

## MINUTES OF THE ORDINARY MEETING

**Meeting Date:** Tuesday, 26 November 2019  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.00pm

The following members were present:

Clr Amanda Findley – Chairperson, left 8.38pm, returned 8.54pm  
Clr Joanna Gash  
Clr John Wells  
Clr Patricia White – Chairperson between 8.38pm - 8.59pm  
Clr Kaye Gartner  
Clr Nina Digiglio  
Clr Annette Alldrick – arrived 5.16pm  
Clr John Levett  
Clr Andrew Guile – left 9.38pm  
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 Greg Christian and the playing of the Australian National Anthem.

### Apologies

Nil

### Leave of Absence

**RESOLVED** (Clr Gartner / Clr Digiglio) MIN19.850

A Leave of Absence be granted for Clr Gash from 27 November to 10 December 2019.

CARRIED

Note: A Leave of Absence has been granted for Clr Alldrick, see MIN19.884

**Confirmation of the Minutes**

**RESOLVED** (Clr Guile / Clr Digiglio) MIN19.851

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

CARRIED

Note: Clr Guile advised that a correction in the previous Minutes is required on Page 3 in his Declaration. Delete the word “now”, he has never been a member of the Shoalhaven Independents.

**Declarations of Interest**

Nil

**Call Over of the Business Paper**

The Following Items were called up for debate:

MM19.19, MM19.20, MM19.21, MM19.22, CL19.326, CL19.327, CL19.328, CL19.330, CL19.331, CL19.322, CL19.333, CL19.334, CL19.335, AA19.25, AA19.27, cl19.347, CL19.348, CL19.349, CL19.350, CL19.351, CL19.353, cl19.354, CL19.355

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

Note: Clr Alldrick arrived at 5.16pm.

**Presentation of Petitions**

Clr Alldrick advised that she had received a petition regarding the Development Application at Racecourse Beach (DA19/1102). The Mayor advised that the Petition is to be presented to the Development Committee.

**RESOLVED** (Clr Alldrick) MIN19.852

That Development Application DA19/1102 for a 49 Site Manufactured Home Estate at 252 Princes Highway, Ulladulla be called in due to public interest.

CARRIED

**Procedural Motion - Bring Item Forward**

**RESOLVED** (Clr Findley / Clr Guile) MIN19.853

That the Addendum Mayoral Minute – MM19.22 - Mayoral Minute - Alison Pakes - Past President of Friends of Milton Library be introduced as a matter of urgency.

CARRIED

## MAYORAL MINUTE

**MM19.19 Mayoral Minute - Catastrophic Tuesday - 12 November 2019**

**HPERM Ref:  
D19/409704**

### Recommendation

That Shoalhaven City Council commend all services that 'stood up' the Emergency Operations Centre on Tuesday 12 November 2019 in preparation for a Catastrophic Fire Danger day when NSW was also placed into a State of Emergency.

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

MIN19.854

That Shoalhaven City Council commend all services and Shoalhaven City Council Staff that 'stood up' the Emergency Operations Centre on Tuesday 12 November 2019 in preparation for a Catastrophic Fire Danger day when NSW was also placed into a State of Emergency.

CARRIED

**MM19.20 Mayoral Minute - Request to waive tipping fees for house fire at Shoalhaven Heads**

**HPERM Ref:  
D19/410248**

### Recommendation

That Council waive waste fees for Mr Gary Davies after the recent house fire that destroyed the dwelling at 38 Ravenscliffe Rd Shoalhaven Heads.

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

MIN19.855

That Council waive waste fees for Mr Gary Davies after the recent house fire that destroyed the dwelling at 38 Ravenscliffe Rd Shoalhaven Heads.

CARRIED

**MM19.21 Mayoral Minute - Country Universities Centre - Establishment of an Interim Board**

**HPERM Ref:  
D19/407758**

### Recommendation

That Council:

1. Undertake an election by secret ballot to select Council's representative to fulfil the position of Director on the interim Ulladulla CUC Board as follows:
  - a. Should more than one expression of interest be received conduct a secret ballot to determine the representative
  - b. Councillors shall e-mail the Public Officer with their nominations prior to 5pm on Thursday 28 November 2019
  - c. The Public Officer will conduct a ballot electronically to conclude at 5pm on Tuesday 3 December 2019
  - d. The CEO (Public Officer) will delegated the authority by Council to declare the successful candidate and advise the interim Ulladulla CUC Board of the representative
2. Deem as Council Business attendance at the meetings and associated duties for the interim Ulladulla CUC Board.

**RESOLVED** (Clr Findley / Clr Guile)

MIN19.856

That given the advice received from the Country Universities Centre that the position has now been filled the Mayoral Minute regarding Country Universities Centre - Establishment of an Interim Board be received for information.

CARRIED

## **ADDENDUM REPORTS**

**MM19.22 Mayoral Minute - Alison Pakes - Past President of Friends of Milton Library**

**HPERM Ref:  
D19/414684**

### **Recommendation**

That Council write to thank and acknowledge the work of Alison Pakes in establishing Friends of Milton Library.

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

MIN19.857

That Council write to thank and acknowledge the work of Alison Pakes in establishing Friends of Milton Library.

CARRIED

## **DEPUTATIONS AND PRESENTATIONS**

### **CL19.328 - Rescission Motion – CL19.310 Funding and Advertising in the Bush Telegraph**

Mr Pat Thompson, representing the *New Bush Telegraph*, addressed the meeting to speak in favour of the recommendation.

### **PRESENTATION**

### **CL19.349 - Presentation of Annual Financial Statements 30 June 2019 – Via Phone link**

Ms Dominika Ryan, Audit Office NSW, presented the Annual Financial Statements to 30 June 2019, via phone link and a presentation.

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

**RESOLVED** (Clr Pakes / Clr Gash)

MIN19.858

That the following matters be brought forward for consideration:

- CL19.328 - Rescission Motion - CL19.310 Funding and Advertising in The Bush Telegraph
- CL19.349 - Presentation of Annual Financial Statements 30 June 2019

CARRIED

## NOTICES OF MOTION / QUESTIONS ON NOTICE

**CL19.328 Rescission Motion - CL19.310 Funding and Advertising  
in The Bush Telegraph**

**HPERM Ref:  
D19/397487**

### Recommendation

That Council rescind the Motion relating to Item CL19.310 of the Council Meeting held on Tuesday 29 October 2019.

