

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 25 July 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 – left 8.00pm, returned 8.15pm (Remote)
Clr Serena Copley
Clr Paul Ell
Clr Evan Christen
Clr Patricia White
Clr John Wells
Clr Greg Watson – left 5.35pm, returned 5.41pm
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.

Note: The Mayor acknowledged the resignation received from Kate Crowe – Manager – Media & Communications and thanked Ms Crowe for her service to Shoalhaven City Council and her dedication to the Shoalhaven during the Black Summer Fires.

Apologies

Nil

Apologies / Leave of Absence

Note: Clr Watson left the meeting at 5.35pm

RESOLVED (Clr Findley / Clr Gray)

MIN22.456

That the following Leave of Absence be granted for Councillors:

- Clr Butler – Monday 1 August 2022
- Clr Ell – Monday 31 October 2022

Minutes Confirmed Monday 8 August 2022 – Chairperson

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

AGAINST: Nil

CARRIED

Confirmation of the Minutes

RESOLVED (Clr Wells / Clr White) MIN22.457

That the Minutes of the Ordinary Meeting held on Monday 27 June 2022 be confirmed.

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

AGAINST: Nil

CARRIED

Declarations of Interest

Clr Copley – CL22.307 - Proposed Lease Renewals - 35 Holloway Road - 37 Holloway Road - Cottage 2, 80 Park Road - Nowra – less than significant non pecuniary interest declaration – one of the Board Members for Meals on Wheels is a close friend – will remain in the room and will take part in discussion and vote.

Clr Eil – CL22.307 - Proposed Lease Renewals - 35 Holloway Road - 37 Holloway Road - Cottage 2, 80 Park Road - Nowra – less than significant non pecuniary interest declaration – a close friend is a member of the Board of Meals on Wheels one of the Board Members for Meals on Wheels and is the Service Manager – will remain in the room and will take part in discussion and vote.

MAYORAL MINUTE

**MM22.11 Mayoral Minute - Condolence Motion - Clr Peter Woods
OAM Former Local Government Association President**

**HPERM Ref:
D22/277808**

Recommendation

That Shoalhaven City Council notes the passing of former Local Government Association President Clr Peter Woods OAM on 9 June 2022, acknowledging his contribution to Local Government.

RESOLVED (Clr Findley / Clr Eil) MIN22.458

That Shoalhaven City Council notes the passing of former Local Government Association President Clr Peter Woods OAM on 9 June 2022, acknowledging his contribution to Local Government.

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

AGAINST: Nil

CARRIED

**MM22.12 Mayoral Minute - 2022 Local Roads Congress
Communique**

**HPERM Ref:
D22/293648**

Recommendation

That Council;

1. Endorse the 2022 Local Roads Congress Communique and
2. Receive a briefing from the Chief Executive Officer on measures Council can take to address the skills shortages issues outlined in the Communique.

Note: Clr Watson returned to the meeting at 5.41pm

RESOLVED (Clr Findley / Clr White)

MIN22.459

That Council:

1. Endorse the 2022 Local Roads Congress Communique; and
2. Receive a briefing from the Chief Executive Officer on measures Council can take to address the skills shortages issues outlined in the Communique.

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

Introduction of Items as Matters of Urgency

RESOLVED (Clr Findley / Clr Butler)

MIN22.460

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

1. CL22.278 Transport for NSW Acquisition - Jervis Bay Road Intersection

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

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

**CL22.278 Transport for NSW Acquisition - Jervis Bay Road
Intersection**

**HPERM Ref:
D22/69271**

Recommendation

That Council:

1. Authorise the acquisition by agreement with TfNSW for Lots 35, 36 & 37 DP1088614, Lot 38 DP24409, Lot 1 DP15507 and Lot 1 DP578303 as shown in Attachment 1 (D22/67913) for compensation of \$725,000 plus GST if applicable, (seven hundred and twenty-five thousand dollars) in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;

2. Authorise all proceeds of the acquisition to be allocated to the Property Reserve with \$700,000 being allocated the Property Reserve – General and \$25,000 being allocated to the Property Reserve – Roads.
3. Authorise the Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation as required.

MOTION (Clr Findley / Clr Butler)

That Council Authorise:

1. The acquisition by agreement with TfNSW for Lots 35, 36 & 37 DP1088614, Lot 38 DP24409, Lot 1 DP15507 and Lot 1 DP578303 as shown in Attachment 1 (D22/67913) for compensation of \$725,000 plus GST if applicable, (seven hundred and twenty-five thousand dollars) in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;
2. All proceeds of the acquisition to be allocated to the Property Reserve with \$700,000 being allocated the Property Reserve – General and \$25,000 being allocated to the Property Reserve – Roads.
3. The Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation as required.

AMENDMENT (Clr Eil / Clr Watson)

That Council:

1. Authorise the acquisition by agreement with TfNSW for Lots 35, 36 & 37 DP1088614, Lot 38 DP24409, Lot 1 DP15507 and Lot 1 DP578303 as shown in Attachment 1 (D22/67913) for compensation of \$725,000 plus GST if applicable, (seven hundred and twenty-five thousand dollars) in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;
2. Authorise all proceeds of the acquisition to be allocated to the Property Reserve with \$700,000 being allocated the Property Reserve – General and \$25,000 being allocated to the Property Reserve – Roads.
3. Authorise the Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation as required.
4. Note the previous resolution to defer to a Clr Briefing (See MIN22.438) and adopt the position that any briefing on a State or Federal funded project by a Government Agency that the Local State or Federal members be invited to the Briefing.

