

MINUTES OF THE ORDINARY MEETING

Meeting Date: Tuesday, 29 October 2019
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

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

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

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

Apologies / Leave of Absence

Nil

Confirmation of the Minutes

Recommendation

That the Minutes of the Ordinary Meeting of Ordinary Meeting held on Tuesday 27 August 2019, the Extra Ordinary Meeting of Ordinary Meeting held on Tuesday 10 September 2019 and the Extra Ordinary Meeting of Ordinary Meeting held on Friday 20 September 2019 be confirmed.

RESOLVED (Clr Guile / Clr Proudfoot)

MIN19.750

That the Minutes of the Ordinary Meeting of Ordinary Meeting held on Tuesday 27 August 2019, the Extra Ordinary Meeting of Ordinary Meeting held on Tuesday 10 September 2019 and the Extra Ordinary Meeting of Ordinary Meeting held on Friday 20 September 2019 be confirmed,

subject to the following amendments being made to the Minutes of the Extraordinary meeting of 20 September 2019:

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 with an Acknowledgement of Traditional Custodians by the Chairperson.

Clr Guile raised a Point of Order that the Agenda was not being followed as the Mayor addressed the meeting on matters relating to a climate change protest. The Mayor ruled against the Point of Order as the Section of the Code of Meeting Practice relating to the Point of Order had not been identified.

The Mayor continued to address the meeting.

Procedural Motion – Motion of Dissent

PROCEDURAL MOTION (Clr Guile / Clr Pakes)

That the Mayor should no longer be heard as this topic is not on the Agenda and moved dissent against the ruling of the Chair.

The Procedural Motion – Motion of Dissent was not put to the meeting.

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

AGAINST: Clr Levett

CARRIED

NOTE: This item was reintroduced later in the meeting. See MIN19.752

Procedural Motion - Reintroduction of Item

RESOLVED (Clr Proudfoot / Clr Gash)

MIN19.751

That the Confirmation of the Minutes be reintroduced for discussion to allow for further discussion relating to the voting on the election of the Deputy Mayor.

CARRIED

Confirmation of the Minutes

RESOLVED (Clr Guile / Clr Proudfoot)

MIN19.752

That the Minutes of the Ordinary Meeting of Ordinary Meeting held on Tuesday 27 August 2019, the Extra Ordinary Meeting of Ordinary Meeting held on Tuesday 10 September 2019 and the Extra Ordinary Meeting of Ordinary Meeting held on Friday 20 September 2019 be confirmed, subject to the following amendments being made to the Minutes of the Extraordinary meeting of 20 September 2019:

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 with an Acknowledgement of Traditional Custodians by the Chairperson.

Clr Guile raised a Point of Order that the Agenda was not being followed as the Mayor addressed the meeting on matters relating to a climate change protest. The Mayor ruled against the Point of Order as the Section of the Code of Meeting Practice relating to the Point of Order had not been identified.

The Mayor continued to address the meeting.

Procedural Motion – Motion of Dissent

PROCEDURAL MOTION (Clr Guile / Clr Pakes)

That the Mayor should no longer be heard as this topic is not on the Agenda and moved dissent against the ruling of the Chair.

The Procedural Motion – Motion of Dissent was not put to the meeting.

CARRIED

Declarations of Interest

Clr Alldrick – CL19.313 – Notice of Motion - Electrification of Bomaderry to Kiama Rail Line – less than significant non pecuniary interest declaration – she is a member of Unions Shoalhaven – will not leave the room and will take part in discussion and vote.

Clr Proudfoot – CL19.323 – Notice of Motion – Tomerong Quarry - Submission of Landscaping and Rehabilitation Plan - Lot 4, DP775296, No. 146 Parnell Road, Tomerong – less than significant non pecuniary interest declaration – the Deputee representing the landowners of Tomerong Quarry Phil Balding does the accounts for Shoalhaven Independents – will not leave the room and will take part in discussion and vote.

Clr Kitchener – CL19.323 – Notice of Motion – Tomerong Quarry - Submission of Landscaping and Rehabilitation Plan - Lot 4, DP775296, No. 146 Parnell Road, Tomerong – less than significant non pecuniary interest declaration – the Deputee representing the landowners of Tomerong Quarry Phil Balding does the accounts for a group that he is involved in – will not leave the room and will take part in discussion and vote.

Clr Watson – CL19.323 – Notice of Motion – Tomerong Quarry - Submission of Landscaping and Rehabilitation Plan - Lot 4, DP775296, No. 146 Parnell Road, Tomerong – less than significant non pecuniary interest declaration – the Deputee representing the landowners of Tomerong Quarry Phil Balding does the accounts for a group that he is involved in – will not leave the room and will take part in discussion and vote.

Clr Pakes – CL19.323 – Notice of Motion – Tomerong Quarry - Submission of Landscaping and Rehabilitation Plan - Lot 4, DP775296, No. 146 Parnell Road, Tomerong – less than significant non pecuniary interest declaration – the Deputee representing the landowners of Tomerong Quarry Phil Balding does the accounts for Shoalhaven Independents – will not leave the room and will take part in discussion and vote.

Clr Pakes – CL19.307 – Notice of Motion - Donation Request - Mollymook SLSC - National ASRL Surfboat Championships – less than significant non pecuniary interest declaration – he is a member of the Nowra-Culburra Surf Life Saving Club – will not leave the room and will take part in discussion and vote.

Clr Guile – CL19.323 – Notice of Motion – Tomerong Quarry - Submission of Landscaping and Rehabilitation Plan - Lot 4, DP775296, No. 146 Parnell Road, Tomerong – less than significant non pecuniary interest declaration – the deputee representing the landowners of Tomerong Quarry Phil Balding is known to him and may have given assistance to the Shoalhaven Independents, although Clr Guile is not now a member – will not leave the room and will take part in discussion and vote.

Clr Wells – CL19.323 – Notice of Motion – Tomerong Quarry - Submission of Landscaping and Rehabilitation Plan - Lot 4, DP775296, No. 146 Parnell Road, Tomerong – less than significant non pecuniary interest declaration – the Deputee representing the landowners of Tomerong Quarry Phil Balding is known to him from dealing with the Shaolin proposal, and does the accounts for Shoalhaven Independents – will not leave the room and will take part in discussion and vote.

Clr White – CL19.323 – Notice of Motion – Tomerong Quarry - Submission of Landscaping and Rehabilitation Plan - Lot 4, DP775296, No. 146 Parnell Road, Tomerong – less than significant non pecuniary interest declaration – the Deputee representing the landowners of Tomerong Quarry Phil Balding does the accounts for Shoalhaven Independents – will not leave the room and will take part in discussion and vote.

