

SHOALHAVEN CITY COUNCIL
ORDINARY MEETING

To be held on Tuesday, 27th March, 2007
Commencing at 4.00 pm

City Administrative Centre
Bridge Road
NOWRA NSW 2541

21st March, 2007

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, 27th March, 2007 commencing at 4.00 pm** for consideration of the following business.

Yours faithfully

R D Pigg
General Manager

Membership
All Councillors

BUSINESS OF MEETING

PRAYER: Major Gary Craig - Nowra Salvation Army

- 1. Australian National Anthem**
- 2. Apologies**
- 3. Confirmation of Minutes**
 - Ordinary Meeting - 27th February, 2007
 - Extra Ordinary Meeting - 13th March, 2007
- 4. Presentation of Petitions**
- 5. Mayoral Minute**
- 6. Reports of Committees**
 - Report of the Policy and Planning Committee Meeting - 13th March, 2007
 - Report of the Works and Finance Committee Meeting - 13th March, 2007
 - Report of the Development Committee Meeting - 13th March, 2007
 - Report of the Shoalhaven Water Operations and Strategic Review Committee Meeting - 20th March, 2007
 - Report of the Crown Reserves, Community and Commercial Operations Committee Meeting - 20th March, 2007
 - Report of the Shoalhaven Traffic Committee Meeting - 20th March, 2007
- 7. Report of the General Manager**
 - Finance & Corporate Services
- 8. Legal Documents**
 - Development & Environmental Services
- 9. Notices of Motion**

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.

MAYORAL MINUTES

ORDINARY MEETING

TUESDAY, 27TH MARCH, 2007

1. Princes Highway, South Nowra - Landscape South of Hillcrest Avenue **File 3897, 1383-12**

I am continuing to receive representations from business and property owners at South Nowra regarding the untidy nature of some of the road verge areas owned by Council.

About twelve months ago Council undertook some landscaping works on the corner of Flinders Road and the Princes Highway which has dramatically improved the general appearance of the area. Many of the businesses at South Nowra have struggled to improve their frontages but the proprietors continue to be disappointed at the lack of maintenance and landscaping on the Council-owned verges.

The section causing the greatest concern is that from Hillcrest Avenue to the pull-over bay located on the northern side of Plantland Nursery. This area is frequently used by locals to sell their motor cars, boats, trailers and caravans and apart from being an unsightly mess has contributed to a number of rear end accidents and some very near misses – some of these near misses have involved buses carrying children.

It is my view that Council should undertake the urgent tidying up and landscaping of this area aimed at improving the appearance of the South Nowra area generally and restricting the amount of space available for the display of private motor vehicles.

RECOMMENDED that Council vote the sum of \$20,000 to carry out landscaping works at South Nowra and that funds be sourced from existing relevant maintenance votes.

2. Milton Ulladulla Tennis Complex Upgrade **File 34979**

I am very pleased to advise that the Member for Gilmore, Mrs. Joanna Gash, M.P. has announced that \$242,000 had been allocated to the Milton Ulladulla Tennis Association under the Australian Government's Regional Partnerships Program. These funds will go towards the construction of four new tennis courts and associated fencing, paving and storage facilities at the Milton Ulladulla Tennis Complex.

The Milton Ulladulla District Tennis Association President, Mr. Alan Gilkes, worked closely with the Shoalhaven Area Consultative Committee and the Member for Gilmore in securing this funding and this successful outcome will see a high quality facility for tennis lovers in the Southern Shoalhaven.

This is another example of the community and local agencies working together to achieve a successful outcome.

RECOMMENDED that letters of appreciation be forwarded to the Member for Gilmore, Mrs. Joanna Gash, M.P., the Shoalhaven Area Consultative Committee and the President, Mr. Alan Gilkes, Milton Ulladulla District Tennis Association for successfully securing a grant of \$242,000 under the Australian Government's Regional Partnerships Program.

3. Blueprint Shoalhaven Executive Officer

File 33110-02

Member for Gilmore, Mrs. Joanna Gash, M.P. has announced that the Australian Government has signed-off on funding for an Executive Officer's position to take the Blueprint Shoalhaven process forward.

The Australian Government has committed up to \$250,000 to meet the costs of an Executive Officer's position to take the plan, refine its project priorities, seek out suitable community project champions and co-ordinate prospective government funding applications.

RECOMMENDED that a letter of appreciation be forwarded to the Member for Gilmore, Mrs. Joanna Gash, M.P. for successfully securing a grant of \$250,000 from the Australian Government for the appointment for two years of an Executive Officer to take the Blueprint Shoalhaven Action Plan forward.

4. New South Wales State Elections

File 8318

Last Saturday saw our local sitting members, Member for South Coast, Mrs. Shelley Hancock, M.P. and Member for Kiama, Mr. Matt Brown, M.P. score a resounding victory in the State Elections.

Member for Kiama, Mr. Matt Brown, MP achieved a 5% swing in the new Kiama seat based on the previous Labor vote which in real terms means a 10% swing to Mr. Brown because of the 5% swing against the Labor Party State-wide.

Member for South Coast, Mrs. Shelley Hancock, M.P. has clearly consolidated her position in what some political analysts believe is nominally an ALP seat. Shelley's engagement of the community has certainly paid off and deserves hearty congratulations for this significant win.

The Premier of New South Wales, The Hon. Morris Iemma, M.P. has been elected in his own right as Premier of New South Wales. The successful campaign run by the Premier has almost maintained the previous Labor Party majority in the Lower House. This is an outstanding achievement, particularly when you have regard to the aggressive attitude of the Sydney media against the Labor Government. This resounding win is an achievement of which he should be very proud.

RECOMMENDED that letters of congratulations be forwarded to the Hon. Morris Iemma, M.P. Premier of New South Wales, Member for South Coast, Mrs. Shelley Hancock, M.P. and Member for Kiama, Mr. Matt Brown, M.P. on their resounding win in the recent New South Wales State Government Elections.

Greg Watson

Greg Watson,
Mayor.

REPORT OF THE POLICY AND PLANNING COMMITTEE MEETING OF THE COUNCIL OF THE CITY OF SHOALHAVEN HELD IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA ON TUESDAY 13TH MARCH, 2007 COMMENCING AT 3.35 PM

The following members were present;

Clr G Watson – Chairman
Clr J Finkernagel
Clr R Rudd
Clr P Murphy
Clr P Green
Clr J Kerr
Clr G Ward
Clr G Kearney
Clr J Willmott
Clr J Young
Clr R Bates

1. Apologies

Apologies were received from Clr J McCrudden and Clr J Anderson.

A MOTION was moved by Clr Kearney, seconded by Clr Ward, that the apologies received from Clr J McCrudden and Clr J Anderson be accepted.

2. Additional Item - Recognition and Condolences - June Webster

Clr Watson informed Council of the sad passing of June Webster, long trusted media representative and Senior Journalist with the South Coast Register. June had attended and reported on the meetings of Council for over 20 years, joining Councillors regularly for Council meals and social occasions. Clr Watson passed on Council's thoughts and condolences to June's family, work colleagues and friends.

REPORT OF THE GENERAL MANAGER

SHOALHAVEN TOURISM BOARD - 19TH FEBRUARY, 2007

3. Budget

File 1490-07

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the Council note and endorse the budget result to date.

The MOTION upon being PUT to the meeting was declared CARRIED.

4. Correspondence File 1490-07, 5359-03, 33268

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendation to Council

RECOMMENDED that with regard to the item on the Illawarra Regional Tourism Organisation and the Illawarra Regional Development Board's proposal to establish an International Tourist Bureau the Tourism Manager's actions in committing the Shoalhaven Tourism Board to the proposed International Tourist Bureau of \$5,000 per year for two years be confirmed.

The MOTION upon being PUT to the meeting was declared CARRIED.

5. Artfest Ulladulla File 2161-09

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report of the General Manager (Finance & Corporate Services) on the Artfest Ulladulla securing Regional Flagship funding be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

6. Huskisson Trading Post File 12770

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the existing arrangements with the Huskisson Trading Post with respect to running a supplementary visitors centre continue.

The MOTION upon being PUT to the meeting was declared CARRIED.

7. Film Illawarra - Report on activities for 2006 File 3083-05

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the General Manager (Finance & Corporate Services) should write to Film Illawarra noting that the Shoalhaven Tourism Board is committed to the funding of Film Illawarra but noting the Board's disappointment at the lack of feature films, or other filming events in the Shoalhaven and encouraging Film Illawarra to be more active in putting Shoalhaven's case forward when encouraging filming activities in this area.

The MOTION upon being PUT to the meeting was declared CARRIED.

8. Film Illawarra - January Report File 3083-05

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report of the General Manager (Finance & Corporate Services) concerning the Film Illawarra January Report be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

9. Shoalhaven Tourism Board Membership File 1490-07

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the General Manager (Finance and Corporate Services) thank the three members of the Shoalhaven Tourism Board for their services to tourism during the term of their latest appointment and encourage each of the members to re-nominate for the Shoalhaven Tourism Board.

The MOTION upon being PUT to the meeting was declared CARRIED.

10. Marketing Campaigns File 1011-02

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendations to Council.

RECOMMENDED that

- a) Due to the lack of support from tourism operators that the Shoalhaven Tourism Board not produce a Package Holiday Brochure at this time.
- b) The report of the General Manager (Finance & Corporate Services) on the Marketing Campaigns to be undertaken by the Shoalhaven Tourism Board be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

11. Online Booking Service www.shoalhavenholidays.com.au File 31341

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report of the General Manager (Finance & Corporate Services) concerning the Online Booking Service - www.shoalhavenholidays.com.au be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

12. Sydney Melbourne Coastal Drive Report File 3823-10

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report of the General Manager (Finance & Corporate Services) concerning the Sydney Melbourne Coastal Drive be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

13. Roadshows File 1023-03

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report of the General Manager (Finance & Corporate Services) concerning the Roadshows the Shoalhaven Tourism Board is attending be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

14. Visitation over Summer File 8169-05

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report of the General Manager (Finance & Corporate Services) on the estimated visitation over Summer be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

15. Shoalhaven Tourism Master Plan File 32929

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report of the General Manager (Finance & Corporate Services) on the progress of the Shoalhaven Tourism Master Plan be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

16. Mega Regional Tourism Organisation File 6853-08

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the Shoalhaven Tourism Board recommend to Shoalhaven City Council to endorse the proposal for the creation of a mega RTO incorporating the Local Government areas of (north to south) Wollongong City Council, Shellharbour Municipal Council, Kiama Municipal Council, Shoalhaven City Council, Eurobodalla Shire Council and Bega Valley Shire Council.

The MOTION upon being PUT to the meeting was declared CARRIED.

17. Shaolin Temple File 33378

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the verbal report given on the progress of the Shaolin Temple be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

18. Small Tourist Brochures/Cards File 26944

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the General Manager (Finance & Corporate Services) examine the possibility of utilising small tourist brochures/cards.

The MOTION upon being PUT to the meeting was declared CARRIED.

19. Website Statistics File 31341

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the General Manager (Finance & Corporate Services) examine the possibility of obtaining more detailed website statistics through www.shoalhavenholidays.com.au.

The MOTION upon being PUT to the meeting was declared CARRIED.

20. Shark Planes File 4977-04

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report from the Board on the Shark Planes be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

YOUTH ADVISORY COMMITTEE - 21ST FEBRUARY, 2007

21. Presentation on Shoalhaven Water Supply Security File 4844-04

A MOTION was moved by Clr Ward, seconded by Clr Willmott, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the verbal presentation on Shoalhaven water supply security be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

22. Youth Advisory Committee Budget File 1506-04

A MOTION was moved by Clr Ward, seconded by Clr Willmott, that the Policy and Planning Committee make the following recommendations to Council.

RECOMMENDED that

- a) The report of the General Manager (City Services and Operations) regarding the Youth Advisory Committee budget be received for information.
- b) The General Manager (City Services and Operations) write to the Nowra Show Society expressing disappointment at the lack of recognition given the Youth Advisory Committee for its support of Council's \$1,000 contribution towards the Nowra Show Society Youth Program.

The MOTION upon being PUT to the meeting was declared CARRIED.

