

## MINUTES OF THE ORDINARY MEETING

**Meeting Date:** Monday, 5 June 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 Moo D'Ath – Left at 10:27pm  
Clr Serena Copley  
Clr Paul Ell  
Clr Evan Christen  
Clr Patricia White  
Clr John Wells  
Clr Greg Watson  
Clr Mark Kitchener – Left at 9:19pm  
Clr Tonia Gray

The Chairperson read a statement advising those present that the proceedings of this meeting (including presentations, deputations and debate) will be webcast and may be recorded and broadcast under the provisions of the Code of Meeting Practice.

The meeting was opened by an Acknowledgement of Country by the Chairperson, followed with a Moment of Silence & Reflection and the playing of the Australian National Anthem.

### Apologies / Leave of Absence

Nil

### Confirmation of the Minutes

**RESOLVED** (Clr White / Clr Christen) MIN23.274

That the Minutes of the Ordinary Meeting held on Monday 22 May 2023 be confirmed.

FOR: Clr Findley, 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

## Declaration of Interests

Clr D'Ath – CL23.183 & CCL23.18 – Waste Fee Relief - Special Circumstances - less than significant non pecuniary interest declaration – personal friends with the owner of the property - will leave the room for discussion and vote during the confidential session

## DEPUTATIONS AND PRESENTATIONS

### **CL23.173 - Post Exhibition Consideration - 45 Degree Rule and Tree Management - Draft Amendment (Chapter G4), Shoalhaven DCP 2014 (DCP2014.52)**

Mr Ron Cox addressed the meeting to speak AGAINST the recommendation.

Mr Oisin Sweeney addressed the meeting to speak FOR the recommendation.

## Procedural Motion – Hear Further Deputations

**RESOLVED** (Clr White / Clr Eil)

MIN23.275

That Council hear three further deputations from Ms Carlene Timbs, Ms Denise Kemp and Ms Brigitte Nairn in relation to item CL23.173 - Post Exhibition Consideration - 45 Degree Rule and Tree Management - Draft Amendment (Chapter G4), Shoalhaven DCP 2014 (DCP2014.52).

FOR: Clr Norris, Clr Copley, Clr Eil, Clr White, Clr Wells, Clr Watson and Clr Kitchener

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

CARRIED

Ms Carlene Timbs addressed the meeting to speak AGAINST the recommendation.

Ms Denise Kemp addressed the meeting to speak AGAINST the recommendation.

Ms Brigitte Nairn addressed the meeting to speak FOR the recommendation.

### **CL23.176 - Shoalhaven Motor Sports Working Group Update of Terms of Reference and Way Forward**

Mr Norman Mogg addressed the meeting to speak FOR the recommendation, and tabled a letter from a potential investor.

### **CL23.185 - DA22/2290 - Development Application - 5 Treetops Crescent Mollymook Beach - Lot 396 DP 246719**

Mr Mark Davies addressed the meeting to speak AGAINST the recommendation.

### **CL23.189 – Notice of Motion – Waste & Recycling Services – 35 The Basin Road, St Georges Basin (Basin Shores)**

Ms Donna Corbyn addressed the meeting to speak FOR the recommendation.

### **CL23.190 - Notice of Motion - Short Term Rental Accommodation in the Shoalhaven**

Mr David Lehman wishes to address the meeting to speak FOR the recommendation.

**Procedural Motion - Bring Item Forward & Introduction of Items as Matters of Urgency**

**RESOLVED** (Clr Wells / Clr Gray)

MIN23.276

That

1. The following items be brought forward for consideration:
  - CL23.173 - Post Exhibition Consideration - 45 Degree Rule and Tree Management - Draft Amendment (Chapter G4), Shoalhaven DCP 2014 (DCP2014.52)
  - CL23.176 - Shoalhaven Motor Sports Working Group - Update to Terms of Reference and Way Forward
  - CL23.185 - DA22/2290 - Development Application - 5 Treetops Crescent Mollymook Beach - Lot 396 DP 246719
  - CL23.189 - Notice of Motion - Waste & Recycling Services - 35 The Basin Road, St Georges Basin (Basin Shores)
  - CL23.190 - Notice of Motion - Short Term Rental Accommodation in the Shoalhaven
  - CL23.187 - Rescission Motion - MM23.14 Mayoral Minute - Callala Bay Bio-Certification Application.
2. The following addendum reports be introduced as matters of urgency:
  - MM23.15 Mayoral Minute - Farewell Director City Services Paul Keech
  - CL23.191 Resignation – Councillor Liza Butler

FOR: Clr Findley, 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

The Chairperson ruled the matters as ones of urgency as they relate to urgent business of Council and allowed their introduction.

**CL23.173 Post Exhibition Consideration - 45 Degree Rule and Tree Management - Draft Amendment (Chapter G4), Shoalhaven DCP 2014 (DCP2014.52)**

**HPERM Ref: D23/164924**

Note: Deputations were received on this item.

**Recommendation**

That Council:

1. Adopt the amendment to Chapter G4: Tree and Vegetation Management of Shoalhaven Development Control Plan 2014 (the Amendment) as exhibited, with the additional changes outlined in **Attachment 3**.
2. Notify the adoption of the Amendment in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations and set the commencement date of the Amendment at a date in the future that allows for the finalisation of the notification tools/templates, website updates and other associated administrative processes to support the changes.
3. Progress the other tree management recommendations outlined in Table 2 of this report, subject to funding allocation where required.

4. Receive a further report at the completion of the 12-month trial that considers and provides recommendations relating to the matters outlined in Table 3 of this report and addresses Part 5 of MIN22.790.
5. Advise key stakeholders, including all Community Consultative Bodies, relevant industry representatives and those who made a submission, of this decision, and when the Amendment will be made effective.

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

MIN23.277

That Council:

1. Adopt the amendment to Chapter G4: Tree and Vegetation Management of Shoalhaven Development Control Plan 2014 (the Amendment) as exhibited, with the additional changes outlined in **Attachment 3**.
2. Notify the adoption of the Amendment in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations and set the commencement date of the Amendment at a date in the future that allows for the finalisation of the notification tools/templates, website updates and other associated administrative processes to support the changes.
3. Progress the other tree management recommendations outlined in Table 2 of this report, subject to funding allocation where required.
4. Receive a further report at the completion of the 12-month trial that considers and provides recommendations relating to the matters outlined in Table 3 of this report and addresses Part 5 of MIN22.790.
5. Advise key stakeholders, including all Community Consultative Bodies, relevant industry representatives and those who made a submission, of this decision, and when the Amendment will be made effective.

