

SHOALHAVEN CITY COUNCIL
ORDINARY MEETING

To be held on Tuesday, 21 May, 2013
Commencing at 4:00 pm

15 May, 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, 21 May, 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 Sandra Spencer – Falls Creek Community Church**
2. **Acknowledgement of Traditional Custodians**
3. **Australian National Anthem**
4. **Apologies/Leave of Absence**
5. **Confirmation of Minutes**
 - Ordinary Meeting – 23 April, 2013
 - Extra Ordinary Meeting – 30 April, 2013
 - Extra Ordinary Meeting – 9 May, 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 – 7 May, 2013
 - Report of the Policy and Resources Committee – 9 May, 2013
 - Report of the Council Property Steering Committee – 7 May, 2013
 - Report of the Shoalhaven Arts Board – 8 May, 2013
 - Report of the Children's Services Reference Group – 13 May, 2013
 - Report of the Shoalhaven Sports Board – 14 May, 2013
11. **Report of the Shoalhaven Traffic Committee – 14 May, 2013**
12. **Report of the General Manager**
 - Finance & Corporate Services
 - City Services & Operations
 - Strategic Planning & Infrastructure
13. **Legal Documents**
 - Development & Environmental Services
14. **Notices of Motion and Questions on Notice**
15. **Addendum Reports**
16. **Confidential Report of the General Manager**
 - Report of the Council Property Steering Committee – 7 May, 2013
 - Finance & Corporate Services
 - City Services & Operations

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, 21 MAY 2013

1. International Fleet Review, Jervis Bay 2013

File 9045E

RECOMMENDED that Council supports the arrival of the International Fleet Review into Jervis Bay and that Council:

- a) Co-host with Navy a reception welcome event for the International Fleet**
- b) Promote the event to encourage visitation**
- c) Prepare all necessary planning documents to make this a successful event.**
- d) Seek funding from the Shoalhaven Tourism Board's events budget.**

DETAILS

The International Fleet Review (IFR) is being held to commemorate the centenary of the first entry of the [Royal Australian Navy's Fleet into Sydney](#).

The IFR is a high profile international event and Navy's signature commemorative event for 2013. Planned in partnership with the NSW State Government and the City of Sydney, it is anticipated that approximately 40 visiting warships and 12 tall ships will participate in this historic event. The event will culminate in the warships entering Sydney Harbour on Friday 4th October – exactly 100 years after the first RAN Fleet entry.

The Fleet will rendezvous in Jervis Bay, NSW by 2 October 2013 and conduct a final preparation and briefings. It is expected that 30-35 ships will enter Jervis Bay on 1 October and depart on the 3 October heading to Sydney to all enter on 4 October.

This will be the largest congregation of warships off Eastern Australia and in Jervis Bay.

The Fleet's arrival to Jervis Bay provides an opportunity to increase visitation through day visitors, overnight visitors and extension of stay. There is also an additional opportunity through development of specific activities, such as tours and community events. This is a great opportunity for tourism operators in the Jervis Bay area to gain additional revenue and exposure to a wide market.

To assist with the creating additional opportunities for local tourism operators it is proposed that a Fireworks display be held at Voyager Park, Huskisson to welcome the Fleet on Wednesday 2 October and provide a focal point for visitors in and around the main CBD of Huskisson.

In 1988 the First Fleet Re-enactment also met in Jervis Bay prior to heading into Sydney Harbour. This event drew an estimated crowd of 100,000 to the shores of Jervis Bay to witness the fleet pre their entry to Sydney Harbour. Pleasure craft and commercial tour

operators where used to view the Fleet while anchored and met the fleet as they entered the heads.

The IFR is being held during the October School Holidays period prior to the long weekend therefore it is anticipated that this historic event will attract large numbers.

The October School holidays are a peak period and the additional visitation from this event will impact on the local area. An Event Plan is being developed to ensure that visitor needs and expectations are catered for.

Council will need to ensure that resources are allocated to accommodate this increase in visitation and pressure on the road networks and other infrastructure. Overall costs, including the reception and fireworks could be upwards to \$100,000 and the Shoalhaven Tourism Board will be requested to fund this as an event.

2. \$100m Restart NSW Illawarra Infrastructure Fund

File 44022E

RECOMMENDED that Council support the Nowra CBD multi-storey car park project as its No. 1 priority for funding under the Restart NSW Illawarra Infrastructure Fund and that the Member for Kiama, Mr Gareth Ward, be advised and he and the State Government be thanked for the funding opportunity.

DETAILS

On Friday 10th May, the NSW Government announced that the \$100m Restart NSW Illawarra Infrastructure Fund would be made available for priority infrastructure projects for the Illawarra (within the local government areas of Wollongong, Shellharbour, Kiama, Wingecarribee and Shoalhaven) following the long-term lease of Port Kembla.

Project nominations for the Fund will be sought from local councils, community groups, industry and business groups and non-government organisations, with a detailed process and timetable due to be announced prior to the opening of project nominations in June.

The Minister for Finance & Services and Minister for the Illawarra, Greg Pearce MLC announced that the Government is looking for projects which contribute to realising the Illawarra's growth potential, by easing constraints or opening new economic opportunities for the region. The project should be able to diversify or potentially innovate the Illawarra's employment opportunities. The \$100m Restart NSW Illawarra Infrastructure Fund will be invested in priority projects which can be delivered in conjunction with state or local government and the key eligibility requirement for projects will be their contribution to local economic growth and productivity.

Community participation will also be a key driver of the Restart NSW Illawarra Infrastructure Fund.

The public consultation will be led by Member for Kiama Gareth Ward and will commence in early June, however, Gareth Ward has announced that his door was already open for

anyone across the five Illawarra areas who wanted to have a say on where the money should be spent.

It is suggested that consideration could be given to submitting for funding consideration the project to construct the multi-storey car park in the Nowra CBD, as it fits with the NSW 2021 Illawarra/South Coast Regional Action Plan. The project would assist in attracting additional people to the CBD, rejuvenate existing and attract new business development and also has significant community and business support.

If Council supports the multi-storey car park project as its No. 1 priority, then finalisation of the concept design and lodgement of the requirement Development Application should proceed immediately.

3. Request for Financial Assistance - Big Band Blast

File 4771E

RECOMMENDED that Council financially assist the organisers of the All Public Schools rehearsal and performance at the Shoalhaven Entertainment Centre in the amount of \$3,000.00 to be funded from the 2012/13 Donations Vote.

DETAILS

- # I have received a request from the Shoalhaven River Learning Community for financial assistance from Council toward the cost of the hire fees of the Shoalhaven Entertainment Centre for the purpose of a musical rehearsal and performance. The event is being coordinated through the Principal of the Shoalhaven Heads Public School.

Students from all Public Primary and High Schools across the Shoalhaven who have had experience in playing in a concert band will be invited to attend. The result is proposed to be an opportunity for the students to showcase their skills and talents culminating in a mass band performance. All parents and supporters of the students will be invited to attend.

The concert is proposed for June or July 2013 depending upon the availability of the venue.

The amount sought is \$3,000.

I feel that the request be supported due to the broad involvement of youth and the community participation likely to be generated by this event. The amount of \$3,000 could be funded from the Donations Vote as funds originally voted for the Mayoral Ball were not allocated this year.

Clr Joanna Gash
MAYOR

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 21 MAY 2013

GENERAL MANAGER – COMMITTEES REPORT

DEVELOPMENT COMMITTEE – TUESDAY 7 MAY 2013 (ITEMS 1 to 4)

Strategic Planning and Infrastructure

1. Planning Proposal (Rezoning) – North Manyana File 1027E PDR [Index](#)

RECOMMENDED that Council:

- a) Further consider this planning proposal pending the outcome of the consultation workshop between the proponent and the community to be held 25 May, 2013;
- b) Receive a detailed briefing by the Red Head Villages Association and the proponent on the outcome of the consultation workshop;
- c) Not commence work on the planning proposal until after the finalisation of the Shoalhaven Local Environmental Plan 2013; and
- d) Reconsider the matter at the next Development Committee meeting, if possible.

Development and Environmental Services

2. Usable Flood Free Land on New Residential Lots File 5034E [Index](#)

RECOMMENDED that Council adopt, as exhibited, DCP 100 (Subdivision Code) to include the following acceptable solution:

“For small scale infill subdivisions a nominal building envelope of approximately 15m wide and 21m deep, sited in accordance with the requirements of DCP 91 (Single Dwelling and Ancillary Structures) be provided above the 1% flood level on each proposed lot in the subdivision.”

3. Review of Development and Environmental Services Policies - Round 2 File 33571E [Index](#)

RECOMMENDED that Council:

- a) Reaffirm the following policies:

POL12/112	Penguin Heads Road Culburra – Building Line	5266E
POL 12/121	Industrial Development – Retailing Space	24278E
POL 12/128	Relocation of second Hand Dwellings	8296E, 8297E
POL 12/223	Wharves and Jetties	27563E
POL 12/285	Demolition and Renovation of Buildings Containing	3621E

	Asbestos Policy	
POL 12/117	Design Guidelines for Permanent Occupation of Caravan Parks	1039E
POL 12/119	Food Premises Code	7467E
POL 12/122	Mobile Food Stalls/Vehicles and temporary Food Premises	7467E
POL 12/126	Private Burial Grounds	31509E

b) Revoke the following policy:

POL 12/129	Standards for Temporary Moveable dwellings for Aged or Disabled Persons	10007E
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General Business

4. Additional Item – Tourist Cabins & Cafe, Coolangatta Road, Far Meadow – DA13/1377
 File DA13/1377 [Index](#)
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RECOMMENDED that the General Manager extend the public exhibition period by two weeks on DA13/1377 for tourist cabins and a cafe on Coolangatta Road, Far Meadow until the end of May 2013 and inform all affected residents under the policy.

POLICY & RESOURCES COMMITTEE – THURSDAY 9 MAY 2013 (ITEMS 5 to 31)

5. (Addendum Report 1, Item 1) Status Report – New Soccer Field St Georges Basin
File 2253E [Index](#)

RECOMMENDED that:

- a) Council review funding options with a view to increasing funding to remove turf, topdress and relay turf to the playing surface, with additional consideration given to installing subsoil drainage; and
- b) A further report be presented to the next Policy and Resources Committee meeting.

6. (Addendum Report 2, Item 1) Greys Beach Master Plan including Landscape Plan
File 25412e [Index](#)

RECOMMENDED that

- a) The draft Greys Beach Revised Master Plan including Landscape Plan be placed on public exhibition for a period of 28 days;
- b) Residents and stakeholders are advised of the public exhibition period and provided with an opportunity to make comments; and
- c) A further report be provided to Council following public exhibition and consultation period.

7. (Addendum Report 2, Item 2) Ison Park – Baseball Nets
File 38917e [Index](#)

RECOMMENDED that

- a) Council allocate \$30,000 from budget number 82476 (lighting upgrade) to budget number 82537 (Ison Park – additional field) to assist in the delivery of baseball nets on the new extended field at Ison Park, South Nowra; and
- b) Council continue to provide a multi-purpose sporting facility at Ison Park, prohibiting the installation of a home run fence.

