
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF SHOALHAVEN HELD IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA ON TUESDAY 30 JULY 2013 COMMENCING AT 4:01 PM

The following members were present:

Clr Gash – Chairperson
Clr Tribe
Clr Robertson
Clr Kearney
Clr Anstiss
Clr White – arrived 4:42 pm
Clr Wells
Clr Baptist
Clr Findley
Clr Guile
Clr Watson – left 6:36 pm
Clr Kitchener

The meeting was opened in Prayer by Pastor Lynley Neilson, Nowra City Church, followed by the Welcome to Country/Acknowledgement of Traditional Custodians and the playing of the Australian National Anthem.

707. Apologies/Leave of Absence

Note: Clr McCrudden has been granted a leave of absence for the Ordinary Meeting of Tuesday 30 July 2013.

Note: Clr White has advised that she will be late for the meeting.

MOTION: Moved: Watson / Second: Baptist

That:

- a) **A leave of absence from Council for Clr Wells be granted from Thursday 1 August 2013 to Sunday 1 September 2013 be granted;**
- b) **Clr Wells visit to Newcastle, United Kingdom be deemed Council business and he report back to Council on his findings, while meeting his own out-of-pocket expenses.**

CARRIED

708. Confirmation of the Minutes of the Ordinary Meeting of Council held on 21 June 2013 and the Extra Ordinary Meeting of Council held on 2 July 2013

MOTION:

Moved: Findley / Second: Baptist

That the Minutes of the Ordinary Meeting of Council held on Friday 21 June 2013 and the Extra Ordinary Meeting of Council held on Tuesday 2 July 2013 be confirmed.

CARRIED

709. Declarations of Interest

Conflict of Interest Declaration – Clr Anstiss – Pecuniary interest – Item 18 – Request for Financial Assistance Bundanon Trust – NAIDOC Week Celebrations – Being a Director of Slice of Life, of which Bundanon Trust may be a customer – Will leave the room, and not take part in discussion or vote.

Conflict of Interest Declaration – Clr Anstiss – Pecuniary interest – Item 20 – Request for Financial Assistance – CareSouth Gala Night – Being a Director of Slice of Life, of which CareSouth may be a customer – Will leave the room, and not take part in discussion or vote.

Conflict of Interest Declaration – Clr Baptist – Significant Non Pecuniary Interest – Item 68 – Proposed Men’s Shed - Lot 2 DP 1139129 Thrush Street, Bawley Point – Being the Public Officer of the Murramarang Men’s Shed – Will leave the room, and not take part in discussion or vote.

Conflict of Interest Declaration – Clr Tribe – Significant Non Pecuniary Interest – Item 76 – Record of Investments – June 2013 – Being a volunteer Director of the Bendigo Bank – Will leave the room, and not take part in discussion or vote.

PRESENTATION OF PETITION – TUESDAY 30 JULY 2013

710. Petition – Voyager Park RSL Memorial Plaques

File 2893E

Clr Robertson presented a petition containing approximately 822 signatures from residents of Huskisson objecting most strongly to the Voyager Park RSL Memorial plaques being removed and the Memorial demolished. Signatories include 15 residents who are relatives of those remembered on the plaques.

MOTION:

Moved: Guile / Second: Wells

That the petition protesting the removal of the Voyager Park RSL Memorial in Huskisson be accepted.

CARRIED

MAYORAL MINUTE – TUESDAY 30 JULY 2013

711. DA13/1500 and Sale of Land for Unpaid Rates **File 16401E**

MOTION: Moved: Guile / Second: Wells

That the General Manager report to Council on:

- a) **The policy and procedures relating to the Sale of Land for Unpaid Rates with appropriate recommendations for changes to provide greater transparency and public scrutiny of Council’s decisions to auction land for unpaid rates in the future; and**
- b) **The possible purchase of these lands to resolve the current concerns of Benton Sands residents.**

CARRIED

712. Shoalhaven City Linear Accelerator **File 30963E**

MOTION: Moved: Guile / Second: Wells

That Council receive the Letter of Appreciation from the Shoalhaven City Linear Accelerator & Cancer Treatment Fund Raising Committee Inc thanking Council of its support since inception.

CARRIED

GENERAL MANAGER – COMMITTEES REPORT

DEVELOPMENT COMMITTEE – TUESDAY 16 JULY 2013

713. Development Control Plan 82 - Signage Strategy Section 2 (Amendment No 4) **File 4102E (PDR)**

MOTION: Moved: Guile / Second: Baptist

That Development Control Plan 82 (DCP82) - Signage Strategy Section 2 (Amendment No 4) be adopted as exhibited with the further minor amendment to clause 3.9.2 (c) such that the sign is a maximum height above ground of 3.0m and a maximum size of 1.8 x 1.2m.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Wells, Baptist, Findley, Guile, Watson, Kitchener, Gash

AGAINST: Nil

714. Jerberra Estate – Orchid Survey Outcomes and Rezoning Progress Update
File 2653E, 46741E (PDR)

MOTION:

Moved: Guile / Second: Baptist

That Council:

- a) **Incorporate the findings of the orchid survey into the draft Development Control Plan (DCP) that is currently being prepared for Jerberra Estate.**
 - i) **Noting that the potential development sites that were not surveyed at landowners' request will need to be surveyed prior to approval of development on those properties.**
 - ii) **Write to the NSW Scientific Committee to request a review of this orchid's critically endangered status.**
- b) **Continue to liaise with the Department of Planning and Infrastructure to finalise the Local Environmental Plan (LEP) for Jerberra Estate as soon as possible.**
- c) **Upon notification of the Jerberra Estate LEP, fully design and cost the essential infrastructure including roads, road drainage and electricity to enable development, and undertake any necessary environmental assessments.**
- d) **Subject to completion of c) seek to introduce funding and cost recoupment arrangements in consultation with affected landowners.**

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Wells, Baptist, Findley, Guile, Watson, Kitchener, Gash

AGAINST: Nil

715. Verons Estate Planning Proposal (Rezoning) - Gateway Determination
File 1422E, 33886E (PDR)

MOTION:

Moved: Guile / Second: Baptist

That Council:

- a) **Make all necessary arrangements be made to exhibit the Verons Estate Planning Proposal in accordance with Department of Planning and Infrastructure's "gateway" determination for a minimum of 28 days, and**
- b) **The road design and road construction special rates be removed from Lots 20 to 32 in Verons Estate and distribute the road design shortfall across the broader rating base consistent with Council's previous approach.**

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Wells, Baptist, Findley, Guile, Watson, Kitchener, Gash

AGAINST: Nil

716. Review of Planning & Development Services Policies - Round 4 File 33571E

MOTION: Moved: Guile / Second: Baptist

That Council:

- a) **Reaffirm the following policies and elements incorporated into the Shoalhaven Development Control Plan 2013:**

Policy No.	Subject	File Number
POL 12/110	Adult Shops	16748E
POL 12/314	Building Lines –South Nowra Industrial Area	5266E, 3621E

- b) **Reaffirm the following policy, as an interim measure, while a review is carried out following Council resolutions. A future report will be submitted to Council:**

Policy No.	Subject	File Number
POL 12/107	Sewage Management Strategy	1092E

- c) **The following policy be rescinded:**

Policy No.	Subject	File Number
POL 12/278	Aged Persons Accommodation Guidelines	16635E

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Wells, Baptist, Findley, Guile, Watson, Kitchener, Gash

AGAINST: Nil

717. Southern Cross Community Housing Ltd – Request to Waive Section 94 Contributions File DA10/2119-03 (PDR)

MOTION: Moved: Findley / Second: Guile

That Council in regards to Development Consent DA10/2199 waive Section 94 contributions related to Management and Administration only, of its Contributions Plan.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Wells, Baptist, Findley, Guile, Watson, Kitchener, Gash

AGAINST: Nil

POLICY AND RESOURCES COMMITTEE – TUESDAY 23 JULY 2013

718. Adoption of Report

Note: Cllr Anstiss left the meeting during consideration of the adoption of the report from the Policy and Resources Committee.

