

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 27 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
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 Kotlash / Clr Wells) MIN23.71

That the Minutes of the Ordinary Meeting held on Monday 13 February 2023 be confirmed.

CARRIED

Declarations of Interest

Clr Eil – CCL23.6 - Expression of Interest - Licencing of Wondalga Farm Terara Road Terara - significant non pecuniary interest declaration – has a personal friend whose expression of interest is listed for consideration.

Clr Copley - CCL23.6 - Expression of Interest - Licencing of Wondalga Farm Terara Road Terara - significant non pecuniary interest declaration – has a personal friend whose expression of interest is listed for consideration.

PRESENTATION OF PETITIONS

Presentation of Petitions - Erowal Bay to Old Erowal Bay Pedestrian Link

MOTION (Clr Watson)

Clr Watson presented a petition containing 48 signatures which states:

I have viewed the concept plan and support the proposed pedestrian link between Erowal Bay and Old Erowal Bay.

MAYORAL MINUTE

MM23.5 Mayoral Minute - Greenwell Point Scout Hall

HPERM Ref:
D23/63558

Recommendation

That Council:

1. Supports the endeavours of the Greenwell Point Community under the auspices of Greenwell Point Village Hub Inc to have the Greenwell Point Scout Hall returned and available for community use.
2. Writes to Scouts Australia and request that the property be returned to the community or alternatively a long-term lease be entered into to enable re-activation of the premises.
3. Retains the current SP2 Infrastructure - Community Facility zoning over the land to retain the community aspect of the land.

RESOLVED (Clr Findley / Clr Butler)

MIN23.72

That Council:

1. Supports the endeavours of the Greenwell Point Community under the auspices of Greenwell Point Village Hub Inc to have the Greenwell Point Scout Hall returned and available for community use.
2. Writes to Scouts Australia and request that the property be returned to the community or alternatively a long-term peppercorn lease be entered into to enable re-activation of the premises.
3. Retains the current SP2 Infrastructure - Community Facility zoning over the land to retain the community aspect of the land.

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

DEPUTATIONS AND PRESENTATIONS

CL23.46 - Audit, Risk and Improvement Committee Annual Report – 2022

Mr Peter McLean presented to the meeting regarding the Audit, Risk and Improvement Committee Annual Report - 2022

AA22.23 - Membership Appointment (CL23.45 – Report of the Aboriginal Advisory Committee - 8 November 2022)

Ms Natalie Nye addressed the meeting to speak AGAINST the recommendation.

CL23.55 - Notice of Motion - City Drainage Issues

Mr Zoltan Huszar addressed the meeting to speak FOR the recommendation.

Procedural Motion – Introduction of Additional Deputation

RESOLVED (Clr Eil / Clr White) MIN23.73

That Council hear Mr Sebastian Tauni address the meeting FOR 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

CL23.58 - Notice of Motion - Call in - DA23/1038 - 11 Thomas Cl Berry - Lot 3 DP 839837

Mr Stephen Lead addressed the meeting to speak FOR the recommendation.

CL23.59 - Notice of Motion - The Future of Agriculture at a Crossroad

Mr Robert McIntosh addressed the meeting to speak FOR the recommendation.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Norris / Clr Wells) MIN23.74

That the following Items be brought forward for consideration:

- CL23.46 - Audit, Risk and Improvement Committee Annual Report – 2022
- AA22.23 - Membership Appointment
- CL23.55 - Notice of Motion - City Drainage Issues
- CL23.58 - Notice of Motion - Call in - DA23/1038 - 11 Thomas Cl Berry - Lot 3 DP 839837
- CL23.59 - Notice of Motion - The Future of Agriculture at a Crossroad

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

CL23.46 Audit, Risk and Improvement Committee Annual Report - 2022 **HPERM Ref: D23/9998**

Recommendation

That Council:

1. Receive and note the Audit, Risk and Improvement Committee Annual Report for 2022.
2. Commend the Audit, Risk and Improvement Committee members for their work throughout 2022 and thank ARIC Chair Peter McLean for his presentation to the Ordinary Meeting.

RESOLVED (Clr Wells / Clr White)

MIN23.75

That Council:

1. Receive and note the Audit, Risk and Improvement Committee Annual Report for 2022.
2. Commend the Audit, Risk and Improvement Committee members for their work throughout 2022 and thank ARIC Chair Peter McLean for his presentation to the Ordinary Meeting.

