

MINUTES OF THE ORDINARY MEETING

Meeting Date: Monday, 11 September 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 Gillian Boyd
Clr Matthew Norris – left 7.15pm, returned during confidential session 7.17pm
Clr Moo D'Ath
Clr Serena Copley
Clr Paul Ell
Clr Patricia White
Clr John Wells
Clr Greg Watson
Clr Mark Kitchener (Remotely) – left at 7.10pm
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

RESOLVED (Clr Findley / Clr Gray) MIN23.470

That the request from Clr Christen for a leave of absence for this meeting be granted.

CARRIED

Confirmation of the Minutes

RESOLVED (Clr Gray / Clr Norris) MIN23.471

That the Minutes of the Ordinary Meeting held on Monday 28 August 2023 and the Extra Ordinary Meeting held on Monday 4 September 2023 be confirmed.

CARRIED

Declaration of Interests

Nil

MAYORAL MINUTE

MM23.23 Mayoral Minute - Condolence Motion for Maui

**HPERM Ref:
D23/345629**

Recommendation

That Council write to the Mayor of Maui, Richard Bissen expressing condolences on behalf of the City of Shoalhaven for the loss of life and devastation experienced in the August 2023 wild fires and invite them (in due course) to visit the Shoalhaven to share our Recovery into Resilience Project.

RESOLVED (Clr Findley / Clr Wells)

MIN23.472

That Council write to the Mayor of Maui, Richard Bissen expressing condolences on behalf of the City of Shoalhaven for the loss of life and devastation experienced in the August 2023 wild fires and invite them (in due course) to visit the Shoalhaven to share our Recovery into Resilience Project.

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

AGAINST: Nil

CARRIED

DEPUTATIONS AND PRESENTATIONS

CL23.296 - Report Back - Community Engagement Strategy - Public Exhibition (Page 5)

Mr Stuart Coghlan representing The Berry Forum addressed the meeting to speak FOR the recommendation.

CL23.306 - Notice of Motion - Acknowledging the Inclusion of Planning Submissions for Berry in the New Land Use Planning Scheme (Page 52)

Mr Stuart Coghlan representing The Berry Forum addressed the meeting to speak FOR the recommendation.

CL23.300 – Lease - Shoalhaven Rowing Club Inc - Scenic Drive, Nowra (page 31)

Mr Rick McAlister representing the Shoalhaven Rowing Club addressed the meeting to speak FOR the item.

CL23.307 - Notice of Motion - Request for Priority Road Repairs of Tindalls Lane, Broughton (page 54)

Mr John Pitsonis addressed the meeting to speak FOR the item.

CL23.264 (CCL23.22) - Modification Application No. DS21/1353 - 76 West Cr Culburra Beach - Lot 298 DP 11892

Mr Steven Vidler addressed the meeting to speak AGAINST the item.

CALL OVER OF THE BUSINESS PAPER

Call Over of Business Paper - En bloc

RESOLVED (Clr Wells / Clr Norris)

MIN23.473

That the following items be resolved en bloc:

1. CL23.294 - Aboriginal Advisory Committee – 22 August 2023
 - a. AA23.3 – Election of Chairperson
 - b. AA23.27 – Additional Item - Petrol Financial Assistance
 - c. AA23.25 – Referendum on Aboriginal and Torres Strait Islander Voice
2. CL23.295 - Nowra CBD Revitalisation Strategy Committee – 23 August 2023
 - a. CBD23.31 – Nowra CBD Facade Improvement Program - Proposed Way Forward
 - b. CBD23.33 – Standing Report - Budget Update - August 2023
 - c. CBD23.38 – Promoting the Nowra CBD to an audience beyond the CBD

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

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Copley / Clr Gray)

MIN23.474

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

- CL23.298 - Public Exhibition Outcomes - Draft/Interim Guideline for Proponent Initiated Planning Proposals (PPs)

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

FOR: Clr Findley, Clr Kotlash, Clr Boyd, Clr Norris, Clr D'Ath, Clr Copley, Clr Eil, 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 Kotlash)

MIN23.475

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

- CL23.300 – Lease – Shoalhaven Rowing Club Inc - Scenic Drive, Nowra
- CL23.301 – Tenders - Management and Operation - Holiday Haven Currarong
- CL23.302 – Tenders - Management & Operation - Holiday Haven Huskisson Beach
- CL23.303 – Tenders - Management and Operation of Holiday Haven Swan Lake

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

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

AGAINST: Nil

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr Findley / Clr White) MIN23.476

That the matter of item CL23.264 - Modification Application No. DS21/1353 - 76 West Cr Culburra Beach - Lot 298 DP 11892 be brought forward for consideration.