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

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

AMENDMENT LOST

RESOLVED (Clr Findley / Clr Butler)

MIN22.461

That Council Authorise:

1. The acquisition by agreement with TfNSW for Lots 35, 36 & 37 DP1088614, Lot 38 DP24409, Lot 1 DP15507 and Lot 1 DP578303 as shown in Attachment 1 (D22/67913) for compensation of \$725,000 plus GST if applicable, (seven hundred and twenty-five thousand dollars) in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;

2. All proceeds of the acquisition to be allocated to the Property Reserve with \$700,000 being allocated the Property Reserve – General and \$25,000 being allocated to the Property Reserve – Roads.
3. The Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation as required.

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

CL22.173 - Further Report - Post Exhibition and Finalisation – Shoalhaven DCP 2014 Amendment No. 39 – Coastal Amendment (page 47)

Mr Dennis O'Regan addressed the meeting to speak against the recommendation.

CL22.303 - Strategic Planning Works Program - Proposed 2022-2023 Version

Mr Stuart Coughlan addressed the meeting to speak against the Recommendation.

CL22.314 – Development Application - 32 & 36 Yarrowonga Dr Mollymook Beach - Lot 211 DP 1043758 & Lot 304 DP 1234415 (page 133)

Mr Adrian O'Leary (representing residents of surrounding streets) addressed the meeting to speak against the recommendation.

CL22.315 - Development Application - DA22/1281 - 13 The Bastion Manyana - Lot 871 DP 263106 (page 150)

Mr Gerry McCarthy (application made by Luke Bastock (Red Head Villagers Association)) addressed the meeting to speak against the recommendation.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Eil / Clr Butler)

MIN22.462

That the following matters be brought forward for consideration and be dealt with following the Call Over of the Business Paper:

- CL22.173 - Further Report - Post Exhibition and Finalisation – Shoalhaven DCP 2014 Amendment No. 39 – Coastal Amendment
- CL22.303 - Strategic Planning Works Program - Proposed 2022-2023 Version
- CL22.314 - Development Application - 32 & 36 Yarrowonga Dr Mollymook Beach - Lot 211 DP 1043758 & Lot 304 DP 1234415
- CL22.315 - Development Application - DA22/1281 - 13 The Bastion Manyana - Lot 871 DP 263106

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 - Debate

RESOLVED (Clr Wells / Clr White)

MIN22.463

The following items were called out for debate:

- CL22.173 - Further Report - Post Exhibition and Finalisation – Shoalhaven DCP 2014 Amendment No. 39 – Coastal Amendment
- CL22.298 - Annual Shoalhaven Australia Day Awards
- CL22.301 - LGNSW Annual Conference - 23-25 October 2022 - Voting Delegates and Motions
- CL22.303 - Strategic Planning Works Program - Proposed 2022-2023 Version
- CL22.307 - Proposed Lease Renewals - 35 Holloway Road - 37 Holloway Road - Cottage 2, 80 Park Road – Nowra
- CL22.309 - Draft Adaptation Plan
- CL22.314 - Development Application - 32 & 36 Yarrawonga Dr Mollymook Beach - Lot 211 DP 1043758 & Lot 304 DP 1234415
- CL22.315 - Development Application - DA22/1281 - 13 The Bastion Manyana - Lot 871 DP 263106
- CL22.318 – Notice of Motion – Extension of 2021/22 Household Waste & Green Waste Vouchers
- CL22.319 – Notice of Motion – Proposed Tree Planting in Progress Park, Callala Bay
- CL22.320 – Notice of Motion – Asset AI Trial for Detecting Road Damage
- CL22.321 – Notice of Motion – Waive of Hire Fees Nowra Showground – Aboriginal Children in Care Keeping Kin Connected

The remaining items were resolved en bloc at this time. They are 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

CL22.173 Further Report - 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.

Minutes Confirmed Monday 8 August 2022 – Chairperson

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 Christen / Clr Gray)

MIN22.464

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.

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

Against: Clr Ell

CARRIED

CL22.303 Strategic Planning Works Program - Proposed 2022-2023 Version

**HPERM Ref:
D22/148523**

Note: A Deputation was received on this item.

Recommendation

That Council:

1. Adopt **Attachment 2** as Council's Strategic Planning Works Program for 2022-2023.
2. Make future changes or additions to the Strategic Planning Works Program only after considering the current program and project priority as shown within the Strategic Planning Works Program in **Attachment 2**.
3. Discuss in a separate and dedicated workshop/s, the need for a new land use planning strategy and schemes (Local Environmental Plan, Development Control Plan and Infrastructure Planning) for the City and to consider the ways this could be undertaken and delivered in a timely manner.

RESOLVED (Clr White / Clr Wells)

MIN22.465

That Council:

1. Receive the report for information.
2. Defer to the Strategic Planning Working Party to discuss and consider the Planning Instruments for the City and appropriate SPWP for term of Council;
3. Directs the CEO (or nominee) to consider the ways this could be undertaken and delivered in a timely manner;
4. Continue working under the current SPWP until outcomes of the Working Party are 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

**CL22.314 Development Application - 32 & 36 Yarrawonga Dr
Mollymook Beach - Lot 211 DP 1043758 & Lot 304 DP
1234415**

**HPERM Ref:
D22/142873**

Note: A Deputation was received on this item.

Recommendation

That the:

1. Development Application DA21/2359 to construct a two storey attached dual occupancy and Torrens title subdivision at Lot 211 DP 1043758, 32 Yarrawonga Dr, Mollymook Beach be approved subject to the conditions contained in Attachment 3 of this report.
2. Development Application DA21/2348 to construct a two storey attached dual occupancy and Torrens title subdivision at Lot 304 DP 1234415 36 Yarrawonga Dr, Mollymook Beach be approved subject to the conditions contained in Attachment 4 of this report.

