

MINUTES OF THE EXTRA ORDINARY MEETING

Meeting Date: Tuesday, 20 September 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, depositions and debate) will be webcast and may be recorded and broadcast under the provisions of the Code of Meeting Practice.

Apologies / Leave of Absence

Nil

Declarations of Interest

Nil.

Call Over of Business Paper - En bloc

RESOLVED (Clr Wells / Clr White)

MIN22.616

That the following items be called up for debate:

- CL22.420 - Policy - Town Street Tree Planting Strategy
- CL22.421 - Policy - Shoalhaven Heritage Strategy
- CL22.432 - Policy - Road Sealing Contributions Policy
- CL22.435 - Policy - Council Compliance
- CL22.438 - Policy - Companion Animals (Impacts on Native Fauna) - Conditions of Development Consent

- CL22.440 - Policy - Foreshore Reserves Policy
- CL22.443 - Rescind Policy - Community Facilities - Use and Hire for Commercial Activities

The remaining items were resolved en bloc at this time. They are marked with an asterisk (*) in these Minutes.

CARRIED

Note: The Clr Findley introduced and welcomed Don Johnston Acting Chief Financial Officer. Don will be replacing Olena Tulubinska while she is on leave.

MAYORAL MINUTE

Introduction of Items as Matters of Urgency & Bring Item Forward

RESOLVED (Clr Christen / Clr Butler)

MIN22.617

That the following addendum report be introduced as matters of urgency and brought forward for consideration:

1. MM22.20 Mayoral Minute - Heritage Listing Former Anglican Church Huskisson

CARRIED

The Chairperson ruled the matters as ones of urgency as they relate to urgent business of Council and allowed their introduction.

DEPUTATIONS AND PRESENTATIONS

MM22.20 - Mayoral Minute - Heritage listing former Anglican Church Huskisson

Mr Stephen Bartlett addressed the meeting to speak against the recommendation.

MM22.20 Mayoral Minute - Heritage Listing Former Anglican Church Huskisson

HPERM Ref: D22/398698

Recommendation

That Council

1. Commence the process to immediately list the Former Anglican Church, Huskisson and any associated items on the site (including Lots 7 and 8 Section 3 DP 758530) as a 'Heritage Item' of local significance in Schedule 5 of the Shoalhaven Local Environment Plan 2014, including the preparation of an updated statement of heritage significance and any other required supporting information
2. As part of the Gateway determination submitted to the NSW Department of Planning and Environment, note that although a development consent for the relocation of the church has been issued and commenced, that this is not the will of the current Council elected in December 2021.
3. Report back to Council as soon as possible on additional measures that Council can take to immediately protect the site while its heritage listing is being pursued.

4. Confirm 29 September 2022 as the date for a comprehensive briefing on the matter with Councillors and stakeholders.

RESOLVED (Clr Findley / Clr Butler)

MIN22.618

That Council

1. Affirms that it fully supports the application made to the Department of Climate Change, Energy, the Environment and Water by the Jerrinja LALC, seeking a declaration of emergency protection for lots 7 and 8 in DP 758530 on the corner of Hawke, Bowen and Currumbene Streets, Huskisson NSW (including the former Anglican Church at Huskisson).
2. Commence the process to immediately list the Former Anglican Church, Huskisson and any associated items on the site (including Lots 7 and 8 Section 3 DP 758530) as a 'Heritage Item' of local significance in Schedule 5 of the Shoalhaven Local Environment Plan 2014, including the preparation of an updated statement of heritage significance and any other required supporting information
3. As part of the Gateway determination submitted to the NSW Department of Planning and Environment, note that although a development consent for the relocation of the church has been issued and commenced, that this is not the will of the current Council elected in December 2021.
4. Report back to Council as soon as possible on additional measures that Council can take to immediately protect the site while its heritage listing is being pursued.
5. Confirm 29 September 2022 as the date for a comprehensive briefing on the matter with Councillors and stakeholders.

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

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

CARRIED

REPORTS

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

CL22.411 Policy - Social Media Policy

HPERM Ref:
D22/313189

RESOLVED* (Clr Wells / Clr White)

MIN22.619

That Council adopt Social Media Policy (POL22/164).

CARRIED

CL22.412 Policy - Local Preference Policy

HPERM Ref:
D22/176085

RESOLVED* (Clr Wells / Clr White)

MIN22.620

That Council

1. Publicly exhibit for a period of 28 days, its new Local Preference Policy with up to a 5% local preference weighting applied to the non-price criteria for all formal procurement activities over \$125,000.

