

## MINUTES OF THE ORDINARY MEETING

**Meeting Date:** Tuesday, 27 August 2019  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.01pm

The following members were present:

Clr Amanda Findley - Chairperson  
Clr Joanna Gash  
Clr John Wells  
Clr Patricia White  
Clr Kaye Gartner  
Clr Nina Digiglio  
Clr Annette Alldrick  
Clr John Levett  
Clr Mitchell Pakes  
Clr Greg Watson  
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 Captain Matthew Sutcliffe and the playing of the Australian National Anthem.

### Apologies / Leave of Absence

**RESOLVED** (Clr Pakes / Clr Gartner) MIN19.558

That the request for leave of absence for Clr Kitchener from 15 August 2019 to 24 September 2019 and Clr Guile for this meeting be granted.

CARRIED

### Confirmation of the Minutes

**RESOLVED** (Clr White / Clr Gartner) MIN19.559

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

CARRIED

## Declarations of Interest

Clr Pakes – CL19.197 – Notice of Motion – Loralyn Avenue Reserve Fencing – significant non pecuniary interest declaration – The Deputee Mr Tait is employed by the same company he works for and Clr Pakes is his supervisor – will leave the room and will not take part in discussion or vote.

## Call Over of the Business Paper

The Following Items were called up for debate:

MM19.14, MM19.15, MM19.16, MM19.17, CL19.193, CL19.194, CL19.195, CL19.196, CL19.197, CL19.198, CL19.199, CL19.200, CL19.201, CL19.202, CL19.203, SA19.166, BR19.3, IA19.30, IA19.32, IA19.38, TC19.41, CL19.208, CL19.211, CL19.212.

The remaining items were resolved en-block at this time. They are marked with an asterisk (\*) in these Minutes.

## PRESENTATION OF PETITIONS

### Presentation of Petitions

**RESOLVED** (Clr White)

MIN19.560

Clr White presented a petition containing 71 signatures from residents of Kioloa and Merry Beach Residents opposing the proposed skateboard park location at Kioloa Oval which states: The Bawley Point/Kioloa Progress Association arranged a meeting on Sunday 21 July 2019 to discuss the erection/location of a skateboard park at Kioloa Oval/Cricket Pitch. The majority of residents of Kioloa/Merry Beach were unaware of this meeting and therefore were not given a fair opportunity to discuss their concerns with Mayor Findley present. We, the undersigned, are concerned citizens who urge our Ward 3 Councillors/Shoalhaven City Council and Mayor Findley ensure the concerns of the residents of Kioloa/Merry Beach village are heard.

CARRIED

## MAYORAL MINUTE

**MM19.14 Mayoral Minute - 2019 Regional NAIDOC Awards**

**HPERM Ref:  
D19/281286**

### Recommendation

That Council receives the report for information and the Mayor send congratulatory letters to the winners of the 2019 NAIDOC Awards.

**RESOLVED** (Clr Findley / Clr Digiglio)

MIN19.561

That Council receives the report for information and the Mayor send congratulatory letters to the winners of the 2019 NAIDOC Awards.

CARRIED

**MM19.15 Mayoral Minute -Shoalhaven Crookhaven Rivers Shellfish Quality Assurance Program (SQAP) - Request for Assistance**

**HPERM Ref:  
D19/282379**

**Recommendation**

That Council:

1. Receive the report for information.
2. Provide funding of \$20,000 to the SQAP for 2019/20 from the September Quarterly Budget Review.
3. Consider future years funding as part of the annual budget deliberations.

**RESOLVED** (Clr Findley / Clr Digiglio)

MIN19.562

That Council:

1. Receive the report for information.
2. Provide additional funding of \$20,000 to the SQAP for 2019/20 from Shoalhaven Water (total allocation from Shoalhaven Water \$35,000).
3. Consider future years funding as part of the annual budget deliberations.

CARRIED

**MM19.16 Mayoral Minute - Farewell Lynne Locke**

**HPERM Ref:  
D19/287362**

**Recommendation**

That Council note the retirement of Lynne Locke, CEO of Shoalhaven City Turf Club and acknowledge her contribution to the Shoalhaven with a certificate of appreciation and a morning tea to be arranged with Councillors.

**RESOLVED** (Clr Findley / Clr Gash)

MIN19.563

That Council note the retirement of Lynne Locke, CEO of Shoalhaven City Turf Club and acknowledge her contribution to the Shoalhaven with a certificate of appreciation and a morning tea to be arranged with Councillors and staff who may have worked with her.

CARRIED

**Procedural Motion – Introduction of Addendum**

**RESOLVED** (Clr Pakes / Clr White)

MIN19.564

That an Addendum Mayoral Minute MM19.17 – 2019 Shoalhaven Business Awards be introduced.

CARRIED

## ADDENDUM REPORTS

### MM19.17 2019 Shoalhaven Business Awards

**HPERM Ref:  
D19/291906**

#### Recommendation

That Council receive the report for information and the Mayor send congratulatory letters to the winners of the 2019 Shoalhaven Business Awards.

**RESOLVED** (Clr Findley / Clr Pakes)

MIN19.565

That Council receive the report for information and the Mayor send congratulatory letters to the winners of the 2019 Shoalhaven Business Awards.

CARRIED

## DEPUTATIONS AND PRESENTATIONS

### CL19.197 Notice of Motion – Loralyn Avenue Reserve Fencing

Clr Pakes – CL19.197 – Notice of Motion – Loralyn Avenue Reserve Fencing – significant non pecuniary interest declaration – The Deputee Mr Tait is employed by the same company he works for and Clr Pakes is his supervisor – will leave the room and will not take part in discussion or vote.

