

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 13 February 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 – left 7.56pm, returned during Confidential session at 7.59pm
Clr Serena Copley – left 7.58pm during Confidential session
Clr Paul Ell
Clr Evan Christen
Clr Patricia White
Clr John Wells
Clr Greg Watson
Clr Mark Kitchener (Remotely) – left at 7.31pm
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 Copley) MIN23.33

That the Minutes of the Ordinary Meeting held on Monday 23 January 2023 be confirmed.

CARRIED

Declarations of Interest

Clr Copley – CL23.38 - Tenders - Establishment of a Panel of Suppliers to Provide Food and Beverages (Small Goods) to Council Facilities and CCL23.3 - Tenders – Establishment of a Panel of Suppliers to Provide Food and Beverages(Small Goods) to Council Facilities – significant non pecuniary interest declaration – has had a long term relationship of training with one of the businesses noted – will leave the room and will not take part in discussion or vote.

Clr Wells - CL23.40 – Recission Motion – CL23.12 Notice of Motion - Sporting user Fees and CL23.41 - Notice of Motion - CL23.12 Sporting User Fees – less than significant non pecuniary interest declaration – he had a relationship with the North Nowra Cricket Club 15 years ago – will remain in the room and will take part in discussion and vote.

PRESENTATION OF PETITIONS

Presentation of Petitions – United Sports Shoalhaven

Clr Ell presented a petition containing 755 signatures which states:

We the local sports clubs, volunteers, and participants understand that Councillors are deciding whether to ask council staff to formulate a plan to collect fees from sports for the use of council grounds.

As a concerned parent/club/official/interested party, we are worried that this will simply mean that as not for profit organisations we will be unable to afford these extra costs.

Many of us receive little or no funding. We are totally supported by volunteers. We are reliant on very limited budgets, with our only income from registration fees and those kind enough to sponsor us. We provide a much needed community service.

We are totally opposed to charging of fees for the use of sporting fields in the Shoalhaven

As one example, Soccer in the Shoalhaven has over 3000 participants, and any implementation of fees would simply kill off playing numbers and decimate clubs.

A number of carnivals, such as the National Indigenous Championships, and Southern Branch Football are also played in the Shoalhaven. These events bring in tourism dollars for this area as well as providing entertainment and participant opportunities for residents. We would expect these matches may be played elsewhere if these fees are imposed.

This is but one example of the sports that would be affected, with Cricket and Rugby League being two other examples.

We ask that you the Shoalhaven Council and Mayor reconsider proceeding with any proposal, now or into the future, to charge local sporting groups to use their local grounds, and to support sport in the Shoalhaven.

MAYORAL MINUTE

The Mayor addressed the meeting noting the recent passing of Narelle Brown knowing that she had many connections in the entertainment industry in the Shoalhaven.

The Mayor noted that there has been discussion with the CEO in relation to free tipping of water damaged goods from the recent rain event at Culburra and Callala Bay/Beach and this will be managed by Council staff, and those people will be cared for.

DEPUTATIONS AND PRESENTATIONS

CL23.40 – Recission Motion – CL23.12 Notice of Motion - Sporting user Fees

Mr David Sloane addressed the meeting to speak FOR the recommendation

Clr Wells - CL23.40 – Recission Motion – CL23.12 Notice of Motion - Sporting user Fees and CL23.41 - Notice of Motion - CL23.12 Sporting User Fees – less than significant non pecuniary interest declaration – he had a relationship with the North Nowra Cricket Club 15 years ago – will remain in the room and will take part in discussion and vote.

CL23.34 – Development Application - SF10958 - 31 Porter Circuit Milton - Lot 319 DP 123292

Mr Lee Carmichael addressed the meeting to speak FOR the recommendation

CL23.29 – Maintenance Options - Carrington Rd Beaumont – Gravel Road (approximately 1.2 to 1.6 Km from MR261)

Mr Timothy Johnston addressed the meeting to speak AGAINST the recommendation

Procedural Motion – Extension of Time to Speak

RESOLVED (Clr Eil / Clr D'Ath)

MIN23.34

That an extension of time to speak be granted for Mr Johnston.

