

## MINUTES OF THE ORDINARY MEETING

**Meeting Date:** Monday, 11 April 2022  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.30pm

The following members were present:

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

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

The meeting was opened by an Acknowledgement of Country by the Chairperson, followed with a Moment of Silence & Reflection and the playing of the Australian National Anthem.

The Mayor welcomed the new Director - City Futures, Mr Carey McIntyre.

### Apologies / Leave of Absence

Nil

### Confirmation of the Minutes

**RESOLVED** (Clr White / Clr Christen) MIN22.232

That the Minutes of the Ordinary Meeting held on Monday 28 March 2022 be confirmed.

CARRIED

## Declarations of Interest

Clr Eil – CL22.180 - Development Application – DA20/1068 - 189-197 Princes Hwy & 2A Parson St, Ulladulla (Lots 1-5 DP 21356 & Lot 23 DP 1082957) – less than significant non pecuniary interest declaration – the property owner is a previous client of the law firm where he is employed – will remain in the room and will take part in discussion and vote.

Clr Eil – CL22.181 - SF10656 – Taylors Lane, 121 Taylors Lane & 169 Hockeys Lane, Cambewarra & 371 Illaroo Road, Bangalee – Lots 3 & 8 DP 1256748, Lots 1 & 2 DP 1281124 & Lot 2 DP 848630 – less than significant non pecuniary interest declaration – the property owner is a previous client of the law firm where he is employed – will remain in the room and will take part in discussion and vote.

## MAYORAL MINUTE

Nil

## Procedural Motion – Matters of Urgency

Clr Eil requested that an item of urgency be introduced regarding the announcement today from Prime Minister, The Hon Scott Morrison MP with regards to Funding for Roads in the Shoalhaven.

The Chairperson ruled the matter not urgent.

## Motion of Dissent

### MOTION OF DISSENT (Clr Eil)

Clr Eil moved a MOTION of DISSENT against the ruling of the Chair regarding the introduction of the matter of Urgency.

The Mayor ruled that there is no MOTION of DISSENT on her ruling on Urgency, in accordance with Clause 9.5 of the Code of Meeting Practice.

## CALL OVER OF THE BUSINESS PAPER

### Call Over of Business Paper - En bloc

**RESOLVED** (Clr Wells / Clr Kotlash)

MIN22.233

That the following items from the Committee Reports be resolved en bloc:

- SB22.6 - Nowra High School Sporting Fields - Council Direction for Termination of Licence
- HT22.4 - Shoalhaven Homelessness Taskforce Committee Community Membership Expression of Interest - Member Recommendation Report
- SH22.3 - Shoalhaven Heads - River Opening
- SH22.6 - Additional Item - Business Arising from Previous Minutes - 4 Knot Zone - Write - Transport NSW - Signage – Erosion
- YA22.6 - Youth Advisory Committee Terms of Reference Review
- IA22.4 - Current Membership & A Best Practice Approach
- IA22.8 - Additional Item - Councillor Training - Inclusion & Access
- IA22.9 - Additional Item - Presentation and Report Request - Coastal Management Programs (CMP)

- NFM22.1 - Lower Shoalhaven River Floodplain Risk Management Study and Plan Update

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

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

AGAINST: Nil

CARRIED

### Call Over of Business Paper - En bloc

**RESOLVED** (Clr White / Clr Copley) MIN22.234

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

- CL22.172 – Destination NSW Marketing Grants - Successful Outcome
- CL22.176 – Shoalhaven Inclusion - Six Cities Region and Greater Cities Commission
- CL22.177 - Shoalhaven Hospital Masterplan - Associated Pre-school Land Matters

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

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

AGAINST: Nil

CARRIED

### Call Over of Business Paper - En bloc

**RESOLVED** (Clr White / Clr Christen) MIN22.235

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

- CL22.182 – Review of Shoalhaven Water Group Policies - Round Three
- CL22.183 - Tenders – Burrier & Brundee Pump Station Switchgear Renewal (Stage 2 Works) Project

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

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

AGAINST: Nil

CARRIED

## DEPUTATIONS AND PRESENTATIONS

### **CL.22.173 – Post Exhibition & Finalisation – Shoalhaven DCP 2014 Amendment No 39 – Coastal Amendment (page 33)**

Roger Stanton (Representing Callala Foreshore Alliance (CFA)) addressed the meeting to speak AGAINST the recommendation.

Dennis O'Regan addressed the meeting to speak AGAINST the recommendation

### **CL22.174 - Update & Possible Next Steps - Huskisson Church Planning Proposal (PP050) (page 44)**

Joanne Warren (Representing Huskisson Heritage Association) addressed the meeting to speak AGAINST the recommendation.

**CL22.175 Public Exhibition Outcomes - Planning Proposal PP026 - Coastal Hazards Review (revised approach) (page 78)**

Roger Stanton (Representing Callala Foreshore Alliance (CFA)) addressed the meeting to speak AGAINST the recommendation.