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

AA22.23 Membership Appointment

**HPERM Ref:
D22/418803**

Recommendation

That Council, as recommended by the Aboriginal Advisory Committee:

1. Endorse and accept the appointment of David Blakely as a member of the Aboriginal Advisory Committee.
2. Provide an unsuccessful outcome letter to the unsuccessful applicant's and thank them for their application.
3. Review the Terms of Reference regarding,
 - a. Youth membership age bracket and consider engaging with the Shoalhaven University and TAFE campuses to fill vacant roles of the youth representatives.
 - b. The requirement for members to live in the Shoalhaven LGA.
 - c. Consider adding an extra community member position, noting it will be filled by Mr Jared Brown following the conclusion of appointment with Council.

MOTION (Clr D'Ath)

That Council, as recommended by the Aboriginal Advisory Committee:

1. Endorse and accept the appointment of David Blakely as a member of the Aboriginal Advisory Committee.
2. Provide an unsuccessful outcome letter to the unsuccessful applicant's and thank them for their application.
3. Review the Terms of Reference regarding,
 - a. Youth membership age bracket and consider engaging with the Shoalhaven University and TAFE campuses to fill vacant roles of the youth representatives.
 - b. The requirement for members to live in the Shoalhaven LGA.

- c. Consider adding an extra community member position, noting it will be filled by Mr Jared Brown following the conclusion of appointment with Council.

MOTION LAPSED DUE TO LACK OF A SECONDER

CL23.55 Notice of Motion - City Drainage Issues

**HPERM Ref:
D23/62148**

Recommendation

That Council:

1. Acknowledges the extreme weather event which occurred in the early hours of Thursday 9 February 2023 which impacted the communities of Culburra Beach, Orient Point, Currarong, Callala, and Greenwell Point. In a short period, these localities experienced approximately 250-300m. It is noted that this storm/rain event was a 1 in 200 year event.
2. Note that City Services have investigated the impact on this event on the drainage infrastructure in Culburra Beach, Orient Point, Currarong, Callala and Greenwell Point.
3. Request the CEO (City Services) to provide funding in the 2022/23 budget to undertake asset maintenance inspections of the drainage infrastructure across the Shoalhaven due to the severe weather events during 2022 and early 2023.
4. Direct the CEO (City Services) to attend to maintenance works in the drains located in West Crescent, (where required) in Culburra Beach. This work to be carried out in accordance with environmental statutory requirements.

RESOLVED (Clr EII / Clr White)

MIN23.76

That Council:

1. Acknowledges the extreme weather event which occurred in the early hours of Thursday 9 February 2023 which impacted the communities of Culburra Beach, Orient Point, Currarong, Callala, and Greenwell Point. In a short period, these localities experienced approximately 250-300m. It is noted that this storm/rain event was a 1 in 200 year event.
2. Note that City Services have investigated the impact on this event on the drainage infrastructure in Culburra Beach, Orient Point, Currarong, Callala and Greenwell Point.
3. Request the CEO (City Services) to provide funding in the 2023/24 budget to undertake asset maintenance inspections of the drainage infrastructure across the Shoalhaven due to the severe weather events during 2022 and early 2023.
4. Direct the CEO (City Services) to attend to maintenance works in the drains located in West Crescent, (where required) in Culburra Beach. This work to be carried out in accordance with environmental statutory requirements.
5. Provide a briefing to Councillors on this item.

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

AGAINST: Nil

CARRIED

**CL23.58 Notice of Motion - Call in - DA23/1038 - 11 Thomas CI
Berry - Lot 3 DP 839837**

**HPERM Ref:
D23/62388**

Note: Clr Watson left the room at 6:46pm and was absent during vote.

Recommendation

That Council:

1. Call in DA23/1038 due to significant community interest.
2. Allow the Councillors to listen to community concerns within the chamber.
3. Permit the Councillors to vote on final determination.

RESOLVED (Clr Gray / Clr Wells)

MIN23.77

That Council:

1. Call in DA23/1038 due to significant community interest.
2. Allow the Councillors to listen to community concerns within the chamber.
3. Permit the Councillors to vote on final determination.

