

## MINUTES OF THE ORDINARY MEETING

**Meeting Date:** Monday, 24 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  
Clr Matthew Norris  
Clr Liza Butler  
Clr Moo D'Ath  
Clr Serena Copley  
Clr Paul Ell  
Clr Evan Christen  
Clr Patricia White  
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, depositions 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

An apology was received from Clr Wells

### Leave of Absence

**RESOLVED** (Clr White / Clr Christen) MIN23.178

That a leave of absence be granted to Clr Butler for the meeting to be held Monday 8 May 2023.

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

**AGAINST:** Nil

**CARRIED**

### Confirmation of the Minutes

**RESOLVED** (Clr Christen / Clr Norris)

MIN23.179

That the Minutes of the Ordinary Meeting held on Monday 03 April 2023 be confirmed.

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

AGAINST: Nil

CARRIED

### Declaration of Interests

Clr Butler – CL23.115 - Report Back - Council Representations - Manyana Beach Estate (Lot 172 DP755923 & Lot 823 DP247285) - Possible Special Conservation Reserve – less than significant non pecuniary interest declaration – current Member of Parliament for the South Coast Electorate – will remain in the room and take part in the vote as her name or position is not mentioned in the recommendation.

Clr Butler - CL23.134 - Notice of Motion - Advocate for Setting Aside Compartment 50A North Brooman State Forest - Protect Spotted Gum 'Big Spotty' and Surrounding Landscape – less than significant non pecuniary interest declaration – may be perceived as a conflict of interest debating the issue due to name & position being included in the recommendation – will leave the room and not take part in the debate or vote.

## MAYORAL MINUTE

**MM23.11 Mayoral Minute - Condolence Motion - Paul Keith Ulladulla Aboriginal Lands Council**

**HPERM Ref: D23/116840**

### Recommendation

That Shoalhaven City Council notes the passing of Uncle Paul Keith of Ulladulla. We acknowledge his significant contribution to the Ulladulla Local Aboriginal Land Council (Ulladulla LALC) and extend our condolences to his wife Laurece and family.

**RESOLVED** (Clr Findley / Clr White)

MIN23.180

That Shoalhaven City Council notes the passing of Uncle Paul Keith of Ulladulla. We acknowledge his significant contribution to the Ulladulla Local Aboriginal Land Council (Ulladulla LALC) and extend our condolences to his wife Laurece and family.

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

AGAINST: Nil

CARRIED

**MM23.12 Mayoral Minute - Congratulations to the Elected 2023 State Members**

**HPERM Ref: D23/116797**

### Recommendation

That Council congratulates Liza Butler MP on her election as Member for South Coast and Gareth Ward MP for his re-election as Member for Kiama.

**RESOLVED** (Clr Findley / Clr Norris)

MIN23.181

That Council congratulates Liza Butler MP on her election as Member for South Coast and Gareth Ward MP for his re-election as Member for Kiama.

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

AGAINST: Nil

CARRIED

## DEPUTATIONS AND PRESENTATIONS

Note: Clr Butler left the room, the time being 5:40pm.

### **CL23.134 – Notice of Motion - Advocate for Setting Aside Compartment 50A North Brooman State Forest - Protect Spotted Gum 'Big Spotty' and Surrounding Landscape**

Ms Takesa Frank addressed the meeting to speak FOR the recommendation

Note: Clr Butler returned to the meeting, the time being 5:48pm.

### **CL23.127 - Regional Application – Lots 1-4 DP 1184790 - Terara Rd Terara and Bed of the Shoalhaven River below the Mean High Water Mark**

Mr Mitchell McCormac addressed the meeting to speak AGAINST the recommendation

## CALL OVER OF THE BUSINESS PAPER

### **Call Over of Business Paper - En bloc**

**RESOLVED** (Clr White / Clr Norris)

MIN23.182

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

- SH23.3 - Shoalhaven Heads River Entrance Management Plan Review
- SB23.4 - Sports Grants Program 2022 / 23 - Recommendation for Unallocated Funding
- CBD23.13 - Standing Report - Budget Update - March 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 Ell, Clr Christen, Clr White, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

### **Call Over of Business Paper - En bloc**

**RESOLVED** (Clr Kotlash / Clr D'Ath)

MIN23.183

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

- CL23.112 - Ongoing Register of Pecuniary Interest Returns - March 2023
- CL23.113 - Investment Report - March 2023
- CL23.114 - General Revaluation of Land as at Base Date 1 July 2022

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

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

AGAINST: Nil

CARRIED

#### Call Over of Business Paper - En bloc

**RESOLVED** (Clr Gray / Clr Christen) MIN23.184

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

- CL23.115 - Report Back - Council Representations - Manyana Beach Estate (Lot 172 DP755923 & Lot 823 DP247285) - Possible Special Conservation Reserve
- CL23.116 - Flinders Industrial Estate Stage 10 - EOI Outcome

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 Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

#### Call Over of Business Paper - En bloc

**RESOLVED** (Clr Kitchener / Clr Christen) MIN23.185

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

- CL23.118 - Murramarang Road Shared User Path
- CL23.120 - Currowan Creek Causeway Upgrade - NSW Department of Primary Industries (Fisheries) - Funding Agreement
- CL23.124 - Tenders - Supply & Deliver Landfill Compactor
- CL23.126 - Tenders - O'Keefe's Point Flood Levee (P5L1) Repair Works at 1191 Comerong Island Rd. Numbaa

