

Ordinary Meeting

Meeting Date: Tuesday, 25 October, 2016
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 4.00pm

Membership (Quorum - 7)
All Councillors

Agenda

1. Acknowledgement of Traditional Custodians

2. Opening Prayer

3. Australian National Anthem

4. Apologies / Leave of Absence

5. Confirmation of Minutes

- Ordinary Meeting - 4 October 2016

6. Declarations of Interest

Presentation of Petitions

Deputations and Presentations

Mayoral Minutes

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Committee Reports

- CCL16.10 Report of the Strategy & Assets Committee - 11 October 2016

- CSA16.1 Request to Reduce Court Cost Order

Local Government Act - Section 10A(2)(b) - Discussion in relation to the personal hardship of a resident or ratepayer.

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal an individual's personal information or contravene an information protection principle under the Privacy and Personal Information Protection Act 1998 or a Health Privacy Principle under the Health Records and Information Privacy Act 2002.

- CSA16.2 Tenders – Provision of Catering Services for Shoalhaven
Entertainment Centre

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

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

Reports

- CCL16.11 Tender Nowra CBD CCTV Fibre Upgrade Stage 1

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

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to undermine competitive neutrality in connection with any functions of an agency in

respect of which it competes with any person or otherwise place an agency at a competitive advantage or disadvantage in any market.

CCL16.12 Buy Back Service at Council Waste Depots

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

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably expected to impact on the ability of Council to attract competitive tenders in the future.

CCL16.13 Sale by Expression of Interest - Lot 1 DP1021332 George Evans Road, Mundamia - Successful Respondent

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

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

CL16.56 Report of the Strategy & Assets Committee - 11 October 2016

HPERM Ref: D16/327518

SA16.1 Community Medical Scholarship

HPERM Ref:
D16/306961

Recommendation

Council reaffirm that the Mayor call a meeting as resolved in August 2016 and any interested Councillors attend.

SA16.2 Fit for the Future Consultation Paper - Joint Organisations: Getting the boundaries right

HPERM Ref:
D16/307003

Recommendation

That Council make response to the consultation paper - *Joint Organisations: Getting the boundaries right* - stating it supports the boundaries encompassing the four councils of Wollongong, Shellharbour, Kiama & Shoalhaven City Council and that Council request the name be changed to Illawarra-Shoalhaven Joint Organisation.

SA16.3 Request for Tender - Catering Services for Shoalhaven Entertainment Centre

HPERM Ref:
D16/292960

Recommendation

That the Committee consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

SA16.4 Berry District Park - Re-exhibition of Master Plan

HPERM Ref:
D16/293099

Recommendation

That:

1. Council form a Project Reference Group consisting of all Councillors, relevant staff and members of the Berry Community forum and the Berry Rotary Club.
2. Council work with the community project reference group involved in progressing the finalisation of the masterplan, detailed design and determine the preference of the name of the Berry District Park.
3. Council allocate \$35,000 from the strategic project reserve immediately to undertake staged detailed design and development of a Business Case and Plan, and Funding and Procurement Plan to guide future delivery of Berry District Park and ensure it is "shovel ready" for future grant applications
4. Council reallocate from the Berry Strategic Plan Project \$17,000 to the Berry District Park and \$10,000 to the Berry Trails Project subject to approval by RMS for the reallocation of their grant funding for the Berry Strategic Plan.

CL16.56

SA16.7 Application for a Special Rate Variation

**HPERM Ref:
D16/301901**

Recommendation

That:

1. That Council authorise staff to notify the IPART of its intention to apply for a Special Rate Variation Application for 2017/18 and 2018/19 at the rate of 23% (11.5% each year) above rate peg over the 2 years in order for Council to financially support the ongoing provision of service levels to the community.
2. That Council proceed with the formal Special Rate Variation Application for 2017/18 and 2018/19 at the rate of 23% (11.5% each year) above rate peg over the 2 years and submit this in line with the timelines set by IPART (expected to be February 2017)
3. Council undertake an extensive community engagement program explaining the reason for the rate increase and seek the communities' comments.

Note: Cllrs Watson, Pakes & Proudfoot have lodged a Rescission Motion to "Rescind the motion and refer the matter to a briefing".

Note by the General Manager:

Clause 4.8 of Councils Code of Meeting Practice relating to 'rescission motions' and the procedure on how they are dealt with says "These provisions do not relate to Committee meetings when the decision of the Committee is only a Recommendation to Council.

The purpose of this clause is to ensure that the business of Council is not 'frustrated' and that Council at the Ordinary meeting can properly consider the recommendation.

**SA16.9 Huskisson Public Wharves - Commercial Berthing
Encroachment**

**HPERM Ref:
D16/293633**

Recommendation

That

1. Council reconfirm its policy of 2013 that the use of Huskisson Public Wharves continue for the broad community benefit of both recreational and commercial users with priority given for the loading and unloading of passengers and goods;
2. Council not support the loss of limited public berthing space for the exclusive benefit of adjacent commercial vessels;
3. Wharf owners consent not be provided to allow modification of the Huskisson western public wharf by the adjoining commercial vessel owner;
4. Defer the matter to the Ordinary Council meeting 25 October 2016, subject to holding an onsite inspection prior to a decision being made.

CL16.56

**SA16.10 Local Government Road Safety Program (LGRSP) -
2016/17 - RMS Grant Funds**
**HPERM Ref:
D16/291257**
Recommendation

That Council writes to the local Members and NSW Roads and Maritime Services and thanking them for its funding assistance towards the Road Safety Program and accept the grant funding offer of \$12,600 from Roads and Maritime Services (RMS) and vote funds as follows:

1. \$200 for Shoalhaven Youth Log Book Run
2. \$1,200 for Shoalhaven Youth Graduated Licensing Scheme (GLS)
3. \$200 for Fatigue
4. \$4,800 for Motorcycle Safety
5. \$1,200 for Restraints
6. \$5,000 for Shoalhaven Cycles Bike Week
7. Speed Monitoring on Local Roads (paid directly by RMS)

**SA16.13 Verons Estate Special Rate Variation to Upgrade
Roads**
**HPERM Ref:
D16/306078**
Recommendation

That

1. Council authorise staff to notify IPART of its intention to prepare a Special Variation application for a \$2.13m loan-funded special rate levy ('Special Rate Variation') so that Council can provide essential road infrastructure in Verons Estate;
2. 17% of the total cost be met by the broader rate base based in recognition of the potential benefit of the road upgrades to the broader community including properties fronting Sussex Inlet Road which have rear access onto Mokau Road.
3. Further details of the proposed funding arrangement be refined in consultation with the affected landowners; and
4. Unless there are substantial changes to the details provided in this report, the Special Rate Variation application to IPART be submitted before the February 2017 deadline.
5. During the notification to IPART Council hold a Public meeting with the land owners and the community.

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CL16.57 Report of the Shoalhaven Traffic Committee - 13 September 2016

HPERM Ref: D16/300168

- Attachments:**
1. TRAF 2016/61 (under separate cover) [⇒](#)
 2. TRAF 2016/62 (under separate cover) [⇒](#)
 3. TRAF 2016/63 (under separate cover) [⇒](#)
 4. TRAF 2016/64 (under separate cover) [⇒](#)
 5. TRAF 2016/65 (under separate cover) [⇒](#)
 6. TRAF 2016/66 (under separate cover) [⇒](#)
 7. TRAF 2016/67 (under separate cover) [⇒](#)
 8. TRAF 2016/68 (under separate cover) [⇒](#)
 9. TRAF 2016/69 (under separate cover) [⇒](#)
 10. TRAF 2016/70 (under separate cover) [⇒](#)
 11. TRAF 2016/71 (under separate cover) [⇒](#)
 12. TRAF 2016/72 (under separate cover) [⇒](#)
 13. TRAF 2016/73 (under separate cover) [⇒](#)
 14. TRAF 2016/74 (under separate cover) [⇒](#)
 15. TRAF 2016/75 (under separate cover) [⇒](#)

The Shoalhaven Traffic Committee is a technical review committee not a committee of Council under the Local Government Act, 1993.

The Roads and Maritime Services has delegated certain powers to Council under the Transport Administration Act 1988 (Section 50). A condition of this delegation is that Council must take into account the Traffic Committee recommendations.

IMPORTANT NOTE:

Council cannot amend a Traffic Committee recommendation. The Council can only:

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

Other issues can be raised Additional Business at the Ordinary Meeting.

