

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 14 March 2022
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

The following members were present:

Clr Amanda Findley - Chairperson
Clr John Kotlash
Clr Matthew Norris
Clr Liza Butler
Clr Moo D'Ath
Clr Serena Copley
Clr Paul Ell
Clr Evan Christen
Clr Patricia White
Clr John Wells
Clr Greg Watson
Clr Mark Kitchener
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 Country by the Chairperson, followed with a Moment of Silence & Reflection and the playing of the Australian National Anthem.

Apologies / Leave of Absence

Nil

CL22.142 Leave of Absence

RESOLVED (Clr Copley / Clr Wells)

MIN22.151

That the request from Clr Copley and Clr Wells for a Leave of Absence for the Ordinary Meeting scheduled for Tuesday 26 April 2022 be granted.

CARRIED

Confirmation of the Minutes

RESOLVED (Clr Copley / Clr Christen)

MIN22.152

That the Minutes of the Ordinary Meeting held on Monday 21 February 2022 be confirmed.

CARRIED

Declarations of Interest

Clr Eil – CL22.120 - Proposed Suburb Name - Moss Vale Road Urban Release Areas - Exhibition Outcomes and Next Steps – less than significant non pecuniary interest declaration – he has a client purchasing in that estate – will remain in the room and will take part in discussion and vote.

Clr Eil – CCL22.8 Tenders - Replacement of four timber bridges with concrete structures as part of the Fixing Country Bridges Program - Round 1 – less than significant non pecuniary interest declaration – a client of his firm is one of the parties involved – will remain in the room and will take part in discussion and vote.

Clr Wells – CL22.117 - Donations Policy Review – pecuniary interest declaration – he is the President of the Illawarra Academy of Sport which receives funding from the allocated donations budget – will leave the room and will not take part in discussion or vote.

PRESENTATION OF PETITIONS

Presentation of Petition - Petition in Favour of approved BBQ & Shelter at Bawley Point Reserve

Clr White presented a petition containing 146 signatures which states:

Petition in Favour of approved BBQ & Shelter at Bawley Point Reserve: The approved BBQ has been put on hold due to a small minority who have expressed their opposition to this facility being installed. This project has been ongoing since APRIL 2019 & was well advertised in the Messenger. This facility has been very much supported & endorsed by the local community when raised at our meetings thru-out this period. Would you please sign your name & address to this petition showing your support for this project to move forward A.S.A.P.

Note: It was noted that the Director City Lifestyles has confirmed that the work has been scheduled with a contractor and will take approximately two weeks. The work should be completed prior to Easter (weather dependant).

Presentation of Petition – Petition for a shared pathway Sheaffe Street Callala Bay

Clr Eil presented a petition containing 294 signatures in addition to the 916 names of the original petition, which was presented to Council by Clr White on 27 July 2021, which states:

Petition for a shared pathway Sheaffe Street Callala Bay: The Callala Bay Community Association on behalf of the residents and visitors of Callala Bay asks Shoalhaven City Council to construct a shared pathway alongside Sheaffe Street from Lackersteen Street to connect with the pathway at Callala Bay.

The proposed shared pathway would run along the southern side of Sheaffe Street providing safe pedestrian and cycle access to the bay and children’s playground from the shopping centre, skate park and school.

Sheaffe Street is the main access road to the bay and boat ramp frequented by visitors and residents. It has high vehicular usage especially in holiday time as well as the regular bus route.

Pedestrians have no option other than to walk on this busy roadway as the unformed footpath is blocked by a strand of trees with cars often parked at the curb.

MAYORAL MINUTE

Nil

DEPUTATIONS AND PRESENTATIONS

CL22.126 – Jervis Bay Regional Boat Ramp, Woollamia - Master Plan – Boat Maintenance Facility

Peter Cowman addressed the meeting to speak in favour of the recommendation.

CL22.136 - Notice of Motion - Reaffirmation of the 45 Degree Rule Vegetation Management Policy

Carlene Timbs addressed the meeting to speak in favour of the recommendation.

CL22.134 - Notice of Motion - Call in DA21/2033 - 51 Tea Tree Lane, Nowra Hill - Lot 5 DP 1259527

Paul Hogan, representing a concerned rate payers group, addressed the meeting to speak in favour of the recommendation.

Procedural Motion - Bring Items Forward

RESOLVED (Clr Watson / Clr Ell)

MIN22.153

That the following matters be brought forward for consideration:

- CL22.126 – Jervis Bay Regional Boat Ramp, Woollamia - Master Plan - Boat Maintenance Facility
- CL22.136 – Notice of Motion - Reaffirmation of the 45 Degree Rule Vegetation Management Policy
- CL22.134 – Notice of Motion - Call in DA21/2033 - 51 Tea Tree Lane, Nowra Hill - Lot 5 DP 1259527

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

CL22.126 Jervis Bay Regional Boat Ramp, Woollamia - Master Plan - Boat Maintenance Facility

HPERM Ref: D22/52676

Note: A Deputation was received on this Item.

Recommendation

That Council endorse the resolution of the Woollamia Boat Ramp Precinct Management Committee (8 December 2021) and thus:

1. Amend MIN21.765 to remove Parts 5-7 as requested by the Woollamia Boat Ramp Precinct Management Committee and proceed to complete the construction of the Boat Maintenance Facility as soon as possible.
2. Lease the use of the Boat Maintenance Facility at Woollamia to local shipwright, Paul Kennedy, for three (3) years with an option of a further 3 years.
3. The Chief Executive Officer (City Services) confirm a “fair” rental for the first 18 months to be reviewed after 12 months of operations and reset for the final 18 months of the initial lease term and thereafter reviewed at 12 monthly intervals, should the option be taken up.
4. The lease be subject to adequate commercial insurance coverage and trading terms to the satisfaction of the Chief Executive Officer (City Services).
5. Engage with both the Woollamia Boat Ramp Management Committee and Huskisson Wharf Management Committee as required in relation to Parts 3 and 4.
6. Include the ability for a representative from the Huskisson Wharf Management Committee to participate in the Woollamia Boat Ramp Management Committee as required given the crossover of interest in regard to the maintenance facility.

