

SHOALHAVEN CITY COUNCIL
ORDINARY MEETING

To be held on Tuesday, 26 March, 2013
Commencing at 4.00 pm

20 March, 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, 26 March, 2013 commencing at 4.00 pm** for consideration of the following business.

R D Pigg
General Manager

Membership
All Councillors

BUSINESS OF MEETING

1. **Opening Prayer** – Pastor Wayne Jeffery – Nowra Church of Christ
2. **Acknowledgement of Traditional Custodians**
3. **Australian National Anthem**
4. **Apologies/Leave of Absence**
5. **Confirmation of Minutes**
 - Ordinary Meeting – 26 February, 2013
 - Extra Ordinary Meeting – 7 March 2013
6. **Declarations of Interest**
7. **Petitions and Presentations**
8. **Mayoral Minute**
9. **Deputations**
10. **Report of the General Manager – Committees Report**
 - Report of the Development Committee – 5 March, 2013
 - Report of the Policy and Resources Committee – 7 March, 2013
 - Report of the Shoalhaven Sports Board – 20 February, 2013
 - Report of the Aboriginal Advisory Committee – 21 February, 2013
 - Report of the South Coast Cooperative Library Services – 22 February, 2013
 - Report of the Shoalhaven Tourism Board – 25 February, 2013
 - Report of the Business & Employment Development Committee – 4 March, 2013
 - Report of the Shoalhaven Access Advisory Committee – 5 March, 2013
 - Report of the Council Property Steering Committee – 5 March, 2013
 - Report of the Youth Advisory Committee – 13 March, 2013
 - Report of the Children's Services Reference Group – 19 March, 2013
11. **Report of the Shoalhaven Traffic Committee – 12 March, 2013**
12. **Report of the General Manager**
 - Assistant General Manager
 - Finance & Corporate Services
 - Strategic Planning & Infrastructure
 - Shoalhaven Water
 - Strategic Planning & Infrastructure / Development & Environmental Services
13. **Notices of Motion and Questions on Notice**
14. **Addendum Reports**
15. **Confidential Report of the General Manager**
 - Report of the Council Property Steering Committee – 5 March, 2013

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.

TABLE OF CONTENTS

GENERAL MANAGER – COMMITTEES REPORT	1
Development Committee – Tuesday 5 March 2013.....	1
1. Planning Proposals (Rezoning) – Council Guidelines and Fees & Charges File 14690E & 31157E (PDR)	1
2. Application to Modify Development Consent – Detached Dual Occupancy (New Dwelling) & Subdivision – Lot 32 DP 24997, 7 Elizabeth Drive Vincentia. Applicant: Lee Carmichael Town Planning. Owners: G & D Maamary. File DS12/1218 (PDR) ..	1
3. Development Control Plan 91 (Amendment No 2) – concerning privacy screens and floor area limitation for a dwelling in a rural area File 12856E (PDR).....	1
4. Additional Item – Woolworths Proposal - Crossroads File	2
5. Additional Item – Exhibition of Aims and Objectives of SLEP 2013 File.....	2
Policy & Resources Committee – Thursday 7 March 2013	3
6. Local Government Conference - 2013 National General Assembly of Local Government File 1077E	3
7. Rescinding of Risk Management - Best Practice Manual - Certificates and Applications File 25218E.....	3
8. Policy - Anzac Day Services - Wreath Laying Ceremonies File 8601e	3
9. Review of Public Policy - Australian Aboriginal Flag Protocol File 3821E	3
10. Council Protocol for Homeless People in Public Places File 44336E.....	4
11. Review of Parks Operations Policies File 6320E & 4538E.....	4
12. Review of Policy – Bushfire Equipment Policy File 21692E	4
13. Locked In Love File 4538E.....	4
14. Parkcare Group Action Plans File 38750	4
15. Ratepayers Advance - Kerb & Guttering - 23 to 27 Mountain St Sanctuary Point File 43706E.....	5
16. Review of Flood Related Policies File 12966E.....	5
17. Readoption of Foreshore Reserves Policy File 29352E.....	5
18. Lake Conjola Floodplain Risk Management Study and Plan File 37536E.....	5
19. Burrill Lake Floodplain Risk Management Study and Plan File 37535E.....	6
20. Fees for Deferred Payment of Developer Contributions Policy File 1057E	6
21. Swimming Pool Amendment Act 2012 File 32517E	6
22. Additional Item - Review of Household Waste Processing Options File 31669E	6
23. Draft List of Fees, Charges and Rentals 2013-2014 File 46321E	7
24. Additional Item – Waste Fund File	7
25. Additional Item – Nowra Pool File	7
26. Additional Item – Berry St Footpath File.....	7
Shoalhaven Sports Board – Wednesday 20 February 2013.....	8
27. Increasing Service Levels for Cricket Grounds File 4538E	8
28. Paradise Beach Reserve Outdoor Fitness Station, Sanctuary Point – Grant Offer File 44032E, 46710E.....	8
29. Ulladulla Netball Court - Sport and Recreation Grant Funding File 27507E, 45982E ..	8
30. Additional Item - Major Event & Sporting Events Calendar File 2161E	8

31.	Additional Item - Purpose and Direction of Sports Board File 12623E	9
32.	Additional Item - Increased Funding to Sporting Facilities File 46813E	9
33.	Additional Item - Mowing Service for Ulladulla Sporting Complex File 1783E, 46023E	9
Aboriginal Advisory Committee – Thursday 21 February 2013.....		10
34.	Naming of the Shoalhaven Entertainment Centre Studio ‘Jimmy Little Studio’ File 35525E.....	10
35.	Name That Bay - Basin View near Boat Ramp File 1977e.....	10
36.	Additional Item – Shoalhaven Arts Board File 2123E.....	10
37.	Additional Item – Aboriginal Child and Family Centre File 2123E	11
South Coast Cooperative Library Services – Friday 22 February 2013		12
38.	Additional Item – Quorum of Committee File 3934E	12
Shoalhaven Tourism Board – 25 February 2013.....		13
39.	Shoalhaven Tourism Board Restructure Discussion File 1490E	13
40.	Events Manager’s Progress Report File 42405E	13
Business & Employment Development Committee – Monday 4 March 2013.....		14
41.	Forum on Boat Harbour Facilities File 10006E.....	14
Shoalhaven Access Advisory Committee – Tuesday 5 March 2013		15
42.	Worrigee St / Kinghorne St Roundabout File 3969E	15
43.	Membership Request File 1228E	15
Council Property Steering Committee – Tuesday 5 March 2013		16
44.	Outdoor Dining on Public Footpaths – Fee Structure & Rate Review File 5213E, 40863E.....	16
45.	Dealing With Proceeds from the Sale of Council Owned Land File 1457E	16
46.	Review of Policies – Various File 2895E, 27563E, 29219E, DA02/2553, 23192E, 4118E.....	16
47.	Council Reserve Encroachment – Metal Stairs at Rear of 20 Greville Avenue, Sanctuary Point File 45650E, 29352E	17
Youth Advisory Committee – Wednesday 13 March 2013		18
48.	Committee Structure and Meeting Format File 1506E	18
Children’s Services Reference Group – Tuesday 19 March 2013		19
49.	Membership Request File 46176E	19
50.	Additional Item – Meeting Schedule File	19
51.	Additional Item – Child Friendly City File.....	19
52.	Additional Item – Purpose of the Childrens Services Reference Group File	19
53.	Additional Item – Membership File	19
54.	Additional Item – Mobile Unit File.....	19
55.	Additional Item – Community Preschools File	19
56.	Additional Item – Asset Management Plans File	20
57.	Additional Item – Council Policies File	20
SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 12 MARCH 2013.....		21
58.	School Bus Stop - Page Avenue, North Nowra (PN 2056) File 6174E.....	21

59.	Linemarking - Terara Road, Terara / Comerong Island Road, Numbaa (PN 2896) File 12332E	21
60.	Higher Mass Limit (68 tonne) B-Double Route - Bolong Road (MR293) from Princes Highway to Manildra Group (160 Bolong Road) (PN 2909) File 5525E	21
61.	Intersection safety - Intersection of Walton Way and Currarong Road, Currarong (PN 2936) File 11723E	21
62.	Bus zone time change - Wason Street, Milton (PN 2938) File 2945E, 7913E.....	21
63.	No Stopping zone extension - Beinda Street, Bomaderry (PN 2941) File 2936E.....	22
64.	Intersection upgrade to roundabout - Berry & Douglas Streets, Nowra - 2012/13 Blackspot Project (PN 2945) File 28099E, 3896E	22
65.	Intersection upgrade to roundabout - Osborne & Jervis Streets, Nowra - 2012/13 Blackspot Project (PN 2946) File 28099E, 3971E.....	22
66.	Intersection upgrade to roundabout - Berry & Jervis Streets, Nowra - 2012/13 Blackspot Project (PN 2947) File 28099E, 3896E	22
GENERAL MANAGER		23
67.	Code of Conduct 2013 File 4420E	23
68.	Code of Conduct Complaints – Status Report File 31148E	24
69.	Southern Councils Group Statement of Intent - Regional Response to Climate Change File 1822E	26
70.	Local Government Amendment (Early Intervention) Bill 2013 File 1747E.....	27
71.	Code of Conduct Complaint – Cllr Patricia White File 46530E.....	29
72.	Code of Conduct Complaint – Mayor, Cllr Joanna Gash File 46517E & 46530E.....	31
ASSISTANT GENERAL MANAGER.....		35
73.	State Government Waste Levy Review Outcomes File 2828E	35
FINANCE AND CORPORATE SERVICES		38
74.	Record of Investments - February 2013 File 2126E.....	38
STRATEGIC PLANNING AND INFRASTRUCTURE		43
75.	Mundamia Urban Release Area – Proposed Planning Agreement File 46790E (PDR)	43
SHOALHAVEN WATER.....		48
76.	Strongs Road Water Supply – REF Determination File 7155E	48
STRATEGIC PLANNING AND INFRASTRUCTURE / DEVELOPMENT AND ENVIRONMENTAL SERVICES.....		52
77.	Princes Highway Upgrade - Foxground to Berry - Impacts for Berry Riding Club and future equestrian facilities in the Berry locality. File 3A11/1000, 1992E, 3196E	52
NOTICES OF MOTION.....		57
78.	Heritage listed Figtree – Currarong File 2062E	57
79.	Cocos Palm Drive Bomaderry Maintenance and Renewal File 26795E.....	58
CONFIDENTIAL BUSINESS PAPER AGENDA		59

MAYORAL MINUTE
ORDINARY MEETING
TUESDAY, 26 MARCH 2013

1. Proposed Motor Cycling Facilities - Yerriyong **File 19630E**

RECOMMENDED that

- a) **Council enter into a Heads of Agreement with Motorcycling NSW (MNSW) in accordance with the confidential attachment.**
- b) **The General Manager be authorised to sign the Heads of Agreement once finalised.**
- c) **Council continue to be briefed on this matter as the proposal advances.**

DETAILS

Early last week I had a meeting with the President of Motorcycling NSW (MNSW) and the Chief Executive Officer of that organisation to discuss progress on the body's proposal for Yerriyong.

It needs to be remembered that MNSW is a community based sporting association and as such has not-for-profit status. MNSW has over 14,000 members across the State and around 2,000 in the Shoalhaven/South Coast region.

The facility currently operated by Nowra & District Motorcycling Club has been operating at Yerriyong since 1975. The first stage of the proposal by MNSW is to bring utility services to that site and upgrade the rustic carpark and amenities to be capable of running state and national championships. This work is subject to a Development Application to be lodged in early April and is the basis of the application for RDAF funding. Further improvements to this site will occur over time.

The proposal for which Council has been previously briefed is also advancing and the facilitation by Council is much appreciated by MNSW. The Annual General Meeting of MNSW is in May and the President of MNSW needs to conclude a Heads of Agreement with Council so that a decision for further decisions and investigations can move forward by MNSW.

- # An attachment has been provided to Councillors outlining the content of the Heads of Agreement. (The attachment is confidential in accordance with S.10A(2)(d)LGFD) – commercial information of a confidential nature.)

As I say above MNSW is a not-for-profit sporting association and could in supporting the recommendation will not only be facilitating the development of a major sporting venue but will also add significantly to sports tourism in this region and much needed economic stimulus for our community.

RECOMMENDED that Council note the date of the upcoming Royal Australian Navy International Fleet Review 2013 for information.

DETAILS

It is with pleasure that I advise you all today that the Royal Australian Navy is planning an International Fleet Review (IFR) to be held in Sydney from 3-11 October 2013, to commemorate the centenary of the first entry of the Royal Australian Navy's fleet into Sydney on 4 October 1913.

The IFR will commence on Wednesday, 2 October 2013 with the arrival of at least 40 warships both foreign and RAN in Jervis Bay. The Fleet will then depart for Sydney on late Thursday 3 October, for a ceremonial entry into Sydney on Friday 4 October 2013 with a formal review of all the assembled ships will take place on Saturday, 5 October 2013 and will culminate in the evening with fireworks and lightshow on the harbour.

Jervis Bay has been home to the RAN since the establishment of the Royal Australian Naval College in 1915 and since that time, thousands of FAN personnel and their families, based at HMAS *Creswell* and HMAS *Albatross* have forged an ongoing and strong, mutually beneficial relationship with the community of the Shoalhaven region. The International Fleet Review intends, as one of its key messages, to reinforce that relationship and ensure that the public is aware of this long standing, positive and ongoing relationship.

The planning is still in the preliminary stages however a suggestion of a firework event on the evening of 2 October with a Mayoral welcome to any Captains of the Fleet in conjunction with either HMAS *Creswell* and HMAS *Albatross*. An entry into the city has been programmed in conjunction with our Civilian cadets & other defence cadets.

Note: The 1988 event with the tall fleet in Jervis Bay was a huge event that attracted many overnight and day visitors – the IFR could well be bigger with more ships and a greater spread of vessel types.



