

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 23 January 2023
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

The following members were present:

Clr Amanda Findley - Chairperson
Clr John Kotlash
Clr Matthew Norris
Clr Liza Butler
Clr Moo D'Ath
Clr Serena Copley
Clr Paul Ell
Clr Evan Christen
Clr Patricia White
Clr John Wells
Clr Greg Watson
Clr Mark Kitchener
Clr Tonia Gray

The Chairperson read a statement advising those present that the proceedings of this meeting (including presentations, deputations and debate) will be webcast and may be recorded and broadcast under the provisions of the Code of Meeting Practice.

The meeting was opened by an Acknowledgement of Country by the Chairperson, followed with a Moment of Silence & Reflection and the playing of the Australian National Anthem.

Apologies / Leave of Absence

Nil

Confirmation of the Minutes

RESOLVED (Clr Wells / Clr White) MIN23.1

That the Minutes of the Ordinary Meeting held on Monday 12 December 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, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

Declarations of Interest

Nil

MAYORAL MINUTE

Introduction of Items as Matters of Urgency

RESOLVED (Clr Wells / Clr White)

MIN23.2

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

1. MM23.4 Mayoral Minute - Waste Levy Return and Circular Economy

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

AGAINST: Nil

CARRIED

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

MM23.1 Mayoral Minute - Nowra Bypass and the Princes Hwy

HPERM Ref:
D23/13208

Recommendation

That:

1. Shoalhaven City Council acknowledges the following budget commitments; \$97Mil from the Commonwealth Government and \$8Mil from the NSW State Government to advance the planning of a bypass for Nowra.
2. Council write to the Member for Gilmore, Member for South Coast and Member for Kiama thanking them for their advocacy for this regionally important project.
3. In corresponding with the Local Members, provide them with a copy of the updated Shoalhaven Advocacy Document for 2023, outlining the immediate needs of the City including keeping Nowra moving by investing in the Princes Hwy upgrades from Nowra Bridge to the Jervis Bay Road turn off, including the improvements that would come to the Kalandar St intersection with those upgrades, East Nowra Sub Arterial (ENSA), Hillcrest-Yalwal Sub Arterial (HYSA).

RESOLVED (Clr Findley / Clr Eil)

MIN23.3

That:

1. Shoalhaven City Council acknowledges the following budget commitments; \$97Mil from the Commonwealth Government and \$8Mil from the NSW State Government to advance the planning of a bypass for Nowra.
2. Council write to the Member for Gilmore, Member for South Coast and Member for Kiama thanking them for their advocacy for this regionally important project.
3. In corresponding with the Local Members, provide them with a copy of the updated Shoalhaven Advocacy Document for 2023, outlining the immediate needs of the City including keeping Nowra moving by investing in the Princes Hwy upgrades from Nowra Bridge to the Jervis Bay Road turn off, including the improvements that would come to the Kalandar St intersection with those upgrades, East Nowra Sub Arterial (ENSA), Hillcrest-Yalwal Sub Arterial (HYSA).
4. Council note that a funding arrangement for the ongoing upgrades of the Princes Hwy should be 80/20 as seen in the previous upgrades for the Pacific Highway.

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

AGAINST: Nil
CARRIED

MM23.2 Mayoral Minute - Condolence Motion - Uncle Willie Dixon

**HPERM Ref:
D23/13301**

Recommendation

That Shoalhaven City Council notes the passing of Uncle Willie Dixon of Bomaderry, acknowledging his significant contribution to the Bomaderry Children's Home, and offers our condolences to Uncle Willie's family.

RESOLVED (Clr Findley / Clr Wells)

MIN23.4

That Shoalhaven City Council notes the passing of Uncle Willie Dixon of Bomaderry, acknowledging his significant contribution to the Bomaderry Children's Home, and offers our condolences to Uncle Willie's family.

