

MINUTES OF THE ORDINARY MEETING

Meeting Date: Tuesday, 28 May 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 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 Pastor Rodney Davies and the playing of the Australian National Anthem.

Apologies / Leave of Absence

An apology was received from Clr Alldrick.

RESOLVED (Clr Guile / Clr Gartner) MIN19.313

That a leave of absence be granted for Clr Digiglio for the next 10 Days, until Friday 8 June 2019.

CARRIED

Confirmation of the Minutes

RESOLVED (Clr White / Clr Guile) MIN19.314

That the Minutes of the Ordinary Meeting of Ordinary Meeting held on Tuesday 30 April 2019 be confirmed.

CARRIED

Declarations of Interest

Clr Pakes – CL19.131 – Notice of Motion - Collingwood Beach Duncare Group - Formation – less than significant non pecuniary interest declaration – he is a member of the DMRG but doesn't attend meetings – will remain in the room and will take part in discussion and vote.

Call Over of the Business Paper

PROCEDURAL MOTION (Clr Proudfoot / Clr Watson)

That each item be dealt with in chronological order except for the Deputations.

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

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

PROCEDURAL MOTION LOST

The following items were called up for debate:

CL19.131, IA19.21, TC19.21, CL19.147, SA19.53, SA19.54, SA19.55, YA19.8, TC19.25, CL19.140, CL19.141, CL19.142, CL19.143, CL19.144, CL19.145, CL19.146, CL19.149.

The following items were resolved en-block (Clr Gartner / Clr Digiglio) at this time. They are marked with an asterisk (*) in these minutes:

SA19.56, SA19.59, SA19.62, SA19.65, TA19.19, IA19.22, YA19.4, YA19.5, TC19.22, TC19.23, TC19.24, CL19.141, CL19.148, CL19.150.

Note: Items CL19.148 and CL19.150 were reintroduced late in the meeting. Refer to MIN19.358 and MIN19.357.

DEPUTATIONS AND PRESENTATIONS

CL19.131 - Notice of Motion - Collingwood Beach Dune Care Group - Formation

Ms Barbara Liddle, representing Vincentia Bush Care Group, addressed the meeting to speak against the recommendation

Mr Bob Pullinger addressed the meeting to speak for the recommendation.

CL19.137 / IA19.21 - Ulladulla Subway and Services NSW accessible parking investigation

Frank Pirrello, representing the Strata complex for the building, addressed the meeting to speak against the recommendation.

CL19.139 - TC19.21 Isa Rd WORRIGEE - Lot 2 DP 1130415 - New Commercial - construct neighbourhood shopping village

Ms Annette Pham addressed the meeting to speak to the recommendation.

CL19.147 RD18/1007 – 315 Princes Highway Bomaderry – Lot 2 DP 777260

Mr Andrew Robinson, representing Andrew Robinson Planning Services, addressed the meeting to speak against the recommendation.

Mr James Lin, representing Bomaderry Motor Inn and Avaleen Lodge, addressed the meeting to speak for the recommendation.

MAYORAL MINUTE

MM19.9 Mayoral Minute - Trial Change of Arrangements for Public Access (Deputations)

**HPERM Ref:
D19/148106**

This item be dealt with in conjunction with CL19.140.

Recommendation

That:

1. The Draft Shoalhaven Code of Meeting Practice be adopted with the following amendments:
 - a. The provisions in the Draft at Part 4 'Deputations' be replaced with those outlined in the Model Code of Meeting Practice at Part 4 'Public Access' to give effect to a change to the deputation process which provides for Public Access sessions that:
 - i. Are held separately to Committee and Ordinary Meetings
 - ii. Are held from 3pm - 4.30pm prior to the main meetings.
 - iii. Limits the opportunity to make deputation by individuals at both Committee and Council Meetings on the same item.
2. The amended Code of Meeting Practice be adopted without further public advertisement given the changes reflect the best practice outlined in the Model Code of Meeting Practice, do not amend mandatory provisions and are not substantial as they bring the Model Provisions into effect.
3. A report be provided by the General Manager to the 'Call' meeting of the Council held in September 2019, outlining the impact of the amendments for further consideration of the Council to the most effective process for Deputations or Public Access.
4. The General Manager communicate the changes to the community.
5. The Order of Business be amended to reflect the amendments.

MOTION (Clr Findley / Clr Gartner)

That:

1. The Draft Shoalhaven Code of Meeting Practice be adopted with the following amendments:
 - a. The provisions in the Draft at Part 4 'Deputations' be replaced with those outlined in the Model Code of Meeting Practice at Part 4 'Public Access' to give effect to a change to the deputation process which provides for Public Access sessions that:
 - i. Are held separately to Committee and Ordinary Meetings
 - ii. Are held from 3pm - 4.30pm prior to the main meetings.
 - iii. Limits the opportunity to make deputation by individuals at both Committee and Council Meetings on the same item.
2. The amended Code of Meeting Practice be adopted without further public advertisement given the changes reflect the best practice outlined in the Model Code of Meeting Practice, do not amend mandatory provisions and are not substantial as they bring the Model Provisions into effect.
3. A report be provided by the General Manager to the 'Call' meeting of the Council held in September 2019, outlining the impact of the amendments for further consideration of the Council to the most effective process for Deputations or Public Access.
4. The General Manager communicate the changes to the community.
5. The Order of Business be amended to reflect the amendments.

