
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF SHOALHAVEN HELD IN THE ULLADULLA CIVIC CENTRE, PRINCES HIGHWAY, ULLADULLA ON TUESDAY 21 APRIL 2015 COMMENCING AT 4:00 PM

The following members were present;

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

Apologies:

Apologies were received from Clr McCrudden.

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

188. Apologies/ Leave of Absence

Clr Kitchener requested a leave of absence for the Ordinary Meeting of the 21 April 2015.

MOTION: Moved: Baptist / Second: Kearney

That the request from Clr Kitchener for a leave of absence for a period of Ordinary Meeting of the 21 April 2015 be granted.

CARRIED

189. Confirmation of the Minutes of the Ordinary Meeting of Council held on Tuesday 17 March 2015

MOTION: Moved: White / Second: Baptist

That the Minutes of the Ordinary Meeting of Council held on Tuesday 17 March 2015 be confirmed.

CARRIED

190. Declarations of Interest

Conflict of Interest Declaration - Clr White – significant pecuniary interest – Item 6 Jetty Licence Fee – Canal Estates – Clr White leases a property on the canal estates at Sussex Inlet and pays jetty fees – will leave the room and will not take part in discussion or vote.

Conflict of Interest Declaration - Clr White – less than significant non pecuniary interest – Item 35 - Appointment - New Members to Shoalhaven Tourism Advisory Group - – Lyn Locke was a pre-election team member of team Gash – will remain in the room.

Conflict of Interest Declaration - Clr Baptist - less than significant non pecuniary interest – Item 35 - Appointment - New Members to Shoalhaven Tourism Advisory Group – Lyn Locke was a pre-election team member of team Gash - will remain in the room.

Conflict of Interest Declaration- Clr Wells - less than significant non pecuniary interest Item 35 - Appointment - New Members to Shoalhaven Tourism Advisory Group - Lyn Locke was a pre-election team member of team Gash - will remain in the room.

Conflict of Interest Declaration- Clr Anstiss less than significant non pecuniary interest – Item 35 - Appointment - New Members to Shoalhaven Tourism Advisory Group - Lyn Locke was a pre-election team member of team Gash – will remain in the room.

Conflict of Interest Declaration - Clr Robertson - less than significant non pecuniary interest – Item 35 - Appointment - New Members to Shoalhaven Tourism Advisory Group – Lyn Locke was a pre-election team member of team Gash - will remain in the room.

Conflict of Interest Declaration- Clr Gash - less than significant non pecuniary interest – Item 35 - Appointment - New Members to Shoalhaven Tourism Advisory Group – Lyn Locke was a pre-election team member of team Gash - will remain in the room.

Conflict of Interest Declaration- Clr Kearney - less than significant non pecuniary interest – Item 35 - Appointment - New Members to Shoalhaven Tourism Advisory Group - – Lyn Locke was a pre-election team member of team Gash – will remain in the room.

Conflict of Interest Declaration - Clr Tribe - less than significant non pecuniary interest – Item 35 - Appointment - New Members to Shoalhaven Tourism Advisory Group - – Lyn Locke was a pre-election team member of team Gash – will remain in the room.

Conflict of Interest Declaration – Russ Pigg - significant non-pecuniary interest – Item 4 Confidential- Tender - Turpentine Road Upgrade, Tomerong - Chainage 4600 to 8700 - as one of Hisway’s employees rents a property owned by the General Manager - will leave the room and will not take part in discussion.

Conflict of Interest Declaration - Russ Pigg - significant non-pecuniary interest – Item 38 – Tender – Turpentine Road Upgrade, Tomerong Chainage 3600 to 8700 reason – will remain in the room as this item does not consider the tenders.

MAYORAL MINUTE – TUESDAY 21 APRIL 2015

191. Meeting Procedure and Conduct

File 3798E, 50252E

MOTION:

Moved: Gash / Second: Findley

That:

- a) **Councillors commit to conducting themselves in a respectful manner in accordance with the Code of Meeting Practice, our Code of Conduct and the Local Government Act and Regulations during meetings of Council and its Committees**
- b) **The General Manager engage a consultant to assist Councillors in managing their relationships via constructive criticism after attending a Council meeting**
- c) **The General Manager arrange training for all Councillors with regards to facilitating and chairing meetings to the same level of expertise.**

CARRIED

192. Freeze on Financial Assistance Grants

File 50289E, 50252E

MOTION:

Moved: Gash / Second: Anstiss

That:

- a) **Council support and join the national campaign to reinstate indexation to the FAG's grants, recognising the importance of the FAG funding source in delivering vital local infrastructure and services.**
- b) **Council write to the Member for Gilmore to make direct representations to the Minister advising Council's support for the campaign.**

CARRIED

193. Councillor Briefings

File 37914E, 50252E

MOTION:

Moved: Watson / Second: Findley

That arrangements for Councillor Briefings remain the same and continue to start at 4pm, and that where possible, the General Manager consolidate Councillor Briefings together.

