

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 22 August 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

Nil

Confirmation of the Minutes

RESOLVED (Clr Kotlash / Clr Norris) MIN22.534

That the Minutes of the Ordinary Meeting held on Monday 08 August 2022 be confirmed.

CARRIED

Declarations of Interest

Nil

Minutes Confirmed Monday 12 September 2022 – Chairperson.....

MAYORAL MINUTE

**MM22.14 Mayoral Minute - RFS Get Ready Weekend 17 & 18
September 2022**

**HPERM Ref:
D22/315351**

Recommendation

That Council:

1. Provides free green waste tipping for one month to commence on 1 September 2022 and conclude close of business on Monday 3 October 2022, as part of our combined commitment to promote 'RFS Get Ready Weekend' held on the 17 & 18 September.
2. Endorse free green waste tipping as an annual campaign and support tool for the annual 'RFS Get Ready Weekend', with an Annual Report to Council to enable forecast budgeting.
3. Source funding for the 2022 'Get Ready' Campaign from the relevant quarterly review.

RESOLVED (Clr Findley / Clr Ell)

MIN22.535

That Council:

1. Provides free green waste tipping for one month to commence on 1 September 2022 and conclude close of business on Monday 3 October 2022, as part of our combined commitment to promote 'RFS Get Ready Weekend' held on the 17 & 18 September.
2. Endorse free green waste tipping as an annual campaign and support tool for the annual 'RFS Get Ready Weekend', with an Annual Report to Council to enable forecast budgeting.
3. Source funding for the 2022 'Get Ready' Campaign from the relevant quarterly review.

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

**MM22.15 Mayoral Minute - Commonwealth Games Achievements
of Tinka Easton, Johnathan Goerlach and Jasmine
Greenwood.**

**HPERM Ref:
D22/345195**

Recommendation

That Council:

1. Acknowledge the achievements of local residents in achieving medals at the 2022 Birmingham Commonwealth Games
 - a. Tinka Easton of Berry, Gold Medal, Women's Judo 52kg
 - b. Jonathan Goerlach, Para-triathlete of Nowra, Bronze Medal, Para-triathlon Vision Impaired. Noting this was the inaugural year for Para-triathlon Vision Impaired to be included as a Commonwealth Games event.
 - c. Jasmine Greenwood, Para-swimmer of Sussex Inlet, Gold Medal, Women's 200m Individual Medley SM10.
2. Council write to the athletes congratulating them on their success at the recent 2022 Commonwealth Games in Birmingham.

RESOLVED (Clr Findley / Clr Kotlash)

MIN22.536

That Council:

1. Acknowledge the achievements of local residents in achieving medals at the 2022 Birmingham Commonwealth Games
 - a. Tinka Easton of Berry, Gold Medal, Women's Judo 52kg
 - b. Jonathan Goerlach, Para-triathlete of Nowra, Bronze Medal, Para-triathlon Vision Impaired. Noting this was the inaugural year for Para-triathlon Vision Impaired to be included as a Commonwealth Games event.
 - c. Jasmine Greenwood, Para-swimmer of Sussex Inlet, Gold Medal, Women's 200m Individual Medley SM10.
2. Council write to the athletes congratulating them on their success at the recent 2022 Commonwealth Games in Birmingham.

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)

MIN22.537

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

1. MM22.16 Mayoral Minute - 75th Anniversary for the Fleet Air Arm Freedom of Entry, Nowra 2022

CARRIED

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

ADDENDUM REPORTS

MM22.16 Mayoral Minute - 75th Anniversary for the Fleet Air Arm Freedom of Entry, Nowra 2022

HPERM Ref: D22/345531

Recommendation

That Council:

1. Support a Freedom of Entry Ceremony and Celebration on Friday 21 October 2022, noting the significance of the 75th Fleet Air Arm Anniversary and the fleet's continuing connection to the Shoalhaven.
2. Approve Budget requirements for the ceremony and celebration be dealt with through a quarterly review.

RESOLVED (Clr Findley / Clr Norris)

MIN22.538

That:

1. Council support a Freedom of Entry Ceremony and Celebration on Friday 21 October 2022, noting the significance of the 75th Fleet Air Arm Anniversary and the fleet's continuing

connection to the Shoalhaven.

