to 30 October 2013 be requested

DETAILS

Council's current investment portfolio has a weighted average return of 3.85% (annualised), 127 basis points above the average 90 day Bank Bill Rate of 2.58% (as supplied by CBA).

The Managed Fund Portfolio returned an average 3.28% over the last twelve months while Council's direct investment portfolio will return a weighted average of 3.88%.

Interest received on Council's investment portfolio for the financial year to date is \$1,490,169 compared with \$1,651,861 for the same period last financial year. The decrease in interest on investments is due to the Council's overall weighted average return decreasing, the weighted average of the interest received last financial year to 30 October was 5.27% compared to this financial year of 4.28%. The interest earned to the month of October is above pro-rata budget.

The Portfolio Valuation Report provided by ANZ for 30 October 2013 states that:

The Australian equity market rose strongly during the month. The S&P ASX 200 closed the month 3.95% higher at 5,425.50. The Australian dollar improved, buying 0.9546 USD at month end.

The RBA left the target cash rate at 2.50% at the October meeting, whilst the 90 day Bank Bill Swap Rate (BBSW) closed the month at 2.60%.

RECORD OF INVESTMENTS Cash and Investment Balances

	October 2013	September 2013
Total Cash And Investments		
Total Cash	\$2,666,681	\$1,776,723
Total Investments	<u>\$116,698,875</u>	<u>\$121,724,502</u>
	<u>\$119,365,556</u>	<u>\$123,501,225</u>
 Less Cash & Investments Held In Relation To Restricted Assets		
Leave Entitlements & Workers Compensation Liability	\$9,620,937	\$9,620,937
Loans - General Fund	\$0	\$295,682
Financial Assistance Grant	\$4,793,727	\$4,793,727
Grant reserve	\$583,607	\$1,202,975
North Nowra Link Road	\$744,858	\$745,028
Other Internal Reserves	\$10,977,710	\$10,236,216
Section 94	\$18,583,482	\$18,697,165
Section 94 Matching Funds	\$1,091,717	\$1,321,209
Storm Water Levy	\$0	\$52,415
Strategic Projects General	\$3,179,875	\$3,460,443
Trust	\$98,006	\$98,006
Waste Disposal	\$10,425,803	\$10,646,435
Sewer Compensation	\$6,568	\$6,568
Sewer Construction Works	\$8,781,667	\$7,851,541
Section 64 Water	\$9,704,893	\$9,680,961
Water Construction Works	<u>\$25,436,226</u>	<u>\$26,316,972</u>
Total Restricted	<u>\$104,029,077</u>	<u>\$105,026,280</u>
 Unrestricted Cash And Investments		
General	\$13,336,480	\$16,474,945
Water	\$1,000,000	\$1,000,000
Waste Water	<u>\$1,000,000</u>	<u>\$1,000,000</u>
Total Unrestricted	<u>\$15,336,480</u>	<u>\$18,474,945</u>

Total cash decreased in October due to ongoing spending of rates instalments received in September with no major cash influx this month. The grants reserve has reduced due to agreed works being done, for which grant funds will be received at project end.

SHOALHAVEN CITY COUNCIL
STATEMENT OF INVESTMENTS
31 October 2013

DIRECT INVESTMENTS: Institution	Rating	Inv Type	Principal	Terms	Interest Rate	Maturity (1st)	Final Maturity
AMP Bank	A1	TD	\$1,000,000.00	96	3.60%	23-Dec-13	
AMP Bank	A1	TD	\$4,000,000.00	93	3.80%	05-Dec-13	
ANZ	A1+	TD	\$2,000,000.00	154	3.75%	06-Mar-14	
ANZ	A1+	TD	\$3,000,000.00	106	3.70%	09-Jan-14	
ANZ	A1+	TD	\$3,000,000.00	126	3.70%	30-Jan-14	
ANZ	A1+	TD	\$1,000,000.00	105	3.80%	27-Nov-13	
ANZ	A1+	TD	\$2,000,000.00	98	3.75%	05-Dec-13	
ANZ	A1+	TD	\$4,000,000.00	105	3.80%	28-Nov-13	
B & E Ltd Bank	NR	TD	\$1,000,000.00	99	4.00%	13-Nov-13	
Bank of Qld	A2	TD	\$2,000,000.00	97	3.85%	04-Dec-13	
Bank of Qld	A2	TD	\$1,000,000.00	98	3.85%	04-Dec-13	
Bank of Qld	A2	TD	\$1,000,000.00	91	3.95%	21-Nov-13	
Bank of Qld	A2	TD	\$2,000,000.00	119	3.65%	12-Feb-14	
Bank of Qld	A2	TD	\$2,000,000.00	98	3.95%	21-Nov-13	
Bendigo Bank	A2	TD	\$2,000,000.00	112	3.75%	19-Dec-13	
Bendigo Bank	A2	TD	\$1,000,000.00	91	3.90%	07-Nov-13	
Bendigo Bank	A2	TD	\$1,000,000.00	105	3.90%	20-Nov-13	
Bendigo Bank	A2	TD	\$2,000,000.00	99	3.60%	19-Dec-13	
Bendigo Bank	A2	TD	\$2,000,000.00	183	4.05%	23-Jan-14	
ING Bank (Australia) Ltd	A1	TD	\$2,000,000.00	126	3.60%	16-Jan-14	
ING Bank (Australia) Ltd	A1	TD	\$2,000,000.00	183	4.29%	28-Nov-13	
Members Equity Bank	A2	TD	\$2,000,000.00	110	3.70%	23-Dec-13	
Members Equity Bank	A2	TD	\$1,000,000.00	119	3.93%	19-Dec-13	
Members Equity Bank	A2	TD	\$1,000,000.00	98	3.65%	08-Jan-14	
Members Equity Bank	A2	TD	\$2,000,000.00	90	3.55%	22-Jan-14	
Members Equity Bank	A2	TD	\$1,000,000.00	126	3.70%	06-Feb-14	
Members Equity Bank	A2	TD	\$2,000,000.00	119	3.60%	19-Feb-14	
Members Equity Bank	A2	TD	\$1,000,000.00	125	3.70%	29-Jan-14	
National Australia Bank	A1+	CRD	\$5,000,000.00	31	4.17%	08-Nov-13	08-Apr-14
National Australia Bank	A1+	CRD	\$3,000,000.00	32	3.86%	04-Nov-13	03-Mar-15
National Australia Bank	A1+	MATD	\$98,006.21	365	4.22%	30-Jun-14	
National Australia Bank	A1+	TD	\$1,000,000.00	103	3.85%	11-Dec-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	106	3.89%	05-Dec-13	
National Australia Bank	A1+	TD	\$2,000,000.00	126	3.80%	30-Jan-14	
National Australia Bank	A1+	TD	\$1,000,000.00	97	4.00%	06-Nov-13	
National Australia Bank	A1+	TD	\$2,000,000.00	106	3.79%	13-Feb-14	
National Australia Bank	A1+	TD	\$2,000,000.00	100	3.91%	14-Nov-13	
National Australia Bank	A1+	TD	\$4,000,000.00	173	4.19%	18-Dec-13	
National Australia Bank	A1+	TD	\$2,000,000.00	105	3.85%	19-Dec-13	
National Australia Bank	A1+	TD	\$2,000,000.00	91	3.90%	07-Nov-13	
National Australia Bank	A1+	TD	\$2,000,000.00	116	3.85%	23-Dec-13	
Newcastle Permanent Building Society	A2	TD	\$2,000,000.00	98	4.70%	15-Jan-14	
Newcastle Permanent Building Society	A2	TD	\$2,000,000.00	99	3.70%	19-Dec-13	
Newcastle Permanent Building Society	A2	TD	\$2,000,000.00	91	3.70%	09-Jan-14	
NSW Treasury Corp	A1+	TD	\$3,300,000.00	181	3.75%	31-Mar-14	
Police Credit Union Ltd (SA)	NR	TD	\$1,000,000.00	147	3.78%	22-Jan-14	
Rural Bank	A2	TD	\$2,000,000.00	126	3.70%	05-Feb-14	
Rural Bank	A2	TD	\$2,000,000.00	125	3.75%	30-Jan-14	
Rural Bank	A2	TD	\$2,000,000.00	91	3.64%	19-Dec-13	
Westpac Bank	A1+	TD	\$4,000,000.00	154	4.63%	20-Mar-14	
Westpac Bank	A1+	TD	\$2,000,000.00	97	3.50%	29-Jan-14	
Westpac Bank	A1+	TD	\$4,000,000.00	126	3.67%	16-Jan-14	
Westpac Bank	A1+	TD	\$3,000,000.00	188	4.21%	02-Jan-14	
TOTAL DIRECT INVESTMENTS			\$112,398,006.21		3.88%		