MOTION: Moved: Watson / Second: Guile

That the following items of the Policy and Resources Committee be adopted.

CARRIED

719. Local Government Conference - Australian Local Government Women's Association (NSW) File 4688E, 3884E

That the report regarding the Australian Local Government Women's Association (NSW) Conference held in Gosford from 14-16 March 2013 be received for information.

720. Local Government Conference - CBD Town Centre Design & Development Conference File 4688E, 3328E

That the report regarding the CBD Town Centre Design and Development Conference held in Sydney 19th – 20th June 2013 be received for information.

721. Local Government Conference - 2013 Floodplain Management Association National Conference File 4688E, 4355E

That the report regarding the 2013 Floodplain Management Association National Conference held in Tweed Heads from 28th to 31st May 2013 be received for information.

722. Code of Conduct - Establishment of a Panel of Conduct Reviewers File 31148E

That Council establish a panel of Conduct Reviewers for a term of four years comprising, Daintry Associates Pty Ltd, LKA Group Pty Ltd, Richard Colley, Esther McKay, Anthony Johnson, NSW Internal Audit Bureau, Peter Zdjelar, O'Connell Workplace Relations Pty Ltd, Strategic Risk Solutions, Prevention Partners NSW, SINC Solutions Pty Ltd, Cripps Consulting and Lloyd Graham Planning Consultancy.

723. Change of Meeting Dates - Development Committee and Property Steering Committee **File 3910E**

That:

- a) Council amend the meeting dates for the Development Committee and Property Steering Committee to Wednesday 9th October 2013; and
- b) Authorise the appropriate advertising.

724. Review of Risk Management Policy & Procedures for Managing Volunteers **File 25218E**

That Council:

- a) Rescind the Risk Management Policy for Managing Volunteers (Attachment 'A' to the report); and
- b) Rescind the Risk Management Procedure for Managing Volunteers (Attachment 'B' to the report).

725. Review of Council Members - Payment of Expenses and Provision of Facilities Policy **File 5141E**

That:

- a) That no amendments be proposed to the current Council Members Payment of Expenses and Provision of Facilities Policy and the draft policy for the 2013/14 Financial year be placed on public exhibition pursuant to Section 253 (5) of the Local Government Act 1993;
- b) If no submissions are received to the draft policy, the policy be adopted without further reference to Council; and
- c) That those Councillors who are interested in undertaking further training related to their civic function complete a skills and knowledge self assessment.

726. Request for Reimbursement of Anticipated Legal Costs – Mid Western Regional Council **File 1276E**

Withdrawn – See MIN13.773

727. Local Government Conference - Local Government NSW (Formerly Local Government Association) Conference **File 47455E**

Withdrawn – See MIN13.774

728. Review of Allocations to Hirers of Nowra School of Arts File 4771E, 2582E

That Council adjust the allocation paid to the hirers of the Nowra School of Arts as detailed in the report to the Policy and Resources Meeting of 23 July 2013.

729. Request for Financial Assistance - Shoalhaven City Pipes & Drums File 4771E

That Council allocate an amount of \$2,500 to assist with the costs to be incurred by Shoalhaven City Pipes and Drums Inc for the Gala Day at Kangaroo Valley on 25 August 2013 to be funded from the unallocated donations vote.

730. Introduction of the Local Government Amendment (Early Intervention) Act 2013
File 1747E

That the report on the introduction of the Local Government Amendment (Early Intervention) Act 2013 be received for information.

731. Request for Financial Assistance Bundanon Trust - NAIDOC Week Celebrations
File 4771E

Withdrawn – See MIN13.775

732. Request for Financial Assistance - Berry Small Farm Field Day File 4771E

Withdrawn – See MIN13.777

733. Request for Financial Assistance - CareSouth Gala Night File 4771E

Withdrawn – See MIN13.776

734. Proceeds of Crime Funding Submission for a Youth Diversionary Project
File 3564E

That:

- a) Council receive the report on an application to the Proceeds of Crime Fund to support the Youth Crime Diversionary Project;
- b) Accept and vote the funds if the application is successful; and
- c) Write a letter of appreciation to the Commonwealth Attorney General.

735. Draft Thomson Street Sporting Complex Master Plan File 44791E

That:

- a) Council not endorse Thomson Street Sporting Complex Master Plan Option 1 (Attachment C to the report);
- b) Council acknowledge that the exhibited draft Thomson Street Master Plan Option 2 (Attachment 'A' to the report) be revised to include a local BMX

track as agreed to at the on site meeting with key stakeholders in representation (refer Attachment 'B' to the report);

- c) Council endorse the revised version of the exhibited draft Thomson Street Sporting Complex Master Plan as per Recommendation B above; and
- d) Council inform the Thomson Street Sporting Complex Management Committee of the adopted Master Plan that is to be further known as the Thomson Street Sporting Complex Master Plan.

736. Proposed Local BMX Track Curleys Bay Reserve Prince Edward Avenue Culburra Beach
File 29129E

Withdrawn – See MIN13.779

737. Resourcing Strategy 2013 to 2017
File 45907E

Withdrawn – See MIN13.780

738. **Draft Fees, Charges and Rentals 2013-2014**
File 46321E

That the GST treatment is changed for the affected fees and the fees changed in accordance with Option 1. The fees are advertised for a period of 28 days.

739. **Fee Support Policy - Council Managed Public Reserve & Facilities**
File 6320E

That Council reaffirm the Fee Support Policy - Council Managed Public Reserves & Facilities (POL12/282) with minor amendments.

740. **Holiday Haven Tourist Parks - Pets Policy Update**
File 15472E

That Council adopt the revised policy for Holiday Haven Tourist Parks Dog Control.

741. **Kerb and Guttering - Charges Applicable - Policy Review**
File 22638E

That Council adopt the amended Kerb and Guttering Charges Applicable Policy as attached to the report.

742. **Kerb & Gutter Construction - Ratepayer Financing Policy Review**
File 16016E

That Council adopt the amended Kerb and Gutter Construction - Ratepayer Financing Policy as attached to the report.

743. Asset and Works - Review of Asset Management Plans & Policies
File 30985E, 25442E, 30281E, 6820E, 27563E, 30633E, 40082E, 2093E

That:

- a) The following asset management plans be exhibited for three months to allow for community consultation:
 - i) POL12/17 AMP - Shoalhaven Entertainment Centre
 - ii) POL12/64 AMP - Footpaths & Cycleways
 - iii) POL12/76 AMP - Emergency Services
 - iv) POL12/77 AMP - Works Depots
 - v) POL12/82 AMP - Commercial Buildings
- b) Following the public exhibition period, a report be received on proposed amendments to the Asset Management Plans and policies based on:
 - The submissions received from the public;
 - Further submissions from Councillors and staff;
 - Better alignment and support for the revised Community Strategic Plan;
 - Recent surveys on the condition of infrastructure;
 - NSW Treasury report on Council's financial sustainability;
 - Division of Local Government's (DLG) *"On-site Infrastructure Audit of Shoalhaven City Council"*;
 - Recommendations from the Transformation Program *"Driving Down Costs and Enhancing Service Quality"*; and
 - The adopted Long Term Financial Plan for 2013/2022.
- c) Adopt the following amended policies (Attachment 'A' to the report):
 - i) POL12/210 Road Sealing Contributions
 - ii) POL09/37 Council Waterways Infrastructure - Commercial Uses
 - iii) POL08/276 Drainage Easements - Piping in Existing Subdivisions
 - iv) POL12/294 Renewable Energy Installations on Council Assets
- d) Exhibit the following policy (Attachment 'B'):
 - i) POL12/235 Cycleways and Footpaths - Charges Applicable

744. Waiving of Fees for Open Space Venues and Community Services **File 19969e**

That the report regarding the Waiving of Fees, from 1 July 2012 to 30 June 2013 for the use of Council's open space venues and community facilities be received for information.