The full guide to the delegation to Council's for the regulation of traffic can be viewed at: [RMS Website](#)

TC16.1 Parking Restrictions - Huskisson Wharf (PN1800)

HPERM Ref: D16/296081

Recommendation

That the General Manager (Director Assets and Works) be requested to arrange for the installation of the following changes to parking restrictions at the northern end of Currumbene Street, Huskisson adjacent to the wharf as detailed in the attached plan TRAF 2016/61:

1. Install a 50m (approx.) loading zone 'buses 15minutes max' adjacent to the wharf

CL16.57

2. Install a 17m (approx.) loading zone in the existing No Stopping zone adjacent to the driveway access at the rear of Club Jervis Bay

TC16.2 Parking Restriction Amendments - Un-named Lane between Currumbene Street and Hawke Street, Huskisson (PN 2697)

**HPERM Ref:
D16/296150**

Recommendation

That the General Manager (Director Assets and Works) be requested to arrange for the installation of the following parking restrictions in the Un-Named Lane adjoining Owen Street, Huskisson as detailed in the attached plan TRAF 2016/62:

1. Install a No Stopping zone on the eastern side of the unnamed lane extending from the existing restriction zone (No Standing/No Stopping 80m approx.) adjacent to the rear of 10 Currumbene Street to the proposed loading zone (10m approx.)
2. Install a No Stopping zone on the western side of the Un-Named Lane extending from the proposed loading zone to the rear of property 9 Hawke Street (50m approx.)
3. Install a Loading zone at the northern end of the Un-Named Lane, adjacent to properties 68 and 70 Owen Street

TC16.3 No Parking - Crookhaven Boat Ramp - Culburra Beach (PN 2703)

**HPERM Ref:
D16/296122**

Recommendation

That the General Manager (Director Assets and Works) be requested to arrange for the following parking restriction amendments within the Crookhaven boat ramp car park, Culburra Beach as detailed in the attached plan TRAF 2016/63:

1. Installing 11 x marked 45 degree angled 3m wide car and trailer parking spaces (location 1 and 3 – sign D)
2. Installing 5 x marked 90 degree angled 2.7m wide parking spaces (location 2)
3. Replacing 3 x marked angled parking spaces with 4 x angled 3m wide car and trailer parking spaces (location 4 sign D)
4. Replacing the existing 'CARS AND TRAILERS TO BE PARKED ON GRASS TRIANGLED AREA' guide sign with 'TRAILERS ONLY ON GRASS' guide sign (location 5 – sign E)
5. Updating the existing No Parking signs and other associated signage
6. The installation of No Stopping zones along the kerb (sign A)
7. The installation of a No Parking 'FISH CLEANING AND TYING DOWN OF BOATS EXCEPTED 15 MINS MAX' zone (sign B)
8. The installation of a No Parking 'BOAT WASHDOWN EXCEPTED 15 MINS MAX' zone (sign C)

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TC16.4 Parking Restriction Amendments - Anglican Church Car Park - Church St Milton (PN 2987)

HPERM Ref: D16/296173

Recommendation

That the General Manager (Director Assets and Works) be requested to arrange for the following amendments to the existing parking restrictions in the Anglican Church car park, Church Street, Milton to be carried out as detailed in the attached plan TRAF 2016/64:

1. Install a no parking zone at the existing pedestrian access
2. Install a motorbike parking space and associated signage adjacent to the no parking zone
3. Replace the existing no standing zone with no stopping signage

TC16.5 No Stopping Zone - Berrara Road, Berrara Beach (PN 3171)

HPERM Ref: D16/296204

Recommendation

That the General Manager (Director Assets and Works) be requested to arrange for the installation of a No Stopping zone (approx. 5m) across the pedestrian access on Berrara Road, Berrara, adjacent to the Berrara Beach Caravan Park as detailed in the attached plan TRAF 2016/65.

TC16.6 Centre Linemarking - Hollingsworth Crescent, Callala Bay (PN 3233)

HPERM Ref: D16/296221

Recommendation

That the General Manager (Director Assets and Works) be requested to arrange for the installation of two 15m lengths of double barrier (BB) line marking on Hollingsworth Crescent at its intersection with Gowlland Crescent, Callala Bay as detailed in the attached plan TRAF 2016/66.

TC16.7 Double Barrier Centre Linemarking - Rannoch Drive, West Nowra (PN 3237)

HPERM Ref: D16/296231

Recommendation

That the General Manager (Director Assets and Works) be requested to arrange for the installation of two 25m lengths of double barrier (BB) centre line marking on Rannoch Drive at its intersection with Tulla Place, West Nowra as detailed in the attached plan TRAF 2016/67.

TC16.8 Temporary Work Zone - Carpark off Lawrence Avenue, Nowra (PN 3291)

HPERM Ref: D16/296239

Recommendation

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed temporary work zone of 6 car parking spaces in the carpark located on the eastern side of Lawrence Avenue, Nowra as detailed in the attached diagram TRAF 2016/68.

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**TC16.9 Edge Linemarking - Fishermans Paradise Road,
Fishermans Paradise (PN 3301)**

**HPERM Ref:
D16/296246**

Recommendation

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the installation of centre and edge (E1) linemarking being installed on Fishermans Paradise Road, Fishermans Paradise as detailed in the attached plan TRAF 2016/69.

**TC16.10 No Parking Zone - Idlewild Avenue, Sanctuary
Point (PN 3308)**

**HPERM Ref:
D16/296253**

Recommendation

That the General Manager (Director Assets and Works) be requested to arrange for the installation of a 30m No Parking zone (8am-9:30am, 2:30pm-4pm school days) on the western side of Idlewild Avenue, immediately adjacent to the existing Bus zone, as detailed in the attached plan TRAF 2016/70.

**TC16.11 Regulatory Signage and Line Marking Plan -
Basil Street South Nowra (PN 3322)**

**HPERM Ref:
D16/296261**

Recommendation

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the regulatory signage and line marking plan associated with the Green Orchid Gardens sub-division, Basil Street, South Nowra as detailed in the attached plan TRAF 2016/71.

**TC16.12 Linemarking Amendments - Bridge Replacement
- Jacobs Drive, Sussex Inlet (PN3323)**

**HPERM Ref:
D16/296284**

Recommendation

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed line marking changes in conjunction with the Jacobs Drive bridge replacement as detailed in the attached plan TRAF 2016/72.

**TC16.13 Shared Zone - Shoalhaven City Council
Administration Building & Shoalhaven
Entertainment Centre, Bridge Road, Nowra (PN
3324)**

**HPERM Ref:
D16/296299**

Recommendation

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the installation of a shared zone between the Council Administration building and the Shoalhaven Entertainment Centre as detailed in the attached plan TRAF 2016/73.

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**TC16.14 No Stopping Zones - Seabreeze Street and
Dinghy Street, Vincentia (PN 3325)****HPERM Ref:
D16/296318****Recommendation**

That the General Manager (Director Assets and Works) be requested to arrange for the installation of the following parking restrictions as detailed in the attached plan TRAF 2016/74.

1. A No Stopping zone 7am-5pm Mon-Fri on the western side of Seabreeze Street from Halloran Street to Skiff Street (160m approx.)
2. A No Stopping zone 7am-5pm Mon-Fri on the southern side of Dinghy Street from Seabreeze Street to the existing No Stopping zone in the hammerhead turn bay (70m approx.)

**TC16.15 Parking Restriction Amendments - Greenfields
Beach Car Park, Vincentia (PN 3327)****HPERM Ref:
D16/296325****Recommendation**

That the General Manager (Director Assets and Works) be requested to arrange for the following amendments to the existing parking restrictions in the Greenfields Beach car park, Vincentia as detailed in the attached TRAF 2016/75:

1. Install No Stopping around the cul-de-sac and a 20m length of the western road casement.
2. Upgrade the existing Bus zone and Disabled parking signage.

