

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 9 May 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 Eil
Clr Evan Christen
Clr Patricia White
Clr John Wells (remotely) – joined at 5:52pm
Clr Greg Watson
Clr Tonia Gray

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

Apologies / Leave of Absence

RESOLVED (Clr Eil / Clr Christen) MIN22.310

That:

1. The apology received from Clr Kitchener be accepted.
2. Clr White be granted a leave of absence for the Ordinary meeting to be held on 6 June 2022.

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

AGAINST: Nil

CARRIED

Confirmation of the Minutes

RESOLVED (Clr Eil / Clr Christen) MIN22.311

That the Minutes of the Ordinary Meeting of Ordinary Meeting held on Tuesday 26 April 2022 be confirmed.

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

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AGAINST: Nil
CARRIED

Declarations of Interest

Clr EII - CL22.217 – SF10923 – 111 Elizabeth Drive Vincentia – Lot 228 25099 – pecuniary interest declaration – the property owners are clients of his firm – will leave the room and will not take part in discussion or vote.

MAYORAL MINUTE

Nil.

DEPUTATIONS AND PRESENTATIONS

CL22.194 - Development Application - DA21/1834 - 14 Jay Street Culburra Beach - Lot 7 DP246986 (page 53)

Mr Eric Watts spoke FOR the recommendation.

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.

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - En bloc

RESOLVED (Clr Gray / Clr White)

MIN22.312

That the following item the City Performance Directorate be resolved en bloc:

- CL22.211 – Ongoing Register of Pecuniary Interest Returns – April 2022

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 EII, Clr Christen, Clr White, Clr Watson and Clr Gray

AGAINST: Nil
CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr White / Clr Eil)

MIN22.313

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

- CL22.212 – Exhibition Outcomes and Proposed Finalisation – Planning Proposal (PP063) to Amend LEP Claus 7.25 – Part of Lot 1 DP 1257338, Moss Vale Road, Kangaroo Valley
- CL22.213 – Tenders – Albatross Aviation Technology Park – Non-Potable Water Storage Tanks for Firefighting Reserves

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 Watson and Clr Gray

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Kotlash / Clr Copley)

MIN22.314

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

- CL22.214 – Tenders – Sustainable Tourism Projects – Bhewerre Wetland

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 Watson and Clr Gray

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Butler / Clr Norris)

MIN22.315

That the following item from the City Development Directorate be resolved en bloc:

- CL 22.218 – Regional Development Committee & Southern Regional Planning Panel Membership

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 Watson and Clr Gray

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr White / Clr Gray)

MIN22.316

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

- CL22.220 – Tenders – Various Mains Relining Project
- CL22.221 – Review of Shoalhaven Water Group Policies – Round Four

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 Watson and Clr Gray

AGAINST: Nil

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr Watson / Clr Christen)

MIN22.317

That the matter of item CL22.194 - Development Application - DA21/1834 - 14 Jay Street Culburra Beach - Lot 7 DP246986 be brought forward for consideration.

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

AGAINST: Nil

CARRIED

Note - Clr Wells joined meeting at 5:52pm (remotely).

**CL22.194 Development Application - DA21/1834 - 14 Jay Street
Culburra Beach - Lot 7 DP246986**

**HPERM Ref:
D22/156228**

Recommendation

That Development Application DA21/1834 be determined by way of Part Approval and Part Refusal as follows:

1. The new dwelling component be approved by way of deferred commencement to allow for the resolution of stormwater considerations and subject to the recommended conditions of consent contained in Attachment 2 of this report.
2. The shed component be refused for the reasons outlined in Attachment 4 - DRAFT Notice of Determination, vis.
 - a. The shed is inconsistent with the development controls set out in Chapter G12 of Shoalhaven Development Control Plan 2014.
 - b. The shed fails to adequately demonstrate compliance with the development controls set out in Chapter G2 of Shoalhaven Development Control Plan 2014.
 - c. The shed will have adverse amenity impacts on the built environment in the locality.
 - d. The site is not suitable for the proposed development.
 - e. The shed is not in the public interest.

MOTION (Clr Watson / Clr Ell)

That Development Application DA21/1834 be deferred to allow Council to consider further information from the applicant.