MOTION (Clr Levett / Clr Digiglio)

That Council rescind the Motion relating to Item CL19.310 of the Council Meeting held on Tuesday 29 October 2019.

PROCEDURAL MOTION (Clr Digiglio / Clr Alldrick)

That an extension of time for Clr Gartner be granted.

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

PROCEDURAL MOTION CARRIED

PROCEDURAL MOTION (Clr Watson / Clr Guile)

That the MOTION be PUT.

PROCEDURAL MOTION CARRIED

**MOTION** (Clr Levett / Clr Digiglio)

MIN19.859

That Council rescind the Motion relating to Item CL19.310 of the Council Meeting held on Tuesday 29 October 2019.

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

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

**CL19.329 Notice of Motion - CL19.310 Funding and Advertising in  
The Bush Telegraph**

**HPERM Ref:  
D19/397513**

### Recommendation

That Council affirms support for a free press in the Shoalhaven and beyond and eschews any attempt at political interference with that principle. Further, that any decision by Shoalhaven City Council around placement of advertising is an operational one and should be made by appropriate staff after due consideration of cost effectiveness and potential message penetration to the target audience.

**Note:** This item was not dealt with as the Rescission Motion was LOST see MIN19.859.

**CL19.349 Presentation of Annual Financial Statements 30 June 2019**

**HPERM Ref:  
D19/386515**

**Recommendation**

That:

1. The audited Annual Financial Statements for the year ended 30 June 2019, together with the Auditor's Report, be presented to the public at the Ordinary Meeting of Council on 26 November 2019.
2. Council note the attendance of Dominika Ryan, Director of Financial Audit Services at the Audit Office, and that she be thanked for her presentation in relation to the Annual Financial Statements.

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

MIN19.860

That:

1. The audited Annual Financial Statements for the year ended 30 June 2019, together with the Auditor's Report, be presented to the public at the Ordinary Meeting of Council on 26 November 2019.
2. Council note the attendance of Dominika Ryan, Director of Financial Audit Services at the Audit Office, and that she be thanked for her presentation in relation to the Annual Financial Statements.

CARRIED

**NOTICES OF MOTION / QUESTIONS ON NOTICE**

**CL19.326 Notice of Motion - Proposed Dredging of Shoalhaven River at Shoalhaven Heads**

**HPERM Ref:  
D19/397033**

**Recommendation**

That Council apply for a five (5) year licence from the Crown to dredge the navigation channel at Shoalhaven Heads and, further apply for grant funding from the NSW Government to undertake important navigational, recreational and sand nourishment works.

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

MIN19.861

That Council apply, with the assistance of the Shoalhaven Heads Estuary Taskforce, for a five (5) year licence from the Crown to dredge the navigation channel at the Shoalhaven Heads and, further to apply for grant funding from the NSW Government to undertake important navigational, recreational and sand nourishment works.

CARRIED

**CL19.327 Notice of Motion - Jerry Bailey Oval, Shoalhaven Heads - Provision of Amenities**

**HPERM Ref:  
D19/397307**

**Recommendation**

That Council support and give high priority to the provision of a public toilet at Jerry Bailey Oval, Shoalhaven Heads.

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

MIN19.862

That Council support and give high priority to the provision of a public toilet at Jerry Bailey Oval, Shoalhaven Heads.

CARRIED

**CL19.328 Rescission Motion - Cl19.310 Funding and Advertising in  
The Bush Telegraph**

**HPERM REF:  
D19/397487**

Item dealt with earlier in the meeting see MIN19.859

**CL19.330 Notice of Motion - Hazard Reduction - Council Managed  
and Other Lands**

**HPERM Ref:  
D19/403783**

**Recommendation**

That

1. Council put in place an action plan to reduce the fuel load in all bush lands located on Council managed lands in the Shoalhaven City area to keep fuel loads at a safe level.
  - a. The fuel load reduction be undertaken by mechanical, chemical and controlled burning, whichever is determined to be the most appropriate.
  - b. The action plan be prepared in consultation with the NSW RFS, and other agencies when Council manages land under their control.
  - c. When controlled burning is undertaken it should as far as practical be timed to coincide with the late Autumn early Winter period to minimise the impact on native fauna.
2. Council Make representation to the NSW State Government to have the relevant Legislation amended to empower Councils to issue an order on the RFS to serve an order under their powers to have a property owner/manager to reduce a fire hazard where the fuel load is estimated to exceed a safe level. The authority of the RFS to impose a hazard reduction order be expanded to include land under the control or management of other NSW Government Agencies.

Clr Pakes raised a Point of Order against the Mayor, for misrepresenting the comments made by Clr Gartner regarding funding if it included large air tankers firefighters and fire trucks.

The Mayor did not rule on the Point of Order.

**RESOLVED** (Clr Watson / Clr Proudfoot)

MIN19.863

That:

1. Council put in place an action plan to reduce the fuel load in all bush lands located on Council managed lands in the Shoalhaven City area to keep fuel loads at a safe level.
  - a. The fuel load reduction be undertaken by mechanical, chemical and controlled burning, whichever is determined to be the most appropriate.
  - b. The action plan be prepared in consultation with the NSW RFS, and other agencies when Council manages land under their control.
  - c. When controlled burning is undertaken it should as far as practical be timed to coincide with the late Autumn early Winter period to minimise the impact on native fauna.

2. Council Make representation to the NSW State Government to have the relevant Legislation amended to empower Councils to issue an order on the RFS to serve an order under their powers to have a property owner/manager to reduce a fire hazard where the fuel load is estimated to exceed a safe level. The authority of the RFS to impose a hazard reduction order be expanded to include land under the control or management of other NSW Government Agencies.
3. As part of the above process Council request the NSW Rural Fire Service Commissioner Shane Fitzsimons to audit the Shoalhaven Bushfire Risk Management Plan.

CARRIED

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

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

MIN19.864

That the meeting be adjourned to allow for refreshments.

