

## MINUTES OF THE ORDINARY MEETING

**Meeting Date:** Monday, 28 March 2022  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.31pm

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 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

### Leave of Absence

**RESOLVED** (Clr Watson / Clr White) MIN22.194

That the request from Clr Kitchener for a Leave of Absence until Tuesday 26 April 2022 (noting ANZAC Day is Monday 25 April 2022) be granted.

CARRIED

### Confirmation of the Minutes

**RESOLVED** (Clr Copley / Clr White) MIN22.195

That the Minutes of the Ordinary Meeting held on Monday 14 March 2022 be confirmed.

Minutes Confirmed Monday 11 April 2022 – Chairperson .....

CARRIED

### Declarations of Interest

Clr Butler – CL22.158 - Narrawallee Beach - Dog Access Areas - Review of Environmental Factors - less than significant non pecuniary interest declaration – perceived conflict due to donation to Labor Party Head office by person unknown to her – will remain in the room and will take part in discussion and vote.

Clr Gray – CL22.148 - Agritourism - Standard Instrument Local Environmental Plan Amendment - Land Use Zones & Optional Clauses Nomination – As a Councillor with a principal place of residence which is RU2 land, I am submitting to the Council a Special Disclosure of Pecuniary Interest Form under Clause 4.37 of the Code of Conduct for the consideration of the amendments to the LEP on this item. Accordingly, I will remain in the room and participate in discussion and vote on this item.

Clr Norris - CL22.148 - Agritourism - Standard Instrument Local Environmental Plan Amendment - Land Use Zones & Optional Clauses Nomination – less than significant non pecuniary interest – he rents a property on RU2 land his property may be affected by the zone - will remain in the room and will take part in discussion and vote on this item.

Clr Findley - CL22.148 - Agritourism - Standard Instrument Local Environmental Plan Amendment - Land Use Zones & Optional Clauses Nomination – less than significant non pecuniary interest – she is a Part owner of a rural property, and there could be a perception that any blanket change to the LEP could benefit me or my business partner personally. However the resolution is a state wide change for rural land holdings – will remain in the room and will take part in discussion and vote.

### Presentation of Awards

The Mayor presented the following Awards recently received at the IPWEA Conference:

Congratulated Trevor Dando and the Works and Services Team for receiving the Highly Commended Award in Engineering Excellence Award (Category A) for Projects under \$500,000 for the rebuilding of the Toomboolombah Bridge after the Currowan Fire.

Congratulated David Hojem, Peter Windley and the Waste Team for receiving the Category 6 Winner Engineering Excellence Award Environmental Enhancement Project for initiative including recovery recycling and re-using – Shoalhaven Glass Recycling Facility.

### Introduction of Items as Matters of Urgency

**RESOLVED** (Clr Christen / Clr D'Ath)

MIN22.196

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

1. MM22.5 Mayoral Minute - Budget Review

CARRIED

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

## MAYORAL MINUTE

### MM22.4 Mayoral Minute - Development Control Plan Provisions for Medium Density Development

HPERM Ref:  
D22/114582

#### Recommendation

That Council receive a report as soon as practicable that:

1. Considers issues presented by members of the Shoalhaven Community regarding medium density development relating to car parking, private open space, landscaping and accessibility (not exclusively) that have arisen since 2019 when changes occurred.
2. Recommends a range of possible resulting improvements that could be made to Chapter G13: *Medium Density and Other Residential Development of Shoalhaven Development Control Plan 2014* (and other chapters of the DCP if required) to address these concerns, including the preparation of a potential draft Chapter G13 for consideration.

**RESOLVED** (Clr Findley / Clr D'Ath)

MIN22.197

That Council receive a report as soon as practicable that:

1. Considers issues presented by members of the Shoalhaven Community regarding medium density development relating to car parking, private open space, landscaping and accessibility (not exclusively) that have arisen since 2019 when changes occurred.
2. Recommends a range of possible resulting improvements that could be made to Chapter G13: *Medium Density and Other Residential Development of Shoalhaven Development Control Plan 2014* (and other chapters of the DCP if required) to address these concerns, including the preparation of a potential draft Chapter G13 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 and Clr Gray

AGAINST: Nil

CARRIED

### MM22.5 Mayoral Minute - Budget Review

HPERM Ref:  
D22/118292

#### Recommendation

That the CEO reports back to Council on the following

1. Any projects that are not tied to grant funding that could be postponed in order to divert further funding into urgent road repairs post weather event.
  - a. The report should also include details of:
    - i. The impact of not applying the Special Rate Variation, and how this will affect the budget overall and specifically the roads budget
    - ii. The compounding impact should Council continue to keep rates below what is required to meet the demands in service.
2. Any Natural Disaster payments that Council qualify for, what is included and how will they be administered following the State Government Natural Disaster declaration of the Shoalhaven LGA.