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 Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

#### Call Over of Business Paper - En bloc

**RESOLVED** (Clr Gray / Clr Kotlash) MIN23.186

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

- CL23.128 - Milton Showground Roads Upgrade - Project Update
- CL23.129 - Acceptance of Community Development Fund 2022 Grants from the Office of Responsible Gambling

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 Watson, Clr Kitchener and Clr Gray

AGAINST: Nil  
CARRIED

### Call Over of Business Paper - En bloc

**RESOLVED** (Clr Norris / Clr Kitchener) MIN23.187

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

- CL23.130 - Tenders - Danjera Dam Camping Ground and Recreational Area Construction
- CL23.131 - Shoalhaven Water Depot Extension Update

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 Watson, Clr Kitchener and Clr Gray

AGAINST: Nil  
CARRIED

### Procedural Motion - Bring Item Forward

**RESOLVED** (Clr D'Ath / Clr Butler) MIN23.188

That the following items be brought forward for consideration:

- CL23.134 - Notice of Motion - Advocate for Setting Aside Compartment 50A North Brooman State Forest - Protect Spotted Gum 'Big Spotty' and Surrounding Landscape
- CL23.127 - Regional Application – Lots 1-4 DP 1184790 - Terara Rd Terara and Bed of the Shoalhaven River below the Mean High Water Mark

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

AGAINST: Nil  
CARRIED

**CL23.134 Notice of Motion - Advocate for Setting Aside Compartment 50A North Brooman State Forest - Protect Spotted Gum 'Big Spotty' and Surrounding Landscape** **HPERM Ref: D23/144810**

Clr Butler – less than significant non pecuniary interest declaration – may be perceived as a conflict of interest debating the issue due to name & position being included in the recommendation – left the room and did not take part in the debate or vote.

### Recommendation

That Council;

1. Recognises that at 70+ metres tall this Spotted Gum (*Corymbia maculata*) is potentially the tallest of its species in the world.
2. Recognises the large tourism potential of this local asset.
3. Supports the need to protect “Big Spotty” and its surrounding landscape.
4. Advocates to the NSW Government for the urgent need to remove of compartment 50A from the Forestry Corporation logging schedule in order to protect Big Spotty.
5. Advocates to the NSW Government for the urgent development of a plan to protect Big Spotty for the long-term.

6. Writes, in such advocacy, to:

- a. The Hon. Chris Minns MP, Premier of NSW, the Hon. Penny Sharpe, Minister for the Environment, and the Hon. Incoming Ministers for Tourism, for Agriculture, for Energy and Climate Change and, for Finance.
- b. The Hon. Liza Butler MP, Member for South Coast
- c. CEO of NSW Forestry, Anshul Chaudhary
- d. The Board of Directors of NSW Forestry; Ms Stefanie Load (Chair), Ms Mary Verschuer, Mr Matthew Sexton, Mr Rob de Fegely AM, Ms Linda Sewell, Mr Anshul Chaudhary
- e. The shareholder Ministers for Forestry Corporation of NSW and,
- f. The relevant Shadow Ministers in accordance with items 3 & 4 being Shadow Minister for Agriculture, Shadow Minister for Energy and Climate Change and, Shadow Minister for Finance.

MOTION (Clr D'Ath / Clr Gray)

That Council;

1. Recognises that at 70+ metres tall this Spotted Gum (*Corymbia maculata*) is potentially the tallest of its species in the world.
2. Recognises the large tourism potential of this local asset.
3. Supports the need to protect "Big Spotty" and its surrounding landscape.
4. Advocates to the NSW Government for the urgent need to remove of compartment 50A from the Forestry Corporation logging schedule in order to protect Big Spotty.
5. Advocates to the NSW Government for the urgent development of a plan to protect Big Spotty for the long-term.
6. Writes, in such advocacy, to:
  - a. The Hon. Chris Minns MP, Premier of NSW, the Hon. Penny Sharpe, Minister for the Environment, and the Hon. Incoming Ministers for Tourism, for Agriculture, for Energy and Climate Change and, for Finance.
  - b. The Hon. Liza Butler MP, Member for South Coast
  - c. CEO of NSW Forestry, Anshul Chaudhary
  - d. The Board of Directors of NSW Forestry; Ms Stefanie Load (Chair), Ms Mary Verschuer, Mr Matthew Sexton, Mr Rob de Fegely AM, Ms Linda Sewell, Mr Anshul Chaudhary
  - e. The shareholder Ministers for Forestry Corporation of NSW and,
  - f. The relevant Shadow Ministers in accordance with items 3 & 4 being Shadow Minister for Agriculture, Shadow Minister for Energy and Climate Change and, Shadow Minister for Finance.
  - g. The Hon Tanya Plibersek, MP, Federal Minister of Environment.

AMENDMENT (Clr Ell / Clr Kitchener)

That Council;

1. Recognises that at 70+ metres tall this Spotted Gum (*Corymbia maculata*) is potentially the tallest of its species in the world.
2. Recognises the large tourism potential of this local asset.
3. Supports the need to protect "Big Spotty" and its surrounding landscape.