CARRIED

194. Letter to Minister for Planning, The Hon Rob Stokes MP File 29118E, 50252E

MOTION: Moved: Gash / Second: Baptist

That Mayoral Minute regarding the re-naming of Illawarra Regional Growth & Infrastructure Plan” to “Illawarra-Shoalhaven Regional Growth Plan” be adopted.

CARRIED

195. Nations of Origin Aboriginal Youth League File 2696E, 50252E

Note: The Mayor presented the Jersey to the Council.

MOTION: Moved: Gash / Second: Wells

That Mayoral Minute regarding the Nations of Origin Aboriginal Youth League be adopted.

CARRIED

196. Statue Unveiling at Shoalhaven Heads Memorial Park File 1829E, 2113E, 50252E

MOTION: Moved: Gash / Second: Kearney

That the Mayoral Minute regarding the Statue Unveiling at Shoalhaven Heads Memorial Park be adopted.

CARRIED

197. Peter Kenyon Workshops File 50252E

MOTION: Moved: Gash / Second: Kearney

That the Mayoral Minute regarding the Peter Kenyon Workshops be adopted.

CARRIED

198. Donation request – Luke Stojanovic File 4771E, 50252E

MOTION: Moved: Anstiss / Second: White

That:

- a) **The Mayoral Minute regarding the Donation Request – Luke Stojanovic be noted.**
- b) **That Council contribute \$500 from the unallocated Donations Budget to Luke Stojanovic towards his fund raising efforts for the Liverpool Brain Injury Unit**

CARRIED

199. Public Meetings - Dredging

File 47957E, 50252E

MOTION:

Moved: Gash / Second: White

That the Mayoral Minute regarding the Public Meetings – Dredging at Currambene Creek, Sussex Inlet Channel, Conjola Lake and Mollymook Beach be adopted.

CARRIED

200. Death of Aunty Belle McLeod

File 50252E

MOTION:

Moved: Gash / Second: White

That Mayoral Minute regarding the passing of Aunty Belle McLeod be adopted.

CARRIED

201. Thank you

File 50252E

MOTION:

Moved: Gash / Second: White

That Council adopt the Mayoral Minute regarding Councillors attendance for representing the Mayor at the following:

- **Deputy Mayor, Clr John Wells – as Acting Mayor while I was on vacation; and also for representing me today at the ANZAC Service at Dumaresq Village;**
- **Clr Mark Kitchener – Attending the Official Reception for New Entry Officers at HMAS Creswell;**
- **Clr Karen Anstiss judging at the White Sands Festival**
- **Clr Patricia White judging at the Blessing of the Fleet Ceremony**
- **Clr Clive Robertson attending the Official Reception for New Entry Officers at HMAS Creswell;**
- **Clr Lynne Kearney attended the Meroo Union Church Commemoration Service;**
- **Clr Clive Robertson attended the Basin View Daylight Lodge Commemorative Service.**

CARRIED

202. Deputations

Mr Jim Caldwell addressed the Committee in relation to Item 1 Addendum Report – Councils Revenue Policy & Potential Changes to Rating Structure.

MOTION: Moved: Gash / Second: White

That an extension of time be granted to Mr Caldwell.

CARRIED

Peter Hudson addressed the Committee in relation to Item 39 Proposed Eco-Tourist Development - Lot 32 DP 1191742 (88) North Bendalong Road, North Bendalong. Applicant: Casey Brown Architecture Owner: Bendalong Essential Services Pty Ltd

203. Procedural Motion

PROCEDURAL MOTION: Moved: Guile / Second: Robertson

That Addendum Report 1 - Councils Revenue Policy & Potential Changes to Rating Structure be introduced as a matter of urgency:

CARRIED

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

PROCEDURAL MOTION: Moved: Guile / Second: Robertson

That the following items be brought forward for consideration:

- Addendum Report - Item 1- Councils Revenue Policy & Potential Changes to Rating Structure – Page 30 and
- Item 39, page 35 - Proposed Eco-Tourist Development - Lot 32 DP 1191742 (88) North Bendalong Road, North Bendalong. Applicant: Casey Brown Architecture Owner: Bendalong Essential Services Pty Ltd

CARRIED

204. Council's Revenue Policy & Potential Changes to Rating Structure 2015/2016

File 44691E, 2973E

MOTION: Moved: Guile / Second: Findley

That Council increase rate peg of 2.4% across all rate categories with the exception of Business Nowra CBD Category which is to be reduced by 30% and the Business category which is to be increased by 20.6% to cover the Nowra CBD. (Presented as Option 8 by Mr Caldwell in his deputation).

CARRIED

FOR: Robertson, Kearney, Anstiss, White, Guile and Gash.

AGAINST: Tribe, Wells, Baptist, Findley and Watson.

205. Proposed Eco-Tourist Development - Lot 32 DP 1191742 (88) North Bendalong Road, North Bendalong. Applicant: Casey Brown Architecture Owner: Bendalong Essential Services Pty Ltd File DA14/2397 (PDR)

MOTION:

Moved: Wells / Second: White

That:

- a) **Council is satisfied that the variation to a development standard for building height of 6.0m under clause 4.3 for cabins C1 & C2 to 6.7m above Natural Ground Level is well founded; and**
- b) **That due to public interest the Development Application and Section 79 Assessment be determined by the Development Committee under the Committee's Delegated Authority.**

CARRIED

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

AGAINST: Findley.

