

## MINUTES OF THE ORDINARY MEETING

**Meeting Date:** Monday, 7 February 2022  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.30pm

The following members were present:

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

The meeting was opened by an Acknowledgement of Country by the Chairperson, followed with a Prayer by Jason Smith Senior Pastor from the City Church Nowra and read by Mayor Findley and the playing of the Australian National Anthem.

### Apologies / Leave of Absence

Nil

### Confirmation of the Minutes

**RESOLVED** (Clr White / Clr Kotlash) MIN22.46

That the Minutes of the Ordinary Meeting of Ordinary Meeting held on Tuesday 25 January 2022 be confirmed.

CARRIED

## Declarations of Interest

Clr Ell – CL22.44 – Notice of Motion - Call in DA21/1834 - 14 Jay Street Culburra Beach - Lot 7 DP 246986 – significant non pecuniary interest declaration – applicant is known to Clr Ell and is a previous client, however, not in current matters – Clr Ell will remain in the room and will take part in discussion or vote.

Clr Ell - CL22.66 - Appointment - New Members - Shoalhaven Tourism Advisory Group - 2022 – significant non pecuniary interest declaration – one of the proposed Committee members is a personal friend of Clr Ell – will remain in the room and will take part in discussion or vote.

Clr Findley - CL22.52 - Local Government Remuneration Tribunal - Determination of Councillor and Mayoral Fees 2021/2022 and Superannuation Payments from July 2022 – significant pecuniary interest – This will financially impact the Mayor – will leave the room will not take part in the vote.

## Presentation of Petitions

Clr White presented a petition containing 2048 signatures which states:

Our beloved Hello Huey caravan has been forced to cease trading in their spot at Narrawallee Reserve due to a council regulation that states they're not allowed to trade within 1km of another café.

Their current position is approximately 900m away from the café at North Narrawallee and it's furthest suitable position for Huey to trade in Narrawallee. By forcing them away from this spot, council is effectively stopping them from trading in Narrawallee altogether.

We're asking our council to recognise that Hello Huey is part of the lifeblood of Narrawallee and the community stands to lose the most from the decision. Hello Huey is where we meet after walking dogs on the beach, it's where walking groups catch up in the morning – and where abundant tourists grab a coffee and a muffin after their beach outing.

In fact, numerous holiday rentals in Narrawallee include Hello Huey in their listings as one of the most appealing attractions of the area – and we all understand why. There is no doubt that Alysha's caravan underpins the social fabric of our growing community, creating an inclusive space that brings both locals and visitors together as one.

Alysha and the Huey team have supported us through multiple lockdowns, trading seven days a week in all kinds of weather, and providing a safe and welcoming space for all of us to meet up, get to know and support each other – and enjoy a beautiful coffee and a chat.

**We understand there are rules in place for a reason, but we're asking council to make an exemption based on the specifics of this case, and the undeniable benefit to the Narrawallee community.**

In addition to the petition there were 156 comments tabled at the meeting.

## MAYORAL MINUTE

**MM22.1 Mayoral Minute - Congratulations to NSW Australian of the Year Professor Veena Sahajwalla of UNSW**

**HPERM Ref: D21/494819**

### Recommendation

That Council writes to Professor Veena Sahajwalla congratulating her on being named NSW Australian of the Year for 2022.

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

MIN22.47

That Council writes to Professor Veena Sahajwalla congratulating her on being named NSW Australian of the Year for 2022.

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

AGAINST: Nil

CARRIED

**MM22.2 Mayoral Minute - 2022 Australia Day Honours**

**HPERM Ref:  
D22/40167**

**Recommendation**

That Council recognise and congratulate the following 2022 Australia Day Honours recipients; Leonie Fleming OAM, Ms Patricia Hall OAM, The Late Mr Allan McDonald OAM, Mr Raymond Pearson OAM, Ms Carmel Donnelly PSM, Mrs Jennifer Lawther AFSM, Lieutenant Commander Kate Carriage CSM RAN and Lieutenant Michael Loring CSM RAN.

**RESOLVED** (Clr Findley / Clr Ell)

MIN22.48

That Council recognise and congratulate the following 2022 Australia Day Honours recipients; Leonie Fleming OAM, Ms Patricia Hall OAM, The Late Mr Allan McDonald OAM, Mr Raymond Pearson OAM, Ms Carmel Donnelly PSM, Mrs Jennifer Lawther AFSM, Lieutenant Commander Kate Carriage CSM RAN and Lieutenant Michael Loring CSM RAN.

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

AGAINST: Nil

CARRIED

**DEPUTATIONS AND PRESENTATIONS**

Deputations were received on the following items and made available on Council's website:

**CL22.60 - Update - Planning Proposal PP028 - Halloran Trust Lands at Callala Bay, Wollumboola and Kinghorne**

Michael Smith, Lani Imhof, Luisa Hanke & Nathaly Jones – against the recommendation.  
Nathaly Jones - against the recommendation.

**CL22.61 - Passive Open Space (Local Park) - West of Princes Highway, Berry – Draft Concept Plan and Proposed Shoalhaven Contributions Plan 2019 Amendment**

Huntingdale Park Resident Action Group - against the recommendation.

**CL22.62 - Update - Interim Heritage Order (IHO) & Working Party - Former Torpedo Workshop - 50 BTU Road, Nowra Hill**

Cris George - against the recommendation.  
Peter Robson representing Pentarch Forestry - against the recommendation.

**Procedural Motion – Call Over – Items Moved en Bloc**

**RESOLVED** (Clr White / Clr Norris)

MIN22.49

That the following items be resolved en bloc:

CL22.48 – Report of the Aboriginal Advisory Committee – 25 October 2021

CL22.49 – Report of the Inclusion & Access Advisory Group – 15 November 2021

CL22.50 – Report of the Shoalhaven Traffic Committee – 14 December 2021

CL22.51 – Report of the Shoalhaven Traffic Committee – 18 January 2022

CL22.72 – Acquisition of Land & Sewer Easement - 112 Bells Lane Meroo Meadow

CL22.73 – Acquisition of Sewer Easement - 19 Daley Crescent North Nowra

CL22.74 – Acquisition of Easement - Sewer Purposes - 1 Pitt Street Nowra

CL22.75 – Acquisition of Sewer Easement Lot 8 DP 1256748, Taylors Lane Cambewarra

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

AGAINST: Nil

CARRIED

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

Note: Clr Wells raised a Point of Order against Clr Findley – reminding her to read out webcasting statement. The Mayor accepted the Point of Order and read the webcasting statement.

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.

**NOTICES OF MOTION / QUESTIONS ON NOTICE**

**CL22.40 Rescission Motion - CL22.7 - Ordinary Meeting - Order of Business**

**HPERM Ref: D22/32922**

**Recommendation**

That Council rescind the Motion relating to CL22.7 Ordinary Meeting – Order of Business of the Council Meeting held Tuesday 25 January 2022.

Clr Christen raised a Point of Order against Clr Watson regarding the relevance of his comments. The Mayor did not rule as a Point of Order and cautioned Clr Watson.

**MOTION** (Clr Eil / Clr Copley)

MIN22.50

That Council rescind the Motion relating to CL22.7 Ordinary Meeting – Order of Business of the Council Meeting held Tuesday 25 January 2022.

