

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 10 October 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 (Remotely)
Clr Serena Copley
Clr Paul Ell
Clr Evan Christen (Remotely)
Clr Patricia White
Clr John Wells
Clr Greg Watson
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

An apology was received from Clr Kitchener for this meeting.

RESOLVED (Clr Wells / Clr Norris) MIN22.742

That an apology from Clr Kitchener be granted.

CARRIED

Confirmation of the Minutes

RESOLVED (Clr Wells / Clr Norris) MIN22.743

That the Minutes of the Ordinary Meeting of Ordinary Meeting held on Monday 26 September 2022 be confirmed.

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

Minutes Confirmed Monday, 31 October 2022 – Chairperson

AGAINST: Nil
CARRIED

Note: The Council discussed and confirmed that the wording of MIN22.261 incorporated both the Motion and Amendment regarding support for purchase of the land.

Declarations of Interest

Clr Eil – CBD22.32 – Nowra CBD Façade Improvement Program - less than significant non pecuniary interest declaration – his employer owns premises in Berry Street, Nowra which is in the area where the policy has previously been applied and could potentially impact.

Introduction of Items as Matters of Urgency

RESOLVED (Clr Wells / Clr White) MIN22.744

That the following addendum reports be introduced as matters of urgency:

1. MM22.26 Mayoral Minute - Land Use Planning Changes for Agritourism
2. CL22.540 52 Parker Crescent, Berry - Public Interest Representations for the Revocation of a Complying Development Certificate (CDC 518/22).

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

AGAINST: Nil
CARRIED

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

MAYORAL MINUTE

MM22.24 Mayoral Minute - Condolence - Barrie Ellis

**HPERM Ref:
D22/411317**

Recommendation

That Council acknowledges the passing of Mr Barrie Ellis and offers our condolences to Barrie's family.

RESOLVED (Clr Findley / Clr Butler)

MIN22.745

That:

1. Council acknowledges the passing of Mr Barrie Ellis and offers our condolences to Barrie's family.
2. The 'tricky' part of the Community Connect pathway be named "Barrie's Way" – a sign to be made and installed by the Murramarang Men's Shed (in consultation with Council staff), and,
3. Council consider matching the total amount of funds currently held by Bawley Kioloa Sport & Rec and the BPKTCA for the construction of the pathway, which is \$60,000 at the next quarterly review. This will allow a section of pathway to the value of \$120,000 be completed by the community.

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

AGAINST: Nil

CARRIED

MM22.25 Mayoral Minute - Condolence - Jenny Thompson

**HPERM Ref:
D22/411340**

Recommendation

That Council acknowledges the passing of Ms Jenny Thompson and offers our condolences to Jenny's family.

RESOLVED (Clr Findley / Clr Wells)

MIN22.746

That Council acknowledges the passing of Ms Jenny Thompson and offers our condolences to Jenny's family.

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

AGAINST: Nil

CARRIED

MM22.26 Mayoral Minute - Land Use Planning Changes for Agritourism

**HPERM Ref:
D22/425568**

Recommendation

That:

1. Council urgently and strongly confirm to the NSW Department of Planning and Environment, that Shoalhaven City Council:
 - a. 'Opts out' of the new provisions for agribusiness/tourism until such time as we conduct our own review of where the provisions/clauses could possibly be appropriate;
 - b. Reaffirms Parts 1 to 3 of its resolution of 28 March 2022 (MIN22.200);
 - c. Objects to the land use terms 'Agritourism', 'Farm experience premises' and 'Farm gate premises' being made permissible with consent anywhere in our LEPs at this stage;
2. Once confirmed, Council write to those who have previously engaged with Council on this issue to reassure them of Council's position;
3. Given the community concern that this matter is generating, Council receive a short report as soon as practical on the agritourism related land use planning changes being considered/pursued by the NSW Government.

