

MINUTES OF THE ORDINARY MEETING

Meeting Date: Tuesday, 28 August 2018
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

Clr Amanda Findley - Chairperson
Clr Joanna Gash
Clr John Wells
Clr Patricia White
Clr Kaye Gartner
Clr Nina Cheyne
Clr Annette Alldrick
Clr John Levett
Clr Andrew Guile – arrived 5.16pm
Clr Mitchell Pakes
Clr Greg Watson – left 10.01pm
Clr Mark Kitchener – left 8.59pm
Clr Bob Proudfoot

The Chairperson read a statement advising those present that the proceedings of this meeting (including presentations, deputations and debate) will be webcast and may be recorded and broadcast under the provisions of the Code of Meeting Practice.

The meeting was opened by an Acknowledgement of Traditional Custodians by the Chairperson, followed with a Prayer by Pastor Joel Noonan and the playing of the Australian National Anthem.

Apologies / Leave of Absence

RESOLVED (Clr Pakes / Clr White) MIN18.639

That Clr Alldrick be granted a Leave of Absence for a period of 4 weeks from 29 August 2018.

CARRIED

Confirmation of the Minutes

RESOLVED (Clr Wells / Clr Alldrick) MIN18.640

That the Minutes of the Ordinary Meeting of Ordinary Meeting held on Tuesday 31 July 2018 be confirmed.

CARRIED

Declarations of Interest

Stephen Dunshea (Director Finance Corporate & Community Services) – CSA18.15 - Tender - Management & Operation of the Shoalhaven Indoor Sports Centre & Bomaderry Basketball Stadium – significant non pecuniary interest declaration – Shoalhaven Swim and Fitness is one of the tenderers – will leave the room.

Clr Findley – CL18.186 and CL18.192 – Notices of Motion - Support for Farmers – less than significant non pecuniary interest declaration – is a rural property owner but will not be applying for hardship – will remain in the room and will take part in discussion and vote.

Clr Cheyne – CL18.190 – Notice of Motion – Bill Andriske Oval - Mollymook – less than significant non pecuniary interest declaration – her cousin plays for the Bulldogs – will remain in the room and will take part in discussion and vote.

MAYORAL MINUTE

Nil

PRESENTATION OF PETITION

Presentation of Petitions

Clr Proudfoot presented a petition containing 22 signatures which states:

To the City of Shoalhaven, we the undersigned formally petition the City of Shoalhaven Council to address the following:

The Traffic And Parking Impact Statement produced for the proposed developer of LOT 38-40 in Subdivision Of Lot 5 DP 788159 Nadine Street Sanctuary Point (Proposed Early Learning Centre) states that the entire development, including 44 residential homes and the Early Learning Centre would generate an AADT of 488 vehicle trips, and that in accordance with the Council's DSP 2014, Chapter G11 would be acceptable on the 6M wide roads within the new development.

In assessing the proposed increase in traffic on the existing portions of Nadine and Tahnee Streets between Links Avenue and Anson Street, taking into account the existing 42 residential homes and applying the figure published in RMS GUIDE TDT2013/04a of 7.4 daily vehicle movements per home in a regional area, an approximate AADT of $(43 \times 7.4) + 488 = 800$ is reached, after adding the existing through traffic, a figure in excess of 900 vehicle movements per day would be the likely result.

This level of traffic is not acceptable on an Access Street with a width of 6M but the existing section of Tahnee Street measures 4.4M drain to drain for most of its length putting it in the Laneways category on the Council's DCP and should therefore be subject to less than 15 vehicle movements per day.

Early Learning Centres are an essential component of modern communities and must be allowed to exist but the proposed dangerous level of traffic particularly on a 4.4M wide laneway must be reduced. A possible remedy would be to make this section of Tahnee Street into a one way precinct from Anson Street to Nadine Street and the counter flow to return to Anson Street via Kean Avenue.

As home owners and residents within the existing portion of Tahnee Street the above proposal would cause us and our families some inconvenience but this would be preferable over the current dangerous proposal.

DEPUTATIONS AND PRESENTATIONS

CL18.186 – Notice of Motion – Support for Farmers

Mr Robert Miller addressed the meeting.

Note: Clr Guile arrived during the Deputation at 5.16pm

CL18.204 - Exhibition Outcomes and Proposed Finalisation - Draft Planning Package - Moss Vale Road South Urban Release Area (Page 76)

Mr Daniel Thompson (representing landowners – Carter, Brown, Taylor & Cambewarra Housing Company) addressed the meeting to speak for the recommendation.

CL18.193 - Notice of Motion - Draft Medium Density Amendment - Shoalhaven Development Control Plan 2014 - Post Exhibition Consideration and Finalisation (Page 10)

Ms Annette Pham, member of the Inclusion and Access Advisory Committee, addressed the meeting to speak against parts of the recommendation.

Mr Graham Fulton addressed the meeting to speak in favour of parts of the recommendation

Procedural Motion – Introduction of Matters of Urgency - Bring Items Forward

RESOLVED (Clr Gartner / Clr Cheyne)

MIN18.641

That the following:

1. Addendum reports be introduced; and
 - a. CL18.207 Report of the Sustainable Futures Committee - 9 August 2018
 - b. CL18.208 Report of the Shoalhaven Natural Resources & Floodplain Management Committee - 25 July 2018
2. Matters be brought forward for consideration:
 - a. CL18.186 - Notice of Motion - Support for Farmers
 - b. CL18.192 – Notice of Motion - Support for Local Farmers
 - c. CL18.204 - Exhibition Outcomes and Proposed Finalisation - Draft Planning Package - Moss Vale Road South Urban Release Area
 - d. DE18.56 - Draft Medium Density Amendment - Shoalhaven Development Control Plan 2014 - Post Exhibition Consideration and Finalisation
 - e. CL18.193 - Notice of Motion - Draft Medium Density Amendment - Shoalhaven Development Control Plan 2014 - Post Exhibition Consideration and Finalisation

CARRIED

CL18.186 Notice of Motion - Support for Farmers

HPERM Ref:
D18/268402

Clr Findley – less than significant non pecuniary interest declaration – is a rural property owner but will not be applying for hardship – remained in the room and took part in discussion and vote.

Recommendation

That Council

1. Wishes to support in practical ways the plight of our farmers and those who make their living off the rich farming and grazing lands throughout the City.

2. Promotes the assistance provided by the NSW Government to those impacted by drought under the recently announced \$1 Billion support package.
3. Immediately suspend the accrual of interest from 1 July 2018 on all farmland rating properties with overdue rates and charges.
4. Receive a report at the September Strategy & Assets Committee Meeting on options available to Council to amend its Hardship Policy to provide further rates relief to affected farmers. Options Including,
 - a. A rates holiday for affected farmers that are eligible for assistance provided by the NSW Government
 - b. Payment plans for affected farmers
 - c. Other support options

MOTION (Clr Pakes / Clr Guile)

That Council:

1. Wishes to support in practical ways the plight of our farmers and those who make their living off the rich farming and grazing lands throughout the City.
2. Promotes the assistance provided by the NSW Government to those impacted by drought under the recently announced \$1 Billion support package.
3. Immediately suspend the accrual of interest from 1 July 2018 on all farmland rating properties with overdue rates and charges.
4. Write to the State Government seeking an exemption to allow a rates holiday
5. Receive a report at the September Strategy & Assets Committee Meeting on options available to Council to amend its Hardship Policy to provide further rates relief to affected farmers. Options Including:
 - a. A rates holiday for affected farmers that are eligible for assistance provided by the NSW Government;
 - b. Payment plans for affected farmers;
 - c. Reduction in water rates;
 - d. Providing Tipping vouchers;
 - e. Investigate the Load limits and the use of local roads for farmers tractors as soon as possible and
 - f. Other support options

AMENDMENT (Clr Gartner / Clr Alldrick)

That Council:

1. Wishes to support in practical ways the plight of our farmers and those who make their living off the rich farming and grazing lands throughout the City.
2. Promotes the assistance provided by the NSW Government to those impacted by drought under the recently announced \$1 Billion support package.
3. Immediately suspend the accrual of interest from 1 July 2018 on all farmland rating properties with overdue rates and charges.
4. Write to the State Government seeking an exemption to allow a rates holiday
5. Receive a report at the September Strategy & Assets Committee Meeting on options available to Council to amend its Hardship Policy to provide further rates relief to affected farmers.