MANAGED FUNDS	Rating	Inv Type	Carrying Value	Purchase Date	Monthly Return	Return over last 12 months
CDO Portfolio	NR	CDO	\$2,691,009.88	Various	0.17%	2.00%
Macquarie Income Plus	AAAm	MF	\$1,609,858.95	17/08/2005	0.45%	5.41%
TOTAL MANAGED FUNDS			\$4,300,868.83		0.27%	3.28%
TOTAL INVESTMENTS			\$116,698,875.04			3.85%
<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.						
Pamela Gokgur Chief Financial Officer						

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 OF CORPORATE AND COMMUNITY SERVICES

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 19 NOVEMBER 2013

PLANNING AND DEVELOPMENT

41. **Tender – Currumbene Creek and Moona Moona Creek Floodplain Risk Management Study and Plan** File 47799e [Index](#)
-

SECTION MANAGER: Shane Pickering.

PURPOSE: Delivery Program Activity: 2.6.1.2 (Develop, implement and review Floodplain Risk Management Plans).

This report is to inform the Council of tender results for Currumbene Creek and Moona Moona Creek Floodplain Risk Management Study and Plan.

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.

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.

OPTIONS

1. Council accept the recommendation.

Implications: This option represents best value-for-money for Council.

2. Council not accept the recommendation, giving reasons and propose an alternative tender.

Implications: This will depend largely on the alternative resolution.

DETAILS

In August and September 2013, tenders were invited to undertake consultancy services for Currumbene Creek AND Moona Moona Creek Floodplain Risk Management Study and Plan.

Tenderers were asked to tender for Separable Portion 1 – Currumbene Creek Floodplain Risk Management Study and Plan; OR Separable Portion 2 – Moona Moona Creek Floodplain Risk Management Study and Plan; OR a Combined tender for Separable Portions 1 and 2.

Tenders closed on 1 October 2013, with six (6) tenders received in either the tender box or electronically at the close of tenders, as shown below. No late tenders have been received.

The summary of tenders received is below:

Tenderer	Location
Cardno (NSW/ACT) Pty Ltd	St Leonards, NSW
GHD Pty Ltd	Nowra, NSW
Haskoning Australia Pty Ltd	North Sydney, NSW
Hydro-Electric Corporation trading as Entura	Cambridge, TAS
Umwelt (Australia) Pty Ltd	Teralba, NSW
WMAwater	Sydney, NSW

Tenderers have been evaluated in accordance with the criteria identified in the tender documents as follows:

- Total cost to Council, including application of Local Preference Policy;
- Experience and expertise in nature of work;
- Management ability, regarding programming, OH&S, environmental, quality systems; and
- Resource capabilities to complete the works.

Further details of the tender evaluation are contained in the Confidential Report.

FINANCIAL IMPLICATIONS:

Funding for the above project has been provided for under the NSW Government's Floodplain Management Program, administered by the Office of Environment and Heritage (OEH) at a ratio of 2 : 1 (NSW Govt.: Council).

Council's contribution has been budgeted and is available from the Floodplain Program budget.

COMMUNITY ENGAGEMENT:

The intent of this study is to engage the community and develop a set of measures which will be considered acceptable by the community to manage and/or mitigate flood risk within the catchments.

Accordingly, a comprehensive community engagement plan will be developed and implemented by the consultant.

CONCLUSION:

Council invited tenders in August and September 2013 to undertake consultancy services for Currumbene Creek and Moona Moona Creek Floodplain Risk Management Study and Plan. Six (6) tenders were received and the details of the tender assessment are presented in the confidential report.

Tim Fletcher

DIRECTOR PLANNING & DEVELOPMENT SERVICES

R.D Pigg

GENERAL MANAGER

NOTICES OF MOTION

ORDINARY MEETING

TUESDAY, 19 NOVEMBER, 2013

42. Speed Limit Review – Croobyar Road, Milton

File 1703E [Index](#)

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

Council submit an application to the RMS to review the speed limit on Croobyar Road Milton, with a view to reducing the speed limit in the 100 section down to 80 due to the increased density of housing along Croobyar Road and to reflect the speed limit of the majority of the road which is currently 80klms per hour.

Signed
Clr Findley

43. Councillor Report – Local Government NSW Conference

File 47455E [Index](#)

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

RECOMMENDED that

- a) **That Shoalhaven City Council make strenuous representations to the Board of Local Government New South Wales objecting to the following;**
- i) **The farcical situation of presenting standing orders for adoption by the conference when they had already been registered preventing any amendment by the conference itself**
 - ii) **The dictatorial attitude adopted by some of the rotating chairpersons who frequently refused to accept amendments and points of order.**
 - iii) **The prevention of reasonable debate and discussion by the overuse of the microphone switch when the chairperson didn't want to hear the argument.**
 - iv) **The elimination of Council motions from the meeting agenda preventing discussions on important issues affecting individual member councils.**
- b) **that Council indicate to the Board of Local Government New South Wales that unless significant changes were made in the way the conferences are run as well as a change in the attitude of the chairpersons our Council will consider withdrawing from Local Government New South Wales.**

Background:

The 2013 Local Government Conference was the first conference held under the new structure which brought together the old Local Government Association of New South Wales and the Shires Association of New South Wales.