RESOLVED (Clr White / Clr Butler)

MIN22.466

That in relation to Development Applications DA21/2359 and DA21/2348 to construct a two storey attached dual occupancy and Torrens title subdivisions, the matter be deferred to a Clr 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

**CL22.315 Development Application - DA22/1281 - 13 The Bastion
Manyana - Lot 871 DP 263106**

**HPERM Ref:
D22/237832**

Note: A Deputation was received on this item.

Recommendation

That Development Application DA22/1281 to construct a two-storey attached dual occupancy at Lot 871 DP 263106, 13 The Bastion, Manyana be approved subject to the conditions contained in Attachment 2 of this report.

RESOLVED (Clr White / Clr Butler)

MIN22.467

That Council refuse Development Application DA22/1281 to construct a two-storey attached dual occupancy at Lot 871 DP263106, 13 The Bastion Manyana due to:

1. The Development not being in the public interest
2. Lack of compatibility with the local character and amenity and/or will result in an unreasonable impact on the established or future character of the villages.

3. The architectural design of the building would not be in harmony with the established character of the village, including that the limited number of other dual occupancy are of single story dwellings in nature.

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 NOWRA CBD REVITALISATION STRATEGY COMMITTEE - 5 JULY 2022

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

CBD22.24 CBD Maintenance Strategy

HPERM Ref:
D22/248058

RESOLVED* (Clr Wells / Clr White)

MIN22.468

That Council authorise the expenditure of up to \$300,000 (Option 1) from the Nowra CBD Revitalisation Committees Capital Allocation in 2022/2023 to daily and weekly maintenance activities aimed at revitalising the CBD via an enhanced and tidy presentation.

Noting that:

1. Expenditure is estimated to be made as follows:
 - a. Crew of three people full-time
9-day fortnight
Monday - Friday 5am-2pm
Monday - Thursday 5am-1:30pm
45 weeks over 12 months (no backfill when on leave)
Overtime to service planned events etc in the CBD will be charged on an as needs basis determined by the Committee.
 - b. Ute (not capital purchase)
 - c. Pressure washing unit & materials (as required)
2. The Committee will undertake bi-monthly walk arounds to monitor the impact of the maintenance effort and may decide (via Committee resolution) to terminate this arrangement any time before the end of the financial year.
3. This arrangement does not cover the cost of callouts (ie unplanned overtime), the General Fund will still cover these costs.

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

CL22.298 Annual Shoalhaven Australia Day Awards

HPERM Ref:
D22/150964

Recommendation

That Council

1. Acknowledges the reduction in participation in nominations for the Annual Shoalhaven Australia Day Awards as outlined in the report.
2. Not proceed with the 2023 Australia Day Awards to allow consideration of alternative options for the awards.
3. Receive a report outlining possible changes to the awards which addresses the identified need to promote outstanding individuals and groups who have contributed to the Shoalhaven which align with community expectations and values.

RESOLVED (Clr Christen / Clr Eil)

MIN22.469

That Council:

1. Acknowledges the reduction in participation in nominations for the Annual Shoalhaven Australia Day Awards as outlined in the report.
2. Proceed with the 2023 Australia Day Awards as previously planned for past years.
3. Receive a report outlining possible changes to the awards in early 2023 for the 2024 Awards which addresses the identified need to promote outstanding individuals and groups who have contributed to the Shoalhaven which align with community expectations and values.
4. Be provided a briefing to discuss the Communications Plan for the Awards.

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

CL22.299 Appointment of Audit Risk and Improvement Committee (ARIC) Chair and Extension of ARIC Membership

HPERM Ref:
D22/268623

RESOLVED* (Clr Wells / Clr White)

MIN22.470

That Council:

1. Endorse the appointment of Peter McLean as the ARIC Chairperson for another year.
2. Approve the extension of Donna Rygate's membership on Council's ARIC for a further four (4) years.

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

CL22.300 Ongoing Register of Pecuniary Interest Returns - June 2022

**HPERM Ref:
D22/276846**

RESOLVED* (Clr Wells / Clr White)

MIN22.471

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

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

CL22.301 LGNSW Annual Conference - 23-25 October 2022 - Voting Delegates and Motions

**HPERM Ref:
D22/281727**

Recommendation

That:

1. Council approve attendance by all interested Councillors at the 2022 LGNSW Annual Conference to be held at Crowne Plaza Hunter Valley from Sunday 23 October 2022 to Tuesday 25 October 2022, and such attendance be deemed as Council business.
2. Registration fees be met in accordance with Council's adopted policy.
3. Council confirm one of the voting delegates at the 2022 LGNSW Annual Conference to be the Mayor.
4. Council determines the other four (4) Councillors to attend the conference as Council's voting delegates as follows:
 - a.
 - b.
 - c.
 - d.
5. That a Councillor Briefing be held in early August 2022 for the Council to formulate motions for submission to the conference.

RESOLVED (Clr Findley / Clr Butler)

MIN22.472

That:

1. Council approve attendance by all interested Councillors at the 2022 LGNSW Annual Conference to be held at Crowne Plaza Hunter Valley from Sunday 23 October 2022 to Tuesday 25 October 2022, and such attendance be deemed as Council business.
2. Registration fees be met in accordance with Council's adopted policy.
3. Council confirm one of the voting delegates at the 2022 LGNSW Annual Conference to be the Mayor.
4. Council determines the other four (4) Councillors to attend the conference as Council's voting delegates as follows:
 - a. Clr Butler – Deputy Mayor
 - b. Clr Wells
 - c. Clr Christen

d. Clr Norris

5. That a Councillor Briefing be held in early August 2022 for the Council to formulate motions for submission to the conference.

