
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 23 APRIL 2013 COMMENCING AT 4:00 PM

The following members were present:

Clr Gash – Chairperson
Clr Tribe
Clr Robertson
Clr Anstiss
Clr White
Clr Wells
Clr Baptist
Clr Findley
Clr Guile
Clr Watson
Clr Kitchener
Clr McCrudden

The meeting was opened in Prayer by Reverend Martin Schultzer, followed by the Welcome to Country/Acknowledgement of Traditional Custodians and the playing of the Australian National Anthem.

343. Apologies/ Leave of Absence

File 28866E

Clr Kearney forwarded her apology for the Ordinary Meeting of Tuesday 23 April 2013.

MOTION: Moved: Guile / Second: Baptist

That the apology from Clr Kearney be accepted and a leave of absence for the Ordinary Meeting of Tuesday 23 April 2013 be granted.

CARRIED

344. Confirmation of the Minutes of the Ordinary Meeting of Council held on Tuesday 26 March 2013

MOTION: Moved: Findley / Second: Guile

That the Minutes of the Ordinary Meeting of Council held on Tuesday 26 March 2013 be confirmed.

CARRIED

345. Declarations of Interest

Conflict of Interest Declaration – Clr Anstiss – Item 19 Shoalhaven Bereavement Services – Industry Recycling Initiative – Pecuniary Interest – Being the proprietor of the Reflections Tea Rooms – Will leave the room, and not take part in discussion or vote.

Conflict of Interest Declaration – Clr White – Item 36 Proposed Licence to Optus Mobile Net Pty Ltd – Flatrock Filtration Plant, Filter Road, West Nowra – Pecuniary Interest – Being a licensee for Telstra and Optus is a competitor – Will leave the room, and not take part in discussion or vote.

PRESENTATION OF PETITION – TUESDAY, 26 APRIL 2013

346. Petition – Construction of Footpath at Hawke Street, Huskisson **File 17657E**

Clr Gash presented a petition containing approximately 31 signatures from residents of Huskisson requesting the construction of a footpath on Hawke Street, Huskisson.

MOTION: Moved: Wells / Second: White

That the petition requesting the construction of a footpath on Hawke Street, Huskisson be accepted.

CARRIED

MAYORAL MINUTE – TUESDAY 23 APRIL 2013

347. Shoalhaven Heads Community Strategic Plan **File 46953e**

MOTION: Moved: Gash / Second: Wells

That:

- a) **Council endorse *Shoalhaven Heads - Our Future - A Strategy* as a guidance document for Council to pursue projects in Shoalhaven Heads and surrounds;**
- b) **The General Manager nominate Council contacts for each of the seven “Strategy” areas to enable an ongoing constructive dialogue between Council and the Shoalhaven Heads CCB;**
- c) **Council consider funding of “Immediate Priority Projects” identified in the document within the 2013/2014 budget;**
- d) **Staff report back at the conclusion of the budget public exhibition period with cost estimates of the “Immediate Priority Projects” to be considered; and**
- e) **Council explore opportunities for ongoing funding to be designated to Shoalhaven Heads for implementation of projects from the document.**

CARRIED

348. Deputation

File 46813

Mr Tony Blain addressed the meeting in relation to Item 66, Page 28 – Notice of Motion – Rate Rise Application.

PROCEDURAL MOTION:

Moved: Guile / Second: Anstiss

That Item 66, Page 28 – Notice of Motion – Rates Rise Application be brought forward.

CARRIED

NOTICE OF MOTION

349. (Item 66, Page 28) Rates Rise Application

File 46813E

MOTION:

Moved: Findley / Second: Guile

That Council suspend its application for a rates rise until the completion of Councils restructure and that any associated deficit be advertised in the upcoming budget sessions.

MOTION WITHDRAWN

AMENDMENT:

Moved: Guile / Second: McCrudden

That as part of the consultation process, Council place before the community the opportunity of restricting the 8% increase to the current year only.

LOST

FOR: Findley, Guile, Kitchener, McCrudden

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

350. Deputation

File 43091E

Ms Patricia Kahler addressed the meeting in relation to Item 68, Page 29 – Notice of Motion – Coal Seam Gas.

PROCEDURAL MOTION:

Moved: Findley / Second: Wells

That Item 68, Page 29 – Notice of Motion – Coal Seam Gas be brought forward.

CARRIED

NOTICE OF MOTION

351. (Item 68, Page 29) Coal Seam Gas

File 43091E

MOTION:

Moved: Findley / Second: Kitchener

That Council:

- a) Write to the Premier, Mr Barry O Farrell to express support for the following:
 - i. A freeze on CSG exploration and mining;
 - ii. A royal commission into the impacts of CSG development;
 - iii. A ban on fracking; and
 - iv. A ban on CSG development in drinking water catchments and on prime agriculture land;
- b) Call on the NSW State Government to voluntarily exclude the Shoalhaven from coal seam mining exploration and revoke the recent renewal of PEL 469 to Leichardt Resources / Planet Gas as they failed to meet the condition of the license.

PROCEDURAL MOTION:

Moved: Guile / Second: Wells

That Clr Findley be granted an extension of time to speak on the matter.

PROCEDURAL MOTION CARRIED

AMENDED MOTION:

Moved: Findley / Second: Kitchener

That Council:

- a) **Write to the Premier, Mr Barry O Farrell to express support for the following:**
 - i. **A freeze on CSG exploration and mining;**
 - ii. **An inquiry into the impacts of CSG development;**
 - iii. **A ban on fracking; and**
 - iv. **A ban on CSG development in drinking water catchments, all urban zones and on prime agriculture land;**
- b) **Call on the NSW State Government to voluntarily exclude the Shoalhaven from coal seam mining exploration and revoke the recent renewal of PEL 469 to Leichardt Resources / Planet Gas as they failed to meet the condition of the license.**

CARRIED

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

AGAINST: McCrudden

GENERAL MANAGER – COMMITTEES REPORT

DEVELOPMENT COMMITTEE – TUESDAY 9 APRIL 2013

352. Paper Subdivision Remnant, Erowal Bay File 5320E, 31157E (PDR)

MOTION: Moved: Wells / Second: White

That:

- a) **The General Manager’s report (Strategic Planning & Infrastructure) on Paper Subdivision Remnant, Erowal Bay, be received for information; and**
- b) **Council consider the possible rezoning of the land to an appropriate environment protection zone as part of the finalisation of draft LEP 2013, and if possible, include this resolution in the exhibition of the draft LEP 2013.**

