
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 22 OCTOBER 2013 COMMENCING AT 4:00 PM

The following members were present:

Clr Gash – Chairperson
Clr Tribe
Clr Robertson
Clr Kearney
Clr Anstiss
Clr White
Clr Wells
Clr Baptist
Clr Findley – arrived 4.05pm
Clr Guile
Clr Watson – arrived 4.03pm
Clr Kitchener
Clr McCrudden

The meeting was opened in Prayer by Reverend Rodney Davies, North Nowra Baptist Church, followed by the Welcome to Country/Acknowledgement of Traditional Custodians and the playing of the Australian National Anthem.

1025. Confirmation of the Minutes of the Ordinary Meeting of Council held on 24 September 2013

MOTION: Moved: Baptist / Second: White

That the Minutes of the Ordinary Meeting of Council held on Tuesday 24 September 2013 be confirmed with the following amendment:

Minute MIN13.1013, Page 49, of the previous minutes referred to Clr Gareth Ward MP, should read Gareth Ward MP.

Note: Clr Wells advised that his declaration of interest declared from Property Steering Committee of 9 October 2013 for Confidential Item 4 'Request to Acquire Land at 77 Princess Street Berry' stated that his daughter is an employee of the applicant. It should state that his daughter is a former employee of the applicant.

1026. Declarations of Interest

Conflict of Interest Declaration - Clr White – Item 29, Page 14 Carrier Tender – Supply of ICT Services - Pecuniary Interest – receives remuneration from Telstra from being a previous Telstra business owner – will leave the room.

Conflict of Interest Declaration - Clr White - Confidential Item 5, Page 5 Carrier Tender – Supply of ICT Services - Pecuniary Interest – receives remuneration from Telstra from being a previous Telstra business owner – will leave the room.

Conflict of Interest Declaration - Clr Wells – Item 29, Page 14 Carrier Tender – Supply of ICT Services – Significant Non Pecuniary Interest - Son is an employee of Telstra – will leave the room.

Conflict of Interest Declaration - Clr Wells – Confidential Item 5, Page 5 - Carrier Tender – Supply of ICT Services – Significant Non Pecuniary Interest - Son is an employee of Telstra – will leave the room.

Conflict of Interest Declaration - Clr Tribe – Item 32, Page 20 – Record of Investments – August 2013 – Significant Non Pecuniary Interest – is a Director of the Board – will leave the room.

Conflict of Interest Declaration - Clr Guile – Item 13, Page 6 – Acquisition of Land for Community Pathway, part Lot 101 DP 1035983, 10 Tannery Road, Berry – Owner: Hashim Hussein - Less Than Significant Non Pecuniary Interest – The owner is a friend – will leave the room.

Conflict of Interest Declaration - Clr Guile – Addendum Report 1, Item 2 - Development Application to change the use of a large room in a medical centre from consulting rooms to pharmacy at Lot 100 DP 1145297, 53 Isa Road Worrige. Applicant: Lee Carmichael Town Planning. Owner: Liam Holdings - The objector to the proposal is an Executive Member of the Berry Liberal Party – Less Than Significant Non Pecuniary Interest – will leave the room.

MAYORAL MINUTE

1027. Councillor Attendance at Conferences

File 4688E

MOTION:

Moved: Watson / Second: Wells

That a Councillor Briefing be held to consider Councillor Attendance at Conferences.

CARRIED

1028. International Fleet Review – Jervis Bay

File 47337E

MOTION:

Moved: White / Second: Guile

That the Mayoral Minute on the International Fleet Review – Jervis Bay be received for information.

CARRIED

MOTION:

Moved: White / Second: Guile

That the Mayoral Minute on the International Fleet Review – Sydney Harbour be received for information.

CARRIED

1030. Deputations

Mr Allan Baker addressed the Meeting in relation to Item 18, Page 8 – Capital works update for Nowra.

Mr Bill Iliopoulos addressed the Meeting in relation to Addendum Report 1, Item 2 – Development Application to change the use of a large room in a medical centre from consulting rooms to pharmacy at Lot 100 DP 1145297, 53 Isa Road Worrigeer - Applicant Lee Carmichael Town Planning. Owner: Liam Holdings

Conflict of Interest Declaration - Clr Guile - Pecuniary Interest – One of the objectors is a member of the Liberal party and has had discussions with Clr Guile - left the room for the deputation.

Note: Clr Guile returned to the meeting.

PROCEDURAL MOTION:

Moved: Tribe / Second: White

That:

- Item 18, Page 8 – Capital works update for Nowra; and
- Addendum Report 1, Item 2 – Development Application to change the use of a large room in a medical centre from consulting rooms to pharmacy at Lot 100 DP 1145297, 53 Isa Road Worrigeer - Applicant Lee Carmichael Town Planning, Owner: Liam Holdings.

be brought forward for consideration.