Options Including:

- a. A rates holiday for affected farmers that are eligible for assistance provided by the NSW Government;
 - b. Payment plans for affected farmers;
 - c. Reduction in water rates;
 - d. Providing Tipping vouchers;
 - e. Investigate the Load limits and the use of local roads for farmers tractors as soon as possible and
 - f. Other support options
6. Write to Prime Minister Morrison and Special Envoy for Drought, Barnaby Joyce, urging consideration of the role of human induced climate change in the current droughtscape across NSW, and further ask that they act to reduce greenhouse gas pollution immediately by Implementing an energy policy that reduces carbon pollution.

Clr Gartner raised a Point of Order against Clr Watson regarding his extraneous material during debate. The Mayor ruled as Point of Order and asked Clr Watson to withdraw comments.

The comments were not withdrawn.

PROCEDURAL MOTION (Clr Gartner)

That the AMENDMENT be PUT.

FOR: Clr Findley, Clr Gartner, Clr Cheyne, Clr Alldrick and Clr Levett

AGAINST: Clr Gash, Clr Wells, Clr White, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

PROCEDURAL MOTION LOST

DEBATE CONTINUED

Clr Levett raised a Point of Order against Clr Guile regarding his Greens Initiative comments

The Mayor asked Clr Guile to withdraw his comments relating to Clr Levett's Point of Order 'being disorderly rubbish'. Clr Guile refused withdraw comments.

Clr Gartner raised a Point of Order against Clr Guile misrepresenting her and bringing the room to disorder. The Mayor ruled against the Point of Order.

Clr Pakes raised a Point of Order against Clr Alldrick using offensive language. Clr Alldrick withdrew comments.

The AMENDMENT was PUT

FOR: Clr Findley, Clr Gartner, Clr Cheyne, Clr Alldrick and Clr Levett

AGAINST: Clr Gash, Clr Wells, Clr White, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

AMENDMENT LOST

RESOLVED (Clr Pakes / Clr Guile)

MIN18.642

That Council:

1. Wishes to support in practical ways the plight of our farmers and those who make their living off the rich farming and grazing lands throughout the City.

2. Promotes the assistance provided by the NSW Government to those impacted by drought under the recently announced \$1 Billion support package.
3. Immediately suspend the accrual of interest from 1 July 2018 on all farmland rating properties with overdue rates and charges.
4. Write to the State Government seeking an exemption to allow a rates holiday
5. Receive a report at the September Strategy & Assets Committee Meeting on options available to Council to amend its Hardship Policy to provide further rates relief to affected farmers. Options Including:
 - a. A rates holiday for affected farmers that are eligible for assistance provided by the NSW Government;
 - b. Payment plans for affected farmers;
 - c. Reduction in water rates;
 - d. Providing Tipping vouchers;
 - e. Investigate the Load limits and the use of local roads for farmers tractors as soon as possible and
 - f. Other support options

FOR: Clr Findley, Clr Gash, Clr Wells, Clr White, Clr Gartner, Clr Cheyne, Clr Alldrick, Clr Levett, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

AGAINST: Nil

CARRIED

CL18.192 Notice of Motion - Support for Local Farmers

**HPERM Ref:
D18/277682**

Clr Findley – less than significant non pecuniary interest declaration – is a rural property owner but will not be applying for hardship – remained in the room and took part in discussion and vote.

Recommendation

That Council recommends the Mayor’s Relief Fund committee forwards \$10,000 to the most suitable charitable organisation to distribute the funds to our local farmers in need.

RESOLVED (Clr Gash / Clr Pakes)

MIN18.643

That Council:

1. Recommends the Mayor’s Relief Fund committee forwards \$10,000 to the most suitable charitable organisation to distribute the funds to our local farmers in need.
2. Request the Mayor and the General Manager to activate the Mayors Relief Fund for a local appeal to support the local farmers in difficult situations.

CARRIED

**CL18.204 Exhibition Outcomes and Proposed Finalisation - Draft
Planning Package - Moss Vale Road South Urban
Release Area**

**HPERM Ref:
D18/230848**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt Planning Proposal (PP024) Exception to Minimum Lot Size – Moss Vale Road South Urban Release Area, as exhibited, with the following changes:
 - a. Reduce the area of application to exclude the flood affected land on the western portion of the Urban Release Area.
2. Forward Planning Proposal (PP024) to the NSW Parliamentary Counsel's Office to draft the required Amendment to the Shoalhaven Local Environmental Plan 2014.
3. Make the resulting Amendment to Shoalhaven Local Environmental Plan 2014 using the plan making delegations issued under Section 2.4 of the *Environmental Planning & Assessment Act 1979*.
4. Adopt Shoalhaven Development Control Plan Amendment No. 19 and insert Chapter NB3: Moss Vale Road South Urban Release Area as exhibited, with changes identified in Attachment 2 of this report.
5. Adopt Shoalhaven Contributions Plan Amendment No. 9 as exhibited, with changes identified in Attachment 2 of this report.
6. Adopt the Tree Species List as exhibited, with changes identified in Attachment 2 of this report.
7. Advertise the adoption of the Shoalhaven Development Control Plan Amendment No. 19, and Shoalhaven Contributions Plan Amendment No. 9 in the newspaper within 28 days of Council's decision.
8. Advise submitters, public authorities and NSW Department of Planning and Environment of the adoption of the Shoalhaven Development Control Plan Amendment No. 19, and Shoalhaven Contributions Plan Amendment No. 9.
9. Commence investigations to establish a Special Rate in Moss Vale Road South Urban Release Area, with a view to include Moss Vale Road North Urban Release Area once development has been completed.

RESOLVED (Clr Wells / Clr White)

MIN18.644

That Council:

1. Adopt Planning Proposal (PP024) Exception to Minimum Lot Size – Moss Vale Road South Urban Release Area, as exhibited, with the following changes:
 - a. Reduce the area of application to exclude the flood affected land on the western portion of the Urban Release Area.
2. Forward Planning Proposal (PP024) to the NSW Parliamentary Counsel's Office to draft the required Amendment to the Shoalhaven Local Environmental Plan 2014.
3. Make the resulting Amendment to Shoalhaven Local Environmental Plan 2014 using the plan making delegations issued under Section 2.4 of the *Environmental Planning & Assessment Act 1979*.
4. Adopt Shoalhaven Development Control Plan Amendment No. 19 and insert Chapter NB3: Moss Vale Road South Urban Release Area as exhibited, with changes identified in Attachment 2 of this report.

5. Adopt Shoalhaven Contributions Plan Amendment No. 9 as exhibited, with changes identified in Attachment 2 of this report.
6. Adopt the Tree Species List as exhibited, with changes identified in Attachment 2 of this report.
7. Advertise the adoption of the Shoalhaven Development Control Plan Amendment No. 19, and Shoalhaven Contributions Plan Amendment No. 9 in the newspaper within 28 days of Council's decision.
8. Advise submitters, public authorities and NSW Department of Planning and Environment of the adoption of the Shoalhaven Development Control Plan Amendment No. 19, and Shoalhaven Contributions Plan Amendment No. 9.
9. Commence investigations to establish a Special Rate in Moss Vale Road South Urban Release Area, with a view to include Moss Vale Road North Urban Release Area once development has been completed.

CARRIED

FOR: Clr Findley, Clr Gash, Clr Wells, Clr White, Clr Gartner, Clr Cheyne, Clr Alldrick, Clr Levett, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

AGAINST: Nil

CARRIED

Procedural Motion – Items to be dealt with concurrently

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN18.645

That the following items be dealt with concurrently:

- CL18.193 Notice of Motion - Draft Medium Density Amendment - Shoalhaven Development Control Plan 2014 - Post Exhibition Consideration and Finalisation
- DE18.56 Draft Medium Density Amendment - Shoalhaven Development Control Plan 2014 - Post Exhibition Consideration and Finalisation.

CARRIED

CL18.193 Notice of Motion - Draft Medium Density Amendment - Shoalhaven Development Control Plan 2014 - Post Exhibition Consideration and Finalisation

HPERM Ref: D18/286267

Note: This item was dealt concurrently with Item DE18.56 - Draft Medium Density Amendment - Shoalhaven Development Control Plan 2014 - Post Exhibition Consideration and Finalisation.