2. Receive a further report should there be significant adverse comments received during the public exhibition period – noting that if no significant adverse comments are received that the Policy will be deemed adopted.
3. The effectiveness and the financial impact of the new Policy to be reassessed by Council in 12 months.

CARRIED

CL22.413 Policy - Risk Management Policy - Enterprise Risk Management Framework	HPERM Ref: D22/323037
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RESOLVED* (Clr Wells / Clr White) MIN22.621

That Council

1. Adopt the Risk Management Policy presented as **Attachment 1** to the report
2. Note the details of the Enterprise Risk Management Framework outlined in the report.

CARRIED

CL22.414 Policy - Induction and Ongoing Professional Development for Mayors and Councillors	HPERM Ref: D22/339380
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RESOLVED* (Clr Wells / Clr White) MIN22.622

That Council reaffirm the Induction and Ongoing Professional Development for Mayors and Councillors Policy.

CARRIED

CL22.415 Policy - Internal Reporting Policy	HPERM Ref: D22/342395
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RESOLVED* (Clr Wells / Clr White) MIN22.623

That Council:

1. Reaffirm the current Internal Reporting Policy (*Public Interest Disclosure Act, 1994*) without amendment as provided in **Attachment 1**
2. Receive a further report outlining a new Draft Internal Reporting Policy following the release of the proposed Model Policy for Internal Reporting by the NSW Ombudsman incorporating the provisions of the new *Public Interest Disclosure Act, 2022*.

CARRIED

CL22.416 Policy - Tender Evaluation Policy	HPERM Ref: D22/352448
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RESOLVED* (Clr Wells / Clr White) MIN22.624

That Council reaffirm the Tender Evaluation Policy.

CARRIED

CL22.417 Policy - Liquidity Contingency Plan

**HPERM Ref:
D22/352462**

RESOLVED* (Clr Wells / Clr White)

MIN22.625

That Council reaffirm the Liquidity Contingency Plan.

CARRIED

CL22.418 Policy - Council Members – Payment of Expenses and Provision of Facilities Policy - Public Exhibition

**HPERM Ref:
D22/358658**

RESOLVED* (Clr Wells / Clr White)

MIN22.626

That Council

1. Reaffirm the existing Council Members – Payment of Expenses and Provision of Facilities Policy.
2. Publicly exhibit the Council Members – Payment of Expenses and Provision of Facilities Policy for the required period of 28 days.
3. Receive a further report should there be significant adverse comments received during the public exhibition period – noting that if no significant adverse comments are received that the Policy will be deemed adopted.

CARRIED

CL22.419 Policy - Draft - Revenue - Debt Recovery and Hardship Policy

**HPERM Ref:
D22/363629**

RESOLVED* (Clr Wells / Clr White)

MIN22.627

That Council:

1. Adopt the Draft - Revenue - Debt Recovery and Hardship Policy
2. Rescind the Revenue – Debt Recovery Policy
3. Rescind the Revenue - Hardship Policy
4. Rescind the Revenue – Pensioner Rates and Charges – Arrears and Interest Policy

CARRIED

Procedural Motion

RESOLVED (Clr Christen / Clr Wells)

MIN22.628

That the following items be deferred and reported back to a future meeting providing revised draft policy documents after further consultation with Councillors.

- CL22.420 - Policy - Town Street Tree Planting Strategy
- CL22.421 - Policy - Shoalhaven Heritage Strategy
- CL22.432 - Policy - Road Sealing Contributions Policy
- CL22.438 - Policy - Companion Animals (Impacts on Native Fauna) - Conditions of Development Consent
- CL22.443 - Rescind Policy - Community Facilities - Use and Hire for Commercial Activities

CARRIED

Note: Clr Kitchener left the meeting the time being 6.28pm.

Procedural Motion – Items En bloc

RESOLVED (Clr Eil / Clr Wells)

MIN22.629

That the following items be resolved en bloc:

- CL22.435 - Policy - Council Compliance
- CL22.440 - Policy - Foreshore Reserves Policy

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

CARRIED

CL22.420 Policy - Town Street Tree Planting Strategy

**HPERM Ref:
D22/315333**

Recommendation

That Council retain the existing Town Street Tree Planting Strategy Policy with amendment in line with current report format and wording.

This item was deferred and will be reported back to a future meeting after further consultation with Councillors refer MIN22.628

CL22.421 Policy - Shoalhaven Heritage Strategy

**HPERM Ref:
D22/337943**

Recommendation

That Council reaffirm the Shoalhaven Heritage Strategy (POL21/11), with the changes outlined in Attachment 1.

