

## SHOALHAVEN CITY COUNCIL

### ORDINARY MEETING

To be held on Wednesday, 27 January, 2016  
Commencing at 4.00 pm

17 January, 2016

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 Wednesday, 27 January, 2015 commencing at 4.00 pm** for consideration of the following business.

C Krogh  
Acting General Manager

**Membership**  
All Councillors

#### BUSINESS OF MEETING

1. **Opening Prayer** - Rev Vern James – Bomaderry Uniting Church
2. **Acknowledgement of Traditional Custodians**
3. **Australian National Anthem**
4. **Apologies/Leave of Absence**
5. **Confirmation of Minutes**  
Extra Ordinary Meeting– 21 December, 2015  
Ordinary Meeting – 15 December, 2015
6. **Declarations of Interest**
7. **Petitions and Presentations**
8. **Mayoral Minute**
9. **Deputations**
10. **Report of the General Manager – Committees Report**  
Report of the Strategy and Assets Committee – 19 January, 2016  
Report of the Shoalhaven Sports Board – 10 December, 2015
11. **Report of the Shoalhaven Traffic Committee – 12 January, 2016**
12. **Report of the General Manager**  
Corporate and Community Services  
Assets and Works
13. **Notices of Motion and Questions on Notice**
14. **Addendum Reports**
15. **Confidential Report of the General Manager**  
Assets and Works

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

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

#### Cell Phones:

Council's Code of Meeting Practice states that "All cell phones are to be turned off for the duration of the meeting".

# LOCAL GOVERNMENT ACT 1993

## Chapter 3

### Section 8(1) - The Council's Charter

(1) The council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- to promote and to provide and plan for the needs of children
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- to have regard to the long term and cumulative effects of its decisions
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
- to keep the local community and the State government (and through it, the wider community) informed about its activities
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
- to be a responsible employer.

## Wording for Acknowledgement of Traditional Owners

“It is customary to acknowledge country and I do so by paying our respects to elders past and present and acknowledge the unique role Aboriginal people have, and still do play, in the life of Australia today, and to 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**  
**WEDNESDAY, 27 JANUARY 2016**

**1. Additional Public Inquiry Request File 52579E, 50252E**

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**RECOMMENDED that Council receive this report for information**

**DETAILS**

I have just received an email from Greg Wright, Delegate, Kiama & Shoalhaven City Councils proposal, regarding Council's request for an additional evening for a public meeting in the Shoalhaven.

Mr Wright advises that an evening public hearing will be convened in Ulladulla later in February. Mr Wright will confirm a date as soon as it is set.

**2. Lifeguard Service – Hyams Beach File 51369E, 50252E**

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**RECOMMENDED that Council resolve to approve the expenditure of \$12,000 for the Lifeguard service over two weeks in January at peak period time**

**DETAILS**

Over the peak holiday period, I received a phone call from Steve Jones, President, South Coast Branch Lifesaving regarding the sighting of a school of sharks in the shallows near the swimmers at Hyams Beach.

Council rangers had been on the beach after sightings of sharks near the swimmers and contacted South Coast SLS for support and requested advice which was to evacuate the water.

Steve's advice was to place lifeguards on Hyams Beach for two weeks over the peak tourist period in the interest of community safety. This way, trained personnel would watch over the beach and alert the beach attendees to any risk and evacuate them from the water should the need arise. The concern was not so much of a shark attack but more likely a human inadvertently colliding with or treading on a shark in the shallows which in all probability a shark would give a reflex bite and leave the area.

With large schools of sharks seen around Hyams Beach and some sighted among the swimmers in the shallows, along with the response of Councils Rangers and Westpac Life Saver helicopter, it would have meant that without taking the action to place lifeguards on the beach, Rangers & the Helicopter would probably have responded more often over the New Year's Weekend and other good weather days. The crowds were large in Hyams Beach which would require a continuing safety presence. If the lifeguards had not been

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appointed as they were from Friday 1 January and there being a shark bite on a swimmer the media coverage would have been very different and potential criticisms made.

The media coverage has been positive. The key was not to create anxiety, but to keep people calm.

The cost of a second year lifeguard is \$25p/h, working a nine hour day. There has to be two lifeguards on at any one time which amounts to \$450 per day at normal time. A number of days that were covered in this period were public holidays at double time or more.

**3. Thank you – Ann Sudmalis MP – Funding for Duck Creek Bridge, Naval College Road  
File 4347E, 50252E**

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**RECOMMENDED that Council receive this report for information**

**DETAILS**

I would like to thank the Member for Gilmore, Mrs Ann Sudmalis MP for the \$750,000 as part of the Federal Government's Bridges Renewal Program Round 2. Council will match the funding with the total project cost of \$1.6 million.

The funding received from the Federal Member for Gilmore will allow for the timber bridge over Duck Creek on Naval College Road at Worrowing Heights to be replaced with a concrete bridge. The funding also compliments the \$1.5 million that has already been received in blackspot funding from the Federal Government.

**4. Thank you – Deputy Mayor John Wells File 50252E**

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**RECOMMENDED that Council receive this report for information**

**DETAILS**

Thank you Deputy Mayor, Clr John Wells for stepping in for me over the Christmas period while I was away.

**5. Congratulations – Grant Gleeson File 50252E**

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**RECOMMENDED that Council receive this report for information**

**DETAILS**

I would like to congratulate Grant Gleeson on his appointment as Director of Legal Services at the Office of Local Government in Nowra. Grant has been a lawyer at RMB Legal Services for many years and I wish him well in his new venture.

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6. **Thank you**

**File 50252E**

**RECOMMENDED that Council receive this report for information**

**DETAILS**

- **Shoalhaven City Council Staff** - A huge thank you to all staff who worked over the holiday period.

Owing to conflicting functions, thank you to the following Councillors for representing me at these events:

- **Clr Patricia White** – attended the Shoalhaven Heads Community Forum Meeting with RMS
- **Clr Lynnette Kearney** – attended the Shoalhaven Heads Community Forum Meeting with RMS

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7. **Site Visit – Stewart Place**

**File 50252E**

**RECOMMENDED that Council receive this report for information and organise a site visit to Stewart Place to assess the waiting area and bus timetables.**

**DETAILS**

I have received a letter from Mrs Marjorie Kirkby of Vincentia. Mrs Kirkby writes on behalf of not only herself (93 years old), but her 86 year old sister and the lack of inside waiting areas for catching a bus and assistance to help with a bus timetable as the boards are confusing (in Councillors information folder).

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8. **Shoalhaven Australia Day Awards & Citizenship Ceremony, 21 January 2016**

**File 50252E**

**DETAILS**

A very successful Shoalhaven Australia Day Awards and Citizenship ceremony was held at the Ulladulla Civic Centre on the evening of Thursday, 21 January 2015.

The Australia Day Ambassador Richard Whitaker, Chief Meteorologist at Large at SKY News Live. Richard was a very engaging Ambassador and gave an informative speech as well as bringing along a spectacular storm which he had not predicted.

I would like to congratulate the following winners:

Shoalhaven Citizen of the Year & Gold Medal Winner:	Rick Meehan OAM
Young Citizen:	Samuel Dunnett
Silver Winners:	June Spurr & Bill McInnes



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Bronze Winner:

Bill Carter ESM

The Citizenship Ceremony was also a highlight for the evening with 41 conferees making their pledge to become an Australian.

Congratulations also to the staff involved bringing the event together, MC for the evening, Mr Craig Milburn the Australia Day Judging Committee, our sponsors, Nowra Ulladulla Toyota & Milton Ulladulla Ex-Serviceman's Club.