Recommendation

That Council

1. Adopt the draft Medium Density Amendment as exhibited and as per attachment 1, but with the following additional changes:
 - a. Delete any reference to 'Mandatory Controls' as such content would be contrary to Section 4.15 (3A) of the EPA Act 1979, which requires the council to be flexible in applying DCP provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with an aspect of a proposed development. The current DCP if adopted would lead to breaches of the EPA Act if mandatory controls were

contained within it. Any control currently noted as mandatory is to be re-written as an acceptable solution.

- b. Delete iv from principle controls in Section 5.1
- c. Delete reference to minimum lot size of 1000m² for battle-axe lots in A1.1.
- d. Amend A5.1 to remove note referring to increased setback for tandem parking.
- e. Amend Figure 3 and table 2 such that a maximum setback to a secondary street is 5m for dual occupancy dwellings on corner lots for detached dual occupancies. Figure 3 and table 4 shall be amended to include a 3.5m setback to secondary streets for attached dual occupancy dwellings with the garages setback 5.5m
- f. Amend Table 2 to remove reference to 4m rear setback to dwellings and replace with 3m (average) rear setback.
- g. Amend Table 4 to remove reference to 4m rear setback to dwellings.
- h. Amend A6.2 to read:
A6.2: In addition to the formal landscaping area required at A6.1, a further area of at least 20% of the site is to be provided, which:
 - Has a minimum dimension of 1m in any direction.
 - Is inclusive of 40% deep soil planting.
 - Can Include landscaped area, decks, terraces, alfresco areas, swimming pools or other recreation areas / structures.
- i. Amend A11.3 to add the words 'where practicable'.
- j. Delete P12.4 & A12.4
- k. Delete following dot point reference in A13.1 - "Retain adjacent trees by locating the driveway outside the drip line."
- l. Delete Section 5.33 of the DCP in its entirety.
- m. Delete Section 5.3.4 of the DCP in its entirety.
- n. Amend Section 5.3.5 to delete item 1.
- o. Delete Section 5.3.6 of the DCP in its entirety.
- p. Amend A28.2 such that the setback required is only 5.5m and not 7.2m.
- q. Amend Section 5.4.3 by:
- r. Deleting reference to "Mandatory Controls"
- s. Amending item 1 to read as follows:
All Class 1a and 2 developments, as defined in the Building Code of Australia, should provide accessible or adaptable housing at the following rate:
 - Developments containing 3-10 dwelling - 1 dwelling.
 - Developments containing 11 - 40 dwellings - 2 dwellings.
 - Development containing 41 - 60 dwellings - 3 dwellings.
 - Development containing 61 - 80 dwellings - 4 dwellings.
 - Developments containing 81 - 100 dwellings - 5 dwellings.
- t. Amend A34.1 to state:
The required proportion of new Class 1a or 2 dwellings, should be designed so the dwelling can be easily and affordably adaptable at a later date. In this regard the Silver

Standard for accessibility as outlined in the 'Liveable Housing Design Guidelines'.

2. Notify the adoption of the Medium Density DCP Amendment in local newspapers in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations.
3. Rescind the following existing Shoalhaven Development Control 2014 chapters when the Medium Density Amendment is made effective:
 - a. Chapter G13: Dual Occupancy Development.
 - b. Chapter G14: Other Residential Development.
4. Advise key stakeholders, including relevant industry representatives, of this decision, and when the Medium Density Amendment will be made effective.

RESOLVED (Clr Guile / Clr Pakes)

MIN18.646

That Council:

1. Adopt the draft Medium Density Amendment as exhibited and as per attachment 1, but with the following additional changes:
 - a. Delete any reference to 'Mandatory Controls' as such content would be contrary to Section 4.15 (3A) of the EPA Act 1979, which requires the council to be flexible in applying DCP provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with an aspect of a proposed development. The current DCP if adopted would lead to breaches of the EPA Act if mandatory controls were contained within it. Any control currently noted as mandatory is to be re-written as an acceptable solution.
 - b. Delete iv from principle controls in Section 5.1
 - c. Delete reference to minimum lot size of 1000m² for battle-axe lots in A1.1.
 - d. Amend A5.1 to remove note referring to increased setback for tandem parking.
 - e. Amend Figure 3 and table 2 such that a maximum setback to a secondary street is 5m for dual occupancy dwellings on corner lots for detached dual occupancies. Figure 3 and table 4 shall be amended to include a 3.5m setback to secondary streets for attached dual occupancy dwellings with the garages setback 5.5m
 - f. Amend Table 2 to remove reference to 4m rear setback to dwellings and replace with 3m (average) rear setback.
 - g. Amend Table 4 to remove reference to 4m rear setback to dwellings.
 - h. Amend A6.2 to read:
A6.2: In addition to the formal landscaping area required at A6.1, a further area of at least 20% of the site is to be provided, which:
 - Has a minimum dimension of 1m in any direction.
 - Is inclusive of 40% deep soil planting.
 - Can include landscaped area, decks, terraces, alfresco areas, swimming pools or other recreation areas / structures.
 - i. Amend A11.3 to add the words 'where practicable'.
 - j. Delete P12.4 & A12.4
 - k. Delete following dot point reference in A13.1 - "Retain adjacent trees by locating the driveway outside the drip line."
 - l. Delete Section 5.33 of the DCP in its entirety.

- m. Delete Section 5.3.4 of the DCP in its entirety.
- n. Amend Section 5.3.5 to delete item 1.
- o. Delete Section 5.3.6 of the DCP in its entirety.
- p. Amend A28.2 such that the setback required is only 5.5m and not 7.2m.
- q. Amend Section 5.4.3 by:
- r. Deleting reference to "Mandatory Controls"
- s. Amending item 1 to read as follows:

All Class 1a and 2 developments, as defined in the Building Code of Australia, should provide accessible or adaptable housing at the following rate:

- Developments containing 3-10 dwelling - 1 dwelling.
- Developments containing 11 - 40 dwellings - 2 dwellings.
- Development containing 41 - 60 dwellings - 3 dwellings.
- Development containing 61 - 80 dwellings - 4 dwellings.
- Developments containing 81 - 100 dwellings - 5 dwellings.

- t. Amend A34.1 to state:

The required proportion of new Class 1a or 2 dwellings, should be designed so the dwelling can be easily and affordably adaptable at a later date. In this regard the Silver Standard for accessibility as outlined in the 'Liveable Housing Design Guidelines'.

- 2. Notify the adoption of the Medium Density DCP Amendment in local newspapers in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Regulations.
- 3. Rescind the following existing Shoalhaven Development Control 2014 chapters when the Medium Density Amendment is made effective:
 - a. Chapter G13: Dual Occupancy Development.
 - b. Chapter G14: Other Residential Development.
- 4. Advise key stakeholders, including relevant industry representatives, of this decision, and when the Medium Density Amendment will be made effective.
- 5. Specific instructions with respect to conversion of Mandatory provisions of the DCP:
 - a. Only Draft Chapter G13 is to be amended to delete mandatory provisions. The use of Mandatory provisions within all other DCP chapters is reported back to council at a later date for consideration as a separate amendment.
 - b. Mandatory provision 1 & 2 in Section 5.1.1 (minimum lot size) be converted to acceptable solutions. The performance criteria for these acceptable solutions should be the same as specific objective ii) in Section 5.1.1 – that is: “Ensure that any lot consolidation /amalgamation avoids the isolation of smaller lots surrounded by larger development”.
 - c. The mandatory provision in section 5.3.5 (Private open space) is to be deleted.
 - d. The mandatory provision in section 5.3.6 (Communal open space) is proposed to be deleted along with the remainder of section 5.3.6 (communal open space).
 - e. Mandatory provision within Section 5.4.3 (universal design) is to be converted to an acceptable solution. The performance criteria for this acceptable solution should be the same as specific objectives i) & ii) in Section 5.4.3 – that is:
 - i. Ensure that a suitable proportion and wider variety of dwellings include layouts and design features to accommodate the changing access and mobility requirements of

residents and visitors.

- ii. Promote ageing in place by extending the usability of dwellings to meet 'whole of life' needs of the community.

FOR: Clr Gash, Clr Wells, Clr White, Clr Aldrick, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

AGAINST: Clr Findley, Clr Gartner, Clr Cheyne and Clr Levett

CARRIED

Note: A rescission motion was received on this item.