This item was deferred and will be reported back to a future meeting after further consultation with Councillors refer MIN22.628

CL22.422 Policy - Acquisition of Land by Shoalhaven City Council

**HPERM Ref:
D22/316456**

RESOLVED* (Clr Wells / Clr White)

MIN22.630

That Council adopts the revised Acquisition of Land by Shoalhaven City Council Policy (POL22/120).

CARRIED

CL22.423 Policy - Occupation of Council Owned or Managed Land

**HPERM Ref:
D22/316624**

RESOLVED* (Clr Wells / Clr White)

MIN22.631

That Council adopts the revised Occupation of Council Owned or Managed Land Policy (POL22/98).

CARRIED

CL22.424 Policy - Temporary Storage (Shipping) Container on Public Land **HPERM Ref: D22/284909**

RESOLVED* (Clr Wells / Clr White) MIN22.632

That Council adopts the revised Temporary Storage (Shipping) Container on Public Land policy (POL22/65).

CARRIED

CL22.425 Policy - Development and/or Disposal of Council Lands **HPERM Ref: D22/322653**

RESOLVED* (Clr Wells / Clr White) MIN22.633

That Council adopts the revised Development and/or Disposal of Council Lands Policy (POL22/47).

CARRIED

CL22.426 Policy - Council Waterways Infrastructure - Use for Commercial Purposes Policy **HPERM Ref: D22/339002**

RESOLVED* (Clr Wells / Clr White) MIN22.634

That Council adopts the revised *Waterways Infrastructure - Use for Commercial Purposes Policy* (POL22/102).

CARRIED

CL22.427 Policy - Drainage Easements - Maintenance of Open Drains Policy **HPERM Ref: D22/339449**

RESOLVED* (Clr Wells / Clr White) MIN22.635

That Council adopts the revised Policy, *Drainage Easements - Maintenance of Open Drains Policy* (POL22/104).

CARRIED

CL22.428 Policy - Electric Vehicle (EV) Charging Stations on Public Land **HPERM Ref: D22/279909**

RESOLVED* (Clr Wells / Clr White) MIN22.636

That Council:

1. Note that the Policy has been updated to clarify the purpose and objectives of the policy and that a supporting operational EV charging infrastructure design and specification procedure will be developed to address the detailed design requirements of EV charging stations.
2. Adopts the revised Electric Vehicle (EV) Charging Stations on Public Land Policy (POL22/34).

CARRIED

CL22.429 Policy - Drainage Easements - Piping in Existing Subdivisions Policy

**HPERM Ref:
D22/339628**

RESOLVED* (Clr Wells / Clr White)

MIN22.637

That Council adopts the revised Policy, *Drainage Easements - Piping in Existing Subdivisions Policy* (POL22/105).

CARRIED

CL22.430 Policy - Kerb and Guttering - Charges Applicable Policy

**HPERM Ref:
D22/339719**

RESOLVED* (Clr Wells / Clr White)

MIN22.638

That Council adopts the revised Policy, *Kerb and Guttering - Charges Applicable Policy* (POL22/109).

CARRIED

CL22.431 Policy - Ratepayer Financing Policy for Kerb and Gutter Construction

**HPERM Ref:
D22/339784**

RESOLVED* (Clr Wells / Clr White)

MIN22.639

That Council adopts the revised Ratepayer Financing Policy for Kerb and Gutter Construction (POL22/111).

CARRIED

CL22.432 Policy - Road Sealing Contributions Policy

**HPERM Ref:
D22/339809**

Recommendation

That Council adopts the revised Policy, *Road Sealing Contributions Policy* (POL22/112).

This item was deferred and will be reported back to a future meeting after further consultation with Councillors refer MIN22.628

CL22.433 Policy - Road Verge Improvements & Maintenance Policy

**HPERM Ref:
D22/339857**

RESOLVED* (Clr Wells / Clr White)

MIN22.640

That Council adopts the revised Policy, *Road Verge Improvements & Maintenance Policy* (POL22/113).

CARRIED

CL22.434 Policy - Dealing with Development Applications Lodged by Council Staff, Councillors and Council **HPERM Ref: D22/50580**

RESOLVED* (Clr Wells / Clr White) MIN22.641

That Council:

1. Resolve to revoke Policies POL16/226 (Assessment of Council's own Development Applications) and POL16/235 (Dealing with Development Applications Lodged by Council Staff or Councillors), instead replacing them with one new Policy covering staff, Councillor and Council's interest in the assessment and determination of Development Applications.
2. Exhibit the Policy for a period of not less than 28 days and if no significant adverse comment is received, that the Policy be deemed adopted made available on Council's website.