Tony Caro addressed the meeting to speak AGAINST the recommendation.

**Procedural Motion – Invitation – Deputation Aunty Jean Carter**

**RESOLVED** (Clr Butler / Clr Kotlash) MIN22.236

That Aunty Jean Carter be invited to make a Deputation in relation to Item CL22.174 - Update & Possible Next Steps - Huskisson Church Planning Proposal (PP050).

CARRIED

Aunty Jean Carter addressed the meeting to speak AGAINST the recommendation.

**REPORT OF THE SHOALHAVEN SPORTS BOARD - 9 MARCH 2022**

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

|               |   |                             |
|---------------|---|-----------------------------|
| <b>SB22.6</b> | <b>Nowra High School Sporting Fields - Council Direction for Termination of Licence</b> | <b>HPERM Ref: D22/54607</b> |
|---------------|---|-----------------------------|

**RESOLVED\*** (Clr Wells / Clr Kotlash) MIN22.237

That Council:

1. Make arrangements to advise the Director – NSW Department of Education, of Council's intention to terminate the current licence agreement over NSW Department of Education's open space fields, at the rear of Nowra High School, Moss Street, Nowra.
2. Redistribute annual savings (\$20,000) from licence termination towards the maintenance and upkeep of Council owned and managed sporting assets.

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

AGAINST: Nil

CARRIED

**REPORT OF THE HOMELESSNESS TASKFORCE SHOALHAVEN - 10 MARCH 2022**

|               |   |                             |
|---------------|---|-----------------------------|
| <b>HT22.4</b> | <b>Shoalhaven Homelessness Taskforce Committee Community Membership Expression of Interest - Member Recommendation Report</b> | <b>HPERM Ref: D22/61748</b> |
|---------------|---|-----------------------------|

**RESOLVED\*** (Clr Wells / Clr Kotlash) MIN22.238

That:

1. Four applicants are invited to represent their organisation on the Taskforce:
  - Ruby Hansen-Tarrant - Age Matters
  - Grace Rey – Socks and Jocks
  - Liz O’Connell – Mission Australia
  - Alice Russack – Yumaro (NDIS)

The above organisations are not currently represented on the Committee.

2. Three community membership appointments are offered to applicants with lived experience:
  - Michael Sweeney – Bomaderry
  - Shirley Taylor – Ulladulla
  - Keith Davis – Ulladulla (itinerant)
3. Three community membership appointments are offered to represent community members with an interest in homelessness:
  - Raul Arregui – North Nowra
  - Julianne Hopkins – Nowra
  - Stuart Bellingham – Mollymook

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

AGAINST: Nil

CARRIED

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

## **REPORT OF THE SHOALHAVEN HEADS ESTUARY TASKFORCE - 15 MARCH 2022**

|               |   |                  |             |
|---------------|---|------------------|-------------|
| <b>SH22.3</b> | <b>Shoalhaven Heads - River Opening</b> | <b>HPERM</b>     | <b>Ref:</b> |
|               |   | <b>D22/99472</b> |             |

**RESOLVED\*** (Clr Wells / Clr Kotlash) MIN22.239

That the review of the Shoalhaven Heads Entrance Management Plan for Flood Mitigation, and other related plans currently on review, include an analysis and modelling of the effects of an open entrance and improved flows at Shoalhaven Heads on flooding events at Shoalhaven Heads, Greenwell Point, and upstream of the Shoalhaven River within six months.

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

AGAINST: Nil

CARRIED

### **SH22.4 Additional Item - Task Force Membership**

#### **RECOMMENDATION**

That Council:

1. Create a new Indigenous representative position on the Taskforce.
2. Advertise to fill the three (3) membership vacancies:

- a. Community
- b. Community
- c. Indigenous

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

MIN22.240

That Council:

1. Create a new Indigenous representative position on the Taskforce.
2. Advertise to fill the three (3) membership vacancies:
  - a. Community
  - b. Community
  - c. Indigenous

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

AGAINST: Nil

CARRIED

#### **Procedural Motion - Bring Items Forward**

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

MIN22.241

That the following matters be brought forward for consideration:

- CL22.173 - Post Exhibition and Finalisation – Shoalhaven DCP 2014 Amendment No. 39 – Coastal Amendment
- CL22.174 – Update & Possible Next Steps - Huskisson Church Planning Proposal (PP050)
- CL22.175 – Public Exhibition Outcomes - Planning Proposal PP026 - Coastal Hazards Review (revised approach)

CARRIED

**CL22.173 Post Exhibition and Finalisation – Shoalhaven DCP 2014  
Amendment No. 39 – Coastal Amendment**

**HPERM Ref:  
D22/97336**

Note: A Deputation was received on this Item.