RESOLVED (Clr Christen / Clr Wells)

MIN22.154

That Council endorse the resolution of the Woollamia Boat Ramp Precinct Management Committee (8 December 2021) and thus:

1. Amend MIN21.765 to remove Parts 5-7 as requested by the Woollamia Boat Ramp Precinct Management Committee and proceed to complete the construction of the Boat Maintenance Facility as soon as possible.
2. Lease the use of the Boat Maintenance Facility at Woollamia to local shipwright, Paul Kennedy, for three (3) years with an option of a further 3 years.
3. The Chief Executive Officer (City Services) confirm a “fair” rental for the first 18 months to be reviewed after 12 months of operations and reset for the final 18 months of the initial lease term and thereafter reviewed at 12 monthly intervals, should the option be taken up.
4. The lease be subject to adequate commercial insurance coverage and trading terms to the satisfaction of the Chief Executive Officer (City Services).
5. Engage with the Woollamia Boat Ramp Management Committee, Huskisson Wharf Management Committee and other interested businesses and parties in relation to Parts 3 and 4.
6. Include the ability for a representative from the Huskisson Wharf Management Committee to participate in the Woollamia Boat Ramp Management Committee as required given the crossover of interest in regard to the maintenance facility.
7. Considers the aesthetics of fencing to be installed considering this is a picturesque area and has high tourist visitation.

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

**CL22.136 Notice of Motion - Reaffirmation of the 45 Degree Rule
Vegetation Management Policy**

**HPERM Ref:
D22/92160**

Note: A Deputation was received on this Item.

Clr D'Ath raised a Point of Order against Clr Kitchener regarding the reaffirmation of the Policy and stated that it doesn't require a dissertation to change it. The Mayor did not rule on the Point of Order and asked Clr Kitchener to continue but be mindful of the point raised.

Recommendation

That Council reaffirm its support for the 45 Degree Rule Vegetation Management Policy.

MOTION (Clr Watson / Clr Ell)

That Council reaffirm its support for the 45 Degree Rule Vegetation Management Policy.

PROCEDURAL MOTION – MOTION BE PUT (Clr Butler / Clr Gray)

That the MOTION be PUT.

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

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

PROCEDURAL MOTION CARRIED

MOTION (Clr Watson / Clr Ell)

MIN22.155

That Council reaffirm its support for the 45 Degree Rule Vegetation Management Policy.

FOR: Clr Copley, Clr Ell, Clr White, Clr Wells, Clr Watson and Clr Kitchener

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

LOST

**CL22.134 Notice of Motion - Call in DA21/2033 - 51 Tea Tree Lane,
Nowra Hill - Lot 5 DP 1259527**

**HPERM Ref:
D22/71752**

Note: A Deputation was received on this Item.

Recommendation

That DA21/2033 51 Tea Tree Lane, Nowra Hill - Lot 5 DP 1259527 be called in for determination by Council due to public interest.

RESOLVED (Clr Gray / Clr Norris)

MIN22.156

That DA21/2033 51 Tea Tree Lane, Nowra Hill - Lot 5 DP 1259527 be called in for determination by Council due to public interest.

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 - Matters of Urgency

MOTION (Clr Eil)

That an additional item regarding New Submarine Base at Port Kembla be introduced as a matter of urgency.

That Council:

1. Supports the construction of a new submarine base at Port Kembla to support Australia's new nuclear-powered submarines. In adopting this position Council also condemns as reckless and irresponsible commentary describing this proposal as 'putting a target' on the Illawarra.
2. Notes that a submarine base located at Port Kembla will create exciting opportunities for our local Defence industry to be involved in the ongoing development of high tech capability for Australia's Defence capacity.
3. Directs the CEO to engage in a dialogue via the NSW Regional Defence Networks Program to prepare an Illawarra/ Shoalhaven specific submission to the Nuclear Powered Submarine Taskforce in support of the Port Kembla base proposal in consultation with key stakeholders including the Shoalhaven Defence Industry Group (SDIG), and other Councils in our region.

THE CHAIRPERSON RULED THE MATTER AS NOT URGENT AS THE ANNOUNCEMENT WILL NOT BE MADE UNTIL 2023.

Procedural Motion – Motion of Dissent

MOTION OF DISSENT (Clr Eil / Clr Copley)

MIN22.157

A Motion of Dissent was moved against the ruling of the Chair.

FOR: Clr Copley, Clr Eil and Clr Watson

AGAINST: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Christen, Clr White, Clr Wells, Clr Kitchener and Clr Gray

MOTION OF DISSENT LOST

Note: There is no provision for a Motion of Dissent on a ruling of urgency by the Chairperson in the Code of Meeting Practice. (Refer CI 9.5)

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - En bloc

RESOLVED (Clr White / Clr Copley)

MIN22.158

That the following items from CL22.115 - Report of the Nowra CBD Revitalisation Strategy Committee - 16 February 2022 be resolved en bloc:

- CBD22.2 - Election of Chairperson and Notification of Council Resolution
- CBD22.6 - Nowra CBD Revitalisation Strategy Project Management Services Contract
- CBD22.7 - Review of Terms of Reference - Nowra CBD Revitalisation Strategy Committee

Note – the items will be marked with an asterisk (*) in these Minutes.

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

RESOLVED (Clr Wells / Clr Eil)

MIN22.159

That the following items from the City Performance Directorate be resolved en bloc:

- CL22.116 - Ongoing Register of Pecuniary Interest Returns - 1 July 2021 to 28 February 2022
- CL22.118 - Policies for adoption - Fraud and Corruption Prevention Policy and Statement of Business Ethics

Note – the items will be marked with an asterisk (*) in these Minutes.

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

RESOLVED (Clr Wells / Clr D'Ath)

MIN22.160

That the following items from the City Futures Directorate be resolved en bloc:

- CL22.55 - Exhibition Outcomes and Proposed Finalisation - Draft Amendment to Shoalhaven DCP 2014 Chapter S8 - Ulladulla Town Centre
- CL22.120 - Proposed Suburb Name - Moss Vale Road Urban Release Areas - Exhibition Outcomes and Next Steps
- CL22.122 - Proposed Submission - Draft Design and Place State Environmental Planning Policy (SEPP)
- CL22.123 - Employment Zones Reform - Translation Detail - Shoalhaven Local Environmental Plan 2014

Note – the items will be marked with an asterisk (*) in these Minutes.

