
**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 19 APRIL 2016 COMMENCING AT 4.00PM**

The following members were present;

Clr Gash – Chairperson
Clr Tribe
Clr Robertson
Clr Kearney
Clr Anstiss
Clr White
Clr Wells
Clr Baptist
Clr Findley – left 7.55pm
Clr Guile
Clr Watson
Clr Kitchener
Clr McCrudden

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

243. Confirmation of the Minutes of the Ordinary Meeting of Council held on Tuesday 15 March 2016

MOTION:

Moved: Baptist / Second: Guile

That the Minutes of the Ordinary Meeting of Council held on Tuesday 15 March 2016 be confirmed.

CARRIED

244. Declarations of Interest

Conflict of Interest Declaration - Clr Watson – Item 15, Page 6 – Naming of the Shoalhaven Entertainment Centre Auditorium - less than significant non pecuniary interest – that the report and proposed naming of the SEC is of personal interest – will leave the room.

PRESENTATION

245. Emma Jene – singing ‘Beat of a Drum’

With the upcoming significance of Anzac Day, Emma Jene was invited to sing her song Beat of a Drum.

MAYORAL MINUTE – TUESDAY 19 MARCH 2016

246. Merger Proposal & Council Elections **File 50512E, 50252E**

MOTION: Moved: Gash / Second: Wells

That Council receive the report for information.

CARRIED

247. Visit from the Prime Minister, Hon Malcolm Turnbull MP **File 8324E, 50252E**

MOTION: Moved: Gash / Second: Wells

That Council receive the report for information.

CARRIED

248. Council owned & operated CCTV on Private Property **File 10357E, 50252E**

MOTION: Moved: Gash / Second: Wells

That Council write to the NSW Attorney General, the Member for Kiama and the Member for South Coast requesting the Privacy and Personal Information Protection Regulation 2014 be reviewed to provide NSW councils with an exemption from Section 11 of the Act in relation to the filming of private property such as car parks and shopping centres.

CARRIED

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

AGAINST: Findley

249. Visit to Southern Shoalhaven areas **File 50252E**

MOTION: Moved: Gash / Second: Wells

That Council receive the report for information.

CARRIED

250. Congratulations **File 50252E**

MOTION: Moved: Gash / Second: Wells

That Council receive the report for information.

CARRIED

251. Appointment of Unit Controller - SES St Georges Basin **File 50252E**

MOTION: Moved: Gash / Second: Wells

That Council receive the report for information.

CARRIED

252. White Sands & Blessing of the Fleet Festival **File 47520E/3, 8029E/2, 50252E**

MOTION: Moved: Gash / Second: Wells

That Council receive the report for information.

CARRIED

253. Other events attended **File 50252E**

MOTION: Moved: Gash / Second: Wells

That Council receive the report for information.

CARRIED

254. Thank you **File 50252E**

MOTION: Moved: Gash / Second: Wells

That Council receive the report for information.

CARRIED

DEPUTATIONS

255. Deputations

Item 28 - No Stopping Zone Extension – North Street, Nowra (page 14)

- Arapi Ilango - Engineering Survey Group spoke against the recommendation.

PROCEDURAL MOTION:

Moved: Guile / Second: Wells

That Item 28, Page 14 – No Stopping Zone Extension – North Street, Nowra be brought forward for consideration.

CARRIED

SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 12 APRIL 2016

256. (Item 28, Page 14) No Stopping Zone Extension - North Street, Nowra (PN 3276) File 2636E, 2617E, 2014E

MOTION:

Moved: Wells / Second: Guile

That:

- a) **The General Manager (Director Assets and Works) be requested to arrange for the extension of the existing No Stopping zone a further 6m (approximately) east of its current location on the southern side of North Street, east of Kinghorne Street, Nowra, as detailed in TRAF 2016/25;**
- b) **Staff investigate the installation of a pedestrian crossing at the intersection of North and Moss Streets, Nowra and the installation of traffic lights should funding be available.**

CARRIED

DEPUTATIONS - CONTINUED

257. Deputations – Continued

Item 45 - Draft Chapter S2 Badgee Urban Release Area, Shoalhaven Development Control Plan 2014 - Exhibition Outcomes (Page 41)

- Ralph Lucas - Lucas Property Group spoke for the recommendation
- Dawn Pearse spoke against the recommendation

PROCEDURAL MOTION:

Moved: Wells / Second: Guile

That Item 45, Page 41 - Draft Chapter S2 Badgee Urban Release Area, Shoalhaven Development Control Plan 2014 - Exhibition Outcomes be brought forward for consideration.

CARRIED

PLANNING AND DEVELOPMENT

258. (Item 45, Page 41) Draft Chapter S2 Badgee Urban Release Area, Shoalhaven Development Control Plan 2014 - Exhibition Outcomes File 47610e (PDR)

MOTION:

Moved: Wells / Second: Kearney

That Council:

- a) **Adopt the draft Chapter S2 Badgee Urban Release Area for inclusion in the Shoalhaven Development Control Plan 2014, subject to the following changes:**
- i) **Insert Mandatory Control to Section 5.2 Subdivision and Staging as follows:**
Should a change in the staging plan be proposed, provision of infrastructure will be at the expense of the developer, including construction of the temporary Flood Free Access Road.
 - ii) **Delete Mandatory Control C6 i. and ii. from Section 5.3 Flooding and Flood Free Access Road;**
 - iii) **Reword Mandatory Control C1 from Section 5.5 Biodiversity Conservation as follows:**
An Environmental Management Plan over the Central Precinct must be prepared in conjunction with the first stage of subdivision, prior to issue of the subdivision construction certificate. Refer to Section 6.1 for Environmental Management Plan requirements;
 - iv) **Reword the requirement for a Tree and Vegetation Plan Under 6.2 Information required with subdivision applications as follows:**
A tree and vegetation plan showing significant individual trees such as Hollow Bearing Trees and Feed Trees which are to be retained within the Asset Protection Zones. Outside of the Asset Protection Zones, a more general plan may be provided showing areas where trees and vegetation are to be removed or retained.
 - v) **Clause 5.3.2 C5 be amended to:**
The Temporary Flood Free Access Road shall be in the same alignment as the future permanent Flood Free Access Road or as an alternative, shall utilise existing trails where possible, where

upgrading of such trails can be carried out with minimal environmental impact.

- b) Consider the construction of the proposed roundabout on Sussex Inlet Road as part of the assessment of the subsequent development application for subdivision.
- c) Notify all submitters of this resolution and notify the adoption of the draft Chapter in accordance with the *Environmental Planning and Assessment Regulation 2000*

CARRIED

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

AGAINST: Findley

DEPUTATIONS – CONTINUED

259. Deputations – Continued

Note: Clr Watson was absent from the meeting.

Item 46 Development Application Retail Development, Princes Hwy Bomaderry (page 48)

- Mr Wes Hindmarsh spoke for the recommendation.

