

MINUTES OF THE ORDINARY MEETING

Meeting Date: Tuesday, 25 May 2021
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

Clr Amanda Findley - Chairperson
Clr Joanna Gash – left at 9.39pm
Clr Patricia White
Clr John Wells – left at 8.22pm
Clr Kaye Gartner
Clr Nina Digiglio
Clr Annette Alldrick – left at 10.02pm
Clr John Levett
Clr Andrew Guile – left at 8.22pm
Clr Mitchell Pakes
Clr Greg Watson
Clr Mark Kitchener – left at 10.00pm during confidential session
Clr Bob Proudfoot

The Chairperson read a statement advising those present that the proceedings of this meeting (including presentations, deputations and debate) will be webcast and may be recorded and broadcast under the provisions of the Code of Meeting Practice.

The meeting was opened by an Acknowledgement of Traditional Custodians by the Chairperson, followed with a Prayer by Rev Matthew Wilson and the playing of the Australian National Anthem.

Apologies

Nil

Apologies / Leave of Absence

RESOLVED (Clr White / Clr Wells) MIN21.298

That the request from Clr Pakes for a Leave of Absence for the Development and Environment Committee Meeting Tuesday 1 June 2021 be granted.

CARRIED

Confirmation of the Minutes

RESOLVED (Clr White / Clr Digiglio)

MIN21.299

That the Minutes of the Ordinary Meeting of Ordinary Meeting held on Tuesday 27 April 2021 be confirmed.

CARRIED

Declarations of Interest

Clr Proudfoot – CL21.86 – Notice of Motion – Shoalhaven Hospital - Requirements – less than significant non pecuniary interest declaration – his daughter is a nurse and works at the hospital – will remain in the room and will take part in discussion and vote.

Clr Alldrick – CL21.86 – Notice of Motion – Shoalhaven Hospital - Requirements – less than significant non pecuniary interest declaration – she is an employee at the hospital – will remain in the room and will take part in discussion and vote.

Introduction of Addendum Reports

RESOLVED (Clr Findley / Clr Gash)

MIN21.300

That the following addendum report be introduced as a matter of urgency:

1. MM21.13 Mayoral Minute - Condolence Motion for Charlie Weir

CARRIED

The Chairperson ruled the matter as one of urgency as it relates to urgent business of Council and allowed its introduction.

DEPUTATIONS AND PRESENTATIONS

MM21.10 - Mayoral Minute - 4 Murdoch Street Huskisson - DA10/1377

Mr Bruce McKenzie addressed the meeting and spoke in relation to the recommendation

MM21.12 - Mayoral Minute - Housing Crisis Shoalhaven

Ms Veronica Rawlinson addressed the meeting and spoke in favour of the recommendation

Ms Tina Roy addressed the meeting and spoke in favour of the recommendation.

DE21.43 - Update - Planning Proposal PP050 - Former Anglican Church, Huskisson - Ground Penetrating Radar Survey

Ms Natalie Nye addressed the meeting and spoke against the recommendation.

CL21.86 - Notice of Motion - Shoalhaven Hospital - Requirements

Mr Mark Wilson addressed the meeting and spoke in favour of the recommendation

Procedural Motion - Bring Items Forward

RESOLVED (Clr Pakes / Clr Digiglio)

MIN21.301

That the following matters be brought forward for consideration, and that following the completion of these item a call over of the Business Paper be conducted:

- MM21.10 - Mayoral Minute - DA10/1377 - Moona Creek
- MM21.12 - Mayoral Minute - Housing Crisis Shoalhaven
- DE21.43 - Update - Planning Proposal PP050 - Former Anglican Church, Huskisson - Ground Penetrating Radar Survey
- CL21.86 - Notice of Motion - Shoalhaven Hospital – Requirements

CARRIED

MAYORAL MINUTE

**MM21.10 Mayoral Minute - DA10/1377 – 4 Murdoch Street
Huskisson – Moona Creek**

**HPERM Ref:
D21/197035**

Recommendation

That:

1. That Council acknowledge the work done by the Department of Planning Industry and Environment in May 2020 to better define the concept of “physical commencement” in regard to securing development consent.
2. However, having regard to the circumstances of DA 10/1377, Council write to the Minister for Energy and Environment the Hon Matthew Kean and Minister for Planning and Public Spaces the Hon Rob Stokes to request if there is any pathway for review under the Marine Estate Management Act or other relevant legislation, which will allow this development to be assessed having regard to contemporary information and standards, particularly having regard to the impact the development will have on Jervis Bay Marine Park.

MOTION (Clr Findley / Clr Digiglio)

That:

1. Council acknowledge the work done by the Department of Planning Industry and Environment in May 2020 to better define the concept of “physical commencement” in regard to securing development consent.
2. However, having regard to the circumstances of DA 10/1377, Council write to the Minister for Energy and Environment the Hon Matthew Kean and Minister for Planning and Public Spaces the Hon Rob Stokes to request if there is any pathway for review under the Marine Estate Management Act or other relevant legislation, which will allow this development to be assessed having regard to contemporary information and standards, particularly having regard to the impact the development will have on Jervis Bay Marine Park.

AMENDMENT (Clr Guile / Clr Pakes)

That:

1. Council acknowledge the work done by the Department of Planning Industry and Environment in May 2020 to better define the concept of “physical commencement” in regard to securing development consent.
2. Council acknowledges that without Clr Findley seconding a Motion to allow a height of 13 metres and a floor space ratio of .8 to 1, the Development Application (DA10/1377) of 4

Murdoch Street, Huskisson could not have been approved.

3. However, having regard to the circumstances of DA 10/1377, Council write to the Minister for Energy and Environment the Hon Matthew Kean and Minister for Planning and Public Spaces the Hon Rob Stokes to request if there is any pathway for review under the Marine Estate Management Act or other relevant legislation, which will allow this development to be assessed having regard to contemporary information and standards, particularly having regard to the impact the development will have on Jervis Bay Marine Park.

FOR: Clr Guile and Clr Pakes

AGAINST: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Gartner, Clr Digiglio, Clr Alldrick, Clr Levett, Clr Watson, Clr Kitchener and Clr Proudfoot

AMENDMENT LOST

Clr Wells raised a Point of Order against the Mayor for referring to decisions of a previous Council. The Mayor did not rule is a Point of Order.

MOTION (Clr Findley / Clr Digiglio)

That:

1. Council acknowledge the work done by the Department of Planning Industry and Environment in May 2020 to better define the concept of “physical commencement” in regard to securing development consent.
2. However, having regard to the circumstances of DA 10/1377, Council write to the Minister for Energy and Environment the Hon Matthew Kean and Minister for Planning and Public Spaces the Hon Rob Stokes to request if there is any pathway for review under the Marine Estate Management Act or other relevant legislation, which will allow this development to be assessed having regard to contemporary information and standards, particularly having regard to the impact the development will have on Jervis Bay Marine Park.

FOR: Clr Findley, Clr Gartner, Clr Digiglio, Clr Alldrick and Clr Levett

AGAINST: Clr Gash, Clr White, Clr Wells, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

MOTION LOST

MM21.12 Mayoral Minute - Housing Crisis Shoalhaven

**HPERM Ref:
D21/206952**

Recommendation

That Council:

1. Declares we are currently experiencing a crisis situation with respect to housing availability and affordability in our community.
2. Submits to the National General Assembly and LGNSW Conferences motions calling on increased assistance from National and State Government for additional funding into social and affordable housing, and to look at different models such as equity share and covenant housing.
3. Report back on how Holiday Haven could contribute to providing some housing relief in the parks and how that could be achieved given the Crown Land Status of the Parks.
4. Contact private caravan and holiday parks in order to understand what semi-permanent housing solutions are being offered locally.
5. Continue to lobby for the “Meanwhile Use” of State Government owned land and assets for housing.