Call Over of the Business Paper

The following items were called up for debate:

MM19.18, CL19.303, CL19.304, CL19.305, CL19.310, CL19.311, CL19.313, TC19.51, CL19.321, CL19.323, SB19.26, SB19.24, TC19.49, TC19.50, CL19.322, CL19.324, CL19.325

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

Procedural Motion - Bring Item Forward

RESOLVED (Clr Proudfoot / Clr Guile)

MIN19.753

That the matter of the following items be brought forward for consideration:

- CL19.303 Rescission Motion - DE19.106 Ministerial Representations - Chapter G4 Tree & Vegetation Management - Shoalhaven DCP2014
- CL19.304 Notice of Motion - DE19.106 Ministerial Representations - Chapter G4 Tree & Vegetation Management - Shoalhaven DCP2014
- CL19.305 Notice of Motion – Smoke Free Nowra CBD
- CL19.310 Notice of Motion - Funding and Advertising in The Bush Telegraph
- CL19.311 Notice of Motion - Rates Subsidy for Newstart Recipients
- CL19.313 Notice of Motion - Electrification of Bomaderry to Kiama Rail Line
- CL19.318 Report of the Shoalhaven Traffic Committee - 8 October 2019 - TC19.51 One Way Controls - Gumley Lane Milton (PN 3559)
- CL19.323 Tomerong Quarry - Submission of Landscaping and Rehabilitation Plan

CARRIED

MAYORAL MINUTE

**MM19.18 Mayoral Minute - Congratulations Owen Wright - 2019
Tahiti Pro Teahupo'o**

**HPERM Ref:
D19/304623**

Recommendation

That Council receive the report for information and congratulate local Culburra man, Owen Wright, on his success at the recent Tahiti Pro Teahupo'o.

RESOLVED (Clr Findley / Clr Pakes)

MIN19.754

That Council receive the report for information and congratulate local Culburra Beach man, Owen Wright, on his success at the recent Tahiti Pro Teahupo'o.

CARRIED

DEPUTATIONS AND PRESENTATIONS

CL19.303 Rescission Motion - DE19.106 Ministerial Representations - Chapter G4 Tree & Vegetation Management - Shoalhaven DCP2014

CL19.304 Notice of Motion - DE19.106 Ministerial Representations - Chapter G4 Tree & Vegetation Management - Shoalhaven DCP2014

Ms Judy Hamilton addressed the meeting and spoke in favour of the recommendations.

CL19.305 Notice of Motion – Smoke Free Nowra CBD

Mr Andy Mark, of the Heart Foundation, addressed the meeting and spoke in favour of the recommendation.

CL19.310 Notice of Motion - Funding and Advertising in The Bush Telegraph

Dr Stuart Rees addressed the meeting and spoke against the recommendation.

CL19.311 Notice of Motion - Rates Subsidy for Newstart Recipients

Ms Julie Danser addressed the meeting and spoke in favour of the recommendation.

CL19.313 Notice of Motion - Electrification of Bomaderry to Kiama Rail Line

Ms Pat David, representing Unions Shoalhaven, addressed the meeting and spoke in favour of the recommendation.

CL19.318 Report of the Shoalhaven Traffic Committee - 8 October 2019 - TC19.51 One Way Controls - Gumley Lane Milton (PN 3559)

Mr Michael van Ewijk addressed the meeting and spoke in favour of the recommendation.

CL19.323 Tomerong Quarry - Submission of Landscaping and Rehabilitation Plan

Mr Peter Allison, representing the Tomerong Community Forum, addressed the meeting and spoke in favour of the recommendation.

Mr Phil Balding, representing the landowners Injaghoondji Lands Incorporated, addressed the meeting and spoke against the recommendation.

Note: During the deputation relating to CL19.310 Notice of Motion - Funding and Advertising in The Bush Telegraph the following points of order were raised:

Point of Order– Clr Levett raised a Point of Order against unspecified Councillors for making comments while Deputies are speaking, which is disrespectful. Clr Levett apologised to all Councillors with the exception of Clrs Pakes and Guile. The Chairperson advised that a verbal request had been made to Councillors to be respectful, and would not rule on the point as she had not heard any commentary.

Point of Order – The Chairperson called on Clr Guile to apologise to Clr Levett for calling him a disgrace which is against clause 9.7.1 of the Code of Meeting Practice as it is insulting and impugned the reputation of the Councillor. Clr Guile apologised and asked that the Chairperson withdraw her allegations against him.

Clr Pakes apologised to the Deputies if offence had been taken to the comments and asked that the gallery could also be respectful.

NOTICES OF MOTION / QUESTIONS ON NOTICE

CL19.303 Rescission Motion - DE19.106 Ministerial Representations - Chapter G4 Tree & Vegetation Management - Shoalhaven DCP2014

**HPERM Ref:
D19/345377**

Recommendation

That Council rescind the Motion relating to Item DE19.106 of the Development & Environment Committee meeting held on Tuesday 1 October 2019.

MOTION (Clr Gartner / Clr Digiglio)

MIN19.755

That Council rescind the Motion relating to Item DE19.106 of the Development & Environment Committee meeting held on Tuesday 1 October 2019.

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

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

LOST

CL19.304 Notice of Motion - DE19.106 Ministerial Representations - Chapter G4 Tree & Vegetation Management - Shoalhaven DCP2014

**HPERM Ref:
D19/345451**

Recommendation

That Council

1. Commence a review of the DCP Chapter 4.
2. Investigate the outcomes associated with the 45 degree rule with particular emphasis on any perverse outcomes.
3. Undertake any amendment of the DCP Chapter 4 that may be required to ensure perverse outcomes of the 45 degree rule are avoided as requested.
4. Report on the review and any consequent amendments of the DCP Chapter 4 to the NSW Minister for Planning & Public Spaces, the Hon. Rob Stokes MP.

Note: This item was not dealt with as the preceding rescission motion was LOST see MIN19.755

Procedural Motion - Adjournment of Meeting

MOTION (Clr Pakes)

MIN19.756

That the meeting be adjourned.

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

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

LOST

CL19.305 Notice of Motion - Smoke-Free Nowra CBD

**HPERM Ref:
D19/310837**

Recommendation

That Council

1. Undertake public consultation determine the level of community support for making the Nowra CBD smoke-free.
2. Receive a report following the consultation detailing the level of community support for making Nowra CBD smoke-free and outlining the process and costs involved in establishing this smoke free area.

RESOLVED (Clr Digiglio / Clr Proudfoot)

MIN19.757

That Council

1. Undertake public consultation determine the level of community support for making the Nowra CBD smoke-free.
2. Receive a report following the consultation detailing the level of community support for making Nowra CBD smoke-free and outlining the process and costs involved in establishing this smoke free area.

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

AGAINST: Clr Guile

CARRIED

CL19.310 Notice of Motion - Funding and Advertising in The Bush Telegraph

**HPERM Ref:
D19/367329**

Recommendation

That Council immediately stop any funding or advertising in the Bush Telegraph newspaper. (This includes all Departments of Council.)

Point of Order – Clr Alldrick raised a Point of Order against Clr Guile under clause 3.1 of the Code of Conduct for misrepresenting her comments about the ABC. The Chairperson did not rule on the Point of Order.

PROCEDURAL MOTION (Clr Guile / Clr Pakes)

That the recommendation be put.

The Mayor ruled that the proceedings had not yet reached 2 speakers for and 2 against on the item and therefore did not put the Procedural Motion to the meeting.

MOTION OF DISSENT (Clr Guile / Clr Watson)

MIN19.758

Clr Guile moved a motion of Dissent against the ruling of the Chairperson to not accept the Procedural Motion for the Procedural Motion to be put.