Mr Thomas Tait addressed the meeting to speak for the recommendation.

### Procedural Motion - Bring Item Forward

**RESOLVED** (Clr Wells / Clr Gartner)

MIN19.566

That Item CL19.197 – Notice of Motion – Loralyn Avenue Reserve Fencing be brought forward for consideration.

CARRIED

### CL19.197 Notice of Motion - Loralyn Ave Reserve Fencing

**HPERM Ref:  
D19/281602**

Clr Pakes – significant non pecuniary interest declaration – The Deputee Mr Tait is employed by the same company he works for and Clr Pakes is his supervisor – will leave the room and will not take part in discussion or vote.

#### Recommendation

That Council

1. Investigate options for the construction of appropriate fencing and signage along the boundaries of Council reserves at 72 Loralyn Avenue and Lot 123 DP 17823 Loralyn Ave and existing property owners.
2. Chief Executive Officer provide a report back to Council on fencing/signage options available and costs to resolve the issues of trespassing onto private property from the Council reserves.

**RESOLVED** (Clr White / Clr Gartner)

MIN19.567

That Council:

1. Investigate options for the construction of appropriate fencing and signage along the boundaries of Council reserves at 72 Loralyn Avenue and Lot 123 DP 17823 Loralyn Ave and existing property owners.
2. Chief Executive Officer provide a report back to Council on fencing/signage options available and costs to resolve the issues of trespassing onto private property from the Council reserves.

CARRIED

Note: Cllr Pakes returned to the meeting.

#### **Procedural Motion – Introduction of Deputation**

**RESOLVED** (Cllr Levett / Cllr Digiglio) MIN19.568

That an additional Deputation be heard in relation to CL19.202 – Notice of Motion – Homeless Shelter Funding.

CARRIED

## **DEPUTATIONS AND PRESENTATIONS**

### **CL19.202 – Notice of Motion – Homeless Shelter Funding**

Mr Peter Dover and Rev Matthew Wilson addressed the meeting to speak for the recommendation.

#### **Procedural Motion - Bring Item Forward**

**RESOLVED** (Cllr Wells / Cllr Gartner) MIN19.569

That Item CL19.202 – Notice of Motion – Homeless Shelter Funding be brought forward for consideration.

CARRIED

### **CL19.202 Notice of Motion - Homeless Shelter Funding**

**HPERM Ref:  
D19/285978**

#### **Recommendation**

That SCC make representation to the Hon Gareth Ward, Minister for Families, Communities and Disability Services, and the Hon Shelley Hancock, Minister for Local Government seeking support for funding of a full-time co-ordinator for the Homeless Shelter.

**RESOLVED** (Cllr Gartner / Cllr Findley) MIN19.570

That Council make representation to the Hon Gareth Ward, Minister for Families, Communities and Disability Services, and the Hon Shelley Hancock, Minister for Local Government seeking support for recurrent funding of a full-time co-ordinator for the Homeless Shelter.

CARRIED

Note: The Hon Fiona Phillips Member for Gilmore to be included in the representation.

## NOTICES OF MOTION / QUESTIONS ON NOTICE

### CL19.193 Notice of Motion - Supporting Local Op-Shops

HPERM Ref:  
D19/275303

#### Recommendation

That Council's Waste services team provide to council options of the following

1. Possibility of setting up a program to assist volunteer Op-Shops with Tipping fees.
2. Options for providing volunteer Op-Shops with tipping vouchers.
3. Costs associated with the above options

**RESOLVED** (Clr Pakes / Clr Watson)

MIN19.571

That:

1. Council's Waste services team provide to council options of the following:
  - a. Possibility of setting up a program to assist volunteer Op-Shops with Tipping fees.
  - b. Options for providing volunteer Op-Shops with tipping vouchers.
  - c. Costs associated with the above options
2. Following the report back (part 1 above) Council write to all Op-Shops other than St Vincent De Paul, Anglicare and Salvation Army advising them of the provisions for exemption under the Environmental Protection Authority Act and invite them to apply for the exemption.

CARRIED

### CL19.194 Notice of Motion - Shoalhaven Heads Community Centre Extensions

HPERM Ref:  
D19/275315

#### Recommendation

That Council

1. Gives in-principle support to the future extensions of the Shoalhaven Heads Community Centre.
2. Undertakes investigations to identify plans that were provided some time ago for the possible extensions to the Shoalhaven Heads Community Centre.
3. Makes representation to the State Member for Kiama, Mr Gareth Ward to seek funding for the project.

**RESOLVED** (Clr Pakes / Clr White)

MIN19.572

That Council:

1. Gives in-principle support to investigate the future extensions of the Shoalhaven Heads Community Centre.
2. Receive a report at the November Strategy & Assets Committee Meeting that provides:
  - a. Information on the user groups, usage rates, shortfalls of the current buildings and demand at the Shoalhaven Heads Community Centre.
  - b. An outline of steps that would need to be undertaken to make extensions to the building on Crown Land and an estimated cost involved to have the project ready for grant funding applications.

- c. Details of investigations to identify plans that were provided some time ago for the possible extensions to the Centre.
3. Makes representation to the State Member for Kiama, Mr Gareth Ward to seek funding for the project.