CL16.57

CL16.58 Report of the Shoalhaven Traffic Committee - 11 October 2016

HPERM Ref: D16/324378

- Attachments:**
1. TRAF 2016-77 (under separate cover) [⇒](#)
 2. TRAF 2016-78 (under separate cover) [⇒](#)
 3. TRAF 2016/79 (under separate cover) [⇒](#)
 4. TRAF 2016/80 (under separate cover) [⇒](#)
 5. TRAF 2016/82 (under separate cover) [⇒](#)
 6. TRAF 2016/83 (under separate cover) [⇒](#)
 7. TRAF 2016/84 (under separate cover) [⇒](#)

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2. *Not Adopt the Traffic Committee recommendation; or*
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TC16.16 Proposed Line Marking Amendments - Mount Agony Road, East Lynne (PN 1717) 1691E

HPERM Ref: D16/313345

Recommendation

1. That the General Manager (Director Assets and Works) be requested to arrange for the amendment of centre line marking on Mount Agony Road and North Durras Road, on a trial basis with conditions to be monitored and reviewed in 12 months' time, as detailed in TRAF 2016/77, by removing the existing double barrier (BB) line marking and installing the following line marking changes:
 - a. North Durras Road (Ch.0 Mawson Street intersection)
 - i. Ch. 1.60 – 145m BS, 121m S1, 145m BS – 411m (downhill designed at 70 km/h)
 - ii. Ch. 3.70 – 120m BS, 75m S1, 120m BS – 315m (straight designed at 60 km/h)
 - b. Mount Agony Road (Ch.0 North Durras Road intersection)

- i. Ch. 1.50 – 145m BS, 160m S1, 145m BS – 450m (downhill designed at 70 km/h)
- ii. Ch. 2.00 – 120m BS, 160m S1, 120m BS – 400m (straight designed at 60 km/h)

TC16.17 Proposed Give Way Sign - Intersection Hayward Road & Hayward Road (private), Wandandian (PN 1723) 6324E

**HPERM Ref:
D16/313397**

Recommendation

That the General Manager (Director Assets and Works) be requested to arrange for the installation of a Give Way (R1-2B), associated TB/TB1 line marking and double barrier line marking at the intersection of Haywards Road and Haywards (Private) Road, Wandandian as detailed in plan TRAF 2016/78.

TC16.18 Proposed No Stopping Zone - Pitt Street, North Nowra (PN 3268) 2932E

**HPERM Ref:
D16/313432**

Recommendation

That the General Manager (Director Assets and Works) be requested to arrange for the installation of a No Stopping zone (approximately 2m) either side of the driveway access to property no. 100 Pitt Street, North Nowra as detailed in plan TRAF 2016/79.

TC16.19 Proposed Give Way Sign - Dalwah Street, Bomaderry (PN 3320) 1667E

**HPERM Ref:
D16/313471**

Recommendation

1. That the General Manager (Director Assets and Works) be requested to arrange for the installation of the following delineation measures at the intersection of Tarawara Street and Dalwah Street, Bomaderry as detailed in plan TRAF 2016/80:
 - a. a Give Way sign and associated TB/TB1 hold line marking
 - b. 55m double barrier (BB) line marking with a 10m break
 - c. A W2-4B (L) side road junction warning sign 60m on the western approach to the intersection

TC16.20 Proposed No Right Turn - Buchan Street, Mollymook (PN 3331) 1704E

**HPERM Ref:
D16/313505**

Recommendation

That the General Manager (Director Assets and Works) be requested to arrange for the installation of a No Right Turn (left turn only) treatment at the intersection of Golf Avenue and Buchan Street, Mollymook as detailed in plan TRAF 2016/82.

TC16.21 Proposed Roundabout - Kerry Street, Sanctuary Point (PN 3332) 3218E

HPERM Ref: D16/313559

Recommendation

That the General Manager (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objections to the proposed traffic facility at the intersection of Kerry Street and Paradise Beach Road, Sanctuary Point as detailed in TRAF 2016/83.

TC16.22 Proposed Roundabout - Sussex Inlet Road & Golf Course Way, Sussex Inlet (PN 3333) SF10425-03

HPERM Ref: D16/313591

Recommendation

1. That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed roundabout at the intersection of Golf Course Way and Sussex Inlet Road, Sussex Inlet as detailed in plans (26751_103_Rev2, 26751_107_Rev2 and 26751_108_Rev2) TRAF 2016/84 a, b &c, subject to:
 - a. Being the main access road into the subdivision, the full length of Road 01 travel lanes are to be increased from 3.5m to 4.5m wide
 - b. The angle of the splayed line marking in the splitter islands on Sussex Inlet Road are to be amended to 45 degrees in accordance with AS1742.2
 - c. Other matters to be addressed in accordance with Shoalhaven Development Control plan 2014 (chapter S2: Badgee urban release area) to mitigate any adverse environmental impacts on residents.

CL16.58

CL16.59 Tender - Nowra CBD CCTV Fibre Upgrade Stage 1

HPERM Ref: D16/311350

Group: Corporate & Community Services Group
Section: Recreation, Community and Culture

Purpose / Summary

To inform Council of the tender process for Nowra CBD CCTV Fibre Upgrade Stage 1.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

This report is submitted directly to the Ordinary Council Meeting pursuant to Clause 3 of Council's "Acceptance of Tenders – Reports to Council" Policy.

Recommendation

That Ordinary Meeting consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

Options

1. As recommended.

Implication: The confidential report will be considered.

2. Propose an alternative

Details

Councils existing CCTV network is ageing and part of the current system replacement has been funded in 2016/2017. The system provides information to the servers in the Police station currently and this upgrade will see information return to Councils administration building.

Nowra CBD CCTV Fibre Upgrade Stage 1 Fibre installation was put to tender with the initial closing date of 3/08/2016. The scope of the work includes boring, cutting, fibre installation, pits, conduits and cabinet installations. Four tenders were received.

Tenders Received

Tenders were received from the following:

Tenderer	Location
Twin Connect Pty Ltd	Taren Point, NSW
Coffs Harbour City Council New Technology Group	Coffs Harbour, NSW

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ARA Electrical Engineering Services Pty Ltd	Unanderra, NSW
Fibre Optics Design and Construct Pty Ltd	Bulli, NSW

Details relating the evaluation of the tenders are contained in the confidential report.

Financial Implications:

Council allocated funds in this financial year and the overall project budget is \$350,000. These stage 1 works are a substantial part of the budget. The ongoing operational costs will be funded by Shoalhaven City Council.

CL16.60 Pecuniary Interest Returns 1 July 2015 - 30 June 2016

HPERM Ref: D16/315791

Group: Corporate & Community Services Group
Section: Human Resources and Customer Service

Attachments: 1. Pecuniary Interest 2015-2016 - Combined List Council Report [↓](#)

Purpose / Summary

To provide the Council with the Register of Pecuniary Interest Returns lodged with the General Manager for the period of 1 July 2015 to 30 June 2016 as required under Section 450A of the Local Government Act.

Recommendation

That the report of the General Manager (Corporate and Community Services) regarding the Pecuniary Interest Returns lodged for the period of 1 July 2015 to 30 June 2016 be received for information.

Options

1. As recommended and required under legislation.
2. Council make additional recommendation as to future administration of the returns.

Background

All designated staff, Councillors and Committee members were provided with the returns for the Pecuniary Interests, covering the period 1 July 2015 to 30 June 2016 during August 2016 for completion, together with a Guideline as to the completion of the return, the majority of those required returns were submitted to Council. Pecuniary Interest Returns needed to be lodged by 30 September 2016.

Despite numerous reminders of their requirement to complete returns, the following persons have not submitted returns in accordance with their requirements under the Local Government Act, 1993:

- Karen Anstiss - Previous Councillor
- ~~Lynnette Kearney~~ - Previous Councillor (received 24 October 2016)
- Jim McCrudden – Previous Councillor
- ~~Jemma Tribe~~ - Previous Councillor (received 24 October 2016)
- Michelle Bishop – Alternate JRPP member up to 4th October'16.

It is noted that two (2) staff are on extended leave, therefore have not completed the form.

CL16.60

Given the failure to lodge returns by those persons amounts to failure to meet the requirements of the Local Government Act, 1993, the General Manager will advise the Office of Local Government and seek advice as to further actions required arising from this non-compliance. It is noted that all of the persons listed above are no longer members or representatives of Council.

Persons with an obligation to lodge a pecuniary interest return by 30 September 2016 are listed in Attachment 1.

Advice provided to Council by the Office of Local Government in September 2015 was that 'hardcopies' of returns are no longer required to be tabled at the Council meeting. Therefore the register of returns for this period is attached and tabled and electronic versions of the documents are able to be viewed upon request. Returns of Councillors are displayed on Council's website as has been the practice for a number of years.