23. Mental Health Services in the Shoalhaven File 32242

A MOTION was moved by Clr Ward, seconded by Clr Willmott, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding Mental Health service in the Shoalhaven be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

24. Beautiful Soul Mental Health/Suicide Prevention Workshop – Funding Request File 1506-04

A MOTION was moved by Clr Ward, seconded by Clr Wilmott, that the Policy and Planning Committee make the following recommendations to Council.

RECOMMENDED that

- a) Council support a donation of \$750 from the Youth Advisory Committee budget towards a Beautiful Soul Mental Health / Suicide Prevention Workshop to be held in Nowra in 2007.
- b) The Youth Advisory Committee members organise the format for the Workshop with the assistance of Council's Youth Development Officer.

The MOTION upon being PUT to the meeting was declared CARRIED.

25. Youth Advisory Committee Workshops / Informal Meetings File 1506-04

A MOTION was moved by Clr Ward, seconded by Clr Willmott, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that Council Youth Development Officer liaise with Youth Advisory Committee (YAC) members to schedule a Workshop/Informal meeting to brainstorm strategies, identify and action goals for the YAC to undertake in accordance with Council's Community Plan at a time suitable to the majority of members.

The MOTION upon being PUT to the meeting was declared CARRIED.

26. Youth Week 2007 Grant Application File 2503-05

A MOTION was moved by Clr Ward, seconded by Clr Willmott, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding the Youth Week 2007 Grant Application be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

27. Youth Week Plans and Preparation File 2503-05

A MOTION was moved by Clr Ward, seconded by Clr Willmott, that the Policy and Planning Committee make the following recommendations to Council.

RECOMMENDED that

- a) The Youth Advisory Committee invite Council to promote and support all events and activities for Youth Week 2007
- b) Promotional material for Youth Week 2007 be circulated through local schools and Student Representative Council's (SCR).

The MOTION upon being PUT to the meeting was declared CARRIED.

28. Holiday Activities 2007 File 1506-04

A MOTION was moved by Clr Ward, seconded by Clr Willmott, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding the summer Holiday Activities for 2007 be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

29. Good News Youth Publication File 1506-04

A MOTION was moved by Clr Ward, seconded by Clr Willmott, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the Youth Advisory Committee seek Council's support for a good news youth publication to be produced quarterly.

The MOTION upon being PUT to the meeting was declared CARRIED.

30. Local Government Focus Publication - Youth Council Article File 1506-04

A MOTION was moved by Clr Ward, seconded by Clr Willmott, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding the Local Government Focus publication article on Youth Council be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

31. "Croc Fest" Youth Event File 1506-04

A MOTION was moved by Clr Ward, seconded by Clr Willmott, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the General Manager (City Services and Operations) write to Constable Kathryn Wynham, Nowra Police expressing Council and the Youth Advisory Committee's endorsement in seeking the staging of the "Croc Fest" youth event festival in the Shoalhaven for 2007.

The MOTION upon being PUT to the meeting was declared CARRIED.

32. Nowra Skate Park Advisory Group Representative File 35337

A MOTION was moved by Clr Ward, seconded by Clr Willmott, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that

- a) Council appoint Paul Ell as a representative of the committee on the Nowra Skate Park Advisory Group.
- b) The previous nomination of Scott Walker as a representative of YAC on the Nowra Skate Park Advisory Group be withdrawn.

The MOTION upon being PUT to the meeting was declared CARRIED.

33. Additional Item – Feedback - XXXIX Annual The Hague International Model United Nations (THIMUN) File 1506-04

A MOTION was moved by Clr Ward, seconded by Clr Willmott, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the verbal presentation of Morgan Forrest on his experience at the XXXIX Annual The Hague International Model United Nations (THIMUN) conference in the Netherlands on 5th – 29th January 2007 be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

34. Additional Item – Poetry Festival 2007 File 35751

A MOTION was moved by Clr Ward, seconded by Clr Willmott, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that

- a) Council endorse the promotion of the 2007 Poetry Festival among local High Schools with particular focus on day three (3) events due to its link with the Higher School Certificate curriculum.
- b) The promotion of the Poetry Festival among schools be undertaken by Council's Youth Development Officer in conjunction with Council's Arts & Events Manager.**

The MOTION upon being PUT to the meeting was declared CARRIED.

35. Additional item - United Nations Youth Association (UNYA)- Perez de Cuellar Security Council Competition File 10210-02
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A MOTION was moved by Clr Ward, seconded by Clr Willmott, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the General Manager (City Services and Operations) prepare a report to the Youth Advisory Committee on the request of the United Nations Youth Association (UNYA) to use the Council Chamber on Saturday 9th June 2007 to host a regional round of the Perez de Cuellar Security Council Competition for further consideration.

The MOTION upon being PUT to the meeting was declared CARRIED.

36. Additional item - Youth Parliament File 1506-04
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A MOTION was moved by Clr Ward, seconded by Clr Willmott, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that Council allocate up to \$400 from the Youth Advisory Committee budget for the attendance of two youth residents from the Shoalhaven to attend the 2007 Youth Parliament training camp on 20th -22nd April and the residential component in parliament on 1st-6th July 2007.

The MOTION upon being PUT to the meeting was declared CARRIED.

SHOALHAVEN ACCESS ADVISORY COMMITTEE - 22ND FEBRUARY, 2007

37. Presentation - Shoalhaven Multi Purpose Cultural Convention Centre File 32877
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A MOTION was moved by Clr Willmott, seconded by Clr Ward, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that:

- a) The General Manager (City Services and Operations) seek the permission of the Chairperson of the Shoalhaven Multi Purpose Cultural Convention Centre Project Control Group (SMPCCCPCG) for representatives of the Shoalhaven Access Advisory Committee to attend the next meeting of the SMPCCCPCG;

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- b) The representatives of the Shoalhaven Access Advisory Committee be permitted to convey detailed concerns in regard to an undercover drop off area proposed at the Shoalhaven Multi Purpose Cultural Convention Centre;
 - c) Meg Madge and Nathan Black be the representatives to attend the meeting.

The MOTION upon being PUT to the meeting was declared CARRIED.

38. Master Locksmith Access Key (MLAK) System File 8852

A MOTION was moved by Clr Willmott, seconded by Clr Ward, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the General Manager (City Services and Operations) investigate the need for directional signage for disabled facilities to be installed at Nowra Showground and Mollymook Park.

The MOTION upon being PUT to the meeting was declared CARRIED.

39. Mobility Maps File 3665-03

A MOTION was moved by Clr Willmott, seconded by Clr Ward, that the Policy and Planning Committee make the following recommendations to Council.

RECOMMENDED that:

- a) The report of the General Manager (City Services and Operations) regarding Mobility Maps be received for information;
- b) The General Manager (City Services and Operations) pursue advertising from commercial premises with disability access for inclusion on the Mobility Maps.

The MOTION upon being PUT to the meeting was declared CARRIED.

40. Disability Discrimination Act (DDA) Action Plan Review File 20168-02

A MOTION was moved by Clr Willmott, seconded by Clr Ward, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding Disability Discrimination Act (DDA) Action Plan Review be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

41. Young People in Nursing Homes File 3665-03

A MOTION was moved by Clr Willmott, seconded by Clr Ward, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding Young People in Nursing Homes be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

42. Smartview Xtend File 3665-03

A MOTION was moved by Clr Willmott, seconded by Clr Ward, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding Smartview Xtend be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

43. Shoalhaven Hospital - Pedestrian Access File 8020

A MOTION was moved by Clr Willmott, seconded by Clr Ward, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding Shoalhaven Hospital - Pedestrian Access be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

44. Membership Applications - Leith Hamilton and Andrea Wallace File 1228-02

A MOTION was moved by Clr Willmott, seconded by Clr Ward, that the Policy and Planning Committee make the following recommendations to Council.

RECOMMENDED that

- a) Leith Hamilton and Andrea Wallace be appointed as members of the Shoalhaven Access Advisory Committee;
- b) The General Manager (Finance & Corporate Services) write to Leith Hamilton and Andrea Wallace advising them of their membership to the Shoalhaven Access Advisory Committee.

The MOTION upon being PUT to the meeting was declared CARRIED.

45. Member Attendance Difficulties File 1228-02

A MOTION was moved by Clr Willmott, seconded by Clr Ward, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that General Manager (Finance & Corporate Services) write to Mr Brett Tory, member of the Shoalhaven Access Advisory Committee, advising that Council will continue to forward the Notice of Meeting, Minutes and Reports to him and that any concerns he may wish to raise should be forwarded to Council's Community Development Officer in writing.

The MOTION upon being PUT to the meeting was declared CARRIED.

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46. Additional Item - Lever Taps for the HACC Centre File 31164

A MOTION was moved by Clr Willmott, seconded by Clr Ward, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the General Manager (City Services and Operations) investigate options for updating bathroom fittings at the HACC Centre, Nowra.

The MOTION upon being PUT to the meeting was declared CARRIED.

47. Additional Item - Next Meeting of the Shoalhaven Access Advisory Committee File 1228-02

A MOTION was moved by Clr Willmott, seconded by Clr Ward, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the next meeting of the Shoalhaven Access Advisory Committee be scheduled for Thursday 19th April 2007 at 2.00 pm.

The MOTION upon being PUT to the meeting was declared CARRIED.

BOMADERRY SHOPPING CENTRE AND RAILWAY PRECINCT WORKING PARTY - 5TH MARCH, 2007

48. Tourism Advertising at Bomaderry Railway Station File 1490-07

A MOTION was moved by Clr Kearney, seconded by Clr Ward, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the General Manager (Finance & Corporate Services) submit a report to the next meeting of the Bomaderry Shopping Centre and Railway Precinct Working Party in regard to investigations by the Shoalhaven Tourism Board into strategies to promote tourism facilities at Bomaderry Railway Station.

The MOTION upon being PUT to the meeting was declared CARRIED.

49. Policing of the Alcohol Free Zone at Walsh Park, Bomaderry File 6598

A MOTION was moved by Clr Kearney, seconded by Clr Ward, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the General Manager (Finance & Corporate Services) submit a report to the next meeting of the Bomaderry Shopping Centre and Railway Precinct Working Party in regard to a request to the Local Area Command to police the Alcohol Free Zone at Walsh Park, Bomaderry.

The MOTION upon being PUT to the meeting was declared CARRIED.

50. Bomaderry Shopping Centre Newsletter - Results of Public Distribution File 13200

A MOTION was moved by Clr Kearney, seconded by Clr Ward, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that Council be requested to allocate funds from General Fund to engage Planning and Urban design consultants to review the Bomaderry Shopping Centre DCP in the 2008/2009 financial year.

The MOTION upon being PUT to the meeting was declared CARRIED.

51. Pedestrian Link - Railway Station, Meroo Street to Public Carpark on Coomea Street File 13200

A MOTION was moved by Clr Kearney, seconded by Clr Ward, that the Policy and Planning Committee make the following recommendations to Council.

RECOMMENDED that the General Manager (Strategic Planning Group)

- a) Negotiate with the owners of properties to the north and south of the proposed pedestrian link from Meroo Street to the public carpark on Coomea Street, Bomaderry, to provide a minimum of 3 metres each to allow for a safe walkway;
- b) Submit a report to the next meeting of the Bomaderry Shopping Centre and Railway Precinct Working Party on the outcomes of the negotiations.

The MOTION upon being PUT to the meeting was declared CARRIED.

52. Additional Item - Carpark Maintenance Required File 5758

A MOTION was moved by Clr Kearney, seconded by Clr Ward, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the General Manager (Strategic Planning) investigate maintenance requirements contained in the Development Consent for the car park at the rear of the Bomaderry Hotel, Bomaderry.

The MOTION upon being PUT to the meeting was declared CARRIED.

53. Additional Item - Next Meeting of the Bomaderry Shopping Centre and Railway Precinct Working Party File 30100

A MOTION was moved by Clr Kearney, seconded by Clr Ward, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the next meeting of the Bomaderry Shopping Centre and Railway Precinct Working Party be scheduled for June 2007.

The MOTION upon being PUT to the meeting was declared CARRIED.