CARRIED

The meeting adjourned the time being 7.15pm

The meeting reconvened the time being 7.46pm

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

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

**RESOLVED** (Clr Digiglio / Clr Pakes)

MIN19.865

That the following items be brought forward for consideration:

- AA19.25 – Additional Item - Cullunghutti Plan of Management - Damage to the track - Bigfoot Compliance
- AA19.27 – Additional Item - Huskisson Church Site -Development
- CL19.350 – Investment Report - October 2019
- CL19.348 – Southern Phone Company Limited - Sale of Council Shares

CARRIED



## **REPORT OF THE ABORIGINAL ADVISORY COMMITTEE - 11 NOVEMBER 2019**

### **AA19.25 Additional Item - Cullunghutti Plan of Management - Damage to the track - Bigfoot Compliance**

#### **Recommendation**

That:

1. Staff from Natural Resources, Planning and Compliance and NPWS be invited to the next meeting to provide information on the maintenance of the land, and clarification on Bigfoot and its approval to operate on the whole track to the summit;
2. Staff investigate and provide information on the clearing that has been done and if it's on private land
3. Council acknowledge the cultural significance of Cullunghutti and make funding available for the Plan of Management of Cullunghutti in the 2020/2021 budget bid process.

**RESOLVED** (Clr Digiglio / Clr Levett)

MIN19.866

That Council

1. Staff from Planning Environment and Development and NPWS be invited to the next meeting to provide information on the maintenance of the land, and clarification on Bigfoot and its approval to operate on the whole track to the summit;
2. Staff investigate and provide information on the clearing that has been done and if it's on private land
3. Council acknowledge the cultural significance of Cullunghutti and consider making funding available for the Plan of Management of Cullunghutti in the 2020/2021 budget bid process..

CARRIED

### **AA19.27 Additional Item - Huskisson Church Site - Development**

#### **Recommendation**

That:

1. Council acknowledges that the Aboriginal Advisory Committee believes that the proposed development at the Huskisson Church site is a threat to local Aboriginal heritage; and
2. The Aboriginal Advisory Committee believes that the Committee should have been consulted and requests that Council do so for all future planning and developments with a potential Aboriginal Cultural impact.

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

MIN19.867

That Council

1. Acknowledges that the Aboriginal Advisory Committee believes that the proposed development at the Huskisson Church site is a threat to local Aboriginal heritage; and
2. Notes that the Aboriginal Advisory Committee believes that the Committee should have been consulted and requests that Council do so for all future planning and developments with a potential Aboriginal Cultural impact.

CARRIED

## REPORTS

### CL19.350 Investment Report - October 2019

HPERM Ref:  
D19/390932

#### Recommendation

That:

1. The report of the Chief Executive Officer (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 31 October 2019 be received for information.
2. Council note Council's investment portfolio returned a solid 2.22% for the month of October 2019, exceeding the benchmark AusBond Bank Bill Index (0.95% pa) by 127 basis points (1.27%)

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

MIN19.868

That:

1. The report of the Chief Executive Officer (Finance, Corporate & Community Services Group) on the Record of Investments for the period to 31 October 2019 be received for information.
2. Council note Council's investment portfolio returned a solid 2.22% for the month of October 2019, exceeding the benchmark AusBond Bank Bill Index (0.95% pa) by 127 basis points (1.27%)

CARRIED

### CL19.348 Southern Phone Company Limited - Sale of Council Shares

HPERM Ref:  
D19/407297

#### Recommendation

That Shoalhaven City Council:

1. Agree to the sale of its Southern Phone shares to AGL Energy in line with the share sale agreement (contained in the Councillor's Information Folder); and
2. Authorise the Chief Executive Officer (Economic Development Manager) to execute any relevant documentation necessary.
3. Receive a further report in the matter following the Extraordinary Meeting of shareholders to be held on 2 December

MOTION (Clr Watson / Clr Pakes)

That Council decline the offer for the sale of its Southern Phone shares to AGL Energy.

FOR: Clr Gartner, Clr Pakes, Clr Watson and Clr Proudfoot

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

LOST

**RESOLVED (FORESHADOWED MOTION)** (Clr Guile / Clr Wells)

MIN19.869

That Shoalhaven City Council:

1. Agree to the sale of its Southern Phone shares to AGL Energy in line with the share sale agreement (contained in the Councillor's Information Folder); and

2. Authorise the Chief Executive Officer (Economic Development Manager) to execute any relevant documentation necessary.
3. Receive a further report in the matter following the Extraordinary Meeting of shareholders to be held on 2 December

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

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

CARRIED

### Procedural Motion - Bring Item Forward

**RESOLVED** (Clr Findley)

MIN19.870

That the matter of item CL19.338 - Question on Notice - Review of Tabourie Lake Entrance Management Plan – DE19.122 (5 November 2019) be brought forward.

CARRIED

## NOTICES OF MOTION / QUESTIONS ON NOTICE

**CL19.338 Question on Notice - Review of Tabourie Lake Entrance Management Plan – DE19.122 (5 November 2019)**

**HPERM Ref: D19/408911**

### Question

At the Development Committee meeting 5 November 2019, Council adopted to not support the recommendation from the recent review to increase the trigger level for mechanical opening of Lake Tabourie from 1.17m AHD to 1.3m AHD. A number of residents have approached me in respect to this decision with concern.

1. Has the CEO sought legal advice in respect to Council's risk in not adopting the recommended 1.3m and if not;
2. Will the CEO confirm that Councillors individual indemnity under the Local Government Act remains considering the information that was supplied to Council through the comprehensive and community consulted report?

As decision makers it behoves us to remain abreast of our legal obligations and understanding of risk and legal advice in this instance would be helpful.

**DE19.122 Review of Tabourie Lake Entrance Management Policy**

**HPERM Ref: D19/345193**

### **Recommendation (Item to be determined under delegated authority)**

*That Council adopt the Tabourie Lake Entrance Management Policy (June 2019), with the policy recommendation to increase the trigger level, for mechanical opening, from 1.17m AHD to 1.3m AHD.*

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

MIN19.809

*That Council adopt the Tabourie Lake Entrance Management Policy (June 2019), with the policy recommendation to retain the trigger level, for mechanical opening, of 1.17m AHD.*

**FOR:** Clr Gash, Clr White, Clr Wells, Clr Alldrick, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

**AGAINST:** Clr Levett and Clr Digiglio

**CARRIED**

**CEO's Note:**

1. No legal advice has been sought in terms of question 1.
2. Indemnity under the provisions of the Local Government Act is principally focused in Section 733 which is more commonly referred to as the "in good faith" clause. In basic terms, if Council in making a decision, avails itself of and considers all relevant, available information and then proceeds to make a decision "in good faith", there would be an expectation that the exemption from liability would exist. There is no objective test for determining the requirements for "in good faith" and this issue would only arise if legal proceedings were raised in regard to a particular matter, wherein the court would be the determinant of "in good faith" having regard to the individual circumstances of the case.