Combined List Returned

No	Last Name	First Name	Group	Returned
1.	Ahmed	Naif	Assets and Works	✓
2.	Apolo	Matt	Assets and Works	✓
3.	Braddick	Ed	Assets and Works	✓
4.	Brighton	Wayne	Assets and Works	✓
5.	Carter	Brett	Assets and Works	✓
6.	Critchley	Phil	Assets and Works	✓
7.	Cronk	Trevor	Assets and Works	✓
8.	Davis	Brad	Assets and Works	✓
9.	Dunn	Melissa	Assets and Works	✓
10.	Fraser	Tony	Assets and Works	✓
11.	George	Gary	Assets and Works	✓
12.	Green	Pamela	Assets and Works	✓
13.	Harben	Mike	Assets and Works	✓
14.	Harris	Michael	Assets and Works	✓
15.	Hojem	David	Assets and Works	✓
16.	Holmes	Ros	Assets and Works	✓
17.	Horton	Greg	Assets and Works	✓
18.	Knill	Peter	Assets and Works	✓
19.	Merange	Darrell	Assets and Works	✓
20.	Paisley-Topp	David	Assets and Works	✓
21.	Poidevin	Michael	Assets and Works	✓
22.	Punnett	Troy	Assets and Works	✓
23.	Stewart	Ben	Assets and Works	✓
24.	Strachan	Michael	Assets and Works	✓
25.	Sullivan	Kevin	Assets and Works	✓
26.	Uptis	Martin	Assets and Works	✓
27.	Wagstaff	David	Assets and Works	✓
28.	Wells	Scott	Assets and Works	✓
29.	Wills	Ken	Assets and Works	✓
30.	Young	Geoff	Assets and Works	✓
31.	Aney	Peter	Corporate & Community	✓
32.	Ball	Ros	Corporate & Community	✓
33.	Bell	Coralie	Corporate & Community	✓
34.	Blackshaw	Alan	Corporate & Community	✓
35.	Coulston	Bronwyn	Corporate & Community	✓
36.	Donelly	Stephen	Corporate & Community	✓
37.	Edwards	Susan	Corporate & Community	✓
38.	Elliott	Glen	Corporate & Community	✓
39.	Evans	Lisa	Corporate & Community	✓
40.	French	Paul	Corporate & Community	✓
41.	George	Samuel	Corporate & Community	✓
42.	Gokgur	Pam	Corporate & Community	✓
43.	Goldsmith	Michael	Corporate & Community	✓
44.	Hahn	Don	Corporate & Community	✓
45.	Harris	James	Corporate & Community	✓

46.	Jackson	Debra	Corporate & Community	✓
47.	Kielly	Mark	Corporate & Community	✓
48.	Lenehan	John	Corporate & Community	✓
49.	Lewis	Jane	Corporate & Community	✓
50.	McCoy	Melissa	Corporate & Community	✓
51.	McMahon	Sara	Corporate & Community	✓
52.	Milburn	Craig	Corporate & Community	✓
53.	Mohan	Aravindh	Corporate & Community	✓
54.	Norwood	Kevin	Corporate & Community	✓
55.	Perry	Andrew	Corporate & Community	✓
56.	Phelan	Vanessa	Corporate & Community	✓
57.	Rodriguez	Janina	Corporate & Community	✓
58.	Spencer	Shane	Corporate & Community	✓
59.	Taylor	Sarah	Corporate & Community	✓
60.	Walter	Shalissa	Corporate & Community	✓
61.	Whiting	Ray	Corporate & Community	✓
62.	Anstiss	Karen	Councillor	
63.	Baptist	Allan	Councillor	✓
64.	Findley	Amanda	Councillor	✓
65.	Gash	Jo	Councillor	✓
66.	Guile	Andrew	Councillor	✓
67.	Kearney	Lynnette	Councillor	
68.	Kitchener	Mark	Councillor	✓
69.	McCrudden	Jim	Councillor	
70.	Robertson	Clive	Councillor	✓
71.	Tribe	Jemma	Councillor	
72.	Watson	Greg	Councillor	✓
73.	Wells	John	Councillor	✓
74.	White	Patricia	Councillor	✓
75.	Neilson	Samantha	General Managers Group	✓
76.	Pigg	Russ	General Managers Group	✓
77.	Prasad	Shalni	General Managers Group	✓
78.	Pullen	Greg	General Managers Group	✓
79.	Rippon	Jessica	General Managers Group	✓
80.	Bishop	Michelle	JRPP	
81.	Royston	Ernie	JRPP	✓
82.	Agam	Sivan	Nowra CBD Revitalisation SC	✓
83.	Aldous	Annie	Nowra CBD Revitalisation SC	✓
84.	Baxter	Scott	Nowra CBD Revitalisation SC	✓
85.	Caldwell	James	Nowra CBD Revitalisation SC	✓
86.	Crowther	Mark	Nowra CBD Revitalisation SC	✓
87.	Goddard	Brendan	Nowra CBD Revitalisation SC	✓
88.	Parker	George	Nowra CBD Revitalisation SC	✓
89.	Anderson	Christopher	Planning & Development	✓
90.	Anderson	David	Planning & Development	✓
91.	Anstiss	David	Planning & Development	✓
92.	Baker	Rodney	Planning & Development	✓
93.	Bern	Cathy	Planning & Development	✓

94.	Birmingham	Megan	Planning & Development	✓
95.	Blatch	Peter	Planning & Development	✓
96.	Bonner	James	Planning & Development	✓
97.	Cavallo	Nick	Planning & Development	✓
98.	Choros	Roy	Planning & Development	✓
99.	Clark	Gordon	Planning & Development	✓
100.	Clark	Wayne	Planning & Development	✓
101.	Clay	Shaun	Planning & Development	✓
102.	Clunas	Emma	Planning & Development	✓
103.	Connor	Patrick	Planning & Development	✓
104.	Cooper	Kayla	Planning & Development	✓
105.	Cottrell	David	Planning & Development	✓
106.	Crompton	Craig	Planning & Development	✓
107.	Csanitz	Elizabeth	Planning & Development	✓
108.	Dalyell	Alison	Planning & Development	✓
109.	Dillon	Malcolm	Planning & Development	✓
110.	Dixon	Elizabeth	Planning & Development	✓
111.	Dodds	Lindsay	Planning & Development	✓
112.	Dollery	Ian	Planning & Development	✓
113.	Downing	Elizabeth	Planning & Development	✓
114.	Dwyer	Christopher	Planning & Development	✓
115.	Finlayson	Nel	Planning & Development	✓
116.	Fletcher	Timothy	Planning & Development	✓
117.	Foley	Marie-Louise	Planning & Development	On Leave until June 2017
118.	Ghetti	Isabelle	Planning & Development	✓
119.	Gibbes	Andrew	Planning & Development	✓
120.	Gillies	Andrew	Planning & Development	✓
121.	Haig	Jason	Planning & Development	Leave until 21 October
122.	Hamilton	Ian	Planning & Development	✓
123.	Hansen	Phil	Planning & Development	✓
124.	Hernell	Anna	Planning & Development	✓
125.	Heung	Simon	Planning & Development	✓
126.	Hislop	Suzanne	Planning & Development	✓
127.	Holland	Martin	Planning & Development	✓
128.	Hollinger	Eric	Planning & Development	✓
129.	Horvath	Steven	Planning & Development	✓
130.	Howarth	Gregory	Planning & Development	✓
131.	Hunter	Nicole	Planning & Development	✓
132.	Irwin	Garon	Planning & Development	✓
133.	James	Ian	Planning & Development	✓
134.	Jarman	Michael	Planning & Development	✓
135.	Jenkins	Angela	Planning & Development	✓
136.	Jenner	Dianne	Planning & Development	✓
137.	Johnston	Peter	Planning & Development	✓
138.	Keys	Shane	Planning & Development	✓
139.	Lampard	Brendan	Planning & Development	✓

140.	Lissenden	Andrew	Planning & Development	✓
141.	Lissenden	Kristie	Planning & Development	✓
142.	Little	Trent	Planning & Development	✓
143.	Lloyd	Aaron	Planning & Development	✓
144.	Lowe	Kelie	Planning & Development	✓
145.	Marr	Thelma	Planning & Development	✓
146.	Massie	Raymond	Planning & Development	✓
147.	McDonald	Anne	Planning & Development	✓
148.	McLoughlin	Patrick	Planning & Development	✓
149.	McMillan	Kane	Planning & Development	✓
150.	McNeice	Phillip	Planning & Development	✓
151.	McVey	Alison	Planning & Development	✓
152.	Meier	Wayne	Planning & Development	✓
153.	Moyle	Melissa	Planning & Development	✓
154.	Murphy	Nathan	Planning & Development	✓
155.	Nelson	Liberty	Planning & Development	✓
156.	Netzler	Bryan	Planning & Development	✓
157.	Nile	David	Planning & Development	✓
158.	O'sullivan	Kristy	Planning & Development	✓
159.	Papworth	Warwick	Planning & Development	✓
160.	Park	Michael	Planning & Development	✓
161.	Parnell	Jodie	Planning & Development	✓
162.	Pearman	Anthony	Planning & Development	✓
163.	Pickering	Shane	Planning & Development	✓
164.	Price	John	Planning & Development	✓
165.	Pryor	Neale	Planning & Development	✓
166.	Ratcliffe	Danielle	Planning & Development	✓
167.	Roose	Thomas	Planning & Development	✓
168.	Rouse	Cameron	Planning & Development	✓
169.	Schofield	Ailsa	Planning & Development	✓
170.	Smith	Michael	Planning & Development	✓
171.	Sneesby	Mark	Planning & Development	✓
172.	Southall	Paul	Planning & Development	✓
173.	Staples	Ian	Planning & Development	✓
174.	Subhan	Mir Abdus	Planning & Development	✓
175.	Swan	Trent	Planning & Development	✓
176.	Tague	Jenna	Planning & Development	✓
177.	Turner	Lauren	Planning & Development	✓
178.	Vernez	Andre	Planning & Development	✓
179.	Volkanovski	Jessica	Planning & Development	✓
180.	Wood	Colin	Planning & Development	✓
181.	Banwell	David	Shoalhaven Water	✓
182.	Brignell	Jared	Shoalhaven Water	✓
183.	Gilkes	Allan	Shoalhaven Water	✓
184.	Holmes	Tony	Shoalhaven Water	✓
185.	Horner	Robert	Shoalhaven Water	✓
186.	Jennings	Mark	Shoalhaven Water	✓
187.	Kidd	Matt	Shoalhaven Water	✓