#### **Recommendation**

That Council:

1. Adopt the Coastal Amendment No. 39 to Shoalhaven Development Control Plan 2014 (SDCP2014.39) as exhibited, with a minor typographical change to Acceptable Solutions A1.13 to A1.15 in Chapter G6 - Coastal Management Areas, to change these provisions to dot points as per the original intent.
2. Notify the adoption and commencement of the DCP Amendment in accordance with legislative requirements.
3. Rescind POL20/21: Interim Policy – Chapter N12: Culburra Beach, The Marina Area Building Setbacks, Vegetation Buffers and Building Lines, following the adoption and finalisation of the Coastal Amendment.
4. Advise key stakeholders, including relevant industry representatives and those who made a

submission, of this decision and when the Amendment will be made effective.

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

MIN22.242

That this matter be deferred to a Councillor Briefing for consideration of information and reported back to Council.

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

AGAINST: Nil

CARRIED

**CL22.174 Update & Possible Next Steps - Huskisson Church  
Planning Proposal (PP050)**

**HPERM Ref:  
D22/108921**

Note: A Deputation was received on this Item.

**Recommendation**

That Council

1. Receive for information, the documentation provided to Heritage NSW in support of the Section 140 Application to undertake archaeological investigation involving shallow surface scrapes within Lots 7 and 8 only, noting that:
  - a. the detailed historical research by Navin Officer Heritage Consultants (NOHC) found that one grave (Niclasson) is likely to be on the property, but the location is uncertain;
  - b. NOHC found no direct evidence of other graves on the site although, given the lack of precision in the recording of burial places on some death certificates, at least three (3) others, while unlikely, cannot be discounted.
  - c. An independent desktop peer review of the Hunter Geophysics Ground Penetrating Radar (GPR) Report by a leader in the field, supports the proposed archaeological investigation to assist with certainty.
2. Note the receipt of the Section 140 Permit issued by Heritage NSW including the following conditions that are specifically relevant/important:
  - a. NOHC's Excavation Director(s) must supervise all archaeological fieldwork activity that is likely to expose significant relics and brief all personnel involved in the project about the requirements of the *NSW Heritage Act, 1977* in relation to the proposed archaeological program.
  - b. Scraping will be limited to the topsoil, less than ~30 cm, to expose the tops of potential grave cuts only.
  - c. The Applicant (Council) must ensure that the site under archaeological investigation is made secure and that the unexcavated artefacts, structures and features are not subject to deterioration, damage, destruction or theft during fieldwork.
  - d. A public open day is to be held during the excavation program.
  - e. At least 2 weeks' notice must be provided to Heritage NSW.
3. Proceed with the shallow surface scraping in accordance with the Section 140 Permit.
4. Advertise the public open day on Council's website and the Get Involved project page and offer to arrange special inspections for members of the Jerrinja Local Aboriginal Land Council (LALC), the Huskisson Heritage Association (HHA) and others as required/appropriate.
5. The outcomes of the archaeological investigation and the other 'post-gateway' studies be

reported to Council to consider and confirm the details of the Planning Proposal, including the appropriateness of a heritage listing in the Shoalhaven Local Environmental Plan (LEP) 2014.

6. At the appropriate point, consider the provision of appropriate interpretive information (either on site or in close vicinity) regarding the site and its history.

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

MIN22.243

That Council:

1. Reaffirms MIN21.303, that requires Council to “Continue to liaise with key stakeholders including the Jerrinja LALC, Council’s Aboriginal Advisory Committee, and the Huskisson Heritage Association (HHA)”.
2. Notes all the above-mentioned parties have raised with Council their objections to the proposed scraping; and notes none of the above-mentioned were consulted by Heritage NSW prior to issuing the s140 archaeological permit for scraping.
3. Does not proceed with any scraping of the grounds of Huskisson Anglican Church Site to verify graves.
4. Defers the matter to enable Councillors to receive a detailed briefing to include:
  - a. The process, requirements, timelines for heritage listing of the church and grounds, as recommended in the Shoalhaven Heritage reports 2005.
  - b. The potential for the retention of the SP2 special zoning for the site, including legal advice.
  - c. An outline of an approach for Council to work with the community and developer to undertake a community led process to determine future options for use of the site.
  - d. Inclusion of the perspective of key stakeholders including the Jerrinja LALC, Council’s Aboriginal Advisory Committee, and the Huskisson Heritage Association. That they be allowed to present to Council as part of the briefing.

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

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

CARRIED

**CL22.175 Public Exhibition Outcomes - Planning Proposal PP026 - Coastal Hazards Review (revised approach)**

**HPERM Ref: D22/112906**

Note: A Deputation was received on this Item.

**Recommendation**

That Council:

1. Adopt the Planning Proposal (PP026) as per Option 1 in this report and forward to the NSW Department of Planning and Environment for finalisation.
2. Notify the adoption and commencement of the Amendment in accordance with legislative requirements.
3. Advise key stakeholders, including relevant industry representatives, Community Consultative Bodies (CCB's) and those who made a submission, of this decision and when the Amendment will be made effective.