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

AGAINST: Clr Norris and Clr Christen

CARRIED

CL23.35 - RA21/1003 – 41 Main Road Cambewarra – Lot 4 DP 542936, Taylors Lane Cambewarra – Lots 1 & 2 DP 1256748, 126 Taylors Lane Cambewarra – Lot 6 DP 1256748, 49 Hockeys Lane Cambewarra – Lot 7 DP 1256748, Hockeys Lane Cambewarra – Lot 1191 DP 1256749, 15 & 15A Main Road Cambewarra – Lots 1271 & 1272 DP 1264383

Mr Christopher Anderson addressed the meeting to speak AGAINST the recommendation.

Procedural Motion – Extension of Time to Speak

Note: Clr Kitchener left at 6.15pm during the Deputation.

RESOLVED (Clr Wells / Clr Kotlash)

MIN23.35

That an extension of time to speak be granted for Mr Anderson.

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

AGAINST: Clr Christen

CARRIED

Procedural Motion - Bring Items Forward

Note: Clr Kitchener returned at 6.21pm

RESOLVED (Clr Findley / Clr White) MIN23.36

That the following Items be brought forward for consideration following the Call Over of the Business Paper:

- CL23.40 - Rescission Motion - CL23.12 Notice of Motion - Sporting User Fees
- CL23.41 - Notice of Motion - CL23.12 Sporting User Fees
- CL23.34 - Development Application - SF10958 - 31 Porter Circuit Milton - Lot 319 DP 123292
- CL23.29 - Maintenance Options - Carrington Rd Beaumont - Gravel Road (Approximately 1.2 to 1.6 km from MR261)
- CL23.35 - RA21/1003 – 41 Main Road Cambewarra – Lot 4 DP 542936, Taylors Lane Cambewarra – Lots 1 & 2 DP 1256748, 126 Taylors Lane Cambewarra – Lot 6 DP 1256748, 49 Hockeys Lane Cambewarra – Lot 7 DP 1256748, Hockeys Lane Cambewarra – Lot 1191 DP 1256749, 15 & 15A Main Road Cambewarra – Lots 1271 & 1272 DP 1264383

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

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - En bloc

RESOLVED (Clr White / Clr Norris) MIN23.37

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

- CL23.21 - Ongoing Register of Pecuniary Interest Returns - January 2023
- CL23.22 - 2024 Local Government Election Cost Estimates
- CL23.24 - LGNSW Rural and Regional Summit - FRANCO.2023 Stormwater Conference - Australian Small Bridges Conference
- CL23.25 - Appointment of Members - Nowra CBD Revitalisation Strategy Committee
- CL23.26 - Investment Report - November/December 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 Ell, 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 D'Ath / Clr Wells) MIN23.38

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

- CL23.27 - Road Dedication Pursuant to Section 16 and 17 of the Roads Act 1993 - Unmade Road - Greens Rd Greenwell Point

- CL23.31 - Tenders – Shoalhaven Area - Remediation of Multiple Landslips - RFT - 10053781

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 Christen / Clr White) MIN23.39

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

- CL23.32 - Policy - Fireworks Policy
- CL23.33 - Variations to Development Standards - December Quarter 2022

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Kotlash / Clr Norris) MIN23.40

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

- CL23.36 - Bay and Basin Leisure Centre Redevelopment Design

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr White / Clr Copley) MIN23.41

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

- CL23.39 - Telstra Lease Kangaroo Valley - Mobile Phone Black Spot 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

CL23.40 Rescission Motion - CL23.12 Notice of Motion - Sporting User Fees

**HPERM Ref:
D23/33380**

Note: A Deputation was received on this item.

Clr Wells - less than significant non pecuniary interest declaration – he had a relationship with the North Nowra Cricket Club 15 years ago – remained in the room and took part in discussion and voted.

Recommendation

That Council rescind the Motion relating to Item CL23.12 Notice of Motion – Sporting User Fees of the Council Meeting held on Monday 23 January 2023.

MOTION (Clr Eil / Clr Wells)

That Council rescind the Motion relating to Item CL23.12 Notice of Motion – Sporting User Fees of the Council Meeting held on Monday 23 January 2023.