8. (Addendum Report 3, Item 1) Community Building Partnership 2012 – Grant Funding – Learn to Ride
File 39785Ee [Index](#)

RECOMMENDED that

- a) Council accept Communities NSW Community Building Partnership grant funding of \$15,000 to construct a learn to ride bike path;
- b) Council request an amendment to the site location identified in the successful application from Curtis Reserve, Shoalhaven Heads to Jerry Bailey Reserve, Shoalhaven Heads;
- c) Councils matching investment of \$15,000 be funded from identified budget savings and revoted for delivery within the 2013/2014 budget; and

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- d) Council staff consult with the Shoalhaven Heads Community Forum and local community in relation to the design and delivery of the learn to ride bike facility.

Assistant General Manager

9. Adoption of Community Strategic Plan – Shoalhaven 2023 File 45756E [Index](#)

RECOMMENDED that:

- a) The CSP Review Community Engagement Phase 2 Summary Report be received and noted.
- b) The Community Strategic Plan – Shoalhaven 2023 included as Attachment 1 to the business papers be adopted in accordance with the Integrated Planning and Reporting requirements of the Local Government Act 1993.
- c) The General Manager undertake all necessary steps to inform the community, stakeholders and Division of Local Government, and to implement the CSP 2023 through Council's deliberations and operations.
- d) People and organisations that made submissions on the draft CSP be thanked for their contributions, advised of Council's resolutions and invited to review the Community Engagement Phase 2 Summary Report for further information on submissions received and Council's consideration of those submissions.

Note by General Manager: The attached Community Strategic Plan is slight different to the version presented to the Policy & Resources Committee. The leadership indicators are included (inadvertently left out) and some minor editorial changes to improve readability.

Finance & Corporate Services

10. Quarterly Budget Review as at 31 March 2013 File 2127E [Index](#)

RECOMMENDED that

- a) The March Quarterly Budget Review and vote movements outlined in the Quarterly Budget Review Statement be adopted by Council.
- b) Council does not commit to any further additional expenditure unless it is in conjunction with a quarterly budget review and a funding source can be identified.

11. Quarterly Progress Report on Delivery Program & Operational Plan File 44691E [Index](#)

RECOMMENDED that the Quarterly Report of the General Manager (Finance & Corporate Services Group) on the 2012 – 2013 Delivery Program & Operational Plan be received for information.

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12. Ice Escape Event January 2013 - Shoalhaven Entertainment Centre File No 35525E [Index](#)

RECOMMENDED that Council underwrites the Shoalhaven Entertainment Centre loss on the "Ice Escape" event held in January 2013 by increasing the annual subsidy for the financial year 2012/2013 by \$29,491.

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

RECOMMENDED that Council adopt the draft Fees, Charges and Rentals 2013-2014 including the amendments and additional fee as detailed in this report.

City Services & Operations

14. Free Use of Facilities – Shoalhaven Swim & Fitness Centres – Sporting Facilities – Karen Higgison File 5247e [Index](#)

RECOMMENDED that:

- a) Council support the request to provide Mrs Karen Higgison with free casual swimming throughout Council's Shoalhaven Swim & Fitness Centres and sporting facilities.
- b) A report be submitted to the August meeting of the Shoalhaven Sports Board, outlining the criteria to be utilised to assist in processing all future approaches for fee exemption under a proposed Elite Athlete Support Program (EASP), currently under development.
- c) Council staff write to Mrs Higgison, advising her of the outcome.

15. Southern Rivers Catchment Management Authority Grant for the Control of Salvinia File 37652E [Index](#)

RECOMMENDED that:

- a) Council accept the allocation of \$6,000 from the Southern Rivers Catchment Management Authority to control the noxious weed Salvinia in the Berry and Moeyan Hill areas and the money be voted to the project.
- b) A letter of thanks be sent to the Manager of Southern Rivers Catchment Management Authority for the provision of funds.

16. Shoalhaven Transport Register File 40733E [Index](#)

RECOMMENDED that Council:

- a) Accept the sponsorship offer of \$5,500 from Relationships Australia and vote the funds;
- b) Accept the sponsorship offer of \$8,000 from the Bendigo Bank (Bay and Basin Community Financial Service Ltd) and vote the funds;

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- c) Write to thank both the sponsoring bodies for their support.

17. Grant – Kangaroo Valley Agricultural & Horticultural Society File 2139E [Index](#)

RECOMMENDED that Council:

- a) Accepts the grant of \$2,700 from the Crown Lands Funding Program on behalf of Kangaroo Valley A&H Society and votes the funds;
- b) Write and thank the Deputy Premier, Andrew Stoner MP, for the grant from the Crown Lands Funding Program for the Kangaroo Valley A&H Society.

18. Review of Waste Services Section Policies File 9794E & 2828E [Index](#)

RECOMMENDED that Council reaffirm the following Public Policies:

- a) No Charge Tipping of Storm Damaged Materials at Waste Depots Policy (POL12/298)
- b) No Charge Tipping Voucher Policy (POL12/174);
- c) Waste Management Community Assistance Policy – Garden Waste Mulch (POL12/303);
- d) Waste Minimisation and Management Guidelines (POL12/273).

19. Review of Policy – South Coast Cooperative Libraries – Collection Development Policy
File 3934E [Index](#)

RECOMMENDED that Council reaffirm the Collection Development Policy of the South Coast Cooperative Libraries (POL12/292).

20. Review of Policy – Shoalhaven Libraries - Operations File 6230E [Index](#)

RECOMMENDED that Council reaffirm the Shoalhaven Libraries - Operations Policy (POL12/184).

21. Review of Reserve Signage Standard File 6320E, 4538E [Index](#)

RECOMMENDED that Council reaffirm the Reserve Signage Standard Policy (POL12/258) with additional explanatory notes and amendments as detailed in the report.

Strategic Planning & Infrastructure

22. Review of Policies File 27448E; 14501E, 26129E, 2895E, 24546E, 3670E, 4102E [Index](#)

RECOMMENDED that Council:

- a) Rescinds the following policies
 - i) Bus Shelter Shed – Site Selection

-
- ii) Weight and Length Restrictions – Kangaroo Valley Road, Tourist Road and Cambewarra Lookout Road
 - iii) Temporary Road Closures – Nowra CBD
 - iv) Interim Policy for Multipanel Directional signage on Public Land
 - v) Illuminated Advertising Signs on Council Managed Road Reserves
- b) Reaffirms the Policy for Public Information Signs

23. Milton Ulladulla District Mountain Bike Club Site Investigations File 46341e [Index](#)

RECOMMENDED that

- a) Council encourage, and where possible, assist discussions between the Milton Ulladulla District Mountain Bike Club and the owners of land west of Ulladulla Sports Park (i.e. Ulladulla Local Land Council and Crown Lands) to formalise mountain bike use of this land;
- b) Council proceed to acquire Lot 94 DP755972 from Forestry Corporation of NSW for a future land use such as a mountain bike track or future land to enhance southern entry opportunities to Burrill Lake and Ulladulla;
- c) A future report be submitted to Council on the progress to secure a mountain bike track site for the Milton Ulladulla District Mountain Bike Club.

24. Review of Shoalhaven Heritage Strategy 2011-14 (POL12/297) File 39336e [Index](#)

RECOMMENDED that Council reaffirm POL12/297 Shoalhaven Heritage Strategy 2011-14.

25. Shoalhaven Heads Estuary Taskforce Membership File 45866e [Index](#)

RECOMMENDED that Council appoint Mr David McCorkell and Barry/Brian Allen as members of the Shoalhaven Heads Estuary Taskforce.

Shoalhaven Water

26. Acquisition of Sewerage Easement at Burrill Lake File 46969E [Index](#)

RECOMMENDED that:

- a) Council resolve to acquire the proposed Sewerage Easement 3 wide over Lot 11 DP262421 at Burrill Lake, as shown by hatching on copy of plan marked 'Attachment A' to the report.
- b) Council pay compensation of \$8,500 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.

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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, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.

27. Acquisition of Easement for Water Supply at Burrill Lake File 44628E [Index](#)

RECOMMENDED that:

- a) Council resolve to compulsorily acquire the Easement for Water Supply 5 wide over part of an unmade Crown road, as shown by broken line on copy of draft survey plan marked 'Attachment A' to the report.
- b) Council pay compensation and costs associated with the acquisition, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Water Fund.
- 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, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.

28. Acquisition of Easement for Water Supply at Burrill Lake File 44627E [Index](#)

RECOMMENDED that:

- a) Council resolve to compulsorily acquire the Easement for Water Supply 5 wide over land owned by the Minister administering the National Parks & Wildlife Act 1974 (land excluded from Meroo National Park), as shown by broken line on copy of draft survey plan marked 'Attachment A' to the report.
- b) The easement be acquired in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 at \$nil compensation. All costs associated with the acquisition to be paid from Shoalhaven Water's Water Fund.
- 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, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.

29. Review of Shoalhaven Water Group Policies – Round 6 File 12039E [Index](#)

RECOMMENDED that;

- a) Council adopt the following Public Policies with minor changes as detailed within the report:

-
- i) Community Service Obligations – Water Supply, Wastewater, Effluent, Trade Waste Services and Section 64 Contributions
 - ii) Rainwater Tank Rebate

Strategic Planning & Infrastructure / Development & Environmental Services

30. Tree Vandalism - Collingwood Beach, Vincentia File 9929e [Index](#)

RECOMMENDED that

- a) Council trial the installation of a large banner at Collingwood Beach tree vandalism site;
- b) A report on the trial be submitted to Council after 3 months of installation of the large banner in view of amending Council's Foreshore Reserves Policy; and
- c) Nominate Collingwood Beach vegetation vandalism sites as National Tree Day sites.

Finance & Corporate Services

31. Joint Regional Planning Panel - Sitting Fee File 39782E [Index](#)

RECOMMENDED that the Council representative on the Joint Regional Planning Panel be paid a sitting fee of \$400.00 per day

COUNCIL PROPERTY STEERING COMMITTEE – TUESDAY 7 MAY 2013 (ITEMS 32 to 36)

Strategic Planning & Infrastructure

32. Mens Shed Register File 32598E [Index](#)

RECOMMENDED that:

- a) Staff continue to liaise with the Crown Lands Division on the identification of suitable Crown Land for the establishment of Mens Sheds; and
- b) This report be received for Information.

33. Licence to Occupy Part of Nowra School of Arts - Shoalhaven Youth Orchestra File 46949E [Index](#)

RECOMMENDED that:

- a) Council concur to offering a licence to Shoalhaven Youth Orchestra (SYO) for that part of Lot 20 DP 801794 within the Nowra School of Arts described as the two top rooms for a term of five years at a commencing licence fee of \$442.00 p.a. plus GST and reviewed annually by 3.5%;
- b) The General Manager be delegated authority to endorse any terms of the Licence that may not yet be settled; and
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution.