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

AGAINST: Nil

CARRIED

CL23.264 Modification Application No. DS21/1353 - 76 West Cr Culburra Beach - Lot 298 DP 11892 **HPERM Ref: D23/311725**

Note: A Deputation was received on this item.

Recommendation

That Council consider the separate confidential report on this matter in accordance with section 10A(2)(g) of the NSW *Local Government Act 1993*, and refer the application back to staff for determination.

RESOLVED (Clr Wells / Clr Ell) MIN23.477

That the matter of CL23.264 - Modification Application No. DS21/1353 - 76 West Cr Culburra Beach - Lot 298 DP 11892 be deferred for the final time for future consideration.

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

AGAINST: Nil

CARRIED

Call Over of Business Paper - En bloc

RESOLVED (Clr Gray / Clr Norris) MIN23.478

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

- CL23.304 - Tenders - Management of Biosolids Land Application

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

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

AGAINST: Nil

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr Findley / Clr Kotlash) MIN23.479

That the matter of item CL23.305 - Notice of Motion - Call in of DA23/1562 - New Motel - 28 Bowen Street, Huskisson - Lot 1 Sec 5 DP 758530 be brought forward for consideration.

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

AGAINST: Nil
CARRIED

CL23.305 Notice of Motion - Call in of DA23/1562 - New Motel - 28 Bowen Street, Huskisson - Lot 1 Sec 5 DP 758530

HPERM Ref: D23/347557

Recommendation

That Development Application DA23/1562, 28 Bowen Street, Huskisson – Lot 1 Sec 5 DP 758530 for Demolition of Existing Motel and Construction of new Tourist Hotel be called into Council for determination due to public interest.

RESOLVED (Clr Kotlash / Clr Gray) MIN23.480

That Development Application DA23/1562, 28 Bowen Street, Huskisson – Lot 1 Sec 5 DP 758530 for Demolition of Existing Motel and Construction of new Tourist Hotel be called into Council for determination due to public interest.

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

AGAINST: Clr Copley, Clr Eil, Clr White, Clr Wells and Clr Watson

CARRIED

REPORT OF THE ABORIGINAL ADVISORY COMMITTEE - 22 AUGUST 2023

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

AA23.3 Election of Chairperson

HPERM Ref: D22/513056

RESOLVED* (Clr Wells / Clr Norris) MIN23.481

That Council as recommended by the Aboriginal Advisory Committee elect Ms Natalie Lloyd as Chairperson for the 4-year term as per the Terms of Reference.

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

AGAINST: Nil

CARRIED

AA23.25 Referendum on Aboriginal and Torres Strait Islander Voice

HPERM Ref: D23/312901

RESOLVED* (Clr Wells / Clr Norris) MIN23.482

That Council as recommended by the Aboriginal Advisory Committee:

1. Supports Council taking a position on The Voice Referendum and remains neutral in its advice.
2. Request that Council promote and share information from support services – on how to support Aboriginal people during this time of distress.

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

AGAINST: Nil

CARRIED

AA23.27 Additional Item - Petrol Financial Assistance

RESOLVED* (Clr Wells / Clr Norris) MIN23.483

That Council as recommended by the Aboriginal Advisory Committee request for Council to consider a financial assistance/small fee for voting community representative members of the Committee from the Aboriginal Advisory Budget to be used towards fuel reimbursement.

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

AGAINST: Nil

CARRIED

REPORT OF THE NOWRA CBD REVITALISATION STRATEGY COMMITTEE - 23 AUGUST 2023

CBD23.31 Nowra CBD Facade Improvement Program - Proposed Way Forward

HPERM Ref: D23/136623

RESOLVED* (Clr Wells / Clr Norris) MIN23.484

That Council as recommended by the Nowra CBD Revitalisation Strategy Committee, discontinues the Nowra CBD Façade Improvement Program.