**RESOLVED** (Clr Ell / Clr Copley)

MIN22.244

That this matter be deferred by another two (2) weeks to allow extra time for community feedback and be reported back to Council 26 April 2022.



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

AGAINST: Nil

CARRIED

## REPORT OF THE SHOALHAVEN HEADS ESTUARY TASKFORCE - 15 MARCH 2022

### SH22.6 Additional Item - Business Arising from Previous Minutes - 4 Knot Zone

**RESOLVED\*** (Clr Wells / Clr Kotlash) MIN22.245

That Council raise with MIDO Maritime the relocation of the 4 Knot Zone and write to Transport for NSW in relation to the visibility of other signage requirements, as well as their enforcement of this, to reduce boat wash and associated erosion.

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

AGAINST: Nil

CARRIED

## REPORT OF THE YOUTH ADVISORY COMMITTEE - 16 MARCH 2022

### YA22.5 Nowra Youth Centre Bus - Request for Financial Support for Running Costs

HPERM Ref:  
D21/355580

#### RECOMMENDATION

That Council adopt the recommendation from the Youth Advisory Committee to:

1. Receive this report on the request from the Nowra Youth Centre to reinstate the financial support to cover the running costs of their bus.
2. Propose \$9,361 of unspent funds remaining due to the impact of COVID19 on project implementation in 2021/2022 be allocated from Community Capacity Building Youth Projects and Community Capacity Building Projects, to cover the running costs of the Nowra Youth Centre Bus for 2022.
3. Consider reinstating the Community Capacity Building Original Operating Budget to cover the increasing running costs of the Nowra Youth Centre Bus for 2023 onwards.
4. Enter into an MOU with the Nowra Youth Centre outlining roles and responsibilities of this funding partnership.

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

MIN22.246

That Council adopt the recommendation from the Youth Advisory Committee to:

1. Receive this report on the request from the Nowra Youth Centre to reinstate the financial support to cover the running costs of their bus.
2. Propose \$9,361 of unspent funds remaining due to the impact of COVID19 on project implementation in 2021/2022 be allocated from Community Capacity Building Youth Projects and Community Capacity Building Projects, to cover the running costs of the Nowra Youth

Centre Bus for 2022.

3. Consider reinstating the Community Capacity Building Original Operating Budget to cover the increasing running costs of the Nowra Youth Centre Bus for 2023 onwards.
4. Enter into an MOU with the Nowra Youth Centre outlining roles and responsibilities of this funding partnership.

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

AGAINST: Nil

CARRIED

|               |   |                             |
|---------------|---|-----------------------------|
| <b>YA22.6</b> | <b>Youth Advisory Committee Terms of Reference Review</b> | <b>HPERM Ref: D22/90044</b> |
|---------------|---|-----------------------------|

**RESOLVED\*** (Clr Wells / Clr Kotlash) MIN22.247

That Council:

1. Accept the proposed amendments to the Youth Advisory Committee (YAC) Terms of Reference as recommended by the YAC.
2. Extend invitations (via Community Connections Team) to the following organisations to encourage a youth representative to attend upcoming YAC meetings:
  - a. Youth representatives from the community and social service sector, including but not limited to Headspace Youth Reference Group, Aboriginal Land Council's Youth Advisory Groups, Disability Service Providers, Care South, Nowra Youth Centre, Mission Australia Ulladulla Youth Centre, Firefly Bay and Basin, Defence Force Cadets, Young Parents Groups.
  - b. Tertiary Education Representatives: University of Wollongong – Shoalhaven Campus, TAFE NSW Nowra and Ulladulla Campus's, Country Universities Centre Southern Shoalhaven
3. Conduct an EOI process to fill the remaining 5 community member positions:
  - a. A maximum of 6 young people aged between 12 and 25 years from the community with an interest in youth issues in the Shoalhaven, with representation from North Central and South of the Shoalhaven LGA.

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

AGAINST: Nil

CARRIED

## REPORT OF THE INCLUSION & ACCESS ADVISORY GROUP - 21 MARCH 2022

|               |  |                             |
|---------------|--|-----------------------------|
| <b>IA22.4</b> | <b>Current Membership &amp; A Best Practice Approach</b> | <b>HPERM Ref: D22/48721</b> |
|---------------|--|-----------------------------|

**RESOLVED\*** (Clr Wells / Clr Kotlash) MIN22.248

That Council adopt the recommendation of the Inclusion & Access Advisory Group to:

1. Accept the minor amendment to the Terms of Reference to:

Minutes Confirmed Tuesday 26 April 2022 – Chairperson .....