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**9. Australia Day Celebrations across the Shoalhaven 2016**

**File 4033E, 50252E**

**DETAILS**

Australia Day events across the Shoalhaven were in full swing yesterday on Tuesday 26 January 2016.

Together with Clr Tribe and Clr White, I attended the Callala Bay breakfast where to our surprise a special presentation was made to our Council in recognition of our support over the past three years, special mention was made of our proactive staff both inside and outside, in regards to the footpath and Chisholm Street.

Later in the day I visited Nowra Showground which was organised by South Nowra Rotary. Congratulations to them as the weather did not dampen the spirits, in fact the numbers were up on the previous years. Thank you Deputy Mayor, Clr John Wells for making the Australia Day address.

Unfortunately the function at Mollymook had to be cancelled but in a call from the President of the Ulladulla Milton Lions Club that it could well be held at a future date.

The amount of enthusiasm at all locations showed how proud our City is to be Australian.

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**10. Australia Day Honours**

**File 4033E, 50252E**

**DETAILS**

In recognition of the honours bestowed upon Dr Ron Hold OAM, Rear Admiral Anthony Dalton AM and Warrant Officer Gordon Davis CSM, I would like Councils endorsement to write congratulatory letters and to invite them and their partners at a later date in the year to a congratulatory celebration at Council.

**MEDAL (OAM) OF THE ORDER OF AUSTRALIA IN THE GENERAL DIVISION**

- **Dr Ron Holt OAM** for service to tertiary education, particularly in foreign languages.

**MEMBER (AM) IN THE MILITARY DIVISION OF THE ORDER OF AUSTRALIA**

- **Rear Admiral Anthony Dalton CSM RAN** for exceptional service in the field of helicopter acquisition and sustainment in the Australian Defence Force.

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### **CONSPICUOUS SERVICE MEDAL (CSM)**

- **Warrant Officer Gordon Davis CSM** for meritorious devotion to duty as Command Senior Sailor of NUSQN 725 and Senior Maintenance Unit Coordinator during 2013 and 2014.

And whilst he may not be a local, although he visits regularly, I would like to mention Dr Brendan Nelson OAM. Some of you will recall that much of the events and progress at HMAS Albatross started during the period Dr Nelson was Minister for Defence.

**Joanna Gash (Mrs)**  
**Mayor**

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**REPORT OF GENERAL MANAGER**

**ORDINARY MEETING**

**WEDNESDAY, 27 JANUARY 2016**

**GENERAL MANAGER – COMMITTEES REPORT**

***STRATEGY AND ASSETS COMMITTEE – TUESDAY 19 JANUARY 2016***

**Corporate and Community Services**

1. Successful Grant Funding – Community Building Partnership Grants File 39785E

RECOMMENDED that Council:

- a) Accept the NSW Government Community Building Partnership Grants 2015 - \$30,000 'Activating Space' – Moveable Shelving for Nowra Library and \$20,000 for Bomaderry Sporting Complex Astro Turf Wicket
- b) Provide to the GM (Director of Corporate and Community Services) delegated authority to accept the grant funding and acquittal of the funds
- c) Write to the Hon. Shelley Hancock, Speaker of the NSW Legislative Assembly and Member for South Coast and Hon. Gareth Ward Member for Kiama accepting and thanking them for the grant funds.

**Assets and Works**

2. Drainage Works – Wayfarer Drive Sussex Inlet - 2016/17 Operational Plan Budget File 16579E, 49285E

RECOMMENDED that Council allocate \$30,000 in the 2016/17 drainage program to install subsoil drainage in Wayfarer Drive, Sussex Inlet.

3. Release of Easement – 54 Parsons Street, Ulladulla – Lot 11 DP237534 File 52554E

RECOMMENDED that Council:

- a) Resolve to release the drainage easement measuring 3.05m wide over Lot 11 DP237534, known as 54 Parsons Street, Ulladulla, NSW provided all costs are covered by the applicant;
- b) Authorise the General Manager to sign any documentation necessary and the Common Seal of the Council of the City of Shoalhaven be applied where necessary.

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4. Road Closure - Old Golf Course Way, Sussex Inlet – Lot 125 DP528699 File 45196E

# RECOMMENDED that Council:

- a) Resolves to make an application to the Minister administering the Roads Act 1993 to close part of the unformed Council road known as Old Golf Course Way at Sussex Inlet (refer Attachment A);
- b) Resolves to transfer the unformed Council road to Taliac Pty Ltd for consolidation with Lot 125 DP528699 subject to development approval for a senior residential living development;
- c) Authority be given to affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and that the General Manager be authorised to sign any documents necessary to give effect to the resolution; and
- d) All costs associated with the road closure are to be met by the applicant Taliac Pty Ltd.

5. Grant of Lease – Western Freight Management – 21 Norfolk Avenue, South Nowra File 12657E

RECOMMENDED that Council:

- a) Renew the lease with Western Freight Management of Lot 2 DP1137716 for a term of two (2) years with an option for a further one (1) year term;
- b) Authorise the General Manager to endorse any terms of the Lease that may not yet be negotiated; and
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution.

6. Ratepayers Advance Scheme - 22 & 24 Fishery Rd Currarong File 51907E

RECOMMENDED that:

- a) Council enter into a Ratepayers Advance Agreement for 22 Fishery Rd Currarong, executed under the Seal of Council with Marshall Balmain Pty Limited in respect of Kerb and Gutter construction to the value of \$14,638.75 of which \$1,823.57 is a contribution, \$12,815.18 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$16,018.98;
- b) Council enter into a Ratepayers Advance Agreement for 24 Fishery Rd Currarong, executed under the Seal of Council with W L Hannett in respect of Kerb and Gutter construction to the value of \$15,736.88 of which \$1,960.37 is a contribution, \$13,776.51 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$17,220.64;
- c) The project be included in FY16/17 Capital Works Program, with additional funds of \$2,883 to be allocated from Kerb & Gutter Replacement Program; and

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- d) The Common Seal of Council of the City of Shoalhaven be affixed to any documentation required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

7. Funding Options – Intersection Beautification Huskisson and Jervis Bay Roads File 7915E

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RECOMMENDED that Council:

- a) Entrance signage and landscaping works at the intersection of Huskisson and Jervis Bay Roads commence in the current financial year, allocate \$20,000 of existing 2015/16 Streetscapes budget;
- b) Allocate \$5,000 from the Tourism Development budget in 2015/16;
- c) Accept \$20,000 from the Huskisson Chamber of Commerce in 2015/16;
- d) Allocate \$45,000 under the Streetscapes Program in the 2016/17 Operational Plan budget for the completion of the works, and
- e) Operational budgets be increased by \$3,000 for FY16/17 and onwards for the ongoing maintenance of the works

8. Acquisition of Land for Matron Porter Drive Shared Pathway File 51682E, 48363E

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# RECOMMENDED that Council:

- a) Resolve to acquire part of Lot 1 DP1009573 known as 275B Matron Porter Dr Narrawallee, as shown in Attachment A;
- b) Pay compensation of \$2,000 plus GST (if applicable) and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from job number 85583/39903;
- c) If necessary, the compensation be adjusted in accordance with the area of the land determined by final survey; 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 Manger is authorised to sign any documentation necessary to give effect to the resolution.

### **Shoalhaven Water**

9. Acquisition of Easement for Drainage of Sewage at Kings Point File 49830E

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# RECOMMENDED that:

- a) Council resolve to acquire an Easement for Drainage of Sewage 6 wide over Lot 2 DP1063393 and Lot 7306 DP1166723 at Kings Point, as shown by hatching on copy of sketch plan marked Attachment 'A', under the Local Government Act 1993.
- b) Council pay compensation of \$5,500, plus GST if applicable, and reasonable legal and valuation fees associated with the purchase.