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

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

CARRIED ON THE CASTING VOTE OF THE CHAIR

Note: A rescission motion was received on this item.

**CL23.176 Shoalhaven Motor Sports Working Group - Update to Terms of Reference and Way Forward**

**HPERM Ref: D23/96525**

Note: A deputation was received on this item.

**Recommendation**

That Council:

1. Note the Recommendations from the 6 February 2023 meeting of the Shoalhaven Motor Sports Working Group as referenced in the report.
2. Adopt the new updated Draft Terms of Reference for the Shoalhaven Motor Sports Working Group which includes the following changes:
  - a. Increasing the quorum to 4 members
  - b. Increasing the length of membership appointment to 4 years
  - c. Revise the purpose and delegated authority of the Working Group to clearly defining the role of the group, as detailed in **Attachment 2**.

**RESOLVED** (Clr Norris / Clr Wells)

MIN23.278

That Council:

1. Note the Recommendations from the 6 February 2023 meeting of the Shoalhaven Motor Sports Working Group as referenced in the report.
2. Adopt the new updated Draft Terms of Reference for the Shoalhaven Motor Sports Working Group which includes the following changes:
  - a. Increasing the quorum to 4 members
  - b. Increasing the length of membership appointment to 4 years
  - c. Revise the purpose and delegated authority of the Working Group to clearly defining the role of the group, as detailed in **Attachment 2**.
3. Accept the tabling of the letter entitled 'Potential Development of a Motor Sports Complex Shoalhaven', provided by Mr Norman Mogg (attached to these minutes).

FOR: Clr Findley, 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

**CL23.185 DA22/2290 - Development Application - 5 Treetops  
Crescent Mollymook Beach - Lot 396 DP 246719**

**HPERM Ref:  
D23/182642**

Note: A deputation was received on this item.

**Recommendation**

That Development Application DA22/2290 alteration and additions to existing dwelling, construction of a new dwelling at the rear to create a detached dual occupancy, and Torrens title subdivision at Lot 396 DP 246719, 5 Treetops Crescent, Mollymook Beach be approved subject to the conditions contained in Attachment 2 of this report.

**RESOLVED** (Clr White / Clr Kitchener)

MIN23.279

That Development Application DA22/2290 for alteration and additions to existing dwelling, construction of a new dwelling at the rear to create a detached dual occupancy, and Torrens title subdivision at Lot 396 DP 246719, 5 Tree tops Crescent, Mollymook Beach be determined by way of refusal for the following reasons:

1. Pursuant to section 4.15(1) (b) Environmental Planning and Assessment Act 1979, the proposal is considered to have an unsatisfactory amenity impact on the southern neighbouring property, due to the non-compliance with the Shoalhaven development Control Plan 2014, Chapter G13 - side setback of the upper floor of Dwelling 1. The two storey elements of both dwellings will result in adverse overshadowing on the neighbouring property to the south. Additionally, the two storey elements will result in adverse privacy impacts for adjoining properties.
2. Pursuant to section 4.15(1) (c) Environmental Planning and Assessment Act 1979, the proposal is considered unsuitable for the site, as the development is out of character with the neighbourhood. The proposed development is of a bulk and scale that is unsympathetic to the character of the locality typified by single storey residential development. Furthermore, the proposal is incompatible with the streetscape and character of the locality due to the proposed subdivision pattern, resulting in a battle axe arrangement atypical to the area, which also does not comply with the relevant standards contained in the Shoalhaven Development Control Plan 2014, Chapter G11, driveway width.

3. Pursuant to section 4.15 (1) (c ) Environmental Planning and Assessment Act 1979, the proposal is considered unsuitable for the site, given stormwater issues in the locality. The applicant has not demonstrated that there is sufficient capacity within the stormwater network to accommodate the development.
4. Pursuant to section 4.15 (1) (e) of the Environmental Planning and Assessment Act 1979, the proposal, for the reasons listed above, is not considered to be in the public interest.

FOR: Clr Findley, 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

**CL23.189 Notice of Motion - Waste & Recycling Services - 35 The Basin Road, St Georges Basin (Basin Shores)**

**HPERM Ref: D23/211084**

Note: A deputation was received on this item.

**Recommendation**

That:

1. The CEO, relevant staff and available Councillors meet with the Community Management Association at 35 The Basin Road, St Georges Basin to discuss;
  - a. The 13 modifications made to DA95/3219 and the Community Management Statement originally approved by Council 12th May 2008.
  - b. Future modifications to the current Development Approval.
  - c. Facilitation of positive outcomes to achieve practical cost-effective collection of Waste & Recycling services for 35 The Basin Road, St Georges Basin.
2. The current arrangements for Waste & Recycling Services at 35 The Basin Road, St Georges Basin remain in place until the CEO reports the matter back to council for consideration.

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

MIN23.280

That:

1. The CEO, relevant staff and available Councillors meet with the Community Management Association at 35 The Basin Road, St Georges Basin to discuss;
  - a. The 13 modifications made to DA95/3219 and the Community Management Statement originally approved by Council 12th May 2008.
  - b. Future modifications to the current Development Approval.
  - c. Facilitation of positive outcomes to achieve practical cost-effective collection of Waste & Recycling services for 35 The Basin Road, St Georges Basin.
2. The current arrangements for Waste & Recycling Services at 35 The Basin Road, St Georges Basin remain in place until the CEO reports the matter back to council for consideration.

FOR: Clr Findley, 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

**CL23.190 Notice of Motion - Short Term Rental Accommodation in the Shoalhaven**

**HPERM Ref:  
D23/212388**

Note: A deputation was received on this item.

**Recommendation**

That Council;

1. Note the recommendations arising from the Independent Planning Commission (IPC) final advice report titled "Byron Shire Short-Term Rental Accommodation Planning Proposal PP-2021-3351".
2. Receive a report from staff that addresses the following matters, arising from recommendations in the report:
  - a. Advice specific to the Shoalhaven LEP on any explicit measures that may be implemented to recognise Short-Term Rental Accommodation (STRA) as a use/activity, and limitations that may legally be imposed; and,
  - b. Advice specific to Council's ability to impose conditions of consent on new developments that limit or prevent residential properties use as STRA's for the life of a development.

