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**MINUTES OF THE EXTRA ORDINARY MEETING OF THE COUNCIL OF THE CITY OF SHOALHAVEN HELD IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA ON MONDAY 25 JANUARY 2016 COMMENCING AT 4.00PM**

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The following members were present;

Clr Gash – Chairperson – left 6.37pm, returned 6.39pm  
Clr Tribe  
Clr Robertson  
Clr Kearney  
Clr Anstiss  
Clr White  
Clr Wells – Chairperson from 6.37pm – 6.39pm  
Clr Baptist  
Clr Findley  
Clr Guile  
Clr Watson – left 6.52pm  
Clr Kitchener  
Clr McCrudden – left 5.14pm, returned 5.32pm

Note: The Mayor acknowledged the Mayor of Kiama Municipal Council Clr Brian Petcheler together with Clrs Sloan, Wray and Rice.

**MAYORAL MINUTE – MONDAY 25 JANUARY 2016**

**30. NSW State Government Merger Proposal - Shoalhaven & Kiama Council**

**File 52579E**

MOTION:

Moved: Gash / Second: Wells

That:

- a) Council adopt the Mayoral Minute to inform the General Manager in his preparation of the submission to the Delegate.
- b) Council form the view that the NSW Government's Shoalhaven Kiama Merger Proposal, presented in its current form and on the evidence available contains several anomalies in criteria, statements of financial process and other matters that could well jeopardise Shoalhaven City's sustainability going forward and retain its 'Fit for the Future' status...and it is therefore unworkable and cannot be supported in its present format.
- c) Council continue to maintain an open and positive dialogue over the Reform Merger with the State government on all advice, issues and concerns and leave the door open for future submissions.
- d) Council seek the support of our local members of State Parliament Hon Shelley Hancock MP South Coast and (Speaker of the House), Gareth Ward

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**MLA Member for Kiama and Hon Paul Green MLC in promoting dialogue between Council and the State.**

- e) **Council develop a response under the 10 assessment criteria objecting to the proposed merger in its present form, as presented by the State government, and present this to State Government and the Public Inquiry on Feb 3rd 2016 reflecting the position outlined in this minute and the Discussion Paper prepared by the General Manager.**
- f) **While not supporting the proposed amalgamation in its present form the preferred option of 12 Councillors based on 4 Wards (equal numbers) and the Mayor elected in addition to the 12 Ward based Councillors be supported if a merger does eventuate;**
- g) **The General Manager develop a community information package to clearly outline Council's response, information available and process of participation in providing feedback to the Delegate and the inquiry.**
- h) **Council undertake a community survey in relation to the proposal and allocate a sum of \$10,000 for this purpose.**
- i) **Should any further information come forward in respect to the proposal, a further meeting of council be convened and a further supplementary submission be made before 28th February if required and relevant.**

A PROCEDURAL MOTION:

Moved: Findley / Second: Guile

That Council move into the Committee of the Whole to allow for open discussion on the Mayoral Minute.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Findley, Guile, Watson, Kitchener, McCrudden, Gash

AGAINST: White, Wells, Baptist

The Extra Ordinary Meeting moved into Committee of the whole the time being 4.16pm.

### **COMMITTEE OF THE WHOLE**

AMENDMENT 1:

Moved: Findley / Second: Kitchener

- a) **Council adopt the Mayoral Minute to inform the General Manager in his preparation of the submission to the Delegate.**
- b) **Council form the view that the NSW Government's Shoalhaven Kiama Merger Proposal, and on the evidence available contains several anomalies in criteria, statements of financial process and other matters that could well jeopardise Shoalhaven City's sustainability going forward and retain its 'Fit for the Future' status...and is therefore unworkable and cannot be supported.**

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- c) Council continue to maintain an open and positive dialogue over the Reform Merger with the State government on all advice, issues and concerns and leave the door open for future submissions.
  - d) Council seek the support of our local members of State Parliament Hon Shelley Hancock MP South Coast and (Speaker of the House), Gareth Ward MLA Member for Kiama and Hon Paul Green MLC in promoting dialogue between Council and the State.
  - e) Council develop a response under the 10 assessment criteria objecting to the proposed merger, as presented by the State government, and present this to State Government and the Public Inquiry on Feb 3rd 2016 reflecting the position outlined in this minute and the Discussion Paper prepared by the General Manager.
  - f) While not supporting the proposed amalgamation in its present form the preferred option of 12 Councillors based on 4 Wards (equal numbers) and the mayor elected in addition to the 12 Ward based Councillors be supported if a merger does eventuate;
  - g) The General Manager develop a community information package to clearly outline Council's response, information available and process of participation in providing feedback to the Delegate and the inquiry.
  - h) Council undertake a community survey in relation to the proposal and allocate a sum of \$10,000 for this purpose.
  - i) Should any further information come forward in respect to the proposal, a further meeting of council be convened and a further supplementary submission be made before 28th February if required and relevant.