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 and Clr Gray

MOTION LOST

RESOLVED (FORESHADOWED MOTION) (Clr Butler / Clr Christen)

MIN22.318

That Development Application DA21/1834 be determined by way of Part Approval and Part Refusal as follows:

1. The new dwelling component be approved by way of deferred commencement to allow for the resolution of stormwater considerations and subject to the recommended conditions of consent contained in Attachment 2 of this report.
2. The shed component be refused for the reasons outlined in Attachment 4 - DRAFT Notice of Determination, vis.
 - a. The shed is inconsistent with the development controls set out in Chapter G12 of Shoalhaven Development Control Plan 2014.
 - b. The shed fails to adequately demonstrate compliance with the development controls set out in Chapter G2 of Shoalhaven Development Control Plan 2014.
 - c. The shed will have adverse amenity impacts on the built environment in the locality.
 - d. The site is not suitable for the proposed development.
 - e. The shed is not in the public interest.

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

AGAINST: Clr Copley, Clr Ell and Clr Watson

CARRIED

REPORTS

**CL22.209 Draft Delivery Program Operational Plan and Budget
2022-23 - Public Exhibition**

**HPERM Ref:
D22/136433**

Recommendation

That Council:

1. Endorse the Draft 2022/23 Delivery Program and Operational Plan, Draft Budget, Draft Fees and Charges and Draft Resourcing Strategy for the purpose of placing on public exhibition for a period of 28 days.
2. Maintain the 2021/22 rating structure, comprising both base and ad valorem amounts noting that the use of a base amount results in bringing the higher and lower values closer together and in effect spreads the burden across the board to all ratepayers – noting also that this is a commonly used rating structure that is considered to provide the fairest and most equitable distribution of the rate levy across the LGA.

3. In accordance with Section 566(3) of the Act, endorse the rate of interest payable on overdue rates and charges for the period 1 July 2022 to 30 June 2023 (inclusive) to be 6% per annum which is the Office of Local Government recommended maximum for 2022/23 financial year.
4. Note that interest charges will continue to be waived for ratepayers that are experiencing financial hardship and they can apply for financial assistance under Council's Hardship Policy.
5. Approve the Minister's allowable limit of a 4.53% increase (1.7% rate peg plus 2.83% SRV catch-up) in 2022/23 to the notional yield as permitted by Section 511 of the Local Government Act 1993.
6. Receive a report on feedback from the community on the Draft 2022/23 Delivery Program Operational Plan and Budget following the public exhibition period.

RESOLVED (Clr Christen / Clr Butler)

MIN22.319

That Council:

1. Endorse the Draft 2022/23 Delivery Program and Operational Plan, Draft Budget, Draft Fees and Charges and Draft Resourcing Strategy for the purpose of placing on public exhibition for a period of 28 days.
2. Maintain the 2021/22 rating structure, comprising both base and ad valorem amounts noting that the use of a base amount results in bringing the higher and lower values closer together and in effect spreads the burden across the board to all ratepayers – noting also that this is a commonly used rating structure that is considered to provide the fairest and most equitable distribution of the rate levy across the LGA.
3. In accordance with Section 566(3) of the Act, endorse the rate of interest payable on overdue rates and charges for the period 1 July 2022 to 30 June 2023 (inclusive) to be 6% per annum which is the Office of Local Government recommended maximum for 2022/23 financial year.
4. Note that interest charges will continue to be waived for ratepayers that are experiencing financial hardship and they can apply for financial assistance under Council's Hardship Policy.
5. Approve the Minister's allowable limit of a 4.53% increase (1.7% rate peg plus 2.83% SRV catch-up) in 2022/23 to the notional yield as permitted by Section 511 of the Local Government Act 1993.
6. Receive a report on feedback from the community on the Draft 2022/23 Delivery Program Operational Plan and Budget following the public exhibition period.

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

AGAINST: Clr White, Clr Wells and Clr Watson

CARRIED

**CL22.210 Draft Community Strategic Plan - Shoalhaven 2032 -
Public Exhibition**

**HPERM Ref:
D22/136526**

Recommendation

That Council:

1. Endorse the Draft Community Strategic Plan - Shoalhaven 2032 for the purpose of placing on public exhibition for a period of 28 days to seek further community feedback
2. Receive the 'Stage 1 Community Engagement Report for the Community Strategic Plan Review' for information
3. Endorse the Community Engagement Plan for Stage 2 of the Community Strategic Plan Review

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4. Thank the community for their participation to date and invite further feedback during the public exhibition period
5. Receive a report on feedback from the community on the Draft Community Strategic Plan - Shoalhaven 2032 following the public exhibition period.