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

AGAINST: Nil

CARRIED

**CL23.59 Notice of Motion - The Future of Agriculture at a
Crossroad**

**HPERM Ref:
D23/62437**

Note: Clr Watson returned during discussion at 6:49pm

Recommendation

That Council:

1. Urgently inform the NSW Government that Council firmly believes the future of Agriculture is at a precarious crossroad which requires urgent planning reform to retain agriculture as the primary purpose of rural land and ensure that farming operations are not curtailed.
2. Note the need for reform is heightened by the ambiguity and quasi mandating of 'Agritourism' and its sub terms as permissible with consent in the Shoalhaven LEP 2014 from 1 December 2022.
3. Note that to alleviate potential erosion of genuine agriculture land use and rural heritage we need to strengthen the development standards in the exempt and complying provisions.
4. Request that the NSW Government commit to changing legislation in 2023 to safeguard land for agriculture from the threat of incompatible neighbouring land uses.
5. Send a copy of this resolution to:
 - a. The Director, Planning Legislation & Economic Policy at the Department of Planning and Environment, Ms Paulina Wythes.
 - b. The Deputy Premier and Minister for Regional NSW, the Hon. Paul Toole.
 - c. The Shadow Minister for Regional NSW and Shadow Minister for Agriculture, the Hon. Mick Veitch.
 - d. The Minister for Planning and Minister for Homes, the Hon. Anthony Roberts.
 - e. The Former Minister for Planning and Minister for Homes, the Hon. Rob Stokes.

- f. The Shadow Minister for Planning and Public Spaces, the Hon. Paul Scully.
- g. The Minister for Agriculture, the Hon. Dugald Saunders.
- h. The NSW Minister for Environment and Heritage, the Hon. James Griffin.
- i. The Member for the South Coast, the Hon. Shelley Hancock.
- j. The Member for Kiama, Mr Gareth Ward.
- k. Local Government NSW, Attn: LGNSW President Darriea Turley.
- l. The community members/industry representatives who have previously engaged with Council on this issue.

RESOLVED (Clr Gray / Clr Christen)

MIN23.78

That Council:

1. Urgently inform the NSW Government that Council firmly believes the future of Agriculture is at a precarious crossroad which requires urgent planning reform to retain agriculture as the primary purpose of rural land and ensure that farming operations are not curtailed.
2. Note the need for reform is heightened by the ambiguity and quasi mandating of 'Agritourism' and its sub terms as permissible with consent in the Shoalhaven LEP 2014 from 1 December 2022.
3. Note that to alleviate potential erosion of genuine agriculture land use and rural heritage we need to strengthen the development standards in the exempt and complying provisions.
4. Request that the NSW Government commit to changing legislation in 2023 to safeguard land for agriculture from the threat of incompatible neighbouring land uses.
5. Send a copy of this resolution to:
 - a. The Director, Planning Legislation & Economic Policy at the Department of Planning and Environment, Ms Paulina Wythes.
 - b. The Deputy Premier and Minister for Regional NSW, the Hon. Paul Toole.
 - c. The Shadow Minister for Regional NSW and Shadow Minister for Agriculture, the Hon. Mick Veitch.
 - d. The Minister for Planning and Minister for Homes, the Hon. Anthony Roberts.
 - e. The Former Minister for Planning and Minister for Homes, the Hon. Rob Stokes.
 - f. The Shadow Minister for Planning and Public Spaces, the Hon. Paul Scully.
 - g. The Minister for Agriculture, the Hon. Dugald Saunders.
 - h. The NSW Minister for Environment and Heritage, the Hon. James Griffin.
 - i. The Member for the South Coast, the Hon. Shelley Hancock.
 - j. The Member for Kiama, Mr Gareth Ward.
 - k. Local Government NSW, Attn: LGNSW President Darriea Turley.
 - l. The community members/industry representatives who have previously engaged with Council on this issue.
 - m. The Minister for Trade & Tourism, the Hon Don Farrell.
 - n. The President of CWA & President of NSW Farmers Association.
6. Send a follow up letter to newly elected officials following the 2023 NSW State Election.