RESOLVED (Clr Findley / Clr Gray)

MIN22.747

That:

1. Council urgently and strongly confirm to the NSW Department of Planning and Environment, that Shoalhaven City Council:
 - a. 'Opts out' of the new provisions for agribusiness/tourism until such time as we conduct our own review of where the provisions/clauses could possibly be appropriate;

- b. Reaffirms Parts 1 to 3 of its resolution of 28 March 2022 (MIN22.200);
 - c. Objects to the land use terms 'Agritourism', 'Farm experience premises' and 'Farm gate premises' being made permissible with consent anywhere in our LEPs at this stage;
2. Once confirmed, Council write to those who have previously engaged with Council on this issue to reassure them of Council's position;
 3. Given the community concern that this matter is generating, Council receive a short report as soon as practical on the agritourism related land use planning changes being considered/pursued by the NSW Government.

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

AGAINST: Nil

CARRIED

DEPUTATIONS AND PRESENTATIONS

CL22.539 - Notice of Motion - 52 Parker Cres Berry

Mr Paul Anderson addressed the meeting to speak for the recommendation.

CL22.538 - Wildlife Protection on Berry's Country Lanes

Mr Kelvin Officer addressed the meeting to speak for the recommendation.

CL22.529 - Development Application Fee Reimbursement Request – Anglican Church Property Trust Diocese of Sydney – DA22/1550

Mr Campbell Mackay addressed the meeting to speak for the recommendation.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Eil / Clr Norris)

MIN22.748

That the following items be brought forward for consideration:

- CL22.539 - Notice of Motion - 52 Parker Cres Berry
- CL22.540 - Addendum - 52 Parker Crescent, Berry – Public Interest Representations for the Revocation of a Complying Development Certificate (CDC518/22)
- CL22.538 - Notice of Motion - Wildlife Protection on Berry's Country Lanes
- CL22.529 - Development Application Fee Reimbursement Request – Anglican Church Property Trust Diocese of Sydney – DA22/1550

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

AGAINST: Nil

CARRIED

CL22.539 Notice of Motion - 52 Parker Cres Berry

**HPERM Ref:
D22/418343**

Note: A Deputation was received on this item.

Recommendation

That:

1. Councillors be provided with an urgent briefing on the status of the multi residential development approval at 52 Parker Crescent, Berry, noting:
 - a. the development was approved by the NSW Land and Environment Court on 29 July 2021 after initially being refused by Shoalhaven City Council;
 - b. the development was approved despite a draft LEP amendment which would have prohibited subdivision into less than 2000m², being considered as 'certain and imminent' by the Court;
 - c. the Court noted (at paragraph [42]) that in the absence of a desired future character statement, the applicable controls inform the desired future character of the locality
 - d. residents have requested Council challenge the issuance of subdivisions relating to the development site
2. The briefing should include detail with regard to:
 - a. The validity of any subdivision applications.
 - b. Whether or not Section 4.65 of the Environment Planning and Assessment Act 1979 applies;
 - c. Whether any modifications to the application have been received, approved or are under consideration;
 - d. Whether or not Council and the community would be assisted by adopting detailed 'desired future character statements', and if so how would Council begin to prepare those statements;
 - e. Any other views on how Council can better facilitate community expectations in development issues being supported in the NSW Land and Environment Court.

RESOLVED (Clr Gray / Clr Wells)

MIN22.749

That:

1. Councillors be provided with an urgent briefing on the status of the multi residential development approval at 52 Parker Crescent, Berry, noting:
 - a. the development was approved by the NSW Land and Environment Court on 29 July 2021 after initially being refused by Shoalhaven City Council;
 - b. the development was approved despite a draft LEP amendment which would have prohibited subdivision into less than 2000m², being considered as 'certain and imminent' by the Court;
 - c. the Court noted (at paragraph [42]) that in the absence of a desired future character statement, the applicable controls inform the desired future character of the locality
 - d. residents have requested Council challenge the issuance of subdivisions relating to the development site
2. The briefing should include detail with regard to:
 - a. The validity of any subdivision applications.
 - b. Whether or not Section 4.65 of the Environment Planning and Assessment Act 1979

applies;

- c. Whether any modifications to the application have been received, approved or are under consideration;
- d. Whether or not Council and the community would be assisted by adopting detailed 'desired future character statements', and if so how would Council begin to prepare those statements;
- e. Any other views on how Council can better facilitate community expectations in development issues being supported in the NSW Land and Environment Court.

