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**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF SHOALHAVEN  
HELD IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD,  
NOWRA ON TUESDAY 28 JUNE 2016 COMMENCING AT 4.00 PM**

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The following members were present;

Clr Gash – Chairperson  
Clr Tribe  
Clr Robertson  
Clr Kearney  
Clr Anstiss  
Clr White  
Clr Wells  
Clr Baptist - left 6.14pm  
Clr Findley - arrived 4.05pm  
Clr Guile  
Clr Watson  
Clr Kitchener

The meeting was opened in Prayer by Rev Dr Matthew Wilson followed by the Welcome to Country/Acknowledgement of Traditional Custodians and the playing of the Australian National Anthem.

**480. Apologies/ Leave of Absence**

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Clr McCrudden was previously granted a leave of absence for the June Ordinary Meeting, Tuesday 28 June 2016.

**481. Confirmation of the Minutes of the Ordinary Meeting of Council held on Tuesday 24 May 2016, Extra Ordinary Meetings of Council held on Tuesday 14 June 2016 and Wednesday 22 June 2016**

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Note: Clr Findley arrived 4.05pm

MOTION:

Moved: Guile / Second: Baptist

**That the Minutes of the Ordinary Meeting of Council held on Tuesday 24 May 2016 and the Extra Ordinary Meetings of Council held on Tuesday 14 June 2016 and Wednesday 22 June 2016 be confirmed.**

CARRIED

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**MAYORAL MINUTE – TUESDAY 28 JUNE 2016**

**482. 2016 Queen’s Birthday Honours **File 8592E, 50252E****

MOTION: Moved: Gash / Second: Wells

**That Council receive the report regarding the 2016 Queen’s Birthday Honours for information.**

CARRIED

**483. Congratulations - Flood Conference **File 49468E, 50252E****

MOTION: Moved: Gash / Second: Wells

**That Council receive the report regarding Congratulations – Flood Conference for information.**

CARRIED

**484. 2018 Digger Day & Valour & Gallantry Ball **File 4771E, 50252E****

MOTION: Moved: Gash / Second: Wells

**That Council receive the report for information and pledge its support and sponsorship of \$10,000 towards the 2018 Digger Day and Valour and Gallantry Ball, from the 2016/2017 Unallocated Donations Budget.**

CARRIED

**485. Other events attended **File 50252E****

MOTION: Moved: Gash / Second: Wells

**That Council receive the report regarding other events for information.**

CARRIED

**486. Thank you **File 50252E****

MOTION: Moved: Gash / Second: Wells

**That Council receive the report for information**

CARRIED

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## DEPUTATIONS

### 487. Deputations

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Mr Justin Sanders (on behalf of the applicant) address the Ordinary Meeting in relation to Item 27 - Further Report - Planning Proposal (Rezoning) - 5C Creston Grove Bomaderry (Ride Australia)

Ms Lois Bonner addressed the Ordinary Meeting regarding Item 29 – Development Application – Shoalhaven Equestrian Centre of Excellence (Construction of Stage 1) at Lot 6 DP 1188080 Andersons Lane, Berry

Ms Monica Mudge addressed the Ordinary Meeting regarding Item 30 – Notice of Motion - Take Three for the Sea

### 488. Procedural Motion – Bring Items Forward

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PROCEDURAL MOTION:

Moved: Guile / Second: Wells

That the following items be brought forward for consideration at the conclusion of each deputation:

- Item 27 Further Report - Planning Proposal (Rezoning) - 5C Creston Grove Bomaderry (Ride Australia) Page 36
- Item 29 Development Application – Shoalhaven Equestrian Centre of Excellence (Construction of Stage 1) at Lot 6 DP 1188080 Andersons Lane, Berry, Page 46
- Item 30 – Notice of Motion - Take Three for the Sea, Page 49

CARRIED

## PLANNING AND DEVELOPMENT

### 489. Further Report - Planning Proposal (Rezoning) - 5C Creston Grove Bomaderry (Ride Australia) File 52920e

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MOTION:

Moved: Wells / Second: Kearney

That Council:

- a) Support a Planning Proposal over 5C Creston Grove, Bomaderry that enables the proposed boat and merchandise showroom and associated office space via a suitably worded inclusion in Schedule 1 (Additional Permitted Uses) of Shoalhaven Local Environmental Plan (LEP) 2014 that “sunsets” in 12 months if not acted upon;
- b) Submit the Planning Proposal to the Department of Planning & Environment to request a ‘Gateway determination’.
- c) Encourage the proponent to also lodge a development application for the proposed use to be considered and advanced alongside the Planning Proposal so that the

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adjoining landowners/residents can get greater certainty on the proposed development outcome; and

- d) Notify the NSW Roads & Maritime Service and the adjoining landowners/residents who participated in the early discussions surrounding this matter of this resolution.