Note: Clr Watson returned to the meeting.

- Mr Wes Dose (Applicant) spoke against the recommendation.

PROCEDURAL MOTION:

Moved: White / Second: Kearney

That Item 46, Page 48 - Development Application Retail Development, Princes Hwy Bomaderry be brought forward for consideration.

CARRIED

PLANNING AND DEVELOPMENT

260. (Item 46, Page 48) Development Application - Demolition of existing structures, bulk earthworks, construction of a retail development, associated car parking, advertising signage, landscaping, new vehicle access points and works within the adjoining road reserve - Lot 7 DP 583795 Princes Highway and Lot 2 DP 655641 (No.320) Princes Highway, Bomaderry. Applicant/Owner: The Planning Group NSW / Fabcot Pty Ltd File: DA14/2579-03, 52652E (PDR)
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Note: Note: A Rescission motion was received on this item

MOTION:

Moved: White / Second: Baptist

That Council:

- a) **Approve Development Application 14/2579 subject to conditions for the following reasons:**
- i) **The development is permissible in the zone and the economic impact is not of such a degree that would undermine the viability of the existing centres and as such would not warrant refusal.**
 - ii) **Improved convenience to the broader public and future residents outweighs the potential negative impact on existing businesses/centres**
 - iii) **The benefits of providing a full-line supermarket addresses the unsatisfied and under-supply of supermarket floor space in the area and north of the Shoalhaven River.**
- b) **Request the General Manager to prepare an additional report to Council with draft conditions of consent to the next Development Committee Meeting.**
- c) **Undertake a review of the strategic planning framework as it applies to retail and business in the northern Shoalhaven, in particular in the context of the Nowra Bomaderry Structure Plan and the SLEP 2014 zoning provisions to be completed by December 2016.**
- d) **As part of the retail and business review landowners be consulted.**

PROCEDURAL MOTION:

Moved: Guile / Second: McCrudden

That the meeting move into confidential session in accordance with Section 10(A)(2)(g) of the Local Government Act 1993 to discuss this item.

Section 10(A)(2)(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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 conduct appropriate legal proceedings.

PROCEDURAL MOTION CARRIED

The meeting moved into confidential session the time being 5.22pm

Note: No motions were moved or resolutions made during confidential session.

The meeting moved into open session the time being 5.51pm

The following members were present:

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

PROCEDURAL MOTION:

Moved: Findley / Second: Guile

That the meeting move into Committee of the Whole to allow for further discussion on this item.

LOST

FOR: Findley, Guile, Kitchener, McCrudden

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

PROCEDURAL MOTION:

Moved: Kearney / Second: Gash

That the MOTION be PUT.

LOST

FOR: Kearney, White, Wells, Gash

AGAINST: Tribe, Robertson, Anstiss, Baptist, Findley, Guile, Watson, Kitchener, McCrudden

MOTION CARRIED

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

AGAINST: Findley, Guile, Watson, Kitchener, McCrudden

Note: A Rescission motion was received on this item

261. Adjournment of the meeting

The Chairperson adjourned the meeting for a five (5) minute break the time being 6.40pm.

The meeting reconvened the time being 6.46pm

The following members were present;

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

REPORT OF THE GENERAL MANAGER – COMMITTEES REPORT

STRATEGY AND ASSETS COMMITTEE – TUESDAY 12 APRIL 2016

262. Adoption of Report

MOTION: Moved: Guile / Second: White

That the following items of the Strategy and Assets Committee be adopted.

CARRIED

263. Heritage Estates - Proposed Gates/Barriers – Traffic Committee Referral File 1446E/4

This item was dealt with later in the meeting see MIN16.278

264. Shoalhaven Business Chamber - Memorandum of Understanding - Economic Development **File 36320E**

That:

- a) Council enters into a new Memorandum of Understanding with the Shoalhaven Business Chamber for the three financial years being 2016/2017, 2017/2018 and 2018/2019:
 - i) for the delivery of the Shoalhaven Business Awards; and
 - ii) for a business events/training program.
- b) Council allocate \$40,000 in the Economic Development budget for each financial year for the duration of the Memorandum of Understanding.

265. Request for Community Consultative Body Recognition - Hyams Beach **File 1792E, 34354E**

That Council:

- a) Formally recognise Hyams Beach Villages Association as the Community Consultative Body for the Hyams Beach area;
- b) Authorise the payment of \$125 from its donations vote to assist HBVA in its administrative costs and/or hall hire expenses for the remainder of 2015/16.

266. Lehman Brothers Australia Ltd - Class Action - Acceptance of Covenant **File 35194E**

That Council resolve for the General Manager and Mayor to execute the Deed of Covenant (Confidential Attachment A) to ensure Council has entitlement to claim as per the Claim Data Notice (Confidential Attachment B) in relation to the above Class Action.

267. Request for Donation – Ulladulla and Districts Blessing of the Fleet Festival **File 4771E, 8029E, 1247E, 2245E, 3076E, 49285E**

That Council

- a) Continue to support the current arrangement for an annual contribution of \$10,000 towards the Ulladulla and Districts Blessing of the Fleet Festival.
- b) Waive the cost of the hire and cleaning fees for the use of the Ulladulla Civic Centre and grounds and the Foreshore Reserve for the Ulladulla and Districts Blessing of the Fleet Festival and Princess Ball events in 2016 and future years, with the fees for the 2016 event (\$3682) to be sourced from the Unallocated Donations budget.
- c) Funds for the waiving of the fees for future Ulladulla and Districts Blessing of the Fleet Festivals to be sourced from the Allocated Donations Budget.

268. Request for Donation - Australia Day Event in Nowra **File 4771E**

That this item be deferred until the General Manager and the Mayor meet with the Rotary Club of South Nowra to consider what arrangements they can come up with in relation to managing costs for the event.

269. Berry District Park Draft Master Plan **File 49929e**

This item was dealt with later in the meeting see MIN16.279

270. Draft Policy for Adoption – Management of Mobile Food Vending Vehicles
File 33417E, 52631E

This item was dealt with later in the meeting see MIN16.280

271. Rural Fire Service - Capital Works Program **File 2371E**

That:

- a) Council provides a commitment to contribute 11.7% of the amount the Shoalhaven District Rural Fire Service (RFS) secures for Capital Projects through the Rural Fire Fighting Fund (State Government) in accordance with this report.**
- b) Council allocates in the 2016/17 Operational Plan budget the amount of \$1,307,000 towards the RFS contribution.**
- c) All fire brigades listed are communicated with in relation to the Station upgrades.**

272. Mollymook Beach Reserve - Inclusive Play Space – Adult ‘Changing Places’ grant
File 50637E

That Council:

- a) Accept the \$35,000 grant from LGNSW to contribute towards the cost of a Changing Places room at the Mollymook Beach Reserve, be accepted**
- b) Accept the donation of \$20,000 from the Budawang School (for students with moderate or severe physical disabilities) and thank them for their contribution**
- c) Allocate \$105,000 from the 2016/2017 Operational Plan budget within the Public Toilets Replacement Program to the Mollymook Changing Places room and accessible toilet construction**
- d) Allocate the Operating Expenses budget be increased by \$8,000 in 2016/17, and by \$17,200 in subsequent financial years, resulting from the new Mollymook beach reserve toilet construction**
- e) Consider funding other improvements in the Mollymook Beach reserve in the 2016/17 Operational Plan budget**

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- f) Request additional funding from LGNSW for the Changing Places room at the Mollymook Beach Reserve.
 - g) Priority be allocated to a contribution towards a public toilet at Clifton Park (Men's Shed) as part of the 2016/17 Public Toilet Replacement Program.