PROCEDURAL MOTION – MOTION BE PUT TO THE MEETING (Clr D'Ath)

That the MOTION be PUT.

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

AGAINST: Clr Watson

PROCEDURAL MOTION CARRIED

RESOLVED (MOTION) (Clr Eil / Clr Wells)

MIN23.42

That Council rescind the Motion relating to Item CL23.12 Notice of Motion – Sporting User Fees of the Council Meeting held on Monday 23 January 2023.

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

CL23.41 Notice of Motion - CL23.12 Sporting User Fees

**HPERM Ref:
D23/33812**

Clr Wells - less than significant non pecuniary interest declaration – he had a relationship with the North Nowra Cricket Club 15 years ago – remained in the room and took part in discussion and voted.

Recommendation

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. Receive a briefing on the subject of sporting user fees after this year's budget.

RESOLVED (Clr Eil / Clr Wells)

MIN23.43

That Council:

1. Re-endorse the existing policy of not charging Community sporting groups for the use of our sports grounds and that Council continue to cover the cost of sporting field lighting.
2. Refer this matter to the Shoalhaven Sports Board for consideration and receive a report on the possibility and opportunity to apply fees to commercial/professional users of Council sporting fields including entry fees for high profile sporting and other events, where feasible

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

AGAINST: Clr Findley, Clr Kotlash, Clr Norris and Clr Butler

CARRIED

**CL23.34 Development Application - SF10958 - 31 Porter Circuit
Milton - Lot 319 DP 123292**

**HPERM Ref:
D22/523291**

Note: A Deputation was received on this item.

Recommendation

That Development Application (SF10958) to subdivide 31 Porter CT, Milton into two Torrens Titled lots be approved subject to the conditions of consent provided at Attachment 2.

RESOLVED (Clr Watson / Clr White)

MIN23.44

That Development Application (SF10958) to subdivide 31 Porter CT, Milton into two Torrens Titled lots be approved subject to the conditions of consent provided at Attachment 2.

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

**CL23.29 Maintenance Options - Carrington Rd Beaumont - Gravel
Road (Approximately 1.2 to 1.6 km from MR261)**

**HPERM Ref:
D23/25753**

Note: A Deputation was received on this item.

Recommendation

That Council

1. Authorises the CEO (Director City Services) to negotiate and determine an agreement with affected property owner(s) with the intention of converting approximately 400m of the private Right of Way (approximately 1.2 to 1.6 km from the MR261) turnoff to a Public Road as per the Roads Act 1993 No 33. The road to be then managed by Council as part of the local road network. With the affected property owners(s) meeting at least the following reasonable conversion costs, as determined by the CEO (Director City Services).
 - a. Survey and Legal costs.
 - b. Land boundary adjustments.
 - c. Any costs to bring drainage structures and the road up to a minimum Council standard.

- d. Any costs associated with relocating fence lines due to changing property boundaries.
2. Grants Authority to affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and that the CEO be authorised to sign any documents necessary to give effect to this resolution.
3. Continues to only maintain the first 1.2km of Carrington Road until agreement is reached and the conversion occurs.

RESOLVED (Clr Christen / Clr White)

MIN23.45

That Council

1. Authorises the CEO (Director City Services) to negotiate and determine an agreement with affected property owner(s) with the intention of converting approximately 400m of the private Right of Way (approximately 1.2 to 1.6 km from the MR261) turnoff to a Public Road as per the Roads Act 1993 No 33. The road to be then managed by Council as part of the local road network. With the affected property owners(s) meeting at least the following reasonable conversion costs, as determined by the CEO (Director City Services).
 - a. Survey and Legal costs.
 - b. Land boundary adjustments.
 - c. Any costs to bring drainage structures and the road up to a minimum Council standard.
 - d. Any costs associated with relocating fence lines due to changing property boundaries.
2. Grants Authority to affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and that the CEO be authorised to sign any documents necessary to give effect to this resolution.
3. Continues to only maintain the first 1.2km of Carrington Road until agreement is reached and the conversion occurs.

