

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 22 May 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 (Remotely)
Clr Moo D'Ath
Clr Serena Copley
Clr Paul Eil
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 Copley / Clr Christen) MIN23.248

That the Minutes of the Ordinary Meeting held on Monday 8 May 2023 and the Extra Ordinary Meeting held on Monday 15 May 2023 be confirmed.

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

AGAINST: Nil

CARRIED

Declaration of Interests

Clr Christen – CL23.164 - DA22/1847 – 31 Currumbene Street Huskisson – Lot 3 Sec 1 DP 758530 – less than significant non pecuniary interest declaration – Clr Christen’s home is on the same hill which could be perceived as a conflict of interest – will remain in the room and will take part in discussion and vote.

Procedural Motion - Bring Forward Deputations

RESOLVED (Clr Wells / Clr Christen)

MIN23.249

That the deputations and presentations be brought forward for consideration.

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

AGAINST: Nil

CARRIED

DEPUTATIONS AND PRESENTATIONS

MM23.14 - Mayoral Minute - Callala Bay Bio-certification

Mr Matt Philpott addressed the meeting to speak AGAINST the recommendation.

Ms Catherine Holloway addressed the meeting to speak FOR the recommendation.

CL23.158 - Report Back - Review of Planning Options - Taylors Lane, Badagarang

Mr Robin Graham addressed the meeting to speak FOR the recommendation.

CL23.159 - Progress Report - Moss Vale Road North Urban Release Area Planning

Mr James Harris addressed the meeting to speak AGAINST the recommendation.

CL23.164 – DA22/1847 – 31 Currumbene Street Huskisson – Lot 3 Sec 1 DP 758530

Mr Stig Pedersen addressed the meeting to speak AGAINST the recommendation.

MAYORAL MINUTE

MM23.14 Mayoral Minute - Callala Bay Bio-Certification Application

HPERM Ref:
D23/185891

Note: A deputation was received on this item.

Recommendation

That Council take the necessary steps to formally withdraw the Callala Bay Bio-certification application given the widespread community opposition to the potential development it is associated with.

RESOLVED (Clr Findley / Clr Christen)

MIN23.250

That Council take the necessary steps to formally withdraw the Callala Bay Bio-certification application given the widespread community opposition to the potential development it is associated with.

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

Note: A rescission motion was received on this item.

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - En bloc

RESOLVED (Clr Christen / Clr Copley) MIN23.251

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

- CL23.154 - Investment Report - April 2023
- CL23.155 - Ongoing Register of Pecuniary Interest Returns - April 2023
- CL23.156 - Australian Circular Economy Forum 2023
- CL23.157 - 2023 Circularity Conference

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

AGAINST: Nil

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

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Christen / Clr Wells) MIN23.252

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

- CL23.158 – Report Back - Review of Planning Options - Taylors Lane, Badagarang

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

AGAINST: Nil

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

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Copley / Clr Norris) MIN23.253

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

- CL23.165 - Membership Appointment - Natural Area Volunteers Group
- CL23.166 - Variations to Development Standards - March Quarter 2023

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

AGAINST: Nil

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

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Christen / Clr Copley)

MIN23.254

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

- CL23.167 – Shoalhaven Arts Foundation Update – Proceeding as a Legal Entity

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

AGAINST: Nil

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

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Christen / Clr Copley)

MIN23.255

That the following Notice of Motion item be resolved en bloc:

- CL23.168 – Notice of Motion – Call in DA22/2368 – New RFS Station – 1072 Bendalong Road Conjola – Lot 1 DP 1071258

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

AGAINST: Nil

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

CARRIED

Procedural Motion - Reintroduction of Item

RESOLVED (Clr Eil / Clr Christen)

MIN23.256

That CL23.167 – Shoalhaven Arts Foundation Update – Proceeding as a Legal Entity not be resolved en bloc and be reintroduced for discussion to allow for debate.

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

AGAINST: Nil

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr Christen / Clr Eil)

MIN23.257

That the following items be brought forward for consideration.

