

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 13 March 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 (Remotely) – left at 8.30pm
Clr Serena Copley – left at 9.40pm, returned 9.46pm
Clr Paul Ell - left at 9.40pm, returned 9.46pm
Clr Evan Christen (Remotely)
Clr Patricia White
Clr John Wells
Clr Greg Watson
Clr Mark Kitchener – left at 9.44pm
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 White / Clr Gray) MIN23.93

That the Minutes of the Ordinary Meeting held on Monday 27 February 2023 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

Minutes Confirmed Monday 27 March 2023 – Chairperson

Declarations of Interest

Nil

Procedural Motion – Introduction of Addendum Reports

RESOLVED (Clr White / Clr Wells)

MIN23.94

That the following Addendum reports be introduced:

- MM23.8 - Mayoral Minute - Rezoning Pathways Program
- CL23.87 - Addendum Report - Emergency Management Centre, 92 Albatross Road, Nowra - Requested Use of Helipad – Shoalhaven Hospital Redevelopment 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

MAYORAL MINUTE

**MM23.6 Mayoral Minute - Support for Local Print Media:
Reinstate New Bush Telegraph as a Service Provider for
Council Information Dissemination**

**HPERM Ref:
D23/82335**

Recommendation

That Council:

1. Affirms support for a free and independent press in the Shoalhaven and beyond and eschews any attempt at political interference with that principle.
2. Affirms the policy that any decision about placement of advertising is an operational one and should be made by appropriate staff after due consideration of cost effectiveness and potential message penetration to the target audience.
3. Reinstates its annual average advertising to the *New Bush Telegraph* which was cancelled at the Ordinary Meeting 29 October 2019.

RESOLVED (Clr Findley / Clr Gray)

MIN23.95

That Council:

1. Affirms support for a free and independent press in the Shoalhaven and beyond and eschews any attempt at political interference with that principle.
2. Affirms the policy that any decision about placement of advertising is an operational one and should be made by appropriate staff after due consideration of cost effectiveness and potential message penetration to the target audience.
3. Receive a briefing in relation to media advertising (print & digital), including budget and sources used by Council.

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

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

Note: A rescission motion was received on this item.

CARRIED

MM23.7 Mayoral Minute - Condolence Motion - Mr Allan Dent

**HPERM Ref:
D23/82555**

Recommendation

That Council writes to the Dent family of Huskisson expressing condolences on the passing of Mr Allan George Dent.

RESOLVED (Clr Findley / Clr Christen)

MIN23.96

That Council writes to the Dent family of Huskisson expressing condolences on the passing of Mr Allan George Dent.

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

MM23.8 Mayoral Minute - Rezoning Pathways Program

**HPERM Ref:
D23/88767**

Recommendation

That Council write to the NSW Department of Planning and Environment (the Department), advising the following:

1. Shoalhaven City Council staff will not be signing confidentiality agreements in respect to potential Planning Proposal applications submitted to the Council for early review by the Department, via the Rezoning Pathways Programs and that this resolution will also be provided to LGNSW, in support of its own campaign against this ill-conceived program.
2. Request the Department instead applies its considerable power and pressure to assist the state agency blockages that are being experienced for some of the existing Shoalhaven Planning Proposals e.g. Moss Vale Road Urban Release Areas.
3. Advise that Shoalhaven City Council is vehemently opposed to the Rezoning Pathways Programs as it intends to bypass community input into serious planning applications that deserve the ultimate scrutiny by community and council.

RESOLVED (Clr Findley / Clr Wells)

MIN23.97

That Council write to the NSW Department of Planning and Environment (the Department), advising the following:

1. Shoalhaven City Council staff will not be signing confidentiality agreements in respect to potential Planning Proposal applications submitted to the Council for early review by the Department, via the Rezoning Pathways Programs and that this resolution will also be provided to LGNSW, in support of its own campaign against this ill-conceived program.
2. Request the Department instead applies its considerable power and pressure to assist the state agency blockages that are being experienced for some of the existing Shoalhaven Planning Proposals e.g. Moss Vale Road Urban Release Areas.
3. Advise that Shoalhaven City Council is vehemently opposed to the Rezoning Pathways Programs as it intends to bypass community input into serious planning applications that deserve the ultimate scrutiny by community and council.

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

DEPUTATIONS AND PRESENTATIONS

CCL23.8 - Tenders – Shared User Path and Carpark - Active Transport Improvement at Catherine St, Myola

Ms Anne Versitano, representative from Callala Beach Progress Association, addressed the meeting to speak AGAINST the recommendation.

CL23.66 - New Proponent Planning Proposal request Lot 5 DP1225356, Sealark Road, Callala Bay

Mr Duncan Marshall addressed the meeting to speak FOR the recommendation on behalf of Callala Bay Community Association.

CL23.68 - Report Back - Measures to Increase Housing Availability in Shoalhaven - Short Term Rental Accommodation Focus

Ms Catherine Shields addressed the meeting to speak AGAINST the recommendation.

CL23.76 - DA22/1542 – 1 Buchan St Mollymook – Lot 14 DP 20321

Mr Chris Beasley addressed the meeting to speak FOR the recommendation.

CL23.77 - SF 10933 - 41 Gordon Street, Milton Lot 1 DD 781355

Mr Stuart Dixon addressed the meeting to speak AGAINST the recommendation on behalf of Rob & Sally Bruderlin.

CL23.84 - Notice of Motion - Support Shoalhaven residents by minimizing the disruptive aspects of short term rental accommodation (STRA) to neighbouring dwellings

Mr David Lehman addressed the meeting to speak FOR the recommendation.

Procedural Motion - Bring Item Forward

RESOLVED (Clr White / Clr Wells)

MIN23.98

That the following items be brought forward for consideration:

- CCL23.8 - Tenders – Shared User Path and Carpark - Active Transport Improvement at Catherine St, Myola
- CL23.66 - New Proponent Planning Proposal request Lot 5 DP1225356, Sealark Road, Callala Bay
- CL23.68 - Report Back - Measures to Increase Housing Availability in Shoalhaven - Short Term Rental Accommodation Focus
- CL23.76 - DA22/1542 – 1 Buchan St Mollymook – Lot 14 DP 20321
- CL23.77 - SF 10933 - 41 Gordon Street, Milton Lot 1 DD 781355
- CL23.84 - Notice of Motion - Support Shoalhaven residents by minimizing the disruptive aspects of short term rental accommodation (STRA) to neighbouring dwellings.