**MOTION (Clr Findley / Clr Gray)**

That the CEO reports back to Council on the following:

1. Any projects that are not tied to grant funding that could be postponed in order to divert further funding into urgent road repairs post weather event.
  - a. The report should also include details of:
    - i. The impact of not applying the Special Rate Variation, and how this will affect the budget overall and specifically the roads budget
    - ii. The compounding impact should Council continue to keep rates below what is required to meet the demands in service.
2. Any Natural Disaster payments that Council qualify for, what is included and how will they be administered following the State Government Natural Disaster declaration of the Shoalhaven LGA.

Clr Wells raised a point of order against Mayor Findley for misrepresentation of funding composition for Boongaree. The Mayor did not rule as a point of order.

**PROCEDURAL MOTION – EXTENSION OF TIME FOR DEBATE (Clr Watson / Clr White)**

That an extension of time be permitted for Clr Wells

FOR: Clr Findley, Clr Kotlash, Clr Ell, Clr White, Clr Wells and Clr Watson

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

CARRIED ON THE CASTING VOTE OF THE CHAIR

**RESOLVED (Clr Findley / Clr Gray)**

MIN22.198

That the CEO reports back to Council on the following:

1. Any projects that are not tied to grant funding that could be postponed in order to divert further funding into urgent road repairs post weather event.
  - a. The report should also include details of:
    - i. The impact of not applying the Special Rate Variation, and how this will affect the budget overall and specifically the roads budget
    - ii. The compounding impact should Council continue to keep rates below what is required to meet the demands in service.
2. Any Natural Disaster payments that Council qualify for, what is included and how will they be administered following the State Government Natural Disaster declaration of the Shoalhaven LGA.

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

AGAINST: Clr Ell, Clr Wells and Clr Watson

CARRIED

## DEPUTATIONS AND PRESENTATIONS

### CL22.148 - Agritourism - Standard Instrument Local Environmental Plan Amendment - Land Use Zones & Optional Clauses Nomination

Arwen Apps & Sam Quick (Representing Kangaroo Valley Rural Landholders) addressed the meeting to speak against the recommendation.

### CL22.153 – Modification Application No. DS21/1353 – 76 West Cr, Culburra Beach – Lot 298 DP 11892

Steven Vidler (on behalf of himself & Chris Phillips) addressed the meeting to speak AGAINST the recommendation.

### CL22.158 - Narrawallee Beach - Dog Access Areas - Review of Environmental Factors

Jan Gregory (representing herself) addressed the meeting to speak AGAINST the recommendation.

### Procedural Motion - Bring Items Forward

**RESOLVED** (Clr Wells / Clr Watson)

MIN22.199

That the following matters be brought forward for consideration:

- CL22.148 – Agritourism - Standard Instrument Local Environmental Plan Amendment - Land Use Zones & Optional Clauses Nomination
- CL22.153 – Modification Application No. DS21/1353 – 76 West Cr, Culburra Beach – Lot 298 DP 11892
- CL22.158 – Narrawallee Beach - Dog Access Areas - Review of Environmental Factors
- CL22.151 - Tenders - Public Amenities Cleaning - Building Services

CARRIED

**CL22.148 Agritourism - Standard Instrument Local Environmental Plan Amendment - Land Use Zones & Optional Clauses Nomination**

**HPERM Ref:  
D22/66892**

Note: A Deputation was received on this Item.

Clr Gray – As a Councillor with a principal place of residence which is RU2 land, I am submitting to the Council a Special Disclosure of Pecuniary Interest Form under Clause 4.37 of the Code of Conduct for the consideration of the amendments to the LEP on this item. Accordingly, I will remain in the room and participate in discussion and vote on this item.

Clr Norris - less than significant non pecuniary interest – he rents a property on RU2 land his property may be affected by the zone - will remain in the room and will take part in discussion and vote on this item.

