

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 23 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 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.

Apologies / Leave of Absence

RESOLVED (Clr Butler / Clr D'Ath) MIN22.338

That Mayor Findley be granted a leave of absence for the period of 27 May 2022 to 17 June 2022.

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

Confirmation of the Minutes

RESOLVED (Clr White / Clr Copley) MIN22.339

That the Minutes of the Ordinary Meeting held on Monday 09 May 2022 be confirmed.

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

Minutes Confirmed Monday 6 June 2022 – Chairperson.....

AGAINST: Nil
CARRIED

Declarations of Interest

Mr Stephen Dunshea – CEO – CL22.228 - Proposal - On-site Sewage Management Charges to Rates – less than significant non pecuniary interest declaration – he is one of the owners of property that is affected by this Policy – will leave the room.

MAYORAL MINUTE

Nil

DEPUTATIONS AND PRESENTATIONS

CL22.227 – Development Application – 31 Porter Circuit Milton – Lot 319 DP 1231192

Ms Nicolette Carson addressed the meeting to speak FOR the recommendation.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Wells / Clr Butler) MIN22.340

That the matter of item CL22.227 - Development Application – 31 Porter Circuit Milton – Lot 319 DP 1231192 be brought forward for consideration.

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

CL22.227 Development Application – 31 Porter Circuit Milton – Lot 319 DP 1231192

HPERM Ref:
D22/139738

Recommendation

That development application DA21/1991 to construct multi dwelling housing (four (4) x 2 attached two storey dwellings) and community title subdivision at Lot 319 DP 1232292, 31 Porter Circuit, Milton be refused for the reasons contained in Attachment 2 of this report.

RESOLVED (Clr Wells / Clr White) MIN22.341

That development application DA21/1991 to construct multi dwelling housing (four (4) x 2 attached two storey dwellings) and community title subdivision at Lot 319 DP 1232292, 31 Porter Circuit, Milton be refused for the reasons contained in Attachment 2 of this report.

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

REPORTS

CL22.223 Draft Policy - Anzac Day Services - Wreath Laying Ceremonies

HPERM Ref:
D22/201783

Recommendation

That Council confirm the Anzac Day Services - Wreath Laying Ceremonies Policy (attached)

RESOLVED (Clr White / Clr Wells)

MIN22.342

That Council confirm the Anzac Day Services - Wreath Laying Ceremonies Policy (attached).

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

CL22.224 Investment Report - April 2022

HPERM Ref:
D22/190011

Recommendation

That Council:

1. Receive the Record of Investments for the Period to 30 April 2022.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 0.73% per annum for the month of April 2022, exceeding the benchmark AusBond Bank Bill Index (-0.19% pa) by 92 basis points (0.92%).
3. Note the performance of the Long-Term Growth Fund as presented in the report.

RESOLVED (Clr Wells / Clr White)

MIN22.343

That Council:

1. Receive the Record of Investments for the Period to 30 April 2022.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 0.73% per annum for the month of April 2022, exceeding the benchmark AusBond Bank Bill Index (-0.19% pa) by 92 basis points (0.92%).
3. Note the performance of the Long-Term Growth Fund as presented in the report.

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

**CL22.225 Proposed Finalisation - Planning Agreement (VPA016):
Public Reserve Dedication, Fishermans Paradise**

**HPERM Ref:
D22/173390**

Recommendation

That Council:

1. Formally enter into Planning Agreement (VPA016) with the landowner of Lot 212 DP 884276, as exhibited, with a minor amendment that requires the landowner/developer to register the Planning Agreement instead of Council.
2. Advise relevant stakeholders when VPA016 is executed and registered on title.