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

Procedural Motion - Bring Item Forward

RESOLVED (Clr White / Clr Gray)

MIN23.99

That the Deputation items be dealt with in the following order:

- CL23.76 - DA22/1542 – 1 Buchan St Mollymook – Lot 14 DP 20321
- CL23.77 - SF 10933 - 41 Gordon Street, Milton Lot 1 DD 781355
- CL23.84 - Notice of Motion - Support Shoalhaven residents by minimizing the disruptive aspects of short term rental accommodation (STRA) to neighbouring dwellings
- CCL23.8 - Tenders – Shared User Path and Carpark - Active Transport Improvement at Catherine St, Myola
- CL23.66 - New Proponent Planning Proposal request Lot 5 DP1225356, Sealark Road, Callala Bay
- CL23.68 - Report Back - Measures to Increase Housing Availability in Shoalhaven - Short Term Rental Accommodation Focus.

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

CL23.76 DA22/1542 – 1 Buchan St Mollymook – Lot 14 DP 20321

**HPERM Ref:
D23/26428**

Note: A Deputation was received on this item.

Recommendation

That Council in relation to Development Application DA22/15420 for a Residential Flat Building containing 8 units and basement parking at Lot 14 in DP 20321, 1 Buchan St, Mollymook:

1. Confirm that it supports the proposed variation, under clause 4.6 of *Shoalhaven Local Environmental Plan 2014*, to the 11m maximum building height to allow for the development of the residential flat building to a maximum 11.3m in height.
2. Approve Development Application (DA22/1542) in accordance with the recommended conditions of the consent (Attachment 7).

RESOLVED (Clr White / Clr Wells)

MIN23.100

That Council in relation to Development Application DA22/15420 for a Residential Flat Building containing 8 units and basement parking at Lot 14 in DP 20321, 1 Buchan St, Mollymook:

1. Confirm that it supports the proposed variation, under clause 4.6 of *Shoalhaven Local Environmental Plan 2014*, to the 11m maximum building height to allow for the development of the residential flat building to a maximum 11.3m in height.
2. Approve Development Application (DA22/1542) in accordance with the recommended conditions of the consent (Attachment 7).

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

CL23.77 SF10933 – 41 Gordon Street, Milton – Lot 1 DP 781355

**HPERM Ref:
D23/56591**

Note: A Deputation was received on this item.

Recommendation

That Development Application SF10933 for two (2) lot Torrens Title subdivision at Lot 1 DP 781355, 41 Gordon Street, Milton be refused having regard to the reasons contained in Attachment 2 of this report.

MOTION (Clr Findley / Clr Norris)

That Council invite the applicant to withdraw the Development Application (DA) without penalty and to resubmit the DA following the completion of the Milton Ulladulla Structure Plan (MUSP) and review of the Laneway Policy.

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

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

MOTION LOST

FORESHADOWED MOTION (RESOLVED) (Clr Wells / Clr Kitchener)

MIN23.101

That Council:

1. Resolve to support Development Application SF10933 for two (2) Torrens Title subdivision at Lot 1 DP 781355, 41 Gordon Street, Milton; and
2. Approve SF10933, as it is compliant with the Shoalhaven Local Environmental Plan 2014, and delegate the Chief Executive Officer (Director of City Development) to devise appropriate conditions of consent; and
3. Note no further upgrades will be undertaken for Gumley Lane as part of this, or future developments.

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

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

CARRIED

CL23.84 Notice of Motion - Support Shoalhaven residents by minimizing the disruptive aspects of short term rental accommodation (STRA) to neighbouring dwellings

**HPERM Ref:
D23/84043**

Note: A Deputation was received on this item.

Recommendation

That Council:

1. Develops a specific policy to be drafted by staff, for the purpose of ensuring the amenity impacts of Short Term Rental Accommodation (STRA) are better managed. The development of the policy should include an investigation of:
 - a. Managing the negative aspects of STRA on neighbours by, for example, making it easier for Shoalhaven residents and visitors to report negative aspects of STRA, including building a Council system (or similar) where residents/visitors can lodge complaints and that links to the relevant complaint pages of different organisations.

- b. Managing impacts on bush fire safety.
 - c. Making it possible to collect and analyse complaint data to provide a clearer picture of the type and severity of issues.
 - d. A Council approach to STRA that are associated with regular complaints, with regard to compliance action and/or reporting to appropriate organisations.
 - e. How Council can check premises against NSW Fair Trading register for compliance and check against Code of Conduct and STRA Fire Safety Standard.
 - f. How to ensure that fire safety rules are complied with and checking against STRA Fire Safety Standards.
 - g. Any other powers of Council under existing policy and legislation that can be used in this regard.
 - h. Other approaches in Australia and overseas that may be relevant.
2. Seek a further report be provided by staff when the draft policy is developed, with further recommendations to Council.

RESOLVED (Clr Gray / Clr Findley)

MIN23.102

That Council:

1. Develops a specific policy to be drafted by staff, for the purpose of ensuring the amenity impacts of Short Term Rental Accommodation (STRA) are better managed. The development of the policy should include an investigation of:
 - a. Managing the negative aspects of STRA on neighbours by, for example, making it easier for Shoalhaven residents and visitors to report negative aspects of STRA, including building a Council system (or similar) where residents/visitors can lodge complaints and that links to the relevant complaint pages of different organisations.
 - b. Managing impacts on bush fire safety.
 - c. Making it possible to collect and analyse complaint data to provide a clearer picture of the type and severity of issues.
 - d. A Council approach to STRA that are associated with regular complaints, with regard to compliance action and/or reporting to appropriate organisations.
 - e. How Council can check premises against NSW Fair Trading register for compliance and check against Code of Conduct and STRA Fire Safety Standard.
 - f. How to ensure that fire safety rules are complied with and checking against STRA Fire Safety Standards.
 - g. Any other powers of Council under existing policy and legislation that can be used in this regard.
 - h. Other approaches in Australia and overseas that may be relevant.
2. Seek a further timely report from staff in relation to the development of a policy and in doing so specifically address the matters raised by the Deputee.