DE18.56 Draft Medium Density Amendment - Shoalhaven Development Control Plan 2014 - Post Exhibition Consideration and Finalisation	HPERM Ref: D18/234448
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This item was dealt with concurrently with Item CL18.193 - Notice of Motion - Draft Medium Density Amendment - Shoalhaven Development Control Plan 2014 - Post Exhibition Consideration and Finalisation – See MIN18.646

The meeting adjourned the time being 7.33pm

The meeting reconvened the time being 8.01pm

The following members were present:

- Clr Amanda Findley - Chairperson
- Clr Joanna Gash
- Clr John Wells
- Clr Patricia White
- Clr Kaye Gartner
- Clr Nina Cheyne
- Clr Annette Aldrick
- Clr John Levett
- Clr Andrew Guile
- Clr Mitchell Pakes
- Clr Greg Watson
- Clr Mark Kitchener
- Clr Bob Proudfoot

ADDENDUM REPORTS

REPORT OF THE SUSTAINABLE FUTURES COMMITTEE - 9 AUGUST 2018

Procedural Motion

MOTION (Clr Gartner / Clr Cheyne) MIN18.647

That the recommendations from the Sustainable Futures Committee – 9 August 2018 be adopted 'en block' and without change.

FOR: Clr Findley, Clr Gartner, Clr Cheyne, Clr Alldrick and Clr Levett

AGAINST: Clr Gash, Clr Wells, Clr White, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

LOST

SF18.26 Sustainable Energy Policy

HPERM Ref:
D18/253867

Recommendation

That the Sustainable Futures Committee recommend to Council that the draft policy be placed on public exhibition prior to adoption.

RESOLVED (Clr Guile / Clr Pakes) MIN18.648

That the report regarding Sustainable Energy Policy be received for information.

FOR: Clr Gash, Clr Wells, Clr White, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

AGAINST: Clr Findley, Clr Gartner, Clr Cheyne, Clr Alldrick and Clr Levett

CARRIED

SF18.28 Revolving Energy Fund

HPERM Ref:
D18/255098

Recommendation

That the Committee

1. Note the Revolving Energy Fund scheme (REFund) discussion paper.
2. Request that a detailed report be produced for the next Committee meeting outlining the scheme after consultation with relevant stakeholders.

RESOLVED (Clr Guile / Clr Pakes) MIN18.649

That the report regarding Revolving Energy Fund be received for information.

FOR: Clr Gash, Clr Wells, Clr White, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

AGAINST: Clr Findley, Clr Gartner, Clr Cheyne, Clr Alldrick and Clr Levett

CARRIED

SF18.29	Cities Power Partnerships (CPP) Summit: 18-19 October 2018, Kiama	HPERM Ref: D18/255720
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Recommendation

That Council:

1. Be well represented at the Cities Power Partnerships Summit in Kiama, 18-19 October 2018.
2. Approve funding for two Community Representatives of the Committee to participate at a cost of \$500 per person from the energy/power budget.

RESOLVED (Clr Guile / Clr Pakes)

MIN18.650

That the report regarding Cities Power Partnerships (CPP) Summit: 18-19 October 2018, Kiama be received for information.

FOR: Clr Gash, Clr Wells, Clr White, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

AGAINST: Clr Findley, Clr Gartner, Clr Cheyne, Clr Alldrick and Clr Levett

CARRIED

REPORT OF THE SHOALHAVEN NATURAL RESOURCES & FLOODPLAIN MANAGEMENT COMMITTEE - 25 JULY 2018

Items marked with an * were resolved 'en block'.

SN18.13	Shoalhaven Natural Resources and Floodplain Committee - Resignations - David McCorkell and Ian Stewart	HPERM Ref: D18/226765
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RESOLVED* (Clr Findley / Clr Guile)

MIN18.651

That:

1. The resignations of Mr David McCorkell and Mr Ian Stewart from the Shoalhaven Natural Resources and Floodplain Management Committee be accepted.
2. Council write to Mr McCorkell and Mr Stewart to thank them for their contributions to the Committee.
3. Two members be sought to fill the vacancy created on the Committee by the resignation of Mr McCorkell and Mr Stewart.

CARRIED

SN18.14	Update: Crown reserve management under the Crown Land Management Act 2016	HPERM Ref: D18/129823
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RESOLVED* (Clr Findley / Clr Guile)

MIN18.652

That

1. The report be received for information.
2. Council make representations to the Minister with respect to the resource impact of legislative

changes on Council and the lack of funding available to address new requirements of the Crown Land Management Act 2016 (due to the disproportionate size of the Council's land portfolio).

CARRIED

SN18.15 Currarong Erosion Remediation Project

**HPERM Ref:
D18/211178**

RESOLVED* (Clr Findley / Clr Guile)

MIN18.653

That the strategy be endorsed by Council.

CARRIED

SN18.16 Citizen science for coastal monitoring

**HPERM Ref:
D18/229248**

RESOLVED* (Clr Findley / Clr Guile)

MIN18.654

That Council Staff investigate NatureMapr as an alternative to using Photomon and if determined that NatureMapr is an appropriate alternative, utilise this App as a coastal monitoring tool for volunteers and staff.

CARRIED

SN18.20 Council Commitment to Science Based Policy

Recommendation

That Council consider:

1. Committing to consistently seek scientifically-sound and evidence-based professional advice, especially in relation to matters which will affect our natural environment both now and in coming decades.
2. Committing to apply such science-based advice to policy, openly and specifically, and
3. Making such science-based decisions, using the precautionary principle, which would better serve the people and environment by protecting and preparing for the years to come, and
4. Preferring clearly science-based methodologies rather than perceived present vested interests (where such conflict may appear to arise).

RESOLVED (Clr Wells / Clr Pakes)

MIN18.655

That Council rejects the recommendation from the Shoalhaven Natural Resources & Floodplain Management Committee in relation to Council Commitment to Science Based Policy.

FOR: Clr Gash, Clr Wells, Clr White, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

AGAINST: Clr Findley, Clr Gartner, Clr Cheyne, Clr Alldrick and Clr Levett

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

CL18.185 Notice of Motion - Tip Vouchers - Commercial Ratepayers

**HPERM Ref:
D18/252657**

Note Clr Kitchener left the meeting 8.45pm.

Recommendation

That Council restore the issuing of free tipping vouchers to commercial ratepayers where domestic service bins (120L/240L etc) are supplied by Council.

RESOLVED (Clr Watson / Clr Pakes)

MIN18.656

That Council restore the issuing of free tipping vouchers to commercial ratepayers for the year 2018/19 where domestic service bins (120L/240L etc) are supplied by Council.

FOR: Clr Findley, Clr Gash, Clr Wells, Clr White, Clr Gartner, Clr Alldrick, Clr Levett, Clr Guile, Clr Pakes, Clr Watson and Clr Proudfoot

AGAINST: Clr Cheyne

CARRIED

CL18.186 Notice of Motion - Support For Farmers

**HPERM REF:
D18/268402**

Item dealt with earlier in the meeting see MIN18.642

CL18.187 Notice of Motion - Road Safety - Links Avenue, Sanctuary Point

**HPERM Ref:
D18/273668**

Note: Clr Kitchener returned to the meeting 8.48pm

Recommendation

That the Shoalhaven Traffic Committee consider moving the "no stopping" sign currently located on Links Avenue, Sanctuary Point (near the western exit to the St George's Basin Country Club carpark) to a more appropriate position towards the Waratah Crescent intersection.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN18.657

That the Shoalhaven Traffic Committee consider moving the "no stopping" sign currently located on Links Avenue, Sanctuary Point (near the western exit to the St George's Basin Country Club carpark) to a more appropriate position towards the Waratah Crescent intersection.

CARRIED

CL18.188 Notice of Motion - Tourism Infrastructure in the Shoalhaven

**HPERM Ref:
D18/273679**

Note: Clr Kitchener left the meeting at 8.59pm.

Recommendation

That Council writes to our local parliamentary representatives, being the member for South Coast, Shelley Hancock, the member for Kiama, Gareth Ward and the member for Gilmore, Anne Sudmalis, to invite them to a meeting to discuss tourism infrastructure in the Shoalhaven.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN18.658

That Council writes to our local parliamentary representatives, being the member for South Coast, Shelley Hancock, the member for Kiama, Gareth Ward and the member for Gilmore, Anne Sudmalis and Adam Marshall – Minister for Tourism to invite them to a meeting to discuss tourism infrastructure in the Shoalhaven.