AMENDMENT:

Moved: Guile / Second: Findley

That Council give consideration to a restriction placed on a section of the right of way on the site to control potential commercial usage on the residential amenity

AMENDMENT LOST

FOR: Kitchener, Watson, Guile, Findley, Robertson

AGAINST: Tribe, Kearney, Anstiss, White, Wells, Baptist, Gash

FURTHER AMENDMENT:

Moved: Findley

That Council:

- a) Support a Planning Proposal over 5C Creston Grove, Bomaderry that enables the proposed boat and merchandise showroom and associated office space via a suitably worded inclusion in Schedule 1 (Additional Permitted Uses) of Shoalhaven Local Environmental Plan (LEP) 2014 that “sunsets” in 12 months if not acted upon;
- b) Submit the Planning Proposal to the Department of Planning & Environment to request a ‘Gateway determination’.
- c) Encourage the proponent to also lodge a development application for the proposed use to be considered and advanced alongside the Planning Proposal so that the adjoining landowners/residents can get greater certainty on the proposed development outcome; and
- d) Notify the NSW Roads & Maritime Service and the adjoining landowners/residents who participated in the early discussions surrounding this matter of this resolution.
- e) Should the planning proposal be approved a subsequent DA not be dealt with under delegated authority and be brought to the Council for consideration in relation to the right of way on the site.

The further amendment was taken on by the mover and seconder of the motion.

MOTION:

Moved: Wells / Second: Kearney

**That Council:**

- a) Support a Planning Proposal over 5C Creston Grove, Bomaderry that enables the proposed boat and merchandise showroom and associated office space via a suitably worded inclusion in Schedule 1 (Additional Permitted Uses) of Shoalhaven Local Environmental Plan (LEP) 2014 that “sunsets” in 12 months if not acted upon;**

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- b) **Submit the Planning Proposal to the Department of Planning & Environment to request a 'Gateway determination'.**
  - c) **Encourage the proponent to also lodge a development application for the proposed use to be considered and advanced alongside the Planning Proposal so that the adjoining landowners/residents can get greater certainty on the proposed development outcome; and**
  - d) **Notify the NSW Roads & Maritime Service and the adjoining landowners/residents who participated in the early discussions surrounding this matter of this resolution.**
  - e) **Should the planning proposal be approved a subsequent DA not be dealt with under delegated authority and be brought to the Council for consideration in relation to the right of way on the site.**

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Findley, Watson, Kitchener, Gash

AGAINST: Guile

**490. Development Application – Shoalhaven Equestrian Centre of Excellence (Construction of Stage 1) at Lot 6 DP 1188080 Andersons Lane, Berry. Applicant/Owner: Shoalhaven City Council. File DA16/1203 (PDR)**

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MOTION:

Moved: Wells / Second: Kearney

**That Council determine Development Application 16/1203 for the construction of Stage 1 of the Shoalhaven Equestrian Centre of Excellence at Lot 6 DP 1188080 Andersons Lane, Berry by way of approval subject to conditions as contained in Attachment A (to the report).**

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Findley, Guile, Watson, Kitchener, Gash

AGAINST: Nil

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**NOTICE OF MOTION**

**491. Take Three for the Sea**

**File 21493E**

MOTION:

Moved: Kitchener / Second: Findley

That:

- a) **The Shoalhaven City Council establish the “Take Three for the Sea Anti-Litter Awareness Program” in the Shoalhaven Local Government Area at a minimum cost of \$2000.**
- b) **The project to be funded out of the 2016/2017 waste budget.**
- c) **Enter into an agreement with the Take Three Organization for the program and for the General Manager to report back before the end of the first twelve months.**

CARRIED

**REPORT OF GENERAL MANAGER – COMMITTEES REPORT**

**STRATEGY AND ASSETS COMMITTEE – TUESDAY 14 JUNE 2016**

**492. Adoption of Report**

MOTION:

Moved: Baptist / Second: White

**That the following items of the Strategy and Assets Committee be adopted.**

CARRIED

**493. Request for Donation**

**File 4771E**

**That the General Manager (Corporate and Community Services) meet with representatives of the Milton Theatre Management Committee and the Milton Follies to discuss the affordability of fees charged to the Milton Follies and report back to Council should a donation still be required.**