**Joanna Gash (Mrs)
Mayor**

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 26 MARCH 2013

GENERAL MANAGER – COMMITTEES REPORT

DEVELOPMENT COMMITTEE – TUESDAY 5 MARCH 2013 (ITEMS 1 to 5)

Strategic Planning and Infrastructure

1. Planning Proposals (Rezoning) – Council Guidelines and Fees & Charges
File 14690E & 31157E (PDR) [Index](#)

RECOMMENDED that Council:

- a) Adopt the Planning Proposal Guidelines (Rezoning) as outlined in this report and its attachments; as a replacement for the Shoalhaven Rezoning Guidelines 2009, and
- b) Adopt the fees and charges associated with Planning Proposals as outlined in this report and Attachment D and advertise the proposed fees for 28 days in accordance with Section 610 Local Government Act 1993.

Development and Environmental Services

2. Application to Modify Development Consent – Detached Dual Occupancy (New Dwelling) & Subdivision – Lot 32 DP 24997, 7 Elizabeth Drive Vincentia. Applicant: Lee Carmichael Town Planning. Owners: G & D Maamary. File DS12/1218 (PDR) [Index](#)

RECOMMENDED that the application (DS12/1218) to modify the consent issued by Council in DA10/2090 be approved by:

- a) Modifying Condition 1 to reference the amended plans prepared by Todd Slaughter Building Design which involve the removal of the proposed pedestrian walkway adjacent to the northern side of the existing dwelling; and
 - b) Deleting Conditions 37 and 39(b) & (h)
3. Development Control Plan 91 (Amendment No 2) – concerning privacy screens and floor area limitation for a dwelling in a rural area
File 12856E (PDR) [Index](#)

RECOMMENDED that:

- a) The Development Control Plan 91 (Amendment No 2) – Single Dwellings and Ancillary Structures be adopted as exhibited; subject to:
 - i) Deletion of Criteria A2 and A3 in the draft amendment and reconfirming the existing provisions.

General Business

4. Additional Item – Woolworths Proposal - Crossroads File [Index](#)

RECOMMENDED that a Councillor Briefing be arranged pending any Council submission on the current plan as proposed by Woolworths to:

- i. Inform Council of the project; and
- ii. Assist in crafting a response.

5. Additional Item – Exhibition of Aims and Objectives of SLEP 2013 File [Index](#)

RECOMMENDED that Council exhibit in parallel the Aims and Objectives of the SLEP 2013 (as adopted 19 March 2012) and the original set of Aims (as exhibited in the first exhibition period in 2011) to allow the community to compare the two sets of aims and objectives and provide meaningful feedback to Council.

POLICY & RESOURCES COMMITTEE – THURSDAY 7 MARCH 2013 (ITEMS 6 to 26)

Finance and Corporate Services

6. Local Government Conference - 2013 National General Assembly of Local Government
File 1077E [Index](#)
-

RECOMMENDED that:

- a) Council notes the details of the Australian Local Government Association National General Assembly scheduled for 16 to 19 June at the National Convention Centre in Canberra and Council also notes the State of the regions Gathering prior to the Assembly;
- b) Council authorises available Councillors to attend the conference and such attendance be deemed Council Business;
- c) Council recognises the State of the Regions Gathering the Sunday before the Assembly and authorises Councillor attendance;
- d) Council meets the travel, registration fees, accommodation and all reasonable out-of-pocket expenses in accordance with its adopted policy;
- e) Councillor Wells be determined as the Council voting delegate for the conference and the alternate delegate will be at the Mayor's discretion;
- f) Councillors attending the conference provide a written report within 30 days of returning from the conference.
- g) A Councillor Briefing be convened to consider Notices of Motion for the Australian Local Government Association National General Assembly.

7. Rescinding of Risk Management - Best Practice Manual - Certificates and Applications
File 25218E [Index](#)
-

RECOMMENDED that Council rescind the Risk Management Policy – Certificates and Applications (POL08/424).

8. Policy - Anzac Day Services - Wreath Laying Ceremonies File 8601e [Index](#)
-

RECOMMENDED that Council adopt the Policy - Anzac Day Services - Wreath Laying Ceremonies (POL12/135) which is included in the attachments to the Report to the Policy and Resources Committee Meeting of 7 March 2012.

9. Review of Public Policy - Australian Aboriginal Flag Protocol File 3821E [Index](#)
-

RECOMMENDED that Council adopt the Australian Aboriginal Flag Protocol (POL12/136) as attached to the Report of the Planning and Resources Committee of 7 March 2013.

City Services and Operations

10. Council Protocol for Homeless People in Public Places File 44336E [Index](#)

RECOMMENDED that a report be presented to the next Policy and Resources Committee on the consideration of the Annexure adjoining the Nowra School of Arts as a possible location for Homeless people.

11. Review of Parks Operations Policies File 6320E & 4538E [Index](#)

RECOMMENDED that Council reaffirm the following policies with minor amendments as detailed in the report:

- Abseiling and Rock Climbing Policy - POL12/178
- Community Gardens Policy - POL12/182.

12. Review of Policy – Bushfire Equipment Policy File 21692E [Index](#)

RECOMMENDED that Council rescind the Bushfire Equipment Policy (POL12/171).

13. Locked In Love File 4538E [Index](#)

RECOMMENDED that Council:

- a) Rescind Minute No MIN12.482 – Locked in Love
- b) Resolve not to trial the installation of a “Locked in Love” fence.

14. Parkcare Group Action Plans File 38750 [Index](#)

RECOMMENDED that Council:

- a) Increase funding to Job Number 22107.19401 Parkcare Support by \$9,650 and reduce funding to Job Number 85104.99999 Road Tree Planting by \$9,650 to fund 5 new Parkcare Groups in 2012/13.
- b) Increase funding to Job Number 22107.19401 Parkcare Support by \$2,900 in 2013/14 and on an ongoing basis.
- c) Adopt the five Parkcare Group Action Plans attached to the report. Those being:
 - Adopt A Road Sanctuary Point Parkcare Group
 - Bawley Point / Kioloa Community Association Parkcare Group
 - Hyams Beach Village Association Parkcare Group
 - Sussex Inlet RSL Parkcare Group
 - The Wool Lane South Parkcare Group

-
15. Ratepayers Advance - Kerb & Guttering - 23 to 27 Mountain St Sanctuary Point File 43706E [Index](#)

RECOMMENDED that Council:

- a) Rescind the minute (MIN12.1160) and therefore withdraw from the Rate Payers Advance scheme for kerb and gutter fronting Nos 23, 25 and 27 Mountain Street, Sanctuary Point.
- b) Advise the participants accordingly.
- c) Refund with interest the loan advance payment received from the owner of No 23.

Strategic Planning and Infrastructure

16. Review of Flood Related Policies File 12966E [Index](#)

RECOMMENDED that Council resolve to reaffirm POL08/362 – Flood Planning Levels for the Lower Shoalhaven River Floodplain and POL08/365 – Nowra – Riverview Road Area - Flood Height and Floor Levels for Infill Development.

17. Readoption of Foreshore Reserves Policy File 29352E [Index](#)

RECOMMENDED that Council reaffirm POL12/304 Foreshore Reserves Policy.

18. Lake Conjola Floodplain Risk Management Study and Plan File 37536E [Index](#)

RECOMMENDED that:

- a) Council adopt the Final Lake Conjola Floodplain Risk Management Study and Plan;
- b) DCP106 Amendment No.1 be amended to include site specific flood/floodplain management information from the Lake Conjola Floodplain Risk Management Study and Plan;
- c) Section 149 Certificates be updated to reflect existing and future flood affectation as outlined in the Lake Conjola Floodplain Risk Management Study and Plan;
- d) The recommendations of the Lake Conjola Floodplain Risk Management Study and Plan be used to inform future development and planning decisions;
- e) The recommendations of the Lake Conjola Floodplain Risk Management Study and Plan be implemented for the Lake Conjola Catchment Area subject to resources being available; and
- f) Affected property owners be informed of the updated flood information.

19. Burrill Lake Floodplain Risk Management Study and Plan

File 37535E [Index](#)

RECOMMENDED that:

- a) Council adopt the Final Burrill Lake Floodplain Risk Management Study and Plan;
- b) DCP106 Amendment No.1 be amended to include site specific flood/floodplain management information from the Burrill Lake Floodplain Risk Management Study and Plan;
- c) Section 149 Certificates be updated to reflect existing and future flood affection as outlined in the Burrill Lake Floodplain Risk Management Study and Plan;
- d) The recommendations of the Burrill Lake Floodplain Risk Management Study and Plan be used to inform future development and planning decisions.
- e) The recommendations of the Burrill Lake Floodplain Risk Management Study and Plan be implemented for the Burrill Lake Catchment Area subject to resources being available; and
- f) Affected property owners be informed of the updated flood information.

Development and Environmental Services

20. Fees for Deferred Payment of Developer Contributions Policy

File 1057E [Index](#)

RECOMMENDED that Council resolve to adopt, as exhibited, the following fees for implementation of the *Payment of Development Contributions and Section 64 Headworks Charges by Deferment or Instalments (under special circumstances)* policy:

- a) Execution of Deed of Agreement and caveat documentation - \$150 each subdivision; and
- b) Withdrawal of Caveat and Settlement Attendance - \$200 each lot burdened by a caveat.

21. Swimming Pool Amendment Act 2012

File 32517E [Index](#)

RECOMMENDED that Council resolve to adopt as exhibited the following fees for in accordance with the requirements of the Swimming Pool Amendment Act

- a) a fee of \$150 for the first inspection; and
- b) \$100 for one reinspection of a swimming pool.

Addendum Report 1 – City Services and Operations

22. Additional Item - Review of Household Waste Processing Options

File 31669E [Index](#)

RECOMMENDED that Council call for an Expression of Interest (EOI), in accordance with Section 168 of the Local Government (General) Regulations, 2005, from waste technology providers to process domestic waste, with the intention to invite Tenders from suitable providers.

Addendum Report 1 – Finance and Corporate Services

23. Draft List of Fees, Charges and Rentals 2013-2014 File 46321E [Index](#)

RECOMMENDED that Council defer the adoption of the draft list of Fees, Charges and Rentals 2013/2014 for placement on public exhibition for a period of 28 days for public exhibition pending a Councillor Briefing on the issue.

General Business

24. Additional Item – Waste Fund File [Index](#)

RECOMMENDED that the General Manager report to the next meeting of the Policy and Resources Committee on the operation of Council's Waste Management Fund, including details of cash held in reserves and financial performance of the fund over the past 3 years.

25. Additional Item – Nowra Pool File [Index](#)

RECOMMENDED that a report on the operational costs involved in the redevelopment of Nowra Pool be presented to the next meeting of Policy and Resources Committee

26. Additional Item – Berry St Footpath File [Index](#)

RECOMMENDED that an update on proposed action taken in regard to the Berry St Footpath be taken on notice and information be provided to the Council.

SHOALHAVEN SPORTS BOARD – WEDNESDAY 20 FEBRUARY 2013 (ITEMS 27 to 33)

City Services and Operations

27. Increasing Service Levels for Cricket Grounds File 4538E [Index](#)

RECOMMENDED that:

- a) Council consider a shift in the strategic direction of sportsfield maintenance by increasing the maintenance service levels for cricket; and
- b) That Council consider a budget for increased funding in 2013/14 in the Management Plan process to ensure that this will occur.

Strategic Planning and Infrastructure

28. Paradise Beach Reserve Outdoor Fitness Station, Sanctuary Point – Grant Offer
File 44032E, 46710E [Index](#)

RECOMMENDED that

- a) The Shoalhaven Sports Board receive the report for information only; and
- b) The Shoalhaven Sports Board are informed of the Policy and Resources Committee meeting resolution, in relation to the details of this report, held 19 February 2013.

29. Ulladulla Netball Court - Sport and Recreation Grant Funding File 27507E, 45982E [Index](#)

RECOMMENDED that

- a) The Committee receive the report for information only; and
- b) The Committee are informed of the Policy and Resources Committee meeting resolution, in relation to the details of this report, held 19 February 2013.

General Business

30. Additional Item - Major Event & Sporting Events Calendar File 2161E [Index](#)

RECOMMENDED that the Shoalhaven Sports Board:

- a) Include a calendar of Major Events and Sporting Events in the Shoalhaven to be placed on Council's website; and
- b) Contact all registered Shoalhaven sporting bodies and schools to include their events in the Calendar of Major Events.

-
31. Additional Item - Purpose and Direction of Sports Board File 12623E [Index](#)

RECOMMENDED that the Shoalhaven Sports Board:

- a) Undertake a review of its Charter with an independent facilitator; and
- b) Conduct a Workshop prior to the end of March 2013 (subject to Councillor availability).

32. Additional Item - Increased Funding to Sporting Facilities File 46813E [Index](#)

RECOMMENDED that Council use part of the proposed rate increase to be applied to sporting facilities.

33. Additional Item - Mowing Service for Ulladulla Sporting Complex File 1783E, 46023E [Index](#)

RECOMMENDED that Councillors review the budget bid in the 2013/14 budget for consideration to improve the quality of mowing services for the Ulladulla Sporting Complex multipurpose sporting field.

**ABORIGINAL ADVISORY COMMITTEE – THURSDAY 21 FEBRUARY 2013
(ITEMS 34 to 37)**

City Services and Operations

34. Naming of the Shoalhaven Entertainment Centre Studio 'Jimmy Little Studio' File 35525E [Index](#)
-

RECOMMENDED that the Aboriginal Advisory Committee:

- a) Receive the progress report on the community consultation for the naming of the Shoalhaven Entertainment Centre Studio 'Jimmy Little Studio', for information;
- b) Recommend that after extensive consultation with the Aboriginal community, that there is consensus that the naming of the Entertainment Centre Studio after Jimmy Little not proceed;
- c) Council consider the following in recognition of Jimmy Little:
 - i) A commemorative sculpture or artwork;
 - ii) Commemorative plaque
 - iii) A street named after Jimmy Little in Worrigee
- d) Alternatively, have a Wall of Fame of all people who have contributed to the advancement of the Arts in the Shoalhaven (Aboriginal and non-Aboriginal persons).

Strategic Planning and Infrastructure

35. Name That Bay - Basin View near Boat Ramp File 1977e [Index](#)
-

RECOMMENDED that Council forward an application to the Geographical Names Board supporting the following three names in priority order, for the currently unnamed bay between the two Boat ramps at Basin View:

- a) Bundle Bay;
- b) Spencers Bay; and
- c) Little Bay.