CARRIED

**CL19.195 Notice of Motion - Donation - Berry Small Farm Field Days**

**HPERM Ref:  
D19/281079**

**Recommendation**

That Council support Berry Rotary Small Farm Field Day event by voting \$2,500 from the unallocated donations vote.

**RESOLVED** (Clr Wells / Clr Pakes)

MIN19.573

That the Notice of Motion – Donation – Berry Small Farm Field Days be withdrawn due to changes in the event.

CARRIED

**CL19.196 Notice of Motion - Ulladulla Swimming Club**

**HPERM Ref:  
D19/281047**

**Recommendation**

That Council provide a donation of \$3,000 to the Ulladulla Swimming Club from Council's unallocated donations to assist with the purchase of new electronic starting equipment for the Ulladulla Swimming Club members and club events held at Ulladulla Leisure Centre.

**RESOLVED** (Clr White / Clr Gash)

MIN19.574

That Council provide a donation of \$3,000 to the Ulladulla Swimming Club from Council's Unallocated Donations Budget to assist with the purchase of new electronic starting equipment for the Ulladulla Swimming Club members and club events held at Ulladulla Leisure Centre.

CARRIED

**CL19.197 Notice of Motion - Loralyn Ave Reserve Fencing**

**HPERM REF:  
D19/281602**

Item dealt with earlier in the meeting see MIN19.567

**CL19.198 Notice of Motion - Callala Bay Boat Ramp - Installation of Bollards**

**HPERM Ref:  
D19/281633**

**Recommendation**

That Council

1. Install bollards at Callala Bay Boat Ramp on the grass area between the fish cleaning table and new seats recently installed by the Callala Bay Community Forum as a matter of urgency. Council staff to work with the Community Forum Executive to ensure the correct location of the bollards.

2. Congratulate the Callala Bay Community Forum for their excellent work in securing funding and installing for the recreational outdoor furniture.

**RESOLVED** (Clr White / Clr Gash)

MIN19.575

That Council:

1. Install bollards at Callala Bay Boat Ramp on the grass area between the fish cleaning table and new seats recently installed by the Callala Bay Community Forum as a matter of urgency. Council staff to work with the Community Forum Executive to ensure the correct location of the bollards.
2. Congratulate the Callala Bay Community Forum for their excellent work in securing funding and installing for the recreational outdoor furniture.
3. Congratulate SCC staff in dealing with this issue, and the professional manner in which they handled this issue.

CARRIED

**CL19.199 Notice of Motion - Sanctuary Point Shopping Centre**

**HPERM Ref:  
D19/284696**

**Recommendation**

That Council staff clearly establish the road reserve / property boundary at the rear of the Sanctuary Point Shopping Centre, adjacent to Francis Ryan Reserve on the southern side. Once complete and marked appropriately a meeting be convened with both owners and tenants to find a way forward in and endeavour to “ soften “ the untidy appearance at the rear of the shops. This may include subtle fencing, minor landscaping or simply a regular programme to keep the area more tidy and better organised.

**RESOLVED** (Clr Proudfoot / Clr White)

MIN19.576

That Council staff clearly establish the road reserve / property boundary at the rear of the Sanctuary Point Shopping Centre, adjacent to Francis Ryan Reserve on the southern side. Once complete and marked appropriately a meeting be convened with both owners and tenants to find a way forward in and endeavour to “ soften “ the untidy appearance at the rear of the shops. This may include subtle fencing, minor landscaping or simply a regular programme to keep the area more tidy and better organised.

CARRIED

**CL19.200 Notice of Motion - Clifton Street Park, Sanctuary Point**

**HPERM Ref:  
D19/284736**

**Recommendation**

That Council staff investigate ways of providing additional shelters and tables at Clifton Street Park, Sanctuary Point at little or no cost to Council. Part of the investigation would include liaising with Sanctuary Point Community Pride and working with them to achieve the best outcome.

**RESOLVED** (Clr Proudfoot / Clr Pakes)

MIN19.577

That Council staff investigate ways of providing additional shelters and tables at Clifton Street Park, Sanctuary Point at little or no cost to Council. Part of the investigation would include liaising with Sanctuary Point Community Pride and working with them to achieve the best outcome.



CARRIED

**CL19.201 Notice of Motion - Dog on leash access - Narrawallee Beach from Surfers Ave**

**HPERM Ref:  
D19/286036**

**Recommendation**

That Council conduct a six months trial for dog walkers who desire to access Narrawallee Beach from Surfers Avenue. The trial period would mandate the following:

1. The trial access journey plan from Surfers Avenue is stipulated via the Shoalhaven Water thoroughfare to its end, then onto the rear of the beach keeping close to the escarpment, proceeding to the foot of the Victor Avenue stairs and then onto the designated “dog area” to the north.
2. In walking from Surfers Avenue to the Victor Avenue stairs all dogs must be kept on a lead.
3. The trial would not commence until all necessary signage was installed, access from the Shoal Water track to the beach was made good and around five bollards were put in place along the rear of the beach (base of escarpment) to the Victor Avenue stairs. Note that pictorial bollard signage directing dog walkers to keep to the escarpment side would be an essential element of the trial.