2. Council approve Budget requirements for the ceremony and celebration be dealt with through a quarterly review.
3. This resolution be reported to the Nowra CBD Revitalisation Strategy Committee for information.

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

**CL22.360 Presentation - Waste Conference 2022 - Peter Windley
(Waste Operations Coordinator)**

**HPERM Ref:
D22/339524**

Mr Peter Windley – Waste Operations Coordinator provided a presentation to Council in relation to current waste services operations, achievements and recent awards, and future plans for recycling services in the Shoalhaven.

Deputations

CL22.365 - Side-by-Side Vehicle Adventure Request in Shoalhaven

Mr Darrell Knight representing Australasian Off Road Vehicle Association addressed the meeting to speak for the recommendation.

CL22.377 - Negotiations - Appointment of an Operator Manager - Ulladulla Civic Centre

Mr Darryl Bozicevic representing Milton Ulladulla Ex-Servos Ltd addressed the meeting to speak on the item.

CL22.372 - Impact Issues on Bunkers Hill Road - Barrengarry Residents due to Access Restrictions

Mr Andy Cichanowski addressed the meeting to speak against the recommendation.

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - En bloc

RESOLVED (Clr Eil / Clr D'Ath)

MIN22.539

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

- CL22.361 - Investment Report - July 2022
- CL22.362 - LGNSW Annual Conference 2022 – Motions
- CL22.363 - The Development of Guidelines and a Model Policy on The Lobbying of Councillors

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 Kitchener and Clr Gray

AGAINST: Clr Watson

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Christen / Clr Butler)

MIN22.540

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

- CL22.364 - Update: Proposed Suburb Naming Arrangements for Moss Vale Road Release Areas
- CL22.366 - EOI Outcome for the Sale / Development of 10 Pleasant Way Nowra

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 Gray / Clr White)

MIN22.541

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

- CL22.370 - Compulsory Acquisition of Drainage Easement - Lot 1 DP1097130, 1221 Bolong Road Coolangatta
- CL22.371 - Restriction Removal - Aboriginal Land Claim 42448 - Lot 50 DP 1279824 - Camden Street - Ulladulla

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr White / Clr Copley)

MIN22.542

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

- CL22.374 - NSW Audit Office - Planning Portal Performance Audit 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 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 Wells)

MIN22.543

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

- CL22.376 - Erowal Bay Tennis Courts - New Section 355 Management Committee
- CL22.377 - Negotiations - Appointment of an Operator Manager - Ulladulla Civic Centre
- CL22.378 - 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 Norris / Clr Copley)

MIN22.544

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

- CL22.379 - Grant of Easement for Drainage of Sewage - Lot 10 DP 1143842 St Georges Basin
- CL22.380 - Tenders – Bendeela Reservoir, Cambewarra Reservoir & Illaroo Road Water Pump Station Design and Construction Projects

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

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

AGAINST: Nil

CARRIED

Note: Clr Butler left the meeting at 7.01pm

REPORTS

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

CL22.361 Investment Report - July 2022

HPERM Ref:
D22/328632

RESOLVED* (Clr Eil / Clr D'Ath)

MIN22.545

That Council:

1. Receive the Record of Investments for the period to 31 July 2022.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 1.70% per annum for the month of July 2022, exceeding the benchmark AusBond Bank Bill Index (1.45% pa) by 25 basis points (0.25%).
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 Kitchener and Clr Gray

AGAINST: Clr Watson
CARRIED

CL22.362 LGNSW Annual Conference 2022 - Motions

**HPERM Ref:
D22/333154**

RESOLVED* (Clr Eil / Clr D'Ath)

MIN22.546

That Council endorse the motions outlined within the report for submission as the Council's contribution to the Business Paper of the LGNSW Annual Conference 2022.

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: Clr Watson

CARRIED

**CL22.363 The Development of Guidelines and a Model Policy on
The Lobbying of Councillors**

**HPERM Ref:
D22/340453**

RESOLVED* (Clr Eil / Clr D'Ath)

MIN22.547

That Council

1. Receive and note the content of OLG Circular 22-22 seeking the views of councils on the development of guidelines and a model policy on the lobbying of councillors.
2. Receive a briefing from staff in relation to making a submission on the matter.