General Business

36. Additional Item – Shoalhaven Arts Board File 2123E [Index](#)
-

RECOMMENDED that the Aboriginal Advisory Committee

- a) Nominate Noel Wellington as a representative for the Shoalhaven Arts Board; and
- b) Appoint a further representative to the Arts Board in the future.

RECOMMENDED that Council write to the Aboriginal Child and Family Centre (ACFC), known as Winanga-li Aboriginal Child and Family Centre, in Gunnedah acknowledging their establishment and opening in June 2013.

**SOUTH COAST COOPERATIVE LIBRARY SERVICES – FRIDAY 22 FEBRUARY 2013
(ITEM 38)**

38. Additional Item – Quorum of Committee File 3934E [Index](#)

RECOMMENDED that the quorum for the South Coast Co-Operatives Libraries be four (4) being the Chairperson and a member from Shoalhaven, Eurobodalla and Kiama Libraries.

SHOALHAVEN TOURISM BOARD – 25 FEBRUARY 2013 (ITEMS 39 to 40)

Assistant General Manager

39. Shoalhaven Tourism Board Restructure Discussion File 1490E [Index](#)
-

RECOMMENDED that Council:

- a) Maintain the current structure of the Shoalhaven Tourism Board but consider appointing an additional two industry representatives;
- b) Consider the allocation of additional funding for a Tourism Product Development Officer as identified in the Tourism Master Plan;
- c) Confirm the funding of Tourism Board functions in the Long Term Financial Plan at least at present levels (with CPI).

Note by General Manager: Council is presently undergoing an organisational restructure that will lead to numerous job losses across various functions. To consider appointing a new position in Tourism, and also noting that a new position of Tourism Online Administrator was introduced in July 2012, Council will need to determine its resource allocation priorities and a funding source if it is agreed. In the circumstances it recommended that part b) not be adopted.

40. Events Manager's Progress Report File 42405E [Index](#)
-

RECOMMENDED that Council:

- a) Note the current limitation on future sporting events having regard to current forward sporting event sportsground commitments; and
- b) Consider together with the Shoalhaven Sports Board input, the development of a further sports oval to ensure a total of six (6) fields in one location, eg South Nowra or Ulladulla.

**BUSINESS & EMPLOYMENT DEVELOPMENT COMMITTEE – MONDAY 4 MARCH 2013
(ITEM 41)**

41. Forum on Boat Harbour Facilities

File 10006E [Index](#)

RECOMMENDED that Council:

- a) Endorses the further development of marine industrial precincts at Ulladulla Harbour (operated by Crown Lands) and Numbaa (operated by Southern Cross Waterfronts) and provides practical support for their continuance and expansion;
- b) Endorses the provision of additional commercial berths at Ulladulla Harbour (operated by Crown Lands), within Currumbene Creek (operated by RMS) and at Numbaa (operated by Southern Cross Waterfronts);
- c) Works with Crown Lands to accelerate berthing facilities at Ulladulla Harbour and Greenwell Point, and with Southern Cross Waterfronts for additional marina berths and drystack at Numbaa;
- d) Seeks a NSW Government commitment to create and maintain channels to open water at Greenwell Point and Currumbene Creek for deep drafted vessels;
- e) Seeks a NSW Government commitment to create additional mooring facilities within Jervis Bay in the immediate future that reduce risk to boat owners in unfavourable sea conditions with suggested locations being in Currumbene Creek and in the lee of Plantation Point;
- f) Aim to achieve:
 - i) In the short term(within 3 years) additional mooring berths at Numbaa and Ulladulla Harbour, and additional moorings in Currumbene Creek and off Collingwood Beach protected by Plantation Point;
 - ii) In the medium term (3-7 years) a commitment by the appropriate NSW agency to maintain a channel at Greenwell Point and Currumbene Creek to connect mooring facilities with open waterways for deep drafted vessels;
 - iii) In the longer term (beyond 7 years) a safe boat harbour within Jervis Bay with appropriate approvals being delivered by consortia of NSW Government agencies and Shoalhaven City Council;
- g) Conduct further discussions with the Shoalhaven Heads Estuary Taskforce in relation to the moorings; and
- h) Form a sub-committee to drive this project forward, to be chaired by Cllr Baptist and report back to the next and future Committee meetings.

**SHOALHAVEN ACCESS ADVISORY COMMITTEE – TUESDAY 5 MARCH 2013
(ITEMS 42 to 43)**

Strategic Planning & Infrastructure

42. Worrigee St / Kinghorne St Roundabout File 3969E [Index](#)

RECOMMENDED that

- a) The report to minimise pedestrian dangers at the Worrigee Street / Kinghorne Street roundabout be received for information;
- b) Council consider the following options for the improvement of pedestrian safety at the Worrigee St / Kinghorne St Roundabout, as prioritised by the Shoalhaven Access Advisory Committee:
 - i) Construction of new pram ramps on the western corner to eliminate trip hazards to pedestrians
 - ii) Installation of hold rails in the splitter islands
 - iii) Reduction in the height of the retaining wall and vegetation on the south western corner

Finance & Corporate Services

43. Membership Request File 1228E [Index](#)

RECOMMENDED that Council appoint Ms Jackie Kay AM as a member on the Shoalhaven Access Advisory Committee.

**COUNCIL PROPERTY STEERING COMMITTEE – TUESDAY 5 MARCH 2013
(ITEMS 44 to 47)**

Strategic Planning and Infrastructure

44. Outdoor Dining on Public Footpaths – Fee Structure & Rate Review File 5213E, 40863E [Index](#)

RECOMMENDED that:

- a) Council not charge license fees in relation to development consents for outdoor dining on council footpaths;
- b) An agreement on Council responsibilities for outdoor dining be developed;
- c) A 2 year trial on not charging license fees be undertaken.

45. Dealing With Proceeds from the Sale of Council Owned Land File 1457E [Index](#)

RECOMMENDED that:

- a) Council's decision to dispose of Council land be made following a process which:
 - i) Verifies and validates the classification of the land as Operational; and
 - ii) Considers the land to be surplus to Council's requirements; or
 - iii) Demonstrates a value added benefit to the Council; or
 - iv) Demonstrates it is unable to provide a viable return; or
 - v) Demonstrates it is unable to be developed; or
 - vi) Demonstrates it is a recurrent cost burden on the Council.
- b) The net proceeds of the land disposal to be placed in a nominated restricted asset or other account as necessary.

46. Review of Policies – Various File 2895E, 27563E, 29219E, DA02/2553, 23192E, 4118E [Index](#)

RECOMMENDED that Council adopt the following Policies with proposed minor amendments:

- a) POL12/291 – Due Diligence for Land Transactions;
- b) POL08/363 – Proposed Land Acquisition – Owner Notification (to be made obsolete);
- c) POL12/212 – Motor Vehicle Access to Public Reserves;
- d) POL12/277 – Occupation of Council Owned or Managed Land; and
- e) POL12/275 – Development and/or Disposal of Council Lands.

-
47. Council Reserve Encroachment – Metal Stairs at Rear of 20 Greville Avenue, Sanctuary Point
File 45650E, 29352E [Index](#)
-

RECOMMENDED that

- a) That Council takes the necessary measures to remove the metal staircase situated on Crown Reserve R89771 and being adjacent to 20 Greville Avenue, Sanctuary Point; and
- b) Council reimburse the reasonable costs of the property owner obtaining engineering reports to satisfy MIN12.438.

YOUTH ADVISORY COMMITTEE – WEDNESDAY 13 MARCH 2013 (ITEM 48)

City Services & Operations

48. Committee Structure and Meeting Format File 1506E [Index](#)

RECOMMENDED that Council endorse the following changes to the Youth Advisory Committee:

- a) A maximum of 26 youth members, comprising 18 students aged 15yrs and over from local high schools, be appointed as members;
- b) A maximum of 5 students may be elected from each local high school, however only a maximum of 2 students from each school may attend and vote at any meeting;
- c) A maximum of 8 young people, aged between 15 and 24yrs, from the community and/or Youth Services be appointed as members;
- d) Councillors of Shoalhaven City Council are members of Youth Advisory Committee and therefore can vote; other interested people may attend as support and observers but are not able to vote on motions. The Youth Advisory Committee may also call on other people to attend the meetings as required;
- e) The quorum to increase from 5 members to 6 members;
- f) The Youth Advisory Committee meet quarterly and convene additional meetings when required;
- g) Meetings to be held on a week day during school terms between 10 am - 12 pm;
- h) A Guest Speaker be invited to attend Committee meetings; and
- i) Set agendas & minutes of the meetings will be undertaken by Executive Support staff, but will not necessarily have a business paper, unless there are Council issues to report to Youth Advisory Committee etc;
- j) Meetings be conducted in an informal manner, but still within Council's "Code of Meeting Practice" Policy.

**CHILDREN'S SERVICES REFERENCE GROUP – TUESDAY 19 MARCH 2013
(ITEMS 49 to 57)**

Finance and Corporate Services

49. Membership Request File 46176E [Index](#)

RECOMMENDED that Council appoint Ms Melissa Wicks, Illawarra Area Child Care (IACC), as a member to the Childrens Services Reference Group.

General Business

50. Additional Item – Meeting Schedule File [Index](#)

RECOMMENDED that the Childrens Services Reference Group hold its meetings bi-monthly.

51. Additional Item – Child Friendly City File [Index](#)

RECOMMENDED that the Childrens Services Reference Group receive a report at the next meeting in respect to any previous work that Council has undertaken for a child friendly City.

52. Additional Item – Purpose of the Childrens Services Reference Group File [Index](#)

RECOMMENDED that:

- a) The Children Services Reference Group be aimed at 0-12yrs aged children;
- b) A report from staff be provided at the next meeting on opportunities to access S94 funds for Noah's Ark operations and activities.

53. Additional Item – Membership File [Index](#)

RECOMMENDED that a representative from 'Out of School Hours' (Oosh) be invited for membership on the Childrens Services Reference Group.

54. Additional Item – Mobile Unit File [Index](#)

RECOMMENDED that a report be provided for the next meeting on access to S94 funds for the provision and resourcing of pre-school facilities and places, including pre-schools services by the mobile unit, in the Shoalhaven.

55. Additional Item – Community Preschools File [Index](#)

RECOMMENDED that a presentation be provided at the meeting of a Lease Template for community preschools within the Shoalhaven.

56. Additional Item – Asset Management Plans

File [Index](#)

RECOMMENDED that staff prepare an outtake on Asset Management Plans on future works for playgrounds and children facilities that provide for children in the Shoalhaven and it be presented at a meeting of the Childrens Services Reference Group.

57. Additional Item – Council Policies

File [Index](#)

RECOMMENDED that the Children Services Reference Group contribute to Council's policies that have an impact on the City's children.

R.D Pigg
GENERAL MANAGER

SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 12 MARCH 2013

ORDINARY MEETING

TUESDAY, 26 MARCH 2013

REPORT OF THE CONVENOR

ITEMS FOR APPROVAL UNDER DELEGATED AUTHORITY

58. School Bus Stop - Page Avenue, North Nowra (PN 2056) File 6174E [Index](#)

RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the existing bus zone on the northern side of Page Avenue, North Nowra to be amended to include the afternoon peak (ie 2.30pm - 4pm School Days), as detailed in the attached plan TRAF 2013/11.

59. Linemarking - Terara Road, Terara / Comerong Island Road, Numbaa (PN 2896)
File 12332E [Index](#)

RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the installation of Double Barrier (BB), Barrier Separation (BS) and Separation (S1) centre linemarking (for a distance of approximately 4.985km) on Terara Road, Terara and Comerong Island Road, Numbaa as detailed in the attached plan TRAF 2013/14.

60. Higher Mass Limit (68 tonne) B-Double Route - Bolong Road (MR293) from Princes Highway to Manildra Group (160 Bolong Road) (PN 2909) File 5525E [Index](#)

RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be advised that the Shoalhaven Traffic Committee has no objection to a Higher Mass Limit 25m B-Double Route (68 tonnes) along Bolong Road from the Princes Highway to Manildra Group (160 Bolong Road, Bomaderry).

61. Intersection safety - Intersection of Walton Way and Currarong Road, Currarong (PN 2936) File 11723E [Index](#)

RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the installation of a Give Way sign (R1-2B), associated Hold (TB/TB1) linemarking, and 30m of Double Barrier (BB) centre linemarking at the intersection of Walton Way and Currarong Road, Currarong, as detailed in the attached plan TRAF 2013/13.

62. Bus zone time change - Wason Street, Milton (PN 2938) File 2945E, 7913E [Index](#)

RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the amendment to the existing bus zone times on the southern side of Wason Street, Milton to 8am to 4pm Monday to Friday, 8am to 12 noon Saturday.

-
63. No Stopping zone extension - Beinda Street, Bomaderry (PN 2941) File 2936E [Index](#)
- # RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the installation of a No Stopping zone (for a distance of approximately 140m) on the southern side of Beinda Street, Bomaderry, as detailed in the attached plan TRAF 2013/12.
64. Intersection upgrade to roundabout - Berry & Douglas Streets, Nowra - 2012/13 Blackspot Project (PN 2945) File 28099E, 3896E [Index](#)
- # RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be advised that the Shoalhaven Traffic Committee has no objections to the proposed mountable roundabout, painted splitter islands and associated regulatory signage (as detailed in plan 5196_03) at the intersection of Douglas Street and Berry Street, Nowra
65. Intersection upgrade to roundabout - Osborne & Jervis Streets, Nowra - 2012/13 Blackspot Project (PN 2946) File 28099E, 3971E [Index](#)
- # RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be advised that the Shoalhaven Traffic Committee has no objections to the proposed mountable roundabout, painted splitter islands and associated regulatory signage (as detailed in plan 5196_04) at the intersection of Osborne Street and Jervis Street, Nowra
66. Intersection upgrade to roundabout - Berry & Jervis Streets, Nowra - 2012/13 Blackspot Project (PN 2947) File 28099E, 3896E [Index](#)
- # RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be advised that the Shoalhaven Traffic Committee has no objections to the proposed mountable roundabout, painted splitter islands and associated regulatory signage (as detailed in plan 5196_02) at the intersection of Jervis Street and Berry Street, Nowra

Martin Upitis
CONVENOR

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 26 MARCH 2013

GENERAL MANAGER

67. Code of Conduct 2013

File 4420E [Index](#)

PURPOSE: Delivery Program Activity: 4.3.1.1

To table the Division of Local Government Circular 13/06, as required.