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

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

LOST

**CL22.41 Notice of Motion - CL22.7 - Ordinary Meeting - Order of Business**

**HPERM Ref:  
D22/32951**

**Recommendation**

That Council adopt the Order of Business, as follows, for the Ordinary Meetings of Council:

1. Acknowledgement of Country
2. Opening Prayer
3. Australian National Anthem
4. Apologies/Leave of Absence
5. Confirmation of Minutes
6. Declarations of Interest
7. Presentation of Petitions
8. Mayoral Minutes
9. Deputations & Presentations
10. Call Over of the Business Paper
11. A Committee of the Whole (if necessary)
12. Report of Committees
13. Report of the Shoalhaven Traffic Committee (if required)
14. Officers Reports
15. Notices of Motion and Questions on Notice
16. Addendum Reports
17. Confidential Reports

\*If any items of business require attendance of specialist staff (e.g., Legal, Insurance, Property) then Council will generally consider those items following the Deputations.

This item was not dealt with as the preceding rescission motion was LOST - see MIN22.50

**CL22.42 Notice of Motion - Eastern Distributor Road (ENSA) - Grant Funding Opportunity**

**HPERM Ref:  
D22/10513**

**Recommendation**

That Council make urgent representations to TfNSW requesting them to fund the construction of East Nowra Sub Arterial Road (ENSA). Council offer to make an application for grant funding from the Commonwealth Government to assist with the construction.

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

MIN22.51

That Council make urgent representations to TfNSW requesting them to fund the construction of East Nowra Sub Arterial Road (ENSA). Council offer to make an application for grant funding from the Commonwealth Government to assist with the construction.

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

AGAINST: Nil

CARRIED

**CL22.43 Notice of Motion - Traffic Management - Comerong Island Road / Millbank Road**

**HPERM Ref: D22/10433**

**Recommendation**

That the CEO prepare a report on options to discourage Comerong Island Road and Millbank Road being used as a "rat run" by non residents. Such report to consider the possibility of the introduction of a Local Traffic Management Plan.

**RESOLVED** (Clr Watson / Clr Ell)

MIN22.52

That the CEO prepare a report on options to discourage Comerong Island Road and Millbank Road being used as a "rat run" by non residents. Such report to consider the possibility of the introduction of a Local Traffic Management Plan.

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

AGAINST: Clr Findley

CARRIED

**CL22.44 Notice of Motion - Call in DA21/1834 - 14 Jay Street Culburra Beach - Lot 7 DP 246986**

**HPERM Ref: D22/36317**

Note: Clr Ell - significant non pecuniary interest declaration – applicant is known to Clr Ell and is a previous client, however, not in current matters - Clr Ell remained in the room and took part in discussion and voted.

**Recommendation**

That DA21/1834 14 Jay Street Culburra Beach - Lot 7 DP 246986 be called in for determination by Council because of public interest.

**RESOLVED** (Clr Watson / Clr White)

MIN22.53

That DA21/1834 14 Jay Street Culburra Beach - Lot 7 DP 246986 be called in for determination by Council because of public interest.

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

AGAINST: Nil

CARRIED

**CL22.45 Notice of Motion - 'Call In' of Development Applications - DA21/1991 31 Porter Cct, Milton - DA21/2348 36 Yarrowonga Dr, Mollymook - DA21/2359 32 Yarrowonga Dr, Mollymook**

**HPERM Ref: D22/32142**

**Recommendation**

That Council 'call in' the following Development Applications for determination by the Council due to the public interest:

1. Development Application DA21/1991 for 31 Porter Cct Milton being Lot 319 DP1232292
2. Development Application DA21/2348 for 36 Yarrowonga Drive, Mollymook being Lot 304 DP 1234415

3. Development Application DA21/2359 for 32 Yarrowonga Drive Mollymook being Lot 211 DP 1043758

**RESOLVED** (Clr White / Clr Findley)

MIN22.54

That Council 'call in' the following Development Applications for determination by the Council due to the public interest:

1. Development Application DA21/1991 for 31 Porter Cct Milton being Lot 319 DP1232292
2. Development Application DA21/2348 for 36 Yarrowonga Drive, Mollymook being Lot 304 DP 1234415
3. Development Application DA21/2359 for 32 Yarrowonga Drive Mollymook being Lot 211 DP 1043758

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

AGAINST: Nil

CARRIED

**CL22.46 Notice of Motion - Management of Mobile Food Vending on Council Owned or Managed Land**

**HPERM Ref: D22/39087**

Note: A petition and additional comments in relation to this item were presented to the meeting by Clr White.

**Recommendation**

That Council:

1. Provide a temporary Permit/License to Hello Huey Mobile Food Van for a period of 6 months to operate from Matron Porter Drive Reserve Narrawallee (opposite Bangalow Street).
2. Undertake a full review of the Mobile Food Vending Vehicles on Council Land or Managed Land Policy within the next 6 months.
3. A draft Review of the Policy be reported to Council prior to public exhibition.
4. The draft Policy Review be placed on public exhibition for a period of 28 days and reported back to Council following the exhibition.

**MOTION** (Clr White / Clr Kotlash)

That Council:

1. Provide a temporary Permit/License to Hello Huey Mobile Food Van for a period of 6 months to operate from Matron Porter Drive Reserve Narrawallee (opposite Bangalow Street).
2. Undertake a full review of the Mobile Food Vending Vehicles on Council Land or Managed Land Policy within the next 6 months.
3. A draft Review of the Policy be reported to Council prior to public exhibition.
4. The draft Policy Review be placed on public exhibition for a period of 28 days and reported back to Council following the exhibition.

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

That Council:

1. Undertake a full review of the Mobile Food Vending Vehicles on Council Land or Managed Land Policy within the next 6 months.

2. A draft Review of the Policy be reported to Council prior to public exhibition.
3. The draft Policy Review be placed on public exhibition for a period of 28 days and reported back to Council following the exhibition.

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

AGAINST: Clr Butler, Clr Copley, Clr White, Clr Wells and Clr Watson.

CARRIED

FURTHER AMENDMENT (Clr Eil / Clr White)

That Council:

1. Undertake a full review of the Mobile Food Vending Vehicles on Council Land or Managed Land Policy within the next 6 months.
2. A draft Review of the Policy be reported to Council prior to public exhibition and to provide policy options for flexibility for exemptions
3. The draft Policy Review be placed on public exhibition for a period of 28 days and reported back to Council following the exhibition.
4. Investigate Surfers Avenue as an alternate location for "Hello Huey".

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

AGAINST: Nil

CARRIED

THE FURTHER AMENDMENT BECOMES THE MOTION AND WAS PUT TO THE MEETING.

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

MIN22.55

That Council:

1. Undertake a full review of the Mobile Food Vending Vehicles on Council Land or Managed Land Policy within the next 6 months.
2. A draft Review of the Policy be reported to Council prior to public exhibition and to provide policy options for flexibility for exemptions
3. The draft Policy Review be placed on public exhibition for a period of 28 days and reported back to Council following the exhibition.
4. Investigate Surfers Avenue as an alternate location for "Hello Huey".

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

AGAINST: Nil

CARRIED

**CL22.47 Notice of Motion - North Durras & Depot Beach – Access Pathway & Waste**

**HPERM Ref:  
D22/39133**

**Recommendation**

That Council:

1. Investigate with residents the construction of a shared pathway between North Durras and Depot Beach along the existing road and transmission lines easement.