RESOLVED (Clr Findley / Clr Wells)

MIN21.302

That Council:

1. Declares we are currently experiencing a crisis situation with respect to housing availability, social housing availability and general housing affordability in our community.
2. Urgently submits to the National General Assembly and LGNSW Conferences motions calling on increased assistance from National and State Government for additional funding into social and affordable housing, and to look at different models such as equity share and covenant housing.
3. Report back on how Holiday Haven could contribute to providing some housing relief in the parks and how that could be achieved given the Crown Land Status of the Parks.
4. Contact private caravan and holiday parks in order to understand what semi-permanent housing solutions are being offered locally.
5. Continue to lobby for the "Meanwhile Use" of State Government owned land and assets for housing.
6. Organise a workshop with council staff, Councillors, businesses and community members to commence a dialogue.
7. Re-establish the Homelessness Taskforce Shoalhaven.
8. Advocate for a National Housing Plan and offer our support as Local Government to work with other tiers of Government.

CARRIED

DE21.43 Update - Planning Proposal PP050 - Former Anglican Church, Huskisson - Ground Penetrating Radar Survey

HPERM Ref: D21/171031

Recommendation

That Council:

1. Receive the Planning Proposal PP050 - Former Anglican Church, Huskisson - Ground Penetrating Radar Survey update for information.
2. Proceed with the verification work (shallow scrapes to identify grave cuts) as recommended by Navin Officer Heritage Consultants on Lots 7 and 8 to verify the GPR survey results, to be funded by the proponent.
3. Consult with Jerrinja Local Aboriginal Land Council (LALC) on work on the adjoining Lot 9, and subject to their agreement allocate \$6,220 (excl GST) to fund the verification work on Jerrinja LALCs land (Lot 9).
4. Continue to liaise with key stakeholders including the Jerrinja LALC, Council's Aboriginal Advisory Committee, and the Huskisson Heritage Association (HHA).

MOTION (Clr Findley / Clr Digiglio)

That:

1. Council not proceed with any further destructive attempts to validate the existence of graves on the sites as found by the ground penetrating radar, given that any further desecration is discriminatory in respect to the burial rights of Indigenous people who have occupied Australia in excess of 60,000 years.
2. Council accept the analysis that has been undertaken by Hunter Geophysics recording a high confidence of over 50 graves across the sites at Huskisson.

3. Precautionary Principles be applied to the application.

FOR: Clr Findley, Clr Gartner, Clr Digiglio, Clr Alldrick, Clr Levett and Clr Proudfoot

AGAINST: Clr Gash, Clr White, Clr Wells, Clr Guile, Clr Pakes, Clr Watson and Clr Kitchener

LOST

FORESHADOWED MOTION (Clr Gash / Clr Guile)

That Council:

1. Receive the Planning Proposal PP050 - Former Anglican Church, Huskisson - Ground Penetrating Radar Survey update for information.
2. Proceed with the verification work (shallow scrapes to identify grave cuts) as recommended by Navin Officer Heritage Consultants on Lots 7 and 8 to verify the GPR survey results, to be funded by the proponent.
3. Consult with Jerrinja Local Aboriginal Land Council (LALC) on work on the adjoining Lot 9, and subject to their agreement allocate \$6,220 (excl GST) to fund the verification work on Jerrinja LALCs land (Lot 9).
4. Continue to liaise with key stakeholders including the Jerrinja LALC, Council's Aboriginal Advisory Committee, and the Huskisson Heritage Association (HHA).

RESOLVED (Clr Gash / Clr Guile)

MIN21.303

That Council:

1. Receive the Planning Proposal PP050 - Former Anglican Church, Huskisson - Ground Penetrating Radar Survey update for information.
2. Proceed with the verification work (shallow scrapes to identify grave cuts) as recommended by Navin Officer Heritage Consultants on Lots 7 and 8 to verify the GPR survey results, to be funded by the proponent.
3. Consult with Jerrinja Local Aboriginal Land Council (LALC) on work on the adjoining Lot 9, and subject to their agreement allocate \$6,220 (excl GST) to fund the verification work on Jerrinja LALCs land (Lot 9).
4. Continue to liaise with key stakeholders including the Jerrinja LALC, Council's Aboriginal Advisory Committee, and the Huskisson Heritage Association (HHA).

FOR: Clr Gash, Clr White, Clr Wells, Clr Guile, Clr Pakes, Clr Watson and Clr Kitchener

AGAINST: Clr Findley, Clr Gartner, Clr Digiglio, Clr Alldrick, Clr Levett and Clr Proudfoot

CARRIED

Note: A Rescission Motion was subsequently received on this item.

CL21.86 Notice of Motion - Shoalhaven Hospital - Requirements

**HPERM Ref:
D21/202377**

Recommendation

That Council staff write to the Illawarra-Shoalhaven Area Health Service and the following list of prominent state parliamentarians, to urgently draw their attention to major inadequacies existing at Shoalhaven Hospital. The list is by no means exhaustive but has been compiled by very concerned members of our community with possible solutions indicated:

1. MRI machine on-site and available for use 7 days a week.
2. Establishment of a well-resourced Fracture Clinic so that local patients can be treated locally.

3. Major upgrade of the Computer - Administration system so that all areas within the hospital precinct, (including the Cancer Care facility), can effectively “talk to each other”.
4. Create a well-resourced Oncology section in the general hospital to provide greater care for cancer sufferers who are experiencing extreme difficulties.
5. Provide a greater resource level at the Cancer Care Centre such that two Oncology Registrars are on duty each day, thus giving a raised level of support to both patients and nurses.
6. Ensure that the meeting of “benchmarks”, (as efficient as they may appear), does not cut across the provision of both compassionate and quality health care. An example may be the apparent desire to accept gravely-ill nursing home patients through the Emergency Department, provide some form of treatment and care, and then sending the frail patient back to the same nursing home to perhaps die, rather than take up valuable bed space in a general ward.
7. Remove all impediments to the provision of “no-charge parking” for nurses in particular, and other hospital employees in general, as a matter of urgency.
8. The list of State Parliamentarians to include:
 - Gladys Berejiklian, Premier of NSW.
 - Brad Hazzard, Minister for Health and Medical Research.
 - Shelley Hancock, Minister for Local Government.
 - Gareth Ward, Member for Kiama.
 - Jodi McKay, Leader of the Opposition.
 - Yasmin Catley, Shadow Minister for Health.

RESOLVED (Clr Proudfoot / Clr Digiglio)

MIN21.304

That Council staff write to the Illawarra-Shoalhaven Area Health Service and the following list of prominent state parliamentarians, to urgently draw their attention to major inadequacies existing at Shoalhaven Hospital. The list is by no means exhaustive but has been compiled by very concerned members of our community with possible solutions indicated:

1. MRI machine on-site and available for use 7 days a week.
2. Establishment of a well-resourced Fracture Clinic so that local patients can be treated locally.
3. Major upgrade of the Computer - Administration system so that all areas within the hospital precinct, (including the Cancer Care facility), can effectively “talk to each other”.
4. Create a well-resourced Oncology section in the general hospital to provide greater care for cancer sufferers who are experiencing extreme difficulties.
5. Provide a greater resource level at the Cancer Care Centre such that two Oncology Registrars are on duty each day, thus giving a raised level of support to both patients and nurses.
6. Ensure that the meeting of “benchmarks”, (as efficient as they may appear), does not cut across the provision of both compassionate and quality health care. An example may be the apparent desire to accept gravely-ill nursing home patients through the Emergency Department, provide some form of treatment and care, and then sending the frail patient back to the same nursing home to perhaps die, rather than take up valuable bed space in a general ward.
7. Prepare for the impacts of planned phasing out of the palliative care from David Berry Hospital
8. Remove all impediments to the provision of “no-charge parking” for nurses in particular, and other hospital employees in general, as a matter of urgency.
9. The list of State Parliamentarians to include:
 - a. The Hon Gladys Berejiklian, MP, Premier of NSW.
 - b. The Hon Brad Hazzard, MP, Minister for Health and Medical Research.

