

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 3 April 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 (Remotely)
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

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 Copley) MIN23.166

That the Minutes of the Ordinary Meeting held on Monday 27 March 2023 be confirmed.

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

Declaration of Interests

Nil

Minutes Confirmed Monday 24 April 2023 – Chairperson

DEPUTATIONS AND PRESENTATIONS

CL23.103 - Insurance Arrangements - Community Consultative Bodies

Mr Russell Neeves addressed the meeting to speak AGAINST the recommendation.

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - En bloc

RESOLVED (Clr Wells / Clr White)

MIN23.167

That the following items be resolved en bloc:

- AB23.4 - Management of the Birkett Weatherhead Gift
- CL23.102 - 2024 Local Government Election - Constitutional Referendum, Polls and Other Matters
- CL23.104 - Australian Council of Local Government (ACLG) Forum 2023
- CL23.105 - Ward Boundary Adjustments - Community Interest Areas
- CL23.106 - Draft/Interim Guideline - Proponent-Initiated Planning Proposals
- CL23.108 - Classification of Land - Drainage Reserve - Lot 3 DP 1281802 Taylors Lane, Badagarang (formerly Cambewarra)

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

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

Procedural Motion - Bring Item Forward

RESOLVED (Clr Wells / Clr Christen)

MIN23.168

That the following item be brought forward for consideration:

- CL23.103 - Insurance Arrangements - Community Consultative Bodies

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

CL23.103 Insurance Arrangements - Community Consultative Bodies

HPERM Ref:
D23/101704

Note: A Deputation was received on this item.

Recommendation

That Council

1. Provide a supplement to the current Community Consultative Body (CCB) Administration Subsidy of \$1,000 per CCB per annum to support CCBs to purchase Public Liability Insurance Cover to manage their liability whilst supporting Council to engage with community.

2. Immediately assist those CCBs without Public Liability Insurance coverage to purchase relevant cover.
3. Include in the 23/24 budget and beyond an additional \$24,000 annually towards the operation of CCBs.
4. Receive a report outlining the submissions received in respect to the current community exhibition of the Draft CCB Guidelines which includes the following provisions in the Guidelines proposed for adoption:
 - a. The inclusion of a \$1,000 per year supplement for CCB's to obtain Public Liability Insurance Cover (as outlined at Recommendation 1 above)
 - b. That CCB's be required to provide annually to Council a copy of the Certificate of Currency for their Public Liability Insurance to retain access to the insurance supplement to CCB Administration Fees.

MOTION (Clr Christen)

That Council

1. Provide a supplement to the current Community Consultative Body (CCB) Administration Subsidy of \$1,000 per CCB per annum to support CCBs to purchase Public Liability Insurance Cover to manage their liability whilst supporting Council to engage with community.
2. Immediately assist those CCBs without Public Liability Insurance coverage to purchase relevant cover.
3. Include in the 23/24 budget and beyond an additional \$24,000 annually towards the operation of CCBs.
4. Receive a report outlining the submissions received in respect to the current community exhibition of the Draft CCB Guidelines which includes the following provisions in the Guidelines proposed for adoption:
 - a. The inclusion of a \$1,000 per year supplement for CCB's to obtain Public Liability Insurance Cover (as outlined at Recommendation 1 above)
 - b. That CCB's be required to provide annually to Council a copy of the Certificate of Currency for their Public Liability Insurance to retain access to the insurance supplement to CCB Administration Fees.

MOTION LAPSED DUE TO LACK OF A SECONDER

MOTION (Clr Butler / Clr White)

That

1. Council obtain insurance limited to cover only the Public Liability arising for use of public halls and facilities by those CCBs who are incorporated and cannot be defined as Casual Hirers.
2. The CCB guidelines policy explicitly state that CCB's will require their own public liability insurance when holding functions or events outside of a normal CCB meeting.

PROCEDURAL MOTION - MOTION BE PUT (Clr Wells / Clr Christen)

That the MOTION be PUT.

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

AGAINST: Clr Norris and Clr Ell

CARRIED

RESOLVED (Clr Butler / Clr White)

MIN23.169

That

1. Council obtain insurance limited to cover only the Public Liability arising for use of public halls and facilities by those CCBs who are incorporated and cannot be defined as Casual Hirers.
2. The CCB guidelines policy explicitly state that CCB's will require their own public liability insurance when holding functions or events outside of a normal CCB meeting.

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

AGAINST: Clr Findley

CARRIED

REPORT OF THE SHOALHAVEN ARTS BOARD - 8 MARCH 2023

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

AB23.4 Management of the Birkett Weatherhead Gift

HPERM Ref:
D22/418261

RESOLVED* (Clr Wells / Clr White)

MIN23.170

That Council:

1. Endorse the advice of the Art Acquisition and Collection Subcommittee.
 - a. To retain the works by Jim Birkett as listed in Table C (Attachment 3) in accordance with the Deed of Gift.
 - b. To sell the works by Jim Birkett as listed in Table D (Attachment 4) in accordance with the Deed of Gift.
2. Defer making a decision on the works by artists other than Jim Birkett.
 - a. Requesting Staff and the Art Acquisition Subcommittee to reconvene to give further consideration to the works by other artists (Table A - Attachment 1 and Table B - Attachment 2).
 - b. Provision of advice to the Arts Board on which works to retain and which works to sell in accordance with the Deed of Gift and report back to a future meeting of the Shoalhaven Arts Board.
3. Note that the funds received from the sale of works in part 1.b will be put into a dedicated Council Reserve and used explicitly for the purpose of the care, storage and exhibition of works retained in the Birkett Weatherhead collection as per the terms of the Birkett Weatherhead Gift.
4. Inform Roy Weatherhead of the outcome of decision made in part 1.