**494. 2015/16 Grant Funding Variations – Blackspot – Active Transport**

**File 28099E; 5279E; 49683E; 49451E**

That Council:

- a) **Accepts the approved variations including time extensions and revised grant funding offers under the Federal Nation Building Blackspot Program as follows:**
  - i) **Naval College Road project, increasing the budget from \$1.5 Million to \$2 Million, and revising the funding provision (breakdown over each**

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- consecutive financial year period) as; \$30,000 in 2014/15, \$140,000 in 2015/16, and \$1,830,000 in 2016/17; votes funds and authorises adjustments to the budget
- ii) **Yalwal Road project, increasing the budget from \$60,000 to \$75,000; votes funds and authorises adjustments to the budget**
  - iii) **for the Flinders Road projects, revising the funding provision (breakdown over each consecutive financial year period) as; \$30,000 in 2014/15, \$200,000 in 2015/16, and \$570,000 in 2016/17 (no change to the approved total \$800,000); votes funds and authorises adjustments to the budget**
  - iv) **Turpentine Road project (from CH8.565 to CH10.020) revising the funding provision (breakdown over each consecutive financial year period) as; \$6,000 in 2014/15, \$320,000 in 2015/16, and \$434,000 in 2016/17 (no change to the approved total \$760,000); votes funds and authorises adjustments to the budget**
- b) **Accepts variations to Council's budget consistent with the remaining variations to be approved under the Federal Nation Building Blackspot Program as follows:**
- i) **The Springs Road project, revising the funding provision (breakdown over each consecutive financial year period) as; \$30,000 in 2014/15, \$80,000 in 2015/16, and \$110,000 in 2016/17; votes funds and authorises adjustments to the budget**
  - ii) **Sussex Inlet Road project, revising the funding provision (breakdown over each consecutive financial year period) as; \$30,000 in 2014/15, \$170,000 in 2015/16, and \$450,000 in 2016/17; votes funds and authorises adjustments to the budget**
  - iii) **Lake Conjola Entrance Road project, revising the funding provision (breakdown over each consecutive financial year period) as; \$30,000 in 2014/15, \$40,000 in 2015/16, and \$380,000 in 2016/17; votes funds and authorises adjustments to the budget; and if unsuccessful in entering into a contract undertakes works in-house**
- c) **Accepts the change to the funding source for the Flinders Road project from the NSW Government, and accepts the variation approved under the NSW Rural and Regional Road Fund (RRRF) including the revised funding provision (breakdown over each consecutive financial year period) as \$100,000 in 2015/16, and \$3 Million in 2016/17 (no change to the total grant originally approved under the NSW Fixing Country Roads program of \$3,100,000) and authorises adjustments to the budget**
- d) **Accepts the variation approved under the Federal Government's Heavy Vehicle Safety and Productivity (HVSP) Program including the revised funding provision, being all \$2,950,000 funds originally approved in 2015/16 now approved to be provided in 2016/17, and authorises adjustments to the budget**

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- e) **Accepts the grant funding offer by NSW Roads and Maritime Services of \$22,372.50 under the TRACKS modelling program, being 50% of the cost of an independent peer review of the recently developed TRACKS (traffic and transportation) models, and authorises expenditure**
  - f) **Accepts the grant funding offer by NSW Government under the NSW Government's Active Transport Program of \$15,000 (being 49% of the cost of kerb ramp improvements at five locations, approved for 2016/17, brought forward to 2015/16, and authorises expenditure**
  - g) **Accepts the variation approved under the NSW Government's Active Transport Program for the 2015/16 stage of the Matron Porter Drive shared user path project (formerly approved from Garrads Lane to Sungrove Lane), to accept the completed works to the Frogs Holla Sports Fields access, the grant funding provided in 2015/16 be increased to \$245,000, and authorises adjustments to the budget**
  - h) **Accepts the funding offer under the NSW Government's Active Transport Program for the 2016/17 stage of the Matron Porter Drive shared user path project (formerly approved from Sungrove Lane to Garside Road), to now also include the section from Frogs Holla Sports Fields access to Sungrove Lane, the grant funding approved in 2016/17 be increased to \$200,000, and authorises adjustments to the budget**

**495. Acquisition of Land for Matron Porter Drive Shared Pathway File 51477E, 48363e**

**That:**

- a) **Council resolve to acquire part of Lot 21 DP1174684, known as 8 The Heights Narrawallee, as shown by hatching on copy of sketch plan marked Attachment 'A' (to the report);**
- b) **Council pay compensation of \$70,000 plus GST ( based on the area of 3,961m<sup>2</sup>), legal and valuation costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;**
- c) **The compensation be adjusted in accordance with the area of the land determined by final survey;**
- d) **The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manger is authorised to sign any documentation necessary to give effect to the resolution; and**
- e) **Following acquisition, the land be dedicated as Public Road pursuant to Section 10 of the Roads Act 1993.**