RESOLVED (Clr White / Clr Gray)

MIN22.320

That Council:

1. Endorse the Draft Community Strategic Plan - Shoalhaven 2032 for the purpose of placing on public exhibition for a period of 28 days to seek further community feedback
2. Receive the 'Stage 1 Community Engagement Report for the Community Strategic Plan Review' for information
3. Endorse the Community Engagement Plan for Stage 2 of the Community Strategic Plan Review
4. Thank the community for their participation to date and invite further feedback during the public exhibition period
5. Receive a report on feedback from the community on the Draft Community Strategic Plan - Shoalhaven 2032 following the public exhibition period.

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

AGAINST: Nil

CARRIED

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

CL22.211 Ongoing Register of Pecuniary Interest Returns - April 2022

**HPERM Ref:
D22/151301**

RESOLVED* (Clr Gray / Clr White)

MIN22.321

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 April to 30 April 2022 be received for information.

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

AGAINST: Nil

CARRIED

Items marked with an * were resolved ‘en bloc’.

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|--|------------------------------|
| CL22.212 Exhibition Outcomes and Proposed Finalisation - Planning Proposal (PP063) to Amend LEP Clause 7.25 - Part of Lot 1 DP 1257338, Moss Vale Road, Kangaroo Valley | HPERM Ref: D22/162740 |
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RESOLVED* (Clr White / Clr Eil) MIN22.322

That Council:

1. Adopt and finalise the attached version of Planning Proposal PP063 to Amend Clause 7.25 of the Shoalhaven Local Environmental Plan (LEP) 2014 that applies to part of Lot 1 DP 1257338, Moss Vale Road, Kangaroo Valley.
2. Liaise with the NSW Parliamentary Counsel's Office to amend the Shoalhaven LEP 2014 using Council's delegation.
3. Advise the proponent and other stakeholders, including adjoining landowners and those who made a submission, of this decision and when the LEP amendment is made.

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

AGAINST: Nil

CARRIED

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|--|------------------------------|
| CL22.213 Tenders - Albatross Aviation Technology Park - Non-Potable Water Storage Tanks for Firefighting Reserves | HPERM Ref: D22/169001 |
|--|------------------------------|

RESOLVED* (Clr White / Clr Eil) MIN22.323

That Council consider a separate confidential report “Tenders – Albatross Aviation Technology Park – Non-Potable Water Storage Tanks for Firefighting Reserves” in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

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

AGAINST: Nil

CARRIED

Items marked with an * were resolved ‘en bloc’.

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|--|------------------------------|
| CL22.214 Tenders - Sustainable Tourism Projects - Bherwerre Wetland | HPERM Ref: D22/117830 |
|--|------------------------------|

RESOLVED* (Clr Kotlash / Clr Copley) MIN22.324

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

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

AGAINST: Nil

CARRIED

CL22.215 Review of Waste Services Policies

**HPERM Ref:
D22/157693**

Recommendation

That Council:

1. Adopt the following revised policy documents as attached to the report:
 - a. Waste Management - Disaster Recovery Policy,
 - b. Waste Disposal - No Charge Tipping Vouchers
 - c. Garden Waste Mulch - Community Assistance Policy
2. Rescind the No Charge Tipping of Storm Damaged Materials at Waste Depots Policy as the provisions of that policy have been incorporated into the revised Waste Management - Disaster Recovery Policy.

RESOLVED (Clr Norris / Clr Christen)

MIN22.325

That Council:

1. Adopt the following revised policy documents as attached to the report:
 - a. Waste Management - Disaster Recovery Policy,
 - b. Waste Disposal - No Charge Tipping Vouchers
 - c. Garden Waste Mulch - Community Assistance Policy
2. Rescind the No Charge Tipping of Storm Damaged Materials at Waste Depots Policy as the provisions of that policy have been incorporated into the revised Waste Management - Disaster Recovery Policy.

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

AGAINST: Nil

CARRIED

CL22.216 Electric Vehicle Trial Update

**HPERM Ref:
D22/167650**

Recommendation

That Council:

1. Note the following key report findings:
 - a. Existing range of electric vehicles are well suited and fit for purpose as pool vehicles that are typically used for short, local journeys.
 - b. Existing driving range and charging time of current vehicles available represent a limitation for immediate expansion.
 - c. Operational cost including depreciation is more than non-electric comparator vehicles.
2. Maintain the existing three electric vehicles within the passenger fleet, with the CEO (Director City Services) authorised to continue monitoring of the market to identify suitable fit for purpose electric options to further supplement or expand the fleet as required.