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

Procedural Motion - Bring Item Forward

RESOLVED (Clr White / Clr Wells)

MIN23.103

That the following items be brought forward for consideration:

- CL23.74 - Tenders - Design and Construction of Amenities Block - Active Transport Improvement at Catherine St, Myola
- CL23.75 - Tenders - Shared User Path and Carpark - Active Transport Improvement at Catherine Street, Myola

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

CL23.74 Tenders - Design and Construction of Amenities Block - Active Transport Improvement at Catherine St, Myola

HPERM Ref: D23/63570

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 Wells)

MIN23.104

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

CL23.75 Tenders - Shared User Path and Carpark - Active Transport Improvement at Catherine Street, Myola

HPERM Ref: D23/67232

Note: A Deputation was received on this item in conjunction with CCL23.8.

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 Wells)

MIN23.105

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

CL23.66 New Proponent Planning Proposal Request - Lot 5 DP 1225356, Sealark Road, Callala Bay **HPERM Ref: D23/5037**

Note: A Deputation was received on this item.

Recommendation

That Council:

1. Not support the proponents' Planning Proposal request for Lot 5 DP 1225356, Sealark Road, Callala Bay because it lacks the required strategic justification.
2. Advise the relevant stakeholders of this decision.
3. Advise the relevant stakeholders if the NSW Department of Planning and Environment (DPE) subsequently informs Council that it has received a rezoning review request.

RESOLVED (Clr Christen / Clr Gray)

MIN23.106

That Council:

1. Not support the proponents' Planning Proposal request for Lot 5 DP 1225356, Sealark Road, Callala Bay because it lacks the required strategic justification.
2. Advise the relevant stakeholders of this decision.
3. Advise the relevant stakeholders if the NSW Department of Planning and Environment (DPE) subsequently informs Council that it has received a rezoning review request.

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

CL23.68 Report Back - Measures to Increase Housing Availability in Shoalhaven - Short Term Rental Accommodation Focus **HPERM Ref: D22/409781**

Note: A Deputation was received on this item.

Recommendation

That Council

1. Progress the affordable housing investigation work initiated by the Council resolution of 14 November 2022 (MIN22.849), using funding received from the Regional Housing Strategic Planning Fund and formally thank the NSW Government for the funding (\$200,000).
2. Strongly request, in association with other interested Councils and Local Government NSW, that the NSW Government bring forward the foreshadowed two-year review of the Short-Term Rental Accommodation (STRA) planning provisions contained in the State Environmental Planning Policy (Housing) 2021 and that Councils be given greater ability to set the relevant provisions (number of days and areas) in their Local Government Areas.
3. Continue to strongly advocate to both the Commonwealth and NSW Government for holistic legislative changes and interventions to assist with the provision of additional social and affordable housing and the management of STRA, including, but not limited to the following:
 - a. Ability to better identify, generally regulate and separately rate STRA.
 - b. Significant increased funding for and delivery of additional social and affordable housing.
 - c. Adjustments to relevant fiscal and taxation settings associated with housing, particularly related to STRA.

- d. Reforms to provide better protection for renters.
- e. Increased funding for homelessness and transitional housing support.

RESOLVED (Clr Findley / Clr White)

MIN23.107

That Council

1. Progress the affordable housing investigation work initiated by the Council resolution of 14 November 2022 (MIN22.849), using funding received from the Regional Housing Strategic Planning Fund and formally thank the NSW Government for the funding (\$200,000).
2. Strongly request, in association with other interested Councils and Local Government NSW, that the NSW Government bring forward the foreshadowed two-year review of the Short-Term Rental Accommodation (STRA) planning provisions contained in the State Environmental Planning Policy (Housing) 2021 and that Councils be given greater ability to set the relevant provisions (number of days and areas) in their Local Government Areas.
3. Continue to strongly advocate to both the Commonwealth and NSW Government for holistic legislative changes and interventions to assist with the provision of additional social and affordable housing and the management of STRA, including, but not limited to the following:
 - a. Ability to better identify, generally regulate and separately rate STRA.
 - b. Significant increased funding for and delivery of additional social and affordable housing.
 - c. Adjustments to relevant fiscal and taxation settings associated with housing, particularly related to STRA.
 - d. Reforms to provide better protection for renters.
 - e. Increased funding for homelessness and transitional housing support

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 White / Clr Kotlash)

MIN23.108

That the following item from the Inclusion & Access Advisory Committee Report be resolved en bloc:

- IA23.3 - Inclusion and Access Advisory Committee Terms of Reference Review

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 Kotlash) MIN23.109

That the following items from the Nowra CBD Revitalisation Strategy Committee Report be resolved en bloc:

- CBD23.6 - Jelly Bean Park - Seats and Bicycle Racks
- CBD23.7 - Taxi Rank - Junction Street - (near) Subway
- CBD23.8 - Egans Lane Amenities

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) MIN23.110

That the following item from the Aboriginal Advisory Committee Report be resolved en bloc:

- AA23.11 - Additional Item - Unions Shoalhaven - Presentation

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 Gray) MIN23.111

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

- CL23.64 - LGNSW Destination & Visitor Economy Conference - 14th Asia Pacific Cities Summit (APCS) & Mayors' Forum
- CL23.65 - Ongoing Register of Pecuniary Interest Returns - February 2023

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 Kotlash) MIN23.112

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

- CL23.67 - Proposed Voluntary Planning Agreement - Dedication of Land and Associated Works - 25 Moss Vale Road, Bomaderry.
- CL23.69 - Report Back - Employment Zoned Land Representations - Exemption from

NSW Biodiversity Conservation Act 2016

- CL23.87 - Addendum Report - Emergency Management Centre, 92 Albatross Road, Nowra - Requested Use of Helipad – Shoalhaven Hospital Redevelopment 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 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 Wells / Clr White)

MIN23.113

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

- CL23.70 - Grant of Electricity Easement for Pad Mount Substation and Restriction on the Use of Land to Endeavour Energy - Lot 133 DP 703670 Greenwell Point Road Nowra 73
- CL23.71 - Acquisition - Drainage Easement - 16 Woodglan Crescent Mollymook Beach - Lot 916 DP 237271
- CL23.72 - Grant of Easement for Drainage of Water - Lot 7/SP75314 - 2B Parson Street and Releasing of Easement for Drainage of Water - Lot 7/SP75314 - 2 B Parson Street, Ulladulla

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 White / Clr Kitchener)

MIN23.114

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

- CL23.79 - Requests for Plaques and Memorials
- CL23.80 - Acceptance of Grant Funding - Stronger Country Communities Fund Round 5 - Nine Projects
- CL23.81 - Acceptance of Grant Funding - NSW Office of Sport - Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program 2022/23

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

REPORT OF THE INCLUSION & ACCESS ADVISORY GROUP - 20 FEBRUARY 2023

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

IA23.3 Inclusion and Access Advisory Committee Terms of Reference Review **HPERM Ref: D23/19271**

RESOLVED* (Clr White / Clr Kotlash) MIN23.115

That the Inclusion and Access Advisory Group accept the new format and proposed amendments to the Terms of Reference and submit to Council for adoption.