- CL23.159 – Progress Report – Moss Vale Road North Urban Release Area Planning
- CL23.164 – DA22/1847 – 31 Currambene Street Huskisson – Lot 3 Sec 1 DP 758530

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

Minutes Confirmed Monday 5 June 2023 – Chairperson

AGAINST: Nil
CARRIED

**CL23.159 Progress Report - Moss Vale Road North Urban Release
Area Planning**

**HPERM Ref:
D23/132358**

Note: A deputation was received on this item.

Recommendation

That Council:

1. Receive the progress report for information.
2. Proceed to finalise the Planning Proposal using its delegation, based on the riparian corridor outcome resulting from the submission received from the NSW Department of Planning & Environment – Water and the subsequent dialogue.
3. Consider future opportunities to provide appropriate additional residential dwelling yield opportunities (possible additional area of smaller lots and a greater diversity of dwelling types/products) as part of a future separate process to make up for yield that may have been lost through the riparian corridor dialogue.
4. Continue to work with the NSW Department of Planning & Environment - Planning to clarify and resolve the flood risk advice that was received post exhibition.
5. Discourage the lodgement of premature applications in this Urban Release Area until the release planning (Zones, Development Control Plan provisions and infrastructure planning provisions) has progressed to at least being finally adopted by Council.
6. Maintain the existing adopted phasing for the 'release' planning work for the remaining Urban Release Areas in the Nowra-Bomaderry area.
7. Advocate to the NSW Government for the immediate funding and commencement of the work required to plan and upgrade the Moss Vale Road Corridor (essential infrastructure to support the Moss Vale Road North and South Release Areas).

RESOLVED (Clr Wells / Clr White)

MIN23.258

That Council:

1. Receive the progress report for information.
2. Proceed to finalise the Planning Proposal using its delegation, based on the riparian corridor outcome resulting from the submission received from the NSW Department of Planning & Environment – Water and the subsequent dialogue.
3. Consider future opportunities to provide appropriate additional residential dwelling yield opportunities (possible additional area of smaller lots and a greater diversity of dwelling types/products) as part of a future separate process to make up for yield that may have been lost through the riparian corridor dialogue.
4. Provide a copy of the detailed submission (May 2023) received from the current owners group regarding the impact of the riparian corridor outcome to NSW Department of Planning & Environment – Planning as part of the finalisation of the Planning Proposal.
5. Continue to work with the NSW Department of Planning & Environment - Planning to clarify and resolve the flood risk advice that was received post exhibition.
6. Discourage the lodgement of premature applications in this Urban Release Area until the release planning (Zones, Development Control Plan provisions and infrastructure planning provisions) has progressed to at least being finally adopted by Council.

7. Maintain the existing adopted phasing for the 'release' planning work for the remaining Urban Release Areas in the Nowra-Bomaderry area.
8. Advocate to the NSW Government for the immediate funding and commencement of the work required to plan and upgrade the Moss Vale Road Corridor (essential infrastructure to support the Moss Vale Road North and South Release Areas).
9. Continue regular consultation and engagement with the MVRN Land Holders Group.

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

AGAINST: Nil

CARRIED

**CL23.164 DA22/1847 – 31 Currumbene Street Huskisson – Lot 3
Sec 1 DP 758530**

**HPERM Ref:
D22/430478**

Note: A deputation was received on this item.

Clr Christen – less than significant non pecuniary interest declaration – Clr Christen's home is on the same hill which could be perceived as a conflict of interest – remained in the room and took part in discussion and vote.

Recommendation

That Development Application DA22/1847 for demolition of existing dwelling house and detached shed (Stage 1), Torrens title subdivision of 1 lot into 2 lots (Stage 2) and construction of a two-storey dwelling house and in-ground swimming pool on each new lot (stage 3) be determined by way of approval subject to the recommended conditions of consent provided at Attachment 1.