188.	Krogh	Carmel	Shoalhaven Water	✓
189.	Lazarevski	Ljupco	Shoalhaven Water	✓
190.	Logovik	James	Shoalhaven Water	✓
191.	McVey	Andrew	Shoalhaven Water	✓
192.	Rodgers	Julia	Shoalhaven Water	✓
193.	Wady	Ivan	Shoalhaven Water	✓

CL16.61 NSW Grandparents Day Grant Funding

HPERM Ref: D16/317266

Group: Corporate & Community Services Group
Section: Recreation, Community and Culture

Purpose / Summary

To advise Council on the successful Funding Application under the NSW Government Grandparents Day for the amount of \$1000.

Recommendation

That Council

1. Accept the NSW Grandparents Day grant funding to the value of \$1000 for Shoalhaven Libraries to host a cross generational skill share event.
2. Delegate authority to the General Manager, or nominee, to accept the grant funding and acquittal of funds.
3. Write to the NSW Government accepting the grant offer.

Options

1. Council adopt the recommendation as printed.

Implications: That this cross generational event can occur which will provide community benefit.

2. Council reject the recommendation.

Implications: Funding offer is declined and the cross generational skill share event does not occur.

Background

An application for \$1,000 was submitted for a NSW Government Grandparents Day 2016 Grant. Shoalhaven Libraries Nowra plan to host a cross generational event where skills can be shared and passed on by older to younger people and vice versa. These skills may be of a technological or traditional craft nature. The aim is to bring the generations together to learn from and connect with one another.

Council has been successful in receiving \$1,000 for this project and now requires to finalise arrangements to accept these funds.

Community Engagement

This matter is considered to be a local area low impact issue as detailed in Council's Community Engagement Policy and handbook. No community engagements have taken place.

Policy Implications

No policy implications.

Financial Implications

The event is to be held on the 27th of October in line with the grant guidelines to celebrate Grandparent's Day 2016. The funds will be used to promote the event and provide refreshments and materials.

Risk Implications

A risk assessment will be conducted prior to the activity.

CL16.62 Record of Investments September 2016

HPERM Ref: D16/322451

Group: Corporate & Community Services Group
Section: Finance

Attachments: 1. Shoalhaven Monthly Report - September 2016 (under separate cover) [↔](#)

Purpose / Summary

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

Recommendation

That the Report of the General Manager (Corporate Services and Community Services Group) on the Record of Investments for the period to 30th September 2016 be received for information.

Options

1. The report on the Record of Investments for the period to 30th September 2016 be received for information

Implications: Nill

2. Further information regarding the Record of Investments for the period to 30th September 2016 be requested

Implications: Staff will need to prepare a further report to provide any information that is required.

3. The report on the Record of Investments for the period to 30th September 2016 be received for information with any changes requested for the Record of Investments to be reflected in the report for the period to 31st October 2016

Implications: Nill

Background

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

Further comparisons and budget review is found below:

The interest earned for the month of September was \$485,479.79 which was \$294,281.30 above budget. The budget assumed an interest rate of 2.75%, the attached CPG report shows our current investment portfolio earning a return of 3.27%.

RECORD OF INVESTMENTS

Cash and Investment Balances

	September 2016	August 2016
Cash And Investments Held		
Cash at Bank - Consolidated Account	\$10,742,424	\$11,301,006
Cash at Bank - Trust Fund	\$1,240	\$1,240
Cash on Hand	\$28,470	\$28,470
Total Investments	<u>\$164,026,598</u>	<u>\$167,998,387</u>
	<u>\$174,798,731</u>	<u>\$179,329,104</u>
Fair Value Adjustment	\$81,395	-\$26,634
Bank Reconciliation	<u>\$61,688</u>	<u>\$510,762</u>
	\$143,083	\$288,338
Book Value of Cash and Investments	<u>\$174,941,814</u>	<u>\$179,617,441</u>
Less Cash & Investments Held In Relation To Restricted Assets		
Leave Entitlements & Workers Compensation Liability	\$9,656,010	\$9,620,664
Land Decontamination	\$1,584,484	\$1,588,646
Critical Asset Compliance	\$2,412,520	\$2,484,517
North Nowra Link Road	\$660,344	\$660,384
Other Internal Reserves	\$2,677,211	\$3,079,674
Section 94 Matching Funds	\$543,988	\$544,062
Strategic Projects General	\$5,951,611	\$6,197,961
Industrial Land Development Reserve	\$2,501,234	\$1,924,938
Plant Replacement	\$5,244,096	\$4,960,782
S94 Recoupment	\$2,339,647	\$2,341,213
Commitment To Capital Works	\$6,974,115	\$7,034,953
Strategic Property Acquisitions	<u>\$2,193,096</u>	<u>\$2,194,032</u>
Total Internally Restricted	<u>\$42,738,358</u>	<u>\$42,631,827</u>
Loans - General Fund	\$7,762,600	\$7,878,928
Grant reserve	\$4,370,613	\$5,265,787
Section 94	\$26,241,813	\$26,284,338
Storm Water Levy	\$458,761	\$437,886
Trust - Mayors Relief Fund	\$99,808	\$99,808
Trust - General Trust	\$2,901,635	\$2,923,959
Waste Disposal	\$10,674,826	\$11,259,336
Section 64 Sewer	\$0	\$0
Sewer Compensation	\$0	\$0
Sewer Fund	\$30,884,671	\$29,530,451
Sewer Plant Fund	\$1,022,380	\$1,046,205
Section 64 Water	\$14,029,360	\$13,968,953
Water Fund	\$21,057,169	\$21,134,467
Water Communication Towers	\$1,013,983	\$1,013,983
Water Plant Fund	<u>\$705,617</u>	<u>\$695,391</u>
Total Externally Restricted	<u>\$121,223,234</u>	<u>\$121,539,492</u>
Total Restricted	<u>\$163,961,591</u>	<u>\$164,171,319</u>
Unrestricted Cash And Investments		
General	\$8,980,223	\$13,446,122
Water	\$1,000,000	\$1,000,000
Waste Water	<u>\$1,000,000</u>	<u>\$1,000,000</u>
Total Unrestricted	<u>\$10,980,223</u>	<u>\$15,446,122</u>

CL16.62

An error was found in the calculations of the previous report and therefore the figures above for August have been corrected

Certification – Responsible Accounting Officer:

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

Pamela Gokgur
Chief Financial Officer

Financial Implications

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

CL16.62

CL16.63 Draft Financial Statements for the Year Ended 30 June 2016

HPERM Ref: D16/322695

Group: Corporate & Community Services Group
Section: Finance

Attachments: 1. Draft Shoalhaven City Council Financial Statements 2015-16 (councillors information folder) [↗](#)

Purpose / Summary

Under Sections 413 and 418 of the Local Government Act 1993 Council is required to refer the draft financial statements to audit, sign statements on the preparation of the statements and set the date for the presentation of the audited financial statements.

Recommendation

1. That the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer sign statements on the preparation of the Financial Statements for the year ended 30 June 2016 in accordance with Section 413(2)(c) of the Local Government Act 1993 and requirements under the Local Government Code of Accounting Practice and Financial Reporting.
2. The draft Financial Statements for the year ended 30 June 2016 be referred to Council's external auditor, Pitcher Partners Accountants, Auditors and Advisors in accordance with Section 413 of the Local Government Act 1993
3. Council present its audited Financial Statements and Audit Report to the public at the Ordinary Meeting of Council to be held on Tuesday 22nd November 2016 and in accordance with section 418 of the Local Government Act 1993 public notice of this date be placed in local newspapers on Wednesday 9th November 2016.

Options

1. Adopt the recommendation
2. Adopt part of the recommendation and make an alternative resolution
3. Not adopt any of the recommendation and make an alternative resolution

Background

Council's Financial Statements for the year ended 30 June 2016 have been prepared and are ready to be audited.