**RESOLVED** (Clr Gray / Clr Wells)

MIN23.281

That Council;

1. Note the recommendations arising from the Independent Planning Commission (IPC) final advice report titled "Byron Shire Short-Term Rental Accommodation Planning Proposal PP-2021-3351".
2. Receive a report from staff that addresses the following matters, arising from recommendations in the report:
  - a. Advice specific to the Shoalhaven LEP on any explicit measures that may be implemented to recognise Short-Term Rental Accommodation (STRA) as a use/activity, and limitations that may legally be imposed; and,
  - b. Advice specific to Council's ability to impose conditions of consent on new developments that limit or prevent residential properties use as STRA's for the life of a development.
3. Investigate taking up the opportunity to report a property to NSW Fair trading.

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

AGAINST: Clr Watson

CARRIED

**CL23.187 Rescission Motion - MM23.14 Mayoral Minute - Callala Bay Bio-Certification Application**

**HPERM Ref:  
D23/205163**

**Recommendation**

That Council rescind the Motion relating to Item MM23.14 Mayoral Minute - Callala Bay Bio-Certification Application of the Council Meeting held on Monday 22 May 2023.

MOTION (Clr White / Clr Wells)

That Council rescind the Motion relating to Item MM23.14 Mayoral Minute - Callala Bay Bio-Certification Application of the Council Meeting held on Monday 22 May 2023.

PROCEDURAL MOTION – MOTION BE PUT TO THE MEETING (Clr Christen / Clr Norris)

That the MOTION be PUT.

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

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

PROCEDURAL MOTION CARRIED ON THE CASTING VOTE OF THE CHAIR

**MOTION** (Clr White / Clr Wells)

MIN23.282

That Council rescind the Motion relating to Item MM23.14 Mayoral Minute - Callala Bay Bio-Certification Application of the Council Meeting held on Monday 22 May 2023.

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

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

MOTION LOST ON THE CASTING VOTE OF THE CHAIR

### Procedural Motion - Adjournment of Meeting

**RESOLVED** (Clr Findley)

MIN23.283

That the meeting be adjourned until 9:15pm to allow for refreshments.

CARRIED

The meeting adjourned the time being 8:48pm

The meeting reconvened the time being 9:18pm

The following members were present:

Clr Amanda Findley - Chairperson  
Clr John Kotlash  
Clr Matthew Norris  
Clr Moo D'Ath  
Clr Serena Copley  
Clr Paul Ell  
Clr Evan Christen  
Clr Patricia White  
Clr John Wells  
Clr Greg Watson  
Clr Mark Kitchener  
Clr Tonia Gray



## MAYORAL MINUTE

**MM23.15 Mayoral Minute - Farewell Director City Services Paul Keech**

**HPERM Ref:  
D23/220791**

Note: Clr Kitchener Left the meeting, the time being 9:19pm.

### Recommendation

That Council thank Director City Services Mr Paul Keech for his contribution to Council over the past 17 years and wish him well as he leaves Council on the 23 June 2023.

**RESOLVED** (Clr Findley / Clr Watson)

MIN23.284

That Council thank Director City Services Mr Paul Keech for his contribution to Council over the past 17 years and wish him well as he leaves Council on the 23 June 2023.

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

AGAINST: Nil

CARRIED

Note: The Council also gave thanks to Mr Keech by way of public applause.

## ADDENDUM REPORT

**CL23.191 Resignation - Councillor Liza Butler**

**HPERM Ref:  
D23/220486**

### Recommendation

That Council:

1. Note the resignation of Clr Butler and declare a casual vacancy of a Councillor at Shoalhaven City Council which will be filled by Countback election.
2. Formally thank Liza Butler for her dedication and contribution to the Shoalhaven Community in her capacity as Ward 3 Councillor.

**RESOLVED** (Clr Findley / Clr Wells)

MIN23.285

That Council:

1. Note the resignation of Clr Butler and declare a casual vacancy of a Councillor at Shoalhaven City Council which will be filled by Countback election.
2. Formally thank Liza Butler for her dedication and contribution to the Shoalhaven Community in her capacity as Ward 3 Councillor.

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

AGAINST: Nil

CARRIED

Note: The Council also gave thanks to Ms Butler by way of public applause.

**CL23.188 Notice of Motion - Call In - SF10987 - 33 Forest Road  
Kioloa - Lot 5 DP 1280813**

**HPERM Ref:  
D23/209458**

**Recommendation**

That Council "Call In" SF10987 - 33 Forest Road Kioloa (Lot 5 DP 1280813) due to the public interest.

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

MIN23.286

That Council "Call In" SF10987 - 33 Forest Road Kioloa (Lot 5 DP 1280813) due to the public interest.

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

AGAINST: Nil

CARRIED

**CL23.170 Local Government Remuneration Tribunal -  
Determination of Councillor and Mayoral Fees 2023/2024**

**HPERM Ref:  
D23/167149**

**Recommendation**

That Council:

1. Note the Local Government Remuneration Tribunal's Annual Report and Determination dated 6 April 2023.
2. Note that Shoalhaven City Council has been recategorized as Regional Strategic Area alongside Lake Macquarie, Maitland and Tweed Councils.
3. Adjust the Councillor Fee payable to Councillors from 1 July 2023 to 30 June 2024 to be \$32,590 and the Additional Mayoral Fee to be \$94,950.
4. Not provide the additional Mayoral fee (in full, or in part), to the Deputy Mayor when the Deputy Mayor is required to act in the position of Mayor during periods of approved leave.

**RESOLVED** (Clr Wells / Clr Gray)

MIN23.287

That Council:

1. Note the Local Government Remuneration Tribunal's Annual Report and Determination dated 6 April 2023.
2. Note that Shoalhaven City Council has been recategorized as Regional Strategic Area alongside Lake Macquarie, Maitland and Tweed Councils.
3. Adjust the Councillor Fee payable to Councillors from 1 July 2023 to 30 June 2024 to be \$32,590 and the Additional Mayoral Fee to be \$94,950.
4. Not provide the additional Mayoral fee (in full, or in part), to the Deputy Mayor when the Deputy Mayor is required to act in the position of Mayor during periods of approved leave.

