

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 31 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
Clr Serena Copley
Clr Paul Ell
Clr Patricia White - Remotely
Clr Greg Watson
Clr Mark Kitchener – left at 8.12pm
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

Note: An apology was received from Clr Christen and Clr Wells.

Confirmation of the Minutes

RESOLVED (Clr Copley / Clr Gray) MIN22.784

That the Minutes of the Ordinary Meeting held on Monday 10 October 2022 be confirmed.

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

AGAINST: Nil

CARRIED

Declarations of Interest

Clr Butler – CL22.546 - Exhibition Outcomes/Proposed Finalisation - Planning Proposal (PP064) - Willinga Park Equestrian Centre, Bawley Point - Functions – pecuniary interest declaration – will leave the room and will not take part in discussion or vote.

Clr Gray – CL22.546 - Exhibition Outcomes/Proposed Finalisation - Planning Proposal (PP064) - Willinga Park Equestrian Centre, Bawley Point - Functions – less than significant non pecuniary interest declaration – she participates in equestrian horse riding and is a member of Equestrian NSW – will remain in the room and will take part in discussion and vote.

Clr Gray – CL22.548 - Update and Proposed Next Steps - Land Use Planning Changes for Agritourism – less than significant non pecuniary interest declaration – she owns an RU2 zoned property in the Shoalhaven and a close relative of hers is employed by Destination Sydney Surrounds South – will remain in the room and will take part in discussion and vote.

Presentation of Petitions

Clr White presented a petition containing 76 signatures objecting to a DA that is currently with Council for 8 Augusta Place and Clyde Street, Mollymook, which states:

We the undersigned request Council to reject the above development application in its present form for the following reasons:

- The height, bulk and scale of the development
- Out of character of the surrounding properties
- Three story townhouses, there are no three storey residences in the surrounding area
- Residential three storey apartment building fronting Clyde Street is out of character with surrounding properties
- APZ zones on council land
- Traffic concerns, multiple drainage issues from the council reserve, already having serious impact on Augusta Place and the impact on the local wildlife.

MAYORAL MINUTE

MM22.27 Mayoral Minute - Congratulations - 2022 IMB Bank Illawarra Business Awards Winners

HPERM Ref: D22/446846

Recommendation

That Council write to both Renee Knight from CareSouth and Amy Hall founder of Banksia Support Services congratulating them on winning awards at the 2022 IMB Bank Illawarra Business Awards.

RESOLVED (Clr Findley / Clr Norris)

MIN22.785

That Council write to both Renee Knight from CareSouth and Amy Hall founder of Banksia Support Services congratulating them on winning awards at the 2022 IMB Bank Illawarra Business Awards.

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

AGAINST: Nil

CARRIED

MM22.28 Mayoral Minute - Safe Shelter Shoalhaven

**HPERM Ref:
D22/448521**

Recommendation

That Council:

1. Notes the emergency funding donation of \$20,000 from the Mayor's Relief Fund to Salt Care on the 21 October 2022, providing immediate financial assistance to the Shelter to resume interim operations for four weeks while State and Federal Governments consider funding requests.
2. Thank the staff and volunteers of Salt Care and the wider Shoalhaven community for their generosity in setting up and continuing to fund the Shelters operations over the past 5 years. A phenomenal effort, which shows both the importance of this service and the commitment of the community to support vulnerable people in their time of need.
3. Continues to advocate for Salt Care to receive sustained financial support from State and Federal Government.

RESOLVED (Clr Findley / Clr D'Ath)

MIN22.786

That Council:

1. Notes the emergency funding donation of \$20,000 from the Mayor's Relief Fund to Salt Care on the 21 October 2022, providing immediate financial assistance to the Shelter to resume interim operations for four weeks while State and Federal Governments consider funding requests.
2. Thank the staff and volunteers of Salt Care and the wider Shoalhaven community for their generosity in setting up and continuing to fund the Shelters operations over the past 5 years. A phenomenal effort, which shows both the importance of this service and the commitment of the community to support vulnerable people in their time of need.
3. Continues to advocate for Salt Care to receive sustained financial support from State and Federal Government.

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

AGAINST: Nil

CARRIED

DEPUTATIONS AND PRESENTATIONS

CL22.545 - Proponent Planning Proposal Request - 48 to 54 Paradise Beach Road, Sanctuary Point (includes former Anglican Church site)

Mr Bob Proudfoot addressed the meeting to speak AGAINST the recommendation.

Mr Brad Collinson addressed the meeting to speak AGAINST the recommendation.

Mr Alan Cadogan addressed the meeting to speak FOR the recommendation.

CL22.548 - Update and Proposed Next Steps - Land Use Planning Changes for Agritourism

Ms Jo-Anne Fahey addressed the meeting to speak AGAINST the recommendation.

Mr Stuart Coughlan addressed the meeting to speak FOR the recommendation.

CL22.547 - Tree Management in Shoalhaven - Proposed Trial Amendment to Shoalhaven Development Control Plan 2014 - 45 Degree Rule and Asset Protection Zone Clearing

Mr Mark Fleming addressed the meeting to speak FOR the recommendation.

CL22.546 - Exhibition Outcomes/ Planning Proposal (PP064) - Willinga Park Equestrian Centre, Bawley Point -Functions

Note: Clr Butler declared a pecuniary interest and left the room.

Mr Bob Chambers addressed the meeting to speak FOR the recommendation.

Introduction of Items as Matters of Urgency

RESOLVED (Clr Copley / Clr Kotlash)

MIN22.787

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

1. CL22.577 NSW Government Funding - The Fixing Local Roads Pothole Repair Round
2. CL22.578 Progress Update - Infrastructure Recovery Works - Natural Disaster Events 2022
3. CL22.579 Request for Quote - Pavement Rehabilitation - Albion St Sanctuary Point - Cammaray Dr & Tilbrook Ave St Georges Basin
4. CL22.580 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 D'Ath, Clr Copley, Clr Ell, Clr White, Clr Watson, Clr Kitchener 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.

Note: Clr Butler returned to the meeting.

CL22.545 Proponent Planning Proposal Request - 48 to 54 Paradise Beach Road, Sanctuary Point (includes former Anglican Church site)

HPERM Ref: D22/334804

Note: A deputation was received on this item.

Recommendation

That Council

1. Support the proponent's request, in part only, by progressing a Planning Proposal that seeks to:
 - a. rezone the subject land to *R3 Medium Density Residential*
 - b. apply a building height limit of 8.5 m over the subject land, as opposed to the requested 13m
2. Confirm, in relation to Council's fees for progressing proponent-initiated planning proposals, that any Planning Proposal over the subject land that seeks to rezone the land to residential will be treated as 'major'.

3. Request the proponents to also provide one-bedroom units to provide affordable housing opportunities should they proceed with the proposal and the resultant development.

RESOLVED (Clr Butler / Clr Norris)

MIN22.788

That Council:

1. Following discussion with the proponents, progress a Planning Proposal that seeks to rezone the subject land to R2 Low Density Residential and apply a building height limit of 8.5 m over the subject land
2. Confirm, in relation to Council's fees for progressing proponent-initiated planning proposals, that any Planning Proposal over the subject land that seeks to rezone the land to residential will be treated as 'minor'.
3. Request the proponents to also provide single bedroom dwellings to provide affordable housing opportunities should they proceed with the proposal and the resultant development.

FOR: Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr White, Clr Watson and Clr Kitchener

AGAINST: Clr Findley and Clr Gray

CARRIED

CL22.548 Update and Proposed Next Steps - Land Use Planning Changes for Agritourism

HPERM Ref: D22/443695

Note: A Deputation was received on this item.

Clr Gray – less than significant non pecuniary interest declaration – she owns an RU2 zoned property in the Shoalhaven and a close relative of hers is employed by Destination Sydney Surrounds South – remained in the room and took part in discussion and voted.