CL16.63

In accordance with Section 413 of the Local Government Act 1993, Council must refer these statements for audit. Prior to the completion of the audit Council is required to give its opinion on the Financial Statements.

Section 413(2)(c) of the Local Government Act 1993 and the Local Government Code of Accounting Practice and Financial Reporting requires the Mayor, one other Councillor, the General Manager and Responsible Accounting Officer to certify the following:

1. The General Purpose Financial Statements have been prepared in accordance with:

- Local Government Act 1993 (as amended) and Regulations made thereunder
- The Australian Accounting Standards and professional pronouncements
- Local Government Code of Accounting Practice and Financial Reporting

And that to the best of Council's knowledge and belief that the statements:

- Present fairly the Council's operating result and financial position for the year; and
- Accord with Council's accounting and other records.

2. The Special Purpose Financial Statements have been prepared in accordance with:

- NSW Government Policy Statement "Application of National Competition policy to Local Government".
- Office of Local Government Guidelines "Pricing & Costing for Council Businesses: A guide to Competitive neutrality".
- The Local Government Code of Accounting Practice and Financial Reporting.
- The NSW Office of Water, Department of Environment, Climate Change and Water Guidelines.

And that to the best of Council's knowledge and belief, the reports:

- Present fairly the operating result and financial position for each of Council's declared business Activities for the year, and
- Accord with Council's accounting and other records.

The General Purpose Financial Statements and Special Purpose Financial Statements have been prepared in accordance with the Local Government Code of Accounting Practice and Financial Reporting and applicable Accounting Standards (draft copies are included in Councillors' Information Folder).

The General Purpose Financial Statements are prepared on a consolidated basis. The information presented reflects all of Council's activities including the General Fund, Water Fund, Sewer Fund and any other entities controlled by Council. It should be noted that all internal transactions are eliminated including expenses relating to Council rates, water usage charges, waste management charges etc levied on Council activities.

The Special Purpose Financial Statements relate to activities of Council that are classified as a business under the National Competition Guidelines. Classified activities are further classified as either a Category 1 or Category 2 business depending on whether the annual turnover is above or below \$2 million.

In preparing the Special Purpose Financial Statements certain taxes and charges that Council is not normally liable to pay must be calculated. These include company income tax, land tax, stamp duty and payroll tax. These amounts are included in the Special Purpose Financial Statements but only as notional amounts. The Special Purpose Financial Statements also include calculations with regard to Water and Sewer Best Practice pricing guidelines and dividend payments. These statements must be audited and submitted to the NSW Office of Water prior to the payment of a dividend from Water or Sewer funds.

When the audit is finalised, the audited Financial Statements and Audit Report are to be presented to the public at a meeting of Council in accordance with Section 418 of the Local Government Act 1993. It is proposed that the Financial Statements and Audit Report be presented to the public at the Ordinary Meeting of Council to be held on Tuesday 22nd November 2016. Public notice of this meeting will be made on Wednesday 9th November 2016 with the Financial Statements and Audit Report being available for inspection at Council's offices from Wednesday 9th November 2016 to Wednesday 23rd November 2016.

The process that Council must follow in the preparation, audit and presentation of the Financial Statements is prescribed in detail by the Local Government Act 1993. The following timetable will allow these processes to be satisfied.

25 October 2016	Ordinary Meeting of Council – 2015 / 2016 Draft Financial Statements presented to Council seeking Council to resolve to refer them for audit and make statements on the preparation as required by Section 413 of the Local Government Act 1993 and the Local Government Code of Accounting Practice and Financial Reporting.
Prior to 31 October 2016	Auditors report to be received by Council and the Financial Statements and Audit Report submitted to the Office of Local Government.
9 November 2016	Public advertisement which notifies that the Financial Statements and Audit Report are available for inspection at Council offices and Libraries until 23 November 2016. The advertisement also advises that the Financial Statements and Audit Report will be presented to the public at a Council meeting on 22 November 2016 and submissions will be received until 29th November 2016.
22 November 2016	Ordinary Meeting of Council – Financial Statements and Audit Report presented to the public at a meeting of Council.
29 November 2016	Closing date for public submissions on the Financial Statements. Any submissions received must be referred to Council's auditor for consideration (Section 420).

CL16.64 Buy Back Service at Council Waste Depots

HPERM Ref: D16/321445

Group: Assets & Works Group
Section: Works and Services

Purpose / Summary

The General Manager has disclosed a significant Non-Pecuniary interest in this matter as one of his neighbours has a continuing association with the tenderer t/as Shoalhaven Recycling. This matter is therefore being dealt with by the Director of Assets & Works.

To inform Council of the tender process for Buy Back (Tip Shop) Services.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

This report is submitted directly to the Ordinary Council Meeting pursuant to Clause 3 of Council's "Acceptance of Tenders – Reports to Council" Policy.

Recommendation

That Ordinary Meeting consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

Options

1. Council accept the recommendation as presented.

Implications: Further details are provided in the confidential report.

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

Implications: This is not recommended in accordance with Local Government tendering regulations.

Details

Council called tenders for the provision of Buy Back Services at Council's recycling and waste facilities. Tenders closed on 8 July 2016, with 2 tenders received in the tender portal at the close of tenders, as shown below in alphabetical order. No late tenders have been received.

Tenders Received

Tenders were received from the following:

Tenderer	Location
Great Lakes Community Resources Inc t/as Resource Recovery Australia (RRA)	Tuncurry NSW
South Coast Plant Hire Pty Ltd t/as Shoalhaven Recycling (SR)	Bomaderry NSW

Details relating the evaluation of the tenders are contained in the confidential report.

Community Engagement:

Council is currently part way through the proposed community consultation on the review of the full operation at the seven remote transfer station facilities. The provision of the buy back, or tip shop centre, is a part of the overall discussion. The first stage of the consultation process was the completion of a survey.

Council has received a large amount of feedback on waste services through a survey of community needs undertaken for the month of June. A total of about 15,000 survey forms were mailed to ratepayers within the relevant communities, forms were also available at each of the Recycling and Waste Facilities and available on line. Approximately 5,500 responses were received and are the subject of a separate Council report.

Waste Services staff propose to meet with the community groups with the intention to outline the proposals and invite further feedback prior to reporting back to Council.

Financial Implications:

The buy back operations are included in the waste management budget. There may be some savings realised through this tender process. The expense of operating buy back shops generally outweighs any income from sales, however the difference can be minimised. After avoidance, reuse is the next important step in the hierarchy of waste management. Every tonne diverted from landfill or recycling through reuse not only avoids the costs associated with that tonne being landfilled (including the state waste levy) or recycled, it avoids the need to consume more raw materials or water or energy to reproduce that tonne.

CL16.65 Development Application – 61 The Marina, Culburra Beach – Lot 976 DP 11892

DA. No: DA16/1281/4

HPERM Ref: D16/325224

Group: Planning & Development Services Group
Section: Building & Compliance Services

Attachments: 1. Building Height Variation Request Correspondence [↓](#)
2. 79C Checklist (under separate cover) [⇒](#)

Description of Development: Erection of New Urban Detached Dwelling

Owner: S and J Norish
Applicant: David Reid Homes Pty Ltd

Notification Dates: 24 March to 08 April 2016 and 30 Sept to 20 October 2016 (re-notification to include building height variation)

Number of Submissions: No submission received as at close of business on 18 October 2016. A verbal report shall be provided at the meeting providing details of any submissions made between 18 October 2016 and 20 October 2016 (close of notification period).

Recommendation

That Council confirms support for the 1.5 metre variation to the 7.5 metre building height limit proposed by DA16/128. The application be determination under delegation.

Options

1. Resolve to support the proposed variation to the building height limit (This would enable the development to proceed subject to the granting of development consent).
2. Resolve not to support the proposed variation (This would result in the applicant needing to reconsider the design of the proposal and lower the height).