Clr Findley - less than significant non pecuniary interest – she is a Part owner of a rural property, and there could be a perception that any blanket change to the LEP could benefit me or my business partner personally. However the resolution is a state wide change for rural land holdings – remained in the room and took part in discussion and voted.

### Recommendation

That Council:

1. Opt-in to the proposed new 'Farm stay accommodation' and 'Farm gate premises' optional clauses for inclusion in the Shoalhaven Local Environmental Plan (LEP) 2014, including the

Shoalhaven specific numerical standards outlined in the report.

2. Nominate the RU1 Primary Production and RU2 Rural Landscape zones as land to which the new 'Agritourism', 'Farm experience premises' and 'Farm gate premises' land use terms will be permitted with consent in the Shoalhaven LEP 2014.
3. Not nominate additional zones where 'farm stay accommodation', 'cellar door premises' and 'roadside stalls' would be permitted with consent at this point.
4. Advise the NSW Department of Planning & Environment (DPE) of Council's resolution by 31 March 2022 and request further meaningful consultation and dialogue with DPE on the current proposal and broader agritourism reforms, where relevant.
5. Receive future reports, if required, to:
  - a. Enable further comment on the detail (or adjustment) of the proposed agritourism planning reforms.
  - b. Present any matters that may arise in the 12 months following the introduction of the new 'Farm stay accommodation' and 'Farm gate premises' optional clauses, which could be considered as part of the regular LEP housekeeping process.

**RESOLVED** (Clr White / Clr Wells)

MIN22.200

That Council:

1. Not Opt-in to the proposed new 'Farm stay accommodation' and 'Farm gate premises' optional clauses for inclusion in the Shoalhaven Local Environmental Plan (LEP) 2014.
2. Nominate the new 'Agritourism', 'Farm experience premises' and 'Farm gate premises' land use terms to be prohibited across all zones in the Shoalhaven LEP 2014, including in the RU1 Primary Production and RU2 Rural Landscape zones.
3. Not nominate additional zones where 'farm stay accommodation', 'cellar door premises' and 'roadside stalls' would be permitted with consent at this point (i.e. retain status quo).
4. Advise the NSW Department of Planning & Environment (DPE) of Council's resolution by 31 March 2022 and request further meaningful consultation and dialogue with DPE on the current proposal and broader agritourism reforms, where relevant.
5. Receive future reports, if required, to:
  - a. Enable further comment on the detail (or adjustment) of the proposed agritourism planning reforms.
  - b. Consider how a Shoalhaven appropriate version of the optional clauses, emerging land uses ('Agritourism', 'Farm experience premises' and 'Farm gate premises') and other clauses, as required, could work for Shoalhaven.
6. Advise CCBs, Industry Representatives and those who made a deputation, of this resolution.

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

AGAINST: Nil

CARRIED

**CL22.153 Modification Application No. DS21/1353 – 76 West Cr,  
Culburra Beach – Lot 298 DP 11892**

**HPERM Ref:  
D22/67554**

Note: A Deputation was received on this Item.

**Recommendation**

That Modification Application No. DS21/1353 for a s4.55(1A) Modification seeking to delete Condition 19 from Development Consent No. DA20/1809 lodged over Lot 298 DP 11892 at 76 West Cr, Culburra Beach be determined by way of refusal.

**RESOLVED** (Clr Watson / Clr Wells)

MIN22.201

That in relation to Modification Application No. DS21/1353 for a s4.55(1A) Modification seeking to delete Condition 19 from Development Consent No. DA20/1809 lodged over Lot 298 DP 11892 at 76 West Cr, Culburra Beach the matter be deferred for further advice regarding permissible road verges and the potential review of the Council 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 and Clr Gray

AGAINST: Nil

CARRIED

**CL22.158 Narrawallee Beach - Dog Access Areas - Review of  
Environmental Factors**

**HPERM Ref:  
D22/93064**

Note: A Deputation was received on this Item.

Clr Butler – less than significant non pecuniary interest declaration – perceived conflict due to donation to Labor Party Head office by person unknown to her – remained in the room and took part in discussion and voted.