Recommendation

That Council:

1. Urgently and strongly object to the quasi mandating of 'Agritourism' and its sub terms as permissible with consent in Shoalhaven LEP 2014 from 1 December 2022 and February 2023.
2. Should the NSW Government persist with effectively mandating 'Agritourism' in certain zones in Shoalhaven:
 - a. Opt-in to the 'Farm gate premises' and 'Farm stay accommodation' optional clauses for Shoalhaven LEP 2014 and the 'Farm stay accommodation' optional clause for the Shoalhaven LEP (Jerberra Estate) 2014.
 - b. Commence the preparation of a Planning Proposal to provide additional development standards relating to the 'Farm gate premises' and 'Farm stay accommodation' optional clauses. Report the draft Planning Proposal back to Council with the draft Tourism Amendment to Shoalhaven Development Control Plan 2014, in due course.
 - c. Strongly request a deferral from the commencement of the Agritourism Reforms until February 2024, to enable the preparation, exhibition and finalisation of a Planning Proposal and detailed Development Control Plan provisions (as required), that will establish additional Shoalhaven specific development standards for the range of agritourism land uses.
3. Note Council's strong disappointment that the exempt and complying provisions that were exhibited in 2021 have been amended and notified without any meaningful consultation with Council.

4. Request that the NSW Government commit to:
 - a. Arranging public information sessions, as a matter of urgency, to explain the reforms to the public and interested communities; and
 - b. Depending on what eventuates, undertaking a 12 month review of the reforms to enable them to be refined/improved/adjusted if needed or appropriate.
5. Send a copy of this resolution to:
 - a. The NSW Department of Planning and Environment (Agritourism Team).
 - b. The Deputy Premier and Minister for Regional NSW, the Hon. Paul Toole.
 - c. The Minister for Planning and Minister for Homes, the Hon. Anthony Roberts.
 - d. The Minister for Agriculture, the Hon. Dugald Saunders.
 - e. The Member for the South Coast, the Hon. Shelley Hancock.
 - f. The Member for Kiama, Mr Gareth Ward.
 - g. Local Government NSW.
 - h. The community members/industry representatives who have previously engaged with Council on this issue.

RESOLVED (Clr Butler / Clr Watson)

MIN22.789

That Council:

1. As a matter of urgency, request a Councillor Briefing from the Department of Planning and Environment (the Department), the object of this briefing is to obtain advice from the Department on how it believes the Agritourism reforms will affect Shoalhaven's Planning Instruments and any amendments to them.
2. Receive a full report following the Briefing.

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

AGAINST: Nil

CARRIED

CL22.547 Tree Management in Shoalhaven - Proposed Trial Amendment to Shoalhaven Development Control Plan 2014 - 45 Degree Rule and Asset Protection Zone Clearing

**HPERM Ref:
D22/421733**

Note: A Deputation was received on this item.

Recommendation

That Council:

1. Support the exhibition of the draft 12-month trial amendment to Chapter G4: Tree and Vegetation Management of Shoalhaven Development Control Plan (DCP) 2014, as shown at Attachment 1, for a period of 28 days as per legislative requirements.
2. Advise key stakeholders, including key relevant tree removal operators working in the Shoalhaven Local Government Area, of this decision and exhibition arrangements.
3. Facilitate a tree contractor information session/workshop during the public exhibition period.
4. Commence the preparation of:

Minutes Confirmed Monday 14 November 2022 – Chairperson.....

- a. A data collection tool that will enable the efficient collection of the self-notification data relating to the 45 Degree Rule exemption.
- b. An educational campaign relating to tree management and the 45 Degree Rule exemption, as outlined in this report, subject to the identification of required funding.
5. Receive a further report:
 - a. On the draft amendment following the conclusion of the public exhibition period.
 - b. After the 12-month trial operation period of the amended 45 Degree Rule exemption, that includes an analysis of data received during this period and recommended next steps.
6. Commence the preparation of an Urban Greening Strategy for Shoalhaven, including the identification of funding required to prepare the strategy.
7. Not progress an amendment to Shoalhaven DCP 2014 regarding an additional exemption for the clearing of asset protection zones (MIN22.229).

RESOLVED (Clr Findley / Clr Butler)

MIN22.790

That Council:

1. Support the exhibition of the draft 12-month trial amendment to Chapter G4: Tree and Vegetation Management of Shoalhaven Development Control Plan (DCP) 2014, as shown at Attachment 1, for a period of 28 days as per legislative requirements, with an amendment to the notification period to 5 working days prior to tree removal, to allow for spot inspections that could result in the withdrawal of the exemption. The notification declaration is to be signed by the owner and the contractor.
2. Advise key stakeholders, including key relevant tree removal operators working in the Shoalhaven Local Government Area, of this decision, exhibition arrangements and the risk of fines for development without consent (i.e., tree removal that is inconsistent with Degree Rule exemption in Chapter G4 of the DCP).
3. Facilitate a tree contractor information session/workshop during the public exhibition period.
4. Commence the preparation of:
 - a. A data collection tool that will enable the efficient collection of the self-notification data relating to the 45 Degree Rule exemption.
 - b. An educational campaign relating to tree management and the 45 Degree Rule exemption, as outlined in this report, to be funded from a quarterly review .
 - c. The education campaign should be both social media and rolled out to every CCB to include and make clear where the 45 Degree Rule DOES NOT APPLY ie. - To a tree where that tree does not pose a demonstrable risk to the respective building.
 - i. Beyond the lot the lawfully erected building is located on, which includes public land.
 - ii. To land in the Jerberra Estate (already the case as outlined in the DCP).
 - iii. To trees with hollows or nests.
 - iv. To trees on upward slopes greater than 18 degrees.
 - v. To the removal of trees on land zoned RU1 Primary Production and RU2 Rural Landscape (already the case as outlined in the DCP).
5. Receive a further report:
 - a. On the draft amendment following the conclusion of the public exhibition period.
 - b. After the 12-month trial operation period of the amended 45 Degree Rule exemption, that includes an analysis of data received during this period and recommended next steps. An interim report is to be received at 6 months.

- c. On a quarterly basis as a compliance review, with data on those who:
 - i. Would have unlawfully removed trees had it not been for the spot inspection.
 - ii. Have unlawfully removed trees and vegetation under the 45 Degree Rule exemption.
- 6. Commence the preparation of an Urban Greening Strategy for Shoalhaven, including the identification of funding required to prepare the strategy.
- 7. Not progress an amendment to Shoalhaven DCP 2014 regarding an additional exemption for the clearing of asset protection zones (MIN22.229).

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

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

CARRIED

Note: A rescission motion was received on this item.

CL22.546 Exhibition Outcomes/Proposed Finalisation - Planning Proposal (PP064) - Willinga Park Equestrian Centre, Bawley Point - Functions

**HPERM Ref:
D22/280690**

Note: A Deputation was received on this item.

Clr Butler - pecuniary interest declaration – left the room and did not take part in discussion or vote.

Clr Gray – less than significant non pecuniary interest declaration – she participates in equestrian horse riding and is a member of Equestrian NSW – remained in the room and took part in discussion and voted.

Recommendation

That Council:

1. Support the proponent's decision to not pursue the secondary (exempt) purpose of the exhibited Planning Proposal (PP064) for functions involving up to 350 people (excluding staff) to be allowed as '*development without consent*'.
2. Amend, adopt and finalise PP064 in accordance with Part 1 to make 'function centre' an additional permitted use (with consent) within the RU2 Rural Landscape Zone under Shoalhaven Local Environmental Plan 2014 on the subject land (Lot 21 DP 1217069 and Lot 33 DP 1259627, Forster Drive, Bawley Point) including:
 - a. requesting the proponent to amend the PP document in accordance with Part 2 and provide a copy to Council staff for review prior to uploading to the NSW Planning Portal;
 - b. forwarding the amended PP064 to the Office of the NSW Parliamentary Counsel (PCO) with a request to draft the amendment to Shoalhaven LEP 2014;
 - c. Issuing a final invoice for the balance of fees outstanding, to be paid by the proponent prior to making the LEP amendment.
3. Note that a future development application (DA) would be subject to public notification in accordance with the Environmental Planning & Assessment Act and Council's *Community Consultation Policy for Development Applications* and that members of the community would have the opportunity to review the DA documentation and to make any necessary submissions.
4. Acknowledge that technical studies to address relevant traffic, access, environmental and amenity impacts (such as effluent disposal, noise and light spill) arising from the proposed 'function centre' use will need to be prepared by the proponent and submitted as part of the DA documentation for assessment; and

5. Independent of the PP and DA process, offer to facilitate a meeting and participate in discussions between the proponent and relevant NSW State agencies with a possible view to securing a more permanent alternate access arrangement to Willinga Park for heavy vehicles from the Princes Highway.