4. Advocates to the NSW Government for the urgent need to review the inclusion of compartment 50A in the Forestry Corporation logging schedule in order to protect Big Spotty.
5. Advocates to the NSW Government for the urgent development of a plan to protect Big Spotty for the long-term.
6. Writes, in such advocacy, to:
  - a. The Hon. Chris Minns MP, Premier of NSW, the Hon. Penny Sharpe, Minister for the Environment, and the Hon. Incoming Ministers for Tourism, for Agriculture, for Energy and Climate Change and, for Finance.
  - b. The Hon. Liza Butler MP, Member for South Coast
  - c. CEO of NSW Forestry, Anshul Chaudhary
  - d. The Board of Directors of NSW Forestry; Ms Stefanie Load (Chair), Ms Mary Verschuer, Mr Matthew Sexton, Mr Rob de Fegely AM, Ms Linda Sewell, Mr Anshul Chaudhary
  - e. The shareholder Ministers for Forestry Corporation of NSW and,
  - f. The relevant Shadow Ministers in accordance with items 3 & 4 being Shadow Minister for Agriculture, Shadow Minister for Energy and Climate Change and, Shadow Minister for Finance.
  - g. The Hon Tanya Plibersek, MP, Federal Minister of Environment.

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

AGAINST: Clr Findley and Clr Gray

CARRIED

The AMENDMENT became the MOTION and was PUT to the meeting and declared CARRIED.

**RESOLVED** (Clr Eil / Clr Kitchener)

MIN23.189

That Council;

1. Recognises that at 70+ metres tall this Spotted Gum (*Corymbia maculata*) is potentially the tallest of its species in the world.
2. Recognises the large tourism potential of this local asset.
3. Supports the need to protect "Big Spotty" and its surrounding landscape.
4. Advocates to the NSW Government for the urgent need to review the inclusion of compartment 50A in the Forestry Corporation logging schedule in order to protect Big Spotty.
5. Advocates to the NSW Government for the urgent development of a plan to protect Big Spotty for the long-term.
6. Writes, in such advocacy, to:
  - a. The Hon. Chris Minns MP, Premier of NSW, the Hon. Penny Sharpe, Minister for the Environment, and the Hon. Incoming Ministers for Tourism, for Agriculture, for Energy and Climate Change and, for Finance.
  - b. The Hon. Liza Butler MP, Member for South Coast
  - c. CEO of NSW Forestry, Anshul Chaudhary
  - d. The Board of Directors of NSW Forestry; Ms Stefanie Load (Chair), Ms Mary Verschuer, Mr Matthew Sexton, Mr Rob de Fegely AM, Ms Linda Sewell, Mr Anshul Chaudhary
  - e. The shareholder Ministers for Forestry Corporation of NSW and,

- f. The relevant Shadow Ministers in accordance with items 3 & 4 being Shadow Minister for Agriculture, Shadow Minister for Energy and Climate Change and, Shadow Minister for Finance.
- g. The Hon Tanya Plibersek, MP, Federal Minister of Environment..

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

AGAINST: Nil

CARRIED

Note: Clr Butler returned to the meeting, the time being 6:38pm

**CL23.127 Regional Application – Lots 1-4 DP 1184790 - Terara Rd  
Terara and Bed of the Shoalhaven River below the Mean  
High Water Mark**

**HPERM Ref:  
D23/21233**

**Recommendation**

That:

1. Council receive and note the report RA21/1000 – Lots 1-4 DP 1184790 Terara Rd, Terara and Bed of the Shoalhaven River below the Mean High Water Mark.
2. Council support a recommendation for Deferred Commencement Consent of RA21/1000 for Extractive Industry (Terara Shoalhaven Sands – Extension to Dredge Area) on the basis that it has been satisfactorily assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979*.
3. The resolution made by Council be submitted to the Southern Regional Planning Panel prior to their consideration and determination of RA21/1000.

MOTION (Clr Eil / Clr Watson)

That:

1. Council support a recommendation for Deferred Commencement Consent of RA21/1000 for Extractive Industry (Terara Shoalhaven Sands – Extension to Dredge Area) on the basis that it has been satisfactorily assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979*.
2. Council support a recommendation for Conditional Consent of RA21/1000 for Extractive Industry (Terara Shoalhaven Sands – Extension to Dredge Area) on the basis that it has been satisfactorily assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979*, subject to the provision of an Biodiversity Adaptive Management Plan pursuant to s4.16(3) of the *Environmental Planning and Assessment Act 1979* being submitted to Council within 6 months from the date of determination.
3. Council does not support imposing a requirement to relocate the livestock mounds and acknowledges that they are for an agricultural purpose and pursuant to the Shoalhaven Development Control Plan (DCP) are permissible.
4. The resolution made by Council be submitted to the Southern Regional Planning Panel prior to their consideration and determination of RA21/1000..

FOR: Clr Copley, Clr Eil, Clr Watson and Clr Kitchener

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

LOST



**RESOLVED (FORESHADOWED MOTION) (Clr Christen / Clr D'Ath)**

MIN23.190

That:

1. Council receive and note the report RA21/1000 – Lots 1-4 DP 1184790 Terara Rd, Terara and Bed of the Shoalhaven River below the Mean High Water Mark.
2. Council support a recommendation for Deferred Commencement Consent of RA21/1000 for Extractive Industry (Terara Shoalhaven Sands – Extension to Dredge Area) on the basis that it has been satisfactorily assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979*.
3. Advise regional planning panel that Council will continue to work with the applicant through adaptive management plans to address the deferred commencement conditions, to allow the applicant to commence operations as soon as possible.
4. The resolution made by Council be submitted to the Southern Regional Planning Panel prior to their consideration and determination of RA21/1000.