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- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.
10. Acquisition of easements - Crown land and roads at Kings Point, Milton & Ulladulla File 49829E
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# RECOMMENDED that:

- a) Council resolve to compulsorily acquire from the Crown, easements for drainage of sewage 6 wide over:
- i) Unmade Crown roads off Slaughterhouse Road and Turnbull Lane at Milton, as shown by hatching on the attached sketch plan marked Attachment 'A'.
  - ii) Crown land Lot 7306 DP1166723 at Kings Point and unmade Crown roads off Green Street at Ulladulla & Kings Point Drive at Kings Point, as shown by hatching on the attached sketch plan marked Attachment 'B'.
- b) Council pay compensation and costs associated with the acquisition, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
- c) The necessary application be made to the Minister for Local Government and the Governor. The acquisition is to be carried out under the Local Government Act 1993.
- d) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

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**SHOALHAVEN SPORTS BOARD – THURSDAY 10 DECEMBER 2015**

**Corporate and Community Services**

11. Shoalhaven Sports Board - Voluntary User Contribution Fund Application Round 2 -  
2015/2016 File 19680E, 24899E
- 

RECOMMENDED that \$9,000 be made available to the Thompson St Management Committee as an interest free Council Loan to fund resurfacing of Tennis Court 3 at Sussex Inlet Tennis Club.

12. Shoalhaven Sports Board - Sporting Projects Status Update File 12623e, 49285E
- 

RECOMMENDED that

- a) The report of the General Manager (Corporate & Community Services) concerning the status of various sporting projects detailed in this report be received for information.
- b) The Council consider the allocation of \$150,000 per year for construction of subsoil drainage at one of the identified priority sports fields.

C Krogh  
**ACTING GENERAL MANAGER**

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## **SHOALHAVEN TRAFFIC COMMITTEE – WEDNESDAY 27 JANUARY 2016**

### **ORDINARY MEETING**

**TUESDAY, 12 JANUARY 2016**

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

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

The Shoalhaven Traffic Committee is not a committee of Council under the Local Government Act 1993. The Committee operates under authority conferred to Council by the Roads and Maritime Services (RMS) under the Transport Administration Act 1988 (Section 50).

Council has been delegated certain powers, from the RMS, with regard to traffic matters upon its local roads. A condition of this delegation is that Council must take into account the Traffic Committee recommendations.

#### **IMPORTANT NOTE:**

The Council can only:

1. Adopt the Traffic Committee recommendation
2. Not Adopt the Traffic Committee recommendation
3. Request the Traffic Committee reconsider the issue.

Council cannot amend a Traffic Committee recommendation, but can raise other issues as Additional Business at the Ordinary Meeting.

13. Bus Zone - Tallwood Avenue, Mollymook Beach (PN 2821) File 2669E, 2948E

# RECOMMENDED that the General Manager (Director Assets and Works) be requested to arrange for the installation of the following parking restrictions on Tallwood Avenue, Mollymook Beach, as detailed in the attached plan TRAF 2016/01:

- a) A 20m bus zone on the eastern side of Tallwood Avenue, 10m south of Jones Avenue, time restricted to 8.30am-12.30pm, 2.30pm-4.30pm MON-FRI, 9am-12.30pm SAT
- b) A 20m bus zone on the western side of Tallwood Avenue, between the two carpark driveways, time restricted to 8.30am-12.30pm, 2.30pm-3.30pm MON-FRI, 8.30am-9.30am SAT
- c) A No Stopping zone 2m north and south of the carpark (northern) driveway on the western side of Tallwood Avenue, subject to the property owner of SP90024-85 Tallwood Ave, Mollymook Beach, agreeing to, and funding the installation of the signage.

Martin Upitis  
CONVENOR



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**REPORT OF GENERAL MANAGER**

**ORDINARY MEETING**

**WEDNESDAY, 27 JANUARY 2016**

**CORPORATE AND COMMUNITY SERVICES**

**14. Investment Report – December 2015**

**File 2126E**

**SECTION MANAGER: Pamela Gokgur.**

**PURPOSE:**

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

**RECOMMENDED that the Report of the General Manager (Corporate Services and Community Services Group) on the Record of Investments for the period to 31 December 2015 be received for information.**

**OPTIONS**

1. The report on the Record of Investments for the period to 31 December 2015 be received for information
2. Further information regarding the Record of Investments for the period to 31 December 2015 be requested
3. The report on the Record of Investments for the period to 31 December 2015 be received for information with any changes requested for the Record of Investments to be reflected in the report for the period to 31 January 2016

**DETAILS**

# Please refer to the attached monthly report provided by Council's Investment Adviser – CPG Research and Advisory Pty Ltd.

Further comparisons and budget review is found below:

The interest earned for the month of December was \$457,547.55 which was \$211,947.81 above budget. The budget assumed an interest rate of 3.25%, the attached CPG report shows our current investment portfolio earning a return of 3.55%.

## RECORD OF INVESTMENTS Cash and Investment Balances

	December 2015	November 2015
<b>Cash And Investments Held</b>		
Cash at Bank - Consolidated Account	\$3,013,451	\$10,410,390
Cash at Bank - Trust Fund	\$1,240	\$1,240
Cash on Hand	\$26,680	\$25,920
Total Investments	<u>\$146,965,231</u>	<u>\$148,428,739</u>
	<b>\$150,006,602</b>	<b>\$158,866,289</b>
Fair Value Adjustment	-\$35,371	-\$35,371
Bank Reconciliation	<u>-\$203,891</u>	<u>\$445,823</u>
	-\$239,262	\$410,453
<b>Book Value of Cash and Investments</b>	<b><u>\$149,767,340</u></b>	<b><u>\$159,276,742</u></b>
<b>Less Cash &amp; Investments Held In Relation To Restricted Assets</b>		
Leave Entitlements & Workers Compensation Liability	\$9,896,437	\$9,842,440
Loans - General Fund	\$1,244,972	\$2,323,194
Land Decontamination	\$1,699,000	\$1,721,815
Critical Asset Compliance	\$2,000,000	\$2,000,000
Grant reserve	\$2,013,262	\$1,411,950
North Nowra Link Road	\$673,882	\$679,356
Other Internal Reserves	\$23,284,376	\$24,222,632
Section 94	\$22,906,609	\$22,747,604
Section 94 Matching Funds	\$549,206	\$549,447
Storm Water Levy	\$564,255	\$501,009
Strategic Projects General	\$3,978,496	\$4,749,850
Trust - Mayors Relief Fund	\$97,355	\$96,248
Trust - General Trust	\$2,306,282	\$2,417,326
Waste Disposal	\$11,376,329	\$11,330,645
Sewer Compensation	\$6,568	\$6,568
Sewer Fund	\$22,878,138	\$22,338,792
Sewer Plant Fund	\$635,556	\$627,467
Section 64 Water	\$12,585,433	\$12,515,138
Water Communication Towers	\$591,043	\$536,728
Water Fund	\$22,328,870	\$22,534,855
Water Plant Fund	<u>\$395,907</u>	<u>\$337,779</u>
<b>Total Restricted</b>	<b>\$142,011,975</b>	<b>\$143,490,846</b>
<b>Unrestricted Cash And Investments</b>		
General	\$5,755,365	\$13,785,896
Water	\$1,000,000	\$1,000,000
Waste Water	<u>\$1,000,000</u>	<u>\$1,000,000</u>
<b>Total Unrestricted</b>	<b>\$7,755,365</b>	<b>\$15,785,896</b>

The overall decrease in unrestricted funds is due to a number of loan payments falling due in December along with no significant income streams for the month. Decreases across other areas are due to spending on projects.