Note: Clr Kitchener left the meeting at 8.12pm

RESOLVED (Clr Eil / Clr Copley)

MIN22.791

That Council:

1. Support the proponent's decision to not pursue the secondary (exempt) purpose of the exhibited Planning Proposal (PP064) for functions involving up to 350 people (excluding staff) to be allowed as '*development without consent*'.
2. Amend, adopt and finalise PP064 in accordance with Part 1 to make 'function centre' an additional permitted use (with consent) within the RU2 Rural Landscape Zone under Shoalhaven Local Environmental Plan 2014 on the subject land (Lot 21 DP 1217069 and Lot 33 DP 1259627, Forster Drive, Bawley Point) including:
 - a. requesting the proponent to amend the PP document in accordance with Part 2 and provide a copy to Council staff for review prior to uploading to the NSW Planning Portal;
 - b. forwarding the amended PP064 to the Office of the NSW Parliamentary Counsel (PCO) with a request to draft the amendment to Shoalhaven LEP 2014;
 - c. Issuing a final invoice for the balance of fees outstanding, to be paid by the proponent prior to making the LEP amendment.
3. Note that a future development application (DA) would be subject to public notification in accordance with the Environmental Planning & Assessment Act and Council's *Community Consultation Policy for Development Applications* and that members of the community would have the opportunity to review the DA documentation and to make any necessary submissions.
4. Acknowledge that technical studies to address relevant traffic, access, environmental and amenity impacts (such as effluent disposal, noise and light spill) arising from the proposed 'function centre' use will need to be prepared by the proponent and submitted as part of the DA documentation for assessment; and
5. Independent of the PP and DA process, offer to facilitate a meeting and participate in discussions between the proponent and relevant NSW State agencies with a possible view to securing a more permanent alternate access arrangement to Willinga Park for heavy vehicles from the Princes Highway.

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

Against: Nil

CARRIED

CALL OVER OF THE BUSINESS PAPER

Item withdrawn

RESOLVED (Clr Findley / Clr Butler) MIN22.792

That item CL22.572 - Notice of Motion - Affordable Housing be withdrawn and deferred to the next meeting to allow Clr Wells to address the item.

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

AGAINST: Nil

CARRIED

Note: Clr Butler returned to the meeting.

Call Over of Business Paper - En bloc

RESOLVED (Clr Copley / Clr Gray) MIN22.793

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

- CL22.541 - Ongoing Register of Pecuniary Interest Returns - September 2022
- CL22.542 - Investment Report - September 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 White, Clr Watson, and Clr Gray

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Eil / Clr Norris) MIN22.794

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

- CL22.543 - Policy – Events
- CL22.544 - Proposed Update Amendment - Shoalhaven Development Control Plan 2014 - Subdivision Chapter (DCP2014.24)

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 White, Clr Watson, and Clr Gray

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr D'Ath / Clr Kotlash) MIN22.795

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

- CL22.550 - Policy - Tree Management Policy - Public Land
- CL22.551 - Policy - Rural Fire Services Stations - Community Use
- CL22.553 - Proposed Acquisition - Lot B DP 367157 - 49 Meroo Street Bomaderry
- CL22.554 - Tenders - Bitumen Spray Sealing of Pavements - July 2022 to June 2024

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 White, Clr Watson, and Clr Gray

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Butler / Clr Gray) MIN22.796

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

- CL22.555 - Variations to Development Standards - September Quarter 2022
- CL22.556 - Development Application Fee Reimbursement Request - Southern Cross Community Housing Ltd - RA22/1002

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 White, Clr Watson, and Clr Gray

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Copley / Clr Butler) MIN22.797

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

- CL22.558 - Policy - Shoalhaven City Council Art Collection - Acquisition and Management
- CL22.559 - Policy - Shoalhaven Entertainment Centre Sponsorship
- CL22.560 - Policy - Shoalhaven Arts Board Terms of Reference
- CL22.561 - Tenders - Park Road Netball Court Resurfacing

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 White, Clr Watson, and Clr Gray

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Norris / Clr Copley) MIN22.798

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

- CL22.562 - Acquisition for Easement of Water Supply - Lot 129 DP 3060 and Lot 110 DP 131219 - Moss Vale Rd Bomaderry
- CL22.563 - Connection to Conjola Sewerage System - Lot 320 DP 788391 - 24 Coolibah Ave, Conjola Park

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 White, Clr Watson, and Clr Gray

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Watson / Clr Kotlash) MIN22.799

That the following items from the Addendum Reports be resolved en bloc:

- CL22.579 - Request for Quote - Pavement Rehabilitation - Albion St Sanctuary Point - Cammaray Dr & Tilbrook Ave St Georges Basin
- CL22.580 - 52 Parker Crescent, Berry - Public Interest Representations for the Revocation of a Complying Development Certificate (CDC 518/22)

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 White, Clr Watson, and Clr Gray

AGAINST: Nil

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr Findley / Clr Eil) MIN22.800

That the matter of item CL22.549 - Natural Disaster Recovery - Change to CEO Delegation of Authority be brought forward for consideration.

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

AGAINST: Nil

CARRIED

CL22.549 Natural Disaster Recovery - Change to CEO Delegation of Authority

**HPERM Ref:
D22/446806**

Recommendation

That:

1. Council resolves to give the CEO authority to accept tenders and approve variations, on Council's behalf, for projects funded under the joint Australian Government-State Disaster Recovery Funding Arrangements 2018, related to the funding of asset restoration resulting from the March and July 2022 severe weather events.
2. This delegation be revoked in December 2025 upon completion of the asset restoration from the March and July 2022 severe weather events.

RESOLVED (Clr Findley / Clr Ell)

MIN22.801

That:

1. Council resolves to give the CEO authority to accept tenders and approve variations, on Council's behalf, for projects funded under the joint Australian Government-State Disaster Recovery Funding Arrangements 2018, related to the funding of asset restoration resulting from the March and July 2022 severe weather events.
2. This delegation be revoked in November 2024 and be reconsidered by the newly elected council.

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

AGAINST: Nil

CARRIED

The meeting adjourned to allow for refreshments, the time being 8.26pm

The meeting reconvened the time being 9.01pm

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 Patricia White - Remotely
Clr Greg Watson
Clr Tonia Gray

Procedural Motion – Extension of Meeting

RESOLVED (Clr Kotlash / Clr Butler)

MIN22.802

That the Ordinary Meeting be extended to 10.00pm.

CARRIED

REPORTS

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

CL22.541 Ongoing Register of Pecuniary Interest Returns - September 2022

HPERM Ref:
D22/417712

RESOLVED* (Clr Copley / Clr Gray)

MIN22.803

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

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

AGAINST: Nil

CARRIED

CL22.542 Investment Report - September 2022

HPERM Ref:
D22/432178

RESOLVED* (Clr Copley / Clr Gray)

MIN22.804

That Council:

1. Receive the Record of Investments for the period to 30 September 2022.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 1.90% per annum for the month of September 2022, outperforming the benchmark AusBond Bank Bill Index (1.79% pa) by 11 basis points (0.11%).
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 White, Clr Watson, and Clr Gray

AGAINST: Nil

CARRIED

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

CL22.543 Policy - Events

HPERM Ref:
D22/390440

RESOLVED* (Clr Eil / Clr Norris)

MIN22.805

That Council adopts changes made to the Events Policy (**Attachment 1**).

