
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 FRIDAY 21 JUNE 2013 COMMENCING AT 4:02 PM

The following members were present:

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

The meeting was opened in Prayer by Father Patrick Faherty, St Michaels Catholic Church, followed by the Welcome to Country/Acknowledgement of Traditional Custodians and the playing of the Australian National Anthem.

569. Apologies/Leave of Absence

Clr McCrudden has sought a leave of absence for the Ordinary Meeting of Friday 21 June 2013 and Tuesday 30 July 2013.

Clr Findley requested a leave of absence from Council from Thursday 27 June 2013 to Sunday 21 July 2013.

MOTION: Moved: Findley / Second: Guile

That

- a) **The application for leave of absence from Clr McCrudden be accepted and a leave of absence for the Ordinary Meeting of Friday 21 June 2013 and Tuesday 30 July 2013 be granted.**
- b) **A leave of absence from Council for Clr Findley be granted from Thursday 27 June 2013 to Sunday 21 July 2013.**

CARRIED

570. Confirmation of the Minutes of the Ordinary Meeting of Council held on 21 May 2013 and the Extra Ordinary Meeting of Council held on 12 June 2013

MOTION:

Moved: Guile / Second: Wells

That the Minutes of the Ordinary Meeting of Council held on Tuesday 21 May 2013 and the Extra Ordinary Meeting of Council held on Wednesday 12 June 2013 be confirmed.

CARRIED

571. Declarations of Interest

Conflict of Interest Declaration – Clr White – Item 22 – Tech Savvy Seniors Program - Pecuniary interest – Being a previous Telstra licensee receiving ongoing remuneration – Will leave the room and not take part in discussion or vote.

Conflict of Interest Declaration – Clr Tribe – Item 77 – Record of Investments – May 2013 – Significant Non-Pecuniary interest – Being a volunteer Board Director of the Bendigo Bank – Will leave the room and not take part in discussion or vote.

MAYORAL MINUTE – FRIDAY 21 JUNE 2013

572. Queen’s Birthday Honours

File 8592E

MOTION:

Moved: Gash / Second: Guile

That in recognition of the honours bestowed upon Mr Robert Dickerson AO, Mrs Jennie George AO, Mrs Shirley Coleman OAM, Mrs Audrey Stuart OAM, Mrs Jan Noble ESM, Warrant Officer Fred Campbell OAM, Commander David Graham CSC and Commander Paul Hines CSC that Council endorse the actions of the Mayor to write letters of congratulations to each of the recipients.

CARRIED

573. Sussex Inlet RSL Bowling Club

File 46636E

MOTION:

Moved: Gash / Second: White

That in recognition of the Sussex Inlet RSL Bowling Club’s nomination for the prestigious Ambassador Award held at the Clubs NSW Community Spirit – Ambassador of the Year Award Dinner that Council endorse the actions of the Mayor to write a letter of congratulations for the Club’s outstanding contribution to the community during the Dean’s Gap Fires.

CARRIED

SECOND MAYORAL MINUTE – FRIDAY 21 JUNE 2013

574. Shoalhaven City Concert Band File 2582E

MOTION: Moved: Gash / Second: Guile

That

- a) **Council provide an additional amount of \$535.00 for the current Financial Year toward the Shoalhaven City Concert band and an amount of \$616.00 from the 2013/14 Budget to meet the cost of the additional hire fees of the Nowra School of Arts to be funded from the Donations Vote.**
- b) **Future amounts allocated to the Shoalhaven City Concert Band for the Hire of the Nowra School of Arts be adjusted in line with the actual cost of the hire fees applicable, based on the current usage.**

CARRIED

GENERAL MANAGER – COMMITTEES REPORT

POLICY AND RESOURCES COMMITTEE – TUESDAY 11 JUNE 2013

575. Adoption of Report

MOTION: Moved: Guile / Second: White

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

CARRIED

576. Local Government Conference – 2013 Australian Coastal Council’s Conference File 3444E, 4688E

That the report regarding the 2013 Australian Coastal Council’s Conference held in Adelaide from 27-29 March 2013 be received for information.

577. Councillor and Staff Interaction Policy File 13541E

That the Councillor and Staff Interaction Policy be adopted.

578. Membership – Southern Water Services Pty Ltd File 4043E, SWS22

That The Board membership of Southern Water Services Pty Limited be:

**Mayor, Cllr Joanna Gash;
Deputy Mayor, Cllr John Wells; and
Councillors Kearney, Kitchener, Watson, Guile and Robertson.**

579. Local Government Acts Taskforce – Discussion Paper File 3573E

That:

- a) The matter be deferred to a Councillor Briefing; and**
- b) The General Manager make urgent enquiries regarding the postal voting system in Victoria.**

580. Future Directions for NSW Local Government (Twenty Essential Steps) File 44629E

That Council make a submission based on the commentary in this report with the addition to Part 19 *‘that investigations be undertaken into other models and options involving Councils other than those specified in the paper’*.

581. Improving the Relationship with Community Consultative Bodies - Draft Action Plan File 1792E

That:

- a) Council adopt the draft Community Consultative Body Action Plan;**
- b) Undertake further engagement with CCBs and the community on the draft Plan; and**
- c) A Councillor Workshop be convened to consider all parts of the Action Plan specific to Councillors and/or relating to meetings.**

582. Holiday Haven Tourist Parks Sponsorship - Huskisson Over 35's Football Tournament File 18762E

That Council endorse the sponsorship of the Huskisson Over 35's Football Tournament operated by the Huskisson/Vincentia Football Club to an amount of \$3,500 to be reviewed annually by the General Manager, Finance & Corporate Services.

583. Local Government Remuneration Tribunal File 5141E

Withdrawn – See MIN13.625

584. Review of Policy - Public Register Access by Community Consultative Bodies and Other Community Groups File 19060E

That Council adopt the Public Register Access by Community Consultative Bodies and other Community Groups Policy (POL10/107) as attached to the report to the Policy and Resources Committee meeting of 11 June 2013.

585. Code of Meeting Practice Amendment **File 3798E**

That Council authorise the inclusion of a statement to Part 9.1 of the Code of Meeting Practice relating to when Council moves from open to confidential session, that provides an explanation of why discussion of the matter in open session would be contrary to the public interest as detailed more fully in the report to the Policy & Resources Committee meeting of 11 June, 2013.

586. Draft Delivery Program 2013 - 2017 and Operational Plan 2013 - 2014: Consideration of Submissions **File 45907E**

Withdrawn – See MIN13.628

587. IPART Determination on Council's Special Variation **File 46321E & 46813E**

Withdrawn – See MIN13.627

588. Resourcing Strategy **File 45907E**

Withdrawn – See MIN13.629

589. Review of Donations and Sponsorship Policy **File 4771E**

That Council

- a) Adopt the Donations Policy POL12/299 as attached to the report of the Policy and Planning Committee meeting of 11 June 2013; and**
- b) Adopt the Sponsorship Policy POL12/272 as attached to the report of the Policy and Planning Committee meeting of 11 June 2013.**

590. Review of Policy - Communications Site Rental - Licensed Community FM Radio Stations Policy **File 29194E**

That Council adopt the amended Communication Site Rental – Licensed Community Radio Stations Policy (POL11/67) as attached to the report to the Policy and Resources Committee meeting of 11 June 2013.

591. Review of Changes to Nowra CBD Business Area Following a Request from Owners of the Marriott Park Motel **File 2973E**

That Council redefine the boundary line for the Nowra Business Rating Category to the western side of the Princes Highway from Plunkett Street to Douglas Street so that the Marriott Park Motel is located outside the Nowra Business Rating Category.