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: Clr Watson

CARRIED

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

**CL22.364 Update: Proposed Suburb Naming Arrangements for
Moss Vale Road Release Areas**

**HPERM Ref:
D22/317071**

RESOLVED* (Clr Christen / Clr Butler)

MIN22.548

That Council receive the Update report on the Proposed Suburb Naming Arrangements for Moss Vale Road Release Areas for information.

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

CL22.365 Side-by-Side Vehicle Adventure Request in Shoalhaven

**HPERM Ref:
D22/119192**

Note: Clr Butler returned to the meeting at 7.02pm

Note: Clr Kotlash left the meeting at 7.04pm

Recommendation

That Council seek a report on any site options for a side-by-side vehicle event.

RESOLVED (Clr Norris / Clr White)

MIN22.549

That Council refers this matter and this report to the Motor Sports Complex Working Party, seeking that it considers the request by The Australian Off-Road Vehicle Association, concurrently with its broader consideration of motor sport locations and facilities in the City.

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

AGAINST: Clr Kitchener

Note: It was suggested that in the Agenda the word "event" be changed to "location".

CARRIED

CL22.366 EOI Outcome for the Sale / Development of 10 Pleasant Way Nowra

**HPERM Ref:
D22/313383**

RESOLVED* (Clr Christen / Clr Butler)

MIN22.550

That Council, in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, consider a separate confidential report in relation to the EOI outcome for 10 Pleasant Way, Nowra.

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

CL22.367 Proposed Lease to Movies 2540 Pty Limited - Part 19 Sydney St, Huskisson - Part Lot 7 Section 9 DP758530

**HPERM Ref:
D22/198932**

Note: Clr Kotlash returned to the meeting at 7.07pm

Recommendation

That Council:

1. Note the property strategy for this site part 19 Sydney Street Huskisson (part Lot 7 Section 9 DP758530) is to retain the existing cinema operator, enter into a lease renewal for five years and improve the condition of the building by allocating additional funds to the Operational and Capital budgets during the five-year lease term.
2. Authorise the Chief Executive Officer to execute relevant documentation for the lease of part 19 Sydney Street Huskisson for five years expiring 31 August 2027 to Movies 2540 Pty Limited at full market rental of \$23,800 per annum with annual 3.5% increases. (No rental subsidy).

3. Note the Long Term Financial Plan (Annexure A) for the proposed lease reflects an estimated total loss of \$59,785 over the lease term or \$11,957 per annum and includes;
 - a. Rental income of \$119,000 over the lease term (\$23,800 per annum).
 - b. An operational budget of \$68,800 over the lease term for non-recoverable costs, reactive and scheduled maintenance will be required in the 22/23 FY and beyond. This equates to an average of \$13,760 per annum.
 - c. A capital budget of \$109,985 for building works comprising of kitchen, bathroom and flooring upgrades and external painting.

RESOLVED (Clr Christen / Clr D'Ath)

MIN22.551

That Council:

1. Note the property strategy for this site part 19 Sydney Street Huskisson (part Lot 7 Section 9 DP758530) is to retain the existing cinema operator, enter into a lease renewal for five years and improve the condition of the building by allocating additional funds to the Operational and Capital budgets during the five-year lease term.
2. Authorise the Chief Executive Officer to execute relevant documentation for the lease of part 19 Sydney Street Huskisson for five years expiring 31 August 2027 to Movies 2540 Pty Limited at full market rental of \$23,800 per annum with annual 3.5% increases. (No rental subsidy).
3. Note the Long Term Financial Plan (Annexure A) for the proposed lease reflects an estimated total loss of \$59,785 over the lease term or \$11,957 per annum and includes;
 - a. Rental income of \$119,000 over the lease term (\$23,800 per annum).
 - b. An operational budget of \$68,800 over the lease term for non-recoverable costs, reactive and scheduled maintenance will be required in the 22/23 FY and beyond. This equates to an average of \$13,760 per annum.
 - c. A capital budget of \$109,985 for building works comprising of kitchen, bathroom and flooring upgrades and external painting.