That:

- a) Council accepts the revised grant funding offers as follows;
 - i) \$272,500 for the upgrade of Worrigee Road, south of Isa Road (an additional \$27,500 funds provided under the Federal Government's Nation Building Black Spot Program), and authorise the expenditure on job number 85574;
 - ii) \$88,000 for the upgrade of the Osborne Street/Jervis Street intersection in Nowra (an additional \$9,000 funds provided under the Federal Government's Nation Building Black Spot Program), and authorise the expenditure on job number 85575;
 - iii) \$141,000 for the upgrade of Kangaroo Valley Road (an additional \$15,000 funds provided under the Federal Government's Nation Building Black Spot Program), and authorise the expenditure on job number 85577;
 - iv) \$219,000 for the upgrade of the Berry Street/Jervis Street intersection, and the Berry Street/Douglas Street intersection in Nowra (an additional \$60,000 funds provided under the Federal Government's Nation Building Black Spot Program), and authorise the expenditure on job number 85578;
 - v) \$900,000 for the upgrade of Bolong Road (Coolangatta Road to south of Berry's Bay), revised down from \$3,000,000 however noting that the balance of funding (\$2,100,000) will now be provided in 2013/14 year under the State Government's Local Government Road Review (formerly Road Toll Response) program, and authorise the expenditure on job number 85587;
 - vi) \$30,000 additional funds provided for the Bolong Road (Coolangatta Road to south of Berry's Bay) project under the State Government's Local Government Road Review program, for safety audit, pavement condition and hazard assessment, curve advisory and signage assessment, and authorise the expenditure on job number 85587; and
 - vii) \$45,000 funds provided for TRACKS traffic data collection under the State Government's Traffic Modelling Program, and authorise the expenditure on job number 85923.
- b) Council writes to the NSW Roads and Maritime Services (RMS) thanking it for its cooperation and funding assistance towards the 2012/13 grant projects, and advising that Council accepts the revised grant funding offers.

746. Grant Funding Offer - Bike Week Funding for 2013-2014 **File 2116E, 5279E**

That:

- a) Council accepts the grant offer of \$5,000 (excluding GST) from RMS and expenditure for Bike Week program be approved; and
- b) Council writes to the NSW Roads and Maritime Service to thank the Department for its funding assistance.

747. Grant Funding Offer - Local Govt Road Safety Officer Program - Approved Projects Funding for 2013/2014 **File 2499E; 26808E; 25502E; 2495E; 2505E; 32571E**

That:

- a) Council accepts the grant offer of \$11,800 from the NSW Roads and Maritime Services (RMS), and the expenditure for each of the following road safety programs be approved:
 - GLS Workshops \$2,400
 - Log Book Run \$2,000
 - Safety Around Schools Forum \$1,000
 - Child Restraint Workshops \$2,000
 - More Speed More Locations \$1,400
 - Motorcycle Drives in the Shoalhaven \$3,000
- b) Council writes to the NSW Roads and Maritime Services thanking the Department for the grant funding of \$11,800 for road safety programs in 2013/2014.

748. Cycleway and Bicycle Facilities - Funding Offers 2013-14 **File 6664E, 5279E**

That:

- a) Council accepts the NSW Cycleways and Bicycle Facilities grant funding offers from NSW Roads and Maritime Services (RMS) as follows:
 - i) \$160,000 for the completion of the Plantation Point Shared User Path in Vincentia (completion of stages 4 and 5), and authorise the expenditure (new job number to be created);
 - ii) Council's matching share of funds for the Vincentia pathway (\$160,000) to be reallocated from job number 85987 (funding originally allocated to the Princes Highway South Nowra Shared User Path being constructed by RMS as part of the South Nowra Highway upgrade);
 - iii) \$5,000 for new bicycle facilities (bike racks) in Shoalhaven City, and authorise the expenditure on job number 85438; and

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- iv) Council's matching share of funds for the new bicycle facilities (\$5,000) to be reallocated from job number 85145 (funding originally allocated to footpaths forward investigation).
 - b) Council writes to RMS thanking it for its cooperation and funding assistance towards the 2013/14 Cycle ways and Bicycle facilities projects, and advising that Council accepts the grant funds offered and commits to completion of these projects by June 2014, as required.

749. Federal Nation Building Black Spot Program - Funding Offers 2013-14

File 28099E, 5279E

That:

- a) Council accepts the Nation Building Black Spot Program grant funding offers from NSW Roads and Maritime Services (RMS) as follows:
 - i) \$729,000 for the upgrade of Bolong Road (at the Backforest Road intersection), and authorise the expenditure on job number 85589; and
 - ii) \$820,000 for the upgrade of Gerroa Road (full length of the sand track) and authorise the expenditure on job number 85590.
- b) Council writes to RMS as follows:
 - i) Thanking it for its cooperation and funding assistance towards the 2013/14 Black Spot projects, and advising that Council accepts the grant funds offered and commits to completion of these projects by June 2014 as required, and
 - ii) Indicating that whilst Council accept the current funding proposal at the intersection of Bolong Road/Back Forest Road (with view to achieving a safety improvement with the available grant funding), that Council's preference is for additional safety programs in the form of a a roundabout treatment at the intersection of Bolong Road/Back Forest Road.

750. Local Government Road Review - Funding Offers 2013-14

File 28099E, 5279E

That Council:

- a) Accepts the NSW Local Government Road Review Program grant funding offers as follows:
 - i) \$997,000 for the upgrade of Pyree Lane (full length), and authorise the expenditure on job number 85573; and
 - ii) \$2,100,000 for the upgrade of Bolong Road (Coolangatta Road to south of Berry's Bay), and authorise the expenditure on job number 85587.
- b) Writes to RMS thanking it for its cooperation and funding assistance towards the 2013/14 Local Government Road Review projects, and advising

that Council accepts the grant funds offered and commits to completion of these projects by June 2014 (Bolong Road) and June 2015 (Pyree Lane), as required.

751. Options for Six and Twelve Month Operations - Nowra and Bomaderry Swimming Pools

File 3075E; 1754E

That the matter be deferred until further community consultation is undertaken and the service levels for the swimming season for 2013/14 remain as is.

752. Stormwater Investigations - Bawley Point

File 1850E

That:

- a) The natural channel through the dunes and beach, from the outlet of the pipe under Malibu Drive, not be disturbed after an initial mechanical clearing and natural processes be observed for 12 months and a report be received;
- b) Further investigations be undertaken into the most cost-effective options to drain stormwater away from Voyager Crescent; and
- c) That community engagement is required prior to the execution of the works.

753. Building and Feasibility Study for Kids Korner- Options to bring forward funding to 2013/14

File 1440E

That the building and feasibility study for Kids Korner preschool be funded by revoting the remaining 2012/2013 budget allocation of \$25,000 under Community Buildings - Minor Works (job number 81492) as part of the fourth Quarter Review.

754. Tender Report - Management and Operation of Ulladulla Headland Tourist Park

File 47307E

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

755. Tender Report - Manufacture and Installation of Relocatable Cabins at Holiday Haven Tourist Parks

File 47431e

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

756. Tender Report - Supply and Delivery of Pavement Materials - 1 August 2013 - 31 July 2014

File 47374E

That in accordance with Section 102A(2)(d)(i) of the Local Government Act 1993, Council consider a separate confidential report on this matter.