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

AB23.6 Shoalhaven Arts Board - The Way Forward

**HPERM Ref:
D23/76479**

Recommendation

That Council:

1. Cover the cost of a professional facilitator to work with the Arts Board to develop and deliver a 5-year strategic plan 2023-2027, for incorporation into Council's Community Strategic Plan.
2. Cover the cost of a professional facilitator to lead a series of public meetings with the arts community of the Shoalhaven, in accordance with the values underpinning the Community Strategic Plan.
3. Provide appropriate venues for public meetings with the arts community of the Shoalhaven.
4. Consider covering the cost of up to 8 members of the SAB to undertake appropriate first nations Cultural activities. The administration of any costs associated with undertaking cultural awareness first nations activities be administered by the CEO under delegation.
5. Request staff to investigate how consultation is being undertaken by the NSW State Government and provide advice on how the Arts Board can provide feedback with regard to the design of the new City entry at Nowra Bridge.

Note by the CEO:

The actions recommended above by the Shoalhaven Arts Board are currently not resourced nor have associated costs been determined and identified. Therefore, it is suggested that Council consider an alternative recommendation:

That staff, in consultation with the SAB, prepare a report to Council in response to SAB recommendations (AB23.6) providing a project plan, cost estimates, and a funding strategy that would see the requested actions proceed in a timely manner.

RESOLVED (Clr Butler / Clr Ell)

MIN23.171

That staff, in consultation with the Shoalhaven Arts Board (SAB), prepare a report to Council in response to SAB recommendations (AB23.6) providing a project plan, cost estimates, and a funding strategy that would see the requested actions proceed in a timely manner.

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

AGAINST: Clr Wells

CARRIED

REPORTS

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

CL23.102 2024 Local Government Election - Constitutional Referendum, Polls and Other Matters

**HPERM Ref:
D23/42173**

RESOLVED* (Clr Wells / Clr White)

MIN23.172

That Council

1. Not seek a constitutional referendum in conjunction with the 2024 Local Government Election and retain:
 - a. The current process of election of the Mayor by popular election
 - b. The number of Councillors at 13 (12 Councillors, plus popularly elected Mayor)

- c. The current method of electing Councillors by an electorate comprising all the electors for a ward.
- 2. Not undertake a Council Poll as part of the 2024 Local Government Election
- 3. Considers Ward structure and arrangements in a separate report to the Council on the agenda of this meeting.

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

CL23.103 Insurance Arrangements - Community Consultative Bodies

HPERM REF: D23/101704

Item dealt with earlier in the meeting see MIN23.169

CL23.104 Australian Council of Local Government (ACLG) Forum 2023

HPERM Ref: D23/109003

RESOLVED* (Clr Wells / Clr White)

MIN23.173

That Council

- 1. Notes the details of the Australian Council of Local Government (ACLG) Forum 2023 scheduled for Friday 16 June 2023 in Canberra, ACT.
- 2. Authorises available Councillors to attend the conference 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 Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL23.105 Ward Boundary Adjustments - Community Interest Areas

HPERM Ref: D23/117301

RESOLVED* (Clr Wells / Clr White)

MIN23.174

That

- 1. Council receives the report for information.
- 2. Council does not proceed with a ward boundary adjustment at this time.
- 3. Council does not seek to remove or reduce the number of Wards in the Shoalhaven Local Government election by way of Constitutional Referendum in conjunction with the 2024 Local Government Elections.
- 4. Staff continue to monitor the number of electors in wards and report back to the Council when an adjustment to the ward boundaries is required to meet legislative requirements.

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

CL23.106 Draft/Interim Guideline - Proponent-Initiated Planning Proposals

**HPERM Ref:
D23/69216**

RESOLVED* (Clr Wells / Clr White)

MIN23.175

That Council:

1. Endorse the attached Draft/Interim Guideline for Proponent-Initiated Planning Proposals for public exhibition.
2. Exhibit the Draft/Interim Guideline for at least 28 days.
 - a. If no feedback is received, adopt the Guideline as exhibited.
 - b. If feedback is received, report the outcomes of the exhibition to Council.
3. Replace Council's current Planning Proposal Guidelines with the Draft/Interim Guideline on Council's Planning Proposals webpage until the outcomes of the public exhibition are known.
4. Should any minor procedural changes be made to the DPE Guideline, allow the CEO or delegate to revise Council's adopted Guideline without requiring it to be re-exhibited to ensure it is consistent with the DPE Guideline.

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

CL23.107 Proposed Voluntary Planning Agreement - Dedication of Land - 252 Princes Highway, Ulladulla

**HPERM Ref:
D23/93700**

Recommendation

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 part of 252 Princes Highway, Ulladulla for the purpose of a road.
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 VPA consistent with the terms in this report, except where objections or substantial issues relating to the content and merit of the proposed VPA are raised as a result of public notification, in which case the VPA is to be reported to Council before it is entered into.

RESOLVED (Clr White / Clr Kitchener)

MIN23.176

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 part of 252 Princes Highway, Ulladulla for the purpose of a road.
2. Publicly exhibit the draft VPA and associated Explanatory Note for a minimum period of 28 days as required by legislation.
3. Provide a further report to Council prior to entering into the VPA following public exhibition.

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

**CL23.108 Classification of Land - Drainage Reserve - Lot 3 DP
1281802 Taylors Lane, Badagarang (formerly
Cambewarra)**

**HPERM Ref:
D23/43849**

RESOLVED* (Clr Wells / Clr White)

MIN23.177

That Council classify the land described as Lot 3 DP 1281802 Taylors Lane, Badagarang (formerly Cambewarra), as Operational Land within the meaning of the Local Government Act 1993.

CARRIED

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

There being no further business, the meeting concluded, the time being 6.07pm.

Clr Findley
CHAIRPERSON