**Recommendation**

That Council, after consideration of the proposed dog off-leash area and associated works at Narrawallee Beach (the Proposed Activity) assessed in the Review of Environmental Factors dated 28 January 2022 (the REF):

1. Determines:
  - (a) that it has examined and taken into account, to the fullest extent possible, all matters affecting, or likely to affect, the environment by reason of the Proposed Activity.
  - (b) that the Proposed Activity is unlikely to significantly affect the environment provided that the proposed safeguards and mitigation measures identified in the REF are adopted and implemented, and therefore, an Environmental Impact Statement is not required to be obtained, examined, and considered in respect of the Proposed Activity; and
  - (c) to adopt and implement the proposed environmental safeguards, mitigation measures and controls identified in the REF.
2. Pursuant to section 13(6) of the *Companion Animals Act 1998*, declare that part of Narrawallee Beach between BA8 and BA2 identified in Figure 3 of the REF to be an off-leash area between the hours of 4pm and 8am Australian Eastern Daylight-Saving Time and between 3pm and 10am Australian Eastern Standard Time.
3. Pursuant to section 14(1)(d) of the *Companion Animals Act 1998* declare that part of Narrawallee Beach at BA1; between BA9 and BA15; and between IA1 and IA3 as identified in Figure 3 of the REF to be dog prohibited.

**RESOLVED** (Clr White / Clr Eil)

MIN22.202

That in relation to Narrawallee Beach - Dog Access Areas - Review of Environmental Factors, the matter be referred to a Councillor Briefing due to legal advice being received today and then the matters be reported back to Council.

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: Nil

CARRIED

**CL22.151 Tenders - Public Amenities Cleaning - Building Services**

**HPERM Ref:  
D21/408566**

**Recommendation**

That Council consider a separate confidential report regarding Tenders - Public Amenities Cleaning - Building Services, in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

**RESOLVED** (Clr Findley / Clr Wells)

MIN22.203

That Council consider a separate confidential report regarding Tenders - Public Amenities Cleaning - Building Services, 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 Wells, Clr Watson and Clr Gray

AGAINST: Nil

CARRIED

**CALL OVER OF THE BUSINESS PAPER**

**Call Over of Business Paper - En bloc**

**RESOLVED** (Clr Eil / Clr White)

MIN22.204

That the following items from CL22.143 – Report of the Shoalhaven Arts Board be resolved en bloc:

- AB22.7 - Public Art - Opportunities and Requirements
- AB22.11 - Lake Tabourie Museum - Collection Care and Management

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: Nil

CARRIED

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



**RESOLVED** (Clr Copley / Clr Gray)

MIN22.205

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

- CL22.144 - Draft Code of Meeting Practice - Public Exhibition
- CL22.145 - Investment Report - February 2022
- CL22.146 - Local Government Rating Structure & Rating Reform

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: Nil

CARRIED

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

**RESOLVED** (Clr Butler / Clr Norris)

MIN22.206

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

- CL22.147 - Motorsports Complex Working Group
- CL22.149 - Proposed Amendment - Voluntary Planning Agreement (VPA006) - Bishop Drive, Mollymook

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: Nil

CARRIED

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

**RESOLVED** (Clr Eil / Clr White)

MIN22.207

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

- CL22.150 - Bereavement Services - Cemeteries Crematoria and Memorial Gardens Policy Report
- CL22.152 - Intergovernmental Panel on Climate Change - Sixth Assessment Report and Implications for Council

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: Nil

CARRIED

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

Note: Clr Norris left the meeting at 7.31pm.

**RESOLVED** (Clr Copley / Clr Kotlash)

MIN22.208

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

- CL22.154 - Negotiations - Tenders - Demolition & Construction of an Accessible Boardwalk - Ray Brooks Reserve
- CL22.155 - Investigation of Meeting Place Budgong / Mt Scanzi.
- CL22.157 - Culburra Beach Community Centre - Facility Planning and Clarification on Way Forward.
- CL22.159 - Sussex Inlet Library Investigations - Update

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

AGAINST: Nil

CARRIED

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

Note: Clr Norris returned to the meeting at 7.33pm.

**RESOLVED** (Clr White / Clr Copley)

MIN22.209

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

- CL22.160 - Review of Shoalhaven Water Public Policies - Round Two.

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: Nil

CARRIED

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

**RESOLVED** (Clr Christen / Clr White)

MIN22.210

That the following items from the Councillor Conference Report be resolved en bloc:

- CL22.161 - LGNSW Water Management Conference 2022

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: Nil

CARRIED

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

## REPORT OF THE SHOALHAVEN ARTS BOARD - 3 MARCH 2022

Items marked with an \* were resolved 'en block'.