Background

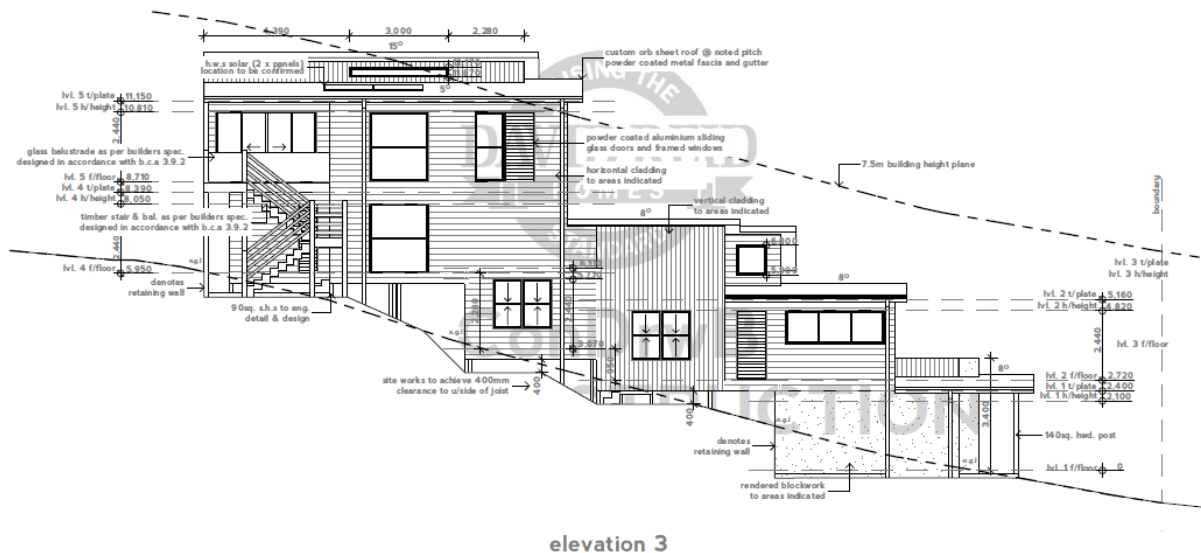
Proposed Development

This application is for the erection of a new dwelling on a foreshore allotment. The dwelling is split level and proposes a 1.5 metre point encroachment to the 7.5 metre building height restriction. This relates to one section of the upper roofline.

The 1.5 metre variation represents a 20% variation to the requirements of clause 4.3(2) of Shoalhaven Local Environmental Plan 2014 (SLEP 2014). Such a variation is beyond the delegated authority of senior officers and it therefore requires support of the Council.

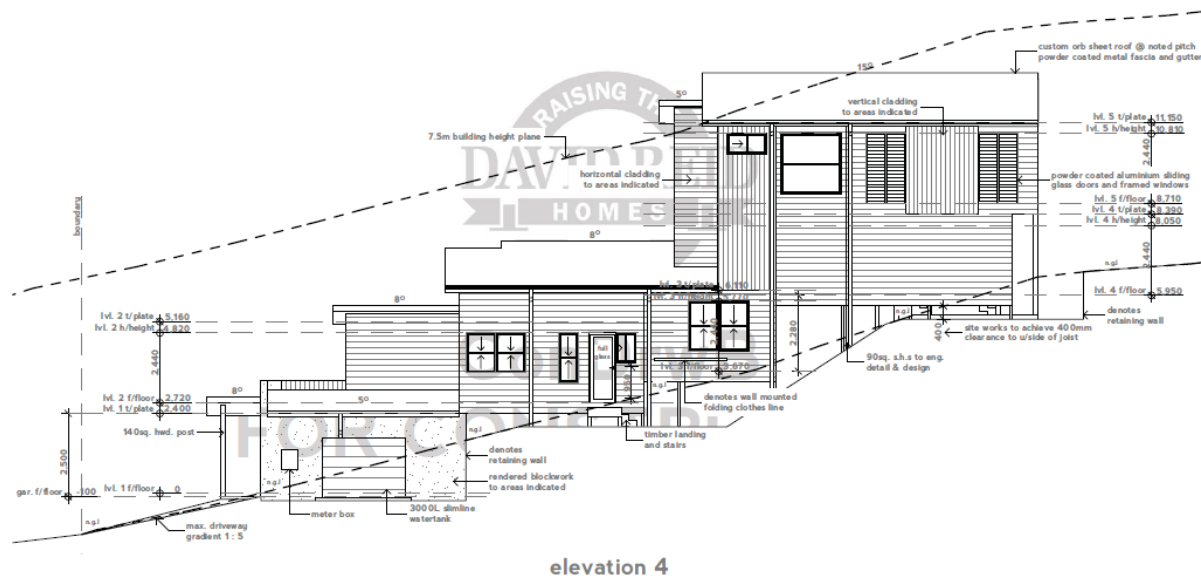
CL16.65

The following elevations illustrate the slope of the allotment and the extent of the variation (i.e. the portion above the dotted line is the encroachment). The street access is the lowest point of the site and the sand dune separating the beach is the highest point of the site.



elevation 3

NORTH ELEVATION



elevation 4

SOUTH ELEVATION

Subject Land

The site is identified as Lot 976, DP11892, No 61 The Marina, Culburra Beach. The site is rectangular shaped and has an area of 663.94m².

The site is accessed from a laneway at the eastern end of The Strand. The site is bounded by unformed roads of The Strand and The Marina to the north and east respectively.

CL16.65

Location Map



Site & Context

The site is vacant and is located within an R2 residential zone (R2 Low Density Residential under SLEP 2014). The following additional comments are made:

- There is a dwelling located on the adjoining allotment to the south. Council currently has a development application for alterations and additions to this dwelling.
- The site has a challenging topography with 8.0 metres of fall from east to west.
- There are no major trees on the site.
- The site is located in Precinct Two (Moderate Risk) of Shoalhaven DCP 2014 Chapter G6 coastal erosion controls provisions and is also located in the Coastal Zone as referenced in SEPP 71. These have been considered in the section 79C assessment of the application and the proposal is considered satisfactory.

History

The lot was created by subdivision in 1921.

A new two storey split level dwelling was approved in 2002 (DA02/3968). This dwelling was approved with no encroachment above the 7.5 metre height limit that applied at the time under Development Control Plan DCP No 62 – Residential Development in Foreshore areas. The dwelling was not commenced and the approval has lapsed.

Issues

The proposal does not satisfy the height restriction set by clause 4.3(2) of SLEP 2014 which provides as follows:

Clause 4.3 Height of Buildings

- (1) The objectives of this clause are as follows:
 - (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,
 - (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
 - (c) to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.

- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (2A) If the Height of Buildings Map does not show a maximum height for any land, the height of a building on the land is not to exceed 11 metres.

The height of buildings map for this allotment indicates a maximum height of 7.5 metres.

Applicant's Submission

The applicant has submitted a detailed statement seeking to justify the non-compliance with the Building Height development standard (see copy at **Attachment A**).

The statement provides a description of the development, identifies the development standard, details the justification for the non-compliance and puts forward environmental planning grounds for supporting the non-compliance.

Discussion

The applicant needs to demonstrate that compliance with the development standard is unreasonable or unnecessary given the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the standard.

Council cannot grant consent for such a development unless it is satisfied the applicant has adequately addressed the above matters. Furthermore, the proposal must demonstrate it is in the public interest because it is consistent with the objectives of both the development standard and the zone in which the development is proposed.

The objective of the development standard is:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,*

Comment:– The proposed encroachment is for western most portion of the highest roof and upper wall as depicted on the elevations. The applicant is already proposing to cut the site at the eastern end of the building and a further cut of 1.5 metres to meet with the height restrictions would not be considered site responsive.

The existing dwelling to the south (circa 1998) also has a section of roof encroaching above the 7.5m height limit (Approximately 1.2m to 1.3m). The proposal is considered to be compatible and consistent with the height, bulk and scale of existing development.

- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*

Comment:– The proposed development has a visual impact consistent with the locality. The following artists impression of the proposed west elevation shows the building following the topography of the site.



The topography of the site along with the location/elevation of surrounding development currently prevents views of the foreshore over this lot. The development is considered to have a minimal impact on views of the area.

Privacy has been addressed through the design and is considered satisfactory.

Solar access was an area for close consideration due to the encroachment into the building height envelope. The applicant has recently provided shadow cast impact modelling for the dwelling on the south side that includes the proposed addition to that site (Note:- This development application is yet to be determined). The design provides adequate solar access with north facing glazing receiving a minimum of 3 hours sunlight for at least 50% of the glazed area between 9am and 3pm on 21 June. The solar access requirements have been satisfied.

(c) to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.

Comment:- There are no heritage items or heritage conservation areas within the locality.

SLEP 2014 provides the following objectives for development in the R2 Zone (Low Density Residential):

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide an environment primarily for detached housing and to ensure that other development is compatible with that environment.

Comment:- It is considered that the applicant has adequately addressed the required matters. The proposal will be in the public interest because it is consistent with the objectives of both the development standard and those of the R2 zone.

The development does not give rise to any other issues of significance to environmental planning. As the development is acceptable in terms of SLEP 2014 and the DCP requirements, it is worthy of approval. It is therefore recommended that the variation request be supported.

CL16.65

Planning Assessment

The development application has been assessed under s79C of the Environmental Planning and Assessment Act 1979. Please refer to **Attachment B**. There are no other issues that would preclude the approval of this application.