2. Consider the funding of the pathway in the 2022/23 or 2023/24 budgets.
3. Arrange a meeting with local businesses of North Durras & Depot Beach to the address the issues with waste collection.
4. Provide a further report to Council.

**RESOLVED** (Clr White / Clr Kitchener)

MIN22.56

That Council:

1. Investigate with residents and stakeholders the construction of a shared pathway between North Durras and Depot Beach along the existing road and transmission lines easement.
2. Consider the funding of the pathway in the 2022/23 or 2023/24 budgets.
3. Arrange a meeting with local businesses of North Durras & Depot Beach to the address the issues with waste collection.
4. Receive a further report on this matter

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

AGAINST: Nil

CARRIED

## REPORT OF THE ABORIGINAL ADVISORY COMMITTEE - 25 OCTOBER 2021

### AA21.16 Aboriginal Advisory Committee Terms of Reference Review

HPERM Ref:  
D21/386045

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

MIN22.57

That Aboriginal Advisory Committee accept the proposed amendments to the Aboriginal Advisory Committee Terms of Reference and submit to Council for adoption.

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

AGAINST: Nil

CARRIED

## REPORT OF THE INCLUSION & ACCESS ADVISORY GROUP - 15 NOVEMBER 2021

### IA21.16 Accessible Carparking Spaces Provided in Nowra CBD

HPERM Ref:  
D21/71736

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

MIN22.58

That the Inclusion & Access Advisory Group:

1. The report be received for information;
2. Request that Council write to the privately owned car parks noting the spaces do not comply with current Australian Standard;

3. Investigate/seek funding to upgrade accessible spaces in Council owned carparks to meet current Australian Standards.

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

AGAINST: Nil

CARRIED

<b>IA21.17</b>	<b>Accessible Car Parking Spaces - Entrances to Stocklands Nowra and K-mart Ulladulla</b>	<b>HPERM Ref: D21/71753</b>
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**RESOLVED\*** (Clr White / Clr Wells) MIN22.59

That:

1. Council write to the owners of Stockland and identify the issues raised in the assessment. Council staff will encourage the owner to work on remedying the discrepancies to upgrade the premises to the current legislation as this would benefit all people with a disability visiting their premises.
2. Council also request a meeting with Stockland concerning the ramp gradient providing access to the building.
3. The information be received concerning the compliant carparking spaces for Kmart Ulladulla.

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

AGAINST: Nil

CARRIED

<b>IA21.18</b>	<b>Membership Applications - Kylieanne Derwent and Jennifer Anstiss</b>	<b>HPERM Ref: D21/259481</b>
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**RESOLVED\*** (Clr White / Clr Wells) MIN22.60

That Council appoint Kylieanne Derwent and Jennifer Anstiss as community members of the Inclusion & Access Advisory Group.

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

AGAINST: Nil

CARRIED

<b>IA21.21</b>	<b>Adult Change Facility - Shoalhaven Indoor Sports Centre</b>	<b>HPERM D21/322491</b>	<b>Ref:</b>
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**RESOLVED\*** (Clr White / Clr Wells) MIN22.61

That the Inclusion & Access Advisory Group recommend that Council:

1. Receive for information as staff have provided a response.
2. Invite a member of the IAAG to attend any design meetings in relation to council facilities and redesign of facilities.
3. Considers another ramped exit in the redesign of the Basketball Stadium, in case of fire there

is an additional exit point for those in wheelchairs.

4. Investigate the inclusion of an adult change facility in the redesign/refurbishment of the old Shoalhaven Basketball Stadium under the National Construction Code.

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

AGAINST: Nil

CARRIED

**IA21.22 Additional Item - Council Online Mapping Include Accessible Facilities.**

**RESOLVED\*** (Clr White / Clr Wells) MIN22.62

That Council consider including information on accessible amenities in the online mapping. Information to include accessible icons particularly in relation to Tourism areas.

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

AGAINST: Nil

CARRIED

**IA21.24 Additional Item - Investigate replacement of Yellow Metal Bollards to prevent vehicle damage.**

**RESOLVED\*** (Clr White / Clr Wells) MIN22.63

That Council investigate the removal of the yellow metal bollards at accessible parking spaces and replaced with a more flexible product/bumper pole to prevent damage to vehicles.

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

AGAINST: Nil

CARRIED

**REPORT OF THE SHOALHAVEN TRAFFIC COMMITTEE - 14 DECEMBER 2021**

**TC21.63 Road Safety Improvements - Sewerage Treatment Plant - Kings Point Drive, Kings Point (PN 3678) HPERM Ref: D21/526290**

**RESOLVED\*** (Clr White / Clr Wells) MIN22.64

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed road safety improvements at the intersection with the Sewerage Treatment Plant at 125 Kings Point Drive, Kings Point, as per Plan No: D21/526373.

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

AGAINST: Nil

CARRIED

<b>TC21.64 Active Transport Improvements - Catherine Street - Myola (PN3679)</b>	<b>HPERM Ref: D21/528846</b>
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**RESOLVED\*** (Clr White / Clr Wells) MIN22.65

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed Active Transport Improvements at Catherine Street, Myola as per Plan No D21/528856.

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

AGAINST: Nil

CARRIED

<b>TC21.65 Proposed Road Safety Improvements - Rock Hill Road - Nowra (PN 3677)</b>	<b>HPERM Ref: D21/531849</b>
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**RESOLVED\*** (Clr White / Clr Wells) MIN22.66

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed signposting and linemarking changes at Rock Hill Road, North Nowra as per Plan No D21/531911 531911 subject to the installation of Chevron Alignment Markers (CAMs) meeting the necessary warrants in accordance Australian Standard 1742.2.

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

AGAINST: Nil

CARRIED

<b>TC21.66 Proposed Parking Restriction - Foley Street - Vincentia (PN 3681)</b>	<b>HPERM Ref: D21/532125</b>
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**RESOLVED\*** (Clr White / Clr Wells) MIN22.67

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed parking restrictions fronting 1 and 6 Foley Street, Vincentia, as per Plan No D21/532131.

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

AGAINST: Nil

CARRIED

## REPORT OF THE SHOALHAVEN TRAFFIC COMMITTEE - 18 JANUARY 2022

### TC22.1 Proposed Linemarking - Lakeland Avenue - Berrara (PN 3682) HPERM Ref: D22/3333

**RESOLVED\*** (Clr White / Clr Wells) MIN22.68

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed signposting and linemarking changes at Lakeland Avenue, Berrara as per Plan No D22/3424.

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

AGAINST: Nil

CARRIED

### TC22.2 Proposed Give Way Intersection Controls - Government Road and Sussex Inlet Road - Sussex Inlet (PN 3683) HPERM Ref: D22/3444

**RESOLVED\*** (Clr White / Clr Wells) MIN22.69

That the Chief Executive Officer (Director City Services) be advised that the Shoalhaven Traffic Committee has no objection to the proposed "Give Way" intersection controls and related signage and linemarking, as per Plan No D22/3461.

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

AGAINST: Nil

CARRIED

## REPORTS

### CL22.52 Local Government Remuneration Tribunal - Determination of Councillor and Mayoral Fees 2021/2022 and Superannuation Payments from July 2022 HPERM Ref: D21/528913

Clr Findley – significant pecuniary interest – This will financially impact the Mayor – will leave the room will not take part in the vote.

Clr Butler took the Chair as Deputy Mayor.