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

AGAINST: Nil

CARRIED

CL22.544 Proposed Update Amendment - Shoalhaven Development Control Plan 2014 - Subdivision Chapter (DCP2014.24) **HPERM Ref: D22/395762**

RESOLVED* (Clr Eil / Clr Norris) **MIN22.806**

That Council:

1. Support the exhibition of the draft Subdivision Amendment to Shoalhaven Development Control Plan 2014, consisting of the following chapters, for a period of 28 days as per legislative requirements:
 - a. Draft Chapter 1: Introduction.
 - b. Draft Chapter G11: Subdivision.
 - c. Draft Dictionary.
2. Facilitate an Industry workshop/information session during the public exhibition period.
3. Receive a further report on the draft Subdivision Amendment following the conclusion of the public exhibition period.
4. Advise key stakeholders, including relevant industry representatives, of this decision and exhibition arrangements.

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

AGAINST: Nil

CARRIED

CL22.545 Proponent Planning Proposal Request - 48 to 54 Paradise Beach Road, Sanctuary Point (Includes Former Anglican Church Site) **HPERM REF: D22/334804**

Item dealt with earlier in the meeting see MIN22.788.

CL22.546 Exhibition Outcomes/Proposed Finalisation - Planning Proposal (PP064) - Willinga Park Equestrian Centre, Bawley Point - Functions **HPERM REF: D22/280690**

Item dealt with earlier in the meeting see MIN22.791.

CL22.547 Tree Management in Shoalhaven - Proposed Trial Amendment to Shoalhaven Development Control Plan 2014 - 45 Degree Rule and Asset Protection Zone Clearing **HPERM REF: D22/421733**

Item dealt with earlier in the meeting see MIN22.790.

CL22.548 Update and Proposed Next Steps - Land Use Planning Changes for Agritourism **HPERM REF: D22/443695**

Item dealt with earlier in the meeting see MIN22.789.

CL22.549 Natural Disaster Recovery - Change to CEO Delegation of Authority

**HPERM REF:
D22/446806**

Item dealt with earlier in the meeting see MIN22.801.

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

CL22.550 Policy - Tree Management Policy - Public Land

**HPERM Ref:
D22/356784**

RESOLVED* (Clr D'Ath / Clr Kotlash)

MIN22.807

That Council adopts the revised Tree Management Policy – Public Land (POL22/181).

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

AGAINST: Nil

CARRIED

CL22.551 Policy - Rural Fire Services Stations - Community Use

**HPERM Ref:
D22/408283**

RESOLVED* (Clr D'Ath / Clr Kotlash)

MIN22.808

That Council adopt the revised Rural Fire Service Stations - Community Use policy (POL22/114).

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

AGAINST: Nil

CARRIED

CL22.552 Policy - Management of Mobile Food Vending Vehicles on Council Owned or Managed Land

**HPERM Ref:
D22/437347**

Recommendation

That Council:

1. Endorse the Management of Mobile Food Vending Vehicles Policy (POL22/106) for public exhibition.
2. Note that following this period of public exhibition, a summary of community feedback and recommendations will be reported to Council along with the final draft Policy.

RESOLVED (Clr White / Clr Norris)

MIN22.809

That the matter of Policy - Management of Mobile Food Vending Vehicles on Council Owned or Managed Land be deferred to a Clr Briefing.

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

AGAINST: Nil

CARRIED

CL22.553 Proposed Acquisition - Lot B DP 367157 - 49 Meroo Street Bomaderry **HPERM Ref: D22/383205**

RESOLVED* (Clr D'Ath / Clr Kotlash) MIN22.810

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

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

AGAINST: Nil

CARRIED

CL22.554 Tenders - Bitumen Spray Sealing of Pavements - July 2022 to June 2024 **HPERM Ref: D22/398134**

RESOLVED* (Clr D'Ath / Clr Kotlash) MIN22.811

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 White, Clr Watson, and Clr Gray

AGAINST: Nil

CARRIED

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

CL22.555 Variations to Development Standards - September Quarter 2022 **HPERM Ref: D22/415901**

RESOLVED* (Clr Butler / Clr Gray) MIN22.812

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

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

AGAINST: Nil

CARRIED

CL22.556 Development Application Fee Reimbursement Request - Southern Cross Community Housing Ltd - RA22/1002 **HPERM Ref: D22/440041**

RESOLVED* (Clr Butler / Clr Gray) MIN22.813

That Council:

1. Reimburse Southern Cross Community Housing Ltd \$12,032.29 being Development Application (DA) fees in relation to RA22/1002.
2. Fund the reimbursement from the City Development Budget.

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

AGAINST: Nil
CARRIED

**CL22.557 Feasibility Study - Community Infrastructure at Wowly
Creek Reserve, Callala Bay**

**HPERM Ref:
D22/380772**

Recommendation

That Council:

1. Accept this report for information regarding the feasibility of additional community infrastructure at Wowly Creek Reserve, Callala Bay
2. Incorporate the investigations for additional community infrastructure at Wowly Creek into strategic documents such as the Community Infrastructure Strategic Plan and Council's priority ranking for new amenities
3. Continue to provide a portable toilet at Wowly Creek during peak usage periods
4. Provide way-finding signage to nearby amenities at the entrance of Wowly Creek Reserve

RESOLVED (Clr Norris / Clr Copley)

MIN22.814

That Council:

1. Accept this report for information regarding the feasibility of additional community infrastructure at Wowly Creek Reserve, Callala Bay
2. Incorporate the investigations for additional community infrastructure at Wowly Creek into strategic documents such as the Community Infrastructure Strategic Plan and Council's priority ranking for new amenities
3. Continue to provide a portable toilet at Wowly Creek during peak usage periods
4. Provide way-finding signage to nearby amenities at the entrance of Wowly Creek Reserve.

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

AGAINST: Nil
CARRIED

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

**CL22.558 Policy - Shoalhaven City Council Art Collection -
Acquisition and Management**

**HPERM Ref:
D22/402783**

RESOLVED* (Clr Copley / Clr Butler)

MIN22.815

That Council adopt the revision of the Shoalhaven City Council Art Collection – Acquisition and Management Policy (POL22/49).

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

AGAINST: Nil
CARRIED

CL22.559 Policy - Shoalhaven Entertainment Centre Sponsorship

**HPERM Ref:
D22/417074**

RESOLVED* (Clr Copley / Clr Butler)

MIN22.816

That Council adopt the revised Shoalhaven Entertainment Centre Sponsorship Policy.

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

AGAINST: Nil

CARRIED

CL22.560 Policy - Shoalhaven Arts Board Terms of Reference

**HPERM Ref:
D22/428109**

RESOLVED* (Clr Copley / Clr Butler)

MIN22.817

That Council adopt the revisions to the Shoalhaven Arts Board Terms of Reference.

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

AGAINST: Nil

CARRIED

CL22.561 Tenders - Park Road Netball Court Resurfacing

**HPERM Ref:
D22/421529**

RESOLVED* (Clr Copley / Clr Butler)

MIN22.818

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 White, Clr Watson, and Clr Gray

AGAINST: Nil

CARRIED

CL22.562 Acquisition for Easement of Water Supply - Lot 129 DP 3060 and Lot 110 DP 131219 - Moss Vale Rd Bomaderry

**HPERM Ref:
D22/378557**

RESOLVED* (Clr Norris / Clr Copley)

MIN22.819

That Council:

1. Acquire an Easement for Water Supply 5 metres wide over part of Lot 129 DP 3060 and Lot 110 DP 131219 Moss Vale Road, Bomaderry identified as "W1" in the attached Water supply easement;
2. Pay compensation of \$51,000 (plus GST if applicable) and reasonable costs associated with the acquisition, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1993;
3. Fund all costs associated with the acquisition of the water easement from the Water Fund;
4. Delegate authority to the Chief Executive Officer (Executive Manager, Shoalhaven Water) to make minor adjustments to the purchase price, if necessary, in accordance with the settlement

figure determined by Council's Solicitor;

5. Authorise the Chief Executive Officer (Executive Manager, Shoalhaven Water) to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

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

AGAINST: Nil

CARRIED

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

**CL22.563 Connection to Conjola Sewerage System - Lot 320 DP
788391 - 24 Coolibah Ave, Conjola Park**

**HPERM Ref:
D22/419411**

RESOLVED* (Clr Norris / Clr Copley)

MIN22.820

That

1. Council approve the connection of Lot 320 DP 788391, 24 Coolibah Ave, Conjola Park to the Conjola Sewerage Scheme via a gravity connection
2. The applicant pay a Separate System Connection Fee in accordance with Council's Fees and Charges, and
3. The applicant undertake all necessary works to connect the internal sewer drainage lines to the existing gravity sewer at the terminal maintenance shaft C1A in accordance with Shoalhaven Water's requirements.

