

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 21 February 2022
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

The following members were present:

Clr Amanda Findley - Chairperson
Clr Evan Christen
Clr Matthew Norris
Clr Liza Butler – left 8:56pm
Clr Moo D'Ath
Clr Serena Copley
Clr Paul Ell
Clr John Kotlash
Clr Patricia White
Clr John Wells – left 8:02pm
Clr Greg Watson
Clr Mark Kitchener- left 8:56pm
Clr Tonia Gray

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 by a Moment of Silence and Reflection and the playing of the Australian National Anthem.

Apologies / Leave of Absence

Nil

Confirmation of the Minutes

RESOLVED (Clr White / Clr Ell)

MIN22.117

That the Minutes of the Ordinary Meeting of Ordinary Meeting held on Monday 07 February 2022 be confirmed.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

Mayor Findley welcomed Mr James Ruprai – Director City Development to the meeting.

Declarations of Interest

Clr Eil - 22.102 – Development Application – DA20/1068 - 189-197 Princes Highway & 2A Parson Street Ulladulla – Lots 1-5 DP21356, Lot 23 DP 1082957 - non pecuniary less than significant interest – party is a previous client (5 years ago) but not a current client of the firm he works for – will remain in the room and will take part in discussion and vote.

Clr Butler - CL22.107 - Narrawallee Beach Access Areas for Dogs and CCL22.7- Narrawallee Beach Access Areas for Dogs (Confidential) – Pecuniary interest – A donation was made to the Labor Party head office and directed to the Ward 3 Election Campaign by a member of the public who may have an interest in the matter - will leave the room in confidential discussion and will not take part in the vote.

Clr Kitchener - CL22.107 - Narrawallee Beach Access Areas for Dogs and CCL22.7 – Narrawallee Beach Access Areas for Dogs (Confidential) – non pecuniary significant interest – is a regular participant of walking his dog on this beach and it could be reasonably perceived that he has some personal benefit to gain – will leave the room in confidential session will not take part in the vote.

MAYORAL MINUTE

MM22.3 Mayoral Minute - Amendment to Chapter G4 of Shoalhaven's Development Control Plan 2014, to Remove the 45 Degree Rule.

HPERM Ref: D22/62028

Recommendation

That Council:

1. Prepare an amendment to Chapter G4 of Shoalhaven Development Control Plan 2014 to:
 - a. Delete section 5.2.3 (d) and associated Figure 1 relating to the 45 degree rule.
 - b. Renumber the remaining content in Section 5.2.3 to reflect the deletion.
2. Proceed to exhibit the amendment for a period of at least 28 days in accordance with legislative requirements.
3. Advise all CCBs and relevant stakeholders of the exhibition arrangements in due course.
4. Receive a further report following the conclusion of the public exhibition period to consider feedback received and to enable finalisation of the amendment. If no submissions are received, finalise the amendment as exhibited, as per legislative requirements, and advise relevant stakeholders of the commencement arrangements.
5. Proceed to amend POL16/10 Tree Management Policy - Public Land Policy (and any other relevant Policy of Council) to delete content relating to the 45 degree rule.

RESOLVED (Clr Findley / Clr Butler)

MIN22.118

That this item be deferred to a Councillor briefing for further consideration and discussion.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Christen and Clr Gray

AGAINST: Clr Copley, Clr Eil, Clr White, Clr Wells, Clr Watson and Clr Kitchener

CARRIED

DEPUTATIONS AND PRESENTATIONS

A presentation by Peter McLean, Chair of the Audit, Risk & Improvement Committee regarding the Audit, Risk and Improvement Committee Annual Report 2021 was received.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Wells / Clr White)

MIN22.119

That the matter of item CL22.95 - Audit, Risk and Improvement Committee Annual Report - 2021 be brought forward for consideration.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Eil, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

**CL22.95 Audit, Risk and Improvement Committee Annual Report
- 2021**

**HPERM Ref:
D22/39473**

Recommendation

That Council:

1. Receive and note the Audit, Risk and Improvement Committee Annual Report for 2021.
2. Express its appreciation to the Audit, Risk and Improvement Committee members for their work throughout 2021 and to the Chair, Mr Peter McLean for his presentation on the Committee's Annual Report.