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, Clr Alldrick and Clr Levett

MOTION OF DISSENT CARRIED

Note: As the motion of Dissent against the Chairperson was carried, the ruling of the Chairperson with respect to the Procedural Motion no longer stands and the Procedural Motion was put to the meeting.

CARRIED

PROCEDURAL MOTION (Clr Guile / Clr Pakes)

That the debate be ended.

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

AGAINST: Clr Pakes and Clr Proudfoot

CARRIED

RESOLVED (Clr Pakes / Clr Wells)

MIN19.759

That Council immediately stop any funding or advertising in the New Bush Telegraph newspaper. (This includes all Departments of Council.)

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

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

CARRIED

Procedural Motion - Adjournment of Meeting

RESOLVED (Clr Gash / Clr Pakes)

MIN19.760

That the meeting be adjourned for 10 minutes.

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

AGAINST: Clr Digiglio

CARRIED

Note: The meeting adjourned, the time being 8.08pm
Note: The meeting reconvened, the time being 8.15pm

When the following members were present:

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

CL19.311 Notice of Motion - Newstart Recipient Review

**HPERM Ref:
D19/367339**

Recommendation

That SCC write to the Hon Anne Ruston, Federal Minister for Social Security and Fiona Phillips, Member for Gilmore, on behalf of our unemployed residents and ratepayers urging an increase in Newstart to support senior unemployed residents to stay in their own homes.

MOTION (Clr Levett / Clr Gartner)

That SCC write to the Hon Anne Ruston, Federal Minister for Social Security and Fiona Phillips, Member for Gilmore, on behalf of our unemployed residents and ratepayers urging an increase in Newstart to support senior unemployed residents to stay in their own homes.

AMENDMENT (Clr Guile / Clr Watson)

That Council:

1. Write to the Hon Anne Ruston, Federal Minister for Social Security and Fiona Phillips, Member for Gilmore, on behalf of our unemployed residents and ratepayers urging an increase in Newstart to support senior unemployed residents to stay in their own homes.
2. Acknowledge that the Special Rate Variation of 31% is likely to have created hardship for recipients of welfare in our area, and apologise for this.

FOR: Clr Guile, Clr Pakes and Clr Watson

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

LOST

Point of Order – Clr Guile raised a Point of Order against Clr Levett for using the term “disingenuous”. The Chairperson ruled this as a Point of Order and asked Clr Levett to withdraw the comment and apologise. Clr Levett withdrew the comment and apologised.

MOTION (RESOLVED) (Clr Alldrick / Clr Proudfoot)

MIN19.761

That Council

1. Write to the Hon Anne Ruston, Federal Minister for Social Security and Fiona Phillips, member for Gilmore, on behalf of our unemployed residents and ratepayers urging an increase in Newstart to support senior unemployed residents to stay in their own homes.
2. Receive a report on the cost implications of extending the rates subsidy currently given to pensioners to Newstart recipients, and the number of people affected.

CARRIED

Procedural Motion - Bring Item Forward

MOTION (Clr Wells / Clr Guile)

MIN19.762

That the matter of item CL19.323 Tomerong Quarry - Submission of Landscaping and Rehabilitation Plan - Lot 4, DP775296, No.146 Parnell Road, Tomerong be brought forward for consideration.

FOR: Clr Wells, Clr Levett, Clr Guile, Clr Pakes and Clr Watson

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

LOST

CL19.313 Notice of Motion - Electrification of Bomaderry to Kiama Rail Line

HPERM Ref: D19/308699

Recommendation

That Shoalhaven City Council express its public support for Unions Shoalhaven and the Shoalhaven community in general, in their firm desire to have the rail line from Bomaderry to Kiama upgraded to a full electrification standard. Ideally, the public support would occur through media releases and lobbying of our local state members, the Minister for Transport and the Premier herself. In highlighting the great benefits of the electrification, the following salient points would be emphasised but not restricted to the list provided below:

1. New modern carriages
2. Extra carriages per service
3. Greater comfort for the disabled, especially those carrying large bags
4. Increase in passenger numbers leading to an increase in service
5. Realistic likelihood of faster trains and a resultant decrease in travel time
6. Boost for employment opportunities outside of the Shoalhaven
7. More opportunities for our community members to take up TAFE and university education
8. Medical appointments would be organised more effectively
9. Another benefit for tourism

RESOLVED (Clr Proudfoot / Clr Alldrick)

MIN19.763

That Shoalhaven City Council express its public support for Unions Shoalhaven and the Shoalhaven community in general, in their firm desire to have the rail line from Bomaderry to Kiama upgraded to a full electrification standard. Ideally, the public support would occur through

media releases and lobbying of our local state members, the Minister for Transport, the Premier herself, and our Federal member. In highlighting the great benefits of the electrification, the following salient points would be emphasised but not restricted to the list provided below:

1. New modern carriages
2. Extra carriages per service
3. Greater comfort for the disabled, especially those carrying large bags
4. Increase in passenger numbers leading to an increase in service
5. Realistic likelihood of faster trains and a resultant decrease in travel time
6. Boost for employment opportunities outside of the Shoalhaven
7. More opportunities for our community members to take up TAFE and university education
8. Medical appointments would be organised more effectively
9. Another benefit for tourism

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

AGAINST: Clr Guile

CARRIED

TC19.51 One Way Controls - Gumley Lane Milton (PN 3559)

**HPERM Ref:
D19/341800**

Recommendation

That the Chief Executive Officer (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed installation of one-way controls along Gumley Lane, Milton from a western to eastern direction, accompanied by relevant signage (NSW No Right Turn signs) and line-marking, as detailed in the attached plan.

RESOLVED (Clr Wells / Clr Digiglio)

MIN19.764

That the Chief Executive Officer (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed installation of one-way controls along Gumley Lane, Milton from a western to eastern direction, accompanied by relevant signage (NSW No Right Turn signs) and line-marking, as detailed in the attached plan.

CARRIED

CL19.323 Tomerong Quarry - Submission of Landscaping and Rehabilitation Plan - Lot 4, DP775296, No. 146 Parnell Road, Tomerong

**HPERM Ref:
D19/368060**

Clr Proudfoot – less than significant non pecuniary interest declaration – the Deputee representing the landowners of Tomerong Quarry is the accountant for the Shoalhaven Independents – remained in the room and took part in discussion and voted.

Clr Kitchener – less than significant non pecuniary interest declaration – the Deputee representing the landowners of Tomerong Quarry is the accountant for a group that he is involved in – remained in the room and took part in discussion and voted.

Clr Watson – less than significant non pecuniary interest declaration – the Deputee representing the landowners of Tomerong Quarry is the accountant for a group that he is involved in – remained in the room and took part in discussion and voted.

Clr Pakes – less than significant non pecuniary interest declaration – the Deputee representing the landowners of Tomerong Quarry is the accountant for the Shoalhaven Independents – remained in the room and took part in discussion and voted.

Clr Guile – less than significant non pecuniary interest declaration – the Deputee representing the landowners of Tomerong Quarry is the accountant for the Shoalhaven Independents, although Clr Guile is not now a member – remained in the room and took part in discussion and voted.