CARRIED

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

CL22.435 Policy - Council Compliance **HPERM Ref: D22/239660**

RESOLVED* (Clr Wells / Clr Ell) MIN22.642

That Council place the revised Compliance and Enforcement Policy (as attached) on Public Exhibition for 28 days and if no significant adverse comment is received, that the policy be deemed adopted made available on Council's website.

CARRIED

CL22.436 Policy - Private Cemeteries **HPERM Ref: D22/245871**

RESOLVED* (Clr Wells / Clr White) MIN22.643

That Council adopt the Private Cemeteries Policy (attached).

CARRIED

CL22.437 Policy - Waiving of Development Application and Other Fees for Charitable Organisations and Community Groups **HPERM Ref: D22/246055**

RESOLVED* (Clr Wells / Clr White) MIN22.644

That Council adopt the Waiving of Development Application and Other Fees for Charitable Organisations and Community Groups Policy.

CARRIED

CL22.438 Policy - Companion Animals (Impacts on Native Fauna) - Conditions of Development Consent

HPERM Ref: D22/262981

Recommendation

That Council adopt the revised Companion Animals (Impacts on Native Fauna) – Conditions of Development Consent policy.

This item was deferred and will be reported back to a future meeting after further consultation with Councillors refer MIN22.628

CL22.439 Policies - Bushcare/Parkcare Policy and Terms of Reference - Natural Area Volunteers Group

HPERM Ref: D22/291489

RESOLVED* (Clr Wells / Clr White)

MIN22.645

That Council:

1. Adopt the revised Bushcare/Parkcare Policy
2. Adopt the revised Natural Area Volunteers Group - Terms of Reference

CARRIED

CL22.440 Policy - Foreshore Reserves Policy

HPERM Ref: D22/347714

RESOLVED* (Clr Wells / Clr Ell)

MIN22.646

That Council:

1. Exhibit the revised Foreshore Reserves Policy for a period of two (2) weeks to allow public consultation and comment; and
2. If no significant comments are received through public exhibition, adopt the policy without further resolution.

CARRIED

CL22.441 Policy - Tree Planting Program Events with Schools

HPERM Ref: D22/350472

RESOLVED* (Clr Wells / Clr White)

MIN22.647

That Council adopt the revised and renamed Tree Planting Program Events with Schools Policy

CARRIED

CL22.442 Policy - Water Safety

HPERM Ref: D22/334444

RESOLVED* (Clr Wells / Clr White)

MIN22.648

That Council adopts the reviewed Water Safety Policy (POL22/66).

CARRIED

CL22.443 Rescind Policy - Community Facilities - Use and Hire for Commercial Activities

**HPERM Ref:
D22/357155**

Recommendation

That Council rescind the Community Facilities - Use and Hire for Commercial Activities Policy (POL16/77).

This item was deferred and will be reported back to a future meeting after further consultation with Councillors refer MIN22.628

CL22.444 Rescind Policies - Provision of Local Skate Parks, Provision of Local Area BMX Circuits and Park Management Policy

**HPERM Ref:
D22/342481**

RESOLVED* (Clr Wells / Clr White)

MIN22.649

That Council rescind the following policies:

1. Provision of Local Skate Parks Policy (POL16/213)
2. Provision of Local Area BMX Circuits Policy (POL16/109)
3. Park Management Policy (POL20/63)

CARRIED

CL22.445 Policies - Shoalhaven Water Group - Round Seven

**HPERM Ref:
D22/322634**

RESOLVED* (Clr Wells / Clr White)

MIN22.650

That Council reaffirm the following policies with minor changes:

1. Determining Residential and Commercial Properties for the Purpose of Levying Water and Sewer Charges
2. Water Hydrant Standpipe Extraction Policy
3. Water Meter Services - Downsize, Disconnect or Nominal Sizing

CARRIED

CL22.446 New Policy - Concessions For At-Home Dialysis

**HPERM Ref:
D22/326441**

RESOLVED* (Clr Wells / Clr White)

MIN22.651

That Council:

1. Exhibit the new policy for a period of two (2) weeks to allow for public submissions.
2. If no significant comments are received through the public exhibition period, adopt the policy without further resolution.

CARRIED

ADDENDUM REPORTS

**MM22.20 Mayoral Minute - Heritage Listing Former Anglican
Church Huskisson**

**HPERM REF:
D22/398698**

Item dealt with earlier in the meeting see MIN22.618

There being no further business, the meeting concluded, the time being 6.37pm.

Clr Findley
CHAIRPERSON