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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 16 FEBRUARY 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  
Clr Findley  
Clr Guile  
Clr Watson  
Clr Kitchener  
Clr McCrudden

The meeting was opened in Prayer by Reverend Geoff Thompson, followed by the Welcome to Country/Acknowledgement of Traditional Custodians and the playing of the Australian National Anthem.

**94. Confirmation of the Minutes of the Ordinary Meeting of Council held on Tuesday 27 January 2016**

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MOTION: Moved: Wells / Second: White

**That the Minutes of the Ordinary Meeting of Council held on Tuesday 27 January 2016 be confirmed.**

CARRIED

**95. Declarations of Interest**

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Conflict of Interest Declaration - Clr Watson – less than significant non pecuniary interest – Item 11, Page 30 - Shoalhaven Development Control Plan (DCP) 2014 - Chapter S2 Badgee Urban Release Area - he has close personal friends that will be impacted by this proposal - left the room, did not take part in discussion or vote.

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**MAYORAL MINUTE – TUESDAY 16 FEBRUARY 2016**

**96. Merger – Community Survey Results **File 52579E, 50525E****

MOTION: Moved: Gash / Second: White

**That:**

- a) **the results of the survey be included in the submission from Council to the delegate, on the merger proposal;**
- b) **the results of the survey be provided on Councils website for community information;**
- c) **the results of the survey be provided to the NSW Premier, the Minister for Local Government and relevant State MPs including Member for South Coast, Mrs Shelley Hancock MP and Member for Kiama, Mr Gareth Ward MP;**
- d) **Council request the Delegate and the Minister for Local Government to extend the submission period by two (2) weeks for the proposed merger of the Shoalhaven City and Kiama Municipal Councils.**

CARRIED

**97. Subloo's Waste Service Contract **File 41181E, 5701E, 50252E****

MOTION: Moved: Gash / Second: Guile

**That the General Manager (Director Assets & Works) present a report to the next Council Meeting outlining the history of this contract and the current tender practices used in evaluation and reporting.**

CARRIED

**98. Second Turnbull Ministry **File 50252E****

MOTION: Moved: Gash / Second: White

**That Council receive the report for information.**

CARRIED

**99. UOW Shoalhaven Campus - Visit by Professor Wellings **File 50252E****

MOTION: Moved: Gash / Second: White

**That Council receive the report for information.**

CARRIED

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**100. Manyana Red Head Villages Association Meeting** **File 50252E**

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MOTION: Moved: Gash / Second: Baptist

**That:**

- a) **Council receive the report for information; and**
- b) **Congratulations be given to Donna Corbyn (Youth Development Officer) and Liliana Hutchinson (Community Safety Officer) for their work in the community in relation to this matter.**

CARRIED

**101. Greenfield Beach rated Top 12 in the Guardian UK** **File 52597E, 50252E**

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MOTION: Moved: Gash / Second: Baptist

**That Council receive the report for information.**

CARRIED

**102. The Sydney Weekender** **File 52597E, 50252E**

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MOTION: Moved: Gash / Second: Kearney

**That Council receive the report for information.**

CARRIED

**103. Little Forest Road and Princes Highway Intersection upgrade**  
**File 10959E, 6852E, 50252E**

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MOTION: Moved: Gash / Second: Tribe

**That Council receive the report for information.**

CARRIED

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

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MOTION: Moved: Gash / Second: White

**That Council receive the report for information.**

CARRIED

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**105. Thank you**

**File 50252E**

MOTION:

Moved: Gash / Second: Baptist

**That Council receive the report for information.**

CARRIED

**REPORT OF THE GENERAL MANAGER – COMMITTEES REPORT**

**STRATEGY AND ASSETS COMMITTEE – TUESDAY 9 FEBRUARY 2016**

**106. Adoption of Report**

MOTION:

Moved: Baptist / Second: Guile

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

CARRIED

**107. Acquisition of Part Boree Street, Ulladulla by Council from Sheffield Crest Pty Ltd**

**File 52692E**

**That Council:**

- a) **Resolve to enter into an agreement with Sheffield Crest Pty Ltd to acquire, under the provisions of the Roads Act 1993, part Lot 1 DP 872058, being that part of Boree Street, Ulladulla fronting the Dolphin Court Shopping Centre from Sheffield Crest to Council at no cost to Council for road;**
- b) **Resolve that the General Manager be authorised to determine and approve the conditions of the acquisition that may not yet be determined;**
- c) **Resolve that Sheffield Crest (as owner) be responsible for the payment of all costs, including Council's, associated with this matter;**
- d) **Resolve that upon successful acquisition of the land the adjoining Lot 1 DP 867311 be dedicated as road under the provisions of the Roads Act 1993;**
- e) **Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed to give effect to the resolution; and**
- f) **A report in due course be provided to Council on the outcome of the acquisition.**

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**108. Waiver of Development and construction Fees – Ulladulla Milton Mens Shed Inc.**  
**File 23618E**

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**That Council waive the Development Application and Construction Certificate Fees for the Ulladulla Milton Men's Shed Inc relating to the development and construction of their proposed men's shed at Frogs Hollow Milton.**

**ABORIGINAL ADVISORY COMMITTEE – MONDAY 8 FEBRUARY 2016**

**109. Additional Item – Governance Training for Committee Members** **File 1209E**

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MOTION: Moved: Guile / Second: White

**That:**

- a) The Aboriginal Advisory Committee endorse the Aboriginal Community Development Officer to further investigate and provide information on governance training for the committee members;**
- b) Council provide governance training to interested members of the community and the Aboriginal Advisory Committee.**

CARRIED

**SHOALHAVEN TRAFFIC COMMITTEE – TUESDAY 9 FEBRUARY 2016**

**110. Adoption of Report**

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MOTION: Moved: White / Second: Baptist

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

CARRIED

**111. Regulatory Signage and Linemarking Plans – Stages 10 and 11, Bayswood Estate, Vincentia (PN 3259)** **File SF9786-12**

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**That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection in principle to the proposed regulatory signage and linemarking associated with the development of stages 10 and 11, Bayswood Estate, Vincentia, as detailed in the attached plans TRAF 2016/02a and TRAF 2016/02b.**

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**112. Proposed Vehicle Control Measures - Hertiage Estates, Worroving Heights (PN 3260) File 1446E**

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That the General Manager (Director Assets and Works) be advised that Shoalhaven Traffic Committee has no objection to the proposed vehicle control measures (gates and barriers) as detailed in the attached plan TRAF 2016/03, which include:

- a) Installation of three (3) gates at;
  - the entry to Birriga Avenue on the eastern side of its intersection with The Wool Road
  - the entry to Wanawong Boulevard / Birriga Avenue on the western side of its intersection with Naval College Road
  - the entry to Wanawong Boulevard on the northern side of its intersection with Erowal Bay Road
- b) Placement of boulders, mounding and/or steel cable fencing on either side of each gate as appropriate to prevent vehicles by-passing the gates
- c) Placement of boulders, mounding and/or steel cable fencing as appropriate at the other entry points along Erowal Bay Road.
- d) Consideration to maintain 5m clearzone to barriers for an 80km/h zone.

**113. Traffic Calming Device – Golf Avenue, Mollymook Beach (PN 1409) File 7814E**

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That the General Manager (Director Assets and Works) be requested to arrange for the installation of a traffic calming device on Golf Avenue, Mollymook Beach as detailed in the attached plans TRAF 2016/04a and TRAF 2016/04b.

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

**114. Australian Local Government Association (ALGA) - Submission to the 2016-17 Federal Budget File 8324E**

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MOTION:

Moved: Guile

That Council:

- a) Endorse the recommendation of Australian Local Government Association (ALGA) with the exception of the following recommendations in the ALGA submission:
  - i) Restore fairer roads funding for South Australia by reinstating the additional roads funding for South Australian councils of \$17.5 million per annum.
  - ii) Returning the quantum of the Financial Assistance Grants to a level equal to at least 1 per cent of Commonwealth tax revenue and implementing a revised indexation methodology which better reflects the cost increases faced by councils.

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- b) Write to the Member of Gilmore, Ann Sudmalis, requesting her support of the ALGA submission and ask her to make representations to the various Ministers and Treasury.