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

CL23.35	RA21/1003 – 41 Main Road Cambewarra – Lot 4 DP 542936, Taylors Lane Cambewarra – Lots 1 & 2 DP 1256748, 126 Taylors Lane Cambewarra – Lot 6 DP 1256748, 49 Hockeys Lane Cambewarra – Lot 7 DP 1256748, Hockeys Lane Cambewarra – Lot 1191 DP 1256749, 15 & 15A Main Road Cambewarra – Lots 1271 & 1272 DP 1264383	HPERM Ref: D23/23116
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Note: A Deputation was received on this item.

Recommendation

That:

1. Council receive and note the report RA21/1003 – 41 Main Road Cambewarra – Lot 4 DP 542936, Taylors Lane Cambewarra – Lots 1 & 2 DP 1256748, 126 Taylors Lane Cambewarra – Lot 6 DP 1256748, 49 Hockeys Lane Cambewarra – Lot 7 DP 1256748, Hockeys Lane Cambewarra – Lot 1191 DP 1256749, 15 & 15A Main Road Cambewarra – Lots 1271 & 1272 DP 1264383.

2. Council support the referral of RA21/1003, for staged residential subdivision to create 256 Torrens Title allotments and provision of associated civil infrastructure and landscaping, to the Southern Regional Planning Panel for determination on the basis that it has been satisfactorily assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979*.
3. The resolution made by Council be submitted to the Southern Regional Planning Panel prior to their consideration and determination of RA21/1003.

RESOLVED (Clr White / Clr Christen)

MIN23.46

That:

1. Council receive and note the report RA21/1003 – 41 Main Road Cambewarra – Lot 4 DP 542936, Taylors Lane Cambewarra – Lots 1 & 2 DP 1256748, 126 Taylors Lane Cambewarra – Lot 6 DP 1256748, 49 Hockeys Lane Cambewarra – Lot 7 DP 1256748, Hockeys Lane Cambewarra – Lot 1191 DP 1256749, 15 & 15A Main Road Cambewarra – Lots 1271 & 1272 DP 1264383.
2. Council support the referral of RA21/1003, for staged residential subdivision to create 256 Torrens Title allotments and provision of associated civil infrastructure and landscaping, to the Southern Regional Planning Panel for determination on the basis that it has been satisfactorily assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979*.
3. Council submits to the Panel:
 - a. That the land has experienced flooding in the past and that the panel consider the flood and stormwater assessments undertaken as part of the application, as well as the proposed conditions relevant to flooding as part of making its determination.
 - b. The importance of the C3 zone to the north of the site, and that this plays an important role in both ecological connectivity and a buffer to the entrance to the existing Cambewarra township, and should be maintained in perpetuity.
 - c. The need for active transport linkages from the subdivision to both the existing Cambewarra township and Bomaderry, and that the panel give consideration to conditions requiring active transport links.
4. The resolution made by Council be submitted to the Southern Regional Planning Panel prior to their consideration and determination of RA21/1003.

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

REPORTS

CL23.20 Re-Establishment Alcohol Free Zones Nowra CBD, Nowra Foreshore, Ulladulla, Sanctuary Point, Callala Beach, Basin View, St Georges Basin, Sussex Inlet - Feedback

**HPERM Ref:
D22/525901**

Recommendation

That Council:

1. Receive and note the summary of comments received from the community consultation process in relation to the proposed re-establishment of Alcohol- Free Zones.

2. On the basis that they are appropriate for the purpose of limiting alcohol consumption and maintaining community safety, proceed with the re-establishment without amendment of Alcohol-Free Zones which are for a period of four (4) years in the following areas:
 - a. Nowra CBD (Attachment 1)
 - b. Nowra Foreshore (Attachment 2)
 - c. Ulladulla (Attachment 3)
 - d. Sanctuary Point (Attachment 4)
 - e. Callala Beach (Attachment 5)
 - f. Basin View (Attachment 6)
 - g. St Georges Basin (Attachment 7)
 - h. Sussex Inlet (Attachment 8)

RESOLVED (Clr Eil / Clr White)

MIN23.47

That Council:

1. Receive and note the summary of comments received from the community consultation process in relation to the proposed re-establishment of Alcohol- Free Zones.
2. On the basis that they are appropriate for the purpose of limiting alcohol consumption and maintaining community safety, proceed with the re-establishment without amendment of Alcohol-Free Zones which are for a period of four (4) years in the following areas:
 - a. Nowra CBD (Attachment 1)
 - b. Nowra Foreshore (Attachment 2)
 - c. Ulladulla (Attachment 3)
 - d. Sanctuary Point (Attachment 4)
 - e. Callala Beach (Attachment 5)
 - f. Basin View (Attachment 6)
 - g. St Georges Basin (Attachment 7)
 - h. Sussex Inlet (Attachment 8)

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'.

**CL23.21 Ongoing Register of Pecuniary Interest Returns -
January 2023**

HPERM Ref: D23/617

RESOLVED* (Clr White / Clr Norris)

MIN23.48

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 January to 31 January 2023 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

CL23.22 2024 Local Government Election Cost Estimates **HPERM Ref: D23/21023**

RESOLVED* (Clr White / Clr Norris) MIN23.49

That:

1. Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) (“the Act”) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of Shoalhaven City Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of Shoalhaven City Council.
3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of Shoalhaven City Council.
4. Council note the cost estimate of \$782,298 (excluding GST) for the NSW Electoral Commission to conduct the 2024 Local Government Election and therefore increase the Election Budget (Project 102891) in future budget reviews to accommodate for the estimated election management costs and internal costs.
5. Council authorises the Chief Executive Officer (Director – City Performance) to finalise contractual arrangements with the NSW Electoral Commission by no later than 13 June 2023 (15 months before the next ordinary elections).
6. In 2025 (within six months of the 2024 election) the Council receive a report for submission to the Minister for Local Government on the Conduct of the 2024 Election including full and transparent costings of the election.

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

CL23.23 Policy - Public Access to Council Information **HPERM Ref: D23/38275**

Note: Clr Kitchener left the meeting, the time being 7.31pm

Recommendation

That Council adopts the revised Public Access to Council Information Policy as attached to this report.

RESOLVED (Clr Christen / Clr Wells) MIN23.50

That Council adopts the revised Public Access to Council Information Policy as attached to this report & a briefing be held in relation to the Public Access to Council 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 and Clr Gray

AGAINST: Nil
CARRIED

CL23.24 LGNSW Rural and Regional Summit - FRANCO.2023 Stormwater Conference - Australian Small Bridges Conference	HPERM Ref: D23/42393
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RESOLVED* (Clr White / Clr Norris) MIN23.51
That Council

1. Notes the details of the following conferences:
 - a. LGNSW Rural and Regional Summit scheduled for 20 February 2023 in Sydney
 - b. FRANCO. (Future- Focused, Resilient, Adaptive and Networked Communities.) 2023 Stormwater Conference scheduled for 28-29 March 2023 at Brighton Beach, Sydney.
 - c. Australian Small Bridges Conference scheduled for 16-17 May 2023 in Broadbeach, QLD
2. Authorises available Councillors to attend the conferences and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conferences to provide a written report within 30 days of returning from the conference.

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

AGAINST: Nil
CARRIED

CL23.25 Appointment of Members - Nowra CBD Revitalisation Strategy Committee	HPERM Ref: D23/34895
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RESOLVED* (Clr White / Clr Norris) MIN23.52
That the following applicants be appointed to the Nowra CBD Revitalisation Strategy Committee for a period of 12 months:

1. Retail/Business operator (non CBD Property owner) – Jessica Bromley
2. Retail/Business operator (non CBD Property owner) – Jason Cox
3. Community Member – Carlo Di Giulio

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

CL23.26 Investment Report - November/December 2022

**HPERM Ref:
D23/24237**

RESOLVED* (Clr White / Clr Norris)

MIN23.53

That Council:

1. Receive the Record of Investments for the period to 31 December 2022.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 2.97% per annum for the month of December 2022, just underperforming the benchmark AusBond Bank Bill Index (2.98% pa) by -1 basis point (-0.01%).
3. Note that the portfolio performed slightly below the benchmark in December due to additional increases in the AusBond Bank Bill Index and previous limitations with reinvesting term deposits with lower interest rates causing maturing returns to be below the benchmark.
4. Note that as Council reinvests its maturing term deposits with current increased interest rates, returns will improve back above the benchmark.
5. Note the performance of the Long-Term Growth Fund as presented in the report.