- a. Introduce a membership cap of 25 voting memberships, and
  - b. Introduce a member attendance quorum.
2. Support a membership audit to provide summary of attendance quorum for 2021.
  3. Support an Expression of Interest to fill identified vacant positions through the audit in line with the updated Terms of Reference.
  4. Nominate the following members of the Committee to sit on the assessment panel for the proposed new membership appointment recommendations:
    - a. Kylie Knight
    - b. Kylieanne Derwent
  5. Support a Terms of Reference workshop which will be scheduled after the membership recruitment period is completed to facilitate a full review of the Terms of Reference.
- FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Eil, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray
- AGAINST: Nil
- CARRIED

**IA22.7 Additional Item - Investigate and Report back Footpath from Nowra Bridge to Junction Street and Scenic Drive to bridge Road**

**RECOMMENDATION**

That Council investigate the accessibility of the footpath from the Nowra Bridge to Junction Street and the safety of the accessibility footpath from Scenic Drive to Bridge Road.

**RESOLVED** (Clr Butler / Clr Gray)

MIN22.249

That Council:

1. Investigate the accessibility of the footpath from:
  - a. The Nowra Bridge to Junction Street; and
  - b. Scenic Drive to Bridge Road;
2. Receive a report via a Councillor Briefing prior to the next Inclusion and Access Advisory Group meeting (scheduled for Monday 30 May 2022) outlining the findings of the accessibility investigation.

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

AGAINST: Nil

CARRIED

**IA22.8 Additional Item - Councillor Training - Inclusion & Access**

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

MIN22.250

That Councillors receive Inclusion & Accessibility Training prior to the 5 May 2022 Councillor Briefing on the DIAP.

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

AGAINST: Nil  
CARRIED

**IA22.9 Additional Item - Presentation and Report Request - Coastal Management Programs (CMP)**

**RESOLVED\*** (Clr Wells / Clr Kotlash) MIN22.251

That:

1. Council Staff (Manager – Environmental Services) provide a presentation to the next meeting of the Inclusion & Access Advisory Committee (IAAG) on the CMP's and how the IAAG can best advocate for beach access when developing actions within the CMP.
2. The Report requested at the October 2021 IAAG meeting in relation to IA21.14 be submitted to the next IAAG meeting.

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

AGAINST: Nil  
CARRIED

**REPORT OF THE NORTH FLOODPLAIN RISK MANAGEMENT COMMITTEE - 21 MARCH 2022**

**NFM22.1 Lower Shoalhaven River Floodplain Risk Management Study and Plan Update** **HPERM D22/87287** **Ref:**

**RESOLVED\*** (Clr Wells / Clr Kotlash) MIN22.252

The Council receive the draft Lower Shoalhaven River Flood Study report for information and endorse the commencement of public exhibition and community engagement for the Draft Flood Study.

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

AGAINST: Nil  
CARRIED

**REPORTS**

**CL22.171 Shoalhaven Flood Recovery Update Report from Recovery Committee** **HPERM Ref: D22/125508**

**Recommendation**

That Council note that:

1. As a consequence of the damage sustained in the Shoalhaven LGA, Council was advised on

- 6 March 2022, that it had been included in the Notice - Natural Disaster Declaration - Extension 1 AGRN 1012 - NSW Severe Weather and Flooding from 22 February 2022.
2. The first meeting of the Shoalhaven Flood Recovery Committee was held on 21 March 2022, and the members of the Committee are as follows:
    - a. NSW Police, SES,
    - b. Resilience NSW
    - c. NSW Local Lands Services,
    - d. National Recovery and Resilience Agency,
    - e. Local Emergency Management Officer - Kim White,
    - f. Engineering / Infrastructure - Trevor Dando,
    - g. Media and Communications - Kate Crowe,
    - h. Community Recovery Officer - Andrea Forsyth.
    - i. Environmental Services - Michael Roberts and
    - j. Shoalhaven Water - Robert Horner.
  3. On 8 March 2022, Shoalhaven LGA received a grant of \$1 million from the Joint Commonwealth-State Disaster Recovery Funding Arrangements (DRFA) for flood-impacted Councils with these funds to be used for repairs on our road infrastructure.

**RESOLVED** (Clr Christen / Clr Findley)

MIN22.253

That Council note that:

1. As a consequence of the damage sustained in the Shoalhaven LGA, Council was advised on 6 March 2022, that it had been included in the Notice - Natural Disaster Declaration - Extension 1 AGRN 1012 - NSW Severe Weather and Flooding from 22 February 2022.
2. The first meeting of the Shoalhaven Flood Recovery Committee was held on 21 March 2022, and the members of the Committee are as follows:
  - a. NSW Police, SES,
  - b. Resilience NSW
  - c. NSW Local Lands Services,
  - d. National Recovery and Resilience Agency,
  - e. Local Emergency Management Officer - Kim White,
  - f. Engineering / Infrastructure - Trevor Dando,
  - g. Media and Communications - Kate Crowe,
  - h. Community Recovery Officer - Andrea Forsyth.
  - i. Environmental Services - Michael Roberts and
  - j. Shoalhaven Water - Robert Horner.
3. On 8 March 2022, Shoalhaven LGA received a grant of \$1 million from the Joint Commonwealth-State Disaster Recovery Funding Arrangements (DRFA) for flood-impacted Councils with these funds to be used for repairs on our road infrastructure.