REPORT OF THE GENERAL MANAGER

POLICY AND RESOURCES COMMITTEE – TUESDAY 14 APRIL 2015

206. Adoption of Report

MOTION:

Moved: Baptist / Second: White

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

CARRIED

207. Maintenance & Repair – Jervis Street Public Wharf Greenwell Point File 8406E

Considered later in the meeting see MIN15.230

208. Eurobodalla Withdrawal - South Coast Cooperative Library Service **File 3934E**

That Council:

- a) **Continue with the South Coast Cooperative Library Service operating on a refined partnership agreement with Kiama Council that will continue to provide a range of benefits to Shoalhaven residents.**
- b) **Review the South Coast Cooperative Legal Agreement.**
- c) **The General Manager be provided delegated authority to sign off on the refined South Coast Cooperative Legal Agreement.**

209. Shoalhaven Equestrian Centre of Excellence – Exhibition of Draft Master Plan – Andersons Lane Berry **File 48794E**

That:

- a) **Council endorse public exhibition of the Shoalhaven Equestrian Centre of Excellence (Schofield & Andersons Lane Berry) draft Master Plan subject to the following process being undertaken:**

Public exhibition for a period of a minimum of 28 days and the draft Master Plan be placed on Council’s website.

Advertised in local papers and the Berry Town Crier

Notification sent to key stakeholders being:

- Berry Riding Club**
- Shoalhaven Dressage Club**
- Eventing NSW**
- Equestrian Australia**
- Equestrian NSW**
- Berry Alliance**
- Berry Chamber of Commerce and Tourism**
- Worrigeer Equestrian Common**

- b) **A post exhibition report for the Shoalhaven Equestrian Centre of Excellence be presented to a future Policy and Resources committee meeting.**
- c) **Council to retain the current classification of the land which forms the Andersons Lane site as “Community Land”.**
- d) **Council commence the process to enter into a lease/ licence agreement with the Berry Riding Club for future use of part of the land which forms the Anderson Lane site.**
- e) **Council allocate \$200,000 to develop the business and operational plans and planning documents from the strategic projects reserve in 2015/16 (Section 4 of the draft Master Plan).**

210. TAFE - NSW – Manufacture & Supply of Cabins & Ensuites File 24382E

That Council receive the Report of the General Manager (Assets & Works) concerning the manufacture and supply of cabins and ensuites by TAFE NSW for information.

211. Holiday Haven Tourist Parks Tenders for the Management & Operation of the Bendalong Point Tourist Park File 50332E

That Council receive the Report of the General Manager (Assets & Works) concerning the Holiday Haven Tourist Parks tenders for the management and operation of the Bendalong Point Tourist Park for information.

212. Jetty Licence Fee – Canal Estates File 48599E, 26791E

Considered later in the meeting see MIN15.231

213. Resource Recovery Park West Nowra EOI status File 47110E

That Council:

- a) **Endorses the extension of the landfill and location of the Resource Recovery Park on the animal shelter site and the withdrawal of the current DA after the SEARS are issued.**
- b) **Confirm the MIN14.133A resolution.**
- c) **Invite tenders after receiving approvals from State Planning Department for the facility to progress.**
- d) **Write to the successful EOI applicants to confirm the process.**

214. Lake Wollumboola Flood Study File 46787E

Considered later in the meeting see MIN15.232

215. Lake Conjola Boardwalk Reconstruction Funding Options File 48353e

Considered later in the meeting see MIN15.233

216. Acquisition of Easement for Sewer Rising Main at Worrowing Heights File 45237E

That:

- a) Council resolve to acquire the Easement for Sewer Rising Main 6 wide over Lot 1 DP1039691 and Lot 32 DP854370 at Worrowing Heights, as shown on copy of those plans, marked Attachments 'A' & 'B' respectively.**
- b) Council pay compensation of \$7,000 (plus GST if applicable) and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Sewer 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.**

217. Acquisition of Easement for Drainage of Sewage at Milton File 49827E

That:

- a) Council resolve to acquire the Easement for Drainage of Sewage 6 wide over Lot 2 DP602695 at Milton, as shown on copy of sketch plan marked Attachment 'A'.**
- b) Council pay compensation of \$10,000 plus GST and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Sewer 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.**

218. Acquisition of Easement for Water Supply at Berry File 50428E

That:

- a) Council resolve to acquire the Easement for Water Supply 3 metres wide over Lot 2 DP546670 at Berry, as shown by hatching on plan marked Attachment 'A'.**
- b) Council pay compensation of \$2,000 plus GST and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Water Fund.**
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.**

219. Acquisition of Easement for Sewerage Purposes at Culburra Beach File 50121E

That:

- a) Council resolve to acquire the Easement for Sewerage Purposes 3 wide over Lot 1283 DP11893 at Culburra Beach, as shown on copy of DP645333 marked Attachment 'A'.**
- b) Council pay compensation of \$6,250 and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Sewer 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.**

220. Acquisition of Easements for Sewerage Purposes at Culburra Beach File 50122E

That:

- a) Council resolve to acquire the Easement for Sewerage Purposes 3 wide over Lot 1371 DP11893 at Culburra Beach, as shown on copy of DP645333 marked Attachment 'A'.**
- b) Council pay compensation of \$6,700 and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Sewer 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.**

221. REF Determination, REMS 1B Major Works and Procurement Update File 1398E

That:

- a) After consideration of the REF for the REMS Stage 1B works dated January 2015, Council determine that it is unlikely that there will be any significant environmental impact as a result of the proposed work and an Environmental Impact Statement is therefore not required for the proposed activity**
- b) The proposed mitigation measures and controls outlined in the REF (and summarised in Section 18) be adopted and implemented.**

**222. Tender Process - Walsh Crescent and Hewlett Avenue Water Main Replacement
File 50599E**

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

223. Shoalhaven Indoor Sports Centre – Project Update File 34855E, 47296E, RA12/1000

That Council:

- a) Revise the scope of the Northern Shoalhaven Indoor Sports Centre in accordance with the contract to provide 4 additional indoor sports courts to complement the existing 2 indoor sports courts in Cambewarra Road, Bomaderry (identified as Scheme D in this report).
- b) Defer further design investigations for the current Shoalhaven Indoor Sports Centre (as per Development Approval RA12/1000 until the outcome of part (a) of the resolution is determined.
- c) Commence consulting with existing Artie Smith Oval sportsground users to minimise any associated impacts from the provision of 4 additional indoor sports courts to complement the existing 2 indoor sports courts in Cambewarra Road, Bomaderry (identified as Scheme D in this report).
- d) Seek grant funding or contributions from sporting groups for the SISC.

**224. ClubGrants Application - Nowra Aquatic Centre- Meeting Room / Changing Places Amenity / Club Space
File 30050e, 48598e**

That Council:

- a) Accept the NSW Office of Liquor Gaming and Racing ClubGrants Program grant funding to the value of \$500,000 for construction of the Meeting Room / Changing Places Amenity / Club Space at Nowra Aquatic Centre.
- b) Delegate authority to the General Manager, or nominee, to accept the grant funding and acquittal of funds.
- c) Write to the Minister for Liquor Gaming and Racing thanking him and accepting the grant offer.

**225. Additional Item – Maintenance and Public Use – Bushland – Orana Avenue, Orient Point
File 2872E**

That the General Manager report to the Committee on the bushland opposite Orana Avenue, Orient Point which outlines the history of the land and available options to restore some water views and clean up the area for public use.

226. Additional Item – Live Web Streaming – Council Meetings **File 15360E**

That:

- a) **The General Manager provide a report to Council on the possible introduction of web streaming of Council Meetings.**
- b) **The General Manager consult with 2UUU executive to determine if a joint benefit may arise from web streaming of the meetings.**

227. Additional Item – Bushcare Project – Planting on Crown Reserve – Woollamia
File 9932E

That no further action be taken on planting on the Crown Reserve in Woollamia Village as proposed by Bushcare Groups, until a Councillor Briefing is held on the proposed work.

228. Additional Item – Condition Report – Bendalong Boat Ramp **File 32670E**

That Council:

- a) **Receive a condition report on the Bendalong Boat Ramp and tar approach with a view of including it in the “Better Boating Now” Program funding.**
- b) **Consider beach erosion at this site.**

229. Additional Item – Update on Foreshore Management Plan & Boat Ramp – Berringer Lake
File 12634E, 11758E

That Council receive a report from the General Manager on the status of the Foreshore Management Plan and Boat Ramp at Berringer Lake.

230. (Item 1 Page 1) - Maintenance & Repair – Jervis Street Public Wharf Greenwell Point
File 8406E

MOTION:

Moved: Watson / Second: Guile

That Council:

- a) **Undertake urgent repairs to the Jervis Street public wharf at Greenwell Point.**
- b) **List the wharf in the ‘Better Boating Now’ Program for consideration of rebuilding under that program.**
- c) **Hold discussions with the Marine Rescue NSW regarding its future use of that infrastructure at the site**
- d) **Receive a report from the General Manager advising why the constructed groin at the end of Albert street was dismantled**

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- e) **Conduct additional maintenance below water level at the kayak landing facility at the end of Albert Street, the material used for a safe launching area should consider how to inhibit the growth of oysters, thereby facilitating future access.**

CARRIED

231. (Item 6 Page 3) Jetty Licence Fee – Canal Estates File 48599E, 26791E

Conflict of Interest Declaration - Clr White –pecuniary interest – Clr White leases a property on the canal estates at Sussex Inlet and pays jetty fees – Clr White left the room and did not take part in discussion or vote.

MOTION:

Moved: Wells / Second: Baptist

That Council review the Jetty Licence fees and:

- a) **Endorse the fee for jetties occupying Council owned waterfront land within canal estates to match the minimum administration fee of \$275 per annum set by NSW Crown Lands for jetties occupying crown land in the Shoalhaven, commencing in 2016/17;**
- b) **Support a pricing policy of full cost recovery for the cost of canal maintenance across all canal estates in the Shoalhaven commencing in 2016/17, and**
- c) **Support that commercial rent not be charged.**

CARRIED

232. (Item 8 Page 3) Lake Wollumboola Flood Study File 46787E

Note: Clr White returned to the room.