273. Request for Donation - Council Slashing Works at the Old Pyree School Site **File 4771E, 5469E**

That:

- a) Council subsidise the Pyree Public School Site Management Committee for the cost of slashing (\$720 annually) of the Old Pyree School Site for three (3) years commencing in 2016/2017.
- b) Funds to be sourced from the 2016/2017 to 2018/2019 Unallocated Donations Budget.

274. Acquisition of water supply easement at Woollamia Road Huskisson **File 30773E**

That:

- a) Council resolve to acquire an Easement for Water Supply variable width over Lot 1 DP1044611 Woollamia Road Huskisson, as shown by hatching on copy of DP1204307 marked Attachment 'A'.
- b) Council pay compensation of \$4,500 plus GST and costs associated with the acquisition, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Water fund.
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

275. Greenwell Point Anzac Park & Old Berrys Wharf **File 6037E, 49285E, 2422E**

That:

- a) Council treat foreshore erosion affecting Greenwell Point Anzac Park and the site of the old Berrys Wharf by undertaking remediation works that involves installation of rock armour and mid-slope path and seek concurrence from Office of Environment & Heritage (OEH) (Option 1 as identified in the Attachment B to this report).
- b) Council consider allocating \$100,000 in 16/17 budget process to treat foreshore erosion affecting Greenwell Point Anzac Park and the site of the old Berrys Wharf.
- c) Council request OEH to have the old Berrys Wharf site placed on the NSW State Heritage Register and develop appropriate heritage signage installation.
- d) Council advise "Get To The Point Program Inc" and Nowra RSL Sub-Branch of the above resolution.

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- e) **That the General Manager provide a report to Council on the Berry's Bay Wharf and the possibility of the funding of the reconstruction of the wharf**

276. Coolangatta - St Andrews Way - Long term wastewater needs - options File 50317e

This item was dealt with later in the meeting see MIN16.281

277. Naming of Shoalhaven Entertainment Centre Auditorium File 36592E

This item was dealt with later in the meeting see MIN16.282

278. **(Item 1, Page 1) Heritage Estates - Proposed Gates/Barriers – Traffic Committee Referral** File 1446E/4

MOTION: Moved: Tribe / Second: White

That Council:

- a) **Grant consent to install the proposed gates and barriers in accordance with section 118 of the Roads Act 1993 (the Act) and the Shoalhaven Traffic Committee's recommendation;**
- b) **Undertake a risk assessment and determine if it is appropriate to allow vehicles into the area given their current condition of the tracks;**
- c) **Investigate whether appropriate control measures can be put in place to mitigate risk;**
- d) **Subject to the outcomes of b) and c), develop a protocol for providing vehicular access to landowners and the general public which minimises Council's exposure to public liability claims, provides keys to the land owners at no cost to the land owners and Council write to the land owners to advise the results of the risk assessment so that they are aware of the risk of accessing the land by vehicle.**

CARRIED

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

AGAINST: Guile

279. **(Item 7, Page 2) Berry District Park Draft Master Plan** File 49929e, 49285E, 3723E, 5714E

MOTION: Moved: Guile / Second: Findley

That:

- a) **Council adopt the Berry District Park Draft Master Plan with the amendments as detailed in this report which includes the following main changes:**

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- i) **Need for further archaeological studies**
 - ii) **Modification to off street car parking area “G” to provide for long vehicle parking**
 - iii) **Inclusion of cycling facility**
 - iv) **Roads & Maritime Service land to remain in their ownership (control by Council)**
- b) **Council consider allocating \$100,000 in the 2016/17 budget to undertake staged detailed design and development of a Business Plan to guide future delivery of Berry District Park and ensure it is “shovel ready” for future grant applications.**
 - c) **Council consider development of the Berry District Park in its future Delivery Program.**
 - d) **Council seek grant funding to develop Berry District Park**
 - e) **Council work with Roads & Maritime Service staff to encourage in-kind support to start developing key earthwork elements of the Berry District Park Master Plan.**
 - f) **Council continue to assist the Berry Garden Club to develop the George Street Reserve.**
 - g) **Council seek further community feedback via public exhibition of the proposed name change from Berry District Park to “Boongaree Park (the original Aboriginal name for the Berry/Broughton Creek area) and receive a report on this matter;**
 - h) **Council seek further feedback by way of community consultation in relation to the naming of the sporting precinct Bill Bramley.**

CARRIED

280. (Item 8, Page 3) Draft Policy for Adoption – Management of Mobile Food Vending Vehicles **File 33417E, 52631E**

MOTION: Moved: White / Second: Baptist

That:

- a) **This item be deferred until the next meeting of Strategy & Assets Committee**
- b) **That the Draft Policy be amended to:**
 - i) **Remove specific locations, with any proposed locations to be assessed on merit**
 - ii) **Extend trading restrictions to locations 1km from the nearest shop selling similar products.**

CARRIED

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

AGAINST: Guile

281. (Item 14, Page 5) Coolangatta - St Andrews Way - Long term wastewater needs - options **File 50317e**

MOTION:

Moved: Guile / Second: White

That:

- a) Council recognise in principle, that the long-term wastewater needs for St Andrews Way estate, Coolangatta; 99 Edward Wollstonecraft Lane, Coolangatta and No.'s 1260 – 1280 Bolong Rd, Coolangatta (Berry's Bay) is to connect to pressurised reticulated sewer, pending Council approval of a financial plan to fund the scheme;
- b) The financial plan will determine what, if any, additional contributions may be payable by existing residents; and
- c) Options to fund the sewer scheme are to be reported to Council once the outcome of the potential merger with Kiama Council is determined, in accordance with section 23A of the Local Government Act (merger guidelines).

CARRIED

282. (Item 15, Page 6) Naming of Shoalhaven Entertainment Centre Auditorium **File 36592E, 53201E**

Conflict of Interest Declaration - Cllr Watson – less than significant non pecuniary interest – that the report and proposed naming of the SEC is of personal interest - left the room, did not take part in discussion or vote.

MOTION:

Moved: McCrudden / Second: Guile

That:

- a) The matter of the auditorium at the Shoalhaven Entertainment Centre being named the Greg Watson Auditorium be laid on the table;
- b) A panel of all Cllrs be formed to discuss a way forward for recognition for Cllr Watson's contributions to the City.