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

AGAINST: Nil

CARRIED

Minutes Confirmed Tuesday 26 April 2022 – Chairperson .....

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

**CL22.172 Destination NSW Marketing Grants - Successful Outcome** **HPERM Ref: D22/104114**

**RESOLVED\*** (Clr White / Clr Copley) MIN22.254

That Council accept the Co-Operative Marketing Program Grant Offer (Packages 3 and 4) from Destination NSW and agrees to be the lead partner in the South Coast Campaign Collaboration.

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

AGAINST: Nil

CARRIED

**CL22.173 Post Exhibition And Finalisation – Shoalhaven DCP 2014 Amendment No. 39 – Coastal Amendment** **HPERM REF: D22/97336**

Item dealt with earlier in the meeting see MIN22.272

**CL22.174 Update & Possible Next Steps - Huskisson Church Planning Proposal (PP050)** **HPERM REF: D22/108921**

Item dealt with earlier in the meeting see MIN22.243

**CL22.175 Public Exhibition Outcomes - Planning Proposal PP026 - Coastal Hazards Review (Revised Approach)** **HPERM REF: D22/112906**

Item dealt with earlier in the meeting see MIN22.244

**CL22.176 Shoalhaven Inclusion - Six Cities Region and Greater Cities Commission** **HPERM Ref: D22/118853**

**RESOLVED\*** (Clr White / Clr Copley) MIN22.255

That Council

1. Receive the report on the Greater Cities Commission and the intended inclusion of Shoalhaven in the proposed Six Cities Region for information
2. Consider future reports, as needed, when the detail in this regard emerges.

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

AGAINST: Nil

CARRIED

**CL22.177 Shoalhaven Hospital Masterplan - Associated Pre-school Land Matters** **HPERM Ref: D22/118858**

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

MIN22.256

That Council

1. Receive the report on the Shoalhaven Hospital Masterplan and the associated Pre-school land matters for information.
2. Negotiate with Health Administration Corporation (HAC) and NSW Crown Lands for documentation to be finalised which provides for:
  - a. Council to be the Crown Land Manager for the proposed relocation of the Shoalhaven Community Pre-school Incorporated (Pre-school) to the intended site off North Street, Nowra.
  - b. A Lease to the Pre-School in the current premises from 1 January 2023 to the completion of the new facility.
  - c. An agreement to lease, for a period of ten (10) years, the proposed new location with the Shoalhaven Community Pre-school Inc. at a statutory minimum rental which will require Crown Lands approval.
  - d. Document the new facility being provided by HAC off North Street, Nowra and the financial implications, including no relocation cost to the Pre-school or Council.
3. In relation to the Potential Acquisition Notice, regarding the acquisition of Lot 7034 DP1031852, not pursue compensation under Section 2.24 of the Crown Land Management Act provided that no costs are incurred by Council (legal, stamp duty etc), on the basis that the new facility (approximate cost of \$4.5M) will provide an improved facility to the community and the Pre-school and the reduce costs required to repair and maintain an existing older structure.
4. Note that Council's claim for compensation for the compulsorily acquisition of Lot 104 (Nowra Park) is still being pursued with the NSW Government.

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

AGAINST: Nil

CARRIED

**CL22.178 Grant of Easement - Overhead Power Lines - Epsilon Distribution Ministerial Holding Corporation (Endeavour Energy) - 375 Matron Porter Drive Milton**

**HPERM Ref:  
D21/479827**

### Recommendation

That Council:

1. Grant an Easement in favour of Epsilon Distribution Ministerial Holding Corporation (Endeavour Energy) for overhead powerlines variable width over 375 Matron Porter Drive, Milton;
2. Fund all costs associated with the creation of the Easement from Finance Project number 103680.
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 (Director City Services) be authorised to sign any documents necessary to give effect to this resolution.

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

MIN22.257

That Council:

1. Grant an Easement in favour of Epsilon Distribution Ministerial Holding Corporation (Endeavour Energy) for overhead powerlines variable width over 375 Matron Porter Drive, Milton;
2. Fund all costs associated with the creation of the Easement from Finance Project number 103680.
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 (Director City Services) be authorised to sign any documents necessary to give effect to this resolution.

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

AGAINST: Nil

CARRIED

**CL22.179 Fireworks Policy**

**HPERM Ref:  
D22/57311**

**Recommendation**

That Council adopt the Fireworks Policy presented as **Attachment 1**.

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

MIN22.258

That the Fireworks Policy POL21/26 (attached to the report) be placed on Public Exhibition for 28 days, if no submissions are received then the Policy be adopted without further report to Council.