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

AGAINST: Nil

CARRIED

**CL22.577 NSW Government Funding - The Fixing Local Roads
Pothole Repair Round**

**HPERM Ref:
D22/452412**

Recommendation

That Council:

1. Acknowledges and thanks the NSW Government for providing additional support to local Councils through the \$50 million Fixing Local Roads Pothole Repair Round, in response to the unprecedented and compounding damage to roads assets caused by recent weather events.
2. Note that an application on behalf of Shoalhaven City Council will be submitted for the Fixing Local Roads Pothole Repair Round before 5pm Tuesday, 8 November 2022.

RESOLVED (Clr Butler / Clr White)

MIN22.821

That Council:

1. Acknowledges and thanks the NSW Government for providing additional support to local Councils through the \$50 million Fixing Local Roads Pothole Repair Round, in response to the unprecedented and compounding damage to roads assets caused by recent weather events.
2. Note that an application on behalf of Shoalhaven City Council will be submitted for the Fixing Local Roads Pothole Repair Round before 5pm Tuesday, 8 November 2022.

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

AGAINST: Nil

CARRIED

**CL22.578 Progress Update - Infrastructure Recovery Works -
Natural Disaster Events 2022**

**HPERM Ref:
D22/452991**

Recommendation

That Council receive this update on the progress of infrastructure recovery works which is required as a result of the March 2022, July 2022, and September 2022 Natural Disaster Events.

RESOLVED (Clr Eil / Clr Findley)

MIN22.822

That Council receive this update on the progress of infrastructure recovery works which is required as a result of the March 2022, July 2022, and September 2022 Natural Disaster Events.

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

AGAINST: Nil

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

**CL22.564 Notice of Motion - Burton St Mall - Vincentia - Toilet
Amenities**

**HPERM Ref:
D22/433437**

Recommendation

That Council:

1. Acknowledges the Vincentia community's strong desire for an adult change table and ceiling track hoist to be installed in the yet to be constructed accessible toilets as part of the Burton Street Mall upgrade.
2. Notes that the Vincentia Residents and Ratepayers Association (VRRRA) have purchased an adult change table and ceiling track hoist and have generously offered to donate this to Council for installation in the Burton Street Mall project.
3. Directs and delegates to the CEO to make the required modifications to the dimensions of the accessible toilet component of the project to ensure that an adult change table and ceiling track hoist are incorporated into the construction of the new toilets as part of the Burton Street Mall upgrade. Any adjustment to the project budget required to achieve this modification are to be addressed at the next quarterly budget review.

RESOLVED (Clr Eil / Clr Kotlash)

MIN22.823

That Council:

1. Acknowledges the Vincentia community's strong desire for an adult change table and ceiling track hoist to be installed in the yet to be constructed accessible toilets as part of the Burton Street Mall upgrade. However, notes that it is now too late to incorporate the adult change table without significantly delaying the project and incurring greater cost.

2. Notes that the Vincentia Residents and Ratepayer's Association (VRRRA) have purchased an adult change table and ceiling track hoist and have generously offered to donate this to Council.
3. Directs and delegates to the CEO to liaise with the VRRRA to identify another project within the Vincentia area where the adult change table can be incorporated.

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

AGAINST: Nil

CARRIED

CL22.565 Notice of Motion - Provision of Waste Vouchers for Men's Sheds

**HPERM Ref:
D22/433465**

Recommendation

That Council:

1. Appreciates the important work performed by Men's Sheds throughout the Shoalhaven and notes that they are volunteer run and rely on donations and support from the community.
2. Acknowledges that in completing various projects on behalf of the community, sheds generate significant waste requiring them to undertake several tip runs a year. They often also receive unwanted or unusable items from the community as donations.
3. Resolves to offer to every Men's Shed located in the Shoalhaven, on application to Council, 2x Household Waste Disposal and 2x Green Waste Disposal vouchers per financial year.
4. Directs the CEO to prepare any necessary changes to the No Charge Tipping Vouchers Policy for future adoption by Council to reflect that the policy is now to apply to Men's Sheds.
5. Directs the CEO to write to all Men's Sheds in the Shoalhaven to advise them of this resolution and inviting them to apply to Council for their vouchers.

MOTION (Clr Eil / Clr Copley)

MIN22.824

That Council:

1. Appreciates the important work performed by Men's Sheds throughout the Shoalhaven and notes that they are volunteer run and rely on donations and support from the community.
2. Acknowledges that in completing various projects on behalf of the community, sheds generate significant waste requiring them to undertake several tip runs a year. They often also receive unwanted or unusable items from the community as donations.
3. Resolves to offer to every Men's Shed located in the Shoalhaven, on application to Council, 2x Household Waste Disposal and 2x Green Waste Disposal vouchers per financial year.
4. Directs the CEO to prepare any necessary changes to the No Charge Tipping Vouchers Policy for future adoption by Council to reflect that the policy is now to apply to Men's Sheds.
5. Directs the CEO to write to all Men's Sheds in the Shoalhaven to advise them of this resolution and inviting them to apply to Council for their vouchers.

FOR: Clr Copley, Clr Eil and Clr Watson

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

MOTION LOST

**CL22.566 Notice of Motion - Call in of Development Application
DA22/1614 - 5 Flora St, Sanctuary Point**

**HPERM Ref:
D22/445922**

Recommendation

That DA22/1614 - 5 Flora St, Sanctuary Point be called in for determination by Council due to public interest.

RESOLVED (Clr Eil / Clr Butler)

MIN22.825

That DA22/1614 - 5 Flora St, Sanctuary Point be called in for determination by Council due to public interest.

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

AGAINST: Nil

CARRIED

CL22.567 Notice of Motion - Comerong Island Road Closure

**HPERM Ref:
D22/446041**

Recommendation

That Council:

1. Notes that the residents of Comerong Island Rd were told in April that repairs to their road would be completed by July and that this has not occurred.
2. Directs the CEO (City Services) to meet with residents and business owners impacted by the "road closure / resident access only" signage on Comerong Island Rd to discuss their concerns and options to facilitate regular access.
3. Delegates the CEO (City Services) to engage with residents and business owners who may be in a position to assist with undertaking works on behalf of Council to achieve a full reopening of this road as quickly as possible.

RESOLVED (Clr Eil / Clr Copley)

MIN22.826

That Council directs the CEO (City Services) to meet with residents and business owners impacted by the "road closure / resident access only" signage on Comerong Island Rd to discuss their concerns and options to facilitate regular access.

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

AGAINST: Nil

CARRIED

**CL22.568 Notice of Motion - Lake Tabourie Community
Connectivity – Proposed Lake Tabourie Pathway
Network**

**HPERM Ref:
D22/445605**

Recommendation

That Council: -

1. Accept and review the Plans from Lake Tabourie Ratepayers Association (CCB) on the proposed Lake Tabourie Pathway Network attached.

2. Receive a report back to Council regarding: -
 - a. Funding and grant options available for the completion of the proposed pathways.
 - b. Timeframes for stages and completion of the plans.
3. Thank the Lake Tabourie CCB and members for providing the detailed Plans.
4. Consider immediate investigation and construction of priority one (River Road from Highway to Lemon Tree Creek crossing).