MOTION:

Moved: Guile / Second: Findley

That

- a) **The draft Lake Wollumboola Flood Study be placed on public exhibition and a Councillor Briefing be held on the matter, whilst on public exhibition.**
- b) **A representative from the Insurance Council of Australia be invited to address Council on insurance industry practice.**

CARRIED

FOR: Tribe, Robertson, Kearney, Wells, Baptist, Guile, Findley and Gash.

AGAINST: White, Anstiss and Watson.

233. (Item 9 Page 3) Lake Conjola Boardwalk Reconstruction Funding Options

File 48353e

MOTION:

Moved: Findley / Second: White

That Council:

- a) **Adopt Option 4, construct a new boardwalk based on all of the community design and construction criteria using Wagner/REPLAS construction at a cost of \$840,000 as outlined in the report, subject to grant or loan approval through the Crown Resources Management Fund Program;**
- b) **Request the support of the Hon Shelley Hancock requesting by way of representation to the Minister of Natural Resources, Lands and Water supporting this important community infrastructure.**

CARRIED

SHOALHAVEN HEADS ESTUARY TASKFORCE – WEDNESDAY 25 MARCH 2015

234. Membership Application

File 45866E

MOTION:

Moved: Guile / Second: White

That Council;

- a) **Endorse the membership applications of Craig Peters, Gerald Groom and Stephen Short to the Shoalhaven Heads Estuary Taskforce.**
- b) **Accept the resignation of Mr Laurie Talbot from the Shoalhaven Heads Estuary Taskforce and thank him for his participation by a formal letter.**

CARRIED

COUNCIL PROPERTY STEERING COMMITTEE – TUESDAY 7 APRIL 2015

235. Adoption of Report

MOTION:

Moved: Wells / Second: White

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

CARRIED

236. Presentation – Aboriginal Advisory Committee – Cullunghutti

File 1209E

That a report from the General Manager be provided at the next Council Property Steering Committee outlining:

- a) Background Information regarding the Council owned land and Aboriginal place at Cullunghutti
- b) Advice on the following recommendation submitted by the Aboriginal Advisory Committee during their presentation:
“On behalf of all Aboriginal people, that Council-owned land on Coolangatta Mountain be transferred to the Cullunghutti Aboriginal Area and gazetted under the NSW National Parks and Wildlife Act, to be managed cooperatively with the Aboriginal community and NPWS”.
- c) Information regarding community consultation about the proposed recommendation in part b).

237. Delegation of Authority to General Manager – Leases of Council Owned Properties
File 2665E, 19067E

That Council delegate authority to the General Manager to approve and finalise all lease negotiations in relation to the properties now managed by Integrity Real Estate, as detailed in the report, and to sign any documents necessary to give effect to this resolution.

SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 14 APRIL 2015

238. Adoption of Report

MOTION:

Moved: White / Second: Kearney

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

CARRIED

239. Road Safety - North Street, Ulladulla (PN 3175)

File 1715E

That the General Manager (Director Assets and Works) be requested to arrange for the installation of the following treatments at the intersection of Camden Street and North Street, Ulladulla, as detailed in TRAF 2015/21:

- a) The installation of 30m of Double Barrier (BB) linemarking and associated Raised Reflective Pavement Markers on the northern, eastern, and southern approaches to the intersection.
 - b) The installation of approx 98m of Double Barrier (BB) linemarking and associated Raised Reflective Pavement Markers (for a distance of 30m) on the western approaches to the intersection.
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c) Duplication of the existing R1-1B Stop signs on Camden Street.

240. Raised Children's Crossing - Tomerong Street, Huskisson (PN 3179) File 18371E

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objections with the raised threshold, signage and linemarking associated with the proposed Children's Crossing located in Tomerong Street, Huskisson adjacent to Huskisson Public School, as detailed in TRAF 2015/22.

241. Signage and Linemarking Plan - GP Super Clinic (PN 3181) – Lots 102/103 DP 1165533 Scenic Drive, Nowra - Owner: ILLAWARRA SHOALHAVEN LOCAL HEALTH DISTRICT - Applicant: Grand Pacific Health File RA13/1002-03

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objections to the signage and linemarking plan for the GP Super Clinic, Scenic Drive, Nowra, as detailed in TRAF 2015/23, subject to the following amendments being addressed:

- a) The exit from the GP Super Clinic must conform to the adopted one way traffic movements to the adjacent Cancer Care Centre, requiring an amendment to the existing traffic island and associated signs and markings including “all traffic left” signage, left arrow pavement markings, and centreline marking in the GP Super Clinic access.
- b) Centreline and edgeline marking to be provided in Scenic Drive between the hospital car park access and North Street
- c) Refer a plan addressing these amendments back to the Shoalhaven Traffic Committee for approval.

COUNCILLOR REPORTS ON CONFERENCES

242. Australian Coastal Council's Conference File 4688E

MOTION: Moved: White / Second: Baptist

That the report regarding the Australian Coastal Council's Conference held in Cape Schanck Victoria from 11-13 March 2015 be received for information.