CARRIED

SHOALHAVEN HEADS ESTUARY TASKFORCE COMMITTEE – 30 MARCH 2016

283. Study to investigate options for improving flows of the Shoalhaven River at Shoalhaven Heads-update **File 9825E**

Note: Clr Watson returned to the meeting.

MOTION:

Moved: Robertson / Second: White

That:

- a) Council notes that the Shoalhaven Heads Estuary Taskforce recommends the creation of a permanent or a semi-permanent non-navigable river entrance at Shoalhaven Heads as it is the only way in which river flow and the maintenance of an essentially marine environment can be established at the Heads.
- b) The Shoalhaven Heads Estuary Taskforce concludes that the permanent opening would increase the amenity, recreational environment and economic development of the community and the NSW tourism initiative of the Grand Pacific Drive.
- c) A memo from Dr Will Glamore on the additional investigation be included as an appendix to the report 'Management Options for improving flows of the Shoalhaven River at Shoalhaven Heads'.
- d) Dr Will Glamore be invited to a public meeting at Shoalhaven Heads to present the findings of his report.
- e) A brochure be sent to all Shoalhaven Heads residents and be placed on Council's internet outlining and incorporating the findings of the report by Dr Will Glamore and the Taskforce's recommendation for a semi-permanent non-navigable river entrance at Shoalhaven Heads.
- f) A media release be organised to present the findings of the report and clearly highlight the needs for Federal and private enterprise funding and include the Taskforce recommendation relating to the permanent or a semi-permanent non-navigable river entrance at Shoalhaven Heads.
- g) Progress on the status of implementation of the recommendations of the report be presented to the Shoalhaven Heads Estuary Taskforce and to Council on a regular basis through its Natural Resources and Floodplain Management Committee
- h) That members of the Taskforce be thanked for their active contributions to this study.

CARRIED

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

AGAINST: Findley

SHOALHAVEN SPORTS BOARD – THURSDAY 31 MARCH 2016

284. Adoption of Report

MOTION:

Moved: White / Second: Guile

That the following items of the Shoalhaven Sports Board be adopted.

CARRIED

285. Shoalhaven Sports Board Review - Final Report

File 12623E

That:

- a) **The Shoalhaven Sports Board not adopt the recommendation and that the current structure remain.**
- b) **A workshop be scheduled, as soon as convenient, with a majority of members of the Shoalhaven Sports Board, to discuss the recommendation contained in the Shoalhaven Sports Board Review report with a view to adopting those deemed appropriate.**

286. Additional Item – Workshop on Review of Fees and Charges

File 52812E

That:

- a) **the Shoalhaven Sports Board indicate to Council that it is opposed to the introduction of any fees for groups currently not charged fees on sporting grounds.**
- b) **Should Council consider the introduction of fees, the proposals be workshopped with the Shoalhaven Sport Board prior to Council's final determination.**

SHOALHAVEN NATURAL RESOURCES & FLOODPLAIN MANAGEMENT COMMITTEE – WEDNESDAY 6 APRIL 2016

287. Election of Acting Chairperson/Chairperson

File 53021E

MOTION:

Moved: White / Second: Kitchener

That Clr Findley be appointed as the Chairperson for the Shoalhaven Natural Resources and Floodplain Management Committee.

CARRIED

SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 12 APRIL 2016

288. Adoption of Report

MOTION:

Moved: Robertson / Second: White

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

CARRIED

289. Road Safety - Intersection of Grange Road and The Wool Road, St Georges Basin (PN 1209) **File 1713E**

That the General Manager (Director Assets and Works) be requested to install the following linemarking and signage upgrades at the intersection of Grange Road and The Wool Road, St Georges Basin as detailed in TRAF 2016/18:

- a) **Extend E1 linemarking 20m into Grange Road**
- b) **Install C1 linemarking across the intersection, on the alignment of the curve to delineate the eastbound travel lane on The Wool Road**
- c) **Remark and extend the BB linemarking on the curved alignment to allow a 10m gap centralised over the intersection**
- d) **Existing turn warning sign and 35km/h supplementary speed advisory signs on The Wool Road on both approaches to intersection to be duplicated**
- e) **Grade shoulder of grass and debris to reveal existing E1 linemarking on The Wool Road**
- f) **Remark all linemarking east and west of the intersection for a distance of 100m and install centreline and edgeline RRPMS at 12m spacings**
- g) **Remark all linemarking north of the intersection for a distance of 30m and install centreline and edgeline RRPMS at 12m spacings**

290. Temporary Road Closures for ANZAC Day Services and Marches (PN 2776)

File 8601E

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the following temporary road closures to enable ANZAC Day marches and commemorative services to be held on Monday, 25 April 2016:

Berry – Assemble in Queen Street adjacent to Apex Park at 10.20am. The march will move off at 10.30am via Queen and Alexandra Streets to War Memorial Gardens for the one (1) hour service.

Bomaderry – Dawn Service in Walsh Memorial Park, Meroo Street commencing at 5.45am – Memorial Service – Assemble in Bunberra Street adjacent to Bomaderry RSL Club at 9.00am and march to Walsh Memorial Park in Meroo Street at 9.15am via Bunberra and Meroo Streets for service at 9.30am.

Callala Beach – A Memorial Service will be held at the Cenotaph in the grounds of the Callala RSL Country Club commencing at 10.00am.

Culburra – Assemble in Culburra Bowling and Recreation Club car park at 11.30am. March to the Culburra Community Centre at 11.45am via West Crescent and Culburra Road for service at 12noon.

Greenwell Point – Dawn Service – Assemble at Greenwell Point Memorial Hall at 5.10am and march to ANZAC Park via Greenwell Point Road for service commencing at 5.30am.

Huskisson – Assemble in Hawke Street adjacent to White Sands Park at 10.15am. The march will move off at 10.30am via Hawke, Owen and Currambene Streets to Voyager Park for service commencing at 11.00am.

Kangaroo Valley – Assemble at the Showground at 9.45am for march to commence at 10.00am travelling along Moss Vale Road to Cenotaph for service, returning along same route for dispersal at the Showground at approx 11.00am.

Milton - Assemble at the intersection of the Princes Highway and Church Street at 10.20am for march to commence at 10.30am along the Princes Highway to Milton Cenotaph for service expected to be completed by 12.00pm.

Nowra – Assemble at 10.00am in Junction Street between Berry and Osborne Streets, form up at 10.30am and march to Memorial Gates at Nowra Showground for a one (1) hour service after which the assembly will march along Junction Street to Shoalhaven Street where the parade will be dispersed.

Shoalhaven Heads – Assemble at 5.30am adjacent to the Centre Shops in Shoalhaven Heads Road with march to commence at 5.45am to the Shoalhaven Heads Memorial Park via Shoalhaven Heads Road for the service.