CARRIED

CL18.189 Notice of Motion - Donation - Sanctuary Point Community Pride Inc

**HPERM Ref:
D18/282288**

Recommendation

That Council make a donation each year to the Sanctuary Point Community Pride Inc., being an amount equivalent to the Fair Trading charges of a \$180, and additionally, this year, Council make a donation to cover the cost of \$433 for the plaque, to be installed, at Francis Ryan Reserve, to honour Francis Ryan ('The Father of Amalgamation').

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN18.659

That Council make a donation each year to the Sanctuary Point Community Pride Inc., being an amount equivalent to the Fair Trading charges of a \$180, and additionally, this year, Council make a donation to cover the cost of \$433 for the plaque, to be installed, at Francis Ryan Reserve, to honour Francis Ryan ('The Father of Amalgamation').

CARRIED

CL18.190 Notice of Motion - Bill Andriske Oval - Mollymook

**HPERM Ref:
D18/283884**

Clr Cheyne – less than significant non pecuniary interest declaration – her cousin plays for the Bulldogs – remained in the room and took part in discussion and vote.

Recommendation

That Council

1. Re-affirm that Bill Andriske Oval is the 'home' of the Milton-Ulladulla Rugby League Football Club ('Bulldogs').
2. Continue to carry out regular maintenance work on the buildings, the ground and the surrounds according to a priority assessment
3. Gives it's in-principled support to the 'Bulldogs' for State and Federal Government funding applications to modernise their facilities.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN18.660

That Council

1. Re-affirm that Bill Andriske Oval is the 'home' of the Milton-Ulladulla Rugby League Football Club ('Bulldogs').
2. Continue to carry out regular maintenance work on the buildings, the ground and the surrounds according to a priority assessment
3. Gives it's in-principled support to the 'Bulldogs' for State and Federal Government funding applications to modernise their facilities.

CARRIED

Procedural Motion

The Mayor drew attention to the Code of Meeting Practice and the time being after 9.00pm.

RESOLVED (Clr Findley / Clr Pakes)

MIN18.661

That the meeting continue for an hour.

CARRIED

CL18.191 Notice of Motion - Development Application - Kindergarten / Preschool - Lots 38, 39 & 40 DP1243551 Tahnee Street Sanctuary Point

HPERM Ref: D18/288169

Note: A Petition was lodged in relation to this item.

Recommendation

That DA18/1700 be called-in for determination by Council due to considerable community concern regarding traffic movements and noise emanating from the site, which is in a residential area.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN18.662

That DA18/1700 be called-in for determination by Council due to considerable community concern regarding traffic movements and noise emanating from the site, which is in a residential area.

CARRIED

CL18.192 Notice of Motion - Support for Local Farmers

HPERM REF: D18/277682

Item dealt with earlier in the meeting see MIN18.642

CL18.193 Notice of Motion - Draft Medium Density Amendment - Shoalhaven Development Control Plan 2014 - Post Exhibition Consideration And Finalisation

HPERM REF: D18/286267

Item dealt with earlier in the meeting see MIN18.646

CL18.194 Notice of Motion - Single Use Plastic Bags

**HPERM Ref:
D18/280996**

Recommendation

That Council write another letter to NSW Premier, Ms Gladys Berejiklian and Minister for the Environment, Ms Gabrielle Upton, urging the NSW Government to act to ban single use plastic bags in NSW before the next election.

RESOLVED (Clr Gartner / Clr Cheyne)

MIN18.663

That Council write another letter to NSW Premier, Ms Gladys Berejiklian and Minister for the Environment, Ms Gabrielle Upton, urging the NSW Government to act to ban single use plastic bags in NSW before the next election.

FOR: Clr Findley, Clr Gash, Clr White, Clr Gartner, Clr Cheyne, Clr Alldrick, Clr Levett, Clr Pakes, Clr Watson and Clr Proudfoot

AGAINST: Clr Wells and Clr Guile

CARRIED

Procedural Motion - Matters of Urgency

MOTION (Clr Wells)

That an additional item relating to penalty infringement notices be introduced as a matter of urgency.

The Mayor ruled the matter as not urgent.

MOTION OF DISSENT (Clr Guile / Clr Proudfoot)

That dissent be moved against the Chairpersons ruling that the matter is not urgent.

FOR: Clr Gash, Clr Wells, Clr White, Clr Guile, Clr Pakes, Clr Watson and Clr Proudfoot

AGAINST: Clr Findley, Clr Gartner, Clr Cheyne, Clr Alldrick and Clr Levett

CARRIED

RESOLVED (Clr Wells)

MIN18.664

That an additional item relating to penalty infringement notices be introduced as a matter of urgency.

CARRIED

CL18.209 Additional Item - Penalty Infringement Notices

RESOLVED (Clr Wells / Clr Guile)

MIN18.665

That:

1. Penalty Infringement Notices that are subject to an appeal or review be referred to the full Council for consideration and determination.
2. Penalty Infringement Notices that are subject to a referral to a Court be referred to Council for consideration and determination.
3. The policy outlined in (1) and (2) above apply to Penalty Infringement Notices subject to

appeal or review or Court proceedings since 1 January 2018.

4. The General Manager provide legal advice to Council in respect to Council reviewing the referred items
5. The General Manager also report on other instances in Local Government in NSW where similar polices are active.

FOR: Clr Gash, Clr Wells, Clr White, Clr Gartner, Clr Cheyne, Clr Alldrick, Clr Guile, Clr Pakes, Clr Watson and Clr Proudfoot

AGAINST: Clr Findley and Clr Levett

CARRIED

Note: A rescission motion was received on this item after the close of the meeting.

REPORT OF THE DEVELOPMENT COMMITTEE - 14 AUGUST 2018

DE18.56 Draft Medium Density Amendment - Shoalhaven Development Control Plan 2014 - Post Exhibition Consideration And Finalisation	HPERM REF: D18/234448
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Item dealt with earlier in the meeting see MIN18.646

DE18.58 Development Application DA17/2435 - 148 Island Point Road, St. Georges Basin - Lot 43 DP 25550 - Access and Section 7.11 (94) Contributions	HPERM Ref: D18/261085
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Recommendation

That Council depending on the outcome of detailed design review, commit to funding the upfront costs for the construction of the remaining section of the St Georges Basin Village Centre Service Lane identified in Contribution Project (CP) 03ROAD2113 through:

1. Funding the initial expenditure of the works and land acquisition using recoupment funds that may be available following the completion of the Shoalhaven Contributions Plan review or through general revenue allocations in the future Capital Works Program of up to \$200,000 (2018/19 Indexed Estimate for Project Costs rounded up) and request a further report should it require more than this amount.
2. Recouping the expended funds through Section 7.11 development contributions levied by Shoalhaven Contributions Plan 2010 for future development.
3. Including the design and construction of the remaining section of the St Georges Basin Village Centre Service Lane with an additional minimum width of 4.2m within properties that adjoin the existing service lane area adjacent to the IGA supermarket in Council's capital works planning.
4. Commencing the process of land acquisition for land required for the ultimate construction of the service lane and existing service areas identified in CP 03ROAD2113 to allow full public access in the service lane.

RESOLVED (Clr White / Clr Levett)

MIN18.666

That Council depending on the outcome of detailed design review, commit to funding the upfront costs for the construction of the remaining section of the St Georges Basin Village Centre Service Lane identified in Contribution Project (CP) 03ROAD2113 through:

1. Funding the initial expenditure of the works and land acquisition using recoupment funds that

may be available following the completion of the Shoalhaven Contributions Plan review or through general revenue allocations in the future Capital Works Program of up to \$200,000 (2018/19 Indexed Estimate for Project Costs rounded up) and request a further report should it require more than this amount.

2. Recouping the expended funds through Section 7.11 development contributions levied by Shoalhaven Contributions Plan 2010 for future development.
3. Including the design and construction of the remaining section of the St Georges Basin Village Centre Service Lane with an additional minimum width of 4.2m within properties that adjoin the existing service lane area adjacent to the IGA supermarket in Council's capital works planning.
4. Commencing the process of land acquisition for land required for the ultimate construction of the service lane and existing service areas identified in CP 03ROAD2113 to allow full public access in the service lane.