- c. The Hon Shelley Hancock, MP, Minister for Local Government.
 - d. The Hon Gareth Ward, MP, Member for Kiama.
 - e. Ms Jodi McKay, MP, Leader of the Opposition.
 - f. Mr Ryan Park, MP, Shadow Minister for Health.
 - g. Ms Kate Washington, MP, Shadow Minister for Rural Health
10. Council request Illawarra Shoalhaven Local Health District to provide a copy of the Clinical Services Plan for the proposed upgrade of Shoalhaven District Memorial Hospital, and that once received the Clinical Services Plan be made available to the community via the Council website.

CARRIED

Procedural Motion - Adjournment of Meeting

RESOLVED (Clr Gartner / Clr Gash)

MIN21.305

That the meeting be adjourned to allow for refreshments.

CARRIED

Note: The meeting adjourned, the time being 8.22pm

Note: Clr Wells and Clr Guile left at 8.22pm

Note: The meeting reconvened, the time being 8.52pm

The following members were present:

Clr Amanda Findley - Chairperson
Clr Joanna Gash
Clr Patricia White
Clr Kaye Gartner
Clr Nina Digiglio
Clr Annette Alldrick
Clr John Levett
Clr Mitchell Pakes
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot

Procedural Motion - Bring Item Forward

RESOLVED (Clr Findley / Clr Pakes)

MIN21.306

That, following the Mayoral Minute and Notices of Motion, the following items be called for consideration:

- CL21.94 – 2020/21 Council Borrowings - Loan Agreement and Required Changes to the Investment Policy
- CL21.98 – NSW Emergency Operations Centres (EOCs) Critical Upgrade Program
- CL21.101 – Crown Land Plans of Management - Progress to Public Exhibition
- CL21.105 - South East Australian Transport Strategy (SEATS) Meeting

CARRIED

MM21.11 Mayoral Minute - Extended Financial Assistance to Bushfire Survivors

**HPERM Ref:
D21/197113**

Recommendation

That:

1. Council extend financial assistance by way of a 50% general rate relief and 100% sewer availability charge to our residents who are bushfire survivors and that this discount apply until June 2022 or until final occupation certificates are issued against a rebuilt home.
2. This relief be offered to owner occupiers as per financial assistance distribution of the Mayors Relief Fund.

RESOLVED (Clr Findley / Clr Pakes)

MIN21.307

That:

1. Council extend financial assistance by way of a 50% general rate relief and 100% sewer availability charge to our residents who are bushfire survivors and that this discount apply until June 2022 or until final occupation certificates are issued against a rebuilt home.
2. This relief be offered to owner occupiers as per financial assistance distribution of the Mayors Relief Fund.

CARRIED

MM21.12 MAYORAL MINUTE - HOUSING CRISIS SHOALHAVEN

**HPERM REF:
D21/206952**

Item dealt with earlier in the meeting see MIN21.302

MM21.13 Mayoral Minute - Condolence Motion for Charlie Weir

**HPERM Ref:
D21/208342**

Recommendation

That Council write to the Weir Family and Shoalhaven River Watch expressing condolences at the passing of Charlie Weir.

RESOLVED (Clr Findley / Clr Gash)

MIN21.308

That Council write to the Weir Family and Shoalhaven River Watch expressing condolences at the passing of Charlie Weir.

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

CL21.82 Notice of Motion - Lawfulness of Council's Opening Prayer

HPERM Ref:
D21/155793

Recommendation

That Council:

1. Note recent legal analysis published in the *Alternative Law Journal* which concludes that the practice of many Australian local councils of incorporating prayers into their formal meetings is unlawful.
2. Seek formal legal advice about whether Council's practice of including an Opening Christian Prayer as part of its proceedings is lawful.

MOTION (Clr Gartner / Clr Findley)

That Council:

1. Note recent legal analysis published in the *Alternative Law Journal* which concludes that the practice of many Australian local councils of incorporating prayers into their formal meetings is unlawful.
2. Seek formal legal advice about whether Council's practice of including an Opening Christian Prayer as part of its proceedings is lawful.

Clr Pakes raised a Point of Order against Clr Levett for misrepresenting Clr Guile's actions and the reasons for leaving the debate on the item previously. The Mayor did not rule it a Point of Order.

Clr Gartner raised a Point of Order under Section 15.1 of the Code of Meeting Practice against Clr Watson regarding his comment about causing division.

The Mayor ruled in favour of the Point of Order and asked Clr Watson to withdraw the comment and apologise. Clr Watson withdrew his comments and apologised unreservedly.

Clr Gartner raised a Point of Order against Clr Watson regarding his comment about Councillors' affirmation. Clr Watson withdrew his comment.

RESOLVED (Clr Gartner / Clr Findley)

MIN21.309

That Council:

1. Note recent legal analysis published in the *Alternative Law Journal* which concludes that the practice of many Australian local councils of incorporating prayers into their formal meetings is unlawful.
2. Seek formal legal advice about whether Council's practice of including an Opening Christian Prayer as part of its proceedings is lawful.

FOR: Clr Findley, Clr Gartner, Clr Digiglio, Clr Alldrick, Clr Proudfoot and Clr Levett

AGAINST: Clr Gash, Clr White, Clr Pakes, Clr Watson and Clr Kitchener

CARRIED

Note: A Rescission Motion was received on this item.

CL21.83 Notice of Motion - Mollymook Foreshore Reserve

**HPERM Ref:
D21/200261**

Clr Kitchener – less than significant non pecuniary interest declaration – he is a member of the Mollymook Surf Life Saving Club and a reasonable person could perceive he would be showing favouritism to the Club – remained in the room and took part in discussion and voted.

Recommendation

That Council:

1. Make safe, and program the upgrade of the Mollymook Foreshore Reserve on the water's edge immediately east of the Mollymook Surf Lifesaving Club.
2. Seek grant funding to complete the project.
3. Give high priority to the completion of Stage 2.

RESOLVED (Clr Kitchener / Clr White)

MIN21.310

That Council:

1. Make safe, and program the upgrade of the Mollymook Foreshore Reserve on the water's edge immediately east of the Mollymook Surf Lifesaving Club.
2. Seek grant funding to complete the project.
3. Give high priority to the completion of Stage 2.