Over the years I would have attended more than 20 Local Government Association Conferences as a voting delegate representing our Council and I must say that this conference was the most disappointing I have ever attended particularly in respect of the ability of member councils to effectively present their issues affecting their residents for consideration of the conference.

Under the new structure the executive has now become an all-powerful board and appears at this early stage to have adopted "a born to rule" attitude in respect of how they deal with issues facing Local Government in New South Wales

Member councils were invited to submit motions for consideration at the conference, which has been the standard format of how the associations conferences were run over the past 100 years, this gave the opportunity for councils to bring forward matters to be considered by the combined membership of the conference, and have the issues debated, and if carried implemented by the executive. Without any imprimatur from the member councils all motions submitted by member councils were discarded and allegedly dealt with in some other manner by the new all-powerful board of directors.

The consideration of motions was replaced by doctored board recommendations which were almost impossible to change because of the attitude of some of the rotating chairpersons, who gagged debate, turned microphones off preventing delegates raising points of procedural order or moving amendments.

One of the farcical situations was a presentation to conference of the new Standing Orders on which the voting delegates were asked to vote, when I endeavour to amend the standing orders to allow for a section of the conference to deal with motions from individual councils I was ruled out of order, the microphone turned off which prevented further discussion on the matter, (this was significant because in a large hall like the town hall an individual voice cannot be heard without amplification) eventually the voting delegates were told that we could not change the standing orders as the board had already had them registered, the process to change the standing orders would require a notice of motion submitted prior to the conference with the prescribed lead in time.

Instead of considering the core issues concerning individual councils conference was primarily made up with the doctored motion submitted by the board, guest speakers who spoke on interesting topics and not the core issues affecting our councils and their constituents.

Signed
Clr Watson
Clr White

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

That the General Manager report to Council on options as to how the Shoalhaven can better facilitate our towns and villages becoming a more friendly Recreational Vehicle destination.

Background:

Ready or not Recreational Vehicles are on their way and the cash the owners bring with them will contribute to the survival of many coastal towns and regional economies. With the fishing, dairying, timber and manufacturing industries in decline RVs represent a healthy, growing part of the Tourist industry. The question is, will the Shoalhaven City encourage and embrace them or will the Shoalhaven City continue to ignore their ever growing presence?

RVs are part of a change that has been sweeping the country for many years. There are approximately 500 000 RVs registered in Australia. In 2010 the majority of RV travelers were born during World War 2 but now the RV market is being taken over by the baby boomers.

These new travelers are opting for self-contained vehicles, are proficient users of modern technology and want adventure experiences and the opportunity to get to know Australia. Their most preferred activities include visiting markets, heritage sites and museums, going bushwalking, visiting National Parks and undertaking full and half day tours. The baby boomers have more money, mobility and freedom than previous generations and on current trends RV travelers will increase by more than 60% over the next ten years.

Baby Boomers in particular are spending-up big on expensive rigs. A 4WD and a self-contained caravan represents a potential capital investment of between \$100 000 and \$150 000. The cost to purchase a campervan or motorhome can range from \$80 000 to \$600 000. New vehicles are increasingly low impact and self-contained and will dominate over the next five years.

The demand for new caravans, campervans, motorhomes and camper trailers is extraordinary. For many manufactures, there is up to a six month waiting time to fulfill orders. Campervan registration in Australia has increased by 23% over the five years to 2011. This represents a figure which is significantly higher than the national average of 14.5% for all motor vehicles.

The RV industry is the fastest growing domestic tourism sector in Australia and has been for the past 15 years. The industry is worth \$6.5 billion nationally and currently provides for 620 000 holidays per annum. Caravan and Holiday Parks annual income grew from \$848 million in 2006 to \$1.135 billion in 2010. It is reasonable to think that with the many natural assets and services that the Shoalhaven offers it has the potential to attract a greater share of this market.

Developing RV friendly towns in the Shoalhaven city would attract these travelers to stay longer and have a higher overall spend. It would help to address some of the escape spending that already exists as these vehicles make their way on their annual pilgrimage to the great northern land using NSW as a transit zone. Developing RV friendly towns in the Shoalhaven community is a low impact strategy that has the potential to boost the economy and provide much needed employment for the area. Making the Shoalhaven City an RV destination is a strategy that needs serious consideration.

To qualify as a RV Friendly Town is not onerous and is relatively inexpensive. Essential criteria that must be met are:

- Provision of appropriate parking within the town centre with access to a general shopping area with groceries or fresh produce
- Provision of short term (24/48 hour) parking for self-contained vehicles. No more than 5kms from the post office or agency preferably with rubbish bins and some grassed area
- Access to potable water
- Access to a free dump point, with the town precinct

Desirable criteria are:

- Provision of long term parking for self-contained vehicles
- Access to medical facilities or an applicable evacuation plan
- Access to a pharmacy or a procedure to obtain pharmaceutical products
- Visitor Information Centre (VIC) with appropriate parking facilities within a reasonable distance
- VIC to provide a town map showing essential facilities such as a hospital, medical services, fuel, shopping area, dump point, fresh water
- RV Friendly Town signs to be erected within the town precinct

On becoming a RV Friendly Town Campervan, Motorhome Club of Australia (CMCA) the largest caravanning club in the southern hemisphere lists the town and disseminates the information through its magazine 'Wanderer' freely to its 66 000 members.

More information www.cmca.net.au

Case Study information www.cook.qld.gov.au

Catering for the existing and expanding RV market is a challenge that the Shoalhaven City Council can pro-actively embrace and encourage with some control and regulation or reactively respond to as the numbers continue to grow.

Some people in the community might argue, now that they live in the Shoalhaven, they want the area to stay exactly as it is and that no change is best. But change gives a community a forward direction something to strive for and achieve. Without change a community can stagnate and in some cases decline and possibly collapse. Many people that have moved to the Shoalhaven and argue against change haven't realized that they themselves represent a change that has been evolving up and down the eastern seaboard forever and now, like it or not, RVs are coming.

Signed
Clr Kitchener

45. **Rural Fire Service Strategic Planning Committee - Membership** File 1227E [Index](#)

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

That Council endorses Councillor Mark Kitchener as a member of the Rural Fire Strategic Planning Committee, thus providing the committee with an alternative councillor to act as Chair in the absence of the elected Council representative.

Background:

Quite simply this provides the RFS with reassurance that there will always be a Councillor representative present at all meetings. Councillor Kitchener has displayed a keen interest in the SES as an active local member and this interest has broadened such that he has expressed a desire to be more closely aligned with similar activities – such as Rural Fire. In the term of this Council, Councillor Robertson has not missed a meeting but it may well be wise to cover all possibilities as the fire season is well upon us!