RESOLVED (Clr Christen / Clr D'Ath)

MIN23.259

That Council:

1. Defer the development application DA22/1847 until such time as an independent review of the application is undertaken,
2. Delegate the CEO (Director, City Development) to arrange an independent planning consultant to undertake a review of the proposal; and,
3. Note the independent review must be undertaken to provide specific comment on the following:
 - a. The Shoalhaven LEP 2014 and DCP 2014 as relevant to this proposal.
 - b. The SEPP (Housing) 2021 as relevant to this proposal.
 - c. Any stormwater management adequacy.
 - d. Proposed Setbacks for the development.
 - e. Solar access for the proposed, and adjoining properties.
 - f. Privacy impacts for the proposed and adjoining properties.
 - g. Bulk and scale matters including street appeal.

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

AGAINST: Clr Kitchener

CARRIED

REPORTS

CL23.153 100% LED Street Lighting Upgrade - Update

HPERM Ref:
D23/127329

Recommendation

That Council:

1. Rescind MIN22.522.
2. Enter into an agreement with Endeavour Energy to implement a Council-funded accelerated street lighting program to change approximately 4,435 residential class streetlights to energy efficient LED technology at a capital cost to Council of approximately \$2.65M (exc. GST).
3. Note that the recommended project will result in around \$790,000 (market variable) of revenue back to Council from the sale of Energy Savings Certificates to offset the total cost of this project.
4. Delegate to the Chief Executive Officer the authority to negotiate, finalise and execute the contract and any other documentation required to give effect to this resolution.
5. Authorise an internal loan estimated at \$2.65M from Council's Water Communication Towers Reserve (internally restricted) to be repaid over five (5) years for the implementation of this program.
6. Note that to ensure financial integrity of the Reserve, interest on this internal loan will be equal to the return-on-investment rate for each year of the five (5) year term of the internal loan.

RESOLVED (Clr Christen / Clr White)

MIN23.260

That Council:

1. Rescind MIN22.522.
2. Enter into an agreement with Endeavour Energy to implement a Council-funded accelerated street lighting program to change approximately 4,435 residential class streetlights to energy efficient LED technology at a capital cost to Council of approximately \$2.65M (exc. GST).
3. Note that the recommended project will result in around \$790,000 (market variable) of revenue back to Council from the sale of Energy Savings Certificates to offset the total cost of this project.
4. Delegate to the Chief Executive Officer the authority to negotiate, finalise and execute the contract and any other documentation required to give effect to this resolution.
5. Authorise an internal loan estimated at \$2.65M from Council's Water Communication Towers Reserve (internally restricted) to be repaid over five (5) years for the implementation of this program.
6. Note that to ensure financial integrity of the Reserve, interest on this internal loan will be equal to the return-on-investment rate for each year of the five (5) year term of the internal loan.

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

AGAINST: Nil

CARRIED

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

CL23.154 Investment Report - April 2023 **HPERM Ref: D23/170772**

RESOLVED* (Clr Christen / Clr Copley) MIN23.261

That Council:

1. Receive the Record of Investments for the period to 30 April 2023.
2. Note that Council’s total Investment Portfolio (excluding the Long-Term Growth Fund) returned 4.56% per annum for the month of April 2023, outperforming the benchmark AusBond Bank Bill Index (3.77% pa) by 79 basis points (+0.79%).
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 Eil, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL23.155 Ongoing Register of Pecuniary Interest Returns - April 2023 **HPERM Ref: D23/132286**

RESOLVED* (Clr Christen / Clr Copley) MIN23.262

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 April to 30 April 2023 be received for information.

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

AGAINST: Nil

CARRIED

CL23.156 Australian Circular Economy Forum 2023 **HPERM Ref: D23/190403**

RESOLVED* (Clr Christen / Clr Copley) MIN23.263

That Council

1. Notes the details of the Australian Circular Economy Forum 2023 scheduled for Monday 26 June 2023 in Sydney, NSW.
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 D'Ath, Clr Copley, Clr Eil, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL23.157 2023 Circularity Conference

**HPERM Ref:
D23/190444**

RESOLVED* (Clr Christen / Clr Copley)

MIN23.264

That Council

1. Notes the details of the 2023 Circularity Conference scheduled for 20 – 21 November 2023 in Grand Hyatt Melbourne, VIC.
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 D'Ath, Clr Copley, Clr Eil, Clr Christen, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

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

CL23.158 Report Back - Review of Planning Options - Taylors Lane, Badagarang

**HPERM Ref:
D23/134590**

Note: A deputation was received on this item.

