

**SHOALHAVEN CITY COUNCIL**  
**ORDINARY MEETING**

To be held on Tuesday, 23 April, 2013  
Commencing at 4.00 pm

17 April, 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, 23 April, 2013 commencing at 4.00 pm** for consideration of the following business.

R D Pigg  
**General Manager**

**Membership**  
All Councillors

**BUSINESS OF MEETING**

1. **Opening Prayer** – Reverend Martin Schultzer – Nowra Uniting Church
2. **Acknowledgement of Traditional Custodians**
3. **Australian National Anthem**
4. **Apologies/Leave of Absence**
5. **Confirmation of Minutes**  
Ordinary Meeting – 26 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 – 9 April, 2013  
Report of the Policy and Resources Committee – 16 April, 2013  
Report of the Nowra Pool Advisory Committee – 28 March, 2013  
Report of the Nowra CBD Action – 8 April, 2013  
Report of the Council Property Steering Committee – 9 April, 2013  
Report of the Crookhaven Heads Lighthouse Steering Committee – 10 April, 2013
11. **Report of the Shoalhaven Traffic Committee – 9 April, 2013**
12. **Report of the General Manager**  
Finance & Corporate Services
13. **Notices of Motion and Questions on Notice**
14. **Addendum Reports**
15. **Confidential Report of the General Manager**  
Report of the Policy and Resources Committee – 16 April, 2013  
Report of the Council Property Steering Committee – 9 April, 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.

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**MAYORAL MINUTE**  
**ORDINARY MEETING**  
**TUESDAY, 23 APRIL 2013**

**1. Shoalhaven Heads Community Strategic Plan**

**File 46953e**

**PURPOSE:** At the request of Shoalhaven Heads Community Forum to present the Community's strategy for the future.

**RECOMMENDED that**

- a) Council endorse *Shoalhaven Heads - Our Future - A Strategy* as a guidance document for Council to pursue projects in Shoalhaven Heads and surrounds;
- b) The General Manager nominate Council contacts for each of the seven "Strategy" areas to enable an ongoing constructive dialogue between Council and the Shoalhaven Heads CCB;
- c) Council consider funding of "Immediate Priority Projects" identified in the document within the 2013/2014 budget;
- d) Staff report back at the conclusion of the budget public exhibition period with cost estimates of the "Immediate Priority Projects" to be considered; and
- e) Council explore opportunities for ongoing funding to be designated to Shoalhaven Heads for implementation of projects from the document.

**DETAILS**

# I had the pleasure of attending the recent consultation event and launch of the Shoalhaven Heads Our Future Strategy on Sunday, 7 April 2013. The event was entirely organised by the Shoalhaven Heads Community Forum - being the Community Consultative Body for the area. More than 120 local residents attended, being one of the largest turn-outs I've seen for this type of planning event for a long time.

But this Shoalhaven Heads Strategy goes back further than that. Around six months ago, the Shoalhaven Heads Community Forum began a process of organising themselves and establishing a clearer and stronger working relationship with Council. The Forum organised surveys which were distributed to the community and which resulted in over 100 surveys being returned, with many ideas and aspirations for the future. In a short space of time the Forum turned these ideas into a draft Strategy which was presented to Council on our village visit on 7 February 2012.

I must say that we were very impressed by the way the community had consulted, organised and presented the information. To then take the document present it to the community and to seek further detailed confirmation of the priorities for the community is

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an asset to the Forum and a real example of how communities can work together and with Council. It is now important that Council respond to this positive outcome from the community and to identify the opportunities that are within our powers to help to deliver it. We have wonderful staff that can assist and work with the community and I hope that these relationships can blossom under the auspice of the Strategy.

I congratulate the Shoalhaven Heads Community Forum. I think it is a wonderful document that provides some clear opportunities of how Council can work with the Forum to deliver the community's aspirations and I happily seek its endorsement by Council for this purpose.

#### **FINANCIAL IMPLICATIONS:**

The financial implications need to be assessed in a future report to Council detailing cost estimates for the immediate priority projects.

#### **COMMUNITY ENGAGEMENT:**

The strategy has been developed by the Community Forum after extensive consultation and impact by the Public.

**Councillor Joanna Gash**  
**Mayor**

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## **REPORT OF GENERAL MANAGER**

### **ORDINARY MEETING**

**TUESDAY, 23 APRIL 2013**

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

##### **DEVELOPMENT COMMITTEE – TUESDAY 9 APRIL 2013 (ITEMS 1 to 4)**

###### **Strategic Planning and Infrastructure**

1. Paper Subdivision Remnant, Erowal Bay File 5320E, 31157E (PDR) [Index](#)

RECOMMENDED that:

- a) The General Manager's report (Strategic Planning & Infrastructure) on Paper Subdivision Remnant, Erowal Bay, be received for information;
- b) Council consider the possible rezoning of the land to an appropriate environment protection zone as part of the finalisation of draft LEP 2013, and if possible, include this resolution in the exhibition of the draft LEP 2013.

2. Shoalhaven Contributions Plan 2010 Reform – Action Plan  
File 46506E, 1057E, 22638E, 15164E (PDR) [Index](#)

RECOMMENDED that

- a) Council adopts the actions detailed in this report (all actions listed in Attachment 'G' to guide reform of Shoalhaven Contributions Plan 2010);
- b) Council not proceed to prepare a draft amendment to Shoalhaven Contributions Plan 2010 to include footpaths and cycleways, however seeks alternative funding sources for this infrastructure;
- c) Council not proceed to prepare a draft amendment to Shoalhaven Contributions Plan 2010 to include kerb and gutter construction, however seeks alternative funding sources for this infrastructure;
- d) A further report be presented to the Development Committee on the options for a fee approach to be applied to the provision of kerb and gutter;
- e) Council continues investigations to review the scope of works for some contributions projects and to make some contribution projects inactive as identified in this report and Attachment F
- f) Council receives a briefing on the actions detailed in this report which are to guide reform of Shoalhaven Contributions Plan 2010.

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## **Development and Environmental Services**

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 Development Control Plan 91 (Amendment No 2) - Single Dwellings and Ancillary Structures be adopted as exhibited, subject to the deletion of Criteria A2 and A3 in Clause 2.1.1 in the draft amendments and reconfirming the existing provisions.

4. Temporary Fencing, Signage & Advice to Adjacent Property Owners – Dilapidated Buildings containing Asbestos File 1538E [Index](#)

RECOMMENDED that in cases where a property is identified as containing a vacant dilapidated or fire-damaged building that potentially poses an asbestos hazard Council, prior to commencing actions for the removal of the hazard:

- a) Erect temporary barrier fencing in the road reserve adjacent to the boundary(s) of sites adjoining a public place;
- b) Erect signage on the temporary barrier fencing warning that the site contains a potential hazard from asbestos; and
- c) Advise owners of properties located within 100m of the site of the potential hazard and recommend appropriate precautions be taken.

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## **POLICY & RESOURCES COMMITTEE – TUESDAY 16 APRIL 2013 (ITEMS 5 to 39)**

### **Strategic Planning and Infrastructure**

5. Currarong Boat Launching Ramp (Yalwal St) – Navigation Aids, Lighting and Walkway.  
File 4007E [Index](#)
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#### **RECOMMENDED that:**

- a) Council investigate a low cost design option for a boat ramp walkway;
- b) The provision of this low-cost boat ramp walkway on the south-east elevation be included in Council's Waterways infrastructure Asset Management Plan and be funded to the extent \$30,000 in the 2013/14;
- c) The General Manager report to Council on options for alternative funding and low cost design investigation;
- d) The endorsement of a single light to make safer the emergency use of the ramp boat ramp; and
- e) Council advise RMS of the results of the community consultation process and, if requested, grant consent as reserve Trust Manager for the installation of navigation aids on the foreshore reserve.