RESOLVED (Clr Wells / Clr White)

MIN22.120

That Council:

1. Receive and note the Audit, Risk and Improvement Committee Annual Report for 2021.
2. Express its appreciation to the Audit, Risk and Improvement Committee members for their work throughout 2021 and to the Chair, Mr Peter McLean for his presentation on the Committee's Annual Report.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Eil, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

A deputation was received on the following item:

CL22.114 - Notice of Motion - Hello Huey Mobile Food Van

Ms Leigh Maloney addressed the meeting and spoke for the recommendation.

REPORTS

Procedural Motion – Call Over – Items Moved en Bloc

RESOLVED (Clr Wells / Clr Ell) MIN22.121

That the matter of items be resolved en bloc:

CL22.96 – DPOP 2021-22 - Quarterly Performance and Budget Report (October - December)

CL22.57 – Proposed Works in Kind Agreement - Construction of Road and Drainage Infrastructure - Island Point Road, St Georges Basin

CL22.101 – Tenders - 69016E Construction of Far North Collector Road and Bridges (5 No.)

CL22.103 – Tenders - Fire Service Upgrade - Nowra Showground

CL22.106 – Tenders - Architectural Design Services - Development Application, Construction Certificate, Tender & Construction Documentation - Bay & Basin Leisure Centre Extensions and Sporting Precinct

CL22.109 – Shoalhaven District Football Association - Regional Sport Facility Fund (Round 2) - Amenities Building

CL22.110 – Moss Vale Road Urban Release Area - Water Reticulation Infrastructure - Commencement of Tendering and Construction Phases

CL22.111 – South Nowra Surcharge Main – Major Upgrades - Commencement of Tendering and Construction Phases

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

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

CL22.96	DPOP 2021-22 - Quarterly Performance and Budget Report (October - December)	HPERM Ref: D21/552679
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RESOLVED* (Clr Wells / Clr Ell) MIN22.122

That Council:

1. Receive the December Quarterly Performance Report on the 2017-2022 Delivery Program and 2021-2022 Operational Plan and publish on Council's website.
2. Receive the December 2021 Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the December 2021 Quarterly Budget Report Document.
4. Discontinue Development Applications Discount Policy on 31 March 2022 in line with the end of the pandemic period as defined by the current Section 10.17, ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979: COVID-19 Pandemic - Ministerial Orders (2021) and the sunset date of COVID-19 Contributions Discount Subsidy Policy.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr White / Clr Ell)

MIN22.123

That the following items be brought forward for consideration:

- CL22.114 - Notice of Motion - Hello Huey Mobile Food Van
- CL22.102 - Development Application – DA20/1068 - 189-197 Princes Highway & 2A Parson Street Ulladulla – Lots 1-5 DP21356, Lot 23 DP 1082957.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.114 Notice of Motion - Hello Huey Mobile Food Van

**HPERM Ref:
D22/60755**

Recommendation

That Council provide a temporary Permit/License to Hello Huey Mobile Food Van for a period of 6 months to operate from Matron Porter Drive Reserve Narrawallee (opposite Bangalow Street).

RESOLVED (Clr White / Clr Wells)

MIN22.124

That:

1. Council provide a temporary Permit/License to Hello Huey Mobile Food Van for a period of 6 months to operate from Matron Porter Drive Reserve Narrawallee (opposite Bangalow Street).
2. In relation to the 12 Category 2 vans the locations or provisions remain the same under Council's Local Approvals Policy until a review is complete or within six months' time.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Clr D'Ath

CARRIED

CL22.102 Development Application – DA20/1068 - 189-197 Princes Highway & 2A Parson Street Ulladulla – Lots 1-5 DP21356, Lot 23 DP 1082957.

**HPERM Ref:
D22/17239**

Clr Ell - non pecuniary less than significant interest – property owner is a previous client (5 years ago) but not a current client of the firm he works for – remained in the room and took part in discussion and voted.

Recommendation

That Council:

1. Approve Development Application, by way of deferred commencement, DA20/1068 for a Bunnings Warehouse incorporating subdivision of Lot 23 DP 1082957 2A Parson Street, Ulladulla and consolidation of the southern portion with Lots 1-5 in DP 21356 189 - 197 Princes Highway and construction of associated infrastructure that includes roadworks (new roundabout, median and entry/exit driveways) in the Princes Highway and partial extension of St Vincent Street, as detailed in the draft conditions of consent, at Attachment 2 to this report.