**RESOLVED** (Clr Proudfoot / Clr White)

MIN19.578

That Council conduct a six months trial for dog walkers who desire to access Narrawallee Beach from Surfers Avenue. The trial period would mandate the following:

1. The trial access journey plan from Surfers Avenue is stipulated via the Shoalhaven Water thoroughfare to its end, then onto the rear of the beach keeping close to the escarpment, proceeding to the foot of the Victor Avenue stairs and then onto the designated “dog area” to the north.
2. In walking from Surfers Avenue to the Victor Avenue stairs all dogs must be kept on a lead.
3. The trial would not commence until all necessary signage was installed, access from the Shoal Water track to the beach was made good and around five bollards were put in place along the rear of the beach (base of escarpment) to the Victor Avenue stairs. Note that pictorial bollard signage directing dog walkers to keep to the escarpment side would be an essential element of the trial.

CARRIED

**CL19.202 Notice of Motion - Homeless Shelter Funding**

**HPERM REF:  
D19/285978**

Item dealt with earlier in the meeting see MIN19.570

**CL19.203 Notice of Motion - NSW Sustainability of Energy Supplies**

**HPERM Ref:  
D19/286016**

**Recommendation**

That Council makes a submission to the Parliamentary Inquiry into Sustainability of energy supply and resources in NSW, including discussion of Council’s

1. Record, achievements and commitment to environmental sustainability;
2. Sustainable Energy Policy and target of zero net emissions by 2050;

3. Strong concern regarding the impact of current energy prices, particularly gas, on the operation of local industry;
4. Strong support for Community based renewable energy projects, particularly the Social equity solar garden project;
5. Strong concerns for the availability of affordable renewable energy for our aging community;
6. Revolving Energy Fund to re-invest energy savings into new energy saving projects.

**RESOLVED** (Clr Gartner / Clr Digiglio)

MIN19.579

That Council makes a submission to the Parliamentary Inquiry into Sustainability of energy supply and resources in NSW, including but not limited to discussion of Council's:

1. Record, achievements and commitment to environmental sustainability;
2. Sustainable Energy Policy and target of zero net emissions by 2050;
3. Strong concern regarding the impact of current energy prices, particularly gas, on the operation of local industry;
4. Strong support for Community based renewable energy projects, particularly the Social equity solar garden project;
5. Strong concerns for the availability of affordable renewable energy for our aging community and low income earners;
6. Revolving Energy Fund to re-invest energy savings into new energy saving projects; and
7. Experience with refuse-derived fuel.

CARRIED

#### **Procedural Motion - Matters of Urgency – Reschedule September Ordinary Meeting**

Clr Pakes raised a matter of urgency in relation to the date of the September Ordinary Meeting and advised that a number of Councillors will be absent and unable to take part in the meeting on the currently scheduled date.

The Mayor ruled the matter as urgent as it relates to business of Council and allowed its introduction.

**RESOLVED** (Clr Pakes / Clr White)

MIN19.580

That the September Ordinary Meeting of the Council, scheduled for 24 September 2019 be rescheduled to optimise attendance by Councillors.

CARRIED

#### **Procedural Motion - Adjournment of Meeting**

**RESOLVED** (Clr Findley / Clr Pakes)

MIN19.581

That the meeting be adjourned to allow for refreshments.

CARRIED

The meeting adjourned the time being 7.10pm

The meeting reconvened the time being 7.38pm

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 Mitchell Pakes  
Clr Greg Watson  
Clr Bob Proudfoot

## REPORT OF THE STRATEGY & ASSETS COMMITTEE - 13 AUGUST 2019

**SA19.116 Quarterly Progress Report - Councillors' Notices of Motion**

**HPERM Ref:  
D19/262044**

### Recommendation

That the Progress report on Councillors' Notices of Motion be received for information and given further consideration at the Ordinary Meeting, following the Councillor Briefing scheduled for 22 August 2019.

**RESOLVED** (Clr Proudfoot / Clr Gartner)

MIN19.582

That the report regarding Quarterly Progress Report - Councillors' Notices of Motion be received for information.

CARRIED

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

**SA19.117 Milton Ulladulla Croquet Club Facility Update**

**HPERM Ref:  
D19/97008**

**RESOLVED\*** (Clr Wells / Clr Digiglio)

MIN19.583

That Council:

1. Accept the report for information.
2. Maintain status quo with the Milton Ulladulla Croquet Club continuing to use the court at the Milton Showground, whilst further investigating to confirm the possibility for 4 courts at the Ulladulla Sports Park, following an on-site meeting.
3. Council receive a further report on outcomes of environmental investigation at Ulladulla Sports Park with the aim to definitively confirm the possibility of 4 courts at the site under the current legislation requirements.
4. Subject to funding, Council commence the construction of courts 1 and 2 at the Ulladulla Sports Park without delay.
5. Subject to consultation with the Croquet Club and following the on-site meeting a report be submitted to the September Strategy and Assets meeting.

CARRIED

**SA19.122 Donation Request - Salt Care RE-BOOT Program - Training Costs** **HPERM Ref: D19/200517**

**RESOLVED\*** (Clr Wells / Clr Digiglio) MIN19.584

That Council provide a donation of \$2,000 to Salt Care to contribute to travel and accommodation costs of training in the delivery of a community reintegration service for people who are homeless, from the Unallocated Donations Budget.

CARRIED

**SA19.127 Classification of Land - Lot 1 DP797111, Lot 1 DP199958 and Lot 2 DP199958, 39-43 Bridge Road Nowra** **HPERM Ref: D19/172316**

**RESOLVED\*** (Clr Wells / Clr Digiglio) MIN19.585

That Council resolve to classify the land described as Lot 1 DP767111, Lot 1 DP199958 and Lot 2 DP199958, 39-43 Bridge Road, Nowra as Operational Land.