CARRIED

REPORT OF THE GENERAL MANAGER

243. Public Exhibition - Draft Delivery Program & Operational Plan 2015 – 2016

File 50863E

MOTION:

Moved: Wells / Second: Baptist

That the draft Delivery Program and Operational Plan (DP/OP) 2015 – 2016 be:

- a) Endorsed for the purposes of community consultation**
- 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 and Operational Plan 2015 – 2016.**
- c) Amended to incorporate the resolution of the Council meeting with reference to Addendum Report 1.**
- d) Council to engage and discuss with 2UUU FM to record the first of the public meetings with the view of broadcasting as a podcast in conjunction with a slideshow.**

CARRIED

CORPORATE AND COMMUNITY SERVICES

244. Draft List of Fees, Charges and Rentals 2015/2016

File 50920E

MOTION:

Moved: Baptist / Second: Kearney

That Council adopts the 2015/2016 draft list of Fees, Charges and Rentals, as per the attached document, for placement on public exhibition for a period of 28 days from Tuesday 28 April 2015.

CARRIED

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

AGAINST: Guile

245. Draft Budget 2015 / 2016

File 47958E

PROCEDURAL MOTION:

Moved: Gash / Second:

That an extension of time to speak be granted for Clr Wells.

CARRIED

MOTION:

Moved: White / Second: Baptist

That Council adopts the 2015/2016 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 Tuesday 28 April 2015.

Clr Baptist moved that the motion to be PUT.

CARRIED

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

AGAINST: Guile

246. Investment Report – March 2015

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 31st March 2015 be received for information.

CARRIED

247. Appointment - New Members to Shoalhaven Tourism Advisory Group

File 1490E

Conflict of Interest Declarations – Clr Tribe, Clr Robertson, Clr Kearney, Clr Anstiss, Clr White, Clr Baptist and Clr Gash – less than significant non pecuniary interest – Item 35 - Appointment - New Members to Shoalhaven Tourism Advisory Group - – Lyn Locke was a pre-election team member of team Gash – will remain in the room and take part in the discussion or vote.

Note: Change of Information in the Report – deletion of Clr Robertson as a nominated member from the Sports board, the Report should delete Clr Robertson as a member of the Shoalhaven Tourism Advisory Group as he has been replaced by the Chairperson of the Shoalhaven Sports Board.

Note: Clr Anstiss and Clr Tribe left the meeting – 6.44pm.

MOTION:

Moved: Findley / Second: Guile

That the additional appointment of Jackie Kaye be appointed to Shoalhaven Tourism Advisory Group (STAG) as per the discretion of Council as to how many industry representatives are on the STAG Committee.

FORESHADOWED MOTION:

Moved: Watson / Second: White

That Council:

- a) **Subject to Shoalhaven Tourism Advisory Group agreement increase the number of industry representatives on the Shoalhaven Tourism Advisory Group to 9 and appoint the following:**
- **Lynn Locke – reappointed**
 - **Michelle Bishop – reappointed**
 - **Melissa McManus – reappointed**
 - **Stephen Bartlett – new member**
 - **Matt Cross – new member**
- b) **That Jackie Kaye be invited to contribute to an expert panel of the Tourism Group as an expert on Accessible / Inclusive Tourism.**

MOTION LOST

FOR: Findley and Guile.

AGAINST: Robertson, Kearney, White, Wells, Baptist, Watson and Gash.

FORESHADOWED MOTION CARRIED

ASSETS AND WORKS

248. Deed of Mortgage - Shaolin Temple Foundation (Australia) Limited File 18583E

MOTION:

Moved: Wells / Second: Baptist

That Council authorise the General Manager to execute a discharge of mortgage AE610852 and that the Common Seal of the Council of the City of Shoalhaven be affixed to all documents necessary to give effect to this resolution.

CARRIED

FOR: Robertson, Kearney, White, Wells, Baptist, Watson and Gash.

AGAINST: Findley and Guile.

249. Compulsory Acquisition- Part of Lot 19 DP1158088- From Crown Lands- for the Flinders Road to Browns Road Realignment at South Nowra File 50921E, 42268E

Clr Watson - less significant non pecuniary interest – Own Property at 3 Angus Avenue, South Nowra – he remained in the room.

MOTION:

Moved: Wells / Second: White

That:

- a) **Council resolves to Compulsorily Acquire part of Lot 19 DP 1158088 which is Crown Reserve for Public Recreation and Racecourse, known as R88840, for which Council is the Trust Manager, see Attachment A (Plan of Acquisition showing the land to be acquired);**
- b) **Council pay compensation for the acquisition including all ancillary costs, in accordance with the determination of the Valuation General under the terms and conditions of the Land Acquisition (Just Terms) Compensation Act 1991 from Job No. 85001;**
- c) **Council approve the making of the necessary applications to the Minister for Local Government and the Governor;**
- d) **The Common Seal of the Council of the City of Shoalhaven 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 the resolution; and**
- e) **Following acquisition, the land be dedicated as Public Road pursuant to Section 10 of the Roads Act 1993.**

CARRIED

250. Tender - Turpentine Road Upgrade, Tomerong Chainage 3600 to 8700 File 50601E

Conflict of Interest Declaration – General Manager - significant non-pecuniary interest – Item 4 - Tender - Turpentine Road Upgrade, Tomerong - Chainage 4600 to 8700 - as one of Hisway's employees rents a property owned by the General Manager - he remained in the room.