592. Community Energy Efficiency Program Funding Application Results - Street Lighting Replacement File 41342E

That Council:

- a) Receive the report regarding the Community Energy Efficiency Program Funding Application Results - Street Lighting Replacement for information;**
- b) Undertake further investigation into the viability of options proposed in the Ironbark Business Plan where Endeavour Energy funds the upgrade and recovers the costs through the ongoing SLUOS operation charges and if viable, report back to Council; and**
- c) Thank the Department of Resources, Energy and Tourism for the comprehensive feedback provided to Council.**

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

That the GST exclusive price of the affected fees is rounded accordingly and no GST is charged. The fees are advertised for a period of 28 days.

594. Ice Escape Event January 2014 - Shoalhaven Entertainment Centre File 35525E

That:

- a) The Shoalhaven Entertainment Centre hosts “Ice Escape 2014”; and**
- b) Council underwrites the event at the Shoalhaven Entertainment Centre held in January 2014.**

595. Corrected Fees & Charges – 2013/14 - Shoalhaven Swim & Fitness File 5247E, 46321E

That the following Shoalhaven Swim & Fitness fees and charges:

Membership – Complete Aquatic Package

- a) Fee No 14485 – Aquatic Membership Direct Debit – Adult - \$40 (GST inc)**
- b) Fee No 14484 – Aquatic Membership Direct Debit – Concession - \$36 (GST inc)**

be placed on public exhibition for a period of twenty eight (28) days, in accordance with the Local Government Act 1993, and if no significant, adverse comment is received during that time, the fees be adopted.

596. Public Library Funding System Reforms File 7290E

That Council write to the NSW Minister of the Arts, the Hon George Souris MP, through Ms Shelley Hancock, Member for South Coast and Gareth Ward, MP, Member for Kiama, calling upon the Government to implement the submission of the Library Council of NSW for the reform of the funding system for NSW Public Libraries.

597. Tech Savvy Seniors Program File 7290E

Withdrawn – See MIN13.630

598. Revitalising Regional Libraries Grant Funding File 7290E

That Council:

- a) **Accept and vote the grant funding of \$16,000 from the State Government; and**
- b) **Write to the NSW Minister of the Arts, the Hon George Souris MP, thanking him for the Revitalising Regional Libraries Grant Funding.**

599. Soil Analysis & Renovation Program – New Soccer Field St Georges Basin File 2253E

That Council receive the report on Soil Analysis & Renovation Program – New Soccer Field, St Georges Basin for information.

600. Review of Pesticide Use Notification Plan Policy File 17031E

That

- a) **Council reaffirm the current Pesticide Use Notification Plan Policy (POL12/109) with minor amendments as detailed in the report attachment; and**
- b) **A Councillor Briefing be held.**

601. Drainage Easements - Maintenance of Open Drains Policy File 30633E

That that Council affirm the current Drainage Easements – Maintenance of Open Drains Policy (POL12/173) with minor amendments as detailed in the report attachment.

602. Review - Tree Planting – Schools Policy File 18685E

That Council reaffirm the Tree Planting – Schools Policy (POL12/215) with minor amendments as detailed in the report.

603. Computer and Television Recycling Scheme File 33287E

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

604. Roseby Park Road Repairs – Pothole Repair Work Completed File 45592E

That

- a) **The “Roseby Park Road Repairs – Pothole Repair Work Completed” report be received for information; and**

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- b) Council reference this financial allocation to Jerrinja Local Aboriginal land Council for the repair of the Roseby Park road network in Council's next annual report as required by S67(3) of the NSW Local Government Act 1993.

605. St Georges Basin - Revised Estuary Management Plan 2013 and Shoalhaven Wide Dredging Program **File 3406E, 3420E**

That

- a) Council adopt the St Georges Basin Revised Estuary Management Plan 2013 with Action A4 amended to include "investigate sustainable dredging options for Sussex Inlet" and with Actions B2, B3 and C3 amended to include a community education component;
- b) Council develop a prioritised Shoalhaven wide dredging program based on the outcomes of the proposed Maintenance Dredging Feasibility Study for the Shoalhaven (inclusive of Currarong Creek), in order to support future grant funding applications for dredging to the State Government and inform Council's long term financial plan and resourcing strategy;
- c) Should Council's grant application for \$10,000 under the 2013 State Estuary Management Program to undertake a Maintenance Dredging Feasibility Study be unsuccessful, that Council consider funding entirely this study (\$20,000) as it is seen as a high priority; and
- d) Council write to Booderee National Park to notify of 'Little Manly' sand dunes erosion by recreational activities.

606. Draft Tabourie Lake Revised Estuary Management Plan 2012 **File 1439E**

That Council adopt the draft Tabourie Lake Revised Estuary Management Plan 2012.

607. Proposed Aquaculture in Jervis Bay **File 4226E**

That Council:

- a) Defer writing to the NSW Department of Primary Industries (Fisheries) until more information is provided by the EIS currently in preparation; and
- b) Note the recommendation of the Central Shoalhaven Natural Resource & Floodplain Management Committee and consider this when the public consultation on the EIS occurs.

608. Round the Bay Walk – Callala Bay Headland Reserve Walk/Path Route - Report after Public Exhibition **File 46711E**

That Council:

- a) Adopt the draft Callala Bay Headland Reserve path route as detailed in this report for consideration of a Review of Environmental Factors and NSW Office of Environment & Heritage permit approval (Attachment 'C');

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- b) **Should approval be granted as per Recommendation a):**
 - a) **Staged construction commence from Callala Creek to Callala Bay boat ramp amenities building;**
 - b) **Council staff seek interest from community groups in the Callala Bay area to construct sections of the path;**
 - c) **Council staff actively seek grant funding to complete the Callala Bay Headland Reserve path route;**
 - d) **Council consider funding sections of the path in the 2014/15 Delivery Program; and**
 - e) **Council consider a future funding allocation to examine and cost options to upgrade access and the existing steps behind the Callala Bay Sailing Clubhouse.**
 - c) **Advise those who made submissions on the Callala Bay Headland Reserve path route of this resolution and provide them with the Council adopted path route (as detailed in this report);**
 - d) **Existing funds remaining in job no 85988, Round the Bay Cycleway, be rolled over into the 2013/14 financial year to assist funding the Review of Environmental Factors and NSW Office of Environment & Heritage permit approval; and**
 - e) **Following completing of a REF, a further report be provided to the Committee seeking endorsement of the Callala Bay Headland Reserve path surface materials.**

609. Amalgamation of Natural Resources and Floodplain Management Committees
File 1229E, 46778E, 30568E, 30569E

That

- a) **Council endorse the charter of the Natural Resources and Floodplain Management Committees as detailed in Attachment 'A' to this report;**
- b) **Council accept Ms Jessica Zealand as a member of the Northern Shoalhaven Natural Resources and Floodplain Management Committee and the Shoalhaven Heads Estuary Taskforce be requested to nominate an alternative representative for the Northern Shoalhaven Natural Resources and Floodplain Management Committee; and**
- c) **Council staff design and implement a process to gauge the success of the one year trial of amalgamated Committees.**

610. Review of Policy – Access Areas for Dogs POL09/163 File 3220E

Withdrawn – See MIN13.631

611. Berry Sporting Complex – Precinct Master Plan File 3196E

Withdrawn – See MIN13.632

612. Osborne Park Kangaroo Valley Showgrounds Plan of Management / Management Plan **File 38943E**

That

- a) Council adopt the amended draft Osborne Park Kangaroo Valley Showground Plan of Management/Management Plan as per section 40 (2) part b of the Local Government Act;
- b) Council acknowledge that the process to re-categorise Community Land has been undertaken as per section 40a of the Local Government Act;
- c) Council endorse the re-categorisation of Lot A DP376259 from “Sportsground” to “General Community Use”;
- d) Council endorse the re-categorisation of Lot D DP40929 from “Sportsgrounds” to “General Community Use”; and
- e) Council forward an adopted version of the Plan of Management/Management Plan to the Osborne Park Management Committee.