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

AGAINST: Nil
CARRIED

**MM23.3 Mayoral Minute - Condolence Motion - Eric Woolley
AFSM**

**HPERM Ref:
D23/13606**

Recommendation

That Shoalhaven City Council notes the passing of Mr Eric Woolley AFSM, acknowledging his significant contribution to Fire and Rescue NSW, his service to the Shoalhaven community as (retired) Captain of 405 Station Nowra and offering condolences to Mr Woolley's family and friends.

RESOLVED (Clr Findley / Clr Wells)

MIN23.5

That Shoalhaven City Council notes the passing of Mr Eric Woolley AFSM, acknowledging his significant contribution to Fire and Rescue NSW, his service to the Shoalhaven community as (retired) Captain of 405 Station Nowra and offering condolences to Mr Woolley's family and friends.

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

AGAINST: Nil
CARRIED

ADDENDUM REPORTS

**MM23.4 Mayoral Minute - Waste Levy Return and Circular
Economy**

**HPERM Ref:
D23/21517**

Note: Clr Watson left the meeting at 6:02pm

Recommendation

That Council:

1. Writes to the NSW Government requesting the return of 100% of the monies collected by the NSW State Government as part of the waste levy to local governments to:
 - a. Support local and regional Council resource recovery programs.

- b. Expand and implement current education programs for residents and local businesses to drive down waste to landfill.
 - c. Focus on industrial and building waste diversion from landfill
 - d. Provide funding for waste recovery start-ups in an effort to build a recycling industry that actually creates a market for recycled products and creates jobs from the transformation of our waste for reuse in other materials.
 - e. Enable a commitment to procurement of products made from recycled material.
2. Promotes the innovative work being developed and undertaken at West Nowra by Shoalhaven City Council and the Centre for Sustainable Materials Research and Technology (SMaRT Centre) at UNSW.
 3. Writes to the local members for Vacluse, The Hon. Gabrielle Upton MP, and Coogee, Dr Marjorie O'Neill MP, the NSW Environment Minister, The Hon. James Griffin MP, as well as The Hon. Penny Sharpe MLC, Shadow ALP Environment Minister, and Ms Cate Faehrmann MLC, Greens Waste and Circular Economy portfolio holder, to notify them of the concerns raised in this motion and call on them to commit to waste reduction initiatives, particularly soft plastics, as part of their NSW 2023 election commitments.

RESOLVED (Clr Findley / Clr Wells)

MIN23.6

That Council:

1. Writes to the NSW Government requesting the return of 100% of the future monies collected by the NSW State Government as part of the waste levy to local governments that commit to:
 - a. Support local and regional Council resource recovery programs.
 - b. Expand and implement current education programs for residents and local businesses to drive down waste to landfill.
 - c. Focus on industrial and building waste diversion from landfill
 - d. Provide funding for waste recovery start-ups in an effort to build a recycling industry that actually creates a market for recycled products and creates jobs from the transformation of our waste for reuse in other materials.
 - e. Enable a commitment to procurement of products made from recycled material.
2. Promotes the innovative work being developed and undertaken at West Nowra by Shoalhaven City Council and the Centre for Sustainable Materials Research and Technology (SMaRT Centre) at UNSW.
3. Writes to the local members for Vacluse, The Hon. Gabrielle Upton MP, and Coogee, Dr Marjorie O'Neill MP, the NSW Environment Minister, The Hon. James Griffin MP, as well as The Hon. Penny Sharpe MLC, Shadow ALP Environment Minister, and Ms Cate Faehrmann MLC, Greens Waste and Circular Economy portfolio holder, to notify them of the concerns raised in this motion and call on them to commit to waste reduction initiatives, particularly soft plastics, as part of their NSW 2023 election commitments.

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

AGAINST: Nil

CARRIED

DEPUTATIONS AND PRESENTATIONS

Note: Cllr Watson returned to the meeting at 6:09pm

Presentation of the Financial Statements for the Year Ended 30 June 2022

Lisa Berwick – Audit Director, Audit NSW – presented to the meeting on the Financial Statements for the Year Ended 30 June 2022

CL23.17 – Notice Of Motion - Offshore Wind Farm Proposal

Ms Elizabeth Dolan addressed the meeting to speak for the recommendation.