CARRIED

**SA19.128 Classification of Land - Proposed Lot 23 DP in SF10380, Matron Porter Drive, Narawallee** **HPERM Ref: D19/215026**

**RESOLVED\*** (Clr Wells / Clr Digiglio) MIN19.586

That Council resolve to classify the land described as proposed Lot 23 of SF10380 Matron Porter Drive, Narawallee as Community Land.

CARRIED

**SA19.129 Classification of Land - Lot 1 DP 1128146 111 Taylors Lane Cambewarra** **HPERM Ref: D19/252567**

**RESOLVED\*** (Clr Wells / Clr Digiglio) MIN19.587

That Council resolve to classify the land, Lot 1 DP 1128146, 111 Taylors Lane Cambewarra, as part Operational Land being 7604.41m<sup>2</sup> subject to survey, and part Community Land being 2,742m<sup>2</sup> identified as "open space", subject to survey.

CARRIED

## REPORT OF THE COUNCIL BUSHCARE REPRESENTATIVES GROUP - 24 JULY 2019

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

<b>BR19.1</b>	<b>Resignation - Bryan Lenne – Kelly Cowlshaw - Council Bushcare Representatives Group</b>	<b>HPERM Ref: D19/116137</b>
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**RESOLVED\*** (Clr Gartner / Clr Digiglio) MIN19.588

That Council:

1. Accept the resignation from Mr Bryan Lenne and Ms Kelly Cowlshaw from the Council Bushcare Representative Group
2. Call for nominations from local interested Bushcare groups, for replacement members.
3. Develop a Terms of Reference to be brought back to a future meeting for the Committee to endorse.

CARRIED

<b>BR19.2</b>	<b>Bushcare Program Update</b>	<b>HPERM Ref: D19/217868</b>
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**RESOLVED\*** (Clr Gartner / Clr Digiglio) MIN19.589

That:

1. The report regarding Bushcare Program Update be received for information.
2. Council write to Office of Fiona Phillips Federal Member for Gilmore regarding the Expressions of Interest (EOI) – Community Environment Program that was initiated by the previous member and seek an update.

CARRIED

<b>BR19.3</b>	<b>Review of Bushcare/Parkcare Procedures</b>	<b>HPERM Ref: D19/220263</b>
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### Recommendation

That:

1. The Procedures be amended to include clarification in relation to rubbish removal.
2. Subject to the amendment in part 1 of the recommendation, Council endorse the Shoalhaven Bushcare/Parkcare Procedure, with the amendments outlined in the Review of Bushcare/Parkcare Procedures report (BR19.3).

**RESOLVED** (Clr White / Clr Pakes) MIN19.590

That Council conduct a Workshop for Councillors to discuss the Bushcare/Parkcare Procedures.

CARRIED

## **REPORT OF THE INCLUSION & ACCESS ADVISORY GROUP - 5 AUGUST 2019**

### **IA19.30 Additional Item - Working Group Formation - Mandatory Access Levels for Housing**

#### **Recommendation**

That:

1. Council form a Working Group to review the Australian Building Codes Board (ABCB) draft requirements for Mandatory Access Levels for Housing. This Working Group will consist of the following members:
  - a. Inclusion and Access Advisory Chairperson
  - b. Key Staff
  - c. Industry Representatives (Building and Developers)
  - d. A Minimum of two (2) IAAG members
2. Membership of the Working Group be established by a targeted EOI process and IAAG members be notified once applications are open.
3. The aim of the Working Group is to collaborate and form a submission regarding the Australian Building Codes Board – Mandatory Access Levels for Housing.

**RESOLVED** (Clr Digiglio / Clr White)

MIN19.591

That:

1. Council form a Working Group to review the Australian Building Codes Board (ABCB) draft requirements for Mandatory Access Levels for Housing. This Working Group will consist of the following members:
  - a. Inclusion and Access Advisory Chairperson
  - b. Key Staff
  - c. Industry Representatives (Building and Developers)
  - d. A Minimum of two (2) IAAG members
2. Membership of the Working Group be established by a targeted EOI process and IAAG members be notified once applications are open.
3. The aim of the Working Group is to collaborate and form a submission regarding the Australian Building Codes Board – Mandatory Access Levels for Housing.

CARRIED

### **IA19.32 Additional Item - Membership - Invitation - Gareth Ward MP and Shelley Hancock MP**

#### **Recommendation**

That Council invite The Hon Gareth Ward and The Hon Shelley Hancock to nominate a representative to be members of the Inclusion and Access Advisory Group.

**RESOLVED** (Clr Digiglio / Clr White)

MIN19.592

That Council invite The Hon Gareth Ward and The Hon Shelley Hancock to nominate a representative to be members of the Inclusion and Access Advisory Group.

CARRIED

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

**IA19.33 Additional Item - Parking - Mollymook Cemetery - Maintenance - Kerb/Gutter**

**RESOLVED\*** (Clr Gartner / Clr Alldrick) MIN19.593

That Council note the dirt car park at Mollymook cemetery needs upgrading and that staff provide advice to the IAAG in relation to the dirt car park and making it more accessible.

CARRIED

**IA19.35 Additional Item - Update Nowra CBD**

**RESOLVED\*** (Clr Gartner / Clr Alldrick) MIN19.594

That the CEO (Director of Assets and Works) investigate amending the car parking signs in the Nowra CBD to identify the number of accessible parking spaces within each carpark.