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

MIN19.871

That the Question on Notice and Response be received for information.

**CARRIED**

Note: Clr Findley left the meeting at 8.38pm

Note: Clr White assumed the Chair.

**CL19.331 Notice of Motion - Chinaman's Island Lake Conjola**

**HPERM Ref:  
D19/405775**

**Recommendation**

That Council:

1. Request the General Manager to report to Council the findings from Dept Crown Lands and the three permissive occupants on Chinaman's Island on the following issues:-
  - a. Audit of the current wastewater systems
  - b. An on-site wastewater report in accordance with Chapter G8 Shoalhaven DCP 2014; and
  - c. A structural engineering report for the cottages on Chinaman's Island.
2. Request the General Manager to investigate with Dept Crown Lands on all options available to retain the cottages and future occupancies of the cottages on the Island and report back to Council the options for further consideration.

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

MIN19.872

That Council:

1. Request the General Manager to report to Council the findings from Dept Crown Lands and the three permissive occupants on Chinaman's Island on the following issues:-
  - a. Audit of the current wastewater systems
  - b. An on-site wastewater report in accordance with Chapter G8 Shoalhaven DCP 2014; and
  - c. A structural engineering report for the cottages on Chinaman's Island.

2. Request the General Manager to investigate with Dept Crown Lands on all options available to retain the cottages and future occupancies of the cottages on the Island and report back to Council the options for further consideration.

CARRIED

Note: Clr Pakes left the meeting at 8.46pm

**CL19.332 Notice of Motion - Development Application Fees - 148  
Island Point Road, St Georges Basin**

**HPERM Ref:  
D19/405957**

**Recommendation**

That Council:

1. Acknowledge that the property owner has lodged a further Development Application reflecting their revised development following Council's recent decision to delete the Service Lane requirements.
2. Consider Reimbursement to the applicant the development application fees (only) in relation to the revised development.
3. Request the Applicant to apply for a refund of any inspection fees under DA17/2435 that have not been expended at this time.

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

MIN19.873

That Council:

1. Acknowledge that the property owner has lodged a further Development Application reflecting their revised development following Council's recent decision to delete the Service Lane requirements.
2. Undertake public exhibition for a period of 28 days its intention to refund \$1,522.70 to Mr Travis Harpley as a refund of Development Application Fees.
3. Receive a further report following the public exhibition period should any submissions be received. In the case that no submissions are made, the CEO (Director – Planning, Environment and Development) shall be delegated to authorise the refunds.
4. Request the Applicant to apply for a refund of any inspection fees under DA17/2435 that have not been expended at this time.

CARRIED

Note: Clr Pakes returned 8.50pm

**CL19.333 Notice of Motion - Solar Roof Panels - Efficiency Policy**

**HPERM Ref:  
D19/405994**

Note: Clr Findley returned to the meeting at 8.54pm

**Recommendation**

That Council staff prepare a draft policy aimed at ensuring that solar roof panels (both public and private) perform at their optimum level of efficiency. Particular emphasis in preparation of the policy would need to include innovative ways of dealing with overshadowing, especially in the foreseeable future.

Clr Gartner raised a Point of Order against Clr Watson's comment. The Chairperson ruled against the Point of Order.

**RESOLVED** (Clr Proudfoot / Clr Alldrick) MIN19.874

That Council staff prepare a draft policy aimed at ensuring that solar roof panels (both public and private) perform at their optimum level of efficiency. Particular emphasis in preparation of the policy would need to include innovative ways of dealing with overshadowing, especially in the foreseeable future.

FOR: 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 Findley and Clr Levett

CARRIED

Note: Clr Findley resumed the Chair at 8.59pm

### Procedural Motion – Continuation of Meeting

**RESOLVED** (Clr Pakes / Clr Wells) MIN19.875

That the meeting continue until 9.30pm.

CARRIED

### CL19.334 Notice of Motion - Community Organisations - Council Directed Projects - Workshop

**HPERM Ref:**  
**D19/406020**

#### Recommendation

That Council's communication and engagement staff facilitate a workshop aimed at improving the way that community based organisations are directed to undertake work at the direction of Council. The workshop would essentially recognise that community groups may or may not have sufficient expertise within their ranks to meet the requirements set by Council's professional staff, and perhaps that a more prescriptive approach could be of great benefit.

**RESOLVED** (Clr Proudfoot / Clr Pakes) MIN19.876

That:

1. Council's communication and engagement staff prepare a draft policy aimed at improving the way that community based organisations are directed to undertake work at the direction of Council.

The draft policy would essentially recognise that community groups may or may not have sufficient expertise within their ranks to meet the requirements set by Council's professional staff, and perhaps that a more prescriptive approach could be of great benefit.

2. The Draft Policy be reported to the Shoalhaven Sports Board

CARRIED

**CL19.335 Notice of Motion - Investment Policy Review**

**HPERM Ref:  
D19/406065**

**Recommendation**

That Council

1. Removes the following section from the Investment Policy

*15. APPLICATION OF ESD PRINCIPLES In keeping with ESD principles, Council will give preference to investing funds with financial institutions that do not invest in, or finance, the fossil fuel industry where the investment rate of interest is equivalent to other similar investments that may be on offer to Council at the time of investment. Council will inform affected institutions of the preference against fossil fuel lenders. However, unaffected by this section are assets that are not exposed to fossil fuels, such as: → Covered bonds, which securitise only residential mortgage loans → Green bonds, the proceeds of which are specifically quarantined for new lending for renewable energy or other similar environmentally-friendly uses as well as any other complying investments of comparable ESD credentials.*

2. Inform its investment advisers of the changes and thank them for their advice and ongoing work in managing investment funds on behalf of the community.