6. Shoalhaven River New Boat Launching Site Investigation File 45127E [Index](#)
- 

#### **RECOMMENDED that:**

- a) The report be received for information;
- b) The General Manager undertake negotiations with Roads and Maritime Services on alternate uses of the grant funding; and
- c) Council formalise changes to its adopted policy position with the Upper Shoalhaven option taken out of the waterways safe boating plan.

7. Draft Thomson Street Sporting Complex Master Plan File 44791E [Index](#)
- 

#### **RECOMMENDED that:**

- a) Council endorse the draft Thompson Street Master Plan, Option 1 and Option 2, for public exhibition for a period of 28 days;
- b) Council staff inform stakeholders, including the local CCB, the Community Committee, the Management Committee and neighbouring residents of the public exhibition period;
- c) Council receive a final report after the public exhibition period; and
- d) The draft Thomson Street Master Plan not be accepted until a site visit with Councillors, relevant senior staff and stakeholders has been undertaken.

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8. Proposed Local BMX Track Curleys Bay Reserve Prince Edward Avenue Culburra Beach  
File 29129E [Index](#)

RECOMMENDED that the matter be deferred pending a site meeting with Councillors, relevant senior staff and stakeholders.

### **Finance and Corporate Services**

9. Banking and Bill Payment Services Tender File 46384E [Index](#)

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

10. Tender – Provision of Legal Services 2013 - 2016 File 46914E [Index](#)

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

11. Review of Revenue Rates & Charges Policies File 31052E, 10945E, 20962E [Index](#)

RECOMMENDED that Council reaffirm the following policies:

- a) Rates – Overdue Interest Rate – POL12/144
- b) Rates and other Monies – Delegation of Authority to Write Off – POL12/145
- c) Rates Hardship Policy – POL13/2
- d) Debt Recovery Policy – POL13/1

12. Review of Purchasing and Fleet Policies File 5701E, 4092E, 16352E [Index](#)

RECOMMENDED that Council:

- a) Reaffirm the following Policies:
  - i) Purchasing – Acceptance of Tenders – Reports to Council POL12/148;
  - ii) Tender Evaluation Policy – POL13/20;
  - iii) Statement of Business Ethics – POL12/288;
  - iv) Local Preference Policy – POL12/10; and
  - v) Plant Replacement Reserve – POL12/143;
- b) Review Purchasing Policy – POL12/101 to consider incorporating social responsibility preferencing and to reconsider the current local preferencing provisions.

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13. Shoalhaven Entertainment Centre Hiring Policy File 35525E [Index](#)

RECOMMENDED that Council adopt the Shoalhaven Entertainment Centre Hiring Policy (POL12/283) with amendments as shown in this report.

14. Shoalhaven Entertainment Centre Sponsorship Policy File 35525E [Index](#)

RECOMMENDED that Council adopt the Shoalhaven Entertainment Centre Sponsorship Policy (POL12/286) with amendments as shown in this report.

15. Review of Mayor's Relief Fund Rules File 3926E [Index](#)

RECOMMENDED that Council adopts the amended Mayor's Relief Fund Rules – Policy 12/140 in accordance with the recommendations of the report.

16. Review of Investment Policy File 23767E [Index](#)

RECOMMENDED that Council adopts the amended Investment Policy – Policy POL12/11 in accordance with the recommendations of the report

17. Proposed Changes to Boundaries for the Business Nowra Rating Category  
File 2973E [Index](#)

RECOMMENDED that Council

- a) Adjust the boundaries of the Nowra CBD for rating purposes as detailed in the report;
- b) Contact each affected property owner notifying them of their change in rating category as in accordance with the relevant provisions of the NSW Local Government Act 1993; and
- c) Publicly exhibit the amended plan during the draft budget exhibition period.

18. Draft Budget 2013/14 File 46023E [Index](#)

RECOMMENDED that Council

- a) Adopts the 2013/14 Draft Budget and includes it as part of Council's Draft Delivery Program and Operational Plan for public exhibition for a period of 28 days from Friday 26<sup>th</sup> April 2013; and
- b) Include the IRIS survey of informed community members as part of the community consultation process for public engagement.

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## City Services and Operations

19. Shoalhaven Bereavement Services - Industry Recycling Initiative File 7805E [Index](#)

RECOMMENDED that:

- a) Metals recovered from cremations and cast bronze accumulated at Council's Crematorium at Shoalhaven Memorial Gardens & Lawn Cemetery be recycled;
- b) A disclosure statement be provided to cremation applicants that Shoalhaven City Council participates in a recycling program for metals recovered from cremations;
- c) Cremation applicants be given the option of not participating in the metals recycling program; and
- d) Revenue from the metals recycling program is to be distributed among suitable charities (determined by the Mayor).

20. Acceptance of Environmental Trust Grant Funds File 1538E, 17261E [Index](#)

RECOMMENDED that Council:

- a) Accept the "Emergency Pollution and Orphan Waste Clean-up Program" grant funding offer of \$8,000 to undertake removal of asbestos on Council land within the Heritage Estates (Birriga Avenue road reserve) Worworing Heights;
- b) Vote the funds to job number 49003-38042; and
- c) Write to EPA thanking it for its cooperation and funding assistance towards this cleanup work and advising that Council accepts the grant funds offered.

21. Review of Emplacements of Plaques and Artefacts in Parks and Reserves Policy  
File 27803E [Index](#)

RECOMMENDED that Council adopt the Parks and Reserves – Emplacement of Plaques, Artefacts & Trees Policy (POL12/179) with amendments as detailed.

22. Review of Smoke Free Outdoor Sporting Facilities and Playground Policy  
File 4538E [Index](#)

RECOMMENDED that Council rescind the Smoke Free Outdoor Sporting Facilities and Playgrounds Policy (POL12/214).

23. Ratepayer Advance 12 & 14 Derwent Street Callala Bay File 46136E [Index](#)

RECOMMENDED that Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with:

- a) Michael P Donnici & Christie A Wood of Lot 49 DP 10209 – 12 Derwent Street, Callala Bay in respect of Kerb and Gutter construction to the value of \$4,477.00 of which \$1,104.40 (including GST) is a contribution, \$3,372.60 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$4,215.75; and

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- b) Peter J & Patricia Robinson of Lot 50 DP 10209 – 14 Derwent Street, Callala Bay in respect of Kerb and Gutter construction to the value of \$4,961.33 of which \$1,223.88 (including GST) is a contribution, \$3,737.45 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$4,671.82.

### **Strategic Planning and Infrastructure**

24. Petition - Dredging of Sand from Navigation Channels in Sussex Inlet  
File 11229E, 3420E [Index](#)
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#### **RECOMMENDED that:**

- a) Council make representations through the Member for South Coast, The Hon Shelley Hancock to the Minister for Roads and Ports for channel clearance dredging to improve the navigation channels in Sussex Inlet, on the same basis as the dredging of the Clyde River;
- b) Council make representations to the Member for South Coast, The Hon Shelley Hancock to organise a meeting with the Minister for Primary Industries to discuss options available and secure a pre-approval for a commercial sand dredging operation to remove sands and debris from the navigation channels in Sussex Inlet; and
- c) Following the meeting with the Member for South Coast and the Minister for Primary Industries, a report on this matter be prepared for Council on how to proceed.

25. Notification of Upcoming Conference – FMA National Floodplain Management Conference  
File 4355E [Index](#)
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#### **RECOMMENDED that:**

- a) Council notes the details of the forthcoming conference, Floodplain Management Association National Floodplain Management Conference, Scheduled for 28 – 31 May 2013, at Tweed Heads NSW;
- b) Council authorises available Councillors to attend the conference and such attendance be deemed Council Business;
- c) Council meets the travel, registration fees, accommodation and all reasonable out-of-pocket expenses in accordance with its adopted policy; and
- d) Councillors attending the conference provide a written report within 30 days of returning from the conference.
- e) Cllr White and Kearney be nominated as voting delegates.