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

AGAINST: Nil

CARRIED

**REPORT OF THE SHOALHAVEN HEADS ESTUARY TASKFORCE - 21 MARCH 2023**

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

<b>SH23.3</b>	<b>Shoalhaven Heads River Entrance Management Plan Review</b>	<b>HPERM Ref: D23/27345</b>
---------------	---	-----------------------------

**RESOLVED\*** (Clr White / Clr Norris)

MIN23.191

That Council schedule a meeting with the Shoalhaven Heads Estuary Taskforce to discuss concerns regarding the review of the Shoalhaven Heads River Entrance Management Plan (2006) and its inclusion in the Coastal Management Program.

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

AGAINST: Nil

CARRIED

**REPORT OF THE SHOALHAVEN SPORTS BOARD - 22 MARCH 2023**

<b>SB23.4</b>	<b>Sports Grants Program 2022 / 23 - Recommendation for Unallocated Funding</b>	<b>HPERM Ref: D23/92498</b>
---------------	---	-----------------------------

**RESOLVED\*** (Clr White / Clr Norris)

MIN23.192

That Council approve remaining Unallocated 2022/23 Sports Grants Program Balance of \$97,908.53 to be transferred to Shoalhaven Swim Sport Fitness to support the Minor Improvement Program Budget expansion by extending the Shoalhaven Sportsground Seasonal Maintenance Programs, as detailed in the report, totalling \$97,908.53 as recommended by the Shoalhaven Sports Board.

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

AGAINST: Nil

CARRIED

## REPORT OF THE NOWRA CBD REVITALISATION STRATEGY COMMITTEE - 4 APRIL 2023

### **CBD23.13 Standing Report - Budget Update - March 2023**

**HPERM Ref:  
D23/102479**

**RESOLVED\*** (Clr White / Clr Norris)

MIN23.193

That Council receives for information the revised budget and expenditure plan D23/106963 as adopted by the Nowra CBD Revitalisation Strategy Committee and notes the following for information:

1. That \$37,830 has been spent since the last meeting of the Nowra CBD Revitalisation Strategy Committee budget update.
2. The total year-to-date spend for the 2022/2023 financial year is \$428,275 of the available budget of \$1,898,594.
3. A summary of the budget is provided in the Attachment to this report (D23/106963).

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

AGAINST: Nil

CARRIED

## REPORTS

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

### **CL23.112 Ongoing Register of Pecuniary Interest Returns - March 2023**

**HPERM Ref:  
D23/96222**

**RESOLVED\*** (Clr Kotlash / Clr D'Ath)

MIN23.194

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 March to 31 March 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 Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

### **CL23.113 Investment Report - March 2023**

**HPERM Ref:  
D23/137171**

**RESOLVED\*** (Clr Kotlash / Clr D'Ath)

MIN23.195

That Council:

1. Receive the Record of Investments for the period to 31 March 2023.

Minutes Confirmed Monday 8 May 2023 – Chairperson.....

2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 3.57% per annum for the month of March 2023, outperforming the benchmark AusBond Bank Bill Index (3.39% pa) by 18 basis points (+0.18%).

3. 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 Ell, Clr Christen, Clr White, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

**CL23.114 General Revaluation of Land as at Base Date 1 July 2022**

**HPERM Ref:  
D23/148356**

**RESOLVED\*** (Clr Kotlash / Clr D'Ath)

MIN23.196

That Council:

1. Receive and note the report on the General Revaluation of Land across the Shoalhaven Local Government Area as at 1 July 2022 (base date) that will be used to set Council's rating structure for 2023/24.
2. Note that the revaluations will not impact on Council's total rates income for 2023/24 but will result in changes in the rates levied on individual properties depending on their respective increase or decrease in land value.

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

AGAINST: Nil

CARRIED

**CL23.115 Report Back - Council Representations - Manyana Beach Estate (Lot 172 DP755923 & Lot 823 DP247285) - Possible Special Conservation Reserve**

**HPERM Ref:  
D23/111656**

Clr Butler - less than significant non pecuniary interest declaration – current Member of Parliament for the South Coast Electorate. – remained in the room and took part in the vote.

**RESOLVED\*** (Clr Gray / Clr Christen)

MIN23.197

That Council write to the new NSW Premier, Deputy Premier, Treasurer and other relevant Government Ministers requesting that the NSW State Government take the necessary steps to acquire Lot 172 DP755923 and Lot 823 DP247285, known as the Manyana Beach Estate, for conservation purposes.

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

AGAINST: Nil

CARRIED

**CL23.116 Flinders Industrial Estate Stage 10 - EOI Outcome**

**HPERM Ref:  
D23/125076**

**RESOLVED\*** (Clr Gray / Clr Christen)

MIN23.198

That Council, in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, consider a separate confidential report in relation to the EOI outcome for the Flinders Industrial Estate – Stage 10 (Norfolk Ave, South Nowra).