ULLADULLA DCP 56 REVIEW WORKING PARTY - 6TH MARCH, 2007

54. Ulladulla Town Centre and Harbour DCP No. 56 Review - Status Report File 137667-03

A MOTION was moved by Clr Willmott, seconded by Clr Green, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report of the General Manager (Strategic Planning) on the status of the Ulladulla Town Centre and Harbour DCP No. 56 Review be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

55. Ulladulla Town Centre and Harbour DCP No. 56 Review - Facilitated Workshop No. 1 File 13767-03

A MOTION was moved by Clr Willmott, seconded by Clr Green, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report of the General Manager (Strategic Planning) concerning the Facilitated Workshop No. 1 for the Ulladulla Town Centre and Harbour DCP No. 56 Review be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

56. Additional Item - Next Meeting - Ulladulla DCP 56 Review Working Party File 34759

A MOTION was moved by Clr Willmott, seconded by Clr Green, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the next meeting of the Ulladulla DCP 56 Review Working Party followed by Workshop No.2 be scheduled for June.

The MOTION upon being PUT to the meeting was declared CARRIED.

Note by General Manager: This is an inordinate time delay between meetings considering Council has set a completion quarter date of June 2007 for this project in the Strategic Planning Groups Planners Work Program. Council should set a new target date for Resolution.

GENERAL MANAGER

57. Code of Conduct and Code of Conduct Guidelines File 4420-02

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that Council adopt the amended draft Code of Conduct and Code of Conduct Guidelines as exhibited.

The MOTION upon being PUT to the meeting was declared CARRIED.

58. Code of Conduct - Conduct Committee Status Report File 31148-02

A MOTION was moved by Clr Ward, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report of the General Manager regarding the Code Of Conduct - Conduct Committee Status Report be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

59. WorkChoices and Industrial Relations File 14611

A MOTION was moved by Clr Willmott, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendations to Council.

RECOMMENDED -

- a) That Council's Industrial Relations matters be dealt with by the General Manager, in consultation with the Local Government & Shires Association and be subject to negotiation with staff and the relevant Unions.
- b) That Councillors be kept informed of the nature and outcomes of negotiations through Councillor Briefings from time to time.

The MOTION upon being PUT to the meeting was declared CARRIED.

60. NSW Business Priorities 2007 File 4159-02

A MOTION was moved by Clr Green, seconded by Clr Ward, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that Council note the Business Priorities 2007 of the NSW Business Chamber and receive the report of the General Manager for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

CITY SERVICES AND OPERATIONS

61. Home Composting Trial File 2210

A MOTION was moved by Clr Kerr, seconded by Clr Bates, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding the Home Composting trial be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

62. Change to POEO Waste Regulation File 12124

A MOTION was moved by Clr Ward, seconded by Clr Young, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that Council make representation to the Minister for the Environment to have this legislation amendment reviewed.

The MOTION upon being PUT to the meeting was declared CARRIED.

FINANCE AND CORPORATE SERVICES

63. Amendments for Guidelines for Public Access to Council Information File 10139-02

A MOTION was moved by Clr Ward, seconded by Clr Kerr, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that Council adopt the amended guidelines for “*Public Access to Council Information*”.

The MOTION upon being PUT to the meeting was declared CARRIED.

64. AusLink: Sydney - Wollongong Corridor Strategy File No: 27588-02

A MOTION was moved by Clr Willmott, seconded by Clr Rudd, that the Policy and Planning Committee make the following recommendations to Council.

RECOMMENDED that

- a) The report of the General Manager on the Draft Sydney – Wollongong Corridor Strategy prepared by AusLink be received for information;
- b) Council include in their submission that a high priority be given to the following works in the next phase of AusLink:
 - i) Fats track the extension of the F6 link through the southern suburbs of Sydney;
 - ii) The link from Gerringong to the Jervis Bay turnoff be funded and completed;
 - iii) Electrification of the rail line from Kiama to.
- c) The submission to AusLink be endorsed by Council;
- d) A copy of Council’s submission be sent to the Member for Gilmore, Joanna Gash MP.

The MOTION upon being PUT to the meeting was declared CARRIED.

65. Community Consultation Strategy File 30427

A MOTION was moved by Clr Willmott, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendations to Council.

RECOMMENDED that

- a) Council adopt the Community Consultation Strategy as amended, with the name Principal Consultative Bodies being replaced with Community Consultative Bodies.
- b) All current Principal Consultative Bodies be advised of Council’s determination on the name change;
- c) Council’s Community Consultation Strategy be prominently displayed on Council’s website;
- d) Council amend the document ‘Guidelines for Principal Consultative Bodies’ to reflect the name change to ‘Community Consultative Bodies’.
- e) Council amend the rules in relation to Community Consultative Bodies as follows:

-
- i) A Community Consultative Body will not continue to be recognised as a Community Consultative Body if in Council's opinion they become involved in any political activities against the Federal, State and Local Government of the day;
 - ii) Shoalhaven City Council be the sole arbiter of this issue.

The MOTION upon being PUT to the meeting was declared CARRIED.

66. Ulladulla & Districts Community Forum File 1792-02

A MOTION was moved by Clr Watson, seconded by Clr Ward, that the Policy and Planning Committee make the following recommendations to Council::

RECOMMENDED that:

- a) Council recognise the Ulladulla and Districts Community Forum as a Community Consultative Body for the Ulladulla Mollymook area (excluding the Narrawallee and Burrill Lake areas);
- b) The Ulladulla Chamber of Commerce be recognised as the primary consultative group in regard to business issues in the Ulladulla area.

The MOTION upon being PUT to the meeting was declared CARRIED.

DEVELOPMENT AND ENVIRONMENTAL SERVICES

67. Trees (Disputes Between Neighbours) Act 2006 File 7378-03

A MOTION was moved by Clr Finkernagel, seconded by Clr Green, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that the report on Trees (Disputes Between Neighbours) Act 2006 be received for information.

The MOTION upon being PUT to the meeting was declared CARRIED.

68. Earth Hour - Community Action on Climate Change to Reduce Greenhouse Gas Emissions. File 8596-02

A MOTION was moved by Clr Rudd, seconded by Clr Bates, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that Shoalhaven City Council participate in Earth Hour and encourage the businesses and the community of Shoalhaven to also turn off lights for one hour between 7.30 - 8.30pm on Saturday 31 of March.

The MOTION upon being PUT to the meeting was declared CARRIED.

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69. Authorisation of Independent Suitably Qualified Persons to Grant Operational Approval for On-Site Sewage Management Facilities File 10970-03

A MOTION was moved by Clr Ward, seconded by Clr Kerr, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that Council make representations to the Minister for Local Government to support an amendment to Section 68 of the NSW Local Government Act to provide for private certification in respect of the issuing of Approvals to Operate a System of Sewerage Management. That this amendment also contain penalties for malpractice as well as the ability for the private certifier to advise a Council of environmental health issues along with orders for enforcement.

The MOTION upon being PUT to the meeting was declared CARRIED.

70. Offer of Grant Funding for the Preparation of an Education Brochure on *Minimising the Impacts of Development on Native Fauna* File 26743

A MOTION was moved by Clr Finkernagel, seconded by Clr Young, that the Policy and Planning Committee make the following recommendation to Council.

RECOMMENDED that Council accept the grant offer under the Voiceless Grants Program of \$5,000 for the preparation of a brochure on *Minimising Impacts of Development on Native Fauna* and vote the funds.

The MOTION upon being PUT to the meeting was declared CARRIED.

71. Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies (Draft Amendment No 4) File 8139

A MOTION was moved by Clr Finkernagel, seconded by Clr Kearney, that the Policy and Planning Committee make the following recommendations to Council.

RECOMMENDED that

- a) Council adopt Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies (Draft Amendment No 4), for the purposes of public exhibition in accordance with Council's existing policy;
- b) Following the consideration of submission from the public exhibition of this Policy, the matter be reported back to Council.

The MOTION upon being PUT to the meeting was declared CARRIED.

72. Additional Item - Broughton Vale Road File 9042

RECOMMENDED that:

- a) The General Manager (City Services and Operations/Strategic Planning) report to Council on the present condition of Broughton Vale Road;

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- b) The report give consideration to the road and creek bank erosion as a result of significant flooding as well as possible funding options from one of Council's three road funding programs;
 - c) The report also canvas any possible grant funding that may be available from State and Federal Governments with respect to the remediation of Broughton Creek bank.

The MOTION upon being PUT to the meeting was declared CARRIED.

There being no further business, the meeting concluded, the time being 6.00 pm.

Clr Watson
CHAIRPERSON

REPORT OF THE WORKS & FINANCE COMMITTEE MEETING OF THE COUNCIL OF THE CITY OF SHOALHAVEN HELD IN COMMITTEE ROOM 1, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA ON TUESDAY 13TH MARCH, 2007 COMMENCING AT 6.05 PM

The following members were present;

Clr J Finkernagel - Chairman
Clr J Kerr
Clr R Bates
Clr P Green
Clr G Kearney

Apologies

Apologies were received from Clr Anderson.

REPORT OF THE GENERAL MANAGER

ASSISTANT GENERAL MANAGER

1. Bomaderry Creek Flood Study File 34657-05
-

RECOMMENDED that Council engage WBM Oceanics Australia to prepare the Bomaderry Creek Flood Study as outlined in the report for an upper limit fee of \$64,550 (excluding GST), plus the associated preliminary survey costs of \$25,000 (excluding GST) which will be finalised after the engagement of the consultant.

CITY SERVICES AND OPERATIONS

2. Continuing Control of Bitou Bush Funding Offer File 7358-03
-

RECOMMENDED that:

- a) Council accept the grant offer by Natural Heritage Trust administered through the Southern Rivers Catchment Management Authority totalling \$98,000;
- b) Council vote the sum of \$20,000 to enable works to be undertaken in the current financial year;
- c) The balance of funds be included as a line item in the 2007/2008 Budget;
- d) Council write to the Minister for Environment and Conservation Mr Bob Debus, thanking him for the grant offer.

3. Tender for the Milton Ulladulla District Tennis Courts Expansion Program File 35309
-

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding the Tender for the Milton Ulladulla District Tennis Courts Expansion Program be received for information.

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4. Waiver of Fees: Ross Kalenderidis Exhibition File 4329-02

RECOMMENDED that the Council authorise payment of a \$450 fee for the hire of the Milton Theatre for a Ross Kalenderidis Exhibition, using funds available in the Arts/Cultural Activities budget (Job No 21596).

5. Community Grants Program File 3991-12

RECOMMENDED that:

- a) Council endorses the concept of a Community Grants Program;
- b) The General Manager (City Services and Operations), develop Draft Guidelines and Application Forms for the operation of the Community Grants Program and submit them to Council for further consideration.

ADDENDUM REPORT - CITY SERVICES AND OPERATIONS

6. Tender for the Milton Ulladulla District Tennis Courts Expansion Program File 35309

RECOMMENDED that the report of the General Manager (City Services and Operations) regarding the Tender for the Milton Ulladulla District Tennis Courts Expansion Program be received for information.

STRATEGIC PLANNING

7. Asset Management Plans File 8983

RECOMMENDED that

- a) Council adopt the following draft Asset Management Plans for Public Exhibition:-
 - Kerb & Gutter
 - Traffic Facilities
 - Car Parks
 - Flood Mitigation Structures
 - Playgrounds
 - Public & Community Buildings
 - Public Halls & Community Centres
 - Libraries
 - Early Childhood Services
 - Community Buildings
 - Scout & Guide Clubs
 - Arts & Craft Buildings
 - Surf Life Saving Clubs
 - Museums and Cultural Centres
 - Administrative Centres
 - Cemeteries
 - Aquatic Facilities
 - Sealed Roads

-
- b) Community consultation be undertaken by public advertisement for a period of 28 days
 - c) The draft document be placed on Council's Internet site with easy links to make the comments electronically.
 - d) Principal Consultative Bodies be advised of the availability of the draft documents on Council's web site and invited to comment.
 - e) A further report be submitted to Council on the outcome of the public exhibition.

8. Asset Management Plan - Tennis & Other Courts File 30281

RECOMMENDED that Council adopts the draft Asset Management Plan – Tennis & Other Courts.

9. Access to Subdivision of Lot 10, DP 579888, Portions 27, 116, 120, 132 & 178, Parish of Conjola
File SF7180

Mr Frank Dale addressed the Works and Finance Committee on behalf of owners with an interest in the subject Right of Ways, in favour of the report and recommendation.