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

AGAINST: Nil

CARRIED

**CL22.180 Development Application – DA20/1068 - 189-197 Princes Hwy & 2A Parson St, Ulladulla (Lots 1-5 DP 21356 & Lot 23 DP 1082957)**

**HPERM Ref:  
D22/71388**

Clr Eil – less than significant non pecuniary interest declaration – the property owner is a previous client of the law firm where he is employed – remained in the room and took part in discussion and voted.

**Recommendation**

That Council:

1. Receive this report for information.
2. Confirm that it supports the clause 4.6 variation with respect to the height of the development exceeding the 10m height limitation by 16%.
3. Approve the Development Application, by way of deferred commencement, DA20/1068 for a Bunnings Warehouse incorporating subdivision of Lot 23 DP 1082957 2A Parson Street, Ulladulla and consolidation of the southern portion with Lots 1-5 in DP 21356 189 - 197 Princes Highway and construction of associated infrastructure that includes roadworks (new roundabout, median and entry/exit driveways) in the Princes Highway and partial extension of St Vincent Street, as detailed in the draft conditions of consent, at Attachment 2 to this report.



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

**RESOLVED** (Clr Butler / Clr Wells)

MIN22.259

That Council:

1. Receive this report for information.
2. Confirm that it supports the clause 4.6 variation with respect to the height of the development exceeding the 10m height limitation by 16%.
3. Approve the Development Application, by way of deferred commencement, DA20/1068 for a Bunnings Warehouse incorporating subdivision of Lot 23 DP 1082957 2A Parson Street, Ulladulla and consolidation of the southern portion with Lots 1-5 in DP 21356 189 - 197 Princes Highway and construction of associated infrastructure that includes roadworks (new roundabout, median and entry/exit driveways) in the Princes Highway and partial extension of St Vincent Street, as detailed in the draft conditions of consent, at Attachment 2 to this report.
4. Approve the proposed Voluntary Planning Agreement (VPA) with Bunnings Lots 1-5 in DP 21356 and part of Lot 23 DP 1082957, 189 - 197 Princes Highway and 2A Parson Street, Ulladulla for the construction of road infrastructure, as outlined in this report and referenced in Attachments 4 and 5 to this report.
5. Delegate authority to Council's Chief Executive Officer, or their delegate, to enter into and register the Planning Agreement consistent with the detailed key terms.
6. As a separate and stand-alone process, Council investigate bringing forward the construction of the proposed road extension of St Vincent Street to the Princes Highway (05/4008) to alleviate any impacts during and post the development process, noting that the planning agreement states that the applicant is responsible for the partial extension of St Vincent Street across the western boundary of the Development Land.

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

AGAINST: Nil

CARRIED

**CL22.181 SF10656 – Taylors Lane, 121 Taylors Lane & 169 Hockeys Lane, Cambewarra & 371 Illaroo Road, Bangalee – Lots 3 & 8 DP 1256748, Lots 1 & 2 DP 1281124 & Lot 2 DP 848630**

**HPERM Ref:  
D22/104294**

Clr Eil – less than significant non pecuniary interest declaration – the property owner is a previous client of the law firm where he is employed – remained in the room and took part in discussion and voted.

### Recommendation

That Council:

1. Grant partial approval (subject to the recommended conditions of consent) of Development Application SF10656 for "Residential subdivision to create 59 Torrens Title allotments, including 57 residential allotments, one (1) drainage reserve, one (1) residue lot, and provision

of roads, drainage and utility infrastructure along with associated landscaping works” at Lots 3 & 8 DP 1256748, Lots 1 & 2 DP 1281124 & Lot 2 DP 848630, Taylors Lane, 121 Taylors Lane & 169 Hockeys Lane, Cambewarra & 371 Illaroo Road, Bangalee; and;

2. Defer consideration of proposed Lots 42 and 57 (which front Taylors Lane) and any construction within the Taylors Lane road reserve until a decision has been made on the upgrade of Taylors Lane as part of the Far North Collector Road project and completion of a review of the zoning and planning controls applicable to land around Taylors Lane, as previously resolved by Council (per MIN20.419).

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

MIN22.260

That Council:

1. Grant partial approval (subject to the recommended conditions of consent) of Development Application SF10656 for “Residential subdivision to create 59 Torrens Title allotments, including 57 residential allotments, one (1) drainage reserve, one (1) residue lot, and provision of roads, drainage and utility infrastructure along with associated landscaping works” at Lots 3 & 8 DP 1256748, Lots 1 & 2 DP 1281124 & Lot 2 DP 848630, Taylors Lane, 121 Taylors Lane & 169 Hockeys Lane, Cambewarra & 371 Illaroo Road, Bangalee; and;
2. Defer consideration of proposed Lots 42 and 57 (which front Taylors Lane) and any construction within the Taylors Lane road reserve until a decision has been made on the upgrade of Taylors Lane as part of the Far North Collector Road project and completion of a review of the zoning and planning controls applicable to land around Taylors Lane, as previously resolved by Council (per MIN20.419).