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**496. Greenwell Point Wharf Management Committee – Timber Jetty      File 5219E, 9818E**

**That:**

- a)      The Greenwell Point Wharf Committee be dissolved;**
- b)      Council write to the Committee and thank them;**
- c)      Council prepare options for the replacement of the timber jetty with a multi-purpose facility (public and commercial) at an estimated cost of \$200,000. To be located approximately where the existing Council owned timber wharf is located, with preferred option being a floating pontoon with a sewage pump out facility and the community be consulted after the draft options have been adopted by Council;**
- d)      The Council Waterways Infrastructure Plan to be amended to include this pontoon facility as a priority at this location and an application for funding be made to the State Government at the appropriate time.**

**497. Acquisition of Crown Land and Easement over Crown Land at Ulladulla File 21687E**

**That:**

- a)      Council resolve to compulsorily acquire from the Crown:
  - Lot 1 DP1109186, being part of Lot 7304 DP1166765, at Kings Point Drive Ulladulla, as shown on the attached copy of DP1109186 marked Attachment ‘A’ (to the report).**
  - A Sewerage Easement 10 wide and variable over Lot 7305 DP1166765 and Lot 5 DP256334 at Kings Point Drive Ulladulla, as shown by hatching on the attached copies of DP1109186 marked Attachment ‘A’ & ‘B’.****
- b)      Council 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.**
- c)      The necessary application be made to the Minister for Local Government and the Governor. The acquisition is to be carried out under the Local Government Act 1993.**
- d)      The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.**

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**498. Acquisition of land - Sunset Strip and The Bulwark, Manyana**

**File 27440E**

**That:**

- a) **Council resolve to acquire proposed Lot 100 in plan of subdivision, being part of Lot 682 DP568678 and part of Lot 705 DP613881, at Manyana as shown by hatching on plan marked 'Attachment A' (to the report), under the Local Government Act 1993.**
- b) **Council to pay compensation of \$36,000 plus GST, and legal, valuation and survey costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer Fund.**
- c) **The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.**
- d) **Council resolve to classify the land as Operational in accordance with section 31 (2) of the Local Government Act, 1993.**

**SHOALHAVEN SPORTS BOARD – THURSDAY 19 MAY 2016**

**499. Additional Item – Workshop – Sports Board Review**

**File 12623E**

**MOTION:**

Moved: Baptist / Second: White

**That the terms of reference be adopted with the following changes:**

- **The wording 'skills based' where it makes reference to the members be removed;**
- **The Board remain titled Shoalhaven Sports Board;**
- **A Strategic planning nature to be introduced for the future;**
- **The interview panel of community member appointments to include the chairperson of the Shoalhaven Sports Board.**

**CARRIED**

**BUSINESS AND EMPLOYMENT DEVELOPMENT COMMITTEE – WEDNESDAY 25 MAY 2016**

**500. Adoption of Report**

**MOTION:**

Moved: Kearney / Second: White

**That the following items of the Business and Employment Development Committee be adopted.**

**CARRIED**

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**501. Smart Cities Plan**

**File 31157E**

**That:**

- a) The Business and Economic Development Committee receive the report on the Smart Cities Plan for information.**
- b) Council notify relevant federal agencies of its interest in the Smart Cities Program and make appropriate submissions.**

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**502. Additional Item – Business and Employment Development Committee Membership**  
**File 38821E**

**That Council approve the appointment of a representative from the Shoalhaven Tourism Advisory Group to the Business and Employment Development Committee.**

**ABORIGINAL ADVISORY COMMITTEE – MONDAY 20 JUNE 2016**

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**503. Local Government NSW Aboriginal Network Conference** **File 24224E**

**MOTION:** **Moved: Findley / Second: Anstiss**

**That**

- a) An Aboriginal Advisory Committee member attend the Local Government NSW Aboriginal Network Conference at Tweed Heads from 24 to 26 August 2016 at a cost of \$780 for registration and additional accommodation and travel expenses, which may be shared between two delegates.**
- b) The cost of members attendance at the conference to be allocated from the Aboriginal Advisory Committee budget (Job number 13710).**

**CARRIED**

**SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 14 JUNE 2016**

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**504. Adoption of Report**

**MOTION:** **Moved: White / Second: Baptist**

**That the following items of the Shoalhaven Traffic Committee be adopted.**

**CARRIED**

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**505. Intersection Priority - Moolianga Road and Myrning Grove, Berrara (PN 1205)**  
**File 7774E**

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That the General Manager (Director Assets and Works) be requested to install double barrier (BB) centre line marking with a 10m break at the intersection of Myrning Grove and Moolianga Road, Berrara as detailed in the attached plan TRAF 2016/40.