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

AGAINST: Clr Kotlash, Clr Copley, Clr Ell and Clr White

CARRIED

## CALL OVER OF THE BUSINESS PAPER

### Call Over of Business Paper - En bloc

**RESOLVED** (Clr Wells / Clr Gray)

MIN23.288

That the following items be resolved en bloc:

- CL23.175 - Information Report - Collaboration Agreement with NSW Land & Housing Corporation
- CL23.178 - Compulsory Acquisition - 39 Shoalhaven Street (Nowra Park) - Health Administration Corporation
- CL23.181 - Tenders - Proposed Roundabout - Bowen Street/ Currumbene Street Intersection, Huskisson and Stage One Road Rehabilitation Works of Sydney Street and Bowen Street, Huskisson
- CL23.182 - Tenders - Meroo Road, Bomaderry (CH300m to CH1540m) - Full Service Pavement Rehabilitation
- CL23.183 - Waste Fee Relief - Special Circumstances

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

CARRIED

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

AGAINST: Nil

CARRIED

## REPORTS

### CL23.169 2023/2024 Community Donations

HPERM Ref:  
D23/177211

#### Recommendation

That Council

1. Note the information in the report outlining the process followed for the 2023/2024 Community Donations Program, including the applications received.
2. Approve the funding of the 2023/2024 Community Donations recommended by the Community Donations Panel, totalling \$199,920.17 to the following community organisations and community groups in the Shoalhaven:

Organisation	Donation For:	Amount Recommended
Shoalhaven Historical Society	Heritage & Cultural Publications Printing	\$1,200.00
Lay Missionaries of Charity through St Michael Parish	Lay Missionaries of Charity soup Kitchen	\$1,560.00
The Berry & District Historical Society	Printing - The Berry & District Historical Society	\$750.00
Milton Ulladulla Family History Society Inc	Printing of Journal Pigeon House Tidings (PHT)	\$750.00

Minutes Confirmed Monday 26 June 2023 – Chairperson .....

Shoalhaven Youth Orchestra Inc	Shoalhaven Youth Orchestra: In school program	\$8,000.00
Shoalies Hockey Club Incorporated	Shoalies Hockey Inclusivity Development Program	\$8,000.00
Tabourie Lake Museum Foundation Inc	Tabourie Lake Museum Upgrade	\$6,000.00
The Ulladulla & Districts Community Resources Centre	Volunteer Booklet - Print Updated Version	\$1,595.00
Shoalhaven City Concert Band	Weekly Hire of Rehearsal Venue, Concert Venue Hires & Community Ensemble Workshops	\$2,000.00
The Flagstaff Group	Flagstaff Binowee Garden Water Tank	\$6,180.00
Nowra Youth Services Inc	2023 Shoalhaven Year 12 Aboriginal & Torres Strait Islander Students Graduation Celebration	\$7,000.00
Ulladulla Milton Lions Club	2024 Australia Day Celebrations	\$12,930.00
City of Shoalhaven Eisteddfod Inc	Annual City of Shoalhaven Eisteddfod Competition	\$9,000.00
Rotary Club of Berry Inc	Australia Day Community Breakfast	\$3,000.00
Berry & District Garden Club Inc	Berry Garden Club Camellia & Floral Show	\$1,605.00
Rotary Club of Berry Inc	Berry Rotary Celtic Festival	\$2,000.00
Rotary Club of Berry Inc	Berry Small Farm Field Day Event	\$2,000.00
Callala Bay Community Association Inc	Breakfast by the Bay - Community Australia day Event	\$1,440.00
Lions Club of Bomaderry Nowra Inc	Carols in the Park	\$6,500.00
Currarong Community Association Inc (CCA)	Currarong NYE Fireworks Show	\$5,000.00
Bravehearts Foundation Limited	Ditto's Keep Safe Adventure Program	\$6,500.00
Shoalhaven Assistance and Support Inc	Harmony Day Concert	\$3,000.00
Huskisson Chamber of Commerce & Tourism Inc	Huskisson New Year's Eve Fireworks	\$7,000.00
Milton Ulladulla Youth Driver Education	Milton Ulladulla Youth Driver Education	\$5,000.00
Music Shoalhaven Inc	Music Shoalhaven Concert Series	\$2,500.00
Rotary Club of Berry Inc	New Year's Eve Fireworks - Berry	\$7,000.00
Sanctuary Point Community Pride Incorporated	Spring into Sanctuary Point Street Festival & New application received for 22/23 event (cancelled)	\$1,000.00
Albatross Musical Theatre Company Inc	AMTC Rehearsal Support	\$8,000.00

CTC Sussex Inlet Incorporated	Assistance with Rental Expenses - Commercial Premises	\$6,500.00
Berry RSL Sub-Branch	Berry RSL Sub-Branch - Rates Donation	\$2,833.06
Currarong Community Association Inc (CCA)	Currarong Community Hall Subsidised Rates	\$2,874.39
Milton District Country Women's Association	Donation of Rates	\$3,000.00
Five Villages Community Garden Incorporated	Five Villages Community Garden	\$2,000.00
Friends of Callala Seniors Group	Friends of Callala Seniors Group	\$1,953.00
Mollymook Bridge Club Inc	Mollymook Bridge Club Inc	\$2,151.00
Noahs Inclusion Services	Noah's Inclusion Services - Rates Subsidy	\$5,356.00
Berry Branch of the County Women's Association (CWA)	Rate Relief for the Berry Branch of CWA	\$2,163.14
Tomerong School of Arts	Rates Subsidy for 23-24	\$3,209.09
Sussex Inlet Foundation for Community Development Inc	Rent Support for Sussex Inlet Foundation for Community Development Inc.	\$12,000.00
Treading Lightly Inc	Rental Subsidy for Community Hub for NFPs and Groups	\$15,000.00
Shoalhaven Pistol Club	Rates Subsidy	\$1,112.62
Shoalhaven Clay Target Club	Shoalhaven Clay Target Club	\$610.40
Marine Rescue NSW - Jervis Bay Unit	Subsidised Rates - Marine Rescue NSW Jervis Bay Unit	\$1,122.93
Cambewarra School of Arts Association Inc	Subsidised Rates & Water Rates	\$3,000.00
Sussex Inlet RSL Sub-Branch	Sussex Inlet RSL Sub-Branch Memorial Hall Rates & Charges Subsidy	\$2,056.78
Wandandian Progress Association Inc	Wandandian Community Hall & Emergency Hub - Joint Use Facility	\$1,800.00
Wildlife Rescue South Coast Inc	Wildlife Rescue South Coast Inc - Subsidised Rates	\$1,667.76

3. Provide sponsorship to the following organisations / applicants with the sponsorship being paid from the Community Donations Budget:
  - a. Shoalhaven Emergency Services Community for the amount of \$2,000
  - b. Solider On for the amount of \$1,000
4. Advise the remaining applicants that their application for the Community Donations Program have been unsuccessful.