MOTION lapsed due to lack of a seconder.

MOTION:

Moved: Watson / Second: White

**That Council:**

- a) **Fully endorse the recommendation of Australian Local Government Association (ALGA); and**
- b) **Write to the Member of Gilmore, Ann Sudmalis, requesting her support of the ALGA submission and ask her to make representations to the various Ministers and Treasury.**

CARRIED

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

AGAINST: Guile

## **CORPORATE AND COMMUNITY SERVICES**

### **115. Investment Report – January 2016**

**File 2126E**

MOTION:

Moved: Wells / Second: Baptist

**That the Report of the General Manager (Corporate Services and Community Services Group) on the Record of Investments for the period to 31 January 2016 be received for information.**

CARRIED

### **116. IPART Report - Reporting and Compliance Burdens on Local Government – Response Submissions**

**File 39780E**

MOTION:

Moved: Robertson / Second: Kearney

**That:**

- a) **The report by the General Manager be received for information;**
- b) **That the draft submission in response to the report (as provided in the attachments) be submitted on behalf of Council.**

CARRIED

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**117. Quarterly Budget Review as at 31st December 2015**

**File 2127e**

MOTION:

Moved: Wells / Second: White

**That:**

- a) **The December Quarterly Budget Review and vote movements outlined in the Quarterly Budget Review Statement be adopted by Council;**
- b) **Council acknowledges that it remains in a deficit position, which should not be increased with additional unfunded works or services.**

CARRIED

**PLANNING AND DEVELOPMENT**

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**118. Shoalhaven Development Control Plan (DCP) 2014 - Chapter S2 Badgee Urban Release Area**

**File 47610e**

Conflict of Interest Declaration - Clr Watson – less than significant non pecuniary interest – he has close personal friends that will be impacted by this proposal - left the room, did not take part in discussion or vote.

MOTION:

Moved: Wells / Second: Baptist

**That Council:**

- a) **Exhibit the revised draft Shoalhaven Development Control Plan 2014 Chapter – S2 Badgee Urban Release Area (Attachment C) for 28 days;**
- b) **Send letters to everyone who made submissions previously on the Badgee DCP and all residents involved in consultation on the roundabout concept design to notify them of this resolution and the exhibition;**
- c) **Notify the Sussex Inlet Community Forum of the exhibition.**

CARRIED

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**119. Repair of flood levees**

**File 1799E**

Note: Clr Watson returned to the meeting

Note: Clr Anstiss left the meeting.

MOTION:

Moved: White / Second: Findley

**That Council:**

- a) **Advance the restoration of category 1 flood levees (valued by Public Works at \$460,000), damaged during the August 2015 flood, ahead of confirmation of**



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Natural Disaster Relief and Recovery Arrangements to ensure these assets are returned to pre-disaster condition as soon as possible;

- b) Council include the capital works bid of \$200,000 for the high priority levee repair works identified in the recent levee audit conducted by Royal HaksoningDHV to complete the first stage of this project in 2016/17;
- c) An additional report be provided to Council so that support for the future works program to repair, upgrade and maintain the Shoalhaven River flood levee network can be sought; and
- d) Reaffirm Councils position to not conduct stage 2 Terara levee upgrade (from Ferry Lane to Terara Nursery) due to financial limitations and limited cost benefit ratio as identified in the Terara Village floodplain risk management study and plan, and Council reconsider its position once the Lower Shoalhaven Floodplain Risk Management Study and Plan is reviewed.

CARRIED

**120. NSW coastal management reforms – proposed submission File 3245E, 30596E**

Note: Clr Anstiss was absent from the meeting.

MOTION:

Moved: White / Second: Kearney

**That Council send the submission attached to this report to the NSW Office of Environment and Heritage (OEH) in response to the NSW government proposed coastal management reforms.**

CARRIED

**121. Coastal Maintenance Program - 2016 proposed budget enhancement File 50372E, 30596E, 47958E**

Note: Clr Anstiss returned to the meeting.