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

AGAINST: Clr Watson and Clr Kitchener
CARRIED

REPORT OF THE ABORIGINAL ADVISORY COMMITTEE - 8 NOVEMBER 2022

AA22.23 Membership Appointment

HPERM REF:
D22/418803

Item dealt with earlier in the meeting, please see page 4 of the minutes

REPORTS

CL23.46 - Audit, Risk and Improvement Committee Annual Report – 2022

HPERM REF:
D23/9998

Item dealt with earlier in the meeting see MIN23.75

CL23.47 DPOP 2022-23 - Quarterly Performance and Budget Report (October 2022 - December 2022)

HPERM Ref: D23/2844

Recommendation

That Council:

1. Receive the December Quarterly Performance Report on the 2022-2026 Delivery Program and 2022-2023 Operational Plan and publish on Council's website.
2. Receive the December 2022 Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the December 2022 Quarterly Budget Report Document.
4. Endorses the budget variation of \$258k for the contract for off-site disposal of contaminated materials at Milton Showground, noting that the budget adjustment were included in the December Quarterly Budget Review after these emergency works were approved by the CEO for preparation for the Milton Show to be held 3-4 March 2023.

RESOLVED (Clr Wells / Clr Christen)

MIN23.79

That Council:

1. Receive the December Quarterly Performance Report on the 2022-2026 Delivery Program and 2022-2023 Operational Plan and publish on Council's website.
2. Receive the December 2022 Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the December 2022 Quarterly Budget Report Document.
4. Endorses the budget variation of \$258k for the contract for off-site disposal of contaminated materials at Milton Showground, noting that the budget adjustment were included in the December Quarterly Budget Review after these emergency works were approved by the CEO for preparation for the Milton Show to be held 3-4 March 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

Minutes Confirmed Monday 13 March 2023 – Chairperson

CARRIED

CL23.48 Investment Report - January 2023

**HPERM Ref:
D23/44219**

Recommendation

That Council:

1. Receive the Record of Investments for the period to 31 January 2023.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 3.15% per annum for the month of January 2023, just underperforming the benchmark AusBond Bank Bill Index (3.18% pa) by 3 basis point (-0.03%).
3. Note that the total portfolio (excluding cash) outperformed the benchmark in January driven by the improved performance of the Long-Term Growth Fund.
4. Note the performance of the Long-Term Growth Fund as presented in the report.

RESOLVED (Clr Christen / Clr White)

MIN23.80

That Council:

1. Receive the Record of Investments for the period to 31 January 2023.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 3.15% per annum for the month of January 2023, just underperforming the benchmark AusBond Bank Bill Index (3.18% pa) by 3 basis point (-0.03%).
3. Note that the total portfolio (excluding cash) outperformed the benchmark in January driven by the improved performance of the Long-Term Growth Fund.
4. 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

CL23.49 Tenders - Panel creation for the provision of Security Services for Council Facilities

**HPERM Ref:
D23/62500**

Recommendation

That Council considers a separate confidential report regarding the Tender process for - Panel creation for the provision of Security Services for Council Facilities in accordance with Section 10(A)(2)(d)(i) of the *Local Government Act 1993*.

RESOLVED (Clr Wells / Clr White)

MIN23.81

That Council considers a separate confidential report regarding the Tender process for - Panel creation for the provision of Security Services for Council Facilities in accordance with Section 10(A)(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

CL23.50 Tenders - Lady Denman Reserve Mangrove Boardwalk

**HPERM Ref:
D23/48811**

Recommendation

That Council considers a separate confidential report regarding the tender process for Supply Design & Construction – Lady Denman Reserve Boardwalk, in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

RESOLVED (Clr White / Clr Norris)

MIN23.82

That Council considers a separate confidential report regarding the tender process for Supply Design & Construction – Lady Denman Reserve Boardwalk, 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

**CL23.51 Expression of Interest - Licencing of Wondalga Farm
Terara Road Terara**

**HPERM Ref:
D23/39277**

Recommendation

That Council consider a separate confidential report in relation to the Expression of Interest (EOI) process for the occupation of part Wondalga Farm, Terara Road Terara in accordance with Section 10A(2)(c) of the Local Government Act 1993.

RESOLVED (Clr Wells / Clr White)

MIN23.83

That Council consider a separate confidential report in relation to the Expression of Interest (EOI) process for the occupation of part Wondalga Farm, Terara Road Terara 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 Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL23.52 Quarterly Review for Compliance Matters

HPERM Ref: D23/4327

Recommendation

That Council receive the 1 October 2022 to 31 December 2022 quarterly report on compliance matters for information.