34. Review of Policies – Various File 38980E, 23192E [Index](#)

RECOMMENDED that Council adopt the following Policies:

- a) POL13/34 – Acquisition of Land by Shoalhaven City Council; and
- b) POL13/38 – Valuation Policy

35. Resolutions/Actions – Projects to be Completed File 30977E [Index](#)

RECOMMENDED that the Report of the General Manager (Strategic Planning & Infrastructure) concerning the Listing of Resolutions/Actions – Strategic Projects to be completed from the Council Property Steering Committee be received for Information.

Strategic Planning & Infrastructure

36. Notification to Council – EOI for Lease & Management of Room 3, Building 3/78 St Vincent St, Ulladulla – Authorisation of Lease

File 46997E [Index](#)

RECOMMENDED that:

- a) The evaluation of the EOI submission be received for the lease of Room 3 Building 3, 78 St Vincent St Ulladulla;
- b) Concurrence be granted to finalise the terms of the lease with Southern Shoalhaven Zone Meals on Wheels Inc;
- c) The General Manager be delegated authority to endorse the terms of the lease, that are not yet settled; and
- d) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution.
- e) Milton Ulladulla Historical Society be granted authority to share the use of this facility until such time as the Ulladulla Civic Centre is completed.

SHOALHAVEN ARTS BOARD – WEDNESDAY 8 MAY 2013 (ITEMS 37 to 43)

37. Strategic Direction – Shoalhaven City Art Collections Management File 2123E [Index](#)

RECOMMENDED that:

- a) The Arts Board recommend that Council manage its collection and seek advice and funding with regard to engagement of specialist resources to enable required information to be obtained for the Art Collection Database to:
 - i) Collect additional accession and artwork information (historical, curatorial etc);
 - ii) Professionally photograph Collection artworks.
 - iii) Further develop reporting capabilities to complete functions within the database.
- b) The Arts Unit staff to investigate the development of the following:
 - i) An exhibition of Samuel Elyard's paintings, drawings and photographs of Jervis Bay and Nowra to coincide with the 21st Hobie 16 World Championship in January/February 2014;
 - ii) Investigate the development of an exhibition of Samuel Elyard's works containing indigenous subject matter incorporating additional relevant 19th century paintings and drawings;
 - iii) Investigate the development of a 'Peacetime and War' Exhibition in 2014/2015 centred around paintings and drawings by Dennis Adams and works from the Afghanistan series by Ben Quilty;
 - iv) Investigate the development of an exhibition of a 'farmyard themed' touring exhibition centred around "*Goats and Farmyard Scene*" by William Robinson;
 - v) Develop a new Samuel Elyard Art Prize as an annual acquisitive art prize;
 - vi) Receive a future report via the Shoalhaven Arts Board on specific artworks to be considered for de-accessioned and/or transferred from the Collection; and
 - vii) Set and advertise the fee for Art Prize Entry to a maximum of \$30.00 (GST inc) per entry administered by Council, to be placed on public exhibition for a period of twenty eight (28) days, in accordance with the Local Government Act 1993 and, if no significant adverse comment is received during that time, the fee is deemed to be adopted.

City Services & Operations

38. Shoalhaven Arts Board Budget

File 2123E [Index](#)

RECOMMENDED that:

- a) The report of the General Manager (City Services & Operations), concerning Shoalhaven Arts Board Budget, be received for information;
- b) Funds of \$305 be transferred from the balance of funds in the Arts Awards Budget \$9,112 (Job No 21580/10722) to the Arts Promotion & Marketing (Job No 21580/22521);
- c) Funds of \$1,271 be transferred from the balance of funds in the Arts Awards Budget \$9,112 (Job No 21580/10722) to the Strategic Plan (Job No 21580/23205);
- d) That the balance of the Shoalhaven Arts Board funds be used to support the following projects:
 - i) Funding to the Shoalhaven Historical Society of \$1,000 to enable design drawings to be obtained for restoration and display of the Nowra Flood Boat (Job No 21580/22521 - Arts Board Grant);
 - ii) Funding of \$3,000 to progress the implementation of the Public Arts Policy (Job No 21580/10734 - Arts Newspaper); and
 - iii) Funding of up to \$13,000 to enable a redesign of the Shoalhaven City Arts Centre Website to be commenced (Job No 21580/10722, 21580/10743, 21580/22521);
 - iv) These projects to commence before the end of the current financial year 2012/13 and, if required, funds to be re-voted to enable completion of delivery in financial year 2013/14.
- e) One round only occur of Arts Grants funding for 12/13

39. Shoalhaven Arts Board - Draft Budget for Financial Year 2013/14

File 2123E [Index](#)

RECOMMENDED that

- a) The Shoalhaven Arts Board support the allocation of funds in its Draft Budget for financial year 2013/14 as follows:
 - i) \$1,500 – Black Cockatoo Award (Job No 21580/11288)
 - ii) \$6,000 - Shoalhaven Eisteddfod (Job No 21580/21795)
 - iii) \$1,500 - Shoalhaven Literary Award/Fellowship of Australian Writers (Job No 21580/22528)
 - iv) \$13,000 - Shoalhaven Arts Grants Program (Job No 21580/22521)
 - v) \$5,000 - Collection Management/Arts Purchase (Job No 21580/10728)
 - vi) \$10,450 - Arts Support & Innovation (Job No 21580/10725)
 - vii) \$4,000 - Arts Awards (Job No 21580/10722)

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- viii) \$7,000 - Arts Newspaper (Job No 21580/10734)
 - ix) \$7,000 - Arts Promotion & Marketing (Job No 21580/10723)
 - x) \$8,000 - Shoalhaven Youth Orchestra (Job No 21580/22570)
- b) The Shoalhaven Arts Board request Council allocate an increase in the budget of \$10,000 due to issues with collections management of artwork;
 - c) A report on the 3yr budget to address the issues the Arts Board is facing be presented at a future meeting of the Board; and
 - d) Council support the priority of Arts Board projects in allocating quarterly surpluses

Note by General Manager: Council must decide whether it wishes to increase the Arts Board budget as requested in part b) at a time when Council has set an expenditure saving target of \$2.5 million in 2013/14. Similarly, part d) is asking for preference if any surpluses occur during the year, whereas Council is seeking a SRV to put towards infrastructure backlog works.

40. Expression of interest – Community Exhibition Process and Criteria Change File 2123E [Index](#)

RECOMMENDED that Council adopt the proposed changes to Expressions of Interest – Community Exhibition, administered by the Shoalhaven City Arts Centre in accordance with the recommendations in the report.

41. Draft Shoalhaven City Arts Centre Strategic Plan 2020 – Outcome of Public Exhibition and Public Meeting File 46698E [Index](#)

RECOMMENDED that:

- a) Council adopt the Draft Shoalhaven City Arts Centre Strategic Plan 2020;
- b) The adopted Shoalhaven City Arts Centre Strategic Plan 2020 be placed on Council's website;
- c) The adopted Shoalhaven City Arts Centre Strategic Plan 2020 be used to guide Council's future Delivery Program and Operational Plans;
- d) The General Manager develop an Arts Centre staffing plan and job descriptions; and
- e) Create a Task Group to prioritise the implementation of the Strategic Plan over the next 2 years.

42. Update of Shoalhaven Arts Board Guidelines File 2123E [Index](#)

RECOMMENDED that Council adopt the updated Draft Shoalhaven Arts Board Guidelines (POL13/37) which includes additions to Clause 2.1.4 as follows:

2.1.4 "Arts Board membership comprise 15 members, ie:

2.1.4.1 the Mayor

2.1.4.2 4 Councillors

2.1.4.3 6 Community members

2.1.4.4 1 member being the Head of Campus of the University of Wollongong, Shoalhaven Campus

2.1.4.5 1 member being the CEO of the Bundanon Trust, and

2.1.4.6 2 members nominated by the Shoalhaven Aboriginal Advisory Committee

and to clearly define that the University of Wollongong Shoalhaven Campus, Bundanon Trust and Shoalhaven Aboriginal Advisory Committee, as invited members, are separate to a Community Member. Community members should possess strong management, leadership and administrative skills, be sympathetic towards the arts and have an awareness of arts practice and contemporary issues.”

43. Review – Art Collection Policies

File 2123E [Index](#)

RECOMMENDED that:

- a) Council adopt the revised “Shoalhaven City Art Collection – Acquisition and Collection Management Policy” (POL12/259) in accordance with the recommendations in the report; and
- b) “Art Collection - Shoalhaven City Council City Collection Policy” (POL09/33) be rescinded.

CHILDREN'S SERVICES REFERENCE GROUP – MONDAY 13 MAY 2013 (ITEMS 44 to 49)

City Services & Operations

44. Additional Items - Progress on Issues from the Children's Services Reference Group Minutes March 2013 File 24209E [Index](#)

Conflict of Interest Declaration – Clr Guile – Less Than Significant Non Pecuniary Interest – Due to previously being a manager of the Bomaderry Community Preschool – Remained in the room

Conflict of Interest Declaration – Clr White – Less Than Significant Non Pecuniary Interest – Due to previously being a long serving member of a child care facility management committee – Remained in the room

RECOMMENDED that the Children's Services Reference Group receives the report on Additional Items – Progress on Issues from the Children Services Reference Group Minutes March 2013 for information.

45. Initiatives and Activities Relating to Child Activities Within the Shoalhaven Community Strategic Plan File 35193E [Index](#)

RECOMMENDED that the report on initiatives and activities relating to children within the Shoalhaven Community Strategic Plan be accepted for information.

Strategic Planning & Infrastructure

46. Kids Korner - Building Maintenance & Construction File 2532E [Index](#)

RECOMMENDED that:

- a) Funding allocations for roof repairs (\$65,000 from the 2014/15 Budget) be redirected to a building and feasibility study for Kids Korner, and to consider how the maintenance and expansion of the facility on either the existing site, or an alternative site, can be accommodated in future years;
- b) Staff and the Children's Services Reference Group investigate and report on city-wide needs and priorities for child care services before any funding commitments are made to provide new facilities at any location;
- c) Staff present a further report to Council on options available to bring forward funding for the building and feasibility study at Kids Korner into the 2013/14 financial year budget; and
- d) A risk assessment be provided to Council in the interim to ensure that funding priorities are appropriate.

-
47. Central Shoalhaven Mobile Preschool seeking Premises File 35382e [Index](#)

RECOMMENDED that:

- a) Committee receive the report for information only;
- b) Council staff continue with their investigations and development of a community facilities strategic plan; and
- c) Council staff prepare a report to Council outlining options for relocating the mobile preschool to an existing Council facility or more suitable leased premises.

48. Contributions Plan Projects Related to Provision of Pre-School Facilities
File 1057e, 46506e & 46176e [Index](#)

RECOMMENDED that

- a) The Children Services Reference Group receive this report for information; and
- b) The Children Services Reference Group be informed of any changes to contributions projects listed in this report.

General Business

49. Additional Item – Appointment of National Commissioner for Children and Young People
File [Index](#)

RECOMMENDED that the Mayor write to Megan Mitchell to congratulate her on her recent appointment as the National Commissioner for Children and Young People and extend an open invitation to her to visit the Shoalhaven.