CARRIED

FOR: Clr Findley, Clr Gash, Clr Wells, Clr White, Clr Gartner, Clr Cheyne, Clr Alldrick, Clr Levett, Clr Guile, Clr Pakes, Clr Watson and Clr Proudfoot

AGAINST: Nil

CARRIED

REPORT OF THE STRATEGY & ASSETS COMMITTEE - 21 AUGUST 2018

Items marked with an * were resolved 'en block'.

MMS18.4 Mayoral Minute - Acknowledgements for the Kingiman and Bomaderry Fires

**HPERM Ref:
D18/286339**

Note: Clr Pakes thanked Kim White, Jessica Rippon, Kate Ryan, The Mayor, other staff and Group Directors for their work and involvement during the EOC operations.

Recommendation

That in response to the Bushfires in the Shoalhaven this month and the incredible efforts of many in our community, that Council

1. Acknowledges the ultimate sacrifice given by Allan "Tully" Tull in fighting the Kingiman Fires in Milton, and send the deepest condolences to Tully's family and to all of those who called him a friend and colleague.
2. Contribute a donation of \$2,500 from the unallocated donations budget, and note that a Mayoral Appeal has been opened to collect financial donations for Tully, in response to calls from Jill Blackler and many others within the Milton Ulladulla Community
3. Thanks and acknowledges all the work that has been undertaken by volunteers and paid staff alike across the district during this very trying time.
4. Arrange for a suitable plaque to be raised to commemorate the lives of Fixed Wing Pilot David Black and Helicopter Pilot Allan Tull and with the aid of the community find a location that is fitting for it.
5. Hold a community picnic day of "Commemoration, Celebration and Commiseration" to be held at Milton Showgrounds at a future date and ensure that no fees are charged to community organisations for the event.
6. Forward an acknowledgement to Clr Pakes thanking him for his contribution during the emergency in the absence of the Mayor and Deputy Mayor.

RESOLVED (Clr Pakes / Clr Wells)

MIN18.667

That in response to the Bushfires in the Shoalhaven this month and the incredible efforts of many in our community, that Council

1. Acknowledges the ultimate sacrifice given by Allan "Tully" Tull in fighting the Kingiman Fires in Milton, and send the deepest condolences to Tully's family and to all of those who called him a friend and colleague.
2. Contribute a donation of \$2,500 from the unallocated donations budget, and note that a Mayoral Appeal has been opened to collect financial donations for Tully, in response to calls from Jill Blackler and many others within the Milton Ulladulla Community
3. Thanks and acknowledges all the work that has been undertaken by volunteers and paid staff alike across the district during this very trying time.
4. Arrange for a suitable plaque to be raised to commemorate the lives of Fixed Wing Pilot David Black and Helicopter Pilot Allan Tull and with the aid of the community find a location that is fitting for it.
5. Hold a community picnic day of "Commemoration, Celebration and Commiseration" to be held at Milton Showgrounds at a future date and ensure that no fees are charged to community organisations for the event.
6. Acknowledge the staff that assisted the elected officials and emergency services staff on the day.

CARRIED

SA18.190 Notice of Motion - Donation - Berry Small Farm Field Days

HPERM Ref: D18/268440

RESOLVED* (Clr Gartner / Clr White)

MIN18.668

That Council support Berry Rotary's Small Farm Field Day event by voting \$2000 from the unallocated donations vote.

CARRIED

SA18.191 Notice of Motion - Traffic/Parking Control Plan - Owen/Sydney/Tomerong Streets Huskisson

HPERM Ref: D18/278044

RESOLVED* (Clr Gartner / Clr White)

MIN18.669

That further to the Council Resolution of 24 April 2018 (MIN18.290) for the Council to prioritise and take action in regard to "a comprehensive current traffic/parking control plan for the intersection of Owen/Sydney/Tomerong Streets (Picture Theatre Corner)" that funds be now sourced so that a design and costing study can be completed to take the project to the stage of being "shovel ready."

CARRIED

SA18.197 City of Shoalhaven Eisteddfod Inc. Nowra Request for Additional Funding **HPERM Ref: D18/260411**

RESOLVED* (Clr Gartner / Clr White) MIN18.670

That:

1. Council donate the sum of \$10,000 per annum from the Donations budget to the City of Shoalhaven Eisteddfod Inc.
2. The donation be indexed annually in accordance with the Consumer Price Index.

CARRIED

SA18.201 Unit 2 (Nowra Steakhouse), 10 Pleasant Way Nowra - Assignment of Lease **HPERM Ref: D18/270604**

RESOLVED* (Clr Gartner / Clr White) MIN18.671

That Council:

1. Authorise the execution of the Deed of Consent and Assignment of Lease for Unit 2, 10 Pleasant Way Nowra from Eating Habits Pty Limited to Somporn Daichuenchit; and
2. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the City of Shoalhaven to all documentation required to be sealed.

CARRIED

SA18.205 Development Application Fees - Refund Request - GJ Gardner Homes - Variety Freedom House - Patonga Street, Nowra - DA18/1808 **HPERM Ref: D18/239219**

Recommendation

That Council:

1. Reimburse GJ Gardner Homes \$4836.00, being the development application and associated fees in relation to DA18/1808 for construction of a house at Lot 800 DP1240170 Patonga Street, Nowra, and that Council be appropriately acknowledged for this contribution to the Variety Freedom House project.
2. Fund the reimbursement from the Unallocated Donations budget.

RESOLVED (Clr Proudfoot / Clr White) MIN18.672

That Council:

1. Reimburse GJ Gardner Homes \$4836.00, being the development application and associated fees in relation to DA18/1808 for construction of a house at Lot 800 DP1240170 Patonga Street, Nowra, and that Council be appropriately acknowledged for this contribution to the Variety Freedom House project.
2. Fund the reimbursement from the Unallocated Donations budget.

CARRIED

REPORT OF THE NOWRA CBD REVITALISATION STRATEGY COMMITTEE - 1 AUGUST 2018

CBD18.45 Change to Annual Promotions Budget conditions

HPERM Ref:
D18/245949

Recommendation

That Council's resolution that Nowra CBD Business Chamber provide audited quarterly reports to Council on promotional activities and expenditure be amended to remove the requirement for audit and instead require the forwarding to Council of an annual financial report.

RESOLVED (Clr Pakes / Clr White)

MIN18.673

That Council's resolution that Nowra CBD Business Chamber provide audited quarterly reports to Council on promotional activities and expenditure be amended to remove the requirement for audit and instead require the forwarding to Council of an annual financial report.

CARRIED

CBD18.46 Removal of Advertising Seats - Nowra CBD

HPERM Ref:
D18/237033

Recommendation

That:

1. The 11 advertising courtesy seats in the Nowra CBD be removed as soon as possible at an estimated cost of \$52,000 (inc GST)
2. The Nowra CBD Revitalisation Strategy Committee not contribute to cost of the removal, given that the seats do not comply with the CBD standards,
3. It be noted that the Nowra CBD Revitalisation Strategy Committee would be prepared to consider funding the replacement of the seats with those that fit within the designs/colours of the CBD upgrade.

RESOLVED (Clr Pakes / Clr Gartner)

MIN18.674

That the 11 advertising courtesy seats be retained until the contract ends in year 2026 at which time either the contract can be extended or the seats can be removed at no cost and the Committee be notified of Councils decision.

CARRIED

REPORT OF THE SHOALHAVEN TRAFFIC COMMITTEE - 14 AUGUST 2018

Items marked with an * were resolved 'en block'.

TC18.80	Dedicated Parking for People with Disabilities - Boat Harbour Beach Toilet Facility – Boronia Street, Bendalong (PN 3496)	HPERM Ref: D18/224862
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RESOLVED* (Clr Gartner / Clr White) MIN18.675

That the General Manager (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed regulatory signage and line marking for the proposed dedicated parking space for people with disabilities and the associated shared zone, Boat Harbour Beach boat ramp car park, Boronia Street, Bendalong. As detailed in the attached plan.