Policy Implications

Consultation and Community Engagement:

In accordance with Council's Community Consultation Policy, the development application was notified on two occasions. The first notification failed to specify the SLEP 2014 building height variation and it therefore had to be renotified. No submissions have been received as at close of business on 18 October 2016. A verbal report will be provided addressing any submissions made between 18 October 2016 and 20 October 2016.

Financial Implications:

If the application is appealed it will result in costs to Council in the defence of an appeal. This is not a matter Council is required or entitled to consider in determining a development application.

Legal Implications

If the application is refused, the applicant is entitled to appeal to the Land and Environment Court.

Under some circumstances, third parties may have a right to appeal Council's decision to the Land and Environment Court.

Summary and Conclusion

The variation in the SLEP building height limit as proposed in this application is supported.



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31st May, 2016

Shoalhaven City Council
36 Bridge Road, Nowra NSW 2541
phone: (02) 4429 3111

ATT: planning and building department

RE: Development application for No. 61 / Lot 976 The Marina, Culburra Beach.

To whom it may concern,

I am writing on behalf of David Reid Homes (Shoalhaven, Wollongong, Southern Highlands, Eurobodalla) regarding the development application for No. 61 / Lot 976 The Marina, Culburra Beach.

We have been asked to address the acceptable solutions as outlined in part 5.2.2 of chapter G6 DCP 2014 and also parts 4.3 and 4.6 of the Shoalhaven LEP 2014.

We do admit that the proposed dwelling does slightly encroach the 45 degree 3.5m buiding height plane (please see attached plans and 3D perspectives showing the sections of the proposed dwelling that do encroach the 45 degree 3.5m buiding height plane) and the 7.5m building height plane.

We believe that because the encroachment of the proposed dwelling into both of the building height plane is so minor that it causes no disadvantage to foreshore areas, adjoining properties (lot 977 only) and the public street.

Due to the difficulties that have arisen on site (steeply sloping site) higher components of the design have been setback considerably whilst endeavoring to follow that natural contours of natural ground; increasing the height of the proposed dwelling (causing the proposed dwelling to encroach the 45 degree 3.5m and 7.5m building height plane). Increasing the height of the proposed dwelling has also reduced the impact on the land form; minimising excessive excavation (cut and fill) needed on site.

Most of the upper level does not encroach the 45 degree 3.5m and 7.5m building height plane and ultimately complies with part 5.2.2 of chapter G6 DCP 2014.

Only a very small section of the upper level of the proposed dwelling would cause very little (if any) disadvantage to foreshore areas, adjoining properties (lot 977 only) and the public street. We did trial a modified version of the proposed dwelling by reducing the amount of stairs between level 3 and level 4 but we would need cut 3.2m into the rear of the block (and retain). Even if we modified the design by removing/narrowing the areas that encroach the buiding height planes no advantage would be gained because the projection of elevation 1 (front) and elevation 3 and 4 (sides) would remain reletively unchanged.

Please note this is not a standard site. We have endeavoured to appease the design guidelines as best we can for the sloping, sandy, corner lot. We would appreciate if you were to look kindly upon our request for a variation to part 5.2.2 of chapter G6 DCP 2014 and also parts 4.3 and 4.6 of the Shoalhaven LEP 2014.

If you have any questions feel free to contact the office on (07) 5660 9692

Regards,

Joshua Cushing

Building Designer

CL16.66 Rescission Motion - CL16.33 Live Web Streaming - Council Meetings

HPERM Ref: D16/323757

Submitted by: Clr Bob Proudfoot
 Clr Greg Watson
 Clr Mitchell Pakes

Purpose / Summary

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

Recommendation

That Council rescind the Motion relating to Item CL16.33 of the Council Meeting held on 10 October 2016.

Background

The following resolution was adopted at the Ordinary Meeting held 4 October 2016, reconvened 10 October 2016.

MIN16.719

That Council not proceed with web streaming of Council meetings.

Note: and ask the community during the next community consultation survey if they would use web streaming of Council meetings.

CL16.66

CL16.67 Notice of Motion - Live Web Streaming - Council Meetings

HPERM Ref: D16/323766

Submitted by: Cllr Bob Proudfoot
Cllr Greg Watson
Cllr Mitchell Pakes

Purpose / Summary

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

Recommendation

That Council proceed with web streaming of the meetings at a cost of approximately \$20,000 initial set up and \$16,800 ongoing annual fees. **Council would need to identify what services it would like to reduce in order to pay for this new and increased service level.**

Note by the General Manager

Council already has a sizeable deficit for 2016/17.

CL16.67

CL16.68 Notice of Motion - Milton / Ulladulla Men's Shed

HPERM Ref: D16/314778

Submitted by: Clr Mark Kitchener
Clr Greg Watson
Clr Bob Proudfoot

Purpose / Summary

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

Recommendation

That Council allocate a portion of land to be used for activities associated with the Milton/Ulladulla Men's Shed in the proximity of the Ulladulla SES off Camden Street South Ulladulla.

Background

The Milton/Ulladulla Men's Shed has existed for over 18 years, has approximately 65 members, is inclusive and encompasses women, members from CALD backgrounds, veterans and those on disability pensions.

The Milton/Ulladulla Men's Shed is a registered health promotion charity, hosts up to six intellectually impaired clients, has numerous community partnerships with local benevolent organizations and regularly engages in and often provides complimentary services to community events.

After four years of negotiations with SCC the Milton/Ulladulla Men's Shed has obtained a lease over SCC land at Frogs Holla. The Men's Shed after spending \$8000 has satisfied all SCC requirements with regard to noise, environmental impact and fire safety and in response to community objections has reduced the proposed footprint from approximately 800 square metres to 500 square metres.

Irrespective of ticking all the boxes and being permissible in the zone a significant number of the Milton community find this proposal unacceptable and have become organized and very vocal about preventing this project from being constructed in its current location.

The last thing the members of the Men's Shed want to do is alienate the community and are requesting to be relocated to a portion of the decommissioned Ulladulla Sewerage Treatment Plant, a location much more suited to the activities of the Men's Shed.

Note by the General Manager

The final design for the existing development application for the Men's Shed at Frogs Holla has recently been on notification and has been the subject of multiple submissions from the Milton community in relation to the design of the proposal and the appropriateness of the facility at this location, despite expressing general support for men's sheds movement. The application is already the subject of a council resolution to report the assessment of the application to the development committee and it is anticipated that it will be reported to the November development committee.

CL16.68

The proposal to locate the Ulladulla Men's Shed on the former sewerage treatment site would be permissible as it is zoned Industrial 2 under the SLEP 2014, but would require development consent and there would be matters to be resolved in relation to the former use of the site, threatened species assessment, access & services.

In addition Council resolved earlier in 2016 as follows:

MIN16.393. Proposed Sale of 'Future Park' Ulladulla File 35345E

That the General Manager develop a report to Council on the proposed sale and options for future use of the Council owned land known as 'Future Park' on Camden St West Ulladulla.

Staff are currently finalising investigations to be able to report back to council.

CL16.69 Notice of Motion - Shellharbour Public Hospital - Privatisation

HPERM Ref: D16/322627

Submitted by: Cllr Annette Alldrick

Purpose / Summary

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

Recommendation

That Shoalhaven City Council call on the Minister for Health, the Honourable Jillian Skinner, to not continue with the tender process for the public/private operation of Shellharbour Public Hospital but instead continue with the \$251 million upgrade as promised.

Background

On Friday 21 March last year the Minister for Health, Jillian Skinner, announced a \$251 million redevelopment of Shellharbour Public Hospital if re-elected. Last month she announced that the government had called for expressions of interest from private companies to upgrade and operate five public hospitals in NSW, Shellharbour being one of these. History has shown that this does not work, with Port Macquarie Hospital being a prime example. After the failed public/private partnership at Port Macquarie the government had to use \$80 million of taxpayers' money to buy the hospital back.

Currently Shellharbour Hospital is subject to mandated nurse patient ratios of one to five, with extensive research showing that this is necessary to provide safe patient care and a reasonable workload for the nurses. No such mandated ratios exist in private hospitals with nurses often having to care for many than five patients each.

Ms Skinner has stated that if an equivalent position exists within the new hospital staff will be able to migrate, however their employment will only be guaranteed for two years. Currently the career structure for nurses provides for nurses to become Clinical Nurse Specialists and consultants. There are far fewer of these positions available in private hospitals so equivalent positions may not be available for these nurses.

The New South Wales Nurses and Midwives Association is concerned that this is only the tip of the iceberg and that no Hospital is safe, including Shoalhaven Hospital.

CL16.69

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.