CARRIED

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

AGAINST: Nil

353. Shoalhaven Contributions Plan 2010 Reform – Action Plan File 46506E, 1057E, 22638E, 15164E (PDR)

MOTION: Moved: Guile / Second: Anstiss

That

- a) **Council adopts the actions detailed in this report (all actions listed in Attachment ‘G’ to guide reform of Shoalhaven Contributions Plan 2010);**
- b) **A further report be presented to the Development Committee on the options for a fee approach to be applied to the provision of kerb and gutter;**
- c) **Council continues investigations to review the scope of works for some contributions projects and to make some contribution projects inactive as identified in this report and Attachment F; and**
- d) **Council receives a briefing on the actions detailed in this report which are to guide reform of Shoalhaven Contributions Plan 2010.**
- e) **A further report be presented to Council detailing a resources program to achieve such amendments to contributions plans within a medium term timeframe.**

CARRIED

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

AGAINST: Nil

354. Development Control Plan 91 (Amendment No 2) - Concerning privacy screens and floor area limitation for a dwelling in a rural area. File 12856e (PDR)

MOTION: Moved: Guile / Second: Findley

That Development Control Plan 91 (Amendment No 2) - Single Dwellings and Ancillary Structures be adopted as exhibited, including Criteria A2 and A3 in Clause 2.1.1 in the draft amendments and reconfirming the existing provisions.

LOST

FOR: Findley, Guile, Kitchener, McCrudden

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

FORESHADOWED MOTION: Moved: White / Second: Baptist

That Development Control Plan 91 (Amendment No 2) - Single Dwellings and Ancillary Structures be adopted as exhibited, subject to the deletion of Criteria A2 and A3 in Clause 2.1.1 in the draft amendments and reconfirming the existing provisions.

CARRIED

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

AGAINST: Findley, Guile, Kitchener, McCrudden

355. Temporary Fencing, Signage & Advice to Adjacent Property Owners – Dilapidated Buildings containing Asbestos File 1538E

MOTION: Moved: Wells / Second: White

That in cases where a property is identified as containing a vacant dilapidated or fire-damaged building that potentially poses an asbestos hazard Council, prior to commencing actions for the removal of the hazard:

- a) **Erect temporary barrier fencing in the road reserve adjacent to the boundary(s) of sites adjoining a public place;**
- b) **Erect signage on the temporary barrier fencing warning that the site contains a potential hazard from asbestos; and**

-
- c) **Advise owners of properties located within 100m of the site of the potential hazard and recommend appropriate precautions be taken.**

CARRIED

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

AGAINST: Nil

POLICY & RESOURCES COMMITTEE – TUESDAY 16 APRIL 2013 (ITEMS 5 to 39)

356. Adoption of Report

MOTION:

Moved: Guile / Second: White

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

CARRIED

357. Currarong Boat Launching Ramp (Yalwal St) – Navigation Aids, Lighting and Walkway File 4007E

That:

- a) **Council investigate a low cost design option for a boat ramp walkway;**
- b) **The provision of this low-cost boat ramp walkway on the south-east elevation be included in Council's Waterways infrastructure Asset Management Plan and be funded to the extent \$30,000 in the 2013/14;**
- c) **The General Manager report to Council on options for alternative funding and low cost design investigation;**
- d) **The endorsement of a single light to make safer the emergency use of the ramp boat ramp; and**
- e) **Council advise RMS of the results of the community consultation process and, if requested, grant consent as reserve Trust Manager for the installation of navigation aids on the foreshore reserve.**

358. Shoalhaven River New Boat Launching Site Investigation File 45127E

That:

- a) **The report be received for information;**
- b) **The General Manager undertake negotiations with Roads and Maritime Services on alternate uses of the grant funding; and**
- c) **Council formalise changes to its adopted policy position with the Upper Shoalhaven option taken out of the waterways safe boating plan.**

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

That:

- a) Council endorse the draft Thompson Street Master Plan, Option 1 and Option 2, for public exhibition for a period of 28 days;**
- b) Council staff inform stakeholders, including the local CCB, the Community Committee, the Management Committee and neighbouring residents of the public exhibition period;**
- c) Council receive a final report after the public exhibition period; and**
- d) The draft Thomson Street Master Plan not be accepted until a site visit with Councillors, relevant senior staff and stakeholders has been undertaken.**

360. Proposed Local BMX Track Curleys Bay Reserve Prince Edward Avenue Culburra Beach File 29129e

That the matter be deferred pending a site meeting with Councillors, relevant senior staff and stakeholders.

361. Banking and Bill Payment Services Tender File 46384E

That Council, in accordance with Section 10A (2)(d)(i) of the Local Government Act, 1993, consider a separate confidential report on this matter and that any decision made in confidential session be made public after Council has made its final decision.

362. Tender – Provision of Legal Services 2013 - 2016 File 46914E

That Council, in accordance with Section 10A (2)(d)(i) of the Local Government Act, 1993, consider a separate confidential report on this matter and that any decision made in confidential session be made public after Council has made its final decision.

363. Review of Revenue Rates & Charges Policies File 31052E, 10945E, 20962E

That Council reaffirm the following policies:

- a) Rates – Overdue Interest Rate – POL12/144**
- b) Rates and other Monies – Delegation of Authority to Write Off – POL12/145**
- c) Rates Hardship Policy – POL13/2**
- d) Debt Recovery Policy – POL13/1**

364. Review of Purchasing and Fleet Policies File 5701E, 4092E, 16352E

Withdrawn – See Min13.392

365. Shoalhaven Entertainment Centre Hiring Policy **File 35525E**

That Council adopt the Shoalhaven Entertainment Centre Hiring Policy (POL12/283) with amendments as shown in this report.

366. Shoalhaven Entertainment Centre Sponsorship Policy **File 35525E**

Withdrawn – See MIN13.393

367. Review of Mayor's Relief Fund Rules **File 3926E**

That Council adopts the amended Mayor's Relief Fund Rules – Policy 12/140 in accordance with the recommendations of the report.