St Georges Basin – Memorial Service – Assemble at the Lions Park Memorial, Island Point Road (opposite hardware store) at 10.50am for service commencing at 11.00am.

Sussex Inlet – Assemble in Nielson Road adjacent to the RSL Sub Branch Hall at 9.45am for march commencing at 10.00am to the Sussex Inlet War Memorial at the RSL Club for the service.

**291. Signage and Linemarking Plan - GP Super Clinic, Scenic Drive, Nowra (PN 3181)
File RA13/1002**

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the regulatory signage and linemarking proposed as part of the access amendments for the GP Super Clinic, Scenic Drive, Nowra as detailed in TRAF 2016/19.

292. Proposed additional vehicle control measures - Heritage Estates, Worrowing Heights (PN 3260) File 1446E

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the following proposed vehicle control measures being installed as detailed in TRAF 2016/20:

- a) A locked gate and barriers across Birriga Avenue between Lots 25 and 56 DP 8771 (west of the Greek Orthodox Church), and
- b) Steel cable and post/boulder fencing on the western side of Naval College Road between Wanawong Boulevard and Erowal Bay Road.
- c) All control measures are to be located outside the clear zone

293. Relocation of Visitor Information Centre to the Shoalhaven Entertainment Centre (PN 3261) File 2636E, 1478E

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the following amendments to the existing parking restrictions as detailed in TRAF 2016/21:

- a) Convert 4 x 30 minute (1/2P) parking spaces and 9 x 2 hour (2P) parking spaces time restricted (9am-5pm Mon-Fri) to 13 x 1 hour (1P) parking spaces time restricted (9am-5pm Mon-Fri)
- b) Convert 28m existing No Parking - pick up drop off to No Parking - Vehicles and Combinations over 6m excepted, time-restricted to 30 minutes on the eastern side of the service road between the Shoalhaven Entertainment Centre and the Council Administration Building
- c) Convert 28m existing No Parking - pick up drop off to No Parking - Vehicles and Combinations over 6m excepted, time-restricted to 30 minutes on the western side of the service road between the Shoalhaven Entertainment Centre and the Council Administration Building

294. Parking Restrictions - Leonard Street, Bomaderry (PN 3263) File 1667E, 2936E

That the General Manager (Director Assets and Works) be requested to install Double Barrier (BB) centre linemarking for a distance of approx. 60m on the curve in Leonard Street, Bomaderry (between Peace Street and Shirley Street) as detailed in TRAF 2016/22.

295. Give Way or Stop Sign - Edward Street, Berry (PN 3273) File 1664E

That the General Manager (Director Assets and Works) be requested to arrange for the installation of a Give Way sign and associated TB/TB1 hold line on Edward Street at its intersection with North Street, Berry as detailed in drawing TRAF 2016/23.

296. Regulatory Signage and Linemarking - Central Avenue, South Nowra (PN 3275)
File 51373E

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the regulatory signage and linemarking associated with the road rehabilitation works on Central Avenue, South Nowra, as detailed in TRAF 2016/24.

297. No Stopping Zone Extension - North Street, Nowra (PN 3276)
File 2636E

This item was brought forward and dealt with earlier in the meeting see MIN16.256

298. Give Way Sign - Jasmine Drive, Bomaderry (PN 3277)
File 1667E, 3995E

That the General Manager (Director Assets and Works) be requested to arrange for the installation of a R1-2B Give Way sign and associated TB/TB1 linemarking on Jasmine Drive at its intersection with Meroo Road, Bomaderry as detailed in TRAF 2016/26.

299. Regulatory Signage and Linemarking Plan - Wuru Drive, Burrill Lake (PN 3278)
File 3A07/1005R, CC15/1879

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed roundabouts, and installation of regulatory signage and linemarking proposed at the intersection of Wuru Drive / Macquarie Drive and Macquarie Drive / Superior Avenue, Burrill Lake as detailed in TRAF 2016/27, subject to items of a technical nature.

300. Timed Loading Zone - Meroo Street, Bomaderry (PN 3279)
File 2936E, DA15/2090

This item was dealt with later in the meeting see MIN16.304

301. No Stopping Zone Extension - Isa Road, Worrigea (PN 3280)
File 31143E

That the General Manager (Director Assets and Works) be requested to arrange for the extension of the existing No Stopping zone (8am-5.30pm MON-FRI) from its current location at the boundary of 45 and 47 Isa Road, Worrigea to the boundary of 41 and 43 Isa Road, Worrigea (a distance of approx. 36m) as detailed in TRAF 2016/29.

302. Regulatory Signage and Linemarking Plan – 1 & 1A Beach Street, Huskisson (PN 3281)
File DA07/1650-04

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the installation of regulatory signage and linemarking proposed as part of construction of a residential building comprising four levels of residential units at 1 & 1A Beach St, Huskisson, as detailed in TRAF 2016/30.

303. Linemarking and Signage Plan - Culburra Road, Wollumboola (PN 3282)

File 53050E

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the installation of regulatory signage and linemarking proposed as part of the road rehabilitation project on Culburra Road, Wollumboola as detailed in TRAF 2016/31.

304. (Item 31, Page 15) Timed Loading Zone - Meroo Street, Bomaderry (PN 3279)

File 2936E, DA15/2090

MOTION:

Moved: White / Second: Kearney

That the General Manager (Director Assets and Works) be requested to arrange for the following parking restriction amendments in Meroo Street, Bomaderry, as detailed in TRAF 2016/28a & 28b:

- a) on the western side of Meroo Street, south of the pedestrian facility adjacent to 71 Meroo Street, relocate the existing R5-400(R) No stopping sign 6m north of its existing location
- b) on the western side of Meroo Street, north of the pedestrian facility adjacent to 71 Meroo Street, remove the existing No Stopping zone and install a Loading zone (time restricted to 7am-12pm Mon to Fri), combined with a 1P parking zone (time restricted to 12pm-6pm Mon to Fri, 8.30am-12.30pm Sat), for a distance of 14m (to the driveway between 69 and 67 Meroo Street)
- c) on the eastern side of Meroo Street north of the pedestrian facility adjacent to 31 Meroo St, relocate the existing R5-400(R) No Stopping sign 6m south of its existing location.

CARRIED

REPORT OF THE GENERAL MANAGER

305. Public Exhibition - Draft Delivery Program & Operational Plan 2016 - 2017

File 52309E

MOTION:

Moved: Wells / Second: Baptist

That the draft Delivery Program and Operational Plan (DP/OP) 2016 - 2017 be:

- a) Endorsed for the purposes of community consultation; and
- b) Considered further by Council following the community consultation program and receipt of community responses, prior to adoption of the final Delivery Program and Operational Plan 2016 - 2017.

