

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 8 May 2023
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

The following members were present:

Clr Paul Ell – Chairperson
Clr John Kotlash (Remotely)
Clr Matthew Norris
Clr Moo D'Ath
Clr Serena Copley
Clr Evan Christen (Remotely)
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

Note: A request for leave was granted at the meeting of Monday 24 April 2023 from Clr Butler for this meeting.

An apology was received from Clr Findley for this meeting.

Confirmation of the Minutes

RESOLVED (Clr White / Clr Copley) MIN23.222

That the Minutes of the Ordinary Meeting held on Monday 24 April 2023 be confirmed.

FOR: Clr Kotlash, Clr Norris, 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 22 May 2023 – Chairperson.....

Declaration of Interests

Nil

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - En bloc

RESOLVED (Clr White / Clr D'Ath)

MIN23.223

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

- CL23.137 - Proposed Acquisition - Land and Easement - Lot 261 DP 794245, 5 Taylors Lane Badagarang
- CL23.139 - Proposed Road Closure - Part Palm Grove Road, Conjola
- CL23.141 - Transport for NSW - Land Acquisition - Lot 19 DP 804077 - West Birriley Street, Bomaderry

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

FOR: Clr Kotlash, Clr Norris, 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)

MIN23.224

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

- CL23.136 - Post-Exhibition and Finalisation - Planning Proposal (PP058) - 2022 Housekeeping Amendment - Shoalhaven Local Environmental Plan 2014

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

FOR: Clr Kotlash, Clr Norris, 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 Norris)

MIN23.225

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

- CL23.144 - RA22/1004 – 84 Cambewarra Road, Bomaderry – Lot 100 DP 1237704
- CL23.145 - RA22/1001 – 192-198 Kerry Street, Sanctuary Point – Lot 944-947 DP 27857, Paradise Beach Road, Sanctuary Point – Lot 3 DP 806393 & Kerry Street, Sanctuary Point – Lot 4 DP 806393

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

FOR: Clr Kotlash, Clr Norris, 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 Copley) MIN23.226

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

- CL23.146 - Membership - Homelessness Taskforce Shoalhaven
- CL23.148 - Update Report - Mayoral Minute MM22.32 - Response - South Coast Changemakers Forum - Sanitary Items in Public Council Facilities

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

FOR: Clr Kotlash, Clr Norris, 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 Watson) MIN23.227

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

- CL23.149 - Easement Acquisition - South Nowra Surcharge Main Upgrade - Lot 350 DP 1068794 59 Warrigal Street Nowra
- CL23.150 - Sewerage Easement Acquisition - Nowra/Bomaderry Wastewater Scheme - Lot 8 DP 232903, 21 Daley Crescent North Nowra

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

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

AGAINST: Nil
CARRIED

REPORTS

CL23.135 Insurance Arrangements - Community Consultative Bodies

HPERM Ref:
D23/134113

Recommendation

That Council

1. Obtain annual Public Liability Insurance for all Community Consultative Bodies (CCB) to support CCBs to manage their liability whilst undertaking the work it does on behalf of the Council.
2. Immediately assist those CCBs currently without any Public Liability Insurance coverage to obtain relevant cover.
3. Include in the 2023/2024 budget and beyond an additional \$24,000 annually towards the public liability insurance needed by CCBs.

RESOLVED (Clr White / Clr Copley) MIN23.228

That Council

1. Obtain annual Public Liability Insurance for all Community Consultative Bodies (CCB) to support CCBs to manage their liability whilst undertaking the work it does on behalf of the Council.
2. Immediately assist those CCBs currently without any Public Liability Insurance coverage to obtain relevant cover.
3. Include in the 2023/2024 budget and beyond an additional \$24,000 annually towards the public liability insurance needed by CCBs.

FOR: Clr Kotlash, Clr Norris, 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'.

CL23.136 Post-Exhibition and Finalisation - Planning Proposal (PP058) - 2022 Housekeeping Amendment - Shoalhaven Local Environmental Plan 2014	HPERM Ref: D23/137370
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RESOLVED* (Clr Wells / Clr White) MIN23.229

That Council:

1. Adopt the Planning Proposal (PP058) as exhibited, and using Council's delegation, forward PP058 to the NSW Parliamentary Counsel's Office to draft the resulting amendment to Shoalhaven Local Environmental Plan 2014.
2. Advise key stakeholders, including those who made a submission, CCBs and Industry Representatives, of this decision and when the Amendment will be made effective.