RESOLVED (Clr White / Clr D'Ath)

MIN22.344

That Council:

1. Formally enter into Planning Agreement (VPA016) with the landowner of Lot 212 DP 884276, as exhibited, with a minor amendment that requires the landowner/developer to register the Planning Agreement instead of Council.
2. Advise relevant stakeholders when VPA016 is executed and registered on title.
3. Classify the land as community land within the meaning 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

**CL22.226 Classification of Land - Lot 3 DP 154453
37 Hyam Street Nowra**

**HPERM Ref:
D22/173177**

Recommendation

That Council classify the land described as Lot 3 DP 154453, 37 Hyam St Nowra, as Operational Land within the meaning of the Local Government Act 1993.

RESOLVED (Clr Wells / Clr White)

MIN22.345

That Council classify the land described as Lot 3 DP 154453, 37 Hyam St Nowra, as Operational Land within the meaning 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

**CL22.227 Development Application – 31 Porter Circuit Milton – Lot
319 DP 1231192**

**HPERM REF:
D22/139738**

Item dealt with earlier in the meeting see MIN2.341.

CL22.228 Proposal - On-site Sewage Management Charges to Rates

**HPERM Ref:
D22/48031**

Mr Stephen Dunshea - CEO – less than significant non pecuniary interest declaration – he is one of the owners of property that is affected by this Policy – left the room.

Recommendation

1. That Council:
 - a. Approve the application of a charge for on-site sewage management to the Annual Rates Notice for affected properties, in a staged approach over five years, commencing from the beginning of the 2022/23 financial year.
 - b. Approve the application of fees for additional inspections of high-risk on-site sewage management systems and re-inspections of non-compliant on-site sewage management systems.
 - c. Note the results from the community consultation outlined in the report.
 - d. Inform ratepayers in writing of the new on-site sewage management charge and provide further, detailed information to all affected ratepayers. This will involve advice to be sent to affected properties with the first rates Notice of 2022/23.
 - e. Note that current Approvals to Operate will remain in place. An on-site sewage management charge will not be generated until the same financial year that the current approval expires. An annual approval to operate will then be issued in the name of the current owner(s) of the applicable properties.
2. That the Shoalhaven Local Approvals Policy is amended post exhibition to reflect the on-site sewage management charge being applied to the Annual Rates Notice.

MOTION (Clr Watson / Clr Kitchener)

That in relation to the On-site Sewerage Management Charges to Rates, Council maintain the status quo.

FOR: Clr Watson and Clr Kitchener

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

MOTION LOST

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

MIN22.346

That Council:

1. Approve the application of a charge for on-site sewage management to the Annual Rates Notice for affected properties, in a staged approach over five years, commencing from the beginning of the 2022/23 financial year.
2. Approve the application of fees for additional inspections of high-risk on-site sewage management systems and re-inspections of non-compliant on-site sewage management systems.
3. Note the results from the community consultation outlined in the report.
4. Inform ratepayers in writing of the new on-site sewage management charge and provide further, detailed information to all affected ratepayers. This will involve advice to be sent to affected properties with the first rates Notice of 2022/23.
5. Note that current Approvals to Operate will remain in place. An on-site sewage management charge will not be generated until the same financial year that the current approval expires. An

annual approval to operate will then be issued in the name of the current owner(s) of the applicable properties.

6. Amend the Shoalhaven Local Approvals Policy post exhibition to reflect the on-site sewage management charge being applied to the Annual Rates Notice.

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

AGAINST: Clr Watson and Clr Kitchener

CARRIED

CL22.229 Council Policy Review - Rangers

**HPERM Ref:
D22/157788**

Note: Mr Stephen Dunshea - CEO returned to the meeting.

Recommendation

That Council

1. Adopt the following policies with minor amendments:
 - a. Fee Waivers – Ranger Services Unit
 - b. Companion Animals – Management of Feral and Infant Cats and Dogs
 - c. Animals - Management of Sick or Injured Animals
2. Rescind the following policies
 - a. Domestic Poultry Abandoned on Public Land Policy.
 - b. Protocols for Directing Signs Enquiries and Complaints.