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

AGAINST: Nil

CARRIED

CL22.540 52 Parker Crescent, Berry - Public Interest Representations for the Revocation of a Complying Development Certificate (CDC 518/22).

HPERM Ref: D22/416454

Recommendation

That Council:

1. Note the historical information related to consent issued by the NSW Land and Environment Court.
2. Note that the Complying Development Certificate (CDC 518/22) has been issued lawfully.
3. Take no further action on this matter.

RESOLVED (Clr Wells / Clr Gray)

MIN22.750

That this item be deferred for further consideration and discussion.

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

AGAINST: Nil

CARRIED

CL22.538 Notice of Motion - Wildlife Protection on Berry's Country Lanes

HPERM Ref: D22/416173

Note: A Deputation was received on this item.

Recommendation

That Council:

1. Provide a temporary speed reduction on Tindalls Lane, Toolijooa Road, Harley Hill Road, Broughton Vale Road, Boundary Road, Bryces Road, Tullouch Road and Beach Road to 60kph for the full length of the road.
2. Provide 'Slow Down: Wildlife Crossing' signage along the road as soon as possible.
3. Encourage residents and road users to write to Transport NSW requesting consideration to a permanent reduction to speed limit on these lanes in Berry.

4. Write to Transport NSW supporting residents for a reduction in speed due to endangered wildlife crossing on Beach Road, Tindalls Lane, Toolijooa Road, Harley Hill Road, Broughton Vale Road, Boundary Road, Bryces Road and Tullouch Road.

RESOLVED (Clr Gray / Clr White)

MIN22.751

That Council:

1. Provide a temporary speed reduction on Tindalls Lane, Toolijooa Road, Harley Hill Road, Broughton Vale Road, Boundary Road, Bryces Road, Tullouch Road and Beach Road to 60kph for the full length of the road.
2. Provide 'Slow Down: Wildlife Crossing" signage along the road as soon as possible.
3. Encourage residents and road users to write to Transport NSW requesting consideration to a permanent reduction to speed limit on these lanes in Berry.
4. Write to Transport NSW supporting residents for a reduction in speed due to endangered wildlife crossing on Beach Road, Tindalls Lane, Toolijooa Road, Harley Hill Road, Broughton Vale Road, Boundary Road, Bryces Road and Tullouch Road.
5. Confirms its commitment to the previous Resolution of Council at its Ordinary Meeting of 25 May 2021 (MIN21.343) to work with the SEATS working group to investigate wildlife virtual fencing within the Shoalhaven region.

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

AGAINST: Nil

CARRIED

**CL22.529 Development Application Fee Reimbursement Request –
Anglican Church Property Trust Diocese of Sydney –
DA22/1550**

**HPERM Ref:
D22/385449**

Note: A Deputation was received on this item.

Recommendation

That Council:

1. Reimburse the Anglican Church Property Trust Diocese of Sydney \$7,607.48 being Development Application (DA) fees in relation to DA22/1550.
2. Fund the reimbursement from the City Development budget.

MOTION (Clr Watson / Clr Wells)

That Council:

1. Reimburse the Anglican Church Property Trust Diocese of Sydney \$7,607.48 being Development Application (DA) fees in relation to DA22/1550.
2. Fund the reimbursement from the City Development budget.

AMENDMENT (Clr Christen / Clr Gray)

That Council:

1. Reimburse the Anglican Church Property Trust Diocese of Sydney the sum of \$1,500 being part of the Development Application (DA) fees in relation to DA22/1550.

2. Fund the reimbursement from the City Development budget.

FOR: Clr Findley, Clr Norris, Clr Christen and Clr Gray

AGAINST: Clr Kotlash, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr White, Clr Wells and Clr Watson

AMENDMENT LOST

MOTION LOST (Clr Ell / Clr Wells)

MIN22.752

That Council:

1. Reimburse the Anglican Church Property Trust Diocese of Sydney \$7,607.48 being Development Application (DA) fees in relation to DA22/1550.