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

AGAINST: Nil

CARRIED

CBD23.33 Standing Report - Budget Update - August 2023

HPERM Ref: D23/285728

RESOLVED* (Clr Wells / Clr Norris) MIN23.485

That Council as recommended by the Nowra CBD Revitalisation Strategy Committee

1. Endorses the proposed budget (D23/306018) for the 2023/24 financial year.
2. Notes the following for information:
 - a. That \$5,200 has been spent since the start of the 2023/24 financial year.
 - b. The total year-to-date spend for the 2022/2023 financial year is \$1,305,200 of the available budget of \$1,921,241.
 - c. A summary of the budget is provided in the Attachment to this report (D23/306018).

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

AGAINST: Nil

CARRIED

CBD23.38 Promoting the Nowra CBD to an audience beyond the CBD

HPERM Ref: D23/289030

RESOLVED* (Clr Wells / Clr Norris)

MIN23.486

That:

1. Consideration be given to implementing a cost-effective marketing campaign to promote the opportunities within the Nowra CBD via sponsorship of events including but not limited to UDIA events via the Economic Development/Tourism department.
2. The Council approach the Director City Development, Local Business Chamber, SEGA, Regional NSW, RDA and other entities for ways to best market/promote business and investment opportunities the CBD.

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

AGAINST: Nil

CARRIED

REPORTS

CL23.296 Report Back - Community Engagement Strategy - Public Exhibition

HPERM Ref: D23/209327

Note: A Deputation was received on this item.

Recommendation

That Council adopts the final version of the Community Engagement Strategy 2022 to 2026.

RESOLVED (Clr White / Clr Findley)

MIN23.487

That Council adopts the final version of the Community Engagement Strategy 2022 to 2026 including the minor amendments noted within the Deputation and in conversation with Council's Media and Communications Manager, specifically including the following changes to:

1. The 'Ways we Engage' table:
 - a. Include 'Council meetings' streaming under 'Inform'.
 - b. Remove 'Council meetings' from 'Consult' and 'Involve';
 - c. Add 'Community meetings (one-off)' and 'Council meeting deputations' to the 'Consult' column;
 - d. In the 'Involve' column, add 'Advisory committees' and add '(ongoing)' below 'Community meetings'.
2. Page 8, 'Our goals' section, change 'hear a diverse range of views, opinions and ideas on the community's needs and wants' to 'listen to a diverse range of views, opinions and ideas on the community's needs and wants for incorporation wherever possible into our planning and actions.'
3. Page 9: Add the words, 'and heard' to the first line, so it reads: 'Everyone has a right to be informed and heard...'

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

AGAINST: Nil

CARRIED

CL23.297 LGNSW Annual Conference 2023 - Motions

**HPERM Ref:
D23/346123**

Recommendation

That Council endorse the motions outlined within the report for submission as the Council's contribution to the Business Paper of the LGNSW Annual Conference 2023.

RESOLVED (Clr Findley / Clr D'Ath)

MIN23.488

That Council endorse the motions outlined within the report for submission as the Council's contribution to the Business Paper of the LGNSW Annual Conference 2023, with the inclusion of the following additional Motion:

1. *The Local Government NSW:*

- a. *Actively encourage local government super funds Active Super and Vision Super (who are currently in merger negotiations) to divest from companies engaging in the extraction of fossil fuels, native forest logging, gambling, weapons manufacturers, and tobacco, and;*
- b. *Actively encourage local government super funds Active Super and Vision Super to refrain from the practice of 'greenwashing', requesting that they not promote their funds as being environmentally friendly or ethical investors if they continue to invest in companies engaging in the extraction of fossil fuels, native forest logging, gambling, weapons manufacturers, and tobacco.*

Background

Local government is constantly on the frontlines and doing the heavy lifting when dealing with severe weather events. For example Shoalhaven City Council suffered 11 extreme weather events resulting in Natural Disaster declarations in the last 3 years. Climate change contributes to more severe weather events which occur more frequently than previously. According to Resilience NSW, between 2019 and 2022/23, 128 NSW LGA's (ie 100%) were subject to Natural Disaster declarations related to bushfires, flooding and storms. The reality of climate change is upon us. In this context it is no longer acceptable for the retirement savings of local government sector employees to be invested in fossil fuel entities which are continuing to contribute to, and make worse, the effects of climate change.

<https://www.nsw.gov.au/disaster-recovery/natural-disaster-declarations>

In 2021 86% of Australians said they expected their superannuation, or other investments, to be invested responsibly and ethically.

Local government employees who are directed towards preferred superannuation funds deserve to have a default option which is environmentally and socially sustainable.