Clr Wells – less than significant non pecuniary interest declaration – the Deputee representing the landowners of Tomerong Quarry is known to him from dealing with the Shaolin proposal, and is the accountant for the Shoalhaven Independents – remained in the room and took part in discussion and voted.

Clr White – less than significant non pecuniary interest declaration – the Deputee representing the landowners of Tomerong Quarry is the accountant for the Shoalhaven Independents – will not leave the room and will take part in discussion and vote.

Recommendation

That Council note:

1. Receipt of the Landscape and Rehabilitation plan on behalf of the owners of Tomerong Quarry,
2. Council staff advice to owners of Tomerong Quarry in regard to the expectation that they, the owners, will liaise with the Tomerong community in regard to any rehabilitation plan,
3. Council staff advice to the owners of Tomerong Quarry that works at the quarry are not to recommence until such time as Council has approved a rehabilitation plan
4. Council staff will report back to Council following a detailed review of the submitted Landscape and Rehabilitation plan and comments from NSW Soil Conservation Service.

MOTION (Clr Wells / Clr Guile)

That:

1. Council note receipt of the Landscape and Rehabilitation plan on behalf of the owners of Tomerong Quarry,
2. Council note Council staff advice to owners of Tomerong Quarry in regard to the expectation that they, the owners, will liaise with the Tomerong community in regard to any rehabilitation plan,
3. Acknowledging the receipt of the landscape and rehabilitation plan as outlined above, Council allow the removal of stockpiled quarried material from the quarry subject to the provision of a written undertaking from the quarry owners that they will develop a rehabilitation plan in consultation with the Tomerong community and Council.
4. Council staff will report back to Council following a detailed review of the submitted Landscape and Rehabilitation plan and comments from NSW Soil Conservation Service.

AMENDMENT (Clr Proudfoot)

1. Council note receipt of the Landscape and Rehabilitation plan on behalf of the owners of Tomerong Quarry,
2. Council note Council staff advice to owners of Tomerong Quarry in regard to the expectation that they, the owners, will liaise with the Tomerong community in regard to any rehabilitation plan,
3. Acknowledging the receipt of the landscape and rehabilitation plan as outlined above, Council allow the removal of stockpiled quarried material from the quarry subject to the provision of a

written undertaking from the quarry owners to continue the development of the rehabilitation plan in consultation with the Tomerong community and Council.

4. Enter into a legally binding agreement whereby an account is set up, by Injaghondji Lands Incorporated, for the expenditure on the full rehabilitation of the site.

The AMENDMENT LAPSED due to lack of a seconder.

PROCEDURAL MOTION (Clr Guile)

That the motion be put.

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

AGAINST: Clr Levett

CARRIED

MOTION (RESOLVED) (Clr Wells / Clr Guile)

MIN19.765

That:

1. Council note receipt of the Landscape and Rehabilitation plan on behalf of the owners of Tomerong Quarry,
2. Council note Council staff advice to owners of Tomerong Quarry in regard to the expectation that they, the owners, will liaise with the Tomerong community in regard to any rehabilitation plan,
3. Acknowledging the receipt of the landscape and rehabilitation plan as outlined above, Council allow the removal of stockpiled quarried material from the quarry subject to the provision of a written undertaking from the quarry owners that they will develop a rehabilitation plan in consultation with the Tomerong community and Council.
4. Council staff will report back to Council following a detailed review of the submitted Landscape and Rehabilitation plan and comments from NSW Soil Conservation Service.

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, Clr Alldrick and Clr Levett

CARRIED

Procedural Motion

RESOLVED (Clr Alldrick / Clr Gartner)

MIN19.766

That the meeting be continued to 10.00pm.

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr Guile / Clr Alldrick)

MIN19.767

That the matter of the following items be brought forward for consideration:

- CL19.321 Draft End of Year Financial Statements
- CL19.322 Investment Report - September 2019

CARRIED

CL19.321 Draft End of Year Financial Statements

**HPERM Ref:
D19/360395**

Recommendation

That:

1. The Mayor, Deputy Mayor, the Chief Executive Officer and the Responsible Accounting Officer sign statements on the preparation of the Financial Statements for the year ended 30 June 2019 in accordance with Section 413(2)(c) of the Local Government Act 1993 and requirements under the Local Government Code of Accounting Practice and Financial Reporting Update No. 27
2. The draft Financial Statements for the year ended 30 June 2019 be formally referred to Council's external auditor, Audit Office of New South Wales, in accordance with Section 413 of the Local Government Act 1993
3. Council present its audited Financial Statements and Audit Report to the public at the Ordinary Meeting of Council to be held on Tuesday 26 November 2019 and, in accordance with section 418 of the Local Government Act 1993, public notice of this date be placed in local newspapers on Wednesday 13 November 2019.

RESOLVED (Clr Guile / Clr Gartner)

MIN19.768

That:

1. The Mayor, Deputy Mayor, the Chief Executive Officer and the Responsible Accounting Officer sign statements on the preparation of the Financial Statements for the year ended 30 June 2019 in accordance with Section 413(2)(c) of the Local Government Act 1993 and requirements under the Local Government Code of Accounting Practice and Financial Reporting Update No. 27
2. The draft Financial Statements for the year ended 30 June 2019 be formally referred to Council's external auditor, Audit Office of New South Wales, in accordance with Section 413 of the Local Government Act 1993
3. Council present its audited Financial Statements and Audit Report to the public at the Ordinary Meeting of Council to be held on Tuesday 26 November 2019 and, in accordance with section 418 of the Local Government Act 1993, public notice of this date be placed in local newspapers on Wednesday 13 November 2019.

CARRIED

CL19.322 Investment Report - September 2019

**HPERM Ref:
D19/363320**

Recommendation

That

1. The report of the Chief Executive Officer (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 30 September 2019 be received for information.
2. Council note Council's investment portfolio returned a solid 2.27% for the month of September 2019, exceeding the benchmark AusBond Bank Bill Index (1.03% pa) by 124 basis points (1.24%)

RESOLVED (Clr Proudfoot / Clr Gartner)

MIN19.769

That

1. The report of the Chief Executive Officer (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 30 September 2019 be received for information.
2. Council note Council's investment portfolio returned a solid 2.27% for the month of September 2019, exceeding the benchmark AusBond Bank Bill Index (1.03% pa) by 124 basis points (1.24%)

CARRIED

CL19.306 Notice of Motion - Mollymook Showers

**HPERM Ref:
D19/272257**

Recommendation

That Council install a cold water self-regulated shower cluster with four shower roses and a tap on the grassed area in front of Mollymook SLSA in a visually prominent location away from the building, paths and driveways.

RESOLVED (Clr Kitchener / Clr Wells)

MIN19.770

That Council install a cold water self-regulated shower cluster with four shower roses and a tap on the grassed area in front of Mollymook SLSA in a visually prominent location away from the building, paths and driveways.