2. Fund the reimbursement from the City Development budget.

FOR: Clr Butler, Clr Copley, Clr Ell, Clr White, Clr Wells and Clr Watson

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

LOST on the CASTING VOTE of the Chair

Note: A Notice of Motion will be submitted to the next Ordinary Meeting 31 October 2022.

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - Debate

RESOLVED (Clr Findley / Clr Wells)

MIN22.753

The following items were called up for debate:

- CL22.519 - Report of the Nowra CBD Revitalisation Strategy Committee - 14 September 2022
- CL22.461 - Report Back - Employment Zoned Land Representations - Exemption from NSW Biodiversity Conservation Act 2016
- CL22.527 - RA21/1002 – Flatrock Road, Mundamia – Lot 436 DP 808415

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

AGAINST: Nil

CARRIED

REPORT OF THE HOMELESSNESS TASKFORCE SHOALHAVEN – 1 SEPTEMBER 2022

HT22.27 Homeshare Funding Project - Shoalhaven

Recommendation

That Mayor Amanda Findley write to Mr Gareth Ward MP on behalf of Shoalhaven City Council to seek support for the Homeshare funding project for the Shoalhaven.

RESOLVED (Clr Gray / Clr White)

MIN22.754

That Mayor Amanda Findley write to Mr Gareth Ward MP on behalf of Shoalhaven City Council to seek support for the Homeshare funding project for the Shoalhaven.

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

AGAINST: Nil

CARRIED

REPORT OF THE NOWRA CBD REVITALISATION STRATEGY COMMITTEE - 14 SEPTEMBER 2022

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

CBD22.27 Policy Review - Road Closure (Events) Junction Court Policy and Nowra CBD Banner Policy

**HPERM Ref:
D22/301564**

RESOLVED* (Clr Copley / Clr White)

MIN22.755

That Council reaffirm of the following policies without amendment;

1. [Road Closure \(Events\) Junction Court Policy \(POL16/249\)](#) and the
2. [Nowra CBD Banner Policy \(POL19/13\)](#)

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

AGAINST: Nil

CARRIED

CBD22.32 Nowra CBD Facade Improvement Program

**HPERM Ref:
D22/331711**

Clr Eil - less than significant non pecuniary interest declaration – his employer owns premises in Berry Street, Nowra which is in the area where the policy has previously been applied and could potentially impact.

RESOLVED* (Clr Copley / Clr White)

MIN22.756

That Council:

1. Note the feedback received (outlined in report attached) from Nowra CBD Property owners during the month of July 2022.
2. Withdraw the Façade Improvement Financial Assistance Program Guidelines (attachment 2) in its current form
3. Staff meet with the Committee members and conduct a 'walk around' to identify areas/properties in the CBD that may benefit from façade improvements;
4. Write to CBD operators to advise the Façade Improvement Financial Assistance Program Guidelines has been withdrawn, and instead the committee will seek to identify properties for façade improvements that would assist with the revitalisation of the CBD.
5. Following the 'walk around' (in Part 3 above) staff report back to the Committee with a way

forward for a new Façade improvement Program and consider approaching properties

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

AGAINST: Nil

CARRIED

REPORTS

Call Over of Business Paper - En bloc

RESOLVED (Clr White / Clr Copley) MIN22.757

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

- CL22.521 Register - Disclosure of Pecuniary Interest Returns - 2021/22
- CL22.523 Indigenous Leadership Summit 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 and Clr Gray

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Gray / Clr Copley) MIN22.758

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

- CL22.524 -Proponent Planning Proposal Request - 17 Croobyar Road, Milton - Centre Based Child Care Facility

Note – this item 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 and Clr Gray

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Butler / Clr Norris) MIN22.759

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

- CL22.525 - Accessible Parking Spaces - Nowra CBD - Investigate Upgrade to Australian Standards
- CL22.526 – Grant of Easement for Drainage of Water – Lot 1 DP 1084362 – 42 Coomea Street, Bomaderry