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

RESOLVED (Clr White / Clr Christen)

MIN22.161

That the following items from the City Services Directorate be resolved en bloc:

- CL22.127 - Tenders - Replacement of four timber bridges with concrete structures as part of the Fixing Country Bridges Program - Round 1
- CL22.128 - Tenders - Panel for Tree Services for Bushfire Road Verge Clean-up

Note – the items will be marked with an asterisk (*) in these Minutes.

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

RESOLVED (Clr Eil / Clr Copley)

MIN22.162

That the following items from Shoalhaven Water be resolved en bloc:

- CL22.130 - Acquisition of sewer easement - 15 Abernethy's Lane Meroo Meadow - Lot 601 DP1223625
- CL22.131 - Acquisition of sewer easement - 1095 Meroo Road Meroo Meadow - Lot 202 DP 1180659
- CL22.132 - Review of Shoalhaven Water Group Policies

Note – the items will be marked with an asterisk (*) in these Minutes.

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

REPORT OF THE NOWRA CBD REVITALISATION STRATEGY COMMITTEE - 16 FEBRUARY 2022

Items marked with an * were resolved 'en block' see MIN22.158.

CBD22.2 Election of Chairperson and Notification of Council Resolution	HPERM Ref: D22/51095
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RESOLVED* (Clr White / Clr Copley)

MIN22.163

That the Committee:

1. Receive the report regarding Council's Resolution in relation to the re-establishment for information (CL22.30 Nowra CBD Revitalisation Strategy Committee - MIN22.27);
2. Elect James Caldwell as Chairperson for the period to September 2022, noting that will be reaffirmed by Council.

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

AGAINST: Nil

CARRIED

CBD22.6 Nowra CBD Revitalisation Strategy Project Management Services Contract	HPERM Ref: D22/46158
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RESOLVED* (Clr White / Clr Copley)

MIN22.164

That the Committee adopt the CONTRACT OF ENGAGEMENT for Project Management Services as presented (attached) noting that;

1. The Executive that will act as the Principal's Agent is to be;
 - The CBD Committee Chair – James Caldwell
 - A Committee Member – Alison Henry
 - The Director City Services
2. The Contract will be managed and amended as required by the Principal's Representative – Manager of Technical Services, to achieve the Contract objective.

3. The Project Manager will be appointed by the Principle's Representative on the recommendation of the Principal's Agent
4. Project Updates will be provided via the Project Update Report that is received by the Committee at each meeting.

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

AGAINST: Nil

CARRIED

CBD22.7 Review of Terms of Reference - Nowra CBD Revitalisation Strategy Committee	HPERM Ref: D22/45676
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RESOLVED* (Clr White / Clr Copley) MIN22.165

That:

1. Council adopt the Draft Terms of Reference as presented (POL22/145) noting that the key changes include;
 - a. References to the annual budget allocation (currently \$500,000) now reflect the rate-pegged increases in the budget allocation.
 - b. Membership criteria that better reflects the range of stakeholders that are engaged in the activities of the Committee and the inclusion of Councillors
 - c. Clauses dealing with removal of members have been added
 - d. Amendments to 'Working Groups' to include Sub Committees and define the key Working Groups.
2. Pending the adoption of part 1 above, that the initial appointment of the Strategic Advisor be Joanna Gash (Former Mayor, Councillor, and Federal Member) until September 2022, following that, an expression of interest will be called to permanently fill the position.

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

AGAINST: Nil

CARRIED

REPORTS

Items marked with an * were resolved 'en block' see MIN22.159.

CL22.116 Ongoing Register of Pecuniary Interest Returns - 1 July 2021 to 28 February 2022	HPERM Ref: D21/514244
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RESOLVED* (Clr Wells / Clr Eil) MIN22.166

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 July 2021 to 28 February 2022 be received for information.

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

AGAINST: Nil

CARRIED

CL22.117 Donations Policy Review

**HPERM Ref:
D21/336612**

Clr Wells – pecuniary interest declaration – he is the president of the Illawarra Academy of Sport which receives funding from the allocated donations budget - left the room and did not take part in discussion or vote.

Recommendation

That:

1. The Draft Donations Policy (Attachment 1) be placed on public exhibition for a period of four (4) weeks to obtain community feedback on the Draft Policy
2. All current recipients of donations be advised in writing of the public exhibition and their ability to make comment.
3. A report be provided at the completion of the exhibition period, outlining the submissions received and a Final Draft Policy and Procedures for adoption by the Council.

RESOLVED (Clr Christen / Clr D'Ath)

MIN22.167

That:

1. The Draft Donations Policy (Attachment 1) be placed on public exhibition for a period of four (4) weeks to obtain community feedback on the Draft Policy
2. All current recipients of donations be advised in writing of the public exhibition and their ability to make comment.
3. A report be provided at the completion of the exhibition period, outlining the submissions received and a Final Draft Policy and Procedures for adoption by the Council.
4. The Policy be renamed as the “Community Donations Policy”
5. Due to taxation requirements, the Policy be limited to apply to only organisations which hold an ABN.
6. The following parts of the application form be amended as follows:
 - a. At question 8 – remove commercial undertaking
 - b. The requirement for applicants to include financial statements of income and expenditure and balance sheet in support of applications
 - c. Appropriate due diligence questions be asked in relation to expenditure of donation funding.
 - d. Application form to request ABN Number of applicants under “details of Organisation/Individual”
 - e. “Does this project require council approval? If so complete part 9”. Be inserted above question 9 in the application
7. It be made explicit in the Policy that organisations will be required to provide financial statements as part of the application process

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

AGAINST: Nil

CARRIED

CL22.118 Policies for adoption - Fraud and Corruption Prevention Policy and Statement of Business Ethics

**HPERM Ref:
D22/56190**

RESOLVED* (Clr Wells / Clr Ell)

MIN22.168

That Council:

1. Adopt the Fraud and Corruption Prevention Policy presented as Attachment 1 to this report.
2. Adopt the Statement of Business Ethics presented as Attachment 2 to this report.