CARRIED

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

AGAINST: Guile

CORPORATE AND COMMUNITY SERVICES

306. Appointment - New Members to Shoalhaven Tourism Advisory Group File 1490E

MOTION: Moved: Wells / Second: Baptist

That Council appoint the following:

- a) **Catherine Shields – reappointed**
- b) **Annie Cochrane – reappointed**
- c) **Matthew Forbes – new member**

CARRIED

307. 2015/16 Council Borrowings – Loan Agreement File 51035E

MOTION: Moved: Tribe / Second: White

That Council enter into a loan agreement, executed under seal of Council, with New South Wales Treasury Corporation for the amount of \$7,200,000 with a term of ten years to cover the costs of the Jerberra Estate infrastructure works.

CARRIED

308. Investment Report – March 2016 File 2126E

MOTION: Moved: Wells / Second: Baptist

That the Report of the General Manager (Corporate Services and Community Services Group) on the Record of Investments for the period to 31 March 2016 be received for information.

CARRIED

309. Draft Budget and Delivery Program 2016 / 2017 File 49285E

MOTION: Moved: Wells / Second: Baptist

That Council adopts the 2016/2017 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 Wednesday 20th April 2016.

CARRIED

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

AGAINST: Guile

ASSETS AND WORKS

310. Adoption of Report – Assets and Works

MOTION: Moved: Robertson / Second: Tribe

That the following items of the Assets and Works Report be adopted.

CARRIED

311. Tender - Construction of Boat Ramp and Carpark - Sanctuary Point File 52775E

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

312. Tender – Blackspot Construction of Road Shoulders – Sussex Inlet Road File 52803E

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

313. Tender – Blackspot Construction of Road Shoulders - The Springs Road, Swanhaven File 52805E

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

314. Memorandum of Advice – Car Park at Owen Street, Huskisson & Civic Centre Site Bridge Road, Nowra File 35143E, 52523E

That Council receive the Report of the General Manager (Assets & Works) on the Memorandum of Advice – Car Park at Owen Street, Huskisson & Civic Centre Site Bridge Road, Nowra.

315. Tender – Shoulder widening - Lake Conjola Entrance Rd, Conjola Park File 52807E

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

PLANNING AND DEVELOPMENT

316. Draft Chapter S2 Badgee Urban Release Area, Shoalhaven Development Control Plan 2014 - Exhibition Outcomes File 47610e
-

This Item was brought forward and dealt with earlier in the meeting see MIN16.258

317. Development Application - Demolition of existing structures, bulk earthworks, construction of a retail development, associated car parking, advertising signage, landscaping, new vehicle access points and works within the adjoining road reserve - Lot 7 DP 583795 Princes Highway and Lot 2 DP 655641 (No.320) Princes Highway, Bomaderry. Applicant/Owner: The Planning Group NSW / Fabcot Pty Ltd File: DA14/2579-03
-

This item was brought forward and dealt with earlier in the meeting see MIN16.260

NOTICES OF MOTION

318. **Clean Up Order – Culburra Beach Service Station** **File ON2015/3839**
-

MOTION: Moved: Tribe / Second: Gash

That Council order the immediate clean-up of the old service station site at the gateway to Culburra Beach and if necessary take legal action to ensure that work is done to both remove graffiti and secure the area.

CARRIED

319. **Council to approach Gilmore election candidates to fund local infrastructure projects** **File 8324E**
-

MOTION: Moved: Guile / Second: McCrudden

That:

- a) Shoalhaven City Council requests of Gilmore Federal Election candidates a commitment to fund the following projects and/or initiatives that will directly contribute to the economic development and employment of Shoalhaven residents:
1. Princes Highway funding for Berry to Bomaderry (Stage 3)
 2. Replacement of the original Shoalhaven River bridge and associated road infrastructure improvements
 3. Funding for a North Nowra Link Road to reduce dependence on Illaroo Road and to increase the development potential of areas north of Nowra and the Taylors Lane and Moss Vale Road precincts
 4. Funding for the East Nowra Sub Arterial road to provide for efficient road transport through Nowra.
 5. Funding for a Milton/Ulladulla bypass (planning, design and construction)
 6. Funding for the rejuvenation of the Nowra CBD
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7. Expansion of the community safety CCTV program in a form that alleviates the associated recurrent cost imposts on ratepayers
 8. Initiatives to expand the educational opportunities available locally for both vocational education and tertiary education through the UOW Shoalhaven Campus
 9. Restoration of Federal Assistance Grants to 2% of tax revenue
 10. Commitment to complete NBN roll out in the Shoalhaven by the end of the next term of Government
 11. Request of the Navy a review of access to local airfields for the purposes of tourism visitation to the region
 12. Legislate for mobile telecommunications providers to deliver basic service agreements in regional areas.
 13. Support for permanent or semi permanent river entrance at Shoalhaven heads
 14. Main Road 92 completion
 15. Issues for ALGA – The four (4) topics related to the Councils motions to the 2016 National Local Government Assembly
- b) Council facilitates a candidate's forum where public responses to these issues might be heard.
- c) Council request the CCB's and Business Chambers to facilitate public forums
- d) Council ask the Candidates what their priorities for the local government area will be.

Note: Clr Findley left the meeting.

LOST

FOR: Guile, Watson, Kitchener, McCrudden

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

FORESHADOWED MOTION:

Moved: Tribe / Second: Kearney

That:

- a) **The General Manager draft a submission for the Gilmore Federal Election candidates outlining priorities for the Shoalhaven as the following and asking for their priorities for the area;**
1. **Princes Highway funding for Berry to Bomaderry (Stage 3)**
 2. **Replacement of the original Shoalhaven River bridge and associated road infrastructure improvements**
 3. **Funding for a North Nowra Link Road to reduce dependence on Illaroo Road and to increase the development potential of areas north of Nowra and the Taylors Lane and Moss Vale Road precincts**
 4. **Funding for the East Nowra Sub Arterial road to provide for efficient road transport through Nowra.**

-
5. Funding for a Milton/Ulladulla bypass (planning, design and construction)
 6. Funding for the rejuvenation of the Nowra CBD
 7. Expansion of the community safety CCTV program in a form that alleviates the associated recurrent cost imposts on ratepayers
 8. Initiatives to expand the educational opportunities available locally for both vocational education and tertiary education through the UOW Shoalhaven Campus
 9. Restoration of Federal Assistance Grants to 2% of tax revenue
 10. Commitment to complete NBN roll out in the Shoalhaven by the end of the next term of Government
 11. Request of the Navy a review of access to local airfields for the purposes of tourism visitation to the region
 12. Legislate for mobile telecommunications providers to deliver basic service agreements in regional areas.
 13. Support for permanent or semi permanent river entrance at Shoalhaven heads
 14. Main Road 92 completion
 15. Issues for ALGA – The four (4) topics related to the Councils motions to the 2016 National Local Government Assembly
- b) Council request the CCB's and Business Chambers to facilitate public forums;
- c) Council ask the Candidates what their priorities for the local government area will be.

