

MINUTES OF THE ORDINARY MEETING

Meeting Date: Tuesday, 26 February 2019
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.01pm

The following members were present:

Clr Amanda Findley - Chairperson
Clr Joanna Gash
Clr John Wells – left at 7.28pm
Clr Patricia White
Clr Kaye Gartner
Clr Nina Digiglio
Clr Annette Alldrick
Clr Andrew Guile
Clr Mitchell Pakes
Clr Greg Watson
Clr Mark Kitchener
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 Rev Geoff Thompson and the playing of the Australian National Anthem.

Apologies / Leave of Absence

RESOLVED (Clr Guile / Clr Pakes) MIN19.63

That a Leave of Absence be granted for Clr Levett for the Ordinary meeting Tuesday 26 February 2019.

CARRIED

Confirmation of the Minutes

RESOLVED (Clr Digiglio / Clr Alldrick) MIN19.64

That the Minutes of the Ordinary Meeting of Ordinary Meeting held on Tuesday 29 January 2019 be confirmed.

CARRIED

Declarations of Interest

Clr Wells – SA19.8 - Notice of Motion - “The Blockstars” – FIRST Lego League – pecuniary interest declaration – two (2) members of the team are his grandchildren and his daughter is the coach – will leave the room and will not take part in discussion or vote.

PRESENTATION OF PETITIONS

Presentation of Petitions – Report Required

Clr Gartner presented a petition containing 1,207 signatures which states: We below strongly urge the Shoalhaven City Council to commit to protecting our natural environment, and reinstate the Sustainable Future Committee and the Natural Resource and Floodplain Management Committee.

Note: In accordance with Council policy a report will be submitted to the next Ordinary meeting.

MAYORAL MINUTE

MM19.2 Mayoral Minute - Recruitment of General Manager

**HPERM Ref:
D19/32046**

Recommendation

That:

1. With respect to the recruitment of the position of the General Manager Council note the Mayoral Minute on the Recruitment of the General Manager and the Division of Local Government ‘Guidelines for the Appointment & Oversight of General Managers’ (July 2011).
2. Council appoint a recruitment consultant from the following submissions received:
 - Macarthur
 - Blackadder Associates
 - LGNSW
3. Council retain the services of the consultant to assist in the first year for performance assessment and review.
4. Council constitute a selection panel as follows, with the appointment of the independent member to be made after Council discusses with the recruitment consultant a process for selecting an independent member.
 - Mayor
 - Deputy Mayor
 - Councillor
 - Independent Member
5. Council work immediately (as soon as practical) with the selected recruitment consultant in a facilitated workshop to provide background information on the needs and challenges facing Shoalhaven City Council to inform the position description. At this session Councillors also agree on a process for the selection of an independent member.
6. A further briefing be scheduled for a report back from the consultant on the position description and process for selection of an independent member.
7. Council call for expressions of interest from interested applicants for the position of Acting General Manager.

8. Report back to Senior Staff Contractual Matters Committee on the Acting General Manager Expressions of Interest process and appoint a candidate by 15 March 2019.

MOTION (Clr Findley / Clr Gartner)

That:

1. With respect to the recruitment of the position of the General Manager Council note the Mayoral Minute on the Recruitment of the General Manager and the Division of Local Government 'Guidelines for the Appointment & Oversight of General Managers' (July 2011).
2. Council appoint Macarthur as the recruitment consultant to undertake the recruitment of the General Manager.
3. Council retain the services of the consultant to assist in the first year for performance assessment and review.
4. Council constitute a selection panel as follows, with the appointment of the independent member to be made after Council discusses with the recruitment consultant a process for selecting an independent member.
 - Mayor
 - Deputy Mayor
 - Clr Andrew Guile
 - Clr Jo Gash
5. Council work immediately (as soon as practical) with the selected recruitment consultant in a facilitated workshop to provide background information on the needs and challenges facing Shoalhaven City Council to inform the position description.
6. A further briefing be scheduled for a report back from the consultant on the position description.
7. Council call for expressions of interest from interested applicants for the position of Acting General Manager.
8. Council Delegate authority to the Senior Staff Contractual Matters Committee to conduct an Expressions of Interest process and appoint an Acting General Manager by 15 March 2019.

FOR: Clr Findley, Clr Gash, Clr Gartner, Clr Digiglio and Clr Alldrick

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

MOTION LOST

FORESHADOWED MOTION (Clr Pakes / Clr Kitchener)

That:

1. With respect to the recruitment of the position of the General Manager Council note the Mayoral Minute on the Recruitment of the General Manager and the Division of Local Government 'Guidelines for the Appointment & Oversight of General Managers' (July 2011).
2. Council appoint Blackadder Associates as the recruitment consultant to undertake the recruitment of the General Manager.
3. Council retain the services of the consultant to assist in the first year for performance assessment and review.
4. Council constitute a selection panel as follows, with the appointment of the independent member to be made after Council discusses with the recruitment consultant a process for selecting an independent member.
 - Mayor
 - Deputy Mayor

- Assistant Deputy Mayor
 - Clr Andrew Guile
 - Clr John Wells
5. Council work immediately (as soon as practical) with the selected recruitment consultant in a facilitated workshop to provide background information on the needs and challenges facing Shoalhaven City Council to inform the position description.
 6. A further briefing be scheduled for a report back from the consultant on the position description.
 7. Council call for expressions of interest from interested applicants for the position of Acting General Manager.
 8. Council Delegate authority to the Senior Staff Contractual Matters Committee to conduct an Expressions of Interest process and appoint an Acting General Manager by 15 March 2019.

AMENDMENT (Clr Gartner / Clr Digiglio)

That:

1. With respect to the recruitment of the position of the General Manager Council note the Mayoral Minute on the Recruitment of the General Manager and the Division of Local Government 'Guidelines for the Appointment & Oversight of General Managers' (July 2011).
2. Council appoint Blackadder Associates as the recruitment consultant to undertake the recruitment of the General Manager
3. Council retain the services of the consultant to assist in the first year for performance assessment and review.
4. Council constitute a selection panel as follows, with the appointment of the independent member to be made after Council discusses with the recruitment consultant a process for selecting an independent member.
 - Mayor
 - Deputy Mayor
 - Assistant Deputy Mayor
 - Clr Andrew Guile
 - Clr John Wells
 - Clr Jo Gash
5. Council work immediately (as soon as practical) with the selected recruitment consultant in a facilitated workshop to provide background information on the needs and challenges facing Shoalhaven City Council to inform the position description.
6. A further briefing be scheduled for a report back from the consultant on the position description.
7. Council call for expressions of interest from interested applicants for the position of Acting General Manager.
8. Council Delegate authority to the Senior Staff Contractual Matters Committee to conduct an Expressions of Interest process and appoint an Acting General Manager by 15 March 2019.

FOR: Clr Findley, Clr Gash, Clr Gartner, Clr Digiglio and Clr Alldrick

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

AMENDMENT LOST

Note: Clr Gartner raised a Point of Order against Clr Pakes in relation to his gender comments.

Clr Pakes withdrew his comment

FORESHADOWED MOTION (RESOLVED) (Clr Pakes / Clr Kitchener)

MIN19.65

That:

1. With respect to the recruitment of the position of the General Manager Council note the Mayoral Minute on the Recruitment of the General Manager and the Division of Local Government 'Guidelines for the Appointment & Oversight of General Managers' (July 2011).
2. Council appoint Blackadder Associates as the recruitment consultant to undertake the recruitment of the General Manager
3. Council retain the services of the consultant to assist in the first year for performance assessment and review.
4. Council constitute a selection panel as follows, with the appointment of the independent member to be made after Council discusses with the recruitment consultant a process for selecting an independent member.
 - Mayor
 - Deputy Mayor
 - Assistant Deputy Mayor
 - Clr Andrew Guile
 - Clr John Wells
5. Council work immediately (as soon as practical) with the selected recruitment consultant in a facilitated workshop to provide background information on the needs and challenges facing Shoalhaven City Council to inform the position description.
6. A further briefing be scheduled for a report back from the consultant on the position description.
7. Council call for expressions of interest from interested applicants for the position of Acting General Manager.
8. Council Delegate authority to the Senior Staff Contractual Matters Committee to conduct an Expressions of Interest process and appoint an Acting General Manager by 15 March 2019.

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

AGAINST: Clr Gash, Clr Gartner and Clr Digiglio

FORESHADOWED MOTION CARRIED

Procedural Motion – Introduction of Addendum Report

RESOLVED (Clr Findley / Clr Digiglio)

MIN19.66

That the matter of Mayoral Minute - Thank you - Annual Company Dividend - Southern Phone Company be brought forward for consideration.

CARRIED

**MM19.3 Mayoral Minute - Thank you - Annual Company Dividend
- Southern Phone Company**

**HPERM Ref:
D19/57201**

Recommendation

That Shoalhaven City Council acknowledge the financial success that the Southern Phone Company has achieved and send a letter of thanks.

RESOLVED (Clr Findley / Clr Pakes)

MIN19.67

That Shoalhaven City Council acknowledge the financial success that the Southern Phone Company has achieved and send a letter of thanks.

CARRIED

DEPUTATIONS AND PRESENTATIONS

CL19.26 – Notice of Motion – Bomaderry Aquatic Centre car park Maintenance (Page 6)

Ms Selena Clancy, pool user, addressed the meeting to speak for the recommendation

NOTICES OF MOTION / QUESTIONS ON NOTICE

**CL19.25 Notice of Motion - Australia Day Formal Endorsement as
Council Policy**

**HPERM Ref:
D19/30708**

Recommendation

That:

1. Council adopt a formal policy of strongly supporting the celebration of Australia Day being held on the 26th of January.
2. The General Manager write to the Prime Minister and the Leader of the Opposition outlining Council's strong support for the retention of Australia Day, and associated celebrations being held on the 26th January.

RESOLVED (Clr Watson / Clr Guile)

MIN19.68

That:

1. Council adopt a formal policy of strongly supporting the celebration of Australia Day being held on the 26th of January.
2. The General Manager write to the Prime Minister and the Leader of the Opposition outlining Council's strong support for the retention of Australia Day, and associated celebrations being held on the 26th January.

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

AGAINST: Clr Findley, Clr Gartner, Clr Digiglio and Clr Alldrick

CARRIED

CL19.26 Notice of Motion - Bomaderry Aquatic Centre Car Park Maintenance

**HPERM Ref:
D19/51549**

Recommendation

That Council carry out urgent maintenance on the Bomaderry Aquatic Centre Car Park and place the carpark on the Works Programme for reconstruction and sealing.

RESOLVED (Clr Watson / Clr Pakes)

MIN19.69

That Council carry out urgent maintenance on the Bomaderry Aquatic Centre Car Park and place the carpark on the Works Programme for reconstruction and sealing.

CARRIED

CL19.27 Notice of Motion - Shower Facilities - Ulladulla

**HPERM Ref:
D19/42948**

Recommendation

That Council install two self-regulated cold water showers, one in the Council car park in Rennies Beach Close Ulladulla, where plumbing infrastructure already exists and the other in the Council car park in Deering Street Ulladulla, known locally as the Bombie car park, where plumbing infrastructure is 200 meters away at Light House oval.

RESOLVED (Clr Kitchener / Clr Gartner)

MIN19.70

That Council install two self-regulated cold water showers, one in the Council car park in Rennies Beach Close Ulladulla, where plumbing infrastructure already exists and the other in the Council car park in Deering Street Ulladulla, known locally as the Bombie car park, where plumbing infrastructure is 200 meters away at Light House oval.

CARRIED

CL19.28 Notice of Motion - Community Service Work Partnerships - Corrective Services

**HPERM Ref:
D19/43791**

Recommendation

That Council through the GM and Mayor instigate a meeting at the earliest opportunity with the following to discuss the way forward in activating programs for those offenders who are eligible to work outside on community programs:

1. Mr Mick Reid (Governor of South Coast Correctional Centre)
2. Mr Darren Hill (Correction Services Operation Manager)
3. Ms Donna Hume (Manager of Offenders Services Programs)
4. Ms Cathy Bland (Community Correction Manager)
5. Clr Gash
6. Clr Watson
7. Director of Assets & Works
8. Economic Development Officer

RESOLVED (Clr Gash / Clr Digiglio)

MIN19.71

That Council through the GM and Mayor instigate a meeting at the earliest opportunity with the following to discuss the way forward in activating programs for those offenders who are eligible to work outside on community programs:

1. Mr Mick Reid (Governor of South Coast Correctional Centre)
2. Mr Darren Hill (Correction Services Operation Manager)
3. Ms Donna Hume (Manager of Offenders Services Programs)
4. Ms Cathy Bland (Community Correction Manager)
5. Clr Gash
6. Clr Watson
7. Director of Assets & Works
8. Economic Development Officer

CARRIED

CL19.29 Notice of Motion - Drainage Issues - Waratah Cres, Sanctuary Point

**HPERM Ref:
D19/51519**

Recommendation

That the drainage issue regarding 'flash flooding' at 153-157 Waratah Crescent Sanctuary Point be addressed urgently, and at no cost to the residents, by implementing the following measures:

1. Raise the crest of the nature strip by around 200mm at the said location.
2. Construct essential kerb and guttering, and minor road surface rehabilitation, adjacent to the three properties in question.
3. Ensure that the nearby open drain (creek) is included in a regular maintenance programme which includes the removal of rubbish, silt, tree roots and dead vegetation.

RESOLVED (Clr Proudfoot / Clr Gartner)

MIN19.72

That the drainage issue regarding 'flash flooding' at 153-157 Waratah Crescent Sanctuary Point be addressed urgently, and at no cost to the residents, by implementing the following measures:

1. Raise the crest of the nature strip by around 200mm at the said location.
2. Construct essential kerb and guttering, and minor road surface rehabilitation, adjacent to the three properties in question.
3. Ensure that the nearby open drain (creek) is included in a regular maintenance programme which includes the removal of rubbish, silt, tree roots and dead vegetation.

CARRIED

CL19.30 Notice of Motion - Growth Management Strategy - Industrial Land - Sussex Inlet

**HPERM Ref:
D19/52259**

Recommendation

That as part of the Growth Management Strategy process a full review of the supply of industrial land at Sussex Inlet take place. The review would focus on, but not be restricted:

1. More viable short-term uses leading to greater investment and employment opportunities.

2. The likelihood of industrial development occurring in the short to medium term, or in fact occurring at all.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN19.73

That as part of the Growth Management Strategy process a full review of the supply of industrial land at Sussex Inlet take place. The review would focus on, but not be restricted:

1. More viable short-term uses leading to greater investment and employment opportunities.
2. The likelihood of industrial development occurring in the short to medium term, or in fact occurring at all.

CARRIED

CL19.31 Notice of Motion - Francis Ryan Reserve Sanctuary Point

**HPERM Ref:
D19/52270**

Recommendation

That the double-gate entry for large vehicles on the south-western end of Francis Ryan be widened by a sufficient margin to allow for comfortable access to the playing fields.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN19.74

That:

1. The double-gate entry for large vehicles on the south-western end of Francis Ryan be widened by a sufficient margin to allow for comfortable access to the playing fields;
2. As part of the of the review, attention be given to the rear of the shopping centre to improve the presentation to the general public.

CARRIED

CL19.32 Notice of Motion - Woodridge Estate Bangalee

**HPERM Ref:
D19/51831**

Recommendation

To assist land owners in the Woodridge Estate Bangalee wherever possible upon the recent changes to the Biodiversity Act, that

1. Council accept the position put forward by OEH in regard to multiple Development applications for an individual property, being that each application will generate its own individual threshold for clearing when the application is being assessed as the only outstanding application for an individual property.
2. Each individual test of significance will be the principal determinant in regard to potential cumulative impact until such time as firm direction is provided in this regard by the Office of Environment and Heritage or other relevant agency.
3. The General Manager investigate the potential with the Department of Planning for upsizing the minimum lot size given the effect of the recent legislative change and, if appropriate, prepare a planning proposal to bring about this change and request a Gateway determination.

RESOLVED (Clr Guile / Clr Wells)

MIN19.75

That Council:

1. Receive the report regarding Notice of Motion - Woodridge Estate Bangalee for information;
2. Extend thanks to the Office of Environment and Heritage and Member for Kiama, Gareth Ward MP for securing a result under the legislation that meets the needs of our local residents.

CARRIED

CL19.33 Notice of Motion - Improving Ordinary Meetings

**HPERM Ref:
D19/52552**

Recommendation

That

1. The code of meeting practice be amended to include a procedural motion to prioritize the business of the meeting within the adopted Code of Meeting Practice.
2. This procedural motion be termed a 'Call over' of the business paper
3. It occur immediately after declarations of interest

RESOLVED (Clr Guile / Clr Wells)

MIN19.76

That

1. The Code of Meeting Practice be amended to include a procedural motion to prioritize the business of the meeting within the adopted Code of Meeting Practice.
2. This procedural motion be termed a 'Call over' of the business paper
3. The Order of Business for meetings be amended to include a 'call over' of the business paper immediately after declarations of interest.

CARRIED

CL19.34 Question on Notice - Disbandment - Sustainable Futures Committee - Natural Resource & Floodplain Management Committee

**HPERM Ref:
D19/52443**

Question

At Ordinary Meeting September 2018, Council voted to disband the Sustainable Futures Committee and the NRFMC, absorbing the functions of the NRFMC into the S&A committee.

Could staff provide information on the level of community response to these decisions please.

1. How much correspondence was received?
2. How many letters opposed the decision?
3. How many supported the decision?
4. How many letters were from individuals?
5. How many were form Community groups?

Response

1. 173 submissions were received
2. All opposed the decision
3. Nil supported the decision

4. 161 submissions were from individuals
5. 12 submissions were from Community Groups

REPORT OF THE STRATEGY & ASSETS COMMITTEE - 12 FEBRUARY 2019

SA19.8	Notice of Motion - “The Blockstars”! - FIRST Lego League	HPERM Ref: D19/33603
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Clr Wells – SA19.8 - Notice of Motion - “The Blockstars” - FIRST Lego League - pecuniary interest declaration - two (2) members of the team are his grandchildren and his daughter is the coach - left the room and did not take part in discussion or vote.

Recommendation

That Council

1. Provide the Blockstar students with a donation of \$5,000.00 from Council’s unallocated donations to assist with costs to attend and complete in the USA Open International Tournament in California in May 2019.
2. Write to the Blockstar students and congratulate them on their success in the FIRST Lego League during 2018.
3. Request the Blockstar Students to make a presentation to Council following their participation in the US Open International Tournament.

RESOLVED (Clr White / Clr Pakes)

MIN19.77

That Council:

1. Provide the Blockstar students with a donation of \$5,000.00 from Council’s unallocated donations to assist with costs to attend and complete in the USA Open International Tournament in California in May 2019.
2. Write to the Blockstar students and congratulate them on their success in the FIRST Lego League during 2018.
3. Request the Blockstar Students to make a presentation to Council following their participation in the US Open International Tournament.

CARRIED

Items marked with an * were resolved ‘en block’.

SA19.12	December 2018 - Quarterly Budget Review	HPERM Ref: D19/29638
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RESOLVED* (Clr Guile / Clr Gash)

MIN19.78

That Council

1. Receive the December Quarterly Budget Review information
2. Adopt the adjustments, as outlined in the December Quarterly Budget Review document.

CARRIED

SA19.15 Proposed Lease of Part Lot 702 DP 1024852 - West Street Nowra - Nowra Tennis Clubhouse and Courts

HPERM Ref: D19/15632

RESOLVED* (Clr Guile / Clr Gash)

MIN19.79

That Council resolve to:

1. Enter into a one (1) year lease agreement over Part Lot 702 DP 1024852, West Street Nowra, with a three (3) year option period with Schizophrenia Fellowship NSW Ltd trading as One Door Mental Health at a commencing rent of \$3,904.40 pa plus GST with annual CPI increases, and a court resurface contribution (2 tennis courts) of \$3,090.00 pa.
3. Approve the allocation of court resurface contribution (2 courts) of \$3,090.00 under the lease agreement into the Restricted Asset Account for this facility.
4. Approve that the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution.

CARRIED

SA19.16 Ratepayer Advance - 29 - 33 Elizabeth Drive Vincentia

HPERM Ref: D19/25613

Recommendation

That

1. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council, with:
 - a. D J Talbert, 29 Vincentia Drive, Vincentia in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
 - b. A R & S L Smith, 31 Vincentia Drive, Vincentia in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
 - c. F L Camm, 33 Vincentia Drive, Vincentia in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
2. The Common Seal of Council of the City of Shoalhaven be affixed to any documentation required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

RESOLVED (Clr Proudfoot / Clr White)

MIN19.80

That

1. Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council, with:
 - a. D J Talbert, 29 Vincentia Drive, Vincentia in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.

- b. A R & S L Smith, 31 Vincentia Drive, Vincentia in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
 - c. F L Camm, 33 Vincentia Drive, Vincentia in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 is the contribution, \$3,992.88 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,991.10.
2. The Common Seal of Council of the City of Shoalhaven be affixed to any documentation required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

CARRIED

SA19.18	Grant of Electricity Easements - Bomaderry Sewerage Treatment Plant	HPERM D19/15911	Ref:
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RESOLVED* (Clr Guile / Clr Gash) MIN19.81

That:

1. Council resolve to grant the following easements for electricity purposes over Council land Lot 1 DP572583 at Railway Street, Bomaderry:
 - An Easement for Underground Cables 3 wide, marked (E) on the attached plan.
 - An Easement for Padmount Substation 2.75 wide, marked (P) on the attached plan.
 - A Restriction on the use of land variable width, marked (R) on the attached plan.

The easements are also highlighted yellow on the attached plan.
2. Costs associated with the transaction be met from Council’s Sewer Fund. The Easement and Restriction are to be granted at \$nil consideration.
3. The Common Seal of the Council of the City of Shoalhaven be fixed to any document required to be sealed.

CARRIED

Note: Clr Wells returned to the meeting at 6.47pm.

REPORT OF THE NOWRA CBD REVITALISATION STRATEGY COMMITTEE - 6 FEBRUARY 2019

CBD19.6	Bannerconda Banner Systems - Policy and Management Strategy - Southern Side Shoalhaven Bridge to Moss Street	HPERM Ref: D19/23187
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Recommendation

That:

1. The Nowra CBD Revitalisation Strategy Committee not proceed with purchase and installation of the Bannerconda system for the Princes Highway from the Shoalhaven River Bridge to Moss Street, Nowra.
2. Council write to the RMS requesting that the Shoalhaven River Bridge Upgrade Project include

the installation of Banners (such as or similar to a Bannerconda® system) on the highway, both north and south of the Bridge, with Council being prepared to be involved in the ongoing management of the Banners.

3. Council amend the Nowra CBD Banner Policy (POL16/243) Clause under Part 4 which reads:
Advertising of tobacco products, alcohol or drugs will not be permitted.

To read as follows:

Advertising of tobacco products, alcohol and 'political materials' will not be permitted.

MOTION (Clr Gartner / Clr White)

That the report regarding Bannerconda Banner Systems - Policy and Management Strategy - Southern Side Shoalhaven Bridge to Moss Street be received for information.

FOR: Clr Findley, Clr Gartner, Clr Digiglio and Clr Alldrick

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

MOTION LOST

FORESHADOWED MOTION (RESOLVED) (Clr Guile / Clr Pakes)

MIN19.82

That:

1. The Nowra CBD Revitalisation Strategy Committee not proceed with purchase and installation of the Bannerconda system for the Princes Highway from the Shoalhaven River Bridge to Moss Street, Nowra.
2. Council write to the RMS requesting that the Shoalhaven River Bridge Upgrade Project include the installation of Banners (such as or similar to a Bannerconda® system) on the highway, both north and south of the Bridge, with Council being prepared to be involved in the ongoing management of the Banners.
3. Council amend the Nowra CBD Banner Policy (POL16/243) Clause under Part 4 which reads:
Advertising of tobacco products, alcohol or drugs will not be permitted.

To read as follows:

Advertising of tobacco products, alcohol and 'political materials' will not be permitted.

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

AGAINST: Clr Findley and Clr Gartner

CARRIED

CBD19.8 Parking Infringements in the Shoalhaven - Parking Fine Concessions for Constituents

HPERM Ref: D18/434301

Recommendation

That Council reduce penalty notice charges for overtime carparking, overtime street parking and not stand vehicle within marked space by 25% as suggested by the State Government.

RESOLVED (Clr Gartner / Clr White)

MIN19.83

That the report regarding Parking Infringements in the Shoalhaven - Parking Fine Concessions for Constituents be received for information.

FOR: Clr Findley, Clr Gash, Clr Wells, Clr White, Clr Gartner, Clr Digiglio and Clr Alldrick
 AGAINST: Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot
 CARRIED

Note: A rescission motion was received on this item.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Wells / Clr Gash) MIN19.84

That the following items be brought forward for consideration:

- CL19.46 – Proposed Acquisition of land required for the Moss Vale Road South Urban Release Area Open Space
- CL19.47 – UPDATE - Shoalhaven Affordable Housing Strategy - Property Acquisition Matters
- CL19.48 – Proposed Purchase of Vacant Land, Nowra
- CL19.51 – Update on the Shoalhaven Animal Shelter

CARRIED

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

CL19.46 Proposed Acquisition of land required for the Moss Vale Road South Urban Release Area Open Space **HPERM Ref: D19/39178**

RESOLVED* (Clr Wells / Clr Gartner) MIN19.85

That Council in accordance with Section 10A(2)(c) of the Local Government Act 1993, consider a separate confidential report in relation to property acquisition matters associated with the Moss Vale Road South Urban Release Area Open Space.

CARRIED

CL19.47 UPDATE - Shoalhaven Affordable Housing Strategy - Property Acquisition Matters **HPERM Ref: D19/30004**

RESOLVED* (Clr Wells / Clr Gartner) MIN19.86

That Council in accordance with Section 10A(2)(c) of the Local Government Act 1993, consider a separate confidential report in relation to property acquisition matters associated with the Shoalhaven Affordable Housing Strategy.

CARRIED

CL19.48 Proposed Purchase of Vacant Land, Nowra **HPERM Ref: D19/34091**

RESOLVED* (Clr Wells / Clr Gartner) MIN19.87

That Council in accordance with Section 10(a)(2)(c) of the Local Government Act 1993 consider a separate confidential report on the proposed purchase of vacant land in Nowra.

CARRIED

CL19.51 Update on the Shoalhaven Animal Shelter

**HPERM Ref:
D19/13802**

Recommendation

That Council rescind MIN18.415C and resolve for the Ranger Services Unit to continue with the management and operation of the Shoalhaven Animal Shelter on a permanent basis.

RESOLVED (Clr Gash / Clr Pakes)

MIN19.88

That Council rescind MIN18.415C and resolve for the Ranger Services Unit to continue with the management and operation of the Shoalhaven Animal Shelter on a permanent basis.

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 Wells / Clr Pakes)

MIN19.89

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.

- CCL19.2 Proposed Acquisition of land required for the Moss Vale Road South Urban Release Area Open Space
Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 10(A)(2)(c)
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.
- CCL19.3 UPDATE - Shoalhaven Affordable Housing Strategy - Property Acquisition Matters
Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 10(A)(2)(c)
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.
- CCL19.4 Proposed Purchase of Vacant Land - Nowra
Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 10(A)(2)(c)
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

The meeting moved into confidential the time being 7.18pm.

The meeting moved into open session, the time being 7.26pm.

REPORT FROM CONFIDENTIAL SESSION

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

CCL19.2 Proposed Acquisition of land required for the Moss Vale Road South Urban Release Area Open Space	HPERM Ref: D19/25852
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RESOLVED MIN19.90C

That the resolution remains Confidential in accordance with Section 10(A)(2)(c) of the Local Government Act until all transactions have been settled.

CCL19.3 UPDATE - Shoalhaven Affordable Housing Strategy - Property Acquisition Matters	HPERM Ref: D19/29951
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RESOLVED MIN19.91C

That Council:

1. Terminate negotiations with the property owners of Lot B DP 367157, 49 Meroo Street, Bomaderry (Waratah Park);
2. Advise the Pride of Bomaderry that negotiations to purchase 49 Meroo Street have failed and Council will be no longer pursuing the matter; and
3. Acknowledge the purchase of 50 Coomea Street, Bomaderry.

CCL19.4 Proposed Purchase of Vacant Land - Nowra	HPERM Ref: D19/32071
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RESOLVED MIN19.92C

That the resolution remains confidential in accordance with Section 10(a)(2)(c) of the Local Government Act until all transactions have been settled.

Procedural Motion - Adjournment of Meeting

RESOLVED (Clr Findley / Clr Pakes) MIN19.93

That the meeting be adjourned to allow for refreshment.

CARRIED

The meeting adjourned the time being 7.28pm

The meeting reconvened the time being 8.01pm

The following members were present:

Clr Amanda Findley - Chairperson
 Clr Joanna Gash
 Clr Patricia White
 Clr Kaye Gartner
 Clr Nina Digiglio
 Clr Annette Alldrick
 Clr Andrew Guile
 Clr Mitchell Pakes
 Clr Greg Watson
 Clr Mark Kitchener
 Clr Bob Proudfoot

REPORT OF THE SHOALHAVEN TRAFFIC COMMITTEE - 12 FEBRUARY 2019

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

TC19.6	Proposed Multi-Storey Carpark - Shoalhaven Hospital - Scenic Drive, Nowra (PN 3487)	HPERM Ref: D19/39597
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RESOLVED* (Clr Gash / Clr White) MIN19.94

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the following modifications to the proposed interim parking arrangements installed as part of the parking management during construction of the off-street car park associated with the Shoalhaven District Memorial Hospital, Scenic Drive, Nowra, as shown on the attached plans:

- Removing 2 proposed on-street disabled parking spaces west of the proposed construction access
- Removing 3 existing on-street parallel parking spaces east of the proposed construction access

CARRIED

TC19.7	Proposed BB line marking and signage upgrades - Upper Kangaroo River Road, Upper Kangaroo River (PN 3532)	HPERM Ref: D19/39611
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RESOLVED* (Clr Gash / Clr White) MIN19.95

That the General Manager (Director Assets and Works) requested to arrange for the installation of approximately 365m of BB centreline marking and associated curve warning signage on Upper Kangaroo River Road approximately 100m from Moss Vale Road, as detailed in the attached plan.

CARRIED

REPORTS

CL19.38 Bi-Annual Delivery Program and Operational Plan Report - 1 July 2018 to 31 December 2018

**HPERM Ref:
D19/33974**

Recommendation

That the report of the General Manager (Executive Strategy) regarding progress to 31 December 2018 on the 2017/2021 Delivery Program and 2018/2019 Operational Plan be received for information, endorsed and published on Council's website.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN19.96

That the report of the General Manager (Executive Strategy) regarding progress to 31 December 2018 on the 2017/2021 Delivery Program and 2018/2019 Operational Plan be received for information, endorsed and published on Council's website.

CARRIED

CL19.39 2020 Local Government (Council) Elections

**HPERM Ref:
D19/17660**

Recommendation

That Council resolve that:

1. Pursuant to s.296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a Council poll arrangement be entered into by contract for the Electoral Commissioner to administer all Council polls of the Council.
3. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.
4. That the contract be finalised by 11 June 2019 (15 months before the scheduled election) subject to:
 - a. The cost estimate from Electoral Commission NSW being presented to, and accepted by the Council, and
 - b. Any alternative requirements enacted by legislation passed or directives from the Office of Local Government received before that time (as foreshadowed in Office of Local Government Circular 19-02).

RESOLVED (Clr Pakes / Clr White)

MIN19.97

That Council resolve that:

1. Pursuant to s.296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a Council poll arrangement be entered into by contract for the Electoral Commissioner to administer all Council polls of the Council.
3. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a constitutional

referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

4. The contract be finalised by 11 June 2019 (15 months before the scheduled election) subject to:
 - a. The cost estimate from Electoral Commission NSW being presented to, and accepted by the Council, and
 - b. Any alternative requirements enacted by legislation passed or directives from the Office of Local Government received before that time (as foreshadowed in Office of Local Government Circular 19-02).

CARRIED

CL19.13 Kangaroo Valley Netball Court - Relocation and Upgrade of Infrastructure

HPERM Ref: D18/396060

Recommendation

That Council

1. Allocate \$37,411 for the rectification works to Kangaroo Valley Netball Court;
2. Staff arrange for the erection of fencing on boundaries shared with private landowner;
3. Staff continue to seek contribution towards the fencing costs from neighbouring landowner;
4. Staff lodge *Application to Modify Development Consent* for the floodlight infrastructure, and install new floodlighting upon consent;
5. Staff arrange for removal of existing floodlight infrastructure if requested and approved by neighbouring landowner.

RESOLVED (Clr Digiglio / Clr Alldrick)

MIN19.98

That Council:

1. Allocate \$37,411 for the rectification works to Kangaroo Valley Netball Court;
2. Staff arrange for the erection of fencing on boundaries shared with private landowner;
3. Staff continue to seek contribution towards the fencing costs from neighbouring landowner;
4. Staff lodge *Application to Modify Development Consent* for the floodlight infrastructure, and install new floodlighting upon consent;
5. Staff arrange for removal of existing floodlight infrastructure if requested and approved by neighbouring landowner.

CARRIED

CL19.40 Investment Report - January 2019

**HPERM Ref:
D19/48054**

Recommendation

That the report of the General Manager (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 31 January 2019 be received for information.

RESOLVED (Clr Proudfoot / Clr Gartner)

MIN19.99

That the report of the General Manager (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 31 January 2019 be received for information.

CARRIED

CL19.41 2018/19 Council Borrowings - Loan Agreement

**HPERM Ref:
D19/48217**

Recommendation

That Council enter into a loan agreement, executed under the seal of Council, with New South Wales Treasury Corporation for the following loans:

1. Loan 1: \$6,370,000 (repayment over 10 years) – Land acquisition at Moss Vale Road south for provision of open space.
2. Loan 2: \$1,783,000 (repayment over 10 years) – \$1,545,000 for Huskisson Service Lanes and \$238,000 for Worrigeer cemetery memorial gardens expansion

RESOLVED (Clr Guile / Clr White)

MIN19.100

That Council enter into a loan agreement, executed under the seal of Council, with New South Wales Treasury Corporation for the following loans:

1. Loan 1: \$6,370,000 (repayment over 10 years) – Land acquisition at Moss Vale Road south for provision of open space.
2. Loan 2: \$1,783,000 (repayment over 10 years) – \$1,545,000 for Huskisson Service Lanes and \$238,000 for Worrigeer cemetery memorial gardens expansion

CARRIED

CL19.42 Authority for Cheque and Electronic Banking Signatories

**HPERM Ref:
D19/48242**

Recommendation

That:

1. Council authorise any two of the following persons:

Russell Desmond PIGG	General Manager
Stephen DUNSHEA	Group Director – Finance, Corporate and Community Services
Michael Joseph PENNISI	Chief Financial Officer
Vanessa Jane PHELAN	Finance Manager
Angele TAYLOR	Team Coordinator - Financial Accounting

Stephanie Jane MOORLEY Team Supervisor – Management Accountant
Craig Robert GILFILLAN Assistant Financial Accountant
Graham David LONGFIELD Accounting Officer

- a. to operate on any account(s) now opened or to be opened by the Shoalhaven City Council with Financial Institutions, so long as the account(s) shall be in credit or, at the Financial Institutions' discretion, notwithstanding that they shall become thereby or be already overdrawn;
 - b. to open accounts with Council's contracted transactional bank for daily transactional banking purposes;
 - c. to sign, draw, make, accept and negotiate cheques and electronic fund transfers on behalf of Shoalhaven City Council.
2. This authority will cancel and supersede all previous authorities except in respect of cheques and other instruments dated prior to this authority

RESOLVED (Clr Gash / Clr Gartner)

MIN19.101

That:

1. Council authorise any two of the following persons:

Russell Desmond PIGG General Manager
Stephen DUNSHEA Group Director – Finance, Corporate and Community Services
Michael Joseph PENNISI Chief Financial Officer
Vanessa Jane PHELAN Finance Manager
Angele TAYLOR Team Coordinator - Financial Accounting
Stephanie Jane MOORLEY Team Supervisor – Management Accountant
Craig Robert GILFILLAN Assistant Financial Accountant
Graham David LONGFIELD Accounting Officer

- a. to operate on any account(s) now opened or to be opened by the Shoalhaven City Council with Financial Institutions, so long as the account(s) shall be in credit or, at the Financial Institutions' discretion, notwithstanding that they shall become thereby or be already overdrawn;
 - b. to open accounts with Council's contracted transactional bank for daily transactional banking purposes;
 - c. to sign, draw, make, accept and negotiate cheques and electronic fund transfers on behalf of Shoalhaven City Council.
2. This authority will cancel and supersede all previous authorities except in respect of cheques and other instruments dated prior to this authority

CARRIED

CL19.43 9th Australian Small Bridges Conference

**HPERM Ref:
D19/49724**

Recommendation

That Council

1. Notes the details of the 9th Australian Small Bridges Conference scheduled for 1-2 April 2019 in Surfers Paradise, QLD.
2. Authorise available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN19.102

That Council

1. Notes the details of the 9th Australian Small Bridges Conference scheduled for 1-2 April 2019 in Surfers Paradise, QLD.
2. Authorise available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

CARRIED

**CL19.44 Roads to Recovery Program - Funding Allocation - 2019
- 2024**

**HPERM Ref:
D19/47603**

Recommendation

That Council note that the Hon Michael McCormack MP, Deputy Prime Minister & Federal Minister for Infrastructure, Transport & Regional Development, has issued a Roads to Recovery life of program allocation for the period 1 July 2019 to 30 June 2024 of \$8,567,375 for the Shoalhaven.

RESOLVED (Clr Gartner / Clr White)

MIN19.103

That Council note that the Hon Michael McCormack MP, Deputy Prime Minister & Federal Minister for Infrastructure, Transport & Regional Development, has issued a Roads to Recovery life of program allocation for the period 1 July 2019 to 30 June 2024 of \$8,567,375 for the Shoalhaven.

CARRIED

CL19.45 Coffs Harbour Waste Processing Inspection

**HPERM Ref:
D19/53223**

Recommendation

That Council authorise the Alternative Waste Tender Delegation (Cr Pakes, Cr Wells, and staff determined by the General Manager) to visit the Autoclave based Waste Processing Plant at Coffs Harbour to discover the lessons learnt with respect to the specific resources and cost structures to oversee the construction and operation of a high-tech waste processing plant, and thus ensure that the Shoalhaven Team who oversees this work is adequately experienced and supported right from the start of the Bioelektra project.

RESOLVED (Clr White / Clr Digiglio)

MIN19.104

That Council authorise the Alternative Waste Tender Delegation (Cr Pakes, Cr Wells, and staff determined by the General Manager) to visit the Autoclave based Waste Processing Plant at Coffs Harbour to discover the lessons learnt with respect to the specific resources and cost structures to oversee the construction and operation of a high-tech waste processing plant, and thus ensure that the Shoalhaven Team who oversees this work is adequately experienced and supported right from the start of the Bioelektra project.

CARRIED

CL19.46 Proposed Acquisition of Land Required for the Moss Vale Road South Urban Release Area Open Space

**HPERM REF:
D19/39178**

Item dealt with earlier in the meeting see MIN19.85

CL19.47 Update - Shoalhaven Affordable Housing Strategy - Property Acquisition Matters

**HPERM REF:
D19/30004**

Item dealt with earlier in the meeting see MIN19.86

CL19.48 Proposed Purchase Of Vacant Land, Nowra

**HPERM REF:
D19/34091**

Item dealt with earlier in the meeting see MIN19.87

CL19.49 Development Application 18/1815 – 270 Back Forest Road, Back Forest – Lot 2231 DP 1034774

**HPERM Ref:
D19/26923**

Recommendation

That Development Application No.18/1815, being for the construction of a dwelling and change of use of the existing dwelling to a rural worker's dwelling, be determined by way of approval as resolved by the Development and Environment Committee on 21 January 2019 in accordance with the recommended conditions at Attachment 1.

RESOLVED (Clr Proudfoot / Clr Gash)

MIN19.105

That Development Application No.18/1815, being for the construction of a dwelling and change of use of the existing dwelling to a rural worker's dwelling, be determined by way of approval as resolved by the Development and Environment Committee on 21 January 2019 in accordance with

the recommended conditions at Attachment 1.

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

AGAINST: Clr Findley and Clr Gartner

CARRIED

CL19.50 Quarterly Update on Compliance Matters

HPERM Ref: D19/7186

Recommendation

That Council receive the Quarterly Update on Compliance Matters report for information.

RESOLVED (Clr Gash / Clr Gartner)

MIN19.106

That Council receive the Quarterly Update on Compliance Matters report for information.

CARRIED

CL19.51 Update on the Shoalhaven Animal Shelter

**HPERM REF:
D19/13802**

Item dealt with earlier in the meeting see MIN19.88

Note: A Rescission Motion was received in relation to CBD19.8 - Parking Infringements in the Shoalhaven - Parking Fine Concessions for Constituents signed by Clr Guile, Clr Pakes & Clr Watson.

There being no further business, the meeting concluded, the time being 8.32pm.

Clr Findley
CHAIRPERSON