RESOLVED (Clr White / Clr Butler)

MIN22.827

That Council:

1. Accept and review the Plans from Lake Tabourie Ratepayers Association (CCB) on the proposed Lake Tabourie Pathway Network attached.
2. Receive a report back to Council regarding: -
 - a. Funding and grant options available for the completion of the proposed pathways.
 - b. Timeframes for stages and completion of the plans.
3. Thank the Lake Tabourie CCB and members for providing the detailed Plans.
4. Consider immediate investigation and construction of priority one (River Road from Highway to Lemon Tree Creek crossing).

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

AGAINST: Nil

CARRIED

**CL22.569 Notice of Motion - DA22/1542 - 1 Buchan Street
Mollymook - Lot 14 DP 20321**

**HPERM Ref:
D22/437245**

Recommendation

That Council "Call In" DA22/1542 - 1 Buchan Street Mollymook due to the public interest.

RESOLVED (Clr Butler / Clr D'Ath)

MIN22.828

That Council "Call In" DA22/1542 - 1 Buchan Street Mollymook due to the public interest.

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

AGAINST: Nil

CARRIED

**CL22.570 Notice of Motion - Review of Policy 22/18 - Waiving of
Development Application Fees and Other Fees for
Charitable Organisations & Community Groups**

**HPERM Ref:
D22/446120**

Recommendation

That:

1. Council Receive a report in regard to a review of Policy 22/18 - Waiving of Development Application Fees and Other Fees for Charitable Organisations & Community Groups to include

draft criteria, at Clause 2.4, to allow Councillors to make well informed and transparent decisions when determining requests for the waving of fees over \$1,500.

2. Council includes additional Criteria at Clause 2.4 to consider, but not limited to:
 - a. Financial position of the organisation
 - b. What services or initiatives will be provided
 - c. If the funds will be held locally
3. The revised draft be presented to Councillors via a briefing prior to Christmas.

RESOLVED (Clr Butler / Clr Findley)

MIN22.829

That:

1. Council Receive a report in regard to a review of Policy 22/18 - Waiving of Development Application Fees and Other Fees for Charitable Organisations & Community Groups to include draft criteria, at Clause 2.4, to allow Councillors to make well informed and transparent decisions when determining requests for the waving of fees over \$1,500.
2. Council includes additional Criteria at Clause 2.4 to consider, but not limited to:
 - a. Financial position of the organisation
 - b. What services or initiatives will be provided
 - c. If the funds will be held locally
3. The revised draft be presented to Councillors via a briefing prior to Christmas.

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

AGAINST: Nil

CARRIED

CL22.571 Notice of Motion - Development Application Fee Reimbursement Request - Anglican Church Property Trust Diocese of Sydney - DA22/1550

HPERM Ref: D22/428448

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.

RESOLVED (Clr Eil / Clr Watson)

MIN22.830

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 Kotlash, Clr Butler, Clr Copley, Clr Eil, Clr White and Clr Watson

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

CARRIED

CL22.572 Notice of Motion - Affordable Housing

**HPERM Ref:
D22/449280**

Note: This item was withdrawn and deferred to the next Ordinary meeting, see MIN22.792.

CL22.573 Question on Notice - Gross Pollutant Traps / Drain Buddies in the Shoalhaven

**HPERM Ref:
D22/437059**

Question

As the Shoalhaven sits on the East Coast of Australia it is essential we protect our marine environment by decreasing the amount of rubbish / plastic that enters our waterways. There are many ways in reducing the plastics / rubbish entering our Shoalhaven waterways. These questions are proposed to see how effective gross pollutant traps are and if we should be looking at alternative options e.g. drain buddies.

1. How many gross pollutant traps (GPT) are there in the Shoalhaven?
2. How are the GPTs Shoalhaven monitored in the Shoalhaven?
3. Is the rubbish that is collected out of the GPTs recorded? If so, how much rubbish have the GPTs in the Shoalhaven captured?
4. How much do GPTs cost to install and monitor in the Shoalhaven?
5. Are there any drain buddies installed in the Shoalhaven?

Response

- 1 How many gross pollutant traps (GPT) are there in the Shoalhaven?

There are Currently 39 GPT's registered in the Council Asset Register. This number is increasing as new subdivision and developments are handed over with new GPT's to Council as new areas are developed. Council staff are aware that there may be other GPT's that have not been registered in Council Asset Register and an audit to confirm this has been undertaken during the COVID lockdowns using re-deployed staff from City Lifestyles. The assets captured in the audit process are yet to be registered in the Asset Register.

- 2 How are the GPTs Shoalhaven monitored in the Shoalhaven?

And

- 4 How much do GPTs cost to install and monitor in the Shoalhaven?

- *Council is currently undertaking a process, using Grant funds and Development Contribution funds to undertake an audit and stocktake of all Council's Stormwater Quality Improvement Devices, which includes GPT's as well as Bio-retention basins, ponds and Wetlands. There are approximately 70 devices, and this task his broken down to 3 stages due to suit funding constraints, with 2 of the 3 stages completed. It is anticipated by the end of next FY2023/24 all 3 stages of this audit and stocktake will be completed. At the completion of the task Council staff will know how much will be required to maintain all GPT's in the LGA and identify the current shortfalls in maintenance.*
- *A new guideline for maintaining and operation of GPT's was published in 2020 by the Stormwater Industry Association, Works & Service staff are booked in to be trained in the new specification and guidelines in late October and December 2022.*
- *Council staff are currently working on catchment-wide analysis to identify where GPT's may provide greater benefit to the community. Council has engaged Rhelm Consultants to provide a list of potential locations in the Lower Shoalhaven River and Crookhaven River catchments, and engaged Advisian to provide a similar strategy for Millards Creek and Ulladulla Harbour.*

- 3 Is the rubbish that is collected out of the GPTs recorded? If so, how much rubbish have the GPTs in the Shoalhaven captured?

Litter is not logged / recorded.

- 5 Are there any drain buddies installed in the Shoalhaven?

Council does not permit "drain buddies". It is stipulated within the DCP that "in-pit" type basket systems are not permitted within Council's drainage network. This is due to on-going safety concerns for workers maintaining the devices due to them not being practical to access, particularly adjacent to roads. These devices have frequent intervention intervals that Council cannot currently resource and, based on previous experience, have had durability and longevity issues and have damaged other parts of the drainage network when they fail.

CL22.574 Question on Notice - Youth Week 2022

**HPERM Ref:
D22/437154**

Question

Shoalhaven City Council held three events during Youth Week 2022 (1-14 April). The three events were the 'Futures Fair' (Friday 1 April), Open-Air Cinema Roadshow (Wednesday 6 April) and 'Futures Fest' (Tuesday 12 April). These questions are proposed to find out if youth in the Shoalhaven enjoyed the events and found them easily accessible. The responses could be very useful for planning of future events.

1. How many people attended each of the three events?
2. What was the average age demographic that attended the events?
3. Was there feedback gathered from people attending these events, if so, can the feedback be sent out to councillors?
4. Were there any young people involved in developing these event ideas?
5. Where and how much in advance were the events advertised?

Response

1. How many people attended each of the three events?

Open Air Cinema Night to showcase 'Shazam!'.

Number of community members in audience: 5

Futures Fair

Number of Service Providers: 20

Number of participants: 10

To note – the Futures Fair and Open Air Cinema were affected by bad weather and ultimately combined. The location was moved from Harry Sawkins Park to an indoor venue 'El Horses', with 24 hours notice which affected attendance.

Futures Fest

Number of community members in audience: 100+

2. What was the average age demographic that attended the events?

75% - high school students

25% - tertiary level

3. Was there feedback gathered from people attending these events, if so, can the feedback be sent out to councillors?

Evaluation of feedback from Youth Week 2022 identified that future Youth Week events should provide opportunities for young people to showcase their talents and skills (through music, art and culture for example). The inclusion of young people in all aspects of the planning and delivery process should be built upon from the youth consultation and engagement that did take place in 2022, and in fact, is the case for Youth Week 2023.