CARRIED

**CL19.307 Notice of Motion - Donation Request - Mollymook SLSC -
National ASRL Surfboat Championships**

**HPERM Ref:
D19/367279**

Recommendation

That Council donate \$3,000 from the unallocated donations vote to assist Mollymook Surf Lifesaving Club run the prestigious National ASRL Surfboat Championships during February 2020 and 2021.

RESOLVED (Clr Kitchener / Clr Wells)

MIN19.771

That Council donate \$3,000 from the unallocated donations vote to assist Mollymook Surf Lifesaving Club run the prestigious National ASRL Surfboat Championships during February 2020 and 2021.

CARRIED

**CL19.308 Notice of Motion - Call In DA19/1847 - 83 Quay Rd Callala
Beach**

**HPERM Ref:
D19/354094**

Recommendation

That DA19/1847 be called in for determination by Council, because of Public Interest.

RESOLVED (Clr Watson / Clr Pakes)

MIN19.772

That DA19/1847 be called in for determination by Council, because of Public Interest.

CARRIED

Procedural Motion

MOTION (Clr Watson / Clr Pakes)

MIN19.773

That the meeting be extended by 5 minutes.

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

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

LOST

CL19.309 Notice of Motion - Councillor Attendance At Events

**HPERM REF:
D19/367309**

Item dealt with later in the meeting see MIN19.791

CL19.310 Notice of Motion - Funding and Advertising in The Bush Telegraph

**HPERM REF:
D19/367329**

Item dealt with earlier in the meeting see MIN19.758

CL19.311 Notice of Motion - Rates Subsidy for Newstart Recipients

**HPERM REF:
D19/367339**

Item dealt with earlier in the meeting see MIN19.761

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

CL19.312 Question on Notice - Ulladulla Lighthouse project

**HPERM Ref:
D19/367497**

Question

1. What is SCC's current involvement with the Ulladulla Lighthouse Project?
2. Can staff provide a brief update on works completed to date?
3. Is Council actively seeking funds for completion of the project in the near future?

Response

1. Council staff attend their bi-monthly 'The Suicide-Prevention – Lighthouse Meeting' in Ulladulla. We advocate for the group. Staff recently prepared a briefing paper for Mayor Findley to raise these community issues with the State Government and to highlight the work of the group and seek assistance in addressing the need for a masterplan and funding to implement measures to reduce self-harm. The Ulladulla community has raised concerns over public safety at the site for many years, triggered by a string of suicides, and have now long been advocating for improved facilities and safety measures at the Lighthouse precinct.
2. NSW Crown Lands, at their expense, has engaged a contractor to upgrade the existing fence at the Warden Head Lighthouse site to improve safety. Works are expected to be completed in

the 2019/2020 financial year.

Shoalhaven City Council has completed stage one of the Deering Street, Ulladulla shared path; this path stretches from the Lighthouse Oval to “The Bommie” car park. Stage two, the extension of the Deering Street, Ulladulla shared path from “The Bommie” car park to the Lighthouse at Warden Headland, has commenced and is estimated to be completed by December 2019.

Whilst the reserve is owned and managed by the Crown Lands Office, suicide prevention is not the sole responsibility of one service or sector. Effectively addressing suicide in the Shoalhaven requires a collaborative effort from a range of communities, services and sectors. Council staff will continue to advocate for Crown Lands to play a strategic and practical role in relation to this important issue and assist the community in upgrading the area to ensure public safety.

3. Council staff have and will continue to be proactive seeking grant monies for this project. Council see the development of a masterplan as a necessary first step before any additional project management, design and scope of works is considered for the precinct, and delivery of infrastructure. At the present time no further funding has been allocated by Crown Lands to undertake any planning or construction on the site beyond the upgrade to the existing fencing.

An application under the Building Better Regions Fund was unsuccessful and staff are awaiting the announcement of the outcome of a recent grant application for the Crown Reserves Improvement Fund Program. Under this grant scheme. Council have applied for \$94,061 to produce a Masterplan, to be commissioned by Council to guide future development at the Warden Head Lighthouse Precinct in Ulladulla, including but not limited to a maintenance program for existing infrastructure and recommendations for the installation and construction of new infrastructure.

Council has recently received notification of a successful funding application through the Regional Growth and Tourism Fund. This will see upgrades to the Warden Head and North Head Walking Trail and Warden Head Walking Trail to the Lighthouse. These upgrades will improve the amenity of the area and contribute to activating and bringing more visitors to this location. Staff will continue to be proactive in seeking grant funding and submitting applications for this project.

Shoalhaven City Council and the Illawarra Shoalhaven Suicide Prevention Collaborative recently entered a Memorandum of Understanding pertaining to financial contributions towards Stage One of the project, a masterplan for the Warden Head Lighthouse site. The Collaborative have agreed to contribute the sum of \$50,000 towards the cost of a suitably experienced consultant to compile the Masterplan in consultation and collaboration with the Collaborative, the Suicide Prevention – Lighthouse Meeting and the wider community. This leaves an estimated shortfall of \$44,061 to fund the development of a masterplan that will identify the strategic improvements necessary for suicide prevention at the site. The \$94,061 required for Stage One of this project, a masterplan, does not contribute to the cost of implementing the means restriction strategies recommended for the site in a future masterplan.

Any grant funding applications that Council staff prepare require the consent of the landowner – Crown Lands – as this is not Council land or under the care, control and management of Council.

RESOLVED* (Clr Guile / Clr Wells)

MIN19.774

That Council receive the response to the Question on Notice for information.

CARRIED

CL19.313 Notice of Motion - Electrification of Bomaderry to Kiama Rail Line

**HPERM REF:
D19/308699**

Item dealt with earlier in the meeting see MIN19.763

CL19.314 Notice of Motion - Conduct Obligations

**HPERM REF:
D19/367925**

Item dealt with later in the meeting see MIN19.792

REPORT OF THE STRATEGY & ASSETS COMMITTEE - 8 OCTOBER 2019

SA19.156 Investment Report - August 2019

**HPERM Ref:
D19/328130**

RESOLVED* (Clr Guile / Clr Wells)

MIN19.775

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

CARRIED

SA19.157 Proposed Lease - Milton Ulladulla Family History Society - Ulladulla Civic Centre

**HPERM Ref:
D19/167775**

RESOLVED* (Clr Guile / Clr Wells)

MIN19.776

That Council:

1. Enter into a five (5) year lease agreement with Milton Ulladulla Family History Society Incorporated for occupation of a room at the Ulladulla Civic Centre at a commencement rent of \$501.00 per annum plus GST (Statutory Minimum) with annual CPI increases.
2. Authorise the Chief Executive Officer 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 where required to give effect to this resolution.

CARRIED

SA19.159 Proposed Lease - 2 Moss Street Nowra

**HPERM Ref:
D19/293874**

RESOLVED* (Clr Guile / Clr Wells)

MIN19.777

That Council:

1. Accept the surrender of lease agreements dated 1 December 2019 to 30 November 2024 and 1 December 2024 to 30 November 2026 with Philip Pulford for the use and occupation of part Lot 1 DP 334547, Lot B DP 335109 & part Lot A DP 335109 known as 2 Moss Street Nowra;
2. Enter into two consecutive lease agreements with Mr Philip Pulford and Ms Rebecca Jane Low for a five (5) year lease agreement, followed by a two (2) year lease agreement consistent with current lease terms including market rent determined within 3 months from the commencement date of 1 December 2019, plus GST with annual CPI increases, noting that the lease agreement will set out a process for acquisition and demolition at the site in

response to road widening needs in the future;

3. Authorise the Chief Executive Officer 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 where required to give effect to this resolution.