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

AGAINST: Nil

CARRIED

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

CL23.27 Road Dedication Pursuant to Section 16 and 17 of the Roads Act 1993 - Unmade Road - Greens Rd Greenwell Point

**HPERM Ref:
D22/462382**

RESOLVED* (Clr D'Ath / Clr Wells)

MIN23.54

That Council:

1. Dedicates the land identified as unmade road adjoining Lot 1 DP 557868 and Lot 4 DP 551396 Greens Road, Greenwell Point as public road pursuant to Section 16 & 17 of the Roads Act 1993;
2. Authorises by notice in the Government Gazette the dedication of land known as the unmade road adjoining Lot 1 DP 557868 and Lot 4 DP 551396 Greens Road, Greenwell Point in accordance with Section 16 of the Roads Act 1993, and serve 28 days notice of the intention to do so as per Section 17 of the Roads Act 1993.
3. Affixes the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed, otherwise the Chief Executive Officer is authorised to sign any documentation necessary to give effect to this resolution.

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

CL23.28 Update - School Safety Improvements - Culburra Public and All Other Schools

HPERM Ref: D23/20124

Recommendation

That Council note the extensive work undertaken in 2022 to improve safety around school access points, in particular the receipt of 8 grants totalling \$2,801,875.

RESOLVED (Clr Eil / Clr White)

MIN23.55

That Council note the extensive work undertaken in 2022 to improve safety around school access points, in particular the receipt of 8 grants totalling \$2,801,875.

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

AGAINST: Nil

CARRIED

CL23.29 Maintenance Options - Carrington Rd Beaumont - Gravel Road (Approximately 1.2 To 1.6 Km From Mr261)

HPERM REF: D23/25753

Item dealt with earlier in the meeting see MIN23.45

CL23.30 Progress Update - Infrastructure Recovery Works - Natural Disaster

HPERM Ref: D23/41046

Recommendation

That Council:

1. Receives the February 2023 update on the progress of public infrastructure reconstruction works following the February 2022, June 2022, and September 2022 severe weather Natural Disaster events.
2. Notes that the majority of this information is now drawn from Council's webpage "Severe weather events reconstruction work – 2022".

RESOLVED (Clr Christen / Clr Findley)

MIN23.56

That Council:

1. Receives the February 2023 update on the progress of public infrastructure reconstruction works following the February 2022, June 2022, and September 2022 severe weather Natural Disaster events.
2. Notes that the majority of this information is now drawn from Council's webpage "Severe weather events reconstruction work – 2022".

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

AGAINST: Nil

CARRIED

CL23.31 Tenders – Shoalhaven Area - Remediation of Multiple Landslips - RFT - 10053781 **HPERM Ref: D23/39319**

RESOLVED* (Clr D'Ath / Clr Wells) MIN23.57

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

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

CL23.32 Policy - Fireworks Policy **HPERM Ref: D22/509650**

RESOLVED* (Clr Christen / Clr White) MIN23.58

That Council adopt the revised Fireworks Policy as attached.

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

AGAINST: Nil

CARRIED

CL23.33 Variations to Development Standards - December Quarter 2022 **HPERM Ref: D22/500354**

RESOLVED* (Clr Christen / Clr White) MIN23.59

That Council receive the Variations to Development Standards – December Quarter Report 2022 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

CL23.34 Development Application - SF10958 - 31 Porter Circuit Milton - Lot 319 DP 123292 **HPERM REF: D22/523291**

Item dealt with earlier in the meeting see MIN23.44

CL23.35	RA21/1003 – 41 Main Road Cambewarra – Lot 4 DP 542936, Taylors Lane Cambewarra – Lots 1 & 2 DP 1256748, 126 Taylors Lane Cambewarra – Lot 6 DP 1256748, 49 Hockeys Lane Cambewarra – Lot 7 DP 1256748, Hockeys Lane Cambewarra – Lot 1191 DP 1256749, 15 & 15a Main Road Cambewarra – Lots 1271 & 1272 DP 1264383	HPERM REF: D23/23116
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Item dealt with earlier in the meeting see MIN23.46