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26. Recreation and Community Facilities Policy Review  
File 29439E, 27502E, 16417E, 12843E, 12623E, 29624E [Index](#)
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RECOMMENDED that:

- a) Council rescind public policy POL08/378, Sports Tourism – Upgrading Sporting Facilities, for reasons expressed within the report;
- b) Council reaffirm the following public policies:
  - i) POL12/237, Provision of Local Area BMX Circuits Policy, without amendment;
  - ii) POL12/274, Provision of Skate Parks, without amendment;
  - iii) POL12/276, Icon Park, without amendment;
  - iv) POL08/377, Sporting Groups Communications, without amendment and
  - v) POL12/213, Park Enhancement, without amendment.

27. Ulladulla Sporting Complex – Office of Liquor Gaming and Racing - Upgrade Grass Courts  
File 27507e [Index](#)
- 

RECOMMENDED that:

- a) Council accept the \$50,000 funding from the Milton-Ulladulla Ex-Servos Limited as part of terms and conditions set by the Office of Liquor Gaming and Racing for additional gaming machines;
- b) Council invoice the Office of Liquor Gaming and Racing \$25,000 in April 2013 and \$25,000 in April 2014;
- c) Council allocate the funds to budget number 82568 to undertake capital work at Ulladulla Sports Park as identified in the terms and conditions set by the Office of Liquor Gaming and Racing;
- d) Council consolidate the funds to capital project savings in budget number 82568, Ulladulla Netball Court Resurface, to assist in the delivery of two additional hard courts and that any further savings be utilised in the delivery of additional assets identified within the report;
- e) Council revoke the funds in budget number 82568 as an identified Capital Delivery Project in 2013/14; and
- f) Council commence detailed design to construct two hard netball courts that incorporates an all weather cover from budget number 82568.

28. Carbon Management Framework  
File 45185e [Index](#)
- 

RECOMMENDED that Council:

- a) Receive and note the report on carbon management by the Sustain Group for information;

- 
- b) Set a target to reduce Council's energy consumption by 10% based on the 2012 Sustain Groups audit;
  - c) Acknowledge that energy use reduction initiatives may require funding and should be included in Operational Plans;
  - d) Support the inclusion of an energy management role/function within the Council organisation to identify savings and efficiency improvement options and that this be reflected in the Organisation restructure;
  - e) Seek to maximise resource use reduction measures through a range of actions including those identified in the Sustain Groups report;
  - f) Receive a further report after the 2013 Federal Government election to consider the carbon price scheme status and appropriate Council response and actions.

29. Voyager Memorial Park Huskisson – Revised draft Master Plan File 2893E [Index](#)

RECOMMENDED that Council:

- a) Adopt the revised Voyager Memorial Park Master Plan;
- b) Allocate \$10,000 from existing budgets in the 2013-14 budget to support detail design of the Remembrance Court, in preparation of significant memorial services; and
- c) Implement strategies as identified when funding becomes available.

**Shoalhaven Water**

30. Water Account Assistance - Dean's Gap Fire Affected Properties File 2213E [Index](#)

RECOMMENDED that a rebate on water usage charges be provided to those fire affected properties adjacent to bushland and connected to town water, in accordance with the calculation described in this report.

31. Acquisition of Easement for Sewer Rising Main at Worrowing Heights File 46478E [Index](#)

RECOMMENDED that:

- a) Council resolves to acquire the Easement for Sewer Rising Main over Lot 31 DP854370 at Worrowing Heights, as shown on copy of that plan, marked 'Attachment A'.
- b) Council pays compensation of \$500 and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Wastewater Fund.
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.

- 
32. Acquisition from Greek Orthodox Church at Worrowing Heights File 45239E [Index](#)

RECOMMENDED that:

- a) Council resolve to acquire the Easement for Sewer Rising Main 6 wide over Lot 1 DP807033 at Worrowing Heights, as shown on copy of DP647047, marked 'Attachment A'.
- b) Council pay compensation of \$1,900, plus GST, and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Wastewater Fund.
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.

33. Review of Shoalhaven Water Group Policies - Round 5 File 12039E [Index](#)

RECOMMENDED that:

- a) Council adopt the Public Policy, "Drinking Water Quality Policy", with minor changes as detailed within the report;
- b) Council place on public exhibition and seek submissions on the Local Approvals Policy, "Cross – Connection Control and Backflow Prevention Policy" with proposed changes as detailed within the report:
  - i) Should Council receive no submissions or submissions that would mean minor alteration to the policy then the policy be deemed adopted at the conclusion of the submissions period.
  - ii) Should Council receive submission(s) that are considered to have a significant effect on the policy then a further report be presented to Council.

### **City Services and Operations / Finance and Corporate Services**

34. Proposed Changes to Relationship between Council and SES File 2429E, 28875E [Index](#)

RECOMMENDED that Council:

- a) Approve the transfer of Council owned SES operational vehicles to the SES at Council's proportion of the market values agreed to by both the General Manager and the SES;
- b) Apply all existing SES operational budgets no longer required to its operational savings target; and
- c) Authorise the General Manager to sign on behalf of Council the Partnership Agreement between the NSW State Emergency Service and Shoalhaven City Council.

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## **Finance and Corporate Services**

35. Draft Delivery Program 2013 - 2017 & Operational Plan 2013 - 2014 File 45907E [Index](#)

RECOMMENDED that the draft Delivery Program 2013 – 2017 and Operational Plan 2013 – 2014 be:

- a) Endorsed for the purposes of community consultation together with other elements of the Operational Plan 2013 – 2014; and
- b) Considered further by Council following the conduct of a community consultation program and receipt of community responses, prior to adoption of the final Delivery Program 2013 – 2017 and Operational Plan 2013 – 2014.

## **Strategic Planning and Infrastructure**

36. Proposed Licence to Optus Mobile Network Pty Ltd – Flat Rock Filtration Plant , 82 Filter Road, West Nowra File 42531E [Index](#)

Clr White – Addendum Report 3, Item 3 – Proposed Licence to Optus Mobile Network Pty Ltd – Pecuniary Interest – Due to being a former Telstra licensee and still receiving remuneration from Telstra – left the room.

RECOMMENDED that:

- a) Enter into a Licence with Optus Network Pty Ltd over Part Portion 327 DP755952, known as 82 Filter Road, West Nowra, for a commencing rent of \$19,000p.a., plus GST, and subject to annual rent reviews of 5% from 15 May, 2013 for 5 years with 3 by 5 years consecutive licences to follow.
- b) Delegate authority to the General Manager to finalise negotiations in relation to the occupancy licence with Optus;
- c) The Common Seal of the Council of the City of Shoalhaven to be affixed to any documents required to be sealed and that otherwise the General Manager is authorised to sign any documentation necessary to give effect to this resolution.

## **Development and Environmental Services/Strategic Planning and Infrastructure/City Services and Operations**

37. Policy (POL08/232) – Tree Management Policy – Coastal Areas File 7378E [Index](#)

RECOMMENDED that Council:

- a) Adopt the proposed changes to the Tree Management Policy to enable the exemptions to be applied to private foreshore land under DCP 62 and reaffirm the remainder of the policy;
- b) Amend the Tree Preservation Order and gazette the changes;
- c) Advice be forwarded to all owners of affected private foreshore land of the changes and in particular when approval will still be required; and

- 
- d) Carry out a further review of the Tree Management Policy prior to the gazettal of the Draft LEP 2013 to facilitate the preparation of a draft Development Control Plan (DCP) for tree management to enable a suitable transition from the current regulatory regime.