CARRIED

NOWRA CBD ACTION – THURSDAY 10 OCTOBER 2013

1031. (Item 18, Page 8) Capital Works Update for Nowra CBD

File 44389E, 16244E, 7412E, 8028E, 46730E, 46023E, 47767E

PROCEDURAL MOTION:

Moved: Tribe / Second: White

That each item of the Capital Works Update for Nowra CBD be treated separately, commencing with Part a).

CARRIED

MOTION:

Moved: Tribe / Second: Anstiss

That Junction Court not be opened to eastbound traffic.

LOST

FOR: Tribe, Anstiss, White, Findley, Gash

AGAINST: Robertson, Kearney, Wells, Baptist, Guile, Watson, Kitchener, McCrudden

FORESHADOWED MOTION:

Moved: Guile / Second: Baptist

That

- a) Junction Court be opened to eastbound traffic;**
- b) A report be brought back to Council on the effectiveness of opening Junction Court after a period of 12 months of its opening; and**
- c) The cost of \$160,000 to make Junction Court trafficable, be received for information, and this be funded from the available budget allocation of \$87,000 for Junction Court (Job Number 85990); the \$50,000 grant from Roads and Maritime Services; and \$23,000 from the North Nowra Link Road (Job Number 85098) and Council staff consider low cost options for the separators.**

CARRIED

FOR: Robertson, Kearney, Wells, Baptist, Guile, Watson, Kitchener, McCrudden

AGAINST: Tribe, Anstiss, White, Findley, Gash

MOTION:

Moved: Guile / Second: Kearney

That:

- a) The available budget allocation of \$210,000 for the Berry Street footpath be used to commence footpath replacement at the Worrigee Street end, working to the north;**

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- b) The footpath widening and rehabilitation works be generally in accordance with the concept plan (Plan No 4985_26);
 - c) Additional funds be allocated in the 2014/15 Budget to allow completion of the Berry Street Footpath works;
 - d) The re-design of the Stewart Place bus interchange, (Plan No 1184-04A) be endorsed; and
 - e) A water filling station be installed in an appropriate location in Junction Court after consultation with the local businesses with one option to be considered being the area in the vicinity of the sculpture near the National Bank building.

CARRIED

ADDENDUM REPORT 1 - PLANNING AND DEVELOPMENT

1032. Development Application to change use of a large room in a Medical Centre from Consulting Rooms to Pharmacy at Lot 100 DP 1145297, 53 Isa Road, Worrigee. Applicant: Lee Carmichael Town Planning Owner: Liam Holdings Pty Ltd. File DA13/1750 (PDR)

Conflict of Interest Declaration - Clr Guile – Less Than Significant Non Pecuniary Interest – An objector to the proposal is an Executive Member of the Berry Liberal Party - left the room, did not take part in discussion or vote.

MOTION: Moved: Kearney / Second: Findley

That Council resolve to not support the application to policy variation for the change of use of the consulting rooms to a pharmacy as the medical centre cannot provide its parking needs within the subject land in accordance with DCP18 – Car Parking Code.

Note: Clr Kearney withdrew her moving of the motion

Note: Motion lapsed

MOTION: Moved: Wells / Second: White

That Council resolve to support a policy variation at the Isa Road Medical Centre for the change of use of the consulting rooms to a pharmacy.

CARRIED

FOR: Tribe, White, Wells, Baptist, Watson, Kitchener, McCrudden, Gash

AGAINST: Robertson, Kearney, Anstiss, Findley

GENERAL MANAGER – COMMITTEES REPORT

DEVELOPMENT COMMITTEE – WEDNESDAY 9 OCTOBER 2013

- 1033. New Commercial - demolish existing & construct new 3 storey mixed use development. Sec 96(1a) to reduce building levels and reconfiguration of apartments – Development Control Plan No.18 – Car Parking Code policy variation request at Lot 3 DP 7025, No.39 Owen Street, Huskisson. Applicant/Owner: Bremertom Pty Ltd File DS13/1250, 7481E (PDR)**
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Note: Clr Guile returned to the meeting.

MOTION:

Moved: Guile / Second: Kearney

That Council:

- a) **Support the amendment of a policy variation of DCP 18 to permit stack car parking;**
- b) **Receive a Councillor Briefing on the circumstances where this policy could be considered; and**
- c) **The use of this policy be restricted for mixed commercial/residential development areas within CBD areas which have low pedestrian flows and low traffic flows and potential for traffic conflict.**

CARRIED

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

AGAINST: Nil

- 1034. Proposed Rectification of Stormwater Pipeline outside dedicated Drainage Easement over Lot 73 DP257068 McIntosh Street, Shoalhaven Heads. Applicant: Kawarra Beach Pty Ltd (Tom Bishop) Owner: Australian Post Tel Institute. File DA12/2056, 7870E**
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MOTION:

Moved: Guile / Second: Kearney

That Council:

- a) **Agree in principle to the laying of new pipe within the existing drainage easement:**
- b) **Contribute 50% of the total cost of the new pipeline up to a maximum of \$42,500 from Job number 15965; and**
- c) **Write to the Department of Lands (NSW) requesting costs to be covered by the Crown.**

CARRIED

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

AGAINST: Nil

1035. Badgee Urban Release Area, Sussex Inlet - Deferred Matters – Planning Proposal (Rezoning) LP407 **File 47611E (PDR)**

MOTION:

Moved: Guile / Second: Kearney

That Council:

- a) **Support the Planning Proposal for Badgee deferred areas Sussex Inlet; and**
- b) **Submit the Planning Proposal to the Department of Planning and Infrastructure requesting ‘gateway determination’.**

CARRIED

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

AGAINST: Nil

1036. Mundamia Urban Release Area – Proposed Planning Agreement/ Contributions Plan **File 46790E, 47787E (PDR)**

MOTION:

Moved: Guile / Second: Kearney

That Council:

- a) **Endorse the essential infrastructure projects associated with the development of the Mundamia Urban Release Area as outlined in this report and its attachments;**
- b) **Prepare and exhibit an Amendment to Shoalhaven Contributions Plan 2010 based on the essential infrastructure projects outlined in this report and its attachments;**
- c) **Report back to Council following the exhibition of the Amendment to Shoalhaven Contributions Plan 2010; and**
- d) **Continue to liaise with landowners in the Mundamia Urban Release Area in relation to the draft Contributions Plan Amendment and possible Planning Agreement.**

CARRIED

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

AGAINST: Nil

1037. Request to Waive Development Application and Associated Fees - New Dwelling for a Charity Organisation **File 23618E, 4771E**

MOTION: Moved: Guile / Second: Kearney

That Council vary policy POL12/84 and waive the development application and associated fees in the amount of \$1,194.10 identified in the report in support of Variety - the Children's Charity project

CARRIED

POLICY AND RESOURCES COMMITTEE – TUESDAY 8 OCTOBER 2013

1038. Adoption of Report

MOTION: Moved: Guile / Second: Baptist

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

CARRIED

1039. Berry School of Arts - Management Committee Interest **File 7056e**

That:

- a) **Council continue to manage the Berry School of Arts in consultation with an advisory committee;**
- b) **An advisory committee be established from user groups of the Berry School of Arts and interested community members and to be named the User Group Committee;**
- c) **The purpose of the User Group Committee be to:**
 - **Advise on increasing usage of the facility;**
 - **Incorporated organisations to apply for grants that are not available to Council; and**
 - **Ensure the facility is available to all local community groups;**
- d) **A Public Notice will advertise a meeting to call for nominations from user groups, community organisations and interested community members;**
- e) **Council revisit the option of forming a management committee in 12-18 months time if usage has increased and the facility is considered sustainable for committee management;**
- f) **The budget currently in the Property Unit (Job No. 29804) needs to be transferred to the Public Halls Budget (Job No. 13980) with an additional budget allocation of \$6,590 for ongoing operational costs of this facility; and**

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- g) Councillors be advised via email of the membership of the advisory committee.

1040. Sanctuary Point - Clifton Park - Learn to Ride Facility, Community Gardens & Mens Shed **File 46477E, 45369E, 44032E, 28029E**

That:

- a) Council develop a policy on the provision of a Community funded asset on community land which will include but not limited to funding models, disbandment clauses and maintenance;
- b) Council identify a matching funding source of \$20,000 in the 2014/2015 financial year noting that the identified cost of construction for the Learn to Ride facility is \$65,000;
- c) The additional \$25,000 is sought from community grant opportunities and that the application be a joint application; and
- d) Council receive the progress update on the Community Gardens; Learn to Ride facility and the Men's Shed at Clifton Park Sanctuary Point for information only.

1041. Ratepayer Advance - 44 Tingira Drive, Bawley Point **File 48078E**

That Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council, with Lillian Patricia Ezzy of 303/12 Pennant Street, Castle Hill in respect of Kerb and Gutter construction to the value of \$10,834.56; \$2,669.76 (including GST) is a contribution and \$8,164.80 is the advance. The amount to be repaid to the Ratepayer in 5 years at 5% interest is \$10,206.00.

1042. Policy Review - Private Use of Public Parking **File 17432E, 46321E**

That Council adopt the revised policy "Private Use of Public Parking" and the two new fees, in addition to the existing fee, associated with this policy, being:

- a) Application fee \$124.00;
- b) Parking usage fee \$38.50 per parking space per week or part thereof; and
- c) Signage installation and restoration fee \$780.00 per zone.