PROCEDURAL MOTION (Clr Gartner / Clr Digiglio)

That the Motion be PUT.

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

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

PROCEDURAL MOTION LOST

MOTION LOST (Clr Findley / Clr Gartner)

MIN19.315

That:

1. The Draft Shoalhaven Code of Meeting Practice be adopted with the following amendments:
 - a. The provisions in the Draft at Part 4 'Deputations' be replaced with those outlined in the Model Code of Meeting Practice at Part 4 'Public Access' to give effect to a change to the deputation process which provides for Public Access sessions that:
 - i. Are held separately to Committee and Ordinary Meetings
 - ii. Are held from 3pm - 4.30pm prior to the main meetings.
 - iii. Limits the opportunity to make deputation by individuals at both Committee and Council Meetings on the same item.
2. The amended Code of Meeting Practice be adopted without further public advertisement given the changes reflect the best practice outlined in the Model Code of Meeting Practice, do not amend mandatory provisions and are not substantial as they bring the Model Provisions into effect.
3. A report be provided by the General Manager to the 'Call' meeting of the Council held in September 2019, outlining the impact of the amendments for further consideration of the Council to the most effective process for Deputations or Public Access.
4. The General Manager communicate the changes to the community.
5. The Order of Business be amended to reflect the amendments.

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

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

MOTION LOST

CL19.140 Code of Meeting Practice - Adoption and Summary of Submissions

**HPERM Ref:
D19/149783**

Recommendation

That Council

1. Note the details of the submissions received during the public exhibition period as outlined in the report
2. Adopt the Draft Code of Meeting Practice provided as attached to the Report.

RESOLVED (Clr Wells / Clr Gartner)

MIN19.316

That Council

1. Note the details of the submissions received during the public exhibition period as outlined in

the report

2. Adopt the Draft Code of Meeting Practice provided as attached to the Report.

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

AGAINST: Nil

CARRIED

Procedural Motion - Bring Items Forward

RESOLVED (Clr Pakes / Clr Gartner)

MIN19.317

That the following items be brought forward for consideration:

- CL19.131 – Notice of Motion - Collingwood Beach Dunecare Group - Formation
- IA19.21 – Ulladulla Subway and Services NSW accessible parking investigation
- TC19.21 – Isa Rd WORRIGEE - Lot 2 DP 1130415 -New Commercial – construct neighbourhood shopping village (PN 3531)
- CL19.147 – RD18/1007 – 315 Princes Highway Bomaderry – Lot 2 DP 777260

CARRIED

CL19.131 Notice of Motion - Collingwood Beach Dunecare Group - Formation

HPERM Ref:
D19/157267

Clr Pakes – less than significant non pecuniary interest declaration – he is a member of the DMRG but doesn't attend meetings – remained in the room and took part in discussion and voted.

Recommendation

That staff take all necessary steps required to form a Collingwood Beach Dunecare Group for the Susan Street to Moona Creek section of the dunes. A particular focus on the recruitment of nearby residents would be absolutely essential, with other residents being most welcome to apply.

RESOLVED (Clr Proudfoot / Clr Guile)

MIN19.318

That staff take all necessary steps required to form a Collingwood Beach Dunecare Group for the Susan Street to Moona Creek section of the dunes. A particular focus on the recruitment of nearby residents would be absolutely essential, with other residents being most welcome to apply.

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 Levett

CARRIED

IA19.21	Ulladulla Subway and Services NSW accessible parking investigation	HPERM Ref: D19/102914
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Note: Clr Gartner left the meeting at 7.13pm

Recommendation

That:

1. The report on the Ulladulla Subway and Services NSW accessible parking investigation be received for information.
2. Council write a letter the State Government (Service NSW, who are the tenants) advising that the ramp does not meet the standard and that Council is seeking their assistance to provide a disabled car park in front of the Service NSW noting that Council has approved for the access space to be provided at the front of Service NSW however the Landlord has refused.

RESOLVED (Clr White / Clr Digiglio)

MIN19.319

That the matter be deferred back to staff to work with the Strata Owners to achieve a positive outcome.