368. Review of Investment Policy **File 23767E**

That Council adopts the amended Investment Policy – Policy POL12/11 in accordance with the recommendations of the report

369. Proposed Changes to Boundaries for the Business Nowra Rating Category **File 2973E**

That Council

- a) Adjust the boundaries of the Nowra CBD for rating purposes as detailed in the report;**
- b) Contact each affected property owner notifying them of their change in rating category as in accordance with the relevant provisions of the NSW Local Government Act 1993; and**
- c) Publicly exhibit the amended plan during the draft budget exhibition period.**

370. Draft Budget 2013/14 **File 46023E**

Withdrawn – See MIN13.394

371. Shoalhaven Bereavement Services - Industry Recycling Initiative **File 7805E**

Withdrawn – See MIN13.395

372. Acceptance of Environmental Trust Grant Funds **File 1538E, 17261E**

That Council:

- a) Accept the “Emergency Pollution and Orphan Waste Clean-up Program” grant funding offer of \$8,000 to undertake removal of asbestos on Council land within the Heritage Estates (Birriga Avenue road reserve) Worring Heights;**
- b) Vote the funds to job number 49003-38042; and**

-
- c) Write to EPA thanking it for its cooperation and funding assistance towards this cleanup work and advising that Council accepts the grant funds offered.

**373. Review of Emplacements of Plaques and Artefacts in Parks and Reserves Policy
File 27803E**

That Council adopt the Parks and Reserves – Emplacement of Plaques, Artefacts & Trees Policy (POL12/179) with amendments as detailed.

**374. Review of Smoke Free Outdoor Sporting Facilities and Playground Policy
File 4538E**

That Council rescind the Smoke Free Outdoor Sporting Facilities and Playgrounds Policy (POL12/214).

375. Ratepayer Advance 12 & 14 Derwent Street Callala Bay File 46136E

That Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with:

- a) Michael P Donnici & Christie A Wood of Lot 49 DP 10209 – 12 Derwent Street, Callala Bay in respect of Kerb and Gutter construction to the value of \$4,477.00 of which \$1,104.40 (including GST) is a contribution, \$3,372.60 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$4,215.75; and
- b) Peter J & Patricia Robinson of Lot 50 DP 10209 – 14 Derwent Street, Callala Bay in respect of Kerb and Gutter construction to the value of \$4,961.33 of which \$1,223.88 (including GST) is a contribution, \$3,737.45 is the advance and the amount to be repaid to the Ratepayer in 5 years at 5% interest is \$4,671.82.

**376. Petition - Dredging of Sand from Navigation Channels in Sussex Inlet
File 11229E, 3420E**

That:

- a) Council make representations through the Member for South Coast, The Hon Shelley Hancock to the Minister for Roads and Ports for channel clearance dredging to improve the navigation channels in Sussex Inlet, on the same basis as the dredging of the Clyde River;
- b) Council make representations to the Member for South Coast, The Hon Shelley Hancock to organise a meeting with the Minister for Primary Industries to discuss options available and secure a pre-approval for a commercial sand dredging operation to remove sands and debris from the navigation channels in Sussex Inlet; and
- c) Following the meeting with the Member for South Coast and the Minister for Primary Industries, a report on this matter be prepared for Council on how to proceed.

377. Notification of Upcoming Conference – FMA National Floodplain Management Conference **File 4355E**

That:

- a) Council notes the details of the forthcoming conference, Floodplain Management Association National Floodplain Management Conference, Scheduled for 28 – 31 May 2013, at Tweed Heads NSW;
- 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; and
- d) Councillors attending the conference provide a written report within 30 days of returning from the conference.
- e) Cllr White and Kearney be nominated as voting delegates.

378. Recreation and Community Facilities Policy Review **File 29439E, 27502E, 16417E, 12843E, 12623E, 29624E**

That:

- a) Council rescind public policy POL08/378, Sports Tourism – Upgrading Sporting Facilities, for reasons expressed within the report;
- b) Council reaffirm the following public policies:
 - i) POL12/237, Provision of Local Area BMX Circuits Policy, without amendment;
 - ii) POL12/274, Provision of Skate Parks, without amendment;
 - iii) POL12/276, Icon Park, without amendment;
 - iv) POL08/377, Sporting Groups Communications, without amendment and
 - v) POL12/213, Park Enhancement, without amendment.

379. Ulladulla Sporting Complex – Office of Liquor Gaming and Racing - Upgrade Grass Courts **File 27507e**

Withdrawn – See MIN13.396

380. Carbon Management Framework **File 45185e**

That Council:

- a) Receive and note the report on carbon management by the Sustain Group for information;

-
- b) Set a target to reduce Council's energy consumption by 10% based on the 2012 Sustain Groups audit;
 - c) Acknowledge that energy use reduction initiatives may require funding and should be included in Operational Plans;
 - d) Support the inclusion of an energy management role/function within the Council organisation to identify savings and efficiency improvement options and that this be reflected in the Organisation restructure;
 - e) Seek to maximise resource use reduction measures through a range of actions including those identified in the Sustain Groups report; and
 - f) Receive a further report after the 2013 Federal Government election to consider the carbon price scheme status and appropriate Council response and actions.

381. Voyager Memorial Park Huskisson – Revised draft Master Plan File 2893E

That Council:

- a) Adopt the revised Voyager Memorial Park Master Plan;
- b) Allocate \$10,000 from existing budgets in the 2013-14 budget to support detail design of the Remembrance Court, in preparation of significant memorial services; and
- c) Implement strategies as identified when funding becomes available.

382. Water Account Assistance - Dean's Gap Fire Affected Properties File 2213E

That a rebate on water usage charges be provided to those fire affected properties adjacent to bushland and connected to town water, in accordance with the calculation described in this report.

383. Acquisition of Easement for Sewer Rising Main at Worrowing Heights File 46478E

That:

- a) Council resolves to acquire the Easement for Sewer Rising Main over Lot 31 DP854370 at Worrowing Heights, as shown on copy of that plan, marked 'Attachment A'.
- b) Council pays compensation of \$500 and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Wastewater Fund.
- 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.