RESOLVED (Clr Eil / Clr Wells)

MIN22.347

That Council:

1. Adopt the following policies with minor amendments:
 - a. Fee Waivers – Ranger Services Unit
 - b. Companion Animals – Management of Feral and Infant Cats and Dogs
 - c. Animals - Management of Sick or Injured Animals
2. Rescind the following policies
 - a. Domestic Poultry Abandoned on Public Land Policy.
 - b. Protocols for Directing Signs Enquiries and Complaints.

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

CL22.230 Quarterly Review for Compliance Matters

**HPERM Ref:
D22/138322**

Recommendation

That Council receive the January to March 2022 quarterly report on compliance matters for information.

RESOLVED (Clr Christen / Clr Wells)

MIN22.348

That:

1. Council receive the January to March 2022 quarterly report on compliance matters for information;
2. The subsequent quarterly reports provide analysis of the trends, effectiveness and current and arising areas of risk.

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 THE BUSINESS PAPER

Call Over of Business Paper - En bloc

RESOLVED (Clr Wells / Clr Norris)

MIN22.349

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

- CL22.231 – Draft Nowra Showground Master Plan - Update to Council and Progress to Exhibition
- CL22.232 – Draft Ulladulla Sports Park Master Plan - Update to Council and Progress to Exhibition
- CL22.234 - Request for Plaques and Memorials

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 Eil / Clr White)

MIN22.350

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

- CL22.235 - Acquisition of Sewer Easement - 7 Victa Way Bomaderry - Lot 6 DP 248150
- CL22.237 - Review of Shoalhaven Water Group Policies - Round Five

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

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

CL22.231 Draft Nowra Showground Master Plan - Update to Council and Progress to Exhibition **HPERM Ref: D22/146121**

RESOLVED* (Clr Wells / Clr Norris) MIN22.351

That Council endorse the Draft Nowra Showground Master Plan to progress to public exhibition for a period of 28 days.

1. If no significant adverse feedback is received as part of the exhibition, the Draft Nowra Showground Master Plan be finalised and deemed endorsed; or
2. If significant adverse feedback is received a further report on the outcomes of the public exhibition of the Draft Nowra Showground Master Plan will be submitted to Council with any proposed changes.

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

CL22.232 Draft Ulladulla Sports Park Master Plan - Update to Council and Progress to Exhibition **HPERM Ref: D22/191889**

RESOLVED* (Clr Wells / Clr Norris) MIN22.352

That Council endorse the Draft Ulladulla Sports Park Master Plan to progress to public exhibition for a period of 28 days.

1. If no significant adverse feedback is received as part of the exhibition, the Draft Ulladulla Sports Park Master Plan be finalised and deemed adopted; or
2. If significant adverse feedback is received a further report on the outcomes of the public exhibition of the Draft Ulladulla Sport Park Master Plan will be submitted to Council with any proposed changes.

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

CL22.233 Community Recovery Officer - Advocacy For Continuation of Funding **HPERM Ref: D22/177232**

Recommendation

That Council:

1. Support and engage in advocating to our Local State Members for Kiama and South Coast for the continuation of funding for the Community Recovery Officer role within Council.

2. Formalise the advocacy representation with the development of a Ministerial Briefing Paper to be presented to the Minister for Emergency Services and Resilience, and Minister for Flood Recovery, the Hon. Stephanie Cooke MP.
3. Receive a future report on the outcome of representations to Local Members.
4. Note that Resilience NSW are developing a Statewide Resilience Strategy and a future report will be prepared for Council to consider the implications of this strategy for Council once this information is published.