Signed
Clr Robertson

46. **Asset Recycling for Investment in the Nowra CBD** File 4221E [Index](#)

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

1. **That Shoalhaven Council gives in principle support to the advancement of a program of asset recycling to reinvest in the Nowra CBD and riverfront areas.**
2. **The General Manager report to Council on a process for the disposal of the Nowra Visitor Information Centre and the Junction Street shops that are currently held in Council's property portfolio. The report should include a forecast of the capacity to reinvest this capital into CBD streetscape infrastructure.**
3. **The General Manager further report on acquisition strategy for the Gateway Caravan Park (also known as the Willows Caravan Park) that includes a valuation.**
4. **The General Manager subsequently report other potential Nowra CBD asset sales that could contribute to reinvigorating the Nowra CBD.**
5. **That Council consider provisioning in the forthcoming Management Plan an indicative budget allocation of \$1 million in 2014/15 with \$2 million in 2015/16 and \$3 million in 2016/17 for the implementation of the CBD Master Plan.**
6. **Council consider the application of dividend revenue from the Southern Phone Company to Nowra CBD Masterplan development over the next three years.**

Background:

Following discussions with local business people and residents, this proposal was publically floated in early November and has received broad support for further investigation and action now that the caravan park is again offered for sale.

This motion brings together a number of factors that could together improve business conditions in Nowra. Council currently has significant investments attached to the Visitor Information Centre site and the Junction Street shops. They each represent a poor yield to the ratepayer and would be better recycled to acquire the caravan park gateway site and to provide an investment stream for a CBD upgrade in line with the existing masterplan.

Shoalhaven City Council has a history of holding underperforming assets for so called strategic purposes that never seem to come to fruition. The notional redevelopment of Stewart Place and the holding of the Junction Street shops is a clear example of this. Indeed by holding these shops, Council may be standing in the way of further CBD retail development that could be contributed by the private sector.

The work of Nowra CBD Action over the last 18 months or so, has confirmed the need for significant investment in this area. The point has been well made that large amounts of revenue is contributed to the City from this area and these measures provide a source for future investment without spreading the financial pain to other rate payers in the City on top of the current 8% rate increase.

By providing in principle support for such a strategy and requesting that staff report back with further information, Council would clearly communicated to our community that we are serious about leveraging our assets to improve Nowra for the future.

Signed
Clr Guile

47. Establishment of a Section 355 Committee for the Nowra CBD File 1229E [Index](#)

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

- 1. That the General Manager commence negotiations with the representatives of Nowra CBD ratepayers and business operators for the establishment of a Section 355 Committee with delegations that would advance the implementation of the Nowra CBD Masterplan.**
- 2. That the General Manager report back to Council with a recommendation that might include scope of the committee, delegations, membership and other relevant matters.**

Background:

Council has the ability under Section 355 of the Local Government Act 1993 to delegate its functions through the appointment of a committee of Council. This is an approach tried

in other regional CBD locations that has given the appropriate motivation and drive to improve CBDs.

Signed
Clr Guile

48. Shoalhaven Aquaculture Development

File 4226E [Index](#)

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

- 1. That Shoalhaven City Council endorses the application for aquaculture in Jervis Bay for the positive impact it would have on the Shoalhaven economy in terms of employment and investment.**
- 2. Council commends efforts to ensure that any development has a minimal impact on other users of Jervis Bay and encourages ongoing dialogue between interested parties to manage any issues.**

Background:

While Council is not the consent authority on this current application, we have had the benefit of a presentation from the proponents outlining the benefits that this proposal will bring to the Shoalhaven economy. Given the current social and economic circumstances of our region with growing unemployment, it would be remiss of Council not to state strong support for such an initiative which in turn sends a message to other potential investors that we welcome employment creating industry.

Signed
Clr Guile

49. New Year's Eve Fireworks on the River

File 2161E [Index](#)

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

- 1. That Council trial a family oriented New Year's Eve fireworks display on or near the Shoalhaven River that would draw the Nowra / Bomaderry community to the Riverfront to celebrate.**
- 2. That Council work with interested service and community groups to host this event.**

Background

The recent Shoalhaven River Festival demonstrated the potential attachment that Shoalhaven residents have to the river. To capitalise on this interest it is important that we have a series of events that might showcase the river's iconic status. The time remaining to organise such an even for the next New Year's celebration is likely to be

problematic and it would be preferable to provide notice to other groups who might be affected by such a proposal. These would be matters for Council to work through with stakeholders.

Signed
Clr Guile

50. Turpentine Road Sealing

File 8012E [Index](#)

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

That Council consider a provision for the sealing of a further 400-500 metres of Turpentine Rd to address the dust issues that affect the final house or houses at the end of the currently sealed section.

Background:

Unfortunately, Council needs to go back and add to the sealed section of Turpentine Road as the current state of the road means that the final property or properties are still suffering from the effects of dust with a high volume of traffic now using this road.

Signed
Clr Guile

QUESTIONS ON NOTICE

ORDINARY MEETING

TUESDAY, 19 NOVEMBER, 2013

51. Mayoral Newsletter

File 21351E [Index](#)

1. What unprompted community feedback has Council received on the inclusion of the Mayoral newsletter with rates notices?
2. Has this Mayoral Newsletter been offered to any previous Mayor?
3. How does the Mayoral Newsletter differ from previous direct mail communication strategies Council has always issued with rates notices?
4. Who has editorial input and control over the content of the Mayoral Newsletter?
5. Who requested the inclusion of a large photo of the Mayor and personally written editorial copy?
6. Given that the inclusion of a map with amounts spent in Shoalhaven's towns and villages bears a striking resemblance to campaign material issued by the former Member for Gilmore, can the General Manager confirm that the inclusion of this map was at the request of the Mayor?
7. Have there in previous Councils been requests for Councillor communication allocations for publications such as newsletters?
8. Has the Division of Local Government (formerly known as the 'Department') expressed a view on such requests?
9. Does Council's current Payment and Provision of facilities policy allow for the rate payer funding of a Mayoral Newsletter?
10. How does the General Manager determine whether the issuing of publications such as the Mayoral Newsletter and the Mayoral direct mail letter to North Nowra residents regarding the North Nowra Link Road are purely corporate communication on behalf of Council or whether they contain an element of political campaigning that should be privately funded?

Submitted by Clr Guile

Note: Responses to the questions will be provided in an Addendum Report.

CONFIDENTIAL BUSINESS PAPER AGENDA

GENERAL MANAGER – COMMITTEES REPORT

POLICY AND RESOURCES COMMITTEE – MONDAY 11 NOVEMBER 2013

1. Tender Process - St Anns St and Edwards Ave SPS Emergency Storage Upgrade

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.

COUNCIL PROPERTY STEERING COMMITTEE – TUESDAY 5 NOVEMBER 2013

2. Egans Lane Precinct Status Report

Reason

Section 10A(2)(c) - Information that would if disclosed confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

It is not in the public interest to disclose this information as it may prejudice Council's commercial position with land dealings.

3. Proposed Purchase of Land at Mundamia

Reason

Section 10A(2)(c) - Information that would if disclosed confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

It is not in the public interest to disclose this information as it may prejudice Council's commercial position with land dealings.