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

Minutes Confirmed Monday, 31 October 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 Watson and Clr Gray

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Wells / Clr White) MIN22.760

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

- CL22.528 – Demolition of Existing Garage and Construction of a New Detached Garage – DA22/1909 – 107 Jerry Bailey Road Shoalhaven Heads – Lot 10 DP2426457
- CL22.530 – Policy – Community Consultation Policy – for Development Applications (including Subdivision) and the Formulation of Development Guidelines and Policies

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

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Gray / Clr White) MIN22.761

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

- CL22.533 – Shoalhaven City Council Homelessness Policy Review
- CL22.534 – Policy Review – Shoalhaven Entertainment Centre Hiring Policy

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

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Copley / Clr Kotlash) MIN22.762

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

- CL22.535 – Tenders – Bendeela Reservoir Design and Construction Project

Note – this item will be marked with an asterisk (*) in these Minutes.

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr White / Clr Wells) MIN22.763

That the following item be resolved en bloc:

- CL22.536 - Sustainable Economic Growth for Regional Australia (SEGRA) Conference 2022

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

CARRIED

CL22.520 Councillor Membership - Audit, Risk & Improvement Committee

**HPERM Ref:
D22/413566**

Recommendation

That Council nominate Councillor (INSET NAME) as a member of the Audit, Risk and Improvement Committee for the period to September 2023, replacing Clr Wells.

RESOLVED (Clr White / Clr Copley)

MIN22.764

That the Councillor members of the Audit, Risk and Improvement Committee for the period to September 2023, be as follows:

- Clr White
- Clr Christen
- Clr Butler (Alternate)
- Clr Norris (Alternate)

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

AGAINST: Nil

CARRIED

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

CL22.521 Register - Disclosure of Pecuniary Interest Returns - 2021/22

**HPERM Ref:
D22/349605**

RESOLVED* (Clr White / Clr Copley)

MIN22.765

That:

1. The report regarding the Register – Disclosure of Pecuniary Interest Returns lodged for the period of 1 July 2021 to 30 June 2022 be received for information.
2. The Chief Executive Officer consider appropriate action in respect of any Designated Persons who have failed to provide their return for the period of 1 July 2021 to 30 June 2022.
3. An amendment to correct Councillor Serena Copley's name is required on Page 18 of the report attachment.

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

AGAINST: Nil

CARRIED

CL22.522 2021/22 Council Borrowings - TCorp Loan Agreement

**HPERM Ref:
D22/405836**

Recommendation

That Council enter into a loan agreement, executed under the seal of Council, with New South Wales Treasury Corporation (TCorp) for the following loans (to be repaid over 10 years) that have been previously endorsed by Council:

Loan #	Purpose of the Loan	Loan Amount \$
Loan 1	Materials Recovery Facility	8,000,000
	Bioelektra Resource Recovery Facility RRF	7,000,000
Total Loan 1 (Waste Fund):		15,000,000
Loan 2	Bomaderry Basketball Stadium	650,000
	Local Roads Renewal	2,500,000
	Public Amenities (Francis Ryan Reserve and Hyams Beach Reserve)	1,350,000
	SEC Upgrade	2,100,000
	Comerong Ferry	600,000
Total Loan 2 (General Fund):		7,200,000
Loan 3	Sanctuary Point Library	6,000,000
	Ulladulla Skate Park	1,350,000
Total Loan 3 (General Fund):		7,350,000
TOTAL:		29,550,000

AMENDMENT (Clr Christen / Clr Kotlash)

That this item be deferred to a Councillor briefing.