757. Tender Result Update - Resource Recovery Park EIS File 47110E

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

758. Draft Native Vegetation Regulation Review File 33115E

That Council:

- a) Make a further submission to the Native Vegetation Regulation Review requesting the need for offsets when clearing is undertaken for public and or community purposes be exempted;**
- b) Amend and insert “the Regulation to allow farmers to clear isolated paddock trees in areas previously cleared for permanent or rotational cropping, *land cleared for grazing*, manage invasive native species, and thin native vegetation using self assessable codes;**
- c) Provide a copy of the resolution to the Hon Shelley Hancock, Gareth Ward MP, Paul Green MLC and Don Harwin MLC**
- d) Exclude all rural residential zones from the regulations.**

759. Local Sea Level Rise Benchmarks File 30596E, 8596E

That:

- a) Council continue the process to establish regional/local sea level rise benchmarks in partnership with the State Government and neighbouring coastal Councils (Option 2);**
- b) Council write to Bega, Eurobodalla and Kiama Councils inviting them to enter into a partnership to develop regional sea level rise benchmarks for this area; and**
- c) Should a partnership with neighbouring Councils not be achieved within one month of contacting them, then a further report be provided outlining funding options to progress Option 1.**

760. Endangered Ecological Communities on Council Managed Lands File 21763e

That Council endorse the *Endangered Ecological Community Mapping Report* (EEC Report) and recommend it be placed on Council’s website for public information.

761. Water Fountain/Bottle Refilling Stations - Progress & Offer to Partner File 27677E

Withdrawn – See MIN13.781

762. Acquisition of land at Jaspers Brush-Strongs Road Water Supply **File 46721E**

That:

- a) Council resolve to acquire part of Lot 10 DP801593 at Jaspers Brush, as shown by hatching on acquisition sketch plan attached to the report, under the Local Government Act 1993.**
- b) Council to pay compensation of \$37,400 (plus GST if applicable) and legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Water Land Acquisition Fund.**
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.**
- d) Council resolve to classify the land as Operational in accordance with section 31 (2) of the Local Government Act, 1993.**

763. Acquisition of Easement at Jaspers Brush - Strongs Road Water Supply **File 46721E**

That:

- a) Council resolve to acquire an Easement for Water Supply 4 wide over that part of Lot 7 DP717400 at Jaspers Brush shown by hatching on acquisition sketch plan attached to the report, under the Local Government Act 1993.**
- b) Council to pay compensation of \$8,000 and legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Water Land Acquisition Fund.**
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.**

764. Transfer of Crown Road to Council - Strongs Road, Jaspers Brush **File 7155E, 29219E**

That:

- a) Council resolve to accept the transfer of:**
 - i) that part of a Crown road, being part of Strongs Road Jaspers Brush, as shown by hatching on the plan attached to the report, and**
 - ii) that part of an unmade Crown road off Strongs Road Jaspers Brush, as shown by cross hatching on the plan attached to the report.**

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- b) The land be transferred to Council as a public road for \$nil consideration. Costs associated with the transfer, including survey costs, are to be paid from Shoalhaven Water's Water Land Acquisition Fund.
 - c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.

765. Acquisition of Land and Easement at Jaspers Brush - Strongs Road Water Supply **File 47734E**

That:

- a) Council resolve to acquire part of Lot 2 DP1121436 and an Easement for Access and Water Supply over part of Lot 2 DP1121436 at Jaspers Brush shown marked on acquisition sketch plan attached to the report, under the Local Government Act 1993.
- b) Council pay compensation of \$1,000 (plus GST if applicable) and legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Water Fund.
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.
- d) Council resolve to classify the land to be acquired as Operational in accordance with section 31 (2) of the Local Government Act, 1993.

766. Sale of surplus Council land at Cambewarra **File 47190E**

That:

- a) Council resolve to sell Lot 1 DP532194, Tannery Road Cambewarra, as shown on copy of that plan attached to the report.
- b) Council accept payment of \$400 plus GST for the land. Costs associated with the sale are to be paid from Shoalhaven Water's Water Fund.
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.

767. Tender Process - Strongs Road Water Supply Scheme **File 47086E**

That Council, in accordance with Section 10A(2)(d)(i) of the Local Government Act (2003), consider a separate confidential report on this matter.

768. Holiday Haven Tourist Park Tenders for the Management and Operation of Huskisson White Sands Tourist Park **File 47430E**

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

769. Proposed Lease of 44 Coomea Street, Bomaderry **File 12219E, 47538E**

That:

- a) Council enter into a lease agreement with Southern Cross Community Housing Ltd (SCCH) for 44 Coomea St Bomaderry for a term no greater than 12 months at \$250/wk rent and such other terms as approved by the General Manager.**
- b) The General Manager be delegated authority to endorse any terms of the Lease that may not yet be settled; and**
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to this resolution.**

770. Reconsideration Request – Payment of Contribution to the Advertising Campaign for the Constitutional Recognition of Local Government **File 24649E**

Withdrawn – See MIN13.782

771. Additional Item – Legal Expenses – CCTV Case **File 24464E, LS353**

That the General Manager write to the State Government and request financial assistance for legal expenses relating to Council’s CCTV case.

772. Additional Item – Milton Ulladulla Relay for Life **File 4771E, 47767E**

That:

- a) Council fund the Milton Ulladulla Relay for Life on the same basis as the Nowra event; and**
- b) The Milton Ulladulla and Nowra Relays for Life be recurrent items in Council’s Budget.**

773. (Item 13, Page 4) Request for Reimbursement of Anticipated Legal Costs – Mid Western Regional Council **File 1276E, 47767E**

MOTION: Moved: Guile / Second: Robertson

That Council not assist Local Government New South Wales with a contribution in the amount of \$5,609.73 towards the legal expenses to be incurred by the Mid Western Regional Council to be funded by the 2013/14 Unallocated Donations Vote.

LOST

FOR: Robertson, Kearney, Guile

AGAINST: Tribe, Anstiss, Wells, Baptist, Findley, Watson, Kitchener, Gash

FORESHADOWED MOTION: Moved: Findley / Second: Anstiss

That Council:

- a) **Assist Local Government New South Wales with a contribution in the amount of \$5,609.73 towards the legal expenses to be incurred by the Mid Western Regional Council to be funded by the 2013/14 Unallocated Donations Vote to be reimbursed from other legal votes; and**
- b) **A separate line item be included in future budgets for Local Government New South Wales legal contribution requests, so this amount may be reported separately.**

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Wells, Baptist, Findley, Watson, Kitchener, Gash

AGAINST: Guile

**774. (Item 14, Page 4) Local Government Conference - Local Government NSW
(Formerly Local Government Association) Conference File 47455E**

Note: Cllr White arrived at the meeting.

MOTION:

Moved: Findley / Second: Guile

That:

- a) Council notes the details of the forthcoming conference Local Government NSW Conference, scheduled for 1-3 October 2013, at The Sydney Town Hall
- b) Council authorises available Councillors to attend the conference and such attendance be deemed Council Business;
- c) Council meets the travel, registration fees, accommodation and all reasonable out-of-pocket expenses in accordance with its adopted policy;
- d) The following four Councillors Gash, Findley, Watson and Guile be determined as the Council voting delegates for the conference.

LOST

FOR: Findley

AGAINST: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Guile, Watson, Kitchener, Gash

FORESHADOWED MOTION:

Moved: Guile / Second: Wells

That:

- a) **Council notes the details of the forthcoming conference Local Government NSW Conference, scheduled for 1-3 October 2013, at The Sydney Town Hall**
- b) **Council authorises available Councillors to attend the conference and such attendance be deemed Council Business;**
- c) **Council meets the travel, registration fees, accommodation and all reasonable out-of-pocket expenses in accordance with its adopted policy;**
- d) **The following four Councillors Gash, Wells, Watson and Guile be determined as the Council voting delegates for the conference.**

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Guile, Watson, Kitchener, Gash

AGAINST: Findley

775. (Item 18, Page 5) Request for Financial Assistance Bundanon Trust - NAIDOC Week Celebrations **File 4771E**

Conflict of Interest Declaration – Clr Anstiss – Pecuniary interest – Being a Director of Slice of Life, of which Bundanon Trust may be a customer – Left the room, and did not take part in discussion or vote.