PLANNING AND DEVELOPMENT

4. Tender – Currumbene Creek & Moona Moona Creek Floodplain Risk Management Study & Plan

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 - PLANNING AND DEVELOPMENT

1. Legal Advice - Demolition of dilapidated buildings Lot 104 and lot 81 DP 755928, Moona Street Huskisson - Casisea Pty Ltd

Reason

Section 10A(2)(g) - Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

It is not in the public interest to disclose this information as it may impact on the ability of Council to conduct appropriate legal proceedings.

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, 19 NOVEMBER 2013

PLANNING AND DEVELOPMENT

1. **Demolition of dilapidated buildings Lot 104 and Lot 81 DP 755928, Moona Street, Huskisson - Casisea Pty Ltd** **File ON2010/1838, ON2013/3091, LS382**
-

SECTION MANAGER: Bob Goldspring.

PURPOSE: Delivery Program Activity: 5.1.2.13

The purpose of the report is to inform Council of actions to enforce Orders to demolish three dilapidated buildings on two adjoining lots in Moona Street Huskisson.

A separate confidential report to Council is included as an addendum to the business paper and this contains legal advice received.

RECOMMENDED that Council:

- a) **Enter Lot 104 DP 755928 Moona Street Huskisson and carry out the works in accordance with the terms of the order issued by the Land and Environment Court;**
- b) **Enter Lot 81 DP 755928 Moona Street Huskisson and carry out the works specified in the order issued by Council in accordance with Section 121ZJ of the Environmental Planning and Assessment Act, 1979;**
- c) **Allocate funding (costing to be provided at the meeting) from the General Fund (which is currently in deficit) or defer an existing project to engage a contractor to enter Lots 104 and 81 DP 755928 Moona Street Huskisson to carry out the demolition/remediation works in accordance with the Orders and the Hazardous Materials Survey Reports and Asbestos Removal Scope of Works Reports; and**
- d) **Commence debt recovery proceedings against the owner of the properties to recover the costs of carrying out the works with any recovered funds being returned to the General Fund.**

OPTIONS

1. That Council adopt the recommendation, the preferred option to progress the matters
2. That Council not adopt the recommendation and provide direction to the General manager

DETAILS

The report concerns two lots that are owned by the same owner, Casisea Pty Ltd; Lot 104 DP755928 that contains two main buildings and Lot 81 DP 755928 that contains one main building. The buildings have been unoccupied for many years and have become derelict and dilapidated. All the buildings contain asbestos.

Council has initiated actions in serving Orders No 2 for the demolition of the buildings on both lots under the provisions of Section 121b of the Environmental Planning and Assessment Act 1979. The Orders have not been complied with and Council has been seeking remedy through a number of legal processes.

The significant issue is that the property owners have, at various stages in the process, have taken actions and given undertakings that have delayed and prolonged these matters and necessitated Council commencing Class 4 proceeding in the Land and Environment Court in respect of Lot 104.

A map and aerial photograph of the location, and other photographs of the buildings are available in the Attachment Folder.

The report on each property and actions taken include the following:

1. **Lot 104, DP 755928.** – cnr Moona and Murdoch Street with two main buildings that are highly visible to persons using Burrill Street and Elizabeth Drive between Huskisson and Vincentia as well as future residents of a new adjacent apartment building under construction.

Order ON2010/1838 was served on 2 February 2011. The service of the Order was frustrated by the known address to Council proving to be wrong. An address for service was found after using the records of the Australian Securities and Investments Commission. The order was not complied with and responses were not forthcoming from the owners or agents.

Class 4 proceedings in the Land and Environment Court were commenced in April 2012 after parties seeking adjournments, the Court finally issued Court Orders on 18 June 2013.

In brief, the Court Order required that within 14 days a secure fence was to be erected around the dilapidated structures and the demolition to commence within 28 days and complete the works within 60 days to effect the terms of the original Council issued ON2010/1838. The Court Orders have not been satisfied by the owners, Casisea Pty Ltd. Councils solicitors, RMB Lawyers have issued a number of directions to the agent for the owner.

On at least two occasions Council has been advised that demolition contractors had been engaged to do the work. Contact with each contractor has revealed that they are not able to make contact with the owners to confirm if the work is required and that they will not start until firm agreements for payment are in place.

2. **Lot 81, DP 755928** – 3 Moona Street with one main building. This building is not highly visible and is surrounded by significant vegetation.

Order 2012/2690 was originally served and as for Lot 104 Order (ON2010/1838), service was not possible despite many attempts. A similar litany of misinformation, untraceable owners and assurances that did not prevail happened over a long period of time. Separate Class 4 actions were not commenced at the time of default of the terms of the Order while actions for Lot 104 were proceeding.

A new Order ON2013/3091 was served on 1 July 2013 and this has not been complied with. Council has received legal advice about future actions including the likelihood of recovering costs incurred should Council enter the properties and carry out the works. This advice is reported separately in a confidential report.

As a consequence of the Orders for both lots not being satisfied, Council initiated the following actions:

- a) The erection of paraweb fencing and asbestos signage around the front boundaries of Lots 81 and 104 on 15 March 2013;
- b) the erection of temporary fencing on 8 August 2013 on lot 104 in accordance with the terms of the Orders issued by the Court;
- c) engaged an environmental consultant to prepare reports for each lot relating to the asbestos hazards and requirements for carrying out the demolition works and site remediation.

Reports for each lot have now been received outlining the scope of the required works and it is proposed that Council engage a demolition contractor to do the work.

Quotations for the demolition/remediation works have also been sought and are expected to be available at the meeting.

FINANCIAL IMPLICATIONS:

There are significant financial implications for Council where the Council carries out the work and later seeks costs from the owner. The legal advice includes information and recommendations in that regard.

Council has incurred significant costs with actions to date with the legal action, fencing on lot 104 and environmental reports for both lots and will incur additional costs if a contractor is engaged to enter the properties and carry out the demolition/remediation works. The likelihood of Council recouping those costs is outlined in the confidential report accompanying this report.

Council's actions with these matters has been protracted and difficult and the processes to recover Council's costs being reimbursed may still prove difficult and costly.

COMMUNITY ENGAGEMENT:

The broader community and representatives on behalf of the Community Consultative Body have been in contact with Council over a significant period and have expressed frustration at the delays in having these matters resolved. Information on progress has been provided when requested.

CONCLUSION:

The actions relating to both lots has been protracted due to the failure of the property owner to comply with Council's orders which resulted in Council taking proceedings in the Land and Environment Court seeking orders by the Court for lot 104. Despite orders being issued by the Court, the owner has still failed to carry out the works. Similarly, with lot 81, the owner has failure to complying with an order issued by Council.

Given the inaction and failure of the property owner to act on previous undertakings to carry out the works to date, it is concluded that Council should exercise the right to enter the properties and carry out the works specified in the orders and commence appropriate proceedings to recover the costs of the works from the property owner.

Tim Fletcher

DIRECTOR PLANNING & DEVELOPMENT SERVICES

R.D Pigg

GENERAL MANAGER

ADDENDUM REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 19 NOVEMBER 2013

ASSETS AND WORKS

1. **Princes Highway Upgrade - Berry to Bomaderry** **File 1992E, 6852E**
-

SECTION MANAGER: Martin Upitis.