1043. NSW Population Projections and Forecasts - Population Growth Management **File 2454E**

Withdrawn – See Min13.1046

1044. Tender Process - Matron Porter Water Main Replacement **File 47834E**

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

**1045. Donation Request - Bomaderry Rotary Club Life Education Liaison - Prime Mover
for Life Education Van** **File 4771E**

That:

- a) Council sell a 2nd hand Nissan UD Truck (plant no 90762) from the Shoalhaven Water Fleet to Bomaderry Rotary Club for \$15,000 for the Life Education Program;
- b) Council provide the funding (approximate value \$39,425) being the difference between the carrying value and the actual amount to be paid by the Rotary club;
- c) Shoalhaven Water Fund be reimbursed \$15,000 from the General Fund Plant Replacement reserve as a General Fund contribution consistent with the resolution on 28 February 2012; and
- d) Council request recognition of its contribution be made visible on the truck.

**1046. (Item 10, Page 4) NSW Population Projections and Forecasts - Population Growth
Management** **File 2454E**

MOTION:

Moved: Guile / Second: White

That

- a) The report of the General Manager (Planning & Development Services Group) on population projections and forecasts be received for information; and
- b) The General Manager develop a strategy and action plan based on this demographic information to maximise the economic development for the region.

CARRIED

Note: Clr Gash asked the Deputy Mayor, Clr Wells to take the Chair at 5.53pm. Clr Wells assumed the Chair.

COUNCIL PROPERTY STEERING COMMITTEE – WEDNESDAY 9 OCTOBER, 2013

1047. Adoption of Report

Note: Clr Gash was absent from the meeting.

MOTION:

Moved: Baptist / Second: White

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

CARRIED

1048. Acquisition of Land for Community Pathway, part Lot 101 DP1035983, 10 Tannery Road, Berry - Owner: Hashim Hussein File 45065E, 43861E, 4792E, 41772E

Withdrawn – See MIN13.1052

1049. Acquisition of Drainage Easement over part of Lot 37 DP19407, 17 Central Ave, South Nowra - Owner: Vincenzo Corapi File 40628E

That:

- a) Council resolves to acquire an easement for drainage 6 m wide over part of Lot 37 DP19407, 17 Central Ave, South Nowra as shown in Attachment A;
- b) Council to pay compensation of \$15,000 plus GST if applicable, in addition to the owner's reasonable legal and valuation costs and other ancillary costs, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;
- c) The Compensation and costs to be funded from job no. 85001 12021; and
- d) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

1050. Acquisition of Drainage Easement over Lot 3 DP 868958, 6 Faulks Place Cambewarra - Owners: Robin McLean & Kayleen Bowley File 46912E

That:

- a) Council resolve to acquire the Easement for drainage 3 metres wide over part of Lot 3 DP 868958, 6 Faulks Place, Cambewarra as shown in Attachment A;
- b) Council pay compensation of \$10,500 plus GST if applicable, in addition to the owner's reasonable legal and valuation costs and other ancillary costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;
- c) The compensation and associated costs be funded from job number 75612/99999 Strategic Stormwater Catchment; and
- d) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.

1051. Egans Lane Car Park Redevelopment Status Report File 47709E

That Council receive the report of the General Manager (Assets & Works) concerning Egans Lane Precinct Redevelopment for Information.

1052. (Item 13, Page 6) Acquisition of Land for Community Pathway, part Lot 101 DP1035983, 10 Tannery Road, Berry - Owner: Hashim Hussein
File 45065E, 43861E, 4792E, 41772E

Note: Clr Gash was absent from the meeting

Conflict of Interest Declaration - Clr Guile – Item 13, Page 6 – Acquisition of Land for Community Pathway, part Lot 101 DP 1035983, 10 Tannery Road, Berry – Owner: Hashim Hussein - Less Than Significant Non Pecuniary Interest – The owner is a friend – Left the room and did not take part in discussion or vote.

MOTION: Moved: Baptist / Second: White

That:

- a) **Council resolves to acquire part of Lot 101 DP1035983 known as 10 Tannery Road, Berry, for a shared path previously constructed by the Berry/Gerringong Rotary Club as shown in Attachment A;**
- b) **Council resolves to pay compensation of \$6,000 plus GST if applicable, in addition to the owner’s reasonable legal, valuation and ancillary costs under the terms of the Land Acquisition (Just Terms Compensation) Act 1991;**
- c) **The compensation and costs be funded from job number 85001-23906 – Land Acquisition; and**
- d) **The Common Seal of the Council of the City Of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager be authorised to sign any documentation necessary to give effect to the resolution.**

CARRIED

NOWRA CBD ACTION – THURSDAY 10 OCTOBER 2013

Note: Clr Guile returned to the meeting.

1053. Adoption of Report

Note: Clr Gash was absent from the meeting.