RECOMMENDED that

- 1. Council note the information provided by the Division of Local Government to explain the Code.**
- 2. Council formally adopt the Procedures for the administration of the Code of Conduct, as published by the Division of Local Government.**

DETAILS

Council adopted a new Code of Conduct in February 2013, based on the Division of Local Government Model Code. The new Code and Procedures became effective on 1st March 2013.

The Division of Local Government Circular requires that it is tabled for Council's information.

A copy of the Model Code summary is attached.

FINANCIAL IMPLICATIONS:

N/A

COMMUNITY ENGAGEMENT:

N/A

PURPOSE: Delivery Program Activity: 4.3.1.1

This report is submitted in accordance with Clause 12.33 of the Code of Conduct which requires that *“The General Manager must report annually to council on code of conduct complaints.”*

RECOMMENDED that the report of the General Manager concerning complaints made under the Code of Conduct for the period 1st January, 2012 to 31st December, 2012, be received for information.

DETAILS

A total of fifteen complaints involving eight different councillors were received in respect of the Code of Conduct for the period 1st January, 2012 to 31st December, 2012.

Nine complaints were made by members of the public, one was referred from the Independent Commission Against Corruption and five complaints were received from councillors.

Of the complaints received, four (involving three different councillors) were referred to a Conduct Reviewer, seven complaints were dismissed, two were dismissed but informal discussion was held and two were dealt with by alternative means i.e. counselling

Details of those complaints are provided below.

Date of Receipt	Nature of Complaint	Outcome
10 th Jan 12	Alleged undue influence/conflict of interest in Council weed removal project	Assessed and determined by General Manager - no prima facie evidence of breach of Code of Conduct
1 st Mar 12	Alleged discriminatory comments and unfair/inequitable consideration of matter before Council	Assessed and determined by General Manager - no prima facie evidence of breach of Code of Conduct
11 th Apr 12	Alleged overstating of travel claim (vehicle distance travelled)	Referred to Conduct Reviewer and Council subsequently determined that breach of Code of Conduct occurred
20 th Aug 12	Alleged access to Council information for electioneering purposes & use of position to promote private business interests	Assessed and determined by General Manager - no prima facie evidence of breach of Code of Conduct – Notwithstanding outcome, reinforcement of relevant code requirements was provided

29 th Aug 12	Alleged improper interactions with tenderer	Assessed and determined by General Manager - no prima facie evidence of breach of Code of Conduct
11 th Oct 12	Alleged conflict of interest in considering Conduct Reviewers report to Council <i><u>Note:</u> this complaint comprised allegations against four (4) individual councillors. Each case was assessed and determined separately</i>	Assessed and determined by General Manager - no prima facie evidence of breach of Code of Conduct <i><u>Note:</u> the above was determined in each case</i>
1 st Nov 12	Alleged abuse of power and misuse of council resources. Also personal views expressed when making official public comment	Assessed and determined by General Manager and dealt with by way of alternative means under cl.131(f) of Code of Conduct – resolved through informal discussion and reinforcement of relevant code requirements
1 st Nov 12	Alleged that official press release contained expressions of personal views	Assessed and determined by General Manager and dealt with by way of alternative means under cl.131(f) of Code of Conduct – resolved through informal discussion and reinforcement of relevant code requirements
4 th Dec 12	Concerns about council process and allegations that official correspondence was inconsistent with Council policy and conflict of interest.	Following General Manager's assessment some matters found to have no substance. That part of the complaint relating to alleged policy inconsistency and conflict of interest were referred to Conduct Reviewer. Conduct Reviewers report submitted to Council's Ordinary Meeting 26 th March 2013 for determination – <i>outcome pending</i>
5 th Dec 12	Concerns about council process and alleged breaches of Code of Conduct including caucusing, abuse of power, public comment. Also alleged that breaches occurred due to perceived inconsistency between Council policy & official correspondence and also conflict of interest.	Following General Manager's assessment the allegations relating to Council policy and conflict of interest were referred to Conduct Reviewer. Conduct Reviewers report submitted to Council's Ordinary Meeting 26 th March 2013 for determination – <i>outcome pending</i>

5 th Dec 12	Alleged failure to declare conflict of interest.	Referred to Conduct Reviewer. Conduct Reviewers report submitted for determination to Council's Ordinary Meeting 26 th March 2013 – outcome pending
14 th Dec 12	Alleged defamatory and misleading public comment made on local radio	Assessed and determined by General Manager - no prima facie evidence of breach of Code of Conduct – Notwithstanding outcome, reinforcement of relevant code requirements was provided

FINANCIAL IMPLICATIONS: The cost of referring a matter to a single Conduct Reviewer for investigation is approximately \$2000

COMMUNITY ENGAGEMENT: Not required other than advising the public of Code of Conduct complaints via this annual report

69. **Southern Councils Group Statement of Intent - Regional Response to Climate Change** **File 1822E [Index](#)**

PURPOSE: Delivery Program Activity: 4.2.1.2

Council endorsement of the SCG Statement of Intent on Climate Change was deferred from the February Council meeting, pending a Councillor Briefing. The matter is re-submitted to Council following that briefing.

RECOMMENDED that Council endorse the SCG Statement of Intent on Climate Change.

OPTIONS

1. That Council endorse the SCG Statement of Intent on Climate Change.
2. That Council not endorse the SCG Statement of Intent on Climate Change.

DETAILS

The original Statement of Intent on Climate Change was prepared and agreed to by SCG in May 2009 and it has an important role in ensuring that a level of consistency is displayed across the region in respect of these issues by Local Government.

Since the September 2012 elections, SCG has resolved to refer the Statement of Intent to all of the new Councils for endorsement.

The Briefing was held on Wednesday 13th March 2013, with staff and the Executive Officer of SCG Lesley Scarlett in attendance. One of the key issues in the briefing was clarification as to whether Council was bound to introduce its policy framework on the same basis as the rest of the SCG Councils. It was explained that Council was able to set its own policies around sea level rise and climate change in general, however, in doing so it needs to be aware of the regional context of doing so and have clear justification.

A letter from StateWide (Council's insurer) is relevant in this respect (copy attached).

Since the State Government had retracted from its firm policy and sea level rise benchmarks, SCG member Councils were collaborating and working together to determine what local policy could be adopted, based on evidence and reasonableness. Shoalhaven is currently working with Eurobodalla and Bega Councils on such an investigation and Council's decision to base its policy on the Port Kembla tide gauge recordings has been integrated into that combined work.

FINANCIAL IMPLICATIONS:

N/A

COMMUNITY ENGAGEMENT:

N/A in the context of this report.

70. Local Government Amendment (Early Intervention) Bill 2013 **File 1747E** [Index](#)

PURPOSE: Delivery Program Activity: 4.2.3.2

To advise Council of this Bill introduced in Parliament on the 26th February 2013.

RECOMMENDED that Council note and receive the report for information.

OPTIONS

1. That Council note and receive the report for information.
2. That Council contact local State MP's, calling on them to defer debate on this Bill until such time as the Local Government industry has been consulted.

DETAILS

The Bill has been introduced by the Minister for Local Government, the Hon Don Page, and its objects are –

- (a) *to enable the Minister for Local Government (the **Minister**) or the Director-General of the Department of Premier and Cabinet (the **Director-General**) to direct a council, a councillor or the general manager of a council to provide information or documents about the council, its operations or its activities,*
- (b) *to enable the Minister to issue an order (a **performance improvement order**) to a council that directs certain actions to be taken to improve the performance of the council,*
- (c) *to provide for the appointment of temporary advisers to assist councils with complying with performance improvement orders,*
- (d) *to require councils to report on compliance with a performance improvement order,*
- (e) *to enable the Minister to suspend a council for a period of up to 3 months (with a possible extension of a further 3 months) if the Minister considers that the appointment of an interim administrator is necessary to improve or restore the proper or effective functioning of a council,*
- (f) *to provide for the appointment of interim administrators,*
- (g) *to make further provision in relation to public inquiries under the principal Act, including by permitting the Minister to suspend a council during such an inquiry,*
- (h) *to make it clear that the Governor may appoint more than one administrator to exercise the functions of a dismissed council,*
- (i) *to make other minor and miscellaneous amendments.*

This will require amendments to the Local Government Act 1993 in respect of performance improvement orders, temporary suspensions of Council, public inquiries and a number of other matters.

The explanatory notes to the Bill are found in attachments.

The following link to new Bills in Parliament allows you to access the Minister's speeches on the first reading and second reading.

<http://www.parliament.nsw.gov.au/prod/parlment/nswbills.nsf/0/5E626A0246D67264CA257B1900140A78>

This link also provides access to the Legislation Review Committee Legislation Review Digest, where it has commented on this Bill raising two aspects for consideration by Parliament –

- (a) Whether the threat of criminal sanctioned by the Minister or Director General to manage administrative issues in the Division of Local Government ,and employees thereunder, may appear excessive, unwarranted and a trespass on personal rights and liberties.

-
- (b) The Committee is concerned about the requirement of a person to disclose records, provide information or give answers, notwithstanding that any disclosure may incriminate that person and be used against them in disciplinary action or proceedings relating to misconduct.

On the 14th March 2013, Local Government NSW (that is the One Association) issued a Communiqué on the Early Intervention Bill raising concerns that Local Government has not been consulted on this legislation. Local Government NSW requests Councils to contact their local Members calling for an immediate deferral of the Bill until such time as proper consultation with LG NSW has taken place.

It appears that the Minister, in introducing the legislation, is attempting to find a more streamlined administrative process to intervene in Council affairs where it is evident that the Council is becoming or is dysfunctional due to a range of circumstances. The ability to suspend a Council for a short period of time in an attempt to correct behaviours or other aspects will obviously be able to be introduced in a far more timely circumstance and with less potentially far-reaching consequences than the current legislation allows with a full public enquiry and the option only to, in effect, sack the whole Council. Whether Council sees this as an infringement on Local Government's rights is a matter for Council to determine.

FINANCIAL IMPLICATIONS:

N/A in the context of this report.

COMMUNITY ENGAGEMENT:

It does not appear that the Minister or Government had any consultative process in respect of this Bill before its introduction.

71. Code of Conduct Complaint – Clr Patricia White

File 46530E [Index](#)

PURPOSE: Delivery Program Activity: 4.3.1.1

To provide Council with the report and findings of the Conduct Reviewer in accordance with Clause 12.22 and 12.23 of the Code of Conduct. Please note that all references made in this report to Council's Code of Conduct are references to the adopted Code of Conduct that applied up to and including 28th February, 2013 (POL10/142).

The complaint alleges that Clr White failed to make a declaration of significant non-pecuniary interest in considering a matter contained in a Mayoral Minute submitted to Council's Ordinary Meeting on 26th October, 2012. In that matter Council's approval was sought for a Mayoral letter that had been sent to the Director, NSW Office of Liquor, Gaming and Racing in regard to an application from the Milton Ulladulla Ex-Servos Club Ltd for an increase of a further 20 gaming licences and related donations to several local organisations, including Dunn & Lewis Youth Development Foundation.

RECOMMENDED that;

- a) the report of the Conduct Reviewer be noted
- b) Council determine in accordance with Clause 12.24 of Council's Code of Conduct that Councillor White has not breached the Code of Conduct
- c) the Conduct Reviewer's recommendation that the complaint not be upheld and should be dismissed, be adopted

OPTIONS

- 1. Adopt the findings and recommendations of the Conduct Reviewer
- 2. Not adopt the findings and recommendations of the Conduct Reviewer and determine that on the information before Council, a breach of the Code of Conduct has occurred. In that case, Council could resolve to impose any of the sanctions as set out in Clause 12.25 of the Code of Conduct.

DETAILS

- # The report of the Conduct Reviewer sets out the details of the complaint, the Conduct Reviewer's investigations including procedural fairness, and the findings and recommendations. A copy of the report is included in the attachment folder and copies have also been sent to Councillor White and the complainant.

The Conduct Reviewer, in this case, has found no breach of the Code of Conduct and recommends that the complaint not be upheld and should be dismissed.

Findings of Conduct Reviewer:

In the circumstances that Cllr Patricia White's had no association with the Dunn and Lewis Youth Development Foundation for a period of over 2 years I consider the private interest had been extinguished. In the circumstance it would be unreasonable for Council to uphold the complaint.

Recommendation of Conduct Reviewer:

It is recommended that the complaint not be upheld. The complaint should be dismissed.

FINANCIAL IMPLICATIONS:

The only financial implication is the cost of administration and the Conduct Reviewer's costs to investigate the complaint.

COMMUNITY ENGAGEMENT:

N/A

72. Code of Conduct Complaint – Mayor, Cllr Joanna Gash File 46517E & 46530E [Index](#)

PURPOSE: Delivery Program Activity: 4.3.1.1

To provide Council with the report and findings of the Conduct Reviewer in accordance with Clause 12.22 and 12.23 of the Code of Conduct. Please note that all references made in this report to Council's Code of Conduct are references to the adopted Code of Conduct that applied up to and including 28th February, 2013 (POL10/142).

The General Manager received two written complaints which inter alia, contained similar allegations the first was essentially that the Mayor, Cllr Jo Gash changed Council's policy position and this is referred to as 'Complaint 1'. The second was that the Mayor failed to make a declaration of significant non-pecuniary interest and this is referred to as 'Complaint 2'.

The matter that gave rise to these complaints was a Mayoral Minute submitted to Council's Ordinary Meeting on 26th October, 2012. In that matter Council's approval was sought for a Mayoral letter that had been sent to the Director, NSW Office of Liquor, Gaming and Racing in regard to an application from the Milton Ulladulla Ex-Servos Club Ltd for an increase of a further 20 gaming licences and related donations to several local organisations, including Dunn & Lewis Youth Development Foundation.