Procedural Motion - Bring Item Forward

RESOLVED (Cllr Wells / Cllr Eil) MIN23.7

That the matter of item CL23.17 - Notice Of Motion - Offshore Wind Farm Proposal, be brought forward for consideration.

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

AGAINST: Nil

CARRIED

CL23.17 Notice of Motion - Offshore Wind Farm Proposal

HPERM Ref:
D23/12677

Note: A Deputation was received on this item.

Recommendation

That Council:

1. Acknowledges the significant community concern about the BlueFloat Energy / Energy Estate South Pacific Offshore Wind Project which is the development of over 100 floating wind generated power producers to be located off the coast of the Illawarra- Shoalhaven region.
2. Notes that Federal Energy Minister The Hon. Chris Bowen MP has recently earmarked our region as one of six open for offshore wind projects. However, to date the Commonwealth Government has yet to legislate an offshore wind energy zone.
3. Notes that the proponents have not arranged to brief Councillors or the Shoalhaven community about their plans and the Federal Government likewise has not undertaken any formal consultation.
4. Directs the CEO to write to the Hon Chris Bowen MP, Federal Minister for Climate Change and Energy, Mrs Fiona Phillips MP, Federal Member for Gilmore and the Hon Matt Kean MP, NSW Minister for Energy, requesting an explanation of how the concerns about risks of environmental and economic impacts to our coastal waters and townships are being considered and evaluated throughout their planning for the Illawarra Renewable Energy Zone.
5. Directs the CEO to write to Blue Float Energy and Energy Estate requesting a briefing with Councillors about the project and for a further public meeting to be held in the Shoalhaven for our residents to be able to attend.

RESOLVED (Cllr Eil / Cllr Wells)

MIN23.8

That Council:

1. Acknowledges the significant community concern about the BlueFloat Energy/ Energy Estate South Pacific and Oceanex Energy Offshore Wind Projects which are the development of floating wind generated power producers to be located off the coast of the Illawarra-

Shoalhaven region.

2. Notes that Federal Energy Minister The Hon. Chris Bowen MP has recently earmarked our region as one of six open for offshore wind projects and that the Morrison Government previously gave approval for companies to undertake resource exploration for offshore wind farms. However, to date the Commonwealth Government has yet to legislate an offshore wind energy zone.
3. Notes that the proponents have not arranged to brief Councillors or the Shoalhaven community about their plans and the Federal Government likewise has not undertaken any formal consultation.
4. Directs the CEO to write to Blue Float Energy, Energy Estate and Oceanex Energy requesting a briefing with Councillors about the projects and for further public meetings to be held in the Shoalhaven for our residents to be able to attend.
5. Directs the CEO and the Mayor to raise this issue for discussion at the next meeting of the Illawarra Shoalhaven Joint Organisation (ISJO).
6. Receive a report following the ISJO meeting as mentioned in part 5 of the recommendation.

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

AGAINST: Nil

CARRIED

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - En bloc

RESOLVED (Clr Wells / Clr Copley) MIN23.9

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

- CFM22.8 - St Georges Basin Final Flood Study
- CFM22.10 - Election of Chairperson
- NFM22.9 - Additional Item - Member Induction Program

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Wells / Clr White) MIN23.10

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

- CL23.7 - Ongoing Register of Pecuniary Interest Returns - December 2022
- CL23.8 - Policy - Council Sponsorship
- CL23.10 - Cudmirrah / Swan Lake Cycleway - Naming - Dave Tarbert

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

FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Eil,

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Copley / Clr Christen)

MIN23.11

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

- CL23.11 - Tenders - Croobyar & Currarong Road Water Main Replacement Project.

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

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

AGAINST: Nil

CARRIED

REPORT OF THE CENTRAL FLOODPLAIN RISK MANAGEMENT COMMITTEE - 30 NOVEMBER 2022

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

CFM22.8 St Georges Basin Final Flood Study

HPERM Ref:
D22/466871

RESOLVED* (Clr Wells / Clr Copley)

MIN23.12

That Council endorse the adoption of the St Georges Basin Flood Study (Cardno, 2022) and Flood Planning Level for the St Georges Basin Floodplain Policy (attached to the report).