#### Recommendation

That Council:

1. Determine the Councillor Fee payable to Councillors from 23 December 2021 to 30 June 2022 to be the pro- rata of the annual fee of \$24,810 and the Additional Mayoral Fee of \$61,280, being the maximum payable to Councillors.
2. Pay 100% of the additional Mayoral fee to the Deputy Mayor when the Deputy Mayor is required to act in the position of Mayor during periods of approved leave.
3. Commence Superannuation contributions to Councillors from 1 July 2022.

MOTION (Clr Gray / Clr Butler)

That Council:

1. Determine the Fees payable as follows
  - a. The Maximum payable Councillor fee of \$24,810 p.a. to be applied pro-rata from 23 December 2021 to 30 June 2022.
  - b. The Maximum payable Additional Mayoral Fee of \$61,280 p.a. being applied for the period of 1 July 2021 to 30 June 2022, given that the Mayor has held office continually during this time.
2. Pay 100% of the additional Mayoral fee to the Deputy Mayor when the Deputy Mayor is required to act in the position of Mayor during periods of approved leave.
3. Commence Superannuation contributions to Councillors from 1 July 2022.

AMENDMENT (Clr Eil / Clr Copley)

That Council:

1. Determine the Fees payable as follows
  - a. The Maximum payable Councillor fee of \$24,810 p.a. to be applied pro-rata from 23 December 2021 to 30 June 2022.
  - b. The Maximum payable Additional Mayoral Fee of \$61,280 p.a. being applied for the period of 23 December 2021 to 30 June 2022.
2. Pay 100% of the additional Mayoral fee to the Deputy Mayor when the Deputy Mayor is required to act in the position of Mayor during periods of approved leave.
3. Commence Superannuation contributions to Councillors from 1 July 2022.

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

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

CARRIED

THE AMENDMENT BECOMES THE MOTION AND WAS PUT TO THE MEETING

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

MIN22.70

That Council:

1. Determine the Fees payable as follows
  - a. The Maximum payable Councillor fee of \$24,810 p.a. to be applied pro-rata from 23 December 2021 to 30 June 2022.
  - b. The Maximum payable Additional Mayoral Fee of \$61,280 p.a. being applied for the period of 23 December 2021 to 30 June 2022.
2. Pay 100% of the additional Mayoral fee to the Deputy Mayor when the Deputy Mayor is required to act in the position of Mayor during periods of approved leave.
3. Commence Superannuation contributions to Councillors from 1 July 2022.

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

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

CARRIED

Note: Clr Findley returned to meeting at 7:45pm and resumed the Chair.

**CL22.53 Council Representatives on Other Committees or Organisations Outside of Council**

**HPERM Ref:  
D21/335138**

**Recommendation**

That Council resolve the representative membership of Councillors and other delegates on other Committees or Organisations Outside of Council for the period to 30 September 2022.

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

That Council move into the Committee of the Whole, the time being 7:45pm.

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

AGAINST: Nil

CARRIED

**MOTION WHILST IN COMMITTEE OF THE WHOLE (Clr White / Clr Gray)**

That Council:

1. Resolve the representative membership of Councillors and other delegates on other Committees or Organisations Outside of Council for the period to 30 September 2022 as discussed in the Committee of the Whole.
2. Receive a report to the Ordinary meeting on 21 February 2022 regarding membership on the Southern Regional Planning Panel.
3. Defer the membership of Southern Water Services Pty Ltd for further discussions to be held with the Executive Manager, Shoalhaven Water.

**PROCEDURAL MOTION - MOVE OUT OF COMMITTEE OF THE WHOLE (Clr White / Clr Kotlash)**

That Council move out of the Committee of the Whole, the time being 8:05pm.

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

AGAINST: Nil

CARRIED

**RESOLVED (Clr White / Clr Gray)**

**MIN22.71**

That Council:

1. Resolve the representative membership of Councillors and other delegates on other Committees or Organisations Outside of Council for the period to 30 September 2022 as discussed in the Committee of the Whole.
2. Receive a report to the Ordinary meeting on 21 February 2022 regarding membership on the Southern Regional Planning Panel.
3. Defer the membership of Southern Water Services Pty Ltd for further discussions to be held with the Executive Manager, Shoalhaven Water.

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

AGAINST: Nil

CARRIED

Note: For individual Committee membership refer to Items CL22.76 to CL22.93 (MIN22.72 to

MIN22.88).

**CL22.76 Australian Coastal Councils Association**

**RESOLVED** (Clr White / Clr Gray) MIN22.72

That Council appoint Clr Christen as its representative on the Australian Coastal Councils Association for the period to September 2022.

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

AGAINST: Nil

CARRIED

**CL22.77 Cemeteries and Crematoria Association of NSW**

**RESOLVED** (Clr White / Clr Gray) MIN22.73

That Council appoint the Unit Manager – Bereavement Services as its representative on the Cemeteries and Crematoria Association of NSW for the period to September 2022.

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

AGAINST: Nil

CARRIED

**CL22.78 Healthy Cities Illawarra Board of Directors**

**RESOLVED** (Clr White / Clr Gray) MIN22.74

That Council appoint the following representatives:

- Clr Gray
- Clr D'Ath (alternate delegate)

on the Healthy Cities Illawarra Board of Directors for the period to September 2022.

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

AGAINST: Nil

CARRIED

**CL22.79 Illawarra Academy of Sports**

**RESOLVED** (Clr White / Clr Gray) MIN22.75

That Council appoint Clr Wells (as the Mayor Appointed Representative) on the Illawarra Academy of Sports for the period to September 2022.

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

AGAINST: Nil

CARRIED



**CL22.80 Illawarra Shoalhaven Joint Organisation**

**RESOLVED** (Clr White / Clr Gray) MIN22.76

That Council appoint the following representatives:

- Mayor Findley,
- Clr Butler
- Clr White (alternate delegate)

on the Illawarra Shoalhaven Joint Organisation for the period to September 2022.

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

AGAINST: Nil

CARRIED

**CL22.81 Jervis Bay Marine Park Advisory Authority Committee**

**RESOLVED** (Clr White / Clr Gray) MIN22.77

That Council appoint the following representatives:

- Clr Findley,
- Clr Christen (alternate delegate)
- Clr Eil (alternate delegate)

on the Jervis Bay Marine Park Advisory Authority Committee for the period to September 2022.

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

AGAINST: Nil

CARRIED

**CL22.82 Nowra Riverfront Advisory Taskforce**

**RESOLVED** (Clr White / Clr Gray) MIN22.78

That Council appoint the following representatives:

- Mayor Findley
- CEO
- Director City Futures
- Strategic Planning Manager

on the Nowra Riverfront Advisory Taskforce for the period to September 2022.

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

AGAINST: Nil

CARRIED

**CL22.84 NSW Country Mayors Association**

**RESOLVED** (Clr White / Clr Gray) MIN22.79

That Council appoint the following representatives:

- Mayor Findley
- Clr Butler – Deputy Mayor (alternate delegate)
- CEO

on the NSW Country Mayors Association for the period to September 2022.

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

AGAINST: Nil

CARRIED

**CL22.85 NSW Public Libraries Association**

**RESOLVED** (Clr White / Clr Gray) MIN22.80

That Council appoint the following representatives:

- Clr Butler
- Library Services Manager

on the NSW Public Libraries Association for the period to September 2022.