FOR: Clr Kotlash, Clr Norris, 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'.

CL23.137 Proposed Acquisition - Land and Easement - Lot 261 DP 794245, 5 Taylors Lane Badagarang	HPERM Ref: D23/83125
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RESOLVED* (Clr White / Clr D'Ath) MIN23.230

That Council:

1. Acquire 685m² of land from Taylors Investment No. 5 Pty Ltd, identified as Lot 101 DP 1279527 for the requirements of the Far North Collector Road, by agreement for \$90,000 (ninety thousand dollars) plus GST if applicable, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
2. Fund all costs associated with the land acquisition from Work Finance Number 103432 Land Acquisition – Far North Collector Road;
3. Acquire easement for water from Taylors Investment No. 5 Pty Ltd identified as "W1" in DP 1279527, 5m wide with an area of 155m², for water supply requirements servicing the Moss Vale Road Urban Release Area, by agreement for \$8,000 (eight thousand dollars) plus GST if applicable, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

4. Fund all costs for acquisition of water easement from Council's Water Fund.
5. Delegate authority to the Chief Executive Officer to make minor adjustments to the purchase price, if necessary, in accordance with the settlement figure determined by Council's Solicitor.
6. Affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed, otherwise, the Chief Executive Officer is authorised to sign any documentation necessary to give effect to this resolution.

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

AGAINST: Nil

CARRIED

**CL23.138 Land Acquisition for Road Purposes - Lot 508 & 509 DP
877900 Coonemia Road Wollumboola and Lot 556 DP
1284943 - Currarong Road Wollumboola**

**HPERM Ref:
D23/117506**

Recommendation

That Council:

1. Acquire Lot 508 (457.4m²), Lot 509 (63.8m²) and Lot 556 (4369m²) from Sealark Pty Ltd, for future road requirements, by agreement for \$196,000 (one hundred and ninety-six thousand dollars) plus GST if applicable, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
2. Fund all costs associated with the land acquisition from Work Finance Number 103425 Strategic Land Acquisition: Work Order C0005645 -Road Acquisition;
3. Upon registration of the acquisition plan and settlement, authorise by notice in the Government Gazette, the dedication of Lot 508 & 509 DP 877900 and Lot 556 DP 1284943 as Public Road in accordance with Section 10 of the Roads Act 1993;
4. Delegate authority to the Chief Executive Officer to make minor adjustments to the purchase price, if necessary, in accordance with the settlement figure determined in consultation with Council's Solicitor.
5. Affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed, otherwise, the Chief Executive Officer is authorised to sign any documentation necessary to give effect to this resolution.

RESOLVED (Clr Watson / Clr White)

MIN23.231

That Council:

1. Acquire Lot 508 (457.4m²), Lot 509 (63.8m²) and Lot 556 (4369m²) from Sealark Pty Ltd, for future road requirements, by agreement for \$196,000 (one hundred and ninety-six thousand dollars) plus GST if applicable, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
2. Fund all costs associated with the land acquisition from Work Finance Number 103425 Strategic Land Acquisition: Work Order C0005645 -Road Acquisition;
3. Upon registration of the acquisition plan and settlement, authorise by notice in the Government Gazette, the dedication of Lot 508 & 509 DP 877900 and Lot 556 DP 1284943 as Public Road in accordance with Section 10 of the Roads Act 1993;
4. Delegate authority to the Chief Executive Officer to make minor adjustments to the purchase price, if necessary, in accordance with the settlement figure determined in consultation with Council's Solicitor.
5. Affix the Common Seal of the Council of the City of Shoalhaven to any documents required to

be sealed, otherwise, the Chief Executive Officer is authorised to sign any documentation necessary to give effect to this resolution.