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

AGAINST: Nil

CARRIED

Items marked with an * were resolved 'en block' see MIN22.160.

CL22.55 Exhibition Outcomes and Proposed Finalisation - Draft Amendment to Shoalhaven DCP 2014 Chapter S8 - Ulladulla Town Centre

**HPERM Ref:
D21/458853**

RESOLVED* (Clr Wells / Clr D'Ath)

MIN22.169

That Council:

1. Adopt and finalise proposed Amendment No. 45 to Shoalhaven DCP 2014 Chapter S8: Ulladulla Town Centre as provided in **Attachment 2**, incorporating two (2) changes resulting from the public exhibition as discussed in this report.
2. Publicly notify the adoption of the DCP amendment in accordance with the requirements of the *NSW Environmental Planning and Assessment Act 1979* and Regulations.
3. Advise key stakeholders, including relevant industry representatives, the Ulladulla and Districts Community Forum CCB and those who made a submission, of this decision and when the DCP amendment will be made effective.
4. Add the following issues/possible changes raised in submissions to the scope of works for the future proposed housekeeping amendment to DCP Chapter S8, and receive a report on the future draft amendment, to consider the detail, prior to placing it on public exhibition:
 - a. Review the effectiveness/appropriateness of the Floor Space Ratio (FSR) incentives for consolidated lots, including whether the incentive FSR should apply to smaller lots.
 - b. Consider including additional development objectives in the Context statement for Precinct 3 Recreation and Special Activities.
 - c. Review the appropriateness of the requirement for 25% of site area to be deep soil planting in the commercial core precinct (specifically the Harbour Triangle sub-precinct).
 - d. Update maps and figures to reflect the final harbourside walkway project alignment within the Harbour Triangle Precinct.
 - e. Review planned pedestrian paths across the DCP area as part of the general review of planned infrastructure improvements.
 - f. Review the Height of Buildings map relative to the riparian corridor and buffer from the top of Millards Creek bank.

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

AGAINST: Nil

CARRIED

**CL22.119 Exhibition Outcomes - Planning Proposal (PP005) -
Revision and Proposed Re-Exhibition - 'Deferred' Land,
Warrah Road, Bangalee**

**HPERM Ref:
D21/523566**

Recommendation

That Council:

1. Endorse the revised proposal and modified Local Environmental Plan (LEP) maps contained in this Report and prepare an updated Planning Proposal (PP) that also includes:
 - a. Information about the proposed biodiversity certification of the development land and proposed conservation arrangements for the environmental land as outlined in recommendation 2 below;
 - b. A revised subdivision concept plan 2022;
 - c. Current agency comments.
2. Endorse, **in principle**, the transfer/dedication of the proposed C2 Environmental Conservation zoned land (part of Lot 24 DP 714096) to Council at the appropriate point in the future with a single, fully costed and funded Biodiversity Stewardship Agreement (BSA), registered on Title.
3. Forward an updated PP to the NSW Department of Planning and Environment (DPE) with a request for a further Gateway extension to permit re-exhibition and finalisation of the PP.
4. Publicly exhibit the updated PP in accordance with legislative requirements and consult relevant agencies (provided Gateway extension is issued), with costs accrued to date to be invoiced and paid by the Proponent prior to exhibition commencing.
5. Concurrently exhibit the Biodiversity Certification Application (BCA) and updated BCAR with the PP for 30 days in accordance with s8.6 of the *Biodiversity Conservation Act 2016*.
6. Receive a future report on the outcomes of the re-exhibition and proposed finalisation process.
7. Advise the proponent and previous submitters of this resolution.

RESOLVED (Clr Findley / Clr White)

MIN22.170

That Council:

1. Endorse the revised proposal and modified Local Environmental Plan (LEP) maps contained in this Report and prepare an updated Planning Proposal (PP) that also includes:
 - a. Information about the proposed biodiversity certification of the development land and proposed conservation arrangements for the environmental land as outlined in recommendation 2 below;
 - b. A revised subdivision concept plan 2022;
 - c. Current agency comments.
2. Endorse, **in principle**, the transfer/dedication of the proposed C2 Environmental Conservation zoned land (part of Lot 24 DP 714096) to Council at the appropriate point in the future with a single, fully costed and funded Biodiversity Stewardship Agreement (BSA), registered on Title.
3. Forward an updated PP to the NSW Department of Planning and Environment (DPE) with a request for a further Gateway extension to permit re-exhibition and finalisation of the PP.

4. Publicly exhibit the updated PP in accordance with legislative requirements and consult relevant agencies (provided Gateway extension is issued), with costs accrued to date to be invoiced and paid by the Proponent prior to exhibition commencing.
5. Concurrently exhibit the Biodiversity Certification Application (BCA) and updated BCAR with the PP for 30 days in accordance with s8.6 of the *Biodiversity Conservation Act 2016*.
6. Receive a future report on the outcomes of the re-exhibition and proposed finalisation process.
7. Advise the proponent and previous submitters of this resolution.
8. Prepare any future DCP Chapter for the area in accordance with Part 6 of the LEP including requirements for appropriate tree retention within the subdivision area.

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

AGAINST: Nil

CARRIED

**CL22.120 Proposed Suburb Name - Moss Vale Road Urban
Release Areas - Exhibition Outcomes and Next Steps**

**HPERM Ref:
D21/552165**

RESOLVED* (Clr Wells / Clr D'Ath)

MIN22.171

That Council:

1. Nominate "Badagarang" as the proposed name for the Moss Vale Road Urban Release Areas and submit it to the NSW Geographical Names Board for consideration at their next official Board Meeting.
2. Promote the suburb boundary outlined in red in Figure 3 of this report as the recommended boundary for the new suburb and:
 - a. Provide the recommended suburb boundary and community feedback on boundary options for the Board's consideration.
 - b. Request that they collaborate with Council, affected landowners and relevant stakeholders in the settling of the new suburb boundary.