RECOMMENDED that:

- a) Council accept the upgrade of the Right of Ways to the agreed standard (bitumen sealed, nominal 200mm pavement overlay) as a suitable upgraded standard for the existing two Right of Ways on Lot 2 DP 829264 and Lot 661 DP 868700 to be dedicated as public roads.
- b) Council agrees to fund survey, lodgement and legal costs associated with creation and dedication of public roads of Lot 2 DP 829264 and Lot 661 DP 868700, to be funded from existing funds for Public Road Acquisitions.
- c) Council consider funding of \$28,000 for the bitumen sealing of gravel roads in adjacent public road reserves to a "Low Cost Seal" standard, to eliminate isolated gravel road sections from the 2007/08 Gravel Road Improvement Program (Maintenance).

10. Illuminated Advertising Signs (Identilites) - Agreement Renewal and Amended Policy File 3670

RECOMMENDED that:

- a) Council adopt the amended Policy for Illuminated Advertising Signs as shown on Attachment A.
- b) Council agree to the extension of the existing agreement with the Claude Group for installation and maintenance of Illuminated Advertising (Identilite) Signs for a period of five (5) years with a single five (5) extension option.
- c) Council execute the final agreement under the Seal of Council.

11. 2006/07 Capital Works Program - Drainage File 33402

RECOMMENDED that

- a) Council authorise the following adjustments to the 2006/07 Drainage Program:-

Proposed Projects	Current Budget	Budget Adjustment	Revised Budget
Drainage Investigations & Design	\$40,000	-\$10,000	\$30,000
Emmett St - School easement acquisition	\$30,000	-\$29,302	\$698
Cook/Emmett St, Callala Bay	\$129,302	\$36,394	\$165,696
190 Island Point Rd - shared pipe easement	\$30,000	-\$28,000	\$2,000
Robinsville Pl, Sanctuary Point - Drain	\$28,519	-\$20,000	\$8,159
Worrigeer Rd, Worrigeer - diversion swale	\$56,000	-\$36,000	\$20,000
Kingsly Ave, Ulladulla	\$40,000	\$20,000	\$60,000
Silver Strand, Hyams Beach	\$35,000	-\$20,000	\$15,000
Tharwa St, Vincentia	\$35,000	-\$20,000	\$15,000
Blair St, Old Erowal Bay	\$45,000	\$45,000	\$90,000
Drainage Unallocated	\$1,092	-\$1,092	\$0
Prince Edward St, Culburra Beach	\$0	\$60,000	\$60,000
Old Berrara Rd	\$7,000	\$3,000	\$10,000

- b) The General Manager (Strategic Planning) investigate the need for further drainage on Old Berrara Road.

12. Grant Offer - NSW Government Environmental Trust - Millards Creek Rehabilitation Project
File 2879-03

RECOMMENDED that

- a) Council accept the NSW Government Environmental Trust offer of \$37,000;
- b) Council vote the grant fund offer of \$37,000 to a new job number; and
- c) Council write to the Hon Bob Debus, Minister for the Environment, thanking him for the grant offer.

FINANCE AND CORPORATE SERVICES

13. Shoalhaven Women's Conference - Live & Work with Passion 2006
File 4771-06

RECOMMENDED that Council purchase a Silver Sponsorship to the value of \$500 for the Shoalhaven Area Consultative Committee Inc Women's Conference – Live & Work with Passion 2007 scheduled for September 2007 from the Community Services budget.

REPORT OF THE ASSISTANT GENERAL MANAGER

14. Supervision of Shoalhaven City Council's Ten Recycling & Waste Depots File 35224

RECOMMENDED that:

- a) The Assistant General Manager be authorised to accept the tender of Fidoto Pty Ltd trading as Shoalhaven Recycling for the Supervision of Shoalhaven City Council's Ten (10) Recycling and Waste Depots for the period of 29 June 2007 to the 30 June 2008 at an initial estimated annual cost of \$1,064,087.05.
- b) Council authorise the Assistant General Manager to execute the Contract under seal of Council.

There being no further business, the meeting concluded, the time being 6.35 pm.

Clr Finkernagel
CHAIRPERSON

REPORT OF THE DEVELOPMENT COMMITTEE MEETING OF THE COUNCIL OF THE CITY OF SHOALHAVEN HELD IN COMMITTEE ROOM 2 & 3, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA ON TUESDAY 13TH MARCH, 2007 COMMENCING AT 6.02 PM

The following members were present;

Clr J Young - Chairperson
Clr J McCrudden
Clr P Murphy
Clr R Rudd
Clr G Ward
Clr G Watson
Clr J Willmott
R D Pigg – General Manager

Apologies:

An apology was received from Clr J McCrudden

REPORT OF THE GENERAL MANAGER

DEVELOPMENT AND ENVIRONMENTAL SERVICES

1. Proposed Amendment to Policy for the Demolition of Buildings containing Asbestos File 1538-02

RECOMMENDED that Council amend the Demolition of Buildings Containing Asbestos Policy as follows:

- a) The requirement for the provision of a clearance certificate from an independent competent person in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos be limited to cases involving the removal of friable asbestos;
 - b) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Demolition Licence or a current WorkCover Class 2 (Restricted) Asbestos Licence; and
 - c) Advice on the amendments to the Policy be forwarded to all licensed demolition and asbestos removal contractors in the Shoalhaven.
2. Request for a Variation to Council's Policy relating to Requests to Support the Closure of Rural roads in respect to Development Application for a Rural Dwelling and Detached Shed - Lot 44 DP 751264, Irvines Road, Bellawongarah. Applicant: Jim Livingston File DA06/2823

RECOMMENDED that:

- a) in respect to the Application for Closure and Purchase of the Crown Road, located adjacent to the northern boundary of Lot 44 DP 751264, Irvine Road, Bellawongarah, Council support a variation of the "*Consideration of Request to Support Closure of Rural Roads Policy*" in this instance

-
- b) Council support the proposed road closure and subsequent sale of the road on the understanding that prior to sale, the Department of Lands, will grant to Council and adjoining landowners, a right of carriageway over the alignment of the existing Crown road reserve.

3. Failure to Comply with an Order for Land in an Unsightly Condition File 4750

RECOMMENDED that the report on failure to comply with an order for land in an unsightly condition be received for information.

DEVELOPMENT AND ENVIRONMENTAL SERVICES / STRATEGIC PLANNING

4. Land and Environment Court Appeal - Proposed Dwelling - Lot 4 DP 8188 - 11 Quay Road, Callala Beach. Applicant: G Prochilo File DA01/2294

RECOMMENDED that Council:

- a) Prepare a Coastal Hazards DCP incorporating information from coastal management studies, i.e. Callala Beach, and establishing relevant minimum setbacks for building foreshore locations; and
- b) In terms of the involvement with and input of the Strategic Planning work program, the project be given a low priority.

There being no further business, the meeting concluded, the time being 7.01 pm.

Clr Young
CHAIRPERSON

REPORT OF THE SHOALHAVEN WATER OPERATIONS AND STRATEGIC REVIEW COMMITTEE MEETING OF THE COUNCIL OF THE CITY OF SHOALHAVEN HELD IN COMMITTEE ROOM 1, 2 & 3 CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA ON TUESDAY 20TH MARCH, 2007 COMMENCING AT 3.47 PM

The following members were present;

Clr G Watson - Chairperson
Clr J Anderson
Clr J Willmott
Clr J Kerr
Clr Finkernagel
Clr Rudd
Clr Green – left 4.00 pm
Clr Bates
Clr Murphy – arrived 4.42 pm
Russ Pigg – General Manager

Apologies:

Apologies were received from Clr Ward.

REPORT OF THE GENERAL MANAGER

SHOALHAVEN WATER

1. National Water Initiative – Water Supply and Sewerage Performance Benchmarking File 28864

RECOMMENDED that the report of the General Manager (Shoalhaven Water) regarding National Water Initiative – Water Supply and Sewerage Performance Benchmarking be received for information.

2. Reclaimed Water Management Policy File 12039

RECOMMENDED that Council:

- a) Endorse the strategy to pursue a Reclaimed Water Management Policy and the proposed stakeholder engagement, and
- b) Receive a further report after the stakeholder engagement for endorsement of a draft policy

3. Conjola Regional Sewerage Scheme – Proposed Reclaimed Water Scheme File 1370-13

RECOMMENDED that Council:

- a) Endorse the direction for the implementation of a Reclaimed Water Scheme at Manyana/Bendalong,
- b) Undertake community, agency and developer consultation in line with the proposed Reclaimed Water Management Policy, and
- c) Consider a further report on the proposed Manyana/Bendalong Reclaimed Water Scheme.

4. Preliminary Budget/Capital Works Program File 10677-03

RECOMMENDED that:

- a) The General Manager (Shoalhaven Water) undertake a review of the time frame for the projects in the Works Program;
- b) The General Manager (Shoalhaven Water) proceed with 'Case 3' as detailed in the report, excluding the Ulladulla Industrial Area and Ulladulla Lighthouse Oval area unless proven unviable;
- c) Council move towards separating the consolidated quarterly billing notices by 1 July 2007.

5. Conjola and Currarong Subsidy Funding Announcements File 1370-13, 1374-02

RECOMMENDED that Council write to the Minister for Water Utilities, the Hon. David Campbell, thanking him for his generosity for the funding of the pressure sewer "on-property" construction for the Conjola Regional and Currarong Sewerage Schemes.

6. Additional Item - World Water Day File

RECOMMENDED that the verbal report regarding World Water Day being Thursday 22nd March 2007 be received for information.

There being no further business, the meeting concluded, the time being 4.45 pm.

Clr Watson
CHAIRPERSON

REPORT OF THE CROWN RESERVE, COMMUNITY AND COMMERCIAL OPERATIONS COMMITTEE MEETING OF THE COUNCIL OF THE CITY OF SHOALHAVEN HELD IN COMMITTEE ROOM 1, 2 & 3 CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA ON TUESDAY 20TH MARCH, 2007 COMMENCING AT 4.50 PM

The following members were present;

Clr J Anderson – Chairperson
Clr Watson
Clr Finkernagel
Clr Bates
Clr Murphy
Clr Kerr
Clr Rudd
Clr Willmott
R Pigg – General Manager

Apologies:

Apologies were received from Clr Ward

REPORT OF THE GENERAL MANAGER

NOWRA SKATE PARK ADVISORY GROUP – THURSDAY 8TH MARCH 2007

1. Membership - Nowra Skate Park Advisory Group File 35337
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RECOMMENDED that Council endorse the Youth Advisory Committee (YAC) recommendation and appoint Paul Ell as a representative of YAC on the Nowra Skate Park Advisory Group.

2. Nowra Skate Park Design File 24903
-

RECOMMENDED that

- a) The report of the General Manager (Strategic Planning / City Services and Operations) regarding the Nowra Skate Park design be received for information.
- b) Council develop the design for the Nowra Skate Park in a combination of materials, using a multi coloured concrete base, concrete street elements and Rhinotop for other various skate elements.

3. Nowra Skate Park - Design and Development File 24903
-

RECOMMENDED that

- a) Council adopt the following design parameters for the appointed designer of the Nowra Skate Park;
 - i) To comply with the approved Development Application approval;
 - ii) Minimise noise impact onto adjoining residential properties through a considered layout of the skate elements and landscaping;

-
- iii) Provision of streetscape elements which include, but are not limited to the provision of a ledge, streetspine, fun box and stairs, half pipe and/or quarter pipe;
 - iv) Provision of appropriate safety fencing to ensure run-away skate boards do not leave the skate park site;
 - v) Provision for spectators to view the use of skating facility;
 - vi) Maximisation of Passive surveillance;
 - vii) Connectivity to existing path system within the park, and existing amenities building;
 - viii) Provision of security lighting and other safety measures to minimise inappropriate use of the facility; and
 - ix) Provision of shade and seating
- b) Council adopt the following skate elements to be incorporated into the Nowra Skate Park;
- i) Half pipe
 - ii) Stairs
 - iii) Fun Box
 - iv) Quarter pipe
 - v) Street spine
 - vi) Ledge
 - vii) Flat banks
 - viii) Mini pyramid
- c) The General Manager (Strategic Planning / City Services and Operations) investigate and report back to the Skate Park Advisory Group on options for partial shade coverage of the Skate Park and the feasibility of a secondary use of shade structures for lighting.

CITY SERVICES AND OPERATIONS

4. Ulladulla Library Expansion File 34411

RECOMMENDED that consideration of the Ulladulla Library Expansion be deferred until other options are canvassed.