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

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

CARRIED

CL23.139 Proposed Road Closure - Part Palm Grove Road, Conjola

**HPERM Ref:
D23/61265**

RESOLVED* (Clr White / Clr D'Ath)

MIN23.232

That Council:

1. Resolve to close 7494m² of Palm Grove Road, Conjola, identified as Lot 1 in Plan of Road Closure Surveyors Reference U21268 (attachment 1 - D23/111967) by notice published in the Government Gazette.
2. Transfer ownership of the portion of closed road to the Registered Proprietor of the adjoining property being Lot 4 DP 1022914, 786A Bendalong Road Conjola for nil compensation.
3. Require that the portion comprised in the road closure be consolidated into one lot with Lot 4 DP 1022914, 786A Bendalong Road Conjola.
4. Require that all costs associated with the road closure be borne by the owner of Lot 4 DP 1022914, 786A Bendalong Road Conjola.
5. Authorise the Chief Executive Officer to sign any 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 Kotlash, Clr Norris, Clr D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL23.140 Easements to Drain Water and Easement for Asset Protection Zone (APZ) over Council Land - Lot 117 DP 1122371 and Lot 40 DP 802671, Albatross Road, South Nowra.

**HPERM Ref:
D23/129578**

Recommendation

That Council:

1. Grant an Easement to Drain Water:
 - a. 3.5m & 6m wide that will burden Council land known as Lot 117 DP 1122371, Albatross Road, South Nowra as shown in Attachment 1.
 - b. Variable width, over Council land, Lot 40 DP 802671, Albatross Road, South Nowra as shown in Attachment 2.
 - c. Require JRL 1 Pty Ltd as the purchaser of Lot 116 DP 1122371, 17 Norfolk Ave, South Nowra to pay compensation to Shoalhaven City Council in the amount of \$18,120 (plus GST if applicable) for the Grant of Easements to Drain Water;
 - d. Require JRL 1 Pty Ltd as the purchaser of Lot 116 DP 1122371, 17 Norfolk Ave, South Nowra, to fund all costs associated with the creation and registration of the Easements to Drain Water.

2. Grant an Easement for Asset Protection Zone over Lot 40 DP 802671 and Lot 117 DP 1122371 to benefit Lot 116 DP 1122371 by way of Positive Covenant identified as "A" in Attachment 3 (D23/139587) and in accordance with the provisions of Section 88E of the Conveyancing Act 1919;
 - a. Require that the landowners of Lot 116 DP 1122371 indemnify Council against any loss, injury or damages incurred whilst on Council owned land and undertaking the activities defined in the development consent conditions and pay all costs, fees and charges (including legal) associated with the creation of the positive covenant;
 - b. Require that the JRL 1 Pty Ltd as the purchaser of Lot 116 DP 1122371 fund all costs associated with the creation and registration of the Asset Protection Zones.
3. Delegate authority to the Chief Executive Officer to adjust compensation in accordance with the area of the easement determined by the final registered plan.
4. Authorise the Chief Executive Officer to sign any 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.

RESOLVED (Clr Wells / Clr White)

MIN23.233

That Council:

1. Grant an Easement to Drain Water:
 - a. 3.5m & 6m wide that will burden Council land known as Lot 117 DP 1122371, Albatross Road, South Nowra as shown in Attachment 1.
 - b. Variable width, over Council land, Lot 40 DP 802671, Albatross Road, South Nowra as shown in Attachment 2.
 - c. Require JRL 1 Pty Ltd as the purchaser of Lot 116 DP 1122371, 17 Norfolk Ave, South Nowra to pay compensation to Shoalhaven City Council in the amount of \$18,120 (plus GST if applicable) for the Grant of Easements to Drain Water;
 - d. Require JRL 1 Pty Ltd as the purchaser of Lot 116 DP 1122371, 17 Norfolk Ave, South Nowra, to fund all costs associated with the creation and registration of the Easements to Drain Water.
2. Grant an Easement for Asset Protection Zone over Lot 40 DP 802671 and Lot 117 DP 1122371 to benefit Lot 116 DP 1122371 by way of Positive Covenant identified as "A" in Attachment 3 (D23/139587) and in accordance with the provisions of Section 88E of the Conveyancing Act 1919;
 - a. Require that the landowners of Lot 116 DP 1122371 indemnify Council against any loss, injury or damages incurred whilst on Council owned land and undertaking the activities defined in the development consent conditions and pay all costs, fees and charges (including legal) associated with the creation of the positive covenant;
 - b. Require that the JRL 1 Pty Ltd as the purchaser of Lot 116 DP 1122371 fund all costs associated with the creation and registration of the Asset Protection Zones.
3. Delegate authority to the Chief Executive Officer to adjust compensation in accordance with the area of the easement determined by the final registered plan.
4. Authorise the Chief Executive Officer to sign any 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 at the earliest possible time.