RECOMMENDED that in respect to Complaint 1;

- a) the report of the Conduct Reviewer be noted
- b) Council determine in accordance with Clause 12.24 of Council's Code of Conduct that the Mayor, Councillor Gash has not breached the Code of Conduct
- c) the Conduct Reviewer's recommendation that the complaint not be upheld and should be dismissed, be adopted

RECOMMENDED that in respect to Complaint 2;

- a) the report of the Conduct Reviewer be noted
- b) Council determine in accordance with Clause 12.24 of Council's Code of Conduct that the Mayor, Councillor Gash has not breached the Code of Conduct
- c) the Conduct Reviewer's recommendation that the complaint not be upheld and should be dismissed, be adopted

OPTIONS

1. Adopt the findings and recommendations of the Conduct Reviewer
2. Not adopt the findings and recommendations of the Conduct Reviewer and determine that on the information before Council, a breach of the Code of Conduct has occurred. In that case, Council could resolve to impose any of the sanctions as set out in Clause 12.25 of the Code of Conduct.

DETAILS

- # The report of the Conduct Reviewer sets out the details of the complaint, the Conduct Reviewer's investigations including procedural fairness, and the findings and recommendations. A copy of the report is included in the attachment folder and copies have also been sent to Councillor Gash and the complainants.

Complaint 1

The Conduct Reviewer wrote;

The complainant alleges, amongst other things, that this correspondence, at the time it was sent to the Director, NSW Office of Liquor, Gaming and Racing supporting the Milton Ulladulla Ex-Servos Club application for additional gaming licences was:-

- a. inconsistent with the adopted policy of Council;*
- b. misrepresented the situation as it did not at the time reflect the view of Council;*
- c. represented a significant policy change which the mayor was not authorised to make, and*
- d. the Mayor failed to make a declaration of significant non-pecuniary interest(considered in Complaint 2)*

Findings of the Conduct Reviewer – Complaint 1

It was not unreasonable for the complainant to conclude from the Mayor's correspondence to the Director, NSW Office of Liquor, Gaming and Racing that the Mayor was supporting the application on the part of the Milton Ulladulla Ex-Servos Club Ltd for the additional gaming licences. It would have been open to any reasonable person to form such a view. The Mayor's submission that her support was only for the distribution of the community grants is too narrow an interpretation and is not made stated as such in the correspondence. Further the narrower interpretation is contradicted by final statement of the Mayor's declared position of "full support".

Findings of the Conduct Reviewer – Complaint 1

In regard to Complaint 1; for the record I consider that the investigation stage of the complaint is concluded. It is important to stress that as the Sole Reviewer I only make findings on the facts and can only make a recommendation. The decision as to whether the Councillor, has on the information before the Council, breached the Code is a matter for the Councillors, not the Sole Reviewer. The obligation on the part of the Councillors is to consider the findings of fact and to take into consideration the recommendation. However, it is the sole responsibility of Councillors to form the judgment as to whether the Code has been breached.

I consider that a reasonable person would consider that in regard to Complaint 1:-

- a. the Mayor's correspondence to the Director, NSW Office of Liquor, Gaming and Racing of 17 October was not inconsistent with the adopted policy of Council;*
- b. the Mayor's correspondence to the Director, NSW Office of Liquor, Gaming and Racing of 17 October did not misrepresented the situation as it did not seek represent the view of Council;*
- c. the Mayor's correspondence to the Director, NSW Office of Liquor, Gaming and Racing of 17 October did not represent a significant policy change, and*
- d. in regard to the allegation that the Mayor failed to make a declaration of significant non-pecuniary interest, this is considered in Complaint 2*

Recommendation of the Conduct Reviewer – Complaint 1

It is recommended that Complaint 1 not be upheld. The complaint should be dismissed.

Complaint 2

The Conduct Reviewer wrote:

The basis of the Complaint 2 which for the record was subject to two separate written complaints was that the mayor failed to make a declaration of significant non-pecuniary interest in respect of a matter contained in the Mayoral Minute tabled at the Ordinary Meeting of Council on Friday 26 October 2012. The matter contained in the Mayoral Minute was the correspondence to The Director, NSW Office of Liquor, Gaming and Racing supporting The Milton Ulladulla Ex-Servos application for an increase of a further 20 gaming licences. The correspondence was on SCC letterhead and indicates that:-

"I write in support of their application given their undertaking to contribute to the West Ulladulla Sports Park. The Club has advised me that they will contribute a further \$25,000 to the Dunn and Lewis Youth Development Foundation should the OLGR approve the application"

Findings of the Conduct Reviewer – Complaint 2

In the circumstance it would be unreasonable for Council to uphold the complaint for the following reasons:-

- a. There is no evidence to support the allegation that the Mayor had a strong affiliation with the Dunn and Lewis Youth Development Foundation;*
- b. The Mayor had an interest in the Dunn and Lewis Youth Development Foundation but it was a general interest not a private interest;*
- c. It is accepted that the Mayor, prior to being elected assisted the Dunn and Lewis Youth Development Foundation in the seeking of Commonwealth funding and grants;*
- d. It is also accepted that such assistance was in her capacity as the elected Federal Member for Gilmore and of itself does not generate a private interest on the part of the Mayor;*
- e. The Mayor was not a sponsor of Dunn and Lewis Youth Development Foundation;*
- f. The inclusion of Mrs Gail Dunn on the Mayor's election ticket does not create a private interest in the potential distribution of the community funds should the extra gaming licences be granted;*
- g. The Memorandum of Understanding between Clubs Australia and the Liberal Party was not a private interest on the part of the Mayor, and*
- h. The views of the Mayor on the issue of additional gaming licences are a matter of political preference. Under the Code this does not constitute a private interest.*

Recommendation of the Conduct Reviewer – Complaint 2

It is recommended that the Complaint 2 not be upheld. The complaint should be dismissed.

FINANCIAL IMPLICATIONS:

The only financial implication is the cost of administration and the Conduct Reviewer's costs to investigate the complaint.

COMMUNITY ENGAGEMENT:

N/A

RD Pigg

GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 26 MARCH 2013

ASSISTANT GENERAL MANAGER

73. State Government Waste Levy Review Outcomes

File 2828E [Index](#)

PURPOSE: Delivery Program Activity: 2.3.3.3, 2.5.2.2, 2.5.2.3, 2.5.2.4, 2.5.2.5

To consider the recently announced State Government responses to the Waste Levy Review, including cessation of the WaSIP program and an increased Waste and Resource Initiatives Recovery program.

RECOMMENDED that Council:

- a) Receive the report and note the cessation of the WaSIP program after 2012/13;
- b) Receive a further report on issues and opportunities arising from the new Waste and Resources Recovery Initiative in the context of Council's waste management program objectives;
- c) Consider the adoption of a Waste Management Strategy that is aligned to the new Initiative opportunities;
- d) Recognise that some of the WaSIP funds for 2012/13 will need to be revoted for expenditure in 2013/14;
- e) Receive a further report on the status and future priorities of Council's Sustainability Action Plan based on forecast funding beyond 2012/13.

OPTIONS

- 1. Receive and note the report only.
- 2. Also seek further reports on issues and opportunities arising from the cessation of the WaSIP program and the proposed new program. Recommended.

DETAILS

The State Government in 2012 initiated a review of the Waste Levy (a levy charged on waste to landfill across NSW legislated as Section 88 of the Protection of the Environment Operations Act 1997). The Minister for the Environment has released the

17 Recommendations of the review, undertaken by consultants KPMG, together with the Government's Responses to the Recommendations (Attachment 1).

- # The key policy change reflected in the recent announcements is the cessation of the Waste and Sustainability Improvements Payment (WaSIP) program from 30 June 2013, and the introduction of a new Waste and Resource Recovery Initiative program from 1 July 2013. An overview of the new Initiatives program is at Attachment 2.

The WaSIP program has operated since 2009, providing funds for a range of sustainability project initiatives by local government authorities that contribute to the Waste Levy, although the Waste Levy payments far exceed the funds returned via WaSIP. Given the delay in confirming 2012/13 WaSIP funding, the administering agency (Office of Environment and Heritage) has advised that the final WaSIP payments can be applied to approved projects until the end of 2013/14.

The WaSIP payment for Shoalhaven for 2012/13 is expected to be some \$618,000, and this must be allocated to projects that have previously been identified as 'on-going'. The General Manager will complete the project identification process and submit the proposed program for OEH approval by the end of March. As a consequence, some or even the majority of the final WaSIP funds will need to be revoted for planned project implementation during 2013/14.

- # Council's Sustainability Action Plan has guided our local WaSIP priorities and been significantly advanced through the application of the WaSIP funds. Attachment 3 is a short summary of the Sustainability Action Plan status. It is timely that the Sustainability Action Plan be reviewed in light of the cessation of WaSIP funding, to confirm future priorities based on Council-generated funding together with other leveraged funds.

The new Waste and Resources Recovery Initiative will receive significant funding directed specifically to waste and related programs, with some funding allocated to Councils on a non-contestable basis. Attachment 2 outlines the Initiative components, which focus on waste management best practice, education, recycling and recovery technologies, infrastructure and illegal dumping.

FINANCIAL IMPLICATIONS:

Revenue from the WaSIP program for various Council sustainability projects will reduce from over \$600,000 in 2012/13 to zero, replaced by a mix of contestable and non-contestable funds available to Council for more directly waste-related projects and programs through the new WRRRI program. This will significantly affect the delivery of Council's Sustainability Action Plan but offers the potential for more rapid advancement of waste management objectives, both directly through activities and works by Council and indirectly through the waste management sector practice and technology improvements that the new program should generate.

COMMUNITY ENGAGEMENT:

This matter has not been subject to direct community engagement. The Government's review of the Waste Levy involved engagement with stakeholders. Council's current two-

bin waste management system and contract specification was developed with substantial community engagement, and confirmed strong support for improved waste management outcomes and innovative practices.

R.T. Donaldson
ASSISTANT GENERAL MANAGER

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 26 MARCH 2013

FINANCE AND CORPORATE SERVICES

74. Record of Investments - February 2013

File 2126E [Index](#)

PURPOSE: Delivery Program Activity: 4.5.1.1

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 (Finance and Corporate Services Group) on the Record of Investments for the period to 28 February 2013 be received for information.

OPTIONS

1. The report on the Record of Investments for the period to 28 February 2013 be received for information
2. Further information regarding the Record of Investments for the period to 28 February 2013 be requested

DETAILS

Council's overall investment performance resulted in a weighted average return of 4.39% (annualised), 145 basis points above the average 90 day Bank Bill Rate of 2.94% (as supplied by CBA).

The Managed Fund Portfolio returned an average 4.73% over the last twelve months while Council's direct investment portfolio posted a weighted average of 4.38%, 144 basis points above the benchmark.

Interest earned on Council's investment portfolio for this financial year to February 2013 was \$3,480,463 compared with \$3,878,676 for the same period last year. The decrease in interest on investments is in the main due to the Council's overall weighted average return decreasing by 127 basis points over the last 12 months.

During February 2013, 4 of Council's CDO investments were redeemed, the face value, written down value and the redemption amounts were as follows:

Investment	Face Value	Written Down Value 30/6/12	Redemption Amount
Beryl AU3FN0002333	\$350,000.00	\$0.00	\$391,976.44
Saphir XS0195719801	\$250,000.00	\$0.00	\$256,694.50
Zircon AU3FN0002085	\$500,000.00	\$0.00	\$494,876.90
Zircon AU3FN0002937	\$750,000.00	\$0.00	\$721,438.95
	\$1,850,000.00	\$0.00	\$1,864,986.79

This was an excellent result for Council, as the investments were “caught up” in ongoing legal cases in both the UK & USA as part of the “winding up” of Lehman Brothers operations throughout the world. In the end, the Trustee was allowed to sell the collateral behind the CDO’s without interference from Lehman Brothers, and Council was able to fully redeem its principal.

A further CDO valued at \$200,000 was redeemed by Council on 20 March 2013 for its full par value. Following these redemptions, Council has a remaining portfolio of 4 CDO’s with a par value of \$2.76 million with maturity dates between March 2014 and June 2015.

The final “winding up” of Lehman Brothers Australia may result in a further payment to Council from the sale of its assets, as Council is a listed contingent creditor of the company. Further legal action in regard to the part Ratings Agencies played in the sale of CDO’s to Council’s, charities, churches and other organisations is being investigated, and damages payments from this potential action may result in further returns for Council.

Investment Outlook

The RBA left the official cash rate unchanged at 3.00% at its February meeting. While the 3 month BBSW rate closed the month at 2.97%, an increase of 0.02% for the month.

The Australian equity market gained 4.6% during the month with the S&P ASX 200 closing at 5,104.1. The Australian dollar lost 2.1 cents, buying 1.0215 USD at month end.

The continued reduction in interest rates has impacted the revenue Council receives from its investments. It is projected that interest rates will remain steady over the next 6 months; therefore the reduced revenue Council is currently receiving is expected to continue in the foreseeable future. Council will continue to diversify its investments in Term Deposits with a variety of financial institutions to maximise Council’s investment returns while maintain a low risk profile.