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

AGAINST: Nil

CARRIED

**CL22.86 Rural Fire Service Shoalhaven District Liaison Committee**

**RESOLVED** (Clr White / Clr Gray) MIN22.81

That Council appoint the following representatives:

- Clr Christen
- Clr Eil
- CEO (or nominee)

on the Rural Fire Service Shoalhaven District Liaison Committee for the period to September 2022.

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

AGAINST: Nil

CARRIED

**CL22.87 Shoalhaven Bush Fire Management Committee**

**RESOLVED** (Clr Gray / Clr White) MIN22.82

That Council appoint the following representatives:

- Clr Christen
- Clr Norris (alternate delegate)
- CEO (or nominee) as an observer

on the Shoalhaven Bush Fire Management Committee for the period to September 2022.

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

AGAINST: Nil

CARRIED

#### **CL22.88 Shoalhaven Traffic Committee**

**RESOLVED** (Clr White / Clr Gray)

MIN22.83

That Council appoint the following representatives:

- Clr White - non-voting member
- Clr Norris - non-voting member
- Convenor/Chairperson – to be appointed by the Director City Services

on the Shoalhaven Traffic Committee for the period to September 2022.

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

AGAINST: Nil

CARRIED

#### **CL22.89 South Coast Co-Operative Library Services**

**RESOLVED** (Clr White / Clr Gray)

MIN22.84

That Council appoint the following representatives:

- Clr D'Ath
- Director City Lifestyles
- Manager – Library Services

on the South Coast Co-Operative Library Services for the period to September 2022.

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

AGAINST: Nil

CARRIED

#### **CL22.90 South Coast Correctional Centre Community Consultative Committee**

**RESOLVED** (Clr White / Clr Gray)

MIN22.85

That Council appoint the following representatives:

- Clr D'Ath

- Clr Watson
- Director City Services

on the South Coast Correctional Centre Community Consultative Committee for the period to September 2022.

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

AGAINST: Nil

CARRIED

#### **CL22.91 South East Australian Transport Strategy Inc**

**RESOLVED** (Clr White / Clr Gray)

MIN22.86

That Council appoint the following representatives:

- Clr White
- Clr EII (alternate delegate)
- Clr Copley (alternate delegate)

on the South East Australian Transport Strategy Inc for the period to September 2022.

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

AGAINST: Nil

CARRIED

#### **CL22.92 South East Regional Weeds Committee**

**RESOLVED** (Clr White / Clr Gray)

MIN22.87

That Council appoint the Biosecurity Coordinator (currently Scott Galbraith) as its representative on the South East Regional Weeds Committee for the period to September 2022.

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

AGAINST: Nil

CARRIED

#### **CL22.93 Ulladulla Harbour User Group**

**RESOLVED** (Clr White / Clr Gray)

MIN22.88

That Council appoint the Commercial Services Manager as its representative on the Ulladulla Harbour User Group for the period to September 2022.

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

AGAINST: Nil

CARRIED

**CL22.54 2022 Conferences**

**HPERM Ref:  
D21/552473**

**Recommendation**

That Council:

1. Authorises available Councillors to attend the following conferences and such attendance be deemed Council Business
  - a. Local Government Planning & Environmental Law Conference 2022
  - b. Waste 2022 Conference
  - c. 2022 OzWater Conference
  - d. NSW Coastal Conference
  - e. 2022 National Local Roads & Transport Congress
  - f. 2021 National General Assembly of Local Government
  - g. 2022 Australian Local Government Women’s Association NSW State Conference
  - h. 2022 LGNSW Annual Conference
  - i. International Cities and Town Centres Conference
  - j. 2022 NSW Local Government Aboriginal Network Conference
  - k. 2022 Global Eco Asia-Pacific Tourism Conference
2. Require that travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with Council Members – Payment of Expenses and Provision of Facilities Policy.
3. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

**RESOLVED** (Clr Wells / Clr Ell)

MIN22.89

That Council:

1. Authorises available Councillors to attend the following conferences and such attendance be deemed Council Business
  - a. Local Government Planning & Environmental Law Conference 2022
  - b. Waste 2022 Conference
  - c. 2022 OzWater Conference
  - d. NSW Coastal Conference
  - e. 2022 National Local Roads & Transport Congress
  - f. 2021 National General Assembly of Local Government
  - g. 2022 Australian Local Government Women’s Association NSW State Conference
  - h. 2022 LGNSW Annual Conference
  - i. International Cities and Town Centres Conference
  - j. 2022 NSW Local Government Aboriginal Network Conference
  - k. 2022 Global Eco Asia-Pacific Tourism Conference
2. Require that travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with Council Members – Payment of Expenses and Provision of Facilities Policy.

3. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

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

AGAINST: Nil

CARRIED

### Procedural Motion - Bring Item Forward

**RESOLVED** (Clr Watson / Clr Wells) MIN22.90

That the matter of item CL22.69 - Answers to Questions on Notice - Tomerong Quarry be brought forward for consideration.

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

AGAINST: Nil

CARRIED

### CL22.69 Answers to Questions on Notice - Tomerong Quarry

**HPERM Ref:**  
**D21/513124**

#### Recommendation

That Council:

1. Receive this report providing responses to the Questions on Notice concerning Tomerong Quarry.
2. Note that the Mayor, CEO and Acting Director City Development have accepted an invitation to attend the Tomerong Community Forum meeting on 8 February to respond to questions from the community relating to the Tomerong Quarry.

**RESOLVED** (Clr Watson / Clr Wells) MIN22.91

That Council:

1. Receive this report of 7 February 2022 responding to the Questions on Notice tabled 26 October 2021 concerning Tomerong Quarry.
2. Should Shoalhaven City Council be notified by the Ombudsman that this matter is to be investigated then the Council cooperate fully.
3. The matter be referred to the Audit, Risk & Improvement Committee to:
  - a. consider any potential future costs or liabilities if any to Shoalhaven City Council in regards to Tomerong Quarry
  - b. to ensure appropriate Governance measures have been identified in relation to future compliance matters relating to Tomerong Quarry
4. Note that the Mayor and Acting Director City Development have accepted an invitation to attend the Tomerong Community Forum meeting on 8 February to respond to questions from the community relating to the Tomerong Quarry.

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

AGAINST: Nil

CARRIED

**Procedural Motion - Bring Item Forward**

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

MIN22.92

That the matter of item CL22.61 - Passive Open Space (Local Park) - West of Princes Highway, Berry – Draft Concept Plan and Proposed Shoalhaven Contributions Plan 2019 Amendment be brought forward for consideration.

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

AGAINST: Nil

CARRIED

**CL22.61 Passive Open Space (Local Park) - West of Princes Highway, Berry – Draft Concept Plan and Proposed Shoalhaven Contributions Plan 2019 Amendment**

**HPERM Ref: D21/520686**

**Recommendation**

That Council:

1. Endorse the Draft Concept Plan for the passive open space area between Huntingdale Park Road and Hitchcocks Lane, Berry and the associated Amendment to the *Shoalhaven Contributions Plan (CP) 2019*.
2. Publicly exhibit the draft Concept Plan and CP Amendment for a period of 28 days.
3. Advise key stakeholders, including affected and adjoining landowners, the Berry Forum and Huntingdale Park Resident Action Group, of this decision and the public exhibition arrangements.
4. Post-exhibition, receive a report considering any submissions received, as well as a final Concept Plan and CP Amendment for finalisation.