CARRIED

**CL21.84 Notice of Motion - Nowra By-Pass Infrastructure
Transport Link**

**HPERM Ref:
D21/199957**

Recommendation

That:

1. Council write to the following NSW parliamentary representatives seeking their public support for the construction of the Nowra By-Pass infrastructure transport link. Part of the communique would essentially include previous Council resolutions and resultant correspondence initiated in 2021.
 - The Hon Gladys Berejiklian, MP, Premier of NSW
 - The Hon John Barilaro, MP, Deputy Premier, Minister For Regional Industry and Trade
 - The Hon Andrew Constance, MP, Minister for Transport and Roads
 - The Hon Paul Toole, MP, Minister for Regional Transport and Roads
 - The Hon Shelley Hancock, MP, Minister for Local Government
 - The Hon Gareth Ward, MP, Member for Kiama
 - Jodi McKay, Leader of the Opposition
 - Chris Minns, Shadow Minister for Transport
 - The Hon John Graham, Shadow Minister for Roads
 - The Hon Mick Veitch, Shadow Minister for Rural Roads
 - David Harris, Shadow Minister for Regional Transport

2. In the letter to The Premier of NSW, The Hon Gladys Berejiklian, MP, an additional request be indicated, asking her to consider the inclusion of significant funds in the next state budget towards the project. All parliamentarians on the above list would need to be informed of this and their resultant concurrence sought.
3. In the letter to be sent to The Hon Andrew Constance, MP, a congratulatory paragraph regarding his recent public statements in support of the Nowra By-Pass would need to be included. In addition, a request to Mr Constance asking him to make contact with The Hon Michael McCormack, MP, Deputy Prime Minister, Minister for Infrastructure, Transport and Regional Development, inviting him to meet with Shoalhaven City Council in the near future, per their previous invitation.
4. As is the case with point 3 above a similar letter be sent to The Hon John Barilaro, MP with the same request.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN21.311

That:

1. Council write to the following NSW parliamentary representatives seeking their public support for the construction of the Nowra By-Pass infrastructure transport link. Part of the communique would essentially include previous Council resolutions and resultant correspondence initiated in 2021.
 - The Hon Gladys Berejiklian, MP, Premier of NSW
 - The Hon John Barilaro, MP, Deputy Premier, Minister For Regional Industry and Trade
 - The Hon Andrew Constance, MP, Minister for Transport and Roads
 - The Hon Paul Toole, MP, Minister for Regional Transport and Roads
 - The Hon Shelley Hancock, MP, Minister for Local Government
 - The Hon Gareth Ward, MP, Member for Kiama
 - Ms Jodi McKay, MP Leader of the Opposition
 - Shadow Minister for Transport
 - The Hon John Graham, MP, Shadow Minister for Roads
 - The Hon Mick Veitch, MP, Shadow Minister for Rural Roads
 - Mr David Harris, MP, Shadow Minister for Regional Transport
2. In the letter to The Premier of NSW, The Hon Gladys Berejiklian, MP, an additional request be indicated, asking her to consider the inclusion of significant funds in the next state budget towards the project. All parliamentarians on the above list would need to be informed of this and their resultant concurrence sought.
3. In the letter to be sent to The Hon Andrew Constance, MP, a congratulatory paragraph regarding his recent public statements in support of the Nowra By-Pass would need to be included. In addition, a request to Mr Constance asking him to make contact with The Hon Michael McCormack, MP, Deputy Prime Minister, Minister for Infrastructure, Transport and Regional Development, inviting him to meet with Shoalhaven City Council in the near future, per their previous invitation.
4. As is the case with point 3 above a similar letter be sent to The Hon John Barilaro, MP with the same request.

CARRIED

CL21.85 Notice of Motion - Princes Highway / Island Point Road Roundabout - Vegetation Clearance

**HPERM Ref:
D21/200234**

Recommendation

That Council write to Transport for NSW requesting their urgent consideration of perimeter vegetation clearing of the "sightline", immediately north-east of the newly constructed Princes Highway / Island Point Road roundabout, in order to achieve absolute maximum safety at this dangerous location.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN21.312

That Council write to Transport for NSW requesting their urgent consideration of perimeter vegetation clearing of the "sightline", immediately north-east of the newly constructed Princes Highway / Island Point Road roundabout, in order to achieve absolute maximum safety at this dangerous location.

CARRIED

Procedural Motion – Extension of Meeting

RESOLVED (Clr Pakes / Clr Digiglio)

MIN21.313

That the meeting be extended to 10.00pm.

CARRIED

CL21.86 NOTICE OF MOTION - SHOALHAVEN HOSPITAL - REQUIREMENTS

**HPERM REF:
D21/202377**

Item dealt with earlier in the meeting see MIN21.304

CL21.87 Notice of Motion - Property Matter

**HPERM Ref:
D21/201215**

Recommendation

That Council, in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, consider a separate confidential Notice of Motion from Clr Patricia White in relation to a property matter.

RESOLVED (Clr Findley / Clr White)

MIN21.314

That Council, in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, consider a separate confidential Notice of Motion from Clr Patricia White in relation to a property matter.

CARRIED

CL21.88 Notice of Motion - Shoalhaven Heads to Gerroa Walking Track – 7 Mile Beach National Park

**HPERM Ref:
D21/201023**

Recommendation

That Council:

1. Engage with Laurie Talbot Shoalhaven Heads and others to discuss and investigate their

proposal to formalise the existing walking track from Shoalhaven Heads to Gerroa through the 7 Mile Beach National Park and included in the Plan of Management.

2. Make representations on behalf of the Shoalhaven Heads community to local National Parks and the local state member The Hon Gareth Ward MP to formalise the existing walking track into the Plan of Management for the 7 Mile Beach National Park.
3. Write to Kiama Council seeking support to have the walking track formalised and included in the Plan of Management for the 7 Mile Beach National Park.

RESOLVED (Clr Pakes / Clr White)

MIN21.315

That Council:

1. Engage with Laurie Talbot of Shoalhaven Heads and others to discuss and investigate their proposal to formalise the existing walking track from Shoalhaven Heads to Gerroa through the 7 Mile Beach National Park and included in the Plan of Management.
2. Make representations on behalf of the Shoalhaven Heads community to local National Parks and the local state member The Hon Gareth Ward MP to formalise the existing walking track into the Plan of Management for the 7 Mile Beach National Park.
3. Write to Kiama Council seeking support to have the walking track formalised and included in the Plan of Management for the 7 Mile Beach National Park.

CARRIED

CL21.89 Notice of Motion - Park Road Netball Complex

**HPERM Ref:
D21/205278**

Recommendation

That Council:

1. Take urgent action to apply for grants to assist in facilitating the refurbishment of the Park Road Netball Courts.
2. Commend Kevin Norwood and his team for undertaking an urgent assessment of the Courts and for preparing a way forward.

RESOLVED (Clr Watson / Clr Proudfoot)

MIN21.316

That Council:

1. Take urgent action to apply for grants to assist in facilitating the refurbishment of the Park Road Netball Courts.
2. Commend the Community Planning & Projects staff (Craig Horgan, Jessica Volkanovski & Ryan Schalter) and their teams for undertaking an urgent assessment of the Courts and for preparing a way forward.

CARRIED

Motion – Items Resolved En Bloc

RESOLVED (Clr Proudfoot / Clr White)

MIN21.317

That the remaining items be resolved en bloc with the exception of:

- SA21.83 - Report Back - Jervis Bay National Park - Council Property Transfers
- CL21.94 – 2020/21 Council Borrowings - Loan Agreement and Required Changes to the Investment Policy

- CL21.98 – NSW Emergency Operations Centres (EOCs) Critical Upgrade Program
- CL21.101 – Crown Land Plans of Management - Progress to Public Exhibition
- CL21.105 - South East Australian Transport Strategy (SEATS) Meeting

CARRIED

REPORT OF THE DEVELOPMENT & ENVIRONMENT COMMITTEE - 11 MAY 2021

DE21.43	UPDATE - PLANNING PROPOSAL PP050 - FORMER ANGLICAN CHURCH, HUSKISSON - GROUND PENETRATING RADAR SURVEY	HPERM REF: D21/171031
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Item dealt with earlier in the meeting see MIN21.303

REPORT OF THE STRATEGY & ASSETS COMMITTEE - 18 MAY 2021

SA21.83	REPORT BACK - JERVIS BAY NATIONAL PARK - COUNCIL PROPERTY TRANSFERS	HPERM REF: D21/69325
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Item dealt with later in the meeting see MIN21.345

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

SA21.85	Proposed Lease - Council as Lessee - Unit 1, 51 Graham Street, Nowra	HPERM Ref: D21/176484
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RESOLVED* (Clr Proudfoot / Clr White) MIN21.318

That:

1. Council enter into a Lease agreement with Churston Quay Pty Ltd ATF Torbay Superannuation Fund for Unit 1, 51 Graham Street, Nowra being lot 1 SP 63182 in accordance with the terms outlined in the confidential attachment;
2. The terms of the lease remain confidential until adopted by Council;
3. Council authorise the rent to be paid from existing operational budget from the savings identified by management across all Directorates;
4. Council authorise the Common Seal of the Council of the City of Shoalhaven to be affixed to any document required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

CARRIED

SA21.88	Callala Beach Drainage Maintenance & Construction	HPERM Ref: D20/82059
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RESOLVED* (Clr Proudfoot / Clr White) MIN21.319

That Council, with regard to the management of stormwater in the Callala Beach Village:

1. Note that scheduled maintenance to desilt the eight absorption pits has been programmed to be completed before the end of this financial year from the existing maintenance allocation.
2. Note that from 2021/2022 and onwards (subject to operating budget allocations) 20 pits will be desilted every year at an annual cost of \$17,500. This means that 80 pits across the region will be desilted every four year at a total cost of \$70,000 over the four years. This work will most likely be packaged up as an annual contract with visual inspection/cleaning records being received prior to payment. The 2021/2022 draft budget be amended accordingly as part of the public consultation phase currently underway.
3. The Draft Interim Policy for “The disposal of stormwater from hard surfaces for infill or redevelopment” will be refined by Council staff, advertised seeking public comment and that comment will be reported back to Council for consideration before adoption.
4. Allocate \$80,000 in the long-term financial plan (2023/2024) to develop a long-term Stormwater Drainage Strategy for the Callala Beach catchment, with the ultimate arrangement to be a consideration of a hybrid drainage system consisting of a combination of gravity drained pipe outlets and absorption pits.

CARRIED

SA21.89 North Mollymook Beach - Car Parking & Pedestrian Access / Safety	HPERM Ref: D20/349606
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RESOLVED* (Clr Proudfoot / Clr White)

MIN21.320

That:

1. Council allocate \$40,000 (2021/2022) towards the preparation of a Masterplan (including consultation) which will enable better management of pedestrians and carparking at the North end of Mollymook beach, to improve safety and amenity for all – noting the following:
 - a. The plan will integrate with any strategic planning for coastal zone management/ coastal planning that may be under consideration for the Northern End of Mollymook Beach which appears to need some attention in regard to dune stabilisation alongside of Beach Rd.
 - b. Include an investigation on how best to manage pedestrian and carparking at Mitchell Parade in the vicinity of the beach access stairway.
 - c. Plan for the formalisation of the dirt carpark on the North Eastern Side of Mollymoke Farm Creek and NOT pursue the opening up of the western side that would involve any vegetation clearing.
 - d. Pursue a conversation with the Bill Andriske Management Committee in regard to how upgraded car park facilities can be used on non-match days.
 - e. Include investigation on how best to manage pedestrian and carparking around the corner at the North Mollymook Tallwood Ave Shops.
2. The draft masterplan be further considered at a future meeting of Council with a view to adopt and allocate funds to prepare plans to a ‘shovel ready’ state for future grant and internal funding considerations.

CARRIED

SA21.90 Mollymook Outriggers Club - Storage Site Location	HPERM Ref: D20/397239
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RESOLVED* (Clr Proudfoot / Clr White)

MIN21.321

That Council, following an extensive and unsuccessful search of sites in the Ulladulla Region to accommodate the Mollymook Outriggers Club’s storage needs:

1. Support the Club's quest to obtain approval from the Crown to build a boat shed next to the Coastal Patrol Building at Ulladulla Harbour.
2. Add \$5,000 to the 2021/2022 draft budget (noting that the draft budget is currently on public exhibition) as Council's contribution to any documentation or studies or plans that are required for the Crown Lands process as determined by the CEO (Director City Services).

CARRIED

SA21.91 Proposed Road Closure & Sale - Broughton Vale Road Broughton Vale	HPERM Ref: D21/56320
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RESOLVED* (Clr Proudfoot / Clr White)

MIN21.322

That Council

1. Close the unformed part of Broughton Vale Road, Broughton Vale, being approximately 1,500m in length as shown in Attachment 1 (D21/56393) by a notice published in the Government Gazette as the road reserve is effectively landlocked.
2. Authorise the sale of the closed road to V Wasp Pty Ltd (adjoining property owner) for \$37,700 + GST (if applicable) and the proceeds from the sale be allocated to the Property Reserve.
3. Require the portion comprised in the road closure be consolidated into one lot with the parent Lot being Lot 19 DP 1264739.
4. Require all costs associated with the road closure and sale to be borne by V Wasp Pty Ltd.
5. Authorise the Chief Executive officer to sign any documentation required to give effect to this Resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

CARRIED

SA21.101 TfNSW Acquisition by Agreement Part Lot 415 DP 1210528 Gardenia Crescent Bomaderry (Princes Highway Bomaderry)	HPERM Ref: D20/546110
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RESOLVED* (Clr Proudfoot / Clr White)

MIN21.323

That Council:

1. Approve the acquisition by agreement of Part Lot 415 DP 1210528 being approximately 630sqm by TfNSW for the Princes Highway Upgrade project;
2. Delegate authority to the Chief Executive Officer to agree to the compensation amount determined by the Valuer General;
3. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any document requiring to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

CARRIED

SA21.108 Sale of Surplus Council Land at Terara

**HPERM Ref:
D21/136112**

RESOLVED* (Clr Proudfoot / Clr White)

MIN21.324

That Council:

1. Resolve to vary MIN15.664 and:
2. Sell part of Lot 1 DP594857, shown edged red on 'Plan of Land to be Sold', for an amount of \$54,200.
3. Reimburse the purchaser's reasonable legal costs from Council's REMS Sewer Scheme Fund, in accordance with the original land exchange agreement with the adjoining landowner. Proceeds from the sale of the Council land are to be paid to that fund to partially offset the acquisition costs.
4. If necessary, adjust the purchase price for the lands in accordance with the area determined by final survey plan.
5. Authorise the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.
6. Approve a subdivision of Lot 1 DP594857 under officer delegation.

CARRIED

SA21.109 Acquisition of Easement for Sewerage Purposes - 14&16 Daley Crescent North Nowra

**HPERM Ref:
D21/151649**

RESOLVED* (Clr Proudfoot / Clr White)

MIN21.325

That

1. Council acquire an Easement for Sewerage Purposes 3 metres wide over part of Lots 19 & 20 DP22131, Nos. 14-16 Daley Crescent North Nowra as shown highlighted on the attached copy of DP 644296.
2. Council pay compensation of \$19,000, plus GST if applicable, and reasonable legal and valuation costs associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer Fund.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CARRIED

REPORT OF THE SHOALHAVEN TRAFFIC COMMITTEE - 11 MAY 2021

TC21.31 Signage and Linemarking Plan - Lot 400 DP1243547 - 35 Corks Lane - Milton (PN 3652)

**HPERM Ref:
D21/181647**

RESOLVED* (Clr Proudfoot / Clr White)

MIN21.326

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed works in Corks Lane, Milton, required to be undertaken in accordance with consent conditions, as detailed in Plan No: D21/18181, subject to:

- Temporary barriers being installed:
 - immediately to the north of the Corks Lane residential sub-division (to prevent

through traffic from traversing Corks Lane north past the St Mary's Catholic Primary School and church, and further impacting the intersection of Princes Highway and Corks Lane), and

- another temporary barrier being installed to the west of the existing turning head outside the St Mary's Catholic Primary School.
- The proposed banned right turn signage shall also be deferred or covered up for the same temporary period. The temporary barrier and associated signage restrictions shall remain in place until such time as Myrtle Forest Road is constructed to the Princes Highway as required in accordance with DS19/1162.
- The intersection of Corks Lane and the Princes Highway being delineated as 'all traffic left' with a painted island, 'Left Turn' arrows and R2-9-L 'Left Lane Must Turn Left' signage on approach following the construction of Myrtle Forest Road to the Princes Highway as required in accordance with DS19/1162.
- Lighting for proposed traffic facilities being provided as per AS/NZS 1158.
- The proposed north-eastern turn along the Link Road being assessed in accordance with AS1742.2 as to whether it requires warning signage.