CARRIED

TC19.21	Isa Rd WORRIGEE - Lot 2 DP 1130415 - New Commercial - construct neighbourhood shopping village (PN 3531)	HPERM Ref: D19/147452
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Note: Clr Gartner returned to the meeting 7.16pm

Recommendation

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed works on Isa Road as part of the Worrigee Shopping Complex (DA16/2477) subject to:

1. Provision of additional W5-22 warning signage on new poles
2. Provision of Offset Clearances for swept paths
3. Provision of a modification of the draw in and draw out lengths of bus bays to be in accordance with the relevant standards and guides
4. Modification of driveways to ensure swept paths are wholly within associated lane
5. Changing 'BB1' notation to 'BB' throughout plans
6. Provision of signage and linemarking for internal plans

RESOLVED (Clr Guile / Clr Findley)

MIN19.320

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed works on Isa Road as part of the Worrigee Shopping Complex (DA16/2477) subject to:

1. Provision of additional W5-22 warning signage on new poles
2. Provision of Offset Clearances for swept paths
3. Provision of a modification of the draw in and draw out lengths of bus bays to be in accordance with the relevant standards and guides
4. Modification of driveways to ensure swept paths are wholly within associated lane
5. Changing 'BB1' notation to 'BB' throughout plans

6. Provision of signage and linemarking for internal plans

CARRIED

CL19.147 RD18/1007 – 315 Princes Highway Bomaderry – Lot 2 DP 777260

HPERM Ref: D19/157226

Recommendation

That Council:

1. Reaffirm the determination (refusal) of DA18/1000, dated 30 November 2018, for the demolition of existing structures and construction of a staged multi-dwelling housing development comprising 40 dwellings at Lot 2 DP 777260, 315 Princes Highway, Bomaderry.
2. Reissue the determination notice removing Reason for Refusal No. 1 as Endeavour Energy has conditionally supported the proposal.

RESOLVED (Clr Wells / Clr Guile)

MIN19.321

That:

1. Council support the review of the determination of DA18/1000 for the reason that it will provide additional housing supply and choice to the Bomaderry area.
2. Council support the review of the determination for DA18/1000 for staged multi-dwelling housing development comprising 40 dwellings at Lot 2 DP 777260, 315 Princes Highway by way of conditional approval as contained in the draft determination.
3. The consent conditions be modified, as necessary, to clarify the staging to enable the staged issue of Construction Certificates, Occupation Certificates and contributions.

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

AGAINST: Clr Findley, Clr Gartner and Clr Digiglio

CARRIED

Procedural Motion - Bring Items Forward

RESOLVED (Clr Pakes / Clr Findley)

MIN19.322

That the following matters be brought forward for consideration:

- SA19.54 – Jervis Bay Maritime Museum - Long Term Management Agreement
- SA19.53 - March 2019 Quarterly Budget Review

CARRIED

SA19.54 Jervis Bay Maritime Museum - Long Term Management Agreement

HPERM Ref: D18/223744

Recommendation

That Council

1. Revoke the Section 355 Management Committee status of the Lady Denman Heritage Museum Management Committee;
2. Enter into a management agreement with the Lady Denman Heritage Complex Huskisson

Incorporated ABN 84 292 148 464 for a term of 20 years plus extensions with a commencing annual management fee of \$268,000 with annual 2% or CPI increases, whichever is the greater;

3. Note the inclusion of additional funding in the draft 2019/20 budget;
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 Pakes / Clr Proudfoot)

MIN19.323

That Council

1. Revoke the Section 355 Management Committee status of the Lady Denman Heritage Museum Management Committee;
2. Enter into a management agreement with the Lady Denman Heritage Complex Huskisson Incorporated ABN 84 292 148 464 for a term of 20 years plus extensions with a commencing annual management fee of \$268,000 with annual 2% or CPI increases, whichever is the greater;
3. Note the inclusion of additional funding in the draft 2019/20 budget;
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

SA19.53 March 2019 Quarterly Budget Review

**HPERM Ref:
D19/135573**

Recommendation

That Council

1. Receive the March Quarterly Budget Review for information
2. Adopt the adjustments, as outlined in the March Quarterly Budget Review document
3. Adopt the projects that are being reforecast to the 2019/20 Draft Budget and accept them as a submission to the 2019/20 Draft Budget.

RESOLVED (Clr Pakes / Clr Wells)

MIN19.324

That Council

1. Receive the March Quarterly Budget Review for information
2. Adopt the adjustments, as outlined in the March Quarterly Budget Review document
3. Adopt the projects that are being reforecast to the 2019/20 Draft Budget and accept them as a submission to the 2019/20 Draft Budget.

CARRIED

Procedural Motion – Bring Item Forward

RESOLVED (Clr White / Clr Gartner) MIN19.325

That CL19.142 – Investment Report – April 2019 be brought forward for consideration.

CARRIED

CL19.142 Investment Report - April 2019

**HPERM Ref:
D19/164568**

Recommendation

That the report of the General Manager (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 30 April 2019 be received for information.

RESOLVED (Clr White / Clr Gartner) MIN19.326

That the report of the General Manager (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 30 April 2019 be received for information.