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

AGAINST: Nil

CARRIED

CFM22.10 Election of Chairperson

RESOLVED* (Clr Wells / Clr Copley)

MIN23.13

That Clr Norris be appointed as Chairperson of the Central Floodplain Risk Management Committee.

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

AGAINST: Nil

CARRIED

REPORT OF THE NORTHERN FLOODPLAIN RISK MANAGEMENT COMMITTEE - 7 DECEMBER 2022

NFM22.7 Lower Shoalhaven River Final Flood Study

HPERM Ref:
D22/466873

Recommendation

That Council:

1. Endorse the adoption of the Lower Shoalhaven River Flood Study (Cardno, 2022) and revised Flood Planning Level for the Lower Shoalhaven River Floodplain Policy.
2. Endorse the Committees request to extend the hydraulic model to include the Coomonderry swamp catchment in the Lower Shoalhaven River FRMS&P.
3. Ensure that the community is made aware that there will be further opportunities available for community members to comment on flood mitigation options as part of the Lower Shoalhaven River FRMS&P.

RESOLVED (Clr Christen / Clr D'Ath)

MIN23.14

That Council:

1. Endorse the adoption of the Lower Shoalhaven River Flood Study (Cardno, 2022) and revised Flood Planning Level for the Lower Shoalhaven River Floodplain Policy.
2. Endorse the Committees request to extend the hydraulic model to include the Coomonderry swamp catchment in the Lower Shoalhaven River FRMS&P.
3. Ensure that the community is made aware that there will be further opportunities available for community members to comment on flood mitigation options as part of the Lower Shoalhaven River FRMS&P.
4. Amend part 3a of the Flood Planning Levels for the Lower Shoalhaven River Floodplain policy (POL22/19) as follows: *'A dry notch weir for easier opening of the entrance be maintained for the period of the policy to assist in the protection of existing development at low levels'*.

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

AGAINST: Clr Eil

CARRIED

NFM22.9 Additional Item - Member Induction Program

RESOLVED (Clr Wells / Clr Copley)

MIN23.15

That Council investigate implementing an induction program for community members on the Floodplain Risk Management Committees.

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

AGAINST: Nil

CARRIED

REPORT OF THE NOWRA CBD REVITALISATION STRATEGY COMMITTEE - 13 DECEMBER 2022

CBD22.42 Traffic Masterplan - North Street Nowra - Update

**HPERM Ref:
D22/510047**

Recommendation

That Council:

1. Notes that the Nowra CBD Revitalisation Strategy Committee encourages the following staging of North St Upgrades.
 - a. Kinghorne St intersection upgrade
 - b. O'Keeffe Ave intersection upgrade
 - c. Graham St – Realigning to traditional 4 way intersection
 - d. Bridge and Berry St intersection upgrade
2. Advocates for TfNSW to update the intersection with the Princes Highway to coincide with the widening of the eastern end of North St.

RESOLVED (Clr Gray / Clr D'Ath)

MIN23.16

That Council:

1. Notes that the Nowra CBD Revitalisation Strategy Committee encourages the following staging of North St Upgrades.
 - a. Kinghorne St intersection upgrade
 - b. O'Keeffe Ave intersection upgrade
 - c. Graham St – Realigning to traditional 4 way intersection
 - d. Bridge and Berry St intersection upgrade
2. Advocates for Transport for New South Wales to update the intersection with the Princes Highway to coincide with the widening of the eastern end of North St.
3. Receive a report back on the Communications Strategy for the North St Nowra Traffic Masterplan.

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

AGAINST: Nil

CARRIED

REPORT OF THE NOWRA CBD REVITALISATION STRATEGY COMMITTEE - 9 JANUARY 2023

**CBD22.45 Annual Financial Statement - Nowra CBD Promotions
Budget - 2021-2022**

**HPERM Ref:
D22/460722**

Recommendation

That the Annual Financial Statements for the 2021-2022 Financial Year (Attached to the report) provided by the Nowra CBD Business Chamber be received for information as per clause 11.3 of the Nowra CBD Revitalisation Strategy Committee Terms of Reference.