RECORD OF INVESTMENTS

as at 28th February 2013

Total Cash And Investments

Total Cash	3,926,974
Total Investments	103,930,410
	<u>107,857,385</u>

Less Cash & Investments Held In Relation To Restricted Assets

Leave Entitlements & Workers Compensation Liability	7,925,308
Financial Assistance Grant	3,025,637
Grant reserve	639,541
North Nowra Link Road	780,087
Other Internal Reserves	7,287,438
Section 94	22,381,249
Section 94 Matching Funds	1,707,595
Strategic Projects General	411,755
Trust	90,145
Waste Disposal	8,007,705
Sewer Compensation	6,568
Sewer Construction Works	4,867,204
Section 64 Water	8,915,094
Water Construction Works	<u>23,742,478</u>
Total Restricted	89,787,804

Unrestricted Cash And Investments

General	16,069,580
Water	1,000,000
Waste Water	<u>1,000,000</u>
Total Unrestricted	18,069,580

SHOALHAVEN CITY COUNCIL STATEMENT OF INVESTMENTS 28 February 2013							
DIRECT INVESTMENTS:	Inv		Principal	Terms	Interest Rate	Maturity (1st)	Final Maturity
Institution	Rating	Type					
ANZ	A1+	FRN	\$2,000,000.00	90	4.36%	22-Apr-13	22-Apr-13
ANZ	A1+	TD	\$2,000,000.00	105	4.48%	24-Apr-13	
ANZ	A1+	TD	\$2,000,000.00	94	4.19%	09-May-13	
ANZ	A1+	TD	\$3,000,000.00	105	4.18%	23-May-13	
B & E Ltd Bank	NR	TD	\$2,000,000.00	99	4.30%	30-May-13	
Bank of Qld	A2	TD	\$1,000,000.00	91	4.50%	11-Apr-13	
Bank of Qld	A2	TD	\$1,000,000.00	119	4.50%	15-May-13	
Bank of Qld	A2	TD	\$2,000,000.00	119	4.50%	16-May-13	
Bank of Qld	A2	TD	\$2,000,000.00	98	4.30%	02-May-13	
Bank of Qld	A2	TD	\$1,000,000.00	112	4.25%	30-May-13	
Bank of Qld	A2	TD	\$2,000,000.00	147	4.30%	18-Jul-13	
Bendigo Bank	A2	TD	\$2,000,000.00	184	4.60%	05-Jun-13	
Bendigo Bank	A2	TD	\$1,000,000.00	91	4.70%	14-Mar-13	
Bendigo Bank	A2	TD	\$1,000,000.00	98	4.35%	01-May-13	
Bendigo Bank	A2	TD	\$2,000,000.00	83	4.35%	17-Apr-13	
Bendigo Bank	A2	TD	\$2,000,000.00	90	4.20%	29-May-13	
Bendigo Bank (Nowra)	A2	TD	\$1,000,000.00	91	4.50%	03-Apr-13	
Community CPS Australia	NR	TD	\$1,000,000.00	92	4.50%	07-Mar-13	
Heritage Bank	A3	TD	\$2,000,000.00	91	4.50%	04-Apr-13	
Heritage Bank	A3	TD	\$2,000,000.00	111	4.50%	24-Apr-13	
Heritage Bank	A3	TD	\$2,000,000.00	105	4.50%	24-Apr-13	
ING Bank (Australia) Ltd	A1	TD	\$2,000,000.00	175	4.68%	24-Apr-13	
ING Bank (Australia) Ltd	A1	TD	\$2,000,000.00	182	4.75%	13-Jun-13	
ING Bank (Australia) Ltd	A1	TD	\$2,000,000.00	119	4.29%	13-Jun-13	
ING Bank (Australia) Ltd	A1	TD	\$2,000,000.00	120	4.30%	27-Jun-13	
Intech Credit Union	NR	TD	\$1,000,000.00	97	4.60%	27-Mar-13	
Members Equity Bank	A2	TD	\$1,000,000.00	104	4.60%	06-Mar-13	
Members Equity Bank	A2	TD	\$2,000,000.00	105	4.55%	14-Mar-13	
Members Equity Bank	A2	TD	\$2,000,000.00	105	4.66%	21-Mar-13	
Members Equity Bank	A2	TD	\$2,000,000.00	84	4.35%	18-Apr-13	
Members Equity Bank	A2	TD	\$2,000,000.00	98	4.35%	30-May-13	
Members Equity Bank	A2	TD	\$1,000,000.00	105	4.35%	12-Jun-13	
National Australia Bank	A1+	CRD	\$5,000,000.00	28	4.70%	08-Mar-13	08-Apr-14
National Australia Bank	A1+	MATD	\$90,144.80	365	5.03%	30-Jun-13	
National Australia Bank	A1+	TD	\$2,000,000.00	98	4.60%	07-Mar-13	
National Australia Bank	A1+	TD	\$2,000,000.00	111	4.62%	21-Mar-13	
National Australia Bank	A1+	TD	\$4,000,000.00	97	4.43%	28-Mar-13	
National Australia Bank	A1+	TD	\$3,000,000.00	76	4.40%	10-Apr-13	
National Australia Bank	A1+	TD	\$2,000,000.00	98	4.37%	08-May-13	
National Australia Bank	A1+	TD	\$2,000,000.00	105	4.40%	22-May-13	
National Australia Bank	A1+	TD	\$1,000,000.00	105	4.35%	29-May-13	
National Australia Bank	A1+	TD	\$2,000,000.00	105	4.30%	30-May-13	
National Australia Bank	A1+	TD	\$2,000,000.00	105	4.28%	06-Jun-13	
Newcastle Permanent Building Society	A2	TD	\$2,000,000.00	92	4.40%	14-Mar-13	
NSW Treasury Corp	A1+	TD	\$3,300,000.00	182	3.10%	04-Apr-13	
Police Credit Union Ltd (SA)	NR	TD	\$1,000,000.00	105	4.30%	30-May-13	
Rural Bank	A2	TD	\$2,000,000.00	112	4.25%	20-Jun-13	
St George Bank	A1+	TD	\$2,000,000.00	120	4.20%	27-Jun-13	
Suncorp Metway Ltd Bank	A1	TD	\$1,000,000.00	99	4.20%	30-May-13	
Suncorp Metway Ltd Bank	A1	TD	\$2,000,000.00	105	4.20%	06-Jun-13	
Westpac Bank	A1+	TD	\$2,000,000.00	103	4.56%	13-Mar-13	
Westpac Bank	A1+	TD	\$2,000,000.00	112	4.40%	28-Mar-13	
Westpac Bank	A1+	TD	\$2,000,000.00	112	4.32%	20-Jun-13	
TOTAL DIRECT INVESTMENTS			\$99,390,144.80		4.38%		

MANAGED FUNDS	Rating	Inv Type	Carrying Value	Purchase Date	Monthly Return	Return over last 12 months
CDO Portfolio	NR	CDO	\$2,976,316.71	Various	0.25%	3.04%
Macquarie Income Plus	AAAm	MF	\$1,563,948.88	17/08/2005	0.66%	7.96%
TOTAL MANAGED FUNDS			\$4,540,265.59		0.39%	4.73%
TOTAL INVESTMENTS			\$103,930,410.39		4.39%	
Note: <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>						
<p>The investments have been made in accordance with the Act, Regulations and the Council's Investment Policy.</p> <p>P Dun Director, Finance & Corporate Services Group</p>						

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.

P.J. Dun
DIRECTOR, FINANCE AND CORPORATE SERVICES

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 26 MARCH 2013

STRATEGIC PLANNING AND INFRASTRUCTURE

75. Mundamia Urban Release Area – Proposed Planning AgreementFile 46790E (PDR) [Index](#)

PURPOSE: 2.4.2.5

To seek Council's direction and possible agreement to enter into a Planning Agreement with Twynam Mundamia Pty Limited to facilitate the essential community infrastructure associated with the proposed development of the new Mundamia Urban Release Area (URA).

This report relates to a request from Twynam, however any Planning Agreement would need to cover the whole URA and include all land owners within the URA. Council, as the land owner and developer in the URA, have also requested to be included in a planning agreement.

RECOMMENDED that Council:

- a) **Give in principle agreement to the preparation of a planning agreement for the Mundamia Urban Release Area, subject to all landowners agreeing to enter into an agreement.**
- b) **Write to all land owners within the Mundamia Urban Release Area seeking their commitment to enter into a planning agreement to provide for the essential community infrastructure associated with the development of the area being at a minimum:**
 - i) **Contributions towards external traffic improvements;**
 - ii) **Realignment and construction of George Evans Road to provide access to the URA;**
 - iii) **Central Open Space within the URA;**
 - iv) **A community centre/ child care centre within the URA;**
 - v) **Any works associated with drainage measures to protect ecologically sensitive areas;**
 - vi) **Contributions towards citywide and planning area wide contributions projects i.e. sports fields etc.**
 - vii) **Write to Twynam Mundamia Pty Limited advising them of Council's decision.**

OPTIONS

1. Council can commit to entering into a planning agreement to facilitate the essential community infrastructure associated with the development of the Mundamia URA. This would require all landowners to commit to the planning agreement. It will also require significant staff resources to create and implement the agreement.
2. Council can decide not to enter into a planning agreement. This could force the Department of Planning and Infrastructure (the Department) to not approve the development until the LEP is gazetted and a DCP and Contributions Plan are adopted over the site or to condition the approval with the works required which could run the risk of essential infrastructure being not included. However, there is a risk that the Department could proceed to issue an approval without a contributions plan in place. This could result in the development being approved without a funding mechanism for the essential community infrastructure.

DETAILS

Background:

On 28 February 2013, Council received a request from Twynam Mundamia Pty Limited to commit to enter into a planning agreement to facilitate the essential community infrastructure associated with the development of the new Mundamia URA.

Twynam are currently pursuing a Major Project Approval under Part 3A of the Environmental Planning and Assessment Act 1979 for a residential subdivision of 312 lots within the proposed Mundamia URA.

As part of the "Test of Adequacy" of the proposed subdivision application, the Department of Planning and Infrastructure (the Department) has identified the need to have a planning agreement in place to cover the essential community infrastructure that is not currently included in Shoalhaven Contributions Plan 2010.

The Department require Council to give in principle commitment to enter into a planning agreement to allow the proposed subdivision application to proceed to public exhibition.

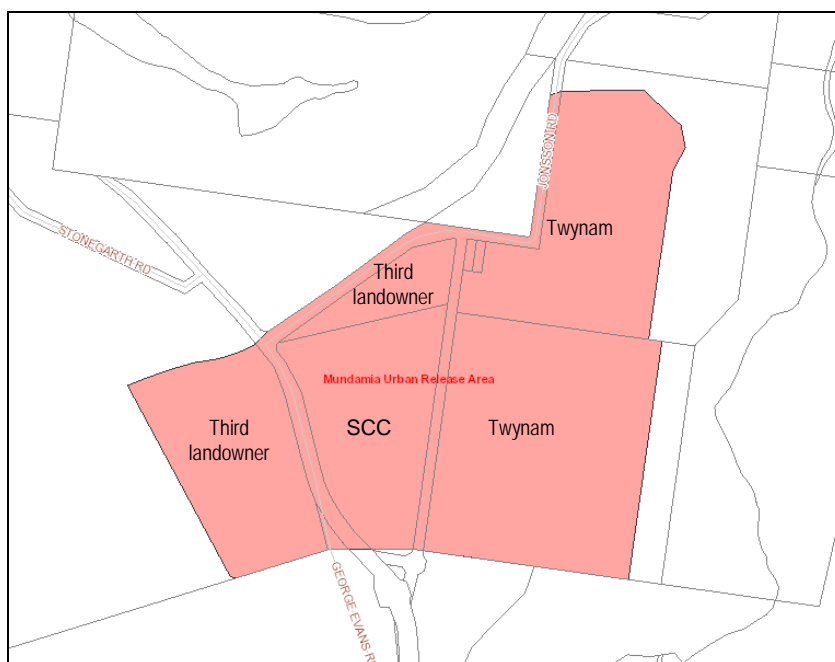
This report outlines the issues that need to be considered if Council is to agree to enter into a planning agreement.

Mundamia Urban Release Area

The Mundamia URA is currently zoned Rural 1(d)(General Rural) under Shoalhaven Local Environmental Plan (LEP) 1985 with a minimum lot size of 40ha. The land was identified as a new living area in the endorsed Nowra Bomaderry Structure Plan and is proposed to be zoned R1 General Residential under draft Shoalhaven LEP 2013 to allow for residential development. The URA is split into three major landholdings owned by Twynam, Council and one other landowner. See maps below.



Aerial of Mundamia URA and surrounds



Extract from the draft SLEP 2013 URAs map showing landownership

The Structure Plan identified a number of proposed URA's to accommodate residential growth in the Nowra-Bomaderry area for the next 20-25 years, Mundamia is identified as one of the first phase release areas.

Under Part 6 of the draft LEP 2013, development consent cannot be granted for development of the land in the new URA unless a Development Control Plan (DCP) has been prepared for the site and arrangements made for infrastructure. Work on preparing a draft DCP and Contributions Plan Amendment for the URA has been ongoing and it is intended that a draft DCP/CP will be reported to Council for public exhibition in the coming months.

Preliminary traffic analysis has indicated that development of the URA will create significant traffic problems on Yalwal and Albatross Roads and will impact on existing residents in West Nowra, hence the need for a CP amendment to help offset/ mitigate these impacts.

Process for Development of the URA:

For the Mundamia URA to be developed, the following steps should ordinarily occur:

- Shoalhaven LEP 2013 finalised and the land zoned R1 General Residential;
- A DCP be finalised and adopted over the site to guide development of the URA; and
- A Contributions Plan Amendment be finalised and adopted to fund the essential community infrastructure associated with the development of the URA.
- Development applications for subdivision assessed and approved against the DCP and CP.

However, there are currently two Major Project Applications over the site for residential subdivisions with associated open space and community uses (Twynam and Council). The Minister for Planning and Infrastructure has the power to rezone the land and approve the subdivisions without a DCP or Contributions Plan applying over the URA.

The Department has suggested that Council commitment be sought to enter into a planning agreement to allow the Twynam subdivision application to proceed to public exhibition. Hence the written request from Allen Price & Associates Pty Ltd on behalf of Twynam.

Planning Agreement:

A preliminary analysis of infrastructure requirements has been undertaken to identify infrastructure to be included in a contributions plan amendment or a planning agreement. However, a definitive list of projects cannot be determined until hydrology studies have been completed and appropriate drainage measures have been identified.

If Council agrees to enter into a proposed planning agreement, the following infrastructure projects should be included as an absolute minimum:

- Contributions towards external traffic improvements;
- Realignment and construction of George Evans Road to provide access to the URA;
- Central Open Space within the URA;
- A community centre/ child care centre within the URA;
- Any works associated with drainage measures to protect ecologically sensitive areas; and
- Contributions towards citywide and planning area wide contributions projects i.e. sports fields etc.

Any planning agreement would need to be prepared for the whole of the URA, not just one ownership. This would require all landowners to commit to entering into and ultimately signing the agreement. The planning agreement would cover any contributions towards community infrastructure that would be otherwise be covered by the

Contributions Plan and future development would not be required to pay contributions under the Contribution Plan that have already been covered by the planning agreement.