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

AGAINST: Nil

CARRIED

**CL22.121 Proposed Submission - NSW Government discussion
paper: 'A new approach to rezonings'**

**HPERM Ref:
D22/36451**

Clr Eil – less than significant non pecuniary interest declaration - he has a client purchasing in that estate - remained in the room and took part in discussion and voted.

Recommendation

That Council:

1. Receive the report on the 'Discussion paper - A new approach to rezonings' (**Attachment 1**) released by the NSW Department of Planning & Environment (DPE), for information.
2. Raise strong concerns with the proposed approach and endorse the attached submission (**Attachment 2**), with any adjustments resulting from the consideration of this report and

advise DPE accordingly.

3. Provide a copy of Council's submission to Local Government NSW and support them in any advocacy/representations they undertake associated with this matter.
4. Strongly request that DPE undertakes further detailed and meaningful consultation and dialogue with Councils on the proposed changes to the rezoning process before they are finalised and implemented.
5. Receive future reports, if required, to enable further consideration of or comment on the detail of the proposed reforms to the rezoning process.

Note: Clr Wells returned to the meeting.

RESOLVED (Clr Eil / Clr Copley)

MIN22.172

That Council:

1. Receive the report on the 'Discussion paper - A new approach to rezonings' (**Attachment 1**) released by the NSW Department of Planning & Environment (DPE), for information.
2. Raise strong concerns with the proposed approach and endorse the attached submission (**Attachment 2**), with any adjustments resulting from the consideration of this report and advise DPE accordingly.
3. Provide a copy of Council's submission to Local Government NSW and support them in any advocacy/representations they undertake associated with this matter.
4. Strongly request that DPE undertakes further detailed and meaningful consultation and dialogue with Councils on the proposed changes to the rezoning process before they are finalised and implemented.
5. Receive future reports, if required, to enable further consideration of or comment on the detail of the proposed reforms to the rezoning process.

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

CL22.122 Proposed Submission - Draft Design and Place State Environmental Planning Policy (SEPP)

**HPERM Ref:
D22/69028**

RESOLVED* (Clr Wells / Clr D'Ath)

MIN22.173

That Council make a submission (**Attachment 1** of this report) to the NSW Department of Planning and Environment in relation to the draft *State Environmental Planning Policy (Design and Place) 2021* and supporting guides.

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

AGAINST: Nil

CARRIED

CL22.123 Employment Zones Reform - Translation Detail - Shoalhaven Local Environmental Plan 2014

HPERM Ref: D22/64120

RESOLVED* (Clr Wells / Clr D'Ath)

MIN22.174

That Council:

1. Endorse the proposed Employment Zones Translation detail as outlined in this report and its attachments.
2. Acknowledge that the associated public exhibition process will be managed by the NSW Department of Planning and Environment (DPE) and request meaningfully consult with Council throughout the public exhibition and implementation process to avoid unintended consequences.
3. Strongly request DPE to send correspondence to all directly affected landowners (i.e., landowners of employment zoned land) advising of the exhibition arrangements, and actively and meaningfully engage with the Shoalhaven community to ensure they understand the full implications of the employment zones reform and what it means for them.
4. Receive a further report in due course either during (if needed) or following the conclusion of DPE's public exhibition process.

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

AGAINST: Nil

CARRIED

CL22.124 Business Assistance Provided Locally - COVID & Disaster programs

HPERM Ref: D22/34676

Recommendation

That the report on Business Assistance Provided Locally - COVID & Disaster programs be received for information.

RESOLVED (Clr Wells / Clr White)

MIN22.175

That the report on Business Assistance Provided Locally - COVID & Disaster programs be received for information.

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

CL22.125 NSW Regional Defence Networks Program - Regional Lead - Shoalhaven City Council

HPERM Ref: D22/89785

Recommendation

That Council:

1. Note and accept the outcome of the public tender process to the implement Regional Defence Network Program across NSW through which Council has been selected as the partner agency to deliver the program in the Illawarra-Shoalhaven.
2. Support this initiative of the NSW Government and extends its thanks for doing so.

RESOLVED (Clr Eil / Clr Christen)

MIN22.176

That Council:

1. Note and accept the outcome of the public tender process to the implement Regional Defence Network Program across NSW through which Council has been selected as the partner agency to deliver the program in the Illawarra-Shoalhaven.
2. Support this initiative of the NSW Government and extends its thanks for doing so.

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

CL22.126 Jervis Bay Regional Boat Ramp, Woollamia - Master Plan - Boat Maintenance Facility

**HPERM REF:
D22/52676**

Item dealt with earlier in the meeting see MIN22.154

Items marked with an * were resolved 'en block' see MIN22.161.

CL22.127 Tenders - Replacement of four timber bridges with concrete structures as part of the Fixing Country Bridges Program - Round 1

**HPERM Ref:
D22/43088**

RESOLVED* (Clr White / Clr Christen)

MIN22.177

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 Eil, Clr Christen, Clr White, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.128 Tenders - Panel for Tree Services for Bushfire Road Verge Cleanup

**HPERM Ref:
D22/43106**

RESOLVED* (Clr White / Clr Christen)

MIN22.178

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 Eil, Clr Christen, Clr White, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.129 DA21/1612– Bolong Road Bolong - Lot 1 DP 531429

**HPERM Ref:
D21/350834**

Recommendation

That Council:

1. Confirm it supports, pursuant to cl 4.6 (Exceptions to development standards) of the SLEP 2014, the applicant's request to vary the height limit of 11m to 23.75m; and
2. Determine application DA21/1612 for a concrete batching plant, ancillary structures, associated signage, and civil and landscape works at Lot 1 DP 531429, Bolong Road, Bolong by way of approval subject to the recommended conditions of consent contained in **Attachment 4** of this report.