MOTION: Moved: White / Second: Baptist

That Council provide an amount of \$2,500.00 from the Unallocated Donations Vote to assist the Bundanon Trust with the hire fees of the Shoalhaven Entertainment Centre for NAIDOC Week performances.

CARRIED

PROCEDURAL MOTION: Moved: Baptist / Second: Tribe

That Item 20 – Request for Financial Assistance – CareSouth Gala Night be brought forward for consideration.

CARRIED

776. (Item 20, Page 5) Request for Financial Assistance - CareSouth Gala Night **File 4771E**

Conflict of Interest Declaration – Clr Anstiss – Pecuniary interest – Being a Director of Slice of Life, of which CareSouth may be a customer – Left the room, and did not take part in discussion or vote.

MOTION: Moved: White / Second: Baptist

That Council provide an amount of \$2,500 from the Unallocated Donations Vote to assist the CareSouth Gala Fundraising Night at the Shoalhaven Entertainment Centre on 15 November 2013.

CARRIED

777. (Item 19, Page 5) Request for Financial Assistance - Berry Small Farm Field Day **File 4771E**

Note: Clr Anstiss returned to the meeting.

MOTION: Moved: Guile / Second: Findley

That Council provide an amount of \$1,000 from the Unallocated Donations Vote to the Rotary Club of Berry to assist with the cost of convening the Berry Small Farm Field Day on 7 and 8 September 2013.

CARRIED

778. (Item 20, Page 5) Request for Financial Assistance - CareSouth Gala Night File 4771E

Brought Forward – See MIN13.776

779. (Item 23, Page 6) Proposed Local BMX Track Curleys Bay Reserve Prince Edward Avenue Culburra Beach File 29129E

MOTION: Moved: Guile / Second: Wells

That consideration of the proposed local BMX Track, Curleys Bay Reserve, Prince Edward Avenue, Culburra Beach be deferred pending a further report to Council on possible alternative sites.

CARRIED

780. (Item 24, Page 6) Resourcing Strategy 2013 to 2017 File 45907E

MOTION: Moved: Wells / Second: White

That Council adopts the Resourcing Strategy for 2013 to 2017 including the Long Term Financial Plan for 2013 to 2023.

CARRIED

FOR: Tribe, Robertson, Anstiss, White, Wells, Baptist, Findley, Watson, Gash

AGAINST: Kearney, Guile, Kitchener

781. (Item 48, Page 13) Water Fountain/Bottle Refilling Stations - Progress & Offer to Partner File 27677E

MOTION: Moved: Tribe / Second: Robertson

That:

- a) **Shoalhaven Water undertake by opportunity, additional installations of Water Fountain/Bottle refilling stations at sites of benefit to the community as a partner arrangement with other interested parties; and**
- b) **A report be presented to the Nowra CBD Action to have a water fountain/bottle filling station installed at Junction Court.**
- c) **Discussions take place with the Hyams Beach Villages Association to install a water fountain/bottle filling station at Hyams Beach.**

CARRIED

782. (Item 57, Page 15) Reconsideration Request – Payment of Contribution to the Advertising Campaign for the Constitutional Recognition of Local Government
File 24649E

MOTION: Moved: Guile / Second: Baptist

That

- a) Council not provide a contribution to Local Government NSW to assist with the cost of the advertising campaign for the Constitutional Recognition of Local Government.
- b) Defer making a public statement as to Council's position on the referendum question until Councillors are briefed on the matter.

LOST

FOR: Guile

AGAINST: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Findley, Watson, Kitchener, Gash

FORESHADOWED MOTION: Moved: Wells / Second: Watson

That Council:

- a) **Not provide a contribution to Local Government NSW to assist with the cost of the advertising campaign for the Constitutional Recognition of Local Government; and**
- b) **Reiterates its support for constitutional recognition of Local Government**

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Findley, Watson, Kitchener, Gash

AGAINST: Guile

SHOALHAVEN HEADS ESTUARY TASKFORCE – MONDAY 1 JULY 2013

783. Adoption of Report

MOTION: Moved: Guile / Second: Wells

That the following items of the Shoalhaven Heads Estuary Taskforce be adopted.

CARRIED

784. Shoalhaven River Strategic Management Plan Report **File 30596E & 3426E**

That the Shoalhaven Heads Estuary Taskforce request the Northern Shoalhaven Natural Resources and Floodplain Management Committee further consider the report on the Shoalhaven River Strategic Management Plan in relation to issues to Shoalhaven Heads and the objectives of the Shoalhaven Heads Estuary Taskforce.

785. Grant Funding Options for the Shoalhaven Heads Estuary Taskforce Project
File 3406E

That:

- a) The Task Force receive the report for information; and
- b) The \$50,000 allocated by Council for Shoalhaven Heads Entrance Management (Job number 15847) be rolled over to the 2013/14 financial year; and
- c) The feasibility of options to 'introduce circulation in the Bay' and address how to prevent continuing shallowing be the primary focus of any further studies and a range of options be explored.

786. Additional Item – Community Education of Entrance Processes **File 3426E**

That:

- a) Council arrange for a media release, in conjunction with the Shoalhaven Heads Estuary Taskforce, on the opening of Shoalhaven Heads Entrance to be provided to the Shoalhaven Heads Forum and to 'Get to the Point' (Greenwell Point); and
- b) Staff be thanked for the continual communication to the members of the Shoalhaven Heads Forum in relation to the recent flood events.

787. Additional Item – Aerial Photos **File 3426E**

That Council investigate the provision of historic and current aerial photos of Shoalhaven Heads to show changes in the siltation build up within the estuary.

CHILDREN'S SERVICES REFERENCE GROUP – MONDAY 15 JULY 2013

788. Adoption of Report

MOTION:

Moved: Wells / Second: Baptist

That the following items of the Children's Services Reference Group be adopted.

CARRIED

789. Membership - Children's Services Reference Group - OOSH Representative
File 46176E

That Council appoint Ms Julie Flanagan, Kids Korner, as a member of the Children's Services Reference Group to represent OOSH care.

790. Membership - Children's Services Reference Group
File 46176E

That Council:

- a) Accept the resignation of Ms Colleen Foy as a member of the Group; and**
- b) Write to Ms Colleen Foy to express the Group's thanks of her contribution to the Group.**

SHOALHAVEN TOURISM BOARD – MONDAY 15 JULY 2013

791. Acting Tourism Manager's Report
File 1490E, 43618E

MOTION: **Moved: Findley / Second: Wells**

That Council revoke \$5,718 unexpended funds from the 2012/13 budget to the 2013/14 budget for the tourism development program.

CARRIED

COUNCIL PROPERTY STEERING COMMITTEE – TUESDAY 16 JULY 2013

792. Adoption of Report

MOTION: **Moved: Guile / Second: Wells**

That the following items of the Council Property Steering Committee be adopted.