RESOLVED (Clr White / Clr Kotlash)

MIN23.84

That Council receive the 1 October 2022 to 31 December 2022 quarterly report on compliance matters 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

CL23.53 Membership Appointment - Natural Area Volunteers Group

HPERM Ref: D23/2221

Recommendation

That Council

1. Appoint the following applicants as members to the Natural Area Volunteers Group for a 3-year term, to expire in February 2026:
 - a. Wayne Pearce
 - b. Siobhan Berkery
2. Seek further applicants to the Natural Area Volunteers Group through a second EOI process to increase the community membership and seek to fill the remaining three (3) vacant Natural Area Volunteer positions of the Group.

RESOLVED (Clr White / Clr Eil)

MIN23.85

That Council

1. Appoint the following applicants as members to the Natural Area Volunteers Group for a 3-year term, to expire in February 2026:
 - a. Wayne Pearce
 - b. Siobhan Berkery
2. Seek further applicants to the Natural Area Volunteers Group through a second EOI process to increase the community membership and seek to fill the remaining three (3) vacant Natural Area Volunteer positions of the Group.

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

CL23.54 Notice of Motion - Casual Hirer Status for Community Organisations

HPERM Ref: D23/56587

Recommendation

That:

1. The CEO endeavour to negotiate with Council's underwriters, an extension of the cover to enable casual hirer status for all community groups regardless of incorporation, subject to the organisations holding more than 11 meetings per year.
2. Should underwriters decline the cover, the CEO negotiate with other insurance companies, with a view to achieving the cover.
3. The CEO report back to Council on the results of the negotiations.

RESOLVED (Clr Watson / Clr Kotlash)

MIN23.86

That:

1. The time for submissions regarding CL22.616 (Review of the Community Consultative Bodies Policy) be extended from 6 March 2023 to 3 April 2023.

2. The CEO endeavour to negotiate with Council's underwriters, an extension of the cover to enable casual hirer status for all community groups regardless of incorporation, subject to the organisations holding more than 11 meetings per year.
3. Council investigate what a reasonable insurance premium might be and whether Council is able to provide funds directly to Community Consultative Bodies to obtain the relevant insurance.
4. The CEO report back to Council on the results of the negotiations.
5. Council investigate the use of Vennu or other similar providers, for insurance coverage.

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

CL23.55 Notice of Motion - City Drainage Issues

**HPERM REF:
D23/62148**

Item dealt with earlier in the meeting see MIN23.76

CL23.56 Notice of Motion - Sussex Inlet - Manual Flood Markers

**HPERM Ref:
D23/62267**

Recommendation

That Council:

1. Install manual flood markers along the River Road Reserve Area, Sussex Inlet within a timely manner.
2. Co-ordinate the installation with the Sussex Inlet Business Chamber for site locations.

RESOLVED (Clr White / Clr Findley)

MIN23.87

That Council:

1. Install manual flood markers along the River Road Reserve Area, Sussex Inlet within a timely manner.
2. Co-ordinate the installation with the Sussex Inlet Business Chamber for site locations.

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

CL23.57 Notice of Motion - Changes to Parking Infringement Notices

**HPERM Ref:
D23/62369**

Recommendation

That Council:

1. Notes concerns raised from Shoalhaven residents regarding the move by Shoalhaven City Council to not issue 'on the spot' paper tickets for parking infringements;
2. Notes the lack of public awareness of the new parking infringement ticketless system operated by Shoalhaven City Council;

3. Notes without immediate notification of a parking infringement, local motorists are unable to gather appropriate information and potential evidence to contest the fine;
4. Revert back to a paper ticket, on-the-spot system of issuing parking infringements; and
5. Obtains independent legal advice for the consideration of Councillors to the legality of paperless parking infringements and report back to a future council meeting with appropriate recommendations.

MOTION (Clr Copley / Clr Watson)

That Council:

1. Notes concerns raised from Shoalhaven residents regarding the move by Shoalhaven City Council to not issue 'on the spot' paper tickets for parking infringements;
2. Notes the lack of public awareness of the new parking infringement ticketless system operated by Shoalhaven City Council;
3. Conduct an extensive education campaign regarding paperless ticketing and parking rules, that includes the Nowra CBD Business chamber and CBD Business owners.
4. Revert back to a paper ticket, on-the-spot system of issuing parking infringements; and
5. Obtains independent legal advice for the consideration of Councillors to the legality of paperless parking infringements and report back to a future council meeting with appropriate recommendations.