**RESOLVED** (Clr Guile / Clr Pakes)

MIN19.877

That Council:

1. Removes the following section from the Investment Policy

*15. APPLICATION OF ESD PRINCIPLES In keeping with ESD principles, Council will give preference to investing funds with financial institutions that do not invest in, or finance, the fossil fuel industry where the investment rate of interest is equivalent to other similar investments that may be on offer to Council at the time of investment. Council will inform affected institutions of the preference against fossil fuel lenders. However, unaffected by this section are assets that are not exposed to fossil fuels, such as: → Covered bonds, which securitise only residential mortgage loans → Green bonds, the proceeds of which are specifically quarantined for new lending for renewable energy or other similar environmentally-friendly uses as well as any other complying investments of comparable ESD credentials.*

2. Inform its investment advisers of the changes and thank them for their advice and ongoing work in managing investment funds on behalf of the community.

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 - Bring Item Forward**

**RESOLVED** (Clr Findley)

MIN19.878

That the matter of item CL19.351 - Ward Boundary Adjustments - Outcome of Public Exhibition be brought forward for consideration.

CARRIED

## REPORTS

### CL19.351 Ward Boundary Adjustments - Outcome of Public Exhibition

HPERM Ref:  
D19/397523

#### Recommendation

That Council

1. Pursuant to the provisions of Section 211 of the *Local Government Act* 1993, adopt the variations to its current wards as exhibited and outlined in the draft Ward Boundary Plan outlined as Attachment 1 to the report.
2. Ensure that the Ward Boundary adjustments are clearly communicated to electors in the lead-up to the 2020 Local Government Elections.

MOTION (Clr Pakes / Clr Gash)

That:

1. Council staff report back on proposed boundary adjustments:
  - a. To keep all of Nowra in one Ward
  - b. To keep all of Sanctuary Point in one Ward
2. And that Council seek an extension or exemption from the Electoral Commission or Minister

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

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

MOTION LOST

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

MIN19.879

That Council:

1. Pursuant to the provisions of Section 211 of the *Local Government Act* 1993, adopt the variations to its current wards as exhibited and outlined in the draft Ward Boundary Plan outlined as Attachment 1 to the report.
2. Ensure that the Ward Boundary adjustments are clearly communicated to electors in the lead-up to the 2020 Local Government Elections.

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

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

CARRIED

**Note:** A rescission motion was received on this item.

### Procedural Motion – Continuation of Meeting

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

MIN19.880

That the meeting continue for a further 15 minutes and conclude at 9.45pm.

CARRIED



**Procedural Motion - Bring Item Forward**

**RESOLVED** (Clr Findley / Clr Gartner)

MIN19.881

That the following matters be brought forward for consideration

- CL19.355 - Boat Harbour (Bendalong) Master Plan - Operations Actions
- CL19.353 – Tenders – Waste and Recycling Collection Services

CARRIED

**CL19.355 Boat Harbour (Bendalong) Master Plan - Operations Actions**

**HPERM Ref:  
D19/409696**

**Recommendation**

That Council adopt the Boat Harbour Master Plan – Operational Actions package pending receipt of the Aboriginal Heritage Impact Permit, to be issued by NSW Department of Planning, Industry and Environment (DPIE).

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

MIN19.882

That Council adopt the Boat Harbour Master Plan – Operational Actions package pending receipt of the Aboriginal Heritage Impact Permit, to be issued by NSW Department of Planning, Industry and Environment (DPIE).

CARRIED

**CL19.353 Tenders - Waste and Recycling Collection Services**

**HPERM Ref:  
D19/405574**

**Recommendation**

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

**RESOLVED** (Clr Wells / Clr White)

MIN19.883

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

CARRIED

**Procedural Motion - Matters of Urgency – Leave of Absence**

**RESOLVED** (Clr Alldrick / Clr Pakes)

MIN19.884

That a Leave of Absence be granted for Clr Alldrick from 2 December 2019 to 20 January 2020.

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)

MIN19.885

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.

CSA19.17 Proposed Purchase of Vacant Land - Sanctuary Point

*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.*

CCL19.20 Tenders – Confidential: Waste and Recycling Collection Services

*Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)*

*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*

CARRIED

The meeting moved into confidential the time being 9.37pm.

Note: Clr Guile left the meeting at 9.38pm

The meeting moved into open session, the time being 9.43pm.

## REPORT FROM CONFIDENTIAL SESSION

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

**CSA19.17 Proposed Purchase of Vacant Land - Sanctuary Point**

**HPERM Ref:  
D19/313633**

**RESOLVED**

MIN19.886C

That Council Maintain confidentiality of the resolution in accordance with Section 10(a)(2)(c) of the Local Government Act until the transaction has settled.

CARRIED

**CCL19.20 Tenders – Confidential: Waste and Recycling Collection Services**

**HPERM Ref:  
D19/394614**

**RESOLVED**

MIN19.887C

That:

1. Council accept the '*Offer 2D: Non-Conforming Offer (with separate vehicles for Rural Collections) – Dennis Eagle Vehicles and Iveco Euro Cargo 4x2 cab chassis for Rural Service*' Tender from SUEZ Recycling & Recovery Pty Ltd for Waste and Recycling Collection Services at a total estimated cost over 9 years of \$53,584,100 (excluding GST).
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 Group Director Assets and Works, as the Principal's Representative.
3. Council authorise the Group Director Assets and Works to adjust the contract for variations under the contract, authorise annual purchase orders for the duration of the contract in accordance with the contract service rates as adjusted in accordance with the contract with a first year order estimate for the 2020/21 financial year of \$4,967,000 (excluding GST).

CARRIED

**NOTICES OF MOTION / QUESTIONS ON NOTICE**

**CL19.336 Notice of Motion - Congratulations Bronte Trew**

**HPERM Ref:  
D19/406829**

**Recommendation**

That Council

1. Acknowledge Bronte Trew on being selected in the Australian School Girls 2020 USA football team.
2. Allocate \$2000.00 from the unallocated donations budget to ensure she is able to represent not only Shoalhaven but also Australia.

**RESOLVED** (Clr Pakes / Clr Digiglio)

MIN19.888

That Council

1. Acknowledge Bronte Trew on being selected in the Australian School Girls 2020 USA football team.
2. Council write to and congratulate Bronte on her achievements.