**506. Temporary Work Zone - Carpark off Lawrence Avenue, Nowra (PN 3291)**  
**File 17432E**

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That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed temporary work zone of 6 car parking spaces in the carpark located on the eastern side of Lawrence Avenue, Nowra as detailed in the attached diagram TRAF 2016/41.

**507. Give Way Sign - Stewart Place Carpark, Nowra (PN 3292)**  
**File 14626E**

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That the General Manager (Director Assets and Works) be requested to arrange for the installation of a Give Way Sign and associated TB/TB1 hold linemarking at the western exit from the Stewart Place carpark to Stewart Place north of the Worrige Street roundabout, Nowra as detailed in the attached plan TRAF 2016/42.

**508. Temporary 15t Gross Weight Restriction - Henry's Bridge, Main Road, Cambewarra (PN 3293)**  
**File 4347E**

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That the General Manager (Director Assets and Works) be requested to arrange for the installation of temporary (R6-3 'Bridge Load Limit 15t Gross') signs on Henry's Bridge, Main Road, Cambewarra as detailed in the attached plan TRAF 2016/43.

**509. Linemarking & Signage Plan for Proposed Roundabout - Bishop Drive, Narrawallee (PN 3297) Lots 4, 5 & 35 DP 220678 Bishop Drive, Narrawallee - Applicant: Simon Punnet and Associates Pty Ltd**  
**File CC15/2442**

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That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed linemarking and regulatory signage in conjunction with the construction with the road and roundabout at Bishop Drive, Matron Porter Drive and Garside Road, Mollymook Beach as detailed in the attached plan (drawing no. 480-E16-17) TRAF 2016/44, subject to following:

- a) All linemarking around splitter islands to be E5, edgeline markings to be E1
- b) All edge linemarking of splitter islands to be offset typically 300mm
- c) Width of pedestrian crossing in all splitter islands to be 2m
- d) Painted chevron infill points to be shown on the plan
- e) All signs to be size B, including speed signs

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- f) In the typical cross section, central island to be shown 12m diameter, not 6m, or specify radius 6m.
  - g) All landscaping in the central island of the roundabout to be ground cover
  - h) Ensure pram ramps are clear of light poles (address conflicts shown on plans)
  - i) BS linemarking (170m (14)) needed to transition between BB and S1 linemarking in accordance with AS1742.2, on Bishop Drive
  - j) W2-7 signs to be erected 80-120m from hold lines on all legs of the roundabout. with the exception of Garside Road which is to be 60-80m
  - k) Pram ramps and connection to path to be provided from shoulder on approach to roundabout on all legs
  - l) E1 edge line markings are to transition to the lip of kerb rather than the invert
  - m) BB linemarking to be noted as continuous 100mm wide with 100mm separation between lines
    - E4 to be noted as E5 and 150mm wide continuous linemarking
    - TB holding line to be noted as 300mm wide x 600mm long

**510. Give Way - Rose Gum Avenue and Golden Wattle Drive, Ulladulla (PN 3299)**

**File 1715E**

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That the General Manager (Director Assets and Works) be requested to arrange for the installation of a R1-2B Give Way sign and TB/TB1 hold line at the intersection of Rose Gum Avenue and Golden Wattle Drive, Ulladulla as detailed in the attached plan TRAF 2016/45.

**511. No Stopping Zone - Isa Road, Worrigea (Lot 188 DP 1097639) Isa Road, Worrigea – Applicant: Lee Carmichael Town Planning (PN 3305) – Owner: Marvast Developments Pty Ltd**

**File DA15/1208, 31143E**

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That the General Manager (Director Assets and Works) be requested to arrange for the installation of a No Stopping zone (approx 6.5m) to maintain emergency bushfire access, in Isa Road, Worrigea as detailed in the attached diagram TRAF 2016/46.

**512. Linemarking - Sussex Inlet Road, Sussex Inlet (PN 3306)**

**File 13834E, 1714E**

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That the General Manager (Director Assets and Works) be requested to arrange for the installation of approximately 360m of double barrier (BB) Centre linemarking on Sussex Inlet Road, Sussex Inlet, between Government Road and Glanville Road with a 10m break in the linemarking at Cater Crescent and Ray Street as detailed in the attached diagram TRAF 2016/47.