### AB22.7 Public Art - Opportunities and Requirements

HPERM Ref:  
D22/62263

**RESOLVED\*** (Clr Eil / Clr White)

MIN22.211

That Council consider allocating funds of \$100,000 in the 2022/23 budget process to contract an arts specialist to:

1. Undertake a full review of the current Public Art Policy and make recommendations for a new policy that supports innovative and best practice approach to public art in the Shoalhaven.
2. Develop suitable internal procedures and documentation that ensures that consistent approach and standards are applied to Public Art projects, supporting excellence in commissioning standard, safety and community engagement.
3. Document all existing public art across the Shoalhaven, it's current condition, conservation / maintenance needs and status for recording in the City Collection Management system.

CARRIED

<b>AB22.11 Lake Tabourie Museum - Collection Care and Management</b>	<b>HPERM Ref: D22/71354</b>
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**RESOLVED\*** (Clr Ell / Clr White) MIN22.212

That Council:

1. Receive the report for information.
2. Consider an operational budget bid of \$40,000 and a recurrent funding of \$10,000 per annum as part of the 2022/23 budget process, to ensure critical conservation work can be undertaken at Lake Tabourie Museum

CARRIED

## REPORTS

Items marked with an \* were resolved ‘en block’.

<b>CL22.144 Draft Code of Meeting Practice - Public Exhibition</b>	<b>HPERM Ref: D22/93401</b>
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**RESOLVED\*** (Clr Copley / Clr Gray) MIN22.213

That

1. In accordance with Section 361 of the Local Government Act, the Draft Code of Meeting Practice be placed on public exhibition to obtain community feedback.
2. A report be provided at the completion of the exhibition period, outlining the submissions received and providing a Final Draft Code of Meeting Practice for adoption by the Council.
3. Council amend its Draft Code of Meeting Practice (attached) Part 4 – Public Forum to be held Monday at 4.00pm prior to the Council Ordinary Meeting.

CARRIED

<b>CL22.145 Investment Report - February 2022</b>	<b>HPERM Ref: D22/65311</b>
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**RESOLVED\*** (Clr Copley / Clr Gray) MIN22.214

That Council:

1. Receive the Record of Investments for the Period to 28 February 2022.
2. Note that Council’s total Investment Portfolio (excluding the Long-Term Growth Fund) returned 0.85% per annum for the month of February 2022, exceeding the benchmark AusBond Bank Bill Index (0.07% pa) by 78 basis points (0.78%).
3. Note the performance of the Long-Term Growth Fund as presented in the report.

CARRIED

**CL22.146 Local Government Rating Structure & Rating Reform**

**HPERM Ref:  
D22/109793**

**RESOLVED\*** (Clr Copley / Clr Gray)

MIN22.215

That Council:

1. Receive the report for information and note the various options available to Council for setting a rating structure as part of the Revenue Policy for inclusion in its Delivery Program and Operational Plan.
2. Maintain for 2022/23 the practice of using a base amount to levy up to 50% of the rates and to which an ad valorem (rate in the dollar) amount is added to levy the remaining percentage for the reason of equity as outlined in the report.
3. Commit to review the rating structure when further rating reform guidelines are released by the State Government.

CARRIED

**Items marked with an \* were resolved 'en block'.**

**CL22.147 Motorsports Complex Working Group**

**HPERM Ref:  
D22/73165**

**RESOLVED\*** (Clr Butler / Clr Norris)

MIN22.216

That regarding the Shoalhaven Motorsports Complex Working Group, Council;

1. Endorse the following members of the South Coast Motor Sports Club Inc being appointed as the Community Members on the Group;
  - a. Norman Mogg
  - b. Paul Dean
  - c. Roger Walker
  - d. Robert Bridge
2. Adopt the Terms of Reference (Attachment 3 to this report).

CARRIED

**CL22.148 Agritourism - Standard Instrument Local Environmental Plan Amendment - Land Use Zones & Optional Clauses Nomination**

**HPERM REF:  
D22/66892**

Item dealt with earlier in the meeting see MIN22.200

**CL22.149 Proposed Amendment - Voluntary Planning Agreement (VPA006) - Bishop Drive, Mollymook**

**HPERM Ref:  
D22/89550**

**RESOLVED\*** (Clr Butler / Clr Norris)

MIN22.217

That Council:

1. Provide 'in-principle' support to enter into an amendment to the existing Voluntary Planning Agreement (VPA) relating to Bishop Drive, Mollymook as outlined in this report.