### **General Business**

38. Additional Item – Ulladulla Civic Centre – Furniture and Fittings File [Index](#)

RECOMMENDED that Council

- a) Undertake an Expression of Interest process inviting community groups to outline their requirements to access furnishings fittings and other materials no longer used by the Ulladulla Civic Centre; and
- b) Receive a report on the matter.

39. Additional Item – CBD & Town Centre Design & Development Conference File [Index](#)

RECOMENDED that:

- a) Council notes the details of the forthcoming conference CBD & Town Centre Design & Development Conference, scheduled for 19 and 20 June, 2013, at The Menzies, Sydney;
- b) Council authorises available Councillors to attend the conference and such attendance be deemed Council Business;
- c) Council meets the travel, registration fees, accommodation and all reasonable out-of-pocket expenses in accordance with its adopted policy; and
- d) Councillors attending the conference provide a written report within 30 days of returning from the conference.

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## NOWRA POOL ADVISORY COMMITTEE – THURSDAY 28 MARCH 2013 (ITEMS 40 to 41)

### Finance and Corporate Services

40. Membership Request File 43815E [Index](#)

RECOMMENDED that the Nowra Pool Advisory Committee accept Mr David Goodman as a representative for both Nowra CBD Action and the Shoalhaven Business Chamber.

### Strategic Planning and Infrastructure

41. Nowra Pool Upgrade - Finalisation of Design and Estimate of Cost File 43815E [Index](#)

RECOMMENDED that

- a) The following be included in the scope of works for the Nowra pool upgrade:
- Replacement of existing 7 lane pool with a 9 lane (23m wide 50m long) pool, in the same location and with the same orientation, of reinforced concrete and tiled construction;
  - Pool profile with 1.85m at 'deep' end and 1.35m at 'shallow' end that meets the FINA standards for national swimming competitions and national water polo;
  - A 'wet deck' gutter system to 50m pool;
  - Provision of a new reticulation system to the 50m pool which will also service the existing waterslide pool in accordance with Public Health Act provisions;
  - Provision of a new reticulation system for the existing wading pool which will also be suitable for a future 'splash pool/pad' water play area in accordance with Public Health Act provisions;
  - Construction of a 3m clear width coloured concrete concourse around the 50m pool;
  - Construction of a new plant building to house pumping, filtration, heat pumps, chemical dosing, and control equipment with separate reticulation systems for the new 50m pool/existing waterslide pool and the wading pool;
  - Provision of Evacuated Tube solar heating;
  - New heat pumps to be connected to the reticulation systems;
  - Upgrade electricity supply to the site, with Power Factor Correction;
  - Fixed starting blocks at both ends of the pool;
  - New pool 'fit out' including lane ropes, pool blankets, hoist for the disabled, water polo equipment and goals, pool vacuum etc;
  - Removal of existing shade structures at ends of existing pool and their reinstatement after the pool is replaced;
- b) The funds currently voted to this project of \$7,853,705 be reduced by \$1,853,705 to \$6,000,000.

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## **NOWRA CBD ACTION – MONDAY 8 APRIL 2013 (ITEMS 42 to 50)**

### **Finance and Corporate Services**

42. Financing Options for All Day Parking in the Nowra CBD File 38027E & 45446E [Index](#)

RECOMMENDED that:

- a) The General Manager further investigate the borrowing capacity of Council, the sale of surplus Council assets and the commercial revenue possibilities in order to develop a multi storey car park; and
- b) A multi storey car park in the Nowra CBD be included in Council's Long Term Financial Plan.

43. Membership Request File 45446E [Index](#)

RECOMMENDED that Nowra CBD Action accept Mr Stephen Nall's request for membership.

### **City Services & Operations**

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

RECOMMENDED that

- a) The report on Nowra CBD increase cleaning services and re-allocation of budget be received for information;
- b) The current maintenance servicing regime on Sundays be maintained;
- c) The Sunday maintenance service be funded through an adjustment to the mid-week service; and
- d) The above be trialled for 3 months.

45. Nowra CBD Works Area and Schedules File 45446E [Index](#)

RECOMMENDED that a Task Group be established within the Nowra CBD Action to investigate and report to Nowra CBD Action regarding a defined service area and maintenance schedule for CBD works.

46. Draft Nowra CBD Urban Design Master Plan – Next Steps File 39962E, 43128E [Index](#)

RECOMMENDED that:

- a) The report of the General Manager (Strategic Planning & Infrastructure) regarding the implementation of the Draft Nowra CBD Urban Design Master Plan be received for information;

- 
- b) The status of plans/projects for the Nowra CBD be noted;
  - c) A workshop be held comprised of members of Nowra CBD Action and facilitated by Council to recommend projects and priorities to be implemented in the immediate, medium and long-term for the CBD; and
  - d) The outcomes from the Workshop be used as the framework for developing Budget proposals and for monitoring actions within the Nowra CBD.

47. Parking Restriction Options – Graham Street, Nowra

File 2636E, 39962E, 43128E, 2186E [Index](#)

RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) undertake community consultation with a view to installing 1P parking restrictions on the western side of Graham Street, Nowra for a distance of 40m south of the raised threshold and if no adverse impact is identified during the consultation process the matter be referred to the Shoalhaven Traffic Committee for implementation.

48. Relocation of Main Taxi Rank from Junction St Nowra

File 9886E, 2636E [Index](#)

RECOMMENDED that

- a) The General Manager (Director Strategic Planning & Infrastructure) undertakes community consultation with all relevant stakeholders including advertising, on:
  - i) a possible relocation of the main taxi rank (currently in Junction Street) to either of the two locations nominated by Council at its February 2013 meeting, or the location proposed by the Shoalhaven Liquor Accord.
  - ii) a separate proposal of the possibility of increasing the size of the night time taxi ranks at each hotel in the Nowra CBD
- b) A report be submitted to Council following the outcome of the community consultation process.

49. Stewart Place Bus Interchange - Upgrade and Improvements

File 8028E [Index](#)

RECOMMENDED that

- a) An application be made for Country Passenger Transport Infrastructure Grant Scheme (CPTIGS) funding for the construction of accessibility improvements at the Stewart Place bus interchange
- b) Council consults with local bus companies; the Shoalhaven Access Advisory Committee; and Nowra CBD Action requesting their feedback on operational, accessibility and upgrading issues associated with the Stewart Place bus interchange prior to the CPTIGS application being made.

# RECOMMENDED that the

- a) No “Graffiti Free” definition be adopted; and
- b) Nowra CBD Action endorse the Graffiti Management Policy (POL12/323) for presentation to Council.

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**COUNCIL PROPERTY STEERING COMMITTEE – TUESDAY 9 APRIL 2013  
(ITEMS 51 to 54)**

**Strategic Planning & Infrastructure**

51. Review of Policies - Various File 2895E, 29219E [Index](#)

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# RECOMMENDED that Council:

- a) Adopt Policy POL13/22 – Dealing with Requests for Closure, Sale or Transfer of Council and Crown Roads which supersedes policies POL08/367 and POL12/232; and
- b) Makes the following policies obsolete:
  - i) POL08/367 – Transfer of Crown Road Reserves to Council for Private Property Access; and
  - ii) POL12/232 – Consideration of Requests to Support Closure of Rural Roads.