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

AGAINST: Nil

CARRIED

**CL23.141 Transport for NSW - Land Acquisition - Lot 19 DP 804077
- West Birriley Street, Bomaderry**

**HPERM Ref:
D23/105083**

RESOLVED* (Clr White / Clr D'Ath)

MIN23.234

That Council authorise

1. The acquisition by agreement with TfNSW for Lot 19 DP 804077, West Birriley Street Bomaderry for compensation of \$55,000 (fifty-five thousand dollars) plus GST if applicable in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
2. All proceeds of the acquisition be allocated to the Property Reserve – Roads.
3. The Chief Executive Officer to sign any 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 as required.

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

AGAINST: Nil

CARRIED

**CL23.142 Membership - Central Floodplain Risk Management
Committee**

**HPERM Ref:
D23/102220**

Recommendation

That Council:

1. Accept Mr David Tarbert's resignation as a voting member of the Central FRMC and for Mr Tarbert to continue as a non-voting member / participant.
2. Strongly acknowledge Mr Tarbert for his contributions to the Central FRMC.
3. Call for EOIs to fill all current vacant voting member positions in the Central FRMC.

RESOLVED (Clr White / Clr Kitchener)

MIN23.235

That Council:

1. Accept Mr David Tarbert's resignation as a voting member of the Central FRMC and for Mr Tarbert to continue as a non-voting member / participant.
2. Strongly acknowledge Mr Tarbert for his contributions to the Central FRMC.
3. Call for EOIs to fill all current vacant voting member positions in the Central FRMC.

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

AGAINST: Nil

CARRIED

CL23.143 Update - Regional Illegal Dumping (RID)

**HPERM Ref:
D23/96955**

Recommendation

That Council receives the update report for information.

RESOLVED (Clr White / Clr Kitchener)

MIN23.236

That Council receives the update report for information.

FOR: Clr Kotlash, Clr Norris, 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'.

CL23.144 RA22/1004 – 84 Cambewarra Road, Bomaderry – Lot 100 DP 1237704	HPERM Ref: D23/133573
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RESOLVED* (Clr Wells / Clr Norris)

MIN23.237

That:

1. Council receive and note the report RA22/1004 - 84 Cambewarra Road, Bomaderry - Lot 100 DP 1237704.
2. Council support RA22/1004 for alterations and additions to the Bomaderry Basketball Stadium at 84 Cambewarra Road, Bomaderry 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 RA22/1004.

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

AGAINST: Nil

CARRIED

CL23.145 RA22/1001 – 192-198 Kerry Street, Sanctuary Point – Lot 944-947 DP 27857, Paradise Beach Road, Sanctuary Point – Lot 3 DP 806393 & Kerry Street, Sanctuary Point – Lot 4 DP 806393	HPERM Ref: D23/143146
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RESOLVED* (Clr Wells / Clr Norris)

MIN23.238

That:

1. Council receive and note the report RA22/1001 - 192-198 Kerry Street, Sanctuary Point - Lot 944-947 DP 27857, Paradise Beach Road, Sanctuary Point - Lot 3 DP 806393 & Kerry Street, Sanctuary Point - Lot 4 DP 806393.
2. Council support RA22/1001 for demolition of existing structures, tree removal, construction and use of a public library (community facility) and associated car parking spaces, landscaping and public open space at 192-198 Kerry Street and Paradise Beach Road, Sanctuary Point 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 RA22/1001.

FOR: Clr Kotlash, Clr Norris, 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'.

CL23.146 Membership - Homelessness Taskforce Shoalhaven

**HPERM Ref:
D23/146144**

RESOLVED* (Clr White / Clr Copley)

MIN23.239

That Council:

1. Acknowledge five (5) vacant positions and endorse the appointment of the following applicants to the Homelessness Taskforce Shoalhaven:
 - Jenifa Fowler
 - Keith Davis
 - Dan Harmelin
 - Julieanne Hopkins
 - Peter Brandis
2. Provide the unsuccessful applicants an outcome letter, thanking them for their application and inviting them to participate as non-voting members.
3. Support extension of the membership EOI to fill the remaining vacant position for 'community member with lived experience' to promote at the Thrive Together Fair 2023.