STRATEGIC PLANNING

5. Foreshore Reserve Improvement - The Basin Road Reserve, St Georges Basin File 2253

RECOMMENDED that

- a) Available funds of \$32,000, comprising \$22,000 in Section 94 Reserves (66305.14687) and \$10,000 from Estuary Program funding (75701) be voted and authorised for the foreshore reserve improvement works to the reserve at The Basin Road, St Georges Basin (66307.14687) with the priority being on addressing roads and associated drainage and erosion.

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- b) The General Manager (Strategic Planning) submit a further report on the subsequent priorities for the additional funding from Section 94 Reserves 03REC0002, 0004, 0005, 0006, 0007, and 03REC0008.

6. BMX Track for Sussex Inlet File 2391

RECOMMENDED that

- a) Council thank the Premier and accept the one-off grant offered by the Premier for the development of a BMX facility in Sussex Inlet; and
- b) Council liaise with Department of Lands on the matter of allocation of Crown Land for the development of the BMX track.

FINANCE AND CORPORATE SERVICES

7. Huskisson Beach Tourist Resort Redevelopment - Supply of Cabins and Ensuities File 17887-05

RECOMMENDED that Council advertise for Expressions of Interest for the manufacture and placement of cabins and ensuite units for the proposed redevelopment of the Huskisson Beach Tourist Resort.

CITY SERVICES AND OPERATIONS & STRATEGIC PLANNING

8. Tender for Operation of Cambewarra Tea Rooms File 35505

RECOMMENDED that:

- a) The Council of the City of Shoalhaven, as Manager of the Cambewarra Crown Reserve R246 Trust, grants a licence to William and Robyn Povey, trading as Cambewarra Mountain Lookout & Tearooms, for the Operation of Cambewarra Tea Rooms being described as Crown Reserve No R246 – Lot 1 shown on Council Plan 1299-1 for a three (3) year term plus a three (3) year option at a licence fee of \$19,469.88 (GST inclusive) per annum.
- b) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed and that, otherwise, the General Manager be authorised to sign any documentation necessary to give effect to this resolution.
- c) The matter be referred to the Minister for Lands, the Hon. Tony Kelly MLC, for endorsement.

9. Cambewarra Communication Tower Redevelopment - Licence Agreement with Department of Lands File 8706-02

RECOMMENDED that

- a) The Council of the City of Shoalhaven, as Manager of the Cambewarra (R246) Reserve Trust, resolve to grant a Licence to the Council of the City of Shoalhaven for a period of 12 months for purposes of erecting and commissioning a new telecommunications tower.

-
- b) That the Council of the City of Shoalhaven resolve to enter in a licence with the Cambewarra (R246) Reserve Trust for a period of 12 months.
 - c) The common seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed to give effect to paragraphs (a) and (b) of this resolution otherwise the General Manager is authorised to sign any documentation necessary to give effect to this resolution.

10. Voyager Memorial Park - Landscape Masterplan

File 3578-02 & 27590-05

RECOMMENDED that Council

- a) Adopt a staged approach to the landscaping of Voyager Memorial Park;
- b) Council adopt the amended Landscape Plan Stage 1 as per Attachment E;
- c) Council seek the Department of Lands endorsement to the amended Landscape Plan and staging approach;
- d) Subject to the Department of Lands endorsement of the amended Landscape Plan, Council approve the erection of one shade structure adjacent to the playground as per Attachment "D" and the planting of 4 Tuckeroo trees adjacent to the existing seats in the south east section of the Reserve; and
- e) Council advise all who submitted individual comments on the exhibited Landscape Plan of Council's resolution (all form letters to be treated as submission submitted by the RSL).

There being no further business, the meeting concluded, the time being 5.30 pm.

Clr Anderson
CHAIRPERSON

SHOALHAVEN TRAFFIC COMMITTEE – 20TH MARCH 2007

ORDINARY MEETING

TUESDAY, 27TH MARCH, 2007

REPORT OF THE CONVENOR

ITEMS FOR APPROVAL UNDER DELEGATED AUTHORITY

1. Parking Restrictions - Holden and Sutton Streets, Huskisson-Vincentia (PN 2175) File 10582

RECOMMENDED that in view of the advice from Shoalhaven Water that vehicles are being parked across the gate and blocking access for service trucks to the sewerage pumping stations located in Holden and Sutton Streets, Vincentia the General Manager (Director Strategic Planning) arrange for the installation of:

- a) "No Stopping" (R5 - 400) regulatory signs across the gated area in front of the sewerage pumping station on the western side of Holden Street, Vincentia.
- b) "No Stopping" (R5 - 400) regulatory signs to replace existing "No Standing" (R5 - 420) regulatory signs across the driveway in front of the sewerage pumping station on the eastern side of Sutton Street, Vincentia.

Note: the driveway is currently an 'informal' driveway so there are no other legal mechanisms to stop cars parking across the access.

2. Parking Restrictions - Berry Street, Nowra (PN 772) File 2636-02

RECOMMENDED that for the purposes of reducing traffic congestion and to improve road safety in the vicinity of the Nowra Public School, cnr Berry and Plunkett Streets, Nowra:-

- a) The General Manager (Director Strategic Planning Group) be requested to arrange for the installation of a 'No Parking Zone to operate between the hours of 8.00 to 9.30 am school days starting at the existing No Stopping and extending for a distance of 12m on the eastern side of Berry Street; Nowra, south of the intersection of Plunkett Street;
- b) The Roads and Traffic Authority be requested to investigate a pedestrian phase at Berry and Plunkett Streets traffic lights.

3. Stop Sign - Park Row, Culburra Beach (PN 2164) File 1688

RECOMMENDED that the General Manager (Director Strategic Planning Group) be requested to:-

- a) Arrange for standard cycleway signage (Give Way & Road Ahead) to be installed on the cycleway located on the eastern side of Prince Edward Avenue, Culburra Beach on both approaches to its intersection with Park Row to better define the priority for all vehicles at this location.

-
- b) Review the remaining length of the cycleway on the eastern side of Prince Edward Avenue, Culburra beach to ensure it complies with the minimum Australian Cycleway Standards.
 - c) Advise the applicant accordingly.

4. Sight Distance - Intersection of Cambewarra Road and Currarong Road, Currarong (PN 2179)

File 11723

RECOMMENDED that the General Manager (Director Strategic Planning Group) be requested to arrange for the installation of a Stop sign and associated hold linemarking (TF & TB) in Cambewarra Road at its junction with Currarong Road, Currarong due sight distance deficiencies.

5. Road Safety - Intersection of North Street and St Vincent Street, Ulladulla (PN 2180) File 1715

RECOMMENDED that to better define and delineate the intersection of North Street and St Vincent Street, Ulladulla the General Manager (Director Strategic Planning) be requested to:-

- a) Install Double Barrier (BB) centre linemarking and Raised Reflective Pavement markers (RRPMs) in North Street, Ulladulla for a distance of 30 metres east and west the intersection.
- b) Repaint the existing hold lines (TB) in North Street either side of the intersection.

6. Centre Linemarking - Beinda Street, Bomaderry (PN 2184)

File 1667

RECOMMENDED that the General Manager (Director Strategic Planning) be requested to arrange the installation of approximately 30 metres of Double Barrier (BB) centre linemarking in Beinda Street at its junction with Bolong Road, Bomaderry to better delineate the junction for turning traffic.

7. Road Safety - Intersection of Isa Road and Asteria Street, Worrigea (PN 2185)

File 8178

RECOMMENDED that the General Manager (Director Strategic Planning Group) be requested to:-

- a) Install a short length (approx. 30m) of Double Barrier (BB) centre linemarking in Asteria Street (to the first driveway) at its junction with Isa Road to better delineate the junction and provide a means for Police enforcement of illegal manoeuvres at the junction.
- b) Advise the letter writer accordingly.

8. Road Safety - Intersection of Wallace & McKay Streets, Nowra (PN 2187)

File 2636-02, 1707

RECOMMENDED that the General Manager (Director Strategic Planning Group) be requested to:-

- a) Install No Stopping zones at a point to ensure minimum sight distance is provided in accordance with AUSTRROADS guidelines at the following locations:
 - i) On the northern side of McKay Street east from the junction of Wallace Street and wrapping into Wallace Street.

-
- ii) On the southern side of McKay Street west from the junction of Weeroona Place and wrapping into Weeroona Place to the existing No Stopping zone.
 - b) Install a Give Way sign and associated hold line (TB) in Wallace Street at its junction with McKay Street.
 - c) Advise the letter writer accordingly.

Note: the purpose for the installation of No Stopping zones is to increase sight distance to a minimum standard and improve road safety.

9. Sight Distance Problem - Intersection of Emmett and Lackersteen Streets, Callala Bay (PN 417) File 18517, 1684

RECOMMENDED that:-

- a) The General Manager (Director Strategic Planning Group) be requested to arrange for the installation of a Stop sign and associated hold linemarking (TF/TB) in Emmett Street at its intersection with Lackersteen Street, Callala Bay due to deficient sight distance for eastbound vehicles at the intersection.
- b) The Callala Bay Progress Association Inc. be advised accordingly.

10. Stop Sign - Canal Street East, Culburra Beach (PN 733) File 1688

RECOMMENDED that the General Manager (Director Strategic Planning Group) be requested to arrange:-

- a) For the current edge line on the northern side of Culburra Road to be extended and to wrap into Canal Street East, Culburra Beach.
- b) For the current Stop sign and associated hold linemarking in Canal Street East to be relocated approximately 6 metres south towards Culburra Road upon completion of the edge linemarking extension.
- c) Delineate the current 45 degree angle rear to kerb parking area located adjacent to the Ambulance Station on the northern side of Culburra Road and to the west of the junction of Canal Street East.

11. Annual King of the Mountain Foot Race (PN 592) File 1644-05

RECOMMENDED that the Nowra Athletics Club be advised that there is no objection to the conduct of the 32nd Annual King of the Mountain foot race on Sunday 16 July 2006 subject to the following conditions:

- a) Police Department consent and conditions. This consent to be obtained directly from the Police Department by the applicant a minimum of six (6) weeks prior to the event.
- b) All residents/shopkeepers who may be affected by the activity being personally notified by the organisers. The organisers shall address any concern expressed with respect of the proposed closure/traffic disruption in the first instance.

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- c) All bus operators, taxi companies and emergency service providers (including ambulance and fire fighting services) that may be affected by the activity being personally notified by the organisers.
 - d) Submission of a Traffic Control Management Plan and a Pedestrian Management Control Plan to Council for approval. Such plans to be submitted a minimum of three (3) weeks prior to the date of the event. All traffic/pedestrian control measures contained in the plan(s) are to be in accordance with Australian Standard AS1742.3.
 - e) All traffic control including the placement and removal of barricades and/or regulation of traffic is to be carried out by either Police or Traffic Controllers appropriately trained in accordance with the requirements of AS1742.3.
 - f) Access for residences and businesses contained within the affected area (including reasonable vehicular access), is to be maintained at all times during the event.
 - g) Advertisement of the temporary road closure and/or traffic disruption together with associated traffic management proposals is to appear in the local area printed media a minimum of ten (10) days prior to the date of the event. NOTE – All media advertisements of road closures, traffic disruptions and events, are the responsibility of the applicant.
 - h) A Public Liability Insurance Policy to the amount of \$10 million shall be endorsed to indemnify Shoalhaven City Council, the Roads & Traffic Authority and the NSW Police Service against any claim arising out of the activity, a copy of which is to be directed to Council's Insurance Office a minimum of three (3) weeks prior to the event.
 - i) The applicant is to forward a letter to Council accepting the above conditions.
 - j) Compliance with the above conditions should not be misconstrued as providing development consent under the Environmental Planning and Assessment Act 1979. The organisers should contact Council's Development Services Division to ascertain if such consent is required and, if so, to make arrangements for the formal lodgement of such application.
 - k) If the proposed event is to be held on public land, a permit will be sought from Shoalhaven City Council.