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

AGAINST: Nil

CARRIED

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

**CL22.182 Review of Shoalhaven Water Group Policies - Round Three**

**HPERM Ref: D22/117102**

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

MIN22.261

That Council reaffirm the following policies with no or minor changes

1. Provision of Water and Sewerage Infrastructure – Developments not included in Development Servicing Plans
2. Connection of Properties to Council’s Sewerage System.

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

AGAINST: Nil

CARRIED

**CL22.183 Tenders – Burrier & Brundee Pump Station Switchgear Renewal (Stage 2 Works) Project**

**HPERM Ref: D22/117967**

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

MIN22.262

That Council consider a separate Confidential Report in accordance with Section 10A(2)(d)(i) of

the Local Government Act 1993.

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

AGAINST: Nil

CARRIED

## NOTICES OF MOTION / QUESTIONS ON NOTICE

### CL22.184 Notice of Motion - Kerb and Guttering

HPERM Ref:  
D22/140506

#### Recommendation

That a report be provided to Councillors on the following:

1. The current kerb and gutter plan for implementation.
2. The funding requirements to cover all suburban areas with kerb and gutter.
3. The range of road edging solutions available to residents, as outlined in the DCP, such as kerb and gutter or grass swale etc..

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

MIN22.263

That a report be provided to Councillors on the following:

1. The current kerb and gutter plan for implementation.
2. The funding requirements to cover all suburban areas with kerb and gutter.
3. The range of road edging solutions available to residents, as outlined in the DCP, such as kerb and gutter or grass swale and/or other currently used or novel approaches that could be included in future.

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

AGAINST: Nil

CARRIED

### CL22.185 Notice of Motion - Improving Green Waste Collection Across the Shoalhaven

HPERM Ref:  
D22/140561

#### Recommendation

That Council

1. Recognise that households across the City of Shoalhaven struggle with the disposal of green waste, including the transportation of green waste to disposal facilities
2. Recognise the importance of the removal of green waste, particularly in bushfire prone areas across the City.
3. Notes the City provides green tipping vouchers to property owners, however, acknowledges vouchers are not readily available to a large proportion of residents, including renters
4. Notes opportunities exist to provide residents with enhanced collection of green waste, including expansion of existing waste collection and programs, or the addition of new waste

collection facilities; and

5. Requests the CEO provide a report to Council investigating potential options, to expand green waste collection, including but not limited to, the provision of an additional green bin.

MOTION (Clr Copley / Clr Ell)

That Council:

1. Recognise that households across the City of Shoalhaven struggle with the disposal of green waste, including the transportation of green waste to disposal facilities
2. Recognise the importance of the removal of green waste, particularly in bushfire prone areas across the City.
3. Notes the City provides green tipping vouchers to property owners, however, acknowledges vouchers are not readily available to a large proportion of residents, including renters
4. Notes opportunities exist to provide residents with enhanced collection of green waste, including expansion of existing waste collection and programs, or the addition of new waste collection facilities; and
5. Requests the CEO provide a report to Council investigating potential options, to expand green waste collection, including but not limited to, the provision of an additional green bin.

FOR: Clr Copley, Clr Ell and Clr Watson

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

MOTION LOST

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

MIN22.264

That Council:

1. Receive a Briefing to Councillors (similar to the Briefing provided in 2021) on the cost for Council to supply a green bin; and
2. Consider the option that the tip vouchers be distributed to the householder and not the ratepayer and outline the outcome of those considerations at the briefing.

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

AGAINST: Nil

CARRIED

## CONFIDENTIAL REPORTS

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

No members of the public made representations.

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

MIN22.265

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.

CCL22.11 Tenders - Burrier & Brundee Pump Station Switchgear Renewal (Stage 2 Works)

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

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

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

AGAINST: Nil

CARRIED

The meeting moved into confidential the time being 8.17pm.

The meeting moved into open session, the time being 8.23pm.

## REPORT FROM CONFIDENTIAL SESSION

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

### **CCL22.11 Tenders - Burrier & Brundee Pump Station Switchgear Renewal (Stage 2 Works)**

**HPERM Ref:  
D22/117886**

#### **RESOLVED**

MIN22.266C

That:

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from ARA Electrical High Voltage Solutions Pty Ltd for the Burrier & Brundee Pump Station Switchgear Renewal (Stage 2 Works) Project at a total cost of \$1,197,914.65 (including GST).
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with *Local Government (General) Regulation 2021 (section 165)* by the CEO (Executive Manager Shoalhaven Water).

CARRIED

There being no further business, the meeting concluded, the time being 8.25pm.

Clr Findley  
CHAIRPERSON