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

IA23.6 Additional Item - Request for Information - Revenue Raised from Accessible Parking Spaces

Recommendation

That the IAAG seek Council's endorsement for a report on revenue raised (from the last Financial Year) from accessible parking fines and the possibility to consider practical use of the funds to support people with a disability be provided to the Group.

RESOLVED (Clr Christen / Clr Butler) MIN23.116

That:

1. Council provide information back to the Committee on current spending on disability and inclusion projects and the implementation of the DIAP, and proposed investment for next financial year.
2. The CEO make a presentation to the IAAG providing information to the Committee including why ring fencing revenue from accessible parking fines is not a suitable mechanism of funding for DIAP implementation.

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

IA23.8 Additional Item - Request Presentation from Director City Performance

Recommendation

That IAAG seek Council's endorsement and invite the newly appointed Director City Performance (currently vacant at the time of publishing) to make a presentation in relation to the contract requirements regarding employment opportunities for Disability Workers to undertake pruning and maintenance of footpaths and overhanging trees to the IA.

RESOLVED (Clr Christen / Clr Butler) MIN23.117

That:

1. Council report back to the committee on the Equal Employment Opportunities Management Plan with regards to disability, the annual and periodic reporting noted in the plan, including

data on the current workforce, recruitment since plan implementation and overall trends.

2. The CEO make a presentation to the IAAG providing information to Committee in relation to how council is performing in employing people with disabilities.

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

Procedural Motion - Adjournment of Meeting

RESOLVED (Clr Kotlash / Clr Findley) MIN23.118

That the meeting be adjourned to allow for refreshments.

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 meeting adjourned the time being 8.30pm

The meeting reconvened the time being 9.04pm

The following members were present:

Clr Amanda Findley - Chairperson
Clr John Kotlash
Clr Matthew Norris
Clr Liza Butler
Clr Serena Copley
Clr Paul Eil
Clr Evan Christen (Remotely) – joined at 9.20pm
Clr Patricia White
Clr John Wells
Clr Greg Watson
Clr Mark Kitchener
Clr Tonia Gray

REPORT OF THE NOWRA CBD REVITALISATION STRATEGY COMMITTEE - 27 FEBRUARY 2023

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

CBD23.6 Jelly Bean Park - Seats and Bicycle Racks **HPERM Ref: D23/8328**

RESOLVED* (Clr White / Clr Kotlash) MIN23.119

That Council investigate options to increase the number of seats and bicycle racks in Jelly Bean Park.

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

Minutes Confirmed Monday 27 March 2023 – Chairperson

AGAINST: Nil
CARRIED

CBD23.7 Taxi Rank - Junction Street - (near) Subway **HPERM Ref: D23/8761**

RESOLVED* (Clr White / Clr Kotlash) MIN23.120

That in relation to relocating the Nowra CBD Taxi rank locations:

1. The CEO (Director City Services) investigate and report back to the Committee targeting the May 2023 meeting on the following:
 - a. Kinghorne Street near Coles/Aldi; and
 - b. Near Telstra building, Stewart Place Bus Terminal.
2. The report include:
 - a. Feasibility of the project
 - b. Funding options for investigation and design
 - c. Funding options for construction

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

CBD23.8 Egans Lane Amenities **HPERM Ref: D23/8788**

RESOLVED* (Clr White / Clr Kotlash) MIN23.121

That in relation to the amenities at Jelly Bean Park (Egans Lane), the CEO (Director City Services) investigate and report back to the Committee targeting the May 2023 meeting on the following:

1. Feasibility of the project
2. Funding options for investigation and design
3. Funding options for construction

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

CBD23.9 Electric Vehicle Parking Stations **HPERM Ref: D23/8837**

Recommendation

That in relation to Electric Vehicle Charging Stations in the Nowra CBD, the CEO (Director City Services) investigate and report back to the Committee targeting the May 2023 meeting on the following:

1. Council's Policy position on Electric Vehicle charging stations and how it relates to the Nowra CBD
2. Options available to engage with Electric Vehicle charging station providers

RESOLVED (Clr Butler / Clr Norris)

MIN23.122

That:

1. In relation to Electric Vehicle Charging Stations in the Nowra CBD, the CEO (Director City Services), Council investigate and report back to the Committee targeting the May 2023 meeting on the following:
 - a. Council's Policy position on Electric Vehicle charging stations and how it relates to the Nowra CBD
 - b. Options available to engage with Electric Vehicle charging station providers
2. Council receive a report on installing and implementing EV parking stations city wide.

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

AGAINST: Nil

CARRIED

REPORT OF THE ABORIGINAL ADVISORY COMMITTEE - 28 FEBRUARY 2023

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

AA23.11 Additional Item - Unions Shoalhaven - Presentation

RESOLVED* (Clr Kotlash / Clr Norris)

MIN23.123

That the Aboriginal Advisory Committee invite Unions Shoalhaven (Representative Patricia David) to make a presentation to a future meeting in relation to the work they are doing around the 'Yes Campaign'.

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

CL23.63 ALGA Annual Conference 2023 - National General Assembly - Motions

**HPERM Ref:
D23/33763**

Recommendation

That regarding the Australian Local Government Association (ALGA) 2023 National General Assembly, Council:

1. Adopt the proposed Motions in the report (1-9) for submission prior to the deadline being Friday 24 March 2023.
2. Note the information included the report with respect to a possible motion on light pollution from streetlights which is not recommended to be submitted as a motion.
3. Determine any additional motions for submission at this meeting.