#### AMENDMENT 1 LOST

FOR: Findley, Kitchener

AGAINST: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Guile, Watson, McCrudden, Gash

#### AMENDMENT 2:

Moved: Findley

- a) Council adopt the Mayoral Minute to inform the GM in his preparation of the submission to the Delegate.
- b) Council form the view that the NSW Government's Shoalhaven Kiama Merger Proposal, presented in its current form and on the evidence available contains several anomalies in criteria, statements of financial process and other matters that could well jeopardise Shoalhaven City's sustainability going forward and retain its 'Fit for the Future' status...and it is therefore unworkable and cannot be supported in its present format.
- c) Council continue to maintain an open and positive dialogue over the Reform Merger with the State government on all advice, issues and concerns and leave the door open for future submissions.

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- d) Council seek the support of our local members of State Parliament Hon Shelley Hancock MP South Coast and (Speaker of the House), Gareth Ward MLA Member for Kiama and Hon Paul Green MLC in promoting dialogue between Council and the State.
  - e) Council develop a response under the 10 assessment criteria objecting to the proposed merger, as presented by the State government, and present this to State Government and the Public Inquiry on Feb 3rd 2016 reflecting the position outlined in this minute and the Discussion Paper prepared by the General Manager.
  - f) While not supporting the proposed amalgamation in its present form the preferred option of 12 Councillors based on 4 Wards (equal numbers) and the mayor elected in addition to the 12 Ward based Councillors be supported if a merger does eventuate;
  - g) The General Manager develop a community information package to clearly outline Council's response, information available and process of participation in providing feedback to the Delegate and the inquiry.
  - h) Council undertake a community survey in relation to the proposal and allocate a sum of \$10,000 for this purpose and the Community Survey occur after the facts have been distributed to the Community.
  - i) Should any further information come forward in respect to the proposal, a further meeting of council be convened and a further supplementary submission be made before 28th February if required and relevant.
  - j) That's all correspondence between the Mayor and the Premier including diary notes and phone calls be made available to all Councillors to maintain transparency.

AMENDMENT 2 LAPSED for want of Seconder.

AMENDMENT 3:

Moved: Findley / Second: Kitchener

- a) Council adopt the Mayoral Minute to inform the General Manager in his preparation of the submission to the Delegate.
- b) Council form the view that the NSW Government's Shoalhaven Kiama Merger Proposal, presented in its current form and on the evidence available contains several anomalies in criteria, statements of financial process and other matters that could well jeopardise Shoalhaven City's sustainability going forward and retain its 'Fit for the Future' status...and it is therefore unworkable and cannot be supported in its present format.
- c) Council continue to maintain an open and positive dialogue over the Reform Merger with the State government on all advice, issues and concerns and leave the door open for future submissions.
- d) Council seek the support of our local members of State Parliament Hon Shelley Hancock MP South Coast and (Speaker of the House), Gareth Ward MLA Member for Kiama and Hon Paul Green MLC in promoting dialogue between Council and the State.

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- e) Council develop a response under the 10 assessment criteria rejecting to the proposed merger.
  - f) While not supporting the proposed amalgamation in its present form the preferred option of 12 Councillors based on 4 Wards (equal numbers) and the mayor elected in addition to the 12 Ward based Councillors be supported if a merger does eventuate;
  - g) The General Manager develop a community information package to clearly outline Council's response, information available and process of participation in providing feedback to the Delegate and the inquiry.
  - h) Council undertake a community survey in relation to the proposal and allocate a sum of \$10,000 for this purpose and the Community Survey occur after the facts have been distributed to the Community.
  - i) Should any further information come forward in respect to the proposal, a further meeting of council be convened and a further supplementary submission be made before 28th February if required and relevant.

#### AMENDMENT 3 LOST

FOR: Findley, Kitchener

AGAINST: Tribe, Robertson, Kearney, Anstiss, White, Wells, Baptist, Guile, Watson, McCrudden, Gash

PROCEDURAL MOTION:

Moved: Guile / Second: White

That the Committee of the Whole conclude and move into open session of the Extra Ordinary Meeting.

CARRIED

The Extra Ordinary Meeting resumed the time being 5.14pm.