RESOLVED* (Clr Christen / Clr Wells)

MIN23.265

That Council:

1. Endorse Option W4 For Taylors Lane West as generally shown in **Attachment 1**, with further design revisions as needed to support the long-term retention of as many trees as possible including:
 - a. Single lane (eastbound) alongside the trees, transitioning to dual lanes either end;
 - b. Widening of the road reserve to 20m (+5m either side);
 - c. a shared pedestrian/bicycle path
2. Commence required detailed designs and resulting required draft amendment to Shoalhaven DCP 2014 Chapter NB3: Moss Vale Road South URA and receive a further report to consider the draft DCP amendment, a possible funding mechanism and/or budget allocation to deliver Option W4.
3. For Taylors Lane East retain the existing trees and endorse the upgrade Taylors Lane in accordance with Option E3 (with E1 as a backup option) as generally shown in **Attachment 2**, subject to revisions arising from further design investigation and commence negotiations for a possible joint funding and delivery arrangement with the landholder/developer of DA SF10898.
4. At the appropriate point, determine DA SF10898 consistent with the intent of retaining the existing trees along Taylors Lane in the long term.
5. Notify those who made submissions during the public exhibition period of this decision.

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

AGAINST: Nil

CARRIED

**CL23.159 Progress Report - Moss Vale Road North Urban Release
Area Planning**

**HPERM REF:
D23/132358**

Item dealt with earlier in the meeting see MIN23.258.

CL23.160 Community Survey 2023 Final Report

**HPERM Ref:
D23/160302**

Recommendation

That:

1. Council receive the Community Survey 2023 Final Report.
2. The Final Survey Report be made available on Council's website and that the results be used to inform future engagement processes and planning for improvements to services and facilities.

RESOLVED (Clr Eil / Clr White)

MIN23.266

That:

1. Council receive the Community Survey 2023 Final Report.
2. The Final Survey Report be made available on Council's website and that the results be used to inform future engagement processes and planning for improvements to services and facilities.

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

AGAINST: Nil

CARRIED

CL23.161 Bioelektra Update

**HPERM Ref:
D23/191524**

Recommendation

That Council:

1. Note the update on the Shoalhaven Resource Recovery Facility following Bioelektra's announcement that it was going into voluntary administration, in particular:
 - a. The facility is to be fully funded, built, and operated by Bioelektra Australia.
 - b. Bioelektra is NOT managing Council's domestic waste collection contract.
 - c. Council is not party to the commercial dispute between Bioelektra and its contractor and subcontractors.
 - d. During the operational phase of Bioelektra's facility, Council will pay Bioelektra, as the operating contractor of the facility, a fee for each tonne of household waste deposited at the facility. This fee will be less than the cost to landfill Council's waste.
 - e. The collection of the kerbside red lidded bin, provided by Veolia, continues as business as usual. There will be no disruption to the kerbside collection process.
 - f. On 9 May 2023, Council was advised by the Bioelektra Managing Director that the company had been placed into voluntary administration. On 11 May 2023 Councillors

received a briefing on this development and the fundamentals of the administration process from Maddocks Lawyers (the firm that assisted Council develop the contract with Bioelektra).

- g. On a best-case scenario, Bioelektra will continue to trade and Council will not be required to take any contractual steps.
 - h. On a worst-case scenario Council could terminate the contract and retender.
 - i. Council has committed some funding for the initial infrastructure including site clearing, roadworks, fencing and fire and water control infrastructure.
 - j. Council held extensive discussions with the EPA during and since the tender process and is satisfied that the Bioelektra process is best practice and will assist Council in exceeding the relevant targets specified in the Waste and Sustainable Materials Strategy (WASM) for 2041.
2. Continue to receive briefings in relation to developments that are pertinent to the administration process, and Council's website will be updated with relevant information as it comes to hand.