4. Approve attendance and associated costs for all interested Councillors at the Australian Local Government Association – 2023 National Assembly to be held at the National Convention Centre Canberra from 13 to 16 June 2023, and such attendance be deemed to be Council business.
5. Nominate a **Councillor** as the Council’s Voting Delegate for the conference.
6. Nominate a **Councillor** as the Council’s Alternate Voting Delegate for the conference.

RESOLVED (Clr Findley / Clr Wells)

MIN23.124

That regarding the Australian Local Government Association (ALGA) 2023 National General Assembly, Council:

1. Adopt the proposed Motions in the report (1-9) for submission prior to the deadline being Friday 24 March 2023.
2. Note the information included the report with respect to a possible motion on light pollution from streetlights which is not recommended to be submitted as a motion.
3. Determine any additional motions for submission at this meeting.
4. Approve attendance and associated costs for all interested Councillors at the Australian Local Government Association – 2023 National Assembly to be held at the National Convention Centre Canberra from 13 to 16 June 2023, and such attendance be deemed to be Council business.
5. Nominate Mayor Findley as the Council’s Voting Delegate for the conference.
6. Nominate Clr Wells as the Council’s Alternate Voting Delegate for the conference.

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

AGAINST: Nil

CARRIED

Items marked with an * were resolved ‘en block’.

CL23.64 LGNSW Destination & Visitor Economy Conference - 14th Asia Pacific Cities Summit (APCS) & Mayors’ Forum

HPERM Ref: D23/70257

RESOLVED* (Clr White / Clr Gray)

MIN23.125

That Council

1. Notes the details of the following upcoming conferences:
 - a. LGNSW Destination & Visitor Economy Conference scheduled for 29-31 May 2023 in Manly NSW.
 - b. 14th Asia Pacific Cities Summit (APCS) & Mayors’ Forum scheduled for 11-13 October 2023 in Brisbane, QLD.
2. Authorises available Councillors to attend the conferences listed at Part 1 of this recommendation 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 conference to provide a written report within 30 days of returning from the conference.

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

AGAINST: Nil

CARRIED

CL23.65 Ongoing Register of Pecuniary Interest Returns - February 2023 **HPERM Ref: D23/48196**

RESOLVED* (Clr White / Clr Gray) **MIN23.126**

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 February to 28 February 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

CL23.66 New Proponent Planning Proposal Request - Lot 5 DP 1225356, Sealark Road, Callala Bay **HPERM REF: D23/5037**

Item dealt with earlier in the meeting see MIN23.106

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

CL23.67 Proposed Voluntary Planning Agreement - Dedication of Land and Associated Works - 25 Moss Vale Road, Bomaderry **HPERM Ref: D23/51623**

RESOLVED* (Clr Wells / Clr Kotlash) **MIN23.127**

That Council delegate authority to Council's Chief Executive Officer, or his delegate, to

1. Prepare the draft VPA and associated Explanatory Note for the dedication of approved Lot 7 and associated works at 25 Moss Vale Road, Bomaderry.
2. Publicly exhibit the draft VPA and associated Explanatory Note for a minimum period of 28 days as required by legislation.
3. Enter into the Voluntary Planning Agreement consistent with the terms in this report, except where objections or substantial issues are raised as a result of public notification, in which case the Voluntary Planning Agreement is to be reported to Council before it is entered into.

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

CL23.68 Report Back - Measures to Increase Housing Availability in Shoalhaven - Short Term Rental Accommodation Focus **HPERM REF: D22/409781**

Item dealt with earlier in the meeting see MIN23.107

CL23.69 Report Back - Employment Zoned Land Representations - Exemption from NSW Biodiversity Conservation Act 2016 **HPERM Ref: D23/68865**

RESOLVED* (Clr Wells / Clr Kotlash) MIN23.128

That Council:

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

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

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

CL23.70 Grant of Electricity Easement for Pad Mount Substation and Restriction on the Use of Land to Endeavour Energy - Lot 133 DP 703670 Greenwell Point Road Nowra **HPERM Ref: D22/460470**

RESOLVED* (Clr Wells / Clr White) MIN23.129

That Council:

1. Grants an Easement in favour of Epsilon Distribution Ministerial Holding Corporation (Endeavour Energy) for a Pad Mount Substation and Restriction on the Use of Land over Council owned land at Lot 133 DP 703670, Greenwell Point Road, Nowra;
2. Funds all costs associated with the creation of the Easement from operating Work Order W0022694;
3. Authorises the affixing of the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and that the Chief Executive Officer (Executive Manager Shoalhaven Water) be authorised to sign any documents necessary to give effect to this resolution.

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

AGAINST: Nil

CARRIED

CL23.71 Acquisition - Drainage Easement - 16 Woodglen Crescent Mollymook Beach - Lot 916 DP 237271 **HPERM Ref: D22/526733**

RESOLVED* (Clr Wells / Clr White) MIN23.130

That Council

1. Acquire by agreement in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, an easement for drainage of water, approximate area of 4.5m² (subject to survey) over Lot 916 DP 237271, 16 Woodglen Crescent, Mollymook Beach.

2. Agrees to pay compensation in the amount of \$2,500 plus GST (if applicable) for acquisition of an easement for drainage of water over Lot 916 DP 237271, 16 Woodglen Crescent, Mollymook Beach plus, reasonable valuation and legal costs associated with the acquisition from Project Number 103425 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
3. Delegates authority to the Chief Executive Officer (Director City Services) to adjust the compensation in accordance with the area of the easement determined by the final registered plan.
4. Authorises the Chief Executive Officer to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

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

AGAINST: Nil

CARRIED

| | |
|--|-----------------------------|
| CL23.72 Grant of Easement for Drainage of Water - Lot 7/SP75314 - 2B Parson Street and Releasing of Easement for Drainage of Water - Lot 7/SP75314 - 2 B Parson Street, Ulladulla | HPERM Ref: D23/18821 |
|--|-----------------------------|

RESOLVED* (Clr Wells / Clr White)

MIN23.131

That Council:

1. Resolve to:
 - a. Create an 'Easement to drain water 6.5 wide' denoted 'A' on the plan at annexure 'B' on land occupied by Ulladulla Toyota Service Centre at 2B Parson St, Ulladulla known as Ulladulla Homemaker Centre (Strata Plan 75314); and
 - b. Partially release an existing easement for 'Drainage of Water 4m wide and Variable (DP1063542)' denoted on the plan as 'Y' in Attachment 1 and Attachment 2 (D23/18953, D23/18945).
2. Request the proprietor of Lot 7 SP75314 to co-sign any documents to register the easement as per Point 1 above. Those document(s) being:
 - a. Transfer Releasing Easement on Lot 7 in accordance with Point (1b) above; and
 - b. Transfer Granting Easement on Lot 7 in accordance with Point (1a) above.
3. Seek no compensation from the proprietor of Lot 7 (currently Ulladulla Toyota Service Centre) nor pay compensation to the proprietor of Lot 7.
4. Require Bunnings Group Ltd to pay all Council costs associated with these transfer(s), that is releasing, granting, and registration of easement(s).
5. Authorises the Chief Executive Officer to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

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

AGAINST: Nil

CARRIED

CL23.73 East Nowra Sub-Arterial Road Advocacy Strategy

**HPERM Ref:
D23/80759**

Note: Cllr Christen returned to the meeting at 9.20pm

Recommendation

That Council:

1. Note that after extensive traffic modelling and cost analysis the preferred solution to address the traffic congestion on the Princes Highway through Nowra/Bomaderry is the completion of the following road projects by the NSW State Government, in order of warrant;
 - a. East Nowra Sub-Arterial Road
 - b. Six Lane upgrade of the Princes Highway Plunkett St to Hillcrest Ave
 - c. Six lane upgrade of the Princes Highway Cambewarra Road to Bolong Road
 - d. Hillcrest to Yalwal Sub-Arterial Road
 - e. Nowra Bomaderry Bypass
2. Note that the initial concept design tasks for the East Nowra Sub-Arterial Road have been progressed as far as possible without significant funding and that TfNSW has indicated that further progression of the proposed East Nowra Sub-Arterial Road is currently on hold.
3. Write to the Local State and Federal Members seeking a high priority be placed on the East Nowra Sub-Arterial Road and that a minimum of \$6 million in funding be immediately provided for TfNSW to deliver the Concept Development, Detailed Investigation and Design stages of the proposed East Nowra Sub-Arterial Road over a 5 year period, noting that Council has already acquired land, undertaken traffic modelling and undertaken extensive geotechnical testing at its own cost.
4. Note that with the benefit of detailed geotechnical information, strategic planning has commenced within Council to determine future operational, environmental or economic opportunities for the balance of the Wondalga Farm land adjacent to the most likely East Nowra Sub-Arterial Road corridor.
5. Update its Advocacy Projects 2023 Document accordingly.

MOTION (Cllr Eil / Cllr Copley)

That Council:

1. Refers this matter to our legal advisors for advice about whether this report has any implications for Council's compliance with our obligations under any applicable legislation or other regulations (including Office of Local Government Circulars) pertaining to the NSW State Election.
2. Defers this matter pending receiving a confidential briefing from our legal advisors about the advice sought under Point 1.

FOR: Cllr Copley, Cllr Eil, Cllr Wells, Cllr Watson and Cllr Kitchener

AGAINST: Cllr Findley, Cllr Kotlash, Cllr Norris, Cllr Butler, Cllr Christen, Cllr White and Cllr Gray

MOTION LOST

Note: Cllr Eil and Cllr Copley left the meeting at 9.40pm.

FORESHADOWED MOTION (RESOLVED) (Cllr Findley / Cllr Norris)

MIN23.132

That Council:

1. Note that after extensive traffic modelling and cost analysis the preferred solution to address

the traffic congestion on the Princes Highway through Nowra/Bomaderry is the completion of the following road projects by the NSW State Government, in order of warrant;

- a. East Nowra Sub-Arterial Road
 - b. Six Lane upgrade of the Princes Highway Plunkett St to Hillcrest Ave
 - c. Six lane upgrade of the Princes Highway Cambewarra Road to Bolong Road
 - d. Hillcrest to Yalwal Sub-Arterial Road
 - e. Nowra Bomaderry Bypass
2. Note that the initial concept design tasks for the East Nowra Sub-Arterial Road have been progressed as far as possible without significant funding and that TfNSW has indicated that further progression of the proposed East Nowra Sub-Arterial Road is currently on hold.
 3. Write to the Local State and Federal Members seeking a high priority be placed on the East Nowra Sub-Arterial Road and that a minimum of \$6 million in funding be immediately provided for TfNSW to deliver the Concept Development, Detailed Investigation and Design stages of the proposed East Nowra Sub-Arterial Road over a 5 year period, noting that Council has already acquired land, undertaken traffic modelling and undertaken extensive geotechnical testing at its own cost.
 4. Note that with the benefit of detailed geotechnical information, strategic planning has commenced within Council to determine future operational, environmental or economic opportunities for the balance of the Wondalga Farm land adjacent to the most likely East Nowra Sub-Arterial Road corridor.
 5. Update its Advocacy Projects 2023 Document accordingly.

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

AGAINST: Clr Wells and Clr Kitchener

CARRIED

CL23.74 Tenders - Design and Construction of Amenities Block - Active Transport Improvement at Catherine St, Myola

**HPERM REF:
D23/63570**

Item dealt with earlier in the meeting see MIN23.104

CL23.75 Tenders - Shared User Path and Carpark - Active Transport Improvement at Catherine Street, Myola

**HPERM REF:
D23/67232**

Item dealt with earlier in the meeting see MIN23.105

CL23.76 DA22/1542 – 1 Buchan St Mollymook – Lot 14 DP 20321

**HPERM REF:
D23/26428**

Item dealt with earlier in the meeting see MIN23.100

CL23.77 SF10933 – 41 Gordon Street, Milton – Lot 1 DP 781355

**HPERM REF:
D23/56591**

Item dealt with earlier in the meeting see MIN23.101

CL23.78 Membership - Shoalhaven Heads Estuary Taskforce (SHET)

HPERM Ref: D23/61870

Note: Clr Kitchener left the meeting.

Note: Clr Ell and Clr Copley returned to the meeting at 9.46pm.