There needs to be much clearer regulation of the claims made by superannuation funds which cater for local government employees as to what is sustainable.

For example in its [2021/22 Responsible Investment Report](#) Active Super states that carbon capture and storage and the supply of gas are an acceptable part of a sustainable mix. We disagree that this meets current community expectations, particularly for a fund which [states](#):

Unlike some super funds who offer 'socially responsible' or 'ethical' investment options within their broader portfolio, our responsible investment principles are applied to our ENTIRE range of products.

The [Market Forces website](#) identifies that local government super funds invest in some of the 190 publicly listed companies included in their [Climate Wreckers Index](#).

Both Active Super and Vision Super are identified by Market Forces as having an exposure to the companies on the Climate Wreckers Index:

Active Super –High Growth	8.81%
Vision Super - Balanced Growth	7.41%
Vision Super Sustainable Balanced	4.71%

<https://www.marketforces.org.au/superfunds/>

Companies included in the Climate Wrecker Index include the following companies which are found in the investment disclosures of these super funds. including:

BHP, Rio Tinto, Santos, Woodside and others

The Climate Wreckers Index is made up of the 190 publicly-listed companies from all over the world with the biggest plans to expand the scale of the fossil fuel industry. Specifically, the list includes:

- The top 60 oil and gas producers by expansion plans
- The top 60 coal miners by expansion plans and coal reserves
- The top 30 companies by new gas power plant development plans
- The top 30 companies by new coal power plant development plans
- The top 10 companies by liquefied natural gas (LNG) import and export terminal development plans

Investment in companies associated with gambling

Investment in companies in the gambling industry is also common. Vision Super has the following gambling associated investments:

Aristocrat Leisure, The Lottery Corporation

Risk management for councils.

Across NSW and Australia, councils are expected to understand their risk profile in respect to exposure to the impacts of extreme weather resulting from climate change, these risks need to be factored into long term financial plans including ring fencing funds to enable recovery after impact and for many councils this is a challenge in the tight financial circumstances that the current disaster recovery funding model creates. It seems nonsensical that local government superannuation funds invest in the very business that exacerbate the very risks that we are trying to manage through adaptation and mitigation.

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

AGAINST: Clr Ell

CARRIED

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

CL23.298 Public Exhibition Outcomes - Draft/Interim Guideline for Proponent Initiated Planning Proposals (PPs)

HPERM Ref: D23/211418

RESOLVED* (Clr Copley / Clr Gray)

MIN23.489

That Council:

1. Receive the Response to Submissions (Attachment 1) for information.
2. Adopt the attached Draft Guideline for Proponent Initiated Planning Proposals (Attachment 2).

3. Authorise the CEO, or his delegate, to make any necessary minor administrative changes to the Guideline, should this be necessary prior to the next review, to ensure it remains consistent with the Department of Planning and Environment's (DPE's) Local Environmental Plan Making Guideline.
4. Forward copies of the submissions which raise specific concerns about DPE's Guideline to DPE for consideration.
5. Write to DPE and request that Council be consulted as part of any future revisions of its Local Environmental Plan Making Guideline.
6. Advise CCBs, industry stakeholders and submitters of the above.

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

AGAINST: Nil

CARRIED

**CL23.299 Exemption to Tendering - Albatross Aviation
Technology Park Fire Water Storage and Reticulation**

**HPERM Ref:
D23/324103**

Recommendation

That Council:

1. Approves an exemption from tender in accordance with Section 55(3)(i) of the Local Government Act 1993, for the Albatross Aviation Technology Park Fire Water Storage and Reticulation project, noting that a satisfactory result would not be achieved by inviting tenders due to:
 - a. Extenuating circumstances existing due to:
 - i. The incumbent contractor entered into voluntary administration mid-way through construction of the facility, terminating the contract. With the Contractor having now entered into a Deed of Company Agreement and resuming trading, a new contract is needed to be entered into to allow for the continuation of the construction of the facility.
 - ii. The incumbent contractor holds extensive knowledge of the site and constraints as well as having developed "For Construction" documentation for the water tanks.
 - iii. Re-tendering the project may result in timeframes extending beyond grant milestone dates and placing the funding at risk.
2. Authorises the CEO (Director of City Futures) to negotiate and enter into a new contract with Murphy McCarthy & Associates Pty Limited for the Albatross Aviation Technology Park Fire Water Storage and Reticulation project.