52. Classification of Land - Various File 3536E, 27440E, 43218E, 35338E, 21687E, SF6559 [Index](#)

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

Schedule A

Legal Description	Locality	Purpose	Minute	Reference
Lot 1 DP874340	Currarong	Currarong Sewage Pumping Station	MIN12.1144	3536E
Lot 1 DP1121863	Bendalong	Lake Conjola Sewage Scheme	MIN12.245	27440E
Lot 2 DP1121990	Bendalong	Lake Conjola Sewage Scheme	MIN12.245	27440E
Lot 2 DP114419	Shoalhaven Heads	Shoalhaven Heads Wastewater Treatment Plant	MIN12.1147	43218E
Lot 3 & 6 DP1116096	Tomerong	Road Widening	MIN12.565	35338E
Lot 3 DP1181431	Ulladulla	Ulladulla Wastewater	MIN02.511	21687E

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Legal Description	Locality	Purpose	Minute	Reference
		Treatment Plant		
Lot 322 DP1176956	South Nowra	Drainage Reserve	Refer note*	SF6559

53. Berry School of Arts - Lease Negotiations - Further Update File 18947E [Index](#)

RECOMMENDED that:

- a) Council cease lease negotiations with Friends of Berry School of Arts, Inc;
- b) Council directly manage the Berry School of Arts but expedite the process to appoint a Management Committee by inviting Expressions of Interest from interested members of the community.
- c) The General Manager write to the Friends of Berry School of Arts and express Council's thanks for preparation of its Expression of Interest for the management of the Berry School of Arts and its commitment to its ongoing management.

54. Berry Community Facilities – Berry Courthouse, Lot 2 DP 199995 - 58 Victoria Street, Berry File 11242E [Index](#)

RECOMMENDED that:

- a) Council grant concurrence to undertaking stakeholder and community consultation regarding sustainable use and effective financial management of community facilities in Berry.
- b) Community consultation to incorporate discussion of retention, use, and occupancy management of the facilities and to determine funding models for the necessary refurbishment, restoration, repair and whole of life maintenance of facilities in Berry.
- c) Consultation to consider the change of use from being all community based to potential of commercial use for the provision of a revenue base that may be directly applied to items in (b).

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**CROOKHAVEN HEADS LIGHTHOUSE STEERING COMMITTEE – WEDNESDAY 10 APRIL 2013 (ITEM 55)**

**Strategic Planning & Infrastructure**

55. Crookhaven Headland Lighthouse Status Report File 42240E, 41571E [Index](#)

RECOMMENDED that:

- a) Crown Lands, Corrective Services and Lighthouses Australia representatives meet within the next 4 weeks to commence facilitating the planning and determine the timeframe for the restoration and commissioning of a contractor to do appropriate sand blasting and spray painting of the lantern;
- b) Crown Lands accept the financial implications for the initial restoration of the Lighthouse lantern; and
- c) Corrective Services provide photographs, taken as part of the restoration, and provide to the Committee for information.

RECOMMENDED that:

- a) A report on the future management of Crookhaven Lighthouse be reported to Council; and
- b) Appropriate representatives from Council and Crown Lands convene to scope the circumstances and conditions required to secure 'in-principle' agreement from Council for the addition of the Lighthouse crown reserve area to the existing crown reserve under Council trusteeship.

RECOMMENDED that the next meeting of the Crookhaven Headland Lighthouse Steering Committee be held in October 2013 or at a date determined by the General Manager.

R.D Pigg  
**GENERAL MANAGER**

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## **SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 9 APRIL MARCH 2013**

### **ORDINARY MEETING**

**TUESDAY, 23 APRIL 2013**

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

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

56. Parking Restrictions - Green Street, Ulladulla (PN 669) File 2947E [Index](#)
- # RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the existing No Parking zones (as detailed in TRAF 2013/15) be adjusted to provide timed No Parking 8.00AM - 4.00PM School Days:
- a) Northern side of Green Street, Ulladulla (west of Camden Street) for a distance of approximately 35m.
  - b) Northern side of Green Street, Ulladulla (east of Camden Street) for a distance of approximately 14m.
57. Intersection of South and St Vincent Streets, Ulladulla (PN 1933) File 2947E [Index](#)
- # RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the installation of the following No Stopping zones (as detailed in plan TRAF 2013/16):
- a) for a distance of 16m on the southern side of South Street, Ulladulla (east of St Vincent Street).
  - b) for a distance of 20m on the western side of St Vincent Street, Ulladulla (south of South Street).
58. No Stopping and Bus zones – McMahons Road, North Nowra (PN 2624)  
File 2932E, 6174E [Index](#)
- # RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the following on the northern side of McMahons Road, North Nowra (as detailed in the attached plan TRAF 2013/17:
- a) extend the existing No Stopping zone adjacent the pedestrian facility at Hanson's Road by approximately 9m to the west.
  - b) install a bus zone (7.00AM – 4.00PM Mon – Fri, 7.00AM - 10AM Sat) adjacent to properties 17-19 McMahons Road (between the driveways) for a distance of approximately 20m.

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59. Parking Restrictions - Isa Road, Worrigee (PN 2926) File 31143E, 28354E [Index](#)

# RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the installation of the following parking restrictions on Isa Road, Worrigee (as detailed in the attached plan TRAF 2013/18):

- a) No Stopping zone on the northern side of Isa Road in front of house numbers 47-55 (8AM-5.30PM Mon-Fri)
- b) Bus zone (restricted to 2 mins) between the two driveways of the medical centre (approximately 15m).

60. Parking Restrictions - Princes Highway, Ulladulla (PN 2952) File 2947E [Index](#)

# RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the installation of No Stopping zones on the Princes Highway, Ulladulla (as detailed in TRAF 2013/19) at the following locations:

- a) on the eastern side of the proposed shared pathway adjacent to property # 197 Princes Highway, Ulladulla.

61. Parking Restrictions – Shoalhaven City Council - Admin Building car parks (PN 2953)  
File 2636E [Index](#)

# RECOMMENDED that the General Manager (Director Finance ) be advised that the Shoalhaven Traffic Committee has no objections to the proposed visitor 2P and ½P parking restrictions (9AM - 5PM Mon - Fri), as detailed in PLAN 5421-132, for the car parks adjacent to the Shoalhaven City Council administration building on Graham Street, Nowra and the Shoalhaven Entertainment Centre, Bridge Road, Nowra.

62. Centre Linemarking and RRPMS - Kangaroo Valley Road (PN 2929) File 1664E, 28099E [Index](#)

RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the installation of Centre Double Barrier (BB) linemarking and Raised Reflective Pavement Markers (RRPMs) on Kangaroo Valley Road, (between Bundewallah Road, Berry and Wattamolla Road, Berry Mountain) a distance of approximately 12.4 km).

Convenor's Note

After this matter was debated, the Committee members' votes were:

Convenor	- support the recommendation
NSW Police	- support the recommendation
Local State Member of Parliament	- support the recommendation
Road and Maritime Services	- object to the recommendation

If Council decides to proceed with a proposal where the advice of the Local Traffic Committee is not unanimous support, then Council must first advise the RMS and the NSW Police representatives in writing of its intention to approve the proposal. The RMS or the NSW Police may then lodge an appeal to the Regional Traffic Committee.

**Late Note:**

On Monday 22 April 2013 Council were advised by RMS that the Federal Government has approved the variation under the Federal Governments Nation Building Black Spot program for project (Kangaroo Valley Road) that would see the approval for expenditure of funds on guardrail in lieu of line marking and raised reflective markers, and an approved budget increase from \$126,000 to \$141,000 (an additional \$15,000) to ensure the nominated 380m guardrail section (chainage 2.95-3.33) could be completed, in addition to the works at Ben Dooley Road and the signage improvements along the full 12.4km length of Kangaroo Valley Road.

As this information was not available at the Shoalhaven Traffic Committee meeting it is considered that an appropriate recommendation follows. It is understood that the Shoalhaven Traffic Committee would be supportive of this recommendation.

Replacement recommendation:

**RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the installation of guardrail (in lieu of centre line marking and raised reflective pavement markers) on Kangaroo Valley Road in accordance with the approved Nation Building black spot project variation.**

There being no further business, the meeting concluded, the time being 12:15 pm.