CARRIED

**CL19.337 Question on Notice - New Bush Telegraph - Advertising**

**HPERM Ref:  
D19/405964**

**Question**

On Monday 11 November 2019, Clr Pakes was interviewed on ABC Local Radio by journalist Ainslie Drewitt-Smith during the Nick Rheinberger Morning Program. Ainslie asked Clr Pakes twice if there was a cost benefit analysis of Council advertising in the New Bush Telegraph. In his first response Clr Pakes avoided the question. When asked again Clr Pakes indicated that he had asked about such a study but Council Staff couldn't give him an answer.

Is the CEO aware of any such interaction between Staff and Cllr Pakes in relation to the cost benefit to Council of advertising in the New Bush Telegraph?

**Response**

Councillor Pakes has had interactions with staff regarding advertising within the Bush Telegraph, including a discussion with the CEO. These discussions also included conversations around advertising in other publications and the overall Council spend for advertising on an annual basis.

Councillor Pakes was also advised that currently Council staff track all advertising costs for specific media outlets, when these costs are allocated via a central booking system. Some advertising however is booked separately by individual business units and may not proceed via the corporate account.

In this case a full cost benefit was not conducted by staff. This was due to the information that would be required to conduct such an analysis not currently being internally available for the Bush Telegraph and for the specific projects that utilise this publication. This was advised to Cllr Pakes.

**RESOLVED** (Cllr Gartner / Cllr Alldrick)

MIN19.889

That the Question on Notice and Response be received for information.

CARRIED

**CL19.338 Question On Notice - Review Of Tabourie Lake Entrance Management Plan – De19.122 (5 November 2019)**

**HPERM REF: D19/408911**

Item dealt with earlier in the meeting see MIN19.871

**CL19.339 Question on Notice - Climate Change Risk to Australia's Built Environment Report**

**HPERM Ref: D19/408974**

**Question**

1. The Climate Change Risk to Australia's Built Environment (the report) has now been released - the report identifies that the Shoalhaven in 2020 (next year) has 641 properties and an insurable value of \$60 million at risk and climbing to 3129 properties and a value of \$112 million by 2100.
2. In considering this report can the CEO comment if Shoalhaven City Council is exposed to any liability considering this is a presentation of new data.
3. In reviewing this report can the CEO comment on any policy deficiencies that Shoalhaven has when managing risk and will the Coastal Management Plan take this data into consideration?
4. The Shoalhaven has adopted a sea level rise policy that bases its 2050 and 2100 projections on a global reduction in carbon concentrations or Representative Concentration Scenarios that are not reflective of current global trends. Considering the data presented in the report would it be prudent and protect Council from liability to review the policy?
5. The report identifies the Shoalhaven as the seventh highest ranking council in Australia for Forest Fire exposure.
6. Can the CEO provide information to reassure the public that Council has a collaborative strategic framework on how to manage current fire risk and what existing mechanisms review the strategic framework to deal with the impact from increased forest fire exposure.
7. The CEO identify any other issues that the report raises for the Shoalhaven and suggest how Council can manage the issues and expectations.

Links to associated reports.

<https://xdi.systems/wp-content/uploads/2019/10/Climate-Change-Risk-to-Australia%E2%80%99s-Built-Environment-V4-final-reduced-2.pdf>

<https://www.abc.net.au/news/2019-10-23/the-suburbs-facing-rising-insurance-costs-from-climate-risk/11624108>

**Response**

The above questions are taken on notice and will be responded to in a report back to Council.

**RESOLVED** (Clr Gartner / Clr Alldrick) MIN19.890

That a report be presented to Council outlining the Response to the Question on Notice.

CARRIED

**Procedural Motion**

**RESOLVED** (Clr Findley / Clr Gartner) MIN19.891

That the following items be deferred to the Ordinary Meeting to be held on Tuesday 17 December 2019:

- IA19.52 - Additional Item - Noah's Challenge - Support
- IA19.53 - Additional item - Investigate Improving Beach Access at Tilbury Cove and Ocean Street, Culburra
- IA19.54 - Additional item - Plantation Point Playground Proposal
- IA19.55 - Additional Item - (IA19.33) - Disabled car space at the Mollymook Cemetery
- CL19.345 - Code of Conduct Complaints - Annual Statistics Report - 1 September 2018 to 31 August 2019
- CL19.346 - Update - Code of Conduct - Penalties available to Councils for Breaches by Councillors
- CL19.352 - 2020 Local Government Election Cost Estimates
- CL19.356 - 28th NSW Coastal Conference

CARRIED

**REPORT OF THE STRATEGY & ASSETS COMMITTEE - 12 NOVEMBER 2019**

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

<b>SA19.176 Ulladulla Boat Launching Ramp – Urgent Maintenance Funding</b>	<b>HPERM Ref: D19/299788</b>
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**RESOLVED\*** (Clr Pakes / Clr Wells) MIN19.892

That Council

1. Note that in relation to the Ulladulla Boat Launching Ramp:
  - a. There are large voids under the existing concrete slabs. The slabs have been designed as “slab on ground” structures and not suspended structures;

- b. The toe of the eastern ramp has completely failed resulting in large sections of concrete dislodging and becoming a potential navigation/boating hazard for users. Failure of the ramp toe also makes it more restrictive for use at lower tides.
  - c. The estimated cost to reconstruct the ramp is approximately \$200,000 (exc GST)
2. Allocate \$10,000 in the next quarterly review to allow the CEO (Director Assets and Works) to undertake the necessary designs and approvals to allow an accurate cost estimate and project plan to be produced, and that a reconstruction allocation to be considered in the 2020-2021 budget deliberations.

CARRIED

**SA19.179 Local Government Road Safety Program 2019/2020 - Approved Projects - Thank RMS for Funding Assistance. HPERM Ref: D19/352942**

**RESOLVED\*** (Clr Pakes / Clr Wells) MIN19.893

That Council writes to NSW Roads and Maritime Services (RMS) and the local State Members, thanking them for funding towards the 2019/20 Road Safety Program and accept and vote the grant funding offer of \$12,850(Ex GST) from RMS as follows:

- 1. \$2,200 for Motorcycle Safety – Motorcycle Accident Management Training.
- 2. \$9,150 for Share the Track – the path is ours to share pedestrian and cycling safety.
- 3. \$600 for Helping learner drivers become safer drivers – GLS workshops.
- 4. \$900 for Look out before you step out pedestrian safely.
- 5. \$5000 for Bike Week (directly paid by RMS).
- 6. Slow Down Hold my Hand – Holiday time pedestrian Little Blue Dinosaur campaign (no funds required).
- 7. Speed Monitoring on Local Roads (paid directly by RMS).
- 8. Breath Testing at Local Events (paid directly by RMS).
- 9. 65 + Older Drivers Presentations (paid directly by RMS).
- 10. U turn the Wheel youth program (paid directly by Rotary).