CARRIED

SA19.160 Proposed Lease - 81 Osborne Street, Nowra - Lot 4 Sec 12 DP758794 - Jumbunna Children's Centre Limited	HPERM Ref: D19/302386
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RESOLVED* (Clr Guile / Clr Wells) MIN19.778

That Council resolve to:

1. Enter into a five (5) year lease agreement over Part Lot 4 Sec 12 DP758794, 81 Osborne Street, Nowra with Jumbunna Children's Centre Limited at an incremental commencement rent of:
 - (a) Year 1: \$498.00 (exc GST, payable by the tenant)
 - (b) Year 2: \$2,762.14 (exc GST, payable by the tenant)
 - (c) Year 3: \$5,026.27 (exc GST, payable by the tenant)
 - (d) Year 4: \$7,290.41 (exc GST, payable by the tenant)
 - (e) Year 5: \$9,554.55 (exc GST, payable by the tenant)
2. Approve the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution.

CARRIED

SA19.163 Land Acquisition - Easement for Drainage Lot 103 DP 1161925 Burralee Drive Worrigea	HPERM Ref: D19/325857
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RESOLVED* (Clr Guile / Clr Wells) MIN19.779

That Council

1. Acquire an easement to drain water 5m wide and variable width over part of Lot 103 DP 1161925, 9 Burralee Drive Worrigea, being approximately 92 metres in length parallel to and adjoining the eastern boundary of Lot 103.
2. Agree to pay compensation in the amount of \$12,000 plus reasonable legal costs associated with this acquisition from Job No 75503.
3. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documentation required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

CARRIED

SA19.166 Acquisition of Crown land - Lot 7 DP1242949 - Kings Point Drive Ulladulla

HPERM Ref: D19/316485

RESOLVED* (Clr Guile / Clr Wells)

MIN19.780

That Council:

1. Rescind MIN17.146.
2. Compulsorily acquire Lot 7 DP1242949 at Kings Point Drive Ulladulla from the Crown, as shown on the attached copy of that deposited plan.
3. Pay compensation and costs associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer fund.
4. Make the necessary application to the Minister for Local Government and the Governor. The acquisition is to be carried out under the Local Government Act 1993 and also in accordance with requirements of the Native Title Act 1993.
5. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documentation required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.
6. Classify the land as 'Operational' in accordance with Section 31(2) of the Local Government Act 1993.

CARRIED

SA19.167 Acquisition of easement - Porters Creek Dam infrastructure

HPERM Ref: D19/317459

RESOLVED* (Clr Guile / Clr Wells)

MIN19.781

That:

1. Council acquire an Easement for Porters Creek Dam Infrastructure over Morton National Park from National Parks and Wildlife Service, Office of the Environment and Heritage. The easement is marked (E) and highlighted on the attached copy of Sheets 1 & 2 of DP1250724,
2. Council pay compensation of \$9,000 plus GST and reasonable costs associated with the acquisition in accordance with the provision of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Water Fund.
3. The acquisition is to be carried out under the Local Government Act 1993, and also in accordance with requirements of the Native Title Act 1993.
4. Council authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documentation required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

CARRIED

REPORT OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE - 19 AUGUST 2019

RA19.18 Additional Item - Resignation from Committee

RESOLVED* (Clr Guile / Clr Wells)

MIN19.782

That Council proceed to recruitment of an Audit, Risk and Improvement Committee member to fill the vacancy created by the resignation of Diana Price.

CARRIED

REPORT OF THE SHOALHAVEN SPORTS BOARD - 25 SEPTEMBER 2019

SB19.24 Acknowledgement of Resignation - Tony Hardman - Appointment of Membership

HPERM REF:
D19/220294

Item dealt with later in the meeting see MIN19.793

SB19.27 Sports Grants Program (Capital Works) Policy Update

HPERM Ref:
D19/284672

RESOLVED* (Clr Guile / Clr Wells)

MIN19.783

That Shoalhaven Sports Board recommend that Council adopt the following changes to the Sports Grants program (Capital Works) Policy Provision 3.3:

1. That three (3) representatives of the Shoalhaven Sports Board be present during the assessment of applications.
2. That a member of Shoalhaven City Council Inclusion and Access Advisory Group be present during the assessment of applications.
3. That two (2) Council staff representatives be present during the assessment of applications.

CARRIED

SB19.26 Sports Grants Program 2019/2020 - Funding

HPERM REF:
D19/288758

Item dealt with later in the meeting see MIN19.794

REPORT OF THE SHOALHAVEN TRAFFIC COMMITTEE - 8 OCTOBER 2019

TC19.45 Traffic Calming - River Road, Shoalhaven Heads

**HPERM Ref:
D19/140883**

RESOLVED* (Clr Guile / Clr Wells)

MIN19.784

That the Chief Executive Officer (Director Assets and Works) be advised that the Shoalhaven Traffic Committee support the installation of a low-cost rubber speed hump in River Road, Shoalhaven Heads, between Mathews St and Renown Ave as an interim solution, subject to implementation of suggestions provided by RMS: additional advance warning signs and provide delineation to avoid driving around the rubber speed humps.

CARRIED

TC19.48 Traffic Calming - LATM - Leo Drive Subdivision - Narrawallee (PN 3499)

**HPERM Ref:
D19/147355**

RESOLVED* (Clr Guile / Clr Wells)

MIN19.785

That the Chief Executive Officer and (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed speed table, and associated regulatory signage and line marking on Leo Drive, Narrawallee as detailed in the attached plan, subject to the following:

1. Provide a specific value about proposed ramp grade, whether the design parameters will be 1:12, 1:15 or a value in between
2. Provide a specific value about the positioning of warning signage in relation to the raised thresholds, whether they will be set out at 30m, 50m or a value in between, taking note to not adversely impact on residential driveways
3. Provide the following specifications for the raised threshold surfacing: "The concrete surface shall be constructed of 'Dark Terracotta' coloured concrete and have a 'Brick' stamped pattern finish, using a 'Bluestone' coloured release agent. Prior to sealing, all areas of stamped concrete, other than the voids of the 'Brick' pattern, shall be cleaned of release agent using sprayed water."

CARRIED

TC19.49 Load Limit Signage - Tahnee Street Sanctuary Point (PN 3558)

**HPERM REF:
D19/341796**

Item dealt with later in the meeting see MIN19.795

TC19.50 Tahnee St Sanctuary Point - Lots 38-40 DP1243551 - Proposed Childcare Centre (PN 3560)

**HPERM REF:
D19/341803**

Item dealt with later in the meeting see MIN19.796

TC19.51 One Way Controls - Gumley Lane Milton (PN 3559)

**HPERM REF:
D19/341800**

Item dealt with earlier in the meeting see MIN19.794

TC19.53 Private Use of Public Parking - 82 South Street Ulladulla (PN 3561) HPERM Ref: D19/341806

RESOLVED* (Clr Guile / Clr Wells) MIN19.786

That the Chief Executive Officer (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objections to the temporary use of 6 parking spaces for a period of approximately 9 months during the works of 82 South St, Ulladulla, as detailed in the attached plan, subject to payment of associated fees in accordance with Council’s Private Use of Public Parking Policy 16/154.