Martin Uptis  
CONVENOR

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## **REPORT OF GENERAL MANAGER**

### **ORDINARY MEETING**

**TUESDAY, 23 APRIL 2013**

## **FINANCE AND CORPORATE SERVICES**

### **63. Record of Investments - March 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 31 March 2013 be received for information.**

### **OPTIONS**

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

### **DETAILS**

Council's overall investment performance resulted in a weighted average return of 4.35% (annualised), 131 basis points above the average 90 day Bank Bill Rate of 3.04% (as supplied by CBA).

The Managed Fund Portfolio returned an average 4.45% over the last twelve months while Council's direct investment portfolio posted a weighted average of 4.34%, 130 basis points above the benchmark.

Interest earned on Council's investment portfolio for this financial year to March 2013 was \$3,793,833 compared with \$4,541,642 for the same period last year. The decrease in interest on investments is due to the Council's overall weighted average return decreasing by 123 basis points over the last 12 months.

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

The RBA left the official cash rate unchanged at 3.00% at its March meeting. While the 3 month BBSW rate closed the month at 3.10%, an increase of 0.13% for the month.

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The Australian equity market lost 2.7% during the month with the S&P ASX 200 closing at 4,965.5. The Australian dollar gained 2 cents, buying 1.0419 USD at month end.

## **RECORD OF INVESTMENTS**

### **as at 31st March 2013**

#### **Total Cash And Investments**

Total Cash	1,158,113
Total Investments	<u>101,743,499</u>
	<b><u>102,901,612</u></b>

#### **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	536,909
North Nowra Link Road	779,947
Other Internal Reserves	7,519,810
Section 94	22,487,410
Section 94 Matching Funds	1,698,870
Strategic Projects General	0
Trust	90,145
Waste Disposal	7,211,116
Sewer Compensation	6,568
Sewer Construction Works	2,929,288
Section 64 Water	8,945,312
Water Construction Works	<u>25,198,833</u>
<b>Total Restricted</b>	<b><u>88,355,152</u></b>

#### **Unrestricted Cash And Investments**

General	12,546,460
Water	1,000,000
Waste Water	<u>1,000,000</u>
<b>Total Unrestricted</b>	<b><u>14,546,460</u></b>

<b>SHOALHAVEN CITY COUNCIL</b> <b>STATEMENT OF INVESTMENTS</b> <b>31 March 2013</b>							
<b>DIRECT INVESTMENTS:</b>	<b>Inv</b>	<b>Terms</b>	<b>Maturity</b>	<b>Final</b>			
<b>Institution</b>	<b>Rating</b>	<b>Type</b>	<b>Principal</b>	<b>Interest Rate</b>	<b>(1st)</b>	<b>Maturity</b>	<b>Maturity</b>
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	
ANZ	A1+	FRN	\$2,000,000.00	90	4.36%	22-Apr-13	22-Apr-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	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	
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	
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	
Members Equity Bank	A2	TD	\$1,000,000.00	105	4.35%	19-Jun-13	
Members Equity Bank	A2	TD	\$1,000,000.00	97	4.43%	03-Jul-13	
National Australia Bank	A1+	MATD	\$90,144.80	365	5.03%	30-Jun-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	
National Australia Bank	A1+	TD	\$2,000,000.00	112	4.30%	27-Jun-13	
National Australia Bank	A1+	TD	\$4,000,000.00	119	4.43%	25-Jul-13	
National Australia Bank	A1+	CRD	\$5,000,000.00	31	4.70%	08-Apr-13	08-Apr-14
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	112	4.32%	20-Jun-13	
Westpac Bank	A1+	TD	\$2,000,000.00	118	4.30%	27-Jun-13	
Westpac Bank	A1+	TD	\$2,000,000.00	112	4.31%	27-Jun-13	
Westpac Bank	A1+	TD	\$2,000,000.00	105	4.40%	26-Jun-13	
Westpac Bank	A1+	TD	\$4,000,000.00	112	4.38%	04-Jul-13	
Westpac Bank	A1+	TD	\$2,000,000.00	92	4.35%	28-Jun-13	
<b>TOTAL DIRECT INVESTMENTS</b>			<b>\$97,390,144.80</b>		<b>4.34%</b>		

MANAGED FUNDS	Rating	Inv Type	Carrying Value	Purchase Date	Monthly Return	over last 12 months
CDO Portfolio	NR	CDO	\$2,776,316.71	Various	0.20%	2.36%
Macquarie Income Plus	AAAm	MF	\$1,577,037.40	17/08/2005	0.68%	8.13%
<b>TOTAL MANAGED FUNDS</b>			<b>\$4,353,354.11</b>		<b>0.37%</b>	<b>4.45%</b>
<b>TOTAL INVESTMENTS</b>			<b>\$101,743,498.91</b>		<b>4.35%</b>	
<b>Note:</b> <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 &amp; 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**

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**NOTICES OF MOTION**  
**ORDINARY MEETING**  
**TUESDAY, 23 APRIL, 2013**

**64. Shoalhaven Heads Taskforce - Membership**

**File 45866E [Index](#)**

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

**That Greenwell Point and the Shoalhaven River Natural Resource Management groups be offered positions on the Shoalhaven Heads Task Force Group.**

**Background**

When the taskforce was created there was no representation for any of the other stakeholders to participate in the task force. The Greenwell point community have expressed a desire to participate in the task force as they are a significant river stakeholder group as are the SRNRM.

Signed  
Clr Findley

**65. Greenwell Point Boat Ramp**

**File 29107E [Index](#)**

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

**When maintaining Greenwell Point boat ramp Council factor in the removal of oyster and other shellfish build up.**

**Background**

Greenwell Point residents have pointed out the danger that the current build up of oysters is causing and request they are removed on an annual basis.

Signed  
Clr Findley

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**66. Rates Rise Application****File 46813E [Index](#)**

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

**Council suspend its application for a rates rise until the completion of Councils restructure and that any associated deficit be advertised in the upcoming budget sessions.**

Background

The Council has decided to push ahead with applying for a rate rise with IPART. Should Council receive permission to go ahead with the rate rise it is under no obligation to do so, Many residents have expressed their concerns with the proposed rate rise and requested that Council get its 'house in order' first. Council has promoted to the community the restructure plan and the projected savings. At the completion of this process Council will be able to reassess and fully quantify the amount of operational savings. Council is therefore in the unique position of being able to suspend its rate rise in the current financial year, post a deficit that can be rolled forward into the year that savings will be achieved and spend the proper amount of time and effort in community consultation in preparation for the next budget round. Proper consultation would consist of a citizens jury or similar consultation method that achieves the maximum input from a demographic sample that matches the population.

Signed  
Clr Findley

Note by General Manager:

Council has determined that the additional 4.6% rate rise, above ratepegging, is specifically to be spent on additional road & pathway projects that would otherwise not be undertaken. The list of those projects was included in item 11 of the Policy and Resources Committee agenda of 16 April 2013 and will be part of the public exhibition.

The draft budget has included an anticipated expenditure saving of \$2.5m from Organisation reforms with anticipated costs of \$1m to achieve that result.

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**67. Yerriyong Motor Sports Facility****File 42554E [Index](#)**

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

**That Council arrange for a comprehensive briefing on the Yerriyong Motor sports facility for effected residents including those at Parma and Yerriyong.**

Background

Council has been supporting and assisting in the progressive of a concept for a Motor sports facility for the Yerriyong area. There has been some reportage in the media in respect to this issue but generally residents have been left guessing as to the extent of

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this project. Council needs to prioritise a community briefing for the residents who are possibly affected by this proposed development.