CARRIED

793. Grant of Easement over Council Land, Lot 2 DP 708441, 80 Park Road, Nowra
File 47553e

That:

- a) Council resolve to grant an easement for drainage of sewerage 2.4 wide over Lot 2 DP 708441, 80 Park Road Nowra with compensation being payable in accordance with the Land Acquisition (Just Terms Compensation Act) 1991;**
- b) All survey and ancillary costs to be payable by the Department of Finance and Services as holder of development consent DA12/1030; and**

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

794. Proposed Men's Shed - Lot 2 DP 1139129 Thrush Street, Bawley Point File 3244E

Withdrawn – See MIN 13.798

795. Proposed Licence of Part Crown Reserve R96902 Frank Lewis Way Woolamia to Jervis Bay Game Fishing Club File 45825e

That:

- a) **Council Licence for a term of three (3) years part of Reserve Trust R96902 to the Jervis Bay Fishing Club necessary for the erection of a clubhouse at the minimum statutory fee.**
- b) **Council delegate authority to the General Manager to approve the terms of the Licence not so finalised**
- c) **Council refer the proposed Licence to the Crown Lands Division for Ministers Consent**
- d) **Council authorise the occupation approved by MIN13.50 to the Jervis Bay Game Fishing Club be by way of Lease instead of Licence.**

796. Licence of Nowra Showground Cottage – West Street Nowra
File 45027e, 47575e, 47576e, 47577e

That:

- a) **Council Licence the Nowra Showground Cottage (and surrounds) to Nowra Men's Shed Inc., Shoalhaven Woodcraft Society Inc. and Nowra Spinners & Weavers Inc. for a term of ten (10) years at the minimum statutory fee.**
- b) **Council delegate authority to the General Manager to approve the terms of the Licences not finalised.**
- c) **The common seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution; and**
- d) **Council refer the proposed Licences to the Crown Lands Division for Ministers Consent.**

797. Council Land at Wire Lane, Berry File 1394E

That Council proceed with the proposed rationalisation of the Council Road reserve and adjoining Lot 1 DP 593975.

798. (Item 68, Page 20) Proposed Men's Shed - Lot 2 DP 1139129 Thrush Street, Bawley Point **File 3244E**

Conflict of Interest Declaration – Clr Baptist – Significant Non Pecuniary Interest – Being the Public Officer of the Murramarang Men's Shed – Left the room, and did not take part in discussion or vote.

Note: Clr Anstiss left the meeting.

MOTION:

Moved: Findley / Second: Wells

That Council:

- a) **Enter into negotiations with the Murramarang Men's Shed Incorporated over the Crown Land described as Lot 2 in DP 1139129, Thrush St, Bawley Point for an occupancy agreement subject to the consent of Crown Lands and the Minister;**
- b) **Authorise the General Manager to finalise any details of the occupancy agreement in respect to a) above;**
- c) **Apply to Crown Lands to be appointed Trust Manager of Crown Reserve R89858 described as Lot 2 DP 1139129; and**
- d) **The Common Seal of Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any document necessary to give effect to the resolution.**

CARRIED

SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 9 JULY 2013

799. Adoption of Report

Note: Clrs Baptist and Anstiss returned to the meeting.

MOTION:

Moved: Guile / Second: White

That the following items of the Shoalhaven Traffic Committee be adopted.

CARRIED

800. 15 min Parking zone - Emmett Street, Callala Bay (PN 2708) **File 18928E**

That the General Manager (Director, Assets & Works) be requested to arrange for the installation of 15 min Parking zone 8.30am – 6pm Mon – Fri & 8.30am – 12.30pm Sat (for a distance of approximately 9m) on Emmett Street, Callala Bay, as detailed in the attached plan TRAF 2013/30.

801. Intersection Safety - Explorer Boulevard and Shoalhaven Heads Road, Shoalhaven Heads (PN 2984) **File 1711E, 47531E**

That the General Manager (Director, Assets & Works) be requested to arrange for the installation of Double Barrier BB Centre Linemarking on Explorer Boulevard, Shoalhaven Heads for a distance of approximately 30m at its intersections with Shoalhaven Heads Road and Scott Street, as detailed in the attached plan TRAF 2013/31.

802. Stop sign - Strathstone Street - Culburra Beach (PN 2988) **File 1688E**

That the General Manager (Director, Assets & Works) be requested to arrange for the installation of a Stop sign (R1-1) and associated Hold Linemarking (TF/TB1) on Strathstone Street, Culburra Beach at its intersection with Culburra Road, as detailed in the attached plan TRAF 2013/32.

803. Timed Parking Restrictions - Graham Street, Nowra (PN 2989) **File 2636E**

That the General Manager (Director, Assets & Works) be requested to arrange for the installation of 1P (8.30am – 6pm Mon – Fri & 8.30am – 12.30pm Sat) parking restrictions on the western side of Graham Street, Nowra for a distance of 40m south of the raised threshold, as detailed in the attached plan TRAF 2013/33.

REPORT OF THE GENERAL MANAGER

CORPORATE AND COMMUNITY SERVICES

804. Record of Investments - June 2013 **File 2126E**

Conflict of Interest Declaration – Clr Tribe – Significant Non Pecuniary Interest – Being a volunteer Director of the Bendigo Bank – Remained in the room with the consent of Councillors as she was nursing her child, and did not take part in discussion or vote.

MOTION: Moved: Wells / Second: Watson

That the Report of the General Manager (Corporate and Community Services Group) on the Record of Investments for the period to 30 June 2013 be received for information.

CARRIED

MOTION:

Moved: Guile / Second: Wells

That:

- a) **Council forward the ‘RMS Property Transfer Proposal (Berry)’ Plan and accompanying Appendices 1 to 5 to the NSW Treasury Office, Minister for Transport, the Honourable Duncan Gay MP, Member for Kiama, Gareth Ward MP and the Hon Paul Green, MLC seeking their support for negotiations to commence in relation to the residue of Lot 7 DP 815023 Woodhill Mountain Road, Berry.**
- b) **Council delegate authority to the General Manager (or nominee) to enter into negotiations with Roads and Maritime Services for the residue of Lot 7 DP 815023 Woodhill Mountain Road, Berry which is not required for road purposes being transferred to Council.**
- c) **Council delegate authority to the General Manager (or nominee) to enter into negotiations for the consolidated value and acquisition by Roads and Maritime Services of Council owned land:**
 - i) **Lot 45 DP 651034 North Street, Berry**
 - ii) **Lot 1 DP 925241 Victoria Street and Princes Highway, Berry**
 - iii) **Lot 87 DP 48603 Andersons Lane, Berry**
- d) **Council develop schematic / concept plans for Lot 45 DP 651034 North Street, Berry and Lot 7 DP 815023 Woodhill Mountain Road, Berry to assist in acquisition and land transfer negotiations, and that a budget allocation be identified to fund these plans, to come from savings from the 2012/13 Budget No 15366 as part of the fourth quarter review.**
- e) **Subject to acquisition outcomes between Roads and Maritime Services and Council, Council may permit the residual area of Lot 45 DP 651034 North Street, Berry as a Roads and Maritime Services site office for ‘no fee’ in lieu of rehabilitation and asset embellishment, as per schematic plan.**
- f) **Following the outcomes of Land Acquisition discussions, Council undertake a Precinct Master Plan for the Berry Sporting Complex that encompasses Lot 45 DP 651034 North Street, Berry – allocation to come from the 2013/14 Budget No 15299.**

CARRIED

LEGAL DOCUMENTS - ASSETS AND WORKS

806. Ratepayers Advance - Kerb and Guttering - 4 - 10 Frederick Street, Vincentia
File 44279E

MOTION: Moved: Robertson / Second: Baptist

That:

- a) Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with Daphne Lorraine Bailey and Robert Bailey, C/- PO Box 91, Vincentia in respect of Kerb and Gutter construction to the value of \$7,352.89 of which \$2,359.69 (including GST) is a contribution, \$4,993.21 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$6,241.51.
- b) Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with Charles Gerard Davis and Virginia Louise Davis of 33 Beresford Road, Rose Bay in respect of Kerb and Gutter construction to the value of \$7,138.20 of which \$2,290.82 (including GST) is a contribution, \$4,847.48 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$6,059.35.
- c) Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with Charles Gerard Davis and Virginia Louise Davis of 33 Beresford Road, Rose Bay in respect of Kerb and Gutter construction to the value of \$6,408.08 of which \$2,056.48 (including GST) is a contribution, \$4,351.60 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$5,439.50.
- d) Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with John Ronald Evans and Sonia Maree Greig of 10 Frederick Street, Vincentia in respect of Kerb and Gutter construction to the value of \$9,835.65 of which \$3,156.45 (including GST) is a contribution, \$6,679.20 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$8,349.00.