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

CL22.368 Proposed Licence to Lions Club of Jervis Bay Incorporated - Part 64A Naval Parade, Erowal Bay - Part Lots 6 & 7 Sec 8 DP7984

**HPERM Ref:
D22/199652**

Recommendation

That Council;

1. Note the property strategy for this site (part Lots 6 & 7 DP7984 64A Naval Parade Erowal Bay) is to retain the existing tenant, finalise a lease and improve the condition of the building by allocating additional funds to the Operational and Capital budgets during the ten year term.
2. Approve the lease of part Lots 6 & 7 DP7984 64A Naval Parade Erowal Bay to Lions Club of Jervis Bay Incorporated for a period of ten years commencing 1 September 2022 at a rental of \$825 plus GST per annum with annual 3% increases and authorise the Chief Executive Officer to execute relevant documentation.

3. Note the estimated cost to Council for this arrangement over the ten year term is \$111,353 and a loss of income of \$74,250 (today's dollars) being;
 - a. Rental income of \$8,250 over the lease term commencing at \$825 per annum.
 - b. A total operational budget of \$102,560 over the lease term for non-recoverable costs, reactive and scheduled maintenance and repairs will be required in the 22/23 FY and beyond. This equates to an average of \$10,256 per annum.
 - c. A capital budget of \$24,125 for building works comprising of required in the 23/24 FY and beyond. This equates to an annual average expense of \$2,412 per annum.

RESOLVED (Clr Christen / Clr White)

MIN22.552

That Council:

1. Note the property strategy for this site (part Lots 6 & 7 DP7984 64A Naval Parade Erowal Bay) is to retain the existing tenant, finalise a lease and improve the condition of the building by allocating additional funds to the Operational and Capital budgets during the ten year term.
2. Approve the lease of part Lots 6 & 7 DP7984 64A Naval Parade Erowal Bay to Lions Club of Jervis Bay Incorporated for a period of ten years commencing 1 September 2022 at a rental of \$825 plus GST per annum with annual 3% increases and authorise the Chief Executive Officer to execute relevant documentation.
3. Note the estimated cost to Council for this arrangement over the ten year term is \$111,353 and a loss of income of \$74,250 (today's dollars) being;
 - a. Rental income of \$8,250 over the lease term commencing at \$825 per annum.
 - b. A total operational budget of \$102,560 over the lease term for non-recoverable costs, reactive and scheduled maintenance and repairs will be required in the 22/23 FY and beyond. This equates to an average of \$10,256 per annum.
 - c. A capital budget of \$24,125 for building works comprising of required in the 23/24 FY and beyond. This equates to an annual average expense of \$2,412 per annum.

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

**CL22.369 Classification of Land - Drainage Reserve - Lot 29 DP
1282389 Lancaster Drive, Cambewarra**

**HPERM Ref:
D22/273331**

Recommendation

That Council classify the land described as Lot 29 DP 1282389 Lancaster Drive, Cambewarra, as Operational Land within the meaning of the Local Government Act 1993.

RESOLVED (Clr Wells / Clr D'Ath)

MIN22.553

That Council classify the land described as Lot 29 DP 1282389 Lancaster Drive, Cambewarra (proposed suburb name Badagarang), 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

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

CL22.370 Compulsory Acquisition of Drainage Easement - Lot 1 DP1097130, 1221 Bolong Road Coolangatta	HPERM Ref: D22/159262
---	----------------------------------

RESOLVED* (Clr Gray / Clr White) MIN22.554

That Council;

1. Approve the making of the necessary applications to the Minister for Local Government and the Governor, for approval to acquire an easement for drainage over Lot 1 DP 1097130, by compulsory process in accordance with the Local Government Act 1993 and Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of a drainage easement;
2. Pay compensation for the acquisition including all ancillary costs, in accordance with the determination of the Valuer General under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991;
3. Fund all costs for acquisition of drainage easement from Finance Number 103562, St Andrews Way Coolangatta Stage 2;
4. Affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed, otherwise, the Chief Executive Officer is authorised to sign any documentation necessary to give effect to this resolution.
5. Note that Council Officers will continue to negotiate the easement acquisition by agreement until such time as a Proposed Acquisition Notice is issued to the land owner.