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

AGAINST: Nil

CARRIED

**CL23.117 Excellence in Innovation Award**

**HPERM Ref:  
D23/97647**

**Recommendation**

That Council:

1. Authorise one staff member to attend the WASTMINZ conference in New Zealand, fully funded by the prize for Excellence in Innovation at the Waste.
2. Authorise the staff member inspect the Materials Recovery Facility (MRF) in Christchurch during the visit to provide input into the equipment selection for Council's MRF.

**RESOLVED** (Clr White / Clr Findley)

MIN23.199

That Council:

1. Authorise one staff member to attend the WASTMINZ conference in New Zealand, fully funded by the prize for Excellence in Innovation at the Waste.
2. Authorise the staff member inspect the Materials Recovery Facility (MRF) in Christchurch during the visit to provide input into the equipment selection for Council's MRF.
3. Send congratulations to the Waste Team.

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

AGAINST: Nil

CARRIED

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

**CL23.118 Murramarang Road Shared User Path**

**HPERM Ref:  
D22/383606**

**RESOLVED\*** (Clr Kitchener / Clr Christen)

MIN23.200

That Council:

1. Receive and note the update outlined in this report on the Murramarang Road Shared User Pathway.
2. Note that \$60,000 has been listed in the DRAFT 2023/24 Capital Works Budget to match the Bawley Point, Kioloa & Termeil Community Association's funds of \$60,000 to support the construction of an additional \$120,000 of Murramarang Road Shared User Path.
3. Note that a grant opportunity, for construction of Stages 2 and 3 of the project, has been applied for through the Bloomberg Initiative for Cycling Infrastructure grant program.

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

AGAINST: Nil

CARRIED

**CL23.119 Mollymook Beach North – Carparking & Pedestrian  
Access / Safety**

**HPERM Ref:  
D23/29365**

**Recommendation**

That Council:

1. Endorse the Mollymook Beach North - Pedestrian & Carparking Masterplan (D22/276084) including the preferred options being Beach Road – Option 2, Mitchell Parade Parking and Path Improvements – Option 2 and Mitchell Parade Off Street Carpark Formalisation – Option 1.
2. Prioritise further development of the projects as follows:
  1. Beach Road – Parking and Path Improvements – Option 2
  2. Mitchell Parade – Parking and Path Improvements – Option 2
  3. Mitchell Parade – Off Street Carpark Formalisation – Option 1
  4. Carrol Avenue – Parking and Path Improvements
  5. Intersection of Tallwood Avenue and Carroll Avenue – Roundabout
  6. Pedestrian Link – Carrol Avenue to Mitchell Parade
3. Considers the projects listed in the Mollymook Beach North - Pedestrian & Carparking Masterplan in the development of the 10-year Capital Works Plan.
4. Apply for grant funding opportunities as and when these projects meet the requirements of grant funding criteria.

**RESOLVED** (Clr White / Clr Findley)

MIN23.201

That Council:

1. Endorse the Mollymook Beach North - Pedestrian & Carparking Masterplan (D22/276084) including the preferred options being Beach Road – Option 2, Mitchell Parade Parking and Path Improvements – Option 2 and Mitchell Parade Off Street Carpark Formalisation – Option 1.
2. Prioritise further development of the projects as follows:
  1. Beach Road – Parking and Path Improvements – Option 2
  2. Mitchell Parade – Parking and Path Improvements – Option 2
  3. Mitchell Parade – Off Street Carpark Formalisation – Option 1
  4. Carrol Avenue – Parking and Path Improvements
  5. Intersection of Tallwood Avenue and Carroll Avenue – Roundabout
  6. Pedestrian Link – Carrol Avenue to Mitchell Parade
3. Considers the projects listed in the Mollymook Beach North - Pedestrian & Carparking Masterplan in the development of the 10-year Capital Works Plan.
4. Apply for grant funding opportunities as and when these projects meet the requirements of grant funding criteria.

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

AGAINST: Nil

CARRIED

**CL23.120 Currowan Creek Causeway Upgrade - NSW Department of Primary Industries (Fisheries) - Funding Agreement**

**HPERM Ref: D23/65932**

**RESOLVED\*** (Clr Kitchener / Clr Christen)

MIN23.202

That Council

1. Accept the funding arrangement offered by NSW Department of Primary Industries - Fisheries (DPI) for the upgrade of an existing causeway on Western Distributor Road, over Currowan Creek by:
  - a. Endorsing the DPI funding agreement of \$500,000 for construction of the upgrade works.
  - b. Council contributes works-in-kind of \$50,000 to provide for:
    - i. Principal and technical project leadership;
    - ii. Environmental assessments;
    - iii. Permits & approvals from State Authorities;
    - iv. Project management work; and,
    - v. Site Surveillance work.
2. Authorise the CEO (Director City Services) to execute the funding agreement and any other associated documents on behalf of the Council in accordance with *Local Government (General) Regulation 2021 (section 165)*.
3. Note that a General Fund contribution of \$50,000 has been listed in the DRAFT 23/24 Draft budget for Councils works in kind component of the project.

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

AGAINST: Nil

CARRIED

**CL23.121 Stormwater Pipe Materials - restricted use of Fibre Reinforced Concrete Pipes and Plastic Pipes**

**HPERM Ref: D22/359656**

Note: Clr D'Ath left the room, the time being 7:40pm.