MOTION: Moved: Guile / Second: White

That the following items of the Nowra CBD Action be adopted

CARRIED

1054. Business Arising**File 45446E**

That Council accept the following replacement memberships:

- **Ms Anne Brown has replaced Ms Jacqui Burke as a member representing the Shoalhaven Business chamber**
- **Mr James Caldwell has replaced Mr Mark Crowther as a member representing the Nowra Ratepayers and Tenants Association**

1055. Capital Works Update for Nowra CBD**File 44389E, 16244E, 7412E, 8028E, 46730E, 46023E, 47767E**

Brought forward – see MIN13.1031

1056. Draft Nowra CBD Building Height & FSR Study – Exhibition Outcome**File 47428E, 48167E, 48168E**

That Council in respect to the exhibited Draft Nowra CBD Building Height and Floor Space Ratio Study:

- Adopt the exhibited building heights and FSRs**
- Advertise the adoption in the local media;**
- Advise all submitters including the Department of Planning & Infrastructure of Council's resolution in writing;**
- Commence the preparation of a planning proposal be prepared to incorporate the final height and FSR outcomes into the SLEP 2013;**
- Prepare an urban design Development Control Plan (DCP) to support the adopted heights and FSRs, and placed a high priority project in the Council's Delivery Program; and**
- Receive a further report addressing the resourcing and processes required to prepare the planning proposal and urban design DCP.**

1057. Additional Item – Multi Storey Car Park**File 45351E**

That the Detailed Design process for the Multi Storey Car Park be brought to Nowra CBD Action.

1058. Additional Item – Nowra CBD Maintenance and Cleaning Program**File 45446E, 27690E**

That a report on the Nowra CBD Maintenance and Cleaning Program be provided at the next meeting of the Nowra CBD Action.

SHOALHAVEN HEADS ESTUARY TASKFORCE – MONDAY 14 OCTOBER 2013

1059. Adoption of Report

Note: Clr Gash was absent from the meeting.

MOTION:

Moved: Guile / Second: Kearney

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

CARRIED

1060. Alternative Membership for Northern Shoalhaven Natural Resources and Floodplain Management Committee **File 46778E**

That Council appoint Graeme Philpott as the alternate Shoalhaven Heads Estuary Taskforce representative for the Northern Shoalhaven Natural Resources and Floodplain Management Committee.

1061. Update on Minutes from Previous Meeting - Shoalhaven Heads Estuary Taskforce **File 45866e**

That the report be received for information.

1062. Australian Research Council Linkage Project –University of Wollongong **File 3406E**

That:

- a) The report be received for information; and**
- b) A letter of thanks be sent to Ms Kerrylee Rogers for the presentation**

1063. Grant Funding Options for the Shoalhaven Heads Estuary Taskforce Project **File 3406E**

That the Grant Funding Options for the Shoalhaven Heads Estuary Taskforce Project be deferred.

1064. Additional Item – Consultant’s Brief **File 3406E**

That:

- a) Staff prepare a Consultant’s Brief for the consideration of the Shoalhaven Heads Estuary Taskforce embracing the objectives of the Taskforce, including a review of literature to date and the Estuary Management Plan, and the preparation of a report identifying feasible options with particular reference to Objective 2 of the Taskforce;**
- b) The draft Brief be sent to members of the Taskforce prior to the next meeting seeking their comments; and**

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- c) The Brief later include an invitation from appropriately qualified consultants or Universities to indicate a price for the Study as detailed above.

SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 8 OCTOBER 2013

1065. Bus Route access - Parking Restrictions - Bayswood Estate (PN 2986) File 10582E

Note: Clr Gash was absent from the meeting.

MOTION:

Moved: White/ Second: Baptist

That the General Manager (Director Assets and Works) be requested to arrange the installation of:

- a) a 30m Bus Zone on the northern side of Halloran Street between Summercloud Crescent and Belay Drive as detailed in the attached plan TRAF 2013/49.
- b) a No Stopping zone 7am - 5pm Mon - Fri, on the northern side of Halloran Street between Seagrass Avenue and Summercloud Crescent and Belay Drive and Bayswood Avenue as detailed in the attached plan TRAF 2013/49.

CARRIED

COUNCILLOR REPORTS ON CONFERENCES

1066. Local Government Conference - LG NSW Water Management Conference File 4688E

Note: Clr Gash was absent from the meeting.

MOTION:

Moved: Guile / Second: Baptist

That the report regarding the LG NSW Water Management Conference held in Terrigal 8-10 September 2013 be received for information.

CARRIED

CORPORATE AND COMMUNITY SERVICES

1067. Carrier Tender – Supply of ICT Services File 47602E

Note: Clr Wells left the Chair due to a conflict of interest and Clr Baptist assumed the Chair

Note: Clr Gash was absent from the meeting.

Conflict of Interest Declaration - Clr Wells - Pecuniary Interest – Son is an employee of Telstra – left the room and did not take part in discussion or vote.

Conflict of Interest Declaration - Clr White - Pecuniary Interest – receives remuneration from Telstra from being a previous Telstra business owner – left the room and did not take part in discussion or vote.