**RESOLVED** (Clr White / Clr Norris)

MIN22.93

That Council:

1. Endorse the Draft Concept Plan for the passive open space area between Huntingdale Park Road and Hitchcocks Lane, Berry and the associated Amendment to the *Shoalhaven Contributions Plan (CP) 2019*.
2. Publicly exhibit the draft Concept Plan and CP Amendment for a period of 28 days.
3. Advise key stakeholders, including affected and adjoining landowners, the Berry Forum and Huntingdale Park Resident Action Group, of this decision and the public exhibition arrangements.
4. Post-exhibition, receive a report considering any submissions received, as well as a final Concept Plan and CP Amendment for finalisation.
5. Consider an option to build a pull-in bus bay in any future planning and project design.
6. Consider funding options for the project design and construction costs including any grant funding opportunities.

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

Against: Nil  
CARRIED

### Procedural Motion - Adjournment of Meeting

**RESOLVED** (Clr Wells / Clr White) MIN22.94

That the meeting be adjourned until 9:05pm.

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

AGAINST: Nil

CARRIED

Note: The meeting was adjourned, the time being 8:35pm.

Note: The meeting reconvened, the time being 9:08pm.

The following members were present:

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

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

**HPERM Ref:  
D21/458853**

### Recommendation

That Council:

1. Adopt and finalise proposed Amendment No. 45 to Shoalhaven DCP 2014 Chapter S8: Ulladulla Town Centre as provided in **Attachment 2**, incorporating two (2) changes resulting from the public exhibition as discussed in this report.
2. Publicly notify the adoption of the DCP amendment in accordance with the requirements of the *NSW Environmental Planning and Assessment Act 1979* and Regulations.
3. Advise key stakeholders, including relevant industry representatives, the Ulladulla and Districts Community Forum CCB and those who made a submission, of this decision and when the DCP amendment will be made effective.
4. Add the following issues/possible changes raised in submissions to the scope of works for the future proposed housekeeping amendment to DCP Chapter S8, and receive a report on the future draft amendment, to consider the detail, prior to placing it on public exhibition:



- a. Review the effectiveness/appropriateness of the Floor Space Ratio (FSR) incentives for consolidated lots, including whether the incentive FSR should apply to smaller lots.
- b. Consider including additional development objectives in the Context statement for Precinct 3 Recreation and Special Activities.
- c. Review the appropriateness of the requirement for 25% of site area to be deep soil planting in the commercial core precinct (specifically the Harbour Triangle sub-precinct).
- d. Update maps and figures to reflect the final harbourside walkway project alignment within the Harbour Triangle Precinct.
- e. Review planned pedestrian paths across the DCP area as part of the general review of planned infrastructure improvements.
- f. Review the Height of Buildings map relative to the riparian corridor and buffer from the top of Millards Creek bank.

**RESOLVED** (Clr Findley / Clr White)

MIN22.95

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

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

AGAINST: Nil

CARRIED

#### Procedural Motion – Call Over – Items Moved en Bloc

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

MIN22.96

That the following items be resolved en bloc:

CL22.56 – Proposed Works in Kind Agreement - Construction of Road and Drainage Infrastructure - 70 Hillcrest Avenue, South Nowra

CL22.59 – Planning Proposal (PP007) - Inyadda Drive, Manyana - Proponent Not Proceeding

CL22.66 – Appointment - New Members - Shoalhaven Tourism Advisory Group

CL22.67 - Tenders - Ulladulla Harbour Berthing Facility

CL22.68 – Half Yearly Review for Compliance Matters

CL22.70 - Request for Plaques and Memorials

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

AGAINST: Nil

CARRIED

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

<b>CL22.56 Proposed Works in Kind Agreement - Construction of Road and Drainage Infrastructure - 70 Hillcrest Avenue, South Nowra</b>	<b>HPERM Ref: D21/474030</b>
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**RESOLVED\*** (Clr Wells / Clr White) MIN22.97

That Council:

1. Provide 'in-principle' support to finalise negotiations and enter into a Works in Kind Agreement (WIKA) with the owner/developers of Lot 2 DP 610984; 70 Hillcrest Avenue, South Nowra for the construction of road and drainage infrastructure and land value, as outlined in this report, except where further negotiations result in substantial changes to the proposal, in which case Council will receive a further report prior to proceeding.
2. Delegate authority to Council's Chief Executive Officer, or his delegate, to prepare and enter into the WIKA following final negotiations.
3. Endorse the approach that any variations to the design in the Contributions Plan that is not considered reasonable by Council's Chief Executive Officer, or his delegate, will need to be paid for by the developer and will not be offset in the WIKA.
4. Endorse the allocation of deleted funds from Planning Area 1 to cover any shortfall in available funds that may occur relating to the construction of the road and drainage infrastructure and land value, following the procurement independent costings. If there is not enough in the Planning Area 1 deleted funds budget to cover any shortfall, the remaining shortfall is to be covered by the developer upfront and reimbursed back to the developer as contributions are received overtime for 01ROAD3144 and 01DRAI0005, to the value of the difference.
5. Notify the owner/developer of this resolution.

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

AGAINST: Nil

CARRIED

<b>CL22.57 Proposed Works in Kind Agreement - Construction of Road and Drainage Infrastructure - Island Point Road, St Georges Basin</b>	<b>HPERM Ref: D22/1636</b>
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**Recommendation**

That Council:

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

4. Notify the owner/developer of this resolution.

**RESOLVED** (Clr Watson / Clr Ell)

MIN22.98

That this item be deferred for consideration to the Ordinary meeting to be held on 21 February 2022.

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

AGAINST: Nil

CARRIED

**CL22.58 Post Exhibition and Finalisation - Planning Proposal - LEP Housekeeping 2020/21 Amendment (PP044)**

**HPERM Ref: D21/527216**

**Recommendation**

That Council:

1. Adopt the Planning Proposal – Housekeeping 2020/21 Amendment (PP044) as exhibited, and using Council's delegation, forward to the NSW Parliamentary Counsel's Office to draft the resulting amendment to the Shoalhaven Local Environmental Plan 2014.
2. Advise key stakeholders, including those who made a submission, CCBs and Industry Representatives, of this decision and when the Amendment will be made effective.

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

MIN22.99

That Council:

1. Adopt the Planning Proposal – Housekeeping 2020/21 Amendment (PP044) as exhibited, and using Council's delegation, forward to the NSW Parliamentary Counsel's Office to draft the resulting amendment to the Shoalhaven Local Environmental Plan 2014.
2. Advise key stakeholders, including those who made a submission, CCBs and Industry Representatives, of this decision and when the Amendment will be made effective.

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

AGAINST: Nil

CARRIED

**CL22.59 Planning Proposal (PP007) - Inyadda Drive, Manyana - Proponent Not Proceeding**

**HPERM Ref: D21/550139**

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

MIN22.100

That Council note the proponents' advice and formally discontinue Planning Proposal PP007 over land at Inyadda Drive, Manyana.