SHOALHAVEN SPORTS BOARD – TUESDAY 14 MAY 2013 (ITEMS 50 to 58)

City Services & Operations

50. Sports Board Charter Review File 12623E [Index](#)

RECOMMENDED that

- a) The Sports Board consider the response received on the Sports Board Charter from one sports group;
- b) Seniors sports activities to be included in Section 9 Promotion 9.2; and
- c) Council inform and invite Sporting groups to attend Sports Board meetings.

51. Review of Voluntary User Contributions Policy File 24899e [Index](#)

RECOMMENDED that:

- a) Council reaffirm the Voluntary User Contributions Policy (POL12/315) with additional explanatory notes and amendments as detailed in the report;
- b) An email be forwarded to Members clarifying Item 3.13 in the Voluntary Users Contributions Policy.

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

RECOMMENDED that:

1. Council reaffirm the following current Policies, as attached to the report:
 - a) User Group Responsibilities Policy (POL12/186)
 - b) Glass Bottle Free Sportsgrounds Policy (POL12/180)
 - c) Sportsground Closure (POL12/187)
2. Council amend the Sportsground Fencing Policy (POL12/222) re the following:
 - a) Replace “*where the facility is leased or licensed*” with ‘*may be permitted in consultation with Council and where public access to the facility is not significantly affected and the fencing is provided by the Club*’.

Strategic Planning & Infrastructure

53. Future of Thurgate Oval, Bomaderry File 1000e [Index](#)

RECOMMENDED that:

- a) Council receive the report from SESL Australia for information only;
- b) The General Manager (Strategic Planning & Infrastructure) develop a Management and Masterplan to guide the future use and management of Thurgate Oval;

-
- c) Council continue to fill and level the playing field area to a minimum standard to reduce the chances of injury, allowing for continued use as a football training facility and cricket playing field;
 - d) Council accept bookings only from existing season users who can monitor and assist in the maintenance of the playing area; and
 - e) Staff investigate, develop and report back to Council a “Future Provision of Sporting Fields for North Nowra/Bomaderry Precinct” forward planning document.

54. Bill Andriske Oval Draft Strategic Master Plan - Mollymook File 44796e [Index](#)

RECOMMENDED that:

- a) The draft Strategic Master Plan for Bill Andriske Oval, Mollymook be placed on public exhibition for 28 days seeking community feedback; and
- b) A further report be provided to Council at the completion of the exhibition period.

55. Bay and Basin Area - Sportsground Expansion and Skate Park Update
Files 38443, 44713E & 44818E [Index](#)

RECOMMENDED that

- a) Council staff circulate the concept layouts of Wool Lane Sporting Complex and Sanctuary Point Oval as shown in this report to residents and landowners surrounding these facilities as well as sporting groups currently using these facilities and sporting groups that are interested in using these facilities in the future for a minimum of 28 days and a further report be provided to the Committee detailing;
 - I. The comments received from both residents and landowners surrounding Wool Lane Sporting Complex and Sanctuary Point Oval in response to circulating concept layouts of these facilities; and
 - II. The comments from sporting groups currently using these facilities and sporting groups that are interested in using these facilities in the future.
- b) Council allocate \$20,000 in its 2013/14 Delivery Program and Operations Plan from an existing budget (Job number 82539 – Sanctuary Point Playing Fields) for inclusion to design and cost provision of netball courts at Vincentia Sportsground;
- c) Council allocate \$50,000 from an existing budget (Job number 82539 – Sanctuary Point Playing Fields) for inclusion in its 2013/14 Delivery Program and Operations Plan to resource investigations to provide a sportsground facility on Lot 1151 DP 1159783, Larmer Ave, Sanctuary Point; and
- d) Council commence discussion with relevant landowners and stakeholders to investigate acquiring a portion of the In-Ja-Ghoondji Land at Tomerong for future sportsgrounds.

Note by General Manager: If Council adopts part d) then it needs to ensure some provision is made in the Long Term Financial Plan (LTFP).

-
56. Callala Bay Sports Ground Hydrology And Drainage Assessment File 7166e [Index](#)

RECOMMENDED that

- a) The Sports Board receive the Callala Bay Sports Ground Hydrology Study for information;
- b) A plan detailing the future provision of sports facilities for the larger community catchment precinct areas of Callala Bay, Callala Beach, Currarong, Myola, Culburra and Orient Point be reported to Council as an holistic approach to sports ground provision; and
- c) That this Plan be identified in the 2013/2014 work plan of relevant staff.

General Business

57. Additional Item – Tourism/Event Matters File [Index](#)

RECOMMENDED that Council appoint a staff member, or nominee, who attends Sports Board Meetings, to present regular reports on relevant tourism/events matters.

Note by General Manager: The staff member could either be the Tourism Manager or Events Manager and a verbal report at the commencement of the Shoalhaven Sports Board meeting is preferable.

58. Additional Item – Sports Board Meetings File [Index](#)

RECOMMENDED that the Sports Board meet 6 times per year, as per the Sports Board Charter.

R.D Pigg
GENERAL MANAGER

SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 14 MAY 2013

ORDINARY MEETING

TUESDAY, 21 MAY 2013

REPORT OF THE CONVENOR

ITEMS FOR APPROVAL UNDER DELEGATED AUTHORITY

59. Road Safety - Intersection of Isa Road and Asteria Street, Worrigee (PN 2185)
File 28512E [Index](#)
- RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be advised that the Shoalhaven Traffic Committee rescinds its previous recommendation for the installation of Double Barrier (BB) for a distance of 30m on Asteria Street, Worrigee at its intersection with Isa Road.
60. Parking Restrictions - Hansons Road, North Nowra (PN 2549) File 2932E [Index](#)
- # RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the existing No Stopping zone on the eastern side of Hansons Road, North Nowra (adjacent intersection of McMahons Road) be extended for a distance of approximately 8m, as detailed in the attached plan TRAF2013/21.
61. Parking Restrictions - Shoalhaven Heads Road, Shoalhaven Heads (PN 2623) File 4731E [Index](#)
- # RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the installation of a 30m Bus zone on the southern side of Shoalhaven Heads Roads, Shoalhaven Heads, adjacent to the bus shelter outside the Shoalhaven Heads Bowling Club, as detailed in the attached plan TRAF 2013/22.
62. Driveway access - Sextant Street, South Nowra (PN 2881) File 2641E [Index](#)
- # RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the installation of No Stopping zones on Sextant Street, South Nowra (as detailed in the attached plan TRAF 2013/23):
- a) On the northern side of Sextant Street, opposite the driveways of 14 Cumberland Avenue and 6 Sextant Street (approximately 25m)
 - b) On the southern side of Sextant Street, across the driveways of 14 Cumberland Avenue and 6 Sextant Street.

63. Sight Distance - Exiting Aveo Island Point Retirement Village (PN 2919) File 1853E [Index](#)

- # RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the installation of edge line marking (E1) on the eastern side of Island Point Road, Sanctuary Point from the Anson Street roundabout to the pedestrian refuge located south of the Aveo Retirement Village (a distance of approximately 400m), as detailed in the attached plan TRAF 2013/24.

64. Lane Delineation - Cambewarra Road, Bomaderry (PN 2978) File 12120E [Index](#)

- # RECOMMENDED that the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the installation of Broken Lane (L1) line marking on Cambewarra Road, Bomaderry for east bound traffic (for a distance of approximately 40m) from existing linemarking east of Princes Highway(as detailed in TRAF 2013/25).

Martin Upitis
CONVENOR

SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 14 MAY, 2013

INFORMATION REPORT

ORDINARY MEETING

TUESDAY 21 MAY, 2013

REPORT OF THE CONVENOR

65. Items not requiring approval under delegated authority File 1491E [Index](#)

Purpose

To advise Council of items resolved by the Shoalhaven Traffic Committee at the meeting held Tuesday 21 May, 2013.

RECOMMENDED that the Information report of the Shoalhaven Traffic Committee be received for information.

Item

- **Road Safety - Woodhill Mountain Road, Wattamolla Road, Brogers Creek Road, Woodhill (PN 1020) File 8601E**

RESOLVED that the General Manager (Director Strategic Planning & Infrastructure) be advised that the Shoalhaven Traffic Committee has reviewed the safety concerns regarding the priority at the T intersection at Wattamolla Road and Woodhill Mountain Road and recommends that no change be made to the current intersection priority.

Martin Upitis
CONVENOR/CHAIRMAN

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 21 MAY 2013

FINANCE AND CORPORATE SERVICES

66. Tender for the Manufacture and Installation of Relocatable Cabins at Holiday Haven Tourist Parks **File 47083E [Index](#)**

PURPOSE: Delivery Program Activity: 3.1.5.1

Manage and market Holiday Haven Tourist Park business strategies to comply with Council's trustee status in partnership with the LPMA.

This report is presented direct to the Ordinary Meeting of Council in accordance with Clause 3 of the Acceptance of Tenders, Report to Council Policy (*POL12/148*).

To seek Council's recommendation for the supply of four (4) high standard relocatable tourist cabins to Huskisson Beach Tourist Resort.

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.

OPTIONS

1. Council accept the recommendation from the Tender Evaluation Report.
2. Council not accept the recommendation as presented and give reasons for non-acceptance and propose an alternate proposal.

DETAILS

Tenders were invited for the manufacture and installation of four (4) relocatable tourist cabins for Huskisson Beach Tourist Resort.

Tenders were invited through Tenderlink and advertised in the following media, South Coast Register, Canberra Times, Illawarra Mercury and Sydney Morning Herald. Tenders were open for a period of 3 weeks, closing on Wednesday 24 April 2013. 5 tenders were received via Tenderlink before the closing date.

After the closing date tenders were evaluated using selection criteria that would provide the best value for money to council.

Tenders were received from the following companies:

- a) BRB Modular Pty Ltd – Victoria
- b) Wengold Pty Ltd – Queensland
- c) Uniplan Group – Armidale, NSW
- d) Webster Consolidated Holdings Pty Ltd
- e) Parkwood Modular Building Pty Ltd

Tenders were assessed by Council staff from Holiday Haven and an external consultant for compliance and the ability to supply the units as specified in the tender documents.

The Confidential report will give a breakdown of the tenders received and the subsequent assessment following the tender evaluation.

FINANCIAL IMPLICATIONS:

The successful tenderer must be able to provide units in the timeframe stated in the tender documentation as these cabins will occupy prime sites in Huskisson Beach Tourist Resort and any delays to the construction and placement will have financial ramifications through the loss of income on these sites.

Engagement of a contractor with proven ability to deliver the cabins as per requirements is vital because of the high anticipated use and long term benefits to Council

COMMUNITY ENGAGEMENT:

The tender process for the supply of new relocatable cabins to various Holiday Haven Tourist parks has been followed within the requirements of the provisions of the Local Government Act.

67. Record of Investments - April 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 30 April 2013 be received for information.

OPTIONS

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

DETAILS

Council's overall investment performance resulted in a weighted average return of 4.38% (annualised), 139 basis points above the average 90 day Bank Bill Rate of 2.99% (as supplied by CBA).

The Managed Fund Portfolio returned an average 4.66% over the last twelve months while Council's direct investment portfolio posted a weighted average of 4.37%, 138 basis points above the benchmark.