RESOLVED (Clr Wells / Clr Christen)

MIN22.179

That Council:

1. Confirm it supports, pursuant to cl 4.6 (Exceptions to development standards) of the SLEP 2014, the applicant's request to vary the height limit of 11m to 23.75m;
2. Determine application DA21/1612 for a concrete batching plant, ancillary structures, associated signage, and civil and landscape works at Lot 1 DP 531429, Bolong Road, Bolong by way of approval subject to the recommended conditions of consent contained in **Attachment 4** of this report;
3. Ensures that the appropriate accessibility criteria are met for the new office, lunchroom, toilets and showers.
4. Suggests, if appropriate, changing the colour of the silos from Surfmist to a darker colour that will blend in with the countryside;
5. Suggests that Allocasuarina species be considered in the landscape works as boundary screening, as these are feed trees for the endangered Glossy Black Cockatoo;
6. Encourages the use of renewable energy for the batching plant.

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

Items marked with an * were resolved 'en block' see MIN22.162.

**CL22.130 Acquisition of sewer easement - 15 Abernethys Lane
Meroo Meadow - Lot 601 DP1223625**

**HPERM Ref:
D21/507944**

RESOLVED* (Clr Eil / Clr Copley)

MIN22.180

That Council:

1. Acquire an Easement for Sewer 4 & 5 metres wide over part of Lot 601 DP1223625, No. 15 Abernethys Lane Meroo Meadow, marked (E1) and highlighted on the attached draft survey plan.
2. Pay compensation of \$33,350 (plus GST if applicable) and reasonable costs associated with the acquisition, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1993, from the Sewer Fund.
3. If applicable, adjust the compensation in accordance with the area of the easement determined by the final registered survey plan.

4. Authorise the affixing of the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and that the Chief Executive Officer be authorised to sign any documents necessary to give effect to this resolution.

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

AGAINST: Nil

CARRIED

**CL22.131 Acquisition of sewer easement - 1095 Meroo Road
Meroo Meadow - Lot 202 DP 1180659**

**HPERM Ref:
D21/508359**

RESOLVED* (Clr Eil / Clr Copley)

MIN22.181

That Council:

1. Acquire an Easement for Sewer 4 & 5 metres wide over part of Lot 202 DP1180659, No. 1095 Meroo Road Meroo Meadow, marked (S1) and highlighted on the attached draft survey plan.
2. Pay compensation of \$12,000 (plus GST if applicable) and reasonable costs associated with the acquisition, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1993, from the Water Fund.
3. If applicable, adjust the compensation in accordance with the area of the easement determined by the final registered survey plan.
4. Authorise the affixing of the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and that the Chief Executive Officer be authorised to sign any documents necessary to give effect to this resolution.

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

AGAINST: Nil

CARRIED

CL22.132 Review of Shoalhaven Water Group Policies

**HPERM Ref:
D22/80779**

RESOLVED* (Clr Eil / Clr Copley)

MIN22.182

That Council

1. Reaffirm the following policies with no or minor changes
 - a. Drinking Water Quality
 - b. Rainwater Tank Rebate

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

AGAINST: Nil

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

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

HPERM Ref:
D22/60630

Note: This matter was withdrawn

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.

CL22.133 Notice of Motion - Community Engagement in Delivery Program & Operational Plan (DPOP) process

HPERM Ref:
D22/84258

Recommendation

That Council:

1. Create a Delivery Program & Operational Plan (DPOP) input form to provide an opportunity for the community to provide input in to the DPOP process every financial year.

2. Include the DPOP input form on Council's Get Involved web page.
3. Send a paper-based form in the rate notices for the 2022/2023 financial year to inform the 2023/2024 DPOP process. This correspondence is also to include an explanation of the DPOP process and the name and contact information of the recognised local Community Consultative Body(s) (CCB) in the area for residents to further engage in the DPOP consultation process.
4. Directs the CEO to prepare a report about possible incentives Council could provide to encourage residents to share their ideas via the DPOP input form.

RESOLVED (Clr Eil / Clr Christen)

MIN22.183

That Council:

1. Develops an overview explanatory document regarding all the current opportunities and mechanisms that are available for the public to contribute to the Community Strategic plan and Delivery Program and Operational Plan
2. Requests the CEO to report on possible additional approaches that Council could provide to encourage residents to input their ideas into the CSP and DPOP.

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

**CL22.134 Notice of Motion - Call In DA21/2033 - 51 Tea Tree Lane,
Nowra Hill - Lot 5 DP 1259527**

**HPERM REF:
D22/71752**

Item dealt with earlier in the meeting see MIN22.156

CL22.135 Notice of Motion - Road Maintenance

**HPERM Ref:
D22/77366**

Recommendation

That Council:

1. Develop a strategic 5-year plan with timelines and required budget to bring 95% of roads in the Shoalhaven up to class or above. Identify the budget gaps between the required budget in the 5-year strategic plan and current budgets. Identify current and future grant and other funding opportunities to fill the budget gaps.
2. That the current SCC website of roadworks to be upgraded to provide more information regarding the condition and maintenance of roads and bring information about roads into one place. This should include the current status of road repair (interactive map of the state of repair 1-5) and planned road repairs with time frames (taken from DPOP).
3. Create a "Report a dangerous pothole or road in need of repair" function at the roads website page for the public to report to council the condition of roads. Encouraging reporting in this way will help council with real time information about the state of roads.

RESOLVED (Clr Gray / Clr Eil)

MIN22.184

That Council:

1. In consultation with Councillors, develop a strategic 5-year plan with timelines and required

budget to bring 95% of roads in the Shoalhaven up to class or above. Identify the budget gaps between the required budget in the 5-year strategic plan and current budgets. Identify current and future grant and other funding opportunities to fill the budget gaps.

2. That the current SCC website of roadworks to be upgraded to provide more information regarding the condition and maintenance of roads and bring information about roads into one place. This should include the current status of road repair (interactive map of the state of repair 1-5) and planned road repairs with time frames (taken from DPOP).
3. Create a "Report a dangerous pothole or road in need of repair" function at the roads website page for the public to report to council the condition of roads. Encouraging reporting in this way will help council with real time information about the state of roads.

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

AGAINST: Clr Kitchener

CARRIED

**CL22.136 Notice of Motion - Reaffirmation Of The 45 Degree Rule
Vegetation Management Policy**

**HPERM REF:
D22/92160**

Item dealt with earlier in the meeting see MIN22.155.