**Recommendation**

That Council allows the use of Fibre Reinforced Concrete Pipes (FRCP) or Plastic Pipes (PP) within the Shoalhaven LGA for the purpose of stormwater drainage from 1 July 2023 in accordance with the following:

1. Any Fibre Reinforced Concrete Pipes or Plastic Pipes must not be used for Stormwater Drainage in the zone of influence of the trafficable roads load and given the importance of compacted backfilling, be subject to a rigorous inspection and testing plan, as shown in attachment 1 (D23/144591).

**RESOLVED** (Clr White / Clr Christen)

MIN23.203

That Council allows the use of Fibre Reinforced Concrete Pipes (FRCP) or Plastic Pipes (PP) within the Shoalhaven LGA for the purpose of stormwater drainage from 1 July 2023 in accordance with the following:

1. Any Fibre Reinforced Concrete Pipes or Plastic Pipes must not be used for Stormwater Drainage in the zone of influence of the trafficable roads load and given the importance of compacted backfilling, be subject to a rigorous inspection and testing plan, as shown in attachment 1 (D23/144591).

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: Nil

CARRIED

**CL23.122 Shoalhaven Heads Viewing Platform - Proposed Scope and Budget Adjustment**

**HPERM Ref:  
D23/87127**

Note: Clr D'Ath returned to the meeting, the time being 7:43pm

**Recommendation**

That Council accept a change in scope and construction budget for the Shoalhaven Heads Viewing Platform project adjacent to the Shoalhaven Heads Surf Life Saving Club by adjusting:

1. the scope of the works from the 'design and construction of a new consolidated viewing platform' to 'refurbishment of the existing viewing platforms and surrounding amenities'.
2. the construction budget from a co-contribution of both the Lions Club of Shoalhaven Heads and Council to a sole contribution of \$137,000 by the Lions Club of Shoalhaven Heads.

**RESOLVED** (Clr White / Clr Gray)

MIN23.204

That Council accept a change in scope and construction budget for the Shoalhaven Heads Viewing Platform project adjacent to the Shoalhaven Heads Surf Life Saving Club by adjusting:

1. the scope of the works from the 'design and construction of a new consolidated viewing platform' to 'refurbishment of the existing viewing platforms and surrounding amenities'.
2. the construction budget from a co-contribution of both the Lions Club of Shoalhaven Heads and Council to a sole contribution of \$137,000 by the Lions Club of Shoalhaven Heads.

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

AGAINST: Nil

CARRIED

**CL23.123 Upgrade Options - Martinvale Lane Causeway – Jaspers Brush**

**HPERM Ref:  
D23/134997**

Note: Clr Kotlash left the room, the time being 7:43pm

**Recommendation**

That Council:

1. Note the detailed options presented for consideration and the community consultation undertaken since 2021 for the Martinvale Lane causeway upgrade.
2. Endorse Option 3 – Do Nothing (Preferred Option) for the upgrade of the Martinvale Lane causeway, noting a \$575,000 upgrade is currently being implemented as part of the Natural Disaster Rehabilitation works.

**RESOLVED** (Clr White / Clr Gray)

MIN23.205

That Council:

1. Note the detailed options presented for consideration and the community consultation undertaken since 2021 for the Martinvale Lane causeway upgrade.

2. Endorse Option 3 – Do Nothing (Preferred Option) for the upgrade of the Martinvale Lane causeway, noting a \$575,000 upgrade is currently being implemented as part of the Natural Disaster Rehabilitation works.

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

AGAINST: Nil

CARRIED

**CL23.124 Tenders - Supply & Deliver Landfill Compactor**

**HPERM Ref:  
D23/132557**

**RESOLVED\*** (Clr Kitchener / Clr Christen)

MIN23.206

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

AGAINST: Nil

CARRIED

**CL23.125 Tenders - Construction of a Shared User Path at Loralyn Avenue, Sanctuary Point**

**HPERM Ref:  
D23/94369**

**Recommendation**

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

**RESOLVED** (Clr Christen / Clr D'Ath)

MIN23.207

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 Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

**CL23.126 Tenders - O'Keefe's Point Flood Levee (P5L1) Repair Works at 1191 Comerong Island Rd. Numbaa**

**HPERM Ref:  
D23/90656**

**RESOLVED\*** (Clr Kitchener / Clr Christen)

MIN23.208

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

AGAINST: Nil

CARRIED



<b>CL23.127 Regional Application – Lots 1-4 DP 1184790 - Terara Rd Terara and Bed of the Shoalhaven River Below the Mean High Water Mark</b>	<b>HPERM REF: D23/21233</b>
--	-----------------------------

Item dealt with earlier/later in the meeting see MIN23.190

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

<b>CL23.128 Milton Showground Roads Upgrade - Project Update</b>	<b>HPERM Ref: D23/25928</b>
--	-----------------------------

**RESOLVED\*** (Clr Gray / Clr Kotlash) MIN23.209

That Council receive this report as an update on the Milton Showground Roads Upgrade Project.

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

AGAINST: Nil

CARRIED

<b>CL23.129 Acceptance of Community Development Fund 2022 Grants from the Office of Responsible Gambling</b>	<b>HPERM Ref: D23/88008</b>
--	-----------------------------

**RESOLVED\*** (Clr Gray / Clr Kotlash) MIN23.210

That Council:

1. Accept the grant funding of \$52,800 (excl GST) from the Office of Responsible Gambling ‘Community Development Fund Grants 2022’ to be utilised for delivering a number of projects identified in the ‘Shoalhaven Community-Led Plan for Homelessness.’
2. Writes to the Office of Responsible Gambling and the Minister responsible for the Office of Liquor and Gaming, the Hon David Harris MP to thank them for the grant.