FOR: Clr Christen and Clr Gray

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

LOST

RESOLVED (Clr Wells / Clr White)

MIN22.766

That Council enter into a loan agreement, executed under the seal of Council, with New South Wales Treasury Corporation (TCorp) for the following loans (to be repaid over 10 years) that have been previously endorsed by Council:

Loan #	Purpose of the Loan	Loan Amount \$
Loan 1	Materials Recovery Facility	8,000,000
	Bioelektra Resource Recovery Facility RRF	7,000,000
Total Loan 1 (Waste Fund):		15,000,000
Loan 2	Bomaderry Basketball Stadium	650,000
	Local Roads Renewal	2,500,000
	Public Amenities (Francis Ryan Reserve and Hyams Beach Reserve)	1,350,000
	SEC Upgrade	2,100,000
	Comerong Ferry	600,000
Total Loan 2 (General Fund):		7,200,000
Loan 3	Sanctuary Point Library	6,000,000
	Ulladulla Skate Park	1,350,000
Total Loan 3 (General Fund):		7,350,000
TOTAL:		29,550,000

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

AGAINST: Clr Eil, Clr Christen and Clr Gray

CARRIED

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

CL22.523 Indigenous Leadership Summit 2022

**HPERM Ref:
D22/418147**

RESOLVED* (Clr White / Clr Copley)

MIN22.767

That Council

1. Notes the details of the Indigenous Leadership Summit 2022 scheduled for 15 to 18 November 2022 in Sydney, NSW.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Note that travel, registration fees, accommodation and all reasonable out-of-pocket expenses will be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from 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 and Clr Gray

AGAINST: Nil

CARRIED

**CL22.461 Report Back - Employment Zoned Land Representations
- Exemption from NSW Biodiversity Conservation Act
2016**

**HPERM Ref:
D22/365751**

That Council:

1. Receive the report on the outcome of representations to the NSW Government seeking exemption of zoned employment land from the Biodiversity Conservation Act 2016 (NSW) for information.
2. Work with relevant NSW Government Agencies on a possible strategic approach to enable development and consideration outcomes in the broader South Nowra Area, including possible Strategic Biodiversity Certification as per the Biodiversity Conservation Act 2016 (NSW).
3. Receive further reports on this project as it progresses.

RESOLVED (Clr Gray / Clr Copley)

MIN22.768

That this item be deferred to a Councillor Briefing.

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

AGAINST: Nil

CARRIED

CL22.524 Proponent Planning Proposal Request - 17 Croobyar Road, Milton - Centre Based Child Care Facility **HPERM Ref: D22/361030**

RESOLVED* (Clr Gray / Clr Copley) MIN22.769

That Council:

1. Support the Planning Proposal (PP) request to amend Shoalhaven Local Environmental Plan 2014 (SLEP 2014) to include an additional permitted use for 'centre-based childcare facility' under Schedule 1 for Lot 200 DP 1192140.
2. Prepare and submit the required PP documentation to the NSW Department of Planning and Environment for Gateway determination
3. Note in the Gateway request that public exhibition is not considered necessary in this instance given the minor nature of this proposal and history of the site.
4. Expedite the matter as a 'minor' proponent-initiated Planning Proposal and only report back to Council if necessary prior to finalising the LEP amendment.
5. Apply fees in accordance with Council's adopted Fees and Charges for a 'minor PP'.
6. Advise the Proponent and relevant stakeholders of 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 and Clr Gray

AGAINST: Nil

CARRIED

CL22.525 Accessible Parking Spaces - Nowra CBD - Investigate Upgrade to Australian Standards **HPERM Ref: D22/115633**

RESOLVED* (Clr Butler / Clr Norris) MIN22.770

That:

1. The CEO (Director City Services) prepare a budget bid of \$40,000 during the 2023/24 financial year budget process for designs to address shared zones and fall non-compliance above 50mm within the existing accessible car spaces in Council owned carparks within the Nowra CBD.
2. The CEO (Director City Services) engage with and pursue any funding available from TfNSW to bring forward works to upgrade existing accessible car spaces within Council owned carparks within the Nowra CBD in line with the current Australian Standards.