CARRIED

TC18.81	Regulatory Signage and Line Marking - Roundabout and Pedestrian Refuge - Cambewarra Road, Bomaderry (PN 3508)	HPERM Ref: D18/271265
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RESOLVED* (Clr Gartner / Clr White) MIN18.676

That the General Manager (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed works on Cambewarra Road, Bomaderry, as part of the Woolworths Development, as detailed in the attached plans, including the proposed roundabout, pedestrian refuge, bus zone, and associated signs and lines proposed, subject to further review of:

1. Turning movements associated with access/egress arrangements for the existing KFC development (likely to require a modification to the internal access immediately to the south of Cambewarra Road);
2. Detailed engineering plans associated with the mountable roundabout;
3. Line marking and signage between the proposed roundabout and the Princes Highway to ensure appropriate and continuous delineation for motorists travelling through these facilities which are impacted by the proposed works (line marking and signage amendments required); and
4. Street lighting to be in accordance with AS1158 (associated with the roundabout and pedestrian refuge facilities proposed).

CARRIED

TC18.82	No Stopping Zone - Moonah Road, Hyams Beach (PN 3504)	HPERM Ref: D18/273219
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RESOLVED* (Clr Gartner / Clr White) MIN18.677

That:

1. The Shoalhaven Traffic Committee not support the installation of No Stopping zone time restricted between 6am to 2pm Fridays, on the northern side of Moonah Road for its length.
2. The General Manager (Director Assets and Works) review its decision if a trial collection of bins at an alternate location is unsuccessful.

CARRIED

TC18.83 Business Arising from Previous Minutes - TC18.78 - Regulatory Signage and Line Marking - Roundabout - Intersection Sussex Inlet Road & Golf Course Way, Sussex Inlet (PN 3333)

Recommendation

That:

1. Council rescind the resolution relating to TC18.78 (MIN18.590) adopted on the 31 July 2018 and
2. The General Manager (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objection to the revised plans submitted for the Intersection Sussex Inlet Road & Golf Course Way, Sussex Inlet as detailed in the attached plan TRAF2018/53 - a to k subject to a review of:
 - a. Street lighting pursuant to AS1158 but with consideration to reducing the number of hazardous poles in close proximity to the roundabout and associated approach works and;
 - b. Other matters to be addressed in accordance with Shoalhaven Development Control plan 2014 (chapter S2: Badgee urban release area) to mitigate any adverse environmental impacts on residents.

RESOLVED (Clr Proudfoot / Clr White)

MIN18.678

That:

1. Council rescind the resolution relating to TC18.78 (MIN18.590) adopted on the 31 July 2018 and
2. The General Manager (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objection to the revised plans submitted for the Intersection Sussex Inlet Road & Golf Course Way, Sussex Inlet as detailed in the attached plan TRAF2018/53 - a to k subject to a review of:
 - a. Street lighting pursuant to AS1158 but with consideration to reducing the number of hazardous poles in close proximity to the roundabout and associated approach works and;
 - b. Other matters to be addressed in accordance with Shoalhaven Development Control plan 2014 (chapter S2: Badgee urban release area) to mitigate any adverse environmental impacts on residents.

CARRIED

TC18.85 Additional Item - Use of Myrtle Street by Tractors

RESOLVED* (Clr Gartner / Clr White)

MIN18.679

That the General Manager (Director Assets & Works) be requested to arrange community consultation in relation the load limit being lifted on Myrtle Street, Milton to allow farmers to use this route.

CARRIED

REPORTS

CL18.199 Amendment of Delegation to the Development Committee

**HPERM Ref:
D18/283659**

Recommendation

That the Delegation of the Development Committee of the Council be amended to the following:

Development Committee

THAT pursuant to s377 (1) of the Local Government Act 1993 the Committee is delegated the functions conferred on Council by the Environmental Planning & Assessment Act 1979 (EPA Act), Local Government Act 1993 (LG Act) or any other Act or delegated to Council, as are specified in the attached Schedule, subject to the following limitations:

- i. The Committee cannot make a decision to make a local environmental plan to classify or reclassify public land under Division 1 of Part 2 of Chapter 6 of the LG Act;
- ii. The Committee cannot review a section 8.11 or section 8.9 EPA Act determination made by the Council or by the Committee itself;
- iii. The Committee cannot exercise any function delegated to the Council which by the terms of that delegation cannot be sub-delegated;
- iv. The Committee cannot exercise any function which s377(1) of the LG Act provides cannot be delegated by Council; and
- v. The Committee cannot exercise a function which is expressly required by the LG Act or any other Act to be exercised by resolution of the Council.

SCHEDULE

- a. All functions relating to the preparation, making, and review of local environmental plans (LEPs) and development control plans (DCPs) under Part 3 of the EPA Act.
- b. All functions relating to the preparation, making, and review of contributions plans and the preparation, entry into, and review of voluntary planning agreements under Part 7 of the EPA Act.
- c. The preparation, adoption, and review of policies and strategies of the Council in respect of town planning and environmental matters and the variation of such policies.
- d. Determination of variations to development standards related to development applications under the EPA Act where the development application involves a development which seeks to vary a development standard by more than 10% and the application is accompanied by a request to vary the development standard under clause 4.6 of Shoalhaven Local Environmental Plan 2014 or an objection to the application of the development standard under State Environmental Planning Policy No. 1 – Development Standards.
- e. Determination of variations from the acceptable solutions and/or other numerical standards contained within the DCP or a Council Policy that the General Manager requires to be determined by the Committee
- f. Determination of development applications that Council requires to be determined by the Committee on a case by case basis.
- g. Review of determinations of development applications under sections 8.11 and 8.9 of the EP&A Act that the General Manager requires to be determined by the Committee.
- h. Preparation, review, and adoption of policies and guidelines in respect of the determination of development applications by other delegates of the Council.

RESOLVED (Clr Wells / Clr White)

MIN18.680

That the Delegation of the Development Committee of the Council be amended to the following:

Development Committee

THAT pursuant to s377 (1) of the Local Government Act 1993 the Committee is delegated the functions conferred on Council by the Environmental Planning & Assessment Act 1979 (EPA Act), Local Government Act 1993 (LG Act) or any other Act or delegated to Council, as are specified in the attached Schedule, subject to the following limitations:

- i. The Committee cannot make a decision to make a local environmental plan to classify or reclassify public land under Division 1 of Part 2 of Chapter 6 of the LG Act;
- ii. The Committee cannot review a section 8.11 or section 8.9 EPA Act determination made by the Council or by the Committee itself;
- iii. The Committee cannot exercise any function delegated to the Council which by the terms of that delegation cannot be sub-delegated;
- iv. The Committee cannot exercise any function which s377(1) of the LG Act provides cannot be delegated by Council; and
- v. The Committee cannot exercise a function which is expressly required by the LG Act or any other Act to be exercised by resolution of the Council.

SCHEDULE

- a. All functions relating to the preparation, making, and review of local environmental plans (LEPs) and development control plans (DCPs) under Part 3 of the EPA Act.
- b. All functions relating to the preparation, making, and review of contributions plans and the preparation, entry into, and review of voluntary planning agreements under Part 7 of the EPA Act.
- c. The preparation, adoption, and review of policies and strategies of the Council in respect of town planning and environmental matters and the variation of such policies.
- d. Determination of variations to development standards related to development applications under the EPA Act where the development application involves a development which seeks to vary a development standard by more than 10% and the application is accompanied by a request to vary the development standard under clause 4.6 of Shoalhaven Local Environmental Plan 2014 or an objection to the application of the development standard under State Environmental Planning Policy No. 1 – Development Standards.
- e. Determination of variations from the acceptable solutions and/or other numerical standards contained within the DCP or a Council Policy that the General Manager requires to be determined by the Committee
- f. Determination of development applications that Council requires to be determined by the Committee on a case by case basis.
- g. Review of determinations of development applications under sections 8.11 and 8.9 of the EP&A Act that the General Manager requires to be determined by the Committee.
- h. Preparation, review, and adoption of policies and guidelines in respect of the determination of development applications by other delegates of the Council.

FOR: Clr Findley, Clr Gash, Clr Wells, Clr White, Clr Gartner, Clr Cheyne, Clr Alldrick, Clr Levett, Clr Guile, Clr Pakes and Clr Watson

AGAINST: Clr Proudfoot

CARRIED

**CL18.200 Bi-Annual Delivery Program and Operational Report -
1st January 2018 to 30th June 2018**

**HPERM Ref:
D18/286803**

Recommendation

That the report of the General Manager (Executive Strategy) regarding progress to 30 June 2018 on the 2017/2021 Delivery Program and 2017/2018 Operational Plan be received for information, endorsed and published on Council's website.