Resources:

Preparing and exhibiting planning agreements is a lengthy, time consuming, and expensive process and would require Council to allocate appropriate staff resources or engage a specialist to undertake the process on Council's behalf. There is also a burden on Council to manage the implementation and ongoing compliance of the planning agreement.

Where only one land owner is party to the planning agreement, Council requires the land owner to pay all costs associated with preparing the agreement. In this case, only one land owner has requested the planning agreement, however, a number of landowners would need to be party to the agreement. It is potentially unreasonable to require a land owner with no immediate plans to develop to enter into and pay for their share of a planning agreement.

FINANCIAL IMPLICATIONS:

If Council resolves not to enter into a planning agreement, there is a risk that the development will be approved without a funding mechanism to facilitate the essential community infrastructure that is required as a result of the development. The scope and value of the associated infrastructure is yet to be determined, however this would result in a significant funding shortfall for Council.

If Council resolves to enter into a planning agreement, Council resources will need to be allocated to the preparation and implementation of the agreement. Council will also need to allocate resources to the ongoing compliance issues associated with planning agreement. This could result in Council staff being taken off other projects and impact on Council's overall Planning Work Program.

COMMUNITY ENGAGEMENT:

If Council resolve to enter into a planning agreement, the future drafted agreement will need to be publicly exhibited for a minimum period of 28 days.

P L Adams

DIRECTOR STRATEGIC PLANNING & INFRASTRUCTURE

R.D Pigg

GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 26 MARCH 2013

SHOALHAVEN WATER

76. Strong's Road Water Supply – REF Determination

File 7155E [Index](#)

PURPOSE: Delivery Program Activity: 1.6.1.6 Enhance water and sewerage infrastructure to achieve sustainable services and environmental outcomes.

This report is submitted to update Council on the status of the Strong's Rd Water Supply Scheme. It also seeks Council's endorsement to proceed to tender for the preferred option taking into account the recommendations from the Review of Environmental Factors (REF).

RECOMMENDED that:

- a) **Council determine that the Strong's Road Water Supply Renewal Program can proceed in accordance with the Review of Environmental Factors and the mitigation measures recommended therein.**
- b) **Council proceed to call tenders for the construction of the Strong's Road Water Supply Scheme**

OPTIONS

- 1. Adopt the recommendation
- 2. Council could determine not to proceed with the scheme. Given there has been significant community consultation to date, a decision not to proceed at this point would be a surprise to the community.

DETAILS

Background

The Strong's Road Rural Water Supply Scheme was originally constructed in the mid 1920s, when it diverted water from the upper reaches of Jaspers Creek and supplied dairy farms down to Jaspers Brush and augmented supplies as far as Bomaderry. It is now truncated at the Princes Highway, leaving it to supply 34 consumers.

Councillors would be aware that the existing scheme is nearing the end of its life.

Council was advised of the scheme's deficiencies at its Ordinary Meeting on 23 March 2010. Such deficiencies related to pipe corrosion, poor water quality, lack of storage capacity, access to system components and general reliability of supply.

In order to assess its options, Council undertook an environmental assessment to determine the viability of renewing the existing supply components. Following the assessment Council determined that “*..it is likely there will be significant environmental impact if any construction works were to proceed on the upper 500m of the water supply system*” (MIN10.280). This essentially ruled out the replacement of the raw water supply as it currently exists and triggered investigations into an alternative supply.

Following significant community consultation Council, at its Ordinary Meeting on 17 April 2012, resolved (MIN 12.396) to commence the design for a new reticulated potable water supply to serve those customers currently connected to the raw water supply.

Staff proceeded on this basis by considering a number of options and determining a preferred option. Draft designs are now completed on the basis of the preferred option and an environmental assessment has been undertaken.

Preferred Option

The preferred option consists of:

- Construction of a booster pumping station within the road reserve adjacent to 29 Strongs Rd
- Installation of a 110mm diameter rising main within the road reserve following Strongs Rd from the booster pump station to a new storage reservoir
- Construction of a new 300kL storage reservoir at 400 Strongs Rd (land to be acquired)
- Installation of a satellite chlorine dosing facility
- Construction of a small pressure pumping station to provide adequate water pressure to properties #400, #335, #330 Strongs Rd (adjacent to the proposed reservoir)
- Installation of a 160mm diameter gravity reticulation main from the reservoir within the road reserve following Strongs Rd to the Princes Highway
- Installation of a 110mm gravity reticulation main from the new 160mm gravity reticulation main along private road on 171A Strongs Rd to existing 55mm reticulation service

The preferred option layout is shown in the REF document located in the Level 3 Councillors' Room.

The scheme is designed to provide service levels similar to those of the whole City water supply.

Review of Environmental Factors (REF)

An environmental assessment was undertaken on the preferred option by consultant GHD. Details of the assessment are included in the Strongs Road – Water Supply Renewal Program REF, February 2013.

The REF was placed on public exhibition from 4 February 2013 to 22 February 2013 and submissions invited through this period. All directly affected residents within the current scheme were individually advised in writing of the pending exhibition, as well as the following government departments:

- Shoalhaven City Council
- NSW Department of Primary Industries – Fisheries
- NSW Office of Water
- Southern Rivers Catchment
- Sydney Catchment Authority
- NSW Office of Environment and Heritage
- NSW Environment Protection Authority
- Roads and Maritime Services
- Wollongong Public Health Unit

By the close of exhibition one (1) submission was received (no late submissions have been received). This submission came from the Department of Primary Industries – Fisheries and related to protection of fish habitat during construction of the crossings of two tributaries of Jaspers Brush Creek.

The Executive Summary of the REF, along with the submission from Fisheries and corresponding response is shown as Attachment 1 in the Councillors' Information Folder. A full copy of the REF is available for viewing in the Level 3 Councillors' Room.

The REF concludes that the proposal would realise a benefit to the community in that it would *"...increase the reliability and security of potable water to the local Strong's Road residents whilst also providing a fire fighting capability not previously provided by the current system"*. In relation to the potential impacts it also concludes that *"...they are considered to be minor and can be adequately managed by implementing the mitigation measures outlined in Section 6 of this REF"*. Finally, the report concludes *"The proposal is unlikely to have a significant impact on the environment"*.

The recommendations from the REF will be included in the Environmental Management Plans for the scheme.

FINANCIAL IMPLICATIONS

The current estimate for the Strong's Road water supply project is \$1.7 million. Sufficient funds have been allocated in the Water fund capital budgets for 2012/13 and 2013/14.

It is proposed to complete the tender process in the 2012/13 financial year and complete the construction in 2013/14.

COMMUNITY ENGAGEMENT

Staff have spent significant time engaging with the community regarding this sensitive project. All affected land owners were invited to a meeting with staff on 12 April 2012 to be advised of the impending works, 13 of 34 property owners were represented.

During the design and environmental assessment phases of the project, each property owner was consulted to ensure they were clear on the scope of works proposed, the ongoing costs should they connect to the new supply and to discuss any individual concerns (eg, the location of their new water meter).

Council requires the acquisition of land for a 300kL water reservoir and various easements. Owners directly affected by these activities have been included in numerous negotiation sessions. Staff are confident these negotiations have advanced sufficiently such that the acquisition process will not impede the progress of the project.

Ongoing consultation is proposed through to completion of the project.

R Horner
ACTING DIRECTOR SHOALHAVEN WATER

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 26 MARCH 2013

STRATEGIC PLANNING AND INFRASTRUCTURE / DEVELOPMENT AND ENVIRONMENTAL SERVICES

77. Princes Highway Upgrade - Foxground to Berry - Impacts for Berry Riding Club and future equestrian facilities in the Berry locality. File 3A11/1000, 1992E, 3196E [Index](#)

PURPOSE: Delivery Program Activity: 1.2.2.9 and 3.1.1

The purpose of the report is to inform Council of discussions with Roads and Maritime Services (RMS) regarding the impacts of the Princes Highway upgrade and Berry bypass for the Berry Riding Club and to inform RMS of Council's position.

The report is also to inform Council of a request from the Berry Riding Club for long term equine facilities in the Berry area and to recommend there be representations to the Minister for Transport regarding consideration of a parcel of land in Berry being transferred to Council.

RECOMMENDED that:

- a) In respect of providing a response concerning the Part 3A application:
 - i. Council advise Department of Planning & Infrastructure and Road & Maritime Service that Council supports in principle, the use of the balance of the existing North Street Berry Riding Club site for the short term needs of the Club, and
 - ii. Council advise the Department of Planning and Infrastructure and the Roads and Maritime Services that the current options for an equivalent area of land adjacent to North Street for use by the Berry Riding Club are unacceptable due to the increased impacts for horse activity and rider safety, and there be further discussions with RMS to address these matters including additional screening of the horse activity from the road and an extension of the site area to enable improved vehicle movement.
- b) In respect of a request from the Berry Riding Club for a long term establishment of expanded equine facilities in the Berry area:
 - i. Council continue investigations for the development of facilities suitable for equine activity, and

-
- ii. **Council make representations to the Minister for Transport, the Honourable Duncan Gay and Member for Kiama, Gareth Ward MP, for the residue of Lot 7 DP 815023 not required for road purposes being transferred to Council.**

OPTIONS

1. Adopt the recommendation, noting that this will provide a response to DPI so the Part 3A application can be progressed; and in respect of recommendation b) acknowledge this is the preferred option of the Berry Riding Club for the long term.
2. Not adopt the recommendation, but allow Council staff to continue discussions with RMS in the delivery of an equestrian centre at the existing equestrian location.
3. Not adopt the recommendation, but allow Council staff to continue discussions with the RMS in the design and delivery of public open space, ensuring community safety and expectations for current activities (ie Berry Pony Club) be maintained.

DETAILS

The Part 3A application – Princes Highway Upgrade

Introduction

The report has two purposes, the first is to provide a response to the Department of Planning and Infrastructure (DPI) on options proposed by the RMS to mitigate impacts from the by-pass upgrade on land used by the Berry Riding Club

The RMS has lodged a Part 3A application to the DPI for the Princes Highway upgrade between Foxground and Berry. The application was publically exhibited from 14 November to 17 December 2012. The RMS and DPI are currently considering submissions, including a submission from the Berry Riding Club (BRC).

Impacts for the Berry Riding Club

Council's submission to DPI in December 2012 noted the likely impacts for the BRC due to highway design. This includes taking some of the community land that is owned by Council and used by the BRC, noise impacts from the road traffic and constraints on the equestrian uses. The northern part of the subject land, adjacent to the creek that is being utilised for the Berry Bypass, is currently used for equestrian event activity. Other land that is adjacent to North Street is used for vehicle event parking, such as floats and livestock trucks. Council's submission requested continuing discussions with RMS to consider ways to mitigate the impacts for the BRC.

In discussions with RMS, one option put forward was for RMS to transfer and develop land on the west side of the existing community land so the BRC may continue their equestrian activity, after the highway is completed.

After a meeting with Council staff and a separate meeting with user group's representatives, the RMS engaged a landscape architect to prepare a schematic plan.

This plan is based on the needs identified and the specific issues put forward by the BRC and Council staff. The schematic plan could include the extension of the land westward to increase area, identification of services and relocation of existing assets and event surfaces. RMS have advised that they are prepared to assist in the relocation of existing buildings, site grading and levelling with soil and the construction of safety fencing along the landscaped noise barriers on the northern side of the site.

An onsite meeting was held on 6 March 2012 between the BRC representatives, the engaged landscape architect and Council recreation planning staff. At this onsite meeting staff were not aware of any communication between BRC and Councillors regarding securing an alternate long term site. The purpose of the meeting was for RMS to respond to DPI over submissions and mechanisms for addressing issues raised and possible mitigation proposals. RMS is seeking Council support so the options can be advanced.

The options proposed by RMS could provide a suitable short term area for continued use by the BRC with continued discussions about some of the details to improve the area and further mitigate the concerns of the BRC.

- # A copy of the RMS plans showing the proposed highway location and the draft options for a reoriented equivalent site layout are attached. **(Attachment A)**.

A meeting on 11 March 2012 was held with the Deputy Mayor, representatives of the BRC and Council staff on the options. BRC representatives advised the meeting that the layout for the equestrian activity proposed by RMS is unsuitable because of the following factors:

- i. The equestrian event areas will be too close to both North Street, the proposed shared cycle/footpath and the skate park and the human activity noise and pedestrian or bicycle movements will scare the horses.*
- ii. The movement for long vehicles requiring parking spaces is restrictive.*
- iii. There is no site area to enable future expansion to cater for increased usage.*

In development of the option area, some landscaping may reduce the concerns in i) and the RMS may extend the land to the west to enable vehicle movement improvements required in ii).

The Part 3A process will result in RMS providing advice to enable the DPI to determine the application.

The Long Term Equestrian Facility Opportunities

Introduction

The future expansion and establishment of a new equestrian site is an associated issue and this is addressed below.

Irrespective of what arrangements are agreed to for the long term development of the existing and expanded site, the BRC will need to be relocated for the construction phase

of the by-pass and alternate land may be available in the Berry area that Council has identified for this temporary purpose. A desktop analysis indicates that Council has land within the surrounds of Berry. Council owns 3.7 ha at Hillandale Road, Broughton Vale as well as 37.5ha at Andersons Lane, Berry. Further investigations will determine the best long term use of these parcels.

Council also provides support for the Worrigee Equestrian Centre located off Worrigee Road and has supported a grant application for facilities funding in late 2012.

Options for Future Equestrian Facilities in Berry

The BRC representatives indicated that there is demand for expanded equestrian facilities in the Berry area. The existing site has limited area for increasing the activity. BRC are requesting that Council make representations to the Minister to secure a land transfer that will meet the long term vision of the BRC. This includes a major equestrian base as a regional centre. Council has not undertaken a feasibility study or strategic plan for the delivery of such an equestrian facility within the Shoalhaven. There are Council equestrian facilities in Berry, Worrigee, Lake Conjola, Narrawallee and Nowra Turf Club. Equestrian events are also permissible at all Showgrounds.

The RMS has purchased land on the north side of the highway route with access to Woodhill Mountain Road. This land residue is likely to become surplus when the highway project is completed. The property may be available for Council or others dependant on the government property disposal process. At present the land is operating as a turf farm that provides economic benefit. While there has not been any evaluation of the site by Council staff the BRC advise that it would be suitable for developing as a major equestrian centre with the horse activity being at the furthest part of the land from the highway corridor. An opportunity exists to make representations about the future use of that land residue (Lot 7 DP 815020).