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**Certification – Responsible Accounting Officer:**

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulations 2005 and Council's Investments Policy number POL14/60.



Pamela Gokgur  
Chief Financial Officer

**FINANCIAL IMPLICATIONS:**

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

15. **Circular 15-41 - Commencement - Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015 – amendments to Local Government Act 1993 and Model Code of Conduct** **File 4420e, 1747e,**

**SECTION MANAGER: Melissa McCoy.**

**PURPOSE:**

To inform Council of the amendments to the Local Government Act 1993, as the result of Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015 which came into effect on 13 November 2015.

**RECOMMENDED that:**

1. **The Report of the General Manager (Director Corporate and Community Services) regarding the Local Government Amendment (Councillor Misconduct and Poor Performance Act) 2015 be received for information.**
2. **That Clause 4.29 the Code of Conduct be amended to align it with the new provisions of the Local Government Act 1993 and the Model Code of Conduct as outlined in the report.**

**OPTIONS**

1. As recommended as required by legislation.
2. Council make supplementary resolutions in respect of the legislative change and/or changes to the Code of Conduct. Should additional changes be made to the Code of Conduct to those recommended in this report, public exhibition of the proposed changes will be required.

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## DETAILS

Amendments to the Local Government Act 1993 made by the Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015 commenced on 13 November 2015.

The Office of Local Government Circular 15-41 outlining the amendments was received by Council via email on Thursday 17 December 2015.

# Circular 15-41 outlines that the amendments to the Act (outlined in Amendment Act – Attachment) are designed to:

1. More effectively deter and address Councillor misconduct by:

- providing for the automatic disqualification of a Councillor from holding civic office for a period of 5 years where they have been suspended for misconduct on a third occasion;
- expanding the definition of “misconduct” in the Act to include conduct that is intended to prevent the proper or effective functioning of a Council (i.e. through the disruption of Council and Committee meetings).

Penalties for Councillor Misconduct include suspension and disqualification from holding office.

In his second reading speech to Parliament on the legislation, the Minister for Local Government provided the following examples of behaviour which would be captured under the expanded definition of Misconduct:

- Preventing a council from making a decision by deliberately leaving a meeting to deprive it of a quorum
- Submitting large numbers of notices or questions on notice with a view to preventing the council from getting through its business; and
- Misusing rescission motions to prevent councils from revisiting a matter for another 3 months.

2. Streamline the process for dealing with Councillor misconduct to ensure faster but fair outcomes by:

- removing the requirement for notice to be given of a motion at a Council meeting to formally censure a Councillor in recognition that Councils may now only do so on the recommendation of an independent investigator following a formal investigation process;
- removing the mandatory requirement for the Chief Executive of the Office of Local Government to undertake an investigation as a prerequisite to taking disciplinary action for misconduct where the conduct has previously been investigated under a Council’s code of conduct and for minor misconduct that requires only a reprimand or counselling, and removing rights of appeal in relation to reprimand and counselling;
- providing that prior to taking disciplinary action against a Councillor, the Chief Executive is to give the Councillor at least 14 days’ notice of his or her intention to take disciplinary action, including the disciplinary action that is proposed to be taken

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and the grounds upon which the proposed disciplinary action is to be taken and to consider any submissions made by the Councillor in relation to the notice;

- expanding the class of persons the Chief Executive may direct to provide written information or a document for the purposes of investigating Councillor misconduct to “any person” but excluding privileged information or documents without the person’s consent.

3. Promote community confidence in Council planning decisions by:

- amending the provision in the Act that allows Councillors to participate in the consideration of changes to a planning instrument applying to the whole or a significant part of a Council’s area they have pecuniary interests in by limiting its application to the interests Councillors have in their and related persons’ principal places of residence, thereby preventing participation in consideration of such matters by Councillors with other property interests.

Councillors will no longer be permitted to participate in the consideration of the making, amendment, alteration or repeal of an environmental planning instrument applying to the whole or a significant part of their local government area they have pecuniary interests in unless:

- the only interests affected by the changes are the interests they or their relatives have in their principal places of residence; **and**
- they have made a special disclosure of the affected interests.

This amendment is complemented by an amendment to clause 4.29 of the *Model Code of Conduct for Local Councils in NSW* which also commenced on 13 November 2015.

It is recommended that Council amend its Code of Conduct to reflect this amendment which incorporates new text as follows (the new text is underlined):

- “4.29 *A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:*
- a) *the matter is a proposal relating to*
    - i) *the making of a principal environmental planning instrument applying to the whole or a significant part of the council’s area, or*
    - ii) *the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council’s area, and*
  - b) *the non-pecuniary conflict of interests arises only because of an interest that a person has in that person’s principal place of residence, and*
  - c) *the councillor declares the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.”*

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A query has been lodged with the Office of Local Government as to the definition of '*principal place of residence*' and this information will be provided to Councillors on receipt.

As the proposed amendment is mandated by the change to the Model Code of Conduct there is no requirement for public consultation to the change, unless the Council resolves to make additional changes to those in the Model Code.

4. Remove impediments to effective action in response to serious corrupt conduct by:
  - providing that a former Councillor may be disqualified from holding civic office for serious corrupt conduct;
  - providing that where the Minister, on a recommendation by the ICAC, suspends a Councillor from civic office for serious corrupt conduct and the Councillor brings legal proceedings to challenge the ICAC's recommendation, the suspension will continue until the proceedings are concluded and for six months afterwards to allow time to arrange for their dismissal and disqualification should this be warranted;
5. Maximise the effectiveness of Performance Improvement Orders issued by the Minister to a Council by:
  - reducing the minimum consultation period for a notice of intention to issue a Performance Improvement Order from 21 to 7 days;
  - providing that a Council may be required to provide more than one compliance report on its compliance with a Performance Improvement Order, allowing the Minister to vary the terms of an Order on giving 7 days' notice, and allowing other intervention action while the Order is in force;
  - deterring non-compliance by individual Councillors with a requirement under a
  - Performance Improvement Order by:
    - empowering the Minister, where he or she is satisfied that a Councillor has failed to comply with such a requirement, to effectively suspend the Councillor until they have complied with the requirement or for a period of up to 3 months (with a possible extension of a further 3 months) (whichever is the lesser); and
    - allow the Minister to request the Chief Executive to refer non-compliance to the NSW Civil and Administrative Tribunal for disciplinary action.
6. More effectively address Council maladministration by:
  - reducing the time in which a Council is required to respond to recommendations made by the Chief Executive arising from the investigation of a council from 40 to 28 days."

Circular 15-41 outlines the points which should be noted by the Councillors and General Manager as provided in this report.

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16. **Request for Donation - Sussex Inlet Community Technology Centre (CTC)**  
**File 4771E**

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**SECTION MANAGER: Melissa McCoy.**

**PURPOSE:**

To consider a request from Sussex Inlet CTC to increase their annual donation to cover the rise of rental costs from the 2016/2017 financial year.

**RECOMMENDED that Council increase the donation to the Sussex Inlet CTC for rental subsidy to \$7449 commencing in the 2016 / 2017 financial year, being an increase of \$1209 per annum.**

**OPTIONS**

1. Increase the annual donation to Sussex Inlet CTC to \$7449, being the contribution of the current annual donation with an additional 50% of the rental increase for the facility for 2016/2017 onwards.
2. Retain the current annual donation at \$6240.
3. Determine a donation of another amount.