RESOLVED (Clr Wells / Clr Gartner)

MIN18.681

That the report of the General Manager (Executive Strategy) regarding progress to 30 June 2018 on the 2017/2021 Delivery Program and 2017/2018 Operational Plan be received for information, endorsed and published on Council's website.

CARRIED

CL18.201 Investment Report - July 2018

**HPERM Ref:
D18/279893**

Recommendation

That the report of the General Manager (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 31 July 2018 be received for information.

RESOLVED (Clr Gartner / Clr White)

MIN18.682

That the report of the General Manager (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 31 July 2018 be received for information.

CARRIED

CL18.202 Quarterly Budget Review Statement June 2018

**HPERM Ref:
D18/262069**

Recommendation

That Council:

1. Receive and endorse the June Quarterly Budget Review Report and budget carry forwards (Works In Progress).
2. Adopt the adjustments, including movements to and from Reserves, as outlined in the June Quarterly Budget Review Statement, noting that the Review identifies a favourable variance in the net cost of services of \$937K for 2017/18.
3. Adopt the Revotes (Committed), as recommended in the June Quarterly Budget Review document.
4. Adopt the Revotes (Uncommitted) or alternatively critically review these to determine which projects/programs are no longer required.
5. Allocate \$400K of the favourable variance for 2017/18 as a provision for urgent detailed design works to have strategic infrastructure projects 'shovel ready' for current and pending grant opportunities.
6. Retain the \$537K balance of the favourable variance in net cost of services to improve Council's net cash position.

RESOLVED (Clr Gash / Clr White)

MIN18.683

That Council:

1. Receive and endorse the June Quarterly Budget Review Report and budget carry forwards (Works In Progress).
2. Adopt the adjustments, including movements to and from Reserves, as outlined in the June Quarterly Budget Review Statement, noting that the Review identifies a favourable variance in the net cost of services of \$937K for 2017/18.
3. Adopt the Revotes (Committed), as recommended in the June Quarterly Budget Review document.
4. Adopt the Revotes (Uncommitted) as listed in the report.
5. Allocate \$400K of the favourable variance for 2017/18 as a provision for urgent detailed design works to have strategic infrastructure projects 'shovel ready' for current and pending grant opportunities; and
 - a. \$25,000 of these funds be allocated for the development design of the roundabout in Huskisson
6. Retain the \$537K balance of the favourable variance in net cost of services to improve Council's net cash position, less \$7,000 be allocated for further fit out of the Emergency Management Centre on Albatross Road

CARRIED

CL18.203 Supply & Lay Asphalt - 01/09/2018 - 30/06/2019

**HPERM Ref:
D18/270391**

Recommendation (Item to be determined under delegated authority)

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

RESOLVED (Clr Wells / Clr Gash)

MIN18.684

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

CARRIED

**CL18.204 Exhibition Outcomes And Proposed Finalisation - Draft
Planning Package - Moss Vale Road South Urban
Release Area**

**HPERM REF:
D18/230848**

Item dealt with earlier in the meeting see MIN18.644

CL18.205 NSW Heritage Grants 2018-2019 - Shoalhaven Local Heritage Assistance Fund

**HPERM Ref:
D18/251335**

Recommendation

That Council endorse the allocation of Shoalhaven Local Heritage Assistance Funds for the 2018-2019 program as listed in **Table 1** within this report.

RESOLVED (Clr Wells / Clr Alldrick)

MIN18.685

That Council endorse the allocation of Shoalhaven Local Heritage Assistance Funds for the 2018-2019 program as listed in **Table 1** within this report.

CARRIED

CL18.206 Shoalhaven Heads Surf Living Saving Club - Dune Management Plan

**HPERM Ref:
D18/275376**

Recommendation (Item to be determined under delegated authority)

That Council adopt the Shoalhaven Heads Surf Life Saving Club Dune Maintenance Plan 2018.

RESOLVED (Clr White / Clr Proudfoot)

MIN18.686

That Council adopt the Shoalhaven Heads Surf Life Saving Club Dune Maintenance Plan 2018.

CARRIED

CONFIDENTIAL REPORTS

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

No members of the public made representations.

RESOLVED (Clr Pakes / Clr Gash)

MIN18.687

That the press and public be excluded from the Meeting, pursuant to section 10A(1)(a) of the Local Government Act, 1993, to consider the following items of a confidential nature.

CSA18.15 Tender - Management & Operation of the Shoalhaven Indoor Sports Centre & Bomaderry Basketball Stadium

Local Government Act - 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.

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

CCL18.15 Supply & Lay Asphalt - 01/09/2018 - 30/06/2019

Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

CARRIED

Note: Cllr Watson left the meeting 10.01pm

The meeting moved into confidential the time being 10.02pm.

The meeting moved into open session, the time being 10.03pm.

REPORT FROM CONFIDENTIAL SESSION

The following resolutions of the meeting, whilst closed to the public, were made public.

CSA18.15 Tender - Management & Operation of the Shoalhaven Indoor Sports Centre & Bomaderry Basketball Stadium

**HPERM Ref:
D18/265618**

Note: Stephen Dunshea (Director Finance Corporate & Community Services) declared a significant non pecuniary interest as Shoalhaven Swim and Fitness is one of the tenderers and was not present when this matter was determined.

RESOLVED

MIN18.688C

That Council:

1. In accordance with Clause 178(1)(b) of the Local Government (General) Regulation 2005 decline to accept any tender for the management and operation of the Shoalhaven Indoor Sports Centre and Bomaderry Basketball Stadium as the submitted tenders are considered to not provide the best value for money opportunity for Council and cannot be easily varied in accordance with Clause 176.
2. In accordance with Clause 178(3)(e) enter into negotiations with Shoalhaven Swim & Fitness (Shoalhaven City Council) as the preferred tenderer for the management & operation of the Shoalhaven Indoor Sports Centre & Bomaderry Basketball Stadium for the following reasons:
 - a. The Shoalhaven Swim & Fitness submission achieved the highest evaluation score of the tenders received;
 - b. Inviting fresh tenders is not in the best interests of Council, those who tendered, or the sports centre management industry in general, as significant resources have gone into the tender process, and Council can be confident of entering into a negotiated agreement with the Shoalhaven Swim & Fitness. There are a limited number of contractors with the expertise and experience to provide sports centre management, and re-tendering is unlikely to attract any new interest;
 - c. To review opportunities with Shoalhaven Swim & Fitness to provide a more cost-effective service and also assess the four alternative/non-conforming tender offers submitted;

3. Subject to the outcome of (2) above, a further report & recommendation be presented to Council in relation to the management and operation of the Shoalhaven Indoor Sports Centre and Bomaderry Basketball Stadium.

CARRIED

CCL18.15 Supply & Lay Asphalt - 01/09/2018 - 30/06/2019

**HPERM Ref:
D18/270038**

RESOLVED

MIN18.689C

That

1. Council endorses the recommendation of the Tender Evaluation Team and:
 - a. Accept the tender from Fulton Hogan Industries Pty Ltd as the Primary Contractor for the supply and laying of asphalt with the Schedule of Rates at Attachment 2 of this report (Council file reference D18/270145); and
 - b. Accept the tenders of AviJohn Contracting Pty Ltd, Borthwick Pengilly Asphalt Pty Ltd, Downer Edi Works Pty Ltd, Patches Asphalt, Roadworx Group Pty Ltd & State Asphalt Services Pty Ltd as Alternative Contractors, with their respective Schedule of Rates, to enable them to undertake works where Fulton Hogan are unable to deliver a package of works to meet Council's work program. The Alternative Contractor is to be appointed based on availability and best value to Council for the package of works.
2. The contract term be to the 30th June 2019, with two optional 12 month extensions.
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the General Manager or his delegated nominee.

CARRIED

Note: A Rescission Motion was received in relation to Item CL18.193 - Notice of Motion - Draft Medium Density Amendment - Shoalhaven Development Control Plan 2014 - Post Exhibition Consideration and Finalisation signed by Cllrs Levett, Gartner and Cheyne.

There being no further business, the meeting concluded, the time being 10.08pm.

Clr Findley
CHAIRPERSON