CARRIED

Adjourn for refreshments at 7.55pm

The meeting reconvened the time being 8.26pm

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 John Levett
Clr Andrew Guile
Clr Mitchell Pakes
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot

NOTICES OF MOTION / QUESTIONS ON NOTICE

**CL19.127 Rescission Motion - CL19.123 Outcome of Industry
Forum - Design Review Panel for Shoalhaven**

**HPERM Ref:
D19/151158**

Recommendation

That Council rescind the Motion relating to Item CL19.123 of the Council Meeting held on Tuesday 30 April 2019 (reconvened Thursday 2 May 2019).

RESOLVED (Clr Watson / Clr Guile) MIN19.327

That Council rescind the Motion relating to Item CL19.123 of the Council Meeting held on Tuesday 30 April 2019 (reconvened Thursday 2 May 2019).

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 Levett

CARRIED

**CL19.128 Notice of Motion - CL19.123 Outcome of Industry Forum
- Design Review Panel for Shoalhaven**

**HPERM Ref:
D19/151211**

Recommendation

That

1. Council note the outcomes of the industry forum / information session held on Monday 1 April 2019.
2. Council commence a formal tender/EOI 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/EOI 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

RESOLVED (Clr Watson / Clr Guile)

MIN19.328

That

1. Council note the outcomes of the industry forum / information session held on Monday 1 April 2019.
2. Council commence a formal tender/EOI 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/EOI 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 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 Levett

CARRIED

CL19.129 Notice of Motion - Support to Creative Company	HPERM Ref: D19/156728
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Recommendation

That Council

- 1. Congratulate Creative Company on the amazing work being undertaken in the community.
- 2. Provide \$400.00 from the unallocated donations fund to assist with registering as an incorporation and other required registrations.

RESOLVED (Clr Pakes / Clr Proudfoot) MIN19.329

That Council:

- 1. Congratulate Creative Company on the amazing work being undertaken in the community.
- 2. Provide \$400.00 from the unallocated donations fund to assist with registering as an incorporation and other required registrations.

CARRIED

CL19.130 Notice of Motion - Voluntary Compensatory Tree Planting Policy - Proposal	HPERM Ref: D19/156877
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Recommendation

That Council staff work with the building and development industry in an endeavour to establish a voluntary compensatory tree planting policy. The meaningful negotiations would include, but not be restricted to, the following:

- 1. Pre-clearing tree audit.
- 2. A commitment to a one-for-one replacement of trees whose height is greater than an agreed height.
- 3. Careful selection of replacement sites such as council reserves and private land whose owners have indicated a desire to participate in the programme.
- 4. An acknowledgement of the “45 degree rule” and the respect of neighbouring properties regarding future overshadowing at the planting sites could be factored into the discussion.
- 5. Publicising the initiative giving praise to the industry as to the way that they optimistically committed to the voluntary code.

RESOLVED (Clr Proudfoot / Clr Guile)

MIN19.330

That Council staff work with the building and development industry in an endeavour to establish a voluntary compensatory tree planting policy. The meaningful negotiations would include, but not be restricted to, the following:

1. Pre-clearing tree audit.
2. A commitment to a one-for-one replacement of trees whose height is greater than an agreed height.
3. Careful selection of replacement sites such as council reserves and private land whose owners have indicated a desire to participate in the programme.
4. An acknowledgement of the "45 degree rule" and the respect of neighbouring properties regarding future overshadowing at the planting sites could be factored into the discussion.
5. Publicising the initiative giving praise to the industry as to the way that they optimistically committed to the voluntary code.
6. The General Manager provide a report back with the matters raised in the General Managers Note contained in the report.

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

AGAINST: Clr Findley, Clr Gartner and Clr Levett

CARRIED

CL19.131 Notice of Motion - Collingwood Beach Dunecare Group - Formation

**HPERM REF:
D19/157267**

Item dealt with earlier in the meeting see MIN19.318

CL19.132 Notice of Motion - Mobile Food Vans

**HPERM Ref:
D19/166142**

Recommendation

That Council prepare a report on Council's current management of Mobile Food Vans in the Shoalhaven LGA both on private and public land. Such report to include: -

1. Approvals issued in the last 2 years in accordance with the State Government guidelines for Mobile Food Vans on both private and public land.
2. Non-Compliance issues & complaints reported in the last 12 months including safety issues, property site issues, access issues, signage etc.
3. Consideration to a review of current policies.

RESOLVED (Clr White / Clr Pakes)

MIN19.331

That Council prepare a report on Council's current management of Mobile Food Vans in the Shoalhaven LGA both on private and public land. Such report to include: -

1. Approvals issued in the last 2 years in accordance with the State Government guidelines for Mobile Food Vans on both private and public land.
2. Non-Compliance issues & complaints reported in the last 12 months including safety issues, property site issues, access issues, signage etc.
3. Consideration to a review of current policies.