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

CL22.302 Investment Report - June 2022

**HPERM Ref:
D22/282426**

RESOLVED* (Clr Wells / Clr White)

MIN22.473

That Council:

1. Receive the Record of Investments for the period to 30 June 2022.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 1.04% per annum for the month of June 2022, exceeding the benchmark AusBond Bank Bill Index (0.61% pa) by 43 basis points (0.43%).
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

CL22.303 Strategic Planning Works Program - Proposed 2022-2023 Version

**HPERM REF:
D22/148523**

Item dealt with earlier in the meeting see MIN22.465

CL22.173 Further Report - Post Exhibition And Finalisation – Shoalhaven DCP 2014 Amendment No. 39 – Coastal Amendment

**HPERM REF:
D22/97336**

Item dealt with earlier in the meeting see MIN22.464

CL22.304 Proposed Works in Kind Agreement - Road Infrastructure Construction - Ballina Street and Commercial Road, South Nowra

**HPERM Ref:
D22/252241**

RESOLVED* (Clr Wells / Clr White)

MIN22.474

That Council:

1. Provide in-principle support to finalise negotiations and enter into a Works in Kind Agreement (WIKa) with the owner/developer of Lot 162 in DP1211301 for the construction of road infrastructure, as outlined in this report, except where further negotiations result in substantial changes to the proposal, in which case Council will receive a further report prior to proceeding.

2. Delegate authority to Council's Chief Executive Officer, or his delegate, to prepare and enter into the WIKA following final negotiations.
3. Endorse the allocation of deleted funds from Planning Area 1 to cover any shortfall in available funds that may occur relating to the construction of the road infrastructure, following the procurement of independent costings. If there is not enough in the Planning Area 1 deleted funds budget to cover any shortfall, the remaining shortfall is to be covered by the developer upfront and reimbursed back to the developer as contributions are received over time for 01ROAD3104, to the value of the difference.
4. Review the long-term viability of the 01ROAD3104 and 01ROAD3105 road project in due course, and the matter be reported back to Council as appropriate.
5. Notify the owner/developer of 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

CL22.305 Proposed Works in Kind Agreement - Construction of Road and Drainage Infrastructure - East Crescent, Culburra Beach

**HPERM Ref:
D22/265808**

RESOLVED* (Clr Wells / Clr White)

MIN22.475

That Council:

1. Provide in-principle support to finalise negotiations and enter into a Works in Kind Agreement (WIKA) with the owner/developers of Lot 327 DP 11892; 14 East Crescent, Culburra Beach, for the construction of road and drainage infrastructure, as outlined in this report, except where further negotiations result in substantial changes to the proposal, in which case Council will receive a further report prior to proceeding.
2. Delegate authority to Council's Chief Executive Officer, or his delegate, to prepare and enter into the WIKA following final negotiations.
3. Endorse the allocation of 02ROAD0011 collected funds and deleted funds from Planning Area 2, if needed, to cover any shortfall in available funds that may occur following the procurement of independent costings. If there is not enough in the collected or Planning Area 2 deleted funds budget to cover any shortfall, the remaining shortfall is to be covered by the developer upfront and reimbursed back to the developer as contributions are received over time for 02ROAD0011, to the value of the difference.
4. Notify the owner/developer of 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

CL22.306 Proposed Access Licence - Southern Cross Community Housing Ltd - Lots 71 and 72, DP 734576 known as 8 Lawrence Ave and 67 Kinghorne St, Nowra

**HPERM Ref:
D22/60068**

RESOLVED* (Clr Wells / Clr White)

MIN22.476

That Council:

1. Enters into a five (5) year licence with a five (5) year option over Council land being Lot 71 DP 734576, 8 Lawrence Avenue Nowra and Lot 72 DP 734576, 67 Kinghorne St Nowra, to Southern Cross Community Housing Ltd for annual rent of \$2,900 (two thousand and nine hundred dollars) plus GST if applicable, with annual rent increases of 3%.
2. Authorises the Common Seal of the Council of the City of Shoalhaven to be affixed to any document required to be sealed and delegate to the Chief Executive Officer authority to sign any documentation necessary to give effect to this resolution.

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

CL22.307 Proposed Lease Renewals - 35 Holloway Road - 37 Holloway Road - Cottage 2, 80 Park Road - Nowra

**HPERM Ref:
D22/144918**

Clr Copley – less than significant non pecuniary interest declaration – one of the Board Members for Meals on Wheels is a close friend – remained in the room and took part in discussion and voted.

Clr Eil – less than significant non pecuniary interest declaration – a close friend is a member of the Board of Meals on Wheels one of the Board Members for Meals on Wheels and is the Service Manager – remained in the room and took part in discussion and voted.

Recommendation

That Council:

1. Note the property strategy for this site (Lot 2 DP708441 35 Holloway Road, 37 Holloway Road and Cottage 2, 80 Park Road Nowra) is to retain the existing tenants, finalise four lease renewals and align the lease expiry dates to 30 June 2026 and improve the condition of the buildings by allocating additional funds to the Operational and Capital budgets during the five-year lease term.
2. Approve the lease renewals at 37 Holloway Road and Cottage 2, 80 Park Road Nowra for a period of approximately five years expiring 30 April 2026 to the following community tenants:
 - Northern Shoalhaven Zone Meals on Wheels
Suite 1, Building 3 37 Holloway Road Nowra
Subsidised Rental \$1,056.00 per annum
Fixed 3.5% increases
 - Interchange Australia Pty Limited
Suite 2, 37 Holloway Road Nowra
Subsidised Rental \$1,754.00 per annum
Fixed 3.5% increases
 - Shoalhaven Neighbourhood Services Inc
Cottage 2, 80 Park Road Nowra