384. Acquisition from Greek Orthodox Church at Worroving Heights File 45239E

That:

- a) Council resolve to acquire the Easement for Sewer Rising Main 6 wide over Lot 1 DP807033 at Worroving Heights, as shown on copy of DP647047, marked 'Attachment A';**
- b) Council pay compensation of \$1,900, plus GST, and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Wastewater Fund; 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.**

385. Review of Shoalhaven Water Group Policies - Round 5 File 12039E

That:

- a) Council adopt the Public Policy, "Drinking Water Quality Policy", with minor changes as detailed within the report; and**
- b) Council place on public exhibition and seek submissions on the Local Approvals Policy, "Cross – Connection Control and Backflow Prevention Policy" with proposed changes as detailed within the report:**
 - i) Should Council receive no submissions or submissions that would mean minor alteration to the policy then the policy be deemed adopted at the conclusion of the submissions period.**
 - ii) Should Council receive submission(s) that are considered to have a significant effect on the policy then a further report be presented to Council.**

386. Proposed Changes to Relationship between Council and SES File 2429E, 28875E

That Council:

- a) Approve the transfer of Council owned SES operational vehicles to the SES at Council's proportion of the market values agreed to by both the General Manager and the SES;**
- b) Apply all existing SES operational budgets no longer required to its operational savings target; and**
- c) Authorise the General Manager to sign on behalf of Council the Partnership Agreement between the NSW State Emergency Service and Shoalhaven City Council.**

387. Draft Delivery Program 2013 - 2017 & Operational Plan 2013 - 2014 File 45907E

Withdrawn – See MIN13.397

388. Proposed Licence to Optus Mobile Network Pty Ltd – Flat Rock Filtration Plant , 82 Filter Road, West Nowra File 42531E

Withdrawn – See MIN13.398

389. Policy (POL08/232) – Tree Management Policy – Coastal Areas File 7378

That Council:

- a) **Adopt the proposed changes to the Tree Management Policy to enable the exemptions to be applied to private foreshore land under DCP 62 and reaffirm the remainder of the policy;**
- b) **Amend the Tree Preservation Order and gazette the changes;**
- c) **Advice be forwarded to all owners of affected private foreshore land of the changes and in particular when approval will still be required; and**
- d) **Carry out a further review of the Tree Management Policy prior to the gazettal of the Draft LEP 2013 to facilitate the preparation of a draft Development Control Plan (DCP) for tree management to enable a suitable transition from the current regulatory regime.**

390. Additional Item – Ulladulla Civic Centre – Furniture and Fittings File 37026E

That Council

- a) **Undertake an Expression of Interest process inviting community groups to outline their requirements to access furnishings fittings and other materials no longer used by the Ulladulla Civic Centre; and**
- b) **Receive a report on the matter.**

391. Additional Item – CBD & Town Centre Design & Development Conference File 3328E

That:

- a) **Council notes the details of the forthcoming conference CBD & Town Centre Design & Development Conference, scheduled for 19 and 20 June, 2013, at The Menzies, Sydney;**
- 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; and**

-
- d) **Councillors attending the conference provide a written report within 30 days of returning from the conference.**

392. (Item 12, Page 4) Review of Purchasing and Fleet Policies

File 5701E, 4092E, 16352E

MOTION:

Moved: Guile / Second: Findley

That Council:

- a) **Reaffirm the following Policies:**
- i) **Purchasing – Acceptance of Tenders – Reports to Council POL12/148;**
 - ii) **Tender Evaluation Policy – POL13/20;**
 - iii) **Statement of Business Ethics – POL12/288;**
 - iv) **Local Preference Policy – POL12/10; and**
 - v) **Plant Replacement Reserve – POL12/143;**
- b) **Council convene a briefing to discuss local preferencing policy and social preferencing provisions**

CARRIED

393. (Item 14, Page 5) Shoalhaven Entertainment Centre Sponsorship Policy

File 35525E

MOTION:

Moved: Guile / Second: White

That Council adopt the Shoalhaven Entertainment Centre Sponsorship Policy (POL12/286) with amendments as shown in this report.

CARRIED

394. (Item 18, Page 5) Draft Budget 2013/14

File 46023E

MOTION:

Moved: Wells / Second: White

That Council:

- a) **Adopts the 2013/14 Draft Budget and includes it as part of Council's Draft Delivery Program and Operational Plan for public exhibition for a period of 28 days from Friday 26th April 2013; and**
- b) **Include the IRIS survey of informed community members as part of the community consultation process for public engagement.**

CARRIED

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

AGAINST: Guile

**395. (Item 19, page 6) Shoalhaven Bereavement Services - Industry Recycling Initiative
File 7805E**

Conflict of Interest Declaration - Clr Anstiss – Significant Pecuniary Interest – Being the proprietor of the Reflections Tea Rooms - Left the room, did not take part in discussion or vote.

MOTION:

Moved: Guile / Second: Findley

That:

- a) **Metals recovered from cremations and cast bronze accumulated at Council's Crematorium at Shoalhaven Memorial Gardens & Lawn Cemetery be recycled;**
- b) **A disclosure statement be provided to cremation applicants that Shoalhaven City Council participates in a recycling program for metals recovered from cremations;**
- c) **Cremation applicants be given the option of not participating in the metals recycling program; and**
- d) **Revenue from the metals recycling program is to be distributed among suitable charities (determined by the Mayor).**

CARRIED

**396. (Item 27, Page 8) Ulladulla Sporting Complex – Office of Liquor Gaming and Racing
- Upgrade Grass Courts File 27507e**

Note: Clr Anstiss returned to the meeting

Note: Clr McCrudden left the room.

MOTION:

Moved: Anstiss / Second: Baptist

That Council:

- a) **Accept the \$50,000 funding from the Milton-Ulladulla Ex-Servos Limited as part of terms and conditions set by the Office of Liquor Gaming and Racing for additional gaming machines;**
- b) **Invoice the Office of Liquor Gaming and Racing \$25,000 in April 2013 and \$25,000 in April 2014;**
- c) **Allocate the funds to budget number 82568 to undertake capital work at Ulladulla Sports Park as identified in the terms and conditions set by the Office of Liquor Gaming and Racing;**
- d) **Consolidate the funds to capital project savings in budget number 82568, Ulladulla Netball Court Resurface, to assist in the delivery of two additional**

hard courts and that any further savings be utilised in the delivery of additional assets identified within the report;

- e) Revote the funds in budget number 82568 as an identified Capital Delivery Project in 2013/14; and
- f) Commence detailed design to construct two hard netball courts that incorporates an all weather cover from budget number 82568.