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

AGAINST: Nil

CARRIED

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

<b>CL23.130 Tenders - Danjera Dam Camping Ground and Recreational Area Construction</b>	<b>HPERM Ref: D23/48833</b>
---	-----------------------------

**RESOLVED\*** (Clr Norris / Clr Kitchener) MIN23.211

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 Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

**CL23.131 Shoalhaven Water Depot Extension Update**

**HPERM Ref:  
D23/147375**

**RESOLVED\*** (Clr Norris / Clr Kitchener)

MIN23.212

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

AGAINST: Nil

CARRIED

**NOTICES OF MOTION / QUESTIONS ON NOTICE**

**CL23.132 Notice of Motion - Workplace Culture Data on Human Resources, Diversity and Cultural Matters**

**HPERM Ref:  
D23/141982**

Note: Clr Kotlash returned to the meeting, the time being 7:46pm

**Recommendation**

That

1. Council acknowledges the importance of having a diverse and inclusive workplace culture.
2. Councillors receive a quarterly Shoalhaven City Council Workplace Culture Report with organisational data on human resources, diversity, and culture matters, including metrics to measure organisational culture, identify trends and report on initiatives to improve staff engagement and diversity. This report should include:
  - a. Accurate data on staff headcount and turnover, recruitment, new staff, and departures;
  - b. Employee Assistance usage;
  - c. Metrics on staff diversity with respect to age, gender, Aboriginal and Torres Strait Islander status and employees with disability;
  - d. Gender data in relation to employment type and managerial level;
  - e. Transparent gender data in relation to age;
  - f. Transparent pay equity (including gender pay gap);
  - g. Unfettered data on reported bullying and harassment claims;
  - h. Exit interview feedback including:
    - i. How many people have completed an exit interview?
    - ii. What % of people who've left the organisation have completed an exit interview?
    - iii. What are the reasons given in relation to why people are leaving?
    - iv. Are there any key themes arising from these exit interviews?
  - i. Comparative national data on the gender pay gap, employment of people with disability and people of Aboriginal and Torres Strait Islander descent as reported in organisations such as the Workplace Gender Equality Agency (WGEA), include Ability, Closing the Gap, the Diversity Council or similar.

**RESOLVED** (Clr Gray / Clr D'Ath)

MIN23.213

That

1. Council acknowledges the importance of having a diverse and inclusive workplace culture.
2. Councillors receive a quarterly Shoalhaven City Council Workplace Culture Report with organisational data on human resources, diversity, and culture matters, including metrics to measure organisational culture, identify trends and report on initiatives to improve staff engagement and diversity. This report should include:
  - a. Accurate data on staff headcount and turnover, recruitment, new staff, and departures;
  - b. Employee Assistance usage;
  - c. Metrics on staff diversity with respect to age, gender, Aboriginal and Torres Strait Islander status and employees with disability;
  - d. Gender data in relation to employment type and managerial level;
  - e. Transparent gender data in relation to age;
  - f. Transparent pay equity (including gender pay gap);
  - g. Unfettered data on reported bullying and harassment claims;
  - h. Exit interview feedback including:
    - i. How many people have completed an exit interview?
    - ii. What % of people who've left the organisation have completed an exit interview?
    - iii. What are the reasons given in relation to why people are leaving?
    - iv. Are there any key themes arising from these exit interviews?
  - i. Comparative national data on the gender pay gap, employment of people with disability and people of Aboriginal and Torres Strait Islander descent as reported in organisations such as the Workplace Gender Equality Agency (WGEA), include Ability, Closing the Gap, the Diversity Council or similar.
3. That the initial report be submitted to the Senior Staff Contractual Matters Committee, by 30 September 2023.

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

AGAINST: Clr Kitchener

CARRIED

**CL23.133 Notice of Motion - Safety Concerns for Recreational Activities on our Country Lanes**

**HPERM Ref:  
D23/144707**

**Recommendation**

That Council:

1. Undertake an urgent review of Beach Road Berry with the aim of:
  - a. Providing a temporary speed reduction to from 90kmph to 70kph for the full length of the road due to the conditions on the road and sight distances regarding Cyclists and other passive users.
  - b. Providing 'Slow Down Bike Riders' signage along major country roads in Berry & surrounds as soon as possible.

2. Encourage residents and road users to write to Transport NSW and the NSW Minister for Roads requesting to an urgent reduction to speed limits on these well trafficked country lanes in Berry.
3. Write to Transport NSW and the NSW Minister for Roads supporting residents and recreational users' (such as bike or horse riders, parents pushing prams etc) for a reduction in speed due to crossing on other country lanes such as Tindalls Lane, Toolijooa Road, Harley Hill Road, Broughton Vale Road, Boundary Road, Bryces Road and Tulloch Road for the safety of all users.

**RESOLVED** (Clr Gray / Clr White)

MIN23.214

That Council:

1. Undertake an urgent review of Beach Road Berry with the aim of:
  - a. Providing a temporary speed reduction to from 90kmph to 70kph for the full length of the road due to the conditions on the road and sight distances regarding Cyclists and other passive users.
  - b. Providing 'Slow Down Bike Riders" signage along major country roads in Berry & surrounds as soon as possible.
2. Encourage residents and road users to write to Transport NSW and the NSW Minister for Roads requesting to an urgent reduction to speed limits on these well trafficked country lanes in Berry.
3. Write to Transport NSW and the NSW Minister for Roads supporting residents and recreational users' (such as bike or horse riders, parents pushing prams etc) for a reduction in speed due to crossing on other country lanes such as Tindalls Lane, Toolijooa Road, Harley Hill Road, Broughton Vale Road, Boundary Road, Bryces Road and Tulloch Road for the safety of all users.

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

AGAINST: Nil

CARRIED

**CL23.134 Notice of Motion - Advocate for Setting Aside  
Compartment 50a North Brooman State Forest - Protect  
Spotted Gum 'Big Spotty' and Surrounding Landscape**

**HPERM REF:  
D23/144810**

Item dealt with earlier/later in the meeting see MIN23.189

## CONFIDENTIAL REPORTS

Pursuant to Section 10A(4) the public were invited to make representation to the meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

No members of the public made representations.

**RESOLVED** (Clr Kotlash / Clr White)

MIN23.215

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.

CCL23.10 Flinders Industrial Estate Stage 10 - EOI Outcome

*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.*

CCL23.11 Tenders - Supply & Deliver Landfill Compactor

*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.*

CCL23.12 Tenders - Construction of a Shared User Path at Loralyn Avenue, Sanctuary Point

*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.*

CCL23.13 Tenders - O'Keefes Point Flood Levee (P5L1) Repair Works at 1191 Comerong Island Rd Numbaa

*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.*

CCL23.14 Tenders - Danjera Dam Camping Ground and Recreational Area Construction Project

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

*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-*

*confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*

CCL23.15 Shoalhaven Water Depot Extension Update

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

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

CARRIED

The meeting moved into confidential the time being 7:53pm.

The meeting moved into open session, the time being 8:14pm.

## REPORT FROM CONFIDENTIAL SESSION

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

### CCL23.10 Flinders Industrial Estate Stage 10 - EOI Outcome

HPERM Ref:  
D23/125570

#### RESOLVED

MIN23.216C

That

1. Council endorses this report.
2. That the CEO be authorised to enter into direct negotiations for the sales and sign the Contracts for Sale of industrial land.
3. Set the minimum current valuation prices for industrial land at South Nowra as set out in the Confidential Report.
4. The Transfers to complete Contracts for Sale for Council's industrial estate sites in accordance with this resolution be executed under the Seal of Council.

CARRIED

### CCL23.11 Tenders - Supply & Deliver Landfill Compactor

HPERM Ref:  
D23/82897

#### RESOLVED

MIN23.217C

That

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from GCM Enviro Pty Ltd for Supply & Deliver Landfill Compactor for a total cost of \$1,254,650.00 (excluding GST).
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with *Local Government (General) Regulation 2021 (section 165)* by the CEO (Director City Services).

CARRIED

**CCL23.12 Tenders - Construction of a Shared User Path at Loralyn Avenue, Sanctuary Point**

**HPERM Ref:  
D23/94410**

**RESOLVED**

MIN23.218C

That Council:

1. In accordance with Section 178(1)(b) of the regulations, decline to accept any Tender submissions for the Construction of a Shared User Path at Loralyn Avenue, Sanctuary Point, due to the tender submission from one tenderer not meeting the non-price criteria stated in the tender document, and the other tender was over the approved budget.
2. Before Inviting fresh tenders Council approach the Sanctuary point community pride group and others, to check for any appetite for any community projects in this location, and receive a report back following consultation.

CARRIED

**CCL23.13 Tenders - O'Keefes Point Flood Levee (P5L1) Repair Works at 1191 Comerong Island Rd Numbaa**

**HPERM Ref:  
D23/100930**

**RESOLVED**

MIN23.219C

That:

1. In accordance with Section 178(1)(b) of the regulations Council decline to accept any Tender for O'Keefe's Point Flood Levee (P5L1) Repair works at 1191 Comerong Island Road, Numbaa as all submissions exceed the approved budget.
2. Council procures material and plant hire to complete a reduced scope of works within the allocated budget.

CARRIED

**CCL23.14 Tenders - Danjera Dam Camping Ground and Recreational Area Construction Project**

**HPERM Ref:  
D23/48879**

**RESOLVED**

MIN23.220C

That:

1. Council, in accordance with Section 178(1)(b) of the Regulation, decline to accept any Tender for the Danjera Campground and Recreational Area Construction project, as the preferred tenderer's cost significantly exceeds Council's available budget for the project.
2. Staff make representations to the Black Summer Bushfire Grant body to approve a revised scope of works to fit the original budget (\$2.884M), comprising \$1.442M grant fund and \$1.442M from the Water Fund.
3. Staff continue to pursue Grant Funding opportunities to complete the total scope for the project.

CARRIED

**CCL23.15 Shoalhaven Water Depot Extension Update**

**HPERM Ref:  
D23/130259**

**RESOLVED**

MIN23.221C

That Council adopt Option 1 as outlined in this Report as the mechanism for proceeding with the Shoalhaven Water Depot Extension Project.

CARRIED

There being no further business, the meeting concluded, the time being 8:18pm.

Clr Findley  
CHAIRPERSON