RESOLVED (Clr Norris / Clr Ell)

MIN22.326

That:

1. Council note the following key report findings:
 - a. Existing range of electric vehicles are well suited and fit for purpose as pool vehicles that are typically used for short, local journeys.
 - b. Existing driving range and charging time of current vehicles available represent a limitation for immediate expansion.
 - c. Operational cost including depreciation is more than non-electric comparator vehicles.
2. Council maintain the existing three electric vehicles within the passenger fleet, with the CEO (Director City Services) authorised to continue monitoring of the market to identify suitable fit for purpose electric options to further supplement or expand the fleet as required.
3. The purchase and use of electric vehicles be linked to Council's Sustainable Energy Strategy which is currently under review.
4. Council work with electric vehicle charge network providers to seek additional electric vehicle charging stations across the Shoalhaven.

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

AGAINST: Nil

CARRIED

**CL22.194 Development Application - DA21/1834 - 14 Jay Street
Culburra Beach - Lot 7 DP246986**

**HPERM REF:
D22/156228**

Item dealt with earlier in the meeting see MIN22.217.

**CL22.217 SF10923 – 111 Elizabeth Drive Vincentia – Lot 228 DP
25099**

**HPERM Ref:
D22/109221**

Clr Ell - Pecuniary interest – The property owners are clients of his firm – left the room and did not take part in discussion or vote, the time being 6.54pm.

Recommendation

That Council:

1. Confirm that it supports the clause 4.6 variation of 13.68% for Lot 1 and 28.42% for Lot 2, with respect to the lot size of the proposed subdivision.
2. Approve the Development Application SF10923 for a one (1) into two (2) lot Torrens title subdivision of an existing and approved Dual Occupancy development at Lot 228 DP 25099 111 Elizabeth Drive, Vincentia, as detailed in the draft conditions of consent (Attachment 1) to this report.

RESOLVED (Clr Christen / Clr White)

MIN22.327

That Council:

1. Confirm that it supports the clause 4.6 variation of 13.68% for Lot 1 and 28.42% for Lot 2, with respect to the lot size of the proposed subdivision.

2. Approve the Development Application SF10923 for a one (1) into two (2) lot Torrens title subdivision of an existing and approved Dual Occupancy development at Lot 228 DP 25099 111 Elizabeth Drive, Vincentia, as detailed in the draft conditions of consent (Attachment 1) to this report.

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

AGAINST: Nil

CARRIED

Note – Clr Ell returned to the meeting, the time being 6:55pm.

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

CL22.218 Regional Development Committee & Southern Regional Planning Panel Membership

**HPERM Ref:
D22/166879**

RESOLVED* (Clr Butler / Clr Norris)

MIN22.328

That Council:

1. Not appoint any members to the Southern Regional Planning Panel.
2. Disestablish the Regional Development Committee on the basis that Ordinary Council Meetings will provide the forum to consider Regional Development Applications and respond by way of resolution to the Southern Regional Planning Panel.

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

AGAINST: Nil

CARRIED

CL22.199 West Nowra Infrastructure and Recreational Facilities Upgrade Program - Investigations and Way Forward

**HPERM Ref:
D22/74387**

Recommendation

That Council:

1. Accept this report as an update on funding options to investigate the provision of community facilities available in West Nowra.
2. Note that further investigation into infrastructure and recreational facilities in the West Nowra area under the review of the Community Infrastructure Strategic Plan, currently being undertaken by Council. This is to include investigations into upgrades of the Depot Farm Picnic Area.
3. Note that staff are continuing to investigate opportunities for minor embellishments to existing infrastructure and open space to improve facilities for West Nowra residents and visitors.

RESOLVED (Clr Copley / Clr Norris)

MIN22.329

That Council:

1. Accept this report as an update on funding options to investigate the provision of community facilities available in West Nowra.

2. Note that further investigation into infrastructure and recreational facilities in the West Nowra area under the review of the Community Infrastructure Strategic Plan, currently being undertaken by Council. This is to include investigations into upgrades of the Depot Farm Picnic Area.
3. Note that staff are continuing to investigate opportunities for minor embellishments to existing infrastructure and open space to improve facilities for West Nowra residents and visitors.

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

AGAINST: Nil

CARRIED

CL22.219 Draft - Disability Inclusion Action Plan 2022-2026 - Public Exhibition

HPERM Ref: D22/137692

Recommendation

That Council:

1. Endorse the Draft Disability Inclusion Action Plan 2022-2026 for the purpose of placing on Public Exhibition for a period of 28 days to seek further community feedback.
2. Receive a report on feedback from the community on the Draft Disability Inclusion Action Plan 2022-2026 following the 28 days public exhibition period.
3. Thank the community for their participation to date and invite further feedback during the public exhibition period.