**DETAILS**

The Sussex Inlet CTC provides computer training and internet access to their local community. The centre is run by one manager and approximately 20 volunteers. It is located at Shop 6/168 Jacobs Drive, Sussex Inlet. It is a privately owned commercial property.

The Group was originally funded by the Australian Government to establish and provide an internet and information technology resource in a rural and isolated area. The funding ceased several years ago and the group continues to work to become financially sustainable.

The Sussex Inlet CTC applies for grant funding throughout the year to enable it to provide free computer and IT courses to the community.

An electronic community newsletter is produced weekly which is also distributed in hard copy via local businesses in the Sussex Inlet area. The centre raises some funds through paid advertising in the newsletter and also provides services such as photocopying and faxing at a nominal cost.

The centre is housed in a commercial property where the rental is subject to increase each year. The yearly rental is currently \$15108 and will increase in 2016 to \$17755.68, which is an increase of \$201.47 per week (\$2418 per annum).

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Each year, from 2002 to 2009, Council provided rental assistance by way of a donation of \$6240 from the unallocated donations budget.

At the Council meeting held on Tuesday 24 September 2002, Council resolved to:

*“allocate to the Community Technology Centre Sussex Inlet, a total amount of up to \$3,840 in the 2002/03 financial year and an amount up to \$6,240 annually for the next two financial years from its uncommitted Donations Vote, and it be indicated to the committee that Council would prefer that its contribution be limited to no more than 50% of the rental and that the commercial viability of the project be monitored during the subsidy period with a view to reducing Council’s commitment to the subsidy”*

Since 2010/11 the donation of \$6,240 has been made from the allocated donations budget.

## **KEY ISSUES**

It should be noted, as per the 2002 Council resolution above:

- The contribution should be limited to no more than 50% of the rental and;
- Commercial viability of the project should be monitored during the subsidy period with a view to reducing Council’s commitment to the subsidy.
- The Sussex Inlet CTC has confirmed that the Centre is continuing to experience financial strain.

## **FINANCIAL IMPLICATIONS:**

The proposal would increase the donation to this organisation for rental assistance to the amount of \$7449 per year from 1 July 2016.

## **17. Unallocated Donations Expenditure 2015/2016 – Request for Donation - Shoalhaven Neighbourhood Services File 4771E**

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**SECTION MANAGER: Melissa McCoy.**

### **PURPOSE:**

The purpose of this report is to:

1. Determine Council’s policy position regarding any further expenditure on requests for donations that may be received for the remainder of the 2015/2016 Financial Year.
2. Consider a request from Shoalhaven Neighbourhood Services Inc. to donate toward the cost of the staging and sound for the 2016 Shoalhaven Women’s Wellness Festival to be held on 18 March 2016.



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## **RECOMMENDED that Council**

- a) **Not approve any further donations for the 2015/2016 financial year.**
- b) **Not approve a donation to the Shoalhaven Neighbourhood Services Inc. toward the cost of staging and sound for the 2016 Women's Wellness Festival, as the unallocated donations budget has been expended for this financial year.**

## **OPTIONS**

1. As recommended.
2. Council to consider each request for a donation on a case by case basis including the request from Shoalhaven Neighbourhood Services Inc. Council must identify a funding source for any donations approved, and during the period of merger proposal the Council must disclose in the resolution the reasons why the expenditure is required and warranted.

## **DETAILS**

### Expended Unallocated Donations Budget 2015/2016

As verbally reported to Council at the Council Meeting held on 15 December 2015, the Unallocated Donations Budget has been completely expended. The Unallocated donations budget is made up of the remaining funds set aside for donations after the Annual Donations approved by the Council as part of the Operational Plan.

For the 2015/2016 Financial Year, the budget allocated for Donations was \$265,182. \$221,124 of that was expended for reoccurring donations as approved in the Operational Plan and the remaining \$44,058 comprised the unallocated donations budget.

Given that the Unallocated Donations budget was expended within the first 50% of the 2015/2016 Financial year, a resolution is now sought from Council as to the way in which staff respond to the additional requests for donations likely to be received in the period to 30 June 2016.

Council should consider when determining this matter that:

- Any further expenditure of funds for donations outside the existing budget will be subject to the current restrictions applied to Council during the merger proposal period.

During a merger proposal period, councils should only expend monies in accordance with the detailed budget adopted for the purposes of implementing their Operational Plans for the relevant year.

There should be clear and compelling grounds for any expenditure outside of a council's adopted budget. Expenditure outside of the adopted budget should be approved by the council at a meeting that is open to the public.

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The council's resolution approving the expenditure should disclose the reasons why the expenditure is required and warranted.

- Should Council determine not to refuse all applications for donations in the remainder of the 2015/2016 Financial Year, each request for donation will be required to be reported to Council for consideration. Should Council determine to make additional donations, in addition to the reasons to be declared as outlined above, the Council must identify a funding source from which the payment be made.
- The process of Donation Application processing is captured by the Donations Policy (POL 12/299). The policy states that there are limited funds and applications may be refused on this basis.

Donation request from Shoalhaven Neighbourhood Services Inc.:

The Women's Wellness Festival to be held on Friday 18 March 2016 at Greys Beach, North Nowra, will be the fifth festival held by Shoalhaven Neighbourhood Services Inc.

For the next two years the Festival will be led by Waminda South Coast Women's Health and Welfare Aboriginal Corporation.

In 2016 the focus will be promoting awareness of domestic and family violence issues, prevention and intervention. A wide range of information and access to services will be provided at the Festival to help people experiencing issues of family and domestic violence and other health related services.

The Festival Committee is seeking a donation from Council toward the cost of staging and sound. The cost of staging and sound will be approximately \$1800.

Council made the following donations in the past to support the Festival:

- 2014/15 - \$500
- 2013/14 - \$300

**FINANCIAL IMPLICATIONS:**

The opening balance of the unallocated donations budget at 1 July 2015 was \$44,058. To date, \$45,184.95 has been expended, leaving the unallocated donations budget overspent by \$1496.95 for 2015/2016

No alternative funding source for any further donations has been identified by staff.

Craig Milburn  
**DIRECTOR CORPORATE & COMMUNITY SERVICES**

C Krogh  
**ACTING GENERAL MANAGER**

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## **REPORT OF GENERAL MANAGER**

### **ORDINARY MEETING**

**WEDNESDAY, 27 JANUARY 2016**

#### **ASSETS AND WORKS**

18. **Council Property Assets – Visitor Information Centre, Graham Lodge and the Civic Centre Site** **File 52522E**
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**SECTION MANAGER:** Michael Harben

#### **PURPOSE:**

To inform Council of the current status of the preparation of strategies for the future use and occupation of two gateway properties.

**RECOMMENDED that Council receive the Report of the General Manager (Assets & Works) on Council Property Assets – Visitor Information Centre, Graham Lodge and the Civic Centre Site for information.**

#### **OPTIONS**

1. Adopt the recommendation as written.
2. Provide further direction to staff and propose an alternative.

#### **DETAILS**

Shoalhaven City Council owns various property assets within the Shoalhaven local government area. Some of these assets have the potential to be sold to:

- a. Generate income to meet budget expectations and improve the financial sustainability of Council; and/or
- b. Provide funds for strategic property acquisitions and entrepreneurial activities such as property development.

The strategic property acquisitions reserve was created to ensure that Council has funds available to undertake strategic capital investment without having to consider extra budgetary funding. The reserve is also available as a source of funds for entrepreneurial activities associated with property development as well as making it possible, eg through the payment of dividends, for Council to consider an expansion of the range and types of services and facilities Council is expected and/or required to deliver to the community.