CARRIED

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

AGAINST: Findley

397. (Item 35, Page 11) Draft Delivery Program 2013 - 2017 & Operational Plan 2013 - 2014 **File 45907E**

Note: Clr McCrudden returned to the meeting

MOTION:

Moved: Anstiss / Second: White

That the draft Delivery Program 2013 – 2017 and Operational Plan 2013 – 2014 be:

- a) **Endorsed for the purposes of community consultation together with other elements of the Operational Plan 2013 – 2014; and**
- b) **Considered further by Council following the conduct of a community consultation program and receipt of community responses, prior to adoption of the final Delivery Program 2013 – 2017 and Operational Plan 2013 – 2014.**

CARRIED

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

AGAINST: Guile

398. (Item 36, Page 11) Proposed Licence to Optus Mobile Network Pty Ltd – Flat Rock Filtration Plant, 82 Filter Road, West Nowra **File 42531E**

Conflict of Interest Declaration - Clr White – Pecuniary Interest – Being a licensee for Telstra and Optus is a competitor - Left the room, did not take part in discussion or vote.

MOTION:

Moved: Findley / Second: Guile

That:

- a) **Enter into a Licence with Optus Network Pty Ltd over Part Portion 327 DP755952, known as 82 Filter Road, West Nowra, for a commencing rent of \$19,000p.a., plus GST, and subject to annual rent reviews of 5% from 15 May, 2013 for 5 years with 3 by 5 years consecutive licences to follow;**

-
- b) Delegate authority to the General Manager to finalise negotiations in relation to the occupancy licence with Optus; and
 - c) The Common Seal of the Council of the City of Shoalhaven to be affixed to any documents required to be sealed and that otherwise the General Manager is authorised to sign any documentation necessary to give effect to this resolution.

CARRIED

NOWRA POOL ADVISORY COMMITTEE – THURSDAY 28 MARCH 2013

399. Adoption of Report

Note: Clr White returned to the meeting.

MOTION:

Moved: Wells / Second: White

That the following items of the Nowra Pool Advisory Committee be adopted

CARRIED

400. Membership Request

File 43815E

That the Nowra Pool Advisory Committee accept Mr David Goodman as a representative for both Nowra CBD Action and the Shoalhaven Business Chamber.

401. Nowra Pool Upgrade - Finalisation of Design and Estimate of Cost

File 43815E

That

- a) **The following be included in the scope of works for the Nowra pool upgrade:**
 - **Replacement of existing 7 lane pool with a 9 lane (23m wide 50m long) pool, in the same location and with the same orientation, of reinforced concrete and tiled construction;**
 - **Pool profile with 1.85m at ‘deep’ end and 1.35m at ‘shallow’ end that meets the FINA standards for national swimming competitions and national water polo;**
 - **A ‘wet deck’ gutter system to 50m pool;**
 - **Provision of a new reticulation system to the 50m pool which will also service the existing waterslide pool in accordance with Public Health Act provisions;**
 - **Provision of a new reticulation system for the existing wading pool which will also be suitable for a future ‘splash pool/pad’ water play area in accordance with Public Health Act provisions;**
 - **Construction of a 3m clear width coloured concrete concourse around the 50m pool;**

- Construction of a new plant building to house pumping, filtration, heat pumps, chemical dosing, and control equipment with separate reticulation systems for the new 50m pool/existing waterslide pool and the wading pool;
 - Provision of Evacuated Tube solar heating;
 - New heat pumps to be connected to the reticulation systems;
 - Upgrade electricity supply to the site, with Power Factor Correction;
 - Fixed starting blocks at both ends of the pool;
 - New pool 'fit out' including lane ropes, pool blankets, hoist for the disabled, water polo equipment and goals, pool vacuum etc;
 - Removal of existing shade structures at ends of existing pool and their reinstatement after the pool is replaced;
- b) The funds currently voted to this project of \$7,853,705 be reduced by \$1,853,705 to \$6,000,000.

NOWRA CBD ACTION – MONDAY 8 APRIL 2013

402. Financing Options for All Day Parking in the Nowra CBD File 38027E & 45446E

Note: Clr Baptist left the room.

MOTION: Moved: Watson / Second: Guile

That:

- a) **The General Manager further investigate the borrowing capacity of Council, the sale of surplus Council assets and the commercial revenue possibilities in order to develop a multi storey car park; and**
- b) **A multi storey car park in the Nowra CBD be included in Council's Long Term Financial Plan.**

CARRIED

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

AGAINST: Findley

403. Adoption of Report

Note: Clr Baptist was absent from the meeting.

MOTION: Moved: Watson / Second: Guile

That the following items of the Nowra CBD Action be adopted.

CARRIED

404. Membership Request File 45446E

That Nowra CBD Action accept Mr Stephen Nall's request for membership.

405. Nowra CBD – Cleaning Service and Staff Hours – Trial Results File 45446E, 35106E, 27690E

That the

- a) Report on Nowra CBD increase cleaning services and re-allocation of budget be received for information;
- b) Current maintenance servicing regime on Sundays be maintained;
- c) Sunday maintenance service be funded through an adjustment to the mid-week service; and
- d) Above be trialled for 3 months.

406. Nowra CBD Works Area and Schedules File 45446E

Withdrawn – See MIN13.412

407. Draft Nowra CBD Urban Design Master Plan – Next Steps File 39962E, 43128E

That:

- a) The report of the General Manager (Strategic Planning & Infrastructure) regarding the implementation of the Draft Nowra CBD Urban Design Master Plan be received for information;
- b) The status of plans/projects for the Nowra CBD be noted;
- c) A workshop be held comprised of members of Nowra CBD Action and facilitated by Council to recommend projects and priorities to be implemented in the immediate, medium and long-term for the CBD; and
- d) The outcomes from the Workshop be used as the framework for developing Budget proposals and for monitoring actions within the Nowra CBD.

408. Parking Restriction Options – Graham Street, Nowra File 2636E, 39962E, 43128E, 2186E

That the General Manager (Director Strategic Planning & Infrastructure) undertake community consultation with a view to installing 1P parking restrictions on the western side of Graham Street, Nowra for a distance of 40m south of the raised threshold and if no adverse impact is identified during the consultation process the matter be referred to the Shoalhaven Traffic Committee for implementation.