**CL22.137 Notice of Motion - Preservation of Shoalhaven's Defence
Assets and the Employment they Bring to Our City**

**HPERM Ref:
D22/92739**

Recommendation

That Council write to the Leader of the Opposition Anthony Albanese MP calling on him to:

1. Distance Labor from the Federal Greens policy to cut Defence spending by 50%.
2. Seek his assurance the defence assets in the Shoalhaven area will be retained and enhanced operationally.

MOTION (Clr Watson / Clr Kitchener)

MIN22.185

That Council write to the Leader of the Opposition Anthony Albanese MP calling on him to:

1. Distance Labor from the Federal Greens policy to cut Defence spending by 50%.
2. Seek his assurance the defence assets in the Shoalhaven area will be retained and enhanced operationally.

FOR: Clr Copley, Clr Eil, Clr Wells, Clr Watson and Clr Kitchener

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

MOTION LOST

**CL22.138 Notice of Motion - Sussex Inlet Neighbourhood Centre -
Investigations**

**HPERM Ref:
D22/94186**

Recommendation

That Council:

1. Expresses its disappointment at the State Government's decision to bulldoze the Sussex Inlet Community Centre (Neighbourhood Centre) and that the occupants, the Sussex Inlet Foundation for Community Development, would have to vacate the premises in 3 months – (May 2022).
2. Request that an urgent meeting be arranged as soon as possible with NSW Ministry of Health, Shelley Hancock MP, Executive Committee Neighbourhood Centre, the Mayor, Ward 3 Councillors, the CEO and Council Staff to discuss the investigations and outcomes in relation to the current Health site at 161 Jacobs Drive, Sussex Inlet currently occupied by the Sussex Inlet Neighbourhood Centre.
3. Work with the Neighbourhood Centre Executive Committee in any relocation that maybe required from the existing premises to ensure the community services offered by the Neighbourhood Centre continue for the residents of Sussex Inlet.

RESOLVED (Clr White / Clr Butler)

MIN22.186

That Council:

1. Expresses its disappointment at the State Government's decision to bulldoze the Sussex Inlet Community Centre (Neighbourhood Centre) and that the occupants, the Sussex Inlet Foundation for Community Development, would have to vacate the premises in 3 months – (May 2022).
2. Request that an urgent meeting be arranged as soon as possible with NSW Ministry of Health, Shelley Hancock MP, Executive Committee Neighbourhood Centre, the Mayor, Ward 3 Councillors, the CEO and Council Staff to discuss the investigations and outcomes in relation to the current Health site at 161 Jacobs Drive, Sussex Inlet currently occupied by the Sussex Inlet Neighbourhood Centre.
3. Work with the Neighbourhood Centre Executive Committee in any relocation that maybe required from the existing premises to ensure the community services offered by the Neighbourhood Centre continue for the residents of Sussex Inlet.

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

**CL22.139 Notice of Motion - Shoalhaven City Council to explore
options to access funds from the Emergency Response
Fund (ERF) for coastal and estuarine resilience**

**HPERM Ref:
D22/94460**

Recommendation

That Council:

1. Note the Commonwealth Government recently announced \$50 million from the Emergency Response Fund (ERF) to continue to protect communities from the effects of natural disaster. The new Coastal and Estuarine Risk Mitigation Program is aimed at reducing the often devastating impacts on local communities of natural disasters and coastal hazards, such as storm surges and coastal inundation.

2. Explore the opportunity to secure funding from the Commonwealth Government from the ERF for coastal and estuarine management in the Shoalhaven by writing to the NSW Government to advocate allocation of available funds on behalf of the Shoalhaven City Council.
3. Notes that coastal management programs are underway in the North, Mid and Southern Shoalhaven to implement actions to manage coastal waterways, which would be significantly assisted by an increase of available funding.

RESOLVED (Clr Copley / Clr Wells)

MIN22.187

That Council:

1. Note the Commonwealth Government recently announced \$50 million from the Emergency Response Fund (ERF) to continue to protect communities from the effects of natural disaster. The new Coastal and Estuarine Risk Mitigation Program is aimed at reducing the often devastating impacts on local communities of natural disasters and coastal hazards, such as storm surges and coastal inundation.
2. Explore the opportunity to secure funding from the Commonwealth Government from the ERF for coastal and estuarine management in the Shoalhaven by writing to the NSW Government to advocate allocation of available funds on behalf of the Shoalhaven City Council.
3. Notes that coastal management programs are underway in the North, Mid and Southern Shoalhaven to implement actions to manage coastal waterways, which would be significantly assisted by an increase of available funding.

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

CL22.140 Notice of Motion - Request for a Report on Shoalhaven Heads Coastal Management Program

**HPERM Ref:
D22/94468**

Recommendation

That Council:

1. Prepare a report on the status of Shoalhaven Heads Coastal Management Program (CMP) which includes:
 - a. Any studies that have been conducted to date regarding a permanent partial opening of Shoalhaven Heads
 - b. Includes a timeline of completion of CMP
 - c. Outlines the total funding secured to date from the NSW Coastal Estuary Grants program to assist Council to complete the report.
 - d. Any completed investigatory studies that support the permanent partial opening of Shoalhaven Heads
2. As a matter of urgency convenes a public meeting in Shoalhaven Heads to be Chaired by Clr Copley as Chair of Shoalhaven Heads Estuary Task Force (SHET) to include:
 - a. The Member for Kiama,
 - b. Director of City Development,
 - c. Manager Environmental Services,
 - d. Representatives of DPE,

- e. Consultants that have contributed to the CMP to date in order to consult with the Shoalhaven Heads community about the future plan regarding the management of Shoalhaven Heads.