CARRIED

**IA19.38 Additional Item - Pedestrian Lights Crossing - Princes Highway / Junction Street - Timing/Phasing - Investigate**

**Recommendation**

That Council make representations to the RMS seeking a safe amount of time to cross at the pedestrian lights at Princess Highway and Junction Streets.

**RESOLVED** (Clr Proudfoot / Clr Gartner) MIN19.595

That Council make representations to the RMS seeking a safe amount of time to cross at the pedestrian lights at Princess Highway and Junction Streets.

CARRIED

**REPORT OF THE SHOALHAVEN TRAFFIC COMMITTEE - 13 AUGUST 2019**

**TC19.41 Bus Zone Relocation - 82 Greenwell Point Road - Greenwell Point (PN 3545) HPERM Ref: D19/269356**

**Recommendation**

That the CEO (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 in TC19.25.

**RESOLVED** (Clr Pakes / Clr White) MIN19.596

That the CEO (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 in TC19.25.

CARRIED

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

<b>TC19.42 Time Restricted Parking - Service Road South Nowra (PN 3555)</b>	<b>HPERM Ref: D19/269374</b>
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**RESOLVED\*** (Clr Gartner / Clr Digiglio) MIN19.597

That the CEO (Director Assets and Works) be requested to arrange for the installation of time limited parking '1P II 7am - 5pm' along Service Road, South Nowra adjacent to the South Nowra Bunnings, as detailed in the attached plan.

CARRIED

<b>TC19.43 Signage Plan - Western Side Footpath Upgrade- Berry Street Nowra (PN 3556)</b>	<b>HPERM Ref: D19/269661</b>
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**RESOLVED\*** (Clr Gartner / Clr Digiglio) MIN19.598

That that the CEO (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed signage installation along Berry Street Nowra, as detailed in the attached plan.

CARRIED

## REPORTS

<b>CL19.208 Restart NSW - Growing Local Economies - application update</b>	<b>HPERM Ref: D19/282445</b>
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### Recommendation

That Council

1. Improve commercial boating infrastructure at Woollamia Council and:
  - a. Accept the offer of a grant from Infrastructure NSW under the Growing Local Economies Fund for \$1,025,000
  - b. Source its financial contribution to the works from the Economic Development Reserve
  - c. Authorise the Chief Executive Officer to sign the funding deed with the NSW Government
  - d. Thank the Member for South Coast, The Hon Shelley Hancock MP, for her assistance in the matter.
2. In respect of the Ulladulla Harbour project:
  - a. Seek the assistance of the Member for South Coast to have the application outcome reviewed in light of:
    - i. The Action 2.2 in the NSW South Coast Marine Tourism Strategy
    - ii. The application of the GLE assessment criteria to discount benefits accruing to a project that emanate from the growth of an emerging industry sector
    - iii. The support for the project from users of the facility and the broader community



- iv. Other aspects that Council or the community may raise
- b. Inform the Australian Government of the current GLE decision, and in doing so:
  - i. Seek to have the funding commitment retained for a period up to the end of February 2020 to allow the NSW Government to identify the additional funding commitment.
  - ii. seek the assistance of the Member for Gilmore in this endeavour.
- c. Inform NSW Crown Lands of the current GLE decision but seek to have the funding commitment retained for a period up to the end of February 2020 to allow the NSW Government to identify the additional funding commitment.

**RESOLVED** (Clr Proudfoot / Clr Digiglio)

MIN19.599

That Council:

1. Improve commercial boating infrastructure at Woollamia Council and:
  - a. Accept the offer of a grant from Infrastructure NSW under the Growing Local Economies Fund for \$1,025,000
  - b. Source its financial contribution to the works from the Economic Development Reserve
  - c. Authorise the Chief Executive Officer to sign the funding deed with the NSW Government
  - d. Thank the Member for South Coast, The Hon Shelley Hancock MP, for her assistance in the matter.
2. In respect of the Ulladulla Harbour project:
  - a. Seek the assistance of the Member for South Coast to have the application outcome reviewed in light of:
    - i. The Action 2.2 in the NSW South Coast Marine Tourism Strategy
    - ii. The application of the GLE assessment criteria to discount benefits accruing to a project that emanate from the growth of an emerging industry sector
    - iii. The support for the project from users of the facility and the broader community
    - iv. Other aspects that Council or the community may raise
  - b. Inform the Australian Government of the current GLE decision, and in doing so:
    - i. Seek to have the funding commitment retained for a period up to the end of February 2020 to allow the NSW Government to identify the additional funding commitment.
    - ii. seek the assistance of the Member for Gilmore in this endeavour.
  - c. Inform NSW Crown Lands of the current GLE decision but seek to have the funding commitment retained for a period up to the end of February 2020 to allow the NSW Government to identify the additional funding commitment.
3. Make representations to The Hon Shelley Hancock and the Federal Member for Gilmore The Hon Fiona Phillips on this matter.

CARRIED

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

**CL19.209 Ongoing Register of Pecuniary Interest Returns - May to July 2019** **HPERM Ref: D19/105245**

**RESOLVED\*** (Clr Wells / Clr White) MIN19.600

That the report regarding the Register of Pecuniary Interest Returns lodged for the period of 1 May 2019 to 5 August 2019 be received for information.