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

AGAINST: Nil

CARRIED

**CL22.60 Update - Planning Proposal PP028 - Halloran Trust Lands at Callala Bay, Wollumboola and Kinghorne**

**HPERM Ref: D22/100**

**Recommendation**

That Council:

1. Acknowledge the decision by the NSW Minister for Planning and Public Spaces that the Planning Proposal for the Halloran Trust lands at Callala Bay, Wollumboola and Kinghorne (PP028) is of *State and Regional Significance* and that Planning Secretary of the NSW State Government Department of Planning, Industry and Environment (DPIE) is now the Planning Proposal authority.
2. Continue to assist and work collaboratively with DPIE, the proponent and other stakeholders on the proposal to help achieve beneficial development, environmental and community outcomes, including assisting with community engagement.
3. Receive progress reports on the Planning Proposal as appropriate/required.
4. Notify key stakeholders, including relevant Community Consultative Bodies (CCB's) of the *State and Regional Significance* declaration and its implications, and the project 'Get Involved' webpage be updated accordingly.

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

MIN22.101

That Council:

1. Acknowledge the decision by the NSW Minister for Planning and Public Spaces that the Planning Proposal for the Halloran Trust lands at Callala Bay, Wollumboola and Kinghorne (PP028) is of *State and Regional Significance* and that Planning Secretary of the NSW State Government Department of Planning, Industry and Environment (DPIE) is now the Planning Proposal authority.
2. Continue to assist and work collaboratively with DPIE, the proponent and other stakeholders on the proposal to help achieve beneficial development, environmental and community outcomes, including assisting with community engagement.
3. Receive progress reports on the Planning Proposal as appropriate/required.
4. Notify key stakeholders, including relevant Community Consultative Bodies (CCB's) of the *State and Regional Significance* declaration and its implications, and the project 'Get Involved' webpage be updated accordingly.
5. Note that the Callala Bay Biodiversity Certification Application and supporting Biodiversity Certification Assessment Report that accompany the Planning Proposal will be publicly exhibited along with the Planning Proposal so that the community can view and comment on the overall package.

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

AGAINST: Nil

CARRIED

**CL22.61 Passive Open Space (Local Park) - West of Princes Highway, Berry – Draft Concept Plan and Proposed Shoalhaven Contributions Plan 2019 Amendment**

**HPERM Ref: D21/520686**

This item was dealt with earlier in the meeting – Refer MIN22.93

**CL22.62 Update - Interim Heritage Order (IHO) & Working Party -  
Former Torpedo Workshop - 50 BTU Road, Nowra Hill**

**HPERM Ref:  
D21/548948**

**Recommendation**

That Council:

1. Endorse the progression of an amendment to Schedule 5 of Shoalhaven LEP 2014 to include 50 BTU Road, Nowra Hill as an item of environmental heritage, as part of the next appropriate housekeeping amendment.
2. Encourage the Working Party to prepare a detailed record of the history of 50 BTU Road, Nowra Hill and associated sites, as relevant.
3. Progress a review of the heritage significance of the other items identified by the Working Party, subject to a funding source being made available through the quarterly budget review process.
4. Note the resignation of Capt. Cris George RAN ret. as the Chair of the Working Party and continue to facilitate Working Party meetings as required to progress consideration of the memorial and broader heritage significance of the RAAF, RN and RAN grouping of sites.
5. Correspond with HMAS Albatross in relation to information regarding relics and history that may be of assistance in the heritage investigations.
6. Thank the landowner of 50 BTU Road, Nowra Hill for their commitment to the conservation of the heritage significance of the site and their support of the proposed heritage listing and continue to keep them updated.
7. Advise the landowner and any other stakeholders of the public exhibition arrangements of the future Planning Proposal (PP) in due course.

**RESOLVED** (Clr Watson / Clr Copley)

MIN22.102

That Council:

1. Endorse the progression of an amendment to Schedule 5 of Shoalhaven LEP 2014 to include 50 BTU Road, Nowra Hill as an item of environmental heritage, as part of the next appropriate housekeeping amendment.
2. Encourage the Working Party to prepare a detailed record of the history of 50 BTU Road, Nowra Hill and associated sites, as relevant.
3. Progress a review of the heritage significance of the other items identified by the Working Party, subject to a funding source being made available through the quarterly budget review process.
4. Note the resignation of Capt. Cris George RAN ret. as the Chair of the Working Party and continue to facilitate Working Party meetings as required to progress consideration of the memorial and broader heritage significance of the RAAF, RN and RAN grouping of sites.
5. Correspond with HMAS Albatross in relation to information regarding relics and history that may be of assistance in the heritage investigations.
6. Thank the landowner of 50 BTU Road, Nowra Hill for their commitment to the conservation of the heritage significance of the site and their support of the proposed heritage listing and continue to keep them updated.
7. Advise the landowner and any other stakeholders of the public exhibition arrangements of the future Planning Proposal (PP) in due course.

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

AGAINST: Nil

CARRIED

**CL22.63 Proposed Submissions - NSW Infrastructure Contributions Reforms**

**HPERM Ref:  
D21/535643**

**Recommendation**

That Council:

1. Adopt the draft submissions on the proposed Infrastructure Contributions Reforms (**Attachment 1**) so an endorsed copy can now be provided to the NSW Department of Planning, Industry & Environment (DPIE) and IPART for consideration.
2. Request further detailed and meaningful consultation and dialogue with DPIE on 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.

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

MIN22.103

That Council:

1. Adopt the draft submissions on the proposed Infrastructure Contributions Reforms (**Attachment 1**) so an endorsed copy can now be provided to the NSW Department of Planning, Industry & Environment (DPIE) and IPART for consideration.
2. Requests further detailed and meaningful consultation with DPIE before the reforms are finalised, noting that not all elements of the package were exhibited (Strategic Biodiversity Charge, Transport Project Charge) as well as practice notes and worked examples and this makes it very difficult for Council to determine the full implications of the reforms at this point.
3. Notes that based on Council's current understanding of the reforms, there may be serious financial implications to Council (potentially between \$70 million and \$100 million) and this raises concern that the Minister's statement that "*no council will be worse off*" may not be met.
4. Receive future reports, if required, to enable further comment on the detail of the proposed planning reforms.

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

AGAINST: Nil

CARRIED

**CL22.64 Update - Employment Zones Reform - Shoalhaven Local Environmental Plan 2014**

**HPERM Ref:  
D22/12790**

**Recommendation**

That Council receive the update on the Employment Zones Reform for information.

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

MIN22.104

That Council:

1. Receive the update on the Employment Zones Reform for information
2. Write to DPIE expressing concern that that the feedback provided by this Council is not being listened to; that the issues and concerns raised by Council have not been considered and instead DPIE is pressing ahead; and strongly request a meaningful dialogue to avoid

unintended consequences and unnecessary changes to the LEP.

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

AGAINST: Nil

CARRIED

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

**HPERM Ref: D22/20091**

**Recommendation**

That Council

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

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

MIN22.105

That this item be deferred for consideration to the Ordinary meeting to be held on 21 February 2021.

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

AGAINST: Nil

CARRIED

**CL22.66 Appointment - New Members - Shoalhaven Tourism Advisory Group - 2022**

**HPERM Ref: D21/523823**

Note: Clr Eil - significant non pecuniary interest declaration – one of the proposed Committee members is a personal friend of Clr Eil – remained in the room and took part in discussion or vote.

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

MIN22.106

That Council:

1. Appoint the following local tourism representatives to the Shoalhaven Tourism Advisory Group (STAG) for a two-year term (31 October 2021 to 27 October 2023) in line with the Terms of Reference for the Group:
  - a. Michelle Bishop
  - b. Sandra Gray
  - c. Juliet Barr
  - d. Brenda Sambrook
2. Formally thank retiring member, James Lin, for his service to the Shoalhaven Tourism Industry as a member of the STAG.
3. Adopt the draft changes to the Terms of Reference for STAG as detailed in Attachment 1 to this report and finalise.