MOTION:

Moved: Guile / Second: Findley

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

CARRIED

1068. Pecuniary Interest Returns - 1 July 2012 to June 2013

File 4063E & 39915E

Note: Clr Gash returned to the meeting and assumed the Chair.

Note: Clr White returned to the meeting.

Note: Clr Wells absent from the meeting.

MOTION:

Moved: Guile / Second: Findley

That

- a) **The report of the General Manager (Corporate and Community Services) regarding the Pecuniary Interest Returns lodged for the period of 1 July 2012 to 30 June 2013 be received for information; and**
- b) **The General Manager take appropriate action in accordance with Councils Code of Conduct in respect of any Councillors, Staff or Delegates who are in contravention of the Local Government Act.**

CARRIED

1069. Draft Financial Statements for Year Ended 30 June 2013

File 46996E

Note: Clr Wells was absent from the meeting.

MOTION:

Moved: Guile / Second: Baptist

That:

- a) **The Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer sign statements on the preparation of the Financial Statements for the year ended 30 June 2013 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.**
- b) **The draft Financial Statements for the year ended 30 June 2013 be referred to Council's external auditor, Pitcher Partners Accountants, Auditors and Advisors in accordance with Section 413 of the Local Government Act 1993**

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- c) Council present its audited Financial Statements and Audit Report to the public at the Ordinary Meeting of Council to be held on Tuesday 19 November 2013 and in accordance with section 418 of the Local Government Act 1993 public notice of this date be placed in local newspapers on Wednesday 6 November 2013.

CARRIED

1070. Record of Investments – August 2013

File 2126E

Note: Clr Wells returned to the meeting.

Conflict of Interest Declaration - Clr Tribe – Less Than Significant Non Pecuniary Interest – is a Director of the Board of the Bendigo Bank – Left the room, did not take part in discussion or vote.

MOTION:

Moved: Findley / Second: Robertson

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

CARRIED

ASSETS AND WORKS

1071. 2013 ALGA National Local Roads and Transport Congress

File 4688E

Note: Clr Tribe returned to the meeting

MOTION:

Moved: Guile / Second: Wells

That:

- a) Council notes the details of the forthcoming 2013 ALGA National Local Roads and Transport Congress from 12 - 14 November 2013;
- b) Council authorises available Councillors to attend the congress 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; and
- d) Councillors attending the congress provide a written report within 30 days of returning from the congress.

CARRIED

PLANNING AND DEVELOPMENT

1072. Coal Seam Gas Strategic Regional Land Use Policy and Exclusion Zones

File 43091E

MOTION: Moved: Guile / Second: McCrudden

That Council receive the report on Coal Seam Gas Strategic Regional Land Use Policy and Exclusion Zones for information.

LOST

FOR: Guile, Watson, McCrudden

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

FORESHADOWED MOTION: Moved: Findley / Second: White

That Council make a submission to the Department of Planning and Infrastructure regarding:

- a) **The under representation of agricultural land in the Shoalhaven Local Government Area on the 'Biophysical Strategic Agricultural Land Map;**
- b) **The short timeframe for response which compromises the likelihood of meaningful consultation.**

CARRIED

1073. Proposed draft Planning Agreement for 190-198 Princes Highway, South Nowra

File 47970E, 43040E

MOTION: Moved: Guile / Second: Robertson

That Council:

- a) **Provide 'in-principle' support to enter into a proposed draft Planning Agreement with the owner of 190-198 Princes Highway, South Nowra.**
- b) **Receive a report on the draft Planning Agreement for 190-198 Princes Highway, South Nowra prior to its public exhibition.**
- c) **Review the design of the South Nowra Service Road (Contributions Project 01ROAD3104) to be consistent with the Service Lane layout proposed in the draft Planning Agreement for 190-198 Princes Highway, South Nowra.**

CARRIED

NOTICES OF MOTION

1074. Amendment of DCP 91

File 12856E (PDR)

MOTION:

Moved: Watson / Second: Guile

That Staff prepare an amendment for DCP 91 removing the 70sqm limitation in respect of Garages on Lots of 1h and over and place the amendment on exhibition prior to the matter being reported to Council for adoption, and if necessary amend the complying development provisions.