409. Relocation of Main Taxi Rank from Junction St Nowra

File 9886E, 2636E

That

- a) The General Manager (Director Strategic Planning & Infrastructure) undertakes community consultation with all relevant stakeholders including advertising, on:
 - i) a possible relocation of the main taxi rank (currently in Junction Street) to either of the two locations nominated by Council at its February 2013 meeting, or the location proposed by the Shoalhaven Liquor Accord.**
 - ii) a separate proposal of the possibility of increasing the size of the night time taxi ranks at each hotel in the Nowra CBD.****
- b) A report be submitted to Council following the outcome of the community consultation process.**

410. Stewart Place Bus Interchange - Upgrade and Improvements

File 8028E

That

- a) An application be made for Country Passenger Transport Infrastructure Grant Scheme (CPTIGS) funding for the construction of accessibility improvements at the Stewart Place bus interchange; and**
- b) Council consults with local bus companies; the Shoalhaven Access Advisory Committee; and Nowra CBD Action requesting their feedback on operational, accessibility and upgrading issues associated with the Stewart Place bus interchange prior to the CPTIGS application being made.**

411. Graffiti Management Policy

File1244E

That the

- a) No “Graffiti Free” definition be adopted; and**
- b) Nowra CBD Action endorse the Graffiti Management Policy (POL12/323) for presentation to Council.**

412. (Item 45, Page 14) Nowra CBD Works Area and Schedules

File 45446E

Note: Clr Baptist was absent from the meeting.

MOTION:

Moved: Watson / Second: Wells

That authority be delegated to the Mayor/General Manager to determine membership of Nowra CBD Strategic Taskforce to investigate and report to Nowra CBD Action regarding a defined service area and maintenance schedule for CBD works.

CARRIED

COUNCIL PROPERTY STEERING COMMITTEE – TUESDAY 9 APRIL 2013

413. Adoption of Report

Note: Clr Baptist was absent from the meeting.

MOTION:

Moved: Guile / Second: White

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

CARRIED

414. Review of Policies - Various

File 2895E, 29219E

That Council:

- a) **Adopt Policy POL13/22 – Dealing with Requests for Closure, Sale or Transfer of Council and Crown Roads which supersedes policies POL08/367 and POL12/232; and**
- b) **Makes the following policies obsolete:**
 - i) **POL08/367 – Transfer of Crown Road Reserves to Council for Private Property Access; and**
 - ii) **POL12/232 – Consideration of Requests to Support Closure of Rural Roads.**

415. Classification of Land - Various

File 3536E, 27440E, 43218E, 35338E, 21687E, SF6559

That Council resolve to classify the land described in Schedule A as operational land in accordance with section 31 (2) of the Local Government Act, 1993.

Schedule A

| Legal Description | Locality | Purpose | Minute | Reference |
|--------------------------|------------------|---|-------------------|------------------|
| Lot 1 DP874340 | Currarong | Currarong Sewage Pumping Station | MIN12.1144 | 3536E |
| Lot 1 DP1121863 | Bendalong | Lake Conjola Sewage Scheme | MIN12.245 | 27440E |
| Lot 2 DP1121990 | Bendalong | Lake Conjola Sewage Scheme | MIN12.245 | 27440E |

| Legal Description | Locality | Purpose | Minute | Reference |
|---------------------|------------------|---|-------------|-----------|
| Lot 2 DP114419 | Shoalhaven Heads | Shoalhaven Heads Wastewater Treatment Plant | MIN12.1147 | 43218E |
| Lot 3 & 6 DP1116096 | Tomerong | Road Widening | MIN12.565 | 35338E |
| Lot 3 DP1181431 | Ulladulla | Ulladulla Wastewater Treatment Plant | MIN02.511 | 21687E |
| Lot 322 DP1176956 | South Nowra | Drainage Reserve | Refer note* | SF6559 |

416. Berry School of Arts - Lease Negotiations - Further Update File 18947E

Withdrawn – See MIN13.418

417. Berry Community Facilities – Berry Courthouse, Lot 2 DP 199995 - 58 Victoria Street, Berry File 11242E

Withdrawn – See MIN13.419

418. (Item 53, Page 18) Berry School of Arts - Lease Negotiations - Further Update **File 18947E**

Note: Clr Baptist returned to the meeting.

MOTION: Moved: Guile / Second: Robertson

That:

- a) **Council cease lease negotiations with Friends of Berry School of Arts, Inc;**
- b) **Council directly manage the Berry School of Arts in consultation with representatives of Friends of Berry School of Arts, but expedite the process to appoint a Management Committee by inviting Expressions of Interest from interested members of the community.**
- c) **The General Manager write to the Friends of Berry School of Arts and express Council's thanks for preparation of its Expression of Interest for the management of the Berry School of Arts and its commitment to its ongoing management.**

CARRIED

**419. (Item 54, Page 18) Berry Community Facilities – Berry Courthouse, Lot 2 DP 199995
- 58 Victoria Street, Berry File 11242E**

MOTION:

Moved: Guile / Second: Findley

That:

- a) Council grant concurrence to undertaking stakeholder and community consultation specifically with the Berry Alliance and the Berry Courthouse Conservation Committee regarding sustainable use and effective financial management of community facilities in Berry;
- b) Community consultation to incorporate discussion of retention, use, and occupancy management of the facilities and to determine funding models for the necessary refurbishment, restoration, repair and whole of life maintenance of facilities in Berry; and
- c) Consultation to consider the change of use from being all community based to potential of commercial use for the provision of a revenue base that may be directly applied to items in (b).
- d) Council further consider leasing the property to the current tenants subject to due process.

CARRIED

**CROOKHAVEN HEADS LIGHTHOUSE STEERING COMMITTEE – WEDNESDAY 10
APRIL 2013**

420. Crookhaven Headland Lighthouse Status Report File 42240E, 41571E

Note: Cllr Guile left the room and did not take part in discussions or vote.

MOTION:

Moved: Watson / Second: White

That:

- a) Crown Lands, Corrective Services and Lighthouses Australia representatives meet within the next 4 weeks to commence facilitating the planning and determine the timeframe for the restoration and commissioning of a contractor to do appropriate sand blasting and spray painting of the lantern;
- b) Crown Lands accept the financial implications for the initial restoration of the Lighthouse lantern; and
- c) Corrective Services provide photographs, taken as part of the restoration, and provide to the Committee for information.

That a Councillor Briefing be held to discuss:

- a) Future management of the Crookhaven Headland Lighthouse;
- b) A detailed estimate of Council's financial legacy for maintaining the lighthouse and surrounds; and
- c) A risk analysis of individuals accessing the site.

That the next meeting of the Crookhaven Headland Lighthouse Steering Committee be held in October 2013 or at a date determined by the General Manager.