2. Approve the proposed Voluntary Planning Agreement (VPA) with Bunnings Lots 1-5 in DP 21356 and part of Lot 23 DP 1082957, 189 - 197 Princes Highway and 2A Parson Street, Ulladulla for the construction of road infrastructure as outlined in this report and referenced in Attachments 4 and 5 to this report.
3. Delegate authority to Council's Chief Executive Officer, or his delegate, to enter into and register the Planning Agreement consistent with the detailed key terms.

RESOLVED (Clr Butler / Clr Christen)

MIN22.125

That this item be deferred to further consider the accumulative traffic impact on Parson Street, Dowling Street and Princes Highway, Ulladulla and that the network modelling be presented to Council for consideration.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Eil, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.97 Investment Report - January 2022

**HPERM Ref:
D22/19532**

Recommendation

That Council:

1. Receive the Record of Investments for the Period to 31 January 2022.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 0.89% per annum for the month of January 2022, exceeding the benchmark AusBond Bank Bill Index (0.06% pa) by 83 basis points (0.83%).
3. Note the performance of the Long-Term Growth Fund as presented in the report.

RESOLVED (Clr White / Clr Wells)

MIN22.126

That Council:

1. Receive the Record of Investments for the Period to 31 January 2022.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 0.89% per annum for the month of January 2022, exceeding the benchmark AusBond Bank Bill Index (0.06% pa) by 83 basis points (0.83%).
3. Note the performance of the Long-Term Growth Fund as presented in the report.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Eil, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.98 Information Report - NSW Environmental Planning and Assessment (Statement of Expectations) Order 2021

HPERM Ref: D22/37238

Recommendation

That Council:

1. Receive the report on the NSW Minister's Environmental Planning and Assessment (Statement of Expectations) Order 2021 for information.
2. Consider further reports on this matter, as required, to enable more detailed consideration or identify a Council response if needed.

RESOLVED (Clr Eil / Clr Copley)

MIN22.127

That Council

1. Receive the report on the NSW Minister's Environmental Planning and Assessment (Statement of Expectations) Order 2021 for information.
2. Consider further reports on this matter, as required, to enable more detailed consideration or identify a Council response if needed.
3. In light of the report convene a briefing for Councillors to consider the report and the issues causing delays of DA processing times.
4. Contact Local Government NSW and relevant Ministers and advise them of Council's concerns.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Eil, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.57 Proposed Works in Kind Agreement - Construction of Road and Drainage Infrastructure - Island Point Road, St Georges Basin

HPERM Ref: D22/1636

RESOLVED* (Clr Wells / Clr Eil)

MIN22.128

That Council:

1. Provide 'in-principle' support to finalise negotiations and enter into a Works in Kind Agreement (WIKA) with the owner/developers of Lot 69 DP 25550, The Old Wool Rd, St Georges Basin; Lot 68 DP 25550 Island Point Rd, St Georges Basin; Lot 4 DP 785956, Island Point Road, St Georges Basin for the construction of road and drainage infrastructure and land value, as outlined in this report, except where further negotiations result in substantial changes to the proposal, in which case Council will receive a further report prior to proceeding.
2. Delegate authority to Council's Chief Executive Officer, or his delegate, to prepare and enter into the WIKA following final negotiations.
3. Endorse the allocation of deleted funds from Planning Area 3 to cover any shortfall in available funds that may occur relating to the construction of the road and drainage infrastructure and land value, following the procurement of independent costings. If there is not enough in the Planning Area 3 deleted funds budget to cover any shortfall, the remaining shortfall is to be covered by the developer upfront and reimbursed back to the developer as contributions are received over time for 03ROAD2023 and 03DRAI3001, to the value of the difference.

4. Notify the owner/developer of this resolution.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Eil, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.65 Report Back - Lot 29 DP874275, Seascape Close, Narrawallee - Requested Purchase and National Park Addition

HPERM Ref: D22/20091

Recommendation

That Council

1. Work with the local community, local interest groups and the Local Member, Hon Shelley Hancock MP, to collectively explore opportunities to bring the subject land into public ownership and undertake required advocacy in this regard.
2. Write to the new NSW Minister for the Environment & Heritage, James Griffin MP, requesting that the NSW Government actively assist with or acquire the subject land, given its high conservation value.