MOTION:

Moved: Robertson / Second: Baptist

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

CARRIED

PLANNING AND DEVELOPMENT

251. Proposed Eco-Tourist Development - Lot 32 DP 1191742 (88) North Bendalong Road, North Bendalong. Applicant: Casey Brown Architecture Owner: Bendalong Essential Services Pty Ltd File DA14/2397 (PDR)

Note: This item was considered earlier in the meeting. See MIN15.205

SHOALHAVEN WATER

252. REF Determination, Porters Creek Dam Remediation Project File 48043E/2

MOTION: Moved: Wells / Second: Baptist

That:

- a) After consideration of the REF for the Porters Creek Dam remediation works, Council determine that it is unlikely there will be any significant environmental impacts as a result of the proposed works;
- b) Council adopt the proposed mitigation measures and control measures identified in the REF, including sealing Porters Creek Road to the extent outlined in the Report;
- c) Council determine that no Environmental Impact Statement is required for the proposed works.

CARRIED

253. Tenders – Relining for Trunk Main 11 – Quinns Lane South Nowra File 50580E

MOTION: Moved: Wells / Second: Baptist

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

CARRIED

ASSETS AND WORKS / PLANNING AND DEVELOPMENT

- 254. Engagement of dredging Experts to undertake detailed design and technical specifications for dredging tender 47957E, 49710E**
-

MOTION:

Moved: White / Second: Baptist

That Council

- a) **Authorises the General Manager (Assets and Works) to negotiate with Royal Haskoning DHV and to engage and finalise contract variations to do detailed design and drawings, technical specifications and preparation of tender schedules and associated tasks in order to be able to proceed to the tender stage of the dredging works across the Shoalhaven in a timely and efficient way and in line with grant funding conditions allocated by the State Government.**
- b) **Under Section 55(3) of the Local Government Act, resolves not to tender this work as a satisfactory result would not be achieved by inviting tenders due to the following extenuating circumstances:**
 - i) **Royal Haskoning DHV have a very good understanding of the project due to their involvement in the REF and EOI processes**
 - ii) **Royal Haskoning DHV was identified as the best proposal to deliver the EOI and REF as an outcome of the open quotation process that was undertaken by Council for development of concept design, REF and EOI for dredging**
 - iii) **The open quotation process that was advertised for the EOI and REF met the requirements of a tender process but was not advertised as a tender**
 - iv) **Staff have limited to no experience in developing tender documentation for dredging projects and the timeline for the project does not allow for this work to be undertaken in house due to other priorities and works.**
 - v) **The State Government Rescuing our waterways program is providing the grant funding on the basis that the works will be undertaken by December 2015, a tendering process will add unnecessary delays to the project which is critical to advancing delivery of the dredging works and associated activities.**

CARRIED

NOTICES OF MOTION

255. Single Use Plastic Bags in New Shopping Developments **File 2212E**

MOTION: Moved: Findley / Second: Baptist

That Council receive the report on Single Use of Plastic Bags in new Shopping Developments for information.

CARRIED

256. Water Safety – Shoalhaven Beaches **File 32150E**

MOTION: Moved: Gash/ Second: Baptist

That the Notice of Motion be deferred to the next Ordinary Meeting, due to the absence of Cllr Kitchener.

CARRIED

257. A Shoalhaven Response to the Australian Government’s Announcement of the ‘Ice’ Commission **File 13712E**

MOTION: Moved: Guile / Second: Robertson

That:

- a) **That Shoalhaven City Council expresses its support for the Australian Government’s announcement of the ‘Ice’ Commission to be led by former Victoria Police Commissioner Ken Lay.**
- b) **That Council requests the Youth Advisory Committee and the Safer Community Action Team to consider the proposed work of the Commission at its next meeting and how it might advise Council to respond.**
- c) **That the General Manager report to Council both directly and through the Youth advisory committee as to the resources available to Council that might exist to support any community response to the impacts ‘Ice’ is having locally, acknowledging that local government is not the major contributor of funds or resources in this area.**
- d) **That the General Manager write to advise the Member for Gilmore, Ann Sudmalis and the Prime Minister’s office of our support and to thank them for undertaking this initiative.**
- e) **The General Manager write to the Hon Shelley Hancock advising her of Council’s support in this initiative.**

CARRIED

258. Sea level rise policy to inform development policies as a priority File 30596E

MOTION: Moved: Guile / Second: Wells

That the General Manager treat as a priority of Council the incorporation of the adopted sea level rise predictions into all relevant documents.

CARRIED

FOR: Robertson, Kearney, White, Wells, Baptist, Guile, Watson and Gash.

AGAINST: Findley.

259. Future Rate Rises File 3571E

MOTION: Moved: Guile / Second: Findley

That the motion relating to the future rate rises be received for information purposes.