Regional Development Australia (RDA) has recently developed an Equine Industry Scoping Report (EISR) (December 2012) and as a Director of the Shoalhaven Turf Club, the Deputy Mayor chaired a committee preparing the report. The EISR recommends a number of broad actions but it is too early to finalise specific sites for any regional equine centres. The EISR outlines actions to promote the industry, improve communication, provide training, and improve networks and a database of members and to establish a regional centre of excellence for equine health.

The parcels that Council and RMS owns in the Berry area as stated above may be suitable for future development for equine facilities subject to further investigation.

- # The BRC proposal for land north of the highway, if made available by RMS is attached. **(Attachment B).**

Council's Future Developments on North Street

Council owns the land that is currently known as the Berry Sports complex and this includes the land now used by BRC, a skate park and sports field. After completion of the highway works there will be other narrow residue land along North Street that will be landscaped by RMS. In other localities that are part of the highway project RMS will consider transferring to Council land after future discussion.

Future Council planning to serve the needs of the Berry community may include additional car parking and other facilities. While investigation and evaluation of these specific sites has not yet commenced, the North Street land residue may be suitable. The suggestions by BRC for consideration of a future adventure playground in the locality of the skate park will require investigation as this area also includes an off-leash dog area. A playground within the vicinity of an off leash area is not necessarily compatible with the Companion Animals Act.

FINANCIAL IMPLICATIONS

There may be financial implications for Council depending of the ongoing discussions with RMS about various land transfers and the transfer of land for an equestrian centre north of the new highway. This will require further reporting and financial evaluation.

RMS had acknowledged assistance with the relocation and upgrade of assets at the existing and possible extended BRC site. The schematic plan identified community safety barriers. A transfer of assistance to another location, may not be economically feasible for RMS.

COMMUNITY ENGAGEMENT

There has been community engagement for the specific highway upgrade project. There has been no community engagement regarding the alternative long term regional equestrian facility or for other land use developments in the North Street precinct.

Peter Adams

DIRECTOR STRATEGIC PLANNING & INFRASTRUCTURE

Tim Fletcher

DIRECTOR DEVELOPMENT & ENVIRONMENTAL SERVICES

R.D Pigg

GENERAL MANAGER

NOTICES OF MOTION

ORDINARY MEETING

TUESDAY, 26 MARCH, 2013

78. Heritage listed Figtree – Currarong

File 2062E [Index](#)

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

That Council adopt the policy of pruning potentially dangerous limbs from the heritage listed Figtree adjacent on the Currarong foreshore as an alternative to providing a perimeter fence around the tree.

Background:

Council has received repeated representations from the Currarong Progress Association and other community members all expressing concern about the proposal to fence the Figtree. This issue occurred after a limb fell off the Figtree and our risk management procedures kicked in. It is my understanding that a number of opinions have been obtained in respect of how we should deal with the issue of public safety as well as the health of the tree. At least two of those opinions indicated that pruning the tree was an option and this has been adopted by the Currarong community as their preferred way forward.

Council have pruned other heritage listed Figtree's in the past notably the Figtree located at the intersection of Comerong Island Road and the unnamed road which used to lead to the Regatta Island Reserve and the old Numbaa Wharf.

Signed
Clr Watson

Note by General Manager:

The tree has heritage significance. It contributes significantly to the amenity and aesthetics of Currarong and to the well being of its residents and visitors and as such is recognised as significant community assets worthy of retention and protection.

When deciding the management regime for the tree, two key issues need to be considered. They are to protect the public from possible branch failure and to preserve the historic trees which also included increasing the health of the tree

Severe pruning of the potentially dangerous limbs has been considered as an alternative to installing a fence. Although pruning the tree will remove the immediate risk, pruning will directly cause a decline in the health and stability of the tree.

Installing a fence provides an option that deters park users from venturing under the tree and allows the tree to be rejuvenated. This, along with mulching and fertilising is the preferred best practice management of the tree. Modern arboricultural techniques, including Australian Standards for Tree Pruning recommends that lopping of trees be a discontinued practice. This technique was popular in past years as a way to manage trees but leads to compounding issues and higher maintenance costs in the long run.

The current proposal being pursued through the Progress Association is that the community provides three design options for the barrier fence for Council to consider.

79. Cocos Palm Drive Bomaderry Maintenance and Renewal

File 26795E [Index](#)

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

Council recommends that the General Manager addresses road maintenance and renewal issues raised by local residents in Cocos Palm Drive, Bomaderry.

Background

Following representations by a local resident, a direct request to staff and a further representation by the Member for Kiama, I am further raising this matter. A poor road subsurface and the constant tracking of garbage trucks and other vehicles is causing significant cracking and heaving of the road surface with temporary repairs also now beginning to fail.

Signed
Clr Guile

Note by General Manager: Cocos Palm Road has been part of the repair strategy for the last five years and maintenance was carried out approximately two years ago. As Cocos Palm Road is not an arterial road it has not been prioritised in the strategy. Staff would need to assess the need for repairs and report back.

CONFIDENTIAL BUSINESS PAPER AGENDA

GENERAL MANAGER – COMMITTEES REPORT

COUNCIL PROPERTY STEERING COMMITTEE – 5 MARCH 2013

1. Lease Renewal Part J DP 39259 Egans Lane, Nowra to Abundancia Serena

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.

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, 26 MARCH 2013

GENERAL MANAGER

1. Deed of Mortgage - Shaolin Temple Foundation (Australia) Limited File 18583E

PURPOSE: Delivery Program Activity: 4.5.1.12

This report is submitted as an addendum to the Business Paper due to the urgency in considering the request from the mortgagor to extend the date for the repayment of both principal and interest to 31 July 2013 to allow time for the Environmental Assessment to be determined under the Part 3A process (**Attachment A**).

RECOMMENDED that

- a) Council agrees to vary the Mortgage AE610852R between the Council of the City of Shoalhaven (mortgagee) and Shaolin Temple Foundation (Australia) Limited (mortgagor) by deferring the date for repayment of both principal and interest due on 3 April 2013 until the Environmental Assessment Plan (EAP) is approved or by 31 July 2013, whichever is the earlier;
- b) The terms and conditions of the Deed of Mortgage AE610852R otherwise apply including Annexure A and the Guarantee and Indemnity and Variation of Mortgage (Attachment B);
- c) If exchange of letters is not acceptable in this matter, then all costs associated with a Variation of Mortgage be payable by the mortgagor; and
- 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 this resolution.

OPTIONS

- 1. **(Recommended).** Endorse the Recommendation above. This will allow the Shaolin Temple Foundation (Australia) Limited (the Foundation) to finalise all issues with the Environmental Assessment Plan to enable determination under the Part 3A process by the Department of Planning and Infrastructure. It will however have some adverse financial implications for the Council as the investment earnings to be paid to Council will be deferred.
- 2. **(Not Recommended).** Reject the Foundation's request and insist that the outstanding interest and principal sums be paid as at the due date of 3 April 2013. This may result in the consideration of the EAP by the Department of Planning and Infrastructure being delayed which would further delay the determination of the project

and possibly to miss the extended deadline of 30 June 2013 for Part 3A Projects. This in turn could jeopardise the whole development project.

DETAILS

The Shoalin Temple Foundation (Australia) Limited purchased the property known as 'Comberton Grange' and entered into a Deed of Mortgage dated 3 April 2009. .

The Mortgage incorporated a guarantee and indemnity. The salient terms and conditions are for the principal sum of four million seven hundred and fifty thousand dollars (\$4,750,000) to be repaid within three years from 3 April 2009 at the agreed interest rate payable six monthly in arrears. Council at its meeting of 28 February 2012 agreed to the variation of the Deed of Mortgage whereby it allowed the final payment of the principal sum to be extended to 3 April 2013, MIN12.177.

Council resolved on 26 October 2012 (MIN12.1170) to defer the interest payments for 6 months from 3 October 2012 or until the Environmental Assessment Plan is approved by the Department of Planning and Infrastructure whichever occurs the earlier.

The NSW State Government has been assessing the proposed development of Comberton Grange under Part 3A Application and the exhibition of the EAP by the Department of Planning and Infrastructure has now occurred. The mortgagor has now requested Council to defer the payment of principal and interest due on 3 April 2013 to allow the outstanding issues to be resolved.

FINANCIAL IMPLICATIONS:

The 2012/13 Budget has an amount of \$200,000 in Interest on Investments revenue accruing from this mortgage arrangement. Council is owed an amount of \$4,750,000, and the interest payable on this mortgage is calculated to be as follows:

Interest from 3/4/12 – 3/10/12	\$75, 554.23
Interest from 3/10/12 – 3/4/13	\$73, 076.70
Interest from 3/4/13 – 30/6/13	\$51,722.14

Total Interest due in 12/13	\$200,353.07
-----------------------------	--------------

If Council agrees to the latest extension of time in this matter, the 2012/13 Budget will be short by an additional amount of \$200,000. This potential shortfall was flagged with Council as part of the December Budget Review, and comes on top off a reduction of \$300,000 in Interest on Investment revenue due to falling interest rates.

This shortfall will mean that the 2012/13 Budget is projected to be in deficit by an amount of \$978,000 by the end of June 2013. Council will need to take definite steps to address this projected budget shortfall by either further reducing operating expenditure or deferring capital works projects.

Council had also budgeted on receiving the principal payment of \$4,750,000 and transferring this amount into the Strategic Projects Reserve in April 2013. If this does not

occur, the transfer to the Strategic Project Reserve will need to be deferred until 2013/14, and the budget adjusted accordingly.

R.D Pigg
GENERAL MANAGER

ADDENDUM REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 26 MARCH 2013

FINANCE AND CORPORATE SERVICES

1. Draft List of Fees, Charges and Rentals 2013/2014

File 44691E

PURPOSE: 4.5.1.10 Review and implement Council's Revenue Policy in accordance with statutory requirements

As part of Council's Revenue Policy, a list of Fees and Charges is required to be prepared and placed on public exhibition along with the other components of the Draft Delivery Program and Operational Plan.

RECOMMENDED that Council adopts the 2013/2014 draft list of Fees, Charges and Rentals with amendments as listed in this report for placement on public exhibition for a period of 28 days from Wednesday 3rd April 2013.

OPTIONS AND IMPLICATIONS

Option 1:

Adopt the recommendation and include the below stated changes

Option 2:

Not adopt the recommendation and request further review

Option 3:

Adopt the recommendation and not include the below stated changes which also includes the new "out of area" disposal surcharge of 25%

REPORT DETAILS

The following documents in relation to the proposed Fees and Charges for 2013/2014 were distributed at the Councillors' Briefing on the 2012/13 Budget held on Monday 11 March 2013:

- A list of Amended and Proposed New Fees and Charges. This lists new fees as well as fees which may replace a previous fee or charge structure.
- A list of fees and charges where there has been a decrease or increase above 5%.

- A full list of all proposed fees and charges. This listing will be produced in a final format after adoption of the final listing.

Suggested changes made to the initial 2013-14 Draft Fees and Charges document distributed to Councillors at the Budget Briefing on Monday 25 March 2013 are as follows:

City Services and Operations Group

Aquatics and Leisure Centres

Memberships

- Complete Fitness - 12 Month Membership – Adult increases from \$740 to \$762
- Complete Fitness - 12 Month Membership – Concession – increases from \$665 to \$685
- Complete Fitness Direct Debit –Monthly Adult – increases from \$72.00 to \$74.00
- Complete Fitness Direct Debit –Monthly Concession– increases from \$65 to \$67
- Fitness - 12 Month Membership –Adult – increases from \$645 to \$664
- Fitness - 12 Month Membership –Concession – increases from \$580 to \$597
- Fitness - Direct Debit Monthly – Adult increases from \$63 to \$65
- Fitness - Direct Debit Monthly – Concession increases from \$56 to \$58
- Aquatic Plus Membership – 12 month Adult – increases from \$550 to \$566
- Aquatic Plus Membership – 12 month Concession – increases from \$495 to \$509
- Aquatic Plus Membership – Direct Debit – Adult increases from \$54 to \$56
- Aquatic Plus Membership – Direct Debit – Concession increases from \$48 to \$50
- Aquatic - 3 Month Membership – Adult increases from \$165 to \$170
- Aquatic - 3 Month Membership – Concession increases from \$125 to \$129
- Aquatic Membership - 12 Month – Adult increases from \$400 to \$412
- Aquatic Membership - 12 Month – Concession increases from \$360 to \$370

Learn to Swim

- Learn to Swim & Survive - Parent and Babies decreases from \$13.20 to \$13.00 per class
- Learn to Swim & Survive – Preschool and School Age decreases from \$13.20 to \$13.00 per class
- Learn to Swim & Survive - 3rd and subsequent child enrolled per family receive 25% discount decreases from \$9.90 to \$9.75 per class

Waste Management

Waste Charges

Domestic/Commercial/Non Rateable Waste Management Service (Recycling and Garbage) –

80ltr bin -	Annual charge decreases from \$220 to \$218 Quarterly (Pro rata) Charge decreases from \$55 to \$54.50
120ltr bin -	Annual charge decreases from \$285 to \$281 Quarterly (Pro rata) Charge decreases from \$71.25 to \$70.25
240ltr bin -	Annual charge decreases from \$500 to \$489 Quarterly (Pro rata) Charge decreases from \$125 to \$122.25

Tipping Fees

Disposal of waste at Councils landfill from surrounding Local Government Areas be discouraged by placing an “out of area” surcharge of 25% above the applicable charge at all Recycling and Waste Depots

Resourcing Implications – Financial, Assets, Workforce:

Council's fees and charges make up a significant proportion of Council's total revenue and ensuring that all fees and charges are set at the appropriate level is an important exercise.

Community, Environment (ESD), Economic and Governance Impact:

The community will have an opportunity to provide input to Council in regard to the setting of Fees, Charges and Rentals for the period 2013 – 2014.

P.J. Dun
DIRECTOR, FINANCE AND CORPORATE SERVICES

R.D Pigg
GENERAL MANAGER