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

CL22.371 Restriction Removal - Aboriginal Land Claim 42448 - Lot 50 DP 1279824 - Camden Street - Ulladulla	HPERM Ref: D22/309308
---	----------------------------------

RESOLVED* (Clr Gray / Clr White) MIN22.555

That Council:

1. Release the terms of this Restriction on the use of land for Lot 50 DP 1279824. The restriction being, "There shall be no development of the lot burdened unless the development is also over Lot 2 DP 631894."
2. 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.

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

CL22.372 Impact Issues on Bunkers Hill Road - Barrengarry Residents due to Access Restrictions

**HPERM Ref:
D22/342606**

Recommendation

That Council note the status update in relation to current access restrictions to Bunkers Hill Road, the ongoing impacts on residents affected by the landslips, and the actions being undertaken by Council to support the affected residents.

RESOLVED (Clr White / Clr Wells)

MIN22.556

That Council:

1. Note the status update in relation to current access restrictions to Bunkers Hill Road, the ongoing impacts on residents affected by the landslips, and the actions being undertaken by Council to support the affected residents.
2. Consider the need for additional staff for communication and support with both the current and ongoing matters as they arise with weather events impacting Kangaroo Valley including Bunkers Hill Road.
3. Make every endeavour to introduce the daily newsletter service on a variety of roads in the Kangaroo Valley and Mount Scanzi area, similar to the newsletter provided to Wattamolla residents.

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

CL22.373 Quarterly Review for Compliance Matters

**HPERM Ref:
D22/268071**

Recommendation

That Council receive the April to June 2022 quarterly report on compliance matters for information.

RESOLVED (Clr Christen / Clr Kotlash)

MIN22.557

That Council:

1. Receive the April to June 2022 quarterly report on compliance matters for information.
2. Staff investigate lower tolerance levels on un-authorized development at an upcoming 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

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

CL22.374 NSW Audit Office - Planning Portal Performance Audit 2022

**HPERM Ref:
D22/335929**

RESOLVED* (Clr White / Clr Copley)

MIN22.558

That Council receive and note the NSW Audit Office report "Performance Audit – NSW Planning Portal".

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

**CL22.375 Draft Shoalhaven Community Wellbeing Strategy -
Planned Public Exhibition**

**HPERM Ref:
D22/275697**

Recommendation

That

1. The Draft Shoalhaven Community Wellbeing Strategy be placed on public exhibition for a period of 21 days to receive community feedback
2. A report be provided to Council at the completion of the exhibition period, outlining the submissions received and providing a final Shoalhaven Community Wellbeing Strategy for adoption by Council

RESOLVED (Clr Christen / Clr Butler)

MIN22.559

That:

1. The Draft Shoalhaven Community Wellbeing Strategy be placed on public exhibition for a period of 21 days to receive community feedback
2. A report be provided to Council at the completion of the exhibition period, outlining the submissions received and providing a final Shoalhaven Community Wellbeing Strategy for adoption by Council.

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

AGAINST: Nil

CARRIED

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

**CL22.376 Erowal Bay Tennis Courts - New Section 355
Management Committee**

**HPERM Ref:
D22/322345**

RESOLVED* (Clr Eil / Clr Wells)

MIN22.560

That

1. Council delegate care, control and management of the Erowal Bay Tennis Courts to a Management Committee in accordance with Sections 355 and 377 of the Local Government Act, 1993.
2. Council oversee the new committee in accordance with Council's Management Committees Policy and Guidelines under the custodianship of City Lifestyles' Swim Sport Fitness Department.
3. Council advertise for members for the Erowal Bay Tennis Courts Management Committee.
4. In accordance with MIN15.622, and the delegation provided therein, the CEO approve the membership appointments to the 355 Management Committee for Erowal Bay Tennis Courts.

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

CL22.377 Negotiations - Appointment of an Operator Manager - Ulladulla Civic Centre

HPERM Ref: D22/251623

RESOLVED* (Clr Eil / Clr Wells)

MIN22.561

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

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

AGAINST: Nil

CARRIED

CL22.378 Request for Plaques and Memorials

HPERM Ref: D22/323794

RESOLVED* (Clr Eil / Clr Wells)

MIN22.562

That Council:

1. As per the Plaques and Memorials Policy:
 - a. Approve the request for a new seat and plaque at Chapman Street Callala Bay.
 - b. Approve the request for a new seat and plaque at Elizabeth Drive Vincentia.
 - c. Approve the two (2) requests for new plaques on existing seats at Sussex Road 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'.