RESOLVED (Clr D'Ath / Clr White)

MIN23.17

That the Annual Financial Statements for the 2021-2022 Financial Year (Attached to the report) provided by the Nowra CBD Business Chamber be received for information as per clause 11.3 of the Nowra CBD Revitalisation Strategy Committee Terms of Reference.

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

AGAINST: Nil

CARRIED

REPORT OF THE SHOALHAVEN SPORTS BOARD - 11 JANUARY 2023

SB23.1 Shoalhaven Sports Board Membership - Casual Positions

HPERM Ref: D22/526730

Recommendation

That Council:

1. Endorse the following nominees to the Shoalhaven Sports Board as Casual Community members which will expire on 31 March 2023.
 - a. Jonathan Sellers (new member)
 - b. Colin Stevenson (new member)
2. Write to the successful applicants, congratulating them, and sending the Shoalhaven Sports Board Terms of Reference, Strategic Plan, and upcoming meeting dates.

RESOLVED (Clr D'Ath / Clr Christen)

MIN23.18

That Council:

1. Endorse the following nominees to the Shoalhaven Sports Board as Casual Community members which will expire on 31 March 2023.
 - a. Jonathan Sellers (new member)
 - b. Colin Stevenson (new member)
2. Write to the successful applicants, congratulating them, and sending the Shoalhaven Sports Board Terms of Reference, Strategic Plan, and upcoming meeting dates.

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

AGAINST: Nil

CARRIED

REPORTS

CL23.6 Election of Chairperson Natural Area Volunteers Group

HPERM Ref:
D22/437569

Recommendation

That Council

1. Resolve to elect a Councillor as Chairperson of the Natural Area Volunteers Group for the period to September 2023.
2. Undertake that election at the meeting at which this report is considered to allow the business of the Natural Area Volunteers Group to proceed.

RESOLVED (Clr Eil / Clr D'Ath)

MIN23.19

That Council

1. Resolve to elect Clr Evan Christen as Chairperson of the Natural Area Volunteers Group for the period to September 2023.
2. Undertake that election at the meeting at which this report is considered to allow the business of the Natural Area Volunteers Group to proceed.

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

AGAINST: Nil

CARRIED

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

CL23.7 Ongoing Register of Pecuniary Interest Returns - December 2022

HPERM Ref:
D22/512539

RESOLVED* (Clr Wells / Clr White)

MIN23.20

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 December to 31 December 2022 be received for information.

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

AGAINST: Nil

CARRIED

CL23.8 Policy - Council Sponsorship

HPERM Ref: D23/293

RESOLVED* (Clr Wells / Clr White)

MIN23.21

That Council adopts the revised Council Sponsorship Policy as attached to this report.

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

AGAINST: Nil

CARRIED

CL23.9 Presentation of the Financial Statements for the Year Ended 30 June 2022 to the Public

HPERM Ref: D22/530192

Note: A verbal presentation was received from Lisa Berwick – Audit NSW

Recommendation

That:

1. The audited Annual Financial Statements for the year ended 30 June 2022, together with the Report on the Conduct of the Audit, be presented to the public at the Ordinary Meeting of Council on 23 January 2023.
2. Council notes the remote attendance of Lisa Berwick, Director of Financial Audit Services at the Audit Office of New South Wales and thank her for her presentation and professionalism in relation to the auditing of Council's Annual Financial Statements.

RESOLVED (Clr Findley / Clr Wells)

MIN23.22

That:

1. The audited Annual Financial Statements for the year ended 30 June 2022, together with the Report on the Conduct of the Audit, be presented to the public at the Ordinary Meeting of Council on 23 January 2023.
2. Council notes the attendance of Lisa Berwick, Director of Financial Audit Services at the Audit Office of New South Wales and thank her for her presentation and professionalism in relation to the auditing of Council's Annual Financial Statements.