613. Review of Private Use of Public Parking Policy **File 17432E**

That Council exhibits for consultation:

- a) The draft Private Use of Public Parking Policy for a period of 60 days; and
- b) The proposed 2013/2014 fees associated with the private use of public parking.

614. Princes Highway Upgrade - BBU (Berry to Bomaderry) **File 1992E, 6852E**

Withdrawn – See MIN13.633

615. Review of Asset Management Plans and Policies **File 25442E & 30281E**

That:

- a) Following asset management plans (AMPs) and policies be exhibited for three months for community consultation:
 - Asset Management Policy
 - Asset Management Strategy
 - Administration Buildings AMP
 - Aquatic Facilities
 - Arts and Crafts Buildings AMP
 - Bridges and Culverts AMP
 - Bus Shelters AMP
 - Car Parks (Commercial Areas) AMP
 - Cemeteries AMP
 - Coastal and Estuary Assets AMP

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- **Community Buildings AMP**
 - **Courts (Tennis and Netball) AMP**
 - **Cultural Centres AMP**
 - **Drainage AMP**
 - **Early Childhood Services AMP**
 - **Flood Mitigation Structures AMP**
 - **Kerb and Gutter AMP**
 - **Libraries AMP**
 - **Parks and Reserves AMP**
 - **Parks and Reserves – Playgrounds AMP**
 - **Public Amenities AMP**
 - **Public Halls and Community Centres AMP**
 - **Scouts and Guides Facilities AMP**
 - **Shoalhaven Animal Shelter AMP**
 - **Streetscapes AMP**
 - **Surf Lifesaving Clubs AMP**
 - **Traffic Facilities AMP**
 - **Transport Infrastructure (Sealed Roads) AMP**
 - **Transport Infrastructure (Unsealed Roads) AMP**
 - **Walking Tracks AMP**
 - **Waterways Infrastructure (Boating Facilities) AMP**
- b) **Following the public exhibition period, a report be received on proposed amendments to the Asset Management Plans and policies based on:**
- **The submissions received from the public**
 - **Further submissions from Councillors and staff**
 - **Better alignment and support for the revised Community Strategic Plan**
 - **Recent surveys on the condition of infrastructure**
 - **NSW Treasury report on Council’s financial sustainability**
 - **Division of Local Government’s (DLG) “On-site Infrastructure Audit of Shoalhaven City Council”**
 - **Recommendations from the Transformation Program “Driving Down Costs and Enhancing Service Quality” and**
 - **The adopted Long Term Financial Plan for 2013/2022**
- c) **Council congratulate staff on the quality of the Asset Management Plans.**

616. Acquisition of Easement for Water Supply at Burrill Lake

File 44626E

That:

- a) Council resolve to acquire the Easement for Water Supply 5 wide over Lot 150 DP755972 at Burrill Lake, as shown broken line on copy of draft survey plan marked 'Attachment A';**
- b) Council pay compensation of \$3,500 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; and**
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.**

617. Acquisition of Easements for Water Supply at Coolangatta

File 4300E

That:

- a) Council resolve to acquire the Easement for Water Supply 5 wide over Part Lot 1 DP517528 at Coolangatta, as shown by hatching on copy of DP269427 marked 'Attachment A';**
- b) Council pay compensation of \$13,500, plus GST if applicable, and reasonable legal and valuation costs associated with the acquisition in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Water Fund; and**
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.**

618. Acquisition of Easements for Water Supply Coolangatta

File 4298E

That:

- a) Council resolve to acquire the Easements for Water Supply 5 wide and 3 wide over Part Lot 2 DP517528 at Coolangatta, as shown by hatching on copy of DP269427 marked 'Attachment A';**
- b) Council pay compensation of \$10,000, plus GST if applicable, and reasonable legal and valuation costs associated with the acquisition in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Water Fund; and**
- c) The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.**

619. Acquisition of Land and Sewer Easement - South Coast Correctional Centre **File 3A07/1006SW**

That:

- a) Council resolve to acquire Lots 3 and 4 DP1158359 and an Easement for Drainage of Sewerage 5 wide & variable over Lot 1 DP1158359, The Links Road South Nowra, as shown on attached copy of that plan, marked Attachment 'A';
- b) The land and easement be acquired by compulsory acquisition under the Local Government Act 1993, in accordance with provisions the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of sewerage infrastructure and road widening;
- c) The necessary application be made 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, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution;
- e) The land to be acquired to be classified as Operational Land pursuant to Sections 31(2) and 34 of the Local Government Act;
- f) Minerals are to be excluded from this acquisition; and
- g) The acquisitions are not for the purposes of resale.

620. Kangaroo Valley Sewerage Scheme - Connection of Properties **File 2213E**

That Council levy the following human waste removal charges associated with the decommissioning of on-site systems across the Kangaroo Valley Scheme at the 2012/13 amounts:

- Cleanout of septic tank up to 6,000 litres,
- Cleanout of septic tank greater than 6,000 litres, and
- Cleanout of Aerated Waste system up to 8,000 litres.

621. Review of Shoalhaven Water Group Policies - Round 7 **File 12039E**

That:

- a) Council place the following Asset Management Plans (with changes as detailed in the report) on public exhibition and invite submissions in accordance with Sec 160 of the Local Government Act:
 - i) Water Supply Asset Management Plan
 - ii) Sewer Asset Management Plan
- b) Should Council receive submission(s) considered minor then the AMP's be deemed adopted at the completion of the submissions period, otherwise a

further report be provided to Council regarding any substantial submission(s).

622. Policy Review - Domestic Poultry Abandoned on Public Land File 32667E

That Council's adopted policy for Domestic Poultry Abandoned on Public Land (POL12/137) be reaffirmed subject to proposed administrative amendments as outlined in the report.

623. Additional Item – Shoalhaven Family Local and Cultural History Fair File 2582E

That Council waive 50% of the hire fee of Nowra School of Arts for the Shoalhaven Family Local and Cultural History Fair.

624. Additional Item – Berry Pedestrian and Cycling Infrastructure File 44022E

Withdrawn – See MIN13.634

625. (Item 8, Page 2) Local Government Remuneration Tribunal File 5141E

MOTION: Moved: Findley

That Council delegate authority to the General Manager to approve increases to Councillors and Mayoral fees up to the CPI increase that is applied across the organisation and that should any further increase come through from the remuneration tribunal it be referred to Council.

MOTION LAPSED DUE TO LACK OF SECONDER

MOTION: Moved: White / Second: Baptist

That Council retain the 2012/13 fees of \$37,230 per annum (Mayor) and \$17,060 per annum (Councillors) Option 2 for the 2013/14 year.

CARRIED

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

AGAINST: Findley

626. Procedural Motion

MOTION: Moved: Guile / Second: Tribe

That the matter of Item 12 – IPART Determination on Council's Special Variation be considered prior to Item 11 – Draft Delivery Program 2013-2017 and Operational Plan 2013-2014: Consideration of Submissions.

CARRIED

627. (Item 12, Page 3) IPART Determination on Council's Special Variation

File 46321E, 46813E

MOTION:

Moved: Guile / Second: Kitchener

That Council increase its General Rates in 2013/14 by the rate pegging amount of 3.4% only.

Note: Clr Wells – Point of Order in accuracy of Clr Guile's statements in that TCorp stated that Council was in a solid financial position. Clr Wells indicated that Clr Guile was not including the point that the report indicated Council was moving toward a negative financial position.

Note: The Mayor, Clr Gash acknowledged Clr Wells Point of Order and ruled there was no Point of Order and directed Clr Guile to continue addressing the motion.

Note: The Mayor, Clr Gash, then requested that it be recorded in the minutes that Clr Guile be reprimanded and asked to sit down.