**RESOLVED** (Clr Eil / Clr White)

MIN23.289

That Council

1. Note the information in the report outlining the process followed for the 2023/2024 Community Donations Program, including the applications received.
2. Approve the funding of the 2023/2024 Community Donations recommended by the Community Donations Panel, totalling \$199,920.17 to the following community organisations and community groups in the Shoalhaven:

<b>Organisation</b>	<b>Donation For:</b>	<b>Amount Recommended</b>
Shoalhaven Historical Society	Heritage & Cultural Publications Printing	\$1,200.00
Lay Missionaries of Charity through St Michael Parish	Lay Missionaries of Charity soup Kitchen	\$1,560.00
The Berry & District Historical Society	Printing - The Berry & District Historical Society	\$750.00
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Shoalhaven Youth Orchestra Inc	Shoalhaven Youth Orchestra: In school program	\$8,000.00
Shoalies Hockey Club Incorporated	Shoalies Hockey Inclusivity Development Program	\$8,000.00
Tabourie Lake Museum Foundation Inc	Tabourie Lake Museum Upgrade	\$6,000.00
The Ulladulla & Districts Community Resources Centre	Volunteer Booklet - Print Updated Version	\$1,595.00
Shoalhaven City Concert Band	Weekly Hire of Rehearsal Venue, Concert Venue Hires & Community Ensemble Workshops	\$2,000.00
The Flagstaff Group	Flagstaff Binowee Garden Water Tank	\$6,180.00
Nowra Youth Services Inc	2023 Shoalhaven Year 12 Aboriginal & Torres Strait Islander Students Graduation Celebration	\$7,000.00
Ulladulla Milton Lions Club	2024 Australia Day Celebrations	\$12,930.00
City of Shoalhaven Eisteddfod Inc	Annual City of Shoalhaven Eisteddfod Competition	\$9,000.00
Rotary Club of Berry Inc	Australia Day Community Breakfast	\$3,000.00
Berry & District Garden Club Inc	Berry Garden Club Camellia & Floral Show	\$1,605.00
Rotary Club of Berry Inc	Berry Rotary Celtic Festival	\$2,000.00
Rotary Club of Berry Inc	Berry Small Farm Field Day Event	\$2,000.00
Callala Bay Community Association Inc	Breakfast by the Bay - Community Australia day Event	\$1,440.00

Lions Club of Bomaderry Nowra Inc	Carols in the Park	\$6,500.00
Currarong Community Association Inc (CCA)	Currarong NYE Fireworks Show	\$5,000.00
Bravehearts Foundation Limited	Ditto's Keep Safe Adventure Program	\$6,500.00
Shoalhaven Assistance and Support Inc	Harmony Day Concert	\$3,000.00
Huskisson Chamber of Commerce & Tourism Inc	Huskisson New Year's Eve Fireworks	\$7,000.00
Milton Ulladulla Youth Driver Education	Milton Ulladulla Youth Driver Education	\$5,000.00
Music Shoalhaven Inc	Music Shoalhaven Concert Series	\$2,500.00
Rotary Club of Berry Inc	New Year's Eve Fireworks - Berry	\$7,000.00
Sanctuary Point Community Pride Incorporated	Spring into Sanctuary Point Street Festival & New application received for 22/23 event (cancelled)	\$1,000.00
Albatross Musical Theatre Company Inc	AMTC Rehearsal Support	\$8,000.00
CTC Sussex Inlet Incorporated	Assistance with Rental Expenses - Commercial Premises	\$6,500.00
Berry RSL Sub-Branch	Berry RSL Sub-Branch - Rates Donation	\$2,833.06
Currarong Community Association Inc (CCA)	Currarong Community Hall Subsidised Rates	\$2,874.39
Milton District Country Women's Association	Donation of Rates	\$3,000.00
Five Villages Community Garden Incorporated	Five Villages Community Garden	\$2,000.00
Friends of Callala Seniors Group	Friends of Callala Seniors Group	\$1,953.00
Mollymook Bridge Club Inc	Mollymook Bridge Club Inc	\$2,151.00
Noahs Inclusion Services	Noah's Inclusion Services - Rates Subsidy	\$5,356.00
Berry Branch of the County Women's Association (CWA)	Rate Relief for the Berry Branch of CWA	\$2,163.14
Tomerong School of Arts	Rates Subsidy for 23-24	\$3,209.09
Sussex Inlet Foundation for Community Development Inc	Rent Support for Sussex Inlet Foundation for Community Development Inc.	\$12,000.00
Treading Lightly Inc	Rental Subsidy for Community Hub for NFPs and Groups	\$15,000.00
Shoalhaven Pistol Club	Rates Subsidy	\$1,112.62
Shoalhaven Clay Target Club	Shoalhaven Clay Target Club	\$610.40

Marine Rescue NSW - Jervis Bay Unit	Subsidised Rates - Marine Rescue NSW Jervis Bay Unit	\$1,122.93
Cambewarra School of Arts Association Inc	Subsidised Rates & Water Rates	\$3,000.00
Sussex Inlet RSL Sub-Branch	Sussex Inlet RSL Sub-Branch Memorial Hall Rates & Charges Subsidy	\$2,056.78
Wandandian Progress Association Inc	Wandandian Community Hall & Emergency Hub - Joint Use Facility	\$1,800.00
Wildlife Rescue South Coast Inc	Wildlife Rescue South Coast Inc - Subsidised Rates	\$1,667.76

3. Provide sponsorship to the following organisations / applicants with the sponsorship being paid from the Community Donations Budget:
  - a. Shoalhaven Emergency Services Community for the amount of \$2,000
  - b. Solider On for the amount of \$1,000
4. Advise the remaining applicants that their application for the Community Donations Program have been unsuccessful.
5. Approve the repurposing of the previous years funds allocated as follows:
  - a. The Sanctuary Point Community Pride \$300.00 to cook a BBQ for their Youth Week event that occurred on Friday 21 April 2023.
  - b. Shoalhaven Aboriginal People in Custody \$2000 to host a project teaching community members how to write the History of their Life and culture to add aboriginal paintings and at the end of the exercise the publication of a book.
6. Consider the provision of an additional \$5,500 (Total \$12,000) to the Bomaderry Lions Club for the Carols in the Park, in conjunction with the report back on the public exhibition of the draft delivery program and budget for 2023/2024 at the 26 June 2023 Ordinary meeting.