PURPOSE: Delivery Program Activity: 5.1.2.35

To report on the NSW Roads and Maritime Services (RMS) proposal to upgrade the Princes Highway between Gerringong and Bomaderry - Stage 3 Berry to Bomaderry Upgrade (BBU) and further discuss impacts of Stage 2 on Gerroa Road 'sandtrack'.

RECOMMENDED that Council

- a) **Write to RMS project team to advise of Council's position regarding access issues, an upgrade to Pestells Lane, the entrance treatment north of Bomaderry, heavy vehicle rest area, and to obtain an agreement for the use of the Gerroa/Bolong Road 'sandtrack' route for the diversion of vehicles during the upgrade of the Princes Highway;**
- b) **Hold further discussions with the Member for Kiama in relation to changes required to lessen the impact of the Highway upgrade on local accessibility and consideration of funding remediation of Gerroa Road; and**
- c) **Request that RMS hold separate individual community consultation with residents and businesses of each access road affected to discuss the community's needs and concerns with the current design.**

OPTIONS

1. (Recommended)
Council advises RMS again of its concerns, in relation to: access issues and Pestells Lane, reinforce the Council submission made to RMS on 2 July 2013; the entrance treatment north of Bomaderry; heavy vehicle rest area; and request further consultation with residents of local roads directly affected. In addition, negotiate with RMS in relation to the impacts on the 'sandtrack' and funding remediation works.
2. Council makes some other recommendations in relation to the BBU.
3. Council receives the report for information and makes no resolution (not recommended).

DETAILS

From the week ending 1 November 2013 the RMS has placed the updated concept design and review of environmental factors (REF) on public exhibition and has called for public comments by 29 November 2013.

Internal staff referrals have been arranged however at the time of reporting to Council staff are still reviewing the documents. The proposal is for an upgrade of the Princes Highway between Berry and Bomaderry. The upgrade would provide around 11.5 kilometres of four-lane highway with median separation between Schofields Lane, Berry and Cambewarra Road, Bomaderry.

The proposed concept design and REF documents have been provided at the RMS project office in Berry, Shoalhaven City Council administration building, Nowra Library, Office of Gareth Ward MP, Member for Kiama, Office of Shelly Hancock MP, Member for South Coast, Gerringong upgrade display centre, 446 Princes Highway, Gerringong, and at the RMS Wollongong office.

RMS has also arranged for viewing of the documents and opportunity to speak with the RMS project team at the RMS project office in Berry, and the Nowra Showground Pavilion, where a 3D animation of the proposal will also be available (dates/times on RMS website). The project documents and concept design can also be viewed on the RMS website.

BACKGROUND

The staff submission 15 April 2013 largely reiterated previous comments made on 19 June 2012 but also expanded on those earlier comments.

Council resolved on 21 June 2013 (MIN13.633) that Council:

- a) *Endorse the staff submission made to RMS on 15th April 2013;*
- b) *Write to the RMS project team to advise of Council's position regarding contentious access issues;*
- c) *Hold further discussions with the Member for Kiama in relation to changes that may be required due to community consultation; and*
- d) *RMS hold further community consultation in relation to submissions that have been received.*

Current Outstanding Issues

The revised design has not addressed all of Council's concerns. In fact there is only one apparent strategic design change that has been incorporated and that is to allow a right turn from the Highway directly into Boxsells Lane. This will address some local access concerns, and reduce the extent of traffic increase on Pestells Lane (however not to the extent that would eliminate the need for an upgrade to Pestells Lane).

There is also still an inequitable provision of right turn access off the Highway. For example RMS has allowed for a direct right turn access into the Silo's winery, and select other local roads (Lamonds, Croziers, Mullers, and now Boxsells Lane), however there is still no provision for direct right turn access into Abernethy's Lane, Turner's Lane, O'Keefe's Lane, or Anderson's Lane.

By not providing direct right turn access, in the case of Anderson's Lane, O'Keefe's Lane and Turners Lane, local traffic will instead have to traverse further up the Highway to access the next right turn bay, turn right, use a local u-turn facility, turn left on to the Highway, traverse back down the Highway and then turn left into their respective Lane. Apart from additional travel burden and additional conflicts, they will still be making a direct right turn (but based on the current design just not into their own lanes).

A summary of outstanding issues and considerations for RMS (based on the current resolution how they should be addressed) is as follows:

- RMS consider constructing a roundabout at approximate location of existing 70/100 change on the fringe of the existing urban area (immediately to the north of the existing Caltex service station in Bomaderry), to mitigate the impacts of constructing the median along the Highway and minimise the impact at the intersection of Princes Highway/Cambewarra Road. Without the roundabout the current proposal would result in unacceptable impacts to local accessibility for the many businesses and dwellings that will be affected by the median, and introduce unnecessary additional travel on the network. The roundabout would provide appropriate traffic/speed management upon entry to the urban area.
- In regards to the proposed service roads to properties north of Meroo Road, it is understood RMS has recently purchased the property on the western side of the Highway. It would appear a better outcome to link that property to Pestells Lane, instead of constructing some additional 350m of service road only to reinstate another access on the Highway.
- RMS provide an acceleration lane from the Pestells Lane interchange for southbound traffic (improve safety at Princes Highway/Meroo Road) based on the likely redistribution of traffic from Boxells Lane and Pestells Lane. Whilst a full diamond interchange and cul-de-sac of Meroo Road is preferred (consistent with the NBSP) we consider the southbound on ramp must be provided to maintain acceptable levels of safety (to remove considerable at grade turning movements from entering the Highway at 0kph out of Meroo Road with no acceleration lane).
- RMS fund the upgrade of Pestells Lane to the minimum extent required under AUSTROADS guidelines based on the forecast increased traffic demand. There is a clear nexus between the RMS proposal and the need to upgrade Pestells Lane. It is acknowledged that allowing the right turn from the Highway directly into Boxsells Lane will address some local access concerns and reduce the extent of traffic increase on Pestells Lane (it is unlikely to be to the extent that would eliminate the need for an upgrade to Pestells Lane). This is because Boxsells Lane traffic with a destination to the south (majority) will still be diverted to Pestells Lane.