Interest earned on Council's investment portfolio for this financial year to April 2013 was \$4,139,377 compared with \$5,137,271 for the same period last year. The decrease in interest on investments is due to the Council's overall weighted average return decreasing by 92 basis points over the last 12 months.

During April a further distribution of \$11,714 and in May \$40,905 was received for the Lehman CPPI Note held by Council. The face value of this investment is \$500,000 and to date \$76,303 has been received as part settlement in three instalments. Creditors of Lehman Brothers Holdings are being paid by instalments as assets are sold.

The RBA announced a further reduction in official interest rates in early May 2013 which takes the rate down to 2.75%. This rate reduction puts further pressure on revenue received by Council from interest on investment. Future budget estimates for revenue from interest on investments have assumed a rate of 4% which may be difficult to achieve in the longer term.

RECORD OF INVESTMENTS

as at 30 April 2013

Total Cash And Investments

Total Cash	4,302,652
Total Investments	97,744,485
	<u>102,047,137</u>

Less Cash & Investments Held In Relation To Restricted Assets

Leave Entitlements & Workers Compensation Liability	7,925,308
Financial Assistance Grant	3,025,637
Grant reserve	198,205
North Nowra Link Road	779,769
Other Internal Reserves	8,438,904
Section 94	22,706,011
Section 94 Matching Funds	1,696,897
Strategic Projects General	0
Trust	90,145
Waste Disposal	6,771,188
Sewer Compensation	6,568
Sewer Construction Works	4,791,643
Section 64 Water	9,220,593
Water Construction Works	<u>25,774,840</u>
Total Restricted	91,425,707

Unrestricted Cash And Investments

General	8,621,430
Water	1,000,000
Waste Water	<u>1,000,000</u>
Total Unrestricted	10,621,430

SHOALHAVEN CITY COUNCIL STATEMENT OF INVESTEMENTS 30 April 2013							
DIRECT INVESTMENTS:							
Institution	Rating	Inv Type	Principal	Terms	Interest Rate	Maturity (1st)	Final Maturity
ANZ	A1+	TD	\$2,000,000.00	94	4.19%	09-May-13	
ANZ	A1+	TD	\$3,000,000.00	105	4.18%	23-May-13	
B & E Ltd Bank	NR	TD	\$2,000,000.00	99	4.30%	30-May-13	
Bank of Qld	A2	TD	\$1,000,000.00	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	
Bank of Qld	A2	TD	\$1,000,000.00	98	4.45%	31-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	90	4.20%	29-May-13	
Bendigo Bank	A2	TD	\$1,000,000.00	98	4.20%	10-Jul-13	
Bendigo Bank	A2	TD	\$2,000,000.00	98	4.35%	24-Jul-13	
Bendigo Bank	A2	TD	\$1,000,000.00	105	4.50%	07-Aug-13	
Heritage Bank	A3	TD	\$2,000,000.00	98	4.30%	11-Jul-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	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	
Members Equity Bank	A2	TD	\$2,000,000.00	93	4.42%	25-Jul-13	
Members Equity Bank	A2	TD	\$2,000,000.00	99	4.40%	01-Aug-13	
National Australia Bank	A1+	MATD	\$90,144.80	365	5.03%	30-Jun-13	
National Australia Bank	A1+	TD	\$2,000,000.00	98	4.37%	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+	TD	\$3,000,000.00	106	4.45%	25-Jul-13	
National Australia Bank	A1+	TD	\$1,000,000.00	99	4.40%	01-Aug-13	
National Australia Bank	A1+	CRD	\$5,000,000.00	30	4.66%	08-May-13	08-Apr-14
NSW Treasury Corp	A1+	TD	\$3,300,000.00	183	4.37%	04-Oct-13	
Police Credit Union Ltd (SA)	NR	TD	\$1,000,000.00	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	
Westpac Bank	A1+	TD	\$2,000,000.00	97	4.42%	17-Jul-13	
TOTAL DIRECT INVESTMENTS			\$93,390,144.80		4.37%		

MANAGED FUNDS	Rating	Inv Type	Carrying Value	Purchase Date	Monthly Return	Return over last 12 months
CDO Portfolio	NR	CDO	\$2,764,602.71	Various	0.20%	2.36%
Macquarie Income Plus	AAAm	MF	\$1,589,737.31	17/08/2005	0.72%	8.66%
TOTAL MANAGED FUNDS			\$4,354,340.02		0.39%	4.66%
TOTAL INVESTMENTS			\$97,744,484.82			4.38%
Note: CA At Call Account CDO Collateralised Debt Obligation FRSD Floating Rate Sub Debt MF Managed Fund CRD Committed Rolling Deposit FRN Floating Rate Note MATD Mayors Appeal Term Deposit TD Term Deposit						
The investments have been made in accordance with the Act, Regulations and the Council's Investment Policy.						
P Dun Director, Finance & Corporate Services Group						

FINANCIAL IMPLICATIONS:

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

P.J. Dun
DIRECTOR, FINANCE AND CORPORATE SERVICES

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 21 MAY 2013

CITY SERVICES AND OPERATIONS

68. Ison Park Sporting Field Carpark & Access Road Upgrade **File 46722E** [Index](#)

PURPOSE: Delivery Program Activity: 1.3.3.1

To inform the Council of tender results for the Ison park Sporting Field Carpark & Access Road Upgrade.

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

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

OPTIONS

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

DETAILS

Tenders have closed for the Ison Park Carpark Upgrade.

Contractors were asked to tender for the upgrade of the existing carpark area at Ison Park Sporting Fields to a 114 space carpark, including pavements, kerb and guttering, line marking and signposting. Five tenders were received and all were received by the prescribed time on 7th May 2013 and all tenders were conforming.

Tenderer	Location
Wellco Developments Pty Ltd	Wandandian, NSW
Wellco Developments Pty Ltd Adjusted Price	Wandandian, NSW
Druce DP Pty Ltd	North Nowra
Hisway Pty Ltd	South Nowra
Lynch Civil Contractors Pty Ltd	South Nowra
Lynch Civil Contractors Pty Ltd Alternative Price	South Nowra
R.J. & P.S. Smith Pty Ltd	South Nowra

Tenders were evaluated using Council's Tender Evaluation Policy which considers:

- The total cost of the Tenderer's bid to Council, including application of the Local Preference Policy;
- The Tenderer's experience and expertise in the nature of work;
- The Tenderer's management ability to undertake the works with regard to Programming, Occupational Health & Safety, Environmental Management and Quality Systems, Industrial Relations and management of Subcontractors and Suppliers; and
- The Tenderer's resource capabilities to carry out the works, including financial, availability of plant, equipment, materials and Subcontractors.

FINANCIAL IMPLICATIONS:

There are sufficient funds in the allocated budget to accept a Tender to upgrade the existing carpark.

COMMUNITY ENGAGEMENT:

The construction will generate short term employment and will also provide a positive economic impact to selected local suppliers.

The construction of this carpark will allow greater accessibility to the sporting fields at Ison Park and provide safer accessibility to the fields for night time training and play.

An environmental assessment was carried out in February 2011 and confirmed minimal environmental impact provided that mitigation measures are adopted and implemented, sufficient to meet the requirements under Part 2, Division 4 (Exempt Development) Criteria of SEPP (Infrastructure) 2007.

69. Bomaderry Depot, Underground Storage Tank Removal Contractor Quotation
File 46786E [Index](#)

PURPOSE: Delivery Program Activity: 1.3.3.1.

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. 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, therefore this report will be considered under a separate confidential report.

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

OPTIONS

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

DETAILS

Council had for many years dispensed diesel and petroleum fuel from it's own bowzers at Bomaderry, Ulladulla and Woollamia Depots, however legislative changes to monitoring and management of fuel installations made it no longer economic and a change was made to utilising the services of public retail outlets.

Quotes for the underground storage tank (UST) removal contractor at Council's Depot, McIntyre Way, Bomaderry were advertised in local and Sydney newspapers and on Council's electronic tendering web site. The project cost estimate indicated that the prices expected to be received would allow the contractor to be engaged on a quote rather than a tender basis. The quote prices confirm this, however there is potential for the contract to go beyond the regulated \$150,000 (incl GST) trigger point with variations at quoted rates. Therefore the engagement is being treated as a tender. The quote process followed all the legislative requirements of a tender.

Eight (8) quotes were received by the prescribed time.

Quotes received are shown below:

Tenderer	Location
ANC Foster P/L	Mortdale NSW 2223
Australian Enviro Services P/L	Marrickville NSW
EESI Contracting P/L	Footscray VIC 3011
Moore Management P/L	Baulkham Hills NSW 2153

Tenderer	Location
Numac Drilling Australia	Williamstown North VIC 3016
RJ & PS Smith P/L	South Nowra NSW 2541
Transpacific Industrial Solutions	Wetherill Park NSW 2164
Wellco Developments P/L	Wandandian NSW 2541

Quotes were evaluated using Council's Tender Evaluation Policy which entails:

1. An initial assessment to determine whether a quote has been submitted in accordance with the Conditions of Quoting and can accordingly be considered further.
2. All conforming quotes are then assessed against the criteria of:
 - Total Cost to Council, including the Local Preference Policy.
 - Sensitivity analysis of quoted rates due to significant change in extent of work.
 - Experience and expertise in the nature of work.
 - Management ability to undertake the works with regard to Programming, Work Health & Safety, Environmental Management and Quality Systems, Industrial Relations and management of Subcontractors and Suppliers.
 - Resource capabilities to carry out the works, including financial, availability of plant, equipment, materials and subcontractors level of performance on recent similar engagements.

Further details of the tender evaluation are contained in the confidential report.

FINANCIAL IMPLICATIONS:

This removal and remediation of former UST installations at Council Depots was identified in the draft Operations and Management Plan and has been funded under the adopted Operations and Management Plan 2012 – 2013 in an amount of \$250,000 with current available funds for the total project of \$205,275.

Allocated budget is considered adequate for the proposed scope of the validation consultant contract plus a significant proportion if not all of the tank removal and contaminated soil removal works package including professional fees, authority fees and charges. There can be no definitive statement on the adequacy of the budget as the scope of further works can not be determined until the removal of the source contamination under the proposed tank removal contract is undertaken.

W P Paterson
DIRECTOR CITY SERVICES & OPERATIONS

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 21 MAY 2013

STRATEGIC PLANNING AND INFRASTRUCTURE

1. Draft Shoalhaven Local Environmental Plan 2013 – Post Exhibition Consideration Process **File 33363E (PDR)**

PURPOSE: Delivery Program Activity: 2.2.1.9

To set the proposed approach for the post-exhibition consideration of submissions in relation to draft Shoalhaven Local Environmental Plan (LEP) 2013.

RECOMMENDED that Council:

- a) **Schedule a Special Development Committee Meeting to consider the draft LEP submissions on Tuesday 11 June & Friday 21 June, commencing at 9.00am and running through to 4.00pm each day, with 1 hour for lunch.**
- b) **Give the Special Development Committee delegated authority to consider the submissions and finalise the draft LEP 2013.**
- c) **Consider the submissions via a single Business Paper, consistent with the format outlined in the report.**
- d) **Invite the NSW Department of Planning & Infrastructure to send a representative to the meeting, to assist in the efficient handling of matters.**

OPTIONS

1. Proceed with a Special Development Committee Meeting to consider the submissions and finalise the draft LEP as outlined in this report.