CL22.379 Grant of Easement for Drainage of Sewage - Lot 10 DP 1143842 St Georges Basin

HPERM Ref: D22/149039

RESOLVED* (Clr Norris / Clr Copley)

MIN22.563

That Council:

1. Approve the registration of an Easement for Drainage of Sewage 2.4m wide over Council land known as Lot 10 DP 1143842;
2. Require the proprietor of Lots 68 and 69 DP 25550 and Lot 4 DP 785956 to pay compensation for the easement for drainage of sewage on Council land;

3. Set the maximum amount of compensation to be payable by proprietors of Lot 68 and 69 DP 25550 and Lot 4 DP 785956 at \$53,000 plus GST if applicable. Final compensation amount to be determined by Independent Valuation advice;
4. Require all costs associated with the creation of the Easement to be borne by the proprietor of Lot 68 and 69 DP 25550 and Lot 4 DP 785956;
5. Authorise the Chief Executive Officer to sign all 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

CL22.380 Tenders – Bendeela Reservoir, Cambewarra Reservoir & Illaroo Road Water Pump Station Design and Construction Projects

**HPERM Ref:
D22/322229**

RESOLVED* (Clr Norris / Clr Copley)

MIN22.564

That Council consider a separate Confidential Report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

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

AGAINST: Nil

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

CL22.294 Notice of Motion - Living on the Coast Documentaries Sponsorship

**HPERM Ref:
D22/251385**

Recommendation

That:

1. Council support the Living on the Coast Documentaries with sponsorship of \$20,000 for 3 new episodes in season 2 of the series to be produced and aired in 2022/23. Funding to be provided from unallocated donations 2021/22.
2. In accordance with Section 356(2) of the Local Government Act, the proposed funding be advertised for a period of 28 days. Should Council receive any submissions objecting to the funding, a further report is to be provided to the Council outlining those submissions before payment is made.
3. Terms and conditions of the sponsorship to be determined by the CEO or his nominee.

RESOLVED (Clr White / Clr Findley)

MIN22.565

That:

1. Council support the Living on the Coast Documentaries with production sponsorship of \$20,000 for 3 new episodes in season 2 of the series to be produced and aired in 2022/23. Funding to be provided from unallocated donations 2021/22.

2. In accordance with Section 356(2) of the Local Government Act, the proposed funding be advertised for a period of 28 days. Should Council receive any submissions objecting to the funding, a further report is to be provided to the Council outlining those submissions before payment is made.
3. The terms and conditions of the sponsorship be determined by the CEO or his nominee, including Council's rights to use the content.

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

CL22.381 Notice of Motion - Cultural Immersion

**HPERM Ref:
D22/311700**

Recommendation

That Council:

1. Acknowledges the value and importance of Cultural Immersion workshops to inform the non-Aboriginal community of their privilege and how that ongoing position of privilege continues to affect the Aboriginal community.
2. Recognise Waminda as a valued provider for this training and thank them for facilitating these conversations with Councillor and Staff and for opening our eyes and hearts to our White Privilege and White Fragility.
3. Develop and implement a list of specific actions that will be taken personally by Councillors and Senior Staff (via the Chief Executive Officer), specifically in response to the learnings of the Immersion experience.
4. Strongly encourages Councillors, Council staff, particularly its executive and senior staff and other organisations/agencies to attend similar experiences where the opportunity is available. Consider delivering five (5) Cultural Immersion sessions for Councillors, Senior Leadership Teams, and Senior Managers with Shoalhaven City Council.
5. Report this Notice of Motion recommendation, and Council resolution to the Aboriginal Advisory Group.

RESOLVED (Clr White / Clr Findley)

MIN22.566

That Council:

1. Acknowledges the value and importance of Cultural Immersion workshops to inform the non-Aboriginal community of their privilege and how that ongoing position of privilege continues to affect the Aboriginal community.
2. Recognise Waminda as a valued provider for this training and thank them for facilitating these conversations with Councillor and Staff and for opening our eyes and hearts to our White Privilege and White Fragility.
3. Develop and implement a list of specific actions that will be taken personally by Councillors and Senior Staff (via the Chief Executive Officer), specifically in response to the learnings of the Immersion experience.
4. Strongly encourages Councillors, Council staff, particularly its executive and senior staff and other organisations/agencies to attend similar experiences where the opportunity is available. Consider delivering five (5) Cultural Immersion sessions for Councillors, Senior Leadership Teams, and Senior Managers with Shoalhaven City Council.