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## REPORT OF THE GENERAL MANAGER

### 513. New Model for Joint Organisation

File 50403E

Note: Clr Findley left the meeting, the time being 5.28pm

MOTION:

Moved: Wells / Second: Kearney

**That Council note the Joint Organisation Background Paper and make a submission generally in support of the proposed model.**

CARRIED

### 514. Mind the Gap Project Funding

File 49858E

Note: Clr Findley returned to the meeting, the time being 5.30pm

MOTION:

Moved: Baptist / Second: White

**That:**

- a) **Council approve the necessary budgetary and/or accounting arrangements that will facilitate the timely transfer of the National Stronger Region Fund project funds from Shoalhaven City Council to the University of Wollongong for the delivery of the Mind the Gap project by creating:**
  - i) **Within the Economic Development budget, an income allocation of \$1,229,554; and**
  - ii) **Within the Economic Development budget, an equivalent expenditure allocation for \$1,229,554.**
- b) **These allocations be treated as a single project commencing in the 2016/2017 financial year and potentially rolling forward into 2017/2018.**

CARRIED

## CORPORATE AND COMMUNITY SERVICES

### 515. Investment Report – May 2016

File 2126E

MOTION:

Moved: Baptist / Second: White

**That the Report of the General Manager (Corporate and Community Services Group) on the Record of Investments for the period to 31<sup>st</sup> May 2016 be received for information.**

CARRIED

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**516. Frogs Holla Sporting Complex - Wastewater Upgrade**

**File 2525e**

Note: Clr Anstiss left the meeting, the time being 5.31pm

MOTION:

Moved: White / Second: Kearney

**That**

- a) **Council commence urgent wastewater upgrade works at Frogs Holla Sporting Complex to provide a rising main connection to the adjacent Milton town sewer system.**
- b) **Council fund the estimated \$90,000 wastewater from the 2016/17 budget allocation for New - Car Parking Active - Crown.**
- c) **Council provide interim portaloos type facilities at Frogs Holla Sporting Complex on high usage days such as school carnivals.**
- d) **Council advise the Frogs Holla Sporting Complex Management Committee of the above resolution.**

CARRIED

**ASSETS AND WORKS**

**517. Tender for the Manufacture & Installation of Relocatable Cabins at Holiday Haven Tourist Parks**

**File 53188E**

Note: Clr Anstiss was absent from the meeting.

MOTION:

Moved: White / Second: Wells

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

CARRIED

**518. Gateway Park – Electricity Supply – Princes Hwy Nowra**

**File 14910E**

Note: Clr Anstiss returned to the meeting, the time being 5.33pm.

MOTION:

Moved: Wells / Second: White

**That Council enter into a deed of agreement with Nosbor Group Pty Limited and Endeavour Energy to deliver a cost sharing arrangement for the supply of electricity to Gateway Park precinct provided that the financial arrangements are confirmed with Endeavour Energy and allocate funds up to \$40,000 under the existing Gateway Park budget.**

CARRIED

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**519. Outcome of Public Notice - Proposed Sale of Civic Centre Site, Bridge Road** **File 52523E**

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Note: Clr Kearney left the meeting the time being 5.34pm.

MOTION: Moved: Wells / Second: Baptist

**That Council acknowledge the submission received and proceed with the EOI in relation to the Civic Centre site, Bridge Road, Nowra.**

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Guile, Watson, Kitchener, Gash

AGAINST: Findley

**520. Sale of Part Maisie Williams Drive to Mollymook Golf Club** **File 26171E**

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Note: Clr Kearney returned to the meeting the time being 5.35pm.

MOTION: Moved: Watson

That Mr Beasley – representing the Director of the Mollymook Golf Club provide a deputation.

CARRIED

MOTION: Moved: Watson / Second: Guile

**That Council:**

**“Amend the Deed of Covenant in the contract for sale by:**

- a) Amending the definition of development in section 1.1 to the following:**  
*Development ‘means the subdivision of the subject land (except by the dedication of land as public road or public reserve) so as to extract the land or any part of the land, or any construction, development or use of the land for a use other than a permitted use’.*
- b) Amending the definition of permitted use in section 1.1 to the following:**  
*Permitted use means the use of the subject land for one or more of the following purposes:*
  - 1. an asset protection zone; and**
  - 2. a fire management plan to avoid the escape of fire onto neighbouring land; and**



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3. dedication of the land or part of the land as public road or public reserve; and
  4. rehabilitation of the land.
- c) Amending section 2.1 by the addition of the following words 'except for a permitted use; and
  - d) Also amend the Deed of Option and pre-emption by amending clause 2.1 by the addition of the following words 'except for a Permitted Use'.
  - e) Uphold the principal of the original proposal agreed to by Council.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Guile, Watson, Kitchener, Gash

AGAINST: Findley

## PLANNING AND DEVELOPMENT

521. Further Report - Planning Proposal (Rezoning) - 5C Creston Grove Bomaderry (Ride Australia) File 52920e
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Note: this item was dealt with earlier in the meeting refer MIN16.489.