CARRIED

**SA19.183 Classification of Land - Lot 86 DP 29970 - Unnamed Road Nowra Hill HPERM Ref: D19/339200**

**RESOLVED\*** (Clr Pakes / Clr Wells) MIN19.894

That Council classify the land described as Lot 86 DP 29970 Unnamed Road Nowra Hill as Operational Land.

CARRIED

**SA19.184 Classification of Land - Lot 21 DP 2886 Sec 25 - 48 Coomea St Bomaderry HPERM Ref: D19/369673**

**RESOLVED\*** (Clr Pakes / Clr Wells) MIN19.895

That Council resolve to classify the land described as Lot 21 DP 2886 Sec 25, 48 Coomea Street, Bomaderry as Operational Land.

CARRIED

**SA19.194 Acquisition of Easement for Water Supply - Commonwealth land at Nowra Hill** **HPERM Ref: D19/358572**

**RESOLVED\*** (Clr Pakes / Clr Wells) **MIN19.896**

That Council:

1. Acquire an Easement for Water Supply 10m & 15m wide and variable width over part of Lot 1 DP385671 at Albatross Road Nowra Hill, as marked (A) and highlighted on attached easement plan DP1257513.
2. Pay compensation of \$13,000, plus GST and reasonable legal and property consultancy costs, associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Water Fund.
3. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documentation requiring 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 INCLUSION & ACCESS ADVISORY GROUP - 4  
NOVEMBER 2019**

**IA19.42 Membership Application - Inclusion and Access Advisory Group** **HPERM Ref: D19/319735**

**RESOLVED\*** (Clr Pakes / Clr Wells) **MIN19.897**

That Penelope Espinoza Hallett be appointed as a member of the Inclusion and Access Advisory Group.

CARRIED

**IA19.52 Additional Item - Noah's Challenge - Support**

**Recommendation**

That:

1. Staff investigate and provide a report on how the Inclusion and Access Advisory Group can hold a stall at the next Noah's Challenge;
2. The report also include ways that the IAAG can promote their purpose and engage more effectively within the community.

Note: This item was deferred to the Ordinary meeting to be held Tuesday 17 December 2019 refer MIN19.891

**IA19.53 Additional item - Investigate Improving Beach Access at Tilbury Cove and Ocean Street, Culburra**

**Recommendation**

That Staff investigate and provide a report on the accessibility of beaches at Tilbury Cove and Ocean Street, Culburra.

Note: This item was deferred to the Ordinary meeting to be held Tuesday 17 December 2019 refer MIN19.891

**IA19.54 Additional item - Plantation Point Playground Proposal**

**Recommendation**

That Staff provide a report with updates on potential upgrades at Plantation Point Reserve, including a summary of the Community Consultation outcome.

Note: This item was deferred to the Ordinary meeting to be held Tuesday 17 December 2019 refer MIN19.891

**IA19.55 Additional Item - (IA19.33) - Disabled car space at the Mollymook Cemetery**

**Recommendation**

That Staff investigate and report back on the feasibility of providing two (2) disabled car spaces at the Mollymook Cemetery and a path to the lots or a footpath access off Ocean Street, Mollymook.

Note: This item was deferred to the Ordinary meeting to be held Tuesday 17 December 2019 refer MIN19.891

**REPORT OF THE NOWRA CBD REVITALISATION STRATEGY COMMITTEE - 6 NOVEMBER 2019**

**CBD19.43 Appointment of Members**

**HPERM Ref:  
D19/378089**

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

MIN19.898

That

1. Alison Henry be appointed as the Nowra CBD Retail/Business operators (Non-CBD property owner) member on the Nowra CBD Revitalisation Strategy Committee.
2. Christopher Williamson be appointed as a Community member on the Nowra CBD Revitalisation Strategy Committee.
3. Alison Henry and Christopher Williamson be notified of their appointments and be invited to all future meetings.
4. The other two (2) persons who applied for the Community member position be thanked for their applications and interest in the Committee.

CARRIED



## **REPORT OF THE ABORIGINAL ADVISORY COMMITTEE - 11 NOVEMBER 2019**

**AA19.20 Membership Resignation - Janaya Hennessey and  
Membership Application - Kyle Lachlan** **HPERM Ref:  
D19/300756**

**RESOLVED\*** (Clr Pakes / Clr Wells) **MIN19.899**

That Council:

1. Accept the resignation notice from Janaya Hennessey; and
2. Council call for an Expression of Interest for a Youth member position and any other positions that arise from membership audit.

CARRIED

**AA19.22 Notification - Council Resolution - Re-establishment of  
Aboriginal Advisory Committee** **HPERM Ref:  
D19/355580**

**RESOLVED\*** (Clr Pakes / Clr Wells) **MIN19.900**

That:

1. The Committee receive the report on the Council Resolution – Re-establishment of Aboriginal Advisory Committee for information;
2. Council amend the Terms of Reference:
  - a. In relation to Quorum to be amended to five (5) local Aboriginal community members; and
  - b. The amount of meetings be changed to a minimum of 4 (and others as required)

CARRIED

**AA19.25 Additional Item - Cullunghutti Plan of Management - Damage To The Track -  
Bigfoot Compliance**

Item dealt with earlier in the meeting see MIN19.866

**AA19.27 Additional Item - Huskisson Church Site - Development**

Item dealt with earlier in the meeting see MIN19.867

## REPORT OF THE SHOALHAVEN TRAFFIC COMMITTEE - 12 NOVEMBER 2019

<b>TC19.57 Corks Lane, MILTON - Lot 35 - DP 262647 - Residential Subdivision (PN 3562)</b>	<b>HPERM Ref: D19/387945</b>
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**RESOLVED\*** (Clr Pakes / Clr Wells) MIN19.901

That the Chief Executive Officer (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed raised thresholds and pedestrian refuge on Corks Lane and Myrtle Forest Road, Milton as detailed in plan No (D19/380605), subject to:

1. Changing Give Way Hold Line Marking TB to TB / TB1
2. Indicating the sign code for the Give Way signage
3. Providing C3 yellow line marking in addition to No Stopping Signage at locations indicated along Myrtle Forest Drive
4. Providing a revised design of the kerb ramp in accordance with Council's Engineering Design Specifications, as it currently shows it extending into the lip of the gutter, when it should finish at the face of the kerb
5. Provision of a larger scale in the mountable concrete apron detail
6. Submission of the revised plans to Council's Engineering Design Unit.