RESOLVED (Clr White / Clr Kotlash)

MIN23.490

That Council:

1. Approves an exemption from tender in accordance with Section 55(3)(i) of the Local Government Act 1993, for the Albatross Aviation Technology Park Fire Water Storage and Reticulation project, noting that a satisfactory result would not be achieved by inviting tenders due to:
 - a. Extenuating circumstances existing due to:
 - i. The incumbent contractor entered into voluntary administration mid-way through construction of the facility, terminating the contract. With the Contractor having now entered into a Deed of Company Agreement and resuming trading, a new contract is

needed to be entered into to allow for the continuation of the construction of the facility.

- ii. The incumbent contractor holds extensive knowledge of the site and constraints as well as having developed "For Construction" documentation for the water tanks.
- iii. Re-tendering the project may result in timeframes extending beyond grant milestone dates and placing the funding at risk.

2. Authorises the CEO (Director of City Futures) to negotiate and enter into a new contract with Murphy McCarthy & Associates Pty Limited for the Albatross Aviation Technology Park Fire Water Storage and Reticulation project.

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

AGAINST: Nil

CARRIED

CL23.300 Lease - Shoalhaven Rowing Club Inc - Scenic Drive, Nowra

HPERM Ref: D23/324493

Note: A Deputation was received on this item.

RESOLVED* (Clr Wells / Clr Kotlash)

MIN23.491

That Council:

1. Enters into a lease with Shoalhaven Rowing Club Incorporated over Council managed Community land known as the Rowing Club, being part Crown Reserve 70802, Part Lot 391 DP 755952 and Part Lot 100 DP 1010092 Scenic Drive, Nowra, for a term of twenty (20) years, at the Crown Lands statutory minimum annual rental amount, with annual rent adjustments in line with the Consumer Price Index (All Groups Index) Sydney, and rental reviews at each five year anniversary.
2. Authorises the Common Seal of the Council of the City of Shoalhaven to be affixed to any document required to be sealed and delegates authority to the Chief Executive Officer to sign any documentation necessary to give effect to this resolution.

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

AGAINST: Nil

CARRIED

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

CL23.301 Tenders - Management and Operation - Holiday Haven Currarong

HPERM Ref: D23/335345

RESOLVED* (Clr Wells / Clr Kotlash)

MIN23.492

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 Boyd, Clr Norris, Clr D'Ath, Clr Copley, Clr Ell, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL23.302 Tenders - Management & Operation - Holiday Haven Huskisson Beach **HPERM Ref: D23/332116**

RESOLVED* (Clr Wells / Clr Kotlash) MIN23.493

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 Boyd, Clr Norris, Clr D'Ath, Clr Copley, Clr Ell, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL23.303 Tenders - Management and Operation of Holiday Haven Swan Lake **HPERM Ref: D23/350505**

RESOLVED* (Clr Wells / Clr Kotlash) MIN23.494

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 Boyd, Clr Norris, Clr D'Ath, Clr Copley, Clr Ell, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

CL23.264 Modification Application No. DS21/1353 - 76 West Cr Culburra Beach - Lot 298 DP 11892 **HPERM REF: D23/311725**

Item dealt with earlier in the meeting see MIN23.477

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

CL23.304 Tenders - Management of Biosolids Land Application **HPERM Ref: D23/336309**

RESOLVED* (Clr Gray / Clr Norris) MIN23.495

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 Boyd, Clr Norris, Clr D'Ath, Clr Copley, Clr Ell, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

CL23.305 Notice of Motion - Call in of DA23/1562 - New Motel - 28 Bowen Street, Huskisson - Lot 1 Sec 5 DP 758530 **HPERM REF: D23/347557**

Item dealt with earlier in the meeting see MIN23.480

CL23.306 Notice of Motion - Acknowledging the Inclusion of Planning Submissions for Berry in the New Land Use Planning Scheme

**HPERM Ref:
D23/355223**

Note: A Deputation was received on this item.

Note: Clr Kitchener left the meeting at 7.10pm

Recommendation

That Council:

1. Give priority to the finalisation of the Princess Street Heritage Conservation areas and the completion of a draft DCP for the area of Berry east of the Princes Highway (known as old Berry).
2. Incorporate this work in the new program for the Shoalhaven Land Use Planning Scheme.