Signed  
Clr Findley

## **68. Coal Seam Gas**

**File 43091E** [Index](#)

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

**Shoalhaven Council write to the Premier Mr Barry O Farrell to express support for the following:**

- **A freeze on CSG exploration and mining**
- **A royal commission into the impacts of CSG development**
- **A ban on fracking**
- **A ban on CSG development in drinking water catchments and on prime agriculture land.**

**# Council also call on the NSW State Government to voluntarily exclude the Shoalhaven from Coal Seam mining exploration and revoke the recent renewal of PEL 469 to Leichardt Resources / Planet Gas as they failed to meet the condition of the license.**

Signed  
Clr Findley

Note by General Manager: Council has previously resolved:

MIN12.1143 - 26 October 2012

*That Council write to Industry & Investment NSW expressing concerns about agricultural land in Shoalhaven being available for mining, and request more consultation and notification regarding the renewal of exploration licences.*

## **69. Reaffirming Support for the Southern Council's Group Statement on Coal Seam Gas**

**File 43091E** [Index](#)

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

**Shoalhaven City Council reaffirm its support for the following statement on Coal Seam Gas.**

***Southern Councils Group express' its concern that the short-term and long-term environmental impacts of Coal Seam Gas (CSG) activities are not well understood, at either a State-wide or regional level.***

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***Southern Councils Group acknowledges there is widespread local community concern about and opposition to CSG in the Illawarra and South Coast.***

***Southern Councils Group urges the State Government to rule out CSG activities in water catchment areas.***

**Shoalhaven City Council notify Southern Councils Group accordingly of the decision of this motion.**

Signed  
Clr Findley

Note by General Manager: On the 20 December 2011 (MIN11.1360) Council had previously resolved:

- a) *Council acknowledges the widespread community concern about Coal Seam Gas activities;*
- b) *Council expresses its concern that the short-term environmental impacts of Coal Seam Gas activities are not well understood, at either a State-wide or regional level;*
- c) *Council commit to opposing Coal Seam Gas exploration in water supply catchments and respond to the Lord Mayor of Wollongong, Councillor Gordon Bradbery OAM, affirming support for this approach; and*
- d) *Council write to the NSW Legislative Council Standing Committee Inquiry into Coal Seam Gas and oppose exploration in water supply catchments, pending better science and understanding of the impacts.*

# The report from the Ordinary Meeting 20 December 2011 is attached for information.

## **70. Stormwater Issue Mitigation at Bawley Point**

**File 1850E [Index](#)**

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

**Council investigate the remediation of stormwater flow restriction issues east of the culvert at 37 Malibu Rd and east of the culvert at the southern entrance of Voyager Crescent, Bawley Point and report back viable options to the community in a timely fashion.**

### Background

The community of Bawley Point / Kioloa through its CCB, The Bawley Point Kioloa Community Association, called a public meeting 8th April 2013 with Council staff to discuss stormwater issues in the village and to propose a way forward for mitigation of two identified drainage problems.

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Following heavy rain, flooding occurs at the southern entry to Voyager Cres (near the Shopping Centre). Currently drainage is slowed down on the western side of Murramarang Rd where the culvert disperses onto private property. Water also stays in the drains for some weeks after rain.

Likewise, following heavy rain, the extent of storm water and run off from several properties in the catchment of the wetland behind 37 Malibu, creates large volumes of water flow which is not able to escape to the back of the dunes of Gannet Beach due to plant build up in the drainage path of the reserve on the eastern side of the road and pipe headwall.

This causes a back up stagnant water and potential mosquito breeding which lasts for several weeks on the property of 37 Malibu and affects a number of residents in the immediate vicinity.

There is a variety of opinion on how the problem should be dealt with amongst the residents, including some who suggest nothing should be done.

The investigation needs to propose options that take into account the environmental sensitivity of the area and discussions with the private landholder near Voyager Cres and 37 Malibu Drive to identify viable actions that will relieve the drainage problems and mitigate flooding impacts following heavy rain.

Signed  
Clr Baptist OAM

Note by General Manager: These issues have been subject to preliminary investigations and some work has been carried out on the upstream areas of these catchments to improve drainage and protect Council's stormwater assets. The downstream areas that are more environmentally sensitive have not been fully investigated as it was considered that approvals from other agencies may be difficult to obtain and any works that can be carried out may be of limited long term benefit. A more detailed investigation of options would identify what works are feasible and better understand the likely benefits. It is unlikely that hard engineering works will be a feasible option in these locations and that softer management options would be more appropriate.

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## **QUESTIONS ON NOTICE**

### **ORDINARY MEETING**

**TUESDAY, 23 APRIL, 2013**

**71. Acknowledgement of Traditional Owners**

**File 3910E** [Index](#)

Can the general manager please advise when the acknowledgement of the Traditional Owners was changed, if there was a process involved i.e. any discussion with Councillors or with the Aboriginal Advisory Group.

Submitted by Clr Findley

**Response**

After the September 2012 elections the Mayor requested a change to the wording for Acknowledgement of Traditional Owners and this change was reflected from October 2012 onwards.

**72. Code of Conduct Complaints – Clrs White & Gash**

**File 4420E** [Index](#)

Can the general manager please advise the cost of recent code of conduct complaints against Clrs White and Gash and which part of Councils budget paid for dealing with the complaints.

Submitted by Clr Findley

**Response**

Costs are as follows:-

Councillor White Complaint	\$3,349.60
Mayor Gash Complaint No. 1	Not yet received
Mayor Gash Complaint No. 2	\$2,541.00

The budget for 2012/13 was \$10,079 plus a revote of \$5,000 = \$15,079. As at 31 March 2013 the expenditure was \$1,993

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## **CONFIDENTIAL BUSINESS PAPER AGENDA**

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

#### **POLICY & RESOURCES COMMITTEE – 16 APRIL 2013**

**1. Banking and Bill Payment Services Tender**

**Reason**

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

**2. Tender - Provision of Legal Services 2013-2016**

**Reason**

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

#### **COUNCIL PROPERTY STEERING COMMITTEE – 9 APRIL 2013**

**3. Redevelopment of Egans Lane Car Park**

**Reason**

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

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, 23 APRIL 2013**

**GENERAL MANAGER – COMMITTEES REPORT**

**POLICY AND RESOURCES COMMITTEE – TUESDAY 16 APRIL 2013**

**1. Council's Revenue Policy & Potential Changes to Rating Structure**

**File 44691E & 2973E**

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# RECOMMENDED that the report be received for information.

R.D Pigg  
**GENERAL MANAGER**

**ADDENDUM REPORT OF GENERAL MANAGER**

**ORDINARY MEETING**

**TUESDAY, 23 APRIL 2013**

**FINANCE AND CORPORATE SERVICES**

**1. Financial Sustainability**

**File 39801E**

**PURPOSE:** Delivery Program Activity: 4.5.4.6

Regularly review Council's Long Term Financial Plan

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

**OPTIONS**

1. Receive the report for information
2. Request a further report with additional information

**DETAILS**

# Council has recently received a report from NSW Treasury Corporation (TCorp) on the Financial Sustainability of the NSW Local Government Sector. Initially TCorp's role was to undertake a financial assessment and benchmarking report for each Council that applied for an interest rate subsidy under the Local Infrastructure Renewal Scheme. The Division of Local Government expanded the scope of TCorp's reports to incorporate additional material to facilitate use by the Local Government Review Panel particularly in respect of the area of financial sustainability. A copy of the TCorp Report is provided in Councillors' Information folder.

TCorp's key tasks in undertaking its work included:

- Creating a definition of sustainability
- Establishing a set of appropriate bench mark indicators
- Developing an assessment methodology including a rating scale and Outlook that could be used to compare Councils against a sustainability definition
- Reviewing both historical financial results and the long term (10 year) financial forecasts of each Council.

TCorp determined that no concise definition of sustainability existed and developed its own definition being:

*“A local government will be financially sustainable over the long term when it is able to generate sufficient funds to provide the levels of service and infrastructure agreed with its community.”*

Shoalhaven City Council's Financial Assessment and Benchmarking Report was issued by TCorp on 5 October 2012 and was provided to Councillors as an attachment to a report to Council's Policy and Resources Committee on 13 November 2012. The findings in the TCorp report were presented to Council at that meeting including highlighting TCorp's assessment of Council's on-going financial sustainability. The TCorp report dated 5 October 2012 also provided Benchmarking and Comparisons with Other Councils in the DLG Group 5 category.