522. **Proposed Draft Planning Agreement – Partial demolition of existing structures, alterations to an existing building and construction of a service station (BP), food and drink premises (McDonalds), car parking, signage and associated works at Lot 1 DP 781046 (No.18) Haigh Avenue and Lot 101 DP 1176270 (No.103) Plunkett Street, Nowra. Applicant: KDC Pty Ltd. Owner: RG Property Ten Pty Ltd.**
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- File DA15/2291 (PDR)**

MOTION:

Moved: Wells / Second: Robertson

**That Council:**

- a) Provide 'in-principle' support to enter into a proposed draft Planning Agreement with the owner of Lot 1 DP 781046 (No.18) Haigh Avenue and Lot 101 DP 1176270 (No.103) Plunkett Street, Nowra as detailed in the letter from RG Property dated 16 June 2016;
- b) The draft Planning Agreement and Explanatory Note associated with DA15/2291, when prepared, be placed on public exhibition in compliance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated regulations; and
- c) A further report on the Planning Agreement be submitted to Council following the public exhibition.

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CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Findley, Guile, Watson, Kitchener, Gash

AGAINST: Nil

523. Development Application – Shoalhaven Equestrian Centre of Excellence (Construction of Stage 1) at Lot 6 DP 1188080 Andersons Lane, Berry. Applicant/Owner: Shoalhaven City Council. File DA16/1203
- 

Note: this item was dealt with earlier in the meeting refer MIN16.490

### NOTICES OF MOTION

524. Take Three for the Sea File 21493E
- 

Note: this item was dealt with earlier in the meeting refer MIN16.491

525. Road Transport Access – North Nowra File 5253E
- 

MOTION: Moved: Guile / Second: Kitchener

That the General Manager report to the next ordinary meeting of Council regarding progress on measures to improve road transport access to the North Nowra area since Council changed its Link Road policy in 2012.

AMENDMENT: Moved: Wells / Second: Baptist

**That the General Manager report to the next Ordinary Meeting of Council regarding the progress on measures to improve road transport access to the North Nowra area since the Planning Assessment Commission determined the Link Road route in 2012.**

AMENDMENT CARRIED AND BECAME THE MOTION

FOR: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Findley, Gash

AGAINST: Guile, Watson, Kitchener

Clr White - Point of Order – Clr Guile to apologise for his remarks against the General Manager (implying the report will not be true and accurate and in conjunction with the Mayor) and for Clr Guile to stop bringing the Council into disruption and making comments about other councillors and the Mayor.

The Mayor warned that the meeting was disintegrating into disrespect and warned Clr Guile.

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Note: Clr Kitchener left the meeting, the time being 6.11pm.

MOTION CARRIED

**526. Private Functions on Public Reserves**

**File 6320E**

Note: Clr Kitchener was absent from the meeting.

MOTION:

Moved: White / Second: Tribe

**That the Private Functions on Public Reserves Policy Number POL15/34 be amended as follows:-**

**4.1 General Provisions –**

- a) Reserve bookings will be accepted a maximum 18 Month's in advance of the function.**

CARRIED

**527. Bomaderry Nowra Regional Sports & Community Precinct Master Plan File 52005E**

Note: Clr Baptist left the meeting, the time being 6.14pm.

Note: Clr Kitchener returned to the meeting, the time being 6.14pm

MOTION:

Moved: Guile / Second: Kitchener

That:

1. In response to the distress caused to residents and the unidentified and unlikely future funding of the Bomaderry/Nowra Regional Sports & Community Precinct Master Plan, Shoalhaven City Council does rescind MIN16.326 part a), namely
  - a) Council authorises the General Manager to advise the property owners of:
    - i. 109 Cambewarra Rd, Bomaderry
    - ii. 111 Cambewarra Rd, Bomaderry
    - iii. 111A Cambewarra Rd, Bomaderry
    - iv. 113 Cambewarra Rd, Bomaderrythat Council is considering a draft Shoalhaven Regional Sports & Community Precinct Master Plan, which may impact their properties.
2. Council continues development of approved elements of the precinct plan including the Northern Indoor Sports Centre and the associated improvements to the Artie Smith Oval.
3. Council work with local sporting groups through the Sports Board to establish the priority and options for delivery of artificial surfaces for athletics and football (soccer).