CARRIED

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

AGAINST: Nil

1075. Tomerong Community Infrastructure Planning

File 47767E

MOTION:

Moved: Findley / Second: Guile

That Council prepare a master plan/place making plan with the residents of Tomerong and that funding be considered for this project for the upcoming budget year (2014/2015)

LOST

FOR: Findley, Guile

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

FORESHADOWED MOTION:

Moved: Tribe / Second: White

That

- a) A workshop be held at Council for any interested Community Consultative Bodies to obtain an understanding on how to create a place making plan;**
- b) A place making plan kit be provided; and**
- c) The Shoalhaven Heads Community Forum be invited to speak detailing their experience in preparing a place making plan.**

CARRIED

1076. Requests on Behalf of Sanctuary Point Community Pride CCB
File 1741E, 2221E, 13540E, 46321E, 2830E

MOTION: Moved: Tribe / Second: Robertson

That Council address the following issues before the 2014 "Spring in to Sanctuary Point" Festival on behalf of the Sanctuary Point Community Pride Group:

- a) **Power outlets on Francis Ryan Reserve:**
There are only three power points available for use by events such as Spring into Sanctuary Point, all located in the amenities block. It would greatly assist organisations if additional power outlets could be provided around the oval, perhaps on the existing light poles. This would not only increase the potential scope of future events but would also alleviate possible safety hazards;
- b) **Obsolete signage:**
Some years ago an Information Bay was removed from the corner of Larmer Avenue and Sanctuary Point Road, but signs directing visitors to this bay still remain. These are located opposite 161 Larmer Avenue and adjacent to 105 Paradise Beach Road;
- c) **Flood Warning:**
At the corner of Mountain Street and Larmer Avenue is a sign warning that the road is subject to flooding and that "Indicators show depth". There are no indicators showing depth; and
- d) **Bonds:**
Council waive the applicable bond that normally applies on the Francis Ryan Reserve for this particular event.

CARRIED

QUESTIONS ON NOTICE

1077. Sale of Impounded Vehicle **File 42134E**

Note: Clr Kearney and Clr Tribe were absent from meeting.

MOTION: Moved: Findley / Second: Guile

That the response be received for information.

CARRIED

1078. Temporary Flood Barrier Control Systems

File 4355E

MOTION: Moved: Kitchener / Second: Guile

That the response be received for information.

CARRIED

1079. Procedural Motion – Introduction of Items as Matters of Urgency

PROCEDURAL MOTION: Moved: Guile / Second: Robertson

That the following matters be introduced as matters of urgency:

- a) Addendum Report 1 – Item 1 - Proposed Closure of Unformed Council Road with Lots 1 and 2 DP 1038647, Tannery Road and Agars Lane Berry
- b) Addendum Report 2 - Nowra Pool - Status Update
- c) Addendum Report 3 - Works to be undertaken - sewer main located within 172 Greville Avenue Sanctuary Point

CARRIED

The Mayor received these items as urgent as they relate to business of Council that require prompt resolution.

ADDENDUM REPORT 1 - ASSETS AND WORKS

1080. Proposed Closure of Unformed Council Road with Lots 1 and 2 DP 1038647, Tannery Road and Agars Lane Berry

File 45813E, 41772E

MOTION: Moved: Guile / Second: Wells

That:

- a) **Council resolves to advise the Crown Lands Division of the Department of Primary Industries that Council does not object to the advertised closure of the unformed Council Public Road within Lots 1 and 2 DP 1038647; and**
- b) **Council Resolves to continue discussion with Berry Rotary Club to progress its proposed cycle/walking track linking Tannery Road with Moeyan Road.**

CARRIED

ADDENDUM REPORT 2 - ASSETS AND WORKS / CORPORATE AND COMMUNITY SERVICES

1081. Nowra Pool - Status Update

File 3075E, 30050E

Note: Cllr Kearney and Cllr Tribe returned to the meeting

MOTION:

Moved: Wells / Second: Watson

That Council:

- a) **Receive the report for information;**
- b) **Retain electrical heat pumps in the tender specification and arrange for an upgrade of the power supply to the site to support these heat pumps;**
- c) **Include an appropriate splash pad at the facility in lieu of a wading pool;**
- d) **Include in the tender specification the required furniture and fit-out items;**
- e) **Review the projects budget when the tenders have been received; and**
- f) **Allocate available Section 94 funds received for the Northern Shoalhaven Leisure Centre and the balance of the project be funded from additional borrowings in 2014/15 if required.**

CARRIED

ADDENDUM REPORT 3 – SHOALHAVEN WATER

1082. Works to be undertaken - sewer main located within 172 Greville Avenue Sanctuary Point

File 48037E, 4854E, 4133E, 47767E

MOTION:

Moved: Robertson / Second: Kearney

That

- a) **Council undertake necessary urgent stabilisation work at the rear of 172 Greville Avenue to ensure the sewer main assets are protected and the funding be sourced from Shoalhaven Water Reserve Funds;**
- b) **Further investigations be undertaken to identify the source of the contaminated fill material in this vicinity to determine further appropriate action;**
- c) **Legal advice be obtained to clarify the liabilities of the relevant parties;**
- d) **Kerb and gutter be installed as recommended in the GHD report, with funding from the 2014/15 program; and**
- e) **Application be made to source Environmental Trust funds for this work if criteria are met.**

CARRIED

1083. Procedural Motion – Matter of Urgency

Note: Cllr Wells left the meeting

PROCEDURAL MOTION:

Moved: Robertson / Second: Baptist

That the matter of the Master Class Conference be introduced as a matter of urgency

CARRIED

The Mayor ruled the matter as urgent as the event will occur before the next Council meeting.