CARRIED

TC19.54 74 Island Point Rd, St Georges Basin - Lot 6 / 15 DP 25550 - 52 Lot Residential Subdivision (PN 3563) HPERM Ref: D19/341811

RESOLVED* (Clr Guile / Clr Wells) MIN19.787

That the Chief Executive Officer (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed works on Island Point Road (per condition C9(3)) as indicated in the attached plans; subject to providing the dimensions of the shared footpath indicated in the plans.

CARRIED

TC19.55 Cunjurong Point Rd, MANYANA - Lot 172 - DP 755923 - Residential Subdivision (PN 3564) HPERM Ref: D19/341813

RESOLVED* (Clr Guile / Clr Wells) MIN19.788

That the Chief Executive Officer (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the works at Cunjurong Point Rd, Manyana (per condition B12 of the development consent), as detailed in the attached plan, subject to providing ‘Give Way’ Size A (R1-2-A) signage at all locations where 'Road Ahead' (W6-8-A) signage has been used on the shared path.

CARRIED

REPORTS

CL19.319 Instrument of Delegation - Chief Executive Officer HPERM Ref: D19/232828

RESOLVED* (Clr Guile / Clr Wells) MIN19.789

That Council

1. Delegate to the Chief Executive Officer the authority as outlined in the Instrument of Delegation provided as Attachment 1.
2. That for the period 29 October 2019 to 30 September 2020, one of the persons (determined by the Mayor at the relevant time) holding the position of:
 - a. Director of Assets and Works or
 - b. Director of Planning, Environment and Development, or

- c. Director of Finance, Corporate and Community Services, or
- d. Director of Shoalhaven Water

be appointed to act as the Chief Executive Officer if the Chief Executive Officer is sick or otherwise absent from work on leave or for any other purpose. Such appointment is to cease upon the return to work of the Chief Executive Officer or by other resolution of the Council.

- 3. That any person acting as the Chief Executive Officer pursuant to this resolution has all the functions, delegations, and sub-delegations given to the Chief Executive Officer by the Council.

CARRIED

CL19.320 Register of Pecuniary Interest Returns - 1 July 2018 to 30 June 2019 **HPERM Ref: D19/283906**

RESOLVED* (Clr Guile / Clr Wells) MIN19.790

That:

- 1. The report regarding the Register of Pecuniary Interest Returns lodged for the period of 1 July 2018 to 30 June 2019 be received for information;
- 2. The Chief Executive Officer consider appropriate action in respect of any Designated Persons who have failed to provide their return for the period of 1 July 2018 to 30 June 2019.

CARRIED

CL19.321 Draft End of Year Financial Statements **HPERM REF: D19/360395**

Item dealt with earlier in the meeting see MIN19.768

CL19.322 Investment Report - September 2019 **HPERM REF: D19/363320**

Item dealt with earlier in the meeting see MIN19.769

CL19.323 Tomerong Quarry - Submission of Landscaping and Rehabilitation Plan - Lot 4, DP775296, No.146 Parnell Road, Tomerong **HPERM REF: D19/368060**

Item dealt with earlier in the meeting see MIN19.765

The meeting adjourned, the time being 10.01pm

Note: The meeting reconvened on Tuesday 5 November 2019, and the Assistant Deputy Mayor, Clr White took the Chair, the time being 8.26pm.

The following members were present:

Clr Patricia White - Chairperson
Clr Joanna Gash
Clr John Wells
Clr John Levett
Clr Nina Cheyne
Clr Annette Alldrick
Clr Mitchell Pakes
Clr Greg Watson
Clr Bob Proudfoot

Procedural Motion - Adjournment of Meeting

MOTION (Clr Pakes / Clr Gash)

That the meeting be adjourned for 15 minutes.

CARRIED

Note: The meeting adjourned, the time being 8.27pm

Note: The meeting reconvened, the time being 8.50pm

Apologies

Apologies have been received from Clr Findley, Clr Guile, Clr Gartner and Clr Kitchener.

CL19.309 Notice of Motion - Councillor Attendance at Events

**HPERM Ref:
D19/367309**

Recommendation

That:

1. The Mayor will attend and represent on behalf of Shoalhaven City Council.
2. If the Mayor is unable to attend, The Deputy Mayor will attend and represent on behalf of Shoalhaven City Council.
3. If the Mayor and Deputy Mayor are unable to attend, The Assistant Deputy Mayor will attend and represent on behalf of Shoalhaven City Council.
4. In the event the Mayor, Deputy Mayor or Assistant Deputy Mayor are unable to attend Ward Councillors will be asked to attend and represent on behalf of council.

Point of Order – Clr Pakes called a Point of Order against Clr Digiglio for stating that other Councillors were not in attendance at an event when they were, and he found this offensive. Clr Digiglio clarified she had only not seen others.

Point of Order – Clr Levett raised a Point of Order against Clr Pakes under clause 3.1, that Councillors should refrain from harassing others, for raising his voice during debate. The Chairperson did not rule as a Point of Order as voices are often raised during debate.

RESOLVED (Clr Pakes / Clr Wells)

MIN19.791

That:

1. The Mayor will attend and represent on behalf of Shoalhaven City Council.
2. If the Mayor is unable to attend, The Deputy Mayor will attend and represent on behalf of Shoalhaven City Council.
3. If the Mayor and Deputy Mayor are unable to attend, The Assistant Deputy Mayor will attend and represent on behalf of Shoalhaven City Council.
4. In the event the Mayor, Deputy Mayor or Assistant Deputy Mayor are unable to attend Ward Councillors will be asked to attend and represent on behalf of Council.
5. A wreath be supplied to a Councillor attending any commemoration service in their own right or when representing the Mayor.

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

AGAINST: Clr Digiglio and Clr Levett

CARRIED

Procedural Motion

MOTION (Clr Pakes / Clr Alldrick)

That the meeting be extended to 9.30pm.

CARRIED

Note: Clr Gash left the meeting at 9:25pm

CL19.314 Notice of Motion - Conduct Obligations

**HPERM Ref:
D19/367925**

Recommendation

That

1. Councillors refrain from making accusations of bullying in the media (including social media)
2. When a Councillor is made aware of the inappropriate distribution, by a third party, of personal emails or written correspondence to the media or social media, then that Councillor has an obligation to withdraw the unauthorised communication
3. The upcoming Code of Conduct Training session organised for Councillors include a detailed explanation of bullying, and provide relevant examples of such conduct for the benefit of Councillors.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN19.792

That

1. Councillors refrain from making accusations of bullying in the media (including social media)
2. When a Councillor is made aware of the inappropriate distribution, by a third party, of personal emails or written correspondence to the media or social media, then that Councillor has an obligation to withdraw the unauthorised communication
3. The upcoming Code of Conduct Training session organised for Councillors include a detailed explanation of bullying, and provide relevant examples of such conduct for the benefit of

Councillors.