- RMS consider making a contribution towards the connection of Lamonds Lane to Morschels Lane to add value to the grade separated junction at Morschels/Devits, substantially improving the accessibility for residents of Lamonds Lane, removing at grade turning movements at the Highway/Lamonds Lane, and removing unnecessary additional travel on the network.
- RMS consider constructing a service road to link Turners Lane to Morschels Lane. The only other acceptable short term solution would be to allow a right turn direct into Turners Lane. Not having direct access to turn right direct into Turners Lane will create unacceptable impacts to local accessibility. The service road will allow another intersection to be removed from the Highway resulting in marked benefits to the Highway and safety of local access.
- RMS consider a grade separated facility at Croziers Road, this will provide an improvement to accessibility and safety for local access to O'Keefes' Lane, and remove unnecessary travel and unsafe turning movements from the Highway (impact of additional traffic using the u-turn at Mullers Lane). If RMS does not provide a grade separated treatment at Croziers Road a right turn should be permitted to turn directly into O'Keefe's Lane. Not having direct access to turn right direct into O'Keefe's Lane will create unacceptable impacts to local accessibility, particularly in absence of a grade separated interchange at Croziers Road. Also consideration of service road linking Mullers Lane (and Penwood) to Croziers Road.
- The traffic volumes indicate that the use of the Croziers Road interchange would be in the order of combined maximum of 420vpd when considering existing Croziers traffic and also considering O'Keefes Lane, Mullers Lane, Andersons Lane, and Penwood traffic (that would all indirectly use the interchange due to the proposed right turn restrictions). This is some 93% higher volume than the combined Morschells/Devitts interchange which is proposed by RMS (almost double). There is potential for significantly higher volumes on busier days at Penwood. Croziers Road traffic alone is some 28% higher volume than the combined Morschells/Devitts interchange.

In response to residents' concerns, RMS has provided a letter to households in Croziers Road including a question and answer fact sheet. This information is also on the RMS website. However it is considered that RMS reasons for not pursuing an overpass at Croziers Road are not well founded when considering recent RMS works.

- Given the proximity of Andersons Lane to Mullers Lane, there may be the opportunity to investigate a better location for an overpass and service road arrangements to incorporate all of O'Keefe's, Croziers, Mullers, Andersons' and Penwood. This must be considered to improve local accessibility and safety in this section of the Highway.

Bolong Road/Gerroa Road (sandtrack)

Request that RMS again consider the impacts on Gerroa Road/Bolong Road of stage 2 and 3 works. In particular as the 'sandtrack' was constructed for light vehicle traffic only and the 5 tonne load limit is required to be maintained to protect the structural integrity of the road.

Council's resolution in 2010 was only an "in principle" acceptance that heavy vehicles could be diverted to use Gerroa Road in lieu of the Highway during time of a critical incident when the Highway was closed for a long period (i.e. fatal crash or flood). It was intended as a common sense approach to limit unacceptable delays and economic impacts where an alternative route was available, and was subject to stringent conditions.

At its meeting on 23 March 2010, Council resolved to:

...provide "in principle" support for the use of the Sandtrack/Bolong Road route for the diversion of heavy vehicles during an "Incident Response" period, subject to the conditions contained in this report.

Extract from report to Council (details the conditions under which Council will support the proposal):

"Council's position is one of caution, but in recognition of the economic impact on businesses affected by the Highway closures, "in principle" support is recommended subject to:

a) The Sand Track retaining its existing 5-tonne load limit at all times other than during "Incident Response" periods.

b) Council's engineering staff confirming that the road formation and lane widths are adequate and should any culverts need upgrading/widening, then the cost of this is to be met by special funding from the Roads & Traffic Authority.

c) Should any substantial damage occur to the roadway as a direct result of heavy vehicles during an "Incident Response", then the Roads & Traffic Authority provide additional funding for remediation works.

d) Consideration be given to placing a speed limit (80 km/hr) on heavy vehicles using this road during "Incident Responses".

e) That before implementation of the Incident Response Plan to divert heavy vehicles to the Sand Track/Bolong Road – i) The safety of road users and local communities to be assessed (eg, prevailing weather conditions, etc). ii) Council's contact officer is notified."

In 2010 and 2012 Council engaged ARRB Group Ltd to undertake a laser profiling and digital imaging survey of Gerroa Road and Bolong Road from the northern City boundary to the Princes Highway at Bomaderry. This survey has established the existing condition of the roads before any Highway traffic was diverted to these roads during emergency incidents between Gerringong and Bomaderry.

The RMS advised in a letter dated 25 August 2010 regarding the use of the 'sandtrack' (Gerroa Road) during construction of the Highway upgrade. The Council's agreement to the use of the 'sandtrack' (reference IRP No. 78) was only for emergency closures of the Princes Highway. This is in accordance with the RTA's Incident Management fact sheet (December 2008) which states the purpose of incident response plans is *"the management of unplanned traffic incidents in regional NSW"*. The detouring of Highway traffic, as part of the planned provision for traffic during Highway works, is therefore not covered by Council's agreement to implement IRP No. 78. The RTA suggested they

would negotiate a separate agreement with Council if the planned detouring of Highway traffic is proposed during Highway upgrade works.

Despite the letter in August 2010, the RMS has not separately negotiated an agreement with Council for the use of the 'sandtrack' during the upgrade of the Princes Highway. During the consultation stages of the Highway upgrade (in particular stages 1 & 2) concerns were raised by staff regarding impact of the Gerringong to Bomaderry Highway upgrade on the 'sandtrack'. In addition to the conditions imposed by Council for the use of the road during incidents only, staff identified significant road upgrading to strengthen the road and undertaken necessary safety improvements before diversions could be contemplated. Subsequently RMS formally withdrew any proposal to use the 'sandtrack' during upgrade of the Highway.

RMS documentation identifies that only 3% additional traffic could be expected on the 'sandtrack' as a consequence of traffic diverting to avoid delays on the Highway during construction.

The conditions of approval for the Highway upgrade require the RMS to monitor and report on levels of traffic usage on the 'sandtrack' and what corrective actions are required to address any adverse impacts. However these conditions were only imposed on the stage 2 section of the Highway upgrade (Foxground to Berry bypass). Consequently this monitoring has not commenced.

There is now a need to seek a coordinated approach from RMS to invest in funding of remediation for the 'sandtrack'. RMS have recently funded \$820,000 for shoulder works, line marking and vegetation clearing on the 'sandtrack', but this does not allow for significant remediation works outside the block funding by RMS for maintenance.

Heavy Vehicle Rest Area

In the original and subsequent documentation for this project, the issue of the provision of a Heavy Vehicle Rest Area (HVRA) has been referenced.

It is acknowledged, that following community consultation, it had been concluded by RMS that the Meroo area was not suitable as the location for the HVRA. In the more recent project community releases it has been stated that the HVRA will be located elsewhere. On the RMS website it did state that it was to be located at South Nowra.

Council does not wish to challenge the decision to remove the provision of the HVRA from the Bomaderry to Berry project. It does however wish to emphasise the need for a HVRA to be provided adjacent to the northern carriageway of the Princes Highway in a location at South Nowra or further to the north.

Council has already written to the regional office of RMS with suggestions and graphic concepts regarding this matter.

Entrance Treatment to Nowra/Bomaderry

Council shares the concern of the RMS that entrance to the Nowra/Bomaderry urban area needs treatment to reintroduce drivers that they are entering an urban environment. Given that the upgrade of Bomaderry to Gerringong will be completed and that within the foreseeable future there will be a bypass of Albion Park Rail, Nowra/Bomaderry will be the first urban area on the Princes Highway south of Heathcote. Drivers will need to

address their behaviour to the changed conditions and a treatment to remind drivers, in both daylight and dark, will need to be created on the approaches to Cambewarra Road roundabout.

Council has already written to the regional office of RMS with suggestions and graphic concepts regarding this matter.