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Investigations into the merits of disposing other property assets considered to be surplus to requirement are on-going and this work was endorsed by Councillors following a briefing in April 2015.

Work associated with the review of the property portfolio has been “ramped up” in recent months to identify properties which can be considered for disposal and in 2015 realised the following sales:

- Orsova Parade, Orient Point – sold for \$280,000.50 November 2015
- 22 and 24 Osborne Street, Nowra – sold for \$862,000 June 2015
- Dunisla Street Sanctuary Point – sold for \$237,000 Date January 2015

The sale of property assets through 2014-15 and 2015-16 has delivered and will continue to deliver on objectives established in Delivery Programmes and meet performance indicators set in operational and Business Plans.

Councillors will also be aware that a five (5) lot subdivision at Callala is currently being finalised so that the lots can be offered for sale in February/March this year and the sale of 193 Island Point Road, Sanctuary Point and Wire Lane, Berry will also be finalised in the near future.

### ***Visitor Information Centre, Graham Lodge and the “Triangle”***

As a result of a decision taken to move the Visitor Information Centre to the Shoalhaven Entertainment Centre premises the Property Unit (Assets & Works) has been tasked to develop a draft strategy for the future of the current Tourist Information premises and the Council owned “triangle” and report to Strategy & Assets Committee early in 2016.

The current Visitor Information Centre is defined as Lot 1 DP 1010062 which is a plan of consolidation of a number of Council owned properties comprising the current Visitor Information Centre (formerly the Nowra Bomaderry Leagues Club) and Graham Lodge. It is also the site of the Iroquois helicopter – a tribute to the Royal Australian Navy and the contribution the Navy has made to Nowra and the Shoalhaven since the opening of HMAS Creswell in 1915 and the commissioning of HMAS Albatross as a naval air station in 1948. It was originally erected to commemorate the 50<sup>th</sup> Anniversary of the Fleet Air Arm, HMAS Albatross in 1998.

The property referred to in (2) as the “triangle” is all of the land comprised in a number of lots in the area bounded by Bridge Road, the Princes Highway and the car park north of the Shoalhaven Entertainment Centre and the Council’s Administration building. These properties were acquired through the 1980’s and 1990’s as they became available to the market and the purpose of acquisition is noted in Council’s GIS as “Future Civic Purposes”.

These sites are very prominent gateway sites into Nowra and are considered so strategically important that a property specialist, Martin Morris & Jones, has been engaged to provide property advice (land use, planning, commercial sales and leasing, valuation and project marketing) and to develop strategies for Council to consider as it contemplates the future use and occupation of those sites.

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The intention is to provide Council with a detailed overview of permissible uses with comments on the economic viability of development options including market acceptance, estimated price range relative to achievable sale and leasing options and recommendations in regard to the best strategy to proceed. These factors will be considered to ensure that the optimum result is achieved and that Council's objectives in releasing the sites to the market are met.

A report is to be delivered to Council in February. In the interim, the following commentary provides some information that will be included in the strategy assessment.

### ***Graham Lodge***

# Council acquired this property in 1998 as part of the purchase of the Nowra Bomaderry Leagues Club. It is historically significant for its association with the Graham family which arrived in the district in 1826 and from 1860 built the residence now known as Graham Lodge (refer Attachment A).

A conservation management plan was prepared for this property by Peter Freeman Pty Ltd for Council and is dated August 2000. The property, including its curtilage, is also the subject of an order under S34 (1) (a) of the Heritage Act 1977.

Graham Lodge is significant for its aesthetic quality as a substantial nineteenth century Victorian Georgian residence still overlooking much of its original pastoral landholdings and for its potential to expand historical understanding of early European settlement patterns and interactions with Aboriginal people.

It also has significance for its historical associations with the foundation of local politics in the Shoalhaven and its more recent recreational role as club premises, in which capacity it contributed to the social life of the region for nearly 40 years. It can thus be seen to be a microcosm demonstrating some of the broad patterns of historical development of the region.

The site has significance particularly for the archaeological potential associated with the 'Greenhills' estate, including remnants from the demolished cottages and sheds recorded in historic paintings, evidence of both pre- and post-contact Aboriginal artefacts, and evidence of early Chinese market gardens. The curtilage includes a small lot within view of the house containing the family cemetery. The headstone dedicated to William Graham Snr is of particular significance as marking the grave of an original land grantee situated on the original grant.

The building is generally structurally sound but several areas of the internal floors and external balconies are in a very poor condition (even non-existent in some areas) as is the internal stair structure. The building "as is" requires considerable funds to be expended on it to simply make it safe and if it is to be developed in any way for adaptive re-use(s) then it will require expenditure in the hundreds of thousands of dollars.

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## **Nowra Riverfront Precinct - Planning**

Land in this broader precinct on both sides of the Shoalhaven River Bridge has existing development related zones under Shoalhaven LEP 2014, namely B4 Mixed Use & SP3 Tourist. However, the current LEP and supporting Shoalhaven DCP 2014 do not contain detailed planning controls for the precinct, such as maximum building heights. The remaining land in the precinct is also currently zoned RE1 Public Recreation and R3 Medium Density Development.

Following consideration of a report on the draft Nowra CBD Urban Design Controls proceeding to exhibition by the Development Committee, it was resolved (under delegation) on 3<sup>rd</sup> November 2015 as follows:

*“Proceed to prepare detailed urban design controls for the northern Riverfront/Gateway precinct and report back to Council on the steps required to enable redevelopment of this important precinct.”*

# As such consultants, Studio GL Pty Ltd have been engaged (as an extension of the Nowra CBD Urban Design Controls work) to undertake the resolved project for the following precinct (refer Attachment B). This project will be undertaken by the consultants in 4 phases:

### Phase 1 – Information Gathering and Review

- Review of previous studies
- Site analysis and constraints mapping
- Consultation with stakeholders and community

### Phase 2 - Future Character & Options

- Develop desired future character
- Work up three options
- Council and technical review

### Phase 3 – Draft Riverfront Precinct Plan

- Preferred concept options plan
- Indicative 3D model view
- Photorealistic visualisations
- Consultation with stakeholders and community

### Phase 4 – Final Precinct Plan

- Refinement and completion of precinct plan

Thus this work will look in detail at the Riverfront and Civic area and consider building height and other urban design issues. Once this important strategic step is completed it

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will inform future development in the locality and the outcomes from this work will be incorporated into the LEP and/or DCP. This could result in zoning changes or adjustments, setting of building height controls, establishment of detailed urban design controls etc. As such it may be desirable that the future of Council property in the broader precinct be considered once this work is completed.

It is envisaged that the urban design project will take approximately 12 weeks to complete (NOTE: the outcome of the Shoalhaven River Bridge investigation could have a significant bearing on the outcome of this project).

### ***The Nowra Bridge Project***

Council acknowledges recent announcements made by the NSW State Government and others including Gareth Ward MP, Member for Kiama and senior RMS officers which confirm the proposal to construct an additional Shoalhaven River crossing.

Although there has been considerable speculation as to the design elements of this project, there has been no indication from RMS as to the impacts on property of any final or preferred design options. Clearly, the Council owned properties in the vicinity are likely to be included in discussions about design options and it remains to be seen what impact, those designs will have.

### ***Summary***

A formal report is proposed to be submitted to Council in February upon receipt of the property consultancy advice from Martin Morris & Jones. As indicated in the discussion above, there are a number of ongoing processes that have some influence on the development of strategies for the future uses of these gateway sites and they will need to be factored into any specialist advice received.