Comment:

The approach outlined in this report is preferred for the following reasons:

- the number and complexity of the issues arising from the exhibition period warrant detailed consideration;
 - the Environmental Planning and Assessment Act, 1979 (EP&A Act) requires consideration of all submissions received and report(s) to the relevant planning authority (in this case Council); and
 - it allows all stakeholder input to be discussed and considered, in the context of the overall “best fit” transfer approach.
2. Proceed with a Special Development Committee Meeting or meetings in a different manner to that outlined in this report.

Comment:

The extensive public exhibition of the Draft SLEP 2009 demonstrated significant community interest in the draft Plan with over 3000 submissions received by Council. The response to the re-exhibition of draft SLEP 2013 again demonstrates the community's interest in the draft Plan and it is thus important that there is transparency in dealing with the submissions received.

Depending on the details, another approach to the consideration of the submissions may not:

- satisfy the EP&A Act legislative requirements;
- allow all submissions to be adequately considered; or
- provide opportunity for ongoing community/stakeholder involvement in this part of the process.

It is important that there is transparency in dealing with the submissions received.

DETAILS

Now that the re-exhibition has concluded the thorough consideration of all issues raised through the re-exhibition process of draft Shoalhaven LEP 2013 is the important next step.

This will also enable the plan to be finalised and to ensure that Minister for Planning's expectations are met the draft plan also needs to be adopted for submission during June 2013.

Consistent with the Council resolution of 26 February 2013 (MIN13.115), the draft Shoalhaven LEP 2013 was publically exhibited from 3 April until 10 May 2013 (inclusive). The exhibition period ran for 5 ½ weeks and included a series of drop in information sessions in 6 locations throughout the Shoalhaven and staff also attended a number of CCB meetings during this time.

In excess of 650 submissions were received as a result of the re-exhibition process. Note: the final number will be updated verbally at the meeting.

For numbering purposes, multiple submissions received from an individual have been counted as one submission, with a series of multiple issues to be addressed. In the final Business Paper/s where the remaining (single or outstanding) issues will be considered each submission will appear separately in a table.

Proposed Special Development Committee Meeting Process/Structure

At this stage it is proposed that one (1) Special Development Committee Meeting will be scheduled over a number of days, depending on how long it takes to work through the business paper.

It is proposed that the Special Development Committee meeting will be held on Tuesday 11 June & Friday 21 June, commencing at 9.00am and running through to 4.00pm each day with a 1 hour break for lunch.

It is also requested that the Special Development Committee be granted delegated authority so that decisions made by the Special Development Committee are considered to be resolutions of Council.

It will be important to manage deputations to this meeting so that they do not consume the time available and leave appropriate time for the consideration of matters at hand. As such it may be necessary to limit the number of deputations on an issue and the time available.

This approach will enable the efficient and timely consideration of the submissions, rather than the process dragging out over a number of months. However given that it will be held over two weekdays, there may be some criticism from the community about their ability to attend due to work etc commitments and the level of rigor that is being applied.

Report Consideration Process

Copies of each actual submission will be made available to Councillors as soon as possible and prior to the Special Development Committee Meeting.

The issues raised in Draft SLEP 2013 submissions are complex and extensive. As a result, an approach which allows due consideration of each issue has been adopted for reporting purposes.

The Special Development Committee Business paper will consist of one (1) single report broken into four (4) sections. Each section will contain a group of related issues and the associated recommendations will be numbered sequentially from 1 onward so each issue and associated recommendation/resolution has a unique number. After the key issues have been considered, the remaining (single or outstanding) issues will be considered and may be presented in table format for ease of consideration.

It is noted that some submissions include comments on several key issues, and/or other issues. Quantitative and qualitative submission data will also be produced on each of the key issues.

An indicative order of reporting, including the list of key issues, is included as Attachment 'A'. It should be noted that this order is subject to change as staff continue to work through the issues and get the Business Paper together.

Pecuniary and Non Pecuniary Interests

Due to the need to consider and manage pecuniary and non pecuniary interest issues, the report/s will be formatted so that each key issue can be considered separately to allow Councillors to declare an interest and determine if they will still take part in discussion and voting on an issue if necessary. Therefore, individual decisions on the proposed changes to the draft Plan will be required.

Department of Planning and Infrastructure - Attendance at Special Development Committee Meeting

The Regional Office of Department of Planning and Infrastructure (DP&I) has played an important role in this long term project, which commenced with the introduction of a Standard LEP Instrument/Template in 2006. There has been ongoing liaison with DP&I, and they will eventually be requested to “make” (gazette) draft SLEP 2013 as adopted by Council. For this reason it may be beneficial to have senior DP&I staff from the Regional Office at the Special Development Committee Meeting, to assist with any discussion on matters related to the Standard LEP Instrument.

FINANCIAL IMPLICATIONS:

To date, considerable staff (workforce) time has been, and will continue to be, prioritised on this project.

COMMUNITY ENGAGEMENT:

There is a need to draw the current draft LEP to a conclusion in a timely manner to comply with the Ministers request, but it is also important that the submissions received are fully considered and where necessary addressed before the plan is finalised.

The future report to the Special Development Committee will detail the outcome of the actual re-exhibition process and the submissions received. Submitters will also have the opportunity to give a deputation to the Committee to expand/comment as required.

It should be noted that if the proposed reporting approach is adopted, there is likely to be a community backlash given that it has been compressed to a number of days, rather than a more drawn out after hours approach. This is unfortunately unavoidable given the desire to see this current draft plan concluded in a timely manner. Thus it will be essential that Council gives the issues raised in the submissions due consideration and if necessary adjusts the final plan, where possible/practical.

71. Hunting on Public Lands - New Gazetted Areas

File 45185E [Index](#)

PURPOSE: Delivery Program Activity: 1.2.2.13

On 26 February 2013 Council resolved to *seek assurances on behalf of local residents, from the NSW Government in relation to shooting in local National Parks, as to the safety and amenity of residents whose properties border these areas.*

This report addresses a related matter of the recent declaration of certain public lands for hunting within Shoalhaven. It considers staff safety issues as well as potential conflict issues with road users and tourism / recreation activities.

RECOMMENDED that Council:

- a) **Write to the Premier of NSW calling for better consultation with Local Government prior to gazetting public areas for hunting to avoid a clash of incompatible land and adjacent uses;**

-
- b) **Write to the Minister for Primary Industries and request that both Nowra and Currambene State Forests be entirely removed from the Schedule of declared land due to potential safety concerns for Council staff, road users and existing land user groups;**
 - c) **Write to the Member for South Coast, Shelly Hancock MP to make her aware of the safety concerns related to road use, maintenance of key infrastructure, existing community use access agreements and potential tourism impacts;**
 - d) **Inform known recreational user groups and relevant Community Consultative Bodies that the areas have been declared for hunting.**

OPTIONS

1. Council proceed with recommendation and:
 - a. Write to the Premier calling for better consultation with Local Government prior to gazetting public areas for hunting to avoid a clash of incompatible land and adjacent uses;
 - b. Write to the Minister for Primary Industries and request that both Nowra and Currambene State Forests be entirely removed from the Schedule of declared land due to potential safety concerns for Council staff, road users and existing land user groups;
 - c. Write to the local State Government member to make her aware of the safety concerns related to road use, maintenance of key infrastructure, existing community use access agreements and potential tourism impacts;
 - d. Inform known recreational user groups and relevant Community Consultative Bodies that the areas have been declared for hunting.
2. Request that the area covered by the permit agreement with the South Coast United Mountainbikers and areas used for bike / motor bike riding be removed from the schedule of declared land.
3. Do not make representation on this issue.
4. Also comment on the concern about humane treatment of target species and impact on native fauna.

DETAILS

It is noted that on 26 February 2013 that Council resolved to “*seek assurances on behalf of local residents, in relation to shooting in local National Parks, as to the safety and amenity of residents whose properties border these areas*”.

A letter to the Premier was sent by the General Manager on 15 April 2013 in accordance with that resolution. The Premier acknowledged this concern on 2 May 2013 and forwarded to the Hon Robyn Parker MP for response

On 29 April 2013 four State Forests in Shoalhaven were gazetted on Schedule 1 (declared land) of the *Game and Feral Animal Control Act 2002*. They are Nowra, Currumbene, Macdonald (12km north west of Ulladulla), and Termeil State Forests. These are in addition to other sites already declared including Brooman and Yadboro State Forests (South of Ulladulla), Yerriyong State Forest (Sussex Inlet) and Flat Rock State Forest. All of these sites now permit hunting for feral animals with guns or bows (not cross bows).

The Currumbene area includes both sides of Forest Road with no apparent defined buffer between the road reserve and gazetted public areas for hunting. The gazetted area also does not recognise that Forest Road is now a main transport connection between the Princes Highway and settlements of Callala Bay, Callala Beach, Myola and Currarong. Forest Road is also a popular cycling route and also provides a bike course for triathlons. The Currumbene area also has multiple access points into the bushland area which includes access from the coastal communities and Worrigeen.

In October 2012 the South Coast United Mountainbikers (SCUM) signed an Occupational Permit agreement with Forests NSW to use a large part of both Nowra and Currumbene State Forests. This is a popular mountain biking location and is regularly used by individuals and for large events. The gazetted areas also include off road cycle routes used by 'Shoalhaven Bicycle User Group' members as well as other less well represented groups such as horse riders and trail bike riders.

While it is understood that hunting may lead to a decline in feral animals, there is a concern that other recreational users could be put at risk.

In order to hunt on public land you need:

- to be over 12 years of age
- have a restricted licence (cost of \$75, less for concession)
- have booked the site
- written permission (which is given automatically when you book a hunt).

Forests NSW has authorised the Game Council to manage hunter access through a computerised booking system that controls and monitors this access. There are limits on hunter densities for safety reasons. Numbers are nominally limited to an average maximum of one hunter per 400 hectares (1,000 acres). This lessens the chance that hunters will accidentally shoot each other. Unfortunately, it does not provide any safety to other recreational users or does it provide a mechanism to make other users / passing traffic aware of hunting occurring in the area. Nowra and Currumbene State Forests have a combined area of 2,213 hectares. This is large enough for 5 hunting bookings to occur simultaneously.

The NSW Game Council website, which also provides links to the Act and Regulation, clearly states that hunters will be sharing the land with other recreational users. Forests NSW is currently erecting declared conservation hunting area signs at the vehicle entry points to declared State forests.

Key Issues

The electronic hunting booking system does not take into account other recreational events that may be taking place (e.g. mountain biking races). Some of these areas are included in Council's recreational planning strategies. There are public safety issues that need to be considered now that these areas are open to hunting. Hunting can occur day or night. There are so many tracks in Currumbene State Forest that it would be difficult for hunters to know if other recreational users are on site.