RESOLVED (Clr Eil / Clr Findley)

MIN23.267

That Council:

1. Note the update on the Shoalhaven Resource Recovery Facility following Bioelektra's announcement that it was going into voluntary administration, in particular:
 - a. The facility is to be majority funded approximately \$100 million by Bioelektra and \$10 million for Shoalhaven City Council, built, and operated by Bioelektra Australia.
 - b. Bioelektra is NOT managing Council's domestic waste collection contract.
 - c. Council is not party to the commercial dispute between Bioelektra and its contractor and subcontractors.
 - d. During the operational phase of Bioelektra's facility, Council will pay Bioelektra, as the operating contractor of the facility, a fee for each tonne of household waste deposited at the facility. This fee is anticipated to be less than the cost to landfill Council's waste.
 - e. The collection of the kerbside red lidded bin, provided by Veolia, continues as business as usual. There will be no disruption to the kerbside collection process.
 - f. On 9 May 2023, Council was advised by the Bioelektra Managing Director that the company had been placed into voluntary administration. On 11 May 2023 Councillors received a briefing on this development and the fundamentals of the administration process from Maddocks Lawyers (the firm that assisted Council develop the contract with Bioelektra).
 - g. On a best-case scenario, Bioelektra will continue to trade and Council will not be required to take any contractual steps.
 - h. On a worst-case scenario, while Council will have expended \$2 million under the existing contract in relation to Bioelektra meeting milestones 1 & 2 being, 1. *Final design documentation and development consent*, and 2. *Ancillary activities completed to clear the land*, it could terminate the contract and retender.
 - i. Council has committed some funding for the initial infrastructure including site clearing, roadworks, fencing and fire and water control infrastructure
 - j. Council held extensive discussions with the EPA during and since the tender process and is satisfied that the Bioelektra process aims to divert 95% of waste which would otherwise have gone to landfill which will assist Council in exceeding the relevant targets specified in the Waste and Sustainable Materials Strategy (WASM) for 2041.

2. Continue to receive briefings in relation to developments that are pertinent to the administration process, and Council's website will be updated with relevant information as it comes to hand.

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

AGAINST: Nil

CARRIED

CL23.162 Completion of Licence Plate Recognition Trial

**HPERM Ref:
D23/93792**

Recommendation

That Council:

1. Receives and notes the report Completion of Licence Plate Recognition Trial; and,
2. Does not continue with the usage of Licence Plate Recognition technology for parking regulation activities at this point in time.

RESOLVED (Clr Copley / Clr Eil)

MIN23.268

That Council:

1. Receives and notes the report Completion of Licence Plate Recognition Trial; and,
2. Does not continue with the usage of Licence Plate Recognition technology for parking regulation activities at this point in time.

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

AGAINST: Nil

CARRIED

CL23.163 Quarterly Review for Compliance Matters

**HPERM Ref:
D23/106646**

Recommendation

That Council receive the 1 January 2023 to 31 March 2023 quarterly report on compliance matters for information.

RESOLVED (Clr White / Clr Kotlash)

MIN23.269

That Council receive the 1 January 2023 to 31 March 2023 quarterly report on compliance matters for information.

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

AGAINST: Nil

CARRIED

**CL23.164 DA22/1847 – 31 Currambene Street Huskisson – Lot 3
Sec 1 DP 758530**

**HPERM REF:
D22/430478**

Item dealt with earlier in the meeting see MIN23.259.

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

CL23.165 Membership Appointment - Natural Area Volunteers Group **HPERM Ref: D23/120015**

RESOLVED* (Clr Copley / Clr Norris) MIN23.270

That Council appoint the following applicants as members to the Natural Area Volunteers Group for a three-year term to expire in February 2026:

1. Roger Hart
2. Paul Hayden

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

AGAINST: Nil

CARRIED

CL23.166 Variations to Development Standards - March Quarter 2023 **HPERM Ref: D23/128165**

RESOLVED* (Clr Copley / Clr Norris) MIN23.271

That Council receive the Variations to Development Standards – March Quarter Report 2023 for information.