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

AGAINST: Nil

CARRIED

CL23.10 Cudmirrah / Swan Lake Cycleway - Naming - Dave Tarbert

HPERM Ref: D22/533982

RESOLVED* (Clr Wells / Clr White)

MIN23.23

That Council receive and note the information provided in this report on the investigation of the naming the Council cycleway between Cudmirrah to Lake Drive, Swan Lake.

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

AGAINST: Nil

CARRIED

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

CL23.11 Tenders - Croobyar & Currarong Road Water Main Replacement Project

HPERM Ref: D22/460680

RESOLVED* (Clr Copley / Clr Christen)

MIN23.24

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

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

AGAINST: Nil

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

CL23.12 Notice of Motion - Sporting User Fees

**HPERM Ref:
D22/514339**

Recommendation

That:

1. Council re-endorse the existing policy of not charging sporting user fees for our sports grounds and that Council continue to cover the cost of sporting field lighting.
2. The CEO note that consequently, any proposal to include such fees in the upcoming budget considerations of Shoalhaven City Council will not be able to be supported by the elected Council.

MOTION (Clr Watson / Clr Kitchener)

That Council:

1. Re-endorse the existing policy of not charging sporting user fees for our sports grounds and that Council continue to cover the cost of sporting field lighting.
2. Recommend the CEO not include the consideration of this Item in the budget.

AMENDMENT (Clr Butler / Clr Norris)

Council re-endorse the existing policy of not charging sporting user fees for our sports grounds and that Council continue to cover the cost of sporting field lighting.

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

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

AMENDMENT CARRIED

RESOLVED (FURTHER AMENDMENT) (Clr Gray / Clr Christen)

MIN23.25

That Council:

1. Re-endorse the existing policy of not charging sporting user fees for our sports grounds and that Council continue to cover the cost of sporting field lighting.
2. Receives a briefing on what it would look like to have sporting user fees as a part of the budget.

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

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

FURTHER AMENDMENT CARRIED

The FURTHER AMENDMENT became the MOTION and was declared CARRIED.

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

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

Note: A rescission motion was received on this item.

CL23.13 Notice of Motion - Two Villages Walking Track Erowal Bay

HPERM Ref: D22/534102

Recommendation

That Council receive a report on the possibility of constructing a walking track between the Erowal Bay villages.

RESOLVED (Clr Watson / Clr Kotlash)

MIN23.26

That Council receive a report on the possibility of constructing a walking track between the Erowal Bay villages.

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

AGAINST: Nil

CARRIED

CL23.14 Notice of Motion - Recognition of the Allen Family Greenwell Point

HPERM Ref: D23/8137

Recommendation

The CEO be requested to place a plaque on or adjacent to the plinth of the bicentenary monument located in Anzac Park Greenwell Point, acknowledging the donation of the anchor by Ted Allen, Barry Allen and Brian Allen.

RESOLVED (Clr Watson / Clr Findley)

MIN23.27

That:

1. The CEO be requested to place a plaque on or adjacent to the plinth of the bicentenary monument located in Anzac Park Greenwell Point, acknowledging the donation of the anchor by Ted Allen, Barry Allen and Brian Allen.
2. The CEO liaise with family members regarding the appropriate wording for the plaque.

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

AGAINST: Nil

CARRIED

CL23.15 Notice of Motion - Call in of DA22/2153 for 7 Flora Street, Sanctuary Point - Lot 278 DP 26390

HPERM Ref: D22/517366

Recommendation

That Council calls in DA22/2153 7 Flora Street, Sanctuary Point - Lot 278 DP 26390 on account of community interest.

RESOLVED (Clr Eil / Clr Butler)

MIN23.28

That Council calls in DA22/2153 7 Flora Street, Sanctuary Point - Lot 278 DP 26390 on account of community interest.