Subsidised Rental \$2,300.13 per annum
Fixed 3.5% increases

3. Authorise the Chief Executive Officer to execute relevant documentation for the lease of Building 1, 35 Holloway Road Nowra for approximately five years expiring 30 June 2026 to Australian Unity Homecare Service Pty Ltd at full market rental of \$39,187 per annum (No Subsidy as consistent with MIN22.436)
4. The estimated total cost to Council for this arrangement over five years is \$153,097 (today's dollars), the key components being:
 - Rental income of \$188,829 over the lease term. Note \$44,297 per annum.
 - A total rental subsidy of \$52,208 per annum or \$261,015 over the lease term
 - A total operational budget of \$36,950 per annum or \$177,076 over the lease term for non-recoverable costs and reactive/scheduled maintenance and repairs will be required in the 2022/23 FY and beyond.
 - A capital budget of \$164,850 for building works comprising of replacement flooring and external painting which is required in the 23/24 FY and beyond. This equates to an annual average expense of \$32,970.

RESOLVED (Clr Wells / Clr Butler)

MIN22.477

That Council:

1. Note the property strategy for this site (Lot 2 DP708441 35 Holloway Road, 37 Holloway Road and Cottage 2, 80 Park Road Nowra) is to retain the existing tenants, finalise four lease renewals and align the lease expiry dates to 30 June 2026 and improve the condition of the buildings by allocating additional funds to the Operational and Capital budgets during the five-year lease term.
2. Approve the lease renewals at 37 Holloway Road and Cottage 2, 80 Park Road Nowra for a period of approximately five years expiring 30 April 2026 to the following community tenants:
 - Northern Shoalhaven Zone Meals on Wheels
Suite 1, Building 3 37 Holloway Road Nowra
Subsidised Rental \$1,056.00 per annum
Fixed 3.5% increases
 - Interchange Australia Pty Limited
Suite 2, 37 Holloway Road Nowra
Subsidised Rental \$1,754.00 per annum
Fixed 3.5% increases
 - Shoalhaven Neighbourhood Services Inc
Cottage 2, 80 Park Road Nowra
Subsidised Rental \$2,300.13 per annum
Fixed 3.5% increases
3. Authorise the Chief Executive Officer to execute relevant documentation for the lease of Building 1, 35 Holloway Road Nowra for approximately five years expiring 30 June 2026 to Australian Unity Homecare Service Pty Ltd at full market rental of \$39,187 per annum (No Subsidy as consistent with MIN22.436)
4. The estimated total cost to Council for this arrangement over five years is \$153,097 (today's dollars), the key components being:
 - Rental income of \$188,829 over the lease term. Note \$44,297 per annum.
 - A total rental subsidy of \$52,208 per annum or \$261,015 over the lease term

- A total operational budget of \$36,950 per annum or \$177,076 over the lease term for non-recoverable costs and reactive/scheduled maintenance and repairs will be required in the 2022/23 FY and beyond.
- A capital budget of \$164,850 for building works comprising of replacement flooring and external painting which is required in the 23/24 FY and beyond. This equates to an annual average expense of \$32,970.

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

CL22.308 Parkcare Action Plans - Riviera Keys (Cater) Island Reserve / Shoalhaven Heads Lions / Vigilant Morris Street Reserve

**HPERM Ref:
D22/224196**

RESOLVED* (Clr Wells / Clr White)

MIN22.478

That Council:

1. Endorse the updated "Parkcare" Plans for
 - a. Riviera Keys (Cater) Island – Sussex Inlet (Updated)
 - b. Shoalhaven Heads Lions – Shoalhaven Heads (Updated)
 - c. Vigilant/Morris Street Reserve – Ulladulla (Updated)
2. Continue to allocate ongoing annual operating funding of \$400 (GST exclusive and CPI adjusted) for each Parkcare Group, totalling \$1,200 to cover safety PPE, miscellaneous materials, waste disposal and purchase minor tools.

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

CL22.309 Draft Adaptation Plan

**HPERM Ref:
D22/251122**

Recommendation

That Council adopt the Draft Adaptation Plan (Attachment 1) as presented, noting that it:

1. Has been prepared in line with the advice of the Department of Planning, Industry and Environment 'Climate Risk Ready NSW' guide.
2. Will act as a corporate reference point for preparation of Council's annual Delivery Program and Operational Plan
3. Draws on national and international leading practice in climate risk management, and industry and government experience, and is aligned to ISO 31000:2018 Risk Management – Guidelines, and NSW Treasury Internal Audit and Risk Management Policy.
4. Will be reviewed and updated every 5 years to ensure Council's adaptation responses remain valid and relevant to local priorities and climatic conditions, with an updated Climate Change Risk Assessment to be completed in 2027.

RESOLVED (Clr Gray / Clr Christen)

MIN22.479

That Council adopt the Draft Adaptation Plan (Attachment 1) as presented, noting that it:

1. Has been prepared in line with the advice of the Department of Planning, Industry and Environment 'Climate Risk Ready NSW' guide.
2. Will act as a corporate reference point for preparation of Council's annual Delivery Program and Operational Plan
3. Draws upon and implements national and international leading practice in climate risk management, and industry and government experience, and is aligned to ISO 31000:2018 Risk Management – Guidelines, and NSW Treasury Internal Audit and Risk Management Policy.
4. Will be reviewed and updated every 3 years to ensure Council's adaptation responses remain valid and relevant to local priorities and climatic conditions, with an updated Climate Change Risk Assessment to be completed in 2025.
5. Will receive progress updates on the Draft Adaptation Plan as part of the Quarterly DPOP update reports.