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

CL23.36	Bay and Basin Leisure Centre Redevelopment Design	HPERM Ref: D22/489858
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RESOLVED* (Clr Kotlash / Clr Norris) MIN23.60

That Council:

1. Endorse Concept Design Option 4 for the redevelopment of the Bay and Basin Leisure Centre to be progressed to the detailed design phase.
2. Endorse the commencement of community engagement and consultation for this project.

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

CL23.37	Policy - Access Areas For Dogs Policy Review - Project Update and Progression to Public Exhibition	HPERM Ref: D22/413139
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Recommendation

That Council:

1. Receive this report for information as an update on the review of the Access Areas for Dogs Policy.
2. Receive this report for information on the status of environmental assessments prepared to designate 'dog off-leash' and 'dog prohibited' areas to ensure compliance with relevant state and federal environmental legislation.
3. Approve release of the draft Access Areas for Dogs Policy for public exhibition for a period of 42 days (6 weeks), during which submissions may be made to Council.
4. Receive a future report at the conclusion of the public exhibition period, summarising feedback received, with a recommendation to adopt the proposed Access Areas for Dogs Policy OR a revised version of the Policy in response to feedback received during the public exhibition period whilst ensuring compliance with relevant state and federal environmental legislation.

RESOLVED (Clr Butler / Clr White) MIN23.61

That:

1. Council receive this report for information as an update on the review of the Access Areas for Dogs Policy.

2. Council receive this report for information on the status of environmental assessments prepared to designate 'dog off-leash' and 'dog prohibited' areas to ensure compliance with relevant state and federal environmental legislation.
3. Council approve the release of the draft Access Areas for Dogs Policy and the completed Review of Environmental Factors (REF) for public exhibition for a period of 42 days (6weeks), during which submissions may be made to Council.
4. Council receive a future report at the conclusion of the public exhibition period, summarising feedback received, with a recommendation to adopt the proposed Access Areas for Dogs Policy OR a revised version of the Policy in response to feedback received during the public exhibition period whilst ensuring compliance with relevant state and federal environmental legislation.
5. Council receive a future report at the conclusion of the public exhibition period, summarising feedback received, with a recommendation to adopt the completed REF's OR be briefed as to the content of both the REFs and community consultation whilst ensuring compliance with relevant State and Federal environmental legislation.
6. Once completed, further REFs be placed on Public Exhibition for community consultation and a report be provided on submissions received.

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

AGAINST: Nil

CARRIED

CL23.38 Tenders - Establishment of a Panel of Suppliers to Provide Food and Beverages (Small Goods) to Council Facilities **HPERM Ref: D23/7868**

Clr Copley – significant non pecuniary interest declaration – has had a long term relationship of training with one of the businesses noted – left the room and did not take part in discussion or vote.

Recommendation

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

RESOLVED (Clr White / Clr D'Ath)

MIN23.62

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

AGAINST: Nil

CARRIED

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

CL23.39 Telstra Lease Kangaroo Valley - Mobile Phone Black Spot Program **HPERM Ref: D23/33162**

RESOLVED* (Clr White / Clr Copley) **MIN23.63**

That Council

1. Notes the negotiations that have occurred and express disappointment that Telstra have advised they will not proceed with the project.
2. Make representation to the Commonwealth Mobile Phone Black Spot Program to advocate for the continued inclusion of the Kangaroo Valley area targeting Bendeela, Tallowa Dam and Budgong.
3. Continues to support Telecommunication Network Providers that propose projects to improve mobile phone coverage under the Mobile Phone Black Spot Funding Program.