RESOLVED (Clr White / Clr Wells)

MIN22.129

That Council

1. Work with the local community, local interest groups and the Local Member, Hon Shelley Hancock MP, to collectively explore opportunities to bring the subject land into public ownership and undertake required advocacy in this regard.
2. Write to the new NSW Minister for the Environment & Heritage, James Griffin MP, requesting that the NSW Government actively assist with or acquire the subject land, given its high conservation value.
3. Hold a Councillor briefing on this matter.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Eil, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.99 Parkcare Action Plans - Parker Crescent Reserve / Sawmill - Queen Street Reserve / Shoalhaven Heads Memorial Park / Waratah Park

HPERM Ref: D21/550654

Recommendation

That Council:

1. Endorse the updated and new "Parkcare" Plans for
 - a. Parker Crescent Reserve – Berry (NEW)
 - b. Sawmill / Queen Street Reserve – Berry (NEW)
 - c. Shoalhaven Heads Memorial Park – (UPDATED)
 - d. Waratah Park – Bomaderry (UPDATED)

2. Continue to allocate ongoing annual operating funding of \$400 (GST exclusive and CPI adjusted) for each Parkcare Group, totalling \$1,600 to cover safety PPE, miscellaneous materials, waste disposal and purchase minor tools.

RESOLVED (Clr White / Clr Wells)

MIN22.130

That Council:

1. Endorse the updated and new "Parkcare" Plans for
 - a. Parker Crescent Reserve – Berry (NEW)
 - b. Sawmill / Queen Street Reserve – Berry (NEW)
 - c. Shoalhaven Heads Memorial Park – (UPDATED)
 - d. Waratah Park – Bomaderry (UPDATED)
2. Continue to allocate ongoing annual operating funding of \$400 (GST exclusive and CPI adjusted) for each Parkcare Group, totalling \$1,600 to cover safety PPE, miscellaneous materials, waste disposal and purchase minor tools.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.100 Expression of Interest - Lease, Alternate Site Occupation Requirements by Safe Waters Community Care and Milton Ulladulla Historical Society - 100 St Vincent Street Ulladulla

HPERM Ref: D22/15721

Recommendation

That in respect to 100 Vincent Street Ulladulla, Council:

1. Agree to the use and occupation of Section B, comprising of the whole building, by the Safe Waters Community Care Inc. (SWCC), for a five (5) year lease term with a five (5) year option, subject to any formal approval.
2. Agree to the use and occupation of Section A, comprising of a shed in the rear of the site, including an insulated office area, toilet and kitchenette, by the Milton Ulladulla Historical Society (MUHS), for a five (5) year lease term with a five (5) year option, subject to any formal approval.
3. Provide the following allocation in the 2022/2023 Building Services Operational Draft Budget:
 - a. Compliance and Improvement works \$390,000
 - b. Annual Maintenance and Operating Costs \$20,000

RESOLVED (Clr D'Ath / Clr White)

MIN22.131

That in respect to 100 Vincent Street Ulladulla, Council:

1. Agree to the use and occupation of Section B, comprising of the whole building, by the Safe Waters Community Care Inc. (SWCC), for a five (5) year lease term with a five (5) year option, subject to any formal approval.
2. Agree to the use and occupation of Section A, comprising of a shed in the rear of the site, including an insulated office area, toilet and kitchenette, by the Milton Ulladulla Historical Society (MUHS), for a five (5) year lease term with a five (5) year option, subject to any formal approval.

3. Provide the following allocation in the 2022/2023 Building Services Operational Draft Budget:
- a. Compliance and Improvement works \$390,000
 - b. Annual Maintenance and Operating Costs \$20,000

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.101 Tenders - 69016E Construction of Far North Collector Road and Bridges (5 No.) **HPERM Ref: D22/36560**

RESOLVED* (Clr Wells / Clr Ell) MIN22.132

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

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.102 DEVELOPMENT APPLICATION – DA20/1068 - 189-197 PRINCES HIGHWAY & 2A PARSON STREET ULLADULLA – LOTS 1-5 DP21356, LOT 23 DP 1082957. **HPERM REF: D22/17239**

Item dealt with earlier in the meeting see MIN22.124.