It was identified that including young people specifically in the project management phase, will encourage their peers to participate. Young people reported that they are less inclined to attend events organised by Council exclusively, but more so with service providers and community groups / organisations that have a youth focus.

Feedback suggested that youth events organised in partnership with such organisations provides an avenue for more effective engagement and promotion among young people. They also reported that initiatives that are delivered by schools, should not be replicated during Youth Week, for example, career pathways initiatives. Such feedback has been considered for future Youth Week events. This feedback relates to the Youth Pathway Expo which was, in part, a duplication of other events supported by local schools.

Responses regarding the Futures Fest, where young people were able to showcase their talents, was very positive and most people reported that they would attend a similar event in the future. One young person was quoted as saying, “(this was a) great opportunity for young people to perform and for us as a first-time band, we found it was a brilliant environment”.

4. Were there any young people involved in developing these event ideas?

The Youth Advisory Committee (YAC) were instrumental in developing ideas for Youth Week 2022, and through their learnings on the committee, identified that employment and training pathways were one of the key themes that should be incorporated into the week’s events. Some were unaware, however, of the role their schools play in organising similar initiatives in more senior levels at school. The YAC were also regularly consulted throughout the planning phase of Youth Week 2022.

Additionally, partner organisations that support young people, provided opportunities for this demographic to be involved in the planning and delivery of events, including showcasing their own short films and participating in a battle of the band’s competition.

5. Where and how much in advance were the events advertised?

The Communications Team at Shoalhaven City Council were engaged on 28 January 2022 prior to the event, to develop a communications strategy that would ensure early, extensive and suitable communication and promotions were distributed for Futures Fair. The plan sought to identify opportunities to increase attendance at the event by young people.

However, due to the Communications and Media Teams needing to pivot their focus due to necessary flood communications being prioritised, the final collateral wasn’t made available until 17 March 2022. This provide a shorter lead time than initially planned for an event that taking place on 1 April 2022.

The Future Fair branding worked well, and separated itself well from the Council’s corporate branding, thus creating a community feel that was attractive to young people and community members.

Given the short timeline for sharing posters, the media was not shared in enough time prior to the event. Social media was only made live on the day prior to the event and posters delivered in the week prior. This meant the community were not aware of the event.

In future, it will be necessary to provide more general Youth Week promotion, and direct people to event online platforms for updated event details. Future events could include opportunities for more widespread visual communication, with posters in key locations throughout the community.

Other

Concurrently Council ran a Youth Week grant program to encourage organisations across the Shoalhaven to deliver events for youth week.

These other Council funded events were:

- Nowra Youth Centre's Youth Week Events
 - Inspirational Quote Competition
 - Life Skills Information Session
 - Art Activity raising awareness of sexual health

Attendees were asked to complete feedback forms regarding the info sessions and here are some responses:

- "I enjoyed this session, I thought it was really helpful"
- "I really like the way they explained it, the people were so nice"
- "Great informative session"
- "I liked the session, it had a relaxed atmosphere and the couches were good"
- "I liked the info session it was really good"
- "I learned about a lot of stuff that I didn't know"

However, the Centre found it difficult to engage young people during the school holidays and this was reflected in low attendance numbers.

- CWA – Creatives Winning Ways

This event was free for young people aged 13-25 and ran daily, from Sunday 1 April to Thursday 14 April.

The program had 11 young people participate who took part in excursions to Bundanon, the Shoalhaven Regional Gallery and activities including screen printing, drawing and other craft.

- Headspace Nowra – Design your own Tote Bag

This was a pop-up event where young people were invited to attend and design their own tote bag. 16 people attended the event and were able to connect with headspace staff and each other.

- Mission Australia's Youth and Seniors Intergenerational Morning Tea

35 young people attended as well as 15 seniors. Feedback from all attendees was that they enjoyed meeting people from other generations. The session was targeted at students from Ulladulla High School and local Senior Citizens. The event fostered community connection and reduced isolation as both generations met.

CL22.575 Question on Notice - Conjola Community Recovery Association (CCRA) Transfer of Funds

**HPERM Ref:
D22/437208**

Question

The Conjola Community Recovery Association was set up following the fires of 2019/20 with the immediate mission to financially and materially help those in the Conjola and surrounding villages. Can staff provide a:

1. History of Council's relationship with the Association.
2. Summary of the acquittal of the Association and its transfer via an interim committee to the Conjola Community Association and how they helped in facilitating the process.
3. The process of the transfer of funds and the amount and where they are being held.

Response

1. History of Council's relationship with the Association.

The CCRA was an incorporated organisation, separate to Council that was set up by the community and for the community. The CCRA raised funds to support the Conjola Community.

There were significant community tensions being aired on social media regarding the CCRA and the funds that they had raised. Council engaged independent Michael Collins (community facilitator) and Natalie Bramble (governance expert) to support the then current CCRA Executive to work out a way forward. Both Michael and Natalie worked with the Executive who advised that they wished to step down from the role of Executive. Council staff did not participate in these discussions.

During subsequent meetings, Council was advised that an Interim Executive was formed under the CCRA Constitution as a working party. This Interim Executive working party undertook a financial review to clarify and retain the financial contributions made as charitable donations to the CCRA. This Interim Executive working party was supported by two members of the CCRA who were considered subject matter experts due to their knowledge and history of involvement and support of the CCRA from inception.

Following formation of the Interim Executive, Council was contacted by this Executive and discussions were held to progress the management of the donated funds.

2. Summary of the acquittal of the Association and its transfer via an interim committee to the Conjola Community Association and how they helped in facilitating the process.

The work detailed above was delivered by the Interim Committee of the CCRA. Council staff engaged an independent governance expert, Natalie Bramble, to assist the CCRA with this process but otherwise Council staff were not involved.

Meetings with Council staff and the interim committee were held on 16 July 2021 and 30 July 2021 and were followed by the development and signing of a Memorandum of Understanding (MOU) with the intention that when the CCRA officially ceased operating, funds would be transferred to Council and ring fenced for upgrades to Hoylake Park Reserve.

The MOU was signed in November 2021 to guide the expenditure of transferred funds which are now held in trust by Council pending ongoing community consultation. This MOU was endorsed by the majority of the CCRA members at the CCRA Annual General Meeting held 20 November 2021. The CCRA members resolved at the AGM that the CCRA distribute donated funds for the intended purpose and to wind up. The MOU encourages community consultation on funds donated for the purpose of improvements to support Conjola Park community together with an opportunity for the community to come together to enjoy some social activities which will help facilitate the consultation process and encourage the community to come together in a positive and inclusive space as part of community healing.

Funds were transferred to Council in February 2022.

Due to lockdowns, floods and inclement weather, the planned community engagement event has been delayed, with planning now occurring to run the community engagement in the next few months.

3. The process of the transfer of funds and the amount and where they are being held?

Council has signed an MOU with the CCRA and now holds the CCRA funds in a Bond ledger (quarantined trust account) named the Conjola Community Recovery Association Bond. The total funds are reported in the confidential attachment to this Question on Notice report. A community engagement event is being scheduled to find out from the Conjola Park community how they would like the funds to be spent. Prior to passing across funding, the CCRA worked with donors to ensure they were supportive of the new approach.

CL22.576 Question on Notice - Huskisson Church

**HPERM Ref:
D22/445564**

Background

Community members are familiar with Conditions 7 and 8 in Part B of this development consent which read as follows:

7. Church Building - No Demolition of Extra Fabric

No approval is given or implied for removal and/or rebuilding of any portion of the existing church building which is shown to be retained and relocated.

Should any portion of the existing church building which is indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained.

8. Submission of Photographic Survey

Prior to the commencement of relocation and demolition works, a photographic survey of the church and hall shall be submitted to Council. The photographic survey shall be prepared in accordance with the guidelines "Archival Recording of Heritage Items Using Film or Digital Capture" published by the NSW Office of Environment and Heritage.

One hard copy and one electronic copy of the Photographic Survey shall be submitted in an unbound report format.