CARRIED

SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 9 APRIL 2013

421. Adoption of Report

MOTION:

Moved: Findley / Second: Robertson

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

CARRIED

422. Parking Restrictions - Green Street, Ulladulla (PN 669) File 2947E

That the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the existing No Parking zones (as detailed in TRAF 2013/15) be adjusted to provide timed No Parking 8.00AM - 4.00PM School Days:

- a) Northern side of Green Street, Ulladulla (west of Camden Street) for a distance of approximately 35m; and
- b) Northern side of Green Street, Ulladulla (east of Camden Street) for a distance of approximately 14m.

423. Intersection of South and St Vincent Streets, Ulladulla (PN 1933) File 2947E

That the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the installation of the following No Stopping zones (as detailed in plan TRAF 2013/16):

- a) For a distance of 16m on the southern side of South Street, Ulladulla (east of St Vincent Street); and
- b) For a distance of 20m on the western side of St Vincent Street, Ulladulla (south of South Street).

424. No Stopping and Bus zones – McMahons Road, North Nowra (PN 2624) File 2932E, 6174E

That the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the following on the northern side of McMahons Road, North Nowra (as detailed in the attached plan TRAF 2013/17:

- a) Extend the existing No Stopping zone adjacent the pedestrian facility at Hanson's Road by approximately 9m to the west; and
- b) Install a bus zone (7.00AM – 4.00PM Mon – Fri, 7.00AM - 10AM Sat) adjacent to properties 17-19 McMahons Road (between the driveways) for a distance of approximately 20m.

425. Parking Restrictions - Isa Road, Worrigea (PN 2926) File 31143E, 28354E

That the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the installation of the following parking restrictions on Isa Road, Worrigea (as detailed in the attached plan TRAF 2013/18):

- a) No Stopping zone on the northern side of Isa Road in front of house numbers 47-55 (8AM-5.30PM Mon-Fri); and
- b) Bus zone (restricted to 2 mins) between the two driveways of the medical centre (approximately 15m).

426. Parking Restrictions - Princes Highway, Ulladulla (PN 2952) File 2947E

That the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the installation of No Stopping zones on the Princes Highway, Ulladulla (as detailed in TRAF 2013/19) at the following locations:

- a) On the eastern side of the proposed shared pathway adjacent to property # 197 Princes Highway, Ulladulla.

427. Parking Restrictions – Shoalhaven City Council - Admin Building car parks (PN 2953) File 2636E

That the General Manager (Director Finance) be advised that the Shoalhaven Traffic Committee has no objections to the proposed visitor 2P and ½P parking restrictions (9AM - 5PM Mon - Fri), as detailed in PLAN 5421-132, for the car parks adjacent to the Shoalhaven City Council administration building on Graham Street, Nowra and the Shoalhaven Entertainment Centre, Bridge Road, Nowra.

428. Centre Linemarking and RRPMS - Kangaroo Valley Road (PN 2929) File 1664E, 28099E

Note: Cllr Guile returned to the meeting

MOTION:

Moved: Findley / Second: Guile

That

- a) **The General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the installation of a guardrail on Kangaroo Valley Road in accordance with the approved Nation Building black spot project variation; and**
- b) **Request the Member for Kiama make representations directly to Roads and Maritime Services for centre line marking where appropriate on Kangaroo Valley Road between Bundewallah Road, Berry and Wattamolla Road, Berry Mountain.**

CARRIED

REPORT OF GENERAL MANAGER

FINANCE AND CORPORATE SERVICES

429. Record of Investments - March 2013

File 2126E

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

MOTION:

Moved: Wells / Second: White

That the Report of the General Manager (Finance and Corporate Services Group) on the Record of Investments for the period to 31 March 2013 be received for information.

CARRIED

NOTICES OF MOTION

430. Shoalhaven Heads Taskforce - Membership

File 45866E

Note: Clr Tribe returned to the meeting.

MOTION:

Moved: Findley / Second: Guile

That the Shoalhaven Heads Taskforce – Membership report be received for information.

CARRIED

431. Greenwell Point Boat Ramp

File 29107E

MOTION: Moved: Findley / Second: Wells

That when maintaining Greenwell Point boat ramp, Council factor in the removal of oyster and other shellfish build up.

CARRIED

432. Rates Rise Application

File 46813E

Brought Forward – See MIN13.349

433. Yerriyong Motor Sports Facility

File 42554E

MOTION: Moved: Findley / Second: Guile

That Council arrange for a comprehensive briefing on the Yerriyong Motor sports facility for effected residents including those at Parma and Yerriyong.

AMENDMENT: Moved: Watson / Second: McCrudden

That Council arrange for a comprehensive briefing on the Yerriyong Motor sports facility for effected residents including those at Parma and Yerriyong after Council receives a Development Application.

Note: Clr Gash asked Clr Guile to be factual with statements

AMENDMENT CARRIED

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

AGAINST: Findley, Guile

AMENDMENT BECOMES THE MOTION

Note: Clr Gash requested Clr Findley withdraw comments insinuating lies and innuendos in relation to other Councillors. Clr Findley withdrew the comments.

Note: Clr Guile requested a Point of Order stating that the amended motion negates the original motion, and therefore should be ruled Out of Order, and instead become a foreshadowed motion. Clr Gash ruled that there was no Point of Order.

MOTION OF DISSENT: Moved: Guile / Second: Findley

Motion of Dissent against the Mayor's ruling that there was no Point of Order in relation to the amended motion.

MOTION OF DISSENT LOST

FOR: Findley, Guile

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

AMENDED MOTION CARRIED

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

AGAINST: Findley, Guile

434. Coal Seam Gas File 43091E

Brought Forward – See MIN13.351

435. Reaffirming Support for the Southern Council's Group Statement on Coal Seam Gas File 43091E

MOTION: Moved: Findley / Second: Wells

That Council reaffirm its support for the following statement on Coal Seam Gas.

Southern Councils Group express' its concern that the short-term and long-term environmental impacts of Coal Seam Gas (CSG) activities are not well understood, at either a State-wide or regional level.

Southern Councils Group acknowledges there is widespread local community concern about and opposition to CSG in the Illawarra and South Coast.

Southern Councils Group urges the State Government to rule out CSG activities in water catchment areas.

Shoalhaven City Council notify Southern Councils Group accordingly of the decision of this motion.