CL22.103 Tenders - Fire Service Upgrade - Nowra Showground **HPERM Ref: D21/526966**

RESOLVED* (Clr Wells / Clr Ell) MIN22.133

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

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.104 Acceptance of Grant Funding - Stronger Country Communities Fund Round 4 - Bob Proudfoot Pavilion, Sanctuary Point and Shoalhaven Indoor Sports Centre, Bomaderry **HPERM Ref: D22/40880**

Recommendation

That Council:

1. Accept successful funding applications from the Stronger Country Communities Fund (Round

- 4) for:
- a. Delivery of the Bob Proudfoot Pavilion at Francis Ryan Reserve, Sanctuary Point in the amount of \$398,000.
 - b. Purchase of additional sporting equipment for Shoalhaven Indoor Sports Centre, Bomaderry in the amount of \$51,482.
2. Make arrangements to forward letters of thanks to the Minister of the Department of Regional New South Wales (DRNSW) The Hon Paul Toole MP.

RESOLVED (Clr White / Clr Ell)

MIN22.134

That Council:

1. Accept successful funding applications from the Stronger Country Communities Fund (Round 4) for:
 - a. Delivery of the Bob Proudfoot Pavilion at Francis Ryan Reserve, Sanctuary Point in the amount of \$398,000.
 - b. Purchase of additional sporting equipment for Shoalhaven Indoor Sports Centre, Bomaderry in the amount of \$51,482.
2. Make arrangements to forward letters of thanks to the Minister of the Department of Regional New South Wales (DRNSW) The Hon Paul Toole MP.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

Against: Nil.

CARRIED

CL22.105 Open Space Master Planning - Upcoming Projects and Prioritising the Way Forward. HPERM Ref: D22/7253

Recommendation

That Council

1. Adopt the priority list of Master Plans for Council owned or managed parks and reserves as proposed in Table 1 below

Masterplan	Categorisation	Timeframe / Year	Supported by	Priority
Huskisson Foreshore Precinct, (Voyager Park to Moona Moona Creek) Huskisson	Destination Park	22/23	CISP	1
Mollymook Beach Reserve, Mollymook	Destination Park	22/23	CISP	2
Ulladulla Foreshore and Apex Park, Ulladulla	Destination Park	22/23	CISP	3
Culburra Beach Community Centre, Culburra Beach	Local Community Centre	23/24	MIN21.826	4
Greenwell Point Foreshore Reserve, Greenwell Point	District Recreation Park	23/24	MIN21.406	5
Francis Ryan Reserve,	District Sports	23/24	CISP	6

Sanctuary Point	Park			
Elliott Reserve, Currarong	District Sports Park	24/25	Community	7
Wool Lane Sporting Complex, Sanctuary Point	District Sports Park	24/25	CISP	8
Huskisson Sportsground, Huskisson	District Sports Park	24/25	Community/Staff	9
Greys Beach, North Nowra	District Recreation Park	25/26	Nowra Bridge Project	10
Harry Sawkins Park, Nowra	District Recreation Park	25/26	CISP	11
Plantation Point Reserve, Vincentia	District Recreation Park	25/26	Community	12
Edwards Avenue Reserve, Bomaderry	Local Recreation Park	26/27	CISP	13
Barker Reserve, Burrill Lake	Local Recreation Park	26/27	MIN20.754 Community led MP	14
Callala Bay Sports Park, Callala Bay	District Sports Park	27/28	Community/Staff	15

2. Consider an annual recurrent funding request of \$300,000 +CPI within the City Lifestyles budget to facilitate the development and completion of Master Plans for Council owned or managed parks and reserves (as proposed in Table 1).
3. Receive an annual report recommending the priority schedule of Master Plans.

RESOLVED (Clr Wells / Clr Christen)

MIN22.135

That Council:

1. Consider an annual recurrent funding request of \$300,000 +CPI within the City Lifestyles budget to facilitate the development and completion of Master Plans for Council owned or managed parks and reserves (as proposed in Table 1).
2. Hold a Workshop for Councillors to determine priorities for the completion of Master Plans.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.106 Tenders - Architectural Design Services - Development Application, Construction Certificate, Tender & Construction Documentation - Bay & Basin Leisure Centre Extensions and Sporting Precinct **HPERM Ref: D22/7887**

RESOLVED* (Clr Wells / Clr Ell)

MIN22.136

That Council consider a separate confidential report for tender process of Architectural Design

Services – Development Application, Construction Documentation for Bay and Basin Leisure Centre Extensions and Sporting Precinct, Wool Lane Vincentia, known as Bay and Basin Community Hub in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.107 Narrawallee Beach Access Areas for Dogs

**HPERM Ref:
D22/38915**

Clr Butler - Pecuniary interest – A donation was made to the Labor Party head office and directed to the Ward 3 Election Campaign by a member of the public who may have an interest in the matter - remained in room for open session - left meeting during confidential session and did not take part in discussion or vote.