CARRIED

ADDENDUM REPORT 1 - CORPORATE AND COMMUNITY SERVICES

260. Council's Revenue Policy & Potential Changes to Rating Structure 2015/2016 File 44691E, 2973E

Note: This item was dealt with earlier in the meeting see MIN 15.204

CONFIDENTIAL REPORT OF THE GENERAL MANAGER

POLICY AND RESOURCES COMMITTEE – TUESDAY 14 APRIL 2015

Item	Reason
TAFE – NSW – Manufacture & Supply of Cabins & Ensuities	Section 10A(2)(g) - Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

<p>Holiday Haven Tourist Parks – Tender for the Management & Operation of the Bendalong Point Tourist Park</p>	<p>Section 10A(2)(d)(i) - Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.</p> <p>It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenderers in the future.</p>
<p>Tender Process - Walsh Crescent and Hewlett Avenue Water Main Replacement</p>	<p>Section 10A(2)(d)(i) - Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.</p> <p>It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenderers in the future.</p>

ASSETS AND WORKS

<p>Tender - Turpentine Road Upgrade, Tomerong - Chainage 4600 to 8700</p>	<p>Section 10A(2)(d)(i) - Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.</p> <p>It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenderers in the future.</p>
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SHOALHAVEN WATER

<p>Tenders – Relining for Trunk Main 11 – Quinns Lane South Nowra</p>	<p>Section 10A(2)(d)(i) - Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.</p> <p>It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenderers in the future.</p>
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Pursuant to section 10A(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: Robertson / Second: Kearney

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

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

- TAFE – NSW – Manufacture & Supply of Cabins & Ensuites
- Holiday Haven Tourist Parks – Tender for the Management & Operation of the Bendalong Point Tourist Park
- Tender Process - Walsh Crescent and Hewlett Avenue Water Main Replacement
- Tender - Turpentine Road Upgrade, Tomerong - Chainage 4600 to 8700
- Tenders – Relining for Trunk Main 11 – Quinns Lane South Nowra

CARRIED

The meeting moved into confidential the time being 7:15pm.

The meeting moved into open session, the time being 7:17pm.

261. TAFE – NSW – Manufacture & Supply of Cabins & Ensuites **File 24382E**

The following resolution of the Ordinary Meeting of Council, whilst closed to the public, was provided to the public.

That Council approve the negotiation for the manufacture of a restricted number of small cabins and ensuite units with TAFE NSW under the guidelines of the Memorandum of Understanding (MOU) of December 2010 without going to public Tender.

262. Holiday Haven Tourist Parks – Tender for the Management & Operation of the Bendalong Point Tourist Park **File 50332E**

The following resolution of the Ordinary Meeting of Council, whilst closed to the public, was provided to the public.

That:

- a) Council accept the Tender of Krueger Contracting Pty Ltd for the Management and Operation of Bendalong Point Tourist Park for a period of three (3) years from 14 July 2015 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) Council Notify the acceptance of the tenders in accordance with Regulation 179 of the Local Government (General) Regulation 2005.
 - d) Council write to Julie and Brent Huckel thanking them for their faithful service to Council over the past 15 years as managers of Bendalong Tourist Park.

**263. Tender Process - Walsh Crescent and Hewlett Avenue Water Main Replacement
File 50599E**

The following resolution of the Ordinary Meeting of Council, whilst closed to the public, was provided to the public.

That Council:

- a) Accept the tender from Murphy McCarthy & Associates Pty Ltd in the amount of \$375,540.00 incl. GST
- b) Authorise the General Manager (Shoalhaven Water) to finalise and execute the contract with Murphy McCarthy & Associates Pty Ltd on behalf of Council
- c) Authorise the General Manager (Shoalhaven Water) to adjust the contract for variations for components under the contract.

264. Tender - Turpentine Road Upgrade, Tomerong - Chainage 4600 to 8700 File 50601E

Note: The General Manager had left the room when this matter was considered.

The following resolution of the Ordinary Meeting of Council, whilst closed to the public, was provided to the public.

That Council:

- a) Accept the tender from Select Civil Pty Ltd in the amount of \$2,491,824.94 excl. GST
- b) Authorise the General Manager (Assets and Works Group) to finalise and execute the contract with Select Civil Pty Ltd on behalf of Council;
- c) Authorise the General Manager (Assets and Works Group) to adjust the contract for variations for components under the contract and Federal Blackspot Program, and the Gilmore Safety Package.

265. Tenders – Relining for Trunk Main 11 – Quinns Lane South Nowra File 50580E

The following resolution of the Ordinary Meeting of Council, whilst closed to the public, was provided to the public.

That Council:

- a) Accept the alternate offer tender from Interflow Pty Ltd in the amount of \$979,563.66 GST inclusive**
- b) Authorise the General Manager (Shoalhaven Water) to finalise and execute the contract with Interflow Pty Ltd on behalf of Council**
- c) Authorise the General Manager (Shoalhaven Water) to adjust the contract for variations for components under the contract**

There being no further business, the meeting concluded, the time being 7:17 pm.

Clr Gash
CHAIRPERSON