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

AGAINST: Nil

CARRIED

CL22.526 Grant of Easement for Drainage of Water - Lot 1 DP 1084362 - 42 Coomea Street Bomaderry **HPERM Ref: D22/348765**

RESOLVED* (Clr Butler / Clr Norris) MIN22.771

That Council:

1. Resolve to grant an Easement for Drainage of Water 2m wide that will burden Council land known as Lot 1 DP 1084362, 42 Coomea Street Bomaderry, as shown in attachment 1 (D22/355314);

2. Require the proprietor of Lots 19, 20, 21, 22 and 23 Sec 25 DP 2886 to:
 - a. Pay compensation for the Grant of Easement for the Drainage of Water burdening Council land with compensation determined by independent valuation (including GST if required);
 - b. To fund all costs associated with the creation and registration of the easement;
3. Delegate authority to the Chief Executive Officer to adjust the compensation in accordance with the area of the easement determined by the final registered plan.
4. 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 and Clr Gray

AGAINST: Nil

CARRIED

**CL22.527 RA21/1002 – Flatrock Road, Mundamia – Lot 436 DP
808415**

**HPERM Ref:
D22/391363**

Recommendation

That:

1. Council receive and note the report RA21/1002 - Flatrock Road, Mundamia - Lot 436 DP 808415.
2. Council support RA21/1002 for a materials recycling facility at the existing waste or resource management facility at Flatrock Road, Mundamia on the basis that it has been satisfactorily assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979*.
3. The resolution made by Council be submitted to the Southern Regional Planning Panel prior to their consideration and determination of RA21/1002.

RESOLVED (Clr Wells / Clr White)

MIN22.772

That:

1. Council receive and note the report RA21/1002 - Flatrock Road, Mundamia - Lot 436 DP 808415.
2. Council support RA21/1002 for a materials recycling facility at the existing waste or resource management facility at Flatrock Road, Mundamia on the basis that it has been satisfactorily assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979*.
3. The resolution made by Council be submitted to the Southern Regional Planning Panel prior to their consideration and determination of RA21/1002.

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

AGAINST: Nil

CARRIED

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

CL22.528 Demolition of Existing Garage and Construction of a New Detached Garage - DA22/1909 - 107 Jerry Bailey Road Shoalhaven Heads - Lot 10 DP 24264 **HPERM Ref: D22/388195**

Recommendation

That Development Application DA22/1909 for the Demolition of the existing garage and construction of a new detached garage at 107 Jerry Bailey Road, Shoalhaven Heads be approved subject to the recommended conditions of consent provided at Attachment 2.

RESOLVED* (Clr Wells / Clr White) MIN22.773

That Development Application DA22/1909 for the Demolition of the existing garage and construction of a new detached garage at 107 Jerry Bailey Road, Shoalhaven Heads be approved subject to the recommended conditions of consent provided at Attachment 2.

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

AGAINST: Nil

CARRIED

CL22.529 Development Application Fee Reimbursement Request – Anglican Church Property Trust Diocese of Sydney – DA22/1550 **HPERM REF: D22/385449**

Item dealt with earlier in the meeting see MIN22.752.

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

CL22.530 Policy - Community Consultation Policy - for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies **HPERM Ref: D22/246100**

RESOLVED* (Clr Wells / Clr White) MIN22.774

That Council adopt the Community Consultation Policy - for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies as attached.

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

AGAINST: Nil

CARRIED

CL22.531 Policy Review - Community Gardens on Council Managed Land **HPERM Ref: D22/348220**

Recommendation

That Council adopts the reviewed Community Gardens on Council Managed Land Policy as attached.

RESOLVED (Clr Eil / Clr White)

MIN22.775

That Council adopts the reviewed Community Gardens on Council Managed Land Policy as attached.

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

AGAINST: Nil

CARRIED

CL22.532 Shoalhaven Community Wellbeing Plan - Outcomes of Public Exhibition

HPERM Ref: D22/280034

Recommendation

That Council:

1. Adopt the finalised Shoalhaven Community Wellbeing Strategy;
2. Acknowledge and thank the Community members and stakeholders involved in community consultation for their contribution to improving the Shoalhaven Community Wellbeing Strategy.