## **19. Tender Report – Bereavement Services Crematorium Supply and Construction, Worrigeer** **File No. 52251E**

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**SECTION MANAGER: Peter Knill**

### **PURPOSE:**

To inform Council of the Tender process for the Crematorium Supply and Construction.

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

**RECOMMENDED that in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, Council consider a separate confidential report on this matter.**

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## OPTIONS

1. Council accept the recommendation as presented.
2. Council amend the recommendation.
3. Council not accept the recommendation, giving reasons and propose an alternative resolution.

## DETAILS

Council called tenders for the Crematorium Supply & Construction. Tenders closed on 22<sup>nd</sup> December 2015 with three [3] tenders received in the tender box/portal at the close of tenders, as shown below in alphabetical order. No late tenders have been received.

<b>Tenderer</b>	<b>Location</b>
Batmac Constructions Pty Ltd	North Nowra
Civil Project Management Group	Nowra
Simpson Building Group Pty Ltd	Grose Vale

Tenders were evaluated in accordance with Council's Tender Evaluation Policy with Evaluation Criteria established in the Tender Evaluation Plan, as follows:

- Total Cost to Council, including the Local Preference Policy
- Experience and expertise in nature of work
- Management ability, regarding programming, WHS, Environmental, Quality Systems and technical skills
- Resource capabilities to complete the works.
- Program
- Value/ Completeness of Offer

Further details on the Tender Evaluation are contained in the confidential report.

## FINANCIAL IMPLICATIONS

The current budget allocated for this project consists of \$906,839 in this financial year (15/16) & \$308,500 next financial year (16/17). The total appropriation of \$1,215,339 is funded from the Bereavement Services Capital Works Program.

It is proposed to complete delivery of the project in 2015/16, 2016/17 financial years

## COMMUNITY ENGAGEMENT

The effect on the public during construction is considered to be minor; the existing bereavement services operations will not be impeded by these works.



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A Development Application has been approved for the crematorium development, community consultation consistent with that process has been undertaken.

**20. Tender - Turpentine Road Upgrade Stage 3**

**File No.52424E**

**SECTION MANAGER: Peter Knill**

**PURPOSE:**

To inform Council of the Tender process for the Turpentine Road Upgrade Stage 3 – Ch 8890 to 12915 constructing over 4kms of sealed road.

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

**RECOMMENDED that in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, Council consider a separate confidential report on this matter.**

**OPTIONS**

1. Council accept the recommendation as presented.
2. Council amend the recommendation.
3. Council not accept the recommendation, giving reasons and propose an alternative resolution.

**DETAILS**

Council called tenders for the construction of Turpentine Road Upgrade Stage 3 – Ch 8890 to 12915. Tenders closed on 12 January 2016, with seven (7) tenders received in the tender portal at the close of tenders, as shown below in alphabetical order. No late tenders have been received.

<b>Tenderer</b>	<b>Location</b>
Bost Pty Ltd	Queanbeyan
Gc Group	Unanderra
Hawkins Civil	Loganholme QLD
Select Civil	Kembla Grange
Shoalhaven Excavations	South Nowra
Stefanutti Constructions	Unanderra
Ward Civil	North Ryde

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Tenders were evaluated in accordance with Council's Tender Evaluation Policy with Evaluation Criteria established in the Tender Evaluation Plan, as follows:

- Total Cost to Council, including the Local Preference Policy
- Experience and expertise in nature of work
- Management ability, regarding programming, WHS, Environmental, Quality Systems and technical skills
- Methodology and resource capabilities to complete the works.

Further details on the Tender Evaluation are contained in the confidential report.

### **FINANCIAL IMPLICATIONS**

Funding for the works has been provided through Black Spot Funding and utilising Roads to Recovery allocations.

### **COMMUNITY ENGAGEMENT:**

Whilst formal community consultation was not undertaken for the project, historically the road serves as a significant regional link. Correspondence and comments received from the travelling public have been positive in support for the completion of the sealing of Turpentine Road (current Stage 2 works). Updates were provided to the VRRRA.

B. Stewart  
**DIRECTOR, ASSETS & WORKS**

R.D Pigg  
**GENERAL MANAGER**

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**NOTICES OF MOTION**

**ORDINARY MEETING**

**WEDNESDAY, 27 JANUARY, 2016**

**21. Hyams Beach Village Association**

**File 47042E**

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

**That Council makes available the old Hyams Beach Fire Station for use by the Hyams Beach Village Association. The rent (if any) would be the same as that charged for other CCBs using Council owned facilities.**

Background:

The HBVA has recently taken action (12/12/2015) to re-form and pursue registration as a CCB. In response to a call by local residents for a public meeting to re-form the association that had been in recess since July, 50 residents attended the meeting unanimously endorsing a new executive to be led by Dr Morgan Sant. The meeting expressed a keen interest in working together and with Council to address local issues such as traffic, parking, holiday letting and use of the old fire station.

Those present were able to list a mens shed, book club along with other uses that include cooperative use of public facilities. It is their wish to move as soon as possible to set up this community centre.

Signed  
Clr Robertson  
Clr Gash

Note by General Manager:

The former Hyams Beach RFS building has been vacant for some time. Of note are a number of issues that need to be resolved before Council could consider the Hyams Beach Village Association (HBVA) occupying the property. The land is part Council owned and part Crown Land (with Council as Reserve Trust Manager).

Issues:

1. Crown Land Reserve R96492 is a reserve for Bush Fire Brigade purposes. The use of the property by the HBVA as a community Centre does not meet the purpose of the reservation. An application to Crown Lands to amend the purpose of the reservation would need to be made.
2. The land is zoned SP2- Infrastructure (Emergency Services Facility) as identified on Land Zoning Map - Sheet LZN\_020H.

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3. The Council owned portion is categorised as Community Land (General Community Use). The Plan of Management does not expressly authorise the leasing/licencing or parting with possession of any part of the property which would lead to the management of the property being by way of Section 355 Management Committee to facilitate the community's use of the building. The likes of the Men's Shed and book club could then hire those parts of the building when use is required.
  4. A recent building condition report assessed the condition of the building as poor with an associated cost to bring the property up to a habitable level, including \$15,000 in initial maintenance if the fibro is to be replaced it is in the vicinity of up to \$100,000. At this point no budget has been allocated to undertake these works.

It is recommended the HBVA utilises either of two close by purpose built community facilities, being Erowal Bay Public Hall (currently used by HBVA) and or the Vincentia Community Centre.

## **22. Bomaderry Railway Station – Carparking**

**File 5758E**

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

**That the General Manager write to Gareth Ward, Parliamentary Secretary for the Illawarra and South Coast, and Member for Kiama requesting his representation in order to have State Rail plan for, and establish, a secure long term car park near the Bomaderry Railway Station.**

### Background:

Council has been approached by residents requesting such a car park to enable vehicles to be left in relative safety for longer periods than a single day. Such car parks exist further up the line and also on the Highlands - and seem to be well patronised. Unfortunately approaches from Council staff this year to State Rail have not received a response.

Signed  
Clr Robertson

Note by General Manager: Council supports the recommendation.

## **23. Renaming of the Shoalhaven Entertainment Centre**

**File 36592E**

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

1. **That Shoalhaven City Council acknowledge Councillor Greg Watson's community service by resolving to rename The Shoalhaven Entertainment Centre The Watson Entertainment Centre.**

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**2. A function be organised to acknowledge and promote the renaming of our Entertainment Centre and Councillor Watson's part in its conception execution and delivery.**

Background:

The words Graham French spoke during the community celebration of Greg Watson's 40 years of selfless local government service are still ringing in my ears. "Don't wait until he dies to name this Centre after him".