Clr Kitchener – non pecuniary significant interest in confidential item CCL22.7 – is a regular participant of walking his dog on this beach and it could be reasonably perceived that he has some personal benefit to gain – remained in room for open session - left meeting during confidential session and did not take part in discussion or vote.

Recommendation

That Council, in accordance with Section 10A(2)(g) of the Local Government Act 1993, consider a separate confidential report in relation to Access Areas For Dogs at Narrawallee Beach.

RESOLVED (Clr White / Clr Wells)

MIN22.137

That Council, in accordance with Section 10A(2)(g) of the Local Government Act 1993, consider a separate confidential report in relation to Access Areas For Dogs at Narrawallee Beach.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.108 Ongoing Bushfire Outreach Community Support and Ulladulla Civic Centre Recovery HUB Services

**HPERM Ref:
D22/44740**

Recommendation

That Council

1. Maintains the current level of recovery support being provided to the Shoalhaven Bushfire affected community to December 2022 by approving:
 - a. The allocation of funds of \$105,000 to continue with the provision of the services to the end of December 2022 for the:
 - i. Outreach Service and recovery hotline
 - ii. Bushfire Recovery HUB - 2 days per week at the Ulladulla Civic Centre
2. Continues to monitor grant funding opportunities and prepare funding submissions where eligible.

RESOLVED (Clr Butler / Clr Christen)

MIN22.138

That Council

1. Maintains the current level of recovery support being provided to the Shoalhaven Bushfire affected community to December 2022 by approving:
 - a. The allocation of funds of \$105,000 to continue with the provision of the services to the end of December 2022 for the:
 - i. Outreach Service and recovery hotline
 - ii. Bushfire Recovery HUB - 2 days per week at the Ulladulla Civic Centre
2. Continues to monitor grant funding opportunities and prepare funding submissions where eligible.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Eil, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.109 Shoalhaven District Football Association - Regional Sport Facility Fund (Round 2) - Amenities Building

HPERM Ref: D22/50676

RESOLVED* (Clr Wells / Clr Eil)

MIN22.139

That Council consider a separate confidential report for Shoalhaven District Football Association – Regional Sport Facility Fund Round 2 – Amenities Building Grant.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Eil, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.110 Moss Vale Road Urban Release Area - Water Reticulation Infrastructure - Commencement of Tendering and Construction Phases

HPERM Ref: D21/548097

RESOLVED* (Clr Wells / Clr Eil)

MIN22.140

That Council note that the approvals process for the Moss Vale Road Urban Release Area, Water Reticulation Infrastructure has been completed and that the tendering and construction phases will now commence.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Eil, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.111 South Nowra Surcharge Main – Major Upgrades - Commencement of Tendering and Construction Phases **HPERM Ref: D22/8441**

RESOLVED* (Clr Wells / Clr Eil)

MIN22.141

That Council note that the approvals process for the South Nowra Surcharge Main – Major Upgrades has been completed and that the tendering and construction phases will now commence.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Eil, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

CL22.112 Notice of Motion - Maintenance of Community Open Spaces **HPERM Ref: D22/60445**

Recommendation

That Council

1. Acknowledge that due to a range of extenuating circumstances including above average rainfall, and impact by COVID-19 to the Shoalhaven City Council workforce the maintenance of community open spaces across the city has been significantly impacted and many open spaces are not in an appropriate condition for community use.
2. Investigates the option to engage external contractors for a determined period to assist Council staff to undertake the task of addressing the backlog of lawnmowing and general maintenance to ensure safe and usable facilities.
3. Engage any contractors from locally registered businesses in the city.