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

NOTICES OF MOTION / QUESTIONS ON NOTICE

CL23.40 Rescission Motion - CL23.12 Notice of Motion - Sporting User Fees **HPERM REF: D23/33380**

Item dealt with earlier in the meeting see MIN23.42

CL23.41 Notice of Motion - CL23.12 Sporting User Fees **HPERM REF: D23/33812**

Item dealt with earlier in the meeting see MIN23.43

CL23.42 Notice of Motion - 'Call In' - DA22/2290 - 5 Treetops Crescent Mollymook **HPERM Ref: D23/34390**

Note: Clr Copley returned to the meeting.

Recommendation

That Council "Call In" DA22/2290 5 Treetops Crescent, Mollymook due to the public interest.

RESOLVED (Clr White / Clr Butler) **MIN23.64**

That Council "Call In" DA22/2290 5 Treetops Crescent, Mollymook due to the public interest.

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

AGAINST: Nil

CARRIED

Procedural Motion - Matters of Urgency

RESOLVED (Clr White / Clr Findley) MIN23.65

That an additional item regarding the DA fees for the Milton Show be introduced as a matter of urgency.

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

AGAINST: Nil

CARRIED

The CHAIRPERSON ruled the matter as URGENT due to the timing of the Milton Show.

CL23.43 Additional Item - Milton Show DA Fees - Parking

RESOLVED (Clr White / Clr Findley) MIN23.66

That Council refund the Development Application (DA23/1083) fees of \$333 for the Parking at Milton Show.

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

AGAINST: Nil

CARRIED

CL23.44 Additional Item - Acknowledgement - Retirement - Director Kevin Voegt

The Mayor acknowledged Director Kevin Voegt who is retiring, noting that this will be his last Council Meeting and thanked him for his service and assistance to Councillors over the past four (4) years.

Councillors thanked Director Kevin Voegt for his respectful assistance and guidance to them during his time at Council and noted in particular his achievements including the establishment of the Contact Centre and implementation of the Integrated Corporate Systems and the assistance he provided for the new Councillors this term.

RESOLVED (Clr Watson / Clr Findley) MIN23.67

That Council formally acknowledge and express appreciation to Director Kevin Voegt for his work achieved over the last 4 year.

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

AGAINST: Nil

CARRIED

Note: Clr D'Ath left the meeting at 7.56pm

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 Wells)

MIN23.68

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.

CCL23.2 Tenders – Shoalhaven Area - Remediation of Multiple Landslips - RFT - 10053781

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.

CCL23.3 Tenders – Establishment of a Panel of Suppliers to Provide Food and Beverages(Small Goods) to Council Facilities

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

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

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

AGAINST: Nil

CARRIED

The meeting moved into confidential the time being 7.58pm.

The meeting moved into open session, the time being 8.01pm.

REPORT FROM CONFIDENTIAL SESSION

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

CCL23.2 Tenders – Shoalhaven Area - Remediation of Multiple Landslips - RFT - 10053781

**HPERM Ref:
D23/31280**

RESOLVED

MIN23.69C

That:

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Symal Infrastructure Pty Ltd for Shoalhaven Area – Remediation of Multiple Slips

for a total cost of \$21,831,815.18 (excluding GST) – noting this includes the Tendered amount minimum discount for the full tender package.

2. Council notes the total estimated value of works, inclusive of all qualifications, departures and contingencies as outlined in the confidential report.
3. Council notes that all due diligence has been undertaken in relation to both the acceptance of this tender, and the funding being made available in accordance with the *NSW Natural Disaster Essential Public Asset Restoration Guidelines 19 October 2018*, to ensure Council's interests are best protected having regard to the complex nature of the works to be undertaken.
4. 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

CCL23.3 Tenders – Establishment of a Panel of Suppliers to Provide Food and Beverages(Small Goods) to Council Facilities

**HPERM Ref:
D23/11870**

RESOLVED

MIN23.70C

That:

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Panel of suppliers for the supply of small goods to Council facilities for the panel period (5 years) from:
 - a. Australian Food Group Pty Ltd T/A Peters Ice Cream;
 - b. Bidfood Australia Limited;
 - c. JB Metropolitan Distributors;
 - d. V&C Foods;
 - e. Cream of the Coast.
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).

CARRIED

There being no further business, the meeting concluded, the time being 8.05pm.

Clr Findley
CHAIRPERSON