I myself have a clear recollection of Greg saying on one occasion immediately after his landslide re-election as Mayor, "If we do not do this thing this term, it will never be done."

He fired the other Councillors so much with the concept that every single one choose to be on a "small executive committee" to see the "thing" through.

Greg was the city's 1st Mayor, and is the longest serving Mayor ever. He has set a record for long service as a Councillor that might well never be broken. In excess of 40 years is in my mind.

I came here to Culburra on my honeymoon over 40 years ago, that is partly the reason the 40 years has stuck but I remember at the time the furore in the papers when Greg pushed the sealing of all village streets. If I remember right some streets in Nowra were unsealed and the westerlies stirred the dust.

There were other things that he promoted and carried council with him like the REMS scheme and the Aviation Park. People with a better knowledge of his achievements would know of other things he did, I am sure.

Signed  
Clr McCrudden  
Clr Guile

Note by General Manager: A Councillor Briefing was held on Tuesday 19 January 2016 and a formal report will be submitted to the Strategy and Assets Committee Tuesday 9 February 2016.

**24. Gallipoli Surf Boat Race 2015**

**File 8601E**

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

**That councils allows representatives of Mollymook Surf Lifesaving Club to give a 20 to 30 minute oral and visual presentation at the March Ordinary Meeting on the success of the 2015 Gallipoli Surf Boat Race and to officially thank council for its sponsorship.**

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Background:

Representatives of MSLC want to thank council for its sponsorship and inform council of the success of the event overseas. The club representatives feel it requires more than simply writing a letter of thanks and want to give a thorough presentation for the public record.

Signed  
Clr Kitchener

**25. Reserve Area rear James Crescent Kings Point**

**File 9228E**

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

**That the General Manager provide a report to Council on:**

- a) all interactions with residents in James Crescent, Kings Point regarding the reserve area at the rear of their properties.**
- b) recent directives to residents regarding the mowing of the reserve area and the reasons**
- c) options for residents to maintain this area (as they have previously)**

Background:

Residents who reside in James Crescent area of Kings Point met with the Member for South Coast the Hon Shelly Hancock MP in late 2015 with concerns of recent dealings with Council staff regarding the reserve area at the rear of their properties.

The residents have always maintained the reserve at the rear of the properties undertaking mowing and other minor maintenance works such as clearing leaves, thus producing cost savings to Council on maintenance.

It is my understanding that Council staff have advised the residents to cease undertaking mowing activities and other works in the reserve area without any consultation with the residents. Residents I believe have also been threatened with legal fines etc and were told that it was a State government issue, hence why the residents contacted the local Member. The State Member has also written to Council on behalf of the residents.

I believe the residents in the area have always maintained this reserve area to a high standard for the community and are bewildered at the recent Council actions.

The report has been requested for Council to ascertain a positive way forward for residents, without major confrontation as we have seen in other areas of Kings Point on similar issues for more than, I believe, a 10 years period.

Signed  
Clr White

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Note by General Manager:

With respect to the points made within the Notice of Motion the following comments are provided:

**i. all interactions with residents in James Crescent, Kings Point regarding the reserve area at the rear of their properties.**

A letter introducing the project was sent to residents along James Cr (no 46 to 66), Kings Point on 8 September 2015 (D15/258304). The letter referred to a future on site meeting with resident to discuss and consult.

A second letter (D15/321271) was sent on 29 October 2015 to residents along James Cr, Kings Point (no 46 to 66) inviting them to attend an on-site meeting on 12 November at 10:30am.

As part of the community consultation plan for this project, Council officers held the meeting with local residents on-site on Thursday 12 November 2015. There were 10 residents present at this meeting as well as council officers and an Officer from NSW Fisheries. It was agreed at this meeting that Council would write back to local residents outlining some options to allow mowing in some areas to continue while also protecting the salt marsh.

Surveying of the area occurred following this meeting and did not involve any interaction with residents.

**ii. recent directives to residents regarding the mowing of the reserve area and the reasons**

There has not been any directive given to residents regarding the mowing of the reserve. There has been information given on the legislative framework applying to saltmarsh protection, There has also been consultation with residents on where 'mow zones' could be maintained to allow access to waterways, and where 'no mow zones' could be established to protect saltmarsh.

There has not been any decision nor direction given at this stage.

The next step is to provide options to residents, refer response to (iii).

The foreshore reserve at the rear of James Crescent, Kings Point, contains saltmarsh vegetation which is an endangered ecological community and is protected under Part 7 of the Fisheries Management Act 1994 and the Threatened Species Conservation Act 1995. Council has a responsibility as land manager to ensure that salt marsh in our reserves are managed in accordance with the legislation. Council has previously worked with local residents from Kings Point in other foreshore reserves to establish mow zones to protect salt marsh. Council officers are progressively working through the foreshore reserves in consultation with the local community to improve the management of salt marsh in this area.

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iii. It is intended to write to local residents and ratepayers seeking their feedback on three (3) different options for locations of 'Mow Zones' for the purpose of allowing residents to continue mowing in some areas while also protecting saltmarsh vegetation. These options are described below. Maps illustrating these options are currently being prepared and will be sent with a letter seeking feedback. Feedback can be made by phoning, emailing or writing to Council.

**Option 1** – This option provides individual lake access points for each property coinciding with jetty placement or central to property boundaries. Access points are 1.2m wide flaring to 3m.

**Option 2** – This option provides wider shared lake access points on property boundaries. Access points are 3m wide flaring to 5m.

**Option 3** – This option provides two very wide lake access points of 19.1m flaring to 22.4m.

Note that all options feature a retained recreational area 16.5m wide from existing property boundaries. In addition, all access points are flared from the Lake towards the grassed area to provide more space and improved visibility.

It is anticipated that the selected 'Mow Zones' will be delineated with bollards.



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**QUESTIONS ON NOTICE**

**ORDINARY MEETING**

**WEDNESDAY, 27 JANUARY, 2016**

**26. Business Plan – Motorcycling NSW Yerriyong Proposal**

**File 42554E**

Has the General Manager received or requested a copy of the business plan for the Motorcycling NSW Yerriyong proposal, considering that Shoalhaven City Council would seek to receive remuneration through the partnership with this association?

Submitted by C/r Findley

**Response**

Both Shoalhaven City Council (SCC) and Motorcycling NSW (MNSW) acknowledge that a business plan is required to be furnished to SCC. The contents of the business plan are dependent on the outcome of the Development Application. The document is required for consideration, prior to Council proceeding with the purchase of the Yerriyong land and entering into a lease agreement with MNSW.

For the purposes of the application to the National Stronger Regions (NSR), a business case was submitted, as required under the program, as part of the application. Council is not privy to this document.

With the approval of a \$9.5m funding package under the NSR program, the business case will need to include this.

MNSW have advised that a final version of the Business Plan will be submitted to Council following the Approval of the Masterplan Development Application and the conditions associated with the approval are incorporated into the plan. Council will then have to satisfy itself that the business case is sound and that finances are available to undertake the proposed development

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## **CONFIDENTIAL BUSINESS PAPER AGENDA**

### **GENERAL MANAGER**

1. **Sale of Land under a Mortgage Arrangement - Albatross Aviation Technology Park - Lot 21 Bubuk Street & Lots 11 & 12 Bunda Street Yerriyong**

**Reason**

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

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

2. **Adjustment to land sale price - Lot 11 Scallop Street, Huskisson**

**Reason**

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

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

### **ASSETS AND WORKS**

3. **Tender Process – Bereavement Services - Cremator Supply and Construction - Worrigea**

**Reason**

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

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

4. **Tender Process - Turpentine Road Upgrade Stage 3**

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

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

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