2. Delegate authority to Council's Chief Executive Officer, or his delegate, to:
  - a. Prepare the draft VPA amendment and associated Explanatory Note.
  - b. Publicly exhibit the draft VPA and associated Explanatory Note for a minimum period of 28 days as required by legislation.
  - c. Enter into the VPA consistent with the detailed key terms, except where objections or substantial issues are raised as a result of public notification, in which case the VPA is to be reported to Council before it is entered into.
3. Notify the landowners within the VPA subject area, all parties to the VPA and other stakeholders as relevant, of the public exhibition arrangements in due course.

CARRIED

Items marked with an \* were resolved 'en block'.

<b>CL22.150 Bereavement Services - Cemeteries Crematoria and Memorial Gardens Policy Report</b>	<b>HPERM Ref: D22/70190</b>
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**RESOLVED\*** (Clr Ell / Clr White) MIN22.218

That Council adopt the updated Cemeteries Crematoria and Memorial Gardens Policy, which has been revised to align with terminology adopted in the existing and upcoming legislative changes.

CARRIED

<b>CL22.151 Tenders - Public Amenities Cleaning - Building Services</b>	<b>HPERM REF: D21/408566</b>
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Item dealt with earlier in the meeting see MIN22.203

<b>CL22.152 Intergovernmental Panel on Climate Change - Sixth Assessment Report and Implications for Council</b>	<b>HPERM Ref: D21/412771</b>
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**RESOLVED\*** (Clr Ell / Clr White) MIN22.219

That Council note

1. The findings of the IPCC Sixth Assessment Report and 'Summary for Policymakers' documents (Attachment 1 and 2) which are outlined in the report below regarding current and projected climate risks associated with the very low – very high emissions scenarios.
2. The recommendations of the 'Neighbourhood Issue: Climate Cost and Risks to Councils' report (Attachment 3), which draws on the findings of the IPCC Sixth Assessment Report and recommends that Councils increase operational net zero targets and efforts to mitigate climate change.
3. That Council completed a Climate Change Risk Assessment in June 2021 to identify key climate change risks to Council, including temperature and extreme heat, fire weather, changes to rainfall, and sea level rise, and that this Assessment will now be reviewed in light of the IPCC Sixth Assessment Report. The resulting Adaptation Plan will be presented to a future meeting of Council.
4. That a Councillor Briefing presentation will be scheduled in the coming month to present current and future sustainability initiatives which address climate change, including Council's climate change risk and adaptation planning process.

5. That the scheduled review of Council's Sustainable Energy Policy (POL20/71), Council's Sea Level Rise Projections and Policy Framework (SA16.74) and the development of Council's Sustainability Policy will be informed by the IPCC Sixth Assessment Report.

CARRIED

**CL22.153 Modification Application No. DS21/1353 – 76 West Cr,  
Culburra Beach – Lot 298 DP 11892**

**HPERM REF:  
D22/67554**

Item dealt with earlier in the meeting see MIN22.201

**Items marked with an \* were resolved 'en block'.**

**CL22.154 Negotiations - Tenders - Demolition & Construction of  
an Accessible Boardwalk - Ray Brooks Reserve.**

**HPERM Ref:  
D22/51854**

**RESOLVED\*** (Clr Copley / Clr Kotlash)

MIN22.220

That Council:

1. Notes the successful outcome of the tender negotiations for the Demolition and Construction of an Accessible Boardwalk at Ray Brooks Reserve, Palm Beach.
2. Note that the CEO will now award the contract for the Demolition and Construction of an Accessible Boardwalk at Ray Brooks Reserve, Palm Beach to GC Civil PTY LTD under delegation.

CARRIED

**CL22.155 Investigation of Meeting Place Budgong / Mt Scanzi**

**HPERM Ref:  
D21/349551**

**RESOLVED\*** (Clr Copley / Clr Kotlash)

MIN22.221

That:

1. The request for a community meeting and storage space (MIN21.64) remain on Council's community facility request register.
2. Council identifies this project in the Review of the Community Infrastructure Strategic Plan.
3. If a suitable facility or land becomes available or there is an opportunity for Council to acquire land for a facility, a report will be provided to Council regarding the process and potential costings.