The following members were present;

Clr Gash – Chairperson  
Clr Tribe  
Clr Robertson  
Clr Kearney  
Clr Anstiss  
Clr White  
Clr Wells  
Clr Baptist  
Clr Findley  
Clr Guile  
Clr Watson  
Clr Kitchener  
Clr McCrudden

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Note: Cllr McCrudden left the meeting.

PROCEDURAL MOTION:

Moved: Wells

That the MOTION be PUT.

CARRIED

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

AGAINST: Findley, Guile, Watson, Kitchener

PROCEDURAL MOTION:

Moved: Wells / Second: Guile

That the PROCEDURAL MOTION that the MOTION be PUT be withdrawn to allow Cllr Watson to speak.

PROCEDURAL MOTION CARRIED

MOTION CARRIED (Mayoral Minute)

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

AGAINST: Nil (Cllr McCrudden was absent)

### **31. Procedural Motion – Bring forward Item**

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Note: Cllr McCrudden returned to the meeting.

MOTION:

Moved: Watson / Second: White

That the Report of the General Manager be brought forward for consideration.

CARRIED

### **REPORT OF THE GENERAL MANAGER**

### **32. Community Information Campaign – State Government Merger Proposal**

**File 52579E**

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MOTION:

Moved: Watson / Second: Guile

**That:**

**a) The information contained in the Report of the General Manager be noted;**

**b) Council vote a maximum of \$50,000 for Community Engagement;**

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THIS IS PAGE 6 OF THE MINUTES OF THE EXTRA ORDINARY MEETING OF THE COUNCIL OF THE CITY OF SHOALHAVEN HELD ON MONDAY 25 JANUARY 2016.

MINUTES CONFIRMED ON WEDNESDAY 27 JANUARY 2016 - CHAIRMAN .....

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- c) **The General Manager prepare an information leaflet for household delivery to all residents and this to occur before any survey;**
  - d) **\$10,000 of the \$50,000 be voted to utilise IRIS Research to conduct the Community Survey;**
  - e) **The General Manager consider using paid Facebook style advertising to distribute the information to all known Facebook addresses within the Shoalhaven.**

CARRIED

### **33. Notice of Meeting – Motion – Merger Proposal**

MOTION:

Moved: Guile / Second: White

**That the Motion lodged by Clrs Guile, Watson and Findley outlined on the Notice of Meeting which resulted in the calling of this Extra Ordinary Meeting be noted.**

CARRIED

### **DEPUTATIONS**

#### **34. Deputations**

Note: Clr Watson left the meeting.

Mr Dave Short and Ms Margaret Butler addressed the Meeting in relation to Item 1, Page 1 - Rescission Motion - Development Application – Temporary Function Venue at Lot 2 DP 855905, No.4 Battys Road, Upper Kangaroo River

Note: Clr Watson returned to the meeting.

Ms Melanie Cevasco – Manager Brogers End responded to questions in relation to Item 1, Page 1 - Rescission Motion - Development Application – Temporary Function Venue at Lot 2 DP 855905, No.4 Battys Road, Upper Kangaroo River

### **NOTICES OF MOTION**

#### **35. Rescission Motion - Development Application – Temporary Function Venue at Lot 2 DP 855905, No.4 Battys Road, Upper Kangaroo River. Applicant: Plannex Environmental Planning. Owner: PJ and SH Crowe File DA15/1522 (PDR)**

MOTION:

Moved: Guile / Second: Findley

**That Council rescind the Motion relating to Addendum Report 2 Weddings and Functions in Kangaroo Valley DA15/1522 of the Council Meeting held on Tuesday 15 December 2015.**

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Note: Clr Gash left the meeting and Clr Wells took the Chair at 6.37pm.

Note: Clr Gash returned to the meeting and resumed the Chair at 6.39pm.

Note: Clr Watson left the meeting 6.52pm.

CARRIED

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

AGAINST: Nil

**Note by General Manager:** Any part of the original Motion that had already been implemented could not be rescinded.

**36. Development Application – Temporary Function Venue at Lot 2 DP 855905, No.4 Battys Road, Upper Kangaroo River. Applicant: Plannex Environmental Planning. Owner: PJ and SH Crowe File DA15/1522 (PDR)**

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MOTION: Moved: Guile / Second: McCrudden

**That in relation to the matter of DA15/1522 Council determine the balance of the application by way of refusal for the reasons of unacceptable noise and impacts on amenity.**

CARRIED

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

AGAINST: Nil

There being no further business, the meeting concluded, the time being 7.00pm.

Clr Gash  
CHAIRPERSON