Shoalhaven Water also has key infrastructure which require maintenance in the declared areas, there are potential concerns relating to the safety of staff undertaking these tasks.

There is no way for other recreational users to access the electronic booking system to see if hunters will be using a site on a given day. There is no way for days to be 'blacked out' in the booking system if other large events or maintenance of infrastructure are scheduled.

If better consultation had taken place, Council could have provided advice to State Forests and the Game Council on which State Forests are likely to have high use by other recreational users, including tourists. As it stands, they have chosen one of the highest use sites on the south coast.

FINANCIAL IMPLICATIONS:

No resource implications identified at this stage.

COMMUNITY ENGAGEMENT:

There has been no known local public consultation on this issue. This is a potential public safety issue which needs to be considered and addressed.

P L Adams

DIRECTOR STRATEGIC PLANNING & INFRASTRUCTURE

R.D Pigg

GENERAL MANAGER

LEGAL DOCUMENTS

ORDINARY MEETING

TUESDAY, 21 MAY 2013

DEVELOPMENT AND ENVIRONMENTAL SERVICES

72. Delegation of functions under the Plumbing and Drainage Act 2012 [File 15095E](#) [Index](#)

This report is to recommend the seal of Council be affixed to an Instrument of Delegation under section 21 of the Plumbing and Drainage Act 2012.

On 23 November 2012 Council considered a report prepared by Development and Environmental Services, outlining the implementation of the recently gazetted Plumbing and Drainage Act 2012. (A copy of the report and attachments is provided as **Attachment A.**) At that meeting Council resolved to:

- a) *Advise NSW Fair Trading of the acceptance on the delegations in the instrument of delegation under Section 21 of the Plumbing and Drainage Act, 2011, and*
- b) *That the delegations in the instrument be sub-delegated by Council to the General Manager.*

The sub-delegation is being prepared in accordance with *b*), however, the Instrument of Delegation received by Council requires the seal of Council to acknowledge the delegated responsibilities and to show agreement to act in accordance with the delegation.

RECOMMENDED that the Common Seal of the Council of the City of Shoalhaven be affixed to the Instrument of Delegation (under section 21 of the Plumbing and Drainage Act 2011) as provided by NSW Fair Trading.

Tim Fletcher

DIRECTOR DEVELOPMENT & ENVIRONMENTAL SERVICES

R.D Pigg

GENERAL MANAGER

NOTICES OF MOTION
ORDINARY MEETING
TUESDAY, 21 MAY, 2013

73. Urgent Meeting for Business and Jobs Development Committee File 38821E [Index](#)

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

That the General Manager convene an urgent meeting of the Business and Employment Development Committee where we invite the Member for Kiama, Gareth Ward, so we can put forward our bid for part of the \$100M extra proceeds from the leasing of the Port Kembla Port.

Background:

Treasurer Mike Baird's decision to task Kiama MP Gareth Ward to run the consultation on how these funds are spent is an advantage for the Shoalhaven given that Mr Ward is so well acquainted with our local needs from his own time on Council. However, we need to be prepared with projects.

The Business and Employment Development Committee is the perfect forum as it combines business and community representatives along with Councillors and staff. It is not due to meet for at least another month so it is important that we bring it forward. We need to be on the front foot in making an early impression with shovel ready employment and infrastructure projects for the City.

We are already set to benefit from \$170M of proceeds in the funding of the Berry bypass. To have this locked in is a key example of the benefits that will flow from this leasing arrangement as the completion of the Gerringong to Bomaderry Princes Highway project offers a massive economic boost to the Shoalhaven.

There are many other economic development projects that we should be able to identify to bring extra funds to the region. They may be other transport infrastructure projects to provide better heavy vehicle access to Bomaderry and South Nowra or other public transport facilities that support the productivity of our local workforce. There are many tourist infrastructure projects designed to value add to the experience of visitors to our area that have also been identified in our tourism strategic plan.

Signed
Clr Guile

Note by General Manager: A meeting of the Business and Employment Development Committee is scheduled for Monday 17th June 2013.

CONFIDENTIAL BUSINESS PAPER AGENDA

GENERAL MANAGER – COMMITTEES REPORT

COUNCIL PROPERTY STEERING COMMITTEE – 7 MAY 2013

1. Additional Employment Land – Paper Mill

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.

On balance, the public interest in preserving the confidentiality of information relating to possible land use outweighs the public interest in maintaining openness and transparency in Council decision making as it may impact on Councils dealing with parties who may be affected.

2. Resolutions/Actions - Projects to be Completed

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.

On balance, the public interest in preserving the confidentiality of information relating to possible land use outweighs the public interest in maintaining openness and transparency in Council decision making as it may impact on Councils dealing with parties who may be affected.

FINANCE & CORPORATE SERVICES

3. Tender for the Manufacture and Installation of Relocatable Cabins at Holiday Haven Tourist Parks

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.

On balance, the public interest in preserving the confidentiality of information relating to possible land use outweighs the public interest in maintaining openness and transparency in Council decision making as it may impact on the ability of Council to attract competitive tenders in the future.

CITY SERVICES & OPERATIONS

4. Confidential Tender - Ison Park Sporting Field Carpark & Access Road Upgrade

Reason

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

On balance, the public interest in preserving the confidentiality of information relating to possible land use outweighs the public interest in maintaining openness and transparency in Council decision making as it may impact on the ability of Council to attract competitive tenders in the future.

5. Confidential - Quotation Bomaderry Depot, Underground Storage Tanks Removal Contractor

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.

On balance, the public interest in preserving the confidentiality of information relating to possible land use outweighs the public interest in maintaining openness and transparency in Council decision making as it may impact on the ability of Council to attract competitive tenders in the future.

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

ADDENDUM REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 21 MAY 2013

STRATEGIC PLANNING AND INFRASTRUCTURE

1. Grant of Licence Lot 1 DP 1077521, Comerong Road, Numbaa File 47157E

PURPOSE: Delivery Program Activity: 4.5.5.1

To seek a resolution of Council to authorise the General Manager to progress negotiations and licence to Southern Cross Waterfronts the licensing of part of Lot 1 DP 1077521 (Attachment A) for purposes of lifting boats from the adjoining Berry's Canal.

RECOMMENDED that:

- a) **Council licence to Southern Cross Waterfronts (or its nominee) part of Lot 1 DP 1077521 for a term of up to 3 years;**
- b) **The General Manager be delegated authority to endorse any terms of the Licence that may not yet be settled; and**
- c) **The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution.**

OPTIONS

- 1. **(Recommended).** Resolve as recommended.
- 2. **(Not Recommended).** Terminate all negotiations for the licensing of Lot 1 DP 1077521.
- 3. Provide further direction to staff.

DETAILS

Council has received a request to licence part of Lot 1 DP 1077521 (Lot 1) for the temporary placement of high capacity cranes to lift boats from the adjoining Berry's Canal. The proposal is that the cranes make use of hard stand areas developed by Council for the removal of the Comerong Island ferry from the Canal and periodic maintenance work.

The request is for an arrangement for an initial trial period with subsequent review by Council.

Enquiries reveal that Council's use of Lot 1 is primarily for those occasions when scheduled work is needed to be undertaken upon the ferry. Therefore, there is scope for Lot 41 to be licensed as sought however it will be necessary to ensure that any use of Lot 1 does not interfere with the ferry's operations.

In addition to licensing Lot 1 a request has been made to use Council equipment on Lot 1 that is used for the ferry removal and also Council pontoons used by boats replacing the ferry whist being serviced. It is understood that temporary adjustments will be made to these Council items in order to facilitate the proposer's use. Details of the adjustments are not known however Council operational staffs believe that the proposer's use of the equipment can be readily accommodated.

Lot 1 is classified as operational land and therefore the licensing of the land is permissible for the intended purpose.

Any licence agreement will need to be subject to the licensee's operations not interfering with the ferry operations, maintenance of Council equipment and compliance with any necessary approvals. In addition any licence will provide for Council's use of Lot 1 for future ferry maintenance as needed from time to time

As at the time of preparation of this report Council is awaiting further details of the extent of use of Lot 1 that will facilitate the determination and negotiation of an appropriate occupation fee.

The resolution seeks to delegate to the General Manager the ability to licence Lot 1 for a period of up to 3 years in expectation that a trial period proves successful thereby facilitating the prompt entry into a longer term agreement.

FINANCIAL IMPLICATIONS:

The licensing of Lot 1 will provide a return on land that is currently underutilised. Any licence will make provision for the maintenance of Council equipment

P.L. Adams
DIRECTOR, STRATEGIC PLANNING& INFRASTRUCTURE

R.D Pigg
GENERAL MANAGER

ADDENDUM REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 21 MAY 2013

CITY SERVICES AND OPERATIONS / FINANCE AND CORPORATE SERVICES

1. Nowra CBD CCTV Project and Implications of Decision of the Administrative Decisions Tribunal Regarding Privacy Complaint File 24464E

PURPOSE: Delivery Program Activity: 1.3.1.3

Provide an update on the decision of the Administrative Decision Tribunal in regards to a privacy complaint concerning the Nowra CBD CCTV Project and the implications for Council.

RECOMMENDED that Council:

- a) **Accept the report on the Nowra CBD CCTV Project of the decision of the Administrative Decisions Tribunal regarding privacy complaint for information;**
- b) **Endorse an application for funding to the Commonwealth Attorney General for a grant from the Proceeds of Crime Fund to upgrade and extend the Nowra CBD CCTV system and vote the funds if successful with this application;**
- c) **A strategy, policy and guidelines be developed in relation to all CCTV operated by Shoalhaven City Council that is consistent with the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places.**

OPTIONS

- 1. Recommendation as stated.
- 2. An alternative recommendation

DETAILS

On 2 May 2013, the decision of the Administrative Decisions Tribunal of New South Wales in the matter of SF v Shoalhaven City Council [2013] NSWADT 94 was published.

The proceedings involved an application for review of an internal review decision under the *Privacy and Personal Information Protection Act 1998* (PIPP Act). The application involved CCTV footage of the Applicant captured in the Central Business District of Nowra, by a program operated by Shoalhaven City Council.

The Tribunal found, in part, that Council had breached three of the Information Protection Principles (IPP) of the PPIP Act. These being Section 10, 11(a) and 12(c). Shoalhaven City Council was ordered to:

1. "...refrain from any conduct or action in contravention of an information protection principle or a privacy code of practice;
2. ...render a written apology to the Applicant for the breaches, and advise him of the steps to be taken by Council to remove the possibility of similar breaches in the future."

Consequently, the CCTV cameras operating in the Nowra CBD have been temporarily turned off until Council is in a position to meet item 1 of the decision.

Section 10

Section 10 of the PPIP Act relates to requirements when collecting personal information. This Section outlines the importance of informing an individual that their personal information is being collected, the purposes of this collection, the intended recipients of the information, any consequences for not providing the information, any rights to access and correction of the information and the contact details for the organisation collecting the information. The Administrative Decisions Tribunal found that Council had breached this Section of the act in that signage was not sufficient to ensure individuals are made aware of the information addressed by Section 10. The tribunal found that the signage, and any other actions taken by Council, has not been sufficient to ensure that individuals are "made aware of the implications for their privacy of the collections process, and of any protections that apply to or at the time of collection."