CARRIED

**CL22.156 Shoalhaven Heads Landscape Master Plan - Results of  
Public Exhibition and Finalisation of the Document**

**HPERM Ref:  
D22/69964**

**Recommendation**

That Council

1. Receive this report as an update on the community consultation and public exhibition completed in the revision of the Shoalhaven Heads Landscape Master Plan.
2. Adopt and finalise the draft Shoalhaven Heads Landscape Master Plan.

3. Proceed to implementation of the Shoalhaven Heads Landscape Master Plan, utilising the document as a strategic way forward in the town of Shoalhaven Heads.

**RESOLVED** (Clr White / Clr Copley)

MIN22.222

That Council:

1. Receive this report as an update on the community consultation and public exhibition completed in the revision of the Shoalhaven Heads Landscape Master Plan.
2. Adopt and finalise the draft Shoalhaven Heads Landscape Master Plan.
3. Proceed to implementation of the Shoalhaven Heads Landscape Master Plan, utilising the document as a strategic way forward in the town of Shoalhaven Heads.

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: Nil

CARRIED

**CL22.157 Culburra Beach Community Centre - Facility Planning and Clarification on Way Forward**

**HPERM Ref: D22/72019**

**RESOLVED\*** (Clr Copley / Clr Kotlash)

MIN22.223

That Council:

1. Acknowledge the various proposals as determined at Council's Strategy & Assets Committee Meeting in July 2021 and Ordinary Meeting in November 2021 in relation to the Culburra Beach Community Centre site.
2. Proceed to undertake a community-based master planning exercise for the Culburra Beach Community Centre site in line with the Open Space Master Planning Priority List to be determined by Council.
3. Note that the Master Plan of the Culburra Beach Community Centre is to identify needs over the next 20 years and include engagement with all users and stakeholders.
4. Continue discussions with The Halloran Trust regarding the potential opportunities to locate a community swimming pool within the West Culburra Development.

CARRIED

**CL22.158 Narrawallee Beach - Dog Access Areas - Review of Environmental Factors**

**HPERM REF: D22/93064**

Item dealt with earlier in the meeting see MIN22.202

**CL22.159 Sussex Inlet Library Investigations - Update**

**HPERM Ref: D22/70498**

**RESOLVED\*** (Clr Copley / Clr Kotlash)

MIN22.224

That Council

1. Receive the Sussex Inlet Library Investigations report and note the advice provided in respect of previous Council resolutions regarding a Library for Sussex Inlet.

2. Receive further reports on the matter as information on the ongoing investigations into an alternate site for a Sussex Inlet Library becomes available.

CARRIED

**Items marked with an \* were resolved ‘en block’.**

<b>CL22.160 Review of Shoalhaven Water Public Policies - Round Two</b>	<b>HPERM Ref: D22/104477</b>
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**RESOLVED\*** (Clr White / Clr Copley) MIN22.225

That Council reaffirm the following policies with no or minor changes

1. Communication Site Charging (**Attachment 1**)
2. Communication Site Rental – Community FM Radio Stations (**Attachment 2**)

CARRIED

**Items marked with an \* were resolved ‘en block’.**

<b>CL22.161 LGNSW Water Management Conference 2022</b>	<b>HPERM Ref: D22/98550</b>
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**RESOLVED\*** (Clr Christen / Clr White) MIN22.226

That Council receive the report from Clr Mark Kitchener on the LGNSW Water Management Conference for information.

CARRIED

<b>CL22.162 LGNSW Water Management Conference 2022</b>	<b>HPERM Ref: D22/105586</b>
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**Recommendation**

That Council:

1. Receive the report from Clr Patricia White on the LGNSW Water Management Conference 2022 for information.
2. Provide Councillors with a copy of the ISJO Report “Illawarra-Shoalhaven Water Sensitive Framework” for reference.
3. Provides a briefing to Councillors on Shoalhaven Water activities as part of the Councillor Induction program.

**RESOLVED** (Clr White / Clr Christen) MIN22.227

That Council:

1. Receive the report from Clr Patricia White on the LGNSW Water Management Conference 2022 for information.
2. Provide Councillors with a copy of the ISJO Report “Illawarra-Shoalhaven Water Sensitive Framework” for reference.
3. Provides a briefing to Councillors on Shoalhaven Water activities as part of the Councillor Induction program.