RESOLVED (Clr Copley / Clr Ell)

MIN22.188

That Council:

1. As a matter of urgency, Councillors be briefed on the status of Shoalhaven Heads Coastal Management Program (CMP) which includes among other things:
 - a. Any studies that have been conducted to date regarding a permanent partial opening of Shoalhaven Heads
 - b. Includes a timeline of completion of CMP
 - c. Outlines the total funding secured to date from the NSW Coastal Estuary Grants program to assist Council to complete the report.
 - d. Any completed investigatory studies that support the permanent partial opening of Shoalhaven Heads
2. Following the Councillor Briefing, Council consider convening a public meeting in Shoalhaven Heads to be Chaired by Clr Copley as Chair of Shoalhaven Heads Estuary Task Force (SHET) to include:
 - a. The Member for Kiama,
 - b. Director of City Development,
 - c. Manager Environmental Services,
 - d. Representatives of DPE,
 - e. Consultants that have contributed to the CMP to date in order to consult with the Shoalhaven Heads community about the future plan regarding the management of Shoalhaven Heads.

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

Introduction of Items as Matters of Urgency

RESOLVED (Clr D'Ath / Clr Norris)

MIN22.189

That the following addendum report be introduced as matters of urgency:

1. CL22.141 Advocacy Update - Australian Local Government Association and Shoalhaven

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

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

ADDENDUM REPORTS

CL22.141 Advocacy Update - Australian Local Government Association and Shoalhaven

HPERM Ref:
D22/52943

Recommendation

That Council:

1. Regarding the Australian Local Government Association (ALGA) 2022 National General Assembly;
 - a. Adopt the proposed Motions in the report for submission and delegate authority to the Mayor and CEO to submit any further proposed Motions after consulting with Councillors prior to the deadline for submitting motions.
 - b. Approve attendance by all interested Councillors at the Australian Local Government Association – 2022 National Assembly, and such attendance be deemed to be Council business.
 - c. Nominate a **Councillor** as the Council's Voting Delegate for the conference.
 - d. Nominate a **Councillor** as the Council's Alternate Voting Delegate for the conference.
2. Support the Australian Local Government Association (ALGA) Federal Election Priorities 2022 (**Attachment 3**);
 - a. Including the national funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs, and
 - b. Support and participate in the Australian Local Government Association's advocacy for their endorsed national funding priorities by writing to the local Federal Members(s) of Parliament, all known election candidates in local Federal electorates and the President of the Australian Local Government Association to express support for ALGA's funding priorities.
3. Endorse the 'Shoalhaven Advocacy 2022' document (**Attachment 5**) as a key advocacy document for 2022 and;
 - a. Note that it is intended to be a 'living document' that will be updated as needed
 - b. Request that a copy be provided to ALGA, as well we seek funding commitments from the members, candidates and their parties for identified local projects as opportunities arise.

RESOLVED (Clr Wells / Clr White)

MIN22.190

That Council:

1. Regarding the Australian Local Government Association (ALGA) 2022 National General Assembly;
 - a. Adopt the proposed Motions in the report for submission and delegate authority to the Mayor and CEO to submit any further proposed Motions after consulting with Councillors prior to the deadline for submitting motions.
 - b. Approve attendance by all interested Councillors at the Australian Local Government Association – 2022 National Assembly, and such attendance be deemed to be Council business.
 - c. Nominate Clr Findley as the Council's Voting Delegate for the conference.
 - d. Nominate Clr Butler as the Council's Alternate Voting Delegate for the conference.

2. Support the Australian Local Government Association (ALGA) Federal Election Priorities 2022 (**Attachment 3**);
 - a. Including the national funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs, and
 - b. Support and participate in the Australian Local Government Association's advocacy for their endorsed national funding priorities by writing to the local Federal Members(s) of Parliament, all known election candidates in local Federal electorates and the President of the Australian Local Government Association to express support for ALGA's funding priorities.
3. Endorse the 'Shoalhaven Advocacy 2022' document (**Attachment 5**) as a key advocacy document for 2022 and;
 - a. Note that it is intended to be a 'living document' that will be updated as needed
 - b. Request that a copy be provided to ALGA, as well we seek funding commitments from the members, candidates and their parties for identified local projects as opportunities arise.

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

CONFIDENTIAL REPORTS

Pursuant to Section 10A(4) the public were invited to make representation to the meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

No members of the public made representations.

RESOLVED (Clr Kotlash / Clr Norris)

MIN22.191

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.

- CCL22.8 Tenders - Replacement of four timber bridges with concrete structures as part of the Fixing Country Bridges Program - Round 1
- 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.*
- CCL22.9 Tenders - Panel for Tree Services for Bushfire Road Verge Cleanup
- 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.

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

The meeting moved into confidential the time being 8.15pm.

The meeting moved into open session, the time being 8.17pm.

REPORT FROM CONFIDENTIAL SESSION

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

CCL22.8 Tenders - Replacement of four timber bridges with concrete structures as part of the Fixing Country Bridges Program - Round 1

HPERM Ref:
D22/43093

RESOLVED

MIN22.192C

That:

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Jirgins Civil Pty Ltd for the replacement of two timber bridges (Henrys and Tannery) with concrete structures as part of the Fixing Country Bridges Program - Round 1 for a total cost of \$487,221.80 (excluding GST).
2. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from GC Civil Contracting Pty Ltd for the replacement of two timber bridges (Koloona and Pettys) with concrete structures as part of the Fixing Country Bridges Program - Round 1 for a total cost of \$986,148.00 (excluding GST).
3. 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).

CCL22.9 Tenders - Panel for Tree Services for Bushfire Road Verge Cleanup

HPERM Ref:
D22/43114

RESOLVED

MIN22.193C

That:

1. Council endorses the recommendation of the Tender Evaluation Panel to appoint ten suppliers to the Tree Services for Bushfire Road Verge Cleanup Panel, being:
 - A & D Tree Services Pty Ltd
 - All About Tree Services
 - Asplundh Tree Expert (Aust) Pty Ltd
 - Asset Arbor
 - Bohmer's Tree Care

- C & S Tree Services (NSW) Pty Ltd
 - Forest Tree Service Pty Ltd
 - Mike's Tree Services
 - Parrish & Son Pty Ltd
 - Zenith Tree Services Pty Ltd
2. Council note that the estimated value for road verge cleanup works over the 15 month life of the panel is \$5.0M (excluding GST) and these services are provided for under the Federal Disaster Recovery Funding Arrangements.

There being no further business, the meeting concluded, the time being 8.20pm.

Clr Findley
CHAIRPERSON