Recommendation

That Council endorse the appointment of two (2) Community Representatives and one (1) Indigenous Representative, as the new SHET members:

1. Robyn Flack (Community Representative)
2. Jan Turnbull (Community Representative)
3. Natalie Lloyd (Indigenous Representative)

RESOLVED (Clr Wells / Clr Gray)

MIN23.133

That Council endorse the appointment of two (2) Community Representatives and one (1) Indigenous Representative, as the new SHET members:

1. Robyn Flack (Community Representative)
2. Jan Turnbull (Community Representative)
3. Natalie Lloyd (Indigenous Representative)

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

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

CL23.79 Requests for Plaques and Memorials

HPERM Ref: D23/33737

RESOLVED* (Clr White / Clr Kitchener)

MIN23.134

That Council:

1. Approve the request for a new plaque on an existing seat at Wowly Creek, Callala Bay. as per the Plaques and Memorials Policy:
2. Advise the applicant of Council's determination of the request.

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

CL23.80 Acceptance of Grant Funding - Stronger Country Communities Fund Round 5 - Nine Projects

HPERM Ref: D23/25907

RESOLVED* (Clr White / Clr Kitchener)

MIN23.135

That Council;

1. Accept the offer of funding for the successful grant application under the NSW Stronger Country Communities Fund Round 5 for:

- a) Sub-Soil Drainage Installation - Bill Andriske Oval, Mollymook, for \$170,000
 - b) Sub-Soil Drainage Installation - Frogs Holla Sporting Complex, Milton, for \$295,000
 - c) Floodlight Upgrade – Crookhaven Park, Culburra Beach, for \$360,000
 - d) Floodlight Upgrade – Osborne Park, Kangaroo Valley, for \$360,000
 - e) Floodlight Upgrade – Lighthouse Oval, Ulladulla, for \$100,000
 - f) Playground Replacement – Joe Hyam Reserve, North Nowra, for \$318,000
 - g) Playground Replacement – Bawley Point Reserve, Bawley Point, for \$153,000
 - h) Playground Replacement – Dolphin Reserve, Currarong, for \$167,200
 - i) Playground Replacement – Kioloa Sporting Complex, Kioloa, for \$100,000
2. Make arrangements to forward a letter of thanks to the Minister of Regional New South Wales, The Hon. Paul Toole MP.

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

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|---|-----------------------------|
| CL23.81 Acceptance of Grant Funding - NSW Office of Sport - Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program 2022/23 | HPERM Ref: D23/52585 |
|---|-----------------------------|

RESOLVED* (Clr White / Clr Kitchener)

MIN23.136

That Council;

1. Accept the offer of funding for the successful grant application under the NSW Office of Sport – Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program 2022/23 for the South Nowra Football Fields – Floodlighting Upgrades in the amount of \$339,075.
2. Make arrangements to forward a letter of thanks to the Minister for Sport, The Hon. Alister Henskens MP.

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

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|--|-----------------------------|
| CL23.82 Notice of Motion - Shared User Path on the South Side of the Shoalhaven River Under the Three TfNSW Bridges | HPERM Ref: D23/72899 |
|--|-----------------------------|

Recommendation

That Council:

1. Requests that Transport for NSW (TfNSW) plan, design and construct a high-quality Shared User Path (SUP) for the full width of the south side of three TfNSW bridges and adjacent connections as part of the third bridge construction works.
2. Urgently writes to NSW Transport Minister, Shadow Transport Minister and Members for South Coast and Kiama, seeking to ensure TfNSW provides this SUP in a timely manner and

before finalising the total third bridge works.

RESOLVED (Clr Christen / Clr Wells)

MIN23.137

That Council:

1. Requests that Transport for NSW (TfNSW) plan, design and construct a high-quality Shared User Path (SUP) for the full width of the south side of three TfNSW bridges and adjacent connections as part of the third bridge construction works.
2. Urgently writes to NSW Transport Minister, Shadow Transport Minister and Members for South Coast and Kiama, seeking to ensure TfNSW provides this SUP in a timely manner and before finalising the total third bridge works.

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

CL23.83 Notice of Motion - Crime Spree in the Nowra CBD

**HPERM Ref:
D23/83980**

Recommendation

That Council:

1. Records its urgent concern about the spate of vandalism of vehicles occurring in Council carparks in and around the Nowra CBD.
2. Notes that Council has been advised that none of our carparks currently have any CCTV camera coverage which has made it difficult for the police to catch the culprits.
3. Notes Council received a report and briefing from Community Connections and the NSW Police in August last year about the development of the Community Safety Plan.
4. Directs the CEO request an update from local police on their investigation of the recent uptick incidents, what steps they are taking and how Council can support their efforts.
5. Reaffirms the motion carried in June last year to investigate options for the installation of CCTV cameras and other measures to protect people and property in the Nowra CBD.
6. Directs the CEO in light of additional and escalating vandalism to review options available to Council to expedite the installation CCTV cameras as requested in point 4 of the original motion.
7. In the interim, directs the CEO to urgently investigate and report back on immediate steps Council can take including the possibility of Council employing a security guard on a 3-month contract to patrol the carparks in and around the Nowra CBD.

RESOLVED (Clr Copley / Clr Ell)

MIN23.138

That Council:

1. Records its urgent concern about the spate of vandalism of vehicles occurring in Council carparks in and around the Nowra CBD.
2. Notes that Council has been advised that none of our carparks currently have any CCTV camera coverage which has made it difficult for the police to catch the culprits.
3. Notes Council received a report and briefing from Community Connections and the NSW Police in August last year about the development of the Community Safety Plan.
4. Directs the CEO request an update from local police on their investigation of the recent uptick incidents, what steps they are taking and how Council can support their efforts.

5. Reaffirms the motion carried in June last year to investigate options for the installation of CCTV cameras and other measures to protect people and property in the Nowra CBD.
6. Directs the CEO in light of additional and escalating vandalism to review options available to Council to expedite the installation CCTV cameras as requested in point 4 of the original motion.
7. In the interim, directs the CEO to urgently investigate and report back on immediate steps Council can take including the possibility of Council employing a security guard on a 3-month contract to patrol the carparks in and around the Nowra CBD.

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

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

CARRIED

Procedural Motion – Extension of Meeting

RESOLVED (Clr Findley / Clr Copley)

MIN23.139

That the meeting be extended to 10.15pm.