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

AGAINST: Nil

CARRIED

**CL23.147 Acceptance of Funding - NSW Office of Sport - Essential
Community Sports Assets Program 2022 / 23**

**HPERM Ref:
D23/132338**

Recommendation

That Council:

1. Accept the funding offer for successful grant applications under NSW Office of Sport – NSW Office of Sport – Essential Community Sports Assets Program 2022 / 23 for Shoalhaven Rugby Park, South Nowra and Thomson Street Sporting Complex, Sussex Inlet – Sub-Surface Drainage Installations in the amount of \$716,496.
2. Execute a Funding Deed with NSW Office of Sport to allow project commencement.
3. Make arrangements to forward a letter of thanks to the Minister for Sport, the Hon. Stephen Kamper MP.

RESOLVED (Clr White / Clr Gray)

MIN23.240

That Council:

1. Accept the funding offer for successful grant applications under NSW Office of Sport – NSW Office of Sport – Essential Community Sports Assets Program 2022 / 23 for Shoalhaven Rugby Park, South Nowra and Thomson Street Sporting Complex, Sussex Inlet – Sub-Surface Drainage Installations in the amount of \$716,496.
2. Execute a Funding Deed with NSW Office of Sport to allow project commencement.
3. Make arrangements to forward a letter of thanks to the Minister for Sport, the Hon. Stephen Kamper MP.

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

AGAINST: Nil
CARRIED

CL23.148 Update Report - Mayoral Minute MM22.32 - Response - South Coast Changemakers Forum - Sanitary Items in Public Council Facilities **HPERM Ref: D23/117555**

RESOLVED* (Clr White / Clr Copley) MIN23.241

That Council receive the update to the “Mayoral Minute MM22.32 - Response - South Coast Changemakers Forum - Sanitary Items in Public Council Facilities” report for information.

FOR: Clr Kotlash, Clr Norris, 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’.

CL23.149 Easement Acquisition - South Nowra Surcharge Main Upgrade - Lot 350 DP 1068794 59 Warrigal Street Nowra **HPERM Ref: D23/96624**

RESOLVED* (Clr Wells / Clr Watson) MIN23.242

That Council

1. Acquire an easement for the purpose of sewer (S1), 4 metres wide over Part Lot 350 DP 1068794, 59 Warrigal Street, Nowra, being approximately 160m² (subject to survey).
2. Pay compensation of \$125,000 plus GST (if applicable) for easement acquisition of Part Lot 350 DP 1068794, 59 Warrigal Street, Nowra plus reasonable valuation and legal costs associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
3. Fund all costs associated with the acquisition from Council’s Sewer Fund.
4. Delegates authority to the Chief Executive Officer to adjust the compensation in accordance with the area of the easement determined by the final registered plan and to make minor adjustments to the settlement costs, if necessary, in accordance with the settlement figure determined by Council’s Solicitor.
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 Kotlash, Clr Norris, Clr D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil
CARRIED

CL23.150 Sewerage Easement Acquisition - Nowra/Bomaderry Wastewater Scheme - Lot 8 DP 232903, 21 Daley Crescent North Nowra **HPERM Ref: D23/127072**

RESOLVED* (Clr Wells / Clr Watson) MIN23.243

That Council

1. Acquire by agreement, in accordance with the Land Acquisition (Just Terms Compensation)

Act 1991, an easement for sewerage purposes 0.9 metres wide approximate area of 36.86m² (subject to survey) over Lot 8 DP 232903, 21 Daley Crescent, North Nowra.

2. Agrees to pay compensation in the amount of \$7,372 plus GST (if applicable) for acquisition of an easement for sewerage purposes over Lot 8 DP 232903, 21 Daley Crescent, North Nowra plus reasonable valuation and legal costs associated with the acquisition from Project Number 101413 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
3. Delegates authority to Chief Executive Officer (Executive Manager, Shoalhaven Water) to adjust the compensation in accordance with the area of the easement determined by the final registered plan.
4. Authorises the Chief Executive Officer (Executive Manager, Shoalhaven Water) 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 Kotlash, Clr Norris, Clr D'Ath, 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 6:08pm.

Clr Ell
CHAIRPERSON