CARRIED

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

AGAINST: Guile

320. Procedural Motion - Introduction of Addendum reports

MOTION: Moved: Watson / Second: Gash

That the following Addendum Reports be introduced:

- Addendum Report 1 – General Manager Committees Report
- Addendum Report 2 – Corporate and Community Services
- Addendum Report 3 – General Manager
- Addendum Report 4 – Assets and Works

CARRIED

The Chairperson ruled the matters as ones of urgency and allowed their introduction.

ADDENDUM REPORT 1 – GENERAL MANAGER COMMITTEES REPORT

COUNCIL BUSHCARE REPRESENTATIVES GROUP – 13 APRIL 2016

321. Five (5) Bushcare Group Action Plan - Review File 51838E

MOTION: Moved: Watson / Second: White

That prior to the councils consideration of the following five (5) reviewed Bushcare Group Action Plans (2016) staff provide Council with a Clr Briefing:

- a) **Kioloa Bushcare Action Plan – Review 2016**
- b) **Bens Walk Bushcare Action Plan – Review 2016**
- c) **Moeyan Hill Bushcare Action Plan – Review 2016**
- d) **Milton Rainforest Bushcare Action Plan – Review 2016**
- e) **Barfleur Beach, Plantation Point and Stuart King Reserve Bushcare Action Plan – Review 2016**

CARRIED

ADDENDUM REPORT 2 – CORPORATE AND COMMUNITY SERVICES

322. Local Government Conference – 2016 National General Assembly of Local Government – Proposed Motions File 1077E

MOTION: Moved: Wells / Second: Baptist

That Council endorse the four (4) Motions as detailed in this report for submission to the Australian Local Government Association – 2016 National Assembly.

CARRIED

ADDENDUM REPORT 3 – GENERAL MANAGER

323. Supply of Electricity to Lot 115 Flinders Road, South Nowra File 1998E

MOTION: Moved: Wells / Second: Gash

That Council fund the supply of low voltage power estimated at \$45,000 to Lot 115 Flinders Road, South Nowra and pursue Endeavour Energy for refund of these funds.

CARRIED

ADDENDUM REPORT 4 – ASSETS AND WORKS

324. Outcome of Advertising Intention to Sell – Mundamia and Visitors Information Centre / Graham Lodge File 52522E, 35343E, 53026E, 53022E

MOTION:

Moved: Baptist / Second: Tribe

That Council:

- a) **Receive the Report of the General Manager (Assets & Works) on the Outcome of Advertising Intention to Sell – Mundamia and Visitors Information Centre/Graham Lodge for information and proceed with the sale by expression of interest of both properties;**
- b) **Receive a further report on the objectives for use of the land; and**
- c) **Readvertise the sale advising the community that sale will be by expression of interest.**

CARRIED

CONFIDENTIAL REPORT

CONSIDERATION OF ITEMS OF A CONFIDENTIAL NATURE

STRATEGY AND ASSETS COMMITTEE – TUESDAY 12 APRIL 2016

Item	Reason
Tender Shoalhaven Equestrian Centre of Excellence – Stage 1 Construction	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)
Draft Shoalhaven Regional Sports & Community Precinct Master Plan – Notice to Affected Land Owners prior to Public Exhibition	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)
Holiday Haven Tourist Parks – Tender for the Management & Operation of the Huskisson White Sands Holiday 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)
Natural Areas Tender: Maintenance, minor construction, asset auditing & risk assessments in Natural Areas	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)
Tenders – Minor Mains replacement Panel – Construction Package 4B	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)

Tender Report – Construction of proposed Workshop and Offices for Shoalhaven Water at Council’s Ulladulla Depot	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)
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CORPORATE AND COMMUNITY SERVICES

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

ASSETS AND WORKS

Item	Reason
Confidential Tender – Blackspot Construction of Road Shoulders, The Springs Road, Swanhaven	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 – Confidential Tender Update – Construction of Boat Ramp and Carpark – Sanctuary Point	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)
Confidential Tender – Blackspot Construction of Road Shoulders – Sussex Inlet Road	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 – Shoulder widening – Lake Conjola Entrance Road, Conjola 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)
Memorandum of Advice – Car Park at Owen Street, Huskisson and Civic Centre Site Bridge Road, Nowra	Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 10A(2)(g)

PLANNING AND DEVELOPMENT

Item	Reason
Development Application – Demolition of existing Structures, bulk earthworks, construction of a retail development, associated car parking, advertising signage, landscaping, new vehicle access points and works within the adjoining road reserve – Lot 7 DP 583795 Princes Highway and Lot 2 DP 655641 (No.320) Princes Highway, Bomaderry	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)

Pursuant to Section 10(A)(4), the public were invited to make representations to the Ordinary Meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed. The Chairperson asked the General Manager if any written representations had been received as to whether that part of the meeting should be closed.

MOTION:

Moved: White / Second: Baptist

That the Ordinary Meeting exclude the press and public from the Meeting pursuant to Section 10(A)(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 10(A)(2)(c), 10A(2)(d)(i), 10A(2)(g).

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 – Shoalhaven Equestrian Centre of Excellence – Stage 1 Construction
- Holiday Haven Tourist Parks – Tender for the Management and Operation of the Huskisson White Sands Holiday Park
- Natural Areas Tender: Maintenance, minor construction, asset auditing and risk assessments in Natural Areas
- Tenders – Minor Mains Replacement Panel – Construction Package 4B
- Tender Report – Construction of proposed Workshop and offices for Shoalhaven Water at Council’s Ulladulla Depot
- Confidential Tender – Blackspot Construction of Road Shoulders, The Springs Road, Swanhaven
- Tender – Confidential Tender Update – Construction of Boat Ramp and Carpark – Sanctuary Point
- Confidential Tender – Blackspot Construction of Road Shoulders – Sussex Inlet Road
- Tender – Shoulder widening – Lake Conjola Entrance Road, Conjola Park

The public interest in preserving the confidentiality of information outweighs the public interest in maintaining openness and transparency in Council decision making, as it may prejudice the commercial position of Council in future negotiations.

- Draft Shoalhaven Regional Sports and Community Precinct Master Plan – Notice to Affected Land Owners prior to Public Exhibition

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.

- Memorandum of Advice – Car Park at Owen Street, Huskisson and Civic Centre Site Bridge Road, Nowra

The public interest in preserving the confidentiality of information outweighs the public interest in maintaining openness and transparency in Council decision making, as it may impact on the ability of Council to conduct appropriate legal proceedings.

- Development Application – Demolition of existing Structures, bulk earthworks, construction of a retail development, associated car parking, advertising signage, landscaping, new vehicle access points and works within the adjoining road reserve – Lot 7 DP 583795 Princes Highway and Lot 2 DP 655641 (No.320) Princes Highway, Bomaderry

CARRIED.

The meeting moved into confidential the time being 8.26pm.

The meeting moved into open session, the time being 8.28pm.