CARRIED

CL19.133 Notice of Motion - Shoalhaven Heads Pump Track

**HPERM Ref:
D19/167188**

Recommendation

That Council give in-principle approval to bringing forward the sealing of the Shoalhaven Heads pump track.

RESOLVED (Clr Wells / Clr Proudfoot)

MIN19.332

That:

1. Council give in-principle approval to bringing forward the sealing of the Shoalhaven Heads pump track.
2. Approval be given to seal the Shoalhaven Head Pump Track without a further report to Council subject to the outcome of the Community Consultation process.

CARRIED

CL19.134 Notice of Motion - Millards Creek, Ulladulla - Gross Pollutant Traps

**HPERM Ref:
D19/167725**

Recommendation

That Council receive a report on the feasibility of installing gross pollutant traps on the tributaries of Millards Creek in Ulladulla to further ensure its water quality and the quality of outflow to Ulladulla Harbour.

RESOLVED (Clr Gartner / Clr Proudfoot)

MIN19.333

That Council receive a report on the feasibility of installing gross pollutant traps on the tributaries of Millards Creek in Ulladulla to further ensure its water quality and the quality of outflow to Ulladulla Harbour.

CARRIED

REPORT OF THE STRATEGY & ASSETS COMMITTEE - 14 MAY 2019

SA19.53 March 2019 Quarterly Budget Review

**HPERM REF:
D19/135573**

Item dealt with earlier in the meeting see MIN19.324

SA19.54 Jervis Bay Maritime Museum - Long Term Management Agreement

**HPERM REF:
D18/223744**

Item dealt with earlier in the meeting see MIN19.323

SA19.55 One-off Crown land vesting application - Formalisation of main access to Integrated Emergency Management Centre (IEMC) and Nowra Racing Complex

**HPERM Ref:
D19/107320**

Recommendation

That Council submit a one-off vesting application to the NSW Department of Industry – Lands, seeking proposed Lot 5 in subdivision SF 10607 be vested to Council.

RESOLVED (Clr Pakes / Clr Wells)

MIN19.334

That Council submit a one-off vesting application to the NSW Department of Industry – Lands, seeking proposed Lot 5 in subdivision SF 10607 be vested to Council.

CARRIED

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

SA19.56 Acquisition of Lot 86 DP 29970, Unnamed Road Nowra Hill for the Western Bypass Corridor

**HPERM Ref:
D19/66301**

RESOLVED* (Clr Gartner / Clr Digiglio)

MIN19.335

That Council:

1. Purchase, by agreement, Lot 86 Unnamed Road Nowra Hill being Lot 86 DP 29970 from Joseph Charles Holmes, Shirley May Holmes & Darren Charles Holmes, for thirty thousand dollars (\$30,000) excluding GST;
2. Delegate authority to the General Manager to adjust the purchase price, if necessary, in accordance with settlement figures determined by Council’s solicitor;
3. Fund all costs associated with the purchase including reasonable conveyancing costs for the Vendor, from the Property Reserve;
4. Grant authority to affix the Common Seal of the Council to any documents required to be sealed and that the General Manager be authorised to sign any documents necessary to give effect to this resolution; and
5. Classify the property purchased as ‘Operational’ Land in accordance with Section 31(2) of the Local Government Act 1993.

CARRIED

SA19.59 Notification to Minister for Lands & Forestry of appointed Council Native Title Manager

**HPERM Ref:
D19/130925**

RESOLVED* (Clr Gartner / Clr Digiglio)

MIN19.336

That Council confirm the engagement of the Manager, Property Unit as Shoalhaven City Council’s Native Title Manager and advise the Minister for Lands and Forestry as required by Section 8.8 Crown Lands Management Act 2016.

CARRIED

SA19.62 Refund Request - Fee Waiver - Shoalhaven Neighbourhood Services Inc - DA17/1741 and CD18/1535 **HPERM Ref: D19/114241**

RESOLVED* (Clr Gartner / Clr Digiglio) MIN19.337

That Council:

1. Reimburse Shoalhaven Neighbourhood Services Inc \$2,555.95 (GST Incl.) being Development Application (DA) fees and Complying Development (CD) fees in relation to DA17/1741 and CD18/1535.
2. Fund the reimbursement from the Unallocated Donations budget.