MOTION:

Moved: Baptist / Second: White

**That Council authorise the transfer of \$70,000 unallocated Entrance Intervention budget (75919) to the priority Coastal Maintenance Program (15931) to allow works to continue.**

CARRIED

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**122. Introduction of Addendum Reports**

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MOTION: Moved: Baptist / Second: Wells

**That the following matters be introduced as a matter of urgency:**

- **Addendum Report 1 – Planning and Development**
- **Addendum Report 2 – Assets and Works**
- **Addendum Report 3 – Corporate and Community Services**

CARRIED

The Chairperson ruled the matters as ones of urgency as they relate to Council business and allowed their introduction.

**ADDENDUM REPORT 1 - PLANNING AND DEVELOPMENT**

**123. National Stronger Regions Fund – Proposed Grant Application **File 49858****

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MOTION: Moved: Kitchener / Second: Findley

**That Council:**

- a) **Prepare and submit an application for grant funding under Round 3 of the National Stronger Regions Fund for the following projects:**
  - i) **Ulladulla Harbour Marina**
  - ii) **Nowra CBD Revitalisation Project**
- b) **Engage a dedicated and specialised resource to prepare the grant applications on Council’s behalf**
- c) **Provide a letter of support to the Bundanon Trust for their application to the National Stronger Regions Fund.**

CARRIED

**ADDENDUM REPORT 2 - ASSETS AND WORKS**

**124. Egans Lane Precinct – Expression of Interest Update **File 47709E, 49862E****

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MOTION: Moved: Robertson / Second: Baptist

**That Council consider a separate confidential report in accordance with section 10A(2)(d)(i) of the Local Government Act – Egans Lane Precinct – Expression of Interest Update for information.**

CARRIED

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**125. Tender Report – West Nowra Rural Fire Station****File No. 52332E**

MOTION: Moved: Baptist / Second: White

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

CARRIED

**ADDENDUM REPORT 3 - CORPORATE AND COMMUNITY SERVICES****126. Petition to Stop Violence Against Women****File 19288E**

MOTION: Moved: Tribe / Second: White

**That Council support this petition and make the petition available in Council facilities.**

CARRIED

**CONFIDENTIAL REPORT**

## CONSIDERATION OF ITEMS OF A CONFIDENTIAL NATURE

<b>Item</b>	<b>Reason</b>
Egans Lane Precinct – Expression of Interest Update	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)
Confidential, Tender - West Nowra Rural Fire Station	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)

Pursuant to Section 10(A)(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 10(A)(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 10(A)(2)(d)(i).

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 prejudice the commercial position of the proponent who supplied it.

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- Egans Lane Precinct – Expression of Interest Update

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 - Confidential, Tender - West Nowra Rural Fire Station

CARRIED

The meeting moved into confidential the time being 5.09pm.

The meeting moved into open session, the time being 5.23pm.

The following resolutions of the Confidential Ordinary Meeting were made public.

**127. Confidential, Tender - West Nowra Rural Fire Station File 52332E**

**That Council:**

- a) **Accept the tender of Momentum Built P/L in the amount of \$1,302,525.24 excl GST;**
- b) **Authorise the General Manager, Director (Assets & Works) to finalise and execute the contract with Momentum Built P/L on behalf of Council;**
- c) **Authorise the General Manager, Director (Assets & Works) to adjust the contract for variations for components under the contact;**
- d) **Accepts the additional funding offer from Rural Fire Service in an amount of \$680,000;**
- e) **Allocate Council funds of \$159,120 from the General Fund for the contribution to RFS.**
- f) **The recommendation remain confidential under Section 10A(2)(d)(i) of the Local Government Act 1993, until determined by Council.**

**128. Egans Lane Precinct – Expression of Interest Update File 47709E, 49862E**

**That Council:**

- a) **Receive the report on the outcomes of the assessment and the legal implications;**
- b) **Reject the Proposal submitted by Derby as the proposed development scheme adopted by Council (MIN 15.399);**
- c) **End the Competitive Bid Process so as to leave Council free to negotiate with Derby or any other interested parties.**
- d) **The recommendation remain confidential in accordance with section 10A(2)(d)(i) of the Local Government Act until resolved by Council.**

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There being no further business, the meeting concluded, the time being 5.23pm.

Clr Gash  
CHAIRPERSON