CARRIED

807. Ratepayers Advance - Kerb and Guttering - 130 - 134 Frederick Street Sanctuary Point
File 30973E

MOTION: Moved: Robertson / Second: Baptist

That:

- a) Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with Clare Diane Johnston and Richard John Green of 130 Frederick Street, Sanctuary Point in respect of Kerb and Gutter construction to the value of \$4,768.60 of which \$1,530.10 (including GST) is a

contribution, \$3,238.50 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$4,048.13.

- b) Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with Carrie Linn Grootjans and John Alowisius Grootjans of 61 Hutton Avenue, Bulli in respect of Kerb and Gutter construction to the value of \$4,768.60 of which \$1,530.10 (including GST) is a contribution, \$3,238.50 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$4,048.13.
- c) Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with Diana Josette Wickens of 4 Alice Hancox Close, Mowll Village, Castle Hill in respect of Kerb and Gutter construction to the value of \$4,768.60 of which \$1,530.10 (including GST) is a contribution, \$3,238.50 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$4,048.13.

CARRIED

LEGAL DOCUMENTS - SHOALHAVEN WATER

808. Transfer of land to Council - Bayswood Estate Vincentia File SF9786SW-02

MOTION: Moved: Wells / Second: white

That:

- a) Council accept the transfer of Lot 1001 DP1183960 for the consideration of nominal \$1 for water and sewer pipelines within the Bayswood Estate at Vincentia. The land is shown by hatching on the copy of DP1183960 attached to the report.
- b) The land to be classified as Operational Land pursuant to Sections 31(2) and 34 of the Local Government Act for the purposes of Shoalhaven Water operations.
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.

CARRIED

809. Procedural Motion - Introduction of Item as a Matter of Urgency

MOTION: Moved: Guile / Second: Anstiss

That Additional Item – Deed of Mortgage – Shaolin Temple Foundation (Australia) Limited be introduced as a matter of urgency.

The Chairperson ruled the matter as being of urgency as the matter requires resolution of Council by 31 July 2013 and allowed its introduction.

CARRIED

810. Additional Item – Deed of Mortgage – Shaolin Temple Foundation (Australia) Limited **File 18583E**

MOTION: Moved: Guile / Second: Findley

That:

- a) The General Manager provide Councillors with a Councillor briefing that includes legal representation of Council's position with regards to the contract with Shaolin Temple Foundation (Australia) Limited; and
- b) Council write to the Shaolin Temple Foundation (Australia) Limited thanking them for their request and advising them that it will be considered by Council.

LOST

FOR: Findley, Guile

AGAINST: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Watson, Kitchener, Gash

FORESHADOWED MOTION: Moved: Watson / Second: White

That:

- a) **Council agrees to vary the Mortgage AE610852R between the Council of the City of Shoalhaven (mortgagee) and Shaolin Temple Foundation (Australia) Limited (mortgagor) by deferring the date for repayment of both principal and interest due on 3 April 2013 until the Environmental Assessment Plan (EAP) is determined or 31 December 2013 whichever is earlier;**
- b) **The terms and conditions of the Deed of Mortgage AE610852R otherwise apply including Annexure A and the Guarantee and Indemnity and Variation of Mortgage (Attachment B);**
- c) **If exchange of letters is not acceptable in this matter, then all costs associated with a Variation of Mortgage be payable by the mortgagor;**

-
- d) **The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution; and**
 - e) **The Mayor invite the proponent for discussions in advancing the application with the Department of Planning & Infrastructure; and**
 - f) **The General Manager provide Councillors with a Councillor briefing that includes legal representation of Council's position with regards to the contract with Shaolin Temple Foundation (Australia) Limited.**

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Watson, Kitchener, Gash

AGAINST: Findley, Guile

Note: Clr Guile raised a Point of Order regarding the relevance of Clr Watson's argument to the Shaolin Temple Foundation (Australia) Limited contract. The Mayor ruled there was a Point of Order and asked Clr Watson to continue.

Note: Clr Wells raised a Point of Order that Clr Watson made inaccurate statements. The Mayor ruled there was no Point of Order.

811. Procedural Motion - Introduction of Item as a Matter of Urgency

MOTION: Moved: Findley / Second: Wells

That the matter of Additional Item – 2013 International Public Works Engineering Australia Conference be introduced as a matter of urgency.

CARRIED

The Chairperson ruled the matter as one of urgency as the Conference will be held before the next Council meeting and allowed its introduction.

812. Additional Item – 2013 International Public Works Engineering Australia Conference **File 4688E**

MOTION: Moved: Findley / Second: Wells

That

- a) **Council notes the details of the forthcoming conference Public Works Engineering Australia Conference, scheduled for 11-15 August 2013 at the Darwin Convention Centre;**

- b) Council authorises available Councillors to attend the conference and such attendance be deemed Council Business; and
- c) Council meets the travel, registration fees, accommodation and all reasonable out-of-pocket expenses in accordance with its adopted policy.

CARRIED

CONFIDENTIAL REPORT OF THE GENERAL MANAGER

DEVELOPMENT COMMITTEE – TUESDAY 16 JULY 2013

Item	Reason
Development Application to Demolish existing Building and Construct a three storey Office Building at 73 and 75 North St, Nowra – Lot 42 and 43 DP 1607. Applicant / Owner: James Caldwell	Information that would if disclosed confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 10(A)(2)(c)

POLICY AND RESOURCES COMMITTEE – TUESDAY 23 JULY 2013

Item	Reason
Tender Report - Management and Operation of Ulladulla Headland Tourist Park	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)
Tender Report - Manufacture and Installation of Relocatable Cabins at Holiday Haven Tourist Park	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)
Confidential Tender Report - Supply & Delivery of Pavement Materials 1 August 2013 - 31 July 2014	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)
Confidential Tender Report - Resource Recovery Park EIS	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)
Tender Process - Strongs Road Water Supply Scheme	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)

Holiday Haven Tourist Parks Tender for the Management and Operation of Huskisson White Sands Tourist Park	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)
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COUNCIL PROPERTY STEERING COMMITTEE – TUESDAY 16 JULY 2013

Item	Reason
Proposed Purchase of Land at Mundamia	Commercial information of a confidential nature that would if disclosed confer a commercial advantage on a competitor of Council 10(A)(2)(d)(ii)

813. Procedural Motion - Introduction of Items as Matters of Urgency

MOTION: Moved: Baptist / Second: Anstiss

That the following matters be introduced as a matter of urgency:

- a) Confidential Addendum Report 1 – Juliex Pty Ltd & Tagdime Pty Ltd – Claim for Costs incurred in relation to remediation for the development of 70 Bridge Road Nowra; and
- b) Confidential Addendum Report 2 – Additional Information – Confidential Tender – Supply and Delivery of Pavement Materials 1 August 2013 to 1 July 2014.

CARRIED

The Chairperson ruled the matters as being of urgency as they relate to urgent business of Council and requires resolution and allowed their introduction.

CONFIDENTIAL ADDENDUM REPORT 1 - CORPORATE & COMMUNITY SERVICES

Item	Reason
Juliex Pty Ltd and Tagdime Pty Ltd – Claim for Costs incurred in relation to remediation for the development of 70 Bridge Road Nowra	Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 10A(2)(g)

CONFIDENTIAL ADDENDUM REPORT 2 - ASSETS & WORKS

Item	Reason
Additional Information – Confidential Tender – Supply and Delivery of Pavement Materials 1 August 2013 to 1 July 2014	Commercial information of a confidential nature that would if disclosed confer a commercial advantage on a competitor of Council 10(A)(2)(d)(ii)

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

MOTION:

Moved: Baptist / Second: Anstiss

That the Ordinary Meeting exclude the press and public from the Meeting pursuant to section 10A(1)(a) of the Local Government Act, 1993 as it was to consider items of a confidential nature in relation to matters pursuant to Section 10A(2)(c), Section 10A(2)(d)(i) and 10A(2)(d)(ii).