Note: Clr White – Point of Order that Clr Guile continues to bring the Council into disrepute and disrupt the meeting with arguments with the Chair. The Mayor, Clr Gash, ruled there was no Point of Order, and directed Clr Guile to continue addressing the motion.

Note: Clr Guile – Point of Order that Clr White cast imputation on Council and requested withdrawal of her comments. The Mayor, Clr Gash, ruled there was no Point of Order and requested Clr Guile to continue addressing the motion.

Note: The Mayor, Clr Gash warned Clr Guile to discontinue personal remarks.

MOTION LOST

FOR: Findley, Guile, Kitchener

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

FORESHADOWED MOTION:

Moved: White / Second: Baptist

That Council increase its General Rates in 2013/14 by an amount of 8% in accordance with the determination of the Independent Pricing & Regulatory Tribunal and comply with the conditions set out in the approval as follows:

- a) **All additional revenue generated by the Special Variation be expended on infrastructure renewal projects in 2013/14 and in all future years; and**
- b) **Council reports in its Annual Report from 2013/14 to 2022/23 the program of expenditure that was actually funded by the Special Variation and the reasons for any significant differences from the program listed in Appendix A of IPART's Determination; and the outcomes achieved as a result of the special variation.**

AMENDMENT:

Moved: Guile / Second: Findley

That Council increase its General Rates in 2013/14 by an amount of 8% in accordance with the determination of the Independent Pricing & Regulatory Tribunal and comply with the conditions set out in the approval as follows:

- a) In subsequent years the 2013/14 8% increase be backed out of future rate peg increases;
- b) If the rate peg is backed out Council immediately commence a far reaching community consultation in line with Council's Community Engagement Policy;
- c) All additional revenue generated by the Special Variation be expended on infrastructure renewal projects in 2013/14; and
- d) Council reports in its Annual Report for 2013/14 the program of expenditure that was actually funded by the Special Variation and the reasons for any significant differences from the program listed in Appendix A of IPART's Determination; and the outcomes achieved as a result of the special variation.

AMENDMENT LOST

FOR: Findley, Guile, Kitchener

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

Clr Findley – Point of Order that there were side conversations occurring. The Mayor, Clr Gash, ruled there was no Point of Order, and requested side conversations to cease.

Note: During discussion on the foreshadowed motion the Mayor rose to her feet and warned Clr Guile that next time he ridicules a fellow councillor he will be removed from the Chamber.

FORESHADOWED MOTION CARRIED

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

AGAINST: Findley, Guile, Kitchener

MOTION OF DISSENT:

Moved: Guile / Second: Findley

That Council dissent on the Mayors ruling as the comments regarding fellow councillors was not ridicule.

MOTION OF DISSENT LOST

FOR: Findley, Guile

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

628. (Item 11, Page 2) Draft Delivery Program 2013 - 2017 and Operational Plan 2013 - 2014: Consideration of Submissions **File 45907E**

MOTION: Moved: White / Second: Baptist

That Council adopt the Draft Delivery Program 2013 – 2017 and Operational Plan 2013 – 2014 with the changes as detailed in this report.

CARRIED

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

AGAINST: Guile

629. (Item 13, Page 3) Resourcing Strategy **File 45907E, 39801E**

MOTION: Moved: White / Second: Kearney

That:

- a) **Council consider the Draft Resourcing Strategy between now and the Ordinary Meeting to be held Friday 21st June 2013 with a view to making a decision on whether to adopt it or request further changes;**
- b) **The Long Term Financial Plan be updated to include Council's Special Variation increase of 8% in 2013/14 as recently approved by IPART; and**
- c) **The IPART report be placed prominently on Council's webpage.**

CARRIED

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

AGAINST: Findley, Guile, Kitchener

630. (Item 22, Page 5) Tech Savvy Seniors Program **File 7290E**

Clr White – Conflict of Interest Declaration – Pecuniary Interest – Being a previous Telstra licensee receiving ongoing remuneration – Left the room and did not take part in discussion or vote.

MOTION: Moved: Guile / Second: Wells

That Council:

- a) **Accept and vote the funding to Council of \$5,000 from Telstra in partnership with the State Library of New South Wales for tuition in electronic devices to senior members of the community to be delivered by Shoalhaven Libraries staff; and**

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- b) **Write to the State Library of New South Wales & William von Armfeld, Telstra Corporation Limited, thanking them for the grant offer.**

CARRIED

631. (Item 35, Page 8) Review of Policy – Access Areas for Dogs POL09/163 File 3220E

Note: Cllr White returned to the meeting.

MOTION:

Moved: Guile / Second: Findley

That

- a) **Council adopt the Access Areas for Dogs POL09/163 with amendments as detailed in this report;**
- b) **A comprehensive Councillor Briefing be held with a visual map detailing the areas showing what is ‘on leash’, what is ‘off leash’, prohibited areas etc;**
- c) **Council undertake further investigation to seek opportunities to increase access areas for dogs ‘off leash’, ‘on leash’ and prohibited areas and report these findings back to Council prior to exhibition of any proposed changes; and**
- d) **Council activate and resource the community engagement strategy to address this policy review.**

CARRIED

632. (Item 36, Page 8) Berry Sporting Complex – Precinct Master Plan File 3196E

MOTION:

Moved: Guile / Second: Wells

That a report be brought to the Policy & Resources Committee and then to Council on the outcomes of the discussions with Duncan Gay in relation to the implications on the Sporting Complex as a whole.

CARRIED

633. (Item 39, Page 9) Princes Highway Upgrade - BBU (Berry to Bomaderry) File 1992E, 6852E

MOTION:

Moved: Guile / Second: Wells

That Council:

- a) **Endorse the staff submission made to RMS on 15th April 2013;**
- b) **Write to the RMS project team to advise of Council’s position regarding contentious access issues;**
- c) **Hold further discussions with the Member for Kiama in relation to changes that may be required due to community consultation; and**

-
- d) **RMS hold further community consultation in relation to submissions that have been received.**

CARRIED

634. (Item 49, Page 13) Additional Item – Berry Pedestrian and Cycling Infrastructure
File 44022E

MOTION: Moved: Guile / Second: Findley

That:

- a) **A Project to establish a learn to ride toddler track, a pump track, the enhancement of current children’s facilities and other associated visitor facilities that might complement such a development at the Berry Showground or other alternate locations be placed on the list for the Illawarra Infrastructure funding for advancement;**
- b) **Project plans, as far as possible, be integrated with other plans for the enhancement of pedestrian and cycling facilities in and around Berry; and**
- c) **An expression of interest be lodged under the \$100M Illawarra Infrastructure funding provided from the leasing of the Port Kembla Port facility; and**
- d) **An Extra Ordinary Meeting of Council be convened to consider its submissions under the Illawarra Infrastructure funding.**

CARRIED

DEVELOPMENT COMMITTEE – THURSDAY 13 JUNE 2013

635. Proposed Council Submission - Planning White Paper: A New Planning System for NSW
File 44089E

MOTION: Moved: Wells / Second: White

That Council provide a submission to the Planning White Paper based on the points detailed in Attachment “B” to the report and continue to participate as required in the continuing planning reform process.

CARRIED

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

AGAINST: Findley

636. Kerb & Gutter Proposal for Dual Occupancy Development and Small Scale infill Subdivisions File 5034e (PDR)

MOTION: Moved: White / Second: Guile

That Council confirm the need for kerb and gutter on small scale (2-3 lots) infill subdivisions and dual occupancy developments be considered on a needs basis, as outlined in the report, and conditioned in development consents accordingly.