R Sutherland
CONVENOR/CHAIRPERSON

SHOALHAVEN TRAFFIC COMMITTEE – 20TH MARCH, 2007

INFORMATION REPORT

ORDINARY MEETING

TUESDAY, 27TH MARCH, 2007

REPORT OF THE CONVENOR

ITEMS NOT REQUIRING APPROVAL UNDER DELEGATED AUTHORITY

1. Additional item – Speeding Vehicles – Victoria Street, Berry (PN 645) File 1664

RESOLVED by consent that

- a) The Director Strategic Planning be requested to arrange for a speed / classification survey to be undertaken on Victoria Street and North Street, Berry and that a report regarding the vehicle usage and speeds be submitted to a future Shoalhaven Traffic Committee meeting.
- b) Matt Brown MP be advised accordingly.

2. Additional item – School Drop-off Zone, Vincentia Public School (PN 741) File 18383

RESOLVED by consent that the issue of drop-off zones at Vincentia Public School be placed on a future Shoalhaven Traffic Committee inspection agenda and a report be submitted to a future meeting of the Shoalhaven Traffic Committee.

3. Additional Item – Road Safety – Intersection Gordon Street & Princes Highway, Milton (PN 2190) File 2945

RESOLVED by consent that the issue of road safety at the intersection of Gordon Street and Princes Highway, Milton due to the location of parked cars (particularly on the eastern side of Gordon Street) be placed on a future Shoalhaven Traffic Committee inspection agenda and a report be submitted to a future meeting of the Shoalhaven Traffic Committee.

R Sutherland
CONVENOR/CHAIRPERSON

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 27TH MARCH 2007

GENERAL MANAGER

REPORT OF THE COUNCIL PROPERTY STEERING COMMITTEE – MONDAY 12TH MARCH 2007

1. Proposed Retail and Supermarket Development - Weston Street, Culburra Beach File 33431

RECOMMENDED that the report of the General Manager (Assistant General Manager) regarding Proposed Retail and Supermarket Development - Weston Street, Culburra Beach be received for information.

2. Sale of Council Land at 38-40 Owen Street and 3 Morton Street, Huskisson File 35143

RECOMMENDED that the report of the General Manager (Assistant General Manager) regarding Sale of Council Land at 38-40 Owen Street and 3 Morton Street, Huskisson be received for information.

3. Sale of Council Land - Lot 1 DP1107453 Junction Street, Nowra File 32480-02

RECOMMENDED that the report of the General Manager (Assistant General Manager) regarding Sale of Council Land - Lot 1 DP1107453 Junction Street, Nowra be received for information.

4. Sale of Council Land - "Hotel Site" Bridge Road, Nowra File 33126

RECOMMENDED that the report of the General Manager (Assistant General Manager) regarding Sale of Council Land - "Hotel Site" Bridge Road, Nowra be received for information.

5. Council Property – Bridge Road & Lamonds Lane, Nowra File 7708-05

RECOMMENDED that Council consider no Expressions of Interest until remediation of Council Property - Bridge Road & Lamonds Lane, Nowra, is completed and all structures, other than those identified in the Heritage LEP, have been removed. New Expressions of Interest will then be called.

6. Property at Lot 3 DP600640 Westbrook Road, Nowra File 34162

RECOMMENDED that the report of the General Manager (Assistant General Manager) regarding Property at Lot 3 DP600640 Westbrook Road, Nowra be received for information.

7. Proposed Lease to Callistemon Pty Ltd - Moss Street, Nowra File 35409

RECOMMENDED that

- a) The Council of the City of Shoalhaven leases to Callistemon Pty Ltd part Lot 1 DP 334547 and Lot B DP 335109 at Moss Street, Nowra on the following terms:

-
- i) A lease term of four years, with an early termination provision after two years, at a rental for the first year of \$36,400 per annum including GST;
 - ii) The annual rental to be increased on an annual basis based on the upward movement in the Consumer Price Index during the previous 12 month period;
- b) The Common Seal of the Council of the City of Shoalhaven is affixed to any documents required to be sealed and that otherwise the General Manager is authorised to sign any documentation necessary to give effect to this resolution.
 - c) Council call for Expressions of Interest, during the lease term, for the purchase of part of Lot 1 DP181400, Lot 1 DP334547, Lots A & B DP335109, Lot 2 DP1607 Sec 2 (being the residue land) at Moss Street, Nowra with a guarantee that Council will lease back the land acquired for the widening of North Street until required.

8. Buyback of Industrial Land File 29620

RECOMMENDED that:

- a) The General Manager be delegated the authority to invoke the contractual rights of Council to buyback industrial land once sold but not developed within the two(2) year period.
- b) This reciprocal contract and related documents be executed under the seal of Council.
- c) The land (once repurchased) be classified 'operational' under the Local Government Act 1993.
- d) The repurchased land be offered for sale in accordance with Council's current land price determination.
- e) The General Manager be delegated the authority to decided on extending the period by up to six (6) months to allow purchasers the opportunity to comply with the contractual condition to develop the industrial lot, with the purchaser meeting any additional costs incurred.

9. Buyback of Lot 86 DP 1077878 Tom Thumb Ave, Flinders Industrial Estate File 30832

RECOMMENDED that:

- a) In regard to Lot 86 DP 1077878 Tom Thumb Ave, Flinders Industrial Estate Council agree to the 12 months extension to the buy back provision of the Contract for Sale requiring development of the lot within two years of purchase;
- b) Conditional upon the new purchaser entering into an option agreement with Council to purchase the land at the original sale price should development not take place within the extended 12 month period, and
- c) A Caveat is to be created over Lot 86 DP 1077878 Tom Thumb Ave, Flinders Industrial Estate.

R.D Pigg
GENERAL MANAGER

REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 27TH MARCH, 2007

GENERAL MANAGER

1. 8th International Cities, Town Centres & Communities Society Conference - Auckland, New Zealand - 26th to 28th June, 2007 **File 3328-06**

I have received a request from some Councillors that it be reported to Council that the International Cities, Town Centres and Communities Society Conference is to be held at The Bruce Mason Centre, Takapuna, North Shore City, Auckland from 26-28 June 2007. The Aims of this conference are:

- To discuss the latest developments in urban design, planning, development, project management and sustainability on an international and domestic basis.
- Mix with professionals from varying backgrounds in a true cross-disciplinary event.
- Provide access to and hands on experience with regional and international specialists.
- Provide case studies from Australia, New Zealand and around the world.

The program commences on the 26 June 2007 with a range of workshop sessions to attend over the 3 days.

A copy of the conference program is attached.

Council needs to determine whether attending this conference will be beneficial to Council's planning. It is not intended to send any staff to the conference.

Clause 3.3g) of Council's "Payment of Expenses and Provision of Facilities" Policy states:

'Overseas travel must be approved by a meeting of the full Council prior to a Councillor undertaking the trip. Council scrutinize the value and need for the overseas travel together with the direct and tangible benefits for the Council and the local community. After returning from overseas, Councillors, or an accompanying member of Council staff, shall provide a detailed written report to a full meeting of Council on the aspects of the trip relevant to Council business and/or the local community.'

Options

1. Council authorise the attendance of available Councillors to attend the 8th International Cities, Town Centres and Communities Conference in Auckland, New Zealand from 26-28 June 2007 and that such attendance be deemed to be business of Council.
2. That Council receive the report for information.

SUBMITTED FOR COUNCIL'S CONSIDERATION

RD PIGG
GENERAL MANAGER

REPORT OF THE GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 27TH MARCH 2007

FINANCE AND CORPORATE SERVICES

1. Leave of Absence - Councillor Jack Kerr

File 28866

Council has received a written request (copy attached) from Councillor Jack Kerr seeking leave of absence from his Councillor duties from 1st May 2007 to 31st October 2007.

Councillor Kerr has indicated that he will be out of the Shoalhaven Area for an extended time preventing him from fulfilling his role as a Councillor and engaging in Council activities during this period.

Recent amendments to Section 234 of the Local Government Act provide that when a Councillor applies for leave of absence, that leave may only be granted by a council resolution.

If a Councillor to whom the leave of absence has been granted attends a council meeting, the leave of absence is taken to have been rescinded as regards any future council meeting. This means that for any further leave of absence to be given the council will have to make another resolution.

There is nothing to prevent a councillor from seeking the leave of the council for a further period of absence.

Section 254A of the Local Government Act states that

“a Council may resolve that an annual fee will not be paid to a Councillor or that a Councillor will be paid a reduced fee determined by Council:

- a) for any period of not more than 3 months for which the Councillor is absent, with or without leave, from an ordinary meeting or ordinary meetings of the council,”

It further provides that

“if a Councillor is absent, with or without leave of the Council, from ordinary meetings of the Council for any period of more than 3 months, the council must not pay an annual fee, or part of an annual fee, to that Councillor that relates to the period of absence that is in excess of 3 months.”

Council needs to consider the following options in regard to Councillor Kerr’s request for leave of absence:

Option 1

No payment of the annual councillor fee (determined monthly) be paid to Councillor Jack Kerr between 1 May 2007 and 31 October 2007.

Option 2

The normal annual councillor fee (determined monthly) be paid to Councillor Kerr during the three (3) month period 1 May 2007 to 30 June 2007 inclusive and that no councillor fee be paid for the period 1 July 2007 to 31 October 2007 in accordance with Section 254A (2) LGA, 1993.

Submitted for Council's consideration

2. Record of Investments

File 2126

Under Section 625 of the Local Government Act 1993, and Clause 19, Part 4 of the Local Government Financial Management Regulations 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.

Below is a list of investments as at 28th February 2007:

RECORD OF INVESTMENTS as at 28th February 2007

TOTAL INVESTMENTS		107,042,493
LESS INVESTMENTS HELD IN RELATION TO RESTRICTED ASSETS		
LEAVE ENTITLEMENTS	5,667,202	
WASTE DISPOSAL	2,966,810	
STRATEGIC PROJECTS GENERAL	23,627,669	
MULTI PURPOSE CULTURAL & CONVENTION CENTRE	14,000,000	
OTHER INTERNAL RESERVES	3,362,056	
SECTION 94	14,797,240	
SECTION 94 LIABILITY RESERVE	3,000,000	
TRUST	69,257	
WORKCOVER GUARANTEE	3,755,000	
SECTION 64 WASTE WATER	1,101,917	
SEWER COMPENSATION	6,568	
SEWER CONSTRUCTION WORKS	5,615,008	
SECTION 64 WATER	2,857,897	
WATER CONSTRUCTION WORKS	23,767,441	
TOTAL RESTRICTED		104,594,065
UNRESTRICTED		
GENERAL	448,428	
WATER	1,000,000	
WASTE WATER	1,000,000	
TOTAL UNRESTRICTED INVESTMENTS		2,448,428