- 
4. Council defer further consideration of the Precinct plan in its entirety until 3 is complete and a new Council is elected in September.
  5. Council receive a report on any material or potential losses for owners of properties listed in 1 resulting from Council's actions

Note by General Manager: This relates to MIN16.326C which was adopted by council on 19.04.16. It is now able to be published as the reason for retaining confidentiality has passed. Nevertheless the resolution has already been actioned and completed and hence any rescission would not have any affect.

AMENDMENT:

Moved: White / Second: Tribe

**That Council defer the consideration of the following recommendations proposed by Clr Guile until after the report back from the exhibition period.**

1. **Council continues development of approved elements of the precinct plan including the Northern Indoor Sports Centre and the associated improvements to the Artie Smith Oval.**
2. **Council work with local sporting groups through the Sports Board to establish the priority and options for delivery of artificial surfaces for athletics and football (soccer).**
3. **Council defer further consideration of the Precinct plan in its entirety until 2 is complete and a new Council is elected in September.**
4. **Council receive a report on any material or potential losses for owners of residential properties resulting from Council's actions.**

AMENDMENT CARRIED TO BECOME THE MOTION

FOR: Tribe, Robertson, Kearney, Anstiss, White, Wells, Findley, Watson, Gash

AGAINST: Guile, Kitchener

Note: Clr Tribe was absent from the meeting, the time being 6.33pm

MOTION CARRIED

FOR: Robertson, Kearney, Anstiss, White, Wells, Findley, Guile, Watson, Gash

AGAINST: Kitchener

## **ADDENDUM REPORT 1 – GENERAL MANAGER – COMMITTEES REPORT**

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**DEVELOPMENT COMMITTEE – TUESDAY 7 JUNE 2016**

- 528. Development Application for proposed Men’s Shed at Lot 2625 DP 235029 Clifton St, Sanctuary Point. Applicant: Sanctuary Point Men’s Shed Incorporated. Owner: Shoalhaven City Council. File DA15/2646 (PDR)**
- 

Note: Clr Tribe returned to the meeting, the time being 6.35pm.

MOTION: Moved: Wells / Second: Tribe

**That Council resolve to support the application for a proposed men’s shed in accordance with the conditions detailed in Attachment “A” (to the report).**

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, White, Wells, Guile, Watson, Kitchener, Gash

AGAINST: Findley

**CONFIDENTIAL REPORT OF THE GENERAL MANAGER**

**ASSETS AND WORKS**

<b>Item</b>	<b>Reason</b>
Tender for the Manufacture and Installation of Relocatable Cabins at Holiday Haven Tourist Parks	Section 10A(2)(d)(i) - Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.  It is not in the public interest to disclose this information as it may impact on the ability of Council to attract competitive tenders in the future.

Pursuant to section 10A(4), the public were invited to make representations to the Ordinary Meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed. The Chairperson asked the General Manager if any written representations had been received as to whether that part of the meeting should be closed.

MOTION: Moved: Wells / Second: White

That the Ordinary Meeting exclude the press and public from the Meeting pursuant to section 10A(1)(a) of the Local Government Act, 1993 as it was to consider items of a confidential nature in relation to matters pursuant to Section 10A(2)(d)(i).

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The public interest in preserving the confidentiality of information outweighs the public interest in maintaining openness and transparency in Council decision making, as it may impact on the ability of Council to attract competitive tenders in the future:

- Tender for the Manufacture and Installation of Relocatable

CARRIED

The meeting moved into confidential the time being 6.38 pm.

The meeting moved into open session, the time being 6.39 pm.

**529. Tender for the Manufacture and Installation of Relocatable Cabins at Holiday Haven Tourist Parks** **File 53188E**

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The following resolution of the Ordinary Meeting was made public

**That:**

- a) **Council accept the Tender from Uniplan Group for the supply of Seven (7) standard cabins and Two (2) ensuites at a total cost of \$686,190 excluding GST;**
- b) **Authorise the General Manager (Director Assets & Works) to finalise and execute the contract on behalf of Council, including variations to the number, and proposed locations of the cabins.**

CARRIED

There being no further business, the meeting concluded, the time being 6.40 pm.

Clr Gash  
CHAIRPERSON