

MINUTES OF THE ORDINARY MEETING

Meeting Date: Tuesday, 30 April 2019
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 Digiglio
Clr Annette Alldrick
Clr John Levett
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 Anthony Douglas and the playing of the Australian National Anthem.

Apologies / Leave of Absence

Nil

Confirmation of the Minutes

RESOLVED (Clr Guile / Clr White)

MIN19.227

That the Minutes of the Ordinary Meeting held on Tuesday 26 March 2019 be confirmed.

CARRIED

Declarations of Interest

Clr Wells – CL19.115 – Donations Policy – pecuniary interest declaration – He is the President of the Illawarra Academy of Sport who receive a Donation from Council, also a member of the Albatross Musical Theatre Company who receives a Donation – will leave the room and will not take part in discussion or vote.

Clr Guile – CL19.91 – Rescission Motion – DE19.24 Further Update – Possible Heritage Listing – Former Huskisson Anglican Church – less than significant non pecuniary interest declaration – he has a former association with this Diocese of the Anglican Church and there may be a perception he is conflicted however there is no conflict – will remain in the room and will take part in discussion and vote.

Clr Pakes – CL19.115 – Donations Policy – less than significant non pecuniary interest declaration – he is a member of the Nowra Culburra SLSC who receives a Donation – will remain in the room and will take part in discussion and vote.

Call Over of the Business Paper

The following items were called up for debate:

DE19.22, SA19.44, SA19.45, SB19.2, SB19.9, CE19.1, TC19.20, CL19.106, CL19.107-112, CL19.113, CL19.114, CL19.115, CL19.117, CL19.120, CL19.122, CL19.123, CL19.125

The following items were resolved en bloc (Clr Guile / Clr Wells) at this time. They are marked with an asterisk (*) in these minutes:

SA19.49, SB19.4, TC19.18, TC19.19, CL19.116, CL19.118, CL19.119, CL19.121, CL19.124.

MAYORAL MINUTE

Nil

The Mayor made the following announcements:

Congratulations to Clr Mitchell Pakes and his wife Emma on the birth of their daughter.

Congratulations to the Milton Manjushri Buddhist Centre, who recently hosted a visit by the second-highest representative of Buddhism, His Holiness the 42nd Sankya Trinzin, Ratna Vajra Rinpoche.

GJ Gardner Homes have completed the Variety House which raised over \$400,000 for the children's charity. Shoalhaven City Council was a donor to this project.

PRESENTATION OF PETITIONS

Presentation of Petitions

Clr White presented a petition containing 105 signatures which states: We, whose signatures appear below strongly object to raising the trigger level of Lake Tabourie from 1.17m to 1.3m. The existing management plan is acceptable.

Presentation of Petitions

Clr Kitchener presented a petition containing approximately 700 signatures which states: That the residents and road users of Woodburn and associated roads seek Council's commitment to the sealing of Woodburn Road from Clyde Ridge road as a matter of urgency, confirm the position of sealing Woodburn Road on Council's work's program and if council staff should deviate from the program that a detailed special report be submitted to the full council for determination.

Presentation of Petitions

Clr Pakes presented a petition containing 322 signatures which states: We the undersigned support the proposed West Culburra Beach Development, we support the additional housing, jobs and growth to local businesses the development will create.

Presentation of Petitions

Clr Levett presented a petition containing 2851 signatures which states: We the undersigned petition the Shoalhaven City Council to reconsider the heritage listing of the Church and its grounds (Holy Trinity Church Group), which it deleted from the Draft LEP2004 despite "strong objections" from the NSW Heritage Office.

We ask the Anglican Church and the relevant government bodies to acknowledge the architectural, religious, social, environmental and aesthetic significance of the Holy Trinity Anglican Church and its surrounding land, including historical trees and burial ground, located at Huskisson Lot 7 Section 3 DP758530 17 Hawke Street, Lot 8 Section 3 DP758530 22 Currumbene Street, Lot 9 Section 3 DP758530 26 Currumbene Street (Jerrinja Local Aboriginal Land Council).

Presentation of Petitions

Clr Watson advised he had a petition of approximately 200 residents of the Huskisson area requesting that the sea pool be kept open during the winter period. The petition was not tabled.

DEPUTATIONS AND PRESENTATIONS

CL19.88 - Rescission Motion - MM19.7 Mayoral Minute - Students Global Strike for Climate Change (page 4)

Ms Takesa Frank addressed the meeting and spoke against the recommendation.

Mr Lachlan Congram addressed the meeting and spoke against the recommendation.

Ms Jade Mudge addressed the meeting and spoke against the recommendation.

Clr Gartner raised a Point of Order against Clr Guile regarding his comment to the question she raised. The Mayor ruled in favour of the Point of Order. Clr Guile was asked to withdraw his comment.

Clr Guile withdrew his comment.

CL19.91 Rescission Motion - DE19.24 Further Update - Possible Heritage Listing - Former Huskisson Anglican Church (page 4) and

CL19.92 Notice of Motion - DE19.24 Further Update - Possible Heritage Listing - Former Huskisson Anglican Church (page 5)

Mr Stephen Bartlett addressed the meeting and spoke for the recommendation.

Aunty Jean Carter addressed the meeting and spoke against the recommendation.

Dr Penny Davidson addressed the meeting and spoke against the recommendation.

CL19.99 - Notice of Motion – Sealing of Woodburn Road Morton (page 12)

Mr John Wiseberger addressed the meeting and spoke for the recommendation.

CL19.115 – Donations Policy (page 71)

Ms Susanne O'Neill, representing the City of Shoalhaven Eisteddfod, addressed the meeting and spoke against the recommendation.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Findley / Clr White)

MIN19.228

That the following items be brought forward for consideration:

- CL19.88 – Rescission Motion - MM19.7 Mayoral Minute - Students Global Strike for Climate Change
- CL19.91 – Rescission Motion - DE19.24 Further Update - Possible Heritage Listing - Former Huskisson Anglican Church
- CL19.92 – Notice of Motion - DE19.24 Further Update - Possible Heritage Listing - Former Huskisson Anglican Church
- CL19.99 – Notice of Motion – Sealing of Woodburn Road Morton
- CL19.115 - Donations Policy

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

**CL19.88 Rescission Motion - MM19.7 Mayoral Minute - Students
Global Strike for Climate Change**

**HPERM Ref:
D19/101230**

Recommendation

That Council rescind the Motion relating to Item MM19.7 of the Council Meeting held on Tuesday 26 March 2019.

Clr Digiglio raised a Point of Order against Clr Guile regarding his comments in relation to the Greens Party. The Mayor ruled against the Point of Order and asked Clr Guile to keep to relevant debate.

MOTION (Clr Pakes / Clr Guile)

That Council rescind the Motion relating to Item MM19.7 of the Council Meeting held on Tuesday 26 March 2019.

PROCEDURAL MOTION (Clr Gartner / Clr Digiglio)

That the MOTION be PUT.

LOST

MOTION (LOST) (Clr Pakes / Clr Guile)

MIN19.229

That Council rescind the Motion relating to Item MM19.7 of the Council Meeting held on Tuesday 26 March 2019.

FOR: Clr White, Clr Guile, Clr Pakes and Clr Watson

AGAINST: Clr Findley, Clr Gash, Clr Wells, Clr Gartner, Clr Digiglio, Clr Alldrick, Clr Levett, Clr Kitchener and Clr Proudfoot

LOST

CL19.91 Rescission Motion - DE19.24 Further Update - Possible Heritage Listing - Former Huskisson Anglican Church

HPERM Ref: D19/114555

Clr Guile – less than significant non pecuniary interest declaration – he has a former association with this Diocese of the Anglican Church and there may be a perception he is conflicted however there is no conflict – remained in the room and took part in discussion and voted.

Recommendation

That Council rescind the Motion relating to Item DE19.24 of the Development & Environment Committee held Tuesday 2 April 2019.

Clr Findley raised a Point of Order against Clr Watson and asked Clr Watson to withdraw his comments that were casting aspersions against Clr Findley.

Clr Watson withdrew his comments.

RESOLVED (Clr Pakes / Clr Watson)

MIN19.230

That Council rescind the Motion relating to Item DE19.24 Further Update - Possible Heritage Listing - Former Huskisson Anglican Church of the Development & Environment Committee held Tuesday 2 April 2019.

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

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

CARRIED

CL19.92 Notice of Motion - DE19.24 Further Update - Possible Heritage Listing - Former Huskisson Anglican Church

HPERM Ref: D19/114562

Recommendation

That Council re-affirm its previously resolved position in relation to this site and building.

RESOLVED (Clr Watson / Clr Pakes)

MIN19.231

That Council:

1. Re-affirm its previously resolved position in relation to the Former Huskisson Anglican Church site and building
2. Resolve to not support the inclusion of the site known as the former Huskisson Anglican Church and grounds, as a listed item, in either SLEP or the State Government Heritage register of Buildings of State Significance.

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

AGAINST: Clr Findley, Clr Gartner, Clr Digiglio, Clr Alldrick, Clr Levett and Clr Proudfoot
CARRIED

CL19.99 Notice of Motion - Sealing of Woodburn Road Morton

**HPERM Ref:
D19/130445**

Recommendation

That Council commit to sealing Woodburn Road Morton south of Clyde Ridge Road, by confirming the position of sealing Woodburn Road on Council's capital works program and should Council staff deviate from the program list that a detailed special report be submitted to the full council for determination.

RESOLVED (Clr Kitchener / Clr Gartner)

MIN19.232

That:

1. Council add the sealing of Woodburn Road Morton (Clyde Ridge Road to Brooman Road) as two projects in the draft Long Term Financial Plan as follows:
 - a. 2021-2022 Local road sealing Woodburn Road \$324 000
 - b. 2022-2023 Local road sealing Woodburn Road \$332 000
2. Should a windfall become available from the State or Federal Government before 2021 that the sealing of Woodburn Road be considered as a matter of urgency.

CARRIED

Procedural Motion - Adjournment of Meeting

RESOLVED (Clr Findley / Clr Gash)

MIN19.233

That the meeting be adjourned to allow for refreshments.

CARRIED

The meeting adjourned the time being 8.46pm

The meeting reconvened the time being 9.14pm

The following members were present:

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

CL19.115 Donations Policy

**HPERM Ref:
D19/113275**

Clr Wells - pecuniary interest declaration – He is the President of the Illawarra Academy of Sport who receive a Donation from Council, also a member of the Albatross Musical Theatre Company who receives a Donation – will leave the room and will not take part in discussion or vote.

Clr Pakes – less than significant non pecuniary interest declaration – he is a member of the Nowra Culburra SLSC who receives a Donation – remained in the room and will take part in discussion and vote.

Recommendation

That Council

1. Note the details of the submissions received during the public exhibition period as outlined in the report.
2. Adopt the Revised Draft Donations Policy and Application Forms provided as attachments to the report.
3. Determine that contributions for the following projects/programs be administered by the Council separately from the Donations Policy given they are ongoing arrangements which have other eligibility requirements, and which are paid to all like organisations in the Shoalhaven.
 - a. Community Consultative Bodies (\$500 each per year)
 - b. School Citizenship Awards (\$100 each per year)
 - c. Surf Life Saving Clubs providing Patrolling services (\$5,000 each per year)
 - d. Illawarra Academy of Sport (\$15,000 per year)
4. Advise all current recipients of the changes to the Donations Policy and timetable for applications for 2019/2020.

MOTION (Clr Watson / Clr Guile)

That Council not adopt the Policy at this time.

PROCEDURAL MOTION (Clr Gartner)

That the MOTION be PUT.

PROCEDURAL MOTION CARRIED

MOTION LOST

FOR: Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

AGAINST: Clr Findley, Clr Gash, Clr White, Clr Gartner, Clr Digiglio, Clr Alldrick and Clr Levett

FORESHADOWED MOTION (RESOLVED) (Clr White / Clr Digiglio)

MIN19.234

That the Draft Donations Policy be deferred to a Councillor Workshop and determine who should receive a permanent/allocated donation with the view to implementing a new policy in the 2020/2021 financial year.

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

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

CARRIED

**CL19.89 Rescission Motion - CL19.56 Notice of Motion - West
Culburra Concept Plan**

**HPERM Ref:
D19/101185**

Recommendation

That Council rescind the Motion relating to Item CL19.56 Notice of Motion - West Culburra Concept Plan of the Council Meeting held on Tuesday 26 March 2019.

MOTION (Clr Gartner / Clr Digiglio)

That Council rescind the Motion relating to Item CL19.56 of the Council Meeting held on Tuesday 26 March 2019.

Clr Gartner raised a Point of Order against Clr Guile disrespecting her argument. The Mayor ruled in favour of the Point of Order and asked Clr Guile to withdraw his comments and apologise.

MOTION OF DISSENT (Clr Guile)

Moved a MOTION of DISSENT against the ruling of the Chair.

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

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

MOTION OF DISSENT CARRIED

Clr Findley raised a Point of Order against Clr Watson regarding his comments that she is a "fibber" and has brought her reputation into disrepute. The Mayor asked Clr Watson to withdraw comments.

Clr Watson refused to withdraw his comments.

The Mayor adjourned the meeting at 9.27pm.

The meeting reconvened the time being 9.31pm

The following members were present:

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

MOTION (Clr Guile / Clr Wells)

That Council proceed with the business of the meeting.

MOTION CARRIED

The Mayor repeated her previous request to Clr Watson to withdraw his comments that she was a “fibber”.

Clr Watson refused again to withdraw his comments.

The Mayor repeated her previous two (2) requests to Clr Watson to withdraw his comments that she was a “fibber”.

Clr Watson refused again to withdraw his comments.

MOTION TO EXPEL (Clr Findley / Clr Digiglio)

That on the grounds that Clr Watson has failed to follow instructions of the Chairperson in accordance with Council’s Code of Meeting Practice, that he be expelled from the meeting.

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

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

MOTION TO EXPEL LOST

MOTION (Clr Watson)

That the above discussion and Motion to expel not be included in the Minutes of the Meeting.

The Mayor ruled the Motion out of order.

Clr Guile raised a Point of Order against Clr Levett as his question to the Director of Planning, relating to councils co-joining in actions to overturn a decision of the Independent Planning Commission to assist a private developer, was incorrect as Council has not resolved to do so.

Clr Findley advised she would permit the question to be answered.

MOTION (Clr Gartner / Clr Digiglio)

MIN19.235

That Council rescind the Motion relating to Item CL19.56 of the Council Meeting held on Tuesday 26 March 2019.

FOR: Clr Findley, Clr Gartner, Clr Digiglio, Clr Aldrick and Clr Levett

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

LOST

CL19.90 Notice of Motion - CL19.56 West Culburra Concept Plan

**HPERM Ref:
D19/101201**

Recommendation

That Council request that a report come to the Development & Environment Committee once the Statement of Facts and Contentions has been considered

This item was not dealt with as the preceding rescission motion was LOST see MIN19.235

CL19.91 Rescission Motion - DE19.24 Further Update - Possible Heritage Listing - Former Huskisson Anglican Church

**HPERM REF:
D19/114555**

Item dealt with earlier in the meeting see MIN19.230

CL19.92 Notice of Motion - DE19.24 Further Update - Possible Heritage Listing - Former Huskisson Anglican Church

**HPERM REF:
D19/114562**

Item dealt with earlier in the meeting see MIN19.231

Procedural Motion - Adjournment of Meeting

RESOLVED (Clr Gartner / Clr Digiglio)

MIN19.236

That the meeting be adjourned to a time to be determined.

CARRIED

The meeting be adjourned the time being 10.04pm.

The meeting reconvened on Thursday 2 May 2019, the time being 3.01pm

The following members were present:

Clr Amanda Findley - Chairperson
Clr John Wells
Clr Kaye Gartner
Clr Nina Digiglio
Clr Annette Alldrick – arrived 3.52pm
Clr John Levett
Clr Mitchell Pakes
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot

Apologies

RESOLVED (Clr Pakes / Clr Digiglio)

MIN19.237

That:

1. An apology be received from Clr White.
2. That a leave of absence be granted to Clr Gash for the period of Thursday 2 May 2019 to Monday 20 May 2019 inclusive.

CARRIED

CL19.93 Notice of Motion - Huskisson Sea Pool

**HPERM Ref:
D19/107218**

Recommendation

That Council trial an extended opening of the Huskisson Sea Pool including winter this year.

RESOLVED (Clr Watson / Clr Pakes)

MIN19.238

That Council trial an extended opening of the Huskisson Sea Pool including winter this year.

FOR: Clr Wells, Clr Gartner, Clr Digiglio, Clr Levett, Clr Pakes, Clr Watson, Clr Kitchener
and Clr Proudfoot

AGAINST: Clr Findley

CARRIED

CL19.94 Notice of Motion - Jet Skis - Jervis Bay

**HPERM Ref:
D19/130044**

Recommendation

That Council communicate with the relevant agencies regarding the growing community concerns of the negative impact that jet skis are having on the marine life in Jervis Bay. The communicate would respectfully request that the agencies report to Council on their professional assessment as to the gravity of the situation and as to any future proposals that would go some way to meet community expectations

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN19.239

That Council

1. Communicate with the relevant agencies regarding the growing community concerns of the negative impact that jet skis are having on the marine life in Jervis Bay. The communicate would respectfully request that the agencies report to Council on their professional assessment as to the gravity of the situation and as to any future proposals that would go some way to meet community expectations.
2. Write to the NSW Maritime informing them of Council's growing concern with compliance issues with jet skiers in Jervis Bay.

CARRIED

CL19.95 Notice of Motion - Aboriginal Tourism

**HPERM Ref:
D19/130047**

Recommendation

That as a general principle, Council supports a greater focus on Aboriginal Tourism in the Shoalhaven, and that our tourism department report back to Council on possible opportunities that may be pursued to support this increased focus. The report would need to include initiatives that have been undertaken in other councils, states, or even overseas countries, as well as a plan to liaise with local aboriginal groups and indeed our own Aboriginal Advisory Committee.

RESOLVED (Clr Proudfoot / Clr Wells)

MIN19.240

That as a general principle, Council supports a greater focus on Aboriginal Tourism in the Shoalhaven, and that our tourism department report back to Council on possible opportunities that

may be pursued to support this increased focus. The report would need to include initiatives that have been undertaken in other councils, states, or even overseas countries, as well as a plan to liaise with local aboriginal groups and indeed our own Aboriginal Advisory Committee.

CARRIED

CL19.96 Notice of Motion - Roadworks Coordination Plan

**HPERM Ref:
D19/130051**

Recommendation

That Council staff produce a roadworks co-ordination plan so as to minimise inconvenience to local residents during the construction stage.

RESOLVED (Clr Proudfoot / Clr Gartner)

MIN19.241

That Council staff produce a roadworks co-ordination plan so as to minimise inconvenience to local residents during the construction stage.

CARRIED

CL19.97 Notice of Motion - PCYC - Sanctuary Point

**HPERM Ref:
D19/130065**

Recommendation

That Council staff liaise with Nowra P.C.Y.C. with a view to establishing a P.C.Y.C. at Sanctuary Point, with the current Sanctuary Point Library building being considered as a possible future site. Staff identify funding opportunities and write to the local state member, the Honourable Shelley Hancock, Minister for Local Government seeking her preliminary support.

RESOLVED (Clr Proudfoot / Clr Watson)

MIN19.242

That Council staff liaise with Nowra P.C.Y.C. with a view to establishing a P.C.Y.C. at Sanctuary Point, with the current Sanctuary Point Library building being considered as a possible future site. Staff identify funding opportunities and write to the local state member, the Honourable Shelley Hancock, Minister for Local Government seeking her preliminary support.

CARRIED

CL19.98 Notice of Motion - Australian Surf Life Saving Awards

**HPERM Ref:
D19/130439**

Recommendation

That Council provide certificates of recognition to Sammy Zustovich, Payton Williams, Brock Scrivener, Jack Bridges, Kate Lewis, Ed Macartney, Joe Halsey, members of the Mollymook Surf Lifesaving Club, for their recent achievements in the 2019 NSW and Australian Surf Lifesaving Championships and the 2018 World Surf Championships.

RESOLVED (Clr Kitchener / Clr Proudfoot)

MIN19.243

That Council provide certificates of recognition to Sammy Zustovich, Payton Williams, Brock Scrivener, Jack Bridges, Kate Lewis, Ed Macartney, Joe Halsey, members of the Mollymook Surf Lifesaving Club, for their recent achievements in the 2019 NSW and Australian Surf Lifesaving Championships and the 2018 World Surf Championships.

CARRIED

CL19.99 Notice of Motion - Sealing of Woodburn Road Morton

**HPERM REF:
D19/130445**

Item dealt with earlier in the meeting see MIN19.232

CL19.100 Notice of Motion - Development Application - 29 Tindalls Lane, Berry

**HPERM Ref:
D19/130944**

Recommendation

That Council 'call-in' the following Development Application for determination by the elected Council

1. DA19/1133 for 29 Tindalls Road, Berry due to the public interest expressed at the Berry Forum meeting 11th April 2019 with excess of 50 people present and the number of submissions received (over 80).

RESOLVED (Clr Pakes / Clr Proudfoot)

MIN19.244

That Council 'call-in' the following Development Applications for determination by the elected Council on public interest grounds:

1. DA19/1133 for 29 Tindalls Road, Broughton, due to the public interest expressed at the Berry Forum meeting 11 April 2019 with excess of 50 people present and the number of submissions received (over 80).
2. DA18/2094 – 2819A Moss Vale Road, Barrengarry.
3. DA18/2276 – 179 Cedar Springs Road, Kangaroo Valley.

CARRIED

**REPORT OF THE DEVELOPMENT & ENVIRONMENT COMMITTEE - 2
APRIL 2019**

DE19.22 Shoalhaven River Estuary Coastal Management Program - Acceptance of NSW OEH Grant - Coast and Estuary Grant Program

**HPERM Ref:
D19/82267**

Recommendation

That Council:

1. Accept the NSW OEH grant funds of \$75,000, for the preparation of Shoalhaven River Estuary Coastal Management Program, over two (2) years.
2. Provide matching funds of \$75,000 over two (2) years from the existing coastal management planning budget as previously resolved (MIN17.1087) to match the \$75,000 offered by the NSW Government, to prepare Shoalhaven City Council's Coastal Management Program (CMP) for the Shoalhaven River Estuary.
3. Write to the NSW Minister for Environment, Heritage and Local Government, thanking them for the grant funding offer.

RESOLVED (Clr Proudfoot / Clr Levett)

MIN19.245

That Council:

1. Accept the NSW OEH grant funds of \$75,000, for the preparation of Shoalhaven River Estuary Coastal Management Program, over two (2) years.
2. Provide matching funds of \$75,000 over two (2) years from the existing coastal management planning budget as previously resolved (MIN17.1087) to match the \$75,000 offered by the NSW Government, to prepare Shoalhaven City Council's Coastal Management Program (CMP) for the Shoalhaven River Estuary.
3. Write to the NSW Minister for Environment, Heritage and Local Government, thanking them for the grant funding offer.

CARRIED

REPORT OF THE STRATEGY & ASSETS COMMITTEE - 9 APRIL 2019

**SA19.44 Acquisition of Electricity Easement for Pad Mount
Substation - Lot 366 DP 821493 New Street, Ulladulla**

**HPERM Ref:
D19/60133**

Recommendation

That Council:

1. Compulsory acquire an Electricity Easement 5.5 meters by 2.75 meters for Endeavour Energy over Crown land Lot 366 DP 821493;
2. Pay compensation and costs associated with the acquisition from Holiday Haven's Capital Programs Fund. Compensation determined by the Valuer General to be in accordance with the provisions of the Land Acquisition (Just Term Compensation) Act 1991;
3. Make the necessary application to the Minister for Local Government and the Governor for approval to the acquisition under the Local Government Act 1993; and
4. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

RESOLVED (Clr Proudfoot / Clr Digiglio)

MIN19.246

That Council:

1. Compulsory acquire an Electricity Easement 5.5 meters by 2.75 meters for Endeavour Energy over Crown land Lot 366 DP 821493;
2. Pay compensation and costs associated with the acquisition from Holiday Haven's Capital Programs Fund. Compensation determined by the Valuer General to be in accordance with the provisions of the Land Acquisition (Just Term Compensation) Act 1991;
3. Make the necessary application to the Minister for Local Government and the Governor for approval to the acquisition under the Local Government Act 1993; and
4. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

CARRIED

SA19.45 Draft Policy - Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land

HPERM Ref: D19/60437

Recommendation

That Council:

1. Resolve to place the draft policy "Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land" on public exhibition for 28 days and seek submissions;
2. Deem this policy adopted at the conclusion of the submissions period, on the provision no submission(s) or submission(s) that would mean minor alteration to the Policy be received;
3. Receive a further report should submission(s) that are considered to have a significant effect on the policy be received.

RESOLVED (Clr Pakes / Clr Digiglio)

MIN19.247

That Council:

1. Resolve to place the draft policy "Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land" on public exhibition for 28 days and seek submissions;
2. Deem this policy adopted at the conclusion of the submissions period, on the provision no submission(s) or submission(s) that would mean minor alteration to the Policy be received;
3. Receive a further report should submission(s) that are considered to have a significant effect on the policy be received.

CARRIED

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

SA19.49 Ratepayer Advance Agreement - Kerb & Gutter Construction - 41 Basin View Pde Basin View

HPERM Ref: D19/96468

RESOLVED* (Clr Guile / Clr Wells)

MIN19.248

That

1. Council amend the resolution of 22 January 2019 to enter into a Ratepayers Advance Agreement, executed under the Seal of Council with:
 - a. D L Mood of 41 Basin View Parade, Basin View (postal address is # 43) in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) 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. D L Mood of 43 Basin View Parade, Basin View (same as postal address) in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) 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. C J Hobbs of 45 Basin View Parade, Basin View (Postal Address: PO Box 127, St Georges Basin) in respect of Kerb and Gutter construction to the value of \$5,852.16 (advance) of which \$1,859.28 (excluding GST) 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

REPORT OF THE SHOALHAVEN SPORTS BOARD - 20 MARCH 2019

SB19.2 Shoalhaven Sports Board Membership

HPERM Ref:
D18/342467

Recommendation

That

1. The following five (5) people be appointed as community member representatives to the Shoalhaven Sports Board for a four-year term, until March 2023:
 - a. Roger Walker;
 - b. David Goodman;
 - c. Elaine Caswell;
 - d. Martin Aicken; and
 - e. Gemma Afflick.
2. All persons who nominated for the positions be thanked for their interest in the Board and its activities.

RESOLVED (Clr Digiglio / Clr Proudfoot)

MIN19.249

That

1. The following five (5) people be appointed as community member representatives to the Shoalhaven Sports Board for a four-year term, until March 2023:
 - a. Roger Walker;
 - b. David Goodman;
 - c. Elaine Caswell;
 - d. Martin Aicken; and
 - e. Gemma Afflick.
2. All persons who nominated for the positions be thanked for their interest in the Board and its activities.

CARRIED

SB19.4 Sports Board Terms of Reference

HPERM Ref:
D19/11488

RESOLVED* (Clr Guile / Clr Wells)

MIN19.250

That

1. The Shoalhaven Sports Board – Terms of Reference be amended to add the following new fourth point to clause 3.4:
 - Community members may re-apply for nomination at the conclusion of their term.

CARRIED

Procedural Motion - Reintroduction of Item

RESOLVED (Clr Pakes / Clr Gartner)

MIN19.251

That SB19.4 be reintroduced for discussion to include the amendments to the Shoalhaven Sports Board Terms of Reference with respect to membership which were raised during the debate of item SB19.2.

CARRIED

SB19.4 Sports Board Terms of Reference

**HPERM Ref:
D19/11488**

RESOLVED (Clr Watson / Clr Pakes)

MIN19.252

That the Shoalhaven Sports Board – Terms of Reference be amended to add the following:

1. New fourth point to clause 3.4: Community members may re-apply for nomination at the conclusion of their term.
2. Two additional membership positions be added to the Terms of Reference and that they be identified from disadvantaged sporting groups.
3. The Sports Board be delegated authority to invite representatives from disadvantaged sporting groups to inform the Board.

CARRIED

SB19.9 Additional Item - Sporting Hall of Fame Guidelines and Policy Review

Recommendation

That Council investigate and review the Sporting Hall of Fame Guidelines and Policy for Award recipients where an offence has been committed by a recipient.

RESOLVED (Clr Gartner / Clr Proudfoot)

MIN19.253

That Council investigate and review the Sporting Hall of Fame Guidelines and Policy for Award recipients where an offence has been committed by a recipient.

CARRIED

**REPORT OF THE COASTAL ESTUARY & FLOODPLAIN MANAGEMENT
LIAISON GROUP - 27 MARCH 2019**

CE19.1 Liaison Group Structure

**HPERM Ref:
D19/92873**

Recommendation

That Council:

1. Note that the Floodplain Development Manual requires a committee; however the Coastal Management Act does not require a formal committee that requires community engagement for the development of coastal management programs.

2. Adopt an alternative model for floodplain risk management, comprising three (3) Advisory Committees – North, Central and South – that would report to Council.
3. Establish an interim Shoalhaven Coast and Estuary Committee initially comprising Councillors, staff and government agency representatives until such time as the Coastal Management scoping study is completed.
4. Staff provide a report to the Ordinary Meeting outlining the legislative requirements and the reasons for a proposed alternative model for coastal and estuary issues.
5. Conduct focus group workshops to obtain community input during the preparation of the citywide Coastal Management Plan Scoping Study, and review the model for the group after the CMP Scoping Study is complete.
6. Ensure the Shoalhaven Heads Estuary Taskforce will continue independently on the same basis as at present, and be encouraged to participate in delivery of the new model.
7. Initiate a strong communication program to explain how Council is now working in accordance with the Floodplain Development Manual and the new Coastal Management Act.
8. Invite OEH and other relevant government agencies to a Councillor Briefing to explain the planning processes for flood risk management and the Coastal Management Framework.

RESOLVED (Clr Findley / Clr Proudfoot)

MIN19.254

That Council

1. Note the following recommendations for information.
 - a. Note that the Floodplain Development Manual requires a committee; however the Coastal Management Act does not require a formal committee that requires community engagement for the development of coastal management programs.
 - b. Adopt an alternative model for floodplain risk management, comprising three (3) Advisory Committees – North, Central and South – that would report to Council.
 - c. Establish an interim Shoalhaven Coast and Estuary Committee initially comprising Councillors, staff and government agency representatives until such time as the Coastal Management scoping study is completed.
 - d. Conduct focus group workshops to obtain community input during the preparation of the citywide Coastal Management Plan Scoping Study, and review the model for the group after the CMP Scoping Study is complete.
 - e. Ensure the Shoalhaven Heads Estuary Taskforce will continue independently on the same basis as at present, and be encouraged to participate in delivery of the new model.
 - f. Initiate a strong communication program to explain how Council is now working in accordance with the Floodplain Development Manual and the new Coastal Management Act.
2. Staff provide a report to the Ordinary Meeting outlining the legislative requirements and the reasons for a proposed alternative model for coastal and estuary issues.
3. Invite OEH and other relevant government agencies to a Councillor Briefing to explain the planning processes for flood risk management and the Coastal Management Framework.

CARRIED

Note: Clr Aldrick arrived, the time being 3.52pm

REPORT OF THE SHOALHAVEN TRAFFIC COMMITTEE - 9 APRIL 2019

TC19.18	Extension of No Stopping Zone - Enterprise Drive South Nowra (PN 3536)	HPERM Ref: D19/108900
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RESOLVED* (Clr Guile / Clr Wells) MIN19.255

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed installation of No Stopping from CH0m to 160m on Enterprise Drive, South Nowra, as detailed in the attached plan, subject to a reduction in the number of mid-block No Stopping signs and use of C3 (yellow) edge line marking for the proposed length.

CARRIED

TC19.19	Proposed Bridge Closure - Long term closure signage (PN 3538)	HPERM Ref: D19/108965
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RESOLVED* (Clr Guile / Clr Wells) MIN19.256

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed works, as detailed in the attached plan.

CARRIED

TC19.20	Proposed Line Marking - The Lake Circuit Culburra Beach (PN 3539)	HPERM Ref: D19/109042
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Recommendation

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed line marking works on The Lake Circuit, Culburra Beach from CH0 to 1.065km, as detailed in the attached plan, subject to:

1. Modification of the plan to change existing centreline marking to double barrier (BB) centreline marking where (E1) edge line marking is proposed.
2. Duplication of the 'give way' signage at the intersections of The Lake Circuit and;
 - a. Ingle Ring
 - b. Mowbray Road
3. Installation 'give way' signage and hold line marking at the intersections of The Lake Circuit and;
 - a. Fairlands Street
 - b. West Crescent
4. Modification of the plan to show all existing and proposed signage.

RESOLVED (Clr Pakes / Clr Wells) MIN19.257

That this item Proposed Line Marking - The Lake Circuit Culburra Beach be deferred pending the investigation from the General Manager (Director, Assets & Works).

CARRIED

REPORTS

CL19.106 Delivery Program and Operational Plan 2019 - Public Exhibition

**HPERM Ref:
D19/110755**

Recommendation

That Council:

1. Receive and note the revised format for the Draft Delivery Program and Operational Plan (DPOP), Draft Fees and Charges and Draft Resourcing Strategy for 2019/20.
2. Note the inclusion of the detailed three (3) year Capital Works Program included in the DPOP and presented separately as Attachment 1.
3. Place the Draft Delivery Program and Operational Plan, Draft Fees and Charges and Draft Resourcing Strategy on public exhibition, as soon as possible, for a period of 28 days in accordance with legislative requirements.
4. Use a range of engagement techniques, including Council's Information Nights and other communication methods, to provide information to the community about Council's Draft Delivery Program and Operational Plan (DPOP), Draft Fees and Charges and Draft Resourcing Strategy for 2019/20 and including the Draft Budget for 2019/20.
5. During the exhibition process, consider the projects and items provided by staff and Councillors, that have not been included within the current budget and identify any possible funding sources for these projects.
6. The Acting General Manager include Councillor and staff feedback and the feedback received from the community for any other projects as part of the report on the exhibition period to Council.
7. The Acting General Manager also provide a report back to Council on options and potential funding strategies to enable progression of the Shoalhaven Heads River Road Foreshore precinct rehabilitation project.
8. Note that additional design elements will be added to the suite of Integrated Planning & Reporting documents presented in this report, prior to exhibition, to enhance readability and understanding for the community.

RESOLVED (Clr Wells / Clr Findley)

MIN19.258

That Council:

1. Receive and note the revised format for the Draft Delivery Program and Operational Plan (DPOP), Draft Fees and Charges and Draft Resourcing Strategy for 2019/20.
2. Note the inclusion of the detailed Capital Works Listing in the draft DPOP and presented separately as Attachment 1.
3. Include the following additional actions in the draft DPOP prior to public exhibition:
 - a. Report to Council early in 2019/20 on options to progress planning, design and funding for the repair and/or replacement of the Ulladulla Boardwalk.
 - b. Complete the Bendalong Boat Harbour Masterplan, report to Council for adoption and investigate funding options for future staged implementation.
 - c. Investigate design and funding options for the upgrade of Callala Bay Boat Ramp and report back to Council.
 - d. Report back to Council on design, costings and funding options for road improvements at Duffy Corner and Mt Scanzi Rd Budgong.

- e. Investigate costings and funding options for a Shared User Path alongside the entry road and footpath into Holiday Haven at Lake Tabourie.
- f. Identify improvements to footpaths and cycleways in Sussex Inlet for inclusion the revised PAMP (Pedestrian Access and Mobility Plan) to be considered by Council.
4. Commit to proceeding with the Shoalhaven River Road Foreshore Precinct Rehabilitation Project and the General Manager (Acting) provide an urgent report to Council on options for full funding of the project.
5. Noting the deletion of the Shoalhaven Heads Additional Carparking project from the now repealed Shoalhaven Contributions Plan 2010, include the following alternate projects for Shoalhaven Heads in the 2019/20 Capital Works Listing to be funded from the 'recoupment fund' established by Council in adopting the new Shoalhaven Contributions Plan 2019:
 - a. Vic Zealand Oval - Explorer Boulevard Carparking (\$100,000)
 - b. Shoalhaven Heads Boat Ramp - Hay Avenue Carparking Preliminaries (\$30,000)
6. List the construction of the Shoalhaven Head Boat Ramp - Hay Avenue Carparking (Sealing) \$120,000 as a high priority for funding in the Capital Listing for 2020/21.
7. Note that Jetty Maintenance at Shoalhaven Heads boat ramp will be funded from the March 2019 Quarterly Budget Review and staff will start making arrangements for this work in the current financial year.
8. Provide a specific budget allocation of \$20,000 in 2019/20 in order to respond to urgent maintenance concerns raised by Community Consultative Bodies, arising from Councillor consultation tours.
9. Prior to exhibition require the General Manager (Acting) to review and adjust the Fees and Charges document to ensure that any new proposed fees and charges, do not unduly impact on community groups or community organisations including fee 15569 (Temporary Food Stalls – Administration, Assessment and Inspection) and fee 15619 (Shoalhaven Entertainment centre – Whole Centre Hire – Fees and Office Support).
10. Prior to exhibition require the General Manager (Acting) to provide details and reasons for any changes to the Draft Fees and Charges to Councillors.
11. As part of the exhibition process require that the General Manager (Acting) develop and provide clear and detailed communications to explain any proposed changes to Council's Draft Fees and Charges to the community.
12. Amend the Draft Fees and Charges to reflect the maximum interest rate for overdue rates and charges remain set at 7.5% and the Section 603 Certificate cost being set at \$85 (currently \$80) both as advised in Office of Local Government Circular 19-05.
13. Prior to exhibition seek the General Manager (Acting) to undertake additional formatting, editing and design enhancements to the suite of Integrated Planning & Reporting documents to enhance readability and understanding for the community.
14. As part of the exhibition use a range of engagement techniques, including Council's Information Nights and other communication methods, to provide information to the community about Council's Draft Delivery Program and Operational Plan (DPOP), Draft Fees and Charges, Draft Resourcing Strategy for 2019/20, Draft Budget for 2019/20, including details of the Capital works listing.
15. Require that the General Manager (Acting) include Councillor and staff feedback and the feedback received from the community for any other projects or changes requested as part of the report to Council, following the exhibition period.
16. In reporting back on the exhibition period also identify funding options for the allocation of \$50,000 for detailed design planning and costing for the upgrade or replacement of the Crookhaven Heads Regional Boat Ramp and associated facilities.

17. Note the advice from the General Manager (Acting) that there is no legal requirement for the estimated \$600,000 interest revenue included in the draft budget, arising from funds set aside for projects deleted from the repealed Shoalhaven Contributions Plan 2010, to remain as restricted funds and is therefore available for Council to consider allocating to additional priority projects identified during the DPOP public exhibition period.

18. After making the required changes to the suite of Integrated Planning and Reporting Documents, as detailed in this recommendation, place the Draft Delivery Program and Operational Plan, Draft Fees and Charges and Draft Resourcing Strategy on public exhibition, as soon as possible, for a period of 28 days in accordance with legislative requirements.

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

AGAINST: Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

CARRIED

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

CL19.107 Sale of Council Employment Land - Proposed Lot 22 Mussel Way, Woollamia	HPERM Ref: D19/124986
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RESOLVED* (Clr Proudfoot / Clr Wells) MIN19.259

That

1. Council's employment land (Proposed Lot 22, Mussel Way, Woollamia) be sold for \$500,000 (plus GST) to Ilinga Management Pty Ltd;
2. The General Manager be authorised to sign the contracts for Sale; and
3. The Transfer to complete the Contracts for Sale be executed under the Seal of Council.

CARRIED

CL19.108 Sale of Council Employment Land - Proposed Lot 24 Duranbah Drive, Woollamia	HPERM Ref: D19/125604
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RESOLVED* (Clr Proudfoot / Clr Wells) MIN19.260

That

1. Council's employment land (Proposed Lot 24, Duranbah Drive, Woollamia) be sold for \$370,000 (plus GST) to CBKC Pty Ltd;
2. The General Manager be authorised to sign the contracts for Sale; and
3. The Transfer to complete the Contracts for Sale be executed under the Seal of Council.

CARRIED

CL19.109 Sale of Council Employment Land - Proposed Lot 25 Duranbah Drive, Woollamia	HPERM Ref: D19/125633
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RESOLVED* (Clr Proudfoot / Clr Wells) MIN19.261

That

1. Council's employment land (Proposed Lot 25, Duranbah Drive, Woollamia) be sold for \$470,000 (plus GST) to Indigo Love;
2. The General Manager be authorised to sign the contracts for Sale; and

3. The Transfer to complete the Contracts for Sale be executed under the Seal of Council.

CARRIED

CL19.110 Sale of Council Employment Land - Proposed Lot 27 Duranbah Drive, Woollamia	HPERM Ref: D19/125649
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RESOLVED* (Clr Proudfoot / Clr Wells) MIN19.262

That

1. Council's employment land (Proposed Lot 27, Duranbah Drive, Woollamia) be sold for \$325,000 (plus GST) to AAA Storage Jervis Bay Pty Ltd;
2. The General Manager be authorised to sign the contracts for Sale; and
3. The Transfer to complete the Contracts for Sale be executed under the Seal of Council.

CARRIED

CL19.111 Sale of Council Employment Land - Proposed Lot 28 Duranbah Drive, Woollamia	HPERM Ref: D19/125654
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RESOLVED* (Clr Proudfoot / Clr Wells) MIN19.263

That

1. Council's employment land (Proposed Lot 28, Duranbah Drive, Woollamia) be sold for \$230,000 (plus GST) to Stallard Constructions Pty Ltd;
2. The General Manager be authorised to sign the contracts for Sale; and
3. The Transfer to complete the Contracts for Sale be executed under the Seal of Council.

CARRIED

CL19.112 Sale of Council Employment Land - Proposed Lot 29 Erina Road, Woollamia	HPERM Ref: D19/125663
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RESOLVED* (Clr Proudfoot / Clr Wells) MIN19.264

That

1. Council's employment land (Proposed Lot 29, Erina Road, Woollamia) be sold for \$200,000 (plus GST) to Pubwalker Pty Ltd;
2. The General Manager be authorised to sign the contracts for Sale; and
3. The Transfer to complete the Contracts for Sale be executed under the Seal of Council.

CARRIED

CL19.113 Review of POL19/11 Revenue Stormwater Management Policy	HPERM Ref: D19/109548
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Recommendation

That Council:

1. Adopt the unamended POL19/11 Revenue – Stormwater Management Policy

RESOLVED (Clr Proudfoot / Clr Gartner)

MIN19.265

That Council adopt the unamended POL19/11 Revenue – Stormwater Management Policy.

CARRIED

CL19.114 Investment Report - March 2019

**HPERM Ref:
D19/121148**

Recommendation

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

RESOLVED (Clr Gartner / Clr Wells)

MIN19.266

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

CARRIED

CL19.115 Donations Policy

**HPERM REF:
D19/113275**

Item dealt with earlier in the meeting see MIN19.234

CL19.116 National Sports Convention - Reimagining Sport

**HPERM Ref:
D19/113073**

RESOLVED* (Clr Guile / Clr Wells)

MIN19.267

That Council

1. Notes the details of the 2019 National Sports Convention – Reimagining Sport Conference scheduled for 23-25 July 2019 in Melbourne.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, 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

CL19.117 Collaboration with Corrective Services NSW Community Corrections Agency - Opportunities for Offenders to contribute to improving assets in the Community

**HPERM Ref:
D19/85819**

Recommendation

That Council note that at the meeting with Correctional Services on 9 April 2019 the following actions were agreed:

1. Re-establish regular meetings/catch-up with Community Corrections and Council. - Community Corrections to be the principal point of Contact for Corrections in general.

2. Council will assign a single point of contact for Community Corrections to ensure smooth collaborations.
3. Considerations be given to the refreshment of the Current Memorandum of Understanding to include Community Corrections.
4. Through Council's extensive community network make bi-annual approaches to local groups who may have need/requirement for a labour program and that would be suitable for a community corrections program.

RESOLVED (Clr Pakes / Clr Wells)

MIN19.268

That Council note that at the meeting with Correctional Services on 9 April 2019 the following actions were agreed:

1. Re-establish regular meetings/catch-up with Community Corrections and Council. - Community Corrections to be the principal point of Contact for Corrections in general.
2. Council will assign a single point of contact for Community Corrections to ensure smooth collaborations.
3. Considerations be given to the refreshment of the Current Memorandum of Understanding to include Community Corrections.
4. Through Council's extensive community network make bi-annual approaches to local groups who may have need/requirement for a labour program and that would be suitable for a community corrections program.

CARRIED

CL19.118 Proposed Purchase of Vacant Land, Nowra

**HPERM Ref:
D19/101636**

RESOLVED* (Clr Guile / Clr Wells)

MIN19.269

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

CL19.119 Tenders - Shoalhaven Indoor Sports Centre - Trade Package No. 99 - Terrace Construction Sub Contract & Budget Status Update

**HPERM Ref:
D19/131571**

RESOLVED* (Clr Guile / Clr Wells)

MIN19.270

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

CARRIED

CL19.120 Development Application No.18/1844 – 120 Macleans Point Road – Lot 653 DP 27855

**HPERM Ref:
D19/111339**

Recommendation

That Development Application No.18/1844 be determined by way of approval subject to the imposition of conditions of consent as contained in Attachment 1.

RESOLVED (Clr Proudfoot / Clr Gartner)

MIN19.271

That Development Application No.18/1844 be determined by way of approval subject to the imposition of conditions of consent as contained in Attachment 1.

CARRIED

CL19.121 Variations to Development Standards - First Quarter Report 2019

**HPERM Ref:
D19/104110**

RESOLVED* (Clr Guile / Clr Wells)

MIN19.272

That Council receive this report for information and forward a copy of this report and attachment table to the Department of Planning and Environment in accordance with the requirements specified in *Circular PS18-003 Variations to development standards*.

CARRIED

CL19.122 Quarterly review for compliance matters

**HPERM Ref:
D19/101651**

Recommendation

That Council receive the quarterly report on compliance matters for information.

RESOLVED (Clr Wells / Clr Gartner)

MIN19.273

That Council receive the quarterly report on compliance matters for information.

CARRIED

CL19.123 Outcome of Industry Forum - Design Review Panel for Shoalhaven

**HPERM Ref:
D19/104915**

Recommendation

That Council

1. Note the outcomes of the industry forum / information session held on Monday 1 April 2019.
2. Proceed to trial the use of the Wollongong Design Review Panel for all SEPP 65 developments (residential flat buildings, shop top housing or mixed-use development that is 3 or more storeys and contains at least 4 or more dwellings) and other self-nominated developments for a 12-month period commencing 1 July 2019.
3. Notify development industry representatives of the proposed trial commencing 1 July 2019 for 12 months.
4. Receive a subsequent report towards the end of the 12-month trial period for Council to evaluate the success of the trial and options for a future Regional Design Review Panel.
5. Apply a 50% discount to the existing fee of \$3,000 per meeting for the Design Review Panel during the 12-month trial period and allocate a budget for this in the 2019/2020 Council budget.
6. In addition to the Design Review Panel, Council staff investigate the option of a pre-lodgement design advisory service for certain scale developments and possible cost recovery options.

MOTION (Clr Wells / Clr Watson)

That Council

1. Council note the outcomes of the industry forum / information session held on Monday 1 April 2019.
2. Council commence a formal tender process for a new Shoalhaven Design Advisory Service.
3. The Design Advisory Service be established for not less than 12 months to:
 - a. Provide pre-DA design advice in a small workshop format to applicants;
 - b. Attend pre-DA meetings if deemed necessary by Council staff or if requested by an applicant;
 - c. Receive referrals from development services on planning applications where there are concerns and/or considerations relating to architecture / urban design.
4. The Design Advisory Service be offered to applicants on the following basis:
 - a. Fees for the use of the pre-DA services (pre-DA meetings and pre-DA workshops) are paid for by applicants;
 - b. The Design Advisory Service is accessed on a voluntary basis by applicants.
5. Following completion of the tender process for the Design Advisory Service, a further report be prepared for Council's consideration outlining:
 - a. Selected urban design consultants proposed to be contracted;
 - b. A proposed fee structure for the provision of pre-DA Advisory services.

FOR: Clr Wells, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

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

LOST on the CASTING VOTE of the chair

FORESHADOWED MOTION (RESOLVED) (Clr Findley / Clr Gartner)

MIN19.274

That Council

1. Note the outcomes of the industry forum / information session held on Monday 1 April 2019.
2. Proceed to trial the use of the Wollongong Design Review Panel for all SEPP 65 developments (residential flat buildings, shop top housing or mixed-use development that is 3 or more storeys and contains at least 4 or more dwellings) and other self-nominated developments for a 12-month period commencing 1 July 2019.
3. Notify development industry representatives of the proposed trial commencing 1 July 2019 for 12 months.
4. Receive a subsequent report towards the end of the 12-month trial period for Council to evaluate the success of the trial and options for a future Regional Design Review Panel.
5. Apply a 50% discount to the existing fee of \$3,000 per meeting for the Design Review Panel during the 12-month trial period and allocate a budget for this in the 2019/2020 Council budget.
6. In addition to the Design Review Panel, Council staff investigate the option of a pre-lodgement design advisory service for certain scale developments and possible cost recovery options.

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

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

CARRIED on the CASTING VOTE of the chair

Note: A Rescission Motion was received on this item.

CL19.124 Draft Proposal for 2019-20 Water and Sewer Charges **HPERM Ref: D19/8454**

RESOLVED* (Clr Guile / Clr Wells) MIN19.275

That Council adopt the following proposal for inclusion in the draft 2019/20 budget:

- Water Availability Charge 20mm – No increase from \$82/connection per annum
- Water Usage Charge – No increase from \$1.70/kL
- Sewer Availability Charge 20mm – Increase of \$16.00 per annum from \$848 to \$864 per annum
- Sewer Usage Charge – Increase of \$0.10/kL from \$1.60 to \$1.70/kL

CARRIED

CL19.125 9th Australian Small Bridges Conference **HPERM Ref: D19/130494**

Recommendation

That Council

1. Receive the report from Clr Mark Kitchener, Clr Patricia White and Clr Mitchell Pakes on the Australian Small Bridges Conference for information.
2. Review and update the bridge and culvert management plan and provide a schedule for bridge replacements or major upgrades and report back to the full Council.

RESOLVED (Clr Pakes / Clr Gartner) MIN19.276

That Council

1. Receive the report from Clr Mark Kitchener, Clr Patricia White and Clr Mitchell Pakes on the Australian Small Bridges Conference for information.
2. Review and update the bridge and culvert management plan and provide a schedule for bridge replacements or major upgrades and report back to the full Council.

CARRIED

Procedural Motion - Matters of Urgency

MOTION (Clr Alldrick) MIN19.277

That an additional item for consideration of attendance at the 2019 National Australian Local Government Women's Association Conference be introduced as a matter of urgency.

The Chairperson ruled the matter as urgent as the Conference is taking place shortly.

CL19.126 New Item - 2019 National Australian Local Government Women's Association Conference

RESOLVED (Clr Alldrick / Clr Pakes) MIN19.278

That Council authorises Councillors to attend the 2019 National Australian Local Government Women's Association Conference in Sydney from 15 to 17 May 2019, and such attendance be deemed Council business for the purposes of the Council members – Payment of Expenses and Provision of Facilities Policy, and that it be included in the list of conferences.

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)

MIN19.279

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.

CCL19.6 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.

CCL19.7 Tenders - Shoalhaven Indoor Sports Centre - Trade Package No. 99 - Terrace Construction Sub Contract & Budget Status Update

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

The meeting moved into confidential the time being 5.15pm.

The meeting moved into open session, the time being 5.17pm.

REPORT FROM CONFIDENTIAL SESSION

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

CCL19.6 Proposed Purchase of Vacant Land - Nowra

**HPERM Ref:
D19/102016**

RESOLVED

MIN19.280C

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

CARRIED

CCL19.7 Tenders - Shoalhaven Indoor Sports Centre - Trade Package No. 99 - Terrace Construction Sub Contract & Budget Status Update

**HPERM Ref:
D19/107096**

RESOLVED

MIN19.281C

That

1. Council endorse the trade package recommendation of Zauner Constructions Pty Ltd for Shoalhaven Indoor Sports Centre – Trade Package No. 99 Croquet Lawn Platform and extend their contract value to a total cost of \$1,156,272.70 (excluding GST).
2. Authorise the General Manager (Director Assets and Works) to adjust the contract with Zauner Constructions Pty Ltd for Trade Package No. 99, construction management and contingency adjustments on behalf of Council.
3. Council note that an update on the financial forecast for completion of the Shoalhaven Indoor Sports Centre will be presented as part of the March Quarterly Review of the 2018/19 Budget.

CARRIED

Note: A Rescission Motion was received in relation to CL19.123 - Outcome of Industry Forum - Design Review Panel for Shoalhaven signed by Clr Watson, Clr Pakes and Clr Kitchener.

There being no further business, the meeting concluded, the time being 5.20pm.

Clr Findley
CHAIRPERSON