AMENDMENT (Clr Christen / Clr Butler)

That Council:

1. Notes concerns raised from Shoalhaven residents regarding the move by Shoalhaven City Council to not issue 'on the spot' paper tickets for parking infringements;
2. Notes the lack of public awareness of the new parking infringement ticketless system operated by Shoalhaven City Council;
3. Conduct an extensive education campaign regarding paperless ticketing and parking rules, that includes the Nowra CBD Business chamber and CBD Business owners.

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

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

AMENDMENT CARRIED AND BECAME THE MOTION

RESOLVED (Clr Christen / Clr Butler)

MIN23.88

That Council:

1. Notes concerns raised from Shoalhaven residents regarding the move by Shoalhaven City Council to not issue 'on the spot' paper tickets for parking infringements;
2. Notes the lack of public awareness of the new parking infringement ticketless system operated by Shoalhaven City Council;
3. Conduct an extensive education campaign regarding paperless ticketing and parking rules, that includes the Nowra CBD Business chamber and CBD Business owners.

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

Note: The meeting adjourned for 5 minutes, the time being 8:13pm

Note: The meeting reconvened, the time being 8:19pm. The following members were present:

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

**CL23.58 Notice of Motion - Call In - DA23/1038 - 11 Thomas Cl
Berry - Lot 3 DP 839837**

**HPERM REF:
D23/62388**

Item dealt with earlier in the meeting see MIN23.77

**CL23.59 Notice of Motion - The Future of Agriculture at a
Crossroad**

**HPERM REF:
D23/62437**

Item dealt with earlier in the meeting see MIN23.78

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.

Note: Clr D'ath was not present as the meeting moved into confidential.

RESOLVED (Clr Kotlash / Clr Norris)

MIN23.89

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.

CCL23.4 Tenders - Panel creation for the provision of Security Services for 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.

- CCL23.5 Tenders - Lady Denman Reserve Mangrove Boardwalk
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.
- CCL23.6 Expression of Interest - Licencing of Wondalga Farm Terara Road Terara
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.
- FOR: Clr Findley, Clr Kotlash, Clr Norris, Clr Butler, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray
- AGAINST: Nil
- CARRIED

The meeting moved into confidential the time being 8:20.

The meeting moved into open session, the time being 8:45.

REPORT FROM CONFIDENTIAL SESSION

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

CCL23.4 Tenders - Panel creation for the provision of Security Services for Council Facilities	HPERM Ref: D23/45725
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RESOLVED MIN23.90C

That:

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from ECS International, South Coast Security, Ulladulla Nightwatch Pty Ltd and Wollongong City Security for the creation of a panel of suppliers to provide Security Services to Council facilities for the life of the panel agreement in accordance with Council's adopted operational budget.
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 Performance).

CARRIED

CCL23.5 Tenders - Lady Denman Reserve Mangrove Boardwalk

**HPERM Ref:
D23/48772**

RESOLVED

MIN23.91C

That

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from ALI Civil Pty Ltd for Lady Denman Reserve Mangrove Boardwalk for a total cost of \$1,927,490 (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 Services).

CARRIED

**CCL23.6 Expression of Interest - Licencing of Wondalga Farm
Terara Road Terara**

**HPERM Ref:
D23/39398**

Clr Eil – significant non pecuniary interest declaration – has a personal friend involved in the company who is also a member of the liberal party - left the room and did not take part in discussion or vote.

Clr Copley – significant non pecuniary interest declaration – has a personal friend involved in the company who is also a member of the liberal party - left the room and did not take part in discussion or vote.

RESOLVED

MIN23.92C

That Council;

1. Approve a Licence to RH Boyd & Son Pty Ltd for the occupation of part Wondalga Farm, Terara for a term of five (5) years at a commencing rental of \$80,000 per annum plus GST, with annual 3% increases and outgoings and maintenance obligations, which includes the management of existing bales on the site. No works will be required by Council as the site is being provided in its current condition.
2. Delegate approval to the CEO (Director City Services) for the execution of relevant documentation required for this resolution to occur.

CARRIED

There being no further business, the meeting concluded, the time being 8:48pm.

Clr Findley
CHAIRPERSON