RECORD OF INVESTMENTS AS AT 28TH FEBRUARY 2007							
Institution	Credit Rating	Security Type	Principal	Terms	Interest Rate	Date Matured	SCC Inv No
CBA	A1+	BB	2,000,000.00	88	6.3700%	6/03/2007	2916
HORIZON	NR	TD	1,000,000.00	91	6.5100%	7/03/2007	2959
LGFS	A1	TD	1,000,000.00	92	6.4600%	8/03/2007	2861
WESTPAC	A1+	BB	985,066.93	87	6.3600%	8/03/2007	2887
Credit Union Australia	NR	TD	1,500,000.00	98	6.5300%	14/03/2007	2882
Savings and Loans Credit Union	NR	TD	1,500,000.00	98	6.5800%	14/03/2007	2881
IMB	A3	TD	2,500,000.00	90	6.5100%	15/03/2007	2886
IMB	A3	TD	2,000,000.00	91	6.5200%	19/03/2007	2908
CITIBANK	A1+	TD	6,000,000.00	93	6.4600%	21/03/2007	2868
CITIBANK	A1+	TD	4,000,000.00	113	6.4600%	22/03/2007	2879
HORIZON	NR	TD	1,500,000.00	101	6.5200%	22/03/2007	2880
Colonial Finance	A1	FRN	1,700,000.00	89	6.8167%	26/03/2007	2910
LGFS	A1	TD	1,000,000.00	90	6.4900%	27/03/2007	2963
HORIZON	NR	TD	3,000,000.00	117	6.5200%	28/03/2007	2985
NAB	A1+	TD	2,500,000.00	122	6.4000%	29/03/2007	2961
LGFS	A1	TD	1,000,000.00	43	6.3600%	5/04/2007	2983
CBA	A1+	BB	1,983,173.99	49	6.3200%	16/04/2007	2957
IMB	A3	TD	3,000,000.00	123	6.5400%	24/04/2007	2964
CITIBANK	A1+	TD	2,000,000.00	146	6.5100%	26/04/2007	2986
CBA	A1+	BB	1,408,054.75	88	6.3700%	11/05/2007	2869
CBA	A1+	MABB	69,256.98	88	6.3700%	11/05/2007	2869
Australian Central Credit Union	NR	TD	2,000,000.00	181	6.6600%	21/05/2007	2952
Savings and Loans Credit Union	NR	TD	1,500,000.00	181	6.6600%	21/05/2007	2907
IMB	A3	TD	3,000,000.00	91	6.4700%	24/05/2007	2913
WESTPAC	A1+	BB	2,953,390.64	91	6.3300%	28/05/2007	2982
CITIBANK	A1+	TD	3,000,000.00	98	6.4300%	30/05/2007	2864
Deutsche Bank AG London	AA-	FRN	2,000,000.00	90	6.6200%	30/05/2007	2863
NAB	A1+	BB	1,500,000.00	98	6.3600%	30/05/2007	2870
IMB	A3	TD	3,000,000.00	98	6.4600%	5/06/2007	2981
CITIBANK	A1+	TD	3,000,000.00	125	6.4300%	3/07/2007	2965
LGFS	A1	CRI	1,000,000.00	91	6.5100%	12/07/2007	2793
HSBC	A	FRN	2,000,000.00	91	7.0900%	16/07/2007	2905
IMB	A3	TD	5,000,000.00	181	6.5800%	20/08/2007	2987
T/CORP	A1+	TD	1,014,000.00	365	6.2400%	4/10/2007	2842
T/CORP	A1+	TD	3,290,000.00	365	6.2400%	4/10/2007	2842
Macquarie Bank	A-	FRN	1,000,000.00	92	7.2400%	18/02/2008	2902
BANK OF QLD	BBB	FRN	1,500,000.00	91	6.6600%	17/03/2008	2918
Railways Credit Union	NR	CRI	5,000,000.00	90	6.7700%	16/02/2009	2988
Bendigo Bank	BBB	FRN	3,000,000.00	91	6.6200%	25/08/2010	2989
CBA	A1+	O/S	895,811.40	120	5.7700%	28/05/2009	2732
NAB	A1+	O/S	754,333.68	120	5.8700%	26/06/2008	186
NAB	A1+	O/S	53,333.72	120	5.8300%	27/06/2007	190
GRANGE SECURITIES		MGMFD	10,161,036.15	At Call	7.0000%	At Call	2984
Deutsche Cash Plus	Af	MGMFD	4,388,915.88	At Call	6.9400%	At Call	2915
Macquarie Income Plus	Af	MGMFD	1,109,429.98	At Call	6.4200%	At Call	2915
Perpetual Investments	Af	MGMFD	3,276,688.96	At Call	6.2900%	At Call	2915

Note:

BB Bank Bill	FRN Floating Rate Note
OS Offset Loan	IMP Individually Managed Portfolio
MGMFD FUND Managed Fund	CRI Committed Rolling Investment
TD Term Deposit	MABB Mayors Appeal Bank Bill

It is noted that these have been made in accordance with the Act, Regulations and the Council's Investment Policies.

P.J. Dun
Director, Finance & Corporate Services Group

RECOMMENDED that the Report of the General Manager (Finance & Corporate Services Group) on the Statement of Record of Investments for the period to 28th February 2007 be received for information.

3. Re-establishment of Alcohol Free Zone - Shoalhaven Heads

File 16533

Council resolved on Tuesday 30th January 2007 as follows:

“That the General Manager (Finance & Corporate Services) complete the statutory process, subject to compliance with the guidelines for the re-establishment of the Shoalhaven Heads Alcohol Free Zone from 7th April 2007 to 7th April 2010 and such area include the following streets and sections of streets and car parks: the Shoalhaven Heads Surf Lifesaving Club car parking area and the section of McIntosh Street adjacent to the Charles Harrison Gumley Reserve.

In accordance with the requirements of the Local Government Act, Council has notified and invited comment from the:

- Anti-Discrimination Board
- Aboriginal Legal Service
- Local Police
- Proprietors of Licensed Premises in the affected areas
- Community – by way of advertisements in the local press.

The period for objection for this proposal will expire on Monday 26th March 2007, and at the time of writing the report, no objections have been received. If any further objections are received, these will be reported direct to the Ordinary meeting.

RECOMMENDED that in regard to the re-establishment of the Alcohol Free Zone in Shoalhaven Heads which will expire on 7th April 2007 that Council:

- a) **In pursuance of Section 644 of the Local Government Act declare an extension of the Alcohol Free Zones for a further three years concluding on 7th April 2010, over the following streets and sections of streets and car parks within the areas bounded by:**
“The Shoalhaven Heads Surf Lifesaving Club car parking area and the section of McIntosh Street adjacent to the Charles Harrison Gumley Reserve”.
- b) **Council update and/or erect appropriate signage in accordance with the requirements of the Local Government Act.**
- c) **Council advertise the re-establishment of the Alcohol Free Zones in Shoalhaven Heads.**

P.J. Dun
DIRECTOR - FINANCE & CORPORATE SERVICES GROUP

R.D. Pigg
GENERAL MANAGER

ADDENDUM REPORT OF GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 27 MARCH 2007

DEVELOPMENT AND ENVIRONMENTAL SERVICES

1. **Section 96 Application to Amend Development Consent for Shoalhaven Multi-Purpose Cultural and Convention Centre - Bridge Road, Nowra - Shoalhaven City Council**
File DA05/4094-02
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REASON FOR REPORT

Council has received representations from the Shoalhaven Access Advisory Committee (SAAC) in regard to the lack of provision for weather protected set-down and car parking for disabled persons in the design of the Multi-Purpose Cultural and Convention Centre (MPCCC).

Whilst Council has addressed its obligations for disabled access under the Australian Standard AS 1428.01 and the Disability Discrimination Act, 1992 (DDA) in regard to the approved development application, the members of the SAAC have requested that Council incorporate additional facilities to protect disabled persons when alighting from their vehicles during rain.

This request has been discussed at the Project Control Group (PCG) meetings over the past few months and a number of options have been looked at as a consequence. The Group has identified the use of the dignitary set down area located adjacent to the front of the Council Administration Centre as its preferred option for addressing the request for a rain sheltered set down area for disabled persons. The preferred option has been submitted as a s96 application to amend the development consent. This option has raised issues in respect to pedestrian safety, building security and precinct design for which direction is now being sought from Council.

As the MPCCC is currently under construction, the application is reported to full Council for urgent determination.

BACKGROUND

When commenting upon the original Development Application, the Traffic Committee was satisfied that, with compliance with its recommendations, the proposed development would ensure an adequate separation of traffic from pedestrian movement areas. The Traffic Committee has not had the opportunity to consider the current s96 Application, as it was lodged only last Friday. Based on its previous deliberations on the Development Application, it is reasonable to conclude that the Traffic Committee would have concerns with the current proposal as it has previously agreed to the positioning of bollards adjacent to the road across the entire forecourt area.

ASSESSMENT

The s96 application involves the provision of barrier kerb and gutter and two driveway crossings on the eastern side of the main north-south access road that runs between the proposed MPCCC and the Administration Building. These driveway crossings aim to maintain access to the existing dignitary set down area. Whilst the s96 application does not detail the specific use of this area, it

is understand from discussions with the Project Design Team (PDT) that it is also intended to be made available for use as disabled persons set down area during rain events.

Potential implications from making this area more widely available to public vehicle access include:

- Reduced security to the Administration Building from the general movement of vehicles so close to the building structure. This concern stems from the potential of vehicles colliding with the building through driver error and, more significantly, potential deliberate acts of destruction against the Administration Centre.
- Increased safety risks to pedestrians by introducing vehicle movements so close to the main entrances to the Administration Building without proper and adequate protection. Importantly, the MPCCC will also be open during office hours thus heightening potential safety conflicts.
- Any reduced security to the building and any increase in safety risks to the general public could present as significant issues to Council in future insurance audits.
- The introduction of a defined road pavement (with barrier kerb) through, what was originally approved as a pedestrian precinct with controlled vehicular access, will reduce the utility of this civic space in terms of its function and capacity to accommodate future uses.

The Project Design Team has been working on the detailed design and treatment to this area having appropriate regard to the transition between the MPCCC project site and the existing Administration Building. There are a number of treatments/options that could be considered having regard to the abovementioned implications and the PCG's desire to proceed in this general direction. They include:

Option One (Project Design Team) - See Attachment 1

Flush kerb with a line of bollards approximately 1 metre back from the roadway running across the forecourt with removable bollards strategically placed to allow access to set down areas for dignitaries and disabled persons (only during rainy weather).

Comment:

This option limits access to the forecourt area to wet days only (disabled persons) and when dignitaries visit, thus significantly lessening Council's potential exposure to risk. Measures could also be put in place to further reduce that risk on wet "event" days by use of temporary barriers to separate pedestrians from vehicle paths. The resulting restricted usage allows greater scope in designing appropriate protective measures for the building other than using solely bollards.

Option Two (Project Control Group) - See Attachment 2

Install full barrier kerb along the eastern side of the roadway with driveway crossings to suit the alignment of the set down area and install permanent bollards immediately adjacent to the Administration Building.

Comment:

This option allows unrestricted vehicular access across the Administration Centre's forecourt area at all times. It significantly reduces any ability to limit such use to only the target group. It creates a direct and substantial conflict between pedestrians and vehicles unless the movement

areas for each group are physically separated. If this were done, it would severely devalue the forecourt as a public pedestrian space.

However, this option could be improved by simply placing removable bollards at the two driveway crossing points and allowing access in the same manner as described in Option One above.

Both Options one and two may require policing from time to time to ensure that it is used as a set down area only; otherwise, it could easily become obstructed with parked vehicles.

Option Three (Development Consent) - See Attachment 3

Adhere to the development consent which involves provision of flush kerb and a line of bollards approximately 1 metre back from the roadway and exclude all public vehicles from the forecourt area.

Comment:

This option does not offer any solution to the SAAC concerns. It reinforces the forecourt as a pedestrian space. It addresses the major concerns about separating pedestrian areas from roadway and offers the best approach to security concerns and building protection. This option maintains the ability to cater for visiting dignitaries as currently exists. Furthermore, this option minimises potential risks to building assets, property and people and therefore, Council's exposure to future public liability claims.

Option Four (SAAC)

Identify an option that provides a solution for both the assisted set down of disabled persons by able bodied persons and rain protected parking for disabled persons who actually drive and park their own vehicles.

Comment:

The options discussed above do not address fully the representations made by the Shoalhaven Access Advisory Committee. The s96 application is attempting to provide a set down area for disabled persons who are assisted by an able bodied adult. It doesn't cater to those disabled drivers who need to park their own cars. The acceptance or otherwise of the s96 proposal will not be known until the PCG meets with SAAC representatives at the next PCG meeting in early May.

Options for covered disabled parking have been looked at by the PDT and the PCG and include covering the approved disabled parking adjacent to the proposed northern road in front of the MPCCC and alternatively, covering up to six parking spaces adjacent to the southern wall of the MPCCC.

The concerns with the first option have been that an isolated structure adjacent to the MPCCC forecourt area will intrude and disrupt the sight lines to and the architectural relationship between the MPCCC, the existing Administration Building and the future Hotel development. This element will be more pronounced if weather protected access is then connected to the MPCCC.

The second option can easily be provided and will not detract from the architecture of the MPCCC however; some adjustment would need to be undertaken to the position of the access connection from the car park to the main north-south pedestrian to ensure disabled access grades are met.

The advantage of this option alone or coupled with set down options described in the first two options is that the request from the SAAC could be substantially met.

CONCLUSION

The s96 application as proposed raises strong concerns with risks to the security of the Administration Building and for public safety. Due to the urgency of the matter there has been insufficient time to refer the application to the traffic committee. Therefore, if Council wishes to pursue providing covered set down/parking for disabled persons, it is recommended that further investigations be undertaken into providing such a facility on the southern side of the MPCCC which will have good access to the proposed pedestrian paths. For emergency (wet weather) setdown only situations, Option 1 is the preferred approach.

Any action by Council in providing for weather protected set down and/or parking for disabled is over and above Council's obligations under AS 1428-01 and arguably the DD Act for this project. The provision of such is generally supported where it can be accommodated without significantly increasing risks to building security and public safety.