CARRIED

TC21.32 Parking Restrictions - Intersections of Quay Rd - Greenway Rd - Callala Beach Rd - Callala Beach (PN 3653)	HPERM Ref: D21/181690
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RESOLVED* (Clr Proudfoot / Clr White)

MIN21.327

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed parking restrictions at the intersections of Quay Rd and Greenway Rd with Callala Beach Rd, Callala Beach as per Plan No: D21/181830.

CARRIED

TC21.33 Parking Restrictions and Linemarking - Woollamia Boat Ramp Car Park - Frank Lewis Way - Woollamia (PN 3654)	HPERM Ref: D21/181695
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RESOLVED* (Clr Proudfoot / Clr White)

MIN21.328

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the parking restrictions and linemarking at the Woollamia Boat Ramp Carpark and along Frank Lewis Way / Coulon Street, per Plan No: D21/181841.

CARRIED

TC21.34 Proposed Edge Line Marking - Tapitallee Road - Tapitallee (PN 3655)	HPERM Ref: D21/181790
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RESOLVED* (Clr Proudfoot / Clr White)

MIN21.329

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed edge line marking along Tapitallee Road, Tapitallee as per Plan No: D21/181863, subject to:

1. RRPMs being installed along the proposed edgeline for enhanced night-time delineation.

CARRIED

TC21.35 Signage and Linemarking Plan - Lot 1 DP 270575 - 35 HPERM Ref:
The Basin Road - St Georges Basin (PN 3656) D21/182878

RESOLVED* (Clr Proudfoot / Clr White) MIN21.330

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed signage, line marking, and traffic control measures associated with the development at Lot 1 DP 270575 - 35 The Basin Road, St Georges Basin (per development consent conditions 27(e) - (f)), as per Plan No D21/182893, subject to:

1. Lighting for proposed traffic facilities being provided as per AS/NZS 1158..

CARRIED

REPORTS

CL21.93 Remote Attendance by Councillors at Council Meetings - HPERM Ref:
Draft Procedure D21/155151

RESOLVED* (Clr Proudfoot / Clr White) MIN21.331

That Council endorse the attached Procedures for Remote Attendance of Councillors at Meetings using an Audio Visual Link.

CARRIED

CL21.94 2020/21 Council Borrowings - Loan Agreement and HPERM Ref:
Required Changes to the Investment Policy D21/144233

Recommendation

That Council:

1. Enter into a loan agreement, executed under the seal of Council, with New South Wales Treasury Corporation (TCorp) for the following loans (to be repaid over 10 years) that have been previously endorsed by the Council:

Loan #	Purpose of the Loan	Loan Amount
Loan 1	Moss Vale Road	2,861,200
	Mundamia Urban Release Areas	5,739,920
	Nowra Fire Control Roads	1,400,000
	Boongaree Park	9,000,000
	SCARP Project	2,532,500
Total Loan 1 (subsidised by Low-Cost Loan Initiative):		21,533,620
Loan 2	Shoalhaven Entertainment Centre Upgrade	4,805,158
	SCARP Project	4,000,000
Total Loan 2 (General Fund not subsidised by Low-Cost Loan Initiative):		8,805,158
Loan 3	Waste Organic Processing / MRF	15,000,000
Total Loan 3 (Waste Fund):		15,000,000
TOTAL:		45,338,778

2. Endorse the following changes to the Investment Policy as required by Clause 10.4 of the TCorp Loan Agreement:

S & P Long Term Rating	Portfolio Limit		Counterparty Limit		Tenor Limit		
	Current	Proposed	Current	Proposed	Current	Proposed	
AAA	100%	100%	40%	100%	N/A	N/A	
AA+ to AA-	100%	100%	30%	100%	N/A	5 years	
A+ to A	60%	100%	15%	100%	N/A	3 years	
A-	60%	40%	15%	20%	N/A	3 years	
BBB+	30%	30%*	10%	10%	N/A	3 years	
BBB				5%	N/A	12 months	
BBB- and below Local ADIs				5%	5%	N/A	12 months
BBB- and below: Other					\$250,000	N/A	12 months
TCorp	100%	100%	100%	100%	N/A	N/A	

* Of which no more than 10% in investments with a Long-Term Debt Rating of BBB.

RESOLVED (Clr Gartner / Clr Findley)

MIN21.332

That Council:

1. Enter into a loan agreement, executed under the seal of Council, with New South Wales Treasury Corporation (TCorp) for the following loans (to be repaid over 10 years) that have been previously endorsed by the Council:

Loan #	Purpose of the Loan	Loan Amount
Loan 1	Moss Vale Road	2,861,200
	Mundamia Urban Release Areas	5,739,920
	Nowra Fire Control Roads	1,400,000
	Boongaree Park	9,000,000
	SCARP Project	2,532,500
Total Loan 1 (subsidised by Low-Cost Loan Initiative):		21,533,620
Loan 2	Shoalhaven Entertainment Centre Upgrade	4,805,158
	SCARP Project	4,000,000
Total Loan 2 (General Fund not subsidised by Low-Cost Loan Initiative):		8,805,158
Loan 3	Waste Organic Processing / MRF	15,000,000
Total Loan 3 (Waste Fund):		15,000,000
TOTAL:		45,338,778

2. Endorse the following changes to the Investment Policy as required by Clause 10.4 of the TCorp Loan Agreement:

S & P Long Term Rating	Portfolio Limit		Counterparty Limit		Tenor Limit	
	Current	Proposed	Current	Proposed	Current	Proposed
AAA	100%	100%	40%	100%	N/A	N/A
AA+ to AA-	100%	100%	30%	100%	N/A	5 years
A+ to A	60%	100%	15%	100%	N/A	3 years
A-	60%	40%	15%	20%	N/A	3 years
BBB+	30%	30%*	10%	10%	N/A	3 years
BBB				5%	N/A	12 months
BBB- and below Local ADIs		5%		5%	N/A	12 months
BBB- and below: Other				\$250,000	N/A	12 months
TCorp	100%	100%	100%	100%	N/A	N/A

* Of which no more than 10% in investments with a Long-Term Debt Rating of BBB.

CARRIED

CL21.95 Investment Report - April 2021

HPERM Ref: D21/199118

RESOLVED* (Clr Proudfoot / Clr White)

MIN21.333

That

1. The report of the Chief Executive Officer (City Performance) on the Record of Investments for the period to 30 April 2021 be received for information.
2. Council note Council's Investment Portfolio returned 1.17% for the month of April 2021, exceeding the benchmark AusBond Bank Bill Index (0.04% pa) by 113 basis points (1.13%).

CARRIED

CL21.96 Proposed Submission - Review of Clause 4.6 of the Standard Instrument LEP

HPERM Ref: D21/174432

RESOLVED* (Clr Proudfoot / Clr White)

MIN21.334

That Council make a submission (Attachment 1 of this report) to the NSW Department of Planning, Industry and Environment in relation to the proposed changes to clause 4.6 of the Standard Instrument Local Environmental Plan.