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

CL23.84 Notice of Motion - Support Shoalhaven Residents by Minimizing the Disruptive Aspects of Short Term Rental Accommodation (STRA) to Neighbouring Dwellings

**HPERM REF:
D23/84043**

Item dealt with earlier in the meeting see MIN23.102

CL23.85 Notice of Motion - Existing Fire Shed at Cunjurong Point

**HPERM Ref:
D23/84119**

Recommendation

That Council:

1. Notes that the existing Rural Fire Station (RFS) at Cunjurong Point is to be replaced with a new station at Bendalong.
2. Investigate the repurposing of the existing RFS station for the purposes of a Men's Shed for the local communities of Bendalong, Manyana and Cunjurong Point and to undertake community consultation as part of the investigation.
3. Receive a further a final report following the investigations for consideration.

RESOLVED (Clr White / Clr Wells)

MIN23.140

That Council:

1. Notes that the existing Rural Fire Station (RFS) at Cunjurong Point is to be replaced with a new station at Bendalong.
2. Investigate the repurposing of the existing RFS station for the purposes of a Men's Shed for the local communities of Bendalong, Manyana and Cunjurong Point and to undertake community consultation as part of the investigation.

3. Receive a further a final report following the investigations for consideration.

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

CL23.86 Notice of Motion - Tomerong Traffic Plan and Pathway Network

HPERM Ref: D23/84250

Recommendation

That Council:

1. Accept and review the attached Traffic Plan Report and Pathway Network Plans from Tomerong Community Forum for safety and infrastructure changes in the Tomerong Village.
2. Engage with Transport NSW on the reports/plans and options available for:-
 - a. Funding opportunities for safety and infrastructure improvements.
 - b. Timeframes for stages and completion of reports and plans.
 - c. Other potential safety improvements in and around the village of Tomerong.
3. Investigate other funding opportunities available for improved safety and infrastructure in the Tomerong Village.
4. Undertake traffic counts on Hawken Road (Island Point Road & Pine Forest Road) and Pine Forest Road.
5. Attend a meeting with the Tomerong Forum to discuss the Reports/Plans.
6. Write to SEATS seeking their support for the plans/reports and the Tomerong Community.
7. Staff provide a report back to Council following actions 1 to 6.

RESOLVED (Clr White / Clr Ell)

MIN23.141

That Council:

1. Accept and review the attached Traffic Plan Report and Pathway Network Plans from Tomerong Community Forum for safety and infrastructure changes in the Tomerong Village.
2. Engage with Transport NSW on the reports/plans and options available for:-
 - a. Funding opportunities for safety and infrastructure improvements.
 - b. Timeframes for stages and completion of reports and plans.
 - c. Other potential safety improvements in and around the village of Tomerong.
3. Investigate other funding opportunities available for improved safety and infrastructure in the Tomerong Village.
4. Undertake traffic counts on Hawken Road (Island Point Road & Pine Forest Road) and Pine Forest Road.
5. Attend a meeting with the Tomerong Forum to discuss the Reports/Plans.
6. Write to SEATS seeking their support for the plans/reports and the Tomerong Community.
7. Staff provide a report back to Council following actions 1 to 6.

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

ADDENDUM REPORTS

MM23.8 Mayoral Minute - Rezoning Pathways Program

**HPERM REF:
D23/88767**

Item dealt with earlier in the meeting see MIN23.97

CL23.87 Addendum Report - Emergency Management Centre, 92 Albatross Road, Nowra - Requested Use of Helipad – Shoalhaven Hospital Redevelopment Project

**HPERM Ref:
D23/88340**

RESOLVED* (Clr Wells / Clr Kotlash)

MIN23.142

That Council:

1. Support 'in principle', the requested temporary use of the helipad at the Emergency Management Centre, 92 Albatross Road, Nowra associated with the Shoalhaven Hospital Redevelopment Project, subject to.
 - a. Appropriate operational procedures being put in place to manage access and use.
 - b. Clarification and conformation of the planning pathway.
 - c. Engagement with adjoining residents and establishment of a process to manage any future feedback received from neighbours, so that complaints or similar do not fall to Council or the Rural Fire Service to respond to.

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 White)

MIN23.143

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.

CCL23.7 Tenders – Design and Construction of Amenities Block - Active Transport Improvement at Catherine St, Myola

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.

CCL23.8 Tenders – Shared User Path and Carpark - Active Transport Improvement at Catherine St, Myola

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 10.04pm.

The meeting moved into open session, the time being 10.20pm.

REPORT FROM CONFIDENTIAL SESSION

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

| | |
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| CCL23.7 Tenders – Design and Construction of Amenities Block - Active Transport Improvement at Catherine St, Myola | HPERM Ref: D23/63811 |
|---|-----------------------------|

RESOLVED MIN23.144C

That Council:

1. In accordance with Section 178(1)(b) of the regulations decline to accept any Tender for Design and Construction of Amenities Block - Active Transport Improvement at Catherine St, Myola as there is only one tender submission and the tenderer’s financial health is deemed unacceptable; and
2. Refer the matter of the Building Better Regions Grant and remaining Council funds to a Confidential Briefing of Councillors and if required, a further report be provided to Council.

CARRIED

| | |
|---|-----------------------------|
| CCL23.8 Tenders – Shared User Path and Carpark - Active Transport Improvement at Catherine St, Myola | HPERM Ref: D23/67553 |
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Note: A Deputation was received on this item and in conjunction with CL23.75 during open session.

RESOLVED MIN23.145C

That Council:

1. In accordance with Section 178(1)(b) of the regulations Council decline to accept any tender for Shared User Path and Carpark Active Transport Improvement at Catherine St, Myola as there are insufficient funds to cover the tender amount including other project costs.
2. Refer the matter of the Building Better Regions Grant and remaining Council funds to a Confidential Briefing of Councillors and if required, a further report be provided to Council.

CARRIED

Note: A Rescission Motion was received in relation to MM23.6 - Mayoral Minute - Support for Local Print Media: Reinstate New Bush Telegraph as a Service Provider for Council Information Dissemination signed by Clr Ell, Clr White, and Clr Kitchener.

There being no further business, the meeting concluded, the time being 10.22pm.

Clr Findley
CHAIRPERSON