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

AGAINST: Nil

637. On-site Sewage Management DCP/LAP No. 78 Amendment No. 2 File 3399E (PDR)

MOTION: Moved: White / Second: Guile

That Council:

- a) **Adopt Development Control Plan/Local Approvals Policy (DCP/LAP) No. 78 Amendment No. 2, with the further amendments (outlined in the report) from the exhibited plan;**
- b) **The decision be advertised in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000 and Clause 77 of the Local Government (General) Regulation 2005; and**
- c) **The submitters be advised of Council's decision.**

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

AGAINST: Nil

638. Review of Development and Environmental Services Policies - Round 3 File 33571E

MOTION: Moved: White / Second: Guile

That Council reaffirm the following policies:

POL12/130	Stormwater Protection on Construction Sites	32379E
POL12/281	The Risks of Building on Sand Dunes (for assistance to people proposing to buy or build on sand dune systems)	31330E
POL12/114	Commercial Home Catering	7467E
POL12/131	Subdivisions, Rural Dwellings and Tourist Facilities – Leebold Hill Road, Parish of Cambewarra	3621E

POL12/255	Dealing with Sick or Injured Animals Policy	32667E
POL12/289	Companion Animals Policy	32667E

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

AGAINST: Nil

639. Boarding Houses Act 2012 File 14502E

MOTION: Moved: White / Second: Guile

That Council resolve to adopt as exhibited a fee of \$300 for the initial compliance inspection of a boarding house under the Boarding Houses Act 2012

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

AGAINST: Nil

640. Additional Item – Proposed use of Existing Buildings for Tourist Activities. Coolangatta Road Berry File DA13/1377 (PDR)

MOTION: Moved: Guile / Second: White

That DA 13/1377 Coolangatta Road Berry for the proposed use of existing buildings for tourist accommodation, refreshment room / restaurant be reported to the Development Committee, due to the significant public interest with more than 30 submissions regarding the suitability of the site for this development.

CARRIED

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

AGAINST: Nil

SHOALHAVEN TOURISM BOARD – MONDAY 22 APRIL 2013

641. Additional Item – Tourism Training Proposal File 35881E

MOTION: Moved: White / Second: Wells

That the Shoalhaven Tourism Board endorse the joint business development pilot initiative of the Shoalhaven Business Chamber Southern Region and investigate funding support \$5,000 from Tourism Development and, subject to the General Manager, allocating \$7,500 from Business Economic Development or other reserve.

CARRIED

SHOALHAVEN TOURISM BOARD – MONDAY 27 MAY 2013

642. Shoalhaven River Festival

File 47326E

MOTION:

Moved: Guile / Second: Anstiss

That Council:

- a) **Establish a Management Committee formed under Section 355 of the Local Government Act to progress and deliver the Shoalhaven River Festival**
 - i. **The Committee be named the Shoalhaven River Festival Committee**
 - ii. **The membership of the Committee be formed from the Shoalhaven Tourism Board and co-opted community members as required**
 - iii. **The Tourism Manager act as Executive Officer of the Committee and report to the Shoalhaven Tourism Board on the activities of the Committee**
- b) **Allocate \$20,000 to the Shoalhaven River Festival Committee from the Strategic Projects Reserve for planning, Development Application and other fees and charges for the running of the event**
- c) **Provide support in-kind in the form of a dedicated promotional website, secretariat, meeting space and event liaison assistance**

CARRIED

ABORIGINAL ADVISORY COMMITTEE – TUESDAY 28 MAY 2013

643. Adoption of Report

MOTION:

Moved: Findley / Second: Wells

That the following items of the Aboriginal Advisory Committee be adopted.

CARRIED

644. Progress Action Plan from the Aboriginal Advisory Committee Meeting held on Thursday 21 February 2013

File 1209E, 35525E

That Council consider a Wall of Fame at the Shoalhaven Entertainment Centre of all people who have contributed to the advancement of the Arts in the Shoalhaven (Aboriginal and Non-Aboriginal persons).

645. Crookhaven Heads Aboriginal Heritage Study Project

File 47339E

That

- a) Council donate and release in a staged amount \$25,000 (ex GST) in Job Number 15289 to Jerrinja Local Aboriginal Land Council to undertake preparation and installation of carved wooden poles in Crookhaven Headland Reserve, upon presentation of a Tax Invoice from Jerrinja Local Aboriginal Land Council to Shoalhaven City Council;**
- b) The donation offer, as detailed in recommendation a) be subject to Jerrinja Local Aboriginal Land Council accepting future maintenance costs associated with the poles and Council can remove the poles and signage from the reserve if they become a risk management issue;**
- c) Council detail this resolution, related to a financial donation to Jerrinja Local Aboriginal Land Council, in Council's next annual report as required by S67(3) of the NSW Local Government Act 1993; and**
- d) A further report be submitted to Council following completion of the carved wooden poles in Crookhaven Headland Reserve, as required by S67(4) of the NSW Local Government Act 1993.**

646. Additional Item – Cultural Heritage Program – National Parks

File 4048E, 1209E

That the Aboriginal Advisory Committee:

- a) Invite National Parks and Wildlife Service to future meetings;**
- b) Receive a follow-up status report from Council on the owned/managed land near Cullunghutti; and**
- c) Have this issue as a standing item in the Committee's Action List.**

SHOALHAVEN ACCESS ADVISORY COMMITTEE – TUESDAY 4 JUNE 2013

647. Accessibility Guidelines and Increase Your Potential Business Booklets

File 1228E, 26396E

MOTION:

Moved: Findley / Second: Kitchener

That:

- a) The report on Accessibility Guidelines and Increase Your Potential Business Booklets Report be received for information;**
- b) A progress report in respect to Council's accessibility issues in respect to DCP 120 Commercial Uses be provided at the next meeting of the Committee;**
- c) The Access Advisory Committee provide presentations to the Shoalhaven Tourism Board, Nowra CBD Action, Business and Employment Committee;**

-
- d) The Chairperson of the Access Advisory Committee approach the Shoalhaven Business Chamber to provide a presentation;
 - e) Council provide a media release on the Accessibility Guidelines; and
 - f) The website links to the accessibility webpage on Council's internet site be made more visible.

CARRIED

COUNCIL PROPERTY STEERING COMMITTEE – THURSDAY 13 JUNE 2013

648. Adoption of Report

MOTION:

Moved: Guile / Second: Baptist

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

CARRIED

649. Shoalhaven City Arts Centre - First Floor 12 Berry Street - Future Long Term Leasing **File 33992e**

That:

- a) Council seek commercial occupants for the vacant first floor rooms of the Shoalhaven City Arts Centre for terms no longer than 12 months pending further consideration of the strategic report commissioned for the future of the Arts Centre and the finalisation of the Request for Proposal process that may include this property; and
- b) Authority be delegated to the General Manager to approve any lease/licence negotiated for 12 Berry Street, Nowra for a period of no more than 12 months.

650. Proposed Licence of Council Land to Narrowcaster Beach FM **File 24141E**

That Council:

- a) Enter into a Licence with A & F Broadcasting over Lot 1 DP 635090, Coonemia Road, Wollumboola, for an amount of \$3,060p.a. plus GST;
- b) Delegate authority to the General Manager to finalise negotiations in relation to the occupancy licence with Vodafone; and
- c) Authorise 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 this resolution.

651. Granting Occupancy Licences - Shoalhaven Community Radio at Berry, Cambewarra and Ulladulla **File 27851E, 7434E & 45710E**

That further negotiations with Shoalhaven Community Radio Inc groups be undertaken and reported back to Council.

652. Proposed Lease of Room 1, 3 Watt St Huskisson to Huskisson Vincentia & Districts Meals on Wheels Service Incorporated **File 2373e**

That Council:

- a) Terminate the current lease of room 1, being that part of 3 Watt St Huskisson currently leased to Huskisson Vincentia & Districts Meals on Wheels Service, Inc;
- b) Lease to the Huskisson Vincentia & Districts Meals on Wheels Service, Inc. the whole of Lot 6, Section 19 of DP 758530 in accordance with Council's Occupation of Council Owned or Managed Land Policy for a term of five years at an initial rent of \$444.00p.a. plus GST;
- c) The General Manager be authorised to finalise negotiations for the Lease; and
- d) Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to this resolution.