RESOLVED (Clr Copley / Clr Eil)

MIN22.142

That Council

1. Acknowledge that due to a range of extenuating circumstances including above average rainfall, and impact by COVID-19 to the Shoalhaven City Council workforce the maintenance of community open spaces across the city has been significantly impacted and many open spaces are not in an appropriate condition for community use.
2. Investigates the option to engage external contractors for a determined period to assist Council staff to undertake the task of addressing the backlog of lawnmowing and general maintenance to ensure safe and usable facilities.
3. Engage any contractors from locally registered businesses in the city.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Eil, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

Against: Nil

CARRIED

CL22.113 Notice of Motion - Bay and Basin Revitalisation Workshop

**HPERM Ref:
D22/60630**

Recommendation

That Council:

1. Organise a “Bay and Basin Revitalisation Workshop” to be facilitated by Mrs Fran Mooney (2022 Shoalhaven Citizen of the year) within one month from the date of adoption of this resolution, The purpose of the workshop is to engage local community organisations and stakeholders to recommend proposals to Council to improve amenities in the Bay and Basin area.
2. Send invitations to participate in the workshop to the following:
 - a. The Mayor,
 - b. All Ward 2 and Ward 3 Councillors,
 - c. Director City Lifestyles (or nominee); and
 - d. Other local individuals, community organisations, CCBs, Businesses Chambers Of Commerce and sporting groups as determined by the CEO in consultation with Fran Mooney.
3. Directs that the workshop is to address the following matters:
 - a. Consultation on the update to the Community Strategic Plan.
 - b. Achieving the objectives of the Bay & Basin Community-Led Strategic Plan.
 - c. Revitalisation of Frances Ryan Reserve to compliment the delivery of the Bob Proudfoot Pavilion and new library.
 - d. Delivery of the planned revitalisation of the Sanctuary Point shops including addressing the appearance of the rear of the shops.
 - e. a pump track to be located in the Sanctuary Point area.
 - f. Improved active transport infrastructure to facilitate greater connections between Frances Ryan Reserve and Clifton Park.
 - g. Improved sporting and other community facilities for local young people.
 - h. Improving public transportation between the villages and the broader Shoalhaven.
 - i. The application for grants to achieve the community’s goals.
 - j. Any other matters that relate to improving amenities and the lifestyle of local residents.
4. Directs that a report be prepared by the CEO about the outcomes of the workshop which includes options about future workshops on an annual, biannual or quarterly basis.

RESOLVED (Clr Eil / Clr White)

MIN22.143

That this item be deferred to the next Ordinary meeting to be held on Monday, 14 March 2021.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Eil, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.114 Notice of Motion - Hello Huey Mobile Food Van

**HPERM Ref:
D22/60755**

Item dealt with earlier in the meeting see MIN22.124.

Procedural Motion - Adjournment of Meeting

RESOLVED (Clr Wells / Clr Copley)

MIN22.144

That the meeting be adjourned until 8:30pm to allow for refreshments.

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

Note: The meeting was adjourned, the time being 8:02pm.

Note: The meeting reconvened, the time being 8:34pm with the following people present:

Clr Amanda Findley - Chairperson
Clr Evan Christen
Clr Matthew Norris
Clr Liza Butler
Clr Moo D'Ath
Clr Serena Copley
Clr Paul Ell
Clr John Kotlash
Clr Patricia White
Clr Greg Watson
Clr Mark Kitchener
Clr Tonia Gray

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.

The CEO, Stephen Dunshea advised the Council that a representation had been forwarded proposing that Council should not proceed to consider item CCL22.7 Narrawallee Beach Access Areas for Dogs in closed session as the Council does not have litigation before it and therefore the report does not meet the requirements of Section 10(a)2(g) of the Local Government Act 1993.

Mr Dunshea advised the Council that:

- The report concerns legal advice which would be privileged from production on the ground of legal professional privilege;
- The report meets the criteria set out in s10(a)2(g) of the LGA;
- Council will be significantly prejudiced should legal professional privilege be waived;
- It is recommended that the report be discussed in closed session

RESOLVED (Clr Norris / Clr Christen)

MIN22.145

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.