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

CL22.310 Land Acquisition - 400B Coolangatta Road Berry

**HPERM Ref:
D22/96597**

RESOLVED* (Clr Wells / Clr White)

MIN22.480

That Council:

1. Enter into the partial acquisition by agreement with the landowners of Lot 2 DP 706495, known as 400B Coolangatta Road, Berry, as shown in Attachment 1 for compensation in the amount of Five Thousand Dollars (\$5,000) in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
2. Should Acquisition by Agreement breakdown, then Council:
 - a. Approves the acquisition of land by Compulsory Process of part Lot 2 DP 706495, known as 400B Coolangatta Road, Berry, as shown in Attachment 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
 - b. Continue negotiations with the landowner up to and following the issue of Proposed Acquisition Notice (PAN) in an effort to reach agreement.
 - c. Approve the making of the necessary application to the Minister for Local Government and the Governor for Compulsory Acquisition.
3. Fund all costs associated with the acquisition of Item 1 or Item 2, from WSN Local Road Construction Drains - Work Order M0000015.
4. Delegate authority to the Chief Executive Officer 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 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.

6. Upon acquisition of the land, authorise by notice in the Government Gazette, the dedication of proposed Lot 21 as Public Road (widening) in accordance with Section 10 of the Roads Act 1993.

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

CL22.311 Acquisition - Part 28 St Vincent Street Ulladulla

**HPERM Ref:
D22/302826**

RESOLVED* (Clr Wells / Clr White)

MIN22.481

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 Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL22.312 Trade Works & Services Provision - Panel Contract - Preferred Supplier Panel

**HPERM Ref:
D22/127916**

RESOLVED* (Clr Wells / Clr White)

MIN22.482

That:

1. Council appoints the following suppliers and trades to the zones noted onto the Preferred Supplier Panel commencing immediately upon the execution of the Panel Deeds for a period of two years.

Supplier Name	Trade	Zone / Area		
		Shoalhaven Northern	Shoalhaven Central	Shoalhaven Southern
Absolute Plumbing	Plumbing	x	x	
AJ Grant Group	multiple	x	x	x
Allstate Asbestos & Demolition Pty Ltd	Build / Roofing	x	x	x
Alpine Glass P/L	Glazing	x	x	x
ARA Electrical High Voltage Services Pty Ltd	Electrical	x	x	x
Aus Spark Electrics Pty Ltd	Electrical	x	x	x
AWS Services Vic Pty Ltd	multiple	x		
Batmac Constructions Pty Ltd	Building	x	x	x
Blue Chip Building Solutions	multiple			x
Brian Hayward Electrical	Electrical	x	x	
City Coast Services Pty Ltd	multiple	x	x	x
Climax Air Conditioning Pty Ltd	Air Conditioning	x	x	x
Country 2 Coast Maintenance	Painting	x	x	x
Diverse Civil Contracting	Concreting	x	x	x
Ecodynamics Landscaping	Landscaping	x	x	x

Edwards, Mark T/a C&M Fencing	Fencing	x	x	
Encat Metal & Civil	Fencing	x	x	x
FAW Electrical Pty Ltd	Electrical	x	x	
Flavells Plumbing	Plumbing	x		
Fowlers Plumbing Services Pty Ltd	Roofing & Plumbing	x	x	x
Fulton Hogan Pty Ltd	multiple	x	x	x
G Quinn Pty Ltd T/a Kiama Electrical Services	Air Conditioning & Electrical	x	x	
Guise Family Trust T/a Ben Guise Electrical	Electrical		x	x
Harbourside Landscapes	Landscaping		x	x
Hiflow Industries Pty Ltd	Air Conditioning	x		
Hitec Electrical Contracting	Electrical	x	x	
Ian & Brigitte Smith	Tiling Wall & Floor	x	x	x
Ian Greenhagh Construction Pty Ltd Southern Zone for both	Building & Concreting			x
Ian Jorgenson Electrical & Data Pty Ltd T/a IJE&D Pty Ltd	Electrical	x	x	x
Innovate Air and Electrical	Air Conditioning & Electrical	x	x	x
Inter Chillers Pty Ltd	Air Conditioning	x	x	x
Ison Plumbing P/L	Plumbing	x	x	
J & S Wearne	Multiple	x	x	x
Jamie Mennie Construction Pty Ltd	Building & Concreting	x	x	x
Jervis Bay Installations	Electrical		x	
Jim Freeman Plumbing Pty Ltd	Poly Weld & Plumbing	x	x	
John Hills Signs Pty Ltd	Signwriting	x	x	x
Knowles Constructions	Building/Carpentry & Concreting	x	x	x
Laneyrie	Electrical	x	x	x
Lifestyle Plumbers Pty Ltd	Plumbing	x	x	x
Mark Smith Plumbing P/L T/a Accredited Plumbing	Plumbing		x	x
Matt Stewart Building	Building			x
MCM Kitchens and Joinery	Joinery/Cabinet	x	x	x
Northern Fencing Specialists Pty Ltd	Fencing	x	x	x
Nowra Emergency Plumbing	Plumbing	x	x	
Opus Contracting	Painting	x	x	x
P & S Building & Construction Pty Ltd	Multiple			
Parrish Plumbing Pty Ltd	Roofing & Plumbing	x	x	x
Pascall Group Pty Ltd	Plumbing	x	x	x
PD & JD Taylor T/A Protective Fencing Services	Fencing	x	x	x
Pearce & Percy Constructions Pty Ltd	Joinery / Building	x	x	x
Perspective Carpentry and Constructions Pty Ltd	Electrical / Building / Concreting	x	x	x