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: Nil

CARRIED

## NOTICES OF MOTION / QUESTIONS ON NOTICE

**CL22.163 Notice of Motion - Port Kembla Submarine Base**

**HPERM Ref:  
D22/94971**

### Recommendation

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 and capability.
3. Directs the CEO to prepare a 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.
4. Directs the CEO to write to local Federal and State MPs asking for their support for this initiative.

MOTION (Clr Eil / Clr Copley)

That:

1. The Notice of Motion be deferred
2. The Mayor write to Wollongong City Council, seeking their formal position on the Submarine Base at Port Kembla, outlining the Notice of Motion raised at the Council Ordinary meeting, Monday 28 March 2022, and report the outcome back to Council.

PROCEDURAL MOTION - MOVE INTO COMMITTEE OF THE WHOLE (Clr Kotlash / Clr Norris)

That Council move into the Committee of the Whole, the time being 7.59pm.

PROCEDURAL MOTION CARRIED

PROCEDURAL MOTION - RESUMPTION OF MEETING (Clr Copley / Clr D'Ath)

That Meeting move out of Committee of the Whole and the Ordinary Meeting resume the time being 8.01pm.

PROCEDURAL MOTION CARRIED

Note: No resolutions were made during the Committee of the Whole.

**RESOLVED** (Clr Eil / Clr Copley)

MIN22.228

That:

1. The Notice of Motion be deferred
2. The Mayor write to Wollongong City Council, seeking their formal position on the Submarine Base at Port Kembla, outlining the Notice of Motion raised at the Council meeting, and report the outcome back to Council.

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: Nil

CARRIED

**CL22.164 Notice of Motion - Exemption for the Clearing of Asset Protection Zones under certain Circumstances**

**HPERM Ref:  
D22/100692**

**Recommendation**

That Chapter G4 of the Shoalhaven Development Control Plan 2014 be amended to allow the creation of asset protection zones on mapped bushfire prone land, subject to the follow criteria being met.

1. In order to permit clearing of trees and other vegetation to create asset protection zones around legally constructed dwellings, buildings and associated property access, or any development that would have been for a 'Special Fire Protection Purpose' & associated property access, pursuant to the provisions of the NSW Rural Fires Act 1997 on land mapped as being bushfire prone.
2. The clearing of vegetation for the creation of Asset Protection Zones must not exceed the minimum clearing standards set out in Planning for Bushfire Protection 2019 for structures with a BAL 12.5 rating. The extent of clearing required must be in accordance with a report prepared by an accredited bushfire consultant, with a minimum qualification of BPAD 2.
3. The CEO be permitted to make drafting amendments to the policy.

**RESOLVED** (Clr Watson / Clr Eil)

MIN22.229

That the CEO report back to Council on the proposed Notice of Motion contained in the Business Paper (CL22.164) and the report be based on the Notice of Motion.

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: Nil

CARRIED

**ADDENDUM REPORTS**

**MM22.5 Mayoral Minute - Budget Review**

**HPERM REF:  
D22/118292**

Item dealt with earlier in the meeting see MIN22.198

## 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 Wells)

MIN22.230

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.

CCL22.10 Tenders – Public Amenities Cleaning - Building Services

*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.*

CARRIED

The meeting moved into confidential the time being 8.06pm.

The meeting moved into open session, the time being 8.57.

## REPORT FROM CONFIDENTIAL SESSION

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

**CCL22.10 Tenders – Public Amenities Cleaning - Building Services**

**HPERM Ref:  
D22/95129**

**RESOLVED**

MIN22.231C

That:

1. Council endorses the recommendation of the Tender Evaluation Team to accept the Tender from Storm International Pty Ltd for two years (with the option of a one-year extension) at a cost of \$573,840.12 (exc. GST) per year (total cost over two years \$1,147,680.24).
2. Council note that this arrangement does not prevent Council staff undertaking Emergency Reactive Repair Works and ad-hoc cleaning due to high service demand and that no existing staff are disaffected or displaced through this contractual arrangement.
3. Council notes the budget implication of both options presented and that an adjustment of the Building Services Public Amenities budget from \$631,288 to \$1,054,728 will be required in the 2022/2023 financial year.
4. 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), as the Principal's Representative.

There being no further business, the meeting concluded, the time being 8.59pm.

Clr Findley  
CHAIRPERSON

Minutes Confirmed Monday 11 April 2022 – Chairperson .....