CARRIED

**CL19.210 Ward Boundaries Adjustments** **HPERM Ref: D19/277328**

**RESOLVED\*** (Clr Wells / Clr White) MIN19.601

That Council:

1. Notes the proposed alterations to the draft Ward Boundary Plan pursuant to the provisions of Section 211 of the *Local Government Act 1993*;
2. Forward the draft Ward Boundary Plan to the Electoral Commissioner and Australian Statistician for comment;
3. Exhibit the proposed draft Ward Boundary Plan subject to the concurrence of the Electoral Commission for a period of 42 days inviting public submissions; and
4. Receive a further report at the completion of the exhibition period in order to consider all submissions received and make a final determination.

CARRIED

**CL19.211 2019 Local Government NSW Annual Conference - Motions, Delegates and Attendance** **HPERM Ref: D19/278871**

**Recommendation**

That Council

1. Approve attendance by all interested Councillors at the 2019 LGNSW Annual Conference, and such attendance be deemed as Council Business
2. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy
3. Confirm one of the voting delegates at the LGNSW Conference to be the Mayor
4. Determine the other four (4) Councillors to attend the conference as Council's voting delegates as follows:
  - a.
  - b.
  - c.
  - d.
5. Adopt the proposed motions in the report for submission to the 2019 LG NSW Business Paper
6. Determine any additional motions for submission at this meeting
7. That the Mayor be given delegated authority to submit any further proposed motions after consulting with Councillors prior to the deadline for submitting motions.

MOTION 1 (Clr Alldrick / Clr Gartner)

That Council:

1. Approve attendance by all interested Councillors at the 2019 LGNSW Annual Conference, and such attendance be deemed as Council Business
2. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy
3. Confirm one of the voting delegates at the LGNSW Conference to be the Mayor
4. Determine the other four (4) Councillors to attend the conference as Council's voting delegates as follows:
  - a. Clr Alldrick
  - b. Clr Wells
  - c. Clr Pakes
  - d. Clr White
5. Adopt the proposed motions in the report for submission to the 2019 LG NSW Business Paper
6. Include the following additional motions for submission to the 2019 LG NSW Business Paper:
  - a. Motion 9:

That the NSW Government revise the Code of Meeting Practice to accommodate the option for Councillors to access, speak and vote at Meetings remotely via Skype or some such suitable electronic method.

Background:

As it is now, if Councillors are on holiday or sick leave, away on Council business or unable to attend because of childcare or other family commitments the opportunity to have input into a debate that may be of vital importance to them is lost. Such a change could encourage a wider demographic of people to consider taking on the role of a Councillor. At the same time we could reduce our carbon footprint, and avoid disruption to the flow of Council business resulting from inability to attend because of other extraneous variables such as bad weather, floods or bushfires.

- b. Motion 10:

That the NSW Government revise the Code of Conduct Procedures so that all complaints are heard externally by an Independent Tribunal set up for the purpose under the auspices of the Office of Local Government and penalties for proven breaches of the Code be mandated in the Local Government Act.

Background:

As the situation now stands, when Councillors have the power of veto over a report into a Code of Conduct allegation handled by the CEO or an external investigator it's possible that achieving a reasonable, fair and just outcome may be hindered by political expediency. The principles of natural justice are not well served when the power to decide a matter that may have great consequences is in the hands of those who may have a vested interest in the outcome.

7. That the Mayor be given delegated authority to submit any further proposed motions after consulting with Councillors prior to the deadline for submitting motions.

PROCEDURAL MOTION – PART 6 BE DEALT WITH SEPARATELY (Clr Proudfoot / Clr Wells)

That additional motions proposed by Clr Levett in accordance with part 6 of the recommendation be dealt with separately.

PROCEDURAL MOTION CARRIED

AMENDMENT(**RESOLVED**) (Clr Pakes / Clr Watson)

That Council:

1. Approve attendance by all interested Councillors at the 2019 LGNSW Annual Conference, and such attendance be deemed as Council Business
2. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy
3. Determine the five (5) Councillors to attend the conference as Council's voting delegates as follows:
  - a. Clr Gash
  - b. Clr White
  - c. Clr Wells
  - d. Clr Pakes
  - e. Clr Alldrick
4. Adopt the proposed motions in the report for submission to the 2019 LG NSW Business Paper

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

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

AMENDMENT CARRIED

The AMENDMENT became MOTION 1.

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

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

CARRIED

MOTION 2 (Clr Levett / Clr Pakes)

6. That the following additional Motion be submitted to the 2019 LG NSW Business Paper:

Motion 9:

That the NSW Government revise the Code of Meeting Practice to accommodate the option for Councillors to access, speak and vote at Meetings remotely via Skype or some such suitable electronic method.

Background:

As it is now, if Councillors are on holiday or sick leave, away on Council business or unable to attend because of childcare or other family commitments the opportunity to have input into a debate that may be of vital importance to them is lost. Such a change could encourage a wider demographic of people to consider taking on the role of a Councillor. At the same time we could reduce our carbon footprint, and avoid disruption to the flow of Council business resulting from inability to attend because of other extraneous variables such as bad weather, floods or bushfires.

Point of Order – Clr Digiglio raised a Point of Order against Clr Pakes regarding his comments about supporting the Mayor which are contrary to his actions. The Mayor ruled in against the Point of Order.

AMENDMENT TO MOTION 2 (Clr Watson / Clr Pakes)

6. That the following additional Motion be submitted to the 2019 LG NSW Business Paper:

That Motion 9 be amended to:

That the NSW Government revise the Code of Meeting Practice to accommodate the option for Councillors to access, speak and vote at Meetings remotely via Skype or some such suitable electronic method and this be restricted to the following:

1. The Councillor is out of the area and it is not practical to attend the meeting;
2. The Councillor is suffering from an illness or injury which prevents the attendance; and
3. In each case Council shall be required to resolve to allow the remote voting and debating of items.