653. Dunisla Street, Sanctuary Point Dedication of Land as Public Road, Section 16 of the Roads Act 1993 **File 46456e**

That by way of gazettal the following lots below be dedicated as public road in accordance with Section 16 of the Roads Act 1993:

- a) Lot 32 Section F in DP8324, Lot 63 Section G in DP8324, Lot 63 Section H in DP8323 and Lot 96 Section J in DP8322 situated in Dunisla Street Sanctuary Point Parish of Bherwerre, County of St Vincent and said to be in the ownership of Alfred Saunders.

654. Classification of Land - Various **File 7720E, SF9298, SF9786SW**

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

- a) Lot 271 DP1179205 – South Nowra – Drainage Reserve – SF9298; and
- b) Lot 1001 DP1183960 – Vincentia – Sewer and Water Supply – SF9786SW.

655. Additional Item – Milton Historical Society Property Purchase File 4916E

That Council request the State Government to provide financial assistance of an interest free loan of up to \$600,000 to the Milton Historical Society to purchase a property in Milton to house their collection.

656. Sale of Additional Land, South Nowra – Consolidated Logistics File 36463E

That:

- a) Council authorises the adjustment of boundaries for lots 133 & 134 in DP 1124258 for an adjusted increase in sale price for lot 134 of \$55,000 to \$270,000;**
- b) Council engages Consolidated Logistics under contract to undertake the reshaping of lots 132 & 133 for \$55,000, subject to agreement on design and scope of works and independent verification of the value of works;**
- c) Council resets the minimum sale prices for Lot 132 at \$200,000 and Lot 133 at \$210,000 to reflect the additional works;**
- d) The General Manager be authorised to sign the Contracts for Sale of the industrial lots at Trim St Sth Nowra above; and**
- e) The Transfers to complete the Contracts and boundary adjustment be executed under the seal of Council.**

657. Proposed Egans Lane Car Park Development File 45129E

That Council:

- a) Endorse the undertaking of a procurement process such as an Expression of Interest, or similar, relating to the Redevelopment of Egans Lane Car Park in accordance with the DLG Guidelines;**
- b) Endorse the establishment of a Project Team to manage the procurement process led by the Planning Resources & Property Manager as Project Director and supported by external consultants relating to probity, legal, advisory and quantity survey services. The Project team brief will include:
 - i) Setting the parameters for the site including resolving the Arts Centre & Library potential relocation issue;**
 - ii) Preparing the Project Description;**
 - iii) Preparing a Statement of Outcomes;**
 - iv) Establishing a Timeframe;**
 - v) Determining the Total Cost and Financing model;**
 - vi) Reviewing the Risk Assessment;**
 - vii) Reviewing the Governance Structure;**
 - viii) Assessing Council's contribution in terms of equity and/or financial commitment;****

-
- ix) Engagement of a suitably qualified professional company in major development projects to assist in the marketing and assessment of the proposals;
 - x) Engagement of a Probity Advisor;
 - xi) Engagement of a Legal Practitioner with experience in high level negotiations with national and multi-national firms; and
 - xii) Engagement of Quantity Survey and Advisory Services Consultants when applicable;
- c) Vote an amount of \$200,000 from the Strategic Projects Reserve in the 2013/14 Budget into the Property Development General job number 88650 for this purpose;
 - d) Invite the current proponents to make a formal submission to the procurement phase; and
 - e) In respect to b) x) and xi), continue to use the services of IAB Services to provide probity advice on the project and engage them to prepare a Probity Plan and Evaluation Plan specifically for this phase of the procurement process in conjunction with the Legal Practitioner engaged for this project, if applicable.

SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 11 JUNE 2013

658. Adoption of Report

MOTION:

Moved: Guile / Second: White

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

CARRIED

659. Parking Restrictions - Moss Street, Nowra adjacent Nowra High School (PN 1346) File 2636E

That the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the installation of a No Parking Zone 8AM – 9.30AM and 2.30PM – 4PM School Days (for a distance of approximately 42m) on the southern side of Moss Street, Nowra, as detailed in the plan TRAF 2013/26 attached to the report.

660. Road Safety, Kangaroo Valley Road, Berry Mountain (PN 2381) File 1664E

That the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the installation of Double-Barrier (BB) centre linemarking on Kangaroo Valley Road, Berry, for a distance of approximately 45m either side of the intersection with Ben Dooley Road, as detailed in the plan TRAF 2013/27 attached to the report.

**661. Traffic Congestion and Road Safety - Kalinga Street, Cambewarra Village.
(PN 2400) File 38767E**

That the General Manager (Director Strategic Planning & Infrastructure) be requested to arrange for the installation of No Stopping zone 8.30AM-9.30AM - 2.30PM-3.30PM School Days on the southern side of Kalinga Street, Cambewarra (between Goorama Drive and Nooramunga Avenue, as detailed in the plan TRAF 2013/28 attached to the report.

**662. Junction Court Redevelopment - Opening to one way traffic - Junction St, Nowra
(PN 2980) File 44389E**

That the General Manager (Director Strategic Planning & Infrastructure):

- a) Be advised that the Shoalhaven Traffic Committee has no objections the implementation of a One Way (eastbound) traffic flow in Junction Street, Nowra (between Kinghorne Street and O'Connell Lane);**
- b) Be requested to install the associated signs and delineation as detailed in TRAF 2013/29, to enable the One way traffic flow.**

**663. Road Upgrade of Kalandar Street and entrance to proposed Dan Murphy's outlet -
Owner: Australian Leisure & Hospitality Group Ltd Applicant: Martin, Morris &
Jones (Graham Rollinson, Director) (PN 2972) File DA09/2325**

That the General Manager (Director Development and Environmental Services) be advised that the Shoalhaven Traffic Committee has no objections to the proposed works (as detailed in the signs and lines plans (REF No CARDNO CG130055 T 01 Rev P4, CARDNO CG130055 T 02 Rev P2, CARDNO CG130055 T 03 Rev P2) attached to the report) on Kalandar Street, Nowra in association with the development of the Dan Murphy's outlet, subject to:

- a) The BB lines at western end of the project being extended to Kinghorne Street, to Council satisfaction;**
- b) The plans in vicinity of the Lot78 DP219576 (82 Journal Street) and Lot79 DP219576 (77 Kalandar Street) being amended to address safe standards noting the proposed 3.1m lane widths could be accepted, however driveway crossovers have to be amended in accordance with Council's DCP100, this will require relocation of the footpath, and as a consequence of the driveway and path amendments; boundary fence modifications will be required to address pedestrian safety in accordance with AS2890.1; and**
- c) A final decision on the design to address b) (above) must be undertaken in consultation with the affected owners.**

REPORT OF GENERAL MANAGER

GENERAL MANAGER

664. Local Government Conference - 2013 OzWater Conference **File 3989E, 4688E**

MOTION: Moved: White / Second: Guile

That the report regarding the 2013 OzWater Conference held in Perth from 7-9 May 2013 be received for information.

CARRIED

FINANCE AND CORPORATE SERVICES

665. Record of Investments - May 2013 **File 2126E**

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

MOTION: Moved: Wells / Second: Guile

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

CARRIED

666. Making of the Rates and Charges for 2013/2014 **File 45907E, 46321E**

Note: Clr Tribe returned to the meeting

MOTION: Moved: White / Second: Wells

That Council adopts the making of the rates and charges for 2013-2014 as detailed in Delivery Program 2013-2017 and Operational Plan 2013-2014 which was placed on public exhibition from 26 April 2013 to the 24 May 2013.

CARRIED

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

AGAINST: Findley, Guile, Kitchener

667. Amended Council Meeting Date for August

File 3910E

MOTION:

Moved: Wells / Second: White

That Council confirm the date for the August Ordinary meeting is to be held on Tuesday 3 September 2013.