Implications of Section 10

The main implications of the decision in relation to Section 10 of the PIPP Act appear to be:

- Signs informing individuals of the collection of personal information via CCTV and the accompanying privacy implications should be erected near every CCTV camera in the CCTV area;
- Signs need to be changed to include all the information required by Section 10 of the PIPP Act. This presents a major difficulty, as the provisions of Section 10 are lengthy. Inclusion of these details will result in an overcrowded sign where the likelihood of being read is reduced. It will also result in signs being very large.
- An internet search has not found an example throughout the world that includes all these type of details.

Section 11(a)

Section 11 relates to other requirements relating to collection of personal information. The issue for the Tribunal was whether the CCTV program by the collection of personal information achieves the objective of crime prevention, is relevant to that purpose, not excessive, accurate and up to date.

In this the Tribunal accepted the Privacy Commissioner's views that much of the information collected was "collateral information" and not relevant to crime prevention purposes. Associated with this the Tribunal agreed with the applicant that the images collected were of poor quality and that personal information collected would be of little use for law enforcement. The tribunal also accepted that expert evidence suggests that CCTV does little to prevent crime. Consequently, the Tribunal decided that the personal information collected was not relevant to crime prevention, was excessive, inaccurate and incomplete with the result that Council had not complied with the obligations of Section 11 of the PIPP Act.

Implications of Section 11(a)

The main implications of the decision are relation to Section 11(a) of the PIPP Act appear to be:

- The nature of CCTV is that it collects personal information in an indiscriminate manner. This will always result in collateral information being collected. The only way Council can meet this decision of the Administrative Decisions Tribunal on this point is if Council was exempt from the PIPP Act in relation to the operation of CCTV in public places;
- The issue of quality is much simpler. This can be addressed by a technical review of the current CCTV system and refurbishing the Nowra CBD CCTV system to meet current quality standards. Funds are presently available through the Commonwealth Attorney General (Proceeds of Crime Funding) that could be used for this purpose. Up to \$500,000 is available. It is suggested that Council apply for this funding to upgrade and expand the Nowra CBD CCTV system.

Staff have met with Paul Charles from National Security Consulting. Mr Charles is a former detective with the NSW Police Force and is an Electronic and Barrier Security Specialist. He is recognised as an authority on CCTV systems. He is reviewing the current Nowra CBD CCTV system and will provide information that will be used in an application for Commonwealth Government funding to upgrade and expand the CCTV system in the Nowra CBD.

Section 12(c)

Section 12(c) provides that an agency holding personal information ensuring the information is protected by taking reasonable security safeguards against loss, unauthorised access and misuse.

The Tribunal viewed that Council has developed sufficient safeguards in this area. However, the protocol in regards to Police logging onto the live monitor have not been followed in that instead of a discrete password being used for each user a generic

password was being used. The Tribunal has recommended that Police are both trained in the use of the live monitor and that the use of discrete passwords is monitored by Council and an audit trail is maintained.

Implications of Section 12(c)

The main implications of the decision in relation to Section 12(c) of the PIPP Act appear to be:

- A system of discrete user names and passwords is implemented and monitored. This is already being addressed with Police. The technical aspects of monitoring this and auditing it are also being investigated.
- Training of Police operating the live monitor needs to occur. Discussions with Police have indicated willingness for this training to be conducted.

Additional Implications

This decision not only has implications for the Nowra CBD CCTV Project but for all CCTV operating in public places throughout NSW. It may also have implications for other states and jurisdiction within the Commonwealth, but this would depend on the privacy legislation in place for that jurisdiction. Council has already received a number of telephone calls from Councils throughout NSW and Australia in regards to these implications. Many of these Councils are monitoring the situation as it continues to develop.

Although, this decision refers only to the Nowra CBD CCTV Project, Council also operates CCTV in a number of other locations such as: The Shoalhaven Entertainment Centre; Leisure Centres; Libraries etc. There is no policy or guidelines in place in regards to these various operations and an overall strategy for CCTV throughout the local government area is nonexistent. A strategy, policy and guidelines need to be developed for all Council CCTV systems operating in public places that is consistent with the NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places.

Update

The NSW State Government has made an amendment to the regulation under the Privacy and Personal Information Protection Act 1998. The Privacy and Personal Information protection Amendment (CCTV) Regulation 2013 exempts local councils from the provisions of PPIP Act relating to the collection of personal information by use of CCTV in public places and the disclosure to the NSW Police Force of that information by way of live transmission. The amendment relates to Section 11 and Section 18 of the Act. The amendment commenced on Friday 17 May 2013.

Although the amendment to the act addressed Sections 11 and 18 of the Act it did not address Section 10. This means that the issue of signage is unresolved by the regulation.

During the week of 10-17 May 2013 discussions were entered into with the Office of the Information and Privacy Commissioner. On Friday, 17 May a template of suggested text was submitted to the Commissioner for their advice on the accuracy of this text to address section 10 of the PPIP Act. The Privacy Commissioner advised Council this text was acceptable in meeting the relevant section of the act. The new text will read:

“CCTV Recording in the Nowra CBD 24 hours per day.

Images are recorded for the purposes of crime prevention and may be used by the NSW Police Force for investigation.

The operation of this system is subject to the provisions of the Privacy and Personal Information Protection Act 1998. Further information is available at: <http://shoalhaven.nsw.gov.au>.

This system is owned by Shoalhaven City Council, P.O. Box 42 Nowra NSW 2541.

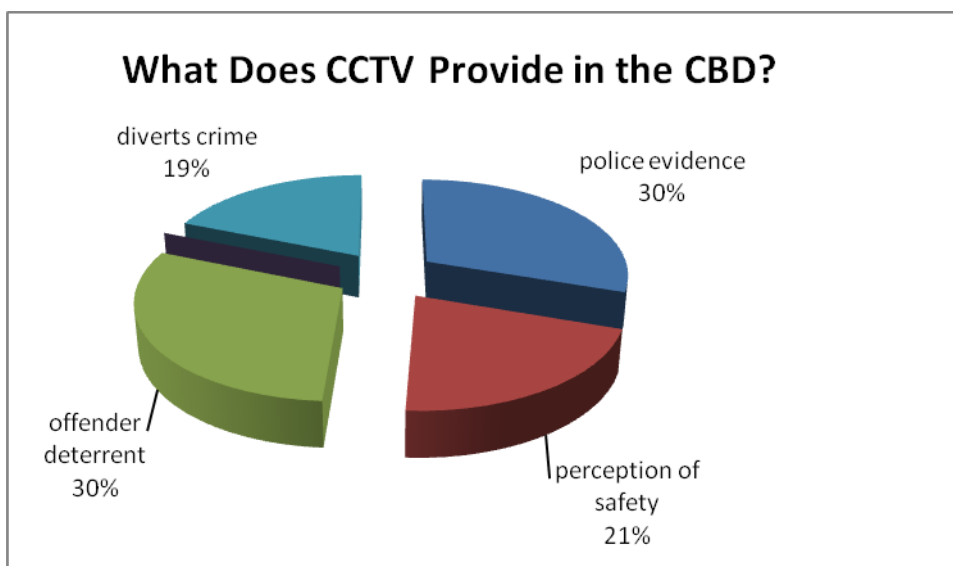
Further information, inquiries, access or complaints contact Shoalhaven City Council on 44293111”.

Council has now commissioned the new signs. These signs will be progressively erected as they become available and the cameras activated as they become compliant.

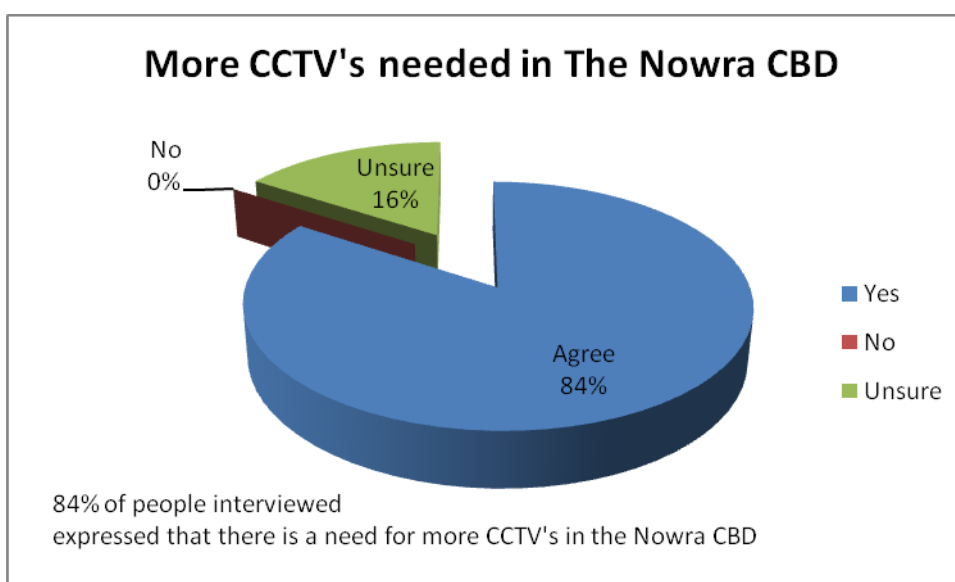
Community and Media Response

The decision of the Administrative Decisions Tribunal and the temporary switching off of the Nowra CBD CCTV Project has received broad media coverage in both local and national media. Council has received a number of emails and letters advocating for Council to turn the CCTV cameras on as soon as is possible. Social media has also been very lively with discussion of the ADT decision and the switching off of the system.

The general tone of both the media and community discussion has been positive towards the use of CCTV as both a crime prevention and law enforcement tool with an emphasis on the belief that CCTV creates safer communities. This discussion has confirmed the results of the CCTV Survey 2012 conducted by Council. When asked what CCTV provided in the Nowra CBD respondents felt that CCTV was useful in providing evidence to the Police in investigating crime (30%) as well as deterring potential offenders (30%). There was a perception of safety when CCTV was in operation (21%) as well as perhaps diverting crime to other locations (19%).



The majority of respondents also believed that more CCTV cameras were required in the Nowra CBD (84%).



FINANCIAL IMPLICATIONS:

Following are the financial implications of the decision of the Administrative Decisions Tribunal:

- Signage: Currently there are 12 signs in the Nowra CBD informing people of the presence of CCTV. The finding of the Administrative Decision Tribunal requires 12 new signs to be made for the conditions of the finding to be met.
- Training of the Police: Training would take up to two hours with two training sessions conducted. This would come at a staff time cost of approximately \$300.

COMMUNITY ENGAGEMENT:

If Council is successful in gaining funds to upgrade and extend the Nowra CBD CCTV system, a further community engagement process will be initiated. This will include media releases, the preparation of information sheets regarding the funding and upgrade as well as an information kiosk in the Nowra CBD.

W P Paterson
DIRECTOR CITY SERVICES & OPERATIONS

P J Dun
DIRECTOR FINANCE & CORPORATE SERVICES

R.D Pigg
GENERAL MANAGER