RESOLVED (Clr Wells / Clr White)

MIN23.496

That Council:

1. Give priority to the finalisation of the Princess Street Heritage Conservation areas and the completion of a draft DCP for the area of Berry east of the Princes Highway (known as old Berry).
2. Incorporate this work in the new program for the Shoalhaven Land Use Planning Scheme.
3. Refer the current Strategic Planning Works Program to the Strategic Planning Working Party for a review of priorities having regard to parts 1 and 2, with a report back to Council in October with amendments that would enable works on the Berry DCP to proceed as a priority matter.

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

AGAINST: Nil

CARRIED

CL23.307 Notice of Motion - Request for Priority Road Repairs of Tindalls Lane, Broughton

**HPERM Ref:
D23/358239**

Note: A Deputation was received on this item.

Recommendation

That Council:

1. Receive a report from the CEO or his delegate that provides the status and the order of priority of necessary road repairs and roadside clearance for Tindalls Lane, Broughton.
2. Once that report has been considered, inform residents of the status and the order of priority of the road repair and roadside clearance for Tindalls Lane.

RESOLVED (Clr Gray / Clr Norris)

MIN23.497

That Council:

1. Receive a report from the CEO or his delegate that provides the status and the order of priority of necessary road repairs and roadside clearance for Tindalls Lane, Broughton.
2. Once that report has been considered, inform residents of the status and the order of priority of the road repair and roadside clearance for Tindalls Lane.

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

AGAINST: Nil

CARRIED

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)

MIN23.498

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.

CCL23.23 Tenders - Management and Operation - Holiday Haven Currarong

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.

CCL23.24 Tenders - Management & Operation - Holiday Haven Huskisson Beach

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.

CCL23.25 Tenders - Management and Operation of Holiday Haven Swan Lake

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.

23.22 Modification Application No. DS21/1353 - 76 West Cr Culburra Beach - Lot 298 DP 11892

Advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. 10(A)(2)(g)

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to prejudice any court proceedings by revealing matter prepared for the purposes of or in relation to

current or future proceedings or prejudice the fair trial of any person, the impartial adjudication of any case or a person's right to procedural fairness.

CCL23.26 Tenders – Management of Biosolids Land Application

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

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

CARRIED

Note: Cllr Norris left the meeting 7.14pm.

The meeting moved into confidential the time being 7.15pm.

Note: Cllr Norris returned to the meeting during confidential session.

The meeting moved into open session, the time being 7.31pm.

REPORT FROM CONFIDENTIAL SESSION

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

**CCL23.23 Tenders - Management and Operation - Holiday Haven
Currarong**

**HPERM Ref:
D23/335421**

RESOLVED

MIN23.499C

That the matter relating to CCL23.23 - Tenders - Management and Operation - Holiday Haven Currarong be deferred to allow for a Councillor Briefing and be reported back to Council.

CARRIED

**CCL23.24 Tenders - Management & Operation - Holiday Haven
Huskisson Beach**

**HPERM Ref:
D23/361601**

RESOLVED

MIN23.500C

That the matter relating to CCL23.24 - Tenders - Management & Operation - Holiday Haven Huskisson Beach be deferred to allow for a Councillor Briefing and be reported back to Council.

CARRIED

**CCL23.25 Tenders - Management and Operation of Holiday Haven
Swan Lake**

**HPERM Ref:
D23/350507**

RESOLVED

MIN23.501C

That the matter relating to CCL23.25 - Tenders - Management and Operation of Holiday Haven Swan Lake be deferred to allow for a Councillor Briefing and be reported back to Council.

CARRIED

**CCL23.22 Modification Application No. DS21/1353 - 76 West Cr
Culburra Beach - Lot 298 DP 11892**

**HPERM Ref:
D23/224255**

RESOLVED

MIN23.502C

That the matter of CCL23.22 - Modification Application No. DS21/1353 - 76 West Cr Culburra Beach - Lot 298 DP 11892 be deferred for the final time for future consideration.

CARRIED

CCL23.26 Tenders – Management of Biosolids Land Application

**HPERM Ref:
D23/337065**

RESOLVED

MIN23.503C

That

1. Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Loop Organics Pty Ltd for Management of Biosolids Land Application for a total cost of \$1,062,673.95 (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 (Executive Manager, Shoalhaven Water).

CARRIED

There being no further business, the meeting concluded, the time being 7.34pm.

Clr Findley
CHAIRPERSON