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

AGAINST: Clr Levett

CARRIED

Procedural Motion

MOTION (Clr Wells / Clr Digiglio)

That the meeting be extended by 10 minutes to address the Confidential items and defer the remainder to the next Council meeting.

AMENDMENT (RESOLVED) (Clr Pakes / Clr Proudfoot)

That the meeting be extended by 15 minutes to complete the business of the meeting.

CARRIED

SB19.24 Acknowledgement of Resignation - Tony Hardman - Appointment of Membership

**HPERM Ref:
D19/220294**

Recommendation

That:

1. The Shoalhaven Sports Board acknowledge and endorse the resignation of Tony Hardman.
2. Craig Howsan be appointed as a community member representative to the Shoalhaven Sports Board for a four-year term, until March 2023.

RESOLVED (Clr Watson / Clr Wells)

MIN19.793

That:

1. The Shoalhaven Sports Board acknowledge and endorse the resignation of Tony Hardman.
2. Council write to thank Mr Hardman for his outstanding contribution to Council and the community as a member of the Shoalhaven Sports Board.
3. Craig Howsan be appointed as a community member representative to the Shoalhaven Sports Board for a four-year term, until March 2023.

CARRIED

SB19.26 Sports Grants Program 2019/2020 - Funding

**HPERM Ref:
D19/288758**

Recommendation

That:

1. The Shoalhaven Sports Board approve the following three (3) applicants for the 2019/2020 Sports Grants Program:
 - a. Berry Riding Club Inc. – Construction of Storage Shed: \$8,066
 - b. Shoalhaven United Football Club – Upgrade Floodlights Fields 3 and 4 Lyrebird Park: \$50,000
 - c. Shoalhaven District Football Association – Top Dress Fields 2 and 3 Ison Park: \$16,720

2. Council re-advertise the \$83,314 unspent funds from this round to our sporting groups; if there are still unspent funds Council will proceed with identified sporting capital works projects.
3. Council amends the Sports Grants Program (Capital Works) Policy for this round only to allow applications for grants up to an amount of \$3,000 for equipment, without requiring matching funding.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN19.794

That:

1. The Shoalhaven Sports Board approve the following three (3) applicants for the 2019/2020 Sports Grants Program:
 - a. Berry Riding Club Inc. – Construction of Storage Shed: \$8,066
 - b. Shoalhaven United Football Club – Upgrade Floodlights Fields 3 and 4 Lyrebird Park: \$50,000
 - c. Shoalhaven District Football Association – Top Dress Fields 2 and 3 Ison Park: \$16,720
2. Council re-advertise the \$58,314 unspent funds from this round to our sporting groups; if there are still unspent funds Council will proceed with identified sporting capital works projects.
3. Council amends the Sports Grants Program (Capital Works) Policy for this round only to allow applications for grants up to an amount of \$5,000 for equipment, without requiring matching funding.
4. Council allocate \$25,000 of the Sports Grant Program 2019/2020 funding to a capital works upgrade to the Culburra Dolphins Football Ground.

CARRIED

TC19.49 Load Limit Signage - Tahnee Street Sanctuary Point (PN 3558)

HPERM Ref: D19/341796

Recommendation

That the Chief Executive Officer (Director Assets and Works) be requested to arrange for the installation of the load limit signage and related advanced warning signage on Tahnee Street Sanctuary Point, as detailed in the attached plan.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN19.795

That:

1. The Chief Executive Officer (Director Assets and Works) be requested to arrange for the installation of the load limit signage and related advanced warning signage on Tahnee Street Sanctuary Point, as detailed in the attached plan.
2. Council take all necessary steps to shut Tahnee Street at the right angle bend just past Kirkham Way.

CARRIED

**TC19.50 Tahnee St Sanctuary Point - Lots 38-40 DP1243551 -
Proposed Childcare Centre (PN 3560)**

**HPERM Ref:
D19/341803**

Recommendation

That the Chief Executive Officer (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed works on Tahnee Street and Nadine Street as part of the proposed Childcare Centre (per condition 17 of DA18/1700), as detailed in the attached plan, subject to extending the BB centreline marking the length of Nadine Street and installation of a No Right Turn sign at Tahnee Street.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN19.796

That the Chief Executive Officer (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed works on Tahnee Street and Nadine Street as part of the proposed Childcare Centre (per condition 17 of DA18/1700), as detailed in the attached plan, subject to extending the BB centreline marking the length of Nadine Street and installation of a No Right Turn sign at Tahnee Street.

CARRIED

**CL19.324 Variations to Development Standards - September
Quarter Report 2019**

**HPERM Ref:
D19/343613**

Recommendation

That Council receive the Variations to Development Standards – September Quarter Report 2019 for information and forward a copy of this report and attachment table to the Department of Planning and Environment in accordance with the requirements specified in *Circular PS18-003 Variations to development standards*.

RESOLVED (Clr White / Clr Wells)

MIN19.797

That Council receive the Variations to Development Standards – September Quarter Report 2019 for information and forward a copy of this report and attachment table to the Department of Planning and Environment in accordance with the requirements specified in *Circular PS18-003 Variations to development standards*.

CARRIED

Note: Clr White noted that a percentage figure was missing from the third last column which should be corrected before submission is made.

**CL19.325 Collingwood Beach Dunecare Group - Formation and
Plan**

**HPERM Ref:
D19/348203**

Recommendation

That Council:

1. Note the steps taken to date and the continuing actions in regard to the development of the Collingwood Beach Dunecare Management Plan.
2. Receive a further progress report at the December Development and Environment Committee meeting.

RESOLVED (Clr Proudfoot / Clr Wells)

MIN19.798

That Council:

1. Note the steps taken to date and the continuing actions in regard to the development of the Collingwood Beach Dunecare Management Plan.
2. Receive a further progress report at the December Development and Environment Committee meeting.

CARRIED

CONFIDENTIAL REPORTS

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

No members of the public made representations.

RESOLVED (Clr Pakes / Clr Levett)

MIN19.799

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.

CSA19.12 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.

CSA19.13 Proposed Land Acquisition Matters - Yalwal & Buangla Localities

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.

CSA19.14 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.

CARRIED

The meeting moved into confidential the time being 9.41pm.

The meeting moved into open session, the time being 9.42pm.

REPORT FROM CONFIDENTIAL SESSION

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

CSA19.12 Proposed Acquisition of Land - Moss Vale Road South Urban Release Area	HPERM Ref: D19/286075
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RESOLVED MIN19.800C

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

CARRIED

CSA19.13 Proposed Land Acquisition Matters - Yalwal & Buangla Localities	HPERM Ref: D19/319632
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RESOLVED MIN19.801C

That Council maintain the resolution as confidential until all transaction haven been completed.

CARRIED

CSA19.14 Proposed Disposal of Vacant Land, St Georges Basin	HPERM Ref: D19/323611
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RESOLVED MIN19.802C

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

CARRIED

There being no further business, the meeting concluded, the time being 9.44pm.

Clr White
CHAIRPERSON