CARRIED

CL21.97 Proposed Submission - NSW Planning Reforms - Building Business Back Better

HPERM Ref: D21/177486

RESOLVED* (Clr Proudfoot / Clr White)

MIN21.335

That Council:

1. Endorse the draft submission on the proposed planning reforms related to amendments to complying development pathways for employment lands (Attachment 1) so it can be finalised and sent to the NSW Department of Planning, Industry & Environment for consideration.
2. Request further consultation/engagement regarding the proposed reforms before they are finalised.
3. Receive future reports, if required, to enable further comment on the detail of the proposed planning reforms.

CARRIED

CL21.98 NSW Emergency Operations Centres (EOCs) Critical Upgrade Program

HPERM Ref: D21/196555

Recommendation

That

1. The Report of the Chief Executive Officer on the NSW Emergency Operations Centres (EOCs) Critical Upgrade Program and funding opportunities be received for information.
2. Council formally thank Resilience NSW for the funding offer to upgrade the Emergency Operations Centre located at 92 Albatross Road, Nowra to a "Backbone" Emergency Operations Centre (\$134,208 excl GST).

RESOLVED (Clr Pakes / Clr Findley)

MIN21.336

That:

1. The Report of the Chief Executive Officer on the NSW Emergency Operations Centres (EOCs) Critical Upgrade Program and funding opportunities be received for information.
2. Council formally thank Resilience NSW for the funding offer to upgrade the Emergency Operations Centre located at 92 Albatross Road, Nowra to a "Backbone" Emergency Operations Centre (\$134,208 excl GST).

CARRIED

CL21.99 Report Back - Closure of Scenic Drive/Bridge Road Intersection, Nowra and Options

HPERM Ref: D21/175006

RESOLVED* (Clr Proudfoot / Clr White)

MIN21.337

That Council:

1. Accept that the Scenic Drive and Bridge Road intersection will remain closed as a result of the Shoalhaven River Bridge Project which has been designed to bring the bridge approaches much closer to Scenic Drive and Bridge Road intersection and thus would make this intersection unsafe.
2. Adopt Concept Plan 2315.07 (the land acquisition option) as its preferred alternative arrangement to the foreshore access provided by the Scenic Drive and Bridge Road intersection. This option has the following characteristics:

- a. Consistent with the intent of the Nowra Riverfront Leisure and Entertainment Precinct: Strategic Direction Review and Analysis and Proposed Planning Controls Report.
 - b. Ballpark cost estimate of \$4.5 million
 - c. Traffic Lights at the Bridge Road and Hyam Street Intersection
 - d. Roundabout at the intersection of Hyam Street and a new road servicing the Nowra Riverfront Leisure and Entertainment Precinct
 - e. Approximately 220m of new road construction
 - f. Property acquisitions
3. Seek confirmation that the NSW Government will commit to constructing Council's preferred option as an alternative arrangement to the TfNSW's forced closure of the Scenic Drive Bridge Road intersection before the Bridge Project is completed; noting that detailed work will be required to confirm the actual scope and cost of the works and this should be done by TfNSW in close consultation with Council's CEO (Director City Services).

CARRIED

CL21.100 Sanctuary Point District Library - Outcomes of Public Exhibition of Concept Design

HPERM Ref: D21/129354

RESOLVED* (Clr Proudfoot / Clr White)

MIN21.338

That Council:

1. Note the submissions provided on the concept design of the Sanctuary Point District Library for information.
2. Adopt the concept design, as publicly exhibited, with the following minor changes (as displayed in Attachment 5):
 - a. Research Room relocated
 - b. Stairwell relocated and shape changed to assist with mechanical reticulation
 - c. Breakup of sunshade on front of building
 - d. Solid precast wall incorporated to reduce heat
 - e. Technology Room relocated to north east corner
 - f. Corridor and lift relocated
 - g. A solid precast wall incorporated to manage heat gain / loss at front of building
3. Lodge a Development Application for the Sanctuary Point District Library on the corner of Paradise Beach Road and Kerry Street, Sanctuary Point as per MIN20.33 and MIN21.126.
4. Respond to the submissions and advise of Council's decision.
5. Actively pursue any grant funding opportunities to assist with the delivery of the Sanctuary Point Library.

CARRIED

Note: Clr Gash left at 9.35pm.

CL21.101 Crown Land Plans of Management - Progress to Public Exhibition

**HPERM Ref:
D21/147190**

Recommendation

That Council:

1. Proceed to Public Exhibition of the Lady Denman Reserve Plan of Management.
2. Proceed to Public Exhibition of the following Plans of Management, upon receipt of Department of Planning, Industry and Environment consent:
 - a. Draft Generic General Community Use Plan of Management
 - b. Draft Generic Park Plan of Management
 - c. Draft Generic Sportsground Plan of Management
 - d. Draft Ulladulla Cemetery (Old) Plan of Management
 - e. Draft Rotary Park Ulladulla War Memorial Plan of Management
 - f. Draft Millards Cottage (275 Green Street, Ulladulla) Plan of Management
 - g. Draft Nowra Showground Plan of Management
3. Undertake Public Exhibition of the Draft Plans of Management in accordance with the Crown Land Management Act 2016 and Local Government Act 1993 for a minimum period of 28 days, and
 - a. If no significant adverse feedback is received as part of the public exhibition, the Draft Plans of Management be finalised and deemed adopted pursuant to section 38 of The Local Government Act 1993 and in accordance with 3.23(6) of the Crown Land Management Act 2016; or
 - b. If significant adverse feedback is received as part of the public exhibition of the Draft Plans of Management, Council receive a report of the outcomes of the public exhibition period prior to adoption.
4. Upon adoption of the Draft Plans of Management, forward a copy of the adopted Plan of Management to the Department of Industry, Planning and Environment for record purposes.
5. Rescind the following Plans of Management upon adoption of the new Plans of Management in Item 2 of this resolution:
 - a. White Sands and Voyager Park Plan of Management - D11/116122
 - b. Generic Park Plan of Management – D11/116070
 - c. Generic Sportsgrounds Plan of Management – D11/116074
 - d. Generic General Community Use Plan of Management – D11/116042
 - e. Ellmoos Reserve Plan of Management – D11/116038
 - f. Greenwell Point Foreshore Plan of Management – D11/116092
 - g. Huskisson Beach Moona Moona Creek Reserves Plan of Management – D11/116105
 - h. Kings Point Foreshore Plan of Management – D12/73453
 - i. Mollymook Beach Reserve Plan of Management – D11/116116
 - j. Nowra Showground Plan of Management – D11/116118 & D11/116120
 - k. O’Hara Head Reserve Plan of Management – D11/116121
 - l. Plantation Point Plan of Management – D13/51028

RESOLVED (Clr White / Clr Pakes)

MIN21.339

That Council:

1. Proceed to Public Exhibition of the Lady Denman Reserve Plan of Management.
2. Proceed to Public Exhibition of the following Plans of Management, upon receipt of Department of Planning, Industry and Environment consent:
 - a. Draft Generic General Community Use Plan of Management
 - b. Draft Generic Park Plan of Management
 - c. Draft Generic Sportsground Plan of Management
 - d. Draft Ulladulla Cemetery (Old) Plan of Management
 - e. Draft Rotary Park Ulladulla War Memorial Plan of Management
 - f. Draft Millards Cottage (275 Green Street, Ulladulla) Plan of Management
 - g. Draft Nowra Showground Plan of Management
3. Undertake Public Exhibition of the Draft Plans of Management in accordance with the Crown Land Management Act 2016 and Local Government Act 1993 for a minimum period of 28 days, and
 - a. If no significant adverse feedback is received as part of the public exhibition, the Draft Plans of Management be finalised and deemed adopted pursuant to section 38 of The Local Government Act 1993 and in accordance with 3.23(6) of the Crown Land Management Act 2016; or
 - b. If significant adverse feedback is received as part of the public exhibition of the Draft Plans of Management, Council receive a report of the outcomes of the public exhibition period prior to adoption.
4. Upon adoption of the Draft Plans of Management, forward a copy of the adopted Plan of Management to the Department of Industry, Planning and Environment for record purposes.
5. Rescind the following Plans of Management upon adoption of the new Plans of Management in Item 2 of this resolution:
 - a. White Sands and Voyager Park Plan of Management - D11/116122
 - b. Generic Park Plan of Management – D11/116070
 - c. Generic Sportsgrounds Plan of Management – D11/116074
 - d. Generic General Community Use Plan of Management – D11/116042
 - e. Ellmoos Reserve Plan of Management – D11/116038
 - f. Greenwell Point Foreshore Plan of Management – D11/116092
 - g. Huskisson Beach Moona Moona Creek Reserves Plan of Management – D11/116105
 - h. Kings Point Foreshore Plan of Management – D12/73453
 - i. Mollymook Beach Reserve Plan of Management – D11/116116
 - j. Nowra Showground Plan of Management (include kerb & guttering along West Street) – D11/116118 & D11/116120
 - k. O’Hara Head Reserve Plan of Management – D11/116121
 - l. Plantation Point Plan of Management – D13/51028