Reason: *This condition is imposed to accurately record the details of the building, it's condition and to inform future decision making.*

Questions

1. Is the deterioration of the church building considered a breach of the development consent conditions?
2. If not, what action can be taken by Council to rectify what is considered by the community to be 'demolition by neglect'.
3. Could the CEO please advise how this clause operates under the current approval and whether the clause indicates that there would be a reason for Council to take action
4. Archival quality photographs are required to be provided by the applicant. Are the photographs that have been prepared considered satisfactory in light of the DA conditions on this sensitive site?
5. Have Council been contacted by the NSW Ombudsman in regard to the non-archival photos being 'unreasonable in the circumstances'?

Response

The consent (DA18/2102), via condition 7, does impose restriction on the demolition of any additional fabric of the Church Building. This condition notes that if any elements of the Church Building that are marked on the approved plans for retention, be damaged for whatever reason, Council is to be notified and works cease until such time as written approval of Council is obtained to recommence.

In the event of damage to parts of the structure through relocation, Council would assess whether an offence had been committed in contravention to the approval/consent issued, as part of its review and provision to written approval to recommence being undertaken.

The consent issued (DA18/2102) does not explicitly prevent the wear and tear of the buildings onsite. Given the buildings are not currently identified or listed as Heritage Items in the LEP, deterioration prevention is not a measure that was put in place for these privately owned buildings ('wilful deterioration'). Therefore, there is no immediate action Council can take to evaluate or

instigate regulatory action under current regulatory provisions or the issued consent (DA18/2102).

In the event of neglect leading to the exposure of asbestos or lead paint, Council could require information to be provided to ascertain the level of risk and/or remediation needed to be undertaken, however, evidence would be needed to substantiate such a direction. Evidence displaying that the property poses a risk in this regard is not present at this stage.

Council has however, recently written to the owner raising the community concern about the deteriorating nature of the building and requested that maintenance be carried out, as an act of good faith, to help maintain/protect the fabric of the building and ensure it is protected from the elements.

Council has previously confirmed compliance with relevant consent conditions in this respect, including the recording of heritage items for Council's information. Contemporary review notes that Council was satisfied that the recording provided sufficient detail, clarity and information to demonstrate compliance with the guidelines.

Development consent (DA18/2102), condition 8, states:

Prior to the commencement of relocation and demolition works, a photographic survey of the church and hall shall be submitted to Council. The photographic survey shall be prepared in accordance with the guidelines "Archival Recording of Heritage Items Using Film or Digital Capture" published by the NSW Office of Environment and Heritage.

One hard copy and one electronic copy of the Photographic Survey shall be submitted in an unbound report format.

The condition was imposed to provide a guide in assisting the preparation of a record to ensure Council would obtain this information, noting that at that time the Church and Hall (subject to the consent) were not a listed Local, State or Commonwealth Heritage Item.

As the consent condition was deemed to be satisfied, no further direction can be issued at this stage requiring further recording or information. Notwithstanding, a request can be made to the consent holder to undertake further work and submit further information, however, this would be at their discretion.

A review of Council records has not identified correspondence from the NSW Ombudsman on this matter.

ADDENDUM REPORTS

CL22.577 NSW Government Funding - The Fixing Local Roads - Pothole Repair Round

**HPERM REF:
D22/452412**

Item dealt with earlier in the meeting see MIN22.821.

CL22.578 Progress Update - Infrastructure Recovery Works - Natural Disaster Events 2022

**HPERM REF:
D22/452991**

Item dealt with earlier in the meeting see MIN22.22.

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

**CL22.579 Request for Quote - Pavement Rehabilitation - Albion St
Sanctuary Point - Cammaray Dr & Tilbrook Ave St
Georges Basin** **HPERM Ref:
D22/442891**

RESOLVED* (Clr Watson / Clr Kotlash) MIN22.831

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 White,
Clr Watson, and Clr Gray

AGAINST: Nil

CARRIED

**CL22.580 52 Parker Crescent, Berry - Public Interest
Representations for the Revocation of a Complying
Development Certificate (CDC 518/22)** **HPERM Ref:
D22/456268**

RESOLVED* (Clr Watson / Clr Kotlash) MIN22.832

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. Council issue information to the community by way of a fact sheet which outlines the historical context, processes giving rise to the issuing of both the Consent and Complying Development Certificate, as well as relevant elements of legal advice.
4. Take no further regulatory or legal action on this matter.

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

AGAINST: Nil

CARRIED

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 Kotlash / Clr Norris)

MIN22.833

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.

CCL22.29 Proposed Acquisition - Lot B DP 367157 - 49 Meroo Street Bomaderry

Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 10(A)(2)(c)

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.

CCL22.30 Tenders – Bitumen Spray Sealing of Pavements - July 2022 to June 2024

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.

CCL22.31 Tender - Park Road Netball Court Resurfacing

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.

CCL22.32 Request for Quote – Pavement Rehabilitation - Albion St Sanctuary Point - Cammaray Dr & Tilbrook Ave St Georges Basin

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 9.41pm.

The meeting moved into open session, the time being 9.43pm.

Minutes Confirmed Monday 14 November 2022 – Chairperson.....

REPORT FROM CONFIDENTIAL SESSION

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

CCL22.29 Proposed Acquisition - Lot B DP 367157 - 49 Meroo Street Bomaderry	HPERM Ref: D22/75673
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RESOLVED MIN22.834C

That Council:

1. Terminate negotiations with the property owners of Lot B DP 367157, 49 Meroo Street, Bomaderry.
2. Advise the 'Pride of Bomaderry' that negotiations to purchase 49 Meroo Street have failed and Council will not be pursuing the matter any further.

CARRIED

CCL22.30 Tenders – Bitumen Spray Sealing of Pavements - July 2022 to June 2024	HPERM Ref: D22/435889
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RESOLVED MIN22.835C

That

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tenders from.
 - Rural Bitumen Services Pty Ltd,
 - Roadworx Surfacing Pty Ltd,
 - NA Group Pty Ltd,
 - State Asphalt Services Pty Ltd and
 - Downer EDI Works Pty Ltd

for the Bitumen Spray Sealing of Pavements – July 2022 to June 2024 and form a panel of five preferred suppliers for the bitumen spray sealing of pavements.

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 (Director City Services).

CARRIED

CCL22.31 Tender - Park Road Netball Court Resurfacing	HPERM Ref: D22/421765
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RESOLVED MIN22.836C

That

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Jirgens Civil Pty Ltd for Park Road Netball Court Resurfacing for a total cost of \$3,420,840.95 (excluding 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 (Director City Lifestyles).

3. Council endorses the budget of \$2,800,000 for Park Road Netball Court redevelopment to be retained in the final 2023/2024 Delivery Program & Operational Plan.

CARRIED

**CCL22.32 Request for Quote – Pavement Rehabilitation - Albion St
Sanctuary Point - Cammaray Dr & Tilbrook Ave St
Georges Basin**

**HPERM Ref:
D22/448628**

RESOLVED

MIN22.837C

That

1. Council notes and accepts the recommendation of the Evaluation Team that a satisfactory result will not be achieved by inviting tenders on the basis that “*unavailability of competitive or reliable tenders*” has been demonstrated through receiving only one submission from two Request for Quotation processes, and therefore resolves to consider the Evaluation Team’s contract recommendation in accordance with Section 55(3)(i) of the Local Government Act 1993.
2. Council endorses the recommendation of the Evaluation Team and accepts the Quotation from Jirgens Civil Pty Ltd for the Pavement Rehabilitation - Albion St Sanctuary Point - Cammaray Dr & Tilbrook Ave St Georges Basin for a total cost of \$603,074.00 (excluding GST).
3. 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 (Director City Services).

CARRIED

Note: A Rescission Motion was received in relation to CL22.547 - Tree Management in Shoalhaven - Proposed Trial Amendment to Shoalhaven Development Control Plan 2014 - 45 Degree Rule and Asset Protection Zone Clearing signed by Clr Watson, Clr Kitchener and Clr Copley.

There being no further business, the meeting concluded, the time being 9.48pm.

Clr Findley
CHAIRPERSON