RECOMMENDED that Council;

- a) **Support a Section 96 Amendment in accordance with Option 1.**
- b) **The Project Design Team be requested to investigate the provision of covered disabled parking and access on the southern side of the MPCCC building and, subject to compliance with the Australian Standard AS 1428.01.**

Tim Fletcher

DIRECTOR, DEVELOPMENT AND ENVIRONMENTAL SERVICES

R.D Pigg

GENERAL MANAGER

ADDENDUM REPORT OF THE GENERAL MANAGER

ORDINARY MEETING

TUESDAY, 27 MARCH 2007

CITY SERVICES AND OPERATIONS

1. Tender for the Milton Ulladulla District Tennis Courts Expansion Program **File 35309**

This report is submitted as an addendum report. Council has only recently been advised of the success of a \$220,000 Federal Regional Partnerships Program grant funding application.

Introduction

This report follows the report in the business paper that was submitted to Council's Works & Finance Committee.

Due to the previous uncertainty of funding, the tender for the construction of the tennis courts was structured to provide options. Option 1 is for two tennis courts with clearing and shaping the land for an additional later two courts; and Option 2 is for four Tennis Courts completed.

Grant Funding Application

Milton Ulladulla District Tennis Association made application to the Commonwealth for Regional Partnerships Program grant funding to increase the total project budget. A public announcement was made on Thursday, 22 March, 2007 by the local Member of Federal Parliament that the full amount of the application is to be provided to support the construction of the possible additional two courts beyond Council's commitment to the initially proposed two courts.

The available budget for the project now comprises the following:

Council's vote	\$220,000
Regional Partnerships program grant	\$220,000
Milton Ulladulla District Tennis Association indicative contribution	<u>\$180,000</u>
Total	\$620,000

Milton Ulladulla District Tennis Association's indicative contribution of \$180,000 to support Council's position to call tenders was based upon loan monies, and being repaid by the anticipated additional income generated from the facility. The Association has indicated its preparedness to investigate entering into a loan agreement to raise \$180,000, based upon its potential capacity for repayment from the potential revenue from the additional two tennis courts, made possible by the grant funding.

Based on this level of budget, completion of the total development being four courts is recommended.

Budget

From the initial budget allocated, \$26,318 has been used in preliminary works.

The present funding options can now be summarized as follows.

Item	Option 1	Option 2
Council's vote	220,000	220,000
Regional Partnerships Program Grant		220,000
Milton Ulladulla District Tennis Association contribution	130,000	180,000
Total	350,000	620,000

Costs

The present cost options can now be summarized as follows.

Item	Option 1	Option 2
Contract lump sum (using lowest tendered values)	353,010	577,100
Preliminary works completed	26,318	26,318
Project Management & Contingency (estimated)	15,000	16,500
Total	394,328	619,918

Deficiency in Available Funding

The results of the tender have revealed a budget shortfall for Council to proceed with Option 1. Option 1 has a shortfall in the order of \$45,000.

Tender Results

Tenders for the proposed additional tennis courts and associated works closed on 1 March, 2007. Three conforming tenders were received. The conforming tenderers are referred to as Tenderers A, B and C. Tenderer D was nonconforming and not considered further.

The lump sum tender offers were as follows.

Item	Tenderer A	Tenderer B	Tenderer B Alternative	Tenderer C
Option 1	353,010	599,933	521,723	459,500
Option 2	611,312	*699,233	601,733	577,100

* Tenderer B offers a tender lump sum of \$699,233. However, the tender included a schedule of prices breakdown. Adding the tenderer's breakdown list, the sum is \$736,923 and therefore clarification would be required from this tenderer about its bid, if Council was pursuing this tenderer. This tenderer also has made alternative tender offers as noted.

Alternative Tenders

Tenderer B was the only tenderer to make alternative bids. Tenderer B's lowest cost submission proposed a lower standard at a cost of \$601,733. Only the lowest cost offers of Tenderer B are provided in the table above.

Summary of Tender – Value for Council

If Council proceeds only with Option 1 (excluding the additional two proposed courts), Tenderer A (Ablock Builders Pty Ltd) offers the best value. This Company has established itself as a reliable Contractor to Council and is experienced in civil and a variety of works.

If Council proceeds with Option 2 (four courts), Tender C (Dynamic Tennis Courts Pty Ltd) offers Council the best value. This Company has established itself as a reliable Contractor to Council and specialises in tennis courts.

Conclusion

Unfortunately, Council's program was delayed by the administrative processing of the grant funding, however, if Council resolves to proceed with the contract, construction will commence within weeks, but would not be expected to be finalised in this financial year.

The Association has indicated it is prepared to consider additional loan funding to articulate the project. It is recommended that if Milton Ulladulla Tennis Association Inc's offer of contribution is satisfactory to Council, then Council accept the grant funding, and endorse the proposed budget structure to proceed with Option 2 (four courts).

Dynamic Tennis Courts Pty Ltd is a specialist tennis court builder and recently constructed Nerang Road Tennis Courts at North Nowra for Council and demonstrated its satisfactory experience in the management of this similar scope of work. Subject to Council's endorsement of the funding strategy, it is recommended that the General Manager be authorised to engage Dynamic Tennis Courts for the project delivery.

RECOMMENDED that:

- a) **On the basis that the announced grant funding of \$220,000 is available, Council endorse the construction of four tennis courts at Warden and Green Streets, Ulladulla;**
- b) **On the basis that Milton Ulladulla District Tennis Association Inc provide Council with the funding support, that Council resolve the General Manager is delegated with authority to accept the sum of \$180,000 from the Milton Ulladulla District Tennis Association Inc to proceed with the increased scope of work;**

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- c) **Council provide adequate security to an approved lender to the Milton Ulladulla District Tennis Association Inc for a maximum value of \$140,000;**

(Note: Council accepts that any default on the loan in the future, it will guarantee the loan commitment).

- d) **Council authorise the General Manager to enter into a Contract with Dynamic Tennis Courts Pty Ltd at the tendered lump sum value; and**
- e) **The Contract with Dynamic Tennis Courts Pty Ltd be executed under the Ordinary Seal of Council.**

J J Wells
DIRECTOR CITY SERVICES & OPERATIONS

J Gould
ASSISTANT GENERAL MANAGER

R.D Pigg
GENERAL MANAGER

LEGAL DOCUMENTS

ORDINARY MEETING

TUESDAY, 27TH MARCH, 2007

DEVELOPMENT AND ENVIRONMENTAL SERVICES

1. **Positive Covenant - Approved Managers Residence on a Tourist Facility - Lot 2 DP 1032076, Broughton Vale Road, Broughton Vale. Owner: Graeme Fredrick Oke File DA06/1384**
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REASON FOR REPORT

On the 27 October 2006 approval was granted by Council for a Managers Residence and Office to be used in conjunction with a Tourist Facility known as “Okes Camellia” Gardens”, located at 116 Broughton Vale, Road, Broughton Vale. As a condition of consent the applicant was required to create a Positive Covenant under Section 88(e) of the Conveyancing Act, 1919 as amended, upon the title of Lot 2 DP 1032076. A Positive Covenant has been submitted to Council, by Johnston and Tobin Solicitors on behalf of the owner of the property, for consideration.

BACKGROUND

Under Clause 14 (2A) of *Shoalhaven Local Environmental Plan, 1985* a dwelling house, classified as a Managers Residence, is a permissible use on rural land if the house is considered to be essential for the operations of a tourist facility. Therefore as part of the application for a dwelling house under DA06/1384, the applicant demonstrated that the existing gardens on the subject allotment were classified as a “display garden” and considered as a tourist facility. The applicant also demonstrated that the construction of a dwelling house on the subject allotment was essential for the operations of this tourist facility. However there was concern that the gardens would not be maintained as a tourist facility, for the duration of the existence of a dwelling house on the site and therefore a condition (Condition No. 3 of DA06/1384) was imposed requiring the creation of a Positive Covenant.

Condition No. 3 of the development consent requires that:

“Creation of a Positive Covenant under Section 88(e) of the Conveyancing Act, 1919 as amended, upon the title of Lot 2 DP 1032076 requiring:

(a) The retention and maintenance of the Camellia Gardens whilst ever a dwelling house(Managers Residence) is erected upon Lot 2 DP1032076;and

(b) The Camellia Gardens to be open to regular weekly visitation by the general public as a tourist facility.

The positive covenant shall be registered at the NSW Land and Property Information Office prior to the issue of a Construction Certificate.”

The Positive Covenant submitted to Council, by Johnston Tobin Solicitors, on behalf of the owner of the property Graeme Oak, complies with the requirements of Condition No. 3 of DA06/1384.

RECOMMENDED that the Positive Covenant between Graeme Fredrick Oke and the Council of the City of Shoalhaven where the registered proprietor for the time being and so as to bind his heirs, successors and assigns covenants with the authority benefited to ensure the retention and maintenance of the Camellia Gardens whilst ever a dwelling house (managers residence)is erected upon the lot burdened and the Cameilla gardens will be open to regular weekly visitation by the general public as a tourist facility, be executed under the Common Seal of Council.

Tim Fletcher
DIRECTOR, DEVELOPMENT AND ENVIRONMENTAL SERVICES

R.D Pigg
GENERAL MANAGER

NOTICES OF MOTION

ORDINARY MEETING

TUESDAY, 27TH MARCH 2007

1. Industrial Relations, Workchoices and AWA's

File 14611

The following MOTION of which due notice is given, is submitted for Council' consideration.

RECOMMENDED that Council acknowledges the uncertainty surrounding the questions whether councils are constitutional corporations and whether the Workplace Relations Act 1996 applies to local councils and their employees. Accordingly, in the absence of a judicial determination on these issues, Council resolves to immediately enter into discussions with the United Services Union regarding the use of a common law deed or unregistered collective agreement to provide wage increases and terms and conditions of employment for Council's employees.

Signed

Clr Finkernagel

Background

This motion concerns the employment conditions at Shoalhaven City Council during the unsettled period we are in, whilst the jurisdictional battles take place, and clear definitions are made as to whether local councils are Constitutional Trading Corporations. This motion seeks to provide policy direction to the General Manager and certainty to Council's employees.

The United Services Union (USU) is of the view that Councils are not constitution corporations and have advised that we may have to wait for two years to get a high court ruling on the matter.

The USU has informed council that the do nothing option is not an option, as the Local Government (State) award expires 31st October 2007 and pay increases are due first pay after 1st November 2007.

In my opinion we need to avoid AWA's, the prohibited content pitfalls, and continue with collective bargaining for the bulk of our workforce, and support the General Manager in his efforts to negotiate fair outcomes for Council employees and ratepayers of Shoalhaven City.

A common law deed of agreement/unregistered agreement is the best vehicle to achieve this and the USU is prepared to hold discussions in this regard.

2. Referral Agreements**File 14611**

The following MOTION of which due notice is given, is submitted for Council' consideration.

RECOMMENDED that Council supports the use of Referral Agreements pursuant to Section 146A of the Industrial Relations Amendment Act 2006 (NSW), to ensure ongoing access to the New South Wales Industrial Relations Commission for the resolution of industrial disputes and unfair dismissals.

Signed

Clr Finkernagel

Background

WorkChoice legislation seeks to empower employers to hire and fire at will, whilst removing employee's rights to a fair hearing on industrial disputes and termination disputes.

To date some eighty four (84) referral agreements have been signed by the United Services Union and Councils referring industrial disputes and termination disputes to the NSW Industrial Relations Commission.

Shoalhaven City Council's employees should have the same referral arrangements given to employees at many other councils in NSW.

3. Pedestrian/Cycleway - Section 217 Funding, Mitchell Parade, Mollymook**File 2093**

The following MOTION of which due notice is given, is submitted for Council' consideration.

RECOMMENDED that Council wave the Section 217 levy for the Mitchell Parade, Mollymook, Pedestrian/Cycleway project.

Signed

Clr Finkernagel

Background

In January 2007 Council resolved not to apply section 217 of the Roads Act for future pedestrian/cycleway projects, and in another motion resolved not to apply section 217 to the Page Avenue project, which was part constructed at the time.

The Section 217 levy for Mitchell Parade, Mollymook, which has not been invoiced, should also be waved in the interest of equity and fairness.