RESOLVED (Clr White / Clr Norris)

MIN22.353

That Council:

1. Support and engage in advocating to our Local State Members for Kiama and South Coast for the continuation of funding for the Community Recovery Officer role within Council.
2. Formalise the advocacy representation with the development of a Ministerial Briefing Paper to be presented to the Minister for Emergency Services and Resilience, and Minister for Flood Recovery, the Hon. Stephanie Cooke MP.
3. Receive a future report on the outcome of representations to Local Members.
4. Note that Resilience NSW are developing a Statewide Resilience Strategy and a future report will be prepared for Council to consider the implications of this strategy for Council once this information is published.
5. Send this information to the Federal Government, The Hon Anthony Albanese Prime Minister of Australia, and Ministers (when known) for disaster relief and seek their response.

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

CL22.234 Request for Plaques and Memorials

**HPERM Ref:
D22/187846**

RESOLVED* (Clr Wells / Clr Norris)

MIN22.354

That Council:

1. As per the Plaques and Memorials Policy:
 - a. Approve the request for a new seat and plaque at River Road, Shoalhaven Heads.
 - b. Approve the request for a new seat and plaque at Wooronga Crescent, Merry Beach.
 - c. Approve the request for a new seat and plaque at Seaside Parade, Dolphin Point.
 - d. Approve the request for a new seat and plaque at Lakehaven Drive Bowling Club Reserve, Sussex Inlet
2. Advise the applicants of Council's determination of the requests.

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'.

CL22.235 Acquisition of Sewer Easement - 7 Victa Way Bomaderry - Lot 6 DP 248150 **HPERM Ref: D22/25451**

RESOLVED* (Clr Eil / Clr White) MIN22.355

That Council:

1. Acquire an Easement for Sewerage Purposes 3 metres wide over part of Lot 6 DP 248150, 7 Victa Avenue Bomaderry, as shown highlighted in the attached easement sketch plan;
2. Pay compensation of \$30,000, plus GST if applicable, and reasonable legal costs associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991;
3. Fund all costs associated with the acquisition from Shoalhaven Water's Sewer Fund.
4. Delegate authority to the Chief Executive Officer (Executive Manager Shoalhaven Water) to make minor adjustments to the purchase price, if necessary, in accordance with the settlement figure determined by Council's Solicitor;
5. Authorise the Chief Executive Officer (Executive Manager Shoalhaven Water) to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

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

CL22.236 Danjera Dam Camping Ground & Day Visitors Area - Establishment of a Biodiversity Stewardship Site **HPERM Ref: D22/153745**

Recommendation

That Council:

1. Endorse the establishment of a Biodiversity Stewardship Agreement (*Biodiversity Conservation Act 2016*) on eligible land within Part lots 1, 4, 5 DP 252335 and Lot 1 DP 1256763, at Yalwal, being part of Council owned land adjoining Danjera Dam.
2. Authorise the CEO (Executive Manager - Shoalhaven Water) to sign all necessary documentation to facilitate the establishment of the Stewardship Site.
3. Note the progress of the Danjera Dam camping area project as outlined in this Report.

RESOLVED (Clr Christen / Clr D'Ath) MIN22.356

That Council:

1. Endorse the establishment of a Biodiversity Stewardship Agreement (*Biodiversity Conservation Act 2016*) on eligible land within Part lots 1, 4, 5 DP 252335 and Lot 1 DP 1256763, at Yalwal, being part of Council owned land adjoining Danjera Dam.
2. Authorise the CEO (Executive Manager - Shoalhaven Water) to sign all necessary documentation to facilitate the establishment of the Stewardship Site.
3. Note the progress of the Danjera Dam camping area project as outlined in this Report.
4. Not sell the excess offset credits and retain them for other Council projects.

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

CL22.237 Review of Shoalhaven Water Group Policies - Round Five

HPERM Ref: D22/172948

RESOLVED* (Clr Eil / Clr White)

MIN22.357

That Council reaffirm the following policies with minor changes:

1. Pressure Sewer System - Backlog Sewer Schemes
2. Water and Sewer – Minor Mains Extension

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

CONFIDENTIAL REPORTS

Nil

There being no further business, the meeting concluded, the time being 6.56pm.

Clr Findley
CHAIRPERSON