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

AGAINST: Nil

CARRIED

CL23.16 Notice of Motion - Nowra Bypass Funding

HPERM Ref: D23/9516

Recommendation

That Council:

1. Welcomes the bipartisan joint Federal and State Government announcements totalling \$105 Million toward planning for the construction of the Nowra Bypass.
2. Acknowledges that this project is critical for the future of the Shoalhaven and is one of the City's key advocacy priorities for the upcoming NSW State Election.
3. Calls on all candidates for the NSW State Election in the seat of South Coast and Kiama to confirm their support for this project and that they will continue to lobby for the Nowra Bypass as a priority for the Shoalhaven.
4. Instructs the CEO to write to The Hon. Anthony Albanese MP, Prime Minister of Australia and The Hon. Dominic Perrottet MP, Premier of New South Wales stating that:
 - a. Council welcomes this funding and thanks the Prime Minister and the Premier for their commitment to the project;
 - b. Council reaffirms its strong support for the bypass to Transport for NSW to help deliver the bypass, including but not limited to assisting with planning and identifying the corridor and streamlining land acquisition; and
 - c. Council calls on the Federal and State Governments to now commit to an 80-20 funding arrangement for the delivery of the Nowra Bypass and other necessary upgrades to the Princes Highway, noting that this arrangement was in place for the Pacific Highway.

RESOLVED (Clr Eil / Clr Findley)

MIN23.29

That the Notice of Motion – Nowra Bypass Funding, be received for information noting that the matter was dealt with in Mayoral Minute MM23.1.

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

AGAINST: Nil

CARRIED

CL23.17 Notice of Motion - Offshore Wind Farm Proposal

**HPERM REF:
D23/12677**

Item dealt with earlier in the meeting see MIN23.8.

CL23.18 Notice of Motion - Council Managed Reserve - The Old Wool Rd - BSG548 19271 Lot 70 DP 25550 The Wool Rd, St Georges Basin & Old Wool Road Heritage Track

**HPERM Ref:
D23/15630**

Recommendation

That:

1. Council liaise with Basin Villages Community Forum to organise a Councillor/staff briefing/workshop by the Forum to discuss actions to protect important bushland areas of 2.20ha Council managed reserve adjacent to The Old Wool Rd - BSG548 19271 Lot 70 DP 25550 The Wool Rd, St Georges Basin, and the Old Wool Road Heritage Track.
2. Council Organise an on-site inspection of the Council managed reserve and heritage track for available Councillors and appropriate staff and with Forum members.

3. A further report be provided to Council following discussions and onsite inspections.

RESOLVED (Clr White / Clr Kotlash)

MIN23.30

That:

1. Council liaise with Basin Villages Community Forum to organise a Councillor/staff briefing/workshop by the Forum to discuss actions to protect important bushland areas of 2.20ha Council managed reserve adjacent to The Old Wool Rd - BSG548 19271 Lot 70 DP 25550 The Wool Rd, St Georges Basin, and the Old Wool Road Heritage Track.
2. Council Organise an on-site inspection of the Council managed reserve and heritage track for available Councillors and appropriate staff and with Forum members.
3. A further report be provided to Council following discussions and onsite inspections.

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

AGAINST: Nil

CARRIED

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)

MIN23.31

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.

CCL23.1 Tenders - Croobyar & Currarong Road Water Main Replacement 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 7:48pm.

The meeting moved into open session, the time being 7:50pm.

REPORT FROM CONFIDENTIAL SESSION

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

CCL23.1 Tenders - Croobyar & Currarong Road Water Main Replacement Project

**HPERM Ref:
D22/461247**

RESOLVED

MIN23.32C

That

1. Council endorse the recommendation of the Tender Evaluation Panel and accepts the Tender from Hisway Pty Ltd for the Croobyar & Currarong Roads Water Main Replacement Project (Packages 1 & 2) for a total cost of \$2,994,531.00 (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 (Executive Manager, Shoalhaven Water).

CARRIED

Note: A Rescission Motion was received in relation to CL23.12 - Notice of Motion - Sporting User Fees, signed by Cllr Eil, Cllr Watson and Cllr Wells.

There being no further business, the meeting concluded, the time being 7:52pm.

Cllr Findley
CHAIRPERSON