The following resolutions of the Confidential Ordinary Meeting were made public.

325. Tender Shoalhaven Equestrian Centre of Excellence - Stage 1 Construction File 52396E

That:

- a) Council accept the tender of TCL Constructions Pty Ltd for works only in the amount of \$425,394 excl. GST;**
 - b) Authorise the General Manager, (Director Community and Corporate) to finalise and execute the contract with TCL Constructions Pty Ltd on behalf of Council;**
 - c) Authorise the General Manager, (Director Community and Corporate) to adjust the contract for variations for components under the contract.**
 - d) Council allocate additional project funding of \$31,664 in the 2016/2017 budget to meet the shortfall plus any minor project variations.**
-

326. Draft Shoalhaven Regional Sports & Community Precinct Master Plan – Notice to Affected Land Owners prior to Public Exhibition **File 52005E**

That:

- d) the recommendation remain confidential under Section 10A(2)(c) of the Local Government Act 1993, until parts a) and b) have been completed.

327. Holiday Haven Tourist Parks – Tender for the Management & Operation of the Huskisson White Sands Holiday Park **File 52601E**

That Council:

- a) Council accept the Tender of Maloma Technologies Pty Ltd for the Management and Operation of Huskisson White Sands Holiday Park for a period of three (3) years, with a two (2) year option from 1 July 2016 at the Gross Profit percentage shown in the report;
- b) The contract documents and any other associated documents be executed by the General Manager (Assets and Works);
- c) That Council notify successful and unsuccessful tenders in accordance with Regulation 179 of the Local Government (General) Regulation 2005.
- d) Write and thank Steve and Kathy Pascall for their recent service managing the Holiday Park.

328. Natural Areas Tender: Maintenance, minor construction, asset auditing & risk assessments in Natural Areas **File 51689E, 50372E**

That Council:

- a) Decline to accept any of the tenders in accordance with S178(1)(b) of the Local Government Regulation 2005;
- b) In accordance with S178(3)(e) of the Local Government Regulation 2005 delegate authority for the General Manager (Planning and Development) to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender;
- c) In accordance with S178(4)(a) not invite fresh tenders as the time delay would impact on current natural resource and floodplain work programs that are risk based; and
- d) Subject to successful negotiations, authorise the General Manager (Planning and Development) to finalise and execute a contract for the works and establish a preferred suppliers list.
- e) The outcome of the negotiations be reported to Council for information.

329. Tenders - Minor Mains Replacement Panel - Construction Package 4B File 52762E

That Council:

- a) **Accept the tender from Hisway Pty Ltd in the amount of \$558,156.50 GST inclusive**
- 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**

330. Tender Report - Construction of proposed Workshop and Offices for Shoalhaven Water at Council's Ulladulla Depot File 52549E

That Council decline to accept any submitted tender for the construction of the proposed workshop & offices for Shoalhaven Water at Council's Southern Depot – Deering St Ulladulla.

331. Juliex Pty Limited & Tagdime Pty Limited – Claim for Costs incurred in relation to remediation for the development of 70 Bridge Road Nowra File 44970E

That Council accept this report on 70 Bridge Road, Nowra for information and the report remain confidential in accordance with Section 10A(2)(g) of the Local Government Act 1993.

332. Confidential Tender – Blackspot Construction of Road Shoulders, The Springs Road, Swanhaven File 52805E

That:

- a) **Council accept the tender of Stefanutti Construction Pty Ltd in the amount of \$443,338 excluding GST;**
- b) **Authorise the General Manager, (Assets & Works) to finalise and execute the contract with Stefanutti Construction Pty Ltd on behalf of Council;**
- c) **Authorise the General Manager, Assets & Works to adjust the contract for variations for components under the contact.**

333. Tender - Confidential Tender Update - Construction of Boat Ramp & Carpark - Sanctuary Point File 52775E

That:

- a) **Council accept the tender of TCL Contracting Pty Ltd in the amount of \$558,169 excl GST;**
- b) **Authorise the General Manager, (Assets & Works) to finalise and execute the contract with TCL Contracting Pty Ltd on behalf of Council;**

-
- c) Authorise the General Manager, (Assets & Works) to adjust the contract for variations for components under the contract.

334. Confidential Tender – Blackspot Construction of Road Shoulders - Sussex Inlet Road **File 52803E**

That:

- a) Council accept the tender of Stefanutti Construction Pty Ltd in the amount of \$852,476 excluding GST;
- b) Authorise the General Manager, (Assets & Work) to finalise and execute the contract with Stefanutti Construction Pty Ltd on behalf of Council.
- c) Authorise the General Manager, (Assets & Works) to adjust the contract for variations for components under the contract and funding agreement.

335. Tender – Shoulder widening - Lake Conjola Entrance Rd, Conjola Park **File 52807E**

That:

- a) Council declines to accept any tender in accordance with S178(1)(b) of the Local Government Regulations 2005
- b) In accordance with S178(3)(e) of the Local Government Regulations 2005, delegate authority to the General Manager (Director Assets and Works) to enter into negotiations with any person with a view to entering into a contract in relation to the subject matter of the tender. Retendering the works will delay and prevent commencement by 30 June 2016, putting the Federal Blackspot funding allocated to the project at risk.
- c) In accordance with S178(4)(a) of the Local Government Regulations 2005, not invite fresh tenders, as the time delay would impact on the Federal Blackspot funding that needs to commence by 30 June 2016, and it is a road safety improvement.

336. Memorandum of Advice – Car Park at Owen Street, Huskisson & Civic Centre Site
Bridge Road, Nowra **File 35143E, 52523E**

That Council receive the Report of the General Manager (Assets & Works) on Memorandum of Advice – Car Park at Owen Street, Huskisson & Civic Centre Site, Bridge Road, Nowra for information and the report remain confidential in accordance with section 10A(2)(g) of the Local Government Act 1993.

**337. Development Application - Demolition of existing structures, bulk earthworks, construction of a retail development, associated car parking, advertising signage, landscaping, new vehicle access points and works within the adjoining road reserve - Lot 7 DP 583795 Princes Highway and Lot 2 DP 655641 (No.320) Princes Highway, Bomaderry. Applicant/Owner: The Planning Group NSW / Fabcot Pty Ltd
File DA14/2579-03**

That the confidential report be received for information and remain confidential in accordance with Section 10A(2)(g) of the Local Government Act 1993.

338. Rescission Motion

The Chairperson advised that a Rescission Motion had been received in relation to Item 46, Page 48 - Development Application - Demolition of existing structures, bulk earthworks, construction of a retail development, associated car parking, advertising signage, landscaping, new vehicle access points and works within the adjoining road reserve - Lot 7 DP 583795 Princes Highway and Lot 2 DP 655641 (No.320) Princes Highway, Bomaderry, signed by Clrs Guile, Findley and Kitchener.

There being no further business, the meeting concluded, the time being 8.28pm.

Clr Gash
CHAIRPERSON