The public interest in preserving the confidentiality of the information outweighs the public interest in maintaining openness and transparency in Council decision making, as it would if disclosed confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business:

- (MIN13.814) Development Application to Demolish existing Building and Construct a three storey Office Building at 73 and 75 North Street, Nowra – Lot 42 and 43 DP 1607 – Applicant / Owner: James Caldwell;

The public interest in preserving the confidentiality of information outweighs the public interest in maintaining openness and transparency in Council decision making, as it may impact on the ability of Council to attract competitive tenders in the future:

- (MIN13.816) Tender Report - Management and Operation of Ulladulla Headland Tourist Park;
- (MIN13.817) Tender Report - Manufacture and Installation of Relocatable Cabins at Holiday Haven Tourist Park;
- (MIN13.818) Confidential Tender Report - Supply & Delivery of Pavement Materials 1 August 2013 - 31 July 2014;
- (MIN13.819) Confidential Tender Report - Resource Recovery Park EIS;
- (MIN13.820) Tender Process - Strongs Road Water Supply Scheme; and
- (MIN13.821) Holiday Haven Tourist Parks Tender for the Management and Operation of Huskisson White Sands Tourist Park;

The public interest in preserving the confidentiality of information outweighs the public interest in maintaining openness and transparency in Council decision making, as it may

impact on the ability to negotiate with the owner without attracting third party commercial interest:

- (MIN13.822) Proposed Purchase of Land at Mundamia;

The public interest in preserving the confidentiality of information outweighs the public interest in maintaining openness and transparency in Council decision making, as it refers to legal advice relating to litigation (or possible litigation) which Council may be involved:

- (MIN13.823) Julix Pty Ltd & Tagdime Pty Ltd – Claim for Costs incurred in relation to remediation for the development of 70 Bridge Road Nowra;

The public interest in preserving the confidentiality of information outweighs the public interest in maintaining openness and transparency in Council decision making, as it may impact on the ability of Council to attract competitive tenders in the future:

- (MIN13.824) Additional Information – Confidential Tender – Supply and Delivery of Pavement Materials 1 August 2013 to 31 July 2014.

CARRIED

The meeting moved into confidential the time being 6:13 pm.

The meeting moved into open session, the time being 6:44 pm.

814. Development Application to Demolish existing Building and Construct a three storey Office Building at 73 and 75 North St, Nowra – Lot 42 and 43 DP 1607. Applicant / Owner: James Caldwell File DA13/1549

The following resolution of the Ordinary Meeting, whilst closed to the public, was read to the meeting by the Executive Support Manager.

MOTION:

That the resolution remain confidential pursuant to Section 10(A)(2)(c) of the Local Government Act 1993 until conclusion of negotiation and report back to Council.

816. Tender Report - Management and Operation of Ulladulla Headland Tourist Park
File 47307E

The following resolution of the Ordinary Meeting, whilst closed to the public, was read to the meeting by the Executive Support Manager.

MOTION:

That:

- a) **Council accept the Tender of C&C Hall and Family Pty Ltd, for the Management and Operation of Ulladulla Headland Tourist Park for a period of three (3) years from 8 August 2013; and**
- b) **The General Manager (Director, Assets and Works) be authorised to execute the Contract and related documents, including variations.**

817. Tender Report - Manufacture and Installation of Relocatable Cabins at Holiday Haven Tourist Parks
File 47431e

The following resolution of the Ordinary Meeting, whilst closed to the public, was read to the meeting by the Executive Support Manager.

MOTION:

That:

- a) **Council accept the Tender from Uniplan Group for the supply of five (5) high standard cabins at a total cost of \$456,140 excluding GST;**
- b) **The contract documents and any other associated documents be executed by the General Manager (Assets and Works) including variations.**

818. Confidential Tender Report - Supply & Delivery of Pavement Materials 1 August 2013 - 31 July 2014
File 47374E

The following resolution of the Ordinary Meeting, whilst closed to the public, was read to the meeting by the Executive Support Manager.

MOTION:

That a report with additional information be presented to Council's Ordinary Meeting.

819. Confidential Tender Report - Resource Recovery Park EIS**File 47110E**

The following resolution of the Ordinary Meeting, whilst closed to the public, was read to the meeting by the Executive Support Manager.

MOTION:

That:

- a) **Council accept the Tender of GHD Pty Ltd in the amount of \$245,855 excluding GST for the engagement of a consultant for an Environmental Impact Statement and Master Plan - Resource Recovery Park;**
- b) **The General Manager, (Director, Assets and Works) be authorised to execute the Contract and related documents, including variations.**

820. Tender Process - Strongs Road Water Supply Scheme**File 47086E**

MOTION:

That Council:

- a) **Accept the tender from Murphy McCarthy and Associates Pty Ltd in the amount of \$1,835,050 incl. GST.**
- b) **Authorise the General Manager (Shoalhaven Water) to finalise and execute the contract with Murphy McCarthy and Associates Pty Ltd on behalf of Council.**
- c) **Authorise the General Manager (Shoalhaven Water) to adjust the contract for variations for components under the contract.**

821. Holiday Haven Tourist Parks Tender for the Management and Operation of Huskisson White Sands Tourist Park**File 47430E**

The following resolution of the Ordinary Meeting, whilst closed to the public, was read to the meeting by the Executive Support Manager.

MOTION:

That:

- a) **Council accept the Tender of Paul Sheehy & Jennifer Traynor subject to the tenderer complying with Clause 2.7 of the tender documentation and registering as one (1) company for the Management and Operation of Huskisson White Sands Tourist Park for a period of three (3) years from 28 August 2013 at a percentage of Gross Profit of 26%; and**
- b) **The contract documents and any other associated documents be executed by the General Manager (Assets and Works).**

822. Proposed Purchase of Land at Mundamia

File 47650E

The following resolution of the Ordinary Meeting, whilst closed to the public, was read to the meeting by the Executive Support Manager.

MOTION:

That the resolution remain confidential in accordance with s10(A)2(d)(ii) of the Local Government Act 1993 until contracts are exchanged or Nowra Local Aboriginal Land Council indicates that negotiations have been unsuccessful.

823. Juliex Pty Limited & Tagdime Pty Limited - Claim for Costs incurred in relation to remediation for the development of 70 Bridge Road Nowra

File 44970E

The following resolution of the Ordinary Meeting, whilst closed to the public, was read to the meeting by the Executive Support Manager.

MOTION:

That the resolution remain confidential in accordance with Section 10(A)(2)(g) of the Local Government Act to protect the insurer's and Council's Commercial in Confidence information.

824. Additional information - Confidential Tender - Supply and Delivery of Pavement Materials 1 August 2013 - 31 July 2014

File 47374E

The following resolution of the Ordinary Meeting, whilst closed to the public, was read to the meeting by the Executive Support Manager.

MOTION:

That:

- a) **Council accept the Schedule of Rates Tender to select locations as shown on the summary sheet (Attachment 'B') of South Coast Concrete Crushing and Recycling Pty Ltd (SCCCR) in the amount of \$380,004.50 excluding GST and SCE Recycling Pty Ltd t/as Shoalhaven Quarries in the amount of \$310,045.20 excluding GST for Supply and Delivery of Pavement Materials for the period 1 August 2013 - 31 July 2014;**
- b) **The General Manager (Director Assets & Works) be authorised to execute Contract and related documents, including variations; and**
- c) **The General Manager (Director Assets & Works) continue to monitor performance of the material used on unsealed roads and report back to Council on the outcome of that monitoring.**

There being no further business, the meeting concluded, the time being 6:50 pm.

Clr Gash
CHAIRPERSON