CARRIED

LEGAL DOCUMENTS - SHOALHAVEN WATER

668. Ulladulla Wastewater Treatment Plant. Acquisition of Crown Road.

File 21687E

MOTION:

Moved: Guile / Second: White

That

- a) **Council resolve to vary the previous Council resolutions for the compulsory acquisition of Crown road for the Ulladulla Wastewater Treatment Plant, now shown as Lot 1 of DP1186174 as attached to the report; and**
- b) **The necessary application be made to the Minister for Local Government and the Governor to issue an amended Acquisition Notice which includes a second schedule nominating easements for water supply and overhead power lines to be excluded from the acquisition.**

CARRIED

NOTICES OF MOTION

669. Urgent Report on Options for Location/Design of a Multi Storey Car park in Nowra CBD

File 39962E

MOTION:

Moved: Tribe / Second: Guile

That:

- a) **A report on options for the location and design of a multi storey car park in Nowra CBD be submitted to Councillors for consideration; and**
- b) **When a briefing is called on this issue members of the former Nowra CBD Car Parking Committee be invited.**

CARRIED

670. Report on Options for Toilets at Wowly Creek

File 7677E

MOTION:

Moved: Tribe / Second: Wells

That a report be provided to Councillors on options for toilets to be located at Wowly Creek for the benefit of Callala Bay residents and tourists. Such report to include assets that currently are scheduled ahead of this project and further that the report address the feasibility of including toilet blocks that are available off the shelf.

CARRIED

671. Penwood Railway – Jaspers Brush

File 3583E

Note: Clr Robertson left the meeting.

MOTION:

Moved: Guile / Second: Wells

That the General Manager report to Council on what needs to be done to enable the owner of the Penwood Railway property in Jaspers Brush to subdivide the holding and to achieve a dwelling entitlement on the railway parcel to provide for the future use of the facility which has become an iconic local attraction for families.

CARRIED

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

Note: Clr Anstiss left the meeting.

Note: Clr Robertson was absent from the meeting.

MOTION:

Moved: Watson / Second: Kitchener

That the following matters be introduced as matters of urgency:

- a) Addendum Report 1 – Finance & Corporate Services;
- b) Addendum Report 2 – General Manager;
- c) Addendum Report 3 – General Manager – Committees Report;
- d) Addendum Report 4 – General Manager – Committees Report; and
- e) Addendum Report 5 – City Services & Operations.

CARRIED

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

ADDENDUM REPORT 1 - FINANCE AND CORPORATE SERVICES

673. Proposed Changes to State Electoral Boundaries **File 14560E**

Note: Clr Robertson was absent from the meeting.

Note: Clr Anstiss was absent from the meeting.

MOTION: Moved: Wells / Second: White

That the report on Proposed Changes to the State Electoral Boundaries be received for information.

CARRIED

ADDENDUM REPORT 2 - GENERAL MANAGER

674. Local Government Acts Taskforce - Discussion Paper **File 3573E**

Note: Clr Robertson was absent from the meeting.

Note: Clr Anstiss was absent from the meeting.

MOTION: Moved: Wells / Second: Kearney

That Council make a submission to the Taskforce based on the comments within this report.

CARRIED

ADDENDUM REPORT 3 - GENERAL MANAGER – COMMITTEES REPORT

SHOALHAVEN TOURISM BOARD – MONDAY 27 MAY 2013

675. Applications for Event Funding **File 42405E**

Note: Clr Robertson returned to the meeting.

Note: Clr Anstiss was absent from the meeting.

MOTION: Moved: Wells / Second: Kitchener

That Council support and endorse the Surfing NSW “24/7” program and assist with communication of the program to the wider Shoalhaven surfing community.

CARRIED

BUSINESS & EMPLOYMENT DEVELOPMENT COMMITTEE – MONDAY 17 JUNE 2013

676. Adoption of Report

Note: Cllr Anstiss was absent from the meeting.

MOTION:

Moved: White / Second: Findley

That the following items of the Business & Employment Development Committee be adopted.

CARRIED

677. University of Wollongong, Shoalhaven Campus **File 1418E, 40167E**

That the Employment & Educational Opportunities Sub-Committee of the Business and Employment Development Committee meet with Professor Paul Wellings, Vice Chancellor of the University of Wollongong, to discuss new courses to be offered and the links into job creation opportunities within the region.

678. Membership - Business & Employment Development Committee **File 38821E**

That Council

- a) **Appoint the following as members of the Business & Employment Development Committee:**
- i. **John Lamont, Regional Development Australia – Far South Coast;**
 - ii. **Gerald Buckley, Secondary Schools Representative;**
 - iii. **Megan Cleary, NSW Trade & Investment;**
 - iv. **Robbie Collins, University of Wollongong;**
 - v. **David Goodman, Shoalhaven Business Chamber;**
 - vi. **Paul Goodwin, NSW TAFE;**
 - vii. **Shelley Hancock, Member for South Coast (or nominee);**
 - viii. **Fiona Hatcher, Regional Development Australia Far South Coast;**
 - ix. **Michelle Kellaway, Department of Premier & Cabinet (observer);**
 - x. **Catherine Shields, Shoalhaven Tourism Board;**
 - xi. **Jennifer Stewart, Shoalhaven Business Chamber;**
 - xii. **Colin Waller, business representative;**
 - xiii. **Gareth Ward, Member for Kiama (or nominee);**
 - xiv. **Julia Driscoll, Youth Advisory Committee;**
 - xv. **Joanna Gash, Member for Gilmore (or nominee);**

-
- xvi. Tim Montgomery, Unions Shoalhaven;
 - xvii. Russ Pigg, Shoalhaven City Council (or nominee);
 - xviii. Arthur Rorris, South Coast Labour Council;
 - xix. Bradley Stait, Youth Advisory Committee;
 - xx. Chris Warren, Kangaroo Valley Tourist Association; and
 - xxi. All Councillors;
- b) Invite Shoalhaven Professional Business Association (SPBA), Shoalhaven Business Chamber – Southern Area and a representative from the Community Business Sector (suggest Flagstaff Group) to nominate a member to join the Committee.

ADDENDUM REPORT 4 - GENERAL MANAGER – COMMITTEES REPORT

NOWRA CBD ACTION – THURSDAY 20 JUNE 2013

679. Adoption of Report

Note: Cllr Anstiss was absent from the meeting.

MOTION:

Moved: Wells / Second: White

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

CARRIED

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

AGAINST: Findley

680. Nowra CBD Action Workshops

File 45446E

That:

- a) the role of Nowra CBD Action be as follows:
 - i) Nowra CBD Action to be an Advisory Committee;
 - ii) Provide recommendations to Council concerning any Policy, Plan or Development Control Plan that may include impact on the Nowra CBD, including, but not limited to, the Graffiti Policy, Tree Management Plan etc;
 - iii) Provide recommendations to Council on linking developer contributions to the identified works in the Master Plan;
 - iv) To assist in the development of the Nowra CBD Master Plan;
 - v) Determine the maintenance policies within the Nowra CBD;

-
- vi) To provide recommendations to Council on strategic matters relating to the maintenance and improvements to assets in the Nowra CBD;
 - vii) To consider graffiti management/maintenance issues within the CBD and provide recommendations to Council; and
 - viii) To investigate private and public solutions to improve parking in the Nowra CBD and to report to Council on those options.
- b) When Council considers the Notice of Motion – ‘Urgent Report on Options for Location/Design of a Multi Storey Car Park in Nowra CBD’ - it recommends a Councillor Briefing be held with Nowra CBD Action and previous members of the Nowra Car Parking Committee.

681. Graffiti Management – Progress Report May 2013 File 1244E

That Council further support the relevant tasks to maintain the Graffiti Management Program at the highest level.