Pipeguy Plumbing Services	Plumbing			x
Planet Civil Pty Ltd	Concreting	x	x	
Qes Electrical Contracting Pty Ltd	Electrical	x	x	x
R&K Refrigeration & Air Conditioning	Air Conditioning	x	x	x
Relyon Constructions Pty Ltd	Building/Carpentry	x		
S&N Watson Plumbing Services Pty Ltd	Roofing & Plumbing	x	x	x
Shoalhaven Under Road Boring Pty Ltd	Under Road/Boring	x	x	x
Simmark	Air Conditioning / Electrical	x	x	x
South Coast Refrigeration & Air Con	Air Conditioning		x	
Southern Infrastructure and Hire Pty Ltd	Under Road / Poly Pipe / Concreting	x	x	x
Specialized Fencing Solutions Pty Ltd	Building & Fencing	x	x	
Stowe Australia	Electrical	x	x	x
SW & SM Reskelly T/a N&S Construction	Building	x	x	x
Trust Plumbing & Consultancy	Plumbing	x	x	x
Vogue Landscapes	multiply	x	x	x
Wade Henry Electrical	Electrical			x
Walkers Electrical Solutions Pty Ltd	Electrical	x	x	x
Wellco Developments Pty Ltd	Building & Concreting	x	x	x
Whittle Construction	Building		x	x
Wilson Hirst Carpentry Building & Maintenance Pty Ltd	Multiple	x	x	x
Evolve Electrical & Design Pty Ltd	Electrical	x	x	x
South Coast Refrigeration & Air Con.	Air Conditioning		x	
New Image Kitchens	Joinery/Cabinet Making	x	x	x
Ian Greenhaigh Construction Pty Ltd	Building - Concreting			x
Dezzine Kitchens	Joinery/Cabinet Making			x
Colour sensations Painting and decorating	Painting	x		

2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the relevant Group Director.

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

CL22.313 Tenders – Pre-mixed Concrete Supply & Delivery Panel - Illawarra Shoalhaven Joint Organisation (ISJO) Joint Tender

**HPERM Ref:
D22/230091**

RESOLVED* (Clr Wells / Clr White)

MIN22.483

That:

1. Council endorses the creation of a Pre-mixed Concrete Supply & Delivery Panel
2. Council endorses the recommendation of the Tender Evaluation Panel and appoints three suppliers to the Pre-mixed Concrete Supply & Delivery Panel for the next five years:
 - Cleary Bros (Bombo) Pty Ltd.
 - T & M Lynch Pty Ltd T/A Eziway Concrete.
 - Hanson Construction Materials.

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

CL22.314 Development Application - 32 & 36 Yarrowonga Dr Mollymook Beach - Lot 211 DP 1043758 & Lot 304 DP 1234415

**HPERM REF:
D22/142873**

Item dealt with earlier in the meeting see MIN22.466

CL22.315 Development Application - DA22/1281 - 13 The Bastion Manyana - Lot 871 DP 263106

**HPERM REF:
D22/237832**

Item dealt with earlier in the meeting see MIN22.467

CL22.316 Variations to Development Standards - June Quarter 2022

**HPERM Ref:
D22/282258**

RESOLVED* (Clr Wells / Clr White)

MIN22.484

That Council receive the Variations to Development Standards – June Quarter Report 2022 for information.

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

**CL22.317 Easement Acquisition - Sewer and Water Purposes - Lot
122 DP 3060, Moss Vale Road Cambewarra**

**HPERM Ref:
D22/189666**

RESOLVED* (Clr Wells / Clr White)

MIN22.485

That Council:

1. Acquire an easement for sewer purposes, marked (S1) on attached survey plan, 5m wide with a total area of 2,525.4m², from Mr Colin J Taylor, Mr Graham R Taylor & Ms Barbara M Featonby, by agreement for \$60,000 (sixty thousand dollars) plus GST if applicable, for sewer requirements for the Moss Vale Road Urban Release Area, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
2. Acquire an easement for water supply purposes, marked (W1) on attached survey plan, 5m wide with a total area of 4,225.8m², from Mr Colin J Taylor, Mr Graham R Taylor & Ms Barbara M Featonby, by agreement for \$10,000 (ten thousand dollars) plus GST if applicable, for water requirements for the Moss Vale Road Urban Release Area in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
3. Fund all costs for acquisition of sewer easement from Work Finance Number 101037; and fund all costs for acquisition of water supply easement from Work Finance Number 101038 - Moss Vale Road expansion.
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. Affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed, otherwise, the Chief Executive Officer (Executive Manager Shoalhaven Water) is authorised to sign any documentation necessary to give effect to this resolution.

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

NOTICES OF MOTION / QUESTIONS ON NOTICE

Note: Clr D'Ath left the meeting at 8.00pm

**CL22.318 Notice of Motion - Extension of 2021/22 Household
Waste & Green Waste Vouchers**

**HPERM Ref:
D22/299187**

Recommendation

That Council:

1. Extends the expiration date of unused Household Waste Disposal Vouchers and Garden Waste Disposal vouchers issued with annual rates notices in the 2021/2022 financial year until 31 December 2022 - noting that Council will not be re-issuing any unused 2021/22 vouchers.
2. Confirms that the one-off extension of any unused 2021/2022 vouchers is in addition to the 2022/2023 vouchers which will be issued to property owners in the usual way as part of this year's annual rates notices.
3. Directs the CEO to communicate this resolution to the community via social media and other appropriate channels.