5. Report this Notice of Motion recommendation, and Council resolution to the Aboriginal Advisory Group.
6. Request the CEO to seek legal advice on the prospect of Council mandating Cultural Immersion training for senior staff and Councillors.

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

CL22.382 Notice of Motion - Mixed Facilities Wowly Creek Callala Bay Scoping Report

HPERM Ref: D22/336321

Recommendation

That

1. Council undertakes a scoping and feasibility study into the provision of the following in the Wowly Creek precinct.
 - a. Toilets.
 - b. An Electric barbeque.
 - c. Seating and a shade structure.
2. The cost of the report be funded from operation funds to be adjusted in a quarterly review.
3. The matter be reported back to Council with possible funding options.

RESOLVED (Clr Watson / Clr Eil)

MIN22.567

That:

1. Council undertakes a scoping and feasibility study into the provision of the following in the Wowly Creek precinct.
 - a. Toilets.
 - b. An Electric barbeque.
 - c. Seating and a shade structure.
2. The cost of the report be funded from operation funds to be adjusted in a quarterly review.
3. The matter be reported back to Council with possible funding options.

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

MM22.16 Mayoral Minute – 75th Anniversary for the Fleet Air Arm Freedom of Entry, Nowra 2022

HPERM REF: D22/345531

Item dealt with earlier in the meeting see MIN22.538

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)

MIN22.568

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.

CCL22.22 Confidential - EOI Outcome for the Sale / Development of 10 Pleasant Way, Nowra
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.

CCL22.23 Negotiations - Appointment of an Operator Manager - Ulladulla Civic Centre

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.

CCL22.24 Tenders – Bendeela Reservoir, Cambewarra Reservoir & Illaroo Road Water Pump Station Design and Construction Projects

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

AGAINST: Nil

CARRIED

The meeting moved into confidential the time being 8.36pm.

The meeting moved into open session, the time being 8.41pm.

REPORT FROM CONFIDENTIAL SESSION

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

CCL22.22 Confidential - EOI Outcome for the Sale / Development of 10 Pleasant Way, Nowra

**HPERM Ref:
D22/312643**

RESOLVED

MIN22.569C

That Council approve Option 1 and undertake the proposed Future Actions as outlined in the report to enable Council to proceed with a new EOI process.

CARRIED

CCL22.23 Negotiations - Appointment of an Operator Manager - Ulladulla Civic Centre

**HPERM Ref:
D22/306639**

RESOLVED

MIN22.570C

That Council:

1. Decline to accept both offers (Council's Final Position and MUES's Final Position) proposed by Milton Ulladulla Ex Servos Ltd (MUES) for the management of the Ulladulla Civic Centre (UCC);
2. Return the management of the Ulladulla Civic Centre (UCC) to Council;
3. Notify Milton Ulladulla Ex-Servos Club Ltd (MUES) that the management and operation of the Ulladulla Civic Centre will transfer back to Council, guided by current contract conditions and agree a handover date for early 2023.
4. Seek to appoint an operator for the Ulladulla Civic Centre Café through a public Expression of Interest process and Council receive a further report at the completion of this process.
5. Receive a 6 monthly report on the progress and financial operations of the Ulladulla Civic Centre Cafe.

CARRIED

CCL22.24 Tenders – Bendeela Reservoir, Cambewarra Reservoir & Illaroo Road Water Pump Station Design and Construction Projects

**HPERM Ref:
D22/327897**

RESOLVED

MIN22.571C

That:

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Precision Civil Infrastructure Pty Ltd for the Cambewarra Reservoir Project (Project 2) at a total cost of \$5,277,226.52 (including GST).
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with *Local Government (General) Regulation 2021 (section 165)* by the CEO (Executive Manager, Shoalhaven Water).

CARRIED

There being no further business, the meeting concluded, the time being 8.44pm.

Clr Findley
CHAIRPERSON