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

AGAINST: Nil

CARRIED

**CL22.67 Tenders - Ulladulla Harbour Berthing Facility**

**HPERM Ref:  
D22/28781**

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

MIN22.107

That Council consider a separate confidential report "Tenders – Ulladulla Harbour Berthing Facility" in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

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

AGAINST: Nil

CARRIED

**CL22.68 Half Yearly Review for Compliance Matters**

**HPERM Ref:  
D21/394712**

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

MIN22.108

That Council receive the quarterly report on compliance matters for information.

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

AGAINST: Nil

CARRIED

**CL22.69 Answers to Questions on Notice - Tomerong Quarry**

**HPERM Ref:  
D21/513124**

This item was dealt with earlier in the meeting – Refer MIN22.91

**CL22.70 Request for Plaques and Memorials**

**HPERM Ref: D22/5319**

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

MIN22.109

That Council:

1. As per the Plaques and Memorials Policy:

- a. Approve the request for a new seat and plaque at Surfers Avenue, Narrawallee.
- b. Approve the request for a new seat and plaque at the boat ramp, Bendalong.
- c. Approve the request for a plaque only at Ulladulla Coastal Patrol.
- d. Approve the request for a new seat and plaque at Moona Moona Creek Reserve, Huskisson.
- e. Approve the request for a new seat and plaque at Dolphin Reserve, Currarong.
- f. Approve the request for a new seat and plaque at Orion Beach, Vincentia.



- g. Approve the request for a plaque only at Jacob Ellmoos Reserve, Sussex Inlet.
  - h. Approve the request for a new seat and plaque at Jacob Ellmoos Reserve, Sussex Inlet.
  - i. Approve the request for a new seat and plaque in Ray Brooks Reserve, Sanctuary Point.
2. Advise the applicants of Council's determination of the requests.

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

AGAINST: Nil

CARRIED

**CL22.71 Towards Net Zero Emissions - Annual Energy Review 2020-21**

**HPERM Ref: D21/508883**

**Recommendation**

That the Council receive and note the energy initiatives outlined in the 2020-21 Annual Energy Review Report presented as Attachment 1.

**RESOLVED** (Clr Findley / Clr Ell)

MIN22.110

That the Council receive and note the energy initiatives outlined in the 2020-21 Annual Energy Review Report presented as Attachment 1.

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

AGAINST: Nil

CARRIED

**CL22.72 Acquisition of Land & Sewer Easement - 112 Bells Lane Meroo Meadow**

**HPERM Ref: D21/507119**

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

MIN22.111

That Council:

1. Acquire an Easement for Sewer 5 metres wide over part of Lot 2 DP1134376, No. 112 Bells Lane Meroo Meadow, marked (E1) and highlighted on the attached draft survey plan.
2. Acquire 2,400 sqm of Land over part Lot 2 DP 1134376 for the proposed sewer pumping station.
3. Pay compensation of \$360,000 (plus GST if applicable) and reasonable costs associated with the acquisitions, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1993, from the Water Fund.
4. If applicable, adjust the compensation in accordance with the area of the easement determined by the final registered survey plan.
5. Authorise the affixing of the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and that the Chief Executive Officer (Executive Manager Shoalhaven Water) be authorised to sign any documents necessary to give effect to this resolution.

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

AGAINST: Nil  
CARRIED

<b>CL22.73 Acquisition of Sewer Easement - 19 Daley Crescent North Nowra</b>	<b>HPERM Ref: D21/548407</b>
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**RESOLVED\*** (Clr White / Clr Wells) MIN22.112

That Council:

1. Acquire an Easement for Sewer 3 metres wide over part of Lots 7,9 & 10 DP 232903, No. 19 Daley Crescent North Nowra, highlighted on the attached registered Proposed Easement Deposited Plan 644296.
2. Pay compensation of \$22,500 (plus GST if applicable) and reasonable costs associated with the acquisition, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1993, from the Sewer Fund.
3. If applicable, adjust the compensation in accordance with the area of the easement determined by the final registered survey plan.
4. Authorise the affixing of the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and that the Chief Executive Officer (Executive Manager Shoalhaven Water) be authorised to sign any documents necessary to give effect to this resolution.

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

AGAINST: Nil  
CARRIED

<b>CL22.74 Acquisition of Easement - Sewer Purposes - 1 Pitt Street Nowra</b>	<b>HPERM Ref: D21/548934</b>
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**RESOLVED\*** (Clr White / Clr Wells) MIN22.113

That Council:

1. Acquire an Easement for sewerage purposes 3 metres wide over part of Lot 2 DP 264082, No. 1 Pitt Street North Nowra as shown on attached copy of DP 644297.
2. Pay compensation of \$17,000 plus GST if applicable, reasonable legal and valuation costs associated with the acquisition to the owner in accordance with the provision of the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Sewer Fund.
3. Authorise the affixing of the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and that the Chief Executive Officer (Executive Manager Shoalhaven Water) be authorised to sign any documents necessary to give effect to this resolution.

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

AGAINST: Nil  
CARRIED

**CL22.75 Acquisition of Sewer Easement Lot 8 DP 1256748,  
Taylors Lane Cambewarra**

**HPERM Ref:  
D22/10174**

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

MIN22.114

That Council:

1. Acquire an Easement for Sewer 5 metres wide over part of Lot 8 DP 1256748, Taylors Lane Cambewarra, marked (S1) and highlighted on the attached draft survey plan.
2. Pay compensation of \$4,000 (plus GST if applicable) and reasonable costs associated with the acquisition, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1993, from the Water Fund.
3. If applicable, adjust the compensation in accordance with the area of the easement determined by the final registered survey plan.
4. Authorise the affixing of the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and that the Chief Executive Officer (Executive Manager Shoalhaven Water) be authorised to sign any documents necessary to give effect to this resolution.

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

AGAINST: Nil

CARRIED

## CONFIDENTIAL REPORTS

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

No members of the public made representations.

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

MIN22.115

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.

CCL22.2 Tenders – Ulladulla Harbour Berthing Facility

*Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.10(A)(2)(d)(i)*

*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*

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

AGAINST: Nil

CARRIED

The meeting moved into confidential the time being 9:34pm.

The meeting moved into open session, the time being 9:44pm.

## REPORT FROM CONFIDENTIAL SESSION

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

### CCL22.2 Tenders – Ulladulla Harbour Berthing Facility

HPERM Ref:  
D22/30785

#### RESOLVED

MIN22.116C

That Council

1. Endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Landmark Marinas Pty Ltd trading as Clement Marine Constructions for a combined contract scope of works for the dredging, piling and supply/installation of pontoons at Ulladulla Harbour for a total cost of \$2,822,301.00 (excluding GST).
2. Executes the contract documents and any other associated documents on behalf of the Council in accordance with *Local Government (General) Regulation 2021 (section 165)* by the CEO (Director City Futures).
3. Authorises the Superintendent under the contract to adjust the contract for variations under the contract, authorise a purchase order in the amount of \$3,414,984.21.

CARRIED

There being no further business, the meeting concluded, the time being 9:47pm.

Clr Findley  
CHAIRPERSON