682. Nowra CBD Action - Status of Council Resolutions File 45446E

That the report regarding the Nowra CBD Action – Status of Council resolutions be received for information.

683. Nowra CBD Urban Design Master Plan – Draft Implementation Plan File 39962E, 44022E

That:

- a) The Report of the General Manager (Strategic Planning & Infrastructure) regarding the Draft Implementation Plan of the Nowra CBD Urban Design Master Plan be received for information;
- b) Discussions be held to select high priority projects from the attached Draft Implementation Plan and/or other projects for delivery in the next three year timeframe;
- c) The agreed projects be considered for inclusion in Council’s Operational Plan, Delivery Program and Resourcing Strategy, subject to Council financial affordability;
- d) A Working Group be created and members nominated from Nowra CBD Action to prioritise other projects from the Draft Implementation Plan for medium and long term delivery, and that the recommendations of this Working Group be submitted to the next Nowra CBD Action meeting;
- e) A Workshop and Councillor Briefing be held in relation to the Draft Implementation Plan and Masterplan; and
- f) The inclusion of 1 or more projects from the Masterplan to be included in the expression of interest process as part of the \$100M State Government Infrastructure Fund.

684. Draft Nowra CBD Building Height and Floor Space Ratio (FSR) Study
File 47428E, 17377E

That:

- a) The Draft Nowra CBD Building Height and Floor Space Ratio (FSR) Study be placed on public exhibition for a period of 28 days;**
- b) The Draft Nowra CBD Building Height and Floor Space Ratio (FSR) Study be placed on Council's internet site and also displayed at Nowra Administrative Building and Nowra Library;**
- c) Landowners within the study boundary be informed in writing of the public exhibition;**
- d) The Department of Planning & Infrastructure be informed of the public exhibition and of Council's intention to incorporate the final outcome of the Draft Study into the SLEP 2013 at the appropriate point;**
- e) A further report be submitted to Council following the public exhibition period; and**
- f) Council revoke the unspent budget in the current Nowra CBD Review (Job number 15296) to be allocated in the next financial year's budget for the preparation of a Nowra CBD Development Control Plan.**

685. Addendum Report – Request for Membership from Access Advisory Committee
File 1228E, 45446E

That the Nowra CBD Action invite the nomination of a representative from the Access Advisory Committee.

686. Additional Item – Nomination of Member from Shoalhaven Business Chamber
File 45446E

That Nowra CBD Action accept Ms Jacqui Burke as the nomination for membership from the Shoalhaven Business Chamber.

687. Additional Item – Retailer Membership
File 45446E

That the retail industry be approached for membership to Nowra CBD Action.

ADDENDUM REPORT 5 - CITY SERVICES AND OPERATIONS

688. Greenwell Point Public School - Crossing Upgrade Tender Update **File 46699E**

Note: Clr Anstiss returned to the meeting.

MOTION: Moved: Guile / Second: White

That:

- a) Council receive for information, that no tenders were received for the Greenwell Point Public School Crossing Upgrade; and**
- b) Council authorise the General Manager (Director City Services and Operations) to carry out the requirements of the proposed contract itself.**

CARRIED

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

MOTION: Moved: Findley / Second: Kitchener

That the matter of Land Purchase for Car Parking in Milton be introduced as a matter of urgency.

CARRIED

The Chairperson ruled the matter as one of urgency as land is for sale currently and allowed its introduction.

690. Additional Item – Land Purchase for Car Parking in Milton **File 5280E**

Conflict of Interest Declaration – Clr Findley – Less than significant non pecuniary interest – Due to living within proximity of land that could be used for car parking in Milton – remained in the room.

MOTION: Moved: Findley / Second: Kitchener

That an urgent report be brought to Council that outlines a pathway to purchase land in Milton for car parking in line with the proposed strategic land acquisitions process.

CARRIED

CONFIDENTIAL REPORT OF THE GENERAL MANAGER

GENERAL MANAGER – COMMITTEES REPORT

POLICY AND RESOURCES COMMITTEE – 11 JUNE 2013

Item	Reason
Tenders for the Management & Operation of Holiday Haven Tourist Park Properties at Shoalhaven Heads Tourist Park and Crookhaven Heads Tourist Park	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10A(2)(d)(i)
Holiday Haven Tourist Parks - Management Contract for Bendalong Point Tourist Park - Contract Extension Option	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10A(2)(d)(i)
National Computer & Television Recycling Scheme Agreement	Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it. 10A(2)(d)(i)

GENERAL MANAGER

Item	Reason
Code of Conduct Complaints	<i>“alleged contraventions of any Code of Conduct requirements applicable under Section 440 of the Local Government Act”</i> . In is not in the public interest to disclose Code of Conduct allegations. 10A(2)(i)

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

Note: Clr White left the meeting.

MOTION:

Moved: Findley / Second: Guile

That Item 4 – Code of Conduct Complaints in the Confidential Report of the General Manager be brought into the open meeting for consideration and not be discussed in confidential.

LOST

FOR: Findley, Guile

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

MOTION: Moved: Tribe / 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)(d)(i).

It is not in the public interest to disclose the following items as it may impact on the ability of Council to attract competitive tenders in the future:

- a) Tenders for the Management & Operation of Holiday Haven Tourist Park Properties at Shoalhaven Heads Tourist Park and Crookhaven Heads Tourist Park; and
- b) Holiday Haven Tourist Parks - Management Contract for Bendalong Point Tourist Park - Contract Extension Option

It is not in the public interest to disclose the following item as the three federally approved Co-Regulatory Arrangements require that the terms of their agreements remain confidential so as not to compromise their negotiations with other potential e-waste collectors:

- a) National Computer & Television Recycling Scheme Agreement.

It is not in the public interest to disclose the following item being a Code of Conduct allegation:

- a) Code of Conduct Complaints.

CARRIED

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

AGAINST: Findley, Guile

The meeting moved into confidential session, the time being 6:15 pm.

The meeting moved into open session, the time being 6:59 pm.

691. Tenders for the Management & Operation of Holiday Haven Tourist Park Properties at Shoalhaven Heads Tourist Park and Crookhaven Heads Tourist Park File 46705E

Note: Clr White returned to the meeting.

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

That Council

- a) **Accept the Tender of Davann Pty Ltd for the Management & Operation of the Shoalhaven Heads Tourist Park at a percentage of gross profit equal to 28%;**
- b) **Accept the Tender of Gaoever Pty Ltd for the Management and Operation of the Crookhaven Heads Tourist Park at a percentage of gross profit equal to 29%;**
- c) **The contract documents and any other associated documents be executed by the General Manager (Finance and Corporate Services); and**

692. Holiday Haven Tourist Parks – Management Contract for Bendalong Point Tourist Park - Contract Extension Option File 18495E

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

That:

- a) **Council grant the contract extension option to Huckel Developments Pty Ltd for a period of two years from 14 July 2013 for the management and operation of Bendalong Point Tourist Park at the contract percentage as recommended in this report (i.e. at a percentage equal to 26% of gross profit);**
- b) **The Tender contract documents and any other associated documents be executed by the General Manger (Finance and Corporate Services); and**

693. National Computer & Television Recycling Scheme Agreement File 33287E

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

That the resolution remain confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993 in accordance with the confidentiality obligations of Council as defined in the Terms of Agreement with DHL Supply Chain Australia.

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

That:

- a) Council determine in accordance with Clause 12.24 of Council's Code of Conduct that in respect of the three complaints Cllr Guile has not breached the Code of Conduct;**
- b) The three complaints be dismissed;**
- c) The resolution of Council be made public; and**
- d) A confidential councillor briefing to be conducted with the Reviewer to discuss the review process.**

There being no further business, the meeting concluded, the time being 7:04 pm.

Clr Gash
CHAIRPERSON