CARRIED

436. Stormwater Issue Mitigation at Bawley Point File 1850E

MOTION: Moved: Baptist / Second: White

That Council investigate the remediation of stormwater flow restriction issues east of the culvert at 37 Malibu Rd and east of the culvert at the southern entrance of Voyager Crescent, Bawley Point and report back viable options to the community in a timely fashion.

CARRIED

QUESTIONS ON NOTICE

437. Adoption of Questions on Notice

MOTION:

Moved: Wells / Second: Tribe

That the following Questions on Notice be received.

CARRIED

438. Acknowledgement of Traditional Owners

File 3910E

Can the General Manager please advise when the acknowledgement of the Traditional Owners was changed, if there was a process involved i.e. any discussion with Councillors or with the Aboriginal Advisory Group.

Submitted by Clr Findley

Response

After the September 2012 elections, the Mayor requested a change to the wording for Acknowledgement of Traditional Owners and this change was reflected from October 2012 onwards.

439. Code of Conduct Complaints – Clrs White & Gash

File 4420E

Can the General Manager please advise the cost of recent code of conduct complaints against Clrs White and Gash and which part of Councils budget paid for dealing with the complaints.

Submitted by Clr Findley

Response

Costs are as follows:-

| | |
|----------------------------|------------------|
| Councillor White Complaint | \$3,349.60 |
| Mayor Gash Complaint No. 1 | Not yet received |
| Mayor Gash Complaint No. 2 | \$2,541.00 |

The budget for 2012/13 was \$10,079 plus a revote of \$5,000 = \$15,079. As at 31 March 2013 the expenditure was \$1,993

440. Procedural Motion – Introduction of Item as a Matter of Urgency

File 44691E 39801E 14557E

MOTION:

Moved: Watson / Second: Guile

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

-
- a) Addendum Report 1 – General Manager Committees Report – Policy and Resources Committee – Tuesday 16 April 2013;
 - b) Addendum Report 2 – Finance and Corporate Services – Financial Sustainability; and
 - c) Addendum Report 3 – Strategic Planning and Infrastructure – Mollymook Surf Club – Superintendent’s Representative.

CARRIED

The Chairperson ruled the matters as ones of urgency as they relate to urgent business of Council and allowed their introduction

ADDENDUM REPORT 1 – GENERAL MANAGER – COMMITTEES REPORT

POLICY AND RESOURCES COMMITTEE – TUESDAY 16 APRIL 2013

441. Council’s Revenue Policy & Potential Changes to Rating Structure

File 44691E & 2973E

MOTION:

Moved: Wells / Second: Anstiss

That the report be received for information.

CARRIED

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

AGAINST: Guile

ADDENDUM REPORT 2 - FINANCE AND CORPORATE SERVICES

442. Financial Sustainability

File 39801E

MOTION:

Moved: Wells / Second: Baptist

That Council receive the report for information.

CARRIED

ADDENDUM REPORT 3 - STRATEGIC PLANNING AND INFRASTRUCTURE

443. Mollymook Surf Club – Superintendent’s Representative

File 14557E

Conflict of Interest Declaration - Clr Kitchener – Less Than Significant Non Pecuniary Interest – Being a long serving member of the Club - left the room, did not take part in discussion or vote.

MOTION:

Moved: Findley / Second: Wells

That

- a) **Council meet the costs of providing a Superintendent’s Representative to assist Mollymook Surf Life Saving Club from Council’s Public Buildings Programmed Maintenance Inspections Budget allocation;**
- b) **That Council bring forward funding of \$250,000 from the projected 2013/14 budget to the 2012/13 budget to show Council’s commitment to the construction of this project; and**
- c) **Council write to Surf Life Saving NSW to advise of Council’s commitment to the project.**

CARRIED

444. Procedural Motion

File 45129E

Note: Clr Kitchener returned to the meeting.

MOTION:

Moved: Guile / Second: Findley

That Item 3 of the Confidential Report of the General Manager – Redevelopment of Egans Lane Car Park, be addressed in open session.

LOST

FOR: Robertson, Findley, Guile, Kitchener, McCrudden

AGAINST: Tribe, Anstiss, White, Wells, Baptist, Watson, Gash

CONFIDENTIAL REPORT OF THE GENERAL MANAGER – COMMITTEE REPORTS

POLICY & RESOURCES COMMITTEE – 16 APRIL 2013

Item

Reason

| | |
|--|--|
| Banking and Bill Payment Services Tender | 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 – Provision of Legal Services 2013-2016 | 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) |
|--|--|

COUNCIL PROPERTY STEERING COMMITTEE – 9 APRIL 2013

| Item | Reason |
|--------------------------------------|--|
| Redevelopment of Egans Lane Car 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) |

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: Watson / Second: Robertson

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)(d)(i).

The meeting moved into confidential the time being 7:05pm.

The meeting moved into open session, the time being 7:28pm.

445. Banking and Bill Payment Services Tender File 46384E

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

That

- a) **Council accept the tender from National Australia Bank for the provision of Banking and Bill Payment Services with pricing based on the submitted tender documents and Schedule of Rates – Schedule 1 for a term of 3 years with the option to renew for two further 12 month periods.**
- b) **Council investigate the possibility of moving from 3rd Party Gateway providers or negotiate a more competitive merchant service fee rate for those services with the National Australia Bank.**
- c) **Council authorise the General Manager, (Director of Finance and Corporate Services) to execute the contract and associated documents.**

That

- a) **Council appoint the following firms to its Legal Services Panel for the 2013-2016 term:**
- **Bartier Perry Pty Ltd**
 - **Bradley Allen Love Lawyers**
 - **DLA Piper Australia(Council’s insurer’s legal services provider)**
 - **Kells the Lawyers**
 - **Lindsay Taylor Lawyers**
 - **Maddocks**
 - **Marsdens Law Group**
 - **RMB Lawyers**
 - **Schmidt-Liermann**
 - **Sparke Helmore Lawyers**
 - **Wilshire Webb Staunton Beattie**
 - **Workplace Law**
- b) **Council authorise the General Manger (Director of Finance and Corporate Services) to execute the contract and associated documents for the Legal Services Panel 2013 – 2016.**

That:

- a) **The Mayor, Deputy Mayor, General Manager and staff hold discussion with the Division of Local Government to discuss options of direct dealing or other process to achieve the outcome of redevelopment of this site and community facilities and report back on those discussions**
- b) **Advise the current proponents of its intentions to cease discussions at this time.**

There being no further business, the meeting concluded, the time being 7.31pm

Clr Gash
CHAIRPERSON