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

AGAINST: Nil

CARRIED

**CL23.170 Local Government Remuneration Tribunal - Determination of Councillor and Mayoral Fees 2023/2024**

**HPERM REF: D23/167149**

Item dealt with earlier in the meeting see MIN23.287

**CL23.171 2022/23 Council Borrowings - TCorp Loan Agreement**

**HPERM Ref: D23/179627**

**Recommendation**

That Council:

1. Enter into a loan agreement, with New South Wales Treasury Corporation (TCorp) for \$16,154,128 (to be repaid over 10 years with an indicative interest rate of 4.31%) to cover the General Fund borrowing requirements that have been previously endorsed by Council and included in the 2022/23 Delivery Program and Budget (MIN22.425).
2. Delegate authority to the Chief Executive Officer to execute the loan agreement.



**RESOLVED** (Clr Christen / Clr Wells)

MIN23.290

That Council:

1. Enter into a loan agreement, with New South Wales Treasury Corporation (TCorp) for \$16,154,128 (to be repaid over 10 years with an indicative interest rate of 4.31%) to cover the General Fund borrowing requirements that have been previously endorsed by Council and included in the 2022/23 Delivery Program and Budget (MIN22.425).
2. Delegate authority to the Chief Executive Officer to execute the loan agreement.

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

AGAINST: Nil

CARRIED

**CL23.172 DPOP 2022-23 - Quarterly Performance and Budget Report (January 2023 - March 2023)**

**HPERM REF: D23/105009**

Item dealt with later in the meeting see MIN23.292

**CL23.173 Post Exhibition Consideration - 45 Degree Rule and Tree Management - Draft Amendment (Chapter G4), Shoalhaven DCP 2014 (DCP2014.52)**

**HPERM REF: D23/164924**

Item dealt with earlier in the meeting see MIN23.277

**CL23.174 Post Exhibition Consideration - Proposed Subdivision Amendment - Shoalhaven DCP 2014 (DCP2014.24)**

**HPERM Ref: D23/175105**

**Recommendation**

That Council:

1. Adopt the Subdivision Amendment to Shoalhaven Development Control Plan 2014 (the Amendment) as exhibited, consisting of the following Chapters, with the additional changes outlined in Attachment 2:
  - a. Chapter 1: Introduction.
  - b. Chapter G11: Subdivision and associated supporting document.
  - c. Dictionary.
2. Rescind existing Chapter G11: Subdivision of Land of Shoalhaven Development Control 2014 when the Amendment is made effective.
3. Notify the adoption of the Amendment in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations.
4. Advise key stakeholders, including all Community Consultative Bodies, Development Industry Stakeholders and those who made a submission, of this decision, and when the Amendment will be made effective.
5. Receive a further report when appropriate to progress the public exhibition of the revised Engineering Design Specifications for use for private development.
6. Consider opportunities to deliver footpath infrastructure across the City which may include a future contribution program of some kind.

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

MIN23.291

That Council:

1. Adopt the Subdivision Amendment to Shoalhaven Development Control Plan 2014 (the Amendment) as exhibited, consisting of the following Chapters, with the additional changes outlined in Attachment 2:
  - a. Chapter 1: Introduction.
  - b. Chapter G11: Subdivision and associated supporting document.
  - c. Dictionary.
2. Rescind existing Chapter G11: Subdivision of Land of Shoalhaven Development Control 2014 when the Amendment is made effective.
3. Notify the adoption of the Amendment in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations.
4. Advise key stakeholders, including all Community Consultative Bodies, Development Industry Stakeholders and those who made a submission, of this decision, and when the Amendment will be made effective.
5. Receive a further report when appropriate to progress the public exhibition of the revised Engineering Design Specifications for use for private development.
6. Consider opportunities to deliver footpath infrastructure across the City which may include a future contribution program of some kind.
7. Receive a future report outlining how additional amendments could make the DCP more contemporary.

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

AGAINST: Nil

CARRIED

**CL23.172 DPOP 2022-23 - Quarterly Performance and Budget Report (January 2023 - March 2023)**

**HPERM Ref: D23/105009**

**Recommendation**

That Council:

1. Receive the March Quarterly Performance Report on the 2022-2026 Delivery Program and 2022-2023 Operational Plan and publish on Council's website.
2. Receive the March 2023 Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the March 2023 Quarterly Budget Report Document.

**RESOLVED** (Clr Wells / Clr Christen)

MIN23.292

That Council:

1. Receive the March Quarterly Performance Report on the 2022-2026 Delivery Program and 2022-2023 Operational Plan and publish on Council's website.
2. Receive the March 2023 Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the March 2023 Quarterly Budget Report Document.
4. Request the CEO to explore how the Community Infrastructure Strategic Plan and other

Strategic Plans can be progressed and provide a further report to Council.

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

AGAINST: Clr White

CARRIED

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

<b>CL23.175 Information Report - Collaboration Agreement with NSW Land &amp; Housing Corporation</b>	<b>HPERM Ref: D23/200146</b>
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**RESOLVED\*** (Clr Wells / Clr Gray) MIN23.293

That Council:

1. Receive the report on the Collaboration Agreement that has been signed with the NSW Land & Housing Corporation for information.
2. Note that an initial Council briefing will be arranged to enable NSW Land & Housing to provide an overview of their forthcoming projects in Shoalhaven.

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

AGAINST: Nil

CARRIED

<b>CL23.176 Shoalhaven Motor Sports Working Group - Update to Terms of Reference and Way Forward</b>	<b>HPERM REF: D23/96525</b>
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Item dealt with earlier in the meeting see MIN23.278

<b>CL23.177 Proposed Delivery Model - Federal \$40M Road Improvement Funding</b>	<b>HPERM Ref: D23/162427</b>
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**Recommendation**

That Council

1. Commit to a Program, Project Management and Engineering (PPME) partnership model to deliver the \$40 million commitment from the Federal Government for road improvements following the 2023 Federal Election
2. The PPME partnership would allow for the \$40 million project to be delivered through a stand-alone project team and thus not impact on the capacity of Council to deliver current commitments.
3. Authorise the CEO (Director City Services) to prepare documents to facilitate a public tender for a PPME Partner Consultant and commence this process as required.