CARRIED

SA19.65 Acquisition of Easement - Sewer Purposes - South Nowra **HPERM Ref: D19/98505**

RESOLVED* (Clr Gartner / Clr Digiglio) MIN19.338

That:

1. Council acquire an Easement to Drain Sewage variable width over part of Lot 1 DP 553175 Old Southern Road South Nowra marked (E) on the attached draft survey plan.
2. Council pay compensation of thirty-six thousand dollars (\$36,000) and reasonable legal costs associated with the acquisition in accordance with the provision of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer Fund.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CARRIED

REPORT OF THE SHOALHAVEN TOURISM ADVISORY GROUP - 6 MAY 2019

TA19.19 River Festival Committee Update **HPERM Ref: D19/107123**

RESOLVED* (Clr Gartner / Clr Digiglio) MIN19.339

That:

1. The Shoalhaven Tourism Advisory Group receive the report for information.
2. Council officially appoint members, as detailed below, to the River Festival Committee:
 - a. Paul Greene, Chair
 - b. David Fleeting, Deputy Chair and Marina
 - c. Karina Whipp, Secretary
 - d. Gary Wells, Treasurer
 - e. Lynn Locke, Event Ambassador
 - f. Greg Stephenson, Sponsorship
 - g. Michelle Machonachie, Fundraising
 - h. Marla Guppy, Art Zone

- i. Ian Reid, Multimedia
- j. Mark Emerton, Traffic Management
- k. Greg McLeod, Sound
- l. Dawn Hawkins

CARRIED

REPORT OF THE INCLUSION & ACCESS ADVISORY GROUP - 6 MAY 2019

IA19.22	National Disability Strategy - Federal Government Review	HPERM Ref: D19/144598
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RESOLVED* (Clr Gartner / Clr Digiglio)

MIN19.340

That:

1. The Inclusion and Access Advisory Group (IAAG) recommend that Council authorise the Travel and associated costs for a Council Staff member, members of the IAAG and available Councillors to attend the National Disability Strategy Workshop at Campbelltown.
2. Council include the information relating to the National Disability Strategy Review on Council's Website and Facebook Page and also distribute the information through the Community Development Networks.

CARRIED

IA19.21	Ulladulla Subway and Services NSW Accessible Parking Investigation	HPERM REF: D19/102914
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Item dealt with earlier in the meeting see MIN19.319

REPORT OF THE YOUTH ADVISORY COMMITTEE - 8 MAY 2019

YA19.4	Youth Advisory Committee Action Plan	HPERM Ref: D19/115113
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RESOLVED* (Clr Gartner / Clr Digiglio)

MIN19.341

That:

1. The Youth Advisory Committee endorse the Youth Advisory Committee Action Plan 2019/20, and
2. Council formally adopt the plan.

CARRIED

YA19.5 Improving Nowra CBD for Young People **HPERM Ref: D19/115774**

RESOLVED* (Clr Gartner / Clr Digiglio) MIN19.342

That:

1. The Youth Advisory Committee receive the report for information.
2. Council approve carrying forward any remaining balance from the \$4,000 in the 2018/19 Youth Advisory Committee budget (job number 13845) to the 2019/2020 FY to facilitate the community engagement and consultation with young people in the Shoalhaven, and, if successful;
3. The Youth Advisory Committee agree to design and implement a community engagement plan that seeks to clarify issues raised by young people regarding the Nowra CBD and identify what the social and physical needs of young people are within precinct.
4. The Youth Advisory Committee report back to Council the key findings and possible actions at the conclusion of the community engagement and consultation with young people.
5. This item be included on the agenda for each Youth Advisory Committee meeting until completed.

CARRIED

YA19.8 New Item - Bus Overcrowding and Safety

Recommendation

That Council make a representation on behalf of the Youth Advisory Committee to the State Member regarding bus capacity and overcrowding.

RESOLVED (Clr Pakes / Clr White) MIN19.343

That this matter be referred back to the Youth Advisory Committee for further discussion and information.

CARRIED

REPORT OF THE SHOALHAVEN TRAFFIC COMMITTEE - 14 MAY 2019

TC19.21 ISA Rd Worrigee - Lot 2 DP 1130415 -New Commercial - Construct Neighbourhood Shopping Village (PN 3531) **HPERM REF: D19/147452**

Item dealt with earlier in the meeting see MIN19.320

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

TC19.22 Give Way Signage- Line Marking- Patonga Street Nowra (PN 3540) **HPERM Ref: D19/147816**

RESOLVED* (Clr Gartner / Clr Digiglio) MIN19.344

That the General Manager (Director Assets and Works) be requested to arrange for the installation of Give Way signage and line marking on the intersection of Patonga Street and Jindalee Crescent, Nowra, as detailed in the attached plan.

CARRIED

TC19.23 Apex Park Berry - Accessible Amenities - Line marking and Signage (PN 3541)	HPERM Ref: D19/147947
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RESOLVED* (Clr Gartner / Clr Digiglio) MIN19.345

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed signage and line marking works for the installation of a 45° angle accessible parking space on Prince Alfred Street in front of the proposed amenities building, as detailed in the attached plan.