FOR: Clr Pakes and Clr Watson

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

AMENDMENT LOST

MOTION 2 PUT

FOR: Clr Digiglio and Clr Levett

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

MOTION 2 LOST

MOTION 3 (Clr Levett / Clr Digiglio)

6. That the following additional Motion be submitted to the 2019 LG NSW Business Paper:

Motion 10:

That the NSW Government revise the Code of Conduct Procedures so that all complaints are heard externally by an Independent Tribunal set up for the purpose under the auspices of the Office of Local Government and penalties for proven breaches of the Code be mandated in the Local Government Act.

Background:

As the situation now stands, when Councillors have the power of veto over a report into a Code of Conduct allegation handled by the CEO or an external investigator it's possible that achieving a reasonable, fair and just outcome may be hindered by political expediency. The principles of natural justice are not well served when the power to decide a matter that may have great consequences is in the hands of those who may have a vested interest in the outcome.

FOR: Clr Digiglio and Clr Levett

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

MOTION 3 LOST

**RESOLVED** (Clr Pakes / Clr Watson)

MIN19.602

That Council:

1. Approve attendance by all interested Councillors at the 2019 LGNSW Annual Conference, and such attendance be deemed as Council Business
2. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy
3. Determine the five (5) Councillors to attend the conference as Council's voting delegates as follows:
  - a. Clr Gash
  - b. Clr White
  - c. Clr Wells
  - d. Clr Pakes
  - e. Clr Alldrick
4. Adopt the proposed motions in the report for submission to the 2019 LG NSW Business Paper  
CARRIED

**CL19.212 Investment Report - July 2019**

**HPERM Ref:  
D19/278970**

**Recommendation**

That the report of the Chief Executive Officer (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 31 July 2019 be received for information.

**RESOLVED** (Clr Proudfoot / Clr White)

MIN19.603

That the report of the Chief Executive Officer (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 31 July 2019 be received for information.

CARRIED

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

**SA19.101 Sale of Council Land to RMS - New Shoalhaven River  
Bridge - Nowra**

**HPERM Ref:  
D19/212516**

**RESOLVED\*** (Clr Wells / Clr Proudfoot)

MIN19.604

That Council:

1. Approve the sale of the following land parcels to the NSW Roads & Maritime Services. The land parcels to be compulsorily acquired at the agreed compensation of \$2,618,500 (excl GST):
  - a. Lot 1 DP1127316,
  - b. Lot 6 DP813461,
  - c. Lot 5 DP813461,
  - d. Lot 5 DP262460,
  - e. Lot 3 DP625514,
  - f. Lots 25, 29 and 35 DP1245213,
  - g. Lots 18, 19, 20, 21, 22, 23, 26 and 31 DP1254210.

2. Accept, in addition to 1 above, compensation for disturbance (Sec 55(d)) under the Land Acquisition (Just Terms) Compensation Act covering:
  - a. Council's legal and valuation fees at cost
  - b. Playground equipment: \$48,000 (Located on Lot 1 DP 1127316)
  - c. Toilet block: \$120,000 (Located on Lot 7302 DP 1164490 being Crown Land)
3. Approve the granting of a temporary construction lease of the following land parcels to the NSW Roads and Maritime Services from 1 July 2019 to 30 June 2022 at a rental of \$52,200 plus GST per annum:
  - a. Lots A & B DP158942,
  - b. Lot 11 DP1254213,
  - c. Lot 4 DP1254210,
  - d. Lot 5 DP1254210.
4. Require all costs associated with the sale of Council land parcels to be paid by Roads and Maritime Services;
5. Authorise the allocation of proceeds from part 1 above as follows:
  - a. \$425,000 towards a new structure to house the "Shoalhaven flood boat";
  - b. \$930,000 (excl GST) repaid to the Industrial Land Development Reserve; and
  - c. The residual placed in the Property Reserve for future property acquisitions.
6. Approve the affixing of the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed, otherwise the Chief Executive Officer is authorised to sign any documentation necessary to give effect to the resolution.

CARRIED

**CL19.213 Tenders - Management and Operation - Holiday Haven  
Culburra Beach**

**HPERM Ref:  
D19/259695**

**RESOLVED\*** (Clr Wells / Clr Proudfoot)

MIN19.605

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

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 White)

MIN19.606

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.

CSA19.8 Proposed Acquisition of Land - 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.*

CCL19.17 Tenders – Management and Operation - Holiday Haven Culburra Beach

*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 8.52pm.

The meeting moved into open session, the time being 8.54pm.

## REPORT FROM CONFIDENTIAL SESSION

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

**CSA19.8 Proposed Acquisition of Land - Moss Vale Road South  
Urban Release Area**

**HPERM Ref:  
D19/251337**

**RESOLVED**

MIN19.607C

That 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



**CCL19.17 Tenders – Management and Operation - Holiday Haven  
Culburra Beach**

**HPERM Ref:  
D19/259913**

**RESOLVED**

MIN19.608C

That:

1. Council endorse the recommendation of the Tender Assessment Team to accept the Tender from SKB Park Life Pty Ltd for Management and Operation of Holiday Haven Culburra Beach;
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 by the Director of Assets and Works, as the Principal's Representative.

CARRIED

There being no further business, the meeting concluded, the time being 8.56pm.

Clr Findley  
CHAIRPERSON