- CCL22.3 Tenders – 69016E Construction of Far North Collector Road and Bridges (5 No.)
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.
- CCL22.4 Tenders – Architectural Design Services - Development Application, Construction Certificate, Tender & Construction Documentation - Bay & Basin Leisure Centre Extension and Sporting Precinct - Bay & Basin Community Hub
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.
- CCL22.5 Tenders – Fire Service Upgrade - Nowra Showground
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.
- CCL22.6 Shoalhaven District Football Association - Regional Sport Facility Fund Round 2 - Amenities Building
Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 10(A)(2)(c)
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.
- CCL22.7 Narrawallee Beach Access Areas for Dogs
Advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. 10(A)(2)(g)
There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to prejudice any court proceedings by revealing matter prepared for the purposes of or in relation to current or future proceedings or prejudice the fair trial of any person, the impartial adjudication of any case or a person's right to procedural fairness.

CARRIED

The meeting moved into confidential the time being 8.38pm.

The meeting moved into open session, the time being 8:59pm.

REPORT FROM CONFIDENTIAL SESSION

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

CCL22.3 Tenders – 69016E Construction of Far North Collector Road and Bridges (5 No.) **HPERM Ref: D22/37583**

RESOLVED MIN22.146C

That:

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Cleary Bros (Bombo) Pty Ltd for Construction of Far North Collector Road and Bridges (5 No.) for a total cost of \$19,676,647.42 (excluding GST).
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with *Local Government (General) Regulation 2021 (section 165)* by the CEO (Director City Services).

CARRIED

CCL22.4 Tenders – Architectural Design Services - Development Application, Construction Certificate, Tender & Construction Documentation - Bay & Basin Leisure Centre Extension and Sporting Precinct - Bay & Basin Community Hub **HPERM Ref: D22/7978**

RESOLVED MIN22.147C

That:

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Architectural Design Services – Development Application, Construction Certificate, Tender and Construction Documentation for Bay and Basin Leisure Centre Extensions and Sporting Precinct, Wool Lane Vincentia known as the Bay and Basin Hub – from CO-OP Studio Pty Ltd for a total cost of \$1,114,870.00 (excluding GST).
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with *Local Government (General) Regulation 2021 (section 165)* by the CEO (Director City Lifestyles).

CARRIED

CCL22.5 Tenders – Fire Service Upgrade - Nowra Showground **HPERM Ref: D21/524586**

RESOLVED MIN22.148C

That Council

1. In accordance with Section 178(1)(b) of the regulations decline to accept any Tender for Fire Service Upgrade – Nowra Showground, as tenders were higher than the available budget. The lowest conforming tender exceeded the budget by \$162,588.00.
2. Conduct a new tender in accordance with Section 178(3)(b) and invite new tender

submissions for the same or different details, in accordance with Clauses 167, 168 and 169 of the Regulation.

3. Fund the project shortfall of the works by aggregating the remaining budgets of Nowra, Berry & Milton Showground Fire Service Upgrades to provide for the delivery of the Nowra Showground Fire Service Upgrade.

CARRIED

CCL22.6 Shoalhaven District Football Association - Regional Sport Facility Fund Round 2 - Amenities Building

**HPERM Ref:
D22/37076**

RESOLVED

MIN22.149C

That Council:

1. Assist the Shoalhaven District Football Association (SDFA) with the delivery of a new amenities building at Ison Park, Browns Road South Nowra to meet the grant conditions of the NSW Government Office of Sport – Regional Sport Facility Fund.
2. Allocate limited contingency funding as referenced in the report in the 2022/2023 budget to support the SDFA project with any funding to be made available to the SDFA on presentation of clear evidence supporting the request.

CARRIED

CCL22.7 Narrawallee Beach Access Areas for Dogs

**HPERM Ref:
D22/51548**

Clr Butler – Pecuniary interest – A donation was made to the Labor Party head office and directed to the Ward 3 Election Campaign by a member of the public who may have an interest in the matter - left the room and did not take part in the discussion or vote.

Clr Kitchener - Non pecuniary significant interest – is a regular participant of walking his dog on this beach and it could be reasonably perceived that he has some personal benefit to gain – left the room and did not take part in the discussion or vote.

RESOLVED

MIN22.150C

That Council:

1. Receive and note the confidential legal advice received in relation to this matter.
2. Note that investigations and assessments are currently underway which will inform the way forward for Dog Access to Narrawallee Beach.
3. Proceed in accordance with Option 1 in the report and receive a further report from Council officers regarding the way forward in relation to Dog Access at Narrawallee Beach in March 2022.

CARRIED

There being no further business, the meeting concluded, the time being 9:02pm.

Clr Findley
CHAIRPERSON