CARRIED

<b>TC19.58 30 Degree On Street Parking Formalisation - McIntosh St, SHOALHAVEN HEADS (PN 3567)</b>	<b>HPERM Ref: D19/387857</b>
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**RESOLVED\*** (Clr Pakes / Clr Wells) MIN19.902

That the CEO (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed signage and line marking along McIntosh Street; this will formalise the on-street parking along McIntosh Street, Shoalhaven Heads, as per plan No (D19/388714).

CARRIED

<b>TC19.59 Modifications to Seamans Beach Carpark - Cyrus St - Hyams Beach (PN 3568)</b>	<b>HPERM Ref: D19/387929</b>
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**RESOLVED\*** (Clr Pakes / Clr Wells) MIN19.903

That the CEO (Director Assets & Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed signage and time restrictions to the Seamans Beach Carpark on Cyrus Street, Hyams Beach as detailed in plan No 2676.07 (D19/358695). These plans have been developed in consultation with the council and the Hyams Beach Village Association.

CARRIED

## REPORTS

**CL19.345 Code of Conduct Complaints - Annual Statistics Report -  
1 September 2018 to 31 August 2019**

**HPERM Ref:  
D19/378462**

**Recommendation (Item to be determined under delegated authority)**

That the Report of the Chief Executive Officer concerning complaints under the Code of Conduct for the period 1 September 2018 to 31 August 2019 be received for information

Note: This item was deferred to the Ordinary meeting to be held Tuesday 17 December 2019 refer MIN19.891

**CL19.346 Update - Code of Conduct - Penalties available to  
Councils for Breaches by Councillors**

**HPERM Ref:  
D19/390012**

**Recommendation**

That Council:

1. Note the report on Code of Conduct - Penalties for information
2. Receive a further report outlining any further guidance from the Office of Local Government on this matter.

Note: This item was deferred to the Ordinary meeting to be held Tuesday 17 December 2019 refer MIN19.891

**CL19.347 Community Participation Plan- Exhibition Outcomes and  
Request for Adoption**

**HPERM Ref:  
D19/403116**

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

MIN19.904

That Council:

1. Adopt the Community Participation Plan (CPP) presented as Attachment 1 with the changes that have resulted from the exhibition process, including editorial changes and additions to provide further clarity to readers, including the addition of a glossary of terms, to support understanding of the document.
2. Submit the CPP to the Department of Planning portal by the 1 December 2019
3. Commence a review of the DA notification process and other required consultation details, contained in Council's Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies, which can provide further clarity and improvements to Council's CPP.
4. Receive a report on the outcome of this review for consideration in early 2020

CARRIED

**CL19.348 Southern Phone Company Limited - Sale of Council  
Shares**

**HPERM REF:  
D19/407297**

Item dealt with earlier in the meeting see MIN19.869

**CL19.349 Presentation of Annual Financial Statements 30 June 2019**

**HPERM REF:  
D19/386515**

Item dealt with earlier in the meeting see MIN19.860

**CL19.350 Investment Report - October 2019**

**HPERM REF:  
D19/390932**

Item dealt with earlier/later in the meeting see MIN19.868

**CL19.351 Ward Boundary Adjustments - Outcome of Public Exhibition**

**HPERM REF:  
D19/397523**

Item dealt with earlier/later in the meeting see MIN19.879

**CL19.352 2020 Local Government Election Cost Estimates**

**HPERM Ref:  
D19/383614**

**Recommendation**

That Council

1. Note the Cost estimate of \$663,032 (excluding GST) for the NSW Electoral Commission to conduct the 2020 Local Government Election.
2. Increase the Election Budget in future budget reviews to accommodate for the estimated election management costs and internal costs.
3. Authorises the Chief Executive Officer (Group Director- Finance, Corporate and Community Services) to finalise contractual arrangements with the NSW Electoral Commission.

Note: This item was deferred to the Ordinary meeting to be held Tuesday 17 December 2019 refer MIN19.891

**CL19.353 Tenders - Waste and Recycling Collection Services**

**HPERM REF:  
D19/405574**

Item dealt with earlier in the meeting see MIN19.883

**CL19.354 Development Application – Clause 4.6 Variation of Development Standard – 170 Riversdale Road, Illaroo - Lot 101 DP 751273**

**HPERM Ref:  
D19/404571**

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

MIN19.905

That Council:

1. Confirm that it supports, pursuant to Clause 4.6 (exceptions to development standards) of SLEP2014, the request to vary Clause 4.3 building height limit of 11m to a maximum of 15.5m.
2. Refer the application (DA19/1134) back to staff for determination

CARRIED

**CL19.355 Boat Harbour (Bendalong) Master Plan - Operations  
Actions**

**HPERM REF:  
D19/409696**

Item dealt with earlier/later in the meeting see MIN19.882

**CL19.356 28th NSW Coastal Conference**

**HPERM Ref:  
D19/401853**

**Recommendation**

That Council receive the report from Clr John Wells and Clr Mark Kitchener on the 28<sup>th</sup> NSW Coastal Conference for information.

Note: This item was deferred to the Ordinary meeting to be held Tuesday 17 December 2019 refer MIN19.891

Note: A Rescission Motion was received in relation to CL19.351 – Ward Boundary Adjustments – Outcome of Public Exhibition signed by Clr Pakes, Clr Gash, Clr Watson. This will be considered at an Extra Ordinary Meeting on Tuesday 3 December 2019 at the conclusion of the Development & Environment Committee (which commences at 5.00pm) in the Council Chambers.

There being no further business, the meeting concluded, the time being 9.52pm.

Clr Findley  
CHAIRPERSON