FINANCIAL IMPLICATIONS:

There are financial implications to Council of the current RMS proposal, some of which were addressed in the staff submission. The details and likely costs involved however are unknown at this time.

Unlike the Foxground to Berry Bypass section of Highway upgrade where a considerable length of former Highway will be transferred to Council to maintain, the BBU section will be largely built on the existing Highway alignment, however the costs to Council result in the impacts of the local access treatments proposed. For example, u-turn bays are proposed on many side roads which are likely to be transferred to Council ownership. Between the u-turn bays and the Highway there will also be an increase in traffic on local roads and lanes.

Pestells Lane is likely to result in the most considerable financial impact long term to Council as a consequence of the proposed access treatment by RMS. A large proportion of the existing traffic using both Pestells Lane and Boxsells Lane will be re-routed to the narrow unsealed Pestells Lane to access the new grade separated interchange being provided at the Princes Highway/Pestells Lane intersection. As a consequence of the additional traffic on Pestells Lane, Pestells Lane will need to be widened and the pavement upgraded and sealed. This is still the case despite the current design to now incorporate a direct right turn into Boxsells Lane. This needs be at RMS cost, as indicated in the previous submission.

Short term implications of the diversion of traffic onto Gerroa Road also need to be considered and Council will need to negotiate an agreement with RMS in relation to impacts of diversions from the Highway works stage 2 and 3 and the funds for any remediation.

COMMUNITY ENGAGEMENT:

The upgrade of the Princes Highway and associated community consultation is the responsibility of the State Government.

Unlike the Foxground and Berry Bypass sections of the Princes Highway upgrade project (stage 2), the section between Berry and Bomaderry (stage 3) is not represented by a community consultative body and as such the RMS is consulting with individual land and business owners.

Further, unlike the Foxground and Berry Bypass sections of the Princes Highway upgrade project, the Department of Planning and Infrastructure is not approving the project. The project is both being proposed and approved by RMS.

Staff have had limited discussions with some concerned residents. It is understood most residents are corresponding directly with the RMS.

Staff have had discussions with concerned residents in the O'Keefe Lane and Croziers Road catchments who have requested that RMS provide a full grade separated treatment (overpass) at the intersection of the Princes Highway with Croziers Road. This is agreed, and reflected in the staff submission. The RMS has advised it has investigated various grade separated options at Croziers Road but does not believe them to be feasible and has proposed no changes to the design in that area.

Ben Stewart
DIRECTOR, ASSETS AND WORKS

R.D Pigg
GENERAL MANAGER

QUESTIONS ON NOTICE

ORDINARY MEETING

TUESDAY, 19 NOVEMBER, 2013

1. Questions on Notice

File 21351E

Submitted by Clr Guile

- 1. What unprompted community feedback has Council received on the inclusion of the Mayoral newsletter with rates notices?**

Response

Anecdotal evidence that there have been more positive comments than negative. The Mayor advised "have received many comments by mail, phone and in the street thanking us for the information". One negative comment related to no works shown for Culburra Beach.

- 2. Has this Mayoral Newsletter been offered to any previous Mayor?**

Response

The current Mayor requested that communications with the community needed to improve and one means to achieve this was a regular newsletter with the rate notices each quarter.

Cannot recall whether previous requests &/or offers have been made by or to other Mayors.

- 3. How does the Mayoral Newsletter differ from previous direct mail communication strategies Council has always issued with rates notices?**

Response

The annual "booklet" type communications sent with the 1st issue of rate notices ceased in 2012. There are sometimes "flyers" included with rate notices that are generally single issue, topics or services. The new quarterly newsletter is designed to provide a broader range of current information about Council activities and works. Its production is more frequent, smaller and less costly than the annual "booklet" format.

4. Who has editorial input and control over the content of the Mayoral Newsletter?

Response

The General Manager and Media Manager have editorial input and control over the content of the “Shoalhaven News” Mayoral Newsletter.

A number of discussions were had regarding copy for the newsletter across the Quarter (basically as appropriate issues arose) – each party suggested ideas for copy.

The Mayor provided input.

The Media Manager wrote all editorial in the newsletter and the General Manager signed off on the publication.

5. Who requested the inclusion of a large photo of the Mayor and personally written editorial copy?

Response

Nobody requested the inclusion of a large photo of the Mayor or personally written copy.

The Media Manager suggested and wrote the Mayor’s welcome – Graphic Design designed the newsletter and placed the image of the Mayor in the location.

This is a ‘standard template’ for Council newsletters and there are many similar examples from other councils.

6. Given that the inclusion of a map with amounts spent in Shoalhaven’s towns and villages bears a striking resemblance to campaign material issued by the former Member for Gilmore, can the General Manager confirm that the inclusion of this map was at the request of the Mayor?

Response

The Mayor suggested the map concept to better convey information to the community. Design and content was prepared by staff. The use of a map to illustrate progress is quite a common communication tool and an improvement on previous communications.

7. Have there in previous Councils been requests for Councillor communication allocations for publications such as newsletters?

Response

In 2008 the Council proposed to introduce a “Community Information Reimbursement” expense item in the Policy for Councillor Fees, Expenses and Provision of Facilities. This would have allowed each individual councillor to produce newsletters about their own activities, conduct surveys or hold public meetings which is significantly different than the current newsletter which is produced by Council itself albeit titled as a “Mayoral Newsletter”. The Code of Conduct recognises the Mayor as the key spokesperson on behalf of Council.

8. Has the Division of Local Government (formerly known as the ‘Department’) expressed a view on such requests?

Response

In 2008 the Division of Local Government (DLG) did express a view on the proposal to allow each individual councillor to produce “newsletters” etc. The advice from DLG considered it would not comply with the DLG Guidelines for councillor expenses. Section 252 of the Act provides that expenses incurred by Councillors must be done so ‘in relation to discharging the functions of civic office’. While it is noted Section 232 specifies a role of a councillor includes to “facilitate communication between the community and the Council” the DLG’s view was “the clear, primary intent of the provision is for councillors to act as conveyers of information from members of the community to the Council as a whole. The 2008 Council proposal was not supported by council legal advice obtained at the time.

9. Does Council’s current Payment and Provision of facilities policy allow for the rate payer funding of a Mayoral Newsletter?

Response

The Policy provides for “secretarial assistance and office supplies” for councillors with limits, however does not specify limits for the Mayor.

Nevertheless the production of the current Newsletter is not considered under that Policy. The current Newsletter is considered a corporate council production to improve the flow of information to ratepayers, many whom are not resident within the Shoalhaven and may not otherwise find out information through local Media outlets. The “Shoalhaven News” newsletter is considered comparable to many similar publications by other Councils.

10. **How does the General Manager determine whether the issuing of publications such as the Mayoral Newsletter and the Mayoral direct mail letter to North Nowra residents regarding the North Nowra Link Road are purely corporate communication on behalf of Council or whether they contain an element of political campaigning that should be privately funded?**

Response

Determined via discussions with the Mayor and to ensure content is “corporate council” information and not considered to be “politically slanted”.