**RESOLVED** (Clr Findley / Clr Christen) MIN23.294

That Council

1. Commit to a Program, Project Management and Engineering (PPME) partnership model to deliver the \$40 million commitment from the Federal Government for road improvements following the 2022 Federal Election
2. The PPME partnership would allow for the \$40 million project to be delivered through a stand-alone project team and thus not impact on the capacity of Council to deliver current

commitments.

3. Authorise the CEO (Director City Services) to prepare documents to facilitate a public tender for a PPME Partner Consultant and commence this process as required.

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

AGAINST: Nil

CARRIED

#### Procedural Motion - Extension of Meeting

**RESOLVED**(Clr Findley / Clr Wells) MIN23.295

That the meeting be extended until 10:30pm.

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

AGAINST: Nil

CARRIED

#### CL23.178 Compulsory Acquisition - 39 Shoalhaven Street (Nowra Park) - Health Administration Corporation

**HPERM Ref: D23/204952**

**RESOLVED\*** (Clr Wells / Clr Gray) MIN23.296

That Council

1. Agrees to receive compensation of \$126,262.45 for the Compulsory Acquisition by Health Administration Corporation of 39 Shoalhaven St (Lot 104 DP 1165533), Nowra, with the funds be allocated to the Strategic Property Reserve.
2. Authorises 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 Findley, Clr Kotlash, Clr Norris, Clr D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson and Clr Gray

AGAINST: Nil

CARRIED

#### CL23.179 Update on \$10M Special Local Road Improvement Works Program

**HPERM Ref: D23/8317**

##### Recommendation

That Council note that the \$10 Million Special Local Roads Improvement Program (MIN21.417) has been completed with the following being achieved from this funding:

1. 47.7 kilometres of bitumen sealing/resurfacing;
2. 79,935 square metres of pavement rehabilitated; and
3. 17,000 square metres of asphalt works laid which include roundabouts and cul-de-sacs on local roads

**RESOLVED** (Clr Findley / Clr White) MIN23.297

That Council note that the \$10 Million Special Local Roads Improvement Program (MIN21.417) has been completed with the following being achieved from this funding:

1. 47.7 kilometres of bitumen sealing/resurfacing;
2. 79,935 square metres of pavement rehabilitated; and
3. 17,000 square metres of asphalt works laid which include roundabouts and cul-de-sacs on local roads

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

AGAINST: Nil

CARRIED

**CL23.180 Progress Update - Infrastructure Recovery Works -  
Natural Disaster**

**HPERM Ref:  
D23/166118**

**Recommendation**

That Council

1. Receives the May 2023 update on the progress of public infrastructure reconstruction works following the February 2022, June 2022, and September 2022 severe weather Natural Disaster events. Noting that most of this information is now drawn from Council's webpage "Severe weather events reconstruction work – 2022".
2. Note the concern with delays in the Natural Disaster Funding assessment process and reviewing of the assessment criteria and that these delays and reviews are contributing to further pavement deterioration and cost escalations.

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

MIN23.298

That Council

1. Receives the May 2023 update on the progress of public infrastructure reconstruction works following the February 2022, June 2022, and September 2022 severe weather Natural Disaster events. Noting that most of this information is now drawn from Council's webpage "Severe weather events reconstruction work – 2022".
2. Note the concern with delays in the Natural Disaster Funding assessment process and reviewing of the assessment criteria and that these delays and reviews are contributing to further pavement deterioration and cost escalations.
3. Continue to brief Councillors on this matter in relation to the funds being returned from State Government.

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

AGAINST: Nil

CARRIED

**CL23.181 Tenders - Proposed Roundabout - Bowen Street/  
Currambene Street Intersection, Huskisson and Stage  
One Road Rehabilitation Works of Sydney Street and  
Bowen Street, Huskisson**

**HPERM Ref:  
D23/145620**

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

MIN23.299

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 D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson and Clr Gray

AGAINST: Nil  
CARRIED

**CL23.182 Tenders - Meroo Road, Bomaderry (CH300m to CH1540m) - Full Service Pavement Rehabilitation** **HPERM Ref: D23/192864**

**RESOLVED\*** (Clr Wells / Clr Gray) MIN23.300

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 D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson and Clr Gray

AGAINST: Nil  
CARRIED

**CL23.183 Waste Fee Relief - Special Circumstances** **HPERM Ref: D23/214450**

Clr D'Ath – less than significant non pecuniary interest declaration – personal friends with the owner of the property - remained in the room for the open item only

**RESOLVED\*** (Clr Wells / Clr Gray) MIN23.301

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 D'Ath, Clr Copley, Clr Ell, Clr Christen, Clr White, Clr Wells, Clr Watson and Clr Gray

AGAINST: Nil  
CARRIED

**CL23.184 Policy - Waiving of DA Fees & Other Fees for Charitable Organisations & Community Groups** **HPERM Ref: D22/505722**

**Recommendation**

That Council Adopt the revised Policy for Waiving of Development Application Fees and Other Fees for Charitable Organisations & Community Groups as detailed in Attachment 1 to this report.

**RESOLVED** (Clr Copley / Clr Norris) MIN23.302

That

1. Council Adopt the revised Policy for Waiving of Development Application Fees and Other Fees for Charitable Organisations & Community Groups as detailed in Attachment 1 to this report.
2. The CEO (Director City Development) be delegated to apply the policy fee waivers of up to \$5000 under this policy.

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

AGAINST: Nil  
CARRIED

**CL23.185 DA22/2290 - Development Application - 5 Treetops  
Crescent Mollymook Beach - Lot 396 DP 246719**

**HPERM REF:  
D23/182642**

Item dealt with earlier in the meeting see MIN23.279

**CL23.186 Shoalhaven Sports Board Membership - Community  
Membership x 5 and Inclusion/Accessible Sporting  
Group x 1**

**HPERM Ref:  
D23/161595**

### **Recommendation**

That Council:

1. Endorse the appointment of the following 5 nominees to the Shoalhaven Sports Board as community member representatives for a term of 4 years expiring in June 2027:
  - Craig Howsan (existing member)
  - Jonathan Sellers (existing casual member)
  - Colin Stevenson (existing casual member)
  - Greg Wellington
  - Anna Gardner
2. Endorse the appointment of the following nominee to the Sports Board as the Inclusion/Accessible Sporting Group member representative for a term of four years expiring in June 2027:
  - Jacqueline Peace
3. Write to the successful applicants congratulating them on their appointment and sending them a copy of the Sports Board Terms of Reference, Mission Statement and upcoming meeting dates.
4. Write to the unsuccessful applicants thanking them for their interest and time in lodging an application and attending an interview.
5. Invite the past Sports Board Members David Goodman & Roger Walker, who were not recommended by the panel to be re-appointed, to continue attending Shoalhaven Sports Board meetings (with voting privileges) for a term of 2 years expiring 30 June 2025, as part of Board succession and transition to share their experience, and offer guidance and advice to the new representatives.
6. Council endorse updates to be made to the Shoalhaven Sports Board Terms of Reference to give effect to part (5).