1084. Additional Item – Master Class in Public Participation and Engagement at Sydney on 14th – 16th November 2013 **File 4688E**

Note: Cllr Wells was absent from the meeting.

MOTION:

Moved: Findley / Second: Robertson

That Council recognise the Master Class in Public Participation and Engagement at Sydney on 14th – 16th November 2013 as a training session and it be deemed as Councillor business.

CARRIED

CONFIDENTIAL REPORT OF THE GENERAL MANAGER

GENERAL MANAGER – COMMITTEES REPORT

DEVELOPMENT COMMITTEE – WEDNESDAY 9 OCTOBER, 2013

Item	Reason
Adoption of Caravan Parks in Flood Prone Areas Policy DCP 123 LAP	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)
Development Application to Demolish Existing Building and Construct a Three Storey Office Building at 73 and 75 North St, Nowra – Lot 42 and 43 DP1607. 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 8 OCTOBER 2013

Item	Reason
Tender Process – Matron Porter Water Main Replacement	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)
Development Application to Demolish Existing Building and Construct a Three Storey Office Building at 73 and 75 North St, Nowra – Lot 42 and 43 DP1607. 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)

COUNCIL PROPERTY STEERING COMMITTEE – WEDNESDAY 9 OCTOBER 2013

Item	Reason
Request to Acquire Land at 77 Princes Street Berry	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).

CORPORATE AND COMMUNITY SERVICES

Item	Reason
Request to Acquire Land at 77 Princes Street Berry	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).
Carrier Tender – Supply of ICT Services	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)

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: Kearney

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), 10A(2)(d)(g) and Section 10A(2)(d)(i).

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:

- Tender Process – Matron Porter Water Main Replacement
- Carrier Tender – Supply of ICT Services

The public interest in preserving the confidentiality of information outweighs the public interest in openness and transparency in Council decision making as it may impact on negotiations Council may have with the affected owners.

- Development Application to Demolish Existing Building and Construct a Three Storey Office Building at 73 and 75 North St, Nowra – Lot 42 and 43 DP1607. Applicant / Owner: James Caldwell
- Request to Acquire Land at 77 Princes Street Berry

The meeting moved into confidential session the time being 7.13pm.

The meeting moved into open session the time being 7.35pm

**1085. Adoption of Caravan Parks in Flood Prone Areas Policy DCP 123 LAP
File 43405E, 45889E (PDR)**

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) The draft Caravan Parks in Flood Prone Areas Policy (DCP123/LAP) be adopted by Council as presented to the September 2013 Development Committee; and**
- b) The freeboard provisions be reassessed when Stage 2 of the State Government Coastal Reform is announced by the Minister.**

1086. 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 Council not proceed further with acquiring the subject land.

1087. Tender Process - Matron Porter Water Main Replacement**File 47834E**

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

MOTION:

That Council:

- a) **Accept the tender from Hisway Pty Ltd in the amount of \$525,342 incl. GST**
- b) **Authorise the General Manager (Shoalhaven Water) to finalise and execute the contract with Hisway Pty Ltd on behalf of Council**
- c) **Authorise the General Manager (Shoalhaven Water) to adjust the contract for variations for components under the contract.**

1088. Request to Acquire Land at 77 Princess Street Berry**File 44187E**

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 matter remain confidential pursuant to section 10A(2)(c) of the Local Government Act.

1089. Carrier Tender – Supply of ICT Services**File 47602E, 48173E, 48172E**

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 Telstra Corporation Ltd for the provision of mobile voice, mobile data and analogue fixed line services for a period of two (2) years with the option to renew for two further 24 month periods.**
- b) **Council further investigate opportunities for the utilisation of SMS gateway services for operational, emergency response and community engagement activities.**
- c) **Council undertake a market review of Security Monitoring services and subject to compatibility, accept the tender from Optus Networks Pty Ltd for security services where there are definable cost savings.**
- d) **Council replace its existing 2N Bluetower GSM gateway with an alternate GSM gateway providing increased capacity and fund the replacement cost of \$14,140 from anticipated telecommunications cost savings.**

-
- e) Council accept the tender from Ipera Communications Pty Ltd for the provision of digital voice (SIP trunking) for a period of three (3) years with the option to renew for one further 36 month period.
 - f) An amount of \$10,000 be made available from telecommunications cost savings for professional services required to implement SIP trunking.
 - g) Council accept the offer from Telstra Corporation Pty Ltd for the provision of 1300 numbers.
 - h) Council authorise the General Manager (Corporate and Community Services Director) to execute the contracts and associated documents.

There being no further business, the meeting concluded, the time being 7.37pm.

Clr Gash
CHAIRPERSON