RESOLVED (Clr Christen / Clr Kotlash)

MIN22.330

That Council:

1. Endorse the Draft Disability Inclusion Action Plan 2022-2026 for the purpose of placing on Public Exhibition for a period of 28 days to seek further community feedback.
2. Receive a report on feedback from the community on the Draft Disability Inclusion Action Plan 2022-2026 following the 28 days public exhibition period.
3. Thank the community for their participation to date and invite further feedback during the public exhibition period.

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

AGAINST: Nil

CARRIED

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

CL22.220 Tenders – Various Mains Relining Project

HPERM Ref: D22/151548

RESOLVED* (Clr White / Clr Gray)

MIN22.331

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 and Clr Gray

AGAINST: Nil

CARRIED

CL22.221 Review of Shoalhaven Water Group Policies – Round Four

**HPERM Ref:
D22/163307**

RESOLVED* (Clr White / Clr Gray)

MIN22.332

That Council reaffirm the following policies with minor changes

1. Non-urban Wastewater Connection Policy
2. Non-urban Water Supply Connection Policy

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

AGAINST: Nil

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

CL22.222 Notice of Motion - Ward Boundary Review - Community of Interest

**HPERM Ref:
D22/180061**

Recommendation

That Council review the Ward Boundaries with a view of bringing areas of community interest together, which may require an increase in the number of Wards.

RESOLVED (Clr Watson / Clr Eil)

MIN22.333

That at a suitable time in the future, Council receives a report from the CEO on a review of ward boundaries to achieve bringing areas of community interest together, which may require an increase in the number of Wards.

An example would be Nowra, South Nowra, Worrigee and Sanctuary Point and St Georges Basin.

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

AGAINST: Nil

CARRIED

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 White / Clr Christen)

MIN22.334

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.

CCL22.12 Tenders – Albatross Aviation Technology Park - Non-Potable Water Storage Tanks for Firefighting Reserves

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

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

CCL22.13 Tenders – Sustainable Tourism Projects - Bherwerre Wetland

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

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

CCL22.14 Tenders – Various Mains Relining Project

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 and Clr Gray

AGAINST: Nil

CARRIED

The meeting moved into confidential the time being 7:14pm.

The meeting moved into open session, the time being 7:19pm.

REPORT FROM CONFIDENTIAL SESSION

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

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| CCL22.12 Tenders – Albatross Aviation Technology Park - Non-Potable Water Storage Tanks for Firefighting Reserves | HPERM Ref: D22/169345 |
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RESOLVED MIN22.335C

That:

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Murphy McCarthy & Associates PTY LTD (MMA Civil) for Albatross Aviation Technology Park – Stage 5 – Fire Water Tank Farm including Pump Station for a total cost of \$1,346,375.00 (excluding 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 (Director City Futures).
3. Council authorises the Superintendent under the contract to adjust the contract for variations under the contract, authorise a purchase order in the amount of \$1,703,164.38 (including GST) for the contract plus, 15% construction contingency and adjust the funding within Council’s Financial system.

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| CCL22.13 Tenders – Sustainable Tourism Projects - Bherwerre Wetland | HPERM Ref: D22/120226 |
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RESOLVED MIN22.336C

That Council:

1. In accordance with Section 178(1)(b) of the regulations, decline to accept any Tender for the Design and Construction of Bherwerre Wetland Boardwalks as the funding is insufficient to complete the project as designed.
2. In accordance with Clause 178(3)(e) enter into negotiations with Fulton Hogan, or any other contractor as needed/appropriate, for the following reasons:
 - a. The Tender amount offered exceeds the available funding by 60%
 - b. There would appear to be opportunities to reduce the cost through reduction of scope and the staging of works.
3. Subject to successful negotiations for a contract that any funding shortfall be listed as a high priority in the quarterly budget review.
4. Delegate the authority to the CEO (Director City Services) to execute all documents on Council’s behalf in relation to any contract formed as a result of the above to enable the work to commence.

CCL22.14 Tenders – Various Mains Relining Project

**HPERM Ref:
D22/151606**

RESOLVED

MIN22.337C

That:

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Interflow Pty Ltd for the Various Mains Relining Project for a total cost of \$2,214,174.39 (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).

There being no further business, the meeting concluded, the time being 7:24pm.

Clr Findley
CHAIRPERSON