**RESOLVED** (Clr White / Clr Ell)

MIN23.303

That Council:

1. Endorse the appointment of the following 5 nominees to the Shoalhaven Sports Board as community member representatives for a term of 4 years expiring in June 2027:
  - Craig Howsan (existing member)
  - Jonathan Sellers (existing casual member)
  - Colin Stevenson (existing casual member)
  - Greg Wellington
  - Anna Gardner

2. Endorse the appointment of the following nominee to the Sports Board as the Inclusion/Accessible Sporting Group member representative for a term of four years expiring in June 2027:
  - Jacqueline Peace
3. Write to the successful applicants congratulating them on their appointment and sending them a copy of the Sports Board Terms of Reference, Mission Statement and upcoming meeting dates.
4. Write to the unsuccessful applicants thanking them for their interest and time in lodging an application and attending an interview.
5. Invite the past Sports Board Members David Goodman & Roger Walker, who were not recommended by the panel to be re-appointed, to continue attending Shoalhaven Sports Board meetings (with voting privileges) for a term of 2 years expiring 30 June 2025, as part of Board succession and transition to share their experience, and offer guidance and advice to the new representatives.
6. Council endorse updates to be made to the Shoalhaven Sports Board Terms of Reference to give effect to part (5).

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

AGAINST: Nil

CARRIED

## NOTICES OF MOTION / QUESTIONS ON NOTICE

**CL23.187 Rescission Motion - MM23.14 Mayoral Minute - Callala Bay Bio-Certification Application**

**HPERM REF:  
D23/205163**

Item dealt with earlier in the meeting see MIN23.282

**CL23.188 Notice of Motion - Call In - Sf10987 - 33 Forest Road Kioloa - Lot 5 DP 1280813**

**HPERM REF:  
D23/209458**

Item dealt with earlier in the meeting see MIN.286

**CL23.189 Notice of Motion - Waste & Recycling Services - 35 The Basin Road, St Georges Basin (Basin Shores)**

**HPERM REF:  
D23/211084**

Item dealt with earlier in the meeting see MIN23.280

**CL23.190 Notice of Motion - Short Term Rental Accommodation in the Shoalhaven**

**HPERM REF:  
D23/212388**

Item dealt with earlier in the meeting see MIN23.281



## ADDENDUM REPORTS

**MM23.15 Mayoral Minute - Farewell Director City Services Paul Keech**

**HPERM REF:  
D23/220791**

Item dealt with earlier in the meeting see MIN23.284

**CL23.191 Resignation – Councillor Liza Butler**

**HPERM REF:  
D23/220486**

Item dealt with earlier in the meeting see MIN23.285

## CONFIDENTIAL REPORTS

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

No members of the public made representations.

**RESOLVED** (Clr Wells / Clr Kotlash)

MIN23.304

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.

CCL23.16 Tenders - Proposed Roundabout - Bowen Street/ Currumbene Street Intersection, Huskisson and Stage One Road Rehabilitation Works of Sydney Street and Bowen Street, Huskisson

*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.*

CCL23.17 Tenders - Meroo Road Bomaderry (CH300m to CH1540m) - Full Service Pavement Rehabilitation

*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.*

CCL23.18 Waste Fee Relief - Special Circumstances

*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 an individual's personal information or contravene an information protection principle under the Privacy and Personal Information Protection Act 1998 or a Health Privacy Principle*

under the Health Records and Information Privacy Act 2002.

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

AGAINST: Nil

CARRIED

Note: Clr D'Ath left the meeting, the time being 10:27pm

The meeting moved into confidential the time being 10:27pm.

The meeting moved into open session, the time being 10:30pm.

## REPORT FROM CONFIDENTIAL SESSION

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

<b>CCL23.16 Tenders - Proposed Roundabout - Bowen Street/ Currambene Street Intersection, Huskisson and Stage One Road Rehabilitation Works of Sydney Street and Bowen Street, Huskisson</b>	<b>HPERM Ref: D23/145984</b>
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**RESOLVED**

MIN23.305C

That:

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Cleary Bros (Bombo) Pty Ltd for Proposed Roundabout – Bowen Street / Currambene Street Intersection and Stage One, Road Rehabilitation Works Sydney Street/Bowen Street, Huskisson for a total cost of \$940,678.30 (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

<b>CCL23.17 Tenders - Meroo Road Bomaderry (CH300m to CH1540m) - Full Service Pavement Rehabilitation</b>	<b>HPERM Ref: D23/212830</b>
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**RESOLVED**

MIN23.306C

That

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Stabilised Pavements of Australia Pty Ltd for Meroo Road, Meroo Meadow (Ch300m-Ch1540m) – Pavement Rehabilitation for a total cost of \$1,820,753.88 (ex. 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

**CCL23.18 Waste Fee Relief - Special Circumstances**

**HPERM Ref:  
D23/203086**

Clr D'Ath – less than significant non pecuniary interest declaration – personal friends with the owner of the property - was absent from the meeting during confidential session.

**RESOLVED**

MIN23.307C

That Council authorise the CEO (Director City Services) to write to the owners of the 2 Hoddle Close Conjola Park (the "waiver letter") advising that Council has decided to waive the Waste Charges for demolition material that was generated at this property as a result of the 2019 bushfire crisis, as follows;

1. The waste is to be directly generated by work associated with the specific clean up at 2 Hoddle Close, Conjola Park.
2. The total waste disposal fee assistance does not exceed an amount of \$10,000.
3. The disposal is for household demolition waste only, on presentation of the "waiver letter" at each time of disposal at the Ulladulla Waste & Recycling Depot, valid until close of business on 31 October 2023.

**CARRIED**

Note: A Rescission Motion was received in relation to CL23.173 - Post Exhibition Consideration - 45 Degree Rule and Tree Management - Draft Amendment (Chapter G4), Shoalhaven DCP 2014 (DCP2014.52) signed by Clr White, Clr Wells and Clr Watson.

There being no further business, the meeting concluded, the time being 10:33pm.

Clr Findley  
CHAIRPERSON