The results from the TCorp report dated 5 October 2012 have now been further analysed and Council has been given a Financial Sustainability Rating (FSR) and Outlook forecast. Shoalhaven City Council has been assessed as having a **Sound** FSR with a **Negative** outlook. This is consistent with the Executive Summary of the report dated 5 October 2012 which stated:

*“However, the Unrestricted Current Ratio, and cash and investment levels drop to very low levels in the medium term which will become a solvency issue. Reductions in spending or increases in revenue sources need to be sought immediately.”*

Definition of a “Sound” Financial Sustainability Rating is:

- A local government with an adequate capacity to meet its financial commitments in the short, medium and long term.
- While it is likely that it may have a record of minor to moderate operating deficits, the local government is expected to regularly report operating surpluses. It is likely able to address its operating deficits, manage major unforeseen financial shocks and any adverse changes in its business with minor or moderate revenue and/or expense adjustments.
- The expense adjustments are likely to result in some changes to the range of and/or quality of services offered.
- Its capacity to manage core business risks is sound.

Definition of a “Negative” outlook is:

- As a result of a foreseeable event or circumstance occurring, there is the potential for deterioration of the local government's capacity to meet its financial commitments (short and/or long term) and resulting change in its rating. However, it does not necessarily indicate that a rating change may be forthcoming.

Some factors which contributed to a Council receiving a Negative Outlook are:

- Forecast poor operating results
- Increasing risks from large developments being undertaken
- No apparent action being undertaken by Council to address financial pressures

- Risks associated with the current status, and potential implications for the Council's finances, of a Council's Asset Management Plan (AMP) which may not be completed to an acceptable standard

### **What does Council need to do to address its Negative Outlook?**

TCorp has provided some recommendations for Council and areas of investigations to assist in improving the sustainability position which include:

- The need to source additional revenue, such as under a Special Rate Variation, to improve financial flexibility and to assist in reducing the Infrastructure Backlog
- For Councils with the borrowing capacity, consider using debt funding to reduce the Infrastructure Backlog and improve intergenerational equity
- Devising programs and strategies to contain rising costs and improve efficiencies
- Further improvement required in AMPs and integration into the Long Term Financial Plan (LTFP)
- Increasing spending on maintenance and infrastructure renewal, balancing this with the need for capital expenditure on new assets

It is important to note that Council has begun addressing each of these recommendations with changes to its financial strategy.

The first recommendation to source additional revenue through applying for a Special Variation has been actioned by Council, and IPART are currently assessing Council's application for a "one off" 8% increase in General Rates revenue.

The second recommendation in regard to borrowing capacity has been dealt with through Council setting itself a KPI to borrow up to a self imposed debt repayment limit of 20% of its General Rate Revenue. Using this KPI, Council is expected to borrow \$89 million of the next 10 years to finance major capital works.

The third recommendation in regard to devising programs and strategies to contain rising costs is being dealt with through Council's Transformation Taskforce, and setting a target of \$7.5 million in operating savings over the next few years.

The fourth recommendation in regard to Asset Management Plans being integrated in the Long Term Financial Plan has been underway for some time, with Council constantly updating its AMP's and feeding this information into it LTFP to identify funding gaps and priorities for expenditure.

The final recommendation in regard to increasing spending on maintenance & infrastructure renewal is part of the updated financial strategy being pursued by Council. Allocating all of the additional revenue projected to be received from the Special Rate Variation to these projects will assist greatly in providing the additional resources necessary.

## **FINANCIAL IMPLICATIONS:**

It is vital for Council to properly address its ongoing financial sustainability, and receiving independent data from TCorp is an important indicator that Council is progressing in the right direction with the changes it has recently made to its financial strategy. Although the changes to financial strategy are difficult and can be a “hard pill to swallow” for both the community and Council as an organisation, they are really important to commit to now, and will position Council well to face the challenges of providing what the community needs in future years.

## **COMMUNITY ENGAGEMENT:**

Council is proceeding to put its Delivery Programme and Operational Plan (DP/OP) on public exhibition for the month of May, and is inviting members of the community to provide feedback by way of submissions. Council has planned public meetings on the DP/OP on Wednesday 1<sup>st</sup> May in Nowra, Wednesday 8<sup>th</sup> May in Ulladulla and Wednesday 15<sup>th</sup> May in Vincentia. The feedback received by Council by way of submissions and comment made at these public meeting will be reported to Council in June to allow the final DP/OP to be adopted with any changes Council resolves to make from the submissions received.

## **CONCLUSION:**

The TCorp report received by Council has a number of recommendations in it to address the **Negative** outlook projected. Council has actively moved to adopt these recommendations by making changes to its financial strategy. It is a major positive that Council has received a **Sound** Financial Sustainability Rating (one of the top 34 Councils in the state), which shows that the organisation has previously adopted a prudent approach to managing its finances, and has made relevant changes to its financial strategy in previous years to achieve this outcome. Council needs to remain open to making changes to its financial strategy to address future needs and ensure that the organisation remains in a sound financial position in years to come.

P.J. Dun  
**DIRECTOR, FINANCE AND CORPORATE SERVICES**

R.D. Pigg  
**GENERAL MANAGER**

**ADDENDUM REPORT OF GENERAL MANAGER**

**ORDINARY MEETING**

**TUESDAY, 23 APRIL 2013**

**STRATEGIC PLANNING AND INFRASTRUCTURE**

**1. Mollymook Surf Club – Superintendent’s Representative**

**File 14557E**

**PURPOSE:**

To consider options for funding the cost of appointing the Superintendent’s representative for the contract management of the Mollymook Surf Life Saving Club redevelopment.

**RECOMMENDED that Council meet the costs of providing a superintendent’s representative to assist Mollymook Surf Life Saving Club from Council’s Public Buildings Programmed Maintenance Inspections Budget allocation.**

**OPTIONS**

1. As recommended.
2. The cost be funded by the project proponent being Mollymook Life Saving Surf Club (MSLSC).

**DETAILS**

Council’s Policy and Reserves Committee of 16 April 2013 considered a report on the status and program of this project and a recommendation from this Committee is to be considered at today’s meeting.

Since that report, it has been confirmed by the MSLSC that the role of the building contracts Superintendent’s representative for the contract can no longer be undertaken by a representative of the MSLSC. Council, as the asset owner can help the Club to undertake this role at cost to Council to facilitate the role for the Club. In consideration of the time frame and current staff resources it is not practical to allocate a staff member; however, Council has sourced an appropriate resource if required.

The role of the Superintendent’s representative is fundamentally to interpret the contract documents and the general conditions of the contract and to interface with the selected builder ensuring delivery in accordance with the documentation, and to advise the principal, in this case the Club, on variations to the contract. Whereas the Superintendent’s representative would act for the Club, being paid by Council would also allow that person or entity to periodically report to the contract Superintendent, which is nominated as the Director, City Services and Operations, and in light of impending Council restructure, may be changed to the General Manager or his representative.

**FINANCIAL IMPLICATIONS:**

The estimated cost of Council providing the Superintendent's representative is expected to be in the vicinity of \$20,000 and can be funded from the "Public Buildings Programmed Maintenance Inspections" budget.

**COMMUNITY ENGAGEMENT:**

No broader community engagement has occurred since the report to Council on 16<sup>th</sup> April 2013 other than with representatives of the MSLSC and Councillors recently

P L Adams

**DIRECTOR STRATEGIC PLANNING & INFRASTRUCTURE**

R.D Pigg

**GENERAL MANAGER**