RESOLVED (Clr Christen / Clr Gray)

MIN22.776

That Council:

1. Adopt the finalised Shoalhaven Community Wellbeing Strategy;
2. Acknowledge and thank the Community members and stakeholders involved in community consultation for their contribution to improving the Shoalhaven Community Wellbeing Strategy.
3. Include the Strategy in the Integrated Planning & Reporting (IP&R) so that it can be tracked to ensure other policies are contributing towards the Strategy and Councillors can be updated accordingly

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

AGAINST: Nil

CARRIED

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

CL22.533 Shoalhaven City Council Homelessness Policy Review

HPERM Ref: D22/375402

RESOLVED* (Clr Gray / Clr White)

MIN22.777

That Council reaffirm the Shoalhaven Homelessness Policy with the changes outlined in Attachment 1.

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

AGAINST: Nil

CARRIED

CL22.534 Policy Review - Shoalhaven Entertainment Centre Hiring Policy **HPERM Ref: D22/408448**

RESOLVED* (Clr Gray / Clr White) MIN22.778

That Council adopt the revised Shoalhaven Entertainment Centre Hiring Policy.

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

AGAINST: Nil

CARRIED

CL22.535 Tenders – Bendeela Reservoir Design and Construction Project **HPERM Ref: D22/396889**

RESOLVED* (Clr Copley / Clr Kotlash) MIN22.779

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 and Clr Gray

AGAINST: Nil

CARRIED

CL22.536 Sustainable Economic Growth for Regional Australia (SEGRA) Conference 2022 **HPERM Ref: D22/415484**

RESOLVED* (Clr White / Clr Wells) MIN22.780

That Council receive the report from Clr Mark Kitchener on the Sustainable Economic Growth for Regional Australia (SEGRA) Conference 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 and Clr Gray

AGAINST: Nil

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

CL22.537 Notice of Motion - Continued Waiving of Rates Ulladulla Pistol Club **HPERM Ref: D22/410828**

Recommendation

That Council:

1. Waive the rates on the Crown Lease held by the Ulladulla Pistol Club.
2. Review the waiving of rates in respect of community groups with a view to excluding such waivers from being a donation.

MOTION (Clr Watson / Clr White)

MIN22.781

That Council:

1. Receive a report in respect of Council paying the rates on the Crown and other leases similar to that held by held by the Ulladulla Pistol Club or other community groups providing sporting or other community facilities.
2. Conduct a workshop with available Councillors and work with staff on a way forward in relation to pay the rates through the Community Donations process.

FOR: Clr Copley, Clr Ell, Clr White, Clr Wells and Clr Watson

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

LOST

CL22.538 Notice of Motion - Wildlife Protection on Berry's Country Lanes

**HPERM REF:
D22/416173**

Item dealt with earlier in the meeting see MIN22.751.

CL22.539 Notice of Motion - 52 Parker Cres Berry

**HPERM REF:
D22/418343**

Item dealt with earlier in the meeting see MIN22.749.

ADDENDUM REPORTS

MM22.26 Mayoral Minute - Land Use Planning Changes for Agritourism

**HPERM REF:
D22/425568**

Item dealt with earlier in the meeting see MIN22.747.

CL22.540 52 Parker Crescent, Berry - Public Interest Representations for the Revocation of a Complying Development Certificate (CDC 518/22).

**HPERM REF:
D22/416454**

Item dealt with earlier in the meeting see MIN22.750.

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 Kotlash)

MIN22.782

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.

CCL22.28 Tenders – Bendeela Reservoir Design and Construction Project

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

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

CARRIED

The meeting moved into confidential the time being 8:08pm.

The meeting moved into open session, the time being 8:10pm.

REPORT FROM CONFIDENTIAL SESSION

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

CCL22.28 Tenders – Bendeela Reservoir Design and Construction Project

**HPERM Ref:
D22/397475**

RESOLVED

MIN22.783C

That:

1. Council endorses the recommendation of the Tender Evaluation Committee and accepts the Tender from Keane Civil and Construction Pty Ltd for the Bendeela Reservoir Project at a total cost of \$1,172,979.00 (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 8:12pm.

Clr Findley
CHAIRPERSON