CARRIED

CL21.102 Proposed Extension of Council Services to Jervis Bay Territory

**HPERM Ref:
D21/205348**

RESOLVED* (Clr Proudfoot / Clr White)

MIN21.340

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

CARRIED

CL21.103 Ozwater Conference 2021

**HPERM Ref:
D21/192774**

RESOLVED* (Clr Proudfoot / Clr White)

MIN21.341

That Council receive the report from Clr John Wells and Clr John Levett on the Ozwater Conference 2021 for information.

CARRIED

CL21.104 Waste 2021

**HPERM Ref:
D21/200451**

RESOLVED* (Clr Proudfoot / Clr White)

MIN21.342

That Council receive the report from Clr Patricia White on the Waste 2021 Conference for information.

CARRIED

CL21.105 South East Australian Transport Strategy (SEATS) Meeting

**HPERM Ref:
D21/200997**

Recommendation

That Council:

1. Receive the report from Clr Patricia White on the South East Australian Transport Strategy (SEATS) Meeting held in Goulburn NSW, 14-16 May 2021, for information.
2. Endorses working with the SEATS working group on the establishment of a pilot trial for virtual fencing within the Shoalhaven region as recommended in Clr White's report.

RESOLVED (Clr White / Clr Pakes)

MIN21.343

That Council:

1. Receive the report from Clr Patricia White on the South East Australian Transport Strategy (SEATS) Meeting held in Goulburn NSW, 14-16 May 2021, for information.
2. Endorses working with the SEATS working group on the establishment of a pilot trial for virtual fencing within the Shoalhaven region as recommended in Clr White's report.

CARRIED

ADDENDUM REPORTS

MM21.13 MAYORAL MINUTE - CONDOLENCE MOTION FOR CHARLIE WEIR

**HPERM REF:
D21/208342**

Item dealt with earlier in the meeting see MIN21.308

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 Pakes / Clr Digiglio)

MIN21.344

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.

CCL21.5 Notice of Motion - Property Matter

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.

CSA21.9 Proposed Sale of Land - Moss Vale Road South Urban Release Area

Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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.

CSA21.16 Shoalhaven Water - Debt Write Off - Telecommunications Rent

Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to undermine competitive neutrality in connection with any functions of an agency in respect of which it competes with any person or otherwise place an agency at a competitive advantage or disadvantage in any market.

CCL21.7 Jervis Bay Territory - Operations and Maintenance of Water Supply and Wastewater Schemes

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 9.43pm.

Note: Clr Kitchener left at 10.00pm during confidential session.

The meeting moved into open session, the time being 10.02pm.

**SA21.83 Report Back - Jervis Bay National Park - Council
Property Transfers**

**HPERM Ref:
D21/69325**

Recommendation

That Council:

1. Receive the report on the status of the Council land transfers to the Jervis Bay National Park.
2. Write to the Minister for the Environment The Hon Matt Kean in regards to possible transfers of land to the National Park to include the following:
 - a. Lot 2 DP 1087105 Leo Drive Narrawallee (Garrads Reserve)
 - b. Lot 5 DP 1087106 Garrads Lane Narrawallee (Garrads Reserve)
 - c. Lot 29 DP 874275 Seaspray Street Narrawallee (For purchase by NSW Government and consistent with previous minutes)
3. Acknowledge that the three blocks as outlined above are contiguous with National Park land holding Narrawallee Creek Nature Reserve and would bring overall value to the National Parks estate as previously identified by the NSW State Government.

RESOLVED (Clr Findley / Clr Gartner)

MIN21.345

That Council:

1. Receive the report on the status of the Council land transfers to the Jervis Bay National Park.
2. Write to the Minister for the Environment The Hon Matt Kean in regards to possible transfers of land to the National Park to include the following:
 - a. Lot 2 DP 1087105 Leo Drive Narrawallee (Garrads Reserve)
 - b. Lot 5 DP 1087106 Garrads Lane Narrawallee (Garrads Reserve)
 - c. Lot 29 DP 874275 Seascape Street Narrawallee (For purchase by NSW Government and consistent with previous minutes)
3. Acknowledge that the three blocks as outlined above are contiguous with National Park land holding Narrawallee Creek Nature Reserve and would bring overall value to the National Parks estate as previously identified by the NSW State Government.

CARRIED

Note: Clr Alldrick left at 10.02pm

REPORT FROM CONFIDENTIAL SESSION

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

CSA21.9 Proposed Sale of Land - Moss Vale Road South Urban Release Area **HPERM Ref: D21/125259**

RESOLVED MIN21.346C

That the Chief Executive Officer (Director, City Futures) undertake the proposed Future Actions as detailed in the report to facilitate the sale of a property in Moss Vale Road South Urban Release Area (MVRS URA).

CARRIED

CSA21.16 Shoalhaven Water - Debt Write Off - Telecommunications Rent **HPERM Ref: D21/141103**

RESOLVED MIN21.347C

That Council write off the outstanding Telecommunications Rental Fees at the Mt Cambewarra and Vincentia Telecommunication Facilities as detailed in this confidential report.

CARRIED

CCL21.7 Jervis Bay Territory - Operations and Maintenance of Water Supply and Wastewater Schemes **HPERM Ref: D21/196069**

RESOLVED MIN21.348C

That Council

1. Maintain the Resolution as Confidential until the Contract Documents have been signed by the appropriate Officers of Council and the Department of Infrastructure, Transport, Regional Development and Communications.

CARRIED

CCL21.5 Notice of Motion - Property Matter **HPERM Ref: D21/200744**

RESOLVED MIN21.349C

That Council:

1. Write to the NSW State Government and again request that the property known as Lot 29 DP874275 Seascape Close Narrawallee be brought into public/Council ownership for conservation purposes and potential addition to the existing Garrads Reserve Biobanking site as a matter of urgency.
2. If necessary to assist with a successful outcome, Council's in-principle support to contribute to the purchase (limited to a maximum of \$500,000) and/or be involved in any negotiations that would result in the property coming into public/Council ownership be noted in Council's letter of request to the State Government.

CARRIED

Note: A Rescission Motion was received in relation to CL21.82 – Notice of Motion Lawfulness of Council’s Opening Prayer signed by Clr Watson, Clr Pakes and Clr Kitchener.

Note: A Rescission Motion was received following the meeting in relation to DE21.43 – Update – Planning Proposal PP050 – Former Anglican Church, Huskisson – Ground Penetrating Radar Survey signed by Clr Findley, Clr Gartner and Clr Levett.

There being no further business, the meeting concluded, the time being 10.06pm.

Clr Findley
CHAIRPERSON