MOTION (Clr Eil / Clr Copley)

MIN22.486

That Council:

1. Extends the expiration date of unused Household Waste Disposal Vouchers and Garden Waste Disposal vouchers issued with annual rates notices in the 2021/2022 financial year until 31 December 2022 - noting that Council will not be re-issuing any unused 2021/22 vouchers.
2. Confirms that the one-off extension of any unused 2021/2022 vouchers is in addition to the 2022/2023 vouchers which will be issued to property owners in the usual way as part of this year's annual rates notices.
3. Directs the CEO to communicate this resolution to the community via social media and other appropriate channels.

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

AGAINST: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr Christen, Clr White, Clr Wells and Clr Gray

LOST

**CL22.319 Notice of Motion - Proposed Tree Planting in Progress
Park, Callala Bay**

**HPERM Ref:
D22/299232**

Recommendation

That Council:

1. Resolves to halt the planting of any Eucalyptus Pilularis (Blackbutt) trees in Progress Park, Callala Bay.
2. Instructs the CEO to investigate the concerns raised by residents about the potential danger to lives and property posed by these trees.
3. Directs the CEO to prepare a report summarising this investigation and a recommendation for Councillors to determine what trees will be planted in this location. The report is also to include options for shorter growing trees which can be planted in this location as an alternative to Eucalyptus Pilularis (Blackbutt) trees.

MOTION (Clr Eil / Clr Copley)

That Council:

1. Resolves to halt the planting of any Eucalyptus Pilularis (Blackbutt) trees in Progress Park, Callala Bay.
2. Instructs the CEO to investigate the concerns raised by residents about the potential danger to lives and property posed by these trees.
3. Directs the CEO to prepare a report summarising this investigation and a recommendation for Councillors to determine what trees will be planted in this location. The report is also to include options for shorter growing trees which can be planted in this location as an alternative to Eucalyptus Pilularis (Blackbutt) trees.

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

AGAINST: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr Christen, Clr White, Clr Wells and Clr Gray

MOTION LOST

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

MIN22.487

That Council:

1. Receive the report for information
2. Continue to implement the operational plan for tree planting and bank erosion for Progress Park at Callala Bay.

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

AGAINST: Clr Copley, Clr Eil, Clr Watson and Clr Kitchener

CARRIED

CL22.320 Notice of Motion - Asset AI Trial for Detecting Road Damage

**HPERM Ref:
D22/299307**

Note: Clr D'Ath returned to the meeting at 815pm

Recommendation

That Council:

1. Notes the community's frustration with the state of Shoalhaven roads and the pressure Council staff are under to maintain this constantly deteriorating asset.
2. Notes that the NSW Government has recently announced a \$2.9 million trial of Asset AI technology to assist with detecting damaged roads including potholes.
3. Places on record Shoalhaven City Council's support for this initiative and calls upon the NSW Government to include our City in the trial.
4. Directs the CEO to write to The Hon. Victor Dominello MP, Minister for Customer Service and Digital Government and The Hon. Sam Faraway MLC, Minister for Regional Transport and Roads to advise them of this resolution.
5. Delegates authority to the CEO and the Mayor to engage with the NSW Government on any arrangements to include our City in the current trial or any future trial which may be considered.

RESOLVED (Clr Eil / Clr Wells)

MIN22.488

That Council:

1. Notes the community's frustration with the state of Shoalhaven roads and the pressure our staff are under to maintain this constantly deteriorating asset, made significantly harder as a result of the relentless bad weather which has impacted our City.
2. Notes that the NSW Government has recently announced support for technology to assist with detecting damaged roads including potholes.
3. Places on the record that Shoalhaven City Council;
 - a. Has already started to implement support for this technology;
 - b. Congratulates council staff for implementing this technology; and
 - c. Continues to encourage the use of similar technology to deal with road maintenance issues across our City.

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

**CL22.321 Notice of Motion - Waive of Hire Fees Nowra
Showground - Aboriginal Children in Care Keeping Kin
Connected**

**HPERM Ref:
D22/300297**

Recommendation

That Council waive fees of \$697.00 for the hiring of the Pavilion and field at Nowra Showground for the annual cultural event "Keeping Kin Connected" (KKC) for Aboriginal children in the Shoalhaven in October 2022.

RESOLVED (Clr White / Clr Wells)

MIN22.489

That Council donate \$697.00 to the annual cultural event "Keeping Kin Connected" (KKC) for Aboriginal children in the Shoalhaven in October 2022 with authority delegated to the CEO to determine the most efficient method to distribute the funds.

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

ADDENDUM REPORTS

**CL22.278 Transport for NSW Acquisition - Jervis Bay Road
Intersection**

**HPERM REF:
D22/69271**

Item dealt with earlier in the meeting see MIN22.461

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 Eil)

MIN22.490

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.

CCL22.21 Confidential - Acquisition Part 28 St Vincent Street Ulladulla

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

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of

any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

CARRIED

The meeting moved into confidential the time being 8.30pm.

The meeting moved into open session, the time being 8.34pm.

REPORT FROM CONFIDENTIAL SESSION

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

**CCL22.21 Confidential - Acquisition Part 28 St Vincent Street
Ulladulla**

**HPERM Ref:
D22/300554**

RESOLVED

MIN22.491C

That Council:

1. Authorises the Chief Executive Officer to enter into a commercial agreement with the landowners of 28 St Vincent Street, Ulladulla, for the amount outlined in Option1 of the report for the acquisition of part of 28 St Vincent Street, Ulladulla, subject to:
 - a. The area of land to be acquired being suitable for the construction of a cul-de-sac and verge on Kingsley Avenue; and
2. Authorises the Chief Executive Officer to finalise the negotiations and 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.
3. The budget implications of this arrangement be presented in the next Budget Quarterly Review.

CARRIED

There being no further business, the meeting concluded, the time being 8.36pm.

Clr Findley
CHAIRPERSON