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

AGAINST: Nil

CARRIED

CL23.167 Shoalhaven Arts Foundation Update - Proceeding as a Legal Entity **HPERM Ref: D23/131911**

Recommendation

That Council:

1. Agree in-principle to the establishment of the Shoalhaven Arts Foundation as a legal entity being a not-for-profit company limited by guarantee with charitable status with the ability to operate and manage its affairs independent of Council.
2. Agree to the draft constitution for the Foundation as attached to this report, as the basis to establish the Shoalhaven Arts Foundation, which includes references to Council as the ‘Founding Member’.
3. Note that as the ‘Founding Member’, Council would have a representative on the Foundation Board and would need to approve any future proposed amendments to the constitution and be consulted in circumstances where the Foundation is to be wound up.
4. In adopting recommendations 1 and 2, receive a further report presented to Council for its approval to make an application for the Minister for Local Government’s consent to comply with requirements under the Office of Local Government’s guideline *Formation of Corporations and Entities (Section 358) January 2022*.
5. Advise the Shoalhaven Arts Board of the actions proposed to be taken by Council.

MOTION (Clr Wells / Clr Christen)

That Council:

1. Agree in-principle to the establishment of the Shoalhaven Arts Foundation as a legal entity being a not-for-profit company limited by guarantee with charitable status with the ability to operate and manage its affairs independent of Council.
2. Agree to the draft constitution for the Foundation as attached to this report, as the basis to establish the Shoalhaven Arts Foundation, which includes references to Council as the 'Founding Member'.
3. Note that as the 'Founding Member', Council would have a representative on the Foundation Board and would need to approve any future proposed amendments to the constitution and be consulted in circumstances where the Foundation is to be wound up.
4. In adopting recommendations 1 and 2, receive a further report presented to Council for its approval to make an application for the Minister for Local Government's consent to comply with requirements under the Office of Local Government's guideline *Formation of Corporations and Entities (Section 358) January 2022*.
5. Advise the Shoalhaven Arts Board of the actions proposed to be taken by Council.

AMENDMENT (Clr Watson / Clr Kitchener)

That this item be deferred for further consideration.

FOR: Clr Watson and Clr Kitchener

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

LOST

RESOLVED (Clr Wells / Clr Christen)

MIN23.272

That Council:

1. Agree in-principle to the establishment of the Shoalhaven Arts Foundation as a legal entity being a not-for-profit company limited by guarantee with charitable status with the ability to operate and manage its affairs independent of Council.
2. Agree to the draft constitution for the Foundation as attached to this report, as the basis to establish the Shoalhaven Arts Foundation, which includes references to Council as the 'Founding Member'.
3. Note that as the 'Founding Member', Council would have a representative on the Foundation Board and would need to approve any future proposed amendments to the constitution and be consulted in circumstances where the Foundation is to be wound up.
4. In adopting recommendations 1 and 2, receive a further report presented to Council for its approval to make an application for the Minister for Local Government's consent to comply with requirements under the Office of Local Government's guideline *Formation of Corporations and Entities (Section 358) January 2022*.
5. Advise the Shoalhaven Arts Board of the actions proposed to be taken by Council.

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

AGAINST: Clr Watson and Clr Kitchener

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

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

**CL23.168 Notice of Motion - Call in of DA22/2368 - New RFS
Station - 1072 Bendalong Road Conjola - Lot 1 DP
1071258**

**HPERM Ref:
D23/157728**

RESOLVED* (Clr Christen / Clr Copley)

MIN23.273

That Council call in DA22/2368 for a new RFS station on Bendalong Road due to the public interest.

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

AGAINST: Nil

CARRIED

Note: A Rescission Motion was received in relation to MM23.14 signed by Clr White, Clr Wells and Clr Watson.

There being no further business, the meeting concluded, the time being 8:14pm.

Clr Findley
CHAIRPERSON