CARRIED

TC19.24 Bunnings Group Ltd - 145 & 159 South Nowra - Lot A DP 403839 (PN 3544)	HPERM Ref: D19/148068
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RESOLVED* (Clr Gartner / Clr Digiglio) MIN19.346

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the signage and line marking plan for 145~159 Princes Highway – Lot A DP403839, as per the attached plan, subject to:

1. Providing signage indicating the parking space on 80219043 – CL – 3003 is ‘Reverse Parking Only’
2. Modifying kerb alignment in DR 04 to ensure that exit manoeuvres for trucks are contained wholly within respective lanes
3. Displaying swept paths for car park access left turn into DR 04
4. Providing clarification to manoeuvrability in blind aisle in CL – 1701, providing dimensions to spaces
5. Modifying R5-400 signage in CL – 1703 to be dual direction
6. Clarifying whether R5-400 terminating signage is to be installed south of DR 04
7. Clarifying width of street parking on the Reserve Road
8. Consideration being given to the installation of concrete median with associated R2-3 ‘Keep Left’ signage at the security gate on exit
9. Modifying plans to ensure BAR is compliant with AustRoads standards

CARRIED

TC19.25 Bus Zone Relocation - 82 Greenwell Point Rad - Greenwell Point (PN 3545)	HPERM Ref: D19/148099
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Recommendation

That the General Manager (Director Assets and Works) be requested to arrange for the relocation of the existing bus zone from the frontage of 92 Greenwell Point Road to 82 Greenwell Point road including the installation of signage, as detailed in the attached plan.

RESOLVED (Clr Pakes / Clr Proudfoot) MIN19.347

That the matter be referred back to the Traffic Committee for further community consultation.

CARRIED

REPORTS

CL19.140 Code of Meeting Practice - Adoption and Summary of Submissions

**HPERM REF:
D19/149783**

Item dealt with earlier in the meeting see MIN19.316

CL19.141 Code of Conduct and Procedures - Adoption

**HPERM Ref:
D19/149833**

RESOLVED* (Clr Gartner / Clr Digiglio)

MIN19.348

That Council

1. Note the details of the submissions received during the public exhibition period of the Draft Code of Conduct as outlined in the Report
2. Adopt the Draft Code of Conduct (POL18/24) as attached to the Report
3. Adopt the Draft Procedures for the Administration of the Code of Conduct (POL18/25) as attached to the Report.

CARRIED

CL19.142 Investment Report - April 2019

**HPERM REF:
D19/164568**

Item dealt with earlier in the meeting see MIN19.326

CL19.143 TC19.20 - Proposed Line Marking - The Lake Circuit Culburra Beach

**HPERM Ref:
D19/162230**

Recommendation

That Council note 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.

RESOLVED (Clr Pakes / Clr White)

MIN19.349

That Council note 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.

CARRIED

CL19.144 Tenders - Management and Operation - Holiday Haven Bendalong

**HPERM Ref:
D19/154070**

Recommendation

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

RESOLVED (Clr Wells / Clr White)

MIN19.350

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

Local Government Act 1993.

CARRIED

**CL19.145 Tenders - Management and Operation - Holiday Haven
Lake Conjola**

**HPERM Ref:
D19/155537**

Recommendation

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

RESOLVED (Clr Wells / Clr White)

MIN19.351

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

CARRIED

**CL19.146 Development Options DA17/2435 - Removal of St
Georges Basin Service Lane**

**HPERM Ref:
D19/152666**

Recommendation

That Council:

- a) Receive this report for information;
- b) Consider future applications by the applicant of Development Consent No. DA17/2435 for 'deferral' of contributions for the project 03ROAD2113 St Georges Basin Service Lane if received; and
- c) Advise the applicant of Council's resolution and continue to provide advice to the applicant, as required, regarding the development of the property 148 Island Point Road, St Georges Basin.

RESOLVED (Clr Proudfoot / Clr White)

MIN19.352

That Council:

1. Receive this report for information;
2. Consider future applications by the applicant of Development Consent No. DA17/2435 for 'deferral' of contributions for the project 03ROAD2113 St Georges Basin Service Lane if received; and
3. Advise the applicant of Council's resolution and continue to provide advice to the applicant, as required, regarding the development of the property 148 Island Point Road, St Georges Basin.

CARRIED

**CL19.147 RD18/1007 – 315 Princes Highway Bomaderry – Lot 2 DP
777260**

**HPERM REF:
D19/157226**

Item dealt with earlier in the meeting see MIN19.321

**CL19.148 Petition - Reinstatement - Sustainable Futures
Committee - Natural Resource & Floodplain
Management Committee**

**HPERM Ref:
D19/125154**

RESOLVED* (Clr Gartner / Clr Digiglio)

MIN19.353

That Council

1. Acknowledge and receive the petition to reinstate the Sustainable Futures & Natural Resources and Floodplain Management Committees, and
2. Reaffirm Council's commitment to protecting our natural environment and engagement with the community on such issues.

CARRIED

Note: This item was reintroduced, see MIN19.358

CL19.149 Sustainable Energy Policy

**HPERM Ref:
D19/148148**

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 Sustainable Energy Policy provided as an attachment to the report.

RESOLVED (Clr Gartner / Clr Wells)

MIN19.354

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 Sustainable Energy Policy provided as an attachment to the report.

CARRIED

CL19.150 Tenders - Shoalhaven Water Pump Procurement

**HPERM Ref:
D19/154059**

RESOLVED* (Clr Gartner / Clr Digiglio)

MIN19.355

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

CARRIED

Note: This item was re-introduced, see MIN19.357

Procedural Motion - Reintroduction of Item

RESOLVED (Clr Pakes / Clr Proudfoot)

MIN19.356

That the following items be reintroduced for discussion:

- CL19.150 – Tenders – Shoalhaven Water Pump Procurement
- CL19.148 – Petition – Reinstatement – Sustainable Futures Committee – Natural Resource & Floodplain Management Committee

CARRIED

CL19.150 Tenders - Shoalhaven Water Pump Procurement

**HPERM Ref:
D19/154059**

RESOLVED (Clr Proudfoot / Clr Gartner)

MIN19.357

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

CARRIED

**CL19.148 Petition - Reinstatement - Sustainable Futures
Committee - Natural Resource & Floodplain
Management Committee**

**HPERM Ref:
D19/125154**

Clr Pakes requested an update on the Petition he submitted regarding the West Culburra Beach Development.

RESOLVED (Clr Pakes / Clr White)

MIN19.358

That Council

1. Acknowledge and receive the petition to reinstate the Sustainable Futures & Natural Resources and Floodplain Management Committees, and
2. Reaffirm Council's commitment to protecting our natural environment and engagement with the community on such issues.

CARRIED

Note: Clr Gartner queried why the Question on Notice she had submitted were not included in the Agenda.

The General Manager advised that a response would be provided.

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 Gartner / Clr Wells)

MIN19.359

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.

CSA19.3 Proposed Disposal of Vacant Land - St Georges Basin.

Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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.

CSA19.4 Proposed Acquisition of Open Space Land identified in the Moss Vale Road South Urban Release Area

Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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.

CSA19.5 Shoalhaven Affordable Housing Strategy - Property Acquisition Matters

Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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.

CCL19.9 Tenders - Management & Operation - Holiday Haven Bendalong

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.

CCL19.10 Tenders - Management & Operation - Holiday Haven Lake Conjola

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.

CCL19.11 Tenders - Shoalhaven Water Pump Procurement

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 9.12pm.

The meeting moved into open session, the time being 9.18pm.

REPORT FROM CONFIDENTIAL SESSION

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

CSA19.3 Proposed Disposal of Vacant Land - St Georges Basin	HPERM Ref: D19/113989
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RESOLVED* MIN19.360C

That Council:

5. Maintain confidentiality of the resolution until the sales have settled.

CARRIED

CSA19.4 Proposed Acquisition of Open Space Land identified in the Moss Vale Road South Urban Release Area	HPERM Ref: D19/135435
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RESOLVED* MIN19.361C

That:

6. The recommendation remains Confidential in accordance with Section 10(A)(2)(c) of the Local Government Act until open space transactions for the Moss Vale Road Urban Release Area have been settled.

CARRIED

CSA19.5 Shoalhaven Affordable Housing Strategy - Property Acquisition Matters	HPERM Ref: D19/138436
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RESOLVED* MIN19.362C

That Council

6. Maintain confidentiality of the resolution until the sale has settled.

CARRIED

CCL19.9 Tenders - Management & Operation - Holiday Haven Bendalong	HPERM Ref: D19/156305
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RESOLVED MIN19.363C

That:

1. Council endorses the recommendation of the Tender Assessment Team to accept the Tender from Lidia & Brendon Hill for Management and Operation of Holiday Haven Bendalong;
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the Director of Assets & Works, as the Principal's Representative.

CARRIED

**CCL19.10 Tenders - Management & Operation - Holiday Haven
Lake Conjola**

**HPERM Ref:
D19/156937**

RESOLVED

MIN19.364C

That:

1. Council endorses the recommendation of the Tender Assessment Team to accept the Tender from A.N. MacDougall Pty Ltd for Management and Operation of Holiday Haven Lake Conjola;
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the Director of Assets & Works, as the Principal's Representative.

CARRIED

CCL19.11 Tenders - Shoalhaven Water Pump Procurement

**HPERM Ref:
D19/154085**

RESOLVED

MIN19.365C

That

1. Council accept the Tenders from both Xylem and NPE for Shoalhaven Water Pump Procurement at the rates provided in their schedules.
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the General Manager (Director of Shoalhaven Water).
3. Council authorises the General Manager (Director of Shoalhaven Water) to adjust the contract for variations for components under the contract.

CARRIED

Procedural Motion - Matters of Urgency

MOTION (Clr Pakes)

Clr Pakes called a Motion of Urgency to send correspondence of congratulations to the new Member for Gilmore on their election.

The Mayor advised that the correspondence had already been sent